

IN THE UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF ALABAMA
SOUTHERN DIVISION

FILED

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U.S. DISTRICT COURT
N.D. OF ALABAMA

UNITED STATES OF AMERICA,)
)
)
 Plaintiff,) CIVIL ACTION NO.:
) 75-P-0666-S
)
 v.)
)
 JEFFERSON COUNTY, et al.,)
)
)
 Defendants,)

MOTION FOR TEMPORARY RESTRAINING ORDER

Plaintiff-intervenors Wilks, et al. (hereinafter referred to as the "Wilks Class") move the court to enter an order restraining the defendant City of Birmingham from implementing the appointments of Ivor J. Brooks and Jerome Roberson to the position of Battalion Chief of the Birmingham Fire and Rescue Service for a period of two weeks pending further proceedings, for that:

1. On December 19, 1995, this court entered an order approving a modification of the City of Birmingham Consent Decree previously entered by this court in 1991. The Court's 1995 order required that the City develop and implement lawful non-discriminatory hiring and promotion procedures. Under the modified order, the general injunction of paragraph 1 of the 1981 Decree also remains in effect. The 1995 Order prohibits discrimination in assignments and promotion (§ 5), requires the "development and implementation of lawful non-discriminatory . . . promotion procedures" (§ 7), and requires the "consideration of certified candidates without regard to their race or sex" (§§ 7 and 18). Paragraph 28 required the City to submit to all parties revised selection

Denied, but without prejudice to the possibility that either or both appointments might later be deemed vacated
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ENTERED
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