

Send Notices to ~~***~~ ~~111111~~

UNITED STATES OF AMERICA

vs.

GENERAL DYNAMICS CORPORATION ET AL.

and
following re Motions to

Quash only: ✓

PUBLIC SERVICE COMPANY OF IND.
INC.

GREG K. Kimberlin
1000 E. Main Street
Plainfield, Indiana 46168

Sidley and Austin
~~11-S.-La-Salle-Street-~~
Chicago, Illinois 60603
One First National Plaza

For Plaintiff:

*** John E. Sarbaugh and John T. ~~C~~
Cusack

Dept. of Justice Room 2634
219 South Dearborn Street
Chicago, Illinois 60604

For Defendant Gen. Dynamics, et al.

~~S~~ Samuel A. Haubold, Richard H. Irvin
Howard C. Chaffetz, Reuben L. Hedlu
Donald & Kempf. Jr.

Kirkland, Ellis, Hodson, Chaffetz an
Masters

2900 Prudential Plaza
Chicago, Illinois 60601

DOCKET
STATES DISTRICT COURT

JUDGE ROBSON
Jury demand date:

67C 1632

D. C. Form No. 106A Rev.

TITLE OF CASE

ATTORNEYS

UNITED STATES OF AMERICA
Plaintiff

For plaintiff:

353-6975
John E. Sarbaugh & John T. Cusack/
Dept. of Justice 353-7530
RM. 2634 U.S. Court house
Chicago, Illinois, 60604

See preceding page for all attor

-VS-

GENERAL DYNAMICS CORPORATION,
THE UNITED ELECTRIC COAL COMPANIES and
FREEMAN COAL MINING CORPORATION,
Defendants

For defendant:

(GEN. DYNAMICS CORP. ET AL.)
Samuel A. Haubold and Richard H. Irvin
Howard C. Chaffetz, REUBEN L. HEDLUN
DONALD G. KEMPF, JR.
Kirkland, Ellis, Hodson, Chaffetz &
Masters, 2900 Prudential Plaza
130 East Randolph Drive
Chicago, 60601 RA 6-2929

STATISTICAL RECORD

COSTS

DATE

NAME OR
RECEIPT NO.

REC.

DISB.

J.S. 5 mailed

Clerk

J.S. 6 mailed

Marshal

Basis of Action:

Docket fee

Clayton Act

Witness fees

Seeks to enjoin & relief

Action arose at:

Depositions

67C 1632

DATE	PROCEEDINGS	Date Or Judgment
9/22/67	Filed complaint and 3 copies	JS5 \$15.00
9/22/67	Filed designation	
9/22/67	Issued summons and copy with copy of complaint as to General Dynamics Corporation	
9/22/67	Issued summons and copy with copy of complaint as to The United Electric Coal Companies	
9/22/67	Issued summons and copy with copy of complaint as to Freeman Coal Mining Corporation	G
9/29/67	Filed Summons returned served on United Electric Coal Co \$3.00	v
9/29/67	Filed Summons returned served on General Dynamics Corp. \$3.00	v
10-17-67	Filed Summons returned served on Freeman Coal Mining Corp. 3.00	
10-17-67	Filed Appearance of Defendants and attorneys	
10-17-67	Filed Affidavit pursuant to G.R. 39 by Attorney H.C. Chaffetz	
10-17-67	Filed Affidavit pursuant to G.R. 39 by Atty. R.L. Hedlund	
10-17-67	Filed Affidavit pursuant to G.R. 39 by Atty. D.G. Kempf, Jr.	
10-17-67	Filed Stipulation and order combined	
10-17-67	On stipulation order time for defendants to answer, move or otherwise reply to complaint hereby extended to and including Nov. 20, 1967	
	DRAFT-Robson, J.	
	Mailed Notices 10-18-67	B
10-25-67	Order cause set for preliminary pretrial conference on December 8, 1967 at 3:00 P.M. - Robson, J.	
	Mailed notices 10-26-67	Y
12-8-67	Pretrial conference held. Order cause set for further pretrial conference on February 9, 1968 at 2:00 P.M. ROBSON, J.	
	Mld Notices 12-11-67	EOB
2-7-68	Filed Notice	
2-7-68	Filed Defendants' interrogatories to plaintiff	
2-9-68	Pretrial conference held. Order cause continued generally for further setting. ROBSON, J.	
	Mld Notices 2-15-68	EOB
3-8-68	Filed Plaintiff's Notice of filing Interrogatories	
3-8-68	Filed Plaintiff's Interrogatories to defendants	EOB
3-15-68	Filed Answers to interrogatories of the defendants.	B
3-18-68	Filed Notice re filing of answers to interrogatories of defendants.	B
3/21/68	Filed letter re interrogatory No. 54 from attorney for plaintiff.	v

(continued)

D. C. 110A Rev. Civil Docket Continuation

DATE	PROCEEDINGS	Date of Judgment
3-25-68	Filed Notice	
3-25-68	Filed Plaintiff's amended answers to interrogatories of the defendants.	B
6/13/68	Filed Answers to interrogatories of the kplaintiff.	v
6-21-68	Filed Plaintiff's Notice of taking depositions of Frank Nugent, Nicholas T. Camicia, Robert H. Inman, Allen G. Rountree, Thomas J. Tarzy and Thomas H. Latimer, Dale H. Emling, H. K. Pedersen, John M. Morris and Burl Jensen.	
6-21-68	Filed Plaintiff's Motion to compel defendants to answer interrogatories 73 through 77 as propounded by Plaintiff; Affidavit of John T. Cusack	
6-21-68	Filed Government's Brief in support of its motion to compel defendants to answer Government Interrogatories 73 through 77.	
6-21-68	Filed Motion of United States for the entry of Proposed Orders to accord Protection with respect to defendants Documents and to provide for disposition of documents on which defendants claim the attorney-client privilege.	EOB
6-24-68	Notice Filed/Motion of United States for the entry of Proposed Orders to accord Protection with respect to defendants documents and to provide for disposition of documents on which defendants claim the attorney client privilege.	EOB
7-12-68	Filed Plaintiff's Notice of filing	
7-12-68	Filed Government's Brief in Support of Government's Motion for the entry of a Proposed Order to Accord Protection with respect to defendants Documents.	EOB
7-19-68	Filed Plaintiff's Notice of taking depositions of: Frank Nugent, Nicholas T. Camicia, Robert H. Inman, Allen G. Rountree, Thomas J. Tarzy, Thomas H. Latimer, Dale H. Emling, H. K. Pedersen, John M. Morris, Burl Jensen.	EOB
*7-16-68	Enter Pretrial Order No.1. (DRAFT). Enter Protective Order with respect to defendants documents (DRAFT). Enter Order with respect to defendants Claim of Attorney-Client Privilege (DRAFT). ROBSON, J. Mld Notices 7-22-68	EOB
7-26-68	Filed Plaintiff's Notice of filing	
7-26-68	Filed Government's Brief in response to defendants claim that the Justice Department assured defendants the issue of Reciprocity would not be involved in this case.	z EOB
7-11-68	Filed Defendant's Notice of filing.	
7-11-68	Filed Defendant's Motion for Order deferring Depositions	
7-11-68	Filed Defendant's Motion for Protective Order with respect to defendants Documents	
7-11-68	Filed Defendants Memorandum(1) in support of its motions for a protective order and an order deferring depositions and (2) in response to plaintiffs deposition Notice and Motions for a protective order, an order regarding disposition of privileged documents, and an order compelling defendants to answer certain interrogatories. (See Order of 7-16-68)	EOB

DATE	PROCEEDINGS	Date Or Judgment
9-9-68	Filed Stipulation and Protective Order covering disclosure to defense counsel of information received by Plaintiff from Coal Companies and Coal Purchasers	
9-9-68	Enter Order approving stipulation and entering protective order covering disclosure to defense counsel of information received by plaintiff from coal companies and coal purchasers (DRAFT) (Above Stipulation and Minute order combined as one Draft) ROBSON, J. Mld Notices 9-10-68	EOB
9-10-68	Filed Correspondence and documents re: Attorney-Client Privilege.	B
9-30-68	Filed Notice of taking deposition of Frank F. Kolbe	B
11-1-68	Filed Notice of taking deposition of Joseph Tabor, Chief Clerk of Illinois Department of Mines and Minerals	B
11/21/68	Filed answer of plaintiff in opposition to defendants' motion to postpone a deposition	G
11-21-68	Filed Notice of taking deposition of C.C. Smith	
11-22-68	Filed Notice of motion	
11-22-68	Filed Motion to postpone a deposition	
11-22-68	Order deposition of C.C. Smith postponed until December 6, 1968- DRAFT- Robson, J. Mailed Notices 11-26-68	B
12-3-68	Filed Notice of taking depositions of Martha A. Terleke, Chief Clerk and Charles W. Stadell, Executive Vice-President of Mid-West Coal Producers Institute, Inc.	B
12-4-68	Filed Notice of taking depositions of Joseph J. Gallagher, and William L. Kurtz	B
12-4-68	Filed Stipulation re testimony of Mr. C.C. Smith.	B
12-17-68	Filed Deposition Subpoenas returned served on Charles W. Stadell and Martha A. Terleke - 2 services	\$4.48
12-26-68	Filed Plaintiffs Notice.	EOB

(CONTINUED)

D. C. 110A Rev. Civil Docket Continuation

DATE	PROCEEDINGS	J
1-8-68	Order cause set for report on status on January 15, 1969 at 10 a.m.- Robson, J. Mailed Notices 1-9-69	B
1-15-69	Order cause set for pretrial conference on January 20, 1969 at 2 p.m.- Robson, J. Mailed Notices 1-17-69	B
1-20-69	Pretrial conference held - order cause set for report on status on February 14, 1969 at 10 a.m. and report by defendant on discovery scheduled on February 17, 1969 at 10 a.m. Order cause set for pre- trial conference on February 19, 1969 at 9:15 a.m.-Robson, J. Mailed Notices 1-21-69	B
2-4-69	Pre-trial conference held - Order present set date to stand - Robson, Mailed Notices 2-6-69	B
2-19-69	Pre-trial conference held. Order cause continued to February 26, for report on status, and for entry of order re discovery proceedings set for further pretrial conference on May 8, at 10:30 a.m. on pre- trial order; continued to May 16 to submit final pretrial order; and cause set for trial on June 2, 1969 - Robson, J. Mailed Notices 2-24-69	B
2-26-69	Pretrial conference held. Order cause continued to March 3, 1969 at 10 a.m. for report on status and entry of order re discovery procedure - Robson, J. Mailed Notices 2-28-69	B
3-3-69	Order cause continued to March 4, 1969 at 10:00 A.M. for report on status and entry of order regarding discovery proceedings. ROBSON, J. Mld Notices 3-4-69	EOB
3-4-69	Filed Notice of taking deposition of B. H. Sloane, Vice President of Aluminum Company of America	
3-4-69	Order cause continued to March 10, 1969 at 10 a.m. for report on status and for entry of order re discovery proceedings - Robson, J. Mailed Notices 3-5-69	B
3-7-69	Filed defendants' notice of taking deposition of Hugh E. Petersen	JWH
3-10-69	Filed Appearance of Defendants and attorneys	
3-10-69	Filed 2 affidavits pursuant to G.R.39 by attorneys for defendants	
3-10-69	Filed Notice	
3-10-69	Order cause reset to March 11, 1969 for report on status and entry of order re discovery-Robson, J. Mailed Notices 3-11-69	B

DATE	PROCEEDINGS	Date Ord Judgment
3-11-69	Enter agreed orders directing clerk to issue subpoenas duces tecum in the form attached for service in any judicial district upon respondents listed in Exhibit A, by registered mail, return receipt requested, with questionnaires attached. Order documents, etc., and any responses to questionnaire to not be shown to persons designated in orders except by order of Court (2 DRAFTS) ROBSON, J. Mailed notices 3-12-69	JWH
3-20-69	Filed Notice to take deposition of Leon King, President of Barbara-Kay Coal Company	B
3-24-69	Issued subpoena for deposition of Hugh E. Peterson	P
3-25-69	Enter agreed order amending order of March 11, 1969 making return date on certain subpoena duces tecum April 21, 1969-DRAFT-Robson, J. Mailed Notices 3-26-69	B
3-28-69	Clerk's file copy of transcripts of proceedings had before the Honorable Edwain A. Robson, Judge, on July 16, 1968; November 22, 1968; January 20, 1969; February 4 and 19, 1969, filed by the Official Court Reporter - 5 volumes.	B
4-3-69	Filed Certificate of mailing subpoenas duces tecum, by Registered Mail, by the Clerk of the District Court.	B
4-11-69	Filed Notice to take deposition of Clarence V. Beck, President of the Little Dog Coal Company	
4-11-69	Filed Notice to take deposition of Winford C. Peterson, President, National Oil Fuel Institute, Inc.	B
4-14-69	Filed notice of taking depositions of John Nix, Operations Branch, et al.,	B
4-14-69	On motion of all parties - Ordered that the Clerk of U.S. District Court for the Northern District of Illinois shall deliver to counsel for Defendants the original copies of the responses, together with all correspondence pertaining thereto received from the recipients of the subpoenas duces tecum issued in this case by orders of March 11, 1969 and March 25, 1969. Defendants shall give the Clerk a signed receipt describing such documents, as they are delivered. Counsel for the plaintiff are to be given an opportunity to examine and copy such documents after they are delivered to defendants-DRAFT- Hoffman, J. Mailed Notices 4-15-69	B
4-15-69	Filed Receipt of responses to questionnaires re subpoena duces tecum.	B

(CONTINUED)

D. C. 110A Rev. Civil Docket Continuation

DATE	PROCEEDINGS	Date Order Judgment
4-17-69	Filed Notice of taking deposition of William J. Stanley, Director Department of Air Pollution Control, City of Chicago. B	
4-17-69	Filed Receipt of responses to questionnaires re subpoena duces tecum. B	
** 4-21-69	Filed Receipt of responses to questionnaires re subpoena duces tecum - B	
4-21-69	Filed Notice, Motion to quash subpoena duces tecum and Memorandum in support of motion to quash	
4-21-69	Motion of Public Service Co., of Indiana, Inc. to quash subpoena duces tecum entered and continued to May 2, 1969 at 10 a.m. before Judge Robson, - Hoffman, J. Mailed Notices 4-22-69 B	
** 4-18-69	Filed Deposition subpoena returned served on Clarence V. Beck. \$2. B	
4-22-69	Filed Receipt of responses to questionnaires re subpoena duces tecum B	
4-23-69	Filed Receipt of responses to questionnaires re subpoena duces tecum B	
4-25-69	Filed Notice of taking deposition of William D. Stiehl, President of Belle Valley Coal Company, by defendants. B	
4-28-69	Filed Receipt of responses to questionnaires re subpoena duces tecum. B	
5-1-69	Pre-trial conference held. Order cause setirckn from the pretrial call of May 8, 1969, the call of May 16 and the trial call of June 2, 1969. Order cause set for pretrial conference on May 21, 1969 at 4 p.m. with pretrial order to be submitted on or before May 19, 1969- Robson, J. Mailed Notices 5-6-69	
5-2-69	By agreement order subpoena duces tecum issued heretofore to Public Service Co. of Indiana, Inc. hereby withdrawn- Robson, J. Mailed Notices 5-6-69	
5-2-69	By agreement enter order extending time for recipients of subpoenas to the herein named to comply with said subpoenas extended to the dates as set forth herein-DRAFT- Robson, J. Mailed Notices 5-6-69 B	
5-12-69	Filed Notice of defendants to take deposition of Fred Nicoson, Vice President of Public Service Company of Indiana. B	

DATE	PROCEEDINGS	Date Of Judgment
5-12-69	Filed Receipt of Responses - Bell and Zoller Coal Co. et al.	
5-12-69	Filed Receipt of Responses - Interlake Steel Corp. et al.	
5-13-69	Filed Receipt of Responses - Old Ben Coal Corporation et al.	B
5-21-69	Filed Notice of Defendants to take deposition of Mr. Thomas N. Ward, Vice-President-Secretary-Treasurer of Indiana-Kentucky Electric Company.	
5-21-69	Filed Notice of Defendants to take deposition of Mr. Reuben A. Redard, Vice President of Purchasing Keystone Steel & Wire Co., Inc.	B
**		
5-22-69	Filed Receipt of responses re subpoena duces tecum re Island Creek Coal Company et al.	B
**		
5-21-69	Enter pretrial order No. 2 - DRAFT - Pretrial conference held. Order cause set for further pretrial conference on July 14, 1969 at 2 p.m. and on September 4, 1969 at 11 a.m.-Robson, J. Mailed Notices 5-27-69	B
6-5-69	Filed Notice by defendants to take deposition of Gordon J. Morrison, Superintendent-Steam Plants, Wisconsin Public Service Co.	
6-5-69	Filed Notice by defendants to take deposition of Harry Gaunt, Purchasing Agent of Kentucky Utilities Company.	B
6-9-69	Filed Receipt of responses re subpoena duces tecum re Uniroyal Inc.	B
6-9-69	Filed Notice for defendants to take deposition of Mr. L. M. Abrahamson Power Production Manager, Wisconsin Power & Light Co.	
6-9-69	Filed Notice for defendants to take deposition of Bernard W. Shotters, President, Indianapolis Power and Light Company	B
6-16-69	Filed Notice of defendants to take deposition of Mr. John S. Moore, Sanitary Engineer of the Bureau of Air Pollution Control of Ill.	B
6/24/69	Filed notice of taking deposition of George P. Gamble.	v
7-1-69	Filed Notice of plaintiff to take deposition of George H. Shipley.	B
7-3-69	Filed Notice of Plaintiff to take deposition of George H. Shipley,	B
7-8-69	Pretrial conference held. Order cause to proceed on July 14, 1969 with further pretrial conference. - Robson, J. Mailed notices 7-9-69	k
7-10-69	Filed Dow Chemical Co.'s stipulated testimony, with exhibits 1,2,3,4.	k

(CONTINUED)

D. C. 110A Rev. Civil Docket Continuation

DATE	PROCEEDINGS	Date Judge
7-14-69	Pretrial conference held. Order cause set for further pre-trial conference on September 4, 1969 at 2 p.m.-Robson,J.	
7-30-69	Mailed Notices 7-15-69 Filed Defendants' supplemental answers to interrogatories of plaintiff.	B
8-20-69	Filed Subpoena returned served on Jack A. Simon	P
9-4-69	Pre-trial conference held. Order cause set for further pre-trial conference on October 3, 1969 at 11:00 AM. - Robson, J. Mailed notices 9-9-69	k
9-11-69	Filed deposition of Clarence V. Beck.	k
9-18-69	Filed Stipulated testimony by Daniel G. Hemminger, Attorney for The Proctor and Gamble Company, Cincinnati, Ohio.	
9-18-69	Filed Stipulated testimony by John Sant, Attornet, McDonnell Douglas Corporation, St. Louis, Missouri.	B
10-1-69	Filed stipulated testimony of George B. Knecht with exhibits 1 through 10 attached.	k
10-3-69	Pre trial conference held. Oeder proposed findings of fact, etc., to be sumitted by November 17 and cause set for further pre-trial conference on December 5, 1969 at 2 p.m.-Robson,J. Mailed Notices 10-8-69	B
11-13-69	Filed Notice of Motion	
11-13-69	Filed Defendants' motion to extend time	
11-14-69	By agreement order time for parties to submit proposed findings of fact, etc. and other papers from November 17, to December 3, 1969. Robson,J. Mailed Notice 11-17-69	B
12-5-69	Pretrial conference held. Order cause set for further pretrial conference on January 23, 1970 at 2:00 P.M. - Robson, J. v Mailed notices 12-8-69	k
1-19-70	On Court's motion order cause reset from January 23, to January 30, 1970 at 10:30 a.m. for pretrial conference - Robson,J. Mailed Notice 1-20-70	B
1-30-70	Pretrial conference held. Order cause set for further pretrial conference on February 13, 1970 at 3 p.m. and for trial on March 16, 1970 Robson,J. Mailed Notice 2-3-70	B

(CONTINUED)

DATE	PROCEEDINGS	Date Order Judgment
2-13-70	Pretrial conference held. Order cause to proceed to trial on March 16, 1970. - Robson, J. Mailed notices 2-17-70	16, k
3-4-70	Filed Notice with motion of Frank F. Kolbe to be excused from testifying at trial	
3-4-70	Order motion of Frank F. Kolbe to be excused from testifying at trial entered. Order leave to defendant to file motion to suppress deposition of Kolbe and to file memo in opposition to its use w/in 3 days, to government, to respond, w/in 3 days thereafter and cause set on March 13, 1970 at 4 p.m. for disposition of motions. -Robson, J. Mailed Notice 3-5-70	J. B
3-6-70	Order cause reset from March 16 to March 30, 1970 for trial-Robson, J. Mailed Notice 3-9-70	J. B
3-11-70	Filed Government's reply to Defendant's reply to motion of Frank F. Kolbe to be excused from testifying at trial.	y
3-13-70	Pre-trial conference held. Order pretrial memorandums to be filed on or before March 23, 1970 - Robson, J. Mailed Notice 3-16-70	J. B
3-23-70	Filed Plaintiff's pre-trial brief.	B
3-23-70	Filed Defendants' Pre-trial brief.	
3-24-70	Filed Notice of filing plaintiff's pretrial brief.	B
3-30-70	Cause called for trial. Opening statements made. Evidence heard for government. Government rests. Order any motions to be made by defendant to be entered and considered with case itself. Evidence heard in part for defendant. Order cause adjourned until March 31, 1970 - Robson, J. Mailed Notice 3-31-70	- B
3-31-70	Further evidence heard for defendant. Order cause adjourned until April 1, 1970 - Robson, J. Mailed Notice 4-1-70	B
4-1-70	Filed defendant's motion to dismiss at the close of plaintiff's case	
4-1-70	Further evidence heard for defendant - order cause adjourned until April 2, 1970 - Robson, J. Mailed Notice 4-2-70	B

(CONTINUED)

D. C. 110A Rev. Civil Docket Continuation

DATE	PROCEEDINGS	Da Jud
4-2-70	Further evidence heard for defendant. Order cause adjourned until April 3, 1970 at 9 a.m.-Robson,J. Mailed Notice 4-3-70	B
4-3-70	Further evidence heard for defendant - order cause adjourned until April 6, 1970 - Robson,J. Mailed Notice 4-7-70	B
4-6-70	Further evidence heard for defendant. Order cause adjourned until April 7, 1970 - Robson,J. Mailed Notice 4-8-70	B
4-7-70	Further evidence heard for defendant - Order cause adjourned until April 8, 1970 - Robson,J. Mailed Notice 4-9-70	
4-8-70	Further evidence heard for defendant order cause adjourned until April 9, 1970 - Robson, J. Mailed Notice 4-9-70	B
4-9-70	Filed Motion by the U.S. for permission to issue subpoenas for witnesses living outside of the Northern District of Illinois	
4-9-70	Enter order approving issuance of subpoenas by plaintiff-DRAFT-Robson,J. Mailed Notice 4-13-70	B
4-13-70	Further evidence heard for defendant. Order cause adjourned until April 14,1970 - Robson,J. Mailed Notice 4-14-70	B
4-9-70	Further evidence heard for defendant - Order cause adjourned until April 13, 1970 Robson,J. Mailed Notice 4-14-70	B
4-14-70	Further evidence heard for defendants. Order cause adjourned until April 15,1970 - Robson,J. Mailed Notice 4-15-70	B
4-15-70	Court rules orally from bench - Order plaintiff's motion to expand rebuttal testimony hereby granted = Further evidence heard for defendant - order cause adjourned until April 16, 1970-Robson,J. Mailed Notice 4-16-70	B

DATE	PROCEEDINGS	Date of Judgment
**		
4-14-70	Filed Defendants' response to plaintiff's memorandum request that it be allowed to call rebuttal witnesses for purposes other than those originally represented to the Court and to the defendants.	be
4-14-70	Filed Plaintiff's reply to defendant's objection to the expended scope of questions possibly to be asked of two of plaintiff's rebuttal witnesses.	B
4-16-70	Further evidence heard for defendant. Order cause adjourned until April 17, 1970 - Robson, J. Mailed Notice 4-17-70	B
4-17-70	Rebuttal evidence heard in part for government. Order cause adjourned until April 20, 1970 - Robson, J. Mailed Notice 4-20-70	B
4-20-70	Evidence heard in part for defendants. Evidence heard in part in rebuttal for government-Order cause adjourned until April 21, 1970 - Robson, J.	
4-21-70	Evidence heard for defendant. Order cause adjourned until April 22, 1970 - Robson, J. Mailed Notice 4-23-70	B
4-22-70	Further evidence heard for defendant. Defendant rests. Further rebuttal evidence heard for government. Order cause adjourned until May 1, 1970 at 11 a.m. to rest formally and to set briefing schedule on the merits -Robson, J. Mailed Notice 4-24-70	B
4-29-70	Filed subpoena ad testificandum returned served on Thomas Craig, Deric M. Miller, W. H. Hopper, V.P.Operations, Robert Q uig, etc. 4 services \$21.72	B
5-1-70	Pretrial conference held. Order parties to each submit memorandum on May 14, and cause set on May 15, 1970 at 3:30 p.m. for pretrial Conference and to rule on objections to certain documents and to set briefing schedule on the merits -Robson, J. Mailed Notice 5-4-70	B

(CONTINUED)

D.C. 110A Rev. Civil Docket Continuation

DATE	PROCEEDINGS	J
5-11-70	On court's motion order cause reset from May 15, to June 9, 1970, at 9:15 a.m. for pretrial conference to rule on objections etc., and to set briefing schedule on the merits - Robson, J. Mailed Notice 5-13-70	B
5-12-70	Filed Subpoena ad testificandum returned served on Glen W. Beeman-\$2.	
5-12-70	Filed Subpoena ad testificandum returned served on M.A.Shumate.\$2.	B
5-12-70	Filed Defendants' motion to strike certain Government exhibits.	B
5/13/70	Filed Notice	
5/13/70	Filed Motion for extension of time	
5/13/70	On plaintiffs motion, there being no objection, order time for plaintiff to file its memorandum in opposition to defendants Memo in support of defendants motion to strike certain government exhibits hereby extended to May 20, 1970, Robson, J. Mailed Notices 5/14/70	
5-20-70	Filed Notice	
5-20-70	Filed Government's memorandum in opposition to defendants' memorandum in support of its motion to strike certain Government Exhibits*/	B
6-8-70	On Court's motion order cause reset from June 9 to June 30, 1970 at 2 p.m. for ruling on objections to certain documents and to set briefing schedule on the merits - Robson, J. Mailed Notice 6-8-70	B
6-8-70	Filed deposition subpoena returned served on George H. Shipley.\$2.24	B
6-8-70	Filed Defendants' reply memorandum to the Government's memorandum in opposition to defendants' motion to strike certain Government Exhibits.	B
6-15-70	Filed Notice	
6-15-70	Filed Response to Defendants' Reply to Government's memorandum regarding objections to Government Exhibits	B
6-30-70	On Court's motion order cause reset from June 30, to July 1, 1970, at 9:15 a.m. for pretrial conference etc. Robson, J. Mailed Notice 7-1-70	B

(CONTINUED)

DATE	PROCEEDINGS	Date of Judgment
7-15-70	Filed motion to strike defendants' objections to the testimony of Frank F. Kolbe.	k.
7-16-70	Filed Notice of filing motion to strike defendants' objections to the testimony of Frank F. Kolbe.	B
7-24-70	Filed response of defendants to motion of plaintiff to strike defendants' objections to the testimony of Frank F. Kolbe	S
8-3-70	Filed Government's post trial brief, (findings of fact and conclusions of law).	B
8-4-70	Filed Notice of filing Government's post trial brief.	B
8/24/70	Filed Stipulation	
8/24/70	Filed Brief of defendant Northwest Industries	
8-28-70	Filed Corrections to Government's post trial brief, findings of fact and conclusions of law filed August 3, 1970.	B
9-4-70	Filed Notice of Motion	
9-4-70	Filed Defendants' motion and affidavit of Reuben L. Hedlund	
9-4-70	Motion to extend time to file post-trial brief entered and continued to September 9, 1970 before Judge Robson - Austin, J. Mailed Notice 9-8-70	B
9-9-70	Order time within which defendants may file their reply to plaintiff's post trial brief, findings of fact and conclusions hereby extended to and including October 12, 1970 and cause set for report on status on October 19, 1970 at 10 a.m.-DRAFT- Robson, J. Mailed Notice 9-10-70	B
10-13-70	Filed notice; defendants motion; affidavit of Reuben L. Hedlund	
10-13-70	On defendant's motion order time for defendants to file their post trial brief, proposed findings of fact and conclusions of law, and their reply to plaintiffs proposed findings of fact and conclusions of law hereby extended to and including October 26, 1970 and cause reset from October 19, 1970 to November 5, 1970 for report on status. - Robson, J. Mailed notices 10-14-70	k

D. C. 110A Rev. Civil Docket Continuation

DATE	PROCEEDINGS	J Ju
10-27-70	Filed defendant's reply to plaintiff's proposed findings of fact and conclusion of law	
10-27-70	Filed Defendant's Post-Trial Brief. cb	
10-27-70	Filed notice of finding of fact and conclusions of law, and defendant's proposed findings of fact and conclusions of law, and the defendant's post trial brief. cb	
11-5-70	Filed correction to defendant's reply to plaintiff's proposed findings of fact and conclusion of law.	
11-5-70	Order plaintiff's reply brief to be filed on or before January 10, 1971. Order leave to defendant to file instant correction to defendant's reply to plaintiff's proposed findings of fact and conclusions of law. - Robson, J. Mailed notices 11-6-70 cb	
1-11-71	Filed Government's Notice and Proof of service. ij	
1-11-71	Filed Government's response to Defendants proposed findings of fact and conclusions of law. ij	
1-14-71	Filed Notice and Proof of Service.	
1-14-71	Filed Plaintiff's Post Trial Reply Brief. ij	
3-2-71	Pretrial conference held. Cause remains under advisement on the merits.-Robson, J. Mailed notices 3-3-71. ij	
3-8-71	Enter agreed order permitting sale of one-half interest in Midwest Towing Company, Inc., with proceeds of sale to be placed in escrow. -Robson, J. (DRAFT) Mailed notices 3-9-71. ij	
5-21-71	Filed Government's Notice of Motion & Motion for Leave to File Attached Post Trial Motion & Plaintiff's Motion that the Court take Judicial Notice of the Decision of the Federal Trade Commission in the Matter of Kennecott Copper Corporation, Issued May 5, 1971. RC	
6-1-71	Filed Defendants response to plaintiffs request that the court take Judicial Notice of the decision of the FTC with respect to the Kennecott Peabody merger (continued)	

DATE	PROCEEDINGS	Date of Judgment
6-1-71	<p>Order plaintiffs motion that the court take judicial notice of Decision in the matter of Kennecott Copper Corp. entered and continued to June 8, 1971, with leave to defendants to file response to motion instant-<u>Robson, J.</u></p> <p>Mailed notices 6-1-71</p>	P
6-4-71	<p>Filed plaintiff's motion to strike as not responsive "Defendants' response to plaintiff's request that the court take judicial notice of the decision of the FTC with respect to the Kennecott-Peabody Merger" or in the alternative that neither of said post-hearing filings be received.</p>	k..
6-8-71	<p>Enter order denying the motion of the government asking this court to take judicial notice of a recent decision of the Federal Trade Commission and striking the defendants response to the motion. The decision in question arises out of a matter discussed in the parties post trial briefs. The court will therefore permit the filing of the Commission's opinion as a supplementary citation to the Government's brief. However, the court will not reopen the taking of evidence or allow further argument under the circumstances presented here. The defendants brief containing evidentiary matter and further argument, is therefore improper and must be stricken-<u>Robson, J.</u></p> <p>Mailed notices 6-9-71</p>	P
4-6-72	<p>Cause is set for Thursday, April 13, 1972 at 10:00 A.M. for decision on the merits. <u>Robson, J.</u></p> <p>Mailed notices 4-6-72</p>	sjh
4-13-72	<p>It is ordered that judgment be and it is hereby rendered for the defendants. It is further ordered that the complaint be and it is hereby dismissed. It is further ordered that costs be assessed against the plaintiff. (Draft) <u>Robson, J.</u> (JS-6)</p> <p>Mailed notices 4-13-72</p>	sjh
6-7-72	<p>Filed notice of appeal to the Supreme Court of the U.S. by the United States of America.</p>	k
10-27-72	<p>It is hereby ordered that all funds presently deposited under the terms of Escrow Agreement dated March 11, 1972 between United Electric Coal Companies and the First National Bank of Chicago are to be released to the United Electric Coal Companies upon presentation of a certified copy of the Order and the escrow dissolved. Within 30 days of completion of the purchases referred to in the Order, the United Electric Coal Companies shall file with the Court, and plaintiff, a copy of all receipts for payment for such purchases. (DRAFT) <u>ROBSON, C.J.</u></p> <p>Mailed notices 10-31-72.</p>	lam

D. C. 110A Rev. Civil Docket Continuation

DATE	PROCEEDINGS	D: Jud
12-18-72	Filed certified copy of order from Supreme Court of the United States: The statement of jurisdiction in this case having been submitted and considered by the Court, probable jurisdiction is noted.	Y
12-22-72	Filed letter dated December 19, 1972 from Supreme Court of the United States, re transmitting of Record under Rule 16(6).	Y
2-1-73	Enter order: Entry of agreed order permitting Clerk of the District Court to transmit to the Clerk of the U.S. Supreme Court the originals from the Record in lieu of copies-Draft-Austin, J. Mailed notices 2-5-73	
2-5-73	Filed depositions of Frank Frederick Kolbe in 12 volumes.	
2-5-73	Filed deposition of Harold S. Walker, Jr.	
2-5-73	Filed deposition of P. W. Dorrance,	
2-5-73	Filed deposition of George P. Gamble,	
2-5-73	Filed deposition of Bernard W. Schotters.	
2-5-73	Filed deposition of Leroy M. Abramson.	
2-5-73	Filed deposition of Abraham Gerber.	
2-5-73	Filed deposition of John Paul Weir.	
2-5-73	Filed deposition of Leon King.	
2-5-73	Filed deposition of Jack A. Simon.	
2-5-73	Filed deposition of John P. Nix.	
2-5-73	Filed deposition of Aldo P. Brazzale.	
2-5-73	Filed deposition of Josephine C. Burton	
2-5-73	Filed deposition of William J. Stanley.	
2-5-73	Filed deposition of William D. Stiehl.	
2-5-73	Filed deposition of Thomas N. Ward.	
2-5-73	Filed deposition of John Samuel Moore.	
2-5-73	Filed deposition of Joseph J. Gallagher.	
2-5-73	Filed deposition of William L. Kurtz.	
2-5-73	Filed deposition of Reuben A. Redard.	
2-5-73	Filed deposition of Harry B. Gaunt.	
2-5-73	Filed deposition of Winford C. Peterson.	
2-5-73	Filed deposition of John E. Organ.	
2-5-73	Filed deposition of Gordon J. Morrison	
2-5-73	Filed deposition of S. Smith Griswold.	
2-5-73	Filed deposition of Hugh E. Petersen.	
2-5-73	Filed deposition of Bruce C. Netschert.	
2-5-73	Filed deposition of Peter O. Steiner in two volumes.	

Continued

DATE	PROCEEDINGS	Date Judgm
2-5-73	Filed deposition of Thomas H. Latimer in two volumes	
2-5-73	Filed deposition of John M. Morris in two volumes.	
2-5-73	Filed deposition of Robert H. Inman.	
2-5-73	Filed deposition of Joseph C. Tabor.	
2-5-73	Filed deposition of Thomas J. Tarzy.in two volumes.	
2-5-73	Filed deposition of B.H. Sloane.	
2-5-73	Filed deposition of John P. McGuire	
2-5-73	Filed deposition of Harold K. Pedersen.	
2-5-73	Filed deposition of Charles W. Stadell.	
2-5-73	Filed deposition of Martha Terleke.	
	(depositions 2-5-73 In One Box)	Y
2-12-73	Filed Plaintiff's Exhibits in Twenty (20) VOLUMES.	Y
2-12-73	Clerk's file copy of transcript of proceedings had before Hon. Edwin A. Robson, on March 26, 1979, May 1, 1979 in 2 volumes, July 8, 1969, July 14, 1969, Septamber 4, 1969, October 3, 1969 November 5, 1969, January 30, 1970, February 13, 1970, March 4, 1970, March 13, 1970, March 30, 1970, April 7, 1970 in 2 volumes, April 8, 1970 in 2 volumes, April 9, 1970 in 2 volumes, April 13, 1970 in 2 Volumes, April 14, 1970, April 15, 1970 in 2 volumes, April 16, 1970 in 2 Volumes, April 17, 1970, April 20, 1970 in 2 volumes, April 21, 1970 in 2 volumes, April 22, 1970 in 2 volumes, May 1, 1970, March 30, 1970 in 2 volumes, March 31, 1970 in 2 volumes, April 1, 1970 in 2 volumes, April 2, 1970 in 2 volumes, April 3, 1970, April 6, 1970 in 2 volumes, June 30, 1970 and June 8, 1971, Filed by the Official Court reporter in 48 Volumes.	Y
2-15-73	Filed Defendant's Exhibits in 21 Volumes.	Y
2-22-73	Transmitted Original documents to the SUPREME COURT OF THE UNITED STATES in four volumes. For the sake of convenience 53 volumes of transcript of proceedings 54 volumes of depositions and plaintiffs and defendants Exhibits transmitted under separate certificate. (COMPLETE RECORD WAS MAILED IN NINE(9) CARTONS.)	
3-8-73	Filed Defendants Middleton Dep. Ex. 1 & 3, Middleton Dep. Ex. 4& 5; Deposition exhibits Vol. 111-A, Defendants exhibits Vol. 111-B, Deposition Exhibits Vol. 1, and Vol. 11, and One Volume with Middleton deposition, Kurtz Deposition with Exhibits 7 Volumes. Weir Dep. Exhibit 1, and Nugent Exhibit 38 in 2 tubes.	

D. C. 110A Rev. Civil Docket Continuation

DATE	PROCEEDINGS	D. Jud
3-9-73	Filed receipt from U.S. Supreme Court of the United States re transmittal of Record.	
3-15-73	Certified and transmitted to United States Supreme Court supplement to Record heretofore certified to your Court on February 22, 1973 consisting of defendants' exhibits in 3 parcels. Y	
5-11-73	Filed Submission by defendants pursuant to Order of October 27, 1972, with attachment. Y	
10/9/73	Pursuant to agreement of the parties, it is ordered that, the United Electric Coal Companies may sell approximately 108 acres of stripped-over land which it owns in Vermillion County, Illinois at the former Mary Moore Mine to Roert Sexton, Robson, J-DRAFT Mailed notices 10/11/73. G	
11/20/73	Filed Defendants Notice of Motion with Request of an Order Approving the Sale of Certain Real Estate, and exhibits attached. G	
11/20/73	Filed Defendants Request for an Order approving the Sale of Certain Real Estate and exhibits, A thru H. G	
11/20/73	Enter order, governments to file within ten days their schedule with respect to defendants request for an order approving the sale of certain real estate and cause continued to December 20, 1973 at 10:00 a.m. Robson, J Mailed notices 11/23/73. G	
11/27/73	Filed Plaintiff-Appellees request for supplemental record. G	
11/28/73	Transmitted Certified Supplemental Record on Appeal to the United States Supreme Court, at the request of the defendant, appellee with <u>original</u> records. G	
11-28-73	Filed Receipt for certified Mail #843401 re record to Supreme Court Y	
12/3/73	Filed Plaintiffs Report of Investigation of Proposed Sale by the Defendant of United Electric Banner Mine Properties. G	
12-19-73	Enter agreed order that the time within which plaintiff is required to submit final report and recommendation respecting sale by defendant of certain properties continued to and including January 21, 1974. Further ordered cause set for status report January 21, 1974 at 10:00a.m. (Draft) ROBSON, J. Mailed notices 12-20-73	sr

Continued

DATE	PROCEEDINGS	Date Judgm
1-9-74	Filed receipt No. 843401 re record of Supreme Court.	T
1-21-74	Enter agreed order approving the sale of certain real estate as set forth -- DRAFT-- Robson,J Mailed notices 1-22-74	P
3-25-74	Filed opinion from the Supreme Court of the United States.	P
3-25-74	Enter Order Agreed Order to Dissolve Escrow. --DRAFT-- Robson,J. Mailed notices 3-26-74.	P
3-29-74	Filed Bill of Costs.	P
4-22-74	Filed Opinion from Supreme Court of the United States, Affirmed.	P
7-23-74	Filed amended Bill of costs	
7-23-74	Enter Bill of costs in the amount of \$21,511.03 (taxed)	ij
3/4/75	Received complete record from the United States Supreme Court consisting of 53 volumes of transcripts of proceedings, 54 volumes of depositions, plaintiffs and defendants exhibits, supplemental record transmitted March 15, 1973, November 28, 1973. (with the exception of Nugent ex. #38.	G
4/8/75	Filed plaintiffs receipt of exhibits-consisting of 15 black binders, and 5 brown expandable folders.	G
4/14/75	Filed defendants receipt for 21 volumes of defendants exhibits consisting of 7 large blue binders, 8 black binders, and 6 manila expandable folder.	G