

(hereinafter “Employers”), specifically for violations of the Civil Rights Act of 1964 §703(a) and 42 U.S.C.A. §2000(e)2(a).

3. Prior to filing the complaint, Tracy filed an official charge with the U.S. Equal Employment Office (U.S. EEOC) against the Employers on January 23, 2006. The U.S. EEOC has an on-going investigation and, to date, has not yet made its final determination on the claims.

4. The Barkers filed the complaint in May 2007 to avoid being barred by the statute of limitations on the negligence claims and included the Title VII claims to avoid the possibility of being barred from amending to add the claims once the U.S. EEOC had made its final determination.

5. Employers have filed an answer and a motion to dismiss or transfer this case based on improper venue. In the motion to dismiss or transfer, the Employers have attempted to preserve a right to file a motion to compel arbitration once this Court has ruled on the venue motion.¹ Clearly, such preliminary matters raised by the Employers will continue to stall formal proceedings well beyond the time frame within which the U.S. EEOC is likely to render a final determination.

6. Therefore, the Defendants will not be prejudiced nor will the case be delayed if the Title VII claims are held in abatement considering the numerous motions they are almost certain to file over the next several months.

WHEREFORE, Plaintiffs respectfully request that this honorable Court order the Title VII claims held in abatement until a final determination is made by the EEOC or any other relief this Court deems appropriate.

Respectfully submitted,

¹ See Defendants KBR, Halliburton, and SEII’s Motion to Dismiss for Improper Venue, or, in the alternative, to Transfer in the Interest of Justice and for the Parties’ Convenience, 6/11/07, Pg. 2 at fn. 3.

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CERTIFICATE OF SERVICE

I hereby certify that all counsel of record were served by electronic means through the PACER; CM/ECF electronic filing system on this 23rd day of July, 2007.

/s/ L. Todd Kelly