

OLIVER BROWN, et al,

Plaintiffs

v.

BOARD OF EDUCATION OF
TOPEKA, KANSAS, et al,

Defendants

No. T-316
ENTERED

MAR -1 1951

HARRY M. WASHINGTON, Clerk

By *Ed Delich*
Deputy

ORDER

There has this date been presented to the undersigned judge a complaint in which the following relief, inter alia, is sought:

- (a) A permanent injunction restraining the enforcement, operation, or execution of a statute of the State of Kansas by restraining the action of officers of the state in its enforcement or execution;
- (b) A declaratory judgment under Chapter 151 of Title 28 U. S. C.; and
- (c) To enforce Civil Rights of complainants under Title 8 U. S. C. Chapter 3.

Chapter 155 of Title 28 U. S. C., providing for the hearing and determination of the controversy by a district court of three judges, seems to be applicable. It is, therefore, by the court ORDERED

(1) That the clerk of this court forthwith transmit by registered mail to the Governor and the Attorney General of the State of Kansas a copy of the complaint filed herein and of this order;

(2) That summons be issued as provided by Rule 4 of the Rules of Civil Procedure, returnable according to law; and

(3) That a copy of this order be served with the summons and complaint.

The undersigned judge, as required by statute, is this date notifying The Honorable Orle L. Phillips, Chief Judge of the Court of Appeals for the Tenth Circuit, of the filing of the above complaint and application. When designation of the members of the court to hear and determine the proceeding is made, the clerk shall advise all counsel of record and any party not represented by an attorney.

Dated at Kansas City, Kansas, this 1st day of March, 1951.

Orle L. Phillips
Chief Judge

IN THE DISTRICT COURT OF THE UNITED STATES OF THE FIRST DISTRICT
OF KANSAS

Oliver Brown.

MRS. RICHARD LAWTON, MRS. SADIE EMMANUEL,
MRS. LUCINDA TODD, MRS. IONA RICHARDSON,
MRS. LENA CARPER, MRS. SHIRLEY HODISON,
MRS. ALMA LEWIS, MRS. DARLENE BROWN, MRS.
SHIRLA FLEMING, MRS. ANDREW HENDERSON, MRS. VIVIAN SCALES,
VIVIAN SCALES, MRS. MARGUERITE EMMERSON,
AND LINDA CAROL BROWN, an infant by
OLIVER BROWN, her father and next friend,
VICTORIA JEAN LAWTON AND CAROL KAY LAWTON,
infants, by MRS. RICHARD LAWTON, their
mother and next friend,

PLAINTIFFS

CIVIL ACTION NO.

T-316

JAMES MELDON EMMANUEL, an infant, by MRS.
SADIE EMMANUEL, his mother and next friend,

NANCY JANE TODD, an infant, by MRS. LUCINDA
TODD, her mother and next friend,

RONALD DOUGLAS RICHARDSON, an infant, by
Mrs. Iona Richardson, his mother and next friend,

KATHERINE LOUISE CARPER, an infant, by Mrs. Lena
Carper, her mother and next friend,

CHARLES HODISON, an infant, by Mrs. Shirley
Hodison, his mother and next friend,

THERON LEWIS, MARTHA JEAN LEWIS, ARTHUR
LEWIS and FRANCES LEWIS, infants, by Mrs. Alma
Lewis, their mother and next friend,

SAUNDRIA DORSTELLA BROWN, an infant, by
Mrs. Darlene Brown, her mother and next
friend,

DUANE DEAN FLEMING and SILAS HARDRICK
FLEMING, infants, by Mrs. Shirla Fleming,
their mother and next friend,

DONALD ANDREW HENDERSON and VICKI ANN
HENDERSON, infants, by Mrs. Andrew
Henderson, their mother and next friend,

RUGH ANN SCALES, an infant, by Mrs. Vivian
Scales, her mother and next friend,

CLAUDE ARTHUR EMMERSON and GEORGE ROBERT
EMMERSON, infants, by Mrs. Marguerite
Emmerson, Their mother and next friend,
and

FILED

FEB 28 1951

HARRY M. WASHINGTON, Clerk

By *Harry M. Washington* Deputy