

300.011 - Mulloney Daniel C vs FRBank Boston

Suits Against FRBanks - *FRBANKS*

TRANSFER

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REC'D IN FILES SECTION

JUN 24 1941

md 300 0001 R
Mulloney, Daniel C.
to J. H. Boston

June 24, 1941.

Mr. K. K. Carrick,
Secretary and General Counsel,
Federal Reserve Bank of Boston,
Boston, Massachusetts.

Dear Mr. Carrick:

I have received your letter of June 21, 1941 and wish to thank you for your courtesy in advising me of the settlement of the case of Mulloney v. Federal Reserve Bank of Boston, et al.

Although I have always understood that there was no substance whatever to the plaintiff's allegations of a conspiracy on the part of the Federal Reserve Bank and other banks to ruin him, I agree with you that it is wise to settle a case when that can be done for less than it would cost to litigate it, especially when the litigation would involve a jury trial, the outcome of which can never be predicted.

With kindest personal regards and all best wishes, I am

Cordially yours,



Walter Wyatt,
General Counsel.

WN:cba

FILE COPY

For Files
M. Croghan

FEDERAL RESERVE BANK
OF BOSTON

REC'D IN FILES SECTION

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md 300 001

Mulloney Daniel C.
by Frank Bator

June 21, 1941

Mr. Walter Wyatt, General Counsel
Board of Governors of the
Federal Reserve System
Washington, D. C.

Dear Mr. Wyatt:

On January 11, 1938/I sent you information concerning a suit instituted against us, eleven other Boston banking institutions, certain individuals and the Boston Clearing House Association by Daniel C. Mulloney, and, from time to time since then, I have advised you as to the more important developments in connection with this suit.

I am pleased to advise you now that this suit was settled on June 10, 1941 by the payment to the plaintiff of \$24,000. The suit was settled for this amount upon the understanding that each of the twelve banks involved would pay one-twelfth, or \$2,000. There is a possibility that one of the smaller banks may not pay this full amount, but the difference, if any, will be negligible and will be thrown into the general expenses mentioned below.

The plaintiff executed and delivered a general release of all defendants and, on the plaintiff's motion, the suit in the Federal Court was dismissed by the Court. I enclose a copy of the plaintiff's motion and a copy of the Court's order of dismissal. As you will note, the cause was dismissed with prejudice to the commencement of any further action upon any cause or causes of action alleged in the case.

In addition to the amount of the cash settlement with the plaintiff, there is the matter of the adjustment of certain expenses of general benefit to all the defendants (other than fees of counsel for the individual defendant banks) hitherto incurred in preparation for the trial of the case. These expenses have been for such items as accounting work in connection with the examination and analysis of records of the Federal National Bank of Boston and its affiliated banks, the services of real estate and other experts, travelling expenses to Washington for examination of records in the Comptroller's office and to Mississippi for the deposition of Mr. Pole, etc. It is contemplated that the amount of such expenses, which are substantial, will be divided upon some equitable basis between the seven larger banks; viz., The First National Bank of Boston, Old Colony Trust Company, The National Shawmut Bank of Boston, The Merchants National Bank of Boston, The Second National Bank of Boston, State Street Trust Company and the Federal Reserve Bank of Boston, and that the five smaller banks; viz., The New England Trust Company, The Boston Safe Deposit and Trust Company, The National Rockland Bank of Boston, Webster and Atlas National Bank of Boston and the United States Trust Company will not be asked to pay any part of such expenses.

The possibility of a settlement of this suit out of Court, following informal overtures several months ago on behalf of the plaintiff, has been the

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subject of careful consideration and discussion by counsel of all of the defendant banks, counsel reaching the conclusion that if the case could be settled for a reasonable amount, it would be desirable to dispose of it in that way, and so recommending to their respective clients. I concurred without reservation in this conclusion and recommendation. The amount of the settlement was determined after lengthy negotiation with counsel for the plaintiff.

In recommending a settlement of this litigation, trial counsel was moved by the following considerations:-

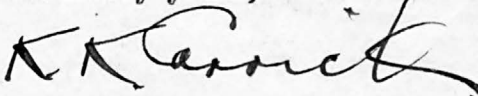
FIRST: Because of the breadth of the charges made, the long period of time covered by the charges and the number of transactions involved, completion of preparations for trial and the carrying through of the trial of the case would involve very substantial expense, in addition to that heretofore incurred, including not only substantial legal expense but also further substantial expense for accounting work and services of real estate and other experts. Expenses of this character would be bound to continue and mount until the completion of the case and, in view of the expense of counsel in the completion of preparations for trial and in appeals, if there were such, it was apparent that a settlement on a basis which would cut off expenses immediately and which meant an outlay of no more than \$2,000 for each bank, was an advantageous and desirable one from merely a dollars and cents point of view.

SECOND: Leaving aside the matter of expense, there was another and a very important consideration. This was the fact that the case would ultimately be tried before a jury, and no matter how clear the legal questions might be in favor of the defense, there was an obvious possibility, at any rate, of a finding against the defense, which might conceivably be a very large one. From this point of view the settlement at a \$2,000 figure per bank seemed worth while, quite irrespective of the matter of cutting off the expenses.

I have been convinced from the beginning of this suit that there was no substance whatever to the plaintiff's allegations of a conspiracy on the part of the Federal Reserve Bank and the other banks to ruin him and that his case was wholly without merit. At the same time, I have been somewhat concerned as to the type of publicity with which the review of some of the plaintiff's allegations, untrue as they are, might be attended, and I have been mindful of factors which to my mind are entirely without real significance but which I felt might be exploited by the plaintiff in an effort to confuse and prejudice a jury. In my opinion, therefore, the settlement of the case was a prudent and sensible action, and the amount paid in settlement quite reasonable, in fact much less as I see it than the "nuisance" value.

With kindest regards to you and your associates.

Cordially yours,



K. K. Carrick
Secretary and General Counsel

S
Enclosures

REC'D IN FILES SECTION

JUN 24 1941

DISTRICT COURT OF THE UNITED STATES
DISTRICT OF MASSACHUSETTS

No. 7197 Law

DANIEL C. MULLONEY

v.

FEDERAL RESERVE BANK OF BOSTON ET ALI

PLAINTIFF'S MOTION TO DISMISS

Now comes the plaintiff in the above-entitled cause and
moves that the same be dismissed without costs.

By his Attorneys,

/s/ Franklin R. Chesley

/s/ Francis H. Farrell

FRANKLIN R. CHESLEY
O. M. Croghan

DISTRICT COURT OF THE UNITED STATES
DISTRICT OF MASSACHUSETTS

No. 7197 Law

DANIEL C. MULLONEY

v.

FEDERAL RESERVE BANK OF BOSTON ET ALI

June 10, 1941

ORDER OF DISMISSAL

Sweeney, J. This case came on to be heard upon the motion of the plaintiff to dismiss the above-entitled cause without costs. All parties were represented by counsel. The defendants, all of whom have appeared and filed answers in said cause, having objected to the allowance of the plaintiff's motion, unless the same be with prejudice, it is now, on consideration thereof, the plaintiff having consented thereto and no defendant objecting, ORDERED, ADJUDGED and DECREED that the above-entitled cause be and it hereby is dismissed without costs as to all of the defendants, and that it is so dismissed with prejudice in all respects including prejudice to the commencement of any further action upon any cause or causes of action therein alleged.

By the Court,

/s/ John E. Gilman, Jr.
Deputy Clerk

/s/ Geo. C. Sweeney

6/10/41

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Mulloney, Daniel C

February 1, 1939.

Mr. K. K. Carrick,
Secretary and General Counsel,
Federal Reserve Bank of Boston,
Boston, Massachusetts.

Dear Mr. Carrick:

Please accept my thanks for your letter of January 28, 1939 inclosing a copy of Defendants' Motion to Strike and for Further Specifications and also a copy of Defendants' Motion for Non-Suit in the case of Daniel C. Mulloney v. Federal Reserve Bank of Boston, et al. Your kindness in keeping us advised of the developments in this case is greatly appreciated.

With kindest personal regards and all best wishes, I am

Cordially yours,



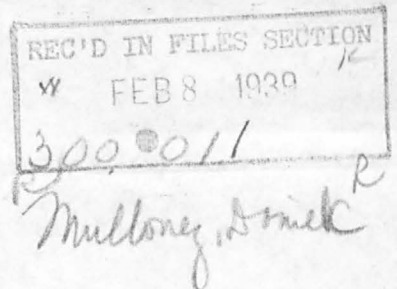
Walter Wyatt,
General Counsel.

WW:cba

FOR FILES
Walter Wyatt

FILE COPY

FEDERAL RESERVE BANK
OF BOSTON



January 28, 1939

Mr. Walter Wyatt, General Counsel
Board of Governors of the Federal Reserve System
Washington, D. C.

Re:- Daniel C. Mulloney Suit against Federal
Reserve Bank and Others

Dear Mr. Wyatt:-

You will recall that I sent you a few weeks ago a copy of the Defendants' Motion for Specifications as filed in the Mulloney Suit and also a copy of the Memorandum Opinion by Judge Brewster on December 5, 1938, allowing the motion.

On December 29, 1939, the plaintiff's specifications were filed and simply for your general information I am sending you a copy of the same herewith.

I am also sending you a copy of the Defendants' Motion to Strike and for Further Specifications and a copy of Defendants' Motion for Non-Suit, both of which were filed on January 23, 1939. The theory of the Motion to Strike is that in his specifications the plaintiff has specified that the alleged conspiracy was inaugurated on or about November 1927 instead of on or before November 1927, and the motion therefore seeks to have stricken out all matters prior to November 1927. I may say that the Motion to Strike is a revision of a preliminary draft which was considered at a conference of counsel for the various defendants at which it was concluded that there was no objection to the motion and if it should prevail it would eliminate a lot of surplusage and help to simplify details of defense. The Motion for Non-Suit developed as a result of a suggestion made after the conference mentioned, all of the counsel agreeing that the filing of it was desirable, although it is only fair to say that there is not too much confidence about the chances of the motion prevailing.

The only other pleadings have been three motions by the plaintiff, which were filed in December; one was a motion extending the time for filing specifications, which the Court denied, counsel for all of the defendants except Scott agreeing voluntarily, however, to an extension of time; one was a motion requesting filing of answers to interrogatories of defendant Scott, which were propounded to him by the plaintiff while the case was still in the Superior Court for Suffolk County, the motion being denied; the third was a motion to inspect the books, records, and documents of the Reserve Bank, the clearing house association, defendant Scott, the Federal National Bank and others, which the Court denied because the motion did not indicate with necessary precision the books, records, and documents to be inspected.

See ans (2/1/39)



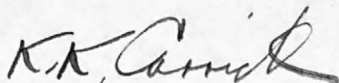
Mr. Walter Wyatt --2

January 28, 1939

I am passing this information on to you not to burden you or your office with a lot of material, but simply by way of giving you an idea from time to time as to the more important developments in the case.

With kindest regards to you and your associates, I am

Cordially yours



K. K. Carrick
Secretary and General Counsel

K

Enclosures *returned to Carrick's office*

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14
Mulloney Daniel C 30

December 13, 1938

Mr. K. K. Carrick,
Secretary and General Counsel,
Federal Reserve Bank of Boston,
Boston, Massachusetts.

Dear Mr. Carrick:


Please accept my thanks for your letter of December 12, 1938 inclosing for my information a copy of the Defendants' Motion for Specifications in the case of Daniel C. Mulloney vs. Federal Reserve Bank of Boston, et als, and also a copy of the Memorandum Opinion handed down by Judge Brewster on December 5, 1938, allowing the motion.

Your letter and the Judge's Memorandum Opinion have been read with much interest and we are glad to have a copy of the motion for our files.

Please accept my thanks for your courtesy in keeping us informed regarding the developments in this case.

With kindest personal regards and all best wishes, I am

Cordially yours,



Walter Wyatt,
General Counsel.

WW:cba

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FEDERAL RESERVE BANK
OF BOSTON

REC'D IN FILES SECTION
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Mulloney, Daniel C.

Carded

December 12, 1938

Mr. Walter Wyatt, General Counsel
Board of Governors of the Federal Reserve System
Washington, D. C.

Dear Mr. Wyatt:-

Believing that you might like to have them for your files in connection with the suit of Daniel C. Mulloney vs. Federal Reserve Bank of Boston, et als, we are sending you herewith a copy of the Defendants' Motion for Specifications in the case as filed in the District Court of the United States for the District of Massachusetts on June 28, 1938, and also a copy of the Memorandum Opinion handed down by Judge Brewster of that Court on December 5, 1938, allowing the motion.

I doubt if the counsel of the other Federal Reserve banks would be interested at this stage of the case in the motion and the Court's opinion and I am not sending copies to them but should be pleased to do so if you think it desirable.

The case was on the list for a pre-trial hearing before Judge Sweeney last Thursday, December 8, but when Judge Sweeney's attention was called to the opinion handed down by Judge Brewster, the case was stricken indefinitely from the pre-trial hearing list.

The work of assembling evidence and preparing for the defense of the suit has been pretty well broken, thanks in good measure to your cooperation in the matter of our reviewing information in the Comptroller's files and I feel that from our point of view, the case is developing satisfactorily. My guess, however, is that we shall probably not reach the actual trial of the case for several months.

Cordially yours

K. K. Carrick
Secretary and General Counsel

K

Enclosures

attch. encl. filed
Carrick's office

Dec 12/13/38

For file
me

C O P Y

DISTRICT COURT OF THE UNITED STATES
DISTRICT OF MASSACHUSETTS

Law No. 7197

DANIEL C. MULLONEY

v.

FEDERAL RESERVE BANK OF BOSTON
ET AL.

M E M O R A N D U M
December 5, 1938.

BREWSTER, J. This action is before the Court on defendants' motion for further particulars. The motion was filed June 28, 1938, pursuant to Rule 21 of the Law Rules of this court. There are in all 19 defendants, including 12 banking associations, the Boston Clearing House, an unincorporated association, and 6 individuals who are officers in the above.

The plaintiff's declaration is long and prolix, and is replete with vague allegations of misrepresentation, bad faith, libel, slander and coercion, all as parts of a conspiracy to wrong the plaintiff by bringing about the failure of the Federal National Bank of which he was president.

It is not possible for any defendant to meet these allegations without further particulars respecting the identity of the defendant or of his or its agents and representatives who participated in the alleged wrongful acts, and without a more definite statement of the

the times and places of the events alleged, which extend over a period of more than eight years.

Obviously, the motion as a whole cannot be denied.

Patterson v. Corn Exchange of Buffalo, 197 F. 686;
Hespe v. Corning Glass Works, 9 F.Supp. 725

The only question is whether the discovery should be limited. It is well settled that a motion for particulars cannot serve as interrogatories. Under ordinary circumstances a party can not ask his adversary to disclose the names of his witnesses or the evidence upon which he will rely to prove his allegation.

Beacon Folding Machine Co. v. Rotary Machine Co.,
23 F. (2d) 345;
Alaska S.S. Co. v. Katzeek, 16 F. (2d) 210.

But this limitation does not preclude the defendants from moving for a more definite statement of plaintiff's claim, even though it includes the names of those by whom or to whom the alleged defamatory statements were made.

Midwest Manufacturing Co. v. Staynew Filter Corp.,
12 F. Supp. 876;
Buckeye Powder Co. v. E. I. DuPont DeNemours Powder Co., 196 F. 514;
Patterson v. Corn Exchange of Buffalo, supra;
O-SoEzy Mop Co. v. Channell Chemical Co.,
230 F. 469;
Bodine v. First National Bank of Merchantville,
281 F. 571.

This does not necessarily call for the names of any witnesses. I do not find any requested specification which offends the rule, so far as it prohibits the disclosure of witnesses.

It is true that, in many instances, the plaintiff is asked to specify whether alleged statements were oral or in writing, and,

if the latter, to attach copies of the writing. To comply with this request might well require the plaintiff to reveal his evidence, but, since it is fair to assume from a reading of the declaration, that few, if any, of these statements are in writing, and since this discovery can now be had by resorting to Rule 34 of the new Rules of Federal Procedure, it cannot be deemed an abuse of discretion to allow these requests for further particulars to stand.

See Locker v. American Tobacco Co., 200 F. 973.

In view of the avowed purpose of the new rules to liberalize the practice of this court respecting discovery, it would, in my opinion, justify me in giving a broader scope to the local rule than might otherwise be given.

Defendants' motion is granted, the plaintiff to comply within 20 days from the above date.

FEDERAL RESERVE BANK
OF BOSTON

File No.....
Office of General Counsel,
Federal Reserve Board

REC'D IN FILES SECTION
JUN 25 1941
300 001

January 26, 1938
Mulloney, Daniel C. Jr.
ms
ms Boston

Mr. Walter Wyatt, General Counsel
Board of Governors of the Federal Reserve System
Washington, D. C.

Dear Mr. Wyatt:-

You will recall that you sent me with your letter of January 17, 1938, the mimeographed copy of the Plaintiff's Declaration in the case of Mulloney v. Federal Reserve Bank of Boston, et als, which you received from some undisclosed source.

In order that the text of your mimeographed copy might be compared with the mimeographed copy which Mr. Noonan received from Mr. Farrell, of counsel for the plaintiff, I sent your mimeographed copy to Mr. Noonan and have just received it back from him with a letter dated January 25, in which he reports as to his comparison of the two copies. I am sending you a copy of Mr. Noonan's letter herewith. You will note that he states that there is no doubt in his mind that your copy and the copy which was furnished to him by Mr. Farrell came from the same mimeographing machine. I am also sending to you herewith your mimeographed copy of the Plaintiff's Declaration and we are greatly obliged to you for your courtesy in letting us make this comparison.

The papers in the removal of the case to the United States District Court for the District of Massachusetts were filed in the State Court on January 21. One of the counsel for the plaintiff was present and made no effort to contest the removal of the case to the Federal Court. We have 30 days from that date in which to file in the Federal Court a transcript of the proceedings in the State Court and then another 30 days in which to file our answer to the Plaintiff's Declaration. I shall try to keep you informed as to developments.

Both Mr. Noonan and I are interested in the advice in your letter of January 17, to the effect that Mr. Anderson in the Comptroller's Office had advised you that you might avail yourselves of the information in that office upon the subject matter of the plaintiff and this case, and we may wish later to take advantage of your assistance in enabling us to look over the information in that office.

Cordially yours

K. K. Carrick

K. K. Carrick
Secretary and General Counsel

RECEIVED
OFFICE OF GENERAL COUNSEL

JAN 26 1938
11:53
NUMBER 111

K
Enclosure

For Files

C O P Y

REC'D IN FILES SECTION
R JUN 27 1941 R
md 300 011

Mulloney v. Boston Clearing House
Assoc. Boston

January 17, 1938.

Mr. K. K. Carrick, General Counsel,
Federal Reserve Bank of Boston,
Boston, Massachusetts.

Dear Mr. Carrick:

Many thanks for your letter of January 14th/ re-
garding the case of Mulloney v. Boston Clearing House
Association, et als.

In accordance with your suggestion, I am inclos-
ing the mimeographed copy of plaintiff's declaration re-
ferred to in my letter of January 12th. Please return it
for our files when it has served your purposes.

While the Comptroller's office appears to have a
very voluminous file upon the subject matter of the plain-
tiff and this case, they apparently did not receive a copy
of the declaration such as was received by us.

Incidentally, Mr. Anderson of that office volunteered
the information with respect to the material in their files
and advised us that we might avail ourselves of the same if
we found it advisable to do so. This is passed on to you
for whatever it may be worth.

Cordially yours,

Walter Wyatt,
General Counsel.

Inclosure.

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REC'D IN FILES SECTION

JUN 25 1941

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FEDERAL RESERVE BANK OF BOSTON

Office of General Counsel
Federal Reserve Board.

Mulloney v. Boston Clearing House Association, et al.
as
Frank B. ...

January 14, 1938

Mr. Walter Wyatt, General Counsel
Board of Governors of the Federal Reserve System
Washington, D. C.

Dear Mr. Wyatt:-

I have your letter of January 12, in reply to my letter of January 11, advising you as to the case of Mulloney v. Boston Clearing House Association, et als, in which the Federal Reserve Bank of Boston is named as one of the defendants, and I note your conclusion as to its not being necessary to send copies of the declaration to counsel for the other Federal reserve banks at this time. I shall, of course, endeavor to keep you informed as to any important developments.

Your advice that on December 31 you received from some undisclosed source a mimeographed copy of the declaration without any covering letter has afforded President Young, Mr. Noonan and me a very lively interest. Your conclusion, after receiving my letter of January 11, that the mimeographed copy was not transmitted by me, is correct.

I do not know where the mimeographed copy which you got on December 31 came from but I suspect, with considerable confidence, that your mimeographed copy came from a source close to the plaintiff. The copy which Mr. Noonan received (from which the typewritten copy I sent to you on January 11 was made) came from the attorney for the plaintiff and was a mimeographed copy. If you would send me your mimeographed copy, I should like to have it compared with Mr. Noonan's mimeographed copy, with a view to determining, if possible from typographical characteristics, whether the two copies conform, returning your copy after such comparison.

Of course, the matter is probably of no immediate importance but we are extremely curious about it here and without going to too much trouble, I should like to run it down a little further.

Aside from the obvious inference that might be drawn if it were found that the copy you got on December 31 came from the plaintiff or his counsel, one occasion for our interest in the matter is that Mr. Noonan and other counsel endeavored several days before the day of entry, January 3, to obtain a copy of the declaration from the plaintiff's attorney but were informed that no copies were available. The plaintiff's attorney did not furnish Mr. Noonan with a copy of the declaration until January 3, but you received a copy on December 31, which must have been mailed not later than December 30, or at least five days before copies were made available to defending counsel here.

For Files
A. E. ...

RECEIVED

JAN 15 1938

NUMBER 9 12 25

1/17/38

Mr. Walter Wyatt --2

January 14, 1938

In view of the rather extraordinary fact that a copy of the declaration was sent to you without any covering letter by some other party, it has occurred to us to wonder whether the Comptroller's office received a similar copy about the same time and in a similar way. I may say that I have furnished a copy of the declaration to Mr. F. D. Williams, Chief National Bank Examiner in this district, and no copy was received by Mr. Williams before I made one available to him.

With kindest personal regards, I am

Cordially yours



K. K. Carrick
Secretary and General Counsel

K

R JUN 27 1941

C O P Y

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Mulloney Daniel C Jr
to 21st Bstn

January 12, 1938.

Mr. K. K. Carrick,
Secretary and General Counsel,
Federal Reserve Bank of Boston,
Boston, Massachusetts.

My dear Mr. Carrick:

Please accept my thanks for your letter of January 11, 1938 and certain inclosures relating to the case of Mulloney v. Boston Clearing House Association, et al, in which the Federal Reserve Bank of Boston is named as one of the defendants.

I have read Mr. Noonan's summary of the declaration with much interest and it does not appear that the case involves any question of interest to the entire Federal Reserve System. Therefore, it would not seem necessary to send copies of the declaration to Counsel for the other Federal Reserve banks at this time. However, we shall appreciate it if you will keep us informed of any important developments, in view of the fact that the litigation might take a turn which would inject into it a question of interest to the entire System.

On December 31st we received from some undisclosed source a mimeographed copy of the declaration in this case without any covering letter. I had assumed that you had sent it along for our information but, since you make no reference to it in your letter of January 11th and inclose a carbon copy instead of a mimeographed copy of the declaration, I am curious to know where the mimeographed copy came from. Please do not go to any trouble to satisfy my curiosity but if you happen to know or should learn who sent us the mimeographed copy, I shall appreciate it if you will let me know.

With kindest personal regards and all best wishes for a happy and prosperous New Year, I am

Cordially yours,

(Signed) Walter Wyatt

Walter Wyatt
General Counsel.

WW: cba

In file
See letter
1/11/38

FEDERAL RESERVE BANK
OF BOSTON

REC'D IN FILES SECTION
JUN 25 1941 R
3000
Mulloney
Dec 31, 1937

January 11, 1938

Mr. Walter Wyatt, General Counsel
Board of Governors of the Federal Reserve System
Washington, D. C.

Dear Mr. Wyatt:-

On December 4, 1937, a summons and a writ of attachment were served on us in an action instituted in the Superior Court of Suffolk County, Massachusetts, by Daniel C. Mulloney against the Federal Reserve Bank of Boston, eleven other Boston banking institutions, certain individuals and the Boston Clearing House Association, the action being described as one of tort or contract, the ad damnum being given as \$3,000,000 and the nature of the claim being stated as "conspiracy to injure and ruin". So far, the case has not had a great deal of publicity. I am enclosing a copy of an article about the suit which appeared in the Boston Herald of January 4, 1938.

While we endeavored to obtain an advance copy of the plaintiff's complaint or declaration, it was not until January 3, the day of entry, when the declaration was filed, that we were able to do so. We have since had some copies of the declaration made and in compliance with the practice of keeping your office informed as to important litigation, I am sending you a copy of the plaintiff's declaration herewith. I am also sending you a copy of a summary of the declaration as prepared by Mr. John T. Noonan, an associate of our Associate Counsel, Mr. Ketchum.

The case will be handled for us by Mr. Ketchum and Mr. Noonan. We have, of course, begun the assembling of information which may be needed in the defense of the action but the principal points so far considered have been the question whether the case should be removed to the United States District Court and the question whether we should file a demurrer. In connection with these questions, there have been two conferences of counsel of the defendant banks since the plaintiff's declaration was filed and while we appear to be the only defendant having a right of removal to the Federal Court, Counsel for the other banks appear to be unanimously of the opinion that removal to the Federal Court would be desirable and it is our present intention to file a petition for removal to the United States District Court at some time between now and January 24. There is some difference of opinion as to the advisability of filing a demurrer at this time, but it is probably fair to say that a majority of counsel are at the present writing opposed to entering a demurrer.

For Files
A.K.E. Entick

RECEIVED
OFFICE OF GENERAL COUNSEL
JAN 18 1938
12:10 P.M.
NUMBER - 10 -

See (letter) 1/14/38
See (letter) 6/24/41 - 1/14/38

Mr. Walter Wyatt --2

January 11, 1938

To the best of our knowledge, the plaintiff's case is entirely without merit so far as the Federal Reserve Bank is concerned but vigorous preparation for the defense of the action will of course be made. We have not as yet advised the other Federal reserve banks with regard to the litigation but if you think that other counsel would be interested in having copies of the plaintiff's declaration, we should be pleased to see that such copies are prepared and sent to them. We shall of course endeavor to keep you informed as to any important developments.

With kindest personal regards to you and your associates, I am

Cordially yours

K. K. Carrick
K. K. Carrick
Secretary and General Counsel

K

Enclosures

