

separately, fully and in writing under oath, within thirty (30) days from the date of service hereof. If you file objections to any of the interrogatories propounded herein, or any part thereof, it is requested that the interrogatories and parts thereof not objected to be answered within thirty (30) days from the date of service hereof. Please answer the interrogatories in the appropriate space. If you require more space for your answer, please annex additional pages.

These interrogatories are considered to be continuing in nature pursuant to Rule 26, Federal Rules of Civil Procedure, so as to require supplemental answers if intervening plaintiffs obtain further or different information between the time answers are served and the time of trial.

In answering these interrogatories, please furnish such information as is available to you, not merely such information as is of your own knowledge. This means you are to furnish information which is known by or in the possession of your agents, including your attorney or any agent or investigator for you or your attorney.

Where the answer to any of the interrogatories set forth below is a reference to any document, Unified School District No. 501 hereby requests pursuant to Rule 34 of the Federal Rules of Civil Procedure that the intervening plaintiffs make available such document for inspection and copying at the offices of Eidson, Lewis, Porter & Haynes, 1300 Merchants National Bank Building, Topeka, Kansas, attorneys for Unified School District No. 501, within thirty (30) days after service of these interrogatories.

Notice

These interrogatories are served individually upon each intervening plaintiff but it will be assumed that the answers filed are made jointly on behalf of all intervening plaintiffs unless otherwise specifically requested or noted.

Definitions

A. The phrase "identify the source" means identify each and every person and/or document, both as hereinafter defined, that provided you any or all of the information relied upon in making the subject allegation.

B. "Identify" when referring to a person means set forth full name, last known or present address, occupation and by whom employed or last known employer.

C. "Identify" when referring to documents means describe the type of document, the date thereof, by whom prepared or under whose supervision it was prepared, the signators, if any, and state who presently has custody and control of same.

D. "Documents" include but are not limited to the following written material:

Written memoranda, correspondence, interoffice memoranda, interpersonal communications, inter-company communications, intra-agency communications and/or reports, inter-agency communications and/or reports, notes, contracts, agreements, reports, opinions, records, investigative files and/or other writings.

Interrogatories

✓ 1. In paragraph 8 of your Motion for an Order Commanding Compliance, you claim that the School District "... maintains and operates racially segregated schools whereby the intervening plaintiffs and the vast majority of Black students attend schools in which the enrollment of Black students is disproportionately high." Please state separately for each school which you claim has been maintained and operated on a "racially segregated" basis at any time from the 1950-51 school year to the present, the following:

(a) name and address of each racially segregated school and every school year in which you claim such schools were racially segregated;

(b) your meaning by the phrase "disproportionately high" as it relates to the school enrollment of Black students;

(c) name of each school which you claim the enrollment of Black students was disproportionately high, indicating the school year(s) in which such occurred for each school.

ANSWER:

✓ 2. In paragraph 8 of your Motion for an Order Commanding Compliance, you claim that the School District "... maintains and operates racially segregated schools whereby ... the vast majority of White students attend schools in which the enrollment of White students is disproportionately high." Please state separately for each school which you claim has been maintained and operated on a "racially segregated" basis at any time from the 1950-51 school year to the present, the following:

(a) name and address of each racially segregated school and every school year in which you claim such schools were racially segregated;

(b) your meaning by the phrase "disproportionately high" as it relates to the school enrollment of White students;

(c) name of each school which you claim the enrollment of White students was disproportionately high, indicating the school year(s) in which such occurred for each school.

ANSWER:

✓ 3. Are there any schools currently maintained and operated by Unified School District No. 501 which you do not claim are operated or maintained on a racially segregated basis? If so, please identify each such school.

ANSWER:

4. Please identify each school which you claim is currently being operated and maintained by Unified School District No. 501 on a racially segregated basis, and specifically set forth with respect to each school:

(a) the facts upon which you rely for this claim;

(b) identify the specific source of the facts upon which you rely for this claim;

(c) list and identify the documentary evidence and particularly indicate anything which will be used as a trial exhibit with respect to this claim;

(d) give the names, telephone numbers and addresses of all persons expected to be called as witnesses to prove this claim at the trial of this case.

ANSWER:

5. In paragraph 9 of your Motion for an Order Commanding Compliance, you claim that the School District "has established school attendance zones which perpetuate racially segregated schools." State separately for each school in existence and for each school year during the school years from 1950-51 to the present, the following:

(a) identify the school attendance zones which you claim "perpetuate racially segregated schools";

(b) please describe specifically the acts or omissions of Unified School District No. 501 (or its predecessor) for which you claim race was a factor in determining school attendance boundaries;

(c) identify the specific source of the information upon which you base your claim contained in paragraph 9;

(d) list and identify the documentary evidence and particularly indicate anything that will be used as a trial exhibit which will prove that the School District has established school attendance zones which perpetuate racially segregated schools;

(e) give the names, telephone numbers, and addresses of all persons expected to be called as witnesses to establish these facts at the trial of this case.

ANSWER:

6. In paragraph 10 of your Motion for an Order Commanding Compliance, you claim that the School District "has adopted and implemented an Open Enrollment policy which the plaintiffs believe will continue to perpetuate racially segregated schools." Please specifically set forth and describe for each school year since 1950-51 to the present the facts upon which you rely for this claim and identify those schools in which racial segregation has been perpetuated by said policy. In addition, please identify the specific source of the information upon which you rely; list and identify the documentary evidence and particularly indicate anything which will be used as a trial exhibit on this point; and give the names, telephone numbers, and addresses of all persons expected to be called as witnesses to prove this claim at the trial of this case.

ANSWER:

7. In paragraph 11 of your Motion for an Order Commanding Compliance, you claim that the "Long Range Facilities Plan adopted and implemented by the School District further perpetuates the racially segregated schools." Please specifically set forth and describe for each school year since 1950-51 to the present the facts upon which you rely for this claim and identify those schools in which racial segregation has been perpetuated by said plan. In addition, please identify the specific source of the information upon which you rely; list and identify the documentary evidence and particularly indicate anything which will be used as a trial exhibit on this point; and give the names, telephone numbers, and addresses of all persons expected to be called as witnesses to prove this claim at the trial of this case.

ANSWER:

8. In paragraph 12 of your Motion for an Order Commanding Compliance, you claim that "the facilities, equipment, curriculum and instruction provided in those schools with disproportionately high Black enrollment are substantially inferior to those provided for [in] the schools where there is a disproportionately high White enrollment." Please state separately for each school and for each school year during the school years from 1950-51 to the present, the following:

(a) the facilities which you claim are or were "substantially inferior";

(b) the specific facts upon which you rely for this claim of inferior facilities;

(c) please identify the specific source of such information concerning inferior facilities;

(d) list and identify the documentary evidence and particularly indicate anything that would be used as a trial exhibit which will prove that such substantially inferior facilities were provided to those schools with "disproportionately high Black enrollment";

(e) give the names, telephone numbers, and addresses of all persons expected to be called as witnesses to establish these facts at the trial of this case.

(f) the equipment which you claim is and/or was "substantially inferior";

(g) the specific facts upon which you rely for this claim of inferior equipment;

(h) please identify the specific source of such information concerning inferior equipment;

(i) list and identify the documentary evidence and particularly indicate anything that would be used as a trial exhibit which will prove that such substantially inferior equipment was provided to those schools with "disproportionately high Black enrollment";

(j) give the names, telephone numbers, and addresses of all persons expected to be called as witnesses to establish these facts at the trial of this case.

(k) the curriculum which you claim is and/or was "substantially inferior";

(l) the specific facts upon which you rely for this claim of inferior curriculum;

(m) please identify the specific source of such information concerning inferior curriculum;

(n) list and identify the documentary evidence and particularly indicate anything that would be used as a trial exhibit which will prove that such substantially inferior curriculum was provided to those schools with "disproportionately high Black enrollment";

(o) give the names, telephone numbers, and addresses of all persons expected to be called as witnesses to establish these facts at the trial of this case.

(p) the instruction which you claim is and/or was "substantially inferior";

(q) the specific facts upon which you rely for this claim of inferior instruction;

(r) please identify the specific source of such information concerning inferior instruction;

(s) list and identify the documentary evidence and particularly indicate anything that would be used as a trial exhibit which will prove that such substantially inferior instruction was provided to those schools with "disproportionately high Black enrollment";

(t) give the names, telephone numbers, and addresses of all persons expected to be called as witnesses to establish these facts at the trial of this case.

ANSWER:

9. In paragraph 13 of your Motion for an Order Commanding Compliance, you claim that "Black teachers, counselors and other Black personnel are assigned to schools where Black enrollment is disproportionately high." State separately for each school in existence and for each school year during the school years from 1950-51 to the present, the following:

(a) the name of each school with disproportionately high Black enrollment to which you claim Black teachers, counselors and other Black personnel were assigned;

(b) the facts upon which you rely for this claim;

(c) identify the specific source of the information in support of this claim;

(d) list and identify the documentary evidence and particularly indicate anything that will be used a trial exhibit which will prove that Black teachers, counselors and other Black personnel were and/or are assigned to schools where Black enrollment is disproportionately high;

(e) give the names, telephone numbers and addresses of all persons expected to be called as witnesses to establish these facts at the trial of this case.

ANSWER:

10. In paragraph 13 of your Motion for an Order Commanding Compliance, you claim that "White teachers, counselors and other White personnel are assigned to schools where White enrollment is disproportionately high." State separately for each school in existence and for each school year during the school years from 1950-51 to the present, the following:

(a) the name of each school with disproportionately high White enrollment to which you claim White teachers, counselors and other White personnel were assigned;

(b) the facts upon which you rely for this claim;

(c) identify the specific source of the information in support of this claim;

(d) list and identify the documentary evidence and particularly indicate anything that will be used a trial exhibit which will prove that White teachers, counselors and other White personnel were and/or are assigned to schools where White enrollment is disproportionately high;

(e) give the names, telephone numbers and addresses of all persons expected to be called as witnesses to establish these facts at the trial of this case.

ANSWER:

11. If you intend to call as a witness any individual who may have the qualifications to testify as an expert as to any matter, state:

- (a) the name and address of each such individual;
- (b) the subject matter upon which the expert is expected to testify;
- (c) the substance of the facts and opinions to which the expert is expected to testify;
- (d) a summary of the grounds for each such opinion;
- (e) the field of expertise of the expert;
- (f) set forth in detail the qualifications and training of the expert, including professional and practice experience, educational institutions attended, and degrees obtained. As to each item listed in the answer to this interrogatory, set forth the relevant dates and the nature and identity of each institution attended and of each place at which experience or training was received;
- (g) set forth the exact title of any and all articles or publications written by the expert relating in any way to his or her field of expertise or the subject matter of his or her anticipated testimony. As to each such article or publication, identify the publisher and set forth the date and location of publication;
- (h) set forth a detailed description of any and all oral reports, conclusions or comments ever prepared by the expert with respect to the subject matter of this litigation.

ANSWER:

12. Identify all persons who have been retained or specially employed or consulted in anticipation of this litigation or preparation for trial and who are not expected to be called as witnesses at trial.

ANSWER:

(a) as to each person identified set forth the subject matter on which he or she was retained, employed or consulted;

(b) set forth his or her field of expertise;

(c) set forth in detail his or her qualifications and training, including professional and practical experience, educational institutions attended, and degrees obtained. As to each item listed in the answer to this interrogatory, set forth the relevant dates and the nature and identity of each institution attended and of each place at which experience or training was received;

(d) set forth the exact title of any and all articles or publications written by the person relating in any way to his or her field of expertise or the subject matter of this litigation. As to each such article or publication, identify the publisher and set forth the date and location of publication;

(e) set forth a detailed description of all oral reports, conclusions or comments ever prepared by the person with respect to the subject matter of this litigation.

ANSWER:

13. If you claim that any given school was constructed for and/or had its site chosen for racial reasons, at any time from 1950-51 school year to the present, please state the following:

- (a) the name and location of each such school;
- (b) the specific facts upon which you rely for this claim;
- (c) identify the specific source of the information upon which you base this claim;
- (d) list and identify the documentary evidence and particularly indicate anything that would be used as a trial exhibit which will prove this claim;
- (e) give the names, telephone numbers, and addresses of all persons you expect to be called as witnesses to establish these facts at the trial of this case;
- (f) describe all specific integrative alternatives, if any, to the construction and/or site selection for those schools identified in answer (a) above;
- (g) identify the source of your information in answer (f) above and list all documentary evidence and exhibits and the names, addresses and telephone numbers of all witnesses to be used at the trial to prove that specific integrative alternatives were available.

ANSWER:

14. If you claim that the establishment and/or maintenance of certain school attendance zones (at any time since the 1950-51 school year to the present) was segregative because there were integrative alternatives available, please state:

(a) identify each school boundary which you claim was segregative, indicating the school year(s) in which such occurred for each school;

(b) set forth the specific facts upon which you rely for your claim that each such boundary was segregative;

(c) identify the source of your information in answer (b) and list all documentary evidence and exhibits and the names, addresses and telephone numbers of all witnesses to be used at the trial to prove that said boundaries were segregative;

(d) describe the specific integrative alternatives available with respect to each boundary which you claim was segregative;

(e) specifically state the facts upon which you rely for this claim that integrative alternatives were available;

(f) identify the source of your information in answer (e) above and list all documentary evidence and exhibits and the names, addresses and telephone numbers of all witnesses to be used in trial to prove this claim of specific integrative alternatives.

ANSWER:

15. If you claim that at any time since the beginning of the 1950-51 school year to the present the School District established any student transfer policies for racial reasons or for which there were foreseeably segregative effects, please state the following:

(a) identify and describe each transfer policy which you claim was established for racial reasons;

(b) set forth the specific facts upon which you rely for this claim;

(c) please identify the specific source of such information;

(d) list and identify the documentary evidence and particularly indicate anything that would be used as a trial exhibit which will prove that said student transfer policy was established for racial reasons;

(e) give the names, telephone numbers and addresses of all persons expected to be called as witnesses to establish these facts at the trial of this case;

(f) in addition, if you claim that any such transfer policies listed above in answer (a) had a foreseeably segregative effect, please identify each such transfer policy and the school year(s) in which you claim the segregative effect occurred;

(g) please set forth the specific facts upon which you rely for your claim that said transfer policy had a foreseeably segregative effect;

(h) please identify the specific source of such information concerning foreseeable segregative effect of said transfer policy;

(i) list and identify the documentary evidence and particularly indicate anything that would be used as a trial exhibit which would prove that said transfer policy had a foreseeably segregative effect;

(j) give the names, telephone numbers and addresses of all persons expected to be called as witnesses to establish the claim of foreseeable segregative effect concerning transfer policies at the trial of this case.

ANSWER:

16. If you claim that the School District established and maintained any optional attendance policy since the 1950-51 school year for racial reasons or which had a foreseeably segregative effect, please state the following:

(a) identify and describe each optional attendance policy, indicating whether you claim it was established for racial reasons or whether it had a foreseeably segregative effect;

(b) the specific facts upon which you rely for this claim with regard to each optional attendance policy;

(c) identify the specific source of such information in support of this claim;

(d) list and identify the documentary evidence and particularly indicate anything that would be used

as a trial exhibit which will prove that optional attendance policies were established and maintained for racial reasons or had a foreseeably segregative effect;

(e) give the names, telephone numbers and addresses of all persons expected to be called as witnesses to establish these facts at the trial of this case.

ANSWER:

17. If you claim that the School District established any plan involving the closing and/or consolidation of schools for racial reasons or which plan had a foreseeably segregative effect, at any time beginning with the 1950-51 school year to the present, please state the following:

(a) identify and describe each such plan involving the closing and/or consolidation of schools, indicating whether you claim it was established for racial reasons or whether it had a foreseeably segregative effect;

(b) the specific facts upon which you rely for this claim;

(c) identify the specific source of the information upon which you rely for this claim;

(d) list and identify the documentary evidence and particularly indicate anything that would be used as a trial exhibit which will prove that such plan involving the closing and/or consolidation of schools was established for racial reasons or had a foreseeably segregative effect;

(e) give the names, telephone numbers and addresses of all persons expected to be called as witnesses to establish these facts at the trial of this case.

ANSWER:

18. If you claim that the School District established any transportation policy for racial reasons or which policy had a foreseeably segregative effect, at any time beginning with the 1950-51 school year to the present, please state the following:

(a) identify and describe each such transportation policy, indicating whether you claim it was established for racial reasons or whether it had a foreseeably segregative effect;

(b) the specific facts upon which you rely for this claim;

(c) identify the specific source of the information upon which you rely for this claim;

(d) list and identify the documentary evidence and particularly indicate anything that would be used as a trial exhibit which will prove that such transportation policy was established for racial reasons or had a foreseeably segregative effect;

(e) give the names, telephone numbers and addresses of all persons expected to be called as witnesses to establish these facts at the trial of this case.

ANSWER:

19. If you claim that the School District established and maintained any policies or practices concerning student participation in intramural, social and extracurricular activities provided through the schools for racial reasons or which policy or practice had a foreseeably segregative effect, at any time beginning with the 1950-51 school year to the present, please state the following:

(a) identify and describe each such policy or practice;

(b) the specific facts upon which you rely for this claim;

(c) identify the specific source of the information upon which you rely for this claim;

(d) list and identify the documentary evidence and particularly indicate anything that would be used as a trial exhibit which will prove that such policy or practice involving student participation in intramural, social and extracurricular activities provided through the schools was established and maintained for racial reasons or had a foreseeably segregative effect;

(e) give the names, telephone numbers and addresses of all persons expected to be called as witnesses to establish these facts at the trial of this case.

ANSWER:

20. Do you claim that the School District rejected any plan or proposal (formal or informal) which you believe would have had an integrative effect on the operation and maintenance of the School District at any time beginning with the 1950-51 school year to the present? If so, please state:

(a) identify and describe each such plan or proposal, indicating by whom it was submitted and the date of its submission to the School District;

(b) the specific facts upon which you rely for your claim that the adoption of such plan or proposal would have had an integrative effect on the maintenance and operation of the School District;

(c) identify the specific source of the information upon which you rely for this claim;

(d) list and identify the documentary evidence and particularly indicate anything that would be used as a trial exhibit which will prove that such plan or proposal would have had an integrative effect;

(e) give the names, telephone numbers and addresses of all persons expected to be called as witnesses to establish these facts at the trial of this case.

ANSWER:

21. If you claim that the School District followed any policy of reassigning students from one attendance area to another for racial reasons or which policy had a foreseeably segregative effect, at any time beginning with the 1950-51 school year to the present, please state the following:

(a) identify and describe each such policy involving student reassignment, indicating the year(s) in which such policy was followed and whether you claim it was established for racial reasons or whether it had a foreseeably segregative effect;

(b) the specific facts upon which you rely for this claim;

(c) identify the specific source of the information upon which you rely for this claim;

(d) list and identify the documentary evidence and particularly indicate anything that would be used as a trial exhibit which will prove that such policy involving student reassignment was established and maintained for racial reasons or had a foreseeably segregative effect;

(e) give the names, telephone numbers and addresses of all persons expected to be called as witnesses to establish these facts at the trial of this case.

ANSWER:

DATED this 5th day of October, 1981.

K. Gary Sebelius

K. Gary Sebelius
Charles N. Henson
of Eidson, Lewis, Porter & Haynes
1300 Merchants National Bank Bldg.
Topeka, Kansas 66612
(913) 233-2332

Attorneys for Unified
School District No. 501

CERTIFICATE OF SERVICE

The undersigned hereby certifies that the original and ten copies of the above and foregoing UNIFIED SCHOOL DISTRICT NO. 501's FIRST SET OF INTERROGATORIES TO INTERVENING PLAINTIFFS were served upon intervening plaintiffs by hand delivering same this 5th day of October, 1981, to:

Richard E. Jones
Jones & Jones
724 1/2 Kansas Avenue
Topeka, Kansas 66603

K. Gary Sebelius

K. Gary Sebelius

VERIFICATION OF ANSWERS TO INTERROGATORIES

STATE OF KANSAS)
) ss:
COUNTY OF SHAWNEE)

The intervening plaintiffs by Linda Brown Smith, Juda Gaines, Joyce Woods, Barbara Mitchell, Charlene Burkes, Patricia Robinson, Rufus Kelley and Ruby Davis, all of lawful age, being first duly sworn according to law, depose and state:

That they are the next friend of the intervening plaintiffs in the above-entitled action and they have read the interrogatories served upon them by Unified School District No. 501; that they have made the separate, full and true answers to the above and foregoing interrogatories and that all statements therein in answer thereto are true, correct and complete to the best of their knowledge and belief.

Linda Brown Smith

Juda Gaines

Joyce Woods

Barbara Mitchell

Charlene Burkes

Patricia Robinson

Rufus Kelley

Ruby Davis

Subscribed and sworn to before me this ____ day of _____,
1981.

Notary Public

my appointment expires:

_____.

CERTIFICATE OF RETURN SERVICE

The undersigned hereby certifies that the original and one conformed copy of the above and foregoing UNIFIED SCHOOL DISTRICT NO. 501's FIRST SET OF INTERROGATORIES TO INTERVENING PLAINTIFFS, duly answered and verified, was regularly mailed this ____ day of _____, 1981, to:

K. Gary Sebelius
Eidson, Lewis, Porter & Haynes
1300 Merchants National Bank Building
Topeka, Kansas 66612

Richard E. Jones
Attorney for Intervening Plaintiffs