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

UNITED STATES OF AMERICA, Plaintiff, vs. ROBERT E. MOON and HAZEL MOON, his wife, Defendants.	)	CIVIL ACTION NO. 67-C-141 FILED IN OPEN COURT SEP 3 1969 M. M. EWING CLERK, U. S. DISTRICT COURT

DEFICIENCY JUDGMENT

NOW on the 3rd day of September, 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 August 1, 1969, and a copy of such Motion was mailed to the defendants, Robert E. Moon and Hazel Moon, Star Route B, Hominy, Oklahoma 74035. The Court being fully advised and upon consideration of such Motion finds that the fair and reasonable value of the chattels, as of the date of the Marshal's sale herein, to-wit, February 13, 1968, was the total sum of $3,400.00.

The Court further finds that the sum of $3,400.00 was the total of the highest and best bids on the chattels as shown by the Marshal's Return of Sale filed herein.

The Court further finds that the aggregate amount of the Judgment rendered herein was the sum of $5,628.15, with accrued interest in the amount of $93.41 as of November 15, 1967, and interest accruing thereafter according to law, and for the costs of this action.

The Court further finds that the net amount realized by this plaintiff from the sale of the mortgaged chattels of these defendants was the sum of $3,276.62.

The Court further finds that in a related action brought by this plaintiff against the Hominy Livestock Auction Company (68-C-142), which action alleged the conversion by Hominy Livestock Auction Company of certain chattels mortgaged to this plaintiff, the sum of $1,500.00 was accepted by this plaintiff in settlement of the liability of Hominy Livestock Auction Company and which sum of $1,500.00 has been credited towards the payment of the judgment in favor of the plaintiff against Robert E. Moon and Hazel Moon.

The Court further finds that after credit of the proceeds of the Marshal's Sale aforesaid and after credit of the settlement with Hominy Livestock Auction Company aforesaid that there remains a deficiency of $1,158.35 with accrued interest of $23.81 as of July 10, 1969, and interest accruing thereafter according to law, and for the costs of this action.

IT IS, THEREFORE, ORDERED, ADJUDGED AND DECREED by the Court that the plaintiff, United States of America, have and recover from the defendants, Robert E. Moon and Hazel Moon, a deficiency judgment in the amount of $1,158.35 with accrued interest of $23.81 as of July 10, 1969, and interest accruing thereafter according to law, and for the costs of this action.

LUTHER BOHANON

UNITED STATES DISTRICT JUDGE

APPROVED:

s/ Hubert H. Bryant

HUBERT H. BRYANT
Assistant U. S. Attorney

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

ALPHONZO WILLIAMS,	)	
	)	
Plaintiff,	)	68-C-208
	)	
vs.	)	
	)	
UNITED STATES OF AMERICA,	)	
	)	
Defendant.	)	

FILED
SEP 8 1969
M. M. EWING, CLERK
U. S. DISTRICT COURT

ORDER

The Court has for consideration the Motion for Summary Judgment filed by the defendant herein, and having carefully perused the file, the briefs, and, being fully advised in the premises, finds:

That this action was commenced for the refund of federal excise taxes, penalties, and interest paid by plaintiff for the taxable days May 18, 1957, and June 4, 1960. The instant action was commenced on August 23, 1968.

The Court further finds that the United States filed an action against the plaintiff in this action, and others, on July 31, 1964, Civil No. 6008, in this Court. That file reflects that Alphonzo Williams was personally served with summons in No. 6008 on the 4th day of August, 1964; that the gravament of that complant was to reduce certain tax assessments that were asserted against Alphonzo Williams; that the file reflects that judgment was entered against Alphonzo Williams by default; that the taxes herein involved were part of the subject matter of the action in No. 6008.

The Government has filed a Motion for Summary Judgment, premised on the fact that the doctrine of res judicata applies.

The Court finds that the claim herein asserted has been litigated in cause number 6008 in this Court, has been finally adjudicated, and may not be relitigated before this Court. United States v. O'Connor, 291 F.2d 520. Plaintiff cannot, at this time, go behind the assessment, as the legality of the assessment has heretofore been judicially determined in Civil number 6008.

The Court further finds that a default judgment has the same efficacy in establishing res judicata as any other judgment. Riehle v. Margolies, 279 U.S. 218; Morris v. Jones, 329 U.S. 545.

The Court, therefore, finds that the Motion for Summary should be sustained and this cause of action should be dismissed for the reasons hereinabove set forth.

IT IS, THEREFORE, ORDERED that the Motion for Summary Judgment filed by the defendant herein be and the same is hereby sustained.

IT IS FURTHER ORDERED that this cause of action be and the same is hereby dismissed.

ENTERED this 5th day of September, 1969.

UNITED STATES DISTRICT JUDGE

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

HIRAM WALKER-G. & W., INC., a corporation, Plaintiff,	)	
-vs-	)	CASE NO. 69-C-68
HARRY D. GRIMSHAW d/b/a UNITED BEVERAGE COMPANY, Defendant.	)	

FILED
SEP 9 1969
M. M. EWING, CLERK
U. S. DISTRICT COURT

J U D G M E N T

This cause comes on regularly for trial on this 9th day of September, 1969, and the parties appear by their respective attorneys. The Court examines the pleadings and finds that the defendant, Harry D. Grimshaw, has filed herein his answer admitting all of the allegations of the Complaint. The Court thereupon finds that all of the statements and allegations contained in the Complaint and the exhibits attached thereto are true and that plaintiff is entitled to judgment against the defendant as prayed for in the Complaint.

IT IS THEREFORE ORDERED AND ADJUDGED that the plaintiff, Hiram Walker-G. & W., Inc., a corporation, have and recover of and from the defendant, Harry D. Grimshaw, the sum of Twenty-Three Thousand Forty-Six and 69/100 ($23,046.69) Dollars, with interest thereon from this date at the rate of ten (10%) percent per annum, and an attorneys fee in the amount of Fifteen Hundred and No/100 ($1,500.00) Dollars, and costs for all of which let execution issue.

Allen E. Barron
United States District Judge

O.K.

Claude Monnet
Attorney for Plaintiff

Attorney for Defendant

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

NINA HOELZEMAN, Administratrix of the Estate of ROBERT HOELZEMAN, Deceased,	)	
Plaintiff,	)	69-C-139
vs.	)	
MAPCO, INC., a corporation, and JONES & LAUGHLIN STEEL CORPORATION, a corporation,	)	
Defendants.	)	

FILED
SEP - 4 1969
M. M. EWING, CLERK
U. S. DISTRICT COURT

ORDER REMANDING

The Court has for consideration the Motion to Remand filed by the plaintiff herein, and the Confession of Motion to Remand, filed by the defendants herein, and, being fully advised in the premises, finds:

That the Motion to Remand filed by the plaintiff has been confessed by the defendants, and, therefore, this Court lacks jurisdiction, and this cause should be remanded to the District Court of Tulsa County, Oklahoma.

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

ENTERED this 4th day of September, 1969.

UNITED STATES DISTRICT JUDGE

UNITED STATES DISTRICT COURT FOR THE
NORTHERN DISTRICT OF OKLAHOMA

UNITED STATES OF AMERICA, Plaintiff,	*	CIVIL NO. 67-C-234
vs.	*	TRACT NO. 417-2
156.12 ACRES OF LAND, MORE OR LESS, SITUATE IN ROGERS COUNTY, OKLAHOMA, KERR ENTERPRISES, ET AL., AND UNKNOWN OWNERS, Defendants.	*	

FILED
SEP - 9 1969
M. M. EWING, CLERK
U. S. DISTRICT COURT

FINAL JUDGMENT
(Pursuant to Stipulation of Parties)

On this 9th day of September, 1969, there is presented to this Court, by the attorney for the United States, the matter of entering a judgment on the stipulation for just compensation which has been filed in this proceeding for the taking of the interest of the Knapp Outdoor Adverstising Corporation, a Defendant in this action.

Accordingly, this Court, after an examination of the files and the record of all the proceedings in this action, including the above-referenced stipulation between the parties, and upon the representation of the attorney for the United States, makes the following findings:

1. That this Court has jurisdiction over the parties and the subject matter of this action.

2. That under the authority set forth in the Declaration of Taking and the Complaint in Condemnation filed herein on December 1, 1967, the United States of America has acquired the ownership of the land designated therein as Tract No. 417-2 to the extent set forth in the Declaration of Taking.

3. That on the date of the filing of the Declaration of Taking, the Knapp Outdoor Advertising Corporation was the owner

of a leasehold interest in said tract together with an outdoor advertising sign located thereon.

4. That on the date of the filing of the Declaration of Taking none of the funds deposited into the registry of this Court were available for distribution to said Defendant.

5. That the United States of America and the Knapp Outdoor Advertising Corporation have agreed, pursuant to the terms of the stipulation filed herein, that the total amount of just compensation due said Defendant for the taking of the interest acquired by this proceeding in said land is the sum of $1,522.00, inclusive of interest.

IT IS THEREFORE ORDERED, ADJUDGED, AND DECREED:

1. That the United States of America is vested with the ownership of this tract of land to the extent set forth in the Declaration of Taking.

2. That the Defendant, Knapp Outdoor Advertising Corporation, was, on the date of the filing of the Declaration of Taking, the owner of an interest in said land only to the extent hereinabove set forth.

3. That said stipulation is approved, and that as a result thereof total just compensation due said Defendant is the sum of $1,522.00, inclusive of interest, for which sum said Defendant is hereby granted a deficiency judgment against the United States of America, without interest thereon.

4. That upon payment of the amount of the deficiency ($1,522.00) into the registry of this Court, the United States of America will have discharged all of its obligations to said Defendant.

IT IS FURTHER ORDERED that when the amount of said deficiency ($1,522.00) is deposited into the registry of this Court, the Clerk of this Court shall disburse said amount by registry draft made payable to:

Knapp Outdoor Advertising Corporation

which draft shall be mailed to:

Mr. Charles P. Gotwals, Jr.
2010 4th National Building
Tulsa, Oklahoma 74119

S/Frank G. Theis
United States District Judge

APPROVED:

S/Max E. Findley
Max E. Findley
Attorney for the United States

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

ZACK COT BAYOUTH, Plaintiff,	)	
vs.	)	NO. 69-C-153
FARMERS INSURANCE EXCHANGE, a reciprocal, incorporated in California, Defendant.	)	

FILED
SEP 9 1969
M. M. EWING, CLERK
U. S. DISTRICT COURT

COPY

ORDER OF DISMISSAL

The above matter coming on to be heard on this 9th day of September, 1969, upon the written application of the parties for a dismissal of said action with prejudice, the Court having examined said application finds that said parties have entered into a compromise settlement covering all claims involved in the action and have requested the Court to dismiss said action with prejudice to any future action, and the Court being fully advised in the premises, finds that said action should be dismissed pursuant to said application.

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

S/ Allen E. Barrow
JUDGE, UNITED STATES DISTRICT COURT

APPROVAL:

SELLERS AND O'NEAL,

By: _____
Attorneys for the Plaintiff,

ALFRED B. KNIGHT,

S/ Alfred B. Knight
Attorney for the Defendant.

IN THE UNITED STATES DISTRICT COURT

FOR THE NORTHERN DISTRICT OF OKLAHOMA

FARMERS ELEVATOR MUTUAL INSURANCE COMPANY, Plaintiff,	)	
v.	)	Civil No. 69-C-187
HAROLD F. DAVIS and W.D. SPEER, Partners, doing business as TRIPLETT GRAIN AND STORAGE COMPANY; DOROTHY L. TRIPLETT as ADMINISTRATRIX of the ESTATE OF ROBERT L. TRIPLETT, DECEASED; and C.I.T. CORPORATION, Defendants.	)	

FILED

SEP 9 1969

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

DEFAULT JUDGMENT AGAINST DEFENDANTS
HAROLD F. DAVIS AND W. D. SPEER

In this action defendants Harold F. Davis and W. D. Speer, having been regularly served with Summons and a copy of plaintiff's Complaint, and having failed to plead or otherwise defend, the legal time for pleading or otherwise defending having expired and the default of said defendants, Harold F. Davis and W. D. Speer, in the premises having been duly entered according to law; upon the Application of plaintiff, judgment is hereby entered against said defendants in pursuance of the prayer of said Complaint.

WHEREFORE, by virtue of the law and by reason of the premises aforesaid,

IT IS ORDERED, ADJUDGED AND DECREED, that plaintiff, Farmers Elevator Mutual Insurance Company, have judgment against defendants Harold F. Davis and W. D. Speer and each of them jointly and severally for the sum of $53,387.10 with

interest thereon at the rate of ten percent (10%) per annum from the date hereof until paid and for its costs of action and that plaintiffs have execution therefor.

Judgment rendered this ___ day of September, 1969.

_____
Clerk

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

UNITED STATES OF AMERICA, Plaintiff, vs. JIM POGUE and WILLODEAN POGUE, Defendants.	)	CIVIL ACTION NO. 69-C-206

FILED
SEP 11 1969
M. M. EWING, CLERK
U. S. DISTRICT COURT

DEFAULT JUDGMENT BY THE CLERK

This cause came on to be heard on motion of the plaintiff for default judgment for the relief demanded in the complaint, and it appearing the complaint and summons in this action were served on the defendants on August 18, 1969, as appears from the Marshal's return of service of said summons; that the time within which the defendants may answer or otherwise move as to the complaint has expired; that the defendants have not answered or otherwise moved and that the time for defendants to answer or otherwise move has not been extended.

It further appearing, as evidenced by the affidavit of the plaintiff, that the defendants are neither infants nor incompetent persons, and that the defendants are not in the military service of the United States.

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

IT IS HEREBY ORDERED, ADJUDGED AND DECREED that the plaintiff recover of the defendants the amount prayed for in the sum of $580.89, plus accrued interest of $97.97 as of August 18, 1969, plus additional interest thereafter at the rate of 6 per cent per annum accruing at a daily rate of .0954 and the costs of this action.

Dated this 11th day of September, 1969.

M. M. EWING, Clerk
United States District Court
for the Northern District of Oklahoma

By: Helen R. Miller
Deputy

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

BRUNSWICK CORPORATION,	)	
Plaintiff,	)	
vs.	)	Civil Action No. 6434
MARSHALL C. FERRINO, et al,	)	
Defendants.	)	

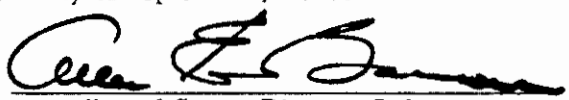
FILED
SEP 15 1969
M. M. EWING, CLERK
U. S. DISTRICT COURT

ORDER

Now on this 9th day of September, 1969, upon hearing had, the above entitled cause came up in its regular order before the undersigned Judge of said Court, and all parties served being present by their counsel, the Court finds that the Order making additional party defendants, dated and filed July 25, 1968, in which H. R. Miner and Blanch O. Neece were made additional parties defendant, and summons issued thereto, was in error and should be rescinded, and that the said H. R. Miner and Blanch O. Neece are not necessary parties to this action and neither has any right, title, interest, judgment, lien or claim against the property which is the subject matter hereof or against Marshall C. Ferrino and/or Ann Ferrino.

IT IS THEREFORE ORDERED that the previous Order Making Additional Party Defendants of July 25, 1968, be rescinded insofar as the names of H. R. Miner and Blanch O. Neece are included therein, and that H. R. Miner and Blanch O. Neece are dismissed from this action and are not parties and have no interest herein.

Done in open court this 9th day of September, 1969.



United States District Judge

CERTIFICATE OF MAILING

I, Charles P. Gotwals, Jr., hereby certify that on the _____ day of September, 1969, I mailed a true and correct copy of the above and foregoing Order, with postage fully prepaid thereon, to the following attorneys representing parties in said cause:

Crowe and Thieman
4111 South Darlington
Tulsa, Oklahoma 74135

Fellers, Snider, Baggett & McLane
2700 First National Building
Oklahoma City, Oklahoma

Mr. Charles H. Froeb
813 Thurston National Building
Tulsa, Oklahoma 74103

Mr. Glen E. Michael
415 South Denver
Tulsa, Oklahoma 74103

Ward and Brown
500 West 7th Street
Tulsa, Oklahoma 74119

Mr. Thomas A. Landrith, Jr.
Thurston National Building
Tulsa, Oklahoma 74103

Mr. L. K. Smith
914 World Building
Tulsa, Oklahoma 74103

Dyer, Powers & Marsh
1501 Fourth National Bank Building
Tulsa, Oklahoma 74119

Charles P. Gotwals, Jr.

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

CAN-DO PRODUCTS, LTD.,	)	
Plaintiff,	)	
v.	)	Civil Action No. 69-C-44
CRANE SALES, INC., and ACME PRODUCTS INCORPORATED,	)	
Defendants.	)	

FILED
SEP 15 1969
M. M. EWING, CLERK
U. S. DISTRICT COURT

JUDGMENT

WHEREAS, upon representations of counsel for Plaintiff, CAN-DO PRODUCTS, LTD., and counsel for Defendants, CRANE SALES, INC., and ACME PRODUCTS INCORPORATED, that the parties to this cause have effected settlement of their differences, and the parties having further agreed that this Court may urge the following Judgment.

NOW, THEREFORE, IT IS ADJUDGED AND DECREED:

1. That the above identified action is hereby dismissed with prejudice;

2. That each of the parties shall bear its own costs and attorneys fees; and

3. That any and all other relief prayed for by any of the parties not specifically granted herein is in all things denied and the parties are left to their settlement agreement.

ORDERED and entered at Tulsa, Oklahoma, this 15 day of September, 1969.

Allen E. Barrow
UNITED STATES DISTRICT JUDGE

Approved and agreed as to form and substance:

James R. Head
James R. Head, Attorney for Plaintiff

William S. Dorman
William S. Dorman, Attorney for Defendant

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

UNITED STATES OF AMERICA, Plaintiff,	)	CIVIL ACTION NO. 69-C-195
vs.	)	
EGBE W. PRUETT, Defendant.	)	

FILED
SEP 15 1969
M. M. EWING, CLERK
U. S. DISTRICT COURT

DEFAULT JUDGMENT BY THE CLERK

This cause came on to be heard on motion of the plaintiff for default judgment for the relief demaned in the Complaint, and it appearing the Complaint and Summons in this action were served on the defendant on August 24, 1969, as appears from the Marshal's return of service of said Summons; that the time within which the defendant may answer or otherwise move as to the Complaint has expired; that the defendant has not answered or otherwise moved and that the time for defendant to answer or otherwise move has not been extended.

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

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

IT IS HEREBY ORDERED, ADJUDGED AND DECREED that the plaintiff recover of the defendant the amount prayed for in the sum of $324.04, plus interest accrued and accruing according to law, and the costs of this action.

Dated this 15 day of September, 1969.

M. M. EWING, Clerk
United States District Court for
the Northern District of Oklahoma

By: [signature]
Deputy

DJ:sll
9/15/69

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

WILSON SPORTING GOODS CO., a corporation, Plaintiff,	)	
vs.	)	NO. 69-C-185
ROBERT M. WILLIAMS, a sole trader, d/b/a PAWHUSKA FAMILY SPORT CENTER, Defendant.	)	

FILED

SEP 16 1969

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

JUDGMENT

NOW, on this ____ day of September, 1969, there came on for hearing before the undersigned United States District Judge the above styled and numbered matter, Plaintiff appearing by its agents and attorneys, Ungerman, Grabel, Ungerman & Leiter, and the Defendant, Robert M. Williams, although three times called in open Court came not but makes default.

Thereupon and from the files this Court finds that the Defendant herein has been duly and properly served with summons in the time and manner prescribed by the Statutes and that the said Defendant has wholly failed, refused and neglected to appear and answer herein and is now in default.

Thereupon the Court proceeded to hear testimony of witnesses examined in open Court and from this testimony this Court finds that the Defendant herein is presently indebted to the Plaintiff herein in the sum of $13,138.67 with interest thereon at the rate of 10% per annum from the 24th day of June, 1969, until paid, and that the said amount represents the sale of certain goods, wares and merchandise sold, shipped and delivered to this Defendant by this Plaintiff at the Defendant's special instance and request.

The Court further finds that the said merchandise was sold, shipped and delivered to the Defendant by the Plaintiff by virtue of fraudulent misrepresentations made to the Plaintiff by the Defendant by the use of the United States mails and by reason thereof the Plaintiff herein has been damaged to the extent of the amount due for said merchandise.

The Court further finds that without the said fraud being perpetrated by the Defendant the Plaintiff would not have parted with the said goods, wares and merchandise.

LAW OFFICES
NGERMAN,
GRABEL,
UNGERMAN
& LEITER
SIXTH FLOOR
RIGHT BUILDING
LSA, OKLAHOMA

The Court further finds that by virtue of the institution of this suit the Defendant should be obliged to pay all the costs of this action, including a reasonable attorneys fee for the use and benefit of Plaintiff's counsel herein, which the Court fixes in the sum of $2,500.00.

IT IS THEREFORE ORDERED, ADJUDGED AND DECREED BY THIS COURT that the Plaintiff, Wilson Sporting Goods Co., a corporation, have and recover a judgment as against the Defendant, Robert M. Williams, for the sum of $13,138.6 with interest thereon at the rate of 10% per annum from the 24th day of June, 1969, until paid, together with a further sum of $2,500.00 attorneys fee and all the accruing costs in this action, by virtue of the fraud perpetrated by the Defendant upon the Plaintiff herein.

Luther Bohanon

United States District Judge

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

ALPHONZO WILLIAMS, Plaintiff,	)	CIVIL ACTION NO. 68-C-208
vs.	)	
UNITED STATES OF AMERICA, Defendant.	)	

FILED

SEP 16 1969

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

J U D G M E N T

Pursuant to this Court's Order, dated September 8, 1969, granting the defendant's motion for summary judgment and ordering the cause of action dismissed;

IT IS HEREBY ORDERED, ADJUDGED AND DECREED that judgment be entered for the defendant in this case, dismissing the plaintiff's cause of action.

Entered this 15th day of September, 1969.

s/ Allen B. Rizzo
UNITED STATES DISTRICT JUDGE

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

CHARLES EMERY LANGFORD, Petitioner,	)	
VS.	)	
UNITED STATES BOARD OF PAROLES, WASHINGTON, D.C., Respondent.	)	NO. 69-C-208

FILED
SEP 16 1969
M. M. EWING, CLERK
U. S. DISTRICT COURT

ORDER

This matter comes on for hearing this 10th day of September, 1969, pursuant to regular notice and setting. Petitioner is present in person and by his Court-appointed counsel, William C. Anderson. Respondent is present by its counsel, United States Attorney, Larry McSoud.

The Court, having examined the file herein, and having heard the statements and arguments of Petitioner and of counsel, finds that in this action, Petitioner seeks relief in the form of mandamus directed against the Respondent, but that such relief is clearly inappropriate as a matter of law. The Court therefore elects to treat the Petition herein as one for relief under 18 U.S.C. Sec. 2255, and J. T. Willingham, the Warden of the United States Penitentiary at Leavenworth, Kansas, the person having custody of Petitioner, is hereby substituted for the United States Board of Paroles, Washington, D.C., as Respondent herein. The Court also elects to treat this action as a quasi-proceeding for relief under Rule 35, F.R.Crim.P.

The Court further finds that on July 24, 1967, Petitioner was granted a mandatory release from a federal prison sentence upon which he had approximately 22 months left to serve; that thereafter, on October 24, 1967, Petitioner came before this Court in Case Nos. 67-CR-110, 67-CR-111, and 67-CR-112, the charge in each case

involving a violation of Title 18 U.S.C. Sec. 2312, such violations having allegedly occurred while Petitioner was at large on said mandatory release; that on October 24, 1967, Petitioner entered a plea of guilty in each of the three said cases.

The Court further finds that in Case No. 67-CR-110, this Court on October 24, 1967, sentenced Petitioner to imprisonment for a period of three years, to run concurrently with any mandatory release violation time imposed on Petitioner, but that through error, the written order filed in said case omitted the provision that the three-year sentence was to run concurrently with such mandatory release violation time; that in Case No. 67-CR-111, this Court sentenced Petitioner to imprisonment for a period of three years, to run concurrently with the sentence imposed in No. 67-CR-110; and that in Case No. 67-CR-112, this Court suspended imposition of sentence, and placed Petitioner on probation for a period of two years to commence at the expiration of sentences imposed in Nos. 67-CR-110 and 67-CR-111; that thereafter, the error in reducing the sentence imposed in No. 67-CR-110 to writing was called to the attention of the Court, and on April 25, 1968, an order nunc pro tunc was filed in said Case correcting the judgment and commitment entered therein in pertinent part as follows:

> " 'IT IS FURTHER ADJUDGED that the sentence imposed herein shall run concurrent with any mandatory release violation time imposed by such authorities.'
>
> "It is further ordered that this order shall be effective as of the 24th day of October, 1967."

The Court further finds that on October 16, 1967, the United States Board of Paroles issued a warrant for Petitioner's retaking for violation of the terms of his mandatory release; that at the time of sentencing in Case Nos. 67-CR-110, 67-CR-111 and 67-CR-112, this Court was advised that said violator's warrant was being

forwarded to the United States Attorney to be served upon Petitioner; that said violator's warrant has not to date been served upon Petitioner, and remains lodged as a detainer with prison officials at Leavenworth Penitentiary to be served upon Petitioner upon expiration of his sentence in Case No. 67-CR-110; that in September of 1968, the United States Board of Paroles held a hearing at Leavenworth Penitentiary for the purpose of determining whether to serve said violator's warrant upon Petitioner, such hearing having been attended by Petitioner without the assistance of counsel; that the result of such hearing was a decision by the United States Board of Paroles not to serve said violator's warrant, and that Petitioner should continue to expiration his sentence imposed by this Court in Case No. 67-CR-110.

The Court further finds that it was the intention of this Court in sentencing Petitioner in Case No. 67-CR-110, that Petitioner should serve no more than three years imprisonment, including mandatory release violation time; that the sentences imposed by this Court in Case No. 67-CR-110, as corrected by order nunc pro tunc, and in Case Nos. 67-CR-111 and 67-CR-112, are therefore void, illegal, invalid and should be held for naught; that such sentences are void, illegal and invalid for the reason that (1) they either attempt to order the United States Board of Paroles to serve its violator's warrant, an order which is beyond the authority of this Court, or (2) because they condition the beginning of such sentences upon service of the parole violator's warrant by the United States Board of Paroles, an action which may never occur, and therefore such sentences are void as vague and indefinite; and that such sentences are also

void for the reason that at the time of sentencing, this Court was advised that service of the violator's warrant was imminent, an event which did not take place.

IT IS THEREFORE ORDERED, ADJUDGED AND DECREED that the sentences imposed by this Court in Case Nos. 67-CR-110, 67-CR-111 and 67-CR-112 are illegal, invalid, void and are hereby vacated and held for naught.

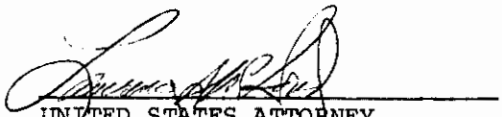
IT IS FURTHER ORDERED, ADJUDGED AND DECREED that resentencing in Case Nos. 67-CR-110, 67-CR-111 and 67-CR-112, be and the same hereby is deferred to a later date.

IT IS FURTHER ORDERED, ADJUDGED AND DECREED that Petitioner is ordered released forthwith, to return to his home at Pleasanton, Kansas; Petitioner is directed by the Court to remain in communication with his Court-appointed counsel and to be available for such further proceedings in these matters as the Court shall deem necessary.

JUDGE OF THE DISTRICT COURT

APPROVED:

WILLIAM C. ANDERSON,
Attorney for Petitioner



UNITED STATES ATTORNEY,
Attorney for Respondent

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

JOSEPH O'FIELDS, Plaintiff	)	
vs.	)	
LLOYD E. RADER, Director, State of Oklahoma Department of Institutions, Social and Rehabilitative Services WINSTON DUNLAY, Supervisor, Delaware County Department of Institutions, Social and Rehabilitative Services, Defendants.	)	No. 69-C-130

FILED

SEP 19 1969

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

ORDER OF DISMISSAL

The above styled and numbered cause of action comes on for hearing this 3rd day of September, 1969, pursuant to notice heretofore given, and the court [illegible] the testimony of witnesses [illegible] and [illegible] hearing the argument of counsel, and being fully advised, upon consideration finds that Plaintiff's motion should be denied and that the above styled and numbered cause of action should be dismissed. The court further finds that the Plaintiff is not a pauper, and that all costs, including witness fees and mileage, be paid by the Plaintiff.

IT IS, THEREFORE, ORDERED that Plaintiff's Motion For A Temporary Restraining Order be denied, and that the above styled cause of action be dismissed.

IT IS FURTHER ORDERED that Plaintiff pay all costs incurred herein, including witness fees and mileage claims.

Luther Bohanon

Luther Bohanon, Judge
United States District Court

CJW:DS
9/17/69

IN THE UNITED STATES DISTRICT COURT FOR

THE NORTHERN DISTRICT OF OKLAHOMA

KAW VALLEY OIL COMPANY, INC., Plaintiff,	)	
vs.	)	No. Civ 69-C-21
THE SECRETARY OF INTERIOR OF U.S.A., et al, Defendant.	)	

FILED
SEP 22 1969
M. M. EWING, CLERK
U. S. DISTRICT COURT

MOTION TO DISMISS WITHOUT PREJUDICE

Plaintiff respectfully moves the Court to dismiss this action, without prejudice.

CLYDE J. WATTS
219 Couch Drive
Oklahoma City, Oklahoma 73102
Attorney for Plaintiff

ORDER

Upon application of Plaintiff,

IT IS HEREBY ORDERED that this action be dismissed, without prejudice, at cost of Plaintiff.

Fred Daugherty
U. S. DISTRICT JUDGE

Copy of above Motion and Order mailed to Robert P. Santee, Assistant United States Attorney, Federal Building, Tulsa, Oklahoma, Attorney for Defendants, on September 18, 1969.

CLYDE J. WATTS

IN THE UNITED STATES DISTRICT COURT FOR THE

NORTHERN DISTRICT OF OKLAHOMA

W. R. CAVETT,	)	
	)	
Plaintiff,	)	
	)	
vs.	)	No. 69-C-121
	)	
SKELLY OIL COMPANY,	)	
	)	
Defendant.	)	

FILED
SEP 23 1969
M. M. EWING, CLERK
U. S. DISTRICT COURT

ORDER OF DISMISSAL WITHOUT PREJUDICE

Plaintiff moves to dismiss his action against Defendant without prejudice. The reasons asserted in support of the Motion are financial difficulties and the need for additional discovery requiring considerable time and expense.

As a Motion for Summary Judgment by Defendant pends, the Motion is made under Rule 41(a)(2), F.R.Civ.P., 28 U.S.C.A. In this situation and under this Rule, the Plaintiff shall not be permitted to dismiss save upon order of the Court and upon such terms and conditions as the Court deems proper. The Motion is addressed to the sound judicial discretion of the Court. Moore v. C. R. Anthony Company, 198 F.2d 607 (Tenth Cir. 1952).

Considerable work has been done in this case. The same has been transferred from the Northern District of Texas to this District which required the Defendant to employ Texas counsel and accomplish a significant legal effort. Extensive Interrogatories have been served and Answered. Four depositions have been taken. Affidavits have been prepared and filed herein. A Motion for Summary Judgment with brief has been prepared and filed by the Defendant. In these circumstances, the Defendant will be greatly prejudiced by a dismissal without prejudice unless the Court

imposes certain conditions upon the dismissal.

Accordingly, the action on Motion of the Plaintiff is dismissed without prejudice upon the following conditions:

1. If Plaintiff refiles this action, it may only be filed in this District without the joinder of additional parties and for assignment to the undersigned Judge who is familiar with the controversy.

2. All Interrogatories and Answers herein, all depositions taken herein and all Affidavits filed herein may be filed in any new filing of this action and apply therein the same as if they were taken therein.

The Court finds that by the imposition of the foregoing conditions the Defendant will not be greatly prejudiced by granting the Motion. Klintworth v. Atlantic Coast Line Railroad Co., 39 F.R.D. 330 (D S.Car. 1966).

It is so ordered this 23 day of September, 1969.

Fred Daugherty
United States District Judge

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

F. H. LINNEMAN CONSTRUCTION COMPANY, INC., Plaintiff,	)	Civil Action File No. 6244
vs.	)	
AALCO CONSTRUCTION CO., Inc., A Corporation, and ROBERT W. SEWELL, Defendants.	)	

FILED
SEP 24 1969
M. M. EWING, CLERK
U. S. DISTRICT COURT

JUDGMENT

On the 3rd day of September, 1969, this cause of action came on for an Evidentiary Hearing before the Court, Luther Bohanon, United States District Judge, presiding and the issues having been fully tried and a decision having been reached, and based upon the findings of fact and conclusions of law this day filed herein;

IT IS THEREFORE ORDERED, ADJUDGED AND DECREED By this Court, that the Plaintiff, F. H. LINNEMAN CONSTRUCTION COMPANY, INC., recover from the Garnishee the sum of $40.00 being the items for expense being denied by the Court as unreasonable and improper charges to the job, with interest thereon at the rate of 6% per annum from this date.

DATED This 23 (23) day of September, 1969.

Luther Bohanon
United States District Judge

LAW OFFICES
JACOBUS & HARLIN
725 WRIGHT BLDG.
TULSA, OKLAHOMA
74103

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

ALLSTATE INSURANCE COMPANY, a Foreign Insurance Corporation,	)	
Plaintiff,	)	68-C-167
vs.	)	
RAYMOND L. CALL, et al.,	)	
Defendants.	)	

FILED
SEP 24 1969
M. M. EWING, CLERK
U. S. DISTRICT COURT

ORDER

The Court has for consideration the Motion for Summary Judgment filed by plaintiff herein, and having carefully perused the entire file and briefs and pleadings of the parties, and being fully advised in the premises, finds:

That defendants have conceded the allegations made in said Motion for Summary Judgment and Brief in Support thereof are true.

The Court further finds that Title 47 O.S.A. §7-201, provides:

> "The provisions of this chapter, requiring deposit of security and suspensions for failure to deposit security, subject to certain exemptions, shall apply to the driver and owner of any vehicle of a type subject to registration under the motor vehicle laws of this state which is in any manner involved in an accident upon the highways of this state, which accident has resulted in bodily injury to or death of any person or damage to the property of any one person in excess of One Hundred Dollars ($100.00)."

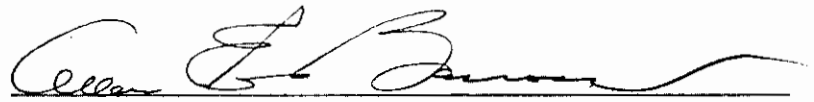
The Court further finds that the Oklahoma Supreme Court and the United States Court of Appeals, Tenth Circuit, have found

that within the motor vehicle financial responsibility law, a motor vehicle liability policy, such as is required for the termination of the suspension of a license or registration is distinguishable from an automobile liability policy procured voluntarily, and a certificate of the existence of a motor vehicle liability policy must be filed to constitute proof of financial responsibility, and liability thereunder is absolute with the occurrence of injury or damage. U. S. Fidelity & Guaranty Co. v. Walker, 329 P.2d 852; Adriaenssens v. Allstate Insurance Company, 258 F.2d 888. There is no suggestion that the insured had ever been required to furnish proof of financial responsibility or that the policy issued to him had ever been certified, and, therefore, absolute liability is without application.

With reference to defendants' request for taxation of costs, Rule 58 of the Federal Rules of Civil Procedure provides in part that entry of judgment shall not be delayed for the taxing of costs, and further that every judgment shall be set forth on a separate document. In this connection, the Court also finds that defendants are not prevailing parties in this litigation.

IT IS, THEREFORE, ORDERED that the motion for summary judgment filed by plaintiff herein be and the same is hereby sustained and judgment is entered in favor of plaintiff and against defendants, and, this cause of action is dismissed.

ENTERED this 23rd day of September, 1969.



UNITED STATES DISTRICT JUDGE

UNITED STATES DISTRICT COURT

NORTHERN DISTRICT OF OKLAHOMA

TULSA DIVISION

69-C-235

MAYBELLE V. HANEY, mother of, and JESSIE DONALD HANEY son of JESSE WAYNE HANEY	*	CIVIL ACTION
	*	NO.
	*	SECTION
VS.	*	
McDERMOTT INTERNATIONAL, INC. and INSURANCE COMPANY OF NORTH AMERICA	*	
	*	

FILED

SEP 25 1969

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

J U D G M E N T

This cause came on upon the stipulation of facts and medical reports of the parties, and the Court after rendering findings of fact and conclusions of law, is now ready to render judgment.

IT IS ORDERED, ADJUDGED AND DECREED that there be judgment in favor of complainants, Maybelle V. Haney and Jessie Donald Haney and against the defendant, McDermott International, Inc. in the sum of SEVEN THOUSAND AND NO/100 ($7,000.00) DOLLARS and Court costs.

IT IS FURTHER ORDERED, ADJUDGED AND DECREED that upon payment of this judgment, McDermott International, Inc., their officer, directors, stockholders, servants, agents, employees, insurers, underwriters, successors, assigns and any other persons for whom they may be responsible in the premises, be and they are hereby forever discharged of and from any further liability to complainants, Maybelle V. Haney and Jessie Donald Haney, mother and son of Jesse Wayne Haney, a seaman, under the Jones Act, in tort, in admiralty, for wages, maintenance and cure, and under the General Maritime Law, for unseaworthiness, in maritime tort under Article 2315 of the Louisiana Civil Code and the laws of the United States and the laws of the State of Oklahoma and the laws of any other State, at common law, in equity or otherwise.

Tulsa, Oklahoma, this 19th day of ~~July~~ Sept, 1969.

Luther Bohanon

UNITED STATES DISTRICT JUDGE

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

SNYDER-ASHLEY ENTERPRISES, INC.,	)	
	)	
Plaintiff,	)	69-C-237
	)	
vs.	)	
	)	
ALLIED ARTISTS PICTURE CORPORATION,	)	
	)	
Defendant.	)	

FILED
SEP 29 1969
M. M. EWING, CLERK
U. S. DISTRICT COURT

ORDER

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

That this cause was originally commenced in the District Court of Tulsa County, Oklahoma, and was removed to this Court.

The Court finds that the allegations for removal are insufficient reference diversity of citizenship, in that the principal place of business is not alleged in the petition for removal as to either corporation, although the principal place of business of the plaintiff is alleged in the original complaint filed in the State Court.

The failure to allege principal place of business is not a technical matter. It is fundamental. The federal court is a court of limited jurisdiction. This Court has a responsibility to accept jurisdiction in all proper cases. It also has a greater obligation to protect the jurisdiction of the State Court, by reason of comity to the State court and fairness to litigants who have chosen it as their forum. Where there is doubt as to federal jurisdiction, the doubt should be construed in favor of remanding the case to the State where there is no doubt as to its jurisdiction.

Accordingly, sua sponte, the Court must and does hereby remand this case to the State Court from which removed.

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

ENTERED this ___ day of September, 1969.

UNITED STATES DISTRICT JUDGE

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

United States of America, Plaintiff,	)	CIVIL NO. 69-C-78
vs.	)	
David W. Little and Doris Little, husband and wife, and Henry Blocker, a single person, Defendants.	)	

ORDER CONFIRMING MARSHAL'S SALE

NOW, on this 30th day of September, 1969, there comes on for consideration the Motion to Confirm Sale made by the United States Marshal for the Northern District of Oklahoma on under an Order of Sale dated July 30, 1969, of the following-described property, to-wit:

Lot Eight (8), Block Five (5), Suburban Acres Second Addition to the City of Tulsa, County of Tulsa, State of Oklahoma, according to the recorded Plat thereof,

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

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

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

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

APPROVED:

/s/ Allen E. Barrow
UNITED STATES DISTRICT JUDGE

ROBERT P. SANTEE
Assistant U. S. Attorney

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

United States of America,

Plaintiff,

vs.

Preston L. Ray and Shirley M. Ray, Thomas Robert Smith and Carolyn Kay Smith, Jack Shephard and Shirley L. Shephard and Oklahoma Natural Gas Company, a corporation,

Defendants.

CIVIL NO. 69-C-102

FILED

SEP 3 1969

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

ORDER CONFIRMING MARSHAL'S SALE

NOW, on this _____ day of September, 1969, there comes on for consideration the Motion to Confirm Sale made by the United States Marshal for the Northern District of Oklahoma on under an Order of Sale dated July 30, 1969, of the following-described property, to-wit: Lot Three (3), Block Forty-one (41) Valley View Acres Second Addition to the City of Tulsa, Tulsa County, Oklahoma, according to the recorded plat thereof,

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

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

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

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

H. Allen E. Barrow
UNITED STATES DISTRICT JUDGE

APPROVED:

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