

United States Courts
Southern District of Texas
ENTERED

NOV 9 2001

Michael N. Milby, Clerk of Court

AUGUSTINE DUBE, *et al.*,

§

Plaintiffs,

§

§

versus

§

§

CIVIL ACTION H-01-900

EAGLE GLOBAL LOGISTICS,

§

§

Defendant.

§

§

Opinion on Fairness Hearing

In support of their request for a fairness hearing, the plaintiffs have tendered a list of complaints about the consent decree reached by Eagle and the Equal Employment Opportunity Commission. A precis of these grievances reads like taglines from 1950s B-movie posters:

- The Commission sold us out
- Why did the government side with these hooligans?
- The Chairwoman wouldn't listen to our cries
- Nothing like this has ever been done before
- Our voices have been silenced

Aside from their emotional claims, the plaintiffs' few substantive points are either contrary to the law (a plaintiff cannot recover two awards for the same injury; the Commission cannot legally disclose settlement negotiations) or misstatements of fact (the agreement covers hostile workplace charges; the nature of the settlement is obvious).

The demand for a fairness hearing is not an attempt to secure equity for actual or putative plaintiffs. It does not mention an injury done by the consent decree to one of the seven individual plaintiffs. It does not show that the agreement will mistreat a person with a legitimate claim against Eagle. It does not articulate how the settlement is unfair to anyone included in the settlement class. It does not furnish a reason to investigate the consent decree further, much less to contest the settlement.

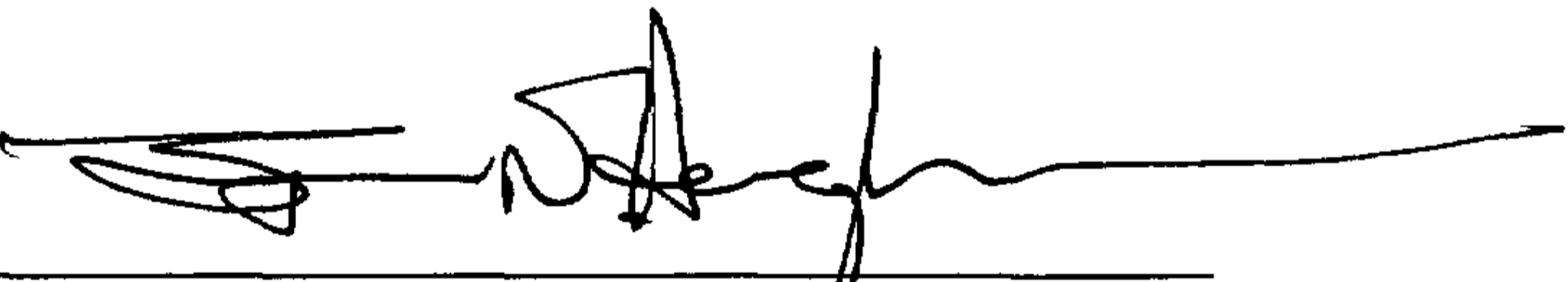
#202

The individual plaintiffs have lawyers. Their lawyers represent no one but them. The plaintiffs have no interest in claims other than their own. They are not an amorphous mass of injustice; they are seven people, and their interests are the only interests represented by the lawyers denominated "plaintiffs' counsel" in this lawsuit. Rather than representing the individuals who brought suit, "plaintiffs' counsel" crassly grasp after class fees, wasting the resources of the Commission, Eagle, and the court.

For the last several years, Eagle and the Commission have been actively engaged in charges, counter-charges, suits, interventions, mediation, and other forms of intense conflict management. Ultimately, each side conceded some ground to reach a reconciliation. The consent decree may not be perfect justice, but it is manifestly reasonably fair.

The Commission owed the plaintiffs' lawyers no duty to consult with them and obtain their approval before settling with Eagle. The plaintiffs cannot keep other parties from settling by withholding their consent or objecting to the settlement. There being no need for a fairness hearing, the consent decree will be made effective now.

Signed November 7, 2001, at Houston, Texas.



Lynn N. Hughes
United States District Judge