



## **Clehm v. BAE Systems Ordinance Systems, Inc. et al**

2017 | Cited 0 times | W.D. Virginia | May 3, 2017

IN THE UNITED STATES DISTRICT COURT FOR THE  
WESTERN DISTRICT OF VIRGINIA

ROANOKE DIVISION CARLA A. CLEHM (formerly Blankenship), ) Plaintiff, ) v. ) Civil Action No.  
7:16-cv-00012 BAE SYSTEMS, INC., et al., ) Defendants. )

ORDER Plaintiff Carla A. Clehm moves for an order compelling discovery (Dkt. No. 113), to which defendants object. 1

This dispute centers around a document the plaintiff has termed BAE employee Flo Bishop had related to other employees purported sexual activities at work. Plaintiff wants to conduct additional discovery, s raised in the document. In support, plaintiff argues that evidence that employees, including members of management, were engaging in sexual activity at work supports their claim of a hostile work environment and shows a dysfunctional sexual harassment policy. Plaintiff contends that this is

Defendant BAE characterizes document X as issue Defendant BAE maintains that plaintiff was already generally aware of the supposed consensual sexual conduct described in document X from the start of this litigation, and emphasizes that the author, Flo Bishop, testified that she did not feel sexually harassed due to the activities described in document X. Rather,

1 In Dkt. No. 113, plaintiff also moved to continue the trial date in this case, which I granted, setting the new trial date for August 28-September 1, 2017, and re-setting all applicable deadlines based on the new trial date. See Dkt. No. 118.

Bishop felt that the actions described in her letter affected her ability to do their jobs

Plaintiff has narrowed her discovery requests related to document X to ask for the phone numbers and carrier[s] for the individuals involved in the sex ring subpoena cell phone records. Plaintiff asserts she would use this information to verify whether

an ESI search of determine whether relevant documents have been withheld. Plaintiff seeks a second deposition of BAE human resources employees Matt Linkous and Susanna Worrel because these individuals investigated the allegations in document X. Plaintiff also wants to depose Walker Suthers



## Clehm v. BAE Systems Ordinance Systems, Inc. et al

2017 | Cited 0 times | W.D. Virginia | May 3, 2017

related to his investigation of the allegations in document X, as well as Virginia Robinson, who is named in document X. Additionally, plaintiff seeks an order requiring defendant BAE to provide y requests concerning this issue, including . . . a complete investigation 8, Dkt. 131.

To establish a hostile work environment claim, plaintiff must show that she was subjected to conduct that was: (1) unwelcome; (2) based on her gender; (3) sufficiently severe or pervasive to alter the conditions of her employment and create an abusive work environment; and (4) imputable to her employer. *Stewart v. MTR Gaming Grp., Inc.* x 245, 247 (4th Cir. 2014) citing *Okoli v. City of Baltimore*, 648 F.3d 216, 220 (4th Cir. 2011). As I understand from her brief, Plaintiff aims to use document X and related evidence to impute liability to BAE for her hostile work environment claim, set forth in Count I of her Second Amended Complaint. See -worker, the employer

*McKinley v. Salvation Army*, 192 F. Supp. 3d 678, 687 88 (W.D. Va. 2016), *aff'd sub nom. McKinley v. The Salvation Army*, No. 16-2016, 2017 WL 1382547 (4th Cir. Apr. 18, 2017) quoting *Vance v. Ball State Univ.*, \_\_ U.S. \_\_, 133 S.Ct. 2434, 2439, 186 L.Ed.2d 565 (2013). Thus, I grant such portions of relevant and proportional to the claims and defenses in this action. See Federal Rule of Civil Procedure 26(b).

Plaintiff s second motion to compel discovery (Dkt. No. 113) is GRANTED in part and DENIED in part and I hereby ORDER as follows:

(1) (2) However, I note that Federal Rule of Civil Procedure 26(e) places a continuing duty on all parties to timely supplement discovery responses. (3)

to issues related to document X is GRANTED. Walker Suthers is also GRANTED. However, plaint Robinson is DENIED.

(4)

that document X is relevant for discovery purposes and BAE has a continuing duty to supplement discovery responses under FRCP 26(d). (5) Pl

concerning the matters in document X is GRANTED and BAE shall produce, or affirm that is has already produced, all non-privileged documents regarding its

investigation of document X, and BAE shall identify, or affirm that it has already identified, all withheld documents on a proper privilege log. Entered: May 3, 2017

Robert S. Ballou Robert S. Ballou United States Magistrate Judge

