

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

S. Paul Hazen, in person and for all
other persons similarly situated,
Plaintiff,)

vs.)

Southern Hills National Bank of Tulsa,
a National Banking Association, and
William H. Greenfield, individually
and in his former capacity as Conser-
vator of Southern Hills National Bank,
a National Banking Association,
Defendants.)

No. 5842

FILED

MAR -1 1966

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

ORDER OF DISMISSAL

The defendant William H. Greenfield has moved for judgment on the pleadings under Rule 12(c), Federal Rules of Civil Procedure, or in the alternative for dismissal of the action under Rule 12(b), Federal Rules of Civil Procedure. The co-defendant Southern Hills National Bank of Tulsa (new bank) supports the defendant Greenfield in the above motions. The plaintiff opposes the said motions of the defendant Greenfield and seeks under Rule 12(c), Federal Rules of Civil Procedure, to expand the motion for judgment on the pleadings into a motion for summary judgment in his favor. The other parties have filed responses to defendant Greenfield's motions, as requested by the Court. All parties have filed briefs regarding said motions and the matter is now ready for decision by the Court.

It is the position of the defendant Greenfield that judgment should be rendered against the plaintiff on the pleadings or the action dismissed because:

1. Plaintiff has failed to join an indispensable party, namely, the Southern Hills National Bank (old bank) in his stockholders' derivative action;

2. Plaintiff has failed to state a cause of action or claim upon which relief can be granted in that his action is a stockholders' derivative action and plaintiff has failed to:

(1) Verify his complaint (petition) as required by Rule 23(b),

Federal Rules of Civil Procedure,

(2) Set forth with particularity the efforts of plaintiff to secure from the old bank the action he desires taken against defendants and the reasons for his failure to obtain such action or the reasons for his not making such effort, as required by Rule 23(b), Federal Rules of Civil Procedure, and,

(3) Name the old bank as a party defendant so it may receive the fruits of the case if plaintiff is successful. Wright on Federal Courts, Chapter 10, Section 73, page 276; Fletcher Cyclopedia Corporations, Vol. 13, Chapter 58, Section 5997, page 551. (That a National Bank selling assets to another bank may be thereafter sued; See 12 U. S. C. 181, note 2; Pritchard vs. Barnes, 76 N. W. 1106, and 10 Am. Jur. 2d, Banks, Sec. 828, pages 796 and 797.)

An examination of the complaint (petition) of plaintiff discloses that the relief he seeks is:

1. Rescission and voiding of the instruments of sale between the old bank and the new bank.

2. Damages for loss of assets suffered by the old bank.

The grounds upon which plaintiff claims he is entitled to the above relief are:

1. Negligence on the part of the defendants in their activities related to the management and sale and purchase of the bank.

2. Fraud, duress, etc. practiced by the defendants on the old bank to cause it to approve, execute and accomplish the sale to the new bank.

The complaints made and relief sought by the plaintiff clearly show that his action is one in which he as a stockholder is suing to enforce a cause of action which belongs to the corporation (old bank) in which he and others were stockholders. Fletcher Cyclopedia Corporations, Vol. 13, Chapter 58, Section 5927, page 398 and Section 5923, page 391 and Section 5924, page 393.

Plaintiff in his brief admits that his action is not an action "for him individually" (page 5). Plaintiff also states: " * * * it is

an action by the old bank" (page 5). Not being an individual action by a stockholder for a wrong committed primarily and directly against him as a stockholder the action as brought by the plaintiff is a stockholders' derivative action.

Being derivative, the corporation (old bank) should have been named as a party defendant and also the requirements of Rule 23(b), Federal Rules of Civil Procedure, should have been accomplished by plaintiff. Plaintiff has not named the old bank as a party defendant, has failed to verify his complaint (petition), and has failed to plead a demand (if one was made) on the corporation (old bank) that it bring suit for redress of the wrongs allegedly committed against it by the defendants and the reasons for failure to obtain the filing of such suit or the reasons for plaintiff not making such demand and effort. By his response and brief plaintiff apparently takes the position that these requirements are unnecessary, as he does not excuse them or request leave to supply them when brought to his attention. The Court can only assume that some of them are incapable of being supplied.

The Court therefore elects, in its discretion, to grant the alternative relief requested by the defendant Greenfield and supported by his co-defendant, and dismiss the complaint (petition) of plaintiff under Rule 12(b) Federal Rules of Civil Procedure for failure to join an indispensable party (the old bank) in a stockholders' derivative action and for failure to state a claim upon which relief can be granted by failing to establish the necessary foundation for a stockholders' derivative action by showing demand and refusal on the part of the corporation (old bank) to redress the alleged wrongs committed against it. Fletcher Cyclopedia, Corporations, Vol. 13, Chapter 58, Section 6013, page 612.

Accordingly, plaintiff's motion for summary judgment is denied and plaintiff's complaint (petition) is hereby dismissed.

Dated this 1st day of March, 1966.

W. Fred Laughlin
United States District Judge

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

RICHARD G. ROSENSTOCK,)
Plaintiff,)
vs)
CLAUDE F. PLATZ,)
Defendant)

NO. 6182

FILED

MAR -1 1966

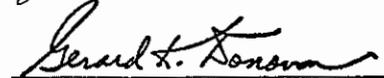
DISMISSAL WITH PREJUDICE

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

Comes now the Plaintiff and dismisses the above-entitled cause with prejudice to the filing of a future action. All issues of law having been compromised and settled. This action is dismissed at the cost of the defendant.



John P. Scott
Attorney's for the Plaintiff



Gerald H. Lonsom
Attorney for the Defendant

ORDER OF DISMISSAL

IT IS ORDERED by the Court that, the action having been compromised and settled, it is dismissed at the cost of the defendant.

Dated 3/1/66



Fred Daugherty
United States District Judge

UNITED STATES DISTRICT COURT FOR THE
NORTHERN DISTRICT OF OKLAHOMA

United States of America,

Plaintiff,

vs.

301.00 Acres of Land, More or Less,
Situat in Nowata and Rogers Counties,
Oklahoma, and Delbert L. Boatman, et al,
and Unknown Owners,

Defendants.

CIVIL ACTION NO. 4980 ✓
Tract No. 5635-5

FILED

MAR -2 1966

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

J U D G M E N T

1.

On MAR 2 1966, this cause, as to the captioned tract, came on for trial, and the parties having waived a jury, the case was tried to the Court before the Honorable Allen E. Barrow, Judge of the United States District Court for the Northern District of Oklahoma. The plaintiff, United States of America, appeared by Hubert A. Marlow, Assistant United States Attorney for the Northern District of Oklahoma. The defendants did not appear. After hearing the evidence and being fully advised in the premises, the Court finds:

2.

The Court has jurisdiction of the parties and the subject matter of this action. This judgment applies only to the estate condemned in Tract No. 5635-5, as such tract and estate are described in the Declaration of Taking and the Complaint filed herein.

3.

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 subject tracts.

4.

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 subject tract, as such tract is particularly described in such Complaint. Pursuant thereto, on August 3, 1960, the United States of America filed its Declaration of Taking of a

certain estate in such described land, and title to such property should be vested in the United States of America as of the date of filing such instrument.

5.

Simultaneously with filing herein the Declaration of Taking there was deposited in the Registry of this Court, as estimated compensation for the taking of subject tract, a certain sum of money, none of which has been disbursed, as shown in paragraph 10.

6.

Fair market value of the estate condemned herein in subject tract is \$375.00, and such sum should be adopted as the award of just compensation for such taking.

7.

The Plaintiff and all of the owners of the subject property, except James W. Steil, have executed and filed herein various Stipulations as to Just Compensation whereby they have agreed that \$375.00 is just compensation for the estate taken in the subject tract and such Stipulations should be approved.

8.

The defendants named in paragraph 10 as owners of subject tract are the only defendants asserting any interest in the estate condemned in the subject tract, all other defendants having either disclaimed or defaulted; the named defendants were the owners of such estate, as of the date of taking, and, as such, are entitled to receive the just compensation awarded by this judgment.

9.

It Is, Therefore, ORDERED, ADJUDGED AND DECREED that the United States of America has the right, power and authority to condemn for public use, Tract No. 5635-5, as such tract is described in the Declaration of Taking and the Complaint filed herein, and such tract, to the extent of the estate described and for the uses and purposes indicated in such Declaration of Taking, is condemned and title thereto is vested in the United States of America, as of the date of filing such Declaration of Taking, and all defendants herein and all other persons interested in the described estate in such tract are forever barred from asserting any claim thereto.

It Is Further ORDERED, ADJUDGED AND DECREED that on the date of taking the owners of the estate condemned herein in subject tract were the defendants whose names appear in the schedule below and the right to receive the just compensation for the estate taken in this tract is vested in the parties so named. The finding of the Court, as stated in paragraph 6 above, insofar as the defendant James W. Steil is concerned is adopted as the basis for the award made by this judgment. The Stipulations executed by the other owners, as set forth in paragraph 7 above, are approved and the sum of \$375.00 hereby is adopted as the award of just compensation for the estate herein taken in subject tract, as shown in the schedule as follows:

TRACT NO. 5635-5

OWNERS:

Monica Brandenburg -----	13/36
James T. Steil -----	10/36
Rose Nanette O'Brien -----	3/36
Phyllis Ann Davis -----	2/36
Robert Joseph Steil -----	2/36
Mary Therese Steil -----	2/36
James W. Steil -----	2/36
Thomas F. Steil -----	2/36

Award of just compensation -----	\$375.00	\$375.00
Deposited as estimated compensation -----	<u>\$375.00</u>	
Disbursed to owners -----		None
Balance due to owners -----		<u>\$375.00</u>

It Is Further ORDERED that the Clerk of this Court shall disburse the deposit for Tract No. 5635-5 in Civil Action No. 4980 to the owners as follows:

Monica Brandenburg -----	\$135.42
James T. Steil -----	\$104.17
Rose Nanette O'Brien -----	\$ 31.25
Phyllis Ann Davis -----	\$ 20.84
Robert Joseph Steil -----	\$ 20.83
Mary Therese Steil -----	\$ 20.83
James W. Steil -----	\$ 20.83
Thomas F. Steil -----	\$ 20.83

ALLEN E. BARROW

APPROVED:

UNITED STATES DISTRICT JUDGE

Hubert A. Marlow
 HUBERT A. MARLOW
 Assistant U. S. Attorney

ORDER

The above and foregoing stipulation of the parties to dismiss this action without prejudice and without conditions, be and the same is hereby approved by the Court, and this cause be and the same is hereby and by these presents dismissed without prejudice and without conditions.

Dated 3/2/66 -

Lred Daugherty
UNITED STATES DISTRICT JUDGE
WITHIN AND FOR THE NORTHERN
DISTRICT OF OKLAHOMA.

UNITED STATES DISTRICT COURT FOR THE
NORTHERN DISTRICT OF OKLAHOMA

United States of America,)
)
 Plaintiff,)
)
 vs.)
)
 1,663.10 Acres of Land, More or Less,)
 Situate in Nowata and Rogers Counties,)
 Oklahoma, and Katherine J. Steil, et al,)
 and Unknown Owners,)
)
 Defendants.)

CIVIL ACTION NO. 4643

Tracts Nos.

N-1456,
N-1456E-1 thru E-8

FILED

MAR - 4 1966

J U D G M E N T

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

1.
NOW, on this 4 day of March, 1966, this matter

comes on for disposition on application of the plaintiff, United States of America, for entry of Judgment on Stipulations agreeing upon just compensation, and the Court, after having examined the files in this action and being advised by counsel for plaintiff, finds:

2.

This Judgment applies only to the estates condemned in the tracts enumerated in the caption above, as such estates and tracts are described in the Complaint and the Declaration of Taking filed in this Civil Action. The interpretation of the Complaint and the Declaration of Taking herein, with regard to the estates taken in the subject tracts should be as set forth in the Stipulation of certain parties to this action filed herein on February 28, 1966.

3.

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

4.

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 subject tracts.

5.

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 estates described in paragraph 2 herein. Pursuant thereto on February 19, 1959, the United States of America filed its Declaration of Taking of such described property, and title to the described estates in such property should be vested in the United States of America as of the date of filing the Declaration of Taking.

6.

On filing of the Declaration of Taking, there was deposited in the Registry of this Court as estimated compensation for the taking of certain estates in the subject tracts, a certain sum of money, and all of this deposit has been disbursed, as set out in paragraph 14 below.

7.

On the date of taking in this action, the owners of the estates taken in the subject tracts were the defendants whose names are shown in paragraph 14 below. 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 awarded by this Judgment.

8.

The owners of Ownership No. 1, as described in paragraph 14 below, and the United States of America have executed and filed herein Stipulations as to Just Compensation, wherein they have agreed that just compensation for the estates condemned in such Ownership No. 1, is in the amount shown as compensation in paragraph 14, and such Stipulations should be approved.

9.

The Court has considered the Plaintiff's evidence offered at the pre-trial hearing, held after due notice to all parties, on January 14, 1966, and finds that the decrease in market value of Interest No. 2, and Interest No. 3, as described in paragraph 14 below, caused by this action was as follows:

Ownership No. 2 -----	\$1.00
Ownership No. 3 -----	\$1.00

and such sums should be adopted as the awards of just compensation for the estates taken in such interests.

10.

This Judgment will create a deficiency between the amount deposited as estimated compensation for the subject tracts and the total amount fixed by the Stipulations as to Just Compensation and the findings of the Court, and the amount of such deficiency should be deposited for the benefit of the owners. Such deficiency is set out in paragraph 14 below.

11.

It Is, Therefore, ORDERED, ADJUDGED AND DECREED that the Stipulation of the parties filed herein on February 28, 1966, is approved and adopted by the Court as the proper construction of the Declaration of Taking, as follows:

The estates taken by the Government in Tracts Nos. N-1456, N-1456E-1, N-1456E-2, N-1456E-3, N-1456E-4, N-1456E-5, N-1456E-6, N-1456E-7 and N-1456E-8, as such tracts are described in the Complaint and the Declaration of Taking filed in Civil Action No. 4643, do not include, cover or in any way affect the oil and gas and minerals of a like kind under such described property and the plaintiff, by virtue of such Civil Action 4643, has acquired no interest whatsoever in the oil and gas and minerals of a like kind under such described tracts, and the just compensation awarded for such tracts in Civil Action 4643 does not include any compensation for any damage to oil and gas and minerals of a like kind.

Any Judgment entered in Civil Action 4643 shall not constitute a bar to a claim for damages to the oil and gas and minerals of a like kind under the subject tracts arising out of any action by the United States of America which (either with or without Court action) constitutes a taking.

The estates taken by the Government in Civil Action 4643 do apply to all minerals other than oil and gas and minerals of a like kind in and under the subject tracts and the plaintiff, by virtue of Civil Action 4643, has

acquired certain estates as described in the Complaint and the Declaration of Taking in all minerals other than oil and gas and minerals of a like kind under such tracts, and the compensation awarded for such tracts in Civil Action 4643 is deemed to include compensation for any damage done by this action to all minerals other than oil and gas and minerals of a like kind.

12.

It Is Further 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 the caption herein, as such tracts are particularly described in the Complaint and the Declaration of Taking filed herein; and such tracts, to the extent of the estates described in such Declaration of Taking, but limited by the construction placed on such estates by paragraph 11 above, are condemned, and title thereto is vested in the United States of America as of the date of filing the Declaration of Taking.

13.

It Is Further ORDERED, ADJUDGED AND DECREED that on the date of taking, the owners of the estates condemned herein in the subject tracts were the persons whose names appear below in paragraph 14. The right to receive the just compensation awarded by this Judgment is vested in the parties so named, and the award should be allocated among the owners as shown in such paragraph 14.

14.

It Is Further ORDERED, ADJUDGED AND DECREED that the Stipulations as to Just Compensation, mentioned in paragraph 8 above, and the findings of the Court as shown in paragraph 9, hereby are confirmed; and the sum thereby fixed is adopted as the award of just compensation for the estates condemned in subject tracts, as follows, to-wit:

4

TRACTS NOS. N-1456, N-1456E-1 THROUGH E-8 INCLUSIVE

OWNERS:

1. Ownership No. 1:

Defined as all interests in the estates taken in all tracts except Ownerships Nos. 2 and 3 as defined below.

Was owned by:

Charles Reed

Zela Reed

Amos L. Reed

Subject to a mortgage owned by Equitable Life Assurance Society of the United States. (This mortgage was paid in full from the deposit of estimated compensation, and this Company has executed a release.)

2. Ownership No. 2:

Defined as the estate taken in the minerals other than oil and gas and minerals of a like kind, under approximately one (1) acre of Tract No. N-1456E-1, to wit that part of such tract located in the NW $\frac{1}{4}$ SW $\frac{1}{4}$ of Sec. 9, T. 25 N., R. 17 E., Indian Meridian.

Was owned by:

Eva Payne Glass ----- 1/2

Julian W. Glass, Jr. ----- 1/4

Ernest Frances Bradfield ----- 1/4

3. Ownership No. 3:

Defined as the estates taken in the minerals other than oil and gas and minerals of a like kind, under all (one acre) of Tract No. N-1456E-4, and approximately 1.75 acre of Tract No. N-1456E-5, to wit that part of such two tracts located in the SE $\frac{1}{4}$ SE $\frac{1}{4}$ and the S $\frac{1}{2}$ NE $\frac{1}{4}$ SE $\frac{1}{4}$ of Sec. 4, T. 25 N., R. 17 E., Indian Meridian.

Was owned by:

Clara M. Wilkinson ----- 1/3

John F. Wilkinson ----- 1/6

Lucille Vincent ----- 1/6

*Roy W. Wilkinson ----- 1/6

Maude Fowler Blecha ----- 1/6

*Due to small size of award, this owner shall be paid the entire award for this interest.

Award of just compensation for all estates taken ----- \$15,502.00
 Deposited as estimated compensation for all estates taken ----- \$14,000.00

Allocation of award, deposit and disburseals:

1. Ownership No. 1:

Allocated share of award pursuant to Stipulations ----	\$15,500.00	\$15,500.00
Share of deposit of estimated compensation -----	\$14,000.00	
Disbursed to owners -----		\$14,000.00
Balance due to owners -----		<u>\$ 1,500.00</u>
Deposit deficiency as to this ownership -----	<u>\$ 1,500.00</u>	

2. Ownership No. 2:

Allocated share of award pursuant to finding of Court -----	\$ 1.00	\$ 1.00
Share of deposit of estimated compensation -----	None	
Disbursed to owners -----		None
Balance due to owners -----		<u>\$ 1.00</u>
Deposit deficiency as to this ownership -----	<u>\$ 1.00</u>	

3. Ownership No. 3:

Allocated share of award pursuant to finding of Court -----	\$ 1.00	\$ 1.00
Share of deposit of estimated compensation -----	None	
Disbursed to owners -----		None
Balance due to owners -----		<u>\$ 1.00</u>
Deposit deficiency as to this ownership -----	<u>\$ 1.00</u>	

Deposit deficiency for all estates taken ----- \$ 1,502.00

It Is Further ORDERED, ADJUDGED AND DECREED that the United States of America shall deposit in the Registry of this Court to the credit of the subject tracts in this Civil Action the total deposit deficiency for subject tracts in the sum of \$1,502.00.

The Clerk of this Court then shall disburse from the sum on deposit for subject tracts certain sums as follows:

To Charles Reed, Zela Reed, and Amos L. Reed, jointly,
the sum of \$1,500.00.

To Eva Payne Glass, Julian W. Glass, Jr., and
Ernest Frances Bradfield, jointly, the sum of \$1.00.

To Roy W. Wilkinson, the sum of \$1.00.



UNITED STATES DISTRICT JUDGE

APPROVED:



HUBERT A. MARLOW
Assistant United States Attorney

UNITED STATES DISTRICT COURT FOR THE
NORTHERN DISTRICT OF OKLAHOMA

United States of America,

Plaintiff,

vs.

1,316.38 Acres of Land, More or Less,
Situat in Rogers County, Oklahoma,
and Tim Sharp, et al,
and Unknown Owners,

Defendants.

CIVIL ACTION NO. 4961

Tracts Nos. 4601-5S and
4602-5S

FILED

MAR - 4 1966

ORDER OVERRULING OBJECTIONS

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

On the 24th day of February, 1966, this matter came on for hearing before the Honorable Allen E. Barrow, Judge of the United States District Court for the Northern District of Oklahoma, on the objections of the defendant Alton L. White to the Report of Commissioners filed herein on November 30, 1965. Hubert A. Marlow, Assistant United States Attorney for the Northern District of Oklahoma, appeared for the Plaintiff. B. W. Tabor, attorney, appeared for the defendant Alton L. White. Having reviewed the files in this matter and having been advised by counsel, the Court finds that:

1. The defendant, Alton L. White, did not file a brief in support of his objections as required by rule of this Court, and he has not advised the Court of any authority in support of his objections, and has not furnished the Court a transcript of the trial before the Commissioners.

2. The defendant, Alton L. White, has not shown the Court, either in his written objections or in his appearance at the hearing, any facts which would indicate that the subject report is clearly erroneous.

3. At the hearing on this matter, the defendant Alton L. White indicated that he was willing to withdraw his objections or to allow the Court to overrule them without protest.

The Court concludes that:

It is the duty of the Court to accept and adopt the findings made by the Commissioners unless they are clearly erroneous. It has not been shown that the subject Report of Commissioners is clearly erroneous; therefore, the defendant's objections should be overruled.

It Is, Therefore, ORDERED that the "Objections to Commissioners' Order and Appeal to the United States District Court' filed herein by the defendant Alton L. White are overruled.

s/ Allen E. Barrow

UNITED STATES DISTRICT JUDGE

UNITED STATES DISTRICT COURT FOR THE
NORTHERN DISTRICT OF OKLAHOMA

United States of America,)
)
Plaintiff,) CIVIL ACTION NO. 4986
)
vs.) Tracts Nos. 5601-6A and
)
430.00 Acres of Land, More or Less,) 5602-11
Situat e in Nowata County, Oklahoma,)
and Alva A. Cole, et al,)
and Unknown Owners,)
)
Defendants.)

FILED

MAR - 4 1966

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

J U D G M E N T

1.

NOW, on this 11 day of March, 1966, this matter comes on for disposition on application of plaintiff, United States of America, for entry of judgment on a stipulation agreeing upon just compensation, and the Court, after having examined the files in this action and being advised by counsel for plaintiff, finds:

2.

This judgment applies only to the estates condemned in the tracts enumerated in the caption above, as such estates and tracts are described in the Complaint and the Declaration of Taking filed in this action.

3.

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

4.

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

5.

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 estates described in paragraph 2 herein. Pursuant thereto, on August 5, 1960, the United States of America filed its Declaration of Taking of such described property, and title to the described estates in such property should be vested in the United States of America as of the date of filing the Declaration of Taking.

6.

On filing of the Declaration of Taking, there was deposited in the Registry of this Court, as estimated compensation for the taking of certain estates in subject tracts, a certain sum of money, and all of this deposit has been disbursed as set out in paragraph 12 below.

7.

On the date of taking in this action, the owners of the estates taken in subject tracts were the defendants whose names are shown in paragraph 12 below. 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 awarded by this judgment.

8.

The owners of the subject tracts and the United States of America have executed and filed herein a Stipulation as to Just Compensation wherein they have agreed that just compensation for the estates condemned in subject tracts is in the amount shown as compensation in paragraph 12 below, and such stipulation should be approved.

9.

A deficiency exists between the amount deposited as estimated compensation for subject tracts and the amount fixed by the Stipulation as to Just Compensation, and the amount of such deficiency should be deposited for the benefit of the owners. Such deficiency is set out in paragraph 12 below.

10.

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 2 herein, as such tracts are particularly described in the Complaint and the Declaration of Taking filed herein; and such tracts, to the extent of the estates described 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 as of the date of filing such Declaration of Taking, and all defendants herein and all other persons interested in such estates are forever barred from asserting any claim thereto.

11.

It Is Further ORDERED, ADJUDGED AND DECREED that on the date of taking, the owners of the estates condemned herein in subject tracts were the defendants whose names appear below in paragraph 12, and the right to receive the just compensation for the estates taken herein in these tracts is vested in the parties so named. Clara M. Wilkinson is now deceased and Roy W. Wilkinson and Earl Vincent as executors of her estate are entitled to receive her share of the balance of the award.

12.

It Is Further ORDERED, ADJUDGED AND DECREED that the Stipulation as to Just Compensation, mentioned in paragraph 8 above, hereby is confirmed; and the sum therein fixed is adopted as the award of just compensation for the estates condemned in subject tracts and the award should be allocated among the owners as follows:

TRACTS NOS. 5601-6A and 5602-11

OWNERS:

Alva Cole
Clara M. Wilkinson
(now deceased. Roy W. Wilkinson and
Earl Vincent are executors.)
John F. Wilkinson
Lucille Vincent
Maude Fowler Blecha and
Hugh Samuel Wilkinson

Award of just compensation
for entire estates taken
pursuant to stipulation ----- \$3,650.00

Deposited as estimated compensation ----- \$3,150.00

Allocation of award and disbursals:

	: Share :	: Balance
	: of Award :	: Disbursed:Due
	:	:
Alva Cole -----	:\$ 589.62	:\$ 500.75 :\$ 88.87
Clara M. Wilkinson-----	:\$1,179.22	:\$1,050.00 :\$ 129.22
John F. Wilkinson-----	:\$ 589.62	:\$ 500.75 :\$ 88.87
Lucille Vincent -----	:\$ 589.62	:\$ 500.75 :\$ 88.87
Maude Fowler Blecha -----	:\$ 589.62	:\$ 500.75 :\$ 88.87
Hugh Samuel Wilkinson -----	:\$ 112.30	:\$ 97.00 :\$ 15.30

Deposit deficiency ----- \$ 500.00

13.

It Is Further ORDERED, ADJUDGED AND DECREED that the United States of America shall deposit in the Registry of this Court, in this Civil Action, to the credit of the subject tracts, the deficiency sum of \$500.00, and the Clerk of this Court then shall disburse from the deposit for the subject tracts the balance due to each of the owners as shown in paragraph 12 above.

The balance due to the Clara M. Wilkinson estate shall be paid to "Roy W. Wilkinson and Earl Vincent, executors of the estate of Clara M. Wilkinson, deceased."


UNITED STATES DISTRICT JUDGE

APPROVED:


HUBERT A. MARLOW
Assistant United States Attorney

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

FIRST NATIONAL BANK OF BROKEN)
ARROW, a national banking)
association,)
)
Plaintiff,)
)
vs.)
)
SECURITY MUTUAL CASUALTY)
COMPANY, a corporation,)
)
Defendant.)

NO. 6307

FILED

MAR 4 1966

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

STIPULATION FOR DISMISSAL

Plaintiff having been fully reimbursed by Barry Dayton for its loss described in its Complaint filed herein and all issues involved herein having been thereby fully settled, it is stipulated by and between counsel for plaintiff and counsel for defendant that the above styled and numbered action may be dismissed with prejudice to the bringing of a future action.

Dated this 3rd day of March, 1966.

N.C. Davis
Counsel for Plaintiff

James K. Ketchum
Counsel for Defendant

ORDER

It is hereby ordered that the above styled and numbered action be dismissed with prejudice to the bringing of a future action this 4 day of March, 1966.

(5) Luther Bohannon
U. S. District Judge

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

H. F. HIGGINS,)
)
 Plaintiff,)
)
 vs.)
)
 EDMOND RAY SNYDER, H. C.)
 PRESTON, Sr., and H. C.)
 PRESTON, JR., individually)
 and as co-partners d/b/a)
 PRESTON DAIRY PRODUCTS,)
)
 Defendants.)

No. 6237 Civil

FILED

MAR 4 1966

NOBLE C. HOOD

DISMISSAL WITH PREJUDICE Clerk, U. S. District Court

Comes now the plaintiff, H. F. HIGGINS, and dismisses the
above styled and numbered cause of action with prejudice to the
bringing of a future action.

Dated this 24 day of February, 1966.

H. F. Higgins
Plaintiff

SANDERS, McELROY & WHITTEN
By: David H. Sanders
Attorneys for Plaintiff

Come now the defendants, by and through their counsel of
record, and consent to the dismissal of the above styled and
numbered cause of action with prejudice to the bringing of any
future action.

HUDSON, WHEATON & BRETT
By: Thomas R. Brett
Attorneys for Defendants

IT IS HEREBY ORDERED that the above styled and numbered
cause be dismissed with prejudice.

3/4/66
(s) Luther Bohannon
UNITED STATES DISTRICT JUDGE

UNITED STATES DISTRICT COURT FOR THE
NORTHERN DISTRICT OF OKLAHOMA

United States of America,)
)
 Plaintiff,)
)
 vs.)
)
 503.74 Acres of Land, More or Less,)
 Situate in Nowata County, Oklahoma,)
 and Hinman Stuart Milam, et al,)
 and Unknown Owners,)
)
 Defendants.)

CIVIL ACTION NO. 4973

Tract No. 6636-9

FILED

MAR - 7 1966

J U D G M E N T

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

1.

NOW, on this 7 day of March, 1966, this matter comes on for disposition on application of the plaintiff, United States of America, for entry of judgment on the Report of Commissioners filed herein on February 17, 1966, and the Court, after having examined the files in this action and being advised by counsel for plaintiff, finds that:

2.

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

3.

This judgment applies only to the estate condemned in Tract No. 6636-9, as such estate and tract are described in the Complaint and the Declaration of Taking filed herein.

4.

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 subject tract.

5.

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 subject tract of land. Pursuant thereto, on July 28, 1960, the United States of America filed its Declaration of Taking of such tract of land, and title to such tract should be vested in the United States of America as of the date of filing such instrument.

6.

On filing the Declaration of Taking, there was deposited in the Registry of this Court as estimated compensation for the taking of a certain estate in the subject tract a certain sum of money, and none of this deposit has been disbursed as set out in paragraph 10 below.

7.

The Report of Commissioners filed herein on February 17, 1966, hereby is accepted and adopted as a finding of fact as to subject tract. The amount of just compensation as to the subject tract as fixed by the Commission is set out in paragraph 10 below.

8.

The defendants named in paragraph 10 as owners of subject tract are the only defendants asserting any interest in the estate condemned herein, all other defendants having either disclaimed or defaulted; the named defendants are the owners of the estate condemned herein as shown in such paragraph 10 and, as such, are entitled to distribution of the just compensation awarded by this judgment. The allocation of the award will be fixed by agreement of the owners.

9.

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 subject tract, as described in the Declaration of Taking filed herein, and such property, to the extent of the estate described in the Declaration of Taking filed herein, is condemned, and title thereto is vested in the United States of America, as of the date of filing the Declaration of Taking, and all defendants herein and all other persons are forever barred from asserting any claim thereto.

10.

It Is Further ORDERED, ADJUDGED AND DECREED that the right to receive the just compensation for the estate taken herein in subject tract is vested in the defendants whose names appear below in this paragraph; the Report of Commissioners of February 17, 1966, is hereby confirmed and the sum therein fixed is adopted as just compensation for subject tract as shown by the following schedule:

OWNERS:

H. W. Reed
 B. G. Dowell
 M. L. Hagan and Virginia Hagan
 Orle Price and Hazel Price
 Eva Payne Glass
 Julian W. Glass, Jr.
 Ernest Frances Bradfield
 Mary Harrington Hart
 Esther Harrington Putnam
 William Ketterington Harrington
 Alice L. Robertson
 John L. Robertson
 Benjamin L. Robertson
 W. G. Phillips
 Hinman Stuart Milam
 Mary Stevenson
 Mildred M. Viles
 E. C. Welch
 Clara I. Daugherty
 Nellie A. Welch
 Gilcrease Oil Company and
 G. M. Ford

Award of just compensation		
pursuant to Commissioners' Report ----	\$2,450.00	\$2,450.00
Deposited as estimated compensation -----	<u>\$2,450.00</u>	
Disbursed to owners -----		None
Balance due to owners -----		<u>\$2,450.00</u>

11.

It Is Further ORDERED that an appropriate Order of Distribution will be entered by the Court as soon as the owners have agreed upon the allocation of the award.

W. Allen B. ...

 UNITED STATES DISTRICT JUDGE

APPROVED:

Hubert A. Marlow

 HUBERT A. MARLOW
 Assistant United States Attorney

UNITED STATES DISTRICT COURT FOR THE
NORTHERN DISTRICT OF OKLAHOMA

United States of America,)
)
 Plaintiff,)
)
 vs.)
)
 653.25 Acres of Land, More or Less,)
 Situate in Nowata County, Oklahoma,)
 and Charles Edward Bratcher, et al,)
 and Unknown Owners,)
)
 Defendants.)

CIVIL ACTION NO. 4975
Tract No. L-1224

FILED
MAR -7 1966

J U D G M E N T

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

1.

NOW, on this 7 day of March, 1966, this matter comes on for disposition on application of the plaintiff, United States of America, for entry of judgment on the Report of Commissioners filed herein on February 17, 1966, and the Court, after having examined the files in this action and being advised by counsel for the plaintiff, finds that:

2.

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

3.

This judgment applies only to the estate taken in Tract No. L-1224, as such estate and tract are described in the Complaint and the Declaration of Taking filed herein.

4.

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 subject tract.

5.

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 subject tract of land. Pursuant thereto, on July 29, 1960, the United States of America filed its Declaration of Taking of a certain estate in such tract of land, and title to such property should be vested in the United States of America, as of the date of filing such instrument.

6.

On the filing of the Declaration of Taking, there was deposited in the Registry of this Court as estimated compensation for the taking of the subject tract a certain sum of money, and part of this deposit has been disbursed as set out in paragraph 11 below.

7.

The Report of Commissioners filed herein on February 17, 1966, hereby is accepted and adopted as a finding of fact as to subject tract. The amount of just compensation as to the subject tract as fixed by the Commission is set out in paragraph 11 below.

8.

This judgment will create a surplus in the deposit for the subject tract, as set forth in paragraph 11 below. Such surplus should be refunded to the Plaintiff.

9.

The defendants named in paragraph 11 as owners of subject tract are the only defendants asserting any interest in the estate condemned herein, all other defendants having either disclaimed or defaulted. The defendants shown therein as claimants, claim a valid and subsisting oil and gas lease on the subject tract on the date of taking. The owners of the mineral estate claim the lease had expired by its own terms as of the date of taking. In the event that the defendants cannot agree, a hearing should be held by the Court to determine the validity of the lease and to determine the identity of the persons entitled to receive the subject award.

10.

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 subject tract, as it is described in the Declaration of Taking filed herein and such property, to the extent of the estate described in the Declaration of Taking filed herein, is condemned, and title thereto is vested in the United States of America, as of the date of filing the Declaration of Taking, and all defendants herein and all other persons are forever barred from asserting any claim to such estate.

UNITED STATES DISTRICT COURT FOR THE
NORTHERN DISTRICT OF OKLAHOMA

United States of America,

Plaintiff,

vs.

2,797.00 Acres of Land, More or Less,
Situat in Nowata and Rogers Counties,
Oklahoma, and Jessie W. Campbell, et al,
and Unknown Owners,

Defendants.

CIVIL ACTION NO. 4891

Tract No. 5613-I

FILED

MAR - 9 1966

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

J U D G M E N T

1.

NOW, on this 9 day of March, 1966, this matter comes on for disposition on application of the plaintiff, United States of America, for entry of Judgment on the Report of Commissioners filed herein on November 30, 1965, and the Court, after having examined the files in this action and being advised by counsel, finds that:

2.

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

3.

This Judgment applies only to the estate taken in Tract No 5613-I, as such estate and tract are described in the Complaint and the Declaration of Taking filed herein.

4.

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 subject tract.

5.

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 subject tract of land. Pursuant thereto, on March 18, 1960, the United States of America filed its Declaration of Taking of such tract of land, and title to such tract should be vested in the United States of America as of the date of filing such instrument.

6.

On the filing of the Declaration of Taking, there was deposited in the Registry of this Court as estimated compensation for the taking of the subject tract a certain sum of money, and all of this deposit has been disbursed, as set out in paragraph 11 below.

7.

The Report of Commissioners filed herein on November 30, 1965, hereby is accepted and adopted as a finding of fact as to subject tract. The amount of just compensation as to the subject tract, as fixed by the Commission, is set out in paragraph 11 below.

8.

The sums disbursed to the owners of the subject tract from the deposit of estimated compensation are larger than the award of just compensation for the subject tract as fixed by the Commissioners. The amount of the overpayment to each owner is shown in paragraph 11 below. Such overpayment, together with interest thereon, should be refunded to the plaintiff. The plaintiff should have judgment against the owners for the amounts of the respective overpayments, together with interest thereon from the date of disbursement until such refunds be made.

9.

The defendants named in paragraph 11 as owners of subject tract are the only defendants asserting any interest in the estate condemned herein, all other defendants having either disclaimed or defaulted; the named defendants, as of the date of taking, were the owners of the estate condemned herein and, as such, are entitled to receive the award of just compensation for the estate taken.

10.

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 tract described in paragraph 3 herein, and such property, to the extent of the estate described in the Declaration of Taking filed herein and for the uses and purposes described therein, is condemned, and title thereto is vested in the United States of America, as of the date of filing the Declaration of Taking, and all defendants herein and all other persons are forever barred from asserting any claim thereto.

It Is Further ORDERED, ADJUDGED AND DECREED that the right to receive the just compensation for the estate taken herein in subject tract is vested in the dependants named below; the Report of Commissioners of November 30, 1965, hereby is confirmed and the sum therein fixed is adopted as just compensation for subject tract, as shown by the following schedule:

TRACT NO. 5613-I

OWNERS:

Lessor Interest:

Edith M. Hayden

Oil and Gas Lessee Interest:

Alton L. White

Deposited as estimated compensation -----	\$24,705.00
Award of just compensation for entire estate taken, pursuant to Commissioners' Report -----	\$19,266.00

Allocation of award and disbursals:

	<u>Lessor Interest</u>	<u>Lessee Interest</u>
Disbursed from deposit -----	\$5,175.00	\$19,530.00
Share of award -----	4,266.00	15,000.00
Overpayment -----	<u>\$ 909.00</u>	<u>\$ 4,530.00</u>
Overdeposit -----		<u>\$ 5,439.00</u>

It Is Further ORDERED, ADJUDGED AND DECREED that the Plaintiff, United States of America, have judgment against each of the defendant owners for the overpayments made to them as follows:

Judgment against Edith M. Hayden, in the amount of \$909.00, together with interest on such sum at the rate of 6% per annum from January 8, 1965, until paid.

Judgment against Alton L. White, in the amount of \$4,530.00, together with interest thereon at the rate of 6% per annum from February 10, 1961, until paid.

To make payment of these Judgments, each defendant shall deposit the amount of his respective Judgment, together with all accrued interest, with the Clerk of the United States District Court for the Northern District of Oklahoma.

When payment of these Judgments has been made, the Clerk of this Court shall credit such payment to the deposit for Tract No. 5613-I in Civil Action No. 4891, and then disburse from the subject deposit the entire amount so paid, to the Treasurer of the United States of America.

William H. Bennett

UNITED STATES DISTRICT JUDGE

APPROVED:

Hubert A. Marlow

HUBERT A. MARLOW
Assistant U. S. Attorney

UNITED STATES DISTRICT COURT FOR THE
NORTHERN DISTRICT OF OKLAHOMA

United States of America,)
)
 Plaintiff,)
)
 vs.)
)
 1,316.38 Acres of Land, More or Less,)
 Situate in Rogers County, Oklahoma,)
 and Tim Sharp, et al,)
 and Unknown Owners,)
)
 Defendants.)

CIVIL ACTION NO. 4961
Tracts Nos. 4601-5S and
4602-5S

FILED

MAR - 9 1966

J U D G M E N T

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

1.

NOW, on this 7 day of March, 1966, this matter comes on for disposition on application of the plaintiff, United States of America, for entry of Judgment on the Report of Commissioners filed herein on November 30, 1965, and the Court, after having examined the files in this action and being advised by counsel for the plaintiff, finds that:

2.

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

3.

This Judgment applies only to the estate taken in the tracts enumerated in the caption above, as such estate and tracts are described in the Complaint and the Declaration of Taking filed herein.

4.

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 subject tracts.

5.

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 subject tracts of land. Pursuant thereto, on July 8, 1960, the United States of America filed its Declaration of Taking of a certain estate in such tracts of land, and title to such property should be vested in the United States of America, as of the date of filing such Declaration of Taking.

6.

On the filing of the Declaration of Taking, there was deposited in the Registry of this Court as estimated compensation for the taking of the described estate in subject tracts, a certain sum of money and all of this deposit has been disbursed, as set out in paragraph 11 below.

7.

The Report of Commissioners filed herein on November 30, 1965, hereby is accepted and adopted as a finding of fact as to subject property. The amount of just compensation as to the subject tracts, as set by the Commission, is set out in paragraph 11 below.

8.

This Judgment will create a deficiency between the amount deposited as estimated just compensation for the estate taken in subject tracts and the amount fixed by the Commission and the Court as just compensation, and a sum of money sufficient to cover such deficiency should be deposited by the Government. This deficiency is set out in paragraph 11 below.

9.

The defendants named in paragraph 11 as owners of subject tracts are the only defendants asserting any interest in the estate condemned in such tracts, all other defendants having either disclaimed or defaulted; the named defendants, as of the date of taking, were the owners of such estate taken and, as such, are entitled to receive the just compensation awarded by this Judgment.

10.

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 subject tracts, as such tracts are described in the Declaration of Taking filed herein, and such property, to the extent of the estate described in the Declaration of Taking filed herein and for the uses and purposes therein indicated, is condemned, and title thereto is vested in the United States of America, as of the date of filing the Declaration of Taking, and all defendants herein and all other persons are forever barred from asserting any claim thereto.

11.

It Is Further ORDERED, ADJUDGED AND DECREED that the right to receive the just compensation for the estate taken herein in subject tracts is vested in the defendants whose names appear below in this paragraph; the Report of Commissioners of November 30, 1965, is hereby confirmed and the sum therein fixed is adopted as the award of just compensation for the estate taken in subject tracts as shown by the following schedule:

TRACTS NOS. 4601-5S AND 4602-5S

OWNERS:

Lessor Interest:

Oscar H. Holman

Oil and Gas Lessee Interest:

Eugene White and
Alton L. White

Award of just compensation for entire estate taken, pursuant to Commissioners' Report -----	\$10,500.00	\$10,500.00
Deposited as estimated compensation -----	2,925.00	
Disbursed to owners:		
To Oscar Holman -----	\$2,300.00	
To Alton L. White and Eugene White -----	<u>625.00</u>	
Total -----		\$ 2,925.00
Balance due to owners -----		<u>\$ 7,575.00</u>
Deposit deficiency -----		<u>\$ 7,575.00</u>

12.

It Is Further ORDERED, ADJUDGED AND DECREED that the United States of America shall pay into the Registry of this Court for the benefit of the owners the deposit deficiency for the subject tracts as shown in paragraph 11 in the sum of \$7,575.00, together with interest on such deficiency at the rate of 6% per annum from July 8, 1960, until the date of deposit of such

deficiency sum; and such sum shall be placed in the deposit for subject tracts in this Civil Action. An appropriate Order of Distribution will be entered by the Court when the deficiency deposit has been made by the Plaintiff.

William C. Bennett
UNITED STATES DISTRICT JUDGE

APPROVED:

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

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

FILED

MAR - 9 1966

MRS. W. C. ABRAMS,)
)
Plaintiff,)
)
-vs-)
)
SAFEWAY STORES, INC.,)
and JACK GRESHAM,)
)
Defendant.)

NOBLE C. HOOD
Clerk, U. S. District Court
NO. 6295 ✓

ORDER

Now on this 24th February, 1966, came on for hearing the Motion To Dismiss of defendant, Jack Gresham, plaintiff appearing by B. W. Tabor, defendant appearing by attorney R. D. Hudson, arguments made and the court being fully advised orders that the Motion To Dismiss be and it was overruled.

Following the above Order of the court plaintiff moved to remand the case to the State Court from whence it came by removal and such Motion To Remand by the plaintiff was sustained and the case was ordered to be remanded to the District Court, Tulsa County, State of Oklahoma.

Noble C. Hood
Judge of the United States District Court
For The Northern District of Oklahoma

APPROVED BY:

B. W. Tabor
Attorney for Plaintiff

APPROVED BY:

R. D. Hudson
Attorney for Defendants

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

EDWARD E. CRAVENS,

Plaintiff,

-vs-

LOFFLAND BROTHERS COMPANY,
a corporation,

Defendant.

Case No. 6509

FILED

MAR 10 1966

ORDER OF DISMISSAL

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

NOW on this 10th day of March, 1966, there having
been presented to the Court the Stipulation for Dismissal
and Release dated the 7th day of March, 1966, and executed
by the Plaintiff and Defendant herein, and the Court being
fully advised in the premises;

IT IS THEREFORE ORDERED, ADJUDGED AND DECREED
that this action is hereby dismissed with prejudice to any
future action, and the costs incurred in the United States
District Court will be paid by the Defendant.

(s) Fred Daugherty
FRED DAUGHERTY
Judge of the United States District Court

APPROVED AS TO FORM:

Bruce W. Gambill
BRUCE W. GAMBILL
Attorney for Plaintiff

R. Robert Huff
R. ROBERT HUFF
Attorney for Defendant

That this case can be distinguished from the Escobedo case in that Isaacs had not asked for counsel. In fact, Isaacs had been advised of his rights and counseled with his attorney about State charges on the day before. The confession was not coerced and the questions which were asked were a general inquiry into an unsolved crime. The statements in reply were voluntary. Furthermore, the Escobedo case cannot be applied retroactively. Wade v. Yeager, 245 F. Supp. 67 (D.C.N.J. 1965).

IT IS, THEREFORE, ORDERED, ADJUDGED, AND DECREED that the motion to vacate judgment and sentence pursuant to 28 U.S.C., Section 2255, of Charles Isaacs be and the same is hereby overruled and denied.

So ordered this 14 day of March, 1966.

/s/ Allen E. Barrow

UNITED STATES DISTRICT JUDGE

APPROVED:

/s/

CHARLES POFF
Attorney for Petitioner

/s/ Hugh V. Schaefer

HUGH V. SCHAEFER
Assistant U. S. Attorney
Attorney for Respondent

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

Trinity Universal Insurance Company,)
)
Plaintiff,)
)
v.)
)
Robert F. Vance,)
)
Defendant.)

No. 6306-Civil (Daugherty)

FILED

MAR 14 1966

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

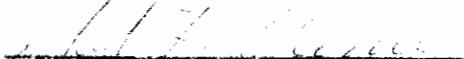
STIPULATION AND MOTION FOR DISMISSAL

The parties having amicably settled their controversy, they jointly move the court to dismiss this case at the cost of the plaintiff.


BYRNE A. BOWMAN
Felix, Bowman, McIntyre & Hines
Attorneys for Plaintiff

L. EDGAR BARNES
Derringer, Briggs & Barnes
Attorneys for Defendant

APPROVED:


ROBERT F. VANCE

ORDER OF DISMISSAL

Now on this ____ day of March, 1966, pursuant to the above Stipulation and Motion, IT IS ORDERED that this case is dismissed at the cost of the plaintiff.

U. S. DISTRICT JUDGE

UNITED STATES DISTRICT COURT FOR THE
NORTHERN DISTRICT OF OKLAHOMA

J. C. Greenway,

Plaintiff,

vs.

Anthony J. Celebreeze, Secretary
of Health, Education and Welfare,

Defendant.

CIVIL NO. 6132

FILED

MAR 16 1966

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

J U D G M E N T

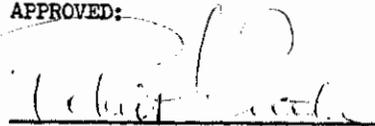
The above-entitled matter having come on before the Court for disposition on the 24th day of February, 1966, and the matter having been argued and submitted to the Court upon the record, and the Court having filed its written opinion herein, and the Court being fully advised in the premises,

IT IS ORDERED that the decision of the Secretary of Health, Education, and Welfare be and it is hereby affirmed, and the plaintiff's Complaint be and it is hereby dismissed.

Entered this 16 day of March, 1966.

UNITED STATES DISTRICT JUDGE

APPROVED:


Attorney for Plaintiff


LAWRENCE A. MCSOUD
Assistant U. S. Attorney,
For the Defendant

UNITED STATES DISTRICT COURT FOR THE
NORTHERN DISTRICT OF OKLAHOMA

United States of America,)
)
) Plaintiff,)
 vs.)
)
 244.20 Acres of Land, More or Less,)
 Situate in Creek and Pawnee Counties,)
 Oklahoma, and Ruth I. Knee, et al,)
 and Unknown Owners,)
)
 Defendants.)

Civil No. 4740 ✓

Tract No. G-714 **FILED**

MAR 16 1966

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

AMENDMENT TO PARTIAL JUDGMENT

On this day this cause came on for hearing upon the applica-
tion of the United States of America, by its attorney, for an amendment
to a judgment filed herein on November 29, 1965.

The Court finds that the above noted judgment should be
amended by adding the following sentence to paragraph 4 at the end
thereof:

"However, this amount of \$62.50 was applied on an
award of \$250.00 as noted in the judgment filed
October 18, 1961."

IT IS, THEREFORE, BY THE COURT ORDERED AND ADJUDGED that
the judgment filed on November 29, 1965, is hereby amended as set
out above.

Dated this 15 day of March, 1966.

/s/ Allen E. Barrow

UNITED STATES DISTRICT JUDGE

APPROVED:

/s/ Robert P. Santee

ROBERT P. SANTEE
Assistant U. S. Attorney

UNITED STATES DISTRICT COURT FOR THE
NORTHERN DISTRICT OF OKLAHOMA

United States of America,)	
)	
Plaintiff,)	CIVIL ACTION NO. 4986
)	
vs.)	Tracts Nos. 5707-E and
)	5708-P
430.00 Acres of Land, More or Less,)	
Situate in Nowata County, Oklahoma,)	
and Alva A. Cole, et al,)	
and Unknown Owners,)	
)	
Defendants.)	

FILED

J U D G M E N T

MAR 16 1966

1.

NOBLE C. HOOD

NOW, on this 16 day of March, 1966, ~~this matter comes on~~ ^{Clerk U.S. District Court}

for disposition on application of the Plaintiff, United States of America, for entry of judgment on the Report of Commissioners, filed herein on February 17, 1966, and the Court, after having examined the files in this action and being advised by counsel for Plaintiff, finds that:

2.

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

3.

This judgment applies only to the estate taken in the tracts enumerated in the caption above, as such estate and tracts are described in the Complaint and the Declaration of Taking filed herein.

4.

Service of process has been perfected either personally or by publication notice as provided by Rule 71A of Federal Rules of Civil Procedure on all persons who are interested in subject tracts.

5.

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 subject tracts of land. Pursuant thereto, on August 5, 1960, the United States of America filed its Declaration of Taking of such tracts of land, and title to the estate taken in such tracts should be vested in the United States of America, as of the date of filing such instrument.

6.

Simultaneously with the filing of the Declaration of Taking, there was deposited in the Registry of this Court as estimated compensation for the taking of the described estate in subject tracts, a certain sum of money, part of which has been disbursed, as set out in paragraph 12 below.

7.

The Report of Commissioners filed herein on February 17, 1966, hereby is accepted and adopted as a finding of fact as to the lessee interest in the subject tracts. The amount of just compensation as to the lessee interest in the subject tracts, as fixed by the Commission, is as set out in paragraph 12 below.

8.

The owners of the lessor interest in the estate taken in the subject tracts and the Plaintiff have executed and filed herein a Stipulation as to Just Compensation wherein they have agreed upon the amount of just compensation for such lessor interest, as shown in paragraph 12 below, and such Stipulation should be approved.

9.

A deficiency exists between the amount deposited as estimated just compensation for subject tracts and the amount fixed by the Commission and the Court as just compensation, and a sum of money sufficient to cover such deficiency should be deposited by the Government. This deficiency is set out in paragraph 12 below.

10.

The defendants named in paragraph 12 as owners of subject tracts are the only defendants asserting any interest in the estate condemned herein, all other defendants having either disclaimed or defaulted. The named defendants are the owners of the estate condemned herein in the subject tracts, and, as such, are entitled to receive the just compensation awarded by this judgment.

11.

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 subject tracts described in paragraph 3 herein, and such property, to the extent of the estate described in the Declaration of Taking filed

herein, is condemned, and title thereto is vested in the United States of America as of the date of filing the Declaration of Taking, and all defendants herein and all other persons are barred forever from asserting any claim thereto.

12.

It Is Further ORDERED, ADJUDGED, AND DECREED that the right to receive the just compensation for the estate taken herein in subject tracts is vested in the defendants whose names appear below in this paragraph. The Report of Commissioners of February 17, 1966, and the Stipulation described in paragraph 8 above, hereby are confirmed and the sum thereby fixed is adopted as the award of just compensation for subject tracts as shown by the following schedule:

TRACTS NOS. 5707-E AND 5708-P

OWNERS:

Lessor Interest:

Kirby Production Company

Oil and Gas Lessee Interest:

P.I.C. Management Co., Inc. ----- 1/4
 Hinman Stuart Milam ----- 1/12
 Mildred Viles ----- 1/12
 Mary Stevenson ----- 1/12
 Lillian Coker Sweaney and
 Zenoclea Wilkinson (as only heirs
 of W. P. Coker, deceased) ----- 1/2

Award of just compensation	
for entire estate taken -----	\$10,333.00
Deposited as estimated compensation	
for entire estate taken -----	6,943.00

Allocation of award, deposit and disburseals:

	Lessor Interest	Lessee Interest
Share of award pursuant to Stipulation -----	\$1,333.00	\$1,333.00
Share of award pursuant to Commissioner' Report-----	:	\$9,000.00
Share of deposit of estimated compensation -----	\$1,333.00	\$5,610.00
Disbursed to owners;	\$1,333.00	None
Balance due to owners -----	None	\$9,000.00
Deposit deficiency-;	None	\$3,390.00
	:	\$3,390.00

It Is Further ORDERED, ADJUDGED AND DECREED that the United States of America shall pay into the Registry of this Court for the benefit of the owners the deposit deficiency for subject tracts, as shown in paragraph 12, together with interest on such deficiency at the rate of six per cent (6%) per annum from August 5, 1960, until the date of deposit of such deficiency sum; and such sum shall be placed in the deposit for subject tracts in this civil action. The Clerk of this Court then shall disburse the deposit for the subject tracts to the owners of the lessee interest, paying to each owner that part of the entire sum on deposit as indicated by the fraction following such owner's name as shown in paragraph 12 above.

William E. Barrett
UNITED STATES DISTRICT JUDGE

APPROVED:

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

UNITED STATES DISTRICT COURT FOR THE
NORTHERN DISTRICT OF OKLAHOMA

UNITED STATES OF AMERICA,)
Plaintiff,)
-vs-)
300.55 ACRES OF LAND, MORE)
OR LESS, SITUATE IN PAWNEE)
AND CREEK COUNTIES, OKLAHOMA,)
AND FERN FLINCHUM, ET AL.,)
AND UNKNOWN OWNERS,)
Defendants.)

CIVIL NO. 5375
TRACT NO. 2418

FILED

MAR 16 1966

FINAL JUDGMENT DETERMINING OWNERSHIP, JUST COMPENSATION, AND ORDERING DISTRIBUTION NOBLE C. HOOD
Clerk, U. S. District Court

On this 16 day of March, 1966,
this Court finds that the proceedings in this matter have
reached the point where nothing remains to be done except
the rendering of this Court's final judgment as to the issue
of just compensation and determining the names of the persons
entitled to the award, and ordering disbursement of funds.
Accordingly, this Court, after examining the files and the
record of all the proceedings in this action, and upon the
representation of the United States Attorney, makes the follow-
ing findings of fact:

1. That this Court has jurisdiction over the parties
and the subject matter of this action.
2. That under the authority set forth in the Declara-
tion of Taking and the Complaint in Condemnation filed herein
on March 26, 1962, the United States of America has acquired
the ownership of the land designated therein as Tract No. 2418
to the extent set forth in the Declaration of Taking.
3. That on the date of the filing of the Declaration

of Taking, the sum of \$9910.00 was deposited into the registry of this Court for the benefit of the persons entitled thereto as estimated just compensation for the taking of the land.

4. That on the date of the filing of the Declaration of Taking, the mineral estate in said land was owned by James B. Collins, subject to an undivided 2/3 royalty interest which expired on September 10, 1964, owned by Juanita Cornish (1/3) and Frank Dick (1/3), and subject to an oil and gas lease owned by Ray Spess.

5. That by previous orders of this Court, the following amounts have heretofore been disbursed to said Defendants:

James B. Collins-----	\$990.00
Juanita Cornish-----	\$990.00
Frank Dick-----	\$990.00
Ray Spess-----	\$6940.00
TOTAL-----	<u>\$9910.00</u>

Therefore, no funds are now on deposit in the registry of this Court available for further distribution.

6. That the United States of America and the Defendants, Juanita Cornish and Frank Dick, have heretofore agreed (by option) that the amount of the just compensation to be paid to each of said Defendants should be the sum of \$990.00.

7. That this Court, pursuant to Rule 71A(h) of the Federal Rules of Civil Procedure, caused the issue of just compensation, as to the Defendants, James B. Collins and Ray Spess, to be determined by a Commission, which Commission, after notice and a hearing, determined, according to its Report, which had been filed herein, that just compensation for the Defendants, James B. Collins and Ray Spess, for the taking of the estates set forth in the Complaint in Condemnation and Declaration should be as follows:

James B. Collins (lessor)-----\$3900.00
 Ray Spess (lessee)-----\$10,050.00

8. That the Defendant, Ray Spess, did, within the ten (10) days after being served with notice of the filing of said Commission's Report, file objections thereto. A hearing was held thereon and, as a consequence of said hearing, this Court has, by order entered herein on December 3, 1965, determined, for the reasons set forth therein, that just compensation for the taking of said land should be as follows:

Lessor-----\$4950.00
 Lessee (Ray Spess)-----\$12,562.00
 TOTAL-----\$17,512.00

IT IS THEREFORE ORDERED, ADJUDGED, AND DECREED:

A. That on March 26, 1962, the United States of America became vested with the ownership of this tract of land to the extent set forth in the Complaint in Condemnation and Declaration of Taking.

B. That the Defendants, Juanita Cornish, Frank Dick, James B. Collins, and Ray Spess were, on the date of the filing of the Declaration of Taking, the owners of said land as hereinabove set forth.

C. That the total amount of just compensation payable by the United States of America to said Defendants for the estate taken in said land is as follows:

Juanita Cornish-----\$990.00
 Frank Dick-----\$990.00
 (Just compensation determined by
 agreement.)
 Ray Spess-----\$12,562.00
 (Commission's award as modified
 by Court.)
 James B. Collins-----\$4750.00
 (\$4950.00 minus \$200.00 determined
 by Commission for interest of
 Cornish and Dick.)
TOTAL JUST COMPENSATION-----\$19,292.00

WL:chk
3-16-66

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

FILED

MAR 17 1966

UNITED STATES OF AMERICA,
FOR THE USE AND BENEFIT OF
ALMOND ELECTRIC CO., INC.,
a corporation,

Plaintiff,

vs.

EDWARD M. WOLD, a sole trader,
d/b/a VIKING ELECTRIC COMPANY;
CHARLES H. BERRY, GENERAL
CONTRACTOR, INC., a corporation; and
AMERICAN EMPLOYERS INSURANCE
COMPANY, a corporation,

Defendants.)

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

Civil Action

No. 6286

JUDGMENT BY DEFAULT

This cause having come on for hearing on the Motion of plaintiff, United States of America, For The Use And Benefit Of Almond Electric Co., Inc., a corporation, for default judgment, pursuant to Rule 55 (b)(2) of the Federal Rules of Civil Procedure, 28 U. S. C., and it appearing to the Court that the Complaint in the above cause was filed in this cause on the 15th day of October, 1965; that the Summons and Complaint were duly served upon said defendant, Edward M. Wold, a sole trader, d/b/a Viking Electric Company, on the 26th day of October, 1965; that no Answer or other defense has been filed by said defendant; that no appearance has been made by said defendant in this cause; and that default was entered by the Clerk of this Court on the 16th day of March, 1966, and that no proceedings have been taken by said defendant since said default was entered:

IT IS THEREFORE ORDERED, ADJUDGED AND DECREED BY THE COURT that plaintiff have and is hereby granted judgment by default against defendant Edward M. Wold, a sole trader, d/b/a Viking Electric Company, for the sum of \$552.38, with interest thereon at the rate of 6% per annum from the 12th day of November, 1964, and for all costs of this action.

Dated this 17th day of March, 1966.

LAW OFFICES
UNGERMAN,
GRABEL,
UNGERMAN
& LEITER
SIXTH FLOOR
WRIGHT BUILDING
TULSA, OKLAHOMA

by Fred Daugherty
Fred Daugherty, United States District Judge

FILED

IN THE UNITED STATES DISTRICT COURT OF THE ~~MAR 17 1966~~ DISTRICT OF OKLAHOMA

CARL LEE HASKELL,

NOBLE C. HOOD *h*
Clerk, U. S. District Court
Plaintiff,)

vs.

) Civil Action
)
) No. 6342 ✓

E. L. FINDLEY, d/b/a, E. L. FINDLEY COMPANY, Defendant.)

ORDER ALLOWING DISMISSAL WITH PREJUDICE

Now on this 14th day of March, 1966 there came before this Court the oral application of the Plaintiff, Carl Lee Haskell, and his Attorney, Lee and Booth, by Robert W. Booth, requesting the Court allow the dismissal of the herein cause of action with prejudice to future action. After having given due consideration to the said application, the Court finds that same should be and is hereby granted.

IT IS THEREFORE ORDERED, ADJUDGED AND DECREED BY THE COURT that the Plaintiff be, and he is hereby allowed to dismiss with prejudice to future action the herein cause of action with the costs being assessed against the Plaintiff.

Fred Dougherty
JUDGE

APPROVED AS TO FORM:

Lee and Booth
Lee and Booth
Attorneys for Plaintiff

Smith & Townsend
Smith & Townsend
Attorneys for Defendant

UNITED STATES DISTRICT COURT FOR THE
NORTHERN DISTRICT OF OKLAHOMA

United States of America,)
Plaintiff,)
vs.)
563.89 Acres of Land, More or Less,)
Situate in Creek County, Oklahoma,)
and S. M. Kantor, et al., and Unknown)
Owners,)
Defendants.)

Civil No. 5040
Tract No. 9908-7M

FILED

MAR 18 1966

J U D G M E N T

1. On this day this cause came on for hearing upon the application of the United States of America, by its attorney, for a final Judgment determining the ownership and the just compensation to be awarded the former owners of the above tract.

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

2. The Court finds that the Declaration of Taking and Complaint were duly filed and that the Court has jurisdiction of the parties and the subject matter of this action; that service of process has been perfected either personally or by publication of notice, as prescribed by Rule 71A of the Federal Rules of Civil Procedure, on all parties having compensable interests in the subject tract; that upon the date the Declaration of Taking and the Complaint were filed title to the estate taken, as set out therein, became vested in the United States of America.

3. The Court finds upon the evidence presented that the below-listed defendants were the sole owners of the above-captioned tract on the date of taking, and are entitled to receive the award therefor.

4. The Court finds the amount of \$2,816.00, inclusive of interest, is just compensation for the taking of the estates by the plaintiff in the above tract, as such estate and said tract are described and set forth in the Complaint and Declaration of Taking heretofore filed in this cause. The sum of \$2,458.00 was deposited into the Registry of this Court as estimated just compensation for said tract upon the filing of the Declaration of Taking herein.

5. The Court finds that prior to the institution of the above proceeding the United States of America and William Broadhurst entered into a contract, as evidenced by an option for the purchase of land granted by said defendants and accepted on behalf of the plaintiff by the Corps of Engineers, Department of the Army, wherein it was agreed that the amount of \$1,506.00, for his interest, inclusive of interest, would be awarded as just compensation

for the taking of the estates to be condemned in the above tract; that the contract and agreement is a valid one.

6. The Court finds that plaintiff and Eugene O. Monnet Estate, by Vera D. Monnet, individually & as Executrix of the Estate; Jessa Coonrod Estate, Juanita Coonrod Hinton & Cornelia Coonrod Holmes, Joint Executrices; Juanita Coonrod Hinton; and Cornelia Coonrod Holmes, defendants herein, have by the stipulation agreed that the just compensation to be paid by the plaintiff for the taking of the estate taken in the above tract is the sum of \$1,218.00 for their interests, inclusive of interest.

7. The Court finds that defendants Jack & Naomia Varnell; Davis R. & Genevieve Clegg; J. R. Wright; and T. R. Crane, have failed to appear or answer, nor have their attorneys appeared or answered in their behalf, and that said parties defendant are in default at this time.

IT IS, THEREFORE, BY THE COURT ORDERED AND ADJUDGED:

(a) The vesting in plaintiff of title to the estates set forth in the Complaint and Declaration of Taking in and to the lands hereinabove referred to, as said tract is described therein, is hereby confirmed;

(b) The just compensation to be paid by the plaintiff for the taking of the above tracts is the sum of \$2,816.00, inclusive of interest, of which amount the following sums have been previously disbursed:

William Broadhurst	\$1,506.00
Eugene O. Monett Estate.	502.00

(c) The plaintiff shall forthwith deposit into the Registry of this Court the deficiency in the amount of \$358.00, without interest. Upon receipt of the last-mentioned deficiency, the Clerk of this Court is hereby authorized and directed to draw checks on the funds in the Registry of this Court in the amounts hereinafter set forth, payable to the order of the following-named payees:

Jack & Naomia Varnell	\$11.25
Davis R. & Genevieve Clegg.	17.55
Jessa Coonrod Estate, Juanita Coonrod Hinton & Cornelia Coonrod Holmes, Joint Executrices	358.00
J. R. Wright	44.75
Juanita Coonrod Hinton	179.00
Cornelia Coonrod Holmes.	179.00
T. R. Crane	18.45

Entered MAR 18 1966

/s/ Allen E. Barrow

APPROVED:
/s/ Robert P. Santee

UNITED STATES DISTRICT JUDGE

ROBERT P. SANTEE
Assistant U. S. Attorney

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

United States of America,

Plaintiff,

vs.

Joseph D. Sanford and
Nellie O. Sanford,

Defendants.

Civil No. 5849

FILED

MAR 18 1966

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

ORDER CONFIRMING SALE

NOW on this 17th day of March 1966, there coming on for hearing Plaintiff's Motion To Confirm Sale, said sale having been made by the United States Marshal for the Northern District of Oklahoma pursuant to an Order of Sale dated January 7, 1966, and issued herein, and the Court having carefully examined the proceedings of the United States Marshal under the Order of Sale, and no one appearing in opposition thereto and no exceptions having been made, the Court finds that due and legal notice of the sale of the real property described in said Order of Sale was given by publication once a week for at least four (4) weeks prior to the sale in the Miami News Record, a newspaper published and of general circulation in Ottawa County, Oklahoma, as evidenced by the Proof of Publication filed herein, and that on March 1, 1966, the date set by the Order of Sale, the United States Marshal did sell said real property to the Federal Housing Administration as shown by the Marshal's Return of Sale filed herein.

IT IS THEREFORE ORDERED, ADJUDGED and DECREED by the Court that the Marshal's Sale and all proceedings under the aforementioned Order of Sale be and same are hereby approved and confirmed.

IT IS FURTHER ORDERED that Doyle W. Foreman, as United States Marshal for the Northern District of Oklahoma, make, execute and deliver to the Secretary of Housing and Urban Development of Washington, D. C., his successors and assigns, a good and sufficient Deed for such premises.

W. Arthur Johnson
UNITED STATES DISTRICT JUDGE

APPROVED:

Sam E. Taylor
SAM E. TAYLOR
Assistant U. S. Attorney,
Attorney for Plaintiff

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

FILED

HARVEY T. NOLAN,

Plaintiff,

vs.

CRAWLER PARTS & REBUILDING
SERVICE CORPORATION,

Defendant.)

MAR 18 1966

NOBLE C. HOOD
Clerk, U. S. District Court
Civil Action
No. 6023

DISMISSAL OF SUIT BY THE COURT

Now on this 16th day of March, 1966, this cause came on for trial before the Honorable Fred Daugherty, plaintiff appearing by his attorney, Glenn A. Young, and the defendant appearing in person and by his attorney, Bill Wilson, and thereafter plaintiff's attorney announced that he was not ready to go to trial. Whereupon the court dismissed this cause for failure to prosecute.

IT IS, THEREFORE, ORDERED, ADJUDGED AND DECREED by the court that this cause be, and the same is hereby, dismissed without prejudice to plaintiff's right to re-file said action.



Judge of the U. S. District Court
for the Northern District of
Oklahoma.

UNITED STATES DISTRICT COURT FOR THE
NORTHERN DISTRICT OF OKLAHOMA

United States of America,)
)
Plaintiff,)
)
vs.)
)
George W. Goad and George W.)
Goad, Jr.,)
)
Defendants.)

Civil No. 6180.

FILED

MAR 18 1966

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

JUDGMENT

The above entitled matter having come on before the Court for trial on the 24th day of February, 1966, the plaintiff appearing and being represented by Lawrence A. McSoud, Assistant United States Attorney, and the defendants appearing and being represented by Mr. Robert F. Kelly, Attorney, and the Court having found that the defendants have heretofore been duly and legally served with summons in the time and manner prescribed by law. Thereupon, the plaintiff in open court presented evidence. After the plaintiff having presented its evidence, the attorney for the defendants announced to the Court that the Court may consider as evidence of defendant the allegations of their answer, and determine the issues of the case based upon the presentment of the evidence by the plaintiff and the files, records, pleadings and briefs herein.

WHEREFORE, the Court finds that James Bigheart, C sage Allottee No. 199, has not received his certificate of competency, and is the owner of the following described land:

SW/4 and S/2 NW/4 and NW/4 NE/4 of Section 4; and
SE/4 NE/4 and NE/4 SE/4 of Section 8; and NW/4 SW/4
of Section 9, all in Township 23 North, Range 4 East,
containing approximately 400 acres, more or less, all
in C sage County, Oklahoma.

That James Bigheart derived his title to the said land in the manner prescribed in plaintiff's Complaint by deeds containing clauses prohibiting alienation and leasing without the consent and approval of the Secretary of the Interior. That the above described lands are subject to restrictions against alienation and leasing without the consent and approval of the Secretary of the Interior.

That the defendants, George W. Goad and George W. Goad, Jr., have

acquired possession of the above described land prior to January 1, 1965, and continue in such possession by trespassing thereon without the consent, approval or other permission of the Secretary of the Interior or his duly authorized representative, and the defendants have refused to vacate said premises when so requested by the Secretary of the Interior or his duly authorized representative. That the acts of the defendants constitute an unlawful trespass on the described land and infringement upon the interests of the United States of America.

That the fair annual cash rental for the use of the described land for the years 1965 and 1966 is \$1200.00 annually.

WHEREFORE, IT IS ORDERED:

1. That the defendants, George W. Goad and George W. Goad, Jr., their agents, servants, employees and attorneys, and all persons in active concert and participation with them be and they are hereby restricted and enjoined from encroaching or trespassing upon or interfering with, the use of the above described property, and that the defendants above named, and also such persons heretofore named, remain so enjoined, subject to their acquiring an approved and authorized lease prescribed by law.
2. That said injunction shall become effective April 1, 1966.
3. That the defendants will be allowed to go upon the above described tract of land up to July 10, 1966, for the sole and restricted purpose to remove crops heretofore planted by the defendants on the above described land.
4. That the defendants will pay and tender to the Csage Indian Agency, Department of the Interior, the total amount of \$800.00 constituting the difference in fair rental due for the years 1965 and 1966.
5. That the judgment of \$800.00 above described constitutes a lien upon the crops situated on the above described tract of land.
6. That the defendants pay one-half of the court costs of this action.

Entered this _____ day of _____, 1966.

APPROVED:

Attorney for the Plaintiff

Attorney for the Defendants

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

Maxine Waddell,)
Plaintiff,)
vs.)
Kansas City Life Insurance)
Company, a corporation,)
Defendant.)

No. 6279-Civil

FILED

MAR 19 1966

ORDER REMANDING CASE

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

At the pre-trial hearing had in this matter on March 14, 1966, it developed that plaintiff's claim was in the amount of \$10,000.00 and that plaintiff's claim for an attorney's fee was without any foundation, in that no such fee is allowed or authorized by either state statute or the insurance policy sued upon.

It further appears that this case was removed to this Court by the defendant from the District Court in and for Craig County, State of Oklahoma.

At the pre-trial hearing both sides agreed that there was no foundation and had never been any foundation for the claimed attorney's fee. The defendant was allowed time in which to research the matter, and such has been done as evidenced by the attached letter from counsel for the defendant.

It therefore appears that this Court does not have jurisdiction in this diversity controversy, inasmuch as an amount in excess of \$10,000.00 is not involved. Therefore, the Court on its own motion should remand the case to the state court from which it was removed.

It is, therefore, ordered that this case be remanded to the District Court of Craig County, State of Oklahoma. The Clerk is directed to mail a certified copy of this order to the Clerk of the State Court involved, and also mail copies to counsel for both parties herein.

Dated, this 19th day of March, 1966.

(S) Fred Daugherty
Fred Daugherty
U. S. District Judge

UNITED STATES DISTRICT COURT FOR THE
NORTHERN DISTRICT OF OKLAHOMA

United States of America,)
)
) Plaintiff,)
 vs.)
)
 771.88 Acres of Land, More or Less,)
 Situate in Pawnee and Creek Counties,)
 Oklahoma, and Helen W. Kenyon, et al,)
 and Unknown Owners,)
)
 Defendants.)

Civil No. 4882

Tracts Nos. E-514 &
E-1 thru E-10

FILED

MAR 21 1966

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

AMENDMENT TO SECOND AMENDED JUDGMENT

On this day this cause came on for hearing for an amendment
to a second amended judgment filed herein on September 28, 1964.

The Court finds that the tract numbers opposite the style
of the case at the beginning of the Judgment recites E-514 and E-1
through E-9 whereby the correct citation should be E-514 and E-1
through E-10.

IT IS, THEREFORE, BY THE COURT ORDERED AND ADJUDGED:

That the Second Amended Judgment entered on September
28, 1964, is amended hereby to show the tract numbers as E-514 and
E-1 through E-10.

Entered *March 20, 1966*

/s/ Allen E. Barrow

UNITED STATES DISTRICT JUDGE

APPROVED:

/s/ Robert P. Santee

ROBERT P. SANTEE
Assistant U. S. Attorney

UNITED STATES DISTRICT COURT FOR THE
NORTHERN DISTRICT OF OKLAHOMA

United States of America,)
)
 Plaintiff,) Civil No. 5040
)
 vs.) Tract No. 9908-6M1
)
 563.89 Acres of Land, More or Less,)
 Situate in Creek County, Oklahoma,)
 and S. M. Kantor, et al, and)
 Unknown Owners,)
)
 Defendants.)

FILED
MAR 21 1966

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

J U D G M E N T

1. On this day this cause came on for hearing upon the application of the United States of America, by its attorney, for a final Judgment determining the ownership and the just compensation to be awarded the former owners of the above tract.

2. The Court finds that the Declaration of Taking and Complaint were duly filed and that the Court has jurisdiction of the parties and the subject matter of this action; that service of process has been perfected either personally or by publication of notice, as prescribed by Rule 71A of the Federal Rules of Civil Procedure, on all parties having compensable interests in the subject tract; that upon the date the Declaration of Taking and the Complaint were filed title to the estate taken, as set out therein, became vested in the United States of America.

3. The Court finds, upon the evidence presented that the below listed defendants were the sole owners of the above-captioned tract on the date of taking, and are entitled to receive the award therefor.

4. The Court finds the amount of \$2,726.17, inclusive of interest, is just compensation for the taking of the estates by the plaintiff in the above tract, as such estates and said tract are described and set forth in the Complaint and Declaration of Taking heretofore filed in this cause. The sum of \$2,659.00 was deposited into the Registry of this Court as estimated just compensation for said tract upon the filing of the Declaration of Taking herein.

5. The Court finds that prior to the institution of the above proceeding the United States of America and William Broadhurst entered into a contract, as evidenced by an option for the purchase of land granted

by said defendant and accepted on behalf of the plaintiff by the Corps of Engineers, Department of the Army, wherein it was agreed that the amount of \$1,637.25 for his interest, inclusive of interest, would be awarded as just compensation for the taking of the estates to be condemned in the above tract; that the contract and agreement is a valid one.

6. The Court finds that plaintiff and Eugene O. Monnett Estate by Vera D. Monnet, individually and as Executrix of the Estate; Jessa Coonrod Estate, Juanita Coonrod Hinton and Cornelia Coonrod Holmes, Joint Executrices; Juanita Coonrod Hinton; Cornelia Coonrod Holmes; and Independent School District No.3 of Creek County, defendants herein, have by stipulations agreed that the just compensation to be paid by the plaintiff for the taking of the estate taken in the above tract is the sum of \$896.93 for their interest, inclusive of interest.

7. The Court finds that defendants J. R. Wright; Claud Hill; G. O. Housley; Alva L. Bowen; Mary Housley; Agnes Housley Peacock; Dorothy Housley Hamilton; Cletus Housley Hernandez; Jack and Naomia Varnell; Davis and Genevieve Clegg; and Isaiah and Ruby Viola Burleson; and Cecil J. Housley have failed to appear or answer nor have their attorneys appeared or answered in their behalf, and that said parties defendant are in default at this time.

IT IS THEREFORE, BY THE COURT ORDERED AND ADJUDGED:

(a) The vesting in plaintiff of title to the estates set forth in the Complaint and Declaration of Taking in and to the lands hereinabove referred to, as said tract is described therein, is hereby confirmed;

(b) The just compensation to be paid by the plaintiff for the taking of the above tract is the sum of \$2,726.17, inclusive of interest, of which amount the following sums have previously been disbursed:

William Broadhurst	\$1,637.25
Eugene O. Monnett Estate, by Vera D. Monnett, individually and as Executrix of the Estate	<u>545.75</u>
Total	\$2,183.00

(c) The plaintiff shall forthwith deposit into the Registry of this Court the deficiency in the amount of \$67.17, without interest. Upon receipt of the last-mentioned deficiency, the Clerk of this Court is hereby authorized and directed to draw checks on the funds in the Registry of

this Court in the amounts hereinafter set forth, payable to the order of the following-named payees.

Jessa Coonrod Estate, Juanita Coonrod Hinton and Cornelia Coonrod Holmes, Joint Executrices	\$ 25.58
Juanita Coonrod Hinton	12.80
Cornelia Coonrod Holmes	12.80
Independent School District No. 3 of Creek County.	300.00
J. R. Wright	3.20
Jack and Naomia Varnell	56.90
Davis and Genevieve Clegg	52.89
Isaiah and Ruby Viola Burleson	42.85
Claud Hill	<u>21.42</u>
Total	\$528.44

(d) The Clerk of the Court is hereby authorized and directed to retain the amounts set out below for this tract for a period of five years from the date of this Judgment, unless said deposit is properly claimed by the defendant owners set forth below, and in event said deposit is not claimed, the Court Clerk is directed, without further order of this Court, to return said deposit, five years from this date, into the United States Treasury.

G. O. Housley, Alva L. Bowen, Mary Housley, Cecil J. Housley, Agnes Housley Peacock, Dorothy Housley Hamilton and Cletus Housley Hernandez \$14.73

Entered *27 March 28, 1966*

/s/ Allen E. Barrow

UNITED STATES DISTRICT JUDGE

APPROVED:

/s/ Robert P. Santee

ROBERT P. SANTEE
Assistant U. S. Attorney

nld

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

THE DENVER & RIO GRANDE WESTERN)
RAILROAD COMPANY,)
)
Plaintiff,)
)
vs.)
)
WAYNE MATTHEW, d/b/a)
CEDAR HOMES INC., and)
CEDAR HOMES, INC.,)
)
Defendants.)

Civil Action No. 5254

FILED

MAR 21 1966

ORDER FOR ENTRY OF JUDGMENT

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

The Defendants having failed to plead or otherwise defend in this action, their default having been entered by the Clerk, and the Plaintiff having made application for an affidavit to the Court for an Order directing the entry of a Judgment by Default; and it appearing that the individual Defendant is not in the military service of the United States;

IT IS HEREBY ORDERED that Judgment by Default be entered in this action in favor of the Plaintiff and against the Defendants jointly and severally for the sum of One Thousand, Two Hundred, Fifty-seven Dollars and 11/100 Cents (\$1,257.11), plus Four Hundred Dollars (\$400.00) as reasonable attorneys' fees and _____ as costs of this action.

DATED this 21 day of March, 1966.

W. B. ...
Judge of the United States District Court

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

W. WILLARD WIRTZ, SECRETARY OF)
LABOR, UNITED STATES DEPARTMENT)
OF LABOR)
)
Plaintiff)
)
v.)
)
HARRY PAUL GROFF, JR., Individually,)
and doing business as METROPOLITAN)
JANITORIAL SERVICE)
)
Defendant)

CIVIL ACTION
FILE NO. 6324

FILED

MAR 21 1966

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

J U D G M E N T

Now, on this 21st day of March, 1966, the above entitled and numbered cause came duly on for hearing on plaintiff's motion for judgment by default, and it being made to appear to the Court that the defendant, after being duly served with summons and notice of this hearing on the motion, has failed to file an answer or any other responsive pleadings to the complaint, or otherwise defend the action, and the Court, being fully advised in the premises, finds that the plaintiff is entitled to judgment as prayed for, and in accordance with the findings of fact and conclusions of law made and entered herein this date, makes and enters the following judgment:

It is ORDERED, ADJUDGED and DECREED that defendant, his agents, servants, employees and all persons acting or claiming to act in his behalf and interest, be and they hereby are, permanently enjoined and restrained from violating the provisions of Sections 15(a)(2) and 15(a)(5) of the Fair Labor Standards Act of 1938 (Act of June 25, 1938, 52 Stat. 1060, as amended, 29 U.S.C. 201 et seq.), hereinafter referred to as the Act, in any of the following manners:

I.

Defendant shall not, contrary to Sections 6 and 15(a)(2) of the Act, pay to any of his employees engaged in interstate commerce or in the production of goods for interstate commerce, as those terms are defined by the Act, wages at rates less than \$1.25

per hour, or such other minimum hourly rate as may hereafter be provided for by the Act.

II.

Defendant shall not, contrary to Sections 7 and 15(a)(2) of the Act, employ any of his employees engaged in interstate commerce or in the production of goods for interstate commerce, as those terms are defined by the Act, for a work week longer than 40 hours, unless such employees receive compensation for their employment in excess of 40 hours at a rate not less than one and one-half times the regular rate at which they are employed.

III.

Defendant shall not fail to make, keep and preserve records of his employees and of the wages, hours or other conditions and practices of employment maintained by them, as prescribed by the Regulations of the Administrator issued, and from time to time amended, pursuant to Section 11(c) of the Act and found in Title 29, Chapter V, Code of Federal Regulations, Part 516.

It is further ORDERED, ADJUDGED and DECREED that plaintiff shall have and recover his costs herein, including the attorney's docket fee provided for by 28 U.S.C. 1923.

United States District Judge

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

W. WILLARD WIRTZ, SECRETARY OF)
LABOR, UNITED STATES DEPARTMENT)
OF LABOR)

Plaintiff)

v.)

HARRY PAUL GROFF, JR., Individually,)
and doing business as METROPOLITAN)
JANITORIAL SERVICE)

Defendant)

CIVIL ACTION

FILE NO. 6324

FILED

MAR 21 1966

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

FINDINGS OF FACT AND CONCLUSIONS OF LAW

Now on this 21st day of March, 1966, the above entitled and numbered cause came duly on for hearing on plaintiff's motion for judgment by default, and the Court, having examined the complaint, motion and certificate of service, finding that after proper service of summons and notice of this hearing on the motion, defendant failed to answer, or appear, or offer any defense to this action, and after having heard the evidence offered by plaintiff and being fully advised in the premises, the Court now makes and files herein the following findings of fact and conclusions of law separately stated:

FINDINGS OF FACT

I.

The plaintiff is the Secretary of the United States Department of Labor and brought this action in his official capacity.

The defendant, Harry Paul Groff, Jr., resides in the city of Sand Springs, Tulsa County, Oklahoma, and did, at all times material to this action, own and operate a janitorial service business under the name and style of Metropolitan Janitorial Service, with his headquarters located in Sand Springs, Oklahoma.

The plaintiff is seeking a judgment permanently enjoining and restraining defendant, his agents, officers, servants and employees from violating Sections 6, 7, 11(c), 15(a)(2) and 15(a)(5) of the Fair Labor Standards Act of 1938, as amended.

II.

At all times material to this action, defendant was engaged in the business of maintaining, servicing, cleaning and rendering janitorial services for various industrial firms and business establishments located in and around Tulsa and Sand Springs, Oklahoma, which were regularly engaged in interstate commerce and in the production of goods for interstate commerce.

III.

At all times material to this action, defendant employed approximately 14 employees who were engaged in the maintenance, servicing, cleaning and performing janitorial services in and for various industrial firms and business establishments which were regularly engaged in interstate commerce and in the production of goods for interstate commerce.

IV.

During the period involved in this action, defendant employed many of his employees, including those engaged in the maintenance, servicing, cleaning and performing janitorial services in and for various industrial firms and business establishments utilized in interstate commerce and in the production of goods for interstate commerce, at wages less than \$1.25 per hour.

V.

During the period involved in this action, defendant employed many of his employees, including those engaged in the maintenance, servicing, cleaning and performing janitorial services in and for various industrial firms and business establishments utilized

in interstate commerce and in the production of goods for interstate commerce, in excess of 40 hours per week without compensating said employees for their employment in excess of 40 hours in such work weeks at rates not less than one and one-half times the regular rate at which they were employed.

VI.

On October 21, 1938, the Administrator of the Wage and Hour Division, United States Department of Labor, pursuant to the authority conferred upon him by Section 11(c) of the Act, duly issued and promulgated regulations prescribing the records of persons employed and of wages, hours and other conditions and practices of employment to be made, kept and preserved by every employer subject to any provision of the Act. The said regulations, and amendments thereto, were published in the Federal Register and are known as Title 29, Chapter V, Code of Federal Regulations, Part 516.

VII.

During the period involved in this action, defendant has failed to make, keep and preserve accurate records of the number of hours worked each day and each work week by many of his employees.

CONCLUSIONS OF LAW

I.

The Court has jurisdiction in this action.

II.

Defendant's employees, engaged in the maintenance, servicing, cleaning and performing janitorial services, as described in Findings of Fact No. III above, were engaged in interstate commerce and in the production of goods for interstate commerce as those terms are defined by the Act, and were entitled to the benefits of the Act.

III.

In compensating his employees at rates of pay less than \$1.25 per hour, defendant violated Sections 6 and 15(a)(2) of the Act.

IV.

In employing his employees for work weeks longer than 40 hours without compensating such employees for hours worked in excess of 40 per week at rates not less than one and one-half times the regular rate at which they were employed, as described in Findings of Fact No. V above, defendant violated Sections 7 and 15(a)(2) of the Act.

V.

In failing to make, keep and preserve accurate records of the number of hours worked each day and each work week by his employees, as described in Findings of Fact No. VII above, defendant violated Sections 11(c) and 15(a)(5) of the Act and Administrator's Regulations issued pursuant thereto.

VI.

Plaintiff is entitled to an injunction as prayed for.

United States District Judge

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

C. T. & H. CONSTRUCTION COMPANY,
INC.,

Plaintiff,

vs.

CONTINENTAL CASUALTY COMPANY,
a corporation,

Defendant.

No. 6123 - Civil

FILED

MAR 22 1966

ORDER OVERRULING MOTION FOR NEW TRIAL
AND FOR AMENDED FINDINGS

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

THIS CAUSE came on to be heard upon plaintiff's Motion for a new trial and for amended findings by the Court.

Whereupon, after arguments of counsel for the respective parties and due consideration thereof:

IT IS ORDERED that plaintiff's motion for amended findings by the Court, and for a new trial, each be denied and the judgment rendered herein on November 12, 1965 be not modified.

DATED this 20th day of December, 1965.

Luther Bohannon
UNITED STATES DISTRICT JUDGE

APPROVED AS TO FORM:

C. N. HASKELL and
ROBERT W. RAYNOLDS

By *C. N. Haskell*
Attorneys for Plaintiff,
C. T. & H. Construction Company, Inc.

STEELE & DOWNEY
By *George Downey*
Attorneys for Defendant
Continental Casualty Company, a
corporation.

UNITED STATES DISTRICT COURT FOR THE
NORTHERN DISTRICT OF OKLAHOMA

United States of America,

Plaintiff,

vs.

CIVIL ACTION NO. 6159

Fort Sill Associates, a
Joint Venture,

Defendant.

FILED
IN OPEN COURT

MAR 22 1966

NOTICE OF DISMISSAL

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

TO: Fort Sill Associates, a
Joint Venture

Comes now the plaintiff, United States of America, and pursuant
to Rule 41(a), Federal Rules of Civil Procedure, Title 28, U.S.C.A.,
dismisses the above styled action without prejudice.

UNITED STATES OF AMERICA

JOHN M. INEL
United States Attorney

Sam E. Taylor
Sam E. Taylor
Assistant United States Attorney

APPROVED:

S/ Allen E. Barrow
United States District Judge

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

UNITED BENEFIT FIRE INSURANCE COMPANY,
a corporation,

Plaintiff,

Vs.

PETE KING,

Defendant.

NO. 6208 - Civil.

FILED

FINDING OF FACT AND CONCLUSIONS OF LAW

MAR 22 1966

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

FINDING OF FACT

I.

On or about July 17, 1960, the defendant King executed the contract with United Benefit Fire Insurance Company which is attached to plaintiff's Complaint and was introduced into evidence at the time of trial. This contract was later executed by an agent of the plaintiff United Benefit Fire Insurance Company.

II.

From the execution of that contract throughout the course of dealings between the plaintiff and defendant both generally conducted themselves in accordance with its terms and generally had accepted the benefits of the contract.

III.

There had been forfeitures and expenses in the amount of Twenty-eight Thousand Nine Hundred Nine Dollars and Twenty-six Cents (\$28,909.26) on bonds executed by the defendant, King, as agent for the plaintiff, United Benefit Fire Insurance Company.

IV.

Defendant has accumulated Six Thousand Two Hundred Sixty-three Dollars and Twenty Cents (\$6,263.20) in his "build-up fund" and this sum should be deducted from the Twenty-eight Thousand Nine Hundred Nine Dollars and Twenty-six Cents (\$28,909.26) in forfeitures and expenses.

V.

Plaintiff has sent the defendant the following powers of attorney for bonds which have not been returned to the plaintiff nor accounted for by the defendant:

CN 25860	\$ 2,500.00
CN 25929	5,000.00
CN 41796	1,000.00
CN 41799	1,000.00
CN 41801	1,000.00
CN 54898	10,000.00
CN 54670	3,000.00
CN 54671	3,000.00
CN 54672	3,000.00
CN 60570	1,000.00
CN 60572	1,000.00
CN 59340	10,000.00
CN 60445	5,000.00
CN 61146	1,000.00
CN 61149	1,000.00
CN 61151	1,000.00
CN 61772	3,000.00
CN 61776	3,000.00
CN 61780	3,000.00
CN 61781	3,000.00
CN 61782	3,000.00
CN 61783	3,000.00
SP 18601 thru SP 18620 - 20 at \$500.00	
SP 23261 thru SP 23300 - 40 at \$500.00	
SP 38881 thru SP 38900 - 20 at \$500.00	
SP 44121 thru SP 44160 - 40 at \$500.00	
SP 54021 thru SP 54060 - 40 at \$500.00	

CONCLUSIONS OF LAW

I.

The contract of July 17, 1960, between plaintiff and defendant is a validly executed contract or in the alternative has been signed by the defendant and ratified by the plaintiff so as to become effective and binding on both parties.

II.

As provided in paragraph 8 of the aforementioned contract, plaintiff is entitled to indemnity from the defendant for the forfeitures and expenses amounting to Twenty-eight Thousand Nine Hundred Nine Dollars and Twenty-six Cents (\$28,909.26).

III.

As provided in paragraph 9 of the aforementioned contract, the defendant is entitled to a credit in the amount of

Six Thousand Two Hundred Sixty-three Dollars and Twenty Cents (\$6,263.20) from his "build-up fund."

IV.

Plaintiff is entitled to have the aforementioned powers returned to it for the reason that irreparable damage may occur to the plaintiff if these powers are left in the defendant's hands and used by him.

V.

This suit is an accounting suit and hence an equitable matter not requiring a jury.

March 22, 1966

Luther Bohanon

DISTRICT COURT JUDGE

APPROVED AS TO FORM:

PIERCE, MOCK, DUNCAN, COUCH & HENDRICKSON

By *Tom D. Capshaw*

Attorneys for Plaintiff

BROWN & GARRISON

By _____
Attorneys for Defendant.

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

UNITED BENEFIT FIRE INSURANCE COMPANY,
a corporation,

Plaintiff,

Vs.

PETE KING,

Defendant.

NO. 6208 Civil.

FILED

MAR 22 1966

O R D E R

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

Based upon the Finding of Fact and Conclusions of Law,
IT IS ORDERED, ADJUDGED AND DECREED that judgment be entered
against Pete King, who is one and the same person as John King,
and in favor of United Benefit Fire Insurance Company, a
corporation, in the amount of \$22,646.06, together with the
costs of this action.

IT IS FURTHER ORDERED, ADJUDGED AND DECREED that Pete King
return to United Benefit Fire Insurance Company the following
powers of attorney for bonds, in the following amounts:

CN 25860	\$2,500.00
CN 25929	5,000.00
CN 41796	1,000.00
CN 41799	1,000.00
CN 41801	1,000.00
CN 54898	10,000.00
CN 54670	3,000.00
CN 54671	3,000.00
CN 54672	3,000.00
CN 60570	1,000.00
CN 60572	1,000.00
CN 59340	10,000.00
CN 60445	5,000.00
CN 61146	1,000.00
CN 61149	1,000.00
CN 61151	1,000.00
CN 61772	3,000.00
CN 61776	3,000.00
CN 61780	3,000.00
CN 61781	3,000.00
CN 61782	3,000.00
CN 61783	3,000.00

SP 18601 thru 18620 - 20 at \$500.00
SP 23261 thru 23300 - 40 at 500.00
SP 38881 thru 38900 - 20 at 500.00
SP 44121 thru 44160 - 40 at 500.00
SP 54021 thru 54060 - 40 at 500.00

March 27, 1966

Father Bohannon

JUDGE OF THE DISTRICT COURT

APPROVED AS TO FORM:

PIERCE, MOCK, DUNCAN, COUCH & HENDRICKSON

By *Tom D. Capshaw*
Attorneys for Plaintiff

BROWN & GARRISON

By _____
Attorneys for Defendant.

UNITED STATES DISTRICT COURT FOR THE
NORTHERN DISTRICT OF OKLAHOMA

United States of America,
Libelant,
vs.
One 1964 Chevrolet Pick-up Truck,
Serial No. 4C154S128863, its tools
and appurtenances,
Respondent.

Civil No. 6309 ✓

FILED
IN OPEN COURT

MAR 22 1966

D E C R E E

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

This matter coming on before me, the undersigned Judge, this 22nd day of March, 1966, pursuant to a regular setting, and the libelant appearing by Hugh V. Schaefer, Assistant United States Attorney, and no persons appearing on behalf of the respondent articles, and the Court being fully advised in the premises finds:

That pursuant to evidence offered and the statement of counsel neither Francis Ray Robinson, Pattie F. Robinson nor Interstate Securities Company, nor any other person or corporation, presently makes any claim to the captioned articles nor disputes in any way the allegations contained in the Libel of Information filed herein.

The Court further finds that no person or corporation has entered any appearance herein nor filed any answer contesting the Libel of Information filed by the United States of America.

That therefore all the allegations contained in the Libel of Information filed herein should be taken as true and correct, and the captioned articles should be condemned and forfeited to the libelant, United States of America.

That upon the request of counsel for the government the captioned articles which have been condemned and forfeited should be turned over to the Bureau of Narcotics, United States Treasury Department, for their use and disposition.

IT IS THEREFORE ORDERED, ADJUDGED AND DECREED that the captioned articles be and they hereby are condemned and forfeited to the United

States of America.

IT IS FURTHER ORDERED, ADJUDGED AND DECREED that the United States Marshal be and he hereby is ordered to turn over and deliver the captioned articles to the District Supervisor of the United States Bureau of Narcotics, at Kansas City, Missouri, for official use.


UNITED STATES DISTRICT JUDGE

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

United States of America,
Plaintiff,
vs.
Gerald Robert Mayberry,
Defendant.

Civil No. 6323

FILED
IN OPEN COURT

MAR 22 1966

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

J U D G M E N T

ON THIS 22 day of March 1966, the above-entitled action

coming on for hearing, the Plaintiff appearing by Sam E. Taylor, Assistant United States Attorney for the Northern District of Oklahoma, and the defendant appearing not, the Court finds that the defendant was duly served with summons herein more than 20 days prior to this date and having failed to appear or answer should be and is hereby adjudged in default.

The Court further finds that the material allegations of Plaintiff's Complaint are true. That the defendant is indebted to Plaintiff after allowance of all benefits and credits and set-offs for the sum of \$839.83 with interest at the rate of 4% per annum on the principal sum of \$809.34 from May 1, 1964, until paid.

The Court further finds that Plaintiff has filed herein an Affidavit stating that the defendant is not in the military or naval services of the United States and is not an incompetent nor infant, which is found to be true.

WHEREFORE, it is Ordered, Adjudged and Decreed by the Court that the Plaintiff, United States of America, have judgment against the defendant, Gerald Robert Mayberry, for the sum of \$839.83, with interest at the rate of 4% per annum on the principal sum of \$809.34 from May 1, 1964, until paid, and for the cost of this action accrued and accruing.

Allen E. Barrow
UNITED STATES DISTRICT JUDGE

APPROVED:

Sam E. Taylor
SAM E. TAYLOR
Assistant U. S. Attorney

WL:chk
3-22-66

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

FILED

MAR 22 1966

LA VERNE HOUZE CHRISTOPHER ALLEN,)
 Individually and as Executrix and Trustee of)
 the Estate of Howard Ward Christopher, Deceased)
)
 Plaintiff,)
)
 vs.)
)
 E. ALEX PHILLIPS,)
)
 Defendant.)

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

Civil Action

No. 6352

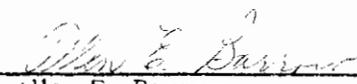
JUDGMENT BY DEFAULT

This cause having come on for hearing on the Motion of plaintiff, LaVerne Houze Christopher Allen, Individually and as Executrix and Trustee of the Estate of Howard Ward Christopher, deceased, for default judgment, pursuant to Rule 55(b)(2) of the Federal Rules of Civil Procedure, 28 U.S.C., and it appearing to the Court that the Complaint in the above cause was filed in this cause on the 11th day of January, 1966; that the Summons and Complaint were duly served upon the defendant, E. Alex Phillips, on the 12th day of January, 1966; that no answer or other defense has been filed by said defendant; that no appearance has been made by said defendant in this cause; and that default was entered by the Clerk of this Court on the 17th day of March, 1966, and that no proceedings have been taken by said defendant since said default was entered:

IT IS THEREFORE ORDERED, ADJUDGED AND DECREED BY THE COURT that plaintiff have and is hereby granted judgment by default against the defendant, E. Alex Phillips, for the sum of \$32,395.41, with interest at the rate of 6% per annum from the 1st day of December, 1965, until paid, together with an attorney's fee in the amount of \$4,000.00, and all the costs of this action.

Dated this 22nd day of March, 1966.

LAW OFFICES
 UNGERMAN,
 GRABEL,
 UNGERMAN
 & LEITER
 SIXTH FLOOR
 WRIGHT BUILDING
 TULSA, OKLAHOMA


 Allen E. Barrow
 United States District Judge

UNITED STATES DISTRICT COURT FOR THE
NORTHERN DISTRICT OF OKLAHOMA

Tom Edd Hayes,)
)
 Plaintiff,)
)
 vs.)
)
 United States of America,)
)
 Defendant.)

Civil No. 6253

FILED

MAR 22 1966

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

ORDER OVERRULING MOTION FOR NEW TRIAL

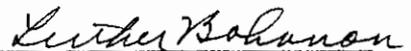
On the 21st day of March, 1966, there came on for hearing before me the Honorable Luther N. Bohanon, United States District Judge for the Northern District of Oklahoma, the motion of the defendant, United States of America, for a new trial:

The defendant was present and represented by Hugh V. Schaefer, Assistant United States Attorney for the Northern District of Oklahoma; and the plaintiff was present and represented by his attorney, Richard L. Wheatley, Jr. of Vinita, Oklahoma, and no other person appearing.

The Court finds after considering the briefs submitted and the arguments of counsel that the motion for new trial of the defendant should be overruled.

IT IS THEREFORE, ORDERED, ADJUDGED, AND DECREED that the defendant's motion for new trial be and is hereby overruled.

Entered this 22nd day of March, 1966.


UNITED STATES DISTRICT JUDGE

UNITED STATES DISTRICT COURT FOR THE
NORTHERN DISTRICT OF OKLAHOMA

United States of America,

Plaintiff,

vs.

Lewis D. Eastwood,

Defendant.

CIVIL ACTION NO. 6356

FILED
IN OPEN COURT

MAR 21 1966

NOTICE OF DISMISSAL

TO: Lewis D. Eastwood
135 A Street, N.W.
Miami, Oklahoma

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

Comes now the plaintiff, United States of America, and pursuant to Rule 41(a), Federal Rules of Civil Procedure, Title 28, U.S.C.A., dismisses the above styled action with prejudice.

UNITED STATES OF AMERICA

JOHN M. IMEL
United States Attorney

s/ Sam E. Taylor

Sam E. Taylor
Assistant U.S. Attorney

APPROVED:

s/ Allen E. Barron

United States District Judge

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

United States of America,

Plaintiff,

vs.

William J. McKinney and
Vera Ganelle McKinney,

Defendants.

Civil No. 6363 ✓

FILED
IN OPEN COURT

MAR 22 1966

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

J U D G M E N T

On this 22 day of March, 1966, the above-entitled action

coming on for hearing, the Plaintiff appearing by Sam E. Taylor, Assistant United States Attorney for the Northern District of Oklahoma, and the defendant appearing not, the Court finds that the defendants were duly served with summons herein more than 20 days prior to this date and having failed to appear or answer should be and are hereby adjudged in default.

The Court further finds that the material allegations of Plaintiff's Complaint are true. That the defendants are indebted to Plaintiff after allowance of all benefits and credits and set-offs for the sum of \$1,534.55, with interest on the sum of \$1,415.19, at the rate of 4% per annum from January 1, 1965, until paid.

The Court further finds that Plaintiff has filed herein an Affidavit stating that the defendants are not in the military or naval services of the United States and are not incompetents nor infants, which is found to be true.

WHEREFORE, It Is Ordered, Adjudged and Decreed by the Court that the Plaintiff, United States of America, have judgment against the defendants, William J. McKinney and Vera Ganelle McKinney, for the sum of \$1,534.55, with interest on the sum of \$1,415.19, at the rate of 4% per annum from January 1, 1965, until paid, and for the cost of this action accrued and accruing.

Allen E. Barron
UNITED STATES DISTRICT JUDGE

APPROVED:

Sam E. Taylor
SAM E. TAYLOR
Assistant U. S. Attorney

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

HOMER G. MAXEY,)
Plaintiff,)
vs.) Civil Action
) No. 6397
CITIZENS NATIONAL BANK OF)
LUBBOCK, TEXAS, a National)
Banking Corporation, CLYDE)
GORDON, E. W. WILLIAMS,)
KENNETH E. ROGER, and)
MONTEREY CORPORATION OF)
LUBBOCK, TEXAS, a corporation,)
Defendants.)

FILED

MAR 22 1966

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

ORDER OF TRANSFER

The above styled and numbered cause coming on to be heard this 22nd day of March, 1966, upon the application of the plaintiff, Homer G. Maxey, for the appointment of a receiver and upon the special appearance and motion to dismiss, or in the alternative to quash service of summons heretofore filed by the defendant Citizens National Bank of Lubbock, Lubbock, Texas, the plaintiff appearing by his attorneys, Kelly and Gambill, by Bruce Gambill, and the defendant Citizens National Bank of Lubbock, Texas, a National Banking Corporation appearing by its counsel Houston, Klein & Davidson, by R. L. Davidson, Jr., and the Court having examined the affidavit attached to the motion to dismiss and the memorandum brief submitted in support thereof, and having heard the argument of counsel, finds as follows:

1. From the uncontroverted affidavit attached to the motion to dismiss of Citizens National Bank of Lubbock, Texas, that said defendant is a National Banking Corporation, and is chartered to do business in the City of Lubbock, County of Lubbock, State of Texas, where is located its banking house and principal place of business, and the domiciliary federal judicial district in which said National Banking Corporation is situated is the United States District Court for the Northern District of Texas, Lubbock Division.

2. That all of the other defendants named in plaintiff's complaint are residents and citizens of the State of Texas.

3. That the citizenship and residency of the plaintiff, Homer G. Maxey, has at this stage of the proceedings not been challenged by any of the defendants.

4. That the subject matter of the litigation set forth in the two causes of action contained in the Complaint involves notes and mortgages both real and personal and certain personality in the form of approximately 1300 head of cattle located in Osage County, Oklahoma and approximately 300 head of cattle located near Atoka, in Atoka County, Oklahoma, and a claim of fraudulent procurement of the mortgages covering said cattle, together with a claim of interruption of business and slander of credit.

THE COURT CONCLUDES AS A MATTER OF LAW:

1. That this action is transitory in character, rather than local.

2. That pursuant to Title 28, United States Code, Section 94, the venue of said action insofar as it pertains to the defendant Citizens National Bank of Lubbock, Lubbock, Texas, if any jurisdiction there be, lies in the domiciliary district of the United States District Court for the Northern District of Texas, Lubbock Division.

3. That pursuant to 28 USC Sec. 1404 the interest of justice and the convenience of the parties and witnesses would best be served if this action, or such portion of it as may be properly brought against the parties and service perfected, should be heard in the Lubbock Division of the United States District Court for the Northern District of Texas.

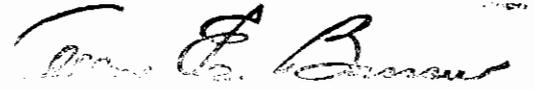
NOW, THEREFORE, pursuant to the findings above set forth, the Court hereby transfers this cause styled Homer G. Maxey, plaintiff, vs. Citizens National Bank of Lubbock, Texas, a National Banking Corporation, Clyde Gordon, E. W. Williams, Kenneth E. Koger, and Monterey Corporation of Lubbock, Texas, a Corporation, Civil Action No. 6397 filed in the United States

District Court for the Northern District of Oklahoma on March 15, 1966, be and the same is hereby transferred pursuant to Title 28 United States Code, Section 1404, to the United States District Court for the Northern District of Texas, Lubbock Division, for all further proceedings.

IT IS FURTHER ORDERED BY THE COURT that the application for the appointment of a Receiver is denied.

IT IS FURTHER ORDERED BY THE COURT that the order of restraint entered in this cause ex parte by the Honorable Fred Daugherty, United States District Judge, on the 16th day of March, 1966, be and the same is hereby continued in full force and effect until 10:00 A. M. on Friday, March 25, 1966, with the same force and effect as if said order as originally signed by the Honorable Fred Daugherty expired on said date at said time.

The Clerk of this Court is hereby ordered and directed to forthwith transmit the original suit papers and the file of this Court to the Clerk of the United States District Court for the Northern District of Texas, Lubbock Division.



ALLEN E. BARROW, JUDGE
OF THE UNITED STATES DISTRICT
COURT FOR THE NORTHERN DISTRICT
OF OKLAHOMA

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

UNITED BENEFIT FIRE INSURANCE
COMPANY, a Corporation,

FILED

Plaintiff

vs

MAR 23 1966

PETE KING,

NOBLE C. HOOD Defendant
Clerk, U. S. District Court
O R D E R

✓
No. 6208-Civil

THIS MATTER comes on for hearing this date, upon Motion for New Trial of the Defendant; the Plaintiff appears by Mr. Tom Capshaw, Attorney; and, the Defendant appears by Mr. Paul E. Garrison, Attorney, having heard arguments of counsel and being fully advised in the premises, the Court finds:

That the Motion for New Trial of the Defendant should be overruled; and, said defendant having orally applied for a stay of execution, pending the determination of Defendant's appeal from such judgment, the Court finds that said judgment should be stayed, pending a determination of Defendant's appeal from such judgment upon the filing by Defendant and approval by this Court of a Supersedeas Bond in the amount of \$25,000.00 and Defendant should be granted an extension of time of thirty days hereafter within which to post said Bond.

THEREUPON the Defendant moved the Court to rule upon Defendant's Cross Complaint and the Court finds that on or about the 27th day of February, 1964, at the request of the Plaintiff, Defendant herein executed and delivered unto the Plaintiff his promissory note in writing, dated February 27, 1964, in the amount of \$10,000.00 and by the terms thereof, said sum was payable out of "Escrow Funds" and that to secure the payment the Defendant herein executed and delivered unto the Plaintiff his Real Estate Mortgage, dated February 27, 1964; the Court further finds that **there are no funds in said Escrow Account and that said Promissory Note and Real Estate Mortgage, hereinabove described, are of no**

Law Office
Pete King & Associates

legal force and effect and should be declared, by this Court, as null and void and same should be cancelled and merged in this judgment.

The Court therefore concludes that the Promissory Note and Real Estate Mortgage executed and delivered to the Plaintiff herein and dated February 27, 1964, be, and the same are hereby declared null and void and are hereby ordered cancelled and merged in this judgment, same being of no further force and effect.

IT IS FURTHER ORDERED that the Motion for New Trial of the Defendant be, and the same is, hereby overruled; said Defendant is hereby granted an extension of thirty days hereafter within which to file a Supersedeas Bond in the amount of \$25,000.00 and meanwhile the execution of said judgment is stayed for a period of thirty days hereafter.

IT IS FURTHER THE JUDGMENT AND ORDER of the Court that Plaintiff recover costs in the amount of \$92.00.

IT IS FURTHER ORDERED that appeal time shall not commence to run until the date of filing of this Order with the Clerk of this Court.

Dated this ²² ~~20th~~ day of ^{March} ~~December~~, 1966
Entry of 20 F + Judgment

APPROVED AS TO FORM:

[Signature]
Attorney for Plaintiff

[Signature]
Attorney for Defendant

Luther Bohannon
Judge of the United States District Court for the Northern District of Oklahoma.

[Faint text at bottom left]

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

UNITED STATES OF AMERICA)

v.)

147 cases *** Common
Fireworks)

Civil No. 6222)

CONSENT DECREE OF CONDEMNATION
AND INJUNCTION)

FILED
IN OPEN COURT

MAR 23 1966

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

On **June 23, 1965**, a Libel of Information against the

above-described article was filed in this Court on behalf of the United States of America by the United States Attorney and the Assistant United States Attorney for this District. The Libel alleges that the article proceeded against, fireworks called "cracker balls" or "ball type caps," which consist of irregularly shaped balls of paper, or similar substance, each containing an explosive material, is a hazardous substance within the meaning of 15 U.S.C. 1261(f)(1)(A) because they are extremely flammable and generate pressure and explode when subjected to friction or percussion, and is in a container suitable for household use; and was in a misbranded package when entered into and while in interstate commerce within the meaning of 15 U.S.C. 1261(p)(1) because its container fails to bear a label which states conspicuously:

- (1) the name and place of business of the manufacturer, packer, distributor, or seller;
- (2) the common or usual name or the chemical name of the hazardous substance or of each component which contributes substantially to its hazard;
- (3) the signal word "Danger";

- (4) an affirmative statement of the principal hazard or hazards;
- (5) precautionary measures describing the action to be followed or avoided;
- (6) instructions for handling and storage; and
- (7) the statement "Keep out of the reach of children," or its practical equivalent.

Pursuant to monition issued by this Court, the United States Marshal for this District seized said article on **June 24, 1965**. Thereafter **OK Fireworks Corporation, an Oklahoma corporation**, intervened and filed claim to said article. Claimant now consents that a decree as prayed for in the Libel be entered condemning the article under seizure.

Claimant further consents that a decree of permanent injunction be entered, prohibiting it and its agents, employees, servants, representatives, and all other persons, now or in the future, in active concert or participation with it, from introducing or causing to be introduced or delivering or causing to be delivered for introduction into interstate commerce, articles of hazardous substances, namely, fireworks called "cracker balls" or "ball type caps," or by any other name, which consist of irregularly shaped balls of paper, or similar substance, which contain an explosive material which explodes when subjected to percussion or friction and is extremely flammable, if the immediate container fails to bear a label which contains the following:

- (1) the name and place of business of the manufacturer, packer, distributor, or seller;
- (2) the common or usual name or the chemical name of the hazardous substance or of each component which contributes substantially to its hazard;
- (3) the signal word "Danger";
- (4) an affirmative statement of the principal hazard or hazards;
- (5) precautionary measures describing the action to be followed or avoided;
- (6) instructions for handling and storage; and
- (7) the statement "Keep out of the reach of children," or its practical equivalent.

The Court being fully advised in the premises, it is on motion of the parties hereto:

ORDERED, ADJUDGED, AND DECREED that the said article under seizure is in a misbranded package in violation of 15 U.S.C. 1261 et seq., and is therefore hereby condemned pursuant to 15 U.S.C. 1265(a); and it is further

ORDERED, ADJUDGED, AND DECREED, pursuant to 15 U.S.C. 1265(d), that the United States of America shall recover from said claimant court costs and fees, and storage and other proper expenses, as taxed herein, to wit, the sum of \$ _____; and

Claimant having provided evidence satisfactory to the United States Food and Drug Administration, Department of Health, Education, and Welfare (1) that the article was imported in the United States; (2) that the article was in a misbranded package when imported; and (3) that the claimant had no cause for believing the article was in a misbranded package in violation of the Act before it was released from the custody of United States Customs, and having petitioned this Court that the condemned article be delivered to it for exportation; and it is further

ORDERED, ADJUDGED, AND DECREED that the United States Marshal for this District shall release said article from his custody to the custody of the claimant for the purpose of exportation if claimant, within 20 days from the date of this decree, (a) pays in full the aforementioned court costs and fees and storage and other proper expenses of the proceeding herein and (b) executes and files with the clerk of this Court a good and sufficient penal bond with surety in the sum of \$ **2,000** , approved by this Court, payable to the United States of America, and conditioned on the claimant abiding by and performing all the terms and conditions of this Decree and of such Orders and Decrees as may be entered in this proceeding; and it is further

ORDERED, ADJUDGED, AND DECREED that:

1. After the filing of the bond in this Court, the claimant shall give written notice to the **Dallas District Office, Food and Drug Administration, Department of Health, Education, and Welfare, 3032 Bryan Street, Dallas, Texas 75204,**

that the claimant is prepared to export the article under the supervision of a duly authorized representative of the Department of Health, Education, and Welfare.

2. The claimant shall at all times, until the article has been released by a duly authorized representative of the Department of Health, Education, and Welfare, retain intact the entire lot of goods comprising the article for examination or inspection by said representative, and shall maintain the records or other proof necessary to establish the identity of said lot to the satisfaction of said representative.

3. The claimant shall not commence exportation operations until it has received authorization to do so from a duly authorized representative of the Department of Health, Education, and Welfare.

4. The claimant shall provide evidence satisfactory to the Food and Drug Administration, Department of Health, Education, and Welfare, that the article intended for export (1) accords to the specifications of the foreign purchaser; (2) is not in conflict with the laws of the country to which it is intended for export, by a written statement of a duly authorized representative of the country permitting its importation; and (3) is labeled on the outside of the shipping package to show that it is intended for export.

5. The claimant shall at no time, and under no circumstances whatsoever, ship, sell, offer for sale, or otherwise dispose of any part of said article until a duly authorized representative of the Department of Health, Education, and Welfare shall have had free access thereto in order to take any samples or make any tests or examinations that are deemed necessary, and shall in writing have released such article for shipment, sale, or other disposition.

6. Within ⁶⁰~~30~~ days from the date of the filing of the bond in this Court, claimant shall complete the process of exporting the article under the supervision of a duly authorized representative of the Department of Health, Education, and Welfare.

7. The claimant shall abide by the decisions of said duly authorized representative of the Department of Health, Education, and Welfare, which decisions shall be final. If claimant breaches any conditions stated in this Decree, or in any subsequent Decree or Order of this Court in this proceeding, claimant shall return the article immediately to the United States Marshal for this District at claimant's expense, or shall otherwise dispose of it pursuant to an Order of this Court.

8. The claimant shall not sell or dispose of said article or any part thereof in a manner contrary to the provisions of this Decree or of the Federal Hazardous Substances Labeling Act.

9. The claimant shall compensate the United States of America for cost of supervision at the rate of \$8 per hour per representative for each day actually employed in the supervision of the exportation, as salary or wage; where laboratory work is necessary, at the rate of \$10 per hour per person for such laboratory work; where subsistence expenses are incurred, at the rate of \$16 per day per person for such subsistence expenses. Claimant shall also compensate the United States of America for necessary traveling expenses and for any other necessary expenses at the rates prescribed by law or regulation which may be incurred in connection with the supervisory responsibilities of said Department of Health, Education, and Welfare.

10. If requested by a duly authorized representative of the Department of Health, Education, and Welfare, claimant shall furnish to said representative duplicate copies of invoices of sale of the released article, or shall furnish such other evidence of disposition as said representative may request.

The United States Attorney for this District, on being advised by a duly authorized representative of the Department of Health, Education, and Welfare that the conditions of this Decree have been performed shall transmit such information to the Clerk of this Court, whereupon the bond given in this proceeding shall be canceled and discharged; and it is further

ORDERED, ADJUDGED, AND DECREED that if the claimant does not avail itself of the opportunity to repossess the condemned article in the manner aforesaid, the United States Marshal for this District shall retain custody of said article pending the issuance of an order by this Court regarding its disposition; and it is further

ORDERED, ADJUDGED, AND DECREED that **OK Fireworks Corporation, an Oklahoma corporation**, and its agents, servants, employees, and attorneys, and all persons in active concert or participation with them, be perpetually enjoined from directly or indirectly introducing or causing to be introduced, or delivering or causing to be delivered for introduction into interstate commerce an hazardous substance, called "cracker balls", or "ball type caps", or by any other name, which are

irregularly shaped spheres of paper [or similar substances] which contain an explosive material that generates pressure and explodes when subjected to percussion or friction, and which is extremely flammable, unless the immediate container is conspicuously labeled, stating:

- (1) the name and place of business of the manufacturer, packer, distributor, or seller;
- (2) the common or usual name or the chemical name of the hazardous substance or of each component which contributes substantially to its hazard;
- (3) the signal word "Danger";
- (4) an affirmative statement of the principal hazard or hazards;
- (5) precautionary measures describing the action to be followed or avoided;
- (6) instructions for handling and storage; and
- (7) the statement "Keep out of the reach of children", or its practical equivalent.

and it is further

ORDERED, ADJUDGED, AND DECREED that this Court expressly retains jurisdiction to issue such further Decrees and Orders as may be necessary to the proper disposition of this proceeding, and that should the claimant fail to abide by and perform all the terms and conditions of this Decree, or of such further Order or Decree

as may be entered in this proceeding, or of said bond, then said bond shall on motion of the United States of America in this proceeding be forfeited and judgment entered thereon.

Dated at _____, this _____ day
of _____, 1966.

UNITED STATES DISTRICT JUDGE

We hereby consent to the entry of the foregoing Decree.

United States Attorney

By _____
Assistant United States Attorney

Proctor for Claimant,
OK Fireworks Corporation,
an Oklahoma corporation

UNITED STATES DISTRICT COURT FOR THE
NORTHERN DISTRICT OF OKLAHOMA

United States of America,

Plaintiff,

vs.

Phillip Osage, Jr., and Nannie
Osage, Jr., husband and wife,

Defendants.

CIVIL ACTION NO. 6321

FILED

MAR 25 1966

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

J U D G M E N T

On this 14th day of March, 1966, the above entitled action coming on for pre-trial assignment, plaintiff appearing by Sam E. Taylor, Assistant United States Attorney for the Northern District of Oklahoma, and the defendants appearing not and the court having reviewed the file and heard plaintiff's evidence, finds that the defendant, Nannie Osage, Jr., was duly served with summons herein more than twenty (20) days prior to this date and has failed to answer or plead herein should be and is hereby adjudged in default and it further appearing that the defendant, Phillip Osage, Jr., has heretofore, on January 4, 1966, filed an answer which answer fails to set forth a defense and said defendant having failed to appear at this time should be and is adjudged in default.

The court further finds that the material allegations of plaintiff's complaint are true; that the defendants are in default under the terms of their promissory note as set forth in plaintiff's complaint and are indebted to the plaintiff thereby for the sum of \$893.25, with interest thereon at the rate of 6% per annum from October 20, 1965, together with accrued interest in the sum of \$146.61; that the purpose for which said note was executed by the defendants was to make and pay for improvements upon their property located at Locust Grove, Oklahoma.

The court further finds that the plaintiff has filed herein an affidavit stating that the defendants are not in the military or naval service of the United States, nor are they infants or incompetents, which is found to be true.

IT IS THEREFORE ORDERED, ADJUDGED AND DECREED that the plaintiff have judgment against the defendants, Phillip Osage, Jr., and Nannie Osage, Jr., for the sum of \$893.25, with interest thereon at the rate of 6% per annum from October 20, 1965 until paid, together with the sum of \$146.61 accrued interest and for the costs of this action accrued and accruing.

IT IS FURTHER ORDERED, ADJUDGED AND DECREED that should said defendants fail to satisfy said judgment, execution be levied upon the aforesaid property.

Fred H. ...
United States District Judge

APPROVED:

Sam E. Taylor
Sam E. Taylor
Assistant United States Attorney

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

The Atchison, Topeka and Santa Fe)
Railway Company, a corporation,)
)
Plaintiff,)
-vs-)
)
Oscar Gutierrez and Frank Gutierrez,)
individually, and as co-partners d/b/a)
Frank's Tomato and Banana House, also)
known as Frank's Tomato House,)
)
Defendants.)

No. 6334
CIVIL

FILED

MAR 25 1966

NOBLE C. HOOD
Clk. U. S. District Court

ORDER OF DISMISSAL

Now, on this 24 day of March, 1966, comes on for hearing the stipulation of dismissal of plaintiff and defendants hereto in the above entitled cause. The Court finds that said cause has been settled and that defendants have this date paid to plaintiff the sum of One Thousand Forty-six and 61/100ths Dollars (\$1,046.61) in full settlement, release and satisfaction of plaintiff's cause of action set forth in the complaint herein, and that plaintiff has accepted said sum in full satisfaction, release and discharge of its cause of action and claim against the defendants, and the Court, after due consideration, finds that said dismissal should be approved.

IT IS, THEREFORE, ORDERED that this cause be, and the same is hereby dismissed with prejudice, at the cost of the ~~defendants.~~

(s) Fred Raughter
JUDGE

APPROVED AS TO FORM:

Hugh D. Rice
Attorney for Plaintiff

Fred Moch
Attorney for Defendants.

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

MARTIN ANDERSON,

Plaintiff,

vs.

No. 6348

THE AMERICAN OIL COMPANY
and JOHN DOE, whose better
name is to plaintiff unknown
but thought to be ROY NED McCUE,

Defendants.)

FILED

MAR 29 1966

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

J U D G M E N T

Based upon the Findings of Fact and Conclusions of
Law this day filed,

IT IS THE JUDGMENT OF THE COURT that defendants'
motion for summary judgment should be and is hereby sustained,
and the case is dismissed.

DATED this 29th day of March, 1966.

(S) Arthur Johnson
UNITED STATES DISTRICT JUDGE

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

MARTIN ANDERSON,

Plaintiff,

vs.

THE AMERICAN OIL COMPANY
and JOHN DOE, whose better
name is to plaintiff unknown
but thought to be ROY WED
McCUE,

Defendants,

No. 6348

FILED

MAR 29 1966

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

FINDINGS OF FACT AND CONCLUSIONS OF LAW

This case came on for hearing on March 21, 1966, upon the Motion of the defendants, The American Oil Company and John Doe, for Summary Judgment, and also upon a hearing of the Motion of plaintiff for a resetting of defendants' Motion for Summary Judgment. The plaintiff appeared by his attorney, Glenn A. Young, Esquire, and the defendants appeared by their attorney, R. D. Hudson, Esquire. The Court, having carefully and fully examined the files in this case, together with all of the exhibits attached to the pleadings of the parties, and affidavits on file, and after hearing argument of counsel, finds the facts as follows:

1. The Court finds that the defendant The American Oil Company entered into a written contract with Petroleum Contractors Corporation on the 7th day of October, 1963, a copy of which is attached to defendants' Motion for Summary Judgment. Under the terms of this contract, The American Oil

Company, as owner, or principal, contracted with Petroleum Contractors Corporation, as contractor, to clean out a certain oil storage tank or tanks at a refinery of The American Oil Company at Neodesha, Kansas, which tank or tanks were located on premises of the defendant The American Oil Company, and used in the operation of, and as a part of its refining business.

2. The Court finds that the plaintiff was employed in Oklahoma as an employee of Petroleum Contractors Corporation, and on January 4, 1964, while acting within the scope of his duties, in the performance of the contract referred to in finding of fact No. 1, was injured when a fuel tank caught fire. Plaintiff's injuries arose out of and in the course of his employment with Petroleum Contractors Corporation in the performance of the independent contract of Petroleum Contractors Corporation with The American Oil Company, as referred to in finding No. 1.

3. The Court finds that plaintiff's employer, Petroleum Contractors Corporation, had fully complied with the provisions of the Workmen's Compensation Act of the State of Oklahoma, 85 O.S. Sec. 1, et seq.

4. The Court further finds that The American Oil Company had complied with the provisions of the Workmen's Compensation Act of the State of Kansas.

5. The Court finds from all of the pleadings and exhibits attached thereto that the cleaning of the oil tanks, belonging to and located on the property of the defendant The

American Oil Company was necessarily done and performed periodically and as a necessary and integral part of the operation of the refinery of the defendant The American Oil Company at Needesha, Kansas.

6. The Court further finds that the plaintiff, as provided by the laws of the State of Oklahoma, filed a claim before the State Industrial Court of the State of Oklahoma, Cause No. D-30845, which said claim was processed as required by law, and the plaintiff has received benefits under the Workmen's Compensation Act of the State of Oklahoma as provided by law.

Conclusions of Law

1. The Court concludes that the necessary cleaning of oil tanks, at a refinery, and the reclaiming of oil therefrom, is a part of the refinery business and an integral part of the operation of a refinery.

2. The Court concludes that under the laws of the State of Kansas, K.S.A. 44-501, et seq., the defendant The American Oil Company was the principal or owner, and the plaintiff's employer, Petroleum Contractors Corporation, was the contractor, in the performance of work consisting of an integral part of the business of the defendant The American Oil Company. The American Oil Company, under the Kansas Statutes, for workmen's compensation benefits, was a statutory employer of the plaintiff, and his only right of recovery against the defendant The American Oil Company was under the Workmen's Compensation laws of the State of Kansas, K.S.A. 44-501, et seq.

3. Under the provisions of the Workmen's Compensation Act of Oklahoma, Title 85 O.S. Sec. 1, et seq., the plaintiff was entitled to recover, for injuries arising out of and in the course of his employment, workmen's compensation benefits. The laws of the State of Oklahoma, particularly Title 85 O.S. Sec. 4, extend the benefits of the Oklahoma Act, as amended in 1955, to employees, irrespective of where the accident resulting in injury may occur, whether within or without the territorial limits of the State of Oklahoma, when the contracted employment was entered into within the State of Oklahoma.

4. Under the laws of the State of Oklahoma, and of the State of Kansas, the plaintiff has no right to maintain a common law action against the defendant The American Oil Company or the defendant John Doe.

5. The Court concludes that there does not exist in this cause any genuine question of fact and that as a matter of law the Motion for Summary Judgment should be sustained, and the plaintiff's cause dismissed.

6. The Court further concludes that the plaintiff's Motion to defer the hearing upon defendants' Motion for Summary Judgment should be denied, since no genuine issue of fact exists, or is shown by the record, or can conceivably exist, under the record.

DATED this 28th day of March, 1966.

(s) Arthur Johnson
UNITED STATES DISTRICT JUDGE

UNITED STATES DISTRICT COURT FOR THE
NORTHERN DISTRICT OF OKLAHOMA

C. R. BAILEY,

Plaintiff,

vs.

JOHN W. MACY, WINIFRED V. GILL,
L. S. ANDOLSEK and ROBERT E.
HAMPTON, Commissioners of the
United States Civil Service Commission,

Defendants.

✓
Civil No. 5807

FILED

MAR 30 1966

J U D G M E N T

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

The above styled matter having come on for hearing this 15th day of March, 1966, the plaintiff appearing by his counsel, Charles H. Froeb, and the defendants appearing by Sam E. Taylor, Assistant United States Attorney for the Northern District of Oklahoma, and the court having examined the files and pleadings herein, including the record of administrative proceedings before the Civil Service Commission, having heard oral argument, finds that the proper procedures have been followed, and that the decision of Civil Service Commission is not arbitrary and capricious and should be affirmed.

IT IS THEREFORE ORDERED AND ADJUDGED that the decision of the Civil Service Commission be and it is hereby affirmed and the plaintiff's complaint is hereby dismissed.

Dated this 30 day of March, 1966.

APPROVED:

Ira Daugherty
UNITED STATES DISTRICT JUDGE *h*

Charles H. Froeb
Charles H. Froeb
Attorney for Plaintiff

Sam E. Taylor
Sam E. Taylor
Assistant U. S. Attorney

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

UNITED STATES OF AMERICA

VS.

SHANGRI-LA RECREATIONAL
COMPLEX, INC., MIAMI READY
MIX CONCRETE COMPANY

VS.

TODA CORPORATION, TRANSAMERICA
INSURANCE COMPANY, a corporation

X
X
X
X
X
X
X
X
X
X

CIVIL ACTION
NO. 6215

FILED

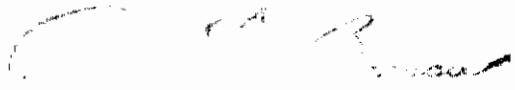
MAR 30 1966

ORDER OF DISMISSAL

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

On this the 30 day of March, 1966 came on for considera-
tion the Motion of Miami Ready Mix Concrete Company that all
actions herein asserted by and against TODA Corporation and
American Surety Company of New York, whose successor is Trans-
america Insurance Company, through Answer and Cross-Answer and
Third Party Complaint, be dismissed by reason of the fact that
the controversy in issue has become moot by and through voluntary
compromise settlement by the parties.

It is accordingly ORDERED, ADJUDGED and DECREED that the
actions herein asserted by Miami Ready Mix Concrete Company
against TODA Corporation and American Surety Company of New
York, whose successor is Transamerica Insurance Company, be and
the same are hereby dismissed with prejudice to Miami Ready Mix
Concrete Company to ever again assert such cause of action.



United States District Judge in
and for the Northern District of
Oklahoma

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

St. Louis-San Francisco Railway Company, a corporation, Plaintiff, -vs- Jack Rodriguez, Defendant.

No. 6300 FILED

MAR 30 1966

JOURNAL ENTRY OF JUDGMENT

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

The above cause came on for trial before the Court on this 2nd day of February, 1966, plaintiff appeared through its attorney, Gray W. Satterfield of Franklin, Harmon & Satterfield, Oklahoma City, the defendant appeared personally. The parties agreed that judgment be entered for the plaintiff, and that the Court make certain orders:

IT IS THEREFORE ORDERED, ADJUDGED AND DECREED that judgment be entered in favor of the plaintiff and against the defendant, subject to the following orders:

1. It is ordered that the lease between the plaintiff and defendant as set out in the Complaint is cancelled and defendant is hereby ordered to forthwith vacate the lease premises except to perform the acts hereinafter provided.

2. It is ordered that the defendant remove from the premises all of his inventory and other property with the exception of the building thereon within ninety (90) days from this date, to-wit: May 3, 1966. If the defendant shall fail to remove said property within the prescribed time, then the United States Marshall shall be directed to remove said property at the defendant's expense.

3. It is ordered that within 180 days from this date, to-wit: on or before August 1, 1966, defendant shall remove the building on said premises and restore said premises to a clean and orderly condition. If defendant shall fail to remove said building and restore said premises, within the prescribed time, then the United States Marshall shall do so at the expense of the defendant.

4. It is ordered that defendant shall pay plaintiff \$10.00 per month in rent for each month he continues to occupy the premises.

5. IT IS FURTHER ORDERED that the United States Marshal shall serve a certified copy of this Journal Entry of Judgment on the defendant, Jack Rodriguez, and show proper return.

(Signature) U. S. District Judge

APPROVED: (Signature) Attorney for Plaintiff