

CIVIL DOCKET

CIVIL - 792
WASHINGTON DI

UNITED STATES DISTRICT COURT

Jury demand date: 11/26/69 by Defts.

Copy to Judge Larkins 7/21/71

C. Form No. 108 Rev.

TITLE OF CASE	ATTORNEYS
DOUGLAS EDWARDS, a minor by his mother and next friend, ULA EDWARDS, et al.	For plaintiff: Jerry Paul 119 West 3rd St Greenville, N. C. 27834 Conrad O. Pearson, 203 1/2 E. Chap St., Durham, N. C. Chambers, Stein, Ferguson & Lann 216 W. 10th St., Charlotte, N. C. P. O. Box 20428 " (28202 Jack Greenberg & James M. Narbit 10 Columbus Circle, New York, N.
vs.	
THE GREENVILLE CITY BOARD OF EDUCATION, public body corporate, et al.	For defendant: William C. Brewer, Jr. and W. W. Speight 105-7 West Third Street - P. O. Box 53 Greenville, N. C. 27834 Laurence S. Graham (For Pliff.-Interven) P. O. Box 511 Greenville, N.C. 27834
vs.	
BARRY CHRISTOPHER HENDERSON, A MINOR BY HIS GUARDIAN AD LITEM, CHRISTOPHER C. HENDERSON, Plaintiff-Intervenor	

STATISTICAL RECORD	COSTS	DATE	NAME OR RECEIPT NO.	REC.	DISB.
S. 5 mailed	Clerk	11/12/69 -	84920		
			Jerry Paul	15.00	
S. 6 mailed	Marshal	11/21/69	C. D. # 10		15.00
basis of Action: Civil Rights allege discrimination against negroes.	Docket fee				
	Witness fees				
ation arose at:	Depositions				

DATE	PROCEEDINGS	Date Order Judgment N
11/12/69	Filed & Ent. COMPLAINT - alledge dismissal from school to 20 negroes descriminating practice, ask students be reinstated, advance on docket for speedy hearing, be allowed counsel fee, ond other relief by Court.	
	Filed & Ent. COST BOND - U. S. Fidelity & Guaranty Co., surety.	
	Filed & Ent. MOTION - Ask Court for restraining order as to dismissal of 20 students and show cause.	
	Filed & Ent. PLAINTIFF ATTORNEY AFFIDAVIT.	
	Filed & Ent. MEMORANDUM OF LAW IN SUPPORT OF PLAINTIFF MOTION FOR RESTRAIN ORDER.	
	Filed & Ent. AFFIDAVITS - D. Edwards, J. Streeter, M. Smith, E. Ebron, D. Jarmon, D. Blount, B. Rountree, M. Streeter, A. F. Wiggins, E. M. Barrett, S. Parkins, M. Brown, P. M. Hill, N. Batts, S. Wichard.	
11/13/69	Issued summons - Original and 3 cc with cc copies of all papers to US Marshal for service. (to Motion)	
1/18/69	Ent. ANSWER (FILED IN OPEN COURT at Trenton, N.C. on 11/15/69); copy. w/cert. of service; and MEMORANDUM OF LAW AND FACT OF THE DEFENDANTS IN SUPPORT OF THEIR ANSWER; copy. (to Complainr)	
1/26/69 *	Fil. & ent. ANSWER OF THE DEFENDANTS, with DEMAND FOR JURY TRIAL; copy. w/cert. of service.	
1/24/69	Fil. MEMORANDUM OPINION AND ORDER - It is Ordered that the Motion for Temporary Restraining Order and Preliminary Injunction by, and the same is DENIED; Further Ordered that this Court shall retain jurisdiction of this action for such further proceedings as may be necessary; Further Ordered that the Clerk shall werve copies of this Memorandum Opinion and Order upon all counsel of Record. (LARKINS, J.) Cert. copy of Memorandum, Opinion and order mailed to Mr. Jerry Paul, 119 West Third St., Greenville, N. C.; Mr. James E. Ferguson, II, 216 West 10th Street, Charlotte, N. C. and Messrs. W. W. Speight and William E. Brewer, Jr., Drawer 99, Greenville, N. C. (ENT: 11/26/69) CIVIL OB # 4, P-1236 Filed with Memorandum Opinion and Order is Transcript of the Proceedings before the administratrive panel on November 17, 1969, between 3:00 and 11:00 P. M., Transcript consisting of 262 Pages (5 Volumes) and Transcript - In The Matter of: SANDRA WHICHARD, consisting of 76 pages.	
11/24/69	Fil. & ent. MARSHAL'S RETURN ON SUMMONS: on 11/14/69 at Greenville, N. C. served Clete C. Cleetwood, personally, as Superintendent of the Greenville City Schools, and for the Greenville City Board of Education; served Ed Warren Principal of the J. H. Ross High School: (Britt, DUSM).	
/27/70	Fil. Plaintiffs MOTION FOR FURTHER RELIEF; copy., w/cert. of service. (Clerk's copy mailed to Judge Larkins) (ENT: 3/4/70)	
3/17/70	Fil. & ent. STIPULATION and ORDER - defendants have to and including March 20, 1970 to file answer to Motion For Further Relief: (LARKINS, J.) Copy mailed to Mr. W. S. Speight, Attorney Greenville, N. C. and Mr. Jerry Paul, Atty. Greenville, N. C. CIVIL OB # 4 P- 1275.	
/23/70	Fil. & ent. ANSWER TO PLAINTIFFS' MOTION FOR FURTHER RELIEF; copy. w/cert. of service.	
/6/70	Fil. & ent. SUPPLEMENT TO DEFENDANT'S ANSWER TO PLAINTIFFS' MOTION AND SUBMISSION OF DESEGREGATION PLAN FOR 1970-71; copy. w/cert. of service.	
/17/70	Filed & Ent. PLAINTIFF'S RESPONSE TO DEFENDANT'S PROPOSED PLAN OF DESEGREGATION w /copy and certificate of service.	
/8/70	Fil. DEPOSITIONS of Dr. C. C. Cleetwood; Dr. E. B. Aycock; Glenn L. Cox, by M. S. Raper, Court Reporter.	
/20/70	Fil. & Ent. STIPULATION by counsel of record agreed that the Clerk or Deputy Clerk may open the transcript of the depositions which include the deposition of Dr. E. B. Aycock and make the correction specified in the letter of Mrs. Margaret S. Raper, Court Reporter, dated May 8, 1970. (CORRECTION MADE BY Eleanor G. Howard, Deputy Clerk).	
7/2/70	Hearing held at Trenton, N. C., by Judge Larkins.	

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		11/21/69 C. D. # 10			15.00
S. 6 mailed	Marshal				
Fed. Question Basis of Action: Civil Rights allege discrimination against negroes.	Docket fee				
	Witness fees				
Action arose at:	Depositions				

DATE	PROCEEDINGS
7/7/70	Fil. & ent. MEMORANDUM OPINION AND ORDER - the defendant City of Greenville Board of Education submit to the court within 24 days a plan which shall affirmatively include provisions for the desegregation of faculty specifically and elimination of discrimination in extracurricular activities and in the transportation of children to and from schools within the system. Further Ordered that the Clerk shall serve copies upon all counsel of record, and Dr. Cleet C. Cleetwood, Superintendent. (LARKINS, J.) Copy mailed to: Dr. Cleet C. Cleetwood, Greenville, N. C. and to Attorneys, Speight and Chambers. CIVIL OB # 4 P-1292 .
7/28/70	Fil. Amended desegregation plan of the Greenville City Board of Education for the school year of 1970-71; copy, w/cert. of service.
7/31/70	Fil. ORDER that the amended plan filed by the defendants on July 28, 1970, is approve The Court shall retain jurisdiction of this cause. (LARKINS, J.) lcc to Mr. Speight; Mr. Chambers and Mr. Paul, Attorneys. (ENT: 8/5/70) CIVIL OB # 4, P-129
8/17/70	Filed & Ent. MOTION TO INTERVENE - by student Christopher C. Henderson, with accept of serv ice by William C. Brewer, Jr.
8/21/70	Filed & Ent. ORDER - allow father Barry C. Henderson appointed guardian ad litem. cy to Mr. Lanning. (Judge Larkins)(Civ.O.B.#4-P.1302)
8/21/70	Filed & Ent. ORDER - Motion for Christopher Henderson to intervene allowed. (Judge Larkins)(Civ.O.B.#4-P.1303)
8/21/70	Filed & Ent. MOTION - plaintiff ask hearing sat within 3 days on Order 7/31/70 accepting plan, that plaintiffs be permitted to resume status quo 1969-70 school yr. cy to Mr. Lanning.
8/21/70	Filed & Ent. PETITION - Barry C. Henderson prays be appointed guardian ad litem of infant Christopher Henderson. cy to Mr. Lanning.
8/28/70	Filed & Ent. PLAINTIFF'S RESPONSE TO PLAINTIFF-INTERVENOR'S PLEADING - plaintiff ask plaintiff intervenor pleadings be dismissed. w/cert service. Filed & Ent. MOTION TO DISMISS - morion to dismiss plaintiff-intervenors pleadings. w/cert service.
8/28/70	Filed & Ent. AMENDED PETITION - plaintiff amends first paragraph of original petitio to be granted relief ask for in original petition. w/cert service. Ent. ORDER - First: Barry Henderson appointed guardian for Christopher Henderson, Second: plaintiff and defendants allowed through 8/28/70 to respond to intervenor, Third: discovery timeto start immediately, Fourth: petition for preliminaryinjunctio taken under advismant. Order filed 8/26/70 (Judge Larkins)(Civ.O.B.#4-P.1304).
8/28/70	Filed & Ent. RESPONSE TO PETITION OF INTERVENTION AND MOTION TO DISMISS AND MOTION FOR SUMMARY JUDGMENT - by defendants.
9/3/70	Fil. & ent. PLAINTIFFS' RESPONSE TO PLAINTIFF-INTERVENOR'S AMENDED PETITION; w/cert. of service. (Judge Larkins, kept copy for his file).
9/4/70	Fil. & ent. Defendants RESPONSE TO PLAINTIFF-INTERVENOR'S AMENDED PETITION; copy., w/cert. of service.
9/10/70	Ent. Plaintiff-Intervenor's RESPONSE TO PLAINTIFFS' MOTION TO DISMISS; copy, (FILED on 9/8/70 by JUDGE LARKINS), w/cert. of service.
9/10/70	Ent. AFFIDAVIT of Barry Christopher Henderson, a minor, by Christopher C. Henderson, his Guardian ad litem; copy. (FILED on 9/8/70 by JUDGE LARKINS).
9/10/70	Ent. Copy of JUDGMENT AND ORDER DISMISSING PLAINTIFF'S ACTION IN PITT COUNTY SUPERIOR COURT; copy. (FILED: on 9/8/70 by JUDGE LARKINS).
9/10/70	Fil. Envelope containing DEPOSITIONS of Dr. C. C. Cleetwood; Mrs. Robert Kutrell and Glenn L. Cox. (By: Margaret S. Raper, Reporter).
9/11/70	Fil. & ent. MEMORANDUM OPINION and ORDER - Ordered, that Plaintiff's Motion to Dismiss is ALLOWED.; and Further Ordered, that the Clerk shall serve copies upon Mr. Mr. Jerry Paul, Attorney-at-Law, 119 West 3rd St., Greenville, N. C. 27834; Mr. James Lanning, Attorney-at-Law, P. O.Box 20428, Charlotte, N. C., 28202; Mr. W. W. Speight, Attorney-at-Law, P. O. Box 53, Greenville, N. C. 27834; Mr. Laurence Graham, Attorney-at-Law, P. O. Box 483, Greenville, N. C. 27834; and Mr. C. C. Cleetwood, Superintendent of the Greenville City Schools, Greenville, N. C. 27834: (LARKINS, J.) (Copies served as ordered on 9/11/70)-EGH, dc.

