~~DAUGHERTY~~ Cook
Class Action

73-C-7

CIVIL DOCKET

UNITED STATES DISTRICT COURT

Jury demand date: 3-5-73 (Pltfs)

D. C. Form No. 106A Rev.

TITLE OF CASE	ATTORNEYS
LESLIE W. McCOWN; and CHESTER F. and PHYLLIS LENIK; each on behalf of themselves and on behalf of all other persons who at any time purchased lots in the Timberlake Development of Cherokee and Mayes Counties, Oklahoma vs JAMES W. HEIDLER; JACQUE BOGGESS; JOSEPH C. CALDWELL; J. DONALD WALKER; JERALD M. SCHUMAN; PAUL V. HARTMAN; LARKIN BAILEY; BERNARD BLACK; WILLIAM WHITE; RICHARD ROE; and JOHN DOE; X CORPORATION; Y CORPORATION; and Z, a partnership (the correct names of the last seven defendants are presently unknown to the plaintiff and will be supplied by amendment); and other persons who participated with or aided and abetted the above named defendants in the acts and omissions complained of herein	For plaintiff: Frederic Dorwart ~~& Judith K. Pensabene~~ Holliman, Langholz, Runnels & Dorwart ~~2700 Fourth Natl. Bank Bldg.~~ 10 & 3rd Tulsa, Oklahoma 74119 ~~(584-1472)~~ 03 (584-1471) For defendant: Hawley C. Kerr (Harman & Bailey) UNGERMAN, GRABEL & UNGERMAN 74103 6th Floor-Wright Bldg., Tulsa, ~~74119~~ 584-610 Joel Wohlgemuth & Robt Ripley Kenneth M. Smith (James Heidler)(Bogges ~~1414 First Natl. Bldg.~~ 1100 Philtower Bldg Tulsa 74103 583-7571 James C. Lang (for Deft. Caldwell) 411 Thurston National Building Tulsa, Oklahoma 74103 J.Jerry Dickman (Walker) 712 NBT Bldg.,Tulsa. (584-3318) 74103 Paul McBride (Schuman) ~~P.O.Box 1439,Tulsa. (587-3361)~~ 74101

Fred Nelson (Walker)
805 NBT Bldg.
Tulsa, Okla. 74103
588-2653

David W. Jackson & (Schuman)
Rhodes, Hieronymus,
Holloway & Wilson
2200 Phil Tower Bldg
~~Fourth Nat. Bldg.~~
Tulsa, Okla. ~~74119~~ 74103
582-1173

STATISTICAL RECORD	COSTS		DATE	NAME OR RECEIPT NO.	REC.	DISB.
J.S. 5 mailed 4-1-73 2-1-76	Clerk		3-5-73	Dorwart	15 00	
			3-8-73	C.D.No.39		15 00
			10/4/74	Dorwart	5.00	
J.S. 6 mailed 10-1-74 8-1-78	Marshal		10-10-74	C/D #17		5 00
			10/18/74	Rucker	5.00	
Basis of Action: Violation of Interstate Land Sales Act	Docket fee		10-24-74	C/D #19		5 00
	Witness fees					
Action arose at:	Depositions					

FPI MI—1-3-72-100M-7199

DATE	PROCEEDINGS	Date Order or Judgment Noted
3-5-73	Complaint, filed. Summons issued to all defts. except Black, White, Roe, Doe, X, Y, & Z Corp)hm	
3-27-73	Marshal's service returned and filed: Summons served on Larkin Bailey and Paul Hartman, 3-14-73; Jerald M. Schuman and James W. Heidler, 3-15-73; J. Donald Walker, 3-21; and Jacque Boggess, 3-27-73, all served in Tulsa, Okla. Unable to serve Joseph C. Caldwell. (USM fee $30.48) jj	
4-3-73	Motions of the Deft.s, Paul V. Hartman & Larkin Bailey, to Strike & to Dismiss, filed with Briefs in Support. v Mailed	
4-6-73	Mtns. to Strike and to Dismiss on Behalf of Jerald Schuman Only, filed. jj	
4-6-73	Brief of Deft. Jerald Schuman only in Support of His Mtns to Strike and to Dismiss, filed. jj	
4-6-73	Appl. of def. James Heidler, for ext. of time to ans., filed. rm Order to J.	
4-10-73	Motion of def. Walker to dismiss, w/brief in support thereof, filed. rm Mailed	
4-13-73	Order allowing appl for enlargement of time until 4-30-73, for Heidler to further plead or answer to pltf's Complaint, filed. (FD-J)r (Copies mailed)	
4-16-73	Application for Enlargement of Time (Boggess Deft.), filed. jj	
4-16-73	Marshal's service returned and filed: Summons served on Joseph C. Caldwell, 4-9-73. (USM fee $39.28)jj	
4-16-73	Copy of letter dated 4-13-73 from J.D. to Pltfs, stating that Pltfs are to respond to each of the Motions to Dismiss and do so with supporting briefs within 15 days (Due 4-28-73), filed. r	
4-18-73	Motion to Dismiss, filed. jj of Heidler & Boggess	
4-18-73	Brief in Support of Motion to Dismiss, filed. jj Mailed	
4-17-73	Order allowing deft. Boggess an ext of time until 4-30-73 in which to plead or answer. filed. (FD-J)r (Copies mailed)	
4-25-73	Ltr. from FD to pltfs. req. they respond to defs/mo/dismiss (Heidler & Boggess) within 15 days from 4/24/73 (due 5/9/73) rm	
4-25-73	Motion of pltfs. for class action determination, w/brief in support thereof, filed. rm Mailed	
4-26-73	Appl. of Joseph C. Caldwell, Jr., for enlargement of time to plead or a answer, filed. v -order to Judge.	
4-27-73	Order, filed, granting Caldwell extension of time to plead or answer to & including 5-14-73. (JCS-CC)v -copies mailed.	
5-11-73	Application of Deft. Joseph C. Caldwell for Enlargement of Time to Plead or Answer, filed. jj	
5-14-73	Brief of Pltfs in Reply to Defts' Motions to Strike and to Dismiss, filed. v	
5-17-73	Order allowing deft. Caldwell an ext of time until 6-1-73 to plead or ans., filed. (FD-J)jj - copies mailed	

DATE	PROCEEDINGS	Date Order or Judgment Noted
5-22-73	Notice of Taking Deposition of Jacque Boggess by pltf on 6/5/73, filed. jj	
5-22-73	Notice of Taking Deposition of Jerald M. Schuman by pltf. on 6/1/73 filed. jj	
5-24-73	Brief of defts. Hartman and Bailey in opposition to pltfs' motion for class action determination, filed. g	
5-25-73	Brief of defts. Hartman and Bailey in reply to pltfs' brief in opposition to defts' motions to dismiss, filed. g	
6-1-73	**Motion to Dismiss of Deft. Caldwell, Jr., filed. r**	
6-1-73	**Motion for More Definite Statement of Deft. Caldwell, Jr., filed. r**	
6-1-73	**Brief in support of Motion to Dismiss & Motion for More Definite Statement of deft. Caldwell, Jr., filed. r**	
6-7-73	**Copy of letter dated 6-6-73 from J.D. to attys, requesting that Pltf respond to Motions to Dismiss & Mtn for more definite statement of Caldwell, Jr. within 15 days (Due 6-21), filed. r**	
6-14-73	Plaintiffs' reply to brief of defendants Hartman and Bailey in opposition to plaintiffs' motion for class action determination, filed. ds	
6-14-73	Brief of plaintiffs in reply to motion of defendant, Joseph C. Caldwell, Jr. to dismiss and motion of defendant, Joseph C. Caldwell, Jr. for more definite statement, filed. ds	
6-21-73	Letter dated 6-20-73 from J.D. to James Lang & Fred Dorwart granting defts. 15 days to file reply brief in connection with pending motions to dismiss & setting said motions for oral arguments on 7-23-73 at 10:00 a.m. (FD-J)hm	
7-5-73	Brief of defendant, Joseph C. Caldwell, Jr., in response to plaintiffs' supplemental brief filed. h	
7-16-73	Appearance of David W. Jackson and Rhodes, Hieronymus, Holloway, & Wilson for Jerald M. SCHUMAN, filed. v copy to be in for 72-C-299	
7-23-73	Oral Argument held on Motions to Dismiss. Pltf rep by Michael Carter and Frederick Dorwart; Defts rep by James Lang, Hawley Kerr, Paul McBride, Jerry Dickman, Robert Rizley and Joel Wohlgumeth. Stateements made. The Motions to Dismiss are to be set for further arguments, at a later date. (FD-J)r	
8-29-73	Case set for Oral Arguments on defts Motions to Dismiss at 3:00 P.M. Oct. 2, 1973 (FD-J)r	
9-26-73	Plaintiff's application for leave to amend complaint, filed. ds	
10-2-73	Hearing held on defs. mos/dismiss & Pltfs. appl/amend complaint. Pltfs. rep. by Fred Dorwart & Michael Carter; def. Caldwell rep. by James Lang; defs. Hartman & Bailey by Hawley Kerr & Schuman by Paul McBride. Ct. directs defs. to respond in 10 days to plts. mo/amend, and if opposed, w/brief. Ptfs. granted 10 days thereafter to reply. (Defs. brief due 10-12)(Pltf. 10-22). Defs. granted permission to amend their mos/dismiss to include mo/SJ. Case to be set at later date for hrg.on mos.(FD-J)rm	

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DATE	PROCEEDINGS	Date Order or Judgment Noted
10-11-73	Brief in Opposition to Appl. for Leave to Amend Compl., filed. v	
10-12-73	Mot. of Deft. Paul V. Hartman for S/J, filed. v	
10-12-73	Mot. of Deft. Larkin Bailey for S/J, filed. v	
10-12-73	Objection of the Defts., Hartman & Bailey to Pltfs' Appl. for leave to Amend their Complaint, filed. v	
10-12-73	Brief & Argument in Support of Defts' Hartman & Bailey, Objection to the Granting of Pltfs' Appl for leave to amend, filed. v	
10-12-73	Objection of deft Joseph C. Caldwell, Jr., to application for leave to amend complaint, filed. hm	
10-12-73	Brief in support of objection of deft Joseph C. Caldwell, Jr. to application for leave to amend complaint, filed. hm	
10-23-73	Objection of Deft. Jerald M. Schuman to Application for Leave to Amend Complaint, filed. jj	
10-23-73	Brief in Support of Obj. of Deft. Jerald M. Schuman to Appl. for Leave to Amend Complaint, filed. jj	
10-24-73	Pltfs' application for enlargement of time to file brief in support of appl. for leave to amend complaint, filed. g To 7-E	
10-26-73	Order granting pltfs. until 11-7-73 to file brief in support of appl. for leave to amend complaint, filed. (FD-J)g Gran. mod	
10-31-73	Objection of defendants, James W. Heidler and Jacque Boggess, to application for leave to amend complaint, filed. ds	
10-31-73	Brief in support of objection of defendants James W. Heidler and Jacque Boggess, to application for leave to amend complaint, filed. ds	
11-2-73	Ltr. to pltf. counsel from FD, directing him to respond to def. Hartman & Baileys mo/SJ within 15 days w/brief; further any def. interested in said Motion/SJ may file response within same period.(FD-J)rm(due 11/17)	
11-8-73	Brief of pltf. in support of its appl/leave to amend complaint, and in response to objs. of defs. Caldwell,Hartman,Walker,Bailey, Heidler & Boggess, filed. rm	
11-8-73	Motion of def. Schuman for SJ w/aff. & ref. to briefs in support of his mo/dismiss, filed. rm	
~~11-9-73~~	~~Brief in support of plaintiffs' application for leave to amend answer, filed. ds~~	
11-15-73	Ltr. fr. FD to Dorwart, pltf. atty, directing him to respond to motion for SJ of def. Schuman, w/brief if opposed, by 11/24.(FD-J)rm	
11-16-73	Deposition of J. Donald Walker on behalf of plts., filed. ($162.00) (see file of 72-C-110)g	
11-16-73	Deposition of Richard F.Hudson on behalf of pltfs., filed. ($130.50) (see file of 72-C-110)g	
11-27-73	Notice of taking deposition of Joseph C. Caldwell, Jr. filed by pltf. h	
11-29-73	Minute Order: ordered that pltf. is granted to 1/5/74 to respond w/brief to pending motions for SJ. (FD-J)rm - ltr written	

D. C. 110A Rev. Civil Docket Continuation

DATE	PROCEEDINGS	Date Order or Judgment Noted
12-17-73	Deft. Jerald M. Schuman's Notice of Taking Deposition of Leslie W. McCown, filed.a	
1-4-74	Minute order: Ordered by the Ct. that pltfs. are granted extension of time to 1/18/74 to respond w/brief to pending mos/SJ.(FD-J)rm	
1-4-74	Notice of taking depositions of Larkin Bailey & Rbt. Caraway, filed. v	
1-21-74	Req. of pltfs. for ruling on their mo/class action determination,filed rm	
1-21-74	Mo/SJ of pltfs. against defs. Schuman, Bailey & Hartman,filed. rm (Adopting therein the memo filed contemporaneously herewith.)	
1-21-74	Statement of facts and memo of law in opposition to pending mos/SJ of pltfs., filed, w/attached exhibits 1 thru 69. rm (exhibits in exhibit room)	
1-29-74	Deposition of Larkin Bailey by Jimmie Reed, CSR, filed. v	
2-19-74	Notice of taking deposition of A.F. Paulk, filed. v	
1-29-74	Deposition of Jacque Boggess taken by Jimmie J. Reed, CSR, filed. v	
3-21-74	Letter, filed, from Judge Daugherty to parties of record. Defendants are ordered to respond to Pltfs' Req. for Ruling on Pltfs' Mot. for class action determination within 10 days from 3-20-74. Defts are also ordered to respond to Pltfs' Mot for S/J against Defts Schuman, Bailey & Hartman within 10 days from 3-21-74. All other mots & appls are abated until Court makes decision on the above. (FD-J)v	
3-27-74	Appl. of Deft's Larkin Bailey and Paul V. Hartman for an Extension of Time W thin Which to Comply With the Court's Requests for Responses to Certain Pleadings Filed by Pltf's and Supporting Briefs, filed. e (o to J by Atty.)	
4-9-74	Order, filed, granting defs. Bailey & Hartman to 4/30/74 to respond to various pleadings. (FD-J)rm - copies mailed	
4-11-74	Appl. of defs. Heidler & Boggess for ext. of time to respond to various pleadings, filed. rm	
4-30-74	Deposition of Artie F. Palk, on behalf of pltfs., filed. ($35.00)g	
4-30-74	Ltr. to def. counsel from FD, advising their responses to class action should cover whether the Ct. should determine case to be class action. Further, all defs. granted to 5/15/74 to respond to other pleadings per ltr. of 3/20/74. (FD-J)rm	
5-1-74	Response of Defts Hartman and Bailey to Pltfs' Request for Ruling on Pltfs' Motion for Class Action Determination, filed. e	
5-1-74	Brief of Defts Hartmand and B iley in Oppostion to Pltfs' Request For Ruling on Pltfs' Motion for Class Action Determination, filed. e	
5-1-74	Response of Defts Bailey and Hartman to Pltfs' Motion for Summary Judgment Against Them, filed. e	
5-1-74	Brief of Defts Bailey and Hartman in Opposition to Pltfs' Motion For Summary Judgment, filed. e	
5-15-74	Brief of Deft. Caldwell in Response to Pltf's Brief in Support of Mtn. for Class Action Determination, filed.jj	
5-15-74	Response of Deft. Walker to Pltfs' Request for Ruling on Pltfs' Mtn. for Class Action Determination, filed.jj	

over

DATE	PROCEEDINGS	Date Order or Judgment Noted
5-16-74	Entry of appearance of Fred S. Nelson for defendant, J. Donald Walker, filed. ds	
5-21-74	Response of Deft. Jerald Schuman to Pltf's Request for Ruling On Pltf's Motion for Class Action Determination., filed. e	
5-21-74	Response brief of def. Heidler & Boggess to pltf. mo/class action,filed.rm	
5-28-74	Reply of pltfs. to defs. response to pltfs. brief in support of motion for class action determination, filed. rm	
6-4-74	Plaintiff's notice of taking depositions, filed. ds	
6-11-74	Brief of def. Schuman in opposition to pltf. mo/SJ, filed. rm	
9-9-74	Notice of deposition continuation, filed by pltfs. k	
9-26-74	Order, filed and entered, granting pltfs. mo/class action; denying pltfs. appl/amend complaint; granting defs. mos/dismiss and mos/SJ; and ruling pltfs. mo/SJ against defs. Schuman, Bailey & Hartman as ruling not necessary in light of above ruling.(FD-J)rm-copies mailed	
10-4-74	Notice of appeal by pltf. from order of 9/26/74,filed.rm (copies to counsel & USCA)	
10-4-74	Bond for costs on appeal ($250 cash), filed. rm	
10-17-74	Joint notice of appeal by def. Schuman, Hartman, Bailey & Caldwell, from Order of 9/26/74 insofar as it determines against the defs. the issue of class action, filed. rm	
10-17-74	Cost bond on appeal by defs. ($250 cash), filed. rm	
10-22-74	Deposition of Leslie W. McCown taken on 12-26-73 before Harvey W. Stephens, CSR, filed. v	
10-22-74	Deposition of Larkin Bailey on behalf of Pltfs., taken on 1-10-74 in Tulsa, OK, before Jimmie J. Reed, CSR, filed. v	
10-22-74	Deposition of J. Donald Walker on behalf of Pltfs., taken on 7-24-73, before Frank L. Peterson, CSR, filed. v	
10-22-74	Deposition of Richard F. Hudson, on behalf of Pltfs., taken on 7-27-73 before Frank L. Peterson, CSR, filed. v	
10-22-74	Depositions of Jacque Boggess taken on behalf of Pltfs. on 6-5 & 6th, 1973, in Tulsa, OK, before Jimmie J. Reed, CSR, filed. v Continued	
10-22-74	/Deposition of Jacque Boggess, on behalf of Pltfs., taken before Frank L. Peterson, CSR, on 6-5-74, filed. v	
11-12-74	Deposition of Ferd Howell, on behalf of pltf., filed. g	
11-12-74	Deposition of Taylor V. Hunter, on behalf of pltfs., filed. g	
11-12-74	Deposition of Harry J. Green, on behalf of pltfs., filed. g	
11-12-74	Deposition of Jerald Mandel Schuman, taken on 6-8-73 on behalf of pltfs., filed. g	
11-12-74	Deposition of Jerald Mandel Schuman, taken 9-20-74 on behalf of pltfs., filed. g	
11-12-74	Deposition of Paul V. Hartman, taken on behalf of pltfs., filed. g	
11-12-74	Deposition of Larkin Bailey, taken on behalf of pltfs., filed. g	
11-12-74	Continuation of deposition of Jacques Boggess, taken on behalf of pltfs. on 9-11-74, filed. g	

DATE	PROCEEDINGS	Date Order or Judgment Noted
11-12-74	Continuation of deposition of J. Donald Walker, taken on 8-8-74, filed. g	
11-12-74	Deposition of J. Edd New, taken on behalf of pltfs., filed. g(2 vols)	
11-19-74	Deposition of James Wesley Heidler, on behalf of Pltfs., taken on 1-23 and 29, 1973, and continuation on behalf of Deft., Jerald M. Schuman, taken on 1-29-73 and 2-19-73, before Frank L. Peterson, CSR,fld. v	
11-21-74	Deposition of Joseph C. Caldwell, Jr. on behalf of pltfs., on 12/14/73, filed. rm (Frank Peterson, CSR) ($321 pd by pltf)	
11-22-74	Joint designation of record, filed rm	
11-26-74	Appeal record (3 volumes) transmitted to USCA. rm	
12-2-74	Supplemental designation of record by pltfs., filed. rm (Addl. designation already sent in original record [p. 83 thereof)	
7-28-75	Depositions of James Wesley Heidler and Evelyn L. Heidler on behalf of the plaintiffs taken before Donald R. Lindquist (C.D.R.) on 7-18-75 ($20.25), filed. lm	
1-15-76	Mandate and opinion of USCA, reversing and remanding cause in accordance with opinion, filed and spread of record. rm	
1-15-76	Statement of Costs in USCA, filed, and taxed in amount of $811.13 in favor of plaintiffs and against defs. rm	
1-16	Appl. of pltf. class for order directing class action notice, with copy of proposed Order and Notice attached, filed. rm	
1-16	Motion of pltf. for SJ against defs. Heidler & Caldwell, filed. rm	
1-16	Brief of pltf. class in support of mo/SJ, filed. rm	
1-21	Orig. record on appeal (3 vols) received from USCA.rm	
1-27	Defts' objection to pltfs' Appl. of pltf. class for order directing notice, filed. ph	
2-2-76	Response of Pltf Class to Defts' Obj. to Appl. of Pltf. Class for Order Directing Notice,filed.t	
3-3	Letter from FD to defs. Heidler & Caldwell directing them to respond to pltf. Mo/SJ by 3/22/76, w/brief, filed. (FD-J)rm	
3-5	Partial Release and Satisfaction of Judgment and Disclaimer concerning Lot Three (3) and Lot 11, Block 3 in Rockwood II Addition, etc., filed.jj	
3-22	Deft. Joseph C. Caldwell's Motion for Decertification of class and for ext. of time til after ruling on mot. to respond to pltf's mot. for S/J, filed.k	
3-22	Deft. Caldwell's brief in support of mot. for decertification of class, filed.k	
3-23	Motion for decertification of class of def. James Heidler, and req. for ext. of time to respond to pltf. mo/SJ, filed. rm	
3-23	Brief of def. Heidler in support of mo/decertify & for ext. of time filed. rm	
3-30	Letter, filed, from FD to pltf. directing them to respond in 20 days if opposed, w/brief, to defs. mo/decertify class; and granting defs. 15 days after Ct. rules on mo/decertify to respond to pltf. mo/SJ.(FD-J)rm	

DATE '76	PROCEEDINGS	Date Order or Judgment Note
3-31	Deft. Jerald M. Schuman's Mot. for Decertification of Class & Brief in Support thereof, filed. v	
4-5	Resp. of Pltf. Class to Deft. Joseph C. Caldwell's Mtn. for Decertification of Class, filed.jj	
4-20	Partial release and satisfaction of judg. and disclaimer by pltf. as relates to Bk. 1, Amended Plat of Warren Center East, Tulsa Co., filed. rm	
4-28	Jerald M. Schuman's Reply to Pltf's Response regarding Mot. for Decertification of Class,filed.t	
5-13	MO: Case set for hrg. & oral argument on appl. of pltf. class for order directing class action notice & obj. thereto; motions for decertification of class of defs. Caldwell, Heidler & Schuman, on Monday, June 7, 1976, at 11:00 a.m. (FD-J)rm-notices	
6-4 6-4	Mot. of Deft. J. Donald Walker for Decertification of Class, filed. v Brief in support, filed. v	
6-7	Case called for hrg. and oral argument on appl. of pltf. class for Order directing Class Action Notice, and obj. thereto; mos. for decertification of class by defts. Caldwell, Heidler, Schuman and Walker. Parties rep. by counsel of record. No evidence to be presented. Arguments heard by defts. Caldwell, Hartman and Bailey. Ct. to obtain statement from Judge Cook re his decision in Caraway case. No objs. by parties. Upon receipt of statement, matters will be taken under advisement. Briefs may be filed within 10 days if desired.(FD-J) (Vera Eddleman-Deputy)(Tim Holmes-CR)rm	
6-17	Suppl. brief in support of def. Caldwell's mo/decertify class,filed.rm	
6-30	Response of Plaintiff Class to suppl. brief in support of deft. Caldwell's mot. for decertification of the class, filed. g	
7-2	Partial release and satisfaction of judgment and disclaimer by Pltfs. concerning 2 acres of land, filed.s	
7-12	Second suppl. brief in support of def. Caldwell's mo/decertify,filed.rm	
7-16	Reply of pltf. class to def. Caldwell's 2nd suppl. brief,filed.rm	
7-27	Third supplemental brief in support of deft. Joseph C. Caldwell's motion for decertification of class, filed.k	
8-20	Partial release and satisfaction of judgment and disclaimer by pltfs. only as to judgment concerning Lot 2, Blk 1, Kennedy-Walker Center, an Addition to the City of Tulsa , Tulsa County, State of Ok. according to the plat thereof, filed. g	
9-8	Letter, filed, from pltf. counsel to FD indicating they do not intend to file any further briefs. rm	
9-29	Letter, filed, from def. Caldwell's counsel to FD citing authorities in support of their obj. to award of atty fee to pltf. rm	
11-12	MO: Case transferred to Judge H. Dale Cook for all purposes.(FD-J)rm	
1-24-77	Partial release and satisfaction of judgment and disclaimer, filed. ph	
1-28	MO: Case set for status conference 3-3-77 at 3:30 p.m. (HDC-J)hm (notices mailed)	

DATE	PROCEEDINGS	Date Order or Judgment Noted
3-3-77	MO: Case called for status conference. Statements made. Pursuant to mandate, and over no objections, amendment to complaint, filed in open court. Defts. given 20 days to file pleadings on adequacy of notice; pltf. 20 days thereafter to respond. Motions on decertification not to be heard until question of notice determined. Defts. given 30 days to file appropriate pleadings (motions and answers) to amendment to complaint and complaint. Pltf. to prepare order dismissing deft. Boggess. Further status conferences to be set & parties to make request when further conf. is desired. (HDC-J)hm	
3-3	Amendment to complaint, filed in open court. hm	
3-7	Pltfs' partial release and satisfaction of judgment and disclaimer, filed. ph	
3-22	Suppl. response of defs. Bailey & Hartman to pltfs.' mo/SJ per order of 3/3/77, filed. rm	
3-23	Deft. Joseph C. Caldwell's obj. to pltfs' proposed notice of pendency of Class action, filed. ph	
3-23	Deft. Joseph C. Caldwell's proposed additions and deletions concerning pltfs' proposed notice of pendency of class action, filed. ph	
3-24	Order, filed, and entered, that action against Jacque Boggess be dismissed. (HDC-J)ph cps mld	
3-24	MO: Upon req. of pltf., the motion for S/J as against defts. Heidler and Caldwell is held in abeyance. (HDC-J)hm (letter written parties)	
3-30	Resp. of pltf. Class to deft. Joseph C. Caldwell's obj. to pltfs' proposed notice of pendency of Class Action, filed. ph (O to J)	
4-1-77	Motion of defts. Bailey and Hartman for an order extending time to plead or answer, filed. ph	
4-1	Order, filed, granting defts Bailey and Hartman until 4-12-77 to ans. to complaint and amendment to complaint and file motions to dismiss or for S/J. (HDC-J)ph cps mld by deft. atty.	
4-4	Ans. of Joseph C. Caldwell, Jr. to complaint as amended, filed. ph	
4-12	Ans. of Deft. Hartman and Bailey to the Complaint and Amendment to Complaint of the Pltfs. fld. ho	
4-21	Appl. of Deft. Jerald M. Schuman for permission to file answer out of time, fld. v	
4-21	Order, fld., permitting Jerald M. Schuman to file his answer out of time. (HDC-J)v	
4-21	Answer of Jerald M. Schuman to Complaint as Amended, fld. v	
4-21	Appl. of pltf class for ext. of time to resp. to defts' suppl. resp. to mo/SJ of pltf. class, filed. (O a part of appl. to J)	
4-22	Order, fld. as part of appl., granting Pltf. Class 10 days from 4-25-77 to file response to defts.' suppl. response to mot. for S/J of Pltf. Class. (HDC-J)v -cps. mld.	
4-29	Order, fld., directing notice to members of the Pltf. Class. Notice of Pendency of Class Action attached. (HDC-J)v -cps. mld.	
5-2	Pltfs' reply brief in support of pltfs' mo/SJ, filed. ph	
5-11	Affi. of mailing "Notice of Pendency of Class Action, filed. lm	
5-16	Req. of Doyne W. & Catherine Wolf to be excluded from pltf.class,filed.rm	
5-16	Letter from C.C. & Velma French to be excluded frompltf. class,filed.rm	

DATE	PROCEEDINGS	Date Order or Judgment Note
5-17-77	Req. of I. K. & Helen Mitchell to be excluded from class, filed. rm	
5-17	Req. of Joe R. & Leola M. McArthur to be excluded from class,filed.rm	
5-18	Req. of Kenneth H. and Charlotte R. Bacon to be excluded from class, filed. rm	
5-19	Req. of Dr. M. R. Jennings and Merryll Jennings to be excluded from class, filed. ph	
5-20	Req. of J. Leora (Garrison)Gladson to be excluded from class, filed.	ph
5-23	Req. of Mr. and Mrs. Zeke Chapman (Elva Chapman) to be excluded from pltf. class, filed. ph	
5-27	Letter requesting to be excluded from pltf. class of Richard Stuart, Kathleen Stuart, Richard A. Stuart, and Georgina Stewart, filed. ph	
5-27	Req. of Mayme F. McCollough to be excluded from class, filed. ph	
6-1	Req. of Olen B. Constant & Eva I. Constant to be excluded from class, filed. g	
6-2	Req. of Paul E. Welsh and Hazel G. Welsh to be excluded from class, filed. ph	
6-6	Req. of L. C. and Louise Flinchum to be excluded from class, filed.hm	
6-6	Req. of Jerald E. and Rozella Mann to be excluded from class, filed.hm	
6-9	Req. of Francis Morris and Coleman Morris to be excluded from class, filed. ph	
6-9	Req. of Onie Finley, Jr. to be excluded from class, filed. ph	
6-10	Request of Pete Hay and Leota Hay to be excluded from the Pltf. Class, fld. v	
6-13	Req. of William E. Green to be excluded from the pltf. class, filed.	ph
7-19	Partial release and satisfaction of judgment and disclaimer, fld. by Pltfs. in re certain property. v	
9-30	MO: Case set for oral arguments and hearing on pltf's motion for S/J against Schuman, Hartman and Bailey; and motion for decertification of class of defts. Caldwell, Heidler, Schuman and Walker 11-3-77 at 2:00 p.m. (HDC-J)hm (notices mailed)	
10-7	Letter from Emeline O. Fleig re change of address. ph	
11-3	Case called for hearing on pending motions. Parties represented. Pltfs' motion for S/J against defts. Schuman, Hartman and Bailey overruled. Motion for decertification of class of defts. Caldwell, Heidler, Schuman & Walker held in abeyance pending the filing of briefs. Pltf. to file brief on question of atty. fees or interest, & Court costs by 11-11; defts. to reply by 11-18. All future motions to be filed on or before 11-18. Pltfs' request for withdrawal of motion for S/J against Heidler & Caldwell granted. Court to advise parties of jury trial date within 2 weeks. (HDC-J)hm	
11-11	Suppl. brief of pltf. class in opposition to defts. mo/decertification of class, filed. rm	
11-18	MO: Case set for jury trial 6-19-78 at 9:30 a.m.; trial briefs, req. instr. & req. voir dire to be filed by 6-1-78. (HDC-J)hm (notices mailed)	

D. C. 110A Rev. Civil Docket Continuation

DATE	PROCEEDINGS	Date Order or Judgment Noted
1977		
11-18	Motion for S/J by defts' James W. Heidler, Jacque Boggess, Joseph C. Caldwell, J. Donald Walker, Jerald M. Schuman, Paul V. Hartman and Larkin Bailey, filed. ph	
11-18	Defts' resp. to pltfs' suppl. brief in oppos. to defts' mo/decertification of class and defts' brief in support of their motion for S/J, filed. ph	
11-18	MO: Ordered by the Court that the pltf. file a resp. brief within 10 days to the motion for S/J filed by defts. (HDC-J)ph cps mld	
11-18	Suppl. brief in support of deft. Joseph C. Caldwell's motion for decertification of class, filed. ph	
11-18	Response of deft. Walker to supplemental brief of pltf. class in oppos. to defts' mo/decertification of class, filed. hm	
11-18	Defts' applic. for ext. of time within which to file supplemental motions for S/J, filed. hm	
11-21	Order, filed, granting defts. Caldwell & Walker 20 addit. days (12-8) to file supplement to motion for S/J. (HDC-J)hm (copies mailed)	
11-21	MO: Ordered that Minute Order of 11-18 is rescinded, & pltf. is directed to file a responsive brief to the defts' motion for S/J filed 11-18-77 & to any supplemental motion for S/J filed by defts. Caldwell & Walker 15 days after the filing of said supplemental motion. (HDC-J)hm (letter written parties)	
12-9	Motion for S/J of Joseph C. Caldwell, Jr., filed. ph	
12-9	Brief in support of mo/SJ of Joseph C. Caldwell, filed. ph	
12-19	Pltf. appl. for ext. of time to respond to Defts. mots. for S/J. fld. ho O as part of appl. to J.	
12-19	Order, as part of appl, filed, that pltf. class is granted until 1-4-78 to file resp. to defts' motions for S/J. (HDC-J)ph cps mld	
1978		
1-4	Resp. of pltf. class to defts' motions for S/J, filed. ph	
1-11	MO: Case set for PT hrg. 5-5-78 at 9:00 a.m.; disc. to be complete by 4-25-78; PT memo or order to be filed by 4-28. (HDC-J)hm	
1-17	Case set for hrg. on defts' mo/decertification 1-30-78 at 10:00 a.m. (HDC-J)hm (notices mailed)	
1-20	Order, filed, that motion for SJ of defts. James W. Heidler, Jacque Boggess, Joseph C. Caldwell, J. Donald Walker, Jerald M. Schuman, Paul V. Hartman and Larkin Bailey is overruled; further ordered that the motion for SJ of deft. Joseph C. Caldwell is overruled. (HDC-J)ph cps mld	
1-30	MO: Hrg. held on defts' motions for decertification. Statements made. Ruling taken under advisement, along w/deft. Caldwell's req. to strike PT hrg. from 5-5-78 & question of pltf's notice to class re filing of claims. (HDC-J)hm	
1-30	Applic. of deft. Walker for perm. to ans. out of time, filed, w/order granting same. (HDC-J)hm	
1-30	Amended ans. of J. Donald Walker to complaint as amended, filed. hm	
2-3	Appl. of Joel Wohlgemuth to withdraw as counsel for James Heidler, w/consent of James Heidler, filed. rm	

DATE	PROCEEDINGS	Date Order or Judgment Note
3-20-78	MO: Ordered that PT hrg. set for 5-5 is stricken and PRE-TRIAL HEARING IS RESET FOR 5-26-78 at 9:30 a.m.; All disc. shall be complete by 5-16; PT memo or order shall be filed by 5-20. (HDC-J)hm (notices mailed)	
3-27	MO: Ordered that pltfs. re-submit to Court & counsel their proposed form of notice (to class) with appropriate amendment to Pgh. 8; any party not filing a written obj. to proposed form of notice within 5 days of its receipt, will be deemed to have approved the notice. (HDC-J)hm (letter written parties)	
4-5	MO: Ordered by the Court that the pltfs. file a notice of time within which to file proof of claim this date. (HDC-J)hm	
4-5	NOTICE of time within which to file proof of claim, filed, notifying class members that APRIL 28, 1978, is the last day in which to file their claims. (HDC-J)hm (cps to Dorwart)	
4-10	Pltf's affidavit of mailing notice of time to file proof of claim, filed. ph	
5-11	Named pltfs' report of filed claims, filed. ph	
5-22	Partial release and satisfaction of judgment and disclaimer, filed by pltfs. ph	
5-22	Defts' proposed pretrial order, filed. ph	
5-25	Pltfs' appl. for permission to delay filing proposed Pretrial order, filed. ph (O to J)	
5-26	Order, filed, granting pltfs an ext. of time to file proposed PTO until further notice from Court. (HDC-J)hm (cps. to pltf.)	
5-26	MO: Case called for PT hrg. Parties represented. Pltf. announces case will possibly settle & mo/continuance of PT conf. is granted. Parties to advise Court by 6-2 about settlement. J/T remains on docket for 6-19-78. (HDC-J)hm	
6-13	Order, filed, that pltfs. are ordered to mail copy of notice of proposed compromise to each person filing a claim before 6-16-78 and promptly file proof of mailing w/Clerk; further ordered that proposed compromise is set for hearing 7-6-78 at 10:30 a.m.; notice of proposed compromise, filed, that parties are to present any question or obj. they may have to James C. Lang or Frederic Dorwart by 6-30-78. (HDC-J)ph cps mld by Fred Dorwart's office.	
6-13	MO: CASE STRICKEN FROM J/T of 6-19-78 PENDING SETTLEMENT. (HDC-J)hm	
6-15	Affidavit of mailing "Notice of proposed compromise" to each person listed on Timberlake Lot purchasers, filed by pltf. ph	
7-6	Hearing held on proposed compromise. Statements made. Pltf. counsel states no obj. to proposed compromise have been received. Request to allow late claim granted over no objections. Based on statements of parties & no obj. to comp. settlement, Court approves same & directs pltf. counsel to prepare final order. (HDC-J)hm	

CIVIL DOCKET CONTINUATION SHEET

PLAINTIFF	DEFENDANT	DOCKET NO. 73-C-71
LESLIE W. McCOWN et al.	JAMES W. HEIDLER ET AL.	PAGE ____ OF ____ PAGES

DATE	NR.	PROCEEDINGS
1978		
7-12		Order,fld, approving request for permission to make late filed claim (HDC-J)ra. cps mld to ~~parties~~ movant
7-12		Order, fld, ENTERED approving compromise. (HDC-J)ra. cps mld to ~~parties~~.movant
7-27		Applic. of named pltfs. for order of dismissal with prejudice,fld.ra
7-27		Order, fld, dismissing action with prejudice. (HDC-J)ra.
7-31		Named pltfs' report of disbrusement of settlement fund, fld.ra
8-9		Partial release and satis. of judgment and disclaimer, fld. ra
9-6		Deft. dep. returned; pltf. notified to withdraw deps.g
12-20-79		PARTIAL RELEASE & SATIFFACTION OF JUDGMENT & DISCLAIMER of Pltfs. Leslie W. McCown & Chester F. & Phyllis Lenik. ho
4-29-81		RELEASE AND SATISFACTION OF JUDGMENT.nd
1982		
3-26		APPLICATION pltf to exonerate Bond. (O to J)jc atty Dorwart
3-30		ORDER exonerating $250.00 Bond; Clk to disburse to Frederic Dorwart. (HDC-J)jc(c/atty)
3-30		APPLICATION of deft atty, Hopkins, King & Rucker,Inc., to dismiss appeal Bond & to pay out proceeds of appeal bond ($250.00). (O to J)jc
4-5		ORDER that $250.00 appeal Bond be paid to counsel, Hopkins, King & Rucker, Inc. (HDC-J)jc(c/atty)

CIVIL DOCKET CONTINUATION SHEET

PLAINTIFF	DEFENDANT	DOCKET NO. _____ PAGE ____ OF ____ PAGES

DATE	NR.	PROCEEDINGS

CIVIL DOCKET CONTINUATION SHEET

FPI-MAR

PLAINTIFF	DEFENDANT	DOCKET NO. 73-C-71
LESLIE W. McCOWN, et al	JAMES W. HEIDLER, et al	PAGE 13 OF 7 PAGES

DATE	NR.	PROCEEDINGS
		PROOF OF CLAIM ONLY : DEADLINE TO FILE CLAIMS: 4-28-78
1978		
4-10	1.	Proof of claim of William J. Gibbons, Jr., filed. ph
4-11	2.	Proof of claim of Bobby J. Henson, filed. ph (2 forms)
4-11	3.	Proof of claim of James Wilkinson, filed. ph
4-11	4.	Proof of claim of M. R. Jennings, M.D., filed. ph
4-11	5.	Proof of claim of Leslie McCown, filed. ph
4-11	6.	Proof of claim of Jesse Ojeda, filed. ph
4-13	7.	Proof of claim of Elvin L. and Lilly Meyers, filed. ph
4-13	8.	Proof of claim of Minter & Pauline D. Uzzell, filed. ph
4-14	9.	Proof of claim of Mary C. Chuculate, filed. ph
4-14	10.	Proof of claim of Lloyd & Alma Whiteley, filed. ph
4-18	11.	Proof of claim of Thomas Louis Gribben, filed. rm
4-18	12.	Proof of claim of Verble and Joy Caviness, filed. rm
4-18	13.	Proof of claim of E. Terril Corley, filed. rm
4-18	14.	Proof of claim of Elizabeth Ann Corley, filed. rm
4-18	15.	Proof of claim of S. J. Staley and Norma Staley, filed. rm
4-20	16.	Proof of claim of Geneviene & Enfred C. Anderson, filed. ph
4-21	17.	Proof of claim of Geo. T. and Vera M. Pfannkuch, filed. rm(2 forms)
4-21	18.	Proof of claim of Walter Foster, filed. rm
4-24	19.	Proof of claim of Larry L. & Viola V. King, filed. hm
4-24	20.	Proof of claim of Tony and Mabel C. Dong, filed. hm
4-24	21.	Proof of claim of Gerald E. Robb, filed. hm
4-24	22.	Proof of claim of Fred D. Luper, filed. hm
4-24	23.	Proof of claim of Olan R. Rodgers, filed. ph
4-24	24.	Proof of claim of Silvie Rodgers, filed. ph
4-25	25.	Proof of claim of Val and Mary Adams, filed. ph
4-26	26.	Proof of claim of Wayne A. Fling, Mr. & Patricia Ann Fling, filed. ph
4-26	27.	Proof of claim of Raymond L. Coultrip, filed. ph
4-26	28.	Proof of claim of Bernita M. Willey, filed. ph (H. Lynn Willey deceased
4-26	29.	Proof of claim of Billy L. Holman, filed. ph
4-26	30.	Proof of claim of C. A. Conwell, Jr. & Jane Conwell, filed. ph
4-26	31.	Proof of claim of Ronald E. Trummel, filed. hm
4-27	32.	Proof of claim of Warren L. Alberty, filed. ph
4-27	33.	Proof of claim of Mrs. Ada Maxine Atchley, filed. ph
4-27	34.	Proof of claim of Ada P. Anderson, filed. ph
4-27	35.	Proof of claim of Guy H. Anderson, filed. ph
4-27	36.	Proof of claim of Nichael J. Neal, filed. ph
4-28	37.	Proof of claim of Tom Brinkley, Jr., filed. ph
4-28	38.	Proof of claim of Frank L. Tenney & Lois Ann Tenney, filed. ph
4-28	39.	Proof of claim of Robert W. Dale & Michael Dale, filed. ph
4-28	40.	Proof of claim of Raymond Evins, filed. ph
4-28	41.	Proof of claim of Neal I. Vest, filed. ph
4-28	42.	Proof of claim of William K. Pollard, filed. ph

PROOF OF CLAIM ONLY

DC-111A REV. (1/75)

PLAINTIFF	DEFENDANT	DOCKET NO. 73-C-71-C
LESLIE W. McCOWN, et al	JAMES W. HEIDLER, et al	PAGE 14 OF 7 PAGES

DATE	NR.	PROCEEDINGS
		PROOF OF CLAIMS ONLY - TO BE FILED BY APRIL 28, 1978
1978		
4-28	43.	Proof of claim of R. E. Whiteway, filed. ph
4-28	44.	Proof of claim of Patti M. White, filed. ph
4-28	45.	Proof of claim of Alfred L. Van Tuyl, filed. ph
4-28	46.	Proof of claim of Verna Van Tuyl, filed. ph
4-28	47.	Proof of claim of Bill J. Cooper, Adm. of estate of Fred H. Cooper, , filed. rm
4-28	48.	Proof of claim of Chester F. & Phyllis L. Lenik, filed. ph
5-1	49.	Proof of claim of Ruby Strawhun and L. D. Strawhun, filed. ph
5-1	50.	Proof of claim of J. Robert Jordan, filed. ph
5-1	51.	Proof of claim of Betty and Logan C. Minton, filed. ph
5-1	52.	Proof of claim of Postal Inv. Club, M. P. Rear, filed. ph
5-1	53.	Proof of claim of Postal Investment Club, Leon Grossman, filed. ph
5-1	54.	Proof of claim of Lornelia Ishee, filed. ph
5-1	55.	Proof of claim of Robert V. Hovasse, filed. ph
5-1	56.	Proof of claim of J. Forrest Lowry, filed. ph
6-7	57.	Proof of claim of Andres Duarte, filed. ph
6-12	58.	Request for permission to make late filed claim w/proof of claim attached & filed, for Deral E. Schweitzer. ph

PROOF OF CLAIMS ONLY

PROOF OF CLAIM ONLY