

**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, LLP,)	
)	
Defendant.)	

EEOC’S MOTION FOR EXTENSION OF DISCOVERY SCHEDULE

EEOC hereby moves for an order extending by 90 days the dates set in the current discovery schedule. In support of this motion, EEOC states:

1. For discovery, including many remaining depositions, to proceed in an orderly and efficient manner, the current discovery schedule should be adjusted.
2. Under the current schedule, EEOC is to identify comparators by May 16, 2007 and fact discovery is to be complete by July 16, 2007.
3. Sidley has just produced on March 30, 2007 over 200 pages of documents that go to the heart of the issues in this case -- the 1999 decisions to strip a group of partners of their partnership status and the maintenance of an age-based retirement policy. See sampling of documents attached as Exhibit A.¹ These documents are responsive to EEOC’s First Set of Document Requests served almost two years ago in April 2005. See EEOC’s First Set of Document Requests, at Request Nos. 22 and 23, attached as Exhibit B.² On February 12, 2007,

¹ Exhibit A consists of documents that have been marked as “confidential” under the Amended Protective Order in this case and has been filed under seal.

² Exhibit B contains confidential information under the Amended Protective Order in this case and has been filed under seal.

Sidley produced another highly relevant document responsive to EEOC's April 2005 First Set of Document Requests. The document, authored by an Executive Committee Member, is entitled

“ <redacted>

.” The first item on

the document says “ <redacted>

.” See Document, attached as Exhibit C.³

Plainly, documents referring to official firm retirement policy and potential changes in compensation for 65 year old partners are of considerable significance to this action.

4. The above documents were produced after the depositions of many Executive Committee members.

5. On March 30, 2007, Sidley informed EEOC that by April 6, 2007, it would be producing additional documents responsive to EEOC's First through Eighth Set of Document Requests. See March 30, 2007 letter from Amanda McMurtrie, attached as Exhibit D. Belated production of responsive documents also occurred in June of 2006 when Sidley produced three boxes of documents containing material responsive to EEOC's First Set of Document Requests served over a year earlier in April 2005. In response to EEOC's letter about this late production, Defendant asserted that a thorough review of documents had been conducted. Yet, as set forth above, to date, Sidley continues to locate hundreds of pages of documents responsive to EEOC's requests.

6. With respect to comparators and pretext, Sidley has objected to answering several discovery requests calculated to identify potential comparators and the pretextual nature of Sidley's proffered reasons for taking the adverse actions at issue. These discovery requests are

³ Exhibit C has been marked “confidential” under the Amended Protective Order in this case and has been filed under seal.

the subject of two motions to compel currently pending with the Court. To the extent the Court orders production of documents and information responsive to these requests, before taking more depositions, EEOC will need time to review such material after it is produced by Sidley.

7. Before taking additional depositions, EEOC wants to be assured that Sidley has located and produced all documents responsive to its prior requests. Otherwise, EEOC will have to move to re-open depositions as responsive documents are found and produced. Indeed, at least one deposition -- and perhaps more -- that has already been taken may have to be re-opened in light of Sidley's recent production. EEOC wants to obviate this happening on a going forward basis. In order to afford Sidley ample time to do a complete review of documents and to produce all relevant documents (including any ordered to be produced in response to EEOC's motions to compel) and to give EEOC ample to time to review such documents before proceeding with additional depositions, EEOC requests that the Court set a date certain by which Sidley is required to produce all responsive documents and extend the dates set in the current discovery schedule by 90 days.

WHEREFORE, EEOC respectfully requests entry of an order setting a date certain by which Sidley must produce relevant documents and extending by 90 days the dates set in the currently scheduling order.

Respectfully submitted,

s/ Justin Mulaire
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