

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF FLORIDA

CASE NO.: 01-7089-CIV-LENARD/MCALILEY

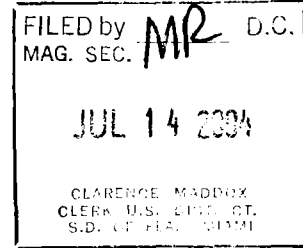
BETH FORRY,

Plaintiff,

v.

FEDERATED FINANCIAL SERVICES, INC.,

Defendant.



**ORDER GRANTING IN PART PLAINTIFF BETH FORRY'S MOTION
TO COMPEL DEFENDANT'S RESPONSE TO PLAINTIFF BETH FORRY'S
THIRD REQUEST FOR PRODUCTION**

This matter is before the Court upon Plaintiff Beth Forry's Motion to Compel Defendant's Response to Plaintiff Beth Forry's Third Request for Production, [DE # 218, 6/10/04]. Upon review of Plaintiff's Motion and the Defendant's Response in Opposition thereto, [DE # 243, 6/25/04], Plaintiff's Motion is GRANTED in part and DENIED in part as provided below.

Some of the Defendant's objections are boilerplate and do not provide sufficient grounds for the Defendant to avoid production of documents and thus will be overruled and, as provided below, the Defendant will be ordered to produce such documents. On the other hand, to the extent that Plaintiff does not expect her document production requests themselves to result in the production of admissible evidence, but are intended as the beginning of a process that might eventually lead to the discovery of admissible evidence,

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/A

Item 21: Defendant's objection is upheld. The parties shall exchange trial exhibits etc. as directed by the Honorable Joan A. Lenard.

Item 22: This request is untimely and the Defendant's objection is upheld.

Item 23 and 24: The Defendant's objections are overruled to this extent: Defendant shall produce responsive documents for the years 2001, 2002 and 2003.

Item 25: The Defendant's objection is upheld.

Item 26: This request is untimely and the Defendant's objection is upheld.

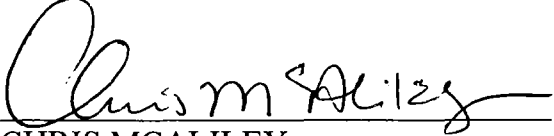
Item 27: The Defendant's objection is overruled as Defendant has failed to establish that responsive documents are subject to an evidentiary privilege. Defendant shall produce the responsive documents.

Item 28: The Defendant's objection is overruled to this extent: Defendant shall produce responsive documents for the years 2001, 2002 and 2003.

Item 29: This request is untimely and the Defendant's objection is upheld.

It is further ordered that the Defendant shall provide the Plaintiff with its response, by hand delivery, no later than 5:00 p.m. July 23, 2004.

DONE AND ORDERED in chambers, in Miami, Florida this 13th day of July, 2004.


CHRIS MCALILEY
UNITED STATES MAGISTRATE JUDGE

Copies to: Cheryl A. Cooper, Esq. (305/536-4494, Fax)
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Item 9, 10, 11 and 12: The Defendant's objections are overruled; the Defendant shall produce responsive documents.

Item 13 (first): The Defendant's objection is overruled; the Defendant shall produce responsive documents.

Item 13 (second) and 15: The Defendant's objection to personnel files is upheld. The Defendant's other objections are overruled and Defendant shall produce responsive documents.

Item 16: If the Defendant has not already done so, it shall immediately produce these documents.

Item 17: The Defendant's objection is overruled; Defendant shall produce the responsive documents.

Item 18: The Defendant's objection is overruled; Defendant shall produce the responsive documents.

Item 19: The Defendant's objection is upheld to the extent that this request calls for the production of cancelled checks for payment of salary or income earned from employment by the Defendant. To the extent there are other responsive documents, Defendant shall produce them.

Item 20: Plaintiff justifies this request by stating that it may allow the Plaintiff to identify temporary employees and thus to possibly develop new witnesses. Such a request is untimely and the Defendant's objection is upheld.

those requests will be denied. Plaintiff served this discovery request exactly thirty days before the discovery cut-off date of April 30, 2004, knowing that there would be no additional time in which she could engage in additional discovery so that she might follow-up “leads” presented by the requested documents. In this regard, this Court agrees with the Defendant that it is far too late in the nearly three year discovery period to engage in such broad discovery.

Item 1: Defendant’s objection is overruled. The Defendant shall produce responsive documents.

Item 2: This request is overly broad; the Defendant’s objection is upheld.

Item 3: Plaintiff justifies this request by stating that “sources of e-mail communications surely could lead to the discovery of relevant evidence.” Since the Plaintiff is out of time to follow the production of these documents with new discovery requests, this request is overly broad and untimely, and therefore the Defendant’s objection is upheld.

Item 4: The Defendant’s objection is upheld.

Items 5 and 6: Plaintiff justifies this request, stating that it “may lead to evidence of, for example, other constructive discharges.” Simply put, it is too late in the lengthy discovery process for Plaintiff to open this line of inquiry. Defendant’s objection is upheld.

Item 7. Defendant’s objection is upheld as the Plaintiff has failed to satisfy this Court that production of personnel files would not impinge on witnesses’ rights to privacy.

Item 8: Defendant’s objection is upheld.