

IN THE DISTRICT COURT OF THE UNITED STATES FOR THE
MIDDLE DISTRICT OF ALABAMA, NORTHERN DIVISION

JOHNNY REYNOLDS, et al.,)	
)	
Plaintiffs,)	
)	
v.)	CIVIL ACTION NO.
)	2:85cv665-MHT
ALABAMA DEPARTMENT OF)	(WO)
TRANSPORTATION, et al.,)	
)	
Defendants.)	

OPINION AND ORDER

This case is now before the court on the special master's recommendation (Doc. No. 8310) and modification of that recommendation (Doc. No. 8319) concerning the defendants' motion for partial summary judgment on the plaintiffs' individual contempt claims (Doc. No. 8273). After an independent and de novo review of the record, it is ORDERED as follows:

(1) The special master's recommendation (Doc. No. 8310), as amended (Doc. No. 8319), is adopted as to all remaining issues, albeit for slightly different reasons.

(2) The defendants' motion for partial summary judgment (Doc. No. 8273) is denied, albeit without prejudice, as to all remaining issues.

In light of the objections to the recommendation filed by the various parties and in light of the on-the-record representations of the parties at the status conferences held on November 3, 2008, and February 20, 2009, the makes the following observations. First, the issue of multiple claimants for the same position, raised in the recommendation, is simply not in a posture for efficient and wise resolution. This issue is not before the court in any concrete sense; no such claimants, with attendant factual context, have yet been identified. The quite complicated legal issue presented is made unnecessarily more complex and difficult because the court is presented with only hypotheticals. Second, the plaintiffs raise in their objections several points of clarification. These questions should be posed in the first instance to the special master. The court cannot

answer for the plaintiffs what the special master meant
in his recommendation.

DONE, this the 24th day of February, 2009.

/s/ Myron H. Thompson
UNITED STATES DISTRICT JUDGE