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UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF CALIFORNIA

RANDOLPH EVANS,
Plaintiff,

v.

SEARS LOGISTICS SERVICES, INC.;
SEARS, ROEBUCK & CO.; SEARS
HOLDINGS CORP.
Defendants.

) Case No. 1:09-CV-2055-OWW-SMS
)
) **ORDER COMPELLING FURTHER**
) **RESPONSES TO**
) **(1) PLAINTIFF'S FIRST REQUEST**
) **FOR PRODUCTION OF**
) **DOCUMENTS;**
) **(2) PLAINTIFF'S SECOND REQUEST**
) **FOR PRODUCTION OF**
) **DOCUMENTS**
) **[Docs. 33, 34 & 42]**
)
) Date: February 25, 2011
) Time: 9:30 a.m.
) Ctrm: No. 7
)
) Magistrate Judge: Hon. Sandra M. Snyder

This matter having come before the Court via telephonic appearance on February 25, 2011, Jody LeWitter and Ben Siegel having appeared on behalf of plaintiff, and Dennis Brown and Erica Kelley having appeared on behalf of defendants, it is hereby ordered that **PLAINTIFF'S MOTION TO COMPEL FURTHER RESPONSES TO PLAINTIFF'S FIRST REQUESTS FOR PRODUCTION OF DOCUMENTS and PLAINTIFF'S MOTION TO COMPEL FURTHER RESPONSES TO PLAINTIFF'S SECOND REQUEST FOR PRODUCTION OF DOCUMENTS** are granted in part and denied in part, as follows:

1 • **Request No. 7:** Defendants are ordered to produce every document, including but not
2 limited to any handwritten notes or touch base notes by Tania Williams, regarding plaintiff
3 and/or his comparators-Robin Batka, Kenneth A. Brown, Kimberly D. Wade, Angelique Jones,
4 Donald Roberts, Maryruth Solomon, Richard G. Sheperd, Kimberly Handford, and Gwendolyn
5 Chandler, and any and all other Retail Replenishment Center Human Resource Managers who
6 reported to Tania Williams when Ms. Williams was Area Human Resource
7 Manager/Logistics-created or commented on by Ms. Williams between June 1, 2006 and
8 December 31, 2007, regardless of the location of these documents.

9 • **Request No. 43:** Defendants are ordered to produce all documents including but not
10 limited to emails, notes, or memos related to Kimberly Handford's hiring and/or promotion to the
11 position of Human Resource Manager at the Delano, California Retail Replenishment Center
12 ("RRC"), including but not limited to her qualifications, what her previous employment was, and
13 communications by and between Tania Williams, Beth Taska, and Michael Velten regarding Ms.
14 Handford. If defendants have already produced all responsive documents in their possession,
15 custody, or control, they are to amend their responses to indicate as such.

16 • **Request No. 46:** Defendants are ordered to produce performance reviews of Tania
17 Williams completed by Beth Taska when Tania Williams was Area Human Resources
18 Manager/Logistics insofar as such reviews or portions thereof relate to Williams's management
19 of plaintiff and the six human resource managers in the same position as plaintiff (RRC human
20 resource manager) and any other area for which plaintiff was criticized in his Performance
21 Improvement Plan.

22 • **Request No. 53:** Defendants are ordered to produce all documents created between
23 June 1, 2006 and September 7, 2007 related to trainings that the Delano RRC's Human Resource
24 office conducted for the RRC's salaried supervisors and regarding how many training sessions
25 were held for Delano RRC salaried supervisors, the areas or topics of the training sessions for
26 Delano RRC salaried supervisors, and documents indicating that any training for the Delano
27 RRC salaried supervisors, other than the "Living Our Values" and "Sowing the Seeds" training,
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1 was conducted, but need not produce the names of individuals who attended such trainings.

2 • **Request No. 56:** Defendants are ordered to have their Retail Replenishment Center
3 ("RRC") Human Resource Managers review their files and prepare a signed and dated report for
4 defense counsel regarding how many Sowing the Seeds training sessions were completed in the
5 individual RRCs for the RRC's employees between June 1, 2006 and September 7, 2007, and if
6 known, the number of employees, and the related percentage of the RRC's total number of
7 employees who completed these training sessions. This report should then be provided to
8 plaintiff's counsel. If defendants do not have this information, they need to say so in the signed
9 and dated report provided to plaintiff's counsel.

10 • **Request No. 67:** Plaintiff's motion to compel further response to Request No. 67 is
11 denied.

12
13 Defendants shall produce documents and amend their responses to plaintiff's requests for
14 production of documents according to this order within 45 days from the hearing on the matter,
15 held on February 25, 2011.

16
17 IT IS SO ORDERED.

18
19 Dated: March 24, 2011

/s/ Sandra M. Snyder
UNITED STATES MAGISTRATE JUDGE