

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

FILED
05 JAN 13 AM 9:11
U.S. DISTRICT COURT
CLERK
FD-7

UNITED STATES EQUAL EMPLOYMENT
OPPORTUNITY COMMISSION,

Plaintiff,

v.

SIDLEY AUSTIN BROWN & WOOD,

Defendant.

05C 0208

Civil Action No.

COMPLAINT

JUDGE ZAGEL
DOCKETED

JURY DEMAND JAN 14 2005

MAGISTRATE JUDGE ASHMAN

NATURE OF THE ACTION

This is an action under the Age Discrimination in Employment Act to correct unlawful employment practices on the basis of age and to provide appropriate relief to a class of attorney employees who were adversely affected by such practices. The Commission alleges that Defendant violated the ADEA by maintaining and implementing an age-based retirement policy and by downgrading or expelling a class of attorney employees age 40 years and older on account of their age in or about October 1999.

JURISDICTION AND VENUE

1. Jurisdiction of this Court is invoked pursuant to 28 U.S.C. §§ 451, 1331, 1337, 1343 and 1345. This action is authorized and instituted pursuant to Section 7(b) of the Age Discrimination in Employment Act of 1967, as amended, 29 U.S.C. § 626(b) (the "ADEA"), which incorporates by reference Sections 16(c) and 17 of the Fair Labor Standards Act of 1938 (the "FLSA"), as amended, 29 U.S.C. §§ 216(c) and 217.

PARTIES

2. Plaintiff, the Equal Employment Opportunity Commission (the "Commission"), is the agency of the United States of America charged with the administration, interpretation and enforcement of the ADEA and is expressly authorized to bring this action by Section 7(b) of the ADEA, 29 U.S.C. § 626(b), as amended by Section 2 of Reorganization Plan No. 1 of 1978, 92 Stat. 3781, and by Public Law 98-532 (1984), 98 Stat. 2705.

3. At all relevant times, Defendant Sidley Austin Brown & Wood ("Defendant" or "Defendant Employer"), a Delaware limited liability partnership and its affiliates, which include an Illinois limited liability partnership, an English general partnership, and a New York general partnership, has been continuously doing business in the City of Chicago, State of Illinois, and has continuously had at least twenty (20) employees.

4. At all relevant times, Defendant has been an employer engaged in an industry affecting commerce within the meaning of Sections 11(b), (g) and (h) of the ADEA, 29 U.S.C. §§ 630(b), (g) and (h).

CONCILIATION

5. Prior to institution of this lawsuit, the Commission's representatives attempted to eliminate the unlawful employment practices alleged below and to effect voluntary compliance with the ADEA through informal methods of conciliation, conference and persuasion within the meaning of Section 7(b) of the ADEA, 29 U.S.C. § 626(b).

STATEMENT OF CLAIMS

6. Defendant Employer has engaged in unlawful employment practices nationwide, in violation of Section 4(a) of the ADEA, 29 U.S.C. § 623(a):

(A) In maintaining and implementing, since at least 1978, an age-based retirement policy, Defendant Employer has discriminated against a class of attorney employees on account of their age in violation of the ADEA. The class of persons aggrieved includes Defendant Employer's attorney employees age 40 and older who were adversely affected by the retirement policy.

(B) Defendant Employer has discriminated against a class of attorney employees age 40 and older by downgrading or expelling them on account of their age in or about October 1999 in violation of the ADEA.

7. The effect of the practices complained of in paragraph 6 above has been to deprive a class of attorney employees age 40 and older of equal employment opportunities and otherwise adversely affect their status as employees, because of their age.

8. The unlawful employment practices complained of in paragraphs 6 and 7 above were and are willful within the meaning of Section 7(b) of the ADEA, 29 U.S.C. § 626(b).

PRAYER FOR RELIEF

Wherefore, the Commission respectfully requests that this Court:

A. Grant a permanent injunction enjoining Defendant Employer, its officers, successors, assigns and all persons in active concert or participation with it, from engaging in any employment practice which discriminates on the basis of age against individuals 40 years of age and older.

B. Order Defendant Employer to institute and carry out policies, practices and programs which provide equal employment opportunities for individuals 40 years of age and older, and which eradicate the effects of its past and present unlawful employment practices.

C. Grant a judgment requiring Defendant Employer to make whole all individuals adversely affected by the unlawful practices described above, by providing the affirmative relief

necessary to eradicate the effects of its unlawful practices, including but not limited to reinstatement and complete restoration of a class of employees over the age of 40 to the status of “partner” which they, respectively, occupied previously, or in the alternative front pay, as well as, back pay, prejudgement interest, the value of lost benefits and liquidated damages.

D. Grant such further relief as the Court deems necessary and proper in the public interest.

E. Award the Commission its costs of this action.

JURY TRIAL DEMAND

The Commission requests a jury trial on all questions of fact raised by the Complaint.

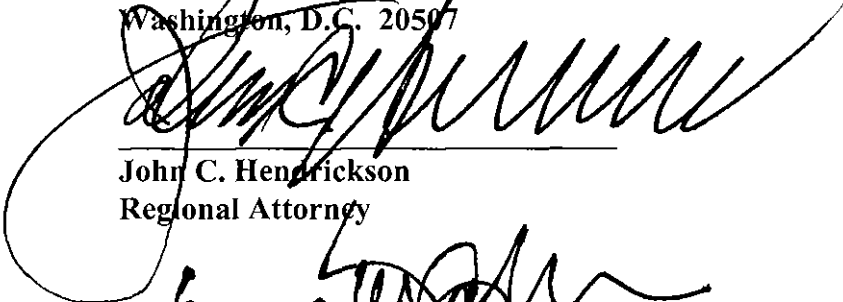
Respectfully submitted,

**Eric Dreiband
General Counsel**

**James Lee
Deputy General Counsel**

**Gwendolyn Young Reams
Associate General Counsel**

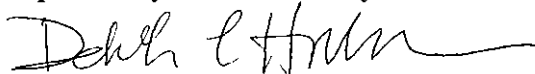
**Equal Employment Opportunity Commission
1801 "L" Street, N.W.
Washington, D.C. 20507**



**John C. Hendrickson
Regional Attorney**



**Gregory Gochanour
Supervisory Trial Attorney**



**Deborah L. Hamilton
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Trial Attorneys**

**EQUAL EMPLOYMENT OPPORTUNITY
COMMISSION
Chicago District Office
500 West Madison Street, Suite 2800
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(312) 353-7649**

CAT 1

UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF ILLINOIS
JUDGE ZAGEL
MAGISTRATE JUDGE ASHMAN

Civil Cover Sheet **05C 0208**

This automated JS-44 conforms generally to the manual JS-44 approved by the Judicial Conference of the United States in September 1974. The data is required for the use of the Clerk of Court for the purpose of initiating the civil docket sheet. The information contained herein neither replaces nor supplements the filing and service of pleadings or other papers as required by law. This form is authorized for use only in the Northern District of Illinois.

Plaintiff(s): U.S. EQUAL EMPLOYMENT OPPORTUNITY COMMISSION

Defendant(s): SIDLEY AUSTIN BROWN & WOOD

DOCKETED
JAN 14 2005

County of Residence:

County of Residence:

Plaintiff's Atty: Deborah L. Hamilton
Equal Employment Opportunity Commission
500 W. Madison, Suite 2800,
Chicago, IL 60661
312-353-7649

Defendant's Atty: Paul Grossman
Paul, Hastings, Janofsky & Walker LLP
515 South Flower Street,
25th Floor, Los Angeles, CA
90071
(213) 683-6203

II. Basis of Jurisdiction: 1. U.S. Gov't Plaintiff

III. Citizenship of Principal Parties (Diversity Cases Only)

Plaintiff: - N/A
Defendant: - N/A

FILED FOR DOCKETING
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U.S. DISTRICT COURT

IV. Origin : 1. Original Proceeding

V. Nature of Suit: 442 Employment

VI. Cause of Action: To correct unlawful employment practices on the basis of age. Section 7(b) of the Age Discrimination in Employment Act of 1967, as amended, 29 U.S.C. § 616(b) (the "ADEA"), which incorporates by reference Sections 16(c) and 17 of the Fair Labor Standards Act of 1938 (the "FLSA"), as amended, 29 U.S.C. §§ 216(c) and 217.

VII. Requested in Complaint

Class Action: Yes
Dollar Demand:
Jury Demand: Yes

VIII. This case IS NOT a refiling of a previously dismissed case.

Signature: Debra Hamilton

UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF ILLINOIS

JUDGE ZAGEL

In the Matter of

EASTERN DIVISION

MAGISTRATE JUDGE ASHMAN

Equal Employment Opportunity Commission

Case Number

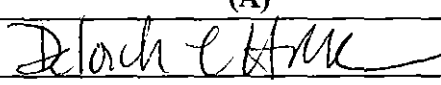
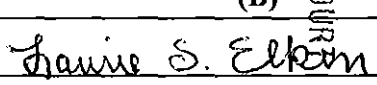
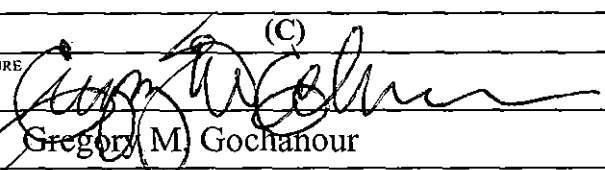
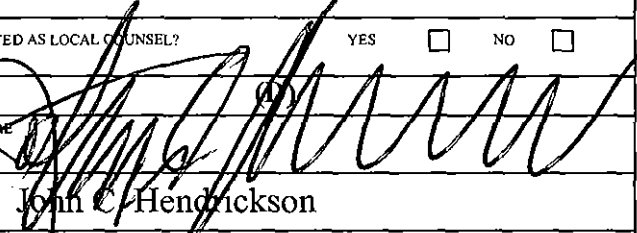
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v.
Sidley Austin Brown & Wood

APPEARANCES ARE HEREBY FILED BY THE UNDERSIGNED AS ATTORNEY(S) FOR:
U.S. EQUAL EMPLOYMENT OPPORTUNITY COMMISSION

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U.S. DISTRICT COURT

(A)		(B)	
SIGNATURE 	SIGNATURE 	SIGNATURE 	SIGNATURE 
NAME Deborah L. Hamilton	NAME Laurie S. Elkin	NAME Gregory M. Gochanour	NAME John C. Hendrickson
FIRM Equal Employment Opportunity Commission	FIRM Equal Employment Opportunity Commission	FIRM Equal Employment Opportunity Commission	FIRM Equal Employment Opportunity Commission
STREET ADDRESS 500 West Madison, Suite 2800	STREET ADDRESS 500 West Madison, Suite 2800	STREET ADDRESS 500 West Madison, Suite 2800	STREET ADDRESS 500 West Madison, Suite 2800
CITY/STATE/ZIP Chicago, IL 60661	CITY/STATE/ZIP Chicago, IL 60661	CITY/STATE/ZIP Chicago, IL 60661	CITY/STATE/ZIP Chicago, IL 60661
TELEPHONE NUMBER 312-353-7649	FAX NUMBER 312-353-8555	TELEPHONE NUMBER 312-886-9124	FAX NUMBER 312-353-8555
E-MAIL ADDRESS	E-MAIL ADDRESS DISREPECTED	E-MAIL ADDRESS	E-MAIL ADDRESS
IDENTIFICATION NUMBER (SEE ITEM 4 ON REVERSE) ARDC No. 062698941	IDENTIFICATION NUMBER (SEE ITEM 4 ON REVERSE) ARDC No. 06210523	IDENTIFICATION NUMBER (SEE ITEM 4 ON REVERSE) ARDC No. 06210804	IDENTIFICATION NUMBER (SEE ITEM 4 ON REVERSE) ARDC No. 01187589
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TRIAL ATTORNEY? YES <input checked="" type="checkbox"/> NO <input type="checkbox"/>	TRIAL ATTORNEY? YES <input checked="" type="checkbox"/> NO <input type="checkbox"/>	TRIAL ATTORNEY? YES <input checked="" type="checkbox"/> NO <input type="checkbox"/>	TRIAL ATTORNEY? YES <input checked="" type="checkbox"/> NO <input type="checkbox"/>
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