

UNITED STATES DISTRICT COURT FOR THE
NORTHERN DISTRICT OF OKLAHOMA

United States of America,)	
)	
Plaintiff,)	Civil Action No. 68-C-112
)	
vs.)	Tract No. 143
)	
71.78 Acres of Land, More or Less,)	
Situate in Osage County, State of)	
Oklahoma, and Frank Webb, et al,)	
and Unknown Owners,)	
)	
Defendants.)	

E I L E D
AUG - 3 1970
JOHN H. POE, Clerk
U. S. DISTRICT COURT

J U D G M E N T

1.

Now, on this 2 day of August, 1970, this matter comes on for disposition on application of plaintiff, United States of America, for entry of judgment on a stipulation of 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. 143, 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 estate described in Paragraph 2 herein. Pursuant thereto, on May 9, 1968, the United States of America filed its Declaration of Taking of such described property, and title to the described estate in such property should be vested in the United States of America as of the date of filing the declaration of taking.

6.

Simultaneously with filing 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 all of this deposit has been disbursed, as set out below in Paragraph 12.

7.

On the date of taking in this action, the owners of the estate taken in subject tract were the defendants whose names are shown below in Paragraph 12. Such named defendants are the only persons asserting any interest in the estate taken in such tract, all other persons having either disclaimed or defaulted, and such named defendants are entitled to receive the just compensation for the estate taken in this tract.

8.

The owners of the subject tract and the United States of America having executed and filed herein a stipulation as to just compensation wherein they have agreed that just compensation for the estate condemned in subject tract is in the amount shown as compensation in Paragraph 12 below, and such stipulation should be approved.

9.

This judgment will create a deficiency between the amount deposited as estimated compensation for subject tract and the amount fixed by the stipulation as to just compensation, and the amount of such deficiency should be deposited for the benefit of the owners. Such deficiency is set out below in Paragraph 12.

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 Tract No. 143, as such tract is particularly described in the Complaint and Declaration of Taking filed herein; and such tract, to the extent of the estate described in such 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 to such estate.

11.

IT IS FURTHER ORDERED, ADJUDGED, AND DECREED that on the date of taking, the owners of the estate condemned herein in subject tract were the defendants whose names appear below in Paragraph 12, and the right to receive just compensation for the estate taken herein in this tract is vested in the parties so named.

12.

IT IS FURTHER ORDERED, ADJUDGED, AND DECREED that the stipulation as to just compensation, mentioned in Paragraph 8 above, is hereby confirmed; and the sum therein fixed is adopted as the award of just compensation for the estate condemned in subject tract as follows:

TRACT NO. 143

Owners:

Frank Webb
Mary Elizabeth Webb and
Lester A. Farmer

Award of just compensation pursuant to stipulation	\$ 12,000.00	\$12,000.00
Deposited as estimated compensation	10,200.00	
Disbursed to owners		<u>10,200.00</u>
Balance due to owners		<u>\$ 1,800.00</u>
Deposit deficiency	<u>\$ 1,800.00</u>	

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 to the credit of subject tract the deficiency sum of \$1,800.00. The Clerk of this Court then shall disburse from the deposit for subject tract to Frank Webb, Mary Elizabeth Webb and Lester A. Farmer, jointly, the sum of \$1,300.00.

/s/ Allen E. Barrow

UNITED STATES DISTRICT JUDGE

APPROVED:

/s/ Hubert A. Marlow

HUBERT A. MARLOW
Assistant U. S. Attorney

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

DELBERT R. CROSSWITL,)
)
 Plaintiff,)
 vs.)
 J. HOWARD EDMONDSON,)
)
 Defendant.)

No. 70-C-234

FILED
AUG - 3 1970
JOHN H. POE, Clerk
U. S. DISTRICT COURT

ORDER DENYING APPLICATION TO PROCEED
WITHOUT PREPAYMENT OF COSTS, AND DISMISSAL

The Court having examined the file in this cause including plaintiff's Complaint hereby denies plaintiff's Application to Proceed Without Prepayment of Costs, and

The Court having carefully read the Complaint filed finds and holds that this Complaint does not state a claim for which relief can be granted, and said Complaint is hereby dismissed.

Dated this 31st day of July, 1970.

Luther Bohannon

United States District Judge

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

ACME PRODUCTS, INCORPORATED,)
a Nevada corporation,)
)
) Plaintiff,)
)
vs.)
)
JOHN E. NEIGHBORS,)
an individual,)
)
JAMES R. SIFFERD,)
an individual,)
)
N & S PRODUCTS CO.,)
a partnership,)
)
and)
)
C R & S ENGINEERING & MFG. CO.,)
a partnership,)
)
)
Defendants.)

Civil Action No.
70-C-29

FILED
AUG - 4 1970
JOHN H. POE, Clerk
U. S. DISTRICT COURT

ORDER OF DISMISSAL

All of the parties to the above action having entered into a Stipulation of Dismissal, and the Court being advised thereof, this action is ordered dismissed by the Court with each party to bear its costs herein.

It is so Ordered.

7/31/1970
Date

Luther Bohanon
U. S. District Judge

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

UNITED STATES OF AMERICA,)
)
 Plaintiff,)
)
 vs.)
)
 BOYLES GALVANIZING AND)
 PLATING COMPANY,)
)
 Defendant.)
 _____)

FILED

AUG - 5 1970

JOHN H. POE, Clerk
U. S. DISTRICT COURT *h*

CIVIL ACTION
No. 69-C-279 /

JUDGMENT

The issues in the above entitled action having been regularly brought on for trial at a term of this court and the parties having duly appeared by their respective attorneys and the allegations and proofs of the plaintiff having been heard in support of plaintiff's contentions, and the defendant having made a motion to dismiss the complaint at the conclusion of the plaintiff's case and due deliberation having been had and the court having made and announced its decision in open court and filed its decision on the 5th day of August, 1970, containing findings of facts and conclusions of law thereon and directing judgment in favor of the defendant finding no damages in favor of the plaintiff and dismissing the complaint on its merits, it is

ORDERED, ADJUDGED, AND DECREED, that the plaintiff have no damages and that the complaint of the plaintiff be and that the complaint of the plaintiff be and the same is hereby is dismissed on the merits.

Dated August 5, 1970.


Allen E. Barrow, Judge
U. S. District Court, Northern District
of Oklahoma

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

GEORGIA M. CHAMBERS,)
)
) Plaintiff,)
 vs.)
)
 LORENZY CHAMBERS, SR.,)
 UNITED STATES OF AMERICA, and)
 PRUDENTIAL COMPANY OF AMERICA,)
)
 Defendants.)

No. 69-C-280

FILED

AUG - 6 1970

JOHN H. POE, Clerk
U. S. DISTRICT COURT

ORDER

The Court having filed this day its Findings of Fact and Conclusions of Law,

IT IS ORDERED, ADJUDGED AND DECREED that the Clerk of the Court pay to Georgia M. Chambers and her attorney, Cull Bevins, the sum of \$5,000 on deposit with the Clerk of this Court when this Order becomes final as provided by law.

Each party will pay his or her costs herein expended.

Dated this 3rd day of August, 1970.

Ruthen Bohannon
United States District Judge

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

United States of America,
Plaintiff,
vs.
19 bags, more or less, of
Korean lespedeza seed
Defendant.

FILED
AUG 10 1970
JOHN H. POE, Clerk
U. S. DISTRICT COURT

CIVIL ACTION NO. 70-C-150

DEFAULT DECREE OF CONDEMNATION

This matter comes on for consideration, the plaintiff United States of America being represented by Nathan C. Graham, United States Attorney for the Northern District of Oklahoma, and it appearing that process was issued herein and returned according to law, and that notice of seizure of the above-described seed was given according to law, and that no persons have appeared or interposed a claim before the return day named in said process:

IT IS, on this 10th day of AUGUST, 1970,

ORDERED, ADJUDGED, AND DECREED that the defaults of all persons to and the same are entered herein; and it is further

ORDERED, ADJUDGED, AND DECREED that the merchandise and property so seized be condemned as forfeited to the United States, and that the United States Marshal for the Northern District of Oklahoma do forthwith dispose of the same by destruction and make return of his action to this Court; and it is further

ORDERED, that the United States of America shall pay all the costs of this proceeding.

Allen E. Birkwood
UNITED STATES DISTRICT JUDGE
Northern District of Oklahoma

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

United States of America,

Petitioner,

vs.

Patrick Samuel Cox,

Patient.

Civil No. 70-C-247

FILED
AUG 10 1970

JOHN H. POE, Clerk
U. S. DISTRICT COURT

ORDER

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, at Lexington, Kentucky, by the United States Marshal, within such time as the U. S. Marshal may be able to transport said patient.

Signed this 10th day of August, 19 70.

William E. Barrow
UNITED STATES DISTRICT JUDGE

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

United States of America,

Petitioner,

vs.

Linda Marie Con,

Patient.

Civil No. 70-C-248

FILED
August
~~10~~ 10 1970

ORDER

JOHN H. POE, Clerk
U.S. DISTRICT COURT

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, at Lexington, Kentucky, by the United States Marshal, within such time as the U. S. Marshal may be able to transport said patient.

Signed this 10 day of August, 19 70.


UNITED STATES DISTRICT JUDGE

UNITED STATES DISTRICT COURT FOR THE
NORTHERN DISTRICT OF OKLAHOMA

United States of America,

Plaintiff,

vs.

199.64 Acres of Land, More or Less,
Situate in Creek, Pawnee & Tulsa
Counties, Oklahoma, and John T.
Steil, et al, and Unknown Owners,

Defendants.

CIVIL ACTION NO. 6079

Tract No. 875-1M

(Partial - Applies to all lessor
interests not covered in
Judgment filed 6/15/65)

FILED

AUG 11 1970

JOHN H. POE, Clerk
U. S. DISTRICT COURT

J U D G M E N T

1.

Now, on this 11th day of August, 1970, this matter was brought before the Court for disposition on application of the Plaintiff, United States of America, for entry of judgment on an option contract and a Stipulation As To Just Compensation whereby certain owners of certain interests in the lessor interest in subject tract and the Plaintiff have agreed upon the amount of just compensation for such interests and the Court, after having examined the files in this action and being advised by counsel for Plaintiff, finds:

2.

This judgment applies only to certain interests in the estate condemned in Tract No. 875-1M, as such estate and tract are described in the Complaint and the Declaration of Taking filed in this civil action. The particular interests covered by this judgment are all those lessor interests not covered by the judgment filed herein on June 15, 1965.

3.

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

4.

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

5.

The Acts of Congress set out in paragraph 2 of the Complaint herein give the United States of America the right, power and authority to condemn for public use the estate described in paragraph 2 herein. Pursuant thereto, on

November 9, 1964, the United States of America has filed its Declaration of Taking of such described property, and title to the described estate in such property should be vested in the United States of America as of the date of filing the Declaration of Taking.

6.

Simultaneously with filing the Declaration of Taking, there was deposited in the Registry of this Court as estimated compensation for the taking of the lessor interests described above in paragraph 2, a certain sum of money, and all of this deposit has been disbursed, as set out below in paragraph 11.

7.

On the date of taking in this action, the owners of the lessor interests covered by this judgment were the defendants whose names are shown below in paragraph 11. Such named defendants are the only persons asserting any claim to such interests. All other persons having either disclaimed or defaulted, such named defendants, as owners, are entitled to receive the just compensation awarded by this judgment.

8.

One of the owners of subject lessor interests, to-wit: The Bank of New York as Trustee of the Estate of John Aitken, deceased, together with the Plaintiff, has executed a Stipulation As To Just Compensation, which Stipulation was filed herein on March 4, 1965. The amount agreed upon is as shown below in Paragraph 11.

The other owners of subject lessor interests have all executed an option contract, as alleged in the Complaint filed herein, wherein such owners agreed that just compensation, for their respective interests, is in the amounts shown below in paragraph 11.

Such stipulation and option contract should be approved.

9.

It Is, Therefore, ORDERED, ADJUDGED and DECREED that the United States of America has the right, power, and authority to condemn for public use Tract No. 875-1M, as such tract is particularly described in the Complaint and Declaration of Taking filed herein; and such tract, to the extent of the estate described in such Declaration of Taking, but limited to the lessor interests therein which were not included in the judgment filed herein on June 15, 1965, 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 interested in such interests are forever barred from asserting any claim to the interest so condemned.

10.

It Is Further ORDERED, ADJUDGED and DECREED that on the date of taking, the owners of the property covered by this judgment were the persons whose names appear below in paragraph 11, and the interest owned by each is as shown therein. The right to receive the just compensation awarded by this judgment is vested in the parties so named in paragraph 11.

11.

It Is Further ORDERED, ADJUDGED and DECREED that the option contract and the stipulation described in paragraph 8 above, hereby are confirmed; and the sums thereby fixed are adopted as the awards of just compensation for the lessor interests covered thereby as follows:

TRACT NO. 875-1M
(Part of lessor interests only)

Ownership, and awards for subject interests:

Owners	Interest owned (lessor)		Awards	
	Below High Water Mark	Above High Water Mark		
Frances A. Bradley	25/180	--	\$ 477.91	Per option
Mayme Hennage	50/180	--	955.83	" "
Clara R. Johnson Melling	5/60	--	286.74	" "
Karl W. Reynolds	3/60	1/16	864.95	" "
Olive A. Gray	1.5/60	1/32	432.43	" "
Ray D. Lytle	1.5/60	1/32	432.43	" "
John Aitken	--	1/4	2,771.55	" Stip.
Ernest R. Anthis	--	1/8	1,386.27	" option
Louis Kravis	--	1/24	461.92	" "
Total of awards for subject interests - - - - -			\$8,070.03	
Total deposit for subject interests - - - - -			\$8,070.03	
Total disbursed to owners of subject interests - - - - -			<u>\$8,070.03</u>	

(Disbursals were made to each owner separately in the amount of his award.)

Allen E. Barron
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

FILED

AUG 11 1970

**JOHN H. POE, Clerk
U. S. DISTRICT COURT**

MISSOURI-KANSAS-TEXAS)
RAILROAD COMPANY, a)
Corporation,)
)
Plaintiff,)
)
-vs-)
)
O. L. CURD, JR., d/b/a)
CURD LUMBER COMPANY,)
)
Defendant.)

No. 70-C-31

JOURNAL ENTRY OF JUDGMENT

consideration
This matter having regularly come on for ~~hearing~~ on
this the 11th day of August, 1970, plaintiff ~~appearing~~ ^{represented}
by its attorneys, Bonds, Matthews & Mason, and the defendant, ~~represented~~
O. L. Curd, Jr., ~~appearing~~ ^{represented} by his attorneys, Doerner, Stuart,
Saunders, Daniel & Langenkamp, and the court having examined
the record and the issues set ~~forth~~ ⁱⁿ the pretrial, ~~and~~
~~having heard the testimony of witnesses sworn and examined in~~
~~open court, and having examined the exhibits and documents~~
~~presented in evidence and having heard the argument of counsel,~~
and being fully advised in the premises, finds that the plain-
tiff's cause of action number 1 and cause of action number 2
as set forth in the plaintiff's complaint are true and correct
and that the defendant owes to the plaintiff the sum of \$11,725.56
and that said debt is just, due and owing and the plaintiff
is entitled to a judgment for said sum with interest thereon
at the rate of ten percent per annum from this date of judgment
and costs of this action.

IT IS THEREFORE ORDERED, ADJUDGED AND DECREED that the
plaintiff have and recover of the defendant the sum of \$11,725.56
with interest thereon at the rate of ten percent per annum from
the 11th day of August, 1970, and the costs of this
action, accrued and accruing.

William E. Barrow
UNITED STATES DISTRICT JUDGE

BONDS, MATTHEWS
& MASON
ATTORNEYS AND
COUNSELLORS AT LAW
444 COURT STREET
P.O. BOX 1906
MUSKOGEE, OKLA 74401

APPROVED AS TO FORM:

DOERNER, STUART, SAUNDERS,
DANIEL & LANGENKAMP

By William C. Anderson
William C. Anderson
Attorney for O. L. Curd, Jr.

BONDS, MATTHEWS & MASON

By A. Camp Bonds, Jr.
A. Camp Bonds, Jr.
Attorney for Missouri-
Kansas-Texas Railroad Company

BONDS, MATTHEWS
& MASON
ATTORNEYS AND
COUNSELLORS AT LAW
444 COURT STREET
P.O. BOX 1908
MUSKOGEE, OKLA. 74401

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

MARILYN TOURTELLOTTE,)

Plaintiff,)

vs.)

69-C-227

BOARD OF EDUCATION OF VINITA,)
OKLAHOMA; CHARLES HALL, President;)
VERNON L. BARNES, Superintendent of)
Schools; J. DUKE LOGAN; JACK)
NICHOLS; JIM BUSHYHEAD, and)
ELDON WILLIAMS,)

FILED
AUG 13 1970
JOHN H. POE, Clerk
U. S. DISTRICT COURT

FINDINGS OF FACT, CONCLUSIONS OF LAW AND
JUDGMENT

This case, having been submitted to the Court for decision upon oral testimony, evidence, exhibits, stipulation of facts and briefs, the Court makes and enters the following findings of fact and conclusions of law:

FINDINGS OF FACT

1. Plaintiff, Marilyn Tourtellotte, was at all times material hereto, a resident of Mayes County, Oklahoma, and is the wife of James R. Tourtellotte. The latter was at all times material hereto a licensed attorney and General Counsel for the Grand River Dam Authority with general offices in Vinita, Oklahoma. The defendants, Charles Hall, J. Duke Logan, Jack Nichols, Jim Bushyhead and Eldon Williams are the duly elected members of the Board of Education of Independent School District No. 65 of Craig County, Oklahoma. The defendant, Vernon L. Barnes, is the Superintendent of the Schools of said Independent School District No. 65 of Craig County, Oklahoma, having been elected thereto by said Board of Education, acting in its official capacity.

2. That plaintiff, Marilyn Tourtellotte, received her Bachelor's Degree in 1958 from the University of Oklahoma. During the school years 1960-1961 and 1961-1962, plaintiff taught school in McCordsville, Indiana, a suburb of Portville, Indiana.

3. During the school years 1966-1967, 1967-1968 and 1968-1969, plaintiff was employed to teach, and did teach for the defendant Board of Education in Vinita, Oklahoma. Copies of the plaintiff's teaching contracts for these years have been admitted into evidence as defendants' Exhibits A, B and C.

4. After Mrs. Tourtellotte was hired, and prior to the events material to this litigation, Mrs. Tourtellotte had been furnished a manual entitled "Policies and Regulations of Vinita Public Schools", which was revised and rewritten August 18, 1966, by Vernon L. Barnes, Superintendent. This instrument was admitted into evidence as Defendants' Deposition Exhibit 11.

5. There were no published or unpublished rules or regulations in the Vinita School System concerning the manner of dresses which could be worn by teachers.

6. Beginning in 1967 the students in the school system were advised in assemblies and over the intercom connected with the classrooms that dresses of the female students were to be no shorter than two inches above the knee. In the Spring of 1967, Mr. C. Vol Faulkner, principal of Vinita High School, advised plaintiff that he had received a complaint from Mr. Vernon L. Barnes, Superintendent of Schools that one of the dresses Mrs. Tourtellotte was wearing was too short. Plaintiff advised that she would not wear the dress again.

After this incident plaintiff's husband called Dr. Roger Wells, then a member of the Vinita School Board, as to whether the Board of Education had adopted a policy in regard to dresses worn by teachers. Dr. Wells advised that the subject had not been brought up at the School Board meetings and he presumed it was the policy of the Superintendent. Mr. Tourtellotte did not advise Dr. Wells why he had made the inquiry.

7. In March of 1968, the Principal of the High School called Mrs. Tourtellotte out of class and advised her that the Superintendent had told him that the dress she was wearing was too short. On that same day, a note was left in Mrs. Tourtellotte's box at School by the Superintendent, which read as follows:

"3-29-68. Mrs. Tourtellotte, I would appreciate having the length of your school dresses comparable to that of the other woman teachers.

"I thought a note would be less embarrassing to both of us. If you would like to talk with me about it I'll be glad to do so.

Respectfully,
V. Barnes"

8. As a result of this note, Mr. Tourtellotte, an attorney, requested a conference with Mr. Barnes at which Mrs. Tourtellotte was also present. During this conference Mr. Barnes commented on the shortness of two of the dresses worn by Mrs. Tourtellotte.

9. During work week at the school, in August of 1968, prior to the beginning of the High School, the principal suggested to Mrs. Tourtellotte that she not wear to class the dress she was then wearing. Mrs. Tourtellotte replied as follows to Mr. Faulkner's office comment:

Mr. Faulkner: "You are not going to wear that skirt to school, are you?"

Mrs. Tourtellotte: "No, the rest of my clothes were in the cleaners."

10. On the morning of January 29, 1969, Mrs. Tourtellotte was requested to report to the office of Principal Faulkner for a conference with Superintendent Barnes at the request of Superintendent Barnes. Present were the Principal, the Superintendent and Mrs. Tourtellotte. At this conference Mrs. Tourtellotte was informed by Mr. Barnes that she had been uncooperative in the matter of the length of her dresses. Thereafter, during the conference Mrs. Tourtellotte asked if she was being "fired". Mr. Barnes made no reply.

11. In all, during the 2 and one-half year period involved, there were four confrontations regarding the mode of dress of Mrs. Tourtellotte.

12. As a result of the last above mentioned conference on January 29, 1969, Mrs. Tourtellotte became emotionally upset and requested permission of Mr. Faulkner to absent herself from the school for the remainder of the day. She then went to the office of her husband in Vinita, where the matter was discussed prior to leaving the office for lunch. During the course of the lunch Mrs. Tourtellotte was very upset, nervous and shaking when she talked and had a difficult time walking. Mr. Tourtellotte called one Dr. DeHart, who prescribed a medication known as Sparine, 25 mg. Mr. and Mrs. Tourtellotte picked up the prescription at a drug store and returned to Mr. Tourtellotte's office. The prescription called for 2 pills to be taken initially but Mrs. Tourtellotte only took one. After taking the pill, Mrs. Tourtellotte informed her husband that she desired to write the School Board and dictated a letter to his secretary. The letter, dated January 29, 1969, read as follows:

"Vinita, Oklahoma
"January 29, 1969

"School Board of Vinita Public Schools
"Vinita, Oklahoma

"Gentlemen :

"During my tenure as a Teacher of Social Studies in Vinita High School, there have been many wonderful moments. I have seen my students grow in maturity and in intellectual capacity, a most gratifying experience.

"It has always been my objective to give my students the best possible preparation to live their lives fully and completely, with an honest and real understanding of how our Country has been formed and how it operates.

"I have seen this objective fulfilled time and again when interest has grown where only apathy existed before; when superior students have continued their superiority in the Social Studies field at major universities; when critical thinking has come from eager minds not accustomed to such thought; and in other instances too numerous to mention.

"Because of these factors, it is most painful and regrettable for me to inform you that I shall not renew my contract to teach in the year 1969-70.

"Conflicts of a non-academic nature have created pressures which would only result in detriment to my students and to the school.

"I will do everything possible to co-operate with the administration to see my contract is carried out for this school term.

"I believe this is the only fair and just thing to do.

"I hope you understand this letter as it is intended.

"No words can measure my deep sorrow. I love my profession and my students. God keep them both.

"Sincerely

"Marilyn Tourtellotte

"cc: Vernon Barnes
"Superintendent of Schools
"Vinita, Oklahoma"

The letter, defendants' Exhibit D, was read by both Mr. and Mrs. Tourtellotte and signed by Mrs. Tourtellotte. On the same day, i.e., January 29, 1969, it was mailed to the School Board

and received by them on January 30, 1969.

13. Upon receipt of the aforementioned letter by the School Board on January 30, 1969, a special meeting was called by the Board that same day to consider the letter, the result being the letter was considered a resignation. It is factually noteworthy that the Board acted quickly and thereby resolved for themselves a vexatious problem. A conclusion could be drawn that the Board acted quickly to prevent the resignation letter of January 29, 1969, from being withdrawn or rescinded. The Board, by letter dated January 30, 1969, (Defendants' Exhibit E) advised Mrs. Tourtellotte that her letter had been accepted as a resignation. At this special meeting the resignation of another teacher was also accepted.

14. On February 3, 1969, the Board of Education held another meeting and as a result, wrote a letter to Mrs. Tourtellotte (Defendants' Exhibit F) which letter was received by Mrs. Tourtellotte on February 4. This letter was sent by certified mail to comply with the Attorney General's opinion relative to notification of termination of employment and was to replace the letter of January 30, 1969, wherein the Board accepted Mrs. Tourtellotte's letter of January 29 as a resignation.

15. During the period falling between January 29 and February 4, no contact had been had by either Mrs. Tourtellotte or Superintendent Barnes or any member of the Board of Education except for the two letters which Mrs. Tourtellotte received.

16. After receiving the letter of February 3, Mr. Tourtellotte arranged a conference with Mr. Barnes in his office to confer with him. The conversation was pleasant, but Mr. Barnes did not agree to change his position or recommend to the Board that it change the position set forth in the letter previously written. Mrs. Tourtellotte also had a conference with Mr. Barnes with no better results. As a result of the conference between Mr. Barnes and Mrs. Tourtellotte it was suggested to her by Mr. Barnes that she should write a letter to either Mr. Barnes or the Board of Education. Mrs. Tourtellotte

did write such a letter which was dated February 10 and was admitted into evidence as Defendants' Exhibit G. The letter was as follows:

"Vinita, Oklahoma
February 10, 1969

Mr. Vernon Barnes
Superintendent
Vinita High School
Vinita, Oklahoma

Dear Sir:

The conflicts referred to in my letter of January 29, 1969, have been resolved now, so that it will be possible for me to teach in the Vinita School System for the academic year 1969-1970.

I am uncertain as to whether I should request withdrawal of my letter of January 29, 1969, or whether I should file a new application for teaching next year. In either event, I will do whatever is necessary to cooperate and wish to express my desire to be re-employed for next year.

Sincerely yours
Marilyn Tourtellotte"

17. On March 3, 1969, Mr. Barnes told Mrs. Tourtellotte that the Board had again decided that Mrs. Tourtellotte not be rehired.

18. On March 5, 1969, Mrs. Tourtellotte wrote the letter to Mr. Barnes, which was admitted into evidence as Defendants' Exhibit One. The letter was as follows:

"Vinita, Oklahoma
March 5, 1969

Mr. Vernon Barnes
Superintendent of Schools
Vinita High School
Vinita, Oklahoma 74301

Dear Mr. Barnes:

I am both shocked and disappointed in regard to your recommendation to the Board of Education Monday, March 3rd, that I not be rehired for the school year of 1969-1970.

I feel this way because I thought we had agreed that the differences which existed between us resulted from bad communications and a misunderstanding on all sides. I also had felt that these misunderstandings were corrected and therefore no good reason could exist which would preclude my teaching for the school year of 1969-1970.

It now appears that you must have some other reason for your recommendations and since your actions are tantamount to dismissal I believe that I am entitled to a complete written explanation of all the facts and circumstances surrounding this case to clear the record.

In our initial conversation on Wednesday, January 29th, you stated that you had received complaints from my fellow teachers, from at least one Board Member and perhaps some parents concerning the propriety of my wearing apparel on the job. In this regard I ask that you provide me specifically:

1. The names or names of teachers, if any, who have complained and the nature of their complaint.
2. The name or names of Board Members, if any, who have complained and the nature of their complaint.
3. The name or names of parents, if any, who have complained and the nature of their complaint.
4. A written statement of your own concerning any other information, which was the basis for your action in calling me in for a conference on Wednesday, January 29th.
5. A copy of the minutes of the meeting of the Board of Education for the month of February and the month of March.
6. A copy of the by-laws of the Board of Education.

In view of the fact that you have acknowledged in private conversation the fact that my professional qualifications are greater than the average teacher and in view of the fact that you have acknowledged that there was a degree of misunderstanding about the conference of Wednesday, January 29th, I would appreciate having a written statement from you concerning the reasons why you did not recommend to the Board of Education that I be rehired for the school year of 1969-1970.

As you know, I have done everything requested of me both before that conference and since. I intend to continue cooperation in every respect. However, I want you to know that I feel that I have an absolute right to a full disclosure of the facts and the right to develop a full disclosure of the facts and I intend to do everything I can do to see that this entire situation is put in its proper perspective (Sic).

Sincerely yours

Marilyn Tourtellotte"

19. In no letter written by Mrs. Tourtellotte did she express the view or indicate that the letter of January 29, 1969, was written by reason of coercion or harrassment. She did make various statements to the effect that the letter of January 29, 1969, was an outgrowth or result of a misunderstanding, personal controversy, lack of communication, or difference of opinion between Mrs. Tourtellotte and Mr. Barnes.

20. The Board was aware, at the time of the acceptance of the letter of January 29, 1969, as a resignation, that there was some conflict as to personal tastes between the Superintendent and Mrs. Tourtellotte, and felt that by acceptance of the resignation the conflict would be resolved.

21. On or about March 20 or 21, Mr. and Mrs. Tourtellotte had a conference with J. Duke Logan, President of the Board of Education. In the course of the conference, Mr. and Mrs. Tourtellotte discussed with Mr. Logan, as President of the School Board, all of the various problems they had and he advised them both as to his position and the position of the School Board. Both Mr. and Mrs. Tourtellotte were advised as to why the Board had accepted the resignation of Mrs. Tourtellotte. Mr. Tourtellotte inquired as to whether or not a hearing could be had before the full Board, and Mr. Logan advised of the regular meetings and advised them that they could appear at any one of these meetings. However, he suggested that they not appear.

22. On March 26, 1969, Mrs. Tourtellotte wrote letters admitted in evidence as Defendants' Exhibits H and I, to which the Board of Education replied by its letter dated April 1,

which was admitted in evidence as Defendants' Exhibit J. Exhibit H is a letter of transmittal dated March 26, 1969, to Mr. Barnes whereby she enclosed copy of a letter (Exhibit I) to Mr. Jack Nichols. Exhibit I reads as follows:

"Vinita, Oklahoma
March 26, 1969
(C.R.R.R.)

Mr. Jack Nichols
Member, Board of Education
Vinita School System
249 South Miller
Vinita, Oklahoma 74301

Dear Sir:

I am addressing this letter to you in your capacity as a Member of the Board of Education of the Vinita School System.

First, I should like to make it clear that my letter of January 29th directed to the Board of Education was not intended to be a letter of resignation. The letter did express an intent on my part as to what I intended to do in the future. I now wish to inform you that the intent expressed in that letter has been changed. I will sign a contract to teach for the school term of 1969-1970 and fully expect to do so.

I sincerely regret that my letter was misinterpreted. I have not made specific mention of this to the Board prior to this time because personal controversy was involved and I was attempting to resolve that controversy as amiably as possible.

I am certain the Board is well aware of the fact that there are differences which have arisen between Mr. Barnes and myself. I have done everything I know how to do in order to avoid making a public issue of our differences. The problem unfortunately remains unsettled.

I therefore call upon you, individually and collectively, to help us solve the problem at hand. This plea is made in accordance with the last two paragraphs on page 11 of the Policies and Regulations of the Vinita Public Schools as revised and rewritten August, 1966.

I firmly believe that two intelligent people can have a difference of opinion without that difference interfering with a harmonious working relationship. I will be most happy to meet with the Board and Mr. Barnes any time and anywhere, formally or informally, in order to work out this matter. I do feel, however, that it would be to the best interest of all parties concerned if the Board could take immediate action.

I shall await your reply.

Sincerely yours,
Marilyn Tourtellotte"

23. Page 11, the last two paragraphs of "Policies and Regulations of Vinita Public Schools", Revised and Rewritten August, 1966, Vernon L. Barnes, Superintendent, referred to in the letter of March 26 provides:

"Teachers shall settle their differences, if any arise, amiably and not allow them to become common gossip. If this cannot be done, a resignation or resignations are in order.

"Any problem arising will be handled through 'proper channels'. Proper channels plainly and simply means that the teachers or other employees who may be unable to arrive at a mutual solution of a problem will take it to their principal for his or her help and counsel. Should this procedure not achieve solution to the problem, the principal will then take it to the superintendent for his help and counsel. In event the problem is not settled here, the persons involved will present their problem to the Board of Education in session either in writing or in person. This procedure will be strictly followed. The principal is expected and required to report to the superintendent any activities of employees that are contrary to these policies and regulations."

24. On or about April 8, 1969, Mr. Richard L. Wheatly, an attorney representing Mr. and Mrs. Tourtellotte, did appear before the Board of Education and asked two questions, both of which were answered. No information was denied Mr. Wheatly, and he was allowed all the time that he desired in asking questions or making any presentation that he desired.

25. Mrs. Tourtellotte apparently was and is a most competent teacher and no complaints were ever received concerning her apt and capable teaching ability. She related well to her students and had good rapport with them. She was a conscientious and willing worker. The only problem that she seemed to have

was the difference of opinion between Mrs. Tourtellotte and Mr. Barnes as to certain attire worn by Mrs. Tourtellotte during the school hours. In this connection, the Court finds from the exhibits and a personal observation of plaintiff, that she is and was well dressed, in an acceptable mode of fashion sanctioned by our society. She is an intelligent and well educated individual.

26. It is not necessary nor appropriate for the Court to find whether or not Barnes' views were old fashioned and inflexible; suffice it to say his peers will adequately make that judgment. This Court does determine that Superintendent Barnes was and is a competent superintendent who has had none but minor conflicts with any teachers except for Mrs. Tourtellotte.

27. When Mrs. Tourtellotte submitted her letter of January 29, stating that "I shall not renew my contract to teach for the year 1969-1970", it seemed to the Board that such was a "resignation" and the "resignation" was, therefore, accepted. When Mrs. Tourtellotte applied for re-employment, the Board did not feel it to the best interests of the school system to re-hire Mrs. Tourtellotte and it was not recommended by the Superintendent, Mr. Barnes, that she be re-hired, and she wasn't.

28. At all times material to this litigation, it was the understanding of Mrs. Tourtellotte and Superintendent Barnes that the recommendations of Superintendent Barnes would be obtained by the Vinita Board of Education on all employment or re-employment or renewal of teacher contracts. Mr. Barnes believed that the final decision in such matter would be made by the Board, but, as a practical matter, the recommendations of the Superintendent would normally be followed.

CONCLUSIONS OF LAW

Based on the foregoing Findings of Fact, the Court hereby makes the following Conclusions of Law.

1. The letter written by Marilyn Tourtellotte on January 29, 1969, directed to the School Board of Vinita Public Schools was a voluntary resignation.

2. That said resignation was not tendered by reason of any undue harrassment nor by reason of any duress or coercion.

3. The acceptance of the January 29, 1969, letter from the plaintiff as a letter of resignation was within the legal authority of the Board.

4. In addition, the School Board complied with 70 O.S.A. §6-1 in notifying Marilyn Tourtellotte that her contract for the coming school year would not be renewed prior to April 10, 1969.

5. Superintendent Barnes had apparent if not de facto authority over the employment, termination and discipline of teachers. No such authority had been delegated to that office. See Policies and Regulations of Vinita Public Schools, page 10, Article V, Section A (1).

6. That although there apparently was a difference of opinion between Marilyn Tourtellotte and Mr. Barnes, the Superintendent of the Vinita schools, such difference of opinion as to proper length of her dress did not constitute a violation of any of plaintiff's constitutional rights. There was no showing of any acts by the Superintendent that would constitute any such violation.

7. That plaintiff was aware of the "Policies and Regulations of Vinita Public Schools" Revised and Rewritten August, 1966, by Vernon L. Barnes, Superintendent, and that

the School Board held sole authority to hire and fire teachers, but after the conference of January 29, 1969, with the Superintendent, apparently acted in a precipitous manner and under the heat of passion in tendering her resignation.

8. That Marilyn Tourtellotte was aware of the procedure to be followed when there was a dispute, as is demonstrated in Finding of Fact number 22 wherein her letter of March 26, 1969, is quoted in its entirety.

9. That although she was apparently emotionally distressed at the time of the January 29, 1969, letter, she had the expert advice of her husband, a licensed attorney.

10. That the plaintiff has withdrawn any request for injunctive relief; therefore, plaintiff's only request for relief is money damages against the defendants in their official and individual capacities.

11. There is neither evidentiary nor statutory basis for awarding punitive damages or attorneys' fees.

12. That although plaintiff did not solicit publicity from the news media, when contacted she did not refuse to discuss her situation freely with them. Therefore, plaintiff can claim no damages as a result of the publicity surrounding the incident.

13. The Court does not decide what posture Mrs. Tourtellotte might be in had she not resigned or had the Board fired her or refused to rehire her solely because of the dress controversy.

14. Neither does the Court pass upon the requisite objectivity and flexibility which ideally is to be possessed by School Boards in these changing times. It is not the province of this Court to comment upon the Board's policy of banning

dresses shorter than two inches above the knee. Whether or not such decree fits agreeably with today's fashions, and whether or not dresses which fit the Board's concept of propriety are available in the stores, are issues which this Court will not reach.

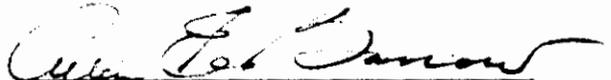
15. That judgment should be entered in favor of defendants because the plaintiff has failed to establish an actionable cause of action under 42 U.S.C.A. §§1983 and 1985 and the Constitution of the United States, and, further, that the issues presented by this complaint do not fit under 28 U.S.C.A. §2201.

JUDGMENT

In accordance with the foregoing Findings of Fact and Conclusions of Law,

IT IS ORDERED that judgment be and is hereby entered in favor of defendants.

ENTERED this 13th day of August, 1970.


CHIEF UNITED STATES DISTRICT JUDGE

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

GRAND RIVER DAM AUTHORITY,
a public corporation,

Plaintiff

VS.

A Strip of Land 100 feet in
width in the North 880 feet
of the West Half of the West
Half of the Southeast Quarter
of the Southeast Quarter and
the North 880 feet of the East
Half of the Southwest Quarter
of the Southeast Quarter of
Section 15, Township 22 North,
Range 15 East in Rogers Coun-
ty, Oklahoma, et al.,

Defendants

CIVIL NO. 70-C-2
FILED
AUG 13 1970
JOHN H. POE, Clerk
U. S. DISTRICT COURT *hr*

ORDER FOR DISBURSEMENT OF FUNDS

Now on this 13 day of August, 1970, the above enti-
tled cause of action comes on for hearing upon the application of
H. Tom Kight, Jr., attorney for defendants, for an order directing
the Clerk of this Court to pay unto the defendants the sum of
\$2,250.00, the same being the amount on deposit with the Clerk of
this Court by the plaintiff, representing the award of Commission-
ers as set forth on file herein and the additional sum as deposi-
ted by the plaintiff in accordance with the stipulation on file
herein.

It appearing to the Court that said sum should be disbursed
as prayed for in said application, less the amount of \$1,500.00
previously disbursed to defendants under order of this Court, on
file herein.

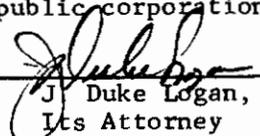
It further appearing to the Court that the United States of
America allegedly has a lien on the subject property by virtue of
a mortgage given unto its agency, the Veterans Administration.

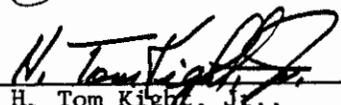
IT IS THEREFORE THE ORDER, JUDGMENT AND DECREE of the Court that the Clerk of this Court be and he hereby is directed to pay unto Lawson Hoyt Fields and Florence E. Fields and J. S. Gleason, Jr., administrator of Veterans Affairs, the sum of \$2,250.00, less amounts previously disbursed by order of this Court, on file herein.


United States District Judge

APPROVED:

GRAND RIVER DAM AUTHORITY,
a public corporation

By 
J. Duke Logan,
Its Attorney


H. Tom Knight, Jr.,
Attorney for Defendant Fields

Nathan G. Graham,
United States Attorney

By 
Attorneys for Defendant United
States of America, Veterans Administration

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UNITED STATES DISTRICT COURT FOR THE NORTHERN
DISTRICT OF OKLAHOMA

J. D. BLUM d/b/a)
J. D. BLUM CONSTRUCTION CO., . . . Plaintiff,)
vs.) No. 70-C-9
THE AETNA CASUALTY AND SURETY)
COMPANY, a Connecticut corporation, and)
MARTIN-MADDOX ASSOCIATES, INC., a)
Texas corporation, . . . Defendants.)

FILED

AUG 13 1970

JOHN H. POE, Clerk
U.S. DISTRICT COURT

ORDER OVERRULING PLAINTIFF'S MOTION
FOR NEW TRIAL AND OVERRULING PLAINTIFF'S
OBJECTIONS TO FINDINGS OF FACT AND CON-
CLUSIONS OF LAW.

On the 10th day of July, 1970, the objections to the Findings of Fact and Conclusions of Law filed by the plaintiff, as well as the plaintiff's Motion for New Trial, came on for hearing pursuant to regular setting. Attorney David H. Sanders appeared on behalf of the plaintiff and attorney Thomas R. Brett appeared on behalf of the defendants. Both parties announced ready to proceed with the hearing. After reviewing the matter and having had further communications from counsel for the parties, the Court concludes the plaintiff's objections to the Findings of Fact and Conclusions of Law heretofore filed should be overruled and plaintiff's Motion for New Trial should be overruled.

IT IS THEREFORE ORDERED that the objections to the Findings of Fact and Conclusions of Law filed by the plaintiff herein are hereby overruled and the Motion for New Trial filed by the plaintiff is hereby overruled. Plaintiff is granted an exception to the Court's order, and the Findings of Fact and Conclusions of Law and the Judgment filed herein on June 5, 1970, are hereby reaffirmed.

8/4/1970

Luther Bohanon
Luther Bohanon, Judge

UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF OKLAHOMA

O. P. Zickefoose,
Plaintiff,
VS
Ronald Lee Cox,
Defendant.

Civil Action No.
70 - C - 94

FILED

AUG 13 1970

JOHN H. POE, Clerk
U. S. DISTRICT COURT

ORDER REMANDING ACTION

This action having been removed from the District Court of Tulsa County, Oklahoma into this court on March 27, 1970 by the defendant;

The plaintiff having filed his motion to remand the action to the District Court of Tulsa County, Oklahoma on April 10, 1970;

An evidentiary hearing having been held on April 28, 1970, on the motion to remand, the Court having considered the evidence presented, finds that this action should be remanded;

IT IS THE ORDER OF THE COURT that the plaintiff's motion to remand is hereby sustained and this action is remanded to the District Court of Tulsa County, Oklahoma. Dated at Tulsa, Oklahoma, April 28, 1970.


United States District Judge

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

NATIONAL BANK OF COMMERCE, a)
National Banking Association,)
Tulsa, Oklahoma,)
)
Plaintiff,)
)
vs.)
)
AMERICAN INSURANCE COMPANY, a)
foreign corporation, and)
FIREMEN'S FUND INSURANCE)
COMPANIES, a foreign corporation,)
)
Defendants.)

No. 70-C-150

FILED
AUG 13 1970
JOHN H. POE, Clerk
U. S. DISTRICT COURT

ORDER OF DISMISSAL WITHOUT PREJUDICE

The Court has for consideration the Motion to Dismiss Without Prejudice as to the defendant, Firemen's Fund Insurance Companies, and, being fully advised in the premises, finds:

That said motion should be sustained.

IT IS, THEREFORE, ORDERED that the defendant, Firemen's Fund Insurance Companies, be and it is hereby dismissed without prejudice.

ENTERED this 13 day of August, 1970.

(s) Fred Dougherty
UNITED STATES DISTRICT JUDGE

APPROVED:

E. H. March
Attorney for Plaintiff

Chris Rhodes
Attorney for Defendant, Firemen's
Fund Insurance Companies

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

OSAGE NATION ORGANIZATION COUNCIL,
LeROY LOGAN, Chairman and Individually,
JOE BATES, Individually, et al.,

Plaintiff,

vs.

OSAGE TRIBAL COUNCIL, Its acting principal
Chief and each member of the TRIBAL COUNCIL,
through its agent and representative
SUPERINTENDENT OF THE OSAGE AGENCY, et al.,

Defendants.

CIVIL ACTION NO. 70-C-154

FILED

AUG 13 1970

JOHN H. POE, Clerk
U. S. DISTRICT COURT

ORDER

NOW, on this 12th day of August, 1970, there came on for hearing the Motion of the Osage Tribal Council, its acting principal Chief and each member of the Tribal Council, through its agent and representative the Superintendent of the Osage Agency, Bureau of Indian Affairs, Department of Interior, John L. Pappan, Superintendent, Osage Agency, Walter Hickle, Secretary of Interior, John Mitchell, Attorney General of the United States, to dismiss this action. The plaintiffs appeared by and through their attorney, William Heskitt. The defendants appeared by and through their attorney, Nathan G. Graham, United States Attorney for the Northern District of Oklahoma.

The Court finds that it lacks jurisdiction of the subject matter. The Court further finds that this action is an internal tribal dispute and that federal court jurisdiction has traditionally been denied in such cases. The Court further finds that for the reasons given this action should be dismissed and these plaintiffs should be enjoined from filing further similar litigation in federal court on the same subject matter.

IT IS, THEREFORE, ORDERED, ADJUDGED AND DECREED that this action is dismissed and the plaintiffs are enjoined from filing further similar litigation in federal court on the same subject matter.

APPROVED:


NATHAN G. GRAHAM
United States Attorney


UNITED STATES DISTRICT JUDGE

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

United States of America,

Plaintiff,

vs.

James A. Hines and Faye L.
Hines and Warren R. (Robert)
Johnson and Betty J. (Jean)
Johnson,

Defendants.

Civil No. 70-C-144

FILED

AUG 17 1970

**JOHN H. POE, Clerk
U. S. DISTRICT COURT**

JUDGMENT OF FORECLOSURE

THIS MATTER COMES on for consideration this 13 day of August, 1970. The defendants, James A. Hines and Faye L. Hines and Warren R. (Robert) Johnson and Betty J. (Jean) Johnson, appearing not; and

The Court being fully advised and having examined the file herein finds that due and legal personal service of summons has been made on the defendant, Betty J. (Jean) Johnson, on July 4, 1970; and

It further appearing and the Court finds that legal service by publication was made upon the defendants, James A. Hines and Faye L. Hines, and Warren R. (Robert) Johnson, as appears by Proof of Publication filed herein on August 11, 1970, requiring each of them to answer the complaint filed herein not later than August 5, 1970, and it appearing that said defendants have failed to file an answer herein and their default has been entered by the Clerk of this Court; and

The Court further finds that this is a suit based upon a mortgage note and foreclosure on a real property mortgage securing said mortgage note on the following described real property located in Tulsa, Tulsa County, Oklahoma, within the Northern Judicial District of Oklahoma:

Lot 15, Block 10, Chandler-Brates Second
Addition to the City of Tulsa, Tulsa County,
Oklahoma, according to the recorded plat thereof.

The Court further finds that the material allegations of Plaintiff's Complaint are true and correct;

That the defendants, James A. Hines and Faye L. Hines, did, on July 26, 1963, execute and deliver to the Administrator of Veterans Affairs, their mortgage and mortgage note for the sum of \$9,400.00, with interest thereon at the rate of 5 $\frac{1}{2}$ % per annum and further providing for the payment of monthly installments of principal and interest; and

The Court further finds that the defendants, Warren K. (Robert) Johnson and Betty J. (Jean) Johnson, have or claim some right, title, or interest in and to the premises herein being foreclosed by reason of a General Warranty Deed dated February 26, 1964, and filed of record in the Office of the County Clerk, Tulsa County, Oklahoma, on February 26, 1964, in Book 3426, Page 140, but in this regard, plaintiff states that whatever right, title, or interest the defendants, Warren K. (Robert) Johnson and Betty J. (Jean) Johnson, have in and to said property being foreclosed herein is junior and inferior to the first mortgage lien of this plaintiff; and

It further appears that the defendants, James A. Hines and Faye L. Hines and Warren R. (Robert) Johnson and Betty J. (Jean) Johnson, made default under the terms of the aforesaid mortgage note and mortgage by reason of their failure to make monthly installments due thereon on March 1, 1969, which default has continued and that by reason thereof the defendants, James A. Hines and Faye L. Hines and Warren R. (Robert) Johnson and Betty J. (Jean) Johnson, are now indebted to the Plaintiff in the sum of \$8,647.20, as unpaid principal, with interest thereon at the rate of 5½% per annum from March 1, 1969, until paid, plus the cost of this action accrued and accruing.

IT IS THEREFORE ORDERED, ADJUDGED and DECREED that the Plaintiff, United States of America, have and recover judgment against the defendants, James A. Hines and Faye L. Hines and Warren R. (Robert) Johnson and Betty J. (Jean) Johnson, for the sum of \$8,647.20, with interest thereon at the rate of 5½% per annum from March 1, 1969, until paid, plus the cost of this action accrued and accruing, plus the sum of \$26.00 expended for abstracting fees.

IT IS FURTHER ORDERED, ADJUDGED and DECREED that upon failure of the defendants to satisfy Plaintiff's money judgment herein, an Order of Sale shall issue to the United States Marshal for the Northern District of Oklahoma, commanding him to advertise and sell, with appraisalment, the above-described real property and apply the proceeds thereof in satisfaction of Plaintiff's judgment. The residue, if any, to be deposited with the Clerk of the Court to await further order of the Court.

IT IS FURTHER ORDERED, ADJUDGED and DECREED that from and after the sale of said property, under and by virtue of this judgment and decree, the defendants and each of them and all persons claiming under them since the filing of the complaint herein be and they are forever barred and foreclosed of any right, title, interest or claim in or to the real property or any part hereof.

S. Fisher Johnson
UNITED STATES DISTRICT JUDGE

APPROVED:

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

FILED

IN THE UNITED STATES DISTRICT COURT FOR **AUG 7 1970**

NORTHERN DISTRICT OF OKLAHOMA **JOHN H. POE, Clerk**
U. S. DISTRICT COURT

IN THE MATTER OF THE APPLICATION)
)
OF THEODORE RICHARD BYRD, JR.)

No. 70-C-240

APPLICATION FOR WRIT OF HABEAS CORPUS AND INJUNCTION

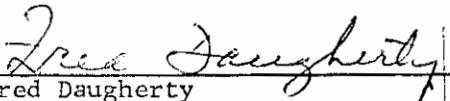
By an Application filed herein Theodore Richard Byrd, Jr. requests the Court to grant him reasonable bond and to enjoin the United States Board of Pardon and Parole and other Governmental Officials from transporting Petitioner out of the territorial jurisdiction of this Court and from holding a parole revocation hearing regarding Petitioner until Petitioner's Habeas Corpus Petition filed in this Court under Case No. 70-C-241 is determined.

Petitioner was sentenced to two ten-year consecutive sentences in Criminal Case No. 16,620 in the Western District of Oklahoma on June 30, 1953. He was subsequently paroled. On or about July 14, 1970, Plaintiff was placed under arrest in this judicial district on a parole violator's warrant issued by the United States Board of Pardon and Parole. A preliminary interview has been conducted in this judicial district at which Petitioner elected to have a revocation hearing with reference to a revocation of his parole. Said revocation hearing is set for August 17, 1970 at Tulsa Oklahoma. Petitioner makes no showing either herein or in Case 70-C-241 which would entitle him to bond until his revocation hearing is had or that an injunction should issue against his revocation hearing. Petitioner's various claims in Case No. 70-C-241 that his Western District of Oklahoma convictions and sentences were invalid and that he has satisfied in full the two consecutive sentences imposed in said case are patently without

merit.

In the above circumstances and in the discretion of the Court, the Court declines to set bond for Petitioner as requested and declines to enjoin the parole revocation hearing as now scheduled by the United States Bureau of Pardon and Parole.

It is so ordered this 14 day of August, 1970.


Fred Daugherty
United States District Judge

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

BILLY T. WAITMAN,)
)
) Petitioner,) No. 70-C-254
 vs.)
)
 RAY H. PAGE,)
)
) Respondent.)

FILED
AUG 17 1970
JOHN H. POE, Clerk
U. S. DISTRICT COURT

O R D E R

This is a Petition for Writ of Habeas Corpus filed by Billy T. Waitman, who is presently confined in the Oklahoma State Penitentiary, at McAlester, Oklahoma, under judgments and sentences imposed by the District Court of Tulsa County, Oklahoma, on June 6, 1969, on petitioner's plea of guilty to the crime of kidnapping in the second degree after a former conviction of a felony; robbery with firearms after a former conviction of a felony; and another case robbery with firearms after a former conviction of a felony. Petitioner was sentenced to serve 15 to 45 years in two of the cases and 10 years in one of the cases, all to run concurrently.

This case was filed on August 13, 1970, after passage by the Oklahoma Legislature of Senate Bill No. 604, known as Post Conviction Procedure Act, which became effective July 1, 1970.

This act in substance provides as follows:

"Any person who has been convicted of or sentenced for, a crime and who claims:

(a) that the conviction or sentence was in violation of the Constitution of the United States or the Constitutional laws of this State;

(b) that the Court was without jurisdiction to impose sentence;

(c) that there exists evidence of material fact, not previously presented and heard, that requires vacation of the conviction or sentence in the interest of justice. * * *

This Court will not take jurisdiction of a case such as this until petitioner has exhausted his state remedies as provided by the above mentioned Senate Bill 604, and therefore, the Petition is,

DISMISSED.

Dated this 14th day of August, 1970.

Luther Bohannon
United States District Judge

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

FILED
AUG 21 1970
JOHN H. POE, Clerk
U. S. DISTRICT COURT

CARL EUGENE CLARK,

Petitioner,

vs.

NO. 70-C-235

UNITED STATES OF AMERICA,

Respondent.

O R D E R

The Court has before it a "'Motion for Records by Writ of
Supboena Decus Tecum,' under prior leave to proceed in Forma
Pauperis." wherein petitioner requests a certified copy of the
following documents:

1. Information
2. Indictment
3. Warrant of arrest--both California and Tulsa (specifically including un-altered dates of separate issue.)
4. Complete transcript, including hearing of reduction of sentence.

The Court has this day entered an order summarily denying the
pro se motion of the petitioner Carl Eugene Clark pursuant to T. 28
U.S.C. § 2255. This Court therefore finds that the motion for pro-
duction of documents is moot and should be overruled.

IT IS, THEREFORE, ORDERED that the motion for production of
documents be and the same is hereby overruled.

Dated this 20th day of August, 1970, at Tulsa, Oklahoma.


UNITED STATES DISTRICT JUDGE

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

FILED
AUG 21 1970
JOHN H. POE, Clerk
U. S. DISTRICT COURT

CARL EUGENE CLARK,

Petitioner,

vs.

NO. 70-C-235

UNITED STATES OF AMERICA,

Respondent.

O R D E R

The Court has before it a pro se motion pursuant to T. 28 U.S.C. § 2255 filed by Carl Eugene Clark. As grounds for his motion petitioner alleges that (1) the arresting officers had no valid warrant, bill of information or indictment upon which to take him into custody; (2) petitioner's Rule 20 guilty plea in cause of action No. 69-CR-73 was coerced because made under mental strain and threat of being returned to California without bond away from his family and attorney; and (3) the sentencing Judge violated petitioner's rights by reading into the record a psychiatric report from California without defendant's permission.

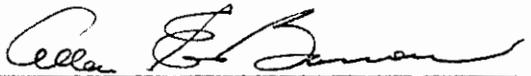
The Court has carefully read the motion, has a vivid memory of the proceedings regarding this petitioner, and finds that the § 2255 motion is without merit and should be overruled and denied.

Petitioner in his proceedings before this Court was represented by competent counsel of his own choosing, entered a knowing and voluntary plea of guilty to a four count information charging violation of T. 18 U.S.C. § 1341 in cause of action No. 70-CR-74 then pending against him in the Northern District of Oklahoma. Petitioner entered an equally knowing and voluntary plea of guilty to an indictment charging violation of T. 18 U.S.C. § 2314 pending against him in California, and transferred to this Court pursuant to Rule 20, Federal Rules of Criminal Procedure, cause of action No. 69-CR-73. The Court at no time had a psychiatric report before it, and relied on the presentence report made in open court by the United States Probation Officer for the Northern District of Oklahoma which report did make reference to psychiatric studies from the California Department of Corrections in 1965.

The Court finds that sentence was entered in both causes of action, Nos. 69-CR-73 and 69-CR-74, and later modified after a knowing and voluntary plea of guilty while defendant was represented by competent counsel of his own choosing; that such voluntary plea of guilty waives prior procedural defects and constitutional infirmities if any there be; and, that a sentence entered after such knowing and voluntary plea is not subject to collateral attack.

IT IS, THEREFORE, ORDERED that the § 2255 motion of Carl Eugene Clark be and the same is hereby overruled and denied.

Dated this 20th day of August, 1970, at Tulsa, Oklahoma.


UNITED STATES DISTRICT JUDGE

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

United States of America,

Plaintiff,

vs.

Civil No. 69-6-217

Ralph V. McGinnis,
et al.,

Defendants.

FILED

AUG 24 1970

JOHN H. POE, Clerk
U. S. DISTRICT COURT

J U D G M E N T

THIS matter comes on for consideration this 24th day of

August, 1970. The Plaintiff, United States of America, being represented by its counsel, Robert P. Santee, Assistant United States Attorney for the Northern District of Oklahoma, and the defendant, Ralph V. McGinnis, being represented by his counsel, George S. Downey, and the defendant, County Treasurer of Tulsa County, being represented by his counsel, Andrew B. Allen, Assistant District Attorney for Tulsa County, and the defendant, State of Oklahoma, ex rel Oklahoma Employment Security Commission, being represented by its counsel, J. C. Fishburn.

The defendant, James A. Russell, as Guardian for Lily Trimble, incompetent, was served on October 18, 1969, and appeared not and is in default hereof.

The defendant, Iris T. Johnson, was served on September 9, 1969, and has appeared not and is in default hereof.

The defendant, Bryce C. Robey, was served on October 15, 1969, and has appeared not and is in default hereof.

The defendant, Griffin-Leake Television, Incorporated d/b/a Tulsa Broadcasting Company was served on September 10, 1969, and has appeared not and is in default hereof.

The defendant, Tamco, Inc., was served on September 10, 1969, and has filed its Disclaimer herein on September 29, 1969.

The defendant, Joe B. Trimble, was served by publication in the Tulsa Daily Legal News, on November 12, 19, 26 and December 3, 10 and 17, 1969, and has appeared not, and is in default hereof.

viously, hereto, the Court had for its consideration the Motions of the Plaintiff, United States of America, for Summary Judgment. The Court having been fully advised herein and having examined the files, briefs and pleadings of the parties, finds that there is now no genuine issue as to any material fact regarding the insolvency of the defendant, Ralph V. McGinnis, and the priority to be accorded the tax lien of the Plaintiff, United States of America; and

The Court finds, based on the affidavit of Ralph V. McGinnis, that defendant McGinnis has been insolvent for a period of at least ten (10) years last past and that because of such insolvency the tax lien of the United States is entitled to priority over the lien of the Oklahoma Security Commission; and

The Court further finds that the ad valorem tax lien of the defendant, County Treasurer of Tulsa County, is superior to both of the liens of the United States of America and the Oklahoma Employment Security Commission; and

The Court further finds that the defendant, Ralph V. McGinnis, is indebted to the United States of America for unpaid Federal Taxes in the total amount of \$39,187.78, with interest thereon according to law; and

The Court further finds that the defendant, Ralph V. McGinnis, is indebted to the County Treasurer for Tulsa County in the amount of \$1,366.07 for ad valorem taxes presently due and owing against the following described property:

All of lot seventeen (17) and that part of lot eighteen (18), in block two (2), WILDWOOD, in addition to the City of Tulsa, Tulsa County, Oklahoma, according to the recorded plaque thereof, described as follows: BEGINNING at the Southwest corner of said lot; THENCE northerly along the west line of said lot 125.70 feet to the northwest corner of said lot; THENCE easterly along the north line of said lot, 35 feet to a point; THENCE southerly on a direct line to a point on the south line said lot, 35 feet easterly from the southwest corner of said lot; THENCE westerly along the south line of said lot, 35 feet to the southwest corner of said lot and the point of the beginning.

IT IS THEREFORE ORDERED, ADJUDGED and DECREED that the Plaintiff, United States of America, have judgment against the defendant, Ralph V. McGinnis, in the amount of \$39,187.78, plus interest according to law, until said judgment has been paid, together with the costs of this action accrued and accruing; and

IT IS FURTHER ORDERED, ADJUDGED and DECREED that the defendant, County Treasurer of Tulsa County, have judgment against the defendant, Ralph V. McGinnis, for ad valorem taxes due and owing on the above-described real property in the amount of \$1,366.07, plus interest according to law; and

IT IS FURTHER ORDERED that upon the failure of the defendant, Ralph V. McGinnis, to pay the judgment due and owing, the Plaintiff, United States of America, and the defendant, County Treasurer of Tulsa County, that a judicial sale be held selling the above-described real property and the proceeds of such sale to be applied as follows:

First, to the cost of the sale and of this action;

Second, to the ad valorem taxes due and owing the County Treasurer of Tulsa County on the above-described real property;

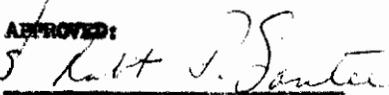
Third, in payment of the judgment of the Plaintiff, United States of America;

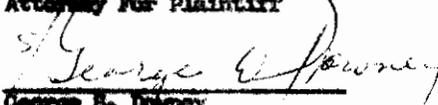
Fourth, the residue, if any, to be deposited with the Clerk of the Court.

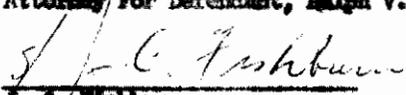
The defendants, and all of them, are forever barred from any interest in the above-described real property.

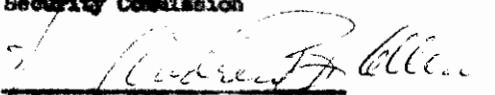

W. C. Dawson
UNITED STATES DISTRICT JUDGE

APPROVED:


ROBERT F. SANTEE
Attorney For Plaintiff


George B. Dancy
Attorney For Defendant, Ralph V. McGinnis


J. C. Fishburn
Attorney For Oklahoma Employment
Security Commission


Andrew E. Allen
Assistant District Attorney
For Tulsa County

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

MARGARET L. TURNER,)
)
) Plaintiff,)
)
) vs.)
)
) ROBERT H. FINCH, Secretary of)
) Health, Education and Welfare,)
) United States of America,)
)
) Defendants.)

No. 70-C-79 Civ.

FILED
AUG 24 1970
JOHN H. POE, Clerk
U. S. DISTRICT COURT

JUDGMENT

This Cause comes on for consideration by the Court for a review of the Hearing Examiners decision, Department of Health, Education and Welfare, entered on July 24, 1969, and the action of the Appeals Council affirming the Examiners decision dated January 20, 1970, all as provided by 42 U.S.C.A., Section 405(g), and upon the full consideration of the pleadings and transcript of the record,

THE JUDGMENT AND DECISION of the Secretary of Health, Education and Welfare is hereby affirmed.

Dated this 21st day of August 1970.

W. J. Bohannon
United States District Judge

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

SOUTHEASTERN ENTERPRISES, INC.,)
NATIONAL DIVERSIFIED INDUSTRIES, INC.,)
and AZALEA MEATS, INC.,)
Plaintiffs,)

v.)

JIMMIE J. RYAN, ELLIOTT FORBIS,)
RAYMOND CONARD, H. G. BILL DICKEY,)
KENNETH PARKER, BENNIE C. GARREN,)
JAMES C. RODGERS, HOMER KOON,)
REX R. RUDY, MIKE O'CONNOR and)
WILLIAM PARKHURST,)
Defendants.)

No. 69-C-251 Civil

FILED

AUG 25 1970

JOHN H. POE, Clerk
U. S. DISTRICT COURT

ORDER GRANTING SUMMARY JUDGMENT

Defendant Kenneth Parker moves for summary judgment in this case on the basis that he was not connected in any way with the alleged misleading financial statements by which Plaintiffs claim they were defrauded.

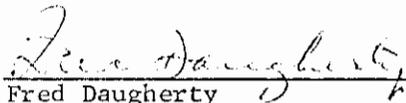
Plaintiffs National Diversified Industries, Inc. and Azalea Meats, Inc. admit that they have found no evidence of any connection of Defendant Parker with Community National Life Insurance Co. in 1965 and 1966 or the financial statements of that company for those calendar years. Thus, any deception caused by the financial statements of those years could not be attributed to Defendant Parker. Plaintiff Southeastern Enterprises, Inc. has admitted pursuant to Defendant Parker's Request for Admissions under Rule 36, F.R.Civ.P., 28 U.S.C.A. that it could not have known of or have seen the 1967 financial statements of Community National Life Insurance Company at the time this Plaintiff claims such statements deceived it into the purchase by which it was damaged. Thus, even if Defendant Parker had any connection with Community which would make him responsible for the alleged misleading statements of 1967,

Plaintiff Southeastern Enterprises, Inc. could not have relied thereon by its own admission.

Under these circumstances, there being no other connection of Defendant Parker with the deceptive practices complained of by Plaintiff, summary judgment is proper as there is no triable issue of fact in the case with respect to this Defendant.

Defendant Kenneth Parker's Motion for Summary Judgment is granted and Plaintiffs' action against Defendant Kenneth Parker is dismissed.

It is so ordered this 25 day of August, 1970.


Fred Daugherty
United States District Judge

UNITED STATES DISTRICT COURT FOR THE
NORTHERN DISTRICT OF OKLAHOMA

United States of America,)
)
Plaintiff,) CIVIL ACTION NO. 69-C-95
)
vs.) Tract No. 531M
)
30.00 Acres of Land, More or Less,) Lessor Interest Only
Situat e in Rogers County, State of)
Oklahoma, and M. G. Jensen, et al,)
and Unknown Owners,)
)
Defendants.)

FILED
AUG 26 1970
JOHN H. POE, Clerk
U. S. DISTRICT COURT

J U D G M E N T

1.

NOW, on this 25 day of Aug, 1970, this matter comes on for disposition on application of plaintiff, United States of America, for entry of judgment on a Stipulation agreeing upon just compensation, and the Court, after having examined the files in this action and being advised by counsel for plaintiff, finds:

2.

This judgment applies only to the lessor interest in the estate condemned in Tract No. 531M, as such estate and tract are described in the Complaint 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 interest described in paragraph 2 herein. Pursuant thereto, on May 15, 1969, the United States of America filed its Declaration of Taking of such described property, and title to such described property should be vested in the United States of America as of the date of filing the Declaration of Taking.

6.

Simultaneously with filing of the Declaration of Taking there was deposited in the Registry of this Court, as estimated compensation for the lessor interest in the estate taken in 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 lessor interest in the estate taken in subject tract was the defendant whose name is shown below in paragraph 12. Such named defendant is the only person asserting any interest in such lessor 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 awarded by this Judgment.

8.

The owner of the lessor interest in the estate taken in subject tract and the United States of America have executed and filed herein a Stipulation as to Just Compensation wherein they have agreed that just compensation for the subject property is in the amount shown as compensation in paragraph 12 below, and such Stipulation should be approved.

9.

This Judgment will create a deficiency between the amount deposited as estimated compensation for such property and the amount fixed by the Stipulation as to Just Compensation, and the amount of such deficiency should be deposited for the benefit of the owner. Such deficiency is set out below in paragraph 12.

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 Tract No. 531M, as such tract is particularly described in the Complaint filed herein; and the lessor interest in such tract, to the extent of the estate described in such Complaint is condemned and title thereto is vested in the United States of America as of May 15, 1969, and all defendants herein and all other persons interested in such interest are forever barred from asserting any claim to such interest.

11.

It Is Further ORDERED, ADJUDGED AND DECREED that on the date of taking, the owner of the lessor interest in the estate condemned herein in subject tract was the defendant whose name appears below in paragraph 12, and the right to the just compensation for such interest 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 3 above, is hereby confirmed; and the sum therein fixed is adopted as the award of just compensation for the lessor interest in the estate condemned in subject tract as follows:

TRACT NO. 531M
Lessor Interest Only

Owner:

M. G. Jenson

Award of just compensation pursuant to Stipulation -----	\$ 1,000.00	:	\$ 1,000.00
		:	
Deposited as estimated compensation for lessor interest -----	\$ 463.00	:	
		:	
Disbursed to owner -----		:	<u>None</u>
		:	
Balance due to owner -----		:	<u>\$ 1,000.00</u>
		:	
Deposit deficiency -----	\$ 537.00	:	
		:	
		:	

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, to the credit of Tract No. 531M, the deposit deficiency in the sum of \$537.00 and the Clerk of this Court then shall disburse to M. G. Jenson the sum of \$1,000.00.

/s/ Allen E. Barrow

UNITED STATES DISTRICT JUDGE

APPROVED:

/s/ Hubert A. Marlow

HUBERT A. MARLOW
Assistant United States Attorney

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

UNITED STATES OF AMERICA,

Plaintiff,

vs.

CLYDE E. BROWN and JEAN C. BROWN,
d/b/a Magic Lantern Theaters,

Defendants.

CIVIL ACTION NO. 69-0-158

FILED

AUG 26 1970

JOHN H. POE, Clerk
U. S. DISTRICT COURT

DEFICIENCY JUDGMENT

NOW on this 23rd day of August, 1970, 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 12, 1970, and copies of such motion were mailed to the defendants, Clyde E. Brown and Jean C. Brown, d/b/a Magic Lantern Theaters.

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: May 18, 1970, was \$2,100.00;

The Court further finds that the sum of \$2,100.00 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 entered herein, together with interest and costs to April 17, 1970, is \$17,390.85, and that the plaintiff is accordingly entitled to a Deficiency Judgment against the defendants, Clyde E. Brown and Jean C. Brown, d/b/a Magic Lantern Theaters, for the sum of \$15,512.76 (after deducting \$162.50 appraisal fees and \$59.41 advertising fees from the bid amount of \$2,100.00) with interest on the sum of \$15,512.76 at the rate of 6 per cent per annum from April 17, 1970, until paid.

IT IS, THEREFORE, ORDERED, ADJUDGED AND DECREED by the Court that the plaintiff, United States of America, have and recover from the defendants,

Clyde M. Brown and Jack C. Brown, d/w/s Magie Luistera Bienters, - deficiency
judgment in the amount of \$15,512.76, with interest thereon at the rate of
3 per cent per annum from April 17, 1970, until paid.

[Handwritten Signature]
UNITED STATES DISTRICT JUDGE

APPROVED:

[Handwritten Signature]
ROBERT F. SAWYER
Assistant United States Attorney

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

UNITED STATES OF AMERICA,

Plaintiff,

CIVIL ACTION NO. 69-C-158

vs.

CLYDE E. BROWN and JEAN C. BROWN,
d/b/a Magic Lantern Theaters,

Defendants.

FILED

AUG 26 1970

JOHN H. POE, Clerk
U. S. DISTRICT COURT

DEFICIENCY JUDGMENT

NOW on this 26th day of August, 1970, 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 12, 1970, and copies of such motion were mailed to the defendants, Clyde E. Brown and Jean C. Brown, d/b/a Magic Lantern Theaters.

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: May 18, 1970, was \$2,100.00;

The Court further finds that the sum of \$2,100.00 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 entered herein, together with interest and costs to April 17, 1970, is \$17,390.85, and that the plaintiff is accordingly entitled to a Deficiency Judgment against the defendants, Clyde E. Brown and Jean C. Brown, d/b/a Magic Lantern Theaters, for the sum of \$15,512.76 (after deducting \$162.50 appraisal fees and \$59.41 advertising fees from the bid amount of \$2,100.00) with interest on the sum of \$15,512.76 at the rate of 8 per cent per annum from April 17, 1970, until paid.

IT IS, THEREFORE, ORDERED, ADJUDGED AND DECREED by the Court that the plaintiff, United States of America, have and recover from the defendants,

Clyde E. Brown and Jean C. Brown, d/b/a Magic Lantern Theaters, a deficiency judgment in the amount of \$15,512.76, with interest thereon at the rate of 8 per cent per annum from April 17, 1970, until paid.

[Handwritten Signature]
UNITED STATES DISTRICT JUDGE

APPROVED:

[Handwritten Signature]
ROBERT P. SARTRE
Assistant United States Attorney

FILED

AUG 27 1970

JOHN H. POE, Clerk
U. S. DISTRICT COURT

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

FREDERICK CARSTENS,)	
)	
Plaintiff,)	69-C-138
)	
vs.)	
)	
ABERDEEN PETROLEUM CORPORATION,)	
GEORGE R. PIETCH and B. V. BOCK,)	
)	
Defendants.)	

ORDER DISMISSING B. V. BOCK FOR LACK OF
JURISDICTION

The Court has for consideration the Special Appearance of Defendant, B. V. Bock, and Plea to the Jurisdiction and Venue and Motion to Quash Summons, the brief in support thereof, and being fully advised in the premises, finds:

That this Court lacks jurisdiction over the person of the defendant B. V. Bock.

IT IS, THEREFORE, ORDERED that the defendant, B. V. Bock, be and he is hereby dismissed from this litigation.

ENTERED this 27th day of August, 1970.



UNITED STATES DISTRICT JUDGE

FILED

AUG 27 1970

JOHN H. POE, Clerk
U. S. DISTRICT COURT

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

FREDERICK CARSTENS,)	
)	
Plaintiff,)	69-C-138
)	
vs.)	
)	
ABERDEEN PETROLEUM CORPORATION,)	
GEORGE R. PIETCH and B. V. BOCK,)	
)	
Defendants.)	

ORDER SUSTAINING GEORGE R. PIETCH'S MOTION
FOR SUMMARY JUDGMENT ON THE
COUNTERCLAIM

The Court has for consideration the Motion for Summary Judgment on Counterclaim filed by the defendant, George R. Pietch, the brief, affidavits and exhibits in support thereof, and, being fully advised in the premises, finds:

That said counterclaim is premised on a judgment obtained by George R. Pietch in the Supreme Court of the State of New York, New York County, on November 6, 1968, against Frederick Carstens in the sum of \$103,640.00, with interests and costs. An authenticated copy of said judgment is attached to the Motion for Summary Judgment. The suit was based on a promissory note executed by Carstens to Pietch in the sum of \$100,000.00, with interest at 7% per annum until maturity and 10% per annum thereafter and was secured by a pledge of 60,000 shares of the stock of Fomento. Carstens defaulted on said note.

The stock pledged by Carstens was sold to apply on the indebtedness.

The plaintiff is in default on said counterclaim filed herein in that he has not plead or answered said counterclaim. Neither has plaintiff responded to the Motion for Summary Judgment.

The Court finds that there is no genuine issue as to any material fact raised by the counterclaim on file herein.

The Court further finds that the judgment of a state court must be given full faith and credit in every other court of the United States.

IT IS, THEREFORE, ORDERED that the Motion for Summary Judgment on Counterclaim filed by George R. Pietch be and the same is hereby sustained.

IT IS FURTHER ORDERED that George R. Pietch file an appropriate Judgment in conformity with this order within five (5) days of this date.

ENTERED this 27th day of August, 1970.


UNITED STATES DISTRICT JUDGE

FILED

AUG 27 1970

JOHN H. POE, Clerk
U. S. DISTRICT COURT

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

FREDERICK CARSTENS,)	
)	
Plaintiff,)	69-C-138
)	
vs.)	
)	
ABERDEEN PETROLEUM CORPORATION,)	
GEORGE R. PIETCH and B. V. BOCK,)	
)	
Defendants.)	

ORDER SUSTAINING ABERDEEN PETROLEUM CORPORATION'S
MOTION FOR SUMMARY JUDGMENT ON
COUNTERCLAIM

The Court has for consideration the Motion for Summary Judgment on Counterclaim filed by the defendant, Aberdeen Petroleum Corporation, the brief, affidavits and exhibits in support thereof, and, being fully advised in the premises, finds:

That said counterclaim is premised on a judgment obtained by Aberdeen Petroleum Corporation in the Supreme Court of the State of New York, New York County, on November 6, 1968, against Frederick Carstens in the sum of \$26,105, with interest and costs. An authenticated copy of said judgment is attached to the Motion for Summary Judgment. The suit was based on a promissory note executed by Carstens to Aberdeen Petroleum Corporation in the sum of \$25,000.00, with interest and was secured by a pledge of 40,000 shares of the stock of Fomento. Carstens defaulted on said note.

The stock pledged by Carstens was sold to apply on the indebtedness.

The plaintiff is in default on said counterclaim filed herein in that he has not plead or answered said counterclaim. Neither has plaintiff responded to the Motion for Summary Judgment.

The Court finds that there is no genuine issue as to any material fact raised by the counterclaim on file herein.

The Court further finds that the judgment of a state court must be given full faith and credit in every other court of the United States.

IT IS, THEREFORE, ORDERED that the Motion for Summary Judgment on Counterclaim filed by Aberdeen Petroleum Corporation be and the same is hereby sustained.

IT IS FURTHER ORDERED that Aberdeen Petroleum Corporation file an appropriate Judgment in conformity with this order within five (5) days of this date.

ENTERED this 27th day of August, 1970.


UNITED STATES DISTRICT JUDGE

The question to be determined on the motion for summary judgment is whether defendant was a principal employer (Willsey being an independent contractor) so as to render defendant secondarily liable under the Workmen's Compensation Act, and not liable as a third party tortfeasor.

As to the above question, the Court finds that there is no genuine issue as to any material fact and that the moving party is entitled to a judgment as a matter of law.

The Court finds that it is undisputed that the work being performed by plaintiff at the business site of defendant was an integral part of, necessarily connected with, and incident to the business of the principal employer.

The Court finds, based on the admitted facts, the briefs of the plaintiff and the defendant and the affidavits submitted by defendant, as a matter of law, that the defendant is a principal employer and Willsey Electric, Inc. is an independent contractor within the meaning of the Oklahoma Workmen's Compensation Act.

The Court finds that despite the pleading of the plaintiff being verified, the affidavits submitted by the defendant in support of its motion for summary judgment cut through and pierce the conclusory allegation of the plaintiff in his complaint that the work being performed by Willsey Electric, Inc. was not an integral part of the defendant's business. There is no counter-affidavit on the part of the plaintiff controverting the convincing showing by movant that there is no genuine issue of fact.

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

JUDGMENT

Based upon the foregoing order sustaining defendant's Motion for Summary Judgment,

IT IS HEREBY ORDERED that judgment be entered in favor of
the defendant and against plaintiff.

ENTERED this 27th day of August, 1970.

A handwritten signature in cursive script, appearing to read "Allen F. Barron", written over a horizontal line.

UNITED STATES DISTRICT JUDGE

FILED
AUG 27 1970
JOHN H. POE, Clerk
U. S. DISTRICT COURT

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

M & S ENTERPRISES, INC., an)
Oklahoma corporation,)
)
Plaintiff,) 70-C-183
)
vs.)
)
TARTAN MOTOR INNS., INC.,)
a Delaware corporation,)
et al.,)
)
Defendants.)

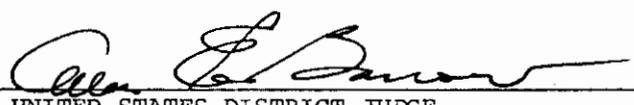
ORDER OVERRULING CODY W. ICE'S MOTION
TO DISMISS

The Court has for consideration the Motion to Dismiss filed
by Cody W. Ice, and, being fully advised in the premises, finds:

That Cody W. Ice has not complied with Rule 13 of the
Rules of Court of the United States District Court for the
Northern District of Oklahoma.

IT IS, THEREFORE, ORDERED that the Motion to Dismiss of
Cody W. Ice be and the same is hereby overruled.

ENTERED this 27 day of August, 1970.


UNITED STATES DISTRICT JUDGE

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

United States of America,)
)
 Plaintiff,)
)
 vs.) Civil No. 70-G-214
)
 Gaylord P. Parker and Carolyn A.)
 Parker, and Max D. McCormick,)
)
 Defendants.)

FILED

AUG 27 1970

JOHN H. POE, Clerk
U. S. DISTRICT COURT

JUDGMENT OF FORECLOSURE

THIS MATTER COMES on for consideration this 26th day of August, 1970, the defendant, Max D. McCormick, having filed his answer disclaiming any interest in the real property involved herein, and the defendants, Gaylord P. Parker and Carolyn A. Parker, appearing not; and

The Court being fully advised and having examined the file herein finds that due and legal personal service of summons has been made on the defendants, Gaylord P. Parker and Carolyn A. Parker, and the defendant, Max D. McCormick, requiring each of them to answer the Complaint filed herein not more than twenty (20) days after service of summons; and it further appearing that the defendants, Gaylord P. Parker and Carolyn A. Parker, have failed to file an answer herein and default has been entered by the Clerk of this Court; and

The Court further finds that the material allegations of the plaintiff's Complaint are true and correct; that the defendants, Gaylord P. Parker and Carolyn A. Parker, did, on May 27, 1967, execute and deliver to the Administrator of Veterans Affairs, their mortgage and mortgage note for the sum of \$10,700.00, with interest thereon at the rate of 5½% per annum, and further providing for the payment of monthly installments of principal and interest; and

It further appears that the defendants, Gaylord P. Parker and Carolyn A. Parker, made default under the terms of the aforesaid mortgage note and mortgage by reason of their failure to make monthly installments due thereon on September 1, 1969, which default has continued and that by reason thereof the defendants, Gaylord P. Parker and Carolyn A. Parker, are now indebted to the Plaintiff in the sum of \$10,370.60, as unpaid principal, with interest thereon at the rate of 6% per annum from September 1, 1969, until paid; and

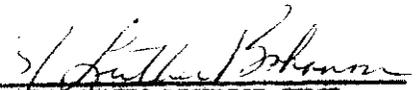
IT IS THEREFORE ORDERED, ADJUDGED and DECREED that the Plaintiff, United States of America, have and recover judgment against the defendants, Gaylord P. Parker and Carolyn A. Parker, for the sum of \$10,576.60, with interest thereon at the rate of 6% per annum from September 1, 1969, until paid, plus the cost of this action accrued and accruing, and the sum of \$24.00 expended for abstracting fees; and

IT IS FURTHER ORDERED, ADJUDGED and DECREED that upon failure of the defendants, Gaylord P. Parker and Carolyn A. Parker, to satisfy the judgment of the Plaintiff herein, an Order of Sale shall issue to the United States Marshal for the Northern District of Oklahoma, commanding him to advertise and sell, with appraisalment, the following described real property:

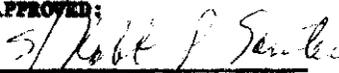
Lot 10, Block 48, Valley View Acres Third Addition to the City of Tulsa, Tulsa County, Oklahoma, according to the recorded plat thereof,

and apply the proceeds thereof in satisfaction of Plaintiff's judgment. The residue, if any, to be deposited with the Clerk of the Court to await further Order of the Court.

IT IS FURTHER ORDERED, ADJUDGED and DECREED that from and after the sale of said property under and by virtue of this judgment, the defendants, Gaylord P. Parker and Carolyn A. Parker, and each of them, and all persons claiming by, through or under said defendants, since the filing of the Complaint herein, be and they are forever barred and foreclosed from every right, title or interest in or to the heretofore described real property.


UNITED STATES DISTRICT JUDGE

APPROVED:


ROBERT P. Santee
Assistant U. S. Attorney

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

A. RAY SMITH,
Plaintiff,
vs.
BLACK WATCH FARMS, INC.,
a corporation,
Defendant.

No. 69-C-204

FILED

AUG 28 1970

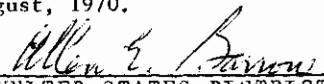
JOHN H. POE, Clerk
U. S. DISTRICT COURT

J U D G M E N T

The above entitled cause came on for trial before this Court without a jury on the 28th day of July, 1970, and continued until the 31st day of July, 1970, at Tulsa, Oklahoma; plaintiff appeared in person and by his attorneys, Irvine E. Ungerman and E. P. Litchfield of the firm of Ungerman, Grabel, Ungerman & Leiter; and the defendant appeared by its attorneys, David Fist and Gene Mortensen of the firm of Rosenstein, Livingston, Fist & Ringold, of Tulsa, Oklahoma; and testimony having been offered and briefs filed by both parties and the Court having filed its Findings of Fact and Conclusions of Law and Order for Judgment; now pursuant to said Order for Judgment:

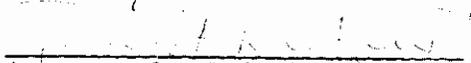
IT IS HEREBY ORDERED AND ADJUDGED That the plaintiff, A. Ray Smith have judgment against the defendant in the sum of Thirty-six Thousand Dollars (\$36,000.00) plus an attorneys fee in the sum of Six Thousand Five Hundred Dollars (\$6,500.00), together with interest thereon at the rate of 10% per annum from the 28th day of August, 1970, and plaintiff to have his costs and disbursements in this action, to be hereinafter taxed on notice.

Entered this 28th day of August, 1970.


UNITED STATES DISTRICT JUDGE

APPROVED AS TO FORM:


Attorney for Plaintiff


Attorney for Defendant

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

United States of America,)
)
 Plaintiff,)
)
 vs.)
)
 Roy Carl Chartier and Judith)
 Anita Chartier, and Larry L.)
 Oliver,)
)
 Defendants.)

Civil No. 70-C-226

FILED
ANG 28 1970
JOHN H. POE, Clerk
U. S. DISTRICT COURT

JUDGMENT OF FORECLOSURE

THIS MATTER COMES on for consideration this 27th day of August, 1970, the defendants, Roy Carl Chartier and Judith Anita Chartier, and Larry L. Oliver, appearing not; and

The Court being fully advised and having examined the file herein finds that due and legal personal service of summons has been made on the defendants, Roy Carl Chartier and Judith Anita Chartier, and Larry L. Oliver, requiring each of them to answer the Complaint filed herein not more than twenty (20) days after service of summons; and it appearing that the defendants, Roy Carl Chartier and Judith Anita Chartier, and Larry L. Oliver, have failed to file an answer herein and default has been entered by the Clerk of this Court; and

The Court further finds that the material allegations of the plaintiff's complaint are true and correct; that the defendants, Roy Carl Chartier and Judith Anita Chartier, did, on March 1, 1965, execute and deliver to W. J. Driver, as Administrator of Veterans Affairs, their mortgage and mortgage note for the sum of \$9,500.00, with interest thereon at the rate of 5 1/2% per annum, and further providing for the payment of monthly installments of principal and interest; and

It further appears that the defendant, Larry L. Oliver, has or claims some right, title, or interest in and to the premises herein being foreclosed by reason of an Attorneys Lien arising from a petition filed July 12, 1967, being No. D-95784, in the records of the District Court within and for Tulsa County, Oklahoma, but in this regard, plaintiff states that whatever right, title, or interest the defendant, Larry L. Oliver, has in and to said property being foreclosed herein is junior and inferior to the first mortgage lien of this plaintiff; and

If further appears that the defendants, Roy Carl Chartier and Judith Anita Chartier, made default under the terms of the aforesaid mortgage note and mortgage by reason of their failure to make monthly installments due thereon on August 1, 1969, which default has continued and that by reason thereof the defendants, are now indebted to the Plaintiff in the sum of \$8,945.00, as unpaid principal, with interest thereon at the rate of 5½% per annum from August 1, 1969, until paid.

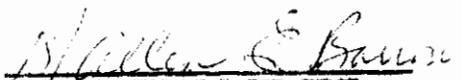
IT IS THEREFORE ORDERED, ADJUDGED and DECREED that the Plaintiff, United States of America, have and recover judgment against the defendants, Roy Carl Chartier and Judith Anita Chartier, for the sum of \$8,945.00, with interest thereon at the rate of 5½% per annum from August 1, 1969, until paid, plus the cost of this action accrued and accruing, and the sum of \$20.00 expended for abstracting fees.

IT IS FURTHER ORDERED, ADJUDGED and DECREED that upon failure of the defendants, Roy Carl Chartier and Judith Anita Chartier, to satisfy the judgment of the Plaintiff herein, an Order of Sale shall issue to the United States Marshal for the Northern District of Oklahoma, commanding him to advertise and sell, with appraisement, the following described real property;

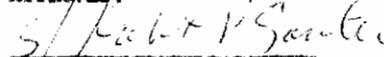
Lot Fourteen (14), Block Four (4), Suburban Acres Third Addition to the City of Tulsa, Tulsa County, State of Oklahoma, according to the recorded plat thereof,

and apply the proceeds thereof in satisfaction of Plaintiff's judgment. The residue, if any, to be deposited with the Clerk of the Court to await further Order of the Court.

IT IS FURTHER ORDERED, ADJUDGED and DECREED that from and after the sale of said property under and by virtue of this judgment, the defendants, Roy Carl Chartier and Judith Anita Chartier, and each of them, and all persons claiming by, through or under said defendants, since the filing of the complaint herein, be and they are forever barred and foreclosed from every right, title or interest in or to the heretofore described real property.


WILLIAM E. BROWN
UNITED STATES DISTRICT JUDGE

APPROVED:


ROBERT P. SANTIER
Assistant U. S. Attorney