

Durkin

TITLE OF CASE Appeal 4-20-53 MARTIN P. DURKIN MAURICE J. TOBIN , Secretary of Labor, CLOSED United States Department of Labor v. MORRIS STEINER, HARRY LIGHTMAN, MITCHELL MAGID, and B. B. STEINER, individually, and as co-partners doing business as CUMBERLAND BATTERY MANUFACTURING COMPANY, and CUMBERLAND BATTERY MANUFACTURING COMPANY, a partnership.	ATTORNEYS For Plaintiff: DAVID V. NANKER, ACTING REGIONAL Wm. S. Tyson, Solicitor ATTY Paul H. Sanders, Reg. atty. Virginia B. Cowan, atty. 150 9th av. N., City For Defendant: LOUIS DENNIS LEFTWICH JR. <i>Paul T. D.</i>
BASIS OF ACTION: alleged vio. of Fair Labor Standards Act of 1938	
JURY TRIAL CLAIMED: ON	

DATE	PLAINTIFF'S ACCOUNT	RECEIVED		DISBURSED		DATE	DEFENDANT'S ACCOUNT	RECEIVED		DISBURSED	
						3-23-53	Louis Leftwich	5	00		
						4-10-53	#9106 Dennis Leftwich				
						10-13-54	W. R. Denny * 12718	69	00		
						1-9-55	Dennis Leftwich			69	00

ABSTRACT OF COSTS Defendant's cost		AMOUNT	RECEIPTS, REMARKS, ETC.
TO WHOM DUE			
Clerk		15.00	
Marshal		11.00	
Attorney Docket Fee		20.00	
Witness Fees		20.00	
		\$69.00	

DATE	FILINGS-PROCEEDINGS	CLERK'S FEES		AMOUNT REPORTED IN EMOLUMENT RETURNS
		PLAINTIFF	DEFENDANT	
5-16-52	Complaint filed; summons issued with attested copies of complaint handed to Marshal for service on 4 defts.	constr. 15 00		
5-16-52	Summons returned, executed & filed- M.F.E. \$8.20			
6-3-52	Answer of defts. filed; 2 attested copies mailed to pltfs' atty.			
6-5-52	Two more copies of ans. revd. - 2 attested copies mailed to Pltfs' atty.			
11-10-52	Defendants praecipe for subpoena for two witnesses. Subpoenas issued.			
11-10-52	Plaintiffs praecipe for the following witnesses, B. B. Steiner, Eugene F. Plauche, Dr. Miller Robinson, James Pleas Robinson, Clyde C. Spurlock, Baxter Clemons, J. E. Roller and Arnette Butts filed. Plaintiffs subpoenas issued for above witnesses.			
11-12-52	Spas. on behalf of defts returned for Dr. Edward C. Mullinkis & Homer K. Smithson.- executed & filed MFE. \$1.40			
11-10-52	Spas. issued on behalf pltf. for B. B. Steiner, Eugene Plauche, Dr. Miller Robinson, Jas. Pleas Robinson, Clyde C. Spurlock, Baxter Clemond, J.E. Roller & Arnette Butts. in compliance with Praecipe for Witness spas. filed by Virginia B. Cowan, atty.			
11-12-52	Notice to take oral deposition of Dr. Robert A. Kehoe on behalf of pltf. filed, with cert. of service; 3 att. cys. handed Va. Cowan.			
11-14-52	Spas. on behalf of Govt. for Spurlock, Clemons, Roller and Butts returned, executed & filed MFE. \$2.00 (7796)			
11-14-52	Spas. returned on behalf of Govt. for Steiner, Plauche, Robinson & Jas. Robinson- MFE. \$3.10.			
11-14-52	Stipulation filed by atty. for pltf. & signed by opposing counsel with reference to hours, elothing & calling witnesses for cross & redirect examination; att. cy. handed Judge Wilkin.			
11-18-52	Praecipe for Witness Spa. filed for Eugene F. Plauche' on behalf of U.S. & spa issued.			
11-18-52	Amended Notice to Take Oral Deposition of Dr. Robt. A. Kehoe on 11-26-52, on behalf of U.S.-3 att. cys. handed Mrs. Cowan			
11-14-52	Certificate of Govt's Exhibit 7 & Entire Record of Proceedings (vols. I & 2) before Wages & Hr. & Pub. Contracts Div. except preliminary motions, filed; also Govt's Exhibits 1 through 6 filed & Respondent's Exhibit #1			

CIVIL DOCKET Maurice J. Tobin vs. Morris Steiner, et al

DATE	FILINGS—PROCEEDINGS	CLERK'S FEES		AMOUNT REPORTED IN EMOLUMENT RETURNS
		PLAINTIFF	DEFENDANT	
11-20-52	Spa. returned on behalf of pltf. for witness Eugene Plauche.			
1-9-53	Deposition on behalf of pltf. of Dr. Robt. A. Kehoe filed			
1-9-53	Depositions of Dr. Miller Robinson & Eugene F. Plauche on behalf of pltf. filed.			
1-9-53	✓ Brief for pltf. filed; pltf's Findings of Fact entered; cys. mailed by pltf. to Judge Wilkin & deft's atty.			
1-12-53	Depositions of Dr. Edward Cotham Mulliniks & H. K. Smithson filed on behalf of defts.			
1-16-53	Brief & Argument on behalf of Defts. filed; cy. handed Wages & Hrs. by deft's atty.			
1-19-53	Entire file to Judge Wilkin, Charlottesville, Va.			
2-26-53	✓ Order entered changing name of pltf. to Martin P. Durkin; 3 att. cys. handed Mr. Murphy.			
3-2-53	File returned by Judge Wilkin			
3-2-53	✓ Findings of Fact entered ordering an injunction; att. cy. of same mailed to attys. of record.			
3-6-53	✓ Opinion (Judgment) of the Court filed, one attested handed to Mrs. B. Cowan, Dept. of Labor, one attested copy mailed to Mr. Lewis Leftwich, Atty. for defendants.			
3-18-53	Notice of Appeal by defts. with cost bond filed			
4-9-53	✓ Order entered ordering that Govt's Exhibit No. 3 be withdrawn as counsel has agreed it is immaterial and needed in an administrative proceeding pending in Washington, D. C.; four attested copies handed to atty. for plaintiff and one copy mailed attorney for defendants; -----with			
4-13-53	✓ Order of Judgment entered enjoining & restraining defts. from violating Fair Labor Standards Act; that in event defts. perfect an appeal the injunction shall be suspended pending said appeal & shall become operative until appeal is affirmed; that judgment in this case shall have no retro-active effect or application; that costs of this action shall be paid by deft. (only orig. rvd.)			
4-20-53	✓ Notice of Appeal filed by defts. with cert. of service.			
4-20-53	✓ Cost bond filed.			
4-20-53	Photostats of Findings of Fact & Judgment mailed to A.G.			
5-4-53	✓ Affidavit of Frederick W. Powell, Examiner of pltf. with Exhibits 1 through 4 filed.			

