

**IN THE UNITED STATES DISTRICT COURT  
FOR THE DISTRICT OF MARYLAND**

**EQUAL EMPLOYMENT  
OPPORTUNITY COMMISSION**

**Plaintiff**

**v.**

**ENDOSCOPIC MICROSURGERY  
ASSOCIATES, P.A.**

**Defendant**

\* \* \* \* \*

**CIVIL NO. JKB-10-2693**

**MEMORANDUM AND ORDER**

The EEOC has filed this lawsuit alleging Defendant's CEO and Owner Dr. Mark Noar and Defendant's Practice Administrator Martin Virga subjected various female employees to a sexually hostile and retaliatory work environment. (Compl. 1, ECF No. 1.) One of the claimants, Julie Johnson, resides now in South Carolina. (Pl.'s Let. 5/3/11 at 1.) On February 22, 2011, Defendant served a subpoena upon Johnson commanding her to appear in Baltimore, Maryland, for a deposition. Although the EEOC has attempted to produce out-of-state claimants in Maryland for depositions, it asserts that Johnson's circumstances would result in extreme hardship if she were required to travel to Maryland for a deposition. (*Id.*) It also argues that the Federal Rules do not require EEOC claimants to appear in the forum jurisdiction when they reside more than 100 miles from any possible deposition location therein. (*Id.* at 2.) Thus, the EEOC requests that the Court order the Defendant to depose Johnson within 100 miles of her residence or via videoconference. (*Id.*) Defendant argues, conversely, that Johnson should be compelled to provide deposition testimony in Maryland because she joined this lawsuit and is seeking compensation for her alleged damages. (Def.'s Let. 5/5/11 at 2, ECF No. 21.)

