

**IN THE UNITED STATES DISTRICT COURT
FOR THE CENTRAL DISTRICT OF ILLINOIS**

**U.S. EQUAL EMPLOYMENT
OPPORTUNITY COMMISSION,**

Plaintiff,

v.

RENT-A-CENTER EAST, INC.,

Defendant.

No. 16-CV-2222

Magistrate Judge Eric I. Long

**EEOC'S OBJECTIONS TO DEFENDANT'S
PROPOSED VOIR DIRE**

Plaintiff U.S. Equal Employment Opportunity Commission objects to Defendant's Proposed Voir Dire as set forth below.

Respectfully submitted,

s/ Miles Shultz
U.S. Equal Employment
Opportunity Commission
500 W. Madison St., Ste. 2000
Chicago, IL 60661
312-869-8053

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U.S. Equal Employment
Opportunity Commission
33 Whitehall St., Fl. 5
New York, NY 10004
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DEFENDANT PROPOSED VOIR DIRE NO. 15

RAC's Proposed Question

15. Is there anyone on the jury panel who has or who has a family member or friend who has filed a claim against a current or past employer with the EEOC, the U.S. Department of Labor, or the National Labor Relations Board? If so, what were the circumstances and the outcome of the claim?

EEOC's Objection

The reference to the NLRB is confusing. Further, the Department of Labor and NLRB are separate agencies from the EEOC.

DEFENDANT PROPOSED VOIR DIRE NO. 9, 25, 28, 29, and 31

RAC's Proposed Questions

9. Do you feel that an employee has an obligation to be aware of, and to abide by, company policy and rules? Do you feel that it is important to follow your employer's rules and workplace policies?

25. Do any of you believe that somebody who sues a large company is automatically entitled to recover some money just because they brought the lawsuit or just because the company is big enough and can afford to pay the judgment? If so, please explain.

28. Does anyone feel that if someone is falsely accused of discrimination that they should not defend themselves, but instead just pay some money to settle the matter?

29. Do you have any problem with the concept that in the eyes of the law the individual plaintiff and the corporate employer are the same and are entitled to equal treatment from you?

31. Under our system of justice, the EEOC bears the burden of proof to prove its allegations by a preponderance of the evidence. Under our system of justice, Rent-A-Center is

not required to disprove the EEOC's allegations. If the EEOC fails to convince you that the allegations in this lawsuit are true, would any of you have any difficulty returning a verdict in favor of Rent-A-Center?

EEOC's Objections

These questions are not designed to actually identify bias, but rather are intended to relay certain messages to the jury. These questions are mainly designed to preliminarily instruct the jury about certain points and themes that RAC considers helpful to its case and is not appropriate function for voir dire conducted by the Court.

Also, question 31 is just an incorrect statement of the law, since there are things that RAC has the burden of proof on. *See* Federal Civil Jury Instructions of the Seventh Circuit 3.13 ("You should not, however, award Plaintiff punitive damages *if Defendant proves* that it made a good faith effort to implement an antidiscrimination policy." (emphasis added))

CERTIFICATE OF SERVICE

I hereby certify that on today's date, I caused the EEOC'S OBJECTIONS TO DEFENDANT'S PROPOSED VOIR DIRE to be served upon counsel to Defendant via the court's Electronic Case Filing system, pursuant to Local Rule 5.3(A).

December 29, 2017

Respectfully Submitted,

s/ Miles Shultz

Miles Shultz

Trial Attorney

U.S. Equal Employment Opportunity Commission

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