

IN THE UNITED STATES DISTRICT COURT FOR THE
NORTHERN DISTRICT OF FLORIDA
PANAMA CITY DIVISION

ROBIN BAXLEY,
as Personal Representative
Plaintiff,

vs.

No. 5:09cv343/RS/MD

GEICO General Insurance Company,
Defendant.

ORDER

Before the court is plaintiff's motion to compel documents responsive to plaintiff's first and second request to produce (doc. 30) to which defendant has responded (docs. 58, 65). In response to the court's order, defendant has provided copies of the subject documents for *in camera* review (doc.65).¹

In this third party bad faith litigation plaintiff seeks personnel files of the three individuals who handled the underlying liability claim, including documents relating to training, education, experience, licensure, pay level, job positions and responsibilities, duties, complaints, commendations, performance reviews and the like. Defendant argues in opposition that the matters requested are confidential, sensitive, not likely to lead to admissible evidence and irrelevant.

Except for the matter of the employees' pay rates, the undersigned disagrees. The documents provided to the court have been reviewed. The three individuals

¹Defendant previously provided the documents, but then correctly pointed out that the original production contained documents outside the plaintiff's requests. The documents now being considered were provided with defendant's amended response.

whose records are sought were intimately involved in the handling of the underlying liability claim. Since the gist of this action is that defendant's employees mishandled the underlying claim, documents concerning their training, experience and related matters dealing with overall competence may lead to discoverable evidence. See *Simon v. Pronational Insurance Company*, 2007 WL 4893477 (S.D. Fla. Nov. 1, 2007; *Nowak v. Lexington Insurance Company*, 2006 WL 3613766 (S.D. Fla. June 9, 2006).

Accordingly, it is ORDERED that the motion under consideration (doc. 30) is GRANTED. Within five (5) days defendant will produce to plaintiff the documents filed with its amended notice (doc. 65).² The clerk will unseal the documents filed with doc. 65. The documents filed with doc. 58 will remain sealed.

DONE AND ORDERED at Pensacola, Florida this 25th day of May, 2010.

/s/ *Miles Davis*

MILES DAVIS
UNITED STATES MAGISTRATE JUDGE

²As ordered by the court, the pay grades, social security numbers, addresses and other personal identifiers were redacted before production.