

REPRODUCED AT NARA

NASH. CIVIL DOCKET NO. 10  
UNITED STATES DISTRICT COURT

Jury demand date:

4479

6TH CCA #18487

JUDGE GRAY (D/C Affirmed)

D. C. Form No. 106A Rev.

TITLE OF CASE

**CLOSED**

ATTORNEYS

MACLIN P. DAVIS and EDITH U. DAVIS

v.

UNITED STATES OF AMERICA

For plaintiff:

William Waller  
Robert G. McCullough  
Waller, Lansden & Dortch  
1200 American Trust Bldg.  
Nashville, Tennessee 37201

For defendant:

Gilbert Merritt, U. S. Attorney  
H. Stennis Little, Jr.  
Department of Justice  
Tax Division  
Washington, D. C. 20530

BASIS OF ACTION: Income Tax Laws.  
Seeking to recover \$11,474.34 overpaid  
income taxes, plus interest and costs,  
Calendar Year - 1963.

STATISTICAL RECORD	COSTS	DATE	NAME OR RECEIPT NO.	REC.	DISB.
J.S. 5 <del>mailed</del> 6-17-66 Remanded: reopened 4-30-70	Clerk	6-17-66	Robt. G. McCullough	15 00	
J.S. 6 <del>mailed</del> 10-5-67 Closed 5-18-70 Basis of Action:	Marshal	10-24-66	John Collins		25-00
Action arose at:	Docket fee				
	Witness fees				
	Depositions				

DATE	PROCEEDINGS	Date Order or Judgment Noted
6-17-66	Complaint Filed.	
6-17-66	Summons issued to U. S. Marshal with 6 attested copies of complaint for service on defendant. (\$3.00 check payable to the Marshal, delivered)	
6-21-66	Return on Service of Summons filed. MEF \$3.00.	
8-16-66	Answer of Defendant filed, Certificate of service attached.	
10-19-66	Plaintiffs' Motion for Summary Judgment, Certificate of Service attached; Brief in Support of Motion; Affidavit of Maclin P. Davis; and Affidavit of Lee Davis, filed.	
11-4-66	Affidavit of H. Stennis Little, Jr., attorney for defendant, filed - Requested that no hearing be set on plfs' motion for summary judgment before Dec. 15, 1966 (Attested copy to U.S. Attorney) Certificate of service attached.	
12-16-66	Filed: Discovery Deposition of Mr. Maclin P. Davis taken by defendant Dec. 1, 1966.	
5-10-67	Cross-Motion for Summary Judgment, Affidavit of H. Stennis Little, Jr., and Brief in Support of Cross-Motion filed on behalf of defendant.	
7-11-67	Order Entered: It is the Court's Understanding parties agree oral hearing not necessary; Plaintiffs allowed 15 days to submit supplemental brief, Defendant allowed 10 days thereafter to file reply. (Attested copy to attorneys of record)	
7-24-67	Affidavits of Maclin P. Davis, Jr. and William Waller filed on behalf of plaintiffs, Certificate of Service (letter) attached.	
7-24-67	Filed: Reply of Plaintiffs to Brief for the Defendant in Support of its Cross-Motion for Summary Judgment, Certificate of Service (Letter) attached.	
8-4-67	Supplemental Memorandum for Defendant filed, Certificate of Service attached. (2 att. copies delivered to U. S. Atty)	
9-15-67	Memorandum of the Court entered, appropriate order to be submitted within twenty days (Attested copies to attorneys of record).	
10-5-67	Order of Judgment entered: Plaintiffs to recover \$12,910.51 with 6% interest from and after Nov. 15, 1965, and costs (Certified copy delivered to the office of the U. S. Attorney; attested copies mailed to attorneys of record William Waller and H. Stennis Little, Jr)	10-5-67
10-9-67	Motion for Rehearing filed on behalf of defendant, Certificate of Service attached.	
10-19-67	Order Entered: Defendant's Motion for rehearing denied (Attested copy to attorneys of record)	
12-1-67	Notice of Appeal filed on behalf of the defendant, U.S.A., certificate of service attached.	
1-10-68	Entered: Order extending time for docketing appeal in the Court of Appeals to and including Feb. 9, 1968 (Attested copy to attorneys of record).	
2-9-68	Receipt of Record on Appeal acknowledged by 6th C. C. A., their Docket No. 18487.	
4-18-69	Entered: Opinion & Mandate of the 6th C.C.A. - D/C affirmed; Certified Record on Appeal received, acknowledged & filed.	
6-9-69	Certified Record on Appeal return to 6th CCA-Phone Request of Mr. Reuss.	

vs.

UNITED STATES OF AMERICA

D. C. 110A Rev. Civil Docket Continuation (Sheet No. 2)

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DATE	PROCEEDINGS	Date Order or Judgment Noted
-30-70	Entered - Supreme Court of the United States: Judgment and Opinion, ....U.S.Court of Appeals reversed;...Cause remanded to the District Court for Dismissal of the Complaint.	
5-18-70	Approved Judgment entered pursuant to decision of Superme Court on writ of certiarari - Judgment entered in favor of plaintiff on October 5, 1967 is vacated, Complaint Dismissed. Att. copy to attorneys of record,with certified copy to U.S.Attorney.	
8-20-70	Certified Record on Appeal received from the 6th C.C.A.,acknowledged and filed.	