

CIVIL DOCKET
 UNITED STATES DISTRICT COURT

No. 668

Jury demand date:

D. C. Form No. 106A Rev.

FPI ATLANTA—12-16-55—10M—3777

Intervening pl'tfs. Mrs. Virginia Scott
TITLE OF CASE
~~Mrs. Joyce K. Eady~~ and Mrs. Theresa Kinslow

ATTORNEYS

SAMUEL, GLADYS, ALICE, BARBARA, JULIA and RAYMOND HILL, minors bnf Mrs. Emma Hill
 EVA and VERA SISK, minors, bnf Ferrell Sisk
 RONALD, SHARON, SAMUEL and PAMELA STATEN bnf Mrs. Sarah Staten
 RITA, SANDRA, WILLIE L. and GAIL TURNER bnf Mrs. Dora Turner and Willie L. Turner
 ROBIN, JONATHAN, and DAVID BATES, minors bnf Mr. and Mrs. Scott Bates
 ELIZABETH ANNE CAMERON, minor bnf Mr. & Mrs. Ben F. Cameron, Jr.
 SARAH GOODSTEIN, minor bnf Mr. & Mrs. Marvin Goodstein
 THOMAS CAMP, minor bnf Mr. & Mrs. David Camp

For plaintiff:

~~Z. Alexander Looby~~ and Avon Williams
 Charlotte at Fourth, Nashville, Tenn.

Jack Greenberg, Mrs. Constance Baker Motley & James M. Nabrit III
 10 Columbus Circle, New York 19, N.Y.

vs.

COUNTY BOARD OF EDUCATION OF FRANKLIN COUNTY, GEORGE WESLEY ROGERS, R. H. DAVIDSON, TOM A. FARIS, HOWARD GARNER, ~~JAMES E. TERRILL~~, WALTER McDANIEL, RUFUS SMITH, and BOYD SPAULDING and HENRY LOUIS SCOTT, County School Superintendent
 L. J. MORRIS and DR. DOYLE COUSER (substituted as defts. on 1/8/65)

For defendant:

Pat B. Lynch and ~~Joe S. Bean~~ for the County Court and County Judge and ~~Frank Hickerson~~ for the School Board
Winchester, Tenn.

T. 28, USC, Sec. 1343(3); T.42, USC, Sec. 1983.
 Class Action

STATISTICAL RECORD	COSTS	DATE		NAME OR RECEIPT NO.	REC.		DISB.	
		1963						
J.S. 5 mailed	Clerk	7-2		63283	15	00		
		7-12		CD 201#1			15	00
J.S. 6 mailed	Marshal	7-20		63420	5	00		
		7-27		63425	5	00		
Basis of Action: school integration	Docket fee	7-28		CD 201 #1			10	00
	Witness fees							
Action arose at: Franklin County, Tenn.	Depositions							

DATE 1963	PROCEEDINGS	Date Order or Judgment Noted
7-2	Complaint filed. Summons issued and handed to U. S. Marshal for service.	
7-9	Summons returned; executed on 7/3/63 & filed. G. M. Settel, DUSM. Costs \$27.00.	
7-15	Oral motion by the deft. attorney, Pat B. Lynch for an extension on time to answer complaint. Court instructed that an agreed order be presented with an oral hearing set for July 18th at 1:00 P.M. if counsel could not agree.	
7-18	Oral hearing on defts. motion for an extension of time of 60 days additional time to answer; argued by counsel; overruled by the Court; Counsel for the pltf. agreed to an extension of 20 days; agreed order to be submitted.	
7-23	Order, Wilson, D. J., that defts. be allowed an additional 20 days within which to answer complaint, filed. Ent'd. C. O. Bk. 4, p. 7 Service by clerk.	
8-11	Answer, filed. Service by counsel.	
9-	Deft. motion for summary judgment, filed. Service by clerk counsel.	
9-24	Pltf. motion for summary judgment, filed. Service by counsel.	
9-27	Oral hearing on pltf. application for temporary injunction; pltf. proof completed; adjourned until 2:00 P. M., Monday, Sept. 30, 1963. Ent'd C. O. Bk. 4, p. 68.	
9-30	Hearing on injunctive relief continued; defts. proof completed; rebuttal; Ordered by the Court that defts. are to submit a plan of reorganization of the school system by Oct. 31, 1963; question of injunctive relief taken under advisement; all other matters held in reserve, Neese, D. J. Ent'd C. O. Bk. 4, p. 69. Service by clerk.	
12-11	Order, Neese, D. J., that oral hearing be set at Winchester to begin at 1:00 p.m., Monday, Dec. 30, 1963; defts. to testify with regard to whatever factors were taken in consideration in the adoption of their plan; ptfs. may also present objections to plan; ptfs. & defts. to testify on effect of ending segregation in Kennerly & Sewanee Public Schools earlier than proposed; defts. to furnish information on locations capacities, & census of school plants & proposed method of assignment of pupils, filed. Service by clerk. C. O. Bk. 4, p. 114. Pltf. & deft. motions for summary judgment denied.	
12-30	Hearing before Neese, D. J., on deft. plan of desegregation of Franklin County Schools. Part of defts. proof heard. C. O. Bk. 4, p. 121.	
12-31	Hearing continued from yesterday; defts. proof completed; part of ptfs. proof heard. Adjourned to 1/2/64. C. O. Bk. 4, p. 122.	

DATE 1963	PROCEEDINGS	Date Order or Judgment Noted
7-2	Complaint filed. Summons issued and handed to U.S. Marshal for service.	○
7-9	Summons returned, executed on 7/3/63 and filed. G.M. Sertel, DUSM. Costs \$27.00.	
7-15	Oral motion by deft. for extension of time to answer. Wilson, D. J., instructed that an agreed order be presented with oral hearing set 7/18/63 at 1:00 p.m. if counsel could not agree.	
7-18	Oral hearing on defts. motion for extension of time; argued by counsel; overruled by the Court; counsel for pltf. agreed to extension of 20 days; agree order to be submitted. Wilson, D. J.	
7-22	Order, Wilson, D. J., defts. allowed an additional 20 days to answer complaint, filed. Ent'd C. O. Bk. 4, p. 7. Service by clerk.	
8-11	Answer, filed. Service by counsel.	
9-14	Deft. motion for summary judgment, filed. Service by counsel.	
9-24	Pltf. motion for summary judgment, filed. Service by counsel.	
9-26	Affidavits of pltfs. filed.	
9-27	Oral hearing on pltf. application for temporary injunction; pltf. proof completed; adjourned to 2:00 p.m., 9/30/63. C.O. Bk. 4, p. 68.	
9-30	Oral hearing continued; defts. proof completed; rebuttal; Ordered by the Court that defts. are to submit a plan of reorganization of the school system by 10/31/63; question of injunctive relief taken under advisement; all other matters held in reserve, Neese, D. J., C. O. Bk. 4, p. 69. Clerk's entry of judgment. Service by clerk.	
10-31	Plan of desegregation filed by defts. Service by counsel.	
11-12	Pltf. objections to plan of desegregation, filed. Service by counsel.	
12-11	Order, Neese, D. J., that oral hearing be set at Winchester to commence at 1:00 p. m., Monday, Dec. 30, 1963; defts. to testify with regard to whatever factors taken in consideration in the adoption of their plan; pltfs. may also present objections to plan; pltfs. & defts. to testify on effect of ending segregation in Kennerly & Sewanee Public Schools earlier than proposed; defts. to furnish information on locations, capacities & census of school plants & proposed method of assignment of pupils, filed. Service by clerk. C. O. Bk. 4, p. 114. Plaintiff and defendant motions for summary judgment denied.	
12-30	Oral Hearing, Neese, D. J., on deft. plan of desegregation. Defts. proof partially heard. Adjourned to 12/31/63. C. O. Bk. 4, p. 121.	
12-31	Oral Hearing continued; defts. proof completed; plaintiffs proof partially heard. Adjourned to 1/2/64. C. O. Bk. 4, p. 122	○

DATE 1964	PROCEEDINGS	Date Order or Judgment Noted
1-2	Hearing continued; deft. proof completed; argument of counsel; preliminary injunction issued by the Court that Sewanee and Kennerly schools and supporting transportation facilities be desegregated no later than 3/2/64; other matters held under advisement; briefs to be submitted by 1/31/64. C. O. Bk. 4, p. 129.	
1-21	Deft. brief in support of plan of desegregation, filed. Service by counsel.	
m 3-2	Pltf. motion for further relief, filed. Service by counsel.	
3-3	Oral hearing on pltf. motion for further relief; Deft. statement of progress made in school desegregation; pltf. proof; deft. proof; argument waived; Order, that defts. forthwith adopt plan of assignment by geographical zoning, provided that students reassigned by defts. between 1/2/64 and date of this order, not be reassigned; amended plan to be filed forthwith with the clerk & be effective no later than Thursday, March 12, 1964. C. O. Bk. 4, p. 182. Service by clerk of copies of clerk's entry of judgment on decision by the Court.	
3-6	12 Pltf. witness subpoenas returned, executed & filed. C. C. Combs, DUSM. Total costs - \$25.96.	
4-9	Agreed order, Neese, D. J., that execution of judgment entered on 3/3/64 be stayed until 4/13/64; that deft. submit modifications of plan of desegregation by 4/13/64; filed. Service by counsel. C. O. Bk. 4, p. 230.	
4-14	Amended and supplemental plan of desegregation filed. Service by counsel.	
4-16	Order, Neese, D. J., that execution of judgment entered on March 3, 1964 be stayed until the beginning of the 1964-65 school year, filed. C. O. Bk. 4, p. 234. Service by counsel.	
4-24	Pltf. objections to amended plan of desegregation, filed. Service by counsel.	
5-21	Exhibit - map identifying areas as referred to in the plan - filed by deft. Service by counsel.	
6-23	Opinion, Neese, D. J., amending plan of desegregation, filed. Service by clerk.	
6-23	Order, Neese, D. J., amending plan, filed. Service by clerk. Ent'd C. O. Bk. 4, p. 290.	
7-13	Supplement to amended and supplemental plan of desegregation, filed by defts. Service by counsel.	
7-20	Defendant notice of appeal, filed. Service by clerk.	
7-22	Defendant bond for costs, filed.	
7-23	Plaintiff notice of appeal and bond for costs, filed. Service by counsel.	

DATE	PROCEEDINGS	Date Order or Judgment Noted
1964		
8-17	Order, Neese, D. J., extending time for filing record on appeal to 50 days after September 1, 1964. C. O. Bk. 5, p. 20. Service by clerk.	
10-16-	Order received from Court of Appeals extending time for filing the record on appeal to 12/9/64.	
12-11	Order, Neese, D. J., directing counsel to meet at the earliest convenient time and undertake to stipulate the corrections by interlineation of the record, filed. Service by clerk.	
12-15	Order from Court of Appeals extending the time for filing the record on appeal to and including 12/31/64, filed.	
12-29	Counsel appeared in open court and stated that each side was dismissing their appeals; revised plan of desegregation to be filed by deft. pltf. allowed time to object. Stipulation dismissing appeals to be submitted to the Court.	
<u>1965</u>		
1-2	Stipulation of counsel dismissing each appeal to the U. S. Court of Appeals, filed. Service by counsel.	
1-8	Order, Neese, D. J., staying judgment for 30 days from this date in order to allow defts. to file a revised plan of desegregation within 30 days; ptfs. to reply in 15 days; judgment of this court stayed until further orders; L. J. Morris and Dr. Doyle Couser substituted as party defts. replacing R. H. Davidson and James E. Terrill, filed. C. O. Bk. 5, p. 127. Service by clerk.	
1-22	Substitute plan of desegregation filed by deft. Service by counsel.	
-6	Pltf. objections to substitute plan of desegregation, filed. Service by counsel.	
2-19	Memorandum opinion and order, Neese, D. J., filed. Service by clerk. Defts. ordered to file within 20 days from the entry hereof modifications to their said substitute plan so as to provide that all schools and school-related programs will be desegregated concurrently with the affected schools, and that all racial discrimination or distinction shall be eliminated forthwith in teacher in-service training, meetings of principals, as ordered, expressly or implicitly, by the Court on June 23, 1964. Entered in C. O. Book 5, p. 181.	
2-20	Pltf. motion for a pretrial conference, filed. Service by counsel.	
3-8	Amendment to substitute plan of desegregation submitted by defts. Service by counsel.	
4-17	Order, Neese, D. J., overruling further objections and denying motion for pretrial conference; case retired from active docket, filed. Service by clerk.	

DATE 1966	PROCEEDINGS	Date Order or Judgment Noted
2-25	Pltf. motion to reinstate case on active docket and for further relief, filed. Service by counsel. ①	
3-2	Hearing on motion to reinstate case. Plaintiff proof presented; defendant proof; defendant to submit modification of former plan; plaintiff allowed 10 days to file brief; defendant allowed 10 additional days to respond. Case restored to docket. Plaintiffs' petition for injunction withdrawn by plaintiff. Court to hear case as soon as possible after being notified by attorneys that they are ready for hearing.	
3-15	Pltf. memorandum brief, filed. Service by counsel.	
3-22	Memorandum of order, filed by the Court. Service by clerk. ②	
3-25	Deft. brief in opposition to intervention by additional pltfs., filed. Service by counsel.	
7-20	Order, Neese, D. J., granting motions of Mrs. Joyce Eady and Mrs. Theresa Kinslow to intervene as pltfs.; adding action to docket for sounding on 8/1/66, filed. Service by clerk. ③	
8-17	Pretrial order filed. Service by clerk. ④	
8-22	Proposed findings of fact and conclusions of law submitted by defendants filed. Service by counsel.	
8-22	Information by defendant required by pretrial order filed. Service by counsel. ⑤	
8-22	Plaintiffs-intervenors' exceptions to pretrial order filed. Service by counsel. ⑥	
8-22	Intervenors proposed findings of fact and conclusions of law filed. Service by counsel.	
8-22	Intervenors trial brief filed. Service by counsel.	
8-25	Deposition of T. K. Stewart, filed. ②⑤	
8-25	Deposition of Rozzelle Leavell, filed. ②⑥	
8-25	Trial to the Court. Plaintiff proof begun; one defendant witness called by the Court and examined on methods of standards of practice of the County School Board; pltf. proof completed; no proof by the defendants. Counsel asked to stipulate, if possible, a reasonable attorney fee for atty. for the plaintiffs.	
8-29	Ten subpoenas on behalf of the intervenors returned executed, and filed.	
9-8	Affidavit of Pat B. Lynch, filed. ⑦	
9-8	Affidavits of Avon N. Williams, Jr. ⑧, Henry W. Hooker, ⑨, George Barrett ⑩ and Frank C. Gorrell, filed. ⑪	
9-30	Opinion, Neese, D. J., that pltf. Virginia Scott have judgment against the defts. for \$286.80 and \$1,000.00 as counsel fees and that all relief is denied pltf. Mrs. Theresa Kinslow, filed. Service by clerk. ⑫	
9-3	Clerk's entry of judgment, filed. Service by clerk. ⑬	

DATE 1966	PROCEEDINGS	Date Order or Judgment Noted
10-10	Order, Neese, D. J., that, no more than 60 days herefrom, the defendant board adopt, place in effect immediately, and keep in effect, standards for the employment and dismissal of teachers, which shall be applied alike to all present and future teachers employed or dismissed by the defendants; that a copy thereof be filed with the clerk of this Court forthwith; and that, upon her proper application, such standards be applied in determining the qualifications of Mrs. Virginia Scott for any vacancy in grades one through nine which now exists or comes to exist in the said system. Entered in C. O. Book 7, p. 82 and filed. Service by clerk. (14)	
10-31	Notice of appeal by Franklin County Board of Education, et al, from the judgment entered on Oct. 3, 1966, filed. Service by counsel. (15)	
10-31	Motion for stay of execution filed by defendants. Service by counsel. (16)	
10-31	Cost and supersedeas bond filed by defendants. Service by counsel. (17)	
11-3	Pltf. Kinslow notice of appeal, filed. Service by clerk. (18)	
11-3	Pltf. cost bond, filed. Service by clerk. (19)	
11-9	Def't. motion for production of transcript under Rule 75(b), filed. Service by counsel. (20)	
11-14	Pltf. cross appeal, filed. Service by counsel. (21)	
11-14	Pltf. bond for costs on appeal (cross) filed. (22)	
12-5	Standards adopted by the Board of Education of Franklin County, Tenn., pertaining to the employment and/or retention of teachers, filed. Service by counsel. (23)	
12-7	Transcript, filed. (24)	
12-29	Order, Neese, D. J., that the clerk forward exhibits to Avon N. Williams and that upon completion of his use of same he will forward said exhibits to Pat B. Lynch. When both counsel have completed their use of exhibits the same will be returned by counsel having taken possession of, and receipted for, to the Clerk of this Court. Entered in C. O. Book 7, p. 126 and filed. Service by clerk.	
12-29	Exhibits mailed to Avon N. Williams, Jr.	
1967		
1-12	Amended record on appeal (2 depositions) mailed to Court of Appeals.	
7-7	Exhibits 1-1 and 1-7 to 1-16 and Original Exhibits A, Collective Exhibit, and 2-14, inclusive, returned to Clerk by Avon N. Williams, Jr.	
3-15-68	Mandate and certified record received from U. S. Court of Appeals. Judgment of the District Court affirmed by the U. S. Court of Appeals and filed. Service by clerk.	
5-8-68	Order on mandate affirming the judgment of this Court. Entered in C. O. Book 8, p. 153 and filed. Service by clerk.	

DATE 1970	PROCEEDINGS	Date Order or Judgment Noted
2-11	Copy of interrogatories to defendants filed.	
2-19	Motion for additional time within which to answer interrogatories filed by the defendants. Service by counsel.	
3-17	Defendants answers to interrogatories, filed. Service by counsel.	