

IN THE UNITED STATES DISTRICT COURT **FILED**
FOR THE EASTERN DIVISION, EASTERN JUDICIAL DISTRICT
OF MISSOURI

NOV 19 1979

ROBERT ERNEST BULLINGTON,
et al,

Plaintiffs

vs.

WARDEN MORELAND, et al,

Defendants.

U. S. DISTRICT COURT
E. DISTRICT OF MO.

Cause No. 79-650 C (4)

Johnson v. O'Brien



JC-MO-010-024

PLAINTIFFS' RESPONSE TO
DEFENDANTS' MOTION TO DISMISS COMPLAINT

Plaintiffs confess Defendants' Motion as to the extent that Johnson v. O'Brien, 455 Fed. Supp. 122 (E. Dist Mo. 1977) decided the issues of recreational activities, cleaning supplies, laundry, the physical size and population of the cells. Therefore, plaintiffs believe that paragraphs 14, 15, 19 and 21 of their Amended Complaint are res judicata and the proper remedy would be a Motion for Contempt based on the O'Brien case. However, the remaining portions of plaintiffs' complaint were not dealt with in the O'Brien case and, therefore, are at issue.

HENDERSON, HEAGNEY & THOMAS

by James L. Thomas
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A copy mailed to Donald J. Weyerich, Special
Assistant County Counselor
41 North Central
Clayton, Missouri 63105, Attorney for Defendants

this 16th day of November, 1979

James L. Thomas
James L. Thomas

ROBERT ERNEST BULLINGTON
et al

No. 79-650 C 41 3

vs.

United States District Court

Eastern District of Missouri

WARDEN MORELAND, et al

November 16, 1979

MEMORANDUM FOR CLERK

Plaintiffs' Response to Defendants'

Motion to Dismiss Complaint filed.

HENDERSON, HEAGNEY & THOMAS

by

James L. Thomas #24986

Attorneys for Plaintiffs

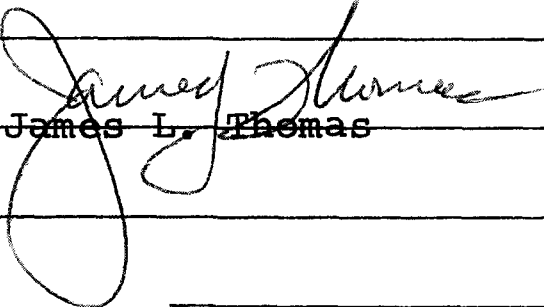
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41 North Central
~~Clayton, MO 63105~~
Attorney for Defendants

this 16th day of November, 1979


James L. Thomas

Plaintiff
Attorney's for
Defendant