ORIGINAL

IN THE UNITED STATES DISTRICT COURT FOR THE SOUTHERN DISTRICT OF GEORGIA AUGUSTA DIVISION

EQUAL EMPLOYMENT OPPORTUNITY COMMISSION,	*	
Plaintiff,	*	
vs.	*	CV100-050
FEDERAL EXPRESS CORPORATION,	*	
Defendant.	*	

O R D E R

Before the Court in the captioned case is Defendant's Motion for Summary Judgment. A hearing took place on January 11, 2001. For the following reasons, Defendant's motion is **DENIED**.

I. Background

Plaintiff ("the EEOC") filed this religious discrimination suit on behalf of Mr. Khaleed Abdul-Azeez ("Mr. Abdul-Azeez"). Defendant's personnel manual contains a written dress code. The dress code required Mr. Abdul-Azeez to shave his beard. For religious reasons, he asked for an exemption. Defendant refused this request. The EEOC contends that Defendant failed to reasonably accommodate Mr. Abdul-

DHB (32)

CCC:

52

Azeez's religious beliefs in violation of Title VII of the 1964 Civil Rights Act ("Title VII"), 42 U.S.C. §§ 2000e - 2000e-17.

Defendant delivers mail and packages nationwide. Mr. Abdul-Azeez, a Muslim, applied for a position as a courier. On November 2, 1998, he interviewed with two of Defendant's managers, Saundra Plunkett ("Ms. Plunkett") and Jenice Sullivan ("Ms. Sullivan"). (Sullivan Dep. at 2.) At the interview, Mr. Abdul-Azeez wore a beard and a black "kufi," which is a large, round Muslim head covering. (Abdul-Azeez Aff. ¶ 5, attached to Doc. No. 40.)

Ms. Plunkett told him that Defendant has a "no-beard" policy which forbids employees in "customer contact positions" to wear beards. (Id. ¶ 6.) A courier is a "customer contact position." The policy exempts employees who cannot shave for medical reasons. (Def.'s Ex. 1, attached to Doc. No. 30.) To take advantage of this exception, an employee must obtain the approval of a senior manager and a statement from a company-approved physician. (Id.) An employee must also keep his beard

> neat and trimmed so that it is no longer than 1 inch in length around the face and does not extend more than 1/2 inch beyond the chin.

(Id.) The written policy permits exceptions for other reasons only on a "case-by-case basis." (Id.) An exemption for other reasons requires the approval of Defendant's legal department and personnel department. (Id.)

Mr. Abdul-Azeez allegedly told his interviewers that he has a "shaving profile." (Abdul-Azeez Aff. ¶ 6, attached to Doc. No. 40.) In military parlance, a "profile" usually implies a medical exemption to a rule. Mr. Abdul-Azeez, who used to serve in the Army, claims that he understood the phrase "shaving profile" to refer to an exemption from a no-beard policy for any reason, religious or otherwise. (Id.) He testified in his deposition that he did not further explain this phrase. (Abdul-Azeez Dep. at 47.) His interviewers tell a different story. Ms. Plunkett and Ms. Sullivan claim that he told them that he had a "medical profile" or a "medical condition." (Sullivan Dep. at 13; Plunkett Dep. at 13-14.)

Defendant offered Mr. Abdul-Azeez a job as a courier. He accepted this offer in writing on November 23, 1998. The written offer explained that he would be "ineligible to apply for external positions for a period of twelve months." (Def.'s Ex. 2, attached to Doc. No. 30.) He attended training sessions on the first day. (Abdul-Azeez Aff. ¶ 10, attached to Doc. No. 40.) At the end of the day, Ms. Plunkett told him that he would have to shave before coming to work the next day. (Id.)

According to the EEOC, Mr. Abdul-Azeez told Ms. Plunkett that his religious beliefs require him to wear a beard. (Id.) He reminded her that he had told her about his "shaving profile" in his job interview. (Id.) Ms. Plunkett showed him a copy of Defendant's "People Manual." (Id. ¶ 11.) Ms.

Plunkett allegedly said that Defendant makes no religious exceptions to the no-beard policy. (Id.) Ms. Plunkett also purportedly failed to tell him that Defendant has a religious accommodation policy. (Id.) Under certain circumstances, this written religious accommodation policy permits exceptions to the dress code for religious reasons. (Exs. 18, 19 to Berry Dep.)

Mr. Abdul-Azeez maintains that on the next day, he showed Ms. Plunkett two Islamic books requiring Muslim males to wear beards. (Abdul-Azeez Aff. ¶ 12, attached to Doc. No. 40.) Ms. Plunkett reportedly refused to review the books. (Id.) Ms. Sullivan wrote a memorandum to Gregg Taylor ("Mr. Taylor"), Defendant's senior personnel representative, asserting that during the November 2 interview, "nothing came up about religion from him or us." (Ex. 1 to Sullivan Dep.) Later that day, Mr. Abdul-Azeez allegedly examined Defendant's Legal Manual and read the section on Defendant's religious accommodation policy. (Abdul-Azeez Aff. ¶ 13, attached to Doc. No. 40.) He claims that he showed this policy to Ms. Plunkett and asked if he could trim his beard to the length required of employees who satisfy the medical exemption. (Id. ¶ 14.) According to the EEOC, Ms. Plunkett agreed to let him trim his beard before coming to work the next day. (Id.)

When Mr. Abdul-Azeez came to work the next day, Ms. Plunkett told him that his beard should be shorter. (Id. ¶ 15.) Also, Ms. Plunkett referred him to Leah Berry ("Ms.

Berry"), one of Defendant's senior managers. (Id.) Ms. Berry told him that the company had scheduled an appointment for Mr. Abdul-Azeez to see a dermatologist. (Id.) Its purpose was to determine whether Mr. Abdul-Azeez satisfied the medical exception to the no-beard policy. (Plunkett Dep. at 24.) Mr. Abdul-Azeez allegedly told Ms. Berry that he had no medical condition but instead wore a beard for religious reasons. (Abdul-Azeez Aff. ¶ 16, attached to Doc. No. 40.) Ms. Berry nevertheless insisted that he see the dermatologist. (Id.) Mr. Abdul-Azeez asserts that he did not agree to see the dermatologist. (Id.)

On November 30, Mr. Abdul-Azeez reported for work and told Ms. Berry that he did not visit the dermatologist. (Id. ¶ 18.) He says that he was "calm, respectful, and polite," (id.), but Defendant characterizes his attitude as "defiant." According to Ms. Berry, he threatened legal action and warned that he would "get you just like we got Safeway." (Berry Dep. at 66.) Defendant contends that this was the first time Mr. Abdul-Azeez ever said that he wore his beard for religious reasons.

Ms. Berry suspended him without pay. (Def.'s Ex. 8, attached to Doc. No. 30.) The reason given was that he refused to see the dermatologist. (Id.) Defendant gave Mr. Abdul-Azeez ninety days to "obtain a non-customer contact position." (Id.) According to Defense counsel, when an employee cannot perform his job duties because of a disability

or some other reason, the company typically gives the employee ninety days to bid on positions that suit his needs.

At oral argument, Defense counsel explained that Defendant's managers were under the impression that Mr. Abdul-Azeez had deceived them. (E.g., Berry Dep. at 66.) Certain that he had claimed a medical exemption in his initial interview, they felt that Mr. Abdul-Azeez advanced his religious explanation only after the scheduled appointment with the dermatologist threatened to belie his representations. Defense counsel said that they were reluctant to reward his deception by allowing him a religious exemption to the no-beard policy. Defendant instead tried to find a position for Mr. Abdul-Azeez which would allow him to keep his beard.

On December 3, Mr. Abdul-Azeez again met with Ms. Berry and again asked to wear a beard for religious reasons. (Id. at 61.) Mr. Abdul-Azeez presented a typed request and asked Ms. Berry to complete one of Defendant's "Religious Accommodation Request Worksheets." (Abdul-Azeez Aff. ¶¶ 22-24, attached to Doc. No. 40; Ex. 18 to Berry Dep.) Ms. Berry explains that Defendant's accommodation was to try to place him in a non-customer contact position. (Berry Dep. at 28-29, 65-66.) According to the EEOC, Ms. Berry said that if she had known that he wanted to wear a beard for religious reasons, she would never have hired him to be a courier. (Abdul-Azeez Aff. ¶ 25, attached to Doc. No. 40.) The EEOC also claims

that Ms. Berry agreed to submit his request "'all the way up through the chain.'" (Id.)

Several weeks later, Mr. Abdul-Azeez filed a charge of discrimination with the Augusta-Richmond County Human Relations Commission. (Ex. 10 to Abdul-Azeez Dep.) In an affidavit, he challenged Ms. Berry's assertion that he once claimed a medical exemption. (Ex. 14 to Abdul-Azeez Dep.) He also claimed that Defendant did not explain its dress code until after he took the job. (Id.) Defendant argues that these sworn statements are false.

In an effort to help find a position for him, Defendant sent Mr. Abdul-Azeez weekly career opportunities bulletins for at least ten weeks. (Berry Dep. at 49.) These bulletins advertised job openings with Defendant. Defendant asserts that he never responded to any of them. (Id.) The EEOC counters that none of this material was useful. According to the EEOC, the bulletins listed only two openings in the Augusta area, both of which were "customer contact" positions that forbid beards. (Abdul-Azeez Aff. ¶ 29, attached to Doc. No. 40.) Other positions were over 100 miles away or were managerial positions for which he was not qualified. (Id.) Mr. Abdul-Azeez explains that he did not bid on any open positions because none was suitable and because he had taken an interim job at the Medical College of Georgia to assure himself of some income. (Id.)

In January, Mr. Abdul-Azeez met with Mr. Taylor to

discuss the no-beard policy. (Id. ¶ 30.) Mr. Taylor said that he was investigating the charge of discrimination. (Id.) Mr. Abdul-Azeez says that he left the meeting "confident" that Mr. Taylor would allow him to work as a courier and wear his beard. (Id. ¶ 31.)

With only two weeks remaining in the ninety-day leave period, Defendant offered Mr. Abdul-Azeez a part-time position as a mail-handler in Columbia, South Carolina. (Id. ¶ 32.) The job paid less than a courier earns, and it was seventy miles from his home in Augusta. (Id.) Mr. Abdul-Azeez never accepted the offer. He explains that he was waiting to hear Mr. Taylor's decision on whether he could keep his beard. (Id.) He also submits that he was under the impression that because a charge of discrimination was pending, he did not have to take any action. (Id.)

Ms. Berry wrote Mr. Abdul-Azeez on March 2, 1999. (Ex. 12 to Abdul-Azeez Aff.) The letter explained that refusing the position in Columbia was considered a voluntary resignation. His employment with Defendant thus ended. The EEOC then brought this lawsuit on his behalf.

II. Requirements for Summary Judgment

The Court should grant summary judgment only if "there is no genuine issue as to any material fact and . . . the moving party is entitled to a judgment as a matter of law." Fed. R. Civ. P. 56(c). Facts are "material" if they could affect the

outcome of the suit under the governing substantive law. Anderson v. Liberty Lobby, Inc., 477 U.S. 242, 248 (1986). The Court must view the facts in the light most favorable to the non-moving party, Matsushita Elec. Indus. Co. v. Zenith Radio Corp., 475 U.S. 574, 587 (1986), and must draw "all justifiable inferences in [its] favor," United States v. Four Parcels of Real Property, 941 F.2d 1428, 1437 (11th Cir. 1991) (en banc) (internal punctuation and citations omitted).

The moving party has the initial burden of showing the Court, by reference to materials on file, the basis for the motion. Celotex Corp. v. Catrett, 477 U.S. 317, 323 (1986). How to carry this burden depends on who bears the burden of proof at trial. Fitzpatrick v. City of Atlanta, 2 F.3d 1112, 1115 (11th Cir. 1993). If the movant bears the burden of proof at trial, that party "must show that, on all the essential elements of its case, . . . no reasonable jury could find for the non-moving party." Four Parcels, 941 F.2d at 1438. On the other hand, if the non-movant has the burden of proof at trial, the movant may carry the initial burden in one of two ways--by negating an essential element of the non-movant's case or by showing that there is no evidence to prove a fact necessary to the non-movant's case. See Clark v. Coats & Clark, Inc., 929 F.2d 604, 606-08 (11th Cir. 1991) (explaining Adickes v. S.H. Kress & Co., 398 U.S. 144 (1970) and Celotex Corp. v. Catrett, 477 U.S. 317 (1986)). Before the Court can evaluate the non-movant's response in

opposition, it must first consider whether the movant has met its initial burden of showing that there are no genuine issues of material fact and that it is entitled to judgment as a matter of law. Jones v. City of Columbus, 120 F.3d 248, 254 (11th Cir. 1997) (per curiam). A mere conclusory statement that the non-movant cannot meet the burden at trial is insufficient. Clark, 929 F.2d at 608.

If--and only if--the movant carries its initial burden, the non-movant may avoid summary judgment only by "demonstrat[ing] that there is indeed a material issue of fact that precludes summary judgment." Id. Again, how to carry this burden depends on who bears the burden of proof at trial. If the movant has the burden of proof at trial, the non-movant may avoid summary judgment only by coming forward with evidence from which a reasonable jury could find in its favor. Anderson, 477 U.S. at 249. If the non-movant bears the burden of proof at trial, the non-movant must tailor its response to the method by which the movant carries its initial burden. If the movant presents evidence affirmatively negating a material fact, the non-movant "must respond with evidence sufficient to withstand a directed verdict motion at trial on the material fact sought to be negated." Fitzpatrick, 2 F.3d at 1116. If the movant shows an absence of evidence on a material fact, the non-movant must either show that the record contains evidence that was "overlooked or ignored" by the movant or "come forward with additional evidence sufficient to withstand

a directed verdict motion at trial based on the alleged evidentiary deficiency." Id. at 1116-17. The non-movant cannot carry its burden by relying on the pleadings or by repeating conclusory allegations contained in the complaint. See Morris v. Ross, 663 F.2d 1032, 1033-34 (11th Cir. 1981). Rather, the non-movant must respond by affidavits or as otherwise provided by Fed. R. Civ. P. 56.

The Clerk has given the non-moving party notice of the summary judgment motion and the summary judgment rules, of the right to file affidavits or other materials in opposition, and of the consequences of default. (Doc. No. 34.) Therefore, the notice requirements of Griffith v. Wainwright, 772 F.2d 822, 825 (11th Cir. 1985) (per curiam), are satisfied. The time for filing materials in opposition has expired, and the motion is ripe for consideration.

III. Analysis

Title VII prohibits employment discrimination on the basis of religion. 42 U.S.C. § 2000e-2(a)(1). Title VII also prohibits retaliation against employees who file charges of discrimination. 42 U.S.C. § 2000e-3(a). The EEOC claims that Defendant violated both provisions. (Compl. ¶¶ 7, 9.) There are thus two claims before the Court--a religious discrimination claim and a retaliation claim. Each will be considered in turn.

A. Religious Discrimination

The EEOC claims that Defendant engaged in unlawful religious discrimination by failing to reasonably accommodate Mr. Abdul-Azeez's request to wear a beard. (Id. ¶ 7.) At oral argument, counsel also asserted that Defendant violated Title VII by permitting some employees to wear beards for medical reasons while refusing to let any employees wear beards for religious reasons. On this religious discrimination claim, Defendant has moved for summary judgment on three grounds. First, Defendant has argued that Mr. Abdul-Azeez has unclean hands. Second, Defendant argues that the EEOC cannot establish a prima facie case of discrimination. Third, Defendant argues that it reasonably accommodated his religious beliefs.

Issues of fact preclude summary judgment on Defendant's unclean hands defense.[1] Mr. Abdul-Azeez swore in his EEOC affidavit that the company did not explain its dress code until after he began working. Defendant contends that this statement is false. Defendant also asserts that Mr. Abdul-Azeez fraudulently dated a letter to Mr. Taylor and Ms. Berry in order to manufacture a record of asking for an accommodation. There is a genuine issue of material fact as to whether Mr. Abdul-Azeez acted with fraudulent intent when

[1]Whether unclean hands is an available defense in Title VII cases is unsettled. Calloway v. Partners Nat'l Health Plans, 986 F.2d 446, 451 n.4 (11th Cir. 1993). I do not decide this issue.

he executed the affidavit and when he incorrectly dated the letter. Defense counsel candidly acknowledged as much at oral argument. The analysis now turns to Defendant's two remaining arguments.

1. Whether the EEOC Can Establish a Prima Facie Case

The EEOC can establish a prima facie case of religious discrimination by showing that:

(1) Mr. Abdul-Azeez had a bona fide belief that compliance with Defendant's policies would conflict with his religious beliefs or practices;

(2) he told Defendant about the conflict; and

(3) Defendant discharged or penalized him for failing to comply with its policies.

Beadle v. City of Tampa, 42 F.3d 633, 636 n.4 (11th Cir. 1995). The parties agree that the EEOC has established the first two elements. Defendant maintains, however, that Mr. Abdul-Azeez resigned voluntarily and cannot claim discrimination.

An adverse action is an element of a prima facie case. Doe v. DeKalb County Sch. Dist., 145 F.3d 1441, 1448 n.10 (11th Cir. 1998). An employment decision can be adverse even though it falls short of an ultimate employment decision. Harris v. H & W Contracting Co., 102 F.3d 516, 524 n.2 (11th Cir. 1996). The EEOC has referred to evidence that on

December 1, 1998, Defendant suspended Mr. Abdul-Azeez for ninety days without pay. (Def.'s Ex. 8, attached to Doc. No. 30.) Ms. Berry explained that she suspended him "[b]ecause he had a beard and he needed to have a noncustomer contact position if he had a beard." (Berry Dep. at 36.) A suspension without pay is an adverse employment action. Doe, 145 F.3d at 1448. A reasonable trier of fact could conclude that Defendant suspended Mr. Abdul-Azeez because he refused on religious grounds to shave his beard.

Furthermore, the EEOC disputes Defendant's claim that Mr. Abdul-Azeez resigned. In a letter dated March 2, 1999, Ms. Berry reminded him that she had placed him on a ninety-day personal leave without pay. Ms. Berry wrote:

> Your failure to respond to a job offer by the end of the Personal Leave date is considered your voluntary resignation from FedEx. Effective March 1, 1999, I have accepted your voluntary resignation from FedEx.

(Def.'s Ex. 12, attached to Doc. No. 30.) The EEOC counters that Mr. Abdul-Azeez had asked Mr. Taylor in January whether he could work as a courier and keep his beard for religious reasons. (Abdul-Azeez Aff. ¶ 31, attached to Doc. No. 40.) Mr. Taylor allegedly never gave him an answer as promised. The EEOC contends that Mr. Abdul-Azeez did not accept the job offer in Columbia because he was still waiting to hear from Mr. Taylor. (Id. ¶ 32.) Under these circumstances, there is a genuine issue of material fact as to whether Mr. Abdul-Azeez intended to resign.

2. Reasonable Accommodation

Title VII requires employers to reasonably accommodate their employees' religious observances. Lake v. B.F. Goodrich Co., 837 F.2d 449, 450 (11th Cir. 1988). Defendant can avoid this burden by showing that it could not have accommodated Mr. Abdul-Azeez's religious beliefs without undue hardship. Id.; 42 U.S.C. § 2000e(j). If Defendant shows that it reasonably accommodated his religious beliefs, the inquiry is at an end, and the issue of undue hardship is irrelevant. Beadle, 42 F.3d at 636. Mr. Abdul-Azeez is not necessarily entitled to an accommodation of his choice. Ansonia Bd. of Educ. v. Philbrook, 479 U.S. 60, 68 (1986). Whether an accommodation is reasonable depends on the facts and circumstances of each case. Beadle, 42 F.3d at 636.

Defendant does not argue that accommodating Mr. Abdul-Azeez would have imposed an undue hardship. (See Doc. No. 26.) Defendant argues that, as a matter of law, it reasonably accommodated his religious beliefs. Defendant points out that it waived the twelve-month ban on applying for other positions. (See Def.'s Ex. 2, attached to Doc. No. 30.) Defendant offered Mr. Taylor's assistance and sent him weekly career bulletins. (Berry Dep. at 49.) Defendant also offered him a job as a mail handler in Columbia. (Abdul-Azeez Aff. ¶ 32, attached to Doc. No. 40.) By waiving the twelve-month period, by helping Mr. Abdul-Azeez find another job, and by offering him a job in Columbia, Defendant asserts that it

satisfied its statutory duty of accommodation.

The reasonableness of Defendant's proffered accommodations is a question of fact. Proctor v. Consolidated Freightways Corp. of Del., 795 F.2d 1472, 1476 (9th Cir. 1986); Turpen v. Missouri-Kansas-Texas R.R. Co., 736 F.2d 1022, 1026 (5th Cir. 1984) (referring to reasonable accommodation as a factual determination). The EEOC has referred to evidence that the accommodations were of little or no value. During the ninety-day leave period, Defendant allegedly offered no job in the Augusta area which would have allowed Mr. Abdul-Azeez to wear his beard. (Abdul-Azeez Aff. ¶ 29, attached to Doc. No. 40.) According to the EEOC, other openings involved jobs located far from Augusta and for which he was not qualified. (Id.) Defendant has identified no specific job for which Mr. Abdul-Azeez should have applied. A reasonable trier of fact could conclude that Defendant failed to reasonably accommodate Mr. Abdul-Azeez's religious beliefs.

Defendant faults Mr. Abdul-Azeez for sitting idly during the ninety-day suspension period. Mr. Abdul-Azeez must make a good faith attempt to take advantage of any proffered accommodations. Beadle v. Hillsborough County Sheriff's Dep't, 29 F.3d 589, 593 (11th Cir. 1994). Defendant complains that Mr. Abdul-Azeez never responded to any of the career bulletins, to its job offer, or to offers of assistance from Ms. Berry and Mr. Taylor.

Because a trier of fact could conclude that Defendant's proffered accommodations were not reasonable, Defendant's observations do not justify summary judgment. In any case, Mr. Abdul-Azeez met with Mr. Taylor in January to discuss the conflict. (Abdul-Azeez Aff. ¶ 30, attached to Doc. No. 40.) Mr. Abdul-Azeez claims that he asked Mr. Taylor whether he could have a religious exemption to the no-beard policy and that Mr. Taylor promised him an answer. (Id. ¶ 31.) Mr. Abdul-Azeez says that he left the meeting "confident" that Defendant would let him keep his beard and work as a courier. (Id.) A reasonable trier of fact could conclude that he made a good faith attempt to take advantage of Mr. Taylor's assistance and to resolve the conflict. Defendant is not entitled to summary judgment on the religious discrimination claim.

B. Retaliation

Defendant's summary judgment brief does not address the retaliation claim. At oral argument, Defense counsel suggested that if the religious discrimination claim fails, the retaliation claim necessarily fails as well. A retaliation claim is separate from a disparate treatment claim. Even if Defendant did not violate Title VII's prohibition on religious discrimination, the EEOC could still obtain relief if it shows that Defendant terminated Mr. Abdul-Azeez in retaliation for filing a charge of discrimination.

To establish a prima facie case of retaliation, the EEOC must show:

(1) that Mr. Abdul-Azeez engaged in statutorily protected activity;

(2) that he suffered an adverse employment action; and

(3) that there is a causal link between the protected activity and the adverse action.

Gupta v. Florida Bd. of Regents, 212 F.3d 571, 587 (11th Cir. 2000), cert. denied, No. 00-726, 2001 WL 12582 (U.S. Jan. 8, 2001). If the EEOC establishes a prima facie case of retaliation, the burden shifts to Defendant to articulate a legitimate, nondiscriminatory reason for the adverse action. Farley v. Nationwide Mut. Ins. Co., 197 F.3d 1322, 1336 (11th Cir. 1999). If Defendant satisfies this burden, the EEOC must come forward with evidence that Defendant's articulated nondiscriminatory reason is pretextual. Id.

Mr. Abdul-Azeez filed a charge of discrimination on December 22, 1998. (Ex. 10 to Abdul-Azeez Dep.) Filing this charge is a protected activity. Wideman v. Wal-Mart Stores, Inc., 141 F.3d 1453, 1455 (11th Cir. 1998). His employment ended on March 2, 1999 when Ms. Berry wrote that she considered his refusal to accept the job in Columbia a voluntary resignation. (See Ex. 15 to Abdul-Azeez Dep.) A reasonable trier of fact could discern a causal connection between the charge of discrimination and the letter of March

2. See Maniccia v. Brown, 171 F.3d 1364, 1369-70 (11th Cir. 1999) (discussing time gaps in retaliation cases). Defendant has suggested that Mr. Abdul-Azeez's employment ended because he rejected the job offer in Columbia. A reasonable trier of fact, however, could conclude that this suggestion is a pretext for unlawful retaliation. Defendant is not entitled to summary judgment on the retaliation claim.

IV. Conclusion

Upon the foregoing, Defendant's Motion for Summary Judgment (Doc. No. 29) is **DENIED**. This case will proceed to trial accordingly.

ORDER ENTERED at Augusta, Georgia, this 26th day of January, 2001.

CHIEF UNITED STATES DISTRICT JUDGE

UNITED STATES DISTRICT COURT
Southern District of Georgia

Case Number: 1:00-cv-00050
Date Served: January 26, 2001
Served By: Emmie S. Flanders

Attorneys Served:

S. Robert Royal, Esq.
Rosemarie Rhodes, Esq.
Steven M. Tapper, Esq.
James D. Hyder Jr., Esq.
Richard C. Paul, Esq.

___ Copy placed in Minutes
___ Copy given to Judge
___ Copy given to Magistrate