

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

JESSIE JAMES HAYNES,)
Plaintiff,)
vs.)
LEOTA MARIE HENNINGTON HAYNES,)
correctly known as MARIE)
HENNINGTON HOFFMAN,)
Defendant.)

NO. 72-C-461

FILED
FEB 21 1973
Jack C. Silver, Clerk
U. S. DISTRICT COURT

ORDER OF DISMISSAL

On the 14 day of February, 1973 hearing was held on Defendant's motion to dismiss. The Court having examined the pleadings and heard the argument of Defendant's counsel, W. Michael Hackett, Plaintiff not being present finds as follows:

1. That the Plaintiff's "Petition for Law Suit", construed most favorably, is an action for slander.
2. That action for slander under Title 12 Oklahoma Statutes Annotated Section 95 must be brought within one year after the defamatory language is uttered.
3. That the Statutes of Limitations has, therefore, run, and that the Court lacks subject matter jurisdiction in this matter.

IT IS, THEREFORE, ORDERED AND ADJUDGED AND DECREED that the Plaintiff's Complaint and cause of action are dismissed for lack of subject matter jurisdiction, and the Defendant's Motion to Dismiss is sustained.

Signed by me this 26th day of February, 1973.

H. Luther Bohannon
Judge of United States District
Court

UNITED STATES DISTRICT COURT FOR THE
NORTHERN DISTRICT OF OKLAHOMA

United States of America,)
)
 Plaintiff,)
)
 vs.)
)
 4.32 Acres, of Land, More or)
 Less, Situate in Nowata County,)
 State of Oklahoma, and Henry)
 Merrow Heirs, et al., and)
 Unknown Owners,)
)
 Defendants.)

CIVIL ACTION NO. 72-C-460
Tract No. 1050M

FILED

FEB 28 1973

Jack C. Silver, Clerk
U. S. DISTRICT COURT

J U D G M E N T

1.

NOW, on this 27th day of Feb., 1973, this matter comes on for disposition on application of Plaintiff, United States of America, for entry of judgment on stipulations 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. 1050M, 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 the Federal Rules of Civil Procedure, on all parties defendant in this cause who are interested in subject property.

5.

The Acts of Congress set out in paragraph 2 of the Complaint filed herein give the United States of America the right, power and authority to condemn for public use the tract described above in paragraph 2. Pursuant thereto, on December 22, 1972, the United States of America filed its Declaration of Taking of a certain estate in such tract and title to 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 of the Declaration of Taking, there was deposited in the Registry of this Court, as estimated compensation for the taking of a certain estate in subject tract a certain sum of money, and part of this deposit has been disbursed as set out below in paragraph 12.

7.

The defendants named in paragraph 12 as owners of subject property are the only defendants asserting any interest in the estate condemned herein. All other defendants having either disclaimed or defaulted, the named defendants, as of the date of taking, were the owners of the respective interests in the estate condemned herein, as shown in such paragraph 12, and, as such, are entitled to receive the just compensation awarded by this judgment.

8.

The owners of the estate taken in subject tract and the United States of America have executed and filed herein certain stipulations as to just compensation wherein they have agreed that just compensation for their respective interests in the estate condemned in subject tract is in the amounts shown as compensation in paragraph 12 below, and such stipulations 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 stipulations 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. 1050M, as such tract is particularly described in the Complaint filed herein; and 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 December 22, 1972, and all defendants herein and all other persons interested in such estate are forever barred from asserting any claim to such property.

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 the 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 stipulations as to just compensation, mentioned in paragraph 8 above, hereby are confirmed; and the sums therein fixed are adopted as the awards of just compensation for the respective interests in the estate condemned in subject tract, as shown by the following schedule:

TRACT NO. 1050M

1. Lessor Interest

Owner: Getty Oil Company
(Successor to Tidewater Associated Oil Co.)

Award of just compensation pursuant to Stipulation -----	\$10.00	\$10.00
Deposited as estimated compensation -----	<u>\$10.00</u>	
Disbursed to owner -----		<u>\$10.00</u>

2. Lessee Interest

Owners: Lee Hagan, Wilma Pauline Blanke, and
Billy Eugene Blanke, Co-executors of
the Estate of Henry Merrow, deceased.

Award of just compensation pursuant to Stipulation -----	\$540.00	\$540.00
Deposited as estimated compensation -----	\$305.00	
Disbursed to owners -----		<u>None</u>
Balance due to owners -----		<u>\$540.00</u>
Deposit deficiency -----	\$235.00	

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. 1050M, the deficiency sum of \$235.00, and the Clerk of this Court then shall disburse to the owners of the lessee interest as shown in paragraph 12, the sum of \$540.00.

/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 WITHIN
AND FOR THE NORTHERN DISTRICT OF OKLAHOMA

MELVIN McDONALD,

Plaintiff,

vs.

J. S. LOVE & COMPANY, INC.,
A. G. EDWARDS & SONS, INC.,
A. C. HAYS and DUDLEY D.
MORGAN, JR.,

Defendants.

No. 71-C-259

FILED
IN OPEN COURT

FEB 27 1973

J U D G M E N T

Jack C. Silver
Clerk, U. S. District Court

This action came on for hearing on the plaintiff's Motion for Summary Judgment, and the issues having been duly heard and a decision having been duly rendered,

IT IS ORDERED AND ADJUDGED:

That the plaintiff Melvin McDonald recover of the defendant J. S. Love & Company, Inc., the sum of \$10,054, with interest thereon at the rate of 10% as provided by law, and his costs of action.

Dated at Tulsa, Oklahoma, this 27th day of February, 1973.

Allen E. Brown

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

United States of America,

Petitioner,

vs.

JOHN ROBERT MILLS,

Patient.

73 - C - 63

Civil No. _____

FILED
In open Court
FEB 27 1973

Jack C. Silver, Clerk
U. S. DISTRICT COURT

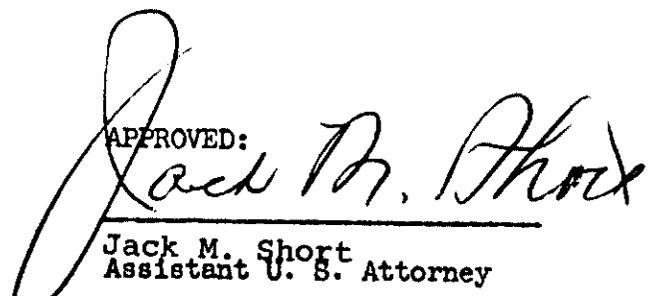
O R D E R

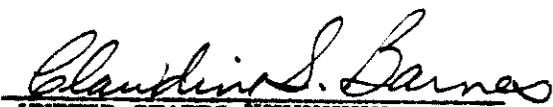
This day came on for consideration the petition of the United States in this cause; and it appearing to the Court that the patient, after having been fully advised of his rights as set forth in Title 42 U.S.C. Section 3411, et seq. (Title III, Section 301, et seq. Public Law 89-793), has in open Court waived all such rights and has again expressed his desire to obtain treatment for his addiction; 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.

* XXXXX
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Signed the 27th day of February 19 73 .

APPROVED:

Jack M. Short
Assistant U. S. Attorney


UNITED STATES ~~MAGISTRATE~~
MAGISTRATE

* IT IS FURTHER ORDERED that the patient report to The National Institute Mental Health Clinical Research Center at Lexington, Kentucky by 9:30 a.m., Thursday, March 1, 1973.

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

FILED
FEB 26 1973

Jack C. Silver, Clerk
U. S. DISTRICT COURT
Civil Action
No. 71-C-128

THE NORTHWESTERN MUTUAL LIFE INSURANCE)
COMPANY, a Corporation,)
Plaintiff,)
vs. :
EUGENE C. MULLENDORE, et al.,)
Defendants.)

ORDER ESTABLISHING LIENS, AUTHORIZING COMPROMISE
OF LIEN CLAIMS AND PAYMENT THEREOF

AT TULSA within the Northern District of Oklahoma, on the 23rd day of February, 1973, upon the application of Joe R. Jarboe and Eddie King, the duly appointed, qualified and acting Receivers of the Mullendore Debtor Estate, In Proceedings for An Arrangement, Case No. 71-B-400, by and through their counsel, James O. Ellison, for an Order establishing lien claims in these proceedings, and authorizing the compromise of such claims, and the Court having fully considered the application and being well and sufficiently advised in the premises, finds as follows:

1. That heretofore the first mortgage claim of The Northwestern Mutual Life Insurance Company, a corporation, has been heard and determined by the Court and judgment entered thereon, which judgment appears on file in this case.

2. That an agreement and stipulation reflecting the secured claim of Ponca City Production Credit Association has been entered and heretofore filed in this case; that the cross-claimants, Ponca City Production Credit Association and Federal Intermediate Credit Bank of Wichita, have been paid in full, and the mortgages which are the basis of their claims have been released of record.

3. That in a hearing before this Court on the 1st day of February, 1973, evidence was submitted by the claimant, Benson Lumber Company, by and through its counsel of record, Matthew Kane of Pawhuska, Oklahoma, and judgment entered at that time in the following sum:

Principal	\$50,940.65
Interest from February 12, 1970 to March 23, 1971, at 6%	3,430.00
Interest from March 24, 1971, to January 23, 1973, at 10%	9,494.77
Attorney's fee	5,094.00
Court costs	30.00
	<u>\$68,989.42</u>

with interest accruing at the rate of \$14.15 per day from January 23, 1973; that this judgment lien was obtained by Benson Lumber Company by proceedings and judgment

entered in the District Court of Osage County, Oklahoma, in a lien foreclosure action, which judgment was entered prior to the filing of the Chapter XI proceedings in the Mullendore Debtor Estate, Case No. 71-B-400.

4. That in evidentiary proceedings before this Court on February 1, 1973, the claims of Paul M. Jones, based upon Lien No. ML-70-116, in the amount of \$26,400.56 and Lien No. ML-72-65 in the same amount filed by Paul M. Jones in the Office of the District Court Clerk of Washington County, Oklahoma, were both heard by the Court, after presentation by Matthew Kane of Pawhuska, Oklahoma, counsel for Mr. Paul M. Jones, and determined not to be liens against the real estate involved in these proceedings, but to be only a general claim in the Chapter XI proceedings in Case No. 71-B-400; that subsequent to the date of such hearing Paul M. Jones has disclaimed by written instrument any right, title and interest to the real estate which is the subject matter of these proceedings.

5. That subsequent to the evidentiary hearing of February 1, 1973, counsel for the Receivers and special counsel for the Receivers, R. D. Mahan, have met with lien claimants, Richard Kane and Dewey Mill and Elevator, Inc. and have resolved these claims, subject to the approval of the Court in the following manner, to-wit:

The claim of Dewey Mill and Elevator, Inc. filed as Lien No. ML-71-1 in the amount of \$56,567.11 was filed on January 5, 1971, in the Office of the District Court Clerk of Osage County, Oklahoma; that after lengthy analyses of the claim, counsel for the Receivers recommend the allowance of only \$12,737.25, and the remainder of the claim in the amount of \$43,829.86 shall be heard as a general claim against the debtor estate in Case No. 71-B-400; that there are other claimants against Dewey Mill and Elevator, Inc. who have filed claims against the claim of Dewey Mill and Elevator, and that the amount in the sum of \$12,737.25 should be placed in a separate escrow account, and hearing can be had upon the rights, if any, of claimants against Dewey Mill and Elevator, Inc., and not disbursed by the Receivers until such rights, if any, have been determined.

That the Receivers, by and through their counsel and special counsel, have made a case analysis of the claim of Richard Kane, which claim is based upon a real estate mortgage given by E. C. Mullendore III and Linda Mullendore, and which mortgage covered lands owned by E. C. Mullendore III, together with lands owned by Eugene C. and Kathleen Boren Mullendore, together with lands not owned by either E. C. Mullendore III and Linda Mullendore or Eugene C. Mullendore and Kathleen Boren Mullendore; that these mortgaged lands included the Big Annie Farm, which was included in the Mullendore land sale; that there is ample security remaining to Richard Kane in lands owned by E. C. Mullendore III which have been transferred to the Debtor Estate in Case No. 71-B-400; that the total amount of the Richard Kane mortgage indebtedness, including principal, interest, and attorney's fee is the sum

of \$213,068.21. Richard Kane has agreed to accept the sum of \$210,000.00 for his release of mortgage covering all lands mortgaged; that such compromise, in the opinion of counsel for Receivers, inures to the benefit of the debtor estate and all creditors thereof.

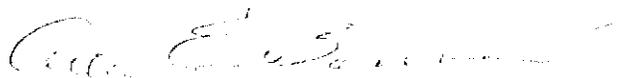
6. That there are no other claimants in these proceedings which have a valid lien against any of the lands of the Debtor Estate.

7. That it is necessary in order to perfect title to the lands heretofore sold in the Mullendore land sale, final confirmation of which is set for March 1, 1973, at 10:00 o'clock A.M. before this Court, that the Receivers be and they are hereby

AUTHORIZED and DIRECTED to disburse from funds on deposit in the hands of the Receivers the following:

- (a) To Benson Lumber Company and its attorney of record, Matthew Kane, the sum of \$69,484.67, which includes interest;
- (b) To Richard Kane the sum of \$210,000.00; and
- (c) To establish an escrow account in the amount of \$12,737.25 to be held for the benefit of Dewey Mill and Elevator, Inc. pending a hearing and determination of the rights, if any, of claimants against Dewey Mill and Elevator, Inc. who have filed claims against such proceeds.

IT IS FURTHER ORDERED that Paul M. Jones has no lien claim against the real estate which is the subject matter of these proceedings, but has only a general claim against the debtors in Case No. 71-B-400.


ALLEN E. BARROW, Chief United States District
Judge for the Northern District of Oklahoma

LAW OFFICES

BOONE, ELLISON
& SMITH

914 WORLD BLDG.

MUSKOGEE, OKLA. 74103

UNITED STATES DISTRICT COURT FOR THE
NORTHERN DISTRICT OF OKLAHOMA

United States of America,)
)
 Plaintiff,)
 vs.) CIVIL ACTION NO. 69-C-92
) Tract No. 524M
 60.00 Acres of Land, More or)
 Less, Situate in Rogers County,) (Lessor Interest and Over-
 State of Oklahoma, and Ruth A.) riding Royalty Interest
 Whitehill, et al., and Unknown) Only)
 Owners,)
)
 Defendants.)

FILED

FEB 26 1973

J U D G M E N T

1.

NOW, on this 26th day of February, 1973, 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 February 9, 1972, and the Court, after having examined the files in this action and being advised by counsel for the Plaintiff, finds that:

Jack C. Silver, Clerk
U. S. DISTRICT COURT

2.

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

3.

This judgment applies only to the lessor interest and the overriding royalty interest in the estate taken in Tract No. 524M, 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 subject tract.

5.

The Acts of Congress set out in paragraph 2 of the Complaint filed herein give the United States of America the right, power and authority to condemn for public use the subject property. Pursuant thereto, on May 15, 1969, the United States of America filed its Declaration of Taking of a certain estate in such Tract

No. 524M, and title to such property should be vested in the United States of America, as of the date of filing such instrument.

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 and the overriding royalty interest in the estate taken in the subject tract a certain sum of money, and none of this deposit has been disbursed, as set out below in paragraph 12.

7.

The Report of Commissioners filed herein on February 9, 1972, hereby is accepted and adopted as a finding of fact insofar as it applies to subject property. The amount of just compensation as to the subject property as fixed by the Commission is set out below in paragraph 12.

8.

This judgment will create a deficiency between the amount deposited as estimated just compensation for the lessor interest and the overriding royalty interest in the estate taken in subject tract and the amount fixed by the Commission and the Court as just compensation, and a sum of money sufficient to cover such deficiency should be deposited by the Government. This deficiency is set out below in paragraph 12.

9.

The defendants named in paragraph 12 as owners of the subject property are the only defendants asserting any interest in such property. All other defendants having either disclaimed or defaulted, the named defendants were, as of the date of taking, the owners of the subject property and, as such, are entitled to receive the just compensation awarded by this judgment.

10.

It Is, Therefore, ORDERED, ADJUDGED and DECREED that the United States of America has the right, power and authority to condemn for public use the subject tract, as it is described in the Complaint filed herein, and such property, to the extent of the lessor interest and the overriding royalty interest in 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 are forever barred from asserting any claim to such estate.

11.

It Is Further ORDERED, ADJUDGED and DECREED that on the date of taking in this case, the owners of the lessor interest and the overriding royalty interest in the estate taken herein in

subject tract were the defendants whose names appear below in paragraph 12, and the right to receive the just compensation awarded by this judgment is vested in the parties so named.

12.

It Is Further ORDERED, ADJUDGED and DECREED that the Report of Commissioners filed herein on February 9, 1972, hereby is confirmed insofar as it applies to the lessor interest and the overriding royalty interest in the estate taken in subject tract, and the sums therein fixed are adopted as the awards of just compensation for the taking of such interests, and such awards are allocated among the various owners as shown by the following schedule:

TRACT NO. 524M

(Lessor Interest and Overriding Royalty Interest)

1. Lessor Interest:

Owners:

Ruth A. Whitehill ----- 1/2
 Julia J. Harmon, Executrix of the
 Estate of Claude C. Harmon,
 deceased ----- 1/2

Award of just compensation pursuant to Commissioners' Report --	\$ 329.00	\$329.00
Deposited as estimated compensation -	282.00	
Disbursed to owners -----		<u>None</u>
Balance due to owners -----		\$329.00
Deposit deficiency -----	\$ 47.00	plus interest

2. Overriding Royalty Interest:

Owner: Ina E. Leffler

Award of just compensation pursuant to Commissioners' Report -----	\$25.00	\$25.00
Deposited as estimated compensation --	12.00	
Disbursed to owner -----		<u>None</u>
Balance due to owner -----		\$25.00
Deposit deficiency -----	\$13.00	plus interest

13.

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 12, in the total amount of \$60.00, together with interest on such deficiency at the rate of 6% per annum from May 15, 1969, until the date of deposit of such deficiency sum; and such sum shall be placed in the deposit for subject tract in this civil action.

Upon receipt of such deficiency deposit the Clerk of this Court shall disburse from the deposit for the subject tract as follows:

To each owner the balance due to her as shown above in paragraph 12, together with each owner's proportionate share of the accrued interest on the deposit deficiency based upon such owner's fractional interest in the subject property.

/s/ Allen E. Barrow

UNITED STATES DISTRICT JUDGE

APPROVED:

/s/ Hubert A. Marlow

HUBERT A. MARLOW
Assistant United States Attorney

UNITED STATES DISTRICT COURT FOR THE
NORTHERN DISTRICT OF OKLAHOMA

United States of America,)
)
 Plaintiff,)
)
 vs.) CIVIL ACTION NO. 69-C-93
)
 100.00 Acres of Land, More or) Tract No. 528M
 Less, Situate in Rogers County,)
 State of Oklahoma, and Lucy) (Lessor Interest and
 B. Arning, et al., and) Overriding Royalty
 Unknown Owners,) Interest Only
)
 Defendants.)

FILED

FEB 26 1973

Jack C. Silver, Clerk
U. S. DISTRICT COURT

J U D G M E N T

1.

NOW, on this 26th day of February, 1973, 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 February 9, 1972, and the Court, after having examined the files in this action and being advised by counsel for the Plaintiff, finds that:

2.

This judgment applies only to the lessor interest and the overriding royalty interest in the estate taken in Tract No. 528M, as such estate and tract are described in the Complaint filed in this case.

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 subject tract.

5.

The Acts of Congress set out in paragraph 2 of the Complaint filed herein give the United States of America the right, power and authority to condemn for public use the subject property. Pursuant thereto, on May 15, 1969, the United States of America filed its Declaration of Taking of a certain estate in such Tract No. 528M, and title to such property should be vested in the United States of America, as of the date of filing such instrument.

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 and the overriding royalty interest in the estate taken in the subject tract a certain sum of money, and all of this deposit has been disbursed, as set out below in paragraph 11.

7.

The Report of Commissioners filed herein on February 9, 1972, hereby is approved insofar as it applies to the lessor interest and the overriding royalty interest in the estate taken in the subject tract. The amount of just compensation for such interests, as fixed by the Commission, is set out below in paragraph 11.

8.

The defendants named in paragraph 11 as owners are the only defendants asserting any interest in the subject property. All other defendants having either disclaimed or defaulted, the named defendants as of the date of taking were the owners of the subject property and, as such, are entitled to receive the just compensation awarded by this judgment.

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. 528M, as such tract is described in the Complaint filed herein, and such tract, to the extent of the lessor interest and the overriding royalty interest in 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 are forever barred from asserting any claim to such interests.

10.

It Is Further ORDERED, ADJUDGED and DECREED that on the date of taking in this case, the owners of the subject property were the defendants whose names appear below in paragraph 11, and the right to receive the just compensation for the taking of such property is vested in the parties so named.

11.

It Is Further ORDERED, ADJUDGED and DECREED that the Report of Commissioners filed herein on February 9, 1972, insofar as it applies to the lessor interest and the overriding royalty interest in the estate taken in Tract No. 528M, hereby is confirmed and the sum therein fixed is adopted as the award of just compensation for the taking of such property, as shown by the following schedule:

TRACT NO. 528M
(Lessor Interest and Over-
riding Royalty Interest)

1. Lessor interest

Owner: Lucy B. Arning

Award of just compensation
pursuant to Commissioners'
Report ----- \$1,147.00 \$1,147.00

Deposited as estimated
compensation ----- \$1,147.00

Disbursed to owner ----- \$1,147.00

2. Overriding royalty interest

Owners: Elmer Paul Arning and
Marie Arning

Award of just compensation
pursuant to Commissioners'
Report ----- \$286.56 \$286.56

Deposited as estimated
compensation ----- \$286.56

Disbursed to owners ----- \$286.56

/s/ Allen E. Barrow

UNITED STATES DISTRICT JUDGE

APPROVED:

/s/ Hubert A. Marlow

HUBERT A. MARLOW
Assistant United States Attorney

UNITED STATES DISTRICT COURT FOR THE
NORTHERN DISTRICT OF OKLAHOMA

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

FILED

FEB 26 1973

Jack C. Silver, Clerk
U. S. DISTRICT COURT

J U D G M E N T

1.

Now, on this 26th day of February, 1973, 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 February 9, 1972, and the Court, after having examined the files in this action and being advised by counsel for the Plaintiff, finds that:

2.

This judgment applies only to the overriding royalty 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 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 subject tract.

5.

The Acts of Congress set out in paragraph 2 of the Complaint filed herein give the United States of America the right, power and authority to condemn for public use the subject property. Pursuant thereto, on May 15, 1969, the United States of America filed its Declaration of Taking of a certain estate in such Tract No. 531M, and title to such property should be vested in the United States of America, as of the date of filing such instrument.

6.

Simultaneously with filing of the Declaration of Taking, there was deposited in the Registry of this Court as estimated compensation for the overriding royalty interest in the estate taken in the subject tract a certain sum of money, and none of this deposit has been disbursed, as set out below in paragraph 12.

7.

On the date of taking in this action, the owner of the overriding royalty interest in the estate taken in subject tract was the defendant whose name is shown in paragraph 12 below, and such named defendant is entitled to receive the just compensation awarded by this judgment.

8.

The Report of Commissioners filed herein on February 9, 1972, insofar as it applies to the overriding royalty interest in the estate taken in subject tract, hereby is approved. The amount of just compensation as to the said interest, as fixed by the Commission, is set out below in paragraph 12.

9.

This judgment will create a deficiency between the amount deposited as estimated compensation for the overriding royalty interest in the estate taken in subject tract and the amount fixed by the Commission and the Court as 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 such tract, to the extent of the overriding royalty interest in 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 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 overriding royalty interest in the estate condemned herein in subject tract was the defendant whose name appears below in paragraph 12, and the right to receive the just compensation for the taking of such interest is vested in the party so named.

12.

It Is Further ORDERED, ADJUDGED and DECREED that the Report of Commissioners filed herein on February 9, 1972, insofar as it applies to the overriding royalty interest in the estate taken in subject tract, hereby is confirmed; and the sum therein fixed is adopted as the award of just compensation for the subject interest, as shown by the following schedule:

TRACT NO. 531M

(Overriding Royalty Interest Only)

Owner: Ina E. Leffler

Award of just compensation pursuant to Commissioners' Report -----	\$75.00	\$75.00
Deposited as estimated compensation --	15.00	
Disbursed to owner -----		<u>None</u>
Balance due to owner -----		\$75.00 plus interest
Deposit deficiency -----	\$60.00	

13.

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 owner, the deposit deficiency for the subject tract as shown in paragraph 12, together with interest on such deficiency at the rate of 6% per annum from May 15, 1969, until the date of deposit of such deficiency sum; and such sum shall be placed in the deposit for subject tract in this civil action.

When such deposit has been made, the Clerk of this Court shall disburse from the deposit for the subject tract, to Ina E. Leffler, the sum of \$75.00 plus all accrued interest required by the first part of this paragraph.

/s/ Allen E. Barrow

UNITED STATES DISTRICT JUDGE

APPROVED:

/s/ Hubert A. Marlow

HUBERT A. MARLOW
Assistant United States Attorney

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 Louis)
 Kahan, et al., and Unknown)
 Owners,)
)
 Defendants.)

CIVIL ACTION NO. 71-C-298

Tract No. 1628M

FILED

FEB 26 1973

Jack C. Silver, Clerk
U. S. DISTRICT COURT

J U D G M E N T

1.

NOW, on this 26th day of February, 1973, this matter comes on for disposition on application of the Plaintiff, United States of America, for entry of judgment fixing just compensation in this matter. After having examined the files in this action and being advised by counsel, the Court finds:

2.

This judgment applies to the entire estate condemned in Tract No. 1628M, as such estate and tract are described in the Complaint filed in this action.

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 subject property.

5.

The Acts of Congress set out in paragraph 2 of the Complaint filed herein give the United States of America the right, power and authority to condemn for public use the property described above in paragraph 2. Pursuant thereto, on August 24, 1971, the United

States of America filed its Declaration of Taking of such property, and title thereto should be vested in the United States of America, as of the date of filing such instrument.

6.

Simultaneously with filing the Declaration of Taking, there was deposited in the Registry of this Court as estimated compensation for the estate taken in the subject tract a certain sum of money, and none of this deposit has been disbursed, as set out below in paragraph 11.

7.

A pre-trial hearing in this case was set by the Court for February 7, 1973. Due notice of such hearing was given to all of the parties. The Plaintiff, United States of America, appeared at such hearing by Hubert A. Marlow, Assistant United States Attorney for the Northern District of Oklahoma. The owners of the subject property did not appear, nor did any attorney appear for them.

8.

The Court has been advised by counsel for Plaintiff that in the event of a trial, Plaintiff's evidence would show that \$100.00 was the value of the estate taken in this case. This sum is based upon an appraisal made by J. M. Wanenmacher; and, no objection having been made by the owners, such sum should be adopted as the award of just compensation in this case.

9.

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 property. All other defendants having either disclaimed or defaulted, the named defendants are the owners of such property, as of the date of taking and, as such are entitled to receive the just compensation awarded by this judgment.

10.

It Is, Therefore, ORDERED, ADJUDGED and DECREED that the United States of America has the right, power, and authority to condemn for public use the subject tract, as such tract is described in the 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 August 24, 1971, and all defendants herein and all other persons are forever barred from asserting any claim to such estate.

11.

It Is Further ORDERED, ADJUDGED and DECREED that on the date of taking in this case, the owners of the subject property were the defendants whose names appear in the schedule below and the right to receive the just compensation awarded by this judgment is vested in the parties so named. The sum of \$100.00 hereby is adopted as the award of just compensation for the estate herein taken in subject tract, and is allocated among the owners, as set out in the schedule which follows, to-wit:

<u>TRACT NO. 1628M</u>		
<u>Owners</u>	<u>Interest</u>	<u>Dollar Share of Award</u>
Louis Kahan	1/8	\$12.50
Sara Esther Kahan	1/16	6.25
Ronia Faye Kahan	1/16	6.25
The First National Bank and Trust Company of Tulsa, Trustee of Julian W. Funke Living Trust	1/4	25.00
The First National Bank and Trust Company of Tulsa, Trustee of Helen Whitenill Kenyon Living Trust	1/4	25.00
Carey and Co., a Partnership	1/4	25.00
Award of just compensation -----	\$100.00	\$100.00
Deposited as estimated compensation -----	<u>\$100.00</u>	
Disbursed to owners -----		<u>None</u>
Balance due to owners -----		\$100.00

12.

It Is Further ORDERED that the Clerk of this Court now shall disburse the deposit for the subject tract as follows:

To each of the owners listed in paragraph 11
the sum shown following his or her name.

/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

JOHN WILLIAM MARX,

Petitioner,

vs.

UNITED STATES OF AMERICA,
DISTRICT ATTORNEY OF TULSA COUNTY,
and STATE OF OKLAHOMA,

Respondents.

NO. 73-C-8

FILED

FEB 26 1973

Jack C. Silver, Clerk
U. S. DISTRICT COURT

O R D E R

THE COURT, having examined the instrument entitled "Petition for Writ of Habeas Corpus" presented to the Clerk of this Court and having further examined the Initial Report of the United States Magistrate concerning the same and being fully advised in the premises, FINDS:

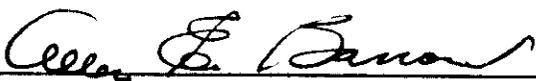
1. That a writ of habeas corpus ad prosequendum is proper pursuant to 28 U.S.C. § 2241(c)(5) to bring a prisoner into Court for trial. Such writ of habeas corpus ad prosequendum is necessary as a tool for jurisdictional potency; and, to bring a Federal prisoner confined in a Federal penitentiary to trial in an Oklahoma State Court, such writ must issue from the State Court. Thus, if the prisoner wishes to challenge the constitutionality of such writ, or the procedures under such writ, he should first exhaust his State remedies. A petition to the Federal Court before exhausting adequate and available State remedies is premature.

2. That the "petition for writ of habeas corpus" of John William Marx is wholly without merit and should be overruled, denied and dismissed.

IT IS, THEREFORE, ORDERED:

1. That this action is overruled, denied and dismissed.
2. That a copy of this Order be mailed by the Clerk of this Court to the petitioner, together with a copy of the Initial Report of the United States Magistrate.

Dated this 26th day of February, 1973, at Tulsa, Oklahoma.


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

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

DEDLORN SANDERS,)
)
Petitioner,)
)
vs.)
)
THE STATE OF OKLAHOMA AND)
WARDEN PARK J. ANDERSON,)
)
Respondents.)

73-C-6 ✓

FILED
FEB 26 1973
Jack C. Silver, Clerk
U. S. DISTRICT COURT

ORDER

THE COURT, having examined the files and records of this proceeding, which include transcript of entry of plea of guilty in the District Court of Tulsa County, Oklahoma, and the Report of the United States Magistrate concerning the same, and being fully advised in the premises, FINDS:

1. The petitioner has exhausted the remedies available in the courts of the State of Oklahoma;
2. An evidentiary hearing is not required, since the petition filed herein and the records and files examined by the Court conclusively show that the petitioner is not entitled to relief and no factual issues are raised;
3. That the grounds for relief alleged by petitioner are repetitious of those grounds stated by petitioner in prior petition for writ of habeas corpus;
4. The guilty plea of the petitioner was made voluntarily;
5. Petitioner was not denied effective assistance of counsel;
6. That the sentence imposed was not contrary to the laws of the State of Oklahoma;
7. That petitioner was not denied a fair trial which was terminated by his withdrawal of a plea of not guilty and the entering of his voluntary plea of guilty;

8. That petitioner's motion to proceed in forma pauperis be granted.

IT IS, THEREFORE, ORDERED:

1. That petitioner is permitted to proceed in forma pauperis.

2. The Petition for Habeas Corpus filed herein is denied and the case dismissed.

3. That petitioner's plea for assistance of counsel in preparation of his writ of habeas corpus is denied.

4. That a copy of this Order be mailed by the Clerk of this Court to the petitioner, together with a copy of the Report of the United States Magistrate.

5. That the Clerk of this Court furnish to respondents a copy of this Order, together with a copy of the Report of the United States Magistrate, by mailing the same to the Attorney General of the State of Oklahoma.

Dated this 26th day of February, 1973.



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

4. That it is admittedly the better practice for the Judge who accepts a plea of guilty to impose the sentence, but a sentence imposed by another Judge regularly sitting in or assigned to the Court is not void. Rule 25(b), F.R.Cr.P.; Rogers v. United States, 350 F.2d 297 (10th Cir. 1965).

5. The files and records conclusively show that the defendant, Lee Roy Boyd, is not entitled to relief and no factual issues are raised. Therefore, there is no necessity for this Court to hold an evidentiary hearing.

IT IS, THEREFORE, ORDERED:

1. The motion of Lee Roy Boyd pursuant to 28 U.S.C. § 2255 is overruled and dismissed;

2. That a copy of this Order be mailed by the Clerk of this Court to the petitioner together with a copy of the Initial Report of the United States Magistrate;

3. The Clerk of this Court furnish to respondent a copy of this Order together with a copy of the Initial Report of the United States Magistrate by mailing the same to the United States Attorney for the Northern District of Oklahoma.

Dated this 23rd day of February, 1973, at Tulsa, Oklahoma.


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

FILED

FEB 23 1973

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

WILLIAM E. RUTLEDGE
REFEREE IN BANKRUPTCY
U. S. DISTRICT COURT
NORTHERN DISTRICT OF OKLA.

IN THE MATTER OF:

ANNA SUE BELL,

Bankrupt.

)
)
)
)
)

Bankruptcy No. 72-B-755

FILED ^{M-571}

FEB 23 1973

J U D G M E N T

Jack C. Silver, Clerk
U. S. DISTRICT COURT

This cause comes on for hearing this 13th day of February, 1972, upon the application to determine dischargeability of debt and amendment thereto, filed herein by LVO Federal Credit Union, at which time the bankrupt was present in person and represented by her attorneys, Dennis Downing and Bruce Taliaferro, and LVO Federal Credit Union was present and represented by its attorneys, Sanders, McElroy & Carpenter, by Richard Carpenter. Both parties having announced ready for trial, the Court proceeded to hear evidence concerning the matter before it and upon the evidence presented, including the testimony of witnesses and exhibits introduced, finds that a total of \$896.61 of monies owed to LVO Federal Credit Union by the bankrupt at the time of filing of her bankruptcy petition represented monies obtained and extensions of credit obtained by the bankrupt from LVO Federal Credit Union by the reliance of LVO Federal Credit Union upon materially false statements in writing representing the bankrupt's financial condition in a manner which was incomplete with the necessary intent on the part of the bankrupt to make the bankrupt's debt to LVO Federal Credit Union non-dischargeable within 11 U.S.C. § 35 (2), to which ruling by the Court the bankrupt excepts. The Court further finds that the remainder of the bankrupt's obligation to LVO Federal Credit Union at the time of filing the bankruptcy herein does not fall within

11 U.S.C. § 35 and said remainder is not determined to be non-dischargeable, to which ruling of the Court, LVO Federal Credit Union excepts.

BE IT, THEREFORE, the judgment of this Court that the obligations of Anna Sue Bell to LVO Federal Credit Union to the extent of \$896.61 is hereby held to be non-dischargeable in bankruptcy under 11 U.S.C. § 35 (2) and that LVO Federal Credit Union have and recover judgment of and from Anna Sue Bell in the sum of \$896.61, plus interest at the rate of 10% per annum from and after this date until paid, for all of which let execution issue.


REFeree IN BANKRUPTCY

APPROVED AS TO FORM:

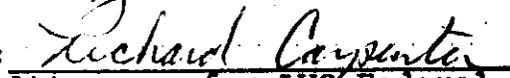
DENNIS DOWNING

By:

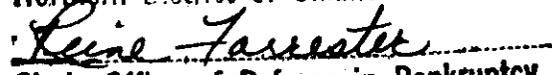

Attorney for Bankrupt.

SANDERS, McELROY & CARPENTER

By:


Attorneys for LVO Federal
Credit Union.

I hereby certify the foregoing to
be a true copy of original on file
in office of Referee in Bankruptcy
for the U. S. District Court for the
Northern District of Oklahoma.


Clerk, Office of Referee in Bankruptcy

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

ANNIE LOU SANDERS,)
WILL SANDERS, and)
INEZ SANDERS,)
Individually and as the)
Heirs at Law of)
Donald Lee Sanders,)
deceased,)

Plaintiffs,)

vs.)

RICK NOLAN)

and)

THE CITY OF TULSA, OKLAHOMA,)
A municipal corporation,)

Defendants.)

No. 72-C-441

FILED

FEB 22 1973 *hmv*

Jack C. Silver, Clerk
U. S. DISTRICT COURT

O R D E R

The Motion to Dismiss filed by defendant, City of Tulsa, Oklahoma, a municipal corporation, came on for hearing on February 14, 1973, plaintiffs appearing by their counsel, Fred P. Gilbert, and the defendant, The City of Tulsa, Oklahoma, appearing by its counsel, Philip S. Haney, Assistant City Attorney for the City of Tulsa.

The Court, having heard the argument of counsel, having reviewed the file and the briefs filed by plaintiff and defendant counsel, concludes that the defendant's Motion to Dismiss should be granted for plaintiffs' failure to state a cause of action upon which relief may be granted.

IT IS, THEREFORE, ORDERED, ADJUDGED AND DECREED that the Complaint of the plaintiffs as against the defendant, The City of Tulsa, Oklahoma, be and the same is hereby dismissed.

Dated this 20th day of February, 1973.

Luther Holman
UNITED STATES DISTRICT JUDGE

... be allowed to the bankrupts. It is accordingly
ordered, adjudged and decreed that the applicant, Nationwide
Finance Company, is allowed judgment of and from and against
the bankrupts, Frederick Baker and Betty Joyce Baker, and
each of them, in the amount of \$300 plus \$10 costs and plus
a \$20 docket fee for all of which let execution issue.

William E. Rutledge

Referee in Bankruptcy
William E. Rutledge

APPROVED:

FRANK A. GREER

By *Frank A. Greer*
Attorney for Defendants,
Frederick and Betty Joyce Baker

JACK Y. GORDE

By *Jack Y. Gorde*
Attorney for Plaintiff,
Nationwide Finance Company

I hereby certify the foregoing to
be a true copy of original on file
in office of Referee in Bankruptcy
for the U. S. District Court for the
Northern District of Oklahoma.

James T. ...
Clerk, Office of Referee in Bankruptcy

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

ALPHA VETERINARY SUPPLY, INC.,)
an Oklahoma Corporation,)
)
Plaintiff,)
)
vs.)
)
AMERICAN HOECHST CORPORATION,)
a Delaware Corporation, and)
EVSCO PHARMACEUTICAL CORPORATION,)
a New York Corporation,)
)
Defendants.)

F I L E D

FEB 23 1973

Jack C. Silver, Clerk
U. S. DISTRICT COURT

No. 71-C-96

ORDER SUSTAINING DEFENDANT'S MOTION FOR SUMMARY
JUDGMENT ON COUNTER-CLAIM

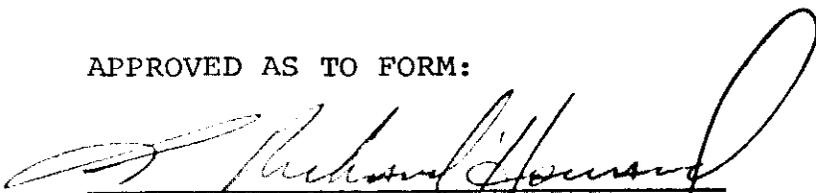
This matter coming on for hearing this 14th day of February, 1973, and the Plaintiff being represented by Richard Howard of the firm of Ungerman, Grabel & Ungerman, and the Defendant and Counter-Claimant being represented by R. Dobie Langenkamp of the firm of Doerner, Stuart, Saunders, Daniel & Langenkamp, and the Motion for Summary Judgment and Brief of the Defendant and Counter-Claimant, American Hoechst Corporation, having been reviewed together with the Brief submitted in response thereto and oral arguments in open court presented at this motion docket, and it appearing that the indebtedness of the Plaintiff Alpha Veterinary Supply, Inc. to the Defendant is admitted by the Plaintiff and that no question of fact exists therein,

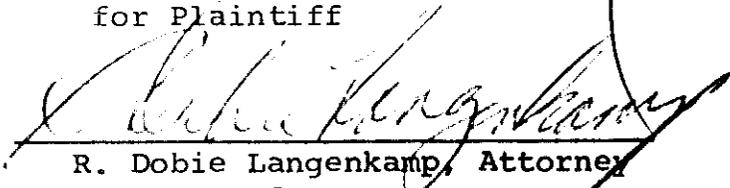
IT IS HEREBY ORDERED, ADJUDGED AND DECREED that the Defendant's Motion for Summary Judgment on its Counter-Claim be sustained and that judgment be entered for the Defendant, American Hoechst Corporation against the Plaintiff, Alpha Veterinary Supply in the amount of Eighteen Thousand Five Hundred Ninety-Eight and 73/100 (\$18,598.73) plus interest in the amount of \$1,942.50 pursuant

to 23 O.S. 6, and attorneys' fees in the amount of Three Thousand Five Hundred Dollars (\$3,500) which this Court finds, upon stipulation of the parties, to be reasonable, together with interest from the date of this Order at the rate of ten percent (10%) per annum pursuant to 15 O.S. 274. Execution on this Order is stayed pending a determination of the Plaintiff's claim in the instant action or until further Order of this Court.


LUTHER BOHANON, Judge of the U. S.
District Court

APPROVED AS TO FORM:


L. Richard Howard, Attorney
for Plaintiff


R. Dobie Langenkamp, Attorney
for Defendant

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

UNITED CHEMICAL CORPORATION,)
a corporation,)
)
)
Plaintiff,)
)
vs.)
)
RUSSELL, BURDSALL & WARD BOLT)
AND NUT CO.,)
a corporation,)
)
)
Defendant.)

FILED
FEB 22 1975
Jack C. Silver, Clerk
U. S. DISTRICT COURT

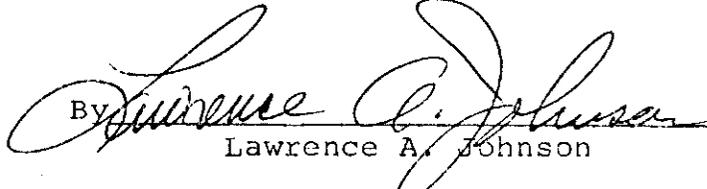
Civil Action File
No. 73-C-59

NOTICE OF DISMISSAL

COMES the Plaintiff and gives notice of voluntary dis-
missal of this action without prejudice pursuant to F.R.C.P.
41(a)1(i).

Plaintiff shows the Court that there has been no service
of summons, nor service of answer or motion for summary judgment.

FARMER, WOOLSEY, FLIPPO & BAILEY

By 
Lawrence A. Johnson

Attorneys for Plaintiff

UNITED STATES DISTRICT COURT FOR THE
NORTHERN DISTRICT OF OKLAHOMA

United States of America,)
)
 Plaintiff,)
)
 vs.)
)
 261.22 Acres of Land, More or)
 Less, Situate in Rogers County,)
 State of Oklahoma, and Joe)
 Stritzke, et al., and Unknown)
 Owners,)
)
 Defendants.)

CIVIL ACTION NO. 71-C-314
Tract No. 607M

FILED

FEB 21 1973

Jack C. Silver, Clerk
U. S. DISTRICT COURT

J U D G M E N T

1.

NOW, on this 20 day of February, 1973, this matter comes on for disposition on application of the Plaintiff, United States of America, for entry of judgment fixing just compensation in this matter. After having examined the files in this action and being advised by counsel, the Court finds:

2.

This judgment applies to the entire estate condemned in Tract No. 607M, as such estate and tract are described in the Complaint filed in this action.

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 subject property.

5.

The Acts of Congress set out in paragraph 2 of the Complaint filed herein give the United States of America the right, power and authority to condemn for public use the property described above in paragraph 2. Pursuant thereto, on August 30, 1971, the United States of America filed its Declaration of Taking

of such property, and title thereto should be vested in the United States of America, as of the date of filing such instrument.

6.

Simultaneously with filing the Declaration of Taking, there was deposited in the Registry of this Court as estimated compensation for the estate taken in the subject tract a certain sum of money, and none of this deposit has been disbursed, as set out below in paragraph 11.

7.

A pre-trial hearing in this case was set by the Court for February 8, 1973. Due notice of such hearing was given to all of the parties. The Plaintiff, United States of America, appeared at such hearing by Hubert A. Marlow, Assistant United States Attorney for the Northern District of Oklahoma. The owners of the subject property did not appear, nor did any attorney appear for them.

8.

The Court has been advised by counsel for Plaintiff that in the event of a trial, Plaintiff's evidence would show that \$261.00 was the value of the estate taken in this case. This sum is based upon an appraisal made by J. M. Wanenmacher; and, no objection having been made by the owners, such sum should be adopted as the award of just compensation in this case.

9.

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 property. All other defendants having either disclaimed or defaulted, the named defendants are the owners of such property, as of the date of taking and, as such are entitled to receive the just compensation awarded by this Judgment.

10.

It Is, Therefore, ORDERED, ADJUDGED and DECREED that the United States of America has the right, power, and authority to condemn for public use the subject tract, as such tract is

described in the 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 August 30, 1971, and all defendants herein and all other persons are forever barred from asserting any claim to such estate.

11.

It Is Further ORDERED, ADJUDGED and DECREED that on the date of taking in this case, the owners of the subject property were the defendants whose names appear in the schedule below and the right to receive the just compensation awarded by this judgment is vested in the parties so named. The sum of \$261.00 hereby is adopted as the award of just compensation for the estate herein taken in subject tract, as set out in the schedule which follows, to-wit:

TRACT NO. 607M

Owners:

Joe Stritzke and
George Stritzke (Tenants in Common)

Award of just compensation-----	\$261.00	\$261.00
Deposited as estimated compensation- <u>\$261.00</u>		
Disbursed to owners-----		<u>None</u>
Balance due to owners-----		\$261.00

12.

It Is Further ORDERED that the Clerk of this Court now shall disburse the deposit for the subject tract as follows:

To - Joe Stritzke and George Stritzke,
jointly ----- \$261.00.

/s/ Allen E. Barrow

UNITED STATES DISTRICT JUDGE

APPROVED:

/s/ Hubert A. Marlow

HUBERT A. MARLOW
Assistant United States Attorney

ORIGINAL

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

GEORGE CHATMAN, Individually,
and for All Others Similarly
Situated,

Plaintiffs,

v..

REGINALD D. BARNES, Chairman,
G. T. DAUGHERTY, JOE ABLES,
LEON N. GILBERT, P. M. GREER,
W. C. JONES, JAMES A. McNEESE,
JOE D. VOTO, and MRS. ROBERT
J. HARTLEY, Members of the
OKLAHOMA PUBLIC WELFARE COM-
MISSION; L. E. RADER, Director
of PUBLIC WELFARE, STATE OF
OKLAHOMA; NORA NICHOLSON,
Administrator of PUBLIC WELFARE,
TULSA COUNTY, STATE OF OKLA-
HOMA; DAVID HALL, Governor,
STATE OF OKLAHOMA; LARRY
DERRYBERRY, Attorney General,
STATE OF OKLAHOMA,

Defendants.

NO. 70-C-322 ✓

FILED

FEB 21 1973

Jack C. Silver, Clerk
U. S. DISTRICT COURT

Before HOLLOWAY, Circuit Judge; DAUGHERTY, District
Judge; and BARROW, Chief Judge of the Northern District
of Oklahoma

HOLLOWAY, Circuit Judge

MEMORANDUM OPINION AND ORDER

This is an action for declaratory and injunctive relief challenging the constitutionality of several provisions of the Oklahoma Social Security Act, as amended, 56 O. S. A. §161, et seq., and of the Oklahoma Department of Public Welfare Manual of Policies and Procedures. The suit was brought by the plaintiff Chatman on behalf of himself and all others similarly situated against the members of the Public Welfare Commission, the Director of Public Welfare, the Governor and Attorney General of Oklahoma and the Tulsa County Administrator of Public Welfare.^{1/} Plaintiff Chatman raises three principal issues:

- (1) whether the provisions of 56 O. S. A. §183 and related provisions of the manual making records confidential and inaccessible to him and his counsel are violative of procedural due process;
- (2) whether the provisions of 56 O. S. A. § 182 making it unlawful for any person to charge or receive any fee for representing an applicant for or recipient of assistance under the Act denies procedural due process; and
- (3) whether the denial to plaintiff by the Commission of benefits under the Oklahoma Aid to the Disabled Program on the ground of his having been disabled during minority and the ability of his parents to support him now as a disabled adult violates the equal protection clause, since those adults becoming disabled after majority are paid such benefits without regard to the ability of their parents to support them.

^{1/} Chief Judge Barrow as a single judge held an earlier hearing on the propriety of the suit's being maintained as a class action and determined that it was probably maintainable as such under Rule 23(b)(2) or (3), F. R. CIV. P., subject to further order by the court on consideration of evidence presented pursuant to Rule 23(c)(1). We discuss below the propriety of a class action.

After answers were filed herein, cross-motions for summary judgment were made. However following the summary judgment hearing the parties submitted the case for decision on a comprehensive stipulation of facts. From examination of the stipulation, the affidavits and exhibits we are satisfied that there is no genuine issue as to any material fact. The controlling facts are agreed on and there remain only the legal issues outlined above.

The general facts agreed on were that plaintiff Chatman was 37 years of age in September, 1971, unmarried and unemployed. He has been a deaf mute since birth and has extremely poor vision. He has no source of income other than support from his parents. He received welfare benefits under the Oklahoma Aid to the Disabled Program from May, 1964, until August, 1968. This assistance was then terminated because the family income earned by his Father exceeded a monthly maximum.^{2/} In March, 1970, Chatman applied for assistance again, which was denied in April, 1970, on the same ground. This suit was commenced in October, 1970.

It is stipulated that the defendants are granting welfare aid to disabled adults who have parents capable of supporting them, and that such aid is given to

^{2/} The Father's income was stipulated to have been \$371.50 gross or \$301.50 net per month. At that time the maximum allowable monthly income for any family under public assistance was \$281.00. When Chatman applied in March, 1970, for assistance again, the family income was \$370.00 gross or \$340.00 net per month, and at that time the maximum allowable income for the family group of four persons was \$300.00. It was because of income exceeding those limits and the fact that Chatman had been disabled during minority that assistance was terminated in 1968 and denied again in 1970.

adults who became disabled after majority, whether or not the parents of the disabled adult are able to support him. The defendants are not granting aid to disabled adults who have remained dependent because they are handicapped or disabled, if such disabled adults have parents able to support them under the defendants' need standards. Aid is denied to such an adult who has been disabled and dependent on his parents since childhood.

These adverse rulings by the defendants and procedural rules applied by them premise the constitutional issues presented. We turn now to the class action matter and these constitutional issues.

(1) The propriety of a class action

As stated in Note 1, supra, it was earlier determined that this action could likely be maintained as a class suit. However, for reasons appearing below we conclude that the plaintiff Chatman is not entitled to assert the constitutional objections made to 56 O. S. A. §§ 182 and 183, respectively dealing with the confidentiality of welfare records and the receiving of fees for representing applicants for or recipients of welfare assistance. Therefore it is necessary to recognize the distinct classes involved as to the separate issues. Since we hold that the plaintiff Chatman may not maintain the objections to these statutes, he would not adequately represent the classes involved. See *Norman v. Connecticut State Board of Parole*, 458 F.2d 497, 499 (2d Cir.). Moreover there is no showing that the classes are so numerous that joinder of all members is impracticable. Therefore, we conclude that no class suit is proper as to those issues.

As to the remaining issue of the equal protection challenge to the department's classification under Section 321.18 of the Department Manual, we leave undisturbed the prior order of the court. It was agreed that

during the one year preceeding the stipulation there were an estimated 41 cases of denial of welfare benefits under circumstances similar to the plaintiff Chatman. It is apparent there are questions of constitutional law common to those persons. The claims of the plaintiff Chatman as to the invalidity of the Department Regulation are typical of the class, and he will fairly and adequately protect their interests. See *Esplin v. Hirschi*, 402 F.2d 94 (10th Cir.), cert. denied, 394 U.S. 928; *Cypress v. Newport News General & Nonsectarian Hosp. Ass'n.*, 375 F.2d 648, 653 (4th Cir.); *Union Pac. R. R. Co. v. Woodahl*, 308 F. Supp. 1002, 1008 (D. Mont.); Rule 23(a), F.R.CIV.P. Therefore, as to the equal protection issue and those similarly situated to the plaintiff Chatman, we conclude we should not disturb the prior order of the court and that the action may be maintained on that one issue for those persons situated similarly to the plaintiff Chatman.

(2) The refusal of access to Chatman's welfare file and the prohibition against receiving or charging fees

The particular facts on these issues are covered by the stipulation and affidavits. Plaintiff's welfare file is kept confidential under the state statute, 56 O.S.A. § 183, and program regulations. He and his attorney have been denied access to the file by defendant Nicholson, the Tulsa County Administrator of Public Welfare. Access to the file was refused in September, 1970. The regulations allow some material to be made available (general information on expenditures, number of recipients, etc., as described in § 413.3 of the State Manual), but the full case record itself is not made available under the regulations for examination by the client or by any other person not directly concerned with the administration of the public assistance program. The challenged statute

governing fees is 56 O. S. A. § 182 which prohibits charging or receiving a fee for representing an applicant for or recipient of assistance.^{3/}

Under the regulations an applicant or recipient of public assistance may, if he is dissatisfied with a determination of eligibility made by the Department, ask for a fair hearing. It was agreed that in such a case he or his authorized representative is permitted to examine all information or other evidence relating to the determination under §535.3 of the State Manual. As then applicable §535.3 did cover some general assistance to the applicant or recipient desiring to request a hearing.^{4/} That regulation in substance entitled one who had requested a hearing to a written statement of all the facts on which the local office based its decision and an opportunity to inspect documents, charts, etc., which were used by the local office in making its decision, but denied access to the case record. The regulation also provided that the applicant or recipient was to be given a copy of the written testimony which the local office will present at the hearing. See § 535.5 of the State Manual as revised July 1, 1970. However, it was stipulated that at no time has Chatman asked for a hearing.

^{3/} 56 O. S. A. §182 provides as follows:

" §182. Charging fees for representing applicant prohibited
" It shall be unlawful for any person to charge or receive any fee for representing an applicant for or recipient of assistance under the provisions of this Act, except as to criminal proceedings brought against an applicant or recipient under the penal provisions of this Act, with respect to any application or proceedings before the Department or the Commission, whether such fee or charge be paid by the applicant or recipient or any other person. "

^{4/} We note that the current regulations as revised June 1, 1971, make different provisions as to the materials available to the client or his representative. On receipt of the notice that a hearing has been scheduled, the local office gives the client or his representative a copy of the written testimony, documents and records that the local office will present at the hearing. Neither the client nor his representative because of "professional ethics regarding confidentiality of case records recognized in law, have access to the case record." See § 535.5 of the State Manual as revised June 1, 1971.

Chatman argues that the denial of access to the file deprived him of procedural due process, relying on *Goldberg v. Kelly*, 397 U. S. 254, and similar cases. He likewise says that Goldberg and other authorities demonstrate that the prohibition of fees violates due process principles by depriving him of counsel.

It is clear, however, that after notice of the adverse welfare rulings Chatman was entitled to request a hearing and to receive the basic data with which he would have to deal at such a hearing. No request or desire for a hearing, or for a further application by Chatman for benefits, is shown and therefore there was no denial of information in connection with a hearing or an application. Likewise since there was no such showing, the statutory restriction on fees had no application.

In order for one to challenge the validity of a statute or regulation he must show that he has been injured by its operation. *Hendrick v. Maryland*, 235 U.S. 610, 621. See also *Voeller v. Neilston Warehouse Co.*, 311 U.S. 531, 537; *Ashwander v. Tennessee Valley Authority*, 297 U.S. 288, 347 (Brandeis, J., concurring). Therefore, since plaintiff Chatman has not demonstrated the actual injuries complained of in connection with such a hearing, see *Goldberg v. Kelly*, supra at 269 - 271, he is not entitled to assert either of these claims of denial of procedural due process.^{5/}

^{5/} We also note that, in view of the absence of any allegation that Chatman wishes to make further application or seek a hearing before the Department or Commission, it is unnecessary to consider whether enforcement of any statute or regulation is sufficiently imminent or the case sufficiently "ripe" to make a declaratory judgment appropriate. Cf., *Abbot Laboratories v. Gardner*, 387 U.S. 136, 148; *Toilet Goods Association v. Gardner*, 387 U.S. 158; *Gardner v. Toilet Goods Association*, 387 U.S. 167; *International Longshoremen's Union v. Boyd*, 347 U.S. 222.

(3) Plaintiff Chatman's claim of
denial of equal protection

As stated, Chatman was denied benefits under the Oklahoma
Aid to the Disabled Program.^{6/} The basis of denial was the
income of his father of \$340 net per month, exceed-
ing the \$300 maximum allowable for a family of four
receiving public assistance, and the fact that Chatman became dis-
abled during minority. The Department's position is based on
section 321.18 of the Department Manual, which pro-
vides in pertinent part as follows:

".... Parents (natural or adoptive) have a
legal responsibility for supporting, to the extent of
their ability, adult children who have remained de-
pendent because they are handicapped or disabled
to the extent that they are unable to work and main-
tain themselves."

The plaintiff argues that the denial of benefits
to him, while they are allowed to persons becoming
disabled during majority without regard to family in-
come, violates the equal protection clause of the
Fourteenth Amendment. It is pointed out that the
deprivation of welfare benefits may not be dismissed on the ground
that such benefits are a privilege and not a right, as *Graham v.*
Richardson, 403 U.S. 365, 374, makes clear. Moreover plaintiff
says that equal protection principles bar an arbitrary distinction between
those receiving and those denied welfare assistance, unless there is a
sufficient state interest served by the distinction, relying on *Shapiro*
v. Thompson, 394 U.S. 618. And plaintiff argues that there is no

^{6/} This aid was administered under a composite plan in Oklahoma
by authority of 42 U. S. C. A. §§ 1381-1385, and
abbreviated "AABD." This Oklahoma welfare program
is a federally assisted one.

such interest shown or present here so that violation of the equal protection clause is clear.

The demands of the equal protection clause have been met in different ways. The courts are required to subject to scrutiny legislative classifications that impinge on fundamental interests such as the right to vote, *Harper v. Virginia Board of Elections*, 383 U.S. 663, 670; to travel, *Shapiro v. Thompson*, *supra* at 634; or when considering suspect classifications such as those based on race, sex or alienage. See e.g., *Loving v. Virginia*, 388 U.S. 1, 9; *Reed v. Reed*, 404 U.S. 71, 75; *Graham v. Richardson*, *supra* at 372. However, while recognizing that welfare assistance involves the most basic economic needs of impoverished persons, in deciding the validity of classifications in welfare regulations the Supreme Court has found no basis for applying a different constitutional standard such as applies where activities protected by the Bill of Rights are involved. *Dandridge v. Williams*, 397 U.S. 471, 485; see also *Jefferson v. Hackney*, 406 U.S. 535, 546; *Richardson v. Belcher*, 404 U.S. 78, 81.

Therefore we feel we must examine the classification here challenged under equal protection standards applied generally and not those fashioned for the protection of "fundamental" interests. These general standards require that the classification be ". . . given the benefit of every conceivable circumstance which might suffice to characterize the classification as reasonable rather than arbitrary and invidious." *McLaughlin v. Florida*, 379 U.S. 184, 191; and see *McGowan v. Maryland*, 366 U.S. 420, 425-426;

Lindsley v. Natural Carbonic Gas Co., 220 U.S. 61, 78-80; Note, Developments in the Law — Equal Protection, 82 Harv. L.Rev. 1065, 1082. A statutory discrimination will not be set aside if any state of facts may be conceived to justify it. Dandridge v. Williams, supra at 485; United States v. Maryland Savings-Share Ins. Corp., 400 U.S. 4, 6.

Nevertheless, although the tests are variously expressed, the Supreme Court "... requires at a minimum, that a statutory classification bear some rational relationship to a legitimate state purpose." Weber v. Aetna Casualty & Surety Co., 406 U.S. 164, 172. And it is clear that the purpose of "... saving ... welfare costs cannot justify an otherwise invidious classification." Shapiro v. Thompson, supra at 633.

We must consider the classification here under these demands of the equal protection clause. The classification, we must remember, is one by which persons disabled while adults are paid benefits by the state without regard to the income of their parents, while persons disabled during childhood and remaining disabled as adults are denied disability benefits if their parents have income of the minimum standards relating to net income and resources — here \$300 per month. Thus, if there is a minimum family income of such amount two disabled adults are treated differently, one being afforded disability benefits when he becomes disabled as an adult and the other being denied them because his disability occurred during childhood and has continued.

We must decide whether such a classification denying benefits to one in plaintiff's position bears some rational relationship to a legitimate state purpose under the standard demanded by the equal protection clause. See Weber v. Aetna Casualty & Surety Co., supra at 172. Therefore

we turn to the purposes relied on by the defendants to sustain the classification.

The defendants first maintain that the difference in treatment is justified by the Oklahoma statute imposing the duty of support of a poor person on the father and mother to the extent of their ability. 10 Okla. St. Ann. section 12, which is relied on, provides:

" §12. Maintenance of poor persons by parents —
Promise of adult child to pay for necessaries
" It is the duty of the father and the mother of any poor person who is unable to maintain himself by work, to maintain such person to the extent of their ability. The promise of an adult child to pay for necessaries previously furnished to a parent is binding. R.L. 1910, § 4375; Laws 1943, p.20, § 1."

We find no warrant in the statute for the classification. The duty of support is imposed on all parents without regard to whether the adult child became disabled during minority. Neither the statute nor the cases construing it afford any support for the classification made. See *Tesch v. Tesch*, 277 N.W.328 (S. Dak.), construing similar statutory language. See also the cases collected in Annot., 1 ALR 2d 910. The statute suggests no legitimate state interest to sustain this discrimination as to benefits.

Secondly, defendants contended at argument that the classification was justified by the Department's experience. The assertion was made that the Department has found that persons disabled during adulthood are more needy than those dependent on their parents since childhood. The difficulty is that there is no record support for the assertion. No proof tending to confirm the assertion was made and we are not referred to any data lending support to it. It is not a matter of which the court might take judicial notice. Since there is no record support for the

contention it may not serve to justify the discriminatory classification. See *Shapiro v. Thompson*, supra at 631, 634.^{7/}

Third, defendants make related contentions that their classification is a reasonable effort at allocation of limited welfare funds to the most needy and that the courts may not strike down a reasonable classification. Again the difficulty is that the generalization is at war with the specifics of this discrimination and how it works.

We are, of course, instructed that the courts may not second-guess state officials in the difficult allocation of limited public welfare funds. *Dandridge v. Williams*, supra at 487. Here, however, there is no reasoned policy of denying aid to those in circumstances like the plaintiff Chatman in order to extend it to more needy persons. The person disabled during majority is extended aid without any regard to the size of income of his parents. Thus the discrimination does not allocate aid to more needy persons and may not be justified on such a basis. See *Shapiro v. Thompson*, supra at 631, 635.

Other rationalizations for the classification might be attempted, but none were suggested or supported by the defendants. We feel that none of the attempted justifications can sustain the discriminatory classification. None of these reasons advanced or imaginable shows a rational relationship to a legitimate state purpose served by the discrimination, as required by *Weber v. Aetna Casualty & Surety Co.*, and other recent and clear pronouncements

^{7/} The assertion is akin to that advanced to justify the statutory distinction between the ages at which men and women might be prosecuted as adults due to the "demonstrated facts of life." Without an explanation or showing of its basis, such an assertion cannot sustain an invidious discrimination. See *Lamb v. Brown*, 456 F.2d 18, 20 (10th Cir.).

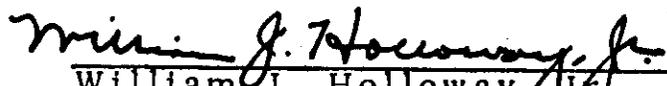
by the Supreme Court. See Gomez v. Perez, ___ U.S. ___ (1-17-73); Eisenstadt v. Baird, 405 U.S. 438, 447. Accordingly we must hold that classification made by the Department here is an invidious discrimination in violation of the equal protection clause of the Fourteenth Amendment.

It is, therefore, ordered and adjudged that:

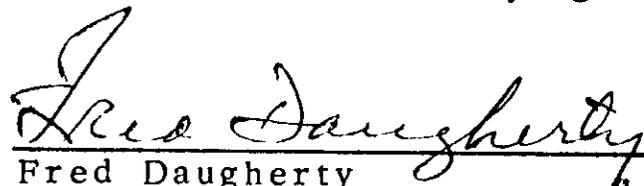
- (1) the prior order of the court relating to maintenance of a class suit is modified; it is ordered that the plaintiff Chatman may not maintain a class suit as to his claims that 56 O.S.A. §§ 182 and 183 are invalid; otherwise, the prior order of the court shall remain in effect permitting maintenance of this action by the plaintiff Chatman for himself and all others similarly situated as to denial of benefits pursuant to Section 321.18 of the Department Manual;
- (2) the constitutional objections to 56 O.S.A. §§ 182 and 183, relating respectively to the confidentiality of records and the prohibition of charging or receiving of fees for representing applicants for recipients of assistance under the Oklahoma Social Security Act, may not be maintained by the plaintiff Chatman, and all relief is denied as to said statutes;
- (3) it is adjudged and declared that Section 321.18 of the Department Manual, as applied to deny benefits to the plaintiff Chatman and others similarly situated, is violative of the equal protection clause of the Fourteenth Amendment to the United States Constitution; and it is adjudged and declared that the plaintiff Chatman and others similarly situated are and were entitled to benefits denied them under the Oklahoma Aid to the Disabled Program under said Section of the Manual;

and the defendant members of the Oklahoma Public Welfare Commission, its Director, and its Administrator for Tulsa County, Oklahoma, are enjoined from denying said benefits to the plaintiff Chatman and all others similarly situated in the class described under said Section of the Manual.

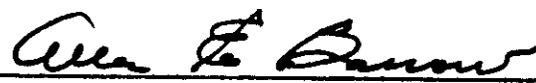
- (4) all other relief against the defendants or any of them is hereby denied.



William J. Holloway, Jr.
United States Circuit Judge



Fred Daugherty
United States District Judge



Allen E. Barrow, Chief Judge
Northern District of Oklahoma

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

HOUSING AUTHORITY OF THE CITY OF TULSA,)

Plaintiff,)

vs.)

UNITED STATES DEPARTMENT OF HOUSING)
AND URBAN DEVELOPMENT,)
GEORGE ROMNEY,)
NORMAN V. WATSON,)
RICHARD MORGAN, and)
ROBERT H. BREEDEN,)

Defendants.)

No. 72-C-340

FILED

FEB 21 1973

Jack C. Silver, Clerk
U. S. DISTRICT COURT

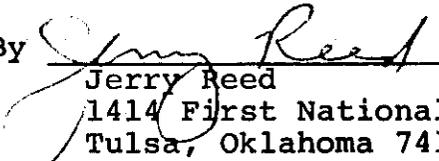
NOTICE OF DISMISSAL BY PLAINTIFF

To: The United States District Attorney for the Northern District
of Oklahoma

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

Dated this 20th day of February, 1973.

CRAWFORD, RIZLEY, PRICHARD & REED

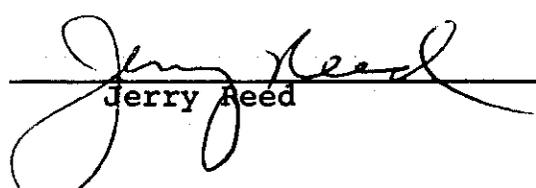
By 

Jerry Reed
1414 First National Building
Tulsa, Oklahoma 74103

Attorneys for Plaintiff

CERTIFICATE OF MAILING

I hereby certify that on the 20th day of February, 1973, I mailed
a true and exact copy of the foregoing NOTICE OF DISMISSAL BY PLAINTIFF
to Mr. Nathan Graham, United States Attorney, United States Court
House, Tulsa, Oklahoma and that same was in an envelope with postage
thereon fully prepaid.


Jerry Reed

UNITED STATES DISTRICT COURT FOR THE NORTHERN DISTRICT OF OKLAHOMA

INGERSOLL-RAND COMPANY,
a New Jersey corporation,

Plaintiff,

vs.

CONTINENTAL MECHANICAL CONTRACTORS, INC.,
an Oklahoma corporation

Defendant.

No. 71-C-98

FILED

FEB 20 1973

Jack C. Silver, Clerk
U. S. DISTRICT COURT

ORDER OF DISMISSAL WITH PREJUDICE

Now on this 20 day of February, 1973, it appearing to the Court that the above-named Plaintiff, Ingersoll-Rand Company, a New Jersey corporation, and the above-named Defendant, Continental Mechanical Contractors, Inc., an Oklahoma corporation, have, by their attorneys, signed and filed herein their Stipulation of Dismissal with Prejudice wherein said parties stipulate that said Plaintiff's Complaint and said Defendant's Counter-Claim on file herein should be dismissed with prejudice for the reason and on the grounds that said Plaintiff and Defendant have made and entered into a Settlement Agreement by the terms of which the issues heretofore existing between said parties have been fully, finally, and completely settled and compromised and wherein said parties pray the Court to make and enter herein an Order dismissing the same.

Accordingly,

IT IS THE ORDER OF THE COURT that the Complaint filed herein by Ingersoll-Rand Company, a New Jersey corporation, and the Counter-Claim filed herein by Continental Mechanical Contractors, Inc., an Oklahoma corporation, ~~and this cause~~ are dismissed with prejudice. *and cause of action*

ORDERED AND APPROVED:

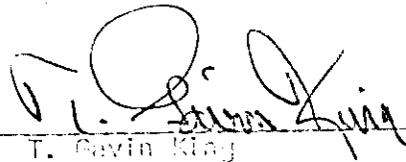
John E. Robertson
Richard T. Sonberg
500 Sooner Federal Building
Tulsa, Oklahoma 74103

Richard T. Sonberg
Richard T. Sonberg
Attorneys for Plaintiff

Allen E. Barrow
Allen E. Barrow, Chief Judge

1111 Main Street
St. Louis, Missouri 63103

1111 Main Street
St. Louis, Missouri 63103



T. Gavin King
Attorneys for Defendant

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

JOHN C. McGRATH, Trustee of the Estates
of Oil Field Drilling Company, Petroleum
Equipment Leasing Company and Gas
Transmission Organization,

Plaintiff,

vs.

WILLIAM F. PARKER, a/k/a STEVE PARKER,
and SHIRLEY MacLAINE PARKER,

Defendants.)

FILED

FEB 20 1973 *du*

Jack C. Silver, Clerk
U. S. DISTRICT COURT

No. 72-C-26

NOTICE OF DISMISSAL WITHOUT PREJUDICE

Comes now John C. McGrath, trustee of the estates of Oil
Field Drilling Company, Petroleum Equipment Leasing Company and
Gas Transmission Organization, plaintiff herein, and dismisses
this action without prejudice to its refiling in this or any
other court.

Lance Stokwell

OF BOESCHE, McDERMOTT & ESKRIDGE
1300 National Bank of Tulsa Bldg.
Tulsa, Oklahoma 74103

ATTORNEYS FOR PLAINTIFF

UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF OKLAHOMA

JAMES D. HODGSON, Secretary of Labor)
United States Department of Labor)
Plaintiff)
v.)
MARTIN'S SUPER MARKET, INCORPORATED)
Defendant)

CIVIL ACTION

File No. 72-C-126

FILED
IN OPEN COURT

FEB 15 1973

ORDER OF DISMISSAL

JACK C. SILVER, CLERK
U. S. DISTRICT COURT

Plaintiff having filed his complaint herein, and thereafter defendant having assured plaintiff and this court that it will fully comply in the future with the provisions of the Fair Labor Standards Act, as amended, and defendant, and Howard Martin, Individually, having paid to plaintiff \$2,500.00 for the use and benefit of defendant's employees, representing unpaid wages due such employees, and defendant and Howard Martin, Individually, having entered into a stipulation of compliance, wherein they specifically agree to comply with all pertinent provisions of the Fair Labor Standards Act of 1938, as amended;

It is, therefore, ORDERED, ADJUDGED, and DECREED that the above styled and numbered cause be, and the same hereby is, dismissed.

DATED this 15th day of February, 1973.

Walter B. Bohannon
United States District Judge

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

STEVEN RAY DRESSLER,)
)
) Petitioner,)
)
 - vs-)
)
) STATE OF OKLAHOMA, COUNTY OF OSAGE,)
)
) Respondents.)

Case No. 72-C-377 ✓

FILED

FEB 15 1973 *R*

Jack C. Silver, Clerk
U. S. DISTRICT COURT

ORDER

The above Petitioner, Pro se, as an Oklahoma prisoner filed a Petition For A Writ Of Habeas Corpus in forma pauperis in this Court on October 31, 1972.

On November 3, 1972 after examining said Petition the Court entered an Order To Show Cause directed to the Respondents requesting them to show cause why the Writ should not be issued as requested.

On November 27, 1972 the Respondents filed a Response to the said Petition in which they opposed the granting of the Writ.

After a full and careful examination of the said Petition and Response of the Respondents, the Court on January 4, 1973 issued an Order directing Petitioner to file with the Clerk of this Court a sworn statement in support of his claim made in his Petition that he was not represented by counsel on June 6, 1972 at his arraignment and plea before the Osage County District Court and do so within thirty (30) days of the date of the receipt of said Order. This Order was sent to the Sheriff of Osage County, Oklahoma in duplicate with the request that he serve the same on Petitioner

and obtain his signature acknowledging receipt of the Order on one of the copies.

By letter dated January 8, 1973, the Sheriff of Osage County, Oklahoma reported that he delivered a copy of said Order to the Petitioner on January 8, 1973 but that Petitioner refused to acknowledge receipt of the Order without first conferring with his attorney. The Sheriff made an official return of his service of the Order on Petitioner on January 8, 1973.

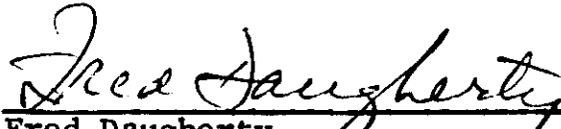
On January 11, 1973 attorney Fred P. Gilbert of Tulsa, Oklahoma made his appearance herein as attorney for Petitioner and requested thirty (30) days to file an Amended Petition herein. The Court granted this request and granted permission to file an Amended Motion under Section 2254 of Title 18 on or before February 11, 1973. A set of our §2254 Motion forms was sent to said attorney on January 12, 1973 on which date all interested persons, including the Petitioner, were advised of the thirty (30) day permission to file an amended motion as aforesaid.

The deadline of February 11, 1973 has passed. The Petitioner has not complied with the Order of the Court entered herein on January 4, 1973 to file the required sworn statement within thirty (30) days from the date of service of said Order on Petitioner which date of service was January 8, 1973. Nor has Petitioner's attorney within the authorized time filed an amended motion as requested.

In these circumstances, the Petition For Writ Of Habeas Corpus filed herein by Petitioner is dismissed for failure of Petitioner

and his attorney to comply with the Orders of the Court.

It is so ordered this 15 day of February, 1973.


Fred Daugherty
United States District Judge

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

UNITED STATES OF AMERICA,)
)
 Plaintiff,)
)
 vs.)
)
 CLARENCE E. BOURLAND, JR.,)
 et. al.,)
)
 Defendants.)

Civil Action No. 72-C-274

FILED

FEB 14 1973

Jack C. Silver, Clerk
U. S. DISTRICT COURT

JUDGMENT OF FORECLOSURE

This matter comes on for consideration this 2nd day of February, 1973, and the Court being fully advised and having examined the file herein finds that legal service of summons was made on Clarence E. Bourland, Jr., and Gloria Jean Bourland on September 14, 1972; that personal service of summons was made upon Rick Loewenherz, Trustee, on August 10, 1972; that personal service of summons was made upon the Pacesetter Products, Inc., on August 9, 1972; that personal service of summons was made upon Liberty National Bank and Trust Company of Oklahoma City on August 9, 1972.

The Court further finds that the Liberty National Bank and Trust Company of Oklahoma City filed its answer herein on August 29, 1972; that Pacesetter Products, Inc., filed its answer and cross petition herein on August 30, 1972; that Clarence E. Bourland, Jr., and Gloria Jean Bourland filed their separate answers herein on September 29, 1972.

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 Bartlesville, County of Washington, State of Oklahoma, within the Northern Judicial District of Oklahoma:

Lot Four (4), Block Ten (10), SOUTH BLUESTEM
HEIGHTS SECOND ADDITION, Washington County,
Oklahoma.

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

That the defendants, Clarence E. Bourland, Jr., and Gloria Jean Bourland, did on the 29th day of September, 1967, execute and deliver to the Administrator of Veterans Affairs, his successors and assigns as such, their certain mortgage note in the principal amount of \$9,300.00, with interest thereon at the rate of 6 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 February 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 the Administrator of Veterans Affairs their certain real estate mortgage covering all of the above described property and

It further appears that the defendants, Clarence E. Bourland, Jr., and Gloria Jean Bourland, made default under the terms of the aforesaid mortgage note and mortgage by reason of their failure to make the monthly installment payments 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 \$8,590.29, with interest at the rate of 6 per cent per annum from January 1, 1972, until paid, plus any additional sums advanced or to be advanced or expended during this foreclosure action by plaintiff for taxes, insurance, abstracting, or sums for the preservation of subject property, and the cost of this action accrued and accruing.

It further appears that the material allegations of the cross-petition of Pacesetter Products, Inc., are true and correct except that portion which alleges that the mortgage lien of the plaintiff is junior and inferior to the lien of Pacesetter Products, Inc.

IT IS, THEREFORE, ORDERED, ADJUDGED, AND DECREED THAT the plaintiff, United States of America, have and recover judgment in rem against the defendants, Clarence E. Bourland, Jr., and Gloria Jean Bourland, in the amount of \$8,590.29, with interest thereon at the rate of 6 per cent per annum from January 1, 1972, until paid, plus any additional sums advanced or to be advanced or expended during this foreclosure action by plaintiff for taxes, insurance, abstracting or sums for the preservation of the subject property, and for the costs of this action accrued and accruing.

IT IS FURTHER ORDERED, ADJUDGED AND DECREED THAT the defendant, Pacesetter Products, Inc., have and recover judgment in rem against the defendants, Clarence E. Bourland, Jr., and Gloria Jean Bourland, for the sum of \$675.95 with interest thereon at the rate of 6 per cent per annum from the 9th day of December, 1970.

IT IS FURTHER ORDERED, ADJUDGED AND DECREED THAT upon failure of these 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 appraisal the above described real property and apply the proceeds in the following order of priority, to-wit:

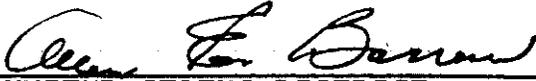
(1) To the cost of said sale and the costs of this action.

(2) To the principal judgment of the plaintiff herein in the sum of \$8,590.29 with interest at the rate of 6 per cent per annum from January 1, 1972, until paid, plus any additional sums advanced or expended during this foreclosure action by plaintiff for taxes, insurance, abstraction or sums for the preservation of the subject property.

(3) To the principal judgment and lien of the defendant, Pacesetter Products, Inc., in the amount of \$675.95, with interest thereon at the rate of 6 per cent per annum from the 9th day of December, 1970.

(4) The residue, if any, to be deposited with the Clerk of the Court to await further orders of the Court.

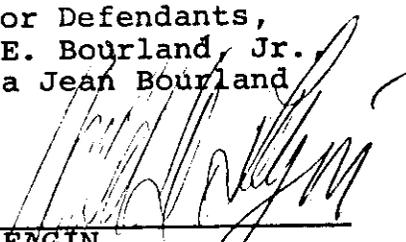
IT IS FURTHER ORDERED, ADJUDGED AND DECREED THAT from and after the sale of said property, under and by virtue of this judgment and decree, all of the defendants and each of them and all persons claiming under them since the filing of the complaint herein be and they are forever barred and foreclosed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


UNITED STATES DISTRICT JUDGE

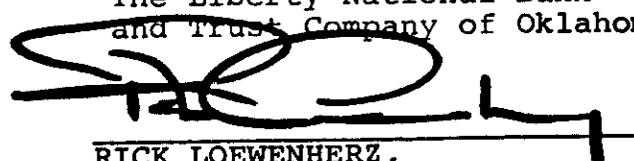
APPROVED:


ROBERT P. SANTEE
Assistant U. S. Attorney
Attorney for Plaintiff,
United States of America.


JIM CONATSER,
Attorney for Defendants,
Clarence E. Bourland, Jr.
and Gloria Jean Bourland


ARNOLD D. FAGIN
Attorney for Defendant,
Pacesetter Products, Inc.


JIM R. SALES
Attorney for Defendant,
The Liberty National Bank
and Trust Company of Oklahoma City


RICK LOEWENHERZ,
Trustee in Bankruptcy

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

HAROLD W. YOUNG,

Plaintiff,

vs.

BOB L. POPE, PAUL A. CANADAY, JOLEEN
SCOTT, E.H. GREEN, ROBERT L. BROOKS,
EXECUTIVE SECURITY LIFE INSURANCE
COMPANY, a Missouri Corporation,
EXECUTIVE SECURITY MANAGEMENT COMPANY,
formerly GOLD CHIP INVESTORS, INC., a
Missouri Corporation, and J.R. HOOKER,
JR., also known as ROBERT HOOKER,

Defendants.

No. 71-C-368

FILED

FEB 14 1973

Jack C. Silver, Clerk
U. S. DISTRICT COURT

ORDER FOR DISMISSAL

Stipulation having heretofore been filed in these causes by
the parties hereto and in accordance with the terms of said Stipulation,

IT IS HEREBY CONSIDERED, ORDERED, ADJUDGED AND DECREED, that
the causes ^{of action & Complaint} of the plaintiff against all the defendants be and are
hereby dismissed with prejudice to the plaintiff and at the cost of
the plaintiff, except the costs for discovery in these causes shall
not be taxed or assessed as court costs but each party shall be
responsible for his own such costs, and each party shall be respon-
sible for his own attorney fees.



Judge of the Federal District Court
for the Northern District of Oklahoma

DATED: 2-14-73

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

MFA MUTUAL INSURANCE COMPANY,)

Plaintiff,)

vs.)

VICKIE BROOKS, JOE C. BROOKS,)
DENNIS ELLSWORTH, J. W.)
ELLSWORTH, CAROLYN J. MILLER)
and WESTERN CASUALTY & SURETY)
COMPANY,)

Defendants.)

FILED
FEB 13 1973
Jack C. Silver, Clerk
U. S. DISTRICT COURT

FINDINGS OF FACT, CONCLUSIONS
OF LAW AND JUDGMENT

This litigation was tried non-jury to the Court on December 5, 1972. Based on the complete file, the oral argument, the testimony of the witnesses, the observation of the Court of the witnesses; their ability to remember and relate the circumstances concerning this litigation; their interest, if any, in the result of the trial; the relation of the witnesses to the parties; their bias or prejudice, if any; the candor; fairness; intelligence and demeanor of the witnesses, the Court makes the following findings of fact, conclusions of law and judgment.

FINDINGS OF FACT

I

That MFA Mutual Insurance Company (hereinafter called "MFA") issued an automobile liability policy to Joe C. Brooks, Tulsa County, Oklahoma, covering a 1963 Plymouth Valiant Automobile, Serial #1332536256, which policy was in full force and effect on September 8, 1969.

II

That said automobile liability policy issued by MFA provided as follows:

"INSURING AGREEMENTS - 1 - Definitions.

Except where stated to the contrary, it is agreed that the following definitions apply:

(6) 'Non-owned Automobile' means any automobile owned other than (a) the described automobile, or (b) an automobile owned in whole or in part by, or furnished or available for regular use of, either the named insured or any resident of the same household.

II - Automobile Liability Insurance

1. COVERAGE A - Bodily Injury Liability; COVERAGE B - Property Damage Liability - The Company will pay on behalf of the insured all sums which the insured shall become legally obligated to pay as damages because of:

A. Bodily injury sustained by any person;

4. Persons Insured - With respect to the insurance afforded under Coverages A and B, the following are insureds:

(b) With respect to a non-owned automobile, (1) the named insured and, if an individual, his spouse, provided his or her actual operation or (if he or she is not operating) the other actual use thereof is by the permission, or reasonably believed to be with the permission, of the owner of such automobile and is within the scope of such permission and (2) any other person or organization not owning or hiring the automobile, but only with respect to his or its liability because of acts or omissions of the named insured or his spouse under (b)(1) above."

III

That Western Casualty & Surety Company (hereinafter called "Western") issued an automobile liability policy to J. W. Ellsworth, Tulsa County, Oklahoma, covering a 1968 F-85 Oldsmobile, which policy was in full force and effect on September 8, 1969.

IV

That said automobile liability policy issued by Western provided as follows:

"The Western Casualty and Surety Company***agrees with the insured, named in the declarations***

Section I - LIABILITY AND MEDICAL PAYMENTS

INSURING AGREEMENT

1. Coverage A - Bodily injury Liability; Coverage B - Property Damage Liability: To pay on behalf of the insured all sums which the insured shall become legally obligated to pay as damages because of:

- A. Bodily injury;
- B. Property Damage;

arising out of the ownership, maintenance or use of the automobile,***.

Coverage C - Automobile Medical Payments: To pay all reasonable expenses incurred within two years from the date of accident for necessary medical, surgical, X-ray and dental services, including pharmaceuticals, eyeglasses, hearing aids and prosthetic devices, and necessary ambulances, hospital, professional nursing and funeral services:

Division 1. To or for each person who sustains bodily injury caused by accident while occupying the automobile, provided the automobile is being used by the named insured or his spouse or with the permission of either; or

Division 2. To or for each insured who sustains bodily injury, caused by accident, while occupying, or through being struck by an automobile.

III. Definition of Insured:

(a) With respect to the Insurance under Coverages A and B, the unqualified word 'insured' includes the named insured and, if the named insured is an individual, his spouse and also includes any person while using the automobile and any person or organization legally responsible for the use thereof, provided, the actual use of the automobile is by the named insured or spouse or with the permission of either."

V

That on September 8, 1969, Vickie Brooks was the daughter of Joe C. Brooks and a member of his household; and that Dennis Ellsworth was the son of J. W. Ellsworth, and a member of his household.

VI

That in July, 1969, Joe C. Brooks purchased a 1963 Plymouth Automobile from an acquaintance, paying him with a personal check; that thereafter his daughter, Vickie Brooks, reimbursed him the purchase price of said automobile; the title to said vehicle was issued in the name of Joe C. Brooks; that Joe C. Brooks contacted an agent for MFA and advised him of the purchase of said automobile, and obtained insurance coverage for said automobile; that Joe C. Brooks, by his own admission at trial, advised the insurance agent by telephone that said vehicle was registered in his name and the insurance policy should be issued in his name; that his daughter, Vickie Brooks, would operate the automobile 80% of the time; that the information communicated by Mr. Brooks to the insurance agent was placed on the application for insurance by the MFA agent;

There is no evidence in the record to reflect that the parties entered into any agreement other than that evidenced by the issued insurance policy. In addition, the MFA policy provides under "Condition 1 - Effect of Policy Acceptance" that this "policy embodies all agreements existing between himself and the Company or any of its agents relating to this insurance." That subsequent to this telephone conversation MFA issued policy #35-1-1063902-001 on the 1963 Plymouth automobile showing Joe C. Brooks as the sole named insured; that said policy was received by Joe C. Brooks with the information as set forth above; that Joe C. Brooks paid the premium required on said MFA policy by personal check; that Vickie Brooks subsequently reimbursed Joe C. Brooks for said premium.

Mr. Brooks testified at the trial that Vickie not only paid for the automobile covered by said policy, paid the insurance premiums, but also paid all maintenance and upkeep of said vehicle, including but not limited to, repairs, gasoline, and the like.

There is no evidence in the record that the MFA agent knew that Vickie Brooks had paid for the 1963 vehicle; had paid the insurance premiums, or paid the maintenance and upkeep of the vehicle.

In this connection, the Court notes that none of the parties to this litigation called as a witness the insurance agent for MFA who filled in the application and had the policy in question issued.

VII

That on September 8, 1969, Vickie Brooks was to drive a friend of hers to Stillwater, Oklahoma, and Dennis Ellsworth, who was also a friend, was to accompany them so that Vickie Brooks would not have to make the return trip unaccompanied. Thereafter, it was decided that Dennis Ellsworth, after obtaining permission from his father, would drive the 1968 F-85 Oldsmobile, owned by J. W. Ellsworth, on the trip to Stillwater as this car was newer and was air-conditioned.

VIII

The evidence adduced reflects that J. W. Ellsworth testified that he had admonished his son prior to September 8, 1969, from time to time, never to allow anyone else to drive any of the family cars. That J. W. Ellsworth testified that to his knowledge Dennis had always heeded the admonition; that J. W. Ellsworth had no knowledge of any prior conduct by Dennis in disregard of his instructions. The evidence further reflects that J. W. Ellsworth did not on this occasion admonish Dennis on any restrictions as to use or operation of the F-85 Oldsmobile on this trip to Stillwater and that J. W. Ellsworth did not communicate any instructions to Vickie Brooks as to any restrictions whatsoever as to the possibility of driving said vehicle.

IX

That on September 8, 1969, Dennis Ellsworth drove the F-85 to Stillwater accompanied by Vickie Brooks and her friend; that on the return trip to Tulsa on the same day Vickie drove on the return trip because, as Dennis testified, "he was tired;" and that while Vickie was driving, accompanied by Dennis as passenger, the F-85's accelerator stuck and Dennis, while riding as a passenger, attempted to free the stuck accelerator but was unable to do so, and as a result of the stuck accelerator, the car was involved in an accident with a car driven by Carolyn J. Miller.

That as a result of injuries sustained in the accident, Carolyn J. Miller instituted litigation in the Tulsa County District Court against Vickie Brooks for damages in the sum of \$150,000.00; that Vickie Brooks and Joe C. Brooks have complied with the conditions of the policy with reference to notice to the Company of said accident, with demand to defend and indemnify them in said action.

X

That subsequent to the accident MFA denied that coverage was afforded Vickie Brooks when driving a non-owned vehicle, for the reason that the policy was issued in the name of Joe C. Brooks and specifically provided that the policy would afford coverage with reference to non-owned vehicles only to the named insured, and, if an individual, his spouse. The evidence reflects that

even after such notification, Joe C. Brooks renewed the policy as written, and reformation was not sought until the instant litigation was commenced.

XI:

The Court finds that Vickie Brooks was using or operating the F-85 Oldsmobile in the presence or company of Dennis Ellsworth, the original permittee and at the request of Dennis Ellsworth, for the purpose of returning to Tulsa, which was mutually beneficial to both her and Dennis, and that such use or operation was with the implied permission of J. W. Ellsworth.

CONCLUSIONS OF LAW

Based on the foregoing findings of fact, the Court makes the following conclusions of law:

I

That the Court has jurisdiction and venue to determine the rights and duties of the parties herein.

II

Vickie Brooks was not a named insured under the MFA policy, and, thus, was not afforded coverage by MFA when operating a non-owned vehicle.

III

As indicated by the terms of the insurance contract and under the provision entitled "Conditions - Effect of Policy Acceptance", the MFA policy represents the entire agreement of the parties.

IV

The Court concludes that the evidence is wholly insufficient to establish the requisite elements necessary to justify reformation of an executed contract in Oklahoma. The record contains no clear and convincing evidence of mutual mistake by the parties, or fraud or misrepresentation on the part of the agent. The record does not disclose any antecedent agreement representing the true

agreement of the parties, made between Joe C. Brooks and the MFA agent other than the agreement embodied in the policy as written from the application filled out by the agent at the direction of Joe C. Brooks over the telephone. The failure of Joe C. Brooks to demand that MFA reform the MFA policy, after having been informed of the lack of coverage to Vickie Brooks with reference to a non-owned vehicle, indicates that the policy was acceptable, as written, to Joe C. Brooks. In order to be entitled to reformation of an executed contract, under Oklahoma law, mere preponderance of the evidence is not enough, but the proof must establish the facts to a moral certainty and take the case out of the range of reasonable controversy. Joe C. Brooks and Vickie Brooks have failed to establish, by clear and convincing evidence, that they are entitled to reformation.

V

Although the Oklahoma Supreme Court has not decided the precise issue presented by the factual situation with respect to whether the presence of an individual with express permission to operate a vehicle extends automobile coverage pursuant to the terms of the owner's policy to a second permittee who operates the vehicle without the owner's permission and in violation of the instructions given to the express permittee, the Court will assume that Oklahoma would embrace the generally prevalent dictates of public policy in construing the coverage extended by the omnibus clause. The generally held view, according to cases embracing the precise factual circumstances as in this case, is to afford, by virtue of the omnibus clause, protection where the original permittee is riding in the car with the second permittee at the time of the accident, and, where such use by the second permittee is serving some purpose of the original permittee, even in the face of express prohibitions by the named insured not to delegate use.

VI

Based on the conclusions of law as delineated by the Court,

The Court concludes that judgment should be rendered in favor of MFA declaring that it is not obligated to defend or indemnify Joe C. Brooks or Vickie Brooks as to any claim arising out of the accident which occurred on September 8, 1969.

VII

The Court further concludes that judgment should be rendered in favor of Joe C. Brooks and Vickie Brooks declaring that Vickie Brooks is afforded coverage under the policy issued to J. W. Ellsworth, by Western Casualty and Surety Company.

The Court further concludes that judgment should be rendered in favor of Vickie Brooks declaring that she is afforded medical coverage under the terms of the policy issued to J. W. Ellsworth, by Western Casualty and Surety Company.

JUDGMENT

In conformity with the Findings of Fact and Conclusions of Law hereinabove delineated, Judgment is entered as follows:

IT IS ORDERED that MFA Mutual Insurance Company is not obligated to defend or indemnify Joe C. Brooks and Vickie Brooks as to any claim arising out of an accident occurring on September 8, 1969.

IT IS FURTHER ORDERED that Western Casualty and Surety Company is obligated to defend and indemnify J. W. Ellsworth, Dennis Ellsworth and Vickie Brooks as to any claims arising out of an accident occurring on September 8, 1969, and, further that Vickie Brooks is afforded medical coverage under the terms of said policy of insurance issued to J. W. Ellsworth.

ENTERED this 13th day of February, 1973.


CHIEF UNITED STATES DISTRICT JUDGE

Under the provisions of 20 C.F.R. §404.947 the Appeals Council may dismiss or, in its discretion, deny or grant a party's request for review of a hearing examiner's decision. The decision of the Appeals Council herein was a denial of the Plaintiff's request for review in accordance with 20 C.F.R. §404.947 and 20 C.F.R. §404.951. 20 C.F.R. §404.950(c), quoted above, which requires the decision by the Appeals Council to contain a written findings of fact and a statement of reasons is applicable only if there is a review of the Decision of the Hearing Examiner. Since the Appeals Council denied such review by its letter and notice dated June 6, 1972, the requirements of §404.950(c) are inapplicable.

As to Items 2 and 3 above, which will be considered together, Plaintiff asks the Court to grant him a new trial and reopen the case and set aside the judgment entered November 30, 1972 under Rule 60(b)(6), F.R.Civ.P. in the interest of justice.

The Court finds no reason to grant a new trial for the Order of the Court filed herein on November 30, 1972 correctly decides the case.

Rule 60(b)(6) provides:

"On motion and upon such terms as are just, the court may relieve a party or his legal representative from a final judgment, order, or proceeding for the following reasons:

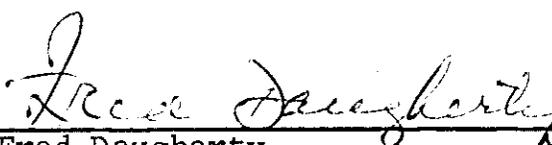
* * * *

(6) any other reason justifying relief from the operation of the judgment."

Rule 60(b)(6) authorizes relief only in the exercise of a sound discretion. United States v. Talbert, 357 F. 2d 159 (Second Cir. 1966). Plaintiff's Motion under Rule 60(b)(6) is without merit since there is shown no justification for relief from the judgment. Plaintiff was out of time in filing suit with a mailing of the notice involved on either June 6th or 7th 1972. The affidavit of H. Dale Cook shows mailing on June 7, 1972 and is sufficient proof thereof. Sixty days from such date was Sunday, August 6, 1972 thereby allowing suit to be filed on Monday, August 7, 1972. Suit was filed Tuesday, August 8, 1972 and out of time. As shown in the Court's Order of November 30, 1972 this delay in filing is legally fatal.

Plaintiff's Motion For a New Trial, for relief under Rule 60(b)(6) and his request that this matter be set for oral argument are each denied.

It is so ordered this 12 day of February, 1973.



Fred Daugherty
United States District Judge

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

Texas and Pacific Railway Company)
)
)
 Plaintiff,)
)
 vs.)
)
 Crawford Transfer & Storage Company,)
)
 Defendant.)

72-C-243
No. ~~72-C-43~~

FILED
FEB 8 - 1973
Jack C. Silver, Clerk
U. S. DISTRICT COURT

ORDER OF DISMISSAL

NOW, on this 9 day of February, 1973, the oral application of the parties hereto coming on for consideration and counsel for Plaintiff herein representing and stating that all issues, controversies, debts and liabilities between the parties have been paid, settled and compromised,

IT IS THE ORDER OF THIS COURT that said action be and the same is hereby dismissed with prejudice to the bringing of another or future action by the Plaintiff herein.

Alvin E. Barron
District Judge

APPROVED:

WILLIAM K. POWERS,
Attorney for Plaintiff

Robert P. Kelly
Attorney for Defendant

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

UNITED STATES OF AMERICA,)
)
 Plaintiff,)
)
 vs.)
)
 KERMIT D. BROWN, et al.,)
)
)
 Defendants.)

Civil Action No. 72-C-457 ✓

FILED

FEB 8 1973 R

Jack C. Silver, Clerk

U. S. DISTRICT COURT

JUDGMENT OF FORECLOSURE

THIS MATTER COMES on for consideration of February, 1973, the plaintiff appearing by Robert P. Santee, Assistant United States Attorney, and the defendants, Kermit D. Brown and Barbara Brown, appearing not.

The Court being fully advised and having examined the file herein finds that these defendants were personally served with copies of Summons and Complaint on January 2, 1973, as reflected by the Marshal's Returns of Service herein; and

It appearing that the said defendants have failed to answer herein and that default has been entered by the Clerk of this Court.

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 and that the following described real property is located in Tulsa County, Oklahoma, within the Northern Judicial District of Oklahoma:

Lot Ten (10), Block Fifty-Eight (58), VALLEY VIEW ACRES THIRD ADDITION to the City of Tulsa, Tulsa County, Oklahoma, according to the recorded plat thereof.

THAT the defendants, Kermit D. Brown and Barbara Brown, did, on September 17, 1971, execute and deliver to the Administrator of Veterans Affairs, their mortgage and mortgage note in

the sum of \$11,000.00 with 4½ per cent interest per annum, and further providing for the payment of monthly installments of principal and interest; and

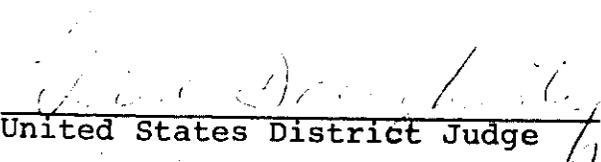
The Court further finds that the defendants, Kermit D. Brown and Barbara Brown, made default under the terms of the aforesaid mortgage note by reason of their failure to make monthly installments due thereon for more than 12 months last past, which default has continued and that by reason thereof the above-named defendants are now indebted to the plaintiff in the sum of \$11,000.00 as unpaid principal, with interest thereon at the rate of 4½ per cent interest per annum from December 17, 1971, until paid, plus the cost of this action accrued and accruing.

IT IS THEREFORE ORDERED, ADJUDGED AND DECREED that the plaintiff have and recover judgment against defendants, Kermit D. Brown and Barbara Brown, for the sum of \$11,000.00 with interest thereon at the rate of 4½ per cent per annum from December 17, 1971, plus the cost of this action accrued and accruing, plus any additional sums advanced or to be advanced or expended during this foreclosure action by plaintiff for taxes, insurance, abstracting, or sums for the preservation of the subject property.

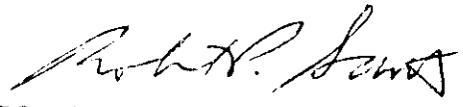
IT IS FURTHER ORDERED, ADJUDGED AND DECREED that upon the failure of said defendants to satisfy plaintiff's money judgment herein, an Order of Sale shall be issued to the United States Marshal for the Northern District of Oklahoma, commanding him to advertise and sell, with appraisement the real property 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, all of 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 *h*

APPROVED.


ROBERT P. SANTEE
Assistant United States Attorney

United States District Court

FOR THE

NORTHERN DISTRICT OF OKLAHOMA

CIVIL ACTION FILE No. 72-C-147

T. HARRY HUMPHREYS,

vs.

AMERADA HESS CORPORATION,



JUDGMENT

This action came on for trial before the Court and a jury, Honorable Fred Daugherty, United States District Judge, presiding, and the issues having been duly tried and the jury having duly rendered its verdict, in favor of the defendant.

It is Ordered and Adjudged that the plaintiff take nothing and that the defendant, Amerada Hess Corporation, recover of the plaintiff, T. Harry Humphreys, its costs of action.

FILED

FEB 8 - 1973

Jack C. Silver, Clerk
U. S. DISTRICT COURT

Dated at Tulsa, Oklahoma, this 8th day of February, 1973.

JACK C. SILVER

.....
Clerk of Court

By *Rosanne J. Miller*
Deputy

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

SAMUEL BENJAMIN BRISTOW, JR.,)
)
 Petitioner,)
)
vs.)
)
STATE OF OKLAHOMA,)
)
 Respondent.)

72-C-378 ✓

FILED
FEB 7 1973 W
Jack C. Silver, Clerk
U.S. DISTRICT COURT.

ORDER

THE COURT, having examined the Petition for Writ of Habeas Corpus filed herein by the Clerk, and having further examined the Initial Report of the United States Magistrate concerning the same, and being fully advised in the premises, FINDS:

1. The petitioner was allowed to proceed in forma pauperis in accordance with the Order of the Court made and entered on October 24, 1972.
2. It does not appear that the petitioner 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. The record discloses that petitioner has ignored the state post-conviction remedy provided by 22 O.S.A. § 1080 et seq. The institution of a post-conviction action in a state sentencing court is prerequisite to the granting of habeas corpus relief in this court. See Leigh vs. Gaffney, 318 F. Supp. 85, affirmed 432 F.2d 923 (D.C. Kan. 1970), Brown vs. Crouse, 395 F.2d 755 (C.A. 10 1968) and Omo vs. Crouse, 395 F.2d 757 (C.A. 10 1968).
3. It further appears from the record that the petition herein raised no complicated factual issue that would require the

appointment of counsel to represent petitioner in the preparation and prosecution of his Petition for Writ of Habeas Corpus. U. S. ex rel Simmons vs. Commonwealth of Pennsylvania, D.C. Pa. 1968, 292 F. Supp. 830 and Desmond vs. U. S. Board of Parole, C.A. Mass. 1968, 397 F.2d 386.

IT IS, THEREFORE, ORDERED:

1. That the Petition for Writ of Habeas Corpus is dismissed;
2. That the application for appointment of counsel is denied;
3. That a copy of this Order be mailed by the Clerk of this Court to the petitioner together with a copy of the Initial Report of the United States Magistrate.

Dated this 7th day of February, 1973.


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

UNITED STATES DISTRICT COURT FOR THE
NORTHERN DISTRICT OF OKLAHOMA

United States of America,)
)
 Plaintiff,)
)
 vs.)
)
 60.00 Acres of Land, More or)
 Less, Situate in Nowata County,)
 State of Oklahoma, and J. C.)
 Wilkerson, et al., and Unknown)
 Owners,)
)
 Defendants.)

CIVIL ACTION NO. 71-C-89
Tract No. 1756M

FILED

FEB 7 1973

Jack C. Silver, Clerk
U. S. DISTRICT COURT

J U D G M E N T

1.

NOW, on this 16th day of February, 1973, this matter comes on for disposition on application of the Plaintiff, United States of America, for entry of judgment on the Report of Commissioners filed herein on January 22, 1973, and the Court, after having examined the files in this action and being advised by counsel for the Plaintiff, finds that:

2.

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

3.

This judgment applies to the entire estate condemned in Tract No. 1756M, as such estate and tract are described in the Complaint filed in 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 subject property.

5.

The Acts of Congress set out in paragraph 2 of the Complaint filed herein give the United States of America the right, power and authority to condemn for public use the property

described above in paragraph 3. Pursuant thereto, on March 25, 1971, the United States of America filed its Declaration of Taking of such property, and title thereto should be vested in the United States of America, as of the date of filing such instrument.

6.

Simultaneously with filing the Declaration of Taking, there was deposited in the Registry of this Court as estimated compensation for the estate taken in the subject tract a certain sum of money, and none of this deposit has been disbursed, as set out below in paragraph 11.

7.

The Report of Commissioners filed herein on January 22, 1973, hereby is approved, and adopted as a finding of fact as to subject tract. The amount of just compensation for the estate taken in the subject tract, as fixed by the Commission, is set out below in paragraph 11.

8.

The defendants named in paragraph 11 as owners are the only defendants asserting any interest in the estate condemned herein. All other defendants having either disclaimed or defaulted, as of the date of taking, the named defendants were the owners of the estate condemned herein and, as such, are entitled to receive the just compensation awarded by this judgment

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 the subject tract, as such tract 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 March 25, 1971, 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 that on the date of taking in this case, the owners of the subject property were the defendants whose names appear below in paragraph 11, and the right to receive the just compensation for the taking of such property is vested in the parties so named.

11.

It Is Further ORDERED, ADJUDGED and DECREED that the Report of Commissioners filed herein on January 22, 1973, hereby is confirmed and the sum therein fixed is adopted as the award of just compensation for the taking of the subject property, as shown by the following schedule:

TRACT NO. 1756M

Owners:

J. C. Wilkerson - - - - - 1/2

Heirs of J. C. Wickham, - - - - - 1/2
deceased, who are:

- Maude Wickham
- Eva LaRue
- Ruby Ballenger
- J. C. Wickham, Jr.

Award of just compensation, pursuant to Commissioners' Report --	\$300.00	\$300.00
Deposited as estimated compensation --	<u>300.00</u>	
Disbursed to owners - - - - -		<u>None</u>
Balance due to owners - - - - -		\$300.00

12.

It Is Further ORDERED that the Clerk of this Court shall disburse the deposit for the subject tract as follows:

- To: J. C. Wilkerson - - - - - \$150.00
- Maude Wickham, Eva LaRue, Ruby Ballenger & J. C. Wickham, Jr., jointly - - - - - \$150.00

/s/ Allen E. Barrow

UNITED STATES DISTRICT JUDGE

APPROVED:

/s/ Hubert A. Marlow

HUBERT A. MARLOW
Assistant U. S. Attorney

UNITED STATES DISTRICT COURT FOR THE
NORTHERN DISTRICT OF OKLAHOMA

E I L E D

FEB 6 1973

Jack C. Silver, Clerk
U. S. DISTRICT COURT

UNITED STATES OF AMERICA,)
)
Plaintiff,)
)
vs.) CIVIL ACTION NO. 70-C-382
)
330.00 ACRES OF LAND, MORE OR) Tract Nos. 1125M, 1127M,
LESS, SITUATE IN NOWATA COUNTY,) 1128M, 1130M,
STATE OF OKLAHOMA, AND UNION) 1131M, 1134M,
OIL COMPANY OF CALIFORNIA,) 1136M, and 1137M
ET AL., AND UNKNOWN OWNERS,)
) (1/8 ROYALTY INTEREST AND 1/8
Defendants.) OVERRIDING ROYALTY INTEREST ONLY

J U D G M E N T

1.
Now, on this 6th day of February, 1973, this matter comes on for disposition on application of the Plaintiff, United States of America, for entry of judgment on the Report of Commissioners filed herein on January 9, 1973, and the Court, after 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 royalty and overriding royalty interests in the estate taken in Tract Nos. 1125M, 1127M, 1128M, 1130M, 1131M, 1134M, 1136M, and 1137M as such estate and tracts are described in the Complaint filed in this case because judgment was entered on the working interest therein on August 3, 1972.

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 tracts.

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 December 9, 1970, the United States of America filed its Declaration of Taking of a certain estate in such tracts of land, which was the date of taking thereof. Simultaneously therewith, Plaintiff deposited \$21,199.00 for the royalty interests 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 December 9, 1970.

6.

The Report of Commissioners filed herein on January 9, 1973, is hereby accepted and adopted as findings of fact as to the subject tracts, wherein the amount of just compensation as to the royalty interest and the overriding royalty interest in the estate taken therein is fixed by the Commission at \$24,446.00 for the royalty interest and \$563.00 for the overriding royalty interest.

7.

The Defendants named in paragraph 11 as owners of the royalty interest and the overriding royalty interest in the estate taken in the subject tracts 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 these tracts on the date of taking. Said named Defendants were the owners of various 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.

8.

This judgment creates a deficiency between the amount deposited as estimated just compensation for the royalty interest

2.

and the overriding royalty interest in the estate taken in the subject tracts 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.

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 tracts, as they are described in the Complaint filed herein, and such property, to the extent of the royalty interest and overriding royalty interest in the estate described in such Complaint, is condemned and title thereto is vested in the United States of America, as of December 9, 1970, 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 royalty and overriding royalty interests in the estate taken herein in the subject tracts 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 interests in the estate is vested in the parties so named; and, there was a subsisting oil and gas lease on these tracts on the date of taking.

11.

IT IS FURTHER ORDERED, ADJUDGED AND DECREED BY THE COURT that the Report of Commissioners filed herein on January 9, 1973, is hereby confirmed and the \$25,009.00 therein fixed is adopted as the award of just compensation for the royalty and overriding royalty interests in the estate taken in the subject tracts, which is allocated and should be disbursed according to the following schedule:

3.

TRACT NOS. 1125M, 1127M, 1128M, 1130M,
1131M, 1134M, 1136M, and 1137M

These tracts comprise a portion of the "Alluwe Unit" by virtue of a Communitization Agreement between the various owners of the oil and gas interests.

AWARD OF JUST COMPENSATION:

Total award for the royalty and overriding royalty interest in the estate taken \$25,009.00

ALLOCATION OF AWARD:

(pursuant to Commissioners' Report)

To Royalty Interest \$24,446.00

To Overriding Royalty Interest \$ 563.00

DEPOSIT OF ESTIMATED COMPENSATION\$21,199.00

DEPOSIT DEFICIENCY \$ 3,810.00
plus 6% interest from
December 9, 1970.

OWNERSHIP, DISTRIBUTION OF AWARD AND DISBURSAL:

<u>Owners</u>	<u>Interest</u>	<u>Share of Award</u>	<u>Previously Disbursed</u>	<u>Balance Due</u>
<u>ROYALTY INTEREST: (1/8 of 8/8 or .1250)</u>				
V. C. Couch	31.707317%	\$7,751.17	-0-	\$7,751.17
Hinman S. Milam	.406504%	\$ 99.37	-0-	\$ 99.37
Mildred Milam Viles	.406504%	\$ 99.37	-0-	\$ 99.37
Mary Milam Stevenson	.406504%	\$ 99.37	-0-	\$ 99.37
P.I.C. Management, Inc.	1.219512%	\$ 298.12	-0-	\$ 298.12
Beulah B. McSpadden	19.512195%	\$4,769.95	-0-	\$4,769.95
Margaret E. Becker	4.878049%	\$1,192.49	-0-	\$1,192.49
F. A. Calvert	9.756098%	\$2,384.98	\$1,935.90	\$ 449.08
Julian W. Glass, Jr., Trustee for Eva Payne Glass, Julian W. Glass, Jr., Ernest Frances Bradfield . .	9.756097%	\$2,384.98	-0-	\$2,384.98
Milton Nairn Meyer	<u>21.951220%</u>	<u>\$5,366.20</u>	<u>\$4,718.78</u>	<u>\$ 647.42</u>
TOTALS	100.00%	\$24,446.00	\$6,654.68	\$17,791.32
<u>OVERRIDING ROYALTY INTEREST: (1/8 of 8/8 or .1250 on NW¼ NW¼ SE¼ only)</u>				
Mary Harrington Hart	1/6	\$ 93.84	-0-	\$ 93.84
Esther Harrington Putnam	1/6	\$ 93.83	-0-	\$ 93.83
William Kettering Harrington	1/6	\$ 93.83	-0-	\$ 93.83
John Lovell Robertson	1/6	\$ 93.83	-0-	\$ 93.83
Alice Lovell Robertson	1/6	\$ 93.83	-0-	\$ 93.83
Benjamin Lovell Robertson	1/6	\$ 93.84	-0-	\$ 93.84

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 tracts as shown in paragraph 11 in the amount of \$3,810.00 together with interest on such deficiency at the rate of 6% per annum from December 9, 1970, until the date of deposit of such deficiency sum; and such sum shall be placed in the deposit for the subject tracts in this action.

13.

IT IS FURTHER ORDERED that when the deposit required by paragraph 12 above has been made by the Plaintiff, the Clerk of this Court shall then disburse, from the deposit in this case, the balance due the respective owners with their pro-rata share of the accrued interest, according to the schedule in paragraph 11 above.

/s/ Fred Daugherty

UNITED STATES DISTRICT JUDGE

APPROVED:

/s/ Jack M. Short

JACK M. SHORT
Assistant United States Attorney

United States District Court

FOR THE

NORTHERN DISTRICT OF OKLAHOMA

CIVIL ACTION FILE NO. 72-C-170 ✓

JAMES E. SELF

vs.

SUN OIL COMPANY, a foreign corporation,

JUDGMENT

This action came on for trial before the Court and a jury, Honorable Allen E. Barrow, United States District Judge, presiding, and the issues having been duly tried and the jury having duly rendered its verdict, for the plaintiff.

It is Ordered and Adjudged that the plaintiff, James E. Self, have and recover judgment against the defendant, Sun Oil Company, a foreign corporation, in the sum of Fifty Thousand Dollars (\$50,000.00), with interest thereon at the rate of Ten (10%) percent from the date hereof until paid, and his costs herein.

FILED

FEB 6 1973 *JCS*

Jack C. Silver, Clerk
U. S. DISTRICT COURT

Dated at **Tulsa, Oklahoma**, this **6th** day
of **February**, 19 **73**.

JACK C. SILVER

.....
Clerk of Court

By *Rosanne J. Miller*
Deputy Clerk

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

BOARD OF TRUSTEES, PIPELINE)
 INDUSTRY BENEFIT FUND,)
)
 Plaintiff,)
)
 vs.)
)
 AMERICAN PIPELINE CONTRACTORS, INC.)
)
 Defendant.)

NO. 73 - C - 23

FILED

FEB 6 - 1973

Jack C. Silver, Clerk
U. S. DISTRICT COURT

ORDER OF DISMISSAL

NOW, on this *6th* day of *February*, 1973, 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 paid, settled and compromised,

IT IS THE ORDER OF THIS COURT that said action be and the same is hereby dismissed with prejudice to the bringing of another or future action by the Plaintiff herein.



District Judge

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

FILED

FEB 5 1973

Jack C. Silver, Clerk
U. S. DISTRICT COURT

FOREMOST-McKESSON, INC., d/b/a)
McKESSON CHEMICAL COMPANY, a)
corporation,)
)
Plaintiff,)
)
vs.)
)
CHEMPROL COMPANY, a corporation)
and PALADIN INDUSTRIES, INC., a)
corporation,)
)
Defendants.)

No. 72-C-393

JUDGMENT

Before me, the undersigned Judge of the United States District Court for the Northern District of the State of Oklahoma, this cause came on for consideration, and the Court being fully advised in the premises, finds:

That all statements as set forth in Plaintiff's complaint filed in this cause are true.

That this Court has full and complete jurisdiction of this action, the subject matter hereof, and all parties hereto, by virtue of Title 28 U.S.C. 1221. Complete diversity of citizenship between the parties exists, and the amount in controversy exceeds the sum of ten thousand dollars, exclusive of interest and costs.

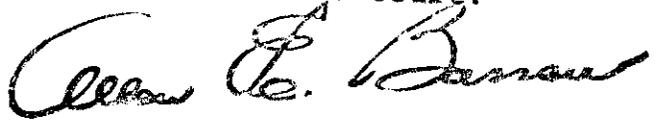
That the defendant, Chemtrol Company, a corporation, is indebted to McKesson Chemical Company in the amount of \$11,971.55 for goods, wares and merchandise sold and delivered by Plaintiff to Defendant between the 25th day of May, 1972, and the 11th day of August, 1972, for which Defendant agreed to pay.

That demand has been made upon Defendant, Chemtrol Company, a corporation, for payment, but said Defendant has wholly and completely failed to pay monies due and owing Plaintiff.

That Plaintiff is entitled to judgment as prayed for as against Defendant, Chemtrol Company, a corporation, and that the cause of action as against Defendant, Paladin Industries, Inc., should be continued pending further action of this Court.

IT IS THEREFORE ORDERED, ADJUDGED AND DECREED that Plaintiff, Foremost-McKesson, Inc., d/b/a McKesson Chemical Company, a corporation, have, and is hereby granted, judgment against Defendant, Chemtrol Company, a corporation, in the amount of \$11,971.55, with interest at the rate of 10% per annum from date of judgment together with an attorney fee in the amount of \$3,950.00 to be taxed as costs, and all court costs, accrued and accruing.

IT IS FURTHER ORDERED, ADJUDGED AND DECREED that this cause should be and is continued as against Defendant, Paladin Industries, Inc., pending further order of this Court.



Judge

APPROVED:



Edward E. Glass
Attorney for Plaintiff



Jack Bryant
Attorney for Defendant

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

DONALD RED LEE,

Plaintiff,

-vs-

HALLIBURTON COMPANY, a
Delaware Corporation,

Defendant.

No. 72-C-134 Civil

FILED

FEB 5 1973

Jack C. Silver, Clerk
U. S. DISTRICT COURT

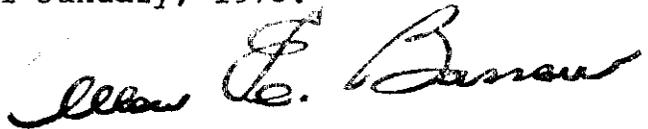
O R D E R

After reviewing the file and record in this cause the recommendation of the Magistrate is hereby approved and

It is, therefore, ordered that the motion to transfer this cause to the United States District Court for the Northern District of Texas filed herein by plaintiff, 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 5ⁿ day of February, 1973.



CHIEF UNITED STATES DISTRICT JUDGE

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

LOCAL LODGE NO. 790 OF THE)
INTERNATIONAL ASSOCIATION OF)
MACHINISTS AND AEROSPACE)
WORKERS, AFL-CIO,)
)
Plaintiff,)
)
vs.)
)
CHAMPION CARRIERS, INC.,)
)
Defendant.)

No. 71-C-361 ✓

FILED

FEB 2 1973 *Jan*

Jack C. Silver, Clerk
U. S. DISTRICT COURT

JOURNAL ENTRY OF JUDGMENT

Now on this 31st day of January, 1973, this matter comes on for consideration by the undersigned United States District Judge and the Court, being fully advised in the premises, finds that this cause was originally instituted by a complaint filed in the United States District Court for the Northern District of Oklahoma on October 8, 1971, by Local Lodge No. 790 of the International Association of Machinists and Aerospace Workers, AFL-CIO, Plaintiff herein, against Champion Carriers, Inc., Defendant herein.

The Court further finds that the parties approved a Pre-Trial Order containing stipulations as to the relevant facts and issues involved herein which was filed in this cause on January 24, 1972. The Court further finds that oral arguments were presented in this matter on March 13, 1972, and that Judgment was thereafter entered against the Plaintiff and in favor of the Defendant on March 14, 1972.

The Court further finds that the Plaintiff filed it's Motion for New Trial on March 27, 1972, and that said Motion was overruled by order of the Court dated April 3, 1972.

The Court further finds that the Plaintiff thereafter perfected an appeal of the aforementioned Judgment of the Court to the United States Court of Appeals for the Tenth

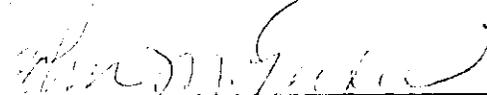
Circuit which was docketed as case no. 72-1427 and that the Court of Appeals, by its decision filed December 18, 1972, reversed said Judgment and remanded the matter to this Court with instructions to enter judgment for the Plaintiff.

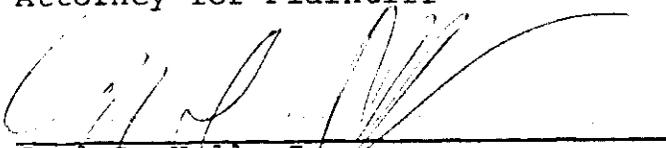
IT IS THEREFORE ORDERED, ADJUDGED AND DECREED by the Court that Judgment in this cause be entered in favor of Local Lodge No. 790, of the International Association of Machinists and Aerospace Workers, AFL-CIO, Plaintiff herein, and the Defendant, Champion Carriers, Inc., is hereby ordered to remit to the Plaintiff the sum of \$520.00, for the use and benefit of it's member, Tully V. Johnson, in order to compensate him for amounts erroneously deducted from back pay due him pursuant to the decision of Arbitrator Justin C. Smith, dated July 10, 1971. FURTHER ORDERED that the Plaintiff shall cause such funds to be deposited with the Oklahoma Employment Security Commission for credit to the account of Tully V. Johnson.

IT IS FURTHER ORDERED by the Court that the Defendant shall pay all court costs incurred by the Plaintiff in the prosecution of this action, including the appeal of the adverse judgment herein, as reflected by the statement thereof prepared by the Clerk of the Court.


United States District Judge

APPROVED AS TO FORM:


John M. Keefer,
Attorney for Plaintiff


Carl D. Hall, Jr.,
Attorney for Defendant

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

NATIONAL TRAILER CONVOY, INC.,

Plaintiff,

v.

THE INTERSTATE COMMERCE COMMISSION
and UNITED STATES OF AMERICA,

Defendants,

and

HOME TRANSPORTATION COMPANY, INC.,

Intervenor.

E I L E D

FEB 2 1973 *R*

Jack C. Silver, Clerk
U. S. DISTRICT COURT

Case No. 71-C-407 ✓

JUDGMENT

This action to set aside a certain order of the Interstate Commerce Commission having come on before a three-judge panel comprised of the undersigned and designated to hear and determine the issues herein; and the parties hereto having filed their briefs herein and having consented to a determination thereof without oral argument; and the Court, having received and considered the whole record before the Interstate Commerce Commission and the pleadings and briefs and are other matters presented to the Court, and the Court having filed its opinion herein on December 18, 1972; now, in accordance with the said opinion:

W.J.H. action
for
X.B.
IT IS ORDERED, ADJUDGED, AND DECREED, that the complaint of plaintiff herein to suspend, enjoin, annul and set aside orders of the Interstate Commerce Commission in its proceedings entitled Docket No. MC-111545 (Sub-No. 156TA), Home Transportation Co., Inc., Marietta, Georgia, be, and it is hereby, dismissed.

It is further ORDERED that the defendants and
intervening defendant have and recover of the plaintiff
their costs of this action.

William J. Holloway, Jr.

William J. Holloway, Jr.
United States Circuit Judge

Luther Bohanon

Luther Bohanon
United States District Judge

Fred Daugherty

Fred Daugherty
United States District Judge

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

GULF OIL CORPORATION,)
)
Plaintiff,)
)
-vs-)
)
JACK H. ROBINSON,)
)
Defendant.)

Civil Action No.
72-C-286 ✓

FILED
FEB 2 1973 *hm*

Jack C. Silver, Clerk
U. S. DISTRICT COURT

JOURNAL ENTRY OF JUDGMENT

This matter came on for non-jury trial before the undersigned Judge of the United States District Court for the Northern District of Oklahoma this 5th day of December, 1972, plaintiff appearing by its attorneys, Edwin S. Hurst and Arthur F. Whitt, and defendant appearing personally and by his attorney, Robert G. Brown; and the Court having examined the pleadings filed herein, and having heard statement of counsel, and upon considering the evidence of both plaintiff and defendant finds as follows:

1. That plaintiff is entitled to recover from defendant the sum of \$3,450.00, together with interest at the rate of 5% per annum from July 6, 1972.

2. That the defendant's interest in the Real Estate Purchase Contract of January 28, 1972, between defendant and James and Mary F. Marlow covering the property at 1706 S. Ridge Drive, Arlington Heights, Illinois, be, and is hereby, assigned to the plaintiff.

3. That the relief prayed for in defendant's Cross Petition be denied.

IT IS THEREFORE ORDERED, ADJUDGED AND DECREED by the Court that the issues in the above styled and numbered cause be resolved as above set forth.

Luther Bohannon
U. S. DISTRICT JUDGE

APPROVED:

Edwin S. Hurst
EDWIN S. HURST, Attorney for Plaintiff

Robert G. Brown
ROBERT G. BROWN, Attorney for Defendant