

IN THE UNITED STATES DISTRICT COURT
FOR THE SOUTHERN DISTRICT OF ALABAMA
SOUTHERN DIVISION

LIONEL GUSTAFSON et al.,)	
)	
Plaintiffs,)	
)	
V.)	CIVIL ACTION NO.
)	1:05-cv-00352-CG-L
ADRIAN JOHNS, et al.,)	(Three-judge court)
)	
Defendants,)	
)	
SETH HAMMETT, LOWELL BARRON and)	
HANK SANDERS,)	
)	
Defendants-Intervenors.)	

**ATTACHMENT TO
DEFENDANT-INTERVENOR HAMMETT'S TRIAL BRIEF
ON THE ISSUE OF RES JUDICATA**

Graphic Chronology of Events in Legislative Redistricting Litigation 1993-2005

AL Legislative Redistricting Chronology

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Aug 13, 1993
Montgomery County Circuit Court approved consent decree, Sinkfield v Bennett

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May 2, 1997
Montiel filed Rice v. Smith (later known as Thompson v. Smith or Kelley v. Smith) in M.D. Ala.

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Sep 22, 1997
John Rice and Camilla Rice intervene in Sinkfield v Bennett and move to reopen it in state Circuit Court.

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Nov 20, 1997

Montgomery Co. Circuit Court issued final judgment in reopened Sinkfield v Bennett

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Dec 4, 1997

Camilla Rice and John Rice appealed adverse judgment in Sinkfield v Bennett

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Dec 19, 1997

The Rices' claims are dismissed from Rice v. Smith and the remaining plaintiffs' claims are stayed pending resolution of state court proceedings.

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Dec 18, 1998

Alabama Supreme Court dismissed Camilla Rice and John Rice appeal of Sinkfield v Bennett as moot.

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Jul 2, 1999

M.D. Ala. held certain claims in Thompson v. Smith (Rice v. Smith) are precluded by state court decision, but other claims are allowed to go to trial.

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Apr 24, 2000

M.D. Ala. ruled in favor of plaintiffs in Kelley v. Bennett (earlier known as Rice v. Smith).

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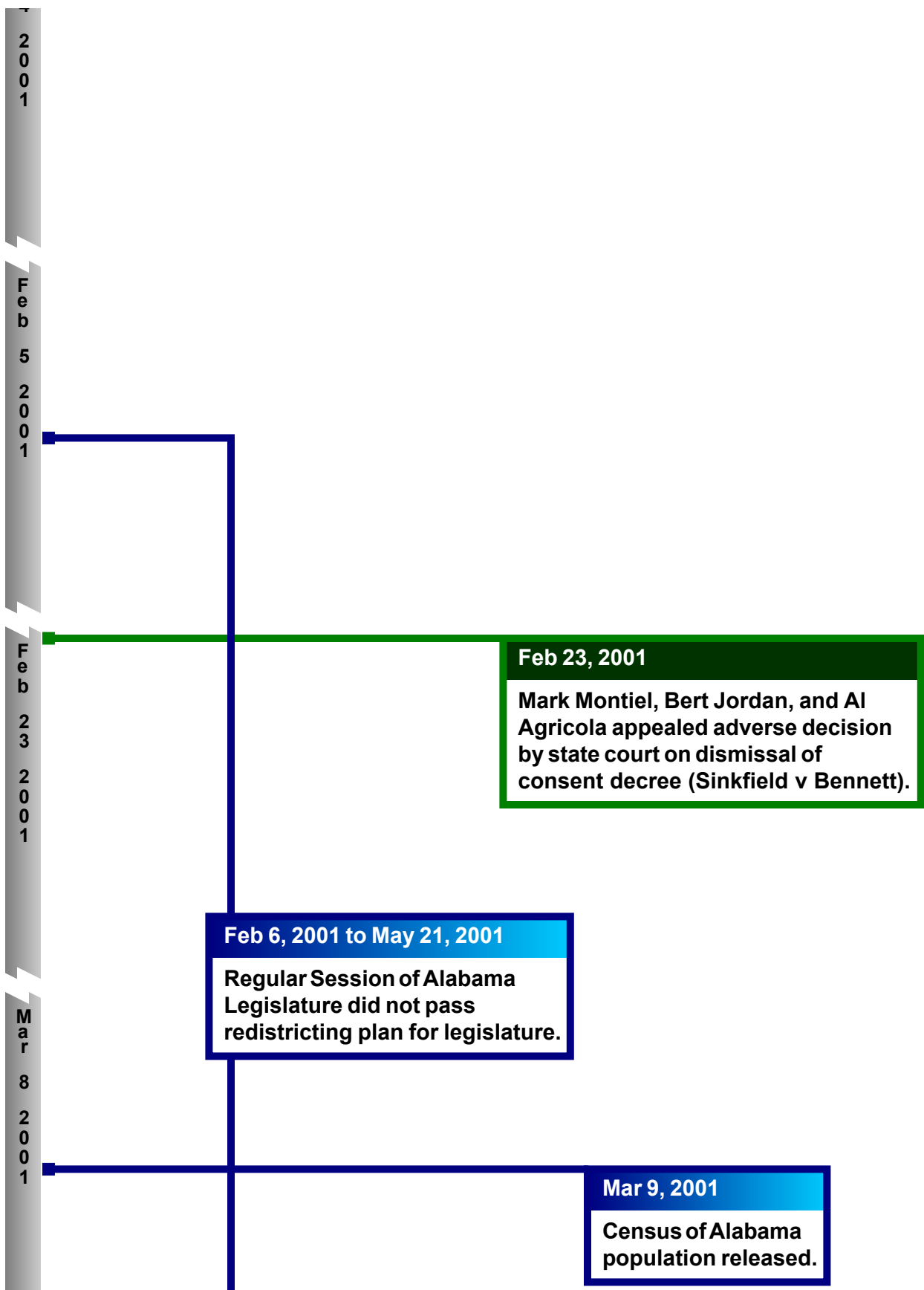
Nov 27, 2000

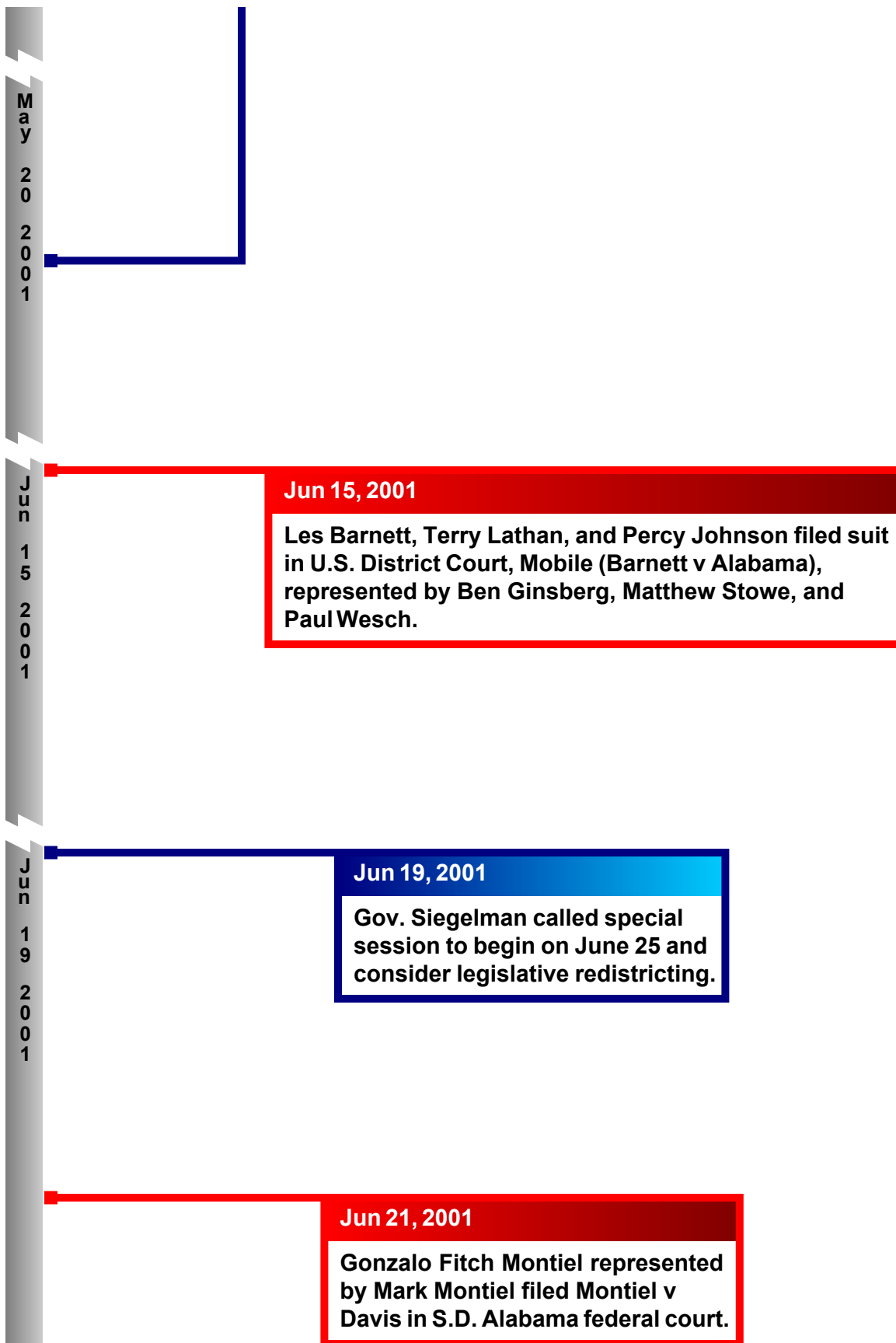
U.S. Supreme Court summarily reversed Rice/Thompson/Kelley v. Smith (Sinkfield v Kelley). Jordan and Agricola joined Montiel in representing private respondents.

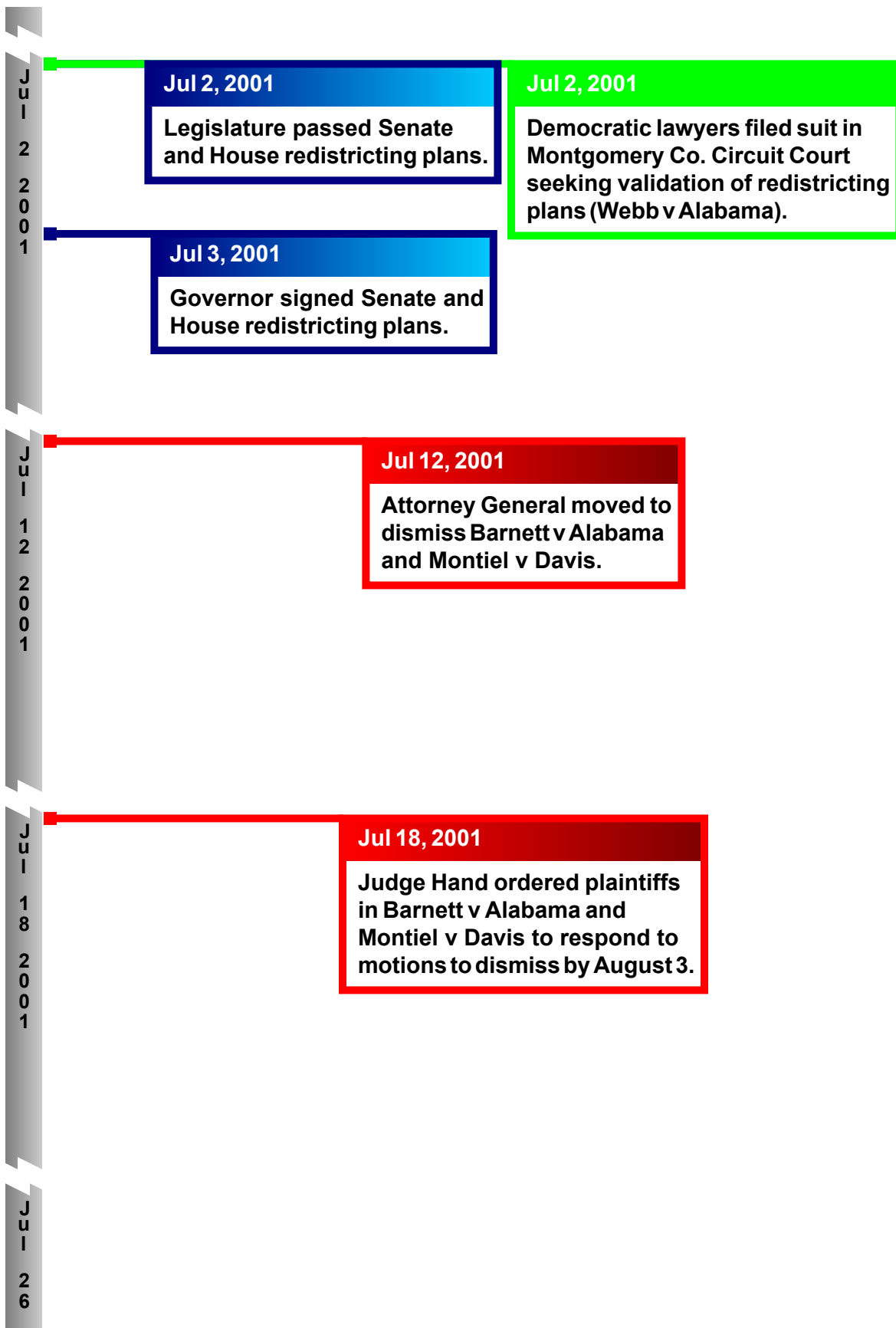
Jan 24, 2001

Bert Jordan and Al Agricola joined Mark Montiel as counsel for Camilla Rice and John Rice in Sinkfield v Bennett, asking the state court to vacate consent decree.

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Jul 27, 2001

Bert Jordan signed engagement letter with Connors for Barnett v Alabama.

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Aug 3, 2001

Mark Montiel filed first amended complaint in Montiel v Davis, challenging constitutionality of new legislative redistricting plans.

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Aug 3, 2001

Ben Ginsberg filed amended complaint in Barnett v Alabama, stating that legislative plans are not yet enforceable because not yet precleared.

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Aug 9, 2001

John Rice, William McCall Harris, and Patricia Christine N. Wood, represented by Montiel, filed suit in Montgomery Co. Circuit Court challenging Senate plan under Alabama Constitution (Rice v English).

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Sep 20, 2001

Bert Jordan and Al Agricola filed appearance as additional counsel for plaintiffs in Barnett v Alabama.

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Sep 25, 2001

Judge Hand held hearing on motions to dismiss Barnett v Alabama and Montiel v Davis.

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Oct 9, 2001

John Rice (through counsel Mark Montiel, Bert Jordan, and Al Agricola) filed petition for writ of prohibition (Ex parte Rice) in Alabama Supreme Court regarding Webb v Alabama, Sinkfield v Bennett, and Rice v English.

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Oct 12, 2001

Three-judge court ordered parties in Barnett v Alabama and Montiel v Davis to brief certain questions by Oct. 29.

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Oct 18, 2001 to Oct 22, 2001

Attorney General filed notice of preclearance of Senate redistricting plan in Barnett v Alabama and Montiel v Davis.

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Oct 23, 2001

Three-judge court ordered parties in Barnett v Alabama and Montiel v Davis to brief question of effect of preclearance of Senate plan and possible preclearance of House plan.

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Oct 29, 2001

Alabama Supreme Court dismissed John Rice's appeal in Sinkfield v Bennett.

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Nov 7, 2001

Bert Jordan, Al Agricola, and Mark Montiel filed reply briefs in *Barnett v Alabama* and *Montiel v Davis* asking for certification to Alabama Supreme Court.

Nov 7, 2001

Court dismissed *Barnett v Alabama* as moot because of lack of challenge to 2001 plans.

Nov 7, 2001

Alabama Attorney General filed notice of preclearance of House plan in *Barnett v Alabama* and *Montiel v Davis*

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Nov 8, 2001

Three-judge court denied motion to dismiss *Montiel v Davis* and gave Mark Montiel till Nov. 26 to amend complaint.

Nov 8, 2001

Alabama Supreme Court denied petition for prohibition in *Ex parte Rice*.

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Nov 26, 2001

Mark Montiel filed second amended complaint in *Montiel v Davis*.

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Dec 21, 2001

Mark Montiel filed third amended complaint in *Montiel v Davis*, adding Camilla Rice, Sheldon Day, John Lang, and Bobby G. Humphries.

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Jan 28, 2002

State Circuit Court granted summary judgment against plaintiffs in Rice v English.

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May 24, 2002

Alabama Supreme Court affirmed summary judgment in Rice v English.

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May 29, 2002

Mark Montiel filed Owens v Jordan in Montgomery Co. Circuit Court.

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Jul 8, 2002

Three-judge court dismissed Montiel v Davis.

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Feb 10, 2004

N.D. Ga. decides for plaintiffs in *Larios v. Cox*. French, Pringle, Jerry Lathan, and Connors learn of it and discuss it among themselves.

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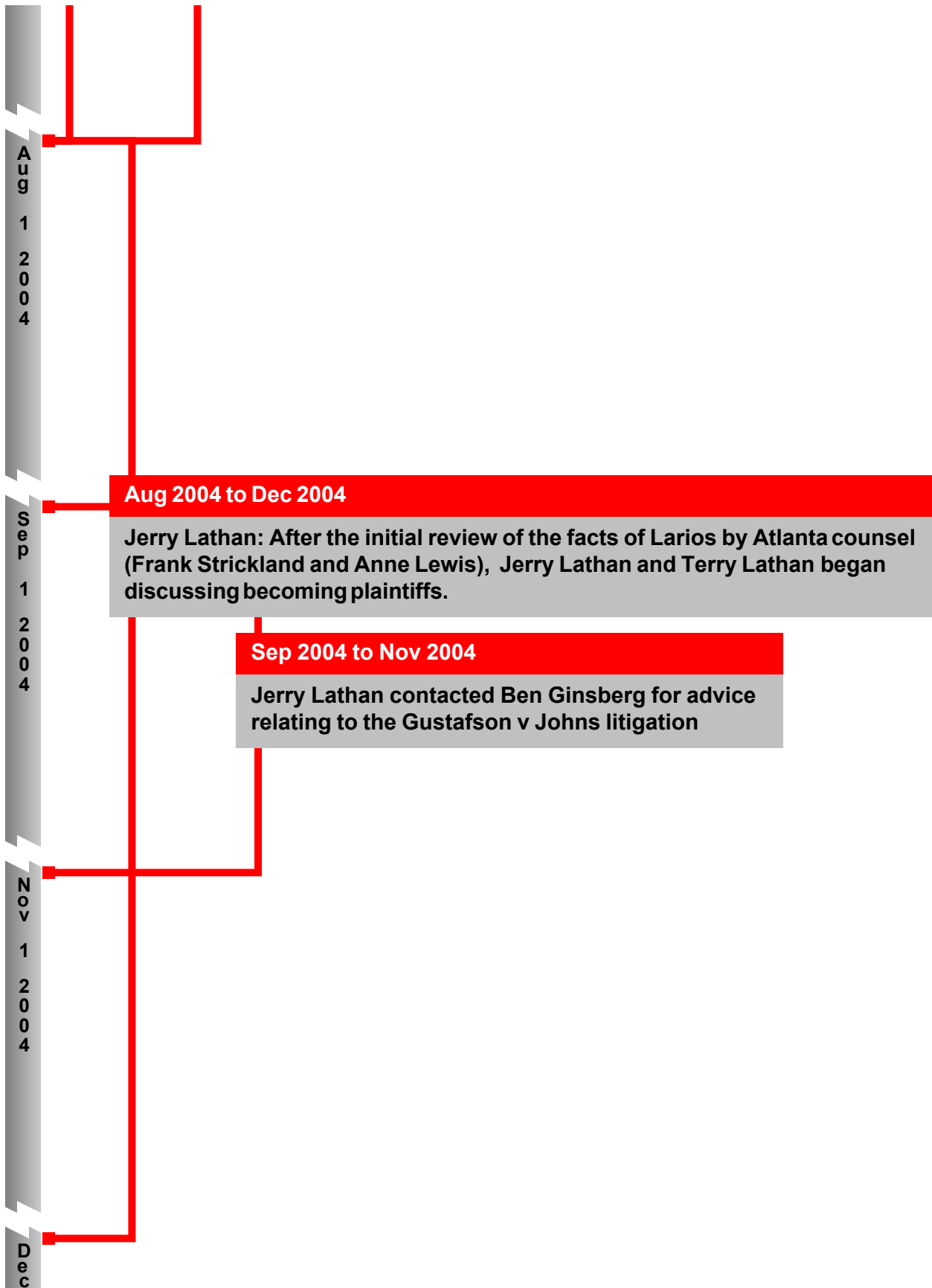
Jun 2004 to Aug 2004

Jerry Lathan talked to Mark Montiel sometime in summer 2004; Jerry Lathan may have asked Mark Montiel to give details to Anne Lewis and Frank Strickland.

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Jul 2004 to Aug 2004

Jerry Lathan calls Frank Strickland and Anne Lewis.



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Feb 2005

Announcement at the Republican Exec. Comm. meeting asked for those interested in suing to contact Jerry Lathan.

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Feb 4, 2005

Alabama 21st Century Foundation incorporated

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Mar 2005

Steve French hired Leland Whaley in the Spring 2005 to help find plaintiffs in districts with more than 4% population and who were registered voters

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Mar 11, 2005

**Meeting of plaintiffs in Birmingham;
Marty Connors also present.**

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Jun 16, 2005

**Gustafson v Johns Complaint
filed by Mark Montiel, Frank
Strickland, and Anne Lewis.**

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Dec 2005

**Bert Jordan had discussions, maybe
with Mark Montiel, about becoming a
lawyer in the Gustafson v Johns case.**