

**IN THE UNITED STATES DISTRICT COURT  
FOR THE NORTHERN DISTRICT OF ILLINOIS  
EASTERN DIVISION**

UNITED STATES EQUAL EMPLOYMENT	)	
OPPORTUNITY COMMISSION,	)	
	)	
Plaintiff,	)	
	)	Case No. 05 cv 0208
v.	)	
	)	Judge James Zagel
SIDLEY AUSTIN BROWN & WOOD LLP,	)	
	)	
Defendant.	)	

**MOTION FOR ENTRY OF SCHEDULING ORDER**

The Equal Employment Opportunity Commission (“EEOC”) hereby moves for entry of the proposed scheduling order attached hereto as Exhibit A. In support of this motion, EEOC states:

1. In its 26(a)(1) disclosures, Sidley Austin Brown & Wood (“Sidley”) identified 80 current or former partners and Executive Staff members likely to possess discoverable information that could be used to support its defenses in this case.
2. EEOC has identified 34 persons for whom it seeks relief in this action.
3. It is EEOC’s understanding that Sidley intends to take the deposition of each of the 34 persons for whom EEOC seeks relief. The first such deposition is scheduled for November 17, 2006.
4. EEOC has taken the depositions of two of the individuals identified in Sidley’s 26(a)(1) disclosures. The deposition of a third individual identified in Sidley’s 26(a)(1) disclosures is scheduled for November 22, 2006. EEOC has also taken one 30(b)(6) deposition and the deposition of William White whom authored a letter to the Social Security

Administration regarding Sidley's retirement policy. Mr. White was not identified in Sidley's 26(a)(1) disclosures.

5. EEOC has issued two sets of requests for admission and several sets of interrogatories and document requests. In most instances, as illustrated in the chart attached as Exhibit B, Sidley has required more than 30 days to respond to such discovery. Moreover, it is some of the most important documents that have been the longest in coming, including 6500 pages of documents that contained a number of highly probative items (55 weeks past the normal deadline) and Sidley's final statement of reasons for changing the status of the its former partners (67 weeks past the normal deadline).

6. As demonstrated above, the parties have engaged in a substantial amount of discovery, but much discovery remains to be done. EEOC conservatively estimates that it will depose at least 50 of the 80 individuals identified in Sidley's 26(a)(1) disclosures.

7. Given the number of depositions yet to be taken and additional written discovery to be completed, EEOC proposes that fact discovery close on July 16, 2007, with written discovery closing on March 30, 2007. Sidley has proposed that fact discovery close on June 15, 2007, approximately four weeks earlier than the date the EEOC proposes. EEOC believes it unlikely, however, that depositions of 34 class members and of the many potential witnesses identified by Sidley can be completed within the timeframe proposed by Sidley.

8. Sidley has proposed that written discovery be completed by February 28, 2007. Although the EEOC hopes that future responses to its discovery requests will be answered completely within the normal 30-day period, the EEOC believes it would nevertheless be more prudent to allow a slightly longer written discovery period, ending on March 30, 2007.

9. As reflected on the attached proposed scheduling order, EEOC proposes that expert discovery begin on August 13, 2007, and close on October 15, 2006. EEOC proposes that dispositive motions be due on October 22, 2007, responses thereto be due on November 19, 2007, and replies in support be due on December 3, 2007. Finally, EEOC proposes that the proposed pretrial order be due on January 15, 2008.

10. The EEOC's proposed scheduling order presents a fair and expeditious time frame for completing discovery and preparing for trial.

WHEREFORE, EEOC respectfully requests entry of the EEOC's proposed scheduling order.

November 10, 2006

Respectfully Submitted,

s/ Justin Mulaire

Laurie Elkin

Justin Mulaire

Trial Attorneys

U.S. Equal Employment Opportunity Commission

500 West Madison St., Room 2800

Chicago, IL 60661

312-353-7722

Bar ID number: 4311031