

68-C-84

D. C. Form No. 106A Rev.

TITLE OF CASE		ATTORNEYS			
<p>Allstate Construction & Development Co., An Oklahoma Corporation</p> <p>vs.</p> <p>American Marine & Machinery Co., Inc., A corporation, and Caterpillar Tractor Co., a corporation</p>		<p>For plaintiff:</p> <p>C. J. Watts, John B. Hayes Watts, Looney, Nichols & Johnson 219 Couch Drive Oklahoma City, Oklahoma</p>			
		<p>For defendant: <i>585-5711</i></p> <p>Conner, Winters, Randolph & Ballaine 711 First National Building Tulsa, Oklahoma 74103 (Caterpillar)</p> <p>Hall, Abercrombie & Estill National Bank of Tulsa Building Tulsa, Oklahoma 74103 (Amer. Marine etc) (James C. T. Hardwick)</p>			
STATISTICAL RECORD	COSTS	DATE	NAME OR RECEIPT NO.	REC.	DISB.
J.S. 5 mailed <i>5-1-68</i>	Clerk	<i>4-4-68</i>	Watts	15 00	
J.S. 6 mailed <i>4-30-68</i>	Marshal	<i>4-11-68</i>	CD 44		15 00
Basis of Action: Suit on recovery of damages for defective materials	Docket fee				
	Witness fees				
Action arose at: Tulsa	Depositions				

DATE	PROCEEDINGS	Date Order or Judgment Noted
4-4-68	Complaint, filed. w	
4-4-68	Praecipe for summons, filed. Summons issued. w	
4-15-68	Return on summons filed. Served Caterpillar Tractor Company by serving Tom Meyers, Company Attorney, at Peoria, Illinois, on 4-9-68. Fees: \$4.24. w	
4-15-68	Return on summons filed. Left a copy with Mr. Bob Maner at Nashville, Tenn., on 4-10-68. Fees \$4.96. w	
4-30-68	Application for order extending time to answer, filed. ds	
4-30-68	Order extending time to plead or answer to complaint, and granting defendant Caterpillar Tractor Co. an extension of time to the 29th day of May, 1968, filed. LB-J) ds	
5-1-68	Ordered by the Court that defendant American Marine & Machinery Co., Inc., is granted until May 6, 1968 to plead or answer. (LB-J)w	
5-3-68	Motion to dismiss complaint of defendant, American Marine & Machinery Co., Inc., filed. w	
5-3-68	Brief in support of motion to dismiss of defendant, American Marine & Machinery Co., Inc., filed. w	
5-3-68	Affidavit in support of motion to dismiss, filed. w	
5-3-68	Certificate of Mailing, filed. w	
5-17-68	Defendant, Caterpillar Tractor Co.'s interrogatories to plaintiff, filed. ds	
5-21-68	Plaintiff's interrogatories to American Marine and Machinery Co., Inc. filed. ds	
5-29-68	Application of Caterpillar Tractor Co., for extension of time to file answer, filed. b	
5-29-68	Order filed, extending time until 6-10-68 for defendant, Caterpillar Tractor Co. to file an answer. (Luther Bohanon - Judge) b	
5-31-68	Application of plaintiff for extension of time within which to answer interrogatories, filed. b	
6-3-68	Order of May 31, 1968 filed, plaintiff granted until June 15, 1968 within which time to answer the interrogatories of Caterpillar Tractor Company. (Luther Bohanon - Judge) b	
6-3-68	Plaintiff's application to hold in abeyance motions to dismiss, filed. b	
6-3-68	Plaintiff's application for order allowing additional summons, filed. b	
6-3-68	Order filed that additional summons issue and shall not cause an abandonment of the service of process. (Luther Bohanon - Judge) Alias summons issued. b	
6-4-68	Application of defendant, American Marine & Machinery Co., Inc., a corporation for extension of time within which to answer interrogatories, filed. b	
6-6-68	Order that Amer. Marine & Machinery Co., Inc.(deft) has until 6-19-68 to file answer to plaintiff's interrogatories, filed. (LB-J)w	
6-10-68	Answer of Caterpillar Tractor Co., Filed js	
6-11-68	Secretary of State's return of service filed - served Caterpillar Tractor Co., Peoria, Illinois on 6-6-68. b	
6-11-68	Secretary of State's return of service filed - served American Marine & Machinery Co., 201 Woodcrest Ave., Nashville, Tenn., 6-6-68. b	
6-11-68	Alias summons returned, filed - served American Marine & Machinery Company, Inc., a corporation and Caterpillar Tractor Company, a corporation, both by serving John Rogers, Oklahoma's secretary of State and paying to him the fee of \$3.00 per service at Oklahoma City, Okla., on June 6, 1968. (Fee \$2.72 + 6.00) b	
6-14-68	Affidavit of Mildred Dotson Kappedahl, filed. ds	
6-18-68	Plaintiff's Answer to Interrogatories Caterpillar Tractor Co., Filed. js	
6-19-68	Answers of defendant, American Marine & Machinery Co., Inc. to plaintiff's interrogatories, filed. w	
6-27-68	Supplementary brief in support of motion to dismiss of deft., Amer. Marine & Machinery Co., Inc., filed. w	
6-27-68	Second motion to dismiss of deft. Amer. Marine & Machinery Co., Inc., filed. w	

DATE	PROCEEDINGS	Date Order or Judgment Noted
6-27-68	Brief in support of second motion to dismiss of defendant, American Marine & Machinery Co., filed. w	M
6-27-68	Certificate of mailing, filed. w	
7-1-68	Plaintiff's brief in opposition to motion to dismiss, filed. w	
7-2-68	Hearing held on motion to dismiss complaint of defendant, American Marine and Machinery Co., Inc. and 2nd motion to dismiss of same defendant. Motions to dismiss are overruled and defendants to file answer within 20 days. Plaintiff to prepare order. (LB-J) w	
7-15-68	Order that motions to dismiss of defendant American Marine and Machinery Co. are overruled and said defendant given 20 days from 7-2-68 to file answer. (LB-J) w	
7-23-68	Answer and counterclaim of American Marine & Machinery Co., Inc. filed. ds	
7-31-68	Ordered that this case is set for pre-trial on Monday, August 26, 1968, at 9:30 A.M. (LB-J) w	
8-6-68	Defendant American Marine & Machinery Co., Inc., a corporations' interrogatories to plaintiff, filed. b	
8-26-68	Case called for pre-trial. It is ordered by the Court that this case is stricken from the pre-trial assignment pending settlement. (LB-J) w	
8 28-68	Plaintiff's answer to interrogatories submitted by American Marine and Machinery Co., Inc., filed. b	
10-3-68	Case set for pre-trial hearing on Thursday, 10-10-68 at 1:30 P.M. (LB-J)h	
10-9-68	Case stricken from pre-trial assignment of 10-10-68. (LB-J)w	
11-6-68	Case set for pre-trial on Thursday, 11-21-68 at 2:00 p.m. (LB-J)m	
11-21-68	Case called for pre-trial. Ordered that case is passed to next pre-trial docket. (LB-J)m	
12-30-68	Case set for pre-trial hearing Tuesday 1-14-69 at 1:30 p.m. (LB-J)m	
1-14-69	Pre-trial hearing held. Parties to conduct conference and then file stipulation of fact agreeing on exhibits and witnesses. Court waives filing of pre-trial order. Case to be set on next non-jury docket. Parties may have further pre-trial if needed. (LB-J)m	
1-16-69	Interrogatories to Defendant, Caterpillar Tractor Co. filed by plaintiff.h	
1-16-69	Interrogatories to Defendant, American Marine & Machinery Co., Inc. filed by plaintiff. h	
2-13-69	Case set for non-jury trial Tuesday 3-4-69 at 1:30 p.m. (LB-J)m	
3-4-69	Case passed pending settlement. (LB-J)m	
3-27-69	Stipulation of dismissal, filed. ds	
4-2-69	Order of April 1st, 1969 filed and entered, action of plaintiff dismissed and counter-claim of American Marine & Machinery Co., is dismissed. (Luther Bohanon - Judge) b	

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