

UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF COLUMBIA

ANDREW J. BRIGIDA, *et al.*,

Plaintiffs,

v.

PETE BUTTIGIEG, Secretary, U.S.
Department of Transportation,

Defendant.

No. 16-cv-2227 (DLF)

ORDER

Before the Court is the plaintiffs' Motion for Class Certification, Dkt. 139. For the reasons stated during the February 1, 2022 oral ruling, the Court grants the motion. The proposed class satisfies the requirements of Federal Rules of Civil Procedure 23(a) and (b)(2). Thus, the Court certifies an issues class under Rules 23(b)(2) and (c)(4) for a determination of liability and declaratory and injunctive relief. Damages and individual equitable relief will be determined on an individualized basis at a later stage if there is a finding of liability.

Accordingly, it is

ORDERED that the plaintiffs' Motion for Class Certification, Dkt. 139, is **GRANTED**.

The Court hereby certifies the following class:

All non-African American CTI graduates who:

- (1) By February 10, 2014, (a) graduated from a CTI program at one of the 36 FAA-partnered CTI Institutions between 2009–13 and (b) passed the AT-SAT;
- (2) Applied to be an ATCS trainee through the 2014 all sources vacancy announcement but failed the Biographical Questionnaire that was incorporated into the 2014 ATCS hiring process and was therefore not hired;
- (3) Have never been offered employment as an FAA ATCS.

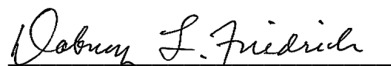
Excluded from the class are CTI graduates:

- (1) Who were not US citizens as of February 10, 2014;
- (2) Who by February 21, 2014 had reached 31 years of age (or 35 if they had 52 consecutive weeks of prior air traffic control experience);
- (3) Whose academic records as of February 21, 2014 explicitly stated that they were ineligible to receive a letter of recommendation from their CTI school;
- (4) Whose AT-SAT scores had expired as of February 21, 2014.

The Court appoints plaintiffs Andrew J. Brigida and Matthew L. Douglas-Cook as Class Representatives and Mountain States Legal Foundation and Curry, Pearson & Wooten as joint Class Counsel. It is further

ORDERED that the parties shall submit, on or before February 15, 2022, an agreed proposal for the text and form of a Notice of Pendency of Class Action; if an agreement is not reached, the parties shall submit their respective proposals on or before that date.

SO ORDERED.


DABNEY L. FRIEDRICH
United States District Judge

February 1, 2022