

IN THE UNITED STATES DISTRICT COURT FOR THE
EASTERN DISTRICT OF NORTH CAROLINA

FILED

MAR 1 2001

RALEIGH DIVISION

DAVID W. DANIEL, CLERK
US DISTRICT COURT
E. DIST. N. CAROLINA

UNITED STATES OF AMERICA,)
)
 Plaintiff,)
)
 v.)
)
 STATE OF NORTH CAROLINA; NORTH)
 CAROLINA DEPARTMENT OF CORRECTION,)
 an Agency of the State of North)
 Carolina; FRANKLIN FREEMAN, in his)
 official capacity as Secretary of)
 the North Carolina Department of)
 Correction; LYNNE PHILLIPS,)
 in his official capacity as)
 Director of the Division of Prisons,)
 a Division of the North Carolina)
 Department of Correction,)
)
 Defendants.)

Civil Action No.
5:93-CV-763-B01

B0-20, p. 66

ORDER APPROVING THE FINAL DISPOSITION OF
CLAIMS UNDER THE AGREEMENT ENTERED ON SEPTEMBER 10, 1999

On September 10, 1999, this Court entered the Settlement Agreement ("Agreement") between plaintiff United States and defendants State of North Carolina, et al., in the above-styled action.

On June 21, 2001, the parties filed a Joint Disposition of claims in which they proposed that 1,215 hiring claimants and 48 promotion claimants receive remedial relief, and requested that this Court set a hearing date to review the parties' proposed joint disposition of claims, and consider any objections thereto, as provided in Paragraphs 48 and 49 of the Agreement. After the

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Court set a hearing date of November 20, 2001, the United States notified each person who filed a claim of employment discrimination under the Agreement as to the specific relief, if any, the parties proposed on her behalf; the time and place of the hearing; and the opportunity to object to the parties' determination on relief.

Subsequently, 122 individuals filed objections to the individual relief determinations proposed by the parties. In response, the parties recommended relief for five (5) claimants who the parties initially had determined were not entitled to relief: Catherine Bottoms (SSN # [REDACTED] - priority hire, retroactive seniority and backpay); Freda Gibson (SSN # [REDACTED] - retroactive seniority and backpay); Brenda Fonville (SSN # [REDACTED] - priority hire, retroactive seniority and backpay); Villette Roberson (SSN # [REDACTED] - backpay); and Della Shope (SSN # [REDACTED] - backpay).

On November 20, 2001, the Court conducted a back-end fairness hearing pursuant to Paragraph 48 of the Agreement. During the hearing, the Court heard argument of counsel for the parties concerning each objection that was timely filed with the United States, and heard testimony from six (6) objectors who appeared at the hearing: Delores Woodard, Mattie Stevens, Audrey Williams, Angela Hunter, Rachel Hill and Collette Ward. After considering each of the objections to the parties' proposed

determinations on relief, the Court approved all of the parties' proposed relief determinations except for those of Delores Woodard, Mattie Stevens and Audrey Williams, and denied the objections of all of the 114 other claimants who submitted objections to the relief proposed by the parties. The Court instructed counsel for the parties to review their relief determinations for Ms. Woodard, Ms. Stevens and Ms. Williams, attempt to settle these objections, and submit to the Court their positions on the appropriate relief, if any, for these three objectors within thirty days.

On January 7, 2002, the United States filed a Response to the objections of the three objectors, which is unopposed by the State, proposing the following disposition of these claims: Ms. Woodard will be offered consideration for priority hiring, retroactive seniority and backpay in the amount of \$8,081; Ms. Stevens will be offered backpay in the amount of \$6,277; and Ms. Williams will be offered backpay in the amount of \$750. The Court approves of the relief proposed by the United States on behalf of Ms. Woodard, Ms. Stevens and Ms. Williams.

The Court, having considered all of the parties' submissions, argument of counsel for the parties and the various objections presented for consideration, it is hereby ORDERED that the disposition of claims agreed to by the parties, as set forth

in Attachment 1 to this ORDER is APPROVED.

Entered this 8TH day of March, 2002.


UNITED STATES DISTRICT JUDGE