

DIST/OFFICE	DOCKET		FILING DATE			J	N/S	O	R	R 23	S	DEMAND		JUDGE	JURY	DOCKET	
	YR.	NUMBER	MO.	DAY	YEAR							OTHER	NUMBER	DEM.	YR.	NUMBER	
1085/4	75	0233	06	17	75	3	790	1				62		8509	P	75	0233-B

PLAINTIFFS

DEFENDANTS

HOWARD LUNDGREN

Continental Industries, Inc., an  
Oklahoma Corporation, formerly  
H & H Industries, Inc.

CAUSE

This action is filed pursuant to 29 U.S.C.A. Section 623 (a), commonly known as the Age Discrimination Employment Act. The Plaintiff was wrongfully terminated because of age and this action has been filed after the Secretary of Labor has discharged the Plaintiff's obligation as to notification of the alleged discrimination.

ATTORNEYS Judith K. Pensabene

~~John W. Klenda~~ *withdrew 4-27-77*  
~~Harlton & Klenda~~  
~~806 Beacon Building~~  
~~Tulsa, Oklahoma 74103~~

Frederic Dorwart  
Holliman, Langholz, Runnels &  
Dorwart  
Suite 700, Holarud Bldg.  
10 East Third St.  
Tulsa, OK 74103 584-1472

~~918-584-3521~~ *584-3144*

Bruce Harlton  
806 Beacon Bldg.  
Tulsa, OK 74103  
584-3521

<input type="checkbox"/> CHECK HERE IF CASE WAS FILED IN FORMA PAUPERIS	FILING FEES PAID			STATISTICAL CARDS	
	DATE	RECEIPT NUMBER	C.D. NUMBER	CARD	DATE MAILED
				JS-5	7-1-75
				JS-6	2-1-78

DATE	NR.	PROCEEDINGS
6-17-75	1.	Complaint filed, summons issued. mm
6-25-75		Summons returned and filed on Corporation Com, service agent for Continental Industries, Inc., 735 First National Bldg, Oklahoma City, Oklahoma. Fees of \$4.00.mm
7-14-75	2	Deft.'s Motion to Dismiss, filed.k
7-14-75	3	Deft's brief in support of mot. to dismiss, filed.k
7-14-75	4	Affidavit of J. C. Cole, filed.k
7-14-75	MO	It is ordered by the Court that pltf. is granted 10 days to respond to deft's mot. to dismiss. (AEB-J)k cps mld
7-25-75	5	Pltf's brief in response to deft's motion to dismiss, filed.k
8-25-75	MO	Case referred to Mag. Bradford for F&R re pending mots. (AEB-J)k
9-3-75	6	Brief in reply to pltf's brief in response to deft's mot. to dismiss, filed. g
11-6	MO	Case set for hrg. on def. mo/dismiss before Mag. M. L. Bradford for 3:00 p.m., 11/19/75. (MLB-Mag)rm
11-19-		Case called for hearing deft's motion to dismiss before Mag. Bradford. Deft. co. present. Motion sustained & deft. to prepare order & F&R in 5 days.(MLB-Mag) b
11-25	7.	Findings & Recommendations of Magistrate, filed. b cps mld
12-1-75	8.	Pltf's objections to the findings and recomm. of the Magistrate, filed. ph
12-3-75	9.	Pltf's br. in support of obj. to/t/fs & recomms. of the Mag.,filed.tc
12-3-75	10.	Pltf's reply to Deft's response to obj. to/t/fs & recomms. of the Mag., filedtc
12-3-75	11.	Deft's response to objection to the findings and recommendations of the magistrate, filed. ph
3-16	12.	Order, filed, Sustaining Objections to F&R of Mag., & overruling Deft's Motion to Dismiss.(AEB-J)b cps mld
3-31	13.	Deft's motion for Specification of Order of 3-16-76, filed.k
3-31	14.	Deft's brief in support of motion for specification of Order, filed.k
3-31	MO	It is ordered by the Court that Pltf. is granted ten days to respond to deft's mot. for specification of Order of 3-16-76. (AEB-J)k cps mld
4-7	15.	Plf's Brief in Resp. to Mtn. for Specification of Order, filed.jj
9-23	16.	Order, filed, that deft's motion for Specification of Order is granted; further ordered that pltf's obj. as to the second, third and fourth causes of action are overruled.; further ordered that deft's motion to dismiss as to the second, third and fourth causes of action be sustained for lack of pendent jurisdiction. (AEB-J)ph cps mld
10-21	17.	Deft's Continental Industries, Inc. motion for S/J, filed.lm
10-21	18.	Brief in support of deft's Continental Industries, Inc., motion for S/J, filed.lm
10-21	MO	It is ordered by the Court that plaintiff is granted ten days from this date to file a response to deft's Continental Industries, Inc. motion for S/J. (AEB-J)lm ltrs mld.
10-21	19.	Affidavit of Chuck Burke, filed.lm
10-21	20.	Affidavit of J. C. Cole, filed.

## CIVIL DOCKET CONTINUATION SHEET

PLAINTIFF	DEFENDANT	DOCKET NO. _____
Howard Lundgren	Continental Industries, Inc.	PAGE ____ OF ____ PAGES

DATE	NR.	PROCEEDINGS
1976		
10-22	21.	Answer of deft. to pltf's first claim for relief, filed.k
11-12	22.	Pltf's appl. for time til 11-26-76 to respond to deft's mot. for S/J, filed.k 0 to J
11-16	23.	Order, filed, granting pltf. an ext. of time until 11-26-76 to file aresponse to deft's mot. for S/J.s (AEB-J) cps. mld.
12-2	24	Affidavit of Howard Ludgren, filed.s
12-2	25.	Pltf's brief in response to deft's motion for S/J, filed.s
1977		
2-4	MO	Upon the oral request of the attorney for deft., IT IS HEREBY ORDERED that the deft. is granted 30 days from this date to file a reply brf. to the pltf's responsive brf. to deft's motion for S/J.s (AEB-J) cps. mld.
3-7	26.	Deft.'s brief in response to pltf's brief in response to deft's mot. for S/J and affidavits of D. J. Burke and J. C. Cole, filed.k
5-11	MO:	Case referred to Magistrate Robert S. Rizley for Findings and Recommendations on all motions. (AEB-J) njb
5-27	MO	Case set for hearing of Defts. mot. for S/J before Mag. on 6-10-77 at 10:00 A.M. (RSR-MAG) not. mld. ho
6-10	Min	Case called for hrg. on deft's mot. for S/J. Pltf. not present nor represented. Deft. represented. Hrg. stricken, to be reset by the Magistrate. (RSR-Mag)k
6-23	MO	Case set for hrg. on deft's mot. for S/J before the Magistrate on 7-8-77 at 9:30 a.m. (RSR-Mag)k ntc by KT
6-24	27	Appl. of John W. Klenda, Atty. for Pltf., to withdraw as atty. of record. fld. ho 0 to J.
6-27	28	Order, fld. allowing John W. Klenda to w/draw as atty. of record for the Pltf. & the Pltf. has 10 days from this date his atty. Bruce H. Harlton, file an entry of appearance on his behalf. (AEB-J) cps mld. ho
7-8	Min	Case called for hrg. on deft's mot. for S/J. Parties represented. Bruce Harlton makes entry of appearance for pltf. Mot. taken under advisement. Mag. to prepare findings and recommendations. (RSR-Mag)k
9-13	MO	It is recommended by the Mag. that deft's mot. for S/J be overruled & pltf. counsel is directed to prepare F&R fo the Mag. w/in 10 days. (RSR-Mag)k cps by KT
12-30	29	Findings & recommendations of Mag. Mag. recommends that Deft. mot. for S/J be overruled. (RSR-Mag.) cps mld. ho
1978		
1-9	30	Deft. appl. for ext. of time to obj. to F/R of Mag. fld. ho
1-13	31	Stipulation of Dismissal w/prejudice, fld. & entered. ho
1-30	32.	Order of dismissal with prejudice, filed & entered, each party to bear its respective costs and expenses. (AEB-J)k cps mld

PLAINTIFF		DEFENDANT	DOCKET NO. _____
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DOCKET NO. \_\_\_\_\_

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DATE \_\_\_\_\_

NR.

## PROCEEDINGS