

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

GEO. H. McFADDEN & BRO.,
INCORPORATED,

Plaintiff,

vs.

NO. 68 - C - 40 ✓

HOME-STAKE PRODUCTION
COMPANY, an Oklahoma corpora-
tion, ROBERT S. TRIPPET, and
REPUBLIC SUPPLY CO., a Delaware
corporation,

Defendants.

FILED

FEB - 3 1969 *m*

M. M. EWING, CLERK
U. S. DISTRICT COURT

ORDER OF DISMISSAL WITH PREJUDICE

Now on this 3rd day of ~~January~~ *February* 1969 there comes on for hear- *FD*
ing before the Court the joint stipulation of dismissal with prejudice made
and entered into by and between all of the parties who have appeared in
this action, each of them acting through their respective attorneys of rec-
ord.

And the Court having considered said joint stipulation of dismissal,
the Court finds that said joint stipulation should be approved in all res-
pects; that this Court should make a judicial determination that the plain-
tiff by reason of the settlement agreement heretofore entered into owns no
further interest in any annual Home-Stake Production Company programs as
of this date; that all of the parties who have appeared in this cause have
stipulated that this civil action should be dismissed voluntarily, pursuant
to Rule 41 of the Federal Rules of Civil Procedure, with prejudice; and
that said dismissal should be without prejudice to the rights or interests
of any persons other than Geo. H. McFadden & Bro., Inc., Home-Stake Produc-
tion Company, Robert S. Trippet and Republic Supply Co.

NOW, THEREFORE, IT IS HEREBY ORDERED, ADJUDGED AND DECREED that the
plaintiff has no further interest in any annual Home-Stake Production Company
programs as of this date; that the above-captioned civil action is hereby
dismissed with prejudice insofar as the parties who have heretofore appeared
in this case are concerned; and that said dismissal shall be and is without
prejudice with reference to the rights and interests of any persons other
than Geo. H. McFadden & Bro., Inc., Home-Stake Production Company, Robert
S. Trippet and Republic Supply Co.

Irene Dougherty
UNITED STATES DISTRICT JUDGE

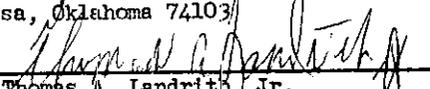
APPROVED AS TO FORM:

HOUSTON, KLEIN AND DAVIDSON
700 Home Federal Building
Tulsa, Oklahoma 74103

By *Richard T. Sonberg*
Richard T. Sonberg
Attorneys for Plaintiff

THOMAS A. LANDRITH, JR.
203 Thurston National Bldg.
Tulsa, Oklahoma 74103

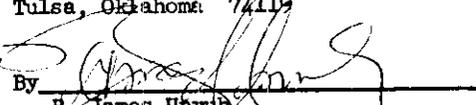
PAT MALLOY
813 Thurston National Bldg.
Tulsa, Oklahoma 74103

By 
Thomas A. Landrith, Jr.

Attorneys for Defendants Home-Stake
Production Company and Robert S. Trippet

R. JAMES UNRUH
604 National Bank of Tulsa Bldg.
Tulsa, Oklahoma 74103

SANDERS and McILROY
Denver Building
Tulsa, Oklahoma 74119

By 
R. James Uhruh

Attorneys for Defendant Republic Supply Co.

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

United States of America,

Plaintiff,

vs.

Nadine A. Mitchell,

Defendant.

Civil No. B-C-178

FILED

FEB - 4 1969

M. M. EWING, CLERK
U. S. DISTRICT COURT

JOURNAL ENTRY OF JUDGMENT

NOW on this 11th day of February 1969, this matter comes on for consideration of the Court, upon Plaintiff's Complaint praying the Court for a money judgment against the defendant, Nadine A. Mitchell, for violations of the False Claims Act, and further for double damages for such forfeitures as are allowable by law;

Plaintiff, United States of America, appearing by Hubert H. Bryant, Assistant United States Attorney for the Northern District of Oklahoma, and the defendant, Nadine A. Mitchell, appearing neither in person nor by counsel but wholly making default, the Court inspects the files and processes issued and served in this action, and finds that the defendant was served with personal summons more than 20 days prior to this date and has failed to answer or defend this action;

The Court further finds that said defendant is neither a minor nor an incompetent person and is not in the military service of the United States as defined or contemplated by the Soldiers and Sailors Civil Relief Act and the amendments thereto; and that the Clerk has heretofore entered its Order that Judgment by default be entered against the defendant, Nadine A. Mitchell.

NOW, the Court considers Plaintiff's Complaint and the Exhibits attached thereto, and upon consideration thereof, after being fully advised in the premises, finds and adjudges that on October 9, 1962, December 6, 1962, and August 9, 1963, that the defendant, Nadine A. Mitchell, made and used a false document which the defendant knew to contain a fictitious and fraudulent statement, for the purpose of obtaining the payment of claims against the United States under the provisions of Section 300 of Title II of the Social Security Act as amended;

The Court further finds that \$1,726.00 in benefit payments erroneously paid the defendant, Nadine A. Mitchell, on the Social Security Account of Leland B. Mitchell, are still due and owing the United States.

IT IS THEREFORE ORDERED, ADJUDGED and DECREED by the Court that the Plaintiff, United States of America, have and recover a judgment against the defendant, Nadine A. Mitchell, for the sum of \$1,726.00, with interest at the legal rate from August 9, 1963, until paid, and the costs of this action.

IT IS FURTHER ORDERED, ADJUDGED and DECREED by the Court that Plaintiff, United States of America, shall have and recover from Nadine A. Mitchell, defendant, the sum of \$ 34,520.00, as double damages.

IT IS FURTHER ORDERED, ADJUDGED and DECREED by the Court that Plaintiff, United States of America, shall have and recover from Nadine A. Mitchell, defendant, the sum of \$ 2,000.00 as the forfeitures allowed by law.



UNITED STATES DISTRICT JUDGE

APPROVED AS TO FORM:



ROBERT H. BRYANT
Assistant U. S. Attorney

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

FRANK J. HUNTER,)
)
 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,)
)
 Third Party Defendant.)

NO. 6163-Civil

FILED

FEB - 5 1969

**M. M. EWING, CLERK
U. S. DISTRICT COURT**

O R D E R

Upon consideration of the Motion of the Third Party Plaintiff, Missouri-Kansas-Texas Railroad Company, which was adopted by the Third Party Defendant, Halliburton Company, it is determined that the said Motion should be sustained.

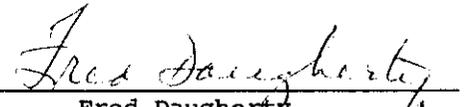
IT IS THEREFORE ORDERED AND ADJUDGED and for the purpose of complying with the Order of the United States Court of Appeals for the Tenth Circuit dated the 4th day of October, 1968, the Order of Judgment heretofore entered in this cause is amended to read in part as follows:

IT IS FURTHER ORDERED, ADJUDGED AND DECREED that the controversy between the Missouri-Kansas-Texas Railroad Company, third party plaintiff herein, and Halliburton Company, third party defendant, 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 J. 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.

It is hereby determined by this Court, pursuant to Rule 54(b) of the Federal Rules of Civil Procedure, that there is no just reason for delay in entering a final judgment as to the cause of action of the plaintiff, Frank J. Hunter, against the defendants, the Missouri-Kansas-Texas Railroad Company and the St. Louis-San Francisco Railway Company, and the Clerk of this Court is hereby expressly directed to enter the said Judgment as between the plaintiff, Frank J. Hunter, and the defendants, the Missouri-Kansas-Texas Railroad Company and the St. Louis-San Francisco Railway Company.

IT IS FURTHER ORDERED that the Clerk is directed to certify to the United States Court of Appeals for the Tenth Circuit a supplemental record containing the proceedings of this date and this Order.


Fred Daugherty
United States District Judge

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

United States of America,

vs.

William Douglas Anderson, M.D.

Civil No. 69-C-6

FILED

FEB - 5 1969

M. M. EWING, CLERK
U. S. DISTRICT COURT

O R D E R

This day came on for consideration the petition of the United States in this cause; and it appearing to the Court that the patient has been fully advised of his rights as set forth in Title 42 U.S.C. Section 3411, et seq. (Title III, Section 301, et seq. Public Law 89-793); and the Court having determined that there is reasonable cause to believe that the patient is a narcotic addict, and that there are not any appropriate State or other facilities available for his treatment pursuant to said law, it is hereby

ORDERED that the patient be committed to the custody of the Surgeon General for examination under Title 42 U.S.C. Section 3413 (Title III, Section 303, Public Law 89-793), to determine whether or not he is a narcotic addict who is likely to be rehabilitated. The written report required of each examining physician shall be filed with the Court and copies thereof furnished to the patient, not later than twenty (20) days after the patient is received at the facility hereinafter designated, and the patient shall be detained for an additional period of ten (10) days at the institution, pending further order of the Court. Provided, however, in the event both examining physicians conclude in their respective written reports that the patient is a narcotic addict who is likely to be rehabilitated through treatment, and, if the patient by written instrument filed with the Court along with, and at the same time as, the reports of the examining physicians, waives any right he may have to notice and hearing on the issue as to whether or not he is a narcotic addict who is likely to be rehabilitated through treatment, and requests that he be forthwith committed to the care and custody of the Surgeon General for treatment in a hospital of the Service, rather than be returned to this Court for further proceedings, he shall be detained at said institution for a reasonable time after the expiration of thirty (30) days from the date he is received at said facility, pending further order of the Court.

It Is Further ORDERED that the patient shall be transported to the National Institute Mental Health Clinical Research Center, 3150 Horton Road, Fort Worth, Texas 76119, by the United States Marshal, within such time as the U. S. Marshal may be able to transport said patient.

Signed the 5th day of February, 1969.

Ired Dougherty
United States District Judge

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

United States of America,

Plaintiff,

vs.

653.25 Acres of Land, More or Less,
Situate in Nowata County, Oklahoma,
and Charles Edward Bratcher, et al,
and Unknown Owners,

Defendants.

CIVIL ACTION NO. 4975

Tract No. 5708-A

FILED

FEB - 6 1969

M. M. EWING, CLERK
U. S. DISTRICT COURT

J U D G M E N T

1.

NOW, on this 6th day of February, 1969, this matter comes on for disposition on application of the plaintiff, United States of America, for entry of Judgment on the Report of Commissioners filed herein on January 22, 1969, 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. 5708-A, as such tract and estate are described in the Complaint and the Declaration of Taking, filed herein.

4.

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

5.

The Acts of Congress set out in paragraph 2 of the Complaint filed herein give the United States of America the right, power and authority to condemn for public use the subject tract of land. Pursuant thereto, on July 29, 1960, the United States of America filed its Declaration of Taking of a certain estate in such tract of land, and title to such property should be vested in the United States of America, as of the date of filing such 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 the subject tract, a certain sum of money and all of this deposit has been disbursed as set out in paragraph 11 below.

7.

The Report of Commissioners filed herein on January 22, 1969, is hereby accepted and adopted as a finding of fact as to the subject tract. The amount of just compensation as to the subject tract, as fixed by the Commission, is set out in paragraph 11 below.

8.

The share of the award of just compensation allocated to the owner of the oil and gas lessee interest in the subject property is less than the amount of estimated compensation already disbursed to such owner. Therefore, the Plaintiff should have judgment against such owner for the overpayment to it.

9.

The defendants named in paragraph 11 as owners of subject tract are the only defendants asserting any interest in the estate condemned therein, all other defendants having either disclaimed or defaulted. The named defendants are the owners of the respective interests in such estate as designated and, as such, are entitled to receive the just compensation awarded by this Judgment.

10.

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

11.

It Is Further ORDERED, ADJUDGED AND DECREED that the right to receive 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 January 22, 1969, hereby is confirmed; the sum therein fixed is adopted as just compensation for the estate taken in subject tract, and the award is allocated among the owners as shown by the following schedule:

TRACT NO. 5708-A

OWNERS:

Lessor Interest:

Lillian Coker Sweaney ----- 1/2

H. G. Hendrickson ----- 1/2

Lessee Interest:

Pioneer Oil and Gas Company ----- All

Deposited as estimated compensation ----- \$ 29,074.00

Award of just compensation
pursuant to Commissioners' Report ----- \$ 19,729.00

Allocation of award, deposit and disburseals:

	Lessor Interest:		Lessee Interest		Totals
Share of deposit..	\$7,011.00		\$22,063.00		\$29,074.00
Disbursed..	\$7,011.00	\$7,011.00	\$22,063.00	\$22,063.00	\$29,074.00
Balance on hand.....	None		None		None
Share of award....		\$7,011.00		\$12,718.00	\$19,729.00
Overpayment				\$ 9,345.00	\$ 9,345.00

12.

It Is Further ORDERED that the Plaintiff, United States of America, have judgment against Pioneer Oil and Gas Company for the overpayment made to it from the deposit for Tract No. 5708A in this civil action, in the amount of \$9,345.00, together with interest thereon at the rate of 6% per annum from the date of filing this Judgment until payment be made.

To make payment of this Judgment, Pioneer Oil and Gas Company shall deposit the amount of this Judgment, together with all accrued interest, with the Clerk of the United States District Court for the Northern District of Oklahoma.

When payment of this Judgment against Pioneer Oil and Gas Company has been made, the Clerk of this Court shall disburse the full amount of the payment to the Treasurer of the United States.

Allen E. Barrow
UNITED STATES DISTRICT JUDGE

APPROVED:

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

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

ROSS HUTCHINS, as trustee in
bankruptcy of ROBERT BRUCE
JONES, Bankrupt,)
Plaintiff,

vs

TULSA AUTOMATIC MUSIC COMPANY,
an Oklahoma Corporation,
Defendant.)

58-C-150

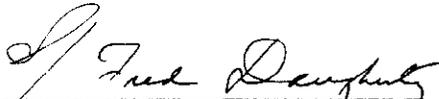
FILED

FEB -6 1969

ORDER OF DISMISSAL

M. M. EWING, CLERK
U. S. DISTRICT COURT

IT IS ORDERED by the Court that the Plaintiff,
having filed Dismissal With Prejudice and having settled
this action, this action is dismissed with prejudice to
the bringing of another suit.


United States District Judge

Approved as to Form:
Ross Hutchins, as trustee in
bankruptcy of Robert Bruce
Jones, Bankrupt, Plaintiff



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

COLLEEN LOVING,)
)
 Plaintiff,)
)
 -vs-)
)
 J. CARROLL LOVING and)
 LAURA LOVING,)
)
 Defendants.)

Case No. 68-⁶²¹⁴

FILED

FEB - 6 1969

**M. M. EWING, CLERK
U. S. DISTRICT COURT**

ORDER FOR DISMISSAL

Now on this 14th day of January, 1969, a Pre-trial Hearing in the above captioned case was held and Roehm A. West, Attorney at Law, appeared on behalf of J. Carroll Loving, now deceased. The plaintiff's attorney, Mr. Earl Truesdell, did not appear for said Hearing.

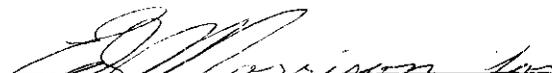
This court had assumed jurisdiction of this case and was informed by a Suggestion of Death that defendant, J. Carroll Loving, did expire on the 26th day of December, 1968, in Dallas, Texas. The record reflects that Laura Loving, a co-defendant, had never been served with Summons or made a party to this action.

IT IS HEREBY ORDERED that the above case be dismissed as to the named parties defendant, J. Carroll Loving and Laura Loving.

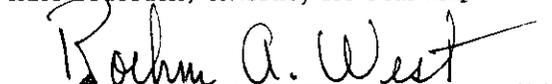
LUTHER BOHANON

United State District Judge
Luther Bohanon

OKAY AS TO FORM



Earl Truesdell, Attorney for Plaintiff



Roehm A. West, Attorney of Record for
Defendants

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

United States of America,

Plaintiff,

vs.

Civil No. 10-4112

Hosiny Livestock Auction Company,

Defendant.

FILED

FEB 10 1969

NOTICE OF DISMISSAL OF CAUSE OF ACTION
WITH PREJUDICE

**M. M. EWING, CLERK
U. S. DISTRICT COURT**

CORRECTION: Robert H. Bryant, Assistant United States Attorney
for the Northern District of Oklahoma, on behalf of Plaintiff, United
States of America, and dismisses this, its cause of action, against
Hosiny Livestock Auction Company, the above-named defendant, with
prejudice, for the reason that said claim which gave rise to the
cause of action against said defendant has been compromised and settled,
the sum of \$1,500.00 having been paid to Plaintiff, which amount has
been accepted by the United States of America as full payment of said
claim.

UNITED STATES OF AMERICA

LAWRENCE A. McBOUD
United States Attorney

ROBERT H. BRYANT
Assistant U. S. Attorney
Rm. 440, U. S. Courthouse
Tulsa, Oklahoma

Leave of Court to dismiss this cause of action, with prejudice,
is hereby granted this 10th day of February, 1969.


UNITED STATES DISTRICT JUDGE



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

CHARLES L. HAM,)
)
 Plaintiff,)
)
 vs.)
)
 AETNA LIFE INSURANCE COMPANY,)
)
 Defendant.)

No. 67-C-102

FILED
In Open Court
FEB 11 1969

M. M. EWING, CLERK
U. S. DISTRICT COURT

J U D G M E N T

NOW on this 11th day of February, 1969, this cause comes on for hearing, the plaintiff, Charles L. Ham, appearing in person and by his counsel, Floyd & Kerr, and the defendant, Aetna Life Insurance Company, a corporation, appearing by its attorneys, Farmer, Woolsey, Flippo & Bailey, and both sides announced that an agreement of settlement had been reached, and the following stipulation was entered into:

It is stipulated that the plaintiff should have a judgment for \$20,000 against Aetna Life Insurance Company.

It is stipulated that the \$20,000 should be paid by Aetna to the plaintiff and his counsel.

It is stipulated that the plaintiff surrenders Policy No. XO-106508 issued to Charles L. Ham by defendant, Aetna Life Insurance Company, and any and all extensions thereof.

It is further stipulated that the payment by the defendant and receipt by the plaintiff shall fully settle any and all claims present, past and future for any of the benefits under the policy,

including disability present, past or future, or any claims of any nature whatsoever against Aetna Life Insurance Company.

It is further stipulated that the plaintiff, Charles D. Han will refrain from posting, publishing or carrying on his automobile or person or any property any signs of any nature commenting on or mentioning Aetna Life Insurance Company or Aetna Casualty & Surety Company or any affiliates of same or about any agents of Aetna Life Insurance Company.

Done in Open Court.

FRED DAUGHERTY

JUDGE

APPROVED:

FRED A. KERR

By _____

Attorneys for Plaintiff

FARMER, WOOLSEY, FELIPPO & BAILEY

By _____

Attorneys for Defendant

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

Bernice Hamby
Plaintiff,

vs.

Wilbur J. Cohen,
Secretary of Health,
Education and Welfare,
Defendant

Civil No. 68-C-175

FILED

FEB 17 1969

M. M. EWING, CLERK
U. S. DISTRICT COURT

MOTION FOR DISMISSAL

COMES NOW the Plaintiff, Bernice Hamby, and moves the Court to dismiss the Petition heretofore filed due to the matter having been administratively settled, with the points at issue settled in full.

(s) George W. Underwood
George W. Underwood
Attorney for Plaintiff

Ordered dismissed this 17 day of February, 1969.

(s) Fred Daugherty
UNITED STATES DISTRICT JUDGE

CERTIFICATE OF SERVICE

I hereby certify that a true and correct copy of the foregoing Motion and Order was mailed to: Mr. Wilbur J. Cohen, Secretary of Health, Education and Welfare, Washington, D. C. 20201, on this day of February, 1969.

(s) George W. Underwood
George W. Underwood

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

EDWARD A. GOULD, JR.,)

Plaintiff,)

v.)

BEVERAGE PRODUCTS CORPORATION,)

Defendant.)

CIVIL ACTION No. 6617

FILED

FEB 18 1969

DISMISSAL ORDER

M. M. EWING, CLERK
U. S. DISTRICT COURT

The above matter coming on to be heard, on the
Stipulation of the parties, and the Court being advised in the
premises,

IT IS HEREBY ORDERED THAT all claims, issues and
demands set forth in the above entitled suit and the complaint, are
dismissed with prejudice, and without costs to either party, each
party to bear its or his own costs.

DATED: ~~February~~ November 18, 1968

Allen L. B...
JUDGE, UNITED STATES DISTRICT COURT

We hereby consent to the entry of the above and foregoing
Dismissal Order.

DATED: ~~February~~ November 3, 1968

E. Allen Gould
EDWARD A. GOULD, JR. Plaintiff

DATED: ~~February~~ November 14, 1968

BEVERAGE PRODUCTS CORPORATION,
Defendant

By William S. Dorman

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

MATTHEW J. ROFF,)
)
 Plaintiff,)
 vs.)
)
 SALMON CORPORATION, a)
 Delaware corporation,)
)
 Defendant.)

no. 67-C-222

FILED

FEB 19 1969

M. M. EWING, CLERK
U. S. DISTRICT COURT

ORDER AND JUDGMENT

The Court having filed herein on this date its Findings of Fact, Conclusions of Law, and based thereon the Court enters this Judgment.

IT IS, THEREFORE, ORDERED, ADJUDGED AND DECREED that the plaintiff take nothing and that the defendant have judgment on its Answer and on its costs herein expended.

Dated this 19th day of February, 1969.

LUTHER BOHANON

United States District Judge

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

United States of America,

Plaintiff,

vs.

Civil No. ~~0-8-46~~

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

FEB 24 1969

M. M. EWING, CLERK
U. S. DISTRICT COURT

DEFICIENCY JUDGMENT

NOW, on this 24th day of February, 1969, there came on for hearing the Motion of the Plaintiff, United States of America, for leave to enter a Deficiency Judgment, which Motion was filed herein on February 3, 1969, and a copy of such Motion was mailed to the defendant, O. B. Williams, otherwise known as Ossie B. Williams, White Oak, Oklahoma.

The Court being fully advised and upon consideration of such Motion finds that the fair and reasonable market value of the mortgaged property, real and personal, as of the date of the Marshal's Sale herein, to-wit: November 5, 1968, was \$40,500.00;

The Court further finds that the sum of \$40,500.00 was the total of the highest and best bids on all the property, both real and personal, as shown by the Marshal's Return of Sale filed herein.

The Court further finds that the aggregate amount of the judgment rendered herein, together with interest and costs to November 5, 1968, is \$102,480.03, and that the Plaintiff is accordingly entitled to a Deficiency Judgment against the defendant, O. B. Williams, otherwise known as Ossie B. Williams, for the sum of \$62,603.27 (after deducting \$450.00 appraisal fees and \$172.04 advertising fees from the bid amount of \$40,500.00), with interest on the sum of \$62,603.27 at the rate of 6 $\frac{1}{2}$ % per annum from November 5, 1968, until paid.

IT IS THEREFORE, ORDERED, ADJUDGED and DECREED by the Court that the Plaintiff, United States of America, have and recover from the defendant, O. B. Williams, otherwise known as Ossie B. Williams, a Deficiency Judgment in the amount of \$62,603.27, with interest thereon at the rate of 6 $\frac{1}{2}$ % per annum from November 5, 1968, until paid.

William B. Bannan
UNITED STATES DISTRICT JUDGE

APPROVED:

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

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

McCULLOUGH TOOL COMPANY,)
 ROBERT W. PRINGLE, KENNETH I.)
 ROULSTON, GEORGE M. BROWNELL,)
 etc.,)
 Plaintiffs,)
 vs.)
 WELL SURVEYS, INCORPORATED, and)
 DRESSER INDUSTRIES, INC.)
 (substituted for Lane-Wells Com-)
 pany),)
 Defendants.)

Civil #3956

FILED

FEB 27 1969

M. M. EWING, CLERK
U. S. DISTRICT COURT

WELL SURVEYS, INC. (now by change)
 of name DRESSER SIE, INC.) and)
 DRESSER INDUSTRIES, INC.)
 (substituted for Lane-Wells)
 Company),)
 Plaintiffs,)
 vs.)
 McCULLOUGH TOOL COMPANY,)
 Defendant.)

Civil #4271

ORDER OVERRULING OBJECTIONS TO SPECIAL MASTER'S
SUPPLEMENTAL REPORT AND CONFIRMING
SPECIAL MASTER'S REPORT

These causes came on for consideration upon the ob-
 jections filed by McCullough Tool Company to the Special Master's
 Supplemental Report, and, being fully advised in the premises,
 the Court finds that the objections should be overruled.

IT IS, THEREFORE, ORDERED that the objections to the
 Special Master's Supplemental Report are hereby overruled.

IT IS FURTHER ORDERED that the Supplemental Report of
 the Special Master is adopted by this Court.

ENTERED this 11th day of February, 1969.


 UNITED STATES DISTRICT JUDGE

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

JULIUS CLIFFORD CAIN and)
LAURA WRIGHT CAIN,)
)
Plaintiffs,)
)
-vs-)
)
CHARLES L. HAM,)
)
Defendant.)

FILED

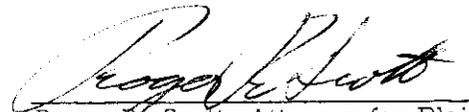
FEB 27 1969

M. M. EWING, CLERK
U. S. DISTRICT COURT

Civil Action No. 68-C-105V

MOTION FOR DISMISSAL

COMES NOW the plaintiffs by and through their attorney, Roger R. Scott, and moves the Court to dismiss the above cause upon the grounds that the issues have been settled and are now moot.



Roger R. Scott, Attorney for Plaintiffs

ORDER

Based upon the motion of the attorney for the plaintiffs, the foregoing case is hereby ordered dismissed this 27th day of February, 1969.



Fred A. Daugherty, District Judge

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

UNITED STATES OF AMERICA,

Plaintiff,)

CIVIL NO. 68-C-218

vs.)

JAMES W. WHIPPLE and
GEORGIA LEE WHIPPLE,
husband and wife,)

Defendants.)

FILED

FEB 27 1969

M. M. EWING, CLERK
U. S. DISTRICT COURT

O R D E R

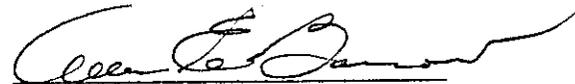
NOW on this 19th day of February 1969, there came on for disposition of this matter, the Plaintiff, United States of America, being represented by Hubert A. Marlow, Assistant United States Attorney for the Northern District of Oklahoma, and the Defendants, James W. Whipple and Georgia Lee Whipple, being represented by their Attorney, Gerald E. Kamins.

The Court finds that the Plaintiff, United States of America, has brought this action based upon a promissory note previously executed by these Defendants; the Court further finds that the Plaintiff and these Defendants entered into a tentative settlement in the amount of \$4,000.00; that due to the fact these Defendants divorced, their divorce decree provided that each Defendant should pay the sum of \$2,000.00. The Court further finds that due to the divorce it has become necessary for attorney Gerald E. Kamins to withdraw as counsel for Georgia Lee Whipple and the Court recognizes his oral motion to withdraw. The Court further recognizes the tender of the sum of \$2,000.00 by James W. Whipple, by and through his attorney, Gerald E. Kamins, in compliance with the previously negotiated tentative settlement.

Now, therefore, it is ORDERED, ADJUDGED and DECREED that upon acceptance of the sum of \$2,000.00 tendered by Defendant, James W. Whipple, to the Plaintiff, United States of America, that dismissal as to James W. Whipple is hereby granted with prejudice.

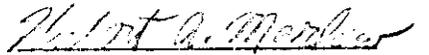
It is further ORDERED that Gerald E. Kamins be allowed to withdraw as counsel for Georgia Lee Whipple.

It is further ORDERED that the Defendant, Georgia Lee Whipple, be allowed until March 1, 1969, to answer herein or stand in default and that in the event judgment be entered against Georgia Lee Whipple, the same will be in the entire amount prayed for originally by this Plaintiff, less the \$2,000.00 partial settlement with Defendant, James W. Whipple. Attorney Gerald E. Kamins is ORDERED and DIRECTED to give notice of the answer and/or default date of March 1, 1969, to his former client, Georgia Lee Whipple.


UNITED STATES DISTRICT JUDGE

APPROVED AS TO FORM:


GERALD E. KAMINS
Attorney for Defendants.


HUBERT A. MARLOW,
Assistant United States Attorney
Attorney for Plaintiff

Plaintiff's ground for remanding the case is that the amount of damages asked for by him is uncertain and fails to meet the jurisdictional requirements of 28 U.S.C.A. § 1332 with respect to the amount in controversy. The matter has been discussed with counsel at a pretrial conference and the question has been briefed by both sides.

The test the Court must apply in determining whether the jurisdictional amount requirement of 28 U.S.C.A. is present in this case is whether, under settled state law, the Plaintiff's claims are not recoverable in an amount in excess of \$10,000 to a legal certainty. City of Boulder v. Snyder, 396 F.2d 853 (Tenth Cir. 1968)

There are no statutes in Oklahoma relating to an insurance company's bad faith refusal to pay an insured's claim. There are such statutes in other jurisdictions. ^{2/} 23 Okl.St. Ann. § 96 does provide:

"Limitation of amount of damages

Notwithstanding the provisions of this chapter, no person can recover a greater amount in damages for the breach of an obligation, than he could have gained by the full performance thereof on both sides, except in cases where recovery may be for exemplary damages and penal damages, and in Sections 2871 [23 Okl.St. Ann. § 40] and 2878 [23 Okl.St. Ann. § 67]."

Exemplary damages are only recoverable in actions independent of contract, as provided by 23 Okl.St. Ann. § 9:

"Jury may give exemplary damages, when

In any action for the breach of an obligation not arising from contract, where the defendant has been guilty of oppression, fraud or malice, actual or presumed, the jury, in addition to the actual damages, may give damages for the sake of example, and by way of punishing the defendant."

2/ See 46 C.J.S., Insurance §§ 1406-1408, where the jurisdictions having such statutes are listed and discussed.

The Statutes of Oklahoma further provide in 23 Okl.St.Ann. § 22:

"Breach of obligation to pay money

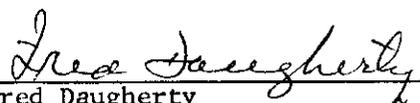
The detriment caused by the breach of an obligation to pay money only is deemed to be the amount due by the terms of the obligation, with interest thereon."

Under the statutory rules of damages, only compensation for Plaintiff's loss may be awarded. This compensation is statutorily limited herein to the amount he would have received by full performance of the insurance contract. No penalty provision is pointed to in the insurance contract, no penalty statute is relied upon. If the insurer has a duty to pay Plaintiff's loss under the insurance contract, it is an obligation to pay money only and the damages recoverable are the amount due by the terms of the insurer's obligation, with interest. See Groendyke Transport, Inc. v. Merchant, 380 P.2d 682 (Okl. 1963); Beam v. Green, 252 P.2d 444 (Okl. 1953); Phoenix Ins. Co. v. Diffie, 270 P.2d 634 (Okl. 1954).

It appears to a legal certainty that the damages sought in Plaintiff's third cause of action are not recoverable under the settled law of Oklahoma. The Court, therefore, lacks jurisdiction of Plaintiff's removed action in that a recoverable amount in excess of \$10,000 is not involved in this controversy.

Plaintiff's Motion to Remand is granted and this action is remanded to the State Court from which it was improvidently removed. The Clerk will take the necessary action to remand the case.

It is so ordered this 28 day of February, 1969.


Fred Daugherty
United States District Judge