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United States Circuit Court of Appeals

FOR THE SECOND CIRCUIT

INDEX No. Civ. 16-124 ✓

ELIZABETH NEWMAN,

Plaintiff-Appellee,

against

CLAYTON F. SUMMY COMPANY,

Defendant-Appellant.

TRANSCRIPT OF RECORD

ON APPEAL FROM THE UNITED STATES DISTRICT COURT
FOR THE SOUTHERN DISTRICT OF NEW YORK

*Notice of Appeal
file June 19, 1942*



APPEAL PRINTING CO., INC., 120 CEDAR ST., NEW YORK, N. Y. WO 2-3243



Mildred Sengstack, cross

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The Court: The objection is sustained.

Mr. Hanlon: No further questions.

Cross examination by Mr. Gordon:

Q. Mrs. Sengstack, was Dr. Preston Ware Orem vice-president of the Clayton Summy Company? A. He was.

Q. Did you get letters with his signature on the letters? A. I was not with the company when Dr. Orem was with them.

Mr. Hanlon: No objection.

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Mr. Gordon: The letters are from the Clayton Summy Company, Preston Ware Orem, vice-president, to Miss Newman, June 22, 1934, and the same writer to the same addressee, June 23, 1934.

(Marked Plaintiff's Exhibits 17 and 18.)

Mr. Gordon: I offer in evidence letter by Newman, the plaintiff, to Dr. Preston Ware Orem, Clayton Summy Company, dated July 2nd, 1934.

Mr. Hanlon: I object to that letter and the same objection as to the subsequent letters, because they are immaterial and irrelevant here. They have to do with the contract negotiations between the parties as to the terms and conditions of the period back in 1934, and have no relevancy or materiality.

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Mr. Gordon: The reason I offer them is because Mr. Hanlon yesterday introduced evidence of that contract over my objection. I objected to going into matters in that year and he pressed it.

Mr. Hanlon: I did not introduce any evidence on the contract; I introduced evidence in a similar form as to these letters with respect to the history of this—