

Court.

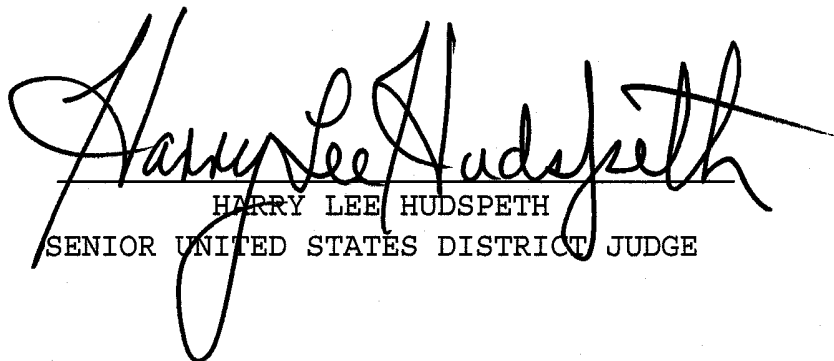
Plaintiff's Request for Admission Number 26 and Request for Production Number 7 both relate to Patricia Kramer, formerly a supervisor in the agency's El Paso office who is now retired. Request for Admission Number 26 asks the Defendant to admit that Kramer (misspelled "Kamer" by Plaintiff) was allowed to retire "rather than face termination from the Agency for reasons that included the falsification of government documents." Request for Production Number 7 calls upon the Defendant to "provide a copy of proposed removal letter to Patricia Kramer and all relied upon materials signed by Jesus Torres in late 2005." The Defendant objected to the request for admission and the request for production, and seeks the Court's protection. In that connection, the Defendant has now produced for the Court's inspection a report of an internal agency investigation which occurred in late 2004; a memorandum signed by acting Special Agent in Charge Jesus Torres; and a settlement agreement to which Kramer was a party. The 2004 investigation and the Torres memorandum dealt with allegations that Kramer, whose title was Associate Special Agent in Charge in the El Paso office, had failed to comply with certain agency rules and policies in connection with one particular criminal investigation. The Torres memorandum proposed her

removal from the service. Neither the report of investigation nor the Torres memorandum accused Kramer of "the falsification of government documents." One of the terms of the settlement agreement was that the proposed removal was rescinded. The other terms of the settlement agreement are not relevant to this case and discussion of them is unnecessary.

After conducting an *in camera* examination of the documents produced by the Defendant, the Court concludes that the Defendant's objections to Request for Admission Number 26 and Request for Production Number 7 should be sustained. The failures attributed to Kramer in connection with this particular investigation simply have no bearing on the Plaintiff's claims of employment discrimination and retaliation. Although the Plaintiff also contends that information contained in this material might be useful to impeach Kramer if she testifies as a defense witness, the Court has concluded that its potential for that purpose is so peripheral and tangential that its probative value, if any, is greatly outweighed by the danger of prejudice, confusion of the issues, and misleading the jury. Rule 403, Federal Rules of Evidence.

It is therefore ORDERED that the Defendant's motion for a protective order with respect to the Plaintiff's Request for Admission Number 26 and Request for Production Number 7 be, and it is hereby, GRANTED.

SIGNED AND ENTERED this 17th day of August, 2007.


HARRY LEE HUDSPETH
SENIOR UNITED STATES DISTRICT JUDGE