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Signal Int'l Denied Worker Immigration Info In EEOC Suit

By **Abigail Rubenstein**

Law360, New York (September 16, 2013, 6:21 PM ET) -- Signal International LLC won't be entitled to discovery on the immigration status of the workers involved in the U.S. Equal Employment Opportunity Commission's lawsuit accusing the company of mistreating 500 Indian employees, a Louisiana federal magistrate ruled last week.

U.S. Magistrate Judge Daniel E. Knowles III on Sept. 10 sided with the EEOC and the individual workers who intervened in the agency's suit, prohibiting the marine services company from inquiring into any individual's immigration history or status. Knowles said allowing the company to dig into such information would create an "in terrorem effect" that would chill the prosecution of the Title VII claims in the suit.

"This Court finds the EEOC's argument persuasive with regard to the current immigration status of intervenors," the judge said. "Even if intervenors' current immigration status was relevant to the claims asserted by the EEOC, discovery of such information would have an intimidating effect on an employee's willingness to assert his workplace rights and subject such an employee to potential deportation."

The EEOC's suit, lodged in April 2011 after workers filed their own suit accusing the company of human trafficking, claims that Signal International subjected Indian employees to human labor trafficking and a hostile work environment, abusing them because of their national origin and race.

The company contended that it could use the immigration status information as evidence to impeach the credibility of the workers in the case, but the judge found that the workers' immigration status is a collateral issue that does not go the merits of Signal International's defense in the litigation.

Although credibility is always at issue, that, in and of itself, does not warrant an inquiry into the subject of current immigration status when the examination would impose an undue burden on private enforcement of employment discrimination laws, Knowles said.

As such, the judge granted the EEOC's bid for an order prohibiting the company from delving into the workers' immigration status.

However, Knowles also granted, despite objections from the EEOC and the intervenors, Signal International's request to bar any parties in the case from publicly disseminating information gleaned through the pretrial discovery process.

Citing plaintiffs' appearances on Dan Rather Reports to lambaste the company, Signal International had asked for a broad order prohibiting the dissemination of the information.

The judge agreed, noting that the case was highly sensitive and had already been the subject of significant media attention.

"Given the highly sensitive nature of this lawsuit and the potential for abuse through the media, the Court finds Signal's arguments persuasive on this point," Knowles said. "The case law is rife with support for the argument that no party to a lawsuit has a First Amendment right to disseminate information obtained through the pretrial discovery process, and this Court's discretion is broad on this point."

An EEOC spokeswoman declined to comment on the matter, and an attorney for Signal International did not immediately respond to a request for comment on Monday.

Signal International is represented by Erin Casey Hangartner, Dominic J. Gianna, Alan Dean Weinberger, Hal D. Ungar and Elham R. Rabbani of Middleberg Riddle & Gianna.

The intervening plaintiffs are represented by Thomas P. Fritzsche, Daniel Werner, Naomi Tsu and Meredith Stewart of Southern Poverty Law Center; Alan B. Howard and Hugh Sandler of Crowell & Moring LLP; Joseph Bjarnson of Sahn Ward Coschignano & Baker PLLC; Chandra S. Bhatnagar of the American Civil Liberties Union; and Ivy Suriyopas of the Asian American Legal Defense and Education Fund.

The case is Equal Employment Opportunity Commission v. Signal International LLC, case number 2:12-cv-00557, in the U.S. District Court for the Eastern District of Louisiana.

--Editing by Edrienne Su.

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