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6

TITLE OF CASE

ATTORNEYS

UNITED STATES OF AMERICA
 Plaintiff,
 VS.
 VON'S GROCERY COMPANY and
 SHOPPING BAG FOOD STORES,
 Defendants

For plaintiff:

James J. Coyle
 Theodore F. Craver
 Antitrust Div.
 1602 Federal Bldg.
 Ext. 683

For defendant:

O'Melveny & Myers
 433 So. Spring St.
 Los Angeles, Calif.
 MA 4-2611

INJUNCTION - Clayton Act.

STATISTICAL RECORD

COSTS

DATE

NAME OR RECEIPT NO.

REC.

DISB.

S. 5 mailed

Clerk

S. 6 mailed

Marshal

asis of Action:

Docket fee

Witness fees

ction arose at:

Depositions

DATE	PROCEEDINGS	Date Order or Judgment Noted
3/25/60	Fld complt for injunction - Clayton Act. Issued summs, made JS-5. Fld mot pltf for TRO. Fld 4 sep affmds deft in opposition TRO & fld pts & auths. Ent procs hrg mot of pltf for applic for TRO, sw wits, fld exbs, stip hrg mot for applic of TRO be deemed as hrg for applic for prelim injunc & ord cont to 3/28/60, 11:am for fur hrg mot. Fld list of exbs & wits.	
3/28/60	Fld TRO, NOT signed. Ent procs hrg mot pltf for TRO & Court denies mot for applic for TRO & mot of pltf for prelim injunc taken under subm & briefs to be fld 15 X 15 X 10.	
4-4-60	Fld pltf's amend mot for prelim injunc. Lodged ord denyg mot for temp restrng order.	
4-5-60	On court's own mot ent ord extendg time of deft to ans pltf amended mot for prelim injunc fld 4/4/60 to & incldg 4/11/60 & pltf hv 5 days thereafter to reply. Fld affid Wm. W. Vaughn.	
4-11-60	Fld memo pts & auths Vons Grocery in opposn to amended mot for prelim injunc.	
4/14/60	Fld pltf's reply memo in suppt of the amended mot for prelim injunc. Fld ord denyg mot for temporary restraining ord. Fld deft's ANSWER Fld & mld not of p/t conf settg for 6/20/60, 10am.	
4/18/60	Fld orig vols 1 & 2 reporters trans prcdgs dtd 3/25/60 & 3/28/60.	
4-20-60	Fld pltf's notice of taking deposn.	
4-27-60	Fld defts reply to pltf's ltr 4/22/60 to court.	
5/2/60	Fld defts interrogs to pltf's.	
5-6-60	Fld pltf's reply to defts memo of 4/27/60.	
5/13/60	Fld stip & ord thereon for temporary withdrawal of exhibits.	
5/16/60	Fld objecs pltf to interrogs Vons Grocery.	
5-20-60	Fld recpt for w/drawal of exbs per ord of the court for photostating exbs defts A thru C incldg & pltf's exbs 1 thru 7 incl, 9 thru 11 incl & 12, signed for by Wm. W. Vaughn, atty for deft. Fld pltf's answer to interrogs of deft Von's.	
6/2/60	Fld defts supplementary interrogs & fld defts req for admissions.	
6/3/60	Fld pltf's supplmtl memo on mot for prelim injunction. Fld depositions Theodore A. Bon der Ahe & Wm R. Hayden, Fld mot pltf for prod & fld pltf's interrogs.	
6-13-60	Fld defts objecs to pltf's interrogs. Fld ANSSER Vons Grocery Co. to pltf's req for adms. Fld ord on pltf's mot for prelim injunc, denied. Deft hv 10 days lodge finds fact, etc.	
6-15-60	Fld pltf's answer to defts req for adms & fld pltf's errata sheet for pltf's interrogs.	
6-16-60	Fld stip & ord thereon cont P/T confer fr 6/20/60 to go "off Calen" until re-set by the court.	
6-23-60	Lodged proposed interlocutory finds fact, concls law & ord.	
6-27-60	Fld defts partial answer to pltf's interrogs.	
6-28-60	Fld pltf's memo of objecs to the defts proposed interloc finds fact & concls law. Lodged pltf's interloc finds fact & concls law & ord. Fld pltf's answer to supple interrogs of deft Von's Grocery.	
6/30/60	LODGED Deft Von's Grocery's Interloc Findgs of Fact & Conclus of Law & Ord.	
7/1/60	Fld (not signed) pltf's interlocutory findgs, concls & ord. Fld (not signed) defts interlocutory findgs, concls & ord. Fld interlocutory finds of fact & concls of law & ord denyg pltf's mot for prelim injunc.	
8-1-60	Fld pltf's answer to supple interrogs 6A thru 6D of deft von's.	
8-8-60	Fld defts fur ans to pltf's interrogs. Fld addendum to defts fur ans to pltf's interrogs.	
8-19-60	Fld summs retnd unexec.	
12-2-60	Fld defts suppl ans to pltf's interrogs.	

D. C. 110 Rev. Civil Docket Continuation

DATE	PROCEEDINGS	Date Order or Judgment Noted
1-9-61	Fld pltfs supple interrogs.	
1-17-61	Fld stip & ord thereon extendg time within wh to object to & incldg 1/27/61 & to 2/10/61 w/in wh to answer any interrogs.	
1-25-61	Fld pltfs supple interrogs No. 5.	
1-26-61	Fld defts mot & not of mot for prod, inspec. & copying of docs retble 2/6/61 10 AM. Memo P/A. Fld supple interrogs No. 8 propounded to pltf.	
2-2-61	Fld pltfs mot for protective order. Fld deft Von's Grocery not of mot to file amend ans to complt retble 2/13/61 10 AM with memo pts & auths in suppt.	
2-3-61	Fld stip & ord (WM) purs local rule 9. Fld pltfs protective order.	
2/6/61	Fld pltf's memo of consent to the amended of defts Ans.	
2-7-61	Fld ord (WM) allowg deft Von's grocery to file amend answer & deft Von's Grocery Co's amend answer to complt.	
2-8-61	Fld affid of svce of ord allowg deft lv to file amended answer & amended answer to complt.	
2-10-61	Fld deft Von's Grocery Co's answers to pltf supple interrogs.	
2/17/61	Fld pltf's supple interrogs.	
3-7-61	Fld defts stip & ord thereon extendg time to answer pltfs supple interrogs to & incldg 3/21/61.	
3-10-61	Fld pltfs amend to supple interrogs No. 10. Fld deft Von's Grocery amend & supple answer to pltfs interrogs 9 & 28.	
3-21-61	Fld deft Von's Grocery Co. ANSWERS to pltfs supple interrogs Nos. 6 thru 13.	
3-27-61	Fld pltfs contentions fact & law. Fld defts memo of contentions fact & law.	
4-13-61	Fld stip & ord (WM) purs local rule 9(d).	
4-18-61	Fld stip & ord (WM) re exbs, charts, graphs & other statistical evid. Purs local rule 9(d) & that P/T confer rem on calen as htf set for 4/24/61.	
4-24-61	P/T confer & ord settg for est. 4 week non-jury trial on 8/1/61 9:30 AM & stip briefs in by 6/15/61 & replies by 7/1/61. Fld P/T confer order.	
4-27-61	Fld stip & ord thereon amendg P/T confer order.	
5-11-61	Fld stip & ord thereon re filing of briefs prior to 6/20/61 lodging exbs with court on or bef 6/20/61 etc.	
6/20/61	Fld pltf's brief before trial. Fld defts P/T brief.	
6/21/61	On Cts own mot, ent ord cont trial date from 8/1/61 to 10/31/61 at 9:30 am. Coun ntfd.	
7-5-61	Fld stip & ord (WM) that parties hv to & incldg 10/10/61 to file P/T reply briefs.	
9-14-61	Fld deposn of Theodore A. Von Der Ahe taken 5/4/61.	
9-21-61	Ent ord contg trial fr 10/31/61 to 11/14/61 10 AM. Counsel ntfd.	
9/29/61	Fld deposition of William R. Hayden taken 5/4/61.	
	Fld stip & ord (WM) giving parties to & incldg 11/1/61 in wh to file & exchange their respective p/t reply briefs	
OCT 9 1961	Fld ORD TRANS TO CAL ALS FOR ALL FUR PROCEEDGS	
10/18/61	Fld stip & ord (S) thereon for amndmt of Protective Ord.	
10/30/61	Fld stip & ord (S) for amdnt of P/T confer ord.	
11/3/61	Fld stip & ord (S) re P/T reply briefs.	
11/13/61	Fld deft Von's Grocery Co Stmtn in reply to pltfs p/t stmtn.	
11/13/61	Fld pltfs p/t stmtn.	
11/14/61	Ct ords trial dt of 11/14/61 vacated. Ct ords case set for p/t 12/18/61, 2pm.	
11/17/61	Fld stip & ord (S) thereon re trial.	

DATE	PROCEEDINGS	Date Order or Judgment Noted
12/15/61	Fld pltf's statemt for P/T conf of 12/18/61 and mot forsummary jdmt.	
12/18/61	Fld pltf's appendices E, F & G to the govt's stmt for the P/T conf of 12/18/61.	
12/18/61	Fld deft von's Grocery Co. objects to pltf's Mot for Summy Judgmt; stmt in suppt of deft's proposed exbts; objects to various of pltf's exbits.	
12/18/61	Ct ords mot for summ by Govt submitted. Ct gives pltf to 1/10/62 to file affids in suppt of mot for summy judgmt. Ord P/T off cal until mot for summy judgmt is ruled upon.	
1/10/62	Fld govt's proposed finds of fact & concls of law. Fld brief in sumpt of govt's mot for summy judgmt.	
1/15/62	Fld defts stmt with respect to pltf's mot for summy judgmt.	
1/15/62	Ct ords pltf's mot for summy judgmt submitted.	
1/16/62	Fld pltf's memo on govt's mot for summy judgmt.	
1/18/62	Fld stip & ord (S) (1) The period in wh sd pleads and affids may be fld is not to be limited by Rule 3 (d) (2); and (2) The period in wh such briefs and affids may be fld is hereby ext to alter date to be fixed by the Court, if determined to be filed.	
1/19/62	Fld stip & ord that (1) the period in wh sd pleadings & affids maybe fld is not to be limited (briefs) by Rule 3; (2) the period in wh such briefs & affids may be fld is hereby extended to a ltr date to be fixed by the Court, if the Court should determine that such briefs & affids be fld.	
1/29/62	Fld Errata Sheet to Govt's brief & findgs , fld on 1/10/62.	
3/29/62	Fld ord (S) denying pltf's Mot for Summy Judgmt.	
7/11/62	Fld Govt's stmt for pretrial conf of 7/13/62.	
AUG 20 1962	JUD ORD TRANS TO CAL JUDGE C.C. FOR ALL FUR PROCEEDINGS	
11/1/62	Fld deft Von's Grocery Mot & Motn for a fur pre-trial conf with stmt of reasons and memor of pts and suthor in suppt retn 11/19/62, 10am	
11/13/62	Fld pltf's memor in response to deft's motn for fur pre-trial conf.	
11/16/62	Fld defts reply to plffs memo on defts mo.	
11/19/62	Hrg & pre-trial confer held & ent ord parties sv & file summaries of industry wit not later than 2-18-63.	
2/19/63	Ent ord settg for trial 6-11-63. (attys present)	
3/29/63	Fld defts not of tkg depos upon oral examination. See list in file.	
4/24/63	Fld (3) copies of reporter's transcript of trial proceedgs before Judge Albert Lee Stephens, Jr.	
5/3/63	Fld not of takg depositns upon oral exam. of L.E. Allen, et al, see list	
5/7/63	Fld depos of Artie L. Carpenter taken on 4/15/63 2pm; Kasper Chitjian, Kenneth E. Craun and Paul Palmer, tkn on 4/16/63 2pm.	
5/7/63	Fld stip re depositns.	
5/14/63	Fld depos of Charles I. Rubin, Jack Swerdlick & John Taylor tkn on 4/23/63 and of Colomon Barondess, tkn on 4/24/63. Fld depos of Richard Dick, Lester L. Eaton and Jerry Fleishman tkn on 4/17/63. Fld depos of Leo Jenkins, Spencer L. McKernan & Manuel A. Gertmenian, tkn on 4/18/63; Kenneth K. Richey tkn on 4/19/63; Ernest A. Mekjian, Roderick A. Irvine, tkn on 4/22/63.	
5/16/63	Fld not of filg depositns of A.L.Carpenter, et al (see list)	
6/6/63	Fld govts trial brief. Fld appendix to govts brief.	
6/6/63	Fld deft's brief.	
6/7/63	Fld depos of John B. Marshall, tkn on 5/29/63.	
6/7/63	Fld applicatn and Ord (CC) allowg permission to sv subpoena upon A.Bynum.	
6/7/63	Fld Govt's memo on the exhbs and test the parties propose to offer.	
6/7/63	Fld deft's summary of facts set forth in affid of various witnesses for the parties.	
6/10/63	Fld reply brief of the U.S.	
6/11/63	Trial & ord cont to 6/12/63 for fur trial.	

////////// see Page5

D. C. 110 Rev. Civil Docket Continuation

DATE	PROCEEDINGS	Date Order Judgment
5/11/63	Fld sep affids of Gerald D Harrison, John B Marshall, Harrison F Houghton & Willard F. Mueller.	
6/12/63	Fur trial & ord cont to 6-13-63 for fur trial. Fld sep depos Theodore A Von der Ahe taken 5-23-63 Don Henry Fairbank taken 4-15-63 & Godfrey M. Lebhar taken 5-16-63.	
6/13/63	Fur trial & ord cont to 6-14-63 for fur trial.	
6/14/63	Fur trial & trial concluded & ent ord each side lodge proposed findgs., concls. & judgmt within 3 wks & that plf file open. brief within 3 wks & deft file ans brief 10 days thereafter & plf(if it desires) may file reply brief 5 days thereafter, & that the cause will stand submitted upon flg said findgs & briefs. Fld depos. Roy M. King, taken 5-24-63. Fld depos. Wm. D. Hayden, taken 5-21-63. Fld Clerks list of exhibits.	
7/5/63	LODGED Deft's propose findings of fact, concls of law & jdgmt.	
7/8/63	Fld plfs request for findgs of fact & conclusions of law. Fld plfs summary of the facts set forth in the affids, statements, depos & testimony of the various witnesses.	
7/11/63	Fld deft's discussion of the Govt's summary filed 7/8/63.	
7/19/63	Fld gov't's reply to the defts' discussion of the government's summaries of evidence	
7/25/63	Fld amended pre-trial confer. order	
10/10/63	Fld deft Von's Grocery memo of contentns re effect of U.S. VS Phil Nat Bank.	
10/10/63	Fld government's memo on the applicability of the Philadelphia Bank.	
2/19/64	Ent ord vacating submis of case & placing case on cal 3/9/64, 10AM. for fur argument on the merits.	
3/20/64	Fld defts memo.	
3/23/64	Fur trial proc. (oral argument only) & ent ord cont to 3/24/64 for fur proc. Fld stip after trial, ord thereon XX approvg.	
3/20/64	Fld Government's memo on issues presented.	
3/24/64	Fur oral argument & ent ord case re-submitted on the merits.	
5/1/64	Fld plf's memo re transcript of March 23-24/	
5/5/64	Fld ans to Govt's memo in re transcript of Mar 23 and 24.	
5/11/64	Fld reply to deft's memo.	
5/21/64	Fld Deft Von's Grocery Co ans to governments reply memo of 5/11/64	
6/1/64	Fld plf's position on matters railed in deft's ans to pltf's reply memo.	
9/14/64	Fld court's memo opinion & driectg cnsl for defts to prepare proposed findgs concls & jdgmt favor defts & lodge them within 30 days &§ that plf may hv 15 days thereafter to file objs Mld copies to attys.	
10/29/64	Fld plfts objs to defts proposed findgs of fact & concls of law.	
11/9/64	Ent ord on 11/6/64 correctg typg error in plfts objects to findgs.	
11/18/64	Ent ord cont from 11/23/64 to 12/7/64 & that defts may have to 11/23/64 to to lodge revised set of findgs & concls concls & plf have to 12/3/64 to file objects thereto.	
12/3/64	Lodged defts proposed findgs of fact & concls of law (revised) Fld plfs objections to defts revised proposed findgs & concls.	
12/4/64	Fld for deft Von's Grocery reply to the Govt's objs to the revised set of proposed findgs of fact & concls of law.	
12/7/64	Ent ord cont to 10am 12/8/64 for settlemntn findgs etc, on ct's own mot.	
12/8/64	Hrg & court settles findgs of fact & concls of law & directs attys for defts to re-draft same in accordance with court's instr instructions.	
12/9/64	Lodged defts proposed findgs & concls (2nd revised set)	
12/16/64	Fld Findgs of fact and concls of law; Fld judgmt that plntf take nothing by this action. (Ent. 12/17/64 - Mld notes to attys) JS-6	

see page 6

DATE	PROCEEDINGS	Date Order or Judgment Noted
12/28/64	Fld mot plf under Rule 52(b) for amendmt to finds & for addl findgs	
12/28/64	Fld memo in suppt of mot. Lodged plfts proposed ord amendg findgs	
1-8-65	Ent ord denyg mo plf for amendmt of findgs & for addl findgs. (Ent. 1-8-65)	
	Mailed notice of entry of ord. to counsel with copy ord.	
2/12/65	Fld plfts not of appeal with affvid of svc thereon.	
4/9/65	Fld mot & consent for extension of time of for docketing case on appeal to the Supreme Ct of the US & ord (PH) that the time for docketing is extended to & incldg 6/12/65.	
6/18/65	Fld plf's stip re Ct ords that affids, stmts & depositions of cert persons to be copied into transcript	
10-26-65	<i>Fld cert of US Supreme Ct noting probable juris</i>	
11/23/65	Fld stip & ord (CC) re record on appea; Fld copy of Exhb BI - affid of W.D. Hayden; Fld orig depos of Roy Lawrence Bouque tkn on 5/28/63 and of Dorothy D. Corey tkn on 5/22/63.	
11/23/65	Issd & fwd to Clk Supreme Ct USA, supl transc rec on appeal (stip & ord re rec on appeal copy affids W.D. Hayden (Exh BI) orig docs depos of Roy Lawrence Bouque and Dorothy D. Corey)	
7/1/66	Rec'd fr Supreme Ct cc Judgmt. Mld recpt.	
7/25/66	Fld judgmt US Supreme Court reversing judgmt USDC & remanding to USDC for fur procs in conformity with opinion of Supreme Court. (Ent 7/28/66)	
7/18/66	Placed on cal 1:30PM 7/25/66 for flg & spreadg certif cy judgmt Supreme Court & mld notices to attys.	
7/25/66	Ent ord for flg & spreadg certified cy judgmt Supreme Court of the United States & ent ord defts hv six months within wh to propose a plan of divestiture & that defts file progress report by 9/14/66 MEMEME & subsequent reports each 30 days thereafter & that if either party desires hrg re any progress report a mo. for hrg be fld & Court directs counsel for defts to prepare written ord covering these matters.	
7/27/66	LODGED Deft Vons Proposed Order re plan of divertiture.	
7/27/66	LODGED Plfts Proposed Final Judgmt.	
8/1/66	Fld defts stmt of objs to proposed final judgmt lodged by plft. Lodged Proposed (revised) form of ord on ruling of 7/25/66.	
8/1/66	Fld Ord allowing deft to and incl 1/25/67 within wh to file a proposed plan of diversiture & that deft file reports re progress of formulation of plan on following dates: 9/14/66, 10/14/66, 11/14/66 & 12/14/66 & that either party may move for hrgs re plan on usual mo rules after 9/14/66.	
8/9/66	Rec'd fr Clk Supreme Ct US 7 vols clks files, 16 vols repr's transept Plfts exbts 1 to 12. Defts exbts A to C re temp restr ord., 27 depos, 2 vols reprs trnasc re hrg on mot for temp restr ord., Plfts exbts 1 to 91 incl., Defts exbts A to j, l, m, s, to z, aa, af, am to ao, aq to az, ba, bb, bc, bd, bf, to bk. Mld recpt.	
8/12/66	MADE JS-5 REPORT ON REOPENING.	
8/26/66	Rec'd Defts exbts AB, AD, AD, AE, & AP fr Clk Supreme Ct. Mld recpt.	
9/14/66	Fld Deft Von's Grocery Co's report purs to Ord of 8/2/66.	
10/19/66	Fld Von's Grocery Co's October Report purs to ord of 8/2/66	
11/14/66	Fld Von's Grocery Co,'s Nov Rep purs to Ord of 8/2/66.	
12/13/66	Fld stip & ord that defts Dec Progress Report be filed under sealk.	
12/14/66	Fld (under seal) defts December Report purs ord of 8/2/66, & placed in Clerk's safe.	
12/15/66	Fld deft, Von's Grocery Co affid of service by mail re December Report purs to Ord of 8/2/66.	
1/24/67	Fld stip & ord(CC) extndg time of deft Von's Grocery to file prospd plan of devediture to and incl 1/30/67.	

D. C. 110 Rev. Civil Docket Continuation

DATE	PROCEEDINGS	Date Order or Judgment Note
336-60-TC 1/30/67	Von's Grocery Co., etal Fld final judgmt on remand of this cause from Supreme Court & purs agreement of of ptys, vacating judgmt of 12/16/64; & ord deft divest itself of retail outlets (see sched A) w/i 27 months from date of entry of this fianl judgmt, etc., & fur ord deft enjoined, for period of 5yrs, from acquiring interest in,etc., XXXXXX XXXXXX retail grocery outlets in Los Angeles Area, etc., &deft submt compliance reports, etc., & grants access to records to atty Gen, etc., & deft shall pay costs herin (Ent 1/30/67 & notfd attys) JS-6	
2/6/67	Fld pltf's bill of costs.	
2/9/67	Fld itr 2/8/67 cns1 for deft agreeing to taxing costs \$1,700. Taxed costs \$1,700 favor pltf against deft Von's Grocery Co.	
7/21/67	Fld stip & ord theron amend schedule A of final jdgmt nunc pro tunc 1/30/67. (Ent 7/21/67)	
8/6/68	Destroyed defts exhbts, pursuant to letter from defts atty Wm.W. Alsup, dated 7/19/68 ..	
11/12/68	Fld receipt of Stanley Disney re pltf exhs #. 85 & 84, folding maps and deft exhbs N, O, P, Q & R.	
1/14/71	Fld reprtr's transcript of procs June 11, 1963 Vols 1 to 1-h Fld reprtr's transcript of procs June 12, 1963 Fld reprtr's transcript of procs June 13, 1963 Fld reprtr's transcript of procs June 14, 1963 2 vols Fld reprtr's transcript of procs March 23, 1964 Fld reprtr's transcript of procs March 24, 1964 Fld reprtr's transcript of procs Dec 7 & 8, 1964	