

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

HYDE CONSTRUCTION COMPANY, INC.,

Plaintiff,

vs.

KOEHRING COMPANY, ET AL.,

Defendants.

CIVIL NO. 5911

FILED

JUN - 3 1968

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

ORDER DISMISSING COUNTER-
CLAIM

The Court has for consideration Motions in the Alternative filed by the defendants herein, and being fully advised in the premises, finds:

That defendants' third alternative motion to dismiss defendants' counter-claim without prejudice should be sustained.

IT IS, THEREFORE, ORDERED that defendants' motion to dismiss counter-claim without prejudice be and the same is hereby sustained, and the balance of the Motions in the Alternative are therefore moot.

ENTERED this 3rd day of June, 1968.


UNITED STATES DISTRICT JUDGE

LLS:jk
5/28/68

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

ED KUTAIT COMPANY, INC.,
Plaintiff,
vs.
EL DORADO LAMINATED BEAMS, INC., and
ROY SHUMATE,
Defendants.

No. 67-C-201

FILED

JUN - 4 1968

ORDER DISMISSING COMPLAINT AND COUNTER-CLAIM WITH PREJUDICE
NOBLE C. HOOD
Clerk, U. S. District Court

Now on this 4th day of June, 1968, there having been presented to the undersigned United States District Judge for the Northern District of Oklahoma the motion filed herein by the Plaintiff and Defendants seeking a dismissal with prejudice of the action filed herein and the Court having examined the same and being well and sufficiently advised in the premises finds that said order should issue herein.

IT IS THEREFORE ORDERED BY THIS COURT that the Complaint brought by the Plaintiff in the above styled and numbered matter be and the same is hereby dismissed with prejudice and the Counter-Claim filed herein by the Defendant, El Dorado Laminated Beams, Inc., be and the same is hereby dismissed with prejudice, all at the cost of the Plaintiff herein.



United States District Judge

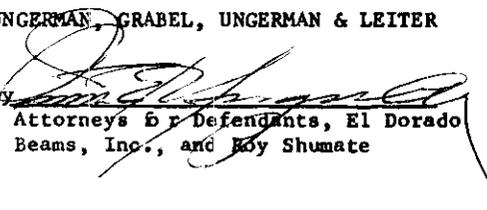
APPROVED:

STIPE, GOSSETT & STIPE

By 
Attorneys for Plaintiff

FWLER & SHORT

UNGERMAN, GRABEL, UNGERMAN & LEITER

By 
Attorneys for Defendants, El Dorado Beams, Inc., and Roy Shumate

LAW OFFICES
UNGERMAN,
GRABEL,
UNGERMAN
& LEITER

SIXTH FLOOR
WRIGHT BUILDING
TULSA, OKLAHOMA

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

HYDE CONSTRUCTION COMPANY, INC.,)
)
 Plaintiff,)
)
 vs.)
)
 KOEHRING COMPANY, et al.,)
)
 Defendants.)
)
 _____)

NO. 5911, CIVIL

FILED

JUN - 4 1968

D I S M I S S A L

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

Comes now plaintiff, HYDE CONSTRUCTION COMPANY, INC.
and following the Court's dismissal of the counterclaim herein
upon request of defendant, KOEHRING COMPANY, and the judgment
in Case No. 60,068 in the Chancery Court of Hinds County,
Mississippi having become final and res judicata for all purposes,
plaintiff dismisses its complaint in the above entitled matter.

DATED this 3rd day of June, 1968.



Jack N. Hays, of Gable, Gotwals,
Hays, Rubin & Fox, Attorneys for
Hyde Construction Company, 2010 Fourth
National Building, Tulsa, Oklahoma 74119

O R D E R

Permission is granted to file the above dismissal
this 4th day of June, 1968.



DISTRICT JUDGE

CERTIFICATE OF MAILING

I certify that a true copy of the above Dismissal
was mailed to Mr. Villard Martin, Jr., attorney for Kiehring
Company, National Bank of Tulsa Building, Tulsa, Oklahoma, on
this _____ day of June, 1968.

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

DONALD BUSS and SEATTLE-FIRST)
NATIONAL BANK, Executor of the)
Estate of ANTHONY J. FURIO,)
Substituted Intervening Plaintiff,)
)
Plaintiffs,)
)
vs.)
)
DONALD LESLIE McDANIEL,)
JAMES CURTIS RICKSECKER, and)
INTER-CONTINENT OIL CORP., an)
Oklahoma corporation,)
)
Defendants.)

FILED

JUN - 4 1968

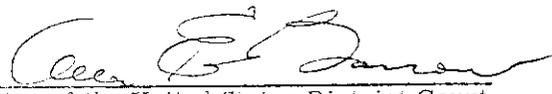
NOBLE C. HOOD
Clerk, U. S. District Court

No. 6625

ORDER OF DISMISSAL

Now on this 5th day of May, 1968 there came before the Court for its consideration the joint motion for dismissal with prejudice filed by all of the parties acting by and through their attorneys of record.

WHEREUPON the Court having determined that the issues and controversies existing between the parties have been fully settled and that a dismissal with prejudice is proper under the circumstances, NOW, THEREFORE, IT IS ORDERED by the Court that the above captioned civil action is hereby dismissed with prejudice, with each party to pay his or its own costs here incurred.



Judge of the United States District Court

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

UNITED STATES OF AMERICA)
for the use and benefit of)
CIRCLE-L-ELECTRIC COMPANY,)
a partnership,)
Plaintiff)

VS.)

HYDE CONSTRUCTION COMPANY, INC.,)
a corporation; UNITED STATES)
FIDELITY AND GUARANTY COMPANY,)
a corporation; NATIONAL SURETY)
CORPORATION, a corporation; and)
AETNA CASUALTY AND SURETY)
COMPANY, a corporation,)
Defendants)

NO. 5994 Civil

FILED

JUN 10 1968

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

ORDER DISMISSING GARNISHMENT PROCEEDINGS

It appearing unto the Court that garnishment proceedings were instituted in this cause by the Plaintiff, Circle-L-Electric Company, against the Koehring Company on the allegation that the Koehring Company was indebted to the judgment debtor, Hyde Construction Company, Inc., but that the claimed indebtedness of the Koehring Company, if any, has been completely merged in a final decree in the Chancery Court of the First Judicial District of Hinds County, Mississippi in Cause No. 60,068 in that Court, and that the garnishment proceedings should be dismissed in recognition of the entitlement of the Mississippi Court to enforce its own judgment and distribute the proceeds as justice may require, IT IS ORDERED that the garnishment proceedings in this cause be and the same are hereby finally dismissed without prejudice to the right of the Plaintiff to propound its claim in the Mississippi Court aforesaid.

SO ORDERED on this the 10 day of June, 1968.


UNITED STATES DISTRICT JUDGE

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

United States of America,

Plaintiff,

vs.

Leonard C. Estes,

Defendant.

Civil No. 67-C-83

FILED

JUN 10 1968

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

NOTICE OF DISMISSAL

COMES NOW the Plaintiff herein, United States of America, and gives notice to Leonard C. Estes that it dismisses, without prejudice, the Complaint filed herein.

Dated this 10th day of June 1968.

UNITED STATES OF AMERICA

LAWRENCE A. McSOUD
United States Attorney


ROBERT P. SANTEE
Assistant U. S. Attorney
Room 460, U. S. Courthouse
Tulsa, Oklahoma

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

L. E. VAN BRUNT,)
Plaintiff,)
)
-vs-)
)
WARREN L. AREHART, HINES COACH)
LINES, INCORPORATED, Kokomo,)
Indiana, and MICHIGAN MUTUAL)
LIABILITY INSURANCE COMPANY,)
Indianapolis, Indiana,)
Defendants.)

NO. 67-C-247

FILED

JUN 10 1968

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

ROSIE ETHEL VAN BRUNT,)
Plaintiff,)
)
-vs-)
)
WARREN L. AREHART, HINES COACH)
LINES, INCORPORATED, Kokomo,)
Indiana, and MICHIGAN MUTUAL)
LIABILITY INSURANCE COMPANY,)
Indianapolis, Indiana,)
Defendants.)

NO. 68-C-39

MOTION TO DISMISS WITH PREJUDICE

COME now the plaintiffs in each of the above two cases and their attorney, Lincoln Battenfield, and move the court to dismiss each of the above-styled cases with prejudice and states that each of the cases has been settled to the satisfaction of all the parties.

L. E. Van Brunt
Plaintiff

Rosie Ethel Van Brunt
Plaintiff

Lincoln Battenfield
Attorney for Plaintiffs

ORDER DISMISSING WITH PREJUDICE

COMES now the motion of the plaintiffs in each of the above-entitled cases and their attorney of record and moves the court to dismiss each of the cases with prejudice and states that the cases have been settled to the satisfaction of the parties.

The Court does hereby ORDER each of the above cases to be dismissed with prejudice to the bringing of any other action by these parties related to the subject matter herein involved.

Earl E. Sarow
Judge of the United States District
Court for the Northern District

UNITED STATES DISTRICT COURT FOR THE
NORTHERN DISTRICT OF OKLAHOMA

United States of America,
Plaintiff,
vs.
706.76 Acres of Land, More or Less,
Situate in Creek, Pawnee and Tulsa
Counties, Oklahoma, and Annie Bemore
Washington, et al, and Unknown Owners,
Owners,
Defendants.

CIVIL ACTION NO. 4842
Tract No. G-741
(1/5th Interest Only)

FILED

JUN 11 1968

J U D G M E N T

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

1.

NOW, on this 10th day of January, 1968, this matter comes on for disposition on application of the Plaintiff, United States of America, for entry of judgment on Report of Commissioners filed herein on December 1, 1967, and, after having examined the files in this action and being advised by counsel for the plaintiff, the Court finds that:

2.

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

3.

This judgment applies only to an undivided 1/5 interest in Tract No. G-741, as such estate and tract are described in the Complaint and 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 property.

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

6.

On the filing of the Declaration of Taking, there was deposited in the Registry of this Court as estimated compensation for the taking of the described estate in subject 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 December 1, 1967, is hereby accepted and adopted as a finding of fact as to an undivided $1/5$ interest in the estate taken in subject tract. The amount of just compensation as to the subject interest 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 an undivided $1/5$ interest in the estate taken in 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 defendant named in paragraph 11 as owner of an undivided $1/5$ interest in the estate taken in subject tract is the only defendant asserting any interest in such $1/5$ interest in the estate condemned herein, all other defendants having either disclaimed or defaulted; the named defendant is the owner of such $1/5$ interest in the estate taken in the subject tract and, as such, is entitled to receive the just compensation for such taking.

10.

It Is, Therefore, ORDERED, ADJUDGED and DECREED that the United States of America has the right, power, and authority to condemn for public use the subject tract No. G-741, as such tract is described in the Declaration of Taking filed herein, and an undivided $1/5$ interest in such tract to the extent of the estate indicated 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.

UNITED STATES DISTRICT COURT FOR THE
NORTHERN DISTRICT OF OKLAHOMA

United States of America,

Plaintiff,

vs.

771.88 Acres of Land, More or Less,
Situating in Pawnee & Creek Counties,
Oklahoma, and Helen W. Kenyon, et
al, and Unknown Owners,

Defendants.

CIVIL ACTION NO. 4882

Tract No. G-741

(1/5th Interest Only)

FILED

JUN 11 1968

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

J U D G M E N T

1.

NOW, on this 10th day of January, 1968, this matter comes on for disposition on application of the Plaintiff, United States of America, for entry of judgment on Report of Commissioners filed herein on December 1, 1967, and, after having examined the files in this action and being advised by counsel for the plaintiff, the Court finds that:

2.

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

3.

This judgment applies only to an undivided 1/5 interest in Tract No. G-741, as such estate and tract are described in the Complaint and 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 property.

5.

The Acts of Congress set out in paragraph 2 of the Complaint filed herein give the United States of America the right, power and authority to condemn for public use the subject tract of land. Pursuant thereto, on March 8, 1960, the United States of America filed its Declaration of Taking of a certain estate in such tract of land, and title to such property should be vested in the United States of America, as of the date of filing such Declaration of Taking.

6.

On the filing of the Declaration of Taking, there was deposited in the Registry of this Court as estimated compensation for the taking of the described estate in subject 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 December 1, 1967, is hereby accepted and adopted as a finding of fact as to an undivided 1/5 interest in the estate taken in subject tract. The amount of just compensation as to the subject interest 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 an undivided 1/5 interest in the estate taken in 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 defendant named in paragraph 11 as owner of an undivided 1/5 interest in the estate taken in subject tract is the only defendant asserting any interest in such 1/5 interest in the estate condemned herein, all other defendants having either disclaimed or defaulted; the named defendant is the owner of such 1/5 interest in the estate taken in the subject tract and, as such, is entitled to receive the just compensation for such taking.

10.

It Is, Therefore, ORDERED, ADJUDGED and DECREED that the United States of America has the right, power, and authority to condemn for public use the subject tract No. G-741, as such tract is described in the Declaration of Taking filed herein, and an undivided 1/5 interest in such tract to the extent of the estate indicated 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.

It Is Further ORDERED, ADJUDGED and DECREED that the right to receive just compensation for such undivided 1/5 interest in the estate taken herein in subject tract is vested in the defendant whose name appears below in this paragraph; the Report of Commissioners of December 1, 1967, is hereby confirmed and the sum therein fixed is adopted as just compensation for subject property, as shown by the following schedule:

TRACT NO. G-741
(1/5 Interest Only)

OWNER:

Charles Kenneth Rule

Award of just compensation pursuant to Commissioners' Report	\$2,825.00	\$2,825.00
(surface interest)		
Deposited as estimated Compensation for this interest		\$2,655.00
Disbursed to owner:		
By check - March 31, 1960... \$2,355.00 -Cancelled		
By check - October 1, 1963.. \$2,355.00 -Cashed		
By check - September 16, 1963 \$ 300.00 -Cancelled		
Net disbursement	\$2,355.00	
Balance due to owner	\$ 470.00	
Deposit deficiency		\$ 170.00

It Is Further ORDERED, ADJUDGED and DECREED that the United States of America shall pay into the Registry of this Court for the benefit of the owner the deposit deficiency for the subject property in the amount of \$170.00, together with interest on such deficiency at the rate of 6% per annum from March 8, 1960, 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 to Charles Kenneth Rule the sum of \$470.00 plus all accrued interest on the deposit deficiency shown in paragraph 11 above.

ALLEN E. BARROW
UNITED STATES DISTRICT JUDGE

APPROVED:

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

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

INTERNATIONAL PAPER COMPANY,)
a corporation,)
)
Plaintiff,)
)
vs.)
)
STANDARD INDUSTRIES, INC.,)
a corporation,)
)
Defendant.)

CIVIL ACTION

No. 6207

FILED

JUN 11 1968

JUDGMENT ON VERDICT OF JURY NOBLE C. HOOD
Clerk, U. S. District Court

This cause came on for trial before a jury on the 20th day of May, 1968, pursuant to previous assignment, the undersigned District Judge presiding. The parties appeared by their respective counsel of record, and having announced ready for trial, a jury of twelve qualified citizens was duly impaneled well and truly to try the issues between the plaintiff and the defendant and a true verdict render according to law and the evidence. Thereupon, the parties introduced their evidence and rested, and further trial of the cause was regularly adjourned.

And now, on this 21st day of May, 1968, the trial of said cause being resumed, the jury after hearing argument of counsel and after being instructed by the Court as to the law applicable, retires to consider its verdict in accordance with the Court's instructions. Thereafter, the jury returned into open court its verdict against the defendant on the plaintiff's cause of action but awarded no damages, and in favor of the defendant on its counterclaim against the plaintiff, but awarded no damages, the jury verdict being as to plaintiff as follows:

"We, the Jury, find for the plaintiff,
and fix the amount of recovery at No
Dollars (\$00)."

and as to defendant as follows:

"We, the Jury, find for the defendant
on its counterclaim, and fix the amount
of recovery at No Dollars (\$00)."

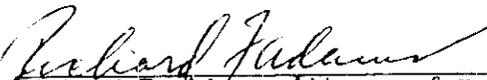
which verdict was received by the Court, read, approved and ordered filed, after each and all of the jurors stated that the same was their true verdict. And it further appears that the following note as signed by the foreman of the jury, and all twelve (12) of the jurors, was submitted to the Court with the above verdicts:

"Our intent is to find for the defendant but not to award damage for either party. Is this the proper way to complete the form for the plaintiff?"

IT IS THEREFORE ORDERED, ADJUDGED AND DECREED by the Court that the plaintiff take nothing by its complaint, and that the defendant take nothing by its counterclaim, and that the costs of this action to be taxed by the Clerk of the Court, be borne equally between the plaintiff and defendant.


United States District Judge

APPROVED AS TO FORM:


Richard F. Adams, Attorney for
Plaintiff


James L. Kincaid, Attorney for
the Defendant

FILED

UNITED STATES DISTRICT COURT FOR THE
NORTHERN DISTRICT OF OKLAHOMA

JUN 13 1968

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

David Emmett Mitchell,

Plaintiff,

vs.

United States of America,

Defendant.

NO. 68-C-58

ORDER OF DISMISSAL

NOW, on this 11th day of June, 1968, upon motion of the plaintiff, David Emmett Mitchell, by and through his attorney, Irvine E. Ungerman, to dismiss for the reason and upon the grounds that this cause is now moot due to an order of this court entered in Case No. 68-CR-24 on this date, vacating and setting aside the judgment and sentence entered in that case.

IT IS THEREFORE ORDERED that the complaint filed herein be and it is hereby dismissed.

APPROVED:

James E. Ritchie
Assistant United States Attorney

Irvine E. Ungerman
Attorney for Plaintiff

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

IN THE MATTER OF:

THE McCLELLAND COMPANY, a corporation,
Alleged Bankrupt.

In Bankruptcy No. 68-B-430

FILED

JUN 17 1968

ORDER DISMISSING INVOLUNTARY PETITION
IN BANKRUPTCY

NOBLE C. HOOD

Clerk, U. S. District Court

Now on this 13th day of June, 1968, there came on for hearing, pursuant to due and proper notice heretofore given by the Clerk of this Court to the creditors of the McClelland Company, a corporation, the Motion filed herein by General Plywood Corporation, W. R. Kelly & Son, and M. Solow to dismiss the involuntary petition in bankruptcy heretofore filed in the above styled and numbered matter on the 18th day of April, 1968, said petitioning creditors appearing by their attorney, Irvine E. Ungerman, and no appearance being made by any creditor of the McClelland Company, a corporation, either in person, by representatives or by counsel and the Court having considered the Motion and statements of counsel in support thereof and being well and sufficiently advised in the premises finds that the motion filed herein by the petitioning creditors to dismiss their involuntary petition in bankruptcy filed herein should be sustained.

IT IS THEREFORE ORDERED, ADJUDGED AND DECREED BY THIS COURT that the Motion to Dismiss the Involuntary Petition in Bankruptcy filed herein by General Plywood Corporation, W. R. Kelly & Son, of Tulsa, Oklahoma, and M. Solow as against the McClelland Company, a corporation, be and the same is hereby sustained.

IT IS FURTHER ORDERED BY THIS COURT that bankruptcy proceedings as against the McClelland Company, a corporation, and the same are hereby dismissed and terminated.


United States District Judge

APPROVED:


Irvine E. Ungerman

LAW OFFICES
UNGERMAN,
GRABEL,
UNGERMAN
& LEITER

SIXTH FLOOR
WRIGHT BUILDING
TULSA, OKLAHOMA

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

SERVICE DRILLING COMPANY,)
)
) Plaintiff,)
)
 vs.)
)
 WESTERN OIL FIELDS, INC.,)
)
) Defendant,)
)
 NATIONAL BANK OF TULSA, a)
 national banking association,)
)
) Garnishee.)

NO. 68-C-16

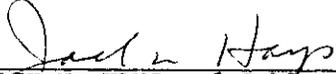
FILED

JUN 18 1968

OF
STIPULATION FOR DISMISSAL

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

Pursuant to Rule 41 the parties hereto stipulate that
the above entitled action ^{is} ~~be~~ dismissed with each party to bear
its own costs. This Dismissal shall be with prejudice.



JACK N. HAYS, of Gable, Gotwals, Hays,
Rubin & Fox, Attorneys for Plaintiff,
2010 Fourth National Bank Building,
Tulsa, Oklahoma 74119



JOHN M. IMEL, of Martin, Logan, Moyers,
Martin & Conway, Attorneys for Defendant,
920 National Bank of Tulsa, Tulsa,
Oklahoma, 74103



JOHN DEAS, Attorney for National Bank
of Tulsa, Tulsa, Oklahoma, Garnishee

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

SERVICE DRILLING COMPANY,)
)
)
Plaintiff,)
)
vs.)
)
WESTERN OIL FIELDS, INC.,)
)
Defendant.)

NO. 68-C-26

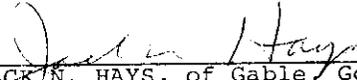
FILED

JUN 18 1966

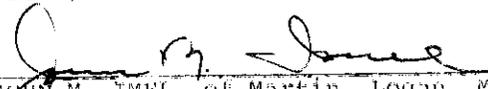
STIPULATION ^{OF} ~~FOR~~ DISMISSAL

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

Pursuant to Rule 41 the parties hereto stipulate that
the above entitled action ^{is} ~~be~~ dismissed with each party to bear
its own costs. This Dismissal shall be with prejudice.



JACK N. HAYS, of Gable, Gotwals, Hays,
Rubin & Fox, Attorneys for Plaintiff,
2016 Fourth National Bank Building,
Tulsa, Oklahoma 74119



JOHN M. IMEL, of Martin, Logan, Moyers,
Martin & Conway, Attorney for Defendant,
920 National Bank of Tulsa, Tulsa,
Oklahoma, 74103

IN THE UNITED STATES DISTRICT COURT FOR THE
Northern ~~WESTERN~~ DISTRICT OF OKLAHOMA

STEWART VARN, d/b/a VARN)
PETROLEUM COMPANY)

Plaintiff)

VS.)

Case No. 68-C-43)

THOMAS J. MALONEY)

Defendant)

FILED

JUN 18 1968

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

STIPULATION OF DISMISSAL

The undersigned, being all of the parties who have appeared in the above entitled action, hereby stipulate that this action is dismissed without prejudice and without costs to either party as against the other.

DATED this 17th day of June, 1968.

Fisher Ames
219 Couch Drive
Oklahoma City, Oklahoma 73102
Attorney for the Plaintiff

Robert S. Baker
Robert S. Baker
2401 First National Building
Oklahoma City, Oklahoma 73102
Attorney for the Defendant

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

WILLIAM W. HARRIS, Plaintiff,
vs. JACK B. KNOX, Defendant.

vs.

CIVIL ACTION NO. 66-3-11

WILLIAM W. HARRIS

FILED

JUN 18 1966

STIPULATION OF DISMISSAL
WITH PREJUDICE

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

It is hereby stipulated by and between the attorneys for
W. W. Harris and Jack B. Knox that the above entitled action
~~is~~ ^{is} dismissed with prejudice, each party to bear his own
costs and payment of attorney fees.

Dated June 12, 1966.

HARRIS, HARRIS and FARR.

By James D. Iverson
James D. Iverson
100 Main Building
Tulsa, Oklahoma

Attorney for Plaintiff, W. W.
Harris

MARTIN, HUGHES, FLOYERS, BRADLEY & CONRAY

By Jim H. Inel
Jim H. Inel
90 National Bank of Tulsa Bldg.
Tulsa, Oklahoma

Attorneys for Defendants, Jack B.
Knox

UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF OKLAHOMA

SERVICE BRIDGING COMPANY,
Plaintiff, vs. J. W. McKNAB

CIVIL ACTION NO. 67-10-67

FILED

JUN 18 1968

CF
STIPULATION ~~FOR~~ DISMISSAL
WITH PREJUDICE

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

It is hereby stipulated by and between the attorneys for
Service Bridging Company, W. A. Smith and Jack E. Knox, that the
above entitled action ^{is} ~~is~~ dismissed with prejudice, each party
to bear his own costs and payment of attorney fees.

Dated June 14, 1968.

MALKIN, INVERSON and FARRAR

By James D. Inverson
James D. Inverson
408 Page Building
Tulsa, Oklahoma

Attorney for Plaintiff, Service
Bridging Company and W.A. Smith

MARTIN, LOGAN, MOYERS, MARTIN & CONWAY

By John M. Duell
John M. Duell
440 National Bank of Tulsa Bldg.
Tulsa, Oklahoma

Attorneys for Defendant, Jack
E. Knox

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

Viola P. Schiffbauer,

Plaintiff,

vs.

Secretary of Health, Education
and Welfare,

Defendant.

Civil No. 67-C-117

FILED

JUN 19 1968

J U D G M E N T NOBLE C. HOOD
Clerk, U. S. District Court

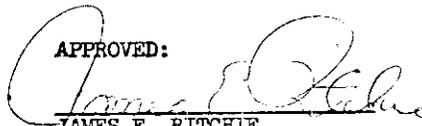
This action came on for hearing before the Court, Honorable Fred Daugherty, United States District Judge, presiding, and the issues having been heard and a decision having been duly rendered on the 14th day of June 1968.

It Is Ordered and Adjudged that the Secretary's decision filed on December 27, 1966, be and it is affirmed and that the Secretary of Health, Education and Welfare recover his costs herein.

Dated this 19 day of June 1968.


Fred Daugherty
UNITED STATES DISTRICT JUDGE

APPROVED:


JAMES E. RITCHIE
Assistant U. S. Attorney

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

United States of America,

Plaintiff,

vs.

682.75 Acres of Land, more or Less,
Situate in Creek & Pawnee Counties,
Oklahoma, and J. F. Quinlan, et al,
and Unknown Owners,

Defendants.)

CIVIL ACTION NO. 5924

Tracts Nos. 9830-4M
4523
4523E-1 and
4523E-2

FILED

JUN 20 1968

AMENDED JUDGMENT
(Amending Judgment filed on April 8, 1968)

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

I.

NOW, on this 10 day of JUN, 1968, this matter comes on for disposition on application of the Plaintiff, United States of America, for an amendment to the Order and Judgment entered herein on April 8, 1968. The Court, after having examined the files and such document and being advised by counsel, finds that such Order and Judgment did not declare title to be vested in the condemnor nor did it provide for payment into the Registry of the Court of the money necessary to pay the award of just compensation.

Therefore, the following findings, conclusions and orders should be entered in lieu of those contained in the original Order and Judgment entered on April 8, 1968.

The Court finds and concludes that:

1.

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

2.

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

3.

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

4.

The Acts of Congress set out in paragraph 2 of the Complaint herein give the United States of America the right, power and authority to condemn for public use the estates described in paragraph I-1 herein. Pursuant thereto on March 30, 1964, the United States of America filed its Declaration of Taking of such described property and title to the described estates in such property should be declared vested in the United States of America as of the date of filing the Declaration of Taking.

5.

On filing of the Declaration of Taking, there was deposited in the Registry of this Court as estimated compensation for the taking of the described estates in subject tracts the total sum of \$14,960.00.

6.

On July 11, 1967, the Commissioners appointed by the Court filed their report fixing the award of just compensation for the estates taken in the subject tracts. Both Plaintiff, and Defendants oil and gas lessees and operator, filed objections to such report.

7.

On the 8th day of April, 1968, pursuant to notice to all parties of record, there came on for hearing the Objections to the Report of Commissioners of the Plaintiff, United States of America; the Objections to the Report of the Commissioners by the Defendant Oil and Gas Lessees and Operator; the Motion of the Defendant Oil and Gas Lessees and Operator to require the Plaintiff to furnish a transcript of the testimony and evidence before the Commissioners; and the Motion to Dismiss Plaintiff's Objections to Report of Commissioners by the Defendants, Theodore G. Montague, Grace M. Montague, Jane Q. Lott, Nancy Q. Simmons, Dorothy M. Cholnoky, individually and as guardian of Thomas R. Shaw, a minor, Oras A. Shaw, Ancillary Trustee of the Estate of Leonard C. Quackenbush, deceased, and Shaw Oil Company, hereinafter called "Shaw and Associates", and all other matters pending before the Court. The Plaintiff, United States of America, appeared by United States Attorney, Lawrence A. McSoud, by Hubert A. Marlow, Assistant United States Attorney; R. Robert Huff, Attorney for the Defendant Oil and Gas Lessees and Operator; David H. Loeffler, Attorney for Shaw and Associates; no other persons appeared. Thereupon the Court inquired of the United States

Attorney as to whether he had any evidence to present to the Court at that time, and the United States Attorney indicated that he had none that was not of record, and the Court having heard argument of counsel and being fully advised in the premises found and now finds that the Objections of the Plaintiff, the Objections of the Defendant Oil and Gas Lessess and Operator, and all pending Motions should be overruled, and that the Commissioners' Report should be approved and adopted as rendered and filed herein on July 11, 1967.

8.

This Judgment will create a deficiency in the sum of \$29,040.00 between the amount deposited as estimated compensation for the subject tracts and the amount fixed by the Commission and the Court as just compensation, and the amount of such deficiency should be deposited by the Plaintiff for the benefit of the owners.

9.

As of the date of taking in this case the property from which the herein described estates in the subject tracts were taken was owned by the persons named in paragraph II - 5 below, in the manner indicated therein. These persons are the only ones claiming any interest in the subject property and all other persons are in default. As owners, these persons so named are the ones entitled to receive the award of just compensation fixed by this judgment; and such owners should share and participate in the award in the manner shown in such paragraph II - 5.

II.

IT IS, THEREFORE, ORDERED that the following Orders and Decrees be entered in lieu of those contained in the original Order and Judgment filed herein on April 8, 1968.

1.

It Is, Therefore, ORDERED, ADJUDGED AND DECREED that the United States of America has the right, power, and authority to condemn for public use the tracts named in paragraph I - 1 herein, as such tracts are particularly described in the Complaint and Declaration of Taking filed herein; and such tracts to the extent of the estates described and for the uses and purposes described in such Complaint and Declaration of Taking, are 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 interested in such estates are forever barred from asserting any claim thereto.

2.

IT IS FURTHER ORDERED, ADJUDGED AND DECREED that the Objections to the Report of Commissioners of the Plaintiff, United States of America; the Objections to the Report of Commissioners by the Defendant Oil and Gas Lessees and Operator; the Motion of the Defendant Oil and Gas Lessees and Operator to require the Plaintiff to furnish a transcript of the testimony and evidence before the Commissioners, and the Motion of the Defendants, Shaw and Associates, to Dismiss Plaintiff's Objections to Report of Commissioners be and the same are hereby overruled.

3.

IT IS FURTHER ORDERED, ADJUDGED AND DECREED that the Report of Commissioners filed herein on July 11, 1967, be and the same is hereby adopted by the Court, as the Judgment of this Court, and Judgment is accordingly entered in the amount of \$44,000.00 of which sum \$15,000.00 thereof is attributable, by stipulation of the parties, to the owners of the East Cushing Red Fork Sand Unit Water Supply System, as properly determined by the Commissioners.

4.

It IS FURTHER ORDERED, ADJUDGED AND DECREED that on the date of taking, the owners of the estates condemned herein in the subject tracts were the persons whose names appear in the schedule below, and the right to receive the just compensation awarded by this judgment is vested in the parties so named. The allocation of the total award among the various interests and the manner in which each owner shares in the distribution of the total award and the accrued interest is as follows, to-wit:

TRACTS NOS. 9830-4M, 4523, 4523E-1
and 4532E-2, Combined

Award of just compensation - - - - - \$44,000.00
(Total award for all 4 tracts combined)

Allocation of award:

- 1. For decrease in value of oil, gas and other minerals - - \$29,000.00
This interest further allocated as follows:
 - A. Lessor interest - - - \$3,625.00
 - B. Leasehold interest - \$25,375.00

- 2. For decrease in value of water supply system - - - - - \$15,000.00

Deposited as estimated compensation - - - - - \$14,960.00
(Total deposit for all 4 tracts combined)

Deposit deficiency - - - - - \$29,040.00

Owners and distribution:

Lessor interest:

<u>Owners</u>	<u>Dollar Share of Award</u>	<u>Fraction of Accrued Interest</u>	<u>Disbursed</u>	<u>Balance Due</u>
Norene Brunson	\$ 714.01	.0162275	None	\$ 714.01
Cecil L. Davidson	357.01	.0081137	"	357.01
Frank Davidson	357.01	.0081137	"	357.01
I. J. Vernon	1,098.49	.0249656	\$362.50	735.99
Clara P. Vernon	549.24	.0124828	181.25	367.99
Joe Vernon	549.24	.0124828	181.25	367.99

Leasehold interest:

<u>Owners</u>	<u>Dollar Share of Award</u>	<u>Fraction of Accrued Interest</u>	<u>Disbursed</u>	<u>Balance Due</u>
Richard L. Pierce	\$ 7,785.51	.1769434	None	\$7,785.51
George M. Shanor	6,295.69	.1430820	"	6,295.69
David B. Benhan	2,499.05	.0567966	"	2,499.05
Olive K. Granger	2,595.17	.0589811	"	2,595.17
Bessie M. Beede	576.71	.0131070	"	576.71
Walter W. Taylor	288.35	.0065534	"	288.35
Gert W. Stobbe and Leberta Stobbe	576.70	.0131068	"	576.70
John P. Ward	72.09	.0016385	"	72.09
Andrew Getzenberg	72.09	.0016385	"	72.09
Ralph P. Pringle	3,075.76	.0699036	"	3,075.76
Ben F. Whitehill	768.94	.0174759	"	768.94
J. L. Mills	768.94	.0174759	"	768.94

Water supply system interest:

<u>Owners</u>	<u>Dollar Share of Award</u>	<u>Fraction of Accrued Interest</u>	<u>Disbursed</u>	<u>Balance Due</u>
Richard L. Pierce	\$ 7,500.00	.1704556	None	\$7,500.00
Theodore G. Montague	} -- 7,500.00	.1704556	None	\$7,500.00
Grace M. Montague				
Jane Q. Lott				
Nancy Q. Simmons				
Dorothy M. Cholnoky, individually and as guardian of Thomas				
R. Shaw, a minor;				
Oras A. Shaw, ancillary trustee of the Estate of Leonard C. Quacken- bush, deceased; Shaw Oil Company				

5.

IT IS FURTHER ORDERED, ADJUDGED AND DECREED that the Plaintiff shall deposit in the Registry of this Court the deficiency, between the deposit of estimated compensation and the award of just compensation, in the amount of \$29,040.00, together with interest on such deficiency at the rate of 6% per annum from March 30, 1964, to the date of payment thereof. The Clerk shall credit such payment, when made, to the total deposit for the subject tracts.

IT IS FURTHER ORDERED, ADJUDGED AND DECREED that when the deficiency has been deposited by the Plaintiff, the Clerk of this Court shall disburse from the deposit for the subject tracts, to each owner or group of owners, the balance due to such owner together with that portion of the total accrued interest as indicated by the fraction following such owner's name, as shown in paragraph II - 4 above.

/s/ Luther Bohanon
UNITED STATES DISTRICT JUDGE

APPROVED AS TO FORM:

/s/ R. Robert Huff, Atty for Oil &
Gas Lessees and Operator

/s/ David H. Loeffler
Atty for Shaw and Associates

/s/ Hubert A. Marlow

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

FRANK W. CENTER,)
)
 Plaintiff,)
 -vs-)
 MISSOURI-KANSAS-TEXAS RAILROAD)
 COMPANY, a corporation, and)
 ST. LOUIS-SAN FRANCISCO RAILWAY)
 COMPANY, a corporation,)
)
 Defendants,)
 and)
 MISSOURI KANSAS-TEXAS RAILROAD)
 COMPANY, a corporation,)
)
 a Defendant and)
 Third Party Plaintiff,)
 -vs-)
 HALLIBURTON COMPANY,)
 a corporation,)
)
 Third Party Defendant.)

FILED

JUN 20 1968

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

No. 6163-Civil

UNDER APPLICABLE JURISDICTION

This matter comes on for hearing upon the joint motion for relief from judgment by the Missouri-Kansas-Texas Railroad Company, a defendant and third party plaintiff herein, and the Halliburton Company, third party defendant herein, and the Court, having considered said motion and the brief attached, finds that it should be sustained.

Wherefore, it is ORDERED, ADJUDGED AND DECREED that the motion for relief from judgment of the Missouri-Kansas-Texas Railroad Company and the Halliburton Company, is sustained, and that portion of the order of judgment heretofore entered on the 11th day of December, 1967, which formerly read:

BE IT FURTHER ORDERED, ADJUDGED AND DECREED that judgment is hereby rendered in favor of the Halliburton Company, third party defendant herein, and against the Missouri-Kansas-Texas Railroad Company, third party plaintiff herein, and third party plaintiff's cause of action against the third party defendant, the Halliburton Company, is hereby dismissed.

is hereby ordered to read as follows:

IT IS FURTHER ORDERED, ADJUDGED AND DECREED that the controversy between the Missouri-Kansas-Texas Railroad Company, third party plaintiff herein, and the Halliburton Company, third party defendant herein, shall be taken under advisement by the Court and held in abeyance, pending the disposition of the appeal of the plaintiff in this action, Frank C. Hunter, against the Missouri-Kansas-Texas Railroad Company to the Tenth Circuit Court of Appeals; provided, however, that portion of the Missouri-Kansas-Texas Railroad Company's cause of action against the Halliburton Company for legal fees and expenses and defending the action is without merit and judgment for this portion of said action is rendered in favor of the Halliburton Company and against the Missouri-Kansas-Texas Railroad Company."

/s/ FRED DAUGHERTY

United States District Court Judge

FILED
JUN 24 1968

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

MAINE INSURANCE COMPANY,
A Corporation,

Plaintiff,

VS

RICHARD D. SMITH,

Defendant.

) NOBLE C. HOOD
) Clerk, U. S. District Court
)
)
) NO 68 - C - 32
)
)
)

APPLICATION FOR DISMISSAL

Comes now the above named Plaintiff and moves the Court to allow the Plaintiff herein to file a Dismissal Without Prejudice as to the above matter and would show to the Court that there has been no pleading filed on behalf of the Defendant in this action and that the Plaintiff has entered into a full and complete compromise of the issues between this Plaintiff and John K. Vanderveide.

COVINGTON, GIBBON & POE

By _____
Richard D. Gibbon

ORDER ALLOWING DISMISSAL

The Plaintiff herein under the above and foregoing Application, is allowed to dismiss the above and foregoing action without Prejudice, no answer having been filed by the Defendant herein.

Judge of the District Court

CERTIFICATE

A true and correct copy of each of the above and foregoing instruments has this 24th day of June, 1968, been mailed to Cook, O'Toole and Tourtellote, Attorneys for the Defendant, at United Founders Life Bldg., Oklahoma City, Oklahoma, 73112, with proper postage thereon fully prepaid.

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

W. WILLARD WIRTZ, SECRETARY OF LABOR,)
UNITED STATES DEPARTMENT OF LABOR)
)
) Plaintiff)
vs.)
)
STANLEY HOMES PRODUCTS, INC.)
)
)
) Defendant)

Civil Action
File No. 67-C-31

FILED

JUN 25 1968

ORDER OF DISMISSAL ON MOTION OF DEFENDANT

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

On this 21st day of June, 1968, comes the
said Defendant by its attorney, E. John Eagleton, and
thereupon on motion, it is ordered by the court that
judgment on this cause be, and the same hereby is,
entered for the defendant with prejudice to the Plaintiff's
right to bring a new action in this behalf.

Judge of the District Court

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

FILED

LEONARD WADE GARDNER, JR., et al.,)
Plaintiffs,)
-vs-)
TULSA TRIBUNE COMPANY,)
a corporation, et al.,)
Defendants.)

JUN 25 1968

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

No. 68-C-123

ORDER OF DISMISSAL WITHOUT PREJUDICE

This June 25, 1968, on motion of plaintiffs, for good cause shown,
it is the order of this court that the complaint of plaintiffs is dismissed
without prejudice to further future action upon said complaint or the cause
or causes of action therein set forth.

ALLEN E. BARROW, Judge
United States District Court
Northern District of Oklahoma

CERTIFICATE

Copies of the above and foregoing were mailed to Mr. Jack N. Hays
of the firm of Gable, Gotwals, Hays, Rubin & Fox, 2010 Fourth National
Bank Building, Tulsa, Oklahoma; to Mr. L. K. Smith of the firm of Boone,
Ellison & Smith, World Building, Tulsa, Oklahoma; and to Mr. Burton J.
Johnson of the firm of Watts, Looney, Nichols & Johnson, 219 Couch Drive,
Oklahoma City, Oklahoma, this June 25, 1968.

UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF OKLAHOMA
TULSA DIVISION

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

Plaintiff)

v.)

WAGENVOORD BROADCASTING COMPANY, INC.)

Defendant)

CIVIL ACTION
FILE NO. 6591

FILED

JUN 26 1968

ORDER OF DISMISSAL

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

Defendant, Wagenvoord Broadcasting Company, Inc.,

having stipulated that it will comply with the provisions of the Fair Labor Standards Act of 1938, as amended, in the future, and having further stipulated that the following named employees are due additional overtime compensation in the amounts set opposite their names:

Jack Gullede	\$ 95.42
James D. Hill	558.40
Morris Dale Alexander	396.46
Alvis Ray Swinney	59.76
Ken Cox	76.74,

and the parties having stipulated that there is no further need for an injunction to restrain said defendant from future violations of the Act, save and except insofar as plaintiff prays for an injunction against a further restraint of said overtime compensation as above

set out; it is therefore,

ORDERED, ADJUDGED and DECREED that defendant be, and it hereby is, restrained from further withholding the overtime compensation stipulated to as set out above and found by the Court to be due. The terms of this order will be deemed to be complied with by defendant paying to the plaintiff, beginning on the fifteenth day of July, 1968, the said sum in eleven equal monthly installments of \$100.00 together with a twelfth installment in the sum of \$86.78 for disbursement to the aforesaid individuals. Any sums which plaintiff is unable, because of the refusal of the individual to accept same, or because of plaintiff's inability to locate said individual within a reasonable time, shall be covered into the Treasury of the United States.

It is further ORDERED, ADJUDGED and DECREED that no cost or disbursement be allowed.

Dated this 26th day of June, 1968

Allen E. Barrow
United States District Judge

Approved:

Charles Donahue
Charles Donahue, Solicitor

M. J. Parmenter
M. J. Parmenter, Regional Attorney

Truett E. Bean
Truett E. Bean, Attorney

Attorneys for Plaintiff

Attorney for Defendant
Attorney for Defendant

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

UNITED STATES FIDELITY AND)
GUARANTY COMPANY,)
a corporation,)
)
Plaintiff,)
)
-vs-)
)
ALLSTATE CONSTRUCTION &)
DEVELOPMENT COMPANY,)
a corporation,)
)
Defendant.)

No. 67-C-146

FILED

JUN 26 1968

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

ORDER OF DISMISSAL WITH PREJUDICE

Whereas, the parties have compromised and settled their differences and have filed their written stipulation herein, reciting same and stipulating that this case should be dismissed with prejudice, the court, after being informed of the premises, finds that this case should be dismissed with prejudice.

NOW THEREFORE BE IT ORDERED, ADJUDGED AND DECREED by the court that the stipulation of the parties for dismissal be and the same is hereby approved and this cause be and the same is hereby and by these presents dismissed with prejudice.

Done and dated this 25th day of June, 1968.

(S) Luther Shannon
UNITED STATES DISTRICT JUDGE

Approved
David H. Sanders Atty for p/f
Paul H. Hestings Atty for Defendant

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

United States of America,

Plaintiff,

vs.

Civil No. 68-C-46

Thomas E. Williams and wife
Ruth L. Williams,
O. B. Williams otherwise known as
Ossie B. Williams and wife
Annie M. Williams, d/b/a
White Oak Mill,

Defendants.

FILED

JUN 26 1968

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

DEFAULT JUDGMENT

NOW, on this _____ day of _____ 1968, the above-entitled matter coming on for hearing, Plaintiff, United States of America, appearing by Robert P. Santee, Assistant United States Attorney, Northern District of Oklahoma, and it appearing that this is a suit based upon a note and for foreclosure of certain financing statements, security agreements, real estate mortgages and guaranty, all securing said note; and

There further appearing that the real estate interest and chattels described in said mortgages, financing statements, and security agreements are located in Craig County, Oklahoma, within the Northern Judicial District of Oklahoma.

It Further appearing that due and legal personal service of summons has been made on the Defendants, O. B. Williams, a/k/a Ossie B. Williams and Annie M. Williams, husband and wife, and Thomas E. Williams and Ruth L. Williams, husband and wife, d/b/a White Oak Mill, on March 19, 1968, requiring each of them to answer the Complaint filed herein not more than 20 days after date of service of summons, and it appearing that said Defendants have failed to file an Answer or otherwise plead herein, they and each of them are hereby in default.

The Court being fully advised finds that the allegations and averments in the Complaint of Plaintiff filed herein are true and correct and that there is due and owing to the Plaintiff, United States of America, from the Defendants, Thomas E. Williams and Ruth L. Williams, husband and wife, d/b/a White Oak Mill, and O. B. Williams a/k/a Ossie B. Williams, the sum of \$90,863.99, together with interest thereon at the rate of $6\frac{1}{2}\%$ from November 21, 1966.

The Court further finds that the Plaintiff has a first and prior lien upon the leasehold interest of the certain real property described in the Complaint filed herein by virtue of a real estate Mortgage given as security for the payment of the indebtedness, interest, and costs, which real property is described as follows:

Part of SW/4 SW/4 NW/4 of Section 27, Township 25 North, Range 19 East, Craig County, Oklahoma, more particularly described as follows: Beginning at a point on the North line of the St. Louis & San Francisco Railroad right of way, 208.7 feet Northeast of the point where said North line of said right of way intersects the West Section line of said Section 27, thence running in a Northeasterly direction along the North line of said right of way, a distance of 208.7 feet; thence due North a distance of 208.7 feet; thence in a Southwesterly direction, parallel with the North line of said right of way, a distance of 208.7 feet; thence due South 208.7 feet to the place of beginning, containing one acre, more or less.

The Court further finds that the Plaintiff has a first and prior lien upon certain real property described in the Complaint filed herein by virtue of a Real Estate Mortgage given as security for the payment of the indebtedness, interest and costs, which real property is described as follows:

Beginning at a point on the West line of the SW/4 SW/4 NW/4, Section 27, Township 25 North, Range 19 East, which is 67.1 feet North of the SW corner of said 10-acre tract, thence in a Northeasterly direction along the North line of the S.L.&S.F. Ry right-of-way a distance of 208.7 feet, thence due North a distance of 208.7 feet, thence in a Northeasterly direction and parallel with said railroad right-of-way to a point which is 208.7 feet North of said 10-acre tract and 208.7 feet North of said railroad right-of-way, thence due West to the West line of said 10-acre tract, which is 451.3 feet North of the SW corner thereof, thence South to the point of beginning, containing 2 acres more or less.

The Court further finds that the Plaintiff has a first and prior lien upon certain real property described in the Complaint filed herein by virtue of a real estate mortgage given as security for the payment of the indebtedness, interest and costs, which real property is described as follows:

East Half of the SE $\frac{1}{4}$ (Less 2 acres reserved for cemetery) and the East Half of the SW $\frac{1}{4}$ of the SE $\frac{1}{4}$ of Section 32, Township 26 North, Range 18 East, containing 98 acres more or less, in Craig County, Oklahoma.

The Court further finds that Plaintiff has a first and prior lien upon the personal property described in the Complaint filed herein by virtue of Financing Statements and Security Agreements given covering the improvements on one acre of land heretofore described as:

Part of SW/4 SW/4 NW/4 of Section 27, Township 25 North, Range 19 East, Craig County, Oklahoma, more particularly described as follows: Beginning at a point on the North line of the St. Louis & San Francisco Railroad right of way, 208.7 feet Northeast of the point where said North line of said right of way intersects the West Section line of said Section 27, thence running in a Northeasterly direction along the North line of said right of way, a distance of 208.7 feet; thence due North a distance of 208.7 feet; thence in a Southwesterly direction, a distance of 208.7 feet; thence due North a distance of 208.7 feet; thence in a Southwesterly direction, parallel with the North line of said right of way, a distance of 208.7 feet; thence due South 208.7 feet to the place of beginning, containing one acre, more or less,

said financial statements and security agreements being attached as Exhibit "A" hereto and made a part hereof.

The Court further finds that as additional security for the payment of the above-described note, the defendant, O. B. Williams (otherwise known as Ossie B. Williams) executed and delivered to the First National Bank and Trust Company of Vinita, Oklahoma, his guaranty, guaranteeing payment of the above-described note.

The Court further finds that by Assignment the Plaintiff, the United States of America, became the owner and holder of such note, financing statements, security agreements, real estate mortgages, and guaranty, all of which were originally executed in favor of the First National Bank and Trust Company of Vinita, Oklahoma.

IT IS THEREFORE ORDERED, ADJUDGED AND DECREED that the Plaintiff United States of America, do have and recover from the Defendants, Thomas E. Williams and Ruth L. Williams, d/b/a White Oak Mill, and O. B. Williams a/k/a Ossie B. Williams a judgment in the amount of \$90,863.99, together with interest thereon at the rate of 6 $\frac{1}{2}$ % from November 21, 1966.

IT IS FURTHER ORDERED, ADJUDGED AND DECREED that upon failure of the Defendants, Thomas E. Williams and Ruth L. Williams, d/b/a White Oak Mill, and O. B. Williams a/k/a Ossie B. Williams, to satisfy the Judgment of Plaintiff, an Order of Sale shall issue to the United States Marshal for the Northern District of Oklahoma, commanding him to levy upon, advertise and sell, according to law, with appraisalment, the real property interests hereinabove described and to advertise and sell, according to law, with appraisalment, the personal property hereinabove described in Exhibit "A" hereto and to apply the proceeds thereof as follows:

1. In payment of the costs of the sale and this action.
2. In payment to plaintiff the sum of \$90,863.99, together with interest thereon at the rate of 6 $\frac{1}{2}$ % from November 21, 1966.
3. The residue if any to be paid to the Clerk of this Court to await further order of the Court.

IT IS FURTHER ORDERED, ADJUDGED AND DECREED that the hereinabove described real and personal property be sold, with appraisement, and after such sale, by virtue of this Judgment and Decree, the Defendants, and each of them and all persons claiming under them since the filing of the Complaint herein be and they are forever barred and foreclosed of and from any and every lien upon, right, title, interest, estate or equity of, in or to, the real and personal property described herein.

Dated this 25 day of June 1968.

Walter C. Barron
UNITED STATES DISTRICT JUDGE

APPROVED:

Robert P. Santee
ROBERT P. SANTEE
Assistant U. S. Attorney

STATE OF OKLAHOMA, PENAL RELEASE, ASSIGNMENT, ETC. — FORM 1112

B. Name, Party and Address

Name of Party
Address

C. Assignment

The Original Party certifies that the Federal Party is entitled to the amount stated in the above captioned document and that the amount stated above in the following schedule:

Pay this money to the party named above.

19

By: Signature of Original Secured Party

County, State of Oklahoma, in this person to the effect of the above.

(4) Secured Party Copy

Remove this copy and forward balance of form to the party named above.

STATE OF OKLAHOMA, PENAL RELEASE, ASSIGNMENT, ETC. — FORM 1112

B. Name, Party and Address

Name of Party
Address

C. Assignment

The Secured Party certifies that the Original Party is entitled to the amount stated in the above captioned document and that the amount stated above in the following schedule:

Pay this money to the party named above.

19

By: Signature of Original Secured Party

County, State of Oklahoma, in this person to the effect of the above.

(4) Secured Party Copy

Remove this copy and forward balance of form to the party named above.

Exhibit "A"

Debtor, Oscar W. White, Jr.
Thomas W. and White Oak
Vinita, Oklahoma 74501

Small Business Administration
Third and Robinson
Oklahoma City, Oklahoma

EMERSON
Company

Debtor's Social Security Number: 10855-1 Date: Feb. 28, 1968

A. Lien Release
 B. Debit Release
 C. Assignment

Equipment, furniture, and fixtures, now owned or hereinafter acquired by Debtor, Oscar W. White, Jr. as shown on attached schedule name "Exhibit 1" and containing two (2)

MEMORANDUM The First National Bank and Trust Company of Vinita, Vinita, Oklahoma

11-14-1967

H. B. Moore
Signature of Original Debtor Party
H. B. MOORE, DEBITOR

County, State of Oklahoma, for debt payable to the United States for the

(1) Filing Office Copy ALPHABETICAL

THE FIRST NATIONAL BANK AND TRUST COMPANY
VINITA, OKLAHOMA

STATE OF OKLAHOMA
COUNTY OF CRAIG
FILED FOR RECORD IN THE
OFFICE OF COUNTY CLERK, VINITA
FEB 28 1968
TIME: 09:00 AM
John H. Collins, County Clerk
Filing Office Date, Time and Name

ASSIGNMENT STATEMENT — COVERS FOLLOWING PROPERTY, INCLUDING: ACCESSIONS, ACCESSORIES, PARTS AND EQUIPMENT AFFIXED, PRODUCE AND PROCEEDS (which term is to be construed as consent by Secured Party for sale thereof). If livestock, property on reverse hereof is also covered.

Signature of Debtor(s)

THE FIRST NATIONAL BANK & TRUST COMPANY
Vinita, Oklahoma

Signature of Debtor(s)

Signature of Secured Party

Small Business Administration
Third and Robinson
Oklahoma City, Oklahoma

Handwritten notes

1945 2-28

A. Partial Release B. Assignment C. Assignment

Inventory of merchandise and products now owned or hereinafter acquired by...
The First National Bank and Trust Company of Vinita, Vinita, Oklahoma

Handwritten signature

H. B. MOORE, President
County, State of Oklahoma

(1) Bring Office Copy ALPHABETICAL

THE FIRST NATIONAL BANK AND TRUST COMPANY
VINITA, OKLAHOMA

RECEIVED
FEB 28 1945
THE FIRST NATIONAL BANK AND TRUST COMPANY
VINITA, OKLAHOMA

PROPERTY OF SECURED PARTY - COVER FOLLOWING PROPERTY, INCLUDING, ACCESSORIES, ACCESSORIES, PARTS AND EQUIPMENT...

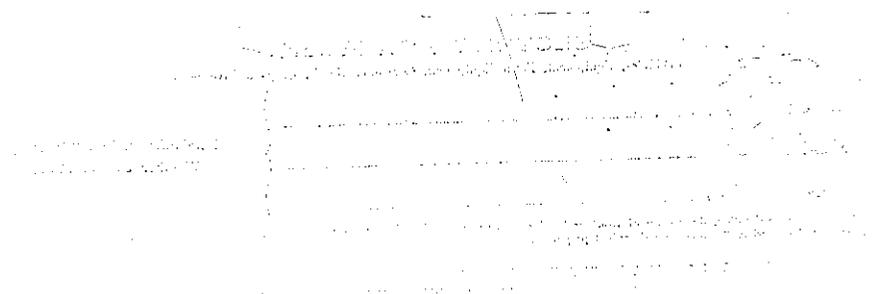
Signature of Secured Party

THE FIRST NATIONAL BANK & TRUST COMPANY
Vinita, Oklahoma
By: Signature of Secured Party

APPENDIX 1

William W. White, Owner E. & Thomas E. c/o/a WHITE CASH MERCH
Vinita, Oklahoma
The First National Bank and Trust Company of Vinita
P.O. Box 123
Vinita, Oklahoma

- 1937 Ford 2-1/2 ton truck, Model F360, Ser No. F360CX121744
- 1937 Ford 2-1/2 ton truck, Ser No. F360E418866
- 1937 Dodge 2-1/2 ton truck, Ser No. 3639432
- 1937 International T truck-tractor, Ser No. 925 C 3454
- 1937 White truck-tractor, Ser No. 491816
- 1937 International truck-tractor, Model 54DC6465; Ser No. 230401124411
- 1937 Ford 1-1/2 ton truck, Ser No. 83599633
- 1937 Ford 1-1/2 ton truck, Ser No. 30314221169 *2-15-66 1941 Ford 2-1/2 ton truck # 490521124411*
- 1937 Ford 1/2-ton pickup, Ser No. F1650K61164
- 1937 Ford 1/2 ton pickup, Ser No. F1650K129750
- 1937 White semi-trailer, grain van, No. FHD178093
- 1937 White semi-trailer, Model FCB, No. 959636
- 1937 White semi-trailer, Ser No. 959286
- 1 wooden office desk
- 1 typewriter, 6-1/2
- 1 typewriter desk
- 1 typewriter
- 1 desk calendar
- 1 mechanical desk register
- 1 desk filing adding machine
- 1 electric heater
- 2 Green Cole machine
- 1 power sander (handmade)
- 1 12 x 36 roller mill, 25 hp safe motor, starter, fuse disconnect
- 1 12 x 36 roller mill w/ 7.5 hp motor
- 1 12 x 36 roller mill w/ 7.5 hp motor
- 1 12 x 36 roller mill w/ 7.5 hp motor
- 1 12 x 36 roller mill, 16-in., w/ 100 hp 2500 v motor
- 1 12 x 36 roller mill w/ 50 hp 2300 v motor
- 1 12 x 36 roller mill (just collectors, etc.)
- 1 12 x 36 roller mill, 30 hp, w/ motor, starter, fuse disconnect, etc.
- 1 12 x 36 roller mill, w/ motor, blowers, starter, fuse disconnect, etc.
- 1 12 x 36 roller mill, 20 hp, w/ motor, etc.
- 1 12 x 36 roller mill, w/ motor, starters, fuse disconnect, etc.
- 1 12 x 36 roller mill, w/ motor, percentage feeder
- 1 12 x 36 roller mill, w/ motor for the 12 x 36 roller mill listed above
- 1 12 x 36 roller mill, w/ 10 hp dp motor, etc.
- 1 12 x 36 roller mill, twin spiral 2-T mixer w/ 7.5 hp safe motor, starter, etc.
- 1 12 x 36 roller mill, 2-T w/ 5 hp dp motor, starter, etc.
- 1 12 x 36 roller mill, 1/2 in mixer w/ 2 hp dp motor, starter
- 1 12 x 36 roller mill, mineral mixer w/ 1 hp motor, starter, etc.
- 1 12 x 36 roller mill, pneumatic feed and grain handling system w/ 30 hp safe motor, starter, etc.
- 1 12 x 36 roller mill, mixing, dust collectors, etc.
- 1 12 x 36 roller mill w/ motor, starter, etc.
- 1 12 x 36 roller mill w/ 5 x 9 cups, 7" spacing, motor, etc.
- 1 12 x 36 roller mill w/ 4 x 4 cups, 9" spacing, motor, starter, etc.
- 1 12 x 36 roller mill w/ 4 x 5 cups, 9" spacing, motor, starter
- 1 12 x 36 roller mill w/ 4 x 5 cups, 7" spacing, motor, starter, etc.
- 1 12 x 36 roller mill w/ 4 x 6 cups, 7" spacing, motor, starter, etc.



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UNITED STATES DISTRICT COURT FOR THE NORTHERN DISTRICT OF OKLAHOMA

UNITED STATES OF AMERICA,

Plaintiff,

vs.

WILLIAM C. SHEA,

Defendant.

66-C-137
November 3, 1968

FILED

JUN 26 1968

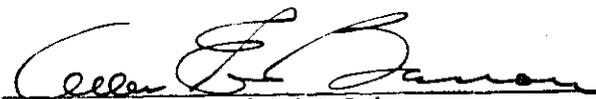
ORDER

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

Now on this 25th day of June, 1968, this cause came on for hearing upon the application of William C. Shea for writ of habeas corpus, said applicant appearing in person and by his attorney, Frank R. Hickman, the United States of America, respondent herein, appearing by its attorneys, James E. Ritchie and Hubert Bryant, and the court having heard testimony presented by applicant in support thereof, and after having considered statements made by counsel in open court, and being otherwise fully advised in the premises, finds that such writ should be granted. The court finds that such writ should be granted by virtue of the fact that applicant was illegally arrested on May 24, 1968, by authorities of the State of Oklahoma in Rogers County, and that none of the arresting authorities had a warrant for the arrest of the applicant nor was a crime committed in their presence.

IT IS THEREFORE ORDERED that the writ of habeas corpus filed herein by applicant be and the same is hereby granted, and that William C. Shea is hereby released and discharged from the custody of the Marshal of the United States of America.

APPROVED AS TO FORM:


United States District Judge


Attorney for Applicant


Assistant United States District Attorney.

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

RICHARD D. SMITH,

Plaintiff,

-vs-

JOHN K. VANDERVELDE and
AMERICAN AERO ASSOCIATES,
INC., a corporation,

Defendants.

FILED
JUN 28 1968
NOBLE C. HOOD
Clerk, U. S. District Court
NO. 67-6-52

JUN 28 1968

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

ORDER OF DISMISSAL

Upon the application of both plaintiff and defendants,
the Court hereby dismisses the above-entitled cause of action
with prejudice, to any future cause of action being brought
by the plaintiff herein.

Dated 6/28/68

[Signature]
United States District Judge

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

HARCOURT PHYSICIANS GROUP,
a Partnership,

Plaintiff,

vs.

RUSSELL W. BRINK, an Individual,
and GENERAL MORTGAGE COMPANY,
a Corporation,

Defendants.

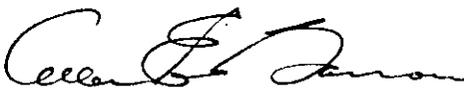
No. 67-C-220

FILED

JUN 28 1968

NOBLE C. HOOD
Clerk, U. S. District Court.
ORDER DISMISSING CAUSE OF ACTION WITH PREJUDICE

Now on this 25th day of June, 1968, upon motion of Plaintiff and Defendants and for good cause shown, the above styled cause of action is herewith dismissed with prejudice to the right of plaintiff to refile same, all at the costs of the plaintiff.


UNITED STATES DISTRICT JUDGE

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

RUTH E. TEAGUE,)
)
) Plaintiff,)
)
) vs.)
)
) GRAND RIVER DAM AUTHORITY,)
) a Corporation,)
) Defendant.)

No. 67-C-249

FILED

JUN 28 1968

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

ORDER GRANTING DEFENDANT'S MOTION FOR SUMMARY JUDGMENT

Defendant has moved for summary judgment on the basis that it is immune from suit. The Court has heretofore ruled that Defendant is entitled to remove this case from the state courts on the basis of the federal officer statute, 28 U.S.C. §1442(a)(1), because the pleadings and affidavits showed that it was acting as an agent of the United States in doing the acts out of which Plaintiff's cause of action arose.

The issues, as the Court sees them, may be stated as follows:

1. Whether Defendant, acting as an agent of the United States, may be individually liable for its torts committed in the carrying out of its agency functions.
2. Whether Defendant was carrying on proprietary or government functions in the doing of the acts here complained of.
3. Whether the statutory immunity of Defendant from liability for suits of this nature has been waived.

Ordinarily, the agent may be sued individually for its torts and the master disregarded. 3 C.J.S. Agency §220, p. 129. Liability in such a case, however, must be based on a duty owed by the agent to the party suing it, and not solely on a duty owed by

the agent to the master. 3 C.J.S. Agency §221, p. 130-131; §223, p. 134. These statements appear to reflect the law in Oklahoma. C. C. Penney Company v. Barrientz, 411 P. 2d 841 (Okla. 1965). This question of agency with respect to the present Defendant has been previously determined by the Oklahoma Supreme Court, which held that it could not escape liability on the sole ground that it was a mere agent of the United States. Grand River Dam Authority v. Board of Education, Etc., 147 P. 2d 1003 (Okla. 1943). With respect to whether Defendant owed Plaintiff's decedent a duty not to injure him in the operation of the spillway gates, the Court is of the opinion that such duty exists. Richardson v. United States, 248 F. Supp. 99 (Okla. 1965).

The Court has already held that the Defendant was an agent of the United States in its order of February 6, 1968. Inasmuch as operation of the spillway gates is done to carry out the flood control program embodied in the license between the Defendant and the United States, Articles 13 and 14 thereof, it is inescapable that such operation was a public, as opposed to a proprietary, function.

Under these circumstances, it is necessary to determine whether the Defendant in fulfilling a public function is immune from liability for its acts causing the death of Plaintiff's husband. 82 O. S. §862(q)* describes the instances in which De-

* 82 O. S. §862(q) provides in part:

" . . . Provided said District shall be liable for damages caused by said District, its agents, servants and employees in creating, constructing, maintaining or operating said District to any corporation, partnership, person or individual whose property, either real or personal, within or without said District, has been damaged and said damages may be determined by appropriate action as provided by law. . . . "

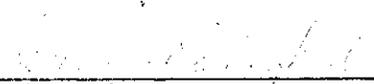
fendant will be liable for its wrongful acts committed in the execution of its governmental or public functions. The statute allows actions only in cases which involve damage to personal or real property. There is no waiver as to personal injuries. Plaintiff argues that a right of action for the wrongful death of her husband is personal property. This argument is doomed, in that such right of action arises only after the acts which give rise to it have been accomplished. To bring Plaintiff within the meaning of the statute as so contended by Plaintiff, the Defendant would have to do some act damaging her cause of action. There is no claim that this occurred.

No genuine issue as to any material fact exists in this case. The relationship between the Defendant and the United States Government is conclusively shown by the agreement between them and applicable laws. The governmental or public nature of the operation of the dam is also conclusively shown by the same means. The Defendant as agent of the United States Government performing a governmental function owed a duty to the Plaintiff's decedent but being an arm or agency of the Sovereign State of Oklahoma there has been no waiver of immunity as to the Defendant from liability for the type damages sought herein. The only such waiver by the State law of Oklahoma is for damage to real or personal property. Here damages are sought for personal injuries in the form of wrongful death.

For the above reasons Plaintiff has no cause of action as a matter of law against the Defendant for its actions in connection with the death of Plaintiff's decedent.

Defendant's Motion for Summary Judgment is granted and the Complaint is dismissed.

Dated this 3 day of June, 1968.



Fred Daugherty
United States District Judge

