UNITED STATES DISTRICT COURT
FOR THE SOUTHERN DISTRICT OF OHIO
WESTERN DIVISION

EQUAL EMPLOYMENT OPPORTUNITY COMMISSION,	:	Case no. 1:17-cv-00515-SJD
	:	Dlott, J.
Plaintiff,		Litkovitz, M.J.
	:	
vs.		
	:	
R&L CARRIERS, INC. and R&L CARRIERS SHARED SERVICES, LLC,	:	
Defendants.	:	

This matter is before the Court following an informal discovery conference held on September 18, 2018. For the reasons previously stated on the record by the undersigned, the Court rules as follows:

Issue 1: (A) Whether the Commission must allow class member Kristy Baker to answer questions regarding her medical condition.

The EEOC must permit the questioning of Kristy Baker on her medical condition at a follow-up deposition. Ms. Baker's workers' compensation attorney shall be invited to participate in the follow-up deposition to protect Ms. Baker's rights and interests in her separately pending workers' compensation case. The deposition shall be scheduled at a mutually agreeable time and date for all participants involved. The parties must use their best efforts to minimize the cost and burden to the deponent and the parties by considering the use of an audiovideo or telephonic deposition.

(B) Whether the Commission must produce documents pertaining to Kristy Baker's workers' compensation claim.

The EEOC must produce the medical records submitted in connection with Ms. Baker's workers' compensation claim. However, the additional information included in Ms. Baker's file, such as investigations or reports by her former employer, is not discoverable and need not be produced.

Issue 2: Whether the Commission must produce documents responsive to Defendants' Third Request for Production of Documents, Request No. 1, which seeks EEOC policies, reports or practices which pertain or relate to incentives for EEOC investigators who successfully identify, investigate, and/or litigate systemic cases, partner with other offices and staff on systemic cases, or develop systemic expertise among staff.

Defendant's request for this information is denied. The EEOC need not produce information related to incentives for EEOC investigators.

Issue 3: Whether the Commission must produce transcripts of depositions of the investigators and topics identified in Defendants' Second Request for Production of Documents, Request No. 1, as narrowed by Defendants' letter of July 23.

Defendant's request for this information is granted.

IT IS SO ORDERED.

Date: 9/18/18

Karen L. Litkovitz
United States Magistrate Judge