~~DAUGHERTY~~
COOK

74-C-271

CIVIL DOCKET

UNITED STATES DISTRICT COURT

Jury demand date: 7-31-74 (Def.)

D. C. Form No. 106A Rev.

TITLE OF CASE	ATTORNEYS
RICHARD MORALES vs. MAPCO, INC. and DONALD V. ROSS (TRANSFERRED FROM SOUTHERN DISTRICT OF NEW YORK)	**For plaintiff:** David Lopez ~~745 Fifth Ave., Suite 1909~~ N.Y., N.Y. 10022 (212-758-2102) 2-903 James G. Davidson (582-5179) Beacon Bldg. 74103 **For defendant:** Michael E. Schoeman (MAPCO, INC. & Donald V. Ross) 60 E. 42nd St. N.Y., N.Y. 10017 (212-661-5030) Eugene G. Bell (MAPCO, INC.) ~~1437 S. Boulder Ave.~~ Rucker Bg. Tulsa, OK 74119 582-1211 Thomas Seymour (Ross) ~~585-5541~~ ~~Atlas Bldg.~~ Lawrence Chambers ~~Tulsa, OK 74103~~ Doerner, Stuart, Saunders, Daniel & Langenkamp (for Donald B. Ross) 1200 Atlas Life Bg., Tulsa, Ok.74103

STATISTICAL RECORD	COSTS		DATE	NAME OR RECEIPT NO.	REC.	DISB.
J.S. 5 mailed 7-1-74 2-1-77	Clerk					
J.S. 6 mailed 5-1-75 10-1-77	Marshal					
Basis of Action: violation of SEC ACT of 1934	Docket fee					
	Witness fees					
Action arose at:	Depositions					

DATE	PROCEEDINGS	Date Order or Judgment Noted
6-24-74	1. Transcript of proceedings from the U. S. D. C., Southern District of New York, filed. rm (Includes Complaint, Summons return, Motion to dismiss or transfer, and Stipulation of Transfer).	
6-24-74	MO: Ordered by the Court that the defs. are granted 20 days from this date in which to further plead or answer. (FD-J)rm	
7-15-74	2. Answer by Def. MAPCO, INC. to Complaint, filed.k	
7-16-74	MO: Ordered by the Court that def. Donald V. Ross is granted until 7-24-74 to answer. (FD-J)k copies mailed.k	
7-23-74	3. Answer by Donald B. Ross, filed. g	
7-31-74	4. Deft's DEMAND FOR TRIAL BY JURY, filed.k	
8-1-74	MO: Case set for pre-trial for 8/21/74 at 4:30 p.m. (FD-J)rm	
8-19-74	5. Entry of appearance of local counsel for pltf. and req. for ext. of time prior to pt conf., filed. rm	
8-19-74	6. Memorandum in support of mo/cont., filed. rm	
8-21-74	7. Memorandum in Opposition to Motion for Continuance, filed by Deft. Donald B. Ross. v -copy to Judge this date.	
8-21-74	Case called for pre-trial. Ct. grants pltf. req. for continuance. Case set for pre-trial for 9/11/74 at 12:00 noon. (FD-J)rm - notices md.	
8-26-74	8. NOTICE of Mtn. to Strike Demand for Trial by Jury, filed with brief in support attached.jj	
8-29-74	9. Ltr. from FD to def. counsel, 8/28/74, directing them to respond to pltf. notice of mo/strike demand for jury trial on or before 9/9/74, w/brief if opposed. (FD-J)rm	
9-9-74	10. Response in Support of Demand for Jury Trial, filed by Deft. Donald B. Ross, with Brief in Support. v	
9-10-74	11. Interrogatories addressed to deft. Donald V. Ross, filed. lm by pltf.	
9-10-74	12. Request/for Production of Documents by deft. Donald V. Ross, filed. lm	
9-11-74	Pre-trial conf. held. Parties rep. by counsel of record. Def. directed to file mo/dismiss w/brief in 30 days; pltf. 30 days thereafter to respond. Ct. takes underadvisement question of demand for jury trial & will issue order later. Def. Ross requests Ct.'s opinion on pltf.'s non-compliance w/Local Rule 5(h), re local counsel. Ct. will wait to see what Judge Bohanon does in similar case. Case to be set on jury docket, subject to ruling on motions. Pltf. directed to prepare PT Order. (FD-J)rm	
9-19-74	13. REQUEST for Admissions First Series, filed.jj	
10-11-74	14. Brief of def. Ross in support of expanded mo/dismiss filed in N.Y., filed. rm	
10-11-74	15. Response of def. Ross to req. for admissions, filed. rm	
10-11-74	16. Response of def. Ross to req. for prod. of documents, filed. rm	
10-11-74	17. Answers to interrogatories of def. Ross, filed. rm	

D. C. 110A Rev. Civil Docket Continuation

DATE	PROCEEDINGS	Date Order or Judgment Noted
10-24-74	DEPOSITION of Donald B. Ross on behalf of Deft. Ross taken before Frank L. Peterson (CSR) on 9-20-74, filed. lm	
10-31-74	Proposed pre-trial order of pltf., filed. rm	
10-31-74	PRE-TRIAL ORDER, filed. (FD-J)rm - copies mailed	
10-31-74	Amended answer to interrog. addressed to deft. Donald B. Ross, filed.k	
11-13-74	Pltf's Memorandum in opposition to mot. for s/j, filed.k	
11-14-74	MO: Ordered by the Court that def. Ross is granted 10 days from this date in which to file a reply brief to pltf. memo. in opposition to mo/SJ. (FD-J)rm - ltr. written	
11-25-74	Protective Order, filed, that no portion of the monthly brokerage statements of Deft. Donald B. Ross shall be disclosed to any person, firm, or corporation, save the pltf. & his attys. in this litigation, and no use shall be made of the info. contained in said statements, save as may be necessary for this litigation. (FD-J)k cps mld	
11-25-74	Reply brief of def. Ross in support of expanded mo/dismiss,filed. rm	
12-13-74	Order, filed, overruling pltf. mo/strike demand for jury trial and sustaining def. Ross' demand for jury trial. (FD-J)rm - copies md.	
12-16-74	Notice of change of address by pltf. counsel, filed. rm	
1-8-75	MO: Ordered by the Ct. that this case is transferred to Judge Cook(FD-J)rm	
1-29-75	Appl. of def. Ross for oral argument on it's mo/SJ, filed. rm	
2-21-75	MO: Case set for pre-trial hearing 4-2-75 at 10:00 a.m. and oral arguments on motion for S/J. (HDC-J)hm	
4-2-75	MO: Case called for pre-trial hearing and hearing on deft's motion for S/J and to dismiss. Statements made. Court takes ruling on motions under advisement. Parties announce discovery complete. Case to be set for jury trial, dependent upon ruling on motions. Trial briefs & requested instructions to be filed 10 days prior to trial. (HDC-J)hm	
4-10-75	Memorandum opinion, filed. (HDC-J)hm (copies mailed)	
4-10-75	Judgment, filed and entered, that motion for S/J of defts. be granted and judgment entered in favor of defts, at the cost of the pltf., and that pltf's motion for S/J be denied. (HDC-J)hm (copies mailed)	
4-17-75	Memorandum of costs and disbursements and affidavit of Lawrence T. Chambers, Jr., filed. hm	
4-21-75	Deft's bill of costs, filed. hm (Hearing before Clerk set 4-30-75 at 1:30 p.m.)	
5-1-75	Costs taxed by Clerk in amt. of $132.00 in favor of def.(JCS-Clk)rm	
5-9-75	Notice of appeal by plaintiff from judgment of 4-10-75, filed. cpy to USCA and all counsel. g	
5-9-75	Bond on appeal ($250 cash), filed. g	

DATE	PROCEEDINGS	Date Order or Judgment Note
5-30-75	Reporter's Transcript of Proceedings had on April 2, 1975, re Oral Arguments on Motion for Summary Judgment, taken by Thomas G. Bloxom, Reporter, filed. v	
6-9-75	Appeal record (3 vols.) sent to USCA. g	
9-7-76	Interrogatories, 2nd series, by pltf. to def. Ross, filed. rm	
9-14	Motion of def. Ross to strike interrogatories, filed. rm	
9-14	Brief in support of mo/strike interrogatories, filed. rm	
9-14	MO: Ordered by theCt. thatpltf. is granted 10 days to respond to mo/strke interrogatories.(HDC-J)rm-letter	
9-24	MO: Ordered by the Court that interrogatories of pltf. filed on 9-7-76; motion of deft. Ross to strike interrog. & brief in support filed on 9-14-76; and MO entered on 9-14-76 are all stricken by the Court. (HDC-J)hm (letter written parties)	
12-2	Letter from 10th Circuit, that petition for writ of cert. was filed in Supreme Court on 11/23/76 and assigned No. 76-723. rm	
1977 1-19	Mandate & Opinion of USCA, 10th Circuit, filed & spread of record; judgment of 4-10-75 reversed and cause remanded for further proceedings in accordance with the opinion. g	
1-20	Letter received from 10th Circuit, that petition for writ of cert. was denied by Supreme Court on 1/10/77. rm	
1-24	MO: Case set for PT hearing 3-11-77 at 10:00 a.m. (HDC-J)hm	
1-31	Original appeal record (3 vols) and Suppl. Vol.,recd. from USCA. rm	
1-31	Interrogatories, 2nd series, to def. Ross, filed. rm (orig. filed on 9/7/76)	
2-14	Supplement to Mandate (Statement of Costs), filed; that costs in amt. of $232.55 be taxed in favor of plaintiff-appellant and against defs. rm	
2-14	Order of disbursement, filed, that the sum of $250 in cash posted as an appeal bond by pltf's counsel on May 5, 1975, be remitted to such counsel, David Lopez. (HDC-J)ph cps mld	
2-23	Resp. of deft. Donald B. Ross to pltf's interrogs., Second Series, filed. ph	
3-3	Motion for summary judgment, and notice of motion, filed by pltf. rm	
3-3	Pltf. memo in support of renewed mo/sj with respect to damages,filed.rm	
3-3	MO: Ordered by the Ct. that defs. are granted to 3/9/77 to respond to pltf. renewed mo/SJ. (HDC-J)rm-letter	
3-7	Deft. Ross's motion to enlarge time to resp. to pltf's mo/SJ, filed. ph (O to be in)	
3-7	Deft. Ross's brief in support of mo/enlarge time, filed. ph	
3-9	Joint appl. to strike pretrial conference, fld. v (o)	

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DATE	PROCEEDINGS	Date Order or Judgment Noted
1977		
3-10	Order, filed, that PT conf. set for 3-11-77 is stricken. (HDC-J)ph parties called	
3-10	Order, filed, deft. Ross is granted until 4-8-77 to resp. to pltf's mo/SJ. (HDC-J)ph cps mld	
3-14	Pltf's conference memo, filed. ph	
4-15	Brief in opposition to pltf. memo. in support of renewed motion for summary judgment with respect to damages,filed.rm	
4-25	Pltf's reply memo in support of S/J, filed. lm	
4-29	Letter, filed, from pltf. counsel to HDC, re addl. authority.rm	
4-29	Response of def. Ross to pltf. reply memo. in support of summary judg., filed. rm	
6-1	MO: Case set for hearing on pltf's mo/SJ for 8-3-77 at 2:00 p.m. (HDC-J)ph notices mld	
7-5	Deft's appl. to postpone hearing of 8-2-77, filed w/agreement of oppos. counsel. ph (O to J)	
7-7	Order, filed, postponing hrg. of 8/3/77 and resetting for 9/9/77 at 11 a.m. (HDC-J)rm-copies mailed	
9-9	MO: Case called for hearing on pltf's motion for S/J. Statements made. Court makes findings & reads prepared memorandum in open court. Court enters judgment for pltf. against deft. as to issue of liability & as to damages in amt. of $6,357.10, but finds that assessment of interest on amt. of damages is denied. Pltf. counsel to prepare formal judgment. Memorandum to be filed this P.M. (HDC-J)hm	
9-9	Order, filed and entered, that pltf's mo/SJ is sustained as to the issue of liability and is sustained as to the issue of damages to the extend of $6,357.10. (HDC-J)ph cps mld	
9-20	Judgment, filed and entered, that the mo/Sj of defts. Mapco and Donald B. Ross previously entered are vacated; further that mo/SJ of pltf., Richard Morales be granted and that judgment enter in favor of Mapco and against Donald B. Ross in the amt. of $6,357.10 without pre-judgment interest and with costs. (HDC-J)ph cps mld	
9-23	Bill of costs of David Lopez in the amt. of $256.27,w/exhibits. fld. ho Set for hrg. before JCS on 10-4-77 at 10:00 a.m. ho	
9-30	Notice of appeal by pltf. from judg. of 9/20/77,filed.rm(copy to USCA)	
10-4	Bill of costs, filed and taxed in the amount of $256.27 in favor of pltf. (JCS-CC)ph	
10-11	Notice of appeal by deft. Ross from judg. of 9/20/77, filed. rm - copy to USCA	
10-11	Bond for costs on appeal ($250 surety) by deft. Ross, filed. rm	
10-17	Bond for costs on appeal ($250 cash) by pltf., filed. rm	
10-31	Letter from 10th Circuit, assigning No. 77-1889 to pltf. appeal. rm	
10-31	Letter from 10th Circuit, assigning No. 77-1890 to deft. appeal. rm	
11-10	Designation of record on appeal by deft. Ross, filed. rm	

DATE	PROCEEDINGS	Date Order or Judgment Not.
11-15-77	Original appeal record (2 vols) transmitted to USCA.rm	
11-18	Suppl. appeal Vol. 1, transmitted to USCA. rm	
11-27-78	Mandates of 10th Circuit, filed and spread of record, upon stip. of parties, the appeal and cross-appeal are dismissed, each party to pay its own costs. rm	
12-11-78	Orig. appeal record (2 vols.+ Suppl. Vol. 1) recd. from USCA.rm	
4-26-79	Notice of change of address of David Lopez, fld. ho	
5-3	Order, filed, directing Clerk to disburse $250.00 appeal bond to David Lopez. (HDC-J)k cpy & ck to Davidson	
5-22	Pltf's NOTICE OF MOTION, APPL. for allowance of attys' fees & disbursements, AFFIDAVIT OF DAVID LOPEZ & AFFIDAVIT OF JAMES DAVIDSON in support of appl.k	
5-22	MO: Defts. are ordered to file a response by 6-4-79 to pltf's appl. for allowance of attys' fees & disbursements. (HDC-J)k cps mld	
6-5	ORDER that pltf's appl. for atty. fees is approved & deft. Mapco, Inc. is ordered to pay James G. Davidson and David Lopez, pltf. counsel, the amt. of $1,158.50 for services rendered, and the addtl. amt. of $1,808.67 for reimbursement of out-of-pocket expenses incurred in this action. (HDC-J)k cps mld	
9-14-79	ORDER, that Bond for Costs on Appeal for Deft. Donald B. Ross be vacated.(HDC-J)b cps deft Ross	
10-3	RELEASE and Satisfaction of Judgement as to Deft. Donald B. Ross in the amt. of $6,357.10.jc	
1980		
1-17	FINAL RELEASE & SATISFACTION OF ALL JUDGMENTS. ho	
1983		
3-2	DEPOSITION of Donald B. Ross returned to deft counsel. hm	