

**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

**DEFENDANT’S RESPONSE TO PLAINTIFF’S MOTION FOR LEAVE
TO CONTACT JURORS**

Defendant Rent-A-Center East, Inc. (“RAC”) files its opposition to Plaintiff U.S. Equal Employment Opportunity Commission’s (“EEOC”) Motion for Leave to Contact Jurors.

A. The EEOC’s Request to Contact Jurors Is Untimely

As an initial matter, the EEOC’s request to contact jurors, not made until days after the jury rendered its verdict, is untimely. If the EEOC wished to obtain feedback from the jurors, the time to do so was immediately after the verdict. This would have allowed the EEOC to obtain the requested feedback while allowing the Court to shield the jury from any intrusive or inappropriate questions. Those protections are no longer available.

B. The EEOC Seeks an Unduly Intrusive Manner of Contacting the Jurors

In addition, the manner the EEOC proposes to contact the jurors is extremely invasive. The EEOC seeks the phone numbers of the jurors, presumably to call each out of the blue to discuss the case. Cold-calling a juror may lead the juror to think that they are obligated to participate in the call – particularly when the caller is a party, and even more so when that party is a governmental agency. This could easily lead to misunderstandings by jurors, in a forum

where the Court has no oversight to protect the jurors from inappropriate or invasive questions.

C. The Request Is Inappropriate as Portions of the Case Remain Ongoing

Moreover, the case is ongoing at this point, specifically with regard to RAC's forthcoming motion to recover court costs and attorneys' fees. If the EEOC were allowed to call jurors at this juncture, there would no record of the conversation or the parameters of the conversation, and accordingly the calls could easily be used to seek information for use in the ongoing portions of the case. Under these circumstances, cold-calls to the jurors are particularly inappropriate.

D. Conclusion

For the foregoing reasons, RAC respectfully requests that the Court deny Plaintiff's Motion for Leave to Contact Jurors. To the extent the EEOC is allowed to contact jurors by telephone as requested, RAC requests that a representative for the Court and a representative for RAC also participate on any call with a member of the jury. Local Rule 47.2, states, in part:

If a post-verdict interrogation of one or more of the members of the jury should be approved, the scope of the interrogation and other appropriate limitations upon the interrogation will be determined by the Presiding Judge prior to the interrogation.

In the event the Court were to approve the EEOC's Motion to cold-call jurors, having a member of the Court staff present on any such call would ensure that whatever "appropriate limitations" this Court were to put on the attorneys/interrogation would be fully complied with. However, RAC believes the Motion should be in all things Denied.

Respectfully submitted,

/s/ J. Bradley Spalding

J. Bradley Spalding, Texas Bar No. 00786253

J. Bradley Spalding
Texas Bar No. 00786253
LITTLER MENDELSON, P.C.
1301 McKinney Street, Suite 1900
Houston, Texas 77010
713.652.4731

Stephanie J. Quincy
Arizona Bar No. 014009
QUARLES & BRADY LLP
Renaissance One
Two North Central Avenue
Phoenix, AZ 85004
602.229.5200

Andrew Trusevich
Texas Bar No. 00785119
RENT-A-CENTER, INC.
5501 Headquarters Drive
Plano, Texas 75024
972.801.1465

Dated: June 5, 2018

CERTIFICATE OF SERVICE

I, **J. Bradley Spalding**, an attorney, certify that I served the attorney of record named below with a copy of **Defendant's Response to Plaintiff's Motion for Leave to Contact Jurors** via ECF (*Electronic Case Filing*) on June 5, 2018:

Miles Shultz
Justin Mulaire
James L. Lee
Gwendolyn Young Reams
Gregory M. Gochanour
U.S. Equal Employment Opportunity Commission
500 West Madison Street, Suite 2000
Chicago, IL 60661
(312) 869-8045
miles.shultz@eeoc.gov

U.S. Equal Employment Opportunity Commission
131 M. Street, N.E.
Washington, DC 20507

J. Bradley Spalding

J. Bradley Spalding

**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

ORDER

COMES NOW TO BE HEARD, Plaintiff's Motion for Leave to Contact Jurors. The Court, having reviewed the Motion, ORDERS that the Motion is hereby DENIED.

UNITED STATES MAGISTRATE JUDGE

Signed this _____ day of _____, 2018.