

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

EQUAL EMPLOYMENT OPPORTUNITY	)	
COMMISSION,	)	
	)	
Plaintiff,	)	
	)	Civil Action No.
v.	)	01-CV-7042
	)	
ALLSTATE INSURANCE COMPANY,	)	Consolidated With:
	)	Civil Action No.
_____	)	01-CV-3894
Defendant.	)	
_____	)	

**PLAINTIFF EEOC’S MOTION FOR CLARIFICATION OR IN THE  
ALTERNATIVE RECONSIDERATION OF THE ORDER OF  
MARCH 30, 2004, AND TO AMEND DECLARATORY JUDGMENT**

Comes now Plaintiff, Equal Employment Opportunity Commission, pursuant to Rule 59(e) and moves the Court for clarification or reconsideration of its Memorandum and Order entered in this case on March 30, 2004, (amended on March 31, 2004), and to amend its Declaratory Judgment. In support of its motion, Plaintiff Equal Employment Opportunity Commission states:

1. On December 27, 2001, Plaintiff EEOC filed its action against Allstate Insurance Company (“Allstate”) alleging that Allstate’s release requirement of its “Preparing for the Future Group Reorganization Plan” violated the anti-retaliation provisions of Title VII, the ADEA, and the ADA and seeking injunctive relief and backpay, compensatory and punitive damages for approximately 6,200 employee-agents subject to the release requirement.
2. On May 2, 2003, Plaintiff EEOC moved for partial summary judgment on the issue of liability.

3. On May 23, 2003, the Romero Plaintiffs moved for partial summary judgment on the issue of liability for their retaliation claims similar to those of the EEOC.

4. On March 30, 2004, the Court granted the EEOC's motion for partial summary judgment and that of the Romero Plaintiffs concerning their retaliation claims.

5. In its Memorandum and Order, the Court held that Allstate Insurance Company had retaliated against its employee-agents in violation of the ADEA, Title VII and the ADA. The Court also ruled that there was no basis for claims of age discrimination because employees of all ages were treated alike.

6. In its Declaratory Judgment, the Court ordered that each employee-agent who signed a release may rescind the release by notifying Allstate Insurance Company in writing of his or her wish to rescind the release, and tendering to Allstate any and all benefits he or she received for signing the release.

7. It is not clear to Plaintiff EEOC whether employee-agents must tender back all benefits they received for the release in order for the EEOC to obtain monetary relief for them under the ADEA, Title VII and the ADA.

Accordingly, Plaintiff Equal Employment Opportunity Commission, seeks clarification from the Court on this question and an amendment of the Declaratory Judgment. If the Court intends that such tender back is required by employee-agents in order for the EEOC to seek monetary relief for them, then the EEOC seeks reconsideration of the Court's Order and amendment of the Declaratory Judgment for the reasons stated in the accompanying memorandum.

Respectfully submitted,

ROBERT G. JOHNSON  
Regional Attorney

/s/ C. Felix Miller

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C. FELIX MILLER  
Senior Trial Attorney

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**CERTIFICATE OF SERVICE**

I hereby certify that on April 14, 2004, I caused a copy of the foregoing Equal Employment Opportunity Commission's Memorandum in Support of its Motion for Clarification or in the Alternative Reconsideration of the Order of March 30, 2004, and Amend Declaratory Judgment to be served upon the following persons by first class United States Mail, postage prepaid :

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