

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

JACK S. BURDEN,

Plaintiff,

vs.

UNITED STATES OF AMERICA,

Defendant.

CIVIL ACTION NO. 71-C-226

FILED

SEP 27 1972

JACK C. SILVER - ACTING

U. S. DISTRICT COURT

ORDER

NOW, on this 30<sup>th</sup> day of August, 1972, there came on for consideration the Motion of the plaintiff, Jack S. Burden, for a new trial. The Court finds that said Motion should be overruled and denied.

NOW, IT IS THEREFORE ORDERED, ADJUDGED, AND DECREED THAT the plaintiff's Motion for a new trial filed July 24, 1972, be and the same is hereby denied.

Luther Robinson  
UNITED STATES DISTRICT JUDGE

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

LUTHER JAROLD GOAD, JR., )  
 )  
 Plaintiff, )  
 )  
 -vs- )  
 )  
 UNITED STATES OF AMERICA, )  
 )  
 Defendant. )  
 )  
 THE CONTINENTAL INSURANCE )  
 COMPANY OF NEW YORK, )  
 )  
 Intervenor. )

Case No. 71-C-67

JACK G. SILVER-ACTING

CONSOLIDATED

THE CONTINENTAL INSURANCE )  
 COMPANY OF NEW YORK, )  
 )  
 Plaintiff, )  
 )  
 -vs- )  
 )  
 LUTHER JAROLD GOAD, JR., )  
 UNITED STATES OF AMERICA and )  
 CHARLES VERNON WAYMIRE, JR., )  
 )  
 Defendants. )

Case No. 72-C-144

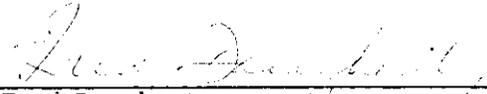
JUDGMENT

The above consolidated cases were tried to the Court on September 20, 1972 with all parties present and either pro se or with attorneys except the Defendant Charles Vernon Waymire, Jr. who appeared not and was adjudged to be in default by the Court, at which trial the Court upon hearing all evidence and arguments entered findings of fact and conclusions of law in favor of the party The Continental Insurance Company of New York, such findings of fact and conclusions of law by reference being adopted and made a part hereof,

IT IS THEREFORE ORDERED that Judgment be entered herein awarding the sum of \$599.82 being held by the Clerk of the Court as evidence in Criminal Case No. 69-CR-13, United States of

America v. Luther Jarold Goad, Jr., et al. to the party The Continental Insurance Company of New York and the Clerk of the Court is ordered to make disbursement thereof to said party.

Dated this 27<sup>th</sup> day of September, 1972.

  
Fred Daugherty  
United States District Judge

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

**FILED**  
SEP 27 1972  
JACK C. SILVER - ACTING, Clerk  
U. S. DISTRICT COURT

BLACK, SIVALLS & BRYSON, INC.,        )  
  ) CIVIL ACTION NO. 69-C-155  
  ) Plaintiff,                                )  
v.    )    )  
  )    )  
NATIONAL TANK COMPANY, a division        )  
of Combustion Engineering, Inc.,        )    )  
a corporation,                                )    )  
  ) Defendant.                                )  
\_\_\_\_\_ )

CONSENT JUDGMENT

Counsel for the parties having informed the Court that the parties have entered into a settlement agreement disposing of the controversy in this Action and having agreed that the complaint, and all counterclaims, may be dismissed, IT IS ORDERED, ADJUDGED AND DECREED:

1.

Validity of the claims of United States Patent No. 2,993,479 is hereby acknowledged as between the parties.

2.

That the complaint, and all counterclaims, be and are hereby dismissed with prejudice, subject to being reinstated if the immunity from suit under United States Patent No. 2,993,479 granted under the September \_\_, 1972 Settlement Agreement between the parties is no longer effective, no act of either party being effective to abrogate said immunity.

That there shall be no award of attorneys' fees, and each party shall pay his own costs.

James E. Barnes  
U.S. District Judge

DATED: \_\_\_\_\_

Entry of the foregoing Judgment is consented to:

DUNLAP, LANEY, HESSIN & DOUGHERTY

BY: Charles Dougherty Jr.  
Attorneys for Plaintiff

Arthur L. Wade  
Attorneys for Defendant

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

HAROLD D. BUZZARD,

Plaintiff,

vs.

CEMENT ASBESTOS PRODUCTS,  
CO., et al,

Defendants.

FILED

SEP 26 1972

JACK C. SILVER - ACTING Clerk  
U. S. DISTRICT COURT

Civil Action  
No. 70-C-276

ORDER OF DISMISSAL WITH PREJUDICE

NOW on this 26<sup>th</sup> day of September, 1972, there comes before the Court for its consideration the joint stipulation for dismissal filed by the attorneys of record for all parties to the above captioned civil action against whom judgment has not heretofore been entered.

WHEREUPON, said Stipulation being pursuant to Rule 41(a) of the Federal Rules of Civil Procedure, it is hereby ordered that the above captioned civil action is hereby dismissed with prejudice against the right to refile same.

*J. Allen S. Brown*  
UNITED STATES DISTRICT JUDGE

APPROVED AS TO FORM:

*Sam P. Daniel, Jr.*  
Sam P. Daniel, Jr., of  
DOERNER, STUART, SAUNDERS, DANIEL  
& LANGENKAMP  
Attorneys for Defendant,  
Cement Asbestos Products Co.

*Deryl L. Gotcher*  
Deryl L. Gotcher of  
JONES, GIVENS, BRETT, GOTCHER & DOYLE  
Attorneys for Plaintiff, Harold D.  
Buzzard, and the Defendant, United  
States Fidelity and Guaranty Company

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

J. R. VANDEVER, doing business )  
as Vandever Petroleum Company )  
Plaintiff )  
vs ) No. 72-C-61  
SUN OIL COMPANY (Delaware), a )  
corporation )  
Defendant )

FILED  
AUG 31 1972  
JACK C. SILVER-ADMINISTRATOR  
U S DISTRICT COURT

ORDER OVERRULING MOTION TO MODIFY  
FINDINGS OF FACT AND JUDGMENT  
AND OVERRULING MOTION FOR NEW TRIAL

Now on this 30th day of August, 1972, the Motion to Modify Findings of Fact and Judgment and Alternative Motion For New Trial filed on behalf of the defendant, Sun Oil Company, came on for hearing and the plaintiff being present and represented by his attorney, John L. Boyd, and the defendant represented by its attorneys, Boesche, McDermott & Eskridge, by R. B. McDermott, and the Court, after hearing the argument of all parties and being fully advised in the premises, finds that said motions should be quashed and the same are hereby overruled.

*H. Luther Bohannon*  
JUDGE

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

PEABODY COAL COMPANY, )  
 )  
 Plaintiff, )  
 )  
 vs. )  
 )  
 LOCAL UNION NO. 1593, )  
 UNITED MINE WORKERS OF AMERICA, )  
 )  
 Defendant. )

No. 72-C-244

FILED

SEP 25 1972

JACK C. SILVER - ACTING Clerk  
U. S. DISTRICT COURT

ORDER

The plaintiff having filed a Notice of Dismissal pursuant to Rule 41(a)(1) of the Federal Rules of Civil Procedure before the defendant filed an answer or motion for summary judgment and the court being fully advised in the premises, it is

ORDERED that the above entitled action be dismissed at plaintiff's cost.

Dated at Tulsa, Oklahoma, this 25 day of September 1972.

  
\_\_\_\_\_  
Judge, United States District Court  
Northern District of Oklahoma

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

DONNA DINWIDDIE, )  
 )  
 Plaintiff, )  
 )  
 -vs- )  
 )  
 ST. LOUIS-SAN FRANCISCO RAILWAY )  
 COMPANY, A FOREIGN CORPORATION, )  
 AND PAULA JEAN CARROLL, )  
 )  
 Defendants. )

No. 71-C-403

FILED  
JUL 19 1972  
CLERK U. S. DISTRICT COURT

DISMISSAL WITH PREJUDICE  
-----

Comes now the plaintiff and her attorneys Robert Nesbitt and B. W. Tabor, and petition the court to dismiss this cause with prejudice, stating to the Court that this cause has been settled between the parties for \$15,000 and there is no other issue to be pending before the Court.

Donna Dinwiddie  
Plaintiff

Robert Nesbitt  
Robert Nesbitt, Attorney  
Miami, Oklahoma

B. W. Tabor  
B. W. Tabor, Attorney  
Tulsa, Oklahoma

ORDER OF DISMISSAL WITH PREJUDICE  
-----

On application on the plaintiff and her attorneys, stating that this cause has been settled and disposed of and asking the Court to dismiss the case with prejudice, and based upon this application, the application is hereby sustained and the cause is hereby dismissed with prejudice.

Clarence E. Barrow  
Judge, United States District  
Court for the Northern District  
of Oklahoma

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

BUFORD BRUNER, JR., )  
Petitioner )  
vs. )  
UNITED STATES OF AMERICA, )  
Respondent )

Case No. 72-C-180

FILED

SEP 21 1972

JACK C. SILVER-ACTING  
U. S. DISTRICT COURT

ORDER

The above Petitioner was convicted by a Jury of this Court and sentenced by the Court for the crime of selling narcotics.

United States v. Buford Bruner, Jr., Case No. 70-CR-37.

Petitioner now proceeds by Motion to Vacate and Set Aside Judgment of Conviction pursuant to Title 28 U.S.C. 2255, claiming mental incompetency at time of trial, by reason of narcotic withdrawal. The Court appointed counsel to represent Petitioner and conducted an evidentiary hearing with Petitioner present.

Based upon the findings of fact and conclusions of law made by the Court at the close of said evidentiary hearing and adopted herein, the Petitioner is found to have been mentally competent at the time of his trial and fully able to understand the proceedings against him and assist his court appointed counsel in his defense by reason whereof his 2255 Motion should be dismissed and it is so ordered this 21 day of September, 1972.

*Les Daugherty*  
United States District Judge

IEU:lg  
9/12/72

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

WILMA LOUISE MORELAND, )  
 )  
 Plaintiff )  
 )  
 vs. )  
 )  
 JAMES RAY MORELAND, JOHN L. EVANS, )  
 KENNY F. CLOSE, PATRICK J. BALLARD, )  
 JAMES L. HOLT and GLENN CODDING, )  
 )  
 Defendants )

Civil Action

No. 72-C-31

**FILED**  
SEP 21 1972  
JACK C. SILVER - ACTING Clerk  
U. S. DISTRICT COURT

J U D G M E N T

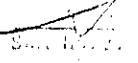
Now, on this 30th day of August, 1972, there came on for hearing before the undersigned United States District Judge the pretrial scheduled conference pertaining to the above styled and numbered matter, Plaintiff appearing by her attorney, Sam Harris, and the Defendants appearing by their attorney, Irvine E. Ungerman, and the Court having heard the argument of counsel at this time and on previous pretrial hearings and having examined the files and having read the deposition heretofore filed in this cause and being well and sufficiently advised in the premises finds that the alleged causes of action as set forth in the Plaintiff's Petition are wholly insufficient to grant the Plaintiff any relief whatsoever or to give this Court jurisdiction of the matter involved herein, and the Court finds that the action should be dismissed without prejudice.

The Court further finds that unless the Plaintiff within 20 days from this date files an amended complaint with sufficient facts contained therein to give this Court complete jurisdiction of the matter involved herein, to give rise to a valid cause of action in favor of the Plaintiff and as against the Defendants, that the action should stand dismissed as against each of the Defendants herein.

IT IS THEREFORE ORDERED BY THIS COURT that the action herein be, and the same is hereby dismissed, and that the Plaintiff is granted 20 days from this date within which to file an amended complaint herein, or otherwise, the action shall stand dismissed as against each of the Defendants herein, and at the cost of the Plaintiff herein.

LAW OFFICES  
UNGERMAN,  
GRABEL,  
UNGERMAN  
& LEITER  
  
SIXTH FLOOR  
WRIGHT BUILDING  
TULSA, OKLAHOMA

APPROVED AS

  
Sam Harris, Plaintiff

United States District Judge

Irvine E. Ungerman, Attorney for Defendants

FILED

SEP 21 1972  
FACCK C. SILVER - ACTING Clerk  
U. S. DISTRICT COURT

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

COSMA ANN JOHNSON, individually and	)	
for all others similarly situated,	)	
	)	72-C-235
Plaintiffs,	)	
	)	
vs.	)	
	)	
REGINALD D. BARNES, Chairman, et al.,	)	
	)	
Defendants.	)	

ORDER

This cause came on for hearing on September 21, 1972, on the application for a class action, interlocutory relief and on the merits. The Court, on its own motion, requested the parties to address the question of mootness and heard the statements of counsel on that issue and on the propriety of a class action. On consideration of the statements of counsel and on examination of the file, the Court finds and concludes as follows:

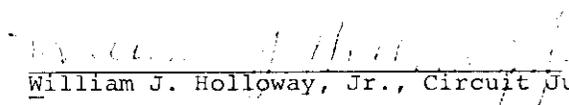
We are convinced that this suit is not one which may properly be maintained as a class action under Rule 23(b)(2) of the Federal Rules of Civil Procedure on which the plaintiff has chosen to proceed. The Court concludes that the showing fails to demonstrate that the class is so numerous that joinder of all members is impractical, and that the showing is not adequate that the representative plaintiff will fairly and adequately protect the interests of the class. Under the circumstances, I have doubts concerning the remaining

conditions for a proper class action. We, therefore, determine and order that the action may not be maintained as a class action.

The Court thereupon considered the action of the plaintiff individually. We find that the statements of plaintiff's counsel show that plaintiff was denied welfare payments for one (1) or two (2) months. The parties agree that plaintiff was determined eligible and reinstated July 1, 1972. No claim for recoupment of payments denied her is sought by plaintiff and there is no present ineligibility due to application of the rule in question. Therefore, we find and conclude that the action is moot as to the plaintiff individually and may not be maintained as a justiciable controversy, especially since one of the determinations sought is a constitutional one.

For these reasons, IT IS ORDERED that the action may not be maintained as a class action and that the action of the plaintiff individually should be and is hereby dismissed as moot.

DATED this 21st day of September, 1972.

  
\_\_\_\_\_  
William J. Holloway, Jr., Circuit Judge

  
\_\_\_\_\_  
Allen E. Barrow, District Judge

  
\_\_\_\_\_  
Fred Daugherty, District Judge

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

SHOVEL CRANE SUPPLY CO., INC., )  
 )  
 Plaintiff, )  
 )  
 vs. )  
 )  
 E. R. ALBERT, JR., )  
 )  
 Defendant )  
 and Third-Party Plaintiff, )  
 )  
 ALBERT EQUIPMENT CO., INC., )  
 formerly Albert & Harlow, Inc., )  
 )  
 Third-Party Defendant. )

No. 71-C-397

JACK C. SILVER—ACTING  
U. S. DISTRICT JUDGE

DISMISSAL WITH PREJUDICE

NOW on this 20 day of <sup>Sept, now</sup> ~~August~~, 1972, this matter came on for hearing upon the Stipulation for Dismissal and the Court finding that all claims between the parties have been settled and compromised and having examined the Stipulation finds that the action should be dismissed with prejudice each party to bear his or its costs, it is therefore

ORDERED that the action including the Counter-claim and the Third Party Complaint be and the same are hereby dismissed with prejudice, each party to bear his or its costs.

  
United States District Judge

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

ELMER DEAN FIELDS, )  
 )  
 PETITIONER, )  
 )  
 V. )  
 )  
 STATE OF OKLAHOMA )  
 )  
 and )  
 )  
 PRISON PSYCHIATRISTS )  
 WILLIAMS AND IMPUTY, )  
 )  
 RESPONDENTS. )

72-C-336

FILED

SEP 18 1972

JACK C. SILVER-ACTING Clerk  
U. S. DISTRICT COURT

O R D E R

THE COURT, having examined the Petition for Writ of Habeas Corpus filed herein by the clerk, together with the motion for leave to proceed in forma pauperis and the required affidavit, and being fully advised in the premises, finds:

1. That petitioner is unable to pay fees and costs or give security therefor;
2. It does not appear that the applicant has exhausted the remedies available in the courts of the State of Oklahoma, or that there is either an absence of available state corrective process or the existence of circumstances rendering such process ineffective to protect the rights of the petitioner. 22 U.S.C.A. § 2254. Although the petitioner did pursue an unsuccessful direct appeal from the state judgment of conviction, he has chosen to ignore the state post-conviction remedy provided by 22 O.S.A. § 1080 et seq. The institution of a post-conviction action in the state sentencing court is a prerequisite to the granting of habeas relief in this court. See Brown v. Crouse, 395 F.2d 755 (CA 10 1968); Omo v. Crouse, 395 F.2d 757 (CA 10 1968).

IT IS THEREFORE ORDERED:

1. That the motion for leave to proceed in forma pauperis is granted;
2. The case is dismissed;
3. That a copy of this order be mailed by the clerk of this court to the petitioner;
4. That a copy of this order be mailed by the clerk to the respondents by mailing the same to the Attorney General of the State of Oklahoma.

DATED THIS 15<sup>th</sup> DAY OF SEPTEMBER, 1972.

*Luther Bohannon*  
UNITED STATES DISTRICT JUDGE

UNITED STATES DISTRICT COURT FOR THE  
NORTHERN DISTRICT OF OKLAHOMA

UNITED STATES OF AMERICA, )  
 )  
 Plaintiff, )  
 )  
 vs. ) CIVIL ACTION NO. 69-C-170  
 )  
 40.00 ACRES OF LAND, MORE OR ) Tract No. 435M  
 LESS, SITUATE IN ROGERS COUNTY, )  
 STATE OF OKLAHOMA, AND CLAY ) WORKING INTEREST ONLY  
 COCHRAN, ET AL., AND UNKNOWN )  
 OWNERS, )  
 )  
 Defendants.)

J U D G M E N T

FILED  
SEP 18 1972  
JACK G. SILVER - ACTING Clerk  
U. S. DISTRICT COURT

1.

Now, on this 15<sup>th</sup> day of September, 1972, this matter comes on for disposition on application of the Plaintiff, United States of America, for entry of judgment on the Report of Commissioners filed herein on November 29, 1971, and the Court, after having overruled Plaintiff's Objections to Report of Commissioners on December 29, 1971, having examined the file in this action and being advised by counsel for the Plaintiff, finds that:

2.

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

3.

This judgment applies only to the working interest in the estate taken in Tract No. 435M as such estate and tract are described in the Complaint filed in this case.

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 filed herein give the United States of America the right, power and authority to condemn the subject property for public use. Pursuant thereto, on July 23, 1969, the United States of America filed its Declaration of Taking of a certain estate in such tract of land, which was the date of taking thereof. Simultaneously therewith, Plaintiff deposited \$850.00 in the Registry of this Court as estimated compensation for the working interest in the estate taken, all of which has been disbursed. Therefore, title to such property should be vested in the United States of America as of July 23, 1969.

6.

The Report of Commissioners filed herein on November 29, 1971, is hereby accepted and adopted as findings of fact as to the subject tract, insofar as it applies to the working interest therein, wherein the amount of just compensation as to the working interest in the estate taken therein is fixed by the Commission at \$625.00.

7.

This judgment will create a surplus in the deposit of estimated compensation for the working interest taken in the subject tract as shown below in paragraph 11. Such surplus funds should be refunded to the Plaintiff.

8.

The Defendant named in paragraph 11 as owner of the working interest in the estate taken in the subject tract is the only Defendant asserting any interest in such estate; all other Defendants having either disclaimed or defaulted. The Court further finds that there was a subsisting oil and gas lease on this tract on the date of taking. Said named Defendant was the owner of the working interest in the estate condemned herein as of the date of taking and, as such, is

entitled to receive the just compensation awarded by this judgment as set out in paragraph 11 below.

9.

IT IS THEREFORE ORDERED, ADJUDGED AND DECREED BY THE COURT that the United States of America has the right, power and authority to condemn for public use the subject tract, as it is described in the Complaint filed herein, and such property, to the extent of the working interest in the estate described in such Complaint, is condemned and title to such working interest in such estate is vested in the United States of America, as of July 23, 1969, which was the date of taking thereof, and all Defendants herein and all other persons are forever barred from asserting any claim to such estate.

10.

IT IS FURTHER ORDERED, ADJUDGED AND DECREED BY THE COURT that on the date of taking in this case, the owner of the working interest in the estate taken herein in the subject tract was the Defendant whose name appears below in paragraph 11 with the interest owned by him also shown therein and the right to receive the just compensation for such estate is vested in the party so named; and, there was a subsisting oil and gas lease on this tract on the date of taking.

11.

IT IS FURTHER ORDERED, ADJUDGED AND DECREED BY THE COURT that the Report of Commissioners filed herein on November 29, 1971, is hereby confirmed insofar as it applies to the working interest in the estate taken herein and the \$625.00 therein fixed is adopted as the award of just compensation for the working interest taken in the subject tract, which is allocated and should be disbursed according to the following schedule:

TRACT NO. 435M

OWNERSHIP, DISTRIBUTION OF AWARD AND DISBURSAL:

WORKING INTEREST (7/8):

OWNER: O. H. Moore

DEPOSITED AS ESTIMATED COMPENSATION:

For the Working Interest . . . . . \$850.00

DISBURSED TO OWNER . . . . . 850.00

AWARD OF JUST COMPENSATION:

(pursuant to Commissioners' Report). . 625.00

OVERPAYMENT TO OWNER . . . . . \$225.00

12.

IT IS FURTHER ORDERED BY THE COURT that the Plaintiff, United States of America, have judgment against O. H. Moore, owner of the working interest herein, for \$225.00, the amount of the overpayment to him. In payment of this judgment, the Defendant, O. H. Moore, shall deposit \$225.00 into the Registry of this Court.

Upon receipt thereof, the Clerk of this Court shall credit such sum to the deposit for this tract and then disburse the said \$225.00 to the Treasurer of the United States of America.

*LUTHER BOHANON*

UNITED STATES DISTRICT JUDGE

APPROVED:

*JACK M. SHORT*

JACK M. SHORT  
Assistant United States Attorney

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

TEXACO, INC., a corporation,

Plaintiff,

-vs-

PHILLIPS PETROLEUM COMPANY,  
a corporation,

Defendant.

Case No. 71-C-167

FILED

SEP 15 1972

ORDER JACK G. SILVER-ACTING Clerk  
U. S. DISTRICT COURT

Plaintiff sues Defendant for the value of helium entrained in natural gas produced by it and sold to the Defendant under gas contracts entered into between them. The circumstances surrounding the parties' controversy over the entrained helium which Defendant extracted from the natural gas obtained from Plaintiff are fully reported in Northern Natural Gas Company v. Grounds, 292 F. Supp. 619 (Kan. 1968) and Northern Natural Gas Company v. Grounds, 441 F. 2d 704 (Tenth Cir. 1971). The sole basis of jurisdiction herein as alleged by Plaintiff is the existence of a Federal question within the provisions of 28 U.S.C.A. §1331(a). Defendant has moved to dismiss Plaintiff's action for lack of such jurisdiction.

The Amended Complaint of Plaintiff pleads as grounds for relief (1) the judgment of the United States Court of Appeals for the Tenth Circuit in Northern Natural Gas Company case, supra, authorizing recovery of interpleaded helium funds by lessee-producers, (2) common law assumpsit and (3) the rights afforded Plaintiff by the Natural Gas Act, 15 U.S.C.A. §§717 et seq., by all of the Helium Act Amendments, 50 U.S.C.A. §1671 and by the

judgment in the Northern Natural Gas Company case, supra. Plaintiff claims that grounds (1) and (3) supra are Federal questions which vest jurisdiction in this Court. Jurisdiction is clearly not present for a recovery under ground (2), supra, as Plaintiff acknowledges in its Brief, "there is no diversity of citizenship between the parties."

Jurisdiction is not present under ground (1), supra, as a judgment of a Federal court does not raise a federal question which will support jurisdiction under 28 U.S.C.A. §1331(a). Metcalf v. Watertown, 128 U.S. 586, 32 L.Ed. 543 (1888); Prairie Band of Pottawatomie Tribe of Indians v. Puckkee, 321 F. 2d 767 (Tenth Cir. 1963).

As to ground (3), supra, the Plaintiff, as a lessee-producer, did not acquire any rights under the provisions of the Natural Gas Act, 15 U.S.C.A. §§717 et seq. Rather, it lost rights as said Act placed a limitation or ceiling on the price Plaintiff, as a lessee-producer, could receive for the natural gas it produces and sells and otherwise subjected Plaintiff to rate regulation by the Federal Power Commission. The Natural Gas Act, supra, did not abrogate the gas contracts then existing between the parties hereto even though the price provisions thereof were superseded by Federal Power Commission rate regulation authorized by the Act. Nor, did Plaintiff acquire any rights under the Helium Act Amendments, §11, 50 U.S.C.A. §1671. They merely exempted extracted helium from the limitation or ceiling imposed by the Natural Gas Act. Thus, as Plaintiff obtained no rights under said Federal legislation, its rights herein cannot be said to arise under Federal law.

The foregoing observations are explicit in the Northern Natural Gas Company decision.<sup>1/</sup> Therein the Court said,

"The regulated lessee-producers must continue to sell the dedicated gas and have no statutory or contractual method of obtaining any benefit for the increased value." (Emphasis added).

The "increased value", of course, is the helium content upon extraction. After allowing lessee-producers in said case to recover from the interpleaded funds the reasonable value of the helium content of the processed gas, the Court then said,

"We believe that this result is a valid reconciliation of the statutes and a proper determination of the rights of the parties."

It is thus apparent that the right of the Plaintiff as a lessee-producer to recover the value of the helium content of gas produced by it and sold to Defendant, according to the Northern Natural Gas Company decision,<sup>2/</sup> is not based on statute. Rather, Plaintiff's right as a lessee-producer to recover the value of the

---

<sup>1/</sup> Jurisdiction in that case was not based on a federal question under 28 U.S.C.A. §1331(a). Jurisdiction therein was obtained under the interpleader statutes, 28 U.S.C.A. §§1335, 1397 and 1361. Northern Natural Gas Company v. Grounds, 292 F. Supp. 619 (Kan., 1968), at pp. 637-640. No claim is here made that the instant action is in the nature of interpleader.

<sup>2/</sup> In the Northern Natural Gas Company case, supra, our Circuit merely concluded that the Natural Gas Act did not control the price of helium and therefore it was no impediment to a recovery of the reasonable value of helium by its lessee-producers. 441 F. 2d at p. 723. Such a conclusion assumed that the right of recovery exists independently of Federal Statute. The Court pointed out that application of a Government price ceiling to all constituents of the natural gas would result in a windfall for the extractors of helium and that a utility rate could be used to obtain a commodity not in the contemplation of the rate. 441 F. 2d at pp. 722-723.

helium content of its processed gas appears to be based on principles of equity by a reconciliation of federal statutes which did not abrogate existing gas contracts. This is indeed an anomalous situation and has been brought about by the intrusion of the Federal Government into the Natural Gas industry by placing a ceiling on the price of natural gas as produced and at the same time directing the Federal Government to purchase, conserve and store helium and do all of this without abrogating existing gas contracts.

Thus, the Court concludes that Federal question jurisdiction is not present in this case, as required by 28 U.S.C.A. §1331(a). It may be that defensively the Defendant will assert that their gas contracts do not support Plaintiff's contention made herein, whereupon, Plaintiff will respond with the decision of Northern Natural Gas Company, supra, that it is entitled to a recovery for the reasons therein stated. As aforesaid, not only does a judgment of a Federal Court not raise a federal question under 28 U.S.C.A. §1331(a) but a Plaintiff may not avail itself of Federal question jurisdiction by anticipating a probable defense. Skelly Oil Company v. Phillips Petroleum Company, 339 U.S. 667, 94 L.Ed. 1194, 70 S.Ct. 876 (1950).

Defendant's Motion To Dismiss is granted and Plaintiff's action is dismissed for want of jurisdiction.

It is so ordered this 11<sup>th</sup> day of February, 1972.

  
Fred Daugherty  
United States District Judge

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

UNITED STATES OF AMERICA,

Plaintiff,

vs.

MILTON C. GUNKEL and CAROL GUNKEL,

Defendants. )

CIVIL ACTION NO. 72-C-174

**FILED**

SEP 15 1972

Clerk

U. S. DISTRICT COURT

JUDGMENT OF FORECLOSURE

This matter comes on for consideration this 23 day of August, 1972, the defendants, Milton C. Gunkel and Carol Gunkel, appearing not; and

The Court being fully advised and having examined the file herein finds that legal service by publication was made upon the defendants, Milton C. Gunkel and Carol Gunkel, as appears by Proof of Publication filed herein on August 23, 1972, requiring them to answer the Complaint filed herein not more than twenty (20) days after date of last publication, 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 the City of Tulsa, Tulsa County, State of Oklahoma, within the Northern Judicial District of Oklahoma:

Lot Twenty-Six (26), Block Five (5), NORTHGATE 3RD 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; and

That the defendants, Milton C. Gunkel and Carol Gunkel, did on January 15, 1971, execute and deliver to Diversified Mortgage and Investment of Tulsa, Oklahoma, their certain mortgage note in the principal amount of \$14,250.00 with interest thereon at the rate of 8 1/2 per cent per annum from date until paid, and further providing for payments on the principal and

interest in monthly installments of \$109.58 each, commencing on the 1st day of March, 1971.

That at the same time and as a part and parcel of the same transaction and for the purpose of securing said mortgage note, said defendants executed and delivered to Diversified Mortgage and Investment Company their certain real estate mortgage covering all of the above-described property.

That subsequent thereto Diversified Mortgage and Investment Company endorsed said mortgage note, without recourse to Federal National Mortgage Association, and on the 2nd day of April, 1971, Federal National Mortgage Association did sell, assign, transfer, set over and convey unto Diversified Mortgage and Investment Company the aforesaid mortgage; that on the 12th day of April, 1971, Diversified Mortgage and Investment Company did sell, assign, transfer, set over and convey unto the Home Federal Savings and Loan Association of Tulsa the aforesaid mortgage; and on the 29th day of November, 1971, subject mortgage was conveyed unto the Secretary of Housing and Urban Development, Washington, D. C.

It further appears that the defendants, Milton C. Gunkel and Carol Gunkel, made default under the terms of the aforesaid mortgage note and mortgage by reason of their failure to make the monthly installment due thereon for more than six months, which default has continued and that by reason thereof the defendants are now indebted to the plaintiff in the sum of \$14,205.59 as of November 30, 1971, with interest at the rate of 8 1/2 per cent per annum from that date until paid, plus any additional sums advanced or expended during this foreclosure action by plaintiff for taxes, insurance, abstracting, or sums for the preservation of subject property, 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 in rem against the defendants, Milton C. Gunkel and Carol Gunkel, for the sum of \$14,205.59, with interest thereon at the rate of 8 1/2 per cent per annum from November 30, 1971, until paid, plus any additional sums advanced or expended during this foreclosure action by plaintiff for taxes, insurance, abstracting, preservation of subject property, and the cost of this action accrued and accruing.

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 appraisement, 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 thereof.

  
UNITED STATES DISTRICT JUDGE

APPROVED:

  
ROBERT P. SANTEE  
Assistant United States Attorney



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

UNITED STATES OF AMERICA,

Plaintiff,

vs.

CLARK G. CORBITT, ET AL.,

Defendants.)

CIVIL ACTION NO. 72-C-159

FILED

SEP 14 1972

JACK C. SILVER-ACTING Clerk  
J. S. DISTRICT COURT

NOTICE OF DISMISSAL

COMES NOW the plaintiff, United States of America, by and through its attorney, Robert P. Santee, Assistant United States Attorney for the Northern District of Oklahoma, and hereby gives notice of its dismissal without prejudice of this action.

Dated this 14th day of September, 1972.

UNITED STATES OF AMERICA

NATHAN G. GRAHAM  
United States Attorney

  
ROBERT P. SANTEE  
Assistant United States Attorney

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

SALLY GRAHAM,

Plaintiff,

vs.

PONCA CITY SAVINGS AND LOAN  
ASSOCIATION,

Defendant.

FILED  
SEP 14 1972  
JACK G. SILVERMASTER, Clerk  
U. S. DISTRICT COURT

No. 72 C 232

FILED

SEP 14

U. S. DISTRICT COURT

ORDER OF DISMISSAL WITH PREJUDICE

NOW on this 14 day of <sup>September</sup> ~~August~~, 1972, there comes before the Court for its consideration the joint stipulation for dismissal filed by the attorneys of record for all parties to the above captioned civil action against whom judgment has not heretofore been entered.

WHEREUPON, said Stipulation being pursuant to Rule 41(a) of the Federal Rules of Civil Procedure, it is hereby ordered that the above captioned civil action is hereby dismissed with prejudice against the right to refile same.

*Lee Danahy*  
UNITED STATES DISTRICT JUDGE

APPROVED AS TO FORM:

*Sam P. Daniel, Jr.*  
Sam P. Daniel, Jr. of  
DOERNER, STUART, SAUNDERS, DANIEL  
& LANGENKAMP  
Attorneys for Plaintiff

*Pat Malloy*  
Pat Malloy, Attorney for Defendant

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

UNITED STATES OF AMERICA, )  
)  
Plaintiff, )  
)  
vs. ) Civil Action  
) No. 70-C-303  
)  
AUGUSTA S. SISLER, Individually and )  
as Executrix of the Estate of Wade H. )  
Sisler, M. D., deceased, )  
)  
Defendant ~~WILLIAM SILVER-KEPINS~~ )

FILED

SEP 13 1972

~~WILLIAM SILVER-KEPINS~~

Clerk

U. S. DISTRICT COURT

ORDER SUSTAINING FINDINGS AND  
RECOMMENDATIONS OF MAGISTRATE  
AND  
FINDINGS OF FACT AND CONCLUSIONS OF LAW  
AND JUDGMENT

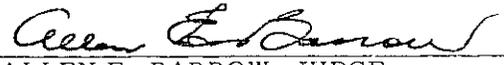
There comes on before this Court for consideration on this 13<sup>th</sup>  
day of September, 1972 the findings and recommendations heretofore made  
by the U. S. Magistrate, Morris L. Bradford, on the 23rd day of August,  
1972.

This Court finds as follows:

1. That no objections or other response has been made or filed by the plaintiff United States of America to the findings and recommendations of the Magistrate.
2. The findings of fact by the Magistrate are correct and should be sustained.
3. The defendant is entitled to judgment as a matter of law.
4. The affidavits and exhibits attached to the Motion for Summary Judgment show that there is no genuine issue as to any material fact and that defendant is entitled to have judgment rendered in her favor as a matter of law.
5. The affidavits and exhibits attached to defendant's Motion for Summary Judgment show that there is no genuine issue as to any fact pertaining to Mercy Hospital as a corporation or the relationship of Wade H. Sisler, M. D., deceased, to such hospital corporation, or the relationship of the plaintiff to such hospital corporation or to Wade H. Sisler, M. D., deceased.
6. The plaintiff has not filed or presented any instrument in opposition to the affidavits or exhibits attached to and made a part of the defendant's Motion for Summary Judgment.

7. The undisputed facts as presented in the defendant's Motion for Summary Judgment and the affidavits and exhibits attached thereto and the applicable law as presented by the defendant's brief in support of its Motion for Summary Judgment, clearly disclose that the hospital corporation was not the "alter ego" of Wade H. Sisler, M. D., deceased; that the defendant as Executrix of the Estate of Wade H. Sisler, M. D., deceased, or as an individual, should not be a defendant in this action in any respect and has no liability or responsibility to the plaintiff in any respect or regard whatever.

IT IS THEREFORE ORDERED, ADJUDGED AND DECREED that the Motion for Summary Judgment of the defendant Augusta S. Sisler, in the capacities in which suit was filed against her, is hereby sustained and judgment is hereby rendered in favor of defendant and against the plaintiff, and the defendant in her capacity both as an individual and as executrix of the estate of Wade H. Sisler, M. D., deceased, is adjudged to have no liability or responsibility to the plaintiff in any respect or regard whatever.

  
ALLEN E. BARROW, JUDGE

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

BOARD OF TRUSTEES, PIPELINE )  
INDUSTRY BENEFIT FUND, )  
 )  
vs. Plaintiff, ) No. 72 C 291  
 )  
VAN ESS COMPANY, )  
 )  
Defendant. )

**FILED**

SEP 13 1972

ORDER OF DISMISSAL TACK C. SILVER-Acting Clerk  
U. S. DISTRICT COURT

NOW, on this ~~12~~<sup>13</sup> day of September, 1972, Plaintiff's Motion for Dismissal coming on for consideration and counsel for Plaintiff herein representing and stating that all issues, controversies, debts and liabilities between the parties have been settled and compromised,

IT IS THEREFORE ORDERED, that said action be and the same is hereby dismissed with prejudice to the bringing of another or future action by the Plaintiff herein.

*Luther Bohannon*  
JUDGE, UNITED STATES DISTRICT COURT

UNITED STATES DISTRICT COURT FOR THE  
NORTHERN DISTRICT OF OKLAHOMA

United States of America,

Plaintiff,

vs.

10.00 Acres of Land, More or  
Less, Situate in Nowata County,  
State of Oklahoma, and Fred C.  
Summers, Inc., et al., and  
Unknown Owners,

Defendants.

CIVIL ACTION NO. 70-C-336

Tract No. 1339M

FILED  
SEP 12 1972  
JACK G. SILVER - ACTING Clerk  
U. S. DISTRICT COURT

AMENDMENT TO JUDGMENT

NOW, on this 11 day of September, 1972, this matter comes on for disposition on application of the Plaintiff for entry of an amendment to the Judgment filed herein on July 31, 1972. The Court, having examined the files and being advised by counsel, finds that:

1. Based upon information furnished by counsel, the Judgment filed herein on July 31, 1972, recited, in paragraph 14, that none of the sum deposited as estimated compensation for the lessor interest in the subject tract had been disbursed to the owners of such interest.

2. The information furnished by counsel was in error, in that one-half of said deposit had been disbursed to the owners of one-half of said lessor interest.

Therefore, the Judgment should be amended as requested by Plaintiff.

It Is, Therefore, ORDERED, ADJUDGED AND DECREED that the Judgment filed herein on July 31, 1972, hereby is amended in the following particulars only:

Delete from said Judgment all of the paragraph numbered 14 and substitute in lieu thereof the following:

"14.

It Is Further ORDERED, ADJUDGED AND DECREED that the sum of \$50.00 hereby is adopted as the award of just compensation for the lessor interest in the estate condemned herein in subject tract, as shown in the schedule as follows, to-wit:

Tract No. 1339M

Owners:

Lessor Interest:

George C. Lynde and  
Cornelia L. Sneed, Co-executors of the Estate  
of Elizabeth W. Lynde, deceased . . . . . 1/2  
  
Trustees of Iowa College . . . . . 1/2

Lessee Interest:

Fred C. Summers, Inc.

Award of just compensation, deposit, and disburseals:

	Lessor Interest	Lessee Interest
<b>Award</b>		
Pursuant to Court findings . . . .	\$50.00	\$50.00
Pursuant to stipulation . . . . .		\$1,700.00
Deposited as estimated compensation .	50.00	710.00
<b>Disbursed:</b>		
To Trustees of Iowa College . . . . .	25.00	
To lessee . . . . .		710.00
<b>Balance due:</b>		
To George C. Lynde and Cornelia L. Sneed, Co-executors of the Estate of Elizabeth W. Lynde, deceased . . . . .	\$25.00	
To Fred C. Summers, Inc. . . . .		\$990.00
Deposit deficiency . . . . .	None	\$990.00 <sup>11</sup>

/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

GLEND A JOYCE SPEARS, )  
 )  
 Plaintiff, )  
 )  
 vs. )  
 )  
 SAFEWAY STORES, INC., and )  
 B ILL LASHLEY, )  
 )  
 Defendants. )

72-C-113

**FILED**  
SEP 12 1972  
JACK G. SILVER-AGTTS Clerk  
U. S. DISTRICT COURT

ORDER

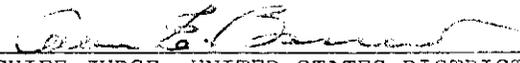
After reviewing the file and record in this cause, the  
recommendations of the Magistrate are hereby approved, and

IT IS, THEREFORE, ORDERED that Motion to Dismiss as  
to Defendant Bill Lashley be and the same is hereby overruled;  
that the Plaintiff's Motion to Overrule Defendant Lashley's  
Motion to Dismiss be and the same is hereby sustained; that  
the Defendant's petition for removal from the District Court  
of Creek County, Drumright Division, State of Oklahoma be and  
the same is hereby dismissed; and that the Plaintiff's Motion  
to Remand Suit to the State Court be and the same is hereby  
sustained.

The Clerk of the Court shall forward by mail a copy  
of this Order to each of the attorneys for the above named  
plaintiff and defendant.

Dated this 12 day of September,

1972.

  
\_\_\_\_\_  
CHIEF JUDGE, UNITED STATES DISTRICT COURT  
FOR THE NORTHERN DISTRICT OF OKLAHOMA.

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

CHARLES STULTZ,

Plaintiff

vs

ROBERT GARWOOD, as Administrator of  
the Estate of GROVER T. SHARPE,  
deceased.

Defendant

NO. 72-C-128

F. L. E. D.  
11-1-72

STIPULATION OF DISMISSAL WITH PREJUDICE  
U. S. DISTRICT COURT

Comes now the plaintiff, through his attorney,  
Ben T. Owens, and the defendant, through his attorney,  
Jack M. Thomas, and stipulate that the above captioned  
cause of action be dismissed with prejudice to filing a  
future action herein.

\_\_\_\_\_  
Attorney for Plaintiff

*Jack M. Thomas*  
\_\_\_\_\_  
Attorney for Defendant

ORDER

And now on this \_\_\_ day of September, 1972, there  
came on for consideration before the undersigned Judge of  
the United States District Court for the Northern District  
of Oklahoma, stipulation of the parties hereto of dismissal  
parties hereto having advised the court that all disputes  
between the parties have been settled.

IT IS THEREFORE ORDERED, ADJUDGED AND DECREED that  
the above styled cause be and the same is hereby dismissed  
with prejudice to the right of the plaintiff to bring any  
future action arising from said cause of action.

*William E. Bassett*  
\_\_\_\_\_  
Judge

UNITED STATES DISTRICT COURT FOR THE  
NORTHERN DISTRICT OF OKLAHOMA

UNITED STATES OF AMERICA, )  
 )  
 Plaintiff, )  
 )  
 vs. )  
 )  
 20.00 ACRES OF LAND, MORE OR )  
 LESS, SITUATE IN ROGERS COUNTY, )  
 STATE OF OKLAHOMA, AND O. H. )  
 MOORE, ET AL., AND UNKNOWN )  
 OWNERS, )  
 )  
 Defendants.)

CIVIL ACTION NO. 69-C-171  
Tract No. 438M

FILED

SEP 11 1972  
JACK C. SILVER - ACTING  
Clerk  
U. S. DISTRICT COURT

J U D G M E N T

1.

Now, on this 7<sup>th</sup> day of September, 1972, this matter comes on for disposition on application of the Plaintiff, United States of America, for entry of judgment on the Report of Commissioners filed herein on November 29, 1971, and the Court, after having overruled Plaintiff's Objections to Report of Commissioners on December 29, 1971, having examined the file in this action and being advised by counsel for the Plaintiff, finds that:

2.

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

3.

This judgment applies to the entire estate taken in Tract No. 438M as such estate and tract are described in the Complaint filed in this case.

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 filed herein give the United States of America the right, power and authority to condemn the subject property for public use. Pursuant thereto, on July 23, 1969, the United States of America filed its Declaration of Taking of a certain estate in such tract of land, which was the date of taking thereof. Simultaneously therewith, Plaintiff deposited \$8,954.00 in the Registry of this Court as estimated compensation for the taking of said estate, part of which has been disbursed. Therefore, title to such property should be vested in the United States of America as of July 23, 1969.

6.

The Report of Commissioners filed herein on November 29, 1971, is hereby accepted and adopted as findings of fact as to the subject tract, wherein the amount of just compensation as to the estate taken therein is fixed by the Commission at \$9,330.00.

7.

This judgment creates a deficiency between the amount deposited as estimated just compensation for the estate taken in the subject tract and the amount fixed by the Commission and adopted by the Court as just compensation; therefore, a sum of money sufficient to cover such deficiency should be deposited by the Government. This deficiency is set out below in paragraph 11.

8.

The Defendants named in paragraph 11 as owners of the estate taken in the subject tract are the only Defendants asserting any interest in such estate; all other Defendants having either disclaimed or defaulted. The Court further finds that there was a subsisting oil and gas lease on this tract on the date of taking. Said named Defendants were the owners of various

2.

interests in the estate condemned herein as of the date of taking and, as such, are entitled to receive the just compensation awarded by this judgment according to their respective interests as set out in paragraph 11 below.

9.

IT IS THEREFORE ORDERED, ADJUDGED AND DECREED BY THE COURT that the United States of America has the right, power and authority to condemn for public use the subject tract, as it is described in the Complaint filed herein, and such property, 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 July 23, 1969, which was the date of taking thereof, and all Defendants herein and all other persons are forever barred from asserting any claim to such estate.

10.

IT IS THEREFORE ORDERED, ADJUDGED AND DECREED BY THE COURT that on the date of taking in this case, the owners of the various interests in the estate taken herein in the subject tract were the Defendants whose names appear below in paragraph 11 with the interest owned by each also shown therein and the right to receive the just compensation for such estate is vested in the parties so named; and, there was a subsisting oil and gas lease on this tract on the date of taking.

11.

IT IS FURTHER ORDERED, ADJUDGED AND DECREED BY THE COURT that the Report of Commissioners filed herein on November 29, 1971, is hereby confirmed and the \$9,330.00 therein fixed is adopted as the award of just compensation for the estate taken in the subject tract, which is allocated and should be disbursed according to the following schedule:

TRACT NO. 438M

AWARD OF JUST COMPENSATION:

Total award for estate taken . . . . . \$9,330.00

ALLOCATION OF AWARD:  
 (pursuant to Commissioners' Report)

To Lessee (Working) interest . . . .	\$7,665.00
To Overriding Royalty interest . . . .	487.00
To Lessor (Royalty) interest . . . .	1,178.00
DEPOSIT OF ESTIMATED COMPENSATION . . . . .	<u>8,954.00</u>
DEPOSIT DEFICIENCY . . . . .	\$ 376.00 plus 6% interest from July 23, 1969

OWNERSHIP, DISTRIBUTION OF AWARD AND DISBURSAL:

Owners	Interest	Share of Award	Previously Disbursed	Balance Due
<u>LESSEE (WORKING) INTEREST:</u>				
O. H. Moore	13/16 W.I.	\$7,665.00	\$5,311.00	\$2,354.00
<u>OVERRIDING ROYALTY INTEREST:</u>				
Shell Companies Foundation, Incorporated	1/16	487.00	None	487.00
<u>LESSOR INTEREST:</u>				
Lula Gourd	1/8 R.I.	1,178.00	580.00	598.00

12.

IT IS FURTHER ORDERED, ADJUDGED AND DECREED that the United States of America shall pay into the Registry of this Court for the benefit of the owners the deposit deficiency for the subject tract as shown in paragraph 11 in the amount of \$376.00, together with interest on such deficiency at the rate of 6% per annum from July 23, 1969, until the date of deposit of such deficiency sum; and, in addition, the United States of America shall pay into the Registry of this Court interest on the \$2,354.00, which was awarded the owner of the working interest in excess of the sum (\$5,311.00) previously disbursed to said owner of the working interest, at the rate of 6% per annum from August 28, 1969, until the date of deposit of said interest; then, such sum shall be placed in the deposit for the subject tract in this action.

13.

IT IS FURTHER ORDERED BY THE COURT that when sufficient funds are on deposit the Clerk of this Court shall forthwith disburse

the award for the subject tract by paying each owner his balance due as shown above in paragraph 11, together with each owner's proportionate share of the accrued interest on the aforesaid deposit deficiency, as follows:

O. H. Moore - \$2,354.00 plus 13/16 of the accrued interest on the \$376.00 deposit deficiency

Shell Companies Foundation, Incorporated - \$487.00 plus 1/16 of the accrued interest on the \$376.00 deposit deficiency

Lula Gourd - \$598.00 plus 1/8 of the accrued interest on the \$376.00 deposit deficiency

and

O. H. Moore - all of the interest at 6% per annum on \$2,354.00, from August 28, 1969, until paid into the Registry of this Court.

/s/ Luther Bohanon

---

UNITED STATES DISTRICT JUDGE

APPROVED:

/s/ Jack M. Short

---

JACK M. SHORT  
Assistant United States Attorney

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

UNITED STATES OF AMERICA, )  
 )  
 Plaintiff, )  
 )  
 vs. )  
 )  
 AUGUSTA S. SISLER, Individually )  
 and as Executrix of the Estate )  
 of Wade H. Sisler, M.D., )  
 deceased, )  
 )  
 Defendant. )

70-C-303 ✓

JACK S. SILVER-AGENTS  
U. S. DISTRICT COURT

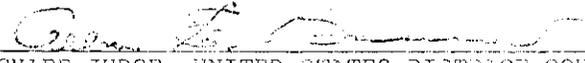
ORDER

After reviewing the file and record in this cause,  
the recommendations of the Magistrate are hereby approved,  
and

IT IS, THEREFORE, ORDERED that the Motion of Defend-  
ant, Augusta S. Sisler, for Summary Judgment be and the same  
is hereby sustained.

The Clerk of the Court shall forward by mail a copy  
of this Order to each of the attorneys for the above named  
plaintiff and defendant.

Dated this 17 day of July,  
1972.

  
\_\_\_\_\_  
CHIEF JUDGE, UNITED STATES DISTRICT COURT  
FOR THE NORTHERN DISTRICT OF OKLAHOMA.

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

MARY LOU ASHWORTH, et al.,  
Plaintiffs,  
vs.  
CUYLER GRIM, et al.,  
Defendants.

No. 72-C-228 ✓

**FILED**  
SEP 8 1972

NOTICE OF DISMISSAL

TO: JAMES M. MUNN  
Attorney for Defendant

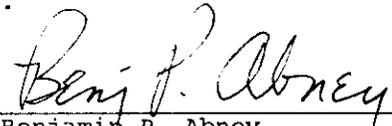
JACK C. SILVER - ACTING

Clerk

U. S. DISTRICT COURT

Please take notice that the Plaintiff discontinues the  
above entitled action and dismisses the complaint without  
prejudice.

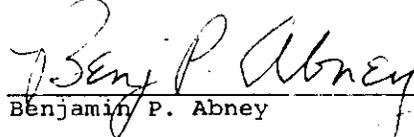
Dated: September 8, 1972.



Benjamin P. Abney  
Attorney for Plaintiff  
2601 Fourth National Bank Bldg.  
Tulsa, Oklahoma 74119

CERTIFICATE OF MAILING

I hereby certify that on the 8th day of September, 1972,  
I mailed a true and correct copy of the above and foregoing  
Dismissal to Mr. James M. Munn, 29 East Broadway, Sand Springs,  
Oklahoma, Attorney for Defendant, with sufficient postage  
prepaid.



Benjamin P. Abney

UNITED STATES DISTRICT COURT FOR THE  
NORTHERN DISTRICT OF OKLAHOMA

FILED

SEP 19 1972

WACK G. ELLIOTT, Clerk  
U. S. DISTRICT COURT

KENNETH EUGENE SUTTON,  
Plaintiff

vs.

PARK J. ANDERSON, acting Warden,  
and THE STATE OF OKLAHOMA,  
Defendants

Civil Action

No. 72-C-97

ORDER OF DISMISSAL

This cause came on for trial before the Court, pursuant to regular setting and notice to parties; the plaintiff not being present nor represented by counsel and being adjudged in default by the Court, and the defendants were represented by counsel,

IT IS ORDERED that the plaintiff's action is dismissed, for failure of plaintiff to prosecute the same and for the further reason that plaintiff's complaint fails to assert that defendants, acting under color of state law, have deprived plaintiff of any federally protected constitutional right.

Dated at Tulsa, Oklahoma, this 19th day of September, 1972.

*Lisa Dougherty*  
United States District Judge