

IN THE UNITED STATES DISTRICT COURT
FOR THE SOUTHERN DISTRICT OF ILLINOIS

EQUAL EMPLOYMENT OPPORTUNITY)
COMMISSION,)

Plaintiff,)

and)

CONNIE STACEY, BEVERLY SANDERS,))
TAMMY THOMPSON, JULIE WOLF and)
GRACE BELLAMY,)

Case No.: 05-cv-4186-JPG

Plaintiff/Intervenors,)

vs.)

J.D. STREETT & COMPANY, INC., d/b/a)
HARRISBURG BP,)

Defendant.)

MEMORANDUM AND ORDER

This matter comes before the Court on consideration of the proposed consent decree submitted to the Court, the motion to dismiss with prejudice filed by four of the five plaintiff/intervenors (Doc. 55) and the motion to clarify filed by the plaintiff Equal Employment Opportunity Commission (“EEOC”) and the defendant J.D. Streett & Company, Inc. (“Streett”) (Doc. 56).

The Court construes the plaintiff/intervenors’ motion to dismiss as pursuant to Federal Rule of Civil Procedure 41(a)(2). Rule 41(a)(2) provides that only the Court may dismiss an action after an adverse party has filed an answer or motion for summary judgment and in the absence of a stipulation of dismissal of an entire case from all the parties. The Court hereby **GRANTS** the motion to dismiss (Doc. 55) and **DISMISSES with prejudice** the claims of plaintiff/intervenors Connie Stacey, Beverly Sanders, Tammy Thompson and Grace Bellamy in

this case in light of the proposed consent decree .

After reviewing the EEOC and Streett's motion to clarify and the plaintiff/intervenors' motion to dismiss, the Court is satisfied as to the issues it intended to raise at the conference regarding the proposed consent decree. The Court therefore **GRANTS** the motion to clarify (Doc. 56), **VACATES** the telephone status conference, and **APPROVES** the proposed consent decree between plaintiff Equal Employment Opportunity Commission ("EEOC") and defendant J.D. Streett & Company, Inc. Accordingly, it will enter the proposed consent decree with this order.

The Court further finds that pursuant to Federal Rule of Civil Procedure 54(b) there is no just reason for delaying the entry of judgment as to the plaintiff/intervenors' claims and **DIRECTS** the Clerk of Court to enter a Rule 54(b) judgment accordingly.

IT IS SO ORDERED.

DATED: January 25, 2007

s/ J. Phil Gilbert

J. PHIL GILBERT
DISTRICT JUDGE