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MANUFACTURER LACKS STANDING TO SUE OVER EEOC EMAIL BLAST

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In a move that could have considerable ramifications for future discrimination claims, a federal judge has dismissed a manufacturer's lawsuit against the Equal Employment Opportunity Commission (EEOC) stemming from an EEOC email blast directed at 1,169 of the manufacturer's employees.

Heavy equipment manufacturer Case New Holland, Inc. (CNH) filed the suit (*Case New Holland Industrial, Inc. v. Equal Opportunity Employment Commission*) after the EEOC sent a 10-question email survey to CNH employees and past job applicants in June 2013. As alleged in CNH's Complaint, the EEOC violated the Fourth Amendment, the "takings" clause of the Fifth Amendment, and its own Compliance Manual when it used CNH's computer network without authorization to send the blast. CNH accused the EEOC of "trolling for plaintiffs to commence a class action against CNH." The EEOC characterized the email blast, which centered around possible age bias within the company, as an investigatory technique well within its authority.

District of Columbia U.S. District Judge Reggie B. Walton rejected CNH's claims, granting the EEOC's motion to dismiss and ruling that the company lacked standing to challenge the EEOC because it hadn't shown injury from the EEOC's actions. Judge Walton called the alleged injuries "generalities and speculation" in his ruling from the bench, and deemed the mass email "the least invasive way" for the EEOC to carry out its function.

Judge Walton's ruling stated that it would be followed by a written opinion in 30 to 60 days. The case has been docketed as 1:13-cv-01176, in the U.S. District Court for the District of Columbia.

Judge Walton's ruling, if allowed to stand, seems likely to embolden the EEOC to take new, possibly unprecedented measures in collecting employee data.

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