

Civil 8030 United States of America vs. Aluminum Company of America and Rome Cable Corporation

DATE	FILINGS--PROCEEDINGS	AMOUNT REPORTED IN EMOLUMENT RETURNS
1960		
Apr. 1	Filed Complaint	
" 4	Issued Summons - 1 Orig. and 2 Copies	
" 1	Filed Order to Show Cause and Affidavit returnable April 11, 1960 at Syracuse, New York	
" 6	" Summons served April 5, 1960 on Erwin G. Schoeffel, Manager, Massena Operations, Aluminum Company of America; served April 4, 1960 on A. D. R. Fraser, President, Rome Cable Corporation	
" 7	" Notice of Appearance of Ferris, Hughes, Dorrance & Groben, Esqs.; First National Bank Building, Utica, New York as attorneys for Defendants	
" 12	" Stipulation and Order restraining the defendants from changing the corporate structure of Rome Cable Corporation, etc.	
" "	" Stipulation and Order continuing hearing on Order to Show Cause to April 26, 1960	
" 15	" Stipulation and Order extending time to answer or otherwise plead or move to and including May 16, 1960	
" 20	" Affidavit of Leon E. Hickman on behalf of Defendants in Opposition to Plaintiff's Motion for Preliminary Injunction	
" "	" Affidavit of A. D. Ross Fraser on behalf of Defendants in opposition to Plaintiff's Motion for Preliminary Injunction	
" 26	" Booklet April 1960 of 1958 Census of Manufactures	
" "	" Affidavit of Roy C. Cook, Economist in U. S. Department of Justice	
" 26	Hearing on Order to Show Cause. Decision reserved.	
May 18	Filed Answer of Defendants.	
June 1	" Memorandum-Decision and Order - Brennan, D.J. granting Plaintiff's application for temporary injunction and an injunction will issue, etc. - SO ORDERED - Stephen W. Brennan, U.S.D.J.	
" "	" Supplemental Affidavit of A. D. Ross Fraser	
" "	" Plaintiff's Supplemental Memorandum	
" "	" Minutes of Hearing held April 26, 1960 at Syracuse, N.Y.	
" 13	" Notice of Motion and Motion for Production of Documents returnable June 22, 1960 at Utica, New York	
" 21	" Stipulation for production of documents, etc. and Order for production of documents	
" 28	" Plaintiff's Interrogatories to Defendants	
" 30	" Notice to take Deposition of R. L. Schlesinger, Ebasco Services Incorporated	
" "	" Notice to take Deposition of the Secretary of Ebasco Services, Incorporated	
July 5	" Defendant's Motion for Extension of Time to Answer Plaintiff's Interrogatories to Defendants and Affidavit	

1960 ^{re}	
July 14	Filed Stipulation in re Answers to Interrogatories
" "	Motion for extension of time to answer interrogatories. Motions granted, as stated
Aug 4	Filed Notice to take Deposition upon Oral examination of Secretary of Aluminum Association, and copy of subpoena issued by Southern District of New York
" 12	Filed Notice to take Deposition upon Oral Examination on August 18, 1960 at Utica, N.Y.
" 16	" Notice to take Deposition upon oral examination on August 16, 1960 at New York City.
Sept. 16	" Defendants' Interrogatories and Affidavit of Service
" 22	" Stipulation extending time to object to or answer Defendant's Interrogatories to October 10, 1960
Oct. 14	" Plaintiff's Answers to Defendant's Interrogatories
" "	" Objections to Defendant's Interrogatories and Notice of Hearing returnable October 25, 1960 at Syracuse, New York
" 25	" Affidavit and Order to Show Cause returnable October 25, 1960 at Syracuse, N.Y.
" "	Hearing on Objections to Defendants' Interrogatories. Decision on objections to Interrogatories, as stated. Recessed, to reconvene at the call of the Court.
Nov. 8	Filed Memorandum-Decision and Order - Brennan, D.J. overruling the objections to the two interrogatories and it is SO ORDERED - Stephen W. Brennan, U.S.D.J.
" 18	" List of Documents subject to Order to Show Cause (Memorandum in support of Defendants' assertion of Attorney-Client Privilege)
" 17	" Memorandum- Decision and Order - Brennan, D.J. granting and denying Plaintiff's motion to require production of documents, etc. SO ORDERED- Stephen W. Brennan, U.S.D.J.
" 18	" sealed envelope containing copies of documents as to which "privilege" is claimed. Not to be opened unless on order of this or an appellate court. - Stephen W. Brennan, U.S.D.J.
Dec. 9	" Plaintiff's Further Answers to Defendants' Interrogatories
" 28	" Plaintiff's Second Interrogatories to Defendants
1961 Jan. 5	" Stipulation extending time to object to Plaintiff's Interrogatories to January 23, 1961
" 16	" Motion for production of documents and affidavit of service
" 20	" Stipulation extending time to object to Plaintiff's Second Interrogatories to Defendants to January 24, 1961
" 23	" Notice to take Deposition upon oral examination of Allyn Dillard, Secretary of the Reynolds Metals Company, Richmond, Virginia
" "	" Stipulation re Plaintiff's Second Interrogatories to Defendants dated December 21, 1960

CAUSE NO. Civil 8030 RE: United States of America vs. Aluminum Company of America and

Rome Cable Corporation
PROCEEDINGS

DATE	
1961	
Jan. 27	Filed copy of letter from W. Wallace Kirkpatrick, Acting Asst. Atty. General to Herbert A. Bergson, Esq. re deposition of Allyn Dillard
" "	" Notice of Deposition upon written interrogatories of Richard M. Dore, Secretary of the Central Cable Corporation
" "	" Stipulation extending time for Defendants to answer Plaintiff's Second Interrogatories to and including March 21, 1961
" 31	" Objections to Plaintiff's Second Interrogatories to Defendants
Feb. 14	" Stipulation amending Plaintiff's Motion for Production of Documents served January 4, 1961
" "	" Defendant's Motion for Production of Documents and Affidavit
" 15	" Answer to Interrogatories
" 17	" Notice of Filing of Deposition upon Written Interrogatory
" "	" Affidavit of Leon E. Hickman
" "	Pre-Trial Conference on production of documents and answers
Mar. 3	Filed Order that Defendants produce certain documents, letters, etc. for inspection by Plaintiff, etc.
" 7	" Transcript of Hearing held February 17, 1961 at Utica, New York
" 20	" Order sustaining Defendants' objection to Interrogatory 12(E) as amended and that Interrogatories 12, as amended, 13 and 14 be answered for the period since January 1, 1951
" 30	" Notice to take Deposition upon oral examination of John H. Krey
" "	" " " " " " " " " " Walter M. Franklin
" "	" " " " " " " " " " G. T. Pownall
" "	" " " " " " " " " " Robert L. Teeter
" "	" Stipulation that the time for defendants to answer Plaintiff's Second Interrogatories dated December 21, 1960, as amended and renumbered by Stipulation dated March 16, 1961 is further extended as designated
" "	" Stipulation setting forth Plaintiff's Second Interrogatories to Defendants dated December 21, 1960 as amended and modified, etc.
Apr. 29	" Notice to take Deposition of C. S. Ogden, Vice-Pres., The Detroit Edison Company
" "	" Notice to take Deposition of William Marks, Vice-Pres. and Secretary, Kaiser Aluminum and Chemical Corporation
May 8	" unopened envelope containing Depositions of Allyn Dillard et al and Exhibits 1 to 23
" 15	" Stipulation and Order that Plaintiff produce certain documents for Defendants to inspect, etc.
Oct. 18	Pre-trial conference held before the court. A full discussion of the issues are had between the Court and Counsel and the terms of a pre-trial order are fixed by the Court. The order to be submitted.

5

CIVIL DOCKET 8030 United States of America vs. Aluminum Company of America and
Rome Cable Corporation

DATE	FILINGS—PROCEEDINGS	CLERK'S FEES		AMOUNT REPORTED IN EMOLUMENT RETURNS
		PLAINTIFF	DEFENDANT	
1961				
Oct. 26	Filed Pre-Trial Order Number 1			
Nov. 27	" Defendants' Second Request for production of documents			
Dec. 11	" Memorandum-Decision and Order - Brennan, D.J. the privileged nature of items 3-10 has not been waived. The defendants will mail to the court the original or photostat copies of said items and the court will proceed to determine whether or not the asserted privilege as to each of them is valid. The determination so made will be evidenced in a supplemental decision - SO ORDERED-Stephen W. Brenna, U.S.D.J.			
" 12	" Plaintiff's Pre-Trial Specification of Lines of Commerce and sections of the country			
" 12	" Affidavit of Herbert A. Bergson, Esq.			
" "	" " Samuel Karp, Esq. and Exhibits A, B and C			
" 21	" sealed envelope containing Items 1-10 submitted by counsel			
" 21	" Decision supplemental to Memorandum Decision of December 8, 1961			
" 26	" copy of letter from Lee Loevinger, Asst. Atty. General, Antitrust Division to Herbert A. Bergson, Esq. dated December 21, 1961 and Plaintiff's Pretrial Document List			
" "	" Response of Kaiser Aluminum & Chemical Corporation to Defendant's Second Motion for Production of Documents			
1962				
Jan. 9	" Trial Brief of the United States (Orig. and 2 Copies)			
" "	" Stenographer's Minutes (December 8, 1960) (Appendix B)			
" "	" Plaintiff's List of Proposed Witnesses			
" "	" 2 copies of Plaintiff's List of Proposed Witnesses			
" "	" Defendant's Objections to Plaintiff's Pretrial Document List			
" "	" Defendants' Pretrial memorandum			
" 10	" copy of letter from Judge Brennan to Donald F. Melchior, Esq. and copy of Application for order for issuance of Trial subpoenas and Approval			
" 11	" Application for Order for issuance of Trial subpoenas			
" "	" Order that writs of subpoena duces tecum shall issue and that the Clerk of this Court shall issue said subpoenas to be served by the Marshals			
" 17	" Affidavit of Service by Donald F. Melchior, Esq. of Plaintiff's List of Proposed Witnesses served January 5, 1962 on Herbert A. Bergson, Esq.			
" "	" Affidavit of Service by Donald F. Melchior, Esq. of Trial Brief of the United States served January 5, 1962 on Herbert A. Bergson, Esq.			
" 18	" Defendant's Pretrial document list in duplicate			
" 19	" List of Plaintiff's Proposed Statistical Summaryies and Schedules,			

Civil 8030 United States of America vs. Aluminum Company of America and Rome Cable Corporation

DATE	FILINGS—PROCEEDINGS		CLERK'S FEES		AMOUNT REPORTED IN EMOLUMENT RETURNS
			PLAINTIFF	DEFENDANT	
1962					
		compilations and tabulations			
Jan. 23	Filed	Reply Brief of the United States			
" "	"	Defendants' Reply to Trial Brief of the United States			
" 24	"	Affidavit of Service of Reply Brief of the United States			
" 29	"	Plaintiff's Objections and comments regarding Defendants' Statistical summaries and schedules, etc.			
" "	"	Defendants' Objections to Plaintiff's proposed statistical summaries and schedules, compilations and tabulations and Affidavit of Service			
" 31	"	Plaintiff's Objections to Defendant's Documents			
Feb. 5	"	Defendant's Answers to Interrogatories			
" "	"	Defendant's Answers to Interrogatories			
" "	Trial moved by Plaintiff's Attorney Feb. 6	Trial continued Feb. 7	Trial continued		
" 6	Filed	Application for Order for Issuance of Trial Subpoena			
" "	"	Order to issue Subpoena			
" 7	Issued	Subpoena			
" 8	Trial continued Feb. 9	Trial continued (1/2 day) Feb. 13	Trial continued		
	Feb. 14	Trial continued Feb. 15	Trial continued Feb. 19	Trial continued	
	Feb. 20	Trial continued Feb. 21	Trial continued Feb. 22	Trial continued	
	Feb. 27	Trial continued Feb. 28	Trial continued Mar. 1	Trial continued	
		Decision reserved.			
Mar. 1	Filed	Government's Exhibits 1 to 10 inclusive ✓			
" "	"	" 11 to 22 inclusive ✓			
" "	"	" No. 23 ✓			
" "	"	" 24 to 27 inclusive ✓			
" "	"	" No. 32 ✓			
" "	"	" 36 to 46 inclusive ✓			
" "	"	" 47 to 49 inclusive ✓			
" "	"	" 50 ✓			
" "	"	" 52 ✓			
" "	"	" 53 to 70 inclusive ✓			
" "	"	" 71 to 78 inclusive ✓			
" "	"	" 79 to 137 inclusive ✓			
" "	"	" 138 to 156 inclusive ✓			
" "	"	" 157 to 167 inclusive ✓			
" "	"	" 168 to 179 inclusive ✓			
" "	"	" 180 to 183 inclusive ✓			
" "	"	" 189 to 202 inclusive ✓			

1962	DATE	
Mar. 1		Filed Govt's Exhibits 203-210 inclusive; 221-223 - 225; 227
Mar. 1		Filed Government's Exhibits 228 to 231 inclusive ✓
" "		" " " 233 to 243 inclusive; 245 to 246, 248 to 254, 256 to ✓
		259, 263 to 274 inclusive
" "		" Government's Exhibits 275 to 311 inclusive ✓
" "		" " " 315 to 347 inclusive ✓
" "		" " " 348 to 362 inclusive and 363 to 372 inclusive ✓
" "		" " " 373 ✓
" "		" " " 374 to 385 inclusive ✓
" "		" " " 386 ✓
" "		" " " 387 to 397 inclusive ✓
" "		" " " 398 to 408 inclusive ✓
" "		" " " 409 to 410, 412, 421 a,b,c; 422 to 433 inclusive ✓
" "		" Plaintiff's Statistical Tabulations GX 434-452, GX 454-467, GX 502 ✓
" "		" Government's Exhibit 468 ✓
" "		" " " 468A ✓
" "		" " " 468A continued ✓
" "		" " " 469 to 472 inclusive ✓
" "		" " " 492 to 495 inclusive ✓
" "		" " " 496 to 504 inclusive ✓
" "		" Defendant's Exhibits AR4 to 70 inclusive ✓
" "		" " " AR71 to AR84 inclusive ✓
" 20		" List of Government Exhibits admitted in evidence
Apr. 18		" Post-Trial Brief of the United States
" "		" Plaintiff's Proposed Findings of Fact and Conclusions of Law
May 3		" Defendant's Post-Trial Brief
" "		" Defendant's Proposed Findings of Fact and Conclusions of Law
" 4		" Corrected Brief of Defendants'
" "		" Corrected Findings of Fact and Conclusions of Law
" 17		" Plaintiff's Memo re Proposed Findings and Conclusions
" "		" Post-Trial Brief of Plaintiff
Aug 17		" Plaintiff's memorandum on Brown Shoe v United States
" 20		" Plaintiff's memorandum on Brown Shoe v United States
" 1		Court is opened by proclamation. Decision reserved.
1963		
Jan. 28		Filed Findings of Fact and conclusions of Law
" "		" Opinion dismissing complaint and judgment is directed accordingly. SO
		ORDERED - Stephen W. Brennan, U.S.D.J.
" "		Entered Judgment
" 29		Mailed notice re Judgment to: Hon. Justin J. Mahoney, U.S. Atty., 418 Federal
		Building, Albany 1, N.Y.; Ferris, Hughes, Dorrance & Groben, Esqs., First
		National Bank Bldg., Utica, New York

DATE	PROCEEDINGS
Feb. 1	Filed Transcript of Trial held February 5, 1962 at Utica, N.Y. (4 Volumes)
" 7	" Defendants' Motion for Additional Findings of Fact
" 14	" Plaintiff's Response to Defendants' Motion for Additional Findings of Fact
" 21	" Additional Findings of Fact
Mar 29	" Notice of Appeal by the U S Attorney to the U.S. Supreme Court and Affidavit of Service.
May 3	Forwarded certified record on appeal, consisting of orig. papers, to Clerk United States, Supreme Court, Washington, D.C.
" 11	Filed Receipt - Clerk, U. S. Supreme Court for original papers of Record on Appeal
" 15	" Letter to Clerk from Judge Brennan re letter of February 21, 1963 and copy of letter of February 21, 1963
May 16	Forwarded certified record consisting of orig. papers, to Clerk United States Supreme Court, Washington, D.C.
May 22	Filed Receipt - Clerk, Supreme Court, U.S. for supplemental Record on Appeal
" 28	" Motion and Order extending time to June 11, 1963 for docketing case on Appeal to Supreme Court of U. S.
Oct. 21	✓ " cert. copy of Supreme Court of the United States that jurisdiction having been submitted and considered by the Court, probable jurisdiction is noted.
Nov. 27	" Letter to Clerk from Bergson & Borkland, Esqs. dated November 20, 1963
" "	" Copy of Pages 60 and 61 of Trial Transcript
" "	" Table 1 of Defendant's answer to Plaintiff's Interrogatories
" "	" Memo of Judge Brennan re Certification
" "	" copy of letter from Clerk to Bergson & Borkland dated November 27, 1963
1964 June 5	" Opinion of Supreme Court of United States
" 25	✓ " Denial of Petition to Rehear in U. S. Supreme Court
" 26	✓ " / Certified copy of Supreme Court Judgment remanding case to USDC for NDNY for further proceedings
Aug. 14 1965	✓ " Transcript of hearing held July 28, 1964 at Utica, New York
May 18	Pre-Trial Conference. (4 hrs.) Pre-trial orders to be submitted by counsel.
June 1	Filed Transcript of Pre-Trial Hearing on Divestiture
" 17	" copy of Notice of Taking Depositions and Affidavit of Service by Mail
Aug. 13	" Notice of taking of deposition of C.S.Menger, Pres. Triangle Conduit & Cable Co., Inc. Aug. 18, 1965 at U.S. Courthouse, Newark, N. J. and Certificate of Service by Mail
Sept. 24	" Plaintiff's Objections to Defendant's Motion to Produce
" 17	Motion for Production of Documents. Decision reserved.
" 29	Filed Memorandum-Decision and Order - Brennan, D.J. denying Defendant's Motion for Production of Documents - SO ORDERED - Stephen W. Brennan, U.S.D.J.
" 30	" Transcript of testimony taken June 23, 1965 at 10:00 a.m. at U.S. Dist. Courthouse, Utica, New York
" 30	" Transcript of testimony taken August 25, 1965 at 10:00 a.m. at U.S. Dist. Courthouse, Utica, New York
Oct. 1	" unopened envelope containing Deposition of Leon E. Hickman (Part 1)

9

CIVIL DOCKET Civil 8030 United States of America vs. Aluminum Company of America
and Rome Cable Corporation

DATE	FILINGS—PROCEEDINGS	CLERK'S FEES		AMOUNT REPORTED IN EMOLUMENT RETURNS
		PLAINTIFF	DEFENDANT	
1965				
Oct. 1	Filed 1 unopened envelope containing Deposition of Leon/Hickman (Part II)			
" 4	" Proposed Final Judgment filed with court July 1, 1964			
" "	" Defendant's Proposed Final Judgment filed with Court 12/1/64			
" "	" Triangle Plan(Plan of Divestiture)Mailed to Judge Brennan by Mr. Bergstrom			
" "	" Proposed Final Judgment received by Mail January 4, 1965 by Court			
" "	" Kaiser Plan, document from Mr. Bergstrom received March 13, 1965 by Judge Brennan (Defendants' Alternative Final Judgment)			
" "	" Government's Comment on Kaiser Plan dated April 5, 1965			
" "	" Outline of Issues dated April 19, 1965 received April 21, 1965 by Judge Brennan			
" "	" Government's Response as to Issues received from Mr. Melchoir May 17, 1965 by Judge Brennan			
" "	" Joint Statement of Issues received on June 17, 1965 by Judge Brennan			
" "	" Defendant's Motion for Production of Documents			
" "	" Government's Objection to Motion			
" "	" Plaintiff's Additional Issue			
" "	" Stipulation of Fact			
" "	" Plaintiff's Brief for Final Judgment (Judge Brennan states this was received in duplicate. Judge Brennan keeps one copy)			
" 7	" Plaintiff's Motion for Production of Documents			
" 7	" Affidavit in Support of Plaintiff's Motion for Production of Documents			
" 4	Trial Hearing on Divestiture. Oct. 5 Hearing continued.			
" 11	Filed Unopened envelope containing Deposition of Edward J. Simmons			
" 6	Hearing on Divestiture continued. Oct. 7 Hearing continued Decision reserved.			
Nov. 12	Filed Defendant's Proposed Findings of Fact and Conclusions of Law on Relief			
" "	" Defendants' Post Hearing Brief on Relief			
" 15	" envelope containing original Defendants' Exhibits 1 thru 49, inclusive			
Dec. 3	" Defendants' Reply Brief on Relief and Appendix A			
1966				
Feb. 4	Conference on Divestiture. Judge Brennan makes opening statment. Counsel heard in argument. Decision reserved. Briefs to be in by February 21st, 1966			
Apr. 27	Filed Government's Exhibits on Divestiture.			
" "	" Government's Exhibits on Divestiture			
" "	" Plaintiff's Memorandum of Comments on Defendants' Post-hearing Brief on relief and proposed findings of Fact and Conclusion of Law			
" "	" Plaintiff's Proposed Findings and Conclusions			

Civil 8030 United States of America vs. Aluminum Company of America and Rome Cable Corporation

DATE	FILINGS—PROCEEDINGS	CLERK'S FEES		AMOUNT REPORTED IN EMOLUMENT RETURNS
		PLAINTIFF	DEFENDANT	
1966				
Apr. 27	✓ Filed Transcript of Trial on Divestiture held October 4, 1965 at Utica, N.Y.			
"	" Pages 1 thru 525			
"	" Government's Exhibit 648 -ordered sealed by Judge 10-7-65			
"	✓ " Transcript of Trial -continuation Pages 526 thru 685			
"	" Transcript of Meeting held February 4, 1966 at Utica, N.Y.			
"	" Memorandum-Decision and Order re Judgment on Divestiture			
"	" Final Judgment re Divestiture			
"	" Entered Final Judgment			
"	" Mailed Notice re Final Judgment to: Hon. Justin J. Mahoney, U.S. Atty., Federal Building, Albany, N.Y.; Ferris, Hughes, Dorrance & Groben, Esqs., First National Bank Bldg., Utica, N.Y.			
Oct. 17	Filed Petition for approval of proposed plan of disposal			
" 19	" Notice of Taking of Depositions and Affidavit of Service by Mail			
Nov. 2	Trial. Hearing on proposal to sell Rome Cable Corporation to Okite Company. The Motion to produce, etc. is held in abeyance.			
" 4	Filed Depositions of Victor A. Viggiano and William H. Oler			
" 8	" Transcript of Hearing on petition for the approval of the sale of Rome Cable Corporation held November 2, 1966 Volume I			
" "	" Transcript of Hearing on Petition for the approval of the sale of Rome Cable Corporation held November 3, 1966 Volume II			
" "	" Transcript of Hearing held November 4, 1966 at Utica, N.Y. Volume III			
" 25	" Defendants' Brief in Support of Proposed Plan of Disposal			
" 25	" Defendants' Proposed Findings of Fact and Conclusions of Law on Proposed Plan of Disposal			
" 28	" Defendant's Exhibits received in evidence at hearing November 2- 4, 1966 Exhibits DXR-50 thru DXR-68			
Dec. 21	" Government's Exhibit 803			
" "	" Government's Exhibits 800,801A,801B,802,804, 805,806,807,808,809,810,812			
" "	" Government's Exhibit 811			
" "	" Memorandum in opposition to Defendants' Petition for approval of its proposed plan of disposal			
" "	" Plaintiff's Post Hearing Memorandum in opposition to Defendants' Petition for Approval of its proposed plan of Disposal			
" "	" Plaintiff's Proposed Findings and Conclusions			
" "	" Memorandum-Decision and Order - Brennan,D.J.that Alcoa is to prepare a an order providing for the approval of the proposed sale of Rome's assets to Okonite in accordance with this decision and if not agreed upon, may be settled before this court upon three days notice, and it is ORDERED accordingly - Stephen W. Brennan, U.S.D.J.			

CIVIL DOCKET 8030 United States of America vs. Aluminum Company of America and Rome Cable

DATE 1967	FILINGS--PROCEEDINGS	CLERK'S FEES		AMOUNT REPORTED IN EMOLUMENT RETURNS
		PLAINTIFF	DEFENDANT	
Jan. 20	Filed Order approving Plan of Disposal; decreeing consummation of Sale of Assets of Rome to Okonite in accordance with terms and conditions stated in Defendants' Petition for Approval of Proposed Plan of Disposal will constitute a complete divestiture of the Rome Plants to an Eligible Purchaser; within five days after execution of the Agreement of Sale defendants shall submit a true copy thereof to Court, with copy to plaintiff, and unless Court or plaintiff has noted objections thereto with ten days after filing and service of said Agreement, the Defendants are authorized to close sale in accordance with terms of said Agreement and this Order. If objections to Agreement of Sale are noted by plaintiff and not thereafter resolved by the parties the differences shall be settled by the Court on defendants' motion, with five days notice to plaintiff. Alcoa is directed to report to this Court within five days after sale consummated.			
Mar. 20	" Plaintiff's Notice of Appeal to the Supreme Court of the United States and Affidavit of Service by Mail (Filed by Judge Foley at 4:33 P.M. at Albany, N.Y.)			
April 19	Forwarded certified record on appeal, consisting of original to Clerk United States Supreme Court			
" 26	Filed Receipt for Original Papers of Record on Appeal from Office of the Clerk, Supreme Court, U.S.			
May 18	" Order extending time for Appellant to docket this case on appeal in the Supreme Court of the United States for a period of 31 days, i.e. to and including June 19, 1967 and Motion for an Extension of Time			
May 18	Forwarded Certified Supplemental Record on Appeal to Clerk, United States Supreme Court			
" 29	Filed Receipt - Supreme Court Clerk for supplemental Record on Appeal docket entries and original papers			
Oct. 6	" Petition for Approval of Proposed Plan of Disposal and Affidavit of Service by Mail			
" "	" Exhibit I			
" 23	" Plaintiff's Response to Petition for approval of proposed plan of Disposal			
" 25	" Opinion of Supreme Court of the United States vacating judgment of the District Court of January 20, 1967 and remanding case for further proceedings			
" 25	Hearing on Petition seeking approval of the proposed sale of Rome Cable to Cyprus Mines Corporation. Government has no objection to sale of Rome Cable to Cyprus Mines Corporation. Judge Brennan approves the petition			

Civil 8030 United States of America vs. Aluminum Company of America and Rome Cable Corporation

[illegible]

UNITED STATES SUPREME COURT

Corr., 8030 D-B-X22
Dispositives

UNITED STATES OF AMERICA,

Plaintiff-Appellant

vs.

ALUMINUM COMPANY OF AMERICA and
ROME CABLE CORPORATION,

Defendants-Appellee

Northern District of
New York
Civil No. 8030

PART I - INDEX TO MATERIAL PERTAINING TO ORIGINAL TRIAL

	<u>Page</u>
Docket Entries	A - K
Four (4) Volumes of Testimony (Pages 1 through 2294-A)	1
Complaint	2295
Order to Show Cause and Affidavit returnable April 11, 1960 at Syracuse, New York	2304
Summons and Marshal's Returns	2318
Appearance of Ferris, Hughes, Dorrance & Groben for defendants	2321
Stipulation restraining defendants, and Order	2322
Stipulation and Order continuing hearing on Order to Show Cause to April 26, 1960	2324
Stipulation and Order extending time to Answer	2325
Affidavit of Leon E. Hickman on behalf of defendants	2326
Affidavit of A. D. Ross Fraser on behalf of defendants	2348
Copy Industry and Products Reports -1958 Census of Manufacturers	2357
Affidavit of Roy C. Cook, Economist in U.S. Dept. of Justice	2359
Answer of defendants to Complaint	2381
Memorandum-Decision and Order of Hon. Stephen W. Brennan dated May 31, 1960 - Filed June 1, 1960	2385
Supplemental Affidavit of A. D. Ross Fraser for defendants	2392
Plaintiff's Supplemental Memorandum	2397
Minutes of Hearing held April 26, 1960 at Syracuse, N. Y.	2436
Notice of Motion and Motion for Production of Documents returnable June 22, 1960 at Utica, N. Y.	2541
Stipulation and Order for production of documents, etc.	2550
Plaintiff's Interrogatories to defendants	2551
Notice to take Deposition of R. L. Schlesinger, Ebasco Services Inc.	2562
Notice to take Deposition of the Secretary of Ebasco Services Inc.	2563
Defendants' Motion for Extension of Time to Answer Plaintiff's In- terrogatories to Defendants and Affidavit	2564

I N D E X (Cont'd)

Civil No. 8030

Page

Stipulation in Re Answers to Interrogatories	2568
Notice to Take Deposition of Secretary of Aluminum Association, and Copy of Subpoena issued by Southern District of New York	2569
Notice to Take Deposition of Gerard A. Weiss August 18 at Utica, N.Y.	2571
Notice to Take Deposition of the Secretary of the Aluminum Association on August 18 at New York City	2573
Defendants' Interrogatories and Certificate of Service	2575
Stipulation extending time to object or answer Defendants' Inter- rogatories to October 10, 1960	2582
Plaintiff's Answers to Defendants' Interrogatories	2583
Objections to Defendants' Interrogatories and Notice of Hearing returnable October 25, 1960	2619
Affidavit and Order to Show Cause returnable October 25, 1960 at Syracuse, N. Y.	2624
Memorandum-Decision and Order of Hon. Stephen W. Brennan dated November 8, 1960 - Filed November 8, 1960	2635
List of Documents subject to Order to Show Cause	2639
Memorandum-Decision and Order of Hon. Stephen W. Brennan dated November 17, 1960 - Filed November 17, 1960	2652
Sealed envelope containing copies of documents as to which "privilege" is claimed. Not to be opened unless on Order of this or an Appellate Court - Stephen W. Brennan, U. S. District Judge	2659
Plaintiff's Further Answers to Defendants' Interrogatories	2659-A
Plaintiff's Second Interrogatories to Defendants	2721
Stipulation Extending time to object to Plaintiff's Interrogatories to January 23, 1961	2740
Motion for Production of Documents and Affidavit of Service	2741
Stipulation extending time to object to Plaintiff's Second Interrogatories to Defendants to January 24, 1961	2760
Notice to take Deposition of Allyn Dillard, Secretary of the Reynolds Metals Company, Richmond, Virginia	2761
Stipulation re Plaintiff's Second Interrogatories to Defendants dated December 21, 1960	2763
Copy of letter from W. Wallace Kirkpatrick, Acting Asst. Atty. General to Herbert A. Bergson re deposition of Allyn Dillard	2768
Notice of Deposition upon Written Interrogatories of Richard M. Dore	2769
Stipulation extending time for Defendants to answer Plaintiff's Second Interrogatories to and including March 21, 1961	2773
Objections to Plaintiff's Second Interrogatories to Defendants	2774
Stipulation amending Plaintiff's Motion for Production of Documents served January 4, 1961	2777
Defendants' Motion for Production of Documents and Affidavit	2787

To
have
Box 18
8030

Box
19
8030 A

I N D E X (Cont'd)

Civil No. 8030

Page

Stipulation in Re Answers to Interrogatories	2568
Notice to Take Deposition of Secretary of Aluminum Association, and Copy of Subpoena issued by Southern District of New York	2569
Notice to Take Deposition of Gerard A. Weiss August 18 at Utica, N.Y.	2571
Notice to Take Deposition of the Secretary of the Aluminum Association on August 18 at New York City	2573
Defendants' Interrogatories and Certificate of Service	2575
Stipulation extending time to object or answer Defendants' Inter- rogatories to October 10, 1960	2582
Plaintiff's Answers to Defendants' Interrogatories	2583
Objections to Defendants' Interrogatories and Notice of Hearing returnable October 25, 1960	2619
Affidavit and Order to Show Cause returnable October 25, 1960 at Syracuse, N. Y.	2624
Memorandum-Decision and Order of Hon. Stephen W. Brennan dated November 8, 1960 - Filed November 8, 1960	2635
List of Documents subject to Order to Show Cause	2639
Memorandum-Decision and Order of Hon. Stephen W. Brennan dated November 17, 1960 - Filed November 17, 1960	2652
Sealed envelope containing copies of documents as to which "privilege" is claimed. Not to be opened unless on Order of this or an Appellate Court - Stephen W. Brennan, U. S. District Judge	2659
Plaintiff's Further Answers to Defendants' Interrogatories	2659-A
Plaintiff's Second Interrogatories to Defendants	2721
Stipulation Extending time to object to Plaintiff's Interrogatories to January 23, 1961	2740
Motion for Production of Documents and Affidavit of Service	2741
Stipulation extending time to object to Plaintiff's Second Interrogatories to Defendants to January 24, 1961	2760
Notice to take Deposition of Allyn Dillard, Secretary of the Reynolds Metals Company, Richmond, Virginia	2761
Stipulation re Plaintiff's Second Interrogatories to Defendants dated December 21, 1960	2763
Copy of letter from W. Wallace Kirkpatrick, Acting Asst. Atty. General to Herbert A. Bergson re deposition of Allyn Dillard	2768
Notice of Deposition upon Written Interrogatories of Richard M. Dore	2769
Stipulation extending time for Defendants to answer Plaintiff's Second Interrogatories to and including March 21, 1961	2773
Objections to Plaintiff's Second Interrogatories to Defendants	2774
Stipulation amending Plaintiff's Motion for Production of Documents served January 4, 1961	2777
Defendants' Motion for Production of Documents and Affidavit	2787

To
have
Box 18
8030

Box
19
8030 A

	<u>Page</u>
Answers To Interrogatories	2801
Notice of Filing of Deposition on Written Interrogatories	2804
Affidavit of Leon E. Hickman	2806
Order by Hon. Stephen W. Brennan dated March 3, 1961 that Defendants produce certain documents, letters, etc. for inspection by Plaintiff, etc.	2812
Transcript of Hearing held February 17, 1961 at Utica, N. Y.	2816
Order by Hon. Stephen W. Brennan dated March 20, 1961 sustaining Defendants' objection to Interrogatory 12 (E), etc.	2950
Notice to Take Deposition of John H. Krey, Reynolds Metals, Richmond, Virginia	2951
Notice to Take Deposition of Walter M. Franklin, Reynolds Metals, Richmond, Virginia	2953
Notice to Take Deposition of G. T. Pownall, Secretary U. S. Rubber	2955
Notice to Take Deposition of Robert L. Teeter, Reynolds Metals	2957
Stipulation extending time for Defendants' Answer to Plaintiff's Second Interrogatories, etc.	2959
Stipulation setting forth Plaintiff's Second Interrogatories to Defendants dated December 21, 1960 as amended and modified, etc.	2960
Notice to Take Deposition of William Marks, V. P. and Sec., Kaiser Aluminum and Chemical Corp.	2979
Notice to Take Deposition of C. S. Ogden, V.P. The Detroit Edison Co.	2981
Unopened envelope containing Deposition of Allyn Dillard et al and Exhibits 1 to 23	2983
Stipulation and Order that Plaintiff produce certain documents for Defendants to inspect, etc.	2983
Pre-Trial Order Number 1 by Hon. S. W. Brennan dated Oct. 26, 1961	2987
Defendants' Second Motion for Production of Documents	2991
Memorandum-Decision and Order of Brennan, D.J., that privileged nature of items 3-10 has not been waived-dated Dec. 8, 1961	2995
Plaintiff's Pre-Trial Specification of Lines of Commerce etc.	3000
Affidavit of Herbert A. Bergson	3002
Affidavit of Samuel Karp and Exhibits A, B, and C	3013
Sealed envelope containing Items 1-10 submitted by counsel	3031
Decision Supplemental to Memorandum Decision of December 8, 1961	3032
Plaintiff's Pre-Trial Document List	3035

I N D E X

	<u>Page</u>
Response of Kaiser Aluminum & Chemical Corporation to Defendant's Second Motion for Production of Documents	3119
Trial Brief of the United States	3123
Stenographer's Minutes (December 8, 1960) Appendix B	3201
Plaintiff's List of Proposed Witnesses	3218
Defendants' Objections to Plaintiff's Pretrial Document List	3225
Defendants' Pretrial Memorandum	3229
Copy of Letter from Judge Brennan to Donald F Melchior, Esq. and copy of Application for Order for issuance of Trial Subpoenas	3281
Application for Order for issuance of Trial Subpoenas	3285
Order that Writs of Subpoena Duces Tecum shall issue and that the Clerk of this Court shall issue said Subpoenas to be served by the Marshal	3288
Affidavit of Service by Donald F Melchior, Esq., of Plaintiff's List of Proposed Witnesses served January 5, 1962 on Herbert A Bergson, Esq.	3291
Affidavit of Service by Donald F. Melchior, Esq., of Trial Brief of the United States served January 5, 1962 on Herbert A Bergson, Esq.	3292
Defendant's Pretrial document list in duplicate	3293
List of Plaintiff's Proposed Statistical Summaries and Schedules, Compilations and Tabulations	3310
Reply Brief of the United States	3312
Defendants' Reply to Trial Brief of the United States	3340
Affidavit of Service of Reply Brief of the United States	3359
Plaintiff's Objections and Comments regarding Defendants' Statistical Summaries, Schedules, Compilations and Tabulations	3360
Defendants' Objections to Plaintiff's proposed Statistical Summaries and Schedules, Compilations and Tabulations	3363
Plaintiff's Objections to Defendants' Documents	3366
Defendants' Answers to Plaintiff's Interrogatories No. 1 through No. 35 except 10 and 11	3367
Defendants' Answers to Plaintiff's Interrogatories No. 36 through No. 71 except 59 (b) 67 A (11) and B (11)	3532
Application for Order for Issuance of Trial Subpoenas	3881
Order to issue Subpoena	3883

8030A
Box 19
to 4409

I N D E X

	<u>Page</u>
List of Government Exhibits Admitted in Evidence	3884
Post-Trial Brief of the United States	3915
Plaintiff's Proposed Findings of Fact and Conclusions of Law	3987
Defendants' Post-Trial Brief	4112
Defendants' Proposed Findings of Fact and Conclusions of Law	4183
Corrected Defendants' Post-Trial Brief	4252
Corrected Defendants' Proposed Findings of Fact and Conclusions of Law	4321
Plaintiff's Comments on Defendants' Proposed Findings of Fact and Conclusions of Law	4390
Post-Trial Reply Brief of the United States	4392
Plaintiff's Memorandum on Brown Shoe Co vs United States	4409
Findings of Fact and Conclusions of Law	4437
Opinion dismissing Complaint and Judgment is directed accordingly. SO ORDERED- Stephen W Brennan, USDJ	4459
Defendants' Motion for Additional Findings of Fact	4494
Plaintiff's Response to Defendants' Motion for Additional Findings of Fact	4497
Additional Findings of Fact	4500
Notice of Appeal to the Supreme Court of the United States	4502
Clerk's Certificate	4504

I N D E X (Continued)

Part II

(Government's and Defendant's Exhibits
Admitted Into Evidence)

Government's Exhibits 1 to 10 inclusive

"	"	11 to 22 inclusive
"	"	No. 23
"	"	24 to 27 inclusive
"	"	No. 32
"	"	36 to 46 inclusive
"	"	47 to 49 inclusive
"	"	50
"	"	52
"	"	53 to 70 inclusive
"	"	71 to 78 inclusive
"	"	79 to 137 inclusive
"	"	138 to 156 inclusive
"	"	157 to 167 inclusive
"	"	168 to 179 inclusive
"	"	180 to 183 inclusive
"	"	189 to 202 inclusive
"	"	203-210 inclusive, 221-223-225; 227
"	"	228 to 231 inclusive
"	"	233 to 243 inclusive; 245 to 246; 248 to 254; 256 to 259; 263 to 274 inclusive
"	"	275 to 311 inclusive
"	"	315 to 347 inclusive
"	"	348 to 362 inclusive and 363 to 372 inclusive
"	"	373
"	"	374 to 385 inclusive
"	"	386
"	"	387 to 397 inclusive
"	"	398 to 408 inclusive
"	"	409 to 410, 412, 421 a.b.c; 422 to 433 inclusive
"	"	434-452, 454-467, 502 (Plaintiff's Statistical Tabulations)
"	"	468
"	"	468A
"	"	468A continued
"	"	469 to 472 inclusive
"	"	492 to 495 inclusive
"	"	496 to 504 inclusive
Defendant's	"	AR4 to 70 inclusive
"	"	AR 71 to AR 84 inclusive

8030B

Box 21
8030C

Box 21 - 8030C

Box 20

UNITED STATES SUPREME COURT

UNITED STATES OF AMERICA,	:	
	:	
vs.	:	Northern District of
	:	New York
ALUMINUM COMPANY OF AMERICA and	:	
ROME CABLE CORPORATION,	:	Civil No. 8030
	:	
Defendants-Appellee	:	

PART III- INDEX TO MATERIAL PERTAINING TO TRIAL ON DIVESTITURE

	<u>Page</u>
Transcript of Testimony of hearing held Oct. 4, 1965 at Utica, N. Y.	1
Transcript of Testimony of hearing held Oct. 7, 1965 at Utica, N. Y.	526
Opinion of Supreme Court of United States	686
Denial of Petition to Rehear in U. S. Supreme Court	701
Certified Copy of Supreme Court Judgment remanding case to USDC for NDNY for further proceedings	702
Transcript of Testimony of hearing held July 28, 1964 at Utica, N. Y.	703
Transcript of Pre-Trial Hearing on Divestiture	715
Copy of Notice of Taking Depositions and Affidavit of Service by Mail	790
Notice of Taking Deposition of C. S. Menger, Pres. Triangle Conduit & Cable Co., Inc. Aug. 18, 1965 at Newark, N. J. and Certificate of Service	792
Memorandum-Decision and Order, Brennan, DJ, filed Sept. 29, 1965	794
Transcript of Testimony taken June 23, 1965 at Utica, N. Y.	798
Transcript of Testimony taken Aug. 25, 1965 at Utica, N. Y.	975
Deposition of Leon E. Hickman taken June 29, 1965 (Part I)	1069
Deposition of Leon E. Hickman (Part II)	1190
Proposed Final Judgment filed with Court July 1, 1964	1303
Defendant's Proposed Final Judgment filed with Court 12/1/64	1325
Triangle Plan (Plan of Divestiture)	1326
Proposed Final Judgment received by mail Jan. 4, 1965 by Court	1339
Kaiser Plan (Defendants' Alternative Final Judgment)	1342
Government's Comment on Kaiser Plan dated April 5, 1965	1367
Outline of Issues dated April 19, 1965	1378
Government's Response as to Issues received from Mr. Melchoir May 17, 1965	1394
Joint Statement of Issues received June 17, 1965 by Judge Brennan	1406
Defendant's Motion for Production of Documents	1420
Government's Objections to Motion	1430
Stipulation of Fact	1438
Plaintiff's Additional Issue	1449
Plaintiff's Brief for Final Judgment	1452
Plaintiff's Motion for Production of Documents	1475

8030
B

Affidavit in support of Plaintiff's Motion for Production of Documents	Page 1477
Deposition of Edward J. Simmons taken Aug. 19, 1965	1479
Defendants' Proposed Findings of Fact and Conclusions of Law on Relief	1557
Defendants' Reply Post Hearing Brief on Relief	1587
Defendants' Reply Brief on Relief	1660
Plaintiff's Memorandum of Comments on Defendants' Post-hearing Brief, etc.	1683
Plaintiff's Proposed Findings and Conclusions	1707
Transcript of Trial on Divestiture held Oct. 4, 1965 at Utica, N.Y.	1731
Memorandum-Decision and Order re Judgment on Divestiture	1867
Final Judgment re Divestiture	1880
Petition for Approval of proposed plan of disposal	1888
Notice of Taking of Depositions and Affidavit of Service by Mail	1911
Depositions of Victor A. Viggiano and William H. Oler	1913
Transcript of Hearing on petition for approval of sale of Rome Cable Corp. held Nov. 2, 1966, Volume I	2122
Transcript of Hearing on Petition for approval of sale held Nov. 3, 1966, Volume II	2214
Transcript of Hearing on Petition for approval of sale held Nov. 4, 1966, Volume III	2392
Defendants' Brief in Support of Proposed Plan of Disposal	2634
Defendants' Proposed Findings of Fact and Conclusions of Law on Proposed Plan of Disposal	2661
Memorandum in Opposition to Defendants' Petition for approval of its Proposed Plan of Disposal	2677
Plaintiff's Post Hearing Memorandum in opposition to Defendants' Petition for Approval of its Proposed Plan of Disposal	2693
Plaintiff's Proposed Findings and Conclusions	2712
Memorandum- Decision and Order, Brennan, DJ, filed Dec. 21, 1966	2719
Order approving Plan of Disposal, etc.	2732
Notice of Appeal to Supreme Court of the United States and Affidavit of Service by Mail	2735
Clerk's Certificate	2738

PART IV - GOVERNMENT'S AND DEFENDANT'S EXHIBITS ADMITTED TO EVIDENCE ON
TRIAL OF DIVESTITURE

Government's Exhibits	602 to 604 inclusive
"	" 605 to 611 inclusive
"	" 613 to 625 inclusive
"	" 632
"	" 635
"	" 637
"	" 639 to 641 inclusive
"	" 644 to 647 inclusive
"	" 648
"	" 649
"	" 653
"	" 800 to 802 inclusive
"	" 803 <i>Box 22 D</i>
"	" 804 to 810 inclusive
"	" 811
"	" 812

Divestiture
Box 23
8030 E

Defendant's Exhibits	1 to 49 inclusive
"	" 50 to 68 inclusive <i>Box 22 D</i>