

IN THE UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF OHIO
EASTERN DIVISION

CLEVELAND FIREFIGHTERS FOR FAIR	)	CASE NO. 1:00 CV 0301
HIRING PRACTICES, <i>et al.</i>)	
	)	JUDGE JOHN M. MANOS
)	
Plaintiffs,)	
vs.)	
)	
CITY OF CLEVELAND, <i>et al.</i>)	
)	
Defendants.)	

LAMONT C. HEADEN, <i>et al.</i>	)	CASE NO. C73-330
)	
Plaintiffs,	)	JUDGE JOHN M. MANOS
)	
and)	
)	
VANGUARDS OF CLEVELAND,	)	INTERVENOR PLAINTIFFS
	)	VANGUARDS' MOTION TO
Intervenor Plaintiffs,	)	EXTEND THE TERMS OF THE
	)	SECOND AMENDED CONSENT
vs.	)	DECREE
)	
CITY OF CLEVELAND, <i>et al.</i>)	
)	

Now come the Plaintiffs Intervenors, the Vanguards of Cleveland -- an organization of African American and Hispanic firefighters employed by the City of Cleveland -- and hereby moves this Honorable Court for an extension of the terms of the Second Amended Consent Decree entered on September 30, 2000, for the reasons stated in the accompanying memorandum of law.

Respectfully submitted,

/s/ E. Richard Stege
E. Richard Stege (0029363)
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Counsel for Plaintiffs

SERVICE

I hereby certify that on this 29th day of September, 2008, a copy of the foregoing Intervenor Plaintiffs Vanguard's Motion to Extend the Terms of the Second Amended Consent Decree was filed electronically. Notice of this filing will be sent to all parties by operation of the Court's electronic filing system. Parties may access this filing through the Court's system.

/s/ E. Richard Stege
E. Richard Stege, Esq.

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LAMONT C. HEADEN, <i>et al.</i>)	CASE NO. C73-330
)	
Plaintiffs,)	JUDGE JOHN M. MANOS
)	
and)	
)	MEMORANDUM OF LAW
VANGUARDS OF CLEVELAND,	)	IN SUPPORT OF INTERVENOR
	)	PLAINTIFFS VANGUARDS'
Intervenor Plaintiffs,	)	MOTION TO EXTEND THE TERMS
	)	OF THE SECOND AMENDED
vs.	)	CONSENT DECREE
)	
CITY OF CLEVELAND, <i>et al.</i>)	
)	

I. STATEMENT OF THE CASE.

The Headen litigation originated in 1973 and was assigned to Judge Krupansky, later to Judge Manos. Shortly after filing, the Vanguards of Cleveland intervened as Plaintiffs. Under the tutelage of both jurists, a consent decree was entered into in 1975 which was later substantially amended in 1984. In 2000, the Cleveland Firefighters for Fair Hiring Practices brought suit challenging the amended decree and that action and the Headen litigation were consolidated. (The Cleveland Firefighters for Fair Hiring

Practices is a group of Caucasian firefighters opposed to some of the affirmative provisions of the 1984 amended consent decree.) Nonetheless, after considerable wrangling, an amended version palatable to all parties in the consolidated cases was agreed upon. It was approved on September 30, 2000 and has been known as the Second Amended Consent Decree.¹

Two of the terms of the Second Amended Consent Decree are at issue in this motion:

- The provision requiring that after expiration of the 1998 eligible list (for new hires), two additional eligible lists shall be created and hires made therefrom prior to September 28, 2008 (neither list has been created), unless and until the percentage of minorities in the Department reaches 33 1/3% (a percentage which has clearly not been reached). [Exhibit 1, ¶ 1]
- The provision requiring that the entire entrance examination process shall be reevaluated and revised following the establishment of the third such eligible list and prior to January 1, 2008. (This was not done because it was not "ripe" due to the delay referred to in bullet point one). [Exhibit 1, ¶ 8]

There are other provisions of the second amended consent decree which have not been complied with, however these are not being addressed at this time (i.e. recruitment, the educational component, etc.). The Vanguard's reserve the right to address those issues at a later date.

II. STATEMENT OF POSITION.

The City of Cleveland is mindful of its failures to comply with the terms of the Second Amended Consent Decree. The City's bottom-line position in this matter

¹ This Court expressly retained continuing jurisdiction . (See Exhibit 1, ¶ 1.)

apparently mirrors the Vanguards' position, although the Vanguards take issue with the City's statement of reasons and excuses. The position of the remaining parties to this litigation remains to be seen however. Therefore, the Vanguards seek the following relief at this time:

- Assignment of a new Judge to replace the Honorable Judge M. Manos. Judge Manos passed away after the most recent events in this case. (Judge Manos' deft fingerprints are reflected in the terms of the Second Amended Consent Decree.)
- Scheduling of a conference with all parties to provide a framework for the resolution of this matter.
- Direction to the parties, at said conference, to engage in a dialogue and -- consistent with their past track record in this case -- to attempt to fashion a solution to the pending motion(s) within a proscribed timetable.
- Continuing oversight to insure the parties' anticipated success.

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