

DA ASKS COURT TO DISMISS SUIT

T.P. 6-24-69
Insurance Co. Names
Garrison Defendant

The Orleans Parish District Attorney's office filed a motion Monday in Federal District Court asking the dismissal of a suit brought by Maryland National Insurance Company seeking an injunction prohibiting the seizure of its assets in Louisiana.

The insurance company filed the federal court suit after the district attorney's office filed writs with the state insurance commissioner in Baton Rouge to collect forfeited bonds allegedly amounting to \$629,000.

Maryland's suit also asks that certain provisions of the state insurance laws dealing with bail bonds be declared unconstitutional.

HEARING SCHEDULED

A hearing on the DA's motion as well as the request for the injunction has been set for July 1, at 9:30 a. m., before Federal District Judge Lansing L. Mitchell.

The motion to dismiss was filed on behalf of DA Jim Garrison and Shirley G. Wimberly Jr., one of his assistants, who are defendants in the suit.

The motion contends that the

federal court lacks jurisdiction and Maryland's complaint fails to state a claim upon which relief can be granted.

It claims that Maryland, being a corporation, has no right to sue under the federal civil rights statute, that the federal court may not stop a state court proceeding already under way, and that granting of an injunction would violate well established customs of non-interference between state and federal courts.

WARD INVOLVED

In a memorandum attached to the motion, the DA's office claims that it is required by law to collect forfeited bonds and, if necessary, to seek writs to seize the bonding company's assets.

The legal fight between Garrison's office and the company was revealed several days ago as the result of a fight between Garrison and Charles R. Ward, who resigned as Garrison's chief assistant to run against Garrison in the forthcoming election.

Ward charged that Garrison was disloyal because the DA withdrew his support for a criminal district court judgeship.

He claimed that Garrison withdrew the support for the judgeship after bail bonding employes accused Ward of accepting bribes to hold back on collections of forfeitures. Ward has denied the charge.