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APRIL 19, 2005

**MICHAEL W. DOBBINS
CLERK, U.S. DISTRICT COURT**

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

FILED
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MICHAEL W. DOBBINS
CLERK, U.S. DISTRICT COURT

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UNITED STATES EQUAL EMPLOYMENT)
OPPORTUNITY COMMISSION,)
)
Plaintiff,)
)
v.)
)
SIDLEY AUSTIN BROWN & WOOD LLP,)
)
Defendant.)

No. 05c 0208
Honorable James B. Zagel
Magistrate Martin C. Ashman

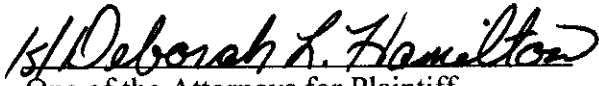
**JOINT MOTION FOR LEAVE TO FILE PARTIES' JOINT REPORT
ON COMPLIANCE WITH RULES 16(B) AND 26(F), AND THEIR PROPOSALS ON
CASE MANAGEMENT AND A DISCOVERY PLAN,**

Plaintiff, the United States Equal Employment Opportunity Commission ("EEOC"), and Defendant, Sidley Austin Brown & Wood LLP ("Sidley"), request leave from the Court to file their Joint Report On Compliance With Rules 16(B) and 26(F), And Their Proposals On Case Management And A Discovery Plan ("Joint Report"). In support of their motion, the parties state as follows:


1. Pursuant to Fed. Civ. P. R. 16(b) and 26(f), the parties met on March 29, 2005, and April 7, 2005, to discuss and develop a proposed case management and discovery plan. A joint report on the parties' compliance with Rules 16(b) and 26(f), which sets forth the parties' positions and proposed plan, is attached hereto as Exhibit A.
2. The parties jointly request leave to submit to the Court their Joint Report as required by Rule 26(f).

U.S. DISTRICT COURT
NORTHERN DISTRICT OF ILLINOIS
EASTERN DIVISION

Dated: April 19, 2005


One of the Attorneys for Plaintiff

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EXHIBIT A

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

UNITED STATES EQUAL EMPLOYMENT
OPPORTUNITY COMMISSION,

Plaintiff,

v.

SIDLEY AUSTIN BROWN & WOOD,

Defendant.

Civil No. 05 CV 0208

Judge James B. Zagel
Magistrate Judge Ashman

**PARTIES' JOINT REPORT ON COMPLIANCE WITH
RULES 16(b) AND 26(f), AND THEIR PROPOSALS ON
CASE MANAGEMENT AND A DISCOVERY PLAN**

Pursuant to Fed. R. Civ. P. 16(b) and 26(f), the parties met on March 29 and April 7, 2005 and came to the following positions.

1. Early Ruling On Motions (pursuant to Fed. R. Civ. P. 16(b)(2) and (c)(1)).
 - a. Defendant ("Sidley") will seek from the Court an early ruling on the following question: Since no alleged victim has filed a charge of discrimination, may Plaintiff ("the EEOC") seek individual relief? The parties have agreed to the following briefing schedule for which they seek the Court's approval: Sidley will file a motion designed to resolve the above issue on April 19, 2005; EEOC will respond on May 10, 2005; Sidley will reply on May 24, 2005.
 - b. Sidley advised the EEOC that Sidley plans to seek discovery on whether the EEOC exercised its rule-making authority under the Age Discrimination In Employment Act of 1967 ("ADEA") to promulgate rules governing professional partnerships. The EEOC may file a motion for protective order regarding such discovery. Sidley will agree that the EEOC has no obligation to produce information in response to discovery requests on this matter until the Court rules on the EEOC's motion.
2. Pre-Discovery Disclosures.
 - a. Subject to the entry of an appropriate protective order, see paragraph 2(c) below, Sidley has agreed to produce by May 27, 2005 unredacted copies of documents already provided to the EEOC.

- b. The parties will make a good faith effort to provide the disclosures specified in Fed. R. Civ. P. 26(a)(1) by April 28, 2005, except for information related solely to individual damage calculations and EEOC policy and guidance regarding when partners are considered employees under ADEA.
- c. The parties will attempt to reach agreement on a protective order. If the parties are unable to reach agreement, they will seek the Court's assistance.

3. Informal Discovery.

The parties jointly sent a letter to certain of the 31 former Sidley partners who are among the subjects of the EEOC Complaint, informing them of this lawsuit and inquiring whether they would be willing to let each party interview them informally regarding this lawsuit. Sidley intends to try to complete by May 27, 2005 as many interviews as are consented to.

4. Initial Discovery Methods And Procedures.

The parties will, by April 29, 2005, exchange their first set of document requests and interrogatories. By June 17, 2005, the parties will exchange objections and responses to the other's document requests and interrogatories. If any discovery request is objected to on the ground that discovery may be obviated by decisions on the motions referenced in paragraph 1 above, then such objection may be resolved by agreement of the parties or by the Court if the parties cannot reach agreement.

5. Limitations On Document Requests And Interrogatories.

Both parties agree that it may be necessary to relax the limits specified in Fed. R. Civ. P. 30(a)(2)(A) (10 depositions) and possibly also Fed. R. Civ. P. 33(a) (25 interrogatories). The parties have represented to each other that they will respond reasonably to requests for relaxation of these limits as the need for doing so becomes better defined. The parties suggest addressing with the Court the number of depositions and interrogatories that should be authorized after the Court has ruled on the motions referenced in paragraph no. 1 above. At that point, the parties will have a better sense of how many depositions and interrogatories are needed.

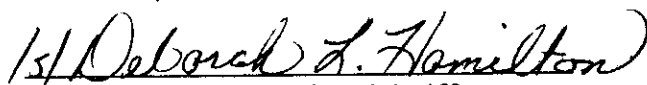
6. Supplemental Discovery Plan.

The parties request an opportunity to submit a more detailed supplemental discovery plan fourteen (14) days after the Court's ruling on the motions referred to in paragraph no. 1 above. By then, the parties should have largely completed the disclosures, interviews, and discovery discussed in paragraphs 2 and 3, above. Sidley has advised the EEOC that, after reviewing the briefs and/or rulings on one or both of the issues noted in paragraph no. 1, Sidley may request phasing of discovery under Fed. R. Civ. P. 26(f)(2) and 16(c)(6). The EEOC believes that phasing of discovery would be inappropriate in this case.

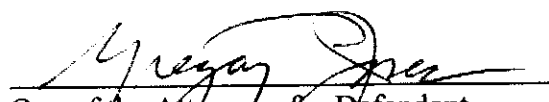
7. Conciliation and Settlement Discussions.

During the summer and fall of 2004, the EEOC and Sidley engaged in conciliation discussions, which were not successful. During recent meetings between the EEOC and Sidley, the parties raised the subject of settlement.

Dated: April 19, 2005


One of the Attorneys for Plaintiff

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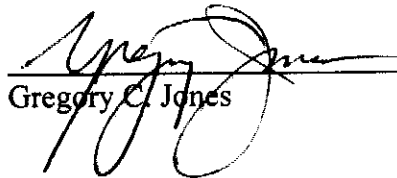
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CERTIFICATE OF SERVICE

I, Gregory C. Jones, an attorney, hereby certify that on **April 19, 2005**, I caused a true and correct copy of the foregoing **JOINT MOTION FOR LEAVE TO FILE PARTIES' JOINT REPORT ON COMPLIANCE WITH RULES 16(b) AND 26(f), AND THEIR PROPOSALS ON CASE MANAGEMENT AND A DISCOVERY PLAN** to be served via email and Messenger Delivery upon the following:

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Gregory C. Jones