

IN THE UNITED STATES DISTRICT COURT
FOR THE SOUTHERN DISTRICT OF OHIO
EASTERN DIVISION

Jason Monsul,	:	
Plaintiff	:	Civil Action 2:08-cv-958
V.	:	Judge Frost
Ohashi Technica U.S.A., Inc., <i>et al.</i> ,	:	Magistrate Judge Abel
Defendants.	:	
Lowell Meade,	:	
Plaintiff	:	Civil Action 2:08-cv-959
V.	:	Judge Frost
Ohashi Technica U.S.A., Inc., <i>et al.</i> ,	:	Magistrate Judge Kemp
Defendants.	:	
Kathleen Cautela,	:	Civil Action 2:08-cv-960
Plaintiff	:	Judge Frost
V.	:	Magistrate Judge King
Ohashi Technica U.S.A., Inc., <i>et al.</i> ,	:	
Defendants.	:	

Discovery Conference Order

On August 10, 2009, counsel for the parties appeared for a discovery conference with the Magistrate Judge. During that conference, the following rulings were made.

Ohashi has approximately 74 employees at its Sunbury facility. Ohashi is a manufacturer of auto parts. Its employees work in manufacturing, sales, IT, management, and personnel.

Plaintiff Jason Mounsul is the quality control manager. He applied for the positions of quality assurance manager and plant manager. Plaintiff Lowell Meade was the quality assurance manager. Ohashi discharged him from employment, asserting that he disclosed confidential information (salaries) to another employee. Plaintiff Kathleen Cautela was hired as a sales assistant and to assist the IT manager. She applied for a sales representative position and an IT position. Plaintiffs plead claims for national origin discrimination (non-Japanese employees subjected to less favorable terms and conditions of employment than Japanese employees), gender discrimination (Cautela), hostile work environment, infliction of emotional distress, retaliation, harassment, and Equal Pay Act (Cautela).

Salaries. As Ohashi argues, salary information can be highly confidential. Ohashi is entitled to a protective order limiting salary information to plaintiffs' attorneys' eyes only. At the same time, plaintiffs need access to salary information to determine whether there is evidentiary support for their belief that Japanese employees were paid more than non-Japanese employees for comparable work.

Accordingly, defendants are ORDERED to provide for plaintiffs Monsul and Meade the salaries (car, housing, automobile and housing) of all the management employees at their level of the Ohashi Sunbury facility organization chart displayed by defense counsel at the discovery conference. For Monsul that includes the salary for the

quality assurance manager and plant manager positions he applied for. For plaintiff Cautela, defendants are ORDERED to provide the salaries of all the sales assistants and all the sales representative positions. She is also entitled to the salary of the IT position she applied for. Defendants are FURTHER ORDERED to produce to plaintiffs Monsul and Meade the names, position held, and salaries of any employee below their level on the organizational chart who earned a salary (salary and bonuses) 95% or more of the salary of the lowest paid manager at their (Monsul's and Meade's) level on the organizational chart.

Discrimination complaints. Defendants are ORDERED to produce discrimination complaints filed with the EEOC, OCRC or internally within the last 5 years.

Plaintiffs' Document Requests Nos. 12 and plaintiff Meade's Document Request No. 22. Request No. 12 seeks "all documents constituting or relating to any communications regarding Jason Monsul, Kathleen Cautela, Lowell Meade, Pat McDermott, or Steve Conti during the past five (5) years." Request No. 22 seeks "all emails and correspondence between and among the individual defendants regarding" Meade. Defendants are willing to consider producing any communications among the named defendants about Monsul, Meade or Cautella during the last 24 months before suit was filed.

Chuck Beach's job qualifications. Defendants will produce them.

Monsul's Interrogatory No. 17. This interrogatory seeks "all persons in charge of hiring and firing at the Sunbury location during the past five years." Defense counsel will look at who was involved and respond further to this interrogatory.

Resumes. Defendants are ORDERED to produce the resumes of Pat McDermott, John Hamilton, Dennis Leckron, Yoshinari Douyami, Masaya Hirose and Hikaru Tatiewa.

Plaintiff Meade's Document Requests Nos. 18 and 20. These requests seek paperwork for leased cars and records for housing payments. Defendants are ORDERED to produce as salary information payments made to lease cars and/or provide housing for employees.

Minutes of meetings where plaintiff Meade/Monsul alleges he was called derogatory names. Defendants agreed to produce these meeting minutes.

Confidential payroll information taken from Ohashi. Any plaintiff who had within his possession or under his control the payroll documents referenced in defendants' interrogatory is ORDERED to answer the interrogatory stating the dates he had the documents within his possession or under his control.

Documents referenced in Meade's letter to the EEOC. Meade is ORDERED to produce those documents if they are in his possession or under his control.

Medical provider information. Plaintiffs will produce once there is a protective order in place.

Plaintiffs' resumes. Meade and Monsul have produced their resumes. Cautela recently obtained employment, but she does not have a resume. She prepared her last resume while working at Ohashi. She no longer has access to the computer and does not have a copy of that resume.

s/Mark R. Abel
United States Magistrate Judge