

UNITED STATES DISTRICT COURT
CENTRAL DISTRICT OF ILLINOIS

U.S. EQUAL EMPLOYMENT
OPPORTUNITY COMMISSION,

Docket No. 16-2222

Plaintiff,

vs.

Urbana, Illinois
April 26, 2017
10:05 a.m.

RENT-A-CENTER EAST, INC.,

Defendants.

TELEPHONE STATUS CALL

BEFORE THE HONORABLE ERIC I. LONG
UNITED STATES MAGISTRATE JUDGE

A P P E A R A N C E S :

For the Plaintiff: MILES EZEKIEL SHULTZ, ESQUIRE
U.S. Equal Employment
Opportunity Commission
500 West Madison Street, Suite 2000
Chicago, Illinois 60661
312-869-8053

For the Defendant: JAMES BRADLEY SPALDING, ESQUIRE
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Court Reporter: LISA KNIGHT COSIMINI, RMR-CRR
U.S. District Court
201 South Vine, Suite 344
Urbana, Illinois 61802

Proceedings recorded by digital sound recording;
proceedings recorded by mechanical stenography from said
recording; transcript produced by computer.

1 (In open court, 10:05 a.m.)

2 COURTRROOM DEPUTY: This is 16-2222, U.S. Equal
3 Employment Opportunity Commission v. Rent-A-Center East,
4 Incorporated.

5 Present on the telephone for the plaintiff is
6 Miles Shultz, and on behalf of the defendant is Brad
7 Spalding.

8 THE COURT: All right. Good morning. This is
9 Eric Long. We --

10 UNIDENTIFIED SPEAKER: Good morning, Your
11 Honor.

12 THE COURT: We're set this morning just for a
13 short status. Part of what I wanted to discuss was
14 whether we were going to get fact discovery done in time
15 and how that was proceeding.

16 It looks like, based on the joint motion that
17 was filed and that I allowed yesterday, that you both
18 think you need a little more time to get the depositions
19 scheduled and finished; but that that's not going to
20 affect the motions deadline or the jury trial.

21 Do I have that -- Mr. Shultz, do I have that
22 right?

23 MR. SHULTZ: That is correct, Your Honor.

24 THE COURT: Okay. Anything you think needs to
25 be said to bring me up to speed as to what's going on, or

1 do you think what was in the motion is sufficient?

2 MR. SHULTZ: I think what was in the motion is
3 sufficient. We have a few more witnesses that we've
4 identified that we need to depose; but, you know, I think
5 both parties agree that that doesn't, certainly, move the
6 dispositive motion or the jury trial. So I think we're
7 proceeding to meet that June 30 deadline to finish that,
8 and then I think we have a June 7th dispositive motion
9 deadline that can stay in place.

10 THE COURT: Okay.

11 MR. SHULTZ: Is that correct, Brad?

12 MR. SPALDING: I agree.

13 THE COURT: Yeah. I mean, obviously, it's a
14 little odd for me to see discovery close after the
15 dispositive motions deadline, so I assume that neither of
16 you think that those depositions are going to impact the
17 analysis of the dispositive motions?

18 MR. SPALDING: We don't, Your Honor; and I
19 haven't told Miles this yet, but we're not going to file
20 a motion for summary judgment in this case. And, just
21 for the record, that doesn't -- that's no comment on our
22 opinion on the merits of this case. It's just that we
23 think that there are enough fact issues in the case it
24 doesn't make sense to file a motion for summary judgment.

25 THE COURT: Okay. Okay. Mr. Shultz, I assume

1 you're probably in the same position, given the nature of
2 where this is going?

3 MR. SHULTZ: Yeah. We don't anticipate, at
4 this time, filing for a partial motion for something,
5 Judge. I can't think of any elements that we could peel
6 off that way.

7 THE COURT: Is it okay by both of you that I
8 let Judge Bruce know that that's the plan and that he
9 should anticipate a trial on this one unless the two of
10 you get it resolved?

11 MR. SPALDING: Yes.

12 MR. SHULTZ: Yeah. I think that's probably
13 fair.

14 THE COURT: Okay. There is one complicating
15 factor. Judge Bruce has a 6- to 8-week trial scheduled
16 in June that I anticipate -- it's a criminal case -- that
17 I think is going to get moved to October. You are set in
18 October, which is a problem; so let me talk to Judge
19 Bruce about his schedule and see where things stand.

20 As you know, criminal cases are going to take
21 priority over the civil cases, so the two of you may want
22 to consider consenting to me. You can keep your date and
23 keep all your witnesses scheduled. If you don't want to,
24 then there's a good chance you're going to have your
25 trial moved. So just keep that in mind. I'll talk to

1 Judge Bruce; and if that's where he thinks things are
2 going, I'll get my clerks on the phone and talk to the
3 two of you to get a new date for another status call so
4 that we can talk about the possibility of consent or
5 otherwise just get you a new trial date before Judge
6 Bruce. Okay?

7 MR. SPALDING: That sounds fine.

8 THE COURT: All right.

9 MR. SHULTZ: Agreed.

10 THE COURT: All right. Otherwise, I don't see
11 any reason, unless the two of you think we need it, to
12 get back together.

13 MR. SPALDING: No. I don't see anything
14 imminent, Your Honor; and, of course, if we decide that
15 we need to talk to you, we'll let you know.

16 THE COURT: Okay. Yeah. I mean, the
17 possibility -- I suppose we could, we could set a status
18 just right before the discovery deadline of June 30th;
19 and then, that way, if you weren't able to get all your
20 depositions set, we can talk about whether you need a
21 little more time. And, alternatively, by then, I can
22 have a -- I can have an answer from Judge Bruce as to
23 where he sees things. Why don't we do that?

24 MR. SPALDING: I'm okay with a status
25 conference on June 30th.

1 MR. SHULTZ: Yeah. That's fine.

2 THE COURT: What do we have on June 30th? Is
3 that a Friday? Yeah. Why don't we talk June 30th about
4 10:00 a.m. Are both of you available?

5 MR. SPALDING: Yes, Your Honor.

6 MR. SHULTZ: Yes.

7 THE COURT: All right. We'll get you on the
8 phone then.

9 MR. SHULTZ: Okay. Thank you.

10 THE COURT: All right. In the meantime, if you
11 need anything, don't hesitate to call.

12 MR. SPALDING: Thank you.

13 THE COURT: All right. Bye.

14 MR. SHULTZ: Thank you.

15 THE COURT: Bye.

16 (Hearing concluded, 10:17 a.m.)

17

18 REPORTER'S CERTIFICATE

19 I, LISA KNIGHT COSIMINI, RMR-CRR, hereby certify
20 that the foregoing, to the best of my ability, is a
21 correct transcript from the proceedings digitally
22 recorded before the magistrate judge in the
23 above-entitled matter. I was not personally present for
24 said proceedings.

25 Dated this 30th day of June, 2017.

24 s/Lisa Knight Cosimini
25 _____
Lisa Knight Cosimini, RMR-CRR
Illinois License # 084-002998