

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

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

**NOTICE OF FILING**

TO: John C. Hendrickson  
 Gregory Gochanour  
 Deborah L. Hamilton  
 Laurie Elkin  
 Equal Employment Opportunity Commission  
 Chicago District Office  
 500 W. Madison St., Suite 2800  
 Chicago, IL 60661


**FILED**  
 APR 27 2005  
 MICHAEL W. DOBBINS  
 CLERK, U.S. DISTRICT COURT

PLEASE TAKE NOTICE that on Wednesday, April 27, 2005, we filed with the Clerk of the United States District Court, Northern District of Illinois, Eastern Division at Chicago, 219 S. Dearborn Street, Chicago, Illinois, Defendants' Motion for Partial Summary Judgment on Claims for Individual Relief, Memorandum in Support of Its Motion for Partial Summary Judgment on Claims for Individual Relief, and Local Rule 56.1 Statement of Undisputed Facts, a true and correct copy of which is attached and hereby served upon you.

Dated: April 27, 2005

Respectfully submitted,

SIDLEY AUSTIN BROWN & WOOD LLP

By:   
 One of Its Attorneys

Paul Grossman  
Robert S. Span  
Paul Hastings Janofsky & Walker LLP  
515 South Flower Street  
25th Floor  
Los Angeles, CA 90071-2371  
(213) 683-6000

Gary M. Elden  
Lynn H. Murray  
Gregory C. Jones  
John E. Bucheit  
GRIPPO & ELDEN LLC  
227 West Monroe Street  
Suite 3600  
Chicago, IL 60606  
(312) 704-7700

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**DEFENDANT'S LOCAL RULE 56.1  
 STATEMENT OF UNDISPUTED FACTS**

Defendant, Sidley Austin Brown & Wood LLP (“Sidley”), submits the following Local Rule 56.1 statement of undisputed material facts supporting its motion for partial summary judgment as to prayer for relief C of Plaintiff EEOC’s Complaint.

As noted in Sidley’s motion and accompanying memorandum of law, the issue on which Sidley seeks partial summary judgment is purely legal: Whether the EEOC may recover victim-specific relief where, as here, no person or entity filed a timely charge of discrimination. To put it another way, is EEOC v. North Gibson Sch. Corp., 266 F.3d 607 (7th Cir. Sept. 11, 2001) (“North Gibson”) still good law, as Sidley contends, or was it overruled *sub silentio* by EEOC v. Waffle House, Inc., 534 U.S. 279, 122 S.Ct. 754 (Jan. 15, 2002) (“Waffle House”), as the EEOC contends?

Although this involves a pure question of law under the Age Discrimination in Employment Act of 1967 (“ADEA”), Sidley has moved for summary judgment on the EEOC’s prayer for relief C (seeking individual relief) to set the issue up procedurally. Sidley files this Rule 56.1 Statement of Undisputed Facts to comply with Local Rule 56.1(3)(A) and (3)(B).

**The Parties**

1. Sidley is an Illinois Limited Liability Partnership with an office located in Chicago, Illinois. See Answer ¶ 3.
2. The EEOC is a federal agency with the authority to enforce the ADEA. See Answer ¶ 2.

**Jurisdiction And Venue**

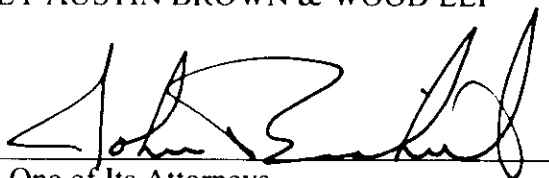
3. The EEOC has invoked the jurisdiction of this Court pursuant to 28 U.S.C. §§ 451, 1331, 1337, 1343 and 1345. See Answer ¶ 1.
4. Venue before this Court is proper under 28 U.S.C. § 1391(b). Id.

Dated: April 27, 2005

Respectfully submitted,

SIDLEY AUSTIN BROWN & WOOD LLP

By:



One of Its Attorneys


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Paul Hastings Janofsky & Walker LLP  
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**CERTIFICATE OF SERVICE**

I, John E. Bucheit, an attorney, hereby certify that on **April 27, 2005**, I caused a true and correct copy of the foregoing Defendant's Local Rule 56.1 Statement of Undisputed Facts to be served via Messenger Delivery upon the following:

John C. Hendrickson  
Gregory Gochanour  
Deborah L. Hamilton  
Laurie Elkin  
Equal Employment Opportunity Commission  
Chicago District Office  
500 W. Madison St., Suite 2800  
Chicago, IL 60661



John E. Bucheit