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

Aug 12 1993

Aug 13, 1993

Montgomery County Circuit Court approved consent decree, Sinkfield v Bennett

May 2 1997

May 2, 1997

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

Sep 21 1997

Sep 22, 1997

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

Nov 1

9 1997

Nov 20, 1997

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

Dec 4 1997

Dec 4, 1997

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

Dec 18 1997

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.

Dec 18 1998

Dec 18, 1998

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

Jul 2 1999

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.

Apr 23 2000

Apr 24, 2000

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

Nov 27 2000

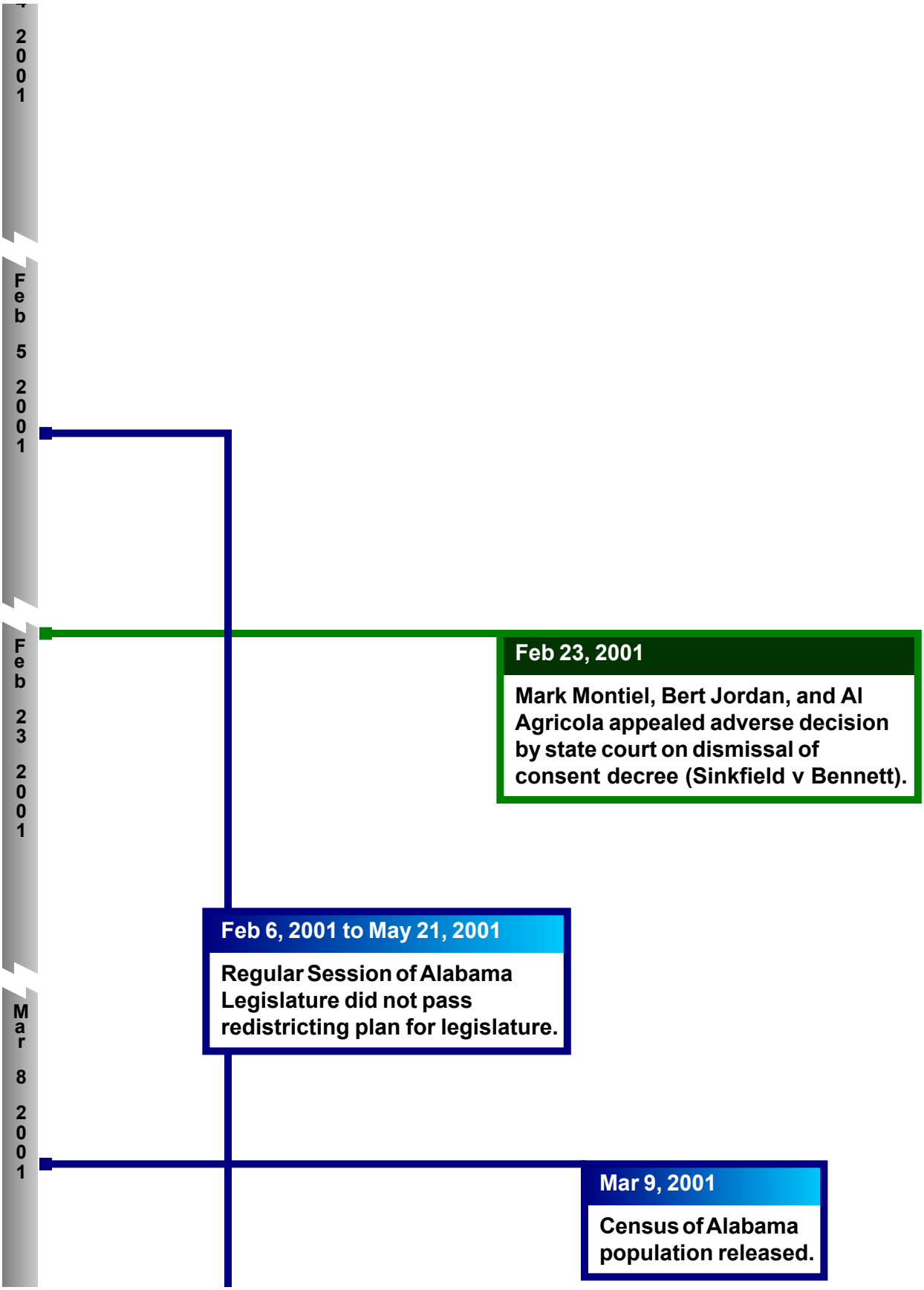
Nov 27, 2000

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

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.


2001
Feb 5 2001
Feb 23 2001
Mar 8 2001
Feb 23, 2001
Mark Montiel, Bert Jordan, and Al Agricola appealed adverse decision by state court on dismissal of consent decree (Sinkfield v Bennett).
Feb 6, 2001 to May 21, 2001
Regular Session of Alabama Legislature did not pass redistricting plan for legislature.
Mar 9, 2001
Census of Alabama population released.

May 20 2001

Jun 15 2001

Jun 15, 2001

Les Barnett, Terry Lathan, and Percy Johnson filed suit in U.S. District Court, Mobile (Barnett v Alabama), represented by Ben Ginsberg, Matthew Stowe, and Paul Wesch.

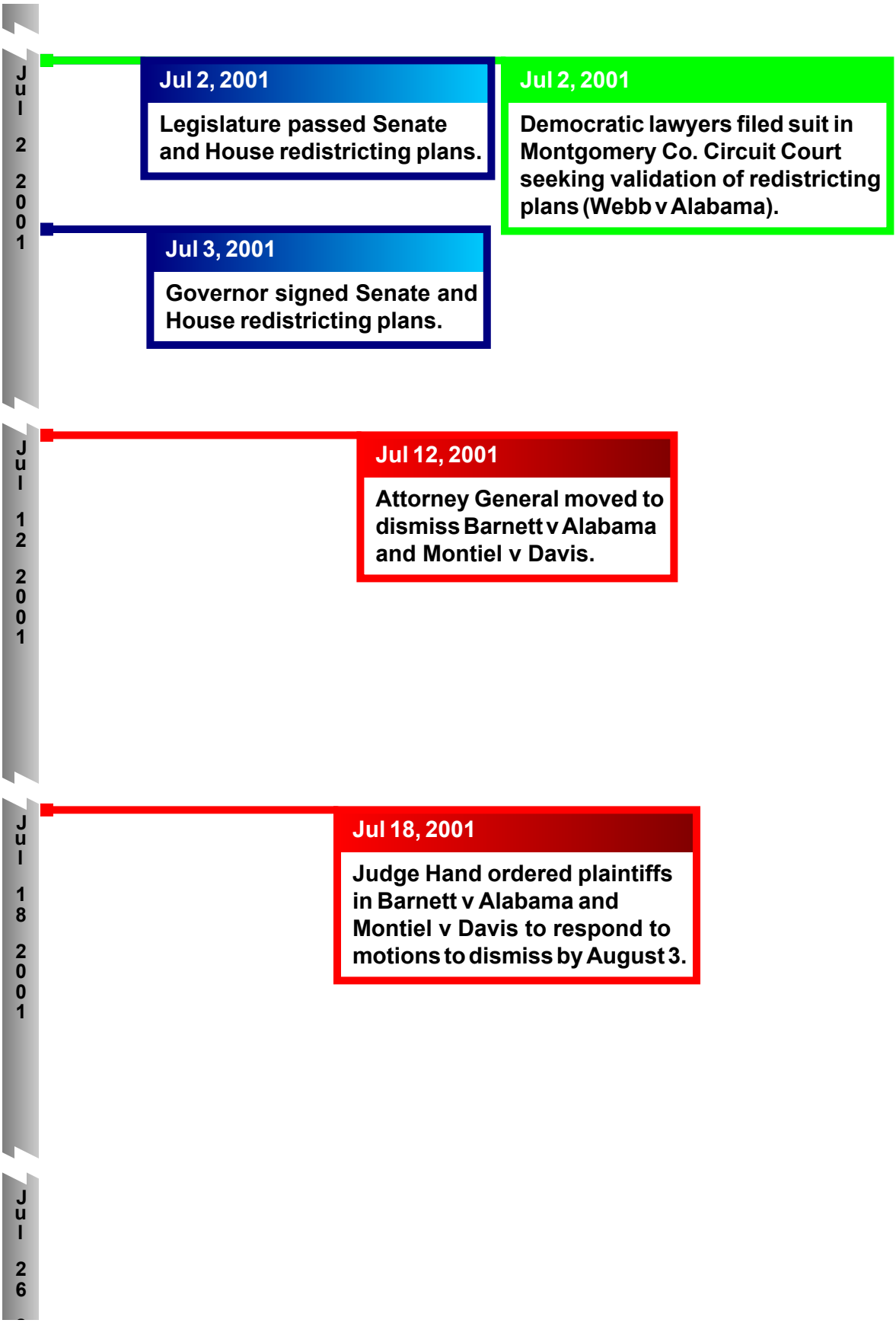
Jun 19 2001

Jun 19, 2001

Gov. Siegelman called special session to begin on June 25 and consider legislative redistricting.

Jun 21, 2001

Gonzalo Fitch Montiel represented by Mark Montiel filed Montiel v Davis in S.D. Alabama federal court.


Jul 12 2001
Jul 2, 2001
Legislature passed Senate and House redistricting plans.
Jul 2, 2001
Democratic lawyers filed suit in Montgomery Co. Circuit Court seeking validation of redistricting plans (Webb v Alabama).
Jul 3, 2001
Governor signed Senate and House redistricting plans.
Jul 12 2001
Jul 12, 2001
Attorney General moved to dismiss Barnett v Alabama and Montiel v Davis.
Jul 18 2001
Jul 18, 2001
Judge Hand ordered plaintiffs in Barnett v Alabama and Montiel v Davis to respond to motions to dismiss by August 3.
Jul 26

2001

Jul 27, 2001

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

Aug 2 2001

Aug 3, 2001

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

Aug 3, 2001

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

Aug 8 2001

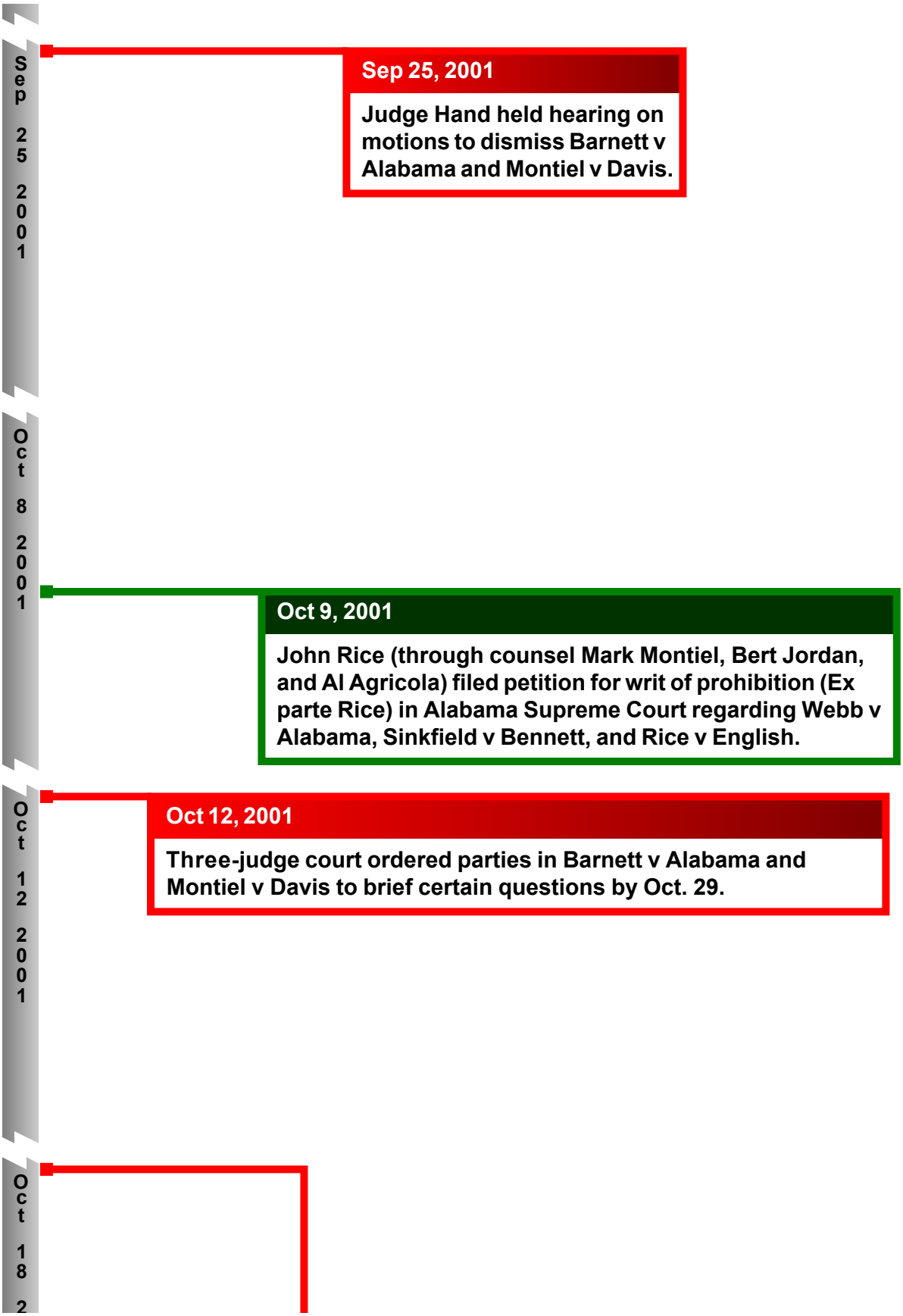
Aug 9, 2001

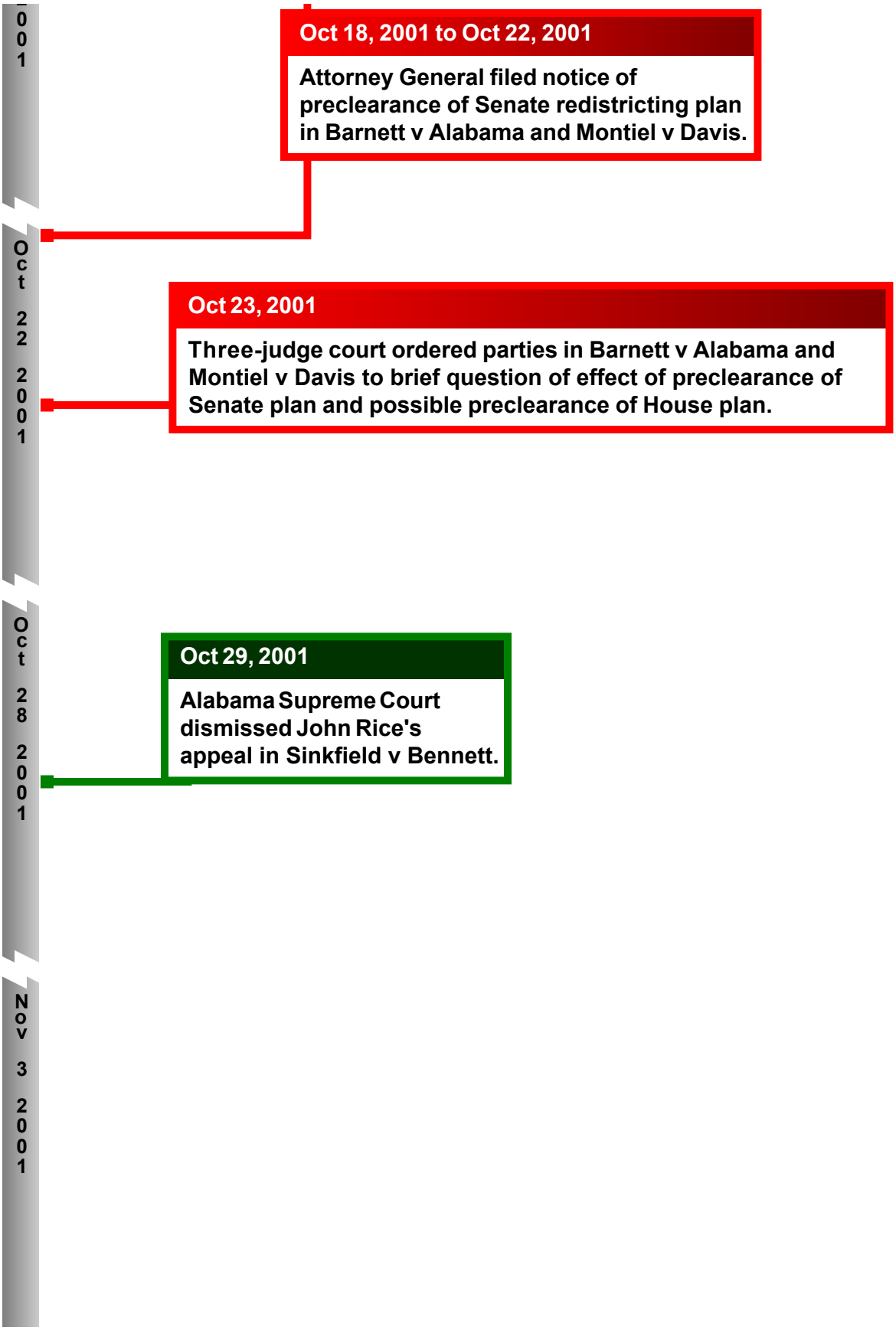
John Rice, William McCall Harris, and Patricia Christine N. Wood, represented by Montiel, filed suit in Montgomery Co. Circuit Court challenging Senate plan under Alabama Constitution (Rice v English).

Sep 19 2001

Sep 20, 2001

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


Sep 25 2001
Sep 25, 2001
Judge Hand held hearing on motions to dismiss Barnett v Alabama and Montiel v Davis.
Oct 8 2001
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.
Oct 12 2001
Oct 12, 2001
Three-judge court ordered parties in Barnett v Alabama and Montiel v Davis to brief certain questions by Oct. 29.
Oct 18 2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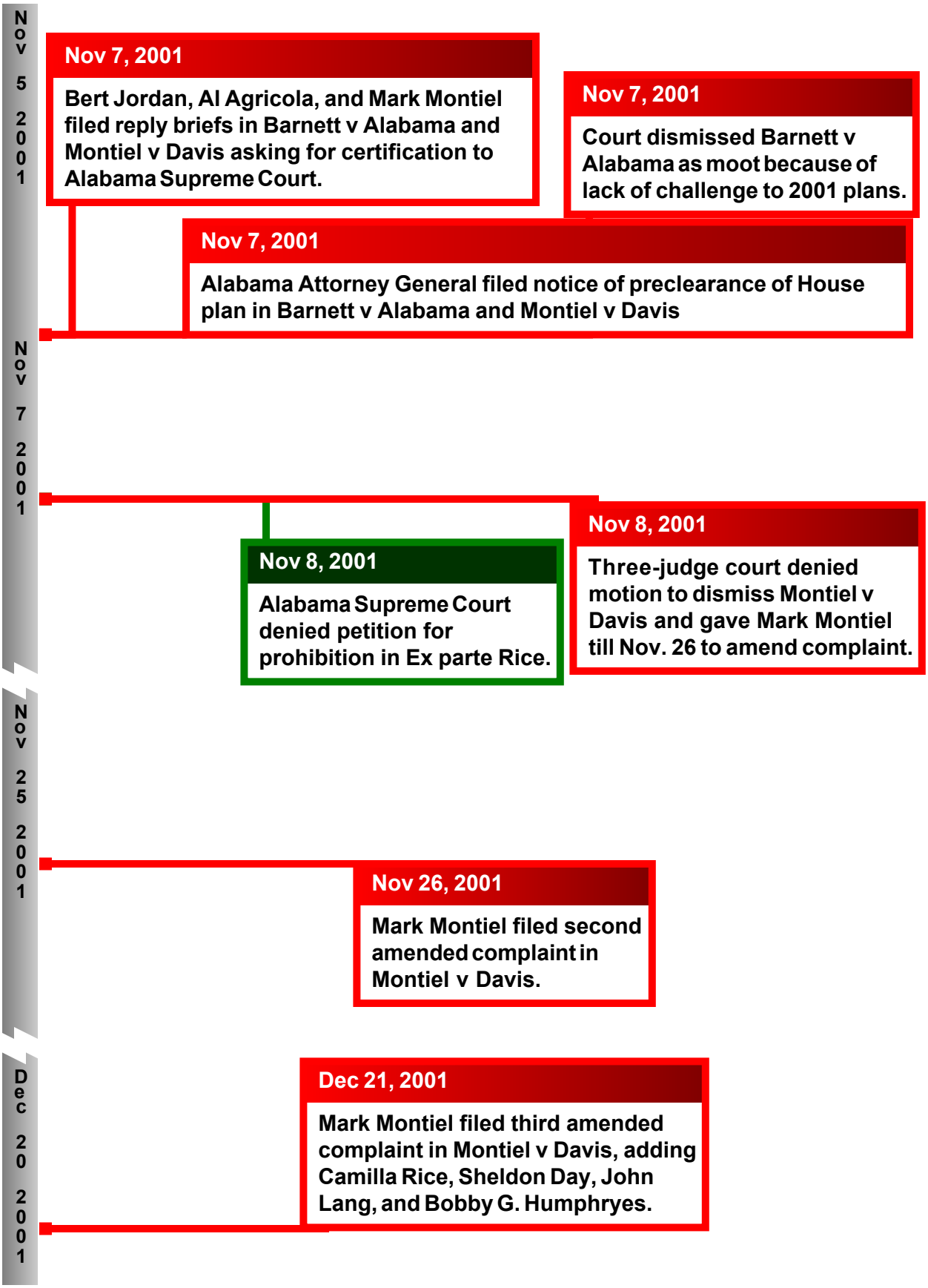
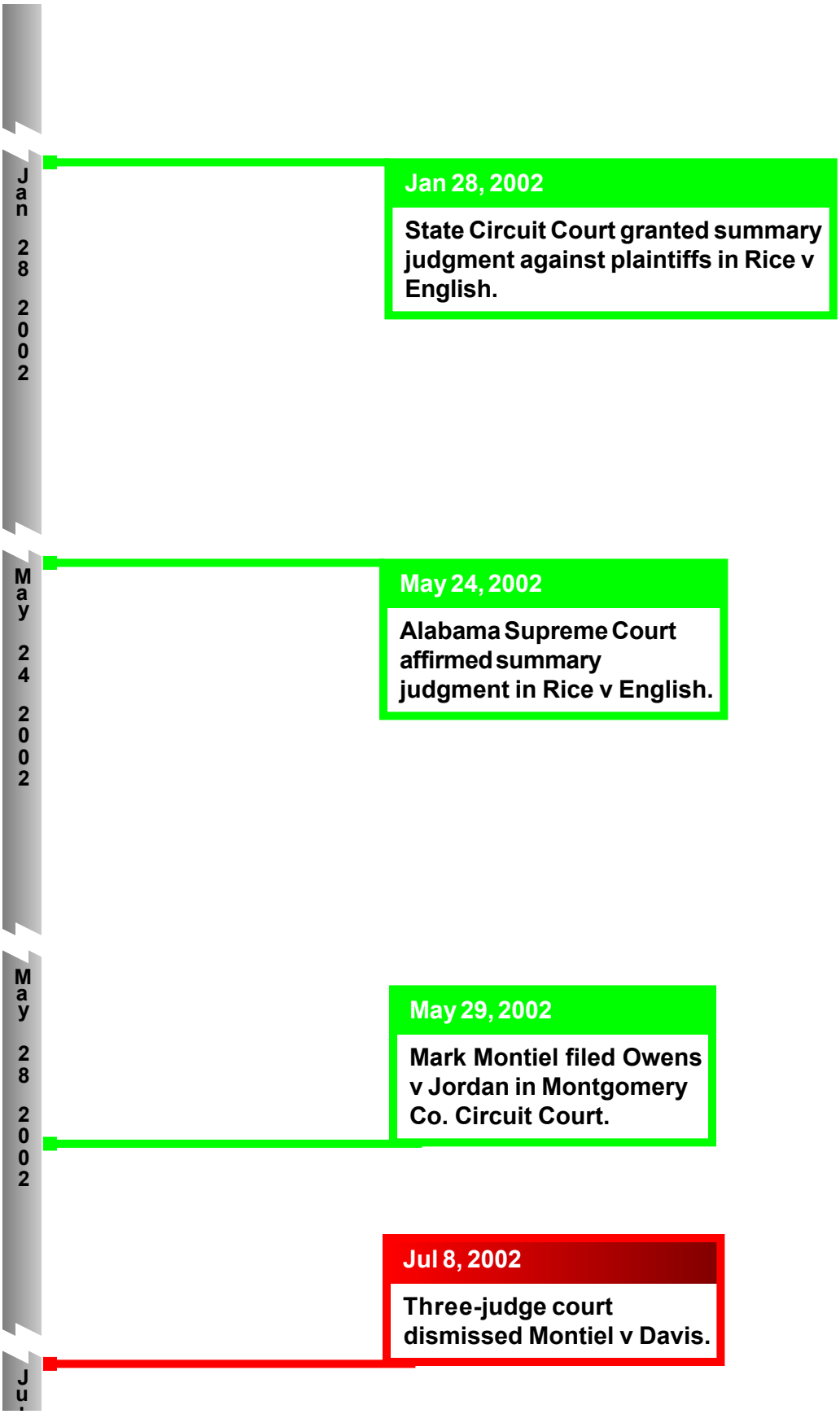
Oct 18, 2001 to Oct 22, 2001
Attorney General filed notice of preclearance of Senate redistricting plan in Barnett v Alabama and Montiel v Davis.
Oct 22 2001
Oct 23, 2001
Three-judge court ordered parties in Barnett v Alabama and Montiel v Davis to brief question of effect of preclearance of Senate plan and possible preclearance of House plan.
Oct 28 2001
Oct 29, 2001
Alabama Supreme Court dismissed John Rice's appeal in Sinkfield v Bennett.
Nov 3 2001


Nov 5 2001
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
Nov 7 2001
Nov 8, 2001
Alabama Supreme Court denied petition for prohibition in Ex parte Rice.
Nov 8, 2001
Three-judge court denied motion to dismiss Montiel v Davis and gave Mark Montiel till Nov. 26 to amend complaint.
Nov 25 2001
Nov 26, 2001
Mark Montiel filed second amended complaint in Montiel v Davis.
Dec 20 2001
Dec 21, 2001
Mark Montiel filed third amended complaint in Montiel v Davis, adding Camilla Rice, Sheldon Day, John Lang, and Bobby G. Humphryes.


Jan 28 2002
Jan 28, 2002
State Circuit Court granted summary judgment against plaintiffs in Rice v English.
May 24 2002
May 24, 2002
Alabama Supreme Court affirmed summary judgment in Rice v English.
May 28 2002
May 29, 2002
Mark Montiel filed Owens v Jordan in Montgomery Co. Circuit Court.
Jul 8, 2002
Three-judge court dismissed Montiel v Davis.
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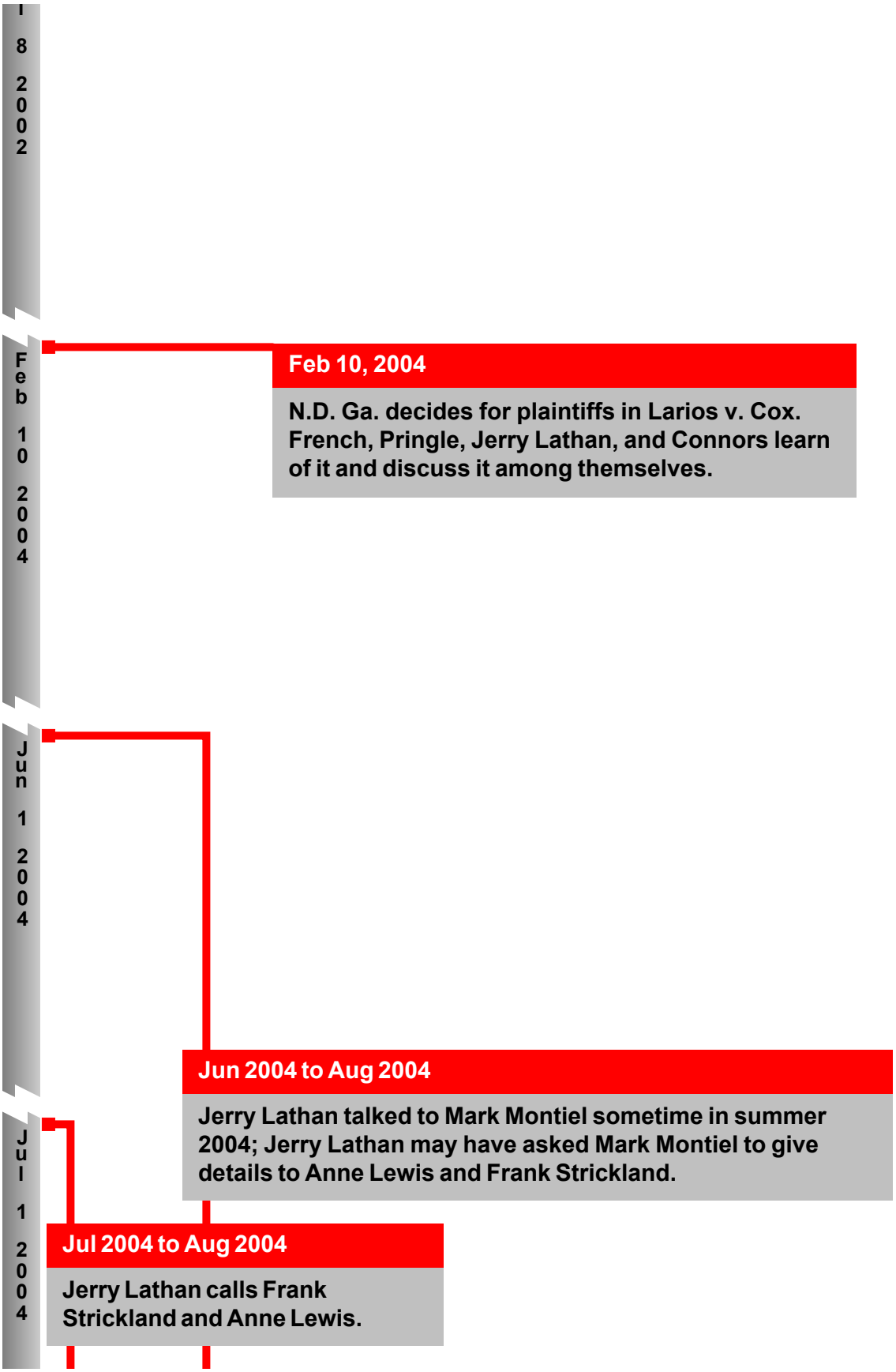
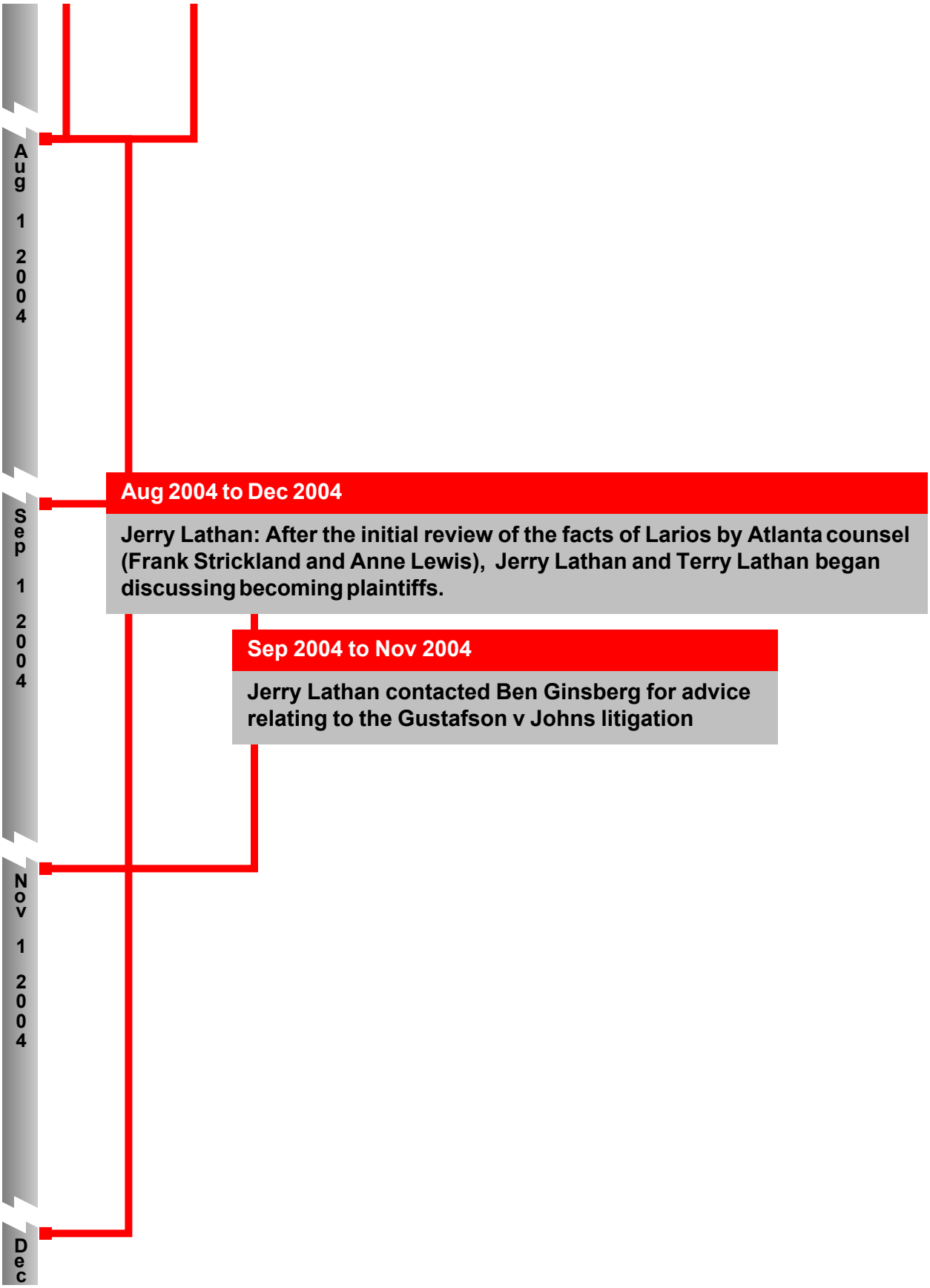
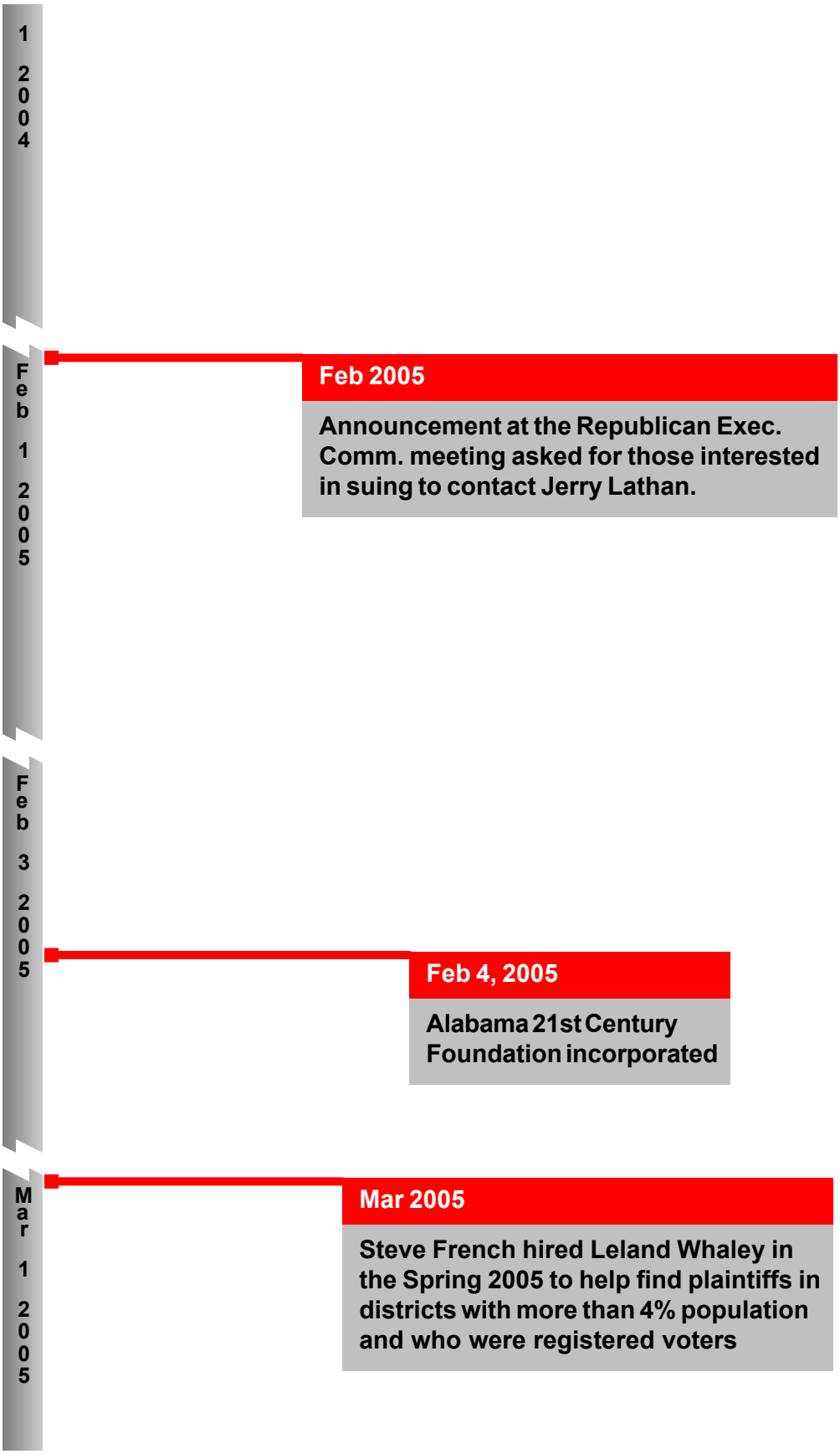
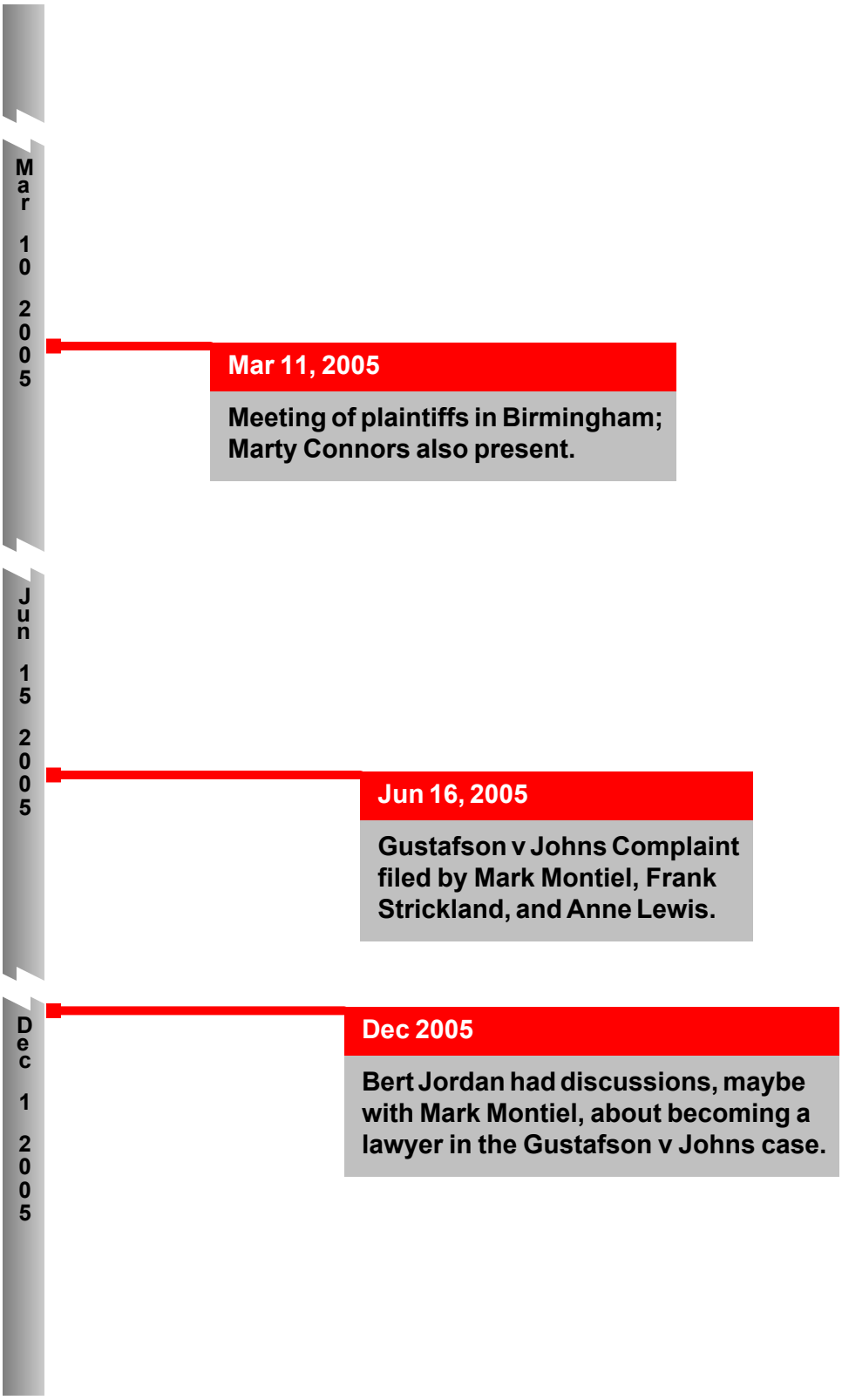

I 8 2002
Feb 10 2004
Feb 10, 2004
N.D. Ga. decides for plaintiffs in Larios v. Cox. French, Pringle, Jerry Lathan, and Connors learn of it and discuss it among themselves.
Jun 1 2004
Jun 2004 to Aug 2004
Jerry Lathan talked to Mark Montiel sometime in summer 2004; Jerry Lathan may have asked Mark Montiel to give details to Anne Lewis and Frank Strickland.
Jul 1 2004
Jul 2004 to Aug 2004
Jerry Lathan calls Frank Strickland and Anne Lewis.


Aug 1 2004
Sep 1 2004
Nov 1 2004
Dec
Aug 2004 to Dec 2004
Jerry Lathan: After the initial review of the facts of Larios by Atlanta counsel (Frank Strickland and Anne Lewis), Jerry Lathan and Terry Lathan began discussing becoming plaintiffs.
Sep 2004 to Nov 2004
Jerry Lathan contacted Ben Ginsberg for advice relating to the Gustafson v Johns litigation


1 2004
Feb 1 2005
Feb 2005
Announcement at the Republican Exec. Comm. meeting asked for those interested in suing to contact Jerry Lathan.
Feb 3 2005
Feb 4, 2005
Alabama 21st Century Foundation incorporated
Mar 1 2005
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


Mar 10 2005
Mar 11, 2005
Meeting of plaintiffs in Birmingham; Marty Connors also present.
Jun 15 2005
Jun 16, 2005
Gustafson v Johns Complaint filed by Mark Montiel, Frank Strickland, and Anne Lewis.
Dec 1 2005
Dec 2005
Bert Jordan had discussions, maybe with Mark Montiel, about becoming a lawyer in the Gustafson v Johns case.