

ST.	F.	V.	DOCKET NUMBER	FILING DATE			J	N/S	O	L	H	23	\$ DEMAND	JUDGE/MAG. NO.	COUNTY	JUR. DEM.	DOCKET NUMBER	
				MO	DAY	YEAR											YR.	NUMBER
650	3	81	3567	8	14	81	3	440	1				Nearest \$1,000	J 5007	Appeal #	81	3567	82-5388
														M 47187	+ Appeal #			82-5432

PLAINTIFFS

DEFENDANTS

HAMILTON BANK OF JOHNSON CITY

WILLIMSON COUNTY REGIONAL PLANNING COMMISSION

KELLEY, WILBURH H. JR.
 BEARD, MITCHELL
 MEDAUGH, ROBERT
 MEAGHER, JACK
 BAUGH, JOE
 WATERS, CAROLYN
 STEIN, MORTON
 MCNEIL, KENNETH
 MOSLEY, CHARLES and
 MARTIN, THAYER

CAUSE

(CITE THE U.S. CIVIL STATUTE UNDER WHICH THE CASE IS FILED AND WRITE A BRIEF STATEMENT OF CAUSE)

42 USC §1983, 1985; U.S. Const. Amend XIV. The pltf is suing the defts for a conspiracy to deny and the actual denial of equal protection, due process and other constitutional and statutory rights.

ATTORNEYS

PLAINTIFF:

G. T. Nebel
 BASS, BERRY & SIMS
 2700 First American Center
 Nashville, TN 37238
 244-5370

DEFENDANT:

Robert L. Estes
 Thomas M. Donnell, Jr.
 M. Milton Sweeney
 14th fl, Third Nat'l Bank Bldg.
 Nashville, TN 37219
 244-6538

NOA-6-28-82 (Trans. 6-28-82)

NOA-7-9-82

Record to GCCA-7-28-82

Supp - 8-4-82

Record ret. - 8-26-85

Mandate - 11-12-85

NOA - 7/9/82

(Record to GCCA 7-28-82)

Ret: 8/26/85 (Mandate 11-12-85)

CHECK HERE IF CASE WAS FILED IN FORMA PAUPERIS

FILING FEES PAID			STATISTICAL CARDS		
DATE	RECEIPT NUMBER	AMOUNT	C.D. NUMBER	CARD	DATE MAILED
6-28-82	7129	\$70.00 Appeal		JS-5	8-14-81
7-9-82	7198	\$70.00 Appeal		JS-6	4-26-82

DATE	NR.	PROCEEDINGS
8-14-81	1	COMPLAINT
8-17-81		SUMMONS to USM for service on 11 defts.
8-26-81		MR issued on all 11 defts 8-19-81. Judge Kelly accepted service.
9-17-81	2	Mtn by pltf for a preliminary injunction. C/S
9-17-81	3	Memorandum in support of motion. C/S
9-17-81	4	Affidavit of James T. Ragsdale
9-17-81	5	Request for oral argument by pltf. C/S
9-17-81	6	Notice of depositions: 1) Robert Meadaugh 9-22-81 at 9:00a.m. 2) Kenneth McNeil 9-22-81 at 1:30 p.m. 3) Mitchell Beard 9-23-81 at 9:00 a.m. 4) Charles Mosley 9-23-81 at 11:00 a.m. 5) Jack Meagher 9-23-81 at 1:30 p.m. 6) Carolyn Waters 9-23-81 at 3:30 p.m. 7) Joe Baugh 9-23-81 at 4:30 p.m. 8) Morton Stein 9-24-81 at 9:00 a.m. 9) Thayer Martin 9-24-81 at 2:00 p.m. 10) Wilburn H. Kelley, Jr. 9-24-81 at 9:00 a.m. all at the offices of Bass, Berry & Sims.
9-18-81	7	Defts' request for oral argument of motions. C/S
9-18-81	8	Defts motion to strike pltfs' notice of depositions. C/S
9-18-81	9	Memo in support of motion to strike. C/S
9-18-81	10	Affidavit of Thomas M. Donnell, Jr.
9-18-81	11	Defts' motion for a more definite statement. C/S
9-18-81	12	Memo in support of motion for a more definite statement. C/S
9-18-81	13	Defts' mtn to dismiss for failure to state a claim upon which relief can be granted. C/S
9-18-81	14	Memo in support of motion to dismiss. C/S
10-2-81	15	ORDER: ORDERED that defts' motion to strike the pltfs' notice of depositions to be taken from 9-22-81 thru 9-24-81 is granted. Case Notice No. 1
10-2-81	16	ORDER: Defts' mtn for a more definite statement is granted as follows: 1) The pltf shall plead in paragraphs 8 through 26 the names of the individuals that are being refetted to and whether they are being charged with actions or inactions in their capacity as members of or in their individual capacities. 2) The pltf shall make a more definite statement to specifically name the owners and developers referred to during time periods in the compalint. <u>Case Notice No. 2</u>

CIVIL DOCKET CONTINUATION SHEET

FPI-MAR-7-14-80-70M-4398

PLAINTIFF		DEFENDANT	DOCKET NO. <u>81-3567</u>
			PAGE ___ OF ___ PAGES
DATE	NR.	PROCEEDINGS	
10-2-81	17	ORDER: IT IS ORDERED that the trial of this action on its merits is consolidated with the hearing of pltfs' application for a preliminary injunction. <u>Case Notice No. 3</u>	
10-5-81	18	Defts supplemental motion to dismiss for failure to state a claim upon which relief can be granted and for lack of subject matter jurisdiction. C/S	
10-5-81	19	Supplemental memorandum in support of motion. C/S	
10-14-81	20	Amended Complaint C/S	
10-30-81	21	Defts' first set of interrogatories propounded to the pltf. C/S	
11-4-81	22	Pltfs' response to defts' motion to dismiss. C/S	
11-5-81	23	Deposition of Wilburn H. Kelley, Jr. 10-16-81.	
11-13-81	24	ORDER: Hrg is set for the 23rd of November 1981 at 8:00 a.m. The Ct will hold an evidentiary on the defts mtn to dismiss. Parties are expected to produce evidence relating to the issue of immunity under the Eleventh Amendment for deft. Williamson County Regional Planning Commission. <u>Case Notice No. 4</u>	
11-18-81	25	Deposition of James Thomas Ragsdale 10-26-81 & 10-27-81. (Vol. I & II)	
11-18-81	26	Deposition of Ralph M. Killebrew 10-26-81.	
11-18-81	27	Defts' reply to pltfs' response to defts' mtn to dismiss. C/S	
11-23-81	28	Pltfs' supplemental brief in opposition to defts' mtn to dismiss. C/S	
11-23-81	29	Deposition of Joseph D. Baugh taken Nov. 17, 1981.	
11-23-81	30	Deposition of Donald G. Waller taken Nov. 19, 1981.	
11-25-81	31	Pltfs' 5 second supplemental brief in opposition to defts' mtn to dismiss C/S	
12-2-81	32	Pltfs' response to defts' first set of interrogatories. C/S	
12-14-81	33	ANSWER by deft. to the Complaint. C/S	
12-14-81	34	Transcript of proc. on 11-23-81.	

CIVIL DOCKET CONTINUATION SHEET

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PLAINTIFF		DEFENDANT	DOCKET NO. _____
			PAGE ____ OF ____ PAGES
DATE	NR.	PROCEEDINGS	
12-18-81	35	ORDER: Defts' mtn to dismiss came to be heard on 12-14-81 and was denied for reasons stated on the record. <u>Case Notice No. 5</u>	
12-29-81	35A	Pltfs' mtn to shorten time for answering. C/S	
12-29-81	36	Brief in support of pltfs' mtn to shorten time for answering pltfs' first interrogatories. C/S	
12-29-81	37	Pltfs' Hamilton Bank of Johnson City's first set of interrogatories to defts. C/S	
12-30-82	37A	Deft Morton Stein's first set of interrogatories to pltf. C/S	
12-30-81	38	Defts' mtn to shorten time for answering. C/S	
12-30-81	39	Brief in support of deft's mtn to shorten time for answering defts interrogatories. C/S	
12-30-81	40	ORDER: Mtn to shorten time for answering, granted. <u>Case Notice No. 6</u>	
12-31-81	41	ORDER: Deft Steins' mtn to shorten time for answering, granted. <u>Case Notice No. 7</u>	
1-20-82	42	Pltfs' answers to deft Morton Stein's first set of interrogatories to pltf. C/S	
1-28-82	43	Memo in opposition to application for preliminary injunction. C/S	
1-29-82	44	Defts' motion for continuance. C/S	
1-29-82	45	Memo in support of motion or continuance. C/S	
2-1-82	46	ORDER: All parties are ORDERED to file proposed jury instructions for the above-styled cause with this court no later than 2-10-82. Local Rules of Court, Rule 11(f). Moreover, all parties are granted an extension with respect to the filing of the pre-trial order and the pre-trial briefs until 2-10-82. The filing of pre-trial briefs is mandatory and will not be excused. <u>Case Notice No. 8</u>	
2-10-82	47	Pretrial brief of the pltf Hamilton Bank. C/S	
2-17-82	48	Pltfs' request for jury instruction No. 1-13.	
2-22-82	49	Pre-trial Order <u>Case Notice No. 9</u>	
2-22-82	50	Pre-trial brief by pltf.	
2-24-82	51	Defts' answer to pltfs' first set of interrogatories. C/S	
3-17-82	52	Notice to take deposition of James T. Patterson 3-22-82 at 8:00 a.m., Leon Stanford 3-22-82 at 1:00 p.m., Reese L. Smith 3-22-82 at 3:00 p.m., J. William Cross, III 3-23-82 at 8:00 a.m., R. L. Scobey 3-23-82 p.m., Robert A. Ring 3-23-82 at 1:00 p.m., William Smithson 3-23-82 at 3:00 p.m. C/S	

CIVIL DOCKET CONTINUATION SHEET

PLAINTIFF		DEFENDANT	DOCKET NO. <u>81-3567</u>
			PAGE ___ OF ___ PAGES

DATE	NR.	PROCEEDINGS
3-19-82	53	Motion for protective order. C/S
3-19-82	54	Memo in support of motion for protective order. C/S
3-29-82	54A	Defts' witness list. C/S
3-29-82	55	Pltfs' list of witnesses. C/S
3-30-82	55A	Defts supplemental answers to pltfs' first set of interrogatories. C/S
3-31-82	56	Witness List
4-1-82	57	Amended defts' answer to pltfs' first set of interrogatories. C/S
4-1-82	58	Testimony of Lewis Garber. C/S
4-1-82	59	Testimony of Joseph E. Hunt C/S
4-1-82	60	Supplemental pretrial brief of the pltf Hamilton Bank. C/S
4-5-82	61	Pltfs' request for jury instruction nos. 14-19.
4-5-82	62	Jury Instructions
4-5-82	63	Deposition of Leon Stanford 3-30-82
4-5-82	64	" " Mitchell Beard 10-12-81.
4-5-82	65	" " James T. Patterson 3-26-82
4-5-82	66	" " Robert W. Medaugh 10-9-81
4-5-82	67	" " John J. Meagher 10-16-81.
4-5-82	68	" " Carolyn E. Waters 10-15-81.
4-5-82	69	" " Morton H. Stein 10-15-81.
4-5-82	70	" " Charles R. Mosley 10-19-81
4-5-82	71	" " Kenneth McNeil 10-9-81.
4-5-82	72	" " F. Thayer Martin 10-19-81.
4-12-82	73	Excerpt of April 6,7, 1982.
4-16-82	74	Excerpt of testimony of Sid Smith on 4-13, 4-14, 1982.
4-19-82	75	Defts' special request for interrogatories. C/S
4-19-82	76	Special verdict and interrogatories. C/S
4-20-82	77	Pltfs' request for jury instruction no. 20.
4-20-82	78	Direct testimony of Tom Kinnie 4-9-82

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PLAINTIFF		DEFENDANT	DOCKET NO. _____
			PAGE ___ OF ___ PAGES

DATE	NR.	PROCEEDINGS
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4-20-82	79	Excerpt testimony from the direct examination of Thayer Martin. 4-15-82
4-20-82	80	ORDER: At the direction of the court, one US Marshal is to accompany the six jurors to lunch who are now in the process of deliberation in the above styled case. <u>Case Notice No. 10</u>
4-20-82	81	Verdict Form
4-20-82	82	ORDER: At the direction of the court, one US Marshal is to accompany the six jurors to lunch who are now in the process of deliberation in the above styled case. <u>Case Notice No. 11</u>
4-23-82	83	Excerpt
4-23-82	84	Bench conferences held during testimony of Joseph Hunt and Ralph Killebrew
4-26-82	85	Clerks' Resume: Verdict for pltf; mtn for directed verdict denied.
4-5-82	86	Defts' exhibit list
4-5-82	87	Pltfs' exhibit list
4-23-82	88	Verdict form- damages: 1) The measure of damages for the temporary taking of pltfs; propoerty are found to be in the amount of \$348, 945.50. 2) Nominal damages are found to be appropriate and are awarded in the amount of \$1054.50.
4-26-82	89	JUDGMENT on jury verdict: It is ORDERED that upon the jury's verdict for pltf on the issue of estoppel undet TN law the deft Williamson County Regional Planninf Comm. is estopped from requiring the pltf to comply with the present regulations as opposed to the 1973 regulations; Upon the jury's verdict in favor of pltf on the issue of a fifth amendment takind and the jury's determination of damages for the temporary takinf of the pltfs' \$1054.50, deft Williamson County Regional Planning Commission will pay the said sum in damages to pltf. <p>It is further ORDERED that upon the jury's verdict for the indiv- dual defts are entitled to good faith immunity for any denial of procedural due process and the case against each individual deft is dismissed. It is further ORDERED that upon the issues of denial of qual protection under the US and TN Constitutions, denial of sub- stantive due process under the USC, violation of the the Sunshine Law and violation of 42 USC Section 1985, the jury was directed to return a verdict in favor of defts and tupon the issues of Eleventh Amendment immunity, absolute immunity and exhaustion of adm. remedies the jury was directed to return a verdict against defts.</p> <p>It is further ORDERED that upon the jury's verdict pltf was not denied procedural due process by defts in the Commission's decision to apply the present regulations, nor did defts breach the terms of the completiton bonds covering section IV and V of Temple Hills.</p> <p>Case Notice No 11.</p>

CIVIL DOCKET CONTINUATION SHEET

PLAINTIFF	DEFENDANT	DOCKET NO. <u>81-3567</u>
HAMILTON BANK OF JOHNSON CITY	WMSON. CO. REGIONAL PLANNING	PAGE ___ OF ___ PAGES

DATE	NR.	PROCEEDINGS
5-3-82	90	Motion for judgment notwithstanding the verdict for a new trial. C/S
5-4-82	91	Amended motion for judgment notwithstanding the verdict and for a new trial. C/S
5-4-82	92	Motion for hearing by defts. C/S
5-4-82	93	Memo in support of motion for hearing. C/S
5-5-82	94	Memo in support of defts' motion for judgment not withstanding verdict and for new trial. C/S
✓ 5-6-82	95	JUDGMENT OF PERMANENT INJUNCTION: <u>Case Notice No. 13</u>
5-11-82	96	Motion to reconsider, alter or amend judgment or permanent injunction. C/S
5-11-82	97	Memo in support of motion to reconsider, alter or amend judgment of permanent injunction. C/S
5-11-82	98	Defts motion for hearing. C/S
✓ 5-13-82	99	ORDER OF STAY & OF INJUNCTIVE RELIEF: Ordered that the enforcement of judgment of permanent injunction heretofore issued against the Williamson County Regional Planning Commission be and hereby is stayed, untio the foregoing arguments can be held and a ruling issued thereon. It is further ordered that the pltf, its agents employees and counsel be enjoined from any furhter injunction heretofore issued against WCPC until the foregoing arguments can be held and a ruling issued thereon. <u>Case Notice No. 14</u>
5-20-82	100	Motion by deft for an order making more specific the permanent mandatory injunction hereto fore issued in this cause or in the alt, for this court to retain jurisidiction of the things and matters in this lawsuit to the extent of the court considering and approving or dis-approving of all future preliminary and final plats submitted. C/S
5-20-82	101	Motion to amend judgment of permanent injunction. C/S
5-20-82	102	Memo in support of pltfs' motion to amend judgment of permanent injunction
5-20-82	103	Affidavit of John H. Bailey, III
5-20-82	104	Affidavit of James Thomas Ragsdale
5-20-82	105	Affidavit of Robert L. Estes

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PLAINTIFF		DEFENDANT	DOCKET NO. _____
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DATE	NR.	PROCEEDINGS
5-21-82	106	Clerks' Resume: Hrg on Injunction taken under advisement.
5-25-82	107	Bill of Costs
5-27-82	108	Clerks' Resume: Attys: Milton Sweeney & Tom Nebel
5-27-82	109	Memo in opposition to defts mtn for a judgment notwithstanding the verdict or for a new trial. C/S
6-3-82	110	ORDER and judgment of permanent injunction. <u>Case Notice No. 15</u>
6-3-82	111	Objection to bill of costs by defts. C/S
6-3-82	112	Motion to amend or alter order. C/S
6-3-82	113	Memo in support of motion to amend or alter order and judgment of permanent injunction. C/S
6-4-82	114	MEMORANDUM: The court has carefully considered the arguments of the parties pertaining to difficulties in complying with the judgment of permanent injunction entered May 6, 1982. The purpose of such equitable relief is to enforce the jury's verdict which estopped defts from requiring pltf to comply with the present regulations rather than the 1973 regulations. Therefore, the court will withdraw the previous injunction and issue an injunction which simply requires the defts to apply the 1973 regulations to the Temple Hills development. Any application by defts of regulations other than 1973 regulations would be violative of this injunction. The court will not countenance attempts to impose regulations which the jury has determined may not be imposed under state law. However, legitimate technical questions of whether pltf meets the requirements of the 1973 regulations are capable of resolution through the applicable state and local procedures of appeal. The ORDER entered by this court on June 3, 1982 at 2:30 p.m. is in accordance with the reasoning of this memorandum <u>Case Notice No. 16</u>
6-7-82	115	Pltfs' request for a hearing. C/S
6-7-82	116	Supplemental memo in support of plrfs motion to amend or alter order. CS
6-10-82	117	Affidavit of Morton Stein
6-14-82	118	ORDER: Request for hearing, denied. <u>Case Notice No. 17</u>
6-16-82	119	Defts' response to pltfs' motion to amend or alter order. C/S
6-17-82	120	ORDER: Mtn to amend or alter order, denied. <u>Case Notice No. 18</u>

CIVIL DOCKET CONTINUATION SHEET

FPI-MAR-7-14-80-70M-4398

PLAINTIFF		DEFENDANT	DOCKET NO. <u>81-3567</u>
HAMILTON BANK OF JOHNSON CITY		WILLIAMSON CO. REGIONAL PLANNING	PAGE ___ OF ___ PAGES
DATE	NR.	PROCEEDINGS	
6-18-82	121	Excerpt of proceedings testimony of Robert King April 12, 1982.	
6-28-82	122	Pltfs' motion for attorney fees. C/S	
6-28-82	123	Notice of appeal by Hamilton Bank. C/S	
6-28-82		Notices to 6CCA & parties.	
6-28-82	124	Pltfs' memo in support of motion for attorney fees. C/S	
6-28-82	125	Affidavit in support of pltfs motion for attorneys' fees. (G.T. Nebel)	
7-2-82		Acknowledgement from 6CCA 82-5388.	
7-9-82	126	Notice of appeal by Williamson Co. Regional Planning Commission.	
7-9-82	127	Defendant's response to plaintiff's motion and memorandum in support of its motion for attorney fees. C/S	
7-13-82	128	Defendant's motion for attorney fees.	
7-13-82	129	Memorandum in support of attorney fees.	
7-14-82	130	Bill of costs filed by Williams County Regional Planning Comm. against pltf for \$5,231.07.	
7-19-82		Transcript Order	
7-28-82		Record forwarded to 6CCA.	
8-4-82	131	Transcript of proceedings 4-19-82 thru 4-23-82.	
8-4-82	132	Transcript of proceedings 4-12-82.	
8-4-82	133	Transcript of proceedings 4-13-82.	
8-4-82	134	Transcript of proceedings 4-14-82.	
8-4-82	135	Transcript of proceedings 4-15-82.	
8-4-82	136	Transcript of proceedings 4-16-82.	
8-4-82	137	Record on Appeal Vols. I-V.	
8-4-82		Supplemental to 6CCA (transcript & record on appeal).	
11-3-82	138	MOTION by pltf to withdraw exhibits. (ref 11-5-82)	
11-5-82	139	ORDER granting motion to withdraw exhibits. (ref 11-3-82) <u>Case Notice No. 19.</u>	

CIVIL DOCKET CONTINUATION SHEET

FPI-MAR-7-14-80-70M-4388

PLAINTIFF		DEFENDANT	DOCKET NO. _____
			PAGE ____ OF ____ PAGES
DATE	NR.	PROCEEDINGS	
3-9-84		INFORMATION copy of percuriam opinion.	jm
3-21-84	140	MOTION of attorneys' fees and costs by pltf. (ref	jm
3-27-84	141	MOTION for enlargement of time to respond to plaintiff's motion for attorneys' fees and costs by deft Williamson County Regional Planning Commission. (ref 3-30-84)	jm
3-27-84	142	MEMORANDUM in support of motion.	jm
3-30-84	143	ORDER granting motion for an extension of time. (ref 3-27-84) <u>Case Notice No. 20</u>	jm
5-18-84	144	MOTION of defendants to check out exhibits. (ref	jm
10-12-84		RECORD returned, but sent back to 6CCA per request of Audrey Crockett on 10/10/84.	meh
10-12-84		ORDER of Supreme Court of the US ALLOWING CERTIORARI filed 10/1/84:	
10-22-84		ORDER of 6CCA filed 10/17/84: It appearing to the Court that the mandate issued on 10/9/84 was improvidently issued; It is ORDERED that the mandate be recalled.	meh
1-31-85		COURT EXHIBITS mailed to Supreme Court in Washington, D.C. this date.	meh
8-12-85		EXHIBITS returned from Supreme Court in Washington this date.	meh
8-12-85	145	BILL OF COSTS by Deft to be taxed against Pltf Hamilton Bank of Johnson City w/Attachments. C/S	meh
8-12-85	146	MOTION by Deft for Atty Fees. C/S (Ref.	meh
8-12-85	147	MEMORANDUM in Support of Deft's Renewal Motion for Atty Fees. C/S	meh
8-12-85	148	AFFIDAVIT in Support of Deft's Motion for Atty Fees w/Attachments. C/S	meh
8-26-85		RECORD returned from 6CCA this date.	meh
8-27-85	149	RENEWED MOTION of Pltf for Attys' Fees. C/S (Ref.	meh
8-27-85	150	MEMORANDUM in Support of its Renewed Motion for Atty's Fees and in Opposition to Defts' Renewal Motion for Attys' Fees w/Attachment. C/S	meh

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PLAINTIFF		DEFENDANT	DOCKET NO. <u>81-3567</u>
HAMILTON BANK OF JOHNSON CITY		WILLIAMSON COUNTY REGIONAL PLANNING COMMISSION, ET AL	PAGE ___ OF ___ PAGES

DATE	NR.	PROCEEDINGS	
9-6-85	151	SUPPLEMENTAL AFFIDAVITS for Pltf's Renewed Motion for Atty's Fees. C/S	meh
9-6-85	152	AFFIDAVIT of Ralph M. Killebrew.	meh
9-6-85	153	AFFIDAVIT of G. T. Nebel in Support of Pltf's Motion for Atty's Fees w/Attachments.	meh
10-21-85		INFORMATION COPY of Order of 6CCA filed 10/16/85: In accordance with the opinion of the Supreme Court reversing the judgment of this Court, the judgment of this Court entered 3/7/84 is vacated and the judgment of the District Court is affirmed. Appellees are awarded costs.	
11-12-85		MANDATE ISSUED from the 6CCA on 11-7-85: Vacating their judgment of 3-7-84 and affirming the judgment of the District Court.	db
4-8-86	154	MEMORANDUM OF THE COURT_(EOD 4-9-86)	db
4-8-86	155	ORDER: For the reasons discussed in the contemporaneously entered Memorandum, the Court hereby DENIES both pltf's & deft's mtns for attorneys fees. (EOD 4-9-86)	db
9-10-86		Exhibits picked up today for Robt. Estes on behalf of deft.	bh
9-23-86		Exhibits picked up today for G. T. Nebel on behalf of pltf.	bh