

IN THE DISTRICT COURT OF THE UNITED STATES FOR THE  
MIDDLE DISTRICT OF ALABAMA, NORTHERN DIVISION

FILED

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CLERK  
U. S. DISTRICT COURT  
MIDDLE DIST. OF ALA.

JOHNNY REYNOLDS, et al., )  
 )  
Plaintiffs, )  
 )  
v. )  
 )  
ALABAMA DEPARTMENT OF )  
TRANSPORTATION, et al., )  
 )  
Defendants. )

CIVIL ACTION NO. 85-T-665-N

ORDER

Upon consideration of the recommendation of United States Magistrate Judge Charles S. Coody, entered November 19, 1997 (Doc. no. 2277), with respect to the multigrade job study conducted by the defendants pursuant to article XV, ¶ 3, of consent decree I, and the parties' objections to the recommendation, filed by the defendants on December 15, 1997 (Doc. no. 2331), the plaintiffs on December 15, 1997 (Doc. no. 2333), and the Adams intervenors on December 15, 1997 (Doc. no. 2336), it is ORDERED that:

(1) The parties' objections to the recommendation, filed by the defendants on December 15, 1997 (Doc. no. 2331), the plaintiffs on December 15, 1997 (Doc. no. 2333), and the Adams intervenors on December 15, 1997 (Doc. no. 2336), are overruled.

(2) The recommendation of the magistrate judge, entered November 19, 1997 (Doc. no. 2277), is adopted.

It is further ORDERED that:

(1) The defendants' proposed classifications of (a) highway maintenance technician I and highway maintenance technician II/III, (b) right-of-way specialist I (right-of-way specialist) and right-

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of-way specialist II/III (senior right-of-way specialist), and (c) real property valuation analyst and senior real property valuation analyst, are approved, and shall be implemented immediately.

(2) The defendants' proposed classifications of engineering assistant I and engineering assistant II/III are rejected, and the defendants shall implement a single engineering assistant classification immediately.

(3) The defendants' proposed classifications of civil engineer I/II and civil engineer III/IV are rejected, and the defendants shall implement a single civil engineer classification immediately.

(4) In all other respects, including the proposed classifications of highway maintenance superintendent, civil engineering manager, civil engineering administrator, civil engineering senior administrator, graduate civil engineer, professional civil engineer trainee, project cost auditor I, project cost auditor II, and project cost auditor III, the defendants' proposed classifications are approved, and shall be implemented immediately.

At this point, the court notes that although it did consider the defendants' response and objections to the recommendation of the magistrate judge, filed December 15, 1997 (Doc. no. 2331), it has excluded and did not consider the new evidence attached thereto, and the court will not allow any other evidence to be

submitted on this matter.\* Among the numerous reasons supporting this ruling are: (1) the inexcusable delay by the defendants in bringing this evidence to the court's attention, especially when it appears that substantial portions of it were available in different forms long before the record was closed on this matter; (2) the lack of an explanation by the defendants as to why they did not present this evidence until such a late date; (3) the agreement of the parties that this matter is of the utmost importance for immediate resolution, and the substantial delay that will certainly result from a wholesale opening of the record to develop this and any other relevant evidence; and (4) the myriad other matters pending before the court that require the court's attention, and that cannot be delayed any further to accommodate the defendants' lack of preparation on this matter.

A memorandum opinion will follow.

DONE this the 11<sup>th</sup> day of February, 1998.

  
~~UNITED STATES DISTRICT JUDGE~~

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\* This ruling is in accordance with the arguments of the plaintiffs in their brief in response to defendants' objections to magistrate's recommendation on the multigrade job study, filed January 12, 1998 (Doc. no. 2391), at 24-31.