

IN THE UNITED STATES DISTRICT COURT  
FOR THE WESTERN DISTRICT OF NORTH CAROLINA  
CHARLOTTE DIVISION

William CAPACCHIONE, Individually )  
and on Behalf of Cristina Capacchione, )  
a Minor, )

Plaintiff, )

and )

Michael P. Grant et al., )

Plaintiff-Intervenors, )

v. )

CHARLOTTE-MECKLENBURG SCHOOLS )  
et al., )

Defendants. )

---

James E. SWANN et al., )

Plaintiffs, )

v. )

CHARLOTTE-MECKLENBURG BOARD )  
OF EDUCATION et al., )

Defendants. )

**FILED**  
CHARLOTTE, N.C.

**SEP 10 1999**

U.S. DISTRICT COURT  
W. DIST. OF N.C.

3:97-CV-482-P

3:65-CV-1974-P

**ORDER**

**THESE MATTERS** are before the Court on the "Plaintiff-Intervenors' Renewed Motion to Require Defendant to Report All Race-Based Expenditures and to Maintain Status Quo during the Period of Judicial Deliberation" [document no.191, filed July 2, 1999].

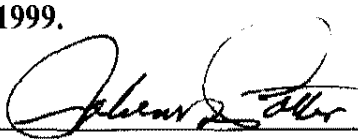
555  
3

On July 2, 1999, shortly after the close of the trial in this consolidated action, Capacchione and Grant et al. (the "Plaintiff-Intervenors") filed a motion to require Charlotte-Mecklenburg Schools ("CMS") to report any new race-based policies that the system planned to implement and to prevent CMS from implementing such policies during the period of judicial deliberation. The Court denied the Plaintiff-Intervenors' request to consider this motion on an expedited basis.

On September 9, 1999, the Court filed a Memorandum of Decision and Order and entered a Judgment in this consolidated action. In that Memorandum and Judgment, the Court declared that CMS had achieved unitary status and therefore relinquished jurisdiction over the school district. As such, the Plaintiff-Intervenors' motion is moot. The Court also notes that the programs identified by the Plaintiff-Intervenors—namely, providing funds and teacher incentives to low-performing schools and renovating and updating inner city facilities—do not appear to be race-based policies.

**NOW, THEREFORE, IT IS ORDERED** that "Plaintiff-Intervenors' Renewed Motion to Require Defendant to Report All Race-Based Expenditures and to Maintain Status Quo during the Period of Judicial Deliberation" be, and hereby is, **DENIED AS MOOT**.

This the 10<sup>th</sup> day of September 1999.

  
\_\_\_\_\_  
**ROBERT D. POTTER**  
**SENIOR UNITED STATES DISTRICT JUDGE**

United States District Court  
for the  
Western District of North Carolina  
September 13, 1999

\* \* MAILING CERTIFICATE OF CLERK \* \*

Re: 3:97-cv-00482

True and correct copies of the attached were mailed by the clerk to the following:

John O. Pollard, Esq.  
McGuire, Woods, Battle & Boothe, L.L.P.  
101 S. Tryon St.  
3700 NationsBank Plaza  
Charlotte, NC 28280-0001

Kevin V. Parsons, Esq.  
McGuire, Woods, Battle & Boothe, L.L.P.  
101 S. Tryon St.  
3700 NationsBank Plaza  
Charlotte, NC 28280-0001

William S. Helfand, Esq.  
Magenheim, Bateman, Robinson, Wrotenbery & Helfand, P.L.L.C.  
3600 One Houston Center  
1221 McKinney  
Houston, TX 77010

Lee Meyers, Esq.  
Meyers & Hulse  
122 N. McDowell Street  
P.O. Box 36385  
Charlotte, NC 28236

Leslie J. Winner, Esq.  
Charlotte-Mecklenburg Board of Education  
P. O. Box 30035  
Charlotte, NC 28230-0035

James G. Middlebrooks, Esq.  
Smith, Helms, Mulliss & Moore, LLP  
P. O. Box 31247  
201 No. Tryon St.  
Charlotte, NC 28231

Irving M. Brenner, Esq.  
Smith, Helms, Mulliss & Moore, LLP  
P. O. Box 31247  
201 No. Tryon St.  
Charlotte, NC 28231

Irving M. Brenner, Esq.  
Smith, Helms, Mulliss & Moore, LLP  
P. O. Box 31247  
201 No. Tryon St.  
Charlotte, NC 28231

Allen R. Snyder, Esq.  
Hogan & Hartson, L.L.P.  
555 Thirteenth St., N.W.  
Washington, DC 20004-1109

Maree Sneed, Esq.  
Hogan & Hartson, L.L.P.  
555 Thirteenth St., N.W.  
Washington, DC 20004-1109

Kevin J. Lanigan, Esq.  
Hogan & Hartson, L.L.P.  
555 Thirteenth St., N.W.  
Washington, DC 20004-1109

Rose Marie L. Audette, Esq.  
Hogan & Hartson, L.L.P.  
555 Thirteenth St., N.W.  
Washington, DC 20004-1109

John W. Borkowski, Esq.  
Hogan & Hartson, L.L.P.  
555 Thirteenth St., N.W.  
Washington, DC 20004-1109

David B. Newman, Esq.  
Hogan & Hartson, L.L.P.  
555 Thirteenth St., N.W.  
Washington, DC 20004-1109

James E. Ferguson, Esq.  
Ferguson, Stein, Wallas, Gresham & Sumter, P.A.  
P. O. Box 36486  
741 Kenilworth Ave., Suite 300  
Charlotte, NC 28236-6486

Luke Largess, Esq.  
Ferguson, Stein, Wallas, Gresham & Sumter, P.A.  
P. O. Box 36486  
741 Kenilworth Ave., Suite 300  
Charlotte, NC 28236-6486

Adam Stein, Esq.  
Ferguson Stein Wallas Adkins  
Gresham & Sumter  
Suite 2 - Franklin Suites  
312 West Franklin St.  
Chapel Hill, NC 27516

Elaine Jones, Esq.  
NAACP Legal Defense & Educational Fund, Inc.  
99 Hudson St.  
New York, NY 10013

Norman J. Chachkin, Esq.  
NAACP Legal Defense & Educational Fund, Inc.  
99 Hudson St.  
New York, NY 10013

Gloria J. Browne, Esq.  
NAACP Legal Defense & Educational Fund, Inc.  
99 Hudson St.  
New York, NY 10013

Thomas J. Ashcraft, Esq.  
212 South Tryon St., Suite 1430  
Charlotte, NC 28281

A. Lee Parks, Esq.  
Kirwan, Parks, Chesin & Miller, P.C.  
2600 The Grand  
75 Fourteenth Street  
Atlanta, GA 30309

K. Lee Adams, Esq.  
Kirwan, Parks, Chesin & Miller, P.C.  
2600 The Grand  
75 Fourteenth Street  
Atlanta, GA 30309

cc:  
Judge ( )  
Magistrate Judge ( )  
U.S. Marshal ( )  
Probation ( )  
U.S. Attorney ( )  
Atty. for Deft. ( )  
Defendant ( )  
Warden ( )  
Bureau of Prisons ( )  
Court Reporter ( )  
Courtroom Deputy ( )  
Orig-Security ( )  
Bankruptcy Clerk's Ofc. ( )  
Other \_\_\_\_\_ ( )

Date: 9/13/99

Frank G. Johns, Clerk  
By: *Chachkin*  
Deputy Clerk

United States District Court  
for the  
Western District of North Carolina  
September 13, 1999

\* \* MAILING CERTIFICATE OF CLERK \* \*

Re: 3:65-cv-01974

True and correct copies of the attached were mailed by the clerk to the following:

James E. Ferguson, Esq.  
Ferguson, Stein, Wallas, Gresham & Sumter, P.A.  
P. O. Box 36486  
741 Kenilworth Ave., Suite 300  
Charlotte, NC 28236-6486

Luke Largess, Esq.  
Ferguson, Stein, Wallas, Gresham & Sumter, P.A.  
P. O. Box 36486  
741 Kenilworth Ave., Suite 300  
Charlotte, NC 28236-6486

Adam Stein, Esq.  
Ferguson Stein Wallas Adkins  
Gresham & Sumter  
Suite 2 - Franklin Suites  
312 West Franklin St.  
Chapel Hill, NC 27516

Elaine Jones, Esq.  
NAACP Legal Defense & Educational Fund, Inc.  
99 Hudson St.  
New York, NY 10013

Norman J. Chachkin, Esq.  
NAACP Legal Defense & Educational Fund, Inc.  
99 Hudson St.  
New York, NY 10013

Gloria J. Browne, Esq.  
NAACP Legal Defense & Educational Fund, Inc.  
99 Hudson St.  
New York, NY 10013

James G. Middlebrooks, Esq.  
Smith, Helms, Mulliss & Moore, LLP  
P. O. Box 31247  
201 No. Tryon St.  
Charlotte, NC 28231

Irving M. Brenner, Esq.

Smith, Helms, Mulliss & Moore, LLP  
P. O. Box 31247  
201 No. Tryon St.  
Charlotte, NC 28231

Irving M. Brenner, Esq.  
Smith, Helms, Mulliss & Moore, LLP  
P. O. Box 31247  
201 No. Tryon St.  
Charlotte, NC 28231

Allen R. Snyder, Esq.  
Hogan & Hartson, L.L.P.  
555 Thirteenth St., N.W.  
Washington, DC 20004-1109

Kevin J. Lanigan, Esq.  
Hogan & Hartson, L.L.P.  
555 Thirteenth St., N.W.  
Washington, DC 20004-1109

Maree Sneed, Esq.  
Hogan & Hartson, L.L.P.  
555 Thirteenth St., N.W.  
Washington, DC 20004-1109

John W. Borkowski, Esq.  
Hogan & Hartson, L.L.P.  
555 Thirteenth St., N.W.  
Washington, DC 20004-1109

David B. Newman, Esq.  
Hogan & Hartson, L.L.P.  
555 Thirteenth St., N.W.  
Washington, DC 20004-1109

Rose Marie L. Audette, Esq.  
Hogan & Hartson, L.L.P.  
555 Thirteenth St., N.W.  
Washington, DC 20004-1109

Leslie J. Winner, Esq.  
Charlotte-Mecklenburg Board of Education  
P. O. Box 30035  
Charlotte, NC 28230-0035

Kevin V. Parsons, Esq.  
McGuire, Woods, Battle & Boothe, L.L.P.  
101 S. Tryon St.  
3700 NationsBank Plaza  
Charlotte, NC 28280-0001

John O. Pollard, Esq.  
McGuire, Woods, Battle & Boothe, L.L.P.  
101 S. Tryon St.  
3700 NationsBank Plaza  
Charlotte, NC 28280-0001

Lee Meyers, Esq.  
Meyers & Hulse

122 N. McDowell Street  
P.O. Box 36385  
Charlotte, NC 28236

Thomas J. Ashcraft, Esq.  
212 South Tryon St., Suite 1430  
Charlotte, NC 28281

A. Lee Parks, Esq.  
Kirwan, Parks, Chesin & Miller, P.C.  
2600 The Grand  
75 Fourteenth Street  
Atlanta, GA 30309

K. Lee Adams, Esq.  
Kirwan, Parks, Chesin & Miller, P.C.  
2600 The Grand  
75 Fourteenth Street  
Atlanta, GA 30309

cc:  
Judge ( )  
Magistrate Judge ( )  
U.S. Marshal ( )  
Probation ( )  
U.S. Attorney ( )  
Atty. for Deft. ( )  
Defendant ( )  
Warden ( )  
Bureau of Prisons ( )  
Court Reporter ( )  
Courtroom Deputy ( )  
Orig-Security ( )  
Bankruptcy Clerk's Ofc. ( )  
Other \_\_\_\_\_ ( )

Date: 9/13/99

Frank G. Johns, Clerk

By: *C. Cochran*  
Deputy Clerk