

UNITED STATES DISTRICT COURT
WESTERN DISTRICT OF NEW YORK

EQUAL EMPLOYMENT OPPORTUNITY
COMMISSION,

Plaintiff,

v.

ORDER
11-CV-938A

STERLING JEWELERS INC.,

Defendant.

The above-referenced case was referred to Magistrate Judge Jeremiah J. McCarthy pursuant to 28 U.S.C. § 636(b)(1)(B). On September 23, 2013, Magistrate Judge McCarthy filed a Report and Recommendation [30], recommending that plaintiff EEOC's application to enforce an administrative subpoena be granted to the extent that EEOC subpoena #NY-A12-009 be enforced as follows:

- Requests 1, 5, 7, and 12 be enforced to the extent of requiring Sterling Jewelers to confirm in writing whether its search for responsive information included a search of its ESI, and if it has not undertaken such a search, that it do so; and for the documents produced thus far in response to Requests 5, 7, and 12 that Sterling Jewelers identify which documents were produced in response to each request;
- Requests 3, 4, 6, 8, 14, and 15 be enforced, as narrowed, to seek only

- documents and ESI concerning employee disclosures of compensation; and
- Requests 9, 10, 11, and 13 be enforced in their entirety; and that the remaining aspects of the EEOC's application, including its request for costs be denied.

The Court has carefully reviewed the Report and Recommendation, the record in this case, and the pleadings and materials submitted by the parties, and no objections having been timely filed, it is hereby

ORDERED, that pursuant to 28 U.S.C. § 636(b)(1), and for the reasons set forth in Magistrate Judge McCarthy's Report and Recommendation, EEOC subpoena #NY-A12-009 is enforced to the extent specified in the Report and Recommendation, and other relief denied.

The Clerk shall terminate the action.

SO ORDERED.

s/ Richard J. Arcara

HONORABLE RICHARD J. ARCARA
UNITED STATES DISTRICT JUDGE

DATED: October 16, 2013