

H(2140)83

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF MISSOURI
EASTERN DIVISION

FILED

FEB 22 1983

CRATON LIDDELL, et al.,

Plaintiffs,

v.

THE BOARD OF EDUCATION
OF THE CITY OF ST. LOUIS,
STATE OF MISSOURI, et al.,

Defendants.

EYVON MENDENHALL, CLERK
U. S. DISTRICT COURT
E. DISTRICT OF MO.

No. 72-100C(4)

ORDER

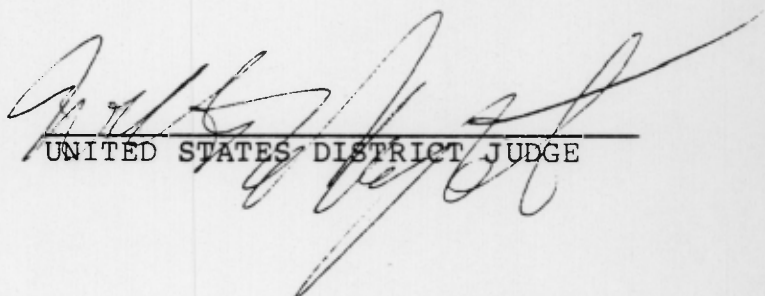
This matter is before the Court on the motion of the St. Louis Teachers Union, Local 420, for leave to file suggestions in regard to the proposed settlement.

The Court cannot, at this eleventh hour, grant special recognition and privileges to interest groups who are not parties to this case. The Court has endeavored, by appointment of the amicus curiae and various committees, to provide a means of input for non-party interests. Were every element of the interested public permitted a special right of input into the proposed settlement, or any phase of the litigation, there would be no progress.

Accordingly,

IT IS HEREBY ORDERED that the motion of the St. Louis Teachers Union for leave to file suggestions in regard to the proposed settlement be and the same is denied.

Dated this 27th day of February, 1983.


UNITED STATES DISTRICT JUDGE

LAW OFFICES

BRUCE S. FELDACKER, P.C.

ATTORNEY AT LAW

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706 CHESTNUT STREET

ST. LOUIS, MO 63101

AREA CODE 314-231-2970



BRUCE S. FELDACKER
LINDA KRUEGER MACLACHLAN

M. BARRY FORMAN
OF COUNSEL

February 18, 1983

To All Counsel of Record
and All Other Individuals
as listed on the District Court's
list dated February 14, 1983

Re: Cause No. 72-100C(4)
Craton Liddell, et al., vs
The Board of Education of the
City of St. Louis, et al.

The enclosed letter and Motion were this date received in the above-entitled cause by the Clerk of the United States District Court and by Judge Hungate. We will apprise you of the pleading number for this document as soon as we are advised of it.

Please note that effective Wednesday, February 23, 1983, our address will be 705 Olive Street, Suite 500, St. Louis, Missouri 63101.

Sincerely yours,

Linda Krueger MacLachlan

LKM:am

Enclosures

LAW OFFICES

BRUCE S. FELDACKER, P.C.

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BRUCE S. FELDACKER
LINDA KRUEGER MACLACHLAN

February 18, 1983

The Honorable William L. Hungate
Judge, United States District Court
Eastern District of Missouri
United States Court House
11th and Market Streets
St. Louis, Missouri 63101

Re: Cause No. 72-100C(4)

Craton Liddell, et al., vs.
The Board of Education of the
City of St. Louis, et al.

Dear Judge Hungate:

I enclose herewith a Motion for Leave to File Suggestions in Regard to the Proposed Settlement of the above matter which is self explanatory. Copies have been mailed to all counsel of record.

Attorney Linda MacLachlan from my office will be present in Court on Tuesday, February 22, 1983. Should you deem it appropriate at that time, she will have additional copies of this Motion with her to distribute to any attorneys who may not have received their copy in the mail.

Your consideration of this matter is appreciated.

Very truly yours,


Bruce S. Feldacker

BSF:am

cc: All Counsel of Record

IN THE UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF MISSOURI
EASTERN DIVISION

CRATON LIDDELL, et al.,)
)
 Plaintiffs,)
)
 vs.) No. 72-100C(4)
)
THE BOARD OF EDUCATION)
OF THE CITY OF ST. LOUIS,)
STATE OF MISSOURI, et al.,)
)
 Defendants.)

MOTION OF ST. LOUIS TEACHERS UNION
FOR LEAVE TO FILE SUGGESTIONS IN REGARD TO
PROPOSED SETTLEMENT

1. Comes now Movant, St. Louis Teachers Union, Local 420, American Federation of Teachers (the "Union") and moves as follows:
 - A. That the Union be provided with a copy of the proposed settlement which the Union understands is currently under consideration in the above matter; or if no settlement document yet exists, that it be advised by the Special Master as to the terms of the proposed settlement;
 - B. That thereafter the Union be granted such time as the Court may deem appropriate to file suggestions in regard to the proposed settlement as they may affect teachers and other personnel employed by the Board of Education of the City of St. Louis represented by the Union.
2. As grounds for this Motion, the Union states that:
 - a) The St. Louis Teachers Union, Local 420, American Federation of Teachers has been recognized by the Board of Education of the City of St. Louis as the majority representative for all

teaching personnel of the St. Louis Public Schools and as the exclusive representative for other non-certificated educational personnel of said school district;

- b) That the interests of the Union in the matters herein has previously been recognized by this Court in that Part Two, Section IX.A. (p. 23) of the 12(a) Voluntary Plan (An Educational Plan for Voluntary Cooperative Desegregation, H(226)81), specifically provides that one City teacher selected by the American Federation of Teachers is to serve on the Coordinating Committee, and in that the Union has previously been permitted amicus status on matters of concern to it;
- c) That Part Two, Section VI of the aforesaid Plan (p. 19), and Section VII, Staff Reorganization (p. 9) of this Court's Interim Order for Mandatory Interdistrict Desegregation, H(1183)82 both recognize the value and need for staff exchanges as an important element of any desegregation plan; and the Report of the Coordinating Committee also emphasizes the importance of staff exchanges in the success of any desegregation plan (see Coordinating Committee Report No. 3, December 31, 1982, H(1839)82, pp. 4, 22);
- d) That the aforesaid Coordinating Committee Report No. 3 (pp. 3, 15) indicates that more than twice as many city school students have transferred to county schools than county school students have transferred to the city schools. A substantial number of teaching and other personnel represented by the Union were placed on involuntary leave of absence, due to decreased student enrollment, in July 1982. Continuation of such unequal transfer patterns as currently exist under any city/county desegregation plan approved by this Court may result in additional layoffs of city teachers and other personnel represented by the Union;

- e) 1. As the aforesaid cited provisions of the Plan and Report of the Coordinating Committee indicate: "The success of a metropolitan desegregation plan will be facilitated by the provision of personnel with understanding and sensitivity for the concerns and needs of students and parents involved in new experiences at unfamiliar sites. Staff exchanges allow for meeting this need by making available in host districts professional personnel from the home district." (Plan, p. 19).
2. A substantial percentage of the teachers and other personnel, represented by the Union, employed by the School District of the City of St. Louis, are black; and, along with the students therein, bear the disproportionate impact of the discriminatory policies which are, in part, at issue in this proceeding.
3. Any settlement plan approved in this matter should therefore recognize the legitimate rights and interests of these teachers and other personnel in protecting and/or improving their employment opportunities and the benefits derived thereby by the children herein involved.
4. That it is the best interest of all parties herein that the issues of teacher and other personnel rights, as a result of the desegregation plan, be addressed now in the settlement agreement, in the spirit of conciliation and with the best interests of the children of the metropolitan area in mind, rather than at some later date.
- f) That the terms of the proposed settlement agreement have not been revealed to the Union, but that the Union, for the aforesaid reasons, has a legitimate and substantial reason for having the terms disclosed to it and having the opportunity to submit suggestions.

WHEREFORE, for the above reasons, the Union respectfully moves that a copy of the proposed settlement be provided to it, or that it be advised as to the terms and conditions of the settlement; and that the Union thereafter be granted such a period of time as the Court may deem proper to submit its suggestions in regard thereto as they may affect the rights and interests of the teachers and other personnel represented by the Union of the St. Louis Public School System.

Respectfully submitted,

BRUCE S. FELDACKER, P.C.
Attorneys for St. Louis Teachers
Union, Local 420, American
Federation of Teachers

By: Bruce S. Feldacker
Bruce S. Feldacker

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CERTIFICATE OF SERVICE

I hereby certify that a copy of the foregoing Motion was mailed this 18th day of February, 1983, to all counsel of record and to all individuals listed on the District Court's list dated February 14, 1983, by prepaid United States Mail.

Bruce S. Feldacker