

DIST/OFFICE	DOCKET		FILING DATE			J	N/S	O	R	R 23	\$	DEMAND		JUDGE NUMBER	JURY DEM.	DOCKET	
	YR.	NUMBER	MO.	DAY	YEAR							OTHER				YR.	NUMBER
1085/4	75	0140	04	15	75	4	190	1	41			80		8510	D	75	0140-C

PLAINTIFFS

John F. IRELAND

DEFENDANTS

George K. MILLER and BLYTH
EASTMAN DILLON & CO.,
INCORPORATED

CAUSE

Claim to recover plaintiff's damages caused by defendants' negligent failure to execute sell order in national securities market in accordance with plaintiffs specific instructions.

ATTORNEYS

Loyal J. Roach, Tom Armstrong
Suite 1614,
Fourth Natl. Bank Bldg.
Tulsa, Oklahoma 74119
584-4771

Richard B. Noulles
James M. Sturdivant
GABLE, GOTWALS, RUBIN, FOX, JOHNSON
AND BAKER
2010 Fourth National Bank Building
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(918-582-9201)

☐ CHECK
HERE
IF CASE WAS
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FILING FEES PAID

DATE	RECEIPT NUMBER	C.D. NUMBER

STATISTICAL CARDS

CARD	DATE MAILED
JS-5	5-1-75
JS-6	2-1-76

DATE	NR.	PROCEEDINGS
4-15-75	1.	Complaint, filed. Summons issued. rm
4-28-75		Summons, ret. & filed: served Geo. K. Miller, Tulsa, Ok., and The Corporation Co., Ok. City, 4-21-75. (USM \$8.08)g
5-12-75	2.	Appl. for Enlargement of Time on Behalf of all Defts., filed, for 15 days ext. to ans.jj
5-12-75	3.	Order, filed, granting 15 days ext. of time to all defts. to ans.(JCS-Clk)jj atty. mailed copies
5-22-75	4.	Separate <u>Answer</u> of Deft. George K. Miller, filed. v
5-22-75	5.	Separate <u>Answer</u> of Deft. Blyth Eastman Dillon & Co., Inc., filed. v
5-27-75	6.	Demand for Jury Trial by Blyth Eastman Dillon & Co., filed. mm
5-27-75	7.	Demand for Jury Trial by George K. Miller, filed. mm
7-16-75	MO:	Case set for PT hearing 8-27-75 at 3:15 p.m. (HDC-J)hm
8-19-75	8	Defendants' first joint interrogatories to pltf., filed. g
8-27-75	MO:	Pretrial hearing held. Statements made. Pltf. allowed to file amended complaint within 15 days; deft. given 10 days thereafter to ans. Pltf. to file brief on measure of damages within 30 days; deft. to respond within 15 days. Pltf. to prepare PT order by 12-1-75 and case set for jury trial 1-19-76 at 10:00 a.m. (HDC-J)hm
9-15-75	9.	Plaintiff's Amendment to Complaint, filed. mm
9-19-75	10.	Combined Answer to Amended Complaint of the Defendants, filed. mm
9-26-75	11.	Plaintiff's Memorandum Brief on Damages, filed. mm
10-2-75	12.	Response of defs. to pltf. memo brief on damages, filed. rm
10-24-75	13	Pltf's Answers to Joint Interrogatories, filed.jj
12-8		Deposition of Harvey Arnold Chozen on behalf of pltf., filed.rm (Fee pd by pltf. \$40.50)
12-12	14	Defs. proposed pre-trial order, filed. rm
12-12	15	Pltf.'s proposed pre-trial order, filed. rm
12-15	MO:	Parties directed to file a brief Statement of Difference in their proposed PT orders, and the reasons therefor, within 10 days. (HDC-J)hm
12-23		Deposition of George Kennedy Miller, on behalf of pltf., filed.g (\$87.00)
12-23	16.	Pltf's 2nd Proposed PT Order, filed.jj
12-23	17.	Statement of Differences & Request for 2nd PT Conf., filed.jj
12-29	MO:	Case set for further pre-trial hearing 1-8-76 at 10:00 a.m. (HDC-J)hm
12-29	18.	Defts' statement of Differences, filed. ph
12-29	19.	Defts' amended proposed pretrial order, filed. ph
1-5-76	20	Defts' requested instructions, filed. lm
1-5	21.	Defts' requested voir dire, filed. lm
1-5	22.	Defts' Trial Brief, filed. lm
1-8	MO:	Further pre-trial hearing held. Statements made. Parties to file simultaneous briefs by 1-14-76 and to respond if desired. Pltf. to prepare an agreed-to PT order by 1-12-75. Case heretofore set for J/T 1-19-76 at 10:00 a.m. (EST-1 to 1½ days)(HDC-J)hm

D. C. 110A Rev. Civil Docket Continuation

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DATE	PROCEEDINGS	Date Order or Judgment Noted
<u>1976</u>		
1-12-	23. Request for Addition to Pretrial Order, filed. lm (PTO to J)	
1-13	24. Pretrial Order, filed. (HDC-J)g	
1-14	25. Pltf's Trial Brief, filed. ph	
1-14	26. Defts.' Memo. Brief on the Statute of Limitations, filed. v	
1-15	27. Defts. Additional Requested Instruction, fld. v	
1-15	28. Memorandum Brief on Ratification, fld. v	
1-19	MO: Case called for jury trial. Parties announce ready. Jury duly empaneled and admonished. At request of deft., case continued for jury trial until 1-22-76 at 9:30 a.m. (HDC-J)hm	
1-19	29. Pltf's requested instructions, filed.k	
1-19	30. Pltf's requested voir dire, filed. ph	
1-20	MO: Ordered by the Court that pursuant to defts' request for addition to PT order, in the interest of justice, the Court having determined that amendment will not constitute an injustice to pltf., the PT order filed herein on 1-13-76 is amended so that the following issue may also be litigated at trial: "Whether, as a matter of fact or as a matter of law, pltf. has ratified any failure by defts. to carry out pltf's instructions to sell the bonds in question." (HDC-J)hm (letter written)	
1-20	31. Order, filed, that pltf's cause of action may be maintained as an action based upon an implied contract & is not barred by Statute of Limitation having been brought within 3 yrs. of alleged breach. (HDC-J)hm (copies mailed)	
1-22	32. Pltf's answer brief on ratification, filed. hm	
1-22	Deposition exhibits of John Fowler Ireland, filed. hm	
1-22	MO: Case tried to a jury Jan. 22, 23 & 26, 1976. Jury heretofore selected and sworn 1-19-76. Rule invoked. Opening statements made. Pltf. presents case in chief w/test. of witnesses. Pltf's and deft's exhibits admitted. During course of trial, defts' mo/mistrial and mo/directed verdict overruled. Pltf. rests. Deft. presents case in chief w/test. of witnesses and rests. Parties rest. Closing arguments made. Court instructs the jury. Bailiff sworn. Jury retires to deliberate at 12:35 p.m. on 1-26-76. Alternate juror, Mrs. Fletcher, discharged. Jury returns w/verdict at 6:03 p.m., finding in favor of the pltf. in the amt. of \$31,200.00, and is discharged. Verdict ordered received, read and filed in open court. Court recessed. (6:05 p.m.)(HDC-J)hm	
1-26	33. Pltf's memorandum brief on waiver, filed in open court. hm	
1-26	34. Pltf's requested instructions 4 & 5, filed in open court. hm	
1-26	35. Instructions to the Jury, filed in open court. (HDC-J)hm	
1-26	36. Verdict, filed in open court, finding for the pltf. in the amt. of \$31,200.00. hm	
1-26	37. Judgment on jury verdict, filed and entered, that pltf. recover from defts. the amt. of \$31,200, plus costs. (HDC-J)hm (copies mailed)	

(Over)

DATE	PROCEEDINGS	Date Order or Judgment Not
<u>1976</u>		
1-29	Reporter's partial transcript of proceedings had on 1-23-76, filed, Jury Trial. (Thomas G. Bloxom, RPR)ph	
2-5	Motion for Judgment Notwithstanding the Verdict or for New Trial, filed. lm	
2-5	Brief in Support of Defts' Motion for Judgment Notwithstanding the Verdict or for New Trial, filed. lm	
2-5	MO: Ordered by the Court that pltf is given ten days from this date to file a responsive brief to defts' motion for judgment notwithstanding the verdict or for new trial. (HDC-J)lm ltrs mld	
2-17	40. Brief Opposing Defts.' Mot. for Judgment Notwithstanding the Verdict or For New Trial, filed. v	
2-20	41. Defts' reply to pltf's brief in opposition to defts' mot. for judgment notwithstanding the verdict, or for new trial, filed.k	
3-31	Deposition of C. E. Englehart on behalf of pltf. taken before Millie Ballard, (LSR) on 11-22-75 in Tulsa, Oklahoma, filed. lm	
4-8	42. Order, filed, overruling motion for judgment notwithstanding the verdict or for new trial. (HDC-J)g cp mld.	
5-13	43. Release and satisfaction of judgment, filed. ph	