CIVIL DOCKET DAUGHERTY 72-C-212

UNITED STATES DISTRICT COURT **Jury demand date:** deft. 6-16-72

D. C. Form No. 106A Rev.

TITLE OF CASE	ATTORNEYS
HI WAY HOMES, INC., Plaintiff vs AVCO CORPORATION, Defendant	For plaintiff: James L. Kincaid 711 First National Bldg. Tulsa, Oklah ma 74103 (~~585-5711~~) 560-5711 For defendant: Alfred B. Knight & Dan Wagner 212 Beacon Bldg. Tulsa, Oklahoma 74103 (584-6458)

STATISTICAL RECORD	COSTS		DATE	NAME OR RECEIPT NO.	REC.		DISB.	
J.S. 5 mailed 7-1-72	Clerk		6-16-72	Knight	15	00		
			6-22-72	C.D.No.56			15	00
J.S. 6 mailed 7-1-74	Marshal							
Basis of Action: Money Judgment on breach of warranty	Docket fee							
	Witness fees							
Action arose at:	Depositions							

DATE	PROCEEDINGS	Date Order or Judgment Noted
6-16-72	Petition for Removal from Dist. Court of Tulsa County, Oklahoma, filed. r	
6-16-72	Bond on removal, filed. Avco Corp, as principal and the Aetna Casualty and Surety Co., as surety in the sum of $500.00, filed. r	
6-16-72	Notice of filing of Petition and Bond on Removal by Deft., filed. r	
6-16-72	Answer of Deft., filed. r	
6-16-72	Request for Jury Trial, filed. r	
6-16-72	Acknowledgment of the Clerk of the Dist. Court in Tulsa County, Oklahoma of receipt of copy of the Notice, Petition and Bond on Removal, filed. r	
8-25-72	Case set for pre-trial 9-19-72 at 11:20 a.m. (FD-J)hm	
9-19-72	Pre-trial hearing held. Plaintiff to file brief within 15 days; Def. to respond within 10 days thereafter. Plaintiff withdraws atty fees. Case to be set on Jury Trial. Plaintiff to prepare pre-trial order.(FED-J)h	
10-4-72	Brief on Issue of Damages, filed. v	
10-13-72	Answer brief on issue of damages, filed by Deft. v	
1-12-73	Case set for jury trial 2-6-73 at 9:30 a.m. (FD-J)hm	
1-24-73	PRE-TRIAL ORDER filed. (FD-J)r	
1-29-73	Appl. of def. and pltf. that case be stricken from jury docket, filed. rm	Order to Judge
1-31-73	Order, filed, that case is stricken from jury docket of 2-6-73. (FD-J)hm (copies mailed)	
3-7-73	Case set for Jury Trials on Tues. 4-17-73 at 9:30 A.M. (FD-J)e	
4-5-73	Application of plaintiff to strike case from pending jury docket, filed.h	Order to Judge
4-10-73	Order that case is stricken from the jury docket of 4-17-73, filed. (FD-J)r (Copies mailed)	
4-23-73	Deposition of William F. Wallace, Jr. on behalf of deft., filed. ($62.15)g	
5-15-73	Depo. of Raymond Everett Pruitt, Jr., and Roy R. Gann, on behalf of the Deft., taken on 4-12-73, by Loyd J. Christesson, with fees of $50.00. v	
8-7-73	Case set for Jury Trials on Tues. 10=23-73 at 9:30 A.M. (FD-J)r	
10-18-73	Return on service of summons filed. Served Roy Genn by serving Russell H. Harbough, Jr., at Tulsa on 10-18-73. (USM-$2.00) h	
10-31-73	Case called for jury trial and tried 10/29, 10/30 & 10/31. Jury empaneled. testimony given. Def. mo/dismiss denied. Jury retires to deliberate 1:30 p.m., 10/30/73. (12:48 p.m., 10/31/73) Jury returns. Unable to reach verdict. Ct. declares mistrial. Jurors discharged. (FD-J)rm	
10-31-73	Pltfs. requested instructions, filed. rm	
10-31-73	Trial exhibits, filed. rm (Pltf. Ex 21 in [illegible])	
12-12-73	Case set for jury trial for 1/15/74 at 9:30 a.m. (FD-J)rm	
12-20-73	Application for continuance by plaintiff, filed. ds	

(contd.)

D. C. 110A Rev. Civil Docket Continuation

DATE	PROCEEDINGS	Date Order or Judgment Noted
12-26-73	Order, filed, striking case from jury docket of 1/15/74, (FD-J)rm	
1-7-74	Order, filed, allowing deft. to file an amend. to ans. (FD-J)v -cps mld.	
1-7-74	Amend. to Ans., filed by Deft. Avco Corp. v -cps mld.	
4-18-74	This case set for jury trial for 5/14/74 at 9:30 a.m. (FD-J)rm	
5-9-74	Order, filed, denying pltf's request to amend its Complaint. (FD-J)e	
5-10-74	Ltr. from pltf. req. to amend compltf., filed. rm	
5-10-74	MO: Ordered that pltf. be allowed to withdraw its exhibits from previous trial for use in preparation of this trial. (FD-J)rm	
5-14-74	MO: Case stricken from jury docket of this day in that the case is settled. Order of dismissal w/prej. should issue with each of the parties bearing their own costs. Settlement papers are to be submitted by pltf. counsel. (FD-J)rm	
6-28-74	Order of dismissal w/prejudice, filed and entered, each party to assume their own costs. (FD-J)rm	

DATE	PROCEEDINGS	Date Order or Judgment Noted