

3. All discovery shall be completed in accordance with Rule 7 of the Local Rules for the Southern District of Georgia. Joinder of additional parties or amendments shall not be entertained, except upon specific approval of the Court upon motion therefor.

Plaintiff: **Discovery is complete.**

Defendant: **None.**

4. Whether the names of the parties in the above-captioned case(s) are complete and correct and whether there is any question of misjoinder or non-joinder.

Plaintiff: **The names of the parties are complete and correct as shown in the amended complaint filed on October 22, 1997.**

Defendant: **None.**

5. Outline of plaintiff's case. [NOTE: *Plaintiff(s) should pay particular attention to this paragraph. At the trial, it will be used by the Court in directing the case and instructing the jury.*] Under this paragraph, plaintiff(s) shall:

- (a) Furnish a short, succinct factual narrative statement of the cause of action. This statement should not be argumentative and should not recite evidence, and in no event shall the statement be more than one page.

5. (a) Outline of Plaintiff's Case:

This lawsuit alleges that the Union discriminated against females and engaged in a pattern and practice of sex discrimination by denying females the opportunity: to work, to join the Union, to get seniority, and to receive training. The lawsuit was filed pursuant to Title VII of the Civil Rights Act of 1964 and Title I of the Civil Rights Act of 1991.

The Union maintains a hiring hall in Brunswick, Georgia, where employees are referred to work in the Port of Brunswick. Through its hiring hall, Defendant conducts "shape ups" where persons seeking work show up at the union hall where they are selected for work by "Headers". "Headers" are persons appointed by Defendant Union to select the workers and to lead the work crews for the car ships and paper ships.

Six female persons have filed charges of discrimination wherein it is alleged that the six named females, as well as a group of similarly situated females, were denied the opportunity to work because of their sex by Defendant Union by not being referred for work and as a result were denied alphabetical cardholder status, union membership, seniority, and all the benefits lost as a result of being denied the opportunity to work. Prior to the institution of the lawsuit, no females have attained seniority or been granted union membership.

- (b) In tort cases, under a separate heading, list each and every act of negligence relied upon if any.

Not applicable.

- (c) Under a separate heading, quote all relevant rules, regulations, statutes and ordinances allegedly violated.

The applicable statutes are: (1) Title VII of the Civil Rights Act of 1964, which prohibits discrimination based on sex. Section 703(c) states:

It shall be an unlawful employment practice for a labor organization:

(1) to exclude or to expel from its membership, or otherwise to discriminate against, any individual because of his race, color, religion, sex, or national origin;

(2) to limit, segregate, or classify its membership, or *applicants for membership* or to classify or fail or refuse to refer for employment any individual, in any way which would deprive or tend to deprive any individual of employment opportunities, or would limit such employment opportunities or otherwise adversely affect his status as an employee or as an applicant for employment, because of such individual's race, color, religion, sex, or national origin; or

(3) to cause or attempt to cause an employer to discriminate against an individual in violation of this section. 42 U.S.C. § 2000e(3)(6).

Section 703(d) states:

It shall be an unlawful employment practice for any employer, labor organization, or joint labor-management committee controlling apprenticeship or other training or retraining, including on-the-job training programs to discriminate against any individual because of his race, color, religion, sex, or national origin in admission to, or employment in, any program established to provide apprenticeship or other training. 42 U.S.C. 2000e-3(d)

Section 706(f)(1) and (3) of Title VII 42 U.S.C. 2000e-5(f)(1), (3) authorizes the EEOC to file suit.

Section 707 of Title VII authorizes the EEOC to file suit in cases involving an alleged pattern and practice of discrimination.

Title I of the Civil Rights Act of 1991, 42 U.S.C. § 1981(A) provides for compensatory and punitive damages and jury trials in cases of discrimination based on § 706 of Title VII.

- (d) Under a separate heading, recite the contentions of the parties with respect to agency, if there is any dispute as to the agency of any party or driver.

Not applicable.

- (e) Under a separate heading, list all types and amounts of damages claimed (pain and suffering, lost earnings, etc.) and all items of special damages (such as for medical attention, hospital bills, repairs, lost wages, earnings, profits, etc.).

Plaintiff seeks make whole relief for Charging Parties and other similarly situated females including instatement to union membership, a letter card, seniority, lost backpay, lost benefits, prejudgment interest and all other elements of damages which put Charging Parties and other similarly situated females into the same position had they not been discriminated against. Plaintiff also seeks compensatory and punitive damages and injunctive relief which includes changes in Defendant's policies to comply with Title VII of the Civil Rights Act of 1964 and requiring Defendant to institute policies, practices and programs which provide equal opportunities for women under Title VII of the Civil Rights Act of 1964.

- (f) In all cases involving alleged permanent injuries or death, under a separate heading, furnish a full statement as to the age, alleged life expectancy and/or probable duration of the injuries.

Not applicable.

- (g) In all cases involved alleged permanent injuries or death under a separate heading, full furnish full details as to the wages or salary of

the person injured or killed and, where self-employed, a full explanation of the proof to be relied upon.

Not applicable.

6. (a) Outline of Defendant's Case.

Local 1423 denies that it discriminates or has discriminated against women in any manner. The local has contract with the Georgia Stevedore Association, a group of stevedoring companies, to furnish labor to load and unload ships in the Port of Brunswick. The contract provides that the employer maintains control of hiring and that the Local is required to furnish the most qualified individuals available. If any discrimination has occurred, Local 1423 contends that it was done by the Stevedore Association.

The Local contends that, before 1993, women did not apply for jobs on paper ships and it was thus impossible for them to make enough hours to qualify for seniority. Once they began working on those ships, one of them has acquired seniority, at the same rate as men. To the extent that others have not made their seniority, it is because they did not appear for work with the same regularity as men.

Local 1423 contends that no woman has applied for membership in the Union and paid the initiation fee that all applicants are required to pay.

7. State who has the burden of proof (including any special issues) and who has the opening and closing arguments to the jury.

Plaintiff has the burden of proof in this case as to all matters except affirmative defenses raised by Defendant and mitigation. Plaintiff will have opening and closing argument to the jury.

Defendant: **None.**

8. Under this paragraph, both plaintiff(s) and defendant(s) should separately list those witnesses whom each will have present at the trial and those whom each may have present at the trial. *The qualifications or curriculum vitae of each expert witness shall be submitted to the Court in a succinct manner, in writing, on the day of trial before trial commences.* A representation by a party that he will have a witness present may be relied on by the opposite party, unless notice to the contrary is given in sufficient time prior to trial to allow the opposite party to subpoena the witness or obtain his testimony. The foregoing need not include witnesses to be used only for impeachment. If a witness is not listed when the proposed pretrial order is filed, the Court will not allow the addition of a witness by any party, except for providential or other good cause shown to the Court by amendment. In all cases, the parties shall deliver to the Clerk of the Court three (3) copies of their witness list at the time of jury selection.

Plaintiff Witness List

Will Have Present at Trial

1. Clarissa Smith-Manley
2. Dianne Reid-Fulton
3. Joyce Higginbotham

4. Ertice Johnson
5. Annletha Hall-Rouse
6. Janet Johnson

May Have Present at Trial

1. James Armstrong
2. Gwen Buggs
3. John Carter
4. Gwen Coley
5. Edward Cooper
6. Irving Crooks
7. Gloria Yvonne Gardner
8. Mary K. Green
9. Paula Higginbotham
10. Kathy Hill
11. Thomas Holland
12. Jimmie Kelly
13. Essie Kitchen
14. Walter "Pop" Miller, Jr.
15. Joe Neely
16. Raiford Poller
17. Frank Scriven
18. Janice Smith
19. Clifford Bruce Staley
20. Albert Stevens
21. Juanita Stevens
22. John Wesley Wells, Jr.

23. Mike West
24. Belinda Wilson
25. Alice Bond
26. Steve Zadack
27. JoAngela Coney
28. Kathye Pickens
29. Cynthia Pinkney

Defendant's Witness List

Defendant may have present the following:

1. Any witnesses listed by Plaintiff.
2. Mitchell Flowers
3. Daniel Bradley
4. Larry Norman
5. Matthew Hall
6. Samuel Oglesby, III
7. Winifred Hill
8. Charles Stevens
9. Joe Hall
10. Eddie Chandler
11. Joe Howard
12. David C. Sudduth, M.D.

9. All documents and physical evidence that may be tendered at the trial shall be exhibited to and initialed by the opposing parties prior to the pretrial hearing date. All evidence shall be marked by the parties prior to the pretrial hearing, and the Court shall be furnished an exhibit list, in triplicate, on a form provided by the Court, by each party at the time of the pretrial hearing. [NOTE: *In all cases, the exhibits to be placed into*

evidence shall have the Court's party-specific exhibit tags stapled to the front, upper left-handed corner of the exhibit.]

- (a) A list of documents and physical evidence to be introduced by the plaintiff(s).
 - (1) Objections made thereto by any other party shall be in writing and filed at or before the time of the pretrial hearing. Those items not objected to will be admitted when tendered.

- (b) A list of documents and physical evidence to be introduced by the defendant(s).
 - (1) Objections made thereto by any other party shall be in writing and filed at or before the time of the pretrial hearing. Those items not objected to will be admitted when tendered.

- (c) Any documents, or other physical evidence, listed by any party and not objected to or to which objections have been overruled may be received in evidence on offer by any other party, in the event the listing party does not actually offer it into evidence.

Plaintiff 's Exhibit List

1. **Charge of discrimination of Clarissa Smith-Manley.**
2. **Charge of discrimination of Janet Johnson.**
3. **Charge of discrimination of Ertice Roberts-Johnson.**
4. **Charge of discrimination of Dianne Reid-Fulton.**
5. **Charge of discrimination of Joyce Higginbotham.**
6. **Charge of discrimination of Annletha Hall-Rouse.**
7. **Letters of Determination**

8. **Letter of Failure of Conciliation**
9. **Affidavit of Frank Scriven.**
10. **Brunswick Longshoremen's Seniority Plan.**
11. **Local Union Bylaws**
12. **Seniority List for All Cardholders**
13. **Females (Hours Worked)**
14. **Category "G" Cardholders (Hours Worked)**
15. **Category "H" Cardholders (Hours Worked)**
16. **Category "I" Cardholders (Hours Worked)**
17. **Category "J" Cardholders (Hours Worked)**
18. **International Longshoremen's #1423 - List of Female Employees**

Defendant's Exhibits:

1. **Listing of "I" cardholders, with dates of the first employment.**
2. **Listing of "J" cardholders, with dates of first employment.**
3. **Listing of total hours worked in the Port of Brunswick, contract years 85-86 through 96-97.**
4. **Record of interview with Tony Bullock, August 12, 1993.**
5. **List of persons who have completed hazardous materials program.**
6. **Letter from Steve Zadach to Frank Scriven, January 7, 1991.**

7. **Agreements between Savannah Maritime Association and Local 1423, expiring September 20, 1994.**
8. **EEOC Form 131 to Local 1423, January 10, 1992.**
9. **Record of interview with DeWayne Hawkins, August 13, 1993.**
10. **NLRB findings regarding Clarissa Smith Manley Seward Davis Jones.**

10. (a) List all witnesses whose testimony by deposition will be offered by the plaintiff(s) and all objections by opposing parties to any portion(s) of such deposition(s).

Plaintiff: **None.**

Defendant: **None.**

(b) List the same as above by opposing counsel and objections thereto.

None.

11. (a) Memorandum of authorities on behalf of plaintiff(s) as to any questions of law likely to arise at trial, including the merits of plaintiff(s)'s claim, matters of evidence, etc.

Plaintiff's Memorandum of Authorities:

Res Judicata and Estoppel:

Defendant has alleged in its answer that the EEOC's lawsuit filed under both Section 706 and 707 of Title VII is barred by the doctrine of *res judicata* and/or affected by the doctrine of *estoppel*. Defendant must argue that an administrative finding by the National Labor Relations Board (NLRB) concerning an individual NLRB charge filed by Clarissa Smith-Manley is res

judicata against the EEOC's pattern and practice, class in nature, lawsuit. The EEOC contends that the administrative finding of the NLRB is neither res judicata nor estoppel for the following reasons: (1) the EEOC was not a party to the administrative proceedings of the NLRB; (2) the purposes, requirements and perspective of Title VII and the National Labor Relations Act differ; (3) the scope of the NLRB administrative finding is limited to four discreet instances of alleged failure to refer Clarissa Smith-Manley for work because of her sex whereas the EEOC lawsuit contains a pattern and practice allegation of sex discrimination affecting a class of females; and (4) the EEOC acts to vindicate the public interest in preventing employment discrimination.

A finding of *res judicata* requires prior judgment involving the same parties and the same cause of action. *Parklane Hosiery Company, Inc. V. Shore*, 439 U.S. 322 (1979). Estoppel likewise requires a prior judgment or decision binding the parties or their privies. *Id.* The EEOC was not involved in, nor was it a party to Ms. Clarissa Smith-Manley's charge with NLRB.

Title VIII and the National Labor Relations Act (NLRA) both proscribe discrimination because of sex by Unions making referrals for work. However, the thrust and purpose of the statutes differ. The thrust of the NLRA is the workers right to unite and organize whereas the thrust of Title VII is discriminatory treatment. Discriminatory practices that are valid under the

NLRA may be invalid under Title VII. *See Taylor v. Armco Steel Corp.*, 429 F.2d 498 (5th Cir. 1970); *Pettway v. American Cast Iron Pipe Company*, 411 F.2d 998, 1006 n.18, 19). In *Tipler v. E.I. duPont*, 443 F.2d 125, 129 (6th Cir. 1971) the Court found that a NLRB hearing did not adequately consider the factors necessary for a Title VII violation since certain discriminatory practices that are valid under the NLRA may be invalid under Title VII.

The Eleventh Circuit Court of Appeals denied application of the principal of *res judicata* to a Title VII and Section 1981 claim where an administrative determination by the Office of Civil Rights of the Department of Health Education and Welfare found no discrimination. *Stafford v. Muscogee County Board of Education*, 688 F.2d 1383, 1392 (11th Cir. 1982). The Court stated that *res judicata* requires an identity of causes of action and that the remedies under Title VII differ significantly from those provided under Title VII. *Id.*

When the EEOC acts, albeit at the behest of and for the benefit of specific individuals, it acts also to vindicate the public interest in preventing employment discrimination. *General Telephone Company of the Northwest, Inc.*, 446 U.S. 318, 326 (1980). The Court in *EEOC v. Jacksonville Shipyards, Inc.*, 696 F.Supp 1438, 1440, 41 (M.D. Fla. 1988) denied the application of *estoppel* against the EEOC where the EEOC issued prior determinations of no

reasonable cause on charges which subsequently became a part of a larger pattern and practice, class in nature, lawsuit. The Court held that EEOC's reasonable cause determinations are not an adjudication of rights and liabilities. The findings of the EEOC are not binding on the employer and a subsequent trial on the issue of discrimination is *de novo*. Id. Defendant's request for application of the doctrine of *res judicata* to a NLRB finding completely ignores the reasonable cause findings of the EEOC in this case. The EEOC found that Defendant discriminated against six named Charging Parties and a class of females because of their sex. Defendant's request for application of *res judicata* would require the Court to disregard the findings of the EEOC, the agency appointed to administer Title VII, and fully credit a limited finding of no cause as to one individual.

Rule 19 Joinder

Defendant's answer alleges Plaintiff has failed to join the Georgia Stevedore Association as an indispensable party under Rule 19 of the Federal Rules of Civil Procedure.

The EEOC's lawsuit alleges that the six named Charging Parties and a class of similarly situated females were denied union membership, the opportunity to work and training because of their sex by Defendant Union which operates a hiring hall for jobs at the Port of Brunswick. The lawsuit is

brought pursuant to Section 703 of Title VII which makes it unlawful for a labor organization to exclude persons from membership because of their sex, or to fail or refuse to refer persons for employment because of their sex. 42 U.S.C. §§ 2000e-3(c) 1, 2. Plaintiff does not contend that the Georgia Stevedore Association refused to employ females once they were referred for employment by the Union. EEOC contends that the Defendant Union discriminated against the females by not referring them for work on the docks. The EEOC's complaint is with the discriminatory practices of Defendant Union, not the Georgia Stevedore Association. In *Conley v. Gibson*, 355 U.S. 41, 45 (1957) Supreme Court found that the railroad (employer) was not an indispensable party in an action by Black railway employees against their union for discrimination. Likewise, in *Hester v. International Union of Operating Engineers*, 941 F.2d 1574, 1579 (11th Cir. 1991), the Eleventh Circuit Court of Appeals held that the employer (TVA) was not an indispensable party in a breach of the collective bargaining agreement action by Mr. Hester against his union.

Rule 19(b) of the Federal Rules of Civil Procedure grants the Court considerable discretion to determine whether in equity and good conscience the action should proceed in the absence of a party. Rule 19(b) sets forth four

factors for the Court to consider in determining the indispensable party issue. The factors to be considered by the Court include:

First, to what extent a judgment rendered in the person's absence might be prejudicial to the person or those already parties; second, the extent to which, by protective provisions in the judgment, by the shaping of relief, or other measures, the prejudice can be lessened or avoided; third, whether a judgment rendered in the person's absence will be adequate; fourth, whether the plaintiff will have an adequate remedy if the action is dismissed for nonjoinder.

Application of the four factors to the instant lawsuit fails to establish the Georgia Stevedore Association as an indispensable party. The Georgia Stevedore Association will be unaffected by a monetary judgment against the Defendant Union for failure to refer females for work because of their sex. Likewise, the Georgia Stevedore Association will be unaffected by any injunctive relief requiring Defendant Union to refer persons for work in the future in a nondiscriminatory manner.

There is evidence to indicate that the Georgia Stevedore Association sits on a joint seniority board with Defendant Union to handle issues related to seniority. EEOC is seeking seniority relief. However, the Court could fashion a damages and relief remedy that would require Defendant Union to do everything in its power to recommend female victims of discrimination for seniority and to vote, as members of the seniority board, for seniority for

females. In the alternative the Court could award monetary damages in the nature of front pay to compensate for any seniority loss suffered by female victims of discrimination. Dismissal of this lawsuit for failure to join an indispensable party would leave the female victims of discrimination with no remedy to redress their wrongs.

Another alternative to dismissal for failure to join an indispensable party involves joining the Georgia Stevedore Association in the lawsuit for the limited purpose of voting on the seniority board to grant seniority relief to the female victims of discrimination. The Georgia Stevedore Association was not named in the EEOC charges in this case.

Ordinarily a party not named in a EEOC charge cannot be sued in a subsequent civil action. *Virgo v. Riviera Beach Associates, Ltd.*, 30 F.2d 1350, 1358 (11th Cir. 1994).

However, courts liberally construe this requirement. Where the purposes of the act are fulfilled, a party unnamed in the EEOC charge may be subjected to the jurisdiction of federal courts. *Id.* at 1359.

Laches

To apply laches to a case the Court must find both that the Plaintiff delayed inexcusably in bringing the suit and that this delay unduly prejudiced Defendant. *Equal Employment Opportunity Commission v. Dresser Industries, Inc.*, 668 F.2d 1199 (11th Cir. 1982). The EEOC's lawsuit alleges that

Defendant Union engaged in a pattern and practice of sex discrimination against females. The lawsuit is premised on six charges of sex discrimination filed over a period of three years. Two of the charges contained class allegations of sex discrimination by Defendant Union. The investigation required accumulation of information from various sources since many of the records were not maintained by Defendant Union. In addition, the investigation necessitated the issuance of a subpoena to the ILA Employers Welfare Fund in Savannah, Georgia for relevant documents and records. In light of the scope of the investigation and the absence of a single source of documents and records which made the investigation more difficult, Defendant has failed to show EEOC's delay in this case is unreasonable.

EEOC's pattern and practice lawsuit alleges that Defendant Union discriminated against females from 1992 to the present by failing to refer females for work. Throughout this time period the union officials allegedly responsible for the discriminatory conduct—President, Vice President, Business Agent, and Headers have remained basically the same. All of these individuals have been deposed with the exception of Mr. Frank Scriven, former President of Defendant Union, and Mr. Scriven has supplied the EEOC with an affidavit setting forth his position on the matter of discrimination. Defendant has failed

to show that EEOC's alleged delay in filing suit has prejudiced Defendant Union.

11. (b) Memorandum of authorities by opposing parties as above.

a. Plaintiff delayed inexcusably in bringing this suit and this delay unduly prejudiced Defendant. Laches therefore bars recovery. *Equal Employment Opportunity Commission v. Dresser Industries, Inc.*, 688 F.2d 1199, 1202 (11th Cir. 1982). A period of more than five and one-half years elapsed from the time Local 1423 was notified of the filing of the first charge and the filing of the complaint. During that time, Defendant's principal witness, Frank Scriven, became disabled and unable to testify. Among the evidence he would give if he were able is the following:

None of the charging parties shaped up for paper ships until late in 1993. It was thus impossible for them to accumulate 700 hours until after that time because there is no enough work on the car ships to do so.

After charging parties began shaping up for car ships, he was notified by Ryan-Walsh Stevedoring that the company did not want women on the docks.

Despite those instructions from the largest stevedoring company in Brunswick, he took steps to insure that women received their fair

share of the work, to the extent that males complained he was showing favoritism toward the women.

Without this testimony, Defendant is severely hampered in its defense in the case. If Plaintiff had proceeded to file suit in a reasonable time, Mr. Scriven would have been available to testify.

Although laches is an equitable defense, Plaintiff has demanded trial by jury. While Defendant can find no cases on this issue, the Eleventh Circuit has indicated that, in other types of equity cases tried to a jury, the question of unreasonable delay in bringing suit is for the jury. *See, e.g., James Talcott, Inc. v. Jack Cole Company*, 441 F.2d 325, 328-29 (5th Cir. 1971) (rescission). *Cf. Davidson Mineral Properties, Inc. v. Gifford-Hill & Company, Inc.*, 235 Ga. 176, 178 (1975) (question of laches is for the jury).

b. Plaintiff cannot obtain most of the relief it seeks in this case because it has failed to join a party indispensable to the grant of that relief. *See Mann v. City of Albany, Ga.*, 883 F.2d 999, 1002-03 (11th Cir. 1981). Seniority is governed by a contract between Defendant and the Georgia Stevedore Association. To grant seniority relief, the Court would be required to ignore or modify the contractual provisions. Defendant raised this issue in its answer and discussed it with counsel for

Plaintiff during the course of this litigation. Plaintiff still refuses to join the GSA. Any relief in the case must therefore be shaped so as to avoid prejudice to the rights of the absent Georgia Stevedore Association. Fed.R.Civ.P. 19(b).

c. Where discrimination is the result of the actions of two or more parties, it is appropriate to apportion the liability among those parties. *Myers v. Gilman Paper Co.*, 544 F.2d 837, 849-50 (5th Cir. 1977). If any discrimination occurred here, it was the result of the application of the agreements between Local 1423 and the Georgia Stevedore Association. Liability should therefore be apportioned between those two entities.

d. Defendant will briefs the issues of *res judicata* and collateral estoppel in response to Plaintiff's motion in limine.

12. Each party shall submit requests to charge on the specific theory or theories of the case and each issue on the merits of the party's contentions. Requests to charge from any party shall be filed with the Clerk of the Court, in triplicate, at or before the pretrial hearing, except by leave of Court for good cause shown.

13. Plaintiff(s)'s counsel estimates three (3) days to present plaintiff(s)'s case. Defendant(s)'s counsel estimates 1½ days to present the defense (including the presentation of a cross bill, if any).

14. State whether there has been any offer of settlement by defendant(s) and whether attorneys would be willing to confer with the Court as to the matter of settlement.

Plaintiff has made a settlement proposal, which Defendant has rejected. The parties have communicated to the Court their respective positions regarding settlement.

15. State whether a form of special verdict shall be submitted to the jury, providing a proposed form of same.

Plaintiff: **General verdict form.** (See attached)

Defendant: **Special verdict form.** (See attached)

16. Any other matters desired to be covered by pretrial order, including rulings desired of the Court prior to trial.

Plaintiff will file a motion in limine to exclude any and all evidence concerning the NLRB findings regarding Clarissa Smith-Manley's charges of violations under the National Labor Relations Act.

17. (a) State the names of all parties and attorneys— to be used in qualifying the jury. State the name of any insurance company involved and whether it is a stock or mutual company. State the names of all counsel who are members of any firm on a contingent fee.

Plaintiff: **None.**

Defendant: **None**

Attorney(s) for Plaintiff: **James D. Macy**

Charles T. Bell, Jr.

Attorney(s) for Defendant: **Fletcher Farrington**

(b) Attorney information sheets, which will be provided by the Clerk, shall be completed and returned to the Clerk at least five (5) days prior to jury selection.

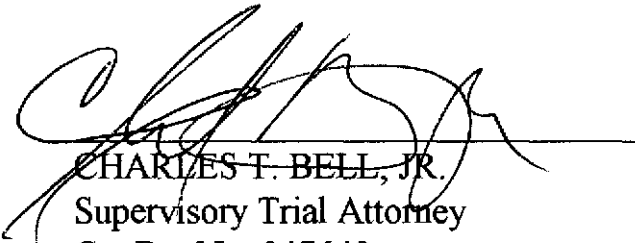
18. In non-jury cases, the parties shall each file, in triplicate, their Proposed Findings of Fact and Conclusions of Law, not later than one week prior to the assigned trial date.

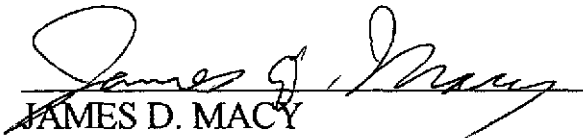
Not Applicable.

19. The final proposed pretrial order shall be signed by counsel for each party and shall contain the following as its final paragraphs:

ATTORNEYS FOR PLAINTIFF

EEOC-Atlanta District Office
Atlanta Federal Center - Suite 4R30
100 Alabama Street, SW
Atlanta, Georgia 30303
(404) 562-6817 or 562-6811


CHARLES T. BELL, JR.
Supervisory Trial Attorney
Ga. Bar No. 047649


JAMES D. MACY
Senior Trial Attorney
Ga. Bar No. 464825

ATTORNEY FOR DEFENDANT

208 East Thirty-fourth Street
Savannah, Georgia 31401
(912) 233-0111


FLETCHER FARRINGTON
Ga. Bar No. 255900

IT IS HEREBY ORDERED that the foregoing constitutes a PRETRIAL ORDER in the above case, and that it supersedes the pleadings, which are hereby amended to conform hereto and that this PRETRIAL ORDER shall not be amended except by consent or ORDER OF THE COURT, to prevent manifest injustice.

SO ORDERED, this ____ day of _____, 1998.

JUDGE, UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF GEORGIA

ORIGINAL

**IN THE UNITED STATES DISTRICT COURT
FOR THE SOUTHERN DISTRICT OF GEORGIA
BRUNSWICK DIVISION**

**EQUAL EMPLOYMENT OPPORTUNITY
COMMISSION,**)

Plaintiff,)

V.)

**INTERNATIONAL LONGSHOREMEN'S
ASSOCIATION, LOCAL 1423,**)

Defendant.)

**CIVIL ACTION NO.
CV297-127**

PLAINTIFF'S GENERAL VERDICT FORM

1. On the claim that _____ was DENIED the
(NAME)

opportunity to be referred for work because of her sex, we, the jury, find in favor of

(Plaintiff, E.E.O.C.) or (Defendant, International Longshoremen's Association, Local 1423)

2. On the claim that _____ was DENIED the
(NAME)

opportunity to join the Union because of her sex, we, the jury, find in favor of

(Plaintiff, E.E.O.C.) or (Defendant, International Longshoremen's Association, Loc 1423)

ORIGINAL

IN THE UNITED STATES DISTRICT COURT FOR THE
SOUTHERN DISTRICT OF GEORGIA
BRUNSWICK DIVISION

EQUAL EMPLOYMENT OPPORTUNITY
COMMISSION,

Plaintiff,

v.

INTERNATIONAL LONGSHOREMEN'S
ASSOCIATION, LOCAL 1423

Defendant.

Civil Action No. CV 297-127

DEFENDANT'S REQUESTED SPECIAL VERDICT

The jury unanimously answers the following questions:

1. Did the EEOC unreasonably delay the filing of this
suit, causing prejudice to Local 1423?

_____ Yes _____ No

(If your answer to Question 1 is "Yes," cease your
deliberations and return to the courtroom. If your answer
is "No," answer the remaining questions).

2. Did Local 1423 discriminate against women in accepting
applications for membership in the Union?

_____ Yes _____ No

3. Did Local 1423 discriminate against any of the
following persons in referring them to jobs on the dock?

Clarissa Davis-Jones	_____ Yes	_____ No
Joyce Higginbotham	_____ Yes	_____ No
Diane Reid-Fulton	_____ Yes	_____ No
Anneltha Hall-Rouse	_____ Yes	_____ No

Mary Green	_____	Yes	_____	No
Gloria Gardner	_____	Yes	_____	No
Ertice Roberts	_____	Yes	_____	No
Janet Johnson	_____	Yes	_____	No
Any other woman	_____	Yes	_____	No

If so, name her or them: _____

(If you have answered "No" to all of the parts of Question 3, cease your deliberations and return to the courtroom. If your have answered "Yes" as to any individual, answer the remaining questions).

4. The amount of pay lost, if any, by each of the persons who were discriminated against is:

Clarissa Davis-Jones	\$_____
Joyce Higginbotham	\$_____
Diane Reid-Fulton	\$_____
Annletha Hall-Rouse	\$_____
Mary Green	\$_____
Gloria Gardner	\$_____
Ertice Roberts	\$_____
Janet Johnson	\$_____
Others:	
_____	\$_____
(Name)	
_____	\$_____
(Name)	
_____	\$_____
(Name)	

5. Did plaintiff prove that any woman is entitled to an award of compensatory damages?

_____ Yes _____ No

(If your answer to Question 5 is "No," go to Question 7. If your answer is "Yes," answer Question 6).

6. We fix the amount of compensatory damages as follows:

Clarissa Davis-Jones \$ _____

Joyce Higginbotham \$ _____

Diane Reid-Fulton \$ _____

Anneletha Hall-Rouse \$ _____

Mary Green \$ _____

Gloria Gardner \$ _____

Ertice Roberts \$ _____

Janet Johnson \$ _____

Others:

_____ \$ _____
(Name)

_____ \$ _____
(Name)

_____ \$ _____
(Name)

7. If you have awarded back pay or damages in answer to any of the above questions, what proportion of those damages is Local 1423 responsible for? _____ %

8. Did plaintiff prove, by clear and convincing evidence, that Local 1423 engaged in willful misconduct, fraud, malice, wantonness, oppression, or an entire want of care that raises the presumption of conscious indifference to consequences?

_____ Yes _____ No

So say we all, this ___ day of July, 1998.

FOREPERSON