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At a Motion Term of the United States District Court for the Southern District of New York, held in the Post Office Building, Borough of Manhattan, City of New York, on the 17th day of November, 1934.

PRESENT:

Hon. John C. Knox
Judge

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JESSICA M. HILL,

Plaintiff,

- against -

E. 78-350

DAVID H. HARRIS,

Defendant.
----- X

The plaintiff having moved this court for an order striking out defendant's objections to plaintiff's interrogatories, now upon reading and filing plaintiff's notice of motion dated October 3, 1934, the affidavit of George Link, jr., sworn to the 5th day of October, 1934, together with proof of due service thereof, the complaint, answer and plaintiff's interrogatories in support of said motion and defendant's objections to said interrogatories in opposition thereto and said motion having duly come on to be heard before me, McKercher & Link (George Link, jr. of counsel) appearing in support of said motion and O'Brien, Driscoll, & Raftery, Mr. Pepper of counsel, in opposition thereto and due deliberation having been had thereon and upon filing the opinion of the court,

NOW, upon motion of McKercher & Link, attorneys for

hereby in all other respects granted and defendant be and he hereby is directed to serve upon the attorneys for the plaintiff within fifteen days after the service of a copy of this order with notice of entry thereof, his answers to the following interrogatories:

1. Has Sam H. Harris at any time presented a dramatic musical production known as "As Thousands Cheer"?

2. If the answer to #1 is in the affirmative:

- a. On whose behalf did Sam H. Harris present such production?
- b. In what theatre was such production first presented?
- c. In what city was such production first presented?
- d. When was such production first presented?
- e. Was said production presented at the "Music Box" theatre in New York City?
- f. When was it first presented at the "Music Box"?
- g. Was such production presented to the public?
- h. Was the public charged admission to view and hear such production?
- i. Did Sam H. Harris receive any portion of such admission charges, directly or indirectly?
- j. Were performances of such production given daily?

(1) If answer to #2j is in the negative, how often were performances of such production given?

- k. To the date of the answer to these interrogatories, how many performances of said production have been given?
- l. Where and in what theatres were these performances given?

3. Did Sam H. Harris announce that such production was presented by Sam H. Harris?

4. Did Sam H. Harris receive any income from such production directly or indirectly?

6. Did advertisements state that said production was presented by Sam H. Harris?

7. Did programs of such production state that same was presented by Sam H. Harris?

8. Did Sam H. Harris procure the consent of plaintiff or Clayton F. Summy & Co. to the use of the musical composition "Good Morning to All" in said production?

9. To the knowledge of defendant did anyone connected with the production procure the consent of plaintiff or Clayton F. Summy & Co. to the use of the musical composition "Good Morning to All" in said production? If so, who?

10. If the answer to #1 is in the negative:

a. Was Sam H. Harris an officer of any corporation which presented such production?

b. Was Sam H. Harris a director of any corporation which presented such production?

c. Was Sam H. Harris a stockholder in any corporation which presented such production?

e. What was the name of such corporation?

f. If answers to #6-a, b, and c are in the negative:

(1) Was Sam H. Harris a member of any trade-name company which presented such production?

(2) Was Sam H. Harris a member of any partnership which presented such production?

g. What was the name of the trade-name company?

11. Were the actors for such production hired by Sam H. Harris? If not, and if defendant knows, by whom were they hired?

12. Were the contracts with the actors in said production signed by Sam H. Harris individually or otherwise?

13. If Sam H. Harris signed said contracts,

... these behalf? did he do so?

15. For or on whose behalf did Sam H. Harris guarantee such contracts?

16. Were the stagehands used in said production hired by Sam H. Harris, his agent, servants or employees?

17. Were the box-office staffs of said production hired by Sam H. Harris, his agents, servants or employees?

18. Was the rest of the complement comprising the company of "As Thousands Cheer" hired by Sam H. Harris, his agents, servants, or employees?

19. Was the supervisory staff of such production hired by Sam H. Harris, his agents, servants or employees?

20. Was the technical staff of such production hired by Sam H. Harris, his agents, servants or employees?

21. Was the orchestra used in such production hired by Sam H. Harris, his agents, servants or employees?

22. For or on whose behalf did Sam H. Harris do any of said hiring?

23. Produce a musical score for all music played or sung in skit entitled "World's Wealthiest Men Celebrates 95th Birthday", as presented in said production.

24. Did defendant or anyone on his behalf pay the salaries or other compensation of:

- (a) Actors
- (b) Stagehands
- (c) Box office staffs.
- (d) Supervisory staff.
- (e) Technical staff.
- (f) Orchestra

~~SECRET~~

United States District Judge

STATE OF NEW YORK }
CITY OF NEW YORK } SS:
COUNTY OF }

being duly sworn, deposes
and says that he is the herein,
that he has read the foregoing
and knows the contents thereof and that the same is true of his own knowledge except
as to the matters therein stated to be alleged upon information and belief, and that as to those
matters he believes it to be true.

Sworn to before me this

day of 19

STATE OF NEW YORK, }
CITY OF NEW YORK, } ss.:
COUNTY OF }

....., being duly sworn, deposes and says that
.....he is the.....of.....
the corporation named in the within entitled action; that he has read the foregoing
.....and knows the contents thereof, and that the same is true to his
own knowledge, except as to the matters herein stated to be alleged upon information and belief, and as to
those matters he believes it to be true.

Deponent further says that the reason this verification is made by deponent and not by.....
.....is because the said.....
is a corporation and the grounds of deponent's belief as to all matters in the said.....
not stated upon his own knowledge, are investigations which deponent has caused to be made concerning
the subject matter of h.....and information acquired by deponent in the
course of his duties as an officer of the said.....
corporation and from the books and papers of said corporation.

Sworn to before me, this.....

day of.....19.....

(17)

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK

JESSICA M. HILL,

Plaintiff,

- against -

SAM H. HARRIS,

Defendant.

Proposed
O R D E R
with Notice of Service

MCKERCHER & LINK

Attorneys for Plaintiff
17 JOHN ST.
BOROUGH OF MANHATTAN
NEW YORK CITY

Copy Received

this _____ day of _____ 19 _____

for _____

Sir:

Please take notice that the within is a copy of a duly made and entered herein and filed on the day of _____ 19 _____, in the office of the Clerk of _____ 19 _____

Dated ~~Nov~~ Y. Yours, etc.
MCKERCHER & LINK

Attorneys for
17 John Street
Manhattan Borough
New York City
Esq.

TO

Sir:

Please take notice that the within is a copy of an order which will be presented for settlement and entry herein to Mr. Justice John C. KNOX at the Clerk's Office of this Court in (Room 349) at the Federal Bldg., N.Y.C. on the ~~17th~~ day of November 19 34, at 10:00 o'clock Dated, N. Y. November 19 34

Yours, etc.
MCKERCHER & LINK

Attorneys for Plaintiff
17 John Street
Manhattan Borough
New York City

TO O'BRIEN, DRISCOLL & RAFFERTY
Attorneys for Defendant.

*Recd
Copy 15, 1934 at 2:15
Nov. 15, 1934
D. Brewer
Attorney for Dr.*