

August 29, 1946

Philip A. Dergance, Esq.,
Assistant United States Attorney,
District of Kansas,
Topeka, Kansas.

Re: Noble K. Anderson et al
vs. J-M Service Corporation

Dear Mr. Dergance:

Receipt is acknowledged of your letter of August 26th, together with the enclosures therein referred to. These papers had all passed through our hands, since original service was effected upon our Statutory Agent for service of process in Kansas and we were accordingly aware of the fact that the suit had been commenced and that a large number of employees of J-M Service Corporation had intervened.

It has been our procedure to forward these and other similar complaints to Captain D. M. McCrea, who is the officer in charge of the Kansas Ordnance Plant, with the request that he place them with the appropriate agency of the Government which, under the terms of its contract with J-M Service Corporation, has the obligation to defend. I believe your office was provided with a copy of this contract by Mr. Elmer W. Columbia, of Parsons, Kansas, in connection with the case of Hirstine et al vs. J-M Service Corporation.

For your information, in case you have not been advised by others, we received a letter under date of August 13, 1946, from Lt. Col. C. W. Meldrum, Field Director of Ammunition Plants, Joliet, Illinois, indicating that the Office of the Judge Advocate General had been considering a claim by United Mine Workers (who represented the employees at Kansas Ordnance Plant for the purpose of collective bargaining) for back pay covering clothes-change and bathing time and that the Office of the J.A.G. had determined that the claim was meritorious and should be settled. Since the claim of the former employees in the Anderson case cover clothes-change time, as well as travel time, it may well be that the Government will desire to settle with

the claimants and it might be appropriate for you to communicate with Lt. Col. C. W. Meldrum concerning the possibility of such a settlement. You no doubt understand that J-M Service Corporation is merely the nominal party defendant and that the Government is ultimately responsible for paying whatever becomes due these claimants whether by way of judgment or settlement.

I agree with you that the recent Supreme Court decision in the case of Anderson vs. Mount Clemens Pottery Company would appear to indicate that the plaintiffs in the case against J-M Service Corporation are likely to prevail, at least in part.

Very truly yours,

Vandiver Brown,
General Attorney.

VB:y

bld cc: Alvin Brown