~~BARROW~~ COOK

74-C-249

CIVIL DOCKET

UNITED STATES DISTRICT COURT

Jury demand date:

D. C. Form No. 106A Rev.

TITLE OF CASE	ATTORNEYS
DALE F. WHITTEN and CAROL D. WHITTEN EMPLOYERS INSURANCE OF WAUSAU(6/24/75) vs. GENERAL ELECTRIC COMPANY, a corporation	**For plaintiff:** Dale F. McDaniel 749-7771 2626 East 21st St. Tulsa, Okla. 74111 **For defendant:** ~~Dale Warner~~ Paul McBride Rucker, Tabor, McBride & Hopkins P. O. Box 1439 Tulsa, Okla. 74101 Donald G. Hopkins 587-3361 P. O. Box 1439 Tulsa, OK 74101

STATISTICAL RECORD	COSTS		DATE	NAME OR RECEIPT NO.	REC.	DISB.
J.S. 5 mailed 7-1-74	Clerk		6/6/74	D.Warner 6-13-74 C/D No.49	15.00	15.00
J.S. 6 mailed 10-1-75	Marshal					
Basis of Action: money judg. for damages due to defective goods	Docket fee					
	Witness fees					
Action arose at:	Depositions					
Tulsa County						

DATE	PROCEEDINGS	Date Order or Judgment Noted
6-6-74	1. Petition for removal, filed.rm	
6-6-74	2. Bond on removal, filed rm	
6-6-74	3. Notice of filing of petition and bond by def., filed. rm	
6-6-74	4. Mo. for ext. of time by def. to file answer, filed. rm	
6-6-74	5. Order by Clerk granting def. to 7/1/74 to ans. (JCS-Clk) rm	
6-10-74	6. Acknowledgment of Clerk of the District Court in and for Tulsa, County, Oklahoma, of receipt of copy of the Notice, Petition and Bond for removal, filed.s	
7-1-74	7. Answer, filed.k	
7-3-74	8. MO: Parties directed to hold pre-trial conference on or before 8-12-74 and file pre-trial order on or before 8-19-74. (AEB-J)k	
7-16-74	9. Def. General Electric Co.'s First Interrogatories to Pltfs, filed.k	
8-15-74	MO: Ordered by the Court that upon request of parties, they are granted an add. 30 days to complete pre-trial order.(AEB-J)rm	
8-16-74	10. Pltf's Answers to 1st Interrogatories, filed. b	
10-15-74	11. APPLICATION for ext. of time until 11-14-74 to file pt order, filed.jj ~~O to J~~	
10-16-74	12. ORDER, filed, granting pltfs. 30 days from 10-12-74 (11-21-74) within which to file pt order.(JCS-Clk)jj copies mailed	
1=22=75	Order, filed, transferring case to Judge H. Dale Cook. (AEB-J)k	
1-28-75	13. Proposed pre-trial order, filed. g	
4-3-75	MO: Pre-trial hearing held. Statements made. Pltf. to submit documents within 10 days to deft.; deft. given 5 days to object thereto; if no objection, documents shall be admitted. Deft. given until 4-11-75 to file motion for S/J, with supporting brief. Pltf. to prepare pre-trial order within 7 days and case to be set for non-jury trial. (HDC-J)hm	
4-17-75	14. Motion of def. to bring in addl. party and motion for summary judgment, filed. rm	
4-17-75	15. Brief of def. in support of mo/add party and for SJ, filed. rm	
4-17-75	MO: Ordered by the Ct. that pltf. is granted 10 days in which to respond to mo/add party and mo/SJ of def. (HDC-J)rm	
4-23	PTO to jj	
4-23-75	16. Response to Mot. to Bring in Additional Party, filed by Pltfs. v	
4-23-75	17. Pre-trial Order, filed. (HDC-J)k	
5-1-75	18. Pltf's Motion to Strike Motion for S/J, filed. lm	
~~5-1-75~~	~~MO: It is ordered by the Court that deft. is given 10 days to file response to pltf's Motion to strike motion for S/J. (HDC-J)lm ltrs mld.~~	

D. C. 110A Rev. Civil Docket Continuation

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DATE	PROCEEDINGS	Date Order or Judgment Noted
6-16-75	Deposition of Robert E. Fearon on behalf of deft., filed. ($47.50)g	
6-24-75 19.	Order, filed, sustaining def. mo. to bring in add. party and overruling def. mo/SJ. (HDC-J)rm-copies (Employers Insurance of Wausau brought in as party pltf.)	
7-22-75	MO: Case set for N/J trial 9-18-75 at 10:00 a.m. (HDC-J)hm	
8-28-75	20. Complaint for Joinder of Involuntary Plaintiff, to-wit: Employer's Insurance of Wausau, filed. Said party has pd. $41,950.67 & is a real party in interest. v -summons issued.	
9-18-75	21. Affidavit of Thomas D. Kivell of service of subpoena on Jerry Holland, filed.rm	
9-18-75	22. Affidavit of service by Thomas D. Kivell of service of subpoena, on Dale Whitten, filed. rm	
9-18-75	23. Affidavit of service by Thomas D. Kivell of service of subpoena on Carol Whitten, filed. rm	
9-19-75	MO: Case tried to the Court Sept. 18 & 19. Opening statements made. Pltf. presents case in chief w/test. of witnesses. Pltf's exhibits admitted. Deft's exhibits admitted. Pltf. rests. Deft's motion for dismissal denied. Deft. presents case in chief w/test. of witnesses and rests. Parties rest. Pltf. allowed to reopen to amend the pleadings to conform to the proof. Parties rest. Final arguments made. Court finds in favor of the defendant. Pltf. allowed to withdraw pltf's exhibits. (HDC-J)hm	
9-19-75	Trial exhibits, filed. (only defendant's)hm	
9-19-75	Judgment on decision by the Court, filed and entered. (JCS-Clk)hm (copies mailed)	

DATE	PROCEEDINGS	Date Order or Judgment Note