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UNITED STATES OF AMERICA)
EASTERN DISTRICT OF TENNESSEE) ss:
NORTHERN DIVISION)

Pursuant to Rule 15 of the Rules of the United States Court of Appeals, for the Sixth Circuit, I, James W. Parrott, Clerk of the United States District Court for the Eastern District of Tennessee, do hereby certify that the foregoing are all the original papers on file in my office in Civil Action entitled John L. Lewis and Josephine Roche, as Trustees of the United Mine Workers of America Welfare and Retirement Fund, vs. James M. Pennington, Ralph E. Phillips, and Bruce Phillips, individually and trading as Phillips Brothers Coal Company, a partnership, the same being File No. 3431 on the Docket of said United States District Court in the Northern Division.

<u>Item No.</u>	<u>Description</u>	<u>Date Entered or Filed</u>
✓1.	Docket Entries	
✓2.	Complaint	Jan. 6, 1958
✓3.	Bond for Costs	Jan. 6, 1958
✓4.	Summons	Jan. 15, 1958
✓5.	Order	Jan. 22, 1958
✓6.	Interrogatories	Jan. 29, 1958
✓7.	Order	Feb. 14, 1958
✓8.	Answer of Defendants	Feb. 14, 1958
✓9.	Order	Feb. 19, 1958
✓10.	Summons	Feb. 27, 1958
✓11.	Affidavit of Secretary of State	Feb. 27, 1958
✓12.	Reply to Interrogatories	Feb. 28, 1958
✓13.	Summons	Feb. 28, 1958
✓14.	Amendment to Answer	March 5, 1958
✓15.	Motion of Cross-Defendant, United Mine Workers of America	March 14, 1958
✓16.	Motion to vacate order granted under Rule 13(h) and to dismiss the cross-claim	March 17, 1958
✓17.	Answer to counter-claim	March 17, 1958
✓18.	Jury Demand of defendants	March 24, 1958
✓19.	Motion to amend the answer, counterclaim and cross-claim filed by defendants	March 24, 1958
✓20.	Motion to add a party plaintiff	June 2, 1958
✓21.	Interrogatories propounded by defendants and cross-plaintiffs, Set No. 1 to plaintiffs	July 11, 1958
✓22.	Interrogatories propounded by defendants Set No. 1 to United Mine Workers of America	July 11, 1958

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CARL W. REUSS, Clerk

✓23.	Order	July 18, 1958
✓24.	Order	July 18, 1958
✓25.	Order	Aug. 11, 1958
✓26.	Order	Aug. 11, 1958
✓27.	Order	Aug. 11, 1958
✓28.	Objections to interrogatories	Aug. 25, 1958
✓29.	Answers to interrogatories propounded to Trustees of United Mine Workers of America Welfare and Retirement Fund	Aug. 25, 1958
✓30.	Order	Aug. 29, 1958
✓31.	Motion for Oral Argument	Sept. 8, 1958
✓32.	Order	Dec. 10, 1958
✓33.	Order	Jan. 8, 1959
✓34.	Order	Feb. 10, 1959
✓35.	Order	March 6, 1959
✓36.	Order	Apr. 28, 1959
✓37.	Motion for production of documents	June 19, 1959
✓38.	Additional Motion to Amend answer, counterclaim and cross-claim	June 26, 1959
✓39.	Order of hearing on Motions	June 30, 1959
✓40.	Memorandum Opinion (delivered from bench)	July 1, 1959
✓41.	Order	July 2, 1959
✓42.	Order	July 2, 1959
✓43.	Order	July 2, 1959
✓44.	Objection to Motion for production of documents	July 16, 1959
✓45.	Affidavit in support of motion for production	July 20, 1959
✓46.	Order	July 20, 1959
✓47.	Order	July 20, 1959
✓48.	Order	July 30, 1959
✓49.	Order	July 30, 1959
✓50.	Affidavit in support of opposition to motion for production,	Aug. 4, 1959
✓51.	Order on motion for production	Aug. 5, 1959
✓52.	Motion to Strike	Aug. 14, 1959
✓53.	Exception to order entered Aug. 5, 1959	Aug. 14, 19 59
✓54.	Motion to strike	Aug. 15, 1959
✓55.	Answer of United Mine Workers of America to amended cross claim	Aug. 15, 1959
✓56.	Order	Aug. 24, 1959

✓57.	Order extending Time	Sep.4,1959
✓57a.	Affidavit of John Owens	Sep.10,1959
✓58.	Affidavit of Josephine Roche	July 5, 1960
✓59.	Affidavit of Val J. Mitch	July 5, 1960
✓60.	Affidavit of Thomas F. Ryan, Jr.	July 5, 1960
✓61.	Certificate of Service	July 5, 1960
✓62.	Motion for Partial Summary Judgment	July 6, 1960
✓63.	Order	July 14, 1960
✓64.	Request for a pretrial conference	Aug. 8, 1960
✓65.	Statement of contention and issues of defendants	Aug. 8, 1960
✓66.	Statement of facts, summary sheets and records filed by defendants	Aug. 8, 1960
✓67.	Motion to strike	Aug. 29, 1960
✓68.	Objection to statement of facts and motion	Aug. 29, 1960
✓69.	Objection to statement of facts	Aug. 29, 1960
✓70.	Answers to interrogatories, Set No. 1	Sept. 1, 1960
✓71.	Interrogatories, Set No. 2	Sept. 13, 1960
✓72.	Motion to amend cross-claim and counterclaim	Sept. 13, 1960
✓73.	Motion for discovery and production	Sept. 23, 1960
✓74.	Interrogatories, Set No. 3	Sept. 23, 1960
✓75.	Order	Sept. 26, 1960
✓76.	Requested Charge	Sept. 27, 1960
✓77.	Order of Substitution of parties	Sept. 30, 1960
✓78.	Supplemental affidavit of Val J. Mitch	Sept. 30, 1960
✓79.	Supplemental Affidavit of Josephine Roche	Sept.30,1960
✓80.	Order	Oct. 5, 1960
✓81.	Notice of taking depositions	Oct. 7, 1960
✓82.	Order	Oct. 17, 1960
✓83.	Interrogatories, Set No. 4.	Oct. 17, 1960
✓84.	Motion to disallow discovery deposition	Oct. 26, 1960
✓85.	Affidavit of John Owens	Oct. 26, 1960
✓86.	Order pursuant to Pretrial	Oct. 27, 1960
✓87.	Order	Oct. 27, 1960
✓88.	Objections to Interrogatories, Set No. 2	Oct. 31, 1960
✓89.	Answers to Interrogatories, Set No. 2.	Oct. 31, 1960

✓90.	ANSWERS TO INTERROGATORIES, SET NO. 3	Oct. 31, 1960
✓91.	ANSWERS TO INTERROGATORIES, SET No. 4	Oct. 31, 1960
✓92.	EXCEPTIONS TO ORDER PURSUANT TO PRETRIAL	Nov. 4, 1960
✓93.	EXCEPTIONS OF CROSS DEFENDANT, UMW TO THE ORDER PURSUANT TO PRETRIAL	Nov. 7, 1960
✓94.	EXCEPTIONS OF PLAINTIFFS TO ORDER PURSUANT TO PRETRIAL	Nov. 7, 1960
✓95.	SUPPLEMENTAL EXCEPTIONS TO ORDER PURSUANT TO PRETRIAL	Nov. 7, 1960
✓96.	ORDER	Nov. 7, 1960
✓97.	NOTICE AND INTERROGATORIES	Nov. 25, 1960
✓98.	ORDER	Nov. 25, 1960
✓99.	AMENDED ANSWER TO COUNTERCLAIM	Nov. 25, 1960
✓100.	NOTICE OF TAKING DEPOSITIONS PURSUANT TO RULE 30 OF THE FEDERAL RULES OF CIVIL PROCEDURE	Nov. 30, 1960
✓101.	ORDER	Dec. 8, 1960
✓102a.	MOTION TO SET ASIDE DEPOSITION OF PRESIDENT OF UMW, ET AL EXHIBIT showing cases filed by Trustees	Dec 23, 1960.
✓103.	ORDER	Jan. 6, 1961
✓104.	INTERROGATORIES PROPOUNDED BY UMW to JAMES M. PENNINGTON AND RAYMOND E. PHILLIPS	Jan. 9, 1961
✓105.	ORDER	Jan. 16, 1961
✓106.	REPLY TO INTERROGATORIES PROPOUNDED BY UMW TO PENNINGTON AND PHILLIPS	Jan. 24, 1961
✓107.	INTERROGATORIES, SET NO. 5	Jan. 24, 1961
✓108.	STIPULATION	Feb. 2, 1961
✓109.	ADDITIONAL INTERROGATORIES PROPOUNDED BY UMW TO PENNINGTON AND PHILLIPS	Feb. 24, 1961
✓110.	MOTION OF UMW TO REOPEN THE PRETRIAL CONFERENCE AND MODIFY AND AMEND THE PRETRIAL ORDER	Mar. 7, 1961
✓111.	REPLY TO ADDITIONAL INTERROGATORIES PROPOUNDED BY UMW TO PENNINGTON AND PHILLIPS	Mar. 13, 1961
✓112.	ORDER	Mar. 20, 1961
✓113.	INSTRUCTIONS TO THE JURY REQUESTED BY DEFENDANTS AND CROSS PLAINTIFFS, JAMES M. PENNINGTON, ET AL	Apr. 5, 1961
✓114.	MOTION OF JAMES M. PENNINGTON, ET AL	Apr. 5, 1961
✓115.	DESIGNATION OF THE PORTION OF THE RECORD PAPERS WHICH DEFENDANTS AND CROSS PLAINTIFFS JAMES M. PENNINGTON ET AL EXPECT TO READ AT THE TRIAL	Apr. 5, 1961
✓116.	RESPONSE OF UMW TO MOTION OF DEFENDANTS & CROSS PLTFs.	Apr. 6, 1961
✓117.	OBJECTIONS OF THE PLAINTIFF TRUSTEES TO ENTRY OF ORDER CONSOLIDATING THE CLAIM, ETC.	Apr. 6, 1961
✓118.	REVISED INSTRUCTIONS TO THE JURY REQUESTED BY DEFENDANTS AND CROSS PLAINTIFFS, JAMES M. PENNINGTON, ET AL	Apr. 10, 1961
✓119.	ORDER	Apr. 10, 1961
✓120.	ORDER PURSUANT TO PRETRIAL	Apr. 10, 1961

✓ 121.	STIPULATION	Apr. 13, 1961
✓ 122.	MOTION OF THE TRUSTEES FOR SUMMARY JUDGMENT	Apr. 13, 1961
✓ 123.	SUGGESTED CHARGES FOR TRUSTEES	Apr. 13, 1961
✓ 124.	SUGGESTED CHARGES OF UNITED MINE WORKERS OF AMERICA	Apr. 13, 1961
✓ 125.	LIST OF PROBABLE WITNESSES TO BE USED BY THE PLAINTIFF TRUSTEES	Apr. 13, 1961
✓ 126.	LIST OF PROBABLE WITNESSES TO BE USED BY THE CROSS DEPT. UNITED MINE WORKERS OF AMERICA	Apr. 13, 1961
✓ 127.	ORDER OF TRIAL	Apr. 17, 1961
✓ 128.	ORDER	Apr. 17, 1961
✓ 129.	ORDER OF TRIAL	Apr. 18, 1961
✓ 130.	ORDER OF TRIAL	Apr. 19, 1961
✓ 131.	ORDER OF TRIAL	Apr. 20, 1961
✓ 132.	ORDER OF TRIAL	Apr. 21, 1961
✓ 133.	ORDER OF TRIAL	April 25, 1961
✓ 134.	ORDER OF TRIAL	Apr. 26, 1961
✓ 135.	ORDER OF TRIAL	May 1, 1961
✓ 136.	ORDER OF TRIAL	May 2, 1961
✓ 137.	ORDER OF TRIAL	May 3, 1961
✓ 138.	ORDER OF TRIAL	May 5, 1961
✓ 139.	ORDER OF TRIAL	May 8, 1961
✓ 140.	ORDER OF TRIAL	May 9, 1961
✓ 141.	ORDER OF TRIAL	May 10, 1961
✓ 142.	ORDER OF TRIAL	May 11, 1961
✓ 143.	THEORIES WHICH DEFEAT CROSS PLAINTIFFS' CONTENTIONS OF CONSPIRACY	May 12, 1961
✓ 144.	THEORIES UPON WHICH PLAINTIFF TRUSTEES EXPECT TO RECOVER JUDGMENT AND TO DEFEAT DEFENDANTS' DEFENSE	May 12, 1961
✓ 145.	ORDER OF TRIAL	May 12, 1961
✓ 146.	ORDER OF TRIAL	May 16, 1961.
✓ 147.	SPECIAL REQUEST	May 17, 1961
✓ 148.	REVISED SUGGESTED CHARGES OF UMW	May 17, 1961
✓ 149.	REVISED SUGGESTED CHARGES FOR TRUSTEES	May 17, 1961
✓ 150.	ORDER OF TRIAL	May 17, 1961
✓ 151.	ORDER OF TRIAL	May 18, 1961
✓ 152.	ORDER OF TRIAL	May 19, 1961
✓ 153.	VERDICT FORM NO. 1	May 19, 1961
✓ 154.	VERDICT FORM NO. 2	May 19, 19

✓155.	MOTION OF UMW FOR JUDGMENT IN ACCORDANCE WITH MOTIONS FOR DIRECTED VERDICT OR IN THE ALTERNATIVE FOR A NEW TRIAL	May 29, 1961
✓156.	MOTION OF JOHN L. LEWIS, ET AL FOR JUDGMENT IN ACCORDANCE WITH MOTIONS FOR DIRECTED VERDICT OR IN THE ALTERNATIVE FOR A NEW TRIAL	May 29, 1961
✓157.	PETITION OF CROSS PLAINTIFFS, JAMES M. PENNINGTON, ET AL FOR ALLOWANCE OF ATTORNEYS' FEES	June 20, 1961
✓158.	AFFIDAVIT OF JOHN A. ROWNTREE	June 20, 1961
✓159.	AFFIDAVIT OF CLAUDE K. ROBERTSON	June 20, 1961
✓160.	AFFIDAVIT OF JEROME TEMPLETON	June 20, 1961
✓161.	AFFIDAVIT OF JEROME G. TAYLOR	June 20, 1961
✓162.	ORDER OF HEARING ON MOTION FOR NEW TRIAL	July 31, 1961
✓163.	JUDGMENT	Aug. 2, 1961
✓164.	OPINION RENDERED FROM THE BENCH	Aug. 4, 1961
✓165.	NOTICE OF APPEAL BY CROSS DEFENDANT	Aug. 28, 1961
✓166.	BOND FOR COSTS ON APPEAL	Aug. 28, 1961
✓167.	ORDER	Aug. 28, 1961
✓168.	NOTICE OF APPEAL TO COURT OF APPEALS FOR SIXTH CIRCUIT	Aug. 28, 1961
✓169.	COST BOND	Aug. 28, 1961
✓170.-188.	COURT REPORTER'S TRANSCRIPT (Vol. 1 to 19 Incl.)	July 24, 1961
✓189.	Order Extending time	Oct. 2, 1961

IN TESTIMONY WHEREOF, I have hereunto set my hand and seal of the said Court, at Knoxville, Tennessee this 15th day of November A.D. 1961.

JAMES W. PARROTT, CLERK

by- *Mary W. Johnson*
Deputy Clerk

November 24, 1961

The certified record, consisting of the papers listed herein, was filed today, and the cases were docketed as Nos. 14,809 and 14,810 in this Court.

Carl W. Reuss, Clerk

Grace Keller
Chief Deputy