

UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF MARYLAND
(SOUTHERN DIVISION)

U.S. EQUAL EMPLOYMENT
OPPORTUNITY COMMISSION,

Plaintiff,

v.

FREEMAN,

Defendant.

Case No. 8:09-CV-02573-RWT

DEFENDANT'S PARTIAL MOTION TO DISMISS FOR FAILURE TO STATE A CLAIM

Pursuant to FED. R. CIV. P. 12(b)(6), Defendant Freeman moves to dismiss all claims in this lawsuit that relate to hiring decisions made more than 300 days before the filing of the administrative charge on which this case is based – specifically, all claims relating to decisions made prior to March 23, 2007. As explained in the accompanying Memorandum of Law, challenges to hiring decisions made before that date are time-barred.

Respectfully submitted,

AKIN GUMP STRAUSS HAUER & FELD LLP

/s/ Donald R. Livingston

Donald R. Livingston (Bar No. 15787)

Paul E. Mirengoff (admitted *pro hac vice*)

1333 New Hampshire Avenue, N.W.

Washington, D.C. 20036

Telephone: (202) 887-4000

Facsimile: (202) 887-4288

dlivingston@akingump.com

pmirengoff@akingump.com

Attorneys for Defendant Freeman