

491 F.2d 1105
United States Court of Appeals, Fifth Circuit.

UNITED STATES of America, Plaintiff-Appellant,
v.
H. K. PORTER COMPANY, INC., et al.,
Defendants-Appellees.

No. 27703.
|
March 19, 1974.

Synopsis

Civil rights action. The United States District Court for Northern District of Alabama, Clarence W. Allgood, J., rendered decree and appeal was taken. The Court of Appeals held that parties' proposed decree accomplished conversion of seniority system to one based upon plant seniority, made such other changes as were required to achieve compliance with Civil Rights Act and, therefore, would be adopted.

Decision and decree of district court vacated to extent inconsistent with proposed decree and cause remanded with instructions.

Attorneys and Law Firms

*1105 Wayman G. Sherrer, Macon L. Weaver, U.S. Attys., Birmingham, Ala., Gary Greenberg, Carol R. Aronoff, Attys., U.S. Dept. of Justice, Equal Employment Div., Robert T. Moore, Jerris Leonard, David L. Norman, Thomas R. Ewald, David L. Rose, Asst. Attys. Gen., Dept. of Justice, Washington, D.C., for plaintiff-appellant.

William F. Gardner, Jerome A. Cooper, Birmingham, Ala., Michael H. Gottesman, Washington, D.C., for Local 2250.

Jack Greenberg, Norman C. Amaker, Robert Belton, New York City, Oscar W. Adams, Jr., Birmingham, Ala., Richard B. Sobol, Washington, D.C., George J. Cooper, New York City, for amici curiae.

Before BROWN, Chief Judge, and BELL and INGRAHAM, Circuit Judges.

Opinion

PER CURIAM:

This appeal was argued to the Court at which time the Court, from the bench, indicated that major changes in the seniority and other systems at the plant were required in order to achieve compliance with Title VII of the Civil Rights Act of 1964, and defined broadly the nature of the changes so required. The Court directed the parties to confer for the purpose of providing the Court with a proposed decree accomplishing a conversion of the seniority system to one based upon plant seniority and making such other changes as the Court indicated were required, which the Court could adopt and, upon remand, instruct the district court to enter.

Thereafter, pursuant to the Court's directions, the parties frequently conferred on this matter, including an extended further conference with the Court, in an effort to achieve a proposed decree. Those efforts have finally borne fruit, the parties having agreed that the attached decree accomplishes, in the most desirable manner, the changes which this Court indicated at oral argument *1106 were required in order to achieve compliance with Title VII. The Court has reviewed the parties' proposed decree, and finds that it does indeed accomplish the directed changes in a proper manner.

Accordingly, the decision and decree of the district court are hereby vacated to the extent they are inconsistent with the attached, and the cause is remanded with instructions that the district court enter the attached decree.

The mandate shall issue forthwith.

(Attached decree and appendices not printed.)

All Citations

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