

IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF KANSAS

ALEX HUAQIANG LEO,)	
)	
Plaintiff,)	
)	
v.)	Case No. 09-2139-KHV
)	
GARMIN INTERNATIONAL, INC.,)	
)	
Defendant.)	

ORDER

This employment discrimination case comes before the court on pro se plaintiff Alex Huaqiang Leo’s motion for the court to accept documents produced by the Equal Employment Opportunity Commission (EEOC) (**doc. 80**) and separate motion for the issuance of subpoenas (**doc. 81**).

In plaintiff’s motion for the court to accept EEOC documents, plaintiff states that the EEOC has produced 468 pages of documents related to its investigation of plaintiff’s claims under the Age Discrimination In Employment Act (“ADEA”), 29 U.S.C. § 621, et seq., and Title VII of the Civil Rights Act of 1964 (“Title VII”), 42 U.S.C. § 2000e. Plaintiff requests that the court accept the 468 pages of EEOC documents in their entirety. The court declines to so do. First, because plaintiff’s ADEA disparate impact claim and plaintiff’s Title VII claims have been dismissed (*see* doc. 63),¹ the EEOC documents pertaining to these claims are not relevant to the matters before the court. Second, plaintiff does not propose to submit

¹Plaintiff’s ADEA disparate treatment claim remains pending.

the EEOC documents in support of a position on any pending motion. Should defendant file a motion for summary judgment or should this case reach trial, plaintiff will have an opportunity to submit portions of the EEOC documents that are relevant to plaintiff's opposition to summary judgment or to plaintiff's positions at trial. Thus, plaintiff's motion for the court to accept documents produced by the EEOC (doc. 80) is denied without prejudice to refiling *relevant* documents when opposing summary judgment or at trial.

In plaintiff's motion for the issuance of subpoenas, plaintiff requests that the court issue subpoenas duces tecum to three persons employed by defendant. Pursuant to Fed. R. Civ. P. 45(a)(3), the clerk is required to issue a subpoena, "signed but otherwise blank, to a party who requests it." The requesting party must then complete the subpoena and effectuate its service. The court therefore grants plaintiff's motion for the issuance of the subpoenas and orders the clerk to issue the subpoenas forthwith.

The court directs plaintiff's attention to Fed. R. Civ. P. 45 for the requirements governing the form, contents, and service of subpoenas and to Fed. R. Civ. P. 30 for the requirements governing depositions. Specifically, the court notes that, pursuant to Rule 30(b)(1) and D. Kan. R. 30.1, notice to take a deposition must be given at least five days prior to the deposition. The court also notes that discovery is scheduled to end in this case on November 5, 2009.

In consideration of the foregoing,

IT IS HEREBY ORDERED:

1. Plaintiff's motion for the court to accept documents produced by the EEOC (doc. 80) is denied without prejudice.

2. Plaintiff's motion for the issuance of subpoenas (doc. 81) is granted and the clerk shall issue the subpoenas forthwith.

3. The clerk shall mail copies of this order to plaintiff by regular mail.

Dated this 26th day of October, 2009, at Kansas City, Kansas.

s/James P. O'Hara
James P. O'Hara
U.S. Magistrate Judge