

**CHERYL L. HOPWOOD, et al. vs. STATE OF TEXAS, et al.**

**NO. A 92 CA 563 SS**

**UNITED STATES DISTRICT COURT FOR THE WESTERN DISTRICT OF  
TEXAS, AUSTIN DIVISION**

***2001 U.S. Dist. LEXIS 10658***

**July 24, 2001, Decided**

**July 24, 2001, Filed**

**COUNSEL:** [\*1] For CHERYL J. HOPWOOD, plaintiff: Terral R. Smith, Locke Liddell & Sapp, L.L.P., Steven W. Smith, Law Offices of Steven W. Smith, Austin, TX.

For CHERYL J. HOPWOOD, plaintiff: Michael P. McDonald, Vincent A. Mulloy, Michael E. Rosman, Washington, DC.

For CHERYL J. HOPWOOD, plaintiff: R. Kenneth Wheeler, Wallace, Harris, Sims & Wheeler, Richmond, VA.

For CHERYL J. HOPWOOD, plaintiff: Joseph A. Wallace, Paul J. Harris, Harris & Bush, Elkins, WV.

For CHERYL J. HOPWOOD, plaintiff: Walter J. Scott, Jr., Gibson, Dunn & Crutcher LLP, Dallas, TX.

For DOUGLAS CARVELL, KENNETH ELLIOTT, DAVID . ROGERS, consolidated plaintiffs: Steven W. Smith, Law Offices of Steven W. Smith, Austin, TX.

For DOUGLAS CARVELL, KENNETH ELLIOTT, DAVID . ROGERS, consolidated plaintiffs: R. Kenneth Wheeler, Wallace, Harris, Sims & Wheeler, Richmond, VA.

For DOUGLAS CARVELL, KENNETH ELLIOTT, DAVID . ROGERS, consolidated plaintiffs: Joseph A. Wallace, Paul J. Harris, Harris & Bush, Elkins, WV.

For DOUGLAS CARVELL, KENNETH ELLIOTT, DAVID . ROGERS, consolidated plaintiffs: Michael E. Rosman, Washington, DC.

For DOUGLAS CARVELL, consolidated plaintiff: Walter J. Scott, Jr., Gibson, [\*2] Dunn & Crutcher LLP, Dallas, TX.

For STATE OF TEXAS, BOARD OF REGENTS OF THE TEXAS STATE UNIVERSITY SYSTEM, THOMAS O. HICKS, MARIO E. RAMIREZ, ROBERT M. BERDAHL, UNIVERSITY OF TEXAS SCHOOL OF LAW, MARK G. YUDOF, STANLEY M. JOHANSON, defendants: Harry M. Reasoner, Betty R. Owens, Vinson & Elkins, L.L.P., Houston, TX.

For STATE OF TEXAS, BOARD OF REGENTS OF THE TEXAS STATE UNIVERSITY SYSTEM, THOMAS O. HICKS, MARIO E. RAMIREZ, ROBERT M. BERDAHL, UNIVERSITY OF TEXAS SCHOOL OF LAW, MARK G. YUDOF, STANLEY M. JOHANSON, defendants: Javier Aguilar, Special Asst. Attorney General, Samuel Issacharoff, University of Texas, School of Law, R. Scott Placek, Skelton Woody & Arnold, Austin, TX.

For STATE OF TEXAS, BOARD OF REGENTS OF THE TEXAS STATE UNIVERSITY SYSTEM, defendants: Harrey M. Clark, Vinson & Elkins, LLP, Beverly G. Reeves, Vinson & Elkins, Austin, TX.

For STATE OF TEXAS, BOARD OF REGENTS OF THE TEXAS STATE UNIVERSITY SYSTEM, ROBERT M. BERDAHL, UNIVERSITY OF TEXAS SCHOOL OF LAW, MARK G. YUDOF, STANLEY M. JOHANSON, defendants: Charles Alan Wright, The University of Texas Law School, Austin, TX.

For STATE OF TEXAS, BOARD OF REGENTS OF THE TEXAS STATE UNIVERSITY SYSTEM, [\*3] defendants: Kathleen Bone Spangler, Vinson & Elkins, L.L.P., Houston, TX.

For THOMAS O. HICKS, MARIO E. RAMIREZ, ROBERT M. BERDAHL, UNIVERSITY OF TEXAS SCHOOL OF LAW, MARK G. YUDOF, STANLEY M. JOHANSON, defendants: Barry D. Burgdorf, Vinson & Elkins, Austin, TX.

For BERNARD RAPOPORT, ELLEN . TEMPLE, LOWELL . LEBERMANN, ROBERT . CRUIKSHANK, ZAN HOLMES, TOM LOEFFLER, MARTHA SMILEY, consolidated defendants: Javier Aguilar, Special Asst. Attorney General, Charles Alan Wright, The University of Texas Law School, Austin, TX.

**JUDGES:** Sam Sparks, UNITED STATES DISTRICT JUDGE.

**OPINION BY:** Sam Sparks

**OPINION**

*ORDER*

BE IT REMEMBERED on this the *24th* day of July 2001 the Court reviewed the file in the above-captioned matter and specifically the "Defendants' proposed Plan for Proceeding on Remand" [pleading 349 filed July 20, 2001] and "Plaintiffs' Joint Status Report" [pleading 350 filed July 20, 2001], and thereafter, the Court enters the following:

Subsequent to the most recent rendition of opinion of the United States Court of Appeals for the Fifth Circuit in this case, after the last conference involving counsel, with all attempted appeals to the United States Supreme Court being [\*4] exhausted, the Court is of the opinion that there is no viable issue remaining to be litigated in this case. It appears all of the causes of action of the named plaintiffs have now been concluded along with all costs and attorney's fees in appropriate judgments that should be immediately paid. The Court has no basis whatsoever to set any hearings with regard to any past or proposed alleged misconduct or, behalf of any defendant. Therefore, there are no live issues to be determined in this case.

The Court regrets, as do all parties, that this case was not finally determined by the United States Supreme Court, but the world is not a perfect place, and all things, especially old cases, most come to an end. The Court believes the end has come for this case.

The Clerk is ORDERED to mark this file closed and permit no further filing except any notice of appeal.

SIGNED this the *24th* day of July 2001.

Sam Sparks

UNITED STATES DISTRICT JUDGE