

**IN THE UNITED STATES DISTRICT COURT
FOR THE CENTRAL DISTRICT OF ILLINOIS
URBANA DIVISION**

**U.S. EQUAL EMPLOYMENT
OPPORTUNITY COMMISSION,**

Plaintiff,

v.

RENT-A-CENTER EAST, INC.,

Defendant.

Case No. 16-cv-2222

Judge Bruce

Magistrate Judge Long

**PLAINTIFF EEOC'S MOTION TO QUASH EIGHT
SUBPOENAS AND FOR A PROTECTIVE ORDER**

Defendant Rent-A-Center East, Inc. (“Defendant”) has notified Plaintiff U.S. Equal Employment Opportunity Commission (“EEOC”) that it intends to serve eight third-party subpoenas on the current employer of Charging Party Megan Kerr, four of her former employers, two schools she attended, and the Village of Rantoul Department of Public Works, which provided electric and water service for a business she used to operate. The subpoenas would seek “any and all” records that each of these entities has concerning Ms. Kerr, some of it from nearly two decades ago. Additionally, Defendant has requested that Ms. Kerr authorize Defendant’s attorneys to obtain her entire military personnel file from the U.S. Army, including records of promotions, demotions, discipline and other matters from her military service in 1997-2001.

The documents sought by Defendant are largely irrelevant to the merits of this case, and the requests unnecessarily pry into private aspects of Ms. Kerr’s life and threaten to interfere with her relationships with other employers — including, most significantly, her current employer. To the extent that a small portion of the requests relate to backpay, it is duplicative, more appropriately obtained from other sources, and not proportional to the needs of this case.

Wherefore, pursuant to Rules 26(c) and 45(c)(3) of the Federal Rules of Civil Procedure, the EEOC respectfully moves for an order quashing the subpoenas proposed by Defendant and/or for a protective order barring Defendant from issuing the proposed subpoenas, as well as a protective order barring Defendant from seeking Ms. Kerr’s military records.¹

BACKGROUND

Rent-A-Center is a rent-to-own retailer of furniture, electronics, appliances, and computers. Answer [ECF No. 9] ¶ 6. The EEOC’s Complaint alleges that in July 2014,

¹ Defendant requested the military records authorization form by way of a Rule 34 request to the EEOC, to which the EEOC objected. Typically it would be the Defendant’s task to file a motion to compel on that request. However, based on the informal conference held by the Court, the EEOC understands that its motion should address the matters raised by the parties during that conference. Accordingly, the EEOC addresses the request for military records in this motion.

Defendant discharged Megan Kerr, an employee at its Rantoul, Illinois retail store, because of her sex — specifically, because she is transgender and/or because of her gender transition.

Complaint [ECF No. 1] ¶ 14.

The Subpoenas and Military Records Request

On February 24, 2017, Defendant notified the EEOC that it intends to issue nine subpoenas to various employers, schools, and other entities, seeking all documents in their possession that concern Ms. Kerr.² Defendant later provided the EEOC with copies of the subpoenas, eight of which are at issue here.³ See Subpoenas, attached as Exhs. 1-8.

The five employer subpoenas state that they seek “any and all employment file records” of Ms. Kerr, including “but not limited to” an exhaustive list of documents that captures every type of record an employer might conceivably have for an employee. See Exhs. 1-5. Three of the four former employers are a pizzeria Ms. Kerr worked at in Texas in the late 1990s and two video game stores at which she has not worked since 2006. The period for which the EEOC seeks lost wages in this case begins nearly a decade later, when Defendant terminated Ms. Kerr in July 2014. The fourth former employer (Demon Dawgs) is a hot dog restaurant at which Ms. Kerr testified she worked for a few weeks in 2016, prior to finding employment in August 2016 at her current employer, a musical instrument retailer (the recipient of the fifth subpoena).

The two educational institution subpoenas likewise seek “any and all academic records,” including “but not limited to” an exhaustive list of documents that captures every type of record a college might have concerning a student, including everything from grades, to SAT scores, to medical records to “any other type of document contained in your files and/or offices pertaining

² In light of the filing of this motion, Defendant “shall refrain from serving the subpoena[s] upon any non-party until after the Court has ruled on the motion.” Report of Rule 26(f) Planning Meeting [ECF No. 13] ¶ 6, *adopted by the Court in Minute Entry* dated Sep. 13, 2016.

³ The EEOC has notified Defendant that, despite the agency’s concerns, it will not move to quash one of the nine subpoenas, which is directed to the Illinois Department of Employment Security

to Megan Kerr....” See Exhs. 6-7. One subpoena is directed to Grayson College, which she attended around 2004-2005, and the other is directed to Moraine Valley Community College, which she attended for part of the 2014-2015 school year to pursue a Bachelors of Arts.

The eighth subpoena is directed to the Village of Rantoul Department of Public Works, which provided electricity and gas service to a tattoo shop that Ms. Kerr operated during her last year at Rent-A-Center, but which she closed in 2014. The subpoena seeks “all documents” related to utility service for the shop, including “invoices and payments.” See Exh. 8.

Finally, Defendant has also requested that the EEOC have Ms. Kerr complete a form that would authorize the release of her Army service records from 1997-2001, when she served as an ammunition specialist. See Exh. 9. During her time in the military, Ms. Kerr was the subject of a proceeding under the Don’t Ask Don’t Tell policy then in effect. While she was permitted to complete her period of enlistment, this proceeding had a number of upsetting effects on her status in the military — all of which are sensitive matters that Ms. Kerr wishes to keep private.

Discovery and the EEOC’s Claim for Lost Wages

Although during the parties’ meet-and-confer Defendant stated that the requested materials were relevant to Ms. Kerr’s “credibility,” during the recent informal conference with the Court Defendant focused instead on the need for information about Ms. Kerr’s lost wages.

In this action, the EEOC seeks lost wages from the date Ms. Kerr’s was discharged from Rent-A-Center, July 21, 2014, through July 31, 2016 (“Backpay Period”). Ms. Kerr started working for her current employer on or around August 1, 2016.⁴

and seeks “any and all records” concerning “a claim for unemployment insurance” by Ms. Kerr.

⁴ Originally the EEOC sought lost wages for periods after August 1, 2016, as well, since Ms. Kerr was earning less at her current employer than she had at Rent-A-Center. However, as the pay differential at issue for that period is small, the EEOC has determined to waive any claim for backpay in this case for periods after July 31, 2016. Accordingly, the EEOC hereby represents that it will not seek any lost wages for the period of time after Ms. Kerr began working at her current employer. The EEOC will supplement its Rule 26(a)(1) disclosures accordingly.

During discovery, the EEOC has provided information and documents reflecting Ms. Kerr's earned income (or lack thereof) for the Backpay Period. To document any earned income after Ms. Kerr's termination from Rent-A-Center, the EEOC has had Ms. Kerr complete IRS Form 4506-T (Request for Transcript of Tax Return), for 2013, 2014, and 2015, which caused the IRS to generate a reports of all Form W-2 and 1099 information for Ms. Kerr during those years. Those reports were given to Defendant on November 9, 2016. The EEOC is in the process of requesting 2016 tax transcript information from the IRS, and will produce that too.⁵

Accordingly, to the limited extent the subpoenas seek interim earnings information that is genuinely relevant and proportional to the needs of this litigation, they entirely duplicate discovery requests to which the EEOC has responded.

ARGUMENT

Rule 26(c) authorizes a party to move for a protective order “to protect a party or person from annoyance, embarrassment, oppression, or undue burden or expense....” Fed. R.Civ.P. 26(c)(1). Rule 45(d)(3) additionally requires that, on timely motion, a court “must quash or modify a subpoena that ... subjects a person to undue burden.” Fed.R.Civ.P. 45(d)(3). Moreover, “[o]n motion or on its own, the court must limit the frequency or extent of discovery otherwise allowed by these rules ... if it determines that: (i) the discovery sought is unreasonably cumulative or duplicative, *or can be obtained from some other source* that is more convenient, less burdensome, or less expensive....” Fed.R.Civ.P. 26(b)(2)(C) (emphasis added).

The rules also limit the scope of discovery to matters that are “relevant to any party’s claim or defense and proportional to the needs of the case, considering the importance of the issues at stake in the action, the amount in controversy, ... the importance of the discovery in resolving the issues, and whether the burden or expense of the proposed discovery outweighs its

⁵ The IRS’s tax transcript reports for a particular year become available sometime during the first few months of the subsequent year, and so the 2016 transcript report should be available shortly.

likely benefit.” Fed.R.Civ.P. 26(b)(1). The Supreme Court has recognized that the prospect of employer-defendants “as a routine matter undertak[ing] extensive discovery into an employee’s background or performance on the job [at other employers]” is a “not an insubstantial” concern, but one that the Court assumed district courts would prevent through application “appropriate provisions of the Federal Rules of Civil Procedure.” See McKennon v. Nashville Banner Co., 513 U.S. 352, 363 (1995) (discussing risks of the “after-acquired evidence” defense).

Applying the discovery limits set forth in the appropriate provisions of the rules, Defendant’s proposed subpoenas should be quashed and its inquiry into Ms. Kerr’s military service nearly two decades ago should be prohibited. The subpoenas’ broad and undifferentiated requests for “all information” within the employers’ and schools’ possession would sweep up all kinds of information that is irrelevant to this case.

To the extent any relevant interim earnings information happens to be encompassed by any of the employer subpoenas, the EEOC has produced and will continue to produce W-2 information from Ms. Kerr and/or from the IRS that reflects any amounts earned by her after her discharge from Rent-A-Center. Cf. 42 U.S.C. § 2000e-5(g)(1) (backpay may be reduced by “interim earnings”). To address any doubt Defendant may have as to whether Ms. Kerr has all of her W-2 and 1099 forms, the EEOC has had her complete IRS Form 4506-T (Request for Transcript of Tax Return), so that a complete record of such information is obtained from the IRS directly. Given this, the proposed subpoenas have no “likely benefit,” Fed.R.Civ.P. 26(b)(1), and even if they did, it would be too attenuated and speculative to outweigh the reputational and privacy injuries they would impose on Ms. Kerr.

Moreover, Ms. Kerr’s compensation during late 1990s and early 2000s (from the pizzeria and video game stores in Texas) is irrelevant to a claim for backpay that spans July 2014 through July 2016. Likewise, because the Backpay Period ends in July 2016, Ms. Kerr’s compensation at her current employer, between August 2016 and the present, is also irrelevant. The EEOC

expects that the Ms. Kerr's earnings during her brief stint at Demon Dawgs earlier in 2016 will be reflected in the IRS tax transcript report for 2016 or other pay records that can be provided.⁶

The interests Defendant has articulated in issuing the proposed subpoenas are either wholly irrelevant or of extremely attenuated relevance that does not satisfy the balancing required by Rule 26(b)(1). In its meet-and-confer with the EEOC, Defendant has suggested that the records sought by the subpoenas are relevant to Ms. Kerr's "credibility." Defendant appears to hope that by obtaining large batches of records from various institutions with which Ms. Kerr has been associated over the last couple decades, it will be able to document instances in which Ms. Kerr has inaccurately represented some aspect of her life to someone, somewhere.

Courts in this circuit have rejected such rationales for issuing subpoenas to subsequent (or prior) employers, deeming them to be speculative, harassing, and an abuse of the discovery process. As one court noted: "If filing what is, by all appearances to the court, a fairly routine case alleging individual employment discrimination opens up the prospect of discovery directed at all previous, current, and prospective employers, there is a serious risk that such discovery can become 'an instrument for delay or oppression.'" Perry v. Beck Lock Corp., 1999 WL 33494858, *2 (S.D. Ind. 1999). "The fact that one can imagine these subpoenas leading to the discovery of admissible evidence is not alone sufficient to justify their enforcement." Id.

In Perry, the defendant issued subpoenas to the plaintiff's past, prospective and current employers for the purposes of developing an after-acquired evidence defense, investigating any performance or discipline problems of the plaintiff, and discovering if the plaintiff had filed frivolous discrimination claims against other employers. Id. at *2-3. The court granted the plaintiff's motion to quash because "there is no specific reason before the court suggesting that

⁶ The EEOC notes that Defendant has not raised with the EEOC any concern it may have about missing wage information from Demon Dawgs. Had Defendant raised this concern with the EEOC, we could have attempted to address it outside the context of motion practice.

the discovery [defendant] seeks from plaintiff's past, current, and prospective employers would have any material importance for resolving the issues presented in this case." Id. at *3.

Perry is not alone in reining in such sweeping use of the discovery rules. See EEOC v. United Road Towing, Inc., Case No. 10-cv-6259 (N.D.Ill.) (Castillo, J.) ("I do think this is pretty aggressive lawyering. There are collateral consequences to this type of discovery. I think there's a gentler way to proceed than this way, and I would hate to see something happen to this claimant with this employer because of this discrepancy") (Tr. of Proceedings, July 19, 2011, attached as Exh. 9); EEOC v. Jewel Food Stores, Inc., Case No. 04-cv-8139 (N.D.Ill.) (Gottschall, J.) (granting motion to quash subpoena stating that it represented merely a "fishing expedition" into the charging party's prior employment; and further holding that the prejudice of such a subpoena to the charging party outweighed any potential benefit to the defendant) (Tr. of Proceedings, April 14, 2005, attached as Exh. 10); EEOC v. Caterpillar Inc., Case No. 03-cv-5363 (N.D.Ill.) (Pallmeyer, J.) (granting motion to quash subpoena because the request was "harassing" and "all of the information that's relevant can be obtained from [the Charging Party] or from the EEOC directly") (Tr. of Proceedings, February 18, 2005, attached as Exh. 11); EEOC v. Pepsi Americas, Inc., Case No. 03-cv-6576 (N.D.Ill.) (Shadur, J.) (granting motion for protective order because subpoena for records of plaintiff-intervenor's current employer "has all of the earmarks of basically harassment" and "is the kind of thing for which discovery is not geared") (Tr. of Proceedings, September 17, 2004, attached as Exh. 12); see also Collins v. Midwest Medical Records Assoc., Inc., 2008 WL 789471, at * 1-2 (E.D. Wis. Feb. 7, 2008) (granting motion to quash subpoenas to the plaintiff's current and former employers because the defendant did not establish that the documents were sufficiently relevant to outweigh the harm to the plaintiff and were only subpoenaed to see "what might be out there"); Woods v. Fresenius Med. Care Group of North Am., 2008 WL 151836, at *2 (S.D. Ind. Jan. 16, 2008) ("Because the Defendant has failed to demonstrate that its subpoenas to the Plaintiff's past and current

employers are based upon anything other than the Defendant's hope that the documents sought might prove useful in this case, the Plaintiff's motion to quash the subpoenas is granted").⁷

By issuing the proposed subpoenas, Defendant would alert Ms. Kerr's current and former employers that she is involved in litigation brought against another former employer. This harm is more than just hypothetical. Aggrieved individuals in the EEOC's cases routinely express concern their employment prospects will be harmed if other employers learn that they have filed charges against or are otherwise involved in litigation against a former employer.⁸

In short, "an employment discrimination plaintiff does not open her entire work history up for discovery by the defendant as a matter of course." Woods, 2008 WL 151836, at *1. "[R]ather, the defendant must demonstrate a *specific reason* why the information is relevant to the particular claims and defenses in the case at hand." Id. (emphasis added). The primary issue in this suit is whether Defendant discharged Ms. Kerr because of sex or not. Her work history and school records "have nothing to do with that[, a]nd any peripheral relevance the requested

⁷ The fact that some of the employers at issue here are not Ms. Kerr's current employer does not eliminate this harm, as employers routinely ask for and check references from prior employers. Additionally, as the court noted in Jewel Food Stores, Inc., subpoenas to subsequent employers make it costly for employers to employ claimants in discrimination cases and are therefore prejudicial to the claimants. See Jewel, Exh. 4 at pp. 3-4; see also Graham v. Casey's General Stores, 206 F.R.D. 251, 256 (S.D. Ind. 2002) (recognizing that the plaintiff had "a legitimate concern that a subpoena sent to her current employer under the guise of a discovery request could be a tool for harassment and result in difficulties for her in her new job").

⁸ The chilling effect of a defendant's seeking highly private and personal information for a victim of discrimination simply as a matter of course additionally burdens the EEOC's law enforcement responsibilities. The EEOC's principal purpose in bringing this suit is to enforce Title VII and to deter future violations by this and other employers. See General Telephone Co. of Northwest, Inc. v. EEOC, 446 U.S. 318, 326 (1980); In re Bemis, 279 F.3d 419, 422 (7th Cir. 2002) ("EEOC's primary role is that of a law enforcement agency and it is merely a detail that it pays over any monetary relief obtained to the victims of the defendant's violation rather than pocketing the money itself and putting them to the bother of suing separately."). The EEOC cannot, as a practical matter, do that effectively without the cooperation of aggrieved individuals. If being involved in a suit such as this involves, as a matter of course, opening up most aspects of one's life to searching examination by defendant's lawyers, rational people will more frequently decline to participate, undermining the government's goals of specific and general deterrence.

documents might conceivably have is decisively outweighed by the potential for harassment or reputational injury presented by a subpoena to such a former employer.” See Vuona v. Merrill Lynch & Co., 2011 WL 5553709, at *9 (S.D.N.Y. Nov. 15, 2011).

Defendant apparently wishes to attack Ms. Kerr’s credibility by pointing to inaccuracies in certain of Ms. Kerr’s resumes. However, Ms. Kerr has already acknowledged any known errors at her deposition when asked: For example, one online resume indicates incorrectly that Ms. Kerr received a combat service ribbon from the Army, when in fact she received an “Army service ribbon” (not connected with combat). Ms. Kerr unequivocally agreed at her deposition that she does not have a combat service ribbon, and so even if this is permitted to be raised at trial, Defendant already has all the information it needs in order to contradict the statement in the resume.⁹ To take another example, Defendant appears to want to see whether Ms. Kerr really received an EMT certificate from Grayson College in 2005. The EEOC is aware of no reason to doubt that she did, and Defendant has not shared any such reason with the EEOC. Defendant should not be permitted to subpoena Ms. Kerr’s entire academic record on the hope that some inconsistency turns up.¹⁰

Finally, the subpoena to the Village of Rantoul is simply irrelevant. The Rent-A-Center store manager who fired Ms. Kerr — supposedly for using a company vehicle without permission — has testified that he believed Ms. Kerr was using the company vehicle to move her own personal belongings rather than to deliver merchandise. His stated reason for suspecting this is that he believed at the time that Ms. Kerr had been evicted from her home, see Exh. 13

⁹ Moreover, Defendant would have no use at trial for the documents it seeks because “extrinsic evidence is not admissible to prove specific instances of a witness’s conduct in order to attack or support the witness’s character for truthfulness.” F.R.E. 608(b).

¹⁰ Defendant has suggested that these matters are relevant to mitigation because prospective employers may not have hired Ms. Kerr because of the errors Defendant hopes to discover through these subpoenas. However, prospective employers do not have subpoena power and so could not have conducted the wide-ranging search for inaccuracies that Defendant proposes here.

¶ 7, although he stated at his deposition that more lately he leans more toward the view that it was the tattoo shop from which she had been evicted. This subpoena thus appears to be an effort to find support for the store manager's *present* suspicion that there was an eviction involving the tattoo shop. Apart from the fact that it is entirely unclear how utility records would show this, this is also simply irrelevant. The issue in this case is whether the store manager's alleged nondiscriminatory reason for firing Ms. Kerr in 2014 was *genuine*. Utility records that the manager never saw in 2014 can't answer that. The subpoena should be quashed.

CONCLUSION

Defendant's subpoenas and military records request are irrelevant, what little relevant information they encompass can be obtained in less intrusive, harassing, and burdensome ways, and any marginal benefit of these requests is far outweighed by their privacy and reputational costs to Ms. Kerr. The subpoenas should be quashed and the military records request prohibited.

March 21, 2017

Respectfully Submitted,

s/ Justin Mulaire

U.S. Equal Employment Opportunity Commission
33 Whitehall St., Fl. 5
New York, NY 10004
312-336-3744

Miles Shultz
Trial Attorney
U.S. Equal Employment Opportunity Commission
500 W. Madison St., Ste. 2000
Chicago, IL 60661

CERTIFICATE OF SERVICE

I hereby certify that on today's date, I caused the EEOC'S MOTION TO QUASH EIGHT SUBPOENAS AND FOR A PROTECTIVE ORDER to be served upon counsel to Defendant via the court's Electronic Case Filing system, pursuant to Local Rule 5.3(A).

I further certify that I attempted to file the foregoing document on the evening of March 21, 2017, but I encountered technical difficulty with the ECF system and was unable to file, and so I served the document upon opposing counsel by electronic mail at that time.

March 22, 2017

Respectfully Submitted,

s/ Justin Mulaire
U.S. Equal Employment Opportunity Commission
33 Whitehall St., Fl. 5
New York, NY 10004
212-336-3744

Wednesday, 22 March, 2017 09:16:22 AM
Clerk, U.S. District Court, ILCD

United States District Court
FOR THE Central DISTRICT OF ILLINOIS
Urbana DIVISION

U.S. Equal Employment Opportunity Commission)

vs.)

Ren-A-Center East, Inc.)

Civil Action No: 2:16-CV-02222

**SUBPOENA TO PRODUCE DOCUMENTS, INFORMATION, OR OBJECTS
OR TO PERMIT INSPECTION OF PREMISES IN A CIVIL ACTION**

TO: Custodian of Records for: ENZO'S PIZZARIA
11320 POPLAR CREEK LANE, ORLAND PARK, IL 60467

 x **Production:** YOU ARE COMMANDED to produce at the time, date, and place set forth below the following documents, electronically stored information, or objects, and to permit inspection, copying, testing, or sampling of the material: any and all employment file records, including but not limited to, personnel records, application for employment, correspondence and/or memoranda, records relating to reviews and/or promotions, days absent and/or time lost, pre-employment physical(s), post-employment physical(s), post-offer physical(s), employment history, correspondence, medical records, letters of recommendation, reasons for termination or leaving, reprimands, time cards, time sheets, records relating to lost wages, workers' compensation records and/or claims, insurance records and/or claims, payroll records, W-2 forms, W-4 forms, any franchise agreements between [redacted] Kerr and Enzo's, and any other records contained in your office(s) pertaining to the employment of [redacted] Kerr; DOB: [redacted] SSN: [redacted]

PLACE: ENZO'S PIZZARIA 11320 POPLAR CREEK LANE ORLAND PARK, IL 60467	DATE AND TIME INSTANTER
--	--------------------------------

 Inspection of Premises: YOU ARE COMMANDED to permit entry onto the designated premises, land, or other property possessed or controlled by you at the time, date, and location set forth below, so that the requesting party may inspect, measure, survey, photograph, test, or sample the property or any designated object or operation on it.

PLACE:	DATE AND TIME
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The following provisions of Fed. R. Civ. P. 45 are attached - Rule 45(c), relating to the place of compliance; Rule 45(d), relating to your protection as a person subject to a subpoena; and Rule 45(e) and (g), relating to your duty to respond to this subpoena and the potential consequences of not doing so.

Date: _____

CLERK OF COURT

OR

(Signature of Clerk or Deputy Clerk)

(Attorney's signature)

The name, address, e-mail address, and telephone number of the attorney representing the **Defendant**, who issues or requests this subpoena, are:

J. Bradley Spalding / Littler Mendelson, P.C.
1301 McKinney Street
Suite 1900, Houston, TX 77010
Phone: 713-951-9400 / Fax: 713-951-9212 / bspalding@littler.com

Notice to the person who issues or requests this subpoena

If this subpoena commands the production of documents, electronically stored information, or tangible things or the inspection of premises before trial, a notice and a copy of the subpoena must be served on each party in the case before it is served on the person to whom it is directed. Fed. R. Civ. P. 45(a)(4).

Civil Action No. 2:16-CV-02222

PROOF OF SERVICE

(This section should not be filed with the court unless required by Fed. R. Civ. P. 45.)

I received this subpoena for *(name of individual and title, if any)* _____
on *(date)* _____

I served the subpoena by delivering a copy to the named person as follows: _____ on
(date) _____; or

I returned the subpoena unexecuted because _____

Unless the subpoena was issued on behalf of the United States, or one of its officers or agents, I have also tendered to the witness fees for one day's attendance, and the mileage allowed by law, in the amount of \$ _____.

My fees are \$ _____ for travel and \$ _____ for services, for a total of \$ _____.

I declare under penalty of perjury that this information is true.

Date: _____

Server's signature

Printed name and title

Server's address

Additional information regarding attempted service, etc.:

Federal Rule of Civil Procedure 45 (c), (d), (e), and (g), (Effective 12/1/13)

(c) Place of Compliance.

(1) For a Trial, Hearing, or Deposition. A subpoena may command a person to attend a trial, hearing, or deposition only as follows:

(A) within 100 miles of where the person resides, is employed, or regularly transacts business in person; or

(B) within the state where the person resides, is employed, or regularly transacts business in person, if the person

(i) is a party or party's officer; or

(ii) is commanded to attend a trial and would not incur substantial expense.

(2) For Other Discovery. A subpoena may command:

(A) production of documents, electronically stored information, or tangible things at a place within 100 miles of where the person resides, is employed, or regularly transacts business in person; and

(B) inspection of premises at the premises to be inspected.

(d) Protecting a Person Subject to a Subpoena; Enforcement.

(1) Avoiding Undue Burden or Expense; Sanctions. A party or attorney responsible for issuing and serving a subpoena must take reasonable steps to avoid imposing undue burden or expense on a person subject to the subpoena. The issuing court must enforce this duty and impose an appropriate sanction — which may include lost earnings and reasonable attorney's fees — on a party or attorney who fails to comply.

(2) Command to Produce Materials or Permit Inspection.

(A) Appearance Not Required. A person commanded to produce documents, electronically stored information, or tangible things, or to permit the inspection of premises, need not appear in person at the place of production or inspection unless also commanded to appear for a deposition, hearing, or trial.

(B) Objections. A person commanded to produce documents or tangible things or to permit inspection may serve on the party or attorney designated in the subpoena a written objection to inspecting, copying, testing or sampling any or all of the materials or to inspecting the premises — or to producing electronically stored information in the form or forms requested. The objection must be served before the earlier of the time specified for compliance or 14 days after the subpoena is served. If an objection is made, the following rules apply:

(i) At any time, on notice to the commanded person, the serving party may move the issuing court for an order compelling production or inspection.

(ii) These acts may be required only as directed in the order, and the order must protect a person who is neither a party nor a party's officer from significant expense resulting from compliance.

(3) Quashing or Modifying a Subpoena.

(A) When Required. On timely motion, the court for the district where compliance is required must quash or modify a subpoena that:

(i) fails to allow a reasonable time to comply;

(ii) requires a person to comply beyond the geographical limits specified in Rule 45(c) here that person resides, is employed, or regularly transacts business in person — except that, subject to Rule 45(c)(3)(B)(iii), the person may be commanded to attend a trial by traveling from any such place within the state where for the district where compliance is required may, on motion, quire disclosure of privileged or other protected matter, if no exception or waiver applies; or

(iv) subjects a person to undue burden.

(B) When Permitted. To protect a person subject to or affected by a subpoena, the issuing court may, on motion, quash or modify the subpoena if it requires:

(i) disclosing a trade secret or other confidential research, development, or commercial information; or

(ii) disclosing an unretained expert's opinion or information that does not describe specific occurrences in dispute and results from the expert's study that was not requested by a party.

(C) Specifying Conditions as an Alternative. In the circumstances described in Rule 45(d)(3)(B), the court may, instead of quashing or modifying a subpoena, order appearance or production under specified conditions if the serving party:

(i) shows a substantial need for the testimony or material that cannot be otherwise met without undue hardship; and

(ii) ensures that the subpoenaed person will be reasonably compensated.

(e) Duties in Responding to a Subpoena.

(1) Producing Documents or Electronically Stored Information.

These procedures apply to producing documents or electronically stored information:

(A) Documents. A person responding to a subpoena to produce documents must produce them as they are kept in the ordinary course of business or must organize and label them to correspond to the categories in the demand.

(B) Form for Producing Electronically Stored Information Not Specified. If a subpoena does not specify a form for producing electronically stored information, the person responding must produce it in a form or forms in which it is ordinarily maintained or in a reasonably usable form or forms.

(C) Electronically Stored Information Produced in Only One Form. The person responding need not produce the same electronically stored information in more than one form.

(D) Inaccessible Electronically Stored Information. The person responding need not provide discovery of electronically stored information from sources that the person identifies as not reasonably accessible because of undue burden or cost. On motion to compel discovery or for a protective order, the person responding must show that the information is not reasonably accessible because of undue burden or cost. If that showing is made, the court may none the less order discovery from such sources if the requesting party shows good cause, considering the limitations of Rule 26(b)(2)(C). The court may specify conditions for the discovery.

(2) Claiming Privilege or Protection.

(A) Information Withheld. A person withholding subpoenaed information under a claim that it is privileged or subject to protection as trial-preparation material must:

(i) expressly make the claim; and

(ii) describe the nature of the withheld documents, communications, or tangible things in a manner that, without revealing information itself privileged or protected, will enable the parties to assess the claim.

(B) Information Produced. If information produced in response to a subpoena is subject to a claim of privilege or of protection as trial-preparation material, the person making the claim may notify any party that received the information of the claim and the basis for it. After being notified, a party must promptly return, sequester, or destroy the specified information and any copies it has; must not use or disclose the information until the claim is resolved; must take reasonable steps to retrieve the information if the party disclosed it before being notified; and may promptly present the information to the court under seal for a determination of the claim. The person who produced the information must preserve the information until the claim is resolved.

(g) Contempt.

The court for the district where compliance is required—and also, after a motion is transferred, the issuing court—may hold in contempt a person who, having been served, fails without adequate excuse to obey the subpoena or an order related to it.

U.S. LEGAL SUPPORT INC.
363 NORTH SAM HOUSTON PARKWAY E.
SUITE 1200
HOUSTON, TEXAS 77060
PHONE: 713-653-7100; FAX: 713-653-7171

March 3, 2017

Attn: Employment & Payroll Records

ENZO'S PIZZARIA
11320 POPLAR CREEK LANE
ORLAND PARK, IL 60467

Records requested: any and all employment file records, including but not limited to, personnel records, application for employment, correspondence and/or memoranda, records relating to reviews and/or promotions, days absent and/or time lost, pre-employment physical(s), post-employment physical(s), post-offer physical(s), employment history, correspondence, medical records, letters of recommendation, reasons for termination or leaving, reprimands, time cards, time sheets, records relating to lost wages, workers' compensation records and/or claims, insurance records and/or claims, payroll records, W-2 forms, W-4 forms, any franchise agreements between [REDACTED] Kerr and Enzo's, and any other records contained in your office(s) pertaining to the employment of [REDACTED] Kerr; DOB: [REDACTED]; SSN: [REDACTED]

Records pertaining to: [REDACTED] Kerr
DOB: [REDACTED] SSN: [REDACTED]

Dear Sir/Madam:

US Legal Support is a records retrieval service company that provides litigation support to the legal and insurance industry. Our attorney/client has requested that we locate records specified in the enclosed legal documents, *within 14 days*.

Please provide all requested documentation and complete each document accurately and completely. If the cost of providing the records exceeds \$50.00, please contact us BEFORE copying. Please check that all copies are legible, and that no information is omitted. Texas law requires a physician/hospital/medical clinic to furnish a patient's records within 30 days after a request is received (Tex. Rev. Civ. Stat. Ann., Article 4495b, §5.08(k)). Enclosed is a **SUBPOENA WITH A DEPOSITION BY WRITTEN QUESTIONS AND/OR AFFIDAVIT**. Please assist us by:

1. Answering **ALL** questions.
2. **SIGN** the deposition by written questions and/or affidavit.
3. Have the signatures **NOTARIZED**.
4. Return all **ORIGINAL** completed documents with a legible copy of the records to:

U.S. LEGAL SUPPORT, INC.
RECORDS DIVISION
363 NORTH SAM HOUSTON PARKWAY EAST, SUITE 1200
HOUSTON, TEXAS 77060

IF AFTER A THOROUGH SEARCH YOU FIND NO RECORDS OF THIS PERSON, PLEASE MAKE THIS STATEMENT ON ALL DOCUMENTS, SIGN, AND HAVE THEM NOTARIZED.

*****Please reference the following number when calling: 92502.001*****

Thank you very much for your cooperation and assistance.

Best regards,

US Legal Support

Wednesday, 22 March, 2017 09:16:22 AM
Clerk, U.S. District Court, ILCD

United States District Court
FOR THE Central DISTRICT OF ILLINOIS
Urbana DIVISION

U.S. Equal Employment Opportunity Commission)

Civil Action No: 2:16-CV-02222

vs.)

Ren-A-Center East, Inc.)

**SUBPOENA TO PRODUCE DOCUMENTS, INFORMATION, OR OBJECTS
OR TO PERMIT INSPECTION OF PREMISES IN A CIVIL ACTION**

TO: Custodian of Records for: **FX GAME EXCHANGE**
RICHLAND MALL
#226, 6001 W. WACO DRIVE, WACO, TX 76710

X **Production:** YOU ARE COMMANDED to produce at the time, date, and place set forth below the following documents, electronically stored information, or objects, and to permit inspection, copying, testing, or sampling of the material: any and all employment file records, including but not limited to, personnel records, application for employment, correspondence and/or memoranda, records relating to reviews and/or promotions, days absent and/or time lost, pre-employment physical(s), post-employment physical(s), post-offer physical(s), employment history, correspondence, medical records, letters of recommendation, reasons for termination or leaving, reprimands, time cards, time sheets, records relating to lost wages, workers' compensation records and/or claims, insurance records and/or claims, payroll records, W-2 forms, W-4 forms, any franchise agreements between [redacted] Kerr and FX Game Exchange, and any other records contained in your office(s) pertaining to the employment of [redacted] Kerr; DOB: [redacted] SSN: [redacted]

PLACE: FX GAME EXCHANGE RICHLAND MALL #226, 6001 W. WACO DRIVE WACO, TX 76710	DATE AND TIME INSTANTER
--	--------------------------------

 Inspection of Premises: YOU ARE COMMANDED to permit entry onto the designated premises, land, or other property possessed or controlled by you at the time, date, and location set forth below, so that the requesting party may inspect, measure, survey, photograph, test, or sample the property or any designated object or operation on it.

PLACE:	DATE AND TIME
--------	---------------

The following provisions of Fed. R. Civ. P. 45 are attached - Rule 45(c), relating to the place of compliance; Rule 45(d), relating to your protection as a person subject to a subpoena; and Rule 45(e) and (g), relating to your duty to respond to this subpoena and the potential consequences of not doing so.

Date: _____

CLERK OF COURT

OR

(Signature of Clerk or Deputy Clerk)

(Attorney's signature)

The name, address, e-mail address, and telephone number of the attorney representing the **Defendant**, who issues or requests this subpoena, are:

J. Bradley Spalding / Littler Mendelson, P.C.
1301 McKinney Street
Suite 1900, Houston, TX 77010
Phone: 713-951-9400 / Fax: 713-951-9212 / bspalding@littler.com

Notice to the person who issues or requests this subpoena

If this subpoena commands the production of documents, electronically stored information, or tangible things or the inspection of premises before trial, a notice and a copy of the subpoena must be served on each party in the case before it is served on the person to whom it is directed. Fed. R. Civ. P. 45(a)(4).

Civil Action No. 2:16-CV-02222

PROOF OF SERVICE

(This section should not be filed with the court unless required by Fed. R. Civ. P. 45.)

I received this subpoena for *(name of individual and title, if any)* _____
on *(date)* _____

I served the subpoena by delivering a copy to the named person as follows: _____ on
(date) _____; or

I returned the subpoena unexecuted because _____

Unless the subpoena was issued on behalf of the United States, or one of its officers or agents, I have also tendered to the witness fees for one day's attendance, and the mileage allowed by law, in the amount of
\$ _____.

My fees are \$ _____ for travel and \$ _____ for services, for a total of \$ _____.

I declare under penalty of perjury that this information is true.

Date: _____

Server's signature

Printed name and title

Server's address

Additional information regarding attempted service, etc.:

Federal Rule of Civil Procedure 45 (c), (d), (e), and (g), (Effective 12/1/13)

(c) Place of Compliance.

(1) For a Trial, Hearing, or Deposition. A subpoena may command a person to attend a trial, hearing, or deposition only as follows:

(A) within 100 miles of where the person resides, is employed, or regularly transacts business in person; or

(B) within the state where the person resides, is employed, or regularly transacts business in person, if the person

(i) is a party or party's officer; or

(ii) is commanded to attend a trial and would not incur substantial expense.

(2) For Other Discovery. A subpoena may command:

(A) production of documents, electronically stored information, or tangible things at a place within 100 miles of where the person resides, is employed, or regularly transacts business in person; and

(B) inspection of premises at the premises to be inspected.

(d) Protecting a Person Subject to a Subpoena; Enforcement.

(1) Avoiding Undue Burden or Expense; Sanctions. A party or attorney responsible for issuing and serving a subpoena must take reasonable steps to avoid imposing undue burden or expense on a person subject to the subpoena. The issuing court must enforce this duty and impose an appropriate sanction — which may include lost earnings and reasonable attorney's fees — on a party or attorney who fails to comply.

(2) Command to Produce Materials or Permit Inspection.

(A) Appearance Not Required. A person commanded to produce documents, electronically stored information, or tangible things, or to permit the inspection of premises, need not appear in person at the place of production or inspection unless also commanded to appear for a deposition, hearing, or trial.

(B) Objections. A person commanded to produce documents or tangible things or to permit inspection may serve on the party or attorney designated in the subpoena a written objection to inspecting, copying, testing or sampling any or all of the materials or to inspecting the premises — or to producing electronically stored information in the form or forms requested. The objection must be served before the earlier of the time specified for compliance or 14 days after the subpoena is served. If an objection is made, the following rules apply:

(i) At any time, on notice to the commanded person, the serving party may move the issuing court for an order compelling production or inspection.

(ii) These acts may be required only as directed in the order, and the order must protect a person who is neither a party nor a party's officer from significant expense resulting from compliance.

(3) Quashing or Modifying a Subpoena.

(A) When Required. On timely motion, the court for the district where compliance is required must quash or modify a subpoena that:

(i) fails to allow a reasonable time to comply;

(ii) requires a person to comply beyond the geographical limits specified in Rule 45(c) here that person resides, is employed, or regularly transacts business in person — except that, subject to Rule 45(c)(3)(B)(iii), the person may be commanded to attend a trial by traveling from any such place within the state where the district where compliance is required may, on motion, quash or modify the subpoena if no exception or waiver applies; or

(iv) subjects a person to undue burden.

(B) When Permitted. To protect a person subject to or affected by a subpoena, the issuing court may, on motion, quash or modify the subpoena if it requires:

(i) disclosing a trade secret or other confidential research, development, or commercial information; or

(ii) disclosing an unretained expert's opinion or information that does not describe specific occurrences in dispute and results from the expert's study that was not requested by a party.

(C) Specifying Conditions as an Alternative. In the circumstances described in Rule 45(d)(3)(B), the court may, instead of quashing or modifying a subpoena, order appearance or production under specified conditions if the serving party:

(i) shows a substantial need for the testimony or material that cannot be otherwise met without undue hardship; and

(ii) ensures that the subpoenaed person will be reasonably compensated.

(e) Duties in Responding to a Subpoena.

(1) Producing Documents or Electronically Stored Information.

These procedures apply to producing documents or electronically stored information:

(A) Documents. A person responding to a subpoena to produce documents must produce them as they are kept in the ordinary course of business or must organize and label them to correspond to the categories in the demand.

(B) Form for Producing Electronically Stored Information Not Specified. If a subpoena does not specify a form for producing electronically stored information, the person responding must produce it in a form or forms in which it is ordinarily maintained or in a reasonably usable form or forms.

(C) Electronically Stored Information Produced in Only One Form. The person responding need not produce the same electronically stored information in more than one form.

(D) Inaccessible Electronically Stored Information. The person responding need not provide discovery of electronically stored information from sources that the person identifies as not reasonably accessible because of undue burden or cost. On motion to compel discovery or for a protective order, the person responding must show that the information is not reasonably accessible because of undue burden or cost. If that showing is made, the court may nonetheless order discovery from such sources if the requesting party shows good cause, considering the limitations of Rule 26(b)(2)(C). The court may specify conditions for the discovery.

(2) Claiming Privilege or Protection.

(A) Information Withheld. A person withholding subpoenaed information under a claim that it is privileged or subject to protection as trial-preparation material must:

(i) expressly make the claim; and

(ii) describe the nature of the withheld documents, communications, or tangible things in a manner that, without revealing information itself privileged or protected, will enable the parties to assess the claim.

(B) Information Produced. If information produced in response to a subpoena is subject to a claim of privilege or of protection as trial-preparation material, the person making the claim may notify any party that received the information of the claim and the basis for it. After being notified, a party must promptly return, sequester, or destroy the specified information and any copies it has; must not use or disclose the information until the claim is resolved; must take reasonable steps to retrieve the information if the party disclosed it before being notified; and may promptly present the information to the court under seal for a determination of the claim. The person who produced the information must preserve the information until the claim is resolved.

(g) Contempt.

The court for the district where compliance is required and also, after a motion is transferred, the issuing court may hold in contempt a person who, having been served, fails without adequate excuse to obey the subpoena or an order related to it.

U.S. LEGAL SUPPORT INC.
363 NORTH SAM HOUSTON PARKWAY E.
SUITE 1200
HOUSTON, TEXAS 77060
PHONE: 713-653-7100; FAX: 713-653-7171

March 3, 2017

Attn: Employment & Payroll Records

FX GAME EXCHANGE
RICHLAND MALL
#226, 6001 W. WACO DRIVE
WACO, TX 76710

Records requested: any and all employment file records, including but not limited to, personnel records, application for employment, correspondence and/or memoranda, records relating to reviews and/or promotions, days absent and/or time lost, pre-employment physical(s), post-employment physical(s), post-offer physical(s), employment history, correspondence, medical records, letters of recommendation, reasons for termination or leaving, reprimands, time cards, time sheets, records relating to lost wages, workers' compensation records and/or claims, insurance records and/or claims, payroll records, W-2 forms, W-4 forms, any franchise agreements between [REDACTED] Kerr and FX Game Exchange, and any other records contained in your office(s) pertaining to the employment of [REDACTED] Kerr; DOB: [REDACTED]; SSN: [REDACTED]

Records pertaining to: [REDACTED] Kerr
DOB: [REDACTED]; SSN: [REDACTED]

Dear Sir/Madam:

US Legal Support is a records retrieval service company that provides litigation support to the legal and insurance industry. Our attorney/client has requested that we locate records specified in the enclosed legal documents, *within 14 days*.

Please provide all requested documentation and complete each document accurately and completely. If the cost of providing the records exceeds \$50.00, please contact us BEFORE copying. Please check that all copies are legible, and that no information is omitted. Texas law requires a physician/hospital/medical clinic to furnish a patient's records within 30 days after a request is received (Tex. Rev. Civ. Stat. Ann., Article 4495b, §5.08(k)). Enclosed is a **SUBPOENA WITH A DEPOSITION BY WRITTEN QUESTIONS AND/OR AFFIDAVIT**. Please assist us by:

1. Answering ALL questions.
2. SIGN the deposition by written questions and/or affidavit.
3. Have the signatures NOTARIZED.
4. Return all ORIGINAL completed documents with a legible copy of the records to:

U.S. LEGAL SUPPORT, INC.
RECORDS DIVISION
363 NORTH SAM HOUSTON PARKWAY EAST, SUITE 1200

HOUSTON, TEXAS 77060

IF AFTER A THOROUGH SEARCH YOU FIND NO RECORDS OF THIS PERSON, PLEASE MAKE THIS STATEMENT ON ALL DOCUMENTS, SIGN, AND HAVE THEM NOTARIZED.

*****Please reference the following number when calling: 92502.002*****

Thank you very much for your cooperation and assistance.

Best regards,

US Legal Support

United States District Court
FOR THE Central DISTRICT OF ILLINOIS
Urbana DIVISION

U.S. Equal Employment Opportunity Commission)

Civil Action No: 2:16-CV-02222

vs.)

Ren-A-Center East, Inc.)

**SUBPOENA TO PRODUCE DOCUMENTS, INFORMATION, OR OBJECTS
OR TO PERMIT INSPECTION OF PREMISES IN A CIVIL ACTION**

TO: Custodian of Records for: **CGX CONSOLE GAME X CHANGE**
1616 TEXOMA PARKWAY, SHERMAN, TX 75090

X **Production:** **YOU ARE COMMANDED** to produce at the time, date, and place set forth below the following documents, electronically stored information, or objects, and to permit inspection, copying, testing, or sampling of the material: any and all employment file records, including but not limited to, personnel records, application for employment, correspondence and/or memoranda, records relating to reviews and/or promotions, days absent and/or time lost, pre-employment physical(s), post-employment physical(s), post-offer physical(s), employment history, correspondence, medical records, letters of recommendation, reasons for termination or leaving, reprimands, time cards, time sheets, records relating to lost wages, workers' compensation records and/or claims, insurance records and/or claims, payroll records, W-2 forms, W-4 forms, any franchise agreements between [redacted] Kerr and CGX Console Game X Change, and any other records contained in your office(s) pertaining to the employment of [redacted] Kerr; DOB: [redacted] SSN: [redacted]

PLACE: CGX CONSOLE GAME X CHANGE 1616 TEXOMA PARKWAY SHERMAN, TX 75090	DATE AND TIME INSTANTER
---	---------------------------------------

 Inspection of Premises: **YOU ARE COMMANDED** to permit entry onto the designated premises, land, or other property possessed or controlled by you at the time, date, and location set forth below, so that the requesting party may inspect, measure, survey, photograph, test, or sample the property or any designated object or operation on it.

PLACE:	DATE AND TIME
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The following provisions of Fed. R. Civ. P. 45 are attached - Rule 45(c), relating to the place of compliance; Rule 45(d), relating to your protection as a person subject to a subpoena; and Rule 45(e) and (g), relating to your duty to respond to this subpoena and the potential consequences of not doing so.

Date: _____

CLERK OF COURT

OR

(Signature of Clerk or Deputy Clerk)

(Attorney's signature)

The name, address, e-mail address, and telephone number of the attorney representing the **Defendant**, who issues or requests this subpoena, are:

J. Bradley Spalding / Littler Mendelson, P.C.
1301 McKinney Street
Suite 1900, Houston, TX 77010
Phone: 713-951-9400 / Fax: 713-951-9212 / bspalding@littler.com

Notice to the person who issues or requests this subpoena

If this subpoena commands the production of documents, electronically stored information, or tangible things or the inspection of premises before trial, a notice and a copy of the subpoena must be served on each party in the case before it is served on the person to whom it is directed. Fed. R. Civ. P. 45(a)(4).

Civil Action No. 2:16-CV-02222

PROOF OF SERVICE

(This section should not be filed with the court unless required by Fed. R. Civ. P. 45.)

I received this subpoena for *(name of individual and title, if any)* _____
on *(date)* _____

I served the subpoena by delivering a copy to the named person as follows: _____ on
(date) _____; or

I returned the subpoena unexecuted because _____

Unless the subpoena was issued on behalf of the United States, or one of its officers or agents, I have also tendered to the witness fees for one day's attendance, and the mileage allowed by law, in the amount of
\$ _____.

My fees are \$ _____ for travel and \$ _____ for services, for a total of \$ _____.

I declare under penalty of perjury that this information is true.

Date: _____

Server's signature

Printed name and title

Server's address

Additional information regarding attempted service, etc.:

Federal Rule of Civil Procedure 45 (c), (d), (e), and (g), (Effective 12/1/13)

(c) Place of Compliance.

(1) For a Trial, Hearing, or Deposition. A subpoena may command a person to attend a trial, hearing, or deposition only as follows:

(A) within 100 miles of where the person resides, is employed, or regularly transacts business in person; or

(B) within the state where the person resides, is employed, or regularly transacts business in person, if the person

(i) is a party or party's officer; or

(ii) is commanded to attend a trial and would not incur substantial expense.

(2) For Other Discovery. A subpoena may command:

(A) production of documents, electronically stored information, or tangible things at a place within 100 miles of where the person resides, is employed, or regularly transacts business in person; and

(B) inspection of premises at the premises to be inspected.

(d) Protecting a Person Subject to a Subpoena; Enforcement.

(1) Avoiding Undue Burden or Expense; Sanctions. A party or attorney responsible for issuing and serving a subpoena must take reasonable steps to avoid imposing undue burden or expense on a person subject to the subpoena. The issuing court must enforce this duty and impose an appropriate sanction — which may include lost earnings and reasonable attorney's fees — on a party or attorney who fails to comply.

(2) Command to Produce Materials or Permit Inspection.

(A) Appearance Not Required. A person commanded to produce documents, electronically stored information, or tangible things, or to permit the inspection of premises, need not appear in person at the place of production or inspection unless also commanded to appear for a deposition, hearing, or trial.

(B) Objections. A person commanded to produce documents or tangible things or to permit inspection may serve on the party or attorney designated in the subpoena a written objection to inspecting, copying, testing or sampling any or all of the materials or to inspecting the premises — or to producing electronically stored information in the form or forms requested. The objection must be served before the earlier of the time specified for compliance or 14 days after the subpoena is served. If an objection is made, the following rules apply:

(i) At any time, on notice to the commanded person, the serving party may move the issuing court for an order compelling production or inspection.

(ii) These acts may be required only as directed in the order, and the order must protect a person who is neither a party nor a party's officer from significant expense resulting from compliance.

(3) Quashing or Modifying a Subpoena.

(A) When Required. On timely motion, the court for the district where compliance is required must quash or modify a subpoena that:

(i) fails to allow a reasonable time to comply;

(ii) requires a person to comply beyond the geographical limits specified in Rule 45(c) here that person resides, is employed, or regularly transacts business in person — except that, subject to Rule 45(c)(3)(B)(iii), the person may be commanded to attend a trial by traveling from any such place within the state where for the district where compliance is required may, on motion, quires disclosure of privileged or other protected matter, if no exception or waiver applies; or

(iv) subjects a person to undue burden.

(B) When Permitted. To protect a person subject to or affected by a subpoena, the issuing court may, on motion, quash or modify the subpoena if it requires:

(i) disclosing a trade secret or other confidential research, development, or commercial information; or

(ii) disclosing an unretained expert's opinion or information that does not describe specific occurrences in dispute and results from the expert's study that was not requested by a party.

(C) Specifying Conditions as an Alternative. In the circumstances described in Rule 45(d)(3)(B), the court may, instead of quashing or modifying a subpoena, order appearance or production under specified conditions if the serving party:

(i) shows a substantial need for the testimony or material that cannot be otherwise met without undue hardship; and

(ii) ensures that the subpoenaed person will be reasonably compensated.

(e) Duties in Responding to a Subpoena.

(1) Producing Documents or Electronically Stored Information.

These procedures apply to producing documents or electronically stored information:

(A) Documents. A person responding to a subpoena to produce documents must produce them as they are kept in the ordinary course of business or must organize and label them to correspond to the categories in the demand.

(B) Form for Producing Electronically Stored Information Not Specified. If a subpoena does not specify a form for producing electronically stored information, the person responding must produce it in a form or forms in which it is ordinarily maintained or in a reasonably usable form or forms.

(C) Electronically Stored Information Produced in Only One Form. The person responding need not produce the same electronically stored information in more than one form.

(D) Inaccessible Electronically Stored Information. The person responding need not provide discovery of electronically stored information from sources that the person identifies as not reasonably accessible because of undue burden or cost. On motion to compel discovery or for a protective order, the person responding must show that the information is not reasonably accessible because of undue burden or cost. If that showing is made, the court may none the less order discovery from such sources if the requesting party shows good cause, considering the limitations of Rule 26(b)(2)(C). The court may specify conditions for the discovery.

(2) Claiming Privilege or Protection.

(A) Information Withheld. A person withholding subpoenaed information under a claim that it is privileged or subject to protection as trial-preparation material must:

(i) expressly make the claim; and

(ii) describe the nature of the withheld documents, communications, or tangible things in a manner that, without revealing information itself privileged or protected, will enable the parties to assess the claim.

(B) Information Produced. If information produced in response to a subpoena is subject to a claim of privilege or of protection as trial-preparation material, the person making the claim may notify any party that received the information of the claim and the basis for it. After being notified, a party must promptly return, sequester, or destroy the specified information and any copies it has; must not use or disclose the information until the claim is resolved; must take reasonable steps to retrieve the information if the party disclosed it before being notified; and may promptly present the information to the court under seal for a determination of the claim. The person who produced the information must preserve the information until the claim is resolved.

(g) Contempt.

The court for the district where compliance is required—and also, after a motion is transferred, the issuing court—may hold in contempt a person who, having been served, fails without adequate excuse to obey the subpoena or an order related to it.

**U.S. LEGAL SUPPORT INC.
363 NORTH SAM HOUSTON PARKWAY E.
SUITE 1200
HOUSTON, TEXAS 77060
PHONE: 713-653-7100; FAX: 713-653-7171**

March 3, 2017

Attn: **Employment & Payroll Records**

CGX CONSOLE GAME X CHANGE
1616 TEXOMA PARKWAY
SHERMAN, TX 75090

Records requested: any and all employment file records, including but not limited to, personnel records, application for employment, correspondence and/or memoranda, records relating to reviews and/or promotions, days absent and/or time lost, pre-employment physical(s), post-employment physical(s), post-offer physical(s), employment history, correspondence, medical records, letters of recommendation, reasons for termination or leaving, reprimands, time cards, time sheets, records relating to lost wages, workers' compensation records and/or claims, insurance records and/or claims, payroll records, W-2 forms, W-4 forms, any franchise agreements between [REDACTED] Kerr and CGX Console Game X Change, and any other records contained in your office(s) pertaining to the employment of [REDACTED] Kerr; DOB: [REDACTED]; SSN: [REDACTED]

Records pertaining to: [REDACTED] Kerr
DOB: [REDACTED]; SSN: [REDACTED]

Dear Sir/Madam:

US Legal Support is a records retrieval service company that provides litigation support to the legal and insurance industry. Our attorney/client has requested that we locate records specified in the enclosed legal documents, *within 14 days*.

Please provide all requested documentation and complete each document accurately and completely. If the cost of providing the records exceeds \$50.00, please contact us BEFORE copying. Please check that all copies are legible, and that no information is omitted. Texas law requires a physician/hospital/medical clinic to furnish a patient's records within 30 days after a request is received (Tex. Rev. Civ. Stat. Ann., Article 4495b, §5.08(k)). Enclosed is a **SUBPOENA WITH A DEPOSITION BY WRITTEN QUESTIONS AND/OR AFFIDAVIT**. Please assist us by:

1. Answering **ALL** questions.
2. **SIGN** the deposition by written questions and/or affidavit.
3. Have the signatures **NOTARIZED**.
4. Return all **ORIGINAL** completed documents with a legible copy of the records to:

**U.S. LEGAL SUPPORT, INC.
RECORDS DIVISION
363 NORTH SAM HOUSTON PARKWAY EAST, SUITE 1200
HOUSTON, TEXAS 77060**

IF AFTER A THOROUGH SEARCH YOU FIND NO RECORDS OF THIS PERSON, PLEASE MAKE THIS STATEMENT ON ALL DOCUMENTS, SIGN, AND HAVE THEM NOTARIZED.

****Please reference the following number when calling: 92502.003****

Thank you very much for your cooperation and assistance.

Best regards,

US Legal Support

Wednesday, 22 March, 2017 09:16:22 AM
Clerk, U.S. District Court, ILCD

United States District Court
FOR THE Central DISTRICT OF ILLINOIS
Urbana DIVISION

U.S. Equal Employment Opportunity Commission)

vs.)

Ren-A-Center East, Inc.)

Civil Action No: 2:16-CV-02222

**SUBPOENA TO PRODUCE DOCUMENTS, INFORMATION, OR OBJECTS
OR TO PERMIT INSPECTION OF PREMISES IN A CIVIL ACTION**

TO: Custodian of Records for: **DEMON DAWGS**
11541 SOUTH PULASKI STREET, ALSIP, IL 60803

X **Production:** YOU ARE COMMANDED to produce at the time, date, and place set forth below the following documents, electronically stored information, or objects, and to permit inspection, copying, testing, or sampling of the material: any and all employment file records, including but not limited to, personnel records, application for employment, correspondence and/or memoranda, records relating to reviews and/or promotions, days absent and/or time lost, pre-employment physical(s), post-employment physical(s), post-offer physical(s), employment history, correspondence, medical records, letters of recommendation, reasons for termination or leaving, reprimands, time cards, time sheets, records relating to lost wages, workers' compensation records and/or claims, insurance records and/or claims, payroll records, W-2 forms, W-4 forms, and any other records contained in your office(s) pertaining to the employment of [redacted] Kerr; DOB: [redacted] SSN: [redacted]

PLACE: DEMON DAWGS 11541 SOUTH PULASKI STREET ALSIP, IL 60803	DATE AND TIME INSTANTER
--	--------------------------------

Inspection of Premises: YOU ARE COMMANDED to permit entry onto the designated premises, land, or other property possessed or controlled by you at the time, date, and location set forth below, so that the requesting party may inspect, measure, survey, photograph, test, or sample the property or any designated object or operation on it.

PLACE:	DATE AND TIME
--------	---------------

The following provisions of Fed. R. Civ. P. 45 are attached - Rule 45(c), relating to the place of compliance; Rule 45(d), relating to your protection as a person subject to a subpoena; and Rule 45(e) and (g), relating to your duty to respond to this subpoena and the potential consequences of not doing so.

Date: _____

CLERK OF COURT

OR

(Signature of Clerk or Deputy Clerk)

(Attorney's signature)

The name, address, e-mail address, and telephone number of the attorney representing the **Defendant**, who issues or requests this subpoena, are:

J. Bradley Spalding / Littler Mendelson, P.C.
1301 McKinney Street
Suite 1900, Houston, TX 77010
Phone: 713-951-9400 / Fax: 713-951-9212 / bspalding@littler.com

Notice to the person who issues or requests this subpoena

If this subpoena commands the production of documents, electronically stored information, or tangible things or the inspection of premises before trial, a notice and a copy of the subpoena must be served on each party in the case before it is served on the person to whom it is directed. Fed. R. Civ. P. 45(a)(4).

Civil Action No. 2:16-CV-02222

PROOF OF SERVICE

(This section should not be filed with the court unless required by Fed. R. Civ. P. 45.)

I received this subpoena for *(name of individual and title, if any)* _____
on *(date)* _____

I served the subpoena by delivering a copy to the named person as follows: _____ on
(date) _____; or

I returned the subpoena unexecuted because _____

Unless the subpoena was issued on behalf of the United States, or one of its officers or agents, I have also tendered to the witness fees for one day's attendance, and the mileage allowed by law, in the amount of
\$ _____.

My fees are \$ _____ for travel and \$ _____ for services, for a total of \$ _____.

I declare under penalty of perjury that this information is true.

Date: _____

Server's signature

Printed name and title

Server's address

Additional information regarding attempted service, etc.:

Federal Rule of Civil Procedure 45 (c), (d), (e), and (g), (Effective 12/1/13)

(c) Place of Compliance.

(1) For a Trial, Hearing, or Deposition. A subpoena may command a person to attend a trial, hearing, or deposition only as follows:

(A) within 100 miles of where the person resides, is employed, or regularly transacts business in person; or

(B) within the state where the person resides, is employed, or regularly transacts business in person, if the person

(i) is a party or party's officer; or

(ii) is commanded to attend a trial and would not incur substantial expense.

(2) For Other Discovery. A subpoena may command:

(A) production of documents, electronically stored information, or tangible things at a place within 100 miles of where the person resides, is employed, or regularly transacts business in person; and

(B) inspection of premises at the premises to be inspected.

(d) Protecting a Person Subject to a Subpoena; Enforcement.

(1) Avoiding Undue Burden or Expense; Sanctions. A party or attorney responsible for issuing and serving a subpoena must take reasonable steps to avoid imposing undue burden or expense on a person subject to the subpoena. The issuing court must enforce this duty and impose an appropriate sanction — which may include lost earnings and reasonable attorney's fees — on a party or attorney who fails to comply.

(2) Command to Produce Materials or Permit Inspection.

(A) Appearance Not Required. A person commanded to produce documents, electronically stored information, or tangible things, or to permit the inspection of premises, need not appear in person at the place of production or inspection unless also commanded to appear for a deposition, hearing, or trial.

(B) Objections. A person commanded to produce documents or tangible things or to permit inspection may serve on the party or attorney designated in the subpoena a written objection to inspecting, copying, testing or sampling any or all of the materials or to inspecting the premises — or to producing electronically stored information in the form or forms requested. The objection must be served before the earlier of the time specified for compliance or 14 days after the subpoena is served. If an objection is made, the following rules apply:

(i) At any time, on notice to the commanded person, the serving party may move the issuing court for an order compelling production or inspection.

(ii) These acts may be required only as directed in the order, and the order must protect a person who is neither a party nor a party's officer from significant expense resulting from compliance.

(3) Quashing or Modifying a Subpoena.

(A) When Required. On timely motion, the court for the district where compliance is required must quash or modify a subpoena that:

(i) fails to allow a reasonable time to comply;

(ii) requires a person to comply beyond the geographical limits specified in Rule 45(c) here that person resides, is employed, or regularly transacts business in person — except that, subject to Rule 45(c)(3)(B)(iii), the person may be commanded to attend a trial by traveling from any such place within the state where for the district where compliance is required may, on motion, quires disclosure of privileged or other protected matter, if no exception or waiver applies; or

(iv) subjects a person to undue burden.

(B) When Permitted. To protect a person subject to or affected by a subpoena, the issuing court may, on motion, quash or modify the subpoena if it requires:

(i) disclosing a trade secret or other confidential research, development, or commercial information; or

(ii) disclosing an unretained expert's opinion or information that does not describe specific occurrences in dispute and results from the expert's study that was not requested by a party.

(C) Specifying Conditions as an Alternative. In the circumstances described in Rule 45(d)(3)(B), the court may, instead of quashing or modifying a subpoena, order appearance or production under specified conditions if the serving party:

(i) shows a substantial need for the testimony or material that cannot be otherwise met without undue hardship; and

(ii) ensures that the subpoenaed person will be reasonably compensated.

(e) Duties in Responding to a Subpoena.

(1) Producing Documents or Electronically Stored Information.

These procedures apply to producing documents or electronically stored information:

(A) Documents. A person responding to a subpoena to produce documents must produce them as they are kept in the ordinary course of business or must organize and label them to correspond to the categories in the demand.

(B) Form for Producing Electronically Stored Information Not Specified. If a subpoena does not specify a form for producing electronically stored information, the person responding must produce it in a form or forms in which it is ordinarily maintained or in a reasonably usable form or forms.

(C) Electronically Stored Information Produced in Only One Form. The person responding need not produce the same electronically stored information in more than one form.

(D) Inaccessible Electronically Stored Information. The person responding need not provide discovery of electronically stored information from sources that the person identifies as not reasonably accessible because of undue burden or cost. On motion to compel discovery or for a protective order, the person responding must show that the information is not reasonably accessible because of undue burden or cost. If that showing is made, the court may none the less order discovery from such sources if the requesting party shows good cause, considering the limitations of Rule 26(b)(2)(C). The court may specify conditions for the discovery.

(2) Claiming Privilege or Protection.

(A) Information Withheld. A person withholding subpoenaed information under a claim that it is privileged or subject to protection as trial-preparation material must:

(i) expressly make the claim; and

(ii) describe the nature of the withheld documents, communications, or tangible things in a manner that, without revealing information itself privileged or protected, will enable the parties to assess the claim.

(B) Information Produced. If information produced in response to a subpoena is subject to a claim of privilege or of protection as trial-preparation material, the person making the claim may notify any party that received the information of the claim and the basis for it. After being notified, a party must promptly return, sequester, or destroy the specified information and any copies it has; must not use or disclose the information until the claim is resolved; must take reasonable steps to retrieve the information if the party disclosed it before being notified; and may promptly present the information to the court under seal for a determination of the claim. The person who produced the information must preserve the information until the claim is resolved.

(g) Contempt.

The court for the district where compliance is required and also, after a motion is transferred, the issuing court may hold in contempt a person who, having been served, fails without adequate excuse to obey the subpoena or an order related to it.

U.S. LEGAL SUPPORT INC.
363 NORTH SAM HOUSTON PARKWAY E.
SUITE 1200
HOUSTON, TEXAS 77060
PHONE: 713-653-7100; FAX: 713-653-7171

March 3, 2017

Attn: Employment & Payroll Records

DEMON DAWGS
11541 SOUTH PULASKI STREET
ALSIP, IL 60803

Records requested: any and all employment file records, including but not limited to, personnel records, application for employment, correspondence and/or memoranda, records relating to reviews and/or promotions, days absent and/or time lost, pre-employment physical(s), post-employment physical(s), post-offer physical(s), employment history, correspondence, medical records, letters of recommendation, reasons for termination or leaving, reprimands, time cards, time sheets, records relating to lost wages, workers' compensation records and/or claims, insurance records and/or claims, payroll records, W-2 forms, W-4 forms, and any other records contained in your office(s) pertaining to the employment of

██████████ Kerr; DOB: ██████████ SSN: ██████████

Records pertaining to: ██████████ Kerr

DOB: ██████████ SSN: ██████████

Dear Sir/Madam:

US Legal Support is a records retrieval service company that provides litigation support to the legal and insurance industry. Our attorney/client has requested that we locate records specified in the enclosed legal documents, *within 14 days*.

Please provide all requested documentation and complete each document accurately and completely. If the cost of providing the records exceeds \$50.00, please contact us BEFORE copying. Please check that all copies are legible, and that no information is omitted. Texas law requires a physician/hospital/medical clinic to furnish a patient's records within 30 days after a request is received (Tex. Rev. Civ. Stat. Ann., Article 4495b, §5.08(k)). Enclosed is a **SUBPOENA WITH A DEPOSITION BY WRITTEN QUESTIONS AND/OR AFFIDAVIT**. Please assist us by:

1. Answering **ALL** questions.
2. **SIGN** the deposition by written questions and/or affidavit.
3. Have the signatures **NOTARIZED**.
4. Return all **ORIGINAL** completed documents with a legible copy of the records to:

U.S. LEGAL SUPPORT, INC.
RECORDS DIVISION
363 NORTH SAM HOUSTON PARKWAY EAST, SUITE 1200
HOUSTON, TEXAS 77060

IF AFTER A THOROUGH SEARCH YOU FIND NO RECORDS OF THIS PERSON, PLEASE MAKE THIS STATEMENT ON ALL DOCUMENTS, SIGN, AND HAVE THEM NOTARIZED.

****Please reference the following number when calling: 92502.004****

Thank you very much for your cooperation and assistance.

Best regards,

US Legal Support

Wednesday, 22 March, 2017 09:16:22 AM
Clerk, U.S. District Court, ILCD

United States District Court
FOR THE Central DISTRICT OF ILLINOIS
Urbana DIVISION

U.S. Equal Employment Opportunity Commission)

Civil Action No: 2:16-CV-02222

vs.)

Ren-A-Center East, Inc.)

**SUBPOENA TO PRODUCE DOCUMENTS, INFORMATION, OR OBJECTS
OR TO PERMIT INSPECTION OF PREMISES IN A CIVIL ACTION**

TO: Custodian of Records for: **GUITAR CENTER
SHOPPES AT BEDFORD PARK
7250 S. CICERO AVENUE, SUITE C, CHICAGO, IL 60629**

X **Production:** YOU ARE COMMANDED to produce at the time, date, and place set forth below the following documents, electronically stored information, or objects, and to permit inspection, copying, testing, or sampling of the material: any and all employment file records, including but not limited to, personnel records, application for employment, correspondence and/or memoranda, records relating to reviews and/or promotions, days absent and/or time lost, pre-employment physical(s), post-employment physical(s), post-offer physical(s), employment history, correspondence, medical records, letters of recommendation, reasons for termination or leaving, reprimands, time cards, time sheets, records relating to lost wages, workers' compensation records and/or claims, insurance records and/or claims, payroll records, W-2 forms, W-4 forms, and any other records contained in your office(s) pertaining to the employment of Megan Kerr aka MeganLynn Vanna; DOB: [REDACTED] SSN: [REDACTED]

PLACE: GUITAR CENTER SHOPPES AT BEDFORD PARK 7250 S. CICERO AVENUE, SUITE C CHICAGO, IL 60629	DATE AND TIME INSTANTER
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 Inspection of Premises: YOU ARE COMMANDED to permit entry onto the designated premises, land, or other property possessed or controlled by you at the time, date, and location set forth below, so that the requesting party may inspect, measure, survey, photograph, test, or sample the property or any designated object or operation on it.

PLACE:	DATE AND TIME
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The following provisions of Fed. R. Civ. P. 45 are attached - Rule 45(c), relating to the place of compliance; Rule 45(d), relating to your protection as a person subject to a subpoena; and Rule 45(e) and (g), relating to your duty to respond to this subpoena and the potential consequences of not doing so.

Date: _____

CLERK OF COURT

OR

(Signature of Clerk or Deputy Clerk)

(Attorney's signature)

The name, address, e-mail address, and telephone number of the attorney representing the Defendant, who issues or requests this subpoena, are:

J. Bradley Spalding / Littler Mendelson, P.C.
1301 McKinney Street
Suite 1900, Houston, TX 77010
Phone: 713-951-9400 / Fax: 713-951-9212 / bspalding@littler.com

Notice to the person who issues or requests this subpoena

If this subpoena commands the production of documents, electronically stored information, or tangible things or the inspection of premises before trial, a notice and a copy of the subpoena must be served on each party in the case before it is served on the person to whom it is directed. Fed. R. Civ. P. 45(a)(4).

Civil Action No. 2:16-CV-02222

PROOF OF SERVICE

(This section should not be filed with the court unless required by Fed. R. Civ. P. 45.)

I received this subpoena for *(name of individual and title, if any)* _____
on *(date)* _____

I served the subpoena by delivering a copy to the named person as follows: _____ on
(date) _____; or

I returned the subpoena unexecuted because _____

Unless the subpoena was issued on behalf of the United States, or one of its officers or agents, I have also tendered to the witness fees for one day's attendance, and the mileage allowed by law, in the amount of \$ _____.

My fees are \$ _____ for travel and \$ _____ for services, for a total of \$ _____.

I declare under penalty of perjury that this information is true.

Date: _____

Server's signature

Printed name and title

Server's address

Additional information regarding attempted service, etc.:

Federal Rule of Civil Procedure 45 (c), (d), (e), and (g), (Effective 12/1/13)

(c) Place of Compliance.

(1) For a Trial, Hearing, or Deposition. A subpoena may command a person to attend a trial, hearing, or deposition only as follows:

(A) within 100 miles of where the person resides, is employed, or regularly transacts business in person; or

(B) within the state where the person resides, is employed, or regularly transacts business in person, if the person

(i) is a party or party's officer; or

(ii) is commanded to attend a trial and would not incur substantial expense.

(2) For Other Discovery. A subpoena may command:

(A) production of documents, electronically stored information, or tangible things at a place within 100 miles of where the person resides, is employed, or regularly transacts business in person; and

(B) inspection of premises at the premises to be inspected.

(d) Protecting a Person Subject to a Subpoena; Enforcement.

(1) Avoiding Undue Burden or Expense; Sanctions. A party or attorney responsible for issuing and serving a subpoena must take reasonable steps to avoid imposing undue burden or expense on a person subject to the subpoena. The issuing court must enforce this duty and impose an appropriate sanction — which may include lost earnings and reasonable attorney's fees — on a party or attorney who fails to comply.

(2) Command to Produce Materials or Permit Inspection.

(A) Appearance Not Required. A person commanded to produce documents, electronically stored information, or tangible things, or to permit the inspection of premises, need not appear in person at the place of production or inspection unless also commanded to appear for a deposition, hearing, or trial.

(B) Objections. A person commanded to produce documents or tangible things or to permit inspection may serve on the party or attorney designated in the subpoena a written objection to inspecting, copying, testing or sampling any or all of the materials or to inspecting the premises — or to producing electronically stored information in the form or forms requested. The objection must be served before the earlier of the time specified for compliance or 14 days after the subpoena is served. If an objection is made, the following rules apply:

(i) At any time, on notice to the commanded person, the serving party may move the issuing court for an order compelling production or inspection.

(ii) These acts may be required only as directed in the order, and the order must protect a person who is neither a party nor a party's officer from significant expense resulting from compliance.

(3) Quashing or Modifying a Subpoena.

(A) When Required. On timely motion, the court for the district where compliance is required must quash or modify a subpoena that:

(i) fails to allow a reasonable time to comply;

(ii) requires a person to comply beyond the geographical limits specified in Rule 45(c) here that person resides, is employed, or regularly transacts business in person — except that, subject to Rule 45(c)(3)(B)(iii), the person may be commanded to attend a trial by traveling from any such place within the state where the district where compliance is required may, on motion, quire disclosure of privileged or other protected matter, if no exception or waiver applies; or

(iv) subjects a person to undue burden.

(B) When Permitted. To protect a person subject to or affected by a subpoena, the issuing court may, on motion, quash or modify the subpoena if it requires:

(i) disclosing a trade secret or other confidential research, development, or commercial information; or

(ii) disclosing an unretained expert's opinion or information that does not describe specific occurrences in dispute and results from the expert's study that was not requested by a party.

(C) Specifying Conditions as an Alternative. In the circumstances described in Rule 45(d)(3)(B), the court may, instead of quashing or modifying a subpoena, order appearance or production under specified conditions if the serving party:

(i) shows a substantial need for the testimony or material that cannot be otherwise met without undue hardship; and

(ii) ensures that the subpoenaed person will be reasonably compensated.

(e) Duties in Responding to a Subpoena.

(1) Producing Documents or Electronically Stored Information.

These procedures apply to producing documents or electronically stored information:

(A) Documents. A person responding to a subpoena to produce documents must produce them as they are kept in the ordinary course of business or must organize and label them to correspond to the categories in the demand.

(B) Form for Producing Electronically Stored Information Not Specified. If a subpoena does not specify a form for producing electronically stored information, the person responding must produce it in a form or forms in which it is ordinarily maintained or in a reasonably usable form or forms.

(C) Electronically Stored Information Produced in Only One Form. The person responding need not produce the same electronically stored information in more than one form.

(D) Inaccessible Electronically Stored Information. The person responding need not provide discovery of electronically stored information from sources that the person identifies as not reasonably accessible because of undue burden or cost. On motion to compel discovery or for a protective order, the person responding must show that the information is not reasonably accessible because of undue burden or cost. If that showing is made, the court may nonetheless order discovery from such sources if the requesting party shows good cause, considering the limitations of Rule 26(b)(2)(C). The court may specify conditions for the discovery.

(2) Claiming Privilege or Protection.

(A) Information Withheld. A person withholding subpoenaed information under a claim that it is privileged or subject to protection as trial-preparation material must:

(i) expressly make the claim; and

(ii) describe the nature of the withheld documents, communications, or tangible things in a manner that, without revealing information itself privileged or protected, will enable the parties to assess the claim.

(B) Information Produced. If information produced in response to a subpoena is subject to a claim of privilege or of protection as trial-preparation material, the person making the claim may notify any party that received the information of the claim and the basis for it. After being notified, a party must promptly return, sequester, or destroy the specified information and any copies it has; must not use or disclose the information until the claim is resolved; must take reasonable steps to retrieve the information if the party disclosed it before being notified; and may promptly present the information to the court under seal for a determination of the claim. The person who produced the information must preserve the information until the claim is resolved.

(g) Contempt.

The court for the district where compliance is required and also, after a motion is transferred, the issuing court may hold in contempt a person who, having been served, fails without adequate excuse to obey the subpoena or an order related to it.

**U.S. LEGAL SUPPORT INC.
363 NORTH SAM HOUSTON PARKWAY E.
SUITE 1200
HOUSTON, TEXAS 77060
PHONE: 713-653-7100; FAX: 713-653-7171**

March 3, 2017

Attn: **Employment & Payroll Records**

GUITAR CENTER
SHOPPES AT BEDFORD PARK
7250 S. CICERO AVENUE, SUITE C
CHICAGO, IL 60629

Records requested: any and all employment file records, including but not limited to, personnel records, application for employment, correspondence and/or memoranda, records relating to reviews and/or promotions, days absent and/or time lost, pre-employment physical(s), post-employment physical(s), post-offer physical(s), employment history, correspondence, medical records, letters of recommendation, reasons for termination or leaving, reprimands, time cards, time sheets, records relating to lost wages, workers' compensation records and/or claims, insurance records and/or claims, payroll records, W-2 forms, W-4 forms, and any other records contained in your office(s) pertaining to the employment of Megan Kerr aka MeganLynn Vanna; DOB: [REDACTED] SSN: [REDACTED]

Records pertaining to: Megan Kerr aka MeganLynn Vanna
DOB: [REDACTED] SSN: [REDACTED]

Dear Sir/Madam:

US Legal Support is a records retrieval service company that provides litigation support to the legal and insurance industry. Our attorney/client has requested that we locate records specified in the enclosed legal documents, *within 14 days*.

Please provide all requested documentation and complete each document accurately and completely. If the cost of providing the records exceeds \$50.00, please contact us BEFORE copying. Please check that all copies are legible, and that no information is omitted. Texas law requires a physician/hospital/medical clinic to furnish a patient's records within 30 days after a request is received (Tex. Rev. Civ. Stat. Ann., Article 4495b, §5.08(k)). Enclosed is a **SUBPOENA WITH A DEPOSITION BY WRITTEN QUESTIONS AND/OR AFFIDAVIT**. Please assist us by:

1. Answering **ALL** questions.
2. **SIGN** the deposition by written questions and/or affidavit.
3. Have the signatures **NOTARIZED**.
4. Return all **ORIGINAL** completed documents with a legible copy of the records to:

**U.S. LEGAL SUPPORT, INC.
RECORDS DIVISION
363 NORTH SAM HOUSTON PARKWAY EAST, SUITE 1200
HOUSTON, TEXAS 77060**

IF AFTER A THOROUGH SEARCH YOU FIND NO RECORDS OF THIS PERSON, PLEASE MAKE THIS STATEMENT ON ALL DOCUMENTS, SIGN, AND HAVE THEM NOTARIZED.

*****Please reference the following number when calling: 92504.001*****

Thank you very much for your cooperation and assistance.

Best regards,

US Legal Support

United States District Court
FOR THE Central DISTRICT OF ILLINOIS
Urbana DIVISION

U.S. Equal Employment Opportunity Commission)

vs.)

Ren-A-Center East, Inc.)

Civil Action No: 2:16-CV-02222

SUBPOENA TO PRODUCE DOCUMENTS, INFORMATION, OR OBJECTS
OR TO PERMIT INSPECTION OF PREMISES IN A CIVIL ACTION

TO: Custodian of Records for: **GRAYSON COLLEGE**
6101 GRAYSON DRIVE, DENISON, TX 75020

X **Production:** YOU ARE COMMANDED to produce at the time, date, and place set forth below the following documents, electronically stored information, or objects, and to permit inspection, copying, testing, or sampling of the material: any and all academic records, including but not limited to, attendance records, SAT scores, test scores, grades, scholastic records, ARD records, Homebound records, medical records, speech therapy records, physical therapy records, correspondence and/or memoranda including but not limited to prior grade records and any type documents contained in your files and/or offices pertaining to Megan Kerr fka [redacted] Kerr; D.O.B. [redacted] SSN: [redacted]

PLACE: GRAYSON COLLEGE 6101 GRAYSON DRIVE DENISON, TX 75020	DATE AND TIME INSTANTER
--	---------------------------------------

 Inspection of Premises: YOU ARE COMMANDED to permit entry onto the designated premises, land, or other property possessed or controlled by you at the time, date, and location set forth below, so that the requesting party may inspect, measure, survey, photograph, test, or sample the property or any designated object or operation on it.

PLACE:	DATE AND TIME
--------	---------------

The following provisions of Fed. R. Civ. P. 45 are attached - Rule 45(c), relating to the place of compliance; Rule 45(d), relating to your protection as a person subject to a subpoena; and Rule 45(e) and (g), relating to your duty to respond to this subpoena and the potential consequences of not doing so.

Date: _____

CLERK OF COURT

OR

(Signature of Clerk or Deputy Clerk)

(Attorney's signature)

The name, address, e-mail address, and telephone number of the attorney representing the **Defendant**, who issues or requests this subpoena, are:

J. Bradley Spalding / Littler Mendelson, P.C.
1301 McKinney Street
Suite 1900, Houston, TX 77010
Phone: 713-951-9400 / Fax: 713-951-9212 / bspalding@littler.com

Notice to the person who issues or requests this subpoena

If this subpoena commands the production of documents, electronically stored information, or tangible things or the inspection of premises before trial, a notice and a copy of the subpoena must be served on each party in the case before it is served on the person to whom it is directed. Fed. R. Civ. P. 45(a)(4).

Civil Action No. 2:16-CV-02222

PROOF OF SERVICE

(This section should not be filed with the court unless required by Fed. R. Civ. P. 45.)

I received this subpoena for *(name of individual and title, if any)* _____
on *(date)* _____

I served the subpoena by delivering a copy to the named person as follows: _____ on
(date) _____; or

I returned the subpoena unexecuted because _____

Unless the subpoena was issued on behalf of the United States, or one of its officers or agents, I have also tendered to the witness fees for one day's attendance, and the mileage allowed by law, in the amount of \$ _____.

My fees are \$ _____ for travel and \$ _____ for services, for a total of \$ _____.

I declare under penalty of perjury that this information is true.

Date: _____

Server's signature

Printed name and title

Server's address

Additional information regarding attempted service, etc.:

Federal Rule of Civil Procedure 45 (c), (d), (e), and (g), (Effective 12/1/13)

(c) Place of Compliance.

(1) For a Trial, Hearing, or Deposition. A subpoena may command a person to attend a trial, hearing, or deposition only as follows:

(A) within 100 miles of where the person resides, is employed, or regularly transacts business in person; or

(B) within the state where the person resides, is employed, or regularly transacts business in person, if the person

(i) is a party or party's officer; or

(ii) is commanded to attend a trial and would not incur substantial expense.

(2) For Other Discovery. A subpoena may command:

(A) production of documents, electronically stored information, or tangible things at a place within 100 miles of where the person resides, is employed, or regularly transacts business in person; and

(B) inspection of premises at the premises to be inspected.

(d) Protecting a Person Subject to a Subpoena; Enforcement.

(1) Avoiding Undue Burden or Expense; Sanctions. A party or attorney responsible for issuing and serving a subpoena must take reasonable steps to avoid imposing undue burden or expense on a person subject to the subpoena. The issuing court must enforce this duty and impose an appropriate sanction — which may include lost earnings and reasonable attorney's fees — on a party or attorney who fails to comply.

(2) Command to Produce Materials or Permit Inspection.

(A) Appearance Not Required. A person commanded to produce documents, electronically stored information, or tangible things, or to permit the inspection of premises, need not appear in person at the place of production or inspection unless also commanded to appear for a deposition, hearing, or trial.

(B) Objections. A person commanded to produce documents or tangible things or to permit inspection may serve on the party or attorney designated in the subpoena a written objection to inspecting, copying, testing or sampling any or all of the materials or to inspecting the premises — or to producing electronically stored information in the form or forms requested. The objection must be served before the earlier of the time specified for compliance or 14 days after the subpoena is served. If an objection is made, the following rules apply:

(i) At any time, on notice to the commanded person, the serving party may move the issuing court for an order compelling production or inspection.

(ii) These acts may be required only as directed in the order, and the order must protect a person who is neither a party nor a party's officer from significant expense resulting from compliance.

(3) Quashing or Modifying a Subpoena.

(A) When Required. On timely motion, the court for the district where compliance is required must quash or modify a subpoena that:

(i) fails to allow a reasonable time to comply;

(ii) requires a person to comply beyond the geographical limits specified in Rule 45(c) here that person resides, is employed, or regularly transacts business in person — except that, subject to Rule 45(c)(3)(B)(iii), the person may be commanded to attend a trial by traveling from any such place within the state where for the district where compliance is required may, on motion, quires disclosure of privileged or other protected matter, if no exception or waiver applies; or

(iv) subjects a person to undue burden.

(B) When Permitted. To protect a person subject to or affected by a subpoena, the issuing court may, on motion, quash or modify the subpoena if it requires:

(i) disclosing a trade secret or other confidential research, development, or commercial information; or

(ii) disclosing an unretained expert's opinion or information that does not describe specific occurrences in dispute and results from the expert's study that was not requested by a party.

(C) Specifying Conditions as an Alternative. In the circumstances described in Rule 45(d)(3)(B), the court may, instead of quashing or modifying a subpoena, order appearance or production under specified conditions if the serving party:

(i) shows a substantial need for the testimony or material that cannot be otherwise met without undue hardship; and

(ii) ensures that the subpoenaed person will be reasonably compensated.

(e) Duties in Responding to a Subpoena.

(1) Producing Documents or Electronically Stored Information.

These procedures apply to producing documents or electronically stored information:

(A) Documents. A person responding to a subpoena to produce documents must produce them as they are kept in the ordinary course of business or must organize and label them to correspond to the categories in the demand.

(B) Form for Producing Electronically Stored Information Not Specified. If a subpoena does not specify a form for producing electronically stored information, the person responding must produce it in a form or forms in which it is ordinarily maintained or in a reasonably usable form or forms.

(C) Electronically Stored Information Produced in Only One Form. The person responding need not produce the same electronically stored information in more than one form.

(D) Inaccessible Electronically Stored Information. The person responding need not provide discovery of electronically stored information from sources that the person identifies as not reasonably accessible because of undue burden or cost. On motion to compel discovery or for a protective order, the person responding must show that the information is not reasonably accessible because of undue burden or cost. If that showing is made, the court may none the less order discovery from such sources if the requesting party shows good cause, considering the limitations of Rule 26(b)(2)(C). The court may specify conditions for the discovery.

(2) Claiming Privilege or Protection.

(A) Information Withheld. A person withholding subpoenaed information under a claim that it is privileged or subject to protection as trial-preparation material must:

(i) expressly make the claim; and

(ii) describe the nature of the withheld documents, communications, or tangible things in a manner that, without revealing information itself privileged or protected, will enable the parties to assess the claim.

(B) Information Produced. If information produced in response to a subpoena is subject to a claim of privilege or of protection as trial-preparation material, the person making the claim may notify any party that received the information of the claim and the basis for it. After being notified, a party must promptly return, sequester, or destroy the specified information and any copies it has; must not use or disclose the information until the claim is resolved; must take reasonable steps to retrieve the information if the party disclosed it before being notified; and may promptly present the information to the court under seal for a determination of the claim. The person who produced the information must preserve the information until the claim is resolved.

(g) Contempt.

The court for the district where compliance is required and also, after a motion is transferred, the issuing court may hold in contempt a person who, having been served, fails without adequate excuse to obey the subpoena or an order related to it.

**U.S. LEGAL SUPPORT INC.
363 NORTH SAM HOUSTON PARKWAY E.
SUITE 1200
HOUSTON, TEXAS 77060
PHONE: 713-653-7100; FAX: 713-653-7171**

March 3, 2017

Attn: **Academic Records**

GRAYSON COLLEGE
6101 GRAYSON DRIVE
DENISON, TX 75020

Records requested: any and all academic records, including but not limited to, attendance records, SAT scores, test scores, grades, scholastic records, ARD records, Homebound records, medical records, speech therapy records, physical therapy records, correspondence and/or memoranda including but not limited to prior grade records and any type documents contained in your files and/or offices pertaining to Megan Kerr fka [REDACTED] Kerr; D.O.B. [REDACTED] SSN: [REDACTED]

Records pertaining to: **Megan Kerr fka [REDACTED] Kerr
DOB: [REDACTED] ; SSN: [REDACTED]**

Dear Sir/Madam:

US Legal Support is a records retrieval service company that provides litigation support to the legal and insurance industry. Our attorney/client has requested that we locate records specified in the enclosed legal documents, *within 14 days*.

Please provide all requested documentation and complete each document accurately and completely. If the cost of providing the records exceeds \$50.00, please contact us BEFORE copying. Please check that all copies are legible, and that no information is omitted. Texas law requires a physician/hospital/medical clinic to furnish a patient's records within 30 days after a request is received (Tex. Rev. Civ. Stat. Ann., Article 4495b, §5.08(k)). Enclosed is a **SUBPOENA WITH A DEPOSITION BY WRITTEN QUESTIONS AND/OR AFFIDAVIT**. Please assist us by:

1. Answering **ALL** questions.
2. **SIGN** the deposition by written questions and/or affidavit.
3. Have the signatures **NOTARIZED**.
4. Return all **ORIGINAL** completed documents with a legible copy of the records to:

**U.S. LEGAL SUPPORT, INC.
RECORDS DIVISION
363 NORTH SAM HOUSTON PARKWAY EAST, SUITE 1200
HOUSTON, TEXAS 77060**

IF AFTER A THOROUGH SEARCH YOU FIND NO RECORDS OF THIS PERSON, PLEASE MAKE THIS STATEMENT ON ALL DOCUMENTS, SIGN, AND HAVE THEM NOTARIZED.

*****Please reference the following number when calling: 92472.001*****

Thank you very much for your cooperation and assistance.

Best regards,

US Legal Support

United States District Court
FOR THE Central DISTRICT OF ILLINOIS
Urbana DIVISION

U.S. Equal Employment Opportunity Commission)

) Civil Action No: 2:16-CV-02222

vs.)

Ren-A-Center East, Inc.)

SUBPOENA TO PRODUCE DOCUMENTS, INFORMATION, OR OBJECTS
OR TO PERMIT INSPECTION OF PREMISES IN A CIVIL ACTION

TO: Custodian of Records for: MORaine VALLEY COMMUNITY COLLEGE
9000 COLLEGE PARKWAY, ROOM S116, PALOS HILLS, IL 60465

X **Production:** YOU ARE COMMANDED to produce at the time, date, and place set forth below the following documents, electronically stored information, or objects, and to permit inspection, copying, testing, or sampling of the material: any and all academic records, including but not limited to, attendance records, SAT scores, test scores, grades, scholastic records, ARD records, Homebound records, medical records, speech therapy records, physical therapy records, correspondence and/or memoranda including but not limited to prior grade records and any type documents contained in your files and/or offices pertaining to Megan Kerr fka [redacted] Kerr; D.O.B. [redacted] SSN: [redacted]

PLACE: MORaine VALLEY COMMUNITY COLLEGE 9000 COLLEGE PARKWAY, ROOM S116 PALOS HILLS, IL 60465	DATE AND TIME INSTANTER
---	--------------------------------

Inspection of Premises: YOU ARE COMMANDED to permit entry onto the designated premises, land, or other property possessed or controlled by you at the time, date, and location set forth below, so that the requesting party may inspect, measure, survey, photograph, test, or sample the property or any designated object or operation on it.

PLACE:	DATE AND TIME
--------	---------------

The following provisions of Fed. R. Civ. P. 45 are attached - Rule 45(c), relating to the place of compliance; Rule 45(d), relating to your protection as a person subject to a subpoena; and Rule 45(e) and (g), relating to your duty to respond to this subpoena and the potential consequences of not doing so.

Date: _____

CLERK OF COURT

OR

(Signature of Clerk or Deputy Clerk)

(Attorney's signature)

The name, address, e-mail address, and telephone number of the attorney representing the Defendant, who issues or requests this subpoena, are:

J. Bradley Spalding / Littler Mendelson, P.C.
1301 McKinney Street
Suite 1900, Houston, TX 77010
Phone: 713-951-9400 / Fax: 713-951-9212 / bspalding@littler.com

Notice to the person who issues or requests this subpoena

If this subpoena commands the production of documents, electronically stored information, or tangible things or the inspection of premises before trial, a notice and a copy of the subpoena must be served on each party in the case before it is served on the person to whom it is directed. Fed. R. Civ. P. 45(a)(4).

Civil Action No. 2:16-CV-02222

PROOF OF SERVICE

(This section should not be filed with the court unless required by Fed. R. Civ. P. 45.)

I received this subpoena for *(name of individual and title, if any)* _____
on *(date)* _____

I served the subpoena by delivering a copy to the named person as follows: _____ on
(date) _____; or

I returned the subpoena unexecuted because _____

Unless the subpoena was issued on behalf of the United States, or one of its officers or agents, I have also tendered to the witness fees for one day's attendance, and the mileage allowed by law, in the amount of \$ _____.

My fees are \$ _____ for travel and \$ _____ for services, for a total of \$ _____.

I declare under penalty of perjury that this information is true.

Date: _____

Server's signature

Printed name and title

Server's address

Additional information regarding attempted service, etc.:

Federal Rule of Civil Procedure 45 (c), (d), (e), and (g), (Effective 12/1/13)

(c) Place of Compliance.

(1) For a Trial, Hearing, or Deposition. A subpoena may command a person to attend a trial, hearing, or deposition only as follows:

(A) within 100 miles of where the person resides, is employed, or regularly transacts business in person; or

(B) within the state where the person resides, is employed, or regularly transacts business in person, if the person

(i) is a party or party's officer; or

(ii) is commanded to attend a trial and would not incur substantial expense.

(2) For Other Discovery. A subpoena may command:

(A) production of documents, electronically stored information, or tangible things at a place within 100 miles of where the person resides, is employed, or regularly transacts business in person; and

(B) inspection of premises at the premises to be inspected.

(d) Protecting a Person Subject to a Subpoena; Enforcement.

(1) Avoiding Undue Burden or Expense; Sanctions. A party or attorney responsible for issuing and serving a subpoena must take reasonable steps to avoid imposing undue burden or expense on a person subject to the subpoena. The issuing court must enforce this duty and impose an appropriate sanction — which may include lost earnings and reasonable attorney's fees — on a party or attorney who fails to comply.

(2) Command to Produce Materials or Permit Inspection.

(A) Appearance Not Required. A person commanded to produce documents, electronically stored information, or tangible things, or to permit the inspection of premises, need not appear in person at the place of production or inspection unless also commanded to appear for a deposition, hearing, or trial.

(B) Objections. A person commanded to produce documents or tangible things or to permit inspection may serve on the party or attorney designated in the subpoena a written objection to inspecting, copying, testing or sampling any or all of the materials or to inspecting the premises — or to producing electronically stored information in the form or forms requested. The objection must be served before the earlier of the time specified for compliance or 14 days after the subpoena is served. If an objection is made, the following rules apply:

(i) At any time, on notice to the commanded person, the serving party may move the issuing court for an order compelling production or inspection.

(ii) These acts may be required only as directed in the order, and the order must protect a person who is neither a party nor a party's officer from significant expense resulting from compliance.

(3) Quashing or Modifying a Subpoena.

(A) When Required. On timely motion, the court for the district where compliance is required must quash or modify a subpoena that:

(i) fails to allow a reasonable time to comply;

(ii) requires a person to comply beyond the geographical limits specified in Rule 45(c) here that person resides, is employed, or regularly transacts business in person — except that, subject to Rule 45(c)(3)(B)(iii), the person may be commanded to attend a trial by traveling from any such place within the state where for the district where compliance is required may, on motion, require disclosure of privileged or other protected matter, if no exception or waiver applies; or

(iv) subjects a person to undue burden.

(B) When Permitted. To protect a person subject to or affected by a subpoena, the issuing court may, on motion, quash or modify the subpoena if it requires:

(i) disclosing a trade secret or other confidential research, development, or commercial information; or

(ii) disclosing an unretained expert's opinion or information that does not describe specific occurrences in dispute and results from the expert's study that was not requested by a party.

(C) Specifying Conditions as an Alternative. In the circumstances described in Rule 45(d)(3)(B), the court may, instead of quashing or modifying a subpoena, order appearance or production under specified conditions if the serving party:

(i) shows a substantial need for the testimony or material that cannot be otherwise met without undue hardship; and

(ii) ensures that the subpoenaed person will be reasonably compensated.

(e) Duties in Responding to a Subpoena.

(1) Producing Documents or Electronically Stored Information.

These procedures apply to producing documents or electronically stored information:

(A) Documents. A person responding to a subpoena to produce documents must produce them as they are kept in the ordinary course of business or must organize and label them to correspond to the categories in the demand.

(B) Form for Producing Electronically Stored Information Not Specified. If a subpoena does not specify a form for producing electronically stored information, the person responding must produce it in a form or forms in which it is ordinarily maintained or in a reasonably usable form or forms.

(C) Electronically Stored Information Produced in Only One Form. The person responding need not produce the same electronically stored information in more than one form.

(D) Inaccessible Electronically Stored Information. The person responding need not provide discovery of electronically stored information from sources that the person identifies as not reasonably accessible because of undue burden or cost. On motion to compel discovery or for a protective order, the person responding must show that the information is not reasonably accessible because of undue burden or cost. If that showing is made, the court may none the less order discovery from such sources if the requesting party shows good cause, considering the limitations of Rule 26(b)(2)(C). The court may specify conditions for the discovery.

(2) Claiming Privilege or Protection.

(A) Information Withheld. A person withholding subpoenaed information under a claim that it is privileged or subject to protection as trial-preparation material must:

(i) expressly make the claim; and

(ii) describe the nature of the withheld documents, communications, or tangible things in a manner that, without revealing information itself privileged or protected, will enable the parties to assess the claim.

(B) Information Produced. If information produced in response to a subpoena is subject to a claim of privilege or of protection as trial-preparation material, the person making the claim may notify any party that received the information of the claim and the basis for it. After being notified, a party must promptly return, sequester, or destroy the specified information and any copies it has; must not use or disclose the information until the claim is resolved; must take reasonable steps to retrieve the information if the party disclosed it before being notified; and may promptly present the information to the court under seal for a determination of the claim. The person who produced the information must preserve the information until the claim is resolved.

(g) Contempt.

The court for the district where compliance is required—and also, after a motion is transferred, the issuing court—may hold in contempt a person who, having been served, fails without adequate excuse to obey the subpoena or an order related to it.

**U.S. LEGAL SUPPORT INC.
363 NORTH SAM HOUSTON PARKWAY E.
SUITE 1200
HOUSTON, TEXAS 77060
PHONE: 713-653-7100; FAX: 713-653-7171**

March 3, 2017

Attn: **Academic Records**

MORAINE VALLEY COMMUNITY COLLEGE
9000 COLLEGE PARKWAY, ROOM S116
PALOS HILLS, IL 60465

Records requested: any and all academic records, including but not limited to, attendance records, SAT scores, test scores, grades, scholastic records, ARD records, Homebound records, medical records, speech therapy records, physical therapy records, correspondence and/or memoranda including but not limited to prior grade records and any type documents contained in your files and/or offices pertaining to Megan Kerr fka [REDACTED] Kerr; D.O.B. [REDACTED]; SSN: [REDACTED]

Records pertaining to: Megan Kerr fka [REDACTED] Kerr
DOB: [REDACTED]; SSN: [REDACTED]

Dear Sir/Madam:

US Legal Support is a records retrieval service company that provides litigation support to the legal and insurance industry. Our attorney/client has requested that we locate records specified in the enclosed legal documents, *within 14 days*.

Please provide all requested documentation and complete each document accurately and completely. If the cost of providing the records exceeds \$50.00, please contact us BEFORE copying. Please check that all copies are legible, and that no information is omitted. Texas law requires a physician/hospital/medical clinic to furnish a patient's records within 30 days after a request is received (Tex. Rev. Civ. Stat. Ann., Article 4495b, §5.08(k)). Enclosed is a **SUBPOENA WITH A DEPOSITION BY WRITTEN QUESTIONS AND/OR AFFIDAVIT**. Please assist us by:

1. Answering **ALL** questions.
2. **SIGN** the deposition by written questions and/or affidavit.
3. Have the signatures **NOTARIZED**.
4. Return all **ORIGINAL** completed documents with a legible copy of the records to:

**U.S. LEGAL SUPPORT, INC.
RECORDS DIVISION
363 NORTH SAM HOUSTON PARKWAY EAST, SUITE 1200
HOUSTON, TEXAS 77060**

IF AFTER A THOROUGH SEARCH YOU FIND NO RECORDS OF THIS PERSON, PLEASE MAKE THIS STATEMENT ON ALL DOCUMENTS, SIGN, AND HAVE THEM NOTARIZED.

****Please reference the following number when calling: 92472.002****

Thank you very much for your cooperation and assistance.

Best regards,

US Legal Support

United States District Court
FOR THE Central DISTRICT OF ILLINOIS
Urbana DIVISION

U.S. Equal Employment Opportunity Commission)
vs.) Civil Action No: 2:16-CV-02222
Ren-A-Center East, Inc.)

**SUBPOENA TO PRODUCE DOCUMENTS, INFORMATION, OR OBJECTS
OR TO PERMIT INSPECTION OF PREMISES IN A CIVIL ACTION**

**TO: Custodian of Records for: VILLAGE OF RANTOUL, ILLINOIS- DEPARTMENT OF PUBLIC WORKS
200 W. GROVE AVENUE, RANTOUL, IL 61866**

X *Production:* **YOU ARE COMMANDED** to produce at the time, date, and place set forth below the following documents, electronically stored information, or objects, and to permit inspection, copying, testing, or sampling of the material: all documents, records and notes related to utilities, including but not limited to electricity and water services, and including but not limited to the invoices and payments for same as well as the dates of termination of services, provided to Ink's Mistress Tattoo, 116 S. Century, Rantoul, Illinois 61866, account number [REDACTED]

PLACE: VILLAGE OF RANTOUL, ILLINOIS- DEPARTMENT OF PUBLIC WORKS 200 W. GROVE AVENUE RANTOUL, IL 61866	DATE AND TIME INSTANTER
--	------------------------------------

Inspection of Premises: **YOU ARE COMMANDED** to permit entry onto the designated premises, land, or other property possessed or controlled by you at the time, date, and location set forth below, so that the requesting party may inspect, measure, survey, photograph, test, or sample the property or any designated object or operation on it.

PLACE:	DATE AND TIME
---------------	----------------------

The following provisions of Fed. R. Civ. P. 45 are attached - Rule 45(c), relating to the place of compliance; Rule 45(d), relating to your protection as a person subject to a subpoena; and Rule 45(e) and (g), relating to your duty to respond to this subpoena and the potential consequences of not doing so.

Date: _____

CLERK OF COURT

OR

(Signature of Clerk or Deputy Clerk)

(Attorney's signature)

The name, address, e-mail address, and telephone number of the attorney representing the **Defendant**, who issues or requests this subpoena, are:

J. Bradley Spalding / Littler Mendelson, P.C.
1301 McKinney Street
Suite 1900, Houston, TX 77010
Phone: 713-951-9400 / Fax: 713-951-9212 / bspalding@littler.com

Notice to the person who issues or requests this subpoena

If this subpoena commands the production of documents, electronically stored information, or tangible things or the inspection of premises before trial, a notice and a copy of the subpoena must be served on each party in the case before it is served on the person to whom it is directed, Fed. R. Civ. P. 45(a)(4).

Civil Action No. 2:16-CV-02222

PROOF OF SERVICE

(This section should not be filed with the court unless required by Fed. R. Civ. P. 45.)

I received this subpoena for *(name of individual and title, if any)* _____
on *(date)* _____

I served the subpoena by delivering a copy to the named person as follows: _____ on
(date) _____; or

I returned the subpoena unexecuted because _____

Unless the subpoena was issued on behalf of the United States, or one of its officers or agents, I have also tendered to the witness fees for one day's attendance, and the mileage allowed by law, in the amount of
\$ _____.

My fees are \$ _____ for travel and \$ _____ for services, for a total of \$ _____.

I declare under penalty of perjury that this information is true.

Date: _____

Server's signature

Printed name and title

Server's address

Additional information regarding attempted service, etc.:

Federal Rule of Civil Procedure 45 (c), (d), (e), and (g), (Effective 12/1/13)

(c) Place of Compliance.

(1) For a Trial, Hearing, or Deposition. A subpoena may command a person to attend a trial, hearing, or deposition only as follows:

(A) within 100 miles of where the person resides, is employed, or regularly transacts business in person; or

(B) within the state where the person resides, is employed, or regularly transacts business in person, if the person

(i) is a party or party's officer; or

(ii) is commanded to attend a trial and would not incur substantial expense.

(2) For Other Discovery. A subpoena may command:

(A) production of documents, electronically stored information, or tangible things at a place within 100 miles of where the person resides, is employed, or regularly transacts business in person; and

(B) inspection of premises at the premises to be inspected.

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(i) At any time, on notice to the commanded person, the serving party may move the issuing court for an order compelling production or inspection.

(ii) These acts may be required only as directed in the order, and the order must protect a person who is neither a party nor a party's officer from significant expense resulting from compliance.

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(ii) requires a person to comply beyond the geographical limits specified in Rule 45(c) here that person resides, is employed, or regularly transacts business in person — except that, subject to Rule 45(c)(3)(B)(iii), the person may be commanded to attend a trial by traveling from any such place within the state where for the district where compliance is required may, on motion, quires disclosure of privileged or other protected matter, if no exception or waiver applies; or

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(i) disclosing a trade secret or other confidential research, development, or commercial information; or

(ii) disclosing an unretained expert's opinion or information that does not describe specific occurrences in dispute and results from the expert's study that was not requested by a party.

(C) Specifying Conditions as an Alternative. In the circumstances described in Rule 45(d)(3)(B), the court may, instead of quashing or modifying a subpoena, order appearance or production under specified conditions if the serving party:

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(1) Producing Documents or Electronically Stored Information.

These procedures apply to producing documents or electronically stored information:

(A) Documents. A person responding to a subpoena to produce documents must produce them as they are kept in the ordinary course of business or must organize and label them to correspond to the categories in the demand.

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(A) Information Withheld. A person withholding subpoenaed information under a claim that it is privileged or subject to protection as trial-preparation material must:

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(ii) describe the nature of the withheld documents, communications, or tangible things in a manner that, without revealing information itself privileged or protected, will enable the parties to assess the claim.

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(g) Contempt.

The court for the district where compliance is required—and also, after a motion is transferred, the issuing court—may hold in contempt a person who, having been served, fails without adequate excuse to obey the subpoena or an order related to it.

**U.S. LEGAL SUPPORT INC.
363 NORTH SAM HOUSTON PARKWAY E.
SUITE 1200
HOUSTON, TEXAS 77060
PHONE: 713-653-7100; FAX: 713-653-7171**

March 3, 2017

Attn: **Any & All Records**

VILLAGE OF RANTOUL, ILLINOIS- DEPARTMENT OF PUBLIC WORKS
200 W. GROVE AVENUE
RANTOUL, IL 61866

Records requested: all documents, records and notes related to utilities, including but not limited to electricity and water services, and including but not limited to the invoices and payments for same as well as the dates of termination of services, provided to Ink's Mistress Tattoo, 116 S. Century, Rantoul, Illinois 61866, account number [REDACTED]

Records pertaining to: **Megan Kerr**
DOB: [REDACTED] SSN: [REDACTED]

Dear Sir/Madam:

US Legal Support is a records retrieval service company that provides litigation support to the legal and insurance industry. Our attorney/client has requested that we locate records specified in the enclosed legal documents, *within 14 days*.

Please provide all requested documentation and complete each document accurately and completely. If the cost of providing the records exceeds \$50.00, please contact us BEFORE copying. Please check that all copies are legible, and that no information is omitted. Texas law requires a physician/hospital/medical clinic to furnish a patient's records within 30 days after a request is received (Tex. Rev. Civ. Stat. Ann., Article 4495b, §5.08(k)). Enclosed is a **SUBPOENA WITH A DEPOSITION BY WRITTEN QUESTIONS AND/OR AFFIDAVIT**. Please assist us by:

1. Answering **ALL** questions.
2. **SIGN** the deposition by written questions and/or affidavit.
3. Have the signatures **NOTARIZED**.
4. Return all **ORIGINAL** completed documents with a legible copy of the records to:

**U.S. LEGAL SUPPORT, INC.
RECORDS DIVISION
363 NORTH SAM HOUSTON PARKWAY EAST, SUITE 1200
HOUSTON, TEXAS 77060**

IF AFTER A THOROUGH SEARCH YOU FIND NO RECORDS OF THIS PERSON, PLEASE MAKE THIS STATEMENT ON ALL DOCUMENTS, SIGN, AND HAVE THEM NOTARIZED.

*****Please reference the following number when calling: 92505.002*****

Thank you very much for your cooperation and assistance.

Best regards,

US Legal Support

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IN THE UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF ILLINOIS
EASTERN DIVISION

EQUAL EMPLOYMENT OPPORTUNITY
COMMISSION,

Plaintiff,

-vs-

UNITED ROAD TOWING, INC.,
Defendant.

Case No. 10 C 6259

Chicago, Illinois
July 19, 2011
9:53 a.m.

TRANSCRIPT OF PROCEEDINGS
BEFORE THE HONORABLE RUBEN CASTILLO

APPEARANCES:

For the Plaintiff:

MS. LAURIE S. ELKIN
MS. BRANDI LORRAINE DAVIS
Equal Employment Opportunity Commission
500 W. Madison Street
Suite 2000
Chicago, IL 60661
(312) 869-8105
E-mail: Brandi.davis@eeoc.gov
Laurie.elkin@eeoc.gov

For the Defendant:

MS. RACHEL BETH COWEN
DLA Piper LLP (US)
203 N. LaSalle Street
Suite 1900
Chicago, IL 60601
(312) 368-4000
E-mail: Rachel.cowen@dlapiper.com

Court Reporter:

KATHLEEN M. FENNELL, CSR, RPR, RMR, FCRR
Official Court Reporter
United States District Court
219 South Dearborn Street, Suite 2524-A
Chicago, Illinois 60604
Telephone: (312) 435-5569
Kathleen_Fennell@ilnd.uscourts.gov

1 (Proceedings heard in open court:)

2 THE CLERK: 10 C 6259, EEOC versus United Road
3 Towing.

4 THE COURT: Good morning.

09:53:13

5 MS. COWEN: Good morning, your Honor. Rachel Cowen
6 on behalf of the defendant United Road and Towing.

7 MS. ELKIN: Good morning, your Honor. Laurie Elkin
8 and Brandi Davis on behalf of the EEOC.

9 THE COURT: Okay.

09:53:23

10 MS. ELKIN: Your Honor, this is our motion to quash
11 two subpoenas, one with regard to claimant Micky Epeards and
12 one with regard to claimant William Snyder. I do believe that
13 the subpoena with regard to Mr. Epeards is now moot --

14 THE COURT: Okay.

09:53:40

15 MS. ELKIN: -- so our motion is moot on that.

16 THE COURT: That would have been to which of the
17 towing services?

18 MS. ELKIN: To Garner Towing Service.

19 THE COURT: Okay.

09:53:52

20 MS. ELKIN: So we are only at issue now with respect
21 to the subpoena --

22 THE COURT: To Tucson Care --

23 MS. ELKIN: Yes.

24 THE COURT: -- Car Care Towing?

09:54:00

25 MS. ELKIN: Yes. That is the claimant's current

1 employer.

2 The defendant claims in its motion that it served the
3 subpoena on the current employer because we had said in our
4 interrogatory answers that Mr. Snyder worked as a taxicab
09:54:18 5 driver, but we've produced a W-2 from a towing service, and
6 it's true that he has worked for both of those.

7 It may have been that at the time we answered the
8 interrogatory answers he had been working as a taxicab driver,
9 but he also works for the towing company, and they said they
09:54:37 10 needed to resolve the ambiguity between those two, so they
11 served a subpoena. We certainly could have resolved that
12 ambiguity and take the position that a subpoena served on a
13 current employer is inherently harassing because it puts the
14 current employer on notice that the claimant has litigation
09:54:54 15 pending against a former employer.

16 THE COURT: Okay. Do you want to respond?

17 MS. COWEN: Yes, your Honor.

18 In our motion -- or as our response indicates, we do
19 have a relevant basis to serve the subpoena. The case law
09:55:10 20 that is cited in the EEOC's brief, and their brief suggests
21 that there is somehow a per se rule that, in fact, a defendant
22 in an employment discrimination suit can never serve a
23 plaintiff or a litigant's current employer.

24 In fact, the case law is very clear that really the
09:55:23 25 inquiry that this Court should perform is no different than in

1 any other discovery request, and that is whether there's a
2 good-faith, relevant basis for the information. Here we
3 certainly do have a good-faith, relevant basis for the
4 information.

09:55:35

5 There was conflict in the discovery responses, and
6 today is the first time I'm hearing that, in fact, the
7 interrogatory answers failed to disclose the existence of the
8 towing company and failed to disclose the earnings from the
9 taxicab service.

09:55:48

10 If you would read the interrogatory answers, you
11 would see that the dollars that are on the W-2 match exactly
12 the dollars that were claimed to be earned by the taxicab
13 service, and so we did ask the EEOC to disclose and only
14 served the subpoena after they answered inconsistently, and it
15 was that answer that triggered the need for the subpoena.

09:56:07

16 But also, I think it is critical, it's not just a
17 matter of how much did Mr. Snyder earn, but what is he doing?
18 Because one of the inquiries in this pattern and practice case
19 is whether the individual claimants for whom the EEOC seeks
20 relief is are they actually qualified individuals with
21 disabilities, and whether Mr. Snyder is capable or able to
22 currently drive a tow truck is going to go to the heart of
23 that issue.

09:56:25

24 With regard to Ms. Elkin's suggestion that we should
25 have sought the information from them first, in addition to

09:56:41

1 the fact that the interrogatory answer is what dictated it,
2 your Honor may recall we have had significant trouble getting
3 documents from the EEOC pursuant to subpoena. It took five
4 months for them to produce medical records because, as
09:56:57 5 Ms. Elkin explained, it's extremely difficult for the EEOC to
6 set up vendors in their system, to issue subpoenas. The
7 process is incredible, and if Ms. Elkin is going to --

8 THE COURT: Well, let me ask you this, once you got
9 the EEOC answers and you saw this discrepancy, did you even
09:57:15 10 bother to contact them about the discrepancy?

11 MS. COWEN: We have had numerous conversations and
12 asked four times for them to supplement the -- in particular
13 this interrogatory --

14 THE COURT: That's not a direct answer to my
09:57:28 15 question.

16 MS. COWEN: I did not raise the specific inquiry
17 until this dispute arose when Ms. Elkin asked why we are
18 issuing the subpoena.

19 However, we have, on numerous occasions, asked them.
09:57:41 20 We've said, these appear incomplete. There are more
21 applicants or more claimants whose information is incomplete.
22 We did not single out Mr. Snyder in each of those
23 communications.

24 THE COURT: Okay.

09:57:53 25 MS. ELKIN: Your Honor --

1 THE COURT: Let me just stop you. I've got another
2 question for you.

09:58:04

3 Are you aware that this Court has a standing order
4 that requires you to obtain pre-approval from this Court
5 before issuing any discovery? Are you aware of that?

6 MS. COWEN: Before issuing any -- no, your Honor, I'm
7 not aware that each time we serve discovery requests, we're
8 supposed to come in. I apologize.

09:58:19

9 THE COURT: Okay. You're probably not aware of it
10 because I don't strictly enforce it. I kind of sit back and
11 decide which cases are troublesome and which case I'm going to
12 strictly enforce that order in, and you just became one of
13 them. So on that basis of failure to comply with the standing
14 order of this Court, I'm quashing the subpoena.

09:58:39

15 I do think this is pretty aggressive lawyering.
16 There are collateral consequences to this type of discovery.
17 I think there's a gentler way to proceed than this way, and I
18 would hate to see something happen to this claimant with this
19 employer because of this discrepancy. That's all I would say.

09:59:06

20 So the motion is granted.

21 MS. ELKIN: Thank you, your Honor.

22 THE COURT: Now, before you walk away, I've been
23 thinking about this case, and what is bothersome to me when I
24 look at the pendency of this case is the lack of a trial date.

09:59:20

25 So you're going to come back here, I'm not going to

09:59:42

1 catch you out of the blue, you're going to come back here on
2 August 16th at 9:45 for the express purpose of setting a firm
3 trial date in this case, and then once we set that date, we're
4 going to work our way backwards through the rest of the
5 schedule, but I want to look at this case from now on with a
6 firm trial date in mind.

7 See you then. Thank you.

8 MS. ELKIN: Thank you, your Honor.

9 MS. COWEN: Thank you, your Honor.

10 (Which were all the proceedings heard.)

11 CERTIFICATE

12 I certify that the foregoing is a correct transcript from
13 the record of proceedings in the above-entitled matter.

14 */s/Kathleen M. Fennell*

February 10, 2016

15 _____
16 Kathleen M. Fennell
17 Official Court Reporter

_____ Date

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IN THE UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF ILLINOIS
EASTERN DIVISION

EQUAL EMPLOYMENT OPPORTUNITY)	Docket No. 04 C 8139
COMMISSION,)	
)	
Plaintiff,)	
)	
v.)	Chicago, Illinois
)	April 14, 2005
JEWEL FOOD STORES, INC., et al.,)	9:30 o'clock a.m.
)	
Defendants.)	

TRANSCRIPT OF PROCEEDINGS - MOTION
BEFORE THE HONORABLE JOAN B. GOTTSCHALL

APPEARANCES:

For the Plaintiff:	EQUAL EMPLOYMENT OPPORTUNITY
	COMMISSION, by
	MR. AARON R. DeCAMP
	MS. DIANE ILENE SMASON
	500 West Madison Street
	Suite 2800
	Chicago, Illinois 60661
For the Defendants:	BRYAN CAVE, by
	MS. CHRISTY ELENBAAS PHANTHAVONG
	161 North Clark Street
	Suite 4800
	Chicago, Illinois 60601

ALEXANDRA ROTH, CSR, RPR
Official Court Reporter
219 South Dearborn Street
Room 1744-A
Chicago, Illinois 60604
(312) 294-0134



1 (Proceedings had in open court:)

2 THE CLERK: Case 2004 C 8139, EEOC versus Jewel Food
3 Stores.

4 MS. PHANTHAVONG: Good morning, your Honor. Christy
5 Phanthavong on behalf of defendant Jewel.

6 MR. DeCAMP: Good morning, your Honor. Aaron DeCamp
7 on behalf of the EEOC.

8 MS. SMASON: Good morning, your Honor. Diane Smason
9 also on behalf of the EEOC.

10 THE COURT: Obviously there is a potential in this
11 kind of motion to injure the plaintiff for unnecessary reasons.
12 And I guess I don't understand from reading all of this why
13 Jewel thinks it needs this information.

14 MS. PHANTHAVONG: Your Honor, Jewel believes it's
15 relevant for several reasons. It does not only go to back-pay
16 issues, as the EEOC has suggested. Rather it is relevant to a
17 variety of things. For example, if the class member Powell had
18 made some kind of harassment complaint or discrimination claim
19 or something like that at her subsequent employer, that would
20 be relevant to pattern, to motive, to credibility.

21 Your Honor, if she -- she has a claim here for
22 constructive discharge. This isn't just a harassment case.
23 She has a claim for constructive discharge. Her personnel file
24 at this new employer may show when she applied for the job,
25 when it was offered to her, when she accepted it.

1 All those kinds of things would definitely go to
2 constructive discharge issue. Something in an application may
3 reflect why she was no longer employed at Jewel. That would go
4 to credibility.

5 THE COURT: You are on a fishing expedition, which has
6 potentially serious deleterious effects on the plaintiff. I
7 don't think there is enough to justify this in this case.
8 There may be if a focused request based on something that
9 happens in this case down the line.

10 But at this point, basically to educate her current
11 employer about the details of this case, it seems to me the
12 costs vastly outweigh any potential benefits. So --

13 MS. PHANTHAVONG: Your Honor, she is not employed by
14 that employer any longer.

15 MR. DeCAMP: That's correct.

16 MS. PHANTHAVONG: So there isn't a potential there for
17 causing some harm with this employer.

18 MR. DeCAMP: But, your Honor, in similar cases, such
19 as Caterpillar, which was decided less than three months ago or
20 a couple months ago, Judge Pallmeyer ruled the same sort of
21 issue, rejected the subpoena in a case where the subsequent
22 employer, even though it wasn't her current employer, was
23 irrelevant, for the same issues.

24 THE COURT: Well, I still don't see any point why a
25 subsequent employer has to deal with this. I mean, it's making

1 it costly for anybody to employ the plaintiff. And I just
2 don't see the point to it. I think it's a fishing expedition.

3 So much too much is being requested, and it's all
4 being requested in the hope that something may turn up when
5 there is no evidence that anything is going to turn up. So --

6 MS. PHANTHAVONG: Your Honor, she was there for ten
7 days. I think it directly goes to her constructive discharge
8 claim, if not other claims as well.

9 THE COURT: I don't see how it goes to constructive
10 discharge.

11 MS. PHANTHAVONG: If she had applied there six months
12 earlier, they waited to accept her, this kind of thing. I
13 mean, it goes to timing why she left Jewel, when she did it,
14 the reasons that she did it, what she represented to them she
15 was leaving Jewel for. I think it goes to all of that. And --

16 THE COURT: In your dreams maybe, but I think
17 realistically you are not going to find anything.

18 MS. PHANTHAVONG: Is your Honor open to a narrowed
19 subpoena?

20 THE COURT: I don't know. I don't know. I think that
21 obviously the potential to make filing a claim like this costly
22 for plaintiffs in ways that really aren't legitimate is too
23 great. So I would have to see a pretty good reason to go after
24 a subsequent employer.

25 And I am not saying what I would do. I would have to

1 see what your reasons are and what you are looking for. Okay?

2 MS. PHANTHAVONG: Would your Honor like us to file
3 some kind of motion then on that before --

4 THE COURT: No, absolutely not. I don't ever want to
5 see it again. But if you have good reason, of course, I will
6 consider it. Okay? But this motion is going to be granted.

7 MR. DeCAMP: Thank you, your Honor.

8 And, your Honor, one other thing. When we had our
9 initial status hearing in February, both parties agreed to have
10 a close of discovery in November of 2005. And then this Court
11 also instructed us to have a close of written discovery on
12 April 18.

13 MS. PHANTHAVONG: Monday.

14 MR. DeCAMP: Yes, this coming Monday.

15 To this point, both parties exchanged extensive
16 discovery. We are in the process of working out our
17 differences and seeing if we can come to mutually agreeable
18 solutions to those problems.

19 But we think at this point the April 18 written
20 discovery deadline, we just want to have clarifications exactly
21 what this Court was looking for. And if not, just to have that
22 written discovery deadline extended.

23 THE COURT: Just to the end of discovery generally?

24 MR. DeCAMP: Yes.

25 THE COURT: That's fine with me.

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1 observations you want to make, you will have a chance to do
2 that.

3 The other matter that we have is EEOC's motion to
4 quash the subpoena, as I understand it, to Ms. Lambert's
5 subsequent employer.

6 There is only one of them as I understand it,
7 correct?

8 MS. JETER: It's not her current employer. It's
9 the only subsequent employer we knew about.

10 MS. SMASON: Your Honor, they believed it to be
11 her current employer when they served the motion to quash.

12 MS. JETER: Actually, that's not true because I
13 issued the subpoena, and I did not know whether it was her
14 current employer or not when I issued the subpoena, which is
15 why -- I mean, I don't know that that's the critical issue.
16 I don't know that it's even relevant. In any event, that's
17 why I asked in the subpoena, if applicable, the reasons for
18 Lambert's separation from Airtight's employment.

19 MS. SMASON: Your Honor, if I may.

20 When I spoke to Ms. Jeter a few days ago and I
21 asked her, before we filed our motion, to articulate to me
22 why she was even serving the subpoena in hopes that we could
23 work something out, she said, "Well, we are entitled to
24 compensation and benefit information." I said, "Well, we
25 have given you that. We have already given you that. We

1 will continue to supplement." Even now seeing their brief,
2 that's the only legitimate argument they can make.

3 We do have a back pay claim through this next
4 employer, Airtight, which they served the subpoena on. We
5 have given W-2 information. We are continuing to
6 supplement. In fact, I gave them about 140 pages worth of
7 benefits information.

8 There is no other legitimate information that they
9 could possibly obtain from this employer. At the time they
10 served it on her, they had no reason to believe it was not
11 her current employer. We had not yet informed them that she
12 had voluntarily left Airtight and moved on to another
13 employer a few months ago.

14 MS. JETER: There certainly is other relevant
15 information. The information that she provided on her
16 application to Airtight as to her reasons for leaving
17 Caterpillar is important -- could be very important.

18 Likewise, the reasons for her leaving Airtight's
19 employment could also be very important for the mitigation
20 issue, whether she quit, whether she was fired for some
21 performance or conduct issue that would allow us to cut off
22 back pay. Those are a number of reasons. Those are reasons
23 that -- I certainly did not tell Ms. Smason on the phone
24 that those were the only -- that compensation and benefits
25 were the only thing.

1 Furthermore, as I also noted to Ms. Smason, I
2 think we have the right and are entitled to test the
3 veracity of what information we receive and get those
4 materials from Airtight. I mean, there may be other
5 compensation issues that were not included on what documents
6 we have right now.

7 With respect to the benefits information they
8 previously provided, it's simply benefit books. I don't
9 know whether she actually received those benefits, what the
10 level of value there was to those benefits. I mean, they
11 are just books that could apply to Ms. Lambert or someone
12 else or not her at all. I don't know that information.
13 That's why I am seeking it.

14 MS. SMASON: Your Honor, to respond to a few
15 points she raised, we are actually -- I haven't even had the
16 chance to tell Ms. Jeter this -- but she left Airtight
17 voluntarily because she got a better job somewhere else
18 where she is making a lot more money. So our back pay claim
19 is going to end after Airtight. So her argument with
20 respect to why she left there and if it could cut off back
21 pay, yeah, it will. Voluntarily we are going to cut off
22 back pay. So there is no reason that she needs any more
23 information on that issue.

24 If she wants more information specifically about
25 specific benefits that she may have obtained, she can serve

1 an interrogatory. We will be glad to answer that.

2 I think what they want -- they have asked for
3 every single document Airtight has on her. What possible
4 relevance can any of that have? It's an employer after she
5 left Caterpillar. There is nothing there that could be
6 relevant other than compensation because we have a back pay
7 claim. We are giving her everything that's relevant to
8 that.

9 MS. JETER: They're keeping the back pay claim
10 through Airtight's employment and, therefore, I think we are
11 entitled to those information. I also think we are entitled
12 to documents regarding the application and her reasons for
13 leaving. We don't have to believe the EEOC.

14 MS. ELKIN: Your Honor, just to clarify one point.

15 When we say her back pay is cut off when she left
16 Airtight, it's because she's making a lot more money than
17 she made at -- it's not that we are voluntarily cutting off
18 back pay. It's cut off as a matter of law because she is
19 making a lot more money than she made at Caterpillar.

20 THE COURT: I understand that.

21 With respect, I think this request is harassing.
22 I don't see any reason for it. I think all of the
23 information that's relevant can be obtained from Ms. Lambert
24 or from the EEOC directly. Her reasons for leaving will
25 have very little relevance, if any, if she went on to a job

1 where she is earning more money. It simply won't make any
2 difference.

3 To the extent there is something in her employment
4 application about the reasons she left Caterpillar, I think
5 whatever she said will make very little difference here. If
6 she said, "I left because I was subject to sexual
7 harassment," then that would only confirm what plaintiffs
8 claim -- what plaintiff claims here.

9 If she says nothing about it, that might simply be
10 because she doesn't want to create for herself a reputation
11 as being a complainer. There is nothing improper about
12 that. There is nothing dishonest at all about refusing to
13 complain about a former employer. Many of us think it's in
14 bad taste for people to complain about their former employer
15 whether or not their complaints are accurate. This may have
16 been her motivation, not that she wanted to deceive anybody,
17 but that she wanted to put a negative experience behind her
18 and she did not want to trash Caterpillar if it wasn't
19 necessary to do that. I don't think it says anything about
20 the merits of this case.

21 I really think that this is an unnecessary and
22 harassing endeavor to obtain information. I think the Court
23 is supposed to impose appropriate limits on discovery.
24 That's what I am doing here.

25 MS. SMASON: Thank you, your Honor.

1 MS. JETER: Well, I would just like to add that we
2 did not intend to be harassing when we sent it out. This is
3 a discovery device that we have used before.

4 THE COURT: Yes, but --

5 MS. JETER: I certainly don't want the Court to
6 think that we were intending to be harassing. We
7 specifically did not request information such as medical
8 records and the like in an effort to not be harassing.

9 THE COURT: Well, but at the time, as I understand
10 it, either when the request was made or subsequently, all
11 the relevant information regarding her compensation was
12 available from EEOC or Ms. Lambert directly. I think it's
13 appropriate for me to grant this motion.

14 MS. ELKIN: Thank you, your Honor.

15 MS. SMASON: Thank you, your Honor.

16 Your Honor, one point on the previous issue.

17 THE COURT: Okay.

18 MS. SMASON: And that is, I believe Caterpillar
19 had requested a stay in discovery pending whether or not you
20 would be certifying their --

21 MS. JETER: Only of class-based discovery beyond
22 Garcia.

23 MS. SMASON: Your Honor, we object to any stay.

24 In fact, just to remind you, your Honor, we have
25 not been able to really engage in any discovery at all

IN THE UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF ILLINOIS
EASTERN DIVISION

EEOC, ET AL.,)	DOCKET NO. 03 C 6576
)	
)	
)	
)	
Plaintiffs,)	
)	
vs.)	
)	
)	
PEPSI AMERICAS, INC.,)	Chicago, Illinois
)	September 17, 2004
)	9:00 o'clock a.m.
Defendant.))	

TRANSCRIPT OF PROCEEDINGS BEFORE THE HONORABLE
MILTON I. SHADUR, Judge

APPEARANCES:

For the Plaintiffs: MS. JUNE WALLACE CALHOUN

For the Defendant: MS. REGINA W. CALABRO

For the Intervenor: MS. ALENNA K. BOLIN

JESSE ANDREWS
Official Court Reporter - U. S. District Court
219 S. Dearborn Street
Chicago, Illinois 60604
(312) 435-6899

* * * * *



1 THE CLERK: 03 C 6576, Equal Opportunity vs. Pepsi
2 Americas.

3 MS. BOLIN: Good morning, your Honor. Alenna Bolin
4 on behalf of plaintiff intervenor Renae Henry.

5 MS. CALHOUN: Good morning, your Honor. June Wallace
6 Calhoun on behalf of the EEOC.

7 MS. CALABRO: Good morning, your Honor. Regina
8 Calabro on behalf of the defendants.

9 THE COURT: What's the predicate for seeking this
10 information?

11 MS. CALABRO: Your Honor, we have three reasons for
12 seeking the current employments records for Mr. Henry.
13 Probably the primary reason would be the medical records that
14 have been turned over indicate that she is continuing to
15 complain about anxiety and stress at her new job, and that is a
16 strong element in damage. We are seeking her employment
17 records to see what's causing her anxiety and stress at her
18 employment.

19 During her deposition she testified that she was
20 enjoying her new job, yet her medical records reflect she has
21 complained about that job, but the medical records don't
22 provide any details.

23 THE COURT: Did you ever complain about yours?

24 MS. CALABRO: Do I ever complain about mine?

25 THE COURT: Yes. I mean I am not quite sure that

1 that --

2 MS. CALABRO: But I don't have a complaint on file
3 seeking damages for anxiety and stress.

4 THE COURT: Well, let me ask plaintiffs' counsel.
5 What about it?

6 MS. BOLIN: Your Honor, I have looked through the
7 medical records, and I have not seen anything in those records
8 that relate to stress on her job. There were two medical
9 records relating to stress that occurred during the time that
10 she was employed at her current job. She saw her doctor a
11 couple of days after her boyfriend died, and it did note that
12 there he was stress relating to that incident, it was not
13 related to work.

14 There was also another incident where it referred to
15 stress. This was about one to three days after she learned
16 that her deposition in this case would be scheduled. She
17 testified at her deposition that in preparing for depositions,
18 answering interrogatories was very stressful.

19 THE COURT: All right. That's one strike. What's
20 your other reason or reasons?

21 MS. CALABRO: My response to that, your Honor, is
22 that there is a medical document.

23 THE COURT: You are not going to get it. You know,
24 look. There is too much is potential prejudice to somebody's
25 current employment. By taking this job she is essentially

4
1 mitigated her damages so it cuts off any potential money
2 exposure for Pepsi. The idea that -- for example, something
3 could be done that would enlarge Pepsi's exposure because maybe
4 her employer -- current employer would take a dim view of
5 learning about this action or being deposed or anything else,
6 doesn't seem me to serve anybody's interest.

7 So what's the other reason or reasons?

8 MS. CALABRO: Well, your Honor, the other reasons
9 were -- one is credibility. We would like to verify on her
10 application what recent employers she has listed and she might
11 have included --

12 THE COURT: You are not going to do get that one
13 either.

14 What's the third reason?

15 MS. CALABRO: May I just finish that point, your
16 Honor?

17 THE COURT: Yes. You've finished, really.

18 MS. CALABRO: We have asked for it --

19 THE COURT: You know, I really take a very dim view
20 of this. This has all of the earmarks of basically harassment.
21 This is the kind of thing for which discovery is not geared.
22 And especially in a situation in which there has been a cut off
23 by reason of the acceptance of a new job that really says from
24 this point forward there is no problem with frontpay, so don't
25 look a gift horse in the mouth.

1 What else if anything do you have?

2 MS. CALABRO: Well, credibility is going to be an
3 important issue in this case. And we have asked for past tax
4 returns and W-2s from Ms. Henry. And we know that there is
5 certain -- she's claimed she had certain employment since Pepsi
6 but did not turn in W-2s for those records of employment. So
7 one aspect of this request is to review her employment
8 application and see what employers she is claiming on that
9 application since the time she worked at Pepsi.

10 THE COURT: If she claims to have other employments
11 and I don't know whether her tax return would yet -- the
12 current tax return -- would yet show that, I don't know when
13 that took place. It may be during this year, in which case the
14 return would not yet have been filed. But if you have some
15 disparity in that, there will be time enough to consider
16 possibility again if you have to query her credibility on that
17 score.

18 MS. CALABRO: We have asked for the tax records, your
19 Honor, repeatedly, and plaintiff's counsel has told us for a
20 few weeks now that she was going to provide those, and we still
21 haven't received them.

22 THE COURT: That's a different issue.

23 MS. BOLIN: It's a different issue. We have turned
24 over the W-2s and identified her previous employers. And there
25 was one employer that she's taking the deposition of September

1 27th and will have an opportunity to inquire.

2 THE COURT: They haven't disputed, as I see their
3 motion, the other temporary or interim employments. So you are
4 going to be able to get that discovery.

5 Any other similarly meritorious grounds?

6 MS. CALABRO: You Honor, we believe that there is
7 some mitigation, even though she's not asking for backpay or
8 frontpay from the date of her employment with this current
9 employer. When he applied, the position she applied for and
10 her availability that she indicates on her application, would
11 go to her mitigation efforts. Ms. Henry claims that she was
12 unable to find employment for a significant period of time.

13 THE COURT: How is that going to be improved on by
14 the records of when she did get employment?

15 MS. CALABRO: The employment records would indicate
16 when he told the Chicago Tribune, when he applied to the
17 Chicago Tribune, when she indicated what position she was
18 willing to accept and her availability for employment.

19 THE COURT: At this point you are going to have to
20 use other means to the extent that any of that information is
21 relevant. I am going to grant the motion for the protective
22 order. You are not to pursue her in connection with the
23 present employment certainly at this point. Whether further
24 circumstances may change that is something that we look at in
25 the further, but not for now. So I am granting the motion.

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MS. BOLIN: Thank you, your Honor.

THE COURT: Thank you.

(WHICH WERE ALL OF THE PROCEEDINGS HAD AT THE HEARING OF
THE ABOVE-ENTITLED CAUSE ON THE DAY AND DATE AFORESAID.)

C E R T I F I C A T E

I HEREBY CERTIFY that the foregoing is a true and correct
transcript from the report of proceedings in the above-entitled
cause.

JESSE ANDREWS, CSR
OFFICIAL COURT REPORTER
UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF ILLINOIS
EASTERN DIVISION
DATED: September 28, 2004

DECLARATION OF JASON MORRIS

I, Jason Morris, having a business address of 1404 E. Grove Avenue, Rantoul, Illinois 61866, do hereby swear, affirm and attest as follows, based upon my personal knowledge of the matters contained herein:

1. I am currently employed as a Store Manager ("SM") for Rent-A-Center ("RAC") at Store No. 319. I am over 18 years of age and competent to testify to the matters stated in this declaration. I make this declaration based upon my personal knowledge.

2. I have not been promised any benefit, coerced or threatened in any manner in exchange for the testimony in this declaration. I also understand that I was under no obligation to speak with RAC's attorney. I chose to speak to RAC's attorney voluntarily. I also understand that RAC may use the information I provide to defend against claims made by former RAC employee Megan Kerr to the U.S. Equal Employment Opportunity Commission with respect to her claims of gender discrimination and harassment.

3. In February 2014, I replaced SM Russell Kasper as the store manager for Store No. 319. As a store manager, I am responsible for, among other things, running the store and driving sales. Former Assistant Store Manager Megan Kerr reported to me from February 13, 2014 until her termination on July 12, 2014 for using a company vehicle for personal reasons – a direct violation of Company policy. My direct supervisor is District Manager Jason Camahan.

4. I have never made any inappropriate, harassing or discriminatory comments or jokes to or about Ms. Kerr. Likewise, I have never heard or witnessed any RAC employees make any inappropriate, harassing or discriminatory comments or jokes to or about Ms. Kerr. Doing so is a direct violation of Company policy. Discrimination or harassment of any sort is strictly prohibited by RAC. The Company maintains a no tolerance policy and finds discrimination and harassment is both against the law and RAC policy whether it involves harassment by coworkers, by a manager, or by persons doing business with, or for, RAC. If RAC determines that discrimination or harassment of any kind has occurred, it will take immediate corrective action, commensurate with the circumstances, up to and including termination, and will also act to deter any future discrimination or harassment concerns.

5. RAC values direct and open communication between all coworkers. Therefore, it maintains an Open Door Reporting Policy. This policy provides RAC employees with several alternative reporting procedures, including reporting any concerns of discrimination or harassment to: (1) their immediate supervisor, District Manager, or Regional Director; (2) the Coworkers Relations Hotline; or (3) the third-party Compliance Hotline. RAC encourages that all coworkers have a responsibility to report suspected violations of its policies. In addition to its Coworker Handbook, RAC utilizes an Open Door Poster to alert employees to this resource.

6. RAC's Vehicle Operation policy specifically states: "Company-owned vehicles may not be used for personal business or occupied by any family members, friends, or other unauthorized persons at any time." It further provides that failure to abide by this policy will result in discipline up to and including termination.

7. On Saturday, July 19, 2014, I noticed that Ms. Kerr was acting unusual. She made several requests to go out on deliveries alone even though the a Customer Account Representatives, who was responsible for deliveries, was at work. At the time, I was aware that Ms. Kerr had been evicted from her place of residence and suspected that she was using one of the company vehicles to move personal items – a clear violation of Company policy.

8. My suspicion prompted me to drive by Store No. 319 on Sunday, July 20, 2014, to check on the RAC vehicles. The store was closed that day. At the time, two vehicles (a cube-shaped moving truck and a moving van) should have been in the parking lot. When I arrived at the store, I found the RAC moving truck missing from the parking lot and Ms. Kerr's personal vehicle (a tan car) parked at the store. To document this violation, I took a date-stamped picture of the parking lot. That day, I also picked up then-RAC Customer Account Representative Brock Duncan-Fox to help me search for Ms. Kerr and the missing RAC moving truck. Despite our efforts, we were unable to locate Ms. Kerr or the RAC truck. That day, July 20, 2014, I called DM Carnahan to report this incident. We both agreed that Ms. Kerr should be terminated for violating Company policy (i.e., using a company vehicle for personal reasons).

9. The RAC vehicle in question is large enough to fit living room sets and a washer and dryer. Ms. Kerr's use of the Company vehicle for personal reasons was not only a violation of Company policy, but it also placed RAC at risk, since our insurance does not cover our vehicles during non-business hours for non-business related use.

10. The following morning, Monday, July 21, 2014, I confronted Ms. Kerr. I asked Ms. Kerr if she had used the RAC moving truck for personal reasons that weekend, including moving her belongings from her place of residence to a new location. Ms. Kerr admitted that she had done so. I then informed Ms. Kerr that she was terminated for violating Company policy, effective July 21, 2014. In response, Ms. Kerr simply stated, "Okay, thank you," and left the store. During this conversation, Ms. Kerr did not complain of discrimination or harassment. During the time period Ms. Kerr reported to me, she never complained to me about discrimination or harassment based on her gender or otherwise. Further, to my knowledge, despite being aware of RAC's Open-Door Reporting Policy, Ms. Kerr never called RAC's Coworker Relations to report any issues during her nine-year tenure with the Company.

11. Ms. Kerr never returned the keys to the RAC vehicle.

12. Ms. Kerr was not treated differently because of her gender or for any other reason.

13. I have never felt that anyone at RAC has treated me differently because of my gender or for any other reason.

14. I understand that I am not required to provide the testimony in this declaration. I further understand that it would be a violation of RAC's policy for anyone to retaliate against me for providing or refusing to provide the testimony in this declaration. I have agreed to notify RAC immediately if I ever believe I am being subjected to any retaliation in violation of the Company's policies.

15. Prior to signing this declaration, I was provided with a full opportunity to carefully review this declaration and freely make any corrections and additions of any kind. I verify that the information I have provided in this declaration is true and correct.

I declare, under penalty of perjury, that the foregoing is true and correct to the best of my knowledge and belief.

Executed on 12-15-2015


Jason Morris