| DIST/OFFICE | DOCKET YR. | DOCKET NUMBER | FILING DATE MO. | DAY | YEAR | J | N/S | O | R | R 23 | DEMAND $ 500 OTHER | JUDGE NUMBER | JURY DEM. | DOCKET YR. | DOCKET NUMBER |
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| 1085/4 | 75- | 0458 | 09- | 30- | 75 | 3 | 440 | 1 | | | | 8510 | P | 75- | 0458-C |

**PLAINTIFFS**

TIMOTHY DARYL ATKINS

**DEFENDANTS**

JOHN GIBSON LANNING, KENNETH D. FOUTS, RANDALL CRAIG RUARK, and DONALD WALLACE STOCKTON

**CAUSE**

USCA, Title 42, §1983 - Violation of Civil Rights. Pltf. falsely arrested, charge of delivering marijuana, mistaken identity, etc.

**ATTORNEYS**

Michael L. Fought
3925 East Frank Phillips Blvd.
Bartlesville 74003
918-333-4140

~~Don E. Gasaway~~
~~1843 East 15th~~
~~Tulsa, Okla. 74104~~
~~932-4661~~

Gatra Marvin
Irvine E. Ungerman (all defts)
Sixth Floor
Wright Building
Tulsa, OK 74103
584-6101

| [X] 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 | 10-1-75 |
| | | | | JS-6 | 6-1-76 |

| DATE | NR. | PROCEEDINGS |
|---|---|---|
| 9-30-75 | 1. | Affidavit of Timothy Daryl Atkins to prosecute action without pre-payment of costs, filed. rm |
| 9-30-75 | 2. | Order, filed, granting pltf. leave to prosecute case without payment of fees. (AEB-J)rm |
| 9-30-75 | 3. | Complaint, filed. Summons issued w/copy of Order. rm |
| 10-21 | | Summons, ret. & filed: served John G. Lanning, Randall Craig Ruark by serving John G. Lanning, Dist. Atty., Donald Wallace Stockton, and Kenneth D. Fouts, all in Bartlesville, Ok. on 10-17-75. (USM $24.00)g |
| 11-5 | 4. | Deft.s' appl. for 15 days to plead or answer, filed.k |
| 11-5 | 5. | Order, filed, granting defts. til 11-20-75 to answer. (JCS-CLK)k cpy by atty |
| 11-20 | 6. | Answer of Deft. John Gibson Lanning, filed. ph |
| 11-20 | 7. | Answer of Deft. Kenneth D. Fouts, filed. ph |
| 11-20 | 8. | Answer of Deft. Randall Craig Ruark, filed. ph |
| 11-20 | 9. | Answer of Deft. Donald Wallace Stockton, filed. ph |
| 12-11 | MO: | Case set for PT hearing 2-5-76 at 10:30 a.m. (HDC-J)hm |
| 1-13-76 | 10 | Entry of Appearance,filed on behalf of Pltf.tc |
| 1-13 | 11 | Pltf. Request for Production of Documents under Federal Rules of Civil Procedure No. 34,filed.tc |
| 1-13 | 12 | First Interrogatories by Pltf, to Kenneth D. Fouts,filed.tc |
| 1-13 | 13 | First Interrogatories by Pltf, to Donald Wallace Stockton,filed.tc |
| 1-13 | 14 | First Interrogatories by Pltf, to John Gibson Lanning,filed.tc |
| 1-13 | 15 | First Interrogatories by Pltf, to Randall Craig Ruark,filed.tc |
| 2-5 | MO: | Pre-Trial hearing held. Statements made. Pltf. to prepare agreed-to pre-trial order within 15 days. Deft. to file brief on question of jurisdiction by 3-31; pltf. to answer by April 23. Trial briefs to be filed no later than 5-14-76, along w/req. instr. Case set 6-1-76 for jury trial at 10:00 a.m. (HDC-J)ph |
| 2-5 | 16. | Ans. of Randall Craig Ruark to Interrog,filed.t |
| 2-5 | 17. | Ans. of Donald Wallace Stockton,to Interrog,filed.t |
| 2-5 | 18. | Ans. of Kenneth Dale Fouts to Interrog,filed.t |
| 2-5 | 19. | Ans. of John Gibson Lanning to Interrog,filed.t |
| 2-12 | 20. | Defts' proposed PT order, filed. hm |
| 2-23 | 21. | Pltf's proposed PT order, filed. hm |
| 3-31 | | Deposition of Timothy Daryl Atkins on behalf of defts taken before Ann Hart (LSR) on 2-11-76 in Tulsa, Okla., filed. lm |
| 4-12 | 22 | Motion for S/J,filed.t |
| 4-12 | 23 | Brf. in Support of Motion for S/J.filed.t |
| 4-12 | MO | It is ordered by the Ct. that Pltf. is granted 10 days from this dt. to respond to Defts' Motion for S/J.(HDC-J)t copies mld. |
| 4-21 | 24. | Brief of pltf. in response to defts. mo/ S/J, filed. ph |
| 5-12 | 25. | Defts' reply to pltf's ans. brief concerning defts' mo/S/J, filed. ph |
| 5-18 | 26. | Appl. of pltf. counsel to withdraw,filed.rm |
| 5-18 | 27. | Motion of pltf. for ext. of time to file pt briefs & req.instructions, filed. rm |

(cont)

CIVIL DOCKET CONTINUATION SHEET

| PLAINTIFF | DEFENDANT | DOCKET NO. 75-C-458 |
|---|---|---|
| Timothy Daryl Atkins | John Gibson Lanning | PAGE ____ OF ____ PAGES |

| DATE | NR. | PROCEEDINGS |
|---|---|---|
| 5-21-76 | 28. | Defts' mo/ext. of time to file brief, filed. hm |
| 5-24 | 29. | Order, filed, that defs. are granted an addl. 7 days to file trial brief and requested instructions. (HDC-J)rm-copies mailed |
| 5-24 | 30. | Order, filed, that pltf. is granted to 5/31/76 to file response to def. mo/SJ: FILE BRIEF AND REQUESTED INSTRUCTIONS.(HDC-J)rm-copies mld. |
| 5-24 | 31. | Order, as part of appl., granting Don E. Gasaway leave to withdraw as attorney of record for pltf. (HDC-J) rm - copies mailed |
| 5-26 | 32. | Appl. of defs. to strike case from jury docket, filed. rm |
| 5-26 | 33. | Order, filed, continuing case and striking same from jury docket, filed. (HDC-J)rm-copies maield |
| 5-28 | 34. | Order, filed and entered, that defts' motion for S/J is sustained and that mo/dismiss filed on behalf of all defts. is sustained. (HDC-J)hm (copies mailed) |
| 6-25 | 35. | Affidavit of pltf. in support of motion to proceed on appeal in f.p., with Leave of Court granting same. (HDC-J)rm-copy to counsel & USCA |
| 6-25 | 36. | Notice of appeal by pltf. from Order of 5/28/76, filed. rm (copy to counsel and USCA) |
| 7-16 | | Appeal record (1 vol.) sent to USCA. g |
| 6-10-77 | | Mandate & Opinion of USCA affirming judgment of 5-28-76, filed & spread of record. g |
| 6-10-77 | | Appeal record (1 vol.) recd from USCA. g |

CIVIL DOCKET CONTINUATION SHEET

| PLAINTIFF | DEFENDANT | DOCKET NO. _____<br>PAGE ____ OF ____ PAGES |
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| DATE | NR. | PROCEEDINGS |
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