

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

UNITED STATES OF AMERICA,

Plaintiff,

-vs-

ALPHONZO WILLIAMS, ET AL,

Defendants.

C I V I L

NO. 6 0 0 8

FILED

NOV 6 1968

M. M. EWING

Clerk, U. S. District Court

ORDER APPROVING MARSHAL'S SALE

NOW, on this 30th day of October, 1968, this matter comes on to be heard upon the Motion of Joe Francis and Philip K. Blough, attorneys for the W. L. Foster heirs, in the above entitled cause, for confirmation of the sale of real estate made by the United States Marshal in and for the Northern District of Oklahoma to Mr. Jack Santee on the 26th day of August, 1968, under an Order of Sale issued out of the Office of the Court Clerk of the United States District Court for the Northern District of Oklahoma, said sale being of the following described real estate situate in Tulsa County, State of Oklahoma, to-wit:

All that part of the West One-half (W/2) of the Northwest Quarter (NW/4) of the Southeast Quarter (SE/4) of Section 30, Township 20 North, Range 13 East, lying North and West of the Atchison, Topeka and Santa Fe Railroad right-of-way, Tulsa County, Tulsa, Oklahoma,

and the Court, having examined the proceedings herein and the proceedings of said Marshal and his return thereof under Order of Sale herein, finds that the same have been performed and done in all respects in conformity to law; that the said bid is the highest and best bid that could be obtained and that the same was obtained upon competitive bidding; that said sale was made after due and legal notice of the time and place of sale and was in all respects in conformity to law.

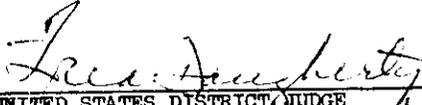
The Court further finds that the proceedings herein were in all respects regular; that the sale was conducted fairly and that the consideration received was not inadequate.

The Court further finds that the sale was properly conducted, without appraisalment, pursuant to the judgment heretofore granted and on file herein.

IT IS, THEREFORE, CONSIDERED, ORDERED AND ADJUDGED by this Court that the Clerk of this Court make an entry on the journal that this Court is satisfied with the legality of said sale.

IT IS FURTHER HEREBY CONSIDERED, ORDERED AND ADJUDGED by the Court that the said sale and all of the proceedings herein be and the same hereby are in all respects approved and confirmed; and that the United States Marshal in and for the Northern District of Oklahoma make and execute to the said purchaser at said sale a good and sufficient deed for said lands and tenements.

IT IS FURTHER ORDERED that the said purchaser of said premises, lands and tenements at said sale, as aforesaid, be immediately let into possession of said premises, and each and every part thereof; and the Clerk of this Court is ordered to issue a Writ of Assistance to the United States Marshal in and for the Northern District of Oklahoma, directing him to place the said purchaser of said premises in full possession thereof; and the said Defendants, and each of them, and every person who has come into possession of said premises, or any part thereof, under the said Defendants, or any of them, since the commencement of this action, shall, upon presentation of such Writ of Assistance, immediately deliver possession thereof to the said purchaser; and the refusal of said Defendants, or any of them, or anyone in possession of said premises, or any part thereof, under them, or any of them, as aforesaid, to deliver immediate possession of said premises to the said purchaser shall constitute contempt of this Court.

  
UNITED STATES DISTRICT JUDGE

UNITED STATES DISTRICT COURT FOR THE  
NORTHERN DISTRICT OF OKLAHOMA

United States of America,

Plaintiff,

vs.

6.00 Acres, More or Less, in Rogers  
County, Oklahoma, including all ac-  
cretions and riparian rights there-  
to, and C. H. Wright, et al, and  
Unknown Owners,

Defendants.

CIVIL ACTION NO. 67-C-29

Tract No. 407

FILED  
1968 FEB 10  
U. S. DISTRICT COURT  
CLARK, U. S. District Court

J U D G M E N T

1.

NOW, on this 10 day of June, 1968, this matter comes on for disposition on application of Plaintiff, United States of America, for entry of judgment on a stipulation by the parties 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 to the entire estate condemned in Tract No. 407, Lock and Dam No. 18, Verdigris River, as such estate and tract are described in the Complaint and the Declaration of Taking filed in this action.

3.

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

4.

Service of Process has been perfected either personally or by publication notice, as provided by Rule 71A of Federal Rules of Civil Procedure, on all parties defendant in this cause who are interested in subject 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 property described in such Complaint. Pursuant thereto, on February 3, 1967, the United States of America has filed its Declaration of Taking of a certain estate in 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 this Court, as estimated compensation for the taking of a certain estate in the subject tract, a certain sum of money, and none of this deposit has been disbursed, as set out in paragraph 12 below.

7.

On the date of taking in this action, the owner of the estate taken in subject tract was the defendant whose name is shown in paragraph 12 below. Such named defendant is the only person asserting any interest in the estate taken in such tract, all other persons having either disclaimed or defaulted, and such named defendant is entitled to receive the just compensation for the estate taken in this tract.

8.

On October 22, 1968, the owner of the subject property and the United States of America executed and filed herein a Stipulation wherein they agreed that the subject tract contains approximately 22 acres instead of 6 acres, as stated in the Complaint and Declaration of Taking.

By the same Stipulation the parties agreed that just compensation for the estate taken in all 22 acres of such tract is \$14,000.00, inclusive of interest.

Such Stipulation of the parties should be approved by the Court and the amount stated therein should be adopted as the award of just compensation.

9.

This judgment will create a deficiency between the amount deposited as estimated compensation for subject tract and the amount fixed herein as the award of just compensation, and the amount of such deficiency should be deposited for the benefit of the landowners. Such deficiency is set out in paragraph 12 below.

10.

It Is, Therefore, ORDERED, ADJUDGED, and DECREED that the United States of America has the right, power, and authority to condemn for public use the property described as Tract No. 407 in the Complaint and Declaration of Taking filed herein. That part of the Stipulation of the parties referred to in paragraph 8 above, wherein they agree that such Tract No. 407 contains approximately 22 acres, consisting of approximately 6 acres above the high bank of the Verdigris River, 10 acres between the said high bank and the cut bank of the river and 6 acres

between said cut bank and the center of the river, is approved and adopted by the Court as its own decree in this case. All 22 acres of such tract, to the extent of the estate described in such Complaint and Declaration of Taking, is condemned and title thereto is vested in the United States of America, as of the date of filing such Declaration of Taking, and all defendants herein and all other persons interested in such estate are forever barred from asserting any claim thereto.

11.

It Is Further ORDERED, ADJUDGED and DECREED that on the date of taking, the owner of the estate condemned herein in subject tract was the defendant whose name appears below in paragraph 12, and the right to receive the just compensation for the estate taken herein in this tract is vested in the party so named.

12.

It Is Further ORDERED, ADJUDGED, and DECREED that the Stipulation As To Just Compensation, mentioned in paragraph 8 above, hereby is confirmed; and the sum therein fixed is adopted as the award of just compensation for the estate condemned in subject tract as follows, to-wit:

TRACT NO. 407

Owner:

C. H. Wright

Award of just compensation, pursuant to Stipulation - - - - -	\$14,000.00	\$14,000.00
Deposited as estimated compensation - - - - -	\$ 6,078.00	
Disbursed to owner - - - - -		<u>None</u>
Balance due to owner - - - - -		\$14,000.00
Deposit deficiency - - - - -	\$ 7,922.00	

13.

It Is Further ORDERED, ADJUDGED, and DECREED that the United States of America shall deposit in the Registry of this Court, in this Civil Action, the deficiency sum of \$7,922.00. The Clerk of this Court then shall disburse from the deposit in this case, to C. H. Wright, the sum of \$14,000.00.

APPROVED:

/s/ Hubert A. Marlow

HUBERT A. MARLOW  
Assistant United States Attorney

St. Allen E. Barrow  
UNITED STATES DISTRICT JUDGE

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

FILED

PUBLIC SERVICE COMPANY OF  
OKLAHOMA, a corporation,  
Plaintiff,

M. M. EWING  
Clerk, U. S. District Court

-vs-

UNDERWRITERS OF LLOYD'S, et al.,  
Defendants,

NO. 68 - C - 53

ORDER OF DISMISSAL

NOW, on this 2<sup>th</sup> day of November September, 1966, upon consideration by the Court of the Stipulation To Dismiss filed herein by and between the Plaintiff, Public Service Company of Oklahoma, a corporation, and three of the Defendants herein, Great American Insurance Company, a corporation, The Phoenix Insurance Company, a corporation, and National Surety Company, a corporation, and having heard the statement of counsel for the respective parties herein, that such suit may be dismissed as to said three defendants hereinabove specified, with prejudice and without costs, all matters in controversy between the Plaintiff and the said three Defendants above named having been fully adjusted and compromised, the Court finds that the matters should be dismissed, with prejudice and without costs, as to said three Defendants.

IT IS, THEREFORE, ORDERED, ADJUDGED AND DECREED by the Court that such suit is dismissed with prejudice and without costs as to the Defendants Great American Insurance Company, a corporation, The Phoenix Insurance Company, a corporation, and National Surety Company, a corporation.

APPROVED AS TO FORM:

ROBERT L. LAWRENCE  
DOERNER, STUART, MORTLAND,  
SAUNDERS & DANIEL

BY: [Signature] United States District Judge

JOHN F. GORMAN; CLAUSEN, HIRSCH, MILLER & GORMAN;  
BRYAN W. TABOR; RUCKER & TABOR

BY: [Signature]

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

WILLARD WIREZ, Secretary of Labor, )  
United States Department of )  
Labor, )

Plaintiff )

v. )

BARTLESVILLE FORD, INCORPORATED, )  
a Corporation, )

Defendant )

CIVIL ACTION

File No. 66-C-63

FILED

M. M. EWING  
Clerk, U. S. District Court

ORDER OF DISMISSAL

Plaintiff has filed his complaint and the defendant has filed its answer and thereafter defendant stipulated that it would comply with the provisions of the Fair Labor Standards Act of 1938 as amended by the Fair Labor Standards Amendments of 1966. The parties having entered into a Stipulation that this action may be dismissed, it is:

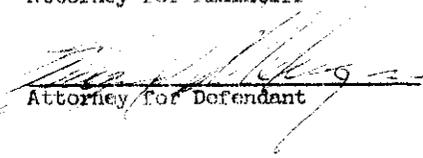
ORDERED, ADJUDGED, AND DECREED that the above styled and numbered cause be, and it hereby is, dismissed with prejudice and without costs to either party.

Dated this 7<sup>th</sup> day of November, 1968.

  
United States District Judge

Approved as to Form and Content:

William E. Eubank  
Attorney for Plaintiff

  
Attorney for Defendant

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

CAROL HARDIN, )  
.....Plaintiff, )  
vs. ) No. 68-C-127  
MORRIS PAINT & VARNISH )  
COMPANY, a Corporation, )  
.....Defendant.)

FILED

DISMISSAL WITH PREJUDICE

NOV 7 1968

M. M. EWING  
Clerk, U. S. District Court

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

Dated this 29 day of Dec, 1968.

Carol Hardin  
Plaintiff

WALKER, IVERSON & FARRAR  
By: Thos L. Iverson  
Attorneys for Plaintiff

Comes now the defendant, by and through its counsel of record,  
and consents to the dismissal of the above styled and numbered cause of  
action with prejudice to the bringing of any future action.

HUDSON, WHEATON & BRETT  
By: Harold Brett  
Attorneys for Defendant

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

Allen E. Barnes  
UNITED STATES DISTRICT JUDGE

UNITED STATES DISTRICT COURT  
FOR THE NORTHERN DISTRICT OF OKLAHOMA

WILLARD WIRTZ, Secretary of Labor, )  
United States Department of Labor, )  
 )  
Plaintiff )  
 )  
v. )  
 )  
NINDE FUNERAL DIRECTORS, INC., a )  
corporation, and CHARLES H. NINDE )  
and MARY B. NINDE, individually, )  
 )  
Defendants)

Civil Action

No. 68-C-147

FILED

M. M. EWING  
Clerk U. S. District Court

JUDGMENT

Plaintiff has filed his complaint against Ninde Funeral Directors, Inc., a corporation, and Charles H. Ninde and Mary B. Ninde, individually. The defendants have now appeared by counsel and, without admitting any of the material allegations of the complaint, have waived any defenses thereto, and agree to the entry of this judgment, without contest, against the defendant corporation and the aforesaid individuals. It is, therefore, on motion of the plaintiff, and for cause shown:

ORDERED, ADJUDGED and DECREED that the defendants, their agents, servants, employees, and all persons acting or claiming to act in their behalf and interest be, and they hereby are, restrained from violating the provisions of sections 15(a)(2) and 15(a)(5) of the Fair Labor Standards Act of 1938, as amended, (Act of June 25, 1938, U.S.C., Title 29, section 201, et seq.), hereinafter referred to as the Act, in any of the following manners:

I

The defendants shall not, contrary to section 6(a) of the Act, pay any of their 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 \$1.60 per hour or such other rates as may be hereinafter provided by law. The provisions of this paragraph shall not prevent defendants from paying to any of their employees wages authorized as to such employees by a special certificate issued and in effect under section 14 of the Act.

II

The defendants shall not, contrary to section 7 of the Act, employ any of their employees engaged in commerce or in the production of goods for commerce, as defined by the Act, for a workweek longer than 40 hours unless the employee receives compensation for his employment in excess of 40 hours at a rate not less than one and one half times the regular rate at which he is employed.

III

The defendants shall not fail to make, keep and preserve records of their employees, and of the wages, hours and other conditions and practices of employment maintained by them, as prescribed by the regulations of the Administrator issued, and from time to time amended, pursuant to sections 11(c) and 15(a)(5) of the Act and found in Title 29, Chapter V, Code of Federal Regulations, Part 516.

IV

Costs of this action shall be paid by defendants.

Signed and entered this 7<sup>th</sup> <sup>November</sup> day of September,

1968.

\_\_\_\_\_  
UNITED STATES DISTRICT JUDGE

Entry of the above judgment  
is hereby consented to:

Charles H. Ninde  
Charles H. Ninde, individually  
and as President of Ninde  
Funeral Directors, Inc.,  
a corporation.

Mary B. Ninde  
Mary B. Ninde, individually  
and as Secretary-Treasurer of  
Ninde Funeral Directors, Inc.,  
a corporation

B. W. Tabor  
B. W. Tabor, Attorney for  
Ninde Funeral Directors, Inc.,  
Charles H. Ninde and Mary B.  
Ninde

Willard Wirtz, Secretary of Labor, United States  
Department of Labor, moves for entry of the foregoing judgment.

\_\_\_\_\_  
Charles Donahue  
Solicitor of Labor

\_\_\_\_\_  
M. J. Parmenter  
Regional Attorney

James F. Gruben  
James F. Gruben  
Attorney

Attorneys for WILLARD WIRTZ,  
Secretary of Labor,  
United States Department of Labor,

Plaintiff

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

PAUL J. BAKER,

Plaintiff,

-vs-

GARY RAY THORPE and  
BOB COOK,

Defendants.

No. 68-C-196 ✓

FILED

NOV 17 1968

M. M. EWING  
Clerk U. S. District Court

JUDGMENT

The Court having considered the motion of the defendant, Bob Cook, for summary judgment, together with affidavits offered in support thereof and confession of motion for summary judgment filed by the plaintiff herein, and having made findings of fact and conclusions of law, does herewith enter judgment in favor of the defendant, Bob Cook, and against the plaintiff, Paul J. Baker, adjudicating and decreeing that there is no liability upon the part of the defendant to the plaintiff herein.

NOW, THEREFORE, BE IT ORDERED, ADJUDGED AND DECREED by the Court that judgment be entered in favor of the defendant, Bob Cook, and against the plaintiff, Paul J. Baker, and that the plaintiff take nothing by reason of her complaint and that the defendant be discharged of and from all liability herein to go hence without delay.

Done in open court this 7<sup>th</sup> day of November, 1968.

C. C. [Signature]  
UNITED STATES DISTRICT JUDGE

APPROVED:

[Signature]  
Attorney for Plaintiff

[Signature]  
Attorney for Defendant,  
Bob Cook.

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

GRACE I. BAKER,

Plaintiff,

-vs-

GARY RAY THORPE and  
BOB COOK,

Defendants.

No. 68-C-197 ✓

FILED *m*

NOV 7 1968

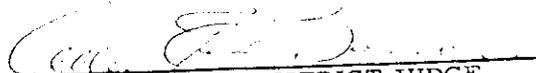
M. M. EWING  
Clerk, U. S. District Court

JUDGMENT

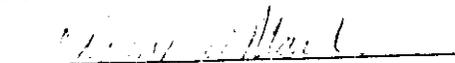
The Court having considered the motion of the defendant, Bob Cook, for summary judgment, together with affidavits offered in support thereof and confession of motion for summary judgment filed by the plaintiff herein, and having made findings of fact and conclusions of law, does herewith enter judgment in favor of the defendant, Bob Cook, and against the plaintiff, Grace I. Baker, adjudicating and decreeing that there is no liability upon the part of the defendant to the plaintiff herein.

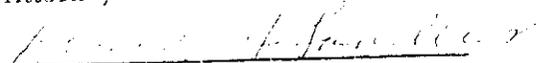
NOW, THEREFORE, BE IT ORDERED, ADJUDGED AND DECREED by the Court that judgment be entered in favor of the defendant, Bob Cook, and against the plaintiff, Grace I. Baker, and that the plaintiff take nothing by reason of her complaint and that the defendant be discharged of and from all liability herein to go hence without delay.

Done in open court this 7<sup>th</sup> day of November, 1968.

  
UNITED STATES DISTRICT JUDGE

APPROVED:

  
Attorney for Plaintiff

  
Attorney for Defendant,  
Bob Cook.

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

SECURITIES AND EXCHANGE COMMISSION,

Plaintiff,

vs.

COMMUNITY NATIONAL LIFE INSURANCE  
COMPANY, ET AL.,

Defendants.

)  
)  
) 67-C-110  
)  
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)

FILED

NOV 8 1968

M. M. EWING  
Clerk, U. S. District Court

ORDER DISMISSING CAUSE OF ACTION AS TO THE  
DEFENDANT, LYNDON L. PEARSON

This action on September 12 and 13, 1967, coming on for hearing on the motion of defendant, inter alia, to dismiss the complaint in this action; the motion having been granted; and the plaintiff thereafter having elected to stand on its complaint,

IT IS ORDERED that this cause of action be, and is hereby dismissed as to the defendant, Lyndon L. Pearson.

ENTERED this 8th day of November, 1968.



UNITED STATES DISTRICT JUDGE

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

WESTERN BEAUTY SUPPLY COMPANY)  
an Oklahoma Corporation, )  
 )  
Plaintiff )  
 )  
v. )  
 )  
UNITED STATES OF AMERICA )  
 )  
Defendant )

CIVIL ACTION NO. 68-C-15

**FILED**

NOV 8 - 1968

M. M. EWING  
Clark, U. S. District Court

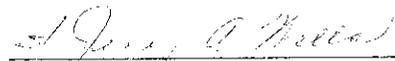
STIPULATED DISMISSAL WITH PREJUDICE

It is hereby stipulated and agreed that the  
above-entitled action be dismissed with prejudice, each  
party to bear its own costs.



E. John Eagleton  
204 Philtower Building  
Tulsa, Oklahoma 74103

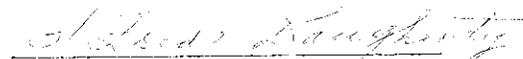
Attorney for Plaintiff



Jerry A. Wells  
Attorney, Tax Division  
Department of Justice  
7406 Federal Building  
Fort Worth, Texas 76102

Attorney for Defendant

The foregoing Stipulated Dismissal With Prejudice  
is hereby approved this 7 day of November, 1968.

  
UNITED STATES DISTRICT JUDGE

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

ROY A. ALLEN,

Plaintiff,

vs.

LOUISIANA & SOUTHERN LIFE  
INSURANCE COMPANY, a Foreign  
Corporation, and JOHN W. GIBSON,  
An individual,

Defendants.

No. 117898

NO. 68-C-219

**FILED**

NOV 8 1968

M. M. EWING  
Clerk, U. S. District Court

ORDER OF REMAND

This case comes on for hearing on this 10th day of October, 1968,  
upon Plaintiff's motion to remand this case to the District Court of Tulsa County,  
Oklahoma, the Court having heard the arguments of counsel, having examined  
the files and records and being otherwise well and fully advised in the premises  
finds that there is no diversity of citizenship between Plaintiff and all of the  
Defendants, and said Motion to Remand should be sustained.

IT IS, THEREFORE, HEREBY ORDERED, ADJUDGED AND DECREED  
by the Court that this case be remanded to the District Court of Tulsa  
County, Oklahoma. The Court from which it was removed is remanded

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LUTHER BOHANON  
United States District Judge

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

United States of America,  
  
Plaintiff,  
  
vs.  
  
Alphonzo Williams, et al,  
  
Defendants.

Civil No. 6008 ✓

**FILED**

NOV 13 1968

M. M. EWING  
Clerk, U. S. District Court

ORDER CONFIRMING MARSHAL'S SALE

NOW, on this 30<sup>th</sup> day of October, 1968, the matter of confirmation of the sale of real estate made by the United States Marshal in and for the Northern District of Oklahoma to Mr. Jack Santee and Mr. R. S. Berst on the 26th day of August, 1968, under an Order of Sale issued out of the office of the Court Clerk of the United States District Court for the Northern District of Oklahoma, comes on to be heard before this Court;

Said sale being of the following described real estate situate in Tulsa County, State of Oklahoma, to-wit:

The following tracts of land in the Conservation Acres, an addition to the City of Tulsa, County of Tulsa, State of Oklahoma:

<u>Property Description</u>	<u>Amount Bid</u>	<u>Bidder</u>
Lot One (1), Block Two (2)	\$ 500.00	R. S. Berst
Lot Two (2), Block Two (2)	\$ 500.00	R. S. Berst
Lot One (1), Block Three (3)	\$ 600.00	R. S. Berst
Lot Two (2), Block Three (3)	\$1,100.00	Jack Santee
Lot Three (3), Block Two (2)	\$7,600.00	R. S. Berst
Lot Four (4), Block Two (2)	<u>\$5,000.00</u>	R. S. Berst
Total	\$27,500.00	

and the Court, having examined the proceedings herein and the proceedings of said Marshal and his return thereof under Order of Sale herein, finds that the same have been performed and done in all respects in conformity to law;

That said sale was made after due and legal notice of the time and place of sale and was in all respects in conformity to law.

The Court further finds that the proceedings herein were in all respects regular;

That the sale was conducted fairly and that the consideration received was not inadequate.

The Court further finds that the sale was properly conducted, without appraisalment, pursuant to the judgment heretofore granted and on file herein.

IT IS THEREFORE CONSIDERED, ORDERED and ADJUDGED, by this Court, that the Clerk of this Court make an entry on the journal that this Court is satisfied with the legality of said sale.

IT IS FURTHER HEREBY CONSIDERED, ORDERED and ADJUDGED, by the Court, that the said sale and all of the proceedings herein be and the same are hereby in all respects approved and confirmed;

And that the United States Marshal in and for the Northern District of Oklahoma make and execute to the said purchasers at said sale good and sufficient deeds for said lands and tenements.

IT IS FURTHER ORDERED that the said purchasers of said premises, lands and tenements, at said sale, as aforesaid, be immediately let into possession of said premises and each and every part thereof;

And the Clerk of this Court is Ordered to issue a writ of assistance to the United States Marshal in and for the Northern District of Oklahoma, directing him to place the said purchasers of said premises in full possession thereof;

And the said Defendants, and each of them, and every person who has come into possession of said premises, or any part thereof, under the said defendants, or any of them, since the commencement of this action, shall, upon presentation of such Writ of Assistance, immediately deliver possession thereof to the said purchasers;

And refusal of said defendants, or any of them, or anyone in possession of said premises, or of any part thereof, under them, or any of them, as aforesaid, to deliver immediate possession of said premises to the said purchasers, shall constitute contempt of this Court.

A handwritten signature in cursive script, appearing to read 'Lee D. ...', is written over a horizontal line. Below the line, the text 'UNITED STATES DISTRICT JUDGE' is printed in a serif font.

UNITED STATES DISTRICT JUDGE

UNITED STATES DISTRICT COURT  
FOR THE NORTHERN DISTRICT OF OKLAHOMA

WILLARD WIRTZ, Secretary of Labor )  
United States Department of Labor )  
 )  
Plaintiff )  
 ) Civil Action  
v. )  
 ) File No. 6380  
JESSE VERNON HAMILTON, individually )  
and doing business as HAMILTON )  
TRUCKING COMPANY )  
 )  
Defendant )

FILED

NOV 12 1968

M. M. EWING  
Clerk, U. S. District Court

ORDER GRANTING DEFENDANT'S  
MOTION TO REFORM JUDGMENT

On motion of Jesse Vernon Hamilton, defendant  
above named, which motion plaintiff does not object to,  
it is

ORDERED that the judgment heretofore entered in  
this case on the 14th day of June 1967, be, and the same  
hereby is, reformed to read as follows:

J U D G M E N T

Defendant has now appeared by counsel, and without  
admitting any of the material allegations of plaintiff's  
complaint, has waived any defenses thereto and has agreed  
to the entry of this judgment without contest. It is,  
therefore, on motion of the 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 provisions of sections 15(a)(2) and 15(a)(5) of the Fair Labor Standards Act of 1938 (Act of June 25, 1938, Title 29, U.S.C. 201 et seq.) hereinafter referred to as the Act, in any of the following manners:

I

Defendant shall not, contrary to section 6(a) of the Act, pay any of his employees who are engaged in commerce or the production of goods for commerce, as defined by the Act, from the date of this judgment, wages at rates less than \$1.40 per hour or such other rates as may be hereafter provided 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.

II

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 workweeks longer than 40 hours unless such employees receive compensation for their employment in excess of 40 hours at rates not less than one and one-half times the regular rate at which each such employee is employed.

III

Defendant shall not fail to make, keep, and preserve records of his employees, and the wages, hours,

and other conditions and practices of employment maintained by him, as prescribed by the regulations of the Administrator issued, and from time to time amended, pursuant to sections 11(c) and 15(a)(5) of the Act and found in Title 29, Chapter V, Code of Federal Regulations, Part 516.

IV

The defendant shall pay to plaintiff, by certified or cashier's check, payable to "United States Department of Labor - Wage-Hour", for the use and benefit of certain of defendant's employees and former employees, \$18,333.57, in 60 monthly installments of \$300 each, and one monthly installment of \$333.57, the first of such installments to be paid on the 15th day of November 1968, and each succeeding monthly installment to be paid on the 15th day of each month thereafter. The plaintiff shall distribute the proceeds of each monthly installment to the persons named in the installment schedule made a part of the original judgment herein, or to their estates if that become necessary, and any money not so paid within a reasonable time because of inability to locate the proper persons, or because of their refusal to accept such money, shall be covered into the Treasury of the United States as miscellaneous receipts.

It is further ordered that costs in this suit shall be taxed to the defendant.

Dated this 8 day of November 1968.

Lawrence J. ...  
UNITED STATES DISTRICT JUDGE

Entry of this judgment is hereby consented to:

Jesse Vernon Hamilton  
Jesse Vernon Hamilton

APPROVED:

Warren L. McConnico  
Warren L. McConnico  
Attorney for Defendant

APPROVED:

James E. White  
James E. White  
Attorney for Plaintiff

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

IN THE MATTER OF: )

SHANGRI-LA RECREATIONAL )  
COMPLEX, INC., A Corporation. )

In Bankruptcy  
No. 65-685 ✓

**FILED**

NOV 14 1968

M. M. EWING  
Clerk, U. S. District Court

ORDER

The Court has for consideration the Certificate of Review filed in the above captioned matter, and being fully advised in the premises, finds:

That since the Certificate of Review has been filed a multitude of briefs have been filed by the interested parties, raising and expanding certain legal premises which were not before the Referee when he filed his Findings of Fact and Conclusions of law.

The Court also finds that in view of the issues raised and the Conclusions of Law filed, it is impossible for the Court to either affirm or overrule the Findings and Conclusions filed herein.

The Court, therefore, feels that the Certificate of Review should be remanded to the Referee for further consideration of the issues raised. In the event the Referee should choose to adhere to the position heretofore expressed, the Court is of the opinion that the Conclusions of Law should be expanded in order that the Court can give full and complete attention to the Findings and Conclusions of the Referee.

IT IS, THEREFORE, ORDERED that the Certificate of Review be remanded to the Referee for further proceedings in conformity with this Order and that Findings of Fact and Conclusions of Law be filed within sixty (60) days of this date.

ENTERED this 14 day of November, 1968.

  
UNITED STATES DISTRICT JUDGE

UNITED STATES DISTRICT COURT FOR THE  
NORTHERN DISTRICT OF CALIFORNIA

DOUGLAS M. HARRIS

Plaintiff,

vs.

UNITED STATES TREASURY DEPARTMENT and  
UNITED STATES CUSTOM SERVICE,

Defendants.

No. 68-1-75 Civil

FILED

NOV 14 1968

M. M. EWING  
Clerk, U. S. District Court

ORDER

Plaintiff has filed herein a "Petition for Rehearing" which the Court liberally construes as a motion to vacate the Court's order dismissing this case because the Plaintiff failed to appear for trial and prosecute his case. No showing having been made of any of the reasons enumerated in Rule 69(b), F.R.Cv.P., 28 U.S.C.A., for the setting aside of such order, and it being the opinion of the Court that no circumstance exists justifying the setting aside of the Court's order of Dismissal for failure to appear at trial, Plaintiff's "Petition for Rehearing" is overruled.

It is so ordered this 11 day of November, 1968.

\_\_\_\_\_  
Fred Gaugherty  
United States District Judge

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

MAUDE ANN TINKER, )  
)  
Plaintiff, )  
vs. ) No. 68-C-129  
)  
THE UNITED STATES OF )  
AMERICA, )  
)  
Defendant. )

FILED

NOV 14 1968

M. M. EWING  
Clerk, U. S. District Court

ORDER

This cause comes on for consideration by the Court upon the Motion of the defendant, the United States of America, to Dismiss the Complaint.

Plaintiff was represented by her attorneys, Howard & Larkin of Tulsa, Oklahoma, and the defendant was represented by Lawrence A. McSoud, United States Attorney, by James E. Ritchie, Assistant United States Attorney, and the Court having considered the Motion of the defendant to Dismiss the Complaint, the briefs in support of and in opposition thereto, and being fully advised in the premises and upon consideration of the entire file in this cause, is of the opinion that defendant's Motion to Dismiss should be sustained for the reason that this action was not filed in this Court within the time allowed by law and as provided in Section 2401(b) of Title 28 United States Code.

IT IS, THEREFORE, THE ORDER OF THIS COURT that defendant's Motion to Dismiss be, and the same is hereby sustained.

Dated this 13<sup>th</sup> day of November, 1968.

*S*  
LUTHER BOHANON

United States District Judge

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

NATIONAL UNION AGENCY, )  
a corporation; )  
AMERICAN LIFE & ACCIDENT INSURANCE CO., )  
a corporation; )  
AMERICAN ANNEX LIFE INSURANCE CO., )  
a corporation, )  
 )  
Plaintiffs, )  
 )  
vs. )  
 )  
COMMUNITY NATIONAL LIFE INSURANCE CO., )  
a corporation, )  
 )  
Defendant. )

CIVIL ACTION  
NO. 68-C-<sup>223</sup>~~22~~

FILED  
NOV 14 1968

M. M. EWING  
Clerk, U. S. District Court

CONSENT DECREE AND DISMISSAL WITHOUT PREJUDICE

On this day, the Plaintiffs and Defendant, by and through their respective attorneys, Roger R. Scott and H. G. Bill Dickey, announced to the Court that the parties have agreed upon a Consent Decree in this cause and to the dismissal thereof, of this action, without prejudice to the rights of the Plaintiffs to refile said action.

IT IS THEREFORE, ORDERED, ADJUDGED AND DECREED by the Court in accordance with the agreement and consent of the parties that Plaintiff's U. S. Registered Trademark, Registration No. 760,166, registered November 12, 1963, is valid and is infringed by the Defendant, and that the Defendant has committed acts of unfair competition;

That the parties have agreed upon a basis for settlement of this action, and accordingly, no damages are awarded hereby;

That the Defendant represents that it has now stopped any acts of unfair competition and has stopped use of said Trademark, and it is therefore, ORDERED, ADJUDGED and DECREED that injunctive relief is unnecessary and that this action may now be dismissed, and the same is hereby ORDERED dismissed without prejudice, however, to the rights of the Plaintiffs to refile such action in the future.

Dated November 14, 1968.

*Allen E. Barron*  
U. S. DISTRICT JUDGE

APPROVED:

*H. G. Bill Dickey*  
H. G. BILL DICKEY  
Attorney for Defendants

*Roger R. Scott*  
ROGER R. SCOTT  
Attorney for Plaintiffs

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

BUTLER PAPER COMPANY, )  
 )  
 Plaintiff, )  
 vs. )  
 )  
 BUSINESS FORMS, LIMITED and )  
 MANEKE-KINZIE PRINTING COMPANY, )  
 )  
 Defendants. )

No. 67-C-111

FILED

NOV 20 1968

MR. M. EWING  
Clerk, U. S. District Court

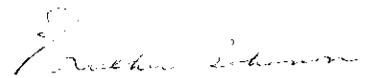
J U D G M E N T

The Court having filed with the Clerk its Findings of Fact and Conclusions of Law in the above captioned case and based thereon,

IT IS ORDERED, ADJUDGED AND DECREED

1. That the plaintiff Butler Paper Company have judgment in the amount of \$37,040.30 against Business Forms Limited (successor to Commerce Printing Company) together with interest thereon from this date until paid all of which execution may issue.
2. That the plaintiff have and recover nothing as against Maneke-Kinzie Printing Company.
3. That Maneke-Kinzie have judgment against Butler Paper Company for its cost herein expended.

Dated this 20<sup>th</sup> day of November, 1968.

  
\_\_\_\_\_  
United States District Judge

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

IN THE MATTER OF THE ESTATE OF  
TECUMSEH TIGER, FULL BLOOD CREEK  
INDIAN, ROLL NO. 3131, DECEASED,

MARSHALL KELLY, FULL BLOOD CREEK  
INDIAN, ROLL NO. 1120, NEW BORN,

Plaintiffs,

v.

THE MAX CAMPBELL CORPORATION OF  
TULSA, AN OKLAHOMA CORPORATION,  
and I. A. JACOBSON, REAL ESTATE  
AGENCY, ET AL.,

Defendants.)

FILED

NOV 20 1968

M. W. LINDA  
Clerk, U. S. District Court

No. 68-C-230 Civil

ORDER

On October 29, 1968, the Plaintiff, Marshall Kelly, was directed by the Court to respond to Defendants' Motion for Summary Judgment with supporting brief within fifteen days from that date. As it appears from the files and record in the case that no response has been filed by the said Marshall Kelly as directed by the Court, this action is hereby dismissed for failure of the said Marshall Kelly to comply with the Court's order of October 29, 1968.

It is so ordered this 20 day of November, 1968.

*Fred Daugherty*

**Fred Daugherty**  
United States District Judge

FILED  
NOV 20 1968

UNITED STATES DISTRICT COURT FOR THE  
NORTHERN DISTRICT OF OKLAHOMA, U. S. District Court

United States of America,  
  
Plaintiff,  
  
vs.  
  
Elmer Louis Krepel,  
  
Defendant.

NO. 68-C-225

JUDGMENT ON APPEARANCE BOND

On this 11th day of October, 1968, this cause coming on for hearing on the motion for judgment on the appearance bond filed herein by plaintiff and pursuant to notice filed herein by the Clerk of the United States District Court for the Northern District of Oklahoma and plaintiff being represented by James E. Ritchie, Assistant United States Attorney for the Northern District of Oklahoma, and defendant, Elmer Louis Krepel, appearing not, there being before the court the motion of the United States for judgment on the appearance bond filed in Case No. 882, Commissioner's Docket No. 2, in the United States District Court for the Northern District of Oklahoma, which bond was executed by Elmer Louis Krepel in the amount of \$10,000.00, \$1,000.00 of which was placed as surety with the Clerk on May 29, 1968, the court being fully advised in the premises finds that the defendant, Elmer Louis Krepel, having defaulted in the terms and conditions of said bond in that he failed to appear as directed before the United States Commissioner on June 5, 1968 and whereas the court ordered the bond forfeited instanter on June 10, 1968, and the court upon consideration thereof finds that said motion for judgment on the appearance bond should be and it is hereby sustained, said motion having been made and found to be proper under the provisions of Rule 46(f), Federal Rules of Criminal Procedure, and that judgment herein should be rendered in favor of plaintiff and against the defendant, Elmer Louis Krepel.

IT IS THEREFORE ORDERED, ADJUDGED AND DECREED by the court that the United States of America have judgment against Elmer Louis Krepel in the amount of \$10,000.00, plus interest at the rate of 6% per annum until paid, and

IT IS FURTHER ORDERED that the \$1,000.00 deposited by Elmer Louis Krepei in the registry of the court be and it is hereby ordered to be deposited by the Clerk in the Treasurer of the United States.

*Arthur Bohanon*  
UNITED STATES DISTRICT JUDGE

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

NATIONAL TRAILER CONVOY, INC. et al

Plaintiffs )

vs

No. 67-C-150

UNITED STATES OF AMERICA and  
INTERSTATE COMMERCE COMMISSION

Defendants )

FILED

NOV 21 1968

M. M. EWING  
Clerk, U. S. District Court

JUDGMENT ON DECISION BY THE COURT

This action came on for hearing before the Court, Honorable Alfred P. Murrah, United States Circuit Judge, and Honorable Allen E. Barrow, and Honorable Luther Bohanon, United States District Judges, presiding, and the issues having been duly heard, and a decision having been duly rendered,

IT IS ORDERED AND ADJUDGED that the decision of the Commission is affirmed.

DATED at Tulsa, Oklahoma, this 21st day of November, 1968.

M. M. EWING, Clerk of Court

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

NATIONAL TRAILER CONVOY, INC., et al

Plaintiffs )

vs

No. 67-C-202

UNITED STATES OF AMERICA, and  
INTERSTATE COMMERCE COMMISSION,

Defendants )

**FILED**

NOV 21 1968

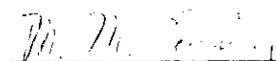
M. M. EWING  
Clerk, U. S. District Court

JUDGMENT ON DECISION BY THE COURT

This action came on for hearing before the Court, Honorable Alfred P. Murrah, United States Circuit Judge, and Honorable Luther Bohanon and Honorable Allen E. Barrow, United States District Judges, presiding, and the issues having been duly heard, and a decision having been duly rendered,

IT IS ORDERED AND ADJUDGED that the order of the Commission is set aside and the case is remanded for further action by the Commission in accordance with the views expressed in the findings of fact and memorandum decision filed herein on November 21, 1968.

DATED at Tulsa, Oklahoma, this 21st day of November, 1968.

  
M. M. EWING, Clerk of Court

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

ANDREW M. NEELY,  
Plaintiff,

vs.

MERRILL MOTOR LINE, INC., a  
corporation,  
Defendant.

)  
)  
) 68-C-231  
)  
)  
)  
)  
)  
)  
)  
)

FILED

NOV 22 1968

M. M. EWING  
Clerk, U. S. District Court

ORDER REMANDING CAUSE

The Court, being at all times, under a duty to inquire into its jurisdiction, and being fully advised in the premises, finds:

That this action was originally filed in the District Court of Creek County, Oklahoma, on September 6, 1968, and was removed to this Court on October 4, 1968.

That the allegation of citizenship to confer jurisdiction in the removal petition is as follows:

"That the plaintiff is a resident and citizen of Oklahoma County, Oklahoma and the defendant, Merrill Motor Line, Inc., is a resident and citizen of Fort Worth, Texas; that the defendant is incorporated in Texas and has its principal office and principal place of business at 2520 N.E. 35th Street, Fort Worth, Texas."

There is no allegation in the original complaint or in the petition for removal as to the citizenship of the parties at the time of the commencement of the action.

"When removal is on the basis of diversity, the petition should show that there was diversity of citizenship, between plaintiff and the defendant entitled to remove, at the time of the commencement of the state action and also that diversity exists at the time of the removal petition. Moore's Federal Practice, Volume 1A ¶0.168[3.-4], page 1203.

The time for removal has long expired. Defective allegations of jurisdiction may be amended in federal courts any time such courts possess the jurisdiction to allow such amendments (28 USC §1653). After the expiration of the 30 day period allowed for removal, federal courts lack jurisdiction to grant an amendment to supply missing allegations of jurisdiction; only amendments to cure defective allegations may then be allowed. Franks v. City of Okemah, Okla. (1959) 175 F.Supp. 193; Smith v. Dealers Transit, Inc., 239 F.Supp. 605 (1965); Carlton Properties, Inc. v. Crescent City Leasing Corp. 212 F.Supp. 370 (1962); Bell v. Whittenton, 250 F.Supp. 550 (1966); Bradley v. Halliburton Oil Well Cementing Co. (Okl. 1951) 100 F.Supp. 913.

IT IS, THEREFORE, ORDERED that this case be and the same is hereby remanded to the District Court of Creek County, Oklahoma.

ENTERED this 22nd day of November, 1968.

  
UNITED STATES DISTRICT JUDGE

UNITED STATES DISTRICT COURT FOR THE  
NORTHERN DISTRICT OF OKLAHOMA

United States of America,

Plaintiff,

vs.

75.50 Acres of Land, More or Less,  
Situatē in Rogers County, State of  
Oklahoma, and Grace E. Conkwright,  
et al, and Unknown Owners,

Defendants.

CIVIL ACTION NO. 68-C-22

Tract No. 416

**FILED**

NOV 25 1968

M. M. EYING  
Clerk U. S. District Court

J U D G M E N T

1.

NOW, on this 22nd day of November, 1968, this matter comes on for disposition on joint application of the Plaintiff, United States of America, and Defendants Grace E. Conkwright and Frank C. Conkwright, for entry of judgment on the Report of Commissioners filed herein on July 24, 1968, and the Court, after having examined the files in this action and being advised by counsel for the Plaintiff, finds that:

2.

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

3.

This judgment applies only to the estate taken in Tract No. 416, as such estate and tract are described in the Complaint and the Declaration of Taking, filed herein.

4.

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

5.

The Acts of Congress set out in paragraph 2 of the Complaint filed herein give the United States of America the right, power and authority to condemn for public use the subject tract of land. Pursuant thereto, on January 26, 1968, the United States of America filed its Declaration of Taking of a certain estate in such tract of land, and title to such property should be vested in the United States of America, as of the date of filing such instrument.

6.

On the filing of the Declaration of Taking, there was deposited in the Registry of this Court as estimated compensation for the taking of the subject tract a certain sum of money, and none of this deposit has been disbursed as set out in paragraph 12 below.

7.

On March 14, 1968, the surface owners and the Plaintiff executed and filed herein a Stipulation for Exclusion of Property wherein the parties agreed that certain described cross fences were excluded from the effect of the Declaration of Taking herein and that title to such fences should be revested in the former owners. Such stipulation should be approved by the Court.

8.

The Report of Commissioners filed herein on July 24, 1968, hereby is accepted and adopted as a finding of fact as to the surface interest in subject tract, and as to the oil, gas and other mineral interest therein except 20 acres described as the  $N\frac{1}{2}NE\frac{1}{4}SE\frac{1}{4}$  of Section 22, T. 20 N., R. 15 E. The amount of just compensation as to the subject tract as fixed by the Commission is set out in paragraph 12 below.

As to the oil, gas and other minerals under the above described 20 acres, the Commissioners' Report does not fix the award of just compensation. The Court therefore finds, based on the testimony presented at the trial, that just compensation for such 20-acre interest is in the amount of \$164.00.

9.

This judgment will create a deficiency 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 12 below.

10.

The defendants named in paragraph 12 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. As of the date of taking the named defendants were the owners of the estate condemned herein and, as such, are entitled to receive the just compensation awarded by this judgment.

11.

It Is, Therefore, ORDERED, ADJUDGED and DECREED that the United States of America has the right, power, and authority to condemn for public use the subject tract, as it is described in the Declaration of Taking filed herein, and such property, to the extent of the estate described in the Declaration of Taking filed herein, with the exception described in the proviso below, is condemned, and title thereto is vested in the United States of America, as of the date of filing the Declaration of Taking, and all defendants herein and all other persons are forever barred from asserting any claim to such estate.

Provided: that the Stipulation for Exclusion of Property described in paragraph 7 above is confirmed and title to the property described therein is re-vested in the former owners.

12.

It Is Further ORDERED, ADJUDGED and DECREED that the right to receive the just compensation for the estate taken herein in subject tract is vested in the defendants whose names appear below in this paragraph; the Report of Commissioners of July 24, 1968, hereby is confirmed as to the property covered by such report. The total award of just compensation for the estate taken in the subject tract and its allocation between the two interests involved is as shown by the following schedule:

TRACT NO. 416

Owners:

Unit #1. Surface and all minerals except 20 acres described below:

Frank C. Conkwright and  
Grace E. Conkwright

Unit #2. Oil, gas and other minerals under the  
N $\frac{1}{2}$ NE $\frac{1}{4}$ SE $\frac{1}{4}$  of Section 22, T. 20 N., R. 15 E.:

Heirs of Switch Foreman, deceased, who are:

Effie G. Carnes  
Nettie E. Robbins  
Lilla A. Graham  
Elmer Robbins  
Maxine Robbins  
Marvin Robbins  
Jim Robbins  
Heirs of George L. Whittington, deceased  
who are:

Louise Whittington  
Henry Whittington  
Elwood M. Whittington  
Annie Olney  
Eli Whittington

Cynthia Gaylor  
 Owen Whittington  
 Daisy Martin  
 Dorothy Whittington James  
 Clyde Whittington  
 Mary Whittington McKibbon  
 James Whittington  
 Minnie Whittington McQuarrie  
 Kenneth Whittington  
 Betty Whittington Parriett

Award of just compensation  
 for all interests - - - - - \$62,244.00 \$62,244.00

Allocation of award:

To Unit No. 1 - - - - \$62,080.00  
 To Unit No. 2 - - - - 164.00

Deposited as estimated compensation - - - - - \$49,531.00

Disbursed to owners - - - - - None

Balance due to owners - - - - - \$ 62,244.00

Deposit deficiency - - - - - \$12,713.00

13.

It Is Further ORDERED that the Clerk of this Court now shall disburse from the deposit for the subject tract, the share of the award allocated to Unit No. 2, to the owners thereof as follows:

Effie G. Carnes - - - - - \$20.50  
 Nettie E. Robbins - - - - - 20.50  
 Lilla A. Graham - - - - - 20.50  
 Elmer Robbins - - - - - 20.50  
 Maxine Robbins - - - - - 20.50  
 Marvin Robbins - - - - - 20.50  
 Jim Robbins - - - - - 20.50  
 Louise Whittington - - - - - 10.25  
 Henry Whittington - - - - - 1.71  
 Elwood M. Whittington - - - - - 1.71  
 Annie Olney - - - - - 1.71  
 Eli Whittington - - - - - 1.71  
 Cynthia Gaylor - - - - - 1.71  
 Owen Whittington - - - - - .19  
 Daisy Martin - - - - - .19  
 Dorothy Whittington James - - - - - .19  
 Clyde Whittington - - - - - .19  
 Mary Whittington McKibbon - - - - - .19  
 James Whittington - - - - - .19  
 Minnie Whittington McQuarrie - - - - - .19  
 Kenneth Whittington - - - - - .19  
 Betty Whittington Parriett - - - - - .18

14.

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 land owners the deposit deficiency for the subject tract as shown in paragraph 12

together with interest on such deficiency at the rate of 6% per annum from January 26, 1968, 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 subject deposit, to Frank C. Conkwright and Grace E. Conkwright, jointly, the sum of \$62,080.00, together with all accrued interest required by the preceeding sentence.

ALLEN E. DARRON  
UNITED STATES DISTRICT JUDGE

APPROVED:

/s/ Hubert A. Marlow

HUBERT A. MARLOW  
Assistant United States Attorney

/s/ Stanley D. Campbell

STANLEY D. CAMPBELL  
Attorney for Defendants Grace E.  
Conkwright & Frank C. Conkwright

jtd



Ab initio, the Court is faced with the question of whether this case was properly removed.

In Iowa Central Ry. Co. v. Bacon, Admr., 236 U.S. 305, the Supreme Court of the United States, in discussing the removability of a case from State Court to Federal Court, wherein in the body of the complaint the estate was alleged to have been damaged to the extent of \$10,000, but judgment was asked only for the sum of \$1990, the Court said:

"\*\*\*, it is apparent that the case now under consideration was not, upon the face of the record, a removable one. The prayer for recovery was for \$1990, and consequently the amount required to give jurisdiction to the Federal court was not involved."

To the same effect see St. Paul Mercury Indemnity Co. v. Red Cab Co., 303 U.S. 283; Erwin v. Allied Van Lines (1965), 239 F.Supp. 144; 47 ALR2d. 651. (1)

The Court, therefore, concludes that the demand for judgment controls over allegations in the petition stating the amount of alleged damages.

IT IS, THEREFORE, ORDERED that this case be and the same is hereby remanded to the District Court of Creek County, Oklahoma.

ENTERED this 25<sup>th</sup> day of November, 1968.

  
UNITED STATES DISTRICT JUDGE

---

(1) See also Title 12 O.S.A. §264 and the Oklahoma Supreme Court's interpretation of said section in Fleming et al. v. Perkins, et al., 212 P.2d 122.

UNITED STATES DISTRICT COURT FOR THE NORTHERN  
DISTRICT OF OKLAHOMA

JOHN F. BELL, . . . Plaintiff, )

vs. ) No. 68 C 209

TRAVELERS INSURANCE COMPANY, )  
a foreign corporation doing business )  
in Oklahoma, )

. . . Defendant. )

**FILED**

NOV 26 1968

M. M. EWING  
Clerk, U. S. District Court

ORDER OF DISMISSAL

Now on this the 21st day of November, 1968 this matter comes on for pretrial hearing pursuant to regular setting and notice to respective counsel. Plaintiff failed to appear in person, or by counsel, notwithstanding the fact that proper notice was given counsel for plaintiff. The court finds that this cause is not being diligently prosecuted by plaintiff and should be dismissed for failure to prosecute and the court upon its own motion, therefore, dismisses this action, at cost of plaintiff.

It is however provided that plaintiff may within ten days from the date of the signing of this order file with the clerk of this court an affidavit setting forth the reasons, if any, for counsel's failure to appear at said pretrial hearing.

Dated this 21st day of November, 1968.

**LUTHER BOHANON**

U. S. District Judge

