

UNITED STATES DEPARTMENT OF JUSTICE
EXECUTIVE OFFICE FOR IMMIGRATION REVIEW
OFFICE OF THE CHIEF ADMINISTRATIVE HEARING OFFICER

UNITED STATES OF AMERICA,)
Complainant,)
)
v.) 8 U.S.C. 1324b Proceeding
) CASE NO. 90200363
MCDONNELL DOUGLAS)
CORPORATION,)
Respondent.)
_____)

ORDER

1. This Order is in response to letters that I have received from counsel for the respective parties in this matter regarding the pre-hearing telephone conference of August 30, 1991.

2. In that conference, the parties and I discussed their concern regarding the issuing of subpoenas and taking of depositions, particularly relating to seven out-of-state charging parties, who submitted affidavits regarding the inconvenience of attending depositions planned by the Respondent in California.

3. The subpoenas issued by the Respondent were duces tecum and required production of certain documents

4. In order to resolve the conflict, the parties agreed that the subpoenas issued would be converted to Request for Production of Documents and not for personal appearance of the seven charging parties at this time. It is ordered that the Office of Special Counsel accept the responsibility for making certain that these seven charging parties would cooperate with the request for production of documents.

5. Depending upon the responses to the request for production of documents by the seven charging parties, the McDonnell Douglas Corporation may not see a need for taking deposition of

these parties or may secure the necessary information by telephone or by some type of video capacity.

6. In the event that McDonnell Douglas Corporation is not satisfied with any of the above measures and wishes to have in-person depositions, McDonnell Douglas Corporation will notify the Court and state its reasons for the requested information. Since the dates and time for the issued depositions may have to be changed, new subpoenas for the deposition may be required of the Respondent. However, this will be addressed at a later time, if necessary.

7. I believe that the above referenced material accurately describes the understanding of the parties regarding the pre-hearing telephone conversation of August 30, 1991. I have not addressed OSC's Motion for a Protective Order in this matter since it is hoped that cooperation by counsel will resolve the issues involved. However, if this is not the case, and these issues will have to be re-visited, a request for another pre-hearing conference is in order.

8. Cooperation among counsel in this type of case is extremely important as to all parties including the Court and I do expect counsel to conform with this request for cooperation.

IT IS SO ORDERED this 1st day of October, 1991, at San Diego, California.

E. MILTON FROSBURG
Administrative Law Judge