

CLOSED

**U.S. District Court
Alabama Middle District (Opelika)
CIVIL DOCKET FOR CASE #: 3:70-cv-00846-MHT-DRB**

Lee et al v. Macon County Board of Education
Assigned to: Honorable Myron H. Thompson
Referred to: Honorable Delores R. Boyd
Cause: 28:1331 Federal Question: Other Civil Rights

Date Filed: 06/24/1970
Date Terminated: 08/01/1991
Jury Demand: None
Nature of Suit: 440 Civil Rights: Other
Jurisdiction: Federal Question

Plaintiff

Anthony T. Lee
et al.

represented by **Fred Jr. David Gray**
Gray Langford Sapp McGowan Gray Gray
& Nathanson PC
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ATTORNEY TO BE NOTICED

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ATTORNEY TO BE NOTICED

V.

Intervenor Plaintiff

United States of Americarepresented by **Jeremiah Glassman**U S Department of Justice, Civil Rights
Division

Educational Opportunities Section

950 Pennsylvania Avenue NW

Washington, DC 20530-0001

202-514-4092

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202-514-4092

Fax: 514-8337

*TERMINATED: 08/05/2005**LEAD ATTORNEY**ATTORNEY TO BE NOTICED***Pauline Ann Miller**U S Department of Justice, Civil Rights
Division

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Email: pauline.a.miller@usdoj.gov

*ATTORNEY TO BE NOTICED***Intervenor Plaintiff****National Education Association, Inc.**represented by **Fred Jr. David Gray**

(See above for address)

*LEAD ATTORNEY**ATTORNEY TO BE NOTICED*

Fred Sr. D. Gray
(See above for address)
LEAD ATTORNEY
ATTORNEY TO BE NOTICED

V.

Defendant

Macon County Board of Education
et al., the individual members thereof and
the Superintendent of Education
TERMINATED: 05/22/2006

represented by **Deborah Hill Biggers**
Deborah Hill Biggers, Attorney at Law
113 East Rosa Parks Avenue
Tuskegee, AL 36083
334-727-0092
Fax: 334-727-7117
Email: debbig@debbig.com
TERMINATED: 05/22/2006
LEAD ATTORNEY
ATTORNEY TO BE NOTICED

Movant

Artrice Austin
parent of minor child A.J.
TERMINATED: 08/05/2005

represented by **Lateefah Muhammad**
Lateefah Muhammad, Attorney at Law, PC
PO Box 1096
Tuskegee, AL 36087-1096
334-727-1997
Fax: 334-727-1997
Email: lateefahmuhammad@aol.com
TERMINATED: 08/05/2005
LEAD ATTORNEY
ATTORNEY TO BE NOTICED

Movant

C. C., Jr.
a minor
TERMINATED: 08/05/2005

represented by **Lateefah Muhammad**
(See above for address)
TERMINATED: 08/05/2005
LEAD ATTORNEY
ATTORNEY TO BE NOTICED

Movant

Gwendolyn S. Cobb
parent of minor child C.C., Jr.
TERMINATED: 08/05/2005

represented by **Lateefah Muhammad**
(See above for address)
TERMINATED: 08/05/2005
LEAD ATTORNEY
ATTORNEY TO BE NOTICED

Movant

Ludie Hall

*Security Officer and President of the Keep
South Macon Alive Community Action
Group*
TERMINATED: 08/05/2005

Movant**A. J.**

a minor
TERMINATED: 08/05/2005

Movant**Keep South Macon Alive**

A Non-Profit Organization
TERMINATED: 08/05/2005

Movant**J. M.**

a minor
TERMINATED: 08/05/2005

Movant**T. M.**

a minor
TERMINATED: 08/05/2005

Movant**Gloria Miles**

parent of minor child T.M.
TERMINATED: 08/05/2005

Movant**Priscilla G. Moss**

parent of minor child J.M.
TERMINATED: 08/05/2005

Movantrepresented by **Lateefah Muhammad**

(See above for address)
TERMINATED: 08/05/2005
LEAD ATTORNEY
ATTORNEY TO BE NOTICED

represented by **Lateefah Muhammad**

(See above for address)
TERMINATED: 08/05/2005
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ATTORNEY TO BE NOTICED

represented by **Lateefah Muhammad**

(See above for address)
TERMINATED: 08/05/2005
LEAD ATTORNEY
ATTORNEY TO BE NOTICED

M. S.*a minor*

TERMINATED: 08/05/2005

represented by **Lateefah Muhammad**

(See above for address)

TERMINATED: 08/05/2005

LEAD ATTORNEY

ATTORNEY TO BE NOTICED

Movant**Dorothy Smith***parent of minor child M.S.*

TERMINATED: 08/05/2005

represented by **Lateefah Muhammad**

(See above for address)

TERMINATED: 08/05/2005

LEAD ATTORNEY

ATTORNEY TO BE NOTICED

Date Filed	#	Docket Text
06/24/1970		For entries prior to June 24, 1970, see docket sheet of 604-E (NO PDF document attached to this notice). (djy,) (Entered: 06/23/2005)
06/24/1970		ORDER transferring the case against the Macon County school system, among others, from the jurisdiction of the three-judge court in Civil Action No. 604-E to the jurisdiction of a single judge or judges in the Middle District of Alabama (NO PDF document attached to this notice). (djy,) (Entered: 06/23/2005)
06/24/1970	1	Copy of hard copy docket sheet reflecting all prior proceedings in case. (djy,) (Entered: 06/23/2005)
06/17/2005	74	PETITION/MOTION for expedited approval to close two schools and for the opening of a new elementary school by Macon County Board of Education. (djy,) Modified on 6/23/2005 to correct docket entry number to 74 , all previous docket entries reflected on hard copy docket sheet 1 (qc/djy,). (Entered: 06/23/2005)
06/23/2005		Judge Delores R. Boyd added as referral judge. (ajr,) (Entered: 06/24/2005)
06/27/2005	75	ORDER that no later than 8/12/05 counsel for USA shall file a proposal as to how parties and the court should proceed toward a declaration of unitary status and for the eventual termination of this litigation; Status Conference set for 8/19/2005 08:15 AM by telephone before Honorable Myron H. Thompson; furnished to SC, YG, HC. Signed by Judge Myron H. Thompson on 6/27/05. (ajr,) (Entered: 06/27/2005)
06/27/2005	76	ORDER for other parties TO SHOW CAUSE as to why 74 Motion for Miscellaneous Relief, filed by Macon County Board of Education, should not be granted. Show Cause Response due by 7/15/2005. Signed by Judge Myron H. Thompson on 6/27/05. (ajr,) (Entered: 06/27/2005)
07/12/2005	78	MOTION to Intervene by Artrice Austin, C. C., Jr, Gwendolyn S. Cobb, Ludie Hall, A. J., Keep South Macon Alive, J. M., T. M., Gloria Miles, Priscilla G. Moss, M. S., Dorothy Smith. (Attachments: # 1 Exhibit Plaintiffs-Intervenors' Exhibit List# 2 Exhibit 1- Affidavit of Priscilla Moss# 3 Exhibit 2-Affidavit of Gloria Miles# 4 Exhibit 3-Affidavit of Altrice Austin# 5 Exhibit 4-Affidavit of Dorothy A. Smith# 6 Exhibit 5-Affidavit of Gwendolyn Smith Cobb# 7 Exhibit 6-Affidavit of Ludie Hall# 8 Exhibit AA-Complaint# 9 Exhibit A-Affidavit of

		Norma McGowan Jackson# 10 Exhibit B-Affidavit of Theodore Samuel# 11 Exhibit C - Affidavit of Barbara Blackmon# 12 Exhibit D - Affidavit of Mary Cooper Johnson# 13 Exhibit E - Affidavit of Jannie Wilson O'Neal# 14 Exhibit Doretha Germany Smith# 15 Exhibit G - Affidavit of Pamela Sparks Smith# 16 Exhibit H - Affidavit of Alfonza Menefee# 17 Exhibit I - Affidavit of Gennie Tyson# 18 Exhibit J - Macon County BOE letter# 19 Exhibit K - attorney letter# 20 Exhibit Petition# 21 Exhibit Petition continued# 22 Exhibit L - attorney letter# 23 Exhibit M - Annual Report - 2003# 24 Exhibit M- Annual Report - 2003 continued# 25 Exhibit N - attorney letter# 26 Exhibit O - attorney letter# 27 Exhibit P - attachment# 28 Exhibit Q - Plaintiffs-Intervenors' Alternative Plan)(ajr,) (Entered: 07/14/2005)
07/12/2005	79	NOTICE of Appearance by Lateefah Muhammad on behalf of Artrice Austin, C. C., Jr, Gwendolyn S. Cobb, Ludie Hall, A. J., Keep South Macon Alive, J. M., T. M., Gloria Miles, Priscilla G. Moss, M. S., Dorothy Smith (ajr,) (Entered: 07/14/2005)
07/14/2005	77	NOTICE of Appearance by Fred (Jr.) David Gray on behalf of Anthony T. Lee (Gray, Fred (Jr.)) (Entered: 07/14/2005)
07/15/2005	80	NOTICE of Appearance by Fred (Jr.) David Gray on behalf of National Education Association, Inc. (Gray, Fred (Jr.)) (Entered: 07/15/2005)
07/15/2005	81	Response to order to show cause <i>as to why Defendant Macon County Board of Education's Petition for Expedited Approval to Close Schools Should Not Be Granted</i> filed by Anthony T. Lee. (Gray, Fred (Jr.)) (Entered: 07/15/2005)
07/21/2005	82	ORDER re 78 MOTION to Intervene filed by Dorothy Smith, Gloria Miles, J. M., T. M., A. J., M. S., C. C. Jr., Priscilla G. Moss, Artrice Austin, Gwendolyn S. Cobb, Ludie Hall, Keep South Macon Alive, Brief due by 8/1/2005 Motion Submission Deadline set for 8/1/2005. Signed by Judge Myron H. Thompson on 7/21/05. (ajr,) (Entered: 07/21/2005)
07/21/2005	83	ORDER Setting status conference on 78 MOTION to Intervene, 74 MOTION for expedited approval to close two schools and for the opening of a new elementary school:Status Conference set for 8/2/2005 03:00 PM by telephone before Honorable Myron H. Thompson; furnished to SC, YG, HC. Signed by Judge Myron H. Thompson on 7/21/05. (ajr,) (Entered: 07/21/2005)
08/01/2005	84	NOTICE of Appearance by Pauline Ann Miller on behalf of United States of America (Miller, Pauline) (Entered: 08/01/2005)
08/01/2005	85	First MOTION for Extension of Time to File Response/Reply as to 76 Order to Show Cause by United States of America. (Miller, Pauline) (Entered: 08/01/2005)
08/01/2005	86	RESPONSE in Support re 74 MOTION for expedited approval to close two schools and for the opening of a new elementary school filed by United States of America. (Miller, Pauline) (Entered: 08/01/2005)
08/01/2005	87	RESPONSE in Opposition re 78 MOTION to Intervene filed by United States of America. (Miller, Pauline) (Entered: 08/01/2005)
08/01/2005	88	RESPONSE to Motion re 78 MOTION to Intervene filed by Anthony T. Lee. (Gray, Fred (Jr.)) (Entered: 08/01/2005)

08/01/2005		***Attorney Jeremiah Glassman for United States of America added. (ajr,) (Entered: 08/02/2005)
08/02/2005	89	MOTION to Withdraw as Attorney by United States of America. (Miller, Pauline) (Entered: 08/02/2005)
08/02/2005	90	ORDER granting 85 Motion for Extension of Time to File Response out of time. Signed by Judge Myron H. Thompson on 8/2/05. (djt,) (Entered: 08/02/2005)
08/02/2005	91	Minute Entry for STATUS CONFERENCE held before Judge Myron H. Thompson on 8/2/2005. (Court Reporter Mitchell Reisner.) (snc) (Entered: 08/02/2005)
08/02/2005	92	BRIEF in Support re 78 MOTION to Intervene filed by Artrice Austin, C. C., Jr, Gwendolyn S. Cobb, Ludie Hall, A. J., Keep South Macon Alive, J. M., T. M., Gloria Miles, Priscilla G. Moss, M. S., Dorothy Smith. (Attachments: # 1 Exhibit 1)(ajr,) (Entered: 08/03/2005)
08/02/2005	93	Opposition to 78 MOTION to Intervene filed by Macon County Board of Education. (Attachments: # 1 Affidavit Willie C. Thomas, Superintendent, Macon County School District# 2 Exhibit A# 3 Exhibit B# 4 Exhibit C# 5 Exhibit D# 6 Exhibit E# 7 Exhibit F# 8 Exhibit G# 9 Exhibit H# 10 Exhibit I# 11 Exhibit J# 12 Exhibit K# 13 Exhibit L# 14 Exhibit M# 15 Exhibit N)(ajr,) (Entered: 08/03/2005)
08/02/2005	94	MEMORANDUM Brief re 93 Response in Opposition to Motion, filed by Macon County Board of Education. (ajr,) (Entered: 08/03/2005)
08/05/2005	95	ORDER granting 89 Motion for Nathaniel Douglas to Withdraw as Attorney. Signed by Judge Myron H. Thompson on 8/5/05. (ajr,) (Entered: 08/05/2005)
08/05/2005	96	ORDER denying 78 Motion to Intervene . Signed by Judge Myron H. Thompson on 8/5/05. (Attachments: # 1 civil appeal checklist) (ajr,) (Entered: 08/05/2005)
08/05/2005		*** Attorney Nathaniel Douglas terminated per order this date. (ajr,) (Entered: 08/05/2005)
08/05/2005		*** Attorney Lateefah Muhammad terminated pursuant to 96 Order entered on 8/5/05 denying Motion to Intervene. (sl,) (Entered: 11/22/2005)
08/08/2005	97	ORDER granting 74 Motion for approval with respect to the closing of Washington Public Elementary School;. Signed by Judge Myron H. Thompson on 8/8/05. (ajr,) (Entered: 08/08/2005)
08/09/2005	98	RESPONSE to Motion re 74 MOTION for expedited approval to close two schools and for the opening of a new elementary school filed by Anthony T. Lee. (Gray, Fred (Jr.)) (Entered: 08/09/2005)
08/12/2005	99	Response to Order re 75 Order by United States of America. (Miller, Pauline) (Entered: 08/12/2005)
08/19/2005	100	Minute Entry for STATUS CONFERENCE held before Judge Myron H. Thompson on 8/19/2005. (Court Reporter Mitchell Reisner.) (snc) (Entered: 08/19/2005)

08/19/2005	101	ORDER granting 74 motion for approval in all respects, including the closing of Washington Public Elementary School, the closing of South Macon Elementary School, and the construction and opening of George Washington Carver Elementary School; Signed by Judge Myron H. Thompson on 8/19/05. (ajr,) (Entered: 08/19/2005)
08/22/2005	102	ORDER Status Conference set for 10/24/2005 08:30 AM in by telephone before Honorable Myron H. Thompson; that three days prior to the status conference, parties shall file a joint proposal as to how the parties and court should proceed towards a declaration of unitary status and the eventual termination of this litigation; furnished to SC, YG, HC. Signed by Judge Myron H. Thompson on 8/22/05. (ajr,) (Entered: 08/22/2005)
10/21/2005	103	STATUS REPORT by Macon County Board of Education. (ajr,) (Entered: 10/24/2005)
10/24/2005	104	Minute Entry for STATUS CONFERENCE held before Judge Myron H. Thompson on 10/24/2005. (Court Reporter Mitchell Reisner.) (snc) (Entered: 10/24/2005)
10/24/2005	105	ORDER Setting fairness Hearing for 12/19/2005 09:00 AM in Courtroom 2E before Honorable Myron H. Thompson. Signed by Judge Myron H. Thompson on 10/24/05. (furn: yg hc sc)(vma,) (Entered: 10/24/2005)
10/28/2005	106	MOTION for Approval of Notice by Macon County Board of Education. (attachment) (ajr,) (Entered: 10/31/2005)
10/28/2005	107	MOTION for Declaration of Unitary Status by Macon County Board of Education. (ajr,) (Entered: 10/31/2005)
11/01/2005	108	Amended MOTION for Approval of Notice re 106 MOTION for Approval of Notice by Macon County Board of Education. (attachments) (ajr,) (Entered: 11/02/2005)
11/02/2005	109	ORDER Setting Fairness Hearing on Motion 107 Motion for Declaration of Unitary Status; granting 106 MOTION for Approval of Notice, Fairness Hearing set for 12/19/2005 09:00 AM in Courtroom 2E before Honorable Myron H. Thompson; furnished to SC, YG, HC. Signed by Judge Myron H. Thompson on 11/2/05. (ajr,) (Entered: 11/02/2005)
11/03/2005	110	ORDER granting 108 amended Motion for approval of notice . Signed by Judge Myron H. Thompson on 11/3/05. (ajr,) (Entered: 11/03/2005)
11/21/2005	111	Objection to Declaration of Unitary Status and Possible Termination of Macon County School Desegregation Case - Zeola Combs . (ajr,) (Entered: 11/22/2005)
11/22/2005	112	Objection to Declaration of Unitary Status and Possible Termination of Macon County School Desegregation Case - Brad Shope, Jeanette Hyde, John Reynolds, Stanley Anderson, Horace Anderson, Erma Anderson. (ajr,) (Entered: 11/23/2005)
12/01/2005	113	Objection to Declaration of Unitary Status and Possible Termination of Macon County School Desegregation Case - Robert Anderson, Rochelle Langford (ajr,) (Entered: 12/01/2005)

12/12/2005	114	Objection to Declaration of Unitary Status and Possible Termination of Macon County School Desegregation Case - Frank Tew (ajr,) (Entered: 12/13/2005)
12/19/2005	115	Minute Entry for FAIRNESS HEARING held before Judge Myron H. Thompson on 12/19/2005. (Court Reporter Mitchell Reisner.) (Attachments: # 1 Witness List, # 2 Defendant's Exhibit List) (snc) (Entered: 12/19/2005)
12/19/2005	116	ORDER Joint Status Report due by 2/17/2006. Status Conference set for 2/23/2006 08:30 AM in by telephone before Honorable Myron H. Thompson; furnished to SC, YG, HC. Signed by Judge Myron H. Thompson on 12/19/05. (ajr,) (Entered: 12/19/2005)
01/17/2006	117	SEE NOTICE OF CORRECTION: Minute Entry for Telephone STATUS CONFERENCE on STATE-WIDE FACILITIES ISSUE held before Judge Myron H. Thompson on 1/17/2006. (Court Reporter Mitchell Reisner.) (snc) Modified on 1/18/2006 (snc): Entry does not apply to Macon County BOE per Judge Thompson (Entered: 01/17/2006)
01/18/2006		NOTICE OF DOCKETING CORRECTION re 117 Minute Entry for Telephone STATUS CONFERENCE on STATE-WIDE FACILITIES ISSUE held before Judge Myron H. Thompson on 1/17/2006. (Court Reporter Mitchell Reisner.) (snc) Entry Modified on 1/18/2006 (snc): CONFERENCE DOES NOT APPLY TO MACON COUNTY PER JUDGE THOMPSON(snc) (Entered: 01/18/2006)
02/01/2006	118	Joint MOTION for Order <i>Approving Consent Decree</i> by Alabama State Board of Education. (Attachments: # 1)(Colvin, Whit) (Entered: 02/01/2006)
02/17/2006	119	ORDER denying 118 Joint Motion for Approval of state-wide facilities consent decree. Signed by Judge Myron H. Thompson on 2/17/2006. (ag,) (Entered: 02/17/2006)
02/21/2006	120	STATUS REPORT by United States of America. (Miller, Pauline) (Entered: 02/21/2006)
02/22/2006	121	ORDER that the status conference currently set for 2/23/06, is cancelled. Signed by Judge Myron H. Thompson on 2/22/2006. (ag,) (Entered: 02/22/2006)
04/06/2006	122	MOTION to Withdraw as Attorney by Anthony T. Lee. (Chachkin, Norman) (Entered: 04/06/2006)
04/06/2006	123	ORDER granting 122 Motion to Withdraw as Attorney. . Signed by Judge Myron H. Thompson on 4/6/2006. (ag,) (Entered: 04/06/2006)
05/22/2006	124	OPINION . Signed by Judge Myron H. Thompson on 5/22/2006. (cb,) (Entered: 05/22/2006)
05/22/2006	125	JUDGMENT (1) granting 107 MOTION for Declaration of Unitary Status and termination of this litigation (2) Macon County School System is declared to be unitary (3) All outstanding orders and injunctions are dissolved as to defendants Macon County Board of Education and its members and superintendent (4) Defendants Macon County Board of Education and its members and superintendent are dismissed. The State defendants as spelled out in order are not dismissed and the orders dealing with the state-wide 'facilities' and 'special education' issues are not dissolved. The clerk of the court is directed to enter this

document on the civil docket as a final judgment pursuant to Rule 58 of the Federal Rules of Civil Procedure. Signed by Judge Myron H. Thompson on 5/22/2006. (cb,) (Entered: 05/22/2006)

PACER Service Center**Transaction Receipt**

04/19/2008 15:52:15

PACER Login:	wu0079	Client Code:	clearinghouse
Description:	Docket Report	Search Criteria:	3:70-cv-00846-MHT-DRB
Billable Pages:	5	Cost:	0.40