

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

FRANKLIN E. BERNSEN,)
)
 Plaintiff,)
)
 -vs-) No. 73-C-224 ✓
)
 D. G. HAMILTON,)
)
 Defendant.)

JUDGMENT BY DEFAULT

THIS CAUSE came on for hearing at this term on the motion of Franklin E. Bernsen, plaintiff in the above-entitled cause, for a default judgment, pursuant to Rule 55(b) (2), Federal Rules of Civil Procedure, and it appearing to the Court that the complaint in the above cause was filed in this Court on the 24th day of July, 1973, and that the summons and complaint was duly served on the defendant, D. G. Hamilton, on the 17th day of August, 1973, and that no answer or other defense has been filed by said defendant, and that default was entered on the 15 day of August, 1973, in the Office of the Clerk of this Court, and that no proceedings have been taken by said defendant since said default was entered.

IT IS HEREBY ORDERED, ADJUDGED AND DECREED that the said plaintiff do have and recover from said defendant the sum of One Hundred Ninety Six Thousand Three Hundred Fifty Three and 94/100 Dollars (\$196,353.94), with interest thereon at the rate of seven per cent (7%) from July 1, 1973, until date of judgment, and thereafter at the rate of ten per cent (10%) until paid, together with said plaintiff's costs, disbursements and attorney's fees incurred in this action amounting to the sum of Nineteen Thousand Nine Hundred Seventy Nine and No/100 Dollars (\$19,979.00), and that the plaintiff have execution therefor.

DATED this 21 day of August, 1973.

Allen E. Barrow
ALLEN E. BARROW, DISTRICT JUDGE

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

TULSA GENERAL DRIVERS, WAREHOUSEMEN)
& HELPERS, LOCAL UNION NO. 523,)
)
) Plaintiff,)
)
) vs.) Civil Action
) No. 73-C-197
)
) ARMOUR AND COMPANY, BRANCH,)
) AT TULSA, OKLAHOMA,)
)
) Defendant.)

ORDER OF DISMISSAL

Consideration
This matter came on for ~~hearing~~ on this 31st day
of October, 1973, upon the Joint Application For
Dismissal With Prejudice filed herein. The Court
being duly advised in the premises, finds that said
application for dismissal is in the best interests of
justice and should be approved and the above styled
and numbered cause of action dismissed with prejudice
to a refiling.

IT IS, THEREFORE, ORDERED, ADJUDGED AND DECREED
by the Court that the Joint Application For Dismissal
With Prejudice by the parties be and the same is here-
by approved and the above styled and numbered cause of
action *and Complaint* is dismissed with prejudice to a refiling.

A. William C. Barron
UNITED STATES DISTRICT JUDGE

APPROVED:

Jeff Nix, Attorney for
Plaintiff

Donald Church

Donald Church, Attorney
for Defendant

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

BASBARA ANN McKEMIE,

Plaintiff,

L. S. TRANSPORTATION COMPANY,
INC., a corporation and JOE
RAY LYNN,

Defendants.

NO. 73-C-106

FILED

OCT 8 1973

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

ORDER OF DISMISSAL

ON this 31 day of October, 1973, upon the
written application of the parties for a Dismissal with Prejudice
of the Complaint and all causes of action, the Court having examined
said application, finds that said parties have entered into a compromise
settlement covering all claims involved in the Complaint and have
requested the Court to dismiss said Complaint with prejudice to any
future action, and the Court being fully advised in the premises,
finds that said Complaint should be dismissed pursuant to said application.

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

John Deuphete
JUDGE, DISTRICT COURT OF THE UNITED
STATES, NORTHERN DISTRICT OF OKLAHOMA

APPROVAL:

GENE L. MORTENSON

Gene L. Mortenson
Attorney for the Plaintiff

ALFRED B. KNIGHT

Alfred B. Knight
Attorney for the Defendants

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

BETTY SPARKS, Administratrix of
the Estate of Johnny Lee Sparks,
deceased,

Plaintiff,

-vs-

ST. LOUIS & SAN FRANCISCO RAILROAD
CORPORATION, a Foreign Corporation,
and MARION M. McPHERSON,

Defendants.

Case No. 73-C-291

FILED

OCT 21 1973

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

ORDER OF REMAND

This action involving a fatal railroad crossing accident was filed by the Plaintiff in the District Court of Creek County, Oklahoma, on May 10, 1973. The Defendants joined by Plaintiff were the St. Louis and San Francisco Railroad (Railroad) and Marion M. McPherson, alleged to be the engineer of the train involved in the accident. Plaintiff is an Oklahoma citizen as is the individual Defendant. The Defendant Railroad is a Missouri corporation with its principal place of business also in Missouri.

The Defendants filed a motion to transfer to another county in the State court. The motion came on for hearing on August 13, 1973. During this hearing, the Railroad's district claim agent, Roger Buffington, testified that the individual Defendant McPherson was the conductor of the train, not the engineer as alleged by Plaintiff.

The Defendant Railroad then filed its Petition for Removal in this Court on September 4, 1973, alleging that the case became removable under the provisions of 28 U.S.C.A. §1446(b)

on August 13, 1973 when "it was disclosed for the first time in court hearing that the resident defendant, Marion M. McPherson, was not the operator of the locomotive engine." Defendant Railroad alleges that the joinder of Defendant McPherson was improper or fraudulent and further that the claim against the Defendant Railroad is separate and independent and would be removable if sued upon alone. A Motion for Summary Judgment by Defendant McPherson was also filed with this Court.

Plaintiff has filed a Motion to Remand alleging that Defendant McPherson was properly joined and further urging that the Petition for Removal was not timely filed. Plaintiff has also filed a response to the Motion for Summary Judgment urging that same be denied because the evidence or testimony of the district claims agent is hearsay. Further, the Plaintiff has submitted a copy of the Official Police Traffic Collision Report prepared by the Henryetta Police Department for the accident in question. The Report indicates that Defendant McPherson was the party responding to the officer on behalf of the train. The Plaintiff urges this Report makes it a disputed question of fact as to whether McPherson was the engineer and therefore the Motion for Summary Judgment should be denied. The Court will take notice that the accident report is also hearsay evidence. Hadley v. Ross, 154 P. 2d 939 (Okla. 1945).

The Defendant Railroad has responded to the Motion to Remand alleging that the removal was timely.

This Court has said that in a removal based on an alleged fraudulent joinder the Court must be able to grant a Motion to Dismiss the alleged fraudulently joined defendant from the case. Fine v. Braniff Airways, Incorporated, 302 F. Supp. 496 (W.D. Okla. 1969).

In Plaintiff's Complaint, it is alleged that the Defendant McPherson was in charge and control of the train and it is particularly alleged that the Defendants were guilty of negligence in operating the train at an excessive rate of speed, both as being unreasonable under the circumstances and conditions at the crossing and in violation of the ordinances of the city of Henryetta, Oklahoma. In the latter allegation, it is claimed that Defendants' train was being driven 70 mph in violation of a 25 mph limit by a Henryetta ordinance.

In the case of Thomas v. Archer, 330 F. Supp. 1181 (W.D. Okla. 1971), this Court found that even though a train engineer is primarily responsible for controlling the speed of the train, the conductor has the duty and ability to slow down the train if its speed exceeded proper limits. The Court further found that a cause of action was stated against the conductor following the holding in J. C. Penney Company v. Barrientez, 411 P. 2d 841 (Okla. 1966) that an employee may be liable to third persons for nonfeasance or non-performance of duties placed upon him by his employer.

This Court therefore concludes that Plaintiff stated a cause of action in her original Complaint against the Defendant McPherson as to the alleged speed violations. Subsequent

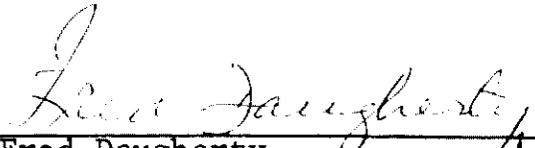
evidence or allegations or discovery that he was acting as conductor rather than engineer of the train does not defeat such cause. It is not possible for the Court to dismiss Defendant McPherson from this case under Thomas v. Archer, supra. The Court finds and concludes that Defendant McPherson was not improperly or fraudulently joined as a party Defendant, could not be dismissed out of the case, the removal of this case to this court was improper and the Plaintiff's Motion to Remand should be sustained for lack of diversity jurisdiction in this Court. Fine v. Braniff Airways, Incorporated, supra.

In this case, there is a single wrong to Plaintiff for which relief is sought and there is no separate and independent cause of action against Defendant Railroad Company. Winton v. Moore, 288 F. Supp. 470 (N.D. Okla. 1968).

In the foregoing circumstances it is not necessary for the Court to consider whether this action was timely removed.

The case is remanded to the State Court from which it was removed. The Clerk of the Court will effect the remand without delay.

It is so ordered this 31 day of October, 1973.


Fred Daugherty
United States District Judge

UNITED STATES DISTRICT COURT
FOR THE
NORTHERN DISTRICT OF OKLAHOMA

LLOYD DICKSON and LILLIAN DICKSON,)
)
) Plaintiffs,)
)
 vs.)
)
) AMOS WARD, Individually and as Sheriff)
) of the County of Rogers, State of Oklahoma,)
) J. B. HAMBY, Individually and as Deputy)
) Sheriff in the County of Rogers, State of)
) Oklahoma,)
)
) Defendants.)

Civil Case No
72-C-281 ✓

FILED
OCT 30 1973
Jack C. Silver, Clerk
U. S. DISTRICT COURT

ORDER OF DISMISSAL

For good cause shown the Court finds that the plain-
tiffs in the above-styled case should be allowed to dismiss
said cause of action without prejudice to future filings with-
in one year of the date of this order.

IT IS THEREFORE ORDERED, ADJUDGED AND DECREED by the
Court that the above case be and the same is hereby dismissed
without prejudice to refiling within one year of the date of
this order.

Dated this 30 day of October, 1973.

Luther Bohanon
LUTHER BOHANON, District Judge
Northern District of Oklahoma

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

JULIUS ROBBINS, III,)
)
) Plaintiff,)
)
 vs.)
)
) ROBERT G. CASEY,)
)
) Defendant.)

NO. 73-C-248

FILED

OCT 26 1973

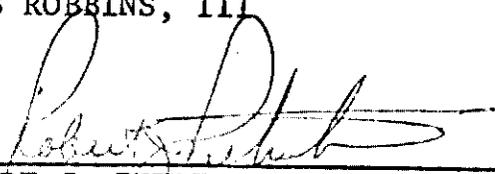
Jack C. Silver, Clerk
U. S. DISTRICT COURT

APPLICATION FOR DISMISSAL

Comes now the plaintiff and moves that the Court enter an order dismissing the above entitled action upon the merits and with prejudice to a future action, and respectfully shows that the above entitled action has been compromised and settled.

WHEREFORE, plaintiff prays that this Court enter an Order dismissing the above entitled action upon the merits and with prejudice to a future action, at the cost of plaintiff.

JULIUS ROBBINS, III

By 
ROBERT J. PETRICK of

FENTON, FENTON, SMITH, RENEAU & MOON
405 Investors Capital Building
Oklahoma City, Oklahoma 73102

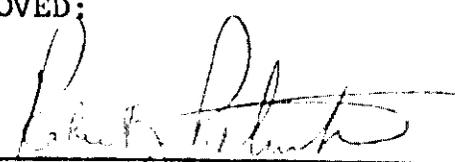
Attorneys for Plaintiff

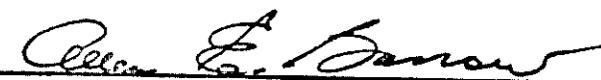
ORDER OF DISMISSAL

Now on this 26 day of October, 1973, the above entitled cause comes on upon the application of the plaintiff for an order dismissing the above entitled action upon the merits and with prejudice to a future action. And the Court, being well advised in the premises, is of the opinion that said motion should be sustained.

IT IS THEREFORE ORDERED, CONSIDERED AND ADJUDGED that the above entitled action be and the same is hereby dismissed upon the merits and with prejudice to a future action, at the cost of plaintiff.

APPROVED:


ROBERT J. PETRICK of


DISTRICT JUDGE

FENTON, FENTON, SMITH, RENEAU
& MOON
405 Investors Capital Building
Oklahoma City, Oklahoma 73102

Attorneys for Plaintiff

FILED

OCT 26 1973

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

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

JERRY ALLEN CHANCY,)
)
 Plaintiff,)
)
 vs.)
)
 ROBERT G. CASEY,)
)
 Defendant.)

NO. 73-C-247

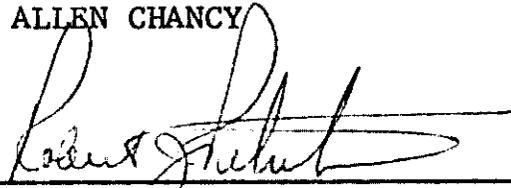
FILED
OCT 26 1973
Jack C. Silver, Clerk
U. S. DISTRICT COURT

APPLICATION FOR DISMISSAL

Comes now the plaintiff and moves that the Court enter an order dismissing the above entitled action upon the merits and with prejudice to a future action, and respectfully shows that the above entitled action has been compromised and settled.

WHEREFORE, plaintiff prays that this Court enter an order dismissing the above entitled action upon the merits and with prejudice to a future action, at the cost of plaintiff.

JERRY ALLEN CHANCY

By 
ROBERT J. PETRICK of

FENTON, FENTON, SMITH, RENEAU & MOON
405 Investors Capital Building
Oklahoma City, Oklahoma 73102

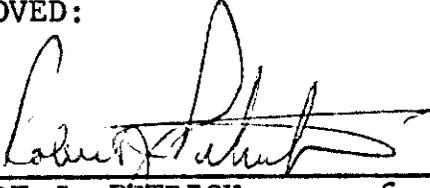
Attorneys for Plaintiff

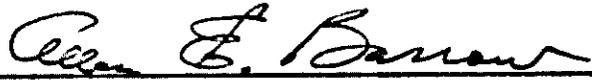
ORDER OF DISMISSAL

Now on this 26 day of October, 1973, the above entitled cause comes on upon the application of the plaintiff for an order dismissing the above entitled action upon the merits and with prejudice to a future action. And the Court, being well advised in the premises, is of the opinion that said motion should be sustained.

IT IS THEREFORE ORDERED, CONSIDERED AND ADJUDGED that the above entitled ~~action~~ ^{cause} be and the same is hereby dismissed upon the merits and with prejudice to a future action, at the cost of plaintiff.

APPROVED:


ROBERT J. PETRICK of


DISTRICT JUDGE

FENTON, FENTON, SMITH, RENEAU & MOON
405 Investors Capital Building
Oklahoma City, Oklahoma 73102
Attorneys for Plaintiff

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

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

RUFORD BRUNER, JR.,)
)
Petitioner,)
)
-vs-) Case No. 73-C-38 Civil
)
UNITED STATES OF AMERICA,)
)
Respondent.)

FILED

OCT 24 1973

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

O R D E R

The above Petitioner was convicted by a jury and sentenced by the Court for the crime of selling narcotics, 21 U.S.C.A. §174. After sentence the Court advised the Petitioner of his rights of appeal. Petitioner admitted receiving this advice in his sworn affidavit filed herein on February 13, 1973 in which affidavit this Petitioner stated: "...he was advised by the Court of his Appeal Rights and the requirement that he file his Notice of Appeal in writing ten (10) days from the date. Petitioner at that time informed the Court that he was undecided on an Appeal." Petitioner when invited after sentence in open court to give oral Notice of Appeal did not do so. Nor did Petitioner file a written Notice of Appeal within the ten (10) day period.

After an unsuccessful §2255 Motion requiring an evidentiary hearing in which Petitioner claimed he was mentally incompetent Petitioner now files his second §2255 Motion in which he raises a number of claims further attacking his conviction and sentence.

By Order entered herein on March 19, 1973, the Court found all such claims except one to be wholly without merit entitling Petitioner to no relief thereon and that the same should be dismissed. The one exception involves Petitioner's

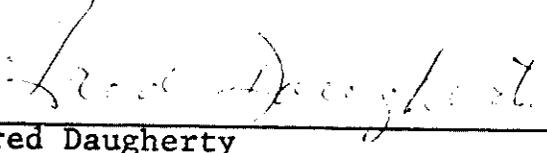
claim that his counsel was ineffective because he failed to file a Notice of Appeal as requested by Petitioner and Petitioner did not waive his appeal. The Court appointed counsel for Petitioner in this case and ordered an evidentiary hearing on this one claim by written interrogatories and cross-interrogatories as authorized by Reed v. United States, 438 F. 2d 1154 (Tenth Cir. 1971). This has been accomplished and both sides have advised the Court that this issue or claim is ready for decision.

From the evidence presented herein on this issue or claim, the Court finds that Petitioner was advised by the Court of his right to appeal his conviction and sentence, was given an opportunity to then enter orally his Notice of Appeal, declined said opportunity saying that he was undecided on the matter of an appeal and Petitioner did not thereafter file his written Notice of Appeal. The Court further finds from the evidence that the Petitioner did not instruct his attorney to file a written Notice of Appeal but in fact stated to his attorney that he did not want him to have anything to do with an appeal of his case to a higher court. The Court finds that the Petitioner knowingly and understandingly gave up, abandoned and waived his right of appeal; that his attorney was not requested by Petitioner to file a written Notice of Appeal; that Petitioner informed his attorney that he did not want him to file a written Notice of Appeal; that his attorney was not incompetent or ineffective but gave Petitioner good and professional legal services and did not in anyway deprive Petitioner of his right of appeal.

With these findings and conclusions and the findings and conclusions entered herein on March 19, 1973 and by

reference made a part hereof Petitioner's Petition for Writ of Mandamus and/or Habeas Corpus filed herein and treated as a Motion pursuant to 28 U.S.C. §2255 and the action contained therein should be dismissed as Petitioner is entitled to no relief on his several claims.

It is so ordered this 26 day of October, 1973.



Fred Daugherty
United States District Judge

UNITED STATES DISTRICT COURT

FOR THE
NORTHEN DISTRICT OF OKLAHOMA

JESSE LOVE, JR. and
JOYCE LOVE, husband
and wife,

Plaintiffs,

vs.

No. 72 C 143

ELFANT of Tulsa, Inc. a
telephone corporation, and
HERNALL,

Defendants.

FILED

OCT 28 1973

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

ORDER

THIS CAUSE coming on to be ~~heard~~^{considered} before me the undersigned Judge of this Court on the 20th day of October, 1973, upon plaintiffs application for dismissal and the Court having reviewed the pleadings, depositions, and file hereby finds that said dismissal should be granted

IT IS THEREFORE ORDERED, ADJUDGED AND DECREED that this case is hereby dismissed without prejudice to filing a future action, conditioned on the payment by plaintiff to defendant's attorneys the sum of \$150.00 within 10 days.

Cecilia E. Brown

JUDGE OF THE DISTRICT COURT.

CERTIFICATE OF MAILING

I, the undersigned hereby certify that on this day of October, 1973, that I mailed a true and correct copy of the above and foregoing instrument to Mr. Richard Carpenter, attorney for defendant, Denver Building, Tulsa, Oklahoma, with postage prepaid thereon.

[Signature]

20th

UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF OKLAHOMA

Civil Action File No. 73-C-316

FILED

OCT 20 1973

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

SECURITIES AND EXCHANGE COMMISSION,	:	
	:	
Plaintiff	:	
V.	:	ORDER OF PERMANENT INJUNCTION BY CONSENT
McALPINE OIL COMPANY,	:	
an Oklahoma corporation	:	
JOHNNIE EDWARD McALPINE	:	
HARRY COHEN,	:	
Defendants	:	

IT APPEARING to the Court that the defendant, HARRY COHEN, without admitting or denying the allegations in plaintiff's complaint, has stipulated and consented to the entry of a permanent injunction as prayed for in plaintiff's complaint, enjoining said defendant from engaging in acts and practices which constitute and will constitute violations of Sections 5(a), 5(c) and 17(a) of the Securities Act of 1933, as amended [15 U.S.C. 77e(a), 77e(c) and 77q(a)], and Section 10(b) of the Securities Exchange Act of 1934, as amended [15 U.S.C. 78j(b)] and Rule 10b-5 thereunder [17 C.F.R. 240.10b-5]; and the Court being fully advised in the premises:

IT IS HEREBY ORDERED, ADJUDGED AND DECREED that the defendant, HARRY COHEN, his agents, servants, employees, successors and assigns, and each of them, be and hereby is permanently enjoined from directly or indirectly:

(a) making use of any means or instruments of transportation or communication in interstate commerce or of the mails to offer to sell, through the use or medium of any prospectus or otherwise, fractional undivided working interests in oil and gas leases, or any other securities, unless and until a registration statement

has been filed with the Securities and Exchange Commission as to such securities, or while a registration statement filed with the Securities and Exchange Commission as to such securities is the subject of a refusal order or stop order of the Securities and Exchange Commission or (prior to the effective date of a registration statement) any public proceeding or examination under Section 8 of the Securities Act of 1933, as amended [15 U.S.C. 77h];

(b) Making use of any means or instruments of transportation or communication in interstate commerce or of the mails to sell fractional undivided working interests or any other securities, through the use or medium of any prospectus or otherwise unless and until a registration statement is in effect with the Securities and Exchange Commission as to such securities;

(c) carrying such securities or causing them to be carried through the mails or in interstate commerce by any means or instruments of transportation for the purpose of sale or delivery after sale, unless and until a registration statement is in effect with the Securities and Exchange Commission as to such securities;

provided, however, that nothing in the foregoing portion of the requested injunction shall apply to any securities which are exempt from the provisions of Section 5 of the Securities Act of 1933, as amended [15 U.S.C. 77e].

IT IS FURTHER ORDERED, ADJUDGED AND DECREED that the defendant, HARRY COHEN, his agents, servants, employees, successors and assigns, and each of them, be and hereby is permanently enjoined from, directly or indirectly, in connection with the offer and sale of fractional undivided working interests in oil and gas leases, or

any other securities by use of the mails or any means or instruments of transportation or communication in interstate commerce: employing any manipulative or deceptive device, scheme or artifice to defraud, making untrue statements of material facts or omitting to state material facts necessary to be stated in order to make the statements made, in the light of the circumstances under which they were made, not misleading, concerning:

- (1) the issuer's success ratio in drilling for oil and gas;
- (2) the amount of oil and gas which can be produced by wells drilled by the issuer;
- (3) the monthly income which can be expected from an investment in securities offered by the issuer;
- (4) the financial ability of the issuer to drill and complete wells in which it has offered and sold securities;
- (5) the degree of risk involved in oil and gas wells being offered and drilled by the issuer.

IT IS FURTHER ORDERED that a copy of this Order of Permanent Injunction and attached Stipulation and Consent be served by the United States Marshal on the defendant named herein.

IT IS FURTHER ORDERED that this Court will retain jurisdiction of this cause for the purpose of such other and further relief as may be required in the interest of justice and equity and as the Court may deem necessary and proper.

ENTERED this 26 day of Oct, 1973.

FRED DAUGHERTY

FRED DAUGHERTY, UNITED STATES
DISTRICT JUDGE, NORTHERN
DISTRICT OF OKLAHOMA

STIPULATION AND CONSENT

The defendant, HARRY COHEN, without admitting or denying the allegations in plaintiff's Complaint, and for the purpose of this action and this action only, consents to the entry of the foregoing order permanently enjoining him from violations of Sections 5(a), 5(c) and 17(a) of the Securities Act of 1933, as amended [15 U.S.C. 77e(a), 77e(c) and 77q(a)] and Section 10(b) of the Securities Exchange Act of 1934, as amended [15 U.S.C. 78j(b)] and Rule 10b-5 promulgated thereunder [17 C.F.R. 240.10b-5], as prayed for in plaintiff's Complaint.

SIGNED this 19th day of October, 1973.

s/ Harry Cohen
HARRY COHEN

APPROVED AS TO FORM:

s/ Earl R. King
EARL R. KING
270 Airport Freeway
Fort Worth, Texas

Attorney for Defendant
HARRY COHEN

Richard M. Hewitt
RICHARD M. HEWITT
Attorney for Plaintiff
SECURITIES AND EXCHANGE COMMISSION
503 United States Courthouse
Fort Worth, Texas 76102

FILED

OCT 28 1973

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

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

Civil Action File No. 73-C-306

FILED
OCT 21 1973 do

SECURITIES AND EXCHANGE COMMISSION,	:	Jack C. Silver, Clerk
	:	U. S. DISTRICT COURT
Plaintiff	:	
v.	:	ORDER OF PERMANENT INJUNCTION BY CONSENT
ROBERT S. TRIPPET et al.,	:	
	:	
Defendants	:	

IT APPEARING to the Court that the defendant ROBERT S. TRIPPET, without admitting or denying any of the allegations in plaintiff's complaint, has stipulated and consented to the entry of a permanent injunction as prayed for in plaintiff's complaint, enjoining said defendant from engaging in acts and practices which constitute and will constitute violations of Sections 5(a), 5(b), 5(c), 7, 10(a) and 17(a) of the Securities Act of 1933, as amended [15 U.S.C. 77e(a), 77e(b), 77e(c), 77g, 77j(a) and 77q(a)], and Sections 10(b) and 13 of the Securities Exchange Act of 1934, as amended [15 U.S.C. 78j(b) and 78m(a)], and Rules 10b-5, 13a-1 and 13a-11 promulgated thereunder [17 C.F.R. 240.10b-5, 240.13a-1 and 240.13a-11]; and the plaintiff and defendant having consented to the making of this final judgment, without trial or adjudication of or finding on any issues of fact or law herein and without this final judgment constituting any evidence against or admission by any party with respect to any such issues; and the Court being fully advised in the premises:

NOW, THEREFORE, without any testimony having been taken and upon consent of the parties hereto,

IT IS HEREBY ORDERED, ADJUDGED and DECREED that defendant ROBERT S. TRIPPET, his agents, employees, attorneys-in-fact, successors and assigns, and each of them, and all persons acting in concert or participation with him, are permanently enjoined from directly or indirectly:

(a) Making use of any means or instruments of transportation of communication in interstate commerce or of the mails to offer to sell, through the use or medium of any prospectus or otherwise, common stock of Home-Stake Production Company; units of participation in the Home-Stake 1964 through 1972 annual

Program Operating Corporations; limited partnership interests in the 1968 through 1970 annual year-end exploratory programs, or any other securities, unless and until a registration statement has been filed with the Securities and Exchange Commission as to such securities, or while a registration statement filed with the Securities and Exchange Commission as to such securities is the subject of a refusal order or stop order of the Securities and Exchange Commission or (prior to the effective date of a registration statement) any public proceeding or examination under Section 8 of the Securities Act of 1933, as amended [15 U.S.C. 77h];

(b) Making use of any instruments of transportation or communication in interstate commerce or of the mails to sell common stock of Home-Stake Production Company; units of participation in the Home-Stake 1964 through 1972 annual Program Operating Corporations; limited partnership interests in the 1968 through 1970 annual year-end exploratory programs; or any other securities through the use or medium of any prospectus or otherwise, unless and until a registration statement is in effect with the Securities and Exchange Commission as to such securities;

(c) Carrying such securities or causing them to be carried through the mails or in interstate commerce by any means or instruments of transportation for the purpose of sale or delivery after sale unless and until a registration statement is in effect with the Securities and Exchange Commission as to such securities;

provided, however, that nothing in the foregoing portion of this requested injunction shall apply to any securities which are exempt from the provisions of Section 5 of the Securities Act of 1933, as amended [15 U.S.C. 77e].

IT IS FURTHER ORDERED, ADJUDGED and DECREED that the defendant ROBERT S. TRIPPET, his agents, employees, attorneys-in-fact, successors and assigns, and all persons acting on concert or participation with him, and each of them, be and hereby are permanently

enjoined from directly or indirectly violating Section 5(b) of the Securities Act of 1933, as amended [15 U.S.C. 77e(b)], by making use of the means and instruments of transportation and communication in interstate commerce and the mails to carry or transmit any prospectuses relating to any common stock of Home-Stake Production Company; units of participation in the Home-Stake 1964 through 1972 annual Program Operating Corporations; limited partnership interests in the 1968 through 1970 annual year-end exploratory programs; or any other securities with respect to which a registration statement has been filed under the Securities Act of 1933, unless such prospectus meets the requirements of Section 10 of the Securities Act of 1933 [15 U.S.C. 77j]; or carrying or causing to be carried through the mails or in interstate commerce any such security for the purpose of sale or for delivery after sale unless accompanied or preceded by a prospectus that meets the requirements of Subsection 10(a) of the Securities Act of 1933 [15 U.S.C. 77j(a)].

IT IS FURTHER ORDERED, ADJUDGED and DECREED that defendant ROBERT S. TRIPPET, his agents, employees, attorneys-in-fact, successors and assigns, and all persons acting in concert or participation with him, and each of them, be and hereby are permanently enjoined from directly or indirectly violating Sections 7 and 10(a) of the Securities Act of 1933, as amended [15 U.S.C. 77g and 77j(a)], by filing a registration statement and prospectus with the Commission containing statements of material facts which are false and misleading or which omit to state material facts which are necessary in order to make the statements made, in light of the circumstances under which they are made, not misleading, concerning:

- (a) The financial condition of the issuer;
- (b) The nature of the operations of the issuer;
- (c) The amount and extent of oil and gas production of the issuer;
- (d) The amount and nature of the income of the issuer;
- (e) The qualifications and experience of the management of the issuer;

- (f) The use of proceeds of securities sales by the issuer;
- (g) The assets of the issuer;
- (h) The market price of the securities of the issuer.

IT IS FURTHER ORDERED, ADJUDGED and DECREED that the defendant ROBERT S. TRIPPET, his agents, employees, attorneys-in-fact, successors and assigns, and all persons acting in concert or participation with him, and each of them, be and hereby are permanently enjoined from, directly or indirectly, in connection with the offer, purchase or sale of common stock of Home-Stake Production Company; units of participation in the Home-Stake 1964 through 1972 annual Program Operating Corporations; limited partnership interests in the 1968 through 1970 annual year-end exploratory programs, or any other securities, by use of the mails or any means or instruments of transportation or communication in interstate commerce:

(a) Employing any manipulative or deceptive device, scheme, or artifice to defraud, making untrue statements of material facts or omitting to state material facts necessary to be stated in order to make the statements made, in the light of the circumstances under which they are made, not misleading, concerning:

- (1) The financial condition of the issuer;
- (2) The nature of the operations of the issuer;
- (3) The amount and extent of oil and gas production of the issuer;
- (4) The amount and nature of the income of the issuer;
- (5) The qualifications and experience of the management of the issuer;
- (6) The use of proceeds of the sale of securities by the issuer;
- (7) The assets of the issuer;
- (8) The market price of the securities of the issuer;

(b) Engaging in any transaction, practice or course of business which operates or would operate as a fraud or deceit upon any purchaser of seller of the aforementioned securities or engaging in any other practice or course of business of similar purport or object.

IT IS FURTHER ORDERED, ADJUDGED and DECREED that defendant ROBERT S. TRIPPET, his agents, employees, attorneys-in-fact, successors and assigns, and all persons acting in concert or participation with him, and each of them, are permanently enjoined from directly or indirectly violating Section 13(a) of the Securities Exchange Act of 1934, as amended [15 U.S.C. 78m(a)], and Rule 13a-1 and Rule 13a-11 thereunder [17 C.F.R. 240.13a-1 and 240.13a-11], by filing reports on Forms 10-K and 8-K with the Securities and Exchange Commission which contain untrue statements of material facts or omit to state material facts necessary to make the statements made, in the light of the circumstances under which they are made, not misleading, concerning:

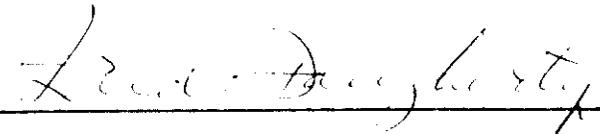
- (a) The nature, extent and validity of assets;
- (b) The use of proceeds from the sale of securities;
- (c) The amount and nature of oil and gas payments;
- (d) The amount and nature of income;
- (e) The nature and extent of contingent liabilities.

IT IS FURTHER ORDERED, ADJUDGED and DECREED that the attached Stipulation and Consent to the Order of Permanent Injunction by defendant ROBERT S. TRIPPET is incorporated by reference herein.

IT IS FURTHER ORDERED that a copy of this Order of Permanent Injunction and attached Stipulation and Consent be personally served by the United States Marshal on the defendant ROBERT S. TRIPPET.

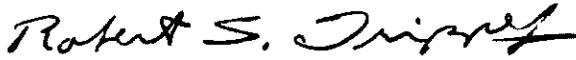
IT IS FURTHER ORDERED that this Court will retain jurisdiction of this cause for the purpose of such other and further relief as may be required in the interest of justice and equity and as the Court may deem necessary and proper.

ENTERED this 25 day of October, 1973.


UNITED STATES DISTRICT JUDGE
NORTHERN DISTRICT OF OKLAHOMA

STIPULATION AND CONSENT TO
ORDER OF PERMANENT INJUNCTION

Defendant ROBERT S. TRIPPET, without either admitting or denying the allegations in plaintiff's complaint and for the purpose of this action and this action only, consents to the entry of the foregoing order permanently enjoining him from violations of Sections 5(a), 5(b), 5(c), 7, 10(a) and 17(a) of the Securities Act of 1933, as amended [15 U.S.C. 77e(a), 77e(b), 77e(c), 77g, 77j(a), and 77q(a)], and Sections 10(b) and 13(a) of the Securities Exchange Act of 1934, as amended [15 U.S.C. 78j(b) and 78m(a)], and Rules 10b-5, 13a-1 and 13a-11 thereunder [17 C.F.R. 240.10b-5, 240.13a-1 and 240.13a-11], all as prayed for in plaintiff's complaint.



ROBERT S. TRIPPET

APPROVED:



JAMES C. LANG
411 Thurston National Building
Tulsa, Oklahoma 74103
Attorney for Defendant
ROBERT S. TRIPPET



WAYNE M. WHITAKER

Attorney for Plaintiff
SECURITIES AND EXCHANGE COMMISSION
503 United States Courthouse
Fort Worth, Texas 76102

UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF OKLAHOMA

FILED

OCT 25 1973

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

CHARLES L. CROWDER; PAUL H. MILAN;
BARTLESVILLE MUNICIPAL EMPLOYEES
UNION, affiliated with AMERICAN
FEDERATION OF STATE, COUNTY AND
MUNICIPAL EMPLOYEES, AFL-CIO; and
AMERICAN FEDERATION OF STATE, COUNTY
AND MUNICIPAL EMPLOYEES, AFL-CIO

PLAINTIFFS

vs.

Civil Action No. 73-C-217

DONALD D. BOWN; J. C. HOYT;
ARCHIE ROBBINS; F. EARL HARPER;
KENNETH J. HUGHES; DON D. LONG;
and CITY OF BARTLESVILLE

DEFENDANTS

ORDER ALLOWING DISMISSAL ON PLAINTIFFS' MOTION

Now on this 25th day of October, 1973, this matter came before the undersigned Judge of the United States District Court; and it appearing to the Court that plaintiffs' Motion to Dismiss the above-entitled action, filed herein on the 23rd day of October, 1973, should be sustained for the reasons set forth therein.

IT IS THEREFORE ORDERED that the Amended Complaint filed *and cause of action* herein by the plaintiffs be dismissed.

DATED this 25th day of October, 1973.

S/ Allen E. Dawson

U. S. District Judge

United States District Court

FOR THE

NORTHERN DISTRICT OF OKLAHOMA

CIVIL ACTION FILE NO. 72-C-127

Lana K. DeBakey,

Plaintiff,

vs.

Missouri-Kansas-Texas Railroad Company,
a corporation,

Defendant.

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, for the plaintiff,

It is Ordered and Adjudged that the plaintiff, Lana K. DeBakey, recover from the defendant, Missouri-Kansas-Texas Railroad Company, a corporation, the sum of Seven Thousand, Five Hundred Dollars (\$7,500.00), and her costs of action.

FILED

OCT 25 1973

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

Dated at Tulsa, Oklahoma, this 25th day
of October, 1973.

JACK C. SILVER, CLERK

By: [Signature] Deputy Clerk of Court

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

DONA SUTTEE,

Plaintiff,

-vs-

SAFEWAY STORES, INCORPORATED,
a foreign corporation,

Defendant.

No. 73-C-1

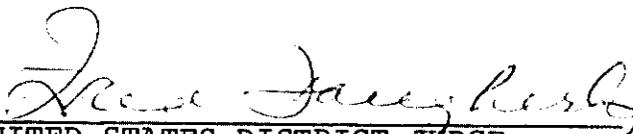
FILED
OCT 24 1973
Jack C. Silver, Clerk
U. S. DISTRICT COURT

JUDGMENT OF DISMISSAL WITH PREJUDICE

WHEREAS, the parties have stipulated that all questions and issues existing between the parties have been fully and completely disposed of by settlement, and have requested the entrance of a judgment of dismissal with prejudice,

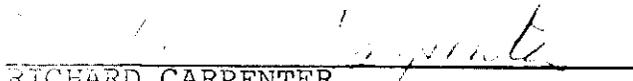
IT IS, THEREFORE, ORDERED, ADJUDGED AND DECREED by the Court that the cause should be and the same is hereby dismissed with prejudice and the matter fully, finally and completely disposed of hereby.

DATED this 24 day of October, 1973.


UNITED STATES DISTRICT JUDGE

APPROVED:


W. C. SELLERS,
Attorney for Plaintiff


RICHARD CARPENTER,
Attorney for Defendant

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

BOARD OF TRUSTEES, PIPELINE
INDUSTRY BENEFIT FUND,

Plaintiff,

vs.

EAST TEXAS LEASE CONTRACTORS,
a/k/a EAST TEXAS CONTRACTORS,
a/k/a EAST TEXAS CONTRACTORS
COMPANY, a/k/a EAST TEXAS LEASE
OIL FIELD COMPANY,

Defendant.

No. 73-C-264

FILED

OCT 27 1973

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

DISMISSAL WITH PREJUDICE

COMES NOW the above named Plaintiff, appearing by and through its counsel of record and respectfully shows to the Court that all things and matters, demands and liens in controversy between the parties have been paid, compromised and settled and that there are no further issues, claims, demands or liens between the parties, whereby Plaintiff prays an order of this Court dismissing said action as against the Defendant under the Statutes of the State of Oklahoma, and further states that such dismissal shall be to the prejudice of bringing another or future action.

David L. Sobel

David L. Sobel, Attorney for Plaintiff
1501 Fourth National Bank Building
Tulsa, Oklahoma 74119

ORDER OF DISMISSAL

NOW on this 23rd day of October, 1973, the Plaintiff's motion for dismissal with prejudice having been duly presented to the Court for ratification and approval, the Court finds that the Plaintiff and the Defendant herein have settled and compromised all of their issues, claims, controversies and demands; and that said action should be dismissed with prejudice to the bringing of another or future action.

IT IS THEREFORE ORDERED That this action be, and the same is hereby, dismissed with prejudice.

Executed at Tulsa, Oklahoma, this 23rd day of October, 1973.

Alan E. Brown

Judge

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

FILED

OCT 22 1973

DANIEL FOUST, through his father
and next friend, B. G. FOUST

Plaintiff

vs

VIDEO INDEPENDENT THEATRES, INC.,
a corporation, and
JOHN STANLEY, a minor

Defendants

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

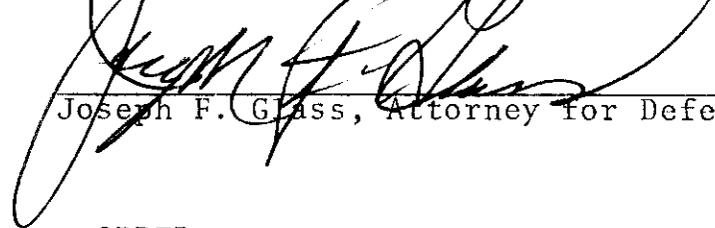
NO. 73-C-99

STIPULATION OF DISMISSAL WITH
PREJUDICE

Comes now the plaintiff, through his attorney,
W. C. SELLERS, and the defendants, through their attorney,
JOSEPH F. GLASS, and stipulate that the above captioned ~~cause~~ ^{COMPLAINT}
cause of action be dismissed with prejudice to filing a
future action.



W. C. Sellers, Attorney for Plaintiff



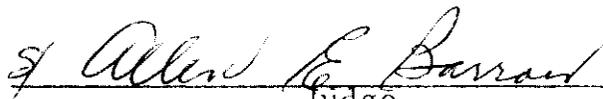
Joseph F. Glass, Attorney for Defendants

FILED
OCT 27 1973
Jack C. Silver, Clerk
U. S. DISTRICT COURT

ORDER

AND now on this 22 day of October, 1973, there came on
for consideration before the undersigned Judge of the United
States District Court for the Northern District of Oklahoma,
stipulation of the parties hereto of dismissal, parties hereto
having advised the court that all disputes between the parties
have been settled.

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



Judge

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

UNITED STATES OF AMERICA,)
)
) Plaintiff,)
) CIVIL ACTION NO. 73-C-216
vs.)
)
)
) ELTON EZELL RAINBOLT, et al.,)
)
) Defendants.)

FILED

OCT 23 1973

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

JUDGMENT OF FORECLOSURE

THIS MATTER COMES on for consideration this 23
day of October, 1973, the plaintiff appearing by Robert P.
Santee, Assistant United States Attorney, and the defendants,
Board of County Commissioners, County Treasurer, Tulsa County,
appearing by their attorney, Gary J. Summerfield, Assistant
District Attorney, and the defendants Elton Ezell Rainbolt,
Mary Ellen Rainbolt, Willie D. Banks, Rosetta Banks, and
Mutual Plan of Tulsa, Inc., appearing not.

The Court being fully advised and having examined
the file herein finds that Elton Ezell Rainbolt, Mary Ellen
Rainbolt, Willie D. Banks, and Rosetta Banks were served with
Summons and Complaint on August 22, 1973; that Mutual Plan of
Tulsa, Inc., was served with Summons and Complaint on August 24,
1973; that County Treasurer and Board of County Commissioners
were served with Summons and Complaint on August 21, 1973, all
as appears from the Marshal's Return of Service herein, and

It appearing that the defendants, Elton Ezell Rainbolt,
Mary Ellen Rainbolt, Willie D. Banks, Rosetta Banks, and Mutual
Plan of Tulsa, Inc., have failed to answer herein and that default
has been entered by the Clerk of this Court; it appearing that
the defendants, Board of County Commissioners and County Treasurer,
Tulsa County, have filed their answer herein on August 30, 1973.

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 Five (5), Block Sixteen (16), NORTH-RIDGE, an Addition in Tulsa County, State of Oklahoma, according to the recorded plat thereof.

THAT the defendants, Elton Ezell Rainbolt and Mary Ellen Rainbolt, did, on the 25th day of September, 1962, execute and deliver to Administrator of Veterans Affairs, their mortgage and mortgage note in the sum of \$9,300.00 with 5 1/2 percent interest per annum, and further providing for the payment of monthly installments of principal and interest; and

The Court further finds that the defendants, Elton Ezell Rainbolt and Mary Ellen Rainbolt, 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 \$7,837.01 as unpaid principal, with interest thereon at the rate of 5 1/2 percent interest per annum from July 1, 1972, until paid, plus the cost of this action accrued and accruing.

The Court further finds that there is due and owing to the County of Tulsa, State of Oklahoma, from Elton Ezell Rainbolt and Mary Ellen Rainbolt the sum of \$20.14 for personal property taxes for the year 1972 and that Tulsa County should have judgment for said amount, but that such judgment is subject to and inferior to the first mortgage lien of the plaintiff herein.

IT IS THEREFORE ORDERED, ADJUDGED AND DECREED that the plaintiff have and recover judgment against defendants, Elton Ezell Rainbolt and Mary Ellen Rainbolt, in personam, for the sum of \$7,837.01 with interest thereon at the rate of 5 1/2 percent interest per annum from July 1, 1972, 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 by taxes, insurance, abstracting, or sums for the preservation of the subject property.

IT IS FURTHER ORDERED, ADJUDGED AND DECREED that the County of Tulsa have and recover judgment against the defendants, Elton Ezell Rainbolt and Mary Ellen Rainbolt, for the sum of \$20.14 as of the date of this judgment plus interest thereafter according to law, but that such judgment is subject to and inferior to the first mortgage lien of the plaintiff herein.

IT IS FURTHER ORDERED, ADJUDGED AND DECREED that the plaintiff have and recover judgment, in rem, against the defendants, Willie D. Banks, Rosetta Banks, and Mutual Plan of Tulsa, Inc.

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.

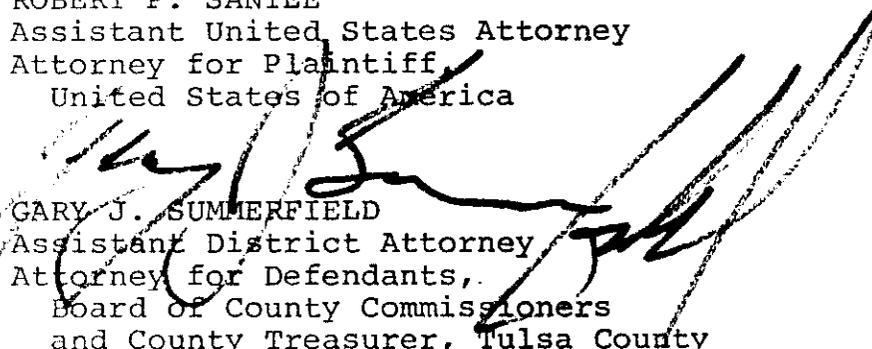
FRED DAUGHERTY

United States District Judge

APPROVED.



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



GARY J. SUMMERFIELD
Assistant District Attorney
Attorney for Defendants,
Board of County Commissioners
and County Treasurer, Tulsa County

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

FILED

DEC 22 1970

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

JOSEPH E. SEAGRAM & SONS, INC.)

Plaintiff,)

vs.)

BILL W. JONES)

Defendant.)

No. 70-C-277

J U D G M E N T

On 15th day of Dec, 1970, this cause came on for hearing upon the complaint of plaintiff. The Court finds that the defendant, although personally served on September 16, 1970, has not filed an Answer herein and has not requested additional time within which to file an Answer or responsive Pleading. The Court finds the defendant to be in default, and also makes the following findings of fact and conclusions of law:

1. Jurisdiction and venue are proper since BILL W. JONES is a citizen and resident of the State of Oklahoma, plaintiff is an Indiana corporation with principal place of business in New York City, New York and more than \$10,000.00 is in controversy, exclusive of interest, cost and attorney fees.

2. On June 1, 1966, defendant executed in favor of plaintiff a promissory note in the principal amount of \$25,000.00, which note was payable \$5,000.00 per year beginning May 1, 1967, and a like sum on each May 1 thereafter until fully paid, with interest at 6% per annum, payable annually.

3. Defendant has paid \$10,000.00 in principal, plus interest to May 1, 1968, but has wholly failed to pay the balance of \$15,000.00 principal, plus interest thereon at 6% per annum from and after May 1, 1968.

4. Plaintiff is entitled to judgment against defendant in the sum of \$15,000.00 plus interest thereon at 6% per annum from and after May 1, 1968, until date of judgment, and interest after date of this judgment at 10% per annum until the same is fully paid, plus

the cost of this action.

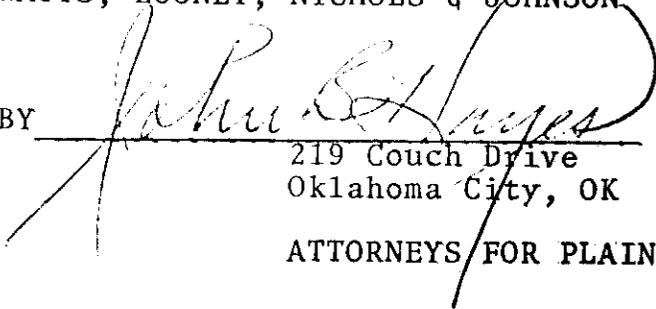
IT IS HEREBY ORDERED, ADJUDGED AND DECREED, that plaintiff, JOSEPH E. SEAGRAM & SONS, INC., be and it is hereby granted judgment against the defendant, BILL W. JONES, in the amount of \$17,362.50, which includes interest at 6% per annum computed to December 15, 1970, plus interest on said \$17,362.50 at 10% per annum from and after the date of this judgment until fully paid, and the cost of this action in the amount of \$29.52, consisting of a \$15.00 filing fee and \$14.52 marshall fee.


UNITED STATES DISTRICT JUDGE

APPROVED AS TO FORM AND CONTENT:

WATTS, LOONEY, NICHOLS & JOHNSON

BY


219 Couch Drive
Oklahoma City, OK 73102
ATTORNEYS FOR PLAINTIFF

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

CLIFFORD TEDDER,

Petitioner,

vs.

RAY H. PAGE, Warden, Oklahoma
State Penitentiary, McAlester,
Oklahoma,

Respondent.

No. 70-C-255 Civil

FILED

DEC 18 1970

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

ORDER

On November 6, 1970, Petitioner was ordered by this Court to set out with particularity and in detail the exact promises made and facts by which influence was used by his trial attorney and by the District Attorney which he claims resulted in the coercion of his plea of guilty and the facts which Petitioner relies upon to claim that his privately retained counsel was ineffective. The Court granted Petitioner twenty (20) days within which to accomplish these matters. By separate letter dated November 6, 1970, the Court requested the Warden to deliver a copy of the Order to Petitioner personally and obtain his receipt therefor. The Warden complied with the request of the Court and it appears by a copy of the Order that Petitioner acknowledged receipt thereof on November 23, 1970. More than twenty (20) days have elapsed since November 6 as well as November 23, 1970 and Petitioner as of this date has failed to comply with the Court's Order of November 6, 1970.

Petitioner's Petition for Writ of Habeas Corpus is dismissed without prejudice for failure of the Petitioner to comply with an

Order of this Court.

It is so ordered this 18 day of December, 1970.

Fred Daugherty
Fred Daugherty
United States District Judge

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

EDUCATORS PREFERRED HOLDING
COMPANY, an Oklahoma
corporation,

Plaintiff,

vs.

CLYDE GLOVER, WILLIAM A. SORGE,
RAYMOND W. KNIGHT, CECIL O.
THOMASON, LEO B. HOWARD, BEE
OWENS, ROBERT B. GROVE, MARION
L. McQUIGG, CHARLES MOORE,
WARREN BOOZE, DON KLEMME,

Defendants.

70-0-387

No. _____

FILED

DEC 18 1970

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

INJUNCTION

This cause coming on to be heard on plaintiff's Amended Complaint filed herein; and due notice having been given to the defendants; and the Court having considered the plaintiff's verified Amended Complaint and the arguments of counsel and being fully advised in the premises;

IT IS ORDERED, ADJUDGED AND DECREED that the above-named defendants, their agents, servants, employees and attorneys, and all other persons in active concert and participation with them, be and they hereby are restrained and enjoined (1) from making any oral or written solicitation of proxies in regard to the common stock of Educators Preferred Holding Company, with the term "solicitation" understood to include (a) any requests for a proxy, whether or not accompanied by or included in a form of proxy; (b) any request to execute or not to execute, or to revoke, a proxy; or (c) the furnishing of a form of proxy or other communication to security holders of Educators Preferred Holding Company under circumstances reasonably calculated to result in the procurement, withholding or revocation of a proxy, with regard to the stockholders' meeting of Educators Preferred Holding Company to be held December 19, 1970, or any adjournment thereof, without having

previously complied with the proxy rules of the Securities and Exchange Commission and having shown the Court satisfactory evidence of such compliance; and (2) from voting any proxies obtained in regard to the common stock of Educators Preferred Holding Company at the stockholders' meeting of said company to be held December 19, 1970, or at any adjournment thereof, without having complied with the proxy rules of the Securities and Exchange Commission and having shown the Court satisfactory evidence of such compliance. This Temporary Restraining Order shall expire within 10 days unless the party against whom the order is entered consents to an extension for a longer period of time.



Judge

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

UNITED STATES OF AMERICA,
Plaintiff,
vs.
COMMUNITY LEASING CORPORATION,
Defendant.)

CIVIL ACTION NO. 70-C-298

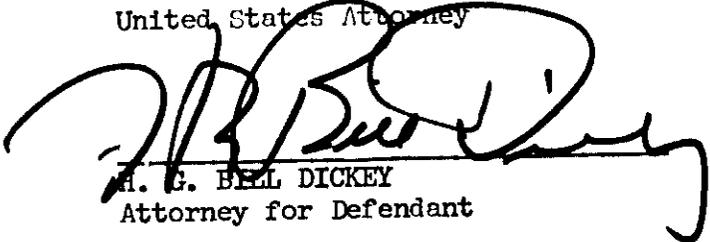
FILED
DEC 17 1970
JOHN H. POE, Clerk
U. S. DISTRICT COURT

NOTICE OF DISMISSAL WITHOUT PREJUDICE

COME NOW the plaintiff, United States of America, by and through its attorney, Nathan G. Graham, United States Attorney for the Northern District of Oklahoma, and the defendant, Community Leasing Corporation, by and through its attorney, H. G. Bill Dickey, and hereby stipulate the above-captioned matter may be dismissed without prejudice.

Dated this 10th day of December, 1970.


NATHAN G. GRAHAM
United States Attorney


H. G. BILL DICKEY
Attorney for Defendant

IT IS HEREBY ORDERED, ADJUDGED AND DECREED that the above-captioned case is dismissed without prejudice.

Dated this 17th day of December, 1970.


UNITED STATES DISTRICT JUDGE

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

JOHN C. DOLOVAC,
Plaintiff,
vs.
T. INSALLI,
Defendant.

No. 70-C-294

FILED
JUN 4 1970
U.S. DISTRICT COURT

ORDER

On this 18th day of November, 1970, the above entitled case came on for hearing before me, the undersigned Judge on plaintiff's Motion to Remand and the defendant's Motion to Dismiss. The Court being fully advised in the premises and upon submission of evidence finds that plaintiff's Motion to Remand should be sustained and said cause remanded to the District Court in and for Tulsa County.

IT IS THEREFORE ORDERED, ADJUDGED AND DECREED that the plaintiff's Motion to Remand should be, and the same is hereby sustained and said cause is remanded to the District Court in and for Tulsa County.

H. L. Stephens
JUDGE

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

ALEX L. KALLAY and M. MURRAY McCUNE,
Plaintiffs,

v.

COMMUNITY NATIONAL LIFE INSURANCE
COMPANY, a corporation, ANDRESEN &
CO., INCORPORATED, a corporation,
et al.,

Defendant
and Third-Party Plaintiff,

v.

INSURANCE COMPANY OF NORTH AMERICA,
a corporation, et al.,

Third-Party Defendant.

No. 67-C-127 Civil
Consolidated with
No. 67-C-131 Civil

FILED
DEC 14 1970
JOHN H. POE, Clerk
U. S. DISTRICT COURT

O R D E R

Upon consideration of the Separate Motion of the Defendant Andresen & Co. Inc., to Amend Findings and Judgment, or in the Alternative for New Trial, the Court finds that the same should be overruled.

The Court believes that its ruling on the point raised by said Separate Motion is correct for the reasons stated in connection herewith when the Court made its findings of fact, conclusions of law and decision in open court.

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

Fred Daugherty
Fred Daugherty
United States District Judge

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

ALEX L. KALLAY and M. MURRAY McCUNE,
Plaintiffs,

v.

COMMUNITY NATIONAL LIFE INSURANCE
COMPANY, a corporation, ANDRESEN &
CO., INCORPORATED, a corporation,
et al.,

Defendant
and Third-Party Plaintiff,

v.

INSURANCE COMPANY OF NORTH AMERICA,
a corporation, et al.,

Third-Party Defendant.

No. 67-C-127 Civil
Consolidated with
No. 67-C-131 Civil

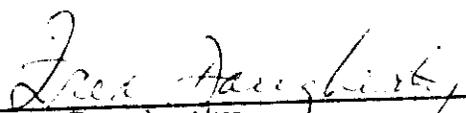
FILED
DEC 14 1970
JOHN H. POE, Clerk
U. S. DISTRICT COURT

O R D E R

Upon consideration of the Separate Motion of Third Party Defendant, Insurance Company of North America, for a New Trial, the Court finds that the same should be overruled.

The Court is satisfied that its rulings made on each of the points raised by said Separate Motion are correct for the reasons stated in connection therewith when the Court made its findings of fact, conclusions of law and decision in open court and written addition thereto subsequently rendered on the recoupment question.

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


Fred Daugherty
United States District Judge

THE UNITED STATES DISTRICT COURT
THE NORTHERN DISTRICT OF OKLAHOMA

INDUSTRIES, INC.,)
)
Plaintiff,)
)
INDUSTRIES, INC.,)
)
Defendant.)

Civil Action No. 69-C-304

FILED
DEC 14 1970
JOHN H. POE, Clerk
U. S. DISTRICT COURT

ORDER DISMISSING COMPLAINT AND COUNTERCLAIM

wherein having filed Voluntary and Joint Dismissal
of the Complaint and Counterclaim,

it is ordered that this action is dismissed without prejudice
except as set forth in the Voluntary and Joint Dismissal
of the Complaint and Counterclaim.

Done this 14th day of December, 1970.

William E. Hancock
U. S. DISTRICT JUDGE

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

ROSA LEE HOLTZHAUER,

Plaintiff,

vs.

BENEFICIAL FINANCE CO. of
TULSA, an Oklahoma Corporation,

Defendant.

NO. 70-C-35 ✓

FILED

DEC 14 1970

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

STIPULATION OF DISMISSAL

Comes now the plaintiff by and through her attorneys of record, Edgar, Manipella & Williams by Bencile H. Williams, Jr., and the Beneficial Finance Co. of Tulsa, an Oklahoma corporation by its attorney, Horace D. Ballaine, and jointly stipulate to the court that the plaintiff and defendant have resolved their differences in the action herein pending before this court and request that the court dismiss these proceedings by joint stipulation with prejudice.

Rosa Lee Holtzhauer
Rosa Lee Holtzhauer, Plaintiff

Bencile H. Williams, Jr.
Bencile H. Williams, Jr.
Attorney for Plaintiff

Beneficial Finance Co. of Tulsa

By Horace D. Ballaine
attor

Horace D. Ballaine
Horace D. Ballaine
Attorney for Defendant

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

McMICHAEL CONCRETE COMPANY,)
a corporation,)
)
Plaintiff,)
)
vs.)
)
TULSA GENERAL DRIVERS, WAREHOUSEMEN)
AND HELPERS, LOCAL UNION NO. 523,)
)
Defendant.)

No. 70-C-204

E I L E D
DEC 14 1970
JOHN H. POE, Clerk
U. S. DISTRICT COURT

ORDER ALLOWING DISMISSAL WITHOUT PREJUDICE
AND AUTHORIZING DISBURSEMENT OF CASH BOND

Now, on this 11th day of December, 1970, this matter came before the undersigned judge of the United States District Court for the Northern District of Oklahoma, and it appearing to the Court that Plaintiff's Motion for leave to dismiss the above entitled action without prejudice, filed herein on the _____ day of December, 1970, should be sustained and it further appearing to the Court that Plaintiff has heretofore filed an undertaking for temporary restraining order in the penal sum of FIVE THOUSAND DOLLARS (\$5,000.00) and that Plaintiff has paid said penal sum into Court on the 1st day of July, 1970,

IT IS THEREFORE ORDERED that the complaint filed herein by the Plaintiff be dismissed without prejudice to the bringing of another action concerning any of the matters involved therein; it is further ordered that the aforementioned undertaking for temporary restraining order be and the same is hereby released and the clerk of this Court is hereby authorized and directed to return to the Plaintiff the sum of FIVE THOUSAND DOLLARS (\$5,000.00) which Plaintiff has heretofore paid into Court as the penal sum of said undertaking.

DATED this 11th day of December, 1970.

[Handwritten signature]

Arthur Bohannon
United States District Judge

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

United States of America,

Plaintiff,

Civil No. 70-C-231

John Campbell a/k/a John Henry
Campbell, Bertha Mae Campbell
a/k/a Mrs. J. H. Campbell, and
Finance System of Tulsa, Inc.,

Defendants.

JUDGMENT OF FORECLOSURE

THIS MATTER COMES on for consideration this _____ day of
December, 1970. The defendants, John Campbell a/k/a John Henry Campbell,
Bertha Mae Campbell a/k/a Mrs. J. H. Campbell, and Finance System of
Tulsa, Inc., appearing not; and

Finance System of Tulsa, Inc., being fully advised and having examined the bill
of foreclosure and legal personal service of summons and return
made on the defendant, Finance System of Tulsa, Inc., on October 1, 1970,
and

Finance System of Tulsa, Inc., appearing and the Court finds that legal service
publication was made upon the defendants, John Campbell a/k/a John Henry
Campbell, Bertha Mae Campbell a/k/a Mrs. J. H. Campbell, as appears by
Proof of Publication filed herein on December 9, 1970, requiring each of
them to answer the complaint filed herein not later than December 15, 1970,
and it appearing that said defendants have failed to file an answer thereto
and their default has been entered by the Clerk of this Court; and

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

Lot Two (2) Block Five (5) Reservoir Hill
Addition to Tulsa, Tulsa County, State of
Oklahoma, according to the recorded plat
thereof.

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

That the defendants, John Henry Campbell and Bertha Mae Campbell,
did, on January 19, 1963, execute and deliver to the Administrator of Veterans
Affairs a real property mortgage and mortgage note for the sum of \$4,250.00, with
annual interest at the rate of 7% per annum and further providing for the
payment of monthly installments of principal and interest, one

The Court further finds that the defendant, Finance System of Tulsa, Inc., has or claims some right, title, or interest in and to the premises herein being foreclosed by reason of a Judgment dated June 10, 1969, and entered in the records of the District Court Within and For Tulsa County, Oklahoma, on June 13, 1969, being No. CSJ-69-1366, but in this regard, plaintiff states that whatever right, title, or interest the defendant, Finance System of Tulsa, Inc., has in and to said property being foreclosed herein is junior and inferior to the first mortgage lien of this plaintiff; and

It further appears that the defendants, John Campbell a/k/a John Henry Campbell, Bertha Mae Campbell a/k/a Mrs. J. H. Campbell, and Finance System of Tulsa, Inc., made default under the terms of the aforesaid mortgage note and mortgage by reason of their failure to make monthly installments due thereon on January 28, 1970, which default has continued and that by reason thereof the defendants, John Campbell a/k/a John Henry Campbell, Bertha Mae Campbell a/k/a Mrs. J. H. Campbell, and Finance System of Tulsa, Inc., are now indebted to the Plaintiff in the sum of \$9,128.35, the unpaid principal, with interest thereon at the rate of 7% per annum from January 28, 1970, until paid, plus the cost of this action accrued and accruing.

IT IS THEREFORE ORDERED, ADJUDGED and DECREED that the Plaintiff, United States of America, have and recover judgment against the defendants, John Campbell a/k/a John Henry Campbell, Bertha Mae Campbell a/k/a Mrs. J. H. Campbell, for the sum of \$9,128.35, with interest thereon at the rate of 7% per annum from January 28, 1970, until paid, plus the cost of action accrued and accruing, and the sum of \$24.00 expended for abstracting fees.

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

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


UNITED STATES DISTRICT JUDGE

APPROVED:

ROBERT P. SANTEE
Assistant U. S. Attorney

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

MARION HAROLD STARK,)
)
 Plaintiff,)
)
 vs.)
)
 SEFRINO MEDINA and)
 TOM VILLEREAL,)
)
 Defendants.)

NO. 70-C-208

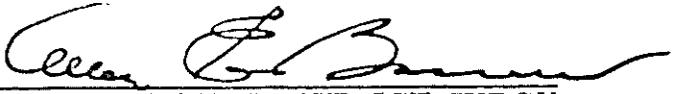
FILED

DEC 11 1970

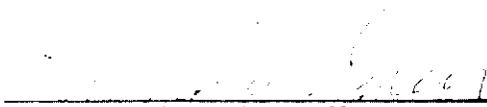
JOHN H. POE, Clerk
U. S. DISTRICT COURT

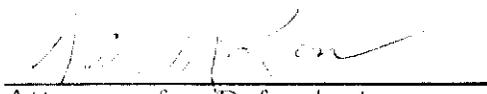
ORDER OF DISMISSAL

It appearing to the Court that all issues of law and fact in
the above captioned case have been fully compromised and settled, the
cause is hereby dismissed with prejudice.


UNITED STATES DISTRICT JUDGE

APPROVED:


Attorney for Plaintiff


Attorney for Defendants

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

MARY STARK,

Plaintiff,

vs.

SEFRINO MEDINA and
TOM VILLERREAL,

Defendants.

NO. 70-C-209

FILED

DEC 11 1970

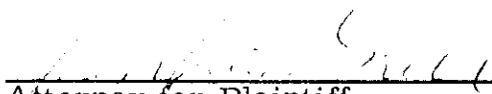
JOHN H. POE, Clerk
U. S. DISTRICT COURT

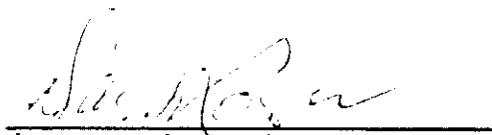
ORDER OF DISMISSAL

It appearing to the Court that all issues of law and fact in
the above captioned case have been fully compromised and settled, the
cause is hereby dismissed with prejudice.


UNITED STATES DISTRICT JUDGE

APPROVED:


Attorney for Plaintiff


Attorney for Defendant

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

PUTTY TIRE AND RECAPPING
SERVICE, INC.,

Plaintiff,

vs.

ST. LOUIS-SAN FRANCISCO
RAILWAY COMPANY,

Defendant.

)
)
)
) 70-C-218
)
)
)
)
)
)

FILED

DEC 11 1970

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

ORDER REMANDING

The plaintiff brought this action in State Court against St. Louis-San Francisco Railway Company and on July 13, 1970, the defendant removed the case to this Court, alleging diversity of citizenship.

In the allegation relating to diversity, in its petition for removal, the defendant alleges:

"Your petitioner states that at the time of the commencement of this action and at the present time plaintiff was, and is an Oklahoma Corporation, and this petitioner was, and is a Missouri Corporation with its principal place of business in St. Louis, Missouri; and that there are no other parties to this action."

In addition, in the complaint filed by the plaintiff in State Court, plaintiff alleges that it is "an Oklahoma corporation with a place of business at 625 North Rockford Street, Tulsa, Oklahoma."

There is no allegation or showing that the requisite diversity jurisdiction is present in that the principal place of business of the plaintiff is not disclosed.

Matters upon which jurisdiction depends such as citizenship and the amount in controversy must be clearly alleged. *Wolsum v. J. W. Bateson Company*, 182 F.Supp. 879; *Pullman Company v. Jenkins*, 305 U.S. 534.

Accordingly, SUA SPONTE, the Court must and does hereby remand this cause of action to the State Court from which removed. McMahon v. Fontenot, 212 F.Supp. 812.

ENTERED this 11 day of December, 1970.

A handwritten signature in cursive script, reading "William F. Barrow", is written over a horizontal line.

UNITED STATES DISTRICT JUDGE

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

JOHNS-MANVILLE SALES CORPOR-
ATION, a corporation,

Plaintiff,

vs.

COPEX INTERNATIONAL, INC.,
a corporation,

Defendant.

CIV. 75-280

FILED

DEC 11 1970

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

J U D G E M E N T

At Tulsa in said District on this 21st day of September,
1970,

This cause coming on for hearing before the Court
and the issues having been heard and a decision having been
rendered, it is hereby

ORDERED and ADJUDGED that plaintiff, Johns-Manville
Sales Corporation, a corporation, have and recover of and
from Copes International, Inc., a corporation, the sum of
\$17,913.75 with interest at 7% from Nov 1, 1970, and also
\$1,015 additional as attorney's fee and its costs.

[Signature]
United States District Judge

Approved.

[Signature]
Bruce McClelland
600 Lightower Building
Oklahoma City, Oklahoma 73102
Attorney for Plaintiff

[Signature]
David H. Fitt
300 McFarlin Building
Tulsa, Oklahoma 74103
Attorney for Defendant

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

VALERIE MARTIN, by her Father and
Next Friend, LEO A. MARTIN,

Plaintiff,

vs.

THE FIRST NATIONAL BANK OF DECATUR,
The Executor of the Estate of
Chester Arthur Morrow, deceased, et al.,

Defendants.

TINA MARTIN, by her Father and Next
Friend, LEO A. MARTIN,

Plaintiff,

vs.

THE FIRST NATIONAL BANK OF DECATUR,
The Executor of the Estate of
Chester Arthur Morrow, deceased, et al.,

Defendants.

LEO A. MARTIN and JEANNE MARTIN,

Plaintiffs,

vs.

THE FIRST NATIONAL BANK OF DECATUR,
The executor of the Estate of
Chester Arthur Morrow, deceased, et al.,

Defendants.

70-C-327

FILED

DEC 11 1970

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

70-C-346

70-C-345

ORDER CONSOLIDATING

The Court having heretofore consolidated 70-C-327 with 70-C-346
IT IS ORDERED that 70-C-345 also be consolidated with 70-C-346.
ENTERED this 11 day of December, 1970.


UNITED STATES DISTRICT JUDGE

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

VALERIE MARTIN, by her Father and
Next Friend, LEO A. MARTIN,

Plaintiff,

vs.

THE FIRST NATIONAL BANK OF DECATUR,
The Executor of the Estate of
Chester Arthur Morrow, deceased, et al.,

Defendants.

TINA MARTIN, by her Father and Next
Friend, LEO A. MARTIN,

Plaintiff,

vs.

THE FIRST NATIONAL BANK OF DECATUR,
The Executor of the Estate of
Chester Arthur Morrow, deceased, et al.,

Defendants.

LEO A. MARTIN and JEANNE MARTIN,

Plaintiffs,

vs.

THE FIRST NATIONAL BANK OF DECATUR,
The executor of the Estate of
Chester Arthur Morrow, deceased, et al.,

Defendants.

70-C-327

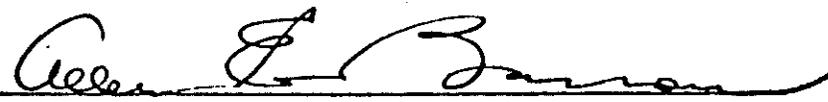
FILED
DEC 11 1970
JOHN H. POE, Clerk
U. S. DISTRICT COURT

70-C-346

70-C-345

ORDER CONSOLIDATING

The Court having heretofore consolidated 70-C-327 with 70-C-346
IT IS ORDERED that 70-C-345 also be consolidated with 70-C-346
ENTERED this 11 day of December, 1970.


UNITED STATES DISTRICT JUDGE

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

RONALD DEAN IVY,)

Plaintiff,)

vs.)

THE FIRST NATIONAL BANK OF)
DECATUR, ILLINOIS, EXECUTOR OF)
THE ESTATE OF CHESTER ARTHUR)
MORROW, DECEASED, ET AL.,)

Defendants.)

70-C-356

FILED

DEC 11 1970

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

DEANA IVY, by her father and next)
friend, RONALD DEAN IVY,)

Plaintiff,)

vs.)

THE FIRST NATIONAL BANK OF)
DECATUR, ILLINOIS, EXECUTOR OF)
THE ESTATE OF CHESTER ARTHUR MORROW,)
DECEASED, ET AL.,)

Defendants.)

70-C-357

RAMONA R. IVY,)

Plaintiff,)

vs.)

THE FIRST NATIONAL BANK OF)
DECATUR, ILLINOIS, EXECUTOR OF)
THE ESTATE OF CHESTER ARTHUR MORROW,)
DECEASED, ET AL.,)

Defendants.)

70-C-358

ORDER DISMISSING

The Court has for consideration the Motion to Dismiss for Lack of Subject Matter Jurisdiction filed by the defendant, The First National Bank of Decatur, Executor of the Estate of

Chester Arthur Morrow, Deceased and the brief in support thereof, and, being fully advised in the premises, finds:

That heretofore and on December 8, 1970, cause number 70-C-356 and 70-C-357 were consolidated with 70-C-358.

The Court finds that the requisite diversity jurisdiction is lacking in this case, in that the plaintiff is a citizen of the State of Oklahoma and two of the defendants are citizens of the State of Oklahoma.

IT IS, THEREFORE, ORDERED that the Motion to Dismiss be and the same is hereby sustained and this cause of action and complaint are hereby dismissed without prejudice to refiling in the proper Court.

ENTERED this 11 day of December, 1970.



UNITED STATES DISTRICT JUDGE

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

RONALD DEAN IVY,

Plaintiff,

vs.

THE FIRST NATIONAL BANK OF
DECATUR, ILLINOIS, EXECUTOR OF
THE ESTATE OF CHESTER ARTHUR
MORROW, DECEASED, ET AL.,

Defendants.

)
)
) 70-C-356
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FILED

DEC 11 1970

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

DEANA IVY, by her father and next
friend, RONALD DEAN IVY,

Plaintiff,

vs.

THE FIRST NATIONAL BANK OF
DECATUR, ILLINOIS, EXECUTOR OF
THE ESTATE OF CHESTER ARTHUR MORROW,
DECEASED, ET AL.,

Defendants.

)
)
)
) 70-C-357
)
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)

RAMONA R. IVY,

Plaintiff,

vs.

THE FIRST NATIONAL BANK OF
DECATUR, ILLINOIS, EXECUTOR OF
THE ESTATE OF CHESTER ARTHUR MORROW,
DECEASED, ET AL.,

Defendants.

)
)
) 70-C-358
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)
)

ORDER DISMISSING

The Court has for consideration the Motion to Dismiss for
Lack of Subject Matter Jurisdiction filed by the defendant, The
First National Bank of Decatur, Executor of the Estate of

Chester Arthur Morrow, Deceased and the brief in support thereof, and, being fully advised in the premises, finds:

That heretofore and on December 8, 1970, cause number 70-C-356 and 70-C-357 were consolidated with 70-C-358.

The Court finds that the requisite diversity jurisdiction is lacking in this case, in that the plaintiff is a citizen of the State of Oklahoma and two of the defendants are citizens of the State of Oklahoma.

IT IS, THEREFORE, ORDERED that the Motion to Dismiss be and the same is hereby sustained and this cause of action and complaint are hereby dismissed without prejudice to refiling in the proper Court.

ENTERED this 11 day of December, 1970.



UNITED STATES DISTRICT JUDGE

Chester Arthur Morrow, Deceased and the brief in support thereof, and, being fully advised in the premises, finds:

That heretofore and on December 8, 1970, cause number 70-C-356 and 70-C-357 were consolidated with 70-C-358.

The Court finds that the requisite diversity jurisdiction is lacking in this case, in that the plaintiff is a citizen of the State of Oklahoma and two of the defendants are citizens of the State of Oklahoma.

IT IS, THEREFORE, ORDERED that the Motion to Dismiss be and the same is hereby sustained and this cause of action and complaint are hereby dismissed without prejudice to refiling in the proper Court.

ENTERED this 11 day of December, 1970.



UNITED STATES DISTRICT JUDGE

UNITED STATES DISTRICT COURT FOR THE
NORTHERN DISTRICT OF OKLAHOMA

United States of America,

Plaintiff,

vs.

629.60 Acres of Land, More or Less,
Situate in Rogers County, State of
Oklahoma, and Seth Herndon, Jr.,
et al, and Unknown Owners,

Defendants.)

Civil Action No. 68-C-238
Tracts Nos. 306-1 thru 306-4
and 306E

FILED

DEC 11 1970

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

J U D G M E N T

I. Findings of Fact and Conclusions

1.

This cause comes on for disposition upon the application of certain of the defendants this 11 day of December, 1970.

2.

The Court has jurisdiction of the parties hereto with the exception of Steve Mays and Robert DeBoer, who were not served with process. All other parties have been duly served with notice or have entered their appearance herein.

3.

It appears that Steve Mays has no interest in the premises, and that Robert De Boer is the owner of an undivided one-third (31 acres) in the oil, gas and other minerals in and under Tract 306-3.

4.

This judgment pertains to the estate condemned in all of the lands and interests in all of the tracts described in the complaint and Declaration of Taking; namely, Tracts 306-1-2-3-4 and E.

5.

Carolyn Skelly Burford is the only owner of severed minerals who has entered her appearance herein.

6.

Defendant Fourth National Bank is depository for the payment of sums due certain mortgagees, and has no other interest in the premises.

7.

The Government and the defendants who are the owners of the surface and the unsevered minerals have agreed that the ownership of the premises is as set forth in their stipulation on file with the Clerk of this Court.

8.

No other party has taken issue with said stipulation and the same truly and correctly sets forth the ownership of the premises which are the subject of this action.

9.

Defendant Equitable Life Assurance Society of the United States has released its mortgage of record as to the premises taken, and has no further interest therein.

10.

Defendants Adams Building Corporation and Tulsa Royalties Company have duly filed their disclaimer of any rights they may have as mortgagees in the compensation to be paid herein.

11.

The Acts of Congress set out in 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 November 1, 1968, the United States of America filed its Declaration of Taking of a certain estate in such tracts of land, and title to such property should be vested in the United States of America, as of the date of filing such Declaration of Taking.

12.

On November 1, 1968, the plaintiff deposited estimated compensation in the total sum of \$163,429.00, of which \$157,700.00 was allocated to the surface interest and \$5,729.00 was allocated to the mineral interest. The sum of \$157,700.00 has been distributed to the surface owners. The sum of \$5,729.00 remains on deposit.

13.

The Commissioners' Amended Report on file herein fixed the value of the entire interest taken (including the interest of Robert De Boer) at \$418,389.00, of which \$3,667.50 is allocated to severed minerals and \$414,721.50 is allocated to the surface interest and unsevered minerals.

14.

The plaintiff's objections to the Commissioners' Amended Report were overruled and said Report was affirmed and adopted by the Court by its order duly entered the 1st day of September, 1970, and filed herein on September 9, 1970.

15.

The defendants named in paragraph 20 as owners, and L. E. Riffe, Ainslie Perrault, Sanditen Investments, Ltd., Chelsea Land and Cattle Company, their mortgagees, and the defendants named in paragraph 21 who are the owners of severed minerals in and under the premises are the only defendants asserting any interest in the estate herein condemned, and said defendants are entitled to receive the just compensation awarded in this case. All other defendants have either defaulted, released or disclaimed their interest, if any, in the subject property.

16.

The defendants are entitled to have distribution of the sum of \$5,729.00 on deposit herein, and to have a deficiency judgment against the United States of America in the sum of \$254,960.00, with interest thereon at the rate of six per cent per annum from November 1, 1963, until paid.

II. Judgment

17.

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 tracts, as such tracts are described in the Declaration of Taking filed herein, and such property, to the extent of the estate described in such Declaration of Taking, is condemned, and title thereto is vested in the United States of America, as of the date of filing the Declaration of Taking, and all defendants herein and all other persons are forever barred from asserting any claim to such estate.

18.

IT IS FURTHER ORDERED, ADJUDGED AND DECREED that on the date of taking, the owners of the estate taken in the subject tracts were the defendants whose names appear below in paragraphs 20 and 21, and the

interest owned by each is as therein shown. The right to receive the just compensation awarded by this judgment is vested in the parties so named.

19.

IT IS FURTHER ORDERED, ADJUDGED AND DECREED that the Amended Report of Commissioners filed herein is hereby approved, and the sum of \$418,389.00 as fixed therein is adopted as the total award for the estate taken in the subject property. Such sum is allocated, \$414,721.50 to the surface interest and unsevered minerals and \$3,667.50 to the severed minerals interest.

20.

IT IS FURTHER ORDERED, ADJUDGED AND DECREED that as of the date of taking the owners of the subject tracts, except for the severed mineral interests set forth in paragraph 21, together with the percentage of each owner's interest in subject property were as follows:

<u>Owner</u>	<u>% of Ownership</u>
Seth Herndon, Jr.	27.22194
Estate of Jack Herndon	13.14793
William E. Smith	10.00000
Edith May Herndon	9.07401
Russell F. Hunt and Harold C. Stuart	3.72610
E. R. Albert, Jr.	3.72610
A. L. Mechling Barge Line, Inc.	7.00000
C. L. McMahon, Jr.	5.00000
William J. Doyle, Jr. and Sue Doyle	3.10392
Mechmar Development Co., Inc.	3.00000

21.

IT IS FURTHER ORDERED, ADJUDGED AND DECREED that as of the date of taking the ownership of the severed minerals, and the number of mineral acres owned by each was as follows:

<u>Owner</u>	<u>Number of Mineral Acres</u>
Tulsa Royalties Company	55.5
Dorothy Ann Janeway	65
Joan Skelly Stuart	128
Carolyn Skelly Burford	123
Robert De Boer	31

22.

IT IS FURTHER ORDERED, ADJUDGED AND DECREED that the defendants named in paragraphs 20 and 21 have and recover deficiency judgment herein from the United States of America in the sum of \$254,960.00 plus interest thereon at the rate of six per cent per annum from November 1, 1968,

until paid, and that the plaintiff shall deposit such sum in the registry of this Court.

Since it is not known at this time how much interest will be included in the aforesaid deficiency deposit, it is impossible to determine at this time the exact amount of money that any particular owner is entitled to receive as his share of the award of just compensation. Therefore, no disbursements shall be made at this time, but an appropriate order distributing the award and disbursing the balances due will be entered after the plaintiff deposits the deficiency.

/s/ Allen E. Barrow

UNITED STATES DISTRICT JUDGE

APPROVED:

/s/ Hubert A. Marlow

HUBERT A. MARLOW
Assistant U. S. Attorney

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

MARY STARK,

Plaintiff,

vs.

SEFRINO MEDINA and
TOM VILLEREAL,

Defendants.

NO. 70-C-209

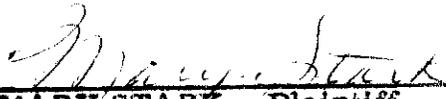
FILED

DEC 10 1970

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

APPLICATION FOR DISMISSAL

Comes now the plaintiff and moves the Court dismiss this cause with prejudice on the grounds and for the reason that all parties have stipulated that the total damage sustained by the plaintiff is Three Thousand Dollars (\$3,000.00); that defendants have paid the plaintiff the amount stipulated as the plaintiff's damage; and that all issues of law and fact have now been fully compromised and settled.



MARY STARK, Plaintiff



Attorney for Plaintiff

APPROVED:



Attorney for Defendants

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

MARVIN A. EAGLESTON,)
)
 Petitioner,)
 vs.)
) No. 70-C-362
 UNITED STATES OF AMERICA,)
)
 Respondent.)

FILED
DEC 10 1970
JOHN H. PUE, Clerk
U. S. DISTRICT COURT

ORDER

Petitioner herein, Marvin Allen Eagleston, has filed a Motion pursuant to 28 U.S.C. 2255 stating that he is presently detained in Leavenworth, Kansas, under judgments and sentences of this Court for violations of 18 U.S.C. 2312, 18 U.S.C. 2314 and 18 U.S.C. 2314 and was sentenced to 5 years on each count to run consecutively, which was later reduced to 7 1/2 years.

Petitioner states as grounds for relief that the city of Tulsa issued a warrant for his arrest for violation of a municipal ordinance which required an ex-convict to register with the municipal authorities and alleges that this ordinance was unconstitutional and void; that after the warrant was served on petitioner, certain evidence was seized at petitioner's residence, and this evidence was used at his trial resulting in a conviction herein referred to; he states that this evidence was obtained by an unlawful and unreasonable search and, therefore, should not have been admitted at his trial.

Petitioner took a direct appeal from the judgments and sentences to the U. S. Court of Appeals, Tenth Circuit, See U.S. v. Eagleston, 417 F.2d 11. All of the facts relating to the alleged arrest, the issuance of the misdemeanor warrant and the seizure of the clothing admitted into evidence in this case is set forth in this opinion. Petitioner, before the trial, moved that this evidence be suppressed, which was denied by the trial court. In the Opinion referred to above the Court at page 15 said:

"The seizure of the clothing in Eagleston's apartment is challenged as an illegal search and seizure. It is also contended that the Court did not rule on the motion to suppress the evidence challenged prior to trial."

And at page 16 the Court said:

"There is not a scintilla of evidence in the record challenging the constitutionality of the ordinance. Eagleston was on the stand in his own behalf and he was not queried nor did he testify regarding his knowledge of the existence of the Tulsa ordinance. Since the issue of constitutionality was never raised before the trial court, we cannot review it."

"The record reflects the officer was lawfully on the premises with a warrant which he believed was lawfully issued. Once on the premises, police can observe what is in plain sight. *Gilbert v. U.S.*, 366 F.2d, 923 (9 Cir. 1966). The trial court believed the officer was invited into the bedroom where he observed the clothing which was in plain sight. This does not violate the rule of *Chimel v. California*, 395 U.S. 752. The seizure of the clothing was not tainted and therefore was admissible as evidence."

Although the Tulsa ordinance requiring an ex-convict to register was not put in issue and its constitutionality not passed upon, nevertheless, the Court of Appeals held that the seized clothing was properly admitted in evidence, consequently, petitioner's claims that the City of Tulsa ordinance is unconstitutional is immaterial at this stage.

There are no pertinent facts to be determined, and upon the face of the record the petitioner is not entitled to the relief sought, and therefore, his petition is denied.

Dated this 9th day of December, 1970.

Luther Bohannon
United States District Judge

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

UNITED STATES OF AMERICA,

Plaintiff,

vs.

ANDREW J. WILLIAMSON and
FANNIE C. WILLIAMSON,

Defendants.)

CIVIL ACTION NO. 70-C-296

FILED

DEC 7 1970

JOHN H. POU
U. S. DISTRICT COURT

DEFAULT JUDGMENT

NOW, on this 7th day of December, 1970, this matter coming on for consideration, the plaintiff, United States of America, appearing by and through its attorney, Robert P. Santee, Assistant United States Attorney for the Northern District of Oklahoma, and the defendants, Andrew J. Williamson and Fannie C. Williamson, appearing not, and it appearing that this is a suit based on a Promissory Note and Mortgage executed and delivered to the Mercury Mortgage Company, Inc., a corporation, on the 3rd day of July, 1969; that subsequent thereto Mercury Mortgage Company, Inc., a corporation, endorsed said Promissory Note and Mortgage, without recourse, to the First Federal Savings and Loan Association of Coffeyville, Kansas; and that subsequent thereto First Federal Savings and Loan Association of Coffeyville, Kansas, assigned all right, title and interest to said Promissory Note and Mortgage to the Secretary of Housing and Urban Development, Washington, D. C., his successors and assigns.

It further appearing that on October 7, 1970, due and legal personal service was made on the defendant, Fannie C. Williamson, and on October 13, 1970, due and legal service was made on the defendant, Andrew J. Williamson, requiring each of them to answer the Complaint herein not more than 20 days after date of service, and it appearing that said defendants have failed to file an answer or otherwise plead herein, they and each of them are hereby in default.

The Court, being fully advised, finds that the allegations and averments in the Complaint of the plaintiff filed herein are true and correct

and that there is due and owing to the plaintiff, United States of America, from the defendants, Andrew J. Williamson and Fannie C. Williamson, the sum of \$10,916.52 as of September 1, 1970, with interest thereafter at the rate of $7\frac{1}{2}$ per cent per annum 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, plus the costs of this action accrued and accruing.

The Court further finds that the plaintiff has a first and prior lien upon certain real property described in the Complaint by virtue of a real estate mortgage given as security for the payment of the indebtedness, interest and costs, which real property is described as follows:

Lot Twenty-Six (26), Block Sixteen (16), VALLEY VIEW
ACRES ADDITION to the City of Tulsa, Tulsa County,
State of Oklahoma, according to the recorded plat
thereof.

IT IS THEREFORE ORDERED, ADJUDGED AND DECREED that the plaintiff, United States of America, have judgment against the defendants, Andrew J. Williamson and Fannie C. Williamson, for the sum of \$10,916.52 as of September 1, 1970, with interest thereafter at the rate of $7\frac{1}{2}$ per cent per annum until paid, plus any additional sums advanced or to be advanced, or expended during this foreclosure action.

IT IS FURTHER ORDERED, ADJUDGED AND DECREED that upon failure of the defendants, Andrew J. Williamson and Fannie C. Williamson, to satisfy the judgment of plaintiff, an Order of Sale shall issue to the United States Marshal for the Northern District of Oklahoma, commanding him to levy upon, advertise and sell according to law, with appraisement, the real property interests hereinabove described as being in Tulsa County, State of Oklahoma, and to apply the proceeds of such sale of real property as follows:

1. In payment of the costs of the sale and of the cost of this action.
2. In payment to plaintiff of the sum of \$10,916.52 as of September 1, 1970, plus interest thereafter at the rate of $7\frac{1}{2}$ per cent per annum 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, plus the costs of this action accrued and accruing.

3. The residue, if any, to be paid to the Clerk of this Court to await further order of the Court.

IT IS FURTHER ORDERED, ADJUDGED AND DECREED that the heretofore described real property be sold, with appraisement, and after such sale by virtue of this judgment and decree, the defendants, and each of them, and all persons claiming under them since the filing of the Complaint hereto, and they are forever barred and foreclosed of and from any and every lien, claim, right, title, interest, estate or equity of, in or to the real property described herein.

Dated this 14th day of December, 1970.



UNITED STATES DISTRICT JUDGE

APPROVED:

Robert P. Santos

ROBERT P. SANTOS
Assistant U. S. Attorney

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

FILED

DEC 4 1970

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

JOAN J. MACE,

Plaintiff,

-vs-

MOUNTAIN STATES PERSONNEL, INC.,

Defendant.

No. 70-C-309

ORDER

On November 19, 1970 the defendant's Motion for Summary Judgment came on hearing before the Honorable Luther Bohanon. The plaintiff appearing by and through her attorney, James Hinds, and the defendant by its attorney, Dale Warner. The Court, upon consideration of argument by counsel, and review of the pleadings and briefs filed by counsel, hereby orders the plaintiff's cause of action dismissed.

Luther Bohanon
Judge

APPROVED AS TO FORM:

James M. Hinds
James Hinds
Attorney for Plaintiff

Dale Warner
Dale Warner
Attorney for Defendant

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

United States of America,

Plaintiff,

vs.

Wayne C. Holt, Ruth B. Holt,
Harmon (H) Edwards, Ann (Anna)
Mae Edwards, David Seabolt, Cecil
Warren Massey, and J. D. Williams,

Defendants.

Civil No. 70-C-297

FILED

DEC 3 1970

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

JUDGMENT OF FORECLOSURE

THIS MATTER COMES on for consideration this 2nd day of December, ~~November~~,

1970. The defendants, Wayne C. Holt, Ruth B. Holt, Harmon (H.) Edwards, Ann (Anna) Mae Edwards, David Seabolt, Cecil Warren Massey, and J. D. Williams, appearing not; and

The Court being fully advised and having examined the file herein finds that due and legal service by publication was made upon the defendants, Wayne C. Holt, Ruth B. Holt, Harmon (H.) Edwards, Ann (Anna) Mae Edwards, David Seabolt, Cecil Warren Massey, and J. D. Williams, as appears by Proof of Publication filed herein on November 23, 1970, requiring each of them to answer the Complaint filed herein not later than November 25, 1970, and it appearing that said defendants have failed to file an answer herein and their default has been entered by the Clerk of this Court; and

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

Lot Twenty (20), Block Forty-Five (45) Valley View Acres Second Addition to the City of Tulsa, Tulsa County, Oklahoma, according to the recorded plat thereof.

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

That the defendants, Wayne C. Holt and Ruth B. Holt, did, on May 11, 1964, execute and deliver to the Administrator of Veterans Affairs, their mortgage and mortgage note for the sum of \$10,050.00, with interest thereon at the rate of $5\frac{1}{2}\%$ per annum and further providing for the payment of monthly installments of principal and interest; and

The Court further finds that the defendants, Harmon (H.) Edwards and Ann Mae Edwards, have or claim some right, title, or interest in and to the premises herein being foreclosed by reason of a General Warranty Deed,

dated July 7, 1966, and filed of record July 13, 1966, in the Office of the County Clerk of Tulsa County, Oklahoma, in Book 3733, Page 364, but in this regard, plaintiff states that whatever right, title, or interest the defendants, Harmon (H.) Edwards and Ann Mae Edwards, have in and to said property being foreclosed herein is junior and inferior to the first mortgage lien of this plaintiff; and

The Court further finds that the defendant, David Seabolt, has or claims some right, title, or interest in and to the premises herein being foreclosed by reason of a Quit Claim Deed, dated December 19, 1968, and filed of record December 19, 1968, in the Office of the County Clerk of Tulsa County, Oklahoma, in Book 3873, Page 1345, but in this regard, plaintiff states that whatever right, title, or interest the defendant, David Seabolt, has in and to said property being foreclosed herein is junior and inferior to the first mortgage lien of this plaintiff; and

The Court further finds that the defendant, Cecil Warren Massey, has or claims some right, title, or interest in and to the premises herein being foreclosed by reason of a Quit Claim Deed, dated April 15, 1969, and filed of record April 15, 1969, in the Office of the County Clerk of Tulsa County, Oklahoma, in Book 3885, Page 2028, but in this regard, plaintiff states that whatever right, title, or interest the defendant, Cecil Warren Massey, has in and to said property being foreclosed herein is junior and inferior to the first mortgage lien of this plaintiff; and

The Court further finds that the defendant, J. D. Williams, has or claims some right, title, or interest in and to the premises herein being foreclosed by reason of a Quit Claim Deed, dated April 6, 1970, and filed of record April 6, 1970, in the Office of the County Clerk of Tulsa County, Oklahoma, in Book 3921, Page 529, but in this regard, plaintiff states that whatever right, title, or interest the defendant, J. D. Williams, has in and to the said property being foreclosed herein is junior and inferior to the first mortgage lien of this plaintiff; and

It further appears that the defendants, Wayne C. Holt, Ruth B. Holt, Harmon (H.) Edwards, Ann (Anna) Mae Edwards, David Seabolt, Cecil Warren Massey, and J. D. Williams, made default under the terms of the aforesaid mortgage note and mortgage by reason of their failure to make monthly installments due thereon on January 1, 1970, which default has continued and that by reason thereof the defendants, Wayne C. Holt, Ruth B. Holt, Harmon (H.) Edwards, Ann (Anna) Mae Edwards, David Seabolt, Cecil Warren Massey, and J. D. Williams, are now indebted to the Plaintiff in the sum of \$9,184.25,

as unpaid principal, with interest thereon at the rate of $5\frac{1}{2}\%$ per annum from January 1, 1970, until paid, plus the cost of this action accrued and accruing.

IT IS THEREFORE ORDERED, ADJUDGED and DECREED that the Plaintiff, United States of America, have and recover judgment against the defendants, Wayne C. Holt, Ruth B. Holt, Harmon (H.) Edwards, Ann (Anna)Mae Edwards, David Seabolt, Cecil Warren Massey, and J. D. Williams, for the sum of \$9,184.25, with interest thereon at the rate of $5\frac{1}{2}\%$ per annum from January 1, 1970, until paid, plus the cost of this action accrued and accruing, plus the sum of \$32.00 expended for abstracting fees, plus \$20.00 for preservation of property.

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

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


UNITED STATES DISTRICT JUDGE

APPROVED:


ROBERT P. SANTEE
Assistant U. S. Attorney

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

ALEX L. KALLAY, et al.,)
)
 Plaintiffs,)
)
 vs.)
)
 COMMUNITY NATIONAL LIFE)
 INSURANCE COMPANY,)
 a Corporation, et al.,)
)
 Defendants,)
)
 INSURANCE COMPANY OF NORTH)
 AMERICA,)
)
 Third Party Defendant.)

No. 67-C-127
Consolidated with
No. 67-C-131

FILED

DEC 3 1970

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

JUDGMENT

This cause came on to be heard on July 13, 1970, and on July 30, 1970, upon consideration thereof, the Court made findings of fact and conclusions of law, and the Court having made additional findings of fact and conclusions of law on November 30, 1970, it is

ORDERED, ADJUDGED AND DECREED that Alex L. Kallay, M. Murray McCune, Gordon A. McCune and Rex D. Frates (the plaintiffs) have and recover judgment against Andresen & Co., a corporation (Andresen), Lyndon L. Pearson (Pearson), Joe B. Hunt, Receiver for Community National Life Insurance Company, a corporation (Community) and Jimmie J. Ryan (Ryan), jointly and severally, the sum of \$120,000.00 with interest at the rate of 10 per cent per annum from August 1, 1966 until paid;

IT IS FURTHER ORDERED, ADJUDGED AND DECREED that the plaintiffs have and recover of Andresen the additional sum of \$10,000.00 plus interest at the rate of 6 per cent per annum from February 1, 1967 to the date hereof, and from and after the date of this Judgment, interest at the rate of 10 per cent per annum until paid;

IT IS FURTHER ORDERED, ADJUDGED AND DECREED that the plaintiffs have and recover from the defendants, jointly and severally, as and for reasonable attorney fees, the additional sum of \$30,000.00, together with the plaintiffs' costs of the action;

IT IS FURTHER ORDERED, ADJUDGED AND DECREED that Andresen, as third party plaintiff, have and recover judgment against third party defendant, Insurance Company of North America (INA), in the amount of \$130,000.00 with interest at the following rates:

Of the sum of \$120,000.00, interest at the rate of 10 per cent per annum from August 1, 1966 until paid, and

Of the sum of \$10,000.00, interest at the rate of 6 per cent per annum from February 1, 1967 to the date of this judgment, and interest thereafter at the rate of 10 per cent per annum until paid;

IT IS FURTHER ORDERED, ADJUDGED AND DECREED that Andresen have and recover an additional judgment against INA in the amounts of \$30,000.00 (being the reasonable attorney fees the plaintiffs recovered against Andresen) and the plaintiffs' costs paid by Andresen;

IT IS FURTHER ORDERED, ADJUDGED AND DECREED that execution upon the judgment in favor of Andresen and against the third party defendant INA may issue, from time to time, in favor of Andresen against INA, but only in amounts equal to sums actually paid prior to the issuance of such executions by Andresen to the plaintiffs herein on account of the judgment herein rendered in favor of the plaintiffs against Andresen;

IT IS FURTHER ORDERED, ADJUDGED AND DECREED that Andresen have and recover an additional judgment against INA in the amounts of \$25,460.66 (being Andresen's reasonable attorney fees and expenses allowable under the terms of the bond issued by INA for the benefit of Andresen), together with Andresen's costs of the action;

IT IS FURTHER ORDERED, ADJUDGED AND DECREED that Andresen is awarded judgment upon its cross claim against Pearson, Community and Ryan, jointly and severally, for any portion of the plaintiffs' recovery herein directed or awarded that is paid by Andresen, plus Andresen's costs of the action, together with interest at the rate of 10 per cent per annum from the date of such payment until paid;

IT IS FURTHER ORDERED, ADJUDGED AND DECREED that third party defendant INA is awarded judgment on its cross claim against the defendants Pearson, Community and Ryan, jointly and severally, for any portion of third party plaintiff, Andresen's, recovery herein directed or awarded that is paid by third party defendant INA, plus INA's costs of the action, together with interest thereon at the rate of 10 per cent per annum from the date of such payment until paid;

IT IS FURTHER ORDERED, ADJUDGED AND DECREED that INA's claim for recoupment against Andresen for the value of Pearson's stock in Andresen which Pearson assigned to Andresen on or about August 30, 1966, is hereby dismissed as being premature without prejudice to being again asserted by INA at a proper time and place.

Done in open Court this 3rd day of December, 1970.


UNITED STATES DISTRICT JUDGE

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

JAMES B. COX d/b/a COX BARGAIN
MART FURNITURE, a sole
proprietorship,
Plaintiff,

-vs-

STATE AUTOMOBILE AND CASUALTY
UNDERWRITERS, a foreign insurance
corporation, and IMPLEMENT DEALERS
MUTUAL INSURANCE COMPANY, a foreign
insurance corporation,
Defendants.

Case No. 70-C-55

FILED

DEC 3 1970

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

STIPULATION OF DISMISSAL

Comes now the plaintiff and hereby dismisses this cause of
action with prejudice, the case having been compromised and settled
and comes now the defendants and hereby consent and agree to said
dismissal with prejudice in the above entitled cause.

DATED this 3^d day of December, 1970.

JAMES B. COX d/b/a COX BARGAIN MART
FURNITURE, a sole proprietorship

By Robert E. Martin
Robert E. Martin, Attorney for Plaintiff

STATE AUTOMOBILE AND CASUALTY UNDERWRITERS,
a foreign insurance corporation

By Ray H. Wilburn
Attorney for Defendant

IMPLEMENT DEALERS MUTUAL INSURANCE COMPANY,
a foreign insurance corporation

By Ray H. Wilburn
Attorney for Defendant

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

CALVIN THOMAS,

Petitioner,

vs.

RAY H. PAGE, Warden, Oklahoma
State Penitentiary, McAlester,
Oklahoma,

Respondent.

NO. 70-C-328

FILED

DEC 2 1970

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

O R D E R

The Court has before it the pro se habeas corpus petition of Calvin Thomas, a prisoner in the Oklahoma State Penitentiary at McAlester, Oklahoma; the response of the Warden of said Penitentiary; and the full and complete transcript of the plea and sentencing proceedings before the Tulsa County District Court in Tulsa, Oklahoma. Therefrom, the Court finds that petitioner was sentenced October 15, 1969, to life imprisonment in Case No. CRF-69-1236, upon a plea of guilty to murder; to 10 years imprisonment in CRF-69-634, upon a plea of guilty to carrying a firearm after former conviction of a felony; and to 10 years imprisonment in CRF-69-829, upon a plea of guilty to shooting with intent to kill. The latter two 10 year sentences to run concurrently with each other and with the life sentence in CRF-69-1236.

Further, it appears that the petitioner challenges only the conviction and sentence in CRF-69-1236, and that he has exhausted his State remedies by an appeal out of time, A-15949, denied April 15, 1970, and by a writ of habeas corpus, A-16095, dismissed June 17, 1970, by the Oklahoma Court of Criminal Appeals.

Giving the petition the broad construction which the Court is bound to do, it appears that petitioner alleges that his constitutional right to due process of law was abridged in the State Courts in that (a) his plea of guilty was entered under fear and duress and was therefore involuntary; (b) petitioner's retained counsel was permitted to withdraw without petitioner's knowledge before the petitioner's appeal was perfected; (c) he was not informed of his rights as an indigent to appointed counsel to assist him in his appeal; (d) he was denied the transcript of the proceedings to assist in his appeal and habeas corpus

proceedings; and (e) he was not present in Court at vital stages of the proceedings against him in the State of Oklahoma.

This Court upon a careful review and consideration of the transcript of the plea and sentence in the State Court and all instruments herein finds as follows, to wit:

1. The challenged guilty plea was entered after a jury trial while the jury was deliberating and before a verdict was returned. The plea was against the advice of the petitioner's retained defense counsel as admitted by the petitioner to the Court. The petitioner understood the word "voluntary" as he explained to the trial court it means, "Doing something on your own." The trial court informed the petitioner that upon the plea of guilty his punishment could still be death in the electric chair, and that it was the Court's sole discretion to set the punishment. Further, the Court explained to the petitioner that he could await the jury verdict, which could be anything from acquittal to death in the electric chair, and that he had the right to have the jury set the punishment; that the petitioner could appeal the jury verdict, and if any errors had been committed to his prejudice, such verdict could be reversed by the appellate court; but, that a knowing and voluntary plea of guilty waived any errors that may have occurred prior to the plea. The trial court thoroughly, in detail, and in clear and explicit language questioned the petitioner and determined that the petitioner's plea of guilty was made understandingly, freely and voluntarily; that petitioner, his relatives or family had not been coerced or threatened or petitioner forced in any way to change his plea to guilty; that petitioner was not under the influence of drugs or alcohol and that he was clear headed and understood everything that was going on. The petitioner admitted to the trial court (pp. 7 and 9 of the transcript) that he wanted "to plead guilty to the crime of murder solely for the reason that he was guilty of the crime of murder as it was charged." The plea of guilty was freely, knowingly and voluntarily made by Calvin Thomas.

2. Only after the trial court had carefully established as set out above that the plea of guilty was free, knowing and voluntary did it accept the plea of guilty on October 10, 1969, and sentencing was set for the following October 14. On the 14th, at the request of defendant and his defense counsel, the sentence was continued to October 15, 1969, at

which time petitioner was sentenced to life imprisonment. On the same date, October 15, 1969, with the defendant present, his defense counsel announced, "I will go ahead within the ten days and file a motion for new trial and give his [defendant's] written notice of his intention to appeal because of the type case that it is. However, I do not intend to perfect an appeal." Therefore, petitioner's claim that his defense counsel was permitted to withdraw without petitioner's knowledge before the appeal was perfected is wholly without merit.

3. At petitioner's sentencing on October 15, 1969, the petitioner present when defense counsel stated that he would not perfect an appeal, the sentencing court explained in detail to the petitioner the right to appeal and the procedure of appeal; and further, explained that failure to so perfect his appeal if one was intended was a waiver of his appellate rights. The Court then provided for petitioner to remain in Tulsa County Jail for a period of ten days to make his appellate arrangements if any. The sentencing court explained to the petitioner his right if he were indigent to appointed counsel to assist in an appeal, as supported by the following excerpt quoted from page 15 of the transcript:

"And you have the right to be represented on your appeal. If you do not have any money or funds with which to hire an attorney on the appeal, then the Court will have a hearing to determine if you are a pauper; and if you are, the Court will appoint an attorney to represent you . . . they will also pay the court costs; . . . if you so desire, and you feel you are a pauper, then you must make a written application to the Court within ten days from today, do you understand that?"

Thus, it is clear that petitioner's allegation that he was not informed of his rights as an indigent to appointed counsel to assist him in his appeal is without merit.

4. Since the petitioner's plea of guilty was obviously free, knowing and voluntary; and, as explained to him by the trial court, since he by such plea waived any prior procedural defects and constitutional infirmities, a transcript of the proceedings prior to the plea was properly denied, and a transcript of the plea and sentencing is filed in the case and was before the Oklahoma Court of Criminal Appeals and is now before this Court. Further, the Court finds that the petitioner was present in the State Court at the vital stages of the proceedings against him.

The Court finds that an evidentiary hearing is not required and that the petition for writ of habeas corpus of Calvin Thomas is without

merit as set forth above and that the said petition should be denied.

IT IS, THEREFORE, ORDERED that the petition for writ of habeas corpus of Calvin Thomas be and the same is hereby denied.

Dated this 2nd day of December, 1970, at Tulsa, Oklahoma.


UNITED STATES DISTRICT JUDGE

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

United States of America,

Plaintiff,

vs.

Albert D. Antwine and
Joyce M. Antwine,

Defendants.

Civil No. 70-C-326

FILED

DEC 2 1970

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

AMENDMENT TO JUDGMENT OF FORECLOSURE

NOW, on this third day of December, 1970, the Court has before it for consideration the Amendment To Judgment, which original Judgment was entered November 25, 1970. After due deliberation, the Court finds as follows:

(1) The original Judgment filed November 25, 1970, should be amended by adding the below written paragraph following the first paragraph on Page 2 of said Judgment:

IT IS THEREFORE ORDERED, ADJUDGED and DECREED that the Plaintiff, United States of America, have and recover judgment against the defendants, Albert D. Antwine and Joyce M. Antwine, for the sum of \$8,019.85, with interest thereon at the rate of Five and One-Fourth (5 $\frac{1}{4}$) percent per annum from October 1, 1970, until paid, plus the cost of this action accrued and accruing, and the sum of \$35.00 expended for abstracting fees.

NOW, IT IS THEREFORE ORDERED, ADJUDGED and DECREED that the original Judgment entered herein on November 25, 1970, be amended to include the above written paragraph following the first paragraph on Page 2 of said original Judgment.

William E. Garwood
UNITED STATES DISTRICT JUDGE

APPROVED:

Robert P. Santee
ROBERT P. SANTEE

Assistant U. S. Attorney

herein should properly be in said Eastern District. Therefore, in the interest of justice, this proceeding should be transferred pursuant to the provisions of 28 U.S.C. § 2241(d) to the United States District Court for the Eastern District of Oklahoma for determination.

IT IS, THEREFORE, ORDERED that this cause be and it is hereby transferred to the United States District Court for the Eastern District of Oklahoma.

Dated this 19th day of October, 1973, at Tulsa, Oklahoma.


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

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

JOSEPH S. PATTON,)
)
 Plaintiff,)
)
 vs.)
)
 HERMAN L. GOCHENOUR, individually)
 and as agent of NORTH AMERICAN)
 VAN LINES, INC., and NORTH AMERICAN)
 VAN LINES, INC., a Corporation,)
)
 Defendants.)

NO. 73-C-154

E I L E D

OCT 19 1973

Jack C. Silverman
U. S. DISTRICT COURT

ORDER OF DISMISSAL

ON this 19th day of October, 1973, upon the written application of the parties for a Dismissal with Prejudice of the Complaint and all causes of action, the Court having examined said application, finds that said parties have entered into a compromise settlement covering all claims involved in the Complaint and have requested the Court to dismiss said Complaint with prejudice to any future action, and the Court being fully advised in the premises, finds that said Complaint should be dismissed pursuant to said application.

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

Jack C. Silverman

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

APPROVAL:

JAMES M. HINDS

Attorney for the Plaintiff

ALFRED B. KNIGHT

Alfred B. Knight

Attorney for the Defendants

UNITED STATES DISTRICT COURT FOR THE
NORTHERN DISTRICT OF OKLAHOMA

United States of America,)
)
 Plaintiff,)
)
 vs.) CIVIL ACTION NO. 71-C-108 ✓
)
 162.50 Acres of Land, More or) Tract No. 1217M
 Less, Situate in Nowata County,)
 State of Oklahoma, and Earl)
 Owens, et al., and Unknown)
 Owners,)
)
 Defendants.)

STIPULATION OF DISMISSAL

[Rule 71A, (i)(2)]

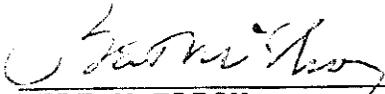
COME Now the Plaintiff, United States of America,
and the Defendant owners, Earl Owens, Phyllis E. Owens, and
Business Men's Assurance Company of America, and stipulate
as follows:

The parties have, by stipulation filed herein,
revested in the former owners, title to the entire estate
condemned by this action; therefore, this action should be
and , under the authority of Rule 71A (i)(2) Federal Rules
of Civil Procedure, hereby is DISMISSED.

UNITED STATES OF AMERICA

NATHAN G. GRAHAM
United States Attorney


HUBERT A. MARLOW
Assistant U. S. Attorney


BERT McELROY
Attorney for Defendants

of monthly installments of principal and interest; and

The Court further finds that the defendants, Frederick G. Stretch and Linda C. Stretch, made default under the terms of the aforesaid mortgage note by reason of their failure to make monthly installments due thereon for more than 11 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 \$12,315.42 as unpaid principal, with interest thereon at the rate of 8 1/2 percent interest per annum from October 24, 1972, until paid, plus the cost of this action accrued and accruing.

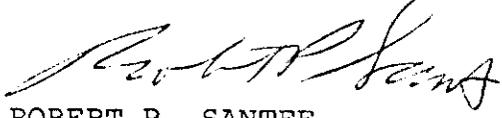
IT IS THEREFORE ORDERED, ADJUDGED AND DECREED that the plaintiff have and recover judgment against defendants, Frederick G. Stretch and Linda C. Stretch, in personam, for the sum of \$12,315.42 with interest thereon at the rate of 8 1/2 percent interest per annum from October 24, 1972, plus the cost of this action accrued and accruing, plus any additional sums advanced or to be advanced or expended during this foreclosure action by plaintiff by 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.

Walter Bohannon
United States District Judge

APPROVED.



ROBERT P. SANTEE
Assistant United States Attorney

FILED

OCT 16 1973

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

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

UNITED STATES OF AMERICA AND)
ANNETTE BOWIE, Internal Revenue)
Officer, Internal Revenue Service,)

Petitioners,)

vs.)

Civil No. 73-C-300

J. L. MAROUTSOS, JR.,)

Respondent.)

ORDER DISCHARGING RESPONDENT
AND DISMISSAL

On this 15 day of October, 1973, Petitioners' Motion To Discharge Respondent And For Dismissal came for hearing and the Court finds that Respondent has now complied with the Internal Revenue Service Summons served upon him June 7, 1973, that further proceedings herein are unnecessary and that the Respondent, J. L. Maroutsos, Jr., should be discharged and this action dismissed upon payment of \$46.52 costs by Respondent.

IT IS THEREFORE ORDERED, ADJUDGED, AND DECREED BY THE COURT that the Respondent, J. L. Maroutsos, Jr., be and he is hereby discharged from any further proceedings herein and this action is hereby dismissed upon payment of \$46.52 costs by said Respondent.

Lutley Bohannon
UNITED STATES DISTRICT JUDGE

APPROVED:

Jack M. Short
JACK M. SHORT
Assistant United States Attorney

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

UNITED STATES OF AMERICA,)
)
Plaintiff,)
)
vs.)
)
ERNEST HENDERSON,)
)
Defendant.)

CIVIL ACTION NO. 73-C-204 ✓

FILED

OCT 15 1973

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

NOTICE OF DISMISSAL

COMES NOW the United States of America, plaintiff herein,
by and through its attorney, Robert P. Santee, Assistant United
States Attorney for the Northern District of Oklahoma, and hereby
gives notice of its dismissal of the Complaint filed herein on
July 17, 1973.

UNITED STATES OF AMERICA

NATHAN G. GRAHAM
United States Attorney



ROBERT P. SANTEE
Assistant United States Attorney

FILED

OCT 11 1973

FILED

OCT 15 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.

Jack C. Silver, Clerk

U. S. DISTRICT COURT OF:

HUGH HALE,

Bankrupt.

In Bankruptcy No. 72-B-174

M-589 ✓

ORDER

This matter comes on for hearing upon the application to determine dischargeability of a debt by Aetna Finance Co. of Lawton, Inc., and the Court finds that the parties have entered into a stipulation of settlement and that \$300.00 of the indebtedness due to Aetna Finance Co. of Lawton, Inc., shall be non-dischargeable in the bankruptcy proceedings.

IT IS THEREFORE ORDERED, ADJUDGED AND DECREED that the Aetna Finance Co. of Lawton, Inc., shall have judgment against the bankrupt, Hugh Hale, in the sum of \$300.00, which judgment is determined to be non-dischargeable in the bankruptcy proceedings.

Dated this 11th day of October, 1973.

William E. Rutledge

Referee

APPROVED AS TO FORM:

J. G. Follens

J. G. Follens
Attorney for Aetna Finance Co. of
Lawton, Inc.

Richard Raskin

Richard Raskin
Attorney for Bankrupt Hugh Hale

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 J. ...

Clerk, Office of Referee in Bankruptcy

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

CHARLES W. SELBY & JAMES W. CONNOR,)
doing business as a partnership)
known as SELBY & CONNOR,)
)
Plaintiffs,)

-vs-

FIRST FEDERAL SAVINGS AND LOAN AS-)
SOCIATION OF COFFEYVILLE, KANSAS,)
A Corporation organized and exist-)
ing under the laws of the United)
States of America,)
)
Defendant.)

Case No. 73-C-100

FILED

OCT 10 1973

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

STIPULATION OF DISMISSAL WITH PREJUDICE TO A FUTURE ACTION

It is hereby stipulated that the above entitled
action may be dismissed with prejudice to a future action,
each party to bear their own cost.

DATED this 8th day of October, 1973.

GARRISON, BROWN & TICE

By: *Daniel S. Garrison*
Attorneys for Plaintiffs

Charles W. Selby
CHARLES W. SELBY

James W. Connor
JAMES W. CONNOR

GABLE, GOTWALS, RUBIN, FOX,
JOHNSON & BAKER

By: *John Kinchen*
Attorneys for Defendant.

FILED

OCT 16 1973

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

10-15-73

order
It is ordered - Based on above
stipulation, this action is
closed -
Ruthie Bohannon

F I L E D

OCT 10 1973 ✓

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

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

ROGER C. MYERS, d/b/a ROMYCO STERO,)
)
Plaintiff,)
)
AMPEX, INC., a California corporation,)
et al.,)
)
Defendants.)

Civil No. 73-C-326 ✓

ORDER

Plaintiff, once again seeks to institute a complaint in this Court, based on essentially the same cause of action that was dismissed by this Court with prejudice on August 24, 1973, in 73-C-48.

In addition to said order above referenced, the Court will and has attached a letter from Mr. William D. Hunt, an attorney, which delineates the numerous complaints filed against these defendants by this plaintiff in various Districts and States..

Additionally, this Court takes judicial notice that plaintiff has appealed the ruling of this Court in 73-C-48 to the United States Court of Appeals, Tenth Circuit.

The Court regards this proceeding as a flagrant abuse of process. (cf) Young v. United States (10th CCA, 1970) 433 F.2d 626; United States v. Stephens (10th CCA, 1970) 425 F.2d 247; LaClair v. United States (N.D. Ind. 1965) 241 F.Supp. 819.

Since the Application to Proceed in Forma Pauperis is supported by papers satisfying the requirements of 28 U.S.C.A. §1915(a), Leave

to Proceed should be granted and the case filed by the Clerk and then
the complaint and cause of action should be dismissed.

IT IS SO ORDERED.

Entered this 10th day of October, 1973.

Allen L. Barrow

CHIEF UNITED STATES DISTRICT JUDGE

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

THE DELAWARE TRIBE OF INDIANS,)
)
Plaintiff,)
)
vs.)
)
ROBERT C. B. MCKAY, individually and)
in his capacity as Secretary of Interior)
of the United States of America, MARVIN)
FRANKLIN, individually and in his)
capacity as Assistant to Secretary of)
Interior of the United States of)
America, JAMES T. ELLISON, individually)
and in his capacity as Acting Area)
Director, Muskogee Bureau of Indian)
Affairs, SIDNEY M. CARNEY, individually)
and in his capacity as Area Director,)
Anadarko Bureau of Indian Affairs,)
)
Defendants.)

No. 73-C-80 ✓

FILED

OCT 10 1973

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

ORDER OF DISMISSAL

This case, having been filed in this Court on the 13th day of March, 1973, thereafter and on August 9, 1973, the defendants filed their Answer denying that the plaintiff had stated a cause of action and denying that the plaintiff had any standing to sue based upon the allegations contained in the Complaint. Defendants further state in their Answer that on March 12, 1973, the United States District Court for the District of Kansas issued a Temporary Restraining Order restraining and enjoining the Secretary of Interior and his agents from disbursing the remaining judgment funds until the plaintiff's Complaint therein for preliminary and permanent injunction could be heard and determined and that said Temporary Restraining Order is still in effect. In their prayer defendants pray for an Order denying plaintiff's request for mandamus and that the case be dismissed.

The Court finds that the subject matter contained in this action is identical to the action filed in the United States District Court for the District of Kansas, that the Kansas District Court first had and received jurisdiction of the subject matter and that this Court should refrain from interfering with the operations of another Court.

The Court finds that on or about August 27, 1973, this case was on for pretrial wherein plaintiff and defendant counsel argued their respective positions. The Court concluded that the case could be dismissed, to which plaintiff counsel, Bruce M. Townsend, agreed, but requested that the dismissal be withheld for a reasonable length of time and requested 60 days in order to get all parties concerned into the action before the United States District Court for the District of Kansas.

The Court now finds that the delay in dismissing this case would have been sufficient to allow plaintiff counsel, Bruce M. Townsend, time to have accomplished his desired action and that further retention of this case in this Court for the purpose of getting defendants into the Kansas District Court is not in the merit.

IT IS, THEREFORE, ORDERED, ADJUDGED AND DECREED by the Court that this case be, and the same is hereby dismissed.

Dated this 4th day of October, 1973.

Luther Bohannon
UNITED STATES DISTRICT JUDGE

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

UNITED STATES OF AMERICA,)
)
 Plaintiff,)
)
 vs.)
)
 JOSEPH MEHOJAH, JR., and)
 DOROTHY E. MEHOJAH, his wife,)
)
 Defendants.)

CIVIL ACTION NO. 73-C-173

FILED

OCT 3 1973

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

J U D G M E N T

NOW on this 11th day of October, 1973, this matter coming on for consideration, the plaintiff, United States of America, appearing by and through its attorney, Robert P. Santee, Assistant United States Attorney for the Northern District of Oklahoma, and the defendants, Joseph Mehojah, Jr., and Dorothy E. Mehojah, his wife, appearing not, and it appearing that this is a suit based upon a Promissory Note and for foreclosure of certain Financing Statements and Security Agreement securing said Note; and

It further appearing that the chattels described in said Financing Statements and Security Agreement are located in Osage County, Oklahoma, and

It further appearing that due and legal personal service of summons was made upon the defendants, Joseph Mehojah, Jr., and Dorothy E. Mehojah, on June 28, 1973, requiring each of them to answer the Complaint herein and that more than twenty (20) days have elapsed since the date of service of the summons, and it appearing that said defendants have failed to file an answer or otherwise plead herein and that they, and each of them, are hereby in default.

The Court being fully advised finds that the allegations and averments in the Complaint are true and correct and that there is due and owing to the plaintiff, United States of America, the sum of \$10,489.68 together with interest accrued thereon from October 27, 1972, at the rate of 6 1/2 per cent per annum.

The Court further finds that the plaintiff has a first and prior lien upon the chattels described in the Security Agreement and Financing Statements by virtue of said Security Agreement and Financing Statements given covering such personal property.

IT IS THEREFORE ORDERED, ADJUDGED AND DECREED THAT the plaintiff, United States of America, do have and recover from the defendants, Joseph Mehojah, Jr., and Dorothy E. Mehojah, a judgment in the sum of \$10,489.68 together with interest accrued thereon from October 27, 1972, at the rate of 6 1/2 per cent per annum.

IT IS FURTHER ORDERED, ADJUDGED AND DECREED THAT upon the failure of the defendants, Joseph Mehojah, Jr., and Dorothy E. Mehojah, to satisfy the judgment of plaintiff, an Order of Sale shall issue to the United States Marshal for the Northern District of Oklahoma, commanding him to levy upon, advertise and sell according to law, with appraisalment, the chattels hereinabove described and as listed in the Security Agreement and Financing Statements hereinabove referred to and to apply the proceeds of such sale of personal property as follows:

1. In payment of the costs of the sale and of the cost of this action.

2. In payment to plaintiff of the sum of \$10,489.68 together with interest accrued thereon from October 27, 1972, at the rate of 6 1/2 per cent per annum.

3. The residue, if any, to be paid to the Clerk of this Court to await further order of the Court.

IT IS FURTHER ORDERED, ADJUDGED AND DECREED THAT the hereinabove described chattels and as listed in the Security Agreement and Financing Statements hereinabove referred to be sold, with appraisalment, and after such sale by virtue of this judgment and decree the defendants, and each of them, and all persons claiming under them since the filing of the Complaint herein be and they are forever barred and foreclosed of and from any and every lien upon, right, title, interest, estate or equity of, in or to the personal property hereinabove referred to.



UNITED STATES DISTRICT JUDGE

APPROVED:



ROBERT P. SANTEE
Assistant United States Attorney

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

UNITED STATES OF AMERICA,)
)
 Plaintiff,)
)
 vs.)
)
 JOSEPH MEHOJAH, JR., and)
 DOROTHY E. MEHOJAH, his wife,)
)
 Defendants.)

CIVIL ACTION NO. 73-C-173

FILED

OCT 3 1973

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

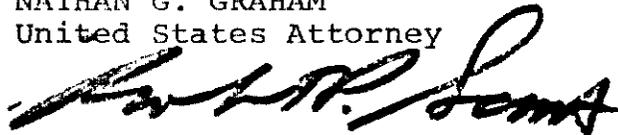
ENTRY OF DEFAULT BY CLERK

TO: JACK C. SILVER, Clerk, USDC/ND of Oklahoma

You will please enter default of the defendants
herein for failure to plead or otherwise defend as provided by
the Federal Rules of Civil Procedure for reasons contained and
supported by the attached affidavit.

UNITED STATES OF AMERICA

NATHAN G. GRAHAM
United States Attorney



ROBERT P. SANTEE
Assistant United States Attorney

Default Entered.

JACK C. SILVER, Clerk
United States District Court for
the Northern District of Oklahoma

By: _____
Deputy

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

UNITED STATES OF AMERICA,)
)
 Plaintiff,)
 vs.)
)
 JOSEPH MEHOJAH, JR., and)
 DOROTHY E. MEHOJAH, his wife,)
)
 Defendants.)

CIVIL ACTION NO. 73-C-173

FILED

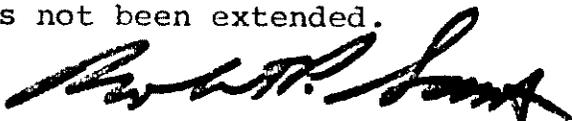
OCT 3 1973

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

AFFIDAVIT FOR ENTRY OF DEFAULT BY CLERK

STATE OF OKLAHOMA)
) SS
 COUNTY OF TULSA)

ROBERT P. SANTEE, Assistant U.S. Attorney, being duly sworn, says that he is attorney for the Plaintiff, United States of America, in the above entitled action; that due and legal personal service of summons was made upon the defendants, Joseph Mehojah, Jr., and Dorothy E. Mehojah, on June 28, 1973; that the time within which the defendants may answer or otherwise move as the Complaint has expired; that defendants have not answered or otherwise moved, and that the time for defendants to answer or otherwise move has not been extended.


ROBERT P. SANTEE
Assistant United States Attorney

Subscribed and sworn to before me this 3rd day of
October, 1973.

My commission expires:

May 26, 1975



Notary Public

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

FILED
1973 OCT 31 10 30 AM
U.S. DISTRICT COURT
TULSA, OKLAHOMA

OKLAHOMA TIRE & SUPPLY COMPANY,)
a Division of McCrory Corporation,)
a Delaware Corporation,)
)
Plaintiff,)
)
vs.)
)
WELSH AUTO-LEC, INC., a corporation,)
R. W. STROHE,)
H. P. FONTENOT, JR.,)
)
Defendants.)

Civil Action
No. 73-C-176

NOTICE OF
DISMISSAL

Comes now the Plaintiff and dismisses the sub-
ject action against all Defendants with prejudice for the
reason that the debt due and owing Plaintiff has been paid
in full by R. W. Strohe.

EAGLETON, EAGLETON & OWENS

By: _____
Joe L. Jackson
1606 First National Bank Bldg.
Tulsa, Oklahoma 74103

OKLAHOMA TIRE & SUPPLY COMPANY
a Division of McCrory Corporation,
a Delaware Corporation

By: [Signature]

Subscribed and sworn to before me this 3rd day
of October, 1973.

[Signature]
Notary Public

My Commission Expires:
December 10, 1975

CERTIFICATE OF MAILING

I, Joe L. Jackson, do hereby certify that I have mailed true and correct copies of the above and foregoing Dismissal by depositing the same in the United States mail with postage fully prepaid thereon on this ____ day of _____, 1973, to the following individuals:

R. W. Strohe
Welsh, Louisiana 70591

H. P. Fontenot, Jr.
101 So. Polk Street
Welsh, Louisiana 70591

Welsh Auto-Lec, Inc.
a Corporation
c/o H. P. Fontenot, Jr.
Registered Agent
101 So. Polk Street
Welsh, Louisiana 70591

Welsh Auto-Lec, Inc.
c/o R. W. Strohe
Registered Agent
Welsh, Louisiana 70591

Stephen P. Coco
Attorney for Defendant
R. W. Strohe
406 State Street
P. O. Box 1208
Jennings, Louisiana 70546

Joe L. Jackson

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

UNITED STATES OF AMERICA,)
)
 Plaintiff,)
) CIVIL ACTION NO. 73-C-130
 vs.)
)
)
 ARTHUR WALLER, et al.,)
)
)
 Defendants.)

FILED

OCT 2 1973

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

JUDGMENT OF FORECLOSURE

THIS MATTER COMES on for consideration this 1st day of October, 1973, the plaintiff appearing by Robert P. Santee, Assistant United States Attorney, and the defendant, Arthur Waller, Lacyrene Waller, Burlington Savings Bank, R. H. Arnold, and City Finance Co. of Sand Springs, appearing not, the defendant, County Treasurer, Tulsa County, appearing by its attorney, J. Richard Johnson, Jr., Assistant District Attorney, and defendant, Household Finance Company, having filed its Disclaimer herein on August 21, 1973, and

The Court being fully advised and having examined the file herein finds that Arthur Waller, Lacyrene Waller, R. H. Arnold, and County Treasurer, Tulsa County, were served with Complaint and Summons on May 1, 1973; that Burlington Savings Bank was served with Complaint and Summons on May 2, 1973; that City Finance Co. of Sand Springs was served with Complaint and Summons on June 28, 1973; that Household Finance Company was served with Complaint and Summons on July 9, 1973, all as appears from the Marshal's Return of Service herein, and

It appearing that Arthur Waller, Lacyrene Waller, Burlington Savings Bank, R. H. Arnold, and City Finance Co. of Sand Springs have failed to answer herein and that default has been entered by the Clerk of this Court; it appearing that County Treasurer, Tulsa County, has duly filed its answer herein on

May 10, 1973, wherein he disclaimed; and Household Finance Company has duly filed its disclaimer herein on August 21, 1973.

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 Seventeen (17), Block Two (2), SHARON HEIGHTS ADDITION to the City of Tulsa, Tulsa County, State of Oklahoma, according to the recorded plat thereof.

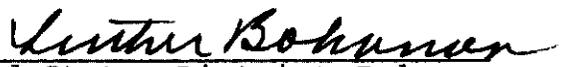
THAT the defendants, Arthur Waller and Lacyrene Waller, did, on the 1st day of September, 1971, execute and deliver to Administrator of Veterans Affairs, their mortgage and mortgage note in the sum of \$10,900.00 with 7 1/2 percent interest per annum, and further providing for the payment of monthly installments of principal and interest; and

The Court further finds that the defendants, Arthur Waller and Lacyrene Waller, 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 \$10,883.74 as unpaid principal, with interest thereon at the rate of 7 1/2 percent interest per annum from January 1, 1972, 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, Arthur Waller and Lacyrene Waller, in personam, for the sum of \$10,883.74 with interest thereon at the rate of 7 1/2 percent interest per annum from January 1, 1972, 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 by 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

APPROVED.



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

J. RICHARD JOHNSON, JR.
Assistant District Attorney
Attorney for Defendant,
County Treasurer, Tulsa County

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

NOEL LEE HILL, ET AL.,

PLAINTIFFS,

-vs-

CATOOSA BOARD OF EDUCATION,
INDEPENDENT SCHOOL DISTRICT I-2,
OF THE STATE OF OKLAHOMA, ET AL.,

DEFENDANTS.

NUMBER 73-C-289

O R D E R

ON THIS 5th day of September, 1973, this matter comes on for hearing on the merits of the Plaintiffs' complaint pursuant to assignment, the Plaintiffs appearing by Robert Lee Blackwood, Attorney, and the Defendants appearing in person and by Bill W. Scarth, Attorney, of Bassmann, Gordon, Mayberry & Scarth, the Court proceeds to a hearing herein.

IN THEIR complaint the Plaintiffs assert jurisdiction by this Court by virtue of 42 U.S.C., Section 1983, claiming to have been deprived of their civil rights by the Defendants. They claim a denial of freedom of speech, denial of equal protection and due process of the law, and a deprivation of their rights of privacy. The complaint alleges that the Plaintiffs have been suspended from school classes at the Catoosa High School because of violations of the school dress and grooming code. In particular they claim suspension by reason of violations of the portion of the school code pertaining to boys hair, for the wearing of extreme styles and designs of clothing, and for wearing small badges stating "Students for Change." For relief, the Plaintiffs seek an injunction prohibiting the Defendants from enforcing the dress code.

VIEWING the evidence presented by the Plaintiffs in support of their complaint, the Court notes that although there were some statements that students had been suspended for the wearing of the buttons, no student actually testified that he or she had been suspended for that reason. The only testimony presented with reference to dress was that of one girl student who testified

that she had been sent home to change because her shirt tail was hanging out. This witness, however, admitted on the stand that she had never been suspended and in fact was presently attending school. There was testimony of one male student who indicated he was told to go home and get his hair cut and that while there he should also change a belt buckle he was wearing with a beer company name embossed thereon. One 15 year old student testified that he had been suspended, or was under the impression that he had been, by reason of his mustache. However, the student admitted on cross examination that while he was under the impression that he had been suspended he had been attending classes every day and no one had actually told him he was suspended. The balance of the testimony pertained to male students who had been suspended by reason of violation of the "length of hair" provision of the school dress code. The written policies of the Outoosa Board of Education provide in part:

"(d) Boys will be clean shaven during school attendance and when participating in any school activity.

(f) Boys should wear their hair neatly cut and combed. The maximum length of hair for boys should not fall on the forehead below the point where it will impair vision or below the shirt collar in the back."

THE COURT finds from the evidence, which is summarized above, that the instant litigation is based upon school regulations relating to the length of male students' hair. No evidence adduced at the hearing in this case indicated any claim of racial, religious or cultural discrimination.

WHILE reliance is had by the Plaintiffs generally on the First, Ninth and Fourteenth Amendments of the Constitution of the United States and on the related and resulting rights secured thereby, the Plaintiffs have failed to comprehend or recognize the myriad of problems resulting from federal intervention in the control and operation of state schools. Such federal intervention should not be available to Plaintiffs in the absence of a direct and positive command stemming from the federal Constitution.

THE COURTS have wisely held that recognition of the principle that neither students nor teachers "shed their constitutional rights to freedom of speech or expression at the schoolhouse gate", does not mean that the First Amendment contains an express command that the hair style of a male student in the public schools lies within the protected area.

AS WAS stated in Freeman vs. Flake (1971) 448 Mich 268, the remedy provided by 42 U.S.C., Section 1983, is supplementary to any pertinent state remedy. The proliferation of litigation resulting from the expanded use of Section 1983 is rampant to anyone familiar with the reported decision of the Courts of the United States. The existence of the Section 1983 remedy does not require that Federal Courts entertain all suits in which unconstitutional deprivations are asserted. A federal constitutional question must exist not in mere form, but in substance and not in mere assertion, but in essence and effect.

THIS COURT expressly finds that the states have a compelling interest in the education of the children resident therein. The states, acting through their school authorities (and their Courts, if necessary), should determine what, if any hair regulation is necessary for the management of their schools. In speaking of judicial interposition in the operation of the public school systems, the Supreme Court said in Larson vs. Arkansas, 393 U.S. 97:

"By and large, public education in our nation is committed to the control of state and local authorities. Courts do not and cannot intervene in the resolution of conflicts which arise in the daily operation of school systems and which do not directly and sharply implicate basic constitutional values."

THERE is no question of the statutory and inherent right of school boards within the State of Oklahoma to promulgate and appropriately enforce reasonable regulations concerning the conduct, deportment, and grooming of students attending public schools placed under their administrative control, providing such regulations do not offend the rights guaranteed by the Constitution of the United States. The Court is convinced that the United States

Constitution and Statutes do not impose on the Federal Courts the duty and responsibility of supervising the length of students' hair. The problems, if one does exist, is one for the states and should be handled through state administrative and state Court procedures. The Freeman vs. Flake, supra.

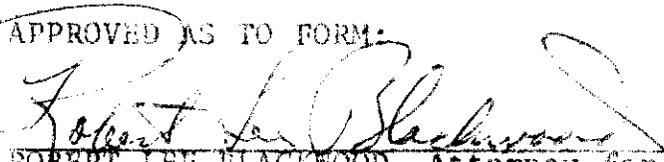
THE Tenth Circuit held in Freeman vs. Flake, supra, and reaffirmed the statement in Rider vs. Board of Education of Independent School District No. 1, decided May 25, 1975, that the wearing of long hair is not akin to pure speech.

THE Federal Courts are more and more (and rightfully so) abstaining from entertaining litigation where state remedies have not been exhausted, and where the question is primarily one of interest to the state and can be properly handled by the State Courts. It is noted that the Plaintiffs in this case have not sought relief at all in the State Courts and therefore have not exhausted their State Court remedies.

CONSIDERING the complaint in the instant litigation and the evidence presented in support thereof, the Court finds that this matter is based on school regulations relating to the length of male students' hair and is not a matter directly and sharply indicating basic constitutional values and therefore should not be cognizable in Federal Courts. It is therefore the order of the Court that the cause of action and complaint herein be dismissed for failure to state or support a claim upon which relief can be granted.


ALLEN E. BARROW, JUDGE OF THE
UNITED STATES DISTRICT COURT FOR
THE NORTHERN DISTRICT OF OKLAHOMA

APPROVED AS TO FORM:


ROBERT LEE BLACKWOOD, Attorney for
Plaintiffs

BASSMANN, GORDON, MAYBERRY & SCARTH

BY: 
BILL R. SCARTH, Attorney for
Defendants

UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF OKLAHOMA

LYNCO OIL CORPORATION, a)
Colorado Corporation, and)
PLANNED LEASING, INC., an)
Oklahoma Corporation,)
)
Plaintiffs,)
)
vs.)
)
THE UNITED STATES OF AMERICA,)
)
Defendant.)

No. 73-C-310

FILED

OCT 2 1973

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

ORDER

On September 26, 1973, Plaintiffs' Complaint and Application For Preliminary and Permanent Injunction came on for hearing on the merits with Plaintiffs represented by their attorney, Kenn Bradley, and the Government represented by Jack M. Short, Assistant United States Attorney. From the testimony of Plaintiffs' witness, Mr. Albert J. Blair, Jr., the Court finds that pursuant to its representations to the Court at the Show Cause Hearing on a Temporary Restraining Order on September 21, 1973, the Government withheld the sale of the seized personalty and permitted Plaintiffs access to the personalty and premises; the Court further finds that Albert J. Blair, Jr., owns 50 percent of the common stock of Lynco Oil Corporation; and, that Albert J. Blair, Jr., had on September 25, 1973 paid the delinquent federal taxes assessed against him; therefore, the Court finds that Plaintiffs' Complaint and Application are moot and should be dismissed and that Plaintiffs' claim for costs and expenses should be denied.

IT IS THEREFORE ORDERED, ADJUDGED, AND DECREED BY THE COURT that Plaintiffs' Complaint and Application be and hereby are dismissed and that Plaintiffs' claim for its costs and expenses is hereby denied.

Dated this 1st day of October, 1973.

Luther Bohanon
LUTHER BOHANON
United States District Judge

APPROVED:
Jack M. Short
JACK M. SHORT
Assistant United States Attorney