

FILED

IN THE UNITED STATES DISTRICT COURT  
FOR THE NORTHERN DISTRICT OF ALABAMA  
SOUTHERN DIVISION

U.S. DISTRICT COURT  
N.D. OF ALABAMA

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ANITA ROBINSON, et al.,

Plaintiffs,

v.

BOEING COMPANY, d/b/a/ BOEING  
DEFENSE & SPACE GROUP,

Defendant.

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Civil Action No.  
CV-92-C-2004-S

**ENTERED**

OCT 2 1997

**ORDER PRELIMINARILY APPROVING CONSENT DECREE**

This cause is before the Court on the "Joint Motion for Preliminary Approval of Consent Decree" submitted by counsel for the parties who seek provisional approval of a proposed Consent Decree compromising and concluding all aspects of this action.

The Court has previously certified a class in this case consisting of all African American employees who have been employed in Pay Codes 2, 4, and 6 at the Missiles & Space Division facility of The Boeing Company in Huntsville, Alabama, who claim that they have been discriminated against because of their race in regard to compensation, totem rankings, retention ratings, lay-offs and other terms and conditions of employment at any time since February 19, 1991.

The Court has reviewed the Joint Motion, the proposed Consent Decree, the proposed Notice to be sent to the named plaintiffs and plaintiff class members, and the applicable law. The Court has also considered the factual circumstances out of which the claims in this litigation arose and has heard from counsel for the respective parties regarding the fairness, reasonableness and

adequacy of the proposed settlement and considered the evidence the parties have submitted concerning the employment practices in dispute in this litigation. The Court also has reviewed the record and prior proceedings in this case.

Based on the foregoing facts and considerations, the Court is of the opinion that the Joint Motion of the parties is due to be granted and accordingly, it is hereby ORDERED, ADJUDGED and DECREED as follows:

1. This Court has jurisdiction over this civil action and the parties and venue is appropriate in this judicial district.

2. The class as certified, but modified to specifically include all African American employees who have been employed in Pay Codes 2, 4, and 6 at the Missiles & Space Division facility of The Boeing Company in Huntsville, Alabama, who claim that they have been discriminated against because of their race in regard to compensation, totem rankings, retention ratings, layoffs, and any and all other terms and conditions of employment at any time since February 19, 1991, satisfies the requirements of Federal Rule of Civil Procedure 23(a) and (b)(2). Specifically, this Court finds that the class is so numerous that joinder of all members is impracticable, there are questions of law and fact common to the class, the claims of the representative parties are typical of the claims of the class, the named plaintiffs who have agreed to settle their own claims will fairly and adequately protect the interests of the class, and Boeing has acted or refused to act on grounds generally applicable to the class, thereby making appropriate final injunctive relief or corresponding declaratory relief to the class as a whole.

3. The claims of Ernestine M. Owens and Angela B. Taylor, named plaintiffs who are being allowed to opt out of the Consent Decree in order to pursue independently their claims,

shall be severed from this civil action, CV-92-C-2004, and docketed as new civil action(s) with all prior pleadings, orders, and discovery in this civil action being applicable to their claims and Boeing's defenses in the new civil action(s).

4. The proposed Consent Decree, a copy of which is attached to the Joint Motion, is hereby provisionally approved based on this Court's finding that (a) there has been a showing that the proposed Consent Decree is fair, reasonable and just and that the relief contained in that Consent Decree is adequate and sufficient to warrant submitting it to the plaintiff class and (b) the terms of the proposed Consent Decree were reached through extensive arms-length negotiations between the parties.

5. The proposed Notice to be sent to the Class Representative Plaintiffs and Class Members, which is attached to the Joint Motion, and the procedures set forth in that Notice, satisfy the requirements of Rule 23 of the Federal Rules of Civil Procedure and due process, and is hereby approved.

6. Within fourteen (14) days after the date of this Order, The Boeing Company ("Boeing") is ordered to send, at Boeing's expense, a copy of the approved Notice of Hearing to Consider and Approve Proposed Consent Decree by first class mail to each of the Class Representative Plaintiffs and each Class Member at their last known addresses. All such plaintiffs and class members are identified in a listing attached to the Joint Motion.

7. The costs associated with the publishing and transmittal of the Notice required by this Order shall be paid by Boeing.

8. A hearing shall be held on November 20, 1997, at 9:00 a.m. in the United States District Court for the Northern District of Alabama at the Federal

Courthouse in Birmingham, Alabama, before the undersigned, to determine whether the proposed Consent Decree should be finally approved and declared effective. Any objections by Class Members must be filed in writing in advance of the hearing with the Clerk of the United States District Court for the Northern District of Alabama by November 14, 1997. Any objections to the terms of the proposed Consent Decree will be heard at the time of the hearing. The hearing may be adjourned from time to time by the Court at the hearing or at any adjourned session thereof without further notice. At the close of such hearing, or as soon as practicable thereafter, the Court shall rule upon any objections and grant final approval or disapproval of the proposed Consent Decree.

ENTERED this 1<sup>st</sup> day of October, 1997.



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U. W. Clemon  
United State District Judge