

UNITED STATES DISTRICT COURT

Jury demand date:

D. C. Form No. 106A Rev.

9

TITLE OF CASE

ATTORNEYS

DAWN MARIA CLAYTON, CASSANDRA CLAYTON, DEWEY MONROE CLAYTON and CHRISTY LOU CLAYTON, minors, by their father and next friend, DR. D. M. CLAYTON, III;

THURMAN CLAYTON, JR., a minor, by his father and next friend, THURMAN CLAYTON;

HARRY CLAY THOMAS, a minor, by his mother and next friend, MRS. FLORENCE THOMAS;

MARSHALL LAWSON, THESELLE LAWSON and DAVID LAWSON, minors, by their parents and next friends, MR. and MRS. JOHNNIE LAWSON;

MARGARETA HESTER, a minor, by her father and next friend, JAMES M. HESTER,

Plaintiffs,

v.

THE PERSON COUNTY BOARD OF EDUCATION, a public body corporate of Person County, North Carolina,

Defendant.

For plaintiff:

Theaoseus T. Clayton
P. O. Box 612
Warrenton, N. C. 27589

Conrad O. Pearson
203 1/2 E. Chapel Hill St.
Durham, N. C. 27701

J. LeVonne Chambers *P.O. Box 20428*
~~405 1/2 E. Trade St.~~ *216 W. 10th St*
Charlotte, N. C. 28202

Jack Greenberg
Derrick A. Bell, Jr.
10 Columbus Circle
New York 19, New York

For defendant:

1. Marshall T. Spears, Attorney
111 Corcoran St.
Durham, N. C. 27701

1. Richard G. Long, Attorney
Thomas Bldg.
Roxboro, N. C. 27573

STATISTICAL RECORD	COSTS	DATE	NAME OR RECEIPT NO.	REC.	DISB.
J.S. 5 mailed	Clerk	10-5 10-9	Chambers <i>Treas. U.S.</i>	15 00	15 00
J.S. 6 mailed	Marshal				
Basis of Action:	Docket fee				
Civil Rights.	Witness fees				
Action arose at:	Depositions				

DATE	PROCEEDINGS	Date of Judgment
10-5-64	Filed Complaint and Cost Bond in the amount of \$200.00 <i>(Bankers Fire & Casualty)</i>	bw
10- 5-64	Filed Petition to appoint parents and guardians of minors to maintain action.	
	Filed Order signed by Judge Stanley allowing above petition.	bw
10-5-64	Filed Motion for Preliminary Injunction and Brief in Support of Motion.	bw
10-5-64	Issued Summons and delivered to Marshal for service.	bw
10-12-64	Filed summons returned executed on 10-8-64, by leaving a copy with Earl E. Bradsher, Jr., Chairman of the Person County Board of Education. By: Stamey, DM	ri
10-23-64	Filed Order signed by Clerk allowing defendant until 11-16-64 to answer or otherwise plead. Consented to by plaintiff's counsel. Copies mailed to attorneys pursuant to Mr. Spears' letter dated 10-21-64.	jek
11-6-64	Filed Plaintiff's Interrogatories to defendant, nos. 1 - 18. Certificate of Service attached.	jn
11-13-64	Filed Consent Order signed by Judge Stanley directing that deft. have until 11-30-64 to file answer to interrogatories. Copies returned to Mr. Spears and Mr. Pearson.	jeb
11-13-64	Filed Consent Order signed by Judge Stanley directing that plaintiff's motion for preliminary injunction be denied without prejudice and further ordering that plaintiffs, may, if they so desire, renew their motion for preliminary injunction at subsequent date. Copies ;mailed to Mr. Pearson and Mr. Spears.	jel
11-19-64	Filed Consent Order signed by Judge Stanley stating that each of the minor plaintiffs, upon request by his or her parents, be reassigned by the deft. Board to the nearest school attended predominantly by children of another race, beginning with the second semester of the 1964-65 school year; applications to be filed on or prior to 12-20-64. It is further ordered that counsel for the plaintiffs and for the deft. shall hold a conference not later than 2-15-65 for the purpose of endeavoring to submit to the Court an Order for the assignment and enrollment of pupils for the 1965-66 school year.	bw
11-19-64	Filed Consent Order signed by Judge Stanley stating that an Order was entered denying ptf's previous motion for preliminary injunction without prejudice; that they may renew their motion at some subsequent date. It is ordered that in the event the ptf. should renew their motion at some subsequent date, the deft. shall have 20 days to answer or otherwise respond. (Judge Stanley mailed copies of the above two orders to counsel.)	bw
11-25-64	Filed Defendant's Answer and Motion to Dismiss, with Certificate of service.	A/I bw

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DATE	PROCEEDINGS	Date Judgm
11-27-64	Filed Defendant's Answer to Interrogatories submitted by ptf., with Certificate of Service.	
12-28-64	Notified Judge Stanley by memo of defts' motion to dismiss filed 11-25-64.	
12-29-64	Notified attorneys of record by letter of <u>hearing on</u> defendant's motion to dismiss and consideration of a consent order on 2-16-65 at 2:00 p.m. in Durham, N.C.	rt
1-21-65	Filed Plaintiffs' Response to Deft's motion to dismiss and Brief, with Certificate of Service.	bw
2-8-65	Filed Consent Order signed by Judge Stanley on 2-8-65 denying defendant's motion to dismiss, without prejudice.	bw
2-8-65	Filed Consent Order signed by Judge Stanley on 2-8-65 governing the assignment of pupils by the deft. Board. Counsel to meet and confer not later than 1-15-66 with respect to an agreement for the 1966-67 school year. If such agreement is not reached by 2-1-66, parties to have 60 days to resort to disc.	bv
1-28-65	Filed Proposed Plan for compliance with Title VI of the Civil Rights Act of 1964 adopted by the Person County Board of Education, Roxboro, N. C. on 4-22-65.	bv
1-17-65	Filed Interrogatories by plaintiff to defendant, nos. 1 through 8. Certificate of Service attached. (extra copy returned to Attorney Chambers)	jt
2-29-65	ANSWER to INTERROGATORIES - of defendant, (interrogatories filed 6-17-65 by plaintiff) Certificate of Service attached.	
1-16-66	MEMO TO JUDGE STANLEY - indicating that parties have not filed plan for 66-67 pursuant to Order dated 2-8-65.	
4-28-66	LETTER - from Mr. Chambers requesting that matter not be set for hearing; parties still conferring.	djs
	LETTER - to counsel from Clerk stating that we will not schedule case before Court until parties have notified us for need of a hearing.	je
29-66	CONSENT ORDER - EMS, (1) teachers and school personnel will be employed and assigned without regard to race or color; (2) all applicants and prospective employess will be informed that the Board operates a non-racial system, etc; (3) Superintendent will encourage teachers presently employed to accept transfers to schools where majority of faculty members are of a race different than theirs; (4) For 1966-67 school year not less than 18 teachers will be assigned to classes	

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DATE	PROCEEDINGS	Date Order Judgment
1-18-67	CONSENT ORDER	rm
2-7-68	DEFENDANT'S PLAN	bf
1-28-68	OBJECTIONS OF PLAINTIFF - to Defendant's Plan for Elimination of Racially Identifiable School and MOTION FOR FURTHER RELIEF - with <u>request for hearing</u> , and certificate of service.	jm
-28-68	INTERROGATORIES	bf
1-8-78	ANSWERS TO INTERROGATORIES - of the deft. to Ptf. Nos. 1 thru 4, with C/S.	bf
-8-68	RESPONSE OF DEFT.	w
	<p>at least forty per cent of which are of a race different from that of the teachers, etc; (5) No teacher or other employee of Person County Board of Ed. shall be demoted, dismissed or denied employment by reason of race or color, etc; (6) Board will institute affirmative programs to educate students, teachers and community of plan of desegregation and to encourage acceptance of same, etc; (7) Counsel for parties shall confer not later than 1-15-67 to try to reach agreement for the 1967-68 and subsequent school years; (8) Court retains jurisdiction of the cause pending further orders. Copies to attorneys of record.</p> <p>- approved by Judge Stanley, on modification of defendant's plan of desegregation. Within six months from this date, deft. to submit to the court its plan for the elimination of racially identifiable schools in Person County. Cause to be retained by the Court pending further orders. (Notice of filing given by Judge in letter to parties.)</p> <p>- for elimination of racially identifiable schools in Person County.</p> <p>- of Ptf. to Deft., Nos. 1 thru 4, with certificate of service.</p> <p>- of the deft. to Ptf. Nos. 1 thru 4, with C/S.</p> <p>- to plaintiffs' objections to the defts. plan for the elimination of racially identifiable schools and plaintiffs' motion for further relief.</p>	we

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DATE	PROCEEDINGS	Da Judg
7-16-68	<p>NOTICE OF HEARING - on ptf.'s objection to defts.' plan for the elimination of racially identifiable schools & motion for further relief at 10:00 a.m. on 8-7-68 in Durham. Copies mailed to counsel.</p>	
8-7-68	<p>HEARING -called before Jd. Stanley in Durham for hearing on Plaintiffs objection to defts. plan for elimination of racially identifiable schools and motion for further relief.</p> <p>Oral arguments heard.</p> <p>Within 10 days from this date the deft. Board is to submit a plan for the school year 1968-1969, if plaintiff objects to this, response shall be filed within 10 days. The court will take under advisement, or set the matter for further hearing.</p>	
8-9-68	<p>MEMORANDUM - of the court reporter for hearing held in Durham on 8-7-68.</p>	
8-19-68	<p>RESPONSE - of Person County Board of Educ. in compliance with memo. order of 8-9-68, with cert. of svc.</p>	
8-22-68	<p>PTFS' EXCEPTION & RESPONSE - to Deft's Opposition to Desegregation during the 1968-69 school year, with cert. of svc.</p>	
8-27-68	<p>ORDER - EMS, (1) defendant, Person County Board of Education, is permitted to operated Schools during 1968-69 school year in accordance with proposed plan submitted 2-7-68; (2) defendant Board to submit plan for complete desegregation of all schools in Person Co. for the 1969-70 school year; (3) plaintiffs to respond to proposed plan not later than 11-15-68; (4) that this matter be retained for further orders. Copies of order delivered to Judge's Secretary for distribution.</p>	r
10-28-68	<p>PETITION - of the deft. for an extension of time in which to file its plan of desegregation up to and until 12-1-68.</p>	e
10-28-68	<p>ORDER - signed by Judge Stanley that the deft. submit its plan for the total desegregation of the Person County School System on or before 12-1-68.</p>	e
11-27-68	<p>PLAN OF DESEGREGATION - of deft. Cert. of service in letter.</p>	ji

DATE	PROCEEDINGS	Date Order or Judgment Noted
3-20-69	ORDER- PLAN FOR DESEGREG- ATION	- consented to by counsel and approved by Jd. Stanley. we
6-25-73	MINUTE ENTRY	- This case having been pending for over 3 yrs., all presently contemplated proceedings having been completed, and there having been no action herein for over 12mos., there appears to be no further reason at this time to maintain the file as an open one for statistical purposes, and the Clerk is instructed to submit a JS-6 form to the A.O. Nothing contained in this minute entry shall be considered a dismissal or disposition of this matter, and, should further proceedings in it become necessary or desirable, any party may initiate it in the same manner as if this minute entry had not been entered. bf
6-25-73	J.S. 6 ISSUED.	---CLOSED---