

CIVIL DOCKET

UNITED STATES DISTRICT COURT

Jury demand date:

D. C. Form No. 106A Rev.

TITLE OF CASE		ATTORNEYS					
<p>Fort Wayne Bank Building, Inc., a corporation,</p> <p>vs</p> <p>Bank Building and Equipment Corporation of America, a corporation, and Hartford Accident and Indemnity Company, a corporation,</p>		<p>For plaintiff:</p> <p>John S. Carlson, <i>LU 4-0301</i> 1806 Fourth National Bank Building, Tulsa, Oklahoma, 74119 LU 4-0301</p> <p>Truman B. Rucker, <i>LU 7-3361</i> P. O. Box 1439 Tulsa, Oklahoma, 74101</p> <p>For defendant:</p> <p>Crawford, Rizley & Prichard <i>LU 7-1178</i> 1414 First National Bldg. Tulsa, Oklahoma 74103</p> <p>Thornton, Stamper & Dalton <i>LU 7-2500</i> 1111 Mid Continent Building Tulsa, Oklahoma 74103</p> <p>W. C. Fralick, Hartford Plaza, Hartford Chicago, Illinois 60606 Ins.Co.</p> <p>Walter M. Clark 611 Olive Street Suite 1950 St. Louis, Missouri 63101</p>					
STATISTICAL RECORD	COSTS	DATE	NAME OR RECEIPT NO.	REC.	DISB.		
J.S. 5 mailed <i>6-1-68</i>	Clerk	5-23-68	Carlson,	15 00	15 00		
		5-31-68	CD 51				
J.S. 6 mailed <i>10-1-68</i>	Marshal						
Basis of Action:	Docket fee						
Declaratory Judgment to decree defendant is in default	Witness fees						
Action arose at:	Depositions						
Tulsa							

1968 DATE	PROCEEDINGS	Date Order or Judgment Noted
5-23-68	Complaint, filed. Summons Issued. e	
5-31-68	Summons returned, filed - served Bank Building and Equipment Corporation of America, a Corporation by serving the Corporation Company, service agent, at Oklahoma City, Oklahoma on May 27, 1968; and serving the Hartford Accident and Indemnity Company, a corporation, by serving Joe B. Hunt, State Insurance Commissioner, and paying him \$3.00, as required by law, on May 27, 1968 at Oklahoma City, Okla. (Fee 6.72+3.00)	
5-31-68	Plaintiff's motion to take depositions, filed. w	
6-4-68	Defendant's notice of taking deposition upon oral examination, filed. w	
6-7-68	Return on service of 3 deposition subpoenas taken by defendant, filed. w	
6-11-68	Memorandum in support of plaintiff's motion to take depositions, filed. w	
6-13-68	Certificate of Service of plaintiff's motion to take depositions, filed. ds	
6-17-68	Return of deposition subpoena served on Kelley & Marshall by serving Tom Marshall, personally on 6-7-68., filed. (\$2.00). js	
6-17-68	Return of deposition subpoena served on Fort Wayne Bank Bldg., by serving Jack W. Kelly, Pres., on 6-14-68, filed (2.00). js	
6-19-68	Appearance of Thornton, Stamper & Dalton as attorneys for Hartford Accident and Indemnity Company, filed. ds	
6-21-68	Notice of Taking Depositions Upon Oral Examination, filed. js	
6-24-68	Declaration of Default of Defendant, Hartford Accident and Indemnity Co., filed. e	
6-24-68	Default entered against defendant Hartford Accident and Indemnity Co., a corporation. e	
6-24-68	Application for extension of time by which to plead, and order granting extension of ten days from 6-24-68, filed. (LB) Judge. ds	
6-25-68	Application for extension of time within which to plead of Bank Bldg. & Equip. Corp. of Amer., filed. w	
6-25-68	Order granting extension of time within which deft. Bank Bldg. & Equip. Corp. of Amer. may plead or answer (10 days), filed. (LB-J)w	
6-25-68	Application and Motion of Plaintiff for Judgment by default against defendant, Hartford Accident and Indemnity Company, filed. e	
6-25-68	Memorandum in support of application and motion for judgment by default against defendant, Hartford Accident and Indemnity Company, filed. e	
6-26-68	Motion of plaintiff to set aside extension of time within which defendant Hartford Accident & Indemnity Company may plead or answer, filed. g	
6-26-68	Memorandum in support of motion to set aside extension of time, filed. g	
6-27-68	Motion for transfer of cause of action filed by defendants. ds	
6-27-68	Affidavit in support of motion for transfer, filed. ds (Carl J. Weis)	
6-27-68	Affidavit in support of motion for transfer, filed. ds (Walter M. Clark.)	
6-27-68	Memorandum brief in support of motion to transfer, filed. ds	
7-1-68	Return on Service of Deposition Subpoena, served Bank Bldg. & Equip. Corp. on Charles Deritch, Sec. Trea. on 6-24-68., filed. js (\$3.44).	
7-1-68	Return on Deposition Subpoena served on Carl J. Weis on 6-24-68, filed. js (\$2.00)	
7-1-68	Return on Deposition Subpoena/served on William D. Greenlee unexecuted on instructions of plaintiff's attorney, filed. js (6-26-68)	
7-1-68	Return on Deposition Subpoena unexecuted on Mel Scherer on instructions from plaintiff's Attorney., filed. js (6-28-68)	
7-1-68	Return of Deposition Subpoena on serving William F. Cann on 6-25-68, filed, (\$3.44). js	
7-2-68	Hearing held on plaintiff's motion to take depositions. Motion overruled & plaintiff to prepare order; defendant given 20 days to file answer. (LB-J)w	
7-5-68	Answer of deft. Hartford Accident & Indemnity Co., filed. w	
7-8-68	Plaintiff's notice of taking depositions upon oral examination, filed. b	

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DATE	PROCEEDINGS	Date Order or Judgment Noted
7-11-68	Deposition of William F. Cann, taken before Eileen R. Groh, N.P., filed. b	
7-11-68	Defendants' motion to vacate and set aside notice of plaintiff of taking depositions upon oral examination or in the alternative to stay taking of examination of Harry W. Williams, et al., filed. b	
7-11-68	Defendants' memorandum brief in support of motion to vacate and set aside notice of plaintiff of taking depositions upon oral examination or in the alternative to stay taking of examination, filed. b	
7-11-68	Defendants' notice of above motion, filed. b	
7-17-68	Plaintiff's response to motion to vacate and set aside notice of taking depositions upon oral examination or in the alternative to stay taking of examination, filed. g <i>mailed</i>	
7-17-68	Memorandum in support of response to motion of defendant Hartford to vacate notice of taking depositions or postpone their taking, filed. g	
7-23-68	Deposition of witness, Carl J. Weis, taken on behalf of plaintiff, July 1 & 2, 1968, from Eileen R. Groh, CSR, St. Louis, Mo. filed. (Fee, \$110.60)	
7-26-68	Affidavit of Harry V. Williams, Pres. of Hartford Accident and Indemnity Co., filed. ds	
7-29-68	Plaintiff's response to defendants' motion for transfer of cause of action, filed. b <i>Judge has copy</i>	
7-29-68	Memorandum in support of plaintiff's response and affidavit to defendants' motion to transfer cause of action, filed. b <i>J-B has copy</i>	
8-7-68	Response of defendant Hartford to application and motion for judgment by default against defendant Hartford Accident and Indemnity Company, filed. b	
8-20-68	Defendants' REply Memorandum In Support Of Motion To Transfer, filed. jsf	
8-26-68	Case called for hearing on various motions. It is ordered by the Court that defendants' motion for transfer or cause of action is taken under advisement; and that the defendants withdraw the motion to vacate and set aside notice of plaintiff of taking depositions upon oral examination or in the alternative to stay taking of examination; that the plaintiffs withdraw motion to set aside extension of time within which defendant Hartford Accident & Indemnity Co. may plead or answer, and application and motion of plaintiff for judgment by default against deft., Hartford Accident & Indemnity Co. may plead or answer. (LB-J)w	<i>mailed</i>
8-28-68	Plaintiff's memorandum responding to reply memorandum in support of defendants' motion to transfer, filed.	
9-6-68	Order of September 3, 1968 filed and entered, transferring cause to the United States District Court for the Northern District of Indiana at Fort Wayne, Indiana, and directing clerk to make proper transfer of said cause. (Luther Bohanon - Judge) b copies mailed to counsel	
9-6-68	Certified copy of above order and original file mailed to Clerk of the District Court for the Northern District of Indiana at Fort Wayne, Indiana. b	

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