

**United States Courts  
Southern District of Texas  
FILED**

**Michael N. Milby, Clerk**

[illegible]

**EQUAL EMPLOYMENT  
OPPORTUNITY COMMISSION,  
Intervenor,**

**CIVIL ACTION NO. H-01-0900**

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<sup>1</sup> Mir Fox & Rodriguez is a Houston-based accounting firm that was selected by the EEOC to act as Claims Administrator. Eagle has been responsible for paying Mir Fox's significant fees for services as Claims Administrator.

Decree.<sup>2</sup> Thereafter, with the agreement of the EEOC, Eagle painstakingly analyzed these 115 Hiring Class claims, reviewing documentation and statements submitted by the Claimants, as well as all documentation relating to these claims within Eagle's possession, and made a determination as to whether each of the Claimants had demonstrated his or her entitlement to a share of the Consent Decree Class Fund pursuant to Paragraph 26 of the Consent Decree ("Procedures to Determine Eligibility for the Hiring Class"). In reviewing these claims, Eagle erred on the side of the Claimant if the call was close.

Of the 115 Hiring Class claims that were pre-qualified by the Consent Decree Claims Administrator, Eagle recommended that 79 claimants receive a distribution of the Class Fund and that 36 be denied. After completing its review, pursuant to Paragraph 22 of the Consent Decree, Eagle forwarded all of the Hiring Class claims to Mr. John Williams, in October 2003.<sup>3</sup>

On November 4, 2003, Mr. Williams agreed with Eagle's recommendations in all but 2 cases, which recommendations Eagle did not dispute.<sup>4</sup> On November 11, 2003, Eagle forwarded the 115 Hiring Class claims, its analysis, and Mr. Williams' notes and recommendations to the EEOC. Eagle advised the EEOC of Eagle's concurrence with Mr. Williams' recommendations, and suggested a meeting once its representatives had completed their review to discuss compensation amounts.<sup>5</sup> The EEOC was required at this point under the terms of the Consent Decree to make its preliminary determination *based upon the Administrator's recommendations* as to which Claimants qualified to receive monetary relief and forward this preliminary

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<sup>2</sup> See Consent Decree at Paragraph 22 and 25A.

<sup>3</sup> Mr. Williams is an experienced employment law attorney in Houston who worked for several years for the EEOC and is now in private practice. Mr. Williams was jointly selected by the EEOC and EGL to act as the Claims Administrator for the purpose of recommending claimant eligibility and, where there is eligibility, the amount of distribution to be made from the so-called "Class Fund." See also Consent Decree at Paragraph 22.

<sup>4</sup> See letter dated November 7, 2003 from J. Williams to D. Herms, attached hereto as Exhibit "A."

<sup>5</sup> See letter from D. Herms to K. Kores dated November 11, 2003, attached hereto as Exhibit "B."

determination to Eagle for Eagle's consideration.<sup>6</sup> However, since Eagle forwarded the Hiring Class claims to the EEOC in November 2003, the EEOC has stalled the process by: 1) delaying its review of the claims and recommendations and 2) by attempting to *add* to the number of Hiring Class and Adverse Treatment Class claims that were originally prequalified by Mir, Fox & Rodriguez. The relevant events are set forth below:

- **November 17, 2003:** Counsel for Eagle contacted EEOC representative, Kathy Kores, regarding distribution of compensation to the Hiring Class. Kores indicated that Bill Cash, an attorney in the EEOC's Little Rock, Arkansas office, would return the call.<sup>7</sup>
- **November 26, 2003:** Counsel for Eagle forwarded a letter to EEOC representative, Kores, requesting that the EEOC address the final disposition of the Hiring Class claims as Eagle had completed its calculation of amounts due under the Consent Decree to the Hiring Class.<sup>8</sup>
- **December 2, 2003:** EEOC's Bill Cash contacted counsel for Eagle to advise that the EEOC had not yet gone through all of the Hiring Class claims. Counsel for Eagle offered to fly to meet with Mr. Cash in Little Rock, Arkansas to facilitate the completion of the Hiring Class phase upon the EEOC's completion of its review.
- **December 19, 2003:** Counsel for Eagle met with EEOC representative, Bill Cash, in Little Rock, Arkansas regarding a proposal for distributing funds to the Hiring Class. By this time, the EEOC had begun its review of the Hiring Class claims, but had not finished. Notwithstanding the objective criteria stated in the Consent Decree regarding compensation to eligible Hiring Class Claimants,<sup>9</sup> Cash expressed surprise in the December meeting at how relatively small he believed the distributions would be to the Hiring Class. This statement echoed the sentiment of Kathy Kores, who in the prior month, suggested that Eagle simply ignore the criteria in the Consent Decree in favor of simply splitting the entire \$8.5 million by the number of claimants.

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<sup>6</sup> See Paragraph 22 of the Consent Decree.

<sup>7</sup> See letter from D. Herms to K. Kores dated November 26, 2003, attached hereto as Exhibit "C."

<sup>8</sup> See letter from D. Herms to K. Kores dated November 26, 2003, attached hereto as Exhibit "C."

<sup>9</sup> See Paragraph 26 I of the Consent Decree.

- **January 5, 2004:** Counsel for Eagle followed up with EEOC's Bill Cash regarding the status of the EEOC's review; Mr. Cash again advised that the EEOC had not completed its review of the Hiring Class claims.
- **January 13, 2004:** Counsel for Eagle followed up with Mr. Cash regarding the status of the EEOC's review; Mr. Cash again advised that the EEOC had not yet completed its review. Cash stated during the conversation that, because the proceeds in the Class Fund "were there" and because the Hiring Class claimants appeared to him to be "fundamentally qualified," they should be able to receive some money under the Consent Decree. Cash indicated that he hoped to be finished with his review of the remainder of the Hiring Class claims no later than Tuesday, January 20, 2004.
- **January 26, 2004:** After not hearing from Mr. Cash on January 20, counsel for Eagle again contacted the EEOC; Mr. Cash stated that the EEOC still had not yet completed its review.
- **February 3, 2004:** Counsel for Eagle forwarded a letter to Kores requesting that Mr. Cash complete his review of the Hiring Class claims as soon as possible and requesting that the EEOC advise of its position immediately.<sup>10</sup>
- **February 6, 2004:** Eagle received letter from Kores advising that the EEOC "continue[s] to share the same hope that we can complete the processing of the claims under the Consent Decree as quickly as possible." Kores indicated that the EEOC is still reviewing the Hiring Class claims and committed to complete the review by February 20, 2004. Kores recommended that monetary distributions be postponed until review of all claimant classes had been reviewed.<sup>11</sup>
- **February 9, 2004:** Counsel for Eagle responded to Kores' February 6 letter disagreeing with the proposed postponement of compensation to the Hiring Class because such analysis has no effect on the analysis or distribution of compensation for the other classes. Eagle recommended that "it would be in keeping with the Commission's goals and that of the Court to begin the processing of payments to the Hiring Class claimants as soon as possible."<sup>12</sup>
- **February 20, 2004:** Eagle received correspondence from Kores, wherein the EEOC advised that it agreed with Eagle's determination that three

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<sup>10</sup> See letter from N. Patterson to K. Kores dated February 3, 2004, attached hereto as Exhibit "D."

<sup>11</sup> See letter from K. Kores to N. Patterson dated February 6, 2004, attached hereto as Exhibit "E."

<sup>12</sup> See letter from N. Patterson to K. Kores dated February 9, 2004, attached hereto as Exhibit "F."

claims were not eligible to receive a share of Class Fund, but that it disputed the ineligibility findings of 30 Hiring Class claims and requested that these be submitted to the Claims Monitor for final consideration.<sup>13</sup> Eagle agreed to resubmit 15 of the 30 claims; the remaining 15 were forwarded to Tom Daffron, the Claims Monitor, on March 29, 2004.

- **Additional or “Resubmitted” Claims:** As part of its February 20, 2004 correspondence, the EEOC requested review and analysis of a new list of 75 additional claims originally rejected by the Claims Administrator. Because EEOC’s request was allowed under the Consent Decree at Paragraph 26(B)(4) (*i.e.*, it was based on information on actual application which was inconsistent with claim form information), Eagle agreed to review these new claims.
- **March 9, 2004:** Eagle forwarded a letter to Kores advising of its intent to forward the disputed claims to the Claims Monitor and agreed to review the 75 new claims for determination of eligibility.<sup>14</sup>
- **March 26, 2003:** Eagle submitted its positions with supporting documentation refuting the EEOC’s arguments (relating to the 15 disputed claims) to the Claims Monitor, Tom Daffron for final disposition pursuant to Paragraph 23 of the Consent Decree. Mr. Daffron agreed with and ruled in Eagle’s favor on all 15 claims in April 2004.
- **April 12 and 14, 2004:** Eagle forwarded its recommendations relating to the EEOC’s 75 “resubmitted” Hiring Class claims for review by Claims Administrator John Williams.<sup>15</sup>
- **May 14, 2004:** Eagle received the recommendations of Mr. Williams regarding the EEOC’s 75 new Hiring Class claims.<sup>16</sup>
- **May 17, 2004:** Eagle forwarded Williams’ recommendations to Kores on the 75 additional Hiring Class claims.<sup>17</sup>
- **September 23, 2004:** Eagle initiated a conference call with Kores and Cash to discuss the status of the review of the Hiring Class claims and other matters.

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<sup>13</sup> See letter from K. Kores to N. Patterson dated February 20, 2004, attached hereto as Exhibit “G.”

<sup>14</sup> See letter from N. Patterson to K. Kores dated March 9, 2004, attached hereto as Exhibit “H.”

<sup>15</sup> See letter from D. Herms to J. Williams dated April 12 and 14, 2004, attached hereto as Exhibit “I.”

<sup>16</sup> See letter from J. Williams to D. Herms dated May 14, 2004, attached hereto as Exhibit “J.”

<sup>17</sup> See letter from D. Herms to K. Kores dated May 17, 2004, attached hereto as Exhibit “K.”

- **October 1, 2004:** Eagle finally received correspondence from the EEOC advising it had completed its review of the additional 75 claims and that it agreed with Eagle's recommendations.<sup>18</sup>

Eagle heard nothing from the EEOC with regard to the Hiring Class claims from May 2004 until a conference call initiated by EGL on September 23, 2004. At that time, the EEOC indicated its intention of *again* increasing the number of potential Hiring Class claims, as well as Adverse Treatment Class claims. This time, the EEOC requested that an additional 107 persons who were originally disqualified by the Claims Administrator be considered for qualification and compensation. The EEOC gave two reasons for its request:

- 1) some persons gave inconsistent answers to questions in the Claims form questionnaire, such as: answering "no" to whether the individual was a former or current employee but stating later in the questionnaire that he or she was employed from July 1, 2000 until November 15, 2002.
- 2) some persons never worked at or sought work with Eagle.<sup>19</sup>

Subsequently, Eagle received two letters suggesting *additional* Claimants be considered for inclusion in the Hiring Class. The first was received on September 23, 2004, which purported to add 24 Hiring Class and Adverse Treatment Claimants.<sup>20</sup> The second letter was received on September 27, 2004 which sought to add an additional 28 Hiring Class Claimants.<sup>21</sup> These most recent attempts by the EEOC to expand the Hiring Class and Adverse Treatment Class beyond those Claimants originally prequalified by the Claims Administrator are completely unsupported by the terms agreed to in the Consent Decree.

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<sup>18</sup> The only exception was one minor difference relating to Eagle's suggestion of a relatively limited award. See October 1, 2004 letter from K. Kores to N. Patterson, attached hereto as Exhibit "L."

<sup>19</sup> See letter from K. Kores to N. Patterson dated September 23, 2004, attached hereto as Exhibit "M."

<sup>20</sup> After a telephone conference, the EEOC confirmed that it sought to only add 2 additional Hiring Class members by this correspondence. See Facsimile Transmission dated September 23, 2004, attached hereto as Exhibit "M."

<sup>21</sup> See letter from K. Kores to N. Patterson dated September 27, 2004, attached hereto as Exhibit "N."

**II.**  
**MOTION TO STRIKE EEOC'S REQUEST**  
**FOR ADDITIONAL RESUBMITTED CLAIMS**

Consistent with what appears to be the EEOC's desire to simply hand over \$8.5 million for distribution as it pleases, the EEOC is attempting to expand the scope of the Hiring Class by two methods which are contrary to the terms of the Consent Decree. First, it is attempting to circumvent the Claims Administrator's role and his year-old decision as to which information will be given primary reliance when faced with conflicting information by a claimant. The Consent Decree provides:

...in the event that information appearing on the claimant's Claim Form is different from the information appearing on any other documents in the Claims Administrator's possession, including, but not limited to applications, resumes, candidate fact sheets, monthly applicant flow logs and personnel records, *the Claims Administrator will decide which form of documentation to rely upon.*<sup>22</sup>

Thus, the EEOC is seeking to take action contrary to the express provisions of the Consent Decree by circumventing the decision already reached by the Claims Administrator as to the respective qualifications of the most recent proposed claimants.

Second, the EEOC is also seeking to usurp the Claims Administrator's discretion as to which claimants are initially qualified to state a claim under the Consent Decree. Paragraph 22 of the Consent Decree provides that claimants "must satisfy eligibility criteria" to be qualified *and* that the EEOC will base its own determinations upon the Claims Administrator's recommendations:

The Class Fund shall be used to make payments to [claimants] who timely submit Claim Forms and satisfy the eligibility criteria set forth herein (such persons are hereinafter referred to as "qualified claimants.") *Based upon the claims administrator's recommendations, the EEOC will make a preliminary determination* as to which claimants qualify to receive monetary relief under this

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<sup>22</sup> See Consent Decree at Paragraph 44 A, emphasis added.

Consent Decree...<sup>23</sup>

Thus, by its agreement to the Consent Decree, the EEOC agreed to base its decision as to qualification for an award upon the Claims Administrator's recommendations. Rather than comply with this requirement, the EEOC seeks to re-open the claims review process which will only lead to more delay and expense. In doing so, the EEOC seeks to completely disregard the Claims Administrator's analysis simply because it does not agree with the Claims Administrator:

Plaintiff has reviewed the group of 83 claims that are contained in the group initially disqualified by Mir Fox because the labeled them as "Claimants who never worked or sought employment at EGL." *It appears that Mir Fox did not properly consider all of the claims.* Plaintiff contends that 28 of these claims should be reevaluated.<sup>24</sup>

Eagle will not and cannot agree to such a departure from the terms of the Consent Decree, for fear it will set a precedent and excuse for further delay. As recited in the Consent Decree, Eagle has denied and continues to deny the allegations of violations of Title VII. However, both the EEOC and Eagle negotiated and entered into the Consent Decree "to avoid unnecessarily protracted, expensive and disruptive litigation."<sup>25</sup> Both parties agreed that the terms of the Consent Decree would be binding.<sup>26</sup> Given the enormous delay caused by the EEOC's failure to address what *is* at hand (the remainder of first batch of resubmitted Hiring Class claims), combined with its most recent expression of "the larger the payout the better," Eagle can no longer forego Court intervention. By this Motion, Eagle requests that the Court rule that the EEOC may not be permitted to further seek to expand the scope of the Hiring or Adverse Treatment Classes. To this end, Eagle requests a hearing so that the Court may provide guidance

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<sup>23</sup> See Consent Decree at Paragraph 22, emphasis added.

<sup>24</sup> See letter from K. Kores to N. Patterson dated September 27, 2004, attached hereto as Exhibit "N," emphasis added.

<sup>25</sup> See Consent Decree at Paragraph 6.

<sup>26</sup> See Consent Decree at Paragraph 10.



and deadlines for the completion of the EEOC's review of the remaining claimant classes. Eagle believes a hearing with the Court would greatly expedite the remainder of this already far too lengthy process.

Respectfully submitted,

A handwritten signature in cursive script, reading "Nancy L. Patterson /cst", written over a horizontal line.

Nancy L. Patterson  
Texas State Bar No. 15603520  
C. Dean Herms, Jr.  
Texas State Bar No. 24002265  
Baker & Hostetler LLP  
1000 Louisiana, Ste. 2000  
Houston, Texas 77002-5009  
(713) 646-1339 (Telephone)  
(713) 751-1717 (Facsimile)

ATTORNEYS FOR EAGLE GLOBAL  
LOGISTICS

**CERTIFICATE OF CONFERENCE**  
**PURSUANT TO PARAGRAPH 80 OF CONSENT DECREE**

Eagle certifies that it has complied with the conference requirements of Paragraph 80 of the Consent Decree. The parties were unable to reach a resolution.

A handwritten signature in cursive script, reading "Nancy L. Patterson /cst", written over a horizontal line.

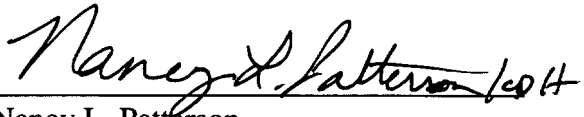
Nancy L. Patterson

**CERTIFICATE OF SERVICE**

I hereby certify that a true and correct copy of the above foregoing document has been served on all counsel of record, as set forth below as indicated, on this 10<sup>th</sup> day of November, 2004.

Katharine W. Kores  
Regional Attorney  
Equal Employment Opportunity Commission  
1407 Union Avenue, Suite 623  
Memphis, TN 38104

*Via Facsimile (without Exhibits)*  
*Via Federal Express (with Exhibits)*

  
Nancy L. Patterson



# LUTTRELL & WILLIAMS, P.C.

ATTORNEYS AT LAW  
3000 WESLAYAN, SUITE 350  
HOUSTON, TEXAS 77027  
(713) 877-1077  
Fax (713) 877-1089

L. Don Luttrell  
Board Certified - Personal Injury Trial Law  
Texas Board of Legal Specialization

John M. Williams  
Board Certified - Labor and Employment Law  
Texas Board of Legal Specialization

November 7, 2003

Mr. C. Dean Herms, Jr.  
Baker & Hostetler, LLP  
1000 Louisiana, Suite 2000  
Houston, Texas 77002-5009

Re: Civil Action No. H-01-900; *Equal Employment Opportunity Commission v. Eagle Global Logistics*, In the United States District Court for the Southern District of Texas, Houston Division

Dear Mr. Herms:

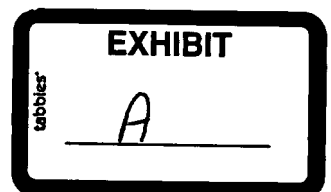
Regarding my review of the hiring class claimant files provide to me, I agree with the Company's assessment of all of the claims with the exception of the following:

1. Roberto Clemente Barnes - ID 1388

Mr. Barnes is a Black male who applied for a dock supervisor position in October 2001 and for a freight handler position in November 2000. He states that he has six (6) years of experience in inventory control, shipping, receiving and purchasing in the Army as a Supply Sgt. He has formal training in the Army's Quarter Masters school. The comparator's only relative experience was as a part-time freight handler with less than one year of experience which is noted on his application. It is unclear as to how long he had been in the station manager position. Based on the above and the agreed to protocol of determining qualified hiring class members, I believe Mr. Barnes is better qualified than the comparator and should be included in the hiring class to receive payment.

2. Johnny Ray Davis - ID 1039  
Earnest De La Garza - ID 354

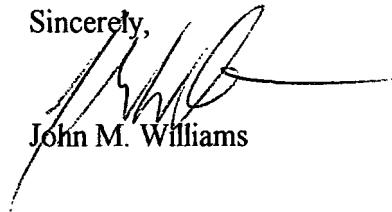
Both claimants were deemed qualified candidates by the Company to receive payment. Both claimants applied for a warehouse position and were deemed as qualified as the comparator Kenneth Rademacher. Mr. Rademacher is the only comparator in both cases. Mr. De La Garza applied in March 2000 prior to Mr. Davis who applied in June 2000. Mr. Rademacher was hired July 2000. Had Mr. De La Garza been hired, then Dr. Davis would not be a qualified candidate.



Because there is only one position, Mr. De La Garza should be the claimant for the warehouse position in question which would override Mr. Davis' claim.

If you have any questions, please let me know.

Sincerely,



John M. Williams



BAKER  
&  
HOSTETLER LLP  
COUNSELLORS AT LAW

1000 LOUISIANA, SUITE 2000 • HOUSTON, TEXAS 77002-5009 • (713) 751-1600 • FAX (713) 751-1717

C. DEAN HERMS, JR.  
WRITER'S DIRECT DIAL NUMBER (713) 646-1342  
E-MAIL: DHERMS@BAKERLAW.COM

November 11, 2003

Ms. Katharine W. Kores  
EEOC – Memphis District Office  
1407 Union Avenue, Suite 621  
Memphis, Tennessee 38104

Re: Hiring Class Claims under the Consent Decree; *EEOC v. Eagle Global Logistics*

Dear Kathy:

Enclosed herein please find the Hiring Class claims, our analysis, and the notes of John Williams relating to each. With the exception of two claims referenced in his letter (also attached), Mr. Williams agreed with our review and analysis relating to each Claimant's respective entitlement according to the terms of the Consent Decree. We concur with his two recommendations relating to our initial evaluation of these claims. Of the 115 Hiring Class Claimants, EGL does not contest the eligibility for just over 70%, or 81 claims.

Not contained herein is a calculation of the distribution of compensation to each Hiring Class claimant. As you and I discussed recently, I have a proposal for such distribution that is consistent with the requirements of the Consent Decree, including the "no missed hiring opportunity" language from page 19. As you may recall from our earlier conversation, we encountered circumstances not envisioned during the negotiations and drafting of the Consent Decree relating to distribution to multiple, qualified claimants applying for a single hiring opportunity. I propose a face-to-face meeting to discuss this extremely complicated issue. Once you have had an opportunity to review these claims, would you be willing to come to Houston to discuss a method for calculating each claim, given these complex issues?

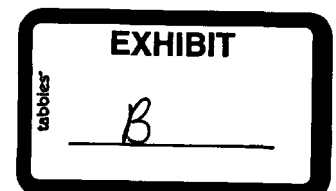
At your earliest convenience, please contact me so that we may discuss same. I look forward to talking with you.

Very truly yours,



C. Dean Herms, Jr.

cc: Nancy L. Patterson (Firm)







BAKER  
&  
HOSTETLER LLP  
COUNSELLORS AT LAW

1000 LOUISIANA, SUITE 2000 • HOUSTON, TEXAS 77002-5009 • (713) 751-1600 • FAX (713) 751-1717

C. DEAN HERMS, JR.  
WRITER'S DIRECT DIAL NUMBER (713) 646-1342  
E-MAIL: DHERMS@BAKERLAW.COM

November 26, 2003

Ms. Katharine W. Kores  
EEOC – Memphis District Office  
1407 Union Avenue, Suite 621  
Memphis, Tennessee 38104

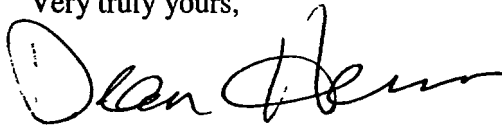
Re: Hiring Class Claims under the Consent Decree; *EEOC v. Eagle Global Logistics*

Dear Kathy:

We last spoke on November 17, 2003 with regard to distribution of compensation to the Hiring Class under the Consent Decree. At that time, you indicated that Bill Cash would be contacting me in the immediate future with regard to same. Not to rush anyone, but I have not heard from Mr. Cash and we have completed our calculation of amounts due under the Consent Decree to those Claimants designated as eligible. We are ready to discuss the matter at your earliest convenience.

Please let me know if you have any questions. Happy holidays to you and your family.

Very truly yours,



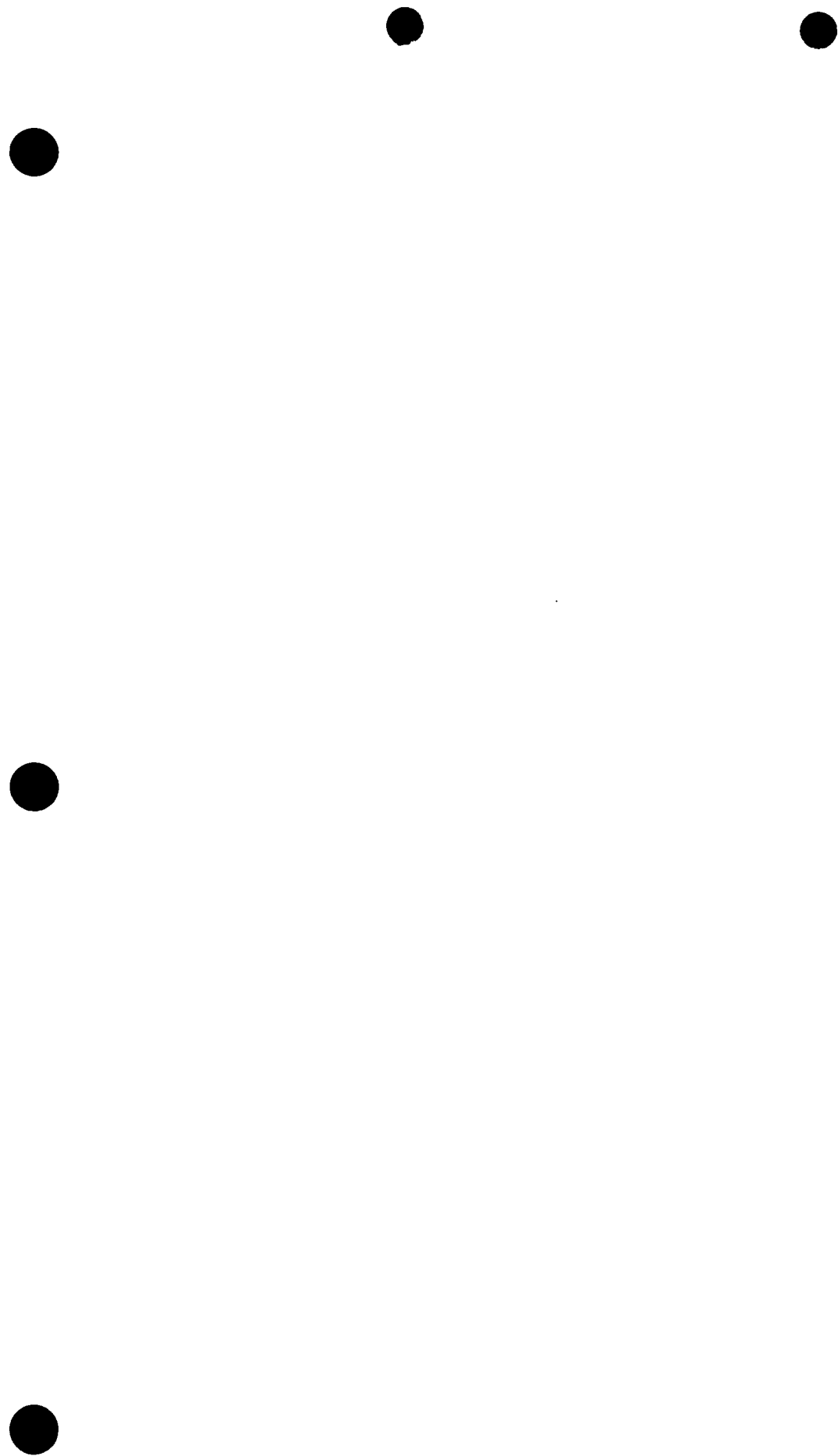
C. Dean Herms, Jr.  
BAKER & HOSTETLER, L.L.P.

cc: Nancy L. Patterson (Firm)

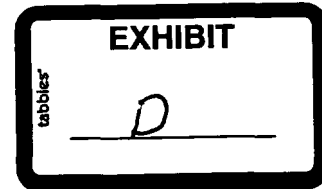
EXHIBIT

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BAKER  
&  
HOSTETLER LLP  
COUNSELLORS AT LAW



1000 LOUISIANA, SUITE 2000 • HOUSTON, TEXAS 77002-5009 • (713) 751-1600 • FAX (713) 751-1717

Board Certified-Civil Trial Law  
Texas Board of Legal Specialization

NANCY L. PATTERSON  
WRITER'S DIRECT NO.: (713) 646-1339  
E-MAIL: [NPATTERSON@BAKERLAW.COM](mailto:NPATTERSON@BAKERLAW.COM)

February 3, 2004

Ms. Katharine W. Kores  
EEOC – Memphis District Office  
1407 Union Avenue, Suite 621  
Memphis, Tennessee 38104

*Via Facsimile - (901) 544-0111  
And Federal Express*

Re: Civil Action No. H-01-900, in the United States District Court for the  
Southern District of Texas, Houston Division; *Dube, et al v. Eagle Global  
Logistics*

Dear Kathy:

The purpose of this letter is to seek to resolve, without court intervention, our apparent differences relating to: (1) the timely processing of claims under the Consent Decree in the above-referenced case and (2) the proper interpretation of the Consent Decree as it relates to distribution of compensation to Hiring Class Claimants. It is my sincere hope that we can resolve these differences to ensure a smooth and orderly process from this point forward, not only for the Hiring Class claims that are currently in your possession, but also for the remainder of the classes that have yet to be analyzed by the EEOC.

As you are aware, we received the final tally of the Hiring Class claims from Mir, Fox on or about June 9, 2003. Mir, Fox received approximately 865 claims and deemed approximately 115 of those as "qualified claimants" based on the objective criteria set forth in the Consent Decree. As you know, the Decree also calls for a review of specified subjective criteria to determine eligibility such as prior work experience. We painstakingly reviewed the Hiring Class claims regarding these subjective items, reviewing documentation and statements submitted by the Claimants, as well as all documentation relating to these claims within Eagle's possession, and made a recommendation as to whether each of the Claimants had shown his or her entitlement to a share of the Class Fund pursuant to Paragraph 26 of the Consent Decree ("Procedures to Determine Eligibility for the Hiring Class"). In reviewing these claims, we erred on the side of the Claimant if it was a close call. For example, if a pre-qualified claimant merely alleged that he or she applied for a job with Eagle and we could locate no information or personnel file for a Caucasian, male comparator hired within the 8-month window surrounding

Ms. Katharine W. Kores  
February 3, 2004  
Page 2

the Claimant's alleged application date, we simply agreed that the Claimant was eligible to receive a share of the Class Fund. No doubt, this procedure had the effect of compensating *many* more Hiring Class Claimants than would have been compensated had we located the missing comparator's personnel file.

After completing our review, we forwarded all of the Hiring Class claims in two batches to the Claims Administrator, Mr. John Williams, in October 2003. With the exception of two claims, Mr. Williams agreed with our review and analysis relating to each Claimant's respective entitlement according to the terms of the Consent Decree. We concurred with his two recommendations relating to our initial evaluation of these claims and forwarded them to you on November 11, 2003.

You spoke with Dean Herms of my office on November 17, 2003, when he inquired as to the status of the EEOC's review of these claims. At that time, you indicated that Bill Cash of the EEOC's Little Rock office would be contacting him in the immediate future. Mr. Herms wrote to you on November 26, 2003, advising that he had not yet heard from Mr. Cash and that we had completed our calculation of amounts due under the Consent Decree to those claimants we felt were eligible. We advised at that time that we were ready to discuss the matter with you at your earliest convenience.

Mr. Cash finally spoke with Mr. Herms on December 2, 2003 to advise that the EEOC had not yet gone through all of the Hiring Class claims. Mr. Herms offered to come to Little Rock or to Memphis to facilitate the completion of the Hiring Class phase upon the EEOC's completion of its review. Mr. Cash advised that he would speak with you and call back. Mr. Herms finally coordinated a meeting with Mr. Cash and flew to Little Rock, Arkansas to meet with him on December 19, 2003. At that time, we were told that the EEOC had begun its review of the Hiring Class claims, but had not finished that review.

At the December meeting, Mr. Cash expressed his surprise at how "relatively little" was being suggested by Eagle to be paid to the Hiring Class, given that approximately "\$3 million" had been "set aside" for the Hiring Class. I recall Mr. Herms telling me that you had previously made a similar statement. Truly, these statements form the basis of my growing concern over the substantial, if not fundamental, disparity of interpretations we have of the Consent Decree.

Mr. Herms followed up with Mr. Cash on January 5, 2004 as to the EEOC's progress in reviewing the Hiring Class claims. Mr. Cash again advised that the EEOC had not completed its review of the Hiring Class. Mr. Herms called again on January 13, 2004 to inquire as to the EEOC's progress; again, Mr. Cash advised that the EEOC had not completed its review. At this time, Mr. Cash indicated that, because he believed there were "adequate proceeds" in the Class Fund, and because the Hiring Class claimants appeared, in his opinion, to be "fundamentally qualified," they should be able to take under the Consent Decree. In response to Mr. Herms' inquiry as to the basis for this standard in the Consent Decree, Mr. Cash responded that it was

Ms. Katharine W. Kores

February 3, 2004

Page 3

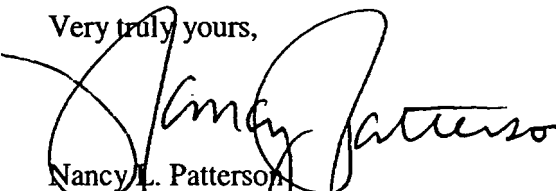
merely a question of perspective and that the Commission approached these claims with the idea that "everybody should get paid." Finally, Mr. Cash stated that he hoped to be finished with the remainder of the Hiring Class claims no later than Tuesday, January 20, 2004. After we did not hear from Mr. Cash on January 20, Mr. Herms called Mr. Cash again on January 26, 2004; Mr. Cash represented that the EEOC had still not yet completed its review.

Kathy, we have been ready to make distributions to Hiring Class claimants pursuant to the terms of the Consent Decree since early November 2003. Further, our recommendations regarding the eligibility of those qualified Claimants to receive a share of the Class Fund have been approved by the Claims Administrator. Meanwhile, as you know, both the EEOC and Eagle have received a barrage of telephone calls from eager claimants inquiring as to the status of claims, given that over two years have elapsed since the Consent Decree was approved by Judge Hughes.

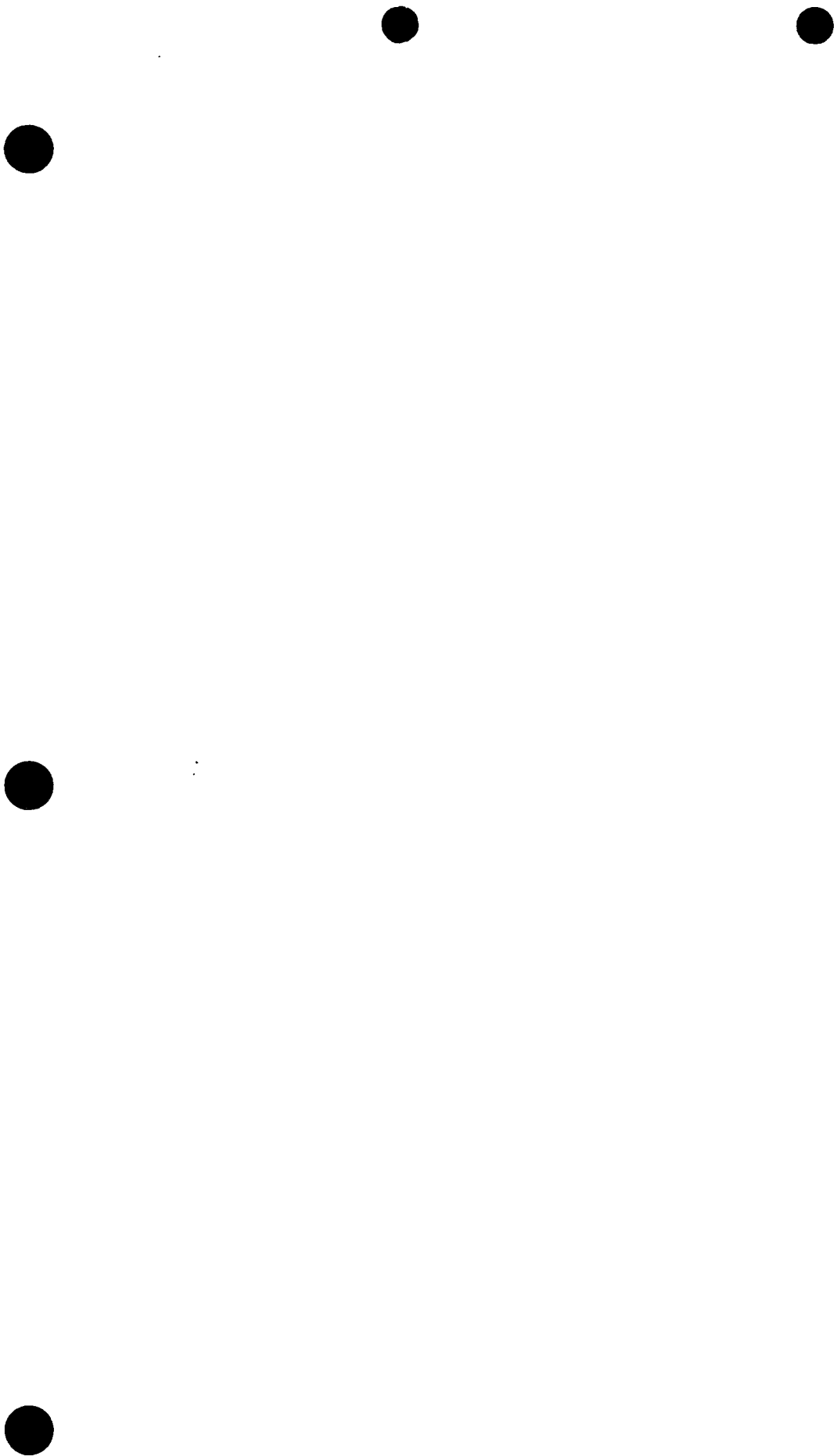
In consideration of the above, I propose two things. First, please have Mr. Cash and his staff complete the review of the Hiring Class claims as soon as possible. We need you to give us a firm date when we can expect this to be accomplished. Second, to the extent that the EEOC intends to dispute either the *number* of Hiring Class Claimants that will receive a share of the Class Fund or the *amount* that we have proposed be paid to each of the claimants, please advise of the specifics of your disagreement under the specific terms of the Consent Decree. Please let me hear something from you regarding each of these items no later than 5:00 p.m. on February 6, 2004. If no agreement can be reached, we intend to request enforcement of the Consent Decree by way of a hearing before Judge Hughes regarding these issues in the immediate future.

I am hopeful we can reach agreement on these issues and I look forward to hearing from you.

Very truly yours,

  
Nancy L. Patterson  
of BAKER & HOSTETLER LLP

NLP:sg





**U.S. EQUAL EMPLOYMENT OPPORTUNITY COMMISSION**  
**Memphis District Office**

1407 Union Avenue, Suite 621  
Memphis, TN 38104  
(901) 544-0115  
TTY (901) 544-0112  
FAX (901) 544-0111

February 6, 2004

Nancy L. Patterson  
Baker & Hostetter, LLP  
1000 Louisiana, Suite 2000  
Houston, TX 77002-5009

**VIA FAX TO 713-751-1717  
AND U.S. MAIL**

RE: EEOC v. Eagle Global Logistics  
C. A. No. H-01-0900

Dear Nancy:

Your letter of February 3, 2004 indicates to me that we continue to share the same hope that we can complete the processing of the claims under the Consent Decree as quickly as possible. Bil Cash and I will transmit to you the Commission's position on the Hiring Class no later than February 20, 2004. We will continue to work on the remaining groups and get those to you as soon as possible thereafter.

We may have differences in our interpretations of the Consent Decree as it relates to payment to claimants but I sincerely believe that we can talk this out on our own. One matter I would like us to think about is whether we should be authorizing payments to different claimant groups in stages or whether all claims should be addressed at the same time. I have been telling claimants who call me<sup>1</sup> that all claimants will receive notification as to whether they qualify and for what amount. My thinking was that all of these notifications should be mailed at the same time.

The Consent Decree provides that any disputes we have over claimant eligibility and monetary relief will be resolved by the Claims Monitor. Of course, we are not at this point yet but if we get there, under the terms of the Decree, I believe Tom Daffron, rather the Court, should be consulted.

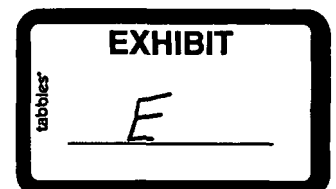
We will be in touch with you as we continue to work on this and please, feel free to contact me about this.

Sincerely,

Katharine W. Kores  
Regional Attorney

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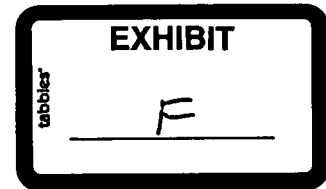
<sup>1</sup> I have been receiving at least four calls each day.







BAKER  
&  
HOSTETLER LLP  
COUNSELLORS AT LAW



1000 LOUISIANA, SUITE 2000 • HOUSTON, TEXAS 77002-5009 • (713) 751-1600 • FAX (713) 751-1717

NANCY L. PATTERSON  
WRITER'S DIRECT DIAL NUMBER (713) 646-1339  
E-MAIL: NPATTESRON@BAKERLAW.COM

February 9, 2004

Ms. Katharine W. Kores  
U. S. Equal Employment Opportunity Commission  
Memphis District Office  
1407 Union Avenue, Suite 621  
Memphis, TN 38014

*Via Facsimile - (901) 544-0111*

Re: Civil Action No. H-01-900 in the United States District Court for the  
Southern District of Texas, Houston Division; *Dube, et al v. Eagle Global  
Logistics*

Dear Kathy:

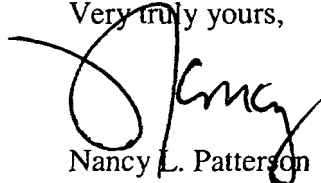
Thank you for your February 6, 2004 correspondence regarding the status of the Claims Administration process under the Consent Decree. We look forward to receiving the Commission's position on the eligibility of Hiring Class claimants and payment amounts on or before February 20, 2004. I share your hope that we can work out any differences that may arise regarding the interpretation of the Consent Decree.

With regard to the issue of notification to Claimants, I tend to disagree with your suggestion that we wait until all Claimant classes have been reviewed and analyzed before making any monetary distributions. My position is based on the fact that the Hiring Class analysis really has no effect on the analysis or distribution of compensation for the other classes. In other words, it seems to me that it is in the best interest of any eligible Hiring Class claimants to process their payments just as soon as we have a final agreement on eligibility for that class. Given the amount of time it has taken to complete the review of the Hiring Class, I am quite concerned that we will be looking at several additional months before the review and analysis could be completed by the Commission on the remaining classes. That would unnecessarily delay the distribution of compensation to the Hiring Class claimants. Like you, EGL is receiving frequent inquiries regarding the status of claims. We believe, given the amount of time which has elapsed since the initial entry of the Consent Decree by Judge Hughes in October 2001, that it would be in keeping with the Commission's goals and that of the Court to begin the processing of payments to eligible Hiring Class claimants as soon as possible.

Ms. Katharine W. Kores  
February 9, 2004  
Page 2

Again, we look forward to receiving your final position on the Hiring Class on or before February 20, 2004.

Very truly yours,

A handwritten signature in black ink, appearing to read "Nancy", is written over the typed name.

Nancy L. Patterson  
of BAKER & HOSTETLER LLP

NLP:cs





**U.S. EQUAL EMPLOYMENT OPPORTUNITY COMMISSION**  
**Memphis District Office**

1407 Union Avenue, Suite 621  
Memphis, TN 38104  
(901) 544-0115  
TTY (901) 544-0112  
FAX (901) 544-0111

February 20, 2004

Nancy L. Patterson  
Baker & Hostetler, LLP  
1000 Louisiana, Suite 2000  
Houston, TX 77002-5009

**VIA FEDEX (letter and exhibits) AND  
FAX TO 713-751-1717 (letter only)**

RE: EEOC v. Eagle Global Logistics  
C. A. No. H-01-0900

Dear Nancy:

Enclosed is our analysis of the Hiring Class claims. We set forth below the claims on which we agree and those on which we disagree. There are two groups of claimants which we believe are either eligible for payment or should be reconsidered. The basis for these conclusions will be detailed below.

Before I address specific claims, I want to inform you that we will accept your proposed distribution formula for multiple qualified candidates for an apparent, single hiring opportunity. We understand this proposal to be that where it is clear that only one individual was hired in the position in question during the relevant time period, the payment for this one position will be divided among the qualified claimants. We understand that this formula would apply in any situation where there were fewer hiring opportunities than there are qualified claimants. Having accepted the proposed formula, we agree with the calculations you have done for the 81 claimants. We have concluded that you and your staff made these calculations based on the most accurate information and that they were done in a good faith attempt to comply with the letter and spirit of the Consent Decree.

We have reviewed Defendant's Do Not Pay list for the individuals in the hiring class deemed qualified by Claims Administrator, Mir Fox Rodriguez. We concur with Defendant's assessment regarding the following individuals

1. Kilgore, WJ #942
2. Scott, DL #1391
3. Tipton, SI #1424 (Station Manager application)(Plaintiff disagrees with Defendant regarding Tipton's dispatcher application)

We disagree with Defendant's assessment on the following individuals and believe that some of these claims should be paid and that some should be resubmitted for further consideration.

**EXHIBIT**

tabbies

G

1. Abrams, W.D. #185 Black/Male. This claim should be paid. Claimant applied in Swedesboro, NJ for a Dock Supervisor position. Claimant indicated that he was willing to relocate. Swedesboro is within twenty miles of Philadelphia, PA. The comparators were hired in Philadelphia.
2. Amie, ER #1440 Black/Male. This claim should be paid. Claimant represented in the claim form that he has relevant experience for the position of "Dock Worker/Truck Unloader." The comparator's college is not relevant to the position.
3. Boisjolie, VM #1383 White/Female. This claim should be resubmitted. The comparators are from Houston and claimant was applying in Phoenix. Claimant should be considered for account executive positions and compared with comparators from the Phoenix area. Individuals who indicate that they applied for sales should be considered for account executive. (See Consent Decree, paragraph 26(B)(3), page 15). (See Ex. A, Application of Boisjolie).
4. Diggs, J #1448 Black/Male. This claim should be resubmitted. Claimant is minimally qualified for the position of dispatcher and should be considered for customer service representative positions.
5. Dillon, CM #181 White/Female. This claim should be resubmitted. Claimant should be considered for an account executive position in the Chicago area for September 15, 1998. The comparator is a customer service representative.
6. Einspahr, M # 298 White/Female. This claim should be paid. Claimant is minimally qualified for the position and her education surpasses the education of the comparator.
7. Evans, SK #21 Black/Female. This claim should be resubmitted. Claimant should be considered for a clerical position. The claim form indicates an application on 12-09-1995 for Data Entry in Houston, TX. Claimant should be considered for that position.
8. Foster, PE #65 Black/Male. This claim should be resubmitted. Claimant should be considered for a warehouse position in Houston, TX in December of 2000.
9. Green, FD #1306 Black/Male. This claim should be resubmitted. Claimant applied for the position of operations manager in Los Angeles (4/98) and Carson Rancho, CA (6/98). Claimant indicated a willingness to relocate. All of the comparators were Station Managers. Claimant should be

compared to Operations Managers.

10. Hall, K #1144 Black/Male. This claim should be paid. Claimant applied in Swedesboro, NJ for a Driver/forklift operator position on 7-10-2000 and 09-11-2000. Swedesboro is within twenty miles of Philadelphia, PA. The comparators were hired in Philadelphia.
11. Hawkins, VT #695 Black/Female. Claimant applied for general clerical in Texas in October of 1996 and September of 1998. Claimant should be paid for the claim in October of 1996 because he has comparable experience. The claim in September of 1998 should be resubmitted because it has not been addressed.
12. Haywood, DM #529 Black/Female. This claim should be paid. Claimant is minimally qualified.
13. Ingram, I #474 Black/Male. This claim should be paid. Claimant is minimally qualified.
14. Macon, SL #1363 Black/Male. This claim should be resubmitted. Claimant indicates in the claim form an application for Station Manager (7/19/99), Warehouse Manager (5/8/2000), and Operations Manager (5/8/2000). Claimant indicated a willingness to relocate. The claim for the Station Manager position should be resubmitted to determine that correct dates were used for comparison. The Warehouse Manager and Operations Manager positions should be resubmitted because there has been no comparison for these positions.
15. McClinton, A #43 Black/Male. This claim should be resubmitted. Claimant applied for the position of operations manager in Memphis, TN. Claimant indicated a willingness to relocate. All of the comparators were Station Managers. Claimant should be compared to Operations Managers.
16. Moreno, PP #644 Hispanic/Female. This claim should be resubmitted. Claimant applied for "customer service or any open position" in Austin, TX from Aug. – Nov. 2000. Claimant indicated experience as a CSR, claims billing clerk and three years of retail. Claimant should be considered for account executive or clerk for the period from August through November of 2000 in Austin.
17. Neville, C #740 White/Female. This claim should be resubmitted. Claimant's application dated September 9, 1998, and attached resume show extensive experience. (See Ex. B) The application and resume list an

address in Krum, TX. Claimant applied for the position of administrative clerk. Claimant should be reconsidered based on the information contained in her application and resume.

18. Quilantan, I #10 Hispanic/Female. This claim should be resubmitted. Claimant applied for a clerk position in San Antonio, TX on April 15, 1998. The persons listed by Defendant are not appropriate comparators. Comparator Vink has customer service experience. The other three comparators were applying for operations manager positions.
19. Rose, RL # 1291 Black/Female. Claimant applied for a dock worker/shipping & receiving position (May – July 2000) and a warehouse shipping & receiving position (September – December 2000). Claimant is minimally qualified and is comparable to Comparator Hand. Claimant should be paid for the May – June 2000 claim. Claimant's second claim (September – December 2000) has not been addressed and should be resubmitted for consideration.
20. Ruiz, RL #812 Hispanic/Female. This claim should be paid. Defendant asserts that using CSR comparators is invalid since Claimant applied for a sales representative position on August 15, 1999. Claimant was offered a customer service representative position in April of 1997, therefore Claimant would be qualified for a CSR position in 1999.
21. Russello, M #272 White/Female. This claim should be resubmitted. Claimant applied for a clerical/office position in December of 2000 in Swedesboro, NJ. Claimant is minimally qualified and the comparator is from Philadelphia, PA (about twenty miles away).
22. Spotwood, R #1456 Black/Male. This claim should be resubmitted to evaluate Claimant's application for Systems Analyst on July 5, 2000, in Houston, TX.
23. Taylor, BJ #320 White Female. This claim should be paid. Claimant has comparable experience to the comparator. The comparator's slightly more extensive education is not relevant to the position.
24. Thomas, IC #432 Hispanic/Female. This claim should be resubmitted. Claimant applied on October 12, 2000, for a customer service representative (CSR) position online listing a California address. Claimant was compared to CSRs in Houston. This is not an appropriate comparison. Claimant should be compared to CSRs in her region.
25. Tipton, SI #1424 Black/Female. This claim should be paid. Claimant is minimally qualified and compares favorably to Comparator Adkins.

26. Torralva, V #111 Hispanic/Female. This claim should be paid. Claimant is minimally qualified.
27. Walker, LR #270 Black & Hispanic/Female. This claim should be paid. Claimant is minimally qualified. Claimant compares favorably to Comparators Bennett and Merritt.
28. Ward, AP #747 Black/Female. This claim should be resubmitted. Claimant applied for Operations manager in Houston (January 1998) and in Austin (May 1999). Claimant indicated a willingness to relocate. Claimant was compared to a Station Manager in California. Claimant should be compared to Operations Managers in Houston (for January 1998) and for Austin (for May 1999).
29. Williams, L #852 Black/Male. Claimant submitted two claim forms. On the first claim form he indicated that he had applied for warehouse/driver on March and April of 1998. Claimant compares favorably to Comparator Mikeska. Claimant should be paid on this claim. On the second claim form, Claimant identified three other dates 5/98, 7/98 and 10/00 for the position of warehouse/driver. These dates should be resubmitted for comparison.
30. Wortham, EP #1024 Black/Female. This claim should be paid. Claimant is minimally qualified. Claimant compares favorably to Comparators Bennett and Merritt.

In summary with respect to Defendant's Do Not Pay list, we have concluded that 12 of the individuals should be paid and 15 should be resubmitted to determine whether the job sought was filled by a non-minority during the relevant time period. Further, we conclude that three individuals have established that they are entitled to payment on one basis and that there is also a claim which needs to be resubmitted to determine if the job each of these claimants sought was filled by a non-minority during the relevant time period.

The following is a list of claimants who were rejected by the Claims Administrator which should be resubmitted based on the additional information about their attempts to seek employment with Eagle that is contained in the applications, resumes, letters, fax cover sheets and other documents. (See Exhibits 1-75). The consent decree provides that when the information contained in applications, resumes or candidate facts sheets (collectively referred to as "application") is inconsistent with the claim form as regards the job sought and/or the date of application – the information provided on the application will be considered dispositive. (See Consent Decree, Paragraph 26(B)(4), page 15).

1. Allen, EC #1836 Black/Male. The application shows that claimant was available for work on February 1, 1999. (See Ex. 1) The address on the application is N. Miami, FL. The claim form indicated that claimant was



seeking warehouse jobs in 96-97.

2. Allen, FD #545 Black/Male. The application is dated January 12, 1999. The position applied for is "dock operations." (See Ex. 2) The address on the application is Coppell, TX. The claim form stated that claimant was seeking employment in 2000.
3. Anderson, TZ #2003 Black/Male. The application is dated March 2, 1999. The position applied for is "customer service." (See Ex. 3) The address on the application is Newark, NJ. The claim form stated that claimant applied in 12/99.
4. Ardon, V #1772 Hispanic/Male. The application is dated December 14, 1998. The position applied for is "CDL Driver." (See Ex. 4) The address on the application is So. Hamilton, MA. The claim form stated that claimant was seeking the position of "contract driver" in "summer '99."
5. Avellaneda, P #1166 Hispanic/Male. The Claims Administrator evaluated this claimant for export department clerk. The resume, with a fax date of September 7, 1999, shows experience as customer service representative (CSR). (See Ex. 5) The address on the resume is Miami Beach, FL. This claimant should be reviewed for the position of CSR for the Miami area in September of 1999.
6. Bailon, R #1822 Hispanic/Male. The cover letter to claimant's resume is dated June 17, 1998 (the same fax date appears on both documents). Claimant's resume supports consideration for warehouse manager, operations agent and operations manager. (See Ex. 6) The address on the resume is Miami, FL. The claim form indicated that claimant applied for customer service representative.
7. Bergelson, G #379 Hispanic/Male. The cover letter to claimant's resume is dated May 12, 1997 (the fax date is May 26, 1997). Claimant's resume supports consideration for the position of operations manager. (See Ex. 7) The address on the resume and cover letter is Marina Del Ray, CA. The claim form indicates claimant was seeking "management and operation" during '00-'02. This claimant should be considered for the position of operations manager in California in May of 1997. The claim form stated that claimant was willing to relocate.
8. Bishop, CA #1472 White/Female. The resume indicates experience through October 1998 -- including dispatch, customer service and clerk. (See Ex. 8) The address on the resume is Mayo, S.C. The claim form indicated that claimant was seeking a position in '97. This claimant should be

considered for the positions of dispatcher, customer service representative and clerk in South Carolina for November 1, 1998.

9. Bootz, DM #761 White/Female. The application shows a date of April 4, 1999, with an available for work date of April 19, 1999, for the position of "imports." The application shows customer service and data entry experience. (See Ex. 9). The address on the application is Wayne, MI. The claim form indicated that claimant was seeking a position in "97-98."
10. Buanda, CM #1776 Black/Male. The application is dated September 23, 1998, and shows the position applied for "Dock Operations." The address on the application is Euless, TX. (See Ex. 10) The claim form indicated that claimant was seeking a position in 99.
11. Byrd, AL #2043 Black/Male. The application is dated August 22, 1997, and shows the positions applied for "Dock Worker or Forklift." (See Ex. 11) The address on the application is Chester, PA. The claim form does not provide the appropriate dates.
12. Caffey, AD #2044 Black/Male. The application is dated May 28, 1997, and shows the position applied for was "Dock worker." (See Ex. 12) The address on the application is Arlington, TX. The claim form does not provide any date or job.
13. Carter, JL #903 Black/Female. The fax cover sheet is dated August 2, 1999, and is attached to a resume. The fax cover sheet states that claimant is inquiring about a part-time data entry position. (See Ex. 13) The address on the resume is Carson, CA. The claim form indicates that claimant sought a ramp agent position in 1996 at LAX.
14. Charles, Mike #1485 Hispanic/Male. The application is dated July 16, 1998, and shows that the position applied for is "Driver/Warehouse." (See Ex. 14) The address on the application is El Paso, TX. The claim form indicated the same job, but the date listed was '97.
15. Chow, GT #349 Hispanic/Male. The application is dated May 11, 1999, and shows the position(s) applied for as "Forklift Driver or Warehouse Worker." (See Ex. 15). The address listed on the application is Irving, TX. The claim form indicates that he was seeking a job in 2/99.
16. Clemons, CL #753 Black/Male. The application is dated January 12, 1999, and the position listed is "dock." (See Ex. 16) The address listed on the application is Chicago, IL. The claim form did not list the date claimant applied.

17. Cotto, HL #124 Hispanic/Male. The order form, application, and other documents are dated April 14, 1999. The application lists the positions of "Warehouse or Driver Class A." (See Ex. 17) The address listed is Hawthorne, CA. The claim form listed applications for driver and warehouse from '95 through '98.
18. Crossty, J #418 Black/Female. The resume was provided to the EEOC by Defendant in October of 1998. (See Ex. 18) The address on the resume is El Paso, TX. The claim form indicates the date of application as May 2000. This claimant should be reconsidered for positions is prior to October 1998. The resume shows experience in customer service representative and operations agent.
19. Cumberbatch, L #637 Black/Male. The application is dated January 4, 1999, and the position(s) listed is "Dispatcher/House Truck Driver." (See Ex. 19) The address on the application is Rex, GA. The claim form indicated that claimant was seeking a job in 4/99.
20. Devenport, C #2075 Black/Male. The application is dated August 14, 1997, and the position listed is "Truck Driver." (See Ex. 20) The address on the application is Houston, TX. The claim form did not provide information about the date of application and the job sought by claimant.
21. Diaz, JA #950 Hispanic/Male. The application lists an availability date of September 16, 1998, and the position listed is "Warehouse." (See Ex. 21) The address on the application is Miami, FL. The claim form indicated that claimant was seeking a warehouse job in 2000.
22. Draughan, T #1914 Black/Male. The application is dated August 25, 1997, and the position listed is "Dock." (See Ex. 22) The address on the application is Chester, PA. The claim form listed a date of 6/98.
23. Duke, SR #1983 White/Female. The application is dated June 11, 1998, and the position(s) listed is "Office or Sales." (See Ex. 23) The address on the application is Dallas, TX. The claim form indicated that claimant had applied in Dallas in 1999 for customer service/any available.
24. Espinoza, M #1802 Hispanic/Male. The application is dated March 14, 1997, and the position listed is "Warehouse." (See Ex. 24) The address on the application is Los Angeles, CA. The claim form indicates that claimant sought a forklift position is August of 1997.

25. Evans, JC #1411 Black/Male. The driver's application is dated July 26, 1999, with a fax date of July 29, 1999. (See Ex. 25) The address on the application is Houston, TX. The claim form does not provide a date or location of application.
26. Farley, T #1888 Black/Male. The application is dated October 10, 1996, and the position listed is warehouse O.P.S. trainee. The Pre-Employment Service Order is dated November 12, 1996, with an anticipated date of hire of November 18, 1996. (See Ex. 26A & 26B) The address on the application is Moreno Valley, CA. The claim form listed that claimant applied for customer service router in 5/00 and other positions in 2001. This claimant should be reconsidered for warehouse and operations trainee positions from October 10, 1996.
27. Ford, L #1783 Black/Female. Claimant's undated resume lists experience from 12/97 through the present. The resume indicates experience in warehouse and clerical. (See Ex. 27) The address listed on the resume is Mooresville, IN. The claim form indicates that claimant applied for a clerical position in 12/95.
28. Gallo, AJ #1441 Hispanic/Male. The fax cover sheet is dated March 25, 1997. The cover sheet and attached resume have a fax date of March 26, 1997. (See Ex. 28) The address listed on the resume is Miami, FL. The claim form indicated that he was seeking a traffic agent job around 1/97. The resume indicates experience in customer service and operations agent. He should be considered for those positions for March 26, 1997, in the Miami area.
29. Garcia, EA #179 Hispanic/Male. The resume has a fax date of November 10, 1997, and indicates the objective of seeking a position in clerical/office. (See Ex. 29) The address on the resume is Dallas, TX. The claim form indicated a 10/96 request for a customer service position.
30. Garrido, GR #1484 Hispanic/Female. The application is dated October 20, 1998, and states the position applied for as "Data Entry." The fax date on the application is October 27, 1998. (See Ex. 30A & 30B). The address on the application Hawthorne, CA. The claim form indicates an application date of January 26, 1999, for customer service.
31. Gonzalez, FJ #487 Hispanic/Male. The application is dated October 15, 1998, and states the position applied for is "Warehouse." (See Ex. 31) The address on the application is Laredo, TX. The claim form indicated that the date of application was 2002 for spot welding with Tricon.
32. Gordon, LC #1264 Black/Female. The order form, application and other documents are

dated September 16, 1998, and states the position applied for as "Data Entry Clerk." (See Ex. 32) The address on the application is Los Angeles, CA. The claim form indicates that claimant sought employment in early '97 in Hawthorne, CA.

33. Gouge, CL #2010 White/Female. The application is dated May 24, 1999, and stated that the position(s) applied for is "Operations, Sales." (See Ex. 33) The address on the application is Grapevine, TX. The application shows operations agent experience. The claim form stated a 5/99 application date, but listed customer service in Dallas. This claimant should be considered for an operations agent position on May 24, 1999, in the Dallas area.
34. Heard, SA #387 Black/Male. The application is dated January 8, 1998, and the position(s) applied for is "warehouse." (See Ex. 34) The address on the application is Lennox, CA. The claim form indicated a date of application of 10/97.
35. Henderson, A #1074 Black/Male. The application is dated February 14, 1996, and the position(s) applied for is "tractor trailer driver A-Compaq." (See Ex. 35) The address on the application is Texas City, TX. The claim form indicated a date of application of 3/95 for contract driver.
36. Holmes, TL #744 Black/Male. The application is dated June 14, 1999, and the position(s) applied for is "any position." (See Ex. 36) The address on the application is Riverdale, GA. The claim form does not show the date claimant applied.
37. Ireland, JV #1353 White/Female. The resume has a fax date of November 12, 1997. (See Ex. 37) The address on the resume is Ft. Worth, TX. The claim form does not indicate the position he sought or the date.
38. Jackson, PA #1796 Black/Female. The fax cover sheet and the fax date are January 21, 1998. (See Ex. 38) The attached resume has an address in Houston, TX. The resume indicates customer service and clerical experience. The claim form referenced operations manager and human resources applications in 95/96 and 97. Claimant should be considered for customer service and clerical positions in the Houston area based on the application date of January 21, 1998.
39. James, DT #1949 Black/Male. The application is dated April 3, 1997, and the position(s) applied for is "warehouse." (See Ex. 39) The address on the application is Hawthorne, CA. The claim form does not indicate the position or the date claimant applied.

40. Johnson, ET #1488 Black/Male. The application is dated September 30, 1998, and the position(s) applied for is "Dock Helper / anything." (See Ex. 40) The address on the application is Denton, TX. The claim form indicates an application for forklift operator in 6/98 and an application for delivery driver in 1/00.
41. Johnson, KD #1887 Black/Male. The resume has a fax date of July 29, 1999, and indicates clerical and customer service experience. (See Ex. 41). The address on the resume is Bay Point, CA. The claim form references other technical positions and that claimant applied in Buffalo, NY. Claimant should be considered for clerical and customer service positions in California for July 29, 1999.
42. Jones, CR #1738 Black/Male. The application is dated May 28, 1997, and the position(s) applied for is "Dock worker." (See Ex. 42) The address on the application is Arlington, TX. The claim form references claimant applying 3/98, 9/98 and 1/00 in New Orleans.
43. Lewis, KJ #442 Black/Male. The resume has a fax date of April 22, 1998, and indicates customer service and data entry experience. (See Ex. 43) The address on the resume is The Colony, TX. The claim form references claimant applying 3/99 and 11/00 for supervisory positions.
44. Mahone, BR #1296 Black/Male. The application is dated July 3, 1999, and the position applied for is "Loader Unloader Driver." (See Ex. 44) The address on the application is Atlanta, GA. The claim form indicated that claimant applied 6/2001 in College Park.
45. Mboh, T #1793 Black/Male. The application is dated July 14, 1999, and the position(s) applied for is "Loading any other opening." (See Ex. 45). The address on the application is Denver, CO. The claim form indicated that claimant applied for food service in Denver in 1999.
46. Mesta, M #1978 Hispanic/Male. The application is dated March 2, 1999, and the position(s) applied for is "Dock Help." (See Ex. 46) The address on the application is Ridge Point, TX. The claim form indicated that claimant applied 8/98 for warehouse.
47. Monsalve, D #1980 Hispanic/Male. The application is dated September 28, 9\_\_, and the position(s) applied for is "open air." (See Ex. 47) The address on the attached resume is Miami, FL. He Has experience in customer service. The Bates numbers on the application and resume are #041758 through #041761. We need a better copy of the application to determine exactly the date of the application. It may have been in

1999. The claim form indicated a 3/99 application for cargo. If a better copy of the application is not available, this claimant should be considered for a customer service representative position in the Miami area with an assumed application date of September 28, 1999.

48. Moore, KL #1127 White/Female. The cover letter to the resume is dated September 10, 1997, and has an address in Elkhart, IN. (See Ex. 48). The claim form referenced applying 1/1/95 through 10/31/99 for an exporter position. Claimant should be considered for an Operations Agent position in South Bend, IN with an application date of September 10, 1997.
49. Mrkalj, Z #431 White/Female. The application is dated June 11, 1999, and the position(s) applied for is "Office and Clerical workers." (See Ex. 49) The address on the application is Chicago, IL. The claim form references applying for import specialist on 7/99, 6/00, and 5/02.
50. Murphy, E. #98 Black/Male. The application is dated August 21, 1998, and the position(s) applied for is "warehouse." (See Ex. 50) The address on the application is Lewisville, TX. The claim form shows a 12/00 application for forklift in Lewisville, TX.
51. Nelson, B #1840 Black/Male. The cover letter to the resume is dated March 25, 1997. (See Ex. 51) The letter indicates that claimant is applying for a position as a Quality Assurance Coordinator and the resume indicates a lot of experience in transportation and logistics. The address on the resume is Houston, TX. The claim form references applying for "air freight spec." in 10/1/02 and in 10/1/96.
52. Osorio, M #887 Hispanic/Male. The application is dated October 27, 1998, and the position(s) applied for is "Dock." (See Ex. 52) The address on the application is Arlington, TX. The claim form does not provide any dates of application, but indicates that claimant applied for "warehouse/forklift" in Grapevine, TX.
53. Penny, L #437 Black/Male. The resume is undated, but it shows work experience through January of 1998. (See Ex. 53) The address on the resume is Philadelphia, PA. The resume indicates experience as a freight handler. The claim form indicates that claimant sought a warehouse position in Sharon Hills, PA in '97.
54. Perry, DE #922 White/Female. The resume has a fax date of March 18, 1998 with handwritten notes on the resume with the same date. (See Ex. 54) The address on the resume is Columbia, TN. The resume indicates experience in customer service. The claim form states that claimant

applied for a customer service position in Nashville, TN "after 10/94."

55. Pinto, E #506 Hispanic/Male. The application is dated August 10, 1999, with a fax date of August 11, 1999, and the position applied for is driver. (See Ex. 55) The address on the application is Newark, NJ. The claim form indicated that claimant applied for a driver/forklift position in Newark, NJ in 96/97.
56. Pope, G #351 Black/Male. The application is dated June 22, 1999, and the position applied for is "Forklift Operator." (See Ex. 56) The address on the application is Greenville, GA. The claim form indicates that claimant applied for a warehouse position in Georgia in 3/00.
57. Porter, LE #1421 Black/Male. The application is dated July 19, 1999, and the position applied for is customer service representative. (See Ex. 57). The address on the application is Riverdale, GA. The claim form indicates an application for "Dispatch & Dock Hand" in Riverdale, GA in 6/98 and an online application for "Dock Hand" in 10/00. This claimant should be considered for a customer service representative position in Georgia with the application date of July 19, 1999.
58. Rodgers, W #1386 Black/Male. The application is dated February 2, 1999, and the position(s) applied for is warehouse. (See Ex. 58) The address on the application is Jonesboro, GA. The claim form indicates that claimant was seeking a forklift position in 6/99.
59. Rogers, SR #262 Hispanic/Male. The application is dated November 16, 1998, and the position applied for is "Office Ops." (See Ex. 59). The address on the application is Richland Hills, TX. The claim form indicates that he sought "any" position at DFW in 98-99.
60. Schmidt, CA #1140 White/Female. The application is dated June 11, 1997, and the position applied for is Operations Agent. (See Ex. 60) The address on the application is Riverview, MI. The claim form indicated that claimant was seeking a position in customer service in Summer of 1997.
61. Scott, T #136 Black/Male. The application is dated June 30, 1999, and the position(s) applied for is "any position available, 3<sup>rd</sup> shift." (See Ex. 61). The address on the application is West Columbus, OH. The claim form stated that claimant applied in June of 2001 for a warehouse position in Columbus, OH.
62. Sheldon, K #1364 White/Female. The cover letter to claimant's resume is dated