

IN THE UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF PENNSYLVANIA

ANTHONY WILLIAMS, et al. : CIVIL ACTION
: :
v. : :
: :
INTERNATIONAL STEEL GROUP and :
UNITED STEELWORKERS OF AMERICA, :
LOCAL 1165 : NO. 05-00336-JF

MEMORANDUM AND ORDER

Fullam, Sr. J.

May 11, 2005

Plaintiffs filed an amended complaint against their employer and a labor union, asserting claims under Title VII and 28 U.S.C. § 1981, apparently contending that they were the victims of discrimination on the basis of race, and perhaps age and/or sex. The document lists 15 persons as being plaintiffs, but gives an address for only two of them.

The defendants filed a motion to dismiss, noting, among other things, that very few, if any, of the named plaintiffs had exhausted administrative remedies or obtained a "right to sue" letter from the EEOC. Plaintiffs responded with a motion for leave to file a second amended complaint, to overcome these perceived defects.

Like its predecessors, the proposed second amended complaint is a chaotic mess. It appears that plaintiffs now number 17, but we still do not know their addresses. The document begins with a total of 205 numbered paragraphs, followed

by additional paragraphs numbered 174 through 210, 181, 135 through 137, and 148. Thus, the document contains a total of 246 paragraphs, not in numerical order, set forth upon an uncounted number of unnumbered pages. It is virtually impossible to decipher all of the theories upon which plaintiffs seek to proceed. No meaningful distinction is made between the defendant employer and the defendant union.

More to the point, on the basis of the record thus far developed, it seems obvious that the claims of the various plaintiffs cannot be lumped together in a single lawsuit. Judging from the detailed allegations of the plaintiffs' pleading, it would seem that each of the 15 or 17 proposed plaintiffs was the recipient of different, individualized acts of discrimination, harassment, etc.

It is conceivable, of course, that if plaintiffs' claims are valid, it might be possible to frame a class action seeking relief applicable to the class; but plaintiffs' counsel disclaimed any intention of handling this case as a class action.

Plaintiffs' complaint, amended complaint and proposed second amended complaint will be stricken from the record, as utterly inconsistent with the requirements of the Federal Rules of Civil Procedure. Plaintiffs' counsel will be afforded one more opportunity to file an acceptable pleading, if the facts (including exhaustion of administrative remedies) warrant.

Counsel for plaintiffs would be well advised to enlist assistance in this effort.

An order follows.

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AND NOW, this 11th day of May 2005, IT IS ORDERED:

1. Plaintiffs' Complaint and Amended Complaint are STRICKEN from the record.
2. Plaintiffs' motion for leave to file a second amended complaint is DENIED, and the proposed second amended complaint is STRICKEN from the record.
3. Plaintiffs are granted a further period of 60 days from and after the date of this Order in which to file one or more further amended complaints which comply with the requirements of the Federal Rules of Civil Procedure.

BY THE COURT:

/s/ John P. Fullam
John P. Fullam, Sr. J.