

UNITED STATES DISTRICT COURT
WESTERN DISTRICT OF MICHIGAN
SOUTHERN DIVISION

EQUAL EMPLOYMENT
OPPORTUNITY COMMISSION,

Plaintiff,

v.

APPLEGATE HOLDING CO. and
ADVANCE EMPLOYMENT
SERVICES OF MT. PLEASANT,
INC.,

Defendants.

Case No. 5:04-CV-167

Hon. Richard Alan Enslen

ORDER TO SHOW CAUSE

_____ /

This matter is before the Court on Plaintiff United States Equal Employment Opportunity Commission (“Commission”) and Defendants Applegate Holding Co. and Advance Employment Services’ proposed Consent Decree. The Court observes that the proposed Consent Decree purports to provide class-wide relief. Nevertheless, no class of plaintiffs was ever certified by this Court. Furthermore, the proposed Consent Decree suggests that the Commission will determine which class plaintiffs recover under the proposed Consent Decree and how much those persons receive without prior class certification pursuant to Federal Rule of Civil Procedure 23. Such an arrangement is irregular and the Court is unable to locate any authority entitling the Commission to control a class remedy in such a fashion.

THEREFORE, IT IS HEREBY ORDERED that Plaintiff United States Equal Employment Opportunity Commission is ordered to **SHOW CAUSE**, in writing and within **21 DAYS** of this Order, why the proposed Consent Decree should not be rejected for the aforementioned irregularities.

DATED in Kalamazoo, MI:
February 10, 2006

/s/ Richard Alan Enslen
RICHARD ALAN ENSLEN
SENIOR UNITED STATES DISTRICT JUDGE