

IN THE UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF NEW YORK

UNITED STATES OF AMERICA,

PLAINTIFF,

THE VULCAN SOCIETY INC., for itself and
on behalf of its members, JAMEL
NICHOLSON, and RUSEBELL WILSON,
individually and on behalf of a subclass of
all other victims similarly situated seeking
classwide injunctive relief;

ROGER GREGG, MARCUS HAYWOOD, and
KEVIN WALKER, individually and on behalf
of a subclass of all other non-hire victims
similarly situated; and

CANDIDO NUÑEZ and KEVIN SIMPKINS,
individually and on behalf of a subclass of
all other delayed-hire victims similarly
situated,

PLAINTIFFS-INTERVENORS

V.

CITY OF NEW YORK, ET AL.,

DEFENDANTS.

CIV. ACTION No. 07-cv-2067 (NGG)(RLM)

**JOINT MOTION FOR PROVISIONAL ENTRY OF MONETARY RELIEF CONSENT
DECREE AND SCHEDULING OF FAIRNESS HEARING**

Plaintiff United States of America (“United States”), the Plaintiffs-Intervenors’ Nonhire and Delayed-Hire Subclasses, and Defendant City of New York (“City”) (collectively “the parties”) jointly move the Court to provisionally approve and enter the Monetary Relief Consent Decree (“Decree”) and to schedule a Fairness Hearing. The parties have reached the agreement embodied in the Decree to resolve the claims of the United States and the Plaintiffs-Intervenors

for back pay and fringe benefits lost by the black and Hispanic applicants for the entry-level firefighter position at the New York City Fire Department who were harmed by the City's use of examinations held to be discriminatory.

Under the Decree, the Court will schedule a Fairness Hearing and will give the parties at least ninety days' notice of the date and time set for the Fairness Hearing. This period is necessary to give individuals who submitted claim forms and who the Court determined are eligible for relief (hereinafter, "Claimants"), whose interests are affected by the Decree, notice of and an opportunity to object to the terms of the Decree, as well as an opportunity to object to their proposed individual monetary relief award determinations before the hearing. In addition, prior to the Fairness Hearing, the parties will address each of the objections timely received from Claimants.

At this Fairness Hearing, the Court will have the opportunity to consider and resolve any objections to the terms of the Decree and to the proposed individual monetary relief award determinations set forth in the Proposed Relief Awards List. If the Court concludes at or after the Fairness Hearing that the Decree is lawful, fair, reasonable, adequate, and consistent with the public interest, the Court will approve and enter the Decree. The Court will also approve or amend the individual monetary relief award determinations and enter the Final Relief Awards List.

Accordingly, the parties respectfully request that the Court enter the accompanying proposed Order, which provisionally approves and enters the Decree agreed to by the parties and sets the time, date, and location of the Fairness Hearing. At the status conference on May 7, 2014, the Court indicated a desire to schedule the Fairness Hearing on October 1, 2014. In order to maintain the October 1 date, the parties respectfully request that the Court provisionally enter

the Decree on or before July 3, 2014. Otherwise, it will not be possible for the parties and the Court-appointed claims administrator to comply with the deadlines set forth in the Decree for an October 1 Fairness Hearing.

A memorandum in support of this Joint Motion, a Monetary Relief Consent Decree, and a proposed Order accompany this Joint Motion.

Date: June 27, 2014

Respectfully submitted,

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