

**STATE OF CONNECTICUT
COMMISSION ON HUMAN RIGHTS AND OPPORTUNITIES
OFFICE OF PUBLIC HEARINGS**

Commission on Human Rights and
Opportunities ex rel.
Michael Baker

: CHRO No. 0430307
: Fed No. 16aa400535

v.

Lowe's Home Centers, Inc.

: January 23, 2006

Ruling re: commission's motion to compel

By motion filed January 19, 2006, the commission moved for an order compelling the respondent to produce documents responsive to its production request. On a procedural note, a comment is in order regarding the commission's remark that its earlier motion for extension of time to file its motion to compel "was denied without articulation." Neither the commission nor the respondent (which also had filed a motion for extension of time that was denied) moved for an articulation of the basis of the denials. Had they done so, they would have been informed that their motions for extensions were denied because they both failed to provide any explanation as to why they were unable to discuss their respective production objections in the five week period between the due date for the filing of objections to production requests and the

due date for the filing of the motion to compel. It is the professional obligation of counsel to file the appropriate motions with adequate explanations, not the obligation of the presiding human rights referee to divine the parties' intentions.

The commission's motion to compel is denied. The hearing conference summary and order provides in relevant part: "A Motion to Compel shall state sufficient facts from which the Presiding Human Rights Referee can conclude that the requested documents are relevant and material." (p. 5.) Instead of complying with this directive, the commission provided a boilerplate survey of case law without, again, any explanation of how the specific requested documents are relevant and material to the specific facts of this case.

The denial of its motion does not preclude the commission from seeking such documents pursuant to General Statutes § 51-85 or other applicable statute or regulation.

Hon. Jon P. FitzGerald
Presiding Human Rights Referee

C:
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