

UNITED STATES DISTRICT COURT  
NORTHERN DISTRICT OF OHIO

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ERIN E. KIS,	:	
<i>on behalf of herself and all others</i>	:	
<i>similarly situated,</i>	:	
	:	Case Nos. 4:18-cv-54
Plaintiffs,	:	4:18-cv-34
	:	
vs.	:	OPINION & ORDER
	:	[Resolving Doc. <a href="#">152</a> ]
COVELLI ENTERPRISES, INC.,	:	
	:	
Defendant.	:	
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JAMES S. GWIN, UNITED STATES DISTRICT JUDGE:

The parties in this FMLA labor case complain they have a discovery impasse. Plaintiffs complain that Defendant wrongfully: (i) withheld Defendant’s CEO Sam Covelli from deposition, (ii) withheld policy documents, (iii) withheld training videos, and (iv) unnecessarily redacted nearly 1,200 documents.<sup>1</sup> The Court held a status conference yesterday, resolving the dispute as follows.

Defendant shall produce CEO Sam Covelli for deposition. Such deposition shall not exceed three hours.

Plaintiffs indicated that they may be able to obtain the sought policy documents and training videos through pending third-party subpoenas. The Court defers ruling on the request for policy documents and training videos until the pending third-party subpoenas have been answered.

Regarding the 1,200 redacted documents, Defendant shall produce to Plaintiffs non-

<sup>1</sup> Doc. [152](#). Defendant responds. Doc. [156](#).

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redacted versions of any non-privileged documents. Defendant shall produce to the Court non-redacted versions of any privileged documents for *in camera* review, along with a detailed privilege log.

Plaintiffs shall refrain from publicly filing any Defendant-produced document marked as confidential without prior notice to Defendant.

Plaintiffs shall, no later than February 19, 2019, file a trial plan with the Court. That plan should—at a minimum—propose which issues the jury will decide.

IT IS SO ORDERED.

Dated: January 30, 2019

*s/ James S. Gwin*  
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JAMES S. GWIN  
UNITED STATES DISTRICT JUDGE