

IN THE UNITED STATES DISTRICT COURT  
FOR THE WESTERN DISTRICT OF VIRGINIA  
DANVILLE DIVISION

UNITED STATES OF AMERICA,	)	
	)	
Plaintiff,	)	
	)	
v.	)	CIVIL ACTION NO. 83-0094-D
	)	
JAY GREGORY, SHERIFF OF	)	
PATRICK COUNTY, a Constitutional	)	
Officer of the Commonwealth of	)	
Virginia and elected under	)	
the laws of the Commonwealth,	)	
	)	
Defendant.	)	
	)	

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MOTION OF PLAINTIFF UNITED STATES TO JOIN AND ADD  
PARTIES DEFENDANT

Pursuant to Rules 19(a) and 21 of the Federal Rules of Civil Procedure, plaintiff United States hereby moves the Court to join and add as parties defendant the PATRICK COUNTY, VIRGINIA BOARD OF SUPERVISORS and the COMPENSATION BOARD OF THE COMMONWEALTH OF VIRGINIA. A memorandum in support of this motion is attached.

Since the purpose of this motion is to insure that complete relief is accorded to those persons whom the Court may find are the individual victims of discrimination, the Court may wish to defer ruling on this motion until after a

determination is made with respect to the United States' entitlement to relief on behalf of these individuals.

Respectfully submitted,

  
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of America

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MEMORANDUM IN SUPPORT OF PLAINTIFF UNITED STATES'  
MOTION TO JOIN AND ADD PARTIES DEFENDANT

Plaintiff United States has moved this Court, pursuant to Rules 19(a) and 21 of the Federal Rules of Civil Procedure, to join and add as parties defendant the PATRICK COUNTY, VIRGINIA BOARD OF SUPERVISORS ("County Board of Supervisors") and the COMPENSATION BOARD OF THE COMMONWEALTH OF VIRGINIA ("State Compensation Board"). Both proposed parties defendant are subject to service of process, and their joinder will not deprive the Court of jurisdiction over the subject matter of this action.

Part of the relief that the United States is seeking in this action for persons whom we allege have been the individual victims of discriminatory employment practices of the defendant

Sheriff of Patrick County consists of monetary relief in the form of back pay and related fringe benefits. See Pre-Trial Brief of the United States, p. 52. The record shows that the Sheriff submits a budget to the County Board of Supervisors and the State Compensation Board for approval (Va. Code Ann. §14.1-50, 14.1-51 (Cum. Supp. 1983)). The record further shows that the County Board of Supervisors fully funds the salaries and expenses of the Sheriff's office and that the County is, in turn, reimbursed for all of the salaries and most of the rest of the expenses by the State Compensation Board (Va. Code Ann. §14.1-76, 14.1-79, 14.1-80 (Cum. Supp. 1983); Tribble Dep. 10/26/83, pp. 22, 34-35, 38).

It thus appears that an award of monetary relief in this case may be funded by the County Board of Supervisors and later by the State Compensation Board. That being so, we believe it is appropriate that the County Board of Supervisors and the State Compensation Board be joined and added as party defendants to insure that complete relief is accorded the individual victims of discrimination. See, e.g., EEOC v. MacMillan Bloedel Containers, Inc., 503 F.2d 1086, 1095 (6th Cir. 1974), cited with approval by the Supreme Court in

International Brotherhood of Teamsters v. United States, 431  
U.S. 324, 356 at fn. 43 (1977); Heard v. Ouachita Parish School  
Bd., 94 F. Supp. 897 (W.D. La. 1951).

Respectfully submitted,




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CERTIFICATE OF SERVICE

I hereby certify that I have served the foregoing Motion of Plaintiff to Join and Add Parties Defendant and Memorandum in Support on the defendant by hand delivering a copy to the defendant's counsel, Anthony P. Giorno, Attorney at Law, P.O. Box 1076, Stuart, Virginia 24171, on the 20<sup>TH</sup> day of January, 1984.

  
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