

**IN THE UNITED STATES DISTRICT COURT
FOR THE SOUTHERN DISTRICT OF OHIO
EASTERN DIVISION**

David McDermott,

Plaintiff,

vs.

Case No. 2:06-cv-00785
JUDGE GRAHAM

Continental Airlines, Inc.,

Defendant.

ORDER

This matter is before the court on the parties' joint motion for extension of case deadlines and Plaintiff David McDermott's ("Plaintiff") motion to compel. Both motions arise out of an unresolved discovery dispute addressed in Magistrate Judge Abel's Discovery Conference Order of July 9, 2007.

Plaintiff was employed by Defendant Continental Airlines, Inc. ("Defendant") at its Columbus, Ohio terminal. On or about February 15, 2006, Defendant terminated Plaintiff's employment because, according to Defendant, Plaintiff was untruthful and uncooperative during the investigation of a property damage accident in the baggage delivery area. For the purposes of this order, the relevant claims are Counts Two and Three of Plaintiff's Complaint. Therein, Plaintiff alleges that his employment was terminated in violation of Ohio public policy because he complained about Defendant's violations of Federal Aviation Administration ("FAA") regulations and its failure to maintain a safe workplace and because he filed a worker's compensation claim. Plaintiff also asserts a claim for worker's compensation retaliation under O.R.C.

§ 4123.90. Plaintiff seeks discovery of information regarding: (1) any and all accident investigations Defendant conducted in Ohio during the last five years; (2) any and all accident investigations company-wide in the last five years in which an employee was determined to have been untruthful or less than forthcoming; (3) any and all disciplinary actions taken against any employee in connection with any accident investigation conducted in Ohio; and (4) any and all disciplinary actions taken against any employee company-wide for being untruthful or less than forthcoming in an investigation.

Plaintiff's requests are overly broad. Plaintiff is entitled to discovery regarding any and all incidents involving investigations of property damage or personal injury accidents occurring at Defendant's Columbus, Ohio terminal during the last five years in which an employee has been determined to be untruthful or less than forthcoming, including any and all disciplinary actions taken against such an employee. Defendant shall provide this discovery forthwith.

The motion for extension of case deadlines is denied.

It is so ORDERED.

s/James L. Graham
JAMES L. GRAHAM
Senior United States District Judge

DATE: September 12, 2007