

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

FILED

OCT 30 1981

SHARP ELECTRONICS CORPORATION,)
)
Plaintiff,)
)
vs.)
)
CONTINENTAL COPY COMPANY, a)
Corporation, FOX HENDERSON, an)
individual, JAMES C. HICKMAN, an)
individual, and SARA A. HICKMAN,)
an individual,)
)
Defendants.)

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

No. 80-C-245-E

ORDER DISMISSING THE CLAIM FOR RELIEF AGAINST THE
HICKMAN DEFENDANTS AND THEIR CLAIMS AND SET OFFS
AGAINST PLAINTIFF WITH PREJUDICE

On the foregoing Stipulation of Dismissal with
Prejudice between Plaintiff, Sharp Electronics Corporation,
by its attorneys of record, and Defendants, James C. Hickman
and Sara A. Hickman, by their attorney of record;

IT IS HEREBY ORDERED that the Claim for Relief
Against James C. Hickman and Sara A. Hickman is hereby dis-
missed with prejudice to all parties, and that the claims and
set offs set forth in the Answer of Defendants, James C.
Hickman and Sara A. Hickman, are hereby dismissed with
prejudice to all parties.

Dated this 30th day of October, 1981.


UNITED STATES DISTRICT JUDGE

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

GLORIA C. REIMER,)
)
 Plaintiff,)
)
 vs.) No. 79-C-47-E
)
 JEFFERSON J. BAGGETT; B & D)
 TRUCKING INC., a corporation;)
 BEACON TIRE SERVICE NO. 2, INC.,)
 a corporation; RYDER TRUCK)
 RENTAL, INC., a Florida corpora-)
 tion; and JAMES A. STEELMAN)
 d/b/a BEACON TIRE SERVICE,)
)
 Defendants.)

FILED
OCT 30 1981
Jack C. Silver, Clerk
U. S. DISTRICT COURT

ORDER

This case was brought by Gloria C. Reimer to recover money damages for her injuries allegedly resulting from a collision that occurred on August 21, 1978, between an automobile in which she was a passenger and a semi-truck operated by Defendant Jefferson Baggett. Plaintiff's theory, basically, was that she and her husband were proceeding along the highway when their automobile was struck from the rear by a truck, allegedly due to the negligence of the Defendants. Defendants' basic position was that they were not guilty of negligence, and that the accident was in fact caused by the negligence of Plaintiff's husband, the driver of the automobile, and that the braking system of the truck was defective, thereby contributing to the accident.

The case was tried to a jury between August 17, 1981, and August 21, 1981, the jury returning a verdict that fixed the Plaintiff's negligence at 50%, her husband's negligence at 50%, the negligence of Defendant Jefferson Baggett at 0% and the negligence of Defendant Ryder Truck Rental at 0%.*

Now before the Court for consideration are Plaintiff's motion for judgment notwithstanding the verdict, and alternative motion for

*Although the case was settled between Plaintiff and Ryder prior to the return of the verdict, the jury was instructed to consider Ryder in its apportionment of negligence under the cases of Paul v. N. L. Industries, Inc., 624 P.2d 68 (Okla. 1981), and Laubach v. Morgan, 588 P.2d 1071 (Okla. 1978).

new trial. The Court will first direct its attention to Plaintiff's motion for new trial.

Rule 59(a), Fed.R.Civ.Pro. provides that a "new trial may be granted ... in an action in which there has been a trial by jury, for any of the reasons for which new trials have heretofore been granted in actions at law in the courts of the United States ..."

Rule 59(a) embodies all of the common law precedents of the English and federal courts as the basis for a Court's exercise of its power to grant a new trial, see, e.g., Holmes v. Wack, 464 F.2d 86, 87 (Tenth Cir. 1972); Tidewater Oil Co. v. Waller, 302 F.2d 638 (Tenth Cir. 1962); 6A Moore's Federal Practice ¶ 59.05; 11 Wright & Miller, Federal Practice and Procedure § 2801. The much-cited opinion of Judge Parker in the case of Aetna Cas. & Sur. Co. v. Yeatts, 122 F.2d 350 (Fourth Cir. 1941) points out the scope and extent of the power granted to the Court by Rule 59(a):

The motion to set aside the verdict and grant a new trial was a matter of federal procedure, governed by Rule of Civil Procedure 59 and not subject in any way to the rules of state practice. On such a motion it is the duty of the judge to set aside the verdict and grant a new trial, if he is of opinion that the verdict is against the clear weight of the evidence, or is based upon evidence which is false, or will result in a miscarriage of justice, even though there may be substantial evidence which would prevent the direction of a verdict. The exercise of this power is not in derogation of the right of trial by jury but is one of the historic safeguards of that right.

* * *

To the federal trial judge, the law gives ample power to see that justice is done in causes pending before him; and the responsibility attendant upon such power is his in full measure. While according due respect to the findings of the jury, he should not hesitate to set aside their verdict and grant a new trial in any case where the ends of justice so require.

122 F.2d at 352-354. It must also be recognized that there is a very real, and very important distinction between the standards to be applied by a Court to a motion for judgment n.o.v. and a motion for new trial. In Flood v. Wisconsin Real Estate Investment Trust, 503 F.Supp. 1157 (D. Kan. 1980), the Court, in speaking

to this distinction, said:

In considering a motion for a judgment n.o.v. the evidence must be viewed in the light most favorable to the party against whom the motion is made. ... It is not the Court's duty to weigh the evidence presented, ... or to pass on the credibility of witnesses, ... or to substitute its judgment of the facts for that of the jury. ...

The standard for granting a new trial is less rigorous than the standard for granting judgment notwithstanding the verdict. A decision to grant a new trial "involves an element of discretion which goes further than the mere sufficiency of the evidence. It embraces all the reasons which inhere in the integrity of the jury system itself." Tidewater Oil Co. v. Waller, 302 F.2d 638, 643 (10th Cir. 1962).

503 F.Supp. at 1159 (citations omitted).

In this case, the Plaintiff has argued that a new trial is required on the ground that the verdict of the jury is against the weight of the evidence; as to this ground for a new trial, our Court of Appeals has said:

We have consistently recognized that a motion for a new trial made on the ground that the verdict of the jury is against the weight of the evidence normally presents a question of fact and not of law and is addressed to the discretion of the trial court. ... On review, we will not reverse a decision granting or refusing to grant a motion for new trial absent an unusual situation, ... or the showing of a gross abuse of discretion on the part of the district court judge. ...

Harris v. Quinones, 507 F.2d 533, 535 (Tenth Cir. 1974); see also Pool v. Leone, 374 F.2d 961 (Tenth Cir. 1967), cert. denied, 389 U.S. 943, 88 S.Ct. 309 (1967); and Norfin, Inc. v. International Business Mach. Corp., 81 F.R.D. 614 (D. Colo. 1979).

The Court has reviewed the evidence in this case with great care, and has considered it all in light of the percentages of negligence assessed by the jury. It is not the practice of this Court to lightly disregard the verdict of a jury, but in this case the Court is left with the firm impression that the verdict is against the weight of the evidence, and that therefore a new trial must be granted. Having reached this conclusion, of course, the Court need not consider Plaintiff's motion for judgment

n.o.v., as it is rendered moot by the new trial.

IT IS THEREFORE ORDERED that Plaintiff's motion for new trial be, and the same hereby is granted;

IT IS FURTHER ORDERED that the judgment entered herein on August 21, 1981 be, and the same hereby is vacated. Further proceedings in this matter will be set as directed by the Court.

It is so Ordered this 29th day of October, 1981.



JAMES O. ELLISON
UNITED STATES DISTRICT JUDGE

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

SHARP ELECTRONICS CORPORATION,)
)
Plaintiff,)
)
vs.)
)
CONTINENTAL COPY COMPANY, a)
Corporation, FOX HENDERSON, an)
individual, JAMES C. HICKMAN, an)
individual, and SARA A. HICKMAN,)
an individual,)
)
Defendants.)

No. 80-C-245-~~AE~~

FILED

OCT 30 1981

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

JUDGMENT

This action came on for consideration before the undersigned Judge of the United States District Court for the Northern District of Oklahoma. Plaintiff Sharp Electronics Corporation is represented by its attorney, Laurence L. Pinkerton, of Conner, Winters, Ballaine, Barry & McGowen, and Defendant Fox Henderson is represented by his attorney, Tom L. Armstrong, of Dyer, Powers, Marsh, Turner and Armstrong.

Trial by jury is waived by all parties. The Court being fully advised in the premises, and having examined all pleadings herein, finds as follows:

1. That the Court has jurisdiction of the parties hereto and the subject matter hereof.
2. That the allegations of Plaintiff's Claim for Relief against Defendant Fox Henderson are true and correct.
3. That Plaintiff Sharp Electronics Corporation should recover of Defendant Fox Henderson, the sum of Two Thousand Five Hundred Dollars (\$2,500.00) with interest thereon at the rate of twelve percent (12%) per annum from the date hereof.

IT IS THEREFORE ORDERED, ADJUDGED AND DECREED that judgment is rendered in favor of Plaintiff Sharp Electronics Corporation on its Claim for Relief against Defendant Fox Henderson and Plaintiff Sharp Electronics Corporation is

awarded the sum of Two Thousand Five Hundred Dollars (\$2,500.00)
plus interest at the rate of twelve percent (12%) per annum
from the date hereof.

Dated this 30 day of October, 1981.

S/ JAMES O. ELLISON

JUDGE OF THE UNITED STATES
DISTRICT COURT

APPROVED AS TO FORM:

SHARP ELECTRONICIS CORPORATION

By Laurence L. Pinkerton
Laurence L. Pinkerton
2400 First National Tower
Tulsa, Oklahoma 74103
(918) 586-5684

ATTORNEY FOR PLAINTIFF SHARP ELECTRONICS CORPORATION

FOX HENDERSON

By Tom L. Armstrong
Tom L. Armstrong
525 South Main, Suite 210
Tulsa, Oklahoma 74103
(918) 587-0141

ATTORNEY FOR DEFENDANT FOX HENDERSON

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

FILED

OCT 30 1981

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

CIBA-GEIGY, INC., a corporation,)
)
 Plaintiff,)
)
 vs.)
)
 R. H. SIEGFRIED, INC.,)
 a corporation d/b/a NORDAM,)
 and NORDAM, an Oklahoma)
 General Partnership,)
)
 Defendants.)

NO. 79-C-645-E

ORDER OF DISMISSAL

Upon stipulation of the parties hereto this matter and all claims set forth in the pleadings filed by the parties are hereby ordered dismissed with prejudice, with each party to bear their own costs.

DATED this 29 day of Oct, 1981.

S/ JAMES O. ELLISON

UNITED STATES DISTRICT JUDGE

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

FILED
OCT 29 1981
Jack C. Silver, Clerk
U. S. DISTRICT COURT

(Guardianship) ESTATE OF)
FORREST C. CONNELLY,)
JOSEPH D. SEITZ, Guardian,)
and the ESTATE OF DESSIE C.)
CONNELLY, Deceased, JOSEPH D.)
SEITZ, Guardian, Administrator,)
)
Plaintiffs)
)
v.)
)
UNITED STATES OF AMERICA,)
)
Defendant)

CIVIL NO. 80-C-36-E

ORDER OF DISMISSAL

The Court being advised that a final settlement of the above-styled action has been approved by both parties but that there remains the matter of computing the amount of refund and issuing the refund check, it is hereby,

ORDERED that this action be, and hereby is, dismissed with prejudice, but without prejudice to the right of either party to reinstate this matter on the Court's docket at any time within 90 days from the date of this Order if the computation and the issuance of the refund check in consummation of the settlement have not been completed prior to that time.

So ORDERED this 29th day of October, 1981.


UNITED STATES DISTRICT JUDGE

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

FILED

OCT 28 1981 *JS*

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

MARGARET LYNN BUNCH,)	
)	
Plaintiff,)	
)	
vs.)	No. 81-C-545-E
)	
TRW CINCH COMPANY,)	
)	
Defendant.)	

O R D E R

The Court has before it for consideration Plaintiff's application to proceed with this action in forma pauperis and for appointment of counsel. Plaintiff seeks to bring this action against her former employer under 42 U.S.C. § 1983.

The Court has carefully reviewed Plaintiff's application and concludes it must be denied. Although Plaintiff asserts she cannot afford the costs of this action or an attorney, the affidavit of financial status completed by Plaintiff reveals that she and her husband own 140 acres near Afton, Oklahoma. The affidavit further shows the property produces income of \$4,500.00 annually. The Court realizes that under current economic conditions, it is difficult to make ends meet, no matter what one's income is. This Court is of the opinion, however, that Plaintiff has not demonstrated that she is financially unable to bear the costs of litigation or to obtain counsel.

The Court notes that even if Plaintiff had convinced the Court that she could not afford an attorney, the Court would still be unable to appoint counsel. Before this Court will appoint counsel in cases such as these, a Plaintiff must demonstrate to the Court's satisfaction that he or she has diligently tried to retain counsel, without success. No such showing has been made by Plaintiff in this case. It should be noted that several avenues are available to Plaintiff in this respect. Legal Services of Eastern Oklahoma maintains an office in Tulsa and can provide help to indigents in legal matters. Both the Oklahoma Bar Association and the Tulsa County Bar Association maintain lawyer referral services, whose telephone numbers are listed in telephone

directories. Furthermore, there are many attorneys in this district who regularly handle legal matters on a contingency fee basis.

Based upon the foregoing, Plaintiff's application to proceed in forma pauperis and for appointment of counsel should be and the same is hereby denied.

IT IS SO ORDERED this 28th day of October, 1981.



JAMES O. ELLISON
UNITED STATES DISTRICT JUDGE

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

FILED

OCT 28 1981

JAMES E. CLAYTON and)
JUDY GUILFOYLE,)
)
Plaintiffs,)
)
vs.)
)
DAVE FAULKNER, SHERIFF, TULSA)
COUNTY, OKLAHOMA, et al)
)
Defendants.)

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

No. 79-C-723-BT

O R D E R

This matter comes before the Court on Attorney General's Motion to Strike, plaintiffs' Motion to Add Tulsa County Commissioners as parties defendant, defendant District Attorney's two Motions to Dismiss, and defendant Faulkner's three Motions to Dismiss. Each motion will be treated separately below.

MOTION TO STRIKE

Attorney General Jan Eric Cartwright filed a Motion to Strike on February 25, 1981. The Attorney General is not a named party in the present action and does not represent a named party. Furthermore, plaintiffs offer no objection to the motion. Therefore, Attorney General Cartwright's Motion to Strike is hereby sustained.

MOTION TO ADD PARTY DEFENDANTS

Plaintiffs filed a Motion to Add Party Defendants pursuant to F.R.Civ.P. 19 on March 3, 1981. However, at the hearing of October 23, 1981, plaintiffs stated that the joinder of the Tulsa County Commissioners was not necessary for a complete adjudication of this matter. Furthermore, the Court notes that the executive duties of the County Commissioners with respect to the Tulsa County Jail are ministerial in nature. See 57 Okl. St. Ann. §1; 57 Okl. St. Ann. §51; 19 Okl. St. Ann. §734. Therefore, the Court concludes the County Commissioners are not necessary parties to this action. Plaintiffs' Motion to Add Parties Defendant is hereby denied.

MOTION TO DISMISS OF DISTRICT ATTORNEY

Defendant S.M.Fallis, Jr., filed two Motions to Dismiss on May 5, 1980 and May 13, 1981, respectively. David Moss, successor to Mr. Fallis as District Attorney, appeared personally at the hearing of October 23, 1981 and re-asserted the motions.

In the Amended Complaint, plaintiffs allege defendant District Attorney was responsible for a violation of plaintiffs' constitutional rights and therefore is liable in damages under 42 U.S.C.A. §1983. However, in Imbler v. Pachtman, 424 U.S. 409, 427 (1976), the Supreme Court stated:

"We conclude that the considerations outlined above dictate the same absolute immunity under §1983 that the prosecutor enjoys at common law."

In the present case, the District Attorney was acting in his official capacity at all times relevant to this action. Therefore, the Court concludes he is immune from prosecution under 42 U.S.C.A. §1983. Defendant District Attorney's Motion to Dismiss is hereby sustained.

MOTION TO DISMISS OF SHERIFF

Defendant Faulkner filed separate Motions to Dismiss on May 5, 1980, September 5, 1980 and May 13, 1981. In essence, defendant Faulkner argues the Federal District Court does not have jurisdiction in this matter and, if it does, plaintiffs have failed to state a claim upon which relief can be granted.

Without question, the federal courts play a delicate role in matters involving the administration, control, and maintenance by the states of their penal systems--an area historically within the domain and control of those sovereign entities. See Battle v. Anderson, 564 F.2d 388, 391-92 (10th Cir. 1977) However, "[t]he doctrine of abstention, under which a District Court may decline to exercise or postpone the exercise of its

jurisdiction, is an extraordinary and narrow exception to the duty of a District Court to adjudicate a controversy properly before it." Colorado River Cons. Dist. v. United States, 424 U.S. 800, 813 (1976). Only in "narrowly limited special circumstances" should a federal court abstain in favor of state court adjudication. See e.g., Zwickler v. Koota, 389 U.S. 241, 248 (1967). As the Supreme Court stated in Procunier v. Martinez, 416 U.S. 396, 405-406 (1974):

"[A] policy of judicial restraint cannot encompass any failure to take cognizance of valid constitutional claims whether arising in a federal or state institution. When a prison regulation or practice offends a fundamental constitutional guarantee, federal courts, will discharge their duty to protect constitutional rights."

In the present case, plaintiffs allege the conditions at the Tulsa County Jail are in violation of the First, Fifth, Sixth, Eighth, Ninth, Thirteenth and Fourteenth Amendments of the United States Constitution. Clearly, plaintiffs' claims do not fall into any of the three general categories set forth by the Supreme Court within which abstention is appropriate. Accord Ramos v. Lamm, 639 F.2d 559 (10th Cir. 1980). See also Colorado River Cons. Dist. v. United States, *supra*. The constitutional issues will not be enacted by a state court determination of pertinent state law. Compare Railroad Commission of Texas v. Pullman Co., 312 U.S. 496 (1941). Furthermore, there are no difficult questions of state law bearing on policy problems of substantial public import whose importance transcends the result in the case at bar. Colorado River Cons. Dist. v. United States, *supra*. Finally, plaintiffs have not attempted to enjoin a pend-state proceeding initiated by the state against them in which they would have an opportunity to present their federal claims in a state forum. See Younger v. Harris, 401 U.S. 37 (1971).

In view of the above, the Court concludes that abstention is not appropriate. Therefore, defendant Faulkner's Motion to Dismiss for lack of subject matter jurisdiction is hereby denied.

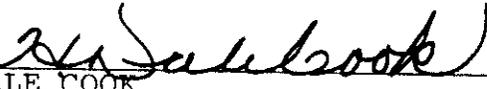
Defendant Faulkner further argues that plaintiffs have failed to state a claim upon which relief can be granted. This motion requires an analysis of each allegation, including the abridgment of religion claim raised by David James Reddick in consolidated Case No. 80-C-420. However, the Court concludes that such a review is not appropriate at this time.

At the hearing of October 23, 1981 plaintiffs offered that certain claims raised in the Amended Complaint may be subject to dismissal. Plaintiffs suggested that if mutually agreed upon experts examined the jail facility and determined that officials were adhering to constitutional standards in certain areas, the claims arising in those areas could be dismissed. In view of this suggestion the Court hereby orders that the parties shall have until November 6, 1981 at 1:30 p.m., to reach an agreement regarding the selection of experts to inspect the jail facility. Also at the hearing on November 6, 1981, counsel for the parties shall present argument with respect to whether this case is appropriate for treatment as a class action. Finally, at the hearing of November 6, 1981 the parties shall report to the Court as to the following: whether any of the present plaintiffs have made a demand for jury trial; what cases presently pending in the Northern District of Oklahoma are appropriate for consolidation with this action; and what other standards exist which have been published by various recognized organizations and groups concerned with conditions at correctional facilities.

In addition, the Court hereby orders that February 19, 1982 be established as the discovery cut-off date for plaintiffs' various damage claims, which come on under 42 U.S.C.A. §1983 apart from the issue of liability. A discovery cut-off date will be established for other issues in this action after the parties have mutually agreed upon expert examiners and have

determined what substantive issues in this action remain in dispute.

IT IS SO ORDERED THIS 27 day of Oct., 1981.



H. DALE COOK



JAMES O. ELLISON



THOMAS R. BRETT

UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF OKLAHOMA

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

RONNIE FRED CARTER,)
)
 Plaintiff,)
)
 vs.) No. 80-C-182-C
)
 DEPARTMENT OF CORRECTIONS OF)
 OKLAHOMA, WARDEN JAMES D.)
 KYKER,)
)
 Defendant.)

FILED

OCT 28 1981

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

O R D E R

Now before the Court on its own motion is Count III of the plaintiff's complaint, defendant's answer, and the Special Reports of the Department of Corrections pursuant to Martinez v. Aaron, 570 F.2d 317 (10th Cir. 1978), and Martinez v. Chavez, 574 F.2d 1043 (10th Cir. 1978).

Count III of plaintiff's complaint, alleges failure of the State of Oklahoma to protect the rights of prisoners to access to the Courts, to law libraries or alternative sources of legal knowledge. Plaintiff further alleges in this Count that prison authorities at the Conner Correctional Center facilities refuse to assist inmate in the preparation and filing of meaningful legal papers by providing an adequate law library or adequate assistance from persons trained in the law.

If plaintiff intends in Count III only to sue the State, or the State Department of Corrections, this cause of action must fail for lack of a proper defendant. A state is not a proper party to a §1983 action. Alabama v. Pugh, 438 U.S. 781 (1978); Parkhurst v. Wyoming, 641 F.2d 775 (10th Cir. 1981).

If, in Count III, defendant intends to sue Warden James D. Kyker, and Larry R. Meachum, Director of the Department of Corrections, this action still must fail. The Special Report indicates that Conner Correctional Center had two trained law

clerks assigned to the law library during the period in question, and plaintiff has not shown or alleged that such assistance failed to meet constitutional standards. Battle v. Anderson, 457 F.Supp. 719 (D.C.Okla. 1978). The plaintiff further alleges in his affidavit filed on June 6, 1981 that the law library at Joseph Harp Correctional Center, (which he acknowledges is better than that of Conner Correctional Center) is inadequate and that he was not allowed adequate time to use it. However, plaintiff's own affidavit presents adequate reasons for his inability to use the library. Further, the Special Report indicates that inmates at Joseph Harp do not request the use of library, but may use the facility whenever their attendance will not conflict with their job assignment. The library utilization logs, submitted with the Special Report, show that plaintiff did not use the library during his brief stay at Joseph Harp. Plaintiff cannot claim damages if he made no attempt to use the library and therefore suffered no detriment.

As to plaintiff's claims of harassment by prison officials who allegedly intend to penalize him by a permanent transfer to Joseph Harp Correctional Center, thereby causing plaintiff to lose access to a vo-tech training program, plaintiff has not shown that such a transfer occurred.

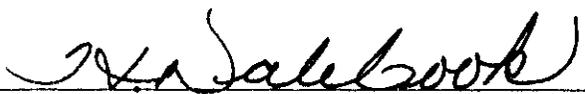
In order to establish a cause of action under Section 1983, plaintiff must allege that defendants have deprived him of a federally protected right and that the person who has deprived him of that right acted under color of state law. Gomez v. Toledo, 446 U.S. 635, 640, 100 S.Ct. 1920, 1923, 64 L.Ed.2d 572, (1980).

Since a review of the pleadings filed herein does not indicate that the plaintiff has been deprived of rights secured under the U. S. Constitution, plaintiff has no claim cognizable under §1983. Baker v. McCollan, 443 U.S. 137, 146-147, 99 S.Ct. 2612, 61 L.Ed.2d 321 (1979).

The Court authorized commencement of this action in forma pauperis under 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. Hagans v. Lavine, 415 U.S. 528, 536 (1973); Wells v. Ward, 470 F.2d 1185, 1187 (10th Cir. 1972); Smart v. Villar, 547 F.2d 112 (10th Cir. 1976).

In view of its holding that the 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.

It is so Ordered this 28th day of October, 1981.


H. DALE COOK
Chief Judge, U. S. District Court

FILED

OCT 28 1981

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

MARSHALL E. HORN,)
)
Plaintiff,)
)
) No. 81-C-570-E
)
NATIONAL STANDARD INSURANCE COMPANY,)
)
Defendant.)

APPLICATION FOR ORDER OF
DISMISSAL WITH PREJUDICE

COMES NOW the plaintiff, MARSHALL E. HORN, and prays
this Court to dismiss with prejudice his action against the
defendant, NATIONAL STANDARD INSURANCE COMPANY, for the
reason that they have entered into a full, final, and complete
settlement of any and all claims described in his Complaint.

Marshall E. Horn
MARSHALL E. HORN - Plaintiff

Philip McCowan
PHILIP McCOWAN, of the firm
Sanders & Carpenter
205 Denver Building
Tulsa, OK 74119
(918) 582-5181

ATTORNEYS FOR PLAINTIFF

FILED

OCT 30 1981

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

ORDER

Upon application of the plaintiff for a Dismissal with
Prejudice, and for good cause shown,

IT IS HEREBY ORDERED that this action be dismissed with
prejudice to the future filing thereof.

DATED this 30 day of October, 1981.

S/ JAMES O. ELLISON
UNITED STATES DISTRICT JUDGE

Certificate of Mailing

I hereby certify that I did on this 28th day of October, 1981, mail a full, true and exact copy of the above and foregoing instrument, with postage thereon fully prepaid, to:

J. Clifford Gunter III
BRACEWELL & PATTERSON
2900 South Tower Pennzoil Place
Houston, TX 77002

and

James Eagleton
EAGLETON, EAGLETON & OWENS
First National Building
Tulsa, OK 74103
ATTORNEYS FOR DEFENDANT,
NU-WEST GROUP LIMITED

John F. Pritchard
WINTHROP, STIMSON, PUTNAM & ROBERTS
40 Wall Street
New York, NY 10005

and

Tom Seymour
DOERNER, STUART, SAUNDERS, DANIEL & ANDERSON
Atlas Life Building
Tulsa, OK 74103
ATTORNEYS FOR DEFENDANT,
TORONTO-DOMINION BANK

John Held
BAKER & BOTTS
300 One Shell Plaza
Houston, TX 77002

and

Burck Bailey
FELLERS, SNIDER, BLANKENSHIP, BAILEY & TIPPENS
24th Floor, First National Center
Oklahoma City, OK 73102
ATTORNEYS FOR DEFENDANT,
MESA PETROLEUM CO.



UNITED STATES DISTRICT COURT FOR THE
NORTHERN DISTRICT OF OKLAHOMA

Jack C. ...
U. S. ...

United States of America,)
)
Plaintiff,) CIVIL ACTION NO. 79-C-465-Bt
)
vs.) This action applies to all
) interests in the estate taken
) in:
60.00 Acres of Land, More or)
Less, Situate in Washington)
County, State of Oklahoma, and) Tract No. 330M
Roy Andrew Elkhair, Jr., et al.,)
and Unknown Owners,)
)
Defendants.) This is Master File #400-17

United States of America,)
)
Plaintiff,) CIVIL ACTION NO. 79-C-466-Bt
)
vs.) This action applies to all
) interests in the estate taken
) in:
20.40 Acres of Land, More or)
Less, Situate in Washington)
County, State of Oklahoma, and) Tracts Nos. 335M & 335ME
Ray Andrew Elkhair, Jr., et al.,)
and Unknown Owners,)
)
Defendants.) (Included in D.T. filed
) in Master File #400-17)

J U D G M E N T

1.
NOW, on this 27th day of October, 1981, this
matter comes on for disposition on application of the Plaintiff,
United States of America, for entry of judgment fixing just com-
pensation for the property condemned in the captioned cases.
After having examined the files in these actions and being advised
by counsel, the Court finds:

2.

This judgment applies to all interests in the estates
condemned in Tracts Nos. 330M, 335M and 335ME, as such estates
and tracts are described in the Complaints filed in these actions.

3.

The Court has jurisdiction of the parties and the
subject matter of these actions.

4.

Service of Process has been perfected either personally or by publication notice, as provided by Rule 71A of the Federal Rules of Civil Procedure, on all parties defendant in these cases.

5.

The Acts of Congress set out in paragraph 2 of the Complaints filed herein give the United States of America the right, power and authority to condemn for public use the property described above in paragraph 2. Pursuant thereto, on July 23, 1979, the United States of America filed its Declaration of Taking of such property, and title thereto should be vested in the United States of America, as of the date of filing such instrument.

6.

Simultaneously with filing the Declaration of Taking, there was deposited in the Registry of this Court as estimated compensation for the estates taken in the subject tracts a certain sum of money, and none of this deposit has been disbursed, as set out below in paragraph 14.

7.

A disposition hearing in these cases was set by the Court for September 2, 1981. Due notice of such hearing was given to all of the parties. The Plaintiff, United States of America, appeared at such hearing by Hubert A. Marlow, Assistant United States Attorney for the Northern District of Oklahoma. Suzette Chafin, Attorney, employed by the United States Department of Interior, appeared at such hearing, representing two Indian owners, to-wit: Ray Andrew Elkhair, Jr., and Cynthia Loraine Elkhair Houle, whose interests in subject property are restricted.

No other defendants appeared either in person or by attorney.

8.

At the said disposition hearing the Plaintiff advised that its appraisal reports covering the subject property, prepared by Gordon Romine, a petroleum engineer and mineral property consultant,

of Lee Keeling Associates, reflected that the fair market value of the mineral rights taken in both of these cases combined was in the total amount of \$2,570.00.

Suzette Chafin, Attorney for the only defendants appearing at the hearing, advised that her clients were willing to accept \$2,570.00 as the total award of compensation for the taking of the subject property.

9.

On October 23, 1981 a Stipulation As To Just Compensation in the amount of \$2,570.00, signed by the owners of 26/27 interest in subject property and by the Plaintiff, was filed in this case. Marjorie Elkhair, the owner of the other 1/27 interest in subject property, although properly notified of all proceedings herein, has made no appearance in this case.

10.

Under the circumstances described in paragraphs 7, 8, and 9 above and based upon the appraisal reports prepared by Mr. Romine, the Court finds that the fair market value of the property taken in the two subject cases combined is \$2,570.00 and that such sum should be awarded as just compensation for the property taken.

11.

The defendants named in paragraph 14 as owners of the estates taken in the subject tracts are the only defendants known to have any interest in such property. All other defendants having either disclaimed or defaulted, the named defendants are the owners of such property, as of the date of taking, and as such, are entitled to receive the just compensation awarded by this judgment.

12.

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

described in the Complaints filed herein, and such property, to the extent of the estates described in such Complaints, is condemned, and title thereto is vested in the United States of America, as of July 23, 1979, and all defendants herein and all other persons are forever barred from asserting any claim to such estates.

13.

It Is Further ORDERED, ADJUDGED and DECREED that on the date of taking in these cases, the owners of the estates taken herein in subject tracts were the defendants whose names appear below in paragraph 14, and the right to receive the just compensation awarded by this judgment is vested in the parties so named.

14.

It Is Further ORDERED, ADJUDGED and DECREED that the sum of \$2,570.00 hereby is adopted as the award of just compensation for the estates taken in subject tracts, as shown by the following schedule:

TRACTS NOS. 330M, 335M and 335ME,
COMBINED

OWNERS:

Marty J. Hill -----	2/3
Ray Andrew Elkhair, Jr. -----	4/27
Cynthia Loraine Elkhair Houle -----	4/27
Marjorie Elkhair -----	1/27

<u>Award of just compensation,</u> pursuant to Court's findings -----	\$2,570.00	\$2,570.00
--	------------	------------

Deposited as estimated compensation:

C.A. 79-C-465Bt -----	\$1,800.00
C.A. 79-C-466Bt -----	<u>770.00</u>

Total -----	<u>\$2,570.00</u>
-------------	-------------------

Disbursed to owners -----	<u>None</u>
---------------------------	-------------

Balance due to owners -----	\$2,570.00
-----------------------------	------------

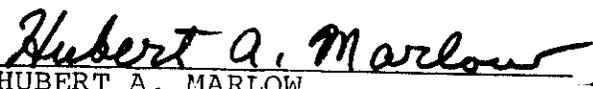
15.

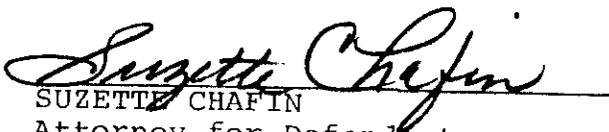
It Is Further ORDERED that the Clerk of this Court shall disburse the sums now on deposit in the Registry of this Court for Civil Actions 79-C-465Bt, and 79-C-466Bt to the owners of subject property as follows:

Marty J. Hill -----	\$1,713.33
Ray Andrew Elkhair, Jr. -----	380.74
Cynthia Loraine Elkhair Houle ----	380.74
Marjorie Elkhair -----	95.19


UNITED STATES DISTRICT JUDGE

APPROVED.


HUBERT A. MARLOW
Assistant U.S. Attorney


SUZETTE CHAFIN
Attorney for Defendants,
Ray Andrew Elkhair, Jr. and
Cynthia Loraine Elkhair Houle

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

FILED

STEEL RIGGERS & CONSTRUCTORS,
INC., previously Steel Con-
structors, Inc.,

Plaintiff,

vs.

GORDON A. TAYLOR, et al.,

Defendants.

No. 77-C-490-E

OCT 27 1977

Jack D. Oliver, Clerk
U. S. DISTRICT COURT

O R D E R

The Court has before it for consideration the Findings and Recommendations of the Magistrate in regard to the motions to dismiss and for summary judgment filed by Defendant Charter Advisory Co. (Charter), Defendant Merritt and Defendant Harris, Inc. (Harris). The Magistrate has recommended that Defendants' motions be sustained. Plaintiff, Steel Riggers & Constructors, Inc., has duly filed its objections to the Magistrate's Findings and Recommendations, with supporting brief. Defendants Charter, Merritt and Harris have filed a response to Plaintiff's brief.

Since the relevant factual background behind this case is well and correctly stated by the Magistrate in his Findings and Recommendations, the Court sees no need to reiterate the salient facts. The dispositive issue before the Court is whether Plaintiff knew or should have known of an alleged fraud perpetrated by the Defendants, two years prior to the commencement of the filing of this action.

The Court has carefully reviewed the Findings and Recommendations filed by the Magistrate, Plaintiff's objections to those Findings and Recommendations and the briefs filed by both parties. It is Plaintiff's position that the statute of limitations did not begin to run until 1977 when Plaintiff for the first time received knowledge that the moving Defendants had intentionally participated in the alleged fraud complained of by Plaintiff in the 1975 state court action involving Guardian. The Defendants, and the Magistrate, took the position that Plaintiff knew or should have known of the alleged fraud at the time the 1975 action was commenced.

A recent decision by the Tenth Circuit, State of Ohio v. Peter-

son, _____ F.2d _____ (1981) (decided April 24, 1981) dealt with a similar fact pattern. Plaintiff-Appellant, in that case sued the Defendants-Appellees in a Section 10(b) Securities fraud action. The trial court sustained Defendants' summary judgment motion, based upon the fact that the statute of limitations had expired. Plaintiff objected, stating that it did not have actual knowledge of Defendants' fraudulent intent until 1976, although Plaintiff had been involved in earlier litigation against other related Defendants based upon the same alleged fraud, in 1973. The Tenth Circuit sustained the trial court's grant of summary judgment for Defendants.

The Court recognizes that the Peterson case involved securities fraud, and the federal law of equitable tolling of statutes of limitations. It did not deal with Oklahoma law, as this Court must do. There are, however, certain points made by the Circuit in the case which, by way of analogy, are appropriate to consider in this case. The court made the following statement:

"Where, as here, a[n] ... action alleges substantially the same facts as in prior litigation, summary disposition is appropriate if the documents before the court clearly and convincingly persuade the trial judge that plaintiff in the exercise of reasonable diligence would have discovered the fraud at such a time as to bar the action."

It is apparent to this Court that Oklahoma law requires a Plaintiff to exercise reasonable diligence in the discovery of fraud. Matter of Woodward, 549 P.2d 1207, 1209 (Okla. 1976). A review of the pleadings filed by Plaintiff in the state court action in 1975 has convinced the Court, as it did the Magistrate, that the statute of limitations began to run in Plaintiff's cause of action for fraud at least as early as May 8, 1975. At that time, a diligent party should have joined Defendants as counter-defendants in the action because of the likelihood that they, as agents of Guardian, who was a party to the 1975 litigation, had participated in the alleged fraud.

Although proof of Defendants' knowledge of the falsity of the

representations involved in a fraud action is a necessary element of proof, in many cases knowledge will emerge only as an inference in the facts presented before the jury. Discovery by the Plaintiff for the purpose of beginning the running of the statute of limitations should not therefore be equated with proof of each and every element of Plaintiff's case. State of Ohio v. Peterson, supra. The Court should not allow Plaintiff here to escape the effect of the statute of limitations on the basis of lack of actual knowledge of Defendants' scienter.

Having carefully considered the entire record before the Court, and bearing in mind the applicable law, the Court hereby adopts as its own the Findings and Recommendations of the Magistrate filed November 12, 1980.

IT IS THEREFORE ORDERED, ADJUDGED AND DECREED that Defendants' motions for summary judgment should be and the same are hereby sustained.

It is so Ordered this 27th day of October, 1981.



JAMES O. ELLISON
UNITED STATES DISTRICT JUDGE

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

United States of America)
and Anita M. Vaughn, Special)
Agent, Internal Revenue)
Service,)

Petitioners,)

vs.)

Century Finance Company and)
Robert Wendt, Manager,)

Respondents.)

No. 81-C-368-Bt

FILED
OCT 27 1981
FBI
U.S. DISTRICT COURT
NORTHERN DISTRICT OF OKLAHOMA

ORDER FOR DISMISSAL

Upon application of the United States of America the records so summoned have been received by the United States of America in accordance with the Court's Order.

IT IS HEREBY ORDERED, ADJUDGED and DECREED that this case be dismissed.

Dated this 27 day of October, 1981.


UNITED STATES DISTRICT JUDGE

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

CERES ELECTRONICS CORPORATION,)
a corporation,)
)
Plaintiff,)
)
VS.)
)
C & P INSTRUMENTS, INC., a)
corporation,)
)
Defendant.)

NO. 81-C-125-B

AGREED UPON JOURNAL
ENTRY OF JUDGMENT

NOW, on this 29th day of September, 1981, there comes before this Court the instant Agreed Upon Journal Entry of Judgment, and the Court having reviewed the case file and the parties hereto having submitted herewith their desire to enter into a Judgment by consent as is represented by the signatures of same affixed hereto, this Court finds as follows:

That the Court has jurisdiction of the subject matter and the parties hereto.

That the instant cause is brought pursuant to the provisions of 28 USC 1338(a), seeking permanent restraint from infringement of United States Letters Patent No. 4,255,962.

That there has been no adjudication on the merits, as the parties have consented to Entry of Judgment in accordance herewith.

IT IS THEREFORE ORDERED, ADJUDGED AND DECREED that this Court has jurisdiction over the subject matter and the parties to the instant cause.

IT IS THEREFORE ORDERED, ADJUDGED AND DECREED THAT United States Letters Patent 4,255,962 is valid, as between the parties hereto; is owned by the Plaintiff and has been infringed by the Defendant.

IT IS FURTHER ORDERED, ADJUDGED AND DECREED that the Defendant, C & P INSTRUMENTS, INC., an Oklahoma corporation, it's officers, agents, servants, employees, attorneys and all others in active concert and/or participation with it, and each of them, be and the same are hereby perpetually restrained and enjoined

from infringing United States Letters Patent 4,255,962.

IT IS FURTHER ORDERED, ADJUDGED AND DECREED, that no damages or costs be awarded to either of the parties hereto by virtue of same being mutually waived based upon the representation of the Defendant to the Plaintiff that no sales of infringing devices have been made by them after April 1, 1981, to the present.

Thomas A. Brett
UNITED STATES DISTRICT
COURT JUDGE

AGREED AND APPROVED:

ATTEST: [Signature]
Date: 10-21-81

CERES ELECTRONICS CORPORATION, a
Massachusetts corporation,
By Joseph F. Wenckus
President
Plaintiff

Date: 10-10-81

Joseph L. Hull, III
Joseph L. Hull, III
Attorney for Plaintiff

ATTEST: [Signature]
Date: 9-30-81

C & P INSTRUMENTS, INC., an
Oklahoma corporation,
By Loy Payne
Loy Payne
President
Defendant

Date: 9-30-81

ELLISON, GRESHAM & NELSON
By Ken V. Cunningham
Ken V. Cunningham
For the firm
Attorneys for Defendant

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

BERNICE CAUDLE,)
)
 Plaintiff,)
)
 vs.)
)
 TOWN OF FAIRLAND, OKLAHOMA, a)
 municipal corporation, and)
 JAMES L. CRAFTON,)
)
 Defendants.)

No. 81-166-C ✓

STIPULATION FOR DISMISSAL WITH PREJUDICE

It is hereby stipulated, pursuant to Rule 41(a) of the Federal Rules of Civil Procedure, and subject only to the approval of the Court herein, that the above-styled and entitled action and all claims and causes of action of the plaintiff herein be dismissed with prejudice, each party to bear his own costs accrued or accruing herein.

Dated this 5th day of October, 1981.

Richard Carpenter
Richard Carpenter
205 Denver Building
Tulsa, OK 74119

Attorney for Plaintiff

Coy D. Morrow
Coy D. Morrow
Wallace and Owens, Inc.
P. O. Box 1168
Miami, OK 74354

Attorney for Defendant

FILED
OCT 27 1981
Jack C. Silver, Clerk
U. S. DISTRICT COURT

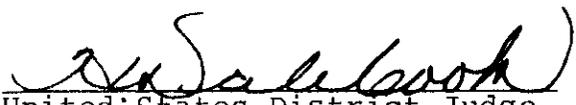
ORDER OF DISMISSAL WITH PREJUDICE

This case came on before the Court upon the Stipulation of the parties for a voluntary dismissal of said cause with prejudice; and the Court being fully advised, it is:

ORDERED, the above-styled and entitled action and each of the claims and causes of action of the plaintiff, be and the same is hereby dismissed with prejudice to the filing of a future action; and it is further;

ORDERED, that each of the parties hereto bear his own costs accrued or accruing herein.

DATED, this 26th day of October, 1981.


United States District Judge
United States District Court for
the Northern District of Oklahoma

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

CLARENCE HUBBARD, et al.,)
)
 Plaintiffs,)
)
 vs.)
)
 BRAY LINES, INC., an Oklahoma)
 corporation, et al.,)
)
 Defendants.)

No. 80-C-671-C

FILED

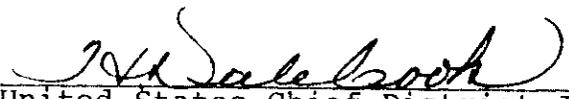
OCT 27 1981

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

ORDER

On this 15th day of October, 1981, after Motion made by all Defendants to dismiss Plaintiffs' Complaint for failure to prosecute, this Court finds that Plaintiffs have failed to show an interest in prosecution of their action and that the Complaint of the Plaintiffs, and each of them, should be dismissed.

WHEREFORE, IT IS ORDERED, ADJUDGED AND DECREED that the Complaint of the Plaintiffs, and of each of them, should be dismissed without prejudice for failure to prosecute. The Counterclaim and Third Party actions are not dismissed.


United States Chief District Judge

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

FILED

OCT 27 1981

Jack C. Silver, Clerk
U S DISTRICT COURT

BARBARA DRESSLER,)
)
Plaintiff,)
)
vs.)
)
PATRICIA ROBERTS HARRIS,)
Secretary of Health and Human)
Services,)
)
Defendant.)

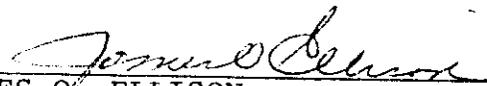
No. 80-C-97-E

JUDGMENT

This cause having been considered by the Court on the pleadings, the entire record certified to this Court by the Defendant, Secretary of Health, Education and Welfare (Secretary) and after due proceedings had, and upon examination of the pleadings and record filed herein, including the briefs submitted by the parties, the Court is of the opinion as shown by its Memorandum Opinion filed on this date that the final decision of the Secretary is supported by substantial evidence as required by the Social Security Act and should be affirmed.

IT IS THEREFORE ORDERED, ADJUDGED AND DECREED that the final decision of the Secretary should be and the same hereby is affirmed.

It is so Ordered this 27th day of October, 1981.



JAMES O. ELLISON
UNITED STATES DISTRICT JUDGE

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

CLARENCE HUBBARD, et al.,)
)
 Plaintiffs,)
)
 vs.)
)
 BRAY LINES, INC., an Oklahoma)
 corporation, et al.,)
)
 Defendants.)

No. 80-C-671-C

FILED

OCT 27 1981

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

ORDER TAXING COSTS AGAINST PLAINTIFF, CLARENCE HUBBARD

On this 15th day of October, 1981, the Motion of Defendants, First National Bank of Cushing, a National Banking Corporation, Investment Capital, Inc., an Oklahoma corporation, Paul L. Rose, an Individual, and James J. Wasson, an Individual, to assess costs of \$255.00 against the Plaintiff, Clarence Hubbard, pursuant to Federal Rule of Civil Procedure 37(d) for failure to attend his deposition pursuant to notice, comes on for hearing before me, the undersigned Chief Judge of the United States District Court for the Northern District of Oklahoma. After review of the Motion, the Court file and hearing argument, the Court finds that the Motion is well taken and that \$255.00 in costs should be taxed against the Plaintiff, Clarence Hubbard, and Judgment for \$255.00 be entered against said Clarence Hubbard in favor of the Defendants, First National Bank of Cushing, a National Banking Corporation, Investment Capital, Inc., an Oklahoma corporation, Paul L. Rose, an Individual, and James J. Wasson, an Individual.

WHEREFORE, IT IS ORDERED, ADJUDGED AND DECREED that \$255.00 be taxed as costs against the Plaintiff, Clarence Hubbard, pursuant to Federal Rule of Civil Procedure 37(d) and that Defendants, First National Bank of Cushing, a National Banking Corporation, Investment Capital, Inc., an Oklahoma corporation, Paul L. Rose, an Individual,

and James J. Wasson, an Individual, have judgment against said Plaintiff, Clarence Hubbard, for \$255.00.

LET EXECUTION ISSUE.


United States Chief District Judge

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

LAZAROW, RETTIG & SUNDEL,)
Esqs., EDWARD MERRIN,)
YVONNE LONSCHER ARTHUR,)
PAUL TUSH, JOSEPH CATES,)
EROL BEKER, JOHN)
AYLESWORTH, FRANK)
PEPPIATT, HERBERT L.)
WEINREB, HAL LINDEN,)
IVIN B. PRINCE, JERRY)
VALE, JOSEPH STEIN)
and NICK VANOFF,)

Plaintiffs)

vs.)

JOHN H. BURGHER and)
PIONERR PETROLEUM, INC.,)

Defendants)

FILED
OCT 1981
Jack C. Smith
U. S. DISTRICT COURT

No. 80-C-425-E

ORDER OF DISMISSAL

Based upon the Stipulation for Dismissal filed by the parties in the above matter,

IT IS ORDERED AND ADJUDGED that the above entitled action be and it is hereby dismissed without cost to any party and without prejudice to all the parties.

DATED this 26th day of October, 1981.

s/ JAMES O. ELLISON
UNITED STATES DISTRICT JUDGE

UNITED STATES DISTRICT COURT FOR THE
NORTHERN DISTRICT OF OKLAHOMA

OCT 26 1981

UNITED STATES OF AMERICA,)
)
 Plaintiff,)
)
 vs.)
)
 JOHNNY F. IRVINE and)
 TED TROESTER,)
)
 Defendants.)

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

CIVIL NO. 81-C-158-E

JUDGMENT OF FORECLOSURE

THIS MATTER COMES on for consideration this 26th
day of October, 1981, the Plaintiff, United States of
America, appearing by Frank Keating, United States Attorney,
through Don J. Guy, Assistant United States Attorney; and the
Defendant, Ted Troester, appearing by his attorney, Joe Sam
Vassar; and the Defendant Johnny F. Irvine appearing not.

The Court being fully advised and having examined
the file herein finds that Defendant Ted Troester was served
with Summons and Complaint on April 15, 1981; that Defendant
Johnny F. Irvine was served with Summons and Complaint on
June 10, 1981; both as appear from the Marshal's Returns of
Service filed herein.

It appears that Defendant Ted Troester has filed
his Disclaimer on April 27, 1981, and that Defendant Johnny
F. Irvine has 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 Creek County, Oklahoma, within the Northern
Judicial District of Oklahoma:

Lot 6, Block 5, QUAIL VIEW WEST ADDITION to
the City of Bristow, in Creek County, State
of Oklahoma, according to the Recorded Plat
thereof.

THAT the Defendant, Johnny F. Irvine did, on the 10th day of August, 1979, execute and deliver to the United States of America, acting through the Farmers Home Administration, his mortgage and mortgage note in the sum of \$31,000.00 with nine percent (9%) interest per annum, and further providing for the the payment of monthly installments of principal and interest.

The Court further finds that Defendant, Johnny F. Irvine, made default under the terms of the aforesaid mortgage note by reason of his failure to make monthly installments due thereon, which default has continued and that by reason thereof the above-named Defendant is now indebted to the Plaintiff in the principal sum of \$31,072.36, plus accrued interest of \$3,399.22, as of June 22, 1981, plus interest at the rate of nine percent (9%) per annum on the principal sum of \$31,072.36 from June 22, 1981, until paid, plus the costs of this action accrued and accruing.

IT IS THEREFORE ORDERED, ADJUDGED AND DECREED that the Plaintiff have and recover judgment against Defendant, Johnny F. Irvine, in personam, for the principal, sum of \$31,072.36, plus accrued interest of \$3,399.22, as of June 22, 1981, plus interest at the rate of nine percent (9%) per annum on the principal sum of \$31,072.36 from June 22, 1981, until paid, plus the costs 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 Plaintiff have judgment in rem against the property and that upon the failure of said Defendant 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, the Defendant and all persons claiming under him 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.

S/ JAMES O. ELLISON

UNITED STATES DISTRICT JUDGE

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

OCT 26 1981

VIRGIL L. McLAIN,)	
)	
Plaintiff,)	
)	
vs.)	NO. 81-C-310-E
)	
THERMA TECHNOLOGY, INC.,)	
a Delaware corporation doing)	
business in the State of)	
Oklahoma,)	
)	
Defendant.)	

ORDER OF DISMISSAL

ON This 26 day of October 1981, upon the written application of the parties for a Dismissal with Prejudice of the Complaint and all causes of action, the Court having examined said application, finds that said parties have entered into a compromise settlement covering all claims involved in the Complaint and have requested the Court to dismiss said Complaint with prejudice to any future action, and the Court being fully advised in the premises, finds that said Complaint should be dismissed pursuant to said application.

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

S/ JAMES O. ELLISON

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

STEPHEN L. OAKLEY

Stephen L. Oakley
Attorney for Plaintiff,

ALFRED B. KNIGHT

R. B. Knight
Attorney for Defendant.

UNITED STATES DISTRICT COURT FOR THE
NORTHERN DISTRICT OF OKLAHOMA

OCT 26 1981

UNITED STATES OF AMERICA,)
)
 Plaintiff,)
)
 vs.) CIVIL ACTION NO. 81-C-438-E
)
 CYNTHIA G. JOHNSON,)
)
 Defendant.)

DEFAULT JUDGMENT

This matter comes on for consideration this 26th day of October, 1981, the Plaintiff appearing by Frank Keating, United States Attorney for the Northern District of Oklahoma, through Don J. Guy, Assistant United States Attorney, and the Defendant, Cynthia G. Johnson, appearing not.

The Court being fully advised and having examined the file herein finds that Defendant, Cynthia G. Johnson, was personally served with Summons and Complaint on September 1, 1981. The time within which the Defendant could have answered or otherwise moved as to the Complaint has expired and has not been extended. The Defendant has not answered or otherwise moved, and default has been entered by the Clerk of this Court. 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, Cynthia G. Johnson, for the principal sum of \$1,881.00 (less the sum of \$160.00 which has been paid), plus the accrued interest of \$899.26 as of May 10, 1981, plus interest at 7% from May 10, 1981, until the date of Judgment, plus interest at the legal rate on the principal sum of \$1,881.00 (less the sum \$160.00) from the date of Judgment until paid.

S/ JAMES O. ELLISON

UNITED STATES DISTRICT JUDGE

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

CITIES SERVICE COMPANY and §
CHARLES J. WAIDELICH, §
and JOHN DOE, §
§
Plaintiffs/Counterclaim §
Defendants, §
§
V. §
§
THE TORONTO-DOMINION BANK; §
JOHN DOE, §
§
Defendants, §
§
and §
§
NU-WEST GROUP LIMITED, and §
MESA PETROLEUM CO., §
§
Defendants/Counter- §
claimants. §

FILED
JUL 11 1981
U.S. DISTRICT COURT
NORTHERN DISTRICT OF OKLAHOMA
J. E. [Signature]

Civ. No. 81-C-242-C ✓

ORDER OF DISMISSAL WITHOUT PREJUDICE

Pursuant to Rule 41(a)(2), Federal Rules of Civil Procedure, Cities Service Company and Charles J. Waidelich and The Toronto-Dominion Bank and Nu-West Group Limited, having jointly moved this Court, by and through their respective attorneys of record, to dismiss all claims asserted by each against the others without prejudice, with each party to bear his or its own attorney's fees, litigation costs and the costs of court incurred by it or him; and the Court having considered the stipulation and motion and finding same to be in all respects proper;

IT IS THEREFORE ORDERED, pursuant to Rule 41(a)(2), Federal Rules of Civil Procedure, that all claims of Cities Service Company and Charles J. Waidelich against Nu-West Group Limited and The Toronto-Dominion Bank be and the same are hereby dismissed without prejudice; and that all claims of Nu-West Group Limited against Cities Service Company and Charles J. Waidelich be and the same are hereby dismissed without prejudice; and that each party shall be responsible

for all of his or its attorney's fees, litigation costs and the costs of court incurred by it or him. Nothing herein shall be deemed to affect Cities' claims against any other person, firm or corporation. All relief not specifically granted herein is denied.

ENTERED this the 26th day of October, 1981.

W. S. S. S. S.
Judge Presiding

APPROVED AS TO FORM AND SUBSTANCE:

CITIES SERVICE COMPANY and
CHARLES J. WAIDELICH

By *Charles E. Stok*
Counsel of Record

By *Jane B. Reddy*, *Walter Lipton, Rosen & Ke...*

NU-WEST GROUP LIMITED

By *[Signature]*
Counsel of Record

THE TORONTO-DOMINION BANK

By *R. Thomas Seymour*
Counsel of Record

By *J. A. D. D. D.*, *Winthrop, Stimson, Putnam & Roberts*
5th FLOOR

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

OCT 30 1981

UNITED STATES OF AMERICA,)
)
Plaintiff,)
)
vs.) CIVIL ACTION NO. 80-C-332-E
)
HEARTBEATS, INC., et. al.,)
)
Defendants.)

O R D E R

Now before the Court for its consideration is the Motion of the Plaintiff, United States of America, for relief from judgment in which it is prayed that the Court vacate the Deficiency Judgment entered herein on October 21, 1981, in the amount of \$45,691.78 with interest accruing at the rate of \$15.07 per day from July 22, 1981, until paid. The Court being fully advised in the premises and good cause being shown finds that the Motion should be sustained.

IT IS THEREFORE ORDERED that the Deficiency Judgment entered herein on October 21, 1981, in the amount of \$45,691.78 with interest accruing at the rate of \$15.07 per day from July 22, 1981, until paid, is hereby vacated.


UNITED STATES DISTRICT JUDGE

**NOTE: THIS ORDER IS TO BE MAILED
BY MOVANT TO ALL COUNSEL AND
PRO SE LITIGANTS IMMEDIATELY
UPON RECEIPT.**

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

CLEORA MAE SPENCE,

Plaintiff,

-vs-

MARK ALLEN SINGER,

Defendant.

Oct. 23, 1981

U.S. DISTRICT COURT
NORTHERN DISTRICT OF OKLAHOMA

No. #81-C-371-C

J U D G M E N T

On this 23rd day of October, 1981, the above styled case came on for consideration by the Court pursuant to the Stipulation for Judgment entered into between plaintiff and defendant, which Stipulation constitutes the factual basis for the entry of this judgment.

The plaintiff appeared by Mr. Jay C. Baker, her attorney, and the defendant appeared by Mr. Carlos J. Chappelle, his attorney.

Whereupon, the Court having considered the Stipulation finds that judgment should be entered in favor of the plaintiff and against the defendant as set forth in such Stipulation for Judgment.

IT IS, THEREFORE, ORDERED, ADJUDGED AND DECREED that the plaintiff obtain judgment against the defendant in the sum of \$30,000.00, which judgment shall bear interest at the rate of 12% per annum.

IT IS FURTHER ORDERED, ADJUDGED AND DECREED that the plaintiff have and obtain judgment against the defendant in the sum of \$7,500.00 for a reasonable attorney's fee, which judgment shall bear interest at the rate of 12% per annum.

IT IS FURTHER ORDERED, ADJUDGED AND DECREED that the defendant will pay the judgment in the following manner: The sum of \$500.00 per month commencing forty-five (45) days from the date of the filing of this judgment for twelve (12) consecutive months; the sum of \$1,000.00 per month for the ensuing twelve (12) months; the sum of \$1,250.00 per month for the next twelve (12) months; the balance of principal and accrued interest due three (3) years

and forty-five (45) days from the date of the filing of this judgment; provided, however, that execution of this judgment shall be stayed for so long as the defendant shall pay the sums in the manner set forth herein but shall issue for the entire judgment in the event of default.


Judge

APPROVED:

BAKER AND BAKER,
Attorneys for Plaintiff

BY: 
Jay C. Baker


Carlos J. Chappelle,
Attorney for Defendant

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

OCT 23 1981

GETTY REFINING AND MARKETING)
COMPANY, a Delaware corporation,)
)
Plaintiff,)
)
vs.)
)
LYNN R. HARDIN, an individual,)
)
Defendant.)

U. S. DISTRICT COURT

No. 81-C-512-E

O R D E R

The Court has for consideration the plaintiff's Motion to Remand this action to the District Court, Special Judges Division, of Tulsa County, State of Oklahoma; and the Court, having reviewed the Petition, the Petition for Removal, and the Motion to Remand, and having heard the arguments and statements of counsel for plaintiff in support of said Motion to Remand, and having further heard the arguments and statements of counsel for defendant to the effect that the defendant joins in the Motion to Remand and has no objection to this Court's sustaining the same, and being fully advised, and it appearing to the Court that this action was improperly removed to this Court,

IT IS THEREFORE ORDERED that plaintiff's Motion to Remand be and the same hereby is sustained, that this action be remanded to the District Court, Special Judges Division, of Tulsa County, State of Oklahoma; and that a certified copy of this Order be mailed by the Clerk of this Court to the Clerk of the District Court of Tulsa County, State of Oklahoma; and

IT IS FURTHER ORDERED that each party bear its own costs, and that defendant's Removal Bond filed herein on September 24, 1981, be and the same hereby is fully exonerated, released and discharged.

SO ORDERED at 225 P.M. this 23rd day of October, 1981.

S/ JAMES O. ELLISON

United States District Judge

APPROVED AS TO FORM AND SUBSTANCE:

DOERNER, STUART, SAUNDERS,
DANIEL & ANDERSON

BY Wm. C. Anderson
William C. Anderson
1000 Atlas Life Building
Tulsa, Oklahoma 74103

Attorneys for Plaintiff

Paul H. Petersen
Paul H. Petersen
320 South Boston Building, Suite 1012
Tulsa, Oklahoma 74103

Attorney for Defendant

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

10/1/81

WEAVER PERSONNEL, INC., an)
Oklahoma corporation,)
)
Plaintiff,)
)
VS.)
)
HAMILTON BROTHERS OIL COMPANY,)
)
Defendant,)

FILED
U.S. DISTRICT COURT

NO. 79-C-638-E

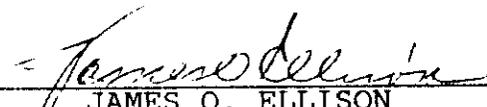
AMENDED JUDGMENT

On September 29, 1981, there came on for hearing before the Court, the Honorable James O. Ellison presiding, the issue of the entitlement of defendant herein, Hamilton Brothers Oil Company, to have and recover attorney's fees and costs from the plaintiff herein, Weaver Personnel, Inc. After hearing evidence and argument of counsel on these issues,

IT IS HEREBY ORDERED:

That the defendant Hamilton Brothers Oil Company is awarded \$7,500.00 against Weaver Personnel, Inc. as its reasonable attorney's fees expended in this action, and further that Hamilton Brothers Oil Company is awarded \$337.60 against Weaver Personnel, Inc. as its properly recoverable costs expended in this action.

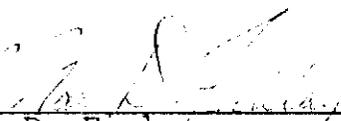
IT IS FURTHER ORDERED that Hamilton Brothers Oil Company is awarded interest at the rate of 12% per annum accruing from the date of judgment, September 29, 1981, upon the total amount awarded herein until same is paid.



JAMES O. ELLISON
UNITED STATES DISTRICT JUDGE

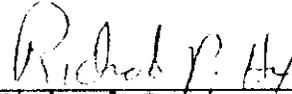
APPROVED AS TO FORM:

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

BY: 

Mac D. Finlayson
201 West Fifth, Suite 400
Tulsa, Oklahoma 74103
(918) 581-8200
Attorneys for Plaintiff

DOERNER, STUART, SAUNDERS,
DANIEL & ANDERSON

BY: 

G. Michael Lewis
Richard P. Hix
1000 Atlas Life Building
Tulsa, Oklahoma 74103
(918) 582-1211
Attorneys for Defendant

UNITED STATES DISTRICT COURT FOR THE
NORTHERN DISTRICT OF OKLAHOMA

UNITED STATES OF AMERICA,)
)
 Plaintiff,)
)
 vs.)
)
 ERNESTO MONDRAGON,)
)
 Defendant.)

CIVIL ACTION NO. 81-C-332-C

OCT 22 1981

DEFAULT JUDGMENT

This matter comes on for consideration this 22 day of October, 1981, the Plaintiff appearing by Frank Keating, United States Attorney, through Nancy A. Nesbitt, Assistant United States Attorney for the Northern District of Oklahoma, and the Defendant, Ernesto Mondragon, appearing not.

The Court being fully advised and having examined the file herein finds that Defendant, Ernesto Mondragon, was personally served with Summons and Complaint on July 9, 1981. The time within which the Defendant could have answered or otherwise moved as to the Complaint has expired and has not been extended. The Defendant has not answered or otherwise moved, and default has been entered by the Clerk of this Court. 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, Ernesto Mondragon, for the principal sum of \$1,798.73 (less the sum of \$635.00 which has been paid), plus interest at the legal rate from the date of this Judgment until paid.

UNITED STATES DISTRICT JUDGE

UNITED STATES DISTRICT COURT FOR THE
NORTHERN DISTRICT OF OKLAHOMA

OCT 22 1981

UNITED STATES OF AMERICA,)
)
 Plaintiff,)
)
 vs.) CIVIL ACTION NO. 81-C-138-C
)
 MICHAEL DAVIS,)
)
 Defendant.)

DEFAULT JUDGMENT

This matter comes on for consideration this 22 day of October, 1981, the Plaintiff appearing by Frank Keating, United States Attorney for the Northern District of Oklahoma, through Nancy A. Nesbitt, Assistant United States Attorney, and the Defendant, Michael Davis, appearing not.

The Court being fully advised and having examined the file herein finds that Defendant, Michael Davis, was personally served with Summons and Complaint on April 16, 1981. The time within which the Defendant could have answered or otherwise moved as to the Complaint has expired and has not been extended. The Defendant has not answered or otherwise moved, and default has been entered by the Clerk of this Court. 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, Michael Davis, for the principal sum of \$817.06 (less the sum of \$200.00 which has been paid), plus the accrued interest of \$211.01 as of January 20, 1981, plus interest at 7% from January 20, 1981, until the date of Judgment, plus interest at the legal rate on the principal sum of \$817.06 (less the sum of \$200.00) from the date of Judgment until paid.

(Signed) H. Dale Cook

UNITED STATES DISTRICT JUDGE

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

IN RE:)
)
GARY HOLDER and)
ELAINE LOUISE HOLDER,)
)
Plaintiffs,)
)
vs.) Case No. 81-C-67-C-)
)
KEITH BELKNAP, SR.,)
et al.,)
)
Defendants.)

OCT 22 1981

O R D E R

COMES NOW on this 22 day of Oct, for hearing plaintiffs' Application for Dismissal, the Court being advised of the settlement agreement reached between the parties finds said application should be granted.

IT IS, THEREFORE, ORDERED, ADJUDGED AND DECREED that the present cause of action be and is hereby dismissed.

(Signed) H. Dale Cook

JUDGE OF THE NORTHERN DISTRICT OF
OKLAHOMA

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

October 1981

Jack C. Ellison
U. S. District Judge

UNITED STATES OF AMERICA,)	
)	
Plaintiff,)	
)	
vs.)	CIVIL ACTION NO. 80-C-332-E
)	
HEARTBEATS, INC., et. al.,)	
)	
Defendants.)	

DEFICIENCY JUDGMENT

NOW on this 21st day of October, 1981,
there came on for consideration the Motion of the Plaintiff,
United States of America, for entry of a deficiency judgment.
The Motion was filed on October 20, 1981, and copies were
personally served on the Defendant, Heartbeats, Inc. The Court
being fully advised finds that the fair and reasonable market
value of the mortgaged property as of July 22, 1981, the date
of the Marshal's Sale, was \$24,000.00.

The Court further finds that the sum of \$24,000.00
was the best bid on the real property as shown by the Marshal's
Return of Sale filed herein on August 25, 1981.

The Court further finds that the aggregate amount of
judgment entered herein together with interest and costs to
July 22, 1981, is \$69,691.78, and that the Plaintiff is entitled
to a deficiency judgment against Heartbeats, Inc. in the amount
of \$45,691.78 with interest accruing at the rate of \$15.07 per
day from July 22, 1981, until paid.

IT IS THEREFORE ORDERED, ADJUDGED, AND DECREED that
the Plaintiff, United States of America, have and recover from
the Defendant, Heartbeats, Inc., a deficiency judgment in the
amount of \$45,691.78 with interest accruing at the rate of \$15.07
per day from July 22, 1981, until paid.

S/ JAMES O. ELLISON
UNITED STATES DISTRICT JUDGE

F I L E D

UNITED STATES DISTRICT COURT FOR THE
NORTHERN DISTRICT OF OKLAHOMA

10-22-1981

UNITED STATES OF AMERICA,)
)
 Plaintiff,)
)
 vs.)
)
 NORMA J. McKNIGHT,)
 a/k/a NORMA JEWEL McKNIGHT,)
 a/k/a NORMA McKNIGHT,)
)
 Defendant.)

Jack C. [unclear] Clerk
U. S. District Court

CIVIL ACTION NO. 81-C-440-E

DEFAULT JUDGMENT

This matter comes on for consideration this 21st day of October, 1981, the Plaintiff appearing by Frank Keating, United States Attorney for the Northern District of Oklahoma, through Nancy A. Nesbitt, Assistant United States Attorney, and the Defendant, Norma J. McKnight, a/k/a Norma Jewel McKnight, a/k/a Norma McKnight, appearing not.

The Court being fully advised and having examined the file herein finds that Defendant, Norma J. McKnight, a/k/a Norma Jewel McKnight, a/k/a Norma McKnight, was personally served with Summons and Complaint on September 1, 1981. The time within which the Defendant could have answered or otherwise moved as to the Complaint has expired and has not been extended. The Defendant has not answered or otherwise moved, and default has been entered by the Clerk of this Court. 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, Norma J. McKnight, a/k/a Norma Jewel McKnight, a/k/a Norma McKnight, for the principal sum of \$2,750.00 (less the sum of \$50.00 which has been paid), plus the accrued interest of \$425.07 as of April 30, 1981, plus interest at 7% from April 30, 1981, until the date of Judgment, plus interest at the legal rate on the principal sum of \$2,750.00 (less the sum of \$50.00) from the date of Judgment until paid.

S/ JAMES O. ELLISON

UNITED STATES DISTRICT JUDGE

F I L E

UNITED STATES DISTRICT COURT FOR THE
NORTHERN DISTRICT OF OKLAHOMA

1981

Jack O. Ellison
U. S. District Court

UNITED STATES OF AMERICA,)
)
 Plaintiff,)
)
 vs.)
)
 PATRICIA SOLOMON a/k/a)
 PATRICIA D. SOLOMON,)
)
 Defendant.)

CIVIL ACTION NO. 81-C-361-E

DEFAULT JUDGMENT

This matter comes on for consideration this 21st day of October, 1981, the Plaintiff appearing by Frank Keating, United States Attorney for the Northern District of Oklahoma, through Philard L. Rounds, Jr., Assistant United States Attorney, and the Defendant, Patricia Solomon a/k/a Patricia D. Solomon, appearing not.

The Court being fully advised and having examined the file herein finds that Defendant, Patricia Solomon a/k/a Patricia D. Solomon, was personally served with Summons and Complaint on July 22, 1981. The time within which the Defendant could have answered or otherwise moved as to the Complaint has expired and has not been extended. The Defendant has not answered or otherwise moved, and default has been entered by the Clerk of this Court. 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, Patricia Solomon a/k/a Patricia D. Solomon, for the principal sum of \$850.00 (less the sum of \$300.00 which has been paid), plus the accrued interest of \$184.63 as of July 2, 1979, plus interest at 7% from July 2, 1979, until the date of Judgment, plus interest at the legal rate on the principal sum of \$850.00 (less the sum of \$300.00) from the date of Judgment until paid.

S/ JAMES O. ELLISON
UNITED STATES DISTRICT JUDGE

UNITED STATES DISTRICT COURT FOR THE
NORTHERN DISTRICT OF OKLAHOMA

F I L E D

OCT 2 1981

Jack P. ...
U. S. DISTRICT COURT

UNITED STATES OF AMERICA,)
)
 Plaintiff,)
)
 vs.)
)
 DAVID E. ROBBINS,)
)
 Defendant.)

CIVIL ACTION NO. 81-C-456-E

DEFAULT JUDGMENT

This matter comes on for consideration this 21st day of October, 1981, the Plaintiff appearing by Frank Keating, United States Attorney, through Philard L. Rounds, Jr., Assistant United States Attorney for the Northern District of Oklahoma, and the Defendant, David E. Robbins, appearing not.

The Court being fully advised and having examined the file herein finds that Defendant, David E. Robbins, was personally served with Summons and Complaint on September 3, 1981. The time within which the Defendant could have answered or otherwise moved as to the Complaint has expired and has not been extended. The Defendant has not answered or otherwise moved, and default has been entered by the Clerk of this Court. 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, David E. Robbins, for the principal sum of \$844.60 (less the sum of \$735.00 which has been paid), plus interest at the legal rate from the date of this Judgment until paid.

S/ JAMES O. ELLISON

UNITED STATES DISTRICT JUDGE

UNITED STATES DISTRICT COURT FOR THE
NORTHERN DISTRICT OF OKLAHOMA

F I L E D

OCT 21 1981

Jack O. Ellison
U. S. District Judge

UNITED STATES OF AMERICA,)
)
 Plaintiff,)
)
 vs.)
)
 HENRY SAMPSON,)
)
 Defendant.)

CIVIL ACTION NO. 81-C-329-E

DEFAULT JUDGMENT

This matter comes on for consideration this 21st day of October, 1981, the Plaintiff appearing by Frank Keating, United States Attorney, through Nancy A. Nesbitt, Assistant United States Attorney for the Northern District of Oklahoma, and the Defendant, Henry Sampson, appearing not.

The Court being fully advised and having examined the file herein finds that Defendant, Henry Sampson, was personally served with Summons and Complaint on July 9, 1981. The time within which the Defendant could have answered or otherwise moved as to the Complaint has expired and has not been extended. The Defendant has not answered or otherwise moved, and default has been entered by the Clerk of this Court. 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, Henry Sampson, for the principal sum of \$922.32 (less the sum of \$40.00 which has been paid), plus interest at the legal rate from the date of this Judgment until paid.

S/ JAMES O. ELLISON

UNITED STATES DISTRICT JUDGE

FILED

UNITED STATES DISTRICT COURT FOR THE
NORTHERN DISTRICT OF OKLAHOMA

0019 1981

UNITED STATES OF AMERICA,)
)
 Plaintiff,)
)
 vs.)
)
 JOHN A. BARRY,)
)
 Defendant.)

Jack C. [unclear]
U. S. District Court

CIVIL ACTION NO. 81-C-448-E

DEFAULT JUDGMENT

This matter comes on for consideration this 21 day of October, 1981, the Plaintiff appearing by Frank Keating, United States Attorney, through Philard L. Rounds, Jr., Assistant United States Attorney for the Northern District of Oklahoma, and the Defendant, John A. Barry, appearing not.

The Court being fully advised and having examined the file herein finds that Defendant, John A. Barry, was personally served with Summons and Complaint on September 1, 1981. The time within which the Defendant could have answered or otherwise moved as to the Complaint has expired and has not been extended. The Defendant has not answered or otherwise moved, and default has been entered by the Clerk of this Court. 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, John A. Barry, for the principal sum of \$1,651.76 (less the sum of \$150.00 which has been paid), plus interest at the legal rate from the date of this Judgment until paid.

S/ JAMES O. ELLISON

UNITED STATES DISTRICT JUDGE

UNITED STATES DISTRICT COURT FOR
THE NORTHERN DISTRICT OF OKLAHOMA

EDGAR G. MARTIN & BETSY MARTIN,)
husband and wife,)

Plaintiff,)

vs.)

THE WESTERN FIRE INSURANCE CO.)
OF FORT SCOTT, KANSAS, a corpora-)
tion, and CITICORP PERSON TO)
PERSON FINANCIAL CENTER, INC.,)
a corporation,)

Defendants.)

Civil Action File
No. 81-C-122-E ✓

OCT 20 1981 *jc*

APPLICATION FOR DISMISSAL

COME NOW the parties in the above captioned matter, and do represent to the Court that at this time, all claims, cross-claims, causes of action of type between the parties herein, have been concluded by settlement between the parties herein. As a part and partial of said settlement, the Plaintiffs, Edgar G. Martin and Betsy Martin, have settled any and all claims made against them by Citicorp Person to Person Financial Inc., and said said Citicorp Person to Person Financial Center, Inc., has in turn released any and all claims of whatever nature it may have against Western Insurance Companies; the said Plaintiffs, likewise, have released any and all causes of action they may have against Western Insurance Companies, and said agreement has concluded all issues, claims, and causes of action of all parties herein. All parties, therefore, pray this Court to dismiss the above entitled action.

DATED this 16th day of October 1981.

Edgar G. Martin
Edgar G. Martin, Plaintiff

Betsy Martin, Plaintiff

Joe Mountford
Joe Mountford, Attorney for Plaintiffs

STATE OF OKLAHOMA)
) ss:
COUNTY OF TULSA)

Before me, the undersigned, a notary public, in and for said County and State, on this 16th day of October, 1981, personally appeared Edgar G. Martin, Betsy Martin, and Joseph Mountford, to me know to be the indentified persons who executed the within and foregoing instrument, and acknowledge to me that they executed the same as their free and voluntary act and deed for the uses and purposes therein set forth.

Donna Waller
Notary Public

My commission expires: 2-8-83

FILED
OCT 21 1981
Jack C. Silver
U.S. DISTRICT COURT

ORDER OF DISMISSAL

NOW on this 21ST day of October, 1981, upon the application of the parties in the above captioned matter for dismissal of the above entitled cause, the Court finds same should be and hereby is dismissed.

James DeWitt
JUDGE, U.S. DISTRICT COURT

Approvals:

Joseph Mountford
Joseph Mountford
Attorney for Plaintiffs

Clay Roberts
Clay Roberts
Attorney for Citicorp

Richard D. Wagner
Richard D. Wagner
Attorney for Western Fire Insurance Company

Edgar G. Martin
Edgar G. Martin, Plaintiff

Betsy Martin, Plaintiff

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

FILED
OCT 20 1981
Jack C. Sullivan
U. S. DISTRICT COURT

JACK HIGH and DONNA HIGH,)
Husband and Wife,)
)
Plaintiffs,)
)
CITY OF TULSA, OKLAHOMA,)
a municipal corporation,)
)
Intervening Plaintiff,)
)
vs.)
)
FORD MOTOR COMPANY; DELTA)
EQUIPMENT COMPANY, INC.;)
NATIONAL TRUCK EQUIPMENT)
COMPANY; THE FIRESTONE TIRE)
& RUBBER COMPANY; and FLEET TIRE)
SALES, INC.,)
)
Defendants.)

NO. 78-C-515-BT ✓

ORDER OF DISMISSAL

ON This ^{7th} 20 day of October, 1981, upon the written application

of the parties for a dismissal of the Petition for Intervention as to National Truck Equipment Company and all causes of action, the Court having said application, finds that said parties have entered into a compromise settlement covering all claims involved in the Petition for Intervention as to National Truck Equipment Company and have requested the Court to dismiss said Petition for Intervention as to National Truck Equipment Company, and the Court being fully advised in the premises, finds that said Petition for Intervention should be dismissed as to National Truck Equipment Company pursuant to said application.

The parties further covenant and agree that this settlement does not prejudice or involve the claims, damages, loss or causes of action against Ford Motor Company; Delta Equipment Company, Inc.; The Firestone Tire & Rubber Company; and Fleet Tire Sales, Inc.

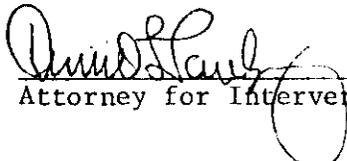
IT IS THEREFORE ORDERED, ADJUDGED AND DECREED by the Court that the Petition for Intervention and all causes of action of the intervenor filed herein against the defendant, National Truck Equipment Company be and the same hereby is dismissed as to National Truck Equipment Company.



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

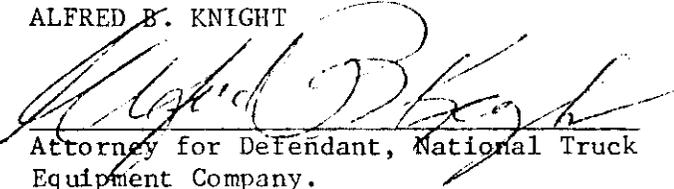
APPROVALS:

DAVID PAULING



Attorney for Intervenor, City of Tulsa,

ALFRED B. KNIGHT



Attorney for Defendant, National Truck
Equipment Company.

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

FILED
OCT 20 1981

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

CORDELIA HEARN, Individually,)
and as Administratrix of the)
Estate of C. J. HEARN,)
Deceased, and C. J. HEARN, JR.;)
CARLTON D. HEARN; and WANDA J.)
HEARN,)

Plaintiffs,)

vs.)

FORD MOTOR COMPANY; DELTA)
EQUIPMENT COMPANY, INC.; and)
NATIONAL TRUCK EQUIPMENT)
COMPANY; THE FIRESTONE TIRE)
& RUBBER COMPANY; and FLEET)
TIRE SALES,)

Defendants.)

NO. 78-C-515-B1 ✓
79-C-384-BT

ORDER OF DISMISSAL

ON This th~~20~~ day of October, 1981, upon the written application of the parties for a dismissal of the Complaint as to National Truck Equipment Company and all causes of action, the Court having said application, finds that said parties have entered into a compromise settlement covering all claims involved in the Complaint as to National Truck Equipment Company and have requested the Court to dismiss said Complaint as to National Truck Equipment Company, and the Court being fully advised in the premises, finds that said Complaint should be dismissed as to National Truck Equipment Company pursuant to said application.

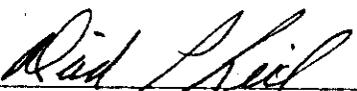
The parties further covenant and agree that this settlement does not prejudice or involve the claims, damages, loss or causes of action against Ford Motor Company; Delta Equipment Company, Inc.; and The Firestone Tire & Rubber Company and Fleet Tire Sales.

IT IS THEREFORE ORDERED, ADJUDGED AND DECREED by the Court that the Complaint and all causes of action of the plaintiffs filed herein against the defendant, National Truck Equipment Company be and the same hereby is dismissed as to National Truck Equipment Company.


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

APPROVALS:

EDWIN ASH



Attorney for Plaintiffs,

ALFRED B. KNIGHT



Attorney for Defendant, National Truck
Equipment Company.

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

SHARP ELECTRONICS CORPORATION,)
)
Plaintiff,)
)
vs.)
)
CONTINENTAL COPY COMPANY, a)
Corporation, FOX HENDERSON, an)
individual, JAMES C. HICKMAN, an)
individual, and SARA A. HICKMAN,)
an individual,)
)
Defendants.)

No. 80-C-245-E ✓

OCT 20 1981 *dm*

U.S. DISTRICT COURT

DEFAULT JUDGMENT, ORDER OF DISMISSAL,
AND DISPOSITION OF PRETRIAL CONFERENCE

On October 8, 1981, a pretrial conference was scheduled before the undersigned United States District Judge at which Plaintiff Sharp Electronics Corporation ("Sharp") appeared by its counsel, Laurence L. Pinkerton of Conner, Winters, Ballaine, Barry and McGowen; Defendant Fox Henderson appeared by his counsel, Thomas G. Marsh of Dyer, Powers, Marsh and Armstrong; and Defendants James C. Hickman and Sara A. Hickman appeared by their counsel, Rusty Kriegel. Defendant Continental Copy Company did not appear.

Having before it for consideration Plaintiff's and Counterdefendant's Application for Default Judgment and Dismissal of Counterclaim filed September 22, 1981, the Court, being fully advised in the premises, found as follows:

(1) Defendant Continental Copy Company ("CCC") has failed to engage new counsel, or otherwise appear, in accordance with the Order dated March 2, 1981 and filed herein;

(2) Defendant CCC failed to appear at the preliminary pretrial conference held on June 29, 1981;

(3) Defendant CCC has failed to answer or respond within the thirty days prescribed by Rule 33 of the Federal Rules of Civil Procedure to the First Set of Interrogatories of Plaintiff Sharp Electronics to Defendant Continental Copy Company, filed on April 1, 1981.

(4) Defendant CCC is in default and judgment, therefore, should be granted Plaintiff Sharp on its Claim for Relief Against CCC in its Complaint and Plaintiff Sharp should be awarded its costs and attorneys' fees; and, the Counterclaim of Defendant CCC should be dismissed with prejudice; and

(5) That upon representations of all counsel present, the pretrial conference should be stricken.

IT IS THEREFORE ORDERED, ADJUDGED AND DECREED that Defendant CCC is in default and judgment is awarded Plaintiff Sharp in the amount of One Hundred Six Thousand Nine Hundred Forty-two Dollars (\$106,942.00) plus prejudgment interest thereon from February 27, 1980 to the date hereof, and from such date interest shall accrue on such amount with prejudgment interest at the rate of twelve percent (12%) per annum. Further, Plaintiff Sharp is awarded its costs and a reasonable attorney's fee.

IT IS FURTHER ORDERED, ADJUDGED AND DECREED that Defendant CCC's Counterclaim is dismissed with prejudice, each party to bear its own costs.

IT IS FURTHER ORDERED, ADJUDGED AND DECREED that the pretrial conference is stricken.

Dated this 20th day of October, 1981.


UNITED STATES DISTRICT JUDGE

United States District Court

FOR THE

NORTHERN DISTRICT OF OKLAHOMA

CIVIL ACTION FILE No. 80-C-336-C

ROGER PATTERSON,

Plaintiff,

vs.

OSAGE OIL AND TRANSPORTATION, INC., a corporation,
d/b/a Osage Oil Company and Gas-N-Go Truck Stop,

Defendant.

JUDGMENT

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

It is Ordered and Adjudged that judgment is entered for the Defendant,
Osage Oil and Transportation, Inc., a corporation, d/b/a Osage Oil
Company and Gas-N-Go Truck Stop, and against the Plaintiff, Roger
Patterson, and that the Defendant recover of the Plaintiff its cost
of this action.

FILED

OCT 20 1981

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

Dated at Tulsa, Oklahoma , this 20th day
of October , 19 81.

Jack C. Silver
Clerk of Court

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

F I L E D
OCT 20 1981 110

G.O.G. INVESTMENT GROUP, a)
California limited partnership,)
)
Plaintiff,)
)
vs.)
)
CHALLENGER OIL & GAS, INC., an)
Oklahoma corporation, d/b/a)
Challenger Resources, Inc.,)
)
Defendant.)

No. 81-C-28-B ✓

DEFAULT JUDGMENT

The defendant, Challenger Oil & Gas, Inc., an Oklahoma corporation, d/b/a Challenger Resources, Inc., having failed to plead or otherwise defend in this action after being duly served in the manner provided by law, is therefore in default. The Complaint and summons in this action were served on the defendant on the 26th day of January, 1981, as appears from the Marshal's return of said summons; the time within which the defendant may answer or otherwise move as to the Complaint has expired. Plaintiff has filed an Application for Default, together with an Affidavit, and the Clerk has entered default herein.

The amount of debt owed is ascertainable and herein listed as \$500,000.00, together with interest at the legal rate from the date of this judgment until paid.

IT IS, THEREFORE, ORDERED, ADJUDGED AND DECREED by the Court that default judgment is hereby entered in favor of the plaintiff and against the defendant on this 20th day of October, 1981, in the amount of \$500,000.00, together with interest at the rate of 12% per annum from the date of this judgment until paid.


United States District Judge

FILED

OCT 19 1981

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

UNITED STATES DISTRICT COURT FOR THE
NORTHERN DISTRICT OF OKLAHOMA

UNITED STATES OF AMERICA,)
)
Plaintiff,)
)
vs.)
)
KENNETH D. COFFEY,)
)
Defendant.)

CIVIL ACTION NO. 81-C-59-B ✓

NOTICE OF DISMISSAL

COMES NOW the United States of America by Frank Keating, United States Attorney for the Northern District of Oklahoma, Plaintiff herein, through Philard L. Rounds, Jr., Assistant United States Attorney, and hereby gives notice of its dismissal, pursuant to Rule 41, Federal Rules of Civil Procedure, of this action, without prejudice.

Dated this 19th day of October, 1981.

UNITED STATES OF AMERICA

FRANK KEATING
United States Attorney

Philard L. Rounds, Jr.
RHILARD L. ROUNDS, JR.
Assistant United States Attorney

CERTIFICATE OF SERVICE

The undersigned certifies that a true copy of the foregoing pleading was served on each of the parties herein by mailing the same to them or to their attorneys of record on the 19 day of October, 1981.

Philard L. Rounds, Jr.
Assistant United States Attorney

F I L E D

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

OCT 26 1981

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

BOARD OF TRUSTEES OF PIPELINE)
INDUSTRY BENEFIT FUND,)
)
Plaintiff,)
)
vs.)
BEECH CONSTRUCTION, INC.,)
)
Defendant.)

No. 81-C-148-BT

JUDGMENT BY DEFAULT

This matter comes on before me, the undersigned Judge, upon the application of the plaintiff's attorney, William K. Powers, for a default judgment upon the grounds that the defendant failed to answer or otherwise plead to the Complaint filed herein as required by law.

The Court finds that the defendant was duly served with Summons in this cause and is in partial default herein; and that the plaintiff should have judgment as prayed for in its Motion for a Default Judgment filed herein.

IT IS THEREFORE ORDERED, ADJUDGED AND DECREED that the plaintiff be, and is hereby, awarded a judgment of and from the said defendant in the principal sum of \$781.60, plus pre-judgment interest at the statutory rate from the date of the filing of the Complaint until judgment, costs in the amount of \$63.00, plus a reasonable attorney's fee in the amount of \$250.00 and interest on the entire judgment at the rate of 12% per annum until paid in full.

DATED this 16 day of October, 1981.

S/ THOMAS R. BRETT

JUDGE THOMAS R. BRETT

United States District Court

FOR THE

NORTHERN DISTRICT OF OKLAHOMA

Bay Industries, Inc.,
Plaintiff,
Bay Heat Transfer Corp.,
Intervenor
vs.
American Standard Inc.
Defendant.

CIVIL ACTION FILE NO. 78-C-618-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.

It is Ordered and Adjudged that having found in favor of the Intervenor, Bay Heat Transfer Corp., and against the Defendant, assesses actual damages in the amount of \$481,252.00. Intervenor to be awarded cost of action.

FILED

OCT 16 1981

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

Dated at Tulsa, Oklahoma, this 16th day of October, 1981.

Jack C. Silver
Clerk of Court

FILED

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

OCT 16 1981

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

NATIONAL PACIFIC PETROLEUM)
COMPANY, a California)
corporation,)
)
Plaintiff,)
)
vs.)
)
ROBERT B. SUTTON, an)
individual; BPM, LTD., an)
Oklahoma corporation; and)
SUTTON INVESTMENT COMPANY,)
an Oklahoma corporation,)
)
Defendants.)

No. 81-C-444-B ✓

O R D E R

This matter comes before the Court on plaintiff's Motion to Remand, plaintiff's Motion for Default Judgment, and defendants' Motion to Strike. A hearing was held in regard to these motions on October 9, 1981. For the reasons set out below, plaintiff's Motion to Remand is hereby sustained. Consequently, plaintiff's Motion for Default Judgment and defendants' Motion to Strike are rendered moot.

This case was filed in Tulsa County District Court on August 26, 1981. On August 21, 1981 defendants filed a Petition for Removal to this Court which in applicable part asserts as follows:

"This is a controversy between citizens of the State of California on the one hand and an individual defendant who is a resident of the State of Louisiana and two corporations which have their principal place of business in the State of Oklahoma. It is wholly between citizens of different states..."

On September 1, 1981 plaintiff filed a Motion for Remand stating in brief "[i]t is undisputed that two defendants herein, BPM, Ltd., and Sutton Investment Company, are Oklahoma corporations..."

On September 24, 1981 defendant filed a Response to Motion to Remand conceding "removal based purely on diversity under §1441 is improper." However, defendants further assert that

the Federal Court retains jurisdiction of this matter since "the allegations in plaintiff's 'petition' clearly show that a question arising under the laws of the United States exists between plaintiff and defendant." Therefore, the issue presented is whether plaintiff's petition raises a federal question such that removal to Federal Court is appropriate.

Plaintiff's petition alleges defendant fraudulently charged for "imaginary" handling charges on a sale of 124,000 barrels of oil, sold by defendants to plaintiff. This action sounds in common-law fraud and consequently must be resolved under applicable state law. Defendants argue the permissible pricing practices were governed by certain federal rules and regulations. Even assuming this to be true, the Court concludes that such an action in fraud does not raise a federal question. Therefore, jurisdiction is not proper in this Court. Monks v. Hetherington, 430 F.Supp. 491 (W.D.Okla.1977).

In view of the above, plaintiff's Motion to Remand is hereby sustained. Consequently, plaintiff's Motion for Default Judgment and defendants' Motion to Strike are rendered moot.

IT IS SO ORDERED this 16th day of October, 1981.



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

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

FILED

OCT 16 1981

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

STEVE L. EDDINGS,)
)
 Plaintiff,)
)
 v.)
)
 FLOYD D. CRENSHAW, Individually)
 and LAKELAND PIPELINE, INC.,)
 an Oklahoma corporation,)
)
 Defendants.)

Civil Action No.
81-C-25-C

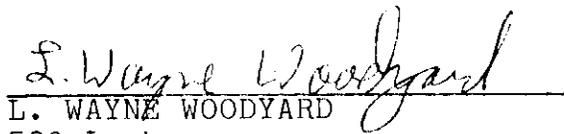
STIPULATION OF DISMISSAL WITH PREJUDICE

Come now the parties hereto and, pursuant to Federal Rule of Civil Procedure 41(a)(1)(ii), voluntarily dismiss this action with prejudice, stipulating that all claims asserted herein and all claims which may have been asserted herein, including claims for attorney fees, are hereby dismissed with prejudice.


STEVE L. EDDINGS
Plaintiff


FLOYD D. CRENSHAW
Individually and as President of
LAKELAND PIPELINE, INC.

APPROVED AS TO FORM AND CONTENT:


L. WAYNE WOODYARD
520 Leahy
Pawhuska, Oklahoma 74056
(918) 287-3093
Attorney for Plaintiff


THOMAS D. ROBERTSON
NICHOLS & WOLFE, INC.
124 East Fourth Street
Suite 400
Tulsa, Oklahoma 74103
(918) 584-5182
Attorney for Defendants

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

PAUL CULLIGAN,)
)
Plaintiff,)
)
vs.) No. 80-C-654-E
)
LAKEWOOD OIL AND GAS CORPO-)
RATION, a Texas corporation,)
)
Defendant.)

F I L E D

OCT 15 1981

Jack C. Silver Clerk
U. S. DISTRICT COURT

O R D E R

Upon Plaintiff's Motion for Judgment by Default, Application for Sanctions and Reasonable Expenses for Failure to Comply With Court Order and pursuant to the Order of this Court dated September 17, 1981, which Order is incorporated herein and made a part hereof as fully as if set forth at length herein.

IT IS HEREBY ORDERED, ADJUDGED AND DECREED that Plaintiff have judgment against Defendant in the principal amount of \$38,000 together with interest thereon at the statutory rate of 6% per annum from September 25, 1979 to the date of this Order and for postjudgment interest on all such amounts at the statutory rate of 12% per annum accruing from the date hereof.

This Order does not dispose of Plaintiff's prayer for punitive damages and attorney's fees, which issues will be set for hearing upon proper motion of Plaintiff and notice to Defendant.

IT IS SO ORDERED this 15th day of October, 1981.



JAMES O. ELLISON
UNITED STATES DISTRICT JUDGE

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

THE STATE OF OKLAHOMA, BY)
T. JACK GRAVES, DISTRICT)
ATTORNEY, 12TH DISTRICT,)
)
Plaintiff,)
)
vs.)
)
BURLINGTON NORTHERN RAILROAD,)
INCORPORATED and MISSOURI)
PACIFIC RAILROAD COMPANY,)
)
Defendants.)

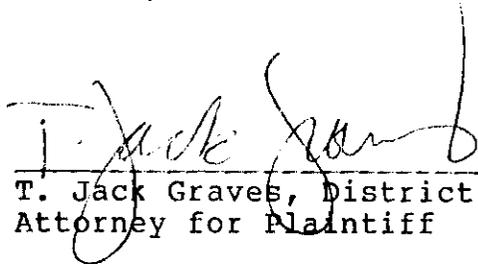
No. 81-C-471-E ✓

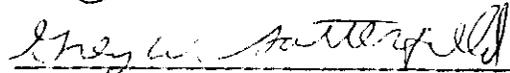
FILED
OCT 14 1981
Jack C. Silver, Clerk
U. S. DISTRICT COURT

STIPULATION FOR DISMISSAL WITHOUT PREJUDICE

1. It is stipulated by and between the parties that this case should be dismissed without prejudice and the parties pray that the Court enter its Order dismissing said case without prejudice.

2. Plaintiff, by entering into this stipulation, does not concede that this case was properly removed from state to federal court.


T. Jack Graves, District Attorney
Attorney for Plaintiff


Grey W. Satterfield, of
FRANKLIN, HARMON & SATTERFIELD, INC.
Attorneys for Defendant,
Burlington Northern Railroad Co.


William K. Powers, of
DYER, POWERS, MARSH, TURNER & ARMSTRONG
Attorneys for Defendant,
Missouri Pacific Railroad Co.

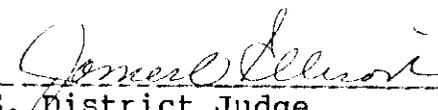
FILED

OCT 15 1981

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

ORDER

Upon stipulation of the parties, and for good cause shown, the Court hereby dismisses the captioned action without prejudice.


U. S. District Judge

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

FILED

OCT - 7 1981

DOROTHY HARLIN TAYLOR,)
)
 Plaintiff,)
)
 v.)
)
 K-MART CORPORATION,)
 a corporation,)
)
 Defendant,)

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

No. 80-C-473-B ✓

STIPULATION OF DISMISSAL WITH PREJUDICE

COMES NOW the plaintiff, through her attorney, Darrell L. Bolton, and the defendant, through its attorney, Joseph F. Glass, and stipulate that the above-captioned cause of action be dismissed with prejudice to filing a future action herein.

FILED

OCT 14 1981

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

Darrell L. Bolton

Attorney for the Plaintiff

Joseph F. Glass

Attorney for the Defendant

ORDER

And now on this 13th day of October, 1981, there came on for consideration before the undersigned Judge of the United States District Court for the Northern District of Oklahoma, stipulation of the parties hereto of dismissal, parties hereto having advised the court that all disputes between the parties have been settled.

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

Thomas R. Pratt

JUDGE

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

LILLIAN WOLARIDGE,)
 Individually, and as Surviving)
 Mother for and on behalf of the)
 Heirs, Executors, and Admin-)
 istrators of the Estate of)
 KENNETH WOLARIDGE, Deceased.,)
)
 Plaintiff,)
)
 vs.)
)
 FORD MOTOR COMPANY; DELTA)
 EQUIPMENT COMPANY, INC.; and)
 NATIONAL TRUCK EQUIPMENT)
 COMPANY,)
)
 Defendants.)

FILED

OCT 14 1981

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

NO. 79-C-160-BT

ORDER OF DISMISSAL

ON This 13th day of October, 1981, upon the written application of the parties for a dismissal of the Complaint as to National Truck Equipment Company and all causes of action, the Court having said application, finds that said parties have entered into a compromise settlement covering all claims involved in the Complaint as to National Truck Equipment Company and have requested the Court to dismiss said Complaint as to National Truck Equipment Company, and the Court being fully advised in the premises, finds that said Complaint should be dismissed as to National Truck Equipment Company pursuant to said application.

The parties further covenant and agree that this settlement does not prejudice or involve the claims, damages, loss or causes of action against Ford Motor Company/Firestone Tire & Rubber Company and Delta Equipment Company, Inc.

IT IS THEREFORE ORDERED, ADJUDGED AND DECREED by the Court that the Complaint and all causes of action of the plaintiffs filed herein against the defendant, National Truck Equipment Company be and the same hereby is dismissed as to National Truck Equipment Company.

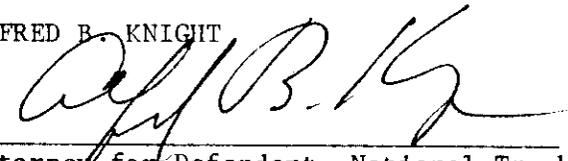

 JUDGE, DISTRICT COURT OF THE UNITED STATES, NORTHERN DISTRICT OF OKLAHOMA

APPROVALS:

ROBERT BOOTH
FRANK R. HICKMAN

By: 

Attorney for Plaintiff,

ALFRED B. KNIGHT


Attorney for Defendant, National Truck
Equipment Company.

FILED

OCT 14 1981

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

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

UNITED STATES OF AMERICA,)
)
 Plaintiff)
)
 v.)
)
 An article of food consisting of)
 120 cases, more or less, each)
 containing 24 cans, labeled in part:)
)
 (case))
)
 "Van Camp's PORK AND BEANS ***)
 24-31 OZ" coded "VH96A")
)
 (can))
)
 "Van Camp's PORK AND BEANS PREPARED)
 WITH TOMATO SAUCE NET WT 31 OZ)
 (1 LB 15 OZ) *** Distributed by)
 Stokely-Van Camp, Inc. Indianapolis,)
 Ind. 46206" coded "VR13/H096A")
)
 Defendant)

Civil Action No. 81-C-375-B

DEFAULT DECREE OF
CONDEMNATION AND DESTRUCTION

On July 24, 1981, a Complaint for Forfeiture against the above-described article was filed in this Court on behalf of the United States of America by the United States Attorney for this District. The Complaint alleges that the article proceeded against is a food which while held for sale after shipment in interstate commerce is adulterated within the meaning of 21 U.S.C. 342(a)(3) in that it is unfit for food because it is held in swollen containers.

Pursuant to Warrant for Arrest of Property issued by this Court, the United States Marshal for this District seized said article on July 28, 1981.

It appearing that process was duly issued herein and returned according to law; that notice of the seizure of the above-described article was given according to law; and it further appearing that no persons have interposed a claim before the return date named in said process:

NOW, THEREFORE, on motion of the United States Attorney for this District for a Default Decree of Condemnation, the Court being fully advised in the premises, it is hereby

ORDERED, ADJUDGED, AND DECREED that the default of all persons be and the same is entered herein; and it is further

ORDERED, ADJUDGED, AND DECREED that the seized article is a food which, while held for sale after shipment in interstate commerce, is adulterated within the meaning of 21 U.S.C. 342(a)(3) and is, therefore, hereby condemned and forfeited to the United States of America pursuant to 21 U.S.C. 334; and it is further

ORDERED, ADJUDGED, AND DECREED that pursuant to 21 U.S.C. 334(d) the United States Marshal for this district shall forthwith destroy the condemned article and make due return to this Court.

Dated at Tulsa, Ok,
this 13th day of October, 1981.

S/ THOMAS R. BRETT
UNITED STATES DISTRICT JUDGE

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

FILED

OCT 14 1981

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

CLYDE H. WILEY, ARLAN NUSS and)
DEANNA ROBERTSON, d/b/a River-)
side Aero,)

Plaintiffs,)

v.)

RICHARD DAVID POPE,)

Defendant.)

No. 81-C-353-B

ORDER

Now, on this 15th day of October, 1981, the above entitled cause comes on for hearing before the undersigned Judge of the United States District Court for the Northern District of Oklahoma upon the Motion to Dismiss of the plaintiffs; and the Court, being well and fully advised in the premises, is of the opinion that said cause should be dismissed without prejudice to the filing of a future action herein.

IT IS THEREFORE ORDERED, ADJUDGED AND DECREED BY THE COURT that the above entitled and numbered cause be, and the same is hereby dismissed without prejudice.

S/ THOMAS R. BRETT

Judge of the United States
District Court for the Northern
District of Oklahoma

APPROVED:

Brad Smith, 1611 South Harvard
Tulsa, Oklahoma, Attorney for the
Defendant

E. W. Keller
KELLER, FERNALD & HARKEY
2101 First National Center
Oklahoma City, Oklahoma 73102
Attorneys for the Plaintiffs

IN THE UNITED STATES DISTRICT COURT FOR THE **F I L E D**
NORTHERN DISTRICT OF OKLAHOMA

BAMA PIE, INC., an)
Oklahoma Corporation,)
)
Plaintiff,)
)
vs.)
)
UNITED STATES,)
)
Defendant.)

OCT 14 1981

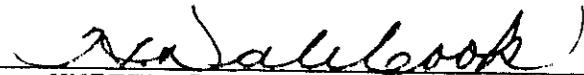
Jack C. Silver, Clerk
U. S. DISTRICT COURT

CIVIL ACTION NO. 80-C-662-C ✓

ORDER OF DISMISSAL

NOW, on this 14th day of October, 1981, there came on for consideration the Stipulation of Dismissal filed herein on October 13, 1981, by all parties. The Court finds this action, based on such Stipulation For Dismissal, should be dismissed.

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


UNITED STATES DISTRICT JUDGE

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

LIONEL D. HOLLAND and)
MERLE ANN HOLLAND,)
)
Plaintiffs,)
)
vs.)
)
UNITED PARCEL SERVICE, INC.,)
an Ohio Corporation, and)
LIBERTY MUTUAL INSURANCE COMPANY,)
a Massachusetts Corporation,)
)
Defendants.)

NO. 80-C-639-C

FILED

OCT 14 1981

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

ORDER

NOW on this 14th day of October, 1981, upon joint application of the parties herein, this case is dismissed with prejudice.


United States District Judge

FILED

UNITED STATES DISTRICT COURT FOR THE
NORTHERN DISTRICT OF OKLAHOMA

OCT 13 1981 *dm*

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

UNITED STATES OF AMERICA,)
)
 Plaintiff,)
)
 vs.)
)
 DEBORAH L. PRINGLE,)
)
 Defendant.)

CIVIL ACTION NO. 81-C-335-C ✓

AGREED JUDGMENT

This matter comes on for consideration this 13 day of Oct, 1981, the Plaintiff appearing by Frank Keating, United States Attorney, through Philard L. Rounds, Jr., Assistant United States Attorney for the Northern District of Oklahoma, and the Defendant, Deborah L. Pringle, appearing pro se.

The Court being fully advised and having examined the file herein finds that Defendant, Deborah L. Pringle, was personally served with Summons and Complaint on July 30, 1981.

The parties agree and consent that judgment may be entered against the Defendant, Deborah L. Pringle, in the amount of \$695.24 (less the sum of \$125.00 which has been paid), plus the accrued interest of \$275.71 as of March 26, 1981, plus interest at 7% per annum from March 26, 1981, until the date of Judgment, plus interest at the legal rate on the principal sum of \$695.24 (less the sum of \$125.00) from the date of Judgment until paid.

IT IS THEREFORE, ORDERED, ADJUDGED AND DECREED that the Plaintiff have and recover Judgment against Defendant, Deborah L. Pringle, for the principal sum of \$695.24 (less the sum \$125.00 which has been paid), plus the accrued interest of \$275.71 as of March 26, 1981, plus interest at 7% per annum from March 26, 1981, until the date of Judgment, plus interest at the legal rate

on the principal sum of \$695.24 (less the sum of \$125.00) from
the date of Judgment until paid.

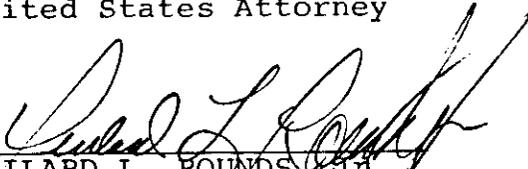
(Signed) H. Dale Cook

UNITED STATES DISTRICT JUDGE

APPROVED:

UNITED STATES OF AMERICA

FRANK KEATING
United States Attorney


PHILARD L. ROUNDS, JR.
Assistant U.S. Attorney


DEBORAH L. PRINGLE

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

HERBERT E. MERKLE, an)
individual,)
)
Plaintiff,)
)
vs.)
)
P.G.O. MARKETING, INC., a)
corporation; and C.W. ATWATER,)
an individual,)
)
Defendants.)

Case No. 81-C-308-C

FILED

OCT 13 1981

J U D G M E N T

This matter came on before me, the undersigned District Judge, on this 13th day of October, 1981, Plaintiff appearing by and through his attorney, James H. Chafin, and the Defendants appearing not, and the Court having reviewed the Affidavit of James H. Chafin and the pleadings in the case and being fully advised in the premises, finds:

That the Defendants were duly served with Summons in this cause of action and having filed their Answer, have had their Answer stricken by Order of this Court entered on October 2, 1981 and as a result, they are wholly in default herein; and that the Plaintiff should have judgment as prayed for in its Complaint filed herein;

That this suit was founded upon a contract relating to the sale of merchandise and services and upon fraud and that the Plaintiff is entitled to its damages, actual and punitive, and to a reasonable attorney's fee to be set by the Court in this matter.

IT IS THEREFORE ORDERED, ADJUDGED AND DECREED that the Plaintiff be and is hereby awarded a judgment of and from the Defendants, jointly and severally, in the sum of Twelve Thousand Dollars (\$12,000.00) in actual damages together with interest thereon at the rate of twelve percent (12 %) per annum and attorney's fees in the amount of \$ 1,997.50 ;

IT IS FURTHER ORDERED, ADJUDGED AND DECREED by the Court that the Plaintiff be and is hereby awarded a judgment of and from the Defendants, jointly and severally, the sum of Thirty Thousand Dollars (\$30,000.00) for punitive damages together with interest thereon at the rate of twelve percent (12%) per annum;

IT IS FURTHER ORDERED, ADJUDGED AND DECREED by the Court that the Plaintiff be and he is awarded of and from the Defendants, jointly and severally, the costs of this action.


DISTRICT JUDGE

FILED

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

OCT 13 1981

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

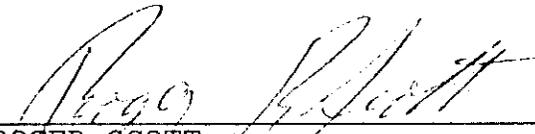
DECK OIL COMPANY,)
An Oklahoma Corporation,)
)
Plaintiff,)
)
v.)
)
T. G. BOGLE,)
A Non-Resident Individual,)
)
Defendant.)

NO. 80-C-481-C

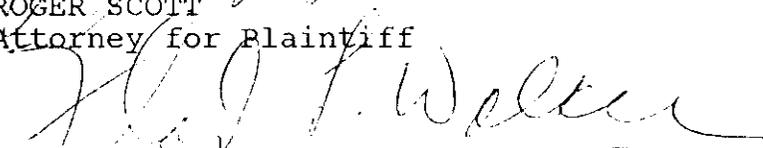
(Consolidated 80-C-732-C)

STIPULATION FOR DISMISSAL
WITH PREJUDICE

Plaintiff, DECK OIL COMPANY and Defendant, T. G. BOGLE,
stipulate that their pending Complaint and Counterclaim may be
dismissed with prejudice.



ROGER SCOTT
Attorney for Plaintiff



FLOYD L. WALKER
Attorney for Defendant

ORDER OF DISMISSAL WITH PREJUDICE

Pursuant to the foregoing stipulation Plaintiff's Complaint
and Defendant's Counterclaim are dismissed with prejudice. No
costs allowed either party.

(Signed) H. Dale Cook

UNITED STATES DISTRICT JUDGE

FILED

OCT 13 1981

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

UNITED STATES DISTRICT COURT FOR THE
NORTHERN DISTRICT OF OKLAHOMA

F I L E

007-97501

Jack C. ...
U. S. ...

UNITED STATES OF AMERICA,)
)
Plaintiff,)
)
vs.)
)
GEORGE L. CARSON,)
)
Defendant.)

CIVIL ACTION NO. 81-C-446-C

AGREED JUDGMENT

This matter comes on for consideration this 9th day of Oct., 1981, the Plaintiff appearing by Frank Keating, United States Attorney, through Don J. Guy, Assistant United States Attorney for the Northern District of Oklahoma, and the Defendant, George L. Carson, appearing pro se.

The Court being fully advised and having examined the file herein finds that Defendant, George L. Carson, was personally served with Summons and Complaint on September 1, 1981.

The parties agree and consent that judgment may be entered against the Defendant, George L. Carson, in the amount of \$1,756.80, plus interest at the legal rate from the date of Judgment until paid.

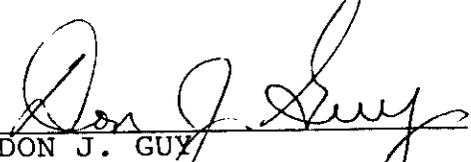
IT IS THEREFORE, ORDERED, ADJUDGED AND DECREED that the Plaintiff have and recover Judgment against Defendant, George L. Carson, for the principal sum of \$1,756.80, plus interest at the legal rate from the date of Judgment until paid.

(Signed) H. Dale Cook
UNITED STATES DISTRICT JUDGE

APPROVED:

UNITED STATES OF AMERICA

FRANK KEATING
United States Attorney


DON J. GUY
Assistant U.S. Attorney


GEORGE L. CARSON

UNITED STATES DISTRICT COURT FOR THE
NORTHERN DISTRICT OF OKLAHOMA

081-81981

UNITED STATES OF AMERICA,)
)
 Plaintiff,)
)
 vs.)
)
 THOMAS D. EVANS,)
)
 Defendant.)

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

CIVIL ACTION NO. 81-C-377-C

AGREED JUDGMENT

This matter comes on for consideration this 9th day
of Oct., 1981, the Plaintiff appearing by Frank Keating,
United States Attorney, through Philard L. Rounds, Jr., Assistant
United States Attorney for the Northern District of Oklahoma, and
the Defendant, Thomas D. Evans, appearing pro se.

The Court being fully advised and having examined the
file herein finds that Defendant, Thomas D. Evans, was personally
served with Summons and Complaint on August 19, 1981.

The parties agree and consent that judgment may be
entered against the Defendant, Thomas D. Evans, in the amount of
\$772.00 (less the sum of \$272.00 which has been paid), plus
interest at the legal rate from the date of Judgment until paid.

IT IS THEREFORE, ORDERED, ADJUDGED AND DECREED that the
Plaintiff have and recover Judgment against Defendant, Thomas D.
Evans, for the principal sum of \$772.00 (less the sum of \$272.00
which has been paid), plus interest at the legal rate from the
date of Judgment until paid.

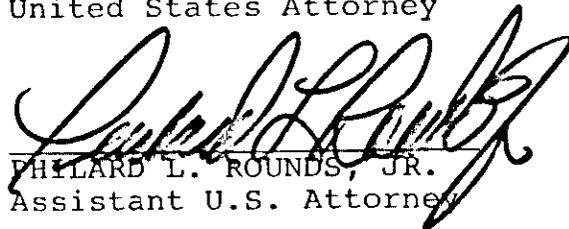
(Signed) H. Dale Cook

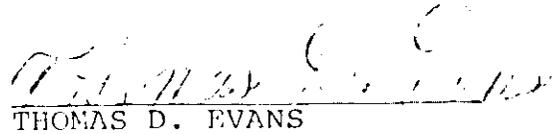
UNITED STATES DISTRICT JUDGE

APPROVED:

UNITED STATES OF AMERICA

FRANK KEATING
United States Attorney


PHILARD L. ROUNDS, JR.
Assistant U.S. Attorney


THOMAS D. EVANS

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

F I L .

TERRY G. HENDERSON,)
)
 Plaintiff,)
)
 vs.)
)
 NELSON ELECTRIC COMPANY,)
)
 an unincorporated administrative)
 division of SOLA BASIC INDUSTRIES)
 INC.,)
)
 Defendants,)

OCT - 9 1981

Jack C. Siler
U. S. DISTRICT COURT

Case No. 80-C-712-C ✓

DISMISSAL

Upon the foregoing stipulation of the parties herein,
filed on the 6th day of October, 1981, and upon the Motion of
the Plaintiff, by his attorney of record herein,

IT IS HEREBY ORDERED that the above-entitled action
be, and it hereby is, dismissed with prejudice.

Dated this 9th day of October, 1981.


H. Dale Cook
Chief Judge, U.S. District
Court

F I L E

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

007-91981

TERRY WAYNE FOSBURG,)
)
 Plaintiff,)
)
 vs.)
)
 CALAVAR CORPORATION,)
 a foreign corporation, and)
 WHITE STAR MACHINERY &)
 SUPPLY COMPANY, INC., a)
 Kansas corporation,)
)
 Defendants.)

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

No. 80-C-681-C

ORDER OF DISMISSAL OF PLAINTIFF'S COMPLAINT

On this 9th day of ^{October}~~September~~, 1981, upon the written Stipulation of the plaintiff for a dismissal with prejudice of the plaintiff's Complaint, the Court having examined said Stipulation, finds 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 plaintiff's Complaint against defendants should be dismissed with prejudice.

IT IS THEREFORE ORDERED by the Court that the Complaint of the plaintiff against the defendants be and the same is hereby dismissed with prejudice to any future action.

(Signed) H. Dale Cook

UNITED STATES DISTRICT JUDGE

F I L E D

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

607-81981 *AW*

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

DEWEY MASON,)
)
Plaintiff,)
)
vs.)
)
CALAVAR CORPORATION,)
a foreign corporation, and)
WHITE STAR MACHINERY &)
SUPPLY COMPANY, INC., a)
Kansas corporation,)
)
Defendants.)

No. 80-C-680-C ✓

ORDER OF DISMISSAL OF PLAINTIFF'S COMPLAINT

On this 9th day of October, 1981, upon the written Stipulation of the plaintiff for a dismissal with prejudice of the plaintiff's Complaint, the Court having examined said Stipulation, finds 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 plaintiff's Complaint against defendants should be dismissed with prejudice.

IT IS THEREFORE ORDERED by the Court that the Complaint of the plaintiff against the defendants be and the same is hereby dismissed with prejudice to any future action.

Jack C. Smith

UNITED STATES DISTRICT JUDGE

IN THE UNITED STATES DISTRICT COURT FOR THE OCT - 9 1981
NORTHERN DISTRICT OF OKLAHOMA

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

UNITED STATES OF AMERICA,)
)
Plaintiff,)
)
vs.)
)
PEERLESS MATERIALS COMPANY,)
)
Defendant.)

CIVIL ACTION NO. 79-C-658-*BT* ✓

SETTLEMENT AND
ORDER OF DISMISSAL

COMES NOW the United States of America by Frank Keating, United States Attorney for the Northern District of Oklahoma, through Philard L. Rounds, Jr., Assistant United States Attorney, and would advise the Court that a settlement offer in the amount of \$400.00 has been conveyed to Mr. Ernest Krentz, co-owner of Peerless Materials Company. Said offer has been accepted verbally by Mr. Krentz on behalf of Peerless Materials Company on September 29, 1981.

The parties hereby agree that upon the United States of America receiving the \$400.00 settlement payment the above-styled case shall be dismissed with prejudice and the \$400.00 settlement payment shall be received in full satisfaction of the assessed penalty in said case.

Philard L. Rounds, Jr.

PHILARD L. ROUNDS, JR.
Assistant United States Attorney

Ernest Krentz

ERNEST KRENTZ, pro se
Peerless Materials Company

Hubert Jameson

HUBERT JAMESON, pro se
Peerless Materials Company

O R D E R

IT IS HEREBY ORDERED ADJUDGED AND DECREED that this case is dismissed with prejudice on the Motion of the United States of America.

Thomas R. Brett

JUDGE THOMAS R. BRETT

1111
1981

UNITED STATES DISTRICT COURT FOR THE
NORTHERN DISTRICT OF OKLAHOMA

UNITED STATES OF AMERICA,)	
)	
Plaintiff,)	
)	
vs.)	CIVIL ACTION NO. 81-C-378-E
)	
DEBORAH Y. LOCKRIDGE, a/k/a)	
DEBORAH Y. STEWART,)	
)	
Defendant.)	

AGREED JUDGMENT

This matter comes on for consideration this 30th day of Sept., 1981, the Plaintiff appearing by Frank Keating, United States Attorney, through Philard L. Rounds, Jr., Assistant United States Attorney for the Northern District of Oklahoma, and the Defendant, Deborah Y. Lockridge, a/k/a Deborah Y. Stewart, appearing pro se.

The Court being fully advised and having examined the file herein finds that Defendant, Deborah Y. Lockridge, a/k/a Deborah Y. Stewart, was personally served with Summons and Complaint on August 21, 1981.

The parties agree and consent that judgment may be entered against the Defendant, Deborah Y. Lockridge, a/k/a Deborah Y. Stewart, in the amount of \$566.00 (less the sum of \$325.00 which has been paid), plus the accrued interest of \$143.84 as of May 1, 1979, plus interest at 7% per annum from May 1, 1979, until the date of Judgment, plus interest at the legal rate on the principal sum of \$566.00 (less the sum of \$325.00) from the date of Judgment until paid.

IT IS THEREFORE, ORDERED, ADJUDGED AND DECREED that the Plaintiff have and recover Judgment against Defendant, Deborah Y. Lockridge, a/k/a Deborah Y. Stewart, for the principal sum of \$566.00 (less the sum of \$325.00 which has been paid), plus the

accrued interest of \$143.84 as of May 1, 1979, plus interest at 7% per annum from May 1, 1979, until the date of Judgment, plus interest at the legal rate on the principal sum of \$566.00 (less the sum of \$325.00) from the date of Judgment until paid.

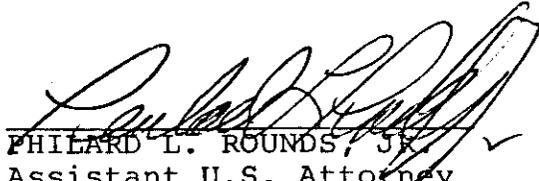
S/ JAMES O. ELISON

UNITED STATES DISTRICT JUDGE

APPROVED:

UNITED STATES OF AMERICA

FRANK KEATING
United States Attorney



PHILARD L. ROUNDS, JR.
Assistant U.S. Attorney



DEBORAH Y. LOCKRIDGE, a/k/a
DEBORAH Y. STEWART

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

F I L E D

OCT - 8 1981 *je*

U S DISTRICT COURT

EARL WAYNE GIRDNER, on behalf)
of himself and all others)
similarly situated,)
)
Plaintiff,)
)
vs.)
)
OKLAHOMA PETROLEUM EXPLORATION)
CORPORATION, an Oklahoma)
corporation; and JOHN G.)
STEPHENS,)
)
Defendants.)

CIVIL ACTION ✓
NO. 80-C-569-E

ORDER DISMISSING CLASS COMPLAINT

The Court is advised that plaintiff, Earl Wayne Girdner, and defendants, Oklahoma Petroleum Exploration Corporation, and John G. Stephens, have reached a settlement agreement as to the disputes between them asserted herein, and that said parties therefore seek dismissal without prejudice of the above-entitled action.

Presumably, an order of the Court is sought because the Complaint contains allegations with respect to prosecution of this cause as a class action. No motion to certify the class has been filed, nor has any determination been made with respect thereto. As of this time, substantial questions with respect to the existence, validity and size of the alleged class and the appropriateness of the subject claims as a class action remain unresolved.

It does not appear that this suit has had a prejudicial effect on unnamed members of the alleged class in that (as pointed out in the parties' stipulation for dismissal) the commencement of a class action suit generally tolls the running of the statute of limitations with respect to unnamed absent members of the alleged class. This particular action, additionally, has apparently not received the type of publicity which sometimes gives rise to concerns that absent members of the alleged class might, in

some manner, be relying on it for presentment of such claims, if any, as they may have. Nor have the proceedings developed to the stage where the plaintiff appears to be on the verge of prevailing on class certification or any motion for summary judgment. Accordingly, it is therefore,

ORDERED, ADJUDGED AND DECREED that the above-entitled action be dismissed without prejudice with no notice required to any unnamed members of the alleged class, and with the costs of plaintiff and defendant to be borne by such party incurring the cost, and no bill of costs to be presented.

Done this 8th day of October, 1981.


HON. JAMES O. ELLISON
United States District Judge

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

FILED

MICHAEL W. THOMPSON,
Plaintiff,

-vs-

FARMERS INSURANCE COMPANY,
a foreign corporation,
Defendant.

OCT - 8 1981

JAMES C. SHAMAS, CLERK
U. S. DISTRICT COURT

NO. 80-C-430-E

ORDER OF DISMISSAL

On this 8th day of October, 1981, upon the written application of the parties for a Dismissal with Prejudice of the Complaint and all causes of action, the Court having examined said application, finds that said parties have entered into a compromise settlement covering all claims involved in the Complaint and have requested the Court to dismiss said Complaint with prejudice to any future action, and the Court being fully advised in the premises, finds that said Complaint should be dismissed pursuant to said application.

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

James C. Shammas
JUDGE OF THE UNITED STATES DISTRICT
COURT, NORTHERN DISTRICT

APPROVED AS TO FORM:

Mitchell E. Shammas
MITCHELL E. SHAMAS
Attorney for Plaintiff

Ray H. Wilburn
RAY H. WILBURN
Attorney for Defendant

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

FILED

10-1-1981

Jack C. Ellison
U. S. District Judge

DURABILITY INTERIORS, INC.)
an Oklahoma corporation,)
)
Plaintiff,)
)
vs.)
)
EARLE ZALANKA, an)
individual)
)
Defendant.)

NO. 80-C-108-E

O R D E R

It appears to the Court that the above entitled action has been fully settled, adjusted and compromised and based on stipulation; therefore,

IT IS ORDERED AND ADJUDGED that the above entitled action be and it is hereby dismissed without cost to any party and with prejudice to all the parties.

DATED the 8th day of Oct., 1981.

S/ JAMES O. ELLISON

JAMES O. ELLISON
UNITED STATES DISTRICT JUDGE

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

ARPIK CHAMRAS, Conservator
of VARTOOTHE KOOLMARY,

Plaintiff,

vs.

AMERICAN AIRLINES, INC.,
a Foreign corporation; and
PAN AMERICAN WORLD AIRWAYS,
INC., A Foreign corporation,

Defendants.

No. 79-C-733-E

FILED

OCT - 8 1981

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

STIPULATION OF DISMISSAL

Plaintiff, Arpik Chamras, Conservator of Vartoothie Koolmary, pursuant to Federal Rules of Civil Procedure, Rule 41(a) and the Defendant, American Airlines, Inc., stipulate that Plaintiff's action against American Airlines is hereby dismissed without prejudice. Defendant, Pan American World Airways, Inc., was previously dismissed by order of the Court dated September 14, 1981.

PRAY, WALKER, JACKMAN,
WILLIAMSON & MARLAR

BY Ray L. Walker

BEST, SHARP, THOMAS, GLASS
& ATKINSON

BY James F. Glass

ORDER

Pursuant to the above Stipulation, it is so ordered.

S/ JAMES O. ELLEDGE

U. S. DISTRICT JUDGE

UNITED STATES DISTRICT COURT FOR THE
NORTHERN DISTRICT OF OKLAHOMA

FILED

OCT - 7 1981 *je*

U.S. DISTRICT COURT

UNITED STATES OF AMERICA,)
)
Plaintiff,)
)
vs.)
)
WILLIAM BUTCHER,)
)
Defendant.)

Civil Action No. 81-C-432-E ✓

NOTICE OF DISMISSAL

COMES NOW the United States of America, Plaintiff herein, by and through its attorney, Frank Keating, United States Attorney for the Northern District of Oklahoma, and hereby gives notice of its dismissal of this action with prejudice, pursuant to Rule 41(a)(1) of the Federal Rules of Civil Procedure.

UNITED STATES OF AMERICA
Frank Keating
FRANK KEATING
UNITED STATES ATTORNEY

CERTIFICATE OF MAILING

The undersigned certifies that a true copy of the foregoing pleading was mailed to William Butcher, Rt. 2, Box 1177, Collinsville, OK 74020, this 5 day of October, 1981.

Frank Keating
FRANK KEATING

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

OCT - 6 1981

ALTON VIRE,)
)
 Plaintiff,)
)
 vs.)
)
 STATE OF OKLAHOMA,)
 CREEK COUNTY, OKLAHOMA,)
 SAPULPA CITY, OKLAHOMA,)
)
 Defendants.)

Jack C. Silver, Clerk
U.S. DISTRICT COURT
No. 81-C-234-B

O R D E R

This matter comes before the Court on Motions to Dismiss by each named party defendant. For the reasons set forth below, defendants' Motions are hereby sustained.

Plaintiff filed the present action on May 22, 1981. On June 9, 1981 defendant City of Sapulpa filed a Motion to Dismiss. On June 17, 1981 defendant State of Oklahoma filed a Motion to Dismiss in conjunction with defendant Creek County. At no time has the plaintiff responded to either Motion to Dismiss. On August 3, 1981, the Court ordered plaintiff to file a response to defendants' Motions to Dismiss by August 13, 1981. Such order was sent to plaintiff with a copy of local court Rule 14. Plaintiff has filed no response to the Court's order of August 3, 1981.

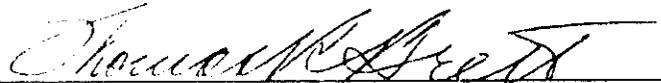
In applicable part, Rule 14 (a) of the Rules of the United States District Court for the Northern District of Oklahoma provides as follows:

"Each motion, application and objection filed shall set out the specific point or points upon which the motion is brought and shall be accompanied by a concise brief. Memoranda in opposition to such motion and objection shall be filed within ten (10) days after the filing of the motion or objection and any reply memoranda shall be filed within ten (10) days thereafter. Failure to comply with this paragraph will constitute waiver of objection by the party not complying..."

In the present case plaintiff has at no time responded to defendants' Motions to Dismiss. In addition, plaintiff filed

no response to a specific order of the Court directing that a response be filed. Such order was accompanied by a copy of local Rule 14 set forth above. Therefore, the Court concludes that plaintiff has waived any objection to defendants' respective Motions to Dismiss. For this reason, defendants' Motions to Dismiss are hereby sustained.

IT IS SO ORDERED this 1st day of October, 1981.



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

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

FILED
OCT - 11 1981

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

DILLARD CRAVENS, et al.,)	
)	CIVIL ACTION NO. 74-C-301
Plaintiffs,)	
)	
vs.)	CONSENT DECREE
)	
AMERICAN AIRLINES, et al.,)	
)	
Defendants.)	
<hr/>		

This class action was commenced by plaintiffs on July 23, 1974. The complaint alleges that defendants engaged in racially discriminatory employment practices at the Tulsa, Oklahoma facilities of defendant American Airlines, Inc. ("American") in violation of Title VII of the Civil Rights Act of 1964, 42 U.S.C. § 2000e, et seq. as amended, and 42 U.S.C. § 1981. The complaint requests affirmative relief and monetary relief for the plaintiffs and class members.

The defendants in this action are American, the Transport Workers Union of America, AFL-CIO, and Air Transport Local 514 (both "TWU"). American is a corporation engaged in the air transportation business with facilities in Tulsa, Oklahoma. The TWU is a labor organization and the exclusive bargaining agency for airline mechanic, plant maintenance, fleet service, ground service, stores and communications employees of American. Local 514 is a constituent part of the TWU and represents TWU members employed at American's Tulsa facilities.

By Order filed on April 13, 1977, the Court conditionally certified a plaintiffs' class under Rule 23(a) and

(b) (2) of the Federal Rules of Civil Procedure consisting of all black persons who were or had been employed by American in any of the bargaining unit job classifications at American's Tulsa facilities. The Order further provided that any black person who claimed he or she was denied employment at American's Tulsa facilities because of racial discrimination or any black person who was or had been employed in a non-bargaining unit job classification at American's Tulsa facilities and made a claim of racial discrimination could intervene as a plaintiff in intervention.

By Order filed July 21, 1977, the Court permitted fifty-four (54) individuals to intervene as plaintiffs in intervention.

Upon motion by the defendants under Rules 56 and 37(d) of the Federal Rules of Civil Procedure, the Court dismissed with prejudice all claims of plaintiffs Thelma Burris, Theresa Ragsdale, and Emmanuel Seals by Order filed September 26, 1977.

By Order filed January 10, 1978, the Court, upon motion by the defendants TWU under Rule 56 of the Federal Rules of Civil Procedure, dismissed with prejudice the claims of the following plaintiffs in intervention: Kenneth C. Long, Delores Johnson, Dorothy M. Williams, Juanita M. Higgs, Leonard Atkinson, Thomas M. Higgs, Toni Shaver, Shirley Ann Davis, Valarie Crews, Olene Y. Washington, Shirley A. Williams, Elizabeth Childs, David L. Deville, Earnestine Hudson, James Clark, Thelma Harris, Virte Lee Rucker, Jeanetta Adams, Luanna Dihanne Young, Roger Pairchild (Powerdrill), Willie E. Harper, Cornell Miller, Ernestine Miller, Clyde Smith, Jr., Patricia L. Winston, Lillie D. Davis, Carroll M. South, Linda S. Harding, Marlene Jones, Rose Marilyn Bagley, Judith A. Gill, Johnny Wright, and Willa Pain.

Pursuant to a stipulation of the parties under Rule 41(a)(1) of the Federal Rules of Civil Procedure, all claims of plaintiffs in intervention, Elmer Walker, Pat Thomas, and Maureen Parker, were dismissed with prejudice by court Order filed February 16, 1978.

Pursuant to a stipulation of the parties under Rule 41(a)(1) of the Federal Rules of Civil Procedure, all claims of plaintiffs in intervention, Leonard Atkinson, Shirley Williams, Elizabeth Childs, Earnestine Hudson, Jeanetta Adams, Roger Pairchild (Powerdrill), Clyde Smith, Jr., Marlene Jones, Rose Marilyn Bagley, Judith A. Gill, and Willa Pain, were dismissed with prejudice as to defendant American by court Order filed February 27, 1978.

Pursuant to a stipulation of the parties under Rule 41(a)(1) of the Federal Rules of Civil Procedure, all claims of plaintiff in intervention Rebecca Jordon were dismissed with prejudice as to defendant American by court Order filed March 8, 1978.

By Order filed May 4, 1978, the Court, upon motion of defendant American under Rule 41(b) of the Federal Rules of Civil Procedure, dismissed all claims of plaintiffs in intervention, William M. Kirk, Jr., Harry J. Thompson, Samuel L. Horey, Mary Weathers, Paulette A. Byrch, and Melvin Hanes.

Upon motion of defendant American pursuant to Rule 56 of the Federal Rules of Civil Procedure, all claims of plaintiff Leroy Billingslea were dismissed with prejudice by court Order filed September 14, 1978.

Pursuant to a stipulation by the parties under Rule 41(a)(1), all claims of plaintiff in intervention Valarie Crews were dismissed with prejudice as to defendant American by court Order filed March 29, 1979.

Upon motion of defendant American under Rule 56

of the Federal Rules of Civil Procedure, all claims of the following plaintiffs in intervention were dismissed with prejudice by court order filed April 12, 1979: James Willard Clark; Shirley Ann Davis; David Leon Deville; Linda Susan Harding; Thelma Elizabeth Harris; Virte Lee Rucker; Toni Lamar Shaver; Carroll South; Olene Yuvonne Washington; Patricia Louise Winston; Juanita Higgs; Thomas Monroe Higgs; Cornell G. Miller; and Johnny Lee Wright.

On April 16, 1981, the parties filed with the Court a Settlement Agreement providing for the entry of a consent decree settling the case subject to court approval in accordance with Rule 23 of the Federal Rules of Civil Procedure.

The Settlement Procedures Order filed by the Court on April 23, 1981, required that the class members be given individual notice of the proposed settlement and their right to object to the settlement if they so desired. The Court finds that the notice to the class was effected in compliance with the Court's directives and Rule 23(e) of the Federal Rules of Civil Procedure and that the procedural rights of the plaintiff class have been fully and adequately protected.

A hearing was held by the Court on June 12, 1981, to determine whether the Settlement Agreement should be finally approved and a consent decree entered. Those objecting to the proposed settlement were given an opportunity to be heard and to file affidavits and memoranda in support of their objections. After due consideration of the evidence and presentations of counsel and being cognizant of all prior proceedings and pleadings in this action, the Court, on September 2, 1981, made an Order giving final approval to the Settlement Agreement and finding that the settlement is fair, reasonable, and represents the best interests of the class as a whole.

NOW, THEREFORE, prior to the taking of testimony and the trial of this action and without the adjudication of any issue of fact or law herein, and without this Decree constituting evidence or admission by any party as to any issue of fact or law herein, and upon the consent of the parties hereto, IT IS HEREBY ORDERED, ADJUDGED AND DECREED AS FOLLOWS:

1. The Court has jurisdiction of the subject matter of this action and of the parties hereto. The complaint states a claim upon which relief may be granted under 42 U.S.C. § 2000e, et seq. and 42 U.S.C. § 1981.

2. Defendant American is an "employer" within the meaning of that term as defined in 42 U.S.C. § 2000e(b) and defendants TWU are labor organizations within the meaning of that term as defined in 42 U.S.C. § 2000e(d) and (e).

3. The named plaintiffs as to whom this Consent Decree applies are: Dillard Craven, Ernest Moseley, Edgar D. Hall, William E. Hibler, Murphy Jenkins, Dan Palmer, and the Committee on Equal Employment Practices.

4. The plaintiffs in intervention ("intervenors") as to whom this Consent Decree applies are: Ruford Henderson, Opal Harris, Phyllis Fellows, Sheila Jones, Waynetta White, Barbara Prewitt, Dorothy Salaam, Paul Beckett, Sharon Hicks Thompson, Robert Simmons, Terry Young, Kenneth C. Long, Delores Johnson, Dorothy M. Williams, Dihanne Young, Willie Harper, Ernestine Miller, and Lillie Dell Davis.

5. The action is properly maintainable as a class action pursuant to Rule 23(b)(2) on behalf of and with respect to all black persons who were employed by American at any time during the period July 23, 1971 through July 23, 1974 in a bargaining unit job classification at American's Tulsa, Oklahoma facilities. Excluded from the class are Tommy L.

Nash and B. J. Williams, who have filed individual discrimination suits against American. The names of the class members are set forth in Exhibit A of the Settlement Procedures Order.

6. This Decree applies to and affects only American's Tulsa, Oklahoma facilities.

7. This Decree shall be operative, and the Court hereby retains jurisdiction of this case for a period of three years from the date this Decree becomes final. This Court's retained jurisdiction shall terminate at the end of the three-year period unless jurisdiction is extended upon a showing of good cause by plaintiffs.

8. American, including its officers, employees, agents, successors, and any and all persons acting in concert with them, is hereby enjoined and restrained from discriminating on the basis of race or color in any aspect of employment within the scope of this Decree, and from failing or refusing fully to implement and comply with the provisions of this Decree.

9. American shall use its best efforts to provide a work atmosphere free from racial discrimination.

10. All job vacancies shall be filled in accordance with American Airlines Regulation 120-3 except where the Regulation may conflict with an applicable labor agreement. Further, American shall comply with the requirements of its Job Opportunity System as set forth in American Airlines Regulation 120-16, including the posting of all job vacancies for nonmanagement and management or specialist positions up to and including the Group Supervisor and General Foreman levels as provided by said regulation.

11. American shall make a good faith effort to promote qualified black employees into management and

specialist positions in accordance with American's Affirmative Action Plan for its Tulsa facilities. Any employee to be eligible for promotion to a management or specialist position must meet the established qualifications for the position. For the term of this Decree, American will not require that candidates for the positions of Production Supervisor or Facilities Maintenance Supervisor take the Supervisory Selection Guide to be eligible for promotion to those job classifications.

12. American shall continue the following training programs for bargaining unit employees for at least the duration of this Decree: Junior Mechanic Training Program; Facilities Maintenance Training-Plant Maintenance Man; and Facilities Maintenance Training-Non-Mechanical Employees.

American shall continue its Tuition Refund program to encourage class members to pursue approved programs to improve job skills and obtain FAA Airframe, Powerplant and/or Radio Telephone licenses.

13. Any member of the plaintiff class who believes that he possesses the requisite qualifications for the position of either Plant Maintenance Mechanic or Aircraft Overhaul Mechanic, as set forth in the American Airlines Qualifications Administration Manual, but has not been deemed qualified for such position by American, shall be given the opportunity to establish his qualifications. Said class member shall submit to American's Tulsa EEO Coordinator, within sixty (60) days after the Consent Decree is final, a written claim and all evidence of his qualifications to work as a mechanic. The Senior Director of Selection and Field Personnel Administration of American will designate a member of the corporate headquarters EEO staff to review and investigate the claim with the assistance of the Tulsa EEO Coordinator. American, within sixty (60) days, shall render

a written decision, including the reasons in support thereof, to the claimant and plaintiffs' attorney. In the event there is a dispute as to the qualifications of any claimant, the attorneys for plaintiffs and American shall confer and attempt to resolve the dispute without the need for Court involvement.

If the claim cannot be resolved by the parties, a petition may be filed with the Court. Either the Court or a special master to be appointed by the Court will hear and decide the claim. The decision will be final and binding on the parties. The Court or the special master shall have the discretion to award attorney fees to the prevailing party in accordance with Title VII standards. The losing party will pay the cost of the special master.

Should it be determined by either American or the Court that a class member is qualified for the job classification of either Plant Maintenance Mechanic or Aircraft Mechanic, said class member shall be given a preference over nonemployee applicants and other employees (subject to the Maintenance Agreement) in filling a future vacancy in the job classification for which he is qualified. If more than one class member is determined to be qualified for a particular position, the order of preference between them will be in accordance with the selection procedure of Article 12(m) of the Maintenance Agreement. For purposes of this paragraph, a vacancy does not exist if a laid-off employee has recall rights to the position under the Maintenance Agreement.

14. American shall continue the Affirmative Action Task Force which is comprised of minority and female employee representatives from various company organizations at Tulsa for the purpose of bringing to management's attention issues and concerns of minority and female employees. The Affirmative Action Task Force shall hold periodic meetings.

15. American shall maintain appropriate records necessary to monitor compliance with and progress made under the provisions of this Decree. Plaintiffs' attorneys shall have the right to inspect such records as will reflect compliance with the terms of this Decree upon reasonable notice in writing to American and its attorneys.

16. American shall submit annual written reports to plaintiffs' attorneys and the Court setting forth sufficient information and data to show compliance with the terms of this Decree. The final report will be due one month prior to the third anniversary date of this Decree. The report shall include, but not be limited to, hiring statistics for the Tulsa facilities; work force analysis for the bargaining unit job classifications; a list of the current job classifications for the plaintiffs and class members; and a list of the black employees participating in the training programs.

17. Any claim that American has breached or violated any provision of this Decree shall be promptly called to the attention of the Tulsa EEO Coordinator. A written claim, together with all supporting evidence, shall be submitted to the Tulsa EEO Coordinator within thirty (30) days of the alleged breach or violation. The Senior Director of Selection and Field Personnel Administration will appoint a member of the corporate headquarters EEO staff to conduct an investigation with the assistance of the Tulsa EEO Coordinator. The company, within forty-five (45) days, shall render its decision on the claim, including a written report on the findings of the investigation which shall be mailed to plaintiffs' counsel. The parties and their counsel will then meet and confer to attempt to resolve any disputes without the need for Court involvement.

If the parties are unable to resolve the claim, a petition may be filed with the Court and the Court or a special master appointed by the Court will hear and decide the matter. The decision will be final and binding on the parties. The Court or the special master shall have the discretion to award attorneys fees to the prevailing party in accordance with Title VII standards. The losing party will pay the cost of the special master.

Only members of the plaintiff class and the settling plaintiffs and intervenors shall have standing to assert any claim that the terms of this Decree have been breached or violated.

18. Defendant American agrees to pay a total of \$700,000 as monetary relief in full settlement of all claims of plaintiffs, intervenors, and the plaintiff class. The \$700,000 shall be allocated among the plaintiffs, intervenors, and class members pursuant to the following plan developed by plaintiffs' attorneys:

(a) The fund shall be allocated as follows:

- | | | |
|-------|----------------------|-----------|
| (i) | Plaintiffs | \$101,500 |
| | (Craven \$45,000; | |
| | Hibler \$18,500; | |
| | Hall \$18,500; | |
| | Palmer \$18,500; | |
| | Moseley \$500; | |
| | Jenkins \$500) | |
| (ii) | Intervenors | 30,000 |
| (iii) | Class members | 568,500 |
| | (The plaintiffs and | |
| | intervenors will not | |
| | share in any of the | |
| | money allocated to | |
| | the class.) | |

(b) The money for the plaintiff class shall be allocated to the various bargaining unit job classifications as follows:

(i)	Mechanics	\$ 33,000
(ii)	Crew Chiefs, Junior Mechanics	48,000
(iii)	Blasting Machine Operators	50,000
(iv)	Utility Men, Aircraft Cleaners	65,000
(v)	Stock Clerks, Fleet Service Clerks, Ground Servicement	149,500
(vi)	Building Cleaners, Parts Washers	223,000

(c) The individual awards to class members (except those who were mechanics on July 1, 1971) shall be determined by a formula which takes into account (i) the total number of months of each class member in each job classification below mechanic, and (ii) the monthly rate which will be computed for each job classification on the basis of the money allocated to that job classification. For example, assume that John Doe was employed by American on July 1, 1971 as a building cleaner, and he worked twelve months in that job classification; that he was promoted to stock clerk in July, 1972, where he worked twenty-four months; and that he was promoted to crew chief in July of 1974, and worked in that classification for twelve months before he retired in July, 1975. John Doe's share of the settlement fund would be computed as follows:

Twelve months as building cleaner
(BC) times B.C. monthly rate
assigned (assume \$40 per month)=
\$480

Twenty-four months as stock clerk
(SC) times S.C. monthly rate
assigned (assume \$35 per month)=
\$840

Twelve crew chief (CC) months
times C.C. monthly rate assigned
(assume \$30 per month)=\$360

The awards for class members who were mechanics as of July 1, 1971 shall be computed on the basis of the total number of years in the mechanics classification up to a maximum of eight years, divided into the settlement fund sum of \$33,000. For example, assume that there were seventy class members who were mechanics as of July 1, 1971, and assume that all of them were on payroll as of June 30, 1979. Each would have eight years of credit and the total for the group would be 560 years of credit. The class members' share would be computed as follows:

$$\frac{\$ 33,000}{560} \times 8 = \$47.44$$

If, however, a mechanic retired or left the company before June 30, 1979, his share would be proportionately reduced, rounding off to the nearest year.

(d) The monetary relief provided herein shall be considered back pay and subject to the standard deductions required by law except for the award to plaintiff Craven. With respect to plaintiff Craven, \$18,500 is to be considered back pay and \$26,500 compensatory damages.

19. Prior to the receipt of any payment of the monetary relief provided for by this Decree, each plaintiff, intervenor and class member shall duly execute a general release as to any claim or claims of alleged racial discrimination by American in violation of Title VII of the Civil Rights Act of 1964, as amended, or 42 U.S.C. § 1981, which were asserted or could have been asserted in this litigation. Failure by a plaintiff, intervenor, or class member to execute such a release shall not impair the effectiveness of this Decree to release, acquit and discharge American of claims and to bar further suit against said defendant.

20. Not later than thirty (30) days after the entry of this Decree, counsel for plaintiffs shall file with the Court and serve upon American a schedule setting forth for each plaintiff, intervenor and class member the individual's name, current mailing address, and share of monetary relief as provided for by this Decree. After the Decree becomes final, American shall promptly cause checks to be drawn payable to the plaintiffs, intervenors, and class members in the amounts listed in said schedule less the standard deductions required by law. Plaintiffs' counsel shall have the responsibility for obtaining and delivering to American duly executed general releases for each plaintiff, intervenor and class member.

Upon receipt of the duly executed release, American shall mail the individual's check to the current mailing address listed on said schedule. Any individual who has not tendered to American a duly executed general release within six months after the Decree becomes final shall forfeit his or her share of the monetary relief.

21. All complaints or charges of race discrimination filed by the plaintiffs, class members, or intervenors with any federal, state or local agency against American which may still be pending shall be deemed settled and withdrawn by the entry of this Decree.

22. The entry of this Decree and American's consent thereto shall not be construed as, nor shall it be evidence of, an admission by American of any violation of Title VII or 42 U.S.C. § 1981.

23. This Decree resolves all claims made or that could have been made under the complaint and pleadings in this action, and any further prosecution of any of said claims is barred hereby.

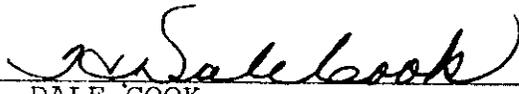
24. The affirmative action and monetary relief provided by this Decree are the sole and exclusive relief to which the plaintiffs, plaintiffs in intervention, and class members are entitled, and no further relief of any type is contemplated by this Decree.

25. Defendant American shall pay to plaintiffs' attorneys reasonable attorney fees for services rendered to the settling plaintiffs, intervenors and class members. In addition, American shall reimburse plaintiffs for the costs reasonably incurred in their prosecution of this litigation. If the parties cannot agree on the amount of such attorney fees and costs, the plaintiffs' attorneys may petition the Court to fix the amount of their fees and costs.

26. All claims against the defendants TWU are hereby dismissed with prejudice.

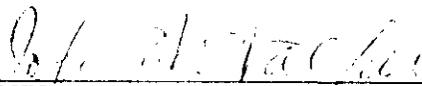
27. This Consent Decree is a final judgment under Rule 54(a) of the Federal Rules of Civil Procedure.

DATED: October 1, 1981.



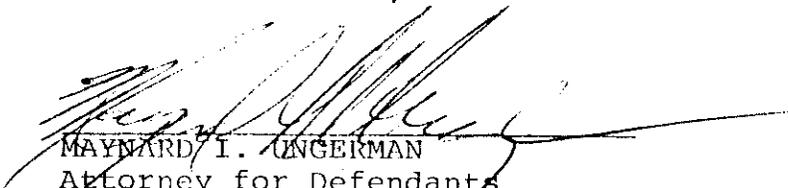
H. DALE COOK
Chief Judge, U. S. District Court

APPROVED AS TO FORM:



JOHN WALKER
Attorney for Plaintiffs and
Intervenors

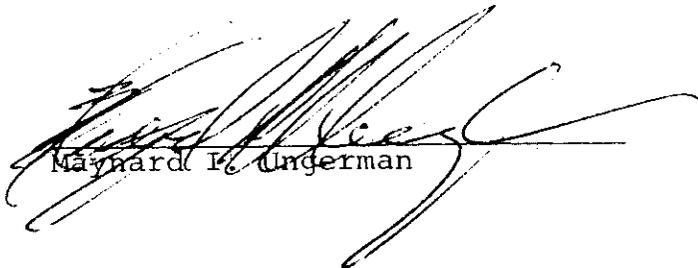
GEORGE CHRISTENSEN
Attorney for Defendant
American Airlines, Inc.



MAYNARD I. UNGERMAN
Attorney for Defendants
Transport Workers Union of
America, AFL-CIO and Air
Transport Local 514

CERTIFICATE OF SERVICE

I, Maynard I. Ungerman, do hereby certify that on this 30th day of September, 1981, I did cause to be mailed a full, true and correct copy of the above and foregoing Consent Decree to Mr. David Cole, Attorney for B. J. Williams, 122 No. Greenwood Ave., Tulsa, Oklahoma 74120, Mr. Robert Tips, Attorney for Prince Street Group, Fifth Floor, Mid-Continent Building, Tulsa, Oklahoma 74103, and to Mr. Stanley D. Monroe, Attorney for William Kirk, Jr., 250 Law Building, 500 West 7 Street, Tulsa, Oklahoma 74119 with postage thereon prepaid.


Maynard I. Ungerman

UNITED STATES DISTRICT COURT FOR THE
NORTHERN DISTRICT OF OKLAHOMA

UNITED STATES OF AMERICA,
Plaintiff,

vs.

FLOYD C. MARSHALL,

Defendant.

CIVIL ACTION NO. 81-C-445-E

This matter ~~CONCERNED~~ ^{CONCERNED} JUDGMENT
of Oct, 1981, the Plaintiff appearing by ~~FRANK KEATING~~
United States Attorney, through Philard L. Rounds, Jr., Assistant
United States Attorney for the Northern District of Oklahoma, and
the Defendant, Floyd C. Marshall, appearing pro se.

The Court being fully advised and having examined the
file herein finds that Defendant, Floyd C. Marshall, was
personally served with Summons and Complaint on September 2,
1981.

The parties agree and consent that judgment may be
entered against the Defendant, Floyd C. Marshall, in the amount
of \$846.84 (less the sum of \$540.00 which has been paid), plus
interest at the legal rate from the date of Judgment until paid.

IT IS THEREFORE, ORDERED, ADJUDGED AND DECREED that the
Plaintiff have and recover Judgment against Defendant, Floyd C.
Marshall, for the principal sum of \$846.84 (less the sum of
\$540.00 which has been paid), plus interest at the legal rate
from the date of Judgment until paid.

S/ JAMES O. ELLISON

UNITED STATES DISTRICT JUDGE

APPROVED:

UNITED STATES OF AMERICA

FRANK KEATING
United States Attorney


PHILARD L. ROUNDS, JR.

Assistant U.S. Attorney


FLOYD C. MARSHALL