

DOCKET

TITLE OF CASE	ATTORNEYS
<p>HARRIETT D. NESBITT, a Minor by her parents and next friends, Mr. &amp; Mrs. Harry Nesbitt                      WILLIAM SHUFORD, GALE SHUFORD and TONIA SHUFORD minors, by their father and next friend WILLIAM SHUFORD, Jr.                      PHILIP S. HAMILTON, GERALD H. CLARK, GERALDINE H. CLARK, MARY L. CLARK, BEVERLY CLARK, RONALD M. CLARK and DONALD C. CLARK, minors by their mother &amp; next friend, MRS BLANCHE H. CLARK</p> <p style="text-align: center;">Plaintiffs</p> <p style="text-align: center;">vs.</p> <p>THE STATESVILLE CITY BOARD OF EDUCATION, a public body corporate of Statesville, North Carolina and A. D. KORNEGAY, Supt. Statesville City Schools</p> <p><i>Basis of action:</i> Federal Question- T. 28 USC Sec. 1343 (3) - T. 42 USC Sec. 1983 for preliminary &amp; permanent injunction enjoining defts. practice of discrimination, etc.</p> <p><i>Jury trial claimed by</i></p> <p style="text-align: right;">on _____, 19__</p>	<p><i>For Plaintiff:</i> Conrad O. Pearson                      P.O. Box 1428, Durham, N.C.                      Jack Greenberg, Derrick A. Bell                      J. LeVonne Chambers, 10 Columbia Circle, New York 19, N.Y.                      Calvin L. Brown, 327 S. Brevard St.                      Charlotte, N. C.</p> <p><i>For Defendant:</i>                      Collier, Harris &amp; Collier</p> <p style="text-align: right; font-size: 1.2em; margin-top: 20px;">                         JS-5 8-14-64                          JS-6 9-1-64                          JS-5 5-15-65                          JS-6 7-18-65                          JS-5 4-6-68                          JS-4 7-9-71                          JS-6 2-11-72                     </p>

DATE	PLAINTIFF'S ACCOUNT	RECEIVED		DISBURSED		DATE	DEFENDANT'S ACCOUNT	RECEIVED		DISBURSED	
3-14-64	C.O. Pearson, Atty R-26329 Filing fee	15	00	15	00						
3-20-64	C. D. 201 #19 102411										
9-3-64	J LeVonne Chambers Appeal R26543	5	00	5	00						
9-10-64	C.D. 201#5 102411										
1-29-69	J LeVonne Chambers Appeal R-42595	5	00								
1-31-69,	CD 201 #15 - 102411			5	00						

ABSTRACT OF COSTS			RECEIPTS, REMARKS, ETC.
TO WHOM DUE	AMOUNT		

DATE	FILINGS—PROCEEDINGS	AMOUNT REPORTED IN EMOLUMENT RETURNS
3-11-64	#1 Filing Original Complaint, issuing Summons and sending U. S. Marshal with copies and copies of Complaint.	
"	#2 Filing Motion for Preliminary Injunction & copies sent U. S. Marshal	
"	#3 Filing Plaintiff's Brief in Support of Petition for Preliminary Injunction	
"	#4 Filing Bond for Costs	
#	#5 Filing Petition for appointment of parents of minors as Next Friend	
3-16-64	#6 Filing Order appointing Next Friend for minors	
3-18-64	#7 Filing Amendment to Complaint, issuing Summons and sending to U. S. Marshal with copies and copies of complaint.	
3-25-64	#8 Filing Marshall's Return of Summons ex. 3-18-64 as to City Board of Education and A. D. Kornegy, Supt. City Schools.	
3-26-64	#9 Filing Marshall's Return on amended complaint ex. 3-23-64 as to A. D. Kornegy and the City Board of Education.	
4-3-64	#10 Filing Stipulation agreeing that defendants may have 30 days extension beyond the required period for answering the Complaint and Amended Complaint.	
5-11-64	#11 Filing Interrogatories and Certificate of Service	
5-11-64	#12 Filing Answer of Statesville City Board of Education and A. D. Kornegay, Superintendent of the Statesville City Public Schools, Defendants and Certificate of Service.	
5-29-64	#13 Filing Answers to Plaintiffs' Interrogatories and Certificate of Service.	
7-29-64	Hearing on motion for preliminary injunction - denied.	
7-31-64	#14 Filing Agreed Statement of Facts	
7-31-64	Case heard on the merits, and court takes case under advisement.	
8-4-64	#15 Filing Memorandum Opinion. Copies mailed by Judge to attorneys for both plaintiff and defendant.	
8-17-64	#16 Filing Transcript of Proceedings of July 31, 1964	
8-31-64	#17 Filing Order setting out plan of desegregation. Certified copies of order mailed to counsel. Orders & Judgments V-I, P-8.	
9-3-64	#18 Filing Notice of Appeal from the order approving a modified plan for desegregating the Statesville City Public Schools. Designating all the original files and the complete transcript of the evidence in the subject case for inclusion in the record on appeal, including all pleadings, exhibits, affidavits, testimony, orders, notice of appeal and this designation. Certificate of Service.	
9-3-64	#19 Filing Cost Bond on Appeal	
9-9-64	Mailing Record on Appeal to the United States Court of Appeals for the Fourth Circuit	

DATE	FILINGS--PROCEEDINGS	CLERK'S FEES		AMOUNT REPORTED EMOLUMENT RETURN
		PLAINTIFF	DEFENDANT	
5-4-65 #20	Filing letter from defendant's attorney, dated April 27, 1965.			
5-4-65 #21	Filing letter from plaintiff's attorney, dated April 28, 1965, requesting that plan for the 1965-66 school year be reduced to writing.			
5-4-65 #22	Filing Judge Craven's letter dated April 30, 1965, treated as an Order ordering that the School Board reduce its plan to writing and file it with the court within thirty (30) days from date of letter. After the plan has been filed, plaintiff's attorney may have 30 days within which time to study and consider it and file any objections. Either party may request a hearing. Orders & Judgments V-I, P-75.			
5-13-65 #23	Filing printed copy of the opinion of the United States Court of Appeals.			
5-13-65 #24	Filing certified copy of the judgment in lieu of a mandate ordering that the judgment of the district court be vacated with costs, and that the case be remanded to the U. S. District Court at Statesville for further proceedings consistent with the opinion of the Court of Appeals.			
5-13-65	Receiving the record on appeal in one volume and transcript of testimony in one volume. Acknowledging receipt of copies of judgment, opinion and appeal record.			
5-19-65 #25	Filing Defendants' Proposed Plan of Integration. Copies mailed by defendants' attorney to Judge Craven and plaintiff's attorney.			
5-25-65 #26	Filing Plaintiffs' Objections to Defendants' Proposed Plan of Desegregation and Brief, and Certificate of Service.			
7-6-65	Hearing at Statesville, N. C., and opportunity afforded to present additional evidence. Testimony of Chairman of School Board and Superintendent made clear certain ambiguities in defendants' proposed plan filed May 19, 1965. A portion of the plan rewritten with consent of the School Board and in the presence of counsel for the School Board for purposes of clarification.			
7-6-65 #27	Filing Order Approving Statesville Board of Education's Proposed Plan of Desegregation. Copies mailed to all attorneys of record. Orders & Judgments V-II, P-4.			
4-5-66 #28	Filing plaintiffs' motion for further relief, and Certificate of Service. JS-5.			
4-18-66 #29	Filing plaintiffs' Interrogatories and Certificate of Service.			
5-4-66 #30	Filing Answers to Interrogatories and Certificate of Service.			
4-14-67 #31	Filing Plaintiffs' interrogatories and Certificate of Service.			
5-1-67 #32	Filing Defendants' Answer to Interrogatories and Certificate of Service.			

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8-14-67	#33 Filing NOTICE that depositions of A. D. Kornegay, Superintendent, Statesville City Schools, and F. Montgomery Steele, Chairman, Statesville City Board of Education, will be taken on August 22, 1967 at 10:00 A.M., at the offices of the Statesville City Board of Education, and Certificate of Service.			
9-14-67	#34 Filing Deposition of A.D. Kornegay.			
9-14-67	#35 Filing Deposition of Nathan McElwee.			
9-25-67	Hearing before Judge Wilson Warlick. Judge Warlick advised parties to try and work out solution. If case is to be heard, it will probably be at a special term in December.			
3-25-68	Pre-trial - case to be tried at May 20 Term before Judge Jones.			
5-27-68	Case called. Documentary evidence introduced in evidence. P. wit: A. D. Kornegay s & ex & X-ex. Plaintiffs rest. Defs. rest. Court takes matter under advisement.			
7-18-68	Filing Transcript of Proceedings of May 27, 1968			
9-26-68	Called for hearing on motion for further relief. Argument by counsel. Plaintiff Ex. No. 1, letter dated 6-20-68 signed by R. A. Collier with copy of letter dated 6-19-68 signed by Mr. Kornegay. Motion for a more complete plan for integration for 1969. No decision. Defendant's witness A. D. Kornegay sworn and examined. Arguments by counsel.			
10-15-68	Filing TRANSCRIPT OF HEARING (September 26, 1968)			
12-20-68	#36 Filing MOTION FOR AN ORDER GRANTING OR DENYING PLAINTIFFS' MOTION TO DIRECT THE DEFENDANTS TO SUBMIT A NEW PLAN FOR DESEGREGATION OF THE STATESVILLE SCHOOLS and Certificate of Service.			
1-9-69	#37 Filing and entering ORDER AND MEMORANDUM OF DECISION ordering: 1. That the defendant, by the opening date of the 1969-1970 school term, shall complete its plan to consolidate the Morningside Junior High School, consisting of grades 7, 8, and 9, with the Oakwood and D. Matt Thompson Junior High Schools, and that the students from said Morningside Junior High School be assigned under the Freedom of Choice plan to the said Oakwood and D. Matt Thompson Junior High Schools. 2. That the faculty of Morningside Junior High School shall be assigned to Oakwood and D. Matt Thompson Junior High Schools on or before the opening of said 1969-1970 school term. 3. That the defendant School Board shall, within 10 days after the opening of the 1969-1970 and 1970-1971 school terms, report to this Court, with a copy to the attorneys for the plaintiffs, the following information:			

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	<p>a) The total number of negro, white, and other students in each school in said school system.</p> <p>b) The number and race of the faculty of each school in said school system.</p> <p>4. That except as modified above, the school plan adopted by the defendant and revealed at the September 26, 1968 hearing and which is outlined in this Court's Finding of Fact #7, is hereby approved.</p> <p>5. That plaintiff's Motion for Further Relief filed April 5, 1966, except as hereinabove allowed, be, and the same is hereby denied; that plaintiff's oral Motion made at the September 26, 1968 hearing be, and the same is hereby denied, and that plaintiffs' Motion filed December 20, 1968, to direct the defendant Board to submit a new plan for the desegregation of the Statesville schools be, and the same is hereby denied.</p> <p>The Court retains jurisdiction of this cause so that either party may move the Court for whatever action, if any, may be necessary in the future implementation of defendant's plan. ORDERS &amp; JUDGMENTS V-VI, P. 39.</p> <p>Copy to attorneys of record.</p>			
1-29-69	#38 Filing NOTICE OF APPEAL and CERTIFICATE OF SERVICE. Notice sent to attorney for defendant.			
1-31-69	#39 Filing Cost Bond on Appeal.			
2-3-69	Record on Appeal sent to U. S. Court of Appeals for the Fourth Circuit at Richmond.			
12-3-69	#40 Filing certified copy of judgment of U. S. Court of Appeals in lieu of a mandate, ordering that the judgment of the District Court be vacated; and the cause remanded to the U. S. District Court for the Western District of N. C., at Statesville, for further proceedings consistent with the opinion of the U. S. Court of Appeals filed herein.			
12-3-69	#41 Filing copy of OPINION of the United States Court of Appeals for the Fourth Circuit at Richmond.			
12-3-69	Record on appeal received from U. S. Court of Appeals for the Fourth Circuit at Richmond.			
12-8-69	#42 Filing Defendant's Unitary School Plan and Certificate of Service. 2 copies sent to Judge Jones.			
12-12-69	#43 Filing PLAINTIFFS' RESPONSE TO DEFENDANTS' PROPOSED PLAN OF DESEGREGATION and Certificate of Service.			

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12-19-69	<p>Called for hearing on new school plan, with amendments and plaintiffs' objections thereto. Deft. witnesses S &amp; Ex - A. D. Kornegay, Superintendent and Bob Strother. Deft. rests. No evidence presented by plaintiff and rests. Arguments by counsel. Motion by plaintiff for School Board to be held in contempt for not complying with Court of Appeals. Order denied.</p> <p>Court requests School Board meet during lunch hour and agree upon a plan that will eliminate all racial characteristics of any school.</p> <p>The school Board on convening after lunch and after conference of attorneys and the Court, the attorney for the school Board announced to the Court that a new plan had been agreed upon, which plan is acceptable to the Court. The Court will enter a judgment setting out the plan in detail. New Plan for all six elementary schools will be worked out as soon as possible and presented to the Court.</p>			
12-19-69	#44. Filing and entering ORDER giving reassignment of students and teachers. Copies to attorneys of record. ORDERS & JUDGMENTS V-VII, P-44.			
12-19-69	Sending ten copies of school board's proposed plan, ten copies of responses to this plan and ten copies of ORDER giving reassignment of students and teachers to U. S. Court of Appeals for the Fourth Circuit at Richmond.			
1-15-70	45. Filing report of the assignment of teachers and assignment of pupils which was effective on the opening day of school of 1970, and Certificate of Service. Copy sent to Judge McMillan.			
2-21-70	46. Receiving Bill of Costs from Julius Chambers, attorney for plaintiffs.			
2-2-70	Taxing Costs in amount of \$457.56. Sending copy to Mr. Chambers and Mr. Collier. CONSENT			
3-23-70	47. Filing/ORDER allowing defendant until May 15, 1970 to submit plan to the Court and further ordering that a copy of the plan be submitted to plaintiff's counsel so that it might be reviewed by them prior to any hearing that may be required by this Court. Copy returned to Mr. McMillan for mailing to Mr. Chambers. ORDERS & JUDGMENTS V-VII, P-55.			
5-15-70	48. Filing proposed plan of Statesville City School Board for distribution of pupils in school system beginning with September term. Letter showing service to Julius Chambers and Judge Jones.			

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DATE	FILINGS-PROCEEDINGS	CLERK'S FEES		AMOUNT REPORTED EMOLUMENT RETURN
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6-15-70	49. Filing ORDER approving plan filed by Board on May 15, 1970. Further ordering that the defendant shall implement said plan with the beginning of the 1970-71 school year. Defendant shall file with the Court a report setting forth the number of students and teachers, by race and grade, in said System, on or before November 1, 1970. ORDERS & JUDGMENTS V-VII, P-75.  Copies to Julius Chambers and Robert Collier.			
10-30-70	50. Filing SCHOOL ATTENDANCE REPORT and note showing service to Judge Jones and Julius Chambers.			
9-22-71	51. Filing letter from R. A. Collier, attorney for School Board, to Judge Jones advising Court of situation in Statesville City Schools.			
1-10-72	52. Filing SHOW CAUSE ORDER ordering that plaintiffs and defendants shall, within 20 days from receipt of this Order, show cause why the action should not be dismissed or retired from the Court's docket. ORDERS & JUDGMENTS V-IX, P-48.  True copies to Julius LeVonne Chambers and Robert A. Collier.			
2-11-72	53. Filing Order of Dismissal. True copies to Julius LeVonne Chambers and Robert A. Collier. ORDERS & JUDGMENTS V-IX, P-54.			