

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

C I L E

APR 30 1980

W. J. LAMBERTON )  
 )  
 Plaintiff, )  
 )  
 v. )  
 )  
 OKLAHOMA STATE DEPARTMENT )  
 OF HEALTH and OKLAHOMA WATER )  
 RESOURCES BOARD )  
 )  
 Defendants. )

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

No. 77-C-59-BT

SUMMARY JUDGMENT AND PERMANENT INJUNCTION

This matter comes on for hearing this 30 day of April, 1980, pursuant to Motion for Permanent Injunction and Summary Judgment filed herein on behalf of the Plaintiff, W. J. Lambertson. The Plaintiff appears by and through his attorney, Roger R. Scott, and the Defendants, Oklahoma State Department of Health and Oklahoma Water Resources Board, appear not. The court finds that the Defendants have filed a Consent to Motion for Permanent Injunction and Summary Judgment, acknowledging that the Motion of the Plaintiff should be granted forthwith.

IT IS, THEREFORE, ORDERED, ADJUDGED AND DECREED that the Plaintiff, W. J. Lambertson, is hereby granted summary judgment in accordance with the terms and conditions of his Complaint filed herein and that the terms and provisions of tit. 63 O.S. §2764 are hereby declared to be unconstitutional and in violation of the Commerce Clause of the United States Constitution.

IT IS FURTHER ORDERED, ADJUDGED AND DECREED that the Defendants, and each of them, their employees, servants, agents and all persons acting by, through or under them, are hereby enjoined from enforcing the provisions of tit. 63 O.S. §2764 in any manner whatsoever and are further enjoined from interfering with or contacting Plaintiff's out-of-state customers threatening any action under said statute.

S/ THOMAS R. BRETT

Thomas R. Brett, United States  
District Judge

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

NORTHWEST BANK OF OKLAHOMA )  
 CITY, an Oklahoma )  
 Corporation, )  
 )  
 Plaintiff )  
 )  
 v. )  
 )  
 BETTY SUE HINES, et al., )  
 )  
 Defendants )  
 )  
 UNITED STATES OF AMERICA, )  
 )  
 Plaintiff on Cross- )  
 claim and Counter- )  
 claim )  
 )  
 v. )  
 )  
 BETTY SUE HINES, et al., )  
 )  
 Defendants on )  
 Cross-claim )  
 )  
 and )  
 )  
 NORTHWEST BANK OF )  
 OKLAHOMA CITY, an )  
 Oklahoma Corporation, )  
 )  
 Defendant on )  
 Counter-claim )

CIVIL NO. 78-C-320-~~A~~C

**FILED**

JAN 10 1980

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

JUDGMENT BY DEFAULT

The plaintiff on cross-claim, United States of America, having moved for entry of a default judgment against James Berkey d/b/a The Trust House, defendant on cross-claim, pursuant to Rule 55(b)(2) of the Federal Rules of Civil Procedure, and it appearing to the Court that the cross-claim in the above cause was filed in this Court on the 14th day of August, 1978; that the summons and complaint were duly served on the defendant on cross-claim, James Berkey, d/b/a The Trust House, on the 3rd day of January, 1979; that no answer or other defense has been filed, nor has any other appearance in this cause been made, by said defendant on cross-claim, James Berkey, d/b/a The Trust House,

and that said defendant on cross-claim has failed to appear, answer, plead or otherwise defend within the period of time allowed by law;

IT IS HEREBY ORDERED, ADJUDGED and DECREED that the plaintiff on cross-claim United States of America, have its judgment and tax liens against the property which is the subject of this action be, and hereby are, declared superior to any mortgages held by James Berkey, d/b/a The Trust House against that same property, as set out in plaintiff on cross-claim's cross-claim filed August 14, 1978.

This the 30<sup>th</sup> day of April, 1980.

I. S. H. Dale Cook  
UNITED STATES DISTRICT COURT JUDGE

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

TERRY G. CROUCH, )  
 )  
 Plaintiff, )  
 )  
 v. )  
 )  
 PATRICIA ROBERTS HARRIS, )  
 Secretary of Health, )  
 Education, and Welfare, )  
 )  
 Defendant. )

No. 78-C-502-C

FILED

APR 30 1980

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

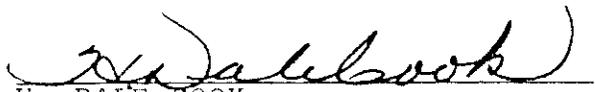
JUDGMENT

The Court has before it for consideration the Findings and Recommendations of the Magistrate filed on April 18, 1980, in which it is recommended that judgment be entered for the defendant. No exceptions or objections have been filed and the time for filing such exceptions or objections has expired.

After careful consideration of all the matter presented to it, the Court has concluded that the Findings and Recommendations of the Magistrate should be and hereby are affirmed.

It is Ordered that judgment be and hereby is entered for the defendant.

It is so Ordered this 30<sup>th</sup> day of April,  
1980.

  
H. DALE COOK  
CHIEF JUDGE

UNITED STATES DISTRICT COURT FOR THE  
NORTHERN DISTRICT OF OKLAHOMA

FILED

APR 30 1980

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

UNITED STATES OF AMERICA, )  
 )  
 Plaintiff, )  
 )  
 vs. )  
 )  
 WILLARD L. JONES, a/k/a )  
 WILLARD LEONARD JONES, )  
 )  
 Defendant. )

CIVIL ACTION NO. 79-C-653-B

DEFAULT JUDGMENT

This matter comes on for consideration this 23  
day of April, 1980, the Plaintiff appearing by Robert P. Santee,  
Assistant United States Attorney for the Northern District of  
Oklahoma, and the Defendant, Willard L. Jones, a/k/a Willard  
Leonard Jones, appearing not.

The Court being fully advised and having examined the  
file herein finds that Defendant, Willard L. Jones, a/k/a Willard  
Leonard Jones, was personally served with Summons and Complaint  
on December 27, 1979, and that Defendant has failed to answer  
herein and that default has been entered by the Clerk of this  
Court.

The Court further finds that the time within which  
the Defendant could have answered or otherwise moved as to the  
Complaint has expired, that the Defendant has not answered or  
otherwise moved and that the time for the Defendant to answer  
or otherwise move has not been extended, and that Plaintiff is  
entitled to Judgment as a matter of law.

IT IS THEREFORE, ORDERED, ADJUDGED AND DECREED that  
the Plaintiff have and recover Judgment against Defendant, Willard L.  
Jones, a/k/a Willard Leonard Jones, for the principal sum of \$1,294.38,  
plus the accrued interest of \$345.69, as of June 25, 1979, plus  
interest at 7% from June 25, 1979, until the date of Judgment,

plus interest at the legal rate on the principal sum of \$1,294.38,  
from the date of Judgment until paid.

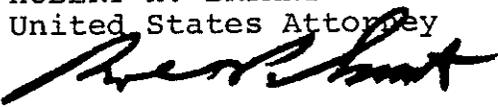
S/ THOMAS R. BRETT

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UNITED STATES DISTRICT JUDGE

UNITED STATES OF AMERICA

HUBERT H. BRYANT  
United States Attorney



ROBERT P. SANTEE  
Assistant U. S. Attorney

UNITED STATES DISTRICT COURT FOR THE  
NORTHERN DISTRICT OF OKLAHOMA

FILED

APR 30 1980

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

UNITED STATES OF AMERICA, )  
 )  
 Plaintiff, )  
 )  
 vs. )  
 )  
 BLUEFORD M. STARR, )  
 )  
 Defendant. )

CIVIL ACTION NO. 79-C-491-B

DEFAULT JUDGMENT

This matter comes on for consideration this 30th day of April, 1980, the Plaintiff appearing by Robert P. Santee, Assistant United States Attorney for the Northern District of Oklahoma, and the Defendant, Blueford M. Starr, appearing not.

The Court being fully advised and having examined the file herein finds that Defendant, Blueford M. Starr, was personally served with Summons and Complaint on March 20, 1980, and that Defendant has failed to answer herein and that default has been entered by the Clerk of this Court.

The Court further finds that the time within which the Defendant could have answered or otherwise moved as to the Complaint has expired, that the Defendant has not answered or otherwise moved and that the time for the Defendant to answer or otherwise move has not been extended, and that Plaintiff is entitled to Judgment as a matter of law.

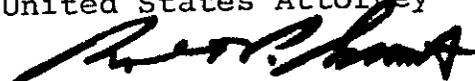
IT IS THEREFORE, ORDERED, ADJUDGED AND DECREED that the Plaintiff have and recover Judgment against Defendant, Blueford M. Starr, for the sum of \$433.48 less \$19.27 paid on September 7, 1979 for a total Judgment amount of \$414.21, plus interest from and after the date of this Judgment at the rate of 7% per annum until paid.

S/ THOMAS R. DRETT

UNITED STATES DISTRICT JUDGE

UNITED STATES OF AMERICA

HUBERT H. BRYANT  
United States Attorney



ROBERT P. SANTEE  
Assistant U. S. Attorney

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

WILLIAM B. ORCHARD, personal )  
representative of the Estate )  
of Kenneth E. Orchard, Deceased, )  
 )  
Plaintiff, )  
 )  
vs. )  
 )  
AVCO CORPORATION, d/b/a AVCO )  
LYCOMING WILLIAMSPORT DIVISION, )  
MILLER AVIATION ENTERPRISES, )  
FAE DAVIS, d/b/a DAVIS AIRCRAFT, )  
INC., and TULSA ACCESSORIES, INC. )  
and WALTON BELL, )  
 )  
Defendants. )

No. J-78-15 CIV

FILED

APR 30 1980

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

ORDER OF DISMISSAL WITH PREJUDICE

NOW, on this 30 day of April, 1980, an agreed stipulation of Dismissal with Prejudice was presented to the Court in this case. The Court, being advised that the matter has been settled in an equitable manner, finds there are no issues remaining between the parties and that each party has agreed to bear their own costs and attorneys' fees.

WHEREFORE, IT IS ORDERED, ADJUDGED AND DECREED that all claims of the plaintiff are hereby dismissed with prejudice against each defendant.

IT IS FURTHER ORDERED, ADJUGED AND DECREED that each party to this suit shall bear their respective costs and attorneys' fees.

S/ Thomas R. Butts  
UNITED STATES DISTRICT JUDGE

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

FILED

APR 29 1980

B

LEFRAK OIL AND GAS )  
ORGANIZATION OF OHIO, INC., )  
an Ohio Corporation, )  
 )  
Plaintiff, )

vs. )

GIANT-OHIO COMPANY, a Texas )  
General Partnership, )  
GIANT PETROLEUM CORPORATION, )  
an Oklahoma Corporation, )  
M. A. RIDDLE, Individually, )  
MICHAEL W. KIMBREL, Individually, )  
and RICK LOEWENHERZ, Individually, )  
 )  
Defendants. )

U. S. DISTRICT COURT

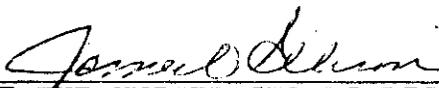
No. 79-C-401-E ✓

ORDER DISMISSING ACTION AND  
CROSS CLAIM WITH PREJUDICE

ON the foregoing Stipulation of the parties herein,  
Plaintiff, Lefrak Oil and Gas Organization of Ohio, Inc., by  
its attorneys of record, and Giant-Ohio Company, Giant  
Petroleum Corporation, Michael W. Kimbrel, and Rick Loewenherz,  
by its attorneys of record;

IT IS HEREBY ORDERED that the above entitled action be,  
and it hereby is, dismissed with prejudice to all parties,  
and that the Cross Claim of Defendants, Giant-Ohio Company,  
Giant Petroleum Corporation, Michael W. Kimbrel, and Rick  
Loewenherz, be, and it hereby is, dismissed with prejudice  
to all parties.

DATED this 28<sup>TH</sup> day of April, 1980.

  
\_\_\_\_\_  
JUDGE OF THE UNITED STATES DISTRICT COURT

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

FILED

APR 29 1980

CS

DART INDUSTRIES, INC., a )  
corporation, RALPH WILSON )  
PLASTICS COMPANY DIVISION, )  
 )  
Plaintiff, )  
 )  
vs. )  
 )  
PLUNKETT COMPANY, an Oklahoma )  
Corporation, )  
 )  
Defendant. )

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

79-C-200-BT ✓

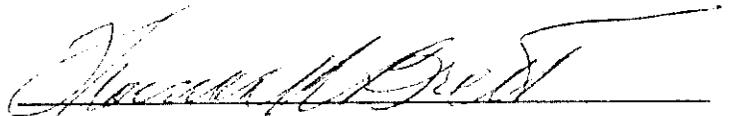
JUDGMENT

This action came on for trial before the Court and a jury, the Honorable Thomas R. Brett, United States District Judge, presiding, and the issues having been duly tried and the jury having duly rendered its verdict, for the plaintiff, filed of record herein.

IT IS ORDERED AND ADJUDGED the jury having found in favor of the plaintiff and against the defendant, the Court assesses damages in the sum of \$3,046.75 for the plaintiff and against the defendant and further that plaintiff be awarded costs of this action, with the following conditions which were agreed to by the parties:

The Judgment is abated until a final determination of the counter-claim anti-trust matter still pending; the legal rate of interest in the amount of 12% on the judgment hereafter entered shall run from the date of the jury verdict, i.e., April 22, 1980; likewise agreed to by the parties.

ENTERED this 24<sup>th</sup> day of April, 1980.



THOMAS R. BRETT  
UNITED STATES DISTRICT JUDGE

43

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

FILED

APR 29 1980

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

SOPHIE HORVATH,

Plaintiff,

vs.

JOHN JUHASZ,

Defendant.

No. 79-C-529-BT

J U D G M E N T

In keeping with the Findings of Fact and Conclusions of Law entered this 29 day of April, 1980, the Court hereby grants judgment in favor of the plaintiff and against the defendant in the sum of \$111,258.15, with interest thereon at the rate of 12% from the date of judgment, and the costs of this action.

Dated this 29 day of April, 1980.



THOMAS R. BRETT  
UNITED STATES DISTRICT JUDGE FOR  
THE NORTHERN DISTRICT OF OKLAHOMA

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

FILED

APR 29 1980

SOPHIE HORVATH, )  
 )  
 Plaintiff, )  
 )  
 vs. )  
 )  
 JOHN JUHASZ, )  
 )  
 Defendant. )  
 )  
 )  
 )  
 )  
 )  
 )  
 )

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

No. 79-C-529-Bt

FINDINGS OF FACT AND  
CONCLUSIONS OF LAW

This matter coming on before me, the undersigned Judge on this 24th day of April, 1980, upon plaintiff's Application for Default Judgment herein. After hearing the testimony of witnesses duly sworn and the statements of counsel; after examining the files and records in this cause and being otherwise fully advised in the premises the Court does find:

The defendant herein, John Jubhasz, was served according to the Non-Resident Motorist Act of the State of Oklahoma 47 O.S. §391 et. seq. by serving the Secretary of State of the State of Oklahoma and by mailing to the defendant by certified mail at his last known address a notification of said service upon the Secretary of State. That such certified mail was returned marked "moved, left no address". That said defendant has failed to respond or otherwise plead or answer herein and is in default.

This Court has jurisdiction over the parties hereto and the subject matter herein by virtue of diversity of citizenship in that the plaintiff is a resident of the State of Ohio and the defendant is a resident of the State of California and further by virtue of the fact that the damages arising from this action exceed the sum of \$10,000.00.

On or about the 6th day of October, 1977, the plaintiff was a passenger of a vehicle driven by the defendant John Juhasz which was traveling in a Westerly direction on the Will Rogers Turnpike in Rogers County, State of Oklahoma,

within the confines of the United States District Court for the Northern District of Oklahoma. That as a result of the want of care and control and as a result of the negligence of the defendant in the operation and maintenance of said vehicle, the car in which the plaintiff was a passenger went out of control and turned over on the west shoulder area of said Will Rogers Turnpike. That said negligence of the defendant, John Juhasz, consisted of failure to drive with proper attention, driving at an excessive speed and driving with a defective tire.

As a result of the defendant's carelessness and negligence the plaintiff did sustain injuries consisting of a gross open fracture of the left forearm, fracture of the right wrist, lacerations of the head and body, severe tearing of the muscles and ligaments of the left arm, scalding burns to the abdomen, mental and physical pain and permanent disability to the left arm.

The Court finds that the plaintiff was 59 years of age with a life expectancy of 17.5 years.

The Court further finds that as a result of the negligence and carelessness of the defendant and the accident resulting therefrom, the plaintiff did incur the following damages. Hospital expenses in the sum of \$8,758.15, loss of earnings in the sum of \$6,000.00, loss of future earnings in the sum of \$10,000.00, past and future pain and suffering in the amount of \$36,500.00, and past and future permanent disability in the sum of \$50,000.00 for total damages in the sum of \$111,258.15.

The Court directs a judgment should be entered for the plaintiff and against the defendant in the total sum of \$111,258.15 with interest thereon at the rate of 12% per annum from the date of judgment.

Dated this 29 day of April, 1980.



THOMAS R. BRETT  
UNITED STATES DISTRICT JUDGE FOR THE  
NORTHERN DISTRICT OF OKLAHOMA

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

**FILED**

**APR 25 1980**

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

BRALLIER ENTERPRISES, INC., )  
 )  
 Plaintiff )  
 )  
 v. )  
 )  
 MILBURN FRANK WATSON and BETTY )  
 WATSON, )  
 )  
 Defendants )

No. 77-C-389-BT

STIPULATION OF DISMISSAL WITH PREJUDICE

Comes now the plaintiff and by mutual consent of the defendants and with the knowledge and approval of the Court, does hereby dismiss its cause of action with prejudice to the bringing of any future actions.

CHAPEL, WILKINSON, RIGGS, ABNEY &  
KEEPER

By Bill V. Wilkinson  
Bill V. Wilkinson  
502 West Sixth  
Tulsa, Oklahoma 74119  
Attorneys for plaintiff

Milburn Frank Watson  
MILBURN FRANK WATSON, Defendant

Betty Watson  
BETTY WATSON, Defendant

By Frank Watson

STIPULATION APPROVED THIS 25 DAY OF APRIL, 1980.

Thomas R. Brett  
THOMAS R. BRETT  
U. S. District Judge

FILED

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

APR 25 1980

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

UNITED STATES OF AMERICA, )  
 )  
 Plaintiff, )  
 )  
 vs. )  
 )  
 KENNETH W. KILGORE, et. al., )  
 )  
 Defendants. )

CIVIL ACTION NO. 78-C-442-BT ✓

ORDER

NOW, on this 25 day of April, 1980, there came on for consideration a Stipulation of Dismissal filed by the parties hereto. Based on such stipulation, the Court finds this action should be dismissed, without prejudice.

IT IS THEREFORE ORDERED, ADJUDGED, AND DECREED that this action be and the same is hereby dismissed, without prejudice.

  
UNITED STATES DISTRICT JUDGE

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

RONALD O. MARQUETTE, )  
 )  
 Plaintiff, )  
 )  
 vs. )  
 )  
 AMERICAN RELIGIOUS TOWN )  
 HALL MEETING, INC., a )  
 Minnesota corporation, )  
 )  
 Defendant. )

No. 78-C-298-B

**FILED**

**APR 25 1980**

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

DISMISSAL

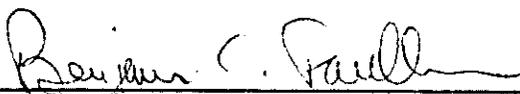
On this 25 day of April, 1980, pursuant to the  
Stipulation of plaintiff and defendant filed herein, the  
Complaint of plaintiff filed herein is dismissed with  
prejudice.

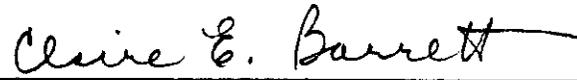
S/ THOMAS R. BRETT

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THOMAS R. BRETT,  
United States District Judge

APPROVED AS TO FORM:

  
\_\_\_\_\_  
Benjamin C. Faulkner  
ATTORNEY FOR PLAINTIFF

  
\_\_\_\_\_  
Claire E. Barrett  
ATTORNEY FOR DEFENDANT

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

HIDROCARBUROS Y DERIVADOS,  
C.A., a Venezuelan  
corporation,

Plaintiff,

v.

FIRST CITY NATIONAL BANK OF  
HOUSTON and ROYCE H. SAVAGE,  
individually and as Trustee  
of Home-Stake Production  
Company,

Defendant.

Civil Action ✓  
No. 79-C-737-BT

**FILED**

APR 25 1980

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

ORDER OF DISMISSAL

Upon the stipulation of both parties, all causes  
of action against Royce H. Savage, individually and the fourth  
and fifth causes of action contained in the Amended Complaint  
of Hidrocarburos Y Derivados ("Hideca") are hereby dismissed  
with prejudice.

DATED this 25 day of April, 1980.

BY THE COURT:



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

**FILED**

**APR 25 1980**

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

LIBERTY MUTUAL INSURANCE COMPANY  
a corporation

Plaintiff

vs.

WILLIAM W. McCLURE, JR.,  
and THOMAS BURTON

Defendants

No. 77-C-97

ORDER

It appearing to the Court that all issues between plaintiff,  
Liberty Mutual Insurance Company, and defendant and cross-claimant,  
William W. McClure, Jr., have been settled, the cross-claim of William  
W. McClure, Jr., is hereby dismissed with prejudice.

Dated this 25 day of April, 1980.

S/ THOMAS R. BRETT

Thomas R. Brett, Judge

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

NEW HAMPSHIRE INSURANCE COMPANY, }  
 }  
 Plaintiff, }  
 }  
 vs. }  
 }  
 JOHN R. PENN, WILKERSON MOTOR }  
 COMPANY d/b/a TINK'S AUTO MART }  
 and NORMA J. HARRELL, }  
 }  
 Defendants. }

No. 78-C-592-C

*NO* FILED  
APR 24 1980  
Jack C. Silver, Clerk  
U. S. DISTRICT COURT

J U D G M E N T

THIS matter came on for trial before H. Dale Cook, Chief Judge of the United States District Court for the Northern District of Oklahoma on the 16th day of January, 1980. The plaintiff appeared by its attorney, Jack Y. Goree of Whitten, McDaniel, Osmond, Goree and Davies. Defendant John R. Penn appeared in person and Wilkerson Motor Company d/b/a Tink's Auto Mart appeared by John Wimbish. Defendant Norma J. Harrell appeared in person and with her attorney, Donald E. Smolen.

All parties announced ready for trial and plaintiff's attorney made an opening statement. Defendant's attorney, John Wimbish, waived opening statement in behalf of Wilkerson Motor Company d/b/a Tink's Auto Mart and Donald E. Smolen made an opening statement for Norma J. Harrell. John R. Penn advised the Court that he waived opening statement.

After the opening statements, counsel for plaintiff called his first witness, James F. Cook. Don Smolen cross-examined in behalf of Norma J. Harrell, and the other defendants waived cross-examination of this witness. Plaintiff called his second witness, John R. Penn, and then withdrew further questioning of the witness after the witness was reluctant to testify. Defendants' attorneys waived cross-examination of John R. Penn and plaintiff rested his case in chief. Defendants waived putting on testimony.

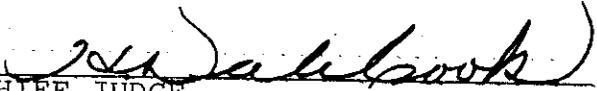
After all parties having rested, the Court considered the evidence and finds that New Hampshire Insurance Company carried a policy of insurance on Wilkerson Motor Company d/b/a Tink's Auto Mart on November 30, 1976, and that John R. Penn was an employee of Wilkerson Motor Company d/b/a Tink's Auto Mart at that time. That John R. Penn was permitted to use a 1973 Dodge Challenger automobile on a to-and-from work basis only. That John R. Penn, without permission of the named insured or the owner of the vehicle, drove the vehicle to Miami, Oklahoma, where, on November 30, 1976, he had an automobile accident, injuring Norma J. Harrell, a passenger in the automobile.

The Court specifically finds that John R. Penn did not have permission to drive the automobile out of Tulsa, Oklahoma, and that he was specifically outside the scope of his employment when he was driving in Miami, Oklahoma, at the time of the accident.

Accordingly, there being no conflict in the evidence, and the Court finding that the insurance policy of the plaintiff does not extend coverage to use of the automobile which is not with the permission of the named insured, the Court, therefore, finds all issues in favor of the plaintiff, New Hampshire Insurance Company, and enters judgment for New Hampshire Insurance Company.

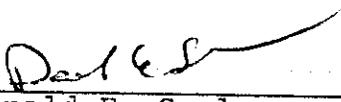
IT IS THEREFORE ORDERED, ADJUDGED AND DECREED BY THE COURT that, applying the law to the facts, Judgment should be entered and is entered for the plaintiff against the defendant, John R. Penn, and the defendant, Norma J. Harrell, to the extent that coverage under the policy of the plaintiff is denied to John R. Penn, and the plaintiff should not be required to defend any action against John R. Penn arising out of the automobile accident which occurred in Miami, Oklahoma, on November 30, 1976, and further, that plaintiff is not required to pay damages or any Judgment rendered against John R. Penn arising out of the accident on November 30, 1976.

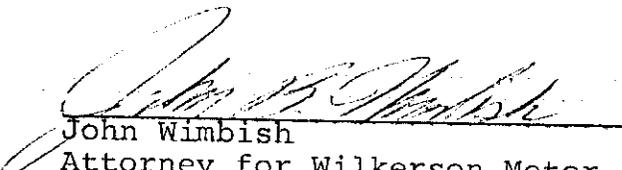
Dated this 24<sup>th</sup> day of April, 1980.

  
CHIEF JUDGE  
UNITED STATES DISTRICT COURT

Approved as to Form:

  
Jack Y. Goree  
WHITTEN, McDANIEL, OSMOND,  
GOREE AND DAVIES  
Attorneys for Plaintiff

  
Donald E. Smolen  
Attorney for Norma J. Harrell

  
John Wimbish  
Attorney for Wilkerson Motor  
Company d/b/a Tink's Auto Mart

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

VIRGINIA THOMSON, )  
)  
Plaintiff, )  
)  
vs. )  
)  
CURTIS R. WILSON, HELEN WILSON, )  
DOUGLAS RAY WILSON, LETHA LOUISE, )  
INC., an Oklahoma corporation, and )  
JOHNNY L. MORRISON and )  
ANN MORRISON, and AMERICAN )  
EXCHANGE BANK, Collinsville, )  
Oklahoma, )  
)  
Defendants. )  
\_\_\_\_\_ )

No. 78-C-437-BR ✓

**FILE**

**APR 24 1980**

Jack E. Smith, Clerk  
U.S. DISTRICT COURT

DISMISSAL WITH PREJUDICE

COMES NOW, VIRGINIA L. THOMSON, by and through her attorneys,  
SAM H. CASSIDY III and D. GREGORY BLEDSOE, and dismisses with prejudice  
all her causes of action filed herein, against all of the above named  
Defendants.

*Virginia L. Thomson*  
\_\_\_\_\_  
VIRGINIA L. THOMSON

*Sam Cassidy*  
\_\_\_\_\_  
SAM-H. CASSIDY

*D. Gregory Bledsoe*  
\_\_\_\_\_  
D. GREGORY BLEDSOE

*H. Gene Seigel*  
\_\_\_\_\_  
H. GENE SEIGEL

Attorneys for Plaintiff  
2624 East 21st Street, Suite 1  
Tulsa, Oklahoma 74114  
(918) 747-1341

APPROVED *Thomas R. Brett*  
\_\_\_\_\_  
THOMAS R. BRETT, JUDGE

DATE April 24, 1980

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

FILED

APR 24 1980

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

KAREN KLAR,

Plaintiff,

vs.

ORKIN EXTERMINATING COMPANY,  
INC., a Delaware corporation,

Defendant.

No. 79-C-665-E

ORDER APPROVING STIPULATION  
OF PARTIES

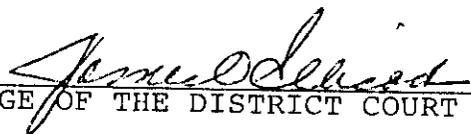
On this 24<sup>th</sup> day of April, 1980, the Court has before it the Stipulation entered into by the plaintiff, Karen Klar ("Klar"), and the defendant, Orkin Exterminating Company, Inc. ("Orkin"), and having examined the same determines that said Stipulation should be approved, and pursuant thereto, the Court has determined that the following Order should be entered:

1. Klar is the prevailing party in this matter as to both causes of action alleged in her Complaint in the amount of \$7,800.00. Klar is also entitled to recover her costs, pursuant to Rule 54(d).

2. Upon further application by Klar, this Court will determine whether Klar, as the prevailing party in this matter, is entitled to recover an attorney's fee, and, if so, the amount of those fees.

3. Solely for the purposes of determining the issue of whether Klar, as a prevailing party, is entitled to recover an attorney's fee in this matter, all allegations contained in Klar's Complaint will be taken as true. In addition, in making its determination of the attorney fees issue, the Court shall consider the allegations contained in Orkin's Answer and in Orkin's Answers to Klar's Interrogatories and Request for Admission; however, the allegations and responses will not be taken to be true, but will be considered

for the purposes of determining the substantive legal basis for Orkin's liability in this case in connection with the issue of attorneys fees.

  
JUDGE OF THE DISTRICT COURT

APPROVED AS TO FORM AND  
CONTENT:

  
J. Douglas Mann  
For Rosenstein, Fist & Ringold  
Attorneys for Plaintiff

  
R. Scott Savage  
For Moyers, Martin, Conway,  
Santee & Imel  
Attorneys for Defendant

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

USM CORPORATION, BOSTIK )  
DIVISION, a New Jersey )  
Corporation, )  
 )  
Plaintiff, )  
 )  
vs. )  
 )  
J. L. HATCH AND CO., INC., )  
an Oklahoma corporation, and )  
JAMES L. HATCH, )  
 )  
Defendants. )

No. 79-C-566-C

FILED  
IN OPEN COURT  
APR 23 1980  
Jack C. Silver, Clerk  
U. S. DISTRICT COURT

JUDGMENT

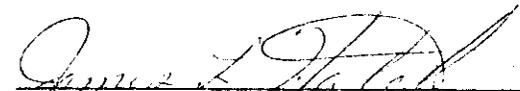
On this 23<sup>rd</sup> day of April, 1980, pursuant to the Joint Application for Judgment filed by the parties herein, this matter comes on for hearing. The Court having examined the files herein, having heard the testimony of the defendants and the representations of counsel, and being fully advised in the premises is hereby:

ORDERED, ADJUDGED AND DECREED that plaintiff is entitled to recover judgment from the defendants, J. L. Hatch and Co., Inc., and James L. Hatch, individually, as prayed for in the original Complaint filed herein in the amount of Twenty-two thousand Six Hundred and Three Dollars and 51/100 including a reasonable attorneys fee and the costs of this action.

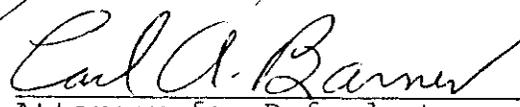
  
UNITED STATES DISTRICT JUDGE

APPROVED:

  
Fred C. Cornish, Attorney for Plaintiff

  
James L. Hatch, President  
J. L. Hatch, and Co., Inc.

  
James L. Hatch, Individually

  
Attorney for Defendants

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

DESIGN SERVICES, INC., )  
 )  
 Plaintiff, )  
 )  
 vs. )  
 )  
 PAISANO NODAWAY )  
 ENTERPRISES, INC., )  
 )  
 Defendant and )  
 Third Party Plaintiff, )  
 )  
 vs. )  
 )  
 DESIGN SERVICES, INC., and )  
 ADDIS LAND COMPANY, )  
 )  
 Third Party Defendants, )  
 )  
 CENTINEL BANK OF TAOS, )  
 )  
 Intervenor, )  
 )  
 vs. )  
 )  
 DESIGN SERVICES, INC., )  
 )  
 Fourth Party Defendant, )  
 )  
 AMERICAN FIDELITY FIRE )  
 INSURANCE COMPANY, )  
 )  
 Intervenor, )  
 )  
 vs. )  
 )  
 PAISANO NODAWAY ENTERPRISES, )  
 INC., and CENTINEL BANK OF TAOS, )  
 )  
 Fifth Party Defendants. )

No. C-78-363-C

*AK* ✓

**FILED**

APR 23 1980

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

ORDER

This cause comes on before me the undersigned United States District Judge, upon the application of the parties hereto for dismissal with prejudice of all the complaints, counter-complaints, setoffs, counterclaims heretofore alleged by any of the captioned parties against any other of the captioned parties, whether or not the same has been previously allowed to be filed in this cause or not and the Court being fully advised in the premises finds, and it is:

ORDERED, ADJUDGED AND DECREED by the Court that the respective complaints, claims, counter-claims, setoffs, cross-complaints, etc. between the parties hereto as previously filed herein or tendered for filing herein, are hereby dismissed one as against the other with prejudice to refiling.

Dated this 22 day of ~~March~~ <sup>April</sup>, 1980.

  
UNITED STATES DISTRICT JUDGE

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

**F I L E D**

**APR 23 1980**

LARRY DON WESLEY MAYNARD, #77766, )  
 )  
Plaintiff, )  
 )  
vs. ) No. 80-C-166-E  
 )  
STATE OF OKLAHOMA, )  
 )  
Defendant. )

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

O R D E R

The Court has before it for consideration Plaintiff's civil rights complaint pursuant to 42 U.S.C. §1983 and 28 U.S.C. §1343(3).

28 U.S.C. §1343(3) provides as follows:

"The district courts shall have original jurisdiction of any civil action authorized by law to be commenced by any person: (3) to redress the deprivation, under color of state law, statute, ordinance, regulation, custom or usage, of any right, privilege or immunity secured by the Constitution of the United States or by any Act of Congress providing for equal rights of citizens or of all persons within the jurisdiction of the United States."

42 U.S.C. §1983 provides:

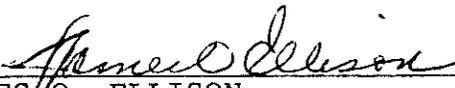
"Every person who, under color of any statute, ordinance, regulation, custom, or usage, of any State or Territory, subjects, or causes to be subjected, any citizen of the United States or other person within the jurisdiction thereof to the deprivation of any rights, privileges, or immunities secured by the Constitution and laws, shall be liable to the party injured in an action at law, suit in equity, or other proper proceedings for redress."

Specifically, Plaintiff alleges that he represented himself as trial lawyer on case no. CRF-76-156 and desires to be paid for the self-representation so he can buy Court records to perfect an appeal or at least file an amended brief. The payment of attorney's fees to a self-representation plaintiff does not rise to the deprivation of rights secured by the Constitution provided in the statute above.

This Court authorized the commencement of this lawsuit in forma pauperis under the authority of 28 U.S.C. §1915. Subsection (d) of that statute permits the dismissal of a case when the Court is satisfied the action is frivolous. Both the Supreme Court and the Tenth Circuit Court of Appeals have held that federal jurisdiction does not lie where a purported civil rights

claim is simply unsubstantial. See Hagans v. Lavine, 415 U.S. 528, 536 (1973); Wells v. Ward, 470 F.2d 1185 (Tenth Cir. 1972); Hofferber v. 1st Nat'l Bank of Guymon, Okla., 437 F.Supp. 788 (W.D. Okla. 1977); Bell v. Hood, 327 U.S. 678, 66 S.Ct. 773, 90 L.Ed. 795 (1904).

In view of its holding that Plaintiff has suffered no deprivation of rights constitutionally protected, the Court concludes that this action is not cognizable and that Plaintiff's claim is unsubstantial. Accordingly, this action is, in all respects, dismissed.

  
\_\_\_\_\_  
JAMES O. ELLISON  
UNITED STATES DISTRICT JUDGE

IT IS SO ORDERED this 23 day of April, 1980.

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

FILED

APR 23 1980

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

JAMES H. (Jim) SHIPMAN, )  
 )  
Plaintiff, )  
 )  
vs. )  
 )  
DENZIL ROBBINS, )  
 )  
Defendant. )

No. 79-C-58-B ✓

AMENDED  
ORDER OF JUDGMENT

NOW on this 21st day of April, 1980, the above-captioned civil action came on before this court for jury trial pursuant to prior assignment. The plaintiff was present in person and through his attorney of record, Richard T. Sonberg. The defendant was not present but was represented by his attorney of record, Alfred B. Knight. A request for continuance of this trial for thirty (30) days presented by the defendant's attorney was denied by the Court.

WHEREUPON, a jury of six was selected and impaneled under oath. The plaintiff presented his case in chief upon the claim for relief set forth in his complaint and rested. The defendant's motion for a directed verdict against the plaintiff was overruled. The defendant's defense was then presented and motions for a directed verdict by both plaintiff and defendant were overruled. Following closing arguments of counsel and instructions by the Court, the jury retired to deliberate the case.

WHEREUPON, the jury did on April 21, 1980, return its unanimous verdict in favor of the plaintiff and against the defendant upon the claim for relief set forth in the plaintiff's complaint filed herein.

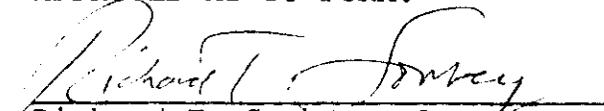
NOW, THEREFORE, it is the Order and Judgment of this Court that the plaintiff, James H. (Jim) Shipman shall have and recover judgment against the defendant, Denzil Robbins,

upon that certain promissory note dated February 3, 1977, in the principal amount of \$22,500.00 plus interest on such amount at the rate of six (6.0) percent per annum from and after February 3, 1977, until the date of this judgment, and at the rate of twelve (12.0) percent per annum hereafter, together with the costs of this action including plaintiff's reasonable attorney's fees, all as provided in said note which is hereby merged into this judgment.

SO ORDERED.

  
United States District Judge

APPROVED AS TO FORM:

  
Richard T. Sonberg, Attorney  
for plaintiff

  
Alfred B. Knight, Attorney  
for defendant

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

FILED

LEONARD L. WHITFIELD and  
THE CHIEF FREIGHT LINES COMPANY,  
a foreign corporation,

Plaintiffs,

vs.

KELLY SPRINGFIELD TIRE COMPANY,  
a foreign corporation, and  
SEARS, ROEBUCK AND COMPANY,  
a foreign corporation,

Defendants.

APR 21 1980

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

No. 79-C-569-E

ORDER OF DISMISSAL OF PLAINTIFFS'  
COMPLAINT

NOW on this 21st day of April, 1980, upon the written stipulation of the plaintiffs for a dismissal with prejudice of the plaintiffs' complaint, the Court having examined said Stipulation for Dismissal, finds that the parties have entered into a compromise settlement of all of the claims involved herein, and the Court being fully advised in the premises finds that the plaintiffs' Complaint against the defendants should be dismissed with prejudice.

IT IS THEREFORE ORDERED BY THE COURT that the Complaint of the plaintiffs against the defendants be and the same is hereby dismissed with prejudice to any further action.

S/ JAMES O. ELISON

UNITED STATES DISTRICT JUDGE

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

JAMES H. (JIM) SHIPMAN,

Plaintiff,

vs.

DENZIL ROBBINS,

Defendant.

)  
)  
) 79-C-58-BT  
)  
)  
)  
)  
)  
)

**FILED**  
**IN OPEN COURT**  
**APR 21 1980**

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

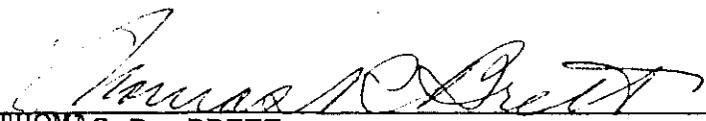
JUDGMENT

Pursuant to the Jury Verdict rendered in this cause  
on April 21, 1980,

IT IS ORDERED SAID Verdict be spread of record and Judgment  
be entered in favor of the plaintiff, James H. (Jim) Shipman  
and against the defendant, Denzil Robbins, in the amount of  
\$22,500, plus interest at the rate of 6% per annum from February 3,  
1977, to date, in accordance with the terms of the promissory note  
dated February 3, 1977, said Judgment to bear interest at the  
rate of 10% per annum until paid, plus the costs of this action.

IT IS FURTHER ORDERED that upon proper application by  
counsel for the plaintiff, the Court will determine a reasonable  
attorney fee, as provided in said note.

ENTERED this 21st day of April, 1980.

  
\_\_\_\_\_  
THOMAS R. BRETT  
UNITED STATES DISTRICT JUDGE

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

**FILED**

**APR 21 1980**

LORETTA FLYNT )  
 )  
 Plaintiff, )  
 )  
 vs. )  
 )  
 CITY OF BRISTOW )  
 )  
 Defendant. )

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

Case No. 78-C-367-NE

O R D E R

IT appearing to the Court that the above entitled action has been fully settled, adjusted and compromised, and based upon the Stipulation; therefore,

IT IS ORDERED AND ADJUDGED that the above entitled action be, and the same is hereby dismissed without cost to either party and with prejudice to the Plaintiff.

DATED this 21st day of January, 1980.

**S/ JAMES O. ELLISON**

UNITED STATES DISTRICT JUDGE

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

FILED

APR 17 1980

WILLIAM R. WILSON, )  
 )  
 Plaintiff, )  
 )  
 vs. )  
 )  
 A.R.A. FOOD SERVICE, INC., )  
 OKLAHOMA DEPARTMENT OF )  
 CORRECTIONS, FRED PHILLIPS, )  
 Manager, and TOM ANDERSON, )  
 Food Supervisor, )  
 )  
 Defendants. )

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

No. 79-C-697-E

ORDER

This is a Civil Rights Complaint pursuant to 42 U.S.C. §1983. Plaintiff is a prisoner at the Connors Correctional Center, and Defendants are the State Department of Corrections, the corporation which is under contract with the Department to provide meals for the inmates at Connors, and two employees of the corporation. Plaintiff's Complaint is essentially concerned with the quality of the food served at Connors.

The Court presently has before it the Motion to Dismiss of Defendant Department of Corrections, and the Motion for Protective Order of Defendant A.R.A. Food Service, Inc..

Although the Court has not yet Ordered a report under Martinez v. Aaron, 570 F.2d 317 (Tenth Cir. 1978), Defendant A.R.A. has, in its response to Plaintiff's request for production of documents supplied complete records of the menus of meals served at Connors from September 27, 1979, to February 13, 1980, (the Complaint alleges that inadequate and improper food was served from September 30, 1979 to the date of the filing of the Complaint, November 30, 1979); copies of all complaints relating to the food at the institution; copies of all documents relating to food service inspection; and has stated that there is only one method available for transporting food from the kitchen to other areas within the institution, and described that method.

The Court concludes that the information already contained within the file is sufficient to enable this Court to determine

the preliminary issues, and that Martinez, supra, has been substantially complied with.

Allegations concerning cold or unpalatable food do not rise to constitutional levels if prisoners are adequately fed, e.g., Hoitt v. Vitek, 497 F.2d 598 (First Cir. 1974); Boston v. Stanton, 450 F.Supp. 1049 (W.D. Mo. 1978); Tuggle v. Evans, 457 F.Supp. 1015 (D. Colo. 1978).

The documents produced by A.R.A. in this case disclose that a sufficient diet is provided to the inmates; absent a showing of illness or similar harm mere complaints about the institutional food do not rise to the level of constitutional claims concerning a person's right to be free from cruel and unusual punishment, see Burrascano v. Levi, 452 F.Supp. 1066 (D. Md. 1978); Fezell v. Augusta County Jail, 401 F.Supp. 405 (W.D. Va. 1975); and Lovern v. Cox, 374 F.Supp. 32 (W.D. Va. 1974).

The court authorized the commencement of this action in forma pauperis under the authority of 28 U.S.C. §1915. Subsection (d) of that statute permits the dismissal of a case when the court is satisfied that the action is frivolous. Moreover, both the Supreme Court and the Tenth Circuit Court of Appeals have held that federal jurisdiction does not lie where a purported civil rights claim is simply unsubstantial. See Hagans v. Lavine, 415 U.S. 528, 94 S.Ct. 1372 (1974); Wells v. Ward, 470 F.2d 1185, 1187 (Tenth Cir. 1972). In view of its holding that plaintiff has suffered no deprivation of rights constitutionally protected, the court concludes that this action is frivolous and that plaintiff's claim is unsubstantial. Accordingly, this action is, in all respects, dismissed.

So Ordered this 17<sup>th</sup> day of April, 1980.

  
\_\_\_\_\_  
JAMES P. ELLISON  
UNITED STATES DISTRICT JUDGE

**FILED**

**APR 17 1980**

IN THE UNITED STATES DISTRICT COURT

FOR THE NORTHERN DISTRICT OF OKLAHOMA

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

GEORGE A. HORMEL AND COMPANY, )  
 )  
 Plaintiff, )  
 )  
 vs. ) No. 79-C-170-C  
 )  
 PATRICK D. WARD and )  
 PATRICIA B. WARD, )  
 )  
 Defendants. )

ORDER

Now on this 17<sup>th</sup> day of April, 1980, there came on for consideration the Motion for Dismissal of the third party complaint in the above cause, and based on such Motion,

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

S/ THOMAS R. BRETT

United States District Judge

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

BILL'S COAL COMPANY, INC., )  
a corporation, )  
5200 South Yale Avenue )  
Tulsa, Oklahoma )

and )

WILLIAM D. PATCH, SAVANNA )  
LEE PATCH, LLOYD F. BURKDOLL, )  
ANNA FAYE BURKDOLL, JOHN E. )  
BURKDOLL and VIRGINIA L. )  
BURKDOLL, all the general )  
partners of and d/b/a )  
CHEROKEE COAL COMPANY, )  
a general partnership, )  
5200 South Yale Avenue )  
Tulsa, Oklahoma, )

Plaintiffs, )

vs. )

FOUR D. ENERGY, INC. )  
Serve: Mary J. DeLozier, )  
Registered Agent, Route 1, )  
Box 360, Chelsea, Oklahoma )

and )

BOARD OF PUBLIC UTILITIES )  
OF SPRINGFIELD, MISSOURI )  
Serve: John L. McMahon, )  
General Manager, 301 East )  
Central Street, Springfield, )  
Missouri 65801 )

and )

CITY OF SPRINGFIELD )  
MISSOURI, a municipal )  
corporation, Springfield, )  
Missouri, Serve: Mayor of )  
the City of Springfield, )  
Missouri, )

Defendants. )

APR 16 1980

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

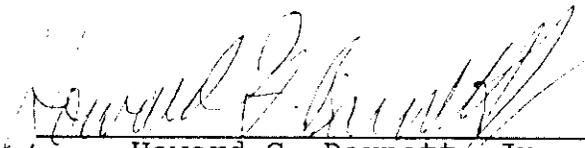
Civil Action

No. 80-C-187-E

NOTICE OF DISMISSAL OF  
DEFENDANT FOUR D ENERGY, INC.

COME NOW plaintiffs, the defendant Four D Energy, Inc.  
having not filed a responsive pleading, and dismiss without  
prejudice their action as to defendant Four D Energy, Inc.,

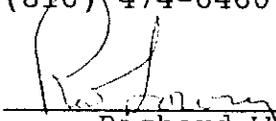
all in accordance with Rule 41(a)(1)(i) of the Federal Rules of Civil Procedure.

  
Howard G. Barnett, Jr.

SNEED, LAND, ADAMS, HAMILTON,  
DOWNIE & BARNETT  
Fourth Floor  
Thurston National Building  
6 East 5th Street  
Tulsa, Oklahoma 74103  
(918) 583-3145

  
Paul Scott Kelly, Jr.  
George P. Coughlin  
Robert J. Harrop

G A G E & T U C K E R  
2345 Grand Avenue  
P. O. Box 23428  
Kansas City, Missouri 64141  
(816) 474-6460

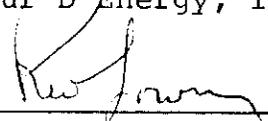
  
Richard W. Lowry

LOGAN, LOWRY & JOHNSTON  
101 South Wilson Street  
P. O. Box 574  
Vinita, Oklahoma 74301  
(918) 256-7511

Attorneys for Plaintiffs

A copy of the foregoing notice was mailed, postage prepaid, this 16th day of April, 1980, to:

Stan P. Doyle  
P.O. Box 1679  
Tulsa, Oklahoma 74101  
Attorney for defendant  
Four D Energy, Inc.

  
Attorney for Plaintiffs

IN THE UNITED STATES DISTRICT COURT  
NORTHERN DISTRICT OF OKLAHOMA

Countryside Casualty Company, )  
 )  
Plaintiff, )  
 )  
vs. )  
 )  
Oklahoma Farm Bureau Mutual )  
Insurance Company, )  
 )  
Defendant. )

NO. 79 C 712 C

**FILED**

APR 16 1980 yto

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

ORDER OF DISMISSAL

Upon the stipulation of plaintiff and defendant, the Court hereby orders that the above-referenced matter be dismissed without prejudice to plaintiff's claim asserted therein and that each party shall pay its own Court costs.

Dated this 16<sup>th</sup> day of April, 1980.

  
CHIEF UNITED STATES DISTRICT JUDGE

UNITED STATES DISTRICT COURT  
FOR THE  
NORTHERN DISTRICT OF OKLAHOMA

APR 16 1980

FORD MOTOR CREDIT COMPANY, )  
 )  
 Plaintiff, )  
 )  
 vs. )  
 )  
 LAKE COUNTRY FORD, INC., )  
 an Oklahoma corporation, )  
 )  
 Defendant. ) No. 80-C-173-E

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

STIPULATION OF DISMISSAL WITHOUT PREJUDICE

The Plaintiff, Ford Motor Credit Company, and the Defendant, Lake Country Ford, Inc., an Oklahoma corporation, stipulate that the above-entitled cause may be and is dismissed without prejudice at the cost to the Plaintiff.

FORD MOTOR CREDIT COMPANY

By: Thomas G. Marsh  
Thomas G. Marsh  
ATTORNEY FOR THE PLAINTIFF  
525 South Main, Suite 210  
Tulsa, Oklahoma 74103  
Telephone: (918) 587-0141

LAKE COUNTRY FORD, INC.

By: James S. Wooley  
James S. Wooley  
ATTORNEY FOR DEFENDANT  
One North Main, Suite A  
Miami, Oklahoma 74354  
Telephone: (918) 542-1200

FILED

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

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

FARMERS INSURANCE EXCHANGE, )  
 )  
Plaintiff, )  
 )  
-vs- ) NO. 78-C-400-E  
 )  
JAMES E. BROWN, )  
Administrator, et al., )  
 )  
Defendants. )

ORDER

NOW, on this 16 day of April, 1980, the Court,  
after reviewing the file and specifically the Application  
for Dismissal filed on behalf of the defendant Saint Francis  
Hospital, Inc., on the 13th day of March, 1980, finds that  
the defendant Saint Francis Hospital, Inc.'s, Application  
for Dismissal should be and is hereby allowed.

IT IS THEREFORE ORDERED, ADJUDGED AND DECREED that  
defendant Saint Francis Hospital, Inc., should be allowed to  
dismiss its cause of action as and against the interpleader  
fund.

DATED this 16 day of April, 1980.

**S/ JAMES O. ELLISON**

James O. Ellison  
Judge of the District Court for  
the Northern District of Oklahoma

UNITED STATES DISTRICT COURT FOR THE  
NORTHERN DISTRICT OF OKLAHOMA

FILED  
APR 16 1980 12

STEVEN P. FLEMING, )  
 )  
 Plaintiff, )  
 )  
 vs. )  
 )  
 HUGH B. ROBEY, )  
 )  
 Defendant. )

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

No. 79-C-706-BT ✓

O R D E R

Plaintiff herein, Steven P. Fleming, has filed this action pro se upon permission by the Court to file as a pauper. Defendant, Hugh B. Robey, has filed a Motion to Dismiss which attacks the Complaint on several grounds, and plaintiff has filed a second document also labeled "Complaint", but which is obviously a response to defendant's Motion to Dismiss.

The Complaint and response to defendant's Motion to Dismiss are inartfully drawn and somewhat confusing, but it appears that the gist of Mr. Fleming's grievance is that he was "tricked" into resigning his position at the College Park Airport in Maryland and was thus denied unemployment benefits. Mr. Fleming also seems to be saying that, because of his inability to draw unemployment compensation, he was unable to make the initial cash outlay for job training which would entitle him to be reimbursed by the Veterans Administration.

In considering the sufficiency of a complaint filed pro se, the Court is to construe the Complaint liberally in favor of the pro se claimant. Estelle v. Gamble, 429 U.S. 97 (1976) Even so, the Court finds that defendant's Motion to Dismiss should be sustained.

Defendant's first ground for dismissal is that the Complaint does not state jurisdictional grounds as required by F.R.Civ.P., Rule 8. It is assumed that defendant is referring here to subject matter jurisdiction. It is true that the Complaint does not, in so many words, state the basis for this Court's assuming subject

matter jurisdiction. However, it is not necessary that the Complaint refer to specific jurisdictional statutes. It is enough that the facts as pleaded show that the Court has jurisdiction. Here, it is apparent that this Court has jurisdiction over this matter either as a diversity action or as a federal question action. Bard v. Seaman, 507 F2d 765 (10th Cir. 1974); Vukonich v. Civil Service Commission, 589 F2d 494 (10th Cir. 1978); Hofferber v. First National Bank of Guymon, Oklahoma, 451 F.Supp. 444 (W.D. Okl. 1977); Furumoto v. Lyman, 362 F.Supp. 1267 (N.D. Cal. 1973). Plaintiff and defendant reside in different states, the prayer for relief is well over the jurisdictional amount, and plaintiff claims rights under a statute of the United States.

Defendant also moves for dismissal on the ground of insufficiency of service of process. Service was by certified mail. Rule 4(c), F.R.C.P., requires personal service of summons by a United States Marshal, by his deputy, or by some person specially appointed by the Court for that purpose. Rule 4(f) contains territorial restrictions and there is no statute of the United States which authorizes nationwide service of process for cases brought under the Civil Rights acts. Safeguard Mutual Insurance Company v. Maxwell, 53 F.R.D. 116 (E.D. Pa. 1971); Gemini Enterprises, Inc. v. WFMV Television Corporation, 470 F. Supp. 559 (M.D. N.C. 1979)

Therefore, service on this defendant can only be upheld if it is proper under Oklahoma law.

Title 12, O.S. §170.1 provides in pertinent part:

"Service may be made outside of the state either by personal service or by mail, at the election of the plaintiff, in any action, including:

"1. Actions against persons who are subject to the jurisdiction of the courts of this state under the provisions of Title 12 of the Oklahoma Statutes, §§187, 1701.02 and 1701.03;  
\* \* \*"

Under this statute, the validity of service of process depends upon whether the defendant is subject to the jurisdiction of the Oklahoma courts.

Oklahoma has two statutes which confer in personam jurisdiction over non-resident defendants, Title 12 O.S. §187 and §1701.3. Both statutes require that before a state court can exercise in personam jurisdiction over a defendant, there must be present some minimal contact between the defendant and the state. The burden for establishing jurisdiction is on the party asserting that jurisdiction exists. Union Bank v. Ferris, 587 P2d 454 (Ok1.1978); World-Wide Volkswagen Corp. v. Woodson, 585 P2d 351 (Ok1. 1978).

In this case, plaintiff Fleming has shown no facts which would indicate that defendant, Hugh Robey, has had any contacts with Oklahoma, and absent some showing of such contacts, the Oklahoma courts could not exercise in personam jurisdiction over this defendant, and thus service of process by mail on the out-of-state defendant is insufficient.

Likewise, since this Court's jurisdiction, and the validity of service of process, is to be determined by the standards that would apply if the suit had been brought in the state courts, Safeguard Mutual Insurance Co., supra and Gemini Enterprises, Inc., supra, this action must be dismissed for lack of in personam jurisdiction and insufficiency of service of process.

In light of the above, it is unnecessary to consider whether the Complaint states a claim for which relief can be granted.

IT IS THEREFORE ORDERED that the Complaint be and is hereby dismissed, without prejudice to the filing of same in the appropriate forum.

Dated this 16<sup>th</sup> day of April, 1980.

  
THOMAS R. BRETT  
UNITED STATES DISTRICT JUDGE

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

TOM GRANT, JR., and  
KATHRYN GRANT,

Plaintiffs,

vs.

BACHE, HALSEY, STUART,  
SHIELDS, INC.,

Defendant.

APR 14 1980

No. 79-C-140-C

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

STIPULATION FOR DISMISSAL

It is hereby stipulated, by and between counsel for all parties hereto, as follows:

1. All claims presented by the complaint filed herein shall be dismissed with prejudice as to all parties pursuant to Rule 41(a) of the Federal Rules of Civil Procedure.
2. Each party shall bear his or its own costs and attorneys fees.

DATED this 14<sup>th</sup> day of April, 1980.

SNEED, LANG, ADAMS, HAMILTON,  
DOWNIE & BARNETT

By

James C. Lang  
Kevin C. Leitch  
Fourth Floor  
Thurston National Building  
Tulsa, OK 74103  
(918) 583-3145

Attorneys for Plaintiffs

DOERNER, STUART, SAUNDERS,  
DANIEL & ANDERSON

By

Kevin C. Coutant  
1200 Atlas Life Building  
Tulsa, OK 74103  
(918) 582-1211

Attorneys for Defendant

FILED

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

IT IS SO ORDERED this 16 day of April, 1980.

James C. Allison  
UNITED STATES DISTRICT JUDGE

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

UNITED STATES OF AMERICA, )  
 )  
 Plaintiff, )  
 )  
 vs. )  
 )  
 MARGARET J. CADDY, )  
 )  
 Defendant. )

CIVIL ACTION NO. 79-C-619-E

DEFAULT JUDGMENT

This matter comes on for consideration this \_\_\_\_\_ day of April, 1980, the Plaintiff appearing by Robert P. Santee, Assistant United States Attorney for the Northern District of Oklahoma, and the Defendant, Margaret J. Caddy, appearing not.

The Court being fully advised and having examined the file herein finds that Defendant, Margaret J. Caddy, was personally served with Summons and Complaint on March 7, 1980, and that Defendant has failed to answer herein and that default has been entered by the Clerk of this Court.

The Court further finds that the time within which the Defendant could have answered or otherwise moved as to the Complaint has expired, that the Defendant has not answered or otherwise moved and that the time for the Defendant to answer or otherwise move has not been extended, and that Plaintiff is entitled to Judgment as a matter of law.

IT IS THEREFORE, ORDERED, ADJUDGED AND DECREED that the Plaintiff have and recover Judgment against Defendant, Margaret J. Caddy, for the principal sum of \$1,210.00, plus the accrued interest of \$491.59 as of July 30, 1979, plus interest at 7% from July 30, 1979, until the date of Judgment, plus interest at the legal rate on the principal sum of \$1,210.00 from the date of Judgment until paid.

S/ JAMES O. ELLISON

UNITED STATES DISTRICT JUDGE

UNITED STATES OF AMERICA

HUBERT H. BRYANT  
United States Attorney

  
ROBERT P. SANTEE  
Assistant U. S. Attorney

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

UNITED STATES OF AMERICA, )  
 )  
 Plaintiff, )  
 )  
 vs. )  
 )  
 DONNA R. BUTLER, ) CIVIL ACTION NO. 80-C-118-E  
 )  
 Defendant. )

DEFAULT JUDGMENT

This matter comes on for consideration this \_\_\_\_\_  
day of April, 1980, the Plaintiff appearing by Robert P. Santee,  
Assistant United States Attorney for the Northern District  
of Oklahoma, and the Defendant, Donna R. Butler, appearing  
not.

The Court being fully advised and having examined  
the file herein finds that Defendant, Donna R. Butler, was  
personally served with Summons and Complaint on March 13, 1980,  
and that Defendant has failed to answer herein and that default  
has been entered by the Clerk of this Court.

The Court further finds that the time within which  
the Defendant could have answered or otherwise moved as to  
the Complaint has expired, that the Defendant has not answered  
or otherwise moved and that the time for the Defendant to answer  
or otherwise move has not been extended, and that Plaintiff  
is entitled to Judgment as a matter of law.

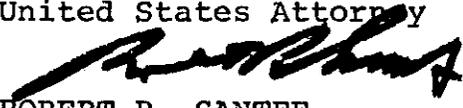
IT IS THEREFORE, ORDERED, ADJUDGED AND DECREED that  
the Plaintiff have and recover Judgment against Defendant, Donna R.  
Butler, for the sum of \$620.00, plus the accrued interest of \$76.61  
as of January 31, 1980, plus interest at 7% from January 31, 1980,  
until the date of Judgment, plus interest at the legal rate  
on the principal sum of \$620.00 from the date of Judgment until  
paid.

S/ JAMES O. ELLISON

UNITED STATES DISTRICT JUDGE

UNITED STATES OF AMERICA

HUBERT H. BRYANT  
United States Attorney

  
ROBERT P. SANTEE  
Assistant U. S. Attorney

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

FILED  
DISTRICT COURT

DEB HENSON, )  
)  
Plaintiff, )  
)  
-vs- )  
)  
JOSEPH SHELFO, et al., )  
)  
Defendants. )

APR 14 1980  
Jack C. Silver, Clerk  
DISTRICT COURT

No. 78-C-52-C  
No. 78-C-191-C  
(Consolidated)

ORDER OF DISMISSAL WITH PREJUDICE OF DEFENDANT,  
SOUTHLAND MOTOR INN CORP., INC.  
d/b/a HORIZONS RESTAURANT & CLUB

NOW on this 14<sup>th</sup> day of April, 1980, the above styled cause comes on before the Court upon the application of the plaintiff and the defendant, Southland Motor Inn Corp., Inc. d/b/a Horizons Restaurant & Club, for an order of dismissal with prejudice as against this defendant only. The Court, being advised that the parties have compromised and settled all matters in controversy between the parties finds that the case should be dismissed as against the defendant, Southland Motor Inn Corp., Inc. d/b/a Horizons Restaurant & Club, with prejudice as to future filing.

IT IS THEREFORE ORDERED, ADJUDGED AND DECREED by the Court that the defendant, Southland Motor Inn Corp., Inc. d/b/a Horizons Restaurant & Club, be and is hereby dismissed with prejudice as to future filing.

*W. Salebrook*  
CHIEF UNITED STATES DISTRICT JUDGE

APPROVED AS TO FORM:

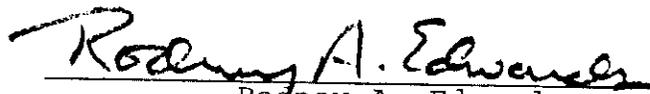
*Kathy Borchardt*  
KATHY EVANS BORCHARDT,  
Attorney for Plaintiff

JONES, GIVENS, GOTCHER,  
DOYLE & BOGAN, INC.

By: *Rodney A. Edwards*  
Rodney A. Edwards,  
Attorneys for Defendant,  
Southland Motor Inn Corp., Inc.  
d/b/a Horizons Restaurant & Club

CERTIFICATE OF MAILING

I hereby certify that on this 14 day of April, 1980, I mailed a true and correct copy of the foregoing instrument to: Kathy Evans Borchardt, Ninth Floor, Thompson Building, Tulsa, Oklahoma 74103; to Lloyd K. Holtz, 1700 Fourth National Building, Tulsa, Oklahoma 74119; and to Jon B. Wallis, 7060 South Yale, Tulsa, Oklahoma 74136, with proper postage thereon fully prepaid.

  
\_\_\_\_\_  
Rodney A. Edwards

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

APR 11 1980

Jack C. S. [unclear]  
U. S. DISTRICT COURT

UNITED STATES OF AMERICA, )  
 )  
 Plaintiff )  
 )  
 v. )  
 )  
 JAMES M. AST; BEVERLY AST; )  
 and BANKERS LIFE COMPANY )  
 OF DES MOINES, IOWA, )  
 )  
 Defendants )

CIVIL NO. CA-79-C-173-D ✓

APR 11 1980

Jack C. S. [unclear]  
U. S. DISTRICT COURT

STIPULATION OF DISMISSAL

The undersigned parties, through counsel, hereby stipulate that the above-entitled action be dismissed with prejudice, each party to bear its own costs.

WILLIAM W. GUILD  
Attorney-in-Charge

By:

Johnny D. Nixon  
JOHNNY D. NIXON  
Attorney, Tax Division  
Department of Justice  
Room 5B27, 1100 Commerce Street  
Dallas, Texas 75242  
(214) 767-0293

KENNETH J. MIGHELL  
United States Attorney

ATTORNEYS FOR PLAINTIFF

Wayne Woody *rew phone co 4/15/80*  
KENT RENEW - WAYNE WOODY  
7030 S. Yale  
Suite 600  
Tulsa, Oklahoma 74177

ATTORNEYS FOR JAMES M. AST AND  
BEVERLY AST

Charles P. Gotwals, Jr.  
2010 Fourth National Bank Building  
Tulsa, Oklahoma 74119

ATTORNEY FOR BANKERS LIFE

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

FILED

APR 11 1980

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

UNITED STATES OF AMERICA, )  
 )  
 Plaintiff, )  
 )  
 vs. )  
 )  
 WILLIAM R. MCGUIRE, )  
 )  
 Defendant. )

CIVIL ACTION NO. 79-C-704-BT ✓

O R D E R

NOW, on this 11 day of April, 1980, there came on for consideration a Stipulation of Dismissal filed by the parties hereto. Based on such stipulation, the Court finds this action should be dismissed, without prejudice.

IT IS THEREFORE ORDERED, ADJUDGED, AND DECREED that this action be and the same is hereby dismissed, without prejudice.

UNITED STATES DISTRICT JUDGE

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

**FILED**  
**APR 11 1980**

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

UNITED STATES OF AMERICA, )  
 )  
Plaintiff, )  
 )  
vs. )  
 )  
DWIGHT L. FRIDAY, ) CIVIL NO. 79-C-732-B  
 )  
Defendant. )

DEFAULT JUDGMENT

This matter comes on for consideration this 11<sup>th</sup>  
day of April, 1980, the Plaintiff appearing by Robert P. Santee,  
Assistant United States Attorney for the Northern District of  
Oklahoma, and the Defendant, Dwight L. Friday, appearing not.

The Court being fully advised and having examined the  
file herein finds that Defendant, Dwight L. Friday, was personally  
served with Summons and Complaint on February 8, 1980, and that  
Defendant has failed to answer herein and that default has been  
entered by the Clerk of this Court.

The Court further finds that the time within which  
the Defendant could have answered or otherwise moved as to the  
Complaint has expired, that the Defendant has not answered or  
otherwise moved and that the time for the Defendant to answer  
or otherwise move has not been extended, and that Plaintiff is  
entitled to Judgment as a matter of law.

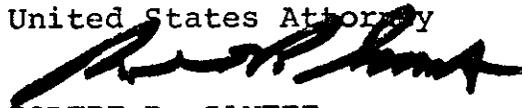
IT IS THEREFORE, ORDERED, ADJUDGED AND DECREED that  
the Plaintiff have and recover Judgment against Defendant, Dwight L.  
Friday, for the principal sum of \$1,650.00, plus the accrued  
interest of \$526.84, as of March 27, 1979, plus interest at 7%  
from March 27, 1979, until the date of Judgment, plus interest  
at the legal rate on the principal sum of \$1,650.00, from the  
date of Judgment until paid.

S/ THOMAS R. BRETT

UNITED STATES DISTRICT JUDGE

UNITED STATES OF AMERICA

HUBERT H. BRYANT  
United States Attorney

  
ROBERT P. SANTEE  
Assistant U. S. Attorney

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

**F I L E D**

**APR 11 1980**

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

UNITED STATES OF AMERICA, )  
 )  
Plaintiff, )  
vs. )  
 )  
JAMES M. AST; BEVERLY AST; )  
and BANKERS LIFE COMPANY OF )  
DES MOINES, IOWA, )  
 )  
Defendants. )

CIVIL NO. CA-79-C-173-D

JOURNAL ENTRY OF JUDGMENT

NOW, on this 11<sup>th</sup> day of April, 1980, the above matter comes on for hearing, with the defendants, James M. Ast and Beverly Ast, represented by their attorneys, Wayne Woody and Kent E. Renfrow, and the defendant, Bankers Life Company of Des Moines, Iowa, appearing by its attorneys, Gable, Gotwals, Rubin, Fox, Johnson & Baker, by Charles P. Gotwals, Jr., and the parties having indicated that they have stipulated that the reasonable attorneys' fee due the defendant, Bankers Life Company of Des Moines, Iowa, through the disposition of this matter on the first day of April, 1980, would be the sum of \$250.00, and the Court finding that said sum is reasonable and that said defendant, Bankers Life Company of Des Moines, Iowa, is entitled to a judgment over and against the defendants, James M. Ast and Beverly Ast.

It is, therefore, ORDERED, ADJUDGED AND DECREED by the Court that Bankers Life Company of Des Moines, Iowa, be and it is hereby awarded judgment in the sum of \$250.00 against the defendants, James M. Ast and Beverly Ast, and each of them.

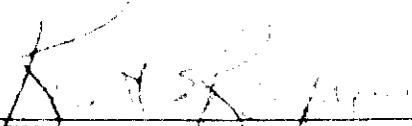
S/ THOMAS R. BRETT

-----  
JUDGE

APPROVED:



WAYNE WOODY, Attorney for  
Defendants, James M. Ast  
and Beverly Ast



KENT E. RENFROW, Attorney  
for Defendants, James M.  
Ast and Beverly Ast



Charles P. Gotwals, Jr., for  
GABLE, GOTWALS, RUBIN, FOX,  
JOHNSON & BAKER, Attorneys  
for Defendant, Bankers Life  
Company of Des Moines, Iowa



JAMES M. AST

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

FILED

APR 11 1980

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

MARY SUE SMITHEY, Individually )  
and ad Administratrix of the )  
Estate of JAMES GORDON SMITHEY, )  
Deceased, )  
 )  
Plaintiff, )  
 )  
vs. )  
 )  
GENERAL MOTORS CORPORATION, )  
 )  
Defendant. )

CIVIL ACTION NO.  
78-C-521-C ✓

APPLICATION FOR ORDER OF DISMISSAL WITH PREJUDICE

COMES now the plaintiff, MARY SUE SMITHEY, Individually and as Administratrix of the Estate of James Gordon Smithey, Deceased, through her counsel of record, and shows this Court that a full, final, and complete settlement of any and all claims arising out of the accident described in her Complaint has been concluded and therefore moves this Court to order a Dismissal with Prejudice of their action and further represents and shows this Court that an Order of Dismissal with Prejudice is approved by the defendant.

Mary Sue Smithey  
MARY SUE SMITHEY, Individually and as  
Administratrix of the Estate of James  
Gordon Smithey, Deceased

F. L. DUNN and WINDLE TURLEY

By Windle Turley  
Windle Turley

ATTORNEYS FOR PLAINTIFF

O R D E R

Upon Application of the plaintiff showing that a full, final, and complete settlement concerning any and all claims arising out of the accident described in plaintiff's Complaint has been concluded and it is therefore ordered that this action be dismissed with prejudice to the future filing thereof.

DATED this 11 day of April, 1980.

James C. Silver  
U. S. DISTRICT JUDGE

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

LIBERTY MUTUAL INSURANCE COMPANY, )  
 )  
 ) Plaintiff, )  
 )  
 ) vs. )  
 )  
 ) WILLIAM M. McCLURE, JR. and )  
 ) THOMAS BURTON, )  
 )  
 ) Defendants. )

NO. 77-C-97-B

**FILED**  
APR 11 1980  
Jack C. Silver, Clerk  
U. S. DISTRICT COURT

ORDER OF DISMISSAL

This cause, coming on to be heard on the Court's own Motion this 13th day of March, 1980, and the Court having found that the initial proceedings filed herein have been dismissed, and this Court no longer has jurisdiction over the ancillary proceedings filed to-wit: A Cross-Complaint of the defendant Thomas Burton against the defendant William M. McClure, Jr., filed July 15, 1977, and that the same should be dismissed without prejudice.

IT IS THEREFORE ORDERED, ADJUDGED AND DECREED BY THIS COURT that the above matter be, and the same is hereby dismissed without prejudice, due to the Court's lack of jurisdiction.

S/ THOMAS R. BRETT

\_\_\_\_\_  
JUDGE

APPROVED AS TO FORM:

APR 11 1980

\_\_\_\_\_  
JOSEPH A. SHARP  
Attorney for Plaintiff

\_\_\_\_\_  
D. WM. JACOBUS, JR.  
Attorney for Defendant,  
THOMAS BURTON

AK:sgm  
3/7/80

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

UNITED STATES OF AMERICA FOR )  
THE USE OF CHAMPLIN PETROLEUM )  
COMPANY, a corporation, )

Plaintiff, )

vs. )

MID-STATES CONSTRUCTION OF )  
DERBY, INC., a corporation; )  
UTILITY CONTRACTORS, INC., )  
a corporation; and FEDERAL )  
INSURANCE COMPANY, a )  
corporation, )

Defendants. )

Case No. 79-C-179-DE

FILED

APR 1 1980

U. S. DISTRICT COURT

PARTIAL JUDGMENT

The Defendant Mid-States Construction of Derby, Inc., having been regularly served with process, and having failed to appear and answer the complaint filed herein, and the default of said defendant being duly entered and it appearing that said defendant, Mid-States Construction of Derby, Inc. is not an infant, incompetent, nor a member of any military service, and it appearing by the affidavit that plaintiff is entitled to judgment herein,

IT IS ORDERED AND ADJUDGED that the plaintiff have and recover from the defendant Mid-States Construction of Derby, Inc., judgment in the principal sum of \$ 2,784.15 with interest thereon at the rate of 10 % per annum from JUDGMENT until paid, together with costs to be assessed upon application and further an attorneys fee in the sum of \$ 600<sup>00</sup>.

IT IS FURTHER ORDERED that this case be continued as to Utility Contractors, Inc. and Federal Insurance Company.

Dated this 10<sup>TH</sup> day of APRIL, 1980.

  
UNITED STATES DISTRICT JUDGE

LAW OFFICES

UNGERMAN  
CONNER,  
LITTLE  
UNGERMAN &  
GOODMAN

1710 FOURTH NATIONAL  
BANK BUILDING  
TULSA, OKLAHOMA  
74119

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

RICHARD THEODORE BEAR, )  
 )  
 Plaintiff, )  
 )  
 vs. )  
 )  
 ST. LOUIS-SAN FRANCISCO RAILWAY )  
 COMPANY, and HOWARD E. TOWNSEND, )  
 )  
 Defendants. )

No. 80-C-131-B

FILED  
APR 10 1980  
Jack C. Silver, Clerk  
U. S. DISTRICT COURT

STIPULATION OF DISMISSAL WITH PREJUDICE

Plaintiff, Richard Theodore Bear, and defendants, St. Louis-San Francisco Railway Company and Howard E. Townsend, stipulate the above and foregoing case may and should be dismissed with prejudice for the reason that the same has been fully settled and compromised.

Richard Theodore Bear  
Richard Theodore Bear

FRANK GREER,  
RICHARD R. FULP, JR.

By Ray Frank Greer  
Attorneys for Plaintiff

ST. LOUIS-SAN FRANCISCO RAILWAY CO.  
and HOWARD E. TOWNSEND

By Del W. Patterson  
Their Attorney

ORDER OF DISMISSAL WITH PREJUDICE

Upon the stipulation of the parties and for good cause shown, the above and foregoing case and all causes of action contained therein are dismissed with prejudice.

IT IS SO ORDERED.

DATED this 31 day of March, 1980.

Samuel R. [Signature]  
United States District Judge

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

UNITED STATES OF AMERICA for the  
use and benefit of MELVIN JAMES  
and E. A. WINTERS,

Plaintiffs,

-vs-

MID-STATES CONSTRUCTION OF DERBY, INC.,  
UTILITY CONTRACTORS, INC., and FEDERAL  
INSURANCE COMPANY,

Defendants.

F I L E D

APR 1 1980

U. S. DISTRICT COURT

No. 79-C-21-B

ORDER OF DISMISSAL WITH PREJUDICE

On this 10<sup>th</sup> day of April, 1980, the Court has for considera-  
tion the Stipulation for Dismissal with Prejudice entered into be-  
tween Melvin James and E. A. Winters, the use-plaintiffs, and  
Utility Contractors, Inc., and Federal Insurance Company, the  
defendants, and the Court, having reviewed the file and Stipula-  
tion for Dismissal, finds that the above styled action should be  
dismissed and that such dismissal should be with prejudice.

IT IS, THEREFORE, ORDERED, ADJUDGED AND DECREED BY THIS  
COURT that the above styled and numbered action be and same is  
hereby dismissed with prejudice, *except for Mid-States Construction.*

  
Judge

APPROVED:

KELLY & FRIZZEL,

BY: *Gene M. Kelly*  
Gene M. Kelly, Attorneys for Use-Plaintiffs

BAKER & BAKER

BY: *Jay C. Baker*  
Jay C. Baker, Attorneys for Utility Con-  
tractors, Inc., and Federal Insurance Company

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

UNITED STATES OF AMERICA  
for the use of  
MELVIN JAMES and  
E. A. WINTERS,  
  
Plaintiffs,  
  
vs.  
  
MID-STATES CONSTRUCTION OF  
DERBY, INC.,  
UTILITY CONTRACTORS, INC., and  
FEDERAL INSURANCE COMPANY,  
  
Defendants.

**F I L E D**

**APR 10 1980**

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

No. 79-C-21-~~8~~

JOURNAL ENTRY OF JUDGMENT

Now on this 9<sup>th</sup> day of April, 1980, the above styled and captioned matter comes on for hearing before the undersigned Judge on the Motion of the Plaintiff for a judgment by default. The plaintiffs appear hereby by and through their attorney, and the defendant, Mid-States Construction of Derby, Inc., appears not. The Court, being fully advised in the premises finds that the Plaintiffs are entitled to a judgment by default, trial by jury having been waived in open Court, for the sum of \$2,340.65, due and owing the plaintiffs, together with interest thereon at the rate of 10% per annum, attorney fee of \$500<sup>00</sup>, and the costs of this action.

IT IS, THEREFORE, ORDERED, ADJUDGED AND DECREED that the plaintiffs have judgment as to the defendant, Mid-States Construction of Derby, Inc., for the sum of \$2,340.65, together with interest thereon at the rate of 10% per annum, an attorney fee of \$500<sup>00</sup>, and the costs of this action.

S/ JAMES C. ELLISON

JUDGE

*Handwritten notes and signatures at the top right of the page.*

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

UNITED STATES OF AMERICA, )  
 )  
 Plaintiff, )  
 ) CIVIL ACTION  
 vs. )  
 ) No. 79-C-411-D  
 SUN OIL COMPANY OF )  
 PENNSYLVANIA, )  
 )  
 Oklahoma. )

**FILED**

**APR 10 1980**

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

CONSENT DECREE

A Complaint for a civil action brought by the United States of America, Plaintiff, against Sun Oil Company of Pennsylvania, Defendant, having been filed on June 13, 1979;

Plaintiff and Defendant desiring to resolve the controversy between them and to avoid trial or adjudication of any issue of fact or law herein, do stipulate and agree that:

Although Defendant, in good faith and in a timely manner, installed the Best Practicable Control Technology at its Tulsa Refinery, the Defendant was unable to comply with the discharge limitations contained in the National Pollutant Discharge Elimination System Permit No. OK0000876, issued to its Tulsa Refinery under authority of Section 402 of the Federal Water Pollution Control Act Amendments of 1972 and 1977, 33 U.S.C. § 1342, by July 1, 1977, and is therefore in violation of 33 U.S.C. § 1311(b).

Now, THEREFORE, upon pleadings and upon the consent of the parties hereto, and the Court having been fully advised in the matter and having given the matter full consideration, it is hereby ORDERED, ADJUDGED, AND DECREED as follows:

I.

This Court has jurisdiction over the subject matter and over the parties consenting hereto. The Complaint states a claim upon which relief may be granted against the Defendant pursuant to Sections 309(b) and (d) of the Federal Water Pollution Control Act Amendments of 1972 and 1977, 33 U.S.C. § 1319(b) and (d).

II.

The provisions of this Decree shall apply to and be binding upon the Defendant, its officers, directors, agents, employees, successors and assigns, and all persons, firms and corporations acting under, through, or for it, and upon those persons, firms and corporations in active concert or participation with it.

III.

The Defendant is enjoined from operating its Tulsa Refinery during the period commencing on the date of this Decree and ending on December 31, 1981, in a manner which exceeds the discharge limitations in NPDES Permit No. OK0000876, a copy of which is attached hereto as Appendix A.

If the Defendant should fail to comply with said discharge limitations, the Defendant shall notify in writing the Enforcement Division, Environmental Protection Agency, Region VI, 1201 Elm Street, Dallas, Texas that a discharge limitation has been exceeded at the Tulsa Refinery by mailing the notice within five (5) days of becoming aware that a discharge limitation was exceeded, and that notification shall include information listed and described in Section 125.23(e), Title 40 Code of Federal Regulations and successor regulations. Defendant shall also send a copy of this written notice to the United States Attorney for the Northern District of Oklahoma.

IV.

Commencing on the 28th day of the month following the effective date of this decree, and on the 28th day of each month thereafter until January 28, 1982, the Defendant shall notify the Regional Administrator, United States Environmental Protection Agency, Region VI, in writing of each exceedance of any of the discharges allowable set forth in Paragraph III above that has occurred during the preceeding calendar month. As to each such exceedance, this notification shall include a statement as to the amounts of pollutants discharged and the dates on which such exceedances occurred. The Defendant shall contemporaneously pay to the Plaintiff a sum to be determined according to the schedule set forth in Paragraph V below for each discharge not allowable by the terms of Appendix A. Each check shall be made payable to the Treasurer of the United States and mailed to the United States Attorney, Northern District of Oklahoma, U.S. Courthouse, Tulsa, Oklahoma, 74103. These penalties shall be in complete satisfaction of the liability of the Defendant for civil penalties pursuant to 33 U.S.C. § 1319(d) for violations occurring from the effective date of this Decree through December 31, 1981, for the effluent characteristics set forth in paragraph III above.

V.

The sums referred to in Paragraph IV above shall be computed according to the following schedule:

- (a) For each violation of Appendix A, except the discharge limitations for pH, from date of entry of this Judgment until January 1, 1981: \$500;
- For each such violation of Appendix A from January 1, 1981, until July 1, 1981: \$1,000;

For each such violation of Appendix A from July 1, 1981, until December 31, 1981: \$2,000; and

- (b) For each violation of the discharge limitations for pH of Appendix A from the date of entry of this Judgment until January 1, 1981: \$250;

For each such violation of Appendix A from January 1, 1981 to July 1, 1981: \$500;

For each such violation of Appendix B from July 1, 1981 until December 31, 1981: \$500.

#### VI.

The parties recognize the discretion possessed by EPA to waive the payment of any sum set forth in Paragraph V upon a demonstration by the Defendant to EPA that the violation of the terms of this Consent Decree giving rise to liability for such sum was caused by acts of God, third parties, governments or other persons beyond the control of the Defendant. EPA agrees to consider any request by the Defendant hereunder. The determination of EPA regarding such waiver shall be final.

#### VII.

Defendant shall pay a civil penalty for violations of NPDES Permit OK0000876 occurring during the period July 1, 1977 through the date of entry of this Consent Decree. This penalty is in complete satisfaction of the civil liability of the Defendant for violations occurring at the Tulsa Refinery during that period. The penalty shall be in the form of a check made payable to the Treasurer of the United States in the amount of One Hundred Thousand Dollars (\$100,000). The check will be delivered to the United States Attorney for the Northern District of Oklahoma within thirty (30) days after this Consent Decree is entered.

VIII.

Defendant shall construct a second stage dissolved air flotation facility at an approximate cost of One Million One Hundred Thousand Dollars (\$1,100,000) at the Tulsa Refinery as generally described in Appendix B.

IX.

Defendant shall complete the facility defined in paragraph VIII on or before December 31, 1980. Defendant shall file, in writing, a complete progress report concerning such facility with the United States Environmental Protection Agency Region 6 Administrator on the following schedule:

Report of Progress	Ninety days after entry of this Consent Decree
Report of Progress	One Hundred Eighty days after entry of this Consent Decree
Report of Progress	Two Hundred Seventy days after entry of this Consent Decree
Report of Completion of All Required Construction	Three Hundred Sixty days after entry of this Consent Decree
Report of Attainment of Full Operational Capacity	Five Hundred Forty days after entry of this Consent Decree

X.

Defendant will commit One Hundred Thousand Dollars (\$100,000) for a study of the process area sources of oil and grease and other pollutants at the Tulsa Refinery which study will be designed to recommend procedures and equipment necessary to minimize the flow of pollutants to the waste water treatment unit. Copies of the study will be supplied to EPA Region VI upon receipt by the Defendant. Defendant will take all reasonable measures to have the study completed by December 31, 1980 and will keep EPA Region VI advised of the progress of the report.

XI.

The Court shall retain jurisdiction over this matter until December 31, 1981, for the purpose of enabling either party to apply to the Court at any time for such further orders or directions as may be equitable or appropriate. At that time the injunction in Paragraph III hereof shall dissolve and the terms and conditions of this Judgment shall expire.

Dated and entered this 10<sup>th</sup> day of April, 1980

*FD*

*Joe Jacoby*  
UNITED STATES DISTRICT JUDGE

Approved for entry without further notice:

Sun Oil Company of Pennsylvania

United States of America

By *P. M. Reynolds*  
P. M. Reynolds  
Manager, Tulsa Refinery

By *Adlene Harrison*  
Regional Administrator  
United States Environmental Protection Agency  
Region VI.

By *James L. Kincaid*  
James L. Kincaid  
Charles W. Shipley  
2400 First National Tower  
Tulsa, Oklahoma 74107  
  
Attorneys for Sun Oil Company of Pennsylvania

By *James W. Moorman*  
*Active* James W. Moorman, *Att. US Dist. Ct.*  
Assistant Attorney General  
Lands & Natural Resources Division  
United States Department of Justice

Permit No. OK0000876  
Application No. OK-076-0YI-2-000271

**AUTHORIZATION TO DISCHARGE UNDER THE  
NATIONAL POLLUTANT DISCHARGE ELIMINATION SYSTEM**

In compliance with the provisions of the Federal Water Pollution Control Act, as amended,  
(33 U.S.C. 1251 et. seq; the "Act"),

Sun Oil Company  
Tulsa Refinery

is authorized to discharge from a facility located at

Box 2039  
Tulsa, Oklahoma 74102

to receiving waters named

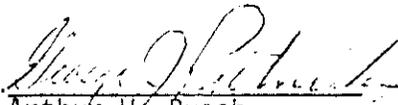
Arkansas River

in accordance with effluent limitations, monitoring requirements and other conditions set forth  
in Parts I, II, and III hereof.

This permit shall become effective on December 2, 1974

This permit and the authorization to discharge shall expire at midnight, December 1, 1979

Signed this 2nd day of November 1974

  
for Arthur W. Busch  
Regional Administrator

**A-1 EFFLUENT LIMITATIONS AND MONITORING REQUIREMENTS**

During the period beginning effective date, and lasting through 6-30-77, the permittee is authorized to discharge from outfall(s) serial number(s) 001.

Such discharges shall be limited and monitored by the permittee as specified below:

Effluent Characteristic	Discharge Limitations			Monitoring Requirements	
	kg/day (lbs/day)	Other Units (Specify)	Measurement Frequency		
	Daily Avg	Daily Max	Daily Avg	Daily Max	Sample Type
Flow—m <sup>3</sup> /Day (MGD)					
BOD <sub>5</sub>	4972 (10,962)	16323 (35986)	N/A	N/A	Continuous
TSS	7797 (17,187)	10293 (22691)	N/A	N/A	3 times/wk.
COD	14331 (31,595)	30696 (67,673)	N/A	N/A	3 times/wk.
Oil and Grease	6393 (14,094)	10814 (23840)	N/A	N/A	3 times/wk.
Phenolic Compounds	249 (548)	1246 (2748)	N/A	N/A	2 times/wk.
Ammonia as N	1279 (2819)	2471 (5448)	N/A	N/A	2 times/wk.
Sulfide	124 (274)	1701 (3749)	N/A	N/A	2 times/wk.
Total Chromium	9.1 (20)	15.9 (35)	N/A	N/A	2 times/wk.
Temperature	N/A	N/A	43.3°C (110°F)	55.6°C (132°F)	Continuous

The pH shall not be less than 6.0 standard units nor greater than 9.0 standard units and shall be monitored continuously.

There shall be no discharge of floating solids or visible foam in other than trace amounts.

Samples taken in compliance with the monitoring requirements specified above shall be taken at the following location(s): at the discharge point described in application OK-076-0Y1-2-000271.

A-2 EFFLUENT LIMITATIONS AND MONITORING REQUIREMENTS

During the period beginning 7-1-77 and lasting through the date of expiration, the permittee is authorized to discharge from outfall(s) serial number(s) 001.

Such discharges shall be limited and monitored by the permittee as specified below:

Effluent Characteristic	Discharge Limitations			Other Units (Specify)	Monitoring Requirements
	kg/day (lbs/day)	Daily Avg	Daily Max		
Flow—m <sup>3</sup> /Day (MGD)	—	—	—	—	—
BOD5	647(1427)	1266(2790)	N/A	N/A	Continuous
TSS	456(1006)	774(1707)	N/A	N/A	3 times/week
COD	4741(10,452)	9135(20,139)	N/A	N/A	3 times/week
Oil and Grease	212(468)	402(887)	N/A	N/A	3 times/week
Phenolic compounds	3.7(8.2)	7.6(16.8)	N/A	N/A	2 times/week
Ammonia as N	219(482)	478(1053)	N/A	N/A	2 times/week
Sulfide	3.0(6.7)	6.8(15)	N/A	N/A	2 times/week
Total Chromium	9.1(20)	15.7(34.6)	N/A	N/A	2 times/week
Hexavalent chromium	.15(.34)	.34(.75)	N/A	N/A	2 times/week
Temperature	N/A	N/A	32.2°C(90°F)	35°C(95°F)	Continuous

The pH shall not be less than 6.0 standard units nor greater than 9.0 standard units and shall be monitored continuously.

There shall be no discharge of floating solids or visible foam in other than trace amounts.

Samples taken in compliance with the monitoring requirements specified above shall be taken at the following location(s):  
At the discharge point described in application OK-076-OY1-2-000271.

**B. SCHEDULE OF COMPLIANCE** Discharge 001

1. The permittee shall achieve compliance with the effluent limitations specified for discharges in accordance with the following schedule:

Report of progress	12-31-74
Completion of final plans	6-30-75
Award of contract or other commitment of financing	9-30-75
Commencement of construction	1-31-76
Report of construction progress	6-30-76
Report of construction progress	1-31-77 1-28 ->>
Completion of construction	3-31-77 4-14-77
Attainment of operational level	6-30-77

2. No later than 14 calendar days following a date identified in the above schedule of compliance, the permittee shall submit either a report of progress or, in the case of specific actions being required by identified dates, a written notice of compliance or noncompliance. In the latter case, the notice shall include the cause of noncompliance, any remedial actions taken, and the probability of meeting the next scheduled requirement.

C. MONITORING AND REPORTING

1. *Representative Sampling*

Samples and measurements taken as required herein shall be representative of the volume and nature of the monitored discharge.

2. *Reporting*

Monitoring results obtained during the previous 3 months shall be summarized for each month and reported on a Discharge Monitoring Report Form (EPA No. 3320-1), postmarked no later than the 28th day of the month following the completed reporting period. The first report is due on January 28, 1975. Duplicate signed copies of these, and all other reports required herein, shall be submitted to the Regional Administrator and the State at the following addresses:

Mr. Arthur W. Busch, R. A.  
U. S. Environmental Protection Agency  
Region VI, Permits Branch (6AEP)  
1600 Patterson, Suite 1100  
Dallas, Texas 75201

Mr. Sam Shakley, Director  
Oklahoma Corporation Commission  
Jim Thorpe Office Building  
Oklahoma City, Oklahoma 73105

3. *Definitions*

- a. The "daily average" discharge means the total discharge by weight during a calendar month divided by the number of days in the month that the production or commercial facility was operating. Where less than daily sampling is required by this permit, the daily average discharge shall be determined by the summation of all the measured daily discharges by weight divided by the number of days during the calendar month when the measurements were made.
- b. The "daily maximum" discharge means the total discharge by weight during any calendar day.

4. *Test Procedures*

Test procedures for the analysis of pollutants shall conform to regulations published pursuant to Section 304(g) of the Act, under which such procedures may be required.

5. *Recording of Results*

For each measurement or sample taken pursuant to the requirements of this permit, the permittee shall record the following information:

- a. The exact place, date, and time of sampling;
- b. The dates the analyses were performed;
- c. The person(s) who performed the analyses;

- d. The analytical techniques or methods used; and
- e. The results of all required analyses.

6. *Additional Monitoring by Permittee*

If the permittee monitors any pollutant at the location(s) designated herein more frequently than required by this permit, using approved analytical methods as specified above, the results of such monitoring shall be included in the calculation and reporting of the values required in the Discharge Monitoring Report Form (EPA No. 3320-1). Such increased frequency shall also be indicated.

7. *Records Retention*

All records and information resulting from the monitoring activities required by this permit including all records of analyses performed and calibration and maintenance of instrumentation and recordings from continuous monitoring instrumentation shall be retained for a minimum of three (3) years, or longer if requested by the Regional Administrator or the State water pollution control agency.

**A. MANAGEMENT REQUIREMENTS****1. *Change in Discharge***

All discharges authorized herein shall be consistent with the terms and conditions of this permit. The discharge of any pollutant identified in this permit more frequently than or at a level in excess of that authorized shall constitute a violation of the permit. Any anticipated facility expansions, production increases, or process modifications which will result in new, different, or increased discharges of pollutants must be reported by submission of a new NPDES application or, if such changes will not violate the effluent limitations specified in this permit, by notice to the permit issuing authority of such changes. Following such notice, the permit may be modified to specify and limit any pollutants not previously limited.

**2. *Noncompliance Notification***

If, for any reason, the permittee does not comply with or will be unable to comply with any daily maximum effluent limitation specified in this permit, the permittee shall provide the Regional Administrator and the State with the following information, in writing, within five (5) days of becoming aware of such condition:

- a. A description of the discharge and cause of noncompliance; and
- b. The period of noncompliance, including exact dates and times; or, if not corrected, the anticipated time the noncompliance is expected to continue, and steps being taken to reduce, eliminate and prevent recurrence of the noncomplying discharge.

**3. *Facilities Operation***

The permittee shall at all times maintain in good working order and operate as efficiently as possible all treatment or control facilities or systems installed or used by the permittee to achieve compliance with the terms and conditions of this permit.

**4. *Adverse Impact***

The permittee shall take all reasonable steps to minimize any adverse impact to navigable waters resulting from noncompliance with any effluent limitations specified in this permit, including such accelerated or additional monitoring as necessary to determine the nature and impact of the noncomplying discharge.

**5. *Bypassing***

Any diversion from or bypass of facilities necessary to maintain compliance with the terms and conditions of this permit is prohibited, except (i) where unavoidable to prevent loss of life or severe property damage, or (ii) where excessive storm drainage or runoff would damage any facilities necessary for compliance with the effluent limitations and prohibitions of this permit. The permittee shall promptly notify the Regional Administrator and the State in writing of each such diversion or bypass.

**PART II**

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**6. Removed Substances**

Solids, sludges, filter backwash, or other pollutants removed in the course of treatment or control of wastewaters shall be disposed of in a manner such as to prevent any pollutant from such materials from entering navigable waters.

**7. Power Failures**

In order to maintain compliance with the effluent limitations and prohibitions of this permit, the permittee shall either:

- a. In accordance with the Schedule of Compliance contained in Part I, provide an alternative power source sufficient to operate the wastewater control facilities; or, if such alternative power source is not in existence, and no date for its implementation appears in Part I,
- b. Halt, reduce or otherwise control production and/or all discharges upon the reduction, loss, or failure of the primary source of power to the wastewater control facilities.

**B. RESPONSIBILITIES**

**1. Right of Entry**

The permittee shall allow the head of the State water pollution control agency, the Regional Administrator, and/or their authorized representatives, upon the presentation of credentials:

- a. To enter upon the permittee's premises where an effluent source is located or in which any records are required to be kept under the terms and conditions of this permit; and
- b. At reasonable times to have access to and copy any records required to be kept under the terms and conditions of this permit; to inspect any monitoring equipment or monitoring method required in this permit; and to sample any discharge of pollutants.

**2. Transfer of Ownership or Control**

In the event of any change in control or ownership of facilities from which the authorized discharges emanate, the permittee shall notify the succeeding owner or controller of the existence of this permit by letter, a copy of which shall be forwarded to the Regional Administrator and the State water pollution control agency.

**3. Availability of Reports**

Except for data determined to be confidential under Section 308 of the Act, all reports prepared in accordance with the terms of this permit shall be available for public

**PART II**

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Permit No. OK0000876

inspection at the offices of the State water pollution control agency and the Regional Administrator. As required by the Act, effluent data shall not be considered confidential. Knowingly making any false statement on any such report may result in the imposition of criminal penalties as provided for in Section 309 of the Act.

**4. *Permit Modification***

After notice and opportunity for a hearing, this permit may be modified, suspended, or revoked in whole or in part during its term for cause including, but not limited to, the following:

- a. Violation of any terms or conditions of this permit;
- b. Obtaining this permit by misrepresentation or failure to disclose fully all relevant facts; or
- c. A change in any condition that requires either a temporary or permanent reduction or elimination of the authorized discharge.

**5. *Toxic Pollutants***

Notwithstanding Part II, B-4 above, if a toxic effluent standard or prohibition (including any schedule of compliance specified in such effluent standard or prohibition) is established under Section 307(a) of the Act for a toxic pollutant which is present in the discharge and such standard or prohibition is more stringent than any limitation for such pollutant in this permit, this permit shall be revised or modified in accordance with the toxic effluent standard or prohibition and the permittee so notified.

**6. *Civil and Criminal Liability***

Except as provided in permit conditions on "Bypassing" (Part II, A-5) and "Power Failures" (Part II, A-7), nothing in this permit shall be construed to relieve the permittee from civil or criminal penalties for noncompliance.

**7. *Oil and Hazardous Substance Liability***

Nothing in this permit shall be construed to preclude the institution of any legal action or relieve the permittee from any responsibilities, liabilities, or penalties to which the permittee is or may be subject under Section 311 of the Act.

**8. *State Laws***

Nothing in this permit shall be construed to preclude the institution of any legal action or relieve the permittee from any responsibilities, liabilities, or penalties established pursuant to any applicable State law or regulation under authority preserved by Section 510 of the Act.

**PART II**

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Permit No. OK0000876

**9. Property Rights**

The issuance of this permit does not convey any property rights in either real or personal property, or any exclusive privileges, nor does it authorize any injury to private property or any invasion of personal rights, nor any infringement of Federal, State or local laws or regulations.

**10. Severability**

The provisions of this permit are severable, and if any provision of this permit, or the application of any provision of this permit to any circumstance, is held invalid, the application of such provision to other circumstances, and the remainder of this permit, shall not be affected thereby.

**PART III**

**OTHER REQUIREMENTS**

Storm runoff that has been segregated from the main waste stream for discharge, shall not exceed a concentration of 35 mg/l of TOC or 15 mg/l of oil and grease when discharged.

## APPENDIX B

### Second Stage Dissolved Air Flotation Facility ("DAF")

The construction of the new polishing DAF system will include rapid mix and flocculation facilities. The new DAF unit will be positioned between the equalization basin and the biological treatment system in the process flow scheme. Wastewater will be taken from the existing equalization basin making use of the equalization bypass line as a pump suction line. Pumps will lift the wastewater to the rapid mix tank from which it will flow by gravity through the flocculation tank and DAF. Treated wastewater will gravity flow to the inlet section of the aeration basin flume. Sludges separated in the DAF will be collected in a common sump, air stripped by coarse bubble aeration, and the residual material forwarded to existing sludge handling facilities. The new DAF unit will generally include the following:

- (1) Two DAF feed pumps rated at 3500 gpm at 35 feet TDH each (one a spare).
- (2) One rapid mix tank, 15 feet in diameter by 15 feet overall height with a high speed turbine mixer.
- (3) One flocculation tank, 28 feet in diameter by 15 feet overall height with a slow speed turbine mixer.
- (4) One dissolved air flotation tank, 55 feet in diameter by 12 feet deep with surface skimming and sludge removal mechanism.
- (5) One effluent well 13 feet in diameter by 13 feet-6 inches overall height.
- (6) Two recycle pumps rated at 1250 gpm at 150 feet TDH each.
- (7) One recycle saturation drum, 6 feet in diameter by 8 feet tangent-to-tangent rated at 55 psig operating pressure and 100 psig maximum pressure.

- (8) One sludge sump, 30 feet long by 14 feet wide by 12 feet deep equipped with air sparger and 200 scfm air blower.
- (9) Two positive displacement, variable speed driver sludge pumps rated at 100 gpm at 75 psig discharge pressure each.
- (10) Associated piping and instrumentation.

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

DONNA NOLE and CHARLES NOLE, )  
 )  
 Plaintiffs, )  
 )  
 vs. ) No. 80 C 46-E  
 )  
 W. W. GRAINGER CORP. and )  
 THE ANSUL COMPANY, )  
 )  
 Defendants. )

ORDER OF DISMISSAL WITH PREJUDICE

NOW, on this 9th day of April, 1980, the  
plaintiffs' Application for Dismissal with Prejudice came on  
for hearing.

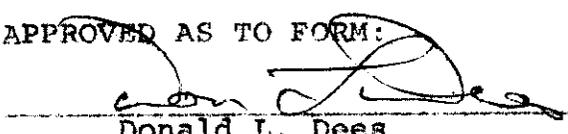
Plaintiffs were present by and through their attorney  
of record, Mr. Donald L. Dees, and the Court, being advised in  
the premises, finds that the Application for Dismissal with  
Prejudice is proper and, therefore, grants plaintiffs' Applica-  
tion for Dismissal with Prejudice.

WHEREFORE, IT IS ORDERED, ADJUDGED AND DECREED that  
the defendant, W. W. Grainger Corp., is hereby dismissed with  
prejudice.

S/ JAMES O. ELLISON

\_\_\_\_\_  
JAMES ELLISON  
UNITED STATES DISTRICT JUDGE

APPROVED AS TO FORM:

  
\_\_\_\_\_  
Donald L. Dees  
Attorney for Plaintiffs

WHITTEN, McDANIEL, OSMOND,  
GOREE and DAVIES

By \_\_\_\_\_  
Leslie V. Williams  
Attorneys for Defendant  
W. W. Grainger Corp.

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

1980

THE PRUDENTIAL INSURANCE COMPANY  
OF AMERICA, a corporation,

Plaintiff,

-vs-

CONNIE L. DEGRAFFENREID;  
VIRGINIA LEE ANN DEGRAFFENREID,  
a minor; VIRGINIA L. GRAHAM;  
and ROBERT DEGRAFFENREID,

Defendants.

No. 79-C-527-E

O R D E R

Upon the application of the Plaintiff, The Prudential Insurance Company of America, and for good cause shown:

IT IS ORDERED:

1. The Prudential Insurance Company of America is hereby discharged and relieved of further responsibility in this cause as a result of the tender which it has made into the registry of this Court, and the Defendants are permanently enjoined from further assertion of claims relating to any and all proceeds due under the certificate issued to Ricky DeGraffenreid, Service No. 444-58-2294, pursuant to Group Policy G-32000 by Plaintiff to the Administrator of Veterans' Affairs to implement the Servicemen's Group Life Insurance Program (Title 38, U.S. Code, § 765 et seq.), except by interpleading and assertion of claims in this action.

2. That this Court retain jurisdiction of this cause for the determination of the rights of the respective defendants in and to the fund or deposit in the registry of the Court, as well as the final taxation of court costs.

S/ JAMES O. ELLISON

JAMES O. ELLISON  
U.S. District Judge

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

FILED

APR - 9 1980

THE PRUDENTIAL INSURANCE )  
COMPANY OF AMERICA, )  
a corporation, )  
 )  
Plaintiff, )  
 )  
-vs- )  
 )  
CONNIE L. DeGRAFFENREID; )  
VIRGINIA LEEANN DeGRAFFENREID, )  
a minor; VIRGINIA L. GRAHAM; )  
and ROBERT DeGRAFFENREID, )  
 )  
Defendants. )

No. 79-C-527-E

J U D G M E N T

On the 7th day of April, 1980, the above entitled action came on for hearing before the Court, sitting without a jury, a jury trial having been waived, the Honorable James Ellison, District Judge, presiding; W. Creekmore Wallace II appearing as attorney for Connie L. DeGraffenreid, Virginia LeeAnn DeGraffenreid, and Virginia L. Graham; and Joseph Lapan appearing as attorney for Defendant Robert DeGraffenreid; and Everett S. Collins appearing as Guardian Ad Litem for the minor Virginia LeeAnn DeGraffenreid; the Plaintiff, The Prudential Insurance Company of America having been discharged by order of the Court on March 8, 1980; and the Court having heard the announcement of counsel and having reviewed the proposed agreed-upon Judgment, and having inquired as to the consent of all parties to this Judgment, and good cause appearing therefor:

Connie L. DeGraffenreid stipulates that she is the surviving widow of Ricky DeGraffenreid. She was married to Ricky DeGraffenreid on the 21st day of November, 1977, in the State of Oklahoma. She was divorced from David Bruner on November 8, 1977. That Virginia LeeAnn DeGraffenreid was born the natural

child of Ricky DeGraffenreid on the 22nd day of January, 1978, at Bartlett Memorial Hospital in Sapulpa, Oklahoma. That due to a mix-up with the administration at the hospital, the birth certificate of the child reflected the name Virginia LeeAnn Bruner. But the child was not the child of David Bruner. That she understands that her marriage to Ricky DeGraffenreid was invalid under Oklahoma law due to her not having waited the six-months waiting period before remarrying. That she waives any and all rights she might have to the proceeds of this life insurance policy in favor of her daughter Virginia LeeAnn DeGraffenreid. That she consent to the appointment of Everett S. Collins, Attorney at Law, as Guardian Ad Litem for her daughter Virginia LeeAnn DeGraffenreid, and consents to the Order attached hereto. That she understand and consents to the settlement of all claims to this policy by Robert DeGraffenreid by payment of the sum of Three Thousand, Five Hundred Dollars (\$3,500.00) to Robert DeGraffenreid.

Virginia L. Graham stipulates that she is the natural mother of Ricky DeGraffenreid, who died as a result of injuries sustained in an accident on April 11, 1978. That the natural father of Ricky DeGraffenreid was the Defendant Robert DeGraffenreid. That she was present at the birth of Virginia LeeAnn DeGraffenreid. That it is her belief that Virginia LeeAnn DeGraffenreid is the natural daughter of her son Ricky DeGraffenreid. That she understands that she has a claim to the proceeds of Servicemen's Group Life Insurance Policy No. G-32000. That she waives any claim she has to the proceeds of this policy in favor of her granddaughter Virginia LeeAnn DeGraffenreid. She consents to the appointment of Everett S. Collins as Guardian Ad Litem to Virginia LeeAnn DeGraffenreid. She consents to the Order attached hereto. She understands and consents to the

settlement of the claims of Robert DeGraffenreid by payment of Three Thousand, Five Hundred Dollars (\$3,500.00).

Robert DeGraffenreid stipulates that he is the natural father of Ricky DeGraffenreid. That he has a claim upon Servicemen's Group Life Insurance Policy No. G-32000. That he consents to the settlement of his claim by payment to him of Three Thousand, Five Hundred Dollars (\$3,500.00) with the understanding that the remainder of the proceeds will be disbursed as is designated in the Order attached hereto to Virginia LeeAnn DeGraffenreid. He consents to the appointment of Everett S. Collins as Guardian Ad Litem of Virginia LeeAnn DeGraffenreid.

Everett S. Collins, Attorney at Law, stipulates that he is the appointed Guardian Ad Litem of the minor Virginia LeeAnn DeGraffenreid. That he has reviewed the pleadings herein and discussed the matter with counsel for both Robert DeGraffenreid and Connie L. DeGraffenreid, Virginia LeeAnn DeGraffenreid and Virginia L. Graham. That he has reviewed the Oklahoma law on the subject. That he feels that the settlement of this contested claim is in the best interest of the minor child.

IT IS, THEREFORE, ORDERED, ADJUDGED AND DECREED that the Defendant Robert DeGraffenreid have judgment against the Plaintiff in the sum of Three Thousand, Five Hundred Dollars (\$3,500.00) said sum to be paid from the proceeds of the Servicemen's Group Life Insurance Policy No. G-32000.

IT IS FURTHER ORDERED, ADJUDGED AND DECREED that the Defendant Virginia LeeAnn DeGraffenreid have judgment against the Plaintiff in the sum of Sixteen Thousand, Five Hundred Sixty-Four Dollars (\$16,564.00) to be paid from the proceeds of the Servicemen's Group Life Insurance Policy No. G-32000, said proceeds to be placed in Utica National Bank and Trust Company of Tulsa, Oklahoma, for Virginia LeeAnn DeGraffenreid, to be

invested and reinvested in five-year certificates of deposit, and said bank shall pay or distribute said funds to or for the benefit of Virginia LeeAnn DeGraffenreid as follows:

(a) so much of the moneys accumulated in the account of Virginia LeeAnn DeGraffenreid as is necessary for the education of Virginia LeeAnn DeGraffenreid shall be distributed upon her reaching the age of 18 years;

(b) one-half (1/2) of the remaining moneys shall be disbursed to the said Virginia LeeAnn DeGraffenreid at the age of 25;

(c) the remainder of said moneys shall be disbursed to said Virginia LeeAnn DeGraffenreid at the age of 30.

All of said disbursements to be made according to the Order attached hereto and hereby adopted and accepted by reference thereto.

IT IS FURTHER ORDERED, ADJUDGED AND DECREED that the Defendant Connie L. DeGraffenreid has waived any right she has to the proceeds of Servicemen's Group Life Insurance Policy No. G-32000.

IT IS FURTHER ORDERED, ADJUDGED AND DECREED that Virginia L. Graham has waived any rights she has to the proceeds of Servicemen's Group Life Insurance Policy No. G-32000.

IT IS FURTHER ORDERED, ADJUDGED AND DECREED that W. Creekmore Wallace II, as attorney for Connie L. DeGraffenreid, Virginia L. Graham, and Virginia LeeAnn DeGraffenreid, shall have judgment against the Plaintiff in the sum of One Thousand Five Hundred Dollars (\$1,500.00) for attorney's fees, said fees to be paid from the proceeds of Servicemen's Group Life Insurance Policy No. G-32000 which were deposited with the Court Clerk by Plaintiff Prudential Insurance Company of America, on August 21, 1979.

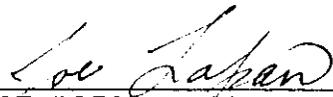
IT IS FURTHER ORDERED, ADJUDGED AND DECREED that Everett S. Collins be awarded an attorney's fee as Guardian Ad Litem for Virginia LeeAnn DeGraffenreid in the sum of Three Hundred Dollars (\$300.00), said sums to be paid from the proceeds of Servicemen's Group Life Insurance Policy No. G-32000 which were deposited with the Court Clerk by Plaintiff Prudential Insurance Company of America, on August 21, 1979.

IT IS FURTHER ORDERED, ADJUDGED AND DECREED that the Plaintiff be released from any further claims upon said Servicemen's Group Life Insurance Policy No. G-32000 on behalf of the estate of Ricky DeGraffenreid.

  
\_\_\_\_\_  
JAMES G. ELLISON  
U. S. District Judge

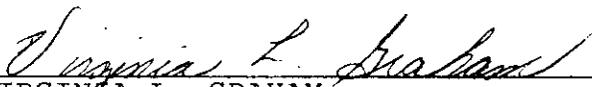
APPROVED:

  
\_\_\_\_\_  
ELSIE DRAPER, Attorney for Plaintiff

  
\_\_\_\_\_  
JOE LAPAN, Attorney for Robert DeGraffenreid

  
\_\_\_\_\_  
W. CREEKMORE WALLACE II, Attorney for Connie L. DeGraffenreid, Virginia LeeAnn DeGraffenreid and Virginia L. Graham

  
\_\_\_\_\_  
CONNIE L. DEGRAFFENREID

  
\_\_\_\_\_  
VIRGINIA L. GRAHAM

  
\_\_\_\_\_  
ROBERT DEGRAFFENREID



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

FAYE BECK,

Plaintiff,

-vs-

AMERICAN AIRLINES, INC.,

Defendant.

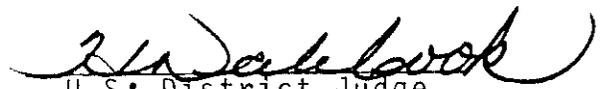
Case No. 78-C-574-C

FILED  
APR - 9 1980

ORDER OF DISMISSAL

U. S. DISTRICT COURT

NOW on this 3rd day of April, 1980, for good cause shown and upon agreement by counsel, this action is Dismissed Without Prejudice.

  
U.S. District Judge

# United States District Court

FOR THE

NORTHERN DISTRICT OF OKLAHOMA

CIVIL ACTION FILE NO. 78-C-403-E

TIMOTHY EDWARD COWEN,  
Plaintiff,  
vs.

SIMPLEC MANUFACTURING COMPANY INCORPORATED, and  
MASENGILL MACHINERY COMPANY,  
Defendants.

JUDGMENT

This action came on for trial before the Court and a jury, Honorable James O. Ellison, United States District Judge, presiding, and the issues having been duly tried and the jury having duly rendered its verdict, for the Plaintiff.

It is Ordered and Adjudged that having found in favor of the Plaintiff and against the Defendants, assesses damages in the sum of \$400,000.00, and Plaintiff be awarded his cost of action.

**FILED**

**APR - 8 1980**

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

Dated at Tulsa, Oklahoma, this 8th day  
of April, 1980.

  
Clerk of Court

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

CARL GREENFEATHER, )  
 )  
 Plaintiff, )  
 )  
 vs. )  
 )  
 ST. LOUIS-SAN FRANCISCO RAILWAY )  
 COMPANY, and HOWARD E. TOWNSEND, )  
 )  
 Defendants. )

No. 80-C-132-E ✓

FILED

APR - 4 1980 ✓

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

STIPULATION FOR DISMISSAL WITH PREJUDICE

Plaintiff, Carl Greenfeather, and defendants, St. Louis-San Francisco Railway Company and Howard E. Townsend, stipulate the above and foregoing case may and should be dismissed with prejudice for the reason that the same has been fully settled and compromised.

Carl Greenfeather  
Carl Greenfeather

Ray FRANK GREER,  
RICHARD R. FULP, JR.

FILED

APR 8 1980

U. S. DISTRICT COURT

By Frank Greer  
Attorneys for Plaintiff

ST. LOUIS-SAN FRANCISCO RAILWAY CO.  
and HOWARD E, TOWNSEND

By W. W. Satterfield  
Their Attorney

ORDER OF DISMISSAL WITH PREJUDICE

Upon the stipulation of the parties and for good cause shown, the above and foregoing case and all causes of action contained therein are dismissed with prejudice.

IT IS SO ORDERED.

DATED this 7<sup>th</sup> day of April, 1980.

James D. Mason  
United States District Judge

FILED

IN THE UNITED STATES DISTRICT COURT FOR THE APR - 7 1980  
NORTHERN DISTRICT OF OKLAHOMA

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

UNITED STATES OF AMERICA, )  
 )  
 Plaintiff, )  
 )  
 vs. )  
 )  
 JOSEPH D. HENDERSON, )  
 )  
 Defendant. )

CIVIL ACTION NO. 79-C-690-C

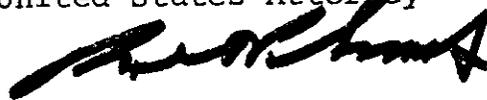
NOTICE OF DISMISSAL

COMES NOW the United States of America, Plaintiff herein, by and through its attorney, Robert P. Santee, Assistant United States Attorney for the Northern District of Oklahoma, and hereby gives notice of its dismissal, pursuant to Rule 41, Federal Rules of Civil Procedure, of this action, without prejudice.

Dated this 7th day of April, 1980.

UNITED STATES OF AMERICA

HUBERT H. BRYANT  
United States Attorney



ROBERT P. SANTEE  
Assistant United States Attorney

FILED

IN THE UNITED STATES DISTRICT COURT FOR ~~APRIL~~ - 7 1980  
NORTHERN DISTRICT OF OKLAHOMA

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

UNITED STATES OF AMERICA, )  
 )  
Plaintiff, )  
 )  
vs. )  
 )  
KEITH A. BROWN, )  
 )  
Defendant. )

CIVIL ACTION NO. 79-C-691-E

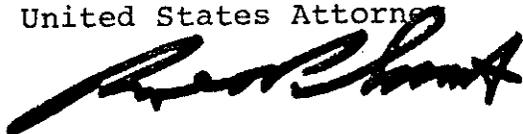
NOTICE OF DISMISSAL

COMES NOW the United States of America, Plaintiff herein, by and through its attorney, Robert P. Santee, Assistant United States Attorney for the Northern District of Oklahoma, and hereby gives notice of its dismissal, pursuant to Rule 41, Federal Rules of Civil Procedure, of this action, without prejudice.

Dated this 7th day of April, 1980.

UNITED STATES OF AMERICA

HUBERT H. BRYANT  
United States Attorney



ROBERT P. SANTEE  
Assistant United States Attorney

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

SHERION HARRELL, )  
 )  
 Plaintiff, )  
 )  
 vs. )  
 )  
 SHELL OIL COMPANY, )  
 )  
 Defendant. )

Case No. 78-C-490-~~4E~~

FILED

Apr 4

J. M. [unclear], Clerk  
U. S. DISTRICT COURT

ORDER

NOW on this 4th day of April, 1980, this matter comes before the Court on Plaintiff's Application to Dismiss, and the Court having reviewed the files and the proceedings herein and for good cause shown.

It is therefore ORDERED, ADJUDGED AND DECREED that the Plaintiff's Application to Dismiss is granted, and that the Plaintiff's case against Shell Oil Company, Inc., shall be and is hereby dismissed with prejudice.

  
JUDGE FOR THE NORTHERN DISTRICT

CERTIFICATE OF MAILING

I, David W. Cole, Attorney for Plaintiff, hereby certify that a copy of the foregoing Order was mailed to Mr. William B. Jones, Attorney for Defendant, 201 West Fifth Street, Tulsa, Oklahoma, on the \_\_\_\_\_ day of April, 1980, with postage thereon fully prepaid.

David W. Cole  
Goodwin & Goodwin  
Attorneys for Plaintiff  
1850 South Boulder  
Tulsa, Oklahoma 74119  
(918) 582-9181

# United States District Court

FOR THE

NORTHERN DISTRICT OF OKLAHOMA

MYRAN KENT MOUNTFORD,  
Plaintiff,

vs.

POPLARVILLE MANUFACTURING COMPANY and  
MARKLEY IMPLEMENT, INCORPORATED,  
Defendants.

CIVIL ACTION FILE NO. 78-C-91-E

JUDGMENT

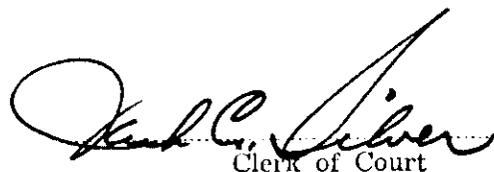
This action came on for trial before the Court and a jury, Honorable James O. Ellison, United States District Judge, presiding, and the issues having been duly tried and the jury having duly rendered its verdict, for the Defendants.

It is Ordered and Adjudged that the plaintiff take nothing and that the defendants Poplarville Manufacturing Company and Markley Implement, Incorporated, recover of the plaintiff, costs of action.

APR 4 1980

U.S. DISTRICT COURT

Dated at Tulsa, Oklahoma, this 4th day  
of April, 19 80.

  
Clerk of Court

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

FILED

UNITED STATES OF AMERICA, )  
 )  
Plaintiff, )  
 )  
vs. )  
 )  
CURTIS M. DAVISON, a/k/a, )  
CURTIS MACK DAVISON, a single )  
person; KATHRYN D. DAVISON, )  
a/k/a KATHRYN DENISE DAVISON, )  
a single person, and STATE OF )  
OKLAHOMA, ex rel, Oklahoma )  
Tax Commission, )  
 )  
Defendants. )

APR 3 1980

Judge G. ...  
U.S. District Court

CIVIL NO. 79-C-353-E

JUDGMENT OF FORECLOSURE

THIS MATTER COMES on for consideration this 3<sup>rd</sup> day of April, 1980, the Plaintiff appearing by Robert P. Santee, Assistant United States Attorney; and the Defendant, State of Oklahoma, ex rel, Oklahoma Tax Commission, appearing by its attorney Donna E. Cox, and, the Defendants, Curtis M. Davison, a/k/a Curtis Mack Davison and Kathryn D. Davison, a/k/a Kathryn Denise Davison, appearing not.

The Court being fully advised and having examined the file herein finds that Defendant Curtis M. Davison, a/k/a Curtis Mack Davison, was served by publication as shown on Proof of Publication filed herein; that Defendants Kathryn D. Davison, a/k/a Kathryn Denise Davison and State of Oklahoma, ex rel, Oklahoma Tax Commission were served Summons, Complaint and Amendment to Complaint on May 8, 1979 and May 23, 1979, respectively, as appears from the United States Marshal's Service herein.

It appearing that the Defendant, State of Oklahoma, ex rel, Oklahoma Tax Commission, has duly filed its Answer and Cross-Petition herein on June 5, 1979; that Defendants Kathryn D. Davison, a/k/a Kathryn Denise Davison, and Curtis M. Davison, a/k/a Curtis Mack Davison, 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 upon the following described real property located in Tulsa County, Oklahoma, within the Northern Judicial District of Oklahoma:

Lot Seven (7), Block Nineteen (19), VALLEY VIEW ACRES ADDITION to the City of Tulsa, Tulsa County, State of Oklahoma, according to the recorded Plat thereof,

THAT the Defendants, Curtis M. Davison and Kathryn D. Davison, did, on the 10th day of November, 1973, execute and deliver to the Administrator of Veterans Affairs, their mortgage and mortgage note in the sum of \$9,500.00, 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, Curtis M. Davison and Kathryn D. Davison, made default under the terms of the aforesaid mortgage note by reason of their failure to make monthly installments due thereon, which default has continued and that by reason thereof the above-named Defendants are now indebted to the Plaintiff in the sum of \$9,064.82, as unpaid principal with interest thereon at the rate of 6 percent per annum from August 1, 1978, 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 Curtis M. Davison and Kathryn D. Davison in the amount set out in its Answer and Cross-Petition, 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, Curtis M. Davison, in rem, and Kathryn D. Davison, in personam, for the sum of \$9,064.82, with interest thereon at the rate of 6 percent per annum from August 1, 1978, 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 Oklahoma Tax Commission have and recover judgment, in rem, against the Defendants, Curtis M. Davison and Kathryn D. Davison, in the amount set out in its Answer and Cross-Petition, 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 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, specifically including any lien for personal property taxes which may have been filed during the pendency of this action.

UNITED STATES DISTRICT JUDGE

APPROVED

UNITED STATES OF AMERICA

HUBERT H. BRYANT  
United States Attorney

By: ROBERT P. SANTEE  
Assistant United States Attorney

DONNA E. COX, Attorney for State of  
Oklahoma, ex rel, Oklahoma Tax Commission

F I L E D

APR 3 1980

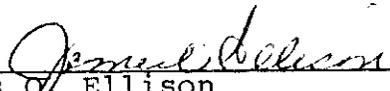
IN THE UNITED STATES DISTRICT COURT FOR  
THE NORTHERN DISTRICT OF OKLAHOMA

U.S. DISTRICT COURT  
NORTHERN DISTRICT OF OKLAHOMA

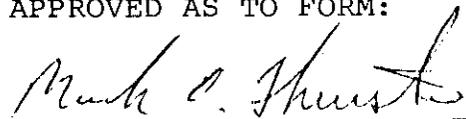
LESLIE MICHAEL McCLELLAND,	)	
	)	
Plaintiff,	)	
	)	
vs.	)	Civil Action File
	)	No. 79-C-393-E ✓
SOUTHWESTERN ART ASSOCIATION,	)	
an Oklahoma corporation,	)	
	)	
Defendant.	)	

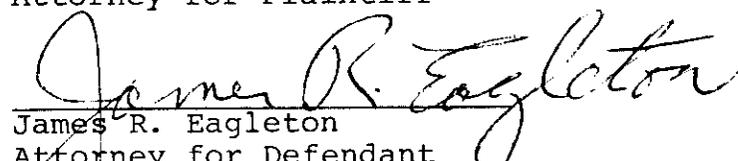
DISMISSAL

On this 3<sup>rd</sup> day of April, 1980, pursuant to the Stipulation of plaintiff and defendant filed herein, the Complaint of plaintiff filed herein is dismissed with prejudice.

  
 \_\_\_\_\_  
 James O. Ellison  
 United States District Judge

APPROVED AS TO FORM:

  
 \_\_\_\_\_  
 Mark O. Thurston  
 Attorney for Plaintiff

  
 \_\_\_\_\_  
 James R. Eagleton  
 Attorney for Defendant

3/27/80

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

BODIN APPAREL, INC., )  
 a corporation, )  
 )  
 Plaintiff, )  
 )  
 vs. )  
 )  
 NEIMER H. BIRD, a )  
 sole trader, d/b/a )  
 N.H.B. SALES COMPANY, )  
 )  
 Defendant. )

Case No. 77-C-157-~~B~~E

FILED  
APR 1 1980

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

O R D E R

NOW, on this 1<sup>ST</sup> day of April, 1980, the Motion of the Plaintiff for a Dismissal of the above-entitled action comes on for hearing, and it appearing to the Court that this matter should be dismissed,

IT IS ORDERED that the above-entitled action be and it is hereby dismissed without prejudice.

  
JUDGE OF THE DISTRICT COURT

LAW OFFICES  
UNGERMAN  
CONNER,  
LITTLE  
UNGERMAN &  
GOODMAN  
1/10 FOURTH NATIONAL  
BANK BUILDING  
TULSA, OKLAHOMA  
74119

FILED

IN THE UNITED STATES DISTRICT COURT FOR APR 1 1980

THE NORTHERN DISTRICT OF OKLAHOMA

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

RIFFE PETROLEUM COMPANY, )  
a corporation, )  
 )  
Plaintiff, )  
 )  
vs. )  
 )  
ERGON, INC., a corporation, )  
 )  
Defendant. )

No. 80-C-79-E

*Notice of* DISMISSAL WITHOUT PREJUDICE

COMES NOW the Plaintiff above named, through its undersigned attorneys, and hereby dismisses the above cause of action against Ergon, Inc., without prejudice to the refileing hereof.

HALL, ESTILL, HARDWICK, GABLE,  
COLLINGSWORTH & NELSON

By \_\_\_\_\_  
Claire E. Barrett  
4100 Bank of Oklahoma Tower  
One Williams Center  
Tulsa, Oklahoma 74172  
918/588-2735

Attorneys for Plaintiff

CERTIFICATE OF MAILING

The undersigned attorney for Plaintiff certifies that a true and correct copy of the foregoing Dismissal Without Prejudice was mailed, postage prepaid, to Defendant's attorney, Mr. R. Casey Cooper, 320 South Boston, Suite 1300, Tulsa, Oklahoma 74103, this \_\_\_ / \_\_\_ day of April, 1980.

\_\_\_\_\_  
Claire E. Barrett

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

FILED

APR - 1 1980

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

UNITED STATES OF AMERICA, )  
 )  
Plaintiff, )  
 )  
vs. )  
 )  
JOHN M. GUNZEL, )  
 )  
Defendant. )

CIVIL ACTION NO. 80-C-75-B

NOTICE OF DISMISSAL

COMES NOW the United States of America, Plaintiff herein, by and through its attorney, Robert P. Santee, Assistant United States Attorney for the Northern District of Oklahoma, and hereby gives notice of its dismissal, pursuant to Rule 41, Federal Rules of Civil Procedure, of this action, without prejudice.

Dated this 1st day of April, 1980.

UNITED STATES OF AMERICA

HUBERT H. BRYANT  
United States Attorney



ROBERT P. SANTEE  
Assistant United States Attorney

Us

FILED  
IN THE UNITED STATES DISTRICT COURT FOR THE  
NORTHERN DISTRICT OF OKLAHOMA  
APR 1 1980 Us

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

DELORES V. KIMBALL, )  
 )  
 Plaintiff )  
 )  
 v. )  
 )  
 TOM MARRS d/b/a CENTRAL MOTOR )  
 COMPANY and GORDON WILKINS, )  
 )  
 Defendants )

No. 78-C-376-BT

STIPULATION OF DISMISSAL WITH PREJUDICE

Comes now the plaintiff and dismisses her cause of action with prejudice to the right of bringing of any other future action. This dismissal is done with the stipulation and agreement of the defendants herein.

CHAPEL, WILKINSON, RIGGS, ABNEY  
& KEEFER

By Bill V. Wilkinson  
Bill V. Wilkinson  
Attorneys for plaintiff

SOBEL & MORAN

By David L. Sobel  
David L. Sobel  
Attorneys for defendant  
Tom Marrs d/b/a Central  
Motor Company

PUTMAN, GALLMAN AND DICKSON

By James W. Gallman  
James W. Gallman  
Attorneys for defendant  
Gordon Wilkins

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

FILED  
APR - 1 1980  
Jack C. Silver, Clerk  
U. S. DISTRICT COURT

UNITED STATES OF AMERICA, )  
 )  
 Plaintiff, )  
 )  
 vs. )  
 )  
 MAURICE A. WILLIAMS, )  
 )  
 Defendant. )

CIVIL ACTION NO. 79-C-548-C ✓

NOTICE OF DISMISSAL

COMES NOW the United States of America, Plaintiff  
herein, by and through its attorney, Robert P. Santee, Assistant  
United States Attorney for the Northern District of Oklahoma,  
and hereby gives notice of its dismissal, pursuant to Rule 41,  
Federal Rules of Civil Procedure, of this action, without  
prejudice.

Dated this 1st day of April, 1980.

UNITED STATES OF AMERICA

HUBERT H. BRYANT  
United States Attorney



ROBERT P. SANTEE  
Assistant United States Attorney