

**IN THE UNITED STATES DISTRICT COURT
FOR THE SOUTHERN DISTRICT OF ILLINOIS
BENTON DIVISION**

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

Plaintiff,

VS.

STARBOARD WITH CHEESE, LLC

Defendant.

Case No. 3:24-cv-02260-NJR

PLAINTIFF EEOC'S MOTION TO DISMISS EEOC LITIGATION

Pursuant to Fed. R. Civ. P. 41(a)(2), Plaintiff U.S. Equal Employment Opportunity Commission (“EEOC”) respectfully requests that the Court dismiss the EEOC’s claims against the remaining Defendant Starboard with Cheese LLC¹ in this action, on the terms set forth below, in light of recent Administration policy changes. In support of this motion, EEOC states the following.

1. On January 20, 2025, President Trump issued an Executive Order titled “Defending Women from Gender Ideology Extremism and Restoring Biological Truth to the Federal Government” (“the Order”).

2. On January 29, 2025, the Office of Personnel Management issued “Initial Guidance Regarding President Trump’s Executive Order Defending Women” directing that all federal employees must comply with and take actions to effectuate the Order (“OPM Guidance”).

¹ The Court previously ruled under Fed. Rule of Civ. Pro. 21 to drop Defendant Starboard Group, Inc. d/b/a/ Wendy's from this litigation. ECF No. 11. The only remaining Defendant to this action is Defendant Starboard with Cheese, LLC.

3. The EEOC's continued litigation of the claims in this action may be inconsistent with the Order and the OPM Guidance.

For the foregoing reasons, the EEOC respectfully requests that the Court dismiss with prejudice the EEOC's claims on the following terms:

- A. Dismissal of the EEOC's complaint shall be effective 30 days after the Court's ruling on this motion, to permit the Charging Party and the aggrieved individuals an opportunity to seek private counsel and intervene in this action. *See* 42 U.S.C. §2000e-5(f)(1) ("The person or persons aggrieved shall have the right to intervene in a civil action brought by the Commission . . .").
- B. Each party to this action shall bear its own fees and costs with respect to the dismissed EEOC claims.

Respectfully submitted,

Christopher Lage
Deputy General Counsel

Gregory Gochanour
Regional Attorney, Chicago District Office
Equal Employment Opportunity Commission

s/ Ethan M. M. Cohen
Ethan M.M. Cohen
Assistant Regional Attorney
EEOC Chicago District Office
230 South Dearborn Street, Ste. 2920
Chicago, IL 60604
ethan.cohen@eeoc.gov
IL Bar #6206781