

**IN THE UNITED STATES DISTRICT COURT  
FOR THE DISTRICT OF MARYLAND**

**EQUAL EMPLOYMENT OPPORTUNITY** )  
**COMMISSION,** )  
) )  
**Plaintiff,** )  
) )  
**v.** )  
) )  
**FREEMAN,** )  
) )  
**Defendant.** )  
\_\_\_\_\_ )

**Case No. RWT-09-CV-2573**

**MOTION FOR MODIFICATION OF SCHEDULING ORDER**

Defendant Freeman requests that the Scheduling Order entered by the Court on April 28, 2010 in this matter be modified and replaced with the Modified Scheduling Order attached to this Request. Counsel for Plaintiff EEOC has advised counsel for Freeman that it agrees to the modified order except for Paragraph 3.

It is Freeman’s view that the Scheduling Order of April 28, 2010 sets unrealistic dates given the nature of this case, which involves the application of two separate hiring policies to thousands of individuals. Freeman also believes that expert discovery should occur separately following the completion of fact discovery. This will enable the experts to base their analysis on a fully developed record.

Freeman further believes that requiring EEOC to disclose, at the end of fact discovery, the subjects on which it will present expert testimony will ensure that Freeman is able (1) to present expert testimony that is of optimal value to the trier of fact and (2) to comply readily with the deadlines for its expert disclosures. The Modified Scheduling Order gives EEOC more than

half a year to line up its experts. Under these circumstances, it is reasonable to provide Freeman with some lead time as well.

Freeman is prepared to explain further the grounds for its Motion for Modification of Scheduling Order during the telephone status conference scheduled for May 11, 2010.

Respectfully submitted,

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