

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

UNITED STATES OF AMERICA,)
)
) Plaintiff,)
 vs.)
)
)
 HERMAN LEROY CARROLL, HELEN)
 LOUISE CARROLL, PATRICIA LEE)
 WILLIAMS a/k/a PATSY WILLIAMS,)
 EDDIE W. MELTON, JOANNE J.)
 MELTON, HOUSEHOLD FINANCE)
 CORPORATION, OKLAHOMA TAX)
 COMMISSION, CLUREN K. WILLIAMS,)
 and VIRGIL D. WILLIAMS,)
)
) Defendants.)

CIVIL ACTION NO. 75-C-66 ✓

FILED

JUN 30 1975 *mm*

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

JUDGMENT OF FORECLOSURE

THIS MATTER COMES on for consideration this 30th
day of June, 1975, the Plaintiff appearing by Robert P. Santee,
Assistant United States Attorney; the Defendant, Oklahoma Tax
Commission, appearing by its attorney, Stanley J. Alexander;
and the Defendants, Herman Leroy Carroll, Helen Louise Carroll,
Patricia Lee Williams a/k/a Patsy Williams, Eddie W. Melton,
Joanne J. Melton, Household Finance Corporation, Cluren K.
Williams, and Virgil D. Williams, appearing not.

The Court being fully advised and having examined
the file herein finds that Defendants, Herman Leroy Carroll,
Helen Louise Carroll, Cluren K. Williams, Patricia Lee Williams
a/k/a Patsy Williams, and Virgil D. Williams, were served by
publication as appears from the Proof of Publication filed
herein; that Defendant, Oklahoma Tax Commission, was served
with Summons and Complaint on February 18, 1975; and that De-
fendants, Eddie W. Melton, Joanne J. Melton, and Household
Finance Corporation, were served with Summons and Complaint on
February 19, 1975, all as appears from the U.S. Marshals Service
herein.

It appearing that Defendant, Oklahoma Tax Commission,
has duly filed its Answer and Cross-Petition herein on February 26,

1975, that Defendants, Herman Leroy Carroll, Helen Louise Carroll, Patricia Lee Williams a/k/a Patsy Williams, Eddie W. Melton, Joanne J. Melton, Household Finance Corporation, Cluren K. Williams, and Virgil D. Williams, have failed to answer herein and that default has been entered by the Clerk of this Court.

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

Lot Twenty-nine (29), Block One (1), NORTH-RIDGE, an Addition to the City of Tulsa, County of Tulsa, State of Oklahoma, according to the recorded plat thereof.

THAT the Defendants, Herman Leroy Carroll and Helen Louise Carroll, did, on the 3rd day of December, 1959, execute and deliver to the Administrator of Veterans Affairs, their mortgage and mortgage note in the sum of \$10, 165.00 with 5 1/4 percent interest per annum, and further providing for the payment of monthly installments of principal and interest.

The Court further finds that Defendants, Eddie W. Melton and Joanne J. Melton, were the grantees in a deed from Defendants, Herman Leroy Carroll and Helen Louise Carroll, dated March 4, 1961, filed March 10, 1961, in Book 3130, Page 590, records of Tulsa County, wherein Defendants, Eddie W. Melton and Joanne J. Melton, assumed and agreed to pay the mortgage indebtedness being sued upon herein.

The Court further finds that Defendant, Patricia Lee Williams, was the grantee in a deed from Defendants, Eddie W. Melton and Joanne J. Melton, dated July 1, 1974, filed July 8, 1974, in Book 4127, Page 379, records of Tulsa County, wherein Defendant, Patricia Lee Williams, assumed and agreed to pay the mortgage indebtedness being sued upon herein.

The Court further finds that Defendants, Herman Leroy Carroll, Helen Louise Carroll, Patricia Lee Williams, Eddie W. Melton, and Joanne J. Melton, 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 \$5,945.65 as unpaid principal with interest thereon at the rate of 5 1/4 percent per annum from June 3, 1974, until paid, plus the cost of this action accrued and accruing.

The Court further finds that Defendant, Oklahoma Tax Commission, is entitled to judgment against Defendants, Cluren K. Williams and Patsy Williams, in the amount of \$278.28, plus interest at the rate of 12 percent per annum from September 1, 1967, plus accrued court costs, but that such judgment would be 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, Herman Leroy Carroll, Helen Louise Carroll, and Patricia Lee Williams, in rem, and Eddie W. Melton and Joanne J. Melton, in personam, for the sum of \$5,945.65 with interest thereon at the rate of 5 1/4 percent per annum from June 3, 1974, plus ^{costs} the cost of this action accrued and accruing, plus any additional sums advanced or to be advanced or expended during this foreclosure action by Plaintiff for taxes, insurance, abstracting, or sums for the preservation of the subject property.)

IT IS FURTHER ORDERED, ADJUDGED AND DECREED that (De-
fendant, Oklahoma Tax Commission, in personam,
~~have and recover~~ judgment
against Defendants, Cluren K. Williams and Patsy Williams, in
the amount of \$278.28, plus interest at the rate of 12 percent
per annum from September 1, 1967, plus accrued court costs as of
the date of this judgment, 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 Defendants,
Household Finance Corporation, Cluren K. Williams, and Virgil D.
Williams.)

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, shall 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


STANLEY J. ALEXANDER
Attorney for Defendant,
Oklahoma Tax Commission

UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF OKLAHOMA

FILED

JUN 30 1975

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

 EDWIN YOUNGBLOOD, Regional Director of the
 Sixteenth Region of the National Labor
 Relations Board, for and on behalf of the
 NATIONAL LABOR RELATIONS BOARD,

 Petitioner,

 v.

 INTERNATIONAL BROTHERHOOD OF ELECTRICAL
 WORKERS, LOCAL NO. 584, AFL-CIO

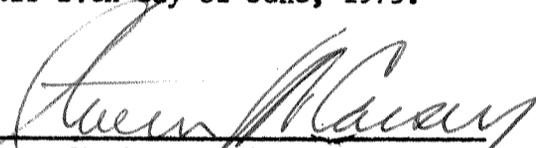
 Respondent.

Civil No. 75-C-127 ✓

NOTICE OF DISMISSAL PURSUANT TO RULE 41

PLEASE TAKE NOTICE that pursuant to Rule 41 of the Federal
Rules of Civil Procedure, the above-entitled ~~proceeding is~~ *cause of action & Complaint are* hereby
dismissed.

DATED at Fort Worth, Texas, this 27th day of June, 1975.


 Steven M. Carsey, Attorney
 National Labor Relations Board
 Region 16
 Room 8A24, Federal Office Building
 819 Taylor Street
 Fort Worth, Texas 76102

IT IS SO ORDERED - June 30, 1975.


 Allen E. Barrow
 United States District Judge

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FILED

JUN 30 1975

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

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

UNITED STATES OF AMERICA,)
)
 Plaintiff,)
 vs.)
)
 JAMES T. LATTY, ALMA SUE)
 LATTY, CREDIT PLAN, INC.,)
 now CREDIT PLAN OF OKLAHOMA)
 CITY, INC., a Corporation,)
 and C.I.T. CREDIT COMPANY,)
 a Corporation,)
 Defendants.)

CIVIL ACTION NO. 75-C-181

FILED
 JUN 30 1975
 Jack C. Silver, Clerk
 U. S. DISTRICT COURT

JUDGMENT OF FORECLOSURE

THIS MATTER COMES on for consideration this 30th
 day of June, 1975, the Plaintiff appearing by Robert P. Santee,
 Assistant United States Attorney, and the Defendants, James T.
 Latty, Alma Sue Latty, Credit Plan, Inc., now Credit Plan of
 Oklahoma City, Inc., a Corporation, and C.I.T. Credit Company,
 a Corporation, appearing not.

The Court being fully advised and having examined
 the file herein finds that Defendants, James T. Latty and Alma
 Sue Latty, were served with Summons and Complaint on May 20, 1975;
 that Defendant, Credit Plan, Inc., now Credit Plan of Oklahoma
 City, Inc., a Corporation, was served with Summons and Complaint
 on May 28, 1975; and that Defendant, C.I.T. Financial Services,
 was served with Summons and Complaint on May 27, 1975, all as
 appears from the U.S. Marshals Service herein.

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

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

Lot Two (2), in Block Forty-five (45), VALLEY VIEW ACRES SECOND ADDITION to the City of Tulsa, Tulsa County, Oklahoma, according to the recorded plat thereof.

THAT the Defendants, James T. Latty and Alma Sue Latty, did, on the 13th day of April, 1968, execute and deliver to the Administrator of Veterans Affairs, their mortgage and mortgage note in the sum of \$10,250.00 with 6 percent interest per annum, and further providing for the payment of monthly installments of principal and interest.

The Court further finds that Defendants, James T. Latty and Alma Sue Latty, made default under the terms of the aforesaid mortgage note by reason of their failure to make monthly installments due thereon for more than six 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 \$9,179.31 as unpaid principal with interest thereon at the rate of 6 percent per annum from December 13, 1974, until paid, plus the cost of this action accrued and accruing.

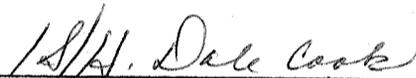
IT IS THEREFORE ORDERED, ADJUDGED AND DECREED that the Plaintiff have and recover judgment against Defendants, James T. Latty and Alma Sue Latty, in personam, for the sum of \$9,179.31 with interest thereon at the rate of 6 percent per annum from December 13, 1974, plus the cost of this action accrued and accruing, plus any additional sums advanced or to be advanced or expended during this foreclosure action by Plaintiff for taxes, insurance, abstracting, or sums for the preservation of the subject property.

IT IS FURTHER ORDERED, ADJUDGED AND DECREED that the Plaintiff have and recover judgment, in rem, against Defendants, Credit Plan, Inc., now Credit Plan of Oklahoma City, Inc., a Corporation, and C.I.T. Credit Company, a Corporation.

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, shall 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

bcs

Petitioner in his § 2255 motion contends that the sentence imposed by this Court on November 4, 1969, was illegal and has been fully served, and that said sentence should be set aside and that he should be released from custody.

The Court finds that the petitioner's allegations are without merit and that his motion should be denied and the cause dismissed.

18 U.S.C. § 3651, in paragraph two, provides:

Upon entering a judgment of conviction of any offense not punishable by death or life imprisonment, if the maximum punishment provided for such offense is more than six months, any court having jurisdiction to try offenses against the United States, when satisfied that the ends of justice and the best interest of the public as well as the defendant will be served thereby, may impose a sentence in excess of six months and provide that the defendant be confined in a jail-type institution or a treatment institution for a period not exceeding six months and that the execution of the remainder of the sentence be suspended and the defendant placed on probation for such period and upon such terms and conditions as the court deems best.

By the specific language of this section, a District Court is empowered to impose the sentence this defendant received. Further, a Court may place a prisoner on probation to commence during or after a period of incarceration, provided it takes effect at a fixed or clearly determinable time; and even though the computation of the beginning of the sentence here challenged may have been difficult to determine, it was not an impossibility. Therefore, the sentence clearly comports with the commands of 18 U.S.C. §§ 3568 and 3651.

IT IS, THEREFORE, ORDERED that the § 2255 motion of Harold Loyd Joyce be and it is hereby overruled and denied and the cause is dismissed.

Dated this 27th day of June, 1975, at Tulsa, Oklahoma.


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

On April 6, 1970, Charles Sequoyah Guess, instituted an action against General American Life Insurance Company in the District Court of Delaware County, Oklahoma. The ultimate issue in that case was whether or not General American Life Insurance Company had wrongfully terminated payment of disability benefits to Charles Sequoyah Guess.

Thereafter, and on April 28, 1970, said case was properly removed to this Court and assigned number 70-C-137. General American Life Insurance Company filed its answer on May 19, 1970. On June 1, 1970, Charles Sequoyah Guess propounded certain interrogatories to General American Life Insurance Company. On June 15, 1970, General American Life Insurance Company obtained an extension until June 29, 1970, to answer those interrogatories, and thereafter and on that date said interrogatories were answered and filed.

On July 13, 1970, Charles Sequoyah Guess, by and through his attorney, Stuart Trapp, sought an extension from July 12, 1970, until August 31, 1970, within which to file a Pre-Trial Order. On July 24, 1970, such extension was granted. On September 1, 1970, Charles Sequoyah Guess filed his Proposed Pre-Trial Order and General American Life Insurance Company files its Proposed Pre-Trial Order.

On September 3, 1970, Charles Sequoyah Guess filed additional interrogatories.

On September 4, 1970, General American Life Insurance Company propounded its First Set of Interrogatories to Charles Sequoyah Guess.

On October 1, 1970, General American Life Insurance Company filed its Answers to Charles Sequoyah Guess' Interrogatories Continued.

On October 9, 1970, Charles Sequoyah Guess filed objections to all of the interrogatories previously submitted to him by General American Life Insurance Company.

On October 13, 1970, General American Life Insurance Company filed a Motion to Dismiss or to Invoke Sanctions, based

on the refusal of Charles Sequoyah Guess to answer submitted Interrogatories. On the same date, Charles Sequoyah Guess filed his Request to Produce.

On November 12, 1970, General American Life Insurance Company filed its Response to Request to Produce, stating that the documents sought were available to Charles Seuoyah Guess' counsel for purposes of inspection and/or copying.

On December 11, 1970, the Court overruled General American Life Insurance Company's Motion to Dismiss, based on an order of the Court entered the same day sustaining in part and overruling in part the objections to interrogatories, and ordering Charles Sequoyah Guess to answer the interrogatories within 20 days from December 11, 1970. On December 31, 1970, Charles Sequoyah Guess filed his answers to interrogatories.

On February 1, 1971, Stuart Trapp filed his Application to Withdraw as Counsel for Charles Sequoyah Guess. The basis for such application was that he was not retained but was representing Charles Sequoyah Guess as an attorney provided by the Original Cherokee Community Organization Legal Services Program, and was seeking permission to withdraw as counsel "for the reason that said Charles Sequoyah Guess had failed to cooperate, and for the further reason that said Charles Sequoyah Guess had requested that said counsel withdraw." On February 4, 1971, the Court entered its order allowing Stuart Trapp to withdraw and ordering Charles Sequoyah Guess to secure new counsel and furnish the name of such counsel to the Clerk within 10 days from February 4, 1971.

The ten days passed and Charles Sequoyah Guess had not complied with the order of the Court.

On February 26, 1971, the Court entered the following order:

"SUA SPONTE, the Court finds:

"That heretofore and on the 4th day of February, 1971, Stuart Trapp was allowed to withdraw as counsel for the plaintiff, Charles Sequoyah Guess, by order of the Court. That in said order the plaintiff, Charles Sequoyah Guess was ordered to secure new counsel and furnish the name of such counsel to the Clerk of this Court within 10 days of that date.

"That the plaintiff has failed to comply with the order of the Court.

"That in the exercise of the Court's inherent power to facilitate the orderly process of cases on its docket, and in view of the fact that the record reflects that plaintiff has failed to prosecute the instant action by failing to comply with the order of this Court entered February 4, 1971.

"IT IS ORDERED that the complaint and cause of action be and the same is hereby dismissed for failure to prosecute by failing to comply with the order of this Court."

On March 11, 1971, for the first time, Dennis J. Downing, as attorney for Charles Sequoyah Guess, files a Motion to Reinstate Complaint. On April 2, 1971, the Court entered its order overruling said motion.

No appeal was ever taken in civil number 70-C-137.

On or about the first day of October, 1971, Charles Sequoyah Guess died and the defendant herein was subsequently appointed Administratrix of his estate. In December of 1971, Lylie Guess, acting in her capacity as Administratrix of Charles Sequoyah Guess' estate, filed Civil Action No. C-71-171 in the District Court of Delaware County, State of Oklahoma, against General American Life Insurance Company to recover upon the same insurance policy which was the basis of the earlier action by Mr. Guess in this Court. General American Life Insurance Company, in its answer in the case in the District Court of Delaware County, averred to the dismissal of the earlier action by this Court and pleaded the affirmative defense of res judicata. This defense was stricken from its Answer upon motion of the plaintiff therein.

The plaintiff, in cause number 70-C-137 in this Court was Charles Sequoyah Guess; the plaintiff in cause number C-71-171 in the District Court of Delaware County is his personal representative, the Administratrix of his estate.

The defendant in cause number 70-C-137 in this Court was General American Life Insurance Company; the defendant in cause number C-71-171 in the District Court of Delaware County is General American Life Insurance Company.

The ultimate issue in cause number 70-C-137 was whether or not General American Life Insurance Company had wrongfully terminated payment of disability benefits to Charles Sequoyah Guess. The ultimate issue in cause number C-71-171 is the same.

The question to be resolved by this Court in the instant litigation is whether the prior dismissal by this Court for failure to prosecute by obeying the order of the Court is re judicata of the litigation now pending in the District Court of Delaware County in cause number C-71-171. Such plea has been raised in the State Court proceeding and rejected. If this Court determines that such dismissal is in fact res judicata, then the Court does have jurisdiction under 28 U.S.C.A Section 2283, as follows:

"A court of the United States may not grant an injunction to stay proceedings in a State Court except as expressly authorized by Act of Congress, or where necessary in aid of its jurisdiction, or to protect or effectuate its judgments."

Rule 41(b) of the Federal Rules of Civil Procedure, provides, in part:

"(b) For failure of the plaintiff to prosecute or to comply with these rules or any order of court, a defendant may move for dismissal of an action or of any claim against him. ***Unless the court in its order for dismissal otherwise specifies, a dismissal under this subdivision and any dismissal not provided for in this rule, other than a dismissal for lack of jurisdiction, for improper venue, or for failure to join a party under Rule 19, operates as an adjudication upon the merits."

Defendant cites to the case of Mann v. Merrill Lynch, Pierce, Fenner and Smith, Inc. (5th CCA, 1973) 488 F.2d 75 in support of her position that the prior dismissal is not res judicata. This case involved an appeal dismissing the complaint under the doctrine of res judicata. The Court held that dismissal of the complaint in a prior action upon plaintiff's failure to amend following dismissal for want of allegations establishing diversity jurisdiction was not a dismissal on the merits and did not bar a subsequent suit. In other words, the Court held that the case fell within one of the three exceptions provided by Rule 41(b)---"Jurisdiction".

The Supreme Court of the United States discussed Rule 41(b) in Costello v. United States (1961) 365 U.S. 265, 286:

"We do not discern in Rule 41(b) a purpose to change the common-law principle with respect to dismissals in which the merits could not be reached for failure of the plaintiff to satisfy a precondition. All of the dismissals enumerated in Rule 41(b) which operate as adjudications on the merits---failure of the plaintiff to prosecute, or to comply with the Rules of Civil Procedure, or to comply with an order of the Court, or to present evidence showing a right to the relief on the facts and the law---primarily involve situations in which the defendant must incur the inconvenience of preparing to meet the merits because there is no initial bar to the Court's reaching them. It is therefore logical that a dismissal on one of these grounds should, unless the Court otherwise specifies, bar a subsequent action. In defining the situations where dismissals 'not provided for in this rule' also operate as adjudications on the merits, and are not to be deemed jurisdictional, it seems reasonable to confine them to those situations where the policy behind the enumerated grounds is equally applicable. Thus a sua sponte dismissal by the Court for failure of the plaintiff to comply with an order of the Court should be governed by the same policy. Although a sua sponte dismissal is not an enumerated ground, here too the defendant has been put to the trouble of preparing his defense because there was no initial bar to the Court's reaching the merits. See United States v. Procter & Gamble Co. 356 U.S. 677, 680, and footnote 4; American Nat. Bank & Trust Co. v. United States, 142 F.2d 571." (Emphasis supplied)

See also Rinehart v. Locke (7th CCA, 1971) 454 F.2d 313, which states:

"It has been held that the list in Rule 41(b) of types of dismissal which are not presumptively adjudications on the merits is not exclusive, and that the situations where dismissals not provided

for in Rule 41 are to operate as adjudication on the merits are those 'in which the defendant must incur the inconvenience of preparing to meet the merits because there is no initial bar to the Court's reaching them.' ***."

There is no case law under this particular statute involved which requires plaintiff to show irreparable harm.

The Court further finds that the mere fact that the plea of res judicata was raised in the State Court proceeding and was stricken from the answer of the defendant, plaintiff in this litigation, does not constitute a final judgment as required by the doctrine of res judicata. Such order striking is interlocutory in nature. 50 C.J.S., Judgments, Section 620.

The Court finds that General American Life Insurance Company is entitled to a injunction enjoining Lyle Guess, Administratrix of the Estate of Charles Sequoyah Guess, and all persons acting by or on her behalf from further prosecution of that certain action styled "Lylie Guess, Administratrix of the Estate of Charles Sequoyah Guess v. General American Life Insurance Company", No. C-71-171, in the District Court of Delaware County, Oklahoma.

ENTERED this 25th day of June, 1975.



CHIEF UNITED STATES DISTRICT JUDGE

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

JOSEPH A. SUITS,)
)
Petitioner,)
)
vs.)
)
STATE OF OKLAHOMA, ET AL.,)
)
Respondents.)

75-C-115

FILED
JUN 25 1975
Jack C. Silver, Clerk
U. S. DISTRICT COURT

ORDER

This is a proceeding brought pursuant to the provisions of Title 28 U.S.C. §2254 by a state prisoner confined in the Oklahoma State Penitentiary at McAlester, Oklahoma. Petitioner attacks the validity of the judgment and sentence rendered and imposed by the District Court in and for Tulsa County, Oklahoma on the 7th day of December 1970. After a plea of not guilty in Case No. CRF-70-523 the petitioner was found guilty by a jury of the crime of robbery with firearms and sentenced to an indeterminate term of confinement of not less than 30 years or more than 90 years.

The petitioner appealed the judgment and sentence to the Court of Criminal Appeals of the State of Oklahoma and said judgment and sentence were affirmed. Suits vs. State of Oklahoma, 507 P.2d 1261.

The file reflects that petitioner has exhausted the remedies available to him in the courts of the State of Oklahoma.

Petitioner's application to proceed in forma pauperis is supported by instruments sufficient to satisfy the requirements of Title 28 U.S.C. §1915(a) and was allowed by Order of this Court made and entered on the 28th day of March, 1975.

Petitioner demands his release from custody and as grounds therefor alleges that he is being deprived of his liberty in violation of his rights under the provisions of the Constitution of the United States of America. In particular, petitioner claims:

- 1) That a state witness (Dr. Bedford F. Peterson) who testified at petitioner's jury trial on

question of sanity and at petitioner's trial for the crime of robbery with firearms falsely certified as to his opinion of petitioner's sanity.

This allegation was fully treated and determined adversely to petitioner's contention by the Court of Criminal Appeals of the State of Oklahoma in Suits vs. State of Oklahoma, supra. The record discloses that Dr. Peterson testified that at one time he had thought that petitioner was insane and he so advised the court by letter. The witness further testified that subsequently he changed his mind and stated that in his opinion the petitioner was psychopathic and a malingerer. At petitioner's trial, the petitioner testified in his own behalf and his testimony was a long oration of his life, but was supportive of the facts concerning the commission of the acts constituting the offense for which he was charged. He testified that he did not know why he pulled the gun on Mrs. Walker and that he shot her because she was screaming. Suits vs. State of Oklahoma, supra.

In Hurt vs. Page, 355 F.2d 169 (10th Cir. 1966), the court stated:

"These issues have been squarely presented to the Oklahoma courts in post-conviction proceedings and both factual issues have been decided adversely to appellant's contention . . . In such cases the Federal District Court may refuse to re-litigate the factual issues, and when the District Judge concludes that the habeas applicant was afforded a full and fair hearing by the state court resulting in reliable findings, he may, and ordinarily should accept the facts as found in the hearing."

- 2) That he was illegally extradicted and denied the right of counsel.

This allegation is without merit. Irregularities in extradition proceedings are not grounds for issuance of writ of habeas corpus. Alden vs. State of Montana, 345 F.2d 530 (9th Cir. 1965).

Even though prisoner confined in a penitentiary for armed robbery, may have been illegally extradicted, such illegality did not constitute sufficient grounds for release by habeas corpus. Nelson vs. Sacks, 290 F.2d 604 (6th Cir. 1961), Cert. Den. 82 S. Ct. 244, 368 U.S. 921, 7 L. Ed. 2d 136.

Habeas corpus is the proper process for testing the validity of the arrest and detention of a fugitive by the authorities of the asylum state for extradition purposes but a petition for a writ for that purpose tests only that detention and does not test validity of original or contemplated incarceration in demanding state.

Johnson vs. Matthews, 182 F.2d 677 (C.A. D.C. 1951), Cert. Den. 71 S. Ct. 65, 340 U.S. 828, 95 L. Ed. 608.

- 3) The witness, Dr. Peterson, committed perjury.

This allegation is not supported by the record and there is no showing that any perjured testimony was knowingly used by the prosecution. Writ of habeas corpus should not be granted by a federal court on grounds that false and perjured testimony was used in criminal prosecution in state court, unless it is shown that such testimony was knowingly used by a prosecuting officer. Wild vs. State of Oklahoma, 187 F.2d 409 (10th Cir. 1951).

- 4) That the trial court erred in admitting testimony of Mary Walker that she was raped.

This allegation is without merit. Alleged error in admission of evidence in prosecution in state court was cognizable only on direct appeal and not on collateral attack in habeas corpus proceeding. Ellis vs. Raines, 294 F.2d 414 (10th Cir. 1961), Cert. Den. 82 S. Ct. 628, 368 U.S. 1000, 7 L. Ed. 2d 538. Trial errors such as erroneous admission of evidence cannot afford basis for collateral attack on state conviction in a federal habeas corpus proceeding. Cassell vs. People of the State of Oklahoma, 373 F. Supp. 815 (E. D. Okla. 1973); Carillo vs. United States, 332 F.2d 202 (10th Cir. 1964).

- 5) That the trial court erred in admitting certain photographs in evidence.

This allegation is wholly without merit. See Ellis vs. Raines, supra, and Cassell vs. State of Oklahoma, supra.

- 6) The petitioner was denied a copy of the trial transcript.

This allegation is without merit. Denial of request by a state prisoner, who sought federal habeas corpus relief, to obtain copy of his trial transcript was not error, in that prisoner, if he established his right to a direct appeal, should have then directed such request to appropriate state court. Jackson vs. Wainwright, 450 F.2d 289 (5th Cir. 1971), Cert. Den. 92 S. Ct. 1912, 405 U.S. 1068, 31 L. Ed.2d 799.

- 7) Petitioner alleges that he was denied the right to petition court for post-conviction relief.

This allegation is without merit and is not supported by the record. The record discloses that petitioner filed an application for post-conviction relief in the District Court of Tulsa County, Oklahoma on December 11, 1974. On February 1, 1975 the District Court of Tulsa County entered its order denying said application. On March 13, 1975 the Court of Criminal Appeals of the State of Oklahoma entered its order affirming the denial of said application by the District Court of Tulsa County, Oklahoma.

The transcript and record in Case No. CRF-70-523 in the District Court in and for Tulsa County, Oklahoma conclusively shows that petitioner is not entitled to relief. Therefore, there is no necessity for this Court to hold an evidentiary hearing. Semet vs. United States, 369 F.2d 90 (10th Cir. 1966).

On April 18, 1975 the petitioner filed 1) a motion for subpoena of witnesses, and 2) motion to file evidence. Petitioner's first motion, as a result of the finding of this Court as hereinafter stated, is moot and the same is hereby denied. Petitioner's second motion is denied and the Clerk of the Court is directed to return same, together with instruments thereto attached, to the petitioner. Petitioner's application to file said instruments in forma pauperis is hereby granted.

For the reasons herein stated, the petition for writ of habeas corpus will be denied.

IT IS SO ORDERED.

Dated this 25th day of June 1976

H. Dale Cook
H. DALE COOK
UNITED STATES DISTRICT JUDGE

UNITED STATES DISTRICT COURT FOR THE
NORTHERN DISTRICT OF OKLAHOMA

E I L E D

JUN 24 1975

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

United States of America,)	
)	
Plaintiff,)	
)	
vs.	)	CIVIL ACTION NO. 74-C-589
)	
104.10 Acres of Land, More or	)	Tracts Nos. 2322ME, 2323ME,
Less, Situate in Osage County,	)	2326ME and 2327ME
State of Oklahoma, and Phillips)	)	(Oil Leasehold Interest Only)
Petroleum Company, et al., and)	
Unknown Owners,)	
)	
Defendants.	)	(Included in D.T. Filed in Master File #317-496)

J U D G M E N T

1.

NOW, on this 24 day of June, 1975, this matter comes on for disposition on application of Plaintiff, United States of America, for entry of judgment on a stipulation agreeing upon just compensation, and the Court, after having examined the files in this action and being advised by counsel for Plaintiff, finds:

2.

This judgment applies to the entire estate condemned in the tracts enumerated in the caption above, as such estate and tracts are described in the Complaint filed in this action.

3.

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

4.

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

5.

The Acts of Congress set out in paragraph 2 of the Complaint herein give the United States of America the right, power, and authority to condemn for public use the estate described above in paragraph 2. Pursuant thereto, on December 13,

1974, the United States of America filed its Declaration of Taking of such described property, and title to the described estate in such property should be vested in the United States of America as of the date of filing such Declaration of Taking.

6.

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

7.

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

8.

The owners of the subject property and the United States of America have executed and filed herein a Stipulation As To Just Compensation wherein they have agreed that just compensation for the estate condemned in subject tracts is in the amount shown as compensation in paragraph 11 below, and such Stipulation should be approved.

9.

It Is, Therefore, ORDERED, ADJUDGED, and DECREED that the United States of America has the right, power, and authority to condemn for public use the tracts named in paragraph 2 herein, as such tracts are particularly described in the Complaint filed herein; and such tracts, to the extent of the estate described in such Complaint, are condemned, and title to such described estate is vested in the United States of America as of December 13, 1974, and all defendants herein and all other persons interested in such estate are forever barred from asserting any claim to such property.

It Is Further ORDERED, ADJUDGED, and DECREED that on the date of taking, the owners of the estate condemned herein in subject tracts were the defendants whose names appear below in paragraph 11 and the right to receive the just compensation for the estate taken herein in these tracts is vested in the parties so named.

11.

It Is Further ORDERED, ADJUDGED, and DECREED that the Stipulation As To Just Compensation described in paragraph 8 above, hereby is confirmed; and the sum therein fixed is adopted as the award of just compensation for the estate condemned in subject tracts as follows:

TRACTS NOS. 2322ME, 2323ME, 2326ME
and 2327ME

Owners: (Of the North Burbank Unit and thus owners of the estate taken in subject tracts.)

- Royal Oil & Gas Corporation
- Phillips Petroleum Company
- Skelly Oil Company
- Continental Oil Company
- Cities Service Oil Company
- Sun Oil Company
- Atlantic Richfield Company
- Marathon Oil Company
- Texaco, Inc.
- Kewanee Oil Company
- Gulf Oil Corporation
- Sohio Petroleum Company
- Colonial Royalties Company, a Delaware Corp.
- Oil & Gas Property Management, Inc.
- Raymond F. Kravis
- A. Jeb Lewis Corporation
- Rita L. Rand
- Josephine L. Stayman
- Marilyn L. Krulwich
- Bankers Trust Co., Trustee for Marion A. Janson
- Bankers Trust Co., Trustee for Dorothy A. Turk
- Nathan Appleman & Bankers Trust Co., Trustees for the benefit of Nathan Appleman

As shown in the stipulation described above in paragraph 8, these owners have authorized Phillips Petroleum Company, as unit operator of the North Burbank Unit, to accept payment of the subject award on behalf of all the owners.

Award of just compensation pursuant to Stipulation -----	\$4,714.00	\$4,714.00
Deposited as estimated compensation --	<u>\$4,714.00</u>	
Disbursed (to Phillips Petroleum Company as Unit Operator, for the use and benefit of all the owners) -----		<u>\$4,714.00</u>

APPROVED:

HUBERT A. MARLOW
Assistant U. S. Attorney

UNITED STATES DISTRICT JUDGE

FILED

UNITED STATES DISTRICT COURT FOR THE
NORTHERN DISTRICT OF OKLAHOMA

JUN 24 1975

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

United States of America,)	
)	
Plaintiff,)	
)	
vs.	)	CIVIL ACTION NO. 74-C-584
)	
88.00 Acres of Land, More or	)	Tract No. 2324ME
Less, Situate in Osage County,	)	(<u>Oil</u> Leasehold Interest Only)
State of Oklahoma, and Phillips))	
Petroleum Company, et al., and))	
Unknown Owners,)	
)	
Defendants.	)	(Included in D.T. Filed in Master File #317-496)

J U D G M E N T

1.

NOW, on this 24 day of June, 1975, this matter comes on for disposition on application of Plaintiff, United States of America, for entry of judgment on a stipulation agreeing upon just compensation, and the Court, after having examined the files in this action and being advised by counsel for Plaintiff, finds:

2.

This judgment applies to the entire estate condemned in Tract No. 2324ME, as such estate and tract are described in the Complaint filed in this action.

3.

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

4.

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

5.

The Acts of Congress set out in paragraph 2 of the Complaint herein give the United States of America the right, power, and authority to condemn for public use the estate described above in paragraph 2. Pursuant thereto, on December 13,

1974, the United States of America filed its Declaration of Taking of such described property, and title to the described estate in such property should be vested in the United States of America as of the date of filing such Declaration of Taking.

6.

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

7.

On the date of taking in this action, the owner of the estate taken in subject tract was the defendant whose name is shown below in paragraph 11. Such named defendant is the only person asserting any interest in the estate taken in such tract. All other persons having either disclaimed or defaulted, such named defendant is entitled to receive the just compensation awarded by this judgment.

8.

The owner of the subject property and the United States of America have executed and filed herein a Stipulation As To Just Compensation wherein they have agreed that just compensation for the estate condemned in subject tract is in the amount shown as compensation in paragraph 11 below, and such Stipulation should be approved.

9.

It Is, Therefore, ORDERED, ADJUDGED, and DECREED that the United States of America has the right, power, and authority to condemn for public use the tract named in paragraph 2 herein, as such tract is particularly described in the Complaint filed herein; and such tract, to the extent of the estate described in such Complaint, is condemned, and title to such described estate is vested in the United States of America as of December 13, 1974, and all defendants herein and all other persons interested in such estate are forever barred from asserting any claim to such property.

10.

It Is Further ORDERED, ADJUDGED, and DECREED that on the date of taking, the owner of the estate condemned herein in subject tract was the defendant whose name appears below in paragraph 11 and the right to receive the just compensation for the estate taken herein in this tract is vested in the party so named.

11.

It Is Further ORDERED, ADJUDGED, and DECREED that the Stipulation As To Just Compensation described in paragraph 8 above, hereby is confirmed; and the sum therein fixed is adopted as the award of just compensation for the estate condemned in subject tract as follows:

TRACT NO. 2324ME

Owner: (Of estate taken in this case)
Phillips Petroleum Company

Award of just compensation		
Pursuant to Stipulation -----	\$5,490.00	\$5,490.00
Deposited as estimated compensation	\$5,490.00	
Disbursed to owner -----		<u>\$5,490.00</u>

/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

EDWARD JOSEPH PEPPERS,)
)
 Petitioner,)
)
 -vs-) No. 75-C-122
)
 STATE OF OKLAHOMA, ET AL.,)
)
 Respondents.)

FILED
JUN 24 1975

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

O R D E R

This is a proceeding brought pursuant to the provisions of Title 28 U.S.C. §2254 by a state prisoner confined in the Oklahoma State Penitentiary at McAlester, Oklahoma. Petitioner attacks the validity of the judgment and sentence rendered and imposed by the District Court in and for Tulsa County, Oklahoma on the 25th day of January, 1971 in Case No. CRF-70-1939. After a plea of not guilty, the petitioner was found guilty by a jury of the crime of second degree burglary after former conviction of a felony; his punishment was fixed at a term of not less than 20 nor more than 60 years imprisonment.

The petitioner perfected a timely appeal to the Court of Criminal Appeals of the State of Oklahoma. The judgment and sentence was affirmed by the Court of Criminal Appeals. Peppers v. State of Oklahoma, 489 P.2d 773.

Petitioner sought post-conviction relief in the District Court of Tulsa County, Oklahoma and relief was denied by the Court on the 10th day of February, 1975. The judgment denying post-conviction relief by the District Court of Tulsa County, Oklahoma was affirmed by the Court of Criminal Appeals of the State of Oklahoma.

Petitioner alleges that he has exhausted the remedies available to him in the courts of the State of Oklahoma.

Petitioner's application for leave to file his petition for writ of habeas corpus in forma pauperis was granted by Order of this Court made and entered on the 3rd day of April, 1975.

Petitioner demands his release from custody and as grounds therefor alleges that he is being deprived of his liberty in violation of his rights under the Fifth, Sixth, Eighth and Fourteenth Amendments to the Constitution of the United States of America. In particular, petitioner claims:

- 1) That he was denied effective assistance of counsel;
- 2) Prejudicial remarks and statements made by the prosecutor in his closing argument;
- 3) Statements concerning former conviction; alleged statement of state witness as to persons seen leaving the scene of the crime; and
- 4) Insufficiency of evidence to sustain verdict of guilty of crime charged. That prosecution failed to sustain charge of former conviction of a felony.

Petitioner's first three allegations are bold conclusions unsupported by any factual allegations whatsoever. Therefore, they are legally insufficient and may be denied without a hearing. Martinez v. United States, 344 F.2d 325 (10th Cir. 1965).

Petitioner's fourth allegation is without merit, and is not sustained by the record, and should, therefore, be denied. Sufficiency of evidence to support a state conviction raises no factual constitutional question, and cannot be considered in federal habeas corpus proceedings by a state prisoner. Sinclair v. Turner, 447 F.2d 1158 (10th Cir. 1971). Addressing petitioner's allegation concerning question of former conviction of felony, the record discloses that petitioner, testifying in his own behalf, admitted four previous felony convictions. Peppers v. State of Oklahoma, Supra. Petitioner in his application for writ stated that at sentencing he was represented by counsel and does not allege a failure of proper notice. The

record discloses that petitioner was charged and convicted of the crime of second degree burglary after former conviction of a felony. Where record showed that a state prisoner was notified in writing that evidence would be offered and the court requested to sentence prisoner as a habitual criminal and prisoner was present in open court with his counsel when the prosecution introduced exhibits which would reveal prisoner's prior felony convictions, and the court found that prisoner had been previously convicted of not less than five felonies and there was nothing in the record to show that prisoner denied such prior convictions or that he was not the same person described in the exhibits, prisoner would not be deemed to have been denied due process of law on theory he was brought before the court and sentenced as a habitual criminal without notice. That the habitual criminal statute would be involved, and without an additional hearing to determine whether he was subject to provisions of the statute. Johnson v. State of Kansas, 284 F.2d 344 (10th Cir. 1960).

Even prior notice of a hearing that provisions of the habitual criminal statute were to be invoked against prisoner was not given, in view of fact prisoner was present at the hearing with counsel, and no contention was made that he did not have full opportunity to be heard on all matters under consideration and to controvert the allegations that he had been convicted of previous felonies which made him subject to the penalties of the habitual criminal statute, he would not be deemed to have been deprived of due process. Browning v. Hand, 284 F.2d 346 (10th Cir. 1960), Cert. Den. 82 S. Ct. 833, 369 U.S. 821, 7 L. Ed. 2d 786.

The transcript and record in Case No. CRF-70-1939 in the District Court in and for Tulsa County, Oklahoma conclusively shows that the petitioner is not entitled to relief. Therefore, there is no necessity for this Court to hold an evidentiary hearing. Semet v. United States, 369 F.2d 90 (10th Cir. 1966).

IT IS, THEREFORE, ORDERED that the petition filed herein be denied and the case dismissed.

Dated this 24th day of June, 1975.



H. DALE COOK
United States District Judge

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

JUNIOR ACHIEVEMENT, INC., a)
Massachusetts Corporation,)
)
Plaintiff,)
)
vs.)
)
COMMUNITY RESOURCES CORPORATION,)
an Oklahoma Corporation, and)
THOMAS L. MYERS,)
)
Defendants.)

No. 75-C-8

FILED

JUN 24 1975

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

ORDER OF PERMANENT INJUNCTION

This matter having come before the Court on the Plaintiff's Motion for Summary Judgment, the Plaintiff being present by its attorneys, Doerner, Stuart, Saunders, Daniel & Langenkamp and R. Dobie Langenkamp and Sam G. Bratton, and the Defendant being represented by their attorney, Craig R. Tweedy; the Court having read the briefs submitted by the parties, having heard argument of counsel and having reviewed the pleadings, depositions on file, exhibits to the pleadings and briefs and other matters of record and being otherwise fully advised in the premises, finds:

1. That this is an action in copyright infringement and this Court has jurisdiction of the subject matter and of the parties.

2. That the Plaintiff's Junior Achievement Company Manual is protected by a valid copyright under the copyright laws of the United States, that the Plaintiff is in full compliance with said copyright laws and that the Defendants' Action Company Guide has infringed the Plaintiff's copyright by plagiarizing and copying from the text of Junior Achievement Company Manual.

3. That the Defendants should be permanently enjoined from infringing the Plaintiff's copyright in any manner and from publishing, distributing, selling, marketing, utilizing or otherwise disseminating copies of the book entitled "Action Company Guide", or any portions thereof, the subject matter of the Complaint herein.

4. That there are no unresolved questions of fact and that this matter may be resolved as a matter of law.

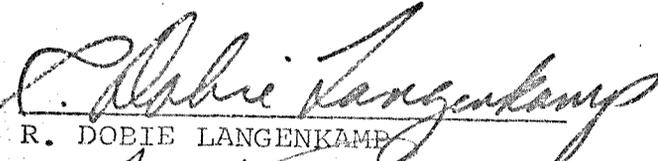
5. That the parties have agreed that should the Defendants, or either of them, desire to publish, distribute, sell, market, utilize, or otherwise disseminate a publication similar to the Action Company Guide, or any rights thereto, that said Defendants, or either of them, will first seek the approval of counsel for the Plaintiff; if agreement on such future publication, distribution, sale, marketing, utilization or dissemination shall not be reached between the parties and the Defendants, or either of them, elect to proceed, the Plaintiff may elect to file in the proper United States District Court an application for a contempt citation or an action in copyright infringement whereupon the Court may elect to appoint a Special Master to determine the issue of infringement damages and such other issues as might be necessary.

IT IS THEREFORE ORDERED, ADJUDGED AND DECREED that the Defendants, Community Resources Corporation and Thomas L. Myers, and each of them, be, and they hereby are permanently enjoined and restrained from publishing, selling, marketing, utilizing, or otherwise disseminating any copies of the book entitled Action Company Guide, the subject matter of the Complaint herein, or portions thereof, and from infringing the copyright of Plaintiff's Junior Achievement Company Manual in any manner, and that the Defendants shall destroy or deliver to the Plaintiff for destruction all copies of the infringing publication "Action Company Guide".

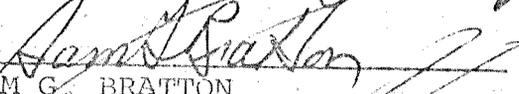


ALLEN E. BARROW
United States District Judge

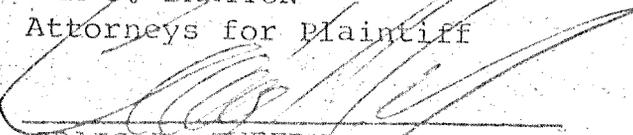
APPROVED:



R. DOBIE LANGENKAMP



SAM G. BRATTON
Attorneys for Plaintiff



CRAIG R. TWEEDY

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

BRENT V. FIELDS,)
)
) Petitioner,)
vs.)
)
) RICHARD CRISP, Warden, Oklahoma)
) State Penitentiary, et al.,)
) Respondents.)

NO. 74-C-604

FILED

JUN 23 1975

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

O R D E R

The Court has for consideration the pro se, in forma pauperis petition for writ of habeas corpus pursuant to 28 U.S.C. § 2254 of Brent V. Fields. The petitioner is a prisoner confined in the Oklahoma State Penitentiary, McAlester, Oklahoma, serving a sentence of 20 years imprisonment imposed April 10, 1972, following conviction by jury in the Tulsa County District Court of burglary in the second degree after former conviction of a felony in Case No. CRF-72-119.

Petitioner alleges and respondent admits that petitioner has exhausted his state remedies by direct appeal in Case No. A-17765 wherein the Oklahoma Court of Criminal Appeals affirmed the conviction and sentence, and by post-conviction proceeding denied by the District Court of Tulsa County and affirmed by the Oklahoma Court of Criminal Appeals in Case No. PC-74-699.

Petitioner asserts that he was denied his rights against unlawful search and seizure, self-incrimination, due process and equal protection of the law guaranteed by the Constitution of the United States in that his motion to suppress the evidence of his fingerprints, taken while he was under arrest and confined in the Tulsa County Jail, was overruled and a Tulsa Police Officer was allowed to testify against him at trial regarding such evidence.

The Court having reviewed the file, including the petition, response, and the State trial transcript pertaining to the challenged testimony, and being fully advised in the premises finds that an evidentiary hearing is not required, that the petitioner's allegations are without merit, and that the petition for writ of habeas corpus should be denied and the cause dismissed.

The Court finds that the defendant was under lawful arrest at the time his fingerprints were taken. His constitutional rights against unlawful search and seizure and self incrimination were not violated when his fingerprints were taken a second time in absence of his counsel and used at trial as a basis for comparison with fingerprints found on a television he was charged with stealing. Schmerber v. California, 384 U. S. 757, 764 (1966); Davis v. Mississippi, 394 U. S. 721 (1969); and United States v. DePalma, 414 F.2d 394 (9th Cir. 1969) cert. denied 396 U. S. 1046.

IT IS, THEREFORE, ORDERED that the petition for writ of habeas corpus of Brent V. Fields be and it is hereby denied and the cause dismissed.

Dated this 23rd day of June, 1975, at Tulsa, Oklahoma.


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

IEU 31b
6/20/75

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

CHARLES A. LEWIS,
Plaintiff,

vs.

CAROL LEWIS, et al.,
Defendants.

)
)
)
)
)
)
)
)
)
)

NO. 74-C-7

FILED

JUN 20 1975

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

J U D G M E N T

NOW, on this 20th day of June, 1975, there came on for

hearing before the undersigned Chief United States District Judge for the Northern District of Oklahoma the above styled and numbered litigation, and in which involved an Offer of Judgment heretofore filed in this proceeding by the Defendants and an Acceptance of the same filed in this proceeding by counsel of record for the Plaintiff; the said Plaintiff appearing by his attorneys of record, Irvine E. Ungerman and Leslie L. Conner, Jr., and the Court having been requested by telegram to continue the matter to a future date by other counsel than counsel of record for the Plaintiff finds that said request for a continuance should be denied by virtue of the fact that this cause has been previously set for a hearing on two separate occasions, and that no good reason exists for a continuance of the same, and the Court directed that said hearing proceed.

Thereupon and in open court, counsel of record for the Plaintiff introduced into evidence the testimony of witnesses sworn and examined in open court, and there being no testimony offered in opposition to the Offer of Judgment under Rule 68 of the Federal Rules of Civil Procedure or to the Acceptance of Offer of Judgment, and the Court further finding that the Plaintiff in this action has heretofore and on the 6th day of September, 1974, assigned all of his interest in the legacy involved in this litigation to the Banco de Londres y Mexico, S. A., and the Court having heard the testimony of Milton Milkes, attorney for said assignee, and being well and sufficiently advised in the premises finds that the Offer of Judgment interposed and filed herein by the Defendants, and which has been accepted by the Acceptance filed herein on June 6, 1975, on behalf of Plaintiff, should be approved by this Court, and judgment rendered accordingly.

IT IS THEREFORE ORDERED, ADJUDGED AND DECREED BY THIS COURT that the Plaintiff, Charles A. Lewis, do have and recover a judgment of and against the Defendants, Carol Lewis, Bobby DeWayne Lewis, and Carol Lewis,

LAW OFFICES
UNGERMAN,
GRABEL &
UNGERMAN

SIXTH FLOOR
WRIGHT BUILDING
TULSA, OKLAHOMA

Administratrix with Will Annexed for the Estate of Cora B. Lewis, in the sum of \$25,000.00 to be paid by said Defendants on December 1, 1975, in the following amounts and to the following entities, to-wit:

1. To the Plaintiff, Charles A. Lewis, the sum of \$1,000.00;
2. To the law firms of Conner, Little & Conner and Ungerman, Grabel & Ungerman the sum of \$9,520.00; and
3. To the Banco de Londres y Mexico, S. A. the sum of \$14,480.00,

and that said sums be paid to said parties on or before the 1st day of December, 1975; but, in the event that a Final Decree of Distribution is entered in the Estate of Joe Claude V. Lewis in Cause No. P-73-164 pending in the District Court of Ottawa County, Oklahoma, prior to said December 1, 1975, that the judgment entered herein shall be paid forthwith upon said Final Decree of Distribution being entered in said proceeding.

Allen E. Bonaw

Chief United States District Judge

APPROVED:

CONNER, LITTLE & CONNER
UNGERMAN, GRABEL & UNGERMAN

By *[Signature]*
Attorneys for Plaintiff

Milton Milkes
Milton Milkes
Attorney for Banco de Londres y Mexico, S. A.

[Signature]
Phil Frazier
Attorney for Defendants

United States District Court

FOR THE

NORTHERN DISTRICT OF OKLAHOMA

CIVIL ACTION FILE NO. 74-C-347)
74-C-348)
Consolidated)

VELMA M. FRITTS,
Plaintiff,
vs.
TRAVELERS INSURANCE CO. and
FINANCIAL ASSURANCE, INC., a
corporation,
Defendants.

JUDGMENT

This action came on for trial before the Court and a jury, Honorable H. DALE COOK
, United States District Judge, presiding, and the issues having been duly tried and
the jury having duly rendered its verdict, for the Defendants,

It is Ordered and Adjudged that the Plaintiff take nothing and that the Defendants,
Travelers Insurance Co. and Financial Assurance, Inc., a corporation, recover of the
Plaintiff, Velma M. Fritts, its costs of action.

FILED
JUN 20 1975
Jack C. Silver, Clerk
U. S. DISTRICT COURT

Dated at Tulsa, Oklahoma, , this 20th day
of June , 19 75.


Clerk of Court

United States District Court

FOR THE

NORTHERN DISTRICT OF OKLAHOMA

CIVIL ACTION FILE NO. 73-C-121 ✓

GERALDINE DUNCAN

vs.

GENERAL MOTORS CORPORATION,
a Delaware corporation

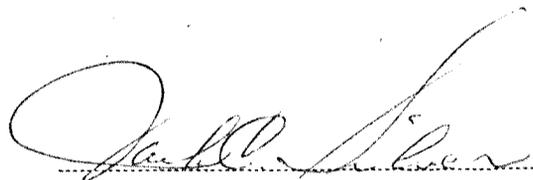
JUDGMENT

This action came on for trial before the Court and a jury, Honorable H. DALE COOK
, United States District Judge, presiding, and the issues having been duly tried and
the jury having duly rendered its verdict, for the Defendant,

It is Ordered and Adjudged that the Plaintiff take nothing and that the
Defendant, General Motors Corporation, a Delaware corporation, recover
of the Plaintiff, Geraldine Duncan, its costs of action.

FILED
JUN 19 1975 J.
Jack C. Silver, Clerk
U. S. DISTRICT COURT

Dated at Tulsa, Oklahoma, this 19th day
of June, 19 75.


Clerk of Court

IN THE UNITED STATES DISTRICT COURT **FILED**
FOR THE NORTHERN DISTRICT OF OKLAHOMA 9 1975

BOND-JOHNSON EXPLORATION, INC.,
an Oklahoma corporation,

Plaintiff,

vs.

SCHLUMBERGER TECHNOLOGY CORP.,
a Texas corporation,

Defendant.

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

No. 75-C-74

ORDER ALLOWING DISMISSAL

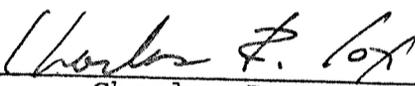
Upon plaintiff's motion for leave to dismiss this action it is ordered that the Complaint be dismissed without prejudice to the filing of another action.

Dated this 19th day of June, 1975.


District Judge

CERTIFICATE OF MAILING

I, Charles R. Cox, do hereby certify that on the 19th day of June, 1975, I mailed a true, correct and exact copy of the foregoing Order Allowing Dismissal to Richard Carpenter, Sanders, McElroy and Carpenter, 205 Denver Building, Tulsa, Oklahoma 74119, by depositing the same in the United States mail at Tulsa, Oklahoma, with proper first class postage thereon prepaid.


Charles R. Cox

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

JAMES FRANKLIN FAIN,
Petitioner,
-vs-
TULSA CITY POLICE
JERRY McMILLAN,
Respondent.

No. 75-C-230

FILED
JUN 19 1975
Jack C. Silver, Clerk
U. S. DISTRICT COURT

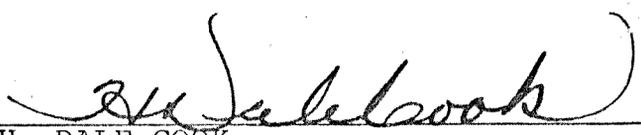
ORDER

The Court has for consideration a pro se, in forma pauperis petition for writ of habeas corpus filed by James Franklin Fain, a prisoner in the Tulsa County Jail awaiting trial in a state proceeding bearing Case No. CRF-75-854. The relief he seeks from this Court is not release from alleged unconstitutional custody, but rather permission to take a lie detector test for purposes of his defense at his state trial set in July, 1975. Such relief is a state procedural question, and it is not jurisdictionally a matter for consideration by this Court. Petitioner further asserts bald statements of police brutality, unsupported by factual allegations, and that he has at no time received the warnings required by Miranda v. Arizona, 384 U.S. 436 (1966). Petitioner makes no showing that he has presented these latter matters to the State Courts of Oklahoma.

The Court finds on petitioner's own admissions on the face of his petition that the petitioner has failed to exhaust his State remedies, and his petition to this Court is premature. Therefore, an evidentiary hearing is not required, and the petition should be denied and dismissed.

IT IS, THEREFORE, ORDERED that the petition for writ of habeas corpus of James Franklin Fain be and it is hereby denied and the cause is dismissed for failure to exhaust state remedies.

Dated this 19th day of June, 1975, at Tulsa, Oklahoma.


H. DALE COOK
United States District Judge

FILED

JUN 18 1975

mm

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

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

ALBERT E. AND FRANCES G. MARSHALL, et al,)
)
)
Plaintiffs,)
Vs.)
)
)
QUAIL CREEK DISTILLERS PRODUCTS, INC., et al,)
)
)
Defendants.)

NO. 73-C-72 ✓

ORDER SUSTAINING MOTIONS FOR SUMMARY JUDGMENT
OF THE DEFENDANT, STEVEN L. SCHLUNEGER

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

IT IS THEREFORE ORDERED, That the Motions of the Defendant, Steven L. Schluneger, for Summary Judgment as to him in the action and each of the several causes of action set forth in Plaintiff's Second Amended Complaint be and the same are hereby sustained.

The Clerk of the Court shall forward by mail a copy of this Order to each of the attorneys of record for the Plaintiffs and Defendants.

Dated this 17th day of June, 1975.


 CHIEF JUDGE
 United States District Court for the
 Northern District of Oklahoma

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

STATE FARM LIFE INSURANCE COMPANY,)
)
Plaintiff,)
)
-vs-)
)
HELEN BERNICE POTTER, LELA ANN)
CHAMBERS, GLEN DARREL SPENCER, BETTY)
LOU PASCHELL, EVALEE CONNER, GARY)
SPENCER, LARRY SPENCER, THOMAS R.)
CHACE, LEROY EUGENE CHACE, RUBY)
JEAN AUSBROOK, DANIEL WAYNE CHACE,)
and JACKIE LOU SPENCER,)
)
Defendants.)

NO. 75-C-18

FILED
JUN 18 1975
Jack C. Silver, Clerk
U. S. DISTRICT COURT

STIPULATED JOURNAL ENTRY OF JUDGMENT

NOW ON this 18th day of June, 1975, the plaintiff, State Farm Life Insurance Company, represented by its attorneys of record, Best, Sharp, Thomas, Glass & Warner, by Joseph F. Glass and the defendant, Jackie Lou Spencer, represented by her attorney, Maurice Lampton, and the defendant, Lela Ann Chambers, represented by her attorneys of record, Loeffler & Allen, by David H. Loeffler, Jr., have all reached agreement on the disposition of the proceeds of the life insurance contract of Fred Leo Spencer, Policy No. G18-1355-730, which is the subject of this action.

It has been agreed that the defendant, Jackie Lou Spencer, and her attorney, Maurice Lampton, are to receive the sum of Eight Thousand Dollars (\$8,000.00) of the proceeds of said policy and further are to bear all expenses and liabilities for any claims from the estate of Fred Leo Spencer that may be asserted against said proceeds of this life insurance contract.

The other defendant, Lela Ann Chambers and her attorney, David H. Loeffler Jr., are to receive the sum of Two Thousand Dollars (\$2,000.00) of the proceeds of said policy. It being agreed that the defendant, Lela Ann Chambers, is not responsible for any claims of the estate of Fred Leo Spencer whatsoever.

All other defendants, Helen Bernice Potter, Glen Darrel Spencer, Betty Lou Paschell, Evalee Connor, Gary Spencer, Larry Spencer, Thomas Chace, Ruby Jean Ausbrook and Daniel Wayne Chace, have all entered appearances and have totally disclaimed all rights title, and interest as a beneficiary in the life insurance policy of Fred Leo Spencer.

LAW OFFICES

LOEFFLER
& ALLEN

TULSA OFFICE
DHLJr/ds

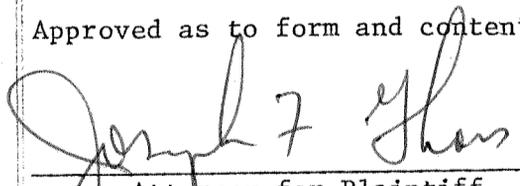
The plaintiff, State Farm Life Insurance Company, agrees to pay its attorneys, Best, Sharp, Thomas, Glass & Warner, all its attorneys' fees in the present action and that none of the proceeds of this life insurance contract shall be subject to any attorney fees on the part of the plaintiff, State Farm Life Insurance Company.

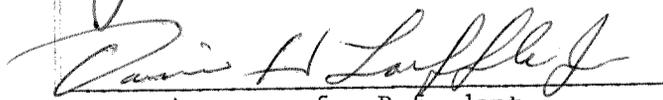
It is therefore ordered, adjudged, and decreed by the court that the defendant, Jackie Lou Spencer and her attorney, Maurice Lampton, receive the sum of Eight Thousand Dollars (\$8,000.00) from the life insurance contract on the life of Fred Leo Spencer. Further, that the defendant, Jackie Lou Spencer, be fully responsible for any claims asserted against this life insurance contract by the estate of Fred Leo Spencer. That the defendant, Lela Ann Chambers and her attorney, David H. Loeffler, Jr., receive the sum of Two Thousand Dollars (\$2,000.00) and not be responsible for any claim against this life insurance contract.

It is further ordered, adjudged and decreed by the court that the plaintiff, State Farm Life Insurance Company, shall pay all attorneys' fees to its attorneys, Best, Sharp, Thomas, Glass & Warner, and that no part of the proceeds of the life insurance contract shall be subject to plaintiff's attorneys' fees.


United States District Judge

Approved as to form and content:


Attorney for Plaintiff


Attorney for Defendant,
Lela Ann Chambers


Attorney for Defendant,
Jackie Lou Spencer

FILED

JUN 18 1975

MS

Jack C. Silver, Clerk

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

EMMA L. SMITH AND RAYMOND
DAVID SMITH,

Plaintiffs,

vs.

SOUTHWESTERN BELL TELEPHONE
COMPANY,

Defendants.

No. 74-C-258 ✓

DISMISSAL WITH PREJUDICE

COME NOW the plaintiffs, Emma L. Smith and Raymond
David Smith, and each of them, and dismiss their complaint and
all causes of action contained therein with prejudice to the
bringing of any future action.

Emma L. Smith

EMMA L. SMITH

Raymond David Smith

DAVID RAYMOND SMITH

and

David R. Van Horn

DAVID R. VAN HORN

William Thomas

WILLIAM THOMAS

Attorneys for plaintiffs, Emma L.
Smith and David Raymond Smith

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

DONALD NORDLUND,

Plaintiff,

vs.

JACK C. MANN and RONALD
BRISCOE d/b/a BRISCOE'S
TRUCKING COMPANY,

Defendants.

No. 74-C-317

E I L E D

JUN 18 1975

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

ORDER

Now on this 2nd day of June, 1975, the above named case being set for jury trial on the regular Court docket and plaintiff having advised the Court that he will not appear nor prosecute this action, and upon application of defendant for dismissal without prejudice, the Court, being apprised of the facts, finds,

Cause of Action & Complaint
That the above named ~~case~~ shall be dismissed without prejudice, under the provisions of Rule 41 (b), Title 28, U. S. C. A., with costs allowed to defendant and a reasonable attorney fee in the amount of \$ 350.⁰⁰ allowed to defendant's attorney and charged as costs herein.

151 Allen E. Barrow
Judge

and harmless beyond a reasonable doubt. These were not cases in which the question of guilt or innocence was a close one. It was totally irrelevant to the trial whether the defendant was even married, and if the trial transcripts are read completely excluding any reference to the defendant's marital status and the wife's testimony, there is still no question of guilt. The testimony complained of is harmless beyond a reasonable doubt and this allegation is without merit. Chapman v. California, 386 U. S. 18 (1967); Milton v. Wainwright, 407 U. S. 371 (1972); and Brown v. U. S., 411 U. S. 223 (1973).

Petitioner shows no prejudice from lack of Miranda warnings by arresting officers as no evidence or statements were taken from him or introduced by the prosecution at trial. Johnson v. Beto, 466 F.2d 528 (5th Cir. 1972) cert. denied Johnson v. Estelle, 410 U. S. 945 (1973); Perry v. State of Texas, 456 F.2d 879 (5th Cir. 1972) cert. denied 409 U. S. 916 (1972). Therefore, Petitioner's third contention is without merit.

A review of the transcripts shows that the fourth contention is also without merit. The trial Court has discretion to determine a change of venue motion and clearly protected the defendant against any prejudice from pre-trial publicity. Further, errors in admission of evidence committed by a state trial Court which do not deny any specific constitutional guarantee are not cognizable in habeas corpus. Lewis v. Cardwell, 354 F.Supp. 26 (D.C.Ohio 1972) affirmed 476 F.2d 467 (6th Cir. 1972) reversed on other grounds Cardwell v. Lewis, 417 U. S. 583 (1974); Carillo v. United States, 332 F.2d 202 (10th Cir. 1964). Trial errors such as the erroneous admission of evidence cannot afford a basis for collateral attack. Cassell v. State of Oklahoma, 373 F.Supp. 815 (D.C.E.D. Okla. 1973); Carillo v. U. S., supra; Alexander v. Daugherty, 286 F.2d 645 (10th Cir. 1961) cert. denied 366 U. S. 939 (1961); Scheckter v. Waters, 199 F.2d 318 (10th Cir. 1952).

IT IS, THEREFORE, ORDERED that the petition for writ of habeas corpus of George Eldon Vaughn be and it is hereby denied and the cause is dismissed.

Dated this 17th day of June, 1975, at Tulsa, Oklahoma.


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

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

Jim Harris,

Plaintiff,

vs.

Secretary of Defense
James R. Schlesinger;
Secretary of Army
Howard "Bo" Calloway;
Commander of Ft. Polk, Louisiana,
General Haldane;
Captain Thomas Mancino,
Oklahoma National Guard,

Defendants.

Civil Action No. 75-C-150

FILED

JUN 16 1975

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

ORDER

This matter having on May 28, 1975, come before this Court for hearing on plaintiff's Complaint and application for a permanent injunction, and pursuant to this Court's Order of April 17, 1975 issuing a Temporary Restraining Order and ordering a hearing on a preliminary injunction for 10:00 o'clock A.M. on May 28, 1975; the parties having been heard, evidence having been received, plaintiff's counsel having agreed at the hearing that he had no further evidence to produce toward the establishment of the allegations and prayers in this Complaint, and due consideration having been given, the Court finds

1. That plaintiff did, on October 14, 1972, sign and enter into an agreement entitled "Certificate and Acknowledgement of Service Requirements for Individuals Enlisting in the Army National Guard Under the Reserve Enlistment Program - 1963 (under age 26) (NGR 25-1)," a copy of which was defendants' exhibit 1 at the hearing hereon, and
2. That said agreement provided that should plaintiff accrue five or more unexcused absences during any continuous 365-day period, he could be declared an unsatisfactory participant and ordered to involuntary active duty for a period of not more than 24 months, less any periods which he may have previously served on active duty or active duty for training, and

3. That plaintiff had accrued, on July 28, 1974, five or more unexcused absences within a continuous 365-day period, and

4. That thereafter plaintiff was declared an unsatisfactory participant in the Army National Guard, and notice that he was being ordered to active duty for accruing more than 5 unexcused absences within a one-year period was sent to plaintiff by the Oklahoma National Guard on July 30, 1974, by certified mail, and was receipted for by plaintiff on July 31, 1974, and

5. That on January 2, 1975, another notice was sent to plaintiff by the Oklahoma National Guard, again advising plaintiff that he had been submitted for involuntary order to active duty for failure to participate satisfactorily in scheduled Army National Guard assemblies, and advising plaintiff of his right to appeal in writing, the order to active duty, pursuant to Army Regulations 135-91, within fifteen days, and that said letter was sent to plaintiff's last known address by certified mail, and was receipted for by Pearl M. Harris, plaintiff's mother, on January 4, 1975, and

6. That plaintiff was ordered to active duty, on April 1, 1975, effective April 18, 1975, for a period of 19 months, 12 days, which period amounted to the sum of 24 months less periods which plaintiff had previously served on active duty or active duty for training, and

7. That said agreement also provided that plaintiff would be responsible for keeping his commander advised of his current mailing address at which he would receive official correspondence, and that plaintiff failed to do so, from on or about December, 1974 until on or about February, 1975, and

8. That punishment, as prescribed under the Uniform Code of Military Justice for being absent without leave, is not the exclusive remedy of the defendants for redress of plaintiff's failure to be a satisfactory participant in the Army National Guard program, and

9. The agreement entered into by the plaintiff is valid and enforceable, and that the provisions therein relating to being ordered to involuntary active duty do not violate plaintiff's Constitutional rights, and

10. That the defendants did not overreach, nor did they violate plaintiff's Constitutional rights to due process of law, as alleged in the Complaint, by so ordering him, under said agreement, to involuntary active duty. It is therefore

ORDERED, ADJUDGED and DECREED that the Temporary Restraining Order, heretofore imposed, is dissolved, and it is further

ORDERED, ADJUDGED and DECREED that plaintiff's Complaint and application for a permanent injunction is denied, and it is further

ORDERED, ADJUDGED and DECREED that plaintiff's cause of action is dismissed, and it is further

ORDERED, ADJUDGED and DECREED that costs be assessed against the plaintiff.

Dated this 16th day of June, 1975.

H. Dale Cook
H. DALE COOK
United States District Judge

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

BOARD OF TRUSTEES, PIPELINE)
INDUSTRY BENEFIT FUND,)
)
Plaintiff,)
)
vs.)
)
ROGERS & WARD CONSTRUCTION)
CO., INC.,)
)
Defendant.)
_____)

FILED

JUN 16 1975

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

NO. 75-C-177

JUDGMENT BY DEFAULT

NOW on this 16th day of June, 1975, this matter coming on to be heard before me the undersigned Judge of the United States District Court for the Northern District of Oklahoma; Plaintiff appearing by and through its attorney, Daniel Doris, of Dyer, Powers, Marsh, Turner & Powers; and it appearing to the Court that the Defendant appears not, having been duly served with Summons and copy of the Complaint herein; and upon the filing of Plaintiff's Motion For Default Judgment and an Affidavit of the amount due, it is

ORDERED, ADJUDGED AND DECREED by this Court that the Defendant is in default herein, and that the allegations in Plaintiff's Complaint are to be taken as true and confessed;

IT IS FURTHER ORDERED, ADJUDGED AND DECREED by this Court that judgment be entered herein in favor of the Plaintiff above named, and against the Defendant above named, in the amount of \$1,855.10, with interest thereon at the legal rate from this date of judgment until fully paid, an attorney's fee in the amount of \$ 300⁰⁰, together with costs expended herein in the amount of \$18.00.

DATED at Tulsa, Oklahoma, this 16th day of June, 1975.

BY THE COURT:

W. N. Dale Cook
United States District Judge

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

SOUTHWESTERN BELL TELEPHONE)
COMPANY, INCORPORATED,)
)
Plaintiff,)
)
vs.)
)
C. R. RITTENBERRY &)
ASSOCIATES, INC.,)
)
Defendant.)

No. 75-C-162 ✓

FILED

JUN 16 1975

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

DISMISSAL WITH PREJUDICE

COMES NOW the plaintiff, Southwestern Bell Telephone Company, Incorporated, and dismisses the captioned case against the defendant, C. R. Rittenberry & Associates, Inc., with prejudice to its rights to refile the same.

SOUTHWESTERN BELL TELEPHONE
COMPANY, INCORPORATED

By

Thomas J. Enis
Its Attorney

ORDER

This matter comes on for consideration this 16th day of June, 1975, pursuant to Dismissal with Prejudice filed by Thomas J. Enis, attorney for the plaintiff, to dismiss the above-captioned cause with prejudice.

IT IS THEREFORE ORDERED, ADJUDGED and DECREED that the above-captioned cause be dismissed with prejudice.

H. Dale Cook
H. DALE COOK, UNITED STATES
DISTRICT JUDGE

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

SOUTHWESTERN BELL TELEPHONE)
COMPANY, INCORPORATED,)
)
Plaintiff,)
)
vs.)
)
C. R. RITTENBERRY &)
ASSOCIATES, INC.,)
)
Defendant.)

No. 75-C-162 ✓

FILED

JUN 16 1975

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

DISMISSAL WITH PREJUDICE

COMES NOW the plaintiff, Southwestern Bell Telephone Company, Incorporated, and dismisses the captioned case against the defendant, C. R. Rittenberry & Associates, Inc., with prejudice to its rights to refile the same.

SOUTHWESTERN BELL TELEPHONE
COMPANY, INCORPORATED

By Thomas J. Enis
Its Attorney

ORDER

This matter comes on for consideration this 16th day of June, 1975, pursuant to Dismissal with Prejudice filed by Thomas J. Enis, attorney for the plaintiff, to dismiss the above-captioned cause with prejudice.

IT IS THEREFORE ORDERED, ADJUDGED and DECREED that the above-captioned cause be dismissed with prejudice.

H. Dale Cook
H. DALE COOK, UNITED STATES
DISTRICT JUDGE

~~FILED~~
CV 31 (7-63)
JUN 18 1975 B
Jack C. Silver, Clerk
U.S. DISTRICT COURT

United States District Court

FOR THE

NORTHERN DISTRICT OF OKLAHOMA

CIVIL ACTION FILE NO. 75-C-17 ✓

H. D. HALE, Individually & d/b/a
Hale Brothers Construction Engineers,
a Partnership of H. D. Hale &
J. W. Hale vs. Plaintiff.

JUDGMENT

Jefferson Electric Company,
a foreign Corporation, &
Jefferson Electric Company,
a Division of Litton Industries,
a foreign Corp. & Litton Ind. Inc. Defendant.

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

It is Ordered and Adjudged that Judgment is entered in favor of the Defendant and against the Plaintiff.

FILED
JUN 16 1975

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

Dated at Tulsa, Oklahoma, this 16th day
of June, 19 75.

JACK C. SILVER

.....
Clerk of Court

By B. McCullough
Deputy Clerk

UNITED STATES DISTRICT COURT FOR THE
NORTHERN DISTRICT OF OKLAHOMA

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

CIVIL ACTION NO. 73-C-293
Tract No. 936M

FILED

JUN 13 1975

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

J U D G M E N T

1.

NOW, on this 13th day of June, 1975, this matter comes on for disposition on application of the Plaintiff, United States of America, for entry of judgment fixing just compensation in this matter. After having examined the files in this action and being advised by counsel, the Court finds:

2.

This judgment applies to the entire estate condemned in Tract No. 936M, as such estate and tract are described in the Complaint filed in this action.

3.

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

4.

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

5.

The Acts of Congress set out in paragraph 2 of the Complaint filed herein give the United States of America the right, power and authority to condemn for public use the property described above in paragraph 2. Pursuant thereto, on September 4, 1973, the United States of America filed its Declaration of Taking of such property, and on August 23, 1974 it filed its Amendment To Declaration of Taking, and title to the subject property should be vested in the United States of America, as of the date of filing such Amendment.

6.

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

7.

Several pre-trial conferences have been held between various owners and the Plaintiff, both before and after filing of the Amendment To The Declaration Of Taking.

As a result of these conferences the Court has been advised that in the event of a trial of this matter the Plaintiff's evidence would be presented by testimony of Gordon Romine to the effect that the market value of the subject property was \$600.00. The Court is further advised that the owners' evidence would probably be presented by Mr. Jay Robertson, in the amount of \$2,400.00.

None of the parties desire a trial by Commissioners. Based upon the pre-trial advise of the parties, the Court concludes that a trial is not necessary or advisable and that the sum of \$1,200.00 should be adopted as the award of just compensation for the subject property.

8.

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

9.

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

10.

It Is, Therefore, ORDERED, ADJUDGED and DECREED that the United States of America has the right, power and authority to condemn for public use the subject tract, as such tract is described in the Complaint filed herein, and such property, to the extent of the estate described in such Complaint, is condemned, and title thereto is vested in the United States of America, as of August 23, 1974, and all defendants herein and all other persons are forever barred from asserting any claim to such estate.

11.

It Is Further ORDERED, ADJUDGED and DECREED that on the date of taking in this case, the owners of the estate taken herein in subject tract were the defendants whose names appear below in paragraph 12, and the right to receive the just compensation awarded by this judgment is vested in the parties so named.

12.

It Is Further ORDERED, ADJUDGED and DECREED that the sum of \$1,200.00 hereby is adopted as the award of just compensation for the estate taken in subject tract, as shown by the following schedule:

TRACT NO. 936M

Owners:

J. C. Kilburn and Lucy B. Kilburn -----	1/2
George B. Schwabe, Jr. -----	1/12
Grace Smerdon -----	1/6
Heirs of Mell Lewis and Beatrice Lewis, his wife, both deceased:	
Mary Mattson -----	1/20
Bess M. Moss -----	1/20
Daisy L. Faires -----	1/20
Dolly B. Simpson -----	1/20
Kirk P. Lewis -----	1/20

Award of just compensation pursuant to Court's findings -----	\$1,200.00	\$1,200.00
Deposited as estimated compensation ---	295.00	
Disbursed to owners -----		<u>None</u>
Balance due to owners -----		\$1,200.00 plus interest
Deposit deficiency -----	\$ 905.00	

13.

It Is Further ORDERED, ADJUDGED and DECREED that the United States of America shall pay into the Registry of this Court for the benefit of the owners the deposit deficiency shown in paragraph 12 above, in the total amount of \$905.00, together with interest thereon, computed at the rate of 6% per annum from August 23, 1974, to the date of such payment, and such sum shall be placed in the deposit for the subject tract in this civil action.

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

To each owner his or her share of the total award,
together with each owner's proportionate share of
the accrued interest on the deposit deficiency,
based upon such owner's fractional interest in the
subject property, as indicated above in paragraph 12.

/s/ Allen E. Barrow

UNITED STATES DISTRICT JUDGE

APPROVED:

/s/ Hubert A. Marlow

HUBERT A. MARLOW
Assistant United States Attorney

UNITED STATES DISTRICT COURT FOR THE
NORTHERN DISTRICT OF OKLAHOMA

United States of America,)
)
) Plaintiff,)
) CIVIL ACTION NO. 74-C-63
vs.)
) Tract No. 503ME
160.00 Acres of Land, More or)
Less, Situate in Osage County,) (Gas Leasehold Interest Only)
State of Oklahoma, and Dyco)
Petroleum Corporation, and)
Unknown Owners,)
) (Included in D.T. filed in
Defendants.) Master File #401-1)

FILED

JUN 13 1975

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

J U D G M E N T

1.

NOW, on this 13th day of June, 1975, this matter comes on for disposition on application of the Plaintiff, United States of America, for entry of judgment on the Report of Commissioners filed herein on May 16, 1975, and the Court, after having examined the files in this action and being advised by counsel for the Plaintiff, finds that:

2.

This judgment applies to the entire estate taken in Tract No. 503ME, as such estate and tract are described in the Complaint filed in this case.

3.

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

4.

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

5.

The Acts of Congress set out in paragraph 2 of the Complaint filed herein give the United States of America the right, power and authority to condemn for public use the subject property. Pursuant thereto, on January 29, 1974, the United States of America filed its Declaration of Taking of a certain estate in such tract of land, and title to such property should be vested in the United States of America, as of the date of filing such instrument.

6.

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

7.

The Report of Commissioners filed herein on May 16, 1975, is accepted and adopted as a finding of fact as to subject tract. The amount of just compensation as to the estate taken in subject tract as fixed by the Commission is set out below in paragraph 12.

8.

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

9.

The defendant named in paragraph 12 as owner of the estate taken in subject tract is the only defendant asserting any interest in such estate; all other defendants having either disclaimed or defaulted, the named defendant was (as of the date of taking) the owner of the estate condemned herein and, as such, is entitled to receive the just compensation awarded by this judgment.

10.

It Is, Therefore, ORDERED, ADJUDGED and DECREED that the United States of America has the right, power and authority to condemn for public use the subject tract, as it is described in the Complaint filed herein, and such property, to the extent of the estate described in such Complaint is condemned, and title thereto is vested in the United States of America, as of January 29, 1974, and all defendants herein and all other persons are forever barred from asserting any claim to such estate.

11.

It Is Further ORDERED, ADJUDGED and DECREED that on the date of taking in this case, the owner of the estate taken herein in subject tract was the defendant whose name appears below in paragraph 12, and the right to receive the just compensation for such estate is vested in the party so named.

12.

It Is Further ORDERED, ADJUDGED and DECREED that the Report of Commissioners filed herein on May 16, 1975, hereby is

confirmed and the sum therein fixed is adopted as the award of just compensation for the estate taken in subject tract, as shown by the following schedule:

TRACT NO. 503ME
(Gas Leasehold Interest Only)

Owner:

Dyco Petroleum Corporation

Award of just compensation pursuant to Commissioners' Report -----	\$988.00	\$988.00
Deposited as estimated compensation ---	800.00	
Disbursed to owner -----		<u>None</u>
Balance due to owner -----		\$988.00 plus interest
Deposit deficiency -----	\$188.00	

13.

It Is Further ORDERED, ADJUDGED and DECREED that the United States of America shall pay into the Registry of this Court for the benefit of the owner the deposit deficiency for the subject tract as shown in paragraph 12, in the total amount of \$188.00, together with interest on such deficiency at the rate of 6% per annum from January 29, 1974, until the date of deposit of such deficiency sum; and such sum shall be placed in the deposit for subject tract in this civil action.

After such deficiency deposit has been made, the Clerk of this Court shall disburse the entire sum then on deposit for the subject tract to Dyco Petroleum Corporation.

/s/ Allen E. Barrow

UNITED STATES DISTRICT JUDGE

APPROVED:

/s/ Hubert A. Marlow

HUBERT A. MARLOW
Assistant United States Attorney

UNITED STATES DISTRICT COURT FOR THE
NORTHERN DISTRICT OF OKLAHOMA

United States of America,)
)
 Plaintiff,)
) CIVIL ACTION NO. 74-C-75
 vs.)
) Tract No. 513ME
 5.00 Acres of Land, More or)
 Less, Situate in Osage County,) (All interests)
 State of Oklahoma, and Osage)
 Tribe of Indians,)
) (Included in D. T. filed in
 Defendants.) Master File #401-1)

FILED

JUN 13 1975

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

J U D G M E N T

1.

NOW, on this _____ day of June, 1975, this matter comes on for disposition on application of the Plaintiff, United States of America, for entry of judgment on the Report of Commissioners filed herein on May 16, 1975, and the Court, after having examined the files in this action and being advised by counsel for the Plaintiff, finds that:

2.

This judgment applies to the entire estate taken in Tract No. 513ME, as such estate and tract are described in the Complaint filed in this case.

3.

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

4.

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

5.

The Acts of Congress set out in paragraph 2 of the Complaint filed herein give the United States of America the right, power and authority to condemn for public use the subject property. Pursuant thereto, on January 29, 1974, the United States of America filed its Declaration of Taking of a certain estate in such tract of land, and title to such property should be vested in the United States of America, as of the date of filing such instrument.

6.

Simultaneously with filing of the Declaration of Taking, there was deposited in the Registry of this Court as estimated

compensation for the taking of the described estate in the subject tract a certain sum of money, and none of this deposit has been disbursed, as set out below in paragraph 12.

7.

The Report of Commissioners filed herein on May 16, 1975 is accepted and adopted as a finding of fact as to subject tract. The amount of just compensation as to the estate taken in subject tract as fixed by the Commission is set out below in paragraph 12.

8.

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

9.

The defendant named in paragraph 12 as owner of the estate taken in subject tract is the only defendant asserting any interest in such estate; all other defendants having either disclaimed or defaulted, the named defendant was (as of the date of taking) the owner of the estate condemned herein and, as such, is entitled to receive the just compensation awarded by this judgment.

10.

It Is, Therefore, ORDERED, ADJUDGED and DECREED that the United States of America has the right, power and authority to condemn for public use the subject tract, as it is described in the Complaint filed herein, and such property, to the extent of the estate described in such Complaint is condemned, and title thereto is vested in the United States of America, as of January 29, 1974, and all defendants herein and all other persons are forever barred from asserting any claim to such estate.

11.

It Is Further ORDERED, ADJUDGED and DECREED that on the date of taking in this case, the owner of the estate taken herein in subject tract was the defendant whose name appears below in paragraph 12, and the right to receive the just compensation for such estate is vested in the party so named.

12.

It Is Further ORDERED, ADJUDGED and DECREED that the Report of Commissioners filed herein on May 16, 1975, hereby is confirmed and the sum therein fixed is adopted as the award of just compensation for the estate taken in subject tract, as shown by the following schedule:

TRACT NO. 513ME

Owner:

Osage Tribe of Indians

Award of just compensation pursuant to Commissioners' Report -----	\$50.00	\$50.00
Deposited as estimated compensation ---	25.00	
Disbursed to owner -----		<u>None</u>
Balance due to owner -----		\$50.00
Deposit deficiency -----	\$25.00	

13.

It Is Further ORDERED, ADJUDGED and DECREED that the United States of America shall pay into the Registry of this Court for the benefit of the owner the deposit deficiency for the subject tract as shown in paragraph 12, in the total amount of \$25.00, together with interest on such deficiency at the rate of 6% per annum from January 29, 1974, until the date of deposit of such deficiency sum; and such sum shall be placed in the deposit for subject tract in this civil action.

After such deficiency deposit has been made, the Clerk of this Court shall disburse the entire sum then on deposit for the subject tract to The Osage Tribe of Indians.

/s/ Allen E. Barrow

UNITED STATES DISTRICT JUDGE

APPROVED:

/s/ Hubert A. Marlow

HUBERT A. MARLOW
Assistant United States Attorney

United States District Court

FOR THE

NORTHERN DISTRICT OF OKLAHOMA

JUN 18 1975

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

CIVIL ACTION FILE NO. 73-C-314
73-C-315
Conso.

LUIE S. THYGERSON,

Plaintiff

vs.

DAISY B. MOORE

Defendant

JUDGMENT

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

It is Ordered and Adjudged that Judgment is entered in favor of the Plaintiff, Callie Thygerson and against the Defendant, Daisy B. Moore, on the Defendant's counterclaim against the Plaintiff.

FILED

JUN 13 1975

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

Dated at Tulsa, Oklahoma, this 13th day
of June, 1975.

JACK C. SILVER

Clerk of Court

By B. M. Callough
Deputy Clerk

UNITED STATES DISTRICT COURT FOR THE
NORTHERN DISTRICT OF OKLAHOMA

United States of America,)
)
 Plaintiff,)
)
 vs.) CIVIL ACTION NO. 74-C-70
)
 125.81 Acres of Land, More or) Tracts Nos. 508ME-1, 508ME-2
 Less, Situate in Osage County,) and 508ME-3
 State of Oklahoma, and George)
 Wallace, and Unknown Owners,) (Oil Leasehold Interest Only)
)
 Defendants.) (Included in D.T. filed in
 Master File #401-1)

FILED

JUN 13 1975

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

J U D G M E N T

1.

NOW, on this 13 day of June, 1975, this matter comes on for disposition on application of the Plaintiff, United States of America, for entry of judgment on the Report of Commissioners filed herein on May 16, 1975, and the Court, after having examined the files in this action and being advised by counsel for the Plaintiff, finds that:

2.

This judgment applies to the entire estates taken in Tracts Nos. 508ME-1, 508ME-2 and 508ME-3, as such estates and tracts are described in the Complaint filed in this case.

3.

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

4.

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

5.

The Acts of Congress set out in paragraph 2 of the Complaint filed herein give the United States of America the right, power and authority to condemn for public use the subject property. Pursuant thereto, on January 29, 1974, the United States of America filed its Declaration of Taking of certain estates 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 instrument.

6.

Simultaneously with filing of the Declaration of Taking, there was deposited in the Registry of this Court as estimated compensation for the taking of the described estates in the subject tracts a certain sum of money, and none of this deposit has been disbursed, as set out below in paragraph 12.

7.

The Report of Commissioners filed herein on May 16, 1975, is accepted and adopted as a finding of fact as to subject tracts. The amount of just compensation as to the estates taken in subject tracts as fixed by the Commission is set out below in paragraph 12.

8.

This judgment will create a surplus between the amount deposited as estimated just compensation for the estates taken in subject tracts and the amount fixed by the Commission and the Court as just compensation, and such surplus should be refunded to the Plaintiff. The calculations showing the surplus are set out below in paragraph 12.

9.

The defendants named in paragraph 12 as owners of the estates taken in subject tracts are the only defendants asserting any interest in such estates; all other defendants having either disclaimed or defaulted, the named defendants were (as of the date of taking) the owners of the estates condemned herein and, as such, are entitled to receive the just compensation awarded by this judgment.

10.

It Is, Therefore, ORDERED, ADJUDGED and DECREED that the United States of America has the right, power and authority to condemn for public use the subject tracts, as they are described in the Complaint filed herein, and such property, to the extent of the estates described in such Complaint is condemned, and title thereto is vested in the United States of America, as of January 29, 1974, and all defendants herein and all other persons are forever barred from asserting any claim to such estates.

11.

It Is Further ORDERED, ADJUDGED and DECREED that on the date of taking in this case, the owners of the estates taken herein in subject tracts were the defendants whose names appear below in paragraph 12, and the right to receive the just compensation for such estates is vested in the parties so named.

12.

It Is Further ORDERED, ADJUDGED and DECREED that the Report of Commissioners filed herein on May 16, 1975, hereby is confirmed and the sum therein fixed is adopted as the award of just compensation for the estates taken in subject tracts, as shown by the following schedule:

TRACTS NOS. 508ME-1, 508ME-2 & 508ME-3

(Oil Leasehold Interest Only)

Owners:

George Wallace and
Mauzelle Wallace, his wife

Award of just compensation pursuant to Commissioners' Report -----	\$629.00	\$629.00
Deposited as estimated compensation ---	630.00	
Disbursed to owners -----		<u>None</u>
Balance due to owners -----		\$629.00
Deposit surplus -----	\$ 1.00	

13.

It Is Further ORDERED, ADJUDGED and DECREED that the Clerk of this Court shall disburse the entire sum now on deposit for the subject tract as follows:

To: Treasurer, United States of America ----- \$1.00
George Wallace and Mauzelle Wallace,
jointly ----- \$629.00.

/s/ Allen E. Barrow

UNITED STATES DISTRICT JUDGE

APPROVED:

/s/ Hubert A. Marlow

HUBERT A. MARLOW
Assistant United States Attorney

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

SARA LUCINDA THRONE,)
)
Plaintiff,)
)
vs.)
)
THE GUARDIAN LIFE INSURANCE)
COMPANY OF AMERICA,)
)
Defendant.)

FILED

JUN 13 1975

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

No. 73-C-239

ORDER OF DISMISSAL

The Court finds that the plaintiff has dismissed the captioned action with prejudice and that the matter has been settled. The Court hereby approves the Dismissal with Prejudice on behalf of the plaintiff.

IT IS THEREFORE ORDERED, ADJUDGED AND DECREED that this matter be and the same is hereby dismissed with prejudice.

DATED this 13 day of June, 1975.



The Honorable Allen E. Barrow
Chief United States District
Judge

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

FILED

JUN 13 1975

EVERETT DEUERLING CRUTCHFIELD,

Petitioner,

vs.

RICHARD CRISP, Warden, et al.,

Respondents.

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

NO. 75-C-77

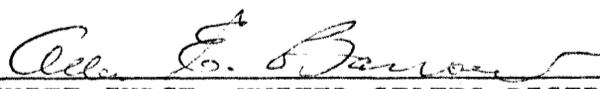
O R D E R

The Court has under consideration the petition for writ of habeas corpus filed pro se, in forma pauperis by Everett Deuerling Crutchfield, and transferred to this United States District Court for the Northern District of Oklahoma pursuant to 28 U.S.C. § 2241(d) from the United States District Court for the Eastern District of Oklahoma.

Petitioner has filed a verified motion to withdraw said petition for writ of habeas corpus herein. The Court finds that the motion should be treated as a notice of dismissal by the Petitioner pursuant to F.R.C.P. Rule 41(a)(1), prior to response by the Respondent. For good cause shown, the Court finds that the petition for writ of habeas corpus should be dismissed without prejudice.

IT IS, THEREFORE, ORDERED that the petition for writ of habeas corpus of Everett Deuerling Crutchfield be and it is hereby dismissed without prejudice.

Dated this 13th day of June, 1975, at Tulsa, Oklahoma.


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

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

FILED
JUN 12 1975

I. A. JACOBSON,

Plaintiff,

vs.

MARCUS C. BOGUE, Jr., NATHAN E. CORNING,
CHARLES D. POST, MILDRED A PUTNAM and
WILLIAM B. RUSSELL, as TRUSTEES of
NATIONAL REALTY INVESTORS, a Massachusetts
Trust,

Defendants.

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

NO. 72-C-454

ORDER OF DISMISSAL

NOW on this 9th day of ~~JUNE~~ 1975, upon the written application of the parties for a Dismissal with Prejudice of Complaint and Cross-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 Cross-Complaint and have requested the Court to dismiss the Complaint and Cross-Complaint with Prejudice to any future action, and the Court, being fully advised in the premises, finds that said Complaint and Cross-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, and the Defendant's Cross-Complaint and all of their causes of action against the Plaintiff be, and the same are hereby dismissed with prejudice to any future action.

12/ Howard Brattan
J U D G E

APPROVED AS TO FORM:

A. M. Covington
A. M. Covington, Attorney
for the Plaintiff

Donald G. Hopkins
Donald G. Hopkins, Attorney
for the Defendants

United States District Court

FOR THE

NORTHERN DISTRICT OF OKLAHOMA

~~JUN 18 1975
Jack C. Silver, Clerk
U. S. DISTRICT COURT~~

CIVIL ACTION FILE No. 72-C-284

ELLIS MANUFACTURING CO., INC. Plaintiff
vs.
AZTEC DEVELOPMENT CO. Defendant

JUDGMENT

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

It is Ordered and Adjudged that Judgment is entered in favor of the Defendant and against the Plaintiff.

IT IS FURTHER ORDERED that Judgment is entered in favor of the Defendant and against the Plaintiff on Defendant's counterclaim in the amount of \$1.00.

FILED
JUN 12 1975

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

Dated at Tulsa, Oklahoma, this 12th day
of June, 1975.

JACK C. SILVER
Clerk of Court

By B. McCullough
Deputy Clerk

The high Court of the State of Oklahoma has interpreted the Oklahoma Statute 21 O.S.A. Supp. 1970 § 11, and has held that when money and narcotics are taken during an armed robbery, the robber may be prosecuted for both the armed robbery and for illegal possession of narcotic drugs when there is a distinct separation of the time and location factors such as are present in the matter under consideration. Ryan v. State, Okl. Cr. 473 P.2d 322 (1970). Also see, Tucker v. State, Okl. Cr., 481 P.2d 167, 168 (1971); Tucker v. State, Okl. Cr., 482 P.2d 939, 942 (1971); Buchanan v. State, Okl. Cr., 409 P.2d 1127, 1128-1129 (1971); and Callins v. State, Okl. Cr., 492 P.2d 1133, 1137 (1972).

"It is a general rule that the Federal Courts will follow the interpretation of the constitution and laws of a State by the highest Court of that State, unless such interpretation is inconsistent with the fundamental principles of liberty and justice." Pearce v. Cox, 354 F.2d 884, 891 (10th Cir. 1965) cert. denied 384 U. S. 976, 384 U. S. 977.

The Supreme Court of the United States has held that the test to be applied to determine whether there are two offenses or only one, where the same act or transaction constitutes a violation of two distinct statutory provisions, is whether each provision requires proof of a fact which the other does not. Blockburger v. United States, 284 U. S. 296 (1932).

The Court finds that the file conclusively shows that as a matter of law petitioner is not entitled to relief. Under Oklahoma law, the petitioner may be prosecuted, convicted and sentenced for both offenses without infringing the prohibition against double jeopardy provided by the United States Constitution. Therefore, there is no necessity for this Court to hold an evidentiary hearing. Ortez v. Baker, 411 F.2d 90 (10th Cir. 1969). Further, the Court finds that the petition for writ of habeas corpus is without merit and should be denied and dismissed.

IT IS, THEREFORE, ORDERED that the petition for writ of habeas corpus of Joe Raymond Moreno be and it is hereby denied and the cause is dismissed.

Dated this 16th day of June, 1975, at Tulsa, Oklahoma.


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

UNITED STATES DISTRICT COURT FOR THE
NORTHERN DISTRICT OF OKLAHOMA

United States of America,)
)
 Plaintiff,)
)
 vs.)
)
 327.50 Acres of Land, More or)
 Less, Situate in Osage County,)
 State of Oklahoma, and Billy)
 Joseph Schell, et al., and)
 Unknown Owners,)
)
 Defendants.)

CIVIL ACTION NO. 74-C-422
Tract No. 108

FILED

JUN 11 1975

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

J U D G M E N T

1.

NOW, on this 11th day of June, 1975, this matter comes on for disposition on application of the Plaintiff, United States of America, for entry of judgment on a stipulation of the parties agreeing upon just compensation, and the Court, after having examined the files in this action and being advised by counsel for Plaintiff, finds:

2.

This judgment applies to the entire estate condemned in Tract No. 108, as such estate and tract are described in the Complaint filed in this action.

3.

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

4.

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

5.

The Acts of Congress set out in paragraph 2 of the Complaint herein give the United States of America the right, power and authority to condemn for public use the property described in such Complaint. Pursuant thereto, on October 25, 1974,

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

6.

Simultaneously with filing the Declaration of Taking, there was deposited in the Registry of this Court, as estimated compensation for the taking of a certain estate in subject tract a certain sum of money, and all of this deposit has been disbursed, as set out below in paragraph 12.

7.

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

8.

The owners of the subject tract and the United States of America have executed and filed herein a Stipulation As To Just Compensation wherein they have agreed that just compensation for the estate condemned in subject tract is in the amount shown as compensation in paragraph 12 below, and such Stipulation should be approved.

9.

This judgment will create a deficiency between the amount deposited as estimated compensation for the estate taken in subject tract and the amount fixed by the Stipulation As To Just Compensation, and the amount of such deficiency should be deposited for the benefit of the owners. Such deficiency is set out in paragraph 12 below.

10.

It Is, Therefore, ORDERED, ADJUDGED, and DECREED that the United States of America has the right, power and authority to condemn for public use Tract No. 108, as such tract is

particularly described in the Complaint filed herein; and such tract, to the extent of the estate described in such Complaint, is condemned, and title thereto is vested in the United States of America, as of October 25, 1974, and all defendants herein and all other persons interested in such estate are forever barred from asserting any claim to such estate.

11.

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

12.

It Is Further ORDERED, ADJUDGED and DECREED that the Stipulation As To Just Compensation mentioned in paragraph 8 above hereby is confirmed; and the sum thereby fixed is adopted as the award of just compensation for the estate condemned in subject tract, as follows:

TRACT NO. 108

Owners:

Billy Joseph Schell and
C. Penelope Schell, (his wife),

Subject to mortgages as follows:

1. To Federal Land Bank of Wichita,
9/25/69 for \$27,300.00.
2. To George F. Ferris, 3/4/70 for
\$30,000.00.
3. To George F. Ferris, 5/1/71 for
\$15,000.00.

These three mortgages were paid in full from the deposit of estimated compensation.

Award of just compensation pursuant to Stipulation -----	\$170,000.00	\$170,000.00
Deposited as estimated compensation -----	\$156,500.00	
Disbursed to owners and mortgagees, jointly -----		<u>\$156,500.00</u>
Balance due to owners (Schell) -----		\$13,500.00
Deposit deficiency -----	\$13,500.00	

13.

It Is Further ORDERED, ADJUDGED and DECREED that the United States of America shall deposit in the Registry of this Court in this civil action, to the credit of subject tract, the deposit deficiency in the sum of \$13,500.00, and the Clerk of this Court then shall disburse the deposit for such tract as follows:

To - Billy Joseph Schell and
C. Penelope Schell, jointly --- \$13,500.00.

/s/ Allen E. Barrow

UNITED STATES DISTRICT JUDGE

APPROVED:

/s/ Hubert A. Marlow

HUBERT A. MARLOW
Assistant United States Attorney

United States District Court for the

NORTHERN DISTRICT OF OKLAHOMA

UNITED STATES OF AMERICA

vs.

PAUL P. WEY, JR., et al.,

CIVIL ACTION FILE No. 74-C-41

Judgment having been entered in the above entitled action on the 6th day of June, 1975, against Paul P. Wey, Jr., et al., the clerk is requested to tax the following as costs:

BILL OF COSTS

FILED

JUN 10 1975

Table with 2 columns: Description of costs and Amount. Items include Fees of the clerk (\$15.00), Fees of the marshal, Fees of the court reporter, Fees and disbursements for printing, Fees for witnesses, Fees for exemplification, Docket fees under 28 U. S. C. 1923 (\$20.00), Costs incident to taking of depositions, and Cost as shown on Mandate of Court of Appeals. Total is \$64.32.

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

State of Oklahoma, County of Tulsa, ss:

I, Robert P. Santee, Ass't U. S. Attorney, ND/OK, do hereby swear that the foregoing costs are correct and were necessarily incurred in this action and that the services for which fees have been charged were actually and necessarily performed. A copy hereof was this day mailed to defendants herein with postage fully prepaid thereon.

PLEASE TAKE NOTICE THAT I WILL APPEAR BEFORE THE CLERK WHO WILL TAX SAID COSTS ON

Signature of Robert P. Santee, Ass't U. S. Attorney, Plaintiff, United States of America

Subscribed and sworn to before me this 10th day of June, A. D. 19 75 at Tulsa, Oklahoma.

My commission expires: 6/25/79 Notary Public. Signature of Jane T. Davis

Costs are hereby taxed in the amount of \$ 64.32 this 10th day of June, 19 75, and that amount included in the judgment.

JACK C. SILVER, Clerk. By P. McConnel, Deputy Clerk.

NOTE: SEE REVERSE SIDE FOR AUTHORITIES ON TAXING COSTS.

E I L E D

UNITED STATES DISTRICT COURT FOR THE
NORTHERN DISTRICT OF OKLAHOMA

JUN 9 1975

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

United States of America,)	
)	
Plaintiff,)	
	)	CIVIL ACTION NO. 74-C-58
vs.	)	(Master File #401-1)
)	
105.50 Acres of Land, More or	)	Tracts Nos. 501ME-1 and
Less, Situate in Osage County,	)	501ME-2
State of Oklahoma, and Osage)	
Tribes of Indians,)	
	)	(All interests except oil
Defendants.	)	leasehold interest)

J U D G M E N T

1.

NOW, on this 6th day of June, 1975, this matter comes on for disposition on application of the Plaintiff, United States of America, for entry of judgment on the Report of Commissioners filed herein on May 16, 1975, and the Court, after having examined the files in this action and being advised by counsel for the Plaintiff, finds that:

2.

This judgment applies to the entire estates taken in Tracts Nos. 501ME-1 and 501ME-2, as such estates and tracts are described in the Complaint filed in this case.

3.

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

4.

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

5.

The Acts of Congress set out in paragraph 2 of the Complaint filed herein give the United States of America the right, power and authority to condemn for public use the subject property. Pursuant thereto, on January 29, 1974, the United States of America filed its Declaration of Taking of certain estates 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 instrument.

6.

Simultaneously with filing of the Declaration of Taking, there was deposited in the Registry of this Court as estimated compensation for the taking of the described estates in the subject tracts a certain sum of money, and none of this deposit has been disbursed, as set out below in paragraph 12.

7.

The Report of Commissioners filed herein on May 16, 1975, is accepted and adopted as a finding of fact as to subject tracts. The amount of just compensation as to the estates taken in subject tracts as fixed by the Commission is set out below in paragraph 12.

8.

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

9.

The defendant named in paragraph 12 as owner of the estates taken in subject tracts is the only defendant asserting any interest in such estates; all other defendants having either disclaimed or defaulted, the named defendant is (as of the date of taking) the owner of the estates condemned herein and, as such, is entitled to receive the just compensation awarded by this judgment.

10.

It Is, Therefore, ORDERED, ADJUDGED and DECREED that the United States of America has the right, power and authority to condemn for public use the subject tracts, as they are described in the Complaint filed herein, and such property, to the extent of the estates described in such Complaint is condemned, and title thereto is vested in the United States of America, as of January 29, 1974, and all defendants herein and all other persons are forever barred from asserting any claim to such estates.

11.

It Is Further ORDERED, ADJUDGED and DECREED that on the date of taking in this case, the owner of the estates taken herein in subject tracts was the defendant whose name appears below in paragraph 12, and the right to receive the just compensation for such estates is vested in the party so named.

12.

It Is further ORDERED, ADJUDGED and DECREED that the Report of Commissioners filed herein on May 16, 1975, hereby is

confirmed and the sum therein fixed is adopted as the award of just compensation for the estates taken in subject tracts, as shown by the following schedule:

TRACTS NOS. 501ME-1 and 501ME-2

Owner:

Osage Tribe of Indians

Award of just compensation pursuant to Commissioners' Report -----	\$5,275.00	\$5,275.00
Deposited as estimated compensation -	5,194.00	
Disbursed to owner -----		<u>None</u>
Balance due to owner -----		\$5,275.00 plus interest
Deposit deficiency -----	\$ 81.00	

13.

It Is Further ORDERED, ADJUDGED and DECREED that the United States of America shall pay into the Registry of this Court for the benefit of the owner the deposit deficiency for the subject tracts as shown in paragraph 12, in the total amount of \$81.00, together with interest on such deficiency at the rate of 6% per annum from January 29, 1974, until the date of deposit of such deficiency sum; and such sum shall be placed in the deposit for subject tracts in this civil action.

After such deficiency deposit has been made, the Clerk of this Court shall disburse the entire sum then on deposit for the subject tracts to the Osage Tribe of Indians.

/s/ Allen E. Barrow

UNITED STATES DISTRICT JUDGE

APPROVED:

/s/ Hubert A. Marlow

HUBERT A. MARLOW
Assistant United States Attorney

E I L E D

UNITED STATES DISTRICT COURT FOR THE
NORTHERN DISTRICT OF OKLAHOMA

JUN 9 1975

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

United States of America,)	
)	
Plaintiff,)	
	)	CIVIL ACTION NO. 74-C-59
vs.)	
	)	Tracts Nos. 501ME-1 and
105.50 Acres of Land, More or	)	501ME-2
Less, Situate in Osage County,)	
State of Oklahoma, and Anita	)	(Oil Leasehold Interest Only)
Rogers Kamperman, et al., and)	
Unknown Owners,)	
	)	(Included in D.T. filed in
Defendants.	)	Master File #401-1)

J U D G M E N T

1.

NOW, on this 16th day of June, 1975, this matter comes on for disposition on application of the Plaintiff, United States of America, for entry of judgment on the Report of Commissioners filed herein on May 16, 1975, and the Court, after having examined the files in this action and being advised by counsel for the Plaintiff, finds that:

2.

This judgment applies to the entire estates taken in Tracts Nos. 501ME-1 and 501ME-2, as such estates and tracts are described in the Complaint filed in this case.

3.

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

4.

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

5.

The Acts of Congress set out in paragraph 2 of the Complaint filed herein give the United States of America the right, power and authority to condemn for public use the subject property. Pursuant thereto, on January 29, 1975, the United States of America filed its Declaration of Taking of certain estates 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 instrument.

6.

Simultaneously with filing of the Declaration of Taking, there was deposited in the Registry of this Court as estimated compensation for the taking of the described estates in the subject tracts a certain sum of money, and none of this deposit has been disbursed, as set out below in paragraph 12.

7.

The Report of Commissioners filed herein on May 16, 1975, is accepted and adopted as a finding of fact as to subject tracts. The amount of just compensation as to the estates taken in subject tracts as fixed by the Commission is set out below in paragraph 12.

8.

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

9.

The defendant named in paragraph 12 as owner of the estate taken in subject tracts is the only defendant asserting any interest in such estates; all other defendants having either disclaimed or defaulted, the named defendant is (as of the date of taking) the owner of the estates condemned herein and, as such, is entitled to receive the just compensation awarded by this judgment.

10.

It Is, Therefore, ORDERED, ADJUDGED and DECREED that the United States of America has the right, power and authority to condemn for public use the subject tracts, as they are described in the Complaint filed herein, and such property, to the extent of the estates described in such Complaint is condemned, and title thereto is vested in the United States of America, as of January 29, 1974, and all defendants herein and all other persons are forever barred from asserting any claim to such estates.

11.

It Is Further ORDERED, ADJUDGED and DECREED that on the date of taking in this case, the owner of the estates taken herein in subject tracts was the defendant whose name appears below in paragraph 12, and the right to receive the just compensation for such estates is vested in the party so named.

12.

It Is Further ORDERED, ADJUDGED and DECREED that the Report of Commissioners filed herein on May 16, 1975, hereby is confirmed and the sum therein fixed is adopted as the award of just compensation for the estates taken in subject tracts, as shown by the following schedule:

TRACTS NOS. 501ME-1 and 501ME-2

Owner:

Anita Rogers Kamperman, Individually
and as Trustee under the Will of
W. G. Rogers, deceased.

Award of just compensation pursuant to Commissioners' Report -----	\$1,055.00	\$1,055.00
Deposited as estimated compensation ----	106.00	
Disbursed to owner -----		<u>None</u>
Balance due to owner -----		\$1,055.00 plus interest
Deposit deficiency -----	\$949.00	

13.

It Is Further ORDERED, ADJUDGED and DECREED that the United States of America shall pay into the Registry of this Court for the benefit of the owner the deposit deficiency for the subject tracts as shown in paragraph 12, in the total amount of \$949.00, together with interest on such deficiency at the rate of 6% per annum from January 29, 1974, until the date of deposit of such deficiency sum; and such sum shall be placed in the deposit for subject tracts in this civil action.

After such deficiency deposit has been made, the Clerk of this Court shall disburse the entire sum then on deposit for the subject tracts to Anita Rogers Kamperman, Individually and as Trustee under the Will of W. G. Rogers, deceased.

/s/ Allen E. Barrow

UNITED STATES DISTRICT JUDGE

APPROVED:

/s/ Hubert A. Marlow

HUBERT A. MARLOW
Assistant United States Attorney

UNITED STATES DISTRICT COURT FOR THE
NORTHERN DISTRICT OF OKLAHOMA

E I L E D

JUN 9 1975

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

United States of America,)
)
Plaintiff,)
)
vs.)
)
160.00 Acres of Land, More or)
Less, Situate in Osage County,)
State of Oklahoma, and Thermo)
Dyne, and Unknown Owners,)
)
Defendants.)

CIVIL ACTION NO. 74-C-67

Tract No. 507ME

(All interests in this case)

J U D G M E N T

1.

NOW, on this 16th day of June, 1975, this matter comes on for disposition on application of the Plaintiff, United States of America, for entry of judgment on the Report of Commissioners filed herein on May 16, 1975, and the Court after having examined the files in this action and being advised by counsel for the Plaintiff, finds that:

2.

This judgment applies to the entire estate condemned in Tract No. 507ME, as such estate and tract are described in the Complaint filed in this action.

3.

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

4.

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

5.

The Acts of Congress set out in paragraph 2 of the Complaint filed herein give the United States of America the right, power and authority to condemn for public use the property described above in paragraph 2. Pursuant thereto, on January 29, 1974, the United States of America filed its Declaration of

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

6.

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

7.

The Report of Commissioners filed herein on May 16, 1975, is accepted and adopted as a finding of fact as to subject tract. The amount of just compensation as to the estate taken in subject tract as fixed by the Commission is set out below in paragraph 12.

8.

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

9.

The defendant named in paragraph 12 as owner of the estate taken in subject tract is the only defendant asserting any interest in such estate; all other defendants having either disclaimed or defaulted, the named defendant is (as of the date of taking) the owner of the estate condemned herein and, as such, is entitled to receive the just compensation awarded by this judgment.

10.

It Is, Therefore, ORDERED, ADJUDGED and DECREED that the United States of America has the right, power and authority to condemn for public use the subject tract, as it is described in the Complaint filed herein, and such property, to the extent of the estate described in such Complaint is condemned, and title thereto is vested in the United States of America, as of January 29, 1974,

and all defendants herein and all other persons are forever barred from asserting any claim to such estate.

11.

It Is Further ORDERED, ADJUDGED and DECREED that on the date of taking in this case, the owner of the estate taken herein in subject tract was the defendant whose name appears below in paragraph 12, and the right to receive the just compensation for such estate is vested in the party so named.

12.

It Is Further ORDERED, ADJUDGED and DECREED that the Report of Commissioners filed herein on May 16, 1975, hereby is confirmed and the sum therein fixed is adopted as the award of just compensation for the estate taken in subject tract, as shown by the following schedule:

TRACT NO. 507ME

Owner:

Thermo Dyne, Inc.

Award of just compensation pursuant to Commissioners' Report -----	\$1,600.00	\$1,600.00
Deposited as estimated compensation --	800.00	
Disbursed to owner -----		<u>None</u>
Balance due to owner -----		\$1,600.00 plus interest
Deposit deficiency -----	\$800.00	

13.

It Is Further ORDERED, ADJUDGED and DECREED that the United States of America shall pay into the Registry of this Court for the benefit of the owner the deposit deficiency for the subject tract as shown in paragraph 12, in the total amount of \$800.00, together with interest on such deficiency at the rate of 6% per annum from January 29, 1974, until the date of deposit of such deficiency sum; and such sum shall be placed in the deposit for subject tract in this civil action.

After such deficiency deposit has been made, the Clerk of this Court shall disburse the entire sum then on deposit for the subject tract to Thermo Dyne, Inc.

/s/ Allen E. Barrow

UNITED STATES DISTRICT JUDGE

APPROVED:

/s/ Hubert A. Marlow

HUBERT A. MARLOW
Assistant United States Attorney

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

UNITED STATES OF AMERICA,)
)
) Plaintiff,)
)
 vs.)
)
 PAUL P. WEY, JR., and MARGARET)
 A. WEY, his wife; KAMPGROUNDS)
 OF AMERICA, INC., a Montana)
 Corporation; COUNTY TREASURER,)
 Craig County, Oklahoma, and)
 BOARD OF COUNTY COMMISSIONERS,)
 Craig County, Oklahoma,)
)
 Defendants.)

CIVIL ACTION NO. 74-C-413

E I L E D

JUN 9 1975

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

J U D G M E N T

NOW, on this 6th day of June, 1975,
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, Paul P. Wey, Jr., and
Margaret A. Wey, appearing by and through their attorney, James L.
Edgar, and the defendant, Kampgrounds of America, Inc., a Montana
Corporation, appearing by and through its attorney, Franklin D.
Hettinger, and the defendants, County Treasurer, Craig County,
Oklahoma, and the Board of County Commissioners, Craig County,
Oklahoma, appearing not, and it appearing that this is a suit
based on a Note and for foreclosure of certain Financing Statements,
Security Agreement, and a Real Estate Mortgage, all securing said
Note; and

It further appearing that due and legal personal service
of summons and Complaint was made upon the defendants, Paul P. Wey,
Jr., and Margaret A. Wey, on October 3, 1974; and defendant,
Kampgrounds of America, Inc., on October 23, 1974, all as appears
from the Marshal's Returns of Service herein; that due and legal
personal service of summons and Amendment to Complaint was made
upon the defendants, Paul P. Wey, Jr., and Margaret A. Wey, on

February 25, 1975, and defendant, Kampgrounds of America, Inc., on February 25, 1975, and on the defendants, County Treasurer and the Board of County Commissioners, Craig County, Oklahoma, on February 28, 1975, all as appears from the Marshal's Returns of Service herein; that the defendants, Paul P. Wey, Jr., and Margaret A. Wey, filed their General Denial herein on November 14, 1974; that the defendant, Kampgrounds of America, Inc., filed its Answer and Cross-Claim herein on November 1, 1974.

The Court being fully advised finds that the allegations and averments in the Complaint of the plaintiff filed herein on October 21, 1974, and the Amendment to Complaint filed herein on February 21, 1975, are true and correct, and that there is due and owing from the defendants, Paul P. Wey, Jr., and Margaret A. Wey, to the plaintiff, United States of America, the sum of \$41,591.70, with interest accrued thereon in the sum of \$1,521.42 through May 3, 1974, and interest accruing thereafter at the rate of \$7.0763 per day.

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:

A tract of land in a part of the S/2 SE/4 and a part of the E/2 SE/4 SW/4 all in Section 23, Township 25 North, Range 20 East, situated in Craig County, Oklahoma, being more particularly described as follows, to-wit: Beginning at a point 216.7 feet South of the Northwest corner of said S/2 SE/4 thence Easterly and parallel to the North boundary of said S/2 SE/4 a distance of 775.0 feet, thence S 16° 55' West a distance of 99.0 feet, thence Southwesterly on a curve having a radius of 163.0 feet a distance of 143.2 feet, thence S 26° 01' W a distance of 499.5 feet, thence S 62° 44' W a distance of 286.95 feet to a point on the Northerly boundary of U.S. Highway 66, thence Northwesterly on a curve having a radius of 1860.1 feet a distance of 698.8 feet, thence N 47° 18' East a distance of 450.0 feet to a point and place of beginning. Containing 11.13 acres, more or less.

The Court further finds that the plaintiff has a first and prior lien upon the personal property described in the Complaint

and listed in Exhibit "B" attached thereto by virtue of the Financing Statements and Security Agreement given covering such property.

The Court further finds that by Assignment the plaintiff, United States of America, became the owner and holder of a Promissory Note (Exhibit "A" attached to the Complaint), Security Agreement (Exhibit "B" attached to the Complaint), Financing Statements (Exhibits "C", "D", "E", and "F" attached to the Complaint) and Real Estate Mortgage (Exhibit "G" attached to the Complaint), all of which were originally executed in favor of the First National Bank and Trust Company, Vinita, Oklahoma.

The Court further finds that the allegations and Averments in the Answer and Cross-Claim filed by Kampgrounds of America, Inc., are true and correct and that there is due and owing to the defendant, Kampgrounds of America, Inc., from Paul P. Wey, Jr., and Margaret A. Wey, the sum of \$6,173.70 as of June 28, 1973, plus interest thereafter at the rate of \$1.2928 per day with attorney's fees of \$50.00 plus 10 percent of the amount due.

The Court further finds that the defendant, Kampgrounds of America, Inc., has a lien upon the above described real property being foreclosed herein but that such lien is junior and inferior to the mortgage lien of the plaintiff, United States of America.

The Court further finds that there is due and owing to the County of Craig, State of Oklahoma, from Paul P. Wey, Jr., and Margaret A. Wey, the sum of \$ 37.04 for 1973 personal property taxes and that Craig County should have judgment against said defendants for said amount, but that such judgment is subject to and inferior to the first mortgage lien of the plaintiff herein.

The Court further finds that there is due and owing to the County of Craig, State of Oklahoma, from defendants, Paul P. Wey, Jr., and Margaret A. Wey, the sum of \$ 623.04 for 1973 and 1974 real estate taxes, plus interest and penalties according

to law, and that such judgment is superior to the first mortgage lien of the plaintiff herein.

IT IS, THEREFORE, ORDERED, ADJUDGED AND DECREED THAT the plaintiff, United States of America, have and recover from the defendants, Paul P. Wey, Jr., and Margaret A. Wey, a judgment, in personam, in the sum of \$41,591.70 with interest accrued thereon in the sum of \$1,521.42 through May 3, 1974, with interest accruing thereafter at the rate of \$7.0763 per day, and for the cost of this action accrued and accruing.

IT IS FURTHER ORDERED, ADJUDGED AND DECREED THAT the defendant, Kampgrounds of America, Inc., have and recover from the defendants, Paul P. Wey, Jr., and Margaret A. Wey, a judgment, in personam, in the sum of \$6,173.70, plus interest from June 28, 1973, at the rate of \$1.2928 per day with attorney's fees of \$50.00 plus 10 percent of the amount due.

IT IS FURTHER ORDERED, ADJUDGED AND DECREED THAT the County of Craig, State of Oklahoma, have and recover from the defendants, Paul P. Wey, Jr., and Margaret A. Wey, a judgment, in rem, the sum of \$ 37.04 for 1973 personal property taxes, but that such judgment be and is inferior to the first mortgage lien of the plaintiff herein.

IT IS FURTHER ORDERED, ADJUDGED AND DECREED THAT the County of Craig, State of Oklahoma, have and recover from the defendants, Paul P. Wey, Jr., and Margaret A. Wey, a judgment, in rem, the sum of \$ 623.04 for 1973 and 1974 real estate taxes, and that such judgment be and is superior to the first mortgage lien of the plaintiff herein.

IT IS FURTHER ORDERED, ADJUDGED, AND DECREED THAT upon failure of the defendants, Paul P. Wey, Jr., and Margaret A. Wey, to satisfy the judgment of the plaintiff, United States of America, 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 real property

hereinabove described as being in Craig County, State of Oklahoma, and to advertise and sell according to law, with appraisement, the personal property herein above referred to as being listed in Exhibits "B", "C", "D", "E", and "F: attached to the Complaint, and to apply the proceeds of such sale of real and personal property as follows:

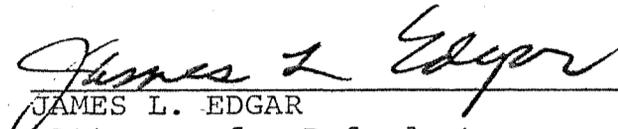
1. In payment of the costs of the sales and the cost of this action;
2. In payment to the County of Craig, State of Oklahoma, the sum of \$ 623.04 for real estate taxes for the years 1973 and 1974;
3. In payment to the plaintiff, United States of America, the sum of \$41,591.70 with interest accrued thereon in the sum of \$1,521.42 through May 3, 1974, and interest accruing thereafter at the rate of \$7.0763 per day;
4. In payment to the defendant, Kampgrounds of America, Inc., the sum of \$6,173.70 as of June 28, 1973, plus interest thereafter at the rate of \$1.2928 per day with attorney's fees of \$50.00, plus 10 percent of the amount due;
5. 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 real and personal property be sold, with appraisement, and after such sales 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 in or to the real and personal property described herein.


UNITED STATES DISTRICT JUDGE

APPROVED:


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


JAMES L. EDGAR
Attorney for Defendants,
Paul P. Wey, Jr., and
Margaret A. Wey


FRANKLIN D. HETTINGER
Attorney for Defendant,
Kampgrounds of America, Inc.


LARRY D. STUART
Assistant District Attorney
Craig County, Oklahoma

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

FILED

JUN 9 1975

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

UNITED STATES OF AMERICA,)
)
) Plaintiff,)
)
) vs.)
)
) ALBERT E. BENNETT and)
) WILLA WADENE BENNETT,)
)
) Defendants.)

CIVIL ACTION NO. 75-C-141

DEFAULT JUDGMENT

NOW, on this 6th day of June, 1975, 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, Albert E. Bennett and Willa Wadene Bennett, appearing not, and it appearing that this is a suit brought by the United States of America for the recovery of erroneous refund of Federal income taxes and interest, and

It further appearing that due and legal personal service of Summons and Complaint For Recovery Of Erroneous Refund Of Federal Income Taxes and Interest has been made on the defendants, Albert E. Bennett and Willa Wadene Bennett, on April 21, 1975, as appears from the United States Marshal's Returns of Service herein, and it appearing that said defendants have failed to file an Answer or otherwise plead herein, and default has been entered by the Clerk of this Court.

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, Albert E. Bennett and Willa Wadene Bennett, jointly and severally, the sum of \$491.68, plus interest as allowed by law, and 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 from the Defendants, Albert E. Bennett and Willa Wadene Bennett, jointly and severally, a judgment, in personam, in the amount of \$491.68, plus interest as allowed by law, and the cost of this action accrued and accruing.

s/ Allen E. Barrow

UNITED STATES DISTRICT JUDGE

APPROVED:


ROBERT P. SANTEL

UNITED STATES DISTRICT COURT FOR THE
NORTHERN DISTRICT OF OKLAHOMA

FILED

JUN 9 1975

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

United States of America,)	
)	
Plaintiff,)	
	)	CIVIL ACTION NO. 74-C-60
vs.)	
	)	Tracts Nos. 502ME-1 and
84.90 Acres of Land, More or	)	502ME-2
Less, Situate in Osage County,)	
State of Oklahoma, and Osage	)	(Lessor Interest Only)
Tribe of Indians,)	
	)	(Included in D.T. filed in
Defendants.	)	Master File #401-1)

J U D G M E N T

1.

NOW, on this 6th day of June, 1975, this matter comes on for disposition on application of the Plaintiff, United States of America, for entry of judgment on the Report of Commissioners filed herein on May 16, 1975, and the Court, after having examined the files in this action and being advised by counsel for the Plaintiff, finds that:

2.

This judgment applies to the lessor interest only in the estates taken in Tracts Nos. 502ME-1 and 502ME-2, as such estates and tracts are described in the Complaint filed in this case.

3.

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

4.

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

5.

The Acts of Congress set out in paragraph 2 of the Complaint filed herein give the United States of America the right, power and authority to condemn for public use the subject property. Pursuant thereto, on January 29, 1974, the United States of America

filed its Declaration of Taking of certain estates 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 instrument.

6.

Simultaneously with filing of the Declaration of Taking, there was deposited in the Registry of this Court as estimated compensation for the taking of the described estates in the subject tracts a certain sum of money, and none of this deposit has been disbursed, as set out below in paragraph 12.

7.

The Report of Commissioners filed herein on May 16, 1975, is accepted and adopted as a finding of fact as to subject property. The amount of just compensation as to the lessor interest in the estates taken in subject tracts as fixed by the Commission is set out below in paragraph 12.

8.

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

9.

The defendant named in paragraph 12 as owner of the lessor interest in the estates taken in subject tracts is the only defendant asserting any claim to such interest; all other defendants having either disclaimed or defaulted, the named defendant is (as of the date of taking) the owner of the property condemned herein and, as such, is entitled to receive the just compensation awarded by this judgment.

10.

It Is, Therefore, ORDERED, ADJUDGED and DECREED that the United States of America has the right, power and authority to condemn for public use the subject tracts, as they are described in the Complaint filed herein, and such property, to the extent of the

lessor interest in the estates described in such Complaint is condemned, and title thereto is vested in the United States of America, as of January 29, 1974, and all defendants herein and all other persons are forever barred from asserting any claim to such property.

11.

It Is Further ORDERED, ADJUDGED and DECREED that on the date of taking in this case, the owner of the lessor interest in the estates taken herein in subject tract was the defendant whose name appears below in paragraph 12, and the right to receive the just compensation for subject taking is vested in the party so named.

12.

It Is Further ORDERED, ADJUDGED and DECREED that the Report of Commissioners filed herein on May 16, 1975 hereby is confirmed and the sum therein fixed is adopted as the award of just compensation for the lessor interest in the estates taken in subject tracts, as shown by the following schedule:

TRACTS NOS. 502ME-1 and 502ME-2
(Lessor Interest Only)

Owner:

Osage Tribe of Indians

Award of just compensation pursuant		
to Commissioners' Report -----	\$4,245.00	\$4,245.00
Deposited as estimated compensation ---	2,890.00	
Disbursed to owner -----		<u>None</u>
Balance due to owner -----		\$4,245.00 plus interest
Deposit deficiency -----	\$1,355.00	

13.

It Is Further ORDERED, ADJUDGED and DECREED that the United States of America shall pay into the Registry of this Court for the benefit of the owner the deposit deficiency for the subject tract as shown in paragraph 12, in the total amount of \$1,355.00, together with interest on such deficiency at the rate of 6% per annum from January 29, 1974, until the date of deposit of such

deficiency sum; and such sum shall be placed in the deposit for subject tracts in this civil action.

After such deficiency deposit has been made, the Clerk of this Court shall disburse the entire sum then on deposit for the subject tract to The Osage Tribe of Indians.

/s/ Allen E. Barrow

UNITED STATES DISTRICT JUDGE

APPROVED:

/s/ Hubert A. Marlow

HUBERT A. MARLOW
Assistant United States Attorney

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

HALLIBURTON COMPANY,
a corporation,

Plaintiff,

vs.

THE DOW CHEMICAL COMPANY,
a corporation,

Defendant.

No. 71-C-346

FILED

JUN 6 1975

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

O R D E R

This matter came on before the Court, pursuant to the
Mandate and Opinion of the United States Court of Appeals for
the Tenth Circuit, wherein said Appellate Court affirmed this
Court in part insofar as it denied the patent validity to the
Dow Chemical Company patent; and reversed in part insofar as it
awards Halliburton Company attorneys' fees,

IT IS, THEREFORE, ORDERED by the Court that ^{on} ~~the~~ Mandate
and Opinion of the United States Court of Appeals for the Tenth
Circuit, entered in the above case on May 22, 1975, is hereby
adopted by this Court and all provisions thereof are hereby
ordered to be carried out and complied with by all parties to
this action.

IT IS SO ORDERED this 5th day of June, 1975,
at Tulsa, Oklahoma.

Luther Bohanon
Luther Bohanon
U. S. District Judge

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

ALLIED MILLS, INC., an Indiana Corporation,

Plaintiff,

-vs-

DEWEY MILL AND ELEVATOR INC., an Oklahoma Corporation,

Defendant.

No. 73-C-120

FILED

JUN 6 1975

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

ORDER FOR PAYMENT OF FEES AND EXPENSES
AND FOR FINAL DISTRIBUTION

On this 2nd day of June, 1975, said cause comes on regularly for hearing pursuant to setting and notice, receiver Fred W. Woodson, being present and represented by counsel, James E. Poe. Additionally, the following appearances were made: David Ingram, attorney for Shawnee Milling Company; Charles Atkinson, attorney for Gulf Oil Corporation; Jerry Maddux, attorney for Union National Bank of Bartlesville; Frank McSherry attorney for Jay Basolo, d/b/a Tony's Chemical House; and Steve Riley, attorney for B. C. Christopher Company.

Thereupon, all interested parties announcing ready the Court heard sworn testimony of the receiver and attorney for the receiver and based thereon finds that receiver Fred W. Woodson should be allowed fees for his services as receiver in a sum of \$950.00 in addition to expenses, incurred in the amount of \$18.20. James E. Poe, attorney for the receiver should be allowed fees in a total sum of \$2,500.00 in addition to expenses of \$57.48, all for services performed in regard to said receivership.

The Court further hears statements with regard to distribution and/or priorities of claims and finds that except for the claims of Washington County Treasurer and Oklahoma Tax Commission for unpaid taxes, all remaining creditors should share prorata in the funds for distribution.

The Court does however specifically find that the claim of the Washington County Treasurer in the amount of \$2,253.40, and the claim of the Oklahoma Tax Commission in the amount of \$210.66 should be paid by the receiver forthwith and in full.

The Court further finds that the various other creditors whose claims heretofore were presented and allowed are as follows: Marvin Warehime, \$130.00 for accounting and tax services heretofore rendered the debtor; Jay Basolo, d/b/a Tony's Chemical House, \$320.75 representing certain agriculture products sold debtor between February and December 1972; Allied Mills, Inc., \$20,987.12 representing judgment heretofore entered in this Court July 19, 1973 arising from the sale of feeds, agriculture and dairy products to debtor; Shawnee Milling Company \$6,175.99 per judgment dated February 21, 1973, also representing feeds, agriculture and dairy products sold to debtor; B. C. Christopher and Company \$24,931.86 per judgment dated May 16, 1974, also for certain grain and agriculture or dairy products sold to debtor; Credit Bureau of Bartlesville Inc., \$45.00 for monthly charges and dues of debtor; Shay Grain Company \$4,143.34 for transactions regarding the sale of grain and agriculture or dairy products; Atchison Topeka & Santa Fe Railway company, \$438.93 representing indebtedness for rentals on property at Dewey, Oklahoma; Gulf Oil Corporation \$57,727.87 representing fertilizer and agriculture products sold to debtor; Union National Bank of Bartlesville \$12,875.56 representing amount due on various loans made to debtor pursuant to security agreements and financing statement; and Continental Grain Company \$2,520.78 representing the sale of agriculture and dairy products with the debtor Dewey Mill and Elevator Inc.

The Court finds that by nature of the various transactions under which each of the aforesaid indebtednesses arose and by virtue of the equitable nature of this receivership proceeding any claim of priority among said creditors, in particularly the

priority claim of Union National Bank of Bartlesville should be rejected and all said creditors should share prorata with each other in the funds available for distribution.

IT IS THEREFORE ORDERED, ADJUDGED AND DECREED by the Court that the aforesaid tax claims of the County Treasurer Washington County Oklahoma and the Oklahoma Tax Commission should be and are allowed as priority claims to be paid in full and the receiver is directed to pay said claims in the aforesaid amounts forthwith.

IT IS FURTHER ORDERED, ADJUDGED AND DECREED that receiver pay forthwith the aforesaid fees and expenses as approved and allowed to himself and to James E. Poe, attorney.

IT IS FURTHER ORDERED, ADJUDGED AND DECREED that the remaining funds held by the receiver in the amount of \$38,475.88, being all receivership assets held after satisfaction of expenses and fees of administration and priority tax claims, shall be prorated among the remaining and aforesaid creditors, each in the percent of the available funds which his or its claim bears to the total of the said claims for sharing in distribution.

The pro rata distribution shall not be made until this Order becomes final.



Honorable Luther Bohanon, Judge

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

VELLA DEE JOHNSON,

Plaintiff,

vs.

CENTRAL STATES, SOUTHEAST AND
SOUTHWEST AREAS PENSION FUND,
et al.,

Defendants.

No. 73-C-305

FILED

JUN 6 1975

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

O R D E R

This matter comes on before the Court, pursuant to Mandate and Opinion of the United States Court of Appeals for the Tenth Circuit, entered in this case on May 1, 1975, wherein the Appellate Court reversed the Judgment of this Court, entered on April 26, 1974, with directions to vacate the judgment and dismiss the action.

IT IS, THEREFORE, ORDERED that the above styled and numbered cause of action be dismissed with prejudice.

Done at Tulsa, Oklahoma, this 5 day of June,
1975.

Luther Bohanon
Luther Bohanon
U. S. District Judge

United States District Court

FOR THE

NORTHERN DISTRICT OF OKLAHOMA

~~FILED~~
JUN 1 1975
Jack C. Silver, Clerk
U. S. DISTRICT COURT

CIVIL ACTION FILE NO. 74-C-418

CLARENCE YOUNGWOLFE,
Plaintiff

vs.

FORD MOTOR COMPANY
Defendant

JUDGMENT

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

It is Ordered and Adjudged that Judgment is entered in favor of the Plaintiff, Clarence Youngwolfe, and against the Defendant, Ford Motor Company, in the amount of \$25,000.00, plus costs.

FILED

JUN 5 1975

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

Dated at Tulsa, Oklahoma, this 5th day
of June, 1975.

JACK C. SILVER

Clerk of Court

By B. McCullough
Deputy Clerk

UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF OKLAHOMA

JOHN T. DUNLOP, (Successor to Peter)
J. Brennan) Secretary of Labor,)
United States Department of Labor,)
)
Plaintiff)
)
v.) Civil Action
)
TULSA APARTMENTS COMPANY, a corpora-) No. 73-C-309
tion, doing business as BOULDER)
PARK APARTMENTS, JOHN E. SCALLY,)
an individual, doing business as)
HOTEL SERVICE COMPANY, and CHARLES)
H. ALBERDING, an individual,)
)
Defendants)

FILED
JUN 5 1975
Jack C. Silver, Clerk
U. S. DISTRICT COURT

ORDER OF DISMISSAL

This cause came on for consideration upon the stipulation of the parties, and it appearing that the defendants promised plaintiff and this Court that they will comply with the applicable provisions of the Fair Labor Standards Act of 1938, as amended (29 USC 201 et seq.), hereinafter referred to as the Act, that the defendants have paid to the plaintiff the wages in the amounts stipulated, which the Court finds to be the total due to defendants' employee under the Act to date of this order, and the Court being otherwise fully advised in the premises, it is,

ORDERED, ADJUDGED and DECREED that this action be, and the same hereby is, dismissed at defendants costs and it is further

ORDERED that plaintiff shall promptly proceed to make distribution to the person named in said stipulation of the parties or to the legal representative of the person so named if that person should become deceased. If, after making

reasonable and diligent efforts to disburse said unpaid wages to the person entitled thereto, plaintiff is unable to do so because of inability to located the proper person, or because of a refusal to accept payment by that person, he shall, as provided in 28 USC 2041, deposit such unpaid funds with the Clerk of this Court. Any of such funds may withdrawn for payment to a person entitled thereto upon order of this Court.

L.S./D. Dale Cook

UNITED STATES DISTRICT JUDGE

United States District Court

FOR THE

NORTHERN DISTRICT OF OKLAHOMA

CIVIL ACTION FILE NO.

WILL SANDERS, individually and as the Heirs at Law of Donald Lee Sanders, deceased,

vs.

RICK NOLAN

JUDGMENT
72-C-441

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

It is Ordered and Adjudged that the plaintiff take nothing and that this action is dismissed with prejudice.

FILED

JUN 3 1975

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

Dated at Tulsa, Oklahoma, this 3rd day of June, 1975.

JACK C. SILVER, CLERK

By Rosemary J. Miller
Deputy Clerk of Court

MIU:jas
6/3/75

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

TULSA GENERAL DRIVERS, WAREHOUSEMEN)
& HELPERS, LOCAL UNION NO. 523,)
)
Plaintiff,)
)
vs)
)
ANCHOR CONCRETE COMPANY,)
)
Defendant.)

No. 74-C-294

FILED

JUN 3 1975

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

ORDER

It is hereby ordered that the above entitled action is dismissed without costs to either party, and plaintiff's complaint as against defendant is dismissed with prejudice and defendant's cross-claim as against plaintiff is dismissed with prejudice.



 Judge of the US District Court

LAW OFFICES

UNGERMAN,
GRABEL &
UNGERMAN

SIXTH FLOOR
WRIGHT BUILDING
TULSA, OKLAHOMA