

IN THE DISTRICT COURT OF THE UNITED STATES

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5-14-01  
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FOR THE DISTRICT OF SOUTH CAROLINA

**FILED**

ROCK HILL DIVISION

MAY 14 2001

EQUAL EMPLOYMENT )  
OPPORTUNITY COMMISSION, )  
and ANTHONY T. DIXON, )

LARRY W. PROPPS, CLERK  
COLUMBIA, S.C.

Plaintiffs, )

Civil Action No. 0:00-3076-22BD

v. )

**ORDER**

CELANESE ACETATE, LLC., )

Defendant. )

This action has been filed by the Plaintiffs asserting claims for race discrimination and hostile work environment under Title VII of the Civil Rights Act of 1964, 42 U.S.C. § 2000e, *et. seq.*. This matter is before the Court on motion of the EEOC seeking an order from this Court compelling the Defendant to produce the materials sought in the EEOC's Request to Produce Nos. 11, 12, 13 and 14. Rule 37(a)(2)(B), Fed.R.Civ.P.

The EEOC's Request to Produce Nos. 11, 12, and 13 seek any and all records maintained by the Defendant with regard to Defendant's employees Eddie Dawkins, Dewey Dixon, and Sam Comer, including personnel files and supervisor's notes regarding these employees. The EEOC asserts that Dawkins is an alleged harasser and will be called as a witness in this case, and that the material sought may contain work evaluations or notations that further support circumstantial evidence that Dawkins engaged in harassment of Anthony Dixon, or may otherwise reflect on Dawkins' credibility. With regard to the other two individuals, Dewey Dixon is Anthony Dixon's brother, and Defendant contends that Dewey Dixon, a supervisor, had knowledge concerning an

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incident involving a noose which is part of the alleged harassment of Anthony Dixon. Comer was Anthony Dixon's supervisor, and the EEOC asserts that Comer and Dewey Dixon's personnel records may contain evidence of counseling or perhaps other disciplinary action with respect to racial harassment or Anthony Dixon's claims.

In its response to the EEOC's motion, Defendant notes that it has already provided the records pertaining to Eddie Dawkins that it contends are relevant to the case, and is agreeable to providing this same information (to the extent it may exist) in Dewey Dixon's and Comer's records as well, but that it does not believe it should be required to produce the complete personnel files and other requested records of these employees, since such records might contain significant personal information which has no relevance to this case or the claims presented. The Court agrees.

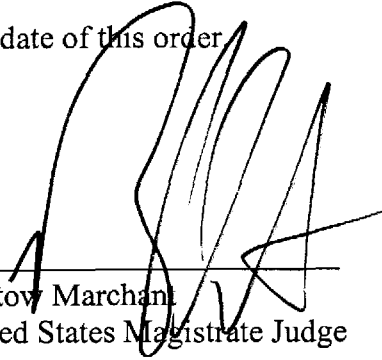
A personnel file can contain significant amounts of information about an individual much of which may be highly personal in nature. As such, a personnel file (particularly of a non-party) should not be subject to blanket disclosure to third parties unless the information contained therein is clearly relevant to a claim or defense of a party in a case or is reasonably calculated to lead to the discovery of admissible evidence. See Hofer v. Mack Trucks, Inc., 981 F.2d 377, 380 (8th Cir. 1992); Onwuka v. Federal Express Corp., 178 F.R.D. 508, 516 (D.Mn. 1997), quoting Carlson Co., Inc. v. Sperry & Hutchinson Co., 374 F.Supp. 1080, 1089 (D.Mn. 1974). Therefore, the EEOC's motion for a blanket production of these files is **denied**.

The EEOC is, however, entitled to production of any and all information which *does* bear on the claims asserted in this case, or may be reasonably calculated to lead to the discovery of such evidence. Further, while the Court does not believe a blanket production of the requested records is justified in this case for the reasons stated, the EEOC's reticence in allowing the Defendant to determine what material in these files may or may not be relevant is not unreasonable. Therefore,

**IT IS ORDERED** that the Defendant shall provide the files and records sought in the EEOC's Request to Produce Nos. 11, 12 and 13 to the Court for in camera review within ten (10) days of the date of this order. Following in camera review, the Court shall designate what information or material in these records shall be produced to the EEOC in accordance with the standards for production set forth in Rule 26, Fed.R.Civ.P.

Finally, in Request to Produce No. 14 the EEOC seeks production of any and all environmental hazard notices and material safety data sheets in the Defendant's possession regarding any substances identified in the Defendant's answers to EEOC's first set of interrogatories, including the substance "never-seize" and the "grease compound" placed on Anthony Dixon's tool box. This request relates to substances to which Anthony Dixon may have been exposed in the course of the harassment alleged in the Complaint. It does not appear to be contested in the evidence that Anthony Dixon was in fact exposed to these substances by other workers. Therefore, the EEOC's motion to compel with respect to Request to Produce No. 14 is **granted**. The Defendant is directed to respond to Request to Produce No. 14 within ten (10) days of the date of this order.

**IT IS SO ORDERED.**

  
Bristow Marchant  
United States Magistrate Judge

Columbia, South Carolina

May 14, 2001

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