

The Amended Class Charge shall serve as the operable complaint for this case. The class for this complaint is defined as all current and former African American Deputy U.S. Marshals and Detention Enforcement Officers who were subjected to the Agency's policies and practices regarding promotions, including reassignments and transfers, Headquarters assignments, and hiring and recruitment from January 23, 1994 to present. Matthew Fogg shall remain a Class Agent, and Antonio Gause, Regina Holsey, Thomas Hedgepath, Charles Fonseca, Ivan Baptiste, Tracey Bryce and Theodore Riley shall be added as class agents.

Discovery

The parties may conduct discovery pursuant to EEOC Regulations at 1614.204(f). In light of parties' well-founded request for an extended period for discovery, discovery shall close on **December 1, 2017**. **The parties are expected to initiate and complete discovery without intervention by the Administrative Judge. The parties will make every attempt to resolve any discovery disputes without intervention by the Administrative Judge.** If attempts to resolve a dispute are unsuccessful, the moving party shall notify the undersigned *via* email within **five (5) calendar days** of the impasse. Failure to timely raise objections to discovery may result in waiver of such objections. The notification shall advise that a discovery dispute has arisen, briefly describe the dispute and the parties' efforts to resolve the dispute, and propose **two (2) dates/times** when **both** parties are available for a teleconference with the undersigned to address the dispute. The parties shall avail themselves of this process in an effort to quickly and efficiently resolve discovery disputes requiring the intervention of the administrative judge, and as a prerequisite to filing a motion regarding a discovery dispute. Any motion to compel or request to develop evidence filed without prior resort to the informal resolution process described herein may be rejected.

Dispositive Motions

Any Motions for Summary Judgment shall be filed no later than **January 5, 2018**. Oppositions to any Motions for Summary Judgment shall be filed no later than **February 9, 2018**. Any Reply in Support of a Motion for Summary Judgment shall be filed no later than **February 23, 2018**.

Settlement

I invite the parties to participate in a settlement conference to determine whether this matter may be resolved without resort to discovery. In the event that the parties believe my assistance or that of a neutral, third party settlement official would be mutually beneficial in helping the parties achieve a resolution to this case through settlement, the parties may seek such by joint motion. Prior to holding a hearing in this matter, I will require the parties to participate in a settlement conference in advance of the hearing.

Sanctions

Failure to follow this Order or other orders of the Administrative Judge may result in sanctions pursuant to EEOC Regulations at 29 C.F.R. §1614.109(f)(3) and §1614.2014(f)(2). The Administrative Judge may, where appropriate:

- (A) Draw an adverse inference that the requested information, or the testimony of the requested witness, would have reflected unfavorably on the party refusing to provide the requested information;
- (B) Consider the matters to which the requested information or testimony pertains to be established in favor of the opposing party;
- (C) Exclude other evidence offered by the party failing to produce the requested information or witness;
- (D) Issue a decision fully or partially in favor of the opposing party; or
- (E) Take such other actions as appropriate.

It is so ORDERED.



For the Commission:

Sharon E. Debbage Alexander
Administrative Judge
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