

1127 2 87T 1177 N 1 03 06 87 3 441 1 2706 01121 87T1177N

DEFENDANTS

JOHN DILLARD; DAMASCUS  
 CRITTENDEN, JR.; EARWEN  
 FERRELL; CLARENCE J. JARRELLS;  
 ULLYSSES MC BRIDE; and LOUIS  
 HALL, JR. v CITY OF CHILDERSBURG

CAUSE

(CITE THE U.S. CIVIL STATUTE UNDER WHICH THE CASE IS FILED AND WRITE A BRIEF STATEMENT OF CAUSE)

42 USC §§ 1973 and 1983; Alleged violation of Section 2 of Voting Rights Act thru use of at-large election system.

ATTORNEYS

James U. Blacksher  
 465-Dauphin-Street 5th Fl Title Bldg  
 Mobile; -Ai-36602-- 300 21st St North  
 433-2000--- Birmingham, AL 35203  
 322-1100

Jeffery A. Willis  
 WOOD, HOLLINGSWORTH & WILLIS  
 123 Sixth Ave. SW  
 Childersburg, AL 35044  
 378-5553

Larry-Menefee---  
 5th-Floor-Title-Bldg--  
 300-21st-St--N--  
 Birmingham; -Ai-35203-  
 322-7300/322-7313-- (Per 9/1/88 Notice)

~~Don Siegelman~~ Jimmy Evans  
 Alabama Attorney General

Edward Still  
 REEVES & STILL  
 714 South 29th Street  
 Birmingham, Al 35233-2810  
 322-6631

~~Susan Russ~~ Mort P. Ames  
~~Assistant Attorney General--~~  
 Office of Attorney General  
 Alabama State House  
 11 South Union Street  
 Montgomery, AL 36130  
 261-7406

Julius L. Chambers  
~~Lani Guinier---~~ Scherlyn Ifill  
 Pamela-Karlan-  
 NAACP Legal Defense Fund  
 99 Hudson Street  
 16th Floor  
 New York, NY 10013 [212 219-1900]

For City of Childersburg:  
 David-Boyd- W.E. Hollingsworth, III  
~~BALCH & BINGHAM~~ PO Box 494  
 P.-O.-Box-78 Talladega, AL 35161  
~~Montgomery, -AL- 36101-~~ (256)362-0511  
 834-6500--

X CHECK HERE IF CASE WAS FILED IN FORMA PAUPERIS	FILING FEES PAID			STATISTICAL CARDS	
	DATE	RECEIPT NUMBER	CD NUMBER	CARD	DATE MAILED
				JS-5	12/5/87
				JS-6	12-5-89 12/5/89

DATE

NR

PROCEEDINGS

**THIS CASE IS A DERIVATIVE OF 85-T-1332-N, JOHN DILLARD; et al. v. CRENSHAW COUNTY, ALABAMA, etc., et al. FOR THE PURPOSE OF ORDERS THAT RELATE TO THIS CASE PRIOR TO 8/14/87 SEE DILLARD CASE FILE AND DOCKET SHEET.**

DC 111A  
(Rev. 1/75)

## CIVIL DOCKET CONTINUATION SHEET (Atty Jeffrey A. Willis)

PLAINTIFF JOHN DILLARD, ET AL.	DEFENDANT CRENSHAW COUNTY, ALABAMA, et al.  <b>RE: CITY OF CHILDERSBURG</b>	87-T-1177-N DOCKET NO. <del>85-T-1332-N</del> PAGE <u>1</u> OF <u>    </u> PAGES
-----------------------------------	--	--

DATE 1987	NR.	PROCEEDINGS
Aug. 14	1	City of Childersburg's section of defendant subclass Option C. Referred to Judge Thompson. (Cy furnished Magistrate Carroll.)
Sep. 14	2	<b>ORDER</b> as follows: (1) not later than <b>10/16/87</b> jurisdictions which are members of subclass B or subclass C and which have not prior to the date of this order submitted appropriate settlement documents to the court, shall comply with (a) or (b) as set out in this order; (2) by <b>11/6/87</b> the plaintiff class shall file <b>responses</b> to the proposed remedies filed by subclass B and C jurisdictions pursuant to paragraph 1(b). If the plaintiff class does not agree to the remedy proposed by a jurisdiction, they shall file their own proposed remedy, following the guidelines set out in paragraph 1(b); (3) trials for remedy questions will be scheduled at a later date. However, all jurisdictions which do not reach agreement with the plaintiff class on a remedy should be prepared to commence trial not later than 11/16/87; and (4) the Attorney General of the State of Alabama is <b>DIRECTED</b> to mail a copy of this order to all jurisdictions which are members of subclass B and C. (Copies mailed to counsel; furnished Magistrate Carroll.) EOD 9/14/87.
Oct. 20	3	<b>ORDER</b> and <b>JUDGMENT</b> appointing <b>Hon. Charles S. Coody</b> , U. S. Magistrate, Middle District of Alabama, <b>additional special master</b> with same authorities and duties already given special master Carroll; <b>DIRECTING</b> counsel for Attorney General of the State of Alabama to mail copy of this order to all members of Subclasses B and C or their attorneys. (Copies mailed to counsel.) EOD 10/21/87.
30	4	<b>ORDER</b> , subject to court's later consideration of any objections (1) <b>decertifying subclasses B and C</b> as members of defendant class action; directing clerk to assign separate civil action numbers to proceedings with respect to each jurisdiction in subclasses B and C; (2) directing that decertified proceedings shall continue as a class action as previously certified with respect to plaintiffs; (3) <b>consolidating</b> the separate actions with respect to the former members of subclasses B & C for purposes of carrying out the procedures prescribed by interim consent decree; directing that the Attorney General shall continue to serve as lead counsel for defendants and David Boyd shall continue to serve as liaison counsel for defendants; directing that procedures in paras. 9-20 of interim consent decree shall continue in force and effect for the consolidated actions; (4) directing that all prior orders in this action not inconsistent with this order shall remain in full force and effect; (5) directing that the Attorney General shall promptly furnish a copy of this order to all jurisdictions of subclass B or subclass C; directing that any <b>objections</b> to procedural changes ordered herein must be filed, detailed written statement, with the clerk not later than <b>11/13/87</b> ; hearing to be set by court on objections which warrant such a proceeding; (6) directing that unless the court receives some objection, this order shall take effect on <b>11/18/87</b> and no further order will be entered; directing that if no further order is entered before 11/18/87, the parties should assume that the court received no objections. (Copies mailed to counsel.) (Cy furnished Magistrates Carroll and Coody.) EOD 10/30/87.
Nov. 10	5	Plaintiffs' submission of remedy proposals. Referred to Judge Thompson. Copies furnished Magistrates Carroll and Coody.

CIVIL DOCKET CONTINUATION SHEET

PLAINTIFF		DEFENDANT	DOCKET NO. <u>87-T-1177-N</u>
JOHN DILLARD: et al.		CITY OF CHILDERBURG	PAGE <u>2</u> OF <u>    </u> PAGES

1987	DATE	NR.	PROCEEDINGS
Nov. 17	6		Parties' joint motion for notice and approval of proposed compromise and settlement. (Proposed first order tentatively approving compromise and requiring notice to the class, proposed notice to class, proposed finding and recommendation of the Magistrate, proposed final order approving settlement and proposed consent decree, with exhibits, attached.) Referred to Magistrate Carroll and Judge Thompson.
18	7		Affidavits of plaintiffs John Dillard, Damascus Crittenden, Jr., Earwan Ferrell, Jr., Clarence J. Jairrels, Dr. Ulysses McBride and Louis Hall, Jr. (in support of IFP status for consolidated cases 87-T-1150-N thru 87-T-1316-N.)
18	8		ORDER that the plaintiffs are allowed to proceed in forma pauperis and without prepayment of filing fees in these cases (87-T-1150-N thru 87-T-1316-N), the court being of the opinion from the affidavits filed by the plaintiffs that they cannot afford the filing fees in these consolidated cases in the amount of \$20,520.00. (Copies mailed to counsel.) (Copies furnished Magistrates Carroll and Coody.) EOD 11/18/87.
Dec. 8	1		FIRST ORDER TENTATIVELY APPROVING COMPROMISE AND REQUIRING NOTICE TO THE CLASS directing the defendant to cause the notice attached to this order to be published in The Talladega Daily Home once a week for 3 successive weeks prior to 1/19/88; directing that maps of the districts shall be displayed in the City Hall during normal business hours; ordering that copies of the attached notice be provided by the defendant to representatives of all local media and to any black community organizations who may request a copy thereof; DIRECTING the Magistrate to conduct a hearing for considering any objections by members of the plaintiff class to the proposed compromise and settlement. The <b>hearing</b> shall be held in the federal courthouse, Montgomery, Alabama, on <b>1/29/88</b> at 2:00 p.m. (Notice attached requires objections to be filed by 1/26/88.) (Copies mailed to counsel.) (Cy furnished Magistrates Carroll and Coody.) EOD 12/8/87.
<u>1988</u>			
Feb. 22	10		Defendant's affidavit of publication of notice to class. Referred to Magistrate Carroll
Apr. 22	11		Plaintiffs' motion for award of attorneys fees and expenses from members of subclasses B and C. Referred to Judge Thompson.
22	12		Plaintiffs' motion to schedule plaintiffs' claim for fees and expenses. Referred.
28	13		ORDER [CA Nos. 87-T-1150-N thru 87-T-1316-N, <u>all</u> Subclass B and C defendants-- except Baldwin County Board of Education and City of Lisman] as follows: 1. Liaison counsel shall receive all pleading, file all responses, and conduct all proceedings on behalf of the defendant jurisdictions relative to plaintiffs' motion for fees. 2. By <b>5/16/88</b> liaison shall provide all defendant jurisdictions with a summary of plaintiffs motion for fees and a copy of this order and shall notify those jurisdictions of their right to object to the motion for fees and shall provide the defendants with a general outline of a plan to apportion among the defendants the fees, etc., awarded to plaintiffs. 3. Any defendant jurisdiction which wishes to object to plaintiffs' motion for fees shall by 5/30/88 provide liaison counsel with a statement of its objection.

DC 111A  
(Rev. 1/75)

## CIVIL DOCKET CONTINUATION SHEET

PLAINTIFF		DEFENDANT	DOCKET NO <u>87-T-1177-N</u>
JOHN DILLARD, et al.		CITY OF CHILDERSBURG	PAGE <u>3</u> OF _____ PAGES
1988	DATE	NR.	PROCEEDINGS

Apr. 28

ORDER CON'D

4. On or before **6/10/88** liaison counsel shall file with the court any objections, along with evidentiary materials supporting such objections, etc. 5. By **6/24/88** plaintiffs shall file their brief in support of their motion for fees. 6. By **7/1/88** liaison counsel shall file on behalf of the defendant jurisdictions any reply brief. 7. A hearing on the plaintiffs motion for fees will be conducted on **7/8/88** at 10 a.m.; defendant jurisdictions to be represented by liaison counsel. 8. By **6/10/88** liaison counsel shall also file with the court a final proposal for apportionment among the defendant jurisdictions of the fees, etc., to be awarded by the court; copy to be sent to each jurisdiction; defendants which object to apportionment system shall advise liaison counsel by **6/24/88**; liaison counsel shall advise the court of any such objections by **7/1/88**; any objections to be considered at the **7/8/88** hearing. (Copies mailed to counsel.) EOD 4/29/88.

May 17

14

ORDER REGARDING ATTORNEY FEES AND EXPENSES (1) DIRECTING clerk to set up a single separate file and docket sheet for the issues of attorney fees and expenses; (2) directing that all pleadings and orders regarding the issues of attorney fees, etc., are to be filed in separate file; (3) directing that separate file is incorporated in, and made a part of, each and every file for civil action nos. 85-T-1332-N and 87-T-1150-N thru 87-T-1316-N; (4) directing that Clerk need serve copies of this order and all future orders regarding attorney fees, etc., on only counsel for plaintiffs, counsel for Alabama Attorney General, and liaison counsel; and (5) directing that counsel need file only one copy of pleadings with the court. (Copies mailed to counsel.) EOD 5/17/88.

Jun 16

15

Parties' joint motion for interim order allowing election. Referred to Magistrate Carroll.

17

16

Magistrate Carroll's RECOMMENDATION THAT THE Court enter an order placing the settlement into effect for the August 1988 elections on an interim basis, pending final approval of the settlement by the Court. (Copies mailed to counsel.) EOD 6/17/88.

17

17

INTERIM ORDER ALLOWING ELECTION and **ENJOINING** defendant, etc., to hold the August 1988 elections in accordance with the schedule contained in the Code of Alabama in accordance with the substantive provisions of the settlement proposal previously made by plaintiffs and submitted to the Court for approval. Further ORDERED that this is an interim order which may be modified at a later time if jurisdiction does not receive final approval of its settlement proposal. (Copies mailed to counsel.) EOD 6/17/88.

Sep 1

18

Plaintiffs' notice of attorneys' withdrawal (Menefee and Guinier) and substitution (Ifill substituted for Karlan).

1989

July 5

19

Withdrawal of Susan E. Russ as counsel for State and Class B defendants (document maintained in 85-T-1332-N). Referred to Judge Thompson.

Nov 1

20

ORDER that, for administrative purposes, this file is closed. EOD 11-1-89.

DC 111A  
(Rev. 1/75)

## CIVIL DOCKET CONTINUATION SHEET

PLAINTIFF	DEFENDANT	DOCKET NO 87-T-1177-N
JOHN DILLARD	CITY OF CHILDERSBURG	PAGE 4 OF _____ PAGES

DATE	NR.	PROCEEDINGS
1989		
Dec 4	21	Magistrate Carroll's ORDER setting a status conference on 1-2-90 at 2:00 p.m., 3rd fl courtroom, USDC. (Copies mailed to counsel.)
1990		
Jan 3	22	Received copy of U. S. Department of Justice's letter to defendant re preclearance.
	23	Magistrate Carroll's FINDING AND RECOMMENDATION that the court give immediate final approval of the proposed consent decree. (Copies mailed to counsel.)
	24	FINAL ORDER APPROVING SETTLEMENT. (1) approving and adopting the recommendation of the magistrate; and (2) approving the proposed consent decree previously submitted by parties. (Copies mailed to counsel.) EOD 1-3-90.
	25	<i>START HERE</i> CONSENT DECREE ENJOINING from conducting the elections for the city council under the present at-large election system; FURTHER ENJOINING as follows: (1) the city council shall consist of 5 members elected from 5 single-member districts; (2) elections shall be conducted at the regularly scheduled municipal elections in the summer of 1988; (3) the defendant shall adopt an ordinance to enact the single-member district plan; that the finally approved court ordered plan shall remain in effect only until such ordinance is adopted; (4) that a polling place shall be provided in each of the single-member districts as further set out; (5) the defendant will adopt a plan to assign voters to the single-member districts provided for in this decree as set out; (6) that plaintiffs are prevailing parties for the purpose of the award of attorneys' fees and expenses. (Copies mailed to counsel.) EOD 1-3-90.
1992		
Jan. 27	20	Plaintiffs' motion for additional relief with respect to redistricting and the 1992 elections. Referred to Judge Thompson.
Feb 6	27	ORDER that defendant jurisdictions show cause in writing, if any, as to why motion for additional relief, filed by plaintiffs on 1-27-92, should not be granted. (Copies mailed to counsel.) EOD: 2-7-92
* Feb. 26	29	Plaintiffs' motion to join attorney general as defendant. Referred to Judge Thompson.
Mar. 2	30	ORDER that the State Attorney General show cause, if any, in writing within ten days as to why said motion to join Attorney General of Alabama as an additional defendant should not be granted.
* Feb. 24	28	ORDER that David R. Boyd is removed as liaison counsel for defendant subclasses B and C; further ORDERED that Mort P. Ames, Deputy State Attorney General is appointed liaison counsel for defendant subclasses B and C; further ORDERED that no later than 03/06/92 plaintiffs and liaison counsel (1) shall meet with each other to develop procedures as to how the court should proceed in light of responses from defendant subclasses B and C, and (2) shall submit such procedures to the court.
Mar. 9	31	Defendant's response to show cause order. Referred to Judge Thompson.

DC 111A  
(Rev. 1/75)

## CIVIL DOCKET CONTINUATION SHEET (Atty. Jeffery A. Willis)

PLAINTIFF	DEFENDANT	DOCKET NO 87-T-1177-N
JOHN DILLARD, et al.	CITY OF CHILDERSBURG	PAGE 5 OF _____ PAGES

DATE	NR	PROCEEDINGS
1992		
Mar. 12	32	Attorney General James H. Evans' <b>response</b> in opposition to plaintiffs' motion to join. Referred to Judge Thompson.
	20	33 <b>Proposal</b> of plaintiffs and liaison counsel. Referred to Judge Thompson.
Apr 9	34	ORDER adopting the following Status Groups of cases: J - Jurisdiction claims no need to redistrict but has not provided sufficient data to ptlfs or court; K - Jurisdiction claims no need to redistrict; has provided data on plan to ptlfs; ptlfs are reviewing plan; L - Jurisdiction admits need to redistrict, but has not provided sufficient data to ptlfs or court; M - Jurisdiction admits need to redistrict; data provided; ptlfs are reviewing plan; N - Jurisdiction says that it is checking data to see if it needs to redistrict; O - Jurisdiction has made no response to Court's order of 2-2-92; P - Jurisdiction's plan has been precleared by U. S. Dept. of Justice and ptlfs have no objections; Q - Jurisdiction has made some other response; R - Ptfls have agreed to jurisdiction's plan; S - Ptfls object to jurisdiction's plan; T - Jurisdictions which contend the court should not be exercising jurisdiction over them, or which have reserved consideration of the jurisdictional issue; U - Jurisdictions which were already involved in the redistricting process prior to filing of motion for additional relief; further that any jurisdiction disputing its placement in its Status Group as set out in order should consult with ptlfs' counsel first to resolve the matter; that all county commissions and school boards present a plan to the court (or otherwise respond) by 4-27-92; that Status Group J submit sufficient data to the court to allow ptlfs to make a determination whether they oppose or support the jurisdiction's decision; that Status Group L submit sufficient data to the court to allow ptlfs to make a determination whether they oppose or support the jurisdiction's decision; that those jurisdictions disputing the jurisdiction of the court to hear this matter should file their objections by the same date; that all municipalities submit a plan to the court by 5-8-92; that Status Groups J & L submit sufficient data to allow ptlfs to make a determination whether they oppose or support the jurisdiction's decision; that those jurisdictions which dispute the jurisdiction of the court to hear this matter should file their objections by the same date; that ptlfs will review the plans of jurisdictions within 30 days and shall inform the court of their support or opposition; that if ptlfs inform the court of their support or non-opposition to the plan of a jurisdiction the court will consider the plan as having been submitted for approval; that if ptlfs inform the court of the opposition to a plan, the court will set the matter for an individual determination as further set out; that all documents filed with court be served upon Edward Still, James Blacksher and Mort Ames; that within 10 days of the date of this order liaison counsel will notify deft jurisdictions which have not responded to the 1-27-92 court order that they must show cause why ptlfs' motion for additional relief should not be granted. (Copies mailed to counsel.) EOD 4-9-92.
	9	35 ORDER that ptlfs' motion to join Atty. Gen. as a deft is denied. (Copies mailed to counsel.) EOD 4-9-92.
May 12	36	Plaintiff's <b>conditional objection</b> to plan. REferred to Judge Thompson.
	14	37 Defendant's <b>notice</b> of U.S. Dept. of Justice preclearance. Referred to Judge Thompson.

DC 111A  
(Rev. 1/75)

CIVIL DOCKET CONTINUATION SHEET

PLAINTIFF		DEFENDANT	DOCKET NO. <b>87-T-1177-N</b>
JOHN DILLARD, et al.		CITY OF CHILDERSBURG	PAGE <u>6</u> OF _____ PAGES

DATE 1992	NR.	PROCEEDINGS
Nov. 23	38	Plaintiffs' Withdrawal of objection to plan. Referred to Judge Thompson.
25	39	<b>ORDER</b> approving the redistricting plan submitted by defendant City of Childersburg. (Copies mailed to counsel) <b>EOD 11/25/92</b>
<b>2003</b>		
Mar. 3	40	Plaintiffs' <b>motion</b> for proceedings leading to final dismissal of this action; referred to Judge Thompson
6	41	<b>ORDER</b> that defendant show cause in writing by 3/28/03 as to why plaintiffs' motion for proceedings leading to final dismissal of this action should not be granted; (copies mailed to counsel)
6	42	Notice of Appearance as attorney for City of Childersburg by W.E. Hollingworth, III
6	43	Defendant's <b>Response</b> to plaintiff's motion for proceedings leading to final dismissal of action: referred to Judge Thompson

*Case Converted to ICMS adj.*

*[Signature]*