CIVIL DOCKET

UNITED STATES DISTRICT COURT

DAUGHERTY

73-C-181

Jury demand date: 10-2-73 (TP)

D. C. Form No. 106A Rev.

TITLE OF CASE	ATTORNEYS
JAMES B. SMITH vs. MISSOURI-KANSAS-TEXAS RAILROAD COMPANY, a foreign corporation	For plaintiff: Robert P.Hall 1622 United Founders Towers Oklahoma City, Oklahoma 73112 (405) 848-5575 For defendant: A. Camp Bonds, Jr. Bonds, Matthews & Bonds P. O. Box 1906 Muskogee, Okla. 74401 (683-2911)

STATISTICAL RECORD	COSTS			DATE	NAME OR RECEIPT NO.	REC.		DISB.	
J.S. 5 mailed 7-1-73	Clerk			6/20/73	Bonds	15	00		
				6/21/73	CD 54			15	00
J.S. 6 mailed 8-1-74	Marshal								
Basis of Action: Personal Injury	Docket fee								
	Witness fees								
Action arose at:	Depositions								

FPI MI—1-3-72-100M-7199

DATE	PROCEEDINGS	Date Order or Judgment Noted
6/20/73	Petition for Removal from Dist. Ct. of Tulsa Cty, Okla., filed.jj	
6/20/73	Removal Bond in amt. of $500.00, filed. Surety, Great American Insurance Company. jj	
6/20/73	Notice of Filing of Petition and Bond for Removal by Defts.,filed. jj	
7-2-73	Notice of filing petition and bond for removal, filed. ds	
8-13-73	Motion of deft. MKT RR Co. for permission to file answer out of time, filed. hm orig. with order + ans. to FD	
8-15-73	Order, filed, granting deft. permission to file answer out of time. (FD-J)hm (copies mailed)	
8-15-73	Answer, filed. hm	
8-29-73	Case set for P-T hearing at 11:40 A.M., Oct. 2, 1973 (FD-J)r	
10-2-73	Pre-trial held. Pltf. rep. by Robert P. Hall; def. rep. by A. Camp Bonds, Jr. Statements made. Pltf. to be available for medical exam. by deft. doctor. Pltf.'s oral demand for jury trial granted. Pltf. directed to prepare pre-trial order. Parties to file trial briefs. Case to be set on jury docket. (FD-J)rm	
10-30-73	PRE-TRIAL ORDER, filed. (FD-J)rm Copies mailed	
10-31-73	Dep. of James B. Smith, taken on behalf of the defendant, filed. $91.80 paid by Deft. a	
12-12-73	Case set for jury trial for 1/14/74 at 9:30 a.m.	
12-26-73	Appl. of pltf., and ORDER granting leave to amend petition. (FD-J)rm	
12-26-73	Amended Petition, filed. rm (Def. given to 1/7/74 to ans.) rm	
1-7-74	Defendant's motion to strike from trial docket, filed. ds	
1-7-74	Application for additional pretrial, filed. ds	
1-7-74	Brief in support of continuance and application for additional pretrial, filed. ds	
1-7-74	Defendant's amended answer, filed. ds	
~~1-7-74~~	~~Motion to strike from trial docket, filed by Deft. MKT RR~~	
1-10-74	MO: It is ordered by the Court that Deft.'s Mot. to strike from trial docket is GRANTED; and Deft.'s Appl. for additional pretrial is GRANTED. (FD-J)v -ltrs mld.	
1-10-74	Depos. of Francis E. Volmer, Larry D. South, Harry J. Blum, Paul Russ, Paul W. Larery, William W. Smith, taken on 12-12-73, before Millie Ballard, L.S.R., filed. v	
3-22-74	MO: Ordered by the Court that this case is set for Pre-Trial on 4-16-74 at 10:15 A.M. (FD-J)v -docket mld to parties.	

(Contd)

D. C. 110A Rev. Civil Docket Continuation

DATE	PROCEEDINGS	Date Order or Judgment Noted
4-16-74	Pre-trial hearing held. Parties rep. by counsel of record. Pltf. directed to brief question on "applied" within 10 days; def. 10 days thereafter to respond; def. directed to brief question of "void" within 10 days, pltf. 10 days thereafter to respond. Pltf. to prepare suppl. PT order. Case to be set on next jury docket. (FD-J)rm	
4-18-74	Case set for jury trial for 5/15/74 at 9:30 a.m. (FD-J)rm	
4-26-74	Brief of pltf. (per PT conf.), filed. rm	
4-26-74	Brief of def., (per PT conf.), filed. rm	
5-6-74	Defendant's response brief, filed. ds	
5-6-74	Reply brief of Pltf., filed. v	
5-9-74	Request of deft. for permission to file second amended answer, filed. g	
5-9-74	Brief in support of request to file second amended answer, filed. g	
5-13-74	ORDER granting permission to File Second Amended Answer, filed. e Gps. mail.	
5-13-74	Second Amended ANSWER, filed. e Gps. mail.	
5-15-74	Case stricken from this jury docket to be reset on the next jury docket. (FD-J)v	
5-15-74	Supplemental pre-trial order, filed in open court. (FD-J)rm	
7-1-74	MO: Ordered by the court that this case is set for jury trial for Tuesday, 7/23/74, at 9:30 a.m. (FD-J)rm - notices mailed	
7-25-74	Jury trial held 7/24/74 and 7/25/74. Pltf. appears in person and w/counsel of record. Def. rep. by counsel of record. Jury empaneled. Testimony given, witnesses sworn and exhibits admitted. Parties rest. Pltf. & Def. mo/DV - overruled. Closing arguments; Ct. instructs jury; bailiff sworn and jury retires to deliberate at 11:02 a.m., 7/25/74. Jury returns w/verdict at 11:55 a.m. on 7/25/74. Jury returns verdict in favor of def. Jury discharged. Clerk directed to prepare and enter judgment on jury verdict. Jury discharged.(FD-J)rm	
7-25-74	Verdict, filed in open court. rm	
7-25-74	Unused verdict, filed in open court. rm	
7-25-74	Trial exhibits, filed. rm	
7-25-74	Judgment on jury verdict, filed and entered, that plaintiff take nothing from defendant. (FD-J)rm - copies mailed	

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