

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF MICHIGAN
SOUTHERN DIVISION

LISA NORTON,

Plaintiff,

v.

Case No. 2:17-cv-12716

District Judge Bernard A. Friedman

Magistrate Judge Anthony P. Patti

WATRFORD SCHOOL DISTRICT
and BOARD OF EDUCATION FOR
THE WATERFORD SCHOOL
DISTRICT,

Defendants.

**ORDER GRANTING IN PART AND DENYING IN PART PLAINTIFF'S
MOTION TO COMPEL DISCOVERY (DE 17)**

This matter is before the Court for consideration of Plaintiff Lisa Norton's motion to compel discovery (DE 17), Defendants Waterford School District and Board of Education for the Waterford School District's response (DE 20), and the parties' joint statement of unresolved issues (DE 21). Judge Friedman referred this motion for hearing and determination (DE 18), and a hearing was noticed for October 2, 2018. (DE 19.)

On the date set for hearing, attorneys Charlotte Croson and Michael D. Weaver appeared in my courtroom, and the Court entertained oral argument regarding the unresolved issues. Upon consideration of the motion papers and oral argument of counsel, and for all the reasons stated on the record by the Court,

which are herein incorporated by reference, Plaintiff's motion to compel (DE 17), as narrowed by the September 28, 2018 statement of unresolved issues (DE 21), is

GRANTED IN PART and DENIED IN PART as follows:

1. **Plaintiff's Second Request for Production, Request Nos. 1-14, regarding personnel files of alleged similarly situated employees:** Defendants shall produce the requested personnel files by **October 23, 2018**, subject to a stipulated protective order. Defendants may redact personally identifiable information, such as social security numbers, addresses, telephone numbers, information regarding family members, and the day and month of the employees' birthdates, although year of birth is to be provided for each.
2. **Plaintiff's request to compel the information sought in her First Request for Production No. 4** was withdrawn on the record, because it is covered by her Second Request for Production.
3. **Plaintiff's First Request for Production, Request Nos. 18 and 19, regarding retirement or pension plans, along with relevant Summary Plan Description, and insurance or other benefit plan which covered Plaintiff:** Defendants shall produce the requested documents, to the extent they exist, or provide Plaintiff with a link(s) to relevant website(s), if applicable, by **October 23, 2018**.
4. **Plaintiff's First Set of Interrogatories, Nos. 4, 6, 7, 9, 10, 11, 12 regarding information on similarly situated individuals:** Plaintiff shall provide to Defendants a copy of the "2015 Master List" excel spreadsheet in her possession, which she states contains information on individual teacher's certifications and ratings, by **October 3, 2015**, and Defendants shall then produce to Plaintiff a copy of the "Master List(s)" containing similar information for the 2014-2015 and 2016-2017 academic years, by **October 23, 2018**.

Defendants shall also produce to Plaintiff a “Master Schedule” for each Waterford School District school building from September 2014 through May 2017, containing information identifying teachers and class (including subject) assignments, by **October 23, 2018**.

Finally, given the breadth of Plaintiff’s request in Interrogatory No. 4 for the date of birth of “every teacher in Waterford School District eligible for the June, 2015 layoff” – which the parties mutually acknowledge essentially means *every* teacher in the district – Defendants shall ascertain the estimated cost to collect and produce that information to Plaintiff and provide a breakdown of the costs of such production (*e.g.*, internal man-hours, outside contractors, etc.) to Plaintiff by **October 10, 2018**. To the extent Plaintiff still then wants that information, the cost of production will shift to her and must be paid before Defendants will be required to produce it.

Finally, as stated on the record, the Court declines to award costs to either side, because both sides’ positions were substantially justified, the issues required rulings from the Court, and an award of costs would be unjust in the circumstances.

IT IS SO ORDERED.

Dated: October 2, 2018

s/*Anthony P. Patti*

Anthony P. Patti
UNITED STATES MAGISTRATE JUDGE

Certificate of Service

I hereby certify that a copy of the foregoing document was sent to parties of record on October 2, 2018, electronically and/or by U.S. Mail.

s/Michael Williams

Case Manager for the
Honorable Anthony P. Patti