

**UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF MISSOURI
EASTERN DIVISION**

MAXINE THOMPSON,)
)
Plaintiff,)

v.)

THE CURATORS OF THE)
UNIVERSITY OF MISSOURI, et al.,)
)
Defendants.)

Consolidated Case
No. 4:09CV2083 FRB

MAXINE THOMPSON,)
)
Plaintiff,)

v.)

THE CURATORS OF THE)
UNIVERSITY OF MISSOURI, et al.,)
)
Defendants.)

Associated Case
No. 4:09CV2084 TCM

MEMORANDUM AND ORDER

This matter is before the Court upon its own motion. Plaintiff has filed two similar employment discrimination actions against defendants. Because the complaints involve common questions of law and fact, the Court finds that the cases should be consolidated under Fed. R. Civ. P. 42 to avoid unnecessary costs and to promote judicial efficiency.

In light of the consolidation of these cases, plaintiff shall file an amended complaint on a court-provided employment discrimination complaint form. Plaintiff shall attach to her amended complaint her notices of right to sue, as well as her charges of discrimination. Plaintiff is reminded that the amended complaint will supersede her original complaint and will be the only complaint the Court reviews. Thus, plaintiff must include in the “Caption” of the amended complaint, all of the defendants she wishes to sue, and in the “Statement of Claim,” she must set out specific facts against each named defendant corresponding to each of her claims for relief. Plaintiff’s failure to amend her complaint in accordance with these instructions and within the time allowed could result in a dismissal of this action without prejudice.

Plaintiff is additionally reminded that because she seeks to proceed in forma pauperis, pursuant to 28 U.S.C. § 1915(e)(2)(B) the Court is required to review plaintiff’s complaint prior to serving defendants with process. If at any time it appears that the action is frivolous, malicious, fails to state a claim upon which relief can be granted, or seeks monetary relief against a defendant who is immune from such relief, the Court may dismiss some or all of plaintiff’s complaint. For example, in plaintiff’s current complaints, she has listed several individual defendants, presumably supervisors, in this action. Supervisors, coworkers and managers

cannot be held individually liable for damages under either Title VII or the Age Discrimination in Employment Act (“ADEA”). See, e.g., Roark v. City of Hazen, 189 F.3d 758, 761 (8th Cir. 1999) citing Bonomolo-Hagen v. Clay Central-Everyly Community School Dist., 121 F.3d 446, 447 (8th Cir. 1997); Bales v. Wal-Mart Stores, Inc., 143 F.3d 1103, 1111 (8th Cir. 1998); Spencer v. Ripley County State Bank, 123 F.3d 690, 691-92 (8th Cir. 1997); Albra v. Advan, Inc., 490 F.3d 826, 830 (11th Cir. 2007); Hill v. Borough of Kutztown, 455 F.3d 225, 246 (3rd Cir. 2006). Thus, if these individuals are included in plaintiff’s amended complaint, they will likely be subject to pre-service dismissal.

Accordingly,

IT IS HEREBY ORDERED that Thompson v. The Curators of the University of Missouri, 4:09CV2084 TCM, is consolidated into Thompson v. The Curators of the University of Missouri, 4:09CV2083 FRB, for remaining pretrial proceedings and trial. All future pleadings shall be filed as Consolidated Case No. 4:09CV2083 FRB.

IT IS FURTHER ORDERED that plaintiff shall file an amended complaint within thirty (30) days of the date of this Order, in accordance with the Court’s instructions set forth above.

IT IS FURTHER ORDERED that the Clerk shall mail to plaintiff, in addition to a copy of this Memorandum and Order, the court-provided form for filing an employment discrimination complaint.

IT IS FURTHER ORDERED that plaintiff's failure to amend her complaint in accordance with this Court's instructions may result in a dismissal of this action, without prejudice.

IT IS FURTHER ORDERED that upon the filing of the amended complaint, the Clerk shall resubmit this action to the Court for review pursuant to 28 U.S.C. § 1915(e).

Dated this 15th day of January, 2010.



FREDERICK R. BUCKLES
UNITED STATES MAGISTRATE JUDGE