

1967 WL 112

United States District Court; M.D. North Carolina,
Greensboro Division.

Willie S. Griggs et al., Plaintiffs
v.
Duke Power Company, Defendant.

Civil No. C-210-G-66

|
June 19, 1967

Opinion

STANLEY, D. J.

*1 This matter was scheduled for conference with attorneys on May 26, 1967, to determine whether this action is maintainable as a class action under Rule 23 of the Federal Rules of Civil Procedure. After considering briefs and oral arguments of counsel and being fully advised in the premises, the Court was of the opinion that this action was maintainable as a class action and defined the class represented by plaintiffs;

It Is, Therefore, Ordered:

(1) That this action is maintainable as a class action only insofar as it seeks injunctive relief from the alleged discriminatory practices existing at any time since the effective date of Title VII of the Civil Rights Act of 1964, and the class plaintiffs represent are those Negroes

presently employed as well as those who may subsequently be employed by defendant at its Dan River Steam Station, Draper, North Carolina; and that plaintiffs also represent all Negroes who might hereafter *seek* employment at defendant's Dan River Steam Station, Draper, North Carolina, provided that plaintiffs can show that at least one Negro plaintiff of that class has sought and been denied employment or limited in any way in *seeking* employment solely because of his race or color since the effective date of Title VII of the Civil Rights Act of 1964;

(2) That this action is not maintainable under Rule 23(b)(3) and, therefore, it is unnecessary to provide for notice to members of the class represented by plaintiffs;

(3) That this order does not establish any rule of relevancy or competency of evidence as to alleged discriminatory acts or practices which existed prior or subsequent to the effective date of Title VII of the Civil Rights Act of 1964, and the Court reserves judgment thereon until this cause comes on to be heard on the merits; and

(4) That, pursuant to Rule 23(c)(1) of the Federal Rules of Civil Procedure, this order is conditional and may be altered or amended at any time prior to a decision on the merits.

All Citations

Not Reported in F.Supp., 1967 WL 112, 1 Fair Empl.Prac.Cas. (BNA) 286, 1 Empl. Prac. Dec. P 9826
