

IN THE UNITED STATES DISTRICT COURT  
FOR THE DISTRICT OF KANSAS

OLIVER BROWN, et al.,		)	
	Plaintiffs,	)	
and		)	
		)	
CHARLES and KIMBERLY SMITH, minor children, by their mother and next friend, LINDA BROWN SMITH, et al.,		)	No. T-316
		)	
	Intervening Plaintiffs,	)	
vs.		)	
		)	
BOARD OF EDUCATION OF TOPEKA, SHAWNEE COUNTY, KANSAS, et al.,		)	
	Defendants.	)	
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A F F I D A V I T

STATE OF KANSAS     )  
                              ) ss:  
COUNTY OF SHAWNEE )

Frank Ybarra, of lawful age, being first duly sworn, upon his oath, deposes and states:

1. That he is General Director of Personnel for Unified School District No. 501.
2. That as General Director of Personnel he supervised and directed the efforts of School District staff in compiling answers to Interrogatory No. 9 [p, q & r] of Intervening Plaintiffs' Interrogatories--First Set.
3. To the extent that answers can be provided to Interrogatory No. 9 [p, q & r] for the ten year period prior to the 1950-51 school year, the information is contained in personnel files of previous employees who may have taught for Topeka Public Schools since 1940, plus present active files. Although school board agendas were available to assist in the process of answering Interrogatory No. 9 [p, q & r] beginning in 1951, no

such documents can be found for any earlier time period. As a result, to attempt to answer Interrogatory No. 9 [p, q & r] would require reviewing all personnel records. There are approximately 4,000 personnel files on microfilm and 1,200 active files.

4. Using a microfilmer, one file was obtained, the information was printed on copy paper, then the information was taken from the copy and recorded according to the dates the person was employed. The film was then put back into the file. To obtain the information sought by Interrogatory No. 9, subpart p, to the extent that it is available, from one file took eight minutes. As a result, to obtain the available information relating to Interrogatory No. 9, subpart p, considering the need to review 5,200 personnel files (4,000 of which are on microfilm) would require nearly 700 hours of time. In addition, to compile the information, type and photocopy the answer in final form would require approximately 450 hours.

5. To attempt to answer Interrogatory No. 9, subpart r, would require extracting a different document than that referred to in describing the process in answering Interrogatory No. 9, subpart p. As a result, an additional eight minutes for each of the 5,200 files would be expended to extract this information and similar expenditures of time to compile, type and photocopy the response would be expended, totalling approximately 1,150 hours. From the information available, it would require only one additional minute to obtain the information available from the 5,200 personnel files, since the information sought by Interrogatory No. 9, subpart q, is contained on the same document as that sought by Interrogatory No. 9, subpart r. As a result, the total time required to review, compile, type and photocopy the information available regarding Interrogatory No. 9, subpart q, would require approximately 130 hours.

6. In summary, the total time involved in attempting to provide answers to Interrogatory No. 9 [p, q & r] for the ten year period prior to the 1950-51 school year would require

approximately 2,430 hours. This estimate includes not only the time projected to review available documents, but also to compile responses to the interrogatory from such documents and the clerical staff time necessary to prepare answers from the compilations made.

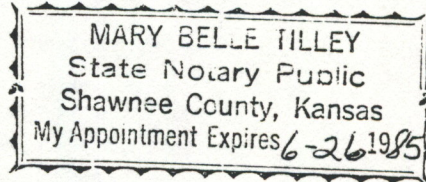
FURTHER AFFIANT SAITH NOT.

*Frank Ybarra*  
FRANK YBARRA

The above was subscribed and sworn to before me, a Notary Public, on this 2nd day of December, 1982.

*Mary Belle Tilley*  
Notary Public

My appointment expires:  
June 26, 1985.



IN THE UNITED STATES DISTRICT COURT  
FOR THE DISTRICT OF KANSAS

OLIVER BROWN, et al., )  
Plaintiffs, )  
and )  
CHARLES and KIMBERLY SMITH, minor )  
children, by their mother and next )  
friend, LINDA BROWN SMITH, et al., ) No. T-316  
Intervening )  
Plaintiffs, )  
vs. )  
BOARD OF EDUCATION OF TOPEKA, )  
SHAWNEE COUNTY, KANSAS, )  
et al., )  
Defendants. )

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A F F I D A V I T

STATE OF KANSAS )  
 ) ss:  
COUNTY OF SHAWNEE )

Gerald A. Miller, of lawful age, being first duly sworn,  
upon his oath, deposes and states:

1. That he is Director of Demographic Services for Unified  
School District No. 501.

2. That as Director of Demographic Services he supervised  
and directed the efforts of School District staff in compiling  
answers to Interrogatory Nos. 10, 11, 18, 26-28 of Intervening  
Plaintiffs' Interrogatories--First Set.

3. Based upon his prior experience in supervising and  
directing preparation of answers to the above-referenced  
interrogatories for the time period beginning with the 1950-51  
school year, he estimates that the time involved in attempting to  
provide answers to said interrogatories from documents within the  
possession of Unified School District No. 501 for the ten year

period prior to the 1950-51 school year would require approximately 200 hours. This estimate includes not only the time projected to review available documents, but also to compile responses to the interrogatories from such documents and the clerical staff time necessary to prepare answers from the compilations made.

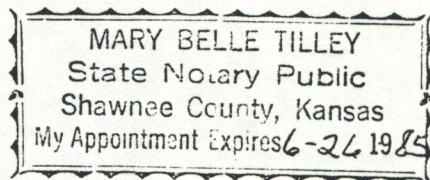
FURTHER AFFIANT SAITH NOT.

Gerald A. Miller  
GERALD A. MILLER

The above was subscribed and sworn to before me, a Notary Public, on this 2nd day of December, 1982.

Mary Belle Tilley  
Notary Public

My appointment expires:  
June 26, 1985.



IN THE UNITED STATES DISTRICT COURT  
FOR THE DISTRICT OF KANSAS

OLIVER BROWN, et al.,  
Plaintiffs,  
and  
CHARLES and KIMBERLY SMITH, minor  
children, by their mother and next  
friend, LINDA BROWN SMITH, et al.,  
Intervening  
Plaintiffs,  
vs.  
BOARD OF EDUCATION OF TOPEKA,  
SHAWNEE COUNTY, KANSAS,  
et al.,  
Defendants.

No. T-316

A F F I D A V I T

STATE OF KANSAS )  
                  ) ss:  
COUNTY OF SHAWNEE )

Don R. O'Neil, of lawful age, being first duly sworn, upon his oath, deposes and states:

1. That he is Associate Superintendent, Management Services, for Unified School District No. 501.

2. That as Associate Superintendent, he is responsible for coordinating the efforts of School District staff in attempting to compile answers to Intervening Plaintiffs' Interrogatories--First Set, served upon Unified School District No. 501 in the above-captioned cause.

3. That as Associate Superintendent, he instructed the staff members of the School District who were responsible for supervising and directing the preparation of answers to Intervening Plaintiffs' Interrogatories--First Set to review their files, to identify potential sources of information and estimate the time which would be required to review the

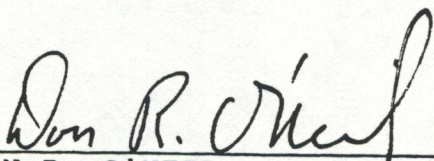
documents, to compile and prepare responses to Intervening Plaintiffs' Interrogatories--First Set for the ten year period prior to the 1950-51 school year where such information was sought originally by the interrogatories.

4. That according to time records kept by the School District, beginning in January 1980, through November 30, 1982, staff personnel of Unified School District No. 501 have expended 8,386.75 hours in attempting to compile answers to Intervening Plaintiffs' Interrogatories (First, Second and Third Sets).

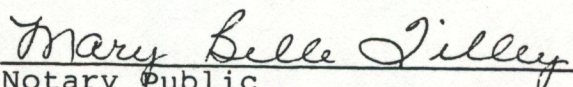
5. That according to time records kept by the School District, staff personnel for Unified School District No. 501 have expended thus far 5,734 hours in attempting to compile answers to Intervening Plaintiffs' Interrogatories--First Set. Employee salaries attributable to the expenditure of time in compiling answers to the First Set total \$41,408.46.

6. That according to the estimates prepared by staff personnel who supervised and directed the preparation of responses to Intervening Plaintiffs' Interrogatories--First Set, the total time estimated to review available documents, to compile responses, and to type and photocopy those responses in final form would require in excess of 4,120 hours of staff time.

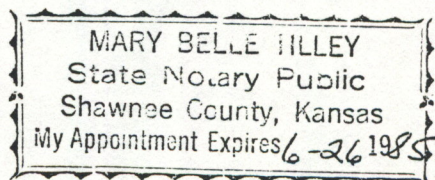
FURTHER AFFIANT SAITH NOT.

  
\_\_\_\_\_  
DON R. O'NEIL

The above was subscribed and sworn to before me, a Notary Public, on this 2<sup>nd</sup> day of December, 1982.

  
\_\_\_\_\_  
Notary Public

My appointment expires:  
June 26, 1985.



IN THE UNITED STATES DISTRICT COURT  
FOR THE DISTRICT OF KANSAS

OLIVER BROWN, et al.,  
Plaintiffs,  
and  
CHARLES and KIMBERLY SMITH, minor  
children, by their mother and next  
friend, LINDA BROWN SMITH, et al.,  
Intervening  
Plaintiffs,  
vs.  
BOARD OF EDUCATION OF TOPEKA,  
SHAWNEE COUNTY, KANSAS,  
et al.,  
Defendants.

No. T-316

A F F I D A V I T

STATE OF KANSAS )  
                  ) ss:  
COUNTY OF SHAWNEE )

W. Wayne Warner, of lawful age, being first duly sworn, upon his oath, deposes and states:

1. That he is Assistant Superintendent, Business Services, for Unified School District No. 501.

2. That as Assistant Superintendent, Business Services, he supervised and directed the efforts of School District staff in compiling answers to Interrogatory Nos. 5, 12, 13, 14 and 21 of Intervening Plaintiffs' Interrogatories--First Set.

3. In attempting to answer Interrogatory No. 5 for the ten year period prior to the 1950-51 school year, it would appear that official school board minutes and records of the City/County Planning Commission would have to be reviewed. Board minutes for the ten year period involve approximately 500 pages of documents. It is estimated that to review available documents, compile

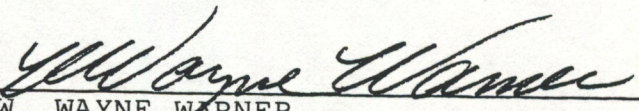


responses and to have clerical staff type and photocopy answers would require approximately 210 hours.

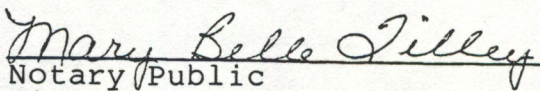
4. To the extent that answers can be provided to Interrogatory Nos. 12, 13 and 14 for the ten year period prior to the 1950-51 school year, the information is contained in the School District's audit reports from 1940 to 1950. Based upon his prior experience in supervising and directing preparation of answers to the Interrogatory Nos. 12, 13 and 14 for the time period beginning with the 1950-51 school year, he estimates that the time involved in attempting to provide answers to said interrogatories for the ten year period prior to the 1950-51 school year would require approximately 540 hours. This estimate includes not only the time projected to review available documents, but also to compile responses to the interrogatories from such documents and the clerical staff time necessary to prepare answers from the compilations made.

5. The only known potential source of information within the possession of Unified School District No. 501 regarding the answer to Interrogatory No. 21 for the ten year period prior to the 1950-51 school year is the minutes of official school board meetings. It is estimated that to review the board minutes, compile the response and have the clerical staff prepare in final form would require approximately 90 hours.

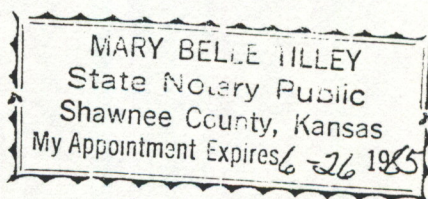
FURTHER AFFIANT SAITH NOT.

  
W. WAYNE WARNER

The above was subscribed and sworn to before me, a Notary Public, on this 2nd day of December, 1982.

  
Notary Public

My appointment expires:  
June 26, 1985.



IN THE UNITED STATES DISTRICT COURT  
FOR THE DISTRICT OF KANSAS

OLIVER BROWN, et al.,		)	
	Plaintiffs,	)	
		)	
and		)	
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CHARLES and KIMBERLY SMITH, minor		)	
children, by their mother and next		)	
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BOARD OF EDUCATION OF TOPEKA,		)	
SHAWNEE COUNTY, KANSAS,		)	
et al.,		)	
	Defendants.	)	
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A F F I D A V I T

STATE OF KANSAS     )  
  )   ss:  
COUNTY OF SHAWNEE )

Michael D. Tribbey, of lawful age, being first duly sworn,  
upon his oath, deposes and states:

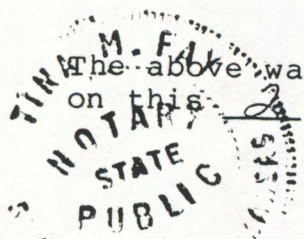
1. That he is Assistant Superintendent of Program Audit/Planning for Unified School District No. 501.
2. That as Assistant Superintendent of Program Audit/Planning he supervised and directed the efforts of School District staff in compiling answers to Interrogatory Nos. 9 [a-o, s-t], 19, 20, 24 and 25 of Intervening Plaintiffs' Interrogatories--First Set.
3. The known potential sources of information within the possession of Unified School District No. 501 regarding responses to Interrogatory Nos. 19, 20, 24 and 25 include: (a) official minutes of school board meetings; (b) school district business office files and records; (c) facilities planning/transportation files and records; and, possibly, (d) miscellaneous school

district records. Based upon his prior experience in supervising and directing preparation of answers to the above-referenced interrogatories for the time period beginning with the 1950-51 school year, he estimates that the time involved in attempting to provide answers to said Interrogatory Nos. 19, 20, 24 and 25 for the ten year period prior to the 1950-51 school year would require approximately 320 hours. This estimate includes not only the time projected to review available documents, but also the time projected to compile responses to the interrogatories from such documents and the clerical staff time necessary to prepare answers from the compilations made.

4. To attempt to compile a response to Interrogatory No. 9, subparts a-o and s-t, would require reviewing additional records, unrelated to answering Interrogatory Nos. 19, 20, 24 and 25, including records of demographic services and newspaper files. To the extent that information may be available, it is estimated that response to Interrogatory No. 9 [a-o, s-t] for the ten year period prior to the 1950-51 school year would require approximately 330 hours of staff time, including the time estimated to review available documents, to compile responses and to type and photocopy the response in its final form.

FURTHER AFFIANT SAITH NOT.

Michael D. Tribbey  
MICHAEL D. TRIBBEY



The above was subscribed and sworn to before me, a Notary Public, on this 23 day of December, 1982.

Tina M. Fay  
Notary Public

My appointment expires:  
12-24-83