

IN THE DISTRICT COURT OF THE UNITED STATES FOR THE
MIDDLE DISTRICT OF ALABAMA, NORTHERN DIVISION

FILED
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U. S. DISTRICT COURT
MIDDLE DIST. OF ALA.

IN RE: EMPLOYMENT)
DISCRIMINATION LITIGATION)
AGAINST THE STATE OF)
ALABAMA, et al.:)
)
EUGENE CRUM, JR., et al.,)
)
Plaintiffs,)
)
v.)
)
STATE OF ALABAMA, et al.,)
)
Defendants.)

CIVIL ACTION NO. 94-T-356-N

ORDER

Based on the representations made during a status conference held on March 5, 2001, and by agreement of counsel, it is ORDERED that all dispositive motions are granted to the following extent:

(1) As to the Title VII claims, the individual defendants are dismissed in their individual and official capacities. The Title VII claims will proceed against the state entities only. See In re Employment Discrimination Litig. Against the State of Alabama, 198 F.3d 1305 (11th Cir. 1995); Busby v. City of Orlando, 931 F.2d 764, 772 (11th Cir. 1991) (per curiam); Saville v. Houston Co. Healthcare Auth., 852 F.Supp.

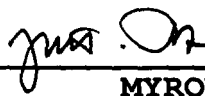
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1512 (M.D. Ala. 1994).

(2) As to all non-Title VII claims, the state entities are dismissed, see Pennhurst State School & Hosp. v. Halderman, 465 U.S. 89, 104 S. Ct. 900, 908 (1984), the individual defendants are dismissed in their individual capacities as to damages, see Harlow v. Fitzgerald, 102 S. Ct. 2727, 2738 (1982), and the individual defendants are dismissed in their official capacities as to damages. See Kentucky v. Graham, 473 U.S. 159, 165-67, &n.14, 105 S. Ct. 3099, 3104-3106, & n.14 (1985). The case will proceed against the individual defendants in their official capacities as to injunctive relief. See Summit Medical Associates v. James, 998 F.Supp. 1339 (M.D. Ala. 1998).

(3) All Frazer claims are dismissed without prejudice to the rights of an appropriate person or entity to file a motion for contempt. See Florida Assn. for Retarded Citizens v. Bush, 201 WL 320965 (11th Cir. April 3, 2001); Reynolds v. Roberts, 207 F.3d. 1288 (11th Cir. 2000).

DONE, this the 5th day of April, 2001.



MYRON H. THOMPSON
UNITED STATES DISTRICT JUDGE