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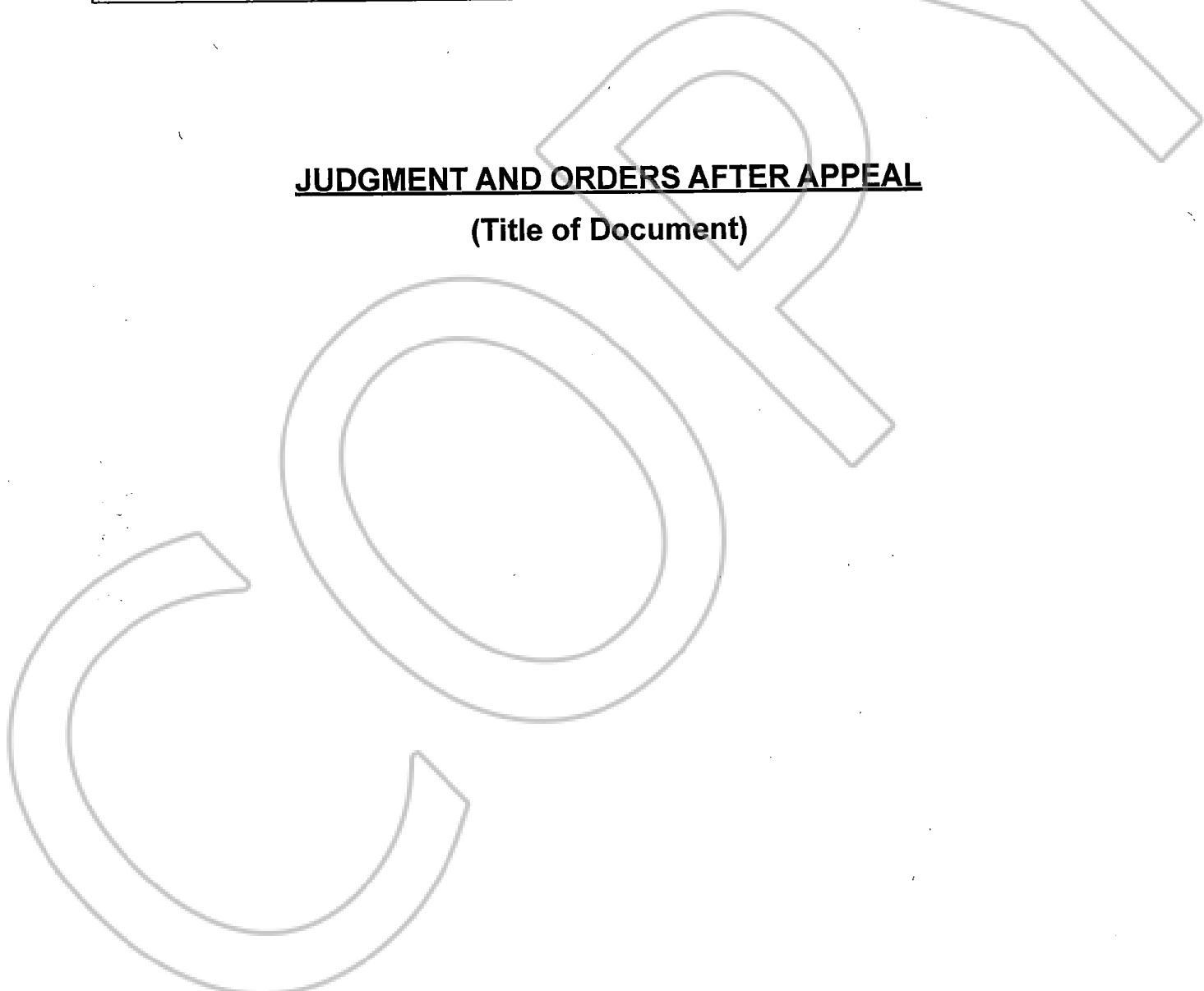
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OFFICIAL RECORD
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JUDGMENT AND ORDERS AFTER APPEAL

(Title of Document)



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UNITED STATES DISTRICT COURT FOR THE DISTRICT OF NEVADA

* * * * *

HELEN DOLMAN, LAWRENCE RUST LEE,) Civil No. 311
E. P. R. DUVAL, JAMES KEITH)
MARSHALL, JR., and KATHERINE)
HANSBROUGH, individually and on)
behalf of the stockholders of)
Ely Valley Mines, Inc., a cor-)
poration, and on behalf of the)
stockholders of Pioche Mines)
Consolidated, Inc., a corporation,)
Plaintiffs,)

vs.

ELY VALLEY MINES, INC., a cor-)
poration, PIOCHE MINES CONSOLI-)
DATED, INC., a corporation,)
JOHN JANNEY, FIRST DOE, SECOND)
DOE, THIRD DOE, FOURTH DOE,)
FIFTH DOE, SIXTH DOE, SEVENTH)
DOE, EIGHTH DOE, NINTH DOE,)
TENTH DOE, BLACK AND WHITE)
COMPANY, a corporation, and)
BROWN AND RED COMPANY, a cor-)
poration,)
Defendants.)

JUDGMENT AND ORDERS AFTER APPEAL

The above entitled cause having come on for hearing, pursuant to notice, for the purpose of effecting compliance with the judgment of the United States Court of Appeals for the Ninth Circuit, dated May 21, 1964, filed herein August 11, 1964, and for hearing of receiver's final report, account, petition for authority to sell, petition for fees, and petition for discharge, pursuant to notice, on August 20, 1964, and

1 August 24, 1964, and August 25, 1964, plaintiffs appearing in
2 person and by and through their attorneys, Alvin N. Wartman
3 and Sullivan, Roche, Johnson & Farragher, by Gerald J. O'Connor,
4 defendants appearing by and through John Janney, and T. David
5 Horton and Morse & Graves, by Harold Morse, evidence having
6 been introduced, now, therefore, in compliance with the afore-
7 said Judgment and Orders of the Court of Appeals,

8 IT IS HEREBY ORDERED AND ADJUDGED AS FOLLOWS:

9 1. That Paragraph VII of the Judgment herein, heretofore
10 entered by this Court on October 8, 1962, awarding the sum of
11 One Million (\$1,000,000) Dollars plus costs against John
12 Janney and in favor of the Receiver of defendant corporations,
13 should be and hereby is modified and amended to be as follows:

14 That Pioche Mines Consolidated, Inc., a
15 corporation, do have and recover from said defend-
16 ant John Janney the sum of One Million (\$1,000,000)
17 Dollars together with its taxable costs in the trial
18 court from John Janney.

19 2. That that part of said Judgment heretofore entered by
20 this Court on October 8, 1962, against Pioche Mines Consoli-
21 dated, Inc. and Ely Valley Mines, Inc. is hereby vacated and
22 set aside, and defaults heretofore entered herein against
23 each of the said corporations are hereby vacated and set
24 aside, and the counterclaims filed on April 4, 1960, on behalf
25 of the said corporations be and the same hereby are reinstated.

26 3. IT IS HEREBY ORDERED AND ADJUDGED that plaintiffs take
27 nothing against Ely Valley Mines, Inc., or on its behalf, and
28 that said corporation recover its taxable costs herein against
29 plaintiffs, and that this action be dismissed as against Ely
30 Valley Mines, Inc.

31 4. IT IS HEREBY ORDERED AND ADJUDGED that the Orders of
32 this Court of December 6, 1961 (inadvertently referred to in

1 the opinion of the Court of Appeals as the Order of December
2 16, 1961), January 24, 1962, and March 16, 1962, and the Judg-
3 ment, insofar as they direct the appointment of or appoint the
4 Receiver, be and each of them is hereby vacated and set aside;
5 and

6 IT IS FURTHER ORDERED, ADJUDGED AND DECREED that the
7 Order of this Court of March 20, 1962, and May 24, 1962, pur-
8 porting to instruct the Receiver, be and each of them is here-
9 by vacated and set aside.

10 IT IS FURTHER ORDERED, ADJUDGED AND DECREED that the
11 Orders of December 6, 1961, January 24, 1962, and March 16,
12 1962, insofar as they contain injunctive provisions, be and
13 each of them hereby is vacated and set aside.

14 5. IT IS FURTHER ORDERED, ADJUDGED AND DECREED that the
15 Judgment heretofore entered herein on October 8, 1962, insofar
16 as it contains injunctive provisions against anyone other than
17 defendant John Janney, his agents, servants, or employees, is
18 hereby vacated and set aside.

19 IT IS FURTHER ORDERED, ADJUDGED AND DECREED that the
20 injunctive provisions of said Judgment against John Janney,
21 his agents, servants or employees are hereby continued in full
22 force and effect.

23 6. IT IS ORDERED, ADJUDGED AND DECREED that that portion
24 of the Judgment which restrains John Janney from disposing of
25 or otherwise hypothecating his stock in Pioche Mines Consoli-
26 dated, Inc., Ely Valley Mines, Inc., and Pioche Power & Light
27 Company, is hereby vacated and set aside.

28 7. IT IS FURTHER ORDERED, ADJUDGED AND DECREED that that
29 part of the Judgment of October 8, 1962, which restrains John
30 Janney and his agents from disposing of, transferring or remov-
31 ing any of the assets, properties, books, files, records and
32 accounts of Pioche Mines Consolidated, Inc., or of Ely Valley

1 Mines, Inc., be and the same hereby is continued in full force
2 and effect.

3 8. IT IS FURTHER ORDERED, ADJUDGED AND DECREED that Sub-
4 paragraph 1 of Paragraph VIII of the Judgment of this Court
5 rendered October 8, 1962, which provided that

6 "The sum of Forty-six Thousand Four Hundred
7 Fifty-seven Dollars and Ninety Cents (\$46,457.90),
8 which said sum is hereby ordered and adjudged to
9 be paid to plaintiff Helen Dolman as and for reim-
10 bursement of monies expended or liabilities in-
11 curred herein by her in prosecuting this action"

12 be and the same hereby is vacated and set aside, and

13 IT IS FURTHER ORDERED, ADJUDGED AND DECREED that Sub-
14 paragraph 2 of Paragraph VIII of said Judgment which provided
15 that

16 "The sum of Seventy-five Thousand Dollars
17 (\$75,000.00), which said sum is hereby ordered
18 and adjudged to be paid to plaintiff Helen Dolman
19 as compensation for her services performed for
20 the benefit of the stockholders represented herein"

21 be and the same hereby is vacated and set aside.

22 9. The Court hereby finds that the services rendered in
23 the above entitled action on and after June 6, 1961, by the
24 Law Firm of Sullivan, Roche, Johnson & Farragher, and Gerald J.
25 O'Connor, as attorneys for the plaintiffs, are of the reason-
26 able value of One Hundred Twenty Thousand (\$120,000) Dollars.

27 THEREFORE, IT IS ORDERED, ADJUDGED AND DECREED that
28 said Attorneys-at-Law have and recover from defendant John
29 Janney the sum of One Hundred Twenty Thousand (\$120,000)
30 Dollars as fees and compensation for their said services herein.

31 IT IS FURTHER ORDERED that said sum of One Hundred
32 Twenty Thousand (\$120,000) Dollars is to be paid only out of

1 the sum of One Million (\$1,000,000) Dollars herein awarded to
2 Pioche Mines Consolidated, Inc., and only from sums actually
3 collected in the proportion of Twelve (\$12) Dollars for every
4 One Hundred (\$100) Dollars so collected.

5 10. The Court hereby finds that the services rendered in
6 the above entitled action on and after June 6, 1961, by Alvin
7 N. Wartman, Attorney-at-Law, as one of the attorneys for the
8 plaintiffs herein, are of the reasonable value of Eleven
9 Thousand One Hundred Seventeen and 51/100 (\$11,117.51) Dollars.

10 THEREFORE, IT IS ORDERED, ADJUDGED AND DECREED that
11 said Attorney-at-Law, Alvin N. Wartman, have and recover from
12 defendant John Janney the sum of Eleven Thousand One Hundred
13 Seventeen and 51/100 (\$11,117.51) Dollars as fees and compen-
14 sation for his said services herein.

15 IT IS FURTHER ORDERED that said sum of Eleven Thousand
16 One Hundred Seventeen and 51/100 (\$11,117.51) Dollars is to be
17 paid only out of the sum of One Million (\$1,000,000) Dollars
18 herein awarded to Pioche Mines Consolidated, Inc., and only
19 from sums actually collected in the proportion of One and
20 11/100 (\$1.11) Dollars for every One Hundred (\$100) Dollars
21 so collected.

22 11. IT IS FURTHER ORDERED AND ADJUDGED that plaintiffs
23 shall have and recover their taxable costs herein from John
24 Janney, but no other costs or expenses.

25 12. Pursuant to the direction of the Court of Appeals and
26 of this Court, the Receiver did, on August 18, 1964, file his
27 final report, account, petition for authority to sell, petition
28 for fees and petition for discharge, and from the evidence,
29 oral and documentary, adduced at the hearing of said final
30 report, account, petition for authority to sell, petition for
31 fees and petition for discharge, the Court will hereafter make
32 and enter its findings and judgment on and in regard to said

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account and all other matters considered at said hearing; and the Court retains jurisdiction for such purposes.

The Court also retains jurisdiction to take all other actions which may be considered by the Court necessary to carry out the foregoing Orders and will entertain such further proceedings as may hereinafter be deemed consistent with the opinion of the Court of Appeals of May 21, 1964.

DATED: This 23d day of November, 1964.

Roger J. Foley
U. S. Senior District Judge.