

UNITED STATES DISTRICT COURT  
FOR THE DISTRICT OF MINNESOTA  
FOURTH DIVISION

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GWEN D. CARLSON, et al.,	)	<b>CASE NO. CV-02-3780 (JNE/JGL)</b>
	)	
Plaintiffs,	)	
	)	
v.	)	
	)	
C.H. ROBINSON WORLDWIDE, INC.,	)	
	)	
Defendant.	)	

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**PLAINTIFFS' MOTION TO MAINTAIN  
THIS ACTION AS A CLASS ACTION**

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Named plaintiffs Gwen Carlson, Carol Flannigan, Amy Hossenlopp, Sandy Nelson, Cathy Perky, Tricia Porter, Andrea Prout, Lee Ann Puckett, Angela Roberts, Jennifer Smyrl, Jessica Vetter, and Debra Kinniry, by and through their counsel and pursuant to Rule 23 of the Federal Rules of Civil Procedure, hereby move to maintain the above-captioned action as a class action, to order that named plaintiffs' proposed form of notice be issued to all subclass members, and to appoint Sprenger & Lang, PLLC as class counsel. In support of their motion, they state as follows:

1. The named plaintiffs seek to prosecute their Title VII "pattern or practice" gender discrimination (i.e., compensation, promotion and hostile environment) claims as a class action pursuant to Rule 23 of the Federal Rules of Civil Procedure. Their proposed "umbrella" class consists of "all females who were employed by C.H. Robinson at any time during the liability period or who will be employed in the future," and includes three distinct "claim" subclasses: (a) the compensation subclass includes "all females who have been employed on a full-time basis by C.H. Robinson in a domestic

branch office at any time during the liability period”; (b) the promotion subclass includes “all females who were employed by C.H. Robinson in a domestic branch office and had more than two years’ experience in a sales and/or operations position at any time during the liability period”; and, (c) the hostile environment subclass includes “all females who have been employed by C.H. Robinson in a domestic branch office at any time during the liability period.”

2. The proposed class and subclasses meet the threshold requirements of Rule 23(a). The proposed class should be certified pursuant to Rule 23(b)(2) because it seeks only non-monetary equitable, injunctive and declaratory relief as a result of defendant’s actions and inactions with respect to the class. The proposed subclasses should be certified pursuant to Rule 23(b)(3) because common class-wide liability and damage issues predominate over individual issues, and the class procedural device is superior to other methods of adjudicating these claims, including joinder or hundreds of individual actions. In the alternative, the proposed subclasses may be certified in hybrid form pursuant to Rule 23(b)(2), but using the notice and “opt out” procedures designed for Rule 23(b)(3) class actions.

3. The named plaintiffs request the court to order that named plaintiffs’ proposed form of notice be issued to all subclass members.

4. The named plaintiffs further request that Sprenger & Lang, PLLC be designated as class counsel.

5. In further support of their motion, the moving named plaintiffs respectfully refer the Court to their supporting memorandum of law, including the

declarations, summary exhibits and exhibits thereto, which will be filed pursuant to the rules of this Court.

WHEREFORE, the named plaintiffs respectfully request that the Court grant their motion and certify the above-referenced class and subclasses, order that named plaintiffs' proposed form of notice be issued to all subclass members, and appoint Sprenger & Lang, PLLC as class counsel.

Respectfully submitted,

Dated: May 20, 2004

SPRENGER & LANG, PLLC

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**CERTIFICATE OF SERVICE**

I hereby certify that I caused the foregoing Motion to be filed electronically this 20<sup>th</sup> day of May, 2004, with the Clerk of Court through ECF, and that ECF will send an e-notice of the electronic filing to the following:

Janet C. Evans and Thomas B. Hatch  
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*s/Steven M. Sprenger*  
Steven M. Sprenger