

IN THE UNITED STATES DISTRICT COURT  
FOR THE DISTRICT OF COLORADO

Civil Action No. 10-cv-02387-WJM-MJW

EQUAL EMPLOYMENT OPPORTUNITY COMMISSION,

Plaintiff(s),

v.

WESTERN TRADING COMPANY, INC.,

Defendant(s).

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MINUTE ORDER

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Entered by Magistrate Judge Michael J. Watanabe

It is hereby ORDERED that Plaintiff EEOC's Motion to Compel Discovery of Defendant's Financial Resources (docket no. 47) is GRANTED for the following reasons. This is an ADA case, seeking punitive damages under Section 1981a, and alleging the requisite malice or reckless disregard for federally protected rights, as necessary to obtain punitive damages under Section 1981a. The case of Deters v. Equifax Credit Info. Services, Inc., 202 F.3d 1262, 1273 (10<sup>th</sup> Cir. 2000) is dispositive on the subject motion (docket no. 47). The Deters case was a Title VII case, applying the very same punitive damage provision applicable in this case under 42 U.S.C. § 1981a. The Tenth Circuit held in Deters that the defendant's financial resources are relevant to a claim of punitive damages under Section 1981a. Accordingly, there is no dispute that information pertaining to a defendant's financial resources is discoverable when the plaintiff seeks punitive damages. See Britton v. Car Toys, 2007 WL 1395290, \*3 (D. Colo. 2007).

It is FURTHER ORDERED that Defendant shall fully respond to Plaintiff EEOC's Request for Production No. 14, on or before September 7, 2011.

Date: August 22, 2011

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