

**1. EEOC Case ID#:** EE-PA-0021

**2. Docket number/Court of each of the related or consolidated cases:** 01-CV-07042, 01-CV-03894, 01-CV-06764, 03-CV-06872 (Eastern District of Pennsylvania)

**3. Related or consolidated?** Both consolidation and relation are present here.

**4. Docket entry # (or other location) where consolidation or relation appears:**

First, 01-07042 and 01-03894 are consolidated; this appears at docket entry #5 of 01-07042 and docket entry #45 of 01-03894.

Second, 01-06764 does not have a formal consolidation listed with 01-03894 or any other case. However, a memorandum dated 3/30/2004 appears in the dockets of 01-07042, 01-03894, and 01-06764. According to this memorandum, the three cases “have, in effect, been consolidated. The memorandum is the first suggestion of consolidation between 01-06764 and the other cases and appears at docket entry #30 of 01-07042, docket entry #134 of 01-03894, and docket entry #20 of 01-06764.

Finally 03-06872 and 01-03894 are listed as “related cases” in the headings at the top of the dockets. This relation does not appear in the docket anywhere. From the complaint in 03-06872, we learn that this case is a retaliation claim related to several supposedly frivolous counterclaims made in older case. The fact that 03-06872 arises from the prior case is probably the reason why it they are listed as related.

**5. Date of consolidation/relation?**

The consolidation of 01-07042 and 01-03894 was ordered on 2/6/2002. (the consolidation is listed as 2/6/2002 on the 01-03894 docket but as 2/20/2002 on the 01-07042 docket)

For 01-06764, the only date available is the 3/30/2004 memorandum saying it is in effect consolidated with 01-07042 and 01-03894, but I cannot find a formal date of consolidation.

03-06872 and 01-03894 do not have a listed formal date of relation.

**6. Terms of the consolidation (e.g. “consolidated for purposes of discovery only, trial to be in front of original judge” or “consolidated for purposes of discovery; decision on trial consolidation to be made later”):**

For 01-07042 and 01-03894, the only term listed in the docket is that 01-03894 is the lead case. The consolidation order is not available.

Since I could not find a formal consolidation of 01-06764 with 01-07042 and 01-03894, I cannot find any terms for this consolidation.

Because 03-06872 and 01-03894 do not have a formal date of relation, there are not terms for the relation.

**7. For each case, who are the parties (include charging parties if EEOC is plaintiff) and what is the basic theory of the case? (e.g. sexual harassment, age discrimination)**

01-07042: Plaintiff is EEOC; defendant is Allstate Insurance Company; movant is George R. Romero, et al; theory—age discrimination, disability discrimination, retaliation.

01-03894: Plaintiffs are Gene R. Romero, James T. Bever, Richard A. Carrier, Paul R. Cobb, Craig K. Crease, Sylvia Crews-Kelly, Dwight English, Douglas F. Gafner, Ronald W. Harper, Michael P. Kearney, Thomas A. Kearney, Larry H. Lankford, Sr., David C. Lawson, Nathan R. Littlejohn, II, Rebecca R. Maslowski, Craig A. Millison, James E. Moorehead, Christopher L. Perkins, Richard E. Peterson, James P. Pilchak, Paul L. Shirley, Donald L. Trgovich, Richard S. Wandner, Timothy Weisman, Anthony T. Wiktor, John W. Wittman, and Ralph J. Wolverton; defendants are Agents Pension Plan, Administrative Committee, the Savings and Profit Sharing Fund of Allstate Employees, Profit Sharing Committee, Healthcare Alliance Plan, Allcare Plan, Plan Administrators, Allstate Dental Assistance Plan, Allstate Vision Care Plan, Flexible Spending Account Program, The Allstate Group Long Term Disability Insurance Plan, Allstate Long Term Care Insurance Plan, Group Legalcare Plan, Allstate Service Allowance Plan, Allstate Employee Assistance Program, Edward M. Liddy, Allstate Insurance Company, and the Allstate Corporation; movant is the EEOC; theory—age discrimination, disability discrimination, retaliation, violations of Employee Retirement Income Security Act, contract claims.

01-06764: Plaintiffs are Gene Romero, James T. Bever, Roger T. Boyd, Richard A. Carrier, Paul R. Cobb, Craig K. Crease, Sylvia Crews-Kelly, Dwight F. English, Douglas F. Gafner, Ronald W. Harper, Michael P. Kearney, Thomas A. Kearney, Larry H. Lankford, Sr., David C. Lawson, Nathan R. Littlejohn, II, Rebecca R. Maslowski, Craig A. Millison, James E. Moorehead, Edward T. Murray, III, Carolyn L. Penzo, Christopher L. Perkins, Richard E. Peterson, James P. Pilchak, Paula Reinerio, Paula M. Schott, Donald L. Trgovich, Richard S. Wandner, Timothy Weisman, Ernie P. Wendt, Anthony T. Wiktor, John W. Wittman, and Ralph J. Wolverton; defendants are the Allstate Corporation, Allstate Insurance Company, Agents Pension Plan, and Administrative Committee; theory—violations of Employee Retirement Income Security Act.

03-06872: Plaintiffs are Gene R. Romero, James T. Bever, Roger T. Boyd, Richard A. Carrier, Paul R. Cobb, Craig K. Crease, Sylvia Crews-Kelly, Dwight English, Ronald W. Harper, Michael P. Kearney, Thomas A. Kearney, Larry H. Lankford, Sr., David C. Lawson, Nathan R. Littlejohn, II, Rebecca R. Maslowski, Craig A. Millison, James E. Moorehead, Christopher L. Perkins, Richard E. Peterson, James P. Pilchak, Paula Reinerio, Paul L. Shirley, Donald L. Trgovich, Richard S. Wandner, Timothy Weisman, Anthony T. Wiktor, John W. Wittman, and Ralph J. wolverton; defendant is Allstate Insurance Company; theory—retaliation against employees for participation in above lawsuits.

**8. Briefly describe the procedural history of each case prior to their being related or consolidated.**

01-07042 was filed on 12/27/2001 by EEOC; the only significant event prior to consolidation is a motion to dismiss the complaint, which is denied.

01-03894 was filed on 8/01/2001 by the private plaintiffs; the plaintiffs motioned for class certification on 10/30/2001 but this does not seem to be resolved prior to consolidation; defendant's motion for dismissal but it is not granted; those are the significant events prior to consolidation.

01-06764 was filed on 12/20/2001 by the private plaintiffs; this one has no formal date of consolidation provided; however we see similar early activity, with the motion for class certification and defendants moving for dismissal; the first indication of consolidation is the 03/30/2004 memorandum and the docket entry there says that this action is dismissed with prejudice.

03-06872 was filed on 12/24/2003 by the private plaintiffs; there is no formal date of relation listed, and really, this whole case seems to proceed separately.

**9. After the cases were related/consolidated, what happened? was one case designated the lead case and all subsequent activity appears on that case docket? do both dockets contain lots of subsequent entries and if so, are they mostly or entirely duplicative, or do they indicate different types of activities in the two cases?**

First, 03-06872 seems to be independent in its activity.

01-03894 has the bulk of the entries for the consolidated cases, being the lead case. However, 01-07042 has substantial activity after consolidation. Of that activity, some of it seems to be independent, some of it seems to be duplicative of activity in 01-03894, and some of it seems to correspond to activity in 01-03894 but is entered using different language or even sometimes with slight variations in the date.

01-06764 has no formal date of consolidation. However, as early as September 2002, its docket entries include substantial overlap with both 01-07042 and the lead case 03-06872. Many of its entries are duplicative of those in the lead case, but like with 01-07042 there is some activity that is not duplicative.