

UNITED STATES DISTRICT COURT
DISTRICT OF MINNESOTA
FOURTH DIVISION

Equal Employment Opportunity
Commission,

Civil File No. 99-CV-829 JMR/FLN

Plaintiff,

and

Elroy Thompson, Jr.,

**STIPULATION AND ORDER
TO AMEND PLAINTIFF'S
COMPLAINT AND
DEFENDANTS' ANSWER**

Plaintiff
Intervener,

v.

Allied Automotive Group, Inc.,
and Allied Systems Ltd.,
as successors to Commercial
Carriers, Inc.

Defendants.

IT IS HEREBY STIPULATED AND AGREED, by and between the parties
hereto through their respective undersigned attorneys, that:

1. Plaintiff Equal Employment Opportunity Commission ("EEOC") may amend its Complaint to name Allied Systems Ltd. as an additional defendant.
2. Defendants may amend their Answer to the Complaint of the EEOC to add the following three additional affirmative defenses:

JAN 07 2000
FILED _____
FRANCIS F. DOSAL, CLERK
JUDGMENT ENTERED _____
DEPUTY CLERK _____

EIGHTH DEFENSE

To the extent Thompson or the EEOC seek to impose liability or obtain other relief from Allied for conduct or statements protected by the First Amendment to the Constitution of the United States, such liability or relief is rendered unconstitutional by the First Amendment.

NINTH DEFENSE

Allied and its successor exercised reasonable care to prevent and correct promptly any racial harassment, and Thompson unreasonably failed to take advantage of any preventive or corrective opportunities provided by Allied or its successor or to avoid harm otherwise.

TENTH DEFENSE

Plaintiff's Complaint is barred in whole or in part by the doctrine of laches.

3. This stipulation shall not alter any of the pretrial deadlines or the discovery limitations under the existing pretrial order.

Dated: Dec 29, 1999.

EQUAL EMPLOYMENT
OPPORTUNITY COMMISSION

By  _____

Lloyd B. Zimmerman (#12008x)
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330 Second Avenue South, Ste. 430
Minneapolis, MN 55401-2224

Attorneys for Plaintiff Equal
Employment Opportunity Commission

Dated: _____, 1999.

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Attorneys for Defendant Allied
Automotive Group, Inc.

ORDER

Based upon the Stipulation set forth above,

IT IS HEREBY ORDERED that:

1. Plaintiff Equal Employment Opportunity Commission (“EEOC”) may amend its Complaint to name Allied Systems Ltd. as an additional defendant.
2. Defendants may amend their Answer to the Complaint of the EEOC to add the following three additional affirmative defenses:

EIGHTH DEFENSE

To the extent Thompson or the EEOC seek to impose liability or obtain other relief from Allied for conduct or statements protected by the First Amendment to the Constitution of the United States, such liability or relief is rendered unconstitutional by the First Amendment.

NINTH DEFENSE

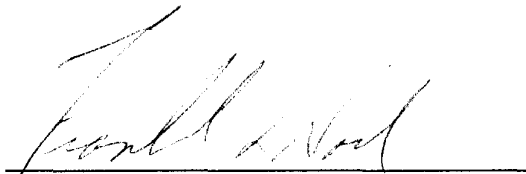
Allied and its predecessor exercised reasonable care to prevent and correct promptly any racial harassment, and Thompson unreasonably failed to take advantage of any preventive or corrective opportunities provided by Allied or its predecessor or to avoid harm otherwise.

TENTH DEFENSE

Plaintiff’s Complaint is barred in whole or in part by the doctrine of laches.

3. This Order shall not alter any of the pretrial deadlines or the discovery limitations under the existing pretrial order.

Dated: JAN 6, 2000



Franklin L. Noel
Chief Magistrate Judge
United States District Court

For Immediate Release
January 3, 2000

PRESS RELEASE

UNITED STATES DISTRICT COURT

Contact: Francis E. Dosal, Clerk
(651) 848-1100

FEDERAL COURT ADOPTS AMENDMENTS TO LOCAL PRACTICE RULES

The U.S. District Court for the District of Minnesota announces the adoption of several amendments to its local rules of practice. The changes were recommended by the Court's Local Rules Committee chaired by Minneapolis Attorney Cliff Greene of the law firm Greene Espel.

As required by federal statute, the proposed revisions were posted for public review and comment in late 1999. Following consideration of the comments received, the proposed rules were adopted unanimously by the Court to be effective January 3, 2000. The proposed amendments are as follows:

- **LR 5.1**
Amendments to LR 5.1 and LR 5.2 regarding filing procedures.
- **LR 7.1(b)(2)**
A new advisory committee's note regarding evidentiary materials submitted with reply briefs.
- **LR 16.1**
Amendments in response to the requirements of the Alternative Dispute Resolution Act of 1998.
- **LR 83.13**
New rule regarding the discipline of court appointees.

The amendments to the Local Rules may be obtained in the Office of the Clerk of Court in either St. Paul, Minneapolis or Duluth; by contacting the Clerk of Court at the address below; or online through the Update Service of Westlaw.

Francis E. Dosal, Clerk
U.S. District Court
708 Federal Building
316 North Robert Street
St. Paul, MN 55101
651-848-1100