

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

October 15, 2020

TEMITOPE OGUNRINU,)	
Complainant,)	
)	
v.)	8 U.S.C. § 1324b Proceeding
)	OCAHO Case No. 19B00032
)	
LAW RESOURCES & ARNOLD & PORTER)	
KAYE SCHOLER LLP,)	
Respondent.)	
)	

ORDER ON SEPTEMBER 2020 MOTIONS

I. BACKGROUND

This case is pending before this Court pursuant to 8 U.S.C. § 1324b. On the last day of discovery, hours after Respondents took Complainant's deposition, the parties filed a number of motions, to wit: Respondent Arnold & Porter Kaye Scholer LLP filed a Motion to Compel and Extension, followed by an amended Motion to Compel; Respondent Law Resources filed a Motion to Compel; and Complainant filed a Motion to Overrule Objections and Compel Arnold & Porter's Response to Discovery Requests, Complainant's Motion to Overrule Objections and Compel Law Resource's Response to Discovery Requests, and a Motion Requesting Additional Time to Produce Expert Report Subject to Motion to Compel. Subsequently, Complainant filed responses to the Respondents' motions to compel on September 28, 2020, and the parties filed their responses to Complainant's motions to compel on October 5, 2020. This Order addresses these motions.

II. STANDARDS

The Office of the Chief Administrative Hearing Officer (OCAHO) rules permit parties to file motions to compel responses to discovery if the responding party fails to adequately respond or objects to the request. 28 C.F.R. § 68.23(a). However, pursuant to OCAHO Rule § 68.23(b), a motion to compel must set forth and include:

- (1) The nature of the questions or request;
- (2) The response or objections of the party upon whom the request was served;

- (3) Arguments in support of the motion; and
- (4) A certification that the movant has in good faith conferred or attempted to confer with the person or party failing to make the discovery in an effort to secure information or material without action by the Administrative Law Judge.

The purpose of discovery under both the OCAHO rules and the Federal Rules of Civil Procedure is to bring forward all relevant information so that the resolution of disputed issues may be based on a full and accurate understanding of the facts. *Ironworkers Local 455 v. Lake Construction & Dev't Company*, 6 OCAHO no. 911, 1046 (1997). “Discovery, in other words, is not a game of cat-and-mouse. A litigant seeking discovery is entitled to true, explicit, responsive, complete, candid, and nonevasive answers to relevant interrogatories and to the production of relevant documents.” *Id.*

III. DISCUSSION

1. Complainant’s Motion to Compel as to Law Resources

The Court first turns to the Complainant’s motion to compel as to Law Resources. Complainant served Law Resources with her fourth discovery requests on August 7, 2020, and her fifth on August 13, 2020. Comp. Mot. Law Resources at 3. Law Resources served its responses on September 8 and September 14, 2020 and, after a meet and confer, supplemented its responses on September 22. Compl. Mot. Law Resources at 2-3. Complainant argues that Law Resources conditioned every one of its responses, and objected to every discovery request. Complainant argues that these objections should be overruled and Law Resources should respond to Complainant’s entire discovery requests. *Id.* Complainant states that Law Resources did not produce any documents responsive to Complainant’s request.

Law Resources responds that it entered objections to preserve its rights, as it must, but that it responded substantively to most of the discovery requests. Law Resources Opp. Law Resources argues that Complainant did not specify what she found objectionable in Law Resources’ responses and, accordingly, the motion to compel must fail. *Id.* Law Resources also states that Complainant did not bring up any objections to its responses to the fourth discovery request at the meet and confer.

Complainant’s argument that Respondent cannot enter general objections has some validity. The party objecting to a discovery request has the burden of persuading the Court that the objection is justified. § 68.23(a); *Sharma v. Lattice Semiconductor*, 14 OCAHO No. 1362a, 1 (2020); *United States v. Westheimer Wash Corp.*, 7 OCAHO no. 989, 1042, 1045 (1998); *Allen Holdings, Inc.*, 9 OCAHO no. 1059, 14, 4 (2000). Even if discovery requests are irrelevant, the party from whom discovery is requested must have a valid objection to each one in order to escape the production requirement. *Id.* at 1042. The party resisting a discovery request must make a specific showing with respect to each objection. *Sefic v. Marconi Wireless*, 9 OCAHO no. 1123, 10 (2007). A party resisting discovery is expected not only to explain its objection with particularity, but also to cite to relevant legal authority in support of this argument. *Id.* at 9.

Complainant attached her discovery requests to the motion, but did not provide Law Resources full responses, instead categorizing the general objections. As noted above, a motion to compel

must include the response or objections provided by the party. § 68.23(b). The reason for this requirement is so that this Court has a full record upon which to rule. To the extent that Law Resources entered objections, but then responded to the discovery request, this Court has no basis upon which to rule as to the validity of the objections and the responses. As the Court does not have the full context, it simply cannot tell what happened.

Law Resources provided its supplemental responses to Complainant's fifth set of discovery requests. Law Resources Opp., Ex. A. Law Resources did not provide its supplemental responses to Complainant's fourth set of discovery requests and, as noted above, neither did Complainant. A review of the supplemental response shows that Law Resources responded to all of the requests for admission, provided a reference to previously produced documents for most of the request for production (RFP) and responded to most, but not all, of the interrogatories. In reflection of the fact that Complainant is pro se, this Court will review the responses where Law Resources did not provide any response, and instead relied entirely upon its objections. These are the only responses that this Court can reasonably ascertain the full context of the discovery dispute.

a. Interrogatory Number (No.) 8

Complainant asked: "Identify the name and address of each person who contacted the Complainant to inform and/or invited and encouraged the Complainant to reapply for *employment* with the Respondents during the retaliatory period of September 24, 2018 to the present."

Law Resources objected that the Interrogatory: "(1) is vague, ambiguous and contains undefined terms and phrases that are susceptible to multiple meanings ...; (2) is argumentative, and assumes facts not in evidence (*i.e.*, that Law Resources engaged in "retaliatory" conduct); (3) is premised on incorrect statements of law and/or fact; (4) seeks information that is not relevant to the subject-matter of this proceeding and is not reasonably calculated to lead to the discovery of admissible information; and (5) as-written, it is confusing and unintelligible, as this Interrogatory appears to misunderstand and/or misstate the nature of her employment relationship with Law Resources." Law Resources Opp. Ex. A. Law Resources' objections are specific and have merit to the extent that the question assumes facts not in evidence and is argumentative, with the exception of the relevance argument. To the extent that the Complainant is seeking the identity of any person who contacted her after September 24, 2018, regarding job opportunities, the request is relevant to retaliation. Accordingly, the Court orders Law Resources to provide the name of each person who contacted Complainant regarding project opportunities with Law Resources from September 24, 2018 to the present.

b. Interrogatory No. 23

Complainant asked: "Provide and identify all temporary attorneys, their qualifications, and the hourly rate received by those selected for Arnold & Porter projects Law Resources staffed, who are still working for Arnold & Porter on any subsequent project."

Law Resources responded: “Law Resources objects to this Request on the grounds that it: (1) is compound, and consists of multiple discrete subparts; (2) is cumulative and duplicative of Complainant’s other discovery requests; (3) is vague, ambiguous, and confusing and contains undefined terms and phrases that are susceptible to multiple meanings (*i.e.*, “Provide and identify”, “temporary attorneys”, “qualifications”, “selected”, “Arnold & Porter projects” “still working for,” “any subsequent project”; and (4) seeks information that is not relevant to the subject-matter of this proceeding and is not reasonably calculated to lead to the discovery of admissible information. As-written, this Interrogatory calls for information concerning projects that have no relevance or relation to the Project that is the subject of Ms. Ogunrinu’s complaint.”

This information is likewise relevant to Complainant’s retaliation claim. Although there are terms that are undefined and vague, the Court orders Law Resources to respond to the interrogatory to the best of its ability. The time period is September 24, 2018 to the present.

c. Interrogatory No. 24

Complainant asked: “Identify fully and accurately all the projects staffed by Law Resources for Arnold & Porter for temporary attorneys in the District of Columbia from September 21, 2018 to the present in which Complainant was not placed.”

Law Resources responded: “Law Resources objects to this Request on the grounds that it: (1) is vague, ambiguous, and confusing and contains undefined terms and phrases that are susceptible to multiple meanings (*i.e.*, “Identify fully”, “all the projects staffed by Law Resources for Arnold & Porter for temporary attorneys” and “not placed”); (2) seeks information that is not relevant to the subject-matter of this proceeding and is not reasonably calculated to lead to the discovery of admissible information; (3) is argumentative and premised on incorrect factual assumptions; and (4) is cumulative and duplicative of Complainant’s other discovery requests, including her set of requests concerning damages.”

The Court finds the interrogatory to be relevant to the retaliation claim. While it does appear to be duplicative of Complainant’s damages requests, the Court does not know whether Law Resources responded to those requests. The interrogatory is tailored to attorneys in the District of Columbia and is therefore not overbroad. The Court compels Law Resources to respond to the interrogatory.

d. Interrogatory No. 25:

Complainant asked: "Provide and identify all temporary attorneys, their qualifications, and the hourly rate received by those selected for document review projects staffed from November 1, 2018 to the present, and who were and/or are still working for Arnold & Porter on subsequent projects.

Law Resources responded: “Law Resources objects to this Request on the grounds that it: (1) is vague, ambiguous, and confusing and contains undefined terms and phrases that are susceptible to multiple meanings (*i.e.*, ‘Provide and identify’, ‘temporary attorneys’, ‘their qualifications’, ‘hourly rate received’, ‘selected for document review projects’, ‘were and/or are still working for

Arnold & Porter on subsequent projects’); (2) seeks information that is not relevant to the subject-matter of this proceeding and is not reasonably calculated to lead to the discovery of admissible information; and (3) is overly broad and unduly burdensome, in that it calls for information about ‘all...attorneys’ and ‘document review projects’ – including projects that are irrelevant and unrelated to the Project that is the subject of the complaint – for nearly two years.”

The Court agrees that the interrogatory is overbroad and confusing. Arnold & Porter is a large firm with offices worldwide, and this interrogatory is not limited to projects to which Respondent could reasonably have been staffed. The Court will not Compel Law Resources to respond to this interrogatory.

Thus, Law Resources must supplement its responses to Interrogatory Nos 8, 23, and 24 pursuant to the instructions above.

2. Complainant’s Motion to Compel as to Arnold & Porter

Complainant states that she served Arnold & Porter with discovery requests on August 7, 2020, and August 13, 2020. Mot. Compel Arnold & Porter at 2. Complainant states that Arnold & Porter served its objections and responses on damages on September 8 and 11, 2020. Complainant states that all the objections should be overruled because they are not proper objections, and Arnold & Porter should be compelled to respond to Complainant’s entire discovery request. *Id.* at 3. Complainant also requests that Arnold & Porter provide a privilege log if it is withholding responses based on privilege. Complainant identifies five requests for production and a portion of the responses and asks the undersigned to compel Arnold & Porter to clarify and respond to these requests, and compel Arnold & Porter to identify which discovery requests to which each document it produced corresponds. Finally, Complainant states that Arnold & Porter did not timely produce documents in response to her discovery requests.

Arnold & Porter first responds to Complainant’s allegation that it did not timely respond to her RFPs. Arnold & Porter provides emails showing that it produced documents responsive to the RFPs related to damages on September 8, 2020, and produced documents responsive to the retaliation RFPs on September 11, 2020, and made another production on September 10, 2020. The day prior and during Complainant’s deposition on September 21, 2020, it became clear that Complainant had not received the emails containing the documents, so Respondent resent the documents on that date. Thus, Arnold & Porter timely produced the documents responsive to Complainant’s RFPs.

Similar to Law Resources, Arnold & Porter also argues that Complainant did not specify what she found objectionable to Arnold & Porter’s discovery responses, and Complainant did not make an argument specifically identifying which discovery responses she found objectionable, so her motion to compel must fail.

As stated above, Complainant’s argument that Respondent cannot enter general objections has some validity. The party objecting to a discovery request has the burden of persuading the Court that the objection is justified. § 68.23(a); *Sharma v. Lattice Semiconductor*, 14 OCAHO no.

1362a, 1 (2020); *United States v. Westheimer Wash Corp.*, 7 OCAHO no. 989, 1042, 1045 (1998); *Allen Holdings, Inc.*, 9 OCAHO no. 1059, 14, 4 (2000); *see supra* Part 1.

Complainant attached her discovery requests to the motion, but did not provide Arnold & Porter's full responses, instead categorizing the general objections. Arnold & Porter attached its full responses to its response to the motion. A review of the responses show that Arnold & Porter objected to all of the interrogatories, requests for admission, and RFPs, but also responded, at least in part, to many requests. Thus, the Court will consider requests to which Arnold & Porter did not respond, along with several requests to which Arnold & Porter responded but limited its response to the October 2018 Project at issue.

a. Damages Discovery Interrogatory No 5.

Complainant asked: "State and provide separately, a complete and accurate account of all projects which Arnold and Porter staffed through Law Resources, the project duration for those projects, the qualification requirements, hourly rate paid to temporary attorneys from the period of September 21, 2018 to present for projects in the District of Columbia." Arnold & Porter's Resp. Mot. Compel, Ex. E at 15. Respondent objected that the Interrogatory was (1) "overly broad, unduly burdensome, not proportional to the needs of the case, and seeks information not relevant to the matter of the proceeding to the extent that it seeks information for years after the ITAR Project; (2) vague and ambiguous; (3) seeks information that Plaintiff can derive from materials already in Complainant's possession through Law Resources' document production and seeks information outside of Arnold & Porter's knowledge, possession, custody, or control; objectionable to extent it seeks confidential client information or information protected under the Rules of Professional Conduct; (4) objectionable to extent it seeks information protected from disclosure by privilege." *Id.* at 15–16.

Notwithstanding the objections, Arnold & Porter responded providing information only about the ITAR project at issue, which occurred from October 3, 2018 through October 12, 2018. *Id.* at 16. It appears that Arnold & Porter limited its response to the ITAR project based on relevancy. However, Complainant asserts a retaliation claim against Arnold & Porter and the time period for that claim is not limited to the two-week ITAR project. Thus, the interrogatory requesting information from September 21, 2018 to present is relevant to the retaliation claim. As such, Arnold & Porter should supplement its response providing any additional responsive information it has.¹

¹ The Court notes that Interrogatory No. 22 in the damages requests seeks very similar information. Arnold & Porter objected for similar reasons at Interrogatory No. 5, and also argued it is duplicative of Interrogatory nos. 5 and 6. The undersigned agrees that Interrogatory No. 22 seems to be duplicative. Thus, Arnold & Porter is not required to respond to it.

b. Damages Discovery Interrogatory No. 6

Complainant requests: “State and provide separately, a complete and accurate account of all projects which Arnold & Porter staffed through other staffing agencies, the project duration for those projects, the qualification requirements, hourly rate paid to temporary attorneys from the period of September 21, 2018 to the present for projects located in the District of Columbia.” *Id.* at 17. Respondent asserted many of the same objections as it did in response to Interrogatory 5, including that it is vague and ambiguous, and did not provide a response to the request. *Id.* at 17–18.

This request is not vague or ambiguous as Complainant requests a complete and accurate account of all projects Arnold & Porter staffed through other staffing agencies, the duration of the project, the qualification requirements, hourly rate, for all projects from September 21, 2018 through present in the District of Columbia. Similar to Interrogatory No. 5, Complainant asserts a retaliation claim which is not limited to the ITAR project and spans a much larger timeframe. This interrogatory is relevant to her retaliation claim against Arnold & Porter. Thus, Arnold & Porter must respond to this request. If Arnold & Porter is withholding its response based on privilege, it must articulate the specific privilege and provide a privilege log.

c. Damages Discovery Interrogatory No. 8

Complainant requests: “State separately, a complete and accurate description of the project selection process or project referral system used by Respondents to select contract attorneys for document review projects.” *Id.* at 19. Arnold & Porter objected arguing that the request is overly broad, unduly burdensome, not proportional to the needs of the case, and seeks information not relevant to the subject matter of the proceeding because it seeks a “complete and accurate description of the project selection process of project referral system used by Respondents,” regardless of the time period and which goes beyond the claims in this proceedings; and it is vague and ambiguous due to the use of undefined terms that are open to multiple interpretations. Arnold & Porter did not otherwise respond.

Complainant’s request is confusing. It is unclear whether she is referring to how Arnold & Porter selects projects to staff by contract attorneys, or how Arnold & Porter selects contract attorneys referred to it. The former is not relevant, the latter is. Further, the request is overly broad as Complainant did not limit the request to a particular time frame or office. Complainant’s other interrogatories are limited to a time frame beginning on September 21, 2018 to present, so this request is also limited to that time frame.

As the latter is relevant to the matters in this case, Arnold & Porter must respond to this interrogatory and provide information about its selection process used for selecting contract attorneys for document review projects from September 21, 2018 to present at its office in Washington, D.C. Arnold & Porter only needs to provide the general information about its typical selection or referral process, and does not need to provide specifics about the process for each individual project.

d. Damages Discovery Interrogatory No. 9

Complainant asks: “Describe the position of contract attorneys and whether Contract Attorneys can apply directly with a law firm or with Arnold & Porter for these positions and how the hourly rate for contract attorneys are determined.” *Id.* at 20. Arnold & Porter asserts the same objections as Interrogatory No. 8, and also objects to the extent that she seeks information outside its knowledge, possession, customary or control, because it requires Arnold & Porter to know the practices of other law firms. *Id.* at 21. Arnold & Porter did not otherwise respond.

This interrogatory is relevant to Complainant’s damages for citizenship status discrimination and her retaliation claim. However, the request is overly broad and asks Arnold & Porter for information about other law firms. Thus, the Court will modify the request to: “whether Contract Attorneys can apply directly with Arnold & Porter for a contract attorney position and, if so, how Arnold & Porter determines the hourly rate for contract attorneys.” As such, Arnold & Porter must respond to the request as it has been modified above.

e. Damages Discovery Interrogatory No. 13

Complainant requests: “State separately, a complete and accurate description of the temporary attorney project positions staffed and available from September 20, 2018 to the present, the hourly rate, the number of hours worked each month, and the duration of the projects.” *Id.* at 24. Arnold & Porter objects that it is overly broad, unduly burdensome, disproportional to the needs of the case, and seeks information not relevant to the subject matter of the proceeding to the extent that the request seeks information that goes beyond Complainant’s claims and seeks information for years after the ITAR Project and about projects not staffed by Law Resources; and it seeks information outside of Arnold & Porter’s knowledge, possession, custody, or control. *Id.* at 24–25. Arnold & Porter did not otherwise provide a response.

This request is overly broad in that Arnold & Porter is a large firm with offices worldwide, and the request is not limited to projects to which Complainant could reasonably be staffed. As such, Arnold & Porter is not compelled to respond to this interrogatory.

f. Retaliation Discovery Interrogatory No. 5

Complainant requests: any and all publications, websites, personnel agencies, and similar entities which the Respondents contacted, retained, or otherwise dealt with for the purpose of filling temporary attorney positions for the period of Sept. 20, 2018 to present. Arnold & Porter’s Resp. Mot. Compel, Ex. F at 14.

Arnold and Porter objects as the request is overly broad, unduly burdensome, not proportional to needs of case, and not relevant to the subject matter because it goes beyond the claims in this proceeding and seeks information for years after the ITAR project and information unrelated to ITAR project; vague and ambiguous; seeks information that Complainant can derive from materials already in Complainant’s possession through Law Resources’ document production in this matter and seeks information outside Arnold & Porter’s knowledge possession, custody, or control. *Id.* at 14–15. Without waiving its objections, Arnold & Porter responded but limited its response to the ITAR project and its contact with Law Resources regarding that project. *Id.* at 15.

As with the above, this request, while relevant to Complainant's retaliation claim, is overly broad. Arnold & Porter is a large firm with offices worldwide, and the request is not limited to projects to which Complainant could reasonably be staffed. As such, Arnold & Porter is not compelled to respond to this interrogatory.

g. Retaliation Discovery Interrogatory No. 29

Complainant requests: "Attachment 1 is a list of staffing agencies in the District of Columbia who provide legal staffing for temporary attorneys . . . please identify which staffing agencies Arnold & Porter did not use to staff projects for temporary lawyers in the District of Columbia from September 21, 2018 to the present." *Id.* at 43.

Arnold & Porter objects arguing that it is overly broad, unduly burdensome, not proportional to the needs of the case, and seeks information not relevant to the subject matter of the proceeding because it goes beyond the claims in this proceeding and bears no relation to the ITAR project; and it is vague and ambiguous. Arnold & Porter did not otherwise respond.

This interrogatory is not vague and ambiguous as it provides a list and asks which of the staffing agencies Arnold & Porter did not use to hire temporary attorneys. Further, it does not go beyond the scope because this is relevant to her retaliation claim, and her claims are not limited to the ITAR project. As such, Arnold & Porter must respond to this interrogatory.

h. RFPs

Complainant also identifies five RFPs and a portion of Respondent's responses. Contrary to Complainant's arguments, Arnold & Porter provided evidence that it timely produced the documents. Complainant also requests that the Court compel Arnold & Porter to supplement the RFP responses to identify which documents are responsive to each request because she will have to expend additional time sifting through documents produced. Complainant identifies only five RFPs, but each request appears to ask for a large number of documents. *See id.* at 49. Arnold & Porter stated that it produced 188 pages of documents in response to her RFP. The Court is not privy to the documents and how they were produced, and therefore cannot make a determination. In any event, given the small number of RFPs and the moderate number of documents, the Court will not require Arnold & Porter to supplement the RFPs in this manner.

Finally, Complainant identifies RFP number 3 from her retaliation and national origin discovery requests. She asks: "Identify or specifically attach copies of all documents in Respondent's possession, or subject to its control, or of which it has knowledge, which would reflect any of the information that substantiate the project requirements including any related to complying with ITAR." *Id.* at 62. Arnold & Porter responded that the request is overly broad, unduly burdensome, not relevant to the subject matter, and goes beyond the claims in this proceeding; the request is vague and ambiguous; seeks information outside Arnold & Porter's possession, custody, or control; may be subject to privilege or protected under Rules of Professional Conduct. *Id.*

In the time since Complainant filed her motion and Arnold & Porter filed its response, the Court issued an order finding Arnold & Porter liable for citizenship status discrimination regarding hiring for the ITAR project and dismissed Complainant's national origin discrimination claim. In light of those findings, the Court finds that this RFP seeks information regarding the specifics of the ITAR project, and because the Court has already ruled on liability for discrimination related to this project, this request is no longer relevant to the subject matter of the proceedings. As such, the Court will not compel Arnold & Porter to produce documents responsive to this request.

3. Law Resource's Motion to Compel

Law Resources asks the Court to (1) order Complainant to provide all of the information called for under the Court's September 10, 2020 order on Motions to Compel and for Protective Order; (2) produce documents that substantiate her claim for damages; (3) provide responses to Law Resources' second set of discovery requests; and (4) allow Law Resources to re-depose Complainant, at her expense, after she refused to answer numerous questions without first seeking a protective order. Mot. Law Resources.

Respondent filed a response to the motion to compel on September 28, 2020. She first responds that Law Resources did not seek to confer with her about her discovery responses, which were served on the last day of discovery, September 22, 2020. The Court's scheduling order was clear that all motions to compel had to be filed by September 22, 2020. *See Order on July 2020 Motions, Show Cause, and Setting Deadlines*, August 4, 2020, *amended and reissued* August 17, 2020. The Court agrees with Respondents that there was no time to meet and confer before the parties had to file their motions.

a. Interrogatory No. 4

Law Resources seeks to compel a complete response to interrogatory number 4 originally served in December, and the subject of two orders by this Court. *Order on Motions to Compel and Motion for Protective Order*, September 10, 2020; *Order on Law Resources' December 3, 2019 Discovery Requests*, February 4, 2020. In the September Order, this Court ordered the Complainant to supplement her response to Interrogatory No. 4 and provide the number of hours she worked for each employer, the dates she worked for each employer, and the hourly wages including overtime she was paid by each employer and the nature of the project. The timeframe was for the year 2018. On September 18, 2020, Complainant filed supplemental responses, providing the information with the exception of the number of hours she worked. Mot. Law Resources, Ex. 1. For the year 2018, she lists only one company and one project. Law Resources argues that her 2018 tax returns reveal that she worked for four different companies. Mot. Law Resources, Ex. 2.

In her response, Complainant states that this omission of the hours worked was inadvertent, that she substantially complied. She states that Law Resources has not mentioned this omission in any of the communications since she supplemented the interrogatory, and therefore the objection is waived. She states she attempted to provide the missing information at the deposition, but the offer was refused. She does not explain the inconsistency regarding the three other firms reflected in her tax returns.

While Complainant provided most of the information for one project in 2018, she did not provide all of it, and the response appears to conflict with her tax returns. The requirement to provide the complete information was pursuant this Court's order. This Court did not require the parties to meet and confer; instead it ordered the Complainant to produce the information. The Court finds that the Complainant did not fully and completely comply with this Court's order. The Complainant is compelled to produce the missing information, and the Court will impose sanctions. *See infra* Part. 6.

b. RFP Nos. 1 and 2.

In December, Law Resources served the following RFPs: RFP No. 1 called for "[a]ll documents concerning your work history and income for the past two years" including tax returns and W-2 forms, and RFP No. 2 sought "[a]ll documents that substantiate your claim for damages." In the February Order, this Court ordered Complainant to inform Law Resources whether she has documents responsive to RFP No. 2, other than those documents she has requested from Law Resources and Arnold & Porter. Complainant replied that she does not have any documents. February Order at 3. Law Resources states that at the deposition held on September 21, 2020, Complainant stated that she has retained an expert witness to calculate damages, and that she has provided the expert with a number of documents with which to calculate the damages. Mot. Law Resources at 4. She also admitted to a number of other potential documents that she is using to substantiate her claim of damages. Law Resources asks the Court to require Complainant to produce the information, noting that nine months into the case, Complainant still has not provided the information she intends to rely upon in calculating her damages.

Complainant did not specifically respond to this, stating only that the transcript has not yet been made available, and she has not had a chance to review it.

Based upon the representations of counsel, it appears that Complainant has withheld documents regarding her damages, a critical aspect of this litigation. The Court finds that Complainant's responses were incomplete, and she is therefore subject to sanctions.

c. Law Resources Second Set of Discovery Requests

On August 20, 2020, Law Resources served a second set of discovery requests. Among the requests were RFP No. 1 asking Complainant to produce "Copies of all communications between You, on the one hand, and Law Resources, on the other hand, from November 1, 2018 through May 7, 2019, wherein you contacted Law Resources seeking work. If you have no such documents in your possession, custody, or control, please so state." Mot. Law Resources, Ex. 3.

Interrogatory No. 2 asked Complainant to "provide a list of all communications from November 2018 through May 7, 2019, wherein you contacted Law Resources seeking work. For each communication, please provide: (a) the date of the communication; (b) the means of communication (*e.g.*, phone or email); (c) the name(s) of the persons you spoke with at Law Resources; and (d) if the communications took place via phone or in-person, a brief summary of the communication. If no such communications occurred, please so state." *Id.*

Complainant responded: “Law Resources has this information. I object to this interrogatory because it is seeking information in Law Resources’ possession, and is essentially requesting Complainant to work on behalf of Law Resources in this case.” Mot. Law Resources, Ex. 4. Courts have stated that objecting to a discovery request because the information sought is equally available to the propounding parties from their own records or from records equally available to them is insufficient. *See Sharma v. Lattice Semiconductor*, 14 OCAHO 1362a, 3 (2020) (citing *Nat’l Acad. of Recording Arts & Scis., Inc. v. On Point Events, LP*, 256 F.R.D. 678, 682 (C.D. Cal. 2009)); *see also St. Paul Reinsurance Co. v. Commercial Fin. Corp.*, 198 F.R.D. 508, 514 (N.D. Iowa 2000)). This objection is inadequate. Complainant must respond to Interrogatory Nos 1 and 2.

Finally, Complainant responded to Interrogatory No. 1 by referencing her supplemental response filed on September 18, 2020. This Court has addressed the response above. *Supra* Part 3.a.

d. Deposition

Lastly, Law Resources asserts that during the deposition, Complainant refused to answer a number of questions, or stated that she could not recall specific information regarding her work history. Law Resources asks the Court to set a deadline to supplement the motion to allow it to compel Complainant to answer its questions after Law Resources obtains a copy of the deposition transcript. Law Resources also seeks to further depose Complainant.

The Court will allow the parties to file a supplemental motion addressing the deposition questions. *See infra* Part 7.

Lastly, Law Resources seeks sanctions and attorney’s fees. OCAHO ALJs may impose sanctions for failure to comply with discovery orders pursuant to 28 C.F.R. § 68.23(c). The list of sanctions in § 68.23(c) does not include monetary sanctions. *Id.* The weight of OCAHO authority states that the OCAHO rules “do not permit the imposition of monetary sanctions for failure to comply with discovery orders.” *Palma v. Alufase USA, LLC*, 10 OCAHO no. 1213 (citing *United States v. Nu Look Cleaners*, 1 OCAHO no. 274, 1771, 1780 (1990) (action by CAHO vacating ALJ’s decision and order); *De Leon v. Longoria Farms*, 13 OCAHO no. 1320a, 5 (2019)). Thus, Law Resources’ request for monetary sanctions is DENIED.

4. Respondent Arnold & Porter’s Motion to Compel

Arnold & Porter first argues that Complainant’s responses to its discovery requests were untimely, which was prejudicial because Arnold & Porter could not fully question Complainant at the deposition. Arnold & Porter Mot. 2. Arnold & Porter states that it served its discovery on August 19, 2020, and therefore Complainant’s responses were due September 18, 2020. Complainant did not serve her discovery responses until September 22, the day after the deposition. Arnold & Porter argues that Complainant has not adequately responded to its discovery requests, and seeks to redepose the Complainant when it receives her response to discovery. *Id.*

Complainant did not respond to the Motion to Compel as to the discovery requests, stating only that Arnold & Porter did not attempt to confer, did not respond to her request to extend time for discovery, and opposes an extension of time for a deposition. Opp. Arnold & Porter.

As an initial matter, Complainant's discovery responses were untimely. Pursuant to OCAHO's regulations, responses to discovery requests must be submitted within 30 days after service of the discovery. 28 C.F.R. §§ 68.19(b), 68.20(d), and 68.21(b). Complainant did not seek an extension. The Court will impose sanctions. *See infra* Part 6. In addition, as noted above, because this Court's order required all motions to compel to be filed by the close of discovery, Arnold & Porter did not have sufficient time to meet and confer regarding the discovery Complainant provided.

a. RFP No. 1, 5, 6

In RFP No. 1, Arnold & Porter requested: "All Documents and Communications supporting, contradicting, concerning, or relating to the allegations in the Amended Complaint, including but not limited to Documents and Communications referenced in, cited in, referred to, or relied upon by [Complainant] in drafting the Amended Complaint, and including all Documents and Communications that you intend to rely upon to prove such allegations." Arnold & Porter Mot. Ex. A. RFP No. 5 is similar, but requests the same in relation to the retaliation claim, and RFP No. 6 requests the same in relation to the document abuse claim.

In her response, Complainant referred Arnold & Porter to the 42 documents she previously served, and claims that she served the documents on Arnold & Porter, a claim Arnold & Porter refutes. Arnold & Porter Mot. at 5. Ex. C. Arnold & Porter also argues that the claim is incomplete as she does not indicate that those are the only documents.

Complainant must supplement her response, and serve Arnold & Porter with the complete set of 42 documents, and provide any further documents or state that there are no further documents.

b. RFP No. 2

Arnold & Porter requested: "All documents reflecting any payments or income [Complainant] received from any employer(s) or from any entities engaging [Complainant] as an independent contractor during the Relevant Time Period, including but not limited to: (i) IRS Form W-2s; (ii) IRS Form 1099s; (iii) federal and/or state/local tax returns; and (iv) pay stubs or statements."

Complainant responded: "As Complainant understands this request, Complainant is not an independent contractor, Complainant was also asked this question in the deposition."

The RFP clearly requests documents from "any employer" **or** from entities engaging her as an independent contractor. Complainant only responded to the latter portion of the question. Further, while Complainant was apparently asked the question at the deposition, a party can ask for the same information using multiple discovery instruments, and, in any event, a question is not the same as a document request. Arnold & Porter states that Complainant admitted during the deposition that she had pay stubs for part of 2018, all of 2019 and 2020, so apparently has

responsive documents. The Motion to Compel regarding Arnold & Porter's RFP No. 2 is granted. Complainant must produce all relevant documents or state that she has no documents responsive to the RFP.

c. RFP No. 3

RFP 3 is similar, it asks for documents reflecting Complainant's efforts to obtain employment or work as an independent contractor. Arnold & Porter Mot. at 7. Complainant again responded that she was not an independent contractor. *Id.* Complainant must produce all relevant documents or state that she has no documents responsive to the RFP.

d. RFP No. 4

Arnold & Porter seeks: "All Documents and Communications that support, substantiate, establish, or relate to the damages that support, substantiate, establish, or relate to the damages that [Complainant] allege[s] that [she] is entitled to in these proceedings." *Id.* Complainant responded that she had previously produced this information. Similar to the above requests, Complainant must produce the information to Arnold & Porter, and the production must be complete. To the extent that Complainant admitted during the deposition that she had more documents, she must produce them or indicate that she has no further documents.

e. RFP No. 7

Complainant requested: "All Documents and Communications [Complainant] sent to or received from any third parties in connection with this proceeding or related to the allegations contained in the Amended Complaint, including all Documents received in response to any subpoenas served by [Complainant] and all Documents submitted to or filed with any government agency, ethics board, or Bar Association." Arnold & Porter Mot. at 9.

Complainant responded: "As Complainant understands this request, Complainant has not received any information in response to any subpoena, the other information requested in this request is not relevant to the claims pending before the OCAHO."

Complainant's response relating to the subpoena is complete. As to any other third-party communication, the request is limited to this proceeding and is therefore relevant. Complainant must produce the information.

f. Interrogatory No. 2

This interrogatory seeks a full accounting of Complainant's work history and is essentially the same request as Law Resources' request. *See* Part 3.a. Complainant referred Arnold & Porter to her response to Interrogatory No. 5, where she provides the same chart she provided to Law Resources. As noted above, while Complainant substantially complied with interrogatory, it was incomplete. Complainant must supplement this information with complete information.

g. Interrogatory Nos 3 and 4.

These interrogatories seek a listing of all positions to which Complainant applied during the time period encompassed in Complainant's complaint (No. 3) and any document review or other projects Complainant applied for with Arnold & Porter (No. 4). Arnold & Porter Mot. at 11-12. Complainant again referred to the chart she provided in Interrogatory No. 5. The chart refers to positions she had and the amount of money she made. This chart does not indicate what positions she applied to, which is relevant to her damages claim as well as her retaliation claim. The Complainant must supplement her response this interrogatory.

h. Interrogatory No. 5

Arnold & Porter sought "a detailed and specific computation of the damages that You allege that You are entitled to in this proceeding, including but not limited to, the legal basis for such alleged damages, the total amount of alleged damages, and a precise calculation establishing how You arrived at the amount of alleged damages." Arnold & Porter Mot., Ex. A. Complainant produced a chart listing dates of employment, the employer, the amount earned, and the nature of the project. She then provided a summary listing of the damages she intends to seek. She did not provide the method she used to calculate the damages or the legal basis by which she came to the figures.

This information is obviously relevant, and required. As this Court noted previously, in *Armenian Assembly of America, Inc. v. Cafesjian*, 746 F.Supp.2d 55, 71 (D. D.C. 2010), the court precluded the plaintiffs from seeking a category of damages because the plaintiffs never disclosed a computation or quantification of damages and did not explain the nature of the theory of the damages until the court ordered them to do so in pretrial disclosures pursuant to Federal Rule of Civil Procedure 26(a)(1)(A)(iii). *Id.* at 71. The court found that the category of damages was extremely broad and the plaintiffs had "an obligation to disclose a computation for this category of damages so as to put [the d]efendants on notice as to precisely what damages they were claiming." *Id.* at 70. The court further explained that "[w]ithout the required disclosure, [the d]efendants had no meaningful way of preparing to rebut the testimony [] proffered by [the p]laintiffs to support this theory." *Id.* This Court ordered Complainant to provide a computation or quantification of her damages in its August Order. Complainant has finally provided a bare bones quantification. It is, however, not sufficiently responsive to the Interrogatory, and will not assist this Court to resolve the issue of damages. Accordingly, the Court compels Complainant to respond completely and fully to this Interrogatory.

i. Requests for Admission (RFA)

Arnold & Porter first argues that Complainant's responses to the RFAs were untimely citing to 28 C.F.R. § 68.21(b). Unlike OCAHO's rules regarding the timeliness of responses to interrogatories and RFPs, OCAHO's rule regarding RFAs contains specific consequences for failure to timely respond. *Compare* §§ 68.19, 68.20 *with* § 68.21(b). Section 68.21(b) states "each matter of which an admission is requested is admitted unless, within (30) days after service of the request or such shorter or longer time as the Administrative Law Judge may allow, the party to whom the request is directed" serves a response. *See also* FED. R. CIV. P. 36(a)(3); *Rainbolt v. Johnson*, 669 F.2d 767, 768 (D.C. Cir. 1981) (explaining that RFAs "are automatically deemed admitted if not answer within thirty days, and that the matters therein are

‘conclusively established’ unless the court on motion permits withdrawal or amendment of the admissions.”); *Essroc Cement Corp. v. CTI/D.C. Inc.*, 740 F.Supp.2d 131, 140 (D. D.C. 2010) (“If the party served fails to respond [to RFAs] within thirty days of service, either by written answer or objection, the matters described are deemed admitted.”). Arnold & Porter argues, in the alternative, that Complainant’s responses were internally inconsistent and inconsistent with the deposition.

Arnold & Porter served RFAs on Complainant on August 19, 2020, and argues Complainant’s response was due on Friday, September 18, 2020, because Complainant’s response was due thirty days beginning on the date following the date of service. Arnold & Porter’s Mot. Compel, Exs. A, B; *see* § 68.21(b); § 68.8(a). Since Arnold & Porter served the RFAs on August 19, 2020, the thirty-day response period began running on August 20, 2020. § 68.8(a). Thirty days from August 20, 2020 was Friday, September 18, 2020. Complainant served her responses on September 22, 2020, after the deposition and on the date discovery closed. Arnold & Porter’s Am. Mot. Compel. at 3. Complainant’s responses were not due on a weekend or a holiday, so no extra time was added to the due date. § 68.8(a). Thus, the Court finds Complainant did not timely provide a response to the RFAs.

Further, on September 18, 2020, Arnold & Porter asked Complainant if she was going to provide her responses to its first set of discovery requests that day because they were due. Arnold & Porter’s Mot. Compel, Ex. B. Complainant responded that her responses were not due until Monday, September 21, 2020 arguing that she got an extra day to respond because Labor Day fell during her response period, citing § 68.8, and she asked if Arnold & Porter’s counsel disagreed with her calculation. *Id.* Arnold & Porter’s counsel replied and explained that according to § 68.8, a party only gets extra days to serve a response if the response deadline falls on a weekend or federal holiday, so Labor Day did not affect her response deadline. *Id.* In her response to Arnold & Porter’s motion, Complainant seems to cite to a different portion of § 68.8 than she did in the above email. Resp. Arnold & Porter’s Mot. at 2. She does not argue that she timely served her RFA responses and instead asks the Court to clarify § 68.8(c) (pertaining to computation of service by mail), which is not remotely applicable in this case, and asks how electronic filing affects time computations for discovery responses. *Id.* She did not seek clarification from the Court regarding how § 68.8(a) affects the response time for electronic filings or discovery served electronically prior to her response to Arnold & Porter’s motion.

Section 68.8(a) is clear and is not open to multiple interpretations, as it only provides for extra time to respond if the due date falls on a federal holiday or a weekend. Complainant’s responses were not due on Labor Day, and in the email exchange on September 18, 2020, Arnold & Porter relayed this to Complainant and explained that it needed her responses prior to her deposition on September 21, 2020. Nonetheless, Complainant served her responses on September 22, 2020. In her motion, Complainant states that she served the RFAs after the deposition because she wanted to “avoid providing written responses to questions already covered in her deposition.” Resp. Arnold & Porter’s Mot. at 2. Her argument indicates that she purposefully waited until after the response deadline and after the deposition to serve her RFAs.

Although Complainant is pro se, she is an attorney. Attorneys appearing in this forum are expected to make reasonable efforts to ascertain and comply with the applicable rules. *Jablonski*

v. Kelly Legal Servs., 12 OCAHO no. 1282, 7 (2016). The OCAHO rules are clear: if a party does not respond to RFAs within thirty days of service, the RFAs are deemed admitted. As such, the Court finds that Complainant did not timely provide a response to the RFAs. Pursuant to § 68.21(b), and as a sanction, the RFAs are deemed admitted. *See infra* Part 6.

5. Complainant's Motion Requesting Additional Time to File Expert Report

Complainant moved the Court for an order extending the time to allow the Complainant to file an expert report. Extension Request. Complainant states that this extension is required “because Respondents in this case have not produced documents and information requested, and this information is needed for Complainant’s expert report on damages.” *Id.* Complainant states that the expert’s report will be completed within a short period of time after Respondents produce their supplemental responses.

Respondents object to the request. Both Respondents argue that the request is untimely in that the expert report will be served well after the close of discovery. Arnold & Porter Resp. Extension; Law Resources Resp. Extension. Both Respondents argue that if the Complainant is permitted to file an expert report, each should be provided an opportunity for discovery as to the expert’s report, to include discovery requests and depositions, and they would likely seek to provide their own experts. Arnold & Porter Resp. Extension; Law Resources Resp. Extension. Lastly, Arnold & Porter states that it timely provided its discovery responses and yet Complainant still filed the request at the last moment. Arnold & Porter Resp. Extension.

Law Resources notes that Complainant first brought up the subject of an expert in July when she asked if Respondents would join her in retaining an expert. Law Resources Resp. Extension, Ex. B. Then on September 8, 2020, Complainant filed a “Supplemental Response Concerning Damages,” identifying the expert and indicating that the expert would use information previously produced to prepare an expert report. *Id.* at Ex. A. Law Resources indicates that it sought to question Complainant about the expert at the deposition, and Complainant listed the information she provided to the expert. *Id.* at 3. Lastly, Law Resources argues that an expert is not needed, that the computation of damages is not complicated, citing to *United States v. Acosta*, 7 OCAHO no. 961 (1997) and *Griffin v. Washington Convention Center*, 2000 WL 1174967 (D. D.C. July 21, 2000) (“actual earnings are a matter of arithmetic”).

OCAHO’s rules do not address the use of expert witnesses. In *Shortt v. Dick Clark’s AB Theatre, LLC*, 10 OCAHO no. 1130, 14 (2009), an ALJ denied the complainant’s motion to extend discovery filed four days before the close of discovery. The complainant had identified an expert, and stated he would be filing a motion to compel for information to provide to the expert. *Id.* The ALJ found that the expert would not have assisted him in establishing his case. *Id.* Here, Complainant’s brief motion did not explain who the expert is, the area of expertise, and therefore what assistance an expert report would provide.

As it seems that Complainant seeks an expert to testify regarding the damages, similar to *Shortt*, Complainant has not shown how this expert will help her establish damages in this case. Damages in this case are not particularly complex and the types of monetary awards an ALJ may award is limited under § 1324b to back pay, front pay, attorney’s fees and costs. Regarding back

pay, OCAHO case law states that the following “elements must be considered when making an award of back pay: the appropriate time period, the items to be included in the gross award, and the amounts by which an award may be reduced.” *Iron Workers Local 455, et al. v. Lake Constr. & Dev. Corp.*, 7 OCAHO no. 964, 969 (1997). To the extent that she seeks and can prove front pay, “front pay is ordinarily appropriate only in lieu of job placement. It is necessary only so long as the discriminatee must wait for the next available opening.” *Id.* To the extent that Complainant seeks attorney’s fees, “it is well-settled law that a pro se litigant in the federal system is not entitled to claim attorney’s fees for representing [herself], and that this is true even when the pro se litigant is [herself] a lawyer.” *Ojeda-Ojeda v. Booth Farms*, 9 OCAHO no. 1121, 4 (2006). To the extent that Complainant seeks costs, Complainant can provide receipts to show costs. Complainant did not show that the damages calculation in this case is so complex that an expert witness is necessary, particularly, an expert witness who Complainant seeks to bring in on the last day of discovery, which has been ongoing for more than one year, and without providing any information about the expert. As such, Complainant has not shown good cause to extend the time for discovery.

Finally, Complainant has only provided a bare bones quantification of her damages, only after she was compelled to do so last month. She has not provided Respondents a computation of damages, i.e. how she got to the numbers she seeks. As discussed above, courts have stricken damages claims when a plaintiff did not provide a computation of the damages sought. *Armenian Assembly of America, Inc. v. Cafesjian*, 746 F.Supp.2d 55, 71 (D. D.C. 2010). Accordingly, Complainant has not shown good cause to extend the time for discovery, and the motion is DENIED. Further, given that Complainant has thus far not provided sufficient information regarding her claim for damages in response to repeated discovery requests to the prejudice of Respondents, the Court finds that the motion is denied as a sanction. *See infra* Part 6.

6. Sanctions

Complainant’s sanctionable conduct is noted in Parts 3.a. and b. The gravamen of the conduct is that Complainant has been evasive, inconsistent, and recalcitrant in providing basic information requested regarding her claim for damages. This in turn has hampered the Respondents’ ability to defend against the claim. While Complainant has finally provided a computation of the damages, the parties are still left to guess at how she came to the numbers, and the responses to interrogatories and production of documents to support her damages are still incomplete.

Sanctions for failure to comply with discovery is set forth in 28 C.F.R. § 68.23(c) and provides, “[i]f a party or an officer or agent of a party fails to comply with an order ... the Administrative Law Judge, for the purposes of permitting resolution of the relevant issues and disposition of the proceeding without unnecessary delay despite such failure, may take such action in regard thereto as is just, including but not limited to the following[.]” The examples thereafter listed in subsection 68.23(c) include orders by which the ALJ may draw adverse inferences, deem matters in question adverse to the non-complying party, bar offers of evidence, or render a decision in the case against the non-complying party.

The Court notes that the purpose of sanctions is to permit resolution of the relevant issues without unnecessary delay, and, here, delay accumulates as the issues relating to damages continue not to be resolved. In an effort to bring closure to this case in which the facts are relatively simple, but discovery has been unnecessarily litigious, the Court will impose limited sanctions. As noted *supra* Part 4.f, Complainant did not timely respond to the RFAs. Among the RFAs is an admission that Complainant worked and earned income during the period of the document review project. Arnold & Porter's Mot. Compel, Ex. A (RFA) at 5. In her untimely response, Complainant denied that the income she earned during that period exceeded \$2,208.15. *Id.* at Ex. C (RFA) at 3. Both because Complainant's response to the RFA was untimely and as a sanction, the RFA is deemed admitted. *See United States v. Student Exchange International*, 1 OCAHO 117 (1989); *see* § 68.21(b).

In addition, and as noted previously, Complainant seeks more time to submit an expert's report. Since much of Complainant's reluctance revolves around her unwillingness to be forthcoming in interrogatory and production responses, the Court will not grant Complainant's motion to extend time to provide an expert report as a sanction and because she did not show good cause. If the Court were to allow the extension, the resolution of the case would be delayed for months as the Respondents would seek to depose the expert and would seek to retain their own experts, who in turn would be subject to discovery by the Complainant. As noted above, the calculation of damages in OCAHO cases is not complex.

7. Schedule

The Court granted motions to compel as to all parties in this case. The parties must produce the documents or responses subject to the order to compel by October 30, 2020. The Respondents' motion to extend the in-person deposition to question Complainant about the documents is DENIED. Given the representation by counsels regarding the Complainant's lack of cooperation at the deposition in many respects, the Court does not believe a further in-person deposition would be fruitful. Instead, Respondents may seek the answers through deposition upon written questions, an alternative discovery method authorized under 28 C.F.R. § 68.18(a). Respondents must serve those questions by November 6, 2020, and Complainant must respond by November 13, 2020.

Respondents also seek to compel Complainant to answer questions from the deposition. Respondents have seven days, including weekends and federal holidays, to file the motion to compel after obtaining the transcript. Complainant has seven days, including weekends and federal holidays, to respond.²

² The OCAHO rules provide that when the transcript is provided, the witness shall review the transcript within thirty days of the notification that it is available and indicate any changes in form or substance. 28 C.F.R. § 68.22(b)(2). This provision does not affect the undersigned's requirement that as soon as the transcript is available, Respondents have seven days to file a motion to compel and Complainant must respond within seven days after the motion(s) is filed. Thus, the parties must file the motions to compel and responses regardless of any changes that Complainant seeks to make to the transcript.

IV. CONCLUSION

Complainant's motion to compel as to Law Resources is GRANTED IN PART, and Law Resources is compelled to supplement its responses to Complainant's fifth discovery request Interrogatories No. 8, 23 and 24. Complainant's motion to compel as to Arnold & Porter is GRANTED IN PART as to Damages Discovery Interrogatories No. 5, 6, 8, and 9, and Retaliation Discovery Interrogatory No. 29. Law Resources' motion to compel is GRANTED, and Complainant is compelled to supplement her responses to Law Resources first set of discovery requests Interrogatory No. 4 and RFPs No. 1 and 2, and its second set of discovery requests Interrogatory No. 1 and 2 and RFP No. 2. Arnold & Porter's motion to compel is GRANTED, and Complainant is compelled to supplement her responses to Arnold & Porter's Interrogatories No. 2-5 and RFPs No. 1-7. Arnold & Porter's RFAs are deemed ADMITTED. Complainant's motion for an extension to submit an expert report is DENIED.

Regarding the portions of the motions to compel that are granted, the parties must produce documents or responses subject to this Order by October 30, 2020. Respondents' motion to extend Complainant's in-person deposition is DENIED. Instead, Respondents may serve written deposition questions on Complainant by November 6, 2020. Complainant must respond to those written deposition questions by November 13, 2020.

Finally, Respondents may seek to compel Complainant to answer questions from her September 21, 2020 deposition. If Respondents seek to compel those answers, Respondents must file the motion to compel within seven (7) days, including weekends and holidays, after receiving the deposition transcript. Complainant's response to the motion(s) is due seven (7) days, including weekends and federal holidays, after the motions are filed.

SO ORDERED.

Dated and entered on October 15, 2020.

Jean C. King
Chief Administrative Law Judge