~~DAUGHERTY~~
Cook

74-C-316

CIVIL DOCKET

UNITED STATES DISTRICT COURT

Jury demand date:

D. C. Form No. 106A Rev.

TITLE OF CASE	ATTORNEYS
PETER J. BRENNAN, Secretary of Labor, U.S. Department of Labor, plaintiff vs RESOURCE SCIENCES CORPORATION, a corporation, defendant.	**For plaintiff:** Wm. J. Kilberg George T. Avery Richard L. Collier (214-749-3482) U.S. Dept. of Labor ~~1100 Commerce St., Room 7C52~~ Dallas, Texas 75202 555 Griffin Square Bldg., Suite ~~707~~ 501 James E. White (Acting Reg. Solicitor) Ronald M. Gaswirth Regional Solicitor **For defendant:** Harry L. Seay III (585-9161) 805 NBT Bldg. Tulsa 74103

STATISTICAL RECORD	COSTS		DATE	NAME OR RECEIPT NO.	REC.	DISB.
J.S. 5 mailed 9-1-74	Clerk					
J.S. 6 mailed 3-1-76	Marshal					
Basis of Action: Violation of FLSA of 1938 & ADEA of 19671 restrain w/holding of payments & to effect compliance w/ ADEA.	Docket fee					
	Witness fees					
Action arose at:	Depositions					

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DATE	PROCEEDINGS	Date Order or Judgment Noted
8-5-74	1. Complaint, filed.k Summons issued,k	
8-5-74	2. Request for the Production of Documents for inspection & copying, filed.k	
8-8-74	Summons, ret. & filed: served Resource Sciences Corp., 8-6-74. (USM $3.00)g	
8-26-74	3. Objs. of def. to req. for production of documents, filed. rm	
8-26-74	4. Motion of def. for more definite statement, filed. rm	
8-26-74	5. Brief in support of mo/def. statement, filed. rm	
8-26-74	6. Affidavit by Norman Freeze, filed. rm	
8-26-74	7. Affidavit by Sharon Chesser, filed. rm	
8-29-74	8. Ltr., filed, from FD to pltf., 8/28/74, directing pltf. to respond to def. mo/more def. statement by 9/12/74, w/brief if opposed. (FD-J)rm	
9-6-74	9. Pltf's response to Motion for more definite statement, filed.k	
9-11-74	10. Amended complaint of pltf., filed. rm	
9-11-74	MO: Ordered by the court, that upon the filing of pltf. amended complaint herein, def.'s previously filed pending motion for more definite statement is stricken without prejudice. Def. will answer or plead to amended complaint within 20 days from this date. (FD-J)rm - ltr. written deft's	
10-1-74	11. Renewal of/Motion for More Definite Statement, filed. lm	
10-1-74	12. Request for Production of Documents for Inspection and Copying, filed. lm	
10-9-74	13. Ltr. from FD of 10/8/74 to pltf. counsel directing them to respond to def. renewal of mo/more def. statement, w/brief, by 10/23/74. (FD-J)rm	
10-24-74	14. Ltr. response from pltf. adopting its previous opposition to def. mo/more def. statement, filed. rm	
10-25-74	15. Pltf's objections to request for prod. of documents, filed.k	
11-13-74	16. Order, filed, overruling motion for more definite statement, and directing defendant to answer within 20 days from this date. (FD-J)g cpies mailed.	
12-2-74	17. Answer, filed.k	
1-8-75	MO:Ordered by the Ct. that this case is transferred to Judge Cook(FD-J)rm	
2-28-75	MO: Case set for pre-trial hearing 4-1-75 at 1:30 p.m. (HDC-J)hm	
3-11-75	18. Deft's First Interrogatories, filed.jj	
3-19-75	MO: Case stricken from PT assignment of 4-1-75, to be reset on next pre-trial docket. (HDC-J)hm (letter written counsel)	
4-8-75	MO: Case set for PT hearing 4-29-75 at 4:00 p.m. (HDC-J)hm	
4-16-75	19. Pltf's answers to first interrogatories, filed. g	
4-23-75	20. Joint appl. of parties for postponement of pre-trial hearing, filed, for 60 days after 4-20-75. k	

D. C. 110A Rev. Civil Docket Continuation

DATE	PROCEEDINGS	Date Order or Judgment Noted
4-24-75	21. Order postponing pre-trial hearing, filed as Jt. Appl. by both Deft. and Pltf. (HDC-J) mm copies mailed	
4-25-75	22. Motion of def. to compel production of documents and to require complete answers to interrogatories, filed. rm	
4-25-75	23. Brief in support of combined motions for discovery, filed. rm	
5-14-75	24. Statement of pltf. in opposition to def. combined motions for discovery, filed. rm	
5-14-75	25. Claim of privilege and confidentiality of pltf., filed. rm	
5-14-75	26. Affidavit of Betty Southard Murphy, filed. rm	
5-16-75	27. Deft's reply brief, filed.k	
5-27-75	28. Plaintiff's Reply Brief, filed. mm	
6-2-75	29. Defendants' Statement in Rebuttal, filed. mm	
6-6-75	30. Pltf's supplemental answers to deft's first interrogs., filed. g	
7-14-75	31. Order, filed, overruling def.'s combined mos/discovery and granting pltf. 10 days from this date to supplement its answers to def.'s interrogatories. (HDC-J)rm-copies md.	
7-16-75	MO: Case set for PT hearing 8-27-75 at 10:00 a.m. (HDC-J)hm	
7-25-75	32. Pltf's second suppl. answers to deft's first interrogs., filed. g	
8-8-75	33. Defendants request for Admissions within 30 days of stated facts, filed. mm	
8-25-75	34. Plaintiff's Motion for Postponement of Pretrial Hearing, filed. mm (O to J)	
8-25-75	35. Order Postponing (for 30 days) Pretrial Hearing, filed. (HDC-J) cps mld & atys called mm	
9-8-75	36. Pltf's Answers to Deft's Request for Admissions, filed. lm	
9-24-75	37. Pltf's Requests for Admissions and Interrogatories, filed. lm	
10-8-75	MO: Case set for pre-trial hearing 11-10-75 at 11:30 a.m. (HDC-J)hm	
10-15-75	38. Deft., Resource Sciences Corp. Second Request for Admissions to the Plaintiff for 30 days to admit the truth of 11 facts, filed. mm	
10-22-75	39. Response and Objs. to Requests for Admissions and Int., filed.jj	
10-29	40. Brief of deft. in support of objections, filed. g	
11-7-75	41. Plaintiff's second interrogatories, filed. g	

DATE 1975	PROCEEDINGS	Date Order or Judgment Noted
11-7	42. Motion of Deft. to Dismiss, fld. v	
11-7	43. Brief in Support, fld. v	
11-7	44. Affidavit of Harold J. Wages, fld. v	
11-10	MO: It is ordered by the Court that Pltf. is granted 10 days from this date to respond to the Mot. of Deft. to Dismiss. (HDC-J)v	
11-10	MO: Pre-trial hearing held. Statements made. Deft's proposed partial PT order filed in open court. Stipulation as to jurisdiction to be filed. By consent of govt., objections to interrog. sustained, or pltf. allowed to withdraw interrogatories. Pltf. to prepare final pre-trial order within 15 days and case set for non-jury trial 2-19-76 at 10:00 a.m. (EST-3 days)(HDC-J)hm	
11-10	45. Deft's proposed partial pre-trial order, filed. hm	
11-14	46. Pltf's Ans. to 2nd Request for Admissions, filed.jj	
11-20	47. Pltf's statement in oppos. to deft's mo/dismiss, filed. hm	
11-24	48. Deft's second interrogs., filed. ph	
11-25	49. Joint Appl. for Ext. of Time, filed. (add't. 10 days to Dec. 5)tc	
11-25	50. Order extending time, filed, granting parties until 12-5-75 to file PT order. (HDC-J)hm (copies mailed)	
12-5	51. Deft's reply brief in response to Pltf's statement in opposition to Deft's motion to dismiss, filed. ph	
12-11	52. Pretrial order, filed. (HDC-J)hm (copy mailed pltf.)	
12-15	53. Pltf's reply brief in opposition to deft's mo to dismiss, filed. ph	
12-18	54. Deft's notice to take depositions, filed. Subpoenas issued. ph	
12-19	55. Deft's response to "Plaintiff's reply brief", filed. ph	
12-26	56. Pltf's Answers to Deft's 2nd Interrogs, filed. lm	
1976		
1-12-76	Deposition subpoenae, ret. & filed: served Victor H. Houser on 12-31-75; served Sally Martin Cotten, 1-9-76, both in Tulsa, Ok. (USM $9.84)g	
1-23	57. Order, filed, directing pltf. more fully respond to deft's request for admissions filed 8-8-75, on or before 2-2-76; deft/ granted until 2-9-76 to respond to pltf's answers; motion to dismiss held in abeyance until 2-9-76. (HDC-J)g cpies mld.	
2-2	58 Pltf's supplemental answers to deft' req. for adms., filed. g	
2-2	59 Pltf's further statement and opposition to motion to dismiss, filed. g	
2-9	60. Deft.'s brief opposing stay of proceedings, filed.k	
2-11	61.Supplement to Deft's. Brf opposing stay of proceedings,filed.t	
2-13	62. Order, filed & entered, sustaining deft's motion to dismiss for lack of jurisdiction and dismissing pltf's cause of action under the Age Discrimination in Employment Act, 29 U.S.C. §621 et seq. (HDC-J)k cps mld	

CONTINUED

DATE 1976	PROCEEDINGS	Date Order or Judgment Noted
2-27	Deposition of Sally Cotten, taken on behalf of Deft. before Loyd J. Christesson, CSR, on 1-22-76 w/ fees of $148.00, filed.k	
2-27	Deposition of Victor H. Houser, taken on behalf of Deft. before Loyd J. Christesson, CSR, on 1-22-76 w/ fees of $75.00, filed.k	
2-27	Deposition of J. Dean Speer, taken on behalf of deft. before Loyd J. Christesson, CSR, on 1-22-76 w/ fees of $40.50, filed.k	
3-5	Stipulation for dismissal, filed. g	
3-5	Partial dismissal with prejudice, filed & entered. (HDC-J)g	
4-13	Notice of appeal by pltf. from order of 2/13/76, filed. rm (copy to counsel and USCA)	
4-26	Letter, filed, of 4/23/76, from pltf.-appellant, re designation of record on appeal. rm	
5-10	Original record on appeal (5 vols) sent to USCA.rm	
9-1	Mandate of USCA, filed and spread of record, that appeal is dismissed on motion of appellant. rm	
9-30	Record on appeal (5 vols) received from USCA. rm	
1983 3-2	DEPOSITION of J. Dean Speer returned to deft counsel. hm	

DATE	PROCEEDINGS	Date Order or Judgment Not