

**UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF WISCONSIN**

**EQUAL EMPLOYMENT
OPPORTUNITY COMMISSION,**

Plaintiff,

v.

Case No. 05-C-1063

**BRINKER INTERNATIONAL
PAYROLL COMPANY, L.P.,**

Defendant.

DECISION AND ORDER

The litigation of this matter, thus far, has involved numerous discovery and scheduling disputes. Most recently, on August 31, 2006, the Court denied the EEOC's motion to extend the discovery deadline because it determined that the EEOC ought to have identified the individuals for whom it seeks relief during the course of its investigation. The EEOC filed a motion for reconsideration claiming that the Court's restriction will not allow the EEOC to seek relief on behalf of the class identified in its complaint.

The Court is not inclined to delay this litigation, yet, at the same time, it wants to ensure that the parties are allowed enough time for discovery so as to fairly litigate their claims. Given the discovery disputes in this case thus far, and given that it is still unclear

which individuals for whom the EEOC seeks relief, the Court will extend the discovery deadline and the dispositive motion deadline. The parties will have until October 31, 2006, to finish their discovery. The dispositive motion deadline will be November 17, 2006. Such a change will not necessitate an amendment of the final pre-trial conference date and the trial date. Also, such a change does not reflect, one way or the other, the Court's opinion as to who the proper class members are in this litigation.

NOW, THEREFORE, BASED ON THE FOREGOING, IT IS HEREBY ORDERED THAT:

The EEOC's Motion for Reconsideration (Docket No. 54) is **GRANTED**, and the discovery deadline and dispositive motion deadline are hereby **AMENDED**. Discovery shall be completed no later than **October 31, 2006**. The parties shall submit any dispositive motions by **November 17, 2006**.

Dated at Milwaukee, Wisconsin this 21st day of September, 2006.

BY THE COURT

s/ Rudolph T. Randa

Hon. Rudolph T. Randa
Chief Judge