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HARTON ETAL VS GREKA AM ETAL

-- Case Detail --

Case #: **D-506-CV-200100417**
 Current Judge: **GARY CLINGMAN**
 Case Status: **CL FINAL CLOSED** Status Date: **02/09/2004**
 Filing Date: **10/29/2001**
 Court: **Lovington District Court**

CIL CONSERVATION DIVISION
 CASE NUMBER
 EXHIBIT NUMBER /

-- Parties to this Case --

DEFENDANT D 1 GREKA AM INC
 Attorney(s): **ROD M. SCHUMACHER**

DEFENDANT D 2 GREKA ENERGY CORPORATION

DEFENDANT D 3 SABA ENERGY OF TEXAS INCORPORATED
 Attorney(s): **ROD M. SCHUMACHER**

DEFENDANT D 4 STRATA VARIOUS L C

DEFENDANT D 5 KELHE RALPH
 Attorney(s): **KAREN AUBREY**

DEFENDANT D 6 EIMERS DENNIS
 Attorney(s): **RUDOLPH A. WOERNDLE**

DEFENDANT D 10 CIELO ENERGY CORPORATION

DEFENDANT D 11 TATUM ENERGY LC
 Attorney(s): **WILLIAM F. CARR**

DEFENDANT D 12 CAPCO ACQUISUB INC
 Attorney(s): **GARY DON REAGAN**

PLAINTIFF P 1 HARTON MICHAEL
 Attorney(s): **JOHNSTON JEFFRIES**

PLAINTIFF P 2 HARTON LINDA
Attorney(s): JOHNSTON JEFFRIES

DEFENDANT D 8 JEFFCOAT LEON

DEFENDANT D 7 BARNES JERRY
Attorney(s): RUDOLPH A. WOERNDLER

DEFENDANT D 9 CHRISTENSEN PETROLEUM INC
Attorney(s): RUDOLPH A. WOERNDLER

DEFENDANT D 13 AHMAD IFTIKHAR DR
Attorney(s): GARY DON REAGAN

DEFENDANT D 14 MUNDY DARSHAM S
Attorney(s): GARY DON REAGAN

DEFENDANT D 15 PHARA VIJAY DR
Attorney(s): GARY DON REAGAN

DEFENDANT D 16 RAHMAN HAMID UR DR
Attorney(s): GARY DON REAGAN

DEFENDANT D 17 SAEED MUHAMMAD
Attorney(s): GARY DON REAGAN

DEFENDANT D 18 SAYED KALEEM AHMAD
Attorney(s): GARY DON REAGAN

DEFENDANT D 19 SEHER ENTERPRISES INC
Attorney(s): GARY DON REAGAN

DEFENDANT D 20 SHEIKH K M DR
Attorney(s): GARY DON REAGAN

DEFENDANT D 21 SOHAIL SAJID A
Attorney(s): GARY DON REAGAN

DEFENDANT D 22 SUMMER ENTERPRISES INC
Attorney(s): GARY DON REAGAN

CROSS DEF XD 1 GREKA AM INC
Attorney(s): ROD M. SCHUMACHER

CROSS PL XP 1 CAPCO ACQUISUB INC
Attorney(s): GARY DON REAGAN

CROSS PL XP 3 MUNDY DARSHAM S
Attorney(s): GARY DON REAGAN

CROSS PL XP 6 SAEED MUHAMMAD
Attorney(s): GARY DON REAGAN

CROSS PL XP 4 PHARA VIJAY DR
Attorney(s): GARY DON REAGAN

CROSS PL XP 5 RAHMAN HAMID UR DR
Attorney(s): GARY DON REAGAN

CROSS PL XP 7 SAYED KALEEM AHMAD
Attorney(s): GARY DON REAGAN

CROSS PL XP 8 SEHER ENTERPRISES INC
Attorney(s): GARY DON REAGAN

CROSS PL XP 9 SHEIKH K M DR
Attorney(s): GARY DON REAGAN

CROSS PL XP 10 SOHAIL SAJID A
Attorney(s): GARY DON REAGAN

CROSS PL XP 11 SUMMER ENTERPRISES INC
Attorney(s): GARY DON REAGAN

CROSS PL XP 2 AHMAD IFTIKHAR DR
Attorney(s): GARY DON REAGAN

CROSS DEF XD 4 KELHE RALPH
Attorney(s): KAREN AUBREY

CROSS DEF XD 2 SABA ENERGY OF TEXAS INCORPORATED
Attorney(s): ROD M. SCHUMACHER

CROSS DEF XD 3 STRATA VARIOUS L C

CROSS DEF XD 6 JEFFCOAT LEON

CROSS DEF XD 5 EIMERS DENNIS
Attorney(s): RUDOLPH A. WOERNDLER

CROSS DEF XD 7 TATUM ENERGY LC
Attorney(s): WILLIAM F. CARR

-- Register of Actions Activity --

Event Date	Event Description	P Type	P Num	Amt
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02/09/2004	CLS: ORD CONSOLIDATION ORDER TO CONSOLIDATE /CLINGMAN THIS CAUSE BE CONSOLIDATED WITH CAUSE NO. CV-2001-249			
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12/12/2003	CERTIFICATE OF DEPOSITION COURT REPORTER'S CERTIFICATE ORAL DEPOSITON OF WALTON VANCE TAKEN OCTOBER 20, 2003 -KELLY ALLEN			
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12/04/2003	AMENDED ORD SECOND AMENDED ORDER /CLINGMAN GREKA AM, INC. AND SABA ENERGY OF TEXAS, INCORPORATED'S MOTION TO DISMISS FOR FAILURE TO JOIN INDISPENSABLE PARTIES IS DENIED AS MOOT PLAINTIFFS AND ALL REMAINING DEFENDANTS ARE ORDERED TO MEDIATE THIS CUASE BEFORE JUDGE SHULER ON 12-18-03 AT 9:00 A.M. ALL PARTIES WITH FULL AUTHORITY TO SETTLE ARE REQUIRED BY THIS ORDER TO ATTEND THE MEDIATION IF THIS CAUSE IS NOT SETTLED THROUGH MEDIATION OR OTHERWISE, ON OR BEFORE 12-31-03, THEN THIS CASE IS ORDERED TO BE CONSOLIDATED WITH CV-2001-249 ALL OTHER RELIEF REQUESTED BY THE RESPECTIVE PARTIES NOT EXPRESSLY GRANTED HEREIN IS DENIED			
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11/26/2003	AMENDED ORD AMENDED AGREED ORDER TO REFER TO MEDIATION AND CONSOLIDATE /CLINGMAN GREKA AM, INC. AND SABA ENERGY OF TEXAS, INC'S MOTION TO			
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DISMISS FOR FAILURE TO JOIN INDISPENSABLE PARTIES IS DENIED
PLAINTIFFS AND ALL REMAINING DEFENDANTS ARE ORDERED TO
MEDIATE THIS CAUSE BEFORE A JUDGE OF THE FIFTH JUDICIAL
DISTRICT ON OR BEFORE 12-19-03
IF THIS CAUSE IS NOT SETTLED THROUGH MEDIATION OR OTHERWISE,
THEN THIS CASE IS ORDERED TO BE CONSOLIDATED INTO CAUSE
CV-2001-249
ALL OTHER RELIEF REQUESTED BY THE RESPECTIVE PARTIES NOT
EXPRESSLY GRANTED HEREIN IS DENIED

11/18/2003 ORD: STIPULATED
AGREED ORDER FOR MEDIATION & CONSOLIDATION /CLINGMAN
MOTION TO DISMISS FOR FAILURE TO JOIN INDISPENSABLE PARTIES
IS DENIED AS MOOT
PLAINTIFFS AND ALL REMAINING DEFENDANTS ARE ORDERED TO
MEDIATE THIS CAUSE BEFORE A JUDGE OF THE FIFTH JUDICIAL
DISTRICT. ALL PARTIES WITH FULL AUTHORITY TO SETTLE ARE
REQUIRED TO ATTEND THE MEDIATION.
IF THIS CAUSE IS NOT SETTLED THROUGH MEDIATION OR OTHERWISE,
ON OR BEFORE DECEMBER 19, 2003, THEN THIS CAUSE IS ORDERED
TO BE CONSOLIDATED INTO CV 2001-249.
ALL OTHER RELIEF REQUESTED BY THE RESPECTIVE PARTIES NOT
EXPRESSLY GRANTED HEREIN IS DENIED.

11/14/2003 RECORD OF TRIAL
TRIAL/CASE MEMORANDUM -KATHY LORD
MOTION HEARING
TO BE CONSOLIDATED W/CV2001-249

11/13/2003 CAL: HEARING
Calendar Posting on 12-12-2003
HEARD
12/12/2003 HRD :HEARD

11/13/2003 NCJ: DISMISSAL W/PREJUDICE D 8
ORDER OF DISMISSAL WITH PREJUDICE AS TO DEFENDANT LEON
JEFFCOAT /CLINGMAN
THIS MATTER BE AND HEREBY IS DISMISSED WITH PREJUDICE AS TO
DEFENDANT, LEON JEFFCOAT, INCLUDING CLAIMS FOR COSTS AND
FEES INCURRED HEREIN

11/13/2003 MTN: TO DISMISS
JOINT MOTION FOR DISMISSAL WITH PREJUDICE AS TO DEFENDANT
LEON JEFFCOAT -JOHNSTON

11/13/2003 MTN: FOR LEAVE
PLAINTIFFS' MOTION FOR LEAVE TO FILE THIRD AMENDED COMPLAINT
FOR DECLARATORY JUDGMENT, CLOUD ON TITLE, PAST DUE ROYALTIES
DRAINAGE, FAILURE TO DEVELOP, FAILURE TO PRUDENTLY OPERATE
AND MARKET GAS, SLANDER OF TITLE, BAD FAITH TRESPASS, AND
ATTORNEY'S FEES -SHORT
WITH ATTACHMENT

11/10/2003 RESPONSE
OF PLAINTIFFS TO DEFENDANTS' CAPCO AQUISUB, INC, DR IFTIKHAR
AHMAD, DARSHAM S. MUNDY, DR VIJAY PHARAR, DR HUMID UR
RAHMAN, MUHAMMAD SAEED KALEEM AHMAD SAYED, SEHER ENTERPRISES
INC, DR KM SHEIKH, SAJID A SOHAIL, AND SUMMER ENTERPRISES
INC'S ANSWER TO PLAINTIFFS' SECOND AMENDED COMPLAINT AND
CROSS-CLAIMS - MICHAEL A SHORT

11/10/2003 RESPONSE
PLAINTIFF'S RESPONSE TO DEFENDANT GREKA AM, INC AND SABA
ENERGY'S MOTION TO DISMISS FOR FAILURE TO INDISPENSABLE
PARTIES OR IN THE ALTERNATIVE MOTION TO CONSOLIDATE PENDING
TRIALS - Michael A Short

11/04/2003 ANSWER & CROSSCLAIM D 12
ANSWER OF THE DEFENDANTS CAPCO AQUISUB, INC., DR. IFTIKHAR
AHMAD, DARSHAM S. MUNDAY, DR. VIJAY PHARAR, DR. HAMID
UR RAHMAN, MUHAMMAD SAEED, KALEEM AHMAD SAYED, SEHER
ENTERPRISES, INC., DR. K.M. SHEIKH, SAJID A. SOHAIL AND
SUMMER ENTERPRISES, INC. TO PLAINTIFF'S SECOND AMENDED
COMPLAINT AND CROSS-CLAIMS -REAGAN

10/31/2003 MTN: TO DISMISS
DEFENDANTS GREKA AM, INC. AND SABA ENERGY'S MOTION TO
DISMISS FOR FAILURE TO JOIN INDISPENSABLE PARTIES OR IN THE
ALTERNATIVE MOTION TO CONSOLIDATE PENDING TRIALS -SCHUMACHER

10/31/2003 WITNESS/EXHIBIT DISCLOSURE
WITNESS DISCLOSURE OF DEFENDANTS CAPCO AQUISUB, INC, DR.

IFTIKHAR AHMAD, DARSHAM S. MUNDAY, DR. VIJAY PHARAR, DR.
HAMID UR RAHMAN, MUHAMMAD SAEED, KALEEM AHMAD SAYED, SEHER
ENTERPRISES, INC, DR. K.M. SHEIKH, SAJID A. SOHAIL, AND
SUMMER ENTERPRISES, INC. ("THE CAPCO DEFENDANTS" HEREINAFTER
-REAGAN

10/20/2003 NCJ: DISMISSAL W/PREJUDICE D 9
ORDER OF DISMISSAL WITH PREJUDICE AS TO DEFENDANT
CHRISTENSEN PETROLEUM, INC. /CLINGMAN
THIS MATTER BE AND HEREBY IS DISMISSED WITH PREJUDICE,
INCLUDING CLAIMS FOR COSTS AND FEES INCURRED HEREIN

10/20/2003 SUMMONS ISSUED
TO MUHAMMAD SAEED
DARSHAN MUNDY

10/20/2003 MTN: TO DISMISS
JOINT MOTION FOR DISMISSAL WITH PREJUDICE AS TO DEFENDANT
CHRISTENSEN PETROLEUM, INC. -JOHNSTON

10/16/2003 PROOF OF SERVICE
PROOF OF SERVICE -SANCHEZ

10/14/2003 SUMMONS ISSUED
TO SEHER ENTERPRISES, INC - FARMINGTON, NM
SEHER ENTERPRISES, INC - LEESBURG, VA
SEHER ENTERPRISES, INC - SANTA FE, NM
SUMMER ENTERPRISES, INC
KALEEM AHMAD SAYED
MUHAMMAD SAEED
DR. HAMID UR RAHMAN
DARSHAN S. MUNDY
DR. IFTIKHAR AHMAD

10/14/2003 NCJ: DISMISSAL W/PREJUDICE
ORDER OF DISMISSAL WITH PREJUDICE AS TO DEFENDANT DENNIS
EIMER /CLINGMAN
INCLUDING CLAIMS FOR COSTS AND FEES INCURRED HEREIN

10/14/2003 NCJ: DISMISSAL W/PREJUDICE D 7
ORDER OF DISMISSAL WITH PEJUDICE AS TO DEFENDANT JERRY

BARNES /CLINGMAN
INCLUDING CLAIMS FOR COSTS AND FEES INCURRED HEREIN

10/14/2003 MTN: TO DISMISS
JOINT MOTION FOR DISMISSAL WITH PREJUDICE AS TO DEFENDANT
DENNIS EIMERS -JOHNSTON

10/14/2003 MTN: TO DISMISS
JOINT MOTION FOR DISMISSAL WITH PREJUDICE AS TO DEFENDANT
JERRY BARNES -JOHNSTON

10/03/2003 RESPONSE P 1
PLAINTIFFS' RESPONSE TO DEFENDANT CAPCO ACQUISUB, INC.'S
MOTION FOR PROTECTIVE ORDER AND NOTICE AND NONAPPEARANCE
-JOHNSTON

10/01/2003 MTN: MOTION
MOTION FOR PROTECTIVE ORDER AND NOTICE OF NONAPPEARANCE
-SANCHEZ

09/25/2003 CERTIFICATE OF SERVICE
CERTIFICATE OF SERVICE -SCHUMACHER

08/19/2003 NCJ: DISMISSAL BY PARTY
ORDER OF DISMISSAL WITH PREJUDICE AS TO DEFENDANT RALPH
KEHLE / GL Clingman

08/18/2003 WITNESS/EXHIBIT DISCLOSURE
DEFENDANT GREKA AM, INC.'S DISCLOSURE OF WITNESSES - Rod M
Schumacher

08/18/2003 MTN: TO DISMISS
JOINT MOTION FOR DISMISSAL WITH PREJUDICE AS TO DEFENDANT
RALPH KEHLE - Jeffrey M Johnston

07/28/2003 NCJ: DISMISSAL W/PREJUDICE D 10
ORDER OF DISMISSAL WITH PREJUDICE AS TO DEFENDANT CIELO
ENERGY CORPORATION /CLINGMAN
THIS MATTER BE AND HEREBY IS DISMISSED WITH PREJUDICE,
INCLUDING CLAIMS FOR COSTS AND FEES INCURRED HEREIN

07/25/2003 MTN: MOTION
JOINT MOTION FOR DISMISSAL WITH PREJUDICE AS TO DEFENDANT
CIELO ENERGY CORPORATION - Jeffery M Johnston
- James M Hudson

07/17/2003 SUMMONS ISSUED
TO SEHER ENTERPRISES INC IN POST FALLS, ID
SEHER ENTERPRISES INC IN CHICAGO, IL
SUMMER ENTERPRISES, INC
SAJID SOHAIL
DR. K.M. SHEIKH
KALEEM AHMAD SAYED
MUHAMMAD SAEED
DR. HAMID UR RAHMAN
DR. VIJAY PHARAR
DARSHAN MUNDY
DR. IFTIKHAR AHMAD

07/15/2003 WITNESS LIST
PLAINTIFFS' WITNESS AND EXPERT LIST -JOHNSTON

06/04/2003 MISC ENTRY
TRIAL GUIDELINES /CLINGMAN

06/04/2003 ORD: PRE-TRIAL/SCHEDULED
MINUTE SCHEDULING ORDER /CLINGMAN

06/04/2003 NTC: OF NON JURY TRIAL
NON JURY TRIAL SET FOR 12-08-03 AT 8:30 A.M.

05/21/2003 NTC: PRE-TRIAL CONFERENCE
PRE-TRIAL CONFERENCE SET FOR 06-03-02 AT 9:15 A.M.

09/20/2002 ANSWER D 1
ANSWER OF DEFENDANT GREKA AM, INC. TO PLAINTIFFS' SECOND
AMENDED COMPLAINT -SCHUMACHER

09/20/2002 ANSWER D 3
ANSWER OF DEFENDANT SABA ENERGY OF TEXAS, INC. TO PLAINTIFFS
SECOND AMENDED COMPLAINT -SCHUMACHER

08/21/2002 ANSWER D 9
ANSWER OF DEFENDANTS CHRISTENSEN PETROLEUM, INC., DENNIS
EIMERS AND JERRY BARNES -WOERNDLE

08/13/2002 SUMMONS ISSUED
TO SUMMER ENTERPRISES, INC.
SAJID A. SOHAIL
DR. K.M. SHEIKH
SEHER ENTERPRISES, INC.
KALEEM AHMAD SAYED
MUHAMMAD SAEED
DR. HAMID UR RAHMAN
DR. VIJAY PHARA
DARSHAM S. MUNDY
DR. IFTIKHAR AHMAD

08/13/2002 AMENDED COMPLAINT
SECOND AMENDED COMPLAINT FOR DECLARATORY JUDGMENT, SLANDER
OF TITLE, AND BAD FAITH TRESPASS -JOHNSTON

08/01/2002 ORD: ORDER
ORDER GRANTING LEAVE TO FILE SECOND AMENDED COMPLAINT FOR
DECLARATORY JUDGMENT, SLANDER OF TITLE AND BAD FAITH
TRESPASS /MCBEE FOR CLINGMAN

08/01/2002 ORD: ORDER
ORDER APPROVING MOTION FOR ATTORNEY TO APPEAR PRO HAC VICE
/MCBEE FOR CLINGMAN
MICHAEL A. SHORT IS HEREBY ADMITTED TO PRACTICE BEFORE THE
BAR OF THIS COURT OF THE STATE OF NEW MEXICO FOR THE
PURPOSE OF REPRESENTING PLAINTIFFS, IN THIS CASE ONLY

07/31/2002 MTN: FOR LEAVE
PLAINTIFFS' MOTION FOR LEAVE TO FILE SECOND AMENDED
COMPLAINT FOR DECLARATORY JUDGMENT, SLANDER OF TITLE, AND
BAD FAITH TRESPASS -JOHNSTON
WITH ATTACHMENT

07/31/2002 MTN: MOTION
MOTION FOR ATTORNEY TO APPEAR PRO HAC VICE -JOHNSTON
WITH ATTACHMENT

07/08/2002 ANSWER D 11
DEFENDANT TATUM ENERGY, L.C.'S ANSWER TO FIRST AMENDED
ORIGINAL PETITION -CARR

06/07/2002 ANSWER D 12
ANSWER TO FIRST AMENDED ORIGINAL PETITION -AGAWA

06/03/2002 CAL: PRE-TRIAL CONFERENCE
Calendar Posting on 06-05-2003

01/22/2002 JDG: JUDGE ASSIGN EXCUSAL/CHAL
JUDGE CLINGMAN ASSIGNED ON THE EXCUSAL OF JUDGE GALLINI

01/09/2002 JDG: PEREMPTORY CHALLENGE
PEREMPTORY ELECTION TO EXCUSE -AUBREY
RALPH KEHLE EXCUSES JUDGE GALLINI FROM PRESIDING OVER THIS
ACTION

01/09/2002 ENTRY OF APPEARANCE D 5
ENTRY OF APPEARANCE -AUBREY
ON BEHALF OF DEFENDANT RALPH KEHLE

12/13/2001 AMENDED PETITION
FIRST AMENDED ORIGINAL PETITION -JOHNSTON

12/13/2001 ORD: ORDER
ORDER OF ADMISSION PRO HAC VICE /GALLINI
REQUIREMENTS FOR ADMISSION SET FORTH HAVE BEEN MET, AND THE
MOTION FOR ADMISSION OF THOMAS K. AGAWA PRO HAC VICE IS
HEREBY GRANTED

12/12/2001 MTN: MOTION
MOTION FOR ADMISSION PRO HAC VICE -REAGAN

12/10/2001 ENTRY OF APPEARANCE D 12
ENTRY OF APPEARANCE -REAGAN
ON BEHALF OF CAPCO ACQUISUB, INC.

10/29/2001 SUMMONS ISSUED
TO CT CORP FOR GREKA AM INC

CT CORP FOR SABA ENERGY OF TX
 GREG ALLEN FOR STRATUS VARIOUS LC
 RALPH KELHE
 DENNIS EIMERS
 JERRY BARNES
 LEON JEFFCOAT
 DOUGLAS CHRISTENSES FOR CHRISTENSEN PETROLEUM
 C LANE PRICKET FOR CIELO ENERGY CORP
 JEFFERY HART FOR TATUM ENERGY LC
 DENNIS STAAL FOR CAPCO ACQUISUB

10/29/2001 OPN: PETITION
 ORIGINAL PETITION FOR DECLARATORY JUDGMENT -JOHNSTON

10/29/2001 ASM: CIVIL FILING-DIST. P 1 107.00

-- Judge Assignment History --

Assign Date	Judge Name	Sequence #	Assignment Event Desc
10/29/2001	RALPH W GALLINI	1	
01/22/2002	GARY CLINGMAN	2	JDG: JUDGE ASSIGN EXCUSAL/CHAL

-- Civil Complaints --

10/29/2001 1 OPN: PETITION 2 02/06/2004 CVB: TI

Parties to this Complaint:

- GREKA AM INC D - 1
- GREKA ENERGY CORPORATION D - 2
- SABA ENERGY OF TEXAS INCORPORATED D - 3
- STRATA VARIOUS L C D - 4
- KELHE RALPH D - 5
- EIMERS DENNIS D - 6
- BARNES JERRY D - 7
- JEFFCOAT LEON D - 8
- CHRISTENSEN PETROLEUM INC D - 9
- CIELO ENERGY CORPORATION D - 10
- TATUM ENERGY LC D - 11
- CAPCO ACQUISUB INC D - 12
- HARTON MICHAEL P - 1
- HARTON LINDA P - 2

Causes of Action:

1 - DECLARATORY RELIEF

11/04/2003

1 ANSWER & CROSSCLAIM 1 02/06/2004 CVB: T1

Parties to this Complaint:

GREKA AM INC	D - 1
SABA ENERGY OF TEXAS INCORPORATED	D - 2
STRATA VARIOUS L C	D - 3
KELHE RALPH	D - 4
EIMERS DENNIS	D - 5
JEFFCOAT LEON	D - 6
TATUM ENERGY LC	D - 7
CAPCO ACQUISUB INC	P - 1
AHMAD IFTIKHAR DR	P - 2
MUNDY DARSHAM S	P - 3
PHARA VIJAY DR	P - 4
RAHMAN HAMID UR DR	P - 5
SAEED MUHAMMAD	P - 6
SAYED KALEEM AHMAD	P - 7
SEHER ENTERPRISES INC	P - 8
SHEIKH K M DR	P - 9
SOHAIL SAJID A	P - 10
SUMMER ENTERPRISES INC	P - 11

Causes of Action:

1 - OTHER DAMAGES

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