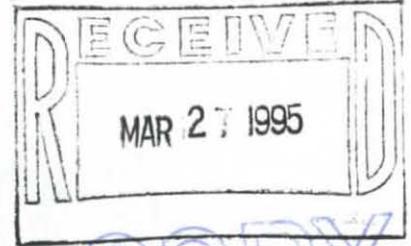


CITY OF CHICAGO
COMMISSION ON HUMAN RELATIONS
500 NORTH PESHTIGO COURT
SIXTH FLOOR
CHICAGO, ILLINOIS 60611



COPY

IN THE MATTER OF:

RICHARD INGRAM,

Complainant,

No. 93-E-141

v.

ROSENBERG & LIEBENTRITT, P.C.;
SHELI ROSENBERG; and DON
LIEBENTRITT,

Respondents.

ORDER

By request dated March 13, 1995, Respondents seek a subpoena to be served on Shefsky & Froehlich, Complainant's current employer, for the production of documents: (1) constituting Complainant's personnel file; (2) reflecting hours billed at his current employer; and (3) reflecting Complainant's pay and benefits. Respondents state that the purpose of this request is to calculate damages, evaluate his efforts to mitigate, and "investigat[e] the representations Complainant made to Shefsky & Froehlich concerning his prior employment at [Respondents' law firm]." Complainant has opposed that request by response dated March 20, 1995. He argues that Respondents have failed to provide good reason for their request, as required by § 220.110(a)(2) of the Rules and Regulations of the Commission,

and he speculates that the subpoena is simply an attempt to harass and embarrass Complainant before partners of his current law firm. Ingram argues that Respondents can obtain this very same information from discovery of him (Complainant), and he points out that Respondents have simultaneously requested these very items from him in requests for production of documents served on the same date as the subpoena. Ingram also argues that many of the materials requested bear little, if any, relevance to the issues in the case, for example, the number of hours he has worked in his current firm.

Having reviewed the requests, the Hearing Officer is not persuaded that the documents being sought from Shefsky & Froehlich are likely to provide any additional information on the subjects identified as Respondents' reasons for seeking the documents.¹ Insofar as Respondents are attempting to show mitigation, it appears that the request of Ingram personally may well be successful, as his opposition brief implies, in producing the very same documents; if that is so, there is no need to issue the subpoena. Therefore, this request will be denied without prejudice to renewal if it should turn out that Ingram does not personally have the documents that would provide evidence concerning mitigation. Since Ingram's responses to Respondents' document production are due by April 14, Respondents have until

¹ Respondents have not suggested any relevance that some of the requested items have to this case, e.g., "representations Complainant made to Shefsky & Froehlich" and hours billed at his new firm.

May 3 to request subpoenas, and they may renew their request at any time before that date if mitigation evidence sought from Ingram turns out to be unavailable, or if they have reason to believe it is incomplete or inaccurate.

Dated: March 24, 1995

Fay Clayton
Fay Clayton, Hearing Officer

CERTIFICATE OF SERVICE

I, Dawn M. Shields, certify that I shall cause to be served a copy of the foregoing Order upon the following parties, via First Class Mail, messenger delivery, Federal Express, or telefax, as indicated, this 24th day of March, 1995:

- First Class Mail
- Messenger Delivery
- Federal Express
- Telefax Delivery

Luke DeGrand, Esq.
 Clark & DeGrand
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(Attorney for the Complainant)

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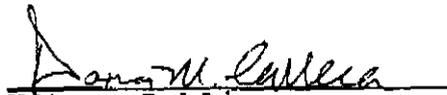
(Attorney for the Respondents)

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Nance Dulaj
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 Dawn M. Shields

Subscribed and sworn to before me this 24th day of March, 1995.


 Notary Public

