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IN THE DISTRICT COURT OF THE UNITED STATES FOR THE WESTERN DISTRICT OF MISSOURI,
CENTRAL DIVISION.

Lucile Bluford,
Plaintiff,

vs.

S. W. Canada,
Defendant

No. 128

MOTION FOR DIRECTED VERDICT ON COUNT 1.

Now comes Defendant and moves the court to direct the jury to return a verdict against Plaintiff and in favor of Defendant upon Count 1 of the amended complaint, for the following reasons:

1. The evidence is insufficient to prove or establish the claim stated in said Count.
2. There is no evidence that Plaintiff applied to Lincoln University for graduate work in journalism in time for the Board of Curators of that institution to have provided such course of instruction at the opening of The September Semester, 1941.
3. There is no evidence that Defendant at any time in question owed or now owes any duty to issue to Plaintiff a permit to register or to register her as a student in the University of Missouri.
4. As a matter of public policy under the law Defendant is immune from the alleged pecuniary liability for damages asserted in said Count.
5. In refusing to issue to Plaintiff such permit to register, and in refusing to register Plaintiff as a student in the University of Missouri, Defendant acted in conformity with the controlling law as declared in the opinions of this court and of the Supreme Court of Missouri, and in conformity with the opinion of the Attorney General of Missouri, referred to in the Fifth Defense of the answer.

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6. Plaintiff's alleged applications to Lincoln University for graduate instruction in journalism and her alleged applications to Defendant for a permit to register as a student in the University of Missouri were not made by Plaintiff in good faith, but were made by her in bad faith and for an indirect and ulterior purpose.

7. Since January 29, 1942, there has been, and there is now, no graduate course of instruction in journalism available in the University of Missouri.

MOTION TO DISMISS COUNT 2.

AND now comes Defendant and moves the court to dismiss Count 2 of the amended

complaint, for the following reasons:

1. There is no equity in said Count.
2. Said Count fails to state a claim upon which injunctive relief can be granted, or within the jurisdiction of a court of equity.
3. The evidence is insufficient to prove the claim stated in said Count.
4. Since the discontinuance of graduate instruction in journalism in the University of Missouri on January 29, 1942, the claim stated in Count 2 has become and is now moot.
5. Plaintiff does not come into court with clean hands or in good faith in seeking the relief prayed.
6. In support of this motion Defendant also adopts herein by reference, and reasserts here as equally applicable to Count 2, each ground alleged in the above motion of Defendant for a directed verdict upon Count 1 of the amended complaint.

MOTION TO DISMISS COUNT 3.

And now comes Defendant and moves the court to dismiss Count 3 of the amended complaint for the following reasons:

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1. Said Count fails to state a claim upon which relief by declaratory judgment can lawfully be granted.
2. The evidence is insufficient to prove the claim stated in Count 3, or to invoke the jurisdiction of the court to render a declaratory judgment.
3. In support of this motion Defendant also adopts herein by reference, and reasserts here as equally applicable to Count 3, each ground alleged in the above motion of Defendant for a directed verdict on Count 1 and each ground alleged in the above motion of the Defendant to dismiss Count 2 of the amended complaint.

Kenneth Teasdale
Rubey M. Hulen
Wm. S. Hogsett
Attorneys for Defendant.

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No. 128

LUCILE BLUFORD
vs.
S. W. CANADA

DEFENDANT'S
MOTION FOR DIRECTED VERDICT ON COUNT 1,
MOTION TO DISMISS COUNT 2, and

MOTION TO DISMISS COUNT 3

Filed

April 24- 1942

A. L. Arnold

Clerk

By W. C. Spaulding

DC