

DOCKET

3:68cv4256

ATTORNEYS

or

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~~James P. Thompson~~
~~1111 1/2 Park St.~~
~~St. Louis, Mo. 63101~~

For Defendant: (~~Charles H. Herrin~~
~~P.O. Box 265, Meadville, Miss.~~
~~39653 (All defendants)~~
~~Deceased~~)
W.W. Hewitt
Meadville, Miss.

Bill ALLEN, Atty Gen.
P.O. Box 220
Jackson, Miss.

DATE	PLAINTIFF'S ACCOUNT	RECEIVED	DISBURSED	DATE	DEFENDANT'S ACCOUNT	RECEIVED	DISBURSED

RECEIPTS, REMARKS, ETC.

TO WHOM DUE	AMOUNT		

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DATE	FILINGS—PROCEEDINGS	AMOUNT REPORTED IN EMOLUMENT RETURNS
2-12-68	Complaint with Certificate of the Attorney General, original and seven copies, filed.	
2-12-68	Summons, original and seven copies, copies having attached thereto copy of complaint, issued and handed U. S. Marshal.	
2-21-68	Marshal's return on summons executed as to William E. Boggan, G.C. Oglesby, J. C. Temple, L. E. Dickey, Dewey McGehee, unexecuted as to Ben McKinney, deceased, filed.	
3-5-68	Answer of defendants with certificate of service, filed.	
3-20-68	Plaintiff's Notice and Motion for Preliminary Injunction, to be heard on 3-22-68 at 9:00 a.m. in Courtroom of U.S. District Court in Jackson, Miss., with certificate of service, filed.	
9-20-68	Interrogatories to defendants Franklin County School District - filed	
10-4-68	Defendants Responses to Interrogatories, with certificate of service, filed.	
10-9-68	Marshal's return on Civil Subpoena to Produce executed as to W. E. Boggan, filed.	
10-9-68	Marshal's return on Civil Subpoena, executed, filed.	
10-15-68	Marshal's return on Civil Subpoena, executed as to Ted Alexander, filed.	
10-15-68	Marshal's return on Civil Subpoena to Produce executed as to Milton Evans, filed.	
10-15-68	Marshal's return on Civil Subpoena executed as to R. J. Williams, filed.	
10-29-68	ORDER: allowing Robert B. Edwards to be associated as XX-COUNSEL FOR DEFENDANT	
12-5-68	EXHIBITS: Govt. 1 thru Govt. 6, filed.	
12-5-68	DECREE: permanently enjoining defendants from discriminating on basis of race and color as set out in detail in Sections I through IX of the decree; further ordered that Court retains jurisdiction, filed and entered OB 1968, Pages 1080 - 1090. (Copy handed atty. Herring).	
12-10-68	Copy of above Decree mailed U.S. Attorney.	
12-28-68	Court reporter's Transcript of Proceedings taken 12-4 and 5, 1968 in Jackson, filed.	
5-13-69	Opinion of Three Judge Court in twenty-five consolidated school cases. Separate Order to be entered in each case. filed.	
5-13-69	Copies mailed attorneys of record.	
5-16-69	ORDER: that plaintiffs' Motion for Supplemental Relief is denied except as provided for hereinafter; that defendants shall take positive steps to achieve complete desegregation of their school faculties so that by the beginning of the 1970-71 school year the pattern of teacher assignments to each school is not identifiable as tailored for a heavy concentration of either Negro or white pupils...In order to insure full compliance by the commencement of the 1970-71 school year, defendants shall achieve substantial faculty and staff desegregation for the 1969-70 school year, filed and entered OB 1969, Page 527.	
5-19-69	Copies of above Order mailed attorneys of record.	
6-2-69	Report of Franklin County School District on Freedom ^{of} Choice for 3-1-69 through 3-31-69, filed.	

D. C. 110A Rev. Civil Docket Continuation

DATE	PROCEEDINGS	Date Judgm
	to Fifth Circuit Court of Appeals	
6-12-69	Notice of Appeal/by Plaintiff from order entered 5-16-69, filed.	
6-12-69	Certified copy of Notice of Appeal to Clerk, U.S. Court of Appeals 5th Cir.	
6-12-69	Mimeographed Notice of Appeal to E.Mathison, et al.	
6-24-69	ORDER AS TO APPELLATE RECORD: Appellants' counsel to file with this court within 5 days designation; within 3 days after receipt of copy of such designation appellees' to file designation as to such additional parts of record and clerk to have additional 30 days within which to file record of such designated parts with the Court of Appeals at New Orleans - filed and entered OB 1969, Page 639-644.	
6-24-69	Certified copy of above order mailed Court of Appeals.	
6-24-69	Copy of above order mailed attorneys of record.	
7-3-69	OPINION of FIFTH CIRCUIT - filed	
7-3-69	JUDGMENT - Fifth Circuit: Order of District Court reversed and case remanded to said District Court with directions in accordance with the of this court - filed 7-7-69 OB Ps 697 - 703	
7-5-69	ORDER: (1) The educators from the Office of U. S. Department of HEW requested to collaborate with defendant school boards in preparation of plans to disestablish dual school systems (2) Parties & their counsel directed to comply with plans & conform with the schedules & requirements of 7-3-69 order of Fifth Circuit (3) All dilatory matters which cannot be resolved by parties be immediately reported to this Court (4) Clerk of this Court shall promptly transmit certified or attested copy of this order by airmail to Office of Education, Health, Education & Welfare, Washington, D. C. (5) That conformed copy be mailed to each counsel of record in these 25 school cases as sufficient notice of duties & requirements imposed on them by this order - filed and entered OB 1969 Ps 690-695	
7-7-69	Copies of above order mailed to attorneys of record and Certified copy by airmail to the Office of Education, Health, Education and Welfare, Washington, D. C.	
7-19-69	Copy of letter dated July 10, 1969, from Edward W. Wadsworth, Clerk of 5th Circuit Court of Appeals to all counsel of record with attached corrections of Court's opinion order, filed and attached to back of Court's opinion order.	
7-28-69	FIFTH CIRCUIT: Certified copy of Modification of Order entered by 5th Circuit on July 3, 1969: renumber par. 8 to be par. 7 and striking from such order on pages 17 and 18 paragraphs 5, 6 & 7 in their entirety and inserting new pars. 5 & 6 to provide: (5) If no agreement is reached Office of Education to present its proposal to district court on or before 8-11-69; parties to have 10 days from date proposed plan filed with district court to file objections or suggested amendments therefo; district court to hold hearings on proposed plan & objections thereto and enter plan no later than 10 days after time for filing objections has expired (6) Plan shall be entered for implementation by Dist. Court no later than Sept. 1, 1969 & effective beginning 1969-70 school year; jurisdic-	

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DATE	PROCEEDINGS	Date of Judgment
	ion to be retained until it is clear that disestablishment of dual school system has been achieved - filed and entered OB 1969 P 801 - 809	
7-31-69	Order as to Procedure of Removal - filed and entered OB 1969 P 825 - 832	
7-31-69	Copies of above order mailed counsel of record	
8-11-69	Letter of 8-11-69 to Judge Cox from Dept. of HEW with Attachments A and B and Desegregation Plan for the Franklin County School System, filed in quadruplicate.	
8-11-69	Defendants' Desegregation Plan for Franklin County School District, et with Certificate, filed in quadruplicate.	
8-21-69	Motion of Defendants to strike HEW plan and hold in abeyance any action submitted by the school board, filed.	
8-21-69	Motion of the U.S. for leave to file Motion Seeking Modification of Mandate with attachments and certificate of service, filed.	
8-22-69	PER CURIAM: Copy of Order From Fifth Circuit Court of Appeals recording delivery of letter to Judges from Secretary Finch and filing of motions in Court of Appeals seeking the entry of orders granting the suggested extension of December 1, 1969; "The Court has taken no action other than to record these facts.", filed and entered Jackson Division OB 1969, pp. 886-890.	
8-22-69	Order (copy of) appointing Mrs. Sue K. Richmond temporary Court Reporter, filed and entered Jackson Division OB 1969, p. 896.	
8-25-69	Copy of Amended Motion of U.S. in the Court of Appeals, with proposed amended order attached and Certificate of service, filed.	
8-25-69	EXHIBITS: P-1 through P-4, Govt. 1 through Govt. 30, filed.	
8-26-69	Court Reporters' Transcript of Hearing before Judges Russell and Nixon on August 21, 1969 in Jackson, Miss., original and three copies filed. Original forwarded to Fifth Circuit and copies furnished judges.	
8-26-69	Copy of Findings of Fact and Conclusions of Law, filed. Original to Fifth Circuit signed by Judges Russell and Nixon (Copies to be furnished all attorneys by Hon. Robert C. Cannada except Attorneys Anderson, and United States Attorneys.	

D. C. 110A

DATE	FILINGS--PROCEEDINGS	CLERK'S FEES		AMOUN REPORTED EMOLU RETURN
		PLAINTIFF	DEFENDANT	
9-2-69	Opinion order from FIFTH CIRCUIT: on or before 12-1-69 acceptable plan by Board of Trustees in conjunction with Office of Education is to be submitted to the District Court; Court will approve plan unless within 15 days Objections or proposed amendments are filed or if any part does not comply with constitutional standards; If no agreement is reached Office of Education will on 12-1-69 present proposed plan and parties will have 15 days in which to file objections. Court to hold hearing on proposed plan or suggested amendments within 15 days and enter order. Court to enter Findings of Fact and Conclusions of Law regarding efficacy of plan. By Oct. 1, 1969 Board of Trustees in conjunction with Office of Education to report to Court by 10-1-69. Court may approve. No new construction until terminal plan approved by court. filed and entered OB 1969, pp. 908-919.			
9-30-69	Proposed Program for Continued Operation of Unitary, Nonracial, Nondiscriminatory School System in the Franklin County School District with Certificate of Service, filed.			
10-31-69	SUPREME COURT per curiam opinion: Court of Appeals order dated of August 28, 1969, hereby vacated, cases remanded to that court with directions. - filed			
11-3-69	FIFTH CIRCUIT COURT OF APPEALS: Certified copy of order dated 10-31-69: Judge Griffin B. Bell designated in place of Judge John R. Brown to serve with Circuit Judges Thornberry and Morgan; Mandate in cases included in court's order of Aug. 28, 1969 granting stay recalled, this panel assumes control of each of cases for purpose of effectuating order of Supreme Court; appellants, appellees & USA as intervenors shall file with the clerk their proposed order which will implement opinion & decree of Supreme Court rendered Oct. 29, 1969 - filed OB 1969 P 1107 - 1108			
11-7-69	FIFTH CIRCUIT: Certified copy of order per Supreme Court Decision of 10-29-69. No later than 12-31-69, pupil attendance patterns and faculty assignments in each district shall comply with the respective plans of Office of Education. Judge Dan M. Russell, Jr. designated to receive suggested modifications, but none may be submitted to Judge Russell before 3-1-70, and such suggestion or request shall contemplate effective date of Sept. 1970. Judge Russell directed to make full findings of fact with respect to any recommended modification and refer to Fifth Circuit. No plan to become effective without order of Fifth Circuit. Motions of private litigants for attorneys fees held in abeyance; motion of private litigants to require filing of further plans by Office of Education for use in Hinds County,			

DATE	FILINGS—PROCEEDINGS	CLERK'S FEES		AMOUNT REPORTED IN EMOLUMENT RETURNS
		PLAINTIFF	DEFENDANT	
	Holmes County and Meridian districts is denied. Jurisdiction retained. Appendices 1 thru 30 - filed			
12-30-69	Motion of defendants - appellees (other than the U.S.A.) for transmission of record to the Supreme Court upon petition for writ of certiorari, filed			
12-31-69	Order for Transmission of record in accordance with Rules of the Supreme Court of the United States: On motion of defendant, appellees other than U.S.A. alleging petition for writ of certiorari will be filed in the Supreme Court (in Fifth Circuit Cases numbered 28030 & 28042) ordered: (a) Original papers to be forwarded to Supreme Court in lieu of copies. (b) Clerk of this Court authorized and directed to make proper arrangements, for safekeeping, transporting and return of the original papers beginning with the petitions and proceedings filed on and after Oct. 1, 1968, in each of said cases including all pleadings, proceedings, transcripts of evidence filed with the Clerk and other matters of record thereafter filed up to and including present date. (c) The Clerk shall include all those portions of the record in said causes that were transmitted to the Clerk of the Supreme Court of the U.S. in connection with petition for writ of certiorari filed in said Court in Cause #632, Oct. Term 1969 (Beatrice Alexander, et al. v. Holmes County Board of Education, et al (Civil Action 3779) as well as all pleadings proceedings and portions of the record in this Court filed herein subsequent to the judgment and opinion of the Fifth Circuit Court dated July 3, 1969 - Filed and entered OB 1969, P. 1272-1275			
11-26-69	FIFTH CIRCUIT: Order Granting NAACP Legal Defense and Education Fund to participate as Amicus Curiae in case where U.S. is presently sole plaintiff, filed and entered, OB 1970 P <u>68-71</u> .			
12-5-69	FIFTH CIRCUIT: Order Denying Petition for Rehearing and Petition for Rehearing En Banc, filed and Entered OB 1970 P <u>73</u>:			
1-8-70	FIFTH CIRCUIT: Order designating United States as Amicus Curiae, filed, and entered, OB 1970 P <u>91-92</u> .			
4-2-70	Certified copy of Order of Fifth Circuit: Defendants in consolidated school cases shall file with the Clerk of this Court on 4-15-70 and on 12-1-70 and on the same date annually thereafter a report containing information called for in this order. Filed and entered OB 1970. P. 533-540.			

D. C. 110A Rev. Civil Docket Continuation

DATE	PROCEEDINGS	D. Jud
7-14-70	Notice of United States to Deft. Franklin County Board of Education and Deft. Franklin County Superintendent of Education, Mr. William E. Boggan to answer interrogatories, filed. (Copy mailed to Vi Hilbert at Gulfport)	
8-12-70	Answer of Defendant Franklin County Board of Education and Franklin County Superintendent of Education to written interrogatories, original and one copy, filed. (copy mailed Vi Hilbert at Gulfport) Report due 12/1/70 per order received 12/4/70 Report due 12/1/71 per order received 12/6/71 Copy of report for 3/30/72 per order received 4/18/72	
11/13/72	ORDER CLOSING CASE: Action closed subject to being reopened by parties or Court, filed and entered OB 1972, page 1353. (WHC)(Copies mailed William Allain, David L. Norman & Jerris Leonard, Dept. of Justice and other attys. or record.)	
11/13/72	FINAL JS 6 CARD FILED.	
12-5-72	Report of the Franklin County School District for December 1, 1972, with certificate of service, filed.	
4-16-73	Copy of Report of Franklin County School District for 4-15-73, with cert. of service, filed.	
12/5/73	Copy of report of Franklin County School District for 12/1/73, filed.	
5-2-74	Certified copy of ORDER of Fifth Circuit: Jurisdiction transferred to District Court; Case may be placed on inactive docket subject to being reopened for good cause shown on application of any party or sua sponte; Reports required in U.S. v Hinds County School Board may be discontinued in the event the Summary Reports (Forms 101 and 102) filed annually with HEW are filed with the District Court and there retained for 2 years, or, as an alternative, the previous type of reports may be filed on an annual basis not later than Nov. 15 to reflect status as of Oct. 15 each year, filed and entered OB 1974, Pages 570 - 577.	
4-24-78	This file placed in basement in record shipping box.	
1/9/81	COPY OF ORDER FROM FIFTH CIRCUIT COURT OF APPEALS: that no party shall file any further reports of conditions existing in such school district with the Clerk of this Court; that this order shall not affect the requirements of any subsisting order of any district court that reports be filed with its Clerk, filed & entered OB 1981, Pages 76 thru 81. CC	