NAACP v. Dole

United States District Court for the District of Columbia
April 22, 1990, Decided; April 23, 1990, Filed
Civil Action No. 82-2315 (CRR)

Reporter: 1990 U.S. Dist. LEXIS 4664
NAACP, JEFFERSON COUNTY BRANCH, et al, Plaintiffs, v. ELIZABETH DOLE, SECRETARY, DEPARTMENT OF LABOR, et al, Defendants, and UNITED STATES SUGAR CORPORATION, et al, Intervenor-Defendants

Opinion by: [*1] RICHEY

Opinion

ORDER

CHARLES R. RICHEY, UNITED STATES DISTRICT JUDGE

This discovery battle arises out of the following paragraph of this Court's September 25, 1986 Order: "In connection with the factual development of the payment and productivity practices of the sugar cane growers as they bear on the applicability of 20 C.F.R. 655.207(c), Plaintiffs shall have the right to take appropriate discovery as permitted by the Federal Rules of Civil Procedure." In conjunction with the Department of Labor's own investigation, the plaintiffs, pursuant to this Order, conducted a preliminary round of discovery seeking "representative samples" of various kinds of documents to obtain an overview of the sugar cane growers' payment practices. After analyzing the information obtained through their initial requests and presenting this information to the Department of Labor ("DOL"), the plaintiffs and DOL recognized the need for further evidence to show how the relevant regulations could be applied to sugar cane.

Therefore, the plaintiffs initiated this second round of discovery, which met with great resistance from the intervenor-defendants. The intervenor-defendants have filed a motion for a protective [*2] order, which the Court will deny, and the plaintiffs have filed a motion to compel compliance with subpoenas duces tecum, which the Court will grant.

It is well-established that a "district court has broad discretion in its resolution of discovery problems," Northrop Corp. v. McDonnell Douglas Corp., 751 F.2d 395, 399 (D.C. Cir. 1984) (quoting In Re Multi-Piece Rim Products Liability Litigation, 653 F.2d 671, 679 (D.C. Cir. 1981)), and that "[d]ecisions regarding the scope of discovery . . . are ordinarily left to the informed judgment of the district judge." Mack v. Great Atlantic & Pacific Tea Co., 871 F.2d 179, 186 (1st Cir. 1989) (quoting In Re Recticel Foam Corp., 859 F.2d 1000, 1006 (1st Cir. 1988)). Moreover, as the party moving to quash the subpoenas, the intervenor-defendants have the burden of proving that the discovery requests are unreasonable or oppressive. See Northrop Corp., 751 F.2d at 403.

There are several reasons for the Court's decision that the intervenor-defendants have not met their burden. First, in 1986 this Court already ruled that the plaintiffs are entitled to conduct this type of discovery to supplement the administrative record. [*3] The information sought is clearly relevant to the issues in this case, and the Court's 1986 ruling continues to apply today. The plaintiffs' discovery requests have not become unnecessary because, contrary to the intervenor-defendants' contention, the administrative record is not yet complete. DOL has not filed its final report yet, and it has expressed interest in further evidence of the kind that the plaintiffs seek from the growers.

Second, the intervenor-defendants have failed to demonstrate that the plaintiffs' discovery requests are unduly duplicative of the initial round of limited discovery. The fact that there may possibly be some overlap does not necessarily mean that this second round of discovery is unreasonable, burdensome, or oppressive within the meaning of *Fed. R. Civ. P. 26(c)*. The plaintiffs should not be penalized and barred from further discovery merely because they took a reasonable course of action in trying to resolve this case by initially limiting the scope of their discovery. Moreover, the burden is not as great as the intervenor-defendants claim because the plaintiffs have demonstrated a willingness to be reasonable and accommodating by offering: (1) to [*4] work with the growers to narrow their discovery requests, see Plaintiffs' Reply at 13-14, and (2) to pay the reasonable costs of copying any documents produced by the growers, see id. at 14 n.12; plaintiffs' Motion to Compel at 13 n.9.

Third, the Court is not convinced by the intervenor-defendants' argument that the plaintiffs have been so dilatory in litigating this lawsuit that their discovery requests should not be permitted. While this case has been pending for a long time, it is a complicated APA review case, and the information and analyses needed

to properly evaluate the sugar cane growers' payment and productivity practices are complex. Furthermore, on the record before the Court, the delay in obtaining the necessary information and resolving this case must be shared by the growers, who tried mightily, albeit unsuccessfully, to avoid complying with the plaintiffs' earlier discovery requests. Finally, the Court cannot say that the plaintiffs were dilatory or unreasonable in keeping a watchful eye on related litigation and postponing some of their actions in this case until after the Court of Appeals had decided AFL-CIO v. Dole, 884 F.2d 597 (D.C. Cir. 1989).

Accordingly, [*5] it is, by the Court, this 22 day of April, 1990,

ORDERED that the Motion of Defendant-Intervenors for Protective Order shall be, and hereby is, DENIED; and it is further

ORDERED that the plaintiff's Motion to Compel Compliance with Subpoenas Duces Tecum shall be, and hereby is, GRANTED and that the plaintiffs' subpoenas served upon United States Sugar Corporation, Okeelanta Corporation, Atlantic Sugar Corporation, Osceola Farms, J. Dale Stacy, and Frank Polhill shall be complied with in their entirety.