

489 F.2d 18  
United States Court of Appeals, Sixth Circuit.

Deborah A. NORTHCROSS et al., Plaintiffs-  
Appellants,

v.

BOARD OF EDUCATION OF the MEMPHIS CITY  
SCHOOLS et al., Defendants-Appellees, CITY OF  
MEMPHIS and Wyeth Chandler, Mayor of  
Memphis, et al., Third-Party and Added  
Defendants, Exxon Corporation et al., Added  
Defendants.

Nos. 73-1953, 73-1955.

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Dec. 4, 1973.

Action related to school desegregation case, challenging conduct of city in failing to supply gasoline to school board as required for increased bus operation under desegregation plan. The United States District Court for the Western District of Tennessee granted relief and appeals were taken. The Court of Appeals held that the district court's action was essential to accomplishment of constitutionally required goal.

Affirmed.

**Attorneys and Law Firms**

\*18 Norman J. Chachkin, New York City, and William E. Caldwell, Memphis, Tenn., for Deborah A. Northcross; Louis R. Lucas, Elijah Noel, Jr., Ratner, Sugarmon & Lucas, Memphis, Tenn., Jack Greenberg, James M. Nabrit, III, New York City, on briefs.

Ernest G. Kelly, Jr., Evans, Petree, Cobb & Edwards, Memphis, Tenn., for Bd. of Ed. of the Memphis City

Schools.

Frierson M. Graves, Jr., City Atty., Memphis, Tenn., for City of Memphis, and others.

Before WEICK, CELEBREZZE and PECK, Circuit Judges.

**Opinion**

**ORDER**

These appeals were consolidated for hearing with Cases Nos. 73-1667 and 73-1954, 489 F.2d 15 (and also with Case No. 73-1666, 489 F.2d 19), and for further explanation of the factual background involved see the per curiam opinion filed therein this date and the earlier appeals arising out of the same general situation therein. At issue here is the validity of municipal action with motivation similar to that involved in Case No. 73-1666 and referred to in an order therein filed this date. The action herein considered is that of the City on failing to make an application of gasoline to the School Board required for the increased school bus operation under certain desegregation plans, and the District Judge concluded in effect that the City was guilty of obstructionist tactics with the intent to prevent integration of the schools. This appeal followed, and we affirm on the ground that the action of the District Court was essential to the accomplishment of a constitutionally required goal.

\*19 For the reasons set forth in the order filed in Case No. 73-1666 this date, costs including an attorney's fee of \$500 is hereby assessed against the City of Memphis.

**All Citations**

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