

FAH

DOCKET

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44251

Clark

TITLE OF CASE

ATTORNEYS

JOHN P. MAGUIRE & CO. INC. A CORPORATION

For Plaintiff: HELLER, EHRLMAN,

PLAINTIFF

WHITE & MC AULIFFE 44

VS

MONTGOMERY ST. S.F.

CONTINENTAL TV INC. A CORPORATION ET AL

DEFENDANTS

For Defendant:

CLOSED

CROSSING CARD PREPARED

Sidney Rudy, et al.
369 Pine St. S. F.

~~Foley, Hoag & Eliot, =~~
~~10 Post Office Square, =~~
~~Boston, Mass. (Asso) =~~

Johnson, Miller & Giannini
700 First Natl Bank Bldg.
San Jose, Calif.

BASIS OF ACTION: COMPLAINT FOR DEBT AND POSSESSION OF
PERSONAL PROPERTY-DIVERSITY

JURY TRIAL CLAIMED DEFT & CROSS COMPLAINANT (JURY)

ON April 8, 1966

[illegible]

SEALED EXHIBITS

PHYSICAL EXHIBITS

FRC ACCESSION

BOX NO.

LOCATION

ABSTRACT OF COSTS

TO WHOM DUE

AMOUNT

25-1-20

OCT 12 1965

RECEIPTS, REMARKS, ETC.

RE-OPEN 5-4-76

JS - 3

JOHN P. MAGUIRE ETC VS CONTINENTAL TV INC. ETC ET AL

442

DATE	FILINGS—PROCEEDINGS	AMOUNT REPORTED IN EMOLUMENT RETURNS
1965		
Oct 12	1 Filed complaint and issued summons	
	Issued writ of attachment	
12	2 Filed affidavit of M. Laurence Popofsky in support of attachment and issued writ of attachment, as to deft. Continental TV, Inc.	
12	3 Filed undertaking for attachment in sum of \$95,000.00	
Nov 1	4 Filed stip. & order ext. time for defts. to plead, to November 22, 1965.	(Sweigert
22	5 Filed answer of defts. Continental T.V., Inc., A.& G Sales, Sylpac, S.A.M. Industires, sued as John Doe Co., George N.Shahood and Margaritha H. Shahood; counterclaims of Continental T.V., Inc., A & G Sales, Sylpac, Inc. and S.A.M. Industries; cross-claim of Continental T.V., Inc. A.&G Sales, Sylpac, Inc and S.A.M. Industries against John P. Maguire & Co. Inc., a corp and Sylvania Electric Products, Inc., a corp and Does 1 through 25.	
23	6 Filed summons, executed Oct. 13, 1965.	
23	7 Filed notice by defts & x-claimants of motion for order making Sylvania Electric Products, Inc. a deft. to the cross-claim, Dec. 6, 1965, 10:30 A.M. with supporting memo & affidavit of Wayne H.White, Attached.	
23	8 Filed writ of attachment, levied & released.	
Dec 6	9 Filed order that Sylvania Electric Products, Inc., be made a deft to the cross-claim and that summons be served.	(Harr
10	10 Filed notice by defts. of motion for order reducing amount of defts' bond., Dec. 20, 1965, 10:30 A.M. with supporting memo & affidavit of George N.Shahood, attached.	
16	11 Filed notice by plttf. of taking deposition of Webster F.Allen.	
16	12 Filed notice by plttf. of taking deposition of George H.Shahood.	
17	13 Filed memo by plttf. re mo to reduce bond.	
17	14 Filed amended affidavit of M. Laurence Popofsky in support of attachment.	
17	15 Filed stip. & order ext. time for x-deft. J. P. Maguire & Co. Inc. to plead to the answer, counterclaim & crossclaim to & including January 17, 1965.	(Burke)
20	Ord., aft. hrg., deft's. mo for order reducing amount of bond, denied; a formal order to be prepared.	(Harris)
22	16 Filed order denying defts' mo for order reducing amount of deft's bond.	(Harris)
(See Sheet "B")		

CIVIL DOCKET

DATE		FILINGS—PROCEEDINGS	CLERK'S FEES		AMOUNT REPORTED IN EMOLUMENT RETURNS
			PLAINTIFF	DEFENDANT	
1966					
Jan 6	17	Filed return on service of summons, executed Dec. 14, 1965, as to Sylvania Electric Products, Inc.			
10	18	Filed stip. & order that J.P. Maguire & Co. Inc., plttf. & x-deft. and Sylvania Elec. Products Inc., x-deft. may have to & including Jan. 25, 1966 to plead. (Wollenberg)			
11	19	Filed undertaking on attachment (claim & delivery) in the sum of \$155,138.66)			
11	20	Filed return on attachments (claim & delivery) executed.			
11	21	Filed undertaking for release of attachment, in the sum of \$95,000.00			
14	22	Filed interrogs. (1st set) by John P. Maguire & Co. Inc. and Sylvania Electric Products Inc. to defts.			
25	23	Filed reply of plttf. to counterclaim.			
25	24	Filed notice & Motions by plttf. & x-defts. to dismiss x-claim & the 2nd, 3rd, 4th & 5th causes of action, Feb. 7, 1966, 10:00 A.M.			
27	25	Filed memo by x-defts in support of mo to dismiss.			
28	26	Filed stip. & order ext. time ^{for defts} to ans. interrogs. to Mar. 31, 1966 & cont. dep. of George N. Shahood to Apr. 12, 1966. (Burke)			
Feb 2	27	Filed stip. & order cont. mo. to dismiss x-claims of John P. Maguire & Co. & Sylvania Elec. Products, to March 8, 1966, 10:00 A.M. (Burke)			
7		Ord., on stip., mo. to dismiss cont'd. to Mar. 7, 1966. (Burke)			
Mar 3	28	Filed by x-claimants, motion to drop parties, motion to amend and amendment of cross-claim (proposed).			
4	29	Filed stip. & order on cross-claim, dropping parties & adding a party, allowing filing amendment to x-claim and motion mo. to dismiss x-defts. dropped from cal., without prej. to said x-defts filing a like mo. at a future time. (Burke)			
7		Ord., on stip., motion to dismiss off calendar. (Burke)			
30	30	Filed stip. & order ext. time for defts. & x-claimants to ans. interrogs. of John P. Maguire & Co. & Sylvania Electric Products, to May 15, 1966 and cont. dep. of George N. Shahood & dep. of Webster Allen to June 1, 1966. (Zirpoli)			
Apr 8	31	Filed defts & cross complainants demand for jury trial			
20	32	Filed notice by defts of taking deposition of Lee French			
20	33	Filed notice by defts. of taking deposition of Don Carroll.			
20	34	Filed notice by defts. of taking deposition of J. Halliday.			

DATE 1966	FILINGS-PROCEEDINGS	CLERK'S FEES		AMOUNT REPORTED IN EMOLUMENT RETURNS
		PLAINTIFF	DEFENDANT	
Apr 20	35 Filed notice by defts. of taking deposition of Bud Petrick.			
20	36 Filed notice by defts. of taking deposition of Keith Anderson.			
20	37 Filed notice by defts. of taking depositions of James (Jim) Hinz.			
20	38 Filed notice by defts. of taking deposition of Robert Mark.			
22	39 Filed answer of plttf. to cross-claim.			
May 5	Issued dep. subps.(2) on behalf of deft., as to deponets, Keith Anderson and Robert Mark.			
5	40 Filed stip. & order cont. dep. of Keith Anderson to May 16, 1966 and cont. dep. of Robert Mark to June 2, 1966.			(Zirpoli)
12	41 Filed answer of defts. to plttf's. interrogs.			
12	42 Filed dep. subp., executed May 6, 1966, as to Keith Anderson.			
20	43 Filed summons on x-claim, executed Dec. 14, 1966, as to Sylvania Elect Products, Inc.			
27	44 Filed dep. subp. executed May 16, 1966, as to Robert Mark.			
Jul 29	45 Filed interoggs by defts. to x-claimants.			
Oct 4	46 Filed deposition of Thomas J. Lea.			
11	47 Filed stip. & order ext. time for x-deft. Sylvania Electric Products, Inc. to plead, to Nov. 20, 1966.			(Sweigert)
14	48 Filed deposition of Robert W. Callahan.			Alfred C. Viebra
19	49 Filed dep of John A. Lettiere, John J. Pierson, A. David Russell and /			
21	50 Filed stip. & order associating the firm of Foley, Hoag and Eliot and Lawrence A. Sullivan as attys for defts. & x-compltns. (Sweiger			
21	51 Filed notice by defts. of taking dep. of A. F. Mayer & issued subp.			
21	52 Filed notice by defts of taking dep. of Harry Goodfriend & issued sub			
21	53 Filed notice by defts. of taking depl of Boyd Ferguson & issued subp			
25	54 Filed dep. subp. d.t., exec. Oct. 21, 1966, as to A. F. Mayer.			
27	55 Filed dep. subp., exec. Oct. 24, 1966, as to Boyd Fersuson.			
Nov 2	56 Filed dep. subp. d.t., exec. as to Harry Goodfriend, Oct. 25, 1966.			
18	57 Filed notice of taking dep of John Dolan.			
	58 Filed notice of taking dep of Paul Foss.			
	59 Filed notice of taking dep of Ralph Patterson.			
21	60 Filed responses of plttfs. John P. Maguire & Co. and Sylvania Elec. Products, Inc. to deft's. interrogs.			
21	61 Filed notice by plttfs. Maguire & Co. & Sylvania Elec. of motion for protective order, Dec. 19, 1966, 10:00 A.M., with supporting memo attached.			
21	Lodged proposed order by plttfs.			
	(See Sheet "C")			

DATE	FILINGS—PROCEEDINGS		CLERK'S FEES		AMOUNT REPORTED IN EMOLUMENT RETURNS
			PLAINTIFF	DEFENDANT	
1966					
ov 21	62	Filed notice by plttfs. of hrg. on objections to interrogs., Dec. 19, 1966, 10:00 A.M., with said objections attached and supporting papers attached.			
21		Lodged proposed order by plttfs.			
23	63	Filed depositions of J. Lee Lockard, Thomas D. Rivers and Ray J. Steiner, Aug. 29, 1966.			
23	64	Filed depositions of J. Lee Lockard, Thomas D. Rivers and Ray J. Steiner, Aug. 30, 1966.			
23	65	Filed deposition of Donald E. Pedlow.			
25	66	Filed 3 dep. subps. unexecuted as to Paul Foss, Ralph Patterson and John Dolan.			
25	67	Filed notice by defts. of taking dep. of Paul Foss and issued subp.			
25	68	Filed notice by defts. of taking dep. of Ralph Patterson and issued subp.			
25	69	Filed notice by defts. of taking dep. of John Dolan and issued subp.			
ec 1	70	Filed 3 dep. subps. d.t. exec. Nov. 28, 1966, as to Paul Foss, Ralph Patterson & John Dolan.			
7	71	Filed deposition of Ray J. Steiner.			
12	72	Filed stip & order continuing hearing on objections to interrogs & motion for protective order from Dec. 19, 1966 to Jan 9, 1967 RFP			
16	73	Filed stip & order continuing depositions of Paul Foss, Ralph Patterson & John Dolan from Dec. 13, 1966 to Dec. 22, 1966 Sweigert			
19		Ordered motion for protective order and objections to interrogs. dropped from the calendar			Peckham
28	74	Filed memo by defts. opposing mo. of Sylvania for protective order.			
28		Lodged order by defts. re protective order.			
28	75	Filed memo by defts. opposing objns by x-deft Sylvania Elec. to deft's 1st interrogs.			
28		Lodged order by deft. re objns to interrogs.			
30	76	Filed notice by Dun & Bradstreet of motion to quash subp. d.t., Jan 16, 1967, 10:00 A.M., with supporting papers attached.			
1967					
an 4	77	Filed closing memo of Sylvania Electric Products Inc. supporting objns. to deft's. interrogs.			
4	78	Filed closing memo of Sylvania Electric Products Inc. in support of mo. for protective order.			

DATE		FILINGS—PROCEEDINGS	CLERK'S FEES		AMOUNT REPORTED IN EMOLUMENT RETURNS
			PLAINTIFF	DEFENDANT	
1967					
Jan 9	79	Filed wooden box containing document as answers to deft's interrogs. & ordered that the said documents be limited to the use, inspection & observation of ONLY the attorneys of record in this case and their respective clients. (Judge Carter per L. B. PATTERSON, Dep. C. Ord after hearing protective order granted for exhibits presented in answer to interrogs & said exhibits limited to Attys. & parties in this case			Carter
	12	80. Filed defts'. memo. of points & auth. in opposition to mo. by Dun & Bradstreet to quash subps. duces tecum.			
Jan 11	81	Filed order objections by cross deft Sylvania Electric Products Inc. to 1st interrogs by defts & cross claimants denied & that the responses to the first interrogs filed by cross deft Sylvania Electric Products Inc. are declared to be full & complete responses			Carter
	82	Filed order re schedules & information filed by Sylvania in response first interrogs of defts & cross claimants to be kept confidential by attorneys of record for defts & cross claimants etc			Carter
13	83	Filed stip & order continuing hearing on motion of Dun & Bradstreet to quash subpoena duces tecum from Jan 16, 1967 to Feb. 6, 1967			Carter
16	84	Ordered cont to Feb 6, 1967 by stipulation on hearing motion to quash subpoena duces tecum			Sweiger
17	85	Filed stip & order continuing depositions of Paul Foss, Ralph Patterson & John Nolan to Feb. 9, 1967			Sweigert
19	86	Filed order respecting objns of Sylvania Electric Products to deft's interrogs.			(Carter)
19	87	Filed order respecting mo. of Sylvania Elec. for protective order. (Carter)			
Feb 2	88	Filed closing memorandum in support of motion to quash subpoena duces tecum			
	89	Filed supplemental affid of Paul F. Foss			
6		Ordered motion to quash subpoena duces tecum disposed of by stipulation Pillsburys office to present order			Carter
7	90	Filed order vacating orders filed Jan 11, 1967 as docket entries no. 81 & 82 said order to have no effect on orders filed on Jan. 19, 1967			Carter
	91	Filed stip & order re subpoenas duces tecum			Carter
April 19	92	Filed dep of Thomas D. Rivers Page 557 to 652			
	93	Filed dep of Thomas D. Rivers Page 653 to 966			
	94	Filed dep of Thomas D. Rivers Page 967 to 1070			
July 6	95	Filed deposition of Robert Theis			

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DATE	FILINGS—PROCEEDINGS	CLERK'S FEES		AMOUNT REPORTED IN EMOLUMENT RETURNS
		PLAINTIFF	DEFENDANT	
1967				
Nov 7	96 Filed notice of taking deposition of Robert Badger			
22	97 Filed dep. subp. d.t. exec. Nov. 15, 1967, as to Robert Badger, El Macero County Club, Davis, Calif.			
1968				
April 10	98 Filed notice of taking deposition of John Thornhill & issd subpoena			
24	99 Filed subp. duces tecum on return, ex. as to John Thornhill			
Nov 8	100 Filed notice of taking deposition of Edward McGough			
20	101 Filed dep subpoena executed as to Edward McGough			
Dec 17	102 Filed notice of taking deposition of Robert W. Stockman			
1969				
May 2	103. Filed stip. & ord. for pltfs & cross-defts. that all documents produced by pltfs & Cross defts on 4-30-69 kept confidential.			
14	104 Filed memo by defts & x-claimants to set for trial.			
Aug 19	105 Filed pltfs. John P. Maguire & Co and Sylvania Elec. Prod. notice of motion and motion to comply with Rule 2 and assigned to one Judge, Sept. 2, 69, 10AM, Master Cal.			
20	106 Filed notice & Motion by Pltff. & x-deft. John P. Maguire & Co. & x- deft. Sylvania Electric Products Inc. for ext.of time to comply with rule 2 and to assign case to a Judge, Sept.2,1969, 10 A.M., with supporting papers attached.			
Sept. 2	ORD aft hrg, pltfs mo as to Rule2-C granted, discovery to remain open until Nov. 28,69.			
8	107 Filed order ext.time for x-deft. John P. Maguire & Co. and Sylvania Electric Products Inc. to comply with Rule 2 IR, to Nov. 28, 1969; mo. for order trnasferring proceddings, denied without prejudice,etc. (Wollenberg)			
Oct 24	108 Filed notice & Motion by defts. to exempt action from pre-trial procedures and request for prelim pre-trial conf., Oct.31,1969 10 A.M., with supporting affidavit of Glenn E. Miller, attached.			
24	Lodged order (Proposed) by defts.			
Oct 31	109 Ord case assigned to Judge Carter & set for hearing 11-14-69 at 10 a. m. (Clerk)			
Nov 14	Ord set for pre=trial conf. on Feb 5, 1970 at 10 a. m.			
Dec 31	109 Filed Defts & Cross-Claimants' First pre-trial brief.			

DATE	FILINGS-PROCEEDINGS	CLERK'S FEES		AMOUNT REPORTED IN EMOLUMENT RETURNS
		PLAINTIFF	DEFENDANT	
1970 Jan 27	110. Filed ltr of Johnston, Miller & Giannini, dtd 26 Jan 70. Re Proposed Agenda- for Feb 5, 1970.			
Feb 5	Ord, after colloquy with counsel, Pltiff to file Mo with supporting by Apr 30, 1970, Deft to reply by May 28, 1970 & to come on for hrg June 4, 1970 at 2 p.m. Fur ord. set for 6-wks jury trial Sept 28, 19 Counsel to submit proposed Ord.			Carte
17	111. Filed Cross-Defts Pretrial Ord No. 1 set for June 4, 1970 at 2 p.m.			
Mar 2	112. Filed Deposition of Gerald A. Smith.			
Apr 2	113. Filed Deposition of Marvin Owen Prior.			
April 10	114. Filed Deposition of Robert Howe.			
Apr 30	115 Filed notice of motion by Pltiff's and motion for summary judgment (or pretrial summary judgment) for June 4-70 at 10 AM			
May 4	116 Filed Clerk's notice of continuance of motion for Summary Judgment to June 5, 1970 at 10 AM			
May 7	117 Filed Pre Trial Brief of Pltiff & Cross Deft			
May 7	Lodge Propose Order Re Motion to Suppress			
May 7	Lodge Proposed Order Re Motion for Summary Judgment			
June 1	118 Filed Cross-Claimant's memorandum of points and authorities in opposition to Cross Deft's motion for Summary Judgment (or Partial Summary Judgment) with exhibits attached			
June 1	119 Filed Cross-Claimant's memorandum of Points and Authorities in opposition to Cross Defendant's motion to suppress			
Jun 4	Ordered after hearing argument of counsel, Pltiff's motion for summary judgt. SUBMITTED. Deft read into the record a series of Stipulation which will be presneted for filing as pre trial Order No. 2. Ordered Motion to Suppress, and other pre trial jatters cont. to July 28-79 at 2 PM for hearing CARTER			
	To sheet "E"			

TE 7 0	PROCEEDINGS	Date Order or Judgment Noted
10	Mailed notice of conference before Justice Tom C. Clark, June 23, 1970 at 3: PM	(Clerk)
23	Conference held. Order case for pre trial July 20-70 at 2 PM and jury trial Sept 21-70 at 9:30 AM Tom C. Clark	
29	120 Filed Deposition of Robert R. Cadinha of Apr 27-67	
29	121 Filed Deposition of Kenneth Lopolito of Sep 30-66	
29	122 Filed Deposition of Albert E. Bartock of Aug 17-67	
29	123 Filed Deposition of John R. Thornhill of June 17-68	
29	124 Filed Deposition of Raymond T. Carroll of Mar 31-67	
29	125 Filed Deposition of Jack R. Gardner of Mar 31-67	
29	126 Filed Deposition of John Higuera of Mar 31-67	
29	127 Filed Deposition of John F. Klein of Mar 31-67	
29	128 Filed Deposition of John Dolan of Feb 9-67	
29	129 Filed Deposition of Ralph R. Patterson of Feb 9-67	
29	130 Filed Deposition of Richard W. Heldridge of Sept 27-67	
29	131 Filed Deposition of Emerson D. Quick of Sept 27-67	
29	132 Filed Deposition of Harold L. Murphy of Sept 27-67	
29	133 Filed Deposition of Harold S. Butler, Jr. of Sept 27-67	
29	134 Filed Deposition of Lee French of June 1-66	
29	135 Filed Deposition of Lee French of May 24-66	
29	136 Filed Deposition of Lee French of May 23-66	
29	137 Filed Deposition of Lee French of May 31-66	
29	138 Filed Deposition of Robert Badger of Dec 14-67	
29	139 Filed Deposition of Donald W. Funk of Dec 14-67	
29	140 Filed Deposition of Nellie Fisher of Dec 14-67	
29	141 Filed Deposition of Lois Barnes of Aug 27-68	
29	142 Filed Deposition of Lois Barnes of July 9-68	
29	143 Filed Deposition of Robert D. Mark of Jun 2-66	
29	144 Filed Deposition of Thurlo W. Petrick of Jun 3-66	
29	145 Filed Deposition of Webster F. Allen of June 8-66	
29	146 Filed Deposition of John Thomas Morgan of Feb 3-67	
29	147 Filed Deposition of Keith V. Anerson of May 16-66	
29	148 Filed Deposition of Jay Halliday of May 23-66	
29	149 Filed Deposition of Philip N. Nabhan of Dec 4-68	
29	150 Filed Deposition of James William Hines of May 16-66	
29	151 Filed Deposition of Monty B. Peterson of Dec 14-67	
29	152 Filed Deposition of Dale L. Quist of Dec 14-67	
29	153 Filed Deposition of Gary M. Hooper of Aug 17-67	
29	154 Filed Deposition of Robert E. Wood of Aug 17-67	
29	155 Filed Deposition of Donald E. Carroll of June 1 & 2-67	
29	156 Filed Deposition of Eric C. Eitrem of Mar 28-67	
29	157 Filed Deposition of Calvin Savage of May 22-68	
29	158 Filed Deposition of Calvin Savage Vol II of May 23-68 with Exhibits attached	
29	159 Filed Deposition of Louis Cumpston of Mar 28-67 with Exhibits attached	
29	160 Filed Deposition of Douglass C. Maxwell of March 28-67 with exhibits attached	
29	161 Filed Deposition of George N. Shahood of June 15-66	
29	162 Filed Deposition of George N. Shahood of June 16-66	
29	163 Filed Deposition of George N. Shahood of Jun 17-66 with Exhibits attached	
29	164 Filed Deposition of Alfred F. Mayer of Nov 14-66 with exhibits attached	

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DATE	PROCEEDINGS	Date Or Judgment
1970		
Jun 29	165 Filed Deposition of Paul Foss of Feb 9-67 with Exhibits attached	
Jun 29	166 Filed Deposition of Harry Goodfriend of Nov 9-66 with Exhibits attached	
Jun 29	167 Filed Deposition of Boyd E. Ferguson of Nov 9-66 with Exhibits attached	
Jun 29	168 Filed Deposition of Edward James McGough of Dec 12-68	
Jun 30	169 Filed Reporter's Transcript of June 4-70	
Jul 9	170 Filed Deposition of Almon B. McCallum of May 19-70	
Jul 15	171 Filed Complaint for Debt & Account Stated money hand and received money Lent by Pltff	
Jul 15	172 Filed Pretrial Order No. 2 (Tom Clark)	
Jul 16	173 Filed 2nd amended cross-claim for Restraint of Trade & damage to Business and Property by Cross-Claimants	
Jul 17	174 Filed Affidavit of Wayne H. White in Opposition to motion to Suppress	
Jul 20	Pre Trial Conference held & Trial on cross-claim set for Sept 21-70 (Justice Tom C. Clark)	
Jul 20	175 Filed Admission of Receipt of Documents by Heller, Ehrman, White & McAuliffe of documents marked Exhibits A through FI	
Jul 23	On Court's own Order, it is Ordered that Deft's motion for a natural deposition reader denied (Tom C. Clark)	
Jul 24	176 Filed Order that said Pltff & cross-Deft's motion to suppress that certain tape recording prepared by Lee N. French & more particularly described in the Memorandum of Points & Authorities filed described in the Memorandum of Points & Authorities filed in support & in opposition to the motion to suppress is denied Tom C. Clark	
July 29	177. Filed ORDER Denying Motion for Summary Judgment	(Cart
Aug 5	178 Filed notice of taking Deposition of Cointin Lee, Issued Subp	
Aug 7	179 Filed Cross Deft's John P. Maguire & Co. & Sylvania Electric Products Inc. List of Witnesses Pursuant to Pretrial Order No. 2, Paragraph 3	
Aug 10	180 Filed Cross Claimants' Witness List & Request for production of Witnesses	
Aug 25	181 Filed Answer of Deft's to Pltff's complaint	
Aug 27	182 Filed Designation of Portion of Depositions to be offered for Admission into evidence by Pltff & Cross-Deft's	
28	183 Filed answer of pltff. to 2nd amended x-claim.	

(See Sheet "F")

(Clark)

10 Rev. Civil Docket Continuation

TE	PROCEEDINGS	Date Order or Judgment Noted
70		
31	184 Filed x-defts., John P. Maguire & Co., Inc. and Sylvania Electric Products. Incl list of witnesses pursuant to pre-trial order No. 2 Par. 3.	
1	185 Filed cross-claimants' designation of deposition testimony.	
14	186 Filed depositions of Clinton S. Lee	
15	187 Filed suppl. designation of deposition of Clinton S. Lee.	
15	188 Filed Sylvania and Maguire's proposed voir dire.	
15	189 Filed cross-claimants' request for instructions.	
17	190 Filed motion by plttf. to quash subp. a s to Lee N. French, with affidavit of C. John Samios, M.D. attached.	
17	191 Filed Sylvania-Maguire counterdesignation of deposition of Paul Foss.	
17	192 Filed Sylvania and Maguire's requested jury instructions (Partial)	
7	193 Filed plttfs. memo supporting deft's jury instructions advising jury that damages will be trebled.	
4	Jury trial, title of case change to effect Continental TV as claimant & Maguire (Sylvania) as deft.; stip. as to bifurcation of trial at Oct. 13 to Oct. 26, 1970; challenges increased from 3 to 4, all challenges not used on regular jury will be used on alternates (2 alternates); jury impaneled; ord. case cont'd. to Sept. 25, 1970, 9:30 A.M. to choose 2 alternate jurors and for further trial. (Clark)	
25	Further trial, 2 alt. jurors chosen, evid. introd., with jury absent, mo. to suppress, taken under advisement by Court; ord. case cont'd. to Sept. 28, 1970, 9:30 A.M. for fur. trial. (Clark)	
28	Further trial, evid. introd., with jury absent, deft's. mo. to suppress denied; ord. case cont'd. to Sept. 29, 1970, 9:30 A.M. for further trial. (Clark)	
28	194 Filed Claimants' memo re admissibility of evidence of Sylvania's salesmens telephone conversations.	
29	Further trial, evid. introd., order cont. to Sept. 30, 1970, 9:30 A.M. for further trial. (Clark)	
30	Further trial, evid. introd., ord. cont'd. to Oct. 1, 1970 at 9:30 A.M. for further trial. (Clark)	
1	Jury was returned, admonished & recessed to Oct 5, 1970 at 9:30 AM (Clark)	
5	195 Filed Sylvania & Maguires objs to cross-claimants request for instructions	
5	Exhibits DD etc. introd. in evid. cont to Oct 6, 1970 9:30 AM (CLARK) see over)	

Maguire vs Continental TV et al

DATE 1970	PROCEEDINGS	Date of Judgment
Oct 6	196 Filed Continental's objs to Sylvania's & Maguire's requested jury instructions	
6	197 Filed Cross-claimants notice of motion & Mo for partial summ jdgmt against Sylvania	
Oct 6**	Ord continued to Oct 7, 1970, 9:30 AM	(CLAR
Oct 7	198 Filed memo of points & author in support of request to exclude references to settlement	
Oct 7**	Trial continues. portions of a depos read. exhibits were introduced & admitted into evidence. Ord. cont Oct 8, 1970, 9:30AM (
Oct 8	Continuance of trial. Exhibits were introduced and admitted into evidence. Further trial cont to Oct 9, 1970, 9:30AM	(CLAR
Oct 9	199. Filed Continental's memo of points & author in support of mo for partial summ jdgmt	
Oct 9**	Exhibits Nos FU, FV, FW, EF, FX, FY, and FZ were introduced and admitted in evidence. Ord. cont to Oct 26, 1970, 9:30AM	(CLAR
Oct 20	200. Filed Pltf and cross-defts revised designation of depos of John A. Lettiere	
20	201 Filed pltf's and cross-defts revised designation of depos of Paul Foss	
Oct 26	Ord cont to Oct 27, 9:30AM	(
Oct 26	202 Filed depos of Richard M. Sanford of October 21, 1970	
26	203 Filed Continentals memo respecting Sylvania's related, unpleaded and xxxx unsupported "fair trade" defense	
26	204 Filed Defts memo to show that testimony of Lee E. Preston proffered by Sylvania would not be admissible evidence	
Oct 27	Ord. cont trial to Oct 28, 1970, 9:30AM	(CLAR
Oct 27	205 Filed Sylvania & Maguire's requested jury instructions No 23 (revised)	
27	206 Filed Sylvania & Maguire's requested Jury instruction no 31A	
27	207 Filed Sylvania & Maguire's requested jury instruction no 45A	
27	208 Filed Sylvania's & Maguire's requested jury instr. # 30A	
27	209 Filed Sylvania & Maguire's requested jury Instr no 31B	
27	210 Filed Sylvania & Maguire's requested jury inst # 30B	
Oct 27	211 Filed Pltf's and cross-defts memo of points and author in support of defts jury instr. advising jury that damages will be trebled	
Oct 27	212 Filed Sylvania & Maguire's objections to cross-claimants request for instructions	
27	213 Filed Continental's obj's to Sylvania's and Maguire's requested jury instr. numbers 46 thru 60	
27	214 Filed Sylvania & Maguire's requested jury instr # 31A	
27	215 Filed Sylvania & Maguire's requested jury instr # 31A error)	
27	215 Filed Proposed revisions of Continental T.V to pages 26 thru 29 of jury instructions	
Oct 28	216 Filed Memo of Sylvania & Maguire in oppos to Continentals mo for summ jdgmt and re issues to be tendered to Jury	
28**	It was stipulated that Code xx 05 in ref. is a designation of Credit Dept. for the installment Loan Admin at S. J. Crocker Citizens Bank. Ord cont to Oct 29, 1970, 9:30AM	(CLAR
29	Exhibits FC 77 and 78 were introd. and admitted in evidence. Ord. cont to Oct 30, 1970, 9:30 9:30A	(CLAR

TE	PROCEEDINGS	Date Order or Judgment Noted
30	Jury was admonished and excused from 11AM to 1:30PM counsel argued law before the court. Deft moved that all evid. of Expert Smith except testimony regarding 3 month period be stricken from record. mo denied. Deft argued memo for directed verdict against the contract Tort, and anti trust claims brought by claimant. Claimants mo for directed verdict as the anti trust claims of complaint was submitted. Ord fur tr cont to Nov 2, 1970, 9:30AM (Clark)	
2	Exhibits introd. in evid. Cont fur tr to Nov 3, 1970, 9:30AM (Clark)	
v 3	217. Filed supplemental jury instr requested by Sylvania & Maguire	
3**	exhibits were introd. & admitted. Ord hrs of arguments & charge Nov 4, 1970, 9:30AM (Clark)	
v 4	Ord. jury excused until Nov 5, 1970, 9:30AM (Clark)	
v 5	6PM jury and court reconvened, jury was excused for day Ord. fur tr cont to Nov 6, 1970, 9:30AM (CLARK)	
5	at 10:00AM jury requested fur reading of instr to jry. Court convened all counsel present. Jury retired for fur deliberation in custody of marshall. At 5:00PM jury requested a portion of jury instructions re Calif. law on Tort. 6:00PM jury rendered a verdict in the case per verdict form on file this date, being in favor of pltf in damages of 591,505.00 trebled. Jury polled by clerk, the Verdict found to be unanimous. Court adjourned (CLARK)	
6	218 Filed Verdict.	
16	219 Filed Cross defts notice of mo and mo for jdgmt notwithstanding the verdict, or in the alternative a new trial, on 1st day of court following entry of jdgmt herein at hr. of 4:30PM or int the alternative, on such other day and at such other time as the court may direct.	
17	220 Filed pltf's notice of mo & mo for summ jdgmt, twenty days after the filing of said mo as the court may designate	
v 24	221. Filed deft & cross XXXXXXXXXX claimants affid of Glean E. Miller in support of mo for cross claimants reasble atty's fees with exhibits	
24	222 Filed deft & cross claimants affid of Wayne White in support of order establishing atty's fees	
24**	223 Filed defts & cross claimants notice of mo and mo for cross claimants reasonable atty fees Dec 7, 1970, 4:30PM with supporting papers attached	
24	224 Filed defts & cross claimants notice of mo and memo of law in support of mo for findings of fact and conclusions of law respectin equitable relief claimed by cross claimants	
24	Lodged proposed findings of fact and conclusions of law respecting cross claimants equitable claim	
v 4	225 Filed App. "A" & "B" to the affidavit of Lawrence A. Sullivan	
v 4	226. Filed Memo of Pts. & Auth. re trebling jury's finding of damages	
v 4	227. Filed Memo of Pts. & Auth. re cross-claimants' proposed findings of fact and form of equitable judgment.	

"G"

DATE	PROCEEDINGS	Date of Judgment
1970		
Dec 7	Ord aft hearing, Cross-Claimants Mo for fees and debts Mo to bar Trebbling, Equitable and Inj Relief, Ord on Stip cross-claimants fees fixed at \$275,000, Debts Mo to bar Trebbling submitted (Clar	
Dec 10	227(a) Filed x-claimts' amend. Proposed Findgs of Fact & Concls of Law	
Dec 10	Ord aft hearing, following matters presented, Jdgmt to be entered, Stip that Findings on Equ Relief be deemed as filed prior to jdgmt, debts obj to findings may be filed no later than 1/4/71, Mo for jdgmt or new trial stip as deemed filed day aft entry of jdgmt (C	
18	228. Entered Judgment, filed Dec. 11, 1970, pursuant to jury verdict, that cross-claimants have & recover from x-deft. Sylvania Electr Products, Inc. the sum of \$1,774,515.; said sum being the verdict of the jury trebled as a matter of law, plus \$18,000. costs, together with interest on said sums at 7% per annum from date of entry of judgment; see this judgment for further conditions and details. (Hon. Tom C. Clark)	
*		
18	Mailed clerk's notice of entry of judgment.	
** Dec 17	229 Filed Memo Bill of Costs of Wayne H. White atty for cross-claimant in the sum of \$22,758.32.	
Dec 21 1971	230. Filed stipulated Order exonerating bond and releasing surety amended	(Sch
Jan 4	231 Filed memo by x-deft. opposing x-claimant's/proposed findings of fact & conclusions of law respecting x-claimnts equitable clai	
Jan 7	Ord aft hearing, stip as to error in jdgmt, to be corrected, all matters in submission	(Cla
Jan 12	232. Filed letter Re correction of Judgment	
Jan 20	233. Filed Memo of Sylvania re proposed findings of fact & concl of law.	
Jan 21	234. Filed 3rd amend. Proposed Findgs of Fact & Concls of Law	
Feb 16	235. Filed Findings of Fact & Concusions of Law	TCC
	236. Filed ORD denying Mo for Judgt n.w.s.t. verdict or for new trial. T	
Mar 2	237. Filed cross-deft Sylvania Electric's Notice of Appeal from designated portions of judgt.	
	238. Filed Appellant's Designation & Ord of Transcript to be incl. in record on appeal.	
Mar 3	Mailed clerk's cert. of filing notice of appeal	
Mar 10	239. Filed Designation of Record on Appeal	
	240. Filed Stip as to Record on Appeal	
Apr 9	241. Filed transcript of proceedings of 9-25-70	
	242. Filed transcript of proceedings of 9-25-70	
	243. Filed transcript of proceedings of 9-28-70	
	244. Filed transcript of proceedings of 9-29-70	
	245. Filed transcript of proceedings of 9-30-70	
	246. Filed transcript of proceedings of 10-1-70	
	247. Filed transcript of proceedings of 10-5-70	
	(see sheet "H")	

10 Rev. Civil Docket Continuation

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TE	PROCEEDINGS	Date Order or Judgment Noted
1971		
r 9	248. Filed transcript of proceedings of 10-6-70	
	249. Filed transcript of proceedings of 10-7-70	
	250. Filed transcript of proceedings of 10-8-70	
	251. Filed transcript of proceedings of 10-9-70	
	252. Filed transcript of proceedings of 10-26-70	
	253. Filed transcript of proceedings of 10-27-70	
	254. Filed transcript of proceedings of 10-28-70	
	255. Filed transcript of proceedings of 10-29-70	
	256. Filed transcript of proceedings of 10-30-70	
	257. Filed transcript of proceedings of 11-2-70	
	258. Filed transcript of proceedings of 11-3-70	
	259. Filed transcript of proceedings of 11-4-70	
	260. Filed transcript of proceedings of Post-Trial Hrgs 12-7-70, 12-10-70 and 1-7-71	
r 9	Made, Mailed Record on Appeal, 9th CCA	
r 12	261. Filed appellant Sylvania's req. for ext of time for transmitting record on appeal to 5-3-71. So Ordered.	OJC
r 27	262. Filed receipt of record on appeal from 9th CCA	
y 3	263. Filed ltr from pltf's atty to Clerk, re transmission of remaining reporter's transcript to CCA on 5-3-71	
	264. Filed Reporter's Transcript of Proceedings of 11-3-70 MADE, MAILED Suppl Record on Appeal, 9th CCA	
ie 14	265. Filed receipt of 1st Suppl record on appeal from 9th CCA	
30	266. Filed dep. of Derrel Bibbins/with exhibits.	
24	267. Filed assignment of judgt as security; Continental TV, Inc. transfers and assigns unto Philco Finance Corp.	
4		
22	268. Filed memo of costs & disbursements by Appellee, Continental T.V. & request to tax by clerk. <i>(Await Mandate from CCA)</i>	
12	269. Filed Order from 9th CCA amending Opinion. (Judge Ely, CJ)	
18	270. Filed c.c. of 9th CCA ORD: Assignment of case to Judges Ely, Kilkenny & Skopil is w/drawn & appeal to be reheard en banc 3-12-75/9:30 (Chambers)	
20	271. Filed Correct Ord from 9th CCA, majority & dissenting opinions filed 5/9/74 are w/drawn...argument at 9th CCA set for 3/12/75	
16		
4	272. JUDGMENT from the 9th CCA; certified copy; ordered & adjudged by this court, that the judgment of the said District Court in this causebe, & hereby is REVERSED & REMANDED.	
	(OVER)	

DATE	PROCEEDINGS	Date of Judgment
1976		
May 4	Mailed notice of spreading the mandate.	
AUG 17 1976	REASSIGNED PURSUANT TO ORDER OF THE ASSIGNMENT COMMITTEE WILLIAM A. INGRAM	RI
Oct 12	273 Clerk's Status Report set 12/16/77 10:00	
1973		
Mar 17	274 Reporters Transcript 10/27/70, 10/28/70 & 11/4/70 Returned from 9th Circuit	
May 4	275 Order Status Conference set 6/2/78 Deputy Clerk	
May 22	276 Defendant Certificate of GTE Sylvania in Re Status Conference of 6/2/78	
May 24	277 Plaintiff's Certificate re status conference	
June 5	278. MINUTES: 6-2-78 Status conference - held. (WAI)	
July 31	279. Memo in support of plaintiffs' motion for an order determining trial issues by plaintiffs	
	280. Notice of motion & motion for an order determining trial issues by plaintiffs 9-15-78 @ 10 am	
	281. Certificate of service by mail by plaintiffs	
	Received pretrial order no. 1 after remand	
Aug. 4	282. Defendant GTE's notice of motion & motion for summary judgment 9-15-78 @ 10 am Received order	
	283. Memo of points & authorities	
Sept 5	284 Defendant GTE Memo in response to Plaintiff's motion for order determining trial issues	
Sept 11	285 Plaintiff's Opposition to Defendant Motion for summary judgment	
Sept 14	286 Defendant GTE Sylvania Reply Memo of Points & Authorities in support motion for summary judgment	
Sept. 18	287. Minutes - 9/15/78. (Reporter, Dole) re: For an Order determining the issues for trial & for s/Judgment ORDERED: Submitted. WAI	
Dec 4	288 MEMO OF DECISION: Defendant Sylvania is entitled to Summary Judgment WAI	
	SEE SHEET I	

CIVIL DOCKET CONTINUATION SHEET

FPI-MAR

PLAINTIFF	DEFENDANT	DOCKET NO. _____
CONTINENTAL T.V.	GTE SYLVAINA	PAGE ____ OF ____ PAGES

DATE	NR.	PROCEEDINGS
<u>1978</u>		
Dec 4	289	JUDGMENT: is Hereby Rendered in favor of defendant GTE Sylvania Incorporated WAI
Dec 5		JUDGMENT ENTERED
Dec 20	290	Plaintiff's Notice of Appeal
Dec 20	291	Plaintiff's Cost Bond on Appeal
Dec 28	292	Appellee's Designation of Record on appeal
Dec 28	293	Appellee's Designation of Reporter's Transcript
Dec 28	294	Appellant's Designation of Record on Appeal
<u>.979</u>		
Jan 26	295	Plaintiff's Declaration in support of Order extending time to Lodge Record on appeal
Jan 26	296	ORDER: Time to Lodge record on appeal with 9th Circuit is extended to 3/19/79 WAI
Mar 28	297	Copy of order extending the appellants time to file the record on appeal to 5-1-79 (Clerk 9th Cir)
May 1	298	REPORTER'S TRANSCRIPT OF PROCEEDINGS 9-15-78
May 2		Last # page of appeal record 1356 MAILED RECORD ON APPEAL TO 9th Circuit and counsel via certified mail
Jun 1	299	Receipt from 9th circuit of record on appeal #79-4131
<u>1980</u>		
Aug 12	300.	.EXHIBITS: .Shelf #24, One box, also Charts.
<u>1982</u>		
Oct 8	301	Defendant's Bill of Costs in the sum of 126.36.
28		No Opposition having been filed costs are taxed in the sum of \$126.36. Copies to Counsel. Clerk.
Nov 23		Mailed Exhibit Notices to Counsel.
Nov 29		Letter to Clerk from Defendant Counsel advising that case is still pending in USCA.
(over)		

CIVIL DOCKET CONTINUATION SHEET

FPI-MAR

PLAINTIFF Continental T.V.	DEFENDANT GTE Sylvania	DOCKET NO. _____ PAGE ____ OF ____ PAGES
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DATE	NR.	PROCEEDINGS
<u>1983</u>		
Jan 11	302	Certified Copy of Judgment from USCA - Judgment of USDC is Affirmed
13		Mandate Notice Spread, Copy of USCA Judgment and Bill of Costs to Counsel. Clerk
13		Exhibit Notice sent to Counsel.
19	303	Defendant's Request for Withdrawal of Exhibits and Transcripts.
Feb 3	304	STIPULATION AND ORDER: Defendant may withdraw all exhibits, depositions or transcripts originally produced by it in action. WAI
Mar 29	305	Record on Appeal returned from USCA
Apr 6	306	Defendant's Receipt for Exhibits