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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.

Civil Action No. 42

DEFENDANT'S MOTION FOR DIRECTED VERDICT

Now comes defendant at the close of all the evidence and moves the court to direct a verdict in favor of defendant, for each of the following reasons:

1. The amended second count of plaintiff's complaint (upon which the case is being tried) fails to state a claim against defendant upon which relief can be granted.
2. The evidence fails to prove a claim against defendant upon which relief can be granted.
3. The evidence fails to prove that plaintiff actually desired in good faith to take graduate work in journalism in the University of Missouri and that her application for a permit to register was in good faith.
4. The evidence fails to prove that defendant's refusal of plaintiff's request for a permit to register in the University of Missouri was the proximate cause of her not receiving graduate work in journalism in the University of Missouri.

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5. The evidence fails to prove that defendant's refusal of plaintiff's request for a permit to register in the University of Missouri caused plaintiff any damage whatever.

6. There is no evidence that plaintiff ever applied to Lincoln University for graduate work in journalism.

7. There is no evidence of any application by plaintiff to Lincoln University for graduate work in journalism in reasonable time for the curators of that institution to have provided such a course at the opening of the September Term, 1939.

8. There is no evidence that the curators of Lincoln University unlawfully refused any application by plaintiff for graduate work in journalism.

9. There is no evidence that when at the time in question defendant refused plaintiff's request for a permit to register in the University of Missouri defendant had any knowledge of any application by plaintiff to Lincoln University for graduate work in journalism; and there is no evidence that at said time defendant had any knowledge of any rejection of any such application by the curators of Lincoln University.

10. The judgment of the Boone County Circuit Court in the mandamus suit mentioned in evidence is a former adjudication of the merits of this action against the plaintiff and in favor of the defendant.

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Attorneys for Defendant

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Filed October 24, 1940
A. L. Arnold, Clerk
by John A. Boyer Jr.
Deputy