

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

PAUL J. WETZEL,

..... Plaintiff,)

vs.)

No. 6563)

J. A. TOBIN CONSTRUCTION
COMPANY, INC., a foreign
corporation,

..... Defendant.)

FILED

AUG - 1 1967

ORDER SUSTAINING MOTION FOR SUMMARY NOBLE C. HOOD
JUDGMENT Clerk, U. S. District Court

On this 27th day of July, 1967, the motion for summary judgment of the defendant came on for hearing pursuant to regular setting by the Court. The plaintiff appeared through his counsel of record, Brown, Brown, Brown & Hackler, by Donald Hackler, of McAlester, Oklahoma, and the defendant appeared through its counsel, Hudson, Wheaton & Brett, by Thomas R. Brett, and both counsel announced ready to proceed with the hearing. After reviewing the pleadings, the sworn testimony submitted in support of the motion for summary judgment, the legal authorities, briefs submitted by counsel and oral argument, the Court concluded the defendant's motion for summary judgment should be sustained. The Court concluded the uncontroverted sworn testimony offered in support of the defendant's motion for summary judgment, and the plaintiff's own testimony, clearly evidenced the plaintiff was either guilty of contributory negligence or primary negligence. The Court further concluded in an action in a Federal Court to recover damages for personal injuries it is the duty of the Court to follow the authority of G. E. Herron v. Southern Pacific Company, 283 U. S. 91-96, 75 L. Ed. 857 (1931), Diederich, et al v. American News Co., 128 F. 2d 144 (1942) and Basham v. City Bus Co., 219 F. 2d 547 (1955), which state when the facts are undisputed and there is an absence of conflicting inferences and evidence of contributory negligence is conclusive, the question is one of law and the trial judge has the right and duty to rule as a matter of law for the defendant.

IT IS THEREFORE ORDERED the defendant, J. A. Tobin
Construction Company, Inc.'s motion for summary judgment is hereby
sustained, judgment is entered for the defendant herein and the costs of
this action are to be paid by the plaintiff.



UNITED STATES DISTRICT JUDGE

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

VAL CHASE and JEROME ELLIS, Co-Administrators)
of the Estate of William M. Blinn, Deceased,)
Plaintiffs,)

vs.)

WILLIAM EDWARD WARE and HONEYWELL, INC.,)
a foreign corporation,)
Defendants,)

and)

BURT D. HUDDLESTON,)
Plaintiff,)

vs.)

WILLIAM EDWARD WARE,)
Defendant.)

No. 6581 Civil

FILED

AUG - 2 1967

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

ORDER GRANTING PARTIAL SUMMARY JUDGMENT

Defendant Honeywell, Inc. has filed a Motion for Summary Judgment in its favor which has been adopted by Co-Defendant Ware. The single issue raised by the Motion is whether or not Defendant Honeywell, Inc. is liable herein under the doctrine of respondeat superior. The facts pertaining to this issue are uncontradicted according to all the parties as shown by their pleadings to this Motion and it is, therefore, the duty of the Court to apply applicable rules of law and enter a decision pursuant to Rule 56, F.R. Civ.P., 28 U.S.C.A.

The entire case was removed from state court on the basis of a separate and independent claim in the personal injury cause of action which arose from an accident in Tulsa, Oklahoma. The jurisdictional prerequisites for removal were diversity of citizenship and jurisdictional amount. This diversity action and the issue

of respondeat superior are governed and controlled by the law of Oklahoma where the injuries occurred. Capital Transp. Co. v. Armour & Co., 200 F.2d 722 (Eighth Cir.-1952).

The individual parties are or were employees of the corporate Defendant, Honeywell, Inc. All three of the employees met in Tulsa, Oklahoma on November 16, 1965 with the planned mission of selling a Honeywell computer to the Phillips Petroleum Company at Bartlesville, Oklahoma. On the date of their arrival a rental car was leased for use in connection with the trip to Bartlesville. All three employees went to Bartlesville on November 17, 1965 but were requested to return on November 18, 1965 for further discussions. They returned to their motel in Tulsa on November 17, 1965, went out for dinner, and then returned to the motel where business phone calls were made. Business discussions were had regarding the next days work during dinner, but were apparently not entirely concluded as to all details when they went nightclubbing after their return to the motel following dinner. They had been to two nightclubs and were returning to the motel when the accident occurred in which one of the employees was killed and the defendant Ware states that he has suffered a complete mental lapse regarding the nightclubbing trip and the accident and the purposes of the trip. Plaintiff, Huddleston, is, therefore, the only one of the three employees who is presently able to testify regarding the pertinent facts and he stated by deposition that the nightclub trip was for pleasure and not business. This deposition testimony cannot be contradicted in view of the foregoing.

In their briefs supporting and responding to the Motion for Summary Judgment, counsel have cited Cochran v. Maassen Tool &

Supply Co., 226 P.2d 953 (Oklahoma, 1956) as controlling authority herein. That case considered the question of scope of employment and ensuing liability under the workmen's compensation law, 85 O.S.A., Sections 1 et seq. The force and applicability of this case is doubtful herein in view of *Elias v. Midwest Marble and Tile Co.*, 302 P.2d 126 (Oklahoma, 1956) wherein the Court expressed the view that there are entirely distinct substantive considerations in the liability of an employer to an employee under workmen's compensation and respondeat superior.

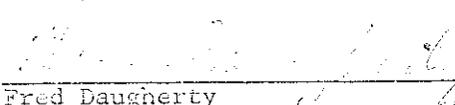
The general rule announced in *Elias v. Midwest Marble and Tile Co.*, supra, and quoted with approval in other Oklahoma cases is that a man's employment does not begin until he has reached the place of employment and does not continue after he has gone. The Defendant Ware was an executive type employee who markets products and conducts his employer's business without direct supervision, rigid hours of employment, or a fixed route for the performance of his duties. The flexibility of his schedule requires an application of the general rule to a distinguishable factual situation. Many cases turn on the deviation versus departure test and the question of an employee serving his master while attending certain group recreational or social activities at which he may also be satisfying his own desire for pleasure. cf. *Oil Daily, Inc. v. Faulkner*, 282 F.2d 14 (Tenth Cir.-1960); 18 A.L.R.2d 1372 annot: Liability of employer for injury resulting from games or other recreational or social activities.

It is the Court's determination, however, that all three employees were serving their own personal desires and were not attending any business of their employer at the time of the accident herein. This accident occurred during or subsequent to a search

for entertainment in the evening hours. The nightclubbing was not an employer's group recreational activity authorized, expressly or impliedly, by the employer for morale purposes. This was admittedly an activity undertaken for pleasure, not business, and after the employer was no longer responsible for any non-business activity. The requirements for the application of the doctrine of respondeat superior to the Defendant Honeywell, Inc. are found wanting herein.

Under the provisions of Rule 56, the Court hereby grants partial summary judgment dismissing the cause of action asserted in the Complaint against the Defendant Honeywell, Inc.

It is so ordered this 21 day of August, 1967.


Fred Daugherty
United States District Judge

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

GENERAL INSURANCE COMPANY OF)
AMERICA, A Washington Corporation,)

Plaintiff,)

v.)

ROBERT G. PARKS and MARY LOUISE)
PARKS,)
Defendants.)

No. 67-104 Civil

FILED

AUG - 2 1967

J U D G M E N T

NOW, on this 27th day of August, 1967, ^{NOBLE C. HOOD} ~~Clerk of~~ ^{9th District Court}
for hearing Plaintiff's request and motion for default judgment against Robert G. Parks and Mary Louise Parks, each of them having been served with summons and complaint by the Marshal of this Court, and having failed to plead, answer or appear, are in default.

The Court finds that the defendants Robert G. Parks and Mary Louise Parks were each personally duly served with summons in Tulsa, Oklahoma on June 27, 1967, more than 30 days prior to this date, and each has failed to answer or otherwise plead herein, and are in default.

The Court further finds, from the Affidavit of Alex Cheek filed herein, that said defendants Robert G. Parks and Mary Louise Parks are neither infants, incompetent persons, nor in the military service of the United States.

IT IS, THEREFORE, ORDERED that the said defendants, Robert G. Parks and Mary Louise Parks, are hereby adjudged to be in default, and that the allegations of the plaintiff's complaint are hereby taken as true and confessed against them.

The Court further finds that the allegations of

plaintiff's complaint are true as therein set forth; that this Court has venue and jurisdiction of this action and of the parties; that the defendants made application to the plaintiff for the issuance of a bond and agreed thereby in writing to indemnify the plaintiff in the event of any loss and for such expenses, losses, or damages sustained by the plaintiff by reason of said bond; that the plaintiff issued said bond and subsequently sustained a loss in the amount of \$30,397.40; and that the defendants and each of them are indebted to the plaintiff in the sum of \$30,397.40, with interest at 6% per annum from December 31, 1965 until paid, and in the sum of \$5,000.00 attorney fees, and the costs of this action.

IT IS, THEREFORE, ORDERED, ADJUDGED AND DECREED by the Court that plaintiff, General Insurance Company of America, a Washington corporation, have and recover judgment against the defendants Robert G. Parks and Mary Louise Parks, individually, in the amount of \$35,397.40, and interest at the rate of 6% per annum upon the amount of \$30,397.40 from December 31, 1965 until paid, and for the costs of this action.

DONE at Tulsa, Oklahoma, this 2nd day of August, 1967.

Walter G. Hood
U. S. DISTRICT ~~Judge~~ Clerk

By M. M. Ewing Deputy

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

FRANK R. BUMGARNER,)
)
 Plaintiff,)
)
 vs.)
)
 WOOLF BROTHERS, INC.,)
)
 Defendant.)

NO. 67 -C-134

FILED

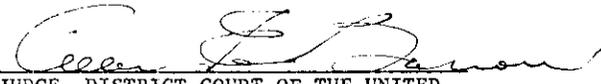
AUG - 3 1967

ORDER OF DISMISSAL

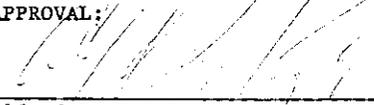
NOBLE C. HOOD
Clerk, U. S. District Court

The above matter coming on to be heard this 3rd day of August, 1967, upon the written application of the parties for a dismissal of said action with prejudice, the Court having examined said application finds that said parties have entered into a compromise settlement covering all claims involved in the action and have requested the Court to dismiss said action with prejudice to any future action, and the Court being fully advised in the premises, finds that said action should be dismissed pursuant to said application.

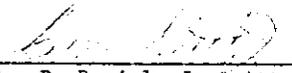
IT IS THEREFORE ORDERED, ADJUDGED AND DECREED by the Court that the action of plaintiff filed herein against the defendants be and the same is hereby dismissed with prejudice to any future action.



JUDGE, DISTRICT COURT OF THE UNITED STATES, NORTHERN DISTRICT OF OKLAHOMA

APPROVAL:


Alfred B. Knight, Attorney for Defendant



Sam P. Daniel, Jr.; Attorney for Plaintiff

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

MARGARET COE BUMGARNER,)
)
 Plaintiff,)
)
 vs.)
)
)
 WOLF BROTHERS, INC.,)
)
)
 Defendant.)

NO. 67 -C- 1.35

FILED

AUG - 3 1967

ORDER OF DISMISSAL

NOBLE C. HOOD

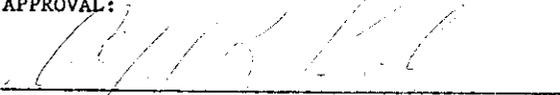
Clerk, U. S. District Court

The above matter coming on to be heard this 31st day of August, 1967, upon the written application of the parties for a dismissal of said action with prejudice, the Court having examined said application finds that said parties have entered into a compromise settlement covering all claims involved in the action and have requested the Court to dismiss said action with prejudice to any future action, and the Court being fully advised in the premises, finds that said action should be dismissed pursuant to said application.

IT IS THEREFORE ORDERED, ADJUDGED AND DECREED by the Court that the Action of plaintiff filed herein against the defendants be and the same is hereby dismissed with prejudice to any future action.


JUDGE, DISTRICT COURT OF THE UNITED STATES, NORTHERN DISTRICT OF OKLAHOMA

APPROVAL:


Alfred B. Knight, Attorney for Defendant


Sam P. Daniel, Jr., Attorney for Plaintiff

UNITED STATES DISTRICT COURT FOR THE
NORTHERN DISTRICT OF OKLAHOMA

Virgil William Mills,
Plaintiff,)

vs.)

Doyle Foreman, U.S. Marshal for
Oklahoma,)

Ex Rel: Sheriff of Tulsa County,
Oklahoma,)

Ex Rel: Sheriff of Delaware
County, Oklahoma,)

Defendants.)

CIVIL NO. 67-C-106

FILED

AUG - 7 1967

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

O R D E R

NOW, on this 7th day of August, 1967, this matter came on for hearing upon the motions of the defendants Doyle Foreman, United States Marshal for the Northern District of Oklahoma, Dave T. Faulkner, sheriff of Tulsa County, Oklahoma, and Robert O. Nuckolls, sheriff of Delaware County, Oklahoma, to dismiss the Complaint.

The Court finds that the Complaint does not state the requisite jurisdictional grounds upon which it is brought and the same is hereby dismissed as to all defendants, without prejudice, for the reason that this Court does not have jurisdiction.

L. Luther Bohannon
UNITED STATES DISTRICT JUDGE

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

AUG - 8 1967

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

ORDER AMENDING ORDER OF DISMISSAL

Upon good cause shown on this 8 day of August, 1967,
and with approval of counsel representing all parties to the matter,
the motion of plaintiff, S. Paul Hazen, In Person and For All Other
Persons Similarly Situated, for an order of this Court amending
its Order of Dismissal dated the 1st day of March, 1966, is hereby
granted.

Now therefore, it is ORDERED, ADJUDGED AND DECREED that this
Court's Order of Dismissal dated the 1st day of March, 1966, is
amended and same is hereby ordered to be amended by substituting the
word "action" for the words "complaint (petition)" where the latter
words appear in said order, specifically at the third line of the
next to last paragraph and at the last line of the last paragraph.

Dated this 8 day of August, 1967

(s) Fred Dougherty
United States District Judge

FORM AND SUBSTANCE OF ORDER TO AMEND
ORDER OF DISMISSAL IN 5842 APPROVED

Larry McSoud, United States District Attorney
Attorney for defendant Greenfield in this Court

Morton Hollander, United States Department
of Justice,
Attorney for Appellee Greenfield on Appeal

Harvey L. Zuckman, United States Department
of Justice,
Attorney for Appellee Greenfield on Appeal

Sam P. Daniels, Jr., Attorney for defendant
~~Southern~~ Hills National Bank of Tulsa in
this Court, and for Appellee Southern
Hills National Bank of Tulsa on Appeal

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

UNDERWRITERS INSURANCE COMPANY,
Plaintiff,

vs.

FIREMAN'S FUND INSURANCE COMPANY,
Defendant.

CIVIL NO. 6587

FILED

AUG - 7 1967

JOURNAL ENTRY OF JUDGMENT

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

In accordance with the findings of fact and conclusions
of law filed by the Court in this cause on this date,

IT IS ORDERED, ADJUDGED AND DECREED that the Plaintiff,
Underwriters Insurance Company, have and recover judgment against
the Defendant, Fireman's Fund Insurance Company, in the sum of
\$16,848.65.

DATED this _____ day of August, 1967.



United States District Judge

UNITED STATES DISTRICT COURT FOR THE
NORTHERN DISTRICT OF OKLAHOMA

United States of America,

Plaintiff,

vs.

Johnny L. Eller,

Defendant.

Civil No. 67-C-42

FILED

AUG -7 1967

J U D G M E N T

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

On this 7th day of August, 1967, the above-entitled action coming on for hearing, the plaintiff appearing by its counsel, 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, answer or otherwise plead herein, should be and is adjudged in default.

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

The Court further finds that the allegations of plaintiff's Complaint are true, and that the defendant is indebted to plaintiff in the sum of \$338.36, with interest at the rate of 6% per annum from July 21, 1967, until paid.

IT IS THEREFORE ORDERED, ADJUDGED AND DECREED that plaintiff herein have judgment against the defendant, Johnny L. Eller, for the sum of \$338.36, with interest at the rate of 6% per annum from July 21, 1967, until paid, together with the costs of this action.

Fred Daugherty
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

TULSA CONCRETE COMPANY, a corporation,)
)
) Plaintiff,)
)
 vs.)
)
 TULSA GENERAL DRIVERS, WAREHOUSEMEN)
 AND HELPERS, LOCAL UNION NO. 523,)
)
) Defendant.)

NO. 67-C-89 ✓

FILED

AUG - 7 1967

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

STIPULATION FOR DISMISSAL

It is hereby stipulated that the above entitled action be discontinued and dismissed without cost to either party.

August 7, 1967.

TULSA CONCRETE COMPANY,
Plaintiff,

By *Carl D. Hall, Jr.*

Carl D. Hall, Jr.

Hall & Sublett

Attorneys for Tulsa Concrete Company

905 National Bank of Tulsa Building

Tulsa, Oklahoma 74103

TULSA GENERAL DRIVERS,
WAREHOUSEMEN AND HELPERS,
LOCAL UNION NO. 523,
Defendant,

By *Maynard I. Unger*

Maynard I. Unger

Unger, Grabel, Unger & Leiter

Attorneys for Defendant

625 Wright Building

Tulsa, Oklahoma 74103

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

United States of America,

Plaintiff,

vs.

Ralph G. Robinson, Billie
Robinson, and J. W. Severns,

Defendants.

Civil No. 6513

FILED

AUG - 8 1967

J U D G M E N T

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

THIS MATTER COMES on for consideration this 11 day of

August 1967 and the plaintiff appearing by its counsel, Sam E. Taylor, Assistant United States Attorney for the Northern District of Oklahoma, and the defendant, J. W. Severns, having filed an Answer herein and having approved and consented to judgment herein, and the defendants, Ralph G. Robinson and Billie Robinson, appearing not, but having been duly served with summons herein more than 20 days prior hereto and having failed to answer or plead herein should be and are adjudged in default.

The Court further finds that the plaintiff has filed herein an affidavit that the defendants, Ralph G. Robinson and Billie Robinson, are not in the military or naval service of the United States and are not infants nor incompetents, which is found to be true.

The Court further finds that the material allegations of the plaintiff's complaint are true;

That the defendants, Ralph G. Robinson, and J. W. Severns, did on September 22, 1960, execute and deliver to the Administrator of the Farmers Home Administration their promissory note for the sum of \$9,600.00; that after all proper credits and setoffs thereon, the said defendants are indebted to the plaintiff for the sum of \$2,733.42, with interest on the sum of \$2,500.00, at the rate of 5% per annum from May 31, 1966, until paid.

The Court further finds that the defendants, Ralph G. Robinson and Billie Robinson, did on May 20, 1963, execute and deliver to the Administrator of the Farmers Home Administration their promissory note for the sum of \$10,150.00; that after all proper credits and setoffs thereon, the said defendants are indebted to the plaintiff for the sum of \$4,244.78,

with interest on the sum of \$3,966.94 at the rate of 5% per annum from May 31, 1966, until paid.

IT IS THEREFORE ORDERED, ADJUDGED and DECREED that plaintiff herein have judgment on its First Cause of Action against the defendants, Ralph G. Robinson and J. W. Severns, for the sum of \$2,733.42, with interest on the sum of \$2,500.00, at the rate of 5% per annum from May 31, 1966, until paid and for the costs of this action.

IT IS FURTHER ORDERED, ADJUDGED and DECREED that Plaintiff have judgment on its Second Cause of Action against the defendants, Ralph G. Robinson and Billie Robinson, for the sum of \$4,244.78, with interest on the sum of \$3,966.94, at the rate of 5% per annum from May 31, 1966, until paid and for the costs of this action.

UNITED STATES DISTRICT JUDGE

APPROVED:

SAM E. TAYLOR
Assistant U. S. Attorney

GEORGE BRIGGS
Attorney for Defendant,
J. W. Severns

AUG 9 1967

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

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

JOSEPH B. PIERSON,

Plaintiff,

vs.

THE CHEROKEE LABORATORIES,
INC., CARIBE OILWELL
PRODUCTS, INC., and CHEROKEE
LABORATORIES, INC.,

Defendants.

No. 6310 Civil

FILED

AUG 9 1967

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

J U D G M E N T

This action came on for trial before the Court, Luther Bohanon, U. S. District Judge, presiding, and the issues having been duly tried, and a decision having been reached, and based upon the Findings of Fact and Conclusions of Law this day filed herein.

IT IS ORDERED AND ADJUDGED that the plaintiff, Joseph B. Pierson, recover of the defendants, The Cherokee Laboratories, Incorporated, an Oklahoma corporation, Caribe Oilwell Products, Inc., an Oklahoma corporation, and Cherokee Laboratories, Inc., a Texas corporation, jointly and severally, the sum of \$3,325.46, with interest thereon at the rate of six percent per annum (from January 1, 1963) from the date of judgment), and for court costs, accrued and accruing.

IT IS FURTHER ORDERED AND ADJUDGED that the defendants recover of the plaintiff the 1963 Rambler automobile, free and clear of any liens, encumbrances or charges.

IT IS FURTHER ORDERED AND ADJUDGED that James R. Eagleton, Attorney for plaintiff, has an attorney's lien on this Judgment.

DATED this 3 day of ^{Aug} ~~July~~, 1967.

O.K. AS TO FORM:

James R. Eagleton
(James R. Eagleton)
Attorney for plaintiff

Luther Bohanon
United States District Judge

A. F. Ringold
Attorney for defendants

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

UNITED STATES OF AMERICA,

Plaintiff,

vs.

STONE TRUCKING COMPANY,
a corporation,

Defendant.

Civil Action No. 6582

FILED

AUG 10 1967

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

J U D G M E N T

This matter comes on for consideration this _____ day of ^{August} ~~March~~, 1967,
parties hereto having filed a stipulation and the Court having reviewed the
file finds that said stipulation should be and it is hereby approved and
confirmed.

It is, therefore, adjudged and decreed in pursuant to the stipulation
that the defendant, Stone Trucking Company, a corporation, is hereby fined
the sum of \$100.00 per count for Counts 1 through 8 for a total of \$800.00
plus the Court costs.

UNITED STATES DISTRICT JUDGE

APPROVED:

SAM E. TAYLOR
Assistant U. S. Attorney

L. EDGAR BARNES
Attorney for Defendant

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

SOUTHWESTERN BELL TELEPHONE COMPANY,
a Corporation,

Plaintiff,

vs.

GRAND RIVER DAM AUTHORITY,
a Governmental Corporation,

Defendant,

vs.

KANSAS, OKLAHOMA & GULF RAILWAY
COMPANY, a Corporation,

Third Party Defendant.

No. 6503

FILED

AUG 11 1967

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

ORDER OVERRULING MOTION FOR NEW TRIAL

This cause is before the court upon the motion of the plaintiff for a new trial. After hearing the argument of counsel at the hearing on the motion on August 7, 1967, and considering the briefs submitted by the parties, the court is of the opinion, and so finds, that the motion should be overruled.

IT IS THEREFORE BY THE COURT ORDERED that plaintiff's motion for new trial be overruled and denied.

LUTHER BOHANNON, DISTRICT JUDGE

and expended. For all of which let execution issue.

Irene Daugherty
U. S. District Judge

Approved as to form:

Alvin Bishop
Counsel for Burt D. Huddleston

Farmer, Woolsey, Flippo & Bailey

By *Robert Morrison*
Counsel for William Edward Ware

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

JAMES WALTER GRAY, JR.

Petitioner,

vs.

UNITED STATES OF AMERICA,

Defendant.

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No. 67-C-154

FILED

AUG 17 1967

ORDER

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

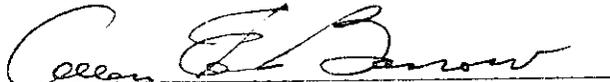
The Court has for consideration the motion pursuant to 28 USC 2255 of the petitioner, James Walter Gray, Jr., and being fully advised in the premises, finds:

1. That the petitioner contends that he was not advised of the provisions of the Federal Youth Corrections Act when he entered his plea of guilty on January 22, 1965, to a Dyer Act violation.

2. The Court has examined the file in Cr. 14203, and the transcript of the hearing on January 22, 1965, when petitioner entered his plea of guilty and was sentenced under the provisions of the Federal Youth Corrections Act, and finds that the petitioner was fully advised of the provisions of the Youth Act, and was fully advised that the maximum punishment which could be imposed was a fine of \$5,000 and five years imprisonment, or that he could be sentenced under the Federal Youth Corrections Act, and under such act it was possible that he could be held in custody for a period of six years, which is a period of one year beyond the maximum imposed by the regular statute.

IT IS, THEREFORE, ORDERED that the Motion Pursuant to
28 USC of petitioner should be and the same is hereby denied.

ENTERED this 17th day of August, 1967.


UNITED STATES DISTRICT JUDGE

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

FIRST FEDERAL SAVINGS AND LOAN ASSOCIATION)
of Coffeyville, Kansas,)
Plaintiff,)

vs.)

MELVIN GRIFFITH, MILDRED GRIFFITH, LEONA)
SPARKS, DR. JOSE FRANCISCO DE A. LIMA, M.D.,)
et al,)
Defendants.)

No. 6594

FILED

AUG 18 1967

ORDER CONFIRMING U. S. MARSHAL'S SALE,
DIRECTING ISSUANCE OF DEED, AND
DISBURSING PROCEEDS OF SALE

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

Now on this 18th day of August, 1967, this matter comes on for hearing on Plaintiff's Motion to Confirm Marshal's Sale made by the U. S. Marshal, Northern District of Oklahoma, on the 11th day of August, 1967, to Sentry Royalty Co., under an order of Sale and Special Execution issued out of the Office of the Clerk of the United States District Court, Northern District of Oklahoma, dated the 7th day of July, 1967, of the following property, to wit:

The Southeast Quarter, and the South Half of the Southeast Quarter of the Southwest Quarter, and the Northeast Quarter of the Southeast Quarter of the Southwest Quarter, and the North Half of the Southwest Quarter of Section 2, Township 25 North, Range 17 East of the Indian Meridian, excepting unto previous grantors as their interest appears of record in the office of the County Clerk, Nowata County, Oklahoma, a full undivided one-half interest in and to all of the oil, gas, coal and other minerals in and under said real estate, together with the right of ingress and egress to and from said property at all times for the full enjoyment thereof, and together with the right to use so much of the surface thereof as may be necessary for the development thereof under existing methods or any other method, containing 270 acres more or less in Nowata County, Oklahoma.

The Court, having carefully examined the proceedings of the said U. S. Marshal under said Special Execution and Order of Sale, is satisfied that the same have been performed in all respects in conformity with the law, that due and legal notice of said sale was given by publication in the Nowata Weekly Star-Times, a newspaper printed in Nowata County, State of Oklahoma, as shown by proof of publication on file herein and that on the day fixed therein to wit: the 11th day of August, 1967, said property was sold to Sentry Royalty Co., a corporation, it being the highest and best bidder therefore; and it appearing to the Court that said bidder has paid in cash to the U. S. Marshal the sum of \$30,500.00, being the amount of said high bid and being more than two-thirds of the appraised value of said real estate; and it further appearing that no exceptions nor objections have been made or filed herein.

IT IS THEREFORE ORDERED, ADJUDGED AND DECREED by the Court that the Clerk is directed to make an entry on the journal of this Court that the Court is satisfied of the legality of said sale, that said sale and the proceedings be, and the same are hereby, approved and confirmed.

IT IS FURTHER FOUND, CONSIDERED, ORDERED, ADJUDGED AND DECREED, that the U. S. Marshal for the Northern District of Oklahoma make and execute to said purchaser at said sale a good and sufficient deed for the premises so sold, and place thereon U.S.I.R. Documentary Stamps in the amount of \$33.55.

IT IS FURTHER ORDERED, ADJUDGED AND DECREED that upon execution and delivery by U. S. Marshal of the deed herein ordered executed, all right, title and interest in and to said real estate be and is hereby quieted in the grantee in said deed, against all of the parties Plaintiff or Defendants in this suit, their heirs, successors or assigns, and said parties to this suit are perpetually restrained and enjoined from asserting any interest adverse to the right, title and interest of the grantee in the deed herein ordered. Writ of Assistance is ordered issued to place grantee of said deed in possession.

IT IS FURTHER ORDERED, ADJUDGED AND DECREED that the U. S. Marshal disburse the proceeds of said sale as follows:

1. To U. S. Marshal for cost of Sale and Commission:

Appointing appraisers	\$6.00
Advertising property for sale	3.00
Holding sale	3.00
Return of Execution of Sale	3.00
Mileage 223 Miles @ 12¢	26.76
Publication costs	88.68
Appraisers' fees	60.00
Commission	472.50
Purchase of U.S.I.R. Documentary	
Stamps for deed	33.55
Total	<u>\$696.49</u>

2. To First Federal Savings and Loan Association of Coffeyville, Kansas, in care of its attorneys, Brewer & Worten, the principal sum of its judgment with interest and cost being the sum of \$25,665.15 plus interest thereon at \$6.40 per day from August 11, 1967 until check is issued and delivered.

3. To Brewer & Worten, Plaintiff's attorneys, the sum of \$2,274.60, attorney's fee as provided in judgment, and an additional \$100.00 advanced to the U. S. Marshal to defray sales cost.

4. To the County Treasurer of Nowata County, Oklahoma the sum of \$18.56 in payment of delinquent 1965 and 1966 Personal Property Tax of Defendant, Leona Sparks.

5. Balance remaining after payment of Items 1, 2, 3, and 4 above, be paid to Leona Sparks.

APPROVED:

BREWER & WORTEN

By Jesse J. Worten
Jesse J. Worten, Attorney for Plaintiff,
First Federal Savings and Loan Association,
Coffeyville, Kansas
P.O. Box 1066, Bartlesville, Oklahoma

(31) Luther Bohannon
Judge of the U. S. District Court,
Northern District of Oklahoma

Harris, Graham & Harris
Harris, Graham & Harris, Attorneys for
Defendant, Leona Sparks,
107 1/2 E. Frank Phillips, Bartlesville, Oklahoma

County Treasurer and County Sheriff of
Nowata County, Oklahoma, Defendants,

By Louis B. Amble

By [Signature]

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

United States of America,

Plaintiff,

vs.

James J. Crockett and William F.
Martin, Jr.,

Defendants.

Civil No. 6504

FILED

AUG 21 1967

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

STIPULATION AND CONFESSION OF JUDGMENT

IT IS HEREBY STIPULATED by and between the United States of
America, Plaintiff, and James J. Crockett, Defendant, that:

Judgment be entered herein in favor of the Plaintiff, United
States of America, and against the Defendant, James J. Crockett, for
the sum of \$31,501.55, with interest thereon at the rate of 6% per annum
from and after February 19, 1962, plus the costs of said action accrued
and accruing;

That said judgment is to be satisfied and released upon payment
by the defendant, James J. Crockett, to the Plaintiff, United States of
America, the sum of \$5,000.00, in 36 equal monthly installments beginning
August 15, 1967; That should the defendant, James J. Crockett, default
and fail to make any monthly installment then the entire judgment in the
sum of \$31,501.55, with interest thereon from and after February 19, 1962,
together with the costs of this action, less any payments actually made,
shall become due and payable at the option of the plaintiff, United States
of America, and without demand or notice to said defendant, James J.
Crockett;

That upon the payment to the Plaintiff, United States of America,
by the defendant, James J. Crockett, the sum of \$5,000.00 in 36 equal
monthly installments, the plaintiff, United States of America, shall file
herein a release and satisfaction of Judgment.

Dated this _____ day of _____ 1967.

UNITED STATES OF AMERICA

LAWRENCE A. McSOD
United States Attorney

SAM E. TAYLOR
Assistant U. S. Attorney
Room 460, U. S. Courthouse
Tulsa, Oklahoma 74103

JOE FRANCIS
Attorney for Defendant

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

United States of America,

Plaintiff,

vs.

James J. Crockett and William F.
Martin, Jr.,

Defendants.

Civil No. 6504

FILED

AUG 21 1967

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

J U D G M E N T

THIS MATTER COMES on for consideration by agreement of the Plaintiff, United States of America, and the Defendant, James J. Crockett, and the Court upon examining the file herein finds that the Plaintiff, United States of America, and the Defendant, James J. Crockett, have heretofore entered and filed a Stipulation and Confession of Judgment herein, which Stipulation and Confession of Judgment is hereby approved.

Pursuant thereto, IT IS HEREBY ORDERED, ADJUDGED and DECREED that the Plaintiff, United States of America, have and recover from the Defendant, James J. Crockett, the sum of \$31,501.55, with interest thereon at the rate of 6% per annum from and after February 19, 1962, plus the court costs of this action accrued and accruing.

Dated this 21st day of August 1967.

s/ Fred Daugherty
UNITED STATES DISTRICT JUDGE

APPROVED:

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

s/ Joe Francis
JOE FRANCIS
Attorney for Defendant

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

JESSIE WILLARD COURTNEY,

Plaintiff

vs

INTERNATIONAL HARVESTER COMPANY,

Defendant

CIVIL NO. 67-C-97

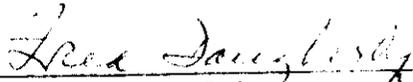
FILED

AUG 21 1967

ORDER

NOBLE C. HOOD
Clerk U. S. District Court

Now on this 7th day of August, 1967, pursuant to an agreement between the parties hereto, the above entitled cause is transferred to the United States District Court for the Western District of Oklahoma; and the Clerk of the District Court of the United States for the Northern District of Oklahoma is hereby ordered to transfer the file in the above entitled cause to the Clerk of the United States District Court for the Western District of Oklahoma.



Judge

WS

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

FILED

AUG 22 1967

DRESSER INDUSTRIES, INC., a corporation,)
and DRESSER SIE, INC., a corporation,)
Plaintiffs,)
vs.)
McCULLOUGH TOOL COMPANY, a corporation,)
Defendant.)

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

No. 6531 Civil

ORDER TRANSFERRING CASE

The plaintiffs, Dresser Industries, Inc., a corporation, and Dresser Sie, Inc., a corporation (successors to Well Surveys Inc. and hereafter called Dresser), have brought this maintenance action in the United States District Court for the Northern District of Oklahoma against the defendant, McCullough Tool Company, a corporation (hereafter called McCullough), complaining that McCullough is wrongfully aiding and assisting Perfo-Log, Inc. (hereafter called Perfo-Log), in defending an action brought against it in the United States District Court for the Western District of Oklahoma by Well Surveys, Inc. (now Dresser). In this Northern District case Dresser seeks damages to date and an injunction against McCullough from giving Perfo-Log any further assistance in defending the Western District case.

In the Western District case (Case No. 9542, Well Surveys, Inc. v. Perfo-Log, Inc., filed December 26, 1961), the defendant Perfo-Log, by a motion filed therein, asked the Court to restrain Dresser (successor to Well Surveys, Inc.) from proceeding in this Northern District case. A ruling on this motion was reserved by the Court in the Western District and in the meantime a Summary

Judgment was granted in favor of Perfo-Log in the Western District case, which ruling is now pending on appeal to the Court of Appeals, Tenth Circuit.

Thus, in this Northern District case, Dresser seeks damages to date and an injunction against McCullough from aiding Perfo-Log in a pending Western District case, whereas, in the Western District case Perfo-Log asked that Court to enjoin Dresser from proceeding in this Northern District maintenance case to attempt to enjoin McCullough from assisting Perfo-Log in its defense of the Western District case. The Summary Judgment entered in favor of Perfo-Log in the Western District case is not a final order in view of the pending appeal and if McCullough is assisting Perfo-Log as claimed by Dresser, it is possible that such assistance will continue in connection with the pending appeal.

Title 28 United States Code, Section 1404(a) provides as follows: "For the convenience of parties and witnesses, in the interest of justice, the District Court may transfer any civil action to any other District or Division where it might have been brought."

The plaintiffs in this action brought in the Northern District of Oklahoma might have brought the same in the Western District of Oklahoma. A District Court may transfer a case under Title 28 United States Code, Section 1404(a) on its own motion. 15 L.Ed.2d 1016, at page 1023.

It is the judgment and opinion of this Court that the above situation presents an intolerable or undesirable conflict between the Western District of Oklahoma and the Northern District of Oklahoma, in that the Northern District/ if successfully concluded

would result in an order preventing McCullough from rendering assistance in the Western District case and in the Western District case a motion has been filed seeking to enjoin a party therein from prosecuting the Northern District case to a conclusion. The Northern District is thus placed in the position of being requested to issue an injunctive order which would constitute interference with a proceeding in the Western District.

The Western District case was filed first and is the central case involving alleged patent infringement. This is to say that the Northern District case based on alleged maintenance involves the pending Western District case in a manner other than on its merits. The Northern District case does, however, have some direct effect on the pending Western District case, in that the relief sought herein is that McCullough be enjoined and prevented from assisting the defendant in the pending Western District case from defending the action brought against it.

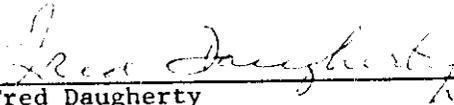
It is believed that the interest of justice requires that the Northern District case be transferred to the Western District of Oklahoma where it can and should be entertained by the Judge to whom the Western District case has been assigned. This would permit this Judge who is familiar with the Western District case to decide whether or not McCullough should be enjoined from assisting the defendant in the Western District case and this entire conflict could then be handled by a single judge without the undesirable effect of having one court requested to enjoin a party from assisting a defendant in a case pending in another court which action could have some direct effect on said case.

Litigation of related claims in the same tribunal is strongly

avored for many obvious reasons. While a plaintiff's choice of forum is a fact to be considered in determining whether a matter should be transferred to another court such choice is no longer entitled to the great weight formerly given it under the doctrine of forum non conveniens. Schneider v. Sears, 265 F.Supp. 257 (S.D. N.Y. 1967).

In its discretion the Court finds and concludes that the above captioned case pending in the Northern District of Oklahoma, in the interest of justice to avoid an intolerable or undesirable conflict between two District Courts, should be and the same is hereby transferred to the Western District of Oklahoma. Schneider v. Sears, supra; Thomas v. Silver Creek Coal Company, 264 F.Supp. 833 (E.D. Pa. 1967); Chicago, Rock Island & Pac. R. Co. v. Hugh Breeding, Inc., 232 F.2d 584 (Tenth Circuit 1956); Van Dusen v. Barrack, 376 U.S. 612, 11 L.Ed.2d 945, 84 S.Ct. 805 (1964); 1 Barron and Holtzoff, 406 (Sec. 86), Change of Venue under 28 U.S.C.A. 1404(a).

It is so ordered this 17th day of August, 1967, and the Clerk of this Court is directed to effect the ordered transfer without delay.


Fred Daugherty
United States District Judge

UNITED STATES DISTRICT COURT FOR THE NORTHERN
DISTRICT OF OKLAHOMA

Val Chase and Jerome Ellis, Co-administrators
of the Estate of William M. Blinn, deceased,
. . . Plaintiffs,

vs.

William Edward Ware and Honeywell, Inc.,
a foreign corporation, . . . Defendants,

and

Burt D. Huddleston, . . . Plaintiff,

vs.

William Edward Ware, . . . Defendant.

)
)
) No. 6581 Civil

)
)
)
) **FILED**

) **AUG 23 1967** *CS*
)
) NOBLE C. HOOD
) Clerk, U. S. District Court

JOURNAL ENTRY OF JUDGMENT

Now on this 8th day of August, 1967, this cause comes on for trial

having been regularly assigned before the undersigned Judge. The plaintiffs appeared by and through their attorneys of record, Hudson, Wheaton & Brett, and H. Corky Bishop, and the defendant William Edward Ware appeared by his attorney Farmer, Woolsey, Flippo & Bailey, and the defendant Honeywell, Inc., appeared by its attorneys, Covington, Gibbon & Poe. Carol Blinn, the surviving widow of William M. Blinn, appeared by and through her attorneys, Hudson, Wheaton & Brett, and H. Corky Bishop. The court having called the case for trial and having heard statement of counsel, and having considered the statements of counsel and the depositions on file in this cause, and being advised of agreements of all parties herein, the Court finds:

1) Carol Blinn, the surviving widow of William M. Blinn, deceased, is at the time of this trial the duly appointed and legal administratrix of the Estate of William M. Blinn, deceased.

2) Val Chase and Jerome Ellis, the co-administrators of the Estate of William M. Blinn, deceased, have been by the County Court of Tulsa County removed and discharged from their duties as such co-administrators.

3) Upon motion of Carol Blinn, administratrix of the Estate of William M. Blinn, deceased, that she be made party plaintiff herein instead of Val Chase and

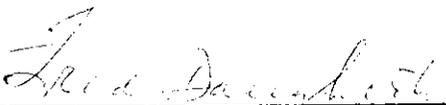
Jerome Ellis as co-administrators of the Estate of William M. Blinn, deceased;
and the Court being advised and aware of the fact that Carol Blinn is the duly
acting and legal administratrix of the Estate of William M. Blinn, deceased;

IT IS HEREBY ORDERED, ADJUDGED AND DECREED that Carol Blinn,
as administratrix of the Estate of William M. Blinn, deceased, be, and is hereby
made party plaintiff in this action.

Upon statement of counsel and agreement of the parties, the
Court finds that Carol Blinn as surviving widow of William M. Blinn, deceased,
has suffered a personal financial loss in the amount of of \$70,000.00. The Court
further finds that said \$70,000.00 is no part of the Estate of William M. Blinn,
deceased, and is not subject to administration.

IT IS THEREFORE ORDERED, ADJUDGED AND DECREED that judgment
be, and is hereby entered in favor of Carol Blinn, administratrix of the Estate of
William M. Blinn, deceased, personally as the surviving widow of William M. Blinn
in the amount of Seventy Thousand (\$70,000.00) Dollars, said amount not to be sub-
ject to administration, together with interest thereon at the rate of six per cent
per annum from the 8th day of August, 1967, until paid, and for her costs herein
laid out and expended.

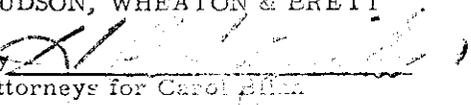
For all of which let execution issue.



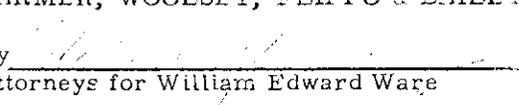
U. S. District Judge

Approved:

HUDSON, WHEATON & BRETT

By 
Attorneys for Carol Blinn

FARMER, WOOLSEY, FLIPPO & BAILEY

By 
Attorneys for William Edward Ware

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

W. WILLARD WHITE, SECRETARY OF LABOR,)
UNITED STATES DEPARTMENT OF LABOR,)
)
Plaintiff))
)
v.)
)
MERCANTILE NATIONAL BANK,)
)
Defendant)

CIVIL ACTION

NO. 6604

FILED

AUG 23 1967

ORDER OF DISMISSAL

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

Plaintiff having filed his complaint, and the defendant having appeared by counsel and filed its answer herein and having agreed to pay the amount as set forth in the stipulation of the parties, and agreed to the entry of a formal stipulation of compliance which has been filed herein and the defendant having assured the plaintiff that it will fully comply with the provisions of the Fair Labor Standards Act of 1938, as amended, as set out in detail in the aforementioned stipulation of compliance, it is, therefore, upon motion of counsel for plaintiff:

ORDERED, ADJUDGED and DECREED that the above styled and numbered cause may be and is hereby dismissed with costs taxed to the defendant.

DATED this 23 day of August, 1967.

/s/ Fred Roberts
UNITED STATES DISTRICT JUDGE

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

VAN DUSEN AIRCRAFT SUPPLIES,)
Southwest Division, Inc.,)
)
Plaintiff,)
)
VS.)
)
EXECUTIVE FLIGHT, INC., and)
H. L. CARON,)
)
Defendants.)

Civil Action
No. 6596

FILED

AUG 23 1967

NOBLE C. HOOD *mc*

ORDER GRANTING PLAINTIFF SUMMARY ^{Clerk} U. S. District Court
JUDGMENT

The plaintiff in the above-entitled action, having made a motion for an order under Rule 56 of the Federal Rules of Civil Procedure, for a summary judgment in plaintiff's favor for the relief demanded in the complaint on the ground that there is no genuine issue as to any material fact and that plaintiff is entitled to a judgment as a matter of law.

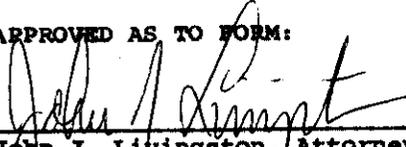
Now, on reading the complaint, answer, counterclaim and reply to counterclaim, and on reading the filing the notice of motion dated March 16, 1967, with proof of service thereof, the depositions of the defendant H. L. Caron and the witness Hugh Pickering, both on file in these proceedings, and plaintiff's memorandum of points and authorities in support of motion for summary judgment, and after hearing John J. Livingston, attorney for plaintiff, in support of said motion, and Glenn Prichard, attorney for defendants, in opposition thereto, and due deliberation having been had, it is, on motion of John J. Livingston, attorney for plaintiff, ordered that said motion be and the same is hereby granted, and that judgment be entered herein in the sum of \$15,724.04, with interest thereon at the rate of six percent (6%) per annum from June 20, 1966, with costs and disbursements of the action, in favor of plaintiff and against

defendant, and further, that defendants' counterclaim be stricken,
and it is further ordered that defendants take nothing thereunder.

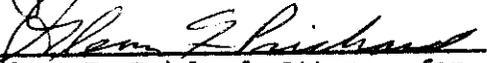
ated this 23rd day of August, 1967.

Judge of the United States District Court

APPROVED AS TO FORM:



John J. Livingston, Attorney for
Plaintiff



Glenn F. Prichard, Attorney for
Defendants.

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

VAN DUSEN AIRCRAFT SUPPLIES,)
Southwest Division, Inc.,)
)
Plaintiff,)
)
vs.)
)
EXECUTIVE FLIGHT, INC., and)
H. L. CARON,)
)
Defendants.)

Civil Action

No. 6596 **FILED**

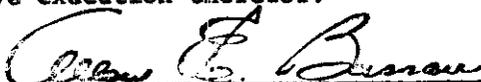
AUG 24 1967

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

SUMMARY JUDGMENT FOR PLAINTIFF

The summons and complaint in the above entitled action have been duly served upon defendants and defendants having appearing by their attorney, Glenn Prichard, and having served their answer herein and counterclaim, and plaintiff having moved for an order under Rule 56 of the Federal Rules of Federal Procedure for a summary judgment in plaintiff's favor for the relief demanded in the complaint and striking defendants' counterclaim, on the ground that there is no genuine issue as to any material fact and that plaintiff is entitled to a judgment as a matter of law, and this motion having come on regularly to be heard before Judge Allen E. Barrow, at 10:00 o'clock A.M., on Wednesday the 23rd day of August, 1967, at Tulsa, Oklahoma, and this motion having been granted and judgment directed to be entered herein by an order duly signed and entered on the 23rd day of August, 1967;

NOW, on motion of John J. Livingston, attorney for plaintiff, it is ordered, adjudged and decreed that plaintiff recover of defendants, and each of them, the sum of \$15,724.04, with interest thereon amounting to \$1,100.68, together with the costs and disbursements of this action amounting to \$231.17, making a total of \$17,055.89 in all, that defendants take nothing on their counterclaim and that plaintiff have execution therefor.



Judge of the United States District Court

APPROVED AS TO FORM:

John J. Livingston, Attorney for
Plaintiff

Glenn F. Prichard, Attorney for
Defendants.

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

LAWRENCE P. WORD,

Plaintiff,

-vs-

GLENS FALLS INSURANCE COMPANY,

Defendant.

No. 67-C-60
Civil

FILED

AUG 24 1967

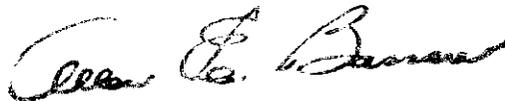
NOBLE C. HOOD
Clerk, U. S. District Court

ORDER

Now on this day of August, 1967, upon

application of the parties and for good cause shown, the Court has reviewed the evidence and finds the case has been compromised and settled.

IT IS HEREBY ORDERED, ADJUDGED AND DECREED that the case shall be dismissed with prejudice to the filing of a future action, with the costs to be paid by the Defendant.



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.)
)
LORRAINE F. WHITE and DAVID C. WHITE,)
doing business as WHITE SURVEYING)
COMPANY)
)
Defendants)

CIVIL ACTION

FILE NO. 6383

FILED

AUG 31 1967

J U D G M E N T

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

This matter came duly on for trial before the Court on April 6, 1967, and after hearing the evidence of the case and being fully advised in the premises, the Court makes and enters the following judgment in accordance with its memorandum opinion separately entered on August 24, 1967:

It is hereby ORDERED, ADJUDGED, and DECREED that defendants, their agents, servants, employees, and all persons acting or claiming to act in their behalf and interest be, and they hereby are, enjoined from violating the provisions of the Fair Labor Standards Act of 1938 (52 Stat. 1060, as amended; 29 U.S.C.A. 201 et seq.), sometimes hereinafter referred to as the Act, in any of the following particulars:

1. The defendants shall not employ any of their employees engaged in the production of goods for interstate commerce without compensating said employees for their hours worked in excess of 40 hours per week at a rate not less than one and one half times the regular rate at which they were employed.

2. The defendants shall not fail to make, keep, and preserve adequate and accurate records of their employees, and of the wages, hours, and other conditions and practices of employment maintained by them as required by section 11(c) of the Act and Regulations promulgated under the authority of sections 11(c) and 15(a)(5) of the Act, and found in Title 29, Chapter V, Code of Federal Regulations, Part 516.

3. The defendants are further enjoined from withholding unpaid overtime compensation due and owing to the following employees in the amount set forth, together with interest on said amounts from the time they became due and owing:

Lee Anders	\$ 756.56
Jack Brown	117.50
John DeHart	234.41
R. A. DeHart	8.00
Francis Falkner	7.50
Floyd Francisco	205.41
Thomas Harbison	664.92
Gene Newlun	221.25
Chapman Phillips	6.74
Patrick Purtell	.79
Robert Sheffield	323.26
Stanley Wallace	107.63
Kenneth Wilson	<u>95.31</u>
Total	\$2,749.28

The provisions of this judgment restraining the withholding of payment of wages found due the employees named herein shall be deemed satisfied upon delivery to the plaintiff of a certified or cashier's check, payable to "Wage and Hour Division - Labor" in the net amount due after deductions for income and social security taxes.

The plaintiff shall make distribution of the amounts due to the employees above named or to the legal representative of any deceased employee. In the event the plaintiff is unable to

make payment within two years after the receipt of the wages from defendants, because of inability to locate the employee or because of his refusal to accept payment, such sum shall be paid into the United States Treasury as miscellaneous receipts.

It is FURTHER ORDERED that the costs of this action be paid by the defendants.

Dated this 31 day of August, 1967.

Lrea Jougherty
UNITED STATES DISTRICT JUDGE

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

UNITED STATES OF AMERICA,

Libelant,

vs.

35 one-gallon containers, more or less,
of a product labeled in part "Dec-Dec-Tol"
and 26 one-pound one-ounce containers,
more or less, of a product labeled in part
"Industrial CHALK BOARD Cleaner,"

Respondent.

CIVIL ACTION NO. 67-C-138

FILED

AUG 8 1967

NOBLE C. HOOD
Clerk U. S. District Court

DECREE OF CONFISCATION

This matter comes on for consideration on Motion of the Libelant, United States of America, for Default Judgment, and the Court, having examined the facts herein, finds that the Complaint was filed herein on July 21, 1967; that a Motion was duly issued and served by the United States Marshal for the Northern District of Oklahoma on July 26, 1967; that neither Industrial Chemical Laboratories, Inc., nor any other claimant has appeared or otherwise moved herein.

The Court finds that the allegations of the Complaint are true and correct; that the products described therein and seized by the United States Marshal were misbranded while held for sale after shipment in interstate commerce; that such products are within the jurisdiction of this Court; that such products are economic poisons and are liable for seizure and disposition pursuant to the provisions of 7 U.S.C. 135-135k.

The Court further finds that the products mentioned herein were misbranded when introduced into and while in interstate commerce and that said products cannot be salvaged for any useful purpose.

IT IS, THEREFORE, ORDERED, ADJUDGED, AND DECREED BY THE COURT that all of the misbranded products seized and held by the United States Marshal for the Northern District of Oklahoma under and pursuant to the Motion heretofore issued and served herein be and they are hereby ORDERED forfeited to the United States of America and the United States Marshal for the Northern District of Oklahoma is ordered and directed to destroy said economic poisons because they cannot be salvaged for any useful purpose.

APPROVED:

s/ Hubert H. Bryant

HUBERT H. BRYANT
Assistant U. S. Attorney

UNITED STATES DISTRICT JUDGE