

1 IN THE UNITED STATES DISTRICT COURT
2 NORTHERN DISTRICT OF ILLINOIS
3 EASTERN DIVISION

3 UNITED STATES EQUAL)
4 EMPLOYMENT OPPORTUNITY)
5 COMMISSION,)
6 Plaintiff,)
7 vs.) No. 05 CV 0208
8 SIDLEY, AUSTIN, BROWN &)
9 WOOD, LLP,)
10 Defendant.)

10 The deposition of VIRGINIA L. ARONSON, called
11 for examination pursuant to Notice and pursuant to
12 the Rules of Civil Procedure for the United States
13 District Courts pertaining to the taking of
14 depositions, taken before Roselind C. Pisano, C.S.R.
15 No. 084-002031, Certified Shorthand Reporter and a
16 Notary Public within and for the County of Cook and
17 State of Illinois, at 500 West Madison Street, Suite
18 2800, Chicago, Illinois, on the 23rd day of February
19 2006 at the hour of 9:14 o'clock a.m.

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1 reason policy covers all these different things, and
2 it can be confusing. That's the reason. Okay?

3 BY MR. HENDRICKSON:

4 Q. Did Sidley & Austin have or not have a
5 policy about permitting partners to continue as
6 partners past age 65?

7 A. There was not a policy to prevent them from
8 continuing as partners after age 65.

9 Q. So Sidley & Austin had no policy saying
10 nobody is permitted to continue as a partner past 65?

11 A. Say that one more time. We get too many
12 "nots."

13 MR. GOCHANOUR: Have it read back. It is going
14 to be hard to remember the exact words.

15 MR. ELDEN: The Social Security letter is wrong.

16 MS. ELKIN: Gary, are you testifying? Are you
17 objecting to form, foundation?

18 MR. ELDEN: You have done this five times
19 without showing her the letter. We understand the
20 letter says that. The letter is wrong. You don't
21 have to keep beating around the bush.

22 MS. ELKIN: Are you testifying? Do you want to
23 go off the record? Because you are testifying. If
24 you want to talk to us, I think we should do it off

1 the record.

2 MR. ELDEN: Fine. I'm sorry. It's just that we
3 have gone over this letter so many times without
4 showing her the letter.

5 MS. ELKIN: I just think the next time you want
6 to talk you should tell the court reporter to go off
7 the record.

8 MR. ELDEN: Fair enough. I'll try to talk less.
9 That's fair. I'm talking too much. I'll try to talk
10 less. Go ahead.

11 MR. HENDRICKSON: Gary, I can't believe you did
12 what you just did. I think the record will speak for
13 itself, but I tell you, I'm surprised.

14 MR. ELDEN: You're surprised?

15 MR. HENDRICKSON: Yeah.

16 MR. ELDEN: You think we didn't go over the
17 Social Security letter beforehand?

18 MS. ELKIN: We didn't expect you to testify.

19 MR. HENDRICKSON: We didn't expect you to start
20 talking about --

21 MR. GOCHANOUR: Or tell your witness what --

22 MR. ELDEN: We have been over it so many times
23 and you keep beating around the bush and beating
24 around the bush. We are wasting so much time.

1 Why don't you just show her the letter and
2 ask her if it's correct and let's get it over with.

3 MR. GOCHANOUR: We never mentioned the letter.

4 MR. ELDEN: You keep using the language of the
5 letter, you went to William White. You went into
6 this so many different times it was obvious what you
7 were doing.

8 MR. GOCHANOUR: He never mentioned William
9 White.

10 MR. ELDEN: Of course he did.

11 MR. HENDRICKSON: Yes.

12 MR. ELDEN: This morning.

13 MR. HENDRICKSON: But so what? I know damn well
14 you don't think that's appropriate behavior.

15 Mark the Exhibit.

16 (Aronson Exhibit No. 4
17 marked for identification.)

18 BY MR. HENDRICKSON:

19 Q. Ms. Aronson, are Mr. Elden's statements
20 about this letter correct?

21 A. I actually was not focusing on what he was
22 saying.

23 Are you asking me my reaction to this
24 letter?

1 Q. Yes.

2 A. I have no idea why he wrote this letter. It
3 is untrue.

4 Q. In what sense is it untrue?

5 A. Because it says it is the general policy of
6 Sidley not to permit a partner of the firm to
7 continue as a partner one day after they reach age
8 65, and that is untrue.

9 Q. When was the first time you saw this letter?

10 A. It's been in the last few days. I'd never
11 seen it before.

12 Q. Has anybody, to your knowledge, informed the
13 Social Security Administration that this letter was
14 untrue?

15 A. I have no knowledge that that has been done.

16 Q. Have you asked anybody whether that's been
17 done?

18 A. I have not.

19 Q. Are you going to?

20 A. I don't know. I would seek advice of
21 counsel on that.

22 Q. Let me ask you this. No, let me not. I
23 will ask you another question.

24 Have you ever seen any other letter to any

1 government agency on Sidley & Austin letterhead
2 purportedly signed by an agent of Sidley & Austin
3 that made untrue statements, or an untrue statement?

4 A. Not to my knowledge.

5 Q. Do you know how widely known within the firm
6 this letter -- the existence of this letter is now?

7 Do you know whether the Management Committee
8 is aware of it?

9 A. I believe the Management Committee is aware
10 of it.

11 Q. Well you're a member of the Management
12 Committee.

13 A. There are separate conversations.

14 Q. I mean I would think that after all that
15 Sidley has been through in the past year or so that
16 if it came to anybody's attention on the Management
17 Committee that a letter had been sent six years ago
18 to the Social Security Administration with something
19 that has just been characterized as flatly untrue,
20 that somebody would be sending a telegram or a letter
21 or something to the Social Security Administration
22 saying White's letter of 1999 was not true.

23 A. I cannot tell you what -- I do not know what
24 the office of the general counsel is doing with

1 respect to the letter.

2 Q. Don't you assume that this letter was -- I
3 would assume a letter like this is written to the
4 Social Security Administration about an issue
5 involving money, that is whether the firm is
6 obligated to pay FICA taxes, obligated to withhold
7 money from disbursements made by the firm to partners
8 or others, and/or whether people who are retired from
9 the firm are entitled to receive Social Security
10 benefits. In any event, it is related to money.

11 And the firm -- there is a letter from the
12 firm to the U.S. government obviously related to
13 questions of money, which we are told is not true.
14 And now your testimony today is you don't know, after
15 this untrue statement has been made to the government
16 for seven years, six and a half years, whether
17 anybody has corrected it. Is that right?

18 A. I saw this letter a couple of days ago. I
19 probably heard that there was such a letter a week to
20 10 days ago.

21 Of course people are extremely surprised to
22 see this letter. I am confident that the office of
23 the general counsel of Sidley is looking into it and
24 deciding the appropriate course of action.

1 But we were not aware of this letter.

2 Q. Who is the "we" that were not aware of it?

3 A. Management Committee.

4 Q. Where did the letter come from? Where were
5 you when you saw this letter the first time?

6 A. The offices of Grippo & Elden.

7 Q. And you had never seen it before?

8 A. No.

9 Q. Did you ask anybody where they had gotten
10 the letter?

11 MR. ELDEN: By the way, if you would like me to
12 tell you the background of the letter. She doesn't
13 know it, I do. I'm happy to, or I'm happy not to.

14 BY MR. HENDRICKSON:

15 Q. I want you to just do your best.

16 A. I assume in connection with their
17 preparation of the case.

18 Q. We were -- we investigated -- conducted an
19 administrative investigation of the matter, the
20 Sidley & Austin matter, including issues of coverage
21 before filing this lawsuit, an official government
22 investigation.

23 This letter was never produced in that
24 investigation.

1 Sidley has filed repeated briefs in the
2 Federal District Court saying there is no mandatory
3 retirement policy and has not disclosed the existence
4 of this letter appearing to run directly opposite to
5 that.

6 Does that concern you, as an attorney?

7 A. I'm not a litigator, but it sounds like
8 something of concern.

9 I don't believe that anyone in the firm
10 authorized Bill White to issue this letter. I do not
11 believe that.

12 I understand what you are saying, it is on
13 Sidley stationery. But I do not believe anybody
14 authorized him to issue this letter.

15 Q. Didn't he probably write all kinds of
16 letters without having specific authorization?

17 A. As I said before, I'm not aware of Bill's
18 job description. There are certainly people in our
19 staff who deal with the government. Whether Bill did
20 or not as a routine, or as a matter of course, I
21 don't know.

22 Q. At the time Bill White wrote this letter
23 nobody, I think, would have thought it was the
24 slightest bit exceptional because Sidley & Austin, at

1 that time, thought it was not even close to being
2 covered by the Age Discrimination and Employment Act,
3 or so we have been told. So nobody would have seen a
4 problem. So --

5 MR. ELDEN: I'm objecting. It's argumentative
6 and compound and it is linking two concepts together;
7 whether Sidley thought they were covered by the law,
8 whether somebody thought it was improper to send a
9 letter, which the witness says is not inaccurate.

10 It's a very confusing, compound,
11 argumentative and unfair question. I have offered to
12 explain the whole background of this if you want me
13 to. You apparently don't want me to, so I won't.
14 But this witness knows very little about it.

15 We're perfectly happy to explain it to you
16 but you're not going to accomplish anything badgering
17 her.

18 BY MR. HENDRICKSON:

19 Q. Is William White still with Sidley & Austin?

20 A. Bill retired some time ago. He occasionally
21 is hired on a contract basis to come in if we need
22 some help, additional help putting figures together.
23 So he is a consultant.

24 Q. At the time he was a financial director, was