

UNITED STATES DISTRICT COURT
DISTRICT OF MARYLAND

CHAMBERS OF
J. FREDERICK MOTZ
UNITED STATES DISTRICT JUDGE

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January 6, 2005

Memo To Counsel Re: EEOC v. SNS Administrative Services
Civil No. JFM-04-3113

Dear Counsel:

I have reviewed the memoranda submitted in connection with defendant's motion to dismiss or for summary judgment.

The motion is denied. I am satisfied that the EEOC complied with the obligation imposed upon it by 29 U.S.C. §626(b) to attempt to resolve the matters in dispute through "conciliation, conference, and persuasion" before filing this suit. The position taken by SNS as set forth in its counsel's letter dated September 13, 2004 indicated that SNS and the EEOC evaluated the circumstances leading to Mr. Ross' discharge quite differently from one another. The EEOC could properly conclude that further negotiations about the relief to be afforded to Mr. Ross (who was then 82 years of age) would be unproductive and would result in unnecessary delay and a waste of resources.

A conference call will be held on January 20, 2005 at 9:00 a.m. to discuss the appropriate schedule in this case. I ask counsel for plaintiff to initiate the call.

Enclosed is a form scheduling order with approximate dates for your information. Please consult with one another before the call and be prepared to discuss whether you would like to participate in a settlement conference either before or after the completion of discovery, any changes to the dates in the form scheduling order, and whether there is unanimous consent to proceed before a U.S. Magistrate Judge for all proceedings.

Despite the informal nature of this ruling, it shall constitute an Order of Court, and the Clerk is directed to docket it accordingly.

Very truly yours,

/s/

J. Frederick Motz
United States District Judge