

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

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CHICAGO LAWYERS' COMMITTEE FOR)	
CIVIL RIGHTS UNDER LAW, INC.,)	
)	
Plaintiff,)	Case No. 06-CV-0657
)	
v.)	Judge Amy J. St. Eve
)	
CRAIGSLIST, INC.,)	Magistrate Judge Jeffrey Cole
)	
Defendant.)	
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JOINT INITIAL STATUS REPORT

Pursuant to the Court's Case Management Procedures, the parties provide the following joint, initial status report.

I. The Nature of the Case

A. Attorneys of Record

Plaintiff:

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Defendant:

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B. Basis for Federal Jurisdiction

Federal question jurisdiction, pursuant to 28 U.S.C. § 1331, and diversity jurisdiction, pursuant to 28 U.S.C. § 1332.

C. Nature of Claims and Counterclaims

Plaintiff's Claim:

Federal Fair Housing Act, 42 U.S.C. § 3604(c): Defendant allegedly published on its website, located at "craigslist.chicago.org," notices, statements, or advertisements with respect to the sale or rental of dwellings that allegedly indicated (1) a preference, limitation, or discrimination on the basis of race, color, religion, sex, familial status, or national origin; and (2) an intention to make a preference, limitation, or discrimination on the basis of race, color, religion, sex, familial status, or national origin.

D. Likely Major Legal and Factual Issues

Legal Issues:

1. Whether Defendant violated the Federal Fair Housing Act, 42 U.S.C. § 3604(c).
2. Whether this action under the Federal Fair Housing Act is barred by the Communications Decency Act of 1996, 47 U.S.C. § 230(c), or the First Amendment or other constitutional protections.

Factual Issues:

Whether the postings on Defendant's website indicated a preference, limitation, or discrimination on the basis of race, color, religion, sex, familial status, or national origin, or an intention to make any such preference, limitation, or discrimination on the basis of race, color, religion, sex, familial status, or national origin under the ordinary reader standard, that is actionable under the Federal Fair Housing Act or that is not otherwise protected by the First Amendment or other constitutional protections.

E. Relief Sought by Plaintiff

Monetary, declaratory, and injunctive relief.

II. Pending Motions and Case Plan

A. Pending and Expected Motions:

No motions are now pending.

The parties have agreed that the first priority in this case is to ask the Court to decide whether this action under the Federal Fair Housing Act is barred by the Communications Decency Act of 1996, 47 U.S.C. § 230(c), or the First Amendment or other constitutional protections. The parties agree that this issue can be presented to the Court by a motion for judgment on the pleadings pursuant to Fed.R.Civ.P. 12(c).

Defendant proposes to file its motion on or about April 14, 2006.
Plaintiff then proposes to file its response on or before May 19, 2006.
Defendant proposes to file its reply on or before June 7, 2006.

B. Proposed Discovery Plan

1. Type of Discovery Needed: Legal issues will predominate over any factual issues in this case, and the parties will conduct appropriate discovery, if needed, after certain legal issues are decided.
2. Date for Rule 26(a)(1) disclosures: The parties believe that Rule 26(a)(1) disclosures should not occur before certain legal issues have been resolved.
3. Fact Discovery Completion Date: The parties believe that it is not appropriate to discuss a fact discovery completion date at this time.
4. Expert Discovery Completion Date: The parties believe that it is not appropriate to discuss an expert discovery completion date at this time.
5. Date for Filing Dispositive Motions: The parties expect that Defendant will file an Answer and Motion for Judgment on the Pleadings pursuant to Fed.R.Civ.P. 12(c). *See above* ¶ II.A.
6. Date for Filing of a Final Pretrial Order: The parties believe that it is not appropriate to discuss a date for the filing of a final pretrial order at this time.

C. Trial

1. Jury Trial Request: Jury trial is requested.
2. Probable length of trial: The parties believe that it is not appropriate to discuss the probable length of trial at this time.
3. When Case Ready for Trial: The parties believe that certain legal issues need to be decided by the Court before the timing or need for trial can be ascertained. Plaintiff believes that in all likelihood these legal issues will need to be decided by the Court of Appeals for the Seventh Circuit prior to the development of a necessary record before trial. The parties thus believe that it is not appropriate to discuss a trial schedule at this time.

III. Consent to Proceed Before a Magistrate Judge

The parties have not consented to proceed before a Magistrate Judge.

IV. Status of Settlement Discussions

Settlement discussions have occurred.

No settlement discussions have occurred since the filing of Plaintiff's complaint.

Plaintiff believes a settlement conference could further assist settlement efforts. In light of the extensive efforts to resolve this case pre-suit, Defendant believes that a settlement conference at this time, and before the Court has addressed the threshold legal issues, would not be fruitful.

V. Status Conference

This case is set for a status conference on March 20, 2006, at 9:00 a.m.

March 14, 2006

Respectfully submitted,

CHICAGO LAWYERS' COMMITTEE FOR
CIVIL RIGHTS UNDER LAW, INC.,

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