

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

UNITED STATES OF AMERICA, Plaintiff,

v.

THOMAS J. PENDERGAST, ROBERT EMMETT O'MALLEY and A. L. McCORMACK,
Defendants.

PLEA IN ABATEMENT

Comes now A. L. McCormack, one of the defendants in the above-entitled cause,
and respectfully moves the Court to abate, quash and for naught hold the indictment
herein for the following reasons, to-wit:

There was no competent or legal evidence submitted or presented to the Grand Jury
which returned the indictment herein that would tend to support the inference that:

It was the purpose and object of the said conspiracy and of the defendants, and
each and all of them, that they, the said T. J. Pendergast, R. E. O'Malley, A. L.
McCormack and Charles R. Street, would and did attempt to obtain the payment
of a large sum of money from certain insurance companies * * *;

They would and did obtain the influence of Charles R. Street with the various and
divers insurance companies * * * to agree to and accede to a compromise and
settlement of all the litigation, hereinbefore described, by the terms of which
compromise and settlement there would be distributed out of the moneys
impounded by the Court * * * approximately 80% for the insurance companies * *
*.

After having induced the various insurance companies, * * *, and the State
Superintendent of Insurance to agree and accede to the compromise and
settlement, hereinbefore described, the defendants, and each and all of them,
would and did attempt to induce and procure from the United States Court * * * a
decree ratifying and embodying all of the provisions fraudulently and corruptly
agreed upon in said compromise and settlement hereinbefore described;

They, the said defendants, and each of them * * *, would and did attempt to
procure, by the corrupt, fraudulent and unlawful means hereinbefore described,
the distribution of all of the moneys impounded to the various insurance
companies * * *, and to the policyholders * * *, and they would and did continue to
work together in concerted action until all of said moneys had been finally and

completely distributed, and until all of the causes had been finally and completely disposed of by the United States Court sitting as aforesaid.

WHEREFORE, this defendant asks that the indictment herein be abated, quashed and for naught held, and that he be discharged thereunder.

Respectfully submitted,

Forest W Hanna

Attorney for Defendant A. L. McCormack.