

CIVIL DOCKET

ALBRITTON

UNITED STATES DISTRICT COURT

Jury demand ☒ date:

✓ ~~HOMES~~
~~W. G. G. G.~~

C. Form No. 106A Rev.

TITLE OF CASE	ATTORNEYS
CIVIL ACTION NO. 2458-N	For plaintiff:
BENJAMIN D. FRANKLIN, CYNTHIA MARIE FRANKLIN, MICHAEL O'NEAL FRANKLIN, BY ELIJAH FRANKLIN THEIR FATHER AND NEXT FRIEND, AND CARLTON CRAWFORD, JR., BY CARLTON CRAWFORD, SR., HIS FATHER AND NEXT FRIEND,	Fred D. Gray and Solomon S. Seay, Jr. Gray, xx Seay & Langford 34 N. Perry Street 352 Dexter Avenue Montgomery, Alabama 36104
Plaintiffs, NATIONAL EDUCATION ASSOCIATION, INC., ROSALIND JORDAN Plaintiff-intervenor, vs. THOMAS M. SNEAD + JAMES STEELY	Jack Greenberg Charles H. Jones, Jr. 10 Columbus Circle New York, New York John Bell [Ken Vines] Barry E. Teague Ira DeMent U. S. Attorney P. O. Box 197 Montgomery, Al. 36101 (for Amicus Curiae
BARBOUR COUNTY BOARD OF EDUCATION: MACK PRICE, ALFRED A. GRANT, EDWARD T. GRIFFIN, ALTO LAFTIN JACKSON, ROY WILKINSON, AND RAYMOND E. TAUGHT, SUPERINTENDENT OF EDUCATION OF BARBOUR COUNTY, ALABAMA	Hyron H. Thompson- 219 West Crawford St Dothan, Alabama (P.O. Box 8) 36301 George Schnedier Edward H. Levi Attorney General U. S. Dept. of Justice Civil Rights Div. Washington, D. C. 20530
EUFULA CITY BOARD OF EDUCATION: DR. W. D. MOORE, L. Y. DEAN, III, J. H. BARR, JOHN BAKER, FRANK GARRISON AND O. B. GARTER, SUPERINTENDENT OF EUFULA CITY BOARD OF EDUCATION, EUFAULA, ALABAMA, (Dismissed as parties defendant by order 9/21/66)	For defendant: I. D. Robertson, Clayton, Ala. and T. W. Thagard and Charles S. Cood; Goodwyn, Smith, & Bowman, Thagard, Crook 600 Bell Building P.O. Box 78 & Cupepper Montgomery, Alabama, 36102 for Barbour County Board of Education and Superintendent of Education. PER T. W. THAGARD'S LETTER OF 6/16/81. Ira DeMent P.O. Box 4163 Montgomery, Ala., for Eufaula City Board of Education: Dr. W. D. Moore, et al.
UNITED STATES OF AMERICA, Amicus Curiae.	Charles K. White William A. Edson, Superintendent Barbour County Board of Education P. O. Box 186 Clayton, Alabama 36016
By order of 10/24/69. By order of 10/24/69. By order of 4/28/67. uper order of 7/9/81 By order of 8/25/69. +Per order of 4/26/77.	

STATISTICAL RECORD	COSTS	DATE 1966	NAME OR RECEIPT NO.	REC.	DISB.
S. 5 mailed 10/5/66 6/5/76	Clerk	9/12	Fred Gray	15 00	
		9-13	C/D-T-14		15 00
S. 6 mailed 4/5/75 - 7/5/77	Marshal	9/10/81	George Trawick	70 00	
asis of Action: School desegregation case	Docket fee				
	Witness fees				
ction arose at:	Depositions				

DATE	PROCEEDINGS	Date of Judgment
9/12/66 1	Complaint filed.	
" 2	Motion for temporary restraining order or for preliminary injunction filed by plaintiffs.	
9/13/66 3	ORDER setting plaintiffs' motions for a temporary restraining order and a preliminary injunction at 10 a.m., Friday, September 16, 1966, in U.S. District Courtroom, Montgomery, Alabama.	
" 4	Copy of order of 9/13/66, motion for temporary restraining order or for preliminary injunction, summons and complaint, and complaint issued to Marshal for service on defendants.	
9/16/66 5	Appearance of Goodwyn, Smith & Bowman as attorneys for Barbour County Board of Education and Superintendent of Education of Barbour County.	
9/16/66 6	Stipulation of plaintiffs and Eufaula City Board of Education.	
9/16/66 7	Marshal's returns on service of order, motion for temporary restraining order or preliminary injunction, summons and complaint. Personal service on Raymon E. Faught, Roy Wilkinson, Edward T. Griffin, Mack Price, J. M. Barr, Dr. W. D. Moore (correct name Moorer), O. B. Carter, Alfred A. Grant, on 9/13/66; service on Eufaula City Board of Education on 9/13/66 by service on O. B. Carter, Superintendent; service on L. Y. Dean, III, on 9/13/66 by leaving copies with his wife at their residence; service on Alto Loftin Jackson on 9/15/66 by leaving copies with his wife at their home; service on John Baker on 9/15/66 by leaving copies with Sam A. LeMaistre, Attorney for Barbour County Board of Education; service on Alto Loftin Jackson as Chairman of the Board on 9/15/66 by leaving copies with his wife; service on Frank Garrison on 9/15/66 by leaving copies with Sam A. LeMaistre, Attorney for Barbour County Board of Education.	
9/21/66 8	ORDER dismissing this cause as to the defendants the Eufaula City Board of Education, Dr. W. D. Moore, L. Y. Dean, III, J. M. Barr, John Baker, Frank Garrison and O. B. Carter, Superintendent of Eufaula City Board of Education.	
9/22/66 9	PRELIMINARY INJUNCTION. Defendants ordered to (1) cease to maintain dual school system based upon race or color; (2) provide equal educational opportunities without regard to race or color; (3) (3) immediately admit plaintiff Carlton Crawford, Jr., and 15 other students (as named in this order) to Wallace High School; (4) provide public school transportation for plaintiffs Benjamin D. Franklin, Cynthia Marie Franklin and Michael O'Neal Franklin to and from school; (5) commence study and revision of county bus transportation system so that the system will service Barbour County school system without regard to race or color and file report on June 30, 1967, with Court; (6) consider choice of each student without regard to race or color, etc., (7) proceed to execute the plan for desegregation attached to this order and incorporated therein. Jurisdiction specifically retained. (Copies mailed to counsel.)	
" 10	Writ of injunction issued in accordance with preliminary injunction and delivered to Marshal, with copies of preliminary injunction, for service on defendants.	
9/29/67	Defendants' motion for extension of time from 9/10/67 to 9/11/67 in which to file report pursuant to the provisions of Paragraph 11 of the desegregation plan contained in the decree of this court entered 9/1/67.	

CIVIL DOCKET CONTINUATION SHEET

PLAINTIFF	DEFENDANT	DOCKET NO. <u>2458-N</u> PAGE ____ OF ____ PAGES
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DATE	NR.	PROCEEDINGS
		<u>ADDITIONAL COUNSEL</u> Vaughan H. Robison Robison & Belser P. O. Drawer 1470 Montgomery, AL 36102 James Turner Education Section Department of Justice Civil Rights Division Washington, DC 20530 Winn S. L. Faulk P. O. Box 6137 Dothan, AL 36302 for plaintiff and plaintiff-intervenor NEA per appearance filed 10/8/80 792-2132 George E. Trawick Trawick and Kominos P. O. Box 47 Ariton, AL 36311 762-2356 Ozark: 774-3175 for Town of Clio, etc.

DATE	PROCEEDINGS
9/23/66 ¹⁰	Marshal's returns on service of writ of injunction and preliminary injunction. Personal service on Alto L. Jackson, Edward T. Griffin Mack Price, and Roy (true name "Ray") Wilkinson on 9/22/66; Barbour County Board of Education served on 9/22/66 by service on Alto L. Jackson, Chairman; personal service on Alfred A. Grant and Raymond E. Faught on 9/23/66.
10/5/66 ¹¹	Costs in amount of \$365.04 taxed against defendants per costs bill received from plaintiffs.
4/11/67 ¹²	Plaintiffs' motion for further relief.
4/28/67 ¹³	ORDER substituting George Shipman, a member of Barbour County Board of Education, for the named defendant Roy Wilkinson.
" 14	ORDER requiring defendants to show cause on May 26, 1967, at 9 a.m. why they should not be ordered to adopt desegregation plans for Barbour County, Alabama, school system that comply with the standards embodied in U.S. and Linda Stout, et al. v. Jefferson County Board of Education, et al., and in Exhibit "A" to the decree entered by this court on March 22, 1967, in Lee, et al. v. Macon County Board of Education, et al., Civil Action No. 604-E, and why they should not be ordered to put such plans into effect commencing with the 1967-68 school year.
" 15	Copies of order of substitution and show cause order, with attachments, mailed to counsel. Copy of show cause order with attachments delivered to Marshal for service on Raymond E. Faught, Superintendent of Education of Barbour County, Alabama. Copies mailed by certified mail to other defendants. Copy of order of substitution also mailed to substituted defendant George Shipman.
5/3/67	Marshal's return on service of show cause order of 4/28/67 and attachments. Raymond E. Faught, Superintendent of Education of Barbour County, Alabama, served 5/1/67 by leaving copy with Mrs. Mary Robinson, Bookkeeper, Barbour County Board of Education.
6/1/67	ORDER that defendants adopt and implement the plan for desegregation of the public school system of Barbour County, Alabama, attached to this order. Copies mailed to counsel. Copies delivered to Marshal for service on defendants.
, 6/67	Marshal's returns on service of order of 6/1/67. Executed 6/2/67 as to all except Raymond Faught, Superintendent of Education; service on Superintendent Faught on 6/5/67.
6/9/67	Defendants' motion for extension of time to file the report the order of 6/1/67 requires to be filed by 6/10/67.
" 19	ORDER granting defendants' motion of 6/9/67 for extension of time from 6/10/67 to 6/17/67 in which to file report in accordance with decree of this court entered 6/1/67. (Copies mailed to counsel.)
6/16/67 ✓ 20	Defendants' report filed in accordance with the court order of 6/1/67.
6/30/67 ✓ 21	Defendants' report on school transportation in accordance with the plan attached to order of 6/1/67.
6/20/67 ✓ 22	Defendants' report, in accordance with Section VII C of plan attached to order of 6/1/67, on action taken on students' request for transfer, faculty assignments, and the number of students by race in each grade of each school.

DATE	PROCEEDINGS	Date of Judgment
6/10/68	Defendants' report on choice period as required by Section VII C of plan attached to order of 6/1/67.	
6/14/68	Plaintiffs' motion for further relief.	
7/8/68	Defendants' answer to plaintiffs' motion for further relief.	
7/15/68	Court reporter's transcript of proceedings on 7/9/68.	
8/12/68	ORDER that plaintiffs' motion filed June 14, 1968, seeking to have the Court declare the freedom-of-choice plan for desegregating the public school system of Barbour County constitutionally unacceptable be denied conditioned upon the Barbour County Board's meeting the conditions set forth in this order. Superintendent of Education for Barbour County to file report in accordance with this order on or before September 3, 1968. Provisions in decree and plan of June 1, 1967, except to the extent that the modifications ordered in this order conflict, remain in full force and effect. Marshal ordered to serve copy of this order on each defendant. (Copies mailed to counsel; certified copies delivered to Marshal for service.)	
8/13/68	Marshal's returns on service of order of 8/12/68. Executed as to all defendants on 8/12/68.	
9/3/68	Defendants' report in accordance with order of 8/12/68.	
1/25/69	Defendants' report.	
5/9/69	Motion of Alabama State Teachers Association for leave to intervene as party plaintiff. Proposed complaint in intervention attached.	
5/29/69	ORDER allowing Alabama State Teachers Association to intervene as a party plaintiff and to file the complaint in intervention attached to its motion of 5/9/69 and directing Clerk to have Marshal serve complaint in intervention on Superintendent of Education for Barbour County Board of Education and Chairman of Barbour County Board of Education. (Copies mailed to counsel.)	
"	Alabama State Teachers Association's complaint in intervention filed as ordered. Summons issued and delivered to Marshal, with copies of complaint in intervention and order of 5/29/69 for service as directed in order.	
6/3/69	Marshal's return of service of summons, complaint in intervention and order of 5/29/69. Raymond E. Faught (Superintendent of Education) and Alto Loftin (Chairman of Barbour County Board of Education) served 5/30/69.	

DATE	PROCEEDINGS
6/20/69 35	Defendant's interrogatories to plaintiff-intervenor, ASTA.
" 36	Defendant's motion to dismiss ASTA's complaint in intervention.
6/23/69 37	ORDER denying defendants' motion to dismiss ASTA's complaint in intervention. (Copies mailed to counsel.)
✓ 7/15/69 38	Defendants' report on freedom of choice period.
8/1/69 39	Motion of NEA, Inc., for leave to intervene as plaintiff-intervenor. Proposed complaint in intervention attached.
8/4/69 40	ORDER setting motion of NEA for submission on briefs to be filed on or before 10 a.m., August 18, 1969. (Copies mailed to counsel.)
8/5/69 41	Defendants' motion to dismiss action of NEA, Inc.
" 42	ORDER setting defendants' above motion for submission on briefs to be filed on or before August 18, 1969, at 10 a.m. (Copies mailed to counsel.)
8/25/69 43	ORDER granting motion of NEA, Inc., for leave to intervene. NEA's complaint in intervention ordered filed; intervening plaintiff ordered to perfect service of same pursuant to applicable rules. Defendants' motion to dismiss complaint in intervention denied. Alabama State Teachers Association, Inc., dismissed as a plaintiff-intervenor. (Copies mailed to counsel.)
" 44	NEA's complaint in intervention filed as ordered.
✓ 8/27/69 45	Defendants' amended report on assignment of students for 1969-70 school year (Paragraph VII A of order of 6/1/67.)
9/10/69 46	Summons issued and delivered with copies of complaint in intervention and order of 8/25/69 to Marshal for service on the Superintendent, the Chairman, and the Board of Education for Barbour County.
9/15/69 47	Marshal's returns of service of summons, complaint in intervention and order of 8/25/69. Service on Raymond E. Faught, Superintendent of Education, and on Barbour County Board of Education by leaving copies with Mr. Faught's secretary at his office on 9/12/69; personal service on Alto Loftin Jackson, Board Chairman, on 9/12/69.
10/24/69 48	ORDER substituting James Steely as a member of the Barbour County Board of Education for Mack Price. (Copies mailed to counsel)
" 49	ORDER that Ira DeMent, U. S. Attorney for this district, and Jerris Leonard, Assis Attorney General, Department of Justice, Washington, D.C., and/or any other attorney with the Department of Justice designated by the Hon. John Mitchell, Attorney General of the United States, be appointed as amicus curiae counsel in this cause. (Copies mailed to counsel)
10/24/69 50	ORDER that defendants file with the Clerk of this Court on or before 1/15/70, a plan whereby, effective with the commencement of the 1970-71 school year, the dual school system based upon race--as to both students and faculty--as operated by said defendants will be effectively and completely disestablished. The U.S., through the use of educational experts of the Office of Education, Depart. of HEW directed to study the operation of said system and confer with and assist said system in formulating the required plan. The supt. and other officials of said school system are directed to cooperate fully with representatives of the Office of Education, Dept. of HEW, to make available all information, and records in their possession necessary to the development of the plan herein ordered prepared and filed. The office of Education shall have 15 days from the date of

DATE	PROCEEDINGS
	the submission of said plan, in the event the plan as submitted will not realistically and effectively disestablish the dual system based upon race, to submit to this Court an alternative plan. (Copies mailed by certified mail to the Barbour County Bd. of Education, its supt. and each member; copies mailed by regular mail to attorneys.)
1/14/70 ⁵¹	Plan for desegregation of Barbour County schools filed by HEW.
1/15/70 ⁵²	ORDER that Barbour County school system, its supt. and individual members, show cause in writing on or before 1/30/70, why plan proposed by U.S. should not be ordered placed in effect effective with commencement of 1970-71 school year. Any evidence to be presented must be presented by deposition filed on or before 1/30/70. (Copies mailed by certified mail to Supt. of Barbour Co. schools and members of school board; copies mailed by regular mail to counsel.)
1/30/70 ⁵³	NEA's objections to the plan for desegregation of Barbour Co. school system.
" 54	Plaintiff's objections to the plan for desegregation of Barbour Co. school system.
" 55	Barbour Co. Board of Education's objections to plan for "unitary" system prepared by HEW.
1/30/76 ⁵⁶	Recommended plan of Barbour Co. Board of Education for the establishment of a "Unitary" school system.
1/30/76 ⁵⁷	Alternate, for Article I of plan submitted by the Barbour County Board of Education, which was suggested by an outside education expert.
6/17/70 ⁵⁸	School board's alternative plan of desegregation . Large map attached.
6/18/70 ⁵⁹	ORDER that plaintiffs, the NEA, Inc., and the United States show cause in writing within 10 days from the date of this order why this Court should not order the alternate plan filed by the Barbour County Board of Education with the Clerk of this Court on June 17, 1970, placed into effect in the Barbour County school system, effective with the commencement of the 1970-71 school year. (Copies mailed to counsel.)
6/29/70 ⁶⁰	United States' response to order of 6/18/70.
6/30/70 ⁶¹	Plaintiffs' response to school board's alternative plan of desegregation.
7/6/70 ⁶²	ORDER that school board file within 24 hours its projection of students by race for each school to be operated for 1970-71 school year under Board's proposed alternate plan; list of required courses for grades 7-11 in school system for 70-71 school year; periods the required courses are to be offered at various campuses according to Bd's plan.

DATE	PROCEEDINGS	Date Of Judgment
	Plaintiffs have 24 hours from filing of this information to file further response thereto.	
7/7/70 ⁶³	School board's response to order of July 6, 1970.	
7/8/70 ⁶⁴	Plaintiffs' response to the response filed by school board.	
7/9/70 ⁶⁵	School board's supplemental response to order of July 6, 1970.	
7/10/70 ⁶⁶	"Terminal" ORDER. School board's "alternate plan" filed June 17, 1970, as supplemented by this order, ordered implemented not later than commencement of 1970-71 school year. (Copies mailed to Barbour County Superintendent and Board Members by certified mail; copies mailed to counsel.)	
8/18/70 ⁶⁷	Defendants' motion for extension of time to file the projection of racial composition of students and staff members required by order of 7/10/70.	
8/20/70 ⁶⁸	ORDER allowing defendants until August 28, 1970, to file report required by order of July 10, 1970. (Copies mailed to counsel.)	
8/27/70 ⁶⁹	Projection of enrollment by race and racial composition of faculty and staff.	
9/24/70 ⁷⁰	Plaintiff-intervenor NEA's notice of motion and motion for temporary restraining order and preliminary and permanent injunctions.	
" ⁷¹	Plaintiff-intervenor's motion to produce.	
9/25/70 ⁷²	ORDER temporarily restraining and enjoining the Barbour County Board of Education from demoting or dismissing any teachers or faculty members from any school operated by Barbour County Board of Education until further order of this Court. Defendants ordered to file within 15 days their "objective nonracial criteria" for selecting, dismissing and demoting teachers. Plaintiff-intervenor's motion to produce granted. Motion for preliminary injunction set for hearing at 9:30 a.m., Nov. 19, 1970. (Copies mailed by certified mail to Supt. and Board Members; copies mailed by regular mail to counsel and to State Supt. of Education.)	
10/5/70 ⁷³	Defendants' report on racial composition of student bodies and faculties and staffs.	
10/13/70 ⁷⁴	Defendants' filing of their "nonracial objective criteria" as required by order of Sept. 25, 1970.	

DATE	PROCEEDINGS	Date Of Judgment
<u>1970</u>		
Nov. 19	15 Findings and conclusions made by Court at conclusion of hearing on Nov. 19, 1970.	
19	16 ORDER upon findings and conclusions and the stipulations of parties resolving certain issues presented by plaintiff-intervenor's motion, denying the relief prayed for by plaintiff-intervenor to the extent here submitted. Temporary restraining order issued Sept. 25, 1970, dissolved. (Copies mailed to counsel; to Barbour County Superintendent of Education, and State Superintendent of Education.)	
30	17 Motion of plaintiff-intervenor NEA for rehearing and for amendment of order.	
Dec. 17	18 ORDER denying motion of plaintiff-intervenor, National Education Association, Inc., filed 11/30/70. (Copies mailed to counsel; to Barbour County Superintendent of Education, and State Superintendent of Education.)	
<u>1975</u>		
Mar. 27	19 ORDER directing the Clerk of this Court to close this case and remove it from the pending docket for record-keeping purposes only.	
<u>1976</u>		
May 18	20 Motion of plaintiffs and plaintiff-intervenor National Education Association for further relief. Referred to Judge Varner.	
20	81 ORDER to show cause. Defendants to show cause within 20 days from this date as to why motion of plaintiffs and plaintiff-intervenor for further relief should not be granted. (Copies mailed to counsel; copies mailed by certified mail, return receipt requested, to T. W. Thagard, Jr. and William A. Edson; copies mailed by certified mail, return receipt requested, w/copy of motion, to Alto Loftin Jackson, George Shipman, Alfred A. Grant, Edward T. Griffin, and Ronald R. Nix.)	
25	82 Interrogatories of plaintiffs and plaintiff-intervenor to each defendant.	
June 9	83 Defendants' response to show cause order of 5/20/76. Referred to Judge Varner.	
11	84 Motion of defendant Barbour County Board of Education for an extension of time to answer interrogatories. Referred to Judge Varner.	
17	85 ORDER granting motion of defendant Barbour County Board of Education; giving said defendant until 7/15/76, to answer interrogatories propounded by plaintiffs on 5/24/76. (Copies mailed to counsel.)	
Aug. 6	Deposition of Warren G. Corbitt.	
31	86 Supplemental interrogatories of plaintiffs and plaintiff-intervenor to each defendant.	
<u>1977</u>		
Jan. 12	87 ORDER continuing the pretrial hearing presently scheduled for 1/12/77, for further pleading until 5/5/77, at 10 a.m. in Montgomery, Alabama; setting trial for 6/8/77, at 9 a.m. in Montgomery, Alabama. (Copies mailed to counsel.)	

VIL DOCKET CONTINUATION SHEET

PLAINTIFF	DEFENDANT	DOCKET NO. <u>2458-N</u>
FRANKLIN, BENJAMIN D., ET AL.	BARBOUR COUNTY BOARD OF EDUCATION, ET AL.	PAGE <u>8</u> OF <u> </u> PAGES

DATE	NR.	PROCEEDINGS
1977		
Jan. 25	88	Defendants' answers to interrogatories propounded by plaintiffs and plaintiff-intervenor. (Exhibits A and B attached)
25	89	Defendants' answers to supplemental interrogatories propounded by plaintiffs and plaintiff-intervenor. (Exhibits A-F attached)
Apr. 11	90	Notice of plaintiff-intervenor N.E.A. of taking depositions of William A. Edson, Lester J. Price, and Emmett W. McKay to George Schneider.
11	91	Notice of plaintiff-intervenor N.E.A. of taking depositions of William A. Edson, Lester J. Price, and Emmett W. McKay to Charles Coody.
15		Depositions of Ms. Mary Ellen Teal, William A. Edson, Alto L. Jackson, George Shipman, Alford A. Grant, and Thomas Snead.
18	92	Plaintiffs' motion for further relief. Referred to Judge Varner.
22	93	ORDER to show cause directing defendants to show cause, if any they have, in writing on or before 5/5/77, as to why plaintiffs' motion for further relief filed on 4/18/77, should not be granted. (Copies mailed to counsel; copies mailed by certified mail, return receipt requested, w/copy of motion to William A. Edson, Alto Loftin Jackson, George Shipman, Alfred A. Grant, Edward T. Griffin, and Thomas M. Snead.)
26	94	ORDER substituting William A. Edson, as Superintendent of Education of Barbour County, Alabama for the named defendant, Raymond E. Faught; substituting Thomas M. Snead for the named defendant James Steely. (Copies mailed to counsel, William A. Edson, and Thomas M. Snead.)
28		Depositions of Lester Johnson Price and William A. Edson.
May 4	95	Defendants' response to show cause order of 4/22/77. Referred to Judge Varner.
26	96	Stipulation of parties and agreement. Referred to Judge Varner.
June 2	97	ORDER approving and incorporating by reference in this order and made a part hereof the stipulation and agreement filed by the parties on 5/26/77. (Copies mailed to counsel and William A. Edson, Superintendent of Barbour Co. Bd. of Ed.)
1980		
Oct. 8	98	Motion of Myron H. Thompson, attorney for record for plaintiffs and plaintiff-intervenor NEA, to withdraw as attorney of record for said parties. Referred to Judge Varner. Motion GRANTED 10/8/80. (Copies furnished to counsel.)
8	99	Notice of appearance of Winn S. L. Faulk as attorney of record for plaintiffs and plaintiff-intervenor NEA.

CIVIL DOCKET CONTINUATION SHEET

PLAINTIFF		DEFENDANT	DOCKET NO. <u>2458-N</u>
BENJAMIN D. FRANKLIN, ET AL.		BARBOUR COUNTY BOARD OF EDUCATION, ET AL.	PAGE <u>9</u> OF <u> </u> PAGES
DATE 1981	NR.	PROCEEDINGS	
May 5		Petition of defendant Barbour County Board of Education for authority to consolidate high schools. Exhibits attached. Referred to Judge Varner.	
6		Case reassigned to Judge Hobbs per instructions from Judge Varner's office. File referred to Judge Hobbs.	
June 1		Motion of Rosalind Jordan for leave to intervene as a plaintiff in this action. Referred to Judge Hobbs. Set on 6/30/81 motion docket. Notices mailed 6/11/81.	
July 9		ORDER granting the petition of defendant Barbour County Board of Education for authority to consolidate high schools. (Copies mailed to counsel; copy handed to U.S. Attorney.)	
9		ORDER granting the motion of Rosalind Jordan for leave to intervene as a plaintiff in this cause. (Copies furnished to counsel.)	
9		Complaint of Rosalind Jordan, plaintiff-intervenor filed.	
10		Motion of Rosalind Jordan of 6/1/81, order of 7/9/81, and complaint in intervention of 7/9/81 mailed by certified, return receipt requested mail to defendants.	
14		Return receipts showing service of documents mailed 7/10/81. Service on Frazelma Crittenden 7/13/81 for George Currie, Barbour County Board of Education, Winn F. Martin, Charles K. White, Ed Griffin, Ruth Clark, and Walter Turner.	
15		Return receipt showing service of documents mailed 7/10/81. Service on Frazelma Crittenden 7/13/81 for Mildred Walker Nolan.	
15		Defendants' answer to the complaint in intervention of Rosalind Jordan.	
27		Application of Town of Clio, etc., Earl Baxter, Judy Riley, Ruben White, Milton Wilkerson, and L. K. Adams, etc., et al. for leave to intervene in this cause. Referred to Judge Hobbs.	
Aug. 6		Response of USA to application to intervene of 7/27/81. Referred to Judge Hobbs.	
10		Defendants' response in opposition to application to intervene. Referred to Judge Hobbs.	
12		ORDER denying the application to intervene filed 7/27/81. (Copies mailed to counsel.)	
Sept. 10		Notice of appeal of Town of Clio, etc., Earl Baxter, Judy Riley, Ruben White, Milton Wilkerson, and L. K. Adams, etc., et al. from the order of 8/12/81, to the U.S. Court of Appeals, Fifth Circuit, Atlanta, GA. (Copies furnished to Fred D. Gray, Solomon S. Seay, Jr., Jack Greenberg, Kenneth Vines, George Schnedier, Charles K. White, Vaughan H. Robison, James Turner, Winn S. L. Faulk, George E. Trawick w/appeal information sheet; Chief Deputy Clerk, U.S. Court of Appeals, 5th Circuit, Atlanta, GA w/copy of docket entries.)	

CIVIL DOCKET CONTINUATION SHEET

PLAINTIFF		DEFENDANT	DOCKET NO. <u>2458-N</u>
BENJAMIN D. FRANKLIN, et al.		BARBOUR COUNTY BOARD OF EDUCATION, et al.	PAGE <u>10</u> OF <u> </u> PAGES
DATE 1981	NR.	PROCEEDINGS	
Sept. 22	114	Appellants' certificate under Rule 10(b)(3).	
22	115	Appellee's (Barbour County Board of Education, et al.) designation of additional parts of the record as authorized by Rule 10(b)(3), FRAP.	
<u>1982</u>			
Apr. 22	116	JUDGMENT of U. S. Court of Appeals, Eleventh Circuit (issued as mandate 4/20/82) dismissing plaintiff's appeal; taxing costs against plaintiffs-appellants. (Certified copy of opinion attached.)	
Oct. 18		Received entire Court file from U. S. Court of Appeals, Eleventh Circuit.	
<u>1983</u>			
Jan. 5	117	Motion of plaintiff-intervenor NEA for further relief. Referred to Judge Hobbs.	
11	118	ORDER directing defendants to respond to motion of plaintiff-intervenor NEA for further relief by 1/31/83. (Copies furnished to counsel.)	
31		Response of defendants to motion of plaintiff-intervenor NEA for further relief. Referred to Judge Hobbs.	
Apr. 19	120	Plaintiff-Intervenor's motion to dismiss. Referred to Judge Hobbs.	
22	121	ORDER granting plaintiff-intervenor National Education Association, Inc.'s motion, filed 4/19/83, to dismiss without prejudice its motion for further relief and with each party to bear its own costs; that NEA's motion for further relief, filed 1/5/83, is dismissed without prejudice, with each party to bear its own costs incurred in the filing of and response to said motion. (Copies furnished counsel)	
Sept. 28	122	Motion of plaintiff-intervenor Jordan to dismiss complaint-in-intervention. Referred to Judge Hobbs.	
Oct. 7	123	ORDER granting plaintiff-intervenor Jordan's motion to dismiss complaint dismissing Jordan's complaint-in-intervention with prejudice; each party to bear their own costs and attorneys' fees. (Copies mailed to counsel.)	
<u>1984</u>			
July 13	124	ORDER directing the Clerk to refund the \$250.00 appeal bond to George E. Trawick. (Copies mailed to counsel; furnished to Tim Norris.)	
<u>1995</u>			
Aug 14	125	<i>reopened</i> Defendant's motion for status conference (w/attachments). Referred to Judge Albritton.	
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23	127	ORDER setting this case for a STATUS CONFERENCE on 9/8/95 at 3:00 p.m. in chambers in Montgomery, AL. (Copies mailed to counsel; furnished to USA, MT and EL.)	
* 22	126	Attorney Winn Faulk's motion to withdraw appearance on behalf of NEA. Referred to Judge Albritton. MOTION GRANTED 8/28/95	

