

FILED

DEC 05 2000

U. S. DISTRICT COURT,
E. DIST. OF MO.
ST. LOUIS

IN THE UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF MISSOURI
EASTERN DIVISION

LESLIE MORGAN, <u>et al.</u> ,)	
)	
Plaintiffs,)	
)	
and)	
)	
EQUAL EMPLOYMENT OPPORTUNITY)	Civil Action No. 4:94CV1184 CEJ
COMMISSION,)	
)	
Plaintiff-Intervenor,)	
)	
v.)	
)	
UNITED PARCEL SERVICE OF)	
AMERICA, INC., and UNITED)	
PARCEL SERVICE, INC.)	
)	
Defendants.)	

ORDER

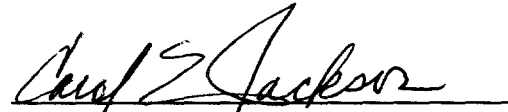
By Stipulation by and between Plaintiff Intervenor Equal Employment Opportunity Commission (hereafter "the Commission") and Defendants United Parcel Service of America, Inc. and United Parcel Service, Inc. (hereafter "UPS"), and pursuant to Rule 41, Fed. R. Civ. P., it is hereby ORDERED that:

The claims of the Commission made in its Complaint in Intervention on behalf of Leslie Morgan and Kenneth Stacker in their individual capacities are dismissed. This Dismissal, and the incorporated Settlement Agreement, do not affect or apply to the class race claims made by the Commission regarding denial of overall upward mobility, pay, and working conditions, or to any claims made by the Plaintiffs in this lawsuit. The Commission and UPS shall each bear their respective costs as to the individual claims that

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are the subject of this Dismissal. This Dismissal does not affect the rights of Plaintiffs
Leslie Morgan and Kenneth Stacker to attorney's fees and costs in their individual cases.

December 5, 2000
Date


Carol E. Jackson
U. S. District Judge

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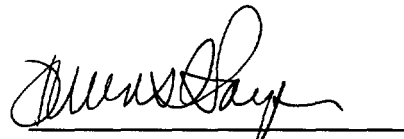
**JOINT STIPULATION OF PARTIAL DISMISSAL OF EQUAL EMPLOYMENT
OPPORTUNITY COMMISSION'S INDIVIDUAL CLAIMS ON BEHALF OF
PLAINTIFFS LESLIE MORGAN AND KENNETH STACKER**

Plaintiff Intervenor Equal Employment Opportunity Commission (hereafter "the Commission") and Defendants United Parcel Service of America, Inc. and United Parcel Service, Inc. (hereafter "UPS") stipulate, pursuant to Rule 41, Fed. R. Civ. P., that the claims of the Commission made in its Complaint in Intervention on behalf of Leslie Morgan and Kenneth Stacker in their individual capacities are dismissed. The Settlement Agreement regarding the Commission's claims for Leslie Morgan and Kenneth Stacker is attached hereto and incorporated in this Stipulation by reference. This Stipulation for Dismissal, and the incorporated Settlement Agreement, do not affect or apply to the class

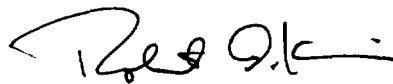
race claims made by the Commission regarding denial of overall upward mobility, pay, and working conditions.

The Commission and UPS thus request that this Court dismiss the individual claims that the Commission made on behalf of the two individual plaintiffs. The Commission and UPS have agreed each to bear their respective costs as to the individual claims that are the subject of this Stipulation. This Stipulation does not affect the rights of Plaintiffs Leslie Morgan and Kenneth Stacker to attorney's fees and costs in their individual cases. A proposed Order is enclosed for the Court's consideration and convenience.

Respectfully submitted,



Donna L. Harper
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IN THE UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF MISSOURI
EASTERN DIVISION

LESLIE MORGAN, <u>et al.</u> ,)	
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Plaintiffs,)	
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EQUAL EMPLOYMENT OPPORTUNITY)	No. 4:94CV1184 CEJ
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UNITED PARCEL SERVICE OF)	
AMERICA, INC., and UNITED)	
PARCEL SERVICE, INC.)	
Defendants.)	

SETTLEMENT AGREEMENT

Plaintiff-Intervenor, Equal Employment Opportunity Commission (hereafter the “Commission”), intervened in this action alleging, *inter alia*, that Defendants United Parcel Service of America, Inc. and United Parcel Service, Inc. (hereafter “UPS”) discriminated against Leslie Morgan and Kenneth Stacker by denying them overall upward mobility, paying them less and affording them different working conditions because of their race, Black, in violation of Title VII of the Civil Rights Act of 1964, as amended, 42 U.S.C. Section 2000e et seq. (hereinafter “Title VII”). UPS denied all material allegations of the EEOC’s Complaint.

The parties agree that the Court has jurisdiction over the parties to and the subject matter of this action, and that the terms of this Agreement constitute a fair and equitable settlement of

the individual issues affecting Morgan and Stacker in the Commission's Complaint in this lawsuit.

I. General Provisions

This Agreement, being entered with the consent of the parties for purposes of settlement, shall not be construed as an admission by UPS of any violation of Title VII or any executive order, law, rule or regulation dealing with or in connection with race discrimination in employment.

II. Relief for Leslie Morgan

UPS has paid Morgan a gross amount of \$30,000.00 in settlement of individual claims made by the Commission on his behalf. Of that amount, the Commission and UPS agree that \$20,000.00 has been paid as and for alleged economic damages on the mobility and pay claims made by the Commission on Morgan's behalf, and that UPS has withheld mandatory income taxes and the employee's share of FICA and Medicare from that portion. The Commission and UPS agree that the balance of \$10,000.00 paid to Morgan is for alleged compensatory damages, from which UPS has not withheld for the employee's share of FICA and Medicare.

III. Relief for Kenneth Stacker

UPS has paid Stacker a gross amount of \$24,000.00 in settlement of individual claims made by the Commission on his behalf. Of that amount, the Commission and UPS agree that \$16,000.00 has been paid as and for alleged economic damages on the mobility and pay claims made by the Commission on Stacker's behalf, and that UPS has withheld mandatory income taxes and the employee's share of FICA and Medicare from that portion. The Commission and

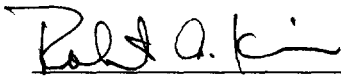
UPS agree that the balance of \$10,000.00 paid to Stacker is for alleged compensatory damages, from which UPS has not withheld for the employee's share of FICA and Medicare.

IV. Effect of the Settlement

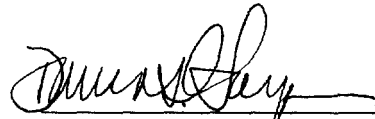
1. By entering into this Settlement Agreement, the parties do not intend to resolve any issues other than the individual issues of discrimination raised by the Commission in its Complaint in Intervention.

2. Each party shall bear its own costs as to the individual claims, without prejudice to any party to file a Bill of Costs as to the class claims in this Action.

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UNITED STATES DISTRICT COURT -- EASTERN MISSOURI
INTERNAL RECORD KEEPING

AN ORDER, JUDGMENT OR ENDORSEMENT WAS SCANNED, FAXED AND/OR MAILED TO THE
FOLLOWING INDIVIDUALS ON 12/06/00 by ksterret

4:94cv1184 Morgan vs UPS of America, Inc

42:2000e Job Discrimination (Employment)

William Brown -	Fax: 215-751-2205
John Carey - 2782	Fax: 314-721-0905
Jack Cavanagh - 2803	Fax: 314-721-0177
Joseph Danis - 42779	Fax: 314-721-0905
Valerie Davis - 61065	Fax: 314-621-5065
Donna Harper -	Fax: 314-539-7895
Robert Kaiser - 3509	Fax: 314-621-5065
Melvin Kennedy - 33222	Fax: 314-539-7895
Kevin Kinkade -	Fax: 812-749-3831
Kelly Lonnberg -	Fax: 812-749-3831
Virginia O'Leary -	Fax: 812-749-3831
Daniel O'Toole - 3987	Fax: 314-621-5065
Darlene Robinson -	Fax: 812-749-3831
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Charles Staples - 4443	Fax: 757-671-7598
Paul Vaporean - 35967	Fax: 314-721-0177
David Welch - 4679	Fax: 314-621-5065

SCANNED & FAXED BY:
DEC 06 2000
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