

United States District Court, Northern District of Illinois

Name of Assigned Judge or Magistrate Judge	Edmond E. Chang	Sitting Judge if Other than Assigned Judge	
CASE NUMBER	10 C 7045	DATE	10/13/2011
CASE TITLE	Reach vs. AON Service Corporation		

DOCKET ENTRY TEXT

Motions hearings were held on 09/15/11 and 10/13/11 as to the parties' various motions to compel, as well as a motion to extend discovery. Rulings were made in open court, and are summarized below. Status hearing set for 11/30/11 at 8:30 a.m.

■ [For further details see text below.]

STATEMENT

Defendant's motion to compel [38] discovery of medical records is granted in part and denied in part. In light of Plaintiff's claimed damages, which include emotional injury arising from the alleged discrimination and harassment, statements to and by medical-care providers are discoverable. However, because the complaint alleges that the discrimination started in around January 2004, and the first specific instance of alleged discrimination occurred in 2005, there is no need to reach back to the year 2000. Instead, Defendant may obtain medical records from June 1, 2004 onward.

2. Plaintiff's first motion to compel [40] various items of discovery is granted in part and denied in part. With regard to the identity of the decisionmaker (or decisionmakers), Defendant represents that it has produced all the information that it currently has on that question, including documents showing the identity of the relevant corporate employees. During depositions, if Plaintiff discovers additional information that should have been produced, then the Court will certainly entertain a motion for sanctions, but for now, there is nothing more specific that the Court can order. Nor will the Court order a corporate "structure" diagram, which will be overbroad in including all manner of individuals not involved in the relevant decisions. With regard to the sufficiency of the privilege log, Defendant produced a log just before the 09/15/11 hearing, and the parties were directed to confer before re-raising any issues concerning the log. With regard to the any other employee complaints lodged against Mark Calabrese, Defendant confirmed that no complaints were filed against him by any Aon employee, not just the employees in the File Net Group. With regard to the salary information of Calabrese, Defendant shall produce salary information from January 2005 onward. The responsiveness or non-responsiveness of Defendant to the alleged harassment by Calabrese is, generally speaking, discoverable information, and salary increases to the alleged harasser can be relevant to that issue (of course, Plaintiff must still prove at trial that the harassment occurred). With regards to Joel Hawkins, because Plaintiff presents Hawkins as a similarly situated employee, the following parts of Hawkins's personnel file shall be produced: descriptions of his job duties, his qualifications for the job, and any

STATEMENT

performance evaluations.

3. Plaintiff's second motion to compel [49] is denied without prejudice. Counsel for each party disputes whether Plaintiff engaged in a sufficient conferral process before bringing the motion complaining about the sufficiency of the updated privilege log. The parties are directed to confer, with these guiding principles: (a) the privilege log must give some description of the nature of the subject matter rather than the conclusory statement that the document was prepared in anticipation of litigation or is an attorney-client communication (e.g., "report of the interview of Employee A"); (b) if a dispute remains, the Court will conduct an *in camera* review of the documents, but hopefully the parties at least can narrow the field of disputed documents; and (c) documents that Defendant does not produce during discovery will be unavailable for Defendant to rely upon at trial.

4. The agreed motion to extend discovery [47] is granted to 12/16/11. That is the close of fact discovery. As requested by the parties, after the close of fact discovery, the Court will set a dispositive motion briefing schedule rather than proceed with expert discovery. Plaintiff's counsel confirmed that he will not rely on, in responding to the summary-judgment motion, what would have been disclosed in expert discovery.