UNITED STATES DISTRICT COURT
DISTRICT OF MINNESOTA

Equal Employment Opportunity Commission,

Plaintiff,

v.

Independent School District No. 2174 of Pine River, Minnesota,

Defendant and Third-Party Plaintiff,

vs.

Education Minnesota and Pine River-Backus Educational Association,

Third-Party Defendants.

Civil No. 04-4087 (RHK/RLE)

O R D E R

(Related Cases:
Civil No. 04-4088 (RHK/RLE)
Civil No. 04-4090 (RHK/RLE)
Civil No. 04-4091 (RHK/RLE)
Civil No. 04-4092 (RHK/RLE)
Civil No. 04-4093 (RHK/RLE))

Before the Court are the Objections of the Defendant and Third-Party Plaintiff in each of the six above-referenced "related" matters to the June 1, 2005 Report and Recommendation of Magistrate Judge Raymond L. Erickson. Before Judge Erickson were three sets of dispositive motions: the defendant School Districts' challenge to the constitutionality of the ADEA; Plaintiff EEOC's summary judgment motion with respect to the liability of the Defendant Pine River-Backus School District under the ADEA in CV-04-4087; and the Third-Party Defendant Education Associations' dismissal motions with respect to the third-party complaints.

The Court has now conducted its de novo review of the objected to portions of the R&R, and is satisfied that Judge Erickson's proposed disposition of the pending motions finds support in the factual record before him and is fully supported by applicable legal principles. Accordingly, the Court will adopt the Report and Recommendation, and Judge Erickson's factual determinations and legal conclusions.

Upon all the files, records and proceedings herein, **IT IS ORDERED**:

1. Each of the Objections (04-4087, Doc. No. 95; 04-4088, Doc. No. 81; 04-4090, Doc. No. 79; 04-4091, Doc. No. 80; 04-4092, Doc. No. 86; 04-4093, Doc. No. 80) is **OVERRULED**;

2. The Report and Recommendation in each of the pending actions (04-4087, Doc. No. 94; 04-4088, Doc. No. 80; 04-4090, Doc. No. 78; 04-4091, Doc. No. 79; 04-4092, Doc. No. 85; 04-4093, Doc. No. 79) is **ADOPTED**;

3. Each of Defendants'/Third-Party Plaintiffs' Motions for Summary Judgment (04-4087, Doc. No. 9; 04-4088, Doc. No. 47; 04-4090, Doc. No. 45; 04-4091, Doc. No. 46; 04-4092, Doc. No. 52; 04-4093, Doc. No. 46) is **DENIED**;

4. Plaintiff's Motion for Partial Summary Judgment (04-4087, Doc. No. 43) is **GRANTED**; and

5. Each of Third-Party Defendants' Motions to Dismiss, or in the Alternative, for Summary Judgment (04-4087, Doc. No. 39; 04-4088, Doc. No. 18; 04-4090, Doc. No. 15; 04-4091, Doc. No. 17; 04-4092, Doc. No. 23; 04-4093, Doc. No. 17) is **GRANTED** and each of the Third-Party Complaints is **DISMISSED WITH PREJUDICE**.

Dated: July 7, 2005

s/Richard H. Kyle
RICHARD H. KYLE
United States District Judge