

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

UNITED STATES EQUAL EMPLOYMENT)	
OPPORTUNITY COMMISSION,)	No. 05 C 0208
)	
Plaintiff,)	Honorable James B. Zagel
)	
v.)	Magistrate Martin C. Ashman
)	
SIDLEY AUSTIN LLP,)	
)	
Defendant.)	

**DEFENDANT’S MOTION TO COMPEL RESPONSES TO
INTERROGATORIES AND DOCUMENT PRODUCTION REQUESTS**

Defendant Sidley Austin LLP (“Sidley”) submits the following motion requesting the Court to compel the Equal Employment Opportunity Commission (“EEOC”) to respond to interrogatories and document production requests and supplement its deficient discovery responses or be held to those responses. In support of its motion, Sidley states the following:

1. Sidley has served the EEOC with interrogatories and documents seeking, *inter alia*, (1) the names of persons who were subjected to, or exceptions to, Sidley’s alleged age-based retirement policy or policies; (2) the bases for the EEOC’s assertion that Sidley’s legitimate, performance-based reasons for the status changes of 31 former partners are a pretext for age discrimination; (3) information necessary in order for Sidley to quantify the putative claimants’ alleged damages and to determine whether the putative claimants attempted to mitigate any such damages; (4) information and documents relating to the putative claimants’ post-Sidley performance; and (5) information relating to communications the EEOC has had with former Sidley partners.

2. The EEOC has either refused to provide responsive information, failed to supplement its responses, or provided plainly deficient responses to each of the interrogatories and documents requests at issue in this motion.

3. This motion seeks an order directing the EEOC to provide information and documents relating to Sidley's alleged age-based retirement policy, pretext, the alleged untrue reasons given for an individual's status change, alleged damages and mitigation, post-Sidley performance, and communications with former Sidley partners.

4. As set forth in Sidley's memorandum in support of this motion, pursuant to Northern District of Illinois Local Rule 12(K)/37.2, the parties have met and conferred with respect to these discovery disputes. Despite good faith attempts to resolve their differences, the parties were unable to reach a resolution with respect to the issues contained in this motion.

WHEREFORE, for the reasons set forth more fully in Sidley's accompanying memorandum in support of this motion, which is incorporated herein, Sidley respectfully moves this Court to enter an order directing the EEOC to fully and finally provide information and documents relating to (1) Sidley's alleged age-based retirement policy; (2) the EEOC's assertion that Sidley's legitimate, performance-based reasons for the status changes of certain former partners are pretextual; (3) the reasons given for an individual's status change and criteria used in making the decision that the EEOC contends are untrue; (4) the putative claimants' alleged damages and efforts to mitigate damages; (5) the putative claimants' post-Sidley performance; and (6) to completely and finally identify all former Sidley partners with whom it has communicated regarding this litigation, including (7) production of a log reflecting the EEOC's written communications with putative claimants it does not represent and over which it claims a privilege.

Dated: March 2, 2007

Respectfully submitted,

SIDLEY AUSTIN LLP

By: /s/ Maile H. Solís

One of Its Attorneys

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CERTIFICATE OF SERVICE

I, Maile H. Solís, an attorney, hereby certify that on **March 2, 2007**, I caused a true and complete copy of the foregoing **DEFENDANT'S MOTION TO COMPEL RESPONSES TO INTERROGATORIES AND DOCUMENT PRODUCTION REQUESTS** to be served by Electronic Mail Transmission via ECF as to Filing Users upon the following:

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/s/ Maile H. Solís
