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United States District Court,
S.D. Indiana, Indianapolis Division.

Greg ALLEN, et al., Plaintiffs,
v.
INTERNATIONAL TRUCK AND ENGINE CORPORATION (incorrectly sued as Navistar International, Corp.), Defendant.

No. 1:02-CV-902-RLY-TAB. | March 14, 2006.

Attorneys and Law Firms

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Opinion

ORDER ON DEFENDANT INTERNATIONAL TRUCK AND ENGINE CORPORATION'S MOTION FOR SUMMARY JUDGMENT

YOUNG, J.

***1** On May 13, 2005, Defendant, International Truck and Engine Corporation, filed a motion for summary judgment on Plaintiffs' claims. On August 5, 2005, Plaintiffs filed an opposition brief with respect to the issue of the hostile work environment claims of Plaintiffs Mary Bronson, Jeanette Craig, Robin Fouce, Tiffany Harbour, James Harris, Dietra Hawkins, Donna Jackson, Harris Jenkins, Patricia Kelly, Derrick Morgan, James Murphy, Joann Norris, Otis Riggins, Michael Ruggs, Ervin Stewart, Frank Wilson and Freeman Young. Plaintiffs contend that since Defendant did not move for summary judgment on Plaintiffs' pattern-or-practice hostile work environment claim, the individual hostile work environment claims are not ripe for decision at this time. For the reason explained below, the court agrees with the Plaintiffs.

As noted by Plaintiffs, a pattern-or-practice hostile work environment claim follows a different order of proof than do individual hostile work environment claims. In a pattern-and-practice case, a plaintiff must show that, given the totality of the circumstances, an objectively reasonable person would find the existence of: (1) a hostile environment of racial harassment within the company (a hostile environment pattern or practice); and (2) a company policy of tolerating a workforce permeated with severe or pervasive racial harassment. *Equal Employment Opportunity Commission v. Mitsubishi Motor Manufacturing of America, Inc.,* 990 F.Supp. 1059, 1073 (C.D.Ill.1998).

Once a plaintiff makes such a showing, "[t]he burden then shifts to the employer to defeat the prima facie showing of a pattern or practice by demonstrating that the [plaintiff's] proof is either inaccurate or insignificant." *International Brotherhood of Teamsters v. United States,* 431 U.S. 324, 360, 97 S.Ct. 1843, 52 L.Ed.2d 396 (1977). If the employer fails in this regard, the finder of fact can conclude "that a violation has occurred" and the trial court can award prospective equitable relief. *Id.* at 361.

The proof in this initial phase of the trial focuses on "the landscape of the work environment" rather than upon "the particularized experience of the individual claimant." *EEOC v. Dial Corp.,* 156 F.Supp.2d 926, 946 (N.D.Ill.2001); *Mitsubishi,* 990 F.Supp. at 1074 (same). Therefore, in a pattern-or-practice case, the order and allocation of proof, as well as the overall nature of the trial proceedings, differs from a case involving only individual claims for relief. *Teamsters,* 431 U.S.

at 357-62.

If a plaintiff succeeds at trial on the pattern-or-practice claims, phase two of the trial commences, with the court addressing the individual claims for relief. *Dial Corp.,* 156 F.Supp.2d at 946 (citing *Mitsubishi,* 990 F.Supp. at 1077-82).

The court finds this model appropriate for the instant case. Accordingly, because the pattern-or-practice claim of the Plaintiffs' remains, the individual hostile work environment claims filed by the individual Plaintiffs in this case are not ripe for decision. Defendant's Motion for Summary Judgment with respect to the hostile work environment claims of the individual Plaintiffs is therefore DENIED.

***2** SO ORDERED.