

IN THE UNITED STATES DISTRICT COURT
FOR THE SOUTHERN DISTRICT OF ALABAMA
SOUTHERN DIVISION

EQUAL EMPLOYMENT)
OPPORTUNITY COMMISSION,)
)
Plaintiff,)
)
v.)
)
SOUTHERN HAULERS, LLC,)
)
Defendant.)

CIVIL ACTION NO. 11-00564-N

ORDER

This action is before the Court on a motion (doc. 63) filed by the plaintiff, the Equal Employment Opportunity Commission (“EEOC”), to quash the deposition of its investigator, Rita Sterling, which was noticed by the defendant, Southern Haulers, LLC (“Southern Haulers”), and for a protective order. Upon consideration of the motion, Southern Haulers’ response in opposition thereto (doc. 68), the EEOC’s reply (doc.69) and all other pertinent portions of the record, it is **ORDERED** that the EEOC’s motion is hereby **DENIED**.

The purpose stated by Southern Haulers for conducting the deposition of EEOC investigator Rita Sterling, namely “to question Ms. Sterling regarding the steps she took in conducting the investigation, the documents produced by EEOC as part of its investigative file, inconsistencies in the documents contained in EEOC’s investigative file, and individuals identified through the course of EEOC’s investigation” (doc. 68 at 7; doc. 68-2 at 2), does not implicate EEOC’s deliberative process. *See Little v. Auburn*

University, 2010 WL 582083, *2 (M.D. Ala. 2010)(EEOC’s motion to quash denied because questions posed by a defendant to clarify factual information contained in the EEOC’s investigative file “would not be covered under the deliberative process privilege” and because “[t]he EEOC is free to assert proper privilege objections where appropriate, in the manner contemplated by Fed.R.Civ.P. 30(c)(2) during the deposition.”), *citing* Turner v. Kansas City Southern Ry. Co., Inc., 2009 WL 651766, *1 (E.D. La. Mar. 11, 2009), *quoting* Blanks v. Lockheed Martin Corp., 2006 WL 1892512, *1 (S.D. Miss. July 10, 2006). *See also* Equal Employment Opportunity Comm'n v. Corrections Corp. of Am., 2007 WL 4403528 at *1 (D. Colo. Dec. 13, 2007)(“Plaintiff EEOC is not exempt from a Rule 30(b)(6) deposition.”); Serrano v. Cintas Corp., 2007 WL 2688565, *2–3 (E.D. Mich. Sept. 10, 2007)(Overruled “EEOC's objections to the Magistrate Judge's order denying EEOC's motion for a protective order [‘and granting Defendant leave to take a Rule 30(b)(6) deposition of the EEOC’]”); Equal Employment Opportunity Comm'n v. Albertson's, LLC, 2007 WL 1299194, *2 (D. Colo. May 1, 2007)(“The disclosure of this information [who was interviewed and what the deponent did to refresh his recollection of the facts in the case] does not reveal the agency's trial strategy or its analysis of the case.”).

DONE this 20th day of July, 2012.

/s/ Katherine P. Nelson
KATHERINE P. NELSON
UNITED STATES MAGISTRATE JUDGE