

IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF COLORADO
Magistrate Judge Kathleen M. Tafoya

Civil Action No. 14-cv-03125-PAB-KMT

LORRAINE ALARID,

Plaintiff,

v.

MACLEAN POWER, LLC, d/b/a FORESIGHT PRODUCTS, a Delaware corporation,
EDWINA HURTADO, individually, and
JOSE ALVARADO, individually,

Defendants.

ORDER

This matter is before the court on “Plaintiff’s Motion to Compel Defendant Foresight’s Discovery Responses” [Doc. No. 44]. Defendant MacLean Power, LLC d/b/a Foresight Products (“Foresight”) filed a response [Doc. No. 48], stating that it took no position on the motion, however requested a court order allowing it to release the personnel files of Edwina Hurtado and Jose Alvarado if the court agreed with Plaintiff’s claim of necessity.

Having reviewed the Motion and Response and other documents contained in the court’s docket, the court finds as follows:

The Plaintiff timely requested that the two personnel files be produced as part of her authorized discovery requests. The personnel files of Mr. Alvarado and Ms. Hurtado are clearly relevant to this action. Several of Plaintiff’s claims against Foresight, including sexual harassment in violation of Title VII, negligent supervision, and negligent retention, are based on

Foresight's alleged failure to address numerous complaints about Mr. Alvarado and Ms. Hurtado. Their personnel files could contain information demonstrating the extent to which Foresight had knowledge of those complaints and the actions Foresight took, if any. There is also a compelling need for the information. Mr. Alvarado and Ms. Hurtado's past behavior at Foresight, Foresight's awareness of their behavior, and Foresight's responses to the behavior are critical aspects of Plaintiff's claims and the contents of the personnel files may contain documents and evidence probative of each of those issues.

The court further finds the information in Mr. Alvarado and Ms. Hurtado's personnel files is not available from any source other than Foresight. No party has suggested, and the court is not aware of, any less intrusive means of obtaining this information. A protective order has been entered in this case. [Doc. No. 43.] Foresight may designate any sensitive or private information as confidential pursuant to the terms of the Protective Order to prevent any disclosure to third parties. Additionally, Foresight may redact any privileged information before producing the documents provided that it also provides Plaintiff with a privilege log.

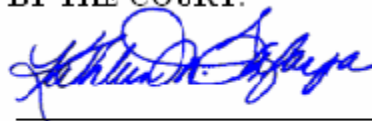
It is therefore **ORDERED**

1. "Plaintiff's Motion to Compel Defendant Foresight's Discovery Responses" [Doc. No. 44] is **GRANTED**. The personnel files of Edwina Hurtado and Jose Alvarado in the possession of Foresight shall be produced to the Plaintiff consistent with this Order within ten days of the entry of this Order.

2. The hearing scheduled for July 27, 2015 at 1:30 p.m. is **VACATED**.

Dated this 10th day of July, 2015.

BY THE COURT:



Kathleen M. Tafoya
United States Magistrate Judge