

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF MICHIGAN
SOUTHERN DIVISION

MARLIN WILLIAMS, PAMELA
WILLIAMS CARTHENS, JEROME
THOMSON, PhD, BRENDA DEFORREST,
LEVEN WEISS, J.D., MICHAEL D.
BROWN, J.D., CORA WILLIAMS, and
ANTHONY HILL, on behalf of themselves
and all others similarly situation,

Plaintiffs,

v.

FCA US LLC,

Defendant.

Case No. 17-10097
Honorable Laurie J. Michelson

**ORDER GRANTING IN PART AND DENYING IN PART DEFENDANT'S
MOTION TO STRIKE [50]**

Named Plaintiffs are current and former employees of Fiat Chrysler Automobiles (FCA). They allege that an employee-evaluation policy has a disparate impact on African-American employees. As a result of this policy, Plaintiffs, and others like them, allegedly received lower evaluation scores which resulted in missed career advancements, bonuses, placement on probation, and, in some cases, termination. Plaintiffs alternatively allege that FCA intentionally discriminates against African-American employees.

Plaintiffs' complaint relies in large part on information former-Plaintiff Marlin Williams received as part of her position as Diversity Manager at FCA. The complaint incorporates by reference documents Marlin Williams worked on as part of her employment, which are filed under seal.

FCA alleges that Marlin Williams improperly took these documents after she resigned from FCA. It now moves to have all reference to these documents stricken from the complaint, to have the documents stricken from the docket, to preclude Plaintiffs from relying on the information contained in these documents, to require Plaintiffs' counsel to provide an accounting and return of all documents Marlin Williams shared with Plaintiffs' counsel, and to require Plaintiffs' counsel to provide an accounting of every person with whom they shared these documents and information. (ECF No. 50.)

The motion is fully briefed (ECF Nos. 50, 56, 61) and the Court held a hearing on the motion on June 7, 2019.

IT IS HEREBY ORDERED, for the reasons set forth more fully on the record in the Court's oral ruling, that Defendant's motion to strike (ECF No. 50) is GRANTED IN PART AND DENIED IN PART. Plaintiffs shall return all materials to FCA that have not otherwise been turned over that are alleged to be confidential, proprietary, or contain trade secrets. Plaintiffs are also to provide an accounting to FCA identifying everyone with whom Plaintiffs have shared information contained in the documents as well as the documents themselves. Nothing will be stricken from the complaint or from the docket.

IT IS SO ORDERED.

s/Laurie J. Michelson
LAURIE J. MICHELSON
UNITED STATES DISTRICT JUDGE

Date: June 10, 2019

CERTIFICATE OF SERVICE

The undersigned certifies that a copy of the foregoing document was served on the attorneys and/or parties of record by electronic means or U.S. Mail on June 10, 2019.

s/William Barkholz
Case Manager to
Honorable Laurie J. Michelson