

CIVIL DOCKET

JUDGE WILL

680 76

UNITED STATES DISTRICT COURT

Jury demand date:

D. C. Form No. 106A Rev.

TITLE OF CASE

ATTORNEYS

(1) UNITED STATES OF AMERICA,
Plaintiff

For plaintiff:

John E. Sarbaugh
Dept. of Justice Rm. 2634
219 South Dearborn Street
Chicago, Illinois, 60604

-VS-

(1) TOPCO ASSOCIATES, INC.,
Defendant

For defendant:

William R. Carney
Bell, Boyd, Lloyd, Haddad & Burns
135 South La Salle Street
Chicago, Illinois, 60603
AN3-1131

STATISTICAL RECORD

COSTS

DATE

NAME OR
RECEIPT NO.

REC.

DISB.

J.S. 5 mailed

Clerk

J.S. 6 mailed

Marshal

Basis of Action:
Sherman Act
restrain and enjoin

Docket fee

Witness fees

Action arose at:

Depositions

DATE	PROCEEDINGS	Date Of Judgment
1/15/68	Filed complaint and copy	JS5 \$15.00
1/15/68	Filed designation	
1/15/68	Issued summons and copy with copy of complaint	G
2/2/68	Filed first set of interrogatories propounded by the plaintiff and certificate of service	G
2/9/68	Filed summons returned served	\$6.60
2/9/68	Filed appearance of Topco-Associated, Inc, as defendant and that of their attorneys	
2/9/68	Filed affidavit re General Rule 39	G
2/16/68	Filed stipulation	
2/16/68	By stipulation order time in which defendant must answer the complaint extended to and including March 21, 1968 and time in which defendant must answer the first set of interrogatories propounded by the plaintiff extended to and including March 6, 1968. Will, J	G
	Mailed notice 2/19/68	
3/5/68	Filed stipulation and order combined	
3/5/68	By stipulation order time in which defendant must answer the first set of interrogatories propounded by the plaintiff extended to and including March 21, 1968. (Draft) Will, J	G
	Mailed notice 3/6/68	
3/12/68	Order cause set for preliminary pre trial conference on March 26, 1968 at 9:30am pursuant to Judge Will's standing order re pre-trial conferences, Section I. Will, J	G
	Mailed notice 3/12/68	JK
3/21/68	Filed answer of defendant	
3/21/68	Filed motion of defendant for entry of certain order	
3/21/68	Filed answers of defendant to plaintiff's first set of interrogatories	
3/21/68	Filed defendant's certificate of compliance with local rule 12(d) with respect to defendant's motion for leave to designate its answers to plaintiff's interrogatories 3(d) and 3(f) as "confidential" GR	
3/26/68	Filed notice of motion of defendant re designating certain answers to interrogatories as confidential	
3/26/68	Preliminary pre trial conference held. Order cause placed on the May 1968 status call (May 6, 1968). Will, J	G
	Mailed notice 3/27/68	
3/26/68	On motion of defendant order defendant may designate as "confidential" its answers to plaintiff's interrogatories 3(d) and 3(f) and such answers shall be served upon attorneys for plaintiff but need not be filed of record etc. (Draft) Will, J	G
	Mailed notice 3/27/68	
5/6/68	Order cause placed on the June 1968 status call (June 3, 1968). Will, J	G
	Mailed notice 5/7/68	

(cont'd)

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DATE	PROCEEDINGS	De Jud
5/10/68	On Court's own motion order cause reset from June 3, 1968 to June 4, 1968 for report on status. Mailed notice 5/13/68 Will, J	G
5/14/68	Filed stipulation	
5/14/68	Filed motion for the production of documents by plaintiff and affidavit and certificate of Hugh P. Morrison, Jr.	
5/14/68	Filed memorandum of points and authorities in support of plaintiff's motion for the production of documents pursuant to Rule 34 of the FRCP	G
6/4/68	Order cause continued to August 5, 1968 for report on status. Mailed notice 6/5/68 Will, J	G
8/5/68	Order cause placed on the Sept. 1968 status call. (Sept. 9, 1968). Mailed notice 8/6/68 Will, J	G
8/9/68	Filed plaintiff's motion for the production of documents, affidavit of Hugh P. Morrison, Jr. and certificate of service	
8/9/68	Filed stipulation	G
8/12/68	Filed defendant's motion for the production of documents	
8/12/68	Filed stipulation re production of certain documents	G
8/14/68	Filed supplemental answers of defendant to interrogatory No. 9 (b) of plaintiff's first set of interrogatories	
8/14/68	Filed defendant's interrogatories to plaintiff	G
9/5/68	Filed stipulation	
9/5/68	Enter Agreed Order to extend time in which plaintiff may answer defendant's interrogatories to and including September 18, 1968. Mailed notice 9/6/68 (Draft) Robson, J	G
9/9/68	Order cause placed on the October 1968 status call (October 7, 1968). Mailed notice 9/10/68 Will, J	G
9/20/68	Filed answers of plaintiff to defendant's first set of interrogatories	
9/20/68	Filed statement of contentions and designation of documents	
9/20/68	Filed certificate of service covering statement of contentions and designation of documents; answers of plaintiff to defendant's first set of interrogatories	G
10-7-68	Order discovery closed and cause placed on the final pre-trial calendar. Mld Notices 10-8-68 WILL, J.	EOB
10-11-68	Order cause set for final pre-trial conference on November 12, 1968 at 4:30 P.M., pursuant to Judge Will's standing order regarding pre-trial conferences, sections II through V. Mld Notices 10-14-68 WILL, J.	EOG

CONTINUED

DATE	PROCEEDINGS	Date Or Judgment
11-12-68	Final pre-trial conference held. Order cause set for December 3, 1968 at 10:00 A.M. for entry of final pre-trial order and for filing of trial briefs, proposed findings of fact and conclusions of law, etc. WILL, J. Mld Notices 11-14-68	EOB
11-29-68	Filed Supplemental Answer of defendant to Interrogatory No. 15 of Plaintiff's First Set of Interrogatories.	EOB
12-3-68	Filed Plaintiff s Pre-trial Brief	
12-3-68	Filed Defendants Trial Brief	
12-3-68	Final pre-trial order entered. Order cause placed on the list of cases held for trial. (DRAFT). Order appendices (b)2 and B(3) to the stipulation of the parties referred to in the final pre-trial order may be filed as confidential and be sealed after the trial of this action and shall not become a part of the standing public record (DRAFT). Order reply trial briefs to be filed within 10 days. WILL, J. Mld Notices 12-4-68	EOB
12/4/68	Filed appearance of additional attorney for defendant Topco Associates, Inc.,	
12/4/68	Filed affidavit re general rule 39	G
12-13-68	Filed Plaintiff's Reply to Defendant's Pretrial Brief.	
12-13-68	Filed Defendants Reply to Plaintiffs Pre-Trial Brief.	EOB
1-14-69	Filed Appearance of additional co-counsel for defendant	
1-14-69	Filed Affidavit rule 39	P.
1/16/69	Order cause set for January 27, 1969 at 10am to set trial. Mailed notice 1/17/69 Will, J	G
1/27/69	Order cause held for trial. Mailed notice 1/28/69 Will, J	G
2/17/69	Order cause set for February 20, 1969 at 10am to set trial. Mailed notice 2/17/69 Will, J	G
2-20-69	Order cause set for trial on February 25, 1969 at 10:00 A.M. WILL, J. Mld Notices 2-24-69	EOB
2/25/69	Filed stipulation re copies in lieu of originals	G

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DATE	PROCEEDINGS	D Juc
2-25-69	Cause called for trial. Plaintiff waives opening statement. Opening statement heard for defendant. Evidence heard. Evidence heard for plaintiff. Plaintiff rests. Evidence heard in part for defendant. Order cause adjourned until February 26, 1969 at 10:00 A.M. WILL, J. Mld Notices 2-26-69	EOB
2/26/69	Further evidence heard for defendant. Order cause adjourned until February 28, 1969 at 10am. Will, J M ailed notice 2/27/69	G
2/28/69	Further evidence heard for defendatn. Order cause adjourned until March 3, 1969 at 10am. Will, J Mailed notice 3/4/69	G
3/3/69	Further evidence heard for defendant. Order cause adjourned until March 4, 1969 at 10am. Will, J Mailed notice 3/4/69	G
3/4/69	Further evidence heard for defendant. Order cause adjourned until March 5, 1969 at 10am. Will, J Mailed notice 3/5/69	G
3/5/69	Further evidence heard for defendant. Order cause adjourned until March 6, 1969 at 10am. Will, J Mailed notice 3/6/69	G
3/6/69	Further evidence heard for defendant. Defendant rests. Rebuttal evidence heard for plaintiff. Plaintiff rests. Sur-rebuttal evidence heard for defendant. Defendant rests. Plaintiff rests. Order simultaneous briefs to be filed and amendments to the proposed findings of fact and conclusions of law to be presented within 30 cays, simultaneous answering briefs to be filed within 15 days thereafter. Order cause taken under advisement. Will, J Mailed notice 3/6/69	G
4-3-69	Filed Stipulation	
4-3-69	Enter Order by stipulation, extending time for filing post-trial briefs to April 21, 1969. (DRAFT). WILL, J. Mld Notices 4-4-69	EOB
4/21/69	Filed plaintiff's post-trial brief	
4/21/69	Filed defendant's post-trial brief	G
5/6/69	Filed defendant's post-trial reply brief	
5/6/69	Filed plaintiff's reply to defendant's post-trial brief	G
11/16/70	Filed Opinion	
11/16/70	Enter Findings of Fact and Conclusions of Law (Draft) Judgment order entered. It is ordered and adjudged, that a judgment be, and it hereby is entered for defendant Topco Associates, Inc. and against plaintiff, United States of America; and that the complaint be and it hereby is dismissed with prejudice. (Draft) Will. J Mailed notice 11/16/70	G

D. C. 110A Rev. Civil Docket Continuation

DATE	PROCEEDINGS	Date Judgm
5/30/72	On court's own motion order cause set for June 5, 1972 at 10am for entry of order consistent with mandate of U.S. Supreme Court. WILL, J. Mailed notices 5/31/72	ds
6/5/72	Order cause continued to June 22, 1972 at 10am for entry of order consistent with mandate of U.S. Supreme Court. WILL, J. Mailed notices 6/6/72	ds
6-22-72	Order cause continued to June 23, 1972 at 10 A.M. for entry of order consistent with mandate of U.S. Supreme Court. - Will, J. Mailed notices 6-23-72	k
6/23/72	Order cause continued to August 1, 1972 at 10am for entry of order consistent with mandate of U.S. Supreme Court. WILL, J. Mailed notices 6/26/72	ds
7-24-72	Order cause reset from August 1, 1972 to Sept. 12, 1972 at 10:00 a.m. for entry of order consistent with mandate of U.S. Supreme Court. WILL, J. Mailed notices 7-25-72	sjh
9-5-72	On court's own motion, order cause reset from September 12, 1972 to September 13, 1972. at 10:00 am for entry of order consistent with mandate of US Supreme Court. - Will, J. Mailed notices 9-6-72.	c
9-11-72	Order cause reset from September 13, 1972 to Sept. 19, 1971 at 10:00am for entry order consistent with mandate of US Supreme Court. - Will, J. Mailed notices 9-12-72.	c
9-19-72	Order simultaneous memos re order consistent with mandate of US Supreme Court be filed within 10 days. - Will, J. Mailed notices 9-20-72.	c
9-26-72	Final judgment entered in compliance with mandate of the US Supreme Court. (DRAFT) - Will, J. Mailed notices 9-26-72. (JS-6).	c
10-10-72	Filed motion to alter or amend judgment; with plaintiff's memorandum in support of motion to alter or amend judgment.	c
10-16-72	Filed memorandum of defendant in opposition to plaintiff's motion to alter or amend final judgment.	c

(CONTINUED)

DATE	PROCEEDINGS	Dcl Judg
11-8-72	Received record from the USSC consisting of 2 volumes of pleadings. 4 volumes of transcripts, with defendant's exhibits 1,2, 3, 5, and 4. 70-82 and plaintiff exhibits GX1 thru 115,	c
11-20-72	Filed Plaintiff's receipt re withdrawal of exhibits GX 116, 1 thru 115, corresponding charts, license agreement, etc. other paper documents.	Y
11-27-72	Filed plaintiff's receipt of exhibits.	
11-27-72	Filed defendant's receipt of exhibits.	c
1-9-73	Filed Memorandum Opinion Re Plaintiffs Motion to alter or Amend Judgment.	
1-9-73	It is ordered and adjudged that paragraph V of the Courts final judgment of September 26, 1972 be amended as per draft order. It is further ordered and adjudged that the final judgment entered by this Court on September 26, 1972 remain as entered except as amended herein. It is further ordered and adjudged that each party will have 20 days from the date of the entry of this order within which to file any comments or objections to Paragraph V of the final judgment as amended herein. If no such comments or objections are filed, Paragraph V of the final judgment as amended herein will become effective at the end of this 20 day period. (DRAFT) WILL, J. Mld Notices 1-10-73	EOB
1-29-73	Filed comments and onjections to amended paragraph V of final judgment	
1-29-73	Filed comment and motion to amend final judgment.	c
1-31-73	Order paragraph V of the court's final judgment of September 26, 1972 is amended as per draft order. It is further ordered and adjudged that the final judgment by this Court on September 26, 1972 remaon as entered except as Amended herein.-Draft-Will,J. Mailed notices and copy of order 2-1-73	Y
2-13-73	Order heretofore entreed on January 31, 1973 amending the final judgment is amended on its face so that the word "appropriate is substitute for the word "inappropriate" as appears in clause 5 of paragraph V of the amendment (8th line from the bottom of page2). - Will,J. Mailed notices 2-14-73.	c
3-30-73	Filed USA's Notice of Appeal to U.S.S.C. from order entered 2-13-73	gs
5-29-73	Certified and transmitted complete record to U.S.S.C.	gs
5-30-73	Filed Postal Receipt #842116	gs

DATE	PROCEEDINGS	Date O. Judgmer
6-4-73	Filed Receipt for record from U.S. Supreme Court	gs
11-8-73	Filed certified copy of order from U.S.S.C. Order Judgment of U.S.D.C. <u>AFFIRMED</u>	gs
2-8-74	Received complete record from U.S.S.C.	gs
2-20-74	Filed defendants receipt for Five booklets dealing with food marketing	gs