

CIVIL DOCKET
UNITED STATES DISTRICT COURT

N/A 7/1/70 by N.C.A' . Gen.et al

NO. 1128 CIVIL
WILSON DIVISION

Jury demand date: by defts. except Halifax-8/4/69
by deft. Halifax - 8/8/69

D. C. Form No. 106 Rev.

TITLE OF CASE		ATTORNEYS	
<p><i>J</i> UNITED STATES OF AMERICA XXXXXXXXXXXXXXXXXXXXXXXXXXXXXXXXXXXX V. HALIFAX COUNTY BOARD OF EDUCATION, a body corporate; FERD L. HARRISON, as Mayor of the Town of Scotland Neck; J. A. ANDREWS, F. G. SHEARIN, FRANK P. SHIELDS and J. I. WALSTON, as members of the Board of Commissioners of the Town of Scotland Neck; and the TOWN OF SCOTLAND NECK, a public body corporate SCOTLAND NECK CITY BOARD OF EDUCATION, a body corporate (added by amended complaint) and additional defendants</p> <p style="text-align: right;"><i>J</i> <i>6</i></p> <p>For Haliwa Indians: William A. Creech Branch Bank & Trust Building Raleigh, N. C.</p> <p>For Littleton-Lake Gaston Sch. Dist. and Russell N. Manning, Additional Defts.: William S. McLean McLean & Stacy P. O. Drawer 1087 Lumberton, N. C. 28358</p> <p>For Board of County Commrs. of Halifax Rom B. Parker Parker & Dickens 102 S. Railroad St. Enfield, N.C. 27823</p>		<p>For plaintiff: Charles K. Howard U. S. Dept. of Justice Washington, D. C.</p> <p>Bryan K. Landsberg U. S. Dept. of Justice Washington, D. C.</p> <p>Civ. Rights Div. Washington, D. C. For Intervenor Intervenor: James R. Walker, Jr. 501 W. 3rd St., Weldon, N.C.</p> <p>For State of North Carolina: Robert Morgan, Attorney General, State N. C., Raleigh, N. C. 27602</p> <p>For defendant: Halifax Co. Bd. of Education: W. Lunsford Crew P.O. Box 160 Roanoke Rapids, N.C. 27870</p> <p>All other Defendants: C. Kitchin Josey 105 West 11th St. Scotland Neck, N.C. 27874</p> <p>For Scotland Neck City Bd. of Ed.: C. Kitchin Josey Address above and Wm. T. Joyner Walton K. Joyner Joyner & Howison Wachovia Bank Bldg. Raleigh, N. C. 27601</p>	

STATISTICAL RECORD	COSTS	DATE	NAME OR RECEIPT NO.	REC.	DISB.
J.S. 5 mailed	Clerk	6/17/70	88498	5 00	(NA)
		6/25/70	CD#35		5 00
J.S. 6 mailed	Marshal	7/1/70	89023	5 00	N/A
		7/10/70	201 # 1		5 00
Basis of Action: U.S.Plff. - Alleged vio. of Civil Rights	Docket fee				
	Witness fees				
Action arose at: Halifax County	Depositions				

DATE	PROCEEDINGS	Date Order or Judgment Noted
6/16/69	<p> 6/16/69 - Fil. & ent. COMPLAINT - Alleged violation of Civil Rights - Plff. prays that Court find provisions of Chapt. 31, '69 Sessions Laws in violation of Equal Protection Clause of 14th Amendment & enter order enjoining defts., etc. from giving any force or effect to provisions of Chapt. 31, & from doing anything or act which may be called for in the provisions of Chapt. 31. ---Plff. further prays court enter order enjoining deft. Halifax County Bd. of Ed., etc., from failing or refusing to afford equal educational opportunities to all students without regard to race, & requiring the Board to take prompt steps toward assigning pupils to schools without regard to their race on basis of unitary geographic attendance zones, etc.----Plff. further prays that defts. be ordered to see such technical assistance as may be necessary from Office of Ed. of Dept. of H.E.W. for preparation & submission of plan to accomplish this result at earliest practicable date. 7 cc to U.S. Marshal for service (Exhibit "A" Attached) Issued Summons with Complaint to U.S. Marshal - orig. & 7 cc to U. S. Marshal </p>	
7/1/69	<p> 7/1/69 - Fil. & ent. U.S. Marshal's Return on Summons w/complaint: On 6/18/69 at Scotland Neck: Service made on Frank P. Shields, J.W. Andrews & J.I. Walston. Endeavor made on this date to serve F.G. Shearin & Ferd L. Harrison without success. On 6/19/69 at Scotland Neck service made on Ferd L. Harrison as Mayor and as Chairman of Bd. of Commrs. of Town of Scotland Neck, N.C. On 6/19/69 at Littleton, N.C., service made on C.M. Moore, Jr., Chairman, Halifax Co. Bd. of Ed. On 6/26/69 at Scotland Neck, N.C., service made on F.G. Shearin. </p>	
7/7/69	<p> 7/7/69 - Fil. w/Judge Larkins - STIPULATION & ORDER extending time within which deft. Halifax Co. Bd. of Ed. may file answer or otherwise plead to & including 8/8/69. (LARKINS, J.)(Civ.O.B.#VI,P.1916) 1 cc to U.S. Atty. - Fil. w/Judge Larkins - MOTION and ORDER extending time within which defts. Harrison, as Mayor of Town of Scotland Neck; Andrews, Shearin, Shields & Walston, as members of Bd. of Commrs. of Town of Scotland Neck; and Town of Scotland Neck, a public body corporate, may have to file answer or otherwise plead (LARKINS, J.)(Civ.O.B.#VI,P.1917) 1 cc to U.S. Atty. Cy. to Mr. Josey by Judge. </p>	
7/10/69	<p> 7/10/69 - Fil. & ent. PLAINTIFF'S NOTICE OF DEPOSITION of W. Henry Overman, Benjamin F. Currin, Fred L. Owen & Paul H. Johnston on 7/14/69 at 9:30 a.m., in offices of Halifax Co. Bd. of Ed., Halifax, N.C., by plff. Also Depositions of Aubrey Powell, Franklin Bailey & Harrison, Ferd L., to be taken on 7/15/69 at 9:30 a.m., at City Hall, Scotland Neck, N.C., by plff., along with deposition of Frank P. Shields. w/Cert. of Service </p>	
7/14/69	<p> 7/14/69 - Fil. & ent. PLAINTIFF'S NOTICE OF DEPOSITION of Dr. Craig Phillips on 7/16/69 at 3:00 p.m. in offices of State Superintendent of Public Instruction, Raleigh, N.C., of Claude K. Josey on 7/15/69 at 2:00 p.m. at the City Hall, Scotland Neck, N.C. - by plff. w/Cert. of Service </p>	
7/17/69	<p> 7/17/69 - Fil. & ent. PLAINTIFF'S NOTICE OF MOTION AND MOTION FOR A PRELIMINARY INJUNCTION - asking to be heard at time and place to be set by the Court. (Cy. to J. Larkins) - Fil. & ent. Plaintiff's MEMORANDUM OF POINTS AND AUTHORITIES (Clk.'s cy. to Judge) - Fil. & ent. PLAINTIFF'S NOTICE OF MOTION AND MOTION FOR LEAVE TO JOIN AN ADDITIONAL PARTY DEFENDANT AND TO FILE AN AMENDED COMPLAINT - Notice that motion is to be heard 8/13/69 at 10:00 a.m., in courtroom of U.S. Dist. Ct., Fed. Bldg., Trenton, N.C., or as soon thereafter as can be heard. (Clk.'s cy. to J. Larkins) </p>	
	<p> - Fil. & ent. Return on Civ. Subpoena: Executed on 7/13/69 at Scotland Neck, N.C., by service on Henry Lee Harrison. Served by Dept. of Justice Atty. Richard Bourne </p>	
7/23/69	<p> 7/23/69 - Fil. & ent. U.S. Marshal's Return on Deposition Subpoena: Executed on 7/15/69 at Raleigh, N.C., upon Dr. Craig Phillips. - Fil. & ent. Deposition Subpoena Return by U.S. Marshal: Executed on 7/11/69 at Scotland Neck, N.C., upon Frank P. Shields. </p>	

D. C. 110 Rev. Civil Docket Continuation

FPI ATLANTA—12-16-55—SM—3778

DATE	PROCEEDINGS	Date Order or Judgment Noted
7/23/69	Fil. & ent. U.S. Marshal's Return on Deposition Subpoena: Executed 7/11/69 at Scotland Neck, N.C., upon Ferd Harrison, Mayor of Scotland Neck.	
	Fil. & ent. DEPOSITION SUBPOENA Return by U.S. Marshal: Executed on 7/11/69 at Scotland Neck, N.C., upon Franklin Bailey.	
	Fil. & ent. U. S. Marshal's Return on Deposition Subpoena: Executed on 7/11/69 at Scotland Neck, N.C., upon Aubrey Powell.	
	Fil. & ent. U. S. Marshal's Return on Deposition Subpoena: Executed on 7/11/69 at Littleton, N.C., upon Paul H. Johnson.	
	Fil. & ent. U.S. Marshal's Return on Deposition Subpoena: Executed on 7/11/69 at Littleton, N.C., upon Fred L. Owen.	
	Fil. & ent. U. S. Marshal's Return on Deposition Subpoena: Executed on 7/11/69 at Halifax, N.C., upon Benjamin Currin. Return on 7/11/69 at Halifax, N.C., upon W. Henry Overman by delivering copy to Benjamin Currin Asst. Supt. of Schools.	
7/31/69	Fil. & ent. PLAINTIFF'S NOTICE OF DEPOSITION of Dr. A. Craig Phillips, in office of State Superintendent of Public Instruction, Ed. Bldg., Raleigh, N.C., at 3:00 p.m. on Monday, 8/4/69 as well as depositions of Franklin Bailey & C. Macon Moore at office of Home Building & Loan Asso., East 10th St., Scotland Neck, N.C., at 9:30 a.m. on 8/5/69. w/Cert. of Ser.	
8/4/69	Fil. & ent. RESPONSE TO PLAINTIFF'S MOTION FOR A PRELIMINARY INJUNCTION, MOTION FOR LEAVE TO JOIN AN ADDITIONAL PARTY DEFENDANT, AND MOTION TO FILE AN AMENDED COMPLAINT by each deft. with exception of Halifax County Board of Education. w/Cert. of Service	
	Fil. & ent. ANSWER of all defts. w/exception of Halifax Co. Bd. of Ed. praying that action be dismissed ----that if action is not dismissed as against these answering defts. for reasons mentioned in 1 thru 3 in Answer, that the Court together with a jury hear all evidence and determine all issues & make declaration that Chapt. 31 of '69 Session Laws of N.C. is not in vio. of 14th Amendment to U.S. Constitution & that action be dismissed - that costs and disbursements of action be taxed against plff. w/Cert. of Service	
8/8/69	Issued NOTICE OF HEARING ON MOTIONS at Raleigh, N.C., on 8/25/69 at 2:30 p.m., or as soon thereafter as counsel can be heard, in the U.S. Courtroom, Post Office Bldg. Cy. to Atty. Gen. of U.S., U.S. Atty., Schwelb, Dept. of Justice Atty., Kennedy, Dept. of Justice Atty., Atty. Crew and Atty Josey - mailed by certified mail.	
	Fil. & ent. Defendant Halifax County Bd. of Ed. RESPONSE TO PLAINTIFF'S MOTION FOR A PRELIMINARY INJUNCTION, MOTION FOR LEAVE TO JOIN AN ADDITIONAL PARTY DEFENDANT, AND MOTION TO FILE AN AMENDED COMPLAINT. w/Cert. of Ser. & Exhibit A attached	
	Fil. & ent. ANSWER of deft. Halifax County Board of Education - praying that action be dismissed and that if action is not dismissed as against this deft. for reasons set forth in this answer, that the court together with a jury hear all evidence & determine all issues & make necessary declaration & finding raised in this action; that costs & disbursement of this action be taxed against plff. w/Cert. of Ser. & Exhibit A	
* (8/14/69)	- attached.	
8/15/69	Fil. & Ent. ORDER that clerk file amended complaint & U.S. Marshal serve a copy on defts. in amended complaint, deft. shall file answer or other pleading with respect to amended complaint prior to noon 8/20/69. (LARKINS, J.)(Civ.O.B.#VI,P.1928) 8 cc to U.S. Marshal for service along with complaint.(Orig. to J. Larkins for file)	
	Fil. & ent. AMENDED COMPLAINT - w/Exhibit A attached. 8 cc to U. S. Marshal for service. (Orig. to J. XXXXX Larkins for file along w/Clk.'s cy. for his convenience)	
	Issued Summons w/Complaint & Order to U.S. Marshal for service- Orig. & 8 cc to Marshal (cy. w/complaint to J. Larkins for file)	

DATE	PROCEEDINGS	Date Order or Judgment Noted
* 8/14/69	Fil. w/Judge Butler - NOTICE OF HEARING in U.S. Dist. Ct.Rm., in XXXXXXXXXX Post Office Bldg., Raleigh, N.C., on Thursday, 8/21/69 at 10:00 A.M. before Butler and Larkins, U.S. Dist. Judges. (Case consolidated with Alvin Turner, et al vs. The Warrenton City Bd. of Ed., et al) --Counsel directed to submit a copy of brief or memorandum in support of their respective contentions to each of the dist. judges on or before noon on Wednesday, 8/20/69. (BUTLER, J.)(Civ.O.B.#VI,P.1929) Copy to attys. of record from J. Butler's Office. (Orig. to J. Larkins for file)	
8/20/69	Fil. & ent. ANSWER TO AMENDED COMPLAINT by all defts. w/exception of Halifax County Bd. of Ed. & Scotland Neck City Bd. of Ed. - praying that relief as prayed for by the plff. be denied and that plff. be taxed with costs & disbursements of this action & further pray that this action be dis- missed as against them as set forth in its motion heretofore made. Cert. of Ser. attached thereto. (Orig. held in Raleigh office to be placed in file on 8/21/69 at hearing.) Fil. & ent. ANSWER TO AMENDED COMPLAINT by Scotland Neck City Board of Education praying that Court give additional time for them to file answer to & including 9/5/69; that trial of this action on its merits not be scheduled until this debt. can, through discovery procedures, prepare for trial; & that in any event this action be dismissed and plff. denied each & every prayer in amended complaint & plff. be taxed with costs & disbursements. Cert. of Service attached thereto. (Orig. held in Raleigh office to be placed in file on 8/21/69 at hearing.) Received in this office four copies of Brief of plaintiff for Clerk's file and for the use of the Judges at hearing.	
8/21/69	DEPOSITION OF R. L. L. MARVIN, Superintendent of The Littleton Dale Gaston City Schools, taken Tues. 8/19/69, at 10:00 A.M. at Scotland Neck, N.C. <i>Just</i>	
	Fil. & ent. MOTION TO INTERVENE by Maryetta Richardson, in behalf of herself, & of her infant children, Montenia, Timmie, Charlotte & Jimmy, et al. Exhibit A, Pleading in Intervention, attached thereto Fil. & ent. CERTIFICATE OF SERVICE as to Motion to Intervene & Exhibit A.	
8/22/69	Fil. & Ent. AFFIDAVIT of WILLIAM ROBERT RICHARDSON; 1 copy.	
8/22/69	Fil. & ent. U. S. Marshal's Return on Civil Subpoenas: Executed on 8/18/69 at Raleigh, N.C., by service on Dr. A. Craig Phillips. Service upon Macon L. Moore on 8/16/69 at Littleton, N.C. XXXXXXXXXXXXXXXXXXXXXXXXXXXXXXXXXXXX XXXXXXXXXXXXXXXXXXXXXXXXXXXX . Service upon Frank P. Shields on 8/16/69 at Scotland Neck, N.C. Service upon Franklin B. Bailey on 8/19/69 at Scotland Neck, N.C. Service upon Henry L. Harrison on 8/16/69 at Scotland Neck, N.C. Service on C.B. Martin 8/19/69 at Tarboro, N.C. w/check for \$27.00. Service on J.W. Talley 8/19/69 at Roanoke Rapids, N.C., w/check for \$27.60. Service on Hugh D. Randall 8/20/69 at Supt.'s Office, Hendersonville, N.C. w/check of \$45.10. by J.Paul Teal, Jr., U.S. Marshal, W.D.N.C., by Thomas J. Greene, DUSM. Service on Vernon L. Dusenbury 8/20/69 at High Sch. Bldg., Tryon, N.C., w/check for \$45.00 by J.Paul Teal, Jr., U.S.M., W.D.N.C., by Thomas J. Greene, DUSM. Endeavor made to serve Robert Clary at Roanoke Rapids, N.C., on 8/19/69 & learned that subject was out of State & would be out for a week. Atty. Josey's office (Scotland Neck) advised 8/20/69. Fil. & ent. U.S. Marshal's Return on Civ. Subpoena to Produce Document: W.Henry Overman served on 8/16/69 at Roanoke Rapids, N.C. Fil. & ent. U. S. Marshal's Return on Summons w/Amended Complaint: Following served on 8/16/69: Macon L. Moore, Chairman, Halifax Co. Bd. of Ed., at Little- ton, N.C. J.A.Andrews, F.G.Shearin & D.E.Josey, Jr., Bd. Members of Bd. of Commrs. XXXXXXXXXX of Town of Scotland Neck, at Scotland Neck, N.C. Ferd L. Harrison served as Mayor & as Chairman of Bd. of Commrs. Town of Scotland Neck, N.C., at Scotland Neck, N.C. Frank P. Shields, Chairman Scotland Neck City Bd. of Ed. at Scotland Neck, NC.	

DATE	PROCEEDINGS	Date Order of Judgment Not
(8/22/69)	Cont'd.: Made endeavor to serve J.I. Walston at Scotland Neck, NC. & learned deft. on vacation & could not be located. On 8/19/69 at Scotland Neck, N.C., served J.I. Walston, Member of Bd. of Commrs. of Town of Scotland Neck, N.C.	
8/25/69	Fil. & ent. ORDER - that motion to dismiss by defts. Fern L. Harrison, J.A. Andrews, F.G. Shearin, J.I. Walston, D.E. Josey, Jr. & Town of Scotland Neck, is allowed; deft. Scotland Neck City Bd. of Ed., its officers, etc. are enjoined from taking any action pursuant to provisions of Chap. 31 pending final determination on merits of the issues raised; pursuant to provisions of R.65(c) of F.R.C.P., no security shall be required of plff., U.S.A., & order to become effective at 12:00 Noon, on Mon., 8/25/69. (Judges, Larkins & Butler)(Civ.O.B.#VI,P.1942)Cy. to Attys. Ellis, Creech & Crew. Cy. to defts. Frank P. Shields, Chairman Scotland Neck City Bd. of Ed., Scotland Neck, N.C. & Macon L. Moore, Chairman Halifax Co. Bd. of Ed., Littleton, N.C.	
8/25/69	Fil. & ent. MEMORANDUM OPINION (Findings of Fact & Conclusions of Law) Filed in support of order of this date and is included therein by reference. (LARKINS, J.)(Civ.O.B.#VI,P.1943)Cy. to Attys. Kennedy, Crew & Josey. Cy. to defts. Halifax Co. Bd. of Ed., Macon L. Moore Chairman, Littleton, N.C.; Ferd L. Harrison, Mayor & Chairman of Bd. of Commrs. of Town of Scotland Neck; Bd. of Commrs. of Town of Scotland Neck - J.A. Andrews, F.G. Shearin, J.I. Walston & D.E. Josey, Jr.; Town of Scotland Neck through Mayor & Scotland Neck City Bd. of Ed. through Frank P. Shields, Chrmn. Scotland Neck City Bd. of Ed.	
	Fil. & ent. DEPOSITION OF DR. CRAIG PHILLIPS taken at Raleigh, 8/4&5/69	
	Fil. & ent. DEPOSITION OF HENRY L. HARRISON taken at Halifax, N.C., 7/23/69	
	Fil. & ent. DEPOSITION OF FRANK P. SHIELDS taken at Scotland Neck, N.C., 7/24/69.	
	Fil. & ent. DEPOSITION OF FERD L. HARRISON taken at Scotland Neck, N.C., 7/24/69	
	Fil. & ent. DEPOSITION OF AUBREY POWELL taken at Scotland Neck, N.C., 7/24/69	
	Fil. & ent. DEPOSITION OF W. HENRY OVERMAN taken at Halifax, N.C., 7/14 & 15/69.	
8/26/69	Fil. & ent. ORDER that deft. Scotland Neck City Bd. of Ed. have until 5:00 p.m., 9/5/69 to file amended answer & further ordered that copy of same be served upon plff. as provided by Fed. Rules Civ. Procedure. (LARKINS, J.)(Civ.O.B.#VI,P.1944)Cy. to Attys. Josey, Kennedy, Crew & U.S. Atty.	
	Fil. & ent. DEPOSITION OF F. BOYD BAILEY taken at Scotland Neck, N.C., 8/6 & 7/69.	
8/27/69	Fil. & ent. DEPOSITION OF C. M. MOORE, JR., taken at Scotland Neck, N.C., 8/6/69.	
8/29/69	Fil. & ent. U.S. Marshal's Return on Civ. Subpoena: Served 8/22/69 at Raleigh, N.C., upon Coline Jackson. On 8/20/69 at Red Springs, N.C., service upon I.J. Wicker.	
9/3/69	Fil. & ent. AMENDED ANSWER of The Scotland Neck City Board of Education - praying that Court declare to be constitutional Chap. 31 of 1969 Session Laws of N.C.; that temporary injunction issued on 8/25/69 be dissolved; & that Court retain jurisdiction of cause for receipt of plan of transfer to be submitted by this deft. to the Court & for hearing of any objection that may be filed thereto. w/Cert. of Service	
9/13/69	Fil. w/Judge Larkins, Jr. MOTION of deft. Scotland Neck City Bd. of Ed. praying that order be entered modifying temporary injunction order of 8/25/69 to effect that said deft. be allowed to receive donations from private sources & use such funds, together w/tuition funds now in its	

DATE	PROCEEDINGS	Date Order or Judgment Noted
(9/13/69)	Cont'd.: hands, for repayment of amts. paid by parents of tuition students, & further that Board be permitted to use said privately donated funds for purpose of legal expenses and fees incurred & to be incurred until this matter is finally determined. Cert. of Service attached thereto	
9/22/69	Fil. & ent. PLAINTIFF'S INTERROGATORIES w/Cert. of Service (2 filed copies returned to Atty. Kennedy)	
✓10/1/69	Fil. & ent. ORDER that deft. Scotland Neck City Bd. of Ed. be allowed to receive donations from private sources and use such, together with tuition funds in hand, for repayment of amts. paid for students tuition, & further Board be permitted to use such funds for legal expenses & fees incurred. Clk. to serve copies of this order upon counsel. (LARKINS & BUTLER, J.)(Civ.O.B.#VI,P.1962) 1 cc to U.S. Atty., Attys. Schwelb & Kennedy, atty. Crew, Josey & Joyner	
10/7/69	Issued Notice of Pre-Trial Conference at Raleigh, N.C., on Wed., 10/15/69 at 2:30 p.m. Cys. to U.S. Atty., Schwelb, Kennedy, Crew, Josey & Joyner. 1 cc to J. Larkins (Cont'd.)	
10/13/69	Issued Notice of Pre-Trial Conference at Trenton, N.C., on Mond., 10/20/69 at 12:00 Noon in Judge's Chambers, U.S.Post Office Bldg. Cy. to Attys. Schwelb, Kennedy, Crew, Josey & Joyner & U.S. Atty. 1 cc to J. Larkins	
10/13/69	Fil. & ent. MOTION OF ROBERT MORGAN, ATTORNEY GENERAL OF NORTH CAROLINA, TO INTERVENE IN THIS ACTION IN BEHALF OF THE STATE OF NORTH CAROLINA, AS PARTY DEFENDANT w/Cert. of Service, Proposed Answer and Proposed Order attached. Copy of pleadings fwd. to J. Larkins, w/orig. of order.	
10/15/69	Fil. & ent. PLAINTIFF'S INTERROGATORIES TO DEFENDANT HALIFAX COUNTY BOARD OF EDUCATION. w/Cert. of Service 2 "filed" copies returned to U.S.Dept. of Justice.	
10/16/69	Fil. & ent. HALIFAX COUNTY BOARD OF EDUCATION DESEGREGATION PLAN - OCTOBER 15, 1969. w/Map attached. (J. Larkins furnished copy by Atty. Crew)	
10/30/69	Fil. & ent. TRANSCRIPT OF HEARING ON MOTION OF PLAINTIFFS FOR PRELIMINARY INJUNCTION AND DECLARATORY JUDGMENT (in two volumes).	
10/30/69	Fil. & ent. EXCERPT FROM REPORTER'S NOTES on hearing on Saturday, 8/23/69 in Raleigh, N. C. original only.	
10/30/69	Filed & Ent. ORDER - allow motion to intervene - plaintiff's Maryetta Richardson, Montenia, Timmie, Charlotte, and Jimmy Richardson, on behalf of several other citizen and residents of Halifax County, N. C. copies to all attorneys of record. (Judge Butler & Judge Larkins signed 10/30/69)(Civ.O.B.VI - P. 1977)	
*11/3/69	Filed & Ent. ORDER - allow intervention of Robert Morgan, Attorney General of North Carolina, in behalf of the State of N. C. (Judge Butler & Judge Larkins) ((Civ. O.B. #VI page 1978)	
11/4/69	Filed & Ent. ANSWER TO PLAINTIFF'S INTERROGATORIES - along with names and color of all teachers. w/copy each. and letter of service by mail of each.	
11/3/69	Filed in open court, ORDER - on motion of defendant Halifax County, allowed be dismissed as to the question of constitutionality of the Act creating the Scotland Neck Unit. Defendant will no longer be required to defend or appear concerning the constitutionality, but is not relieved of action involve other violations of Civil Rights Act. (Judge Larkins)(Civ. O. B. # VI-P. 1980)	
	Received: NEWS CLIPPINGS - Scotland Neck Commonwealth and News Observer, Envelope.	
	Filed & Ent. LIST OF WITNESSES FOR SCOTLAND NECK CITY BOARD EDUCATION w/copy.	
	Filed & Ent. LIST OF EXHIBITS THAT SCOTLAND NECK CITY BOARD expects to use at trial of matter on its merits.	
11/7/69	Forwarded to Judge Larkins - Plaintiff's Exhibit No. 2, School Survey.	
11/10/69	Filed & Ent. ORDER - allow intervention of Robert Morgan, Attorney General, N.C. (Judge Butler & Judge Butler) (Civ.O.B.#VI,P.1981) cc to all attorneys of record. (Civ. O. B. # VI-P. 1981) Duplicate of original filed 11-3-69.	

Pre-Trial
held this
date

DATE	PROCEEDINGS	Date Order of Judgment Noted
*11-3-69	<p> Fil. & ent. ANSWER OF ROBERT MORGAN, ATTY. GEN. OF N.C., IN BEHALF OF THE STATE OF N. C. - INTERVENOR-DEFT., praying that Chap. 31, Sessions Laws of 1969, enacted by Gen. Assembly of N.C. be declared constitutional and valid; action be dismissed and Temporary Restraining Order heretofore entered in this action be dismissed; such other relief granted by court as may be proper and just. cy. </p>	
11-13-69	<p> Fil. & ent. ORDER EXTENDING TIME TO FILE TRIAL BRIEF. (LARKINS, J.) (Civ.O.B.#VI, p.1983) Cy. Cy. to all counsel of record this date. </p> <p> Fil. & ent. MOTION PENDING THE LITIGATION, cy. </p> <p> PLAINTIFF'S OBJECTIONS TO THE DEFENDANTS PLAN DESEGREGATION OF ITS SCHOOLS (no cy.) </p> <p> PLAINTIFF'S MEMORANDUM IN SUPPORT OF ITS OBJECTIONS TO THE PROPOSED DESEGREGATION PLAN OF DEFENDANT AND PLAINTIFF'S MOTION PENDING THE LITIGATION. (no cy.) </p> <p> MEMORANDUM OF PRE-TRIAL CONFERENCE. (no cy.) (LARKINS, J.) </p> <p> (Cy. of letter to J. Larkins from Dept. of Justice states all counsel have been served.) (Civ.O.B.#VI.P.1984) </p>	
11/14/69	<p> Fil. & ent. MEMORANDUM BRIEF OF ROBERT MORGAN IN BEHALF OF NORTH CAROLINA, Copies of notice of brief mailed to all attys. of record. </p>	
11/20/69	<p> Fil. & ent. STATEMENT OF ISSUES, by plaintiff. </p>	
11/24/69	<p> Issued Notice of Hearing - to all counsel of record, hearing set on constitutional issues and plan of desegregation for 12/17/69. </p>	
11/24/69	<p> Fil. MEMORANDUM OPINION AND ORDER that Board of Ed. of Halifax Cy. submit on 12/15/69 a Plan to terminate present dual school system at once and to operate only unitary schools; further that a hearing upon said Plan shall be held in Raleigh, N. C. on Thursday, 12/18/69. 1 cc - J. Larkins' office mailed copies to all counsel of record & retained cy. (LARKINS, J.) (Civ.O.B.#VI,P.1994) (Ent. 11/28/69) </p>	
11/26/69	<p> Fil. & ent. PLAINTIFF'S REPLY BRIEF TO MEMORANDUM OF DEFENDANT-INTERVENOR Cy. to J. Butler & Larkins & 2 cy. to plff. </p>	
12-5-69	<p> Fil. & ent. - ORDER to amend order of 11-24-69. The Board of Ed. is to submit with plan on 12/15/69 to terminate the present dual school system, Projected statistics for student bodies & faculty by race & school, and a map depicting any proposed zones or attendance areas for each school. (LARKINS, J.) (Civ.O.B.#VI,P.2000) Cys. mailed to all counsel </p>	
12-12-69	<p> Fil. & ent. - ORDER - deliver to Mrs. Wilda Y. Hauer, cy. of transcript to be returned to the office of Clerk, Tuesday, 12/16/69. (Civ.O.B.#VI,P.2008) </p>	
12/15/69	<p> Received copy of Resolution of Halifax County, Interim Plan, letter to Dr. J.L. Pierce, amended Interim Plan, map of project statistics for student body, and statistics for faculty by race, with copy of letter to Judge Larkins who received the originals and one copy of each paper. (Clerk's Office has not had the orig. for filing) </p>	
12/17/69	<p> Fil. & ent. MOTION FOR LEAVE TO INTERVENE, by Pattie Black Cotton & Edward M. Francis, teachers, and minor students by next friends. (ent. 12/19/69) </p> <p> Fil. in Open Court - Plff's. Proposed Findings of Fact, Conclusions of Law and Proposed Order. w/cy. of Memorandum Opinion of U.S.D.C.-E.D.Arkansas, Pine Bluff Div. (Ent 12/19/69) </p> <p> Fil. & ent. MARSHAL'S RETURN on service of Civ. Subpoena on Henry L. Harrison, at Scotland Neck, N.C., 12/15/69 J.W.Norton, USM. </p> <p> Fil. & ent. MARSHAL'S RETURN on service of Civ. Subpoena on Dr. B. Paul Hammack by leaving copy with wife at res. at Elizabeth City, NC 12/15/69. J.W.Norton, USM </p>	
12/18/69	<p> Fil. & ent. SCOTLAND NECK CITY BD. OF EDUCATION-BRIEF SUMMARY OF DEPOSITIONS. (J.Butler has orig. & J.Larkins has cy. Filed in Open Court) </p>	
12/19/69	<p> Fil. & ent. FURTHER CONTENTIONS FOR INTERVENTION By Pattie Black Cotton & Edward M. Francis, teachers, & minor school children w/Cert. of Ser.* & Proposed ORDER MAKING ADDITIONAL DEFENDANTS. Cys. of filing to J.Larkins w/orig. proposed Order. </p> <p> *Cert. of Ser. on additional Defts. of Motion & Complaint in Intervention. </p>	

DATE	PROCEEDINGS	Date Order or Judgment Noted
12/19/69	Fil. & ent. MARSHAL'S RETURN of service of Civ. Subpoena on Vernon L. Dusenbury at Tryon High School, Tryon, N.C. on 12/15/69. Thomas M.Green, DUSM,W.D.N.C.	
	Fil. & ent. MARSHAL'S RETURN of service of Civ. Subpoena on Hugh D. Randall at Bd. of Ed. Hendersonville, N.C. 12/15/69. Thomas J. Greene, DUSM,WDNC	
12/22/69	Fil. & ent. OBJECTIONS OF N.C. STATE BD. OF ED. and DR. A. CRAIG PHILLIPS, STATE SUPT. OF PUBLIC INSTRUCTION, TO MOTION AND COMPLAINT IN INTERVENTION. 2 cys.	
12/23/69	Fil. & ent. INTERVENORS REPLY TO OBJECTIONS TO INTERVENTION w/Cert. of Service Served on Frank D. Wilson, Sr.	
	Fil. w/Judge Larkins - DEFENDANT, HALIFAX COUNTY BOARD OF EDUCATION'S OBJECTIONS TO MOTION FOR LEAVE TO INTERVENE BY PATTIE BLACK COTTON AND EDWARD N. FRANCIS, ET AL. w/Cert. of Service and MEMORANDUM IN SUPPORT OF ITS OBJECTIONS	
	Fil. & ent. 12-29-69 - TRANSCRIPT OF HEARING ON DESEGREGATION PLAN AT RALEIGH, NC ON DECEMBER 19, 1969 by Ward Allen Court Reporter. Cy.	
12-24-69	Issued NOTICE OF HEARING - On Objections to Motion for Intervention, to all counsel of record - At Trenton, N.C. 1/2/70 at 12:00 noon in Chambers. cy. to J.Larkins	
	Fil. & ent. MARSHAL'S RETURN ON SERVICE - Served Summons on Charles E. Fleming Dec. 22, 1969.	
	Fil. & ent. - RESPONSE OF DEFENDANT, SCOTLAND NECK CITY BOARD OF EDUCATION, TO MOTION OF PATTIE BLACK COTTON, ET AL FOR LEAVE TO INTERVENE. w/Cert. of Ser.	
12-29-69	Fil. & ent. MOTION OF BOARD OF COUNTY COMMISSIONERS OF HALIFAX COUNTY FOR ADDITIONAL TIME WITHIN WHICH TO FILE ANSWER AND OBJECTIONS TO THE MOTION FOR LEAVE TO INTERVENE AND MAKE NEW PARTIES FILED HEREIN BY JAMES R. WALKER, et al. Cy. to J. Larkins & J. Butler	
	Fil. & ent. ORDER - Granting extension of time to Board of County Commissioners of Halifax County. Cy. to J. Butler & J. Larkins. (Civ.O.B.#VI,P.2013)	
12-30-69	Fil. & ent. - PLAINTIFF'S MEMORANDUM IN OPPOSITION TO THE MOTION FOR LEAVE TO INTERVENE FILED DEC. 17, 1969 ON BEHALF OF PATTIE BLACK COTTON AND OTHERS. with MOTION - The Plff. moves this court deny the pending Motion for Leave to Intervene.	
12/31/69	Fil. w/Judge Larkins - OBJECTIONS OF THE BOARD OF COUNTY COMMISSIONERS OF HALIFAX COUNTY TO MOTION AND COMPLAINT IN INTERVENTION AND TO IT BEING MADE A PARTY DEFENDANT TO THIS ACTION. w/Cert. of Service	
1/8/70	Fil. & ent. RESPONSE TO MOTION FOR LEAVE TO INTERVENE by Deft. Littleton-Lake Gaston School District and Russell N. Manning. (Orig. mailed to J. Larkins to place in case file.)	
	Fil. w/Judge Larkins - REQUEST OF THE BOARD OF COUNTY COMMISSIONERS OF HALIFAX COUNTY THAT THAT PART OF MOTION OF PATTIE BLACK COTTON, ET ALS, REQUESTING THAT IT BE MADE A PARTY DEFENDANT BE DISMISSED AND DISALLOWED EVEN THOUGH INTERVENTION IS ALLOWED. w/Cert. of Service (J. Larkins has copy.)	
1/9/70	Fil. w/Judge Larkins - MEMORANDUM OPINION AND ORDER - Motion for Leave to Intervene (by Pattie Black Cotton, Edward M. Francis & others) is allowed; FURTHER orig. defts. & additional defts. named in complaint in intervention (Mr. W. Henry Overman, Supt. of Halifax Cy. Schs.; the Bd. of Commrs. of Halifax Cy.; Scotland Neck City Bd. of Ed.; Franklin B. Bailey, Supt. of Scotland Neck City Schs.; Littleton-Lake Gaston Sch. Dist. & Russell N. Manning, Supt. of Littleton-Lake Gaston Sch. Dist.; & the N.C.St. Bd. of Ed., & Dr. Craig Phillips, N.C.St. Supt. of Public Instruction) are ordered to answer or otherwise plead within 20 days in accordance with R.12 of F.R.C.P. FURTHER - Clerk to serve cy. of this paper upon all counsel of record. (LARKINS, J.)(Civ.O.B.#VI,P.2051) (Ent. 3/12/70) Cy. served on all parties by J.Larkins' office & J. Larkins has Cy. as well as J. Butler.	
	Fil. & ent. COMPLAINT IN INTERVENTION by Pattie Black Cotton, Edward M. Francis, Public Sch. Teachers of Halifax County, et als.	
1/12/70	Fil. & ent. TRANSCRIPT OF MOTION HEARING AT TRENTON, N. C., JAN. 2, 1970	
1/26/70	Fil. & ent. MOTION of defts. Scotland Neck City Board of Education & Franklin B. Bailey, Supt. of Scotland Neck Cy.Scls., for extension of time within which (contd.)	

DATE	PROCEEDINGS	Date Order or Judgment Note
(1/26/70)	Cont'd.) to answer or otherwise plead to Complaint of intervenors until 2/27/70. w/Cert. of Ser. (Clerk's cy. to J. Larkins)	
	Fil. & ent. ORDER extending time within which to answer or otherwise plead to Complaint of intervenors to & including 2/27/70 for defts. Scotland Neck City Bd. of Ed. & Franklin B. Bailey, Supt. of Scotland Neck City Schools. (LARKINS, J.)(Civ.O.B.#VI,P.2052) Cy. to Attys. Walker, Joyner, Josey, Crew, Howard & Atty. Gen. Morgan	
	Fil. & ent. MOTION TO ENLARGE TIME FOR HALIFAX COUNTY BD. OF ED. TO FILE ANSWER TO COMPLAINT IN INTERVENTION BY APPLICANTS, PATTIE BLACK COTTON, ET ALS. (J. Larkins has cy.) w/Cert. of Service	
	Fil. & ent. ORDER TO ENLARGE TIME TO FILE ANSWER TO COMPLAINT IN INTERVENTION for Halifax County Bd. of Ed. until 3/1/70. (LARKINS, J.)(Civ.O.B.#VI,P.2053) Cy. to Attys. Walker, Joyner, Josey, Crew, Howard & Atty. Gen. Morgan	
1/28/70	Fil. & ent. MOTION TO DISMISS Complaint in Intervention as against Russell N. Manning. w/Cert. of Service Cy. to J. Larkins	
	Fil. & ent. ANSWER PRESENTING DEFENSES TO COMPLAINT IN INTERVENTION by deft. Littleton-Lake Gaston School District. w/Cert. of Service. Cy. to J. Larkins	
1/30/70	Fil. & ent. ANSWER OF DEFENDANT SCOTLAND NECK CITY BD. OF ED. to Complaint in Intervention & an affirmative plea that the court preserve the present status of school attendance in the Scotland Neck School pending the final determination of the issues in this cause. w/Photostatic cy. of newspaper clippings Cert. of Service attached thereto	
2/2/70	Fil. & ent. MOTION OF DEFENDANT, BOARD OF COUNTY COMMISSIONERS OF HALIFAX COUNTY, that it be granted additional time within which to answer or otherwise plead to the complaint in intervention filed herein by Pattie Black Cotton, et al w/Cert. of Service	IN INTERVENTION
2/2/70	Fil. & ent. ORDER TO ENLARGE TIME TO FILE ANSWER OR OTHERWISE PLEAD TO COMPLAINT/ to & including 2/18/70 for Bd. of County Commrs. of Halifax County. (LARKINS, J.)(Civ.O.B.#VI,P.2029) Cy. to Counsel of Record.	
2/17/70	Fil. & ent. ANSWER TO COMPLAINT IN INTERVENTION BY BOARD OF COUNTY COMMISSIONERS OF HALIFAX COUNTY. w/Cert. of Service. Cy. to J. Larkins	
2/25/70	Fil. & ent. ANSWER AND MOTION TO DISMISS OF THE DEFENDANT, FRANKLIN B. BAILEY, TO THE COMPLAINT IN INTERVENTION. w/Cert. of Service	
3/2/70	Fil. w/Judge Larkins - ANSWER OF DEFT. HALIFAX COUNTY BOARD OF EDUCATION TO THE COMPLAINT IN INTERVENTION AND AN AFFIRMATIVE PLEA THAT THE COURT DELAY FURTHER AND FINAL DETERMINATION OF ALL OTHER ISSUES RAISED HEREIN PENDING FINAL DETERMINATION OF THE CONSTITUTIONALITY OF THE ACT CREATING THE SCOTLAND NECK CITY SCHOOL ADMINISTRATIVE UNIT AND ALSO DELAY ANY FURTHER ORDER FOR IMPLEMENTATION OF ANY SCHOOL DESEGREGATION PLAN UNTIL JUNE 1, 1970. w/Cert. of Service	
5/19/70	Fil. & ent. ORDER that motion of defts. that effective date of implementation be delayed until end of school year -- on or about 6/1/70--is allowed; and that "Proposed Interim Plan" of deft. Halifax Co.Bd. of Ed., same having been adopted by Court be Implemented by Bd. no later than 6/1/70. Further-motion of plff. for immediate implementation at mid-year is denied.--Clerk to serve copy upon all counsel of record. (LARKINS, J.)(Civ.O.B.#VII,P.2093) Cert. cy. mailed to Civ.Rts. Atty. Kennedy, Attys. Crew, Josey, Joyner, McLean, Parker, Walker, Creech, Atty. Gen. of N.C., Halifax Co.Bd. of Ed. & W. Henry Overman, Supt.	
5/26/70	Fil. & ent. OPINION and ORDER that further implementation of Chapter 31 of the 1969 Session Laws of N.C. is permanently enjoined & Clk. directed to serve copies of this Opinion & Order upon all counsel of record. (J.BUTLER & J. LARKINS)(Civ.O.B.#VII,P.2098) Cert. cy. to Civ.Rts. Attys. Howard & Kennedy, Attys. Walker, Crew, Josey, Joyner, Creech, McLean, Parker & Atty. Gen. of N.C. Cy. to J. Larkins	

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D. C. 110 Rev. Civil Docket Continuation

6

DATE	PROCEEDINGS	Date Order or Judgment Noted
7/21/70	Fil. & ent. PLAINTIFFS' IN INTERVENTION OPPOSITION TO DEFENDANT'S MOTION TO AMEND INTERIM DESEGREGATION PLAN APPROVED MAY 19, 1970 - praying that the Court deny Motion of Deft. Sch. Bd. to amend Order of 5/19/70 as amended by order of Court on 6/1/70.	
	Fil. & ent. EXHIBIT E of Plaintiffs' in Intervention - an additional exhibit to their Complaint in Intervention.	
7/27/70	Fil. & ent. TRANSCRIPT OF HEARING ON THE MERITS, 12/17/69, before Judges Butler & Larkins in Raleigh, N. C.	
7/28/70	Fil. & ent. ORDER that motion of defts. to amend the Order of 5/19/70 with respect to the operation of the Scotland Neck School and the Brawley School is denied; and Further Ordered that the Clerk serve copies of this order upon all counsel of record. (LARKINS, J.) (Civ.O.B.#VII,P.2128) Cert. cy. to Civ. Rts. Attys. Dempsey & Kennedy, Jerris Leonard, Asst. Atty. Gen., c/o Leslie Smith, Jr., Atty., Ed. Sect., Walker, Mitchell, Crew, Josey, Joyner, Creech, McLean, Parker & Atty. Gen. of N.C.	
	Fil. & Ent. - CERTIFICATE OF SERVICE by delivering a copy of the Exhibit "E" to Complaint of Plaintiffs in Intervention.	
7/28/70	Mailed record on Appeal to 4th Cir. Ct. of Appeals - 8 Volumes	
	Cy. of transmittal letter w/Index to Attys. of Record & Judges Butler & Larkins.	
3/19/71	Fil. & ent. NOTICE of Hearing on Motion for Supplemental Relief to be set by the Court.	
	Fil. & ent. MOTION FOR SUPPLEMENTAL RELIEF by plff. w/Cert. of Ser. as to Notice & Motion w/Attachments to Motion. (Cy. to J. Larkins)	jwt
3/24/71	Fil. & ent. OPINION of 4th Cir. Ct. of Appeals reversing decision of this court which declared Chapt. 31 of 1969 Session Laws of N.C. unconstitutional and permanently enjoining any further implementation of the statute.	jwt
4/5/71	Fil. & ent. ANSWER of SCOTLAND NECK CITY BOARD OF EDUCATION TO MOTION BY THE PLAINTIFF UNITED STATES OF AMERICA FOR SUPPLEMENTAL RELIEF w/Cert. of Ser. (Cy. to J. Larkins)	jwt
4/9/71	Fil. & ent. MOTION TO EXTEND TIME FOR FILING REPLY OR OTHERWISE PLEAD TO PLAINTIFF'S MOTION FOR SUPPLEMENTAL RELIEF w/ORDER extending time for Halifax County Bd. of Ed. & all other defts. & other parties hereto to file reply to Motion for Supplemental Relief or to otherwise plead to Midnight, 5/5/71. Right to shorten or extend this time is retained by court. (DUPREE, J.) w/Cert. of Ser. (O.B.#VII, P.2291) (Cy. to J. Larkins)	jwt
5/14/71	Fil. & ent. MOTION TO EXTEND TIME FOR FILING REPLY OR OTHERWISE PLEAD TO PLAINTIFF'S MOTION FOR SUPPLEMENTAL RELIEF UNTIL FINAL ACTION BY THE U. S. SUPREME COURT & ORDER - ordered motion is allowed & Halifax County Bd. of Educ. & all parties to suit be granted additional time for filing a Reply or otherwise pleading to Motion for Supplemental Relief until 20 days after Supreme Ct. has ans. plff's petition. If said writ denied & extension of time until 30 dys after U.S. Supreme Ct. has rendered final decision if writ is granted. Right to shorten or extend time is retained by court. (DUPREE, J.) Civ.O.B.#VII P 2315 cc: Crew, Josey, Walker, Landsberg (Wash.D.C.) & Moody w/Cert. of Service	
5/27/71	Fil. & ent. MOTION TO RECONSIDER ORDER ENTERED MAY 13, 1971 - plff. prays that Court reconsider order of 5/13/71 & will strike that part of order granting all parties 30 days after U.S. Supreme Ct. renders decision in Scotland Neck, supra, if certiorari is granted, to reply to plff.'s Motion for Supplemental Relief and instead require all parties to respond within 20 days after Ct. rules on plff.'s petition whether certiorari is granted or denied. w/Cert. of Ser. 2 CC & 2cys. to U.S.A.	part 2
	Fil. & ent. NOTICE OF MOTION to be heard at time & place determined by the Court.	
	Fil. & ent. MEMORANDUM IN SUPPORT OF MOTION TO RECONSIDER ORDER ENTERED MAY 13, 1971	

