

IN THE UNITED STATES DISTRICT COURT
 FOR THE EASTERN DISTRICT OF VIRGINIA
 NORFOLK DIVISION

_____)	
UNITED STATES OF AMERICA,)	
)	
Plaintiff,)	
)	
v.)	Civil Action No. 2:09cv133
)	
CITY OF PORTSMOUTH, VIRGINIA,)	Judge Mark S. Davis
)	
Defendant.)	
_____)	


ORDER

This matter comes before the Court for a Fairness Hearing on Individual Relief. The Court has considered the objections to the Relief Awards List filed by Anthony Powell, Larry Elliott and Janet Jefferson, the United States' Response to Objections to the Relief Awards List (Dkt. No. 21), and the Notice of Additional Objection to Relief Awards List and United States' Response (Dkt. No. 22). The Court has also considered the sworn statement of Anthony Powell, who stated his objection in person at the hearing. Neither Larry Elliot nor Janet Jefferson appeared at the hearing. The Court has further considered the request by the United States, with the agreement of the City, that the Relief Awards List be amended to provide that the relief determination for claimant Shawn Alston include hiring relief.

For the reasons stated on the record, the Court FINDS that there is good cause for the objection of Anthony Powell, and that his objection is well-founded. The Court FINDS that there is no good cause for the objections of Larry Elliott and Janet Jefferson, and that those objections are not well-founded. The Court FINDS that there is good cause to amend the Relief Awards List to provide that the relief determination for claimant Shawn Alston include hiring

relief.

Therefore, it is ORDERED that the objection by Anthony Powell is SUSTAINED, and the objections by Larry Elliott and Janet Jefferson are OVERRULED. It is ORDERED that the Relief Awards List is amended to provide that the relief determination for claimant Shawn Alston include hiring relief. It is ORDERED that the Final Relief Awards List attached to this Order is approved and entered by this Court.



Mark S. Davis
United States District Judge

MARK S. DAVIS
UNITED STATES DISTRICT JUDGE

Norfolk, Virginia
April 29, 2010

**UNITED STATES v. CITY OF PORTSMOUTH, Civil Action No. 2:09cv133
RELIEF AWARDS LIST**

I. CLAIMANTS WHO RETURNED AN INTEREST IN RELIEF FORM

<u>Last Name</u>	<u>First Name</u>	<u>Race</u>	<u>Test Date</u>	<u>Presumptive Hire Date</u>	<u>Relief Requested</u>	<u>Relief Determination</u>
ADAMS	DAVID	AA	4/1/2006	N/A	M	M - \$3107.47
ALSTON	SHAWN	AA	4/1/2006	6/30/2007	H, M	H, M - \$3107.47
ARMSTEAD	JAMILA	AA	5/8/2004	N/A	M	M - \$5277.77
ASH	BRANDEN	AA	4/26/2008	N/A	M	M - \$1331.77
BOLTON	REGINALD	AA	5/8/2004	9/1/2005	H, M	H, M - \$5277.77
BRADLEY	MCCARL	AA	5/8/2004	N/A	M	M - \$5277.77
BROWN	JERRELL	AA	5/8/2004	N/A	M	M - \$5277.77
BROWN	ANTONY	AA	4/26/2008	12/22/2008	H, M	H, M - \$1331.77
BULLOCK	JEFFREY	AA	5/8/2004	9/1/2005	H, M	H, M - \$5277.77
BURNS	LAMONT	AA	5/8/2004	N/A	M	M - \$5277.77
BUXTON	JOHNATHAN	AA	4/26/2008	N/A	M	M - \$1331.77
COLLINS	FREDDIE	AA	4/26/2008	12/22/2008	H, M	H, M - \$1331.77
ENGLAND	VASHON	AA	5/8/2004	N/A	M	M - \$5277.77
HALE	ROBERT	AA	6/23/2007	12/27/2007	H, M	H, M - \$2515.57
HARRIS	NATHAN	AA	5/8/2004	9/1/2005	H, M	H, M - \$5277.77
HARRIS	ROCCO	AA	6/23/2007	12/27/2007	H, M	H, M - \$2515.57
HARRIS	ROBERT	AA	4/26/2008	12/22/2008	H, M	H, M - \$1331.77
HICKS	DAVID	AA	5/8/2004	N/A	M	M - \$5277.77
HURDLE	DESHAWN	AA	6/23/2007	12/27/2007	H, M	H, M - \$2515.57
INGRAM	DONALD	AA	4/1/2006	N/A	M	M - \$3107.47
JACKSON**	TARITA	AA	6/23/2007	N/A	M	M - \$2515.57
JACKSON	TERRY	AA	6/23/2007	12/27/2007	H, M	H, M - \$2515.57
JAMES	WILLIAM	AA	5/8/2004	9/1/2005	H, M	H, M - \$5277.77
JONES	CORINTHIAN	AA	4/26/2008	12/22/2008	H, M	H, M - \$1331.77
LAWRENCE	WILLIAM	AA	5/8/2004	N/A	M	M - \$5277.77
LOCKHART	JASON	AA	5/8/2004	9/1/2005	H, M	H, M - \$5277.77
MASON	ROMAN	AA	5/8/2004	N/A	M	M - \$5277.77
MAYO	ROBERT	AA	5/8/2004	9/1/2005	H, M	H, M - \$5277.77
MAYO	KENNETH	AA	6/23/2007	12/27/2007	H, M	H, M - \$2515.57
MCCLAIN	ROSALYNN	AA	6/23/2007	N/A	M	M - \$2515.57

<u>Last Name</u>	<u>First Name</u>	<u>Race</u>	<u>Test Date</u>	<u>Presumptive Hire Date</u>	<u>Relief Requested</u>	<u>Relief Determination</u>
PEELE	CORNELIUS	AA	6/23/2007	12/27/2007	H, M	H, M - \$2515.57
PERSON**	EARL	AA	5/8/2004	N/A	M	M - \$5277.77
PITTS	JOHN	AA	5/8/2004	N/A	H, M	No relief
POWELL***	ANTHONY	AA	5/8/2004	N/A	M	M - \$5277.77
THOUROGOOD	WADDEE	AA	6/23/2007	12/27/2007	H, M	H, M - \$2515.57
WIGGINS	TYRONE	AA	5/8/2004	9/1/2005	H, M	H, M - \$5277.77
WILLIAMS	JONATHAN	AA	6/23/2007	12/27/2007	H, M	H, M - \$2515.57
WOOD	CRYSTAL	AA	4/1/2006	N/A	M	M - \$3107.47
WOOD	PATRICK	AA	4/1/2006	N/A	M	M - \$3107.47
WRUSHEN	EBONY	AA	4/26/2008	N/A	M	M - \$1331.77
WYNN	ADAM	AA	5/8/2004	N/A	M	M - \$5277.77

The notations and abbreviations in the above table are defined as follows:

The “***” notation in the Last Name column indicates an untimely Interest in Relief Form. The United States determined there was good cause to accept forms from both Claimants whose forms were not timely submitted to the United States. Every other Claimant listed above timely returned his or her Interest in Relief Form.

The “****” notation in the Last Name column indicates the claimant did not return an Interest in Relief Form to the United States, but was added to the Relief Award List pursuant to the Court’s rulings at the Fairness Hearing on Individual Relief.

“AA” in the Race column indicates African American.

The Presumptive Hire Date column indicates the retroactive seniority date with which the Claimant will be credited if he or she receives and accepts an offer of priority hiring from the City of Portsmouth and meets all of the other requirements under the Consent Decree necessary for receiving retroactive seniority. *See* Consent Decree, ¶ 61. The column is not applicable for individuals who did not seek hiring relief.

“H” and “M” in the Relief Requested and Relief Determination columns stand for hiring relief and monetary relief, respectively.

II. INDIVIDUALS WHO DID NOT RETURN AN INTEREST IN RELIEF FORM

The following individuals were listed in Appendix B to the Consent Decree and did not return an Interest in Relief Form. Under the Consent Decree, persons who did not submit a timely Interest in Relief Form shall be deemed to have waived the right to be considered for an award of relief. See Consent Decree, ¶ 32.

Last Name, First Name

Adair, Antonio
Ash, Toumani
Autry, Michael
Barnes, Calvin
Cooke, Clarence
Covil, Darnel
Dash, Eddie
Davie, Emmanuel
Dublin, Dannis
Elliott, Larry
Gray, Reinhardt
Gregory, Rudolph
Holmes, Darius
Jefferson Janet
Johns, Norman
Jones, Robert
Jones, Rodney
McIntyre, Darrell
Muhammad, Kenneth
Norfus, Andre
Parker, Kenya
Perry, Darius
Reynolds, Brandon
Roberts, Devin
Royal, Jamel
Stancil, Alvin
Thomas, Anthony
Thomas, Jonathan
White, Shawnte
Williams, Jonathan**
Wilson, Jaymaine

**This Jonathan Williams sat for the NFST in 2004, and is a different individual than the Jonathan Williams who sat for the NFST in 2007 and who returned an Interest in Relief Form.