UNITED STATES DISTRICT COURT

NORTHERN DISTRICT OF CALIFORNIA

U.S. EQUAL EMPLOYMENT OPPORTUNITY COMMISSION,

Plaintiff,

and

UMME-HANI KHAN,

Plaintiff-Intervenor,

vs.

ABERCROMBIE & FITCH STORES, INC. d/b/a HOLLISTER CO., HOLLISTER CO. CALIFORNIA, LLC,

Defendants.

Case No.: 11-cv-03162-YGR

ORDER REGARDING JOINT DISCOVERY LETTER BRIEF (DKT. NO. 57)

The Court has reviewed the Joint Discovery Letter Brief regarding Plaintiff-Intervenor's Requests for Production. (Dkt. No. 57.) At issue are four requests for production, which seek documents: (i) relating "to all employee requests, made in any of respondent's stores, to deviate from the Look Policy" (Request No. 20); (ii) all documents that "reflect or otherwise relate to Hollister's consideration and/or disposition of the requests" (Request No. 21); (iii) all documents that "reflect or otherwise relate to all employee requests, made in any Hollister store, for accommodation of religious attire" (Request No. 22); and (iv) documents relating to "Hollister's consideration and/or disposition of the requests for accommodation of religious attire" (Request No. 23). According to the parties, the

only remaining issue with regard to these requests "relates to records from January 3, 2011 to the present regarding requests to deviate from the Look Policy unrelated to head scarves."

Having reviewed the letter brief and the positions of the parties, the Court **DENIES** Plaintiff-Intervenor's requests. Plaintiff-Intervenor and Plaintiff have failed to establish that the records at issue are likely to lead to the discovery of admissible evidence with respect to Plaintiff's disparate treatment claims. The requests are overly broad to the extent that they seek documents relating to *any* request to deviate from the policy unrelated to head scarves. The requests are also overly broad as to time, to the extent that they seek documents that post-date Plaintiff's termination date by anywhere from nine to thirty months.

This Order terminates Dkt. No. 57.

IT IS SO ORDERED.

Dated: October 25, 2012

YVONNE GONZALEZ ROGERS
UNITED STATES DISTRICT COURT JUDGE

United States District Court
Northern District of California