

TELEPHONE (208) 222
RTS 224

DEC 30 1983

December 29, 1983

PC-AL-0017-9000

UNITED STATES ATTORNEY
MIDDLE DISTRICT
OF ALABAMA

D.C. NO. 3501N

U.S.C.A. NO. 83-7680 (Suppl)

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

IN RE: NEWMAN vs. STATE OF ALABAMA, et al

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

☐ Certified copy of notice of arrest and ticket numbers enclosed.

☐ First Notice of Appeal: ☐ Yes ☐ No Date(s) of other notices:
supplemental

☒ Certified record on appeal consisting of:

3 Volume(s) of pleadings, etc.; 1 Volume(s) of transcripts;

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 SEARCHED 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 if 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. Elizabeth J. Judge:

THIS IS A DEAD PENALTY appeal

CC: Philip Butler, Patricia Littlefield, Mitchell Dale,
Charles Schneider, Charles Graddick, Ken Wallis, M.R. Nachman, Jr. *Sincerely,*
Robert Segall, John Carroll, Alvin Bronstein, John Cameron, *Pat L.*
Frank Wilson, Algert Agricola, Jr., Rosa Davis, Eva Ansley
John Bell.

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 CLARK, ATTORNEY GENERAL,~~
~~FOR STATE OF ALABAMA; BILL CLARK, 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 W. 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~~

Philip H. Butler (Per Order 4
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 Cu

John C. Bell ^{and} Charles
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Jack M. Curtis Washing
Assistant Attorney General
250 Administrative Building
Montgomery, AL 36130

COURT

J.S. 6 mailed
4/575

Basis of Action:

State prisoner's petition
for relief from existing
conditions imposed on him and
other state prisoners.

Action arose at:

Marshal

Docket fee

Witness fees

Depositions

3624 \$70.00

14695 11/4/83 \$70.00 (Graddick)

14953 12/9/83 \$70.00 (Smith)

15083 12/28/83 \$70.00 (Smith)

15086 12/29/83 \$70.00 (Graddick)

THIS A True Copy.

Filed To December 29, 1983
C. Caver
U.S. District Court,
Middle District of Alabama.

Pat Green
Deputy Clerk

40/15/81 8256 (\$70.00)

PLAINTIFF

DEFENDANT

H. NEWMAN, ET AL.

STATE OF ALABAMA, ET AL.

DOCKET NO. 3501-N

PAGE 43 OF ____ PAGES

DATE 80	NR.	PROCEEDINGS
t. 2		United States' interrogatories to defendants.
11		ORDER (also applies to CA Nos. 74-57-N and 74-203-N) continuing the hearing presently scheduled for 10/6/80 until 11/3/80 at 10 a.m., Montgomery, AL. (Copies furnished to counsel.)
2		Deposition of John Edward Nagle taken 9/11/80.
2		Deposition of Herbert W. Ebert taken 9/11/80.
2		Deposition of J. O. Davis taken 9/9/80.
2		Deposition of Sidney Earl Rodgers taken 9/11/80.
2		Deposition of Joe Oliver taken 9/9/80.
2		Deposition of Dr. John Riley taken 9/8/80.
2		Deposition of Daniel G. Halcomb taken 9/8/80.
2		Deposition of Tommy Herring taken September, 1980.
7		Deposition of Grace Boyd.
7		Deposition of Candace Schaeffer.
7		Deposition of Dr. Robert Cole Granger.
9 USCA # 83- 7617 pg. 1	See	ORDER (also applies to CA Nos. 74-57-N and 74-203-N) continuing the hearing on the motion for further relief currently scheduled for 11/3/80 without prejudice to the parties or amici requesting such further relief as they deem necessary in the future; directing that defendants and the receiver (1) reduce the number of state prisoners in city and county jails to specified levels by specified dates as set out in order, with no state prisoners being housed in city or county jails because of lack of space in state facilities after 9/1/81; (2) provide all prisoners housed in multiple occupancy areas in all facilities with at least 60 square feet of living space within said areas excluding hallways, showers and toilet areas by 6/1/82, with every effort being made to comply with these provisions before 9/1/81; (3) comply with all other minimum standards established by the orders of this Court in the Newman, Pugh and James cases as soon as practical in all facilities of the Alabama Prison System, with full compliance being completed no later than 9/1/81 except as otherwise noted in this order; (4) file within 60 days with the Court, counsel for plaintiffs and amici a comprehensive plan with timetables and sources of needed funding for complying with each standard established in Newman, Pugh and James as amended on remand. FURTHER, directing that the letter dated 10/9/80 from the Receiver to all counsel be incorporated by reference and made a part of this order, with parties to fully implement the terms of said letter; directing that counsel for plaintiffs and amici as well as a consultant or consultants of the plaintiff and amici have free access upon reasonable notice to the facilities, records, staff and inmates of the Alabama Prison System and its agents in order to effectively monitor compliance with this Court's orders (continued on next page)

CIVIL DOCKET CONTINUATION SHEET

PLAINTIFF		DEFENDANT		DOCKET NO. <u>3501</u>
N. H. NEWMAN, ET AL.		STATE OF ALABAMA, ET AL.		PAGE <u>49</u> OF <u> </u> P.
DATE. 1981	NR.	PROCEEDINGS		
Mar. 9	*See USCA-83- 7077 pg.148	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 injunctive relief. (Exhibits A-B attached.) Referred to Judge Varner.		
	9	Brief in support of plaintiffs and amicus motion for sufficient funds or rele of members of plaintiff class until compliance with order of 10/9/80. Referred to Judge Varner.		
	10 *See USCA 83-7077 pg. 168	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's 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 *See USCA 83-7617 pg. 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-MAR-7-14-80-70M-4398

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

DATE	NR.	PROCEEDINGS
981		
Apr. 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.
May 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	*See	ORDER directing the Department of Corrections and the Receiver to submit a list
USCA 83-		of 250 prisoners least deserving of further incarceration as further set out in
7617	pg. 11	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.
June 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-7-14-80-70

PLAINTIFF		DEFENDANT	DOCKET NO. <u>3501-</u>
N. H. NEWMAN, ET AL.		STATE OF ALABAMA, ET AL.	PAGE <u>51</u> OF <u> </u> P.
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 *See USCA 83-7617		Temporary housing plan by defendant Britton filed. Referred to Judge Varner pg. 13	
15 *See USCA 83-7617		Plaintiffs' motion for emergency relief and motion for injunction. Referred to Judge Varner.	
pg. 16 15		ORDER setting plaintiffs' motion for emergency relief for hearing 6/17/81 at p.m. (Copies furnished to counsel.)	
15		List of inmates least deserving of further incarceration per order of 5/20/81 (Exhibit A attached.) Referred to Judge Varner.	
16 Suppl USCA 83-7680		ORDER continuing until further order the hearing on plaintiffs' motion for emergency relief; setting this cause for a pretrial conference 6/25/81 at pg 56 (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 Suppl.		Pretrial hearing.	
29 57 310		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 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
N. H. NEWMAN, ET AL.	STATE OF ALABAMA, ET AL.	PAGE 52 OF _____ PAGES

DATE	NR.	PROCEEDINGS
1981		
July 15	*See	ORDER issuing the writ of habeas corpus directing defendant Department of
USCA 83-7617		Corrections for the State of Alabama to release from the Alabama Prison System
pg. 276		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	*See	Motion of Charles Graddick to intervene. Referred to Judge Varner.
USCA 83-7617		pg. 273
16		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.)
USCA 83-7617	*See	pg. 291
16	*See	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.)
USCA 83-7617		pg. 296
17	*See	Motion of Fob James, as Temporary Receiver, to dismiss the motions of Charles
USCA 83-7617		Graddick to intervene, for joinder and for reconsideration. Referred to
pg. 299		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	*See	Plaintiffs' response to Graddick's motions filed 7/16/81. Referred to Judge
USCA 83-7617		Varner.
pg. 302		
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. H. NEWMAN, ET AL.		STATE OF ALABAMA, ET AL.	PAGE 53 OF ____ PA.
DATE 1981	NR.	PROCEEDINGS	
July 21		Response of defendants Brassell and Gunter to plaintiffs' response to motions Charles Graddick. Referred to Judge Varner.	
22	*See USCA 83-7617 pg. 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 in the U. S. Court of Appeals, Fifth Circuit. (Copies of notice of appeal mailed to Philip H. Butler, Robert D. Segall, John L. Carroll, George Peach Taylor, J. Drake, Ralph I. Knowles, Alvin L. Bronstein, Steven Ney, Patricia G. Little, Stephen Winston, Barry Teague, Jack M. Curtis, Thomas S. Lawson, W. Scars Barnes, Jimmy Samford, M. R. Nachman, Al Tidwell, William J. Trussell; mail 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	*See USCA 83-7617 pg. 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 and 2 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 - 12901 and 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	*See USCA 83-7617 pg. 313	Opposition of Charles A. Graddick to the release of state inmates per order of 7/15/81. Referred to Judge Varner.	
27	*See USCA 83-7617 pg. 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	*See USCA 83-7617 pg. 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	*See USCA 83-7617 pg. 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	*See USCA 83-7617 pg. 323	Brief of receiver James in support of motion to dismiss Graddick's motion to intervene. Referred to Judge Varner.
31	*See USCA 83-7617 pg. 325	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		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		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		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. 3501-
N. H. NEWMAN, et al.		STATE OF ALABAMA, et al.	PAGE 55 OF ____ PA.
DATE	NR.	PROCEEDINGS	
Aug. 17 1981	*See USCA 83-7077 pg. 193	Plaintiffs' (Newman) motion to strike as a parties-defendant Charles Graddick Referred to Judge Varner.	
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 1981	*See USCA 83-7077 pg. 195	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/ 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/ denying the motion of Charles A. Graddick for stay.	
8		ORDER setting the receiver's request filed 8/28/81 and plaintiffs' motion fi 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 a 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 9/1 at 10 a.m.; staying the depositions presently scheduled 9/11/81 and 9/15/8 (Copies furnished to counsel.)	
14		Quarterly report of receiver filed in accordance with Court's order of 2/2/7 (Exhibit 1 attached.) Referred to Judge Varner.	
16		Motion of Elmore County representatives and residents to intervene. Referre 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. Referr 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

N. H. NEWMAN, et al.

STATE OF ALABAMA, et al.

DOCKET NO. 3501-N

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DATE

NR.

PROCEEDINGS

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-B 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	*See USCA 83-7617 pg. 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 10/6/81.
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. 3501-
N. H. NEWMAN, ET AL.		STATE OF ALABAMA, ET AL.	PAGE 57 OF 58
DATE	NR.	PROCEEDINGS	
1981			
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 Wimberly and U. S. Court of Appeals, Eleventh Circuit along with certified copies of docket entries.)	
	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 Car	
	20	ORDER continuing the hearing on Receiver's request filed 8/28/81 and plaintiff's 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		
Nov.	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.
Dec.	14	*See 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.)

USCA 83-7617
pg. 330

CIVIL DOCKET CONTINUATION SHEET

PLAINTIFF		DEFENDANT	DOCKET NO. 3501-
N. H. NEWMAN, et al.		CHARLES GRADDICK, etc., et al.	PAGE 59 OF ____ P.
DATE 1981	NR.	PROCEEDINGS	
Dec. 16	*See	Notice of defendants Graddick and Hopper of appeal to U.S. Court of Appeals, 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. Scaers Barnes, Jimmy Samford, M. R. Nachman, Donald R. Harrison; w/certified of docket entries to Norman Zoller, Clerk, U.S. Court of Appeals, 11th Circuit copy handed to Lewis Wimberley.)	
USCA 83-7617	pg. 343		
16	*See	Motion of defendants Graddick and Hopper for stay of the order of 12/14/81 per appeal, and objections to release permitted by said order. (Exhibits A and attached; exhibits B and D in separate folders.) Referred to Judge Varner.	
USCA 83-7617	pg. 346		
16		Bond for costs on appeal in the amount of \$250 cash.	
17	*See	Motion of Receiver for reconsideration of this Court's order of 12/14/81 and (Exhibit A attached.) Referred to Judge Varner.	
USCA 83-7617	pg. 384		
17	*See	Supplement to exhibit B filed 12/16/81 by defendants Graddick and Hopper. Referred to Judge Varner. (In separate folder.)	
USCA 83-7617	pg. 393		
18		Hearing on motions to stay.	
22	*See	OPINION.	
USCA 83-7617	pg. 397		
22	*See	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.)	
USCA 83-7617	pg.		
22	*See	ORDER amending this Court's order of 12/14/81 by deleting from Appendix A the 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.)	
USCA 83-7617	pg. 404		
		(rendered 12/21/81)	
24	*See	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.	
USCA 83-7617	pg. 408		
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. Scaers 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> PAGE
DATE	NR.	PROCEEDINGS	
Dec. 29 <u>1981</u>		Defendants amended designation of contents of record.	
<u>1982</u>			
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.	
Apr. 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. 3501-1
N. H. NEWMAN, ET AL.		STATE OF ALABAMA	PAGE 61 OF 61
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 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.	

CIVIL DOCKET CONTINUATION SHEET

FPI-MAR-7 14-80-7GM-435

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 Panalty of Perjury filed. Referred to Judge Varner.	
30		George Peach Taylor's Declaration untier 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		Quaterly 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 Receiyer 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 motio 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

FPI-MAR-7-14-80-7

PLAINTIFF	DEFENDANT	DOCKET NO. 3501 PAGE 63 OF P
N. H. NEWMAN, - ET AL.	STATE OF ALABAMA	

DATE	NR.	PROCEEDINGS
<u>1982</u>		
Aug. 23 USCA 83-7077 pg 237	*See	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 file by Danny Ray Miles and Tommy Braswell. Referred to Judge Varner.
30 USCA 83-7617 pg 413	*See	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 10/1/82 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 by 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 order that on or before 10/15/82 parties submit proposed voir dire questions and jury instructions; further ordered that the provisions and agreements state herein shall be binding upon all parties. (Copies furnished to counsel.
8 USCA 83-7617 pg. 424	*See	Defendant Joseph S. Hopper's motion to dismiss and alternatively petition to modify. Referred to Judge Varner.
8 USCA 83-7077 pg. 245	*See	Motion of Charles Graddick for Modification of the October 9, 1980, Order fi. Referred to Judge Varner.
13		ORDER by this Court that the hearing presently set on 9/13/82, be, and the sa hereby continued until 11/22/82 at 9:00 a.m., as further set out in order. (Copies furnished counsel)
20 USCA 83-7617 pg. 409	*See	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 orders that each party bear their own costs on appeal to be taxed by the Clerk of this Court. Referred to Judge Varner.
21 USCA 83-7617 pg. 411	*See	Plaintiffs' response to motion of Charles Graddick for modification of the 10/9/80 order.
21 USCA 83-7077 pg 257	*See	Plaintiffs' motion for order to show cause why each defendant should not be in contempt of the 10/9/80 order. Referred to Judge Varner.
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-7-14-80-7CM-4359

PLAINTIFF	DEFENDANT	DOCKET NO.
N. H. NEWMAN, ET AL.	STATE OF ALABAMA	3501-N
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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 USCA 83- 7077 pg.259	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 H. McClendon, Bill Franklin and M.B. Ferguson, individually as commissioners of St. Clair County, Alabama, Motion to Dissolve Injunction filed. Referred to Judge Varner. (Oral argument requested)

CIVIL DOCKET CONTINUATION SHEET

FPI-MAR-7-14-80-70M-43

PLAINTIFF		DEFENDANT	DOCKET NO. 3501-N
N.H. NEWMAN, ET AL.		STATE OF ALABAMA	PAGE 65 OF PAGE
DATE	NR.	PROCEEDINGS	
1982			
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	*See USCA 83-7617 pg 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 if	
	9	Plaintiffs' Motion for Leave to Amend Order on Pretrial Hearing (letter form) filed.	

CIVIL DOCKET CONTINUATION SHEET

FPI-MAR-7-14-80-70N.43

PLAINTIFF		DEFENDANT	DOCKET NO. 3501-N
N. H. NEWMAN, ET AL.		STATE OF ALABAMA	PAGE 66 OF PAGE
DATE	NR.	PROCEEDINGS	
1982			
Dec. 9	*See	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)	
USCA 83-7617			
pg 452			
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-7-14-80-71

PLAINTIFF		DEFENDANT	DOCKET NO. <u>3501-N</u>
N. H. NEWMAN, ET AL.,		STATE OF ALABAMA	PAGE <u>67</u> OF <u> </u> PA

DATE.	NR.	PROCEEDINGS
<u>1982</u>		
Dec. 28		Entry of Appearance filed by Mitchell W. Dale, as co-counsel for <u>Amicus Curia</u> 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.
<u>1983</u>		
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.
USCA 83-7077	pg. 300	
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	*See	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)
USCA 83-7617	pg 453	
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. Grddick 's objection to dismissal of the Attorney Gene and motion for continuance. Referred to Judge Varner.
USCA 83-7077	pg 308	
12		Brief of defendant Graddick. Referred to Judge Varner.

CIVIL DOCKET CONTINUATION SHEET

FPI-MAR-7-14 80-704

PLAINTIFF		DEFENDANT	DOCKET NO. 3501-1
N. H. NEWMAN, ET AL.,		STATE OF ALABAMA	PAGE 68 OF ____ PAG
DATE	NR.	PROCEEDINGS	
Jan. 13	*See	Courtroom Deputy's Minutes on Hearing on Settlement matters filed.	
USCA 83-7077	pg. 338		
13	*See	Plaintiff moves to dismiss the contempt proceeding against the Attorney General	
USCA 83-7077	pg. 338		
13		Attorney General's motion to modify was DENIED: Court found that the Attorney General does not have standing.	
17		Memorandum of the United States filed. Referred to Judge Varner.	
18	*See	OPINION; AND ORDER that the Consent Agreement filed 1/6/83, be, and the same	
USCA 83-7617	455-461	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	*See	Notice of Appeal to U.S. Court of Appeals, 11th Circuit from the order entered	
USCA 83-7077	pg 347	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	*See	Defendant Charles A. Graddick's Motion for Written Order that State Inmates	
USCA 83-7617	pg 463	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 SHE

FPI-MAR-7-14-80-7

PLAINTIFF		DEFENDANT	DOCKET NO. 3501-1
N. H. NEWMAN, ET AL.,		STATE OF ALABAMA	PAGE 69 OF P
DATE	NR.	PROCEEDINGS	
1983			
Feb. 8	*See	ORDER by this Court that the appointment of Dr. George J. Beto and	
USCA 83-7617		Mr. John Conrad as members of the Implementation Committee be, and	
pg. 468		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	
14		appellant's application for open proceedings. Certified copy of Opinion att	
		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	Notice of Appeal to the Eleventh Circuit Court of Appeals filed by	
USCA 83-7077		Freddie Smith, as Commissioner of the Alabama Department of Corrections,	
pg 350		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 furnish	
		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	Court Reporter's transcript of proceedings on January 3 through January 6, 19	
USCA 83-7077		and January 13, 1983 filed.	
Apr. 11	*See	OPINION; ORDER denying Defendant Graddick's motion filed 1/31/83, for a writt	
USCA 83-7617		order that State inmates in city and county jails are members of the class	
pg 469-474		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	*See	Defendants, Freddie V. Smith, as Commissioner of the Alabama Department of	
USCA 83-7617		Corrections, James Cooke, as Deputy Commissioner of the Alabama Department	
pg 475		Corrections, Larry Spears, as Warden of Kilby Correctionsl Facility, and	
		J. O. 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-MAR-7-14-83-104-43

PLAINTIFF	DEFENDANT	DOCKET NO. 3501-N
N. H. NEWMAN, ET. AL.,	STATE OF ALABAMA	PAGE 70 OF _____ 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 USCA 83-7617 pg 477	*See	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.
Sep. 2		Plaintiffs' memorandum in opposition to defendants' motion for stay. Referred to Judge Varner.
6 USCA 83-7617 pg 482-533	*See	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 USCA 83-7617	*See	Courtroom Deputy's Minutes of proceedings. (witness & exhibit lists attached) pg. 534

CIVIL DOCKET CONTINUATION SHEET

FPI-MAR-7-14-80-70

PLAINTIFF		DEFENDANT	DOCKET NO. <u>3501-1</u>
N. H. NEWMAN, ET AL.		STATE OF ALABAMA, ET AL.	PAGE <u>71</u> OF ____ PA
DATE	NR.	PROCEEDINGS	
1983			
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 to 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	*See Deposition of Freddie V. Smith taken 9/23/83.	
USCA 83-7617		Plaintiff's Ex. 1 from hearing held 10/26/83.	
	28	*See Deposition of Charles A. Graddick taken 9/23/83.	
USCA 83-7617		Plaintiff's Ex. 2 from hearing held 9/29/83.	
	29	*See Plaintiff's Motion for Additional Emergency Relief and/or Contempt. Referred to Judge Varner.	
USCA 83-7617		pg 537	
	29	*See ORDER that a copy of the Order entered 9/28/83 by the Hon. Joseph Phelps in State of Alabama v. Freddie V. Smith be, and the same is hereby, entered as Defendants' Exhibit 4 in this cause. [Copies mailed counsel]	
USCA 83-7617		pg 540	
	29	Hearing on plaintiff's motion for preliminary injunction.	
	29	*See Courtroom Deputy's Minutes of Proceedings on plaintiffs' request for preliminary injunction [Exhibit list attached]	
USCA 83-7617		pg 542	
	30	*See 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.)	
USCA 83-7617		pg 545	
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 Smith, a defendant. Referred to Judge Varner. [MOTION GRANTED 10/19/83; C mailed counsel]	

C. - DOCKET CONTINUATION SHEET

FPI-MAR-7 14:53 PM 4398

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

DATE	NR.	PROCEEDINGS
83		
11	*See	Defendant, Freddie V. Smith's Request for Evidentiary Hearing. Referred to
USCA 83-7617		Judge Varner.
	pg 547	
11	*See	Defendant, Freddie V. Smith's Motion for Declaratory Relief and Instructions.
USCA 83-7617		Referred to Judge Varner.
	pg 549	
11	*See	Defendant, Freddie V. Smith's Response to Show Cause Order 9/30/83. [Exhibits
USCA 83-7617		A-D attached] Referred to Judge Varner.
	pg 553	
11	*See	Defendant, Attorney General Charles A. Graddick's Motion to Dismiss and Response
USCA 83-7617		to Show Cause Order. Referred to Judge Varner.
	pg 564	
11	*See	Defendant, Attorney General Charles A. Graddick's Suggestion of Mootness.
USCA 83-7617		Referred to Judge Varner.
	pg 574	
12	*See	ORDER setting plaintiffs' motion filed 9/29/83 for additional emergency relief
USCA 83-7617		and/or contempt and the responses thereto for a hearing on 10/26/83 at 9:00 a.m.;
	pg 577	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	*See	Interim Report of 10/14/83 of implementation committee Referred to Judge Varner.
USCA 83-7617		pg 579
18		Notice of Appearance of Charles A. Schneider as co-counsel for Amicus Curiae,
		United States of America.
24	*See	ORDER amending this Court Order to Show Cause entered on 9/30/83 as further set
USCA 83-7617		out in order; denying defendant Graddick's motion filed 10/11/83 to dismiss
	pg 584	or, in the alternative, for a more definite statement in all other respects.
		[Copies mailed counsel]
24	*See	Defendant Graddick's renewal of motion to modify. Referred to Judge Varner.
USCA 83-7617		pg 586
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	*See	Courtroom Deputy's minutes of proceedings on plaintiff's motion for emergency
USCA 83-7617		relief [witness & exhibit lists attached].
	pg 589	

CIVIL DOCKET CONTINUATION SHEET

FPI-MAR-7-14-8

PLAINTIFF		DEFENDANT		DOCKET NO. _____
N. H. NEWMAN, ET AL.		STATE OF ALABAMA, ET AL.		PAGE <u>73</u> OF _____
DATE	NR.	PROCEEDINGS		
<u>1983</u>				
Nov. 4		MEMORANDUM OPINION		
USCA 83-7617	4 *See pg 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 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 30 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. Cost of these proceedings are hereby taxed against Defendant, Graddick, for whose execution may issue. [Copies mailed counsel]		
USCA 83-7617	4 *See pg 616	ORDER amending this Court's Order and Judgment entered on November 4, 1983 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]		
USCA 83-7617	4 *See pg 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 by this Court on 11/4/83. (Copies of notice mailed to Philip H. Butler, Paul Littlefield, Mitchel W. Dale, Charles A. Schneider, Charles A. Graddick, Wallis, M. R. Nachman, Jr., Robert D. Segall, John L. Carroll, Alvin L. Bronstein, John F. Cameron, Frank M. Wilson, Algert S. Agricola, Jr., Rosamond Hamlett Davis, Eva Ansley, and Clerk, U.S. Court of Appeals [w/certified copies of docket entries]; copy furnished to John C. Bell.)		
USCA 83-7617	4 *See pg 619	Motion of defendant-appellant Charles A. Graddick for stay pending appeal. Referred to Judge Varner. Motion DENIED 11/4/83. (Copies furnished to counsel; Bell; mailed to remaining counsel.)		
USCA 83-7617	4 *See pg 628	Interim report of 11/4/83 of implementation committee. Referred to Judge Varner.		
USCA 83-7680	14 *See pg 1	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 for 12/6/83 MOTION DOCKET. Notices mailed 11/18/83. MOTION DENIED 12/7/83 Co		
Nov. 14		Appellant, Charles A. Graddick's designation of record on appeal. 1 cou		
USCA 83-7680	15 *See pg 5	Report of defendant, Freddie V. Smith, pursuant to order of 11/4/83. [Exhibits attached] Referred to Judge Varner.		
16		With exhibits in separate envelope 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

FPI-MAR-7-14-80-70M-4399

PLAINTIFF	DEFENDANT	DOCKET NO. 3501-N
N. H. NEWMAN, et al.	STATE OF ALABAMA, et al.	PAGE 74 OF ____ PAGES

DATE	NR.	PROCEEDINGS
983		
v. 17	*See	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.
USCA 83-7680	pg 11	
21	*See	Defendant Freddie V. Smith's Petition to Modify and for Other relief. Referred to Judge Varner.
USCA 83-7680	pg14	
23	*See	Charles A. Graddick's Motion to Relieve Attorney General Graddick of Contempt and Contempt Fine. Referred to Judge Varner. MOTION DENIED 12/6/83. Copies mailed counsel] *See USCA 83-7680 pg 18A
USCA 83-7680	pg18A	
v. 28		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).
5		Entire designated record on appeal mailed by cmrrr to Clerk, U.S. Court of Appeals, 11th Circuit (priority mail). (Copies mailed pltf & counsel)
5	*See	USA's Memorandum in Support of Commissioner Smith's Request for a Hearing on his November 21, 1983, Petition to Modify and For Other Relief. Referred to Judge Varner.
USCA 83-7680	pg18	
7	*See	ORDER denying Attorney General Graddick's Petition filed 11/17/83 as moot as further set out in order. [Copies mailed counsel]
USCA 83-7680	pg 22	
9	*See	Notice of appeal of defendant Freddie V. Smith to the U.S. Court of Appeals, 11th Circuit, from the final judgment and order entered 11/4/83 and denial of defendant's motion to vacate, alter or amend dated 11/7/83. [Copies mailed to: Philip H. Butler, Patricia Littlefield, Mitchel Dale, Charles Schneider, Charles Graddick, Ken Wallis, M.R. Nachman, Jr., Robert Segall, John L. Carroll, Alvin L. Bronstein, John F. Cameron, Frank M. Wilson, Algert S. Agricola, Jr., Rosa G. Hamlett Davis; furnished to: John M. Bell and Lewis Wimberley] [Certified copy w/docket entries mailed Clerk, 11th Circuit]
USCA 83-7680	pg23	
9	*See	Defendant, Freddie V. Smith's Motion to Stay. Referred to Judge Varner.
USCA 83-7680	pg25	
9	*See	Notice of appeal of defendant Charles Graddick pursuant to FRAP 4(a) (4) to the U.S. Court of Appeals, 11th Circuit, from denial of Defendant Smith's motion to vacate, alter or amend under Rules 52 & 59, FRCP on 12/7/83. [Copies mailed to: Philip H. Butler, Patricia Littlefield, Mitchel Dale, Charles Schneider, Charles Graddick, Ken Wallis, M.R. Nachman, Jr., Robert Segall, John L. Carroll, Alvin L. Bronstein, John F. Cameron, Frank M. Wilson, Algert S. Agricola, Jr., Rosa Hamlett Davis; furnished to: John M. Bell and Lewis Wimberley] [Certified copy w/docket entries mailed Clerk, 11th Circuit]
USCA 83-7680	pg31	
9	*See	Defendant, Graddick's Motion for Stay pending appeal and argument in support thereof. Affidavit of Jack E. Worthington attached. Referred to Judge Varner.
JSCA 83-7680	pg33	

CIVIL DOCKET CONTINUATION SHEET

FPI-MAR-7-14-80

PLAINTIFF		DEFENDANT	DOCKET NO. <u>35</u>
M.H. NEWMAN, et al		STATE OF ALABAMA, et al	PAGE <u>75</u> OF <u> </u>
1983 DATE	NR.	PROCEEDINGS	
Dec. 12		Court reporter's transcript (1 vol.) of 12/6/83 hearing before Judge Varne	
13		Courtroom Deputy's Exhibit List of hearing 12/6/83. [Exhibits in file]	
14	See	ORDER setting these causes for a hearing on 12/22/83 at 9 a.m. in Montgome	
USCA 83-7680	pg 55	AL on the motions for stay filed 12/9/83 by defendants Smith and Graddick (Copies mailed to counsel.)	
15		Entire record on appeal (83-7680) mailed by cmrrr to Clerk, U.S. Court of Appeals, 11th Circuit. [1 vol. pleadings, 1 vol. transcript & 1 envelope of exhibits]	
15	Suppl.	Amended report of defendant Freddie V. Smith's 11/15/83 report pursuant to	
USCA 83-7680	pg 312	order of 11/4/83. Referred to Judge Varner.	
20		Received of State of Alabama \$108,752.00 partial payment contempt fine. Deposited in C/D at First Alabama Bank.	
*			
21		Received of State of Alabama \$208,070.00, payment in full for December [cc citation and the deficient amount that was due for November. Deposited C/D at First Alabama Bank.	
20	Suppl.	Received Appellant Freddie V. Smith's Designation of Record on Appeal.	
USCA 83-7680	pg 315-322		
27		OPINION.	
27		ORDER that defendants Graddick and Smith pay into this Court on or before twentieth day of each month, beginning on the date of this order and continue until the further order of this court, a sum equal to \$1.00 a day for each State inmate held in any penal institution in this State wherein overcrowded conditions have existed for 30 days or more; that nothing herein shall be construed to relieve any party hereto of any previous orders or judgments of this court. (Copies mailed to counsel.)	
27		ORDER that defendant Smith and Graddick's motions to stay filed 12/9/83 stay be, and the same are hereby, denied. (Copies mailed to counsel.)	
28	Tl-57	Court reporter's transcript of hearing held 12/22/83 [1 vol.]. <u>IN SEPARATE ENVELOPE</u>	
28		Notice of Appeal of Defendant, Freddie V. Smith, to the U.S. Court of Appeals, 11th Circuit, from the final judgment and order entered 12/27/83. [Copies mailed to: Philip H. Butler, Patricia Littlefield, Mitchell W. Dale, Charles A. Schneider, Charles A. Graddick, Ken 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 G. Hamlett Davis, Eva Ansley [certified copy to Clerk, U.S. Court of Appeals, 11th Circuit, w/docket entries]; copy furnished to John Bell and Lewis Wimberley	
28		Appellant Freddie V. Smith's Motion for Stay. Referred to Judge Varner.	

CIVIL DOCKET CONTINUATION SHEET

FPI-MAR-7-14-E

PLAINTIFF	DEFENDANT	DOCKET NO. <u>350</u>
M.H. NEWMAN, et al	STATE OF ALABAMA, et al	PAGE <u>76</u> OF <u> </u>

1985	DATE	NR.	PROCEEDINGS
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Dec. 29	Suppl.		Received 12/15/83 report of Defendant Freddie V. Smith as required by Order of 11/4/83.
USCA 83-7680			
29			Notice of Appeal of Defendant, Attorney General Charles A. Graddick, to the U.S. Court of Appeals, 11th Circuit, from the final judgment and Order entered 12/27/83. [Copies mailed to: Philip H. Butler, Patricia Littlefield, Mitchell W. Dale, Charles A. Schneider, Charles A. Graddick, Ken Wallis, M.R. Nachman, Jr., Robert D. Segall, John L. Carroll, Alvin L. Bronstein, John F. Cameron, Frank M. Wilson, Algert S. Agricola, Rosa G. Hamlett Davis, Eva Ansley (certified to Clerk, U.S. Court of Appeals, 11th Circuit w/docket entries); copy furnished to John Bell and Lewis Wimberley.