

**\*\*NOT FOR PRINTED PUBLICATION\*\***

IN THE UNITED STATES DISTRICT COURT  
FOR THE EASTERN DISTRICT OF TEXAS  
LUFKIN DIVISION

SYLVESTER MCCLAIN, on his own and on §  
behalf of a class of similarly situated persons, §  
et al., §

*Plaintiffs,* §

v. §

LUFKIN INDUSTRIES, §

*Defendant.* §

Civil Action No. 9:97-CV-063

JUDGE RON CLARK

**ORDER**

Plaintiffs Sylvester McClain et al. and Defendant Lufkin Industries propose to appoint Industrial Organizational Psychologist Dr. Michael Campion to review Lufkin’s promotion policies, procedures, and practices for hourly and salaried positions to determine if those policies, procedures, and practices address and remedy the Court’s findings of unlawful subjectivity in promotions. The court agrees that Dr. Campion should be appointed.

IT IS THEREFORE ORDERED that Dr. Michael Campion is appointed to review Lufkin Industries’ promotion policies, procedures, and practices for hourly and salaried positions. Dr. Campion shall submit his findings and recommendations in the form of a report to Lufkin Industries, counsel for both parties, and the court within 90 days of this order. The parties shall respond within 20 days to Dr. Campion’s report.

IT IS FURTHER ORDERED that in order to conduct his review, Dr. Campion shall have the authority to (1) obtain and review written documents related to Lufkin Industries’ promotion

policies, procedures, and practices for hourly and salaried positions from Lufkin Industries and Plaintiff Sylvester McClain *et al.*; (2) review the portions of the court's record he deems necessary; (3) interview Lufkin Industries' managers, employees and counsel; (4) interview Plaintiffs Sylvester McClain *et al.* and Plaintiffs' counsel; and (5) contact Lufkin Industries' unions and their representatives.

IT IS FURTHER ORDERED that Dr. Campion shall limit his investigation to no more than 160 hours unless further time is approved by the court upon a motion by one of the parties. Dr. Campion's time, and reasonable expenses, shall be paid by Lufkin Industries within fourteen days of receipt of invoice.

So **ORDERED** and **SIGNED** this **7** day of **April, 2009**.



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Ron Clark, United States District Judge