

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

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

**DEFENDANT’S MOTION TO COMPEL RESPONSES TO
INTERROGATORIES, COMPLIANCE WITH SUBPOENAS, AND
SUPPLEMENTATION OF DEFICIENT DISCOVERY RESPONSES**

Defendant Sidley Austin LLP (“Sidley”) submits the following motion requesting the Court to compel the Equal Employment Opportunity Commission (“EEOC”) to respond to interrogatories, comply with subpoenas, 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 two sets of interrogatories and has served subpoenas seeking certain documents from putative claimants whom the EEOC purports to represent. Among other things, Sidley has requested that the EEOC provide information and documents relating to: (a) the amount and character of the putative claimants’ alleged damages; (b) the putative claimants’ efforts to mitigate their alleged damages; (c) any and all similarly-situated younger individuals who the EEOC alleges were treated more favorably than the putative claimants; and (d) the post-Sidley employment of the putative claimants.

2. This motion seeks (1) a complete response to three Sidley interrogatories seeking the EEOC’s position on damages, mitigation and similarly-situated younger individuals; (2) certain information relating to the putative claimants’ post-Sidley employment, including

their tax returns and supporting documents, documents reflecting the terms and conditions of their post-Sidley employment and documents relating to their performance in subsequent employment; and (3) a ruling that the EEOC should immediately and fully supplement or be bound to its deficient discovery responses. Controlling authority supports each of these requests.

3. Pursuant to Northern District of Illinois Local Rule 12(K)/37.2, the parties have met and conferred with respect to these discovery disputes. The parties have exchanged a series of letters (Exs. A-E) regarding the disputed issues, and, on August 31, 2006 at 12:30 p.m., the parties held a teleconference in which they discussed all the issues. 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: (1) directing the EEOC to answer Interrogatory Nos. 7 and 9 of Sidley's Second Set of Interrogatories; (2) setting a date by which the EEOC can no longer supplement, subject to an interest of justice exception, its answer to Interrogatory No. 2 of Sidley's First Set of Interrogatories; (3) directing the EEOC to produce documents of the putative claimants it allegedly represents, in response to Requests 2, 3, 4, 5, 6, 7, 8, and 10 of Sidley's subpoenas; and (4) holding the EEOC to its current deficient discovery responses unless it can establish that later responses were formulated through information learned after its prior response.

Dated: September 15, 2006

Respectfully submitted,

SIDLEY AUSTIN LLP

By: /s/ Lynn H. Murray
One of Its Attorneys

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CERTIFICATE OF SERVICE

I, Maile H. Solís, an attorney, hereby certify that on **September 15, 2006**, I caused true and complete copies of the foregoing **NOTICE OF MOTION and DEFENDANT'S MOTION TO COMPEL RESPONSES TO INTERROGATORIES, COMPLIANCE WITH SUBPOENAS, AND SUPPLEMENTATION OF DEFICIENT DISCOVERY RESPONSES** to be served by Electronic Mail Transmission via ECF as to Filing Users upon the following:

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/s/ Maile H. Solís
