

UNITED STATES DISTRICT COURT  
SOUTHERN DISTRICT OF INDIANA  
INDIANAPOLIS DIVISION

|                                 |   |                     |
|---------------------------------|---|---------------------|
| GREG ALLEN, et al.,             | ) |                     |
| Plaintiffs,                     | ) |                     |
|                                 | ) |                     |
| vs.                             | ) | 1:02-cv-902-RLY-TAB |
|                                 | ) |                     |
| INTERNATIONAL TRUCK AND         | ) |                     |
| ENGINE CORPORATION (incorrectly | ) |                     |
| sued as NAVISTAR INTERNATIONAL, | ) |                     |
| CORP.),                         | ) |                     |
| Defendant.                      |   |                     |

**ENTRY FOR MARCH 2, 2006**

**RICHARD L. YOUNG, JUDGE**

The parties appear for oral argument on 27 motions for summary judgment filed by the Defendant, International Truck and Engine Corporation. The court, having read and reviewed the parties' submissions, and the designated evidence, and having heard the parties' oral arguments, made the following rulings from the bench:

1. Defendant's Motion for Summary Judgment on the Hostile Environment Claims is

**UNDER ADVISEMENT;**

2. Defendant's Motion for Summary Judgment on the Claims of Greg Allen:

Allen's discriminatory discipline claims from 1997 or 1998, 2000, and 2001 are

**GRANTED;**

Allen's discriminatory discipline claim from 2004 is **UNDER ADVISEMENT;**

Allen's discriminatory testing claim is **GRANTED**;

Allen's discriminatory training claims are **GRANTED**;

3. Defendant's Motion for Summary Judgment on the Claims of Mary Bronson:

Bronson's discriminatory discipline claim is **GRANTED**;

Bronson's discriminatory job assignment claims are **GRANTED**;

Bronson's discriminatory training claim is **GRANTED**;

Bronson's denial of overtime claim is **GRANTED**;

Bronson's hostile work environment claim is **UNDER ADVISEMENT**;

4. Defendant's Motion for Summary Judgment on the Claims of Lester Bullard:

Bullard's discriminatory training claim is **GRANTED**;

Bullard's discriminatory testing claim is **UNDER ADVISEMENT**;

5. Defendant's Motion for Summary Judgment on the Claim of Robert Coleman:

Coleman's discriminatory job assignment claim is **GRANTED**;

6. Defendant's Motion for Summary Judgment on the Claims of Jeanette Craig:

Craig's discriminatory testing claim is **GRANTED**;

Craig's discriminatory training claim is **GRANTED**;

Craig's hostile work environment claim is **UNDER ADVISEMENT**;

7. Defendant's Motion for Summary Judgment on the Claims of James Farries:

Farries' discriminatory training claim is **GRANTED**;

Farries' discriminatory job assignment claim is **GRANTED**;

8. Defendant's Motion for Summary Judgment on the Claims of Robin Fouce:

Fouce's denial of overtime claim is **GRANTED**;

Fouce's discriminatory training claim is **GRANTED**;

Fouce's seniority claim is **GRANTED**;

Fouce's retaliation claim is **GRANTED**;

Fouce's hostile work environment claim is **UNDER ADVISEMENT**;

9. Defendant's Motion for Summary Judgment on the Claims of Patrick Freeman:

Freeman's discriminatory training claim is **GRANTED**;

Freeman's denial of overtime claim is **GRANTED**;

Freeman's retaliation claim is **GRANTED**;

10. Defendant's Motion for Summary Judgment on the Claims of Tiffany Harbour:

Harbour's retaliation claim is **UNDER ADVISEMENT**;

Harbour's hostile work environment claim is **UNDER ADVISEMENT**;

11. Defendant's Motion for Summary Judgment on the Claims of James Harris:

Harris' discriminatory training claim is **GRANTED**;

Harris' seniority claim is **UNDER ADVISEMENT**;

Harris' hostile work environment claim is **UNDER ADVISEMENT**;

12. Defendant's Motion for Summary Judgment on the Claims of Dietra Hawkins:

Hawkins' discriminatory and retaliatory training and testing claims are **UNDER ADVISEMENT**;

Hawkins' alleged verbal abuse claim is **GRANTED**;

Hawkins' discriminatory discharge claim is **UNDER ADVISEMENT**;

Hawkins' retaliation claim is **UNDER ADVISEMENT**;

Hawkins' hostile work environment claim is **UNDER ADVISEMENT**;

13. Defendant's Motion for Summary Judgment on the Claims of Ike Heflin:

Heflin's discriminatory training claim is **GRANTED**;

Heflin's discriminatory job assignment claims are **GRANTED**;

Heflin's discriminatory suspension claim is **GRANTED**;

Heflin's discriminatory discharge claim is **UNDER ADVISEMENT**;

Heflin's retaliatory discharge claim is **UNDER ADVISEMENT**;

Heflin's discriminatory and/or retaliatory discipline claims are **UNDER  
ADVISEMENT**;

14. Defendant's Motion for Summary Judgment on the Claims of Donna Jackson:

Jackson's retaliation claim is **GRANTED**;

Jackson's discriminatory hiring claim is **GRANTED**;

Jackson's discriminatory training claim is **UNDER ADVISEMENT**;

Jackson's hostile work environment claim is **UNDER ADVISEMENT**;

15. Defendant's Motion for Summary Judgment on the Claims of Harris Jenkins:

Jenkins' retaliation claim is **GRANTED**;

Jenkins' discriminatory training claim is **GRANTED**;

Jenkins' discriminatory testing claim is **UNDER ADVISEMENT**;

Jenkins' hostile work environment claim is **UNDER ADVISEMENT**;

16. Defendant's Motion for Summary Judgment on the Claims of Patricia Kelly:

Kelly's claim that she was denied the opportunity to enter into the apprenticeship program because of her race is **GRANTED**;

Kelly's discriminatory job assignments claim is **GRANTED**;

Kelly's discriminatory training claim is **GRANTED**;

Kelly's discriminatory termination claim is **GRANTED**;

Kelly's hostile work environment claim is **UNDER ADVISEMENT**;

17. Defendant's Motion for Summary Judgment on the Claims of Gwendolyn Moore:

Moore's discriminatory testing claim is **GRANTED**;

Moore's discriminatory training claim is **GRANTED**;

18. Defendant's Motion for Summary Judgment on the Claims of Derrick Morgan:

Morgan's discriminatory training claim is **GRANTED**;

Morgan's discriminatory job assignment claims are **GRANTED**;

Morgan's hostile work environment claim is **UNDER ADVISEMENT**;

19. Defendant's Motion for Summary Judgment on the Claims of James Murphy:

Murphy's discriminatory training claim is **GRANTED**;

Murphy's discriminatory discipline claim is **GRANTED**;

Murphy's denial of overtime claim is **GRANTED**;

Murphy's hostile work environment claim is **UNDER ADVISEMENT**;

20. Defendant's Motion for Summary Judgment on the Claims of Joann Norris:

Norris' discriminatory training claim is **GRANTED**;

Norris' discriminatory job assignment claims are **GRANTED**;

Norris' discriminatory and/or retaliatory discipline claim(s) are **GRANTED**;

Norris' claims that Defendant cancelled her scheduled overtime and denied Norris her preferred vacation schedule are **GRANTED**;

Norris' hostile work environment claim is **UNDER ADVISEMENT**;

21. Defendant's Motion for Summary Judgment on the Claims of Otis Riggins:

Riggins' discriminatory training claim is **GRANTED**;

Riggins' retaliation claim is **GRANTED**;

Riggins' hostile work environment claim is **UNDER ADVISEMENT**;

22. Defendant's Motion for Summary Judgment on the Claims of Michael Ruggs:

Ruggs' discriminatory job assignments claim is **GRANTED**;

Ruggs' claim that he was denied the opportunity to enter into the apprenticeship program because of his race is **UNDER ADVISEMENT**;

Ruggs' discriminatory training claim is **GRANTED**;

Ruggs' Title VII discriminatory discharge claim is **GRANTED**;

Ruggs' retaliatory discharge claim is **UNDER ADVISEMENT**;

Ruggs' hostile work environment claim is **UNDER ADVISEMENT**;

23. Defendant's Motion for Summary Judgment on the Claims of Christi Simms:

Simms' discriminatory training claims in Departments 10, 18 and in the Hot Test Operation are **GRANTED**;

Simms' lost overtime claim is **GRANTED**;

24. Defendant's Motion for Summary Judgment on the Claims of Ervin Stewart:

Stewart's discriminatory training claim is **UNDER ADVISEMENT**;

Stewart's retaliation claim is **GRANTED**;

Stewart's hostile work environment claim is **UNDER ADVISEMENT**;

25. Defendant's Motion for Summary Judgment on the Claims of James Strong:

Strong's discriminatory training claim is **GRANTED**;

Strong's discriminatory testing claim is **GRANTED**;

Strong's retaliation claim is **GRANTED**;

26. Defendant's Motion for Summary Judgment on the Claims of Frank Wilson:

Wilson's discriminatory discipline claim is **GRANTED**;

Wilson's discriminatory testing claim is **GRANTED**;

Wilson's hostile work environment claim is **UNDER ADVISEMENT**;

27. Defendant's Motion for Summary Judgment on the Claims of Freeman Young:

Young's retaliation claim is **GRANTED**;

Young's discrimination claim based upon him witnessing alleged discrimination against qualified African-American applicants who sought jobs in skilled trades is **UNDER ADVISEMENT**;

Young's hostile work environment claim is **UNDER ADVISEMENT**.

The parties indicate that they will be ready for trial in September of 2006.

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