



UNITED STATES DISTRICT COURT  
CENTRAL DISTRICT OF CALIFORNIA

CIVIL MINUTES - GENERAL

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Case No. CV 04-07703-RGK (VBK)

Date July 12, 2005

Title Equal Employment Opportunity Commission v. Big Lots, Inc., et al.

Present: The Honorable Victor B. Kenton, United States Magistrate Judge

Roxanne Horan

Deputy Clerk

Court Reporter / Recorder

Tape No.

Attorneys Present for Plaintiffs:

Attorneys Present for Defendants:

Sue J. Noh

C. Craig Woo

Aryn J. Sobo

**Proceedings:**

**PLAINTIFFS' MOTION TO COMPEL RESPONSES TO DOCUMENT REQUESTS SET 1 AND 2 AND REQUEST FOR ADMISSIONS SET 1**

**Employment and Personnel Files:**

Defendants have produced files pertaining to Plaintiff and Meng Boon Thiem, the alleged harassing employee. Defendants have declined to produce files pertaining to four other employees, citing privacy and lack of relevance. The Court will not require production of these files. Plaintiff's request is overbroad, and Plaintiff's theory of relevance is both conclusory (see Joint Stipulation ["JS"] at 60) and speculative (see JS at 62).<sup>1</sup> As to the remaining employees, Plaintiff's motion is **DENIED** without prejudice.

**Investigation Documents:**

Plaintiff's request for additional investigation documents is **DENIED** without prejudice. Defendants will not be required to produce privileged documents. Defendants will not be required to produce documents pertaining to investigations conducted in Nevada. (See JS at 74.)

<sup>1</sup> Plaintiff's cause is not helped by submission of boilerplate points and authorities. For example, Plaintiff cites Ragge v. MTA/Universal Studios, 165 F.R.D. 601 (C.D. Cal. 1995); however, in that case, at issue was the discoverability of personnel files of named defendants. Here, personnel files are sought from employees, not named defendants. Similarly, Plaintiff cites Ceramic Corp. of America v. Inka Maritime Corporation, Inc., 163 F.R.D. 584 (C.D. Cal. 1995). In that case, at issue were the personnel files of plaintiffs' expert witness in a maritime case. The Court held that the expert's qualifications and credibility are related to his work experiences and history, and ordered production of a restricted series of documents pertaining to the expert's qualifications and credibility. In this case, Plaintiff has placed no restrictions on the information sought from the files. Moreover, there is no indication that any of the four employees will be serving as expert witnesses on behalf of the Defendants.

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SCANNED

**Plaintiff's Workers' Compensation and Unemployment Claims:**

Defendants assert that they have produced responsive documents. The Court will not require additional certification, as Plaintiff requests.

**Organizational Charts and Other Management Relationship Documents:**

The Court finds that organizational documents, pursuant to the guidelines set forth by the Court at the hearing, are relevant and discoverable. Defendant will provide responsive documents.

**Requests for Admissions:**

Defendant Big Lots, Inc. claims that Toya Stamps has never been an employee, and on that basis, responded to the Requests for Admissions by indicating that it lacks sufficient knowledge or information to admit or deny. Plaintiff disagrees, indicating that "given Big Lots' control over and/or access to the other named defendants, Big Lots is required to provide substantive responses." Plaintiff adds that, "Moreover, the three defendants have a mutual interest in and control over Big Lots Store No. 4171 where the harassment occurred." (JS at 68-69.)

The Court has ordered Defendants to reply to the organizational structure discovery requests. Plaintiff's contentions regarding the asserted organizational control of Defendant Big Lots, Inc. over the other named Defendants is at present speculative and unsupported by evidence. The Court therefore **DENIES WITHOUT PREJUDICE** Plaintiff's request for further responses from Defendant Big Lots, Inc.

Production of documents pursuant to this Order will be made within 15 calendar days.

**IT IS SO ORDERED.**

Initials of Preparer

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