DAUGHERTY 72-C-197

CIVIL DOCKET

UNITED STATES DISTRICT COURT **Jury demand date:**

D. C. Form No. 106A Rev.

TITLE OF CASE	ATTORNEYS
JAMES D. HODGSON, Secretary of Labor, United States Department of Labor vs MONKEY ISLAND RESORT, INC., doing business as AIRPORT RESORT; RICHARD E. MERCER, an individual, and GENE GREGG, an individual	For plaintiff: James F. Gruben, Atty in charge M. J. Parmenter, Regional Solicitor Office of the Solicitor U. S. Dept. of Labor 7C52 Federal Bldg., Dallas, Tx. 75202 For defendant: Melvin H. Landers & Ben J. Owens (542-5501) Wallace and Owens P.O. Box 1168 Miami, Okla. 74354

STATISTICAL RECORD	COSTS		DATE	NAME OR RECEIPT NO.	REC.	DISB.
J.S. 5 mailed 7-1-72	Clerk					
J.S. 6 mailed 7-1-74	Marshal					
Basis of Action: Violation of Fair Labor Standards Act	Docket fee					
	Witness fees					
Action arose at: Delaware County	Depositions					

DATE	PROCEEDINGS	Date Order or Judgment Noted
6-5-72	Complaint filed. Summons issued. g	
6-5-72	Plaintiff's interrogatories, filed. g	
6-12-72	U.S. Marshals Service, Return on Complaint, Plfs Ints and Summons, filed. Served Monkey Island Resort, Inc., in Afton, Okla., on 6-9-72, with fees of $3.00. v Served Richard E. Mercer, in Afton, Okla., on 6-9-72, with fees of $25.32. Served Gene Gregg in Afton, Okla., on 6-9-72, with fees of $3.00. v	
6-28-72	Motion of the Defendants for More Definite Statement, filed. v	
6-28-72	Brief in Support of Motion for More Definite Statement, filed. v	
7-6-72	Letter by Judge Daugherty filed stating that plaintiff respond to motion for more definite statement if opposed response be accompanied by brief within 10 days from date allowed to file said response. (send file when response is filed to FD)h	
7-7-72	Memorandum of Pltf. in opposition to deft's Motion for more def. statement. Filed. r Mailed w/file	
7-25-72	Answers to Interrogatories, filed by the Deft.s. v	
7-25-72	Order filed, granting defts' Motion for More Definite Statement, and Pltf is directed to provide inf requested by an amendment to its Complaint within 15 days (8-9-72). Defts are directed to further plead or answer to the Complaint within 20 days thereafter (8-29-72), filed. (FD-J)r (Copies mailed)	
8-1-72	Pltf's Amended Complaint filed. r	
8-16-72	Answer of Monkey Island Resort, Inc, dba Airport Resort, Richard E. Mercer, and Gene Gregg, filed. ds	
8-25-72	Case set for pre-trial 9-19-72 at 11:10 a.m. (FD-J)hm	
9-19-72	Pre-trial hearing held. Parties present. Statements made. Deft. to file brief in 10 days; Plaintiff to respond within 10 days thereafter. Case to be set on Non-Jury docket. Plaintiff to prepare pre-trial order within 20 days. (FD-J)h	
9-26-72	Defts' Memorandum Brief re: Exemption from wage-hour law as amusement & recreational establishment, filed. r	
10-3-72	Memorandum Brief of Pltf., filed. r Mailed w/file	
12-6-72	PRE-TRIAL ORDER, filed. (FD-J)r (attys notified.) Mailed	
1-16-73	Case set for N-J Trials at 9:30 A.M. 1-31-73 (FD-J)r	
1-31-73	Case called for Non-Jury Trial. Pltf rep by James Gruben; Deft rep by Melvin H. Landers & Ben Owens. Parties confer and are directed to file stipulation within 10 days. (FD-J)r	
2-13-73	Order by Ct. that parties granted until 2-26-73 to file stipulation of facts. (FD-J)g	
2-26-73	Stipulation and agreed testimony, filed. g Mailed	
3-1-73	Letter dated 2-23-73, to Jack Silver, Clerk, from Wallace & Owens, filed. v	
3-26-73	Pltfs' Supplemental Memorandum Brief, filed. r Copy to Judge	
4-4-73	Deft.s Memorandum Brief in Response to Supplemental Memorandum Brief of Plaintiff, filed. jj	
9-28-73	Case set for oral argument on merits for 11:30 a.m., Wed., 10/31/73. (FD-J)rm	

D. C. 110A Rev. Civil Docket Continuation

DATE	PROCEEDINGS	Date Order or Judgment Noted
10-31-73	Case called for hrg. for oral argument on merits. Pltf. appears in person by James F. Gruben. No appearance by defts. Defts. reached by phone & had forgotten about hrg. Ct. hears pltfs. oral arguments. Ct. directs parties to submit requested FF & CL within 20 days from this date. Clerk to advise all counsel by mail. (FD-J)rm	
11-2-73	Ltr., dtd. 11/1, from def. counsel advising Ct. why they did not appear at hrg., filed. rm	
11-16-73	Deft's requested findings of fact and conclusions of law, filed. hm	
11-20-73	Requested FF & CL of pltf., filed. rm	
3-29-74	Memorandum Opinion, filed. (FD-J)v copies mld.	
4-10-74	Notice of motion to reconsider memorandum opinion, filed. v	
4-10-74	Motion to Reconsider Memorandum Opinion, filed. v	
4-22-74	Ltr. from F.D. to def. granting them 15 days to respond to pltf. motion to reconsider memo. opinion, filed. (FD-J)rm	
4-25-74	Defendants response to motion to reconsider memorandum opinion, filed. ds	
5-9-74	Supplemental memorandum in support of plaintiff's motion to reconsider memorandum opinion, filed. ds	
5-9-74	Corrected Memorandum Opinion, filed and entered (directing pltf. counsel to prepare Judgment in accordance this Opinion & submit to deft. counsel and Court within 15 days)(5-24-74). (FD-J)e Cps. Mailed	
5-20-74	MO: Ordered by the Court that pltf. is granted to 6/10/74 to submit judgment in accordance w/memo opinion of 5/9/74. (FD-J)rm	
6-12-74	Judgment in conformity with memorandum opinion, filed and entered. (FD-J)rm copies	

DATE	PROCEEDINGS	Date Order or Judgment Noted