

**UNITED STATES DISTRICT COURT  
EASTERN DISTRICT OF LOUISIANA**

**JESSICA MARILU ROSALEZ FUNEZ, ET  
AL**

**CIVIL ACTION**

**VERSUS**

**NO: 16-1922**

**E.M.S.P., LLC, ET AL**

**SECTION: "H" (4)**

**ORDER**

Before the Court is a **Motion to Compel Discovery (R. Doc. 21)** filed by Plaintiffs seeking an order from the Court to compel Defendant to provide more complete responses to its written discovery, provide a privilege log, and remove certain objections. Pursuant to the Court's order, the Defendants have produce to the Court responsive documents to Request for Production Nos. 21 and 22 concerning "all contracts or franchise agreements between Defendant and Jani-King. . .[and] all documents between Defendant and Jani-King concerning the classification of those providing janitorial services and independent contractors" R. Doc. 21-2, p. 11. During oral arguments, the Plaintiffs stated that they were looking for information relevant to the classification of workers as either employees or independent contractors.

After conducting an *in camera* review, the Court believes that there may be certain pages that are responsive to the Plaintiffs' request. As such, the Court will order the Parties to draft a protective order governing confidential information in this case and submit it to the Court.<sup>1</sup> Once a protective order is in place, the Court will release the specific pages<sup>2</sup> to the Plaintiffs, and those pages will be governed by the Protective Order. The Defendants must collect the remaining pages of the franchise agreement from the Court no later than seven (7) days after the pages have been released or the documents will be shredded.

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<sup>1</sup> Note, the undersigned has a draft consent protective order located on her chamber's website, located at <http://www.laed.uscourts.gov/judges-information/judge/honorable-karen-wells-robby> under "Sample Pleadings."

<sup>2</sup> The specific pages are: Franchise Operation Manual Exhibit I, Pages 1-4, 6, 7; Exhibit VI, Pages 4-6, 10.

Accordingly,

**IT IS ORDERED** that the Plaintiffs' **Motion to Compel Discovery (R. Doc. 21)** is **GRANTED IN PART**.

**IT IS FURTHER ORDERED** that the Plaintiff's request to compel production of certain pages of Defendant's franchise agreement is **GRANTED**.

**IT IS FURTHER ORDERED** that the Plaintiff's request to compel production of the Defendant's franchise agreement *in globo* is **DENIED**.

**IT IS FURTHER ORDERED** that the Parties are to provide the Court with a draft protective order signed by all parties no later than **October 4, 2016**. After the Protective Order is signed by the Court, the Court will release the responsive pages to the parties.

New Orleans, Louisiana, this 29<sup>th</sup> day of September 2016.

A handwritten signature in black ink, appearing to read "Karen Wells Roby", written over a horizontal line.

**KAREN WELLS ROBY**  
**UNITED STATES MAGISTRATE JUDGE**