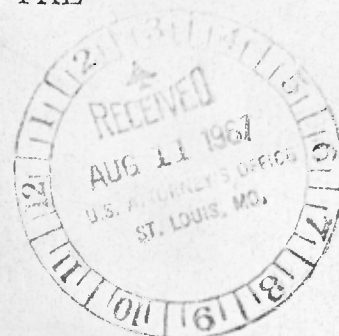


James RK

IN THE UNITED STATES DISTRICT COURT FOR THE
EASTERN DISTRICT OF MISSOURI
EASTERN DIVISION



UNITED STATES OF AMERICA,)	
by RAMSEY CLARK, Attorney General,)	
)	
Plaintiff,)	CIVIL ACTION
)	
vs.)	NO. 67C243(1)
)	
ST. LOUIS-SAN FRANCISCO RAILWAY)	
COMPANY AND BROTHERHOOD OF)	
RAILROAD TRAINMEN,)	
)	
Defendants.)	

MOTION OF INDIVIDUAL DEFENDANT,
ST. LOUIS-SAN FRANCISCO RAILWAY COMPANY,
TO DISMISS OR, IN THE ALTERNATIVE,
MOTION FOR MORE DEFINITE STATEMENT

Motion to Dismiss

Comes now individual defendant, ST. LOUIS-SAN FRANCISCO RAILWAY COMPANY, and moves the Court to dismiss the above-entitled action for the reason that the Complaint filed herein fails to state a claim against this defendant upon which relief can be granted.

This defendant respectfully points out to the Court that the plaintiff, UNITED STATES OF AMERICA, by RAMSEY CLARK, Attorney General, in Paragraph 3 of its Complaint, bases authority for this action upon Section 707(a) of Title VII of the Civil Rights Act of 1964, 42 U.S.C. 2000e-6(a), but plaintiff has completely failed to comply with the requirements of said law in that plaintiff has failed to set forth "facts" pertaining to the alleged pattern or practice as required

by the aforesaid Section 707(a)(2), alleging only a so-called "pattern or practice" in general and conclusionary terms.

WHEREFORE, individual defendant, ST. LOUIS-SAN FRANCISCO RAILWAY COMPANY, respectfully moves this Honorable Court to dismiss the cause of action purported to be made against it at plaintiff's cost.

Alternative Motion for More Definite Statement

In the alternative and in the event this Honorable Court refuses to grant this defendant's Motion to Dismiss, individual defendant, ST. LOUIS-SAN FRANCISCO RAILWAY COMPANY, moves the Court for an Order directing plaintiff to file a More Definite Statement.

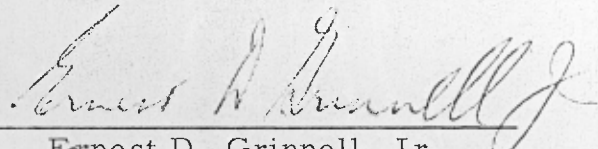
The ground of this Motion is that plaintiff's Complaint is so vague and ambiguous with respect to the purported cause of action alleged in Paragraph 8 of the Complaint that this defendant cannot reasonably be required to frame an Answer thereto. This defendant respectfully shows to the Court that Section 707(a)(2) of the Civil Rights Act of 1964 relied upon by plaintiff requires plaintiff to set "forth facts pertaining to such pattern or practice" (emphasis supplied), which plaintiff has wholly failed to do in its Complaint.

This defendant states that it has on its system of interstate railroad 25 separate crafts or classes of employees and has in effect 17 separate and distinct labor agreements with various labor organizations. Those crafts or classes with their National Mediation Board certified labor organizations and collective bargaining agreements are recognized and honored as required by the provisions of the Railway Labor Act, 45 U.S.C.A., §151, et seq.

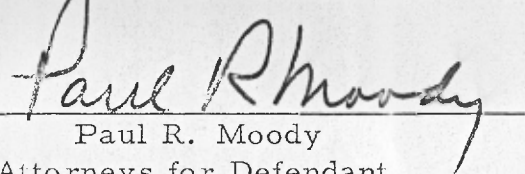
By reason of such indefiniteness, this defendant cannot reasonably anticipate or answer any charges, which may be within the sole and unrevealed contemplation of plaintiff and thereby cannot reasonably assemble information or prepare for its defense to this action.

WHEREFORE, alternatively, individual defendant, ST. LOUIS-SAN FRANCISCO RAILWAY COMPANY, respectfully prays this Court to enter its Order requiring plaintiff to file a More Definite Statement of allegations and complaints upon which plaintiff relies for its alleged cause of action against this defendant.

Respectfully submitted,



Ernest D. Grinnell, Jr.



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