

IN THE UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF ALABAMA
EASTERN DIVISION

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UNITED STATES EQUAL EMPLOYMENT	:	
OPPORTUNITY COMMISSION,	:	
	:	
Plaintiffs,	:	
	:	Civil Action No.
and	:	CV-05-BE-1704-E
	:	
HENRY ADAMS, LETREK BEAVERS,	:	
AVERY GARRETT, HOWARD GARRETT,	:	
WILLIE GRIFFIN, CONRAD SCALES, WILLIE	:	
SILLMON, MICHAEL SMOOT, CLAY THOMAS,	:	
LEON WALKER, JATHER WHETSTONE,	:	
BOBBY WELCH, VINCENT YOUNG,	:	
	:	
Plaintiffs-Intervenors,	:	
	:	
-v.-	:	
	:	
TYSON FOODS, INC.,	:	
	:	
Defendant.	:	

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MOTION TO INTERVENE AND TO CONSOLIDATE

Pursuant to Federal Rule of Civil Procedure 24 (a) (1) and Title VII, 42 U.S.C. § 2000-e-5 (f) (1), Henry Adams, Letrek Beavers, Avery Garrett, Howard Garrett, Willie Griffin, Conrad Scales, Willie Sillmon, Michael Smoot, Clay Thomas, Leon Walker, Jather Whetstone, Bobby Welch, and Vincent Young (collectively, "Plaintiff-Intervenors") by and through undersigned counsel,

respectfully move for intervention as of right in the above-captioned case brought by the United States Equal Opportunity Commission (“EEOC” hereinafter referred to as the “EEOC Action”) and request that the Court consolidate the case *Henry Adams, et al., v. Tyson Foods, Inc.*, CV-05-BE-1720-E, filed August 11, 2005 with the EEOC Action. Counsel for the Plaintiff-Intervenors are also counsel for the individual Plaintiffs in CV-05-BE-1720-E and the allegations in that complaint are the same as those made in the proposed complaint in intervention filed with this motion.

As the EEOC Action has been commenced by the EEOC on August 11, 2005, based upon claims filed by Henry Adams and Leon Walker and a class of similarly situated African-American employees, Plaintiff-Intervenors have a right to intervene in the EEOC action. Counsel for the Plaintiff-Intervenors have consulted with counsel for the EEOC who have authorized the undersigned to represent to the Court that the EEOC has no objection to this motion being granted.

Pursuant to Federal Rule of Civil Procedure 24 (c), Plaintiff-Intervenors attach the following in support of their Motion to Intervene and to consolidate:

A. Plaintiff-Intervenors’ Complaint in Intervention

A proposed Order granting the instant Motion is attached for the Court’s consideration.

WHEREFORE, Intervenors respectfully ask this Court to grant this Motion to Intervene and to Consolidate.

Respectfully submitted,

s/Kevin E. Clark

Kevin E. Clark

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Attorneys for Plaintiff-Intervenors

Dated: August 12, 2005

CERTIFICATE OF SERVICE

I hereby certify that on August 12, 2005, I electronically filed the foregoing with the Clerk of the Court using the CM/ECF system and sent notification of such filing by certified mail to the following:

Tyson Foods, Inc.
c/o The Corporation Company
2000 Interstate Park Drive, Suite 204
Montgomery, Alabama 36109

s/ George N. Davies
George N. Davies