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UNITED STATES DISTRICT COURT  
NORTHERN DISTRICT OF ALABAMA  
SOUTHERN DIVISION

UNITED STATES OF AMERICA,  
Plaintiff,

vs.

Civil Action No. CV-75-S-666-S

JEFFERSON COUNTY, ALABAMA,  
*et al.*,  
Defendants.

JOHN W. MARTIN, *et al.*,  
Plaintiffs,

vs.

Civil Action No. CV-74-S-17-S

CITY OF BIRMINGHAM,  
ALABAMA,  
*et al.*,  
Defendants.

ENSLEY BRANCH OF THE  
N.A.A.C.P., *et al.*,  
Plaintiffs,

vs.

Civil Action No. CV-74-S-12-S

GEORGE SEIBELS,  
*et al.*,  
Defendants.

**ORDER ON JOINT MOTION FOR  
TERMINATION OF CONSENT DECREE WITH THE  
PERSONNEL BOARD OF JEFFERSON COUNTY,  
APPROVAL OF AGREEMENT, AND TERMINATION OF  
RECEIVERSHIP**

This action comes before the Court on the "Joint Motion For Termination of Consent Decree With the Personnel Board of Jefferson County ("Consent Decree"), Approval of

Agreement and Termination of Receivership" (Doc. No. 1561) jointly filed on November 7, 2008, by the Personnel Board of Jefferson County, the Martin Plaintiffs and Bryant Intervenors ("Martin-Bryant Parties"), and the United States. Having reviewed the motion and the Agreement attached thereto, the Court is of the view that the Joint Motion shall be granted: the Consent Decree with the Jefferson County Personnel Board, as amended, shall be terminated, the Agreement shall be approved, and the Receivership shall be terminated.

It is therefore ORDERED, ADJUDGED, AND DECREED as follows:

The Consent Decree with the Personnel Board of Jefferson County, entered on June 8, 1981 and amended by Orders of December 19, 1995 and April 23, 1996 (and otherwise), is hereby immediately and unconditionally terminated, and the Personnel Board of Jefferson County is hereby relieved from all obligations imposed by that Decree (except insofar as those obligations are duplicative of the requirements otherwise imposed by state or federal law) and the supervision of the Court.

The Court has reviewed the Agreement and has heard from all parties regarding its scope, purposes, and effects. The Court finds the Agreement to be reasonable, and hereby approves it and incorporates it by reference as part of this Order. Consistent with the principles set forth in *Kokkonen v. Guardian Life Ins. Co.*, 511 U.S. 375 (1994), this court retains ancillary jurisdiction solely to enforce the terms of the Agreement and to order specific performance thereof.

On July 8, 2002, this Court found the Board to be in contempt of its Consent Decree,

and, as a remedy for that contempt finding, appointed Ronald R. Sims, Ph.D as Receiver. (Doc. No. 934, 935). The Board is now found to be in compliance with its Consent Decree, and is purged of this Court's contempt finding. Consequently, Dr. Sims is hereby discharged as Receiver, and the Receivership imposed by this Court's July 8, 2002 Order is hereby terminated, with the following conditions: The Receiver shall continue to enjoy the immunity conferred by paragraph 12, and may continue to employ independent counsel to represent him in legal matters related to the performance of his duties as Receiver. Compensation of independent counsel shall be paid as authorized by Paragraphs 13 and 7 of this Court's July 8, 2002 order.

All parties agree, and the Court finds, that the Personnel Board of Jefferson County-

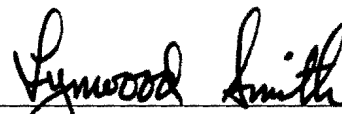
1. has complied with its Consent Decree in good faith for a reasonable period of time;
2. Has demonstrated its good faith commitment to continued compliance with federal law; and
3. has implemented policies, practices, and procedures which make it unlikely that the Board will repeat its former violations of any of those laws, making it unnecessary for this Court to provide further judicial supervision.

The Agreement is the result of arms-length negotiations following extensive written discovery, investigations, depositions, and vigorously litigated disputes.

The two members of the Board appointed by this Court – Chairman Alfred F. "Buddy"

Smith and Ann D. Florie – shall serve the remainders of their unexpired terms as provided by Act 1945-248, as amended, unless either of them shall resign, retire, be duly and lawfully removed from office pursuant to state law, or otherwise become unwilling, unfit, or otherwise unable to serve.

Pursuant to Fed.R.Civ.P. 54(b), the court expressly determines that there is no just reason to delay the entry of a final judgment. Therefore, this judgment is hereby made final.



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HONORABLE C. LYNWOOD SMITH, JR.  
UNITED STATES DISTRICT JUDGE

*Done this 20th day of November,  
2008.*