

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

DIANE ROBERTS,)	
)	
Plaintiff,)	No. 05 C 5345
)	
v.)	Hon. Ronald Guzman
)	
SIDLEY AUSTIN BROWN & WOOD, LLP,)	
)	
Defendants.)	

**DEFENDANT’S MOTION FOR EXTENSION OF TIME TO FILE MOTION TO
DISMISS COUNT V OF PLAINTIFF’S VERIFIED COMPLAINT**

Defendant Sidley Austin Brown & Wood, LLP, by its attorneys, hereby moves this Honorable Court for an extension of time to file a motion to dismiss Count V of Plaintiff’s Verified Complaint, in support of this Motion Defendant states as follows:

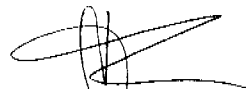
1. Plaintiff filed her five count Verified Complaint (“Complaint”) on September 16, 2005. Count V of Plaintiff’s Complaint alleges Intentional Infliction of Emotional Distress.
2. On October 6, 2005, Defendant’s counsel told Plaintiff’s counsel that Defendant would file a motion to dismiss Count V of Plaintiff’s Complaint. Plaintiff’s counsel told Defendant’s counsel that he would voluntarily withdraw Count V. See Exhibit A attached hereto.
3. Defendant timely filed its Answer To Verified Complaint (“Answer”) on Friday, October 14, 2005. In this Answer, Defendant relied upon Plaintiff’s counsel’s representation of withdrawal of Count V by stating its understanding that Plaintiff was withdrawing this count and a summary denial in the event it was not withdrawn.

4. On or about October 24, 2005, Defendant received from Plaintiff's counsel a letter in which he stated that Plaintiff would *not* voluntarily dismiss Count V of Plaintiff's Complaint. See Exhibit B attached hereto.

5. Accordingly, Defendant respectfully requests that it be given until November 17, 2005, to file a motion to dismiss this count on the grounds that (1) Plaintiff has failed to state a claim upon which relief can be granted and (2) that in any event Plaintiff's claim is preempted by the Illinois Human Rights Act.

WHEREFORE, Defendant Sidley Austin Brown & Wood, LLP, by its attorneys, respectfully requests that this Honorable Court grant it until November 17, 2005, to file a motion to dismiss Count V of Plaintiff's Verified Complaint.

Respectfully submitted,



One of the Attorneys for Defendant
Sidley Austin Brown & Wood, LLP.

Julie O. Allen
Christopher J. Boran
SIDLEY AUSTIN BROWN & WOOD
Bank One Plaza
10 South Dearborn Street
Chicago, Illinois 60603
(312) 853-7000

Dated: November 1, 2005

EXHIBIT A

SIDLEY AUSTIN BROWN & WOOD LLP

BEIJING
BRUSSELS
CHICAGO
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GENEVA
HONG KONG
LONDON

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10 S. DEARBORN STREET
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SHANGHAI
SINGAPORE
TOKYO
WASHINGTON, D.C.

WRITER'S DIRECT NUMBER
(312) 853-4105

WRITER'S E-MAIL ADDRESS
cboran@sidley.com

October 11, 2005

By First Class Mail

Paul O. Otubusin, Esq.
Otubusin & Associates, PC
77 W. Washington Street
Suite 1204
Chicago, IL 60602


Re: **Diane Roberts v. Sidley Austin Brown & Wood LLP**
Case No. 05 C 5345

Dear Mr. Otubusin:

This letter is to confirm our telephone conversation of Thursday, October 6, 2005, during which you agreed to voluntarily dismiss Count V of Ms. Robert's Verified Complaint in the above stated matter, alleging intentional infliction of emotional distress.

Please confirm that you have, or shortly, will notify the Court of your voluntary dismissal of Count V. Please contact me if you have any questions.

Very truly yours,



Christopher J. Boran

EXHIBIT B



OTUBUSIN & ASSOCIATES, P.C.
ATTORNEYS AT LAW

77 WEST WASHINGTON STREET • SUITE 1204 • CHICAGO, IL 60602
TELEPHONE (312) 251-1480 FAX (312) 251-1481

DR. PAULO OTUBUSIN*
IBADAN, DIP; ROME, B.A.; LAGOS, M.A.; NORTHEASTERN, M.A.; IIT, J.D.; M.B.A.; LOYOLA, PH.D.

*LICENSED: STATE OF ILLINOIS
ADMITTED: U.S. SUPREME COURT
PROFESSOR EMERITUS & FORMER CHAIR, PHILOSOPHY, CALUMET COLLEGE, WHITING, IN

October 18, 2005

Julie O'Donnell Allen, Esq.
Sidley Austin Brown & Woods, LLP
Bank One Plaza
10 South Dearborn Street
Chicago, IL 60603

Re: Roberts v. Sidley Austin Brown & Woods, LLP
Case No: 2004 CA 3719
O&A File No: 05002-00013

Dear Ms. Allen:

This letter supersedes all prior oral understandings and/or agreements, if any, between the parties and constitutes the sole settlement offer between the parties with respect to Ms. Diane Robert's employment claims. Further, in view of Dr. William Hovsepien's psychological report which we have just received today [a copy which is enclosed], it would be recklessly irresponsible of us to agree voluntarily to a dismissal of Count IV of Plaintiff's First Verified Complaint.

In the referenced letter, Dr. Hovsepien states, *inter alia*, "Patient was initially seen by Dr. Fe Velasco, MD, a psychiatrist, who subsequently referred her to myself for verbal psychotherapy. I saw that the patient was experiencing major depression . . . In addition, patient is also suffering from headaches as well. Patient currently is taking Effexor XR 75 mg q.d. Patient appears to have suffered both depression and anxiety because of her demotion and essentially the way this was handled, which she felt to be discriminatory in nature (she was replaced by a white secretary) and felt that she was unjustly treated for all the years of service, which she had given to the company."

In response to your request for our client's settlement demand, we present the following: Our client's annual salary was \$52,000.00 approximately with lost retirement benefit of \$4500.00 and current/future medical bills of \$10,000.00. Our client was terminated from her employment with Sidley Austin Brown & Woods, LLP on March 8, 2005. From the period of her termination to the present, our client has earned a sum of \$19,432.00.

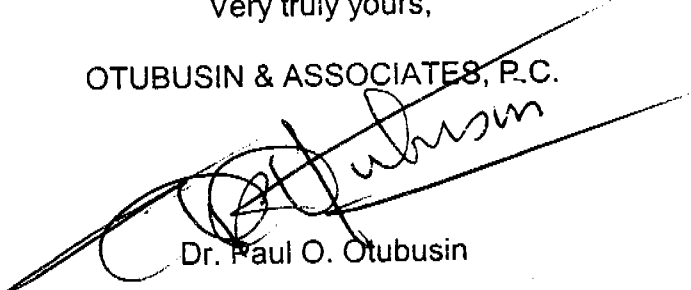
Julie O'Donnell Allen, Esq.
October 18, 2005
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As of today, our client has been separated from her employment with Sidley Austin Brown & Woods, LLP for a period of nine months and one week. Her salary and benefits for this period are a total sum of \$53,500.00 [that is, \$39,000.00 [9 months and one week of salary + \$4500.00 [9 months of lost retirement benefit] + \$10,000.00 [current and future medical bills]. Therefore, our client has actual damages of \$34,068.00 [that is, \$53,500.00 (lost wages plus medical benefits) - \$19,432.00 (income received)].

In the light of the above, her over 22 years of service to your law firm, and her continuing severe depression and anxiety arising from her demotion, demand is hereby made to settle this matter for \$272,544.00. We look forward to your anticipated cooperation and prompt response in the settlement of this cause.

Very truly yours,

OTUBUSIN & ASSOCIATES, P.C.



Dr. Paul O. Otubusin

POO/bp
Encl.

cc: Diane Roberts

CERTIFICATE OF SERVICE

I, Christopher J. Boran, one of the attorneys for Defendant Sidley Austin Brown & Wood, LLP, certify that I caused a copy of the foregoing Defendant's Motion Requesting Extension of Time To File Motion to Dismiss Count V of Plaintiff's Verified Complaint to be served by messenger upon counsel for Plaintiff:

Paul O. Otubusin, Esq.
Otubusin & Associates, P.C.
77 West Washington Street
Suit 1204
Chicago, IL 60602

this 1st day of November, 2005.

