

# DOCKET

DOCKET No. **5303** CIVIL DOCKET

TITLE OF CASE

ATTORNEYS

*Theatre Enterprises, Inc.*

vs.

*Paramount Film Distributing Corp., Kew's, Incorporated.  
 RKO Radio Pictures, Inc., Twentieth Century-Fox Film Corporation,  
 Universal Film Exchanges, Inc., United Artists Corporation,  
 Warner Bros. Pictures, Inc., Warner Bros. Pictures Distributing Corporation,  
 Warner Bros. Circuit Management Corporation,  
 Columbia Pictures Corporation.*

*Gray, Anderson, Schaffer & Ross  
 William A. Gray  
 For Plaintiff:  
 Edwin P. Rome  
 Sol. C. Berenholtz*

*Woff. Block, Schorr & Solis-Cohen  
 Louis J. Koffman  
 Schneider, Harrison, Legal & Sines  
 Wm. A. Schneider  
 For Defendant:  
 R. Dorey Watkins  
 C. Stanley Thompson  
 J. Cookman Boyd, Jr.  
 Piper, Watkins, Annetta Egerton*

Basis of Action

*Injunction and Damages.*

Jury Trial Claimed by

On \_\_\_\_\_, 19\_\_

DATE			PLAINTIFF'S ACCOUNT	RECEIVED	DISBURSED	DATE			DEFENDANT'S ACCOUNT	RECEIVED	DISBURSED
MONTH	DAY	YEAR				MONTH	DAY	YEAR			
June	25	1953	Sol C. Berenholtz, filing Notice of Appeal	5-							
July	17	"	Deas. U.S. Clerk's fee		5-						
Oct.	6	1954	Sol C. Berenholtz costs	83 18							
Oct.	14	"	do - P'tf's Atty's dkt. fee	88 18	20 -						
"	"	"	refund Clerk's fee		5 -						
"	"	"	J. Cookman Boyd, P'tf's Atty's dkt. fee		20 -						
"	"	"	refund Marshal's costs		1 -						
"	"	"	" Witness fee		4 -						
Dec.	8	"	Sol C. Berenholtz, refund Marshal's costs		18 18						
Jan.	10	1955	De. U.S., Clerk's fee		15 -						
				88 18	88 18						

ABSTRACT OF COSTS

TO WHOM DUE	AMOUNT	PAID	RECEIPTS, REMARKS, ETC.
Atty. Gen'l. (ind.)	20 -		
Mar. (to D. of Pa.) Clerk	18 18	Pd.	
	5 -		
			43.18
Atty. Gen'l.	20 -		
Witness fee	1 -	Pd.	
Clerk	4 -	Pd.	
	15 -		
			40.00
			83.18

B R - 10 - 154 - to Ind Title & Guarantee Co.



# UNITED STATES DISTRICT COURT

FD-1-LK-2-16-41-73-021-2

DATE			FILINGS—PROCEEDINGS	No. of Words	CLERK'S FEES		AMOUNT REPORTED IN ENROLLMENT RETURNS
MONTH	DAY	YEAR			PLAINTIFF	DEPENDANT	
Mar.	10	1951	Original Pleadings transmitted by U. S. District Court for the Eastern District of Pennsylvania, viz:				
			1. Complaint;				
			2. Stipulation of Counsel; 2nd Order thereon;				
			3. Notice of Motion and Dependants' Motion to transfer;				
			4. Affidavit in support of Motion to transfer;				
			5. Summons;				
			6. Supplementary Affidavit in support of Motion to transfer; 2nd				
			7. Opinion and Order directing transfer of proceedings.				
"	22	"	Petition of Edmund T. Conner, Esq. and Sol. C. Berenholts, Esq. for Plaintiff, filed within which the Dependants may severally move, answer or otherwise plead, to and including April 26, 1951, filed.				
Apr.	11	"	Opp. of Edw. T. Conner, Esq. and Sol. C. Berenholts, Esq. for Plaintiff, filed.				
"	21	"	Answer of Twentieth Century-Fox Film Corporation, filed. (Service adm.)				
"	"	"	Answer of RKO Radio Pictures, Inc., filed. (Service admitted)				
"	23	"	Answer of Paramount Film Distributing Corporation, filed. (Service admitted)				
"	"	"	Separate Answers of Columbia Pictures Corporation, filed. (Service admitted)				
"	25	"	Answer of Loew's, Inc. incorporated, filed. (Service admitted)				
"	26	"	Answer of Universal Film Exchanges, Inc., filed. (Service admitted)				
"	"	"	Answer of United Artists, Inc., filed. (Service admitted)				
"	"	"	Answer of Warner Bros. Pictures Distributing Corporation and Warner Bros. Circuit Management Corporation, filed. (Serv. adm.)				
"	27	"	Plaintiff's election for jury trial, filed. (Copies mailed.)				
May	4	"	Plaintiff's Interrogatories to Defendant Loew's, Inc. incorporated, filed. (Serv. adm.)				
"	"	"	Plaintiff's Supplemental Interrogatories to Defendant Loew's, Incorporated, filed. (Service admitted)				
"	"	"	Plaintiff's Interrogatories to Defendant Twentieth Century-Fox Film Corp., filed. (Service admitted)				
"	"	"	Plaintiff's Interrogatories to Defendant RKO Radio Pictures, Inc., filed. (Service admitted)				
"	"	"	Plaintiff's Interrogatories to Defendant Universal Film Exchanges, Inc., filed. (Service admitted)				
"	"	"	Plaintiff's Interrogatories to Defendant United Artists Corporation, filed. (Service admitted)				
"	"	"	Plaintiff's Interrogatories to Defendant Columbia Pictures Corporation, filed. (Service admitted)				
"	"	"	Plaintiff's Interrogatories to Defendant Warner Bros. Circuit Management Corp., filed. (Service admitted)				
"	"	"	Plaintiff's Supplemental Interrogatories to Defendant Warner Bros. Circuit Management Corp., filed. (Service admitted)				
"	"	"	Plaintiff's Interrogatories to Defendant Warner Bros. Picture Distributing Corp., filed. (Service admitted)				
"	"	"	Plaintiff's Interrogatories to Defendant Paramount Film Distributing Corp., filed. (Service admitted)				
"	29	"	Answers of Loew's, Incorporated, to Plaintiff's Supplemental Interrogatories, filed. (Service admitted)				
"	"	"	Objections of Paramount Film Distributing Corporation, RKO Radio Pictures, Inc., Twentieth Century-Fox Film Corporation, Universal Film Exchanges, Inc., United Artists Corporation, Warner Bros. Pictures Distributing Corporation, Warner Bros. Circuit Management Corporation and Columbia Pictures Corporation to Plaintiff's Interrogatories and supporting affidavits, filed. (Service admitted)				

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Theatre Enterprises, Inc.

VS. Paramount Film Distributing Corp. et al.

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DATE			FILINGS—PROCEEDINGS	No. of Words	CLERK'S FEES		AMOUNT REPORTED IN EMPLOYMENT RETURNS	
MONTH	DAY	YEAR			PLAINTIFF	DEFENDANT		
			Amounts brought forward,					
May	29	1951	Objections of Loew's Incorporated to Plaintiff's Interrogatories filed. (Service admitted)					
June	8	"	Affidavit of Jerome Adams Branch Manager of Loew's Incorporated in support of objection to Interrogatories, filed.					
"	"	"	Order of Court (Coleman, C.J.) sustaining Defendants' objection to interrogatories Nos. 1, 2, 3, 14, 15, 16, 17 and 18, except for the years 1948, 1949 and 1950; sustaining Defendants' objection to interrogatory No. 4, except as to years 1948, 1949 and 1950, and limiting in said years to percentage pictures; sustaining Defendants' objections to interrogatories Nos. 5, 6, 8, 9, and 10, & c. filed.					
"	12	"	Answers of Universal Film Exchanges, Inc. to Interrogatories, filed. (Service admitted)					
"	"	"	Answers of RKO Radio Pictures, Inc. to Interrogatories, filed. (Service admitted)					
"	"	"	Answers of Warner Bros. Circuit Management Corporation to Interrogatories, filed. (Service admitted)					
"	13	"	Answers of Twentieth Century-Fox Film Corporation to Interrogatories, filed. (Service admitted)					
July	12	"	Supplemental Answers of Twentieth Century-Fox Film Corporation to Interrogatories propounded by Plaintiff and Exhibit C, filed. (Service acknowledged)					
"	13	"	Answers of RKO Radio Pictures, Inc., to Plaintiff's Interrogatories, and Schedule A, filed. (Service admitted)					
"	"	"	Answers of United Artists Corporation to Plaintiff's Interrogatories and Schedules, filed. (Service acknowledged)					
"	"	"	Transcript of proceedings before Court (Coleman, C.J.) on June 8, 1951, filed.					
"	21	"	Answers of Defendant Paramount Film Distributing Corporation to Plaintiff's Interrogatories, filed. (Service admitted)					
"	"	"	Answers of Defendant Warner Bros. Picture Distributing Corporation to Plaintiff's Interrogatories, filed. (Service admitted)					
"	26	"	Answers of Defendant Loew's Inc., to Plaintiff's interrogatories, and Schedules, filed. (Service admitted)					
"	31	"	Stipulation of Counsel extending time in which Universal Film Exchanges, Inc. shall answer Interrogatories to August 20, 1951 and Order approving same filed.					
Aug.	1	"	Further answers of Defendant Paramount Film Distributing Corporation, to Interrogatories, and Schedules, filed. (Service admitted)					
"	2	"	Separate answers of Columbia Pictures Corporation to Interrogatories propounded by Plaintiff with Schedule attached, filed. (Service admitted)					
"	14	"	Answers of Warner Bros. Circuit Management Corporation to Interrogatories, filed. (Service admitted)					
Nov.	10	"	Answers of Universal Film Exchanges, Inc. to Plaintiff's Interrogatories, and Exhibits, filed. (Service admitted)					
"	"	"	Defendants' Interrogatories, filed. (Service admitted)					
"	14	"	Schedule 1 to Answers of Universal Film Exchanges, Inc., to Interrogatories, filed. (Service admitted)					
Dec.	7	"	Plaintiff's Motion for production of documents, filed. (Service admitted)					
"	"	"	Plaintiff's Answers to Defendants' Interrogatories, filed. (Service admitted)					
"	"	"	Plaintiff's Request for Admissions, filed. (Service admitted)					

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UNITED STATES DISTRICT COURT

FD-1-CK-2-18-48-72 Sub-571-22

DOCKET 5303 Civil

Theatre Enterprises Inc. VS. Paramount Film Dist. Corp. Continued from page 275

DATE			FILINGS-PROCEEDINGS	No. of Words	CLERK'S FEES		AMOUNT REQUESTED TO EMPOWERMENT RETURN
MONTH	DAY	YEAR			PLAINTIFF	DEFENDANT	
Amounts brought forward,							
Dec.	20	1951	Defendant's Lewis Incorporated statement in response to Plaintiff's Requests for admissions of facts, filed. (Service admitted).				
"	21	"	Answers of Defendant Paramount Film Distributing Corporation to Requests for Admissions, filed. (Service admitted).				
"	28	"	Separate Answers of Columbia Pictures Corporation to Plaintiff's request for admissions, filed. (Service admitted)				
"	"	"	Answer of Warner Bros. Pictures Distributing Corporation to requests for admissions, filed. (service admitted)				
Jan	2	1952	Answer of Twentieth Century-Fox Film Corporation to Plaintiff's request for admissions, filed. (Service admitted)				
"	7	"	Reply of Defendant United Artists Corporation to Plaintiff's request for admissions, filed. (Service admitted)				
"	9	"	Answers of RKO Radio Pictures Inc. to Plaintiff's request for admissions, filed. (Service admitted)				
"	"	"	Answers of Universal Film Exchange, Inc. to Plaintiff's request for admissions, filed. (Service admitted)				
"	10	"	Further answer of Defendant Twentieth Century-Fox Film Corporation to Plaintiff's request for admissions, filed. (Service admitted)				
Feb	8	"	Continued deposition of Harry D. Wulperberg, taken by Defendants, filed. (Withdrawn - filed in error by stenographer).				
May	8	"	Jury empanelled and sworn.				
"	9	"	Plaintiff's oral motion for the admissibility of Decree in prior litigated case - Motion "denied" by the court, without prejudice to Plaintiff to renew motion in the course of the trial.				
"	12	"	Not concluded				
"	13	"	Not concluded				
"	14	"	Not concluded				
"	15	"	Plaintiff orally renews motion for the admissibility of Decree in prior litigated case at the conclusion of Plaintiff's testimony in chief. Motion "denied" by the court without prejudice to renew in the course of the trial or at the conclusion of all the testimony.				
"	"	"	Defendants' motion for a directed verdict as to 1st and 2nd counts separately, as to each defendant, filed - Motion "overruled" by the court, without prejudice to renew at the conclusion of Defendants' testimony.				
"	16	"	Not concluded - to be resumed on 21st May 1952.				
"	21	"	Not concluded.				
"	22	"	Not concluded.				
"	23	"	Not concluded - to be resumed on Monday May 26, 1952.				
"	26	"	Plaintiff orally renews motion for the admissibility of Decree in prior litigated case, at the conclusion of all testimony - Motion "granted" by the court.				
"	"	"	Defendants' orally renew motion for a directed verdict as to 1st and 2nd counts separately, as to each Defendant - Motion "overruled" by the court.				
"	"	"	Plaintiff's (97) requests for instructions, filed.				
"	"	"	Defendants' (40) requests for instructions, filed.				
"	"	"	Not concluded.				
"	27	"	Defendants' (1) additional request for instruction, filed.				

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DOCKET

DOCKET No. 5303 Civil  
Theatre Enterprises, Inc.

VS. Paramount Film Distributing Corp., et al.

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DATE			FILINGS-PROCEEDINGS	No. of Words	CLERK'S FEES		AMOUNT REPORTED IN ENROLLMENT RETURNS
MONTH	DAY	YEAR			PLAINTIFF	DEFENDANT	
Amounts brought forward,							
May	27	1952	Argument of counsel.				
"	28	"	Argument of counsel resumed.				
"	"	"	Court's charge to jury.				
"	"	"	Bailiff sworn.				
"	"	"	Verdict: For the Defendants.				
"	"	"	Judgment on Verdict in favor of the Defendants against the Plaintiff for costs.				
June	25	"	Plaintiff's notice of appeal, filed.				5-
July	"	"	Petition of Appellant and Order of Court (Coleman, C.J.) extending time for filing the Record on Appeal for a period not exceeding fifty days from August 5, 1952, filed.				
Aug	22	"	Appellant's Designation of contents of record, filed. (Copies mailed).				
Sept.	11	"	Transcript of proceedings before the Court on May 8, 9, 12, 13, 14, 15, 16, 21, 22, 23, 26, 27, and 28, 1952 (in Index and 13 volumes), filed.				
"	23	"	Volume I, of Record on Appeal transmitted to U. S. Court of Appeals for the Fourth Circuit.				
"	27	"	True copy of Order of Honorable John J. Parker, Chief Judge, Fourth Circuit, extending time for filing Record on Appeal and docketing the cause in said Appellate Court to and including October 3, 1952, r. filed.				
Mar	11	1954	Mandate and Copy of Opinion from the Supreme Court of the United States confirming the judgment of the United States Court of Appeals with costs, filed.				