

Damage Suit Off

Federal Judge Ben H. Rice jr., on a plea by the plaintiff, Saturday dismissed a \$4,600,000 damage suit, filed by the Three Rivers Glass co. against the Hartford Empire co., Hartford, Conn.; Ball Brothers co., Muncie, Ind., and the Owens-Illinois Glass co., Toledo, O.

The Three Rivers company, of which C. R. Tips, is president, asked dismissal so the suit could be heard in a federal court in Indianapolis, Ind., where it has been refiled.

Tips said the suit was refiled in Indiana because a 15-year statute of limitations applies there, in contrast to a 2-year statute applicable in Texas.

Tips said damages are being sought because, he alleged, the three defendant companies had violated anti-trust laws in destruction of the Three Rivers firm's business. He said the three took physical possession of the Three Rivers glass plant in 1937 but have not operated it since.

He said sale of the plant by the defendants had been ordered by the U. S. Supreme court.

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