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January 26, 2006

Gregory C. Jones
Maile Solis-Szukala
Grippo & Elden LLC
111 S. Wacker Dr.
Chicago, Illinois 60606

Re: *EEOC v. Sidley Austin Brown & Wood,* Case No. 5 C 0208

Dear Greg & Maile:

This letter addresses Sidley's responses to Plaintiff EEOC's First Request for Admissions by Defendant Sidley Austin Brown & Wood. As you are no doubt aware, Requests to Admit serve an important purpose by "establish[ing] the truth or genuineness of a matter in order to eliminate the need to prove a matter at trial or to limit the triable issues of fact." *Hanley v. Como Inn, Inc.*, 2003 WL 1989607 (N.D. Ill. 2003).

Fed. R. Civ. P. 36 provides very specific guidance regarding the type of response that a Request to Admit requires. The answering party must admit, deny or "set forth in detail the reasons why the answering party cannot truthfully admit or deny the matter." The rule nowhere contemplates that the party to whom the requests are addressed will insert additional factual material that serves that party's view of the case and rewrite the request and then admit or deny the request only in light of the additional factual material.

Sidley's responses are deficient because they simply do not satisfy the Rule 36 standard and contain numerous insertions of additional material. For example, in response to Requests 1 and 2, Sidley does not admit or deny the requests as drafted by the EEOC. Instead Sidley admits a different fact by quoting the language of the Partnership Agreement, which is not included at all in EEOC's Requests 1 and 2. In response to Requests 9-11, Sidley again makes reference to Partnership Agreement, which is not referenced in EEOC's requests.

This pattern of failing to include any admission or denial that responds to EEOC's Request and then inserting additional factual material nowhere mentioned by the EEOC continues throughout Sidley's responses. For example in Response to Requests 15 and 16, Sidley inserts the word "formal" in front of vote and adds additional material not mentioned by the EEOC regarding Sidley's operations. Likewise, in response to Request 21, Sidley does not respond to the request as drafted by the EEOC. Instead Sidley refers to other documents (many of which were not even in existence at the time the April 5, 2000 letter was written) and includes its own theory regarding the reason for the change in status.

This letter will not attempt to catalogue the numerous examples of such an approach by Sidley. The Northern District of Illinois, however, has deemed admitted responses that contain

"superfluous argumentative material." *Knudson v. Moller*, 1987 WL 15383 (N.D. Ill. 1987). Accordingly, EEOC is requesting that Sidley revise its responses to conform to Fed. R. Civ. P. 36 within fourteen days. If Sidley does not do so, EEOC will pursue the matter before Judge Zagel.

As always, if you have any questions or wish to discuss this matter further, please feel free to contact us.

Sincerely,

Deborah L. Hamilton
Trial Attorney