

**UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF OHIO
WESTERN DIVISION**

EQUAL EMPLOYMENT
OPPORTUNITY COMMISSION
Plaintiff,

Case No. 1:17-cv-515

Dlott, J.
Litkovitz, M.J.

vs.

R & L CARRIERS, INC., et al.,
Defendants.

ORDER

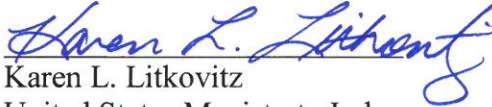
This matter is before the Court following an informal discovery conference held on June 13, 2019, regarding issues surrounding plaintiff's requests to video record and photograph the R&L worksite by means of a drone, fixed cameras situated at specified locations within the R&L facility, and a photographer stationed at a site inside the facility. For the reasons stated on the record at the conference, the issues raised by the parties are resolved as follows:

1. Pursuant to Fed. R. Civ. P. 26(b)(1), plaintiff's request to operate a drone inside defendants' facility is denied due to the legitimate safety concerns raised by defendants and the availability of reasonable alternatives for plaintiff to obtain the information it seeks.
2. Plaintiff will instead obtain this information by placing cameras at specified locations inside defendants' facility. Plaintiff and defendants will collaborate to reach an agreement on sites for the placement of these cameras which will achieve plaintiff's goal of obtaining photographic and video documentation that is relevant to its claims, while also accommodating defendants' concerns about workplace safety.

3. In accordance with the federal rules, the scope of discovery in this matter, including discovery obtained through video recordings and photographs, is limited to material that is relevant to the claims and defenses in this lawsuit. *See* Fed. R. Civ. P. 26(b)(1) (“Parties may obtain discovery regarding any nonprivileged matter that is relevant to any party’s claim or defense and proportional to the needs of the case. . . .”). If plaintiff seeks to use the material it obtains in this lawsuit for any purpose that goes beyond the scope of the lawsuit, and there is authority for plaintiff’s position that it has the right to do so, then plaintiff is free to raise this issue with the Court in the future and the Court will address plaintiff’s position at that time.

IT IS SO ORDERED.

Date: 6/13/19


Karen L. Litkovitz
United States Magistrate Judge