

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

JOHN E. HAUPTMANN,

Plaintiff,

vs.

INTERNATIONAL ALLIANCE OF THEATRICAL
STAGE EMPLOYEES and MOVING PICTURE
MACHINE OPERATORS of the UNITED STATES
and ANADA and LOCAL UNION NO. 354, a/k/a
STAGE EMPLOYEE UNION NO. 354,

Defendants

NO. 67-C-148

FILED

SEP - 6 1967

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

NOTICE OF DISMISSAL

Comes now the plaintiff, John E. Hauptmann, and dismisses the above
entitled cause of action against the defendants, International Alliance of
Theatrical Stage Employees and Moving Picture Machine Operators of the
United State and Canada and Local Union No. 354, a/k/a Stage Employees
Union No. 354, with prejudice.

John E. Hauptmann
John E. Hauptmann, Plaintiff

Robert A. Brown
Attorney for Plaintiff

Approved by the Court:
Walter J. Parker
Attorney for Defendants

for said property, and damages, arising by virtue of said taking, of any kind or matter whatsoever. And the court, having reviewed and heard the aforementioned announcement in open court, hereby finds that the same is fair and reasonable and approves the withdrawal of a request for jury trial by said parties with prejudice to having their damages assessed by a jury.

IT IS THEREFORE ORDERED, ADJUDGED AND DECREED that the request for jury trial filed in behalf of the Defendants, Peggy Marrs, Fannie Glass, Walter Step, Margaret Milligan and William Step, heirs of Margaret Humanstriker Step, deceased, all unenrolled Restricted Full Blood Cherokee Indians, upon request of said parties be and the same is hereby dismissed with prejudice to having damages assessed by a jury, by reason of the taking of the hereinafter described property by the Plaintiff, and that the settlement of said parties is hereby approved by this court as full and complete payment and compensation for all damages of whatsoever nature sustained by said Defendants.

IT IS FURTHER ORDERED that fee simple title to the hereinafter described property be and the same is hereby vested in the City of Tulsa, a municipal corporation, free and clear of any right, title, interest or claim of any kind or nature whatsoever of said Defendants, and that said Defendants shall be forever barred from making any further or additional claim of any right, title, interest or ownership in and to said property, and this decree shall operate as a full and complete conveyance to the City of Tulsa, a municipal corporation, of the fee simple title to the hereinafter described real property:

Tract No. 7: The heirs, executors, administrators, devisees, trustees and assigns, immediate and remote, known and unknown, of Margaret Humanstriker Step, deceased, Full Blood Cherokee, Roll # 20453; Peggy Marra, Fannie Glass, Walter Step, Margaret Milligan and William Step, heirs of Margaret Humanstriker Step, deceased, all unenrolled Restricted Full Blood Cherokee Indians - Fee Simple Owners.

A tract of land lying in the Southeast Quarter (SE $\frac{1}{4}$), Ten (10) acres of Lot 2, Section 6, Township 20 North, Range 15 East, in Rogers County, Oklahoma, and being more particularly described as follows, to-wit: Beginning at the Southeast corner of said Lot 2, thence West along the South line of said Lot 2 to the Southwest corner of the Southeast Ten (10) acres of said Lot 2; thence North along the West line of said 10 acres a distance of 60 feet to a point; thence North 44° 03' 00" East to the North line of said Southeast 10 acres; thence East along said North line of said 10 acres to the Northeast corner of said 10 acres; thence South along the East line of said Lot 2 to the Southeast corner thereof and place of beginning.

Done in open court this 31st day of May,

1967.

Dated, Aug. 31, 1967.

Luther Bohanan

DISTRICT JUDGE

APPROVED AS TO FORM:

CITY OF TULSA, OKLAHOMA,
a municipal corporation

By *John Robert Seelye*
Assistant City Attorney

Hubert A. Marlow

Hubert Marlow, Assistant
United States Attorney

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

John Deere Company, a
corporation,

Plaintiff,

vs.

Tulsa Equipment Company, a
corporation, et al,

Defendants.

✓
No. 67-C-152

FILED

SEP - 7 1967

JOURNAL ENTRY OF JUDGMENT NOBLE C. HOOD

Clerk, U. S. District Court

The above matter comes on regularly for hearing pursuant to the stipulation filed herein by the defendants, Tulsa Equipment Company, a corporation, B. W. Hoover, J. T. Hoover and R. L. Hoover, individual defendants.

The court, having heard the statements of counsel and being fully advised in the premises, FINDS AND ORDERS that plaintiff have and recover judgment against the named defendants as follows:

1. Judgment for the sum of \$ 39,763.57.
2. Judgment for possession of the following described machinery, to-wit:

One Used Gradall Model 2460, Serial No. 57025

One Used John Deere 440 Wheel Dsl. Serial No. 440093 w/ Front End Loader #7542 w/ 50 Backhoe, Serial No. 2231

One Used Shields Bantam Crawler Crane No. 9643 w/ Backhoe Att.

One Used MF WH Loader Serial No. 652651 and Serial No. 27194

One AB 100 Adjusta-Bkts Adapter Kit for JD 500 Tr w/ 93A Backhoe and one AB 600 42" Cleanup and Grading Bucket

One John Deere 700 Tractor, Serial No. 9631

One John Deere 600 W Diesel, Serial No. 253P098692 with 3500 Side Boom, Serial No. 101 with 648 Dozer, Serial No. 471

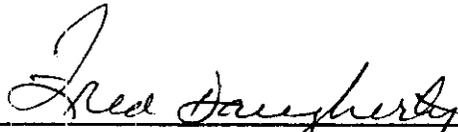
One 5010 I Tractor, Serial No. 373R008161 with 401 Scraper, Serial No. 1734

One Whl. Dsl. Tractor, Serial No. 66667, with 3500 Side Boom and one BU 10317U 90" Blade

One 2010 Wheel, Serial No. 65941, one 700 Loader, Serial No. 3102, one 93 Backhoe, Serial No. 5214 and one 2010 Wheel Forklift, Serial No. 68211

3. Judgment for an attorneys' fee in the amount of \$1,000.00 and for the costs of this action.

IT IS FURTHER ORDERED that John Deere Company, a corporation, as principal, and Federal Insurance Company, as surety, be and they are hereby discharged from any further liability under the replevin bond posted herein.


United States District Judge

APPROVED AS TO FORM:


John C. Harrington, Jr.

Lytle Soule & Emery
824 Commerce Exchange Building
Oklahoma City, Oklahoma

Attorneys for plaintiff



Attorneys for defendant

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

FENIX & SCISSON, INC.,
Plaintiff
v.
UNITED STATES OF AMERICA,
Defendant

CIVIL ACTION NO. 5711

FILED

SEP 12 1967

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

J U D G M E N T

Pursuant to the Mandate of the United States Court of Appeals
for the Tenth Circuit, entered herein on June 30, 1966, it is
ORDERED, ADJUDGED AND DECREED that the plaintiff have and
recover of and from the defendant the sum of \$17,139.59, together
with interest thereon according to law. Any and all other and
further relief sought by plaintiff herein is hereby denied.

The defendant will have and recover all costs allowable by
law.

DONE this 12 day of Sept, 1967.

Irene Saubert
UNITED STATES DISTRICT JUDGE

APPROVED AS TO FORM:

Joseph A. Hoskins
JOSEPH A. HOSKINS

J. Glenn Hahn
J. GLENN HAHN
ATTORNEYS FOR PLAINTIFF

LAWRENCE A. MC SOUD
United States Attorney

By:

John C. Jones
JOHN C. JONES
Attorney, Tax Division
Department of Justice
7A06 Federal Building
Fort Worth, Texas 76102
ATTORNEYS FOR DEFENDANT

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

UNITED STATES OF AMERICA,

Libelant,

vs.

CIVIL ACTION NO. 67-C-151

Articles of Food consisting of:
Stored to the Account of Chester B. Brown Co.
Under Lot Number 2154:
4 bags, more or less, article labeled in part:
(Bag) "100 lbs. net Brown's Best Great
Northern Beans Chester B. Brown Co., Rupert, Idaho."
Under Lot Number 748:
5 bags, more or less, article labeled in part:
(Bag) "100 lbs. net Brown's Best Pinto Beans
Chester B. Brown Co., Morrill, Nebraska,"
5 bags, more or less, article labeled in part:
(Bag) "100 lbs. net Brown's Best Great Northern
Beans, Chester B. Brown Co., Morrill, Nebr."
Stored to the account of Comet Rice Company,
Houston, Texas:
Under Lots Numbers 732 and 971:
32 bags, more or less, article labeled in part:
(Bag) "Adolphus 25 lbs. net Adolphus extra long
grain Comet Rice Mill Inc. Houston, Texas,"

Respondent.

FILED

SEP 13 1967

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

DECREE OF CONDEMNATION

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 Libel of Information was filed herein on August 10, 1967; that a Motion was duly issued and served by the United States Marshal for the Northern District of Oklahoma on August 14, 1967; that neither Hodges Warehouse Corporation nor any other claimant has appeared or otherwise moved herein.

The Court finds that the allegations of the Libel of Information are true and correct; that the articles of food described therein and seized by the United States Marshal are being held for sale after having been shipped in interstate commerce; that articles were adulterated while held for sale after shipment in interstate commerce in that they consist in whole or in part of a filthy substance (4 bag lot) by reason of being rodent gnawed and by reason of presence therein of rodent urine, and by reason therein (5 bag lot pinto beans and 32 bag lot rice) of rodent urine, and in that all lots have been held under insanitary conditions whereby they have become adulterated with filth; that such articles

are being held illegally within the jurisdiction of this Court and are liable for seizure and condemnation pursuant to the provisions of 21 U.S.C. 334.

The Court further finds that the articles mentioned herein were shipped in interstate commerce; became adulterated while held for sale after shipment in interstate commerce; are unfit for human consumption, and that said articles cannot be salvaged for any useful purpose.

IT IS, THEREFORE, ORDERED, ADJUDGED, AND DECREED BY THE COURT that all of the adulterated articles 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 articles of food because they cannot be salvaged for any useful purpose.

UNITED STATES DISTRICT JUDGE

APPROVED:

s/ Hubert H. Bryant

HUBERT H. BRYANT
Assistant U. S. Attorney

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

United States of America,

Plaintiff,

CIVIL NO. 6535

vs.

**Patty Rose Sharpston and Reynolds
Aluminum Credit Corporation,**

Defendants.

FILED

SEP 14 1967

NOBLE C. HOOD

ORDER CONFIRMING MARSHAL'S SALE Clerk, U. S. District Court

NOW, on this 13th day of September, 1967, there comes on for consideration the Motion to Confirm Sale made by the United States Marshal for the Northern District of Oklahoma on August 17, 1967 under an Order of Sale dated June 22, 1967 of the following-described property, to-wit:

**Lot Five (5), Block Fourteen (14) VALLEY VIEW
ACRES ADDITION to the City of Tulsa, County of
Tulsa, State of Oklahoma, according to the
recorded plat thereof,**

and the Court having examined the proceedings of the United States Marshal under the said Order of Sale, there being no exceptions thereto and no one appearing in opposition thereto, finds that due and legal notice of the sale was given once a week for four (4) consecutive weeks prior to the date of said sale in the **Tulsa Daily Legal News** a newspaper of general circulation in **Tulsa** County, State of Oklahoma, and that on the day fixed therein the aforesaid property was sold to **the Administrator of Veterans Affairs,** he being the highest and best bidder therefor.

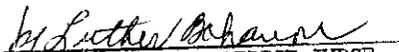
The Court finds that the sale was in all respects in conformity with the law and judgment of this Court and was legal in all respects.

IT IS THEREFORE ORDERED, ADJUDGED AND DECREED that the United States Marshal's Sale made pursuant to the Order of Sale heretofore issued herein, be, and the same is approved and confirmed.

IT IS FURTHER ORDERED that Doyle W. Foreman, United States Marshal for the Northern District of Oklahoma, execute and deliver to the purchaser **Administrator of Veterans Affairs**, a good and sufficient deed for the above-described real property.

APPROVED:


SAM E. TAYLOR
Assistant U. S. Attorney


UNITED STATES DISTRICT JUDGE

UNITED STATES DISTRICT COURT FOR THE
NORTHERN DISTRICT OF OKLAHOMA

United States of America,

Plaintiff,

vs.

James E. Tolbert and
Hazel M. Tolbert, husband
and wife,

Defendants.

CIVIL NO. 67-C-108

FILED

SEP 14 1967

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

DEFAULT JUDGMENT BY THE CLERK

This cause came on to be heard on motion of the plaintiff for default judgment for the relief demanded in the complaint, and it appearing the complaint and summons in this action were served on the defendant on June 26, 1967, as appears from the Marshal's return of service of said summons; that the time within which the defendant may answer or otherwise move as to the complaint has expired; that the defendant has not answered or otherwise moved and that the time for defendant to answer or otherwise move has not been extended.

It further appearing, as evidenced by the affidavit of the plaintiff, that the defendant is neither an infant nor incompetent person, and that the defendant is not in the military service of the United States.

It further appearing plaintiff's claim against the defendant is for a sum certain which can by computation be made certain.

IT IS HEREBY ORDERED, ADJUDGED AND DECREED that the plaintiff recover of the defendant the amount prayed for in the sum of \$ 3,093.26 with interest on the sum of \$ 3,093.26 at the rate of 5 % per annum from October 31 1956, until paid, ^{together with the sum of \$1,961.87 accrued interest} and the costs of this action.

Dated this 14 day of September, 19 67.

NOBLE C. HOOD
Clerk, United States District
Court for the Northern District of
Oklahoma

By

Minnie Hamer
Deputy

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

THURMAN EVERETT,
Plaintiff,
vs.
SETH GLEN BURT,
Defendant.

NO. 67 C 58 ✓

FILED

SEP 15 1967

O R D E R

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

NOW on this 15th day of September, 1967, there came
on for hearing the motion and stipulation of the parties to dismiss
the complaint and dismiss the cross-complaint without prejudice.
After consideration of the stipulation and motion of the parties,
the Court finds that said complaint and said cross-complaint should
be dismissed without prejudice.

IT IS THEREFORE ORDERED, ADJUDGED AND DECREED that the complaint
be dismissed without prejudice and that the cross-complaint be dismissed
without prejudice.


JUDGE

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

FILED

SEP 18 1967

W. WILLARD WERTZ, SECRETARY OF
LABOR, UNITED STATES DEPARTMENT
OF LABOR,

plaintiff

v.

TRKACO, INC., a corporation

Defendant

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

CIVIL ACTION

FILE NO. 6499

ORDER OF DISMISSAL

Upon motion of counsel for plaintiff it is hereby ordered
that this case be dismissed with prejudice and without cost to
either party.

Entered this 18 day of Sept, 1967.

(s) Fred Daugherty
UNITED STATES DISTRICT JUDGE

Approved

Richard L. Collier
Attorney for Plaintiff

Oliver J. Bullock, Jr.
Attorney for Defendant

UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF OKLAHOMA

JETCO CHEMICALS, INC., a Texas
corporation,)
)
Plaintiff,)
)
v.)
)
CARL DAVIS,)
)
Defendant.)

67 - C - 180

Civil Action No. _____

FILED

SEP 18 1967

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

TEMPORARY RESTRAINING ORDER
AND
ORDER TO TURN OVER ASSETS

This cause coming on to be heard on Plaintiff's verified Complaint, notice of this hearing having been given to Defendant's attorneys, and it appearing to the Court that Defendant is committing acts and is about to commit acts set forth in Plaintiff's verified Complaint, and will continue to do so unless restrained by order of this Court, and that immediate and irreparable injury, loss or damage will result to Plaintiff for which Plaintiff has no adequate remedy at law in that, in violation of his agreement, Defendant will compete with Plaintiff, in that Defendant will continue to solicit Plaintiff's customers and fill purchase orders received from Plaintiff's customers with chemicals supplied by other chemical manufacturers and distributors and in that Plaintiff's customers, which cannot be replaced with other customers, will be irretrievably lost to Plaintiff, in that confidential matter will be revealed by Defendant, in that the goodwill purchased by Plaintiff will be dissipated, in that Plaintiff will be deprived of its property rights, and in that Plaintiff will suffer loss of orders and profits which cannot be measured at law, it is

ORDERED, that Defendant, his deputies, agents, servants and employees, and all persons in active concert and participation with them, be and they are hereby restrained from in any manner, either directly or indirectly, competing with Plaintiff in the sale

and distribution of chemicals and chemical compounds for the treatment of water used in industrial installations in areas in which Plaintiff is or has been selling such chemicals, from using the name "Carl Davis Co.", from diverting to himself or from filling or causing to be filled, or otherwise utilizing in any way any purchase orders for such chemicals solicited in the name of or addressed to Carl Davis Co., from using Post Office Box No. 15301, Tulsa, Oklahoma, or from removing therefrom any of the mail delivered thereto unless pursuant to further order of this Court, from divulging to the competitors of Plaintiff formulae, trade secrets, customer lists or other information sold by Defendant to Plaintiff or revealed to Defendant by Plaintiff in confidence during the course of his employment with Plaintiff, and from using, transferring, encumbering or otherwise alienating the assets of Plaintiff entrusted to Defendant; it is further

ORDERED, that Defendant turn over to Plaintiff all of Plaintiff's assets entrusted to Defendant, including but not by way of limitation, all assets acquired by Plaintiff from Defendant on January 1, 1966, the files, books, records, ledgers, invoices, purchase orders, correspondence and other papers of Carl Davis Co., the formulae, trade secrets, customer lists and other information sold by Defendant to Plaintiff or revealed to Defendant by Plaintiff in confidence during the course of his employment with Plaintiff, the key to Post Office Box No. 15301, Tulsa, Oklahoma, and all mail delivered to said post office box; it is further

ORDERED, that Plaintiff first give security in the sum of \$ 5 000.00 for the payment of such costs and damages as may be incurred or suffered by any party who is found to have been wrongfully enjoined or restrained, such bond to be approved by the Court or by the Clerk of the Court; and it is further

ORDERED, that Plaintiff's motion for preliminary injunction be set down for hearing on the 29th day of SEPTEMBER, 1967, at 9:30 o'clock A.M., at Tulsa, Oklahoma; and it is further

ORDERED, that copies of this order and of Plaintiff's verified Complaint, together with proper summons issuing by the Clerk of this Court, be immediately served by the United States Marshal upon Defendant.

ISSUED at 11:30 o'clock A.M., September 18, 1967.


Cecil E. Benbow
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.]

FRANK B. PERSSON doing business]
as OSAGE SHEET METAL COMPANY]

Defendant]

CIVIL ACTION

FILE NO. 6629

FILED

SEP 20 1967

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

JUDGMENT

Be it remembered that on the 18th day of September, 1967,
the above styled and numbered cause came duly on for trial,
whereupon the defendant, through his duly authorized attorney
of record, consented to the entry of an injunction without fur-
ther contest granting plaintiff the relief prayed. It is,
therefore, upon motion of the attorney for plaintiff, and for
cause shown:

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 provi-
sions of Sections 15(a)(1), 15(a)(2) and 15(a)(5) of the Fair
Labor Standards Act of 1938 (Act of June 25, 1938, U.S.C.
Title 29, Sec. 201, et seq.), hereinafter referred to as the
Act, in any of the following manners:

(1) The defendant shall not, contrary to Section 6, of
the Act, pay to any of his employees who are engaged in commerce

or in the production of goods for commerce, as defined by the Act, from the date of this judgment, wages at rates less than \$1.40 an hour, or such other rate as may hereafter be set by law. The provisions of this paragraph shall not prevent defendant from paying to any of his employees wages authorized as to such employees by a special certificate issued and in effect under Section 14 of the Act.

(2) The defendant shall not, contrary to Section 7 of the Act, employ any of his employees engaged in commerce or in the production of goods for commerce, as defined by the Act, for a workweek longer than 40 hours, at a rate not less than one and one-half times the regular rate at which he is employed.

(3) The defendant shall not, contrary to Section 15(a)(1) of the Act, ship, deliver, transport, offer for transportation, or sell in interstate commerce, as defined by the Act, or ship, deliver, or sell with knowledge that shipment, delivery, or sale thereof in interstate commerce is intended, any goods in the production of which any employee of the defendant has been employed at rates of pay less than those specified in paragraphs (1) and (2) of this judgment.

(4) The defendant shall not fail to make, keep and preserve records of his employees, and of the wages, hours, and other conditions and practices of employment maintained by him, as prescribed by the regulations of the Secretary, 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.

(5) The defendant is further enjoined and restrained from further withholding of the minimum wage and overtime compensation found by the Court in accordance with the agreement of the parties to be due to March 18, 1966, to the following named individuals in the amounts set opposite their names:

Al Caperton	\$ 1500.00
Billy Caperton	467.86
LeRoy Hahn	116.00
Harold Means	6.50
James Minter	10.25
K. N. Sperling	10.94
David Steward	14.84

This Order will be deemed complied with on delivery by the defendant to the plaintiff, in his official capacity, by certified or cashier's check, the amounts due the aforesaid individuals, for distribution to said employees, said sums to be paid forthwith. Any sum not so distributed to said individual with a reasonable time, either by plaintiff's inability to locate said individuals, or because of a refusal to accept same, shall be covered into the Treasury of the United States.

It is further ORDERED, ADJUDGED and DECREED that plaintiff have and recover his costs.

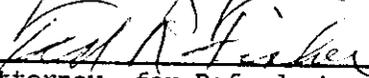

UNITED STATES DISTRICT JUDGE

Approved:


Charles Donahue, Solicitor


M. J. Parmenter, Regional Attorney


Harry Campbell, Jr.
Deputy Regional Attorney
Attorneys for plaintiff


Attorney for Defendant

FILED

UNITED STATES DISTRICT COURT
FOR THE
NORTHERN DISTRICT OF OKLAHOMA

SEP 20 1967

NOBLE C. HOOT
U. S. District Court

HAROLD LEROY DAVIS, et al.,)
)
Plaintiffs,)
)
-vs-)
)
MISSOURI-KANSAS-TEXAS RAILROAD)
COMPANY, et al.,)
)
Defendants.)

C/A.No. 67-C-137

DISMISSAL WITHOUT PREJUDICE

On this 20 day of September 1967 this Court having considered the parties' stipulation for dismissal without prejudice, finds that the same should be approved in all its particulars and that this cause should be dismissed, subject to the conditions set forth in such stipulation.

It is therefore ORDERED that the above styled and numbered cause is hereby dismissed without prejudice to the filing of a future suit on the following conditions:

1. That the plaintiff will pay to the defendant the sum of \$34.87 which represents court costs, mileage and telephone expense incurred by the defendant in connection with the removal of this cause from the District Court of Mayes County.

2. That in the event the plaintiff refiles a case on this cause of action in any state District Court, and in the event judgment may be rendered in favor of the plaintiff and against the defendant, then in that event the defendant shall be credited with payment of the sum of \$375.00 on that judgment, such sum representing attorney's fees incurred by the defendant in connection with the removal of this cause to this court from the District Court of Mayes County. In the event no judgment is entered in favor of the plaintiff and against the defendant, then the plaintiff has no further obligation to the defendant, but should judgment be rendered against the defendant in favor of the plaintiff in the refiled cause, then it shall be deemed that by this stipulation for dismissal without prejudice, the defendant has paid the sum of \$375.00 on any such judgment.

3. In the event the plaintiff chooses to refile his cause of action in any state District Court, he shall not include in such filing any defendants resident in the state of Oklahoma.

4. In the event the plaintiff chooses to refile his cause in any state District Court, he shall not file it for any sum in excess of \$10,000, exclusive of attorney's fees and costs.

Irma Daugherty
United States District Judge

BONDS, MATTHEWS
& MASON
ATTORNEYS AND
COUNSELLORS AT LAW
444 COURT STREET
MUSKOGEE, OKLAHOMA 74401

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

SOUTHEASTERN, INC.,)

Plaintiff,)

vs.)

INDEMNITY INSURANCE COMPANY)
OF NORTH AMERICA,)

Defendant.)

Case No. 6487 - Civil

FILED

SEP 22 1967

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

JUDGMENT

Based upon the Findings Of Fact and Conclusions Of Law filed
herein on the 22 day of September, 1967.

IT IS ORDERED, ADJUDGED AND DECREED BY THIS COURT
that the Plaintiff have and take judgment and judgment is herewith
granted to Plaintiff against Defendant in the sum of \$12,000.00 plus
court costs of \$15.00.

DATED this 22nd day of September, 1967.

(5) Luther Bohanon
LUTHER BOHANON
United States District Judge

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

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

Plaintiff)

v.)

COCA COLA BOTTLING COMPANY OF)
TULSA, INC.,)

Defendant)

CIVIL ACTION

FILE NO. 67-C-85

FILED

SEP 26 1967

ORDER OF DISMISSAL

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

The defendant having stipulated that it will comply with the provisions of the Fair Labor Standards Act of 1938, as amended, in the future, and having paid plaintiff the sum of \$7,377.71 in satisfaction of the back wages claimed by plaintiff as accruing prior to the 15th day of August, 1966, and the parties having stipulated that this action may be dismissed without prejudice at defendant's cost, it is therefore,

ORDERED, ADJUDGED and DECREED that the above styled and numbered cause be, and it hereby is, dismissed at the defendant's cost.

Dated this 26th day of September, 1967.

181 Allen E. Barron
United States District Judge

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

CHARLES RUSHING and LAYMAN
SMITH, JR.,

Plaintiffs,

vs.

GENERAL MOTORS, INC. of DETROIT,
MICHIGAN, PONTIAC DIVISION, and
TOWN AND COUNTRY PONTIAC, INC.
of Broken Arrow, Oklahoma,

Defendants.

67-C-185

FILED *B*

SEP 23 1967

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

ORDER DISMISSING

The Court, being under a duty at all times to inquire into its jurisdiction, finds:

1. There is no allegation in the Complaint filed herein as to the State of incorporation or principal place of business of the defendant, General Motor, Inc. of Detroit, Michigan, Pontiac Division.
2. That it is alleged that Town and Country Pontiac, a corporation, of Broken Arrow, Oklahoma, a resident of the Northern District of Oklahoma, with no allegation of the State of Incorporation or principal place of business of said defendant.
3. That under the pleadings the requisite jurisdiction is not shown.

IT IS, THEREFORE, ORDERED that this case be dismissed for lack of jurisdiction.

ENTERED this 28th day of September, 1967.


UNITED STATES DISTRICT JUDGE

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

WILLIAMS PRESSURE SERVICE, INC.,)
Plaintiff)
vs) Civil action
) No. 6571
L. A. "FRIDAY" DAVIS CONSTRUCTION)
COMPANY, INC., INSURANCE COMPANY)
OF NORTH AMERICA, and L. A. DAVIS,)
Defendants)

FILED

STIPULATION OF VOLUNTARY DISMISSAL
WITH PREJUDICE

August 21, 1967
District Court

Come now Williams Pressure Service, Inc., plaintiff, and
L. A. "Friday" Davis Construction Company, Inc., Insurance Company
of North America, and L. A. Davis, defendants, and, pursuant to Rule
41 (a)(1)(ii), acknowledge payment by the defendant Insurance Company
of North America to the plaintiff, Williams Pressure Service, Inc., of
the sum of Ten Thousand Forty-five Dollars Twenty Cents (\$10,045.20),
and for and in consideration of same all parties stipulate and agree that
plaintiff's cause should be and is therefore voluntarily dismissed with
prejudice.

DONE AND DATED this 21 day of August, 1967.

WILLIAMS PRESSURE SERVICE, INC.
Plaintiff

R. B. McDERMOTT
T. H. ESKRIDGE
D. L. HAMNER

D. L. Hamner
Attorneys for Plaintiff

L. A. "FRIDAY" DAVIS CONSTRUCTION
COMPANY, INC.
L. A. DAVIS

KOTHE & EAGLETON

By E. J. Eagleton
Attorneys for L. A. "Friday" Davis
Construction Company and L. A. Davis

INSURANCE COMPANY OF NORTH AMERICA

GREEN, PELDMAN & HALL

By Tom A. Hall
Attorneys for Defendant Insurance
Company of North America

UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF OKLAHOMA

FILED

SEP 29 1967

_____	:	NOBLE C. HOOD
SECURITIES AND EXCHANGE COMMISSION,	:	Clerk, U. S. District Court
Plaintiff,	:	
	:	
vs.	:	CIVIL ACTION
	:	FILE NO. 67-C-110
COMMUNITY NATIONAL LIFE INSURANCE COMPANY,	:	FINDINGS OF FACT AND
JIMMIE J. RYAN,	:	CONCLUSIONS OF LAW
H. G. BILL DICKEY,	:	AND ORDER RESPECTING
HOWARD E. TURREL,	:	DEFENDANT LYNDON L.
BRANNON, FULPS & COMPANY,	:	PEARSON
ARNOLD R. BRANNON,	:	
LYNDON L. PEARSON and	:	
ROY V. MONTGOMERY,	:	
Defendants.	:	
_____	:	

This action having been tried before the Court and the Court having duly considered the evidence, and being fully advised in the premises now makes Findings of Fact, Conclusions of Law and issues its Order.

FINDINGS OF FACT

The plaintiff based its entire case upon the affidavit of Fredric C. Jacobs, an attorney for plaintiff, which affidavit revealed a very thorough and exhaustive study of the affairs involving all defendants herein, which said investigation has consumed approximately one year. Seven of the defendants have entered stipulations in this case agreeing to a final judgment against them, but defendant Lyndon L. Pearson chose to defend himself on the basis that he was innocent of the allegations and acted only in a manner which was approved and condoned by his associates in Andresen & Company. The Court first set this matter for hearing August 2, 1967 and the same was partially heard on that date and August 3, 1967, following which the Court set the date of September 12, 1967 for hearing of the plaintiff's Petition for Injunction and defendant's Motion to

Dismiss. Following stipulations between counsel for plaintiff and defendant Lyndon L. Pearson, concerning the affidavit of Mr. Jacobs, the plaintiff rested its case. The defendant Lyndon L. Pearson took the stand to testify in his own behalf and his testimony was corroborated by testimony given by his wife. Thereupon, the defendant Lyndon L. Pearson rested his case. Based upon a thorough and exhaustive study of the facts adduced in the affidavit by the plaintiff and the testimony presented by defendant, the Court now finds as follows:

1. The defendant, Lyndon L. Pearson, served as an officer and partner of Andresen & Company, a member firm of the New York Stock Exchange from November, 1962 until August 30, 1966.

2. The defendant, Lyndon L. Pearson, while conducting business for and on behalf of Andresen & Company, became involved in certain dealings and transactions with the officers and controlling parties of Community National Life Insurance Company, some of which involved trading in unregistered shares of Community National Life Insurance Company stock.

3. In all transactions in which the defendant, Lyndon L. Pearson, engaged involving Community National Life Insurance Company and other defendants herein, he acted on behalf of Andresen & Company as a partner, officer and associate, and Andresen & Company had knowledge of his activities, plans and operations and to which it had given its complete or tacit approval and his actions were those of Andresen & Company.

4. The defendant, Lyndon L. Pearson, did not intentionally or knowingly act in a fraudulent manner in the transactions complained of in this action but, at most, he did make some unbusinesslike decisions, which defendant Lyndon L. Pearson readily admitted in open court.

5. The defendant, Lyndon L. Pearson, is presently employed as sales manager for Alabaster Plastics Company of Alabaster, Alabama, a privately owned company that manufactures and distributes plastic specialty items, and has been so employed since September 12, 1966.

6. The defendant, Lyndon L. Pearson, has not been in the stock brokerage business since August 30, 1966 and has no present intention of returning to such business in the foreseeable future.

7. The defendant, Lyndon L. Pearson, is 37 years of age, husband and father of five children; he has a good school background and honorably served with the Marine Corp as a pilot to 1956 at which time he was honorably discharged. His forthrightness, candor and demeanor and evidence elicited from the trial herein has caused the Court to find that he is a man of good reputation.

CONCLUSIONS OF LAW

The injunction which plaintiff seeks is an extraordinary legal remedy and should only be issued by the Court when the Court believes it to be necessary to protect the public. The power to grant a preliminary injunction is discretionary with the Court.

The defendant, Lyndon L. Pearson, presently is in no position and has no intention to commit any of the violations complained of in this action by the plaintiff. To enjoin him from doing so in light of the facts is unwarranted and unnecessary. Federal Courts do not issue useless orders.

If an injunction were to be granted against defendant Lyndon L. Pearson it would accomplish nothing but to put a stigma on him and on his family for the rest of their lives.

ORDER

IT IS THEREFORE THE ORDER OF THIS COURT that the Motion of plaintiff for Preliminary Injunction be denied and the Motion of defendant to Dismiss be sustained.

Dated this ____ day of _____, 1967.

United States District Judge

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

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

NO. 67-C-90

FILED

SEP 29 1967

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

STIPULATION ^{of} FOR DISMISSAL

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

September 29, 1967.

TULSA ROCK CO., Plaintiff,

By Carl D. Hall, Jr.
Hall & Sublett
Attorneys for Plaintiff
905 National Bank of Tulsa Building
Tulsa, Oklahoma 74103

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

By Maynard I. Ungerman
Ungerman, Grabel, Ungerman & Leiter
Attorneys for Defendant
625 Wright Building
Tulsa, Oklahoma 74103

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

McMICHAEL ASPHALT SALES COMPANY,
a corporation,

Plaintiff,

vs.

TULSA GENERAL DRIVERS, WAREHOUSEMEN
AND HALPERS, LOCAL UNION NO. 523,

Defendant.

NO. 67-C-91

FILED

SEP 29 1967

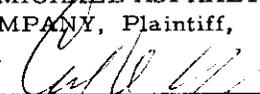
STIPULATION ^{of} FOR DISMISSAL

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

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

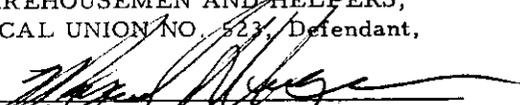
September 29, 1967.

McMICHAEL ASPHALT SALES
COMPANY, Plaintiff,

By 

Carl D. Hall, Jr.
Hall & Sublett
Attorneys for Plaintiff
905 National Bank of Tulsa Building
Tulsa, Oklahoma 74103

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

By 

Maynard I. Ungerman
Ungerman, Grabel, Ungerman & 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-)
)
 Fred G. Lawson, Jr., and)
 Doris N. Lawson,)
 husband and wife,)
 Defendants)

CIVIL NO. 67-C-96

FILED

SEP 27 1967

U.S. DISTRICT COURT

ORDER CONFIRMING MARSHAL'S SALE

NOW, on this 29th day of September, 1967, there comes on for consideration the Motion to Confirm Sale made by the United States Marshal for the Northern District of Oklahoma on September 25, 1967, under an Order of Sale dated August 17, 1967 of the following-described property, to-wit:

That part of the E/2 of the SW/4 of the SW/4 of Section 32, Township 22 North, Range 19 East of the Indian Base and Meridian, more particularly described as follows, to-wit:

Beginning at a point on the East boundary of said E/2 of SW/4 of SW/4, 570 feet North of the Southeast corner thereof; thence South 0° 03' East along said East line, a distance of 124 feet; thence West parallel with the South line of said E/2 of SW/4 of SW/4, a distance of 612.2 feet, more or less, to a point in the Easterly right-of-way of U.S. Hwy.No.69; thence North 16° 15' East along said Easterly right-of-way, a distance of 129.16 feet; thence East parallel with said South boundary of said E/2 of SW/4 of SW/4 a distance of 576.01 feet to the point of beginning;

and the Court having examined the proceedings of the United States Marshal under the said Order of Sale, there being no exceptions thereto and no one appearing in opposition thereto, finds that due and legal notice of sale was given once a week for four (4) consecutive weeks prior to the date of said sale in the Pryor Jeffersonian, a newspaper of general circulation in Mayes County,

Oklahoma, and that on the day fixed therein the aforesaid property was sold to the Administrator of Veterans Affairs, he being the highest and best bidder therefor.

The Court finds that the sale was in all respects in conformity with the law and judgment of this Court and was legal in all respects.

IT IS THEREFORE ORDERED, ADJUDGED AND DECREED that the United States Marshal's Sale made pursuant to the Order of Sale heretofore issued herein, be, and the same is approved and confirmed.

IT IS FURTHER ORDERED that Doyle W. Foreman, United States Marshal for the Northern District of Oklahoma, execute and deliver to the purchaser, Administrator of Veterans Affairs, a good and sufficient deed for the above-described real property.

(5) *Arthur Robinson*
UNITED STATES DISTRICT JUDGE.

APPROVED

James E. Ritchie
JAMES E. RITCHIE
Assistant U.S. Attorney

UNITED STATES DISTRICT COURT FOR THE
NORTHERN DISTRICT OF OKLAHOMA

United States of America,)
)
 Plaintiff,)
)
 vs.)
)
 302.78 Acres of Land, More or Less,)
 Situate in Nowata County, Oklahoma,)
 and R. R. Faulkner, et al, and)
 Unknown Owners,)
)
 Defendants.)

CIVIL ACTION NO. 4868

Tracts Nos.: 5602-6
5603-1
6634-1
6635-11

FILED

OCT 10 1967

AMENDMENT TO JUDGMENT

NOBLE C. HOOD

NOW, on this 26th day of September, 1967, this matter came on for
Clerk U. S. District Court

hearing on the motion of the defendant Harry W. Kester to amend the Judgment filed herein on May 6, 1964. The defendant Harry W. Kester was present in person and was represented by his attorney, Glenn H. Chappell. The defendant Charles W. Davidson was present in person. The plaintiff was represented by Hubert A. Marlow, Assistant United States Attorney for the Northern District of Oklahoma.

Testimony was given by Mr. Kester and Mr. Davidson and by Brook Tarbel, who the parties admitted was a petroleum engineer, qualified to testify as an expert witness as to values of mineral properties. After hearing the evidence and the statements of counsel, the Court finds that:

1. The duly appointed Commission filed its report in this case by which the sum of \$10,000.00 was awarded for the taking of the mineral rights in the subject property; but such report did not allocate this sum between the lessor interest and the lessee interest.

2. The \$10,000.00 award for the taking of the mineral rights under the subject property should be allocated \$6,500.00 to the lessor interest and \$3,500.00 to the lessee interest.

3. The judgment filed herein on May 6, 1964, approved the Commissioners' Report but did not allocate the award for the taking of the mineral rights between the lessor and lessee interests. This resulted in a judgment against Mr. Kester and Mr. Davidson, jointly, for the entire amount of the overpayment, whereas separate judgments should have been entered against each of these defendants in the exact amount of the overpayment to him.

The Court therefore concludes that the defendant Kester's motion should be sustained and the subject judgment amended.

It is, Therefore, ORDERED, ADJUDGED AND DECREED that the judgment filed herein on May 6, 1964, is hereby amended in the following particulars: on page 3 of such judgment the schedule, beginning with "Tracts Nos. 5602-6, 5603-1, 6631-1 and 6635-11", is deleted in its entirety. On page 4 of such judgment the paragraph numbered "13" is deleted in its entirety. In lieu of such deletions there is inserted the following:

"TRACTS NOS. 5602-6, 5603-1, 6634-1 and 6635-11

Owners:

Lessor interest: Harry W. Kester

Lessee interest: Charles W. Davidson

Deposit, disburseals and award:

	Lessor Interest	Lessee Interest	Totals
Deposited as estimated compensation			\$41,350.00
Disbursed to owners - - - - -	\$9,950.00	\$31,400.00	41,350.00
Award of just compensation:			29,400.00
Allocated for mineral rights - - -	6,500.00	3,500.00	
Allocated for equipment - - - - -	None	19,400.00	
Overpayment to owners - - - - -	\$3,450.00	\$8,500.00	\$11,950.00

13.

It is Further ORDERED, ADJUDGED AND DECREED that the plaintiff have judgment against the owners of Tracts Nos. 5602-6, 5603-1, 6634-1 and 6635-11 for the overpayments to them as follows:

Judgment against Harry W. Kester in the amount of \$3,450.00

Judgment against Charles W. Davidson in the amount of \$8,500.00.

In payment of such judgments each of the said defendants shall deposit with the Clerk of this Court the amount of the respective judgment against him, and the Clerk shall credit such payments to the deposit for the subject tracts."

Signed this 10th day of October, 1967.

approved:

S/ Glenn H. Chappell

S/ Hubert A. Markow

S/ Allen E. Barrow
UNITED STATES DISTRICT JUDGE

UNITED STATES DISTRICT COURT FOR THE
NORTHERN DISTRICT OF OKLAHOMA

United States of America,
Plaintiff,

vs.

7.00 Acres, More or Less, in Rogers
County, Oklahoma, including all ac-
cretions and riparian rights thereto,
and Dennis C. Murdock, et al, and
Unknown Owners,

Defendants.

CIVIL ACTION NO. 67-C-27

Tract No. 327

FILED

OCT 10 1967

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

J U D G M E N T

1.

Now, on this 2th day of October, 1967, 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 September 6, 1967, 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 Tract No. 327, as such tract is 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 February 3, 1967, the United States of America filed its Declaration of Taking of such 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 part of this deposit has been disbursed, as set out in paragraph 11 below.

7.

The Report of Commissioners filed herein on September 6, 1967, is hereby 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.

A certain deficiency exists between the amount deposited as estimated just compensation for subject tract 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 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 and for the uses and purposes 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.

11.

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 persons named in the schedule below; the Report of Commissioners of Sept. 6th,

1967, is hereby confirmed and the sum therein fixed is adopted as just compensation for subject tract, as shown by the following schedule:

TRACT NO. 327

Owners:

Surface: Dennis C. Murdock and
Helen Louise Murdock

Minerals: William S. Bailey, Jr.

Award of just compensation - - - - - \$2,420.00

Allocated:

To surface interest - - - \$2,325.00

To mineral interest - - - - - \$95.00

Deposited as estimated compensation - - - - - 1,695.00

Disbursed to owners:

To surface owners - - - - 1,600.00

To mineral owner - - - - - None

Balance due to owners:

To surface owners - - - - \$725.00

To mineral owner - - - - - \$95.00

Deposit deficiency - - - - - \$725.00

12.

It Is Further ORDERED that the Clerk of this Court shall now disburse the balance on deposit for the subject tract in the sum of \$95.00 to William S. Bailey, Jr.

13.

It Is Further ORDERED 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 tract in the amount of \$725.00, together with interest on such deficiency at the rate of 6% per annum from February 3, 1967, until the date of deposit of such deficiency sum; and such sum shall be placed in the deposit for subject tract in this Civil Action. Upon receipt of such sum, the Clerk of this Court shall disburse from the deposit for the subject tract the sum of \$725.00,

together with all accrued interest thereon, jointly, to Dennis C. Murdock and Helen Louise Murdock.

Fred Danforth

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.

543.55 Acres of Land, More or Less,
Situate in Tulsa County, Oklahoma,
and C. M. Hirrlinger, et al, and
Unknown Owners,

Defendants.

CIVIL ACTION NO. 6297

Tract No. 5003E

FILED

OCT 23 1967

J U D G M E N T

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

1.

NOW, on this 23rd day of October, 1967, 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 estate condemned in Tract No. 5003E. The estate taken is that set forth in the Complaint and the Declaration of Taking filed in this case. The description of Tract No. 5003E is as set forth in the Complaint and Declaration of Taking filed herein but subject to the explanation of such description set forth in paragraph 7 herein.

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 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 herein give the United States of America the right, power, and authority to condemn for public use the estate described in paragraph 2 herein. Pursuant thereto, on October 28, 1965, the United States of America filed its Declaration of Taking of such described property, and title to the described estate 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 the Court as estimated compensation for the taking of a certain estate in subject tract a certain sum of money and none of this deposit has been disbursed, as set out in paragraph 11 below.

7.

A. On October 28, 1965, the date of taking in this case, Charles M. Hirrlinger, a/k/a C. M. Hirrlinger, was the owner in fee simple title of the unit from which Tract 5003E is taken, the description of which unit is as follows:

The South 2.19 acres of Lot 1, Section 10, Township 19 N., Range 10 E., together with all accretions thereto, and riparian rights in and to the bed of the Arkansas River adjacent thereto, all situated in Tulsa County, Oklahoma.

B. On the date of taking, such described land, owned by Charles M. Hirrlinger, included a total of 22.40 acres. Such total acreage consisted of three categories of land as follows:

2.19 acres of Original Lot 1, Section 10,
1.66 acres of accretions, and
18.55 acres of Arkansas River Bed.

C. Tract No. 5003E, as such tract is described in the Complaint and Declaration of Taking filed in this case, applies to and includes only the 18.55 acres (of the Hirrlinger ownership described in A and B above) lying in the river bed on the date of taking.

It was not intended by the Plaintiff to acquire any interest in 1.66 acres of accretions or in the 2.19 acres of Original Lot 1, described in A above, and this action does not vest title in the Plaintiff to any interest in such property.

D. Charles M. Hirrlinger died testate after the date of taking, and Hazel L. Hirrlinger, his widow, is the sole and only beneficiary under the terms of his will and his sole and only heir. Such Hazel L. Hirrlinger therefore, is the person entitled to receive the award of just compensation fixed by this judgment.

8.

Hazel L. Hirrlinger 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 estate condemned in subject tract is in the amount shown as compensation in paragraph 11 below, and such stipulation should be approved.

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. 5003E, as such tract is particularly described in the Complaint and Declaration of Taking filed herein, but as limited by paragraph 7 of this judgment, and such tract, to the extent of the estate described in such Declaration of Taking and for the uses and purposes described therein, is condemned, and title to such described estate 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 estate are forever barred from asserting any claim thereto.

10.

It Is Further ORDERED, ADJUDGED, and DECREED that on the date of taking, the owner of the estate condemned herein in subject tract was Charles M. Hirrlinger. Such owner died testate after the date of taking, and Hazel M. Hirrlinger, his widow, is the sole and only beneficiary under the terms of his will and his sole and only heir. Such Hazel L. Hirrlinger, therefore, is the person entitled to receive the award of just compensation fixed by this judgment.

11.

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 estate condemned in subject tract, as follows:

TRACT NO. 5003E

Owner on date of taking: Charles M. Hirrlinger, now deceased

Sole heir of owner: Hazel L. Hirrlinger

Award of just compensation pursuant to Stipulation - - - - -	\$90.00	\$90.00
Deposited as estimated compensation - - - - -	<u>90.00</u>	
Disbursed - - - - -		<u>None</u>
Balance due to Hazel L. Hirrlinger - - - - -		\$90.00

It Is Further ORDERED that the Clerk of this Court now shall disburse from the deposit for the subject tract the sum of \$90.00 to Hazel L. Hirrlinger.

By Allen C. Barrett
UNITED STATES DISTRICT JUDGE

APPROVED:

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

UNITED STATES DISTRICT COURT FOR THE
NORTHERN DISTRICT OF OKLAHOMA

TULSA ROCK CO., an Oklahoma
corporation,

Plaintiff

vs.

THE OKLAHOMA INDEPENDENT TRUCKERS
ASSOCIATION, INC., an Oklahoma
corporation, et al,

Defendants.

Civil Action

No. 6470

FILED

SEP 25 1967

NOTICE OF DISMISSAL

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

TO IRVINE E. UNGERMAN AND DERYL L. GOTCHER, ATTORNEYS FOR
DEFENDANTS:

Please take notice that pursuant to the stipulation of the
parties filed herein September 25, 1967, the plaintiff discon-
tinues the above entitled action and dismisses the complaint
without prejudice.

Dated September 26, 1967.

D. E. Hammer
D. E. Hammer
1300 NBT Building
Tulsa, Oklahoma
Attorney for Plaintiff

CERTIFICATE OF SERVICE

The undersigned herewith certifies that a true copy of
the foregoing filing in the above styled cause was served upon
all opposing parties by mailing the same, first class postage
fully prepaid, addressed to their respective counsel at their
office addresses on the 26 day of September, 1967

D. E. Hammer
Of Counsel

For: Plaintiff