

UNITED STATES DISTRICT COURT  
EASTERN DISTRICT OF LOUISIANAKATHERINE MUSLOW, *et al.*

CIVIL ACTION

VERSUS

NO. 19-11793

BOARD OF SUPERVISORS OF  
LOUISIANA STATE UNIVERSITY  
AND AGRICULTURAL AND  
MECHANICAL COLLEGE, *et al.*

SECTION M (2)

**ORDER**

Before the Court is defendants' appeal from and objections to the magistrate judge's order and reasons on defendants' motion to compel disclosure of Meredith Cunningham's personnel file from her former employer Barrasso Usdin Kupperman Freeman & Sarver, L.L.C. ("Barrasso Usdin").<sup>1</sup> Plaintiffs respond in opposition.<sup>2</sup> Having considered the magistrate judge's order and reasons,<sup>3</sup> the motion, the opposition, the record, and the applicable law, the Court issues this Order & Reasons.

In this electronic age, personnel records of an employee are normally not maintained only in a physical "personnel file," but may be retained as electronic documents on an entity's computer system. Upon the Court's review of the language used in the communications between defendants' counsel and Barrasso Usdin, the term "personnel records" in the personnel records authorization may have been construed too narrowly by Barrasso Usdin to mean the contents of a physical file. Accordingly,

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<sup>1</sup> R. Doc. 293 (citing R. Doc. 282).


<sup>2</sup> R. Doc. 302.

<sup>3</sup> R. Doc. 282.

IT IS ORDERED that, consistent with the magistrate judge's order and reasons, Barrasso Usdin produce to defendants all non-medical personnel records related to Cunningham's employment at the firm, whether or not they are kept in a physical "personnel file," no later than August 6, 2021.

IT IS FURTHER ORDERED that by August 3, 2021, Barrasso Usdin produce to the Court for *in camera* inspection the 130-page file it refers to as Cunningham's medical file so that the Court can evaluate whether the file consists solely of nonproducing medical records.

New Orleans, Louisiana, this 28th day of July, 2021.

  
BARRY W. ASHE  
UNITED STATES DISTRICT JUDGE