

IN THE DISTRICT COURT OF THE UNITED STATES FOR THE NORTHERN DISTRICT OF OKLAHOMA

FILED

LORETTA A. LAIRD and)
HELEN V. LAIRD,)

JAN -4 1960

Plaintiffs,)

NOBLE C. HOOD

vs.)

Clerk, U. S. District Court
No. 4075-M-Civil

SPARTAN AIRCRAFT COMPANY,)

Defendant.)

EAGLE STAR INSURANCE COMPANY,)
LTD.,)

Plaintiff,)

vs.)

No. 4092-M-Civil

SPARTAN AIRCRAFT COMPANY,)

Defendant.)

ORDER

These consolidated causes coming on to be heard before me upon stipulation of counsel for the respective parties and it having been made to appear to the Court that the same have been amicably settled, it is

ORDERED that the above styled consolidated causes be and the same hereby are dismissed with prejudice to the respective Plaintiffs and at their costs.

DONE and ORDERED at Oklahoma City, Oklahoma, this 31st day of December, 1959.

S/ W.R. Wallace
United States District Judge

Approved:

James R. Mattison
James R. Mattison

Lynn J. Bullis, Jr.
Lynn J. Bullis, Jr.

IN THE UNITED STATES DISTRICT COURT FOR THE
NORTHERN DISTRICT OF OKLAHOMA

Ola Tucker,

Plaintiff,

Auto Carvay Company, Complete
Auto Transit Company, and
Kearney Phillips,

Defendants.

No. 4788 Civil

FILED

JAN - 6 1960

NOBLE C. HOOD
Clark, U. S. District Court

DISMISSAL WITH PREJUDICE

Come on for the plaintiff, Ola Tucker, and dismisses the above
captioned and numbered cause of action with prejudice to the bringing of a
future action.

Dated this 5th day of January, 1960.

Ola Tucker
Plaintiff

Amos S. Hill
Attorney for Defendants

W. J. Hill
Attorney for Defendants

Pursuant to Rule 41, U.S.D.C., it is hereby ordered that the
above captioned cause of action be dismissed with prejudice.

Noble C. Hood
United States District Court
By *Amos S. Hill*

IN THE UNITED STATES DISTRICT COURT FOR THE
NORTHERN DISTRICT OF OKLAHOMA

UNITED STATES FIDELITY &
GUARANTY COMPANY,

Plaintiff

vs.

HAROLD LORNE CHEROT, and
ORVILLE LESTER CARTER, and
CENTRAL SURETY & INSURANCE
CORPORATION,

Defendants.)

Civil No. 4385

FILED

JAN - 7 1960

JUDGMENT

NOBLE C. HOOD
Clerk, U. S. District Court

This cause came on for hearing January 7, 1960, pursuant to mandate of the United States Court of Appeals, Tenth Circuit, filed in this cause April 6, 1959, which reversed the judgment entered herein on April 29, 1958, and directed further proceedings in accordance with the views expressed in the opinion of that court.

IT IS THEREFORE ORDERED, ADJUDGED AND DECREED that plaintiff take nothing, that the action is dismissed on the merits, and that the defendant, Harold Lorne Cherot, recover his costs of action in the amount of \$359.25, as reflected by bill of costs filed in the case.

G. H. Savage

Judge.

UNITED STATES DISTRICT COURT FOR THE
NORTHERN DISTRICT OF OKLAHOMA

United States of America,

Plaintiff,

vs.

Melvin D. Ball and Mina N. Ball,

Defendants.

Civil No. 4796

FILED

JAN -7 1960

J U D G M E N T

NOBLE C. HOOD
Clerk, U. S. District Court

On this 7th day of January 1960, the above-entitled action coming on for hearing, the plaintiff, appearing by Russell H. Smith, First Assistant United States Attorney for the Northern District of Oklahoma, and defendants appearing not, the Court finds that defendants were duly served with summons herein more than twenty (20) days prior to this date, and having failed to appear or answer are and should be adjudged in default.

The Court further finds that all allegations of plaintiff's complaint are true; that defendants are indebted to plaintiff in the sum of \$3,529.22, plus interest through September 30, 1959, in the amount of \$419.53, after allowance of all just credits and set-offs; that a balance remains of \$3,529.22, plus interest of \$466.90 to date of judgment, plus interest at the rate of six per cent (6%) per annum from date of judgment on the principal sum of \$3,529.22, until paid.

The Court further finds that plaintiff has filed herein an affidavit stating that defendants are not in the military or naval service of the United States, and are not infants, or incompetents, which is found to be true.

THEREFORE, IT IS ORDERED, ADJUDGED, AND DECREED by the Court that plaintiff have judgment against the defendants, Melvin D. Ball and Mina N. Ball, for the sum of \$3,529.22, plus interest of \$466.90, plus interest at the rate of six per cent (6%) per annum from date of judgment on the principal sum of \$3,529.22, until paid, and for the costs of this action.

~~Referred to Referee Maurice F.~~

~~Ellison.~~

~~NOBLE C. HOOD, CLERK~~

~~By Deputy~~

B. H. Savage
United States District Judge

IN THE UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF OKLAHOMA

BRIGGS ENGINEERING AND CONTRACTING
CO., a corporation,

Plaintiff

-vs-

MONSANTO CHEMICAL COMPANY, a
corporation, et al.,

Defendants

No. 4590
Civil

FILED

JAN - 8 1960

NOBLE C. HOOD

ORDER GRANTING MOTION FOR SUMMARY JUDGMENT, U. S. District Court

A motion having been regularly made by the defendant, Trumbull Asphalt Company, herein for summary judgment in the defendant's favor dismissing the action, on the ground that there is no genuine issue as to any material fact and that said defendant is entitled to judgment as a matter of law.

Now, on considering the motion of the defendant, Trumbull Asphalt Company, and the affidavit attached thereto; and after considering the briefs, and hearing counsel for the respective parties, and due deliberation having been had, and the decision of the court having been filed, it is

ORDERED, that said motion be and the same hereby is granted, and that judgment be entered herein in favor of the defendant, Trumbull Asphalt Company, dismissing said defendant from said action.

Dated this 8th day of January, 1960.

N. C. Hood
UNITED STATES DISTRICT JUDGE

IN THE UNITED STATES DISTRICT COURT FOR THE
NORTHERN DISTRICT OF OKLAHOMA

M. RUTH LIVINGSTON,

Plaintiff

vs

CITY OF TULSA, ST. JOHNS HOSPITAL
AND SCHOOL OF NURSING, DR. WM. J.
OMEILIA AND ASSOC., Doctor's Building,
DR. ROBT. L. IMLER, JR., Utica Sq.
Medical Center, TULSA POLICEMEN A & B,
whose real names are unknown,

Defendants

NO. 4756 CIVIL

FILED

JAN - 8 1960

NOBLE C. HOOD
Clerk, U. S. District Court

JUDGMENT

This cause came on for hearing December 18,
1959, on the motion of plaintiff for production of documents and for summary
judgment and the various motions of the defendants to dismiss and for summary
judgment, and the court having heard the argument of counsel and read the
briefs previously submitted finds that there is no Federal question involved in
the litigation, that there is no diversity of citizenship between plaintiff and
defendants and the court therefore having no jurisdiction over the parties or
the subject matter of the litigation the action must be dismissed.

IT IS THEREFORE ORDERED, ADJUDGED
AND DECREED that the cause be dismissed for lack of jurisdiction of the
court.

151 Royce H. Savage

IN THE UNITED STATES DISTRICT COURT FOR THE
NORTHERN DISTRICT OF OKLAHOMA

E. L. POWELL & SONS TRUCKING CO., a)
co-partnership composed of, and,)
HERBERT H. POWELL and BEN L. POWELL,)
who are also the surviving partners,)
Plaintiffs,)

vs.)

RAYMOND CONCRETE PILE COMPANY, a)
corporation, and RAYMOND INTERNATIONAL)
INC., a corporation,)
Defendants.)

No. 4783

FILED

JAN - 8 1960

NOBLE C. HOOD
Clerk, U. S. District Court

ORDER GRANTING MOTION FOR SUMMARY JUDGMENT

A motion having been regularly made by the defendants, Raymond Concrete Pile Company and Raymond International, Inc. for summary judgment in the defendant's favor, dismissing the action on the ground that there is no genuine issue as to any material fact and that the defendants are entitled to judgment as a matter of law,

NOW, on considering the affidavits of Wilbur J. Helleman, Henry A. Feders and Garrett Logan, and the exhibits attached to such affidavits; and taking judicial notice of all proceedings in Raymond Concrete Pile Company vs. W. C. Barry, et al, No. 4433 Civil in the United States District Court for the Northern District of Oklahoma on the request of the plaintiffs herein, and after hearing counsel for the respective parties and due deliberation having been had and the court finding that the case of Raymond Concrete Pile Company vs. W. C. Barry, et al, No. 4433 in the United States District Court for the Northern District of Oklahoma, was instituted for probable cause and on advice of counsel and without malice, and without any special damage being caused the plaintiffs, and that no process was issued or used or act done interfering with the property or person of the plaintiffs herein, or wrongfully or maliciously abusing them, and the court further finding that the defendant, E. L. Powell & Sons Trucking Co. in Case No. 4433 was excused from the pre-trial conference held September 22, 1958, and is, therefore, not bound by a pre-trial order issuing from a conference at which it was not

represented, and the decision of the court having been filed, it is,

ORDERED that said motion be and the same hereby is granted, and that judgment be entered herein in the defendants' favor dismissing this action with costs and disbursements to be taxed by the clerk in favor of the defendants and against the plaintiffs.

Dated this 9th day of Jan., 1960.

Robert H. Savage
United States District Judge

Approved:

Lewis C. Johnson
Lewis C. Johnson

Wilbur J. Holloman Jr.
Wilbur J. Holloman, Jr.

Milton W. Hardy
By Lewis C. Johnson

IN THE UNITED STATES DISTRICT COURT FOR
THE NORTHERN DISTRICT OF OKLAHOMA

WILLIAM M. THOMAS; WILLIE BEA
THOMAS, individuals; and,
THOMAS CONSTRUCTION COMPANY,
INC., a corporation,
Plaintiffs.

vs.

INSURED INVESTMENTS, INC., a
foreign corporation; MORTGAGE
INVESTMENTS, INC., a foreign
corporation; CHEMICAL CORN
EXCHANGE BANK, a foreign cor-
poration; and, CHASE MANHATTAN
NATIONAL BANK, a foreign
corporation,
Defendants.

NO. 4 6 9 8

FILED

JAN 13 1960

NOBLE C. HOOD
Clerk, U. S. District Court

ORDER OF DISMISSAL

Pursuant to Stipulation of Dismissal filed herein

IT IS ORDERED that Chemical Bank New York Trust Company,
formerly Chemical Corn Exchange Bank, be and is dismissed from the
above entitled action with prejudice and at the cost of plaintiffs.

DATED January 13, 1960.

B. H. Savage
District Judge.

FILED

JAN 14 1960

JEANETTE THELMA CHISM,

Plaintiff,

v.

LESTER S. CHISM,

Defendant.

NOBLE C. HOOD
Clerk, U. S. District Court

NO. 4795 Civil

J U D G M E N T

The Motion of the Plaintiff for Summary Judgment pursuant to rules of civil procedure having been presented and the Court being fully advised,

THE COURT FINDS that the Plaintiff is entitled to a Summary Judgment as a matter of law.

IT IS, THEREFORE, ORDERED, ADJUDGED AND DECREED that the Plaintiff's Motion for Summary Judgment be and the same is hereby sustained and that Plaintiff have and recover judgment against the Defendant, LESTER S. CHISM, in the sum of TWENTY-SIX THOUSAND EIGHTY DOLLARS (\$26,080.00), plus the costs herein expended for which let execution issue.

DATED, this 13th day of January, 1960.

Royce H. Savage
JUDGE

O. K. AS TO FORM

[Signature]
Attorney for Plaintiff

[Signature]
Attorney for Defendant

FILED

IN THE DISTRICT COURT OF THE UNITED STATES FOR THE
NORTHERN DISTRICT OF OKLAHOMA **JAN 14 1960**

NOBLE C. HOOD
Clerk, U. S. District Court

BERNARD GERSHON,

Plaintiff

vs.

No. 4821 Civil

DON MIX, DALE CARTER, UTICA
SQUARE, INC., and UTICA
SQUARE MEDICAL CENTER, INC.,

Defendants

ORDER GRANTING MOTION FOR SUMMARY JUDGMENT

This cause came before the Court on the 12th day of January, 1960 on Defendants' Motion for a Summary Judgment.

Messrs. Fenslon Boesche and Donald Hammer, of Williams, Boesche & McDermott, appeared in behalf of the Defendants; and Messrs. Robert Lucas and Al Knight having been granted leave of Court, with the consent of the Plaintiff, to withdraw from the action, the Plaintiff, Bernard Gershon, appeared in his own behalf.

Upon the pleadings, the deposition of the Plaintiff, Bernard Gershon, the affidavits of the Defendants, Don Mix and Dale Carter, and the briefs and oral arguments presented to the Court, the Court finds the following:

1. The Plaintiff, Bernard Gershon, is a citizen and resident of the State of Missouri, the individual Defendants are citizens and residents of the State of Oklahoma, the corporate Defendants are Oklahoma Corporates, each with its principal place of business in Tulsa, Oklahoma and the matter in controversy exceeds the sum of \$10,000.00 exclusive of interest and cost.

2. This is an action seeking specific performance, or damages in lieu thereof, of an oral contract for the purchase and sale of corporate stock and bonds of a value in excess of

\$50.00, made and to be performed in the State of Oklahoma and this action is governed by the law of the State of Oklahoma.

3. No contract, oral or written, for the purchase and sale of the corporate stock and bonds existed between the Plaintiff and the Defendants, or any of the Defendants.

4. By reason of the provisions of subdivision 4 of Section 136, Title 15 of the Oklahoma Statutes, the Oklahoma Statute of Frauds, the Plaintiff has no claim against the Defendants.

It is established that there is no genuine issue as to any material fact, Plaintiff has no claim against the Defendants, or any of them, and the Defendants are entitled to judgment as a matter of law.

IT IS THEREFORE ORDERED, ADJUDGED AND DECREED that the Defendants' Motion for Summary Judgment be and the same hereby is granted, that the Plaintiff have and recover nothing by his suit, that the Defendants have and recover their costs in this action expended.

Dated this 12th day of January, 1960.

15/ Roy A. Savage
District Judge

Approved as to form:

15/ Donald E. Hammer
Attorneys for Defendants

CERTIFICATE

I, Donald Hammer, one of the attorneys for the Defendants herein certify that on the 12th day of January, 1960 I mailed a true and correct copy of the within Order Granting Motion for Summary Judgment to Bernard Gershon, with the postage thereon fully prepared.

18/ Donald Hammer
Donald Hammer

IN THE DISTRICT COURT OF THE UNITED STATES FOR
THE NORTHERN DISTRICT OF OKLAHOMA

SUZANNE THOMAS RICHARDS, et al,)
)
Plaintiffs,) Civil Actions
) Nos. 4272
vs.) through
) 4285
UNITED STATES OF AMERICA,)
)
Defendant,) and
)
UNITED STATES OF AMERICA,)
) 4542, 4546, 4548
Third Party Plaintiff,) and
) 4584
vs.)
)
AMERICAN AIRLINES, INC.,) **FILED**
)
Third Party Defendant)
)
) JAN 18 1960

FINDINGS OF FACT

NOBLE C. HOOD
Clerk, U. S. District Court

In accordance with the stipulations heretofore entered into between the parties, the Court finds as follows:

I.

That the suits by plaintiffs against United States of America allegedly arise under the terms of the Federal Tort Claims Act, 28 U.S.C. 1346 et seq and allegedly are brought under the Oklahoma Wrongful Death Statute, to wit: 12 O.S. Sec. 1051, et seq.

II.

That, in the actions brought by plaintiffs against American Airlines, there is diversity of citizenship between the parties.

III.

Convair Airplane 240, registration No. N-94221, was owned and operated by American Airlines and, on the 4th day of August, 1955, was being operated by American Airlines as Flight 476 when it crashed at Fort Leonard Wood, Missouri.

IV.

That, at the time of the crash, the airplane was being operated by Captain Hugh Barron, as pilot, and William Grover Gates,

as co-pilot. That Hugh Barron and William Grover Gates were employees of American Airlines at the time of the crash and were fatally injured as a result of the crash.

V.

That Harold M. Fields, Morris W. Allen, Kurt D. Richards, Samuel H. Horton, Robert I. Zelens, John Leland Cross, Jr., James Howe, Wayne Howe, Donald L. Carr-Harris, Virgil D. Maupin, Tilson J. Farough, Herman F. Schmyser and William E. O'Neal were all fare paying passengers, lawfully aboard American Airlines Flight 476, and all perished in the crash occurring at Fort Leonard Wood, Missouri.

VI.

That the death of the crew members and all fare paying passengers occurred within the State of Missouri.

VII.

That plaintiffs allege negligence on the part of the United States of America, occurring prior to the 4th day of August, 1955, at the American Airlines Overhaul Depot located at Tulsa, Oklahoma, which they allege was the proximate cause of the crash and deaths of the members of the crew and fare paying passengers.

VIII.

That plaintiffs have received full satisfaction of any cause of action they may have under the terms and provisions of the Wrongful Death Statute of the State of Missouri.

CONCLUSIONS OF LAW

In accordance with the above Findings of Fact, the Court determines as follows:

I.

The Court has jurisdiction of the parties and the subject matter of these actions.

II.

In the actions by plaintiffs against the United States of America, the provisions of the Federal Tort Claims Act, 28 U.S.C. 1346 (b) et seq. are applicable.

III.

It is unnecessary to decide whether the law applicable to the plaintiffs' claims against the United States of America is that of the State of Missouri or the State of Oklahoma, for in either case the plaintiffs have no actionable claims against the United States of America.

IV.

There is no cause of action under the Oklahoma Wrongful Death statute where an act or omission occurring in Oklahoma results in injury and death in the State of Missouri.

V.

If Oklahoma law is applicable under the Federal Tort Claims Act, then the general law of Oklahoma, including its conflicts of law rule, is applicable thereunder.

VI.

The Oklahoma conflicts of law rule requires that in the circumstances of these cases the plaintiffs' claims be determinable by reference to the Missouri Wrongful Death statute.

VII.

The plaintiffs have no further claims under the Missouri Wrongful Death Statute for the reason that they have already received full satisfaction of any claims they might have thereunder.

VIII.

The complaints in the above action should be dismissed with prejudice.

IX.

Since the complaints against the United States are to be dismissed, it is unnecessary to pass upon the third party complaints asserted by the United States against American Airlines.

ORDER OF JUDGMENT

In accordance with the above findings of fact and conclusions of law, the complaints in the above actions are hereby dismissed with prejudice.

Raymond J. Danz
Judge

APPROVED

SPEISER, QUINN & O'BRIEN

RUCKER, TEBOR & COX

By Joseph A. Sharp
Attorney for Plaintiffs

RHODES, CROWE, HIERONYMUS & HOLLOWAY

By _____
Attorney for Intervenor

ROBERT RIZLEY

By _____
Attorney for United States of America

PIERCE, MOBK & DUNCAN, COUCH & HENDRICKSON

JACKSON, WALKER, WINSTEAD, CARTWELL & MILLER

By W. B. [Signature]
Attorney for American Airlines, Inc.

FILED

IN THE UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF OKLAHOMA JAN 18 1960

BRIGGS ENGINEERING AND CONTRACTING CO.,
a corporation,

Plaintiff

vs.

MONSANTO CHEMICAL COMPANY, a
corporation, et al.,

Defendant

NOBLE C. HOOD
Clerk, U. S. District Court

No. 4590 Civil

JUDGMENT

This cause came before the Court on the 18 day of
January, 1960 on motion of Defendant Colorado Oil and Gas
Corporation for summary judgment.

Upon the pleadings, the affidavit in support of Defendant's
motion and the statements of Counsel presented to the Court at
pre-trial, the Court finds that as to Defendant Colorado Oil and
Gas Corporation there is no genuine issue as to any material fact
and that the Defendant Colorado Oil and Gas Corporation is
entitled to a judgment as a matter of law. The Clerk is therefore
directed to enter the following judgment:

The Plaintiff, Briggs Engineering and Contracting Co. shall
have and recover nothing from the Defendant Colorado Oil and Gas
Corporation by this action, the Defendant, Colorado Oil and Gas
Corporation is released from further attendance at proceedings in
this action and the Defendant Colorado Oil and Gas Corporation
shall have and recover from the Plaintiff, Briggs Engineering
and Contracting Co., its costs and charges herein expended.

Form approved by:

S. R. H. Sarge
DISTRICT JUDGE

Dickson M. Saunders
Attorney for Plaintiff

S. R. B. McDermott
For Defendant Colorado Oil and
Gas Corporation

FILED

JAN 26 1960

UNITED STATES DISTRICT COURT NOBLE C. HOOD
Northern District of Oklahoma Clerk, U. S. District Court

BERNARD GERSHON,

Plaintiff,

-vs-

GRAKIN ENTERPRISES, INC.,
and J. B. GRAY,

Defendants.

Civil Action No. 4820

JUDGMENT

A motion by the defendants, Grakin Enterprises, Inc. and J. B. Gray, for summary judgment in their favor dismissing the action, having been duly brought on to be heard, and the Court having made an Order pursuant thereto granting the motion of said defendants and directing that judgment be entered herein in favor of said defendants, dismissing this action with costs, it is hereby

ORDERED, ADJUDGED AND DECREED that the action be dismissed on the merits and that said defendants, Grakin Enterprises, Inc. and J. B. Gray, recover their costs.

DATED: January 26, 1960.

Noble C. Hood
Clerk

APPROVED AS TO FORM:

Robert Lucas
Robert Lucas
Attorney for Plaintiff

John E. Barry
John E. Barry
Attorney for Defendants

By M. M. Ewing, Esq.

FILED

JAN 26 1960

UNITED STATES DISTRICT COURT
Northern District of Oklahoma

NOBLE C. HOOD
Clerk, U. S. District Court

BERNARD GERSHON,

Plaintiff,

-vs-

GRAKIN ENTERPRISES, INC.,
and J. B. GRAY,

Defendants.

Civil Action No. 4820

ORDER GRANTING MOTION
FOR SUMMARY JUDGMENT.

A motion having been regularly made by the defendants herein, Grakin Enterprises, Inc. and J. B. Gray, for summary judgment in the defendants' favor dismissing the action on the ground that there is no genuine issue as to any material fact and that the defendants are entitled to judgment as a matter of law,

Now, on considering the Complaint of plaintiff and the Answer of defendants and the Affidavit of J. B. Gray on file herein and after hearing John E. Barry, counsel for the defendants, and Robert Lucas, counsel for the plaintiff, and due deliberation having been had it is

ORDERED, that said motion be and the same hereby is granted and that judgment be entered herein in favor of the defendants, Grakin Enterprises, Inc. and J. B. Gray, dismissing this action with costs to be taxed by the Clerk in favor of defendants and against the plaintiff.

DATED: January 26, 1960.

S/ Robert H. ...
~~United States District Judge~~

APPROVED AS TO FORM:

Robert Lucas
Robert Lucas

Attorney for Plaintiff

John E. Barry
John E. Barry

Attorney for Defendants

UNITED STATES DISTRICT COURT FOR THE
NORTHERN DISTRICT OF OKLAHOMA

United States of America,

Plaintiff,

vs.

Civil No. 4804

FILED

B. R. Clements,

Defendant.

JAN 26 1960

J U D G M E N T

NOBLE C. HOOD
Clerk, U. S. District Court

On this 26th day of January 1960, the above-entitled action coming on for hearing, the plaintiff, appearing by Russell E. Smith, First Assistant United States Attorney for the Northern District of Oklahoma, and the defendant appearing not, the Court finds that defendant was duly served with summons herein more than twenty (20) days prior to this date, and having failed to appear or answer is and should be adjudged in default.

The Court further finds that all allegations of plaintiff's complaint are true. On February 2, 1954, for a valuable consideration and in accordance with provisions of the Federal Housing Administration Act, defendant executed a written promissory note in the sum of \$2,140.92 to First Bancredit Corporation. Defendant defaulted in the payments on the note, and, in accordance with provisions of the aforementioned Act, the note was assigned thereafter to plaintiff. There is now due and owing upon the note \$1,195.20, plus interest in the amount of \$372.86 as of June 3, 1959, plus interest on the principal sum of \$1,195.20 at the rate of six per cent (6%) per annum from June 3, 1959, until paid.

The Court further finds that plaintiff has filed an affidavit herein stating that defendant is not in the military, or naval, service, and is not an infant, or an incompetent, which is found to be true.

THEREFORE, IT IS ORDERED, ADJUDGED, AND DECREED THAT this plaintiff have judgment against defendant, B. R. Clements, for the sum of \$1,195.20, plus interest of \$372.86, plus interest on the principal sum of \$1,195.20 at the rate of six per cent (6%) per annum from June 3, 1959, until paid, and for its costs.


United States District Judge

IN THE UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF OKLAHOMA

KATHERINE WEBER,

Plaintiff

v.

THE UNITED STATES OF AMERICA,
Defendant.

Civil No. 4690

FILED

JAN 27 1960

JUDGMENT

NOBLE C. HOOD
Clerk, U. S. District Court

This cause came on to be heard and after hearing all of the evidence and argument of counsel and upon consideration thereof,

IT IS CONSIDERED, ORDERED AND ADJUDGED by the Court that the plaintiff recover from the defendant Federal gift taxes paid in the year 1953 in the amount of \$4,649.20 (plus interest paid thereon in the amount of \$19.37) and Federal gift taxes paid in the year 1954 in the amount of \$17,430.66 (plus interest paid thereon in the amount of \$80.18), plus interest as provided by law, and for costs of suit.

MADE AND ORDERED this 9th day of December, 1959.

Loyce H. Savage

United States District Judge

FILED

JAN 28 1960

UNITED STATES DISTRICT COURT FOR THE
NORTHERN DISTRICT OF OKLAHOMA

NOBLE C. HOOD
Clerk, U. S. District Court

United States of America,)
)
) Flaintiff,)
)
 vs.)
)
 Tom S. Gray and Opal E. Gray,)
) Defendants.)

Civil No. 4786

J U D G M E N T

On this 28th day of January 1960, the above-entitled action coming on for hearing, plaintiff, appearing by Russell H. Smith, First Assistant United States Attorney for the Northern District of Oklahoma, and defendants appearing not, the Court finds that defendants were duly served with summons herein more than twenty (20) days prior to this date, and having failed to appear or answer are and should be adjudged in default.

The Court further finds that all allegations of plaintiff's complaint are true. On October 8, 1957, for a valuable consideration and in accordance with the provisions of the Federal Housing Administration Act, defendants executed a written promissory note in the sum of \$2,875 to Peoples State Bank. Defendants defaulted in the payments on the note, and, in accordance with provisions of the aforementioned Act, the note was assigned thereafter to plaintiff. There is now due and owing on the note the sum of \$2,050.33, plus interest in the amount of \$89.30.

The Court further finds that plaintiff has filed an affidavit herein stating that defendants are not in the military, or naval, service, and are not infants, or incompetents, which is found to be true.

THEREFORE, IT IS ORDERED, ADJUDGED, AND DECREED THAT this plaintiff have judgment against the defendants, Tom S. Gray and Opal E. Gray, for the sum of \$2,050.33, plus interest in the amount of \$89.30, plus interest on the principal sum of \$2,050.33 from the date of judgment until paid, and for its costs.

R. H. Savage
United States District Judge

UNITED STATES DISTRICT COURT FOR THE
NORTHERN DISTRICT OF OKLAHOMA

Lawrence Leon Osborn,

Plaintiff,

vs.

CIVIL ACTION NO. 4779

Henry W. Seeger and Billy Campbell,
Defendants, and St. Louis-San Francisco
Railway Company, a corporation, Fred H.
Atkins and John H. Pinkston, Defendants
and Third Party Defendants,

vs.

United States of America,

Third Party Defendant.

FILED

JAN 28 1960

NOBLE C. HOOD
Clerk, U. S. District Court

ORDER SUSTAINING MOTION OF THIRD PARTY DEFENDANT,
UNITED STATES OF AMERICA TO REMOVE AND SUSTAINING
PLAINTIFF'S MOTION TO REMOVE THE DEFENSE AGAINST
ALL DEFENDANTS

On this 26th day of January, 1960, the motion of third party defendant, United States of America, to dismiss the third party complaint against it and the motion of plaintiff, Lawrence Leon Osborn, to dismiss his petition against all defendants comes on for hearing and the court finds that the motion of third party defendant should be sustained for the reason that the third party complaint fails to state a claim against third party defendant upon which relief can be granted.

The court further finds that the plaintiff, Lawrence Leon Osborn, should be permitted to dismiss his petition against all defendants upon the payment of \$250.00 to defendants, St. Louis-San Francisco Railway Company, Fred H. Atkins and John H. Pinkston, for attorney's fees and \$10.00 to the United States on behalf of defendants, Henry W. Seeger and Billy Campbell, for its costs in removing the action from the State Court to this court.

IT IS THEREFORE ORDERED that the third party complaint be and is hereby dismissed.

IT IS FURTHER ORDERED that the petition of the plaintiff, Lawrence Leon Osborn, be and is hereby dismissed upon payment by plaintiff of the sum of \$250.00 to defendants, St. Louis-San Francisco Railway Company, Fred H. Atkins and John H. Pinkston, for attorney's fees and \$10.00 to the United States on

behalf of defendants, Henry W. Senger and Billy Campbell, for its costs in removing the action from the State Court to this court. Dismissal of plaintiff's petition shall be without prejudice.



C. H. SAVAGE
U. S. DISTRICT JUDGE

IN THE UNITED STATES DISTRICT COURT FOR THE
NORTHERN DISTRICT OF OKLAHOMA

Palmer Manufacturing Corporation,
a corporation,

Plaintiff,

vs.

Gas & Electrical Equipment Co. of
Tulsa, a corporation,

Defendant.

No. 4747
FILED

FEB -1 1960

ORDER

NOBLE C. HOOD
Clerk, U. S. District Court

Now on this 30th day of January, 1960, upon
joint motion of the plaintiff and defendant,

IT IS ORDERED that this cause and the defendant's
counterclaim herein are dismissed with prejudice.


United States District Judge

O. K.


Attorney for Plaintiff

O. K.


Attorney for Defendant

IN THE UNITED STATES DISTRICT COURT FOR THE
NORTHERN DISTRICT OF OKLAHOMA.

HAROLD W. SMITH,

Plaintiff,

vs.

JOHN FOSTER KANE and HENRY FOSTER KANE,

Defendants.

No. 4764
CIVIL

FILED

FEB -2 1960

NOBLE C. HOOD
Clerk, U. S. District Court

ORDER OF DISMISSAL

On this 25th day of January, 1960, the above cause came on for trial and to be heard on defendants' motion to dismiss the action for failure of plaintiff to prosecute, and, it appearing to the Court that plaintiff has failed to prosecute the action with due diligence, it is

ORDERED that this action be, and the same is hereby, dismissed with prejudice for want of prosecution with costs to defendants.

15 Royce H. George
United States District Judge

O.K. AS TO FORM:

[Signature]
Attorney for Plaintiff

[Signature]
Attorney for Defendants

UNITED STATES DISTRICT COURT FOR THE
NORTHERN DISTRICT OF OKLAHOMA

United States of America,

Plaintiff,

vs.

Tom S. Gray and Opal E. Gray,

Defendants.

Civil No. 4786

FILED

FEB -2 1960

CORRECTED JUDGMENT

NOBLE C. HOOD
Clerk, U. S. District Court

On the 2 day of February 1960, the motion of plaintiff coming on for hearing to correct judgment, plaintiff appearing by Russell H. Smith, First Assistant United States Attorney for the Northern District of Oklahoma, and defendants appearing not, the Court finds that the motion of plaintiff to correct judgment should be sustained. The Court finds that defendants were duly served with summons herein more than twenty (20) days prior to this date, and having failed to appear or answer are and should be adjudged in default.

The Court further finds that all allegations of plaintiff's complaint are true. On October 8, 1957, for a valuable consideration and in accordance with provisions of the Federal Housing Administration Act, defendants executed a written promissory note in the sum of \$2,875 to Peoples State Bank. Defendants defaulted in the payments on the note, and, in accordance with provisions of the aforementioned Act, the note was assigned thereafter to plaintiff. There is now due and owing on the note the sum of \$2,050.33, plus interest in the amount of \$212.40.

The Court further finds that plaintiff has filed an affidavit herein stating that defendants are not in the military, or naval, service, and are not infants, or incompetents, which is found to be true.

THEREFORE, IT IS ORDERED, ADJUDGED, AND DECREED THAT this plaintiff have judgment against the defendants, Tom S. Gray and Opal E. Gray, for the sum of \$2,050.33, plus interest in the amount of \$212.40, plus interest on the principal sum of \$2,050.33 from the date of judgment until paid, and for its costs.

Royce H. Savage
United States District Judge

IN THE UNITED STATES DISTRICT COURT FOR THE
NORTHERN DISTRICT OF OKLAHOMA.

N. C. SAWYER,

Plaintiff,

-vs-

MARION ROBERTS and
NOLAH ROBERTS,

Defendants.

NO. 4071 - Civil

FILED

FEB -5 1960

ORDER

NOBLE C. HOOD
Clerk, U. S. District Court

Now on this the ~~26th~~ ^{JANUARY} day of ~~February~~, 1960, comes on

for hearing, a Motion of the Plaintiff for leave to enter Deficiency Judgment pursuant to a Notice of Hearing. N. C. Sawyer, plaintiff, appeared by his attorney, Jack R. Givens, of the firm of Spillers & Spillers, and the defendants, Marion Roberts, et al., appeared by their attorney, Ben T. Head, of the firm of Duvall, Head & Wilson. The Court being advised in this matter, finds that the defendants, Marion Roberts and Nolah Roberts have been adjudicated bankrupts in the United States Court for the Western District of Oklahoma in cases No. 11110 and 11110-B, respectively, and, further, that the judgment in this case had been listed as a debt of the bankrupts, Marion Roberts and Nolah Roberts. Mr. Givens, of the firm of Spillers & Spillers, announced that they no longer represented the plaintiff Sawyer, but that the plaintiff, N. C. Sawyer, had been notified of the setting of this Motion. The Court finds that the Motion of the plaintiff's for leave to enter Deficiency Judgment should be overruled.

IT IS THEREFORE, ORDERED, ADJUDGED AND DECREED that the plaintiff's Motion for Leave to Enter Deficiency Judgment be overruled and that the said defendants, Marion Roberts and Nolah Roberts be relieved from further obligation or debt to the plaintiff, N. C. Sawyer, insofar as this action is concerned.

S. Royce H. Savage
United States District Judge.

IN THE DISTRICT COURT OF THE UNITED STATES FOR THE
NORTHERN DISTRICT OF OKLAHOMA

ROBERT W. BIGLEY, JR.,

Plaintiff,

-vs-

IRENE SNOOK, et al.

Defendant.

No. 4665

FILED

FEB -5 1960

MOTION FOR DISMISSAL

NOBLE C. HOOD
Clerk, U. S. District Court

Comes now the plaintiff and moves the court
to dismiss the above styled and numbered cause of action with prejudice on
the grounds and for the reason that the same has been fully compromised
and settled.

Robert W. Bigley, Jr.
Plaintiff

Plaintiff
Attorney

ORDER OF DISMISSAL

Now on this 5th day of February, 1960 came
on before me the undersigned United States District Judge for the Northern
District of Oklahoma the plaintiff's Motion for Dismissal. Having been
shown to the Court that this cause of action has been fully compromised and
settled, plaintiff's motion for Dismissal should therefore be sustained.

IT IS THEREFORE, ORDERED, ADJUDGED and
DECREED by the Court that the Motion for Dismissal be sustained and that
this cause of action be dismissed with prejudice.

Rayce H. Savage
United States District Judge

IN THE UNITED STATES DISTRICT COURT FOR THE
NORTHERN DISTRICT OF OKLAHOMA

BETTY A. DIXON,

Plaintiff,

vs.

CARL ADAM HERMANS,

Defendant.

Civil No. 4710

FILED

FEB - 8 1960

JUDGMENT

NOBLE C. HOOD
Clerk, U. S. District Court

This action came on for trial before the court and a jury, the Honorable W. R. Wallace presiding, and the issues having been duly tried and the jury on February 8, 1960, having rendered a verdict for the plaintiff to recover of the defendant damages in the amount of Six Hundred (\$600.00) Dollars,

IT IS ORDERED AND ADJUDGED that the plaintiff, Betty A. Dixon, recover of the defendant, Carl Adam Hermans, the sum of Six Hundred (\$600.00) Dollars, with interest thereon at the rate of 6% per annum from the date hereof until paid, and her cost of action.

Dated at Tulsa, Oklahoma, this 8th day of February, 1960.

NOBLE C. HOOD, CLERK

By 
Deputy

UNITED STATES DISTRICT COURT FOR THE
NORTHERN DISTRICT OF OKLAHOMA

United States of America,

Plaintiff,

Civil Action No. 4622

vs.

3,478.94 Acres of Land, More or Less,
Situate in Nowata and Rogers Counties,
Oklahoma, and Frank L. Brewster, et al,
and Unknown Owners,

Defendants.)

FILED

FEB 10 1960

NOBLE C. HOOD
Clerk, U. S. District Court

J U D G M E N T

As to Tracts Nos. G-758, G-758E-1 through G-758E-11

This cause comes on for disposition on the stipulation of the parties on this 10th day of February, 1960. The Court, having been advised by Hubert A. Marlow, Assistant United States Attorney, for the Northern District of Oklahoma, finds that:

I

This Judgment applies only to Tracts Nos. G-758, G-758E-1 through G-758E-11.

II

The Court has jurisdiction of the parties and the subject matter of this action.

III

Service of process has been perfected as provided by Rule 71A of the Federal Rules of Civil Procedure on all parties defendant in this cause who are interested in these tracts.

IV

The Acts of Congress, set out in Paragraph 2 of the Complaint filed herein, give the United States of America the right, power, and authority to condemn for public use, these tracts as they are described in Schedule "A" attached to such Complaint. Pursuant thereto, on January 20, 1959, the United States of America has filed its Declaration of Taking of such described tracts, and title thereto should be vested in the United States of America.

V

On January 20, 1959, there was deposited in the Registry of this Court as estimated compensation for the taking of these tracts the sum of \$148,232.40. All of this deposit has been disbursed to the landowners entitled thereto.

VI

On the date of filing of the Declaration of Taking in this case, title to the estates taken in the captioned tracts was vested in Frank L. Brewster

Jr., Executor of the Estate of Frank L. Brewster, deceased, Fern I. Brewster, and Verdigris Petroleum Corporation, and such parties being the owners of the estates taken in these tracts, are entitled to receive the just compensation therefor.

VII

A Stipulation for Exclusion of Property executed by the above named defendants and the United States of America was filed herein on March 25, 1959, whereby a certain dwelling house situated on these tracts was excluded from the taking in this case, and such stipulation, to the extent necessary to revest title to such property in the defendants, should be approved.

VIII

A Stipulation as to Just Compensation executed by the above named defendants and the United States of America was filed herein on Feb 10 1960, whereby the parties agreed that the sum of \$162,000.00, plus title to the dwelling house mentioned in paragraph VII, shall be just compensation for all of their interest in the estate, as described in the Declaration of Taking, taken by the Government in these tracts, and such stipulation should be approved.

IX

A deficiency in the deposit of compensation for these tracts now exists and a balance is due the landowners named in Paragraph VI as follows:

Total award of just compensation	\$162,000.00
Deposited as estimated compensation and disbursed by order of Jan. 23, 1959	\$148,232.40
Deposit deficiency, and balance due defendants	\$ 13,767.60

X

It Is Therefore ORDERED, ADJUDGED, AND DECREED that the United States of America has the right, power and authority to condemn for public use, Tracts Nos. G-758, G-758E-1 through G-758E-11, described in Schedule "A" attached to the Complaint and Declaration of Taking filed herein, and such tracts (with the exception noted in paragraph XI below) to the extent of the estates indicated and for the uses and purposes described in the Declaration of Taking filed herein, are condemned and title thereto is vested in the United States of America, and all defendants herein and all other persons interested in such described estate in such tract are forever barred from asserting any claim thereto.

XI

It Is Further ORDERED, ADJUDGED AND DECREED that the right to just compensation for the estates taken herein in such tracts is vested in Frank L.

Brewster, Jr., Executor of the Estate of Frank L. Brewster, deceased, Fern I. Brewster, and Verdigris Petroleum Corporation. The Stipulation for Exclusion of Property, referred to in Paragraph VII above, is confirmed to the extent that the dwelling house, the subject of such stipulation, is excluded from the taking herein and title thereto remains vested in defendants. The Stipulation as to just compensation for the estate taken in the subject tracts, referred to in Paragraph VIII herein is hereby confirmed; and the award therein fixed is adopted as just compensation for the estate condemned in such tracts.

XII

It Is Further ORDERED, ADJUDGED AND DECREED that the Plaintiff, United States of America, shall pay into the Registry of this Court for the benefit of the landowners, the deficiency amount of \$13,767.60. Upon deposit of such deficiency, the Clerk of this Court shall disburse to Frank L. Brewster, Jr., Executor of the estate of Frank L. Brewster, deceased, Fern I. Brewster, and Verdigris Petroleum Corporation, the balance of just compensation due them in the amount of \$13,767.60.

Lo Royce Savage
UNITED STATES DISTRICT JUDGE

APPROVED:

Hubert A. Marlow
HUBERT A. MARLOW
Assistant United States Attorney

Curtis P. Harris
CURTIS P. HARRIS

IN THE UNITED STATES DISTRICT COURT FOR THE
NORTHERN DISTRICT OF OKLAHOMA

JACK WILDHABER,

Plaintiff,

vs.

MISSOURI-KANSAS-TEXAS
RAILROAD COMPANY, a corpor-
ation,

Defendant.

Civil No. 4753

FILED

FEB 10 1960

NOBLE C. HOOD
Clerk, U. S. District Court

JUDGMENT

This action came on for trial before the Court and a jury, the Honorable W. R. Wallace presiding, and the issues of the case having been duly tried and the jury on February 10, 1960, having rendered a verdict for the defendant,

IT IS ORDERED AND ADJUDGED that the plaintiff, take nothing, that the action is dismissed on the merits, and that the defendant, Missouri-Kansas-Texas Railroad Company, recover of the plaintiff, Jack Wildhaber, its costs of action.

Dated at Tulsa, Oklahoma, this 10th day of February, 1960.

NOBLE C. HOOD, CLERK

By Ben B. Pallen

IN THE DISTRICT COURT OF THE UNITED STATES FOR THE
NORTHERN DISTRICT OF OKLAHOMA

UNITED STATES FIDELITY AND GUARANTY
COMPANY, a corporation,

Complainant,

-vs-

TRI-STATE INSURANCE COMPANY, a
corporation, and AMERICAN FIDELITY
AND CASUALTY COMPANY, INC., an
insurance corporation,

Defendants.

No. 3891-Civil

FILED

FEB 11 1960

NOBLE C. HOOD
Clerk U. S. Dist. Ct.

JOURNAL ENTRY OF JUDGMENT

Now on this 11th day of January, 1960, this cause comes on for hearing on the motion to dismiss filed herein by the defendant, American Fidelity and Casualty Company, Inc., an insurance corporation, Complainant, United States Fidelity and Guaranty Company, a corporation, appearing by its attorney Bryan W. Tabor, Esq. of the firm of Rucker, Tabor & Cox, the defendant, Tri-State Insurance Company, a corporation, appearing by its attorney Robert D. Hudson, Esq., of the firm of Hudson, Hudson, Wheaton & Kyle, and the defendant, American Fidelity and Casualty Company, Inc., an insurance corporation, appearing by its attorney Welcome D. Pierson, Esq. The Court, after hearing argument of counsel and being fully advised in the premises and upon consideration thereof, enters an order as follows:

IT IS ORDERED, ADJUDGED AND DECREED by the Court that the motion to dismiss filed herein by the defendant, American Fidelity and Casualty Company, Inc., an insurance corporation, be sustained and this cause dismissed as to the defendant, American Fidelity and Casualty Company, Inc., an insurance corporation.

W. R. Wallace
United States District Judge

O.K.

B. W. Tabor

Attorneys for the Complainant

Welcome D. Pierson
Attorney for the Defendant,
American Fidelity & Casualty Co., Inc.,
an insurance corporation

R. D. Hudson

Attorneys for the Defendant,
Tri-State Insurance Company,
a corporation

IN THE UNITED STATES DISTRICT COURT FOR THE **FILED**
NORTHERN DISTRICT OF OKLAHOMA

FEB 11 1960

DENNIS F. WALLER,

Plaintiff,

vs.

TIDEWATER OIL COMPANY,

Defendant.

NOBLE C. HOOD
Clerk, U. S. District Court

Civil No. 4745

JUDGMENT

This action came on for trial before the court and a jury, the Honorable W. R. Wallace presiding, and the issues having been duly tried and the jury on February 11, 1960, having rendered a verdict for the defendant,

IT IS ORDERED that the plaintiff take nothing, that the action is dismissed on the merits, and that the defendant recover of the plaintiff, Dennis F. Waller, its costs of action.

Dated at Tulsa, Oklahoma, this 11th day of February, 1960.

NOBLE C. HOOD, CLERK

By *M. M. Ewing*
[Signature]
Deputy

IN THE UNITED STATES DISTRICT COURT FOR THE
NORTHERN DISTRICT OF OKLAHOMA

FILED

FEB 12 1960

HYLAND ASSOCIATES, a Co-partnership)
composed of William F. Hyland and)
Elisabeth A. Hyland,)

Plaintiffs,)

vs.)

1307 SOUTH BOULDER BUILDING)
CORPORATION, a corporation,)

Defendant.)

NOBLE C. HOOD
Clerk, U. S. District Court

NO. 4681

DECREE

The above-entitled matter having come on for trial on the 11th day of December, 1959, and defendant having moved to amend the pre-trial order herein to present the additional issue of the validity and enforceability of the alleged assumption of liability by the defendant, which motion was granted, and the Court having heard evidence of witnesses and having received briefs of counsel and being fully advised:

It is, therefore, ORDERED, ADJUDGED and DECREED that the complaint of the plaintiff be and it is hereby denied and dismissed and judgment is hereby entered for the defendant with costs to the defendant.

18 Royce H. Savage
DISTRICT JUDGE

APPROVED AS TO FORM:

18 Tom J. Shreve
Attorney for Plaintiff

18 Jack D. Hays
Attorney for Defendant

IN THE UNITED STATES DISTRICT COURT FOR THE
NORTHERN DISTRICT OF OKLAHOMA

RAYMOND GILLUM,

Plaintiff,

vs.

LOWELL HODGES BROWN,

Defendant.)

Civil No. 4770

FILED
IN OPEN COURT

FEB 18 1960

JUDGMENT

NOBLE C. HOOD
Clerk, U. S. District Court

This action came on for trial before the Court and a jury, the Honorable W. R. Wallace presiding, and the issues having been duly tried and the jury on February 12, 1960, having rendered a verdict for the defendant on plaintiff's complaint and for the plaintiff on defendant's counterclaim,

IT IS ORDERED AND ADJUDGED that the plaintiff, Raymond Gillum, take nothing on his complaint, that the defendant, Lowell Hodges Brown, take nothing on his counterclaim, and that the action is dismissed on the merits.

Dated at Tulsa, Oklahoma, this 12th day of February, 1960.

NOBLE C. HOOD, CLERK

By 
Deputy

IN THE UNITED STATES DISTRICT COURT FOR THE
NORTHERN DISTRICT OF OKLAHOMA

The Cherokee Laboratories,
Inc.,
Plaintiff,
vs.
Underwriters at Lloyds, London,
Defendant.)

Civil No. 4772

FILED

FEB 16 1960

JUDGMENT

NOBLE C. HOOD
Clerk, U. S. District Court

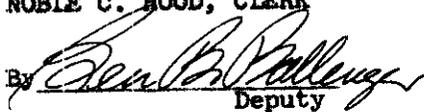
This action came on for trial before the court and
and a jury, the Honorable W. R. Wallace presiding, and the
issues having been duly tried and the jury on February 16,
1960, having rendered a verdict for the plaintiff to recover
of the defendant damages in the amount of Eighty-nine thousand
Four Hundred (\$89,400.00) Dollars,

IT IS ORDERED AND ADJUDGED that the plaintiff,
Cherokee Laboratories, Inc., recover of the defendant,
Underwriters at Lloyds, London, the sum of Eighty-nine thousand
Four Hundred (\$89,400.00) Dollars, -with interest thereon at the
rate of 6% per annum from the date hereof until paid, and its
cost of action.

Dated at Tulsa, Oklahoma, this 16th day of February,
1960.

NOBLE C. HOOD, CLERK

By


Deputy

IN THE UNITED STATES DISTRICT COURT FOR THE
NORTHERN DISTRICT OF OKLAHOMA

Bertha DeVore, . . . Plaintiff,)
)
vs.) No. 4718 Civil
)
Frank Hester, . . . Defendant.) **FILED**

FEB 27 1960

STIPULATION FOR DISMISSAL

NOBLE C. GOOD
Clerk, U.S. District Court

All issues involved herein having been fully settled and com-
promised, it is hereby stipulated and agreed by and between the parties to
this action that the plaintiff, Bertha DeVore, may and she does hereby dismiss
the above styled and numbered cause of action with prejudice to the right to
bring a future action.

Dated this 14 day of February, 1960.

Bertha DeVore
Plaintiff

Knipmeyer, Milligan, McCann & Millett

By William McCann
Attorneys for Plaintiff

Hudson, Hudson, Wheaton & Kyle

By R.D. Hudson
Attorneys for Defendant

Pursuant to Rule 28, USDC, IT IS HEREBY ORDERED that the
above styled and numbered cause of action be dismissed with prejudice to the
right to bring a future action, this 24 day of February, 1960.

12 Royce H. Swartz
U.S. District Court Clerk

rdh/mrh

IN THE UNITED STATES DISTRICT COURT FOR THE
NORTHERN DISTRICT OF OKLAHOMA

George O. DeVore, . . . Plaintiff,)
vs.) No. 4719 Civil
Frank Hester, . . . Defendant.) **FILED**

FEB 21 1960

STIPULATION FOR DISMISSAL

NOBLE C. HOOD
Clerk, U.S. District Court

All issues involved herein having been fully settled and com-
promised, it is hereby stipulated and agreed by and between the parties to
this action that the plaintiff, George O. DeVore, may and he does hereby
dismiss the above styled and numbered action with prejudice to the right
to bring a future action.

Dated this 19 day of February, 1960.

George DeVore
Plaintiff

Knipmeyer, Milligan, McCann & Millett

By Glan McCann
Attorneys for Plaintiff

Hudson, Hudson, Wheaton & Kyle

By W.D. Hudson
Attorneys for Defendant

Pursuant to Rule 28, USDC, IT IS HEREBY ORDERED that the
above styled and numbered cause of action be dismissed with prejudice to the
right to bring a future action, this 24 day of February, 1960.

181 Roger H. Savage
U. S. District Court Clerk

IN THE UNITED STATES DISTRICT COURT FOR THE NORTHERN
DISTRICT OF OKLAHOMA

MARY JANE GARRICK,

Plaintiff

vs

UNDERWRITERS AT
LLOYD'S LONDON,

Defendant

✓
NO. 4824 CIVIL

FILED

FEB 26 1960

ORDER

NOBLE C. HOOD
Clerk, U. S. District Court

On this 26 day of February, 1960, this matter coming on to be heard upon the motion of the plaintiff to dismiss the above cause with prejudice to a future action, and the Court being fully advised in the premises and finding that the matter has been fully settled and compromised,

IT IS BY THE COURT ORDERED that the above action be and the same is hereby dismissed with prejudice to a future action.

R. A. Savage
Judge

IN THE UNITED STATES DISTRICT COURT FOR
THE NORTHERN DISTRICT OF OKLAHOMA

CITIES SERVICE GAS COMPANY,)
a corporation)

Plaintiff)

vs.)

UNITED PRODUCING COMPANY, INC.)
a corporation)

Defendant)

No. 4554 Civil

FILED

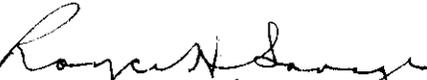
FEB 29 1960

JOURNAL ENTRY OF JUDGMENT NOBLE C. BOOD
Clerk, U. S. Dist. Ct.

In conformity with the Findings of Fact and Con-
clusions of Law filed herein on this date, IT IS HEREBY
ORDERED, ADJUDGED AND DECREED as follows:

1. That the plaintiff, Cities Service Gas Company, have and recover judgment against the defendant, United Producing Company, Inc., in the sum of \$1,550,702.77, together with interest thereon at the rate of 6% per annum from January 20, 1958, to the date of this judgment, and with interest at the rate of 6% per annum on such total sum from the date hereof until paid, and its costs in this action.
2. That defendant, United Producing Company, Inc., take nothing on its counterclaim filed herein, which is hereby dismissed.

DATED this 29th day of February, 1960.


United States District Judge

IN THE UNITED STATES DISTRICT COURT FOR THE
NORTHERN DISTRICT OF OKLAHOMA

United States of America,

Libelant,

Civil No. 4803

vs.

FILED

One 1956 Chevrolet 2-door,
Motor No. 0484137756F, its
tools and appurtenances,

FEB 29 1960

Respondent.)

NOBLE C. FORD
Clerk, U.S. District Court

J U D G M E N T

Pursuant to the Findings of Fact and Conclusions of Law,
it is hereby **ORDERED, ADJUDGED and DECREED** that the 1956 Chevrolet
Motor, No. 0484137756F be, and the same is hereby forfeited, and
that Cornelius B. Stevenson and Otis Gordon and Redden Investment
Company are decreed to have no claim, right, title or interest what-
soever in said vehicle; and that the said vehicle be and the same is
hereby ordered to be sold by the United States Marshal for the Northern
District of Oklahoma, and the proceeds of said sale should be applied
as follows:

1. Payment of court costs;
2. Payment of costs of seizure and storage and
marshal's fees;

and the residue, if any, be paid to the **TREASURER OF THE UNITED STATES.**

It is further **ORDERED** that the bond in the amount of \$250.00
deposited by Redden Investment Company be returned to Redden Investment
Company.

DATED:

29 February, 1960

Royce H. Linn
U.S. DISTRICT JUDGE

OK
Finger Kuvon
Att'y for claimant

UNITED STATES DISTRICT COURT FOR THE
NORTHERN DISTRICT OF OKLAHOMA

United States of America,

Plaintiff,

vs.

Otis Wickliffe, Fannie Wickliffe,
and Swimmer Snell,

Defendants.

Civil No. 4838

FILED

MAR 1 1960

NOBLE C. HOOD
Clk. U. S. Dist. Ct.

J U D G M E N T

On this 1st day of March, 1960, the above entitled action coming on for hearing, plaintiff appearing by Frederick S. Nelson, Assistant United States Attorney for the Northern District of Oklahoma, and defendants appearing not and the court having heard the evidence of the plaintiff and having examined the files, finds that the defendants, Otis Wickliffe, Fannie Wickliffe and Swimmer Snell were duly served with summons herein more than twenty (20) days prior to this date and having failed to appear or answer should be and are adjudged in default.

The court further finds that all of the allegations of plaintiff's complaint are true and finds that the plaintiff is entitled to judgment in accordance with the allegations of said complaint.

The court further finds that the Cherokee Tribe of Indians is the owner of the following described lands:

North Half of the Northwest Quarter, and Southeast Quarter of the Northwest Quarter, and Northeast Quarter of the Southwest Quarter of Section 3, and North Half of the Southeast Quarter of Section 4, all in Township 21 North, Range 22 East, Delaware County, Oklahoma,

and that the defendant, Otis Wickliffe, took possession of this property pursuant to a certain farming and grazing lease dated April 3, 1957, said lease commencing on January 1, 1957, and that the defendant, Otis Wickliffe, has failed, neglected and refused to pay the rental for the use and occupancy of this property as provided in the lease and has failed, neglected and refused to plant the crops required to be planted pursuant to the lease. That the defendants, Fannie Wickliffe and Swimmer Snell are jointly and severally liable under the terms of this lease by virtue of the surety bonds whereby they obligated themselves and agreed to pay any sum due on said lease, default of which might be made by the defendant, Otis Wickliffe.

IT IS THEREFORE ORDERED, ADJUDGED AND DECREED by the court that the plaintiff, United States of America, have judgment against the defendants, Otis Wickliffe, Fannie Wickliffe and Swismer Saelle in the amount of \$600.00, with interest at 6% per annum from December 31, 1958 until paid, and for the costs of this action.

Julia C. Hood Clerk

By M. M. Ewing, Deputy

FILED

IN THE UNITED STATES DISTRICT FOR THE NORTHERN
DISTRICT OF OKLAHOMA

MAR -3 1960

DENNIS P. WALLER,

Plaintiff,

vs.

TIDEWATER OIL COMPANY,

Defendant.

) NOBLE C. HOOD
) Clerk, U. S. District Court

) CASE NO. 4745-Civil
)
)
)

ORDER GRANTING NEW TRIAL AND SETTING ASIDE JUDGMENT

This matter coming on for hearing before the Honorable W. R. Wallace, United States District Judge for the Northern District of Oklahoma, upon the motion of plaintiff for Judgment Notwithstanding the Verdict, and upon the plaintiff's Motion for a New Trial, and the Court having considered said motion, finds:

1. The Court finds that plaintiff's motion for Judgment Notwithstanding the Verdict should be overruled.

2. The Court finds that although the Court usually entertains oral argument on controversial motions, inasmuch as the Court tried this case and is familiar with all of the material facets of this motion, a hearing on the motion is not needed. The Court further finds, as a thirteenth juror, that the Court cannot agree with the jury's verdict, and the Court finds that justice can only be served by submitting this cause to another jury; and the plaintiff's Motion for New Trial should be sustained.

3. The Court further finds that the verdict of the jury heretofore rendered for the defendant on February 11, 1960, should be vacated, set aside and held for naught, and the judgment entered on said jury's verdict should be vacated, set aside and held for naught.

4. The Court further finds that this case should be re-tried at the next Tulsa Jury Docket.

IT IS, THEREFORE, HEREBY ORDERED, ADJUDGED AND DECREED,
by the Court that plaintiff's Motion for Judgment Notwithstanding the Verdict
is hereby overruled. IT IS FURTHER ORDERED, that the plaintiff's Motion
for a New Trial is hereby sustained, and the verdict of the jury heretofore
rendered for the defendant, and the judgment of the court heretofore entered
thereon on February 11, 1960, is hereby vacated, set aside and held for
naught. IT IS FURTHER ORDERED, that this case be set for trial on the
next Tulsa Jury Docket.


W. R. Wallace, United States District
Judge for the Northern District of Oklahoma

IN THE UNITED STATES DISTRICT COURT FOR THE
NORTHERN DISTRICT OF OKLAHOMA

K. S. ADAMS,

)
Plaintiff, :

vs.

) No. 4558 Civil

PARKER PETROLEUM COMPANY, INC.,
ET AL.,

)
Defendants. :

FILED

MAR -4 1960

O R D E R

NOBLE C. HOOD
Clerk, U. S. District Court

Now on this 4th day of March, 1960 it having been called to the attention of the court that this cause of action has been settled by the parties,

IT IS THEREFORE ORDERED, ADJUDGED AND DECREED BY THE COURT that this cause be and the same is hereby dismissed with prejudice.

Royce H. Savage
(Royce H. Savage)

District Judge

Ok.
Hamilton & Kane
Atty. for plaintiff

IN THE UNITED STATES DISTRICT COURT FOR THE
NORTHERN DISTRICT OF OKLAHOMA

RUBY McDONALD,

Plaintiff,

vs.

TOM KING and
MILLARD WAY HANER,

Defendants.

No. 4759 Civil

FILED

MAR -7 1960

NOBLE C. HOOD
Clerk, U. S. District Court

ORDER OF DISMISSAL WITH PREJUDICE

NOW, on this 7 day of March, 1960, there came on for hearing pursuant to regular assignment, the oral application of the plaintiff and defendants to dismiss the above-captioned cause with prejudice. After oral argument and the court being fully advised in the premises, the court finds that a compromised settlement has been effected by and between the parties. The court further finds that the above-captioned matter should be dismissed with prejudice.

IT IS THEREFORE, ORDERED, ADJUDGED AND DECREED that the above-captioned matter be dismissed with prejudice.

Royce H. Savage
JUDGE

APPROVAL BY:

Charles L. Davis Jr.
Attorney for Plaintiff.

APPROVAL BY:

Alfred C. Knight
Attorney for Defendants.

IN THE UNITED STATES DISTRICT COURT FOR THE NORTHERN DISTRICT
OF OKLAHOMA

GERALD D. POWELL,)
Administrator of the Estate)
of LILLIAN E. POWELL,)
Deceased,)
)
Plaintiff,)
)
vs.)
)
AMERICAN PHOTOGRAPH)
CORPORATION, A Corporation,)
)
Defendant.)

No. 4749

FILED

MAR 14 1960

NOBLE C. HOOD
Clerk, U. S. District Court

DECREE

THIS matter coming on before the undersigned Judge of the United States District Court for the Northern District of Oklahoma for the determination of two special issues submitted to be determined by this Court, the issues being as follows:

- (1) Whether or not FRANCES HASSE was acting as agent, servant, and employee of the defendant, AMERICAN PHOTOGRAPH CORPORATION, in driving the automobile at the time the collision herein involved occurred.
- (2) Whether or not FRANCES HASSE and LILLIAN POWELL, plaintiff's decedent, were co-employees serving the same master at the time the collision causing the death of LILLIAN POWELL occurred,

and the matter having been submitted to the Court by depositions of witnesses, and the Court, being fully advised in the premises, finds:

I.

THAT FRANCES HASSE was, on the 17th day of March, 1959, an employee of AMERICAN PHOTOGRAPH CORPORATION and that at the time

and place when FRANCES HASSE and LILLIAN POWELL met their death, FRANCES HASSE was acting as a school representative and as servant, agent, and employee of AMERICAN PHOTOGRAPH CORPORATION in making the trip to Cleveland and back to Tulsa, Oklahoma, to contact the school at Cleveland, Oklahoma, for the purpose of obtaining a contract to take school photographs, and, further, that she was acting within the scope of her employment.

II.

THAT FRANCES HASSE and LILLIAN E. POWELL were not fellow servants, nor were they co-employees at the time and place where the collision occurred causing the death of MRS. POWELL.

IT IS, THEREFORE, ORDERED by the Court that this matter be set for trial on all remaining issues on the next jury docket of this Court.

THIS Decree entered this 14th day of March, 1960.

15/ Roger H. Lange
United States District Judge

APPROVED AS TO FORM:

BURT, SEIGEL & FRANKLIN
Attorneys for Plaintiff

By 18/ William E. Franklin

HUDSON, HUDSON, WHEATON & KYLE
Attorneys for Defendant

By 13/ Thomas R. Brett

IN THE UNITED STATES DISTRICT COURT FOR THE
NORTHERN DISTRICT OF OKLAHOMA

CIVIL ACTION NO. 4765

ARROW TRUCKING CO., an Oklahoma Corporation,
E. L. FOWELL & SONS TRUCKING CO., INC., an
Oklahoma Corporation, formerly E. L. Fowell
Trucking Company, a Partnership, SECURITY
TRUCKING CO., an Oklahoma Corporation,
formerly known as John W. Presley, d/b/a
Security Trucking Co., VAN STONE, d/b/a
Stone Trucking Company, THE SQUAN TRAMMIT
COMPANY, an Oklahoma Corporation, and
C. & H. TRANSPORTATION COMPANY, INC., a
Texas Corporation,

FILED

MAR 14 1960

NOBLE C. HOOD
Clerk, U. S. District Court

Plaintiffs,

v.

UNITED STATES OF AMERICA and INTERSTATE
COMMERCE COMMISSION,

Defendants,

and

J. L. COX & SON, INC., FAREHILL TRUCK
COMPANY, J. O. (NEB) WELBENT PIPE STRINGING
CORPORATION, and BURN BRGS., INC.,

Intervening Defendants.

W. T. Brunson, Charles D. Dudley, Mart Brown,
and Rex H. Holden, Oklahoma City, Oklahoma, for Plaintiffs.

Robert A. Bicks, Acting Assistant Attorney General,
and James H. Durkin, Attorney, Department of Justice,
Washington, D. C., and Robert S. Risley, United States
Attorney, Northern District of Oklahoma, Tulsa, Oklahoma,
for Defendant United States of America.

Robert W. Ginnane, General Counsel, and James Y.
Fiper, Assistant General Counsel, Interstate Commerce
Commission, Washington, D. C., for Defendant Interstate
Commerce Commission.

Caril V. Eretzinger and Tom B. Eretzinger, Kansas City, Missouri, for Intervening Defendants.

MEMORANDUM OPINION AND ORDER

BEFORE BREKIDENSKIN, CIRCUIT JUDGE, AND RICE AND SAVAGE, DISTRICT JUDGES.

BREKIDENSKIN, Circuit Judge.

The six plaintiffs, all certificated common carriers authorized by the Interstate Commerce Commission to perform "oilfield" transportation service, sue to set aside and enjoin the enforcement of a commission order limiting their authority to service to the natural gas and petroleum industry.¹ The report of the Commission is found at 78 M.C.C. 441 under the style C & H Transportation Company, Inc., Extension - Pipe. We have jurisdiction under 28 U.S.C. § 1335 and hearing by a three-judge district court is required by 28 U.S.C. § 2335.

In 1946 the Commission decided the Harzer case² involving 31 extension applications of "oilfield" carriers for authority to perform operations not clearly within the scope of outstanding certificates issued to them. The Commission decided upon a uniform commodity description to permit the applicants "to provide a complete service

¹ Some of the certificates authorized the performance of other services with which we are not concerned.

² See 74 M.C.C. 459.

to these in the [natural gas and petroleum] industry."³

Such description read thus:

" * * * (1) machinery, equipment, materials, and supplies used in, or in connection with, the discovery, development, production, refining, manufacture, processing, storage, transmission, and distribution of natural gas and petroleum and their products and byproducts, and (2) machinery, materials, equipment, and supplies used in, or in connection with the construction, operation, repair, servicing, maintenance, and dismantling of pipelines, including the stringing and picking up thereof, except the stringing or picking up of pipe in connection with main pipelines." 74 N.C.C. 544.

New certificates containing this description were issued to the plaintiffs, who, in 1957, filed applications with the Commission for authority to transport "pipe, pipeline material, machinery, and equipment, incidental to and used in the construction, repairing, or dismantling of pipelines"⁴ for the purpose of removing all doubt as to their right to handle commodities for

³ 74 N.C.C. 459, 542.

⁴ In some instances there were immaterial deviations from this language.

industries other than the oil and gas industry. In the commission proceedings the plaintiffs contended that they had such authority under their certificates and that if they did not, public convenience and necessity required that they have such authority.

The Commission found that they did not have authority under their present certificates to perform the proposed operations and that they had failed to establish a need for the proposed services.

The plaintiffs now attack the first of these findings, and insist that the so-called Harcoer description, contained in their certificates, by its clause (2) gave them the right to perform the services there mentioned for all shippers and not solely for shippers in the oil and gas industry. They say that the description is clear, unambiguous, and not open to construction because clause (1) is limited specifically to services

5

The Commission made these findings:

"We find that applicants are entitled, under their existing operating authorities which are substantially in accordance with part (2) of the so-called Harcoer description, to transport machinery, materials, equipment, and supplies used in, or in connection with the construction, operation, repair, servicing, maintenance, and dismantling of pipelines, including the stringing, and picking up thereof, limited to pipelines used for the transmission of natural gas, petroleum, or their products and byproducts, subject to any other existing limitations or exceptions.

"We further find that applicants have failed to establish that the present or future public convenience and necessity require the proposed operations; and that the applications should be denied." See 78 N.C.C. 453.

performed in connection with "natural gas and petroleum and their products and byproducts" while no such limitation is found in clause (2). From this premise they argue that the action of the Commission in limiting their certificates to services performed for the oil and gas industry is void because of noncompliance with the provisions of 49 U.S.C. § 312(a) requiring notice and hearing before the suspension, change or revocation of a certificate.

The issue presented is whether the Commission action is a construction of the scope of a permit or a change or revocation of a permit. If it is in the first category the rule applies that the construction by the Commission of the scope of its permits will not be overturned by the courts unless clearly erroneous.⁶

The restrictive language of clause (1) indicates an intent to limit the authority to services performed by the oil and gas industry. The question is whether the generality of (2) defeats that intent. The Commission held that it was "warranted in looking behind the certificates issued to determine the scope of * * * authority."⁷ It then reviewed the Mercer case and concluded that:

⁶ Andrew G. Nelson, Inc., v. United States, 355 U.S. 554, 558; Scott Truck Line, Inc., v. United States, 163 F. Supp. 118, 120.

⁷ Several of these plaintiffs were parties to the Mercer case.

"The Mercer case made no attempt to consider or describe operations for any purpose outside the oilfield and gas industry."⁸

With reference to the Mercer description the Commission held, and it is not here controverted, that the consistent administrative interpretation thereof has been that it was intended to apply strictly to the oil and gas industry and that it was not intended that carriers granted such authority would provide service to others not engaged in the oil and gas industry.⁹ This settled administrative interpretation is entitled to great weight.¹⁰ No cogent reasons appear here for rejecting such administrative interpretation.

We agree with the Commission that clause (2) of the Mercer description must be read with clause (1), is

⁸

In stating the reasons for, and the intent of, the description there approved, the report in Mercer said:

"It seems not only logical but necessary, in order to remove doubt and confusion on the part of motor carriers, shippers, contractors, and others in the natural gas and petroleum industry, to adopt a more uniform commodity description and description of the services authorized, which will be susceptible of easy interpretation by the carriers, shippers, or other interested parties, and enable the carriers to provide a complete service to those in the industry. The form of authority herein adopted is designed to bring about such result." 74 N.C.C. 542.

⁹

78 N.C.C. 447.

¹⁰

Federal Trade Commission v. Manual Brothers, Inc., 359 U.S. 385, 391; United States v. American Trucking Associations, Inc., 310 U.S. 534, 549; United States v. Chicago North Shore and Milwaukee Railroad Co., 208 U.S. 1, 13.

limited to the oil and gas industry, and does not cover the movement of any commodities except when incidental to and used in various phases of the natural gas and petroleum industry. Such holding of the Commission was an interpretation of the rights which the plaintiffs had under their certificates,¹¹ and was not arbitrary, capricious, or clearly erroneous.

As the action of the Commission was the interpretation of the scope of permits which it had granted, it is unnecessary to consider the claim that the procedure required by 49 U.S.C. § 312(a) relating to the suspension, change or revocation of a certificate was not followed. In passing it should be noted that these proceedings were instituted by the plaintiffs and that full hearing was granted. Reliance on *Watson Bros. Transportation Co. v. United States*, 132 F.Supp. 905, affirmed 350 U.S. 927, is misplaced. There it was held that the Commission having granted authority could not take it away without notice and hearing. Here the authority claimed was never granted. There cannot be a change or revocation of that which was not granted.

11

Willers v. United States, 133 F.Supp. 270, 275;
Malone Freight Lines, Inc., v. United States,
107 F.Supp. 946, 951, affirmed 344 U.S. 925.

This opinion sufficiently states the findings of fact and conclusions of law of the court. The injunction is denied and the case dismissed.

DATED at Tulsa, Oklahoma, this 14th day of March, A. D. 1960.

Jean S. Breitenstein

JEAN S. BREITENSTEIN, Circuit Judge
United States Court of Appeals

(S) Eugene Rice
EUGENE RICE, Judge
United States District Court

(S) Raymond H. Savage
RAYMOND H. SAVAGE, Judge
United States District Court

UNITED STATES DISTRICT COURT FOR THE
NORTHERN DISTRICT OF OKLAHOMA

United States of America,

Plaintiff,

vs.

Rudolph Amos Wilson,

Defendant.

Civil No. 4798

FILED

MAR 14 1960

NOBLE C. HOOD
Clerk, U. S. District Court

J U D G M E N T

On this 14 day of March 1960, the above-entitled action coming on for hearing, the plaintiff, appearing by Perry A. Krohn, Assistant U. S. Attorney for the Northern District of Oklahoma, and the defendant appearing not, the Court finds that defendant was duly served with summons herein more than 20 days prior to this date, and having failed to appear, or answer, is and should be adjudged in default.

The Court further finds that all allegations of plaintiff's complaint are true; that defendant is indebted to plaintiff in the amount of \$785.59, plus interest, after allowance of all just credits and set-offs; that a balance remains of \$785.59, plus interest of \$99.16, plus interest at the rate of four per cent (4%) per annum from the date of judgment on the principal sum of \$785.59, until paid.

The Court further finds that plaintiff has filed herein an affidavit stating that defendant is not in the military, or naval, service of the United States, and is not an infant, or an incompetent, which is found to be true.

THEREFORE, IT IS ORDERED, ADJUDGED, AND DECREED by the Court that this plaintiff have judgment against the defendant, Rudolph Amos Wilson, for the sum of \$785.59, plus interest of \$99.16, plus interest at the rate of four per cent (4%) per annum from the date of judgment on the principal sum of \$785.59, until paid, and for costs of this action.

15/ Royce H. Savage
United States District Judge

UNITED STATES DISTRICT COURT FOR THE
NORTHERN DISTRICT OF OKLAHOMA

United States of America,

Plaintiff,

vs.

Edolph Amos Wilson,

Defendant.

Civil No. 4798 **FILED**

MAR 14 1960

NOBLE C. HOOD
Clerk, U. S. District Court

A F F I D A V I T

Perry A. Krohn, of lawful age, being first duly sworn upon his oath, deposes and says:

That he is one of the attorneys for this plaintiff, and that the defendant is not in the military, or naval, service of the United States, and is neither an infant, nor an incompetent.

15/ Perry A. Krohn
Perry A. KROHN
Assistant U. S. Attorney

Subscribed and sworn to before me this 11th day of March 1960.

15/ Dorothy Loneyan
Notary Public

My commission expires: Jan 7, 1964

UNITED STATES DISTRICT COURT FOR THE
NORTHERN DISTRICT OF OKLAHOMA

United States of America,

Plaintiff,

vs.

Cecil B. Harrison,

Defendant.

Civil No. 4805

FILED

MAR 14 1960

NOBLE C. HOOD
Clerk, U. S. District Court

J U D G M E N T

On this 14th day of March 1960, the above-entitled action coming on for hearing, the plaintiff, appearing by Perry A. Krohn, Assistant U. S. Attorney for the Northern District of Oklahoma, and the defendant appearing not, the Court finds that defendant was duly served with summons herein more than 20 days prior to this date, and having failed to appear, or answer, is and should be adjudged in default.

The Court further finds that all allegations of plaintiff's complaint are true; that defendant is indebted to plaintiff in the amount of \$1,810.60, plus interest, after allowance of all just credits and set-offs; that a balance remains of \$1,810.69, plus interest of \$351.66, plus interest at the rate of six per cent (6%) per annum from the date of judgment on the total amount of \$2,162.35, until paid.

The Court further finds that plaintiff has filed herein an affidavit stating that defendant is not in the military, or naval, service of the United States, and is not an infant, or an incompetent, which is found to be true.

THEREFORE, IT IS ORDERED, ADJUDGED, AND DECREED by the Court that this plaintiff have judgment against the defendant, Cecil B. Harrison, for the sum of \$1,810.69, plus interest of \$351.66, plus additional interest at the rate of six per cent (6%) from date of judgment on the total amount of \$2,162.35, until paid, and for the costs of this action.

W. Royce H. Savage
United States District Judge

UNITED STATES DISTRICT COURT FOR THE
NORTHERN DISTRICT OF OKLAHOMA

United States of America,

Plaintiff,

vs.

Cecil B. Harrison,

Defendant.

Civil No. 4805

FILED

MAR 14 1960

NOBLE C. HOOD
Clerk, U. S. District Court

AFFIDAVIT

Perry A. Krohn, of lawful age, being first duly sworn upon his oath, deposes and says:

That he is one of the attorneys for this plaintiff, and that the defendant is not in the military, or naval, service of the United States, and is neither an infant, nor an incompetent.

Perry A. Krohn
Perry A. Krohn
Assistant U. S. Attorney

Subscribed and sworn to before me this 11th day of March 1960.

18/ Dorothy Longen
Notary Public

My commission expires: Jan. 7, 1964

IN THE DISTRICT COURT OF THE UNITED STATES FOR THE
NORTHERN DISTRICT OF OKLAHOMA

State Farm Mutual Automobile
Insurance Company, Inc.,
Plaintiff,

vs.

Mid-Continent Casualty Company, a
corporation, and Willard
Hilyard,
Defendants.

NO. 4656 - Civil.

FILED

MAR 17 1960

NOBLE C. HOOD
Clerk, U. S. District Court

DECREE

Wherein the Court affirms the findings of fact and conclusions
of law and hereby orders, adjudge and decrees that:

I.
Mid-Continent Casualty Company was obliged to
defend the lawsuit brought by George E.
Hilyard against Willard Hilyard within the limits of its policy
of \$50,000.

II.
Mid-Continent Casualty Company is obligated to assume the
defense of the suit of George E. Hilyard against Willard
Hilyard now pending in the Supreme Court of Oklahoma.

III.

State Farm Mutual Automobile Insurance Company is not
entitled to demand any contribution from Mid-Continent Casualty
Company for the expenses incurred by it in defending the suit of
George E. Hilyard against Willard Hilyard.

IV.

State Farm Mutual Automobile Insurance Company is entitled
to its costs in this suit as expended.


W. B. McCREATH, DISTRICT JUDGE.

Dated March 16, 1960.

UNITED STATES DISTRICT COURT FOR THE
NORTHERN DISTRICT OF OKLAHOMA

United States of America,

Plaintiff,

vs.

991.51 Acres of Land, More or Less,
Situate in Rogers and Nowata Counties,
Oklahoma, and Edward G. Andrews, et
al, and Unknown Owners,

Defendants.

Civil Action No. 4697

FILED

MAR 21 1960

NOBLE C. HOOD
Clerk, U. S. District Court

J U D G M E N T

As to Tracts Nos. J-1032 and J-1035E

This cause comes on for disposition on the stipulation of the parties on this 21st day of March, 1960. The Court, having been advised by Hubert A. Marlow, Assistant United States Attorney, for the Northern District of Oklahoma, finds that:

I

This Judgment applies only to Tracts Nos. J-1032 and J-1035E.

II

The Court has jurisdiction of the parties and the subject matter of this action.

III

Service of process has been perfected as provided by Rule 71A of the Federal Rules of Civil Procedure on all parties defendant in this cause who are interested in these tracts.

IV

The Acts of Congress, set out in Paragraph 2 of the Complaint filed herein, give the United States of America the right, power, and authority to condemn for public use, these tracts as they are described in Schedule "A" attached to such Complaint. Pursuant thereto, on May 29, 1959, the United States of America has filed its Declaration of Taking of such described tracts, and title thereto should be vested in the United States of America.

V

On May 29, 1959, there was deposited in the Registry of this Court as estimated compensation for the taking of these tracts the sum of \$7,875.00, and \$7,625.00 of this deposit has been disbursed to the landowners entitled thereto.

VI

On the date of filing of the Declaration of Taking in this case, title to the estates taken in the captioned tracts was vested in E. A. Slocter and Lena Slocter, his wife, and such parties being the owners of the estates taken in these tracts, are entitled to receive the just compensation therefor.

VII

A Stipulation as to Just Compensation executed by the above named defendants and the United States of America was filed herein on March 7, 1960, whereby the parties agreed that the sum of \$7,625.00, plus title to all improvements situated on Tract No. J-1032, shall be just compensation for all of their interest in the estate, as described in the Declaration of Taking, taken by the Government in these tracts, and such stipulation should be approved.

VIII

It is therefore ORDERED, ADJUDGED, AND DECREED that the United States of America has the right, power and authority to condemn for public use, Tracts Nos. J-1032 and J-1035K, described in Schedule "A" attached to the Complaint and Declaration of Taking filed herein, and such tracts (with the exception noted in paragraph IX below) to the extent of the estates indicated and for the uses and purposes described in the Declaration of Taking filed herein, are condemned and title thereto is vested in the United States of America, and all defendants herein and all other persons interested in such described estate in such tracts are forever barred from asserting any claim thereto.

IX

It is further ORDERED, ADJUDGED AND DECREED that the right to just compensation for the estates taken herein in such tracts is vested in E. A. Slocter and Lena Slocter, his wife. The stipulation as to just compensation for the estate taken in the subject tracts, referred to in paragraph VII herein is hereby confirmed; all improvements situated upon Tract No. J-1032 are excluded from the taking herein; title thereto remains vested in the defendant landowners or their assigns; and the award therein fixed is adopted as just compensation for the estate condemned in such tracts.

Boys H. Savage
UNITED STATES DISTRICT JUDGE

AFFIRMED:

Robert A. Marlow
ROBERT A. MARLOW
Assistant United States Attorney

UNITED STATES DISTRICT COURT FOR THE
NORTHERN DISTRICT OF OKLAHOMA

United States of America,
Plaintiff,

CIVIL ACTION NO. 4603.

vs.

591.01 Acres of Land, More or Less,
Situate in Nowata and Rogers Counties,
Oklahoma, and Valdo Ellison, et al,
and Unknown Owners,

Defendants.

FILED

MAR 25 1960

J U D G M E N T

NOBLE C. HOOD
Clerk, U. S. District Court

As to Tracts Nos. B-248 and D-416

On February 15 and 16, 1960, this cause, as to Tracts Nos. B-248 and D-416, came on for jury trial at Tulsa, Oklahoma, before the Honorable Royce H. Savage, Judge of the United States District Court for the Northern District of Oklahoma. The plaintiff, United States of America, appeared by Robert S. Rizley, United States Attorney, and Hubert A. Marlow, Assistant United States Attorney, for the Northern District of Oklahoma. The defendant owners of Tracts Nos. B-248 and D-416, appeared by their attorney, Mr. James C. Hamill.

A jury was impaneled and sworn, opening statements were made, evidence was introduced by both sides, final arguments were made, and the Court instructed the jury. Whereupon the jury retired for deliberation, and on February 17, 1960, returned its verdict awarding just compensation as follows:

Tract B-248

Surface \$14,200.00

Minerals \$ 550.00

Tract D-416

Surface \$38,000.00

Minerals \$ 1,250.00

Thereupon the Court finds:

I

This judgment applies only to Tracts Nos. B-248 and D-416.

II

The Court has jurisdiction of the parties and the subject matter of this action.

III

Service of process has been perfected either personally or by publication notice as provided by Rule 71A of the Federal Rules of Civil Procedure on all parties defendant in this cause who are interested in these Tracts Nos. B-248 and D-416.

IV

The Acts of Congress set out in paragraph 2. of the Complaint filed herein give the United States of America the right, power, and authority to condemn for public use the land described as Tracts Nos. B-248 and D-416 in Schedule A attached to such Complaint. Pursuant thereto, on December 8, 1958, the United States of America has filed its Declaration of Taking of such described land, and title thereto should be vested in the United States of America.

V

On December 8, 1958, there was deposited in the Registry of this Court as estimated compensation for the taking of Tracts Nos. B-248 and D-416, certain sums of money and certain portions of these deposits have been disbursed to the owners entitled thereto, as shown in paragraph XIII below.

VI

The verdict of the jury should be approved.

VII

Certain deficiencies exist between the amounts deposited as estimated compensation and the amounts fixed by the Jury verdict as just compensation. These deficiencies are set out in paragraph XIII below.

VIII

The persons named in paragraph XIII are found by the Court to be the only defendants asserting any interest in the estates condemned herein, all other defendants having either disclaimed or defaulted; the named defendants are the owners of the respective tracts as designated, and as such, are entitled to distribution of just compensation therefor.

IX

The United States of America and the defendant, Marshall Moore, have stipulated herein, on January 20, 1959, as to Tract No. B-248, that the improvements on such tract should be excluded from the taking in this case and should be removed by the landowner, in consideration for which the final award of just compensation should be reduced by the amount of the salvage value of such improvements, to-wit: \$310.00. Such stipulation should be approved.

X

The United States of America and the defendants, J. Frank Hall and Anna F. Hall, have stipulated herein, on January 6, 1959, as to Tract No. D-416, that the improvements on such tract should be excluded from the taking in this case and should be removed by the landowners in consideration for which the final award of just compensation should be reduced by the amount of the salvage value of such improvements, to-wit: \$1,125.00. Such stipulation should be approved.

XI

It Is Therefore ORDERED, ADJUDGED, AND DECREED that the United States of America has the right, power and authority to condemn for public use, Tracts Nos. B-248 and D-416, as such tracts are described in Schedule A attached to the Complaint and Declaration of Taking filed herein, and such tracts, to the extent of the estate indicated herein, are condemned (subject to the modification noted in paragraph XII below), and title thereto is vested in the United States of America, and all defendants herein and all other persons interested in such tracts are forever barred from asserting any claim thereto.

XII

It Is Further ORDERED, ADJUDGED AND DECREED that the stipulations as to exclusion of improvements referred to in paragraph IX and X are confirmed and such improvements are excluded from the taking herein and title thereto remains vested as before this action.

XIII

It Is Further ORDERED, ADJUDGED AND DECREED that the right to just compensation for the respective estates taken herein is vested in

the defendants whose names appear below in this paragraph; the jury's verdict is confirmed and the sums fixed therein are adopted as just compensation for each tract as set out in the following schedule:

Tract B-248

Owners:

Surface: Marshall Moore
 Minerals: 1/2 by Commissioners of the Land Office
 of the State of Oklahoma
 1/2 by Marshall Moore

Compensation fixed by Jury Verdict:

Surface:	\$ 14,200.00
Minerals:	<u>550.00</u>
Total	\$14,750.00
Less Salvage Value of Improvements Reserved:	<u>310.00</u>
Net Compensation approved by Court:	\$14,440.00
Deposited as Estimated Compensation:	<u>13,220.00</u>
Deposit Deficiency:	<u>\$ 1,220.00</u>

DISTRIBUTION AND DISBURSAL OF AWARD

Marshall Moore Award:

Surface:	\$14,200.00
Minerals: (1/2 interest)	<u>\$ 275.00</u>
Total by Jury Verdict:	\$14,475.00
Less Salvage Value of Improvements:	<u>310.00</u>
Total Moore award approved by Court:	\$14,165.00

Disbursed to:

Marshall Moore:	\$11,495.57
Commissioners of the Land Office on their Mortgage on Surface:	<u>1,304.43</u>
Total	<u>\$12,800.00</u>

Balance due on Marshall Moore: \$ 1,365.00

Commissioners of the Land Office of State of Oklahoma Award:

Minerals only, (1/2 interest)	\$ <u>275.00</u>
Disbursed to Commissioners of Land Office for Minerals:	<u>110.00</u>
Balance due Commissioners of the Land Office of the State of Oklahoma:	<u>\$ 165.00</u>

Tract D-416

Owners: J. Frank Hall and Anna F. Hall

Compensation fixed by Jury Verdict:

Surface:	\$38,000.00
Minerals:	<u>\$ 1,250.00</u>
Total	\$39,250.00
Less Salvage Value of Improvements Reserved:	<u>\$ 1,125.00</u>
Net compensation Approved by Court:	\$38,125.00
Deposited as Estimated Compensation:	<u>\$35,500.00</u>
Deposit Deficiency:	\$ 2,625.00

DISTRIBUTION AND DISBURSAL OF AWARD

Net Hall award approved by Court:	\$38,125.00
Disbursed to:	
J. Frank Hall and Anna F. Hall:	<u>\$34,375.00</u>
Balance due to J. Frank Hall and Anna F. Hall:	<u>\$ 3,750.00</u>

XIV

It Is Further ORDERED, ADJUDGED AND DECREED, that the plaintiff, United States of America, shall pay into the Registry of this Court for the benefit of the named landowners the deficiency amounts shown in paragraph XIII, together with interest thereon at the rate of 6% per annum from December 8, 1958, until the date of deposit of such deficiency amounts into the Registry of this Court. Upon deposit of such deficiency amounts, together with interest, the Clerk of the Court shall distribute to the owners of these tracts the balances due plus their respective portions of the interest on the deposit of deficiencies.

12 R. H. Savage
UNITED STATES DISTRICT JUDGE

APPROVED:

Hubert A. Marlow
HUBERT A. MARLOW
Assistant United States Attorney

James C. Hamill
JAMES C. HAMILL
Attorney for Landowners

UNITED STATES DISTRICT COURT FOR THE
NORTHERN DISTRICT OF OKLAHOMA

United States of America,
Plaintiff,

CIVIL ACTION NO. 4610

vs.

FILED

1,402.07 Acres of Land, More or Less,
Situate in Nowata and Rogers Counties,
Oklahoma, and George Rott, et al,
and Unknown Owners,

MAR 25 1960

Defendants.

NOBLE C. HOOD
Clerk, U. S. District Court

J U D G M E N T

As to Tracts Nos. D-423 and J-1021

On February 15 and 16, 1960, this cause, as to Tracts Nos. D-423 and J-1021, came on for jury trial at Tulsa, Oklahoma, before the Honorable Royce H. Savage, Judge of the United States District Court for the Northern District of Oklahoma. The plaintiff, United States of America, appeared by Robert S. Rizley, United States Attorney, and Hubert A. Marlow, Assistant United States Attorney, for the Northern District of Oklahoma. The defendant owners of Tracts Nos. D-423 and J-1021 appeared by their attorney, Mr. James C. Hamill.

A jury was impaneled and sworn, opening statements were made, evidence was introduced by both sides, final arguments were made, and the Court instructed the jury. Whereupon the jury retired for deliberation, and on February 17, 1960 returned its verdict awarding just compensation as follows:

Tract No. D-423 - Rott Tract

Surface: \$110,500.00

Tract No. J-1021 - Heape Tract

Surface: \$ 5,600.00

Thereupon the Court finds:

I

This judgment applies only to the surface estates in Tracts Nos. D-423 and J-1021.

II

The Court has jurisdiction of the parties and the subject matter of this action.

III

Service of process has been perfected either personally or by publication notice as provided by Rule 71A of the Federal Rules of Civil Procedure on all parties defendant in this cause who are interested in these tracts.

IV

The Acts of Congress set out in paragraph 2. of the Complaint filed herein give the United States of America the right, power, and authority to condemn for public use the land described as Tracts Nos. D-423 and J-1021 in Schedule A attached to such Complaint. Pursuant thereto, on December 19, 1958, the United States of America has filed its Declaration of Taking of such described land, and title thereto should be vested in the United States of America.

V

On December 19, 1958, there was deposited in the Registry of this Court as estimated compensation for the taking of Tracts Nos. D-423 and J-1021, certain sums of money as set out in paragraph XII below. Portions of these deposits have been disbursed to the owners entitled thereto.

VI

The verdict of the jury should be approved.

VII

Certain deficiencies exist between the amounts deposited as estimated compensation and the amounts fixed by the Jury verdict as just compensation. These deficiencies are set out in Paragraph XII below.

VIII

The persons named in paragraph XII are found by the Court to be the only defendants asserting any interest in the estates condemned herein, all other defendants having either disclaimed or defaulted; the named defendants are the owners of the respective tracts as designated, and as such, are entitled to distribution of just compensation therefor.

IX

The United States of America and the defendants, George Rott and Mrs. George Rott, have stipulated herein, as to Tract No. D-423, that the

improvements on such tract should be excluded from the taking in this case and should be removed by the landowners, in consideration for which the final award of just compensation should be reduced by the amount of the salvage value of such improvements, to-wit: \$950.00. Such stipulation should be approved.

X

It Is Therefore ORDERED, ADJUDGED, AND DECREED, that the United States of America has the right, power and authority to condemn for public use, Tracts Nos. D-423 and J-1021, as such tracts are described in Schedule A attached to the Complaint and Declaration of Taking filed herein, and the surface estate in such tracts, to the extent of the estate indicated and for the uses and purposes described in the Declaration of Taking filed herein, are condemned (subject to the modification noted in paragraph XI below) and title thereto is vested in the United States of America, and all defendants herein and all other persons interested in such tracts are forever barred from asserting any claim thereto.

XI

It Is Further ORDERED, ADJUDGED, AND DECREED that the stipulation as to exclusion of improvements, referred to in paragraph IX herein, is confirmed and such improvements are excluded from the taking herein and title thereto remains vested as before this action.

XII

It Is Further ORDERED, ADJUDGED, AND DECREED, that the right to just compensation for the respective estates taken herein is vested in the defendants whose names appear below in this paragraph, the jury's verdict is hereby confirmed and the sums therein fixed are adopted as just compensation for each tract as set out in the following schedule:

TRACT NO. D-423

Landowners: George Rott and Mrs. George Rott,
Fred Rott, George Rott, Jr.

Compensation fixed by Jury Verdit:	
Surface Only:	\$110,500.00
Less Salvage Value of improvements reserved:	950.00
Net compensation approved by Court	<u>\$109,550.00</u>
Deposited as estimated compensation for Surface:	<u>\$100,000.00</u>
Deposit Deficiency:	<u>\$ 9,550.00</u>

Distribution and Disbursal of Award

Net award approved by Court	\$109,550.00
Disbursed to: George Rott and Mrs. George Rott	<u>99,050.00</u>
Balance due to landowners	\$ 10,500.00

TRACT NO. J-1021

Landowners: George W. Heape, and Effie May
Heape, his wife

Compensation fixed by Jury Verdict, and approved by Court:	
Surface only:	\$ 5,600.00
Deposited as estimated compensation for Surface:	<u>\$ 4,760.00</u>
Deposit deficiency and balance due to George W. Heape and Effie May Heape:	<u>\$ 840.00</u>

XIII

It Is Further ORDERED, ADJUDGED AND DECREED, that the plaintiff, United States of America, shall pay into the Registry of this Court for the benefit of the named landowners the deficiency amounts shown in paragraph XII, together with interest thereon at the rate of 6% per annum from December 19, 1958, until the date of deposit of such deficiency amounts, together with interest, the Clerk of the Court shall distribute to the owners of these tracts the balances due, plus their respective portion of the interest on the deposit deficiencies.

B. H. Savage
UNITED STATES DISTRICT JUDGE

APPROVED:

James C. Hamill
Attorney for Landowners

Hubert A. Morrow
Assistant United States Attorney

IN THE UNITED STATES DISTRICT COURT FOR THE
NORTHERN DISTRICT OF OKLAHOMA

Bertha Marley,

Plaintiff,

vs.

C. O. Russell and Dale
Lousay Lee,

Defendants.

No. 4725-Civil

FILED

MAR 25 1960

ORDER OF DISMISSAL

NOBLE C. HOOD
Clerk, U. S. District Court

On this 25th day of March, 1960, upon the written stipulation of the parties for a dismissal of the action with prejudice, it is hereby ordered that the action be, and the same hereby is, dismissed with prejudice to the bringing of any further action.

Loyce H. Savage

J U D G E

APPROVED:

ROHM A. WEST AND PAUL A. WALKER, JR.

BY *Roehm a. west*

Attorneys for the Plaintiff

FOLIANT, HUNT AND SHEPHERD

BY *James W. Shepherd*

Attorneys for the Defendants

IN THE UNITED STATES DISTRICT COURT FOR THE NORTHERN
DISTRICT OF OKLAHOMA

THE CHEROKEE LABORATORIES, INC.)
)
 Plaintiff,)
)
 -vs-)
)
 UNDERWRITERS AT LLOYDS, LONDON,)
)
 Defendant.)

NO. 4772 CIVIL

FILED

MAR 29 1960

ORDER OVERRULING MOTION FOR
NEW TRIAL AND JUDGMENT

NOBLE C. HOOD
Clerk, U. S. District Court

Now on this 22nd day of March, 1960, came on for hearing

defendant's Motion for New Trial and Motion for Judgment Notwith-
standing the Verdict. The parties appearing by counsel and the matters
being presented to the Court, the Court being fully advised in the
premises, finds that the Motion of the defendant should be overruled
and exceptions allowed to the defendant.

WHEREFORE, premises considered, the Court overrules
the defendant's Motion for New Trial and Motion for Judgment Notwith-
standing the Verdict.

WHEREFORE, the Court renders judgment in accordance
with the verdict of the jury which was directed by the Court at the
conclusion of defendant's evidence, the defendant having proceeded with
the burden of proof as requested by the Court.

WHEREFORE, judgment in the sum of \$89,400.00 is
rendered against the defendant and in favor of the plaintiff, such judg-
ment to bear interest at the rate of six percent (6%) per annum from the
date of judgment, February 16, 1960, to which ruling of the Court defen-
dant excepted and exceptions were allowed and defendant gave notice of

intention to appeal to the United States Court of Appeals and requested
Supersedeas Bond be fixed which the Court fixed in the amount of
\$95,000.00, and allowed defendant twenty (20) days from this date
to file the Supersedeas Bond.

(s) W. R. Wallace

Judge of the United States District Court

APPROVED:

E. L. Stallcup

Attorney for Plaintiff

B. W. Tabor

Attorney for Defendant

IN THE UNITED STATES DISTRICT COURT IN AND FOR THE NORTHERN
DISTRICT OF OKLAHOMA

AMERICAN RELIABLE INSURANCE COMPANY,
a corporation,
Plaintiff,

-VS-

W. L. OLLER, ALTA OLLER; P. A. JENKINS, JR.;
JOHN B. REYNOLDS, F. L. REYNOLDS, d/b/a
HARVARD INSURANCE COMPANY and
FARMERS INSURANCE GROUP, a corporation,
Defendants.

NO. CIVIL- 4 8 1 6

FILED

APR -4 1960

NOBLE C. HOOD
Clerk, U. S. District Court

ORDER OF DISMISSAL

This matter coming on for hearing at pre-trial conference on this
28th day of March, 1960, and plaintiff, and each of the defendants, appear-
ing by counsel, the Court after hearing argument of counsel, FINDS:

1. That the alleged jurisdiction in this case is based upon
diversity of citizenship and the controversy in excess of \$10,000.00; that
plaintiff has brought suit for a declaratory judgment on an insurance policy
with a face amount of \$14,500.00; that thereafter defendants, W. L. Oller
and Alta Oller, filed their counter-claim seeking a money judgment in the
sum of \$9,750.00 as the amount of loss resulting under said policy.

2. That the real amount in controversy in this case, is the
amount of the counter-claim filed by the defendants, W. L. Oller and Alta
Oller; that said defendants do not now and have not at any time previously
claimed an amount in excess of \$10,000.00 to be owing by the plaintiff under
its policy herein.

3. That this Court, therefore, is without jurisdiction in this
case.

IT IS THEREFORE ORDERED, that this Court is without jurisdiction
and that therefore plaintiff's action be, and it is hereby dismissed at
plaintiff's costs.

151 Royce H. Savage
UNITED STATES DISTRICT JUDGE.

UNITED STATES DISTRICT COURT FOR THE
NORTHERN DISTRICT OF OKLAHOMA

United States of America,

Plaintiff,

vs.

T. W. Terrell,

Defendant.

Civil No. 4841

FILED

APR -6 1960

ORDER OF DISMISSAL

NOBLE C. HOOD
Clerk, U. S. District Court

NOW on this 6th day of April, 1960, the above matter comes on for hearing upon the application of the plaintiff to dismiss this cause and the court being duly and fully advised in the premises finds that the same should be dismissed with prejudice.

IT IS THEREFORE ORDERED, ADJUDGED AND DECREED by the court that the above cause be, and the same is hereby dismissed with prejudice.

H. Royce Savage
United States District Judge

UNITED STATES DISTRICT COURT FOR THE
NORTHERN DISTRICT OF OKLAHOMA

United States of America,

Plaintiff,

vs.

591.01 Acres of Land, More or Less,
Situate in Nowata and Rogers Counties,
Oklahoma, and Valdo Ellison, et al,
and Unknown Owners,

Defendants.

Civil Action No. 4603

FILED

APR -7 1960

NOBLE C. HOOD
Clerk, U. S. District Court

J U D G M E N T

As to Tracts Nos. B-229, B-234, D-422,
D-427, K-1111, K-1183, and K-1193

I

This matter coming on for disposition this 7th day of April, 1960, and the Plaintiff, United States of America, being represented by Hubert A. Marlow, Assistant United States Attorney for the Northern District of Oklahoma, and the defendants, owners of Tract No. D-427, appearing not but all other defendants appearing either in person or by their attorneys as shown by the files herein, and the court being advised of the facts by counsel for Plaintiff finds that:

II

This Judgment applies only to the property described in the Complaint filed in this action, and designated therein as Tracts Nos. B-229, B-234, D-422, D-427, K-1111, K-1183, and K-1193.

III

The court has jurisdiction of the parties and the subject matter of this action.

IV

Service of Process has been perfected either personally or by publication notice as provided by Rule 71A of the Federal Rules of Civil Procedure on all parties defendant in this cause who are interested in the tracts named in paragraph II above.

V

The Acts of Congress set out in paragraph 2 of the Complaint herein give the United States of America the right, power, and authority to condemn for public use the land described in paragraph II herein.

Pursuant thereto, on December 8, 1958, the United States of America has filed its Declaration of Taking of such described property and title there-
to should be vested in the United States of America.

VI

On December 8, 1958 there was deposited in the Registry of this court as estimated compensation for the taking of certain estates in the tracts named in paragraph II herein, certain sums of money, and certain portions of these deposits have been disbursed as set out in paragraph XIII below.

VII

On the date of taking in this action, the owners of the estates taken in the tracts named in paragraph II herein, as such estates and tracts are particularly described in the Complaint herein, were the persons whose names are shown in paragraph XIII below, and the interest each owner had in the respective tracts is set out following his or her name. Such named defendants are the only persons asserting any interest in the estates taken in such tracts, all other persons having either disclaimed or defaulted, and such named defendants are entitled to receive the just compensation for the estates taken in these tracts.

VIII

The owners of Tracts Nos. D-427, K-1111 and K-1183, have each and all executed, with the United States of America, contracts of Option for the Purchase of Land, as alleged in the complaint herein, wherein they have agreed that just compensation for the estates condemned in such tracts is in the amounts shown as compensation in paragraph XIII herein and such options should be approved.

IX

The owners of Tracts Nos. B-234 and K-1193, and the United States of America have executed and filed herein stipulations wherein the parties have agreed that just compensation for the estates condemned in such tracts is in the amounts shown as compensation in paragraph XIII herein and the owners of Tract No. K-1193 have further stipulated herein that the just compensation for such tract should be divided among the owners as set out in paragraph XIII herein, and such stipulations should be approved.

X

The owners of Tracts B-229 and D-422 and the United States of America agreed at the Pre-trial Conference in this action that just compensation for the estates condemned in such tracts is in the amounts shown as compensation in paragraph XIII herein and such agreements should be approved.

XI

It Is Therefore, ORDERED, ADJUDGED AND DECREED that the United States of America has the right, power, and authority to condemn for public use the tracts named in paragraph II herein, as such tracts are particularly described in the Complaint and Declaration of Taking filed herein; and such tracts, to the extent of the estates indicated and for the uses and purposes described in such Declaration of Taking, are condemned and title thereto is vested in the United States of America and all defendants herein and all other persons interested in such estates are forever barred from asserting any claim thereto.

XII

It Is Further ORDERED, ADJUDGED AND DECREED that on the date of taking, the owners of the estates condemned herein in the tracts named in paragraph II herein were the persons whose names appear below in paragraph XIII, and the right to just compensation for the respective estates in these tracts is vested in the parties so named, as their respective interests appear therein.

XIII

It Is Further ORDERED, ADJUDGED AND DECREED that the contracts of Option for the Purchase of Land mentioned in paragraph VIII above, the stipulations mentioned in paragraph IX above and the agreements mentioned in paragraph X above, are hereby confirmed and the sums therein fixed are adopted as just compensation for the estate condemned in each tract as follows:

Tract No. B-229

Owner: Gazelle Lane - entire interest.

Just Compensation agreed upon at pre-trial \$196.00

Deposited as estimated compensation 196.00

Disbursed per order of January 27, 1960 to:

Gazelle Lane \$196.00

Tract No. B-234

Owners: Valdo Ellison and Irene Ellison, Husband and Wife, entire interest

Just compensation agreed upon by stipulation \$691.00

Deposited as estimated compensation 691.00

Disbursed per order of March 25, 1959 to:

Valdo Ellison and Irene Ellison \$691.00

Tract No. D-422

Owner: State of Oklahoma ex rel Commissioners of the
Land Office - entire interest

Just Compensation agreed upon at pre-trial \$ 40.00

Deposited as estimated compensation \$ 40.00

Tract No. D-427

Owners: Dorothy D. Frates 1/3 interest *11.4.47*
Rex D. Frates 2/9 interest *11.4.47*
Virginia F. Dunn 2/9 interest *11.4.47*
J. A. Frates III 2/9 interest *11.4.47*

Just Compensation agreed upon by option \$200.00

Deposited as estimated compensation \$200.00

Tract No. K-1111

Owner: Grace Overfelt (Subject to 1958 ad valorem taxes)

Just Compensation agreed upon by option \$900.00

Deposited as estimated compensation \$900.00

Disbursed per order of May 4, 1959 to:

Grace Overfelt	\$891.85	
County Treasurer of		
Nowata County, Okla.	<u>8.15</u>	\$900.00

Tract No. K-1183

Owner: Virgie L. Lord

Just Compensation agreed upon by option \$4,475.00

Deposited as estimated compensation \$4,475.00

Disbursed per order of February 6, 1959 to:

Virgie L. Lord		<u>\$4,475.00</u>
----------------	--	-------------------

Tract No. K-1193

Owners: Frank House
Ruby Arendell
James N. Stanart
Nora Bertha Stanart
Victory National Bank, Nowata, Okla. (Mortgagee)

Just Compensation agreed upon by stipulation \$1,900.00

Disbursed per order of October 13, 1959 to:

Frank House	\$712.50	
Ruby Arendell	\$712.50	
James N. Stanart and		
Nora Bertha Stanart	<u>\$475.00</u>	<u>\$1,900.00</u>

XIV

It Is Further ORDERED, ADJUDGED AND DECREED that the Clerk of this Court shall disburse the amounts of just compensation for tracts Nos. D-422

and D-427 to the owners, according to their respective interests therein,
as designated in paragraph XIII above.



UNITED STATES DISTRICT JUDGE

APPROVED:



Hubert A. Marlow
First Assistant United States Attorney

IN THE UNITED STATES DISTRICT COURT IN AND FOR
THE NORTHERN DISTRICT OF OKLAHOMA

AETNA LIFE INSURANCE COMPANY,)
Plaintiff,)
)
vs.)
)
LEONA HOLCOMB, ET AL,)
)
Defendants)
)
and)
)
F. E. PENCE, ET AL,)
)
Intervenors.)

Civil Action No. 3502

FILED

APR -7 1960

NOBLE C. HOOD
Clerk, U. S. District Court

ORDER NUNC PRO TUNC

Now on this 7th day of April, 1960, this Court find upon examination of order dated March 24, 1959 that it there directed the Clerk of this Court to pay that portion of sums accrued under annuity contract No. AN-33409 to Edward Denham, deceased, to his heirs, as follows:

Mae Cecilia Denham	\$526.14
Mae Cecilia Denham as guardian of Dorothy Lee Denham, a minor	\$526.11
Carolyn Denham Lumley	\$526.11

This Court further finds that its prior order of December 10, 1956 recognized the parties last above named as the heirs at law of the said Edward Denham, deceased, which decedent was one of the nephews of Rosa B. Wright Rettenmeyer, deceased, named in the said policy above described.

This Court further finds that the said policy referred to specifically provides that in the event of the death of any of the named beneficiaries that the share or portion attributable and payable to such beneficiary should go to his or her children.

This Court further finds that its said order of March 24, 1959 was therefore erroneous in requiring and directing the distribution of any of the proceeds theretofore accrued for the benefit of the heirs of Edward Denham, deceased, to his surviving widow, Mae Cecilia Denham and that - in lieu thereof - such proceeds should have been distributed in accordance with the express provisions contained in the said annuity policy.

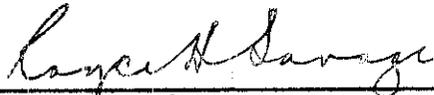
IT IS THEREFORE ORDERED, ADJUDGED AND DECREED that the said order of this Court of March 24, 1959 be and the same is hereby modified and amended to provide for distribution of the proceeds of said annuity policy

of Aetna Life Insurance Company No. AN-33409 are rightfully payable to the following persons and in the following proportions, to-wit:

Frank T. Denham	\$1, 578. 36
George N. Denham	\$1, 578. 36
Clarence M. Denham	\$1, 578. 36
Mary Jane Hopkins	\$1, 578. 36
Mae Cecilia Denham as Guardian of Dorothy Lee Denham, a minor	\$ 769. 18
Carolyn Denham Lumley	\$ 769. 18

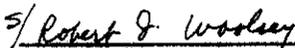
IT IS FURTHER ORDERED, ADJUDGED AND DECREED that Mae Cecilia Denham (individually) shall account to Carolyn Denham Lumley and Mae Cecilia Denham as Guardian of Dorothy Lee Denham, a minor, by any sums improperly paid to her by the Clerk of this Court.

IT IS FURTHER ORDERED, ADJUDGED AND DECREED that said orders of this Court dated respectively December 10, 1956 and March 24, 1959 be and the same shall remain in full force and effect except as the same are herein modified and amended nunc pro tunc.

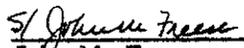


Judge

APPROVED AS TO FORM:



Robert J. Woolsey, Attorney
Aetna Life Insurance Company



John M. Freese, Attorney
Mae Cecilia Denham, Administratrix
of the Estate of Edward Vernon Denham,
Deceased

IN THE DISTRICT COURT OF THE UNITED STATES
FOR THE NORTHERN DISTRICT OF OKLAHOMA.

EULA SMITH,

Plaintiff,

vs.

MARYLAND CASUALTY COM-
PANY, an insurance corporation,
and CONSOLIDATED UNDER-
WRITERS, a reciprocal insurance
exchange.

Defendants.

NO. 4825 CIVIL

FILED

APR 11 1960

NOBLE C. HOOD
Clerk, U. S. District Court

DISMISSAL WITH PREJUDICE

Comes now the plaintiff, Eula Smith, and dismisses the
above styled and numbered action with prejudice to the bringing of a
future action, at the cost of the defendants.

Dated this 8th day of April, 1960.



Eula Smith, Plaintiff



Dickey & Richard, Attorneys for
Plaintiff.

IT IS HEREBY ORDERED that the above styled and numbered
action be dismissed with prejudice to the right to bring a future action,
at the cost of the defendants, this 11 day of April, 1960.



U. S. District Judge

IN THE UNITED STATES DISTRICT COURT FOR THE
NORTHERN DISTRICT OF OKLAHOMA

HARTFORD ACCIDENT & INDEMNITY CO.,
a corporation,

Plaintiff,

vs

THE FIRST NATIONAL BANK AND TRUST
COMPANY OF TULSA, a national banking
association,

Defendant.

No. 4629 CIVIL

FILED

APR 12 1960

NOBLE C. HOOD
Clerk, U. S. District Court

J U D G M E N T

PURSUANT to the Findings of Fact and Conclusions of
Law, and the order for judgment contained therein filed and
entered herein on April 12, 1960, it is now

ORDERED AND ADJUDGED that the plaintiff, Hartford
Accident & Indemnity Co., have and recover nothing from the
defendant, The First National Bank and Trust Company of
Tulsa, by reason of this action; that this action be and the
same is hereby dismissed on the merits and that said defend-
ant have and recover of and from plaintiff, its costs.

DATED this 12 day of April, 1960.


United States District Judge

IN THE UNITED STATES DISTRICT COURT FOR THE NORTHERN DISTRICT
OF OKLAHOMA

F. M. CAVANAUGH,

Complainant

vs.

HARRY S. CONNELLY,

Defendant

No. 4834 Civil

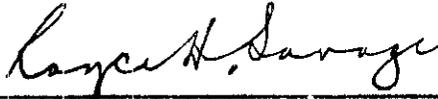
FILED

APR 14 1960

ORDER OF DISMISSAL NOBLE C. HOOD
Clerk, U. S. District Court

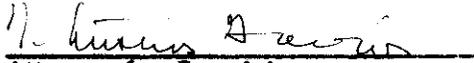
This cause coming on to be heard on this the 14th day of
April, 1960, on the stipulation of the Complainant dismissing the above
entitled cause with prejudice and on a dismissal with prejudice signed by
said Complainant and approved by his counsel of record, and the Court
being fully advised in the premises finds that said cause should be dismissed.

IT IS, THEREFORE, BY THE COURT ORDERED, ADJUDGED
AND DECREED that the above entitled cause be and the same is hereby
dismissed with prejudice.



United States District Judge

APPROVED AS TO FORM



Attorney for Complainant
T. Austin Gavin
913 Petroleum Bldg., Tulsa, Okla.



Attorney for Defendant
C.H. Rosenstein
Midstate Building, Tulsa, Okla.



IN THE UNITED STATES DISTRICT COURT FOR THE NORTHERN DISTRICT OF OKLAHOMA:

GIBRALTAR OIL CO., a Partnership,)
)
 Plaintiff,)
)
 vs.)
)
 MARION OIL COMPANY, a Partner-)
 ship, and ZUMM PRODUCTION)
 COMPANY, a Partnership,)
)
 Defendants.)

Civil No. 4664

FILED

APR 15 1960

NOBLE G. HOOD
Clerk, U. S. District Court

JOURNAL ENTRY & ORDER OF DISMISSAL

On the 6th day of April, 1960 the above case came on regularly for hearing and trial, pursuant to assignment and the Plaintiff, Gibraltar Oil Co., a special partnership and its general partner, appeared by its attorneys, Costello, Fallers, Andrews, Snider & Suggs, and the Defendant, Marion Oil Company, a co-partnership, and its partners, appeared by its attorney, Costello, and co-defendants, Bill Jackson and Earl H. Hodgden, by their attorneys, McKnight & Gentry, and the case being called for trial, the Plaintiff introduced its evidence at the hour of adjournment.

Thereupon said trial being resumed on April 7, 1960 and all parties appearing as above set forth, the Plaintiff concluded the introduction of its evidence and rested.

Thereupon, the Defendant, Marion Oil Company, a co-partnership and the partners thereof, moved that said case be dismissed as a co-partnership and the members thereof on the ground that the evidence introduced on behalf of the Plaintiff was insufficient to constitute a cause of action in favor of the Plaintiff and against said moving Defendants and was insufficient to sustain the allegations of the Plaintiff's Complaint.

THEREUPON, the Defendants, Bill Ladusau and Jack D. Hodgden, individually and on behalf of Mid-Zone Production Company, moved the Court to dismiss the case on the ground that the evidence introduced on behalf of the Plaintiff was insufficient to constitute a cause of action in favor of the Plaintiff and against said moving Defendants and was insufficient to sustain the allegations of the Plaintiff's Complaint.

THEREUPON, upon due consideration of the Court, the Court being fully advised, finds and IT IS ORDERED, ADJUDGED AND DECREED by the Court as follows:

1. The Court has jurisdiction of the parties and of the subject of this action.
2. The Letter Agreement of April 3, 1957 was a valid contract, binding upon the Plaintiff, Gibraltar Oil Company, and was also binding upon all of the Defendants, except the Mid-Zone Production Company, which was never a party to the transaction sued on in this action.
3. The Plaintiff's evidence showed the titles to the San Juan County New Mexico properties, known as Sullivan "A" and Sullivan "B" units referred to in said letter agreement were defective due to the fact that such titles were burdened by a certain net profit agreement, and that therefore, the Plaintiff was unable to comply with its Contract and the Defendants, and all of them, are therefore not bound thereby, and had the right to rescind, and that such defect is sufficient to vitiate the letter agreement as to the Defendants, irrespective of the other possible title defects or irregularities and irrespective of other pleaded defenses.
4. The Plaintiff is not entitled to recover from any of said Defendants.

IT IS THEREFORE, FURTHER ORDERED, ADJUDGED AND DECREED by the Court that said action be dismissed at the cost of the Plaintiff and that judgment be entered accordingly against the Plaintiff and in favor of each of said Defendants.

Roger M. Saragov
JUDGE OF THE UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF OKLAHOMA

O.K.

Mosteller, Fellers, Andrews, Snider & Baggett

BY *John Snider*
Attorneys for Plaintiff

O.K.

Wills & Wills

BY *R. H. Wills Jr.*
Attorneys for Gibraltar Oil Company

O.K.

McKnight & Gasaway

BY *Sam McKnight*
Attorneys for Bill Ladusau and Jack D. Hodgden

IN THE UNITED STATES DISTRICT COURT FOR THE
NORTHERN DISTRICT OF OKLAHOMA

MRS. DARLENE HUGHES,

Plaintiff,

vs.

ST. LOUIS-SAN FRANCISCO RAILWAY
COMPANY, a corporation, et al.,

Defendants.

Civil No. 4874

FILED

APR 15 1960

ORDER REMANDING

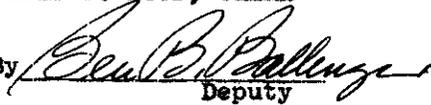
NOBLE C. HOOD
Clerk, U. S. District Court

The motion of plaintiff to remand this suit to the Superior Court of Creek County, Bristow, Oklahoma, came on for hearing before the court, the Honorable Royce H. Savage presiding, on this 15th day of April, 1960, pursuant to regular setting and notice to parties, and the Court having heard the argument of counsel, and being fully advised, upon consideration entered an order remanding the cause to the Superior Court of Creek County, State of Oklahoma, Bristow.

IT IS ORDERED AND ADJUDGED that the motion of plaintiff to remand this cause to the Superior Court of Creek County, Bristow, Oklahoma, be and it is hereby sustained and the cause is remanded to the Superior Court of Creek County, Bristow, Oklahoma, for further proceedings.

Dated at Tulsa, Oklahoma, this 15th day of April,
1960.

NOBLE C. HOOD, CLERK

By 
Deputy