

CIVIL DOCKET

UNITED STATES DISTRICT COURT

EC7052 S

Jury demand date:

D. C. Form No. 106 Rev.

TITLE OF CASE	ATTORNEYS
BETTYE JOE BAKER, ET AL VS. COLUMBUS MUNICIPAL SEPARATE SCHOOL DISTRICT, ET AL	For plaintiff: Stephen J. Pollak <i>Richard M. Shan</i> David Booth Beers Shea & Gardner 734 Fifteenth Street, N. W. Washington, D. C. 20005  T. H. Freeland & G. A. Gafford 1013 Jackson Ave. Oxford, Miss. 38655  David Rubin National Education Association of the U. S. 1201 Sixteenth St., N. W. Washington, D. C. 20026  For defendant: Shields Sims <i>B.O. - Box 648</i> Waters Bldg. Columbus, Miss. 39701

STATISTICAL RECORD	COSTS	DATE	NAME OR RECEIPT NO.	REC.	DISB.
J.S. 5 mailed prepared at Oxford	Clerk	6-29-70	Filed at Oxford R-16934	\$15.00	
J.S. 6 mailed	Marshal	3-6-75	R-27408 (Sims & Sims)	5.00 Not. of Appeal	
Basis of Action: §1 of Civil Rights Act of 1871, etc. Complaint for Declaratory & Injunctive Relief.	Docket fee				
Action arose at:	Witness fees				
	Depositions				

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DATE	PROCEEDINGS	Date of Judgment
6-29-70	Complaint For Declaratory & Injunctive Relief filed at Oxford, J. S. 5. Filed Motion For Leave To Take Depositions. Filed Motion For Preliminary Injunction.	
6-30-70	Summons issued at Oxford.	
7-2-70	Mailed Notice of Judge assignment.	
7-6-70	Entered Order, signed by Judge Orma R. Smith 6-30-70, Granting Leave To Take Depositions COB 9, pg. 277. Mailed Notice of entry to counsel.	
7-7-70	Case set for hearing at Clarksdale, Miss., before Judge Smith on Aug. 7, 1970 at 9:00 a.m. Filed Summons with Marshal's return- all served on July 1, 1970, at Columbus, Miss.: James E. Goolsbym Superintendent. Carl McKellar, Trustee. J. H. Edmondson, Trustee. Mrs. John Holloman, Trustee. James M. Trotter, Trustee. Tom Harvey, Jr., Trustee. Columbus Municipal School District by serving same on James E. Goolsby, Superintendent.	
7-20-70	Filed Answer.	
8-6-70	Received letter stating that hearing reset for 9-1-70, 9:00 A.M., Oxford	
8-10-70	<del>HEARING CANCELLED</del> Filed First Pretrial Submission	
8-21-70	Filed Second Pretrial Submission. Original mailed to Judge Smith, Corinth, by attorney.	
9-1-70	Filed Motion For Leave to File Attached Amended Complaint. Filed Amended Complaint for Declaratory & Injunctive Relief and for Damages- Copies to Law Clerk. Filed Third Pretrial Submission. Copy to Law Clerk.	
9-8-70	Entered Order, signed by Judge Smith 9-3-70, directing Superintendent & Trustees to re-employ as members of faculty for school year 1970-71- Bettye Joe Baker, Mildred Patricia Hubbard, Jessie Jones & Melinda Blackmon similar to positions occupied by individuals during 1969-70 and at a salary not less than that received during previous school year. COB 9, pgs. 382 & 383. Mailed Notice of entry. copy of	
9-21-70	Filed Court Reporter's transcript/ Ruling Of The Court - Sept. 3, 1970, at Oxford, Miss. (Inez Edmondson).	
10-14-70	Entered Order, signed by Judge Smith Oct. 10, 1970, directing parties to file proposed findings of fact and conclusions of law within 30 days after receipt of record, etc. COB 10, pg. 10. Mailed Notice of entry.	
10-19-70	Copy of Plaintiff's Post-Trial Memorandum received- and placed in jacket file.	
3-2-71	Filed Volumes 1 & 2 of court reporter's transcript had on Sept. 1 & 2, 1970. (Edmondson)	
3-19-71	Volumes 1 & 2 of Court Reporter's transcript withdrawn by Shields Sims on the direction of Judge Smith.	
3-23-71	Volumes 1 & 2 of Court Reporter's transcript returned this date by Shield Sims.	
3-29-71	Entered Order, signed by Judge Smith 3-25-71, that parties shall file proposed findings of fact & conclusions of law on or before 4-8-71, etc. COB 10, pg. 409. Mailed Notice of entry.	
4-8-71	Defendants Proposed Findings Of Fact, Conclusions Of Law And Relief marked "Received" and mailed to Wm. P. Dodson, Law Clerk, Corinth, Miss.	
4-12-71	Plaintiffs' Proposed Findings Of Fact, Conclusions Of Law And Relief with attachments marked "Received" and mailed to Wm. P. Dodson, Greenville, Miss.	
4-26-71	Plaintiffs' Reply Brief marked "Received" and placed on Law Clerk's desk.	
6-23-71	Filed Findings Of Fact On Count One. Entered Order, signed by Judge Smith on 6-23-71, voiding the requirement adopted on 1-12-70 by deft. sch. board in the employment of teachers; enjoining defts. from utilizing standardized tests in reemployment of teachers; allowing pltf's in Count One to recover provable damages; entitling pltf teachers to	

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DATE	PROCEEDINGS	1 Ju
	reinstatement for the sch. yr. 1971-72; directing defts. to hire as many black teachers for the yr. 1971-72 to attain the racial ratio existing during 1969-70 sch. yr., directing defts. to file with the Court/a report of the number of teachers and number of principals, by race, hired for the yr. 1971-72 and of those who were employed during the 1970-71 yr. by deft. board and the number of additional teachers and principals anticipated for the 1971-72 yr; directing defts. to file on Oct. 1, 1971, a report of the number of teachers and principals by race, actually employed for 1971-72 yr. and those who were employed during the 1970-71 yr.; and allowing pltf's to recover costs of action. COB 11, pages 64-68. Mailed Notice of entry to counsel. <i>J.S.S.</i>	
7-15-71	Filed Report Of Columbus Municipal Separate School District. Filed Motion to relieve defts. from complying with the provisions of paragraph 5-a of the Order entered 6-23-71. <del>FOR</del> Copies of Report & Motion mailed to Judge Smith by Atty. Shields Sims.	
7-23-71	Placed Courtroom sheet in jacket file - proceedings had in Oxford on 7-22-71. Hearing on re-hiring black teachers - counsel to prepare order. <del>Filed</del> Placed exhibits in jacket file. Filed Notice of Appeal - Receipt No18334 in Oxford. Shields Sims. Filed Cost Bond On Appeal - Receipt No. 18335 to atty/ in amount of \$250.00 Mailed copy of Notice of appeal to Court of Appeals, counsel of record and Court Reporter.	
7-26-71	Entered Order, signed by Judge Smith 7-22-71, contracts to be executed for 26 committed teachers; to hire black teachers to fill seven vacancies if qualified; to hire black teachers to fill all vacancies which arise, if qualified, to fill any vacancies among the 26 already committed.; to hire as many black teachers for the 1972-73 year as may be necessary to attain the racial ratio of 66% white & 34% black existing on faculty during 1969-70 school year. COB 11, pgs. 119-121, incl. Mailed Notice of entry. Copy of Order to attorneys.	
8-4-71	Filed letter from Shields Sims, Esq., designating contents of record on appeal.	
8-9-71	Filed Court Reporter's transcript of proceedings had on July 22, 1971, at Oxford, Miss., before Judge Smith. (Holman).	
8-10-71	Mailed record on appeal, with transcript, all exhibits to Clerk, U. S. Court of Appeals, Fifth Circuit, by registry #58.	
12-28-71	Filed Report of Columbus Municipal Separate School District as Required in Order of June 23, 1971 - copy to Law Clerk. - copy to Court of Appeals.	
7-31-72	Filed Motion To Amend Paragraph 5(f) Of The Order Of June 23, 1971. Filed Notice of Motion. Copy to Luke Dove, Law Clerk.	
8-3-72	Filed Opinion.	
8-3-72	Filed certified copy of Judgment affirming the judgment of the District Court. Filed copy of Order with reference to attorneys' fees, etc. Filed copy of Bill Of Costs in the sum of \$347.38. Mailed copies of the above to Judge Smith & counsel.	
8-18-72	Filed Memorandum of Points and Authorities in Support of Plain tiffs' Motion to Amend Paragraph 5 (f) of the Order of June 23, 1971- copy to Judge by Attorney.	
8-23-72	Original & copy of Memorandum of Points & Authorities In Opposition to Pltfs' Motion To Amend § 5(f) of the Order of June 23, 1971 marked "Received" and mailed to Luke Dove, Law Clerk.	
8-31-72	Entered Order, signed by Judge Smith 8-29-72, Second Amendment Of The Order & Judgment Of June 23, 1971- amending paragraph 5- within 7 days after entry of order, defts. shall file with the court & on counsel for pltfs. a report of the number of teacher & number of principals, by race, hired for the academic year 1972-73, etc. COB 13, 106- 108. Mailed Notice of entry.	
9-5-72	Filed Report Of Racial Ratio. Copy to Judge Smith.	
10-6-72	Filed Report of Racial Ratio. Copy to Judge Smith, Corinth, Ms.	

DATE	PROCEEDINGS	Dat Judg
12-29-72	Entered Order Settling The Damage Claims of Plaintiffs Bettye Joe Baker, Jesse Jones, Annie D. Prowell, Albert Williams, Jr. and Camille Burnadette Yates. COB 13, Pages 308 & 309. Notice of entry of Order mailed to all counsel of record.	
3-12-73	Entered Order Settling the Damage Claims of Plaintiff Willie Louis Dillard, signed by Judge Smith on 3-8-73 in COB 14, pages 132-133. Notice of Entry to all concerned.	
5-1-73	Received and entered Order of Disbursement of the cash appeal bond in the amount of \$250.00 signed 4-30-73 cob 14, pg. 223	
5-7-73	Mailed notice of order to the firm of Sims, Sims & Sims, Columbus, Ms. US Reg Chk #2096, payable to Columbus Municipal Separate School District in the sum of \$250.00- mailed by certified mail- R- 968181.	
10-25-73	Filed Motion Of Plaintiff Esther Harrison For The Ascertainment & Award Of Damages Pursuant To This Court's Order & Judgment Of June 23, 1971 & Notice of Motion. Brief In Support Of Plaintiff's Motion For The Ascertainment & Award Of Damages Pursuant To This Court's Order & Judgment Of June 23, 1971 marked "Received" & mailed with copies of Motion & Notice to Luke Dove, Law Clerk, Corinth, MS.	
11-13-73	Filed Motion of Plaintiff Esther Harrison For Leave To File Supplemental Complaint - Copy mailed to Judge Smith by Attorney Filed Notice of Motion - Copy mailed to Judge Smith by Attorney Memorandum of Points and Authorities In Support of Motion For Leave To File Supplemental Complaint marked "Received" and handed to <del>xxxx</del> Luke Dove, Law Clerk.	
12-3-73	Brief In Opposition Of Plaintiff's Motion For The Ascertainment Of Damages Pursuant To Thos Court's Order And Judgment Of June 23, 1971, marked "Received" and mailed to Law Clerk. Brief In Opposition To Motion To File Supplemental Complaint marked "Received" and mailed to Law Clerk.	
1-3-74	Entered Order, signed by Judge Smith Dec. 27, 1973, sustaining pltf's motion for leave to file the supplemental Complaint; defts. to respond to supplemental complaint within 20 days of the date of order. COB 16, pgs. 3 & 4. Mailed Notice of entry. Filed Supplementary Complaint For Declaratory & Injunctive Relief.	
1-17-74	Brief In Opposition Of Plaintiff's Motion For The Ascertainment Of Damages Pursuant To This Court's Order & Judgment of June 23, 1971, marked "Received" and mailed to Luke Dove, Law Clerk, Greenville, MS.	
1-18-74	Filed Answer to Supplemental Complaint for Declaratory and Injunctive Relief - copy to Law Clerk.	
1-21-74	Brief In Support of An Award Of Damages To Esther Harrison marked "received" and mailed to Law Clerk.	
2-5-74	Entered Findings Of Fact, signed by Judge Smith 2-4-74. COB 16, pgs. 87-89, incl. Entered Order pursuant to Findings of Fact and Conclusions of Law, defendants directed to pay pltf., Esther Harrison, the sum of \$5,544.90 plus 6% annual interest commencing on June 23, 1971 as an award for damages sustained. COB 16, pg. 90. Mailed Notice of entry.	
5-14-74	Filed Notice of Motion and Motion to Compel Defendants to Produce Documents and Tapes. Marked "Rec'd" Memorandum of Points and Authorities in Support of Plaintiff's Motion to Compel Defendants To Produce Documents and Tapes and mailed to Judge Smith at Oxford.	
5-22-74	Memorandum Of Points & Authorities In Opposition Of Plaintiff's Motion To Compel Defendants To Produce Documents And Tapes marked "Received" and mailed to Law Clerk.	
6-5-74	Mailed Notice of Trial set for 6-20-74 at 9:00 A.M. in Aberdeen, Miss. to attys. of record.	
6-12-74	Entered Plaintiff's Proposed Order Compelling Defendants to Produce Documents and Tapes in COB 16, p. 481-482. Notice of Entry to all concerned.	Do

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DATE	PROCEEDINGS	Dat Judg
6-20-74	Entered Order signed by Judge Smith 6-20-74 in COB 16, Page 507 that within 20 days after the court reporter has filed with the clerk the transcript of notes taken at the hearing 6-20-74, the parties shall submit simultaneous briefs, and within 10 days thereafter each party shall file reply briefs. Upon receipt of briefs the court will set matter for oral argument. Notice of entry mailed to counsel of record.	
6-20-74	Filed Civil Minutes - Trial held on 6-20-74 Aberdeen, Ms. Case taken under advisement.	
7-1-74	Received copy of Ex. P. X. 13 - Transcript of cassette Tape.	
7-5-74	Filed Motion for leave to file affidavit correcting the testimony of Bettye Joe Baker. Same mailed to Judgeby attorney. Filed Affidavit of Bettye Joe Baker.	
7-10-74	Entered Order, signed by Judge Smith 7-9-74, sustaining plaintiffs' motion for leave to file affidavit correcting the testimony of Betty Joe Baker. COB 17, pg. 22. Mailed Notice of entry.	
8-5-74	Filed court reporter's transcript of proceedings had on 6-20-74, in Aberdeen, MS., on 6-20-74. (Holman).	
8-26-74	Post-Trial Brief marked "Received" and mailed to Law Clerk. Trial Brief Of Defendants marked "Received" and mailed to Law Clerk.	
9-6-74	The original, and copy, of Rebuttal Brief Of Defendants marked "Received" and mailed to Law Clerk, Corinth, MS.	
9-9-74	Marked "Received" Reply Brief of Plaintiff Esther Harrison. Mailed to Law Clerk, Greenville, Miss.	
10-21-74	Mailed Notice of hearing at Aberdeen, MS., on Nov. 4, 1974, at 10 am, before Judge Smith.	
11-4-74	Hearing held - Arguments on Reinstatement of Esther Harrison. Judgment: School Dist. To Reinstate and Reimburse Pltf. For Loss of Salary; Attorney Fees Awarded. Attorneys for Pltf. to Prepare Order.	
11-11-74	Filed Notice of Taxation of Costs. Filed Plaintiff's Bill of Costs and Disbursement Filed Affidavit of Stephen J. Pollak Filed Motion To Award Plaintiffs Attorneys' Fees and Expenses For The Trial, Appeal and Collateral Proceedings Filed Notice of Motion Filed Statement of Time Spent and Expenses Incurred By Plaintiffs' Counsel Marked "Received" and mailed to Judge Smith - Memorandum Of Law In Support of Motion To Award Plaintiffs, etc. Copy of above instruments mailed to Judge Smith by counsel	
11-25-74	Filed Motion to Amend the Ruling of the Court with copy of transcript attached. copy of motion and proposed order and judgment mailed to Judge by Attorney.	
12-5-74	Entered Order, signed by Judge Smith 12-3-74, sustaining plaintiff's motion to amend the ruling of the court and directing court reporter to correct the official transcript of said ruling to conform with transcript attached to Order. Entered Order And Judgment- defts. to offer Mrs. Harrison reinstatement for the academic year 1975-1976, etc. COB 17, pg. 432- 434. Mailed Notice of entry.	
12-9-74	Filed Statement Of Time Spent & Expenses Incurred By Counsel In Vindication Of The Claims Of Plaintiff Esther Harrison. Filed Notice Of Taxation Of Costs In Behalf Of Plaintiff Esther Harrison. File Motion For Order Fixing The Amount Of Back Pay & Attorneys' Fees & Expenses To Be Recovered By Plaintiff Esther Harrison & Her Counsel. Copies of the above to Judge Smith by Atty. Memorandum Of Guidelines Customarily Used In Fixing The Amount of Attorneys' Fees	

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DATE	PROCEEDINGS	Da Jud;
	And Expenses & Expenses To Be Awarded, marked "Received" and mailed to Law Clerk.	
12-11-74	Filed Affidavit Of Lester Harrison.	
12-23-74	Defendants' Memorandum Of Guidelines Customarily Used In Fixing The Amount Of Attorneys' Fees & Expenses To Be Awarded marked "Received" and mailed to Law Clk.	
12-31-74	Filed copy of Ruling Of The Court...Judge Smith- 11-8-74. (Holman).	
1-6-75	Mailed Notice of Hearing set for 1-21-75, 9 A.M., Aberdeen, Ms., before Judge Smith to all concerned.	
1-16-75	Memorandum Of Law In Opposition On Motion To Award Plaintiffs Their Attorneys' Fees & Expenses For The Trial, Appeal & Collateral Proceedings marked " Received" and mailed to Law Clerk.	
2-10-75	Entered Order Taxing Costs & Awarding Attorneys' Fees & Expenses In Connection With Counts One & Two. COB 18, pgs. 141 & 142. Defts. to pay to pltf NEA court costs in the sum of \$1,579.34; to pay NEA the sum of \$5,075.41 expenses, other than court costs, of pltf's counsel; defts to pay pltf. \$30,000.00 attotneys' fees, Entered Order Taxing Costs & Fixing The Amount Of Backpay, Attorneys' Fees & Attorneys' Expenses To Be Recovered In Connection With Litigation Relating To The Supplemental Complaint Of Esther Harrison. COB 18, pgs. 143 & 144. Defts. to pay Esther Harrison \$13,192.00, in satisfaction of her backpay claim. Defts. to pay Pltf. NEA court costs in the sum of \$322.10; Defts. shall pay to pltf. NEA \$2,969.96 representing expenses, othet than court costs; defts to pay pltf's cpt \$20,000.00 representing reasonable attys' fee, etc.	
2-26-75	Filed Notice Of Appeal. Mailed copies to all concerned.	
3-6-75	R-27409 to Sims & Sims - \$250.00 Appeal Bond. Filed letter from Atty. Darrell Reeves to Clerk, dated 3-5-75, stating what he wanted in the record on appeal.	
4-1-75	Deposition of Esther Harrison received by Judge Smith on 1-10-74- filed.	
4-3-75	Filed Ruling Of The Court on 1-21-75. (Holman).	
4-7-75	<del>Filed Report of Columbus Municipal oparate School District. Copy to Judge Smith by Atty. Reeves.</del>	
4-7-75	Mailed record on appeal to Clerk, U. S. Court of Appeals, New Orleans, La.	
5-7-75	Filed Motion For Stay Of Execution on behalf of Columbus Municipal Separate School District. Copy to Law Clerk.	
6-11-75	Brief On Motion For Stay Of Execution marked "Received", orig. & copy, and mailed to Law Clerk.	
7-3-75	<del>Filed Application For An Order To Show Cause. Copy with proposed to Law Clerk. EC 70-52-5</del>	
7-9-75	Mailed supplement to record on appeal at the request of Darrell Reeves Esq.	
7-14-75	Entered Plaintiffs Proposed Order, signed by Judge Smith July 11, 1975 denying defendants' motion for a stay pending appeal. COB 19, pg. 216. Mailed Notice of entry.	
9-10-75	Entered Order, signed by Judge Smith 9-8-75, directing that a letter dated 9-5-75, from Shield Sims & Letter from Mrs. Esther M. Harrison, dated 8-26-75, be filed. COB 20, pgs. 107 & 108.	
9-12-75	Received and filed copies of letters referred to in the order ent. 9-10-75.	
10-2-75	Filed certified copy of Rule 21 Decision & Bill of Costs- affirming- costs taxed against defendants- appellants. Copies to all concerned. Original record, supplemental record & exhibits received.	
7/12/76	Filed PLAINTIFF'S MOTION FOR PAYMENT OF HER COSTS ON APPEAL FROM THE BOND FILED WITH THIS COURT BY DEFENDANTS. Copy to law clerk, with copy of Proposed order.	

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DATE	PROCEEDINGS	Date Judgm
7/15/76	Entered order signed by Judge Smith on 7/13/76 requiring that plaintiff Esther Harrison be paid \$161.70 to cover her costs on appeal from the \$250 bond filed with this Court by defendants as security for the payment of costs on appeal. COB 23, Page 299. Notice of entry mailed.	
3/23/77	Filed copy of letter and check payable to Esther Harrison in accordance with Order signed 7/13/76 by Judge Smith, in amount of \$161.70, check # 417.	
3/31/77	Entered Order signed by Judge Smith on 3/31/77 regarding disposition of Exhibits. COB 26, page 208. Notice of Entry mailed.	
4/14/77	Mailed Exhibit #2 to James R. Denneen, as his request. (PLaintiff's Ex.)	
6/13/77	Mailed deft's exhibits # 74, 75, 78, & 79 to counsel for deft. <u>Remaining exhibits destroyed.</u>	
9/22/78	Received copy of memorandum mailed re REGISTRY FUNDS.	
11/13/81	ORDER (LTS-11/9/81) TO REIMBURSE Sims & Sims CASH APPEAL BOND.	
12/18/81	COPY of letter from Clerk to Sims & Sims enclosing ck #684 in amt of \$103.96 in accordance w/Order to Reimburse Cash Appeal Bond.	