

IN THE UNITED STATES DISTRICT COURT  
FOR THE DISTRICT OF SOUTH CAROLINA  
CHARLESTON DIVISION

USDC - DISTRICT OF SOUTH CAROLINA  
2016 FEB 17 A 10:07

QUINTON BROWN, RAMON ROANE, )  
ALVIN SIMMONS, SHELDON )  
SINGLETERY, GERALD WHITE, )  
JASON GUY, and JACOB RAVENELL, )  
individually and on behalf of )  
the class they seek to represent, )

Plaintiffs, )

vs. )

NUCOR CORPORATION and NUCOR )  
STEEL-BERKELEY, )

Defendants. )

Civil Action No.: 2:04-22005-CWH

**ORDER**

On February 17, 2011, the Court certified the class in this case. (ECF No. 339 at 30). On April 27, 2011, the Court modified the class definition set forth in the Court's February 17, 2011 Order, and defined the class as follows:

All African-Americans who are, as of the date of this order [April 27, 2011], or were employed by Nucor Corporation or Nucor Steel Berkeley at the Nucor Berkeley manufacturing plant in Huger, South Carolina at any time between December 2, 1999, and the date of this order [April 27, 2011], in the beam mill, hot mill, cold mill, melting, maintenance, and shipping departments, and who may have been discriminated against because of Nucor's challenged practices.

(ECF No. 359 at 14).

On January 18, 2016, the defendants moved the Court to alter or amend the class definition pursuant to Federal Rule of Civil Procedure 23(c)(1)(C). (ECF No. 476). On February 4, 2016, the plaintiffs filed a response in opposition to the defendants' motion. (ECF No. 481). On February 10, 2016, the defendants filed a reply. (ECF No. 482). In their motion,

#1  
CWH

the defendants seek two revisions to the class definition: (1) the class membership cut-off date should be modified to reflect a cut-off date of August 7, 2007; and (2) the class should include only those persons employed "in production jobs" in the six departments listed in the class definition. (ECF No. 476 at 1-2).

The Court heard the parties' arguments in a telephone conference on February 11, 2016. The Court acknowledges that its statements made during the telephone hearing may have suggested that it would rule on the motion to alter or amend at a later time, but, upon further consideration and after a thorough review of the pleadings related to this motion, the Court concludes that the April 27, 2011 cut-off date on class membership is the appropriate cut-off date and that the class shall include "all African Americans" in the six departments listed in the existing class definition, not only those "in production jobs." Therefore, the class definition provided in the Court's April 27, 2011 Order remains the same, and the defendants' motion to alter or amend the class definition (ECF No. 476) is denied.

**AND IT IS SO ORDERED.**

  
C. WESTON HOUCK  
UNITED STATES DISTRICT JUDGE

February 16, 2016  
Charleston, South Carolina

#2  
CWH