

IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF COLUMBIA

Chris J. Conanan, et al.,)
)
)
 Plaintiffs,)
)
 v.)
) Civil Action No. 00-CV-3091 (ESH)
 Donald Powell, Chair)
 Federal Deposit Insurance)
 Corporation,)
)
 Defendant.)

PLAINTIFFS' MOTION FOR FINAL APPROVAL
OF CONSENT DECREE AND CLASS CERTIFICATION

Plaintiffs, pursuant to Fed. R. Civ. P. 23 (e), hereby request that this Court grant final approval to the proposed Consent Decree, adopt Plaintiffs' proposed findings of fact and conclusions of law and certify the class in this matter. In support of this request, Plaintiffs state the following:

1. On December 22, 2000, Plaintiffs filed their Class Complaint in this case, alleging that Defendant engaged in a pattern and practice of discriminating against African-American employees in promotions and other selections for positions.

2. On April 6, 2001, this Court granted Plaintiffs' unopposed motion for class certification and preliminarily certified a class of

All African-Americans employed by the Federal Deposit Insurance Corporation (FDIC) in any capacity (whether permanent, temporary, or term appointments, including all General/Corporate Grade, Liquidation Grade and Wage Grade/Prevailing Rate employees, but excluding any persons to the extent that their employment at the FDIC is or was solely in

the capacity of student intern) at any time from May 13, 1992 until March 31, 2001.

April 6, 2001 Order at 1.

3. On May 4, 2001, the parties submitted to the Court a proposed Consent Decree, seeking preliminary approval of a settlement that provides for substantial injunctive and monetary relief for the class. After conducting a preliminary approval hearing, on May 16, 2001, the Court granted preliminary approval of the proposed Consent Decree and ordered the distribution of notice of the proposed settlement to the class and other interested parties. The Court also adopted a schedule for class members to either opt out of the settlement or participate in a claims process for distributing the monetary relief, for Plaintiffs to implement the claims process, and for individuals to file comments on or objections to the proposed Consent Decree.¹ In addition, the Court scheduled a fairness hearing to be held on November 26 and 27, 2001, for the Court to determine whether the proposed settlement is fair, adequate, and reasonable for the class as a whole.

4. Because notice has been issued, class members have been given the opportunity to opt out or to participate in the claims process, and individuals have been provided with the opportunity to file comments about the settlement, the litigation has reached the stage at which it is appropriate for Plaintiffs to seek final approval of the settlement agreement.

5. Plaintiffs submit that the proposed settlement meets the standard for final approval.

¹ The schedule was subsequently modified at Plaintiffs' request to permit more time to implement the claims process and to allow interested parties to file their comments on the settlement.

6. The grounds for this motion are set forth more fully in Plaintiffs' Memorandum in Support of Motion for Final Approval and Class Certification, which accompanies this Motion. At the request of the Court and for its convenience, the Memorandum is being submitted in the form of proposed findings of facts and conclusions of law, with an attached version on a disk.

WHEREFORE, Plaintiffs respectfully request that this Court grant final approval to the proposed Consent Decree, adopt the attached proposed findings of fact and conclusions of law and certify the class.

Respectfully submitted,

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CERTIFICATE OF SERVICE

I hereby certify that a copy of the foregoing Plaintiffs' Motion for Final Approval of Consent Decree and Class Certification, Memorandum in Support and Proposed Order was served by hand delivery on Defendant's counsel below this 14th day of November, 2001 to:

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