

United States District Court

THOMAS C. CAVER
CLERK

MIDDLE DISTRICT OF ALABAMA
OFFICE OF THE CLERK
POST OFFICE BOX 711
MONTGOMERY, ALABAMA 36101

TELEPHONE (205) 832-7308
FTS 834-7308

December 5, 1983

Mr. Spencer D. Mercer, Clerk
U.S. Court of Appeals - Eleventh Circuit
56 Forsyth Street, N.W., Room 100
Atlanta, GA 30303

D.C. NO. 3501=N
U.S.C.A NO. 83-7617

IN RE: NEWMAN vs. CHARLES GRADDICK, ATTORNEY GENERAL, et al

Enclosed are documents regarding an appeal in this matter. Please acknowledge receipt on the enclosed copy of this letter.

- ☐ Certified copy of notice of appeal and docket entries enclosed.
- ☐ First Notice of Appeal: ☐ Yes ☐ No Date(s) of other notices: _____
- ☒ Certified record on appeal consisting of:
3 Volume(s) of pleadings, etc.; 3 Volume(s) of transcripts;
4 Volume(s) of exhibits/~~depositions~~; Other: _____
- ☐ There was no hearing from which a transcript could be made.
- ☐ Copy of CIA form appointing counsel.
- ☐ The following materials were SPARED in this court (order enclosed):

- ☐ The appellate docket fee has been paid ☐ Yes ☐ No; Date(s) paid _____
- ☐ Appellant has been granted/denied leave to appeal in forma pauperis (copy of order granting/denying IFP and/or Certificate of Probable Cause is enclosed)
- ☐ An appeal bond has been posted ☐ Cost Bond ☐ Supersedeas Bond
- ☐ The Judge or Magistrate appealed from is _____
- ☐ The court reporter(s) are _____
- ☐ This is an appeal of a bankruptcy order. Bankruptcy Judge: _____
- ☐ This is a DEATH PENALTY appeal

CC: Philip H. Butler, Patricia Littlefield,
Mitchell W. Dale, Charles A. Schneider,
Algert Agricola, John Bell, Charles A. Graddick,
Ken Wallis, M.R. Nachman, Jr., Robert D. Segall,
John L. Carroll, Alvin L. Bronstein, John F. Cameron
Frank M. Wilson, Rosa Davis, ~~Eva Amador~~

Sincerely,

Pat Green

TITLE OF CASE

ATTORNEYS

Civil Action No. 3501-N

N. H. NEWMAN, AND OTHERS,

Petitioners,

UNITED STATES OF AMERICA,

DONALD R. HARRISON

Amicus Curiae,

vs.

~~+STATE-OF-ALABAMA; +BILL-BAXLEY, ATTORNEY GENERAL~~
~~FOR STATE OF ALABAMA; +GLEN THOMPSON~~
~~+BILL GILMORE, WARDEN,~~
 MEDICAL & DIAGNOSTIC CENTER, MT. MEIGS, ALABAMA;
 FRANK B. BROWN, HOSPITAL ADMINISTRATOR, AND OR
 BUSINESS MANAGER, AND ALL HOSPITAL STAFF,
 MEDICAL & DIAGNOSTIC CENTER, MT. MEIGS, ALABAMA;
~~*ALABAMA-BOARD-OF-CORRECTIONS; +YETTA-G-SAMFORD,~~
~~JR., individually and as Chairman of the Alabama~~
~~Board of Corrections; and +DR. MAX V. McLAUGHLIN,~~
 REV. JOHN E. VICKERS, DR. THOMAS F. STATON, and
 W. T. THRASH, individually and as Members of the
 Alabama Board of Corrections; L. B. SULLIVAN,
 individually and as Commissioner, Alabama Board
 of Corrections; +JAMES H. McCLENDON, BILL FRANKLIN,
 M. B. FERGUSON, PAUL MANNIS, and JAMES E. INGRAM,
 individually and as Commissioners of St. Clair
 County, Alabama, +BILLY JOE FREDERICK, GROVER DAVIS
 and DELMO PAYNE

FOB JAMES, GOVERNOR OF ALABAMA, APPOINTED
TEMPORARY RECEIVER OF ALABAMA PRISON SYSTEM
PER ORDER 2/2/79

*Added as parties-defendant per order of 2/15/72
 +Substituted per order of 10/4/72
 +Dismissed as parties-defendant per order of 9/6/78
 %Added as parties-defendant per order of 1/8/80
 %Added as parties-defendant per order of 11/6/80
 \$ parties-defendant per order of 1/8/81
 + parties-defendant (intervenor) per

Philip H. Butler (Per Order 4/1
 P. O. Drawer 1470 (Court &
 Montgomery, AL 36102
 834-7000

Patricia G. Littlefield
 Asst. Attorney General
 Civil Rights Division
 Washington, DC 20530
 251-6723 FTS (for Amicus Curi

John C. Bell^{and} Charles A.
 Barry-E. Teague Mitchell W
 U.S. Attorney *Stephen W
 P. O. Box 197 Special L
 Montgomery, AL 36101 Section,
 832-7280 Justice
 Civil Rig

Charles A. Graddick
 Attorney General of Alabama HOLC
 250 Administrative Bldg. Room
 Montgomery, AL 36130 320
 834-5150 N.

Jack M. Curtis Washington
 Assistant Attorney General
 250 Administrative Building
 Montgomery, AL 36130

COURTRAN

624 \$70.00
 14695 11/4/83 \$70.00

TEST: A True Copy
 Signed To December 5, 1983
 Thomas C. Cover
 Clerk, U.S. District Court,
 Middle District Of Alabama.

Pat Green
 Deputy Clerk

other state p
 Action arose at:

Depositions

10/15/81 8256 (\$70.00)

CIVIL DOCKET CONTINUATION SHEET

PLAINTIFF		DEFENDANT	DOCKET NO. 3501-N
NEWMAN, N. H., ET AL.		STATE OF ALABAMA, ET AL.	PAGE ____ OF ____ PAGES
DATE	NR.	PROCEEDINGS	
		<u>ADDITIONAL DEFENDANTS</u> §§ § CITY OF HAMILTON, ALABAMA, a municipal corporation; the COUNTY OF MARION, a political subdivision of the State of Alabama; BRADY BAGGUS, WADE GALBREATH, HUGO STONE, ROYCE R. MANN and HUGH AKERS, Commissioners of Marion County, Alabama; and MURRAY BALLARD, Mayor of the City of Hamilton, Alabama; ALABAMA MENTAL HEALTH BOARD; NORTHWEST ALABAMA MENTAL HEALTH CENTER; **DEPARTMENT OF MENTAL HEALTH OF THE STATE OF ALABAMA; **Rex Rainer, individually and in his capacity as Special Assistant to the Governor; **SID McDONALD, individually and in his capacity as Director of Finance for the State of Alabama; TOM BRASSETT, George C. Dean, Jr., individually and in his capacity as Comptroller of the State of Alabama; and ANNIE LAURIE GUNTER, individually and in her capacity as Treasurer of W. Sears Barnes the State of Alabama Tom Radney* Radney, Radney and Barnes P. O. Box 804 35100 w/d 2/17/83 Alexander City, AL 35010 329-8438 for Alabama Board of Corrections *By letter of 8/20/76 Jimmy Samford Michael D. Waters Legal Advisor State Capitol Montgomery, AL 36130 for Gov. James and M. R. Nachman, Jr. P. O. Box 668 Montgomery, AL 36101 for Gov. James Al Tidwell P. O. Box 787 Hamilton, AL 35570 921-7251 for Frederick, Davis & Payne (Marion Co. Defendants) William J. Trussell Church, Trussell & Robinson 1904 Cogswell Avenue P. O. Box 504 Pell City, AL 35125 338-2295 for St. Clair Co. Commissioners, etc.	
	§§	James K. Davis P. O. Box 157 Hamilton, AL 35570 921-7878 for City of Hamilton, Baggus, Galbreath, Stone, Mann, Akers, Ballard (Marion Co. defendants)	
	§§	Jack B. McNamee, John W. Lowe James, Lowe & McNamee P. O. Box 576 Haleyville, AL 35565 for Northwest Alabama Mental Health Board & Northwest Alabama Mental Health Center	
	§§	G. R. Trawick Alabama Department of Mental Health 135 South Union Street Montgomery, AL 36130 834-4350 for Alabama Dept. of Mental Health	
	##	Thomas S. Lawson, Jr. Capell, Howard, Knabe & Cobbs P. O. Box 2069 Montgomery, AL 36197 262-1671 for McDonald, Dean & Gunter	

CIVIL DOCKET CONTINUATION SHEET

PLAINTIFF	DEFENDANT	DOCKET NO. 3501-N
N. H. NEWMAN, ET AL.	STATE OF ALABAMA, ET AL.	PAGE ____ OF ____ PAGES

DATE	NR.	PROCEEDINGS
------	-----	-------------

Ezra B. Perry, Jr. (2/11/81)
J. Fred Wood, Jr.
Dominick, Fletcher, Yeilding,
Acker, Wood & Lloyd
2121 Highland Avenue
Birmingham, AL 35205
939-0033
for Melvin Bailey and Lionel Bragan

Edwin A. Strickland (2/11/81)
Gregory T. Bittner
213 Jefferson County Courthouse
Birmingham, AL 35263
325-5688
for Tom Gloor, Chris Doss
and Ben Erdreich

James C. Barton (7/1/81)
Johnston, Barton, Proctor,
Swedlaw & Naff
1212 Bank for Savings Building
Birmingham, AL 35203
322-0616
(for The Birmingham News, James H. Evans)

Dennis R. Bailey (7/8/81)
Rushton, Stakely, Johnston & Garrett
P. O. Box 270
Montgomery, AL 36195
834-8480
(for The Advertiser Company)

Dennis R. Bailey
Rushton, Stakely, Johnston & Garrett
P. O. Box 270
Montgomery, AL 36195
834-8480
(for The Advertiser Company)

Wilford J. Lane (8/15/81)
1330 Noble Street
Anniston, AL 36201
238-8353
(for Ray Anthony Ragland)

2. Jacquelyn LaFkin Stuart
Special Assistant Attorney General
Alabama Department of Corrections
101 So. Union Street
Montgomery, AL 36130

Rosa G. Hamlett Davis & Algert S. Agricola, Jr.
Philip C. Davis John Lockett Terry R. Smyly (2/17/82) ✓
250 Administrative Building
Montgomery, AL 36130
(for Charles Graddick)

CIVIL DOCKET CONTINUATION SHEET

PLAINTIFF	DEFENDANT	DOCKET NO. _____
		PAGE ____ OF ____ PAGES

DATE	NR.	PROCEEDINGS
		<u>ADDITIONAL COUNSEL:</u> 74-57-N Robert D. Segall (Court app'd) P. O. Box 347 Montgomery, AL 36101 <u>and</u> John L. Carroll (Court app'd)✓ P. O. Box 2087 Montgomery, AL 36103 (for Jerry Lee Pugh) 74-203-N George Peach-Taylor (Court app'd) c/o Office of Dean of Law School P. O. Box 1435 University, AL 35486 (for Worley James, et al.) Ralph I. Knowles, Jr. (per letter of 3/9/81)+ Alvin L. Bronstein and Steven Ney National Prison Projects of the American Civil Liberties Union 1346 Connecticut Avenue, N.W. Suite 1031 Washington, D. C. 20036 (202) 331-0500 (for Nat. Prison Projects, etc.) Jack Drake+- (w/d 4/15/83) P. O. Box 33 University, AL 35486 759-1234 <u>and</u> ✓ Ralph I. Knowles, Jr. +- w/d 3/2/83 P. O. Box 33 Tuscaloosa, AL 35402 752-1571 (for Worley James, et al.) Donald R. Harrison 516 S. Perry Street Montgomery, AL 36197 269-9159 (for Elmore County intervenors) John F. Cameron One Court Square P. O. Box 2644 Montgomery, AL 36105 (for Danny Ray Mylar, Plft-Intervenor in 74-57-N, 10/5/82) Frank M. Wilson Beasley & Wilson 418 So. Hull Street P. O. Box 4537 Montgomery, AL 36101 (for defts. Freddie V. Smith, Comm. of the Ala. Dept. of Corrections, James Cooke, Dep. Comm, and other Dept. of Corrections defts.) SEND COPY OF ORDERS TO: Eva Ansley 3381 Atlanta Hwy. Montgomery, AL 36109

CIVIL DOCKET CONTINUATION SHEET

PLAINTIFF	DEFENDANT	DOCKET NO. _____
		PAGE ____ OF ____ PAGES

DATE	NR.	PROCEEDINGS
------	-----	-------------

ADDITIONAL COUNSEL:

74-57-N

Robert D. Segall (Court app'd)
P. O. Box 347
Montgomery, AL 36101

John F. Cameron
One Court Square
P. O. Box 2644
Montgomery, AL 36105
(for Danny Ray Mylar, Plft-Intervenor
in 74-57-N, 10/5/82)

and

John L. Carroll (Court app'd)✓
P. O. Box 2087
Montgomery, AL 36103
(for Jerry Lee Pugh)

Frank M. Wilson
Beasley & Wilson
418 So. Hull Street
P. O. Box 4537
Montgomery, AL 36101
(for defts. Freddie V. Smith, Comm.
of the Ala. Dept. of Corrections,
James Cooke, Dep. Comm, and other
Dept. of Corrections defts.)

74-203-N

~~George Peach-Taylor (Court app'd)~~
~~c/o Office of Dean of Law School~~
~~P. O. Box 1435~~
~~University, AL --- 35486~~
~~(for Worley James, et al.)~~

~~Ralph F. Knowles, Jr. (per letter of 3/9/81)+~~
Alvin L. Bronstein and Steven Ney
National Prison Projects of the
American Civil Liberties Union
1346 Connecticut Avenue, N.W.
Suite 1031
Washington, D. C. 20036
(202) 331-0500
(for Nat. Prison Projects, etc.)

SEND COPY OF ORDERS TO:

Eva Ansley
3381 Atlanta Hwy.
Montgomery, AL 36109

~~Jack Drake + (w/d 4/15/83)~~
~~P. O. Box DK~~
~~University, AL --- 35486 ---~~
~~759-1234 ---~~

and

~~Ralph F. Knowles, Jr. + w/d 3/2/83~~
~~P. O. Box 86 -~~
~~Tuscaloosa, AL --- 35402~~
752-1571
(for Worley James, et al.)

Donald R. Harrison
516 S. Perry Street
Montgomery, AL 36197
269-9159
(for Elmore County intervenors)

CIVIL DOCKET CONTINUATION SHEET

FPI-MAR

PLAINTIFF N. H. NEWMAN, ET AL.	DEFENDANT STATE OF ALABAMA, ET AL.	DOCKET NO. <u>3501-N</u> PAGE <u>44</u> OF <u> </u> PAGES
-----------------------------------	---------------------------------------	---

DATE 1980	NR.	PROCEEDINGS
Oct. 9		(Continued from previous page) with reasonable fees and expenses of said
		consultant or consultants of plaintiffs and amici to monitor compliance to
		be paid monthly by the Receiver and defendants as costs in this case;
		directing that nothing in this agreement and order is prejudicial to the
		right of the parties or amici to file motions for further relief on specific
		issues prior to 9/1/81. (Copies furnished to counsel.)
22		Deposition of Gene T. Cardwell taken 9/10/80.
22		Deposition of Chester Wright Jenkins taken 9/10/80.
22		Deposition of Charles R. Sutton taken 9/9/80.
22		Deposition of Joseph S. Hopper taken 9/11/80.
22		Deposition of Fred Payne taken 9/9/80.
22		Deposition of James Coleman Cooke taken 9/9/80.
30		Motion of temporary receiver Fob James to add as defendants Billy Joe Frederick,
		Grover Davis and Delmo Payne, individually and as taxpayers of Marion County,
		Alabama, and for injunctive and other relief against said parties.
		Exhibits A and B attached. Referred to Judge Varner. (Treated as motion for
		temporary restraining order.)
30		ORDER (also applies to CA Nos. 74-57-N and 74-203-N) setting the motion for
		TRO contained in the receiver's motion filed 10/30/80 for hearing on 11/3/80
		at 1 p.m., Montgomery, AL. (Copies furnished to counsel.)
30		Certified copies of order of 10/30/80 and copies of motion of 10/30/80 delivered
		to Marshal for service on Billy Joe Frederick, Grover Davis, Delmo Payne and
		Al Tidwell.
Nov. 3		Quarterly report of receiver filed in accordance with Court's order of 2/2/79.
		Referred to Judge Varner.
3		Hearing on motion for TRO.
3		Response of proposed parties-defendant to motion of temporary receiver to add
		parties, and motion to dismiss. Filed in open Court.
3		Memorandum of law in support of proposed parties-defendant motion to dismiss.
		Filed in open Court.
3		Response of proposed parties-defendant to the motion of receiver to add certain
		parties and for injunctive relief. Filed in open Court.
3		Courtroom deputy's minutes of proceedings, list of witnesses and lists of
		exhibits. Exhibits attached.

PLAINTIFF		DEFENDANT	DOCKET NO. 3501-N PAGE 45 OF ____ PAGE
N. H. NEWMAN, ET AL.		STATE OF ALABAMA, ET AL.	
DATE 1980	NR.	PROCEEDINGS	
Nov. 5		Motion of State of Alabama for supplemental relief (regarding mail of Herbert K. Atwell.) Referred to Judge Varner. Exhibits 1 - X attached.	
6		FINDINGS AND CONCLUSIONS (also applies to CA Nos. 74-57-N and 74-203-N) made in open Court on November 3, 1980, and transcribed by official court reporter. (Copies furnished to counsel.)	
6		ORDER (also applies to CA Nos. 74-57-N and 74-203-N) making Billy Joe Frederick Grover Davis and Delmo Payne parties-defendant to these causes of action; directing that a permanent injunction issue restraining any further attempt by said defendants from seeking to invoke the jurisdiction of any but this Court to inhibit the furnishing of facilities to house and provide for inmate of the Alabama Prison System, and for proceeding further in the Circuit Court of Marion County, Alabama, in the case of Billy Joe Frederick, et al. v. The Northwest Alabama Mental Health Board, etc., et al., CV-80-5336. (Copies furnished to counsel.)	
6		WRIT OF INJUNCTION issued. (Copies furnished to Billy Joe Frederick, Grover Davis and Delmo Payne; to Clerk, Circuit Court of Marion County, Alabama; w/copies of findings and conclusions and order of 11/6/80; by certified mail, return receipt requested.)	
13		ORDER and CONCLUSIONS OF LAW (also applies to CA Nos. 74-57-N and 74-203-N) directing that until further order of this Court, the Warden of Kilby Correctional Facility, or the appropriate officials of the Alabama Board of Corrections, screen or censor all outgoing general correspondence of inmate Herbert K. Atwell and detain any communication which contains false, misleading or otherwise unlawful representations or they may forward such mails to proper authorities to assure proper enforcement of criminal laws. (Copies furnished to counsel.)	
13		Deposition of Thomas H. Alphin, M.D. and exhibits thereto.	
14		Marshal's returns on service of motion for TRO, and order of 10/30/80. Personal service on Al Tidwell on 10/31/80. Personal service on Delmo Payne on 10/31/80. Personal service on Billy Joe Frederick on 10/31/80. Service as to Grover Davis returned unexecuted.	
18		Motion of temporary receiver Fob James to add as defendants the City of Hamilton Alabama, the County of Marion, Brady Baccus, Wade Galbreath, Hugo Stone, Royce R. Mann and Hugh Akers and Murray Ballard, and for injunctive and other relief against said parties. Exhibits A-E attached. Referred to Judge Varner. (11/19/80 delivered copies of said motion to Marshal for service on proposed parties.)	
21		NOTICE OF APPEAL of defendants Billy Joe Frederick, Grover Davis and Delmo Payne to the U. S. Court of Appeals for the Fifth Circuit, from this Court's order of 11/6/80. (Copies furnished to counsel; to court reporter; to Chief Deputy Clerk, U. S. Court of Appeals, w/copies of docket entries.) Appeal information sheet furnished to Mr. Tidwell.	

CIVIL DOCKET CONTINUATION SHEET

PLAINTIFF		DEFENDANT	DOCKET NO. 3501-N
N. H. NEWMAN, ET AL.		STATE OF ALABAMA, ET AL.	PAGE 46 OF _____ PAGES
DATE 1980	NR.	PROCEEDINGS	
Dec. 3		Marshal's returns on service of motion of 11/18/80. Personal service on Grover Davis, Al Tidwell, Royce Ray Mann, Billy Joe Frederick, Delmo Payne, Murray Ballard, Brady Baccus, James K. Davis, Wade Galbreath, and Hugo Stone, on 11/26/80. Service on Marion County by serving Brady Baccus, Chairman of County Commission, on 11/26/80. Service on City of Hamilton by serving Murray Ballard, Mayor, on 11/26/80.	
4		Entire record as to 11/21/80 appeal mailed by certified mail, return receipt requested, to U. S. Court of Appeals, Atlanta, GA.	
4		Opposition of the City of Hamilton, Alabama, Baccus, Galbreath, Stone, Mann, Akers Ballard and Davis to motion of Receiver to add certain parties as defendants and for injunctive and other relief against them. (Referred to Judge Varner.)	
9		Defendants' report in accordance with this Court's order of 10/9/80, as to funding plan for compliance with this Court's orders. Exhibit A attached. Referred to Judge Varner.	
15		Marshal's return on service of motion of 11/18/80 and order of 11/6/80. Personal service on Hugh Akers 11/29/80.	
30		ORDER (applies also to CA Nos. 74-57-N and 74-203-N) that the Receiver's motion filed 11/18/80, to add certain parties as defendants be set for a hearing on 1/7/81, at 1:00 p.m., in Montgomery, AL. (Copies furnished to counsel.)	
<u>1981</u>			
Jan. 5		Received copy of motion of appellants-third party-defendants to supplement the appeal record, and ORDER of U.S. Court of Appeals, 5th Circuit, (entered 12/19/80) GRANTING said motion.	
7		Hearing on Receiver's motion to add parties.	
8		PRELIMINARY INJUNCTION AND ORDER (also applies to CA Nos. 74-57-N and 74-203-N) making the City of Hamilton, Alabama, a municipal corporation, the County of Marion, a political subdivision of the State of Alabama, Brady Baccus, Wade Galbreath, Hugo Stone, Royce R. Mann, and Hugh Akers, Commissioners of Marion County, Alabama, and Murray Ballard, Mayor of the City of Hamilton, Alabama parties-defendant to these causes of action; preliminarily enjoining Baccus, Galbreath, Stone, Mann, Akers, Ballard and the City Council of Hamilton, AL as further set out in order; directing the Marion County Commissioners to instruct counsel for the Commission to move to dismiss or to stay proceedings currently pending in the Circuit Court of Marion County, AL - specifically CV-80-5355 - within 10 days; directing Ballard and the Hamilton City Council to instruct counsel for the City to move to dismiss or to stay proceedings currently pending in the Circuit Court of Marion County, AL - specifically CV-80-5356 - within 10 days; directing that this injunction shall remain in effect pending final determination of the Receiver's request for permanent injunction or until further order of this Court. (Copies furnished to counsel.)	
8		WRIT OF INJUNCTION issued. (Copies furnished to James K. Davis, Brady Baccus, Wade Galbreath, Hugo Stone, Royce R. Mann, Hugh Akers, Murray Ballard, Henry H. Gann, Roy Beasley, Larry Carter, Bravel Jackson w/copy of order of 1/8/81 by certified return receipt requested mail.)	

CIVIL DOCKET CONTINUATION SHEET

PLAINTIFF	DEFENDANT	DOCKET NO. <u>3501-N</u>
N. H. NEWMAN, ET AL.	STATE OF ALABAMA, ET AL.	PAGE <u>47</u> OF <u> </u> PAGE

DATE 1981	NR.	PROCEEDINGS
Jan. 9		Motion of Northwest Alabama Mental Health Board and Northwest Alabama Mental Health Center to intervene as defendants. Referred to Judge Varner. Motion GRANTED 1/12/81. (Copies furnished to counsel.)
16		Court reporter's transcript of hearing held 11/3/80.
21		Motion of defendants Marion County and City of Hamilton to add Department of Mental Health of the State of Alabama as a party defendant. Referred to Judge Varner. Motion GRANTED 1/22/81. (Copies furnished to counsel; by certified return receipt requested mail to Department of Mental Health.)
22		Motion of Alabama Department of Mental Health and Glenn Ireland, II to intervene as parties defendant. Referred to Judge Varner.
23		ORDER dismissing the motion of Alabama Department of Mental Health for leave to intervene as moot. (Copies furnished to counsel.)
23		Motion of Marion County for summary judgment. (Affidavit of Brady Baccus with exhibits A-J attached.) Referred to Judge Varner.
26		ORDER submitting the motion of Marion County for summary judgment on the motion the pleadings and any documents or other evidence filed on or before 2/5/81; setting said motion for hearing 2/13/81 at 11 a.m. (Copies furnished to counsel.) Also applies to CA Nos. 74-57-N and 74-203-N.
28		Opposition of defendants James, Northwest Alabama Mental Health Center and Department of Mental Health of the State of Alabama to the motion of Marion County for summary judgment. (Affidavit of Jerry A. Lovett with exhibits A-M attached.) Referred to Judge Varner.
28		Motion of defendants James, Northwest Alabama Mental Health Center and Department of Mental Health of the State of Alabama to strike portions of the affidavit of Brady Baccus. Referred to Judge Varner. Motion GRANTED 3/3/81. (Copies furnished to counsel.)
Feb. 2		Quarterly report of receiver filed in accordance with Court's order of 2/2/79. Referred to Judge Varner. [Exhibits 1-9 in separate folder.]
2		Motion for summary judgment of defendants Northwest Alabama Mental Health Center, Northwest Alabama Mental Health Board and The Alabama Department of Mental Health. Referred to Judge Varner.
2		Affidavit of Mary Lee Shannon. (Exhibits A - C attached.) Referred to Judge Varner.
3		Motion of amicus The National Prison Project of the American Civil Liberties Union Foundation for award of costs and expenses. (Appendix A attached.) Referred to Judge Varner.
3		ORDER (also applies to CA Nos. 74-57-N and 74-203-N) submitting the motion of Northwest Alabama Mental Health Center, et al. for summary judgment on the motion, the pleadings and any documents or other evidence filed on or before 2/13/81. (Copies furnished to counsel.)

CIVIL DOCKET CONTINUATION SHEET

PLAINTIFF	DEFENDANT	DOCKET NO. <u>3501-N</u>
N. H. NEWMAN, ET AL.	STATE OF ALABAMA, ET AL.	PAGE <u>48</u> OF <u> </u> PAGES

DATE 1981	NR.	PROCEEDINGS
Feb.	4	Exhibit N to the affidavit of Jerry A. Lovett filed 1/28/81.
	5	ORDER of U. S. Court of Appeals, Fifth Circuit, (issued as mandate 1/29/81) dismissing the appeal of 11/21/80 for want of prosecution for failure of appellants to file their briefs. Referred to Judge Varner.
	5	ORDER directing defendants to SHOW CAUSE within 60 days why the application of National Prison Project of the American Civil Liberties Union for the award of reasonable costs and expenses should not be granted. (Copies furnished to counsel.)
	6	Opposition of Board of Corrections to the motion of National Prison Project for award of costs and expenses. Referred to Judge Varner.
	6	Opposition of Marion County to the motion of Northwest Alabama Mental Health Center, et al. for summary judgment. Referred to Judge Varner.
	11	Motion of Melvin Bailey, Lionel Bragan, Tom Gloor, Chris Doss and Ben Erdreich to confine inmates at the Julia Tutwiler correctional facility. (Exhibit A attached.) Referred to Judge Varner. Motion GRANTED 2/20/81. (Copies furnished to counsel.)
	19	Response of amicus National Prison Project to defendants' opposition to award of costs and expenses. Referred to Judge Varner.
	19	Agreement of defendants James and Britton to accept 24 women inmates from the Jefferson County Jail in the Tutwiler Prison. Referred to Judge Varner.
	25	Defendants' amended response to the National Prison Projects's application for costs and expenses. Referred to Judge Varner.
ar.	2	Response of amicus National Prison Project to defendants' amended objections to award of costs and expenses. Referred to Judge Varner.
	4	MEMORANDUM OPINION.
	4	ORDER granting the motion for summary judgment filed 2/2/81; denying the motion for summary judgment filed 1/23/81; dismissing the City of Hamilton, Alabama, the County of Marion, the Alabama Mental Health Board, the Northwest Alabama Mental Health Center, the Department of Mental Health of the State of Alabama, Murray Ballard, Mayor of the City of Hamilton, Alabama, Brady Baccus, Wade Galbreath, Hugh Stone, Royce R. Mann and Hugh Akers, Commissioners of Marion County, Alabama as defendants; taxing costs against said defendants. (Copies furnished to counsel.)
	9	Motion of plaintiffs James and Pugh and amicus National Prison Project for the designation and convening of a three-judge district court. Referred to Judge Varner.

CIVIL DOCKET CONTINUATION SHEET

PLAINTIFF		DEFENDANT	DOCKET NO. <u>3501-N</u>
N. H. NEWMAN, ET AL.		STATE OF ALABAMA, ET AL.	PAGE <u>49</u> OF <u> </u> PAG
DATE 1981	NR.	PROCEEDINGS	
Mar.	9	*See pg 148 USCA 83-7077	Motion of plaintiffs James and Pugh and amicus National Prison Project to require the provision of sufficient funds for compliance with the 10/9/80 order of this Court or the release of members of the plaintiff class until there is compliance with said order; motion to add Rex Rainer, Sid McDonald, George C. Dean, Jr. and Annie Laurie Gunter as parties defendants; motion for injunctive relief. (Exhibits A-B attached.) Referred to Judge Varner.
	9		Brief in support of plaintiffs and amicus motion for sufficient funds or release of members of plaintiff class until compliance with order of 10/9/80. Referred to Judge Varner.
	10	*See pg 168 USCA- 83-7077	Motion of plaintiff Newman to require the provision of sufficient funds for compliance with the 10/9/80 order of this Court or the release of members of plaintiff class until there is compliance with said order. Referred to Judge Varner.
	26		ORDER of U. S. Court of Appeals, Fifth Circuit, (entered 3/23/81) denying appellants' motion to reinstate the appeal.
	26		Received court reporters' transcript of hearing held 11/3/80, sent 1/16/81 as supplemental record on appeal, from U. S. Court of Appeals, Fifth Circuit.
Apr.	7		OPINION.
	7		ORDER denying plaintiffs' motion for the designation and convening of a 3-judge panel; adding Dr. Rex Rainer, Sid McDonald, George C. Dean, Jr. and Annie Laurie Gunter as parties defendants; directing all defendants to show cause within 20 days why the further relief sought should not be granted. (Copies of opinion and order furnished to counsel; copies of opinion and order, along with copies of motions of 3/9/81 and brief of 3/9/81 delivered to Marshal for service on Rex Rainer, Sid McDonald, George C. Dean and Annie Laurie Gunter.)
	9		Marshal's returns on service of motions and brief of 3/9/81 and opinion and order of 4/7/81. Service on Jane Weldon, Sec. 4/8/81 for Annie Laurie Gunter; service on Pat Smith, Sec. 4/8/81 for George Dean; service on Phil Rivers, Asst. Legal Advisor 4/8/81 for Rex Rainer; service on Shela Laney, Sec. 4/8/81 for Sid McDonald.
	13		Parties' joint motion to dismiss Rex Rainer as a defendant. Referred to Judge Varner.
	15	8	Plaintiffs' motion for leave to amend the motion to require the provision of sufficient funds for compliance with the 10/9/80 order or the release of members of the plaintiff class until there is compliance with said order. Referred to Judge Varner. Motion GRANTED 4/17/81. (Copies furnished to counsel.)
	16		ORDER dismissing Rex Rainer as a defendant pursuant to parties' joint motion. (Copies furnished to counsel.)

CIVIL DOCKET CONTINUATION SHEET

FPI-WAR-7-14-80-704-4398

PLAINTIFF	DEFENDANT	DOCKET NO. 3501-N
H. NEWMAN, ET AL.	STATE OF ALABAMA, ET AL.	PAGE 50 OF ____ PAGES

DATE	NR.	PROCEEDINGS
81		
r. 17		Plaintiffs' amended motion to require the provision of sufficient funds for compliance with the 10/9/80 order of this Court, or the release of members of the plaintiff class until there is compliance with said order, filed as ordered (see 4/15/81 entry).
17		ORDER giving defendants an extension of time to 5/7/81 to SHOW CAUSE, if any there be, why the further relief sought by plaintiffs in their motion to require provision of sufficient funds should not be granted. (Copies furnished to counsel.)
20		OPINION.
20		JUDGMENT directing that The National Prison Project recover of defendants \$10,653.00 as reasonable and necessary costs and expenses incurred 2/2/79 through 10/9/80. (Copies of opinion and judgment furnished to counsel.)
29		Receiver's response to order of 4/7/81. Referred to Judge Varner.
y 1		Quarterly report of receiver filed in accordance with Court's order of 2/2/79. (Exhibits attached.) Referred to Judge Varner.
4		Response of defendant Britton to order of 4/17/81. Referred to Judge Varner.
8		Motion of defendants McDonald, Dean and Gunter for reconsideration of orders of 4/7/81 and 4/17/81; motion for more definite statement; motion to dismiss; motions to dismiss defendants Dean and Gunter; response to plaintiffs' motion, as amended, to require the provision of sufficient funds for compliance, etc.; answer to the complaint, as amended; and <u>demand for jury trial</u> . Referred to Judge Varner.
11		ORDER setting plaintiffs' motions for the provision of sufficient funds for hearing 5/26/81 at 9 a.m. (Copies furnished to counsel.)
12		ORDER rescheduling the hearing on plaintiffs' motions for the provision of sufficient funds to 5/19/81 at 9 a.m. (Copies furnished to counsel.)
19		Hearing on plaintiffs' motions for provision of funds.
20	11	ORDER directing the Department of Corrections and the Receiver to submit a list of 250 prisoners least deserving of further incarceration as further set out in order by 6/2/81; similar lists are to be submitted by 6/15/81, 6/29/81, 7/13/81 and 7/27/81. (Copies furnished to counsel.)
28		Amendment to the complaint filed. Referred to Judge Varner. (Exhibits A-C attached.)
29		Acceptance of service of the amendment to the complaint by Thomas S. Lawson, Jr. for defendants Sid McDonald, Tom Brassell and Annie Laurie Gunter.
ie 2		List of inmates least deserving of further incarceration per order of 5/20/81. (Exhibit A attached.) Referred to Judge Varner.

CIVIL DOCKET CONTINUATION SHEET

FPI-MAR-7.14.80-72M-4

PLAINTIFF		DEFENDANT	DOCKET NO. <u>3501-N</u>
N. H. NEWMAN, ET AL.		STATE OF ALABAMA, ET AL.	PAGE <u>51</u> OF ____ PAGE
DATE. 1981	NR.	PROCEEDINGS	
June 4		Motion of Adam Koslowski for leave to intervene. Referred to Judge Varner.	
5		Motion of Robert Vaughn, Jr. for leave to intervene and petition for writ of habeas corpus. Referred to Judge Varner.	
9		ORDER denying the motions of Adam Koslowski and Robert Vaughn to intervene. (Copies furnished to counsel.)	
11	13	Temporary housing plan by defendant Britton filed. Referred to Judge Varner.	
15	16	Plaintiffs' motion for emergency relief and motion for injunction. Referred to Judge Varner.	
15	19	ORDER setting plaintiffs' motion for emergency relief for hearing 6/17/81 at 2 p.m. (Copies furnished to counsel.)	
15	20 - 272	List of inmates least deserving of further incarceration per order of 5/20/81. (Exhibit A attached.) Referred to Judge Varner.	
16		ORDER continuing until further order the hearing on plaintiffs' motion for emergency relief; setting this cause for a pretrial conference 6/25/81 at 9 (Copies furnished to counsel.)	
17		Motion of defendants McDonald, Brassell and Gunter to dismiss. Referred to Judge Varner.	
23		Motion of defendant McDonald to dismiss. Referred to Judge Varner. Set on 8/5/81 motion docket at 11 a.m. Notices mailed 7/13/81.	
25		Pretrial hearing.	
29		List of inmates least deserving of further incarceration. (Exhibit A attached) Referred to Judge Varner.	
July 1		Application of The Birmingham News for access to the list of inmates least deserving of further incarceration. Referred to Judge Varner. (Exhibits A-D5 attached.) Motion DENIED 7/16/81. (Copies furnished to counsel.)	
6		Brief of The Birmingham News in support of application for access to list of inmates. Referred to Judge Varner.	
8		Application of The Advertiser Company for access to the list of inmates least deserving of further incarceration. Referred to Judge Varner. Motion DENIED 7/16/81. (Copies furnished to counsel.)	
8		Hearing on applications of The Birmingham News and The Advertiser Company for access to list of inmates least deserving of further incarceration.	
8		Courtroom deputy's minutes of proceedings; list of witnesses and exhibits filed.	
10		Deposition of Robert Britton taken 7/2/81.	
15		Motion of Ray Anthony Ragland to intervene and petition for a writ of habeas corpus. Referred to Judge Varner. Motion DENIED 8/6/81. (Copies furnished to counsel.)	

CIVIL DOCKET CONTINUATION SHEET

PLAINTIFF	DEFENDANT	DOCKET NO. 3501-N
. H. NEWMAN, ET AL.	STATE OF ALABAMA, ET AL.	PAGE 52 OF ____ PAGES

DATE 1981	NR.	PROCEEDINGS
uly 15	** 276	ORDER issuing the writ of habeas corpus directing defendant Department of Corrections for the State of Alabama to release from the Alabama Prison System those inmates listed on Appendix A hereof on 7/24/81; directing that those inmates listed on Appendix B hereof be given an accelerated parole eligibility date so that their consideration for parole before the Board of Pardons and Paroles will be six months prior to such time they would otherwise be eligible for such consideration; directing that any inmates listed on Appendix A who are subject to a detainer by the federal government or another State or county, independent of any sentence now being served by said inmate, be released to said detainer subject to all conditions thereof; directing that any inmate listed on Appendix A who is presently serving a "split sentence" is hereby released subject to all the conditions of the probation portion of said split sentence, said probation to be revoked only for cause occurring after the inmate's release from the Alabama Prison System; directing that any inmate listed on Appendix A who is under order to pay restitution to his or her victim is hereby released subject to said obligation to pay such restitution and such remedies therefor as may be provided. Appendix A and B attached. (Copies furnished to counsel, Andrew Cooper and U. S. Marshal.)
16	273	Motion of Charles Graddick to intervene. Referred to Judge Varner.
16	291	Motion of Charles Graddick to reconsider this Court's order of 7/15/81 and for stay. Referred to Judge Varner. Motion DENIED 7/22/81. (Copies furnished to counsel.)
16	296	Motion of Charles Graddick to join Fob James, Governor of the State of Alabama, as a party defendant. Referred to Judge Varner. Motion DENIED 8/6/81. (Copies furnished to counsel.)
17	299	Motion of Fob James, as Temporary Receiver, to dismiss the motions of Charles Graddick to intervene, for joinder and for reconsideration. Referred to Judge Varner.
20		ORDER setting the motions of Charles Graddick to intervene and to add Fob James as party defendant for hearing 8/6/81 at 9 a.m. (Copies furnished to counsel.)
20		ORDER directing James H. Evans to show cause why he should not be made a party defendant to these cases by 8/6/81 at 9 a.m. (Copies furnished to counsel; delivered to Marshal for service on James H. Evans.)
20		Petition of Robert G. Britton for revision of Appendix A of the order of 7/15/81. (Exhibit 1 attached.) Referred to Judge Varner.
20	302	Plaintiffs' response to Graddick's motions filed 7/16/81. Referred to Judge Varner.
20		Marshal's return on service of order of 7/20/81. Personal service on James H. Evans 7/20/81.

CIVIL DOCKET CONTINUATION SHEET

PLAINTIFF		DEFENDANT	DOCKET NO. 3501-N
N. E. NEWMAN, ET AL.		STATE OF ALABAMA, ET AL.	PAGE 53 OF ____ PAGE:
DATE 1981	NR.	PROCEEDINGS	
July 21		Response of defendants Brassell and Gunter to plaintiffs' response to motions of Charles Graddick. Referred to Judge Varner.	
	22 308	Notice of appeal by Charles Graddick from this Court's order of 7/15/81 and from the Court's <u>de facto</u> denial of the Attorney General's motion to intervene to U. S. Court of Appeals, Fifth Circuit. (Copies of notice of appeal mailed to Philip H. Butler, Robert D. Segall, John L. Carroll, Geroge Peach Taylor, Jack Drake, Ralph I. Knowles, Alvin L. Bronstein, Steven Ney, Patricia G. Littlefield, Stephen Whinston, Barry Teague, Jack M. Curtis, Thomas S. Lawson, W. Scaers Barnes, Jimmy Samford, M. R. Nachman, Al Tidwell, William J. Trussell; mailed to U. S. Court of Appeals, Fifth Circuit, with certified copy of docket entry handed to Lewis Winberley.)	
	22	Bond for costs on appeal in the amount of \$250.	
	22 310	Motion of Charles Graddick to stay this Court's order of 7/15/81. Referred to Judge Varner. Motion DENIED 7/23/81. (Copies furnished to counsel.)	
	22	ORDER amending this Court's order of 7/15/81 so as to delete from Appendix A the names of those inmates appearing in exhibit 1 to defendant Britton's petition. Appendix 1 attached. (Copies furnished to counsel, U. S. Marshal and Andrew Cooper.)	
	22	Petition of Robert G. Britton to revision of Appendix A of the order of 7/15/81 (Exhibit 1 attached.) Referred to Judge Varner.	
	23	Amendment of Robert G. Britton to the petition filed 7/22/81. (Appendices 1 - attached.) Referred to Judge Varner.	
	23	Second /Amendment of Robert G. Britton to the petition filed 7/22/81. (Appendix I attached.) Referred to Judge Varner.	
	23	ORDER amending this Court's order of 7/15/81 so as to delete from Appendix A Michael Ray Ryan - 113245, Cary Pettis, II - 110916, Joey M. Bryant - 129055; amending this Court's order of 7/22/81 so as to delete from Appendix 1 Julius I. Williams, Jr. - 111441, Charles Ray Kayden - 104450. (Copies furnished to counsel, Board of Corrections and U. S. Marshal.)	
	25 313	Opposition of Charles A. Graddick to the release of state inmates per order of 7/15/81. Referred to Judge Varner.	
	27 316	ORDER of U. S. Court of Appeals, Fifth Circuit (entered 7/23/81) denying the motion of Charles A. Graddick for stay pending appeal.	
	27 317	ORDER of U. S. Supreme Court (entered 7/23/81) staying the portion of the order of the U. S. District Court for the Middle District of Alabama directing that a writ of habeas corpus issue 7/24/81 pending further order of the Court.	

CIVIL DOCKET CONTINUATION SHEET

PLAINTIFF	DEFENDANT	DOCKET NO. <u>3501-N</u>
N. H. NEWMAN, ET AL.	STATE OF ALABAMA, ET AL.	PAGE <u>54</u> OF <u> </u> PAGES

DATE	NR.	PROCEEDINGS
July 29 1981	318	ORDER of U. S. Supreme Court (entered 7/25/81) vacating the order entered 7/23/81; denying in all respects the application for stay. (Copy of opinion attached.)
	29	Brief of receiver James in support of motion to dismiss Graddick's motion to intervene. Referred to Judge Varner.
	31	Motion of Board of Corrections for an extension of time to file quarterly report. Referred to Judge Varner. Motion GRANTED 8/6/81. (Copies furnished to counsel.)
Aug. 3	3	Answer of James H. Evans to this Court's show cause order of 7/20/81 and motion to offer evidence in open court 8/6/81. Referred to Judge Varner.
	3	Designation of Charles Graddick of record on appeal.
	4 **325	Motion of Charles Graddick to substitute Charles A. Graddick, Attorney General of Alabama for Bill Baxley, Attorney General of Alabama as a party defendant. Referred to Judge Varner.
	5	Brief of James H. Evans in support of answer to the show cause order of 7/20/81. Referred to Judge Varner.
	5 323	ORDER directing defendants to contract professionals to 1) evaluate fully the current state of compliance with each of the standards established by this Court's orders in each of the facilities operated by defendants; 2) determine what actions must be taken to comply with each of the standards in all facilities operated or to be operated by defendants; 3) determine the cost of full compliance; and 4) determine the earliest date possible to achieve full compliance with each standard in each facility. Said plan must include a realistic population projection for Alabama's prison system. The master plan is to be produced within 8 months; interim reports and the final plan will be provided to counsel for plaintiffs, Amici and the Court. (Copies furnished to counsel.)
	5	Brief of Charles A. Graddick in support of motion to intervene and for joinder of Fob James as a party defendant. Referred to Judge Varner.
	6	Hearing on the motions of Charles A. Graddick to intervene and for joinder of Fob James as a party defendant.
	10	ORDER dismissing all claims alleged against Sid McDonald, Annie Laurie Gunter and Tom Brassell; dismissing same as parties to these cases; dismissing Sid McDonald's motion to dismiss filed 7/23/81 as moot. (Copies furnished to counsel.)
	17	Supplemental brief in support of status of Alabama Attorney General as a party or intervenor. Referred to Judge Varner.
	17	Plaintiffs' (James, Newman, and Pugh) memorandum in opposition to the motion of the Attorney General to intervene. Referred to Judge Varner.

CIVIL DOCKET CONTINUATION SHEET

PLAINTIFF		DEFENDANT	DOCKET NO. <u>3501-N</u>
N. H. NEWMAN, et al.		STATE OF ALABAMA, et al.	PAGE <u>55</u> OF <u> </u> PAGES
DATE	NR.	PROCEEDINGS	
1981			
Aug. 17	*See	Plaintiffs' (Newman) motion to strike as a parties-defendant Charles Graddick. Referred to Judge Varner.	
pg. 193	USCA 83-7077		
24		Reply of Charles Graddick to plaintiffs' memorandum in opposition to motion to intervene. Referred to Judge Varner.	
28		Receiver's request to postpone consideration of further release of inmates. Referred to Judge Varner.	
31		Response of Charles Graddick and Joseph Hopper to receiver's request for postponement of consideration of further release of inmates. Referred to Judge Varner.	
Sept. 3		Motion of plaintiffs Pugh and James to enforce this Court's 10/9/80 order and for an injunction pending a hearing on the receiver's proposal filed 8/28/81. Referred to Judge Varner.	
3		Notice of plaintiffs Pugh and James of taking depositions of Joseph Hopper, Tommy Herron, Fred Payne, Sidney Rogers, Joseph Oliver and Ron Sutton.	
8		OPINIONS of Justices Powell and Rehnquist of U. S. Supreme Court (entered 9/2/81 denying the motion of Charles A. Graddick for stay.	
8		ORDER setting the receiver's request filed 8/28/81 and plaintiffs' motion filed 9/3/81 for hearing 9/30/81 at 10 a.m.; treating plaintiffs' motion for injunction pending a hearing as a motion for temporary restraining order and denying same. (Copies furnished to counsel.)	
9		Motion of defendant Hopper for protective order. (Exhibit A attached.) Referred to Judge Varner. Motion DENIED 9/21/81. (Copies furnished to counsel.)	
9		ORDER setting defendant Hopper's motion for protective order for hearing 9/18/81 at 10 a.m.; staying the depositions presently scheduled 9/11/81 and 9/15/81. (Copies furnished to counsel.)	
14		Quarterly report of receiver filed in accordance with Court's order of 2/2/79. (Exhibit 1 attached.) Referred to Judge Varner.	
16		Motion of Elmore County representatives and residents to intervene. Referred to Judge Varner. Set on 10/2/81 motion docket. Notices mailed 9/21/81.	
16		Brief of the Attorney General in support of his motion to intervene. Referred to Judge Varner.	
22		Motion of The Advertiser Company for access to certain judicial records and post-judgment hearings. Referred to Judge Varner.	

CIVIL DOCKET CONTINUATION SHEET

PLAINTIFF	DEFENDANT	DOCKET NO. <u>3501-N</u>
N. H. NEWMAN, et al.	STATE OF ALABAMA, et al.	PAGE <u>56</u> OF <u> </u> PAGES

DATE	NR.	PROCEEDINGS
Sept. 24		Statement of intent by Elmore County Intervenor to orally argue the motion to intervene. Referred to Judge Varner.
24		Brief in support of intervenors motion to intervene. Referred to Judge Varner. (Exhibit A attached.)
25		Motion of plaintiffs Pugh and Janes for a continuance of the hearing scheduled 9/30/81. Referred to Judge Varner.
25		ORDER continuing the hearing presently scheduled 9/30/81 to 11/6/81 at 10 a.m. (Copies furnished to counsel.)
28		Motion of temporary receiver to dismiss motion to intervene and, alternatively to dismiss answer of intervenors. Referred to Judge Varner.
28		Alternative motion of temporary receiver for injunctive and other relief. Referred to Judge Varner.
28		Memorandum of United States. (Exhibits A-3 attached.) Referred to Judge Varner.
Oct. 2		Motion of George Peach Taylor to withdraw as counsel for Worley James. Referred to Judge Varner. Set on 10/23/81 motion docket. Notices mailed 10/7/81. Motion GRANTED 10/27/81. (Copies furnished to counsel.)
6		Motion of Elmore County intervenors to dismiss their motion to intervene and brief in support thereof and treat same as a motion to enter the case as Amici Curiae for the defendants Rep. Jack Venable, et al. Referred to Judge Varner.
8	328	ORDER granting the motion of Charles Graddick to substitute a party defendant, henceforth, Graddick shall actively participate as a party in this case; dismissing motion of Graddick to intervene as moot; dismissing motion of James to dismiss filed 7/17/81 as moot; denying motion of Newman plaintiffs to strike. (Copies furnished to counsel.)
8		ORDER by the Court that the petitions of The Advertiser Company be, and the same are hereby denied. (Copies furnished to counsel.) Also applies to CA No. 76-380-N.
13		Deposition of Paul Herring taken 10/5/81.
13		Deposition of Warden Sutton taken 10/6/81.
13		Deposition of Joseph Hopper taken 9/28/81.
13		Deposition of Fred Payne taken 9/28/81.
13		Deposition of Sidney Rodgers taken 9/28/81.
19		Appeal bond in the amount of \$2,000.

CIVIL DOCKET CONTINUATION SHEET

PLAINTIFF		DEFENDANT	DOCKET NO. <u>3501-N</u>
N. H. NEWMAN, ET AL.		STATE OF ALABAMA, ET AL.	PAGE <u>57</u> OF <u> </u> PAGE
DATE	NR.	PROCEEDINGS	
Oct. 14		Notice of Appeal of The Advertiser Company to the U. S. Court of Appeals, Eleventh Circuit, from the order entered in this Court 10/8/81.	
	14	Statement of issues on appeal by The Advertiser Company. (Copies of the notice of appeal and statement of issues on appeal furnished to Philip H. Butler, Robert D. Segall, John L. Carroll, George Peach Taylor, Alvin L. Bronstein, Steven Ney, Jack Drake, Ralph Knowles, John C. Bell, Patricia G. Littlefield, Stephen Winston, Jack M. Curtis, W. Scaers Barnes, Jimmy Samford, M. R. Nachman, Rosa G. Hamlett, Philip C. Davis, Donald R. Harrison, Lewis Wimberley and U. S. Court of Appeals, Eleventh Circuit along with certified copies of docket entires.)	
	15	ORDER granting intervenors' motion as modified 10/6/81 to the extent that Sen. Donald R. Harrison be allowed to participate in these causes as Amicus Curiae; denying said motion in all other respects; dismissing James's motions for injunctive relief and other relief and to dismiss as moot. (Copies furnished to counsel.)	
	19	Notice of the Pugh and James plaintiffs of taking the depositions of Joseph Oliver, Ewayne Brookhart, J. D. White, James Cook and Charles Graddick.	
	19	Notice of the Pugh and James plaintiffs of taking the deposition of Norman Carls	
	20	ORDER continuing the hearing on Receiver's request filed 8/28/81 and plaintiffs' motion filed 9/3/81 presently scheduled 11/6/81 to 11/12/81 at 9 a.m. (Copies furnished to counsel.)	
	20	Motion of Jack M. Curtis and Philip C. Davis to withdraw as counsel for Charles Graddick. Referred to Judge Varner. Motion GRANTED 10/27/81. (Copies furnished to counsel.)	
	21	Designation of The Advertiser Company of record on appeal.	
	22	Motion of defendant Hopper for protective order. <u>Oral argument requested.</u> (Exhibit A attached.) Referred to Judge Varner.	
	22	Motion of defendant Hopper for protective order. <u>Oral argument requested.</u> (Exhibit A attached.) Referred to Judge Varner.	
	23	Court reporter's transcript of hearing held 7/8/81.	
	23	Amended designation of Charles A. Graddick of the record on appeal.	
	27	ORDER denying defendant Hopper's motions for protective order as moot. (Copies furnished to counsel.)	
	27	Second amendment of Charles Graddick to the designation of the record on appeal.	
	27	Entire record on appeal forwarded to U. S. Court of Appeals, Eleventh Circuit, by certified return receipt requested mail.	
	29	Deposition of Charles A. Graddick.	

CIVIL DOCKET CONTINUATION SHEET

PLAINTIFF	DEFENDANT	DOCKET NO. <u>3501-N</u>
N. H. NEWMAN, ET AL.	STATE OF ALABAMA, ET AL.	PAGE <u>58</u> OF <u> </u> PAGES

DATE	NR.	PROCEEDINGS
1981		
ov. 2		Quarterly report of receiver filed in accordance with Court's order of 2/2/79. (Exhibit attached.) Referred to Judge Varner.
5		Deposition of Dwayne E. Brookhart taken 11/3/81.
5		Deposition of James Cooke taken 11/3/81.
5		Deposition of Joe Oliver taken 11/3/81.
5		Deposition of J. D. White taken 11/3/81.
12		Plaintiffs' prehearing memorandum in opposition to receiver's request filed 8/28/81. Referred to Judge Varner.
12		Hearing (In Chambers) on receiver's plan.
13		Courtroom deputy's minutes of proceedings, list of witnesses, and list of exhibits.
13		Appellant, The Advertiser Company's amendment to designation of record on appeal.
19		Appellant, The Advertiser Company's second amendment to designation of record on appeal.
20		Entire record on appeal mailed to the U. S. Court of Appeals, Eleventh Circuit, by certified return receipt requested mail.
23		Deposition of Charles Graddick taken 11/19/81.
ec. 14	330	ORDER directing the Department of Corrections for the State of Alabama to release those inmates listed on Appendix A 12/22/81, unless otherwise ordered, as further set out in order; directing that those inmates who will be eligible for parole consideration within six months be given an accelerated parole eligibility date so as to allow their immediate consideration; directing that any inmates listed on Appendix A who are subject to a detainer by the federal government or another State or county, independent of any sentence now being served by said inmate, be released to said detainer subject to all conditions thereof; directing that any inmate listed on Appendix A who is presently serving a "split sentence" is hereby released subject to all the conditions of the probation portion of said split sentence, said probation to be revoked only for cause occurring after the inmate's release from the Alabama Prison System; directing that any inmate listed on Appendix A who is under order to pay restitution to his or her victim is hereby released subject to said obligation to pay such restitution and such remedies therefor as may be provided. Appendix A attached. (Copies furnished to counsel, U. S. Probation, U. S. Marshal, Alabama Board of Pardons & Paroles, Joe Hopper.)

CIVIL DOCKET CONTINUATION SHEET

PLAINTIFF		DEFENDANT	DOCKET NO. 3521-N
N. H. NEWMAN, et al.		CHARLES GRADDICK, etc., et al.	PAGE 59 OF _____ PAGES
DATE 1981	NR.	PROCEEDINGS	
Dec. 16	343	Notice of defendants Graddick and Hopper of appeal to U.S. Court of Appeals, 11th Circuit from the order entered 12/14/81. (Copies furnished to Philip H. Butler, Robert D. Segall, John L. Carroll, John C. Bell, Jack Drake, Ralph I. Knowles, Alvin L. Bronstein, Steven Ney, Patricia G. Littlefield, Stephen Winston, Rosa G. Hamlett Davis, John Lockett, W. Sears Barnes, Jimmy Samford, M. R. Nachman, Donald R. Harrison; w/certified copy of docket entries to Norman Zoller, Clerk, U.S. Court of Appeals, 11th Circuit; copy handed to Lewis Wimberley.)	
16	346	Motion of defendants Graddick and Hopper for stay of the order of 12/14/81 pending appeal, and objections to release permitted by said order. (Exhibits A and C attached; exhibits B and D in separate folders.) Referred to Judge Varner.	
	383		
16		Bond for costs on appeal in the amount of \$250 cash.	
17	384	Motion of Receiver for reconsideration of this Court's order of 12/14/81 and stay (Exhibit A attached.) Referred to Judge Varner.	
	392		
17	393	Supplement to exhibit B filed 12/16/81 by defendants Graddick and Hopper. Referred to Judge Varner. (In separate folder.)	
18		Hearing on motions to stay.	
22	397	OPINION.	
22	403	ORDER denying the motion of Charles Graddick for stay and the motion of the Receiver for reconsideration and stay. (Copies of opinion and order furnished to counsel and U. S. Court of Appeals.)	
22	404	ORDER amending this Court's order of 12/14/81 by deleting from Appendix A those inmates appearing on Exhibit 1. (Exhibit 1 attached. (Copies furnished to counsel and U. S. Court of Appeals, U. S. Marshal, U. S. Probation and Alabama Board of Pardons and Paroles.)	
		(rendered 11/21/81)	
24	408	ORDER, of the U. S. Court of Appeals, 11th Circuit, on the motion of appellants for a stay of the Order of the U. S. District Court for the Middle District of Alabama entered on 12/14/81 be granted, and this appeal ordered expedited.	
28		Notice of Fob James, Governor and Receiver of the Alabama prison system of appeal to the U.S. Court of Appeals, 11th Circuit from the orders entered 12/14/81, 12/18/81 and 12/22/81. (Copies furnished to Philip H. Butler, Robert D. Segall, John L. Carroll, John C. Bell, Jack Drake, Ralph I. Knowles, Alvin L. Bronstein, Steven Ney, Patricia G. Littlefield, Stephen Winston, Rosa G. Hamlett Davis, John Lockett, W. Sears Barnes, Jimmy Samford, M. R. Nachman, Donald R. Harrison, w/certified copy of docket entries to Norman Zoller, Clerk, U.S. Court of Appeals, 11th Circuit; copy handed to Lewis Wimberley.)	
28		Designation of contents of record and statement of points filed by Charles Graddick and Joseph Hopper.	
29		Bond for costs on appeal in the amount of \$250.	

CIVIL DOCKET CONTINUATION SHEET

PLAINTIFF		DEFENDANT	DOCKET NO. <u>3501-N</u>
N. H. NEWMAN, et al		CHARLES GRADDICK, etc., et al	PAGE <u>60</u> OF <u> </u> PAGES

DATE	NR.	PROCEEDINGS
1981		
Dec. 29		Defendants amended designation of contents of record.
1982		
Jan. 4		Objection of plaintiff-appellees to appellants' designation of the record.
11		ORDER(entered U.S. Court of Appeals 1/6/82) denying appellants request for one week extension of time in which to submit their briefs on appeal; granting telegraphic request of appellants to consolidate case numbers 81-7606 and 81-8003; granting motion of "receiver" for joinder in appeal as intervenor in 81-8003; denying "Receivers" alternative petition for extraordinary writ as further set out in order.
21		Court Reporter's transcript of hearing held 11/12/81. (under separate cover)
21		Court Reporter's transcript of hearing held 12/18/81. (under separate cover)
22		Motion to Withdraw filed by attorney John R. Lockett as one of the attorneys of record for the Defendants Charles A. Graddick and Joseph Hopper. Referred to Judge Varner.
27		Motion to Withdraw filed by John R. Lockett GRANTED. (copies of motion and order furnished counsel)
Feb. 1		ORDER denying Objection of Plaintiff-Appellees to Appellants' Designation of the record. (copies furnished counsel)
2		Quarterly Report of Receiver filed. Referred to Judge Varner.
4		Entire record on appeal (as designated by parties) mailed certified mail return receipt requested to Clerk, U. S. Court of Appeals, Eleventh Circuit.
10		Return receipt showing service 2/8/82 for U. S. Court of Appeals, Eleventh Circuit.
pr. 1		State of Alabama Motion for Supplemental Relief filed. (Exhibits A-03 attached) Referred to Judge Varner.
27		OPINION FILED.
27		ORDER (also applies in 74-57-N and 74-203-N) that Department of Corrections officials be, and the same are hereby, allowed to do the following with respect to the mail of Inmate Dudley Goulden; Read all outgoing general correspondence; Detain all outgoing general correspondence in which Dudley Goulden has misrepresented himself as a doctor or medical doctor or which contains certain false, misleading or other representations which may be unlawful; Take a reasonable time to ascertain whether a letter which purports to be addressed to an attorney, court, public official, media organization or media representative is being mailed to a person actually holding such a position and is being mailed to a legitimate address; Detain all special correspondence to an attorney, court, public official, media organization or

(continued)

CIVIL DOCKET CONTINUATION SHEET

PLAINTIFF		DEFENDANT	DOCKET NO. 3501-N
N. H. NEWMAN, ET AL.		STATE OF ALABAMA	PAGE 61 OF PAGE
DATE	NR.	PROCEEDINGS	
		(continued from page 60) media representative which is not, in fact, being sent to such a person or organization or which is not being sent to a legitimate address of such a person or organization; Detain mail addressed to persons who have directly objected to receiving such mail from Goulden or addressed to persons who have previously been victimized by Goulden's misrepresentations; Implement the procedural safeguards described in the Opinion; Formulate and implement generally applicable inspection and censorship policies and regulations in conformity with the <u>Procunier</u> and <u>Guajardo</u> decisions. (Copies furnished counsel)	
Apr. 29		Plaintiff Pugh's Motion for Setting filed. Referred to Judge Varner.	
May 3		Quarterly Report of Receiver filed. Referred to Judge Varner.	
	6	ORDER that Pugh case will be set on the next civil jury trial term scheduled in Montgomery, Alabama. (Copies furnished counsel)	
	13	Defendant, Joseph S. Hopper's (in Pugh case) Objections and Motion to Set Aside Order of 5/6/82 filed. Referred to Judge Varner. Set on 6/29/82 Motion Docket. Notices mailed 6/10/82.	
June 4		Plaintiff's motion to require disclosure. Referred to Judge Varner.	
	10	Defendant, Joseph S. Hopper's Motion to Strike Plaintiff's Motion to Require Disclosure filed 6/4/82 filed. Referred to Judge Varner. Set on 6/29/82 Motion Docket, Notices Mailed 6/11/82. MOTION DENIED 7/12/82 (Copies furnished counsel)	
	28	Plaintiff's Application for Award of Attorney's fee and reimbursement of Expenses filed. (itemized statement attached). Referred to Judge Varner.	
	30	Parole Statistics by Department of Corrections.	
July 1		ORDER(in Pugh case) that any claims by Plaintiff Pugh for damages against Defendant Hopper or Governor James in their individual capacities be, and the same are hereby, dismissed. (copies furnished counsel)	
	12	Plaintiffs' Motion for the Award of Attorney's fees filed. (Declaration under Penalty of Perjury attached). Referred to Judge Varner.	
	12	ORDER denying as moot motion to require disclosure filed 6/4/82. (Copies furnished counsel)	
	13	ORDER that the application filed herein 6/28/82 by Hon. Philip H. Butler for award of attorney's fee and reimbursement of expenses and the motion filed herein 7/12/82 by Hon. Jack Drake for award of attorney's fees be, and the same are hereby, set for a hearing on 8/3/82 at 10:00 a.m. (Copies furnished counsel)	
	16	Defendant Hopper's Objections to Plaintiffs' Motion for the Award of Attorney's fees filed. Referred to Judge Varner.	
	23 **	Gov. Fob James' Motion to Dismiss filed.	
	26	Plaintiff's Supplement to Application for Award of Attorney's Fee filed.	
**See pg. 215 of USCA 83=7077			

CIVIL DOCKET CONTINUATION SHEET

FPI-MAR-7-14-80-7CM 4391

PLAINTIFF	DEFENDANT	DOCKET NO. <u>3501-N</u>
N. H. NEWMAN, ET AL.	STATE OF ALABAMA	PAGE <u>62</u> OF <u> </u> PAGES

DATE	NR.	PROCEEDINGS
<u>1982</u>		
July 27		Defendants' Objection to Attorney's fee Application of Philip H. Butler filed. Referred to Judge Varner.
29		Response to Gov. James' Motion to Dismiss filed by atty. Ralph I. Knowles, Jr.
30		Supplemental Declaration of Ralph I. Knowles, Jr., Under Penalty of Perjury filed. Referred to Judge Varner.
30		George Peach Taylor's Declaration under Penalty of Perjury filed. Referred to Judge Varner.
30		David Ellis' Declaration under Penalty of Perjury filed. Referred to Judge Varner.
30		Affidavit of Albert W. Copeland filed. Referred to Judge Varner.
Aug. 2		Martin Ray's Declaration under Penalty of Perjury filed. Referred to Judge Varner.
2		ORDER that the motion to dismiss filed by Hon. Fob James, Receiver of the Alabama Prison System, is hereby set for a hearing on 9/13/82 at 1:30 p.m., in Montgomery, AL. (Copies furnished counsel)
3		Quarterly Report of Receiver filed. Referred to Judge Varner.
11		Motion of Receiver to Add certain parties as Defendants and for Injunctive and Other relief against them filed. (Exhibits A-B attached) Referred to Judge Varner.. ORDER (dated 8/30/82), Motion DENIED.
11		ORDER directing the Department of Corrections of the State of Alabama, pay to Ralph I. Knowles, Jr., Twenty-six Thousand One Hundred Twenty-nine Dollars and 28/100 (\$26,129.28) as further set out in order for services rendered and expenses of both Mr. Knowles and Mr. Butler on behalf of the plaintiff classes through 8/4/82. (Copies furnished counsel)
12		Motion of Receiver to Add Certain Parties as Defendants and for Injunctive and other relief against them filed. (Exhibits A-B attached). Referred to Judge Varner.
13		ORDER that the Motions of the Receiver filed herein August 11 and 12, 1982, to add certain parties as Defendants be, and the same are hereby, set for a hearing on August 23, 1982, at 10:00 a.m. as further set out in order. (Copies furnished counsel)
17		Motion for Continuance filed by Fob James, as Governor of the State of Alabama and Temporary Receiver of the Alabama Prison System filed. Referred to Judge Varner.
18		ORDER that the hearing presently scheduled for 8/23/82, on the Receiver's motion to add party Defendants be; and the same is hereby, continued until 8/30/82 at 10:00 a.m. as further set out in order. (Copies furnished counsel)

CIVIL DOCKET CONTINUATION SHEET

FD-568-7-14-80-70M..

PLAINTIFF		DEFENDANT	DOCKET NO. 3501-N
N. H. NEWMAN, ET AL.		STATE OF ALABAMA	PAGE 63 OF ____ PAG
DATE	NR.	PROCEEDINGS	
<u>1982</u>			
Aug. 23		Plaintiffs' Application for Order to Fob James, Joseph Hopper, and Charles Graddick to Show Cause why they, and each of them, should not be fined and/or imprisoned for Contempt of this Court's Orders filed. Referred to Judge Varner.	
	24	Motion or Request for Non-Compliance hearing/and or Motion to Intervene filed by Danny Ray Miles and Tommy Braswell. Referred to Judge Varner.	
	30	**413	Received Slip Opinion from U.S. Court of Appeals, Eleventh Circuit; Dismissed in part; vacated in part and remanded.
Sept. 3		Danny Ray Mylar's Motion for leave to Intervene as a Plaintiff class filed. (in Pugh case). Referred to Judge Varner. Set on 11/1/82 Motion Docket. Notices mailed 9/13/82. MOTION GRANTED 10/5/82. (Copies furnished counsel)	
	3	Pretrial hearing held.	
	7	ORDER that on or before 10/15/82 all discovery be completed; witness names be furnished to opposing counsel; tangible evidence be furnished to opposing counsel; substance of testimony be provided the opposing party; further order that on or before 10/15/82 deposition notices be furnished, giving adverse party until 10/22/82 for responding portions to be requested; further ordered that on or before 10/15/82 parties submit proposed voir dire questions and jury instructions; further ordered that the provisions and agreements stated herein shall be binding upon all parties. (Copies furnished to counsel.	
	8	424	Defendant Joseph S. Hopper's motion to dismiss and alternatively petition to modify. Referred to Judge Varner.
	8	*See	Motion of Charles Graddick for Modification of the October 9, 1980, Order file
	pg 245		Referred to Judge Varner.
	USCA 83-7077		
	13	ORDER by this Court that the hearing presently set on 9/15/82, be, and the same hereby continued until 11/22/82 at 9:00 a.m., as further set out in order. (Copies furnished counsel)	
	20	409	JUDGMENT of the U.S. Court of Appeals dismissing the appeal as to the 7/15/81 order; vacating this cause as to the 12/14/81 order; remanding back to the District Court in accordance with the opinion of this Court; further ordered that each party bear their own costs on appeal to be taxed by the Clerk of this Court. Referred to Judge Varner.
	21	411	Plaintiffs' response to motion of Charles Graddick for modification of the 10/9/80 order.
	21	*See	Plaintiffs' motion for order to show cause why each defendant should not be held in contempt of the 10/9/80 order. Referred to Judge Varner.
	pg 257		
	USCA 83-7077		
	21	Plaintiffs' response to motion to dismiss and alternatively petition to modify Joseph S. Hopper. Referred to Judge Varner.	

CIVIL DOCKET CONTINUATION SHEET

FPI-MAR-7-14-80-704-4398

PLAINTIFF	DEFENDANT	DOCKET NO. 3501-N
N. H. NEWMAN, ET AL.	STATE OF ALABAMA	PAGE 64 OF ____ PAGES

DATE	NR.	PROCEEDINGS
Oct. 1		Notice of Appearance of counsel filed by Terry R. Smyly, Assistant Attorney General.
5		Plaintiff's /Notice to take deposition of Governor Fob James filed.
5		Plaintiff's /Notice to take depositions of Joe Hopper, Paul Herring, J.D. White, James Cook and Tom Allen filed.
5		Plaintiff's /Notice to take depositions of Larry Spears, Tazwell Jones, Eddie Nagle, Kathleen Holt and Ron Frambach filed.
5		Plaintiff's Request for Production filed.
6		Defendant Charles Graddick's Request for Production filed. Referred to Judge Varner.
6		Defendant Charles Graddick's Motion to Shorten the time for Answering Interrogatories filed. Referred to Judge Varner. MOTION DENIED 10/8/82. (Copies furnished counsel)
6		Defendant Charles Graddick's Interrogatories to the Plaintiffs filed.
8		Plaintiff's Notice to take deposition of Jim Thompson filed.
29		Deposition of Governor Fob James filed. Referred to Judge Varner.
29		Notice of Appearance filed by Jacquelyn Lufkin Stuart for defendant Joe S. Hopper, Commissioner of the Alabama Department of Corrections.
29		Plaintiff's Motion to Continue (in Pugh case) filed. Referred to Judge Varner. GRANTED 11/1/82. (Copies furnished counsel)
Nov. 2		ORDER that the hearing presently set for 11/22/82, be, and the same is hereby, continued until 1/3/83 at 9:00 a.m. as further set out in order. (Copies furnished counsel)
2		Quarterly Report of Receiver filed.
3		Statement of Counsel taken 10/18/82 at 9:10 a.m. filed. Referred to Judge Varner.
8	*See pg 259 USCA 83-7077	JUDGMENT of U.S. Court of Appeals, Eleventh Circuit (issued as Mandate 11/1/82) DISMISSING appeal as to the 7/15/81 order; VACATED as to the 12/14/81 order; REMANDED to said District Court in accordance with the opinion of this Court; each party to bear their own costs on appeal to be taxed by the Clerk of this Court.
16		Defendants, James E. McClendon, Bill Franklin and M.B. Ferguson, individually and as commissioners of St. Clair County, Alabama, Motion to Dissolve Injunction filed. Referred to Judge Varner. (Oral argument requested)

CIVIL DOCKET CONTINUATION SHEET

FPI-NAR-7-14-80-70M-438

PLAINTIFF		DEFENDANT	DOCKET NO. 3501-N
N.H. NEWMAN, ET AL.		STATE OF ALABAMA	PAGE 65 OF ____ PAGES

DATE	NR.	PROCEEDINGS
<u>1982</u>		
Nov. 16		(also applies in 74-57-N and 74-203-N) ORDER/setting PRETRIAL HEARING on 12/3/82 at 10:00 a.m. as further set out in order; directing parties to prepare jointly a proposed pretrial order in accordance with the attached form and to present it to the Court at the Pretrial hearing. (Copies furnished counsel, and U.S. Marshal)
	19	ORDER (also applies in 74-57-N and 74-203-N) directing parties to this action to SHOW CAUSE in writing within 30 days as to why said motion to dissolve injunction filed herein 11/16/82 should not be granted after 1/13/83 filed. (Copies furnished counsel)
	22	ORDER (also applies in 74-57-N and 74-203-N) rescheduling the pretrial hearing presently set for 12/3/82 for 12/1/82 at 10:00 a.m. in Montgomery. (Copies furnished to counsel.)
	22	Deposition of Joseph S. Hopper; Larry Edward Spears; J. D. White; James Thompson; Kathleen Holt; James C. Cook; Tom Allen and Paul Herring filed.
	22	Received entire record on appeal from U.S. Court of Appeals, Eleventh Circuit.
	24	Defendant Charles Graddick Motion to Compel Answers to Interrogatories and Production of Documents filed. Referred to Judge Varner.
	29	Governor Fob James, as Receiver response to Order to Show Cause dated 11/19/82 filed. Referred to Judge Varner.
	29	The Advertiser Company's Motion to allow representatives of the press or the public to attend the pretrial hearing currently set in this cause filed. Referred to Judge Varner. (Motion DENIED, 11/30/82)
Dec. 2	426	ORDER on Pre-Trial Hearing; Discovery to be completed on or before 12/23/82; witnesses to be furnished by 12/10/82; parties shall notify each other on or before 12/23/82 of the intent to use any portion of any prior recorded statements expected to be used in the trial, and the adverse party shall have until 12/30/82 to notify of any responding portion of the prior record as further set out in order filed. (Copies furnished counsel) (Exhibits A-C attached).
	2	ORDER that on or before ten (10) days the Plaintiffs answer the interrogatories heretofore propounded to them by Defendant Graddick on or about 10/6/82, and produce the requested documents filed. (Copies furnished counsel)
	6	ORDER of U.S. Court of Appeals, Eleventh Circuit (entered 12/1/82) that the district court conduct no further proceedings in this case except in open court to which the public and press have access unless a hearing is held and findings and reasons for the closure of any particular proceeding are set forth in an appropriate manner and certified to this Court for emergency review filed.
	9	Plaintiffs' Motion for Leave to Amend Order on Pretrial Hearing (letter form) filed.

CIVIL DOCKET CONTINUATION SHEET

FPI-MAR-7-14-82-70N-4398

PLAINTIFF	DEFENDANT	DOCKET NO. <u>3501-N</u>
N: H. NEWMAN, ET AL.	STATE OF ALABAMA	PAGE <u>66</u> OF <u> </u> PAGES

DATE	NR.	PROCEEDINGS
<u>1982</u>		
ec. 9	452	ORDER by this Court that the Order on Pretrial Hearing entered in this cause on December 2, 1982, be, and the same is hereby, amended by striking the word "adequate" from the next-to-the-last sentence on page 6, Paragraph II(b), of said Order and substituting therefor the word "inadequate". Said Pretrial Order shall otherwise remain in full force and effect. (Copies furnished counsel)
9		Defendant, Charles Graddick's Motion to Shorten Time to respond to Defendant's Request for Admissions filed. Referred to Judge Varner.
9		Defendant, Charles Graddick's Request for Admissions Under Rule 36 filed. Referred to Judge Varner.
10		Defendants' Proposed Witness list filed.
10		Plaintiffs proposed witness list filed.
14		Plaintiff's Answers to Graddick Interrogatories filed.
14		Plaintiff's Answer to Graddick Request for Admissions filed.
16		ORDER denying Defendant Graddick's motion to shorten time filed 12/9/82 as moot as further set out in order. (Copies furnished counsel)
16		Defendant Charles Graddick's Objection to Consideration of the Individual Claim of Danny Ray Mylar and Motion for Severance filed. Referred to Judge Varner.
20		ORDER that the claims of Danny Ray Mylar are hereby severed from the class claims which are to be tried by this Court on 1/3/82 filed. (Copies furnished counsel)
20		Deposition of Robert W. Powitz filed.
20		Deposition of Arnold E. Pontesso filed.
22		Plaintiff's Notice to take deposition of Robert Buchanan on 12/29/82 at 1:00 p.m. at the offices of Robert Buchanan in Kansas City, Missouri filed.
22		Defendant's Notice of Prior recorded testimony upon which defendant Charles Graddick will rely filed.
22		Deposition of Lloyd T. Baccus filed.
22		Defendants' Amended Witness list filed.
23		Defendants Second Amended Witness list filed.
23		Plaintiff's list of Depositions and documents filed.

CIVIL DOCKET CONTINUATION SHEET

FPI-MAR-7-14-80-70M-4

PLAINTIFF N. H. NEWMAN, ET AL.,		DEFENDANT STATE OF ALABAMA	DOCKET NO. 3501-N PAGE 67 OF 67
------------------------------------	--	-------------------------------	------------------------------------

DATE	NR.	PROCEEDINGS
------	-----	-------------

1982

Dec. 28 Entry of Appearance filed by Mitchell W. Dale, as co-counsel for Amicus Curiae filed.

29 Received copy of Attorney General of Alabama's proposed witness, etc., list for hearing scheduled 1/3/83.

30 Pre-Trial Brief of the Plaintiffs and The National Prison Project filed.

1983

Jan. 3 Deposition of Dr. Jack Raba filed.

3 Deposition of Frank L. Rundle filed.

3 Deposition of Robert W. Powitz, Vol. II filed.

3 Deposition of Paul D. Herring filed.

3 Deposition of Steven M. Collier filed.

3 Deposition of Dr. Conrad Consalvi filed.

3 Defendant James and Hopper's Objections to Plaintiff's Documents listed for trial purposes filed. Referred to Judge Varner.

3 Defendants James and Hopper's List of Documents filed.

6 *See Consent Agreement filed.
pg. 300 USCA 83-7077

6 Settlement Hearing Held; continued; directing parties to file briefs within one (1) week; CASE IN ENTIRETY CONTINUED until briefs are received.

6 Courtroom Deputy's Minutes filed along w/witness and exhibit lists.

10 Brief of Governor James to Approve Settlement Agreement and Alternatively to Dismiss Attorney General as Party filed. Referred to Judge Varner.

11 453 ORDER by this Court that the Honorable Fob James be, and he is hereby, relieved of his obligations as Receiver of the Alabama Prison System filed. (Copies furnished counsel)

11 Memorandum in Support of Plaintiffs' Motion to Dismiss and the Motion of Plaintiffs, the Governor and the Commissioner of Corrections for Approval of the Proposed Consent Decree filed. Referred to Judge Varner.

12 *See Defendant, Charles A. Graddick's objection to dismissal of the Attorney General and motion for continuance. Referred to Judge Varner.
pg. 308 USCA 83-7077

12 Brief of defendant Graddick. Referred to Judge Varner.

CIVIL DOCKET CONTINUATION SHEET

FPI-MAR-7-14-80-70M-4398

PLAINTIFF	DEFENDANT	DOCKET NO. 3501-N
N. H. NEWMAN, ET AL.,	STATE OF ALABAMA	PAGE 68 OF ____ PAGES

DATE	NR.	PROCEEDINGS
an. 13 pg. 338 13	*See USCA 83-7077	Courtroom Deputy's Minutes on Hearing on Settlement matters filed.
13		Plaintiff moves to dismiss the contempt proceeding against the Attorney General.
13 pg. 338 17	*See USCA 83-7077	Attorney General's motion to modify was DENIED: Court found that the Attorney General does not have standing.
18	455 461	Memorandum of the United States filed. Referred to Judge Varner.
18		OPINION; AND ORDER that the Consent Agreement filed 1/6/83, be, and the same is hereby, approved by this Court; that only this aspect of the class action be, and the same is hereby, dismissed, with this Court maintaining a supervisory position as to the aforesaid Consent Agreement; that Plaintiffs' motion to find Attorney General Graddick in contempt is dismissed; denying Attorney General Graddick's motion to modify filed 9/8/82 filed. (Copies furnished counsel)
18		ORDER that the injunction entered 3/4/80 is dissolved as to James H. McClendon, Bill Franklin and M.B. Ferguson, individually and as Commissioners of St. Clair County, Alabama filed. (Copies furnished counsel)
19		Defendants, Commissioner of Corrections and the other officers and employees of the Alabama Department of Corrections Request to the Implementation Committee for Assistance and Direction filed. Referred to Judge Varner.
28 pg 347 USCA 83-7077	*See	Notice of Appeal to U.S. Court of Appeals, 11th Circuit from the order entered 1/18/83 filed by Defendant Charles A. Graddick, Attorney General of the State of Alabama. (Copies furnished to Philip H. Butler, Robert D. Segall, John L. Carroll, John C. Bell, Jack Drake, Ralph I. Knowles, Alvin L. Bronstein, Patricia G. Littlefield, Stephen Whinston, Rosa G. Hamlett Davis, Terry R. Smyly, W. Scaers Barnes, Jimmy Samford, M.R. Nachman and Jacquelyn Lufkin Stuart; w/certified copy of docket entries to Norman Zoller, Clerk, U.S. Court of Appeals, 11th Circuit; copy handed to Lewis Wimberly)
28		Motion for Order Approving Nominations filed. Referred to Judge Varner.
31	463	Defendant Charles A. Graddick's Motion for Written Order that State Inmates in City and County Jails are members of the class with statement prescribed by 28 U.S.C. §1292(b) filed. Referred to Judge Varner.
Feb. 2		Quarterly Report of Commissioner filed. (Attachments A-C attached).
4		Plaintiff's Motion to Implement Settlement (in Pugh case) filed. Referred to Judge Varner.
4		(in Pugh Case) ORDER/directing defendants to pay plaintiff the sum of \$2000.00; that this case, be, and the same hereby is, dismissed with prejudice. (Copies furnished counsel) [damage part of complaint]
7		Plaintiff's response to the motion for Written Order that State Inmates in City and County Jails are members of the class filed. (letter form).

CIVIL DOCKET CONTINUATION SHEET

FPI-MAR-7-14-80-70M-431

PLAINTIFF		DEFENDANT	DOCKET NO. 3501-N
N. H. NEWMAN, ET AL.,		STATE OF ALABAMA	PAGE 69 OF _____ PAGES

DATE	NR.	PROCEEDINGS
<u>1983</u>		
Feb. 8	468	ORDER by this Court that the appointment of Dr. George J. Beto and Mr. John Conrad as members of the Implementation Committee be, and the same is hereby, affirmed. (Copies furnished counsel)
10		ORDER of U.S. Court of Appeals (issued as Mandate 2/8/83) reversing denial of appellant's application for open proceedings. Certified copy of Opinion attached
14		Motion to Withdraw as Counsel filed by attorney W. Scaers Barnes, Jr., as counsel for Defendants, Hopper, James and the Department of Corrections filed. Referred to Judge Varner. GRANTED 2/17/83. (Copies furnished counsel)
17		*See pg. Notice of Appeal to the Eleventh Circuit Court of Appeals filed by
350	USCA 83-7077	Freddie Smith, as Commissioner of the Alabama Department of Corrections, James Cook as Deputy Commissioner of the Alabama Department of Corrections, Larry Spears as Warden of Kilby Correctional Facility, and J. O. Davis as Warden of G. K. Fountain Correctional Institute, and their agents and employees filed. (Copies furnished counsel w/certified copy to Court of Appeals)
17		\$250.00 Bond for Costs on appeal filed.
17		Bond for Costs on appeal in the amount of \$250.00 filed by Attorney General State of Alabama.
Mar. 2		ORDER by this Court that Ralph I. Knowles, Jr., is hereby allowed to withdraw as counsel for Plaintiffs in the above-styled causes filed. (Copies furnished counsel)
8		Plaintiffs' Application for the Award of Attorneys' Fees filed. Referred to Judge Varner.
29		ORDER that, on or before April 29, 1983, the Defendants show cause in writing, if any they have, as to why said application for attorneys' fees should not be approved. (Copies furnished counsel)
31	*See USCA 83-7077	Court Reporter's transcript of proceedings on January 3 through January 6, 1983, and January 13, 1983 filed.
Apr. 11	469 474	OPINION; ORDER denying Defendant Graddick's motion filed 1/31/83, for a written order that State inmates in city and county jails are members of the class in the cases of <u>Pugh v. Locke</u> , CA No. 74-57-N, and <u>James V. Wallace</u> , CA No. 74-203-N. (Copies furnished counsel)
14		Attorney Jack Drake's motion to withdraw as counsel for plaintiffs. Referred to Judge Varner. MOTION GRANTED 4/15/83. (Copies furnished counsel)
14		Appellant Charles A. Graddick's Designation of the Clerk's Record.
29	475	Defendants, Freddie V. Smith, as Commissioner of the Alabama Department of Corrections, James Cooke, as Deputy Commissioner of the Alabama Department of Corrections, Larry Spears, as Warden of Kilby Correctional Facility, and J. C. Davis, as Warden of G. K. Fountain Correctional Institute, and their agents and employees Response to Order to Show Cause of 3/29/83. Referred to Judge Varner.

CIVIL DOCKET CONTINUATION SHEET

FPI-MAP-7-14-83-70M-4328

PLAINTIFF		DEFENDANT	DOCKET NO. <u>3501-N</u>
N. H. NEWMAN, ET AL.,		STATE OF ALABAMA	PAGE <u>70</u> OF <u> </u> PAGES
DATE	NR.	PROCEEDINGS	
1983			
May 2		Received copy of Supreme Court Order denying certiorari.	
May 20		Interim Report of Implementation Committee. Referred to Judge Varner.	
June 10		Entire record on appeal (as designated) mailed certified mail return receipt requested to Clerk, U. S. Court of Appeals, Eleventh Circuit. (Copies of numbered docket entries mailed to Philip H. Butler, Robert D. Segall, John L. Carroll, Alvin L. Bronstein, Patricia G. Littlefield, Stephen Winston, Terry R. Smyly, Rosa G. Hamlett Davis, Ken Wallis, M. R. Nachman, Jr., Jacquelyn Lufkin Stuart, Frank M. Wilson; furnished John C. Bell)	
27		ORDER that the Department of Corrections of the State of Alabama pay to Hon. Ralph I. Knowles, Jr., the sum of \$45,314.28; to the Hon. John L. Carroll the sum of \$20,751.76; and to Hon. Ginger E. Garrett the sum of \$2,568.75 as reasonable sums for their expenses and attorneys' fees for services rendered on behalf of the Plaintiff Class from August 5, 1982, through January 24, 1983; DENYING application for reimbursement of expenses incurred by Hon. Elizabeth Alexander of the National Prison Project. (Copies mailed counsel)	
* July 20		Defendants Freddie Smith, as Commissioner of the Alabama Department of Corrections, James Cook, as Deputy Commissioner of the Alabama Department of Corrections, Larry Spears, as Warden of Kilby Correctional Facility, and J. O. Davis, as Warden of G. K. Fountain Correctional Institute, request for hearing. Referred to Judge Varner.	
20 * 13		Defendants' Motion to Supplement the Record. Referred to Judge Varner. GRANTED 7/27/83. (Copies mailed to counsel) Defendants Freddie V. Smith, as Commissioner, James Cooke, as Deputy Commissioner and J. O. Davis, as Warden, Notice of Appeal from order entered 6/27/83. (Copies furnished Philip H. Butler, Robert D. Segall John L. Carroll, John C. Bell, Jack Drake, Ralph I. Knowles, Alvin L. Bronstein, Patricia G. Littlefield, Stephen Winston, Rosa G. Hamlett Davis Terry R. Smyly, W. Scaers Barnes, Jimmy Samford, M. R. Nachman, Frank M. Wilson and Jacquelyn Lufkin Stuart; w/certified copy of docket entries to Clerk, U.S. Court of Appeals, 11th Circuit; copy handed to Lewis Wimberly)	
21	477	Supplemental interim report of implementation committee. Referred to Judge Varner.	
Aug 23		Defendants Freddie V. Smith, James Cooke, J. O. Davis and Larry Spears Motion for Stay of Order Pending Appeal. Referred to Judge Varner Set on 9/8/83 Motion docket. Notices mailed 8/30/83.	
Sept. 2		Plaintiffs' memorandum in opposition to defendants' motion for stay. Referred to Judge Varner.	
6	482 533	Plaintiff's Motion for Additional Relief, Motion for Temporary Restraining Order and Motion for Preliminary and a Permanent Injunction. (Exhibits A & B attached) Referred to Judge Varner.	
6		Hearing on Motion for Temporary Restraining Order.	
6	534	Courtroom Deputy's Minutes of proceedings. (witness & exhibit lists attached)	

CIVIL DOCKET CONTINUATION SHEET

FPI-MAR-7-14-80-70N-4

PLAINTIFF		DEFENDANT	DOCKET NO. 3501-N
N. H. NEWMAN, ET AL.		STATE OF ALABAMA, ET AL.	PAGE 71 OF ____ PAGE
DATE 1983	NR.	PROCEEDINGS	
Sep.	8	ORDER denying plaintiffs' motion for TRO; setting plaintiffs' motion for preliminary and permanent injunction for a hearing on 9/27/83 at 1:30 p.m. in Montgomery, AL. (Copies mailed to counsel.)	
	8	ORDER granting defendants Smith, Cooke, Davis and Spears' motion for stay conditioned upon the Movants' immediately filing a supersedeas bond with the Clerk of this Court as further set out in order. (Copies mailed to counsel.)	
	13	Plaintiffs' Notice of Taking Depositions of Commissioner Freddie V. Smith and Honorable Charles Graddick, Friday, September 23, 1983.	
	15	Plaintiffs' Motion for Continuance of Preliminary Injunction hearing. Referred to Judge Varner.	
	16	ORDER continuing plaintiff's request for preliminary injunction until 9/29/83 at 9:00 a.m., in Montgomery, AL. (Copies mailed to counsel.)	
	21	Supersedeas Bond in the amount of \$85,000.00 approved by the Court.	
	27	United States Motion to Withdraw Appearance of Stephen A. Whinston. Referred Judge Varner. [MOTION GRANTED 9/29/83; Copies mailed counsel]	
	28	Notice of the Hon. <u>Algert</u> S. Agricola, Jr. of appearance of counsel for defendant Graddick.	
	28 *	Deposition of Freddie V. Smith taken 9/23/83. <u>SEE PLAINTIFF'S EX. # 1 FROM HEARING HELD 10-26-83</u>	
	28 *	Deposition of Charles A. Graddick taken 9/23/83. <u>SEE PLAINTIFF'S EX. # 2 FROM HEARING HELD 9-29-83</u>	
	29 537	Plaintiff's Motion for Additional Emergency Relief and/or Contempt. Referred to Judge Varner.	
	29 540	ORDER that a copy of the Order entered 9/28/83 by the Hon. Joseph Phelps in <u>State of Alabama v. Freddie V. Smith</u> be, and the same is hereby, entered as Defendants' Exhibit 4 in this cause. [Copies mailed counsel]	
	29	Hearing on plaintiff's motion for preliminary injunction.	
	29 542	Courtroom Deputy's Minutes of Proceedings on plaintiffs' request for preliminary injunction [Exhibit list attached]	
	30 545	ORDER directing defendants Fred Smith and Charles Graddick to SHOW CAUSE in writing, if any they have, as to why they should not be held in contempt, on or before ten (10) days from the date of this order. (Copies furnished to counsel.)	
Oct.	4	Supplemental record on appeal mailed by cmrrr to Clerk, U.S. Court of Appeals, Eleventh Circuit. [Copies of docket entries mailed counsel]	
	11	Jacquelyn Lufkin Stuart's Motion to Withdraw as Counsel of record for Freddie V. Smith, a defendant. Referred to Judge Varner. [MOTION GRANTED 10/19/83; Copies mailed counsel]	

CIVIL DOCKET CONTINUATION SHEET

FD-560-7-74 (REV. 4-78)

PLAINTIFF H. NEWMAN, et al.	DEFENDANT STATE OF ALABAMA, et al.	DOCKET NO. <u>3501-N</u> PAGE <u>72</u> OF <u> </u> PAGES
------------------------------------	---	---

DATE	NR.	PROCEEDINGS
3		
11	547	Defendant, Freddie V. Smith's Request for Evidentiary Hearing. Referred to Judge Varner.
11	549	Defendant, Freddie V. Smith's Motion for Declaratory Relief and Instructions. Referred to Judge Varner.
11	553	Defendant, Freddie V. Smith's Response to Show Cause Order 9/30/83. [Exhibits A-D attached] Referred to Judge Varner.
11	564	Defendant, Attorney General Charles A. Graddick's Motion to Dismiss and Response to Show Cause Order. Referred to Judge Varner.
11	574	Defendant, Attorney General Charles A. Graddick's Suggestion of Mootness. Referred to Judge Varner.
12	577	ORDER setting plaintiffs' motion filed 9/29/83 for additional emergency relief and/or contempt and the responses thereto for a hearing on 10/26/83 at 9:00 a.m.; directing defendants Fred Smith and Charles Graddick to personally appear at said hearing; directing the U. S. Marshal for this district to serve copies of this Order upon defendants Smith and Graddick personally. [Copies mailed counsel; copies furnished to U. S. Marshal for personal service on defendants Fred Smith and Charles Graddick]
17		Marshal's return on service of this Court's order of 10/12/83, service on Hon. Charles Graddick by serving Carolyn Griffin, secretary 10/12/83; service on Mr. Fred Smith by serving Mr. McAlpine, attorney, 10/12/83.
18	579	Interim Report of 10/14/83 of implementation committee Referred to Judge Varner.
18		Notice of Appearance of Charles A. Schneider as co-counsel for Amicus Curiae, United States of America.
24	584	ORDER amending this Court Order to Show Cause entered on 9/30/83 as further set out in order; denying defendant Graddick's motion filed 10/11/83 to dismiss or, in the alternative, for a more definite statement in all other respects. [Copies mailed counsel]
24	586	Defendant Graddick's renewal of motion to modify. Referred to Judge Varner.
24		Defendant Graddick's trial brief. Referred to Judge Varner.
24		Defendant Smith's brief. Referred to Judge Varner.
25		Plaintiff's Trial Memorandum in Support of Motion for Contempt and Plea for Relief. Referred to Judge Varner.
26		Hearing on plaintiffs' motion for additional emergency relief and/or contempt.
28	589	Courtroom Deputy's minutes of proceedings on plaintiff's motion for emergency relief [witness & exhibit lists attached].

CIVIL DOCKET CONTINUATION SHEET

FPI-MAR-7-14-80.

PLAINTIFF		DEFENDANT		DOCKET NO. 35
N. H. NEWMAN, ET AL.		STATE OF ALABAMA, ET AL.		PAGE 73 OF 73
DATE	NR.	PROCEEDINGS		
1983				
Nov. 4	594	MEMORANDUM OPINION		
4	614	ORDER AND JUDGMENT restraining the defendants from enforcing the Order and Judgment of the Circuit Court of Montgomery County, Alabama, entered in the case of <u>Graddick v. Smith</u> prior to March 15, 1984; ORDERING Commissioner Smith to continue to implement the SIR Program in accordance with his interpretation thereof until March 15, 1984; ORDERING defendant Graddick, for his contempt of this Court, to pay into this Court on or before the twentieth day of each month, beginning on November 20, 1983, and continuing until the further order of this Court a sum equal to \$1.00 for each State inmate held in any penal institution in this State wherein overcrowded conditions have existed for five days or more; ORDERING Commissioner Smith that on March 15, 1984, and on or before the 15th day of each month thereafter, to release from confinement the number of inmates by which State facilities are overcrowded. Such inmates shall be selected by Commissioner Smith as further set out in order. Costs of these proceedings are hereby taxed against Defendant, Graddick, for whose execution may issue. [Copies mailed counsel]		
4	616	ORDER amending this Court's Order and Judgment entered on November 4, 1983 by adding "a day" immediately after \$1.00 in line 2 on page 2 of said Order and Judgment. Said Order and Judgment shall otherwise remain in full force and effect. [Copies mailed counsel]		
4	617	Notice of appeal of defendant Charles A. Graddick to the U.S. Court of Appeals Eleventh Circuit, from the opinion, order and judgment, and order entered in this Court on 11/4/83. (Copies of notice mailed to Philip H. Butler, Patricia Littlefield, Mitchell W. Dale, Charles A. Schneider, Charles A. Graddick, K. Wallis, M. R. Nachman, Jr., Robert D. Segall, John L. Carroll, Alvin L. Bronstein, John F. Cameron, Frank M. Wilson, Algert S. Agricola, Jr., Rosa Hamlett Davis, Eva Ansley, and Clerk, U.S. Court of Appeals [w/certified copies of docket entries]; copy furnished to John C. Bell.)		
4	619	Motion of defendant-appellant Charles A. Graddick for stay pending appeal. Referred to Judge Varner. Motion DENIED 11/4/83. (Copies furnished to John C. Bell; mailed to remaining counsel.)		
4	628	Interim report of 11/4/83 of implementation committee. Referred to Judge Varner.		
14		Defendant, Freddie V. Smith's Motion to Vacate, Alter or Amend Order of 11/4/83 or in the Alternative, for Clarification. Referred to Judge Varner. Set on 12/6/83 MOTION DOCKET. Notices mailed 11/18/83.		
Nov. 14	632	Appellant, Charles A. Graddick's designation of record on appeal.		
15		Report of defendant, Freddie V. Smith, pursuant to order of 11/4/83. [Exhibits attached] Referred to Judge Varner.		
16		ORDER of U.S. Court of Appeals, 11th Circuit denying appellants' motion for stay pending appeal; granting appellants' motion to expedite ap		

CIVIL DOCKET CONTINUATION SHEET

PLAINTIFF	DEFENDANT	DOCKET NO.
H. NEWMAN, et al.	STATE OF ALABAMA, et al.	PAGE 74 OF _____ PAGES

DATE	NR.	PROCEEDINGS
3		
17		Attorney General Charles A. Graddick's Petition for Instructions as to Amount of Contempt Fine. Referred to Judge Varner. [Set on 12/6/83 MOTION DOCKET. Notice mailed 11/18/83.
21		Defendant Freddie V. Smith's Petition to Modify and for Other relief. Referred to Judge Varner.
23		Charles A. Graddick's Motion to Relieve Attorney General Graddick of Contempt and Contempt Fine. Referred to Judge Varner.
28	639	Appellant's clarification of designation of record on appeal to include the Memorandum Opinion with Order and Judgment of 11/4/83 (in letter form).
2		Court reporter's transcript of proceedings held 9/6/83 on Motion for TRO (1 vol), proceedings held 9/29/83 on Request for Preliminary Injunction (1 vol) and proceedings held 10/26/83 on Motion for Emergency Relief (1 vol). (<u>UNDER SEPARATE COVER.</u>)
5		Entire designated record on appeal mailed by cmrrr to Clerk, U.S. Court of Appeals, 11th Circuit (priority mail). (Copies mailed pltf. and counsel)

Pugh v. Sullivan



PC-AL-010-007