

**UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF ILLINOIS
EASTERN DIVISION**

ARTHUR L. LEWIS, JR., <i>et al.</i> ,)	
)	
Plaintiffs,)	
)	Judge Joan B. Gottschall
v.)	
)	98 C 5596
CITY OF CHICAGO)	
)	
Defendant.)	

ORDER

Pending before the court are two motions brought by the City of Chicago: Motion to Transfer as Related Case (seeking the transfer of *Godfrey v. City of Chicago*, No. 12 C 08601, to this court as related to *Lewis v. City of Chicago*, 98 C 5596 [603] and Motion to Enforce Injunctive Order to Dismiss *Godfrey* Complaint [605]. *Godfrey* is brought by a number of plaintiffs (representative and individual) and a class, all alleged to be members of the *Lewis* class. They contend that as part of the injunctive order in the *Lewis* case, the City was required to hire 111 *Lewis* class members as firefighters; that persons including the *Godfrey* plaintiffs who were interested in being hired as one of the 111 were required to take a Physical Abilities Test (“PAT”), and that the PAT had an unjustified, disparate impact on women in violation of Title VII of the Civil Rights Act of 1964.

The motion to reassign *Godfrey* to this court as a related case is denied. The definitions section of Local Rule 40.4 requires that for two or more cases to be found related, one of the following conditions must be satisfied: the cases must involve the same property, involve some of the same issues of fact or law, grow out of the same transaction or occurrence or involve the same classes. The City’s brief talks about “overlap,” which the court agrees exists, but it does not indicate how any of these four

requirements is satisfied. Beyond the requirements of L.R. 40.4(a), the local rule governing the reassignment of cases as related has four requirements, all four of which must be satisfied: both cases are pending before this court, the handling of both cases by the same judge is likely to result in a substantial saving of judicial time and effort, the earlier case has not progressed to the point where designating a later filed case as related would be likely to delay the proceedings in the earlier case substantially; and the cases are susceptible of disposition in a single proceeding. L.R.40.4(b).

Godfrey flunks the relatedness test. While it is true that both *Godfrey* and *Lewis* are pending in this court and further true that this court is familiar with the nature of the relief ordered in *Lewis*, none of the other requirements of L.R.40.4(b) is satisfied. *Lewis* was tried in 2004; the issue tried and determined was whether the written test given to firefighter candidates had an illegal racially disparate impact. *Godfrey* is a new case, raising the question of whether the physical abilities test given to women members of the *Lewis* class who wished to be considered for hiring as firefighters had an illegal disparate impact on women, a separate, highly complex issue that was never considered or decided in *Lewis*. The handling of both cases by the same judge will result in no savings of judicial time and effort, as the issues in the cases are totally different and the *Lewis* case, except for some minor administrative loose ends involving the mailing of award checks, is completed; the jobs that were to be distributed have been distributed and people are holding them. The only reason why a transfer of *Godfrey* to this court would not result in substantial delay is that there is nothing to delay; *Lewis* is over. Of course, the court could decide to hold up the mailing of the award checks to the *Lewis* class while it decided the issues in *Godfrey*, thereby delaying unconscionably the resolution of *Lewis*

