

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF INDIANA
TERRE HAUTE DIVISION

| | | |
|---------------------------------------|---|---------------------|
| EQUAL EMPLOYMENT OPPORTUNITY |) | |
| COMMISSION, |) | |
| |) | |
| Plaintiff, |) | |
| |) | |
| v. |) | 2:09-cv-314-WTL-WGH |
| |) | |
| SIDAL, INC. d/b/a Rally's Hamburgers, |) | |
| |) | |
| Defendant. |) | |

**ORDER ON BR ASSOCIATES, INC.'S
MOTION TO QUASH OR MODIFY SUBPOENA**

This matter is before the Honorable William G. Hussmann, Jr., United States Magistrate Judge, on BR Associate, Inc.'s Motion to Quash or Modify Subpoena filed July 19, 2010. (Docket No. 36). Plaintiff filed its Response to the motion on July 21, 2010. (Docket No. 38). Movant filed a Reply in Support of its motion on July 28, 2010. (Docket No. 39).

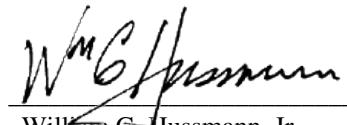
The Magistrate Judge, being duly advised, now **GRANTS, in part**, and **DENIES, in part**, the Motion to Quash or Modify Subpoena, as follows:

1. In this case, the Equal Employment Opportunity Commission has sought certain employment records for David Suggs. Those employment records have not been shown to be unduly burdensome to produce, and the Motion to Quash is denied with respect to Item 1 of the Subpoena.
2. With respect to Item 2 of the Subpoena which requests “[a]ny and all complaints or arbitration decisions relating to sexual harassment at any BR

Associates location since 1995," the Magistrate Judge concludes that this request is overly broad and unduly burdensome based on the information found in Section II of the Reply in Support at pages 3-4. However, BR Associates shall provide a copy of any charges of discrimination filed with the EEOC or the Indiana Civil Rights Commission and served upon BR Associates alleging that a sexually hostile environment existed or that a person was subjected to improper sexual contact by any BR Associates employee located in Terre Haute, Indiana. The time period for this search shall commence with the date of March 1, 2005, since the Complaint alleges that the conduct complained of in this case commenced in March 2007. The endpoint for the search of the above described charges of discrimination shall be the filing of the plaintiff's Complaint in this case.

SO ORDERED.

Dated: August 12, 2010



William G. Hussmann, Jr.
United States Magistrate Judge
Southern District of Indiana

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