

IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF COLORADO

Civil Action No. 09-cv-02237-ZLW-MEH

EQUAL EMPLOYMENT OPPORTUNITY COMMISSION,

Plaintiff,

v.

DILLON COMPANIES, INC., d/b/a KING SOOPERS,

Defendant.

ORDER

Michael E. Hegarty, United States Magistrate Judge.

Defendant's Motion for Reconsideration of the Court's August 13, 2010 Order on Plaintiff's Motion to Compel Discovery [filed August 24, 2010; docket #58] is **granted** as follows.

The Court has considered Defendant's reply and Plaintiff's surreply. (*See* dockets ##69, 70.) Regarding the Court's previous order compelling supplementation of Defendant's response to Interrogatory No. 8, the Court hereby ORDERS:

1. Stephanie Bouknight, Defendant's Manager of Labor and Employee Relations, will send the following email message to Defendant's district and zone managers, who in turn will send the email to the store managers and assistant store managers in their respective zones, within ***three business days*** of this order. Responsive information will be requested within ***ten business days***, and such information will be directed to counsel for Defendant.
2. The email message will read:

To: All Zone and District Managers

From: Stephanie Bouknight

Subject: Urgent Inquiry

All Zone and District Managers:

The United States District Court for the District of Colorado has ordered King Soopers to produce information concerning any discipline, whether verbal or written for any employees disciplined or terminated for insubordination or misconduct in the form of threatening behavior or violence in the workplace from January 1, 2005 through January 1, 2008. It is important that you inform us of any discipline you recall during the time frame that fits this description. Within the next ten days, please provide the following information to Edward Butler at ebutler@sah.com: 1) the offense; 2) its factual basis; 3) the level of discipline; 4) the person imposing the discipline; 5) the immediate supervisor of the employee being disciplined; and 6) the date of the discipline.

Also, please immediately forward this inquiry on to the store managers, assistant store managers, department heads, and union representatives of the stores in your zone and ask them to forward any responsive information to Mr. Butler within the next ten days.

Stephanie.

3. If any zone or district manager does not respond to the email described above within the required time frame, Defendant's corporate representative shall contact the zone or district manager to obtain the information requested, within *two business days* of the deadline for responding.
4. In addition to issuing the email inquiry above, Defendant shall electronically search all electronically stored personnel files at headquarters, within *ten business days* of this order. The Court agrees with the EEOC that this endeavor appears to be of minimal burden. However, if Defendant has some reason why an electronic search of the electronically stored personnel files is unduly burdensome, Defendant may file an explanatory status report within

five business days of this order.

SO ORDERED.

Dated at Denver, Colorado, this 4th day of October, 2010.

BY THE COURT:

A handwritten signature in black ink that reads "Michael E. Hegarty". The signature is written in a cursive style with a large initial 'M' and a stylized 'H'.

Michael E. Hegarty
United States Magistrate Judge