

UNITED STATES DISTRICT COURT
DISTRICT OF CONNECTICUT

MICHELLE THIBEAULT

v.

SCAP MOTORS, INC., a/k/a
SCAP AUTOMOTIVE GROUP

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CIV. NO. 3:04CV1936 (JCH)

RULING ON PLAINTIFF'S MOTIONS TO COMPEL [Doc. ##27, 35]

A hearing was held on January 18, 2006, on plaintiff's Motions to Compel. After careful review, plaintiff's Motions to Compel [Doc. ## 27 and 35] are **GRANTED** in part and **DENIED** in part as follows.

1. Defendant will identify by name, gender, address and telephone number all Sales Managers and Assistant Sales Managers employed by the defendant from 1995 to the present at any and all of its dealerships in existence during plaintiff's employment. Defendant will specify the salary, commission rate, pay structure, bonus amount and/or rate, and any other benefits offered and/or paid to these managers during the period 1995 to the present. Defendant will produce any writings contained in the personnel or other files of the Sales Managers and Assistant Sales Managers regarding their terms of employment during the period 1995 to the present.
2. Defendant will disclose the commission rates for all Sales Managers and Assistant Sales Managers from 1990 to the present at all of the Scap dealerships in existence while plaintiff was

employed.

3. Plaintiff will provide a list of reimbursement or co-payments received by Scap Chrysler Jeep from Daimler Chrysler for promotional efforts during the period 1995 to the present. Defendant will then produce all of the dealership's backup documents for the promotional activities that resulted in the reimbursement payments from Daimler Chrysler.

Scheduling Order

The progress of this case has been delayed by repeated changes of counsel for defendant.¹ The Court urges defendant's law firm to assign one lawyer to the case to complete discovery and to file the motion for summary judgement. The current schedule provides that discovery is closed and dispositive motions are due at the end of January. Defendant will produce all of the documents ordered by the Court today within five (5) days.

The parties are encouraged to contact the Court as issues arise in complying with this ruling and order. Any requests for extension of the Court's deadlines must be made **in advance of the deadline** and must be made directly to Judge Hall.

This is not a recommended ruling. This is a discovery ruling and order which is reviewable pursuant to the "clearly erroneous" statutory standard of review. 28 U.S.C. § 636

¹To date, five (5) lawyers have appeared on behalf of defendant. Three lawyers have withdrawn and most recently a lawyer filed an appearance on Friday, January 13, 2006, to argue today's discovery motions.

(b) (1) (A); Fed. R. Civ. P. 6(a), 6(e) and 72(a); and Rule 2 of the Local Rules for United States Magistrate Judges. As such, it is an order of the Court unless reversed or modified by the district judge upon motion timely made.

ENTERED at Bridgeport this 18th day of January 2006

_____/s/_____
HOLLY B. FITZSIMMONS
UNITED STATES MAGISTRATE JUDGE