

U. S. DISTRICT COURT
WESTERN DISTRICT OF LOUISIANA

FILED

MAY 26 2000

ROBERT H. SHAW, CLERK

BY *[Signature]*

IN THE UNITED STATES DISTRICT COURT
FOR THE WESTERN DISTRICT OF LOUISIANA
MONROE DIVISION

DWIGHT VINES, ET AL

* CIVIL ACTION NO. 97-0873

VERSUS

* JUDGE JAMES

NORTHEAST LOUISIANA UNIVERSITY,
ET AL

* MAGISTRATE JUDGE HAYES

J U D G M E N T

The Report and Recommendation of the Magistrate Judge having been considered, together with the written objections thereto filed with this Court, and, after a *de novo* review of the record, finding that the Magistrate Judge's Report and Recommendation is correct and that judgment as recommended therein is warranted,

IT IS HEREBY ORDERED, ADJUDGED, AND DECREED that

(1) defendants' motions as to the claims by the individual plaintiffs herein are hereby **GRANTED, DISMISSING THEM WITHOUT PREJUDICE on the basis of Sovereign Immunity;**

(2) the **REMOVED ACTION** (original Docket number 97-1095) is hereby **SEVERED and REMANDED to State Court for the district from which it was removed;**

(3) defendants' motion to dismiss the EEOC's complaint on the basis of Sovereign Immunity is hereby **DENIED**, and the EEOC's motion for partial summary judgment on the validity of its right to bring suits against the State under the ADEA, is by the same token, **GRANTED;**

(4) the EEOC's motion for partial summary judgment on the issue of disparate impact liability is **GRANTED to the extent that this Court will allow evidence of disparate impact at the trial of this matter;** and

(5) the EEOC's and the Defendants' motions for summary judgment on the issue of liability

are **DENIED**.

THUS DONE AND SIGNED this 25 day of May, 2000, in Monroe,
Louisiana.



ROBERT G. JAMES
UNITED STATES DISTRICT JUDGE
WESTERN DISTRICT OF LOUISIANA
MONROE DIVISION

JUDGMENT ENTERED

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