

(COPY)

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

RHEA GRAEF, Plaintiff, Vs.

CITY BEVERAGE COMPANY

A corporation, et al. Defendants,

No. 5532

INTERROGATORIES TO DEFENDANT CITY BEVERAGE COMPANY. A
CORPORATION

Comes now plaintiff and submits the following interrogatories to be answered by an officer or agent of the City Beverage Company, a corporation, a defendant herein, who shall furnish such information as is available to it to be executed under oath as follows: Answers to all interrogatories are limited to the period between January 1, 1936, and May 4, 1948, unless otherwise indicated in the individual interrogatories.

1. (a) Who were stockholders of City Beverage Company?
(b) Officers?
(c) Directors?
2. (a) In what business was City Beverage Company engaged?
(b) Selling what products?
(c) For what companys, Individuals, partnerships, and corporations?
(d) Under contracts written or oral, and with whom, and the dates thereof?
3. On what dates were, and where were,
(a) Directors meetings held—both regular and special?
(b) Stockholders meeting held, both regular and special?
4. Was plaintiff notified of all meetings and on what date and in what manner?
5. (a) What dividends have been declared by City Beverage Company?
(b) In what amounts?
(c) To whom were they paid?
(d) How were they paid, cash, by check, in capital stock, in goods, wares, or merchandise, or otherwise?

- (e) If by check, upon what bank or banks were the same drawn?
 - (f) If in goods, wares, or merchandise, state the items and amounts thereof in each instance.
 - (g) What were the dates of the declarations thereof?
 - (h) What were the dates of the payment thereof?
 - (i) Were such payments authorized by stockholders meetings or directors meetings? And the dates of such meetings, and if so, state the wording of any resolutions authorizing the same?
- 6.
- (a) What dividends have been paid by City Beverage Company but not declared by resolution of directors or stockholders meetings?
 - (b) To whom?
 - (c) In what amounts?
 - (d) Were they paid in cash, check, stock, goods, wares, or merchandise, or otherwise?
 - (e) If by check upon what bank or banks were they drawn, and the dates thereof?
 - (f) If in goods, wares, or merchandise, state the items and amounts.
7. What salaries have been paid by City Beverage Company?
- (a) To any stockholders.
 - (b) To any officer, whether a stockholder, director or not.
 - (c) To any director.
 - (d) To any other person or persons employed in an executive or supervisory capacity.
 - (e) State in each instance the amount, date, naming the individual to whom paid, and the services performed for such salaries.
 - (f) Were such payments authorized by stockholders meetings, or directors meeting, and the dates of such meetings, and if so state the wording of any and all resolutions authorizing the same.
 - (g) Were such salaries paid in cash, by check, and if by check upon which bank or banks, or in capital stock of the company, or in goods, wares, or merchandise.

- (h) If in goods, wares, or merchandise, state the items, amounts, and to whom paid.
8. (a) What services if any has defendant William H. McCrory performed for City Beverage Company?
 - (b) What amount of time was devoted to the same by him?
 9. (a) What services if any has defendant Phillip H. McCrory performed for City Beverage Company.
 - (b) What amount of time was devoted by him to the same.
 - (c) What is his residence now?
 - (d) Where has he resided between said dates?
 - (e) Upon what date or dates has he been in Kansas City?
 - (f) What directors meetings has he attended and the dates thereof?
 - (g) What stockholders meetings has he attended and the dates thereof?
 10. (a) What services if any has defendant T. J. Pendergast, Jr. performed for City Beverage Company?
 - (b) What amounts of time has been devoted by him to the same?
 11. What other amounts, exclusive of dividends and salaries paid by said dates have been paid by City Beverage Company by way of bonus, extra compensation, expense payment, or otherwise to,
 - (a) any stockholder
 - (b) any officer
 - (c) any director
 - (d) any other person or persons employed in an executive or supervisory capacity.
 - (e) In each instance, state the amount of such payments; how paid, whether in cash, check, capital stock, or goods, wares, or merchandise; the dates of such payments; whether the same were authorized by stockholders or directors meetings, and if so, the wording of the resolution authorizes the same; if in goods, wares, or merchandise, the items and amounts thereof; if by check, the bank or banks upon which the same were drawn.
 12. What forms of money, stocks securities, warehouse receipts, bills of lading, or any

other asset of City Beverage Company have been borrowed from the company by,

- (a) Any officer.
 - (b) Director
 - (c) Stockholder
 - (d) Employee
 - (e) Other person, and
 - (f) If so, state the dates of such borrowings, the type of securities if any, held by the City Beverage Company, and the amounts and dates of any repayments.
 - (g) State whether such borrowings, if any, were authorized by the directors or stockholders.
 - (h) If so, give the date thereof and the wording of any resolution authorizing the same.
13. (a) Who has been employed as bookkeepers of the City Beverage Company, stating the names thereof; the present address thereof; the dates of employment.
- (b) State the amounts of salaries paid to any such bookkeepers and date of each payment.
- (c) State the amount of any bonus or extra compensation or amount of expense paid to any such individual and the date of each, and if the same were by cash or check, and if by check the bank or banks upon which drawn.
- (d) If any such payments were in goods, wares or merchandise, state the amounts and itmes thereof, and the dates upon which same were delivered.
14. What are and have been all the regular books of account of City Beverage Company?
- (a) Naming each book.
 - (b) By whom kept in each instance.
 - (c) Between what dates?
 - (d) In whose custody are the same now?
15. Has City Beverage Company any other or different books of account in which records, accounts, transactions, sales or purchases of any kind or character kept, except those the preceding Interrogatory? If any such books exist, state whether

the same were kept by regularly employed bookkeepers of the company or other auditors or accountants, person or persons, whomsoever.

16. If the answer to the previous instance is in the affirmative, state what are such books of account and records, and by whom have they been, and by whom are they kept, and between what periods of time, and in whose custody the same are, and at what location.
17. State the monthly purchases of City Beverage Company from Anheuser-Bush Brewing Company in each month of,
 - (a) Keg beer, In quarter kegs, half kegs, and whole kegs.
 - (b) Cases of 24-12 ounce bottles.
 - (c) Cases of 24-12 ounce cans.
 - (d) Cases of 12-12 ounce bottles.
 - (e) Cases of 12-12 ounce cans.
 - (f) Cases of 12-32 ounce bottles.
 - (g) Cases of any other stock item of cases bottled or canned beer in different quantities or sizes.
 - (h) In each instance, state the cost of each item to City Beverage Company in each month of said period as billed by Anheuser-Bush Brewing Company, and the selling price of each within each month of said period by City Beverage Company to its customers, both at wholesale and retail.
18. State the purchase price of truck load and carload lots of each item and the amount of each item contained in carload lots and truck load lots, respectively.
19. State whether such purchases of the items named in interrogatories 17 were ever made in less than carload lots or truck load lots.
20. State the monthly amounts of the products other than those named in interrogatory 17, purchased by City Beverage Company from Anheuser-Bush or any of its subsidiaries, the dates, the cost, the officers, and the selling price charged by City Beverage Company, to its customers both at wholesale and retail.
21. By what railroads were purchased articles shipped by the Anheuser-Bush or any of its subsidiaries between any such dates?

22. By what truck lines were such items shipped to the Anheuser- Bush Company and its subsidiaries to City Beverage Company, between such dates.
23. Were all such purchases from Anheuser-Bush and its subsidiaries by City Beverage Company that were shipped by railroad and truck line delivered directly to City Beverage Company office warehouse and plant at 1915 Walnut street, or were any such shipments consigned to or diverted in transit to any other person, firm, or corporation or association, or delivered to any warehouse or storage place of City Beverage Company, other than its office plant and warehouse at 1915 Walnut street, Kansas City, Missouri? If so, state the items, dates, and amounts.
24. Between the said dates, state the items, giving the dates thereof, as to what allowances, credits, or shipments without charge, to City Beverage Company were made by Anheuser-Bush Company of any of the items mentioned in interrogatories 17-23 for,
 - (a) Samples
 - (b) Breakage
 - (c) Leakers
 - (d) Advertising
 - (e) Promotion
 - (f) Any other purpose or object.
25. State the information requested in interrogatories 17-24 inclusive, with reference to any other brewery than Anheuser-Bush Brewery Company or its subsidiaries.
26. Between said dates, were the normal monthly purchases of beer or any other products dealt in by City Beverage Company, arbitrarily cut in any period by the suppliers thereof, to City Beverage Company? If so, state between what dates and in what amounts for each supplier so doing. If so, state in what months in each of said years, the gross sales of City Beverage Company dropped because thereof, and state the amount of such sales decrease over a named normal purchase month.
27. Between said dates, state any items of goods, wares, and merchandise held in inventory by City Beverage Company, that were taken out of Inventory and delivered to any person, firm, partnership, or corporation and the same were not

- paid for in cash on delivery or charged to the account of the deliverer, if any,
- (a) State the person, firm, partnership, or corporation to which the same were delivered.
 - (b) The date thereof.
 - (c) The items thereof.
28. State the amount of any decrease in goods, wares, and merchandise in inventory between successive inventories not reflected in sales of the company for cash or on credit, naming the items thereof and the amount of each item and the date of such ascertained decrease in inventory.
29. What interest, if any, does City Beverage Company have in T. J. Pendergast Wholesale Liquor Company?
30. If the answer to the preceding interrogatory indicates any such interest, state the nature and circumstances of acquiring such interest and the date of acquiring the same. Also state the price or goods paid for such interests and the date thereof and whether City Beverage Company holds any security, notes, or other evidences of indebtedness therefore.
31. State what amount of cash, securities, stock or other assets of City Beverage Company were paid to or transferred to T. J. Pendergast Wholesale Liquor Company, or any other person, firms, partnership, or corporation for,
- (a) Any interest in the T. J. Pendergast Wholesale Liquor Company, or purchase of any of its stock, assets, or inventory.
 - (b) By way of loan to T. J. Pendergast Wholesale Liquor Company.
 - (c) To pay debts or obligation of the T. J. Pendergast Wholesale Liquor Company.
 - (d) To pay salaries, compensation or bonuses of officers, directors, stockholders, or employees of T. J. Pendergast Wholesale Liquor Company.
 - (e) To pay any expenses of officers, directors, stockholders or employees of T. J. Pendergast Wholesale Liquor Company.
 - (f) To pay for any merchandise of any kind purchased by T. J. Pendergast Wholesale Liquor Company.
32. State for each year ending December 31st, during said periods.

- (a) The gross yearly salaries of City Beverage Company.
 - (b) The gross yearly purchases of City Beverage Company.
 - (c) The net yearly profit of City Beverage Company.
 - (d) The gross yearly sales cost of City Beverage Company.
 - (e) The gross yearly salaries of officers and directors of City Beverage Company.
 - (f) The gross yearly salaries of other employees.
33. What income tax deficiencies have been assessed against City Beverage Company, in what years, the amounts thereof, and the payments made by City Beverage Company therefore and thereof?
34. What was the outcome and result of the Governments deficiency claim for Federal income taxes and penalties from 1933, to and including 1934 in the amount of \$747.42.62 for taxes, penalties and interests, stating whether the same is still pending, whether settled by the Technical Staff, in the Tax Court or otherwise, the date thereof and the amounts paid in settlement.
35. State the amounts paid by City Beverage Company for bar fixtures and accessories furnished its retail outlets. The amounts charged on the company's books for such items and against whom, and if the same were sold by City Beverage Company, to whom, and on what dates, and for what amounts.
36. Were yearly financial statements of the corporation furnished to the plaintiff, and upon what dates.
37. State or attach to your answers the yearly financial statements of the corporation, as of December 31, in each year.
36. If those financial statements requested in the previous interrogatory carry an item of accounts payable to officers, or directors, or stockholders, or employees, state in each instance the amount due each officer, director, stockholder, and employee, and what such amounts represented, and the purpose therefore.
39. State who purchased the 75 shares of capital stock of City Beverage Company, owned by plaintiff on May 4, 1948.

Attorneys for Plaintiff 715 Lathrop Building Kansas City, Missouri

Received a copy of the foregoing this 13th day of May, 1949.

(S) John H. McEvers

(S) Dick H. Woods

Attorneys for Defendant City Beverage Company