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IN THE UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF TEXAS

FILED-CLERK
U.S. DISTRICT COURT
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BEAUMONT DIVISION

TX EASTERN-BEAUMONT

U.S. EQUAL EMPLOYMENT
OPPORTUNITY COMMISSION, MELBA
THOMAS and PERCY SIMONS, JR.,
Plaintiffs,

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V.
TRINITY INDUSTRIES, INC.,
Defendant.

CIVIL ACTION NO. 1:00CV598 (TH)
JURY

BY *John Lockhart*

**LIMITED ORDER GRANTING
PLAINTIFFS' MOTION TO COMPEL SITE INSPECTION**

Before the Court is *Plaintiffs' Motion to Compel Site Inspection* (Doc. No. 25), *Defendant's Response to Plaintiffs' Motion to Compel Site Inspection* (Doc. No. 31), and *EEOC's Brief in Support of Intervening Plaintiffs' Motion to Compel Site Inspection* (Doc. No. 32). Having considered the record in this case, the submissions of counsel, and the applicable law, the Court is of the opinion that Plaintiffs' motion should be **GRANTED** subject to the limitations set forth below:


1. The parties are reminded that *Plaintiffs' Motion for Leave to File Amended Complaint* (Doc. No. 24) was denied on April 25, 2001 (*See* Doc. No. 33). Only Plaintiffs' claims asserted under Title VII of the Civil Rights Act of 1964, as amended, and 42 U.S.C. § 1981 are at issue in this case. Accordingly, inspection is limited to the portions of Trinity's Plant #118 where Plaintiffs worked. Furthermore, inspection—and any discovery it may yield—is limited to Plaintiffs' racial discrimination claims;
2. Plaintiffs are required to submit a list of persons coming on site at least 5 business days prior to the inspection, limited to 2 attorneys, one expert, one photographer or videographer and Plaintiffs Breed, Bettis, Thomas, and Simmons;
3. Plaintiffs are required to provide unedited copies of all photos or videos taken to Trinity;
4. Trinity's counsel is allowed to accompany Plaintiffs during the inspection;
5. Plaintiffs counsel are not allowed to ask any questions of any Trinity personnel;
6. All persons coming on site are required to sign a waiver of liability against Trinity; and

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7. The parties shall agree on a convenient time for inspection, including Saturday if necessary.

SO ORDERED.

Signed this ²⁷~~28~~th day of April, 2001.



Thad Heartfield
United States District Judge