

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

MICHAEL COLLINS,)
)
Plaintiff,)
)
vs.) No. 80-C-261-E
)
KERMIT DALE HOFFMEIER,)
)
Defendant.)

FILED
NOV 30 1981
Jack C. Smith Clerk
U. S. DISTRICT COURT

JUDGMENT

This matter having regularly come on for jury trial, and the jury, duly empaneled and sworn having returned its verdict fixing Plaintiff's percentage of negligence at 50% and Plaintiff's damages at zero dollars, and Defendant's percentage of negligence at 50% and Defendant's damages at zero dollars,

IT IS ORDERED, ADJUDGED AND DECREED, that judgment be entered in favor of Defendant and against Plaintiff on Plaintiff's claim, and that judgment also be entered in favor of Plaintiff and against Defendant on Defendant's counterclaim, and that both Plaintiff and Defendant take nothing by this matter.

Entered this 30th day of November, 1981.



JAMES O. ELLISON
UNITED STATES DISTRICT JUDGE

IN THE UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF OKLAHOMA

ENERGY DEVELOPMENT, INC.,
a Montana corporation,

Plaintiff,

vs.

TERRA OIL CORP., a Colorado
corporation,

Defendant.

No. 80-C-209-E

TERRA OIL CORP., a Colorado
corporation,

Counter-Claimant,

vs.

ENERGY DEVELOPMENT, INC., a
Montana corporation, and KENNETH
THOMAS aka KEN THOMAS, an
individual,

Counter-Defendants.

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

ORDER OF DISMISSAL

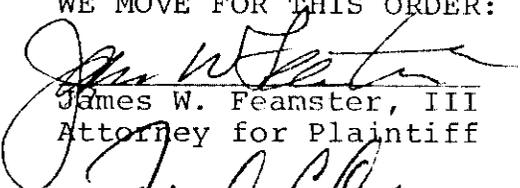
The Court, having been advised by counsel for all parties that the within action has been settled and compromised, and noting that Plaintiff filed its Dismissal with Prejudice on November 23, 1981, and that Defendant/Counter-Claimant filed its Dismissal with Prejudice on November 23, 1981, finds that this matter should be dismissed with prejudice.

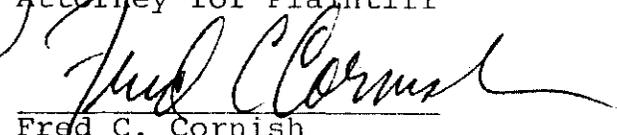
IT IS, THEREFORE, ORDERED, ADJUDGED AND DECREED that this cause be, and it is hereby, dismissed with prejudice.

DATED this 30th day of November, 1981.


UNITED STATES DISTRICT JUDGE

WE MOVE FOR THIS ORDER:


James W. Fearster, III
Attorney for Plaintiff


Fred C. Cornish
Attorney for Defendant/
Counter-Claimant

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

BRS INTERNATIONAL, A Delaware
Corporation

Plaintiff

v.

UTICA NATIONAL BANK & TRUST
COMPANY

Defendant

v.

FLUID MEASUREMENT SERVICES, INC.,
An Oklahoma Corporation

Intervenor-Defendant

v.

ROGERS COUNTY BANK, An Oklahoma
Corporation

Intervenor-Defendant

FILED

NOV 20 1981

Jack C. Silver Clerk
U. S. DISTRICT COURT

CIVIL ACTION NO. 80-C-291-E
JUDGE JAMES E. ELLISON

ORDER OF DISMISSAL

UPON CONSIDERATION of the Stipulation of Settlement between Plaintiff
BRS International, Inc. and Utica National Bank & Trust Company, it is by the
Court this 30th day of November, 1981

ORDERED that the Complaint of Plaintiff BRS International, Inc.
against Defendant Utica National Bank & Trust Company be, and the same hereby
is, dismissed with prejudice.

S/ JAMES O. ELLISON

JAMES E. ELLISON
UNITED STATES DISTRICT JUDGE

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

FILED

NOV 30 1981

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

WAYNE SPENCE and)
NELDA CHARLOTTE SPENCE,)
Husband and Wife,)
)
Plaintiffs,)
)
vs.)
)
THE GUARDIAN INSURANCE)
COMPANY,)
)
Defendant.)

No. 80-C-479-E

ORDER OF DISMISSAL

On this 30th day of November, 1981, upon written application of the parties for an Order of 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 in the Complaint and have requested the Court to dismiss the Complaint with prejudice to any further action, and the Court being fully advised in the premises, finds that said Complaint should be dismissed.

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 be, and the same are hereby dismissed with prejudice to any further action.



JAMES O. ELLISON
U. S. District Judge

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

FILED
NOV 30 1981

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

UNITED STATES OF AMERICA,)

Plaintiff,)

vs.)

BILLY D. BURNS,)

Defendant.)

No. 78-CR-128

81-c-657-c

O R D E R

The Court has before it for consideration the motion of defendant for relief filed pursuant to 28 U.S.C. §2255. The defendant requests the Court to correct the sentence imposed on him on April 23, 1979 and modified on October 22, 1980, to allow defendant to serve his federal sentence concurrently with a state sentence defendant is now serving in the Oklahoma State Penitentiary at McAlester, Oklahoma.

From the face of defendant's motion it is clear that the defendant is not now in federal custody. Defendant admits he is currently serving a state sentence and his motion was executed at the Oklahoma State Penitentiary in McAlester, Oklahoma. Section 2255 affords possible relief only to those in federal custody. The defendant has, thus, alleged no facts which would give this Court jurisdiction under 28 U.S.C. §2255 to grant him the relief he requests.

The Court would also note that the Tenth Circuit Court of Appeals has held that it is beyond the power of a federal court to order that its sentences be served concurrently with a prior state sentence. In the case of Evans v. Faulkner, No. 79-1699 (unpublished opinion dated May 22, 1980) (copy attached) it was stated:

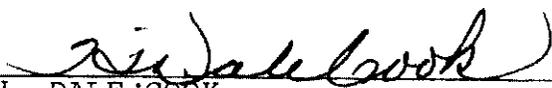
It is beyond the power of a federal court to order that its sentence be served concurrently with a prior state sentence.

Joslin v. Moseley, 420 F.2d 1204 (10th Cir. 1969). Consequently, the district court's order that Evans' federal sentence be served concurrently with the prior state sentence was merely a recommendation. See Hash v. Henderson, 385 F.2d 475 (8th Cir. 1967).

On April 23, 1979 the Court sentenced the defendant to the custody of the Attorney General or his authorized representative for a term of imprisonment. The Attorney General could have authorized and presumably still can authorize the state authorities to be his representative. If the Attorney General so authorizes it would effectively provide that the two sentences run concurrently. Such a decision, however, is solely in the authority of the federal prison authorities.

For the above reasons defendant's motion to correct the sentence imposed upon him on April 23, 1979 and later modified by Order of this Court on October 22, 1980, is denied.

It is so Ordered this 30th day of November, 1981.


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

UNITED STATES COURT OF APPEALS
TENTH CIRCUIT

FILED
United States Court of Appeals
Tenth Circuit

MAY 22 1980

BOBBY JOE EVANS,)
)
 Petitioner-Appellant,)
)
 v.)
)
 DAVID FAULKNER, Sheriff,)
 Tulsa County, Oklahoma,)
)
 Respondent-Appellee.)

HOWARD K. PHILLIPS
Clerk

No. 79-1699

Appeal from the United States District Court
For the Northern District of Oklahoma
(D.C. No. 78-0188)

Submitted on the briefs pursuant to Tenth Circuit Rule 9:

Bobby Joe Evans, pro se.

S.M. Fallis, Jr., District Attorney, James F. Raymond,
Assistant District Attorney, Tulsa, Oklahoma, for
Respondent-Appellee.

Before BARRETT, McKAY and LOGAN, Circuit Judges.

PER CURIAM

After examining the briefs and the appellate record, this three-judge panel has determined unanimously that oral argument would not be of material assistance in the determination of this appeal. See Fed.R.App.P. 34(a); Tenth Circuit R. 10(e). This cause is therefore ordered submitted without oral argument.

Appellant Evans was convicted in state court on three felony charges and sentenced to ten years imprisonment. He was subsequently sentenced in federal district court on another felony charge. The district court sentenced appellant to a five-year term to run concurrently with the state sentence. While in custody of the sheriff of Tulsa County, Oklahoma, Evans was transferred to a federal penitentiary to begin serving his federal sentence.

Appellant brought this action pursuant to 42 U.S.C. § 1983, alleging that by transferring him to federal rather than state custody, appellee increased Evans' total sentence from ten to fifteen years without due process. The sheriff's transfer of Evans to federal custody is also asserted to constitute cruel and unusual punishment. The district court dismissed the action. Evans has appealed that dismissal and appellee has filed a motion to affirm the district court judgment.

It is beyond the power of a federal court to order that its sentence be served concurrently with a prior state sentence. *Joslin v. Moseley*, 420 F.2d 1204 (10th Cir. 1969). Consequently, the district court's order that Evans' federal sentence be served concurrently with the prior state sentence was merely a recommendation. *See Hash v. Henderson*, 385 F.2d 475 (8th Cir. 1967). We therefore reject Evans' argument that the sentence he received in district court was increased by appellee's action.

Evans has no right to serve his state sentence first. "When a person is convicted of independent crimes in state and federal courts, the question of jurisdiction and custody is one of comity between the two governments and not a personal right of the prisoner." *Jones v. Taylor*, 327 F.2d 493 (10th Cir.), cert. denied, 377 U.S. 1002 (1964).

A § 1983 civil rights action may be maintained only when there has been a deprivation of rights guaranteed by the laws or Constitution of the United States. *See Wells v. Ward*, 470 F.2d 1185 (10th Cir. 1972). No such right of appellant has been violated.

Accordingly, the motion of appellee is granted and the judgment of the district court is affirmed. The mandate shall issue forthwith.

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

WARREN SPAHN, LEON HARDESTY,)
ELBRIDGE G. KING, MICHAEL W.)
CHAMPION, FRED E. KANT, VINCENT)
MATTORE, FRANK W. CHITWOOD,)
RICHARD BANKER, ROGER A. MICHAEL,)
DANIEL LEVINE, MARVIN WILSON and)
TROY WILLIAMSON,)

Plaintiffs,)

v.)

ROSENTHAL COMMODITIES CO.,)
a partnership,)

Defendant and Third)
Party Plaintiff,)

v.)

LLOYD F. SMITH and)
ROBERT L. HUFFMAN,)

Third-Party)
Defendants.)

No. 79-C-66-B

FILED

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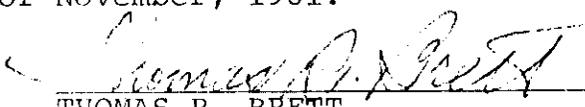
Jack C. Silver, Clerk
U. S. DISTRICT COURT

O R D E R

Prior to the commencement of trial in this matter, counsel for plaintiffs, Lloyd Larkin, represented to the Court that plaintiff Daniel Levine would not be present for trial, and requested Daniel Levine be dismissed from the action without prejudice. The Court at that time directed counsel for plaintiffs to inform Daniel Levine to file with the Court his sworn affidavit setting forth the reasons necessitating his absence from trial and request for dismissal without prejudice on or before November 27, 1981. The Court further informed counsel the claim of plaintiff Daniel Levine would be dismissed with prejudice in the event such affidavit was not timely filed with the Court. The plaintiff Daniel Levine not having timely filed his sworn affidavit setting forth the reasons for his absence from trial in accordance with the directions of the Court,

IT IS THEREFORE ORDERED the plaintiff Daniel Levine is dismissed from this action with prejudice.

ENTERED this 30th day of November, 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

NOV 25 1981

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

B. P. LOUGHRIDGE, M.D.,
an individual,

Plaintiff,

v.

WILLIAM P. PLANES,
an individual,

Defendant.

No. 80-C-18-C

STIPULATION FOR DISMISSAL

It is hereby stipulated that the above-entitled action may be and is hereby dismissed with prejudice, each party to bear his own costs.

DATED this 25th day of November, 1981.

DOERNER, STUART, SAUNDERS, DANIEL
& ANDERSON
SAM P. DANIEL, JR.
LEWIS N. CARTER
1000 Atlas Life Building
Tulsa, Oklahoma 74103



Attorneys for Plaintiff

MOYERS, MARTIN, CONWAY, SANTEE
& IMEL
R. SCOTT SAVAGE
320 South Boston
Suite 920
Tulsa, Oklahoma 74103



Attorneys for Defendant

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

WARREN SPAHN, LEON HARDESTY,)
 ELBRIDGE G. KING, MICHAEL W.)
 CHAMPION, FRED E. KANT, VINCENT)
 MATTONE, FRANK W. CHITWOOD,)
 RICHARD BANKER, ROGER A. MICHAEL,)
 MARVIN WILSON, and TROY WILLIAMSON,)
)
 Plaintiffs,)
)
 v.)
)
 ROSENTHAL COMMODITIES CO.,)
 a partnership,)
)
 Defendant and Third)
 Party Plaintiff,)
)
 v.)
)
 LLOYD F. SMITH and)
 ROBERT L. HUFFMAN,)
)
 Third-Party)
 Defendants.)

FILED

NOV 25 1981

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

No. 79-C-66-B ✓

JUDGMENT ON JURY VERDICT

This action came on for trial before the Court and a jury, Honorable Thomas R. Brett, United States District Judge, presiding, and the issues having been duly tried and the jury having duly entered its verdicts on November 20 and November 25, 1981,

IT IS ORDERED AND ADJUDGED plaintiffs, and each of them, shall have judgment on their Complaint against defendant, Rosenthal & Company, for compensatory and punitive damages in the amounts set forth below:

| <u>PLAINTIFF</u> | <u>COMPENSATORY DAMAGES</u> | <u>PUNITIVE DAMAGES</u> |
|----------------------------------|-----------------------------|-------------------------|
| Warren Spahn | \$ 3,992.85 | \$2,000.00 |
| Leon Hardesty | 5,087.25 | 2,000.00 |
| Elbridge G. King | 4,959.00 | 2,000.00 |
| Michael W. Champion | 5,600.25 | 2,000.00 |
| Fred E. Kant | 5,087.25 | 2,000.00 |
| Vincent Mattone | 5,087.25 | 2,000.00 |
| Frank W. Chitwood-Richard Banker | 5,087.25 | 2,000.00 |
| Roger A. Michael | 5,087.25 | 2,000.00 |
| Marvin Wilson | 20,549.00 | 2,000.00 |
| Troy Williamson | 5,087.25 | 2,000.00 |

IT IS FURTHER ORDERED AND ADJUDGED the defendant, Rosenthal & Company, shall pay to plaintiffs interest at the statutory rate of twelve percent (12%) from the date of judgment until paid on the above and foregoing amounts of compensatory damages.

IT IS FURTHER ORDERED AND ADJUDGED the Third-Party Defendants, Lloyd F. Smith and Robert L. Huffman, shall have judgment against the Third-Party Plaintiff, Rosenthal & Company, on the Third-Party Complaint.

ENTERED this 25th day of November, 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
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Jack C. Silver, Clerk
U. S. DISTRICT COURT

| | | |
|----------------------------------|---|----------------|
| EARL DEAN BUSBY, #90732, et al., |) | |
| |) | |
| Plaintiffs, |) | |
| |) | |
| vs. |) | No. 80-C-548-E |
| |) | 80-C-604-E |
| SHERIFF FLOYD INGRAM, et al., |) | 81-C-21-E |
| |) | Consolidated |
| Defendants. |) | |

O R D E R

On August 28, 1981, the Court entered an Order requiring Defendants herein to prepare a special report under the authority of Martinez v. Aaron, 570 F.2d 317 (Tenth Cir. 1978). As part of this Order, the Court ordered that all pending motions in these consolidated cases be held in abeyance until further Order of the Court.

On November 10, 1981, Defendant Charles W. Letcher, M.D., filed his motion to modify the Court's Order of August 28, 1981. Defendant asks the Court to modify that portion of its Order whereby all pending motions were stayed so as to allow the consideration of Defendant Letcher's motion to dismiss. Having reviewed Defendant Letcher's motion and the affidavit in support thereof, the Court finds that for good cause shown, the Order of August 28, 1981, should be amended so as to not preclude the Court's consideration of Defendant Letcher's motion to dismiss.

The Defendant's motion having been fully briefed by both Defendant and Plaintiffs, the Court will now proceed to consider the motion.

It is basically the Defendant's argument that his treatment of inmates of the Ottawa County Jail was never undertaken in any official capacity, but that his role was solely that of a practicing physician who, from time to time as he was requested by the Sheriff, undertook to treat certain inmates who, in the opinion of the Sheriff, required medical attention. Defendant further contends that it is the responsibility of the County Commissioners under Okla.Stat.tit. 57, § 51, to appoint a Medical Officer for the County Jail, and that Defendant Letcher has never been appointed as such.

The standards applicable to a complaint purporting to state a cause of action for denial of medical care under 42 U.S.C. § 1983, are clear; "deliberate indifference" or an "unnecessary and wanton

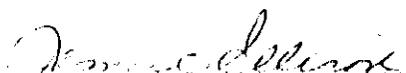
infliction of pain," "repugnant to the conscience of mankind" are the phrasings found in the cases, see Estelle v. Gamble, 429 U.S. 97, 97 S.Ct. 285 (1976); Ramos v. Lamm, 639 F.2d 559 (Tenth Cir. 1980), cert. denied, ____ U.S. ____, 101 S.Ct. 1759 (1981); Smart v. Villar, 547 F.2d 112 (Tenth Cir. 1976).

A close and careful review of the allegations of the Plaintiffs herein discloses that their claims concerning medical treatment are directed not at the treatment rendered by Defendant Letcher, but primarily at the conditions of their confinement and the practices of certain other officials. The cases do not, in the Court's reading, require that Defendant Letcher do more than he did. He cannot be, therefore, liable under a cause of action brought pursuant to 42 U.S.C. § 1983. This result would, for obvious reasons, be different if Defendant Letcher had any official capacity whereby he could exercise authority over the conditions of confinement. Being no more than a private physician, he could not, and therefore cannot be liable for such conditions.

The Complaint fails to state a claim against Defendant Letcher upon which relief can be granted, Rule 12(b)(6), Fed.R.Civ.Pro., and the Defendant's motion to dismiss should be granted.

IT IS THEREFORE ORDERED that Defendant Charles W. Letcher's motion to dismiss be, and the same hereby is, granted.

It is so Ordered this 11th day of November, 1981.



JAMES O. ELLISON
UNITED STATES DISTRICT JUDGE

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Jack C. Smith
U.S. DISTRICT COURT

UNITED STATES DISTRICT COURT FOR THE
NORTHERN DISTRICT OF OKLAHOMA

UNITED STATES OF AMERICA,)
)
Plaintiff,)
)
vs.)
)
WHITELOW WILLIAMS and)
MARY L. WILLIAMS,)
)
Defendants.)

CIVIL ACTION NO. 80-C-700-E ✓

AMENDED DEFAULT JUDGMENT

This matter comes on for consideration this 13th day of November, 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 Defendants, Whitelow Williams and Mary L. Williams, appearing not.

The Court being fully advised and having examined the file herein finds that Defendants, Whitelow Williams and Mary L. Williams, was personally served with Summons and Complaint on December 13, 1980. 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 Defendants, Whitelow Williams and Mary L. Williams, for the principal sum of \$2,230.22 (less the sum of \$51.00 which has been paid), plus the accrued interest of \$318.82 as of December 31, 1978, plus interest at 7% from December 31, 1978, until the date of Judgment, plus interest at the legal rate on the principal sum of \$2,230.22 (less the sum of \$51.00) from the date of Judgment until paid.


UNITED STATES DISTRICT JUDGE

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

GEORGE A NEEDHAM, Executor of the)
Estate of Stuart R. Gilham, Deceased,)
on behalf of the Estate of Stuart R.)
Gilham, Deceased, and on behalf of)
the survivors of Stuart R. Gilham,)
Deceased,)

Plaintiff,)

vs.)

PHILLIPS PETROLEUM COMPANY OF NORWAY,)
a Delaware Corporation,)

Defendant.)

No. 79-C-621-BT

NOV 24 1981

O R D E R

C. Siv
U. S. DISTRICT COURT

This action was commenced by George A. Needham, Executor of the Estate of Stuart R. Gilham, Deceased, for his alleged wrongful death under the General Maritime laws, the Death on the High Seas Act ("DOHSA"), 46 U.S.C. §761 et seq., and the Jones Act, 46 U.S.C. §688.

Stuart R. Gilham, Deceased, was a citizen of England and was employed as a diver by Overseas Enterprises, Ltd., a company incorporated in the Channel Islands, which was under contract with K/S Seaway Diving A/S, a Norwegian corporation. On October 7, 1977, in the North Sea, Norwegian Sector, Stuart R. Gilham and two other divers were transferred in a basket from a drilling platform operated by Phillips Petroleum Company of Norway ("Phillips") to a ship called the Seaway Falcon by means of a crane located on the drilling platform. The Seaway Falcon was owned by K/S Seaway Supply & Support Ships A/S, a Norwegian corporation. The Seaway Falcon has a Norwegian registry and flies a Norwegian flag. Its crew was supplied by its Norwegian owner. Soon after the transfer plaintiff was injured when struck by a shifting container on the deck of the Seaway Falcon and he died one day later at the Rogland Hospital in Stavanger, Norway. Phillips had chartered the Seaway Falcon under an agreement with K/S Seaway Supply & Support Ships A/S & Co., and

the charter agreement provides an indemnification clause in favor of Phillips. Phillips contends it is incorporated in the State of Delaware and that although a few of its officers reside in Bartlesville, Oklahoma, its principal place of business operations is in Norway.

Phillips has moved to dismiss this action on the basis of forum non conveniens. The Court heard oral argument on May 28, 1981.^{1/} The parties were granted time to submit additional authority and the case is now ready for decision. The Court finds the Motion to Dismiss should be sustained for the following reasons:

The broad principles of choice of law established by the Jones Act cases beginning with Laruitzen v. Larsen, 345 U.S. 571, 73 S.Ct. 921, 97 L.Ed. 1254 (1953) were declared equally applicable to cases arising under the General Maritime law, Romero v. International Operating Co., 358 U.S. 354, 79 S.Ct. 457, 3 L.Ed.2d 54 (1959), or suits brought under the Death on the High Seas Act (DOHSA), Symonette Shipyards, Ltd. v. Clark, 365 F.2d 464 (5th Cir. 1966).

Laruitzen v. Larsen, supra, 345 U.S. 571, noted seven factors as significant for consideration in determining the applicable law in an admiralty context: (1) Place of wrongful act; (2) law of the flag; (3) allegiance or domicile of the injured; (4) allegiance of defendant shipowner; (5) place of the contract; (6) inaccessibility of foreign forum; and (7) law of the forum. Hellenic Lines, Ltd. v. Rhoditis, 398 U.S. 306, 90 S.Ct. 1731, 26 L.Ed.2d 253 (1970) expanded on these seven factors by noting an eighth factor of importance, the shipowner's base of operations.

Applying the eight factors to the instant case it at once becomes apparent the Jones Act, DOHSA or General Maritime law is not applicable in the instant case.

^{1/} At oral argument defendant reconfirmed if the case is dismissed for forum non conveniens it would waive jurisdiction and the statute of limitation if refiled in Norway by plaintiff.

1. Place of the wrongful act. The incident and injury occurred in the North Sea in the territorial waters of Norway.

2. Law of the flag. The ship upon which plaintiff's decedent was injured flew the Norwegian flag.

3. Allegiance or domicile of the injured. The citizenship and domicile of plaintiff's decedent was England.

4. Allegiance of the defendant shipowner. Norway.

5. Place of contract. The "Diving Service Contract on Board M/S Seaway Falcon between Phillips Petroleum Company of Norway and K/S Seaway Diving A/S" and the "Contract between Phillips Petroleum Company of Norway and K/S Seaway Supply & Support Ships A/S & Co. Charter of Utility Vessel Seaway Falcon" were executed in Stavanger, Norway.

6. Inaccessibility of foreign forum. The Norwegian forum is accessible.

7. Law of the forum. The facts in this case preponderate in favor of Norwegian law, though defendant has not elected to contest this Court's jurisdiction and may or may not be amenable to service of process in this Court or in the Courts of Delaware.

8. Base of operations. Although some of the officers and directors of Phillips reside and function in Bartlesville, Oklahoma, the principal place of business operations of Phillips is Stavanger, Norway. Even if one were to assume a U.S. base of operations, the substantial contact herein with Norway warrants the nonapplication of American law. See Chiazor v. Transworld Drilling Co., Ltd., 648 F.2d 1015, 1018 (5th Cir. 1981); Phillips v. Amoco Trinidad Oil Co., 632 F.2d 82 (9th Cir. 1980), cert.denied _____ U.S. _____. 101 S.Ct. 1999, 68 L.Ed.2d _____ (1981); Chirinos de Alvarez v. Creole Petroleum Corp., 613 F.2d 1240 (3rd Cir. 1980). See also Dos Santos v. Reading & Bates Drilling Co., 495 F.Supp. 834 (E.D.La. 1980).

The Court, therefore, finds the Jones Act, DOHSA, and the General Maritime law of the United States inapplicable in this case and the law of Norway applicable.

The Court will now consider the guideposts enunciated in Gulf Oil Corporation v. Gilbert, 330 U.S. 501, 67 S.Ct. 839, 91 L.Ed. 1055 (1947) in determining whether to dismiss plaintiff's complaint on the basis of forum non conveniens.

1. Private interest of the litigants. Plaintiff is a citizen of England as was the decedent. All witnesses expected to testify at the trial are Norwegian. Some of Phillips of Norway's officers and directors reside in Bartlesville, Oklahoma in this federal district, but none of them would be percipient witnesses regarding the accident or decedent's injury or death.

2. Relative ease of access to sources of proof. It appears from the documentation submitted by Phillips there are no sources of proof in this forum. The decedent's accident occurred in the North Sea in the territorial waters of Norway. Decedent was a citizen of England as is plaintiff. The medical records would appear to be available in Norway since deceased was treated at a hospital in Norway prior to his demise. Decedent's employer is in Europe and the owner of the ship on which deceased was injured is in Norway. The contracts between Phillips and the Norwegian shipowner and diving company were executed in Norway and was being performed in the Norwegian sector of the North Sea.

3. Availability of compulsory process. None of the witnesses to the relevant events would be subject to compulsory process to appear at trial of this case in this forum.

4. Cost of obtaining attendance of willing witnesses. All of the witnesses appear to reside in Europe and their presence in this forum would entail considerable cost.

5. Possibility of view of the premises. The ship on which the decedent was injured could not be viewed in this forum.

6. Enforceability of any judgment. Phillips states it would respond to any final judgment that might result in any recognized Court. Such judgment would be enforceable in the United States [47 Am.Jur.2d "Judgments" §930 et seq., §1215 et seq., §1232 et seq.] as well as from their assets in Norway.

7. The public interest in avoiding the administrative difficulties when litigation is handled in congested judicial centers instead of its origin. Because of the minimal contact with this forum, public interest favors a Norwegian forum as opposed to this forum.

8. The local interest in having localized controversies decided at home. This is not a localized controversy in which there is a local interest.

9. The judicial interest in adjudicating a case in a forum that is familiar with the applicable law which must govern a case. This Court has determined Norwegian law applicable in this case and not the law of the United States or Oklahoma.

IT IS THEREFORE ORDERED defendant's Motion to Dismiss for forum non conveniens is sustained on the condition the defendant submit to the jurisdiction of the Norwegian Courts, if filed within one year from this date or from the date of final judgment should there be an appeal herein; and waive any defense of statute of limitation available to it. If it is timely called to this Court's attention the defendant has not complied with these conditions, upon proper application by plaintiff the Court will reopen this case.

ENTERED this 24th day of November, 1981.


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

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

KEVIN PEARSON,)
)
Plaintiff,)
)
vs.) NO. CIV-81-C-419-B
)
INDEPENDENT SCHOOL DISTRICT)
NO. 3 OF BROKEN ARROW, TULSA)
COUNTY, OKLAHOMA; TOM SUMMERS,)
in his capacity as County)
Superintendent of Schools,)
Tulsa, County; OKLAHOMA STATE)
DEPARTMENT OF EDUCATION,)
)
Defendants.)

FILED

NOV 24 1981

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

ORDER

Plaintiff, an autistic, mentally retarded person of 18 years is a resident of Gatesway Foundation, Inc. He invokes jurisdiction of this Court pursuant to 20 U.S.C. §1415(e). He contends Tom Summers, County Superintendent of Schools of Tulsa County, Oklahoma, rendered a written decision on January 5, 1981, that plaintiff was not a resident for school purposes of the Broken Arrow Public Schools. 70 O.S. §1-113. On April 17, 1981, a due process hearing was held at plaintiff's request [20 U.S.C. §1415(b)(2)], and the Hearing Officer reversed the decision of the County Superintendent. Broken Arrow appealed this decision to an Appeal Team appointed by the Oklahoma State Department of Education. The Appeal Team found plaintiff was not a resident of the Broken Arrow Public Schools but was a resident of the Alex Public Schools [the school district where his parents reside] and it was that District's responsibility to make appropriate educational provision for plaintiff. Plaintiff appeals from that decision.

Presently before the Court are the following Motions:

- (i) Motion to Dismiss of Independent School District No. 3 of Broken Arrow;
- (ii) Motion to Dismiss of Tom Summers, County Superintendent of Schools of Tulsa County, Oklahoma; and
- (iii) Motion to Dismiss of the State Department of Education.

The plaintiff has not responded to these motions. The Motions to Dismiss should be sustained for the following reasons:

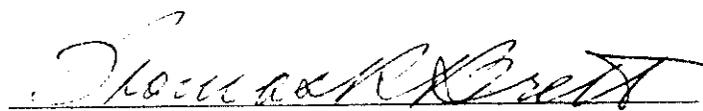
The Education of the Handicapped Act, 20 U.S.C. §1401 et seq., provides certain procedural safeguards which the State must afford parents and guardians of handicapped children in order to obtain federal funds under the Act. 20 U.S.C. §1415; 45 C.F.R. §121a.500 et seq. The federal scheme also specifies the circumstances under which a party aggrieved by a State agency's decision may appeal to state or federal court. 20 U.S.C. §1415(e); 45 C.F.R. §121a.509-512. A District Court has jurisdiction over such appeals without regard to the amount in controversy. 20 U.S.C. §1415(c)(2) and (4). Jurisdiction extends only to appeals from decisions rendered at the due process hearing. 20 U.S.C. §1415(e)(1); Stubbs v. Kline, 463 F.Supp. 110, 114 (W.D.Pa. 1978). Section 1415(e) provides for due process on matters relating to the "identification, evaluation or educational placement of the child" but does not encompass a state residency decision such as the decision complained of in this litigation.

In his complaint plaintiff states he is aggrieved "by that part of the Appeal Team decision concerning the responsibility of Independent School District No. 3 not to provide a free, appropriate public education to plaintiff" and "the decision of the County Superintendent as to his determination that plaintiff is not a resident, for school purposes, of Independent School District No. 3." There is no contention the due process procedure afforded by the State of Oklahoma is fatally defective, inadequate or fails to meet federal standards. Further, there is no contention Independent School District No. 3 and/or the Alex School District fail to fulfill the promise of a federally funded program. The gravamen of the complaint is the failure to determine Independent School District No. 3 of Broken Arrow is the residence of plaintiff so that he might attend school there for an additional two years.

The Court, therefore, finds, under the allegations of plaintiff's complaint, that it lacks jurisdiction under 20 U.S.C. §1415(e). Having so found, there is no reason to explore the various other grounds asserted by the defendants in support of their Motions to Dismiss.

IT IS, THEREFORE, ORDERED the Motions to Dismiss of the defendants are sustained and the case is dismissed for lack of jurisdiction.

ENTERED this 24th day of November, 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
NOV 24 1981

TECHNICO, INC.,

Plaintiff,

vs.

ENGINEERING MEASUREMENTS CO.,
INC.,

Defendant.

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

No. 80-C-397-E

O R D E R

This matter was set for final pretrial on Thursday, November 19, 1981, by the Court's Minute Order of September 16, 1981.

Presently pending in the case is Plaintiff's motion for summary judgment on Defendant's Counterclaim.

The pretrial conference was called by the Court at 9:30 on the date set, but neither counsel for Plaintiff nor counsel for Defendant appeared. Moreover, there had been no communication with the Court by either party, either requesting a continuance or advising the Court that counsel had a scheduling problem preventing their appearance at the time set.

Such being the case, the Court proceeded to examine the file, and having done so finds as follows:

The Plaintiff's motion for summary judgment on Defendant's Counterclaim should be granted. The Plaintiff's motion plainly shows that Defendant has, in the course of discovery, produced no facts that would in any way support the allegations of the Counterclaim. The Defendant's Response to Plaintiff's motion sets forth no factual matters, but merely argues that summary judgment is inappropriate. Rule 56(e), Fed.R.Civ.Pro., clearly requires more.

That Rule provides:

When a motion for summary judgment is made and supported as provided in this rule, an adverse party may not rest upon the mere allegations or denials of his pleading, but his response, by affidavits or as otherwise provided in this rule, must set forth specific facts showing that there is a genuine issue for trial. If he does not so respond, summary judgment, if appropriate, shall be entered against him.

Under the circumstances presented by the pleadings on file, the Court concludes that Defendant's Response is inadequate, and that sum-

mary judgment should be granted on Defendant's counterclaim in favor of Plaintiff and against Defendant.

The Court further finds that Plaintiff, by its failure to appear, has failed to prosecute within the meaning of Rule 41(b), Fed.R.Civ.Pro., and that the Court may sua sponte dismiss the case for that failure, Link v. Wabash Railroad Co., 370 U.S. 626, 82 S.Ct. 1386, 8 L.Ed.2d 734 (1962).

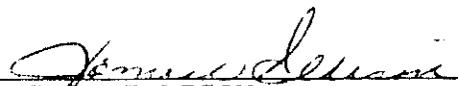
Inherent in the power of federal courts is the power to control their dockets. Pond v. Braniff Airways, Inc., 453 F.2d 347 (Fifth Cir. 1972); see Link v. Wabash Railroad Co., supra. Therefore, in appropriate circumstances, a district court may dismiss a complaint on the Court's own motion. Diaz v. Stathis, 440 F.Supp. 634 (D. Mass. 1977), aff'd, 576 F.2d 9 (First Cir. 1978); see, Literature, Inc. v. Quinn, 482 F.2d 372 (First Cir. 1973); see, e.g., Maddox v. Shroyer, 302 F.2d 903 (D.C. Cir. 1962), cert. denied, 371 U.S. 825, 83 S.Ct. 45, 9 L.Ed.2d 64 (1962).

The Court, being fully advised in the premises of this case, is of the opinion that dismissal is fully warranted, and that Plaintiff's Complaint should be dismissed for failure to prosecute.

IT IS THEREFORE ORDERED that Plaintiff's motion for summary judgment on Defendant's Counterclaim be, and the same hereby is granted, and that judgment be entered therein in favor of Plaintiff and against Defendant, Defendant to take nothing by its Counterclaim.

IT IS FURTHER ORDERED that Plaintiff's Complaint be, and the same hereby is, dismissed with prejudice for failure to prosecute.

It is so Ordered this 24th day of November, 1981.



JAMES O. ELLISON
UNITED STATES DISTRICT JUDGE

UNITED STATES DISTRICT COURT FOR THE
NORTHERN DISTRICT OF OKLAHOMA

UNITED STATES OF AMERICA,)
)
Plaintiff,)
)
vs.)
)
EDMOND P. LENIHAN,)
)
Defendant.)

CIVIL ACTION NO. 81-C-566-B

FILED

NOV 23 1981

Jack C. Silver, Clerk

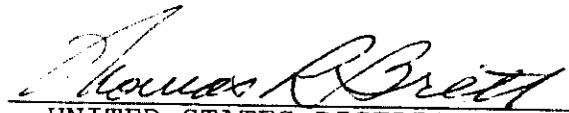
U. S. DISTRICT COURT

AGREED JUDGMENT

This matter comes on for consideration this 23rd day of November, 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, Edmond P. Lenihan, appearing pro se.

The Court, being fully advised and having examined the file herein, finds that the Defendant, Edmond P. Lenihan, was personally served with Summons and Complaint on October 23, 1981. The Defendant has not filed his Answer but in lieu thereof has agreed that he is indebted to the Plaintiff in the amount alleged in the Complaint and that Judgment may accordingly be entered against him in the amount of \$827.23, plus 12% interest from the date of this Judgment until paid.

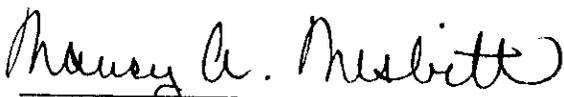
IT IS THEREFORE, ORDERED, ADJUDGED, AND DECREED that the Plaintiff have and recover Judgment against the Defendant, Edmond P. Lenihan, in the amount of \$827.23, plus 12% interest from the date of this Judgment until paid.


UNITED STATES DISTRICT JUDGE

APPROVED:

UNITED STATES OF AMERICA

FRANK KEATING
United States Attorney


NANCY A. NESBITT
Assistant U.S. Attorney


EDMOND P. LENIHAN

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

JACK FIELDS, AND ELIZABETH FIELDS,)
INDIVIDUALLY AND AS GUARDIAN AD)
LITEM FOR THERESA FIELDS AND MARY)
LU HILDERBRAND AS GUARDIAN AD)
LITEM FOR DEREK SHANE HILDERBRAND,)

Plaintiffs,)

vs.)

POLAR EXPRESS, INC., AN)
ARKANSAS CORPORATION,)

Defendant.)

NO. 81-C-286-B

FILED

NOV 23 1981

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

ORDER OF DISMISSAL

ON THIS 23rd day of November, 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.

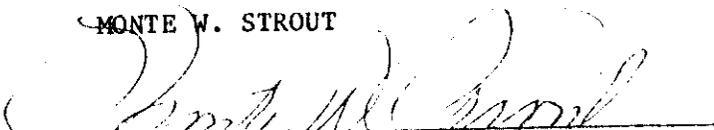
The Court further finds that none of the sums being paid is more than NINE HUNDRED FIFTY DOLLARS (\$950.00) over and above actual expenses to the minors involved. The Court being fully advised in the premises, further finds that said Complaint should be dismissed pursuant to said application.

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

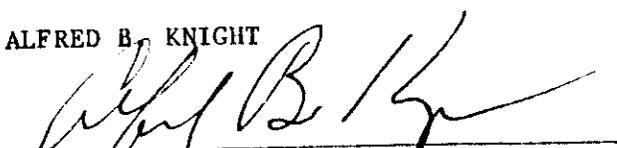

JUDGE, UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF OKLAHOMA

APPROVALS:

MONTE W. STROUT


Attorney for Plaintiffs,

ALFRED B. KNIGHT


Attorney for Defendant.

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

UNITED STATES OF AMERICA,)
)
 Plaintiff,)
)
 vs.)
)
 CHARLES A. ROACHES, et. al.,)
)
 Defendants.)

CIVIL ACTION NO. 80-C-232-B

FILED

NOV 23 1981

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

JUDGMENT OF FORECLOSURE

THIS MATTER comes on for consideration this 23rd day of November, 1981, the Plaintiff appearing by Frank Keating, United States Attorney for the Northern District of Oklahoma, through Nancy A. Nesbitt, Assistant United States Attorney; the Defendants, County Treasurer, Tulsa County, Oklahoma, and Board of County Commissioners, Tulsa County, Oklahoma, appearing by David Carpenter, Assistant District Attorney; the Defendant, Donald E. Smolen, appearing on his own behalf; and, the Defendants, Charles A. Roaches and Tena P. Roaches, appearing not.

The Court being fully advised and having examined the file herein finds that on October 2, 1981, the Court entered a Partial Agreed Judgment determining priority of the interests of the Plaintiff and the Defendants, County Treasurer, Tulsa County, Oklahoma, Board of County Commissioners, Tulsa County, Oklahoma, and Donald E. Smolen, a copy of which is attached and incorporated herein by reference. At the time of trial, the interest of the Defendants, Charles A. Roaches and Tena P. Roaches, remained to be determined.

In this regard it appears that the Defendants, Charles A. Roaches and Tena P. Roaches, were personally served with Summons, Complaint and Amendment to Complaint on May 13, 1980, and February 6, 1981, respectively, and they filed their Answer herein on June 18, 1980. This matter was set for trial on October 26, 1981. At that time, the Court directed the entry of default against Charles A. Roaches and Tena P. Roaches for their failure to appear.

The Court finds that this is a suit based upon a note and a mortgage securing said note covering the following-described real property located in Tulsa County, Oklahoma:

Lot Fourteen (14), Block Six (6), SCOTTSDALE ADDITION, an Addition in Tulsa County, State of Oklahoma, according to the recorded plat thereof;

On October 13, 1977, Charles A. Roaches and Tena P. Roaches executed and delivered to the United States of America, acting through the Farmers Home Administration, their note in the principal amount of \$22,900.00, plus interest on the unpaid principal at 8 1/2 percent per annum. On that same date, Charles A. Roaches and Tena P. Roaches executed a real estate mortgage on the above-described real property to secure the payment of their note.

Charles A. Roaches and Tena P. Roaches became delinquent in their payments on the note necessitating the acceleration of the payments on November 30, 1979. Charles A. Roaches and Tena P. Roaches are now indebted to the Plaintiff in the principal amount of \$23,306.98, plus interest to September 15, 1981, of \$4,342.89, with interest accruing thereafter at the rate of \$5.7469 per day, plus the costs of this action accrued and accruing. Plaintiff has expended \$398.77 for the 1978-79 real estate taxes on the subject property and \$100.00 for title opinions.

The Court further finds that there is due and owing to the Board of County Commissioners, Tulsa County, Oklahoma, real estate taxes in the amount of \$181.38 for the year 1980 and \$163.20 for the year 1981 as of the date of this judgment plus interest thereafter according to law.

There are personal property taxes in the amount of \$38.00 plus interest according to law now due and owing from Charles A. Roaches and Tena P. Roaches for the years 1978-79 to the County Treasurer, Tulsa County, Oklahoma.

The Court further finds that on April 18, 1980, Charles A. Roaches and Tena P. Roaches executed and delivered to Donald E. Smolen their note in the principal amount of \$4,500.00 plus interest on the unpaid principal at 10 percent per annum. On that same date,

Charles A. Roaches and Tena P. Roaches executed a real estate mortgage on the above-described real property to secure the payment of their note.

Charles A. Roaches and Tena P. Roaches made no payments on this note and on July 18, 1980, the entire debt was accelerated. Charles A. Roaches and Tena P. Roaches are now indebted to the Defendant, Donald E. Smolen, in the principal amount of \$4,500.00, with interest from April 18, 1980, accruing at the rate of 10 percent per annum.

IT IS THEREFORE ORDERED, ADJUDGED, AND DECREED that the Plaintiff, United States of America, have and recover judgment against the Defendants, Charles A. Roaches and Tena P. Roaches, in the principal amount of \$23,306.98, plus interest to September 15, 1981, of \$4,342.89, with interest accruing thereafter at the rate of \$5.7469 per day, and the costs of this action accrued and accruing. It is further ordered that the Plaintiff have and recover judgment against said Defendants in the amount of \$398.77, which was expended by Plaintiff for 1978-79 real estate taxes on the subject property; \$100.00, which was expended for title opinions; and, any additional amounts advanced or to be advanced by Plaintiff during the pendency of this foreclosure action for taxes, insurance, abstracting, or the preservation of the subject property.

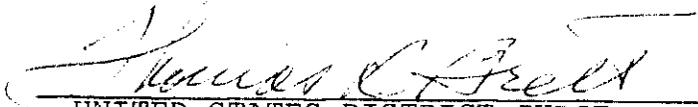
IT IS FURTHER ORDERED, ADJUDGED, AND DECREED that the Board of County Commissioners, Tulsa County, Oklahoma, have and recover judgment against the Defendants, Charles A. Roaches and Tena P. Roaches, in the amount of \$344.58 as of the date of this judgment plus interest thereafter according to law, and such judgment is superior to the first mortgage lien of the Plaintiff herein.

IT IS FURTHER ORDERED, ADJUDGED, AND DECREED that the County Treasurer, Tulsa County, Oklahoma, have and recover judgment against the Defendants, Charles A. Roaches and Tena P. Roaches, in the amount of \$38.00, plus interest according to law, but such judgment is subject to and inferior to the first mortgage lien of the Plaintiff herein.

IT IS FURTHER ORDERED, ADJUDGED, AND DECREED that Donald E. Smolen have and recover judgment against the Defendants, Charles A. Roaches and Tena P. Roaches, in the amount of \$4,500.00 plus interest on the unpaid principal at 10 percent per annum, but such judgment is subject to and inferior to the first mortgage lien of the Plaintiff herein.

IT IS FURTHER ORDERED, ADJUDGED, AND DECREED that upon the failure of the Defendants, Charles A. Roaches and Tena P. Roaches, 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, which sale shall be subject to the tax judgment of Tulsa County. The residue, if any, shall be deposited with the Clerk of the Court to await further order of the Court.

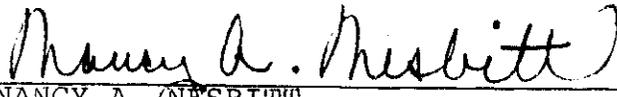
IT IS FURTHER ORDERED, ADJUDGED, AND DECREED that from and after the sale of said property, under and by virtue of this judgment and decree, all of the Defendants and each of them and all persons claiming under them since the filing of the Complaint herein be and they are forever barred and foreclosed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

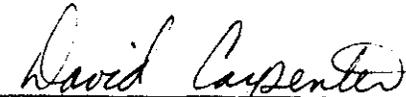

UNITED STATES DISTRICT JUDGE

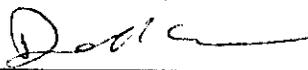
APPROVED AS TO FORM:

UNITED STATES OF AMERICA

FRANK KEATING
United States Attorney


NANCY A. NESBITT
Assistant United States Attorney


DAVID CARPENTER
Assistant District Attorney


DONALD E. SMOLEN

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

SOUTHWESTERN BELL TELEPHONE CO.,)
a Missouri Corporation,)
)
Plaintiff,)
)
vs.)
)
AUDIO VISUAL ENTERPRISES, INC.,)
)
Defendant.)

No. 81-C-352-E

FILED
NOV 20 1981

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

O R D E R

The parties to this action have previously advised the Court of their intent to stipulate to a Consent Decree in this case. Based upon the statement of counsel, it is no longer necessary for the Court to keep this case upon the Court's docket.

Accordingly, 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, if necessary, at any time within 90 days from the date of this Order.

It is so Ordered this 20th day of November, 1981.



JAMES O. ELLISON
UNITED STATES DISTRICT JUDGE

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

THE UNIVERSITY OF TULSA)
)
Plaintiff)
)
vs.)
)
INTERNATIONAL UNION OF OPERATING)
ENGINEERS, LOCAL NO. 627,)
)
Defendant.)

No. 81-C-26-E ✓

FILED

NOV 20 1981

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

J U D G E M E N T

This matter came on for hearing on cross-motions for summary judgement on the question of enforcement of a labor arbitration award. In its motion for summary judgement, the defendant requested an award of a reasonable attorney's fee and costs. After reading the briefs filed by the parties, the Court makes the following findings:

1. The Court has jurisdiction of this matter pursuant to Section 301 of the Labor Management Relations Act of 1947, 29 U.S.C. Sec. 185.
2. The Plaintiff is seeking to have vacated an arbitrator's award that directed the Plaintiff to reinstate Robert Synder to his job at the University of Tulsa. The Defendant seeks enforcement of the labor arbitration award.
3. Since there exists no dispute as to any material issues of fact, the matter is appropriate for summary judgement, Rule 56, Fed. R. Civ. Pro.
4. Based upon oral presentations of Counsel and the brief filed by the parties, the Court finds that summary judgement in favor of Defendant is appropriate.
5. The Court cannot say that Plaintiff has acted in bad faith, vexatiously, wantonly, or for oppressive reasons in prosecuting this action. Accordingly, the Defendant's request for assessment of attorney's fees must be denied.

IT IS THEREFORE ORDERED that the Plaintiff's Motion for summary judgement be, and the same hereby is, overuled, and Defendant's Motion for summary judgement is hereby sustained, and that Defendant recover its costs herein, exclusive of attorney's fees.

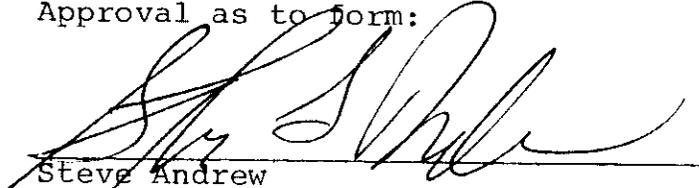
IT IS FURTHER ORDERED that Plaintiff immediately comply with all

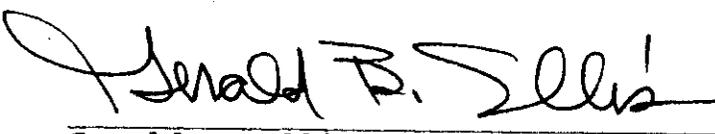
the provisions of the Arbitration Award including reinstating Robert Synder.

It is so ordered this 20th day of November, 1981.


UNITED STATES DISTRICT JUDGE

Approval as to form:


Steve Andrew
Sublett, McCormick, Andrew & Keefer
Suite 1776
One Williams Center
Tulsa, Oklahoma 74172
Attorneys for Plaintiff


Gerald B. Ellis
Int'l Union of Operating Engineers
Local 627
12109 E. Skelly Drive
Tulsa, Oklahoma 74128
Attorney for Defendant

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

ROBERT O'NEAL and MADFLYN)
O'NEAL, Husband and Wife,)
)
Plaintiffs,)
)
vs.)
)
FORD MOTOR COMPANY, a)
Michigan corporation,)
)
Defendant and)
Third-Party Plaintiff)
)
vs.)
)
PRISCILLA F. DOUGHERTY,)
)
Third-Party)
Defendant.)

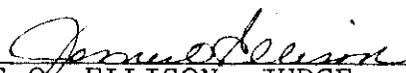
No. 80-C-713-E

FILED
NOV 20 1981
Jack C. Silver, Clerk
U. S. DISTRICT COURT

ORDER OF DISMISSAL WITH PREJUDICE

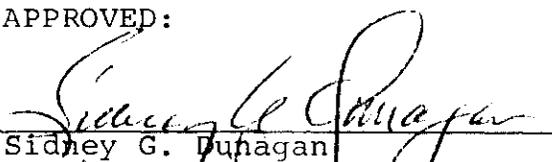
There comes on for consideration the application of the parties hereto for an order dismissing the above-captioned action and each and every claim for relief set forth therein, with prejudice, and the Court being fully advised, and the parties stipulating that they have reached a settlement and compromise of their disputes, and for good cause shown, FINDS and IT IS ORDERED that plaintiffs' Complaint, defendant Ford Motor Company's Third-Party Complaint, and third party defendant Priscilla F. Dougherty's Cross-Claim and each and every cause of action and claim for relief set forth therein should be and are hereby dismissed with prejudice; and each party hereto shall bear its own costs and attorneys' fees.

Dated this 20th day of November, 1981.

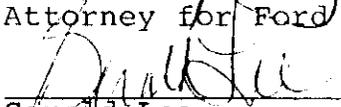


JAMES O. ELLISON, JUDGE
United States District Court
Northern District of Oklahoma

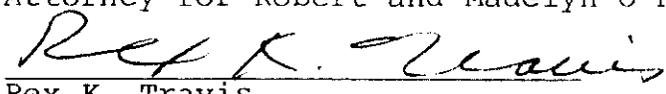
APPROVED:



Sidney G. Duhagan
Attorney for Ford Motor Company



Gerald Lee
Attorney for Robert and Madelyn O'Neal



Rex K. Travis
Attorney for Priscilla F. Dougherty

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

POLLY LOU BURGESS, Executrix of
the Last Will and Testament of
Clarence Harvey Burgess, Deceased,
Plaintiff,

vs.

THE ATCHISON, TOPEKA AND SANTA FE
RAILWAY COMPANY,

Defendant.

NO. 81-~~6~~-169-C

FILED

NOV 20 1981

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

STIPULATION OF DISMISSAL

COME NOW Plaintiff and Defendant pursuant to Rule
41 (a) (1) and stipulate to the dismissal of the above
styled and numbered cause without prejudice to any future
action.

FRASIER, FRASIER & GULLEKSON

By: Thomas Dee Frasier
THOMAS DEE FRASIER
Attorney for Plaintiff
717 South Houston, Suite 400
Tulsa, Oklahoma 74127
(918)-584-4724

and

RAINEY, ROSS, RICE & BINNS

By: Rodney L. Cook
RODNEY L. COOK
Attorney for Defendant
725-W First National Center
Oklahoma City, Oklahoma 73102
(405)-235-1356

United States District Court

FOR THE

NORTHERN DISTRICT OF OKLAHOMA

CIVIL ACTION FILE NO. 80-C-261-E

MICHAEL COLLINS,
Plaintiff,
vs.
KERMIT DALE HOFFMEIER,
Defendant.

JUDGMENT

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

It is Ordered and Adjudged having found both plaintiff and defendant equally negligent, that each party take nothing and each to bear their own costs of action.

1981 Nov 20
J. O. Ellison
U. S. DISTRICT COURT

Dated at Tulsa, Oklahoma, this 20th day
of November, 1981.

Jack C. Selver
Clerk of Court

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

FILED

NOV 19 1981

Jack C. Silver, Clerk
U S DISTRICT COURT

JEROME WAYNE PAUL,

Plaintiff,

vs.

ELIZABETH BENSON,

Defendant.

No. 81-C-93-E

O R D E R

Upon the application of the plaintiff and for good
cause shown, this action is dismissed with prejudice.

DATED this 19 day of November,

1981.

S/ JAMES O. ELLISON

UNITED STATES DISTRICT JUDGE

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

B.P.M., LTD.,)
)
Plaintiff,)
)
vs.) 80-C-192-B
)
GIANT INDUSTRIES, INC.,)
)
Defendant.)

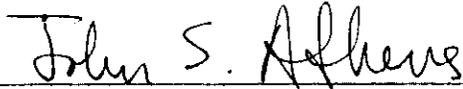
FILED

10/10/80

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

STIPULATION OF DISMISSAL WITH PREJUDICE

The parties hereby stipulate that the Complaint of the Plaintiff and the Counterclaim of the Defendant (as amended by the Pre-Trial Order) be dismissed with prejudice, each party to bear its own costs.



John S. Athens
David Strecker
Conner, Winters, Ballaine,
Barry & McGowen
First National Tower
Tulsa, Oklahoma 74103
Attorneys for Defendant



Ronald N. Ricketts
Gable, Gotwals, Rubin, Fox,
Johnson & Baker
20th Floor, Fourth National Bldg.
Tulsa, Oklahoma 74119
Attorneys for Plaintiff

FILED

UNITED STATES DISTRICT COURT FOR THE
NORTHERN DISTRICT OF OKLAHOMA

NOV 18 1981

Jack C. Silver, Clerk
U S DISTRICT COURT

UNITED STATES OF AMERICA,)
)
 Plaintiff,)
)
 vs.)
)
 JAMES P. ANTHONY,)
)
 Defendant.)

CIVIL ACTION NO. 81-C-510-B

DEFAULT JUDGMENT

This matter comes on for consideration this 18th day of November, 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, James P. Anthony, appearing not.

The Court being fully advised and having examined the file herein finds that Defendant, James P. Anthony, was personally served with Summons and Complaint on September 25, 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, James P. Anthony, for the principal sum of \$688.20 (less the sum of \$380.00 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

FILED

NOV 18 1981

Jack C. Silvermark
U. S. DISTRICT COURT

UNITED STATES OF AMERICA,)

Plaintiff,)

vs.)

JAMES B. KYLE, JR.,)

Defendant.)

CIVIL ACTION NO. 81-C-451-B

DEFAULT JUDGMENT

This matter comes on for consideration this 18th day of November, 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, James B. Kyle, Jr., appearing not.

The Court being fully advised and having examined the file herein finds that Defendant, James B. Kyle, Jr., was personally served with Summons and Complaint on September 4, 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, James B. Kyle, Jr., for the principal sum of \$2,259.00 (less the sum of \$945.00 which has been paid), plus interest at the legal rate from the date of this Judgment until paid.


UNITED STATES DISTRICT JUDGE

FILED

UNITED STATES DISTRICT COURT FOR THE
NORTHERN DISTRICT OF OKLAHOMA

NOV 18 1981

Jack C. Silver Clerk
U S DISTRICT COURT

UNITED STATES OF AMERICA,)

Plaintiff,)

vs.)

CIVIL ACTION NO. 81-C-380-B

CHARLES J. GOODMAN a/k/a)

CHARLES JOHN GOODMAN,)

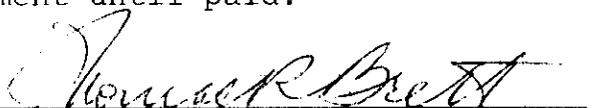
Defendant.)

DEFAULT JUDGMENT

This matter comes on for consideration this 18th day of November, 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, Charles J. Goodman a/k/a Charles John Goodman, appearing not.

The Court being fully advised and having examined the file herein finds that Defendant, Charles J. Goodman a/k/a Charles John Goodman, was personally served with Summons and Complaint on August 19, 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, Charles J. Goodman a/k/a Charles John Goodman, for the principal sum of \$935.00 (less the sum of \$850.00 which has been paid), plus the accrued interest of \$364.69 as of March 3, 1980, plus interest at 7% from March 3, 1980, until the date of Judgment, plus interest at the legal rate on the principal sum of \$935.00 (less the sum of \$850.00) from the date of Judgment until paid.


UNITED STATES DISTRICT JUDGE

FILED
NOV 18 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.)
)
 BILLY J. DUNN,)
)
 Defendant.)

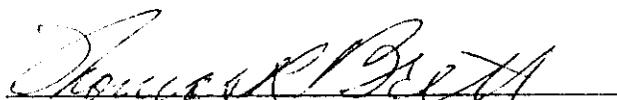
CIVIL ACTION NO. 80-C-617-B

DEFAULT JUDGMENT

This matter comes on for consideration this 18th day of November, 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, Billy J. Dunn, appearing not.

The Court being fully advised and having examined the file herein finds that Defendant, Billy J. Dunn, was personally served with Summons and Complaint on November 25, 1980. 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, Billy J. Dunn, for the principal sum of \$572.40 (less the sum of \$200.00 which has been paid), plus the accrued interest of \$285.38 as of October 1, 1980, plus interest at 7% from October 1, 1980, until the date of Judgment, plus interest at the legal rate on the principal sum of \$572.40 (less the sum of \$200.00) from the date of Judgment until paid.


UNITED STATES DISTRICT JUDGE

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

FILED
NOV 17 1981 *dm*

INSURANCE COMPANY OF NORTH)
AMERICA,)
)
Plaintiff,)
)
vs.)
)
BILL MILLER AIRCRAFT SERVICES,)
INC., an Oklahoma corporation;)
BILL MILLER individually, and)
NORMAN D. LICKTEIG, individually,)
)
Defendants.)

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

No. 80-C-449-E ✓

ORDER

The parties hereto having entered into a stipulation and agreement that the claims and causes of action of the plaintiff, Insurance Company of North America, and the claims and causes of action of the defendants, Bill Miller Aircraft Services, Inc., Bill Miller Individually and and Norman D. Lickteig individually shall be dismissed with prejudice which stipulation and agreement the Court approves, the Court being fully advised.

IT IS HEREBY ORDERED that the claims and causes of action of the Insurance Company of North America and the claims and causes of action of Bill Miller Aircraft Services, Inc., Bill Miller Individually and Norman D. Licketig individually, in the above styled and numbered cause be and the same are hereby dismissed with prejudice.

DATED this 17 day of November, 1981.

S/ JAMES O. ELLISON

UNITED STATES DISTRICT JUDGE

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

NOV 17 1981

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

GSA EQUITY, INC. and
HOSPITALITY MANAGEMENT
CORPORATION,

Plaintiffs,

VS.

PAUL D. HINCH,

Defendant.

§
§
§
§
§
§
§
§
§
§

NO. 80-C-243-E ✓

ORDER OF DISMISSAL

On this day came on to be heard the Motion of GSA Equity, Inc. and Hospitality Management Corporation, Plaintiffs, in the above entitled and numbered cause, seeking confirmation of the withdrawal of all claims and dismissal with prejudice of all causes of action brought by Plaintiffs against Paul D. Hinch, Defendant. The Court is of the opinion and finds that all matters in dispute between the parties have been fully and finally compromised and settled and that no adjudication of liability on the part of any party has been made.

IT IS THEREFORE ORDERED, ADJUDGED AND DECREED that all causes of action brought by Plaintiffs against Defendant in the above entitled and numbered cause be, and the same are hereby dismissed with prejudice to the right of any Plaintiff to refile same. All costs of court shall be taxed against the respective party who incurred same.

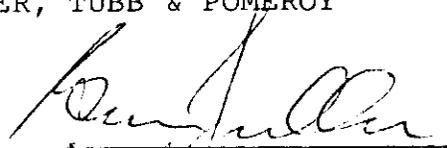
SIGNED this 17th day of November, 1981.

S/ JAMES O. ELLISON

JUDGE PRESIDING U.S.D.J.

APPROVED:

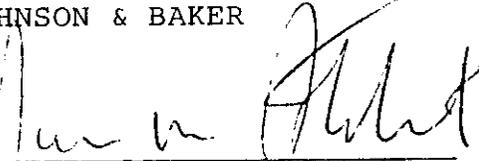
FULLER, TUBB & POMEROY

By: 

G. M. Fuller

306 Fidelity Plaza
Oklahoma City, Oklahoma 73102
405/235-2575

GABLE, GOTWALS, RUBIN, FOX,
JOHNSON & BAKER

By: 

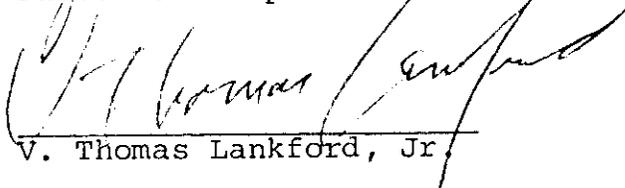
James M. Sturdivant

20th Floor, Fourth National Building
Tulsa, Oklahoma 74419
918/582-9201

SHARP, RANDOLPH & GREEN

By: 

James E. Sharp

By: 

V. Thomas Lankford, Jr.

1800 Massachusetts Avenue, N.W.
Washington, D.C. 20036
202/659-2400

ATTORNEYS FOR PLAINTIFFS

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

By: 

William B. Jones

Suite 400, 201 West 5th Street
Tulsa, Oklahoma 74103
918/583-1115

FREYTAG, MARSHALL, BENEKE,
LAFORCE, RUBINSTEIN & STUTZMAN

By: 

Roger D. Marshall

3131 Turtle Creek Blvd.
Dallas, Texas 75219
214/522-5171

ATTORNEYS FOR DEFENDANT

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

JIMMY BRANSON WHEAT and
DEBBIE WHEAT, Husband
and Wife,

Plaintiffs,

vs.

VULCAN TANK CORPORATION,
a suspended Oklahoma
corporation; TEXACO INC.,
a foreign corporation;
BECHTEL CORPORATION, a
foreign corporation; and
FRAM CORPORATION, a
foreign corporation,

Defendants.

NO. 81-C-571-B ✓

FILED
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JE
U.S. DISTRICT COURT
NORTHERN DISTRICT OF OKLAHOMA

ORDER DISMISSING TEXACO INC.

Pursuant to representations of counsel for plaintiffs
in confessing Texaco Inc.'s (Texaco's) Motion to Dismiss filed
on October 26, 1981,

IT IS HEREBY ORDERED that, at the time of the incident
and injuries alleged in plaintiffs' complaint, Texaco was the
principal or "statutory" employer of plaintiff Jimmy Branson
Wheat and therefore is immune from common law tort liability
arising from said incident by virtue of the exclusive remedy pro-
visions of the Oklahoma Workers' Compensation Act, Okla. Stat.,
Title 85, §12 (1971); and

IT IS FURTHER ORDERED that in accordance with the above
and foregoing findings and conclusions, Texaco should be and is
hereby dismissed as a party to this action with prejudice.

DATED this 16th day of November, 1981.

Thomas R. Press
UNITED STATES DISTRICT JUDGE

APPROVED AS TO FORM AND CONTENT:

John F. McCormick, Jr.
John F. McCormick, Jr.
Pray, Walker, Jackman, Williamson & Marlar
2000 Fourth National Building
Tulsa, Oklahoma 74119
Attorney for Plaintiffs

James D. Hurley
James D. Hurley
Texaco Inc.
P.O. Box 2420
Tulsa, Oklahoma 74102
Attorney for Texaco Inc.

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

JAMES A. MARINO and)
PATRICIA MARINO, Husband)
and Wife,)

Plaintiffs,)

vs.)

NO. 81-C-572-B

VULCAN TANK CORPORATION,)
a suspended Oklahoma)
corporation; TEXACO INC.,)
a foreign corporation;)
BECHTEL CORPORATION, a)
foreign corporation; and)
FRAM CORPORATION, a)
foreign corporation,)

Defendants.)

F I L

NOV 21 1981

Jack C. ...
U.S. DISTRICT COURT

ORDER DISMISSING TEXACO INC.

Pursuant to representations of counsel for plaintiffs in confessing Texaco Inc.'s (Texaco's) Motion to Dismiss filed on October 26, 1981,

IT IS HEREBY ORDERED that, at the time of the incident and injuries alleged in plaintiffs' complaint, Texaco was the principal or "statutory" employer of plaintiff James A. Marino and therefore is immune from common law tort liability arising from said incident by virtue of the exclusive remedy provisions of the Oklahoma Workers' Compensation Act, Okla. Stat., Title 85, §12 (1971); and

IT IS FURTHER ORDERED that in accordance with the above and foregoing findings and conclusions, Texaco should be and is hereby dismissed as a party to this action with prejudice.

DATED this 16th day of November, 1981

S/ THOMAS R. BRETT
UNITED STATES DISTRICT JUDGE

APPROVED AS TO FORM AND CONTENT:

John F. McCormick, Jr.
Pray, Walker, Jackman, Williamson & Marlar
2000 Fourth National Building
Tulsa, Oklahoma 74119
Attorney for Plaintiffs

James D. Hurley
James D. Hurley
Texaco Inc.
P. O. Box 2420
Tulsa, Oklahoma 74102
Attorney for Texaco Inc.

UNITED STATES DISTRICT COURT FOR THE
NORTHERN DISTRICT OF OKLAHOMA

NOV 17 1981

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

UNITED STATES OF AMERICA,)
)
Plaintiff,)
)
vs.) CIVIL ACTION NO. 81-C-450-E
)
GEORGE L. CROMER,)
)
Defendant.)

DEFAULT JUDGMENT

This matter comes on for consideration this 17th day of November, 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, George L. Cromer, appearing not.

The Court being fully advised and having examined the file herein finds that Defendant, George L. Cromer, was personally served with Summons and Complaint on September 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, George L. Cromer, for the principal sum of \$696.44 (less the sum of \$200.00 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

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

JAMES W. BOLT,

Plaintiff,

vs.

NOV 17, 1981

No. 81 C-293 C

THE CITY OF CHERRYVALE, KANSAS,
et al.,

U.S. DISTRICT COURT

Defendants.

J O U R N A L E N T R Y

NOW, on this 29th day of October, 1981, this matter comes on for hearing on the Motion to Dismiss filed herein on behalf of all defendants by Jeffrey A. Chubb. The defendants appear by Woody D. Smith and the Plaintiff appears not. There are no other appearances.

WHEREUPON, the Court examines the file and finds that no service of process has been attempted or achieved on any of the named defendants herein and the Plaintiff has made no efforts which appear of record towards serving the named defendants herein. The Court finds that this matter should be dismissed without prejudice.

IT IS THEREFORE BY THE COURT CONSIDERED, ORDERED AND ADJUDGED that the above findings become and are the Order of this Court.

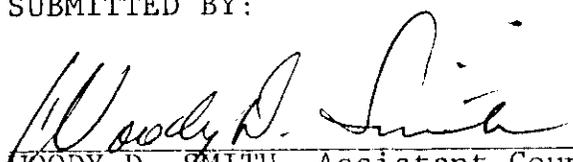
IT IS FURTHER ORDERED that this matter be dismissed forthwith without prejudice.

IT IS FURTHER ORDERED that costs of this matter be assessed to Plaintiff.



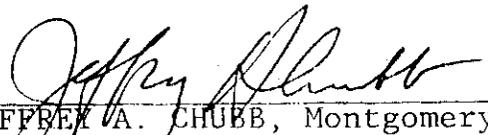
JUDGE

SUBMITTED BY:



WOODY D. SMITH, Assistant County
Attorney, defendant, Montgomery
County Courthouse, Independence, Kansas 67301
316-331-5540

APPROVED BY:



JEFFREY A. CHUBB, Montgomery County Attorney,
defendant and Attorney for defendants herein
Montgomery County Courthouse
Independence, Kansas 67301
316-331-5540

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

JAMES W. BOLT,

Plaintiff,

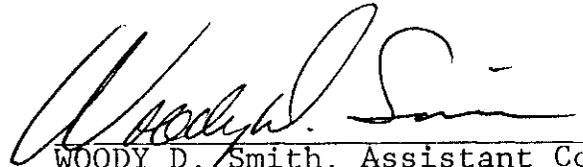
vs.
THE CITY OF CHERRYVALE, KANSAS,
et al.,

No. 81 C-293 C

Defendants.

CERTIFICATE OF SERVICE

I hereby certify that on the 10th day of November, 1981, I mailed a true and correct copy of the above Journal Entry to James W. Bolt, 247 N. Pine, Nowata, Oklahoma and to James W. Bolt, 145 White Oak Lane (Lost Bridge Area) Garfield, Arkansas, postage prepaid.



WOODY D. Smith, Assistant County
- Attorney, defendant, Montgomery
County Courthouse, Independence,
Kansas, 67301
316-331-5540

UNITED STATES DISTRICT COURT FOR THE
NORTHERN DISTRICT OF OKLAHOMA

UNITED STATES OF AMERICA,)
)
 Plaintiff,)
)
 vs.) CIVIL ACTION NO. 81-C-449-C
)
 HERBERT A. ROBERTS,)
)
 Defendant.)

DEFAULT JUDGMENT

This matter comes on for consideration this 16th day of November, 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, Herbert A. Roberts, appearing not.

The Court being fully advised and having examined the file herein finds that Defendant, Herbert A. Roberts, was personally served with Summons and Complaint on September 2, 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, Herbert A. Roberts, for the principal sum of \$966.50, plus interest at the legal rate from the date of this Judgment until paid.

151 W. Dale Cook
UNITED STATES DISTRICT JUDGE

UNITED STATES DISTRICT COURT FOR THE
NORTHERN DISTRICT OF OKLAHOMA

UNITED STATES OF AMERICA,)
)
 Plaintiff,)
)
 vs.) CIVIL ACTION NO. 81-C-487-C
)
 CLARENCE RAY BUTTERFIELD,)
 a/k/a C. R. BUTTERFIELD,)
 a/k/a CLARENCE BUTTERFIELD,)
)
 Defendant.)

DEFAULT JUDGMENT

This matter comes on for consideration this 16th day of November, 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, Clarence Ray Butterfield, a/k/a C. R. Butterfield, a/k/a Clarence Butterfield, appearing not.

The Court being fully advised and having examined the file herein finds that Defendant, Clarence Ray Butterfield, a/k/a C. R. Butterfield, a/k/a Clarence Butterfield, was personally served with Summons and Complaint on September 19, 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, Clarence Ray Butterfield, a/k/a C. R. Butterfield, a/k/a Clarence Butterfield, for the principal sum of \$1,191.06 (less the sum of \$860.00 which has been paid), plus interest at the legal rate from the date of this Judgment until paid.

15/ W. Dale Cook
UNITED STATES DISTRICT JUDGE

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

FILED
NOV
1981
U.S. DISTRICT COURT

UNITED STATES OF AMERICA,
Plaintiff,
vs.
THERESE DICKENSON,
Defendant.

Civil No. 81-C-223-E

JOURNAL ENTRY OF JUDGMENT

This matter comes on for consideration this 13th day of November, 1981, the Plaintiff appearing by Frank Keating, United States Attorney for the Northern District of Oklahoma, and the Defendant, Therese Dickenson, appearing not.

The Court having been fully advised and having examined the file herein finds that Defendant, Therese Dickenson, was personally served with Summons and Complaint and filed her Answer to the Plaintiff's Complaint on July 21, 1981. On September 2, 1981, the Government filed its Motion and Brief in Support of its Motion for Summary Judgment. Defendant, Therese Dickenson, has failed to respond to Plaintiff's motion.

Under local Rule 14(a), Rules of the United States District Court for the Northern District of Oklahoma (as amended, effective March 1, 1981), failure to file memoranda in opposition to a motion within ten (10) days after the filing of the motion constitutes a waiver of objection to the motion by the party not complying. Local court rules are binding upon the parties and upon the court which promulgates them. Woods Construction Company v. Atlas Chemical Industry, 337 F.2d 888 (10th Cir., 1964).

Furthermore, Rule 56(e) of the Federal Rules of Civil Procedure requires that an adverse party when faced with a motion for summary judgment respond by setting forth specific facts but that show there exists genuine issues of fact for trial. If no response is made, summary judgment if appropriate shall be entered.

Having reviewed the pleadings on file and the attachments thereto, including the arguments advanced by counsel for Plaintiff and the relevant authorities, the Court concluded on October 30, 1981, that Plaintiff's Motion for Summary Judgment be sustained and that it was entitled to judgment as a matter of law.

IT IS, THEREFORE, ORDERED, ADJUDGED AND DECREED that the Plaintiff have and recover judgment against the Defendant, Therese Dickenson, for the principal sum of \$1,350.00, plus accrued interest of \$405.41 as of November 15, 1980, plus interest at seven percent (7%) per annum from May 19, 1981 until the date of judgment, plus interest at twelve percent (12%) per annum on the principal sum of \$1,350.00 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

UNITED STATES OF AMERICA,)
)
 Plaintiff,)
)
 vs.)
)
 TINA M. THOMAS,)
)
 Defendant.)

CIVIL ACTION NO. 81-C-207-E

FILED

NOV 18 1981

U.S. District Court

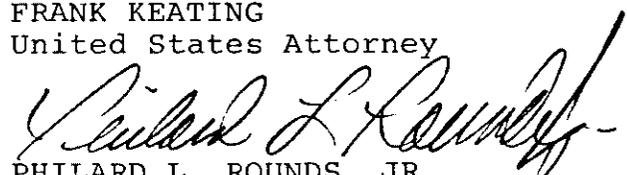
NOTICE OF DISMISSAL

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 12th day of November, 1981.

UNITED STATES OF AMERICA

FRANK KEATING
United States Attorney


PHILARD L. ROUNDS, JR.
Assistant United States Attorney

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

AAA TRUCKING COMPANY, an
Oklahoma corporation,

Plaintiff,

vs.

NO. 81-C-96-E

CURTIS, INC., a Delaware
corporation,

Defendants.

FILED

NOV 13 1981

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

ORDER OF DISMISSAL

ON THIS 13th day of November, 1981 the Plaintiff's Motion for
Dismissal came on for hearing in its regular order and the Court having
examined the files and records in this cause finds that said cause may
be dismissed without prejudice.

IT IS THEREFORE ORDERED that the above entitled cause be
dismissed without prejudice.

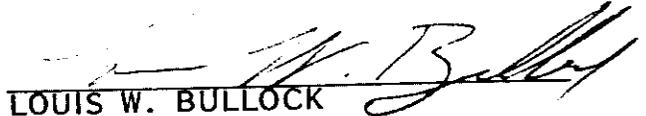
S/ JAMES O. ELLISON

JUDGE OF THE DISTRICT COURT

CERTIFICATE OF MAILING

I hereby certify that on this 13th day of November, 1981 a true and
correct copy of the above and foregoing Order was deposited in the
U.S. Mail addressed to Mike Barkley, STUDENNY, RISELING &
BARKLEY, 1926 South Utica, Suite 510, Tulsa, OK 74104 with sufficient
postage thereon fully prepaid.

LOUIS W. BULLOCK



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

ELLEX TRANSPORTATION, INC., and)
LARRY WISE,)
)
Plaintiffs,)
v.)
)
CYRUS TRUCK LINES, INC.,)
)
Defendant.)

No. 80-C-440-E

NOV 13 1981
Jack C. Silver, Clerk
U. S. DISTRICT COURT

ORDER OF DISMISSAL

The above captioned matter came on to be heard this 13 day of November, 1981, upon the written stipulation of the parties for a dismissal of said action with prejudice, and the Court, having examined said stipulation, finds that the parties have entered into a compromise settlement covering all claims involved in the action, and have requested the Court to dismiss said action with prejudice to further action, and the Court, being fully advised in the premises, finds that said action should be dismissed pursuant to said stipulation.

IT IS THEREFORE, ORDERED, ADJUDGED AND DECREED by the Court that the plaintiffs' causes of action filed herein against the defendant be, and the same are hereby dismissed with prejudice to any further future action.

S/ JAMES O. ELLISON
U.S. DISTRICT JUDGE

APPROVED:

McKINNEY, STRINGER & WEBSTER

By David A. Cheek
David A. Cheek
Ninth Floor, City Center Building
Main & Broadway
Oklahoma City, Oklahoma 73102
Telephone: (405) 239-6444
ATTORNEYS FOR PLAINTIFFS

John C. Niemyer and Michael L. Noland
JOHN C. NIEMEYER and MICHAEL L. NOLAND
of FOLIART, MILLS & NIEMEYER
2020 First National Center
Oklahoma City, Oklahoma 73102
Telephone: (405) 232-4633
ATTORNEYS FOR DEFENDANT

FILED

NOV 13 1981

Jack C. ...
U.S. DISTRICT COURT

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

THE JIM HALSEY COMPANY, INC.)
)
 Plaintiff,)
)
 V.)
)
 RICK NELSON,)
)
 Defendant.)

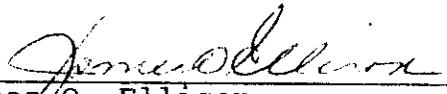
Case No. 80-C-^{389.}~~389~~-E

ORDER

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

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

Dated: November 11, 1981.


James O. Ellison
United States District Judge

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

FILED

NOV 13 1981

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

Phillip R. Campbell,
Plaintiff,

vs.

Edward E. Cooper, et al,
Defendants.

No. 79-C-461-E

J U D G M E N T

This action came on for trial before the Court and Advisory Jury, Hon. John O. Ellison, District Judge, presiding, and the issues having been duly tried, and the Jury having returned answers to interrogatories, which the Court adopts as the Court's findings, it is

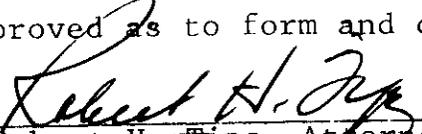
ORDERED AND ADJUDGED by the Court that the plaintiff take nothing, the action be dismissed on its merits and that the defendants, Edward E. Cooper, et al, recover their costs of action.

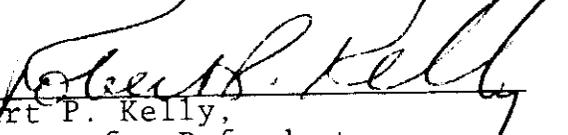
Dated this 21st day of October, 1981.

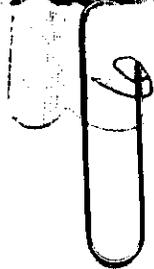
S/ JAMES O. ELLISON

District Judge

Approved as to form and contents:


Robert H. Tips, Attorney for
Trustee in Bankruptcy, Plaintiff,


Robert P. Kelly,
Attorney for Defendant



FILED

NOV 15

Jack C. Smith
U. S. DISTRICT COURT

UNITED STATES DISTRICT COURT FOR THE
NORTHERN DISTRICT OF OKLAHOMA

UNITED STATES OF AMERICA,)
)
 Plaintiff,)
)
 vs.)
)
 WHITELOW WILLIAMS and)
 MARY L. WILLIAMS,)
)
 Defendants.)

CIVIL ACTION NO. 80-C-700-E ✓

AMENDED DEFAULT JUDGMENT

This matter comes on for consideration this 13th day of November, 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 Defendants, Whitelow Williams and Mary L. Williams, appearing not.

The Court being fully advised and having examined the file herein finds that Defendants, Whitelow Williams and Mary L. Williams, was personally served with Summons and Complaint on December 13, 1980. 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 Defendants, Whitelow Williams and Mary L. Williams, for the principal sum of \$2,230.22 (less the sum of \$51.00 which has been paid), plus the accrued interest of \$318.82 as of December 31, 1978, plus interest at 7% from December 31, 1978, until the date of Judgment, plus interest at the legal rate on the principal sum of \$2,230.22 (less the sum of \$51.00) from the date of Judgment until paid.

Donald C. Smith
UNITED STATES DISTRICT JUDGE

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

F I L E D

NOV 12 1981

JOSEPH M. BEST and CLEO M. BEST,

Plaintiffs,

vs.

FRED JORDAN, CHARLES WELLS,
PAUL ALLEN, RAYMOND DUNCAN,
CHARLES TIBLOW, DOUGLAS TIBLOW,
VIRGIL WILLIAMSON, and
CHARLES E. LINCKS,

Defendants.

NO. 79-C-679-E

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

ORDER OF DISMISSAL

Pursuant to stipulations made at pre-trial conference, the above entitled cause is dismissed by plaintiffs without prejudice.

DATED this 12th day of November, 1981.

S/ JAMES O. ELLISON

United States District Judge

IN THE UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF OKLAHOMA
(TULSA DIVISION)

FILED

NOV 10 1981

W. C. SILVER, Clerk
U. S. DISTRICT COURT

-----X
LOUIS R. TOVAL, :
 :
 Plaintiff :
 :
 - against - : Civil Action No.
 : 81-C-574-E
 :
 AMERICAN AIRLINES, INC.; and :
 WARREN FOX, individually :
 and in his capacity as Supervisor; :
 and JIM BROSEAU, individually and :
 in his capacity as Manager, :
 :
 Defendants :
-----X

ORDER OF DISMISSAL
PURSUANT TO STIPULATION

All parties by and through their respective attorneys of record having stipulated to the dismissal with prejudice of the above-entitled action, which Stipulation, dated October 23, 1981, is on file with this Court, it is ORDERED, ADJUDGED AND DECREED that this cause be, and the same hereby is, dismissed with prejudice as to all parties, each party to bear his own cost.

Dated: November 10, 1981

S/ JAMES O. ELLISON
United States District Judge

UNITED STATES DISTRICT COURT FOR THE
NORTHERN DISTRICT OF OKLAHOMA

FILED
NOV 10 1981
JAMES O. ELLISON, CLERK
U.S. DISTRICT COURT

ALTA M. BYRD,)
)
Plaintiff,)
)
vs.)
)
RICHARD SCHWEIKER, SECRETARY)
OF HEALTH AND HUMAN SERVICES,)
)
Defendant.)

CIVIL NO. 81-C-392-E

O R D E R

The Court has for consideration the Motion to Remand filed by the Defendant, the Brief in Support, thereof, and, being fully advised in the premises, finds:

Section 205(g) of the Social Security Act, as amended, 42 U.S.C. 405(g) provides:

* * * The Court shall, on motion of the Secretary made before he files his answer, remand the case to the Secretary for further action by the Secretary * * *.

IT IS THEREFORE, ORDERED that the Motion to Remand of the Defendant be and the same is hereby sustained and this cause of action and complaint are hereby remanded to the Secretary of Health, Education, and Welfare for further action.

ENTERED this 10th day of ^{November}~~October~~, 1981.

S/ JAMES O. ELLISON

JAMES O. ELLISON
U.S. District Judge

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

FRANKS & SONS, INC., an)
Oklahoma corporation,)
)
Plaintiff,)
)
vs.)
)
THE HERTZ COOPERATION, d/b/a)
HERTZ TRUCK LEASING, a Delaware)
corporation,)
)
Defendant.)

Case No. 81-C-560-B
= 1 2 1 2

NOV 10 1981

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

Notice of DISMISSAL WITH PREJUDICE

Comes now Plaintiff and dismisses the above styled
and numbered cause against Defendant with prejudice to any
future action.

Respectfully Submitted,

FRASIER, FRASIER & GULLEKSON

By: Thomas Dee Frasier
THOMAS DEE FRASIER
Attorney for Plaintiff
717 South Houston, Suite 400
Tulsa, Oklahoma 74127
(918)-584-4724

CERTIFICATE OF MAILING

I hereby certify that on the 10 day of November,
1981, I mailed a true and correct copy of the above and
foregoing DISMISSAL WITH PREJUDICE to Mr. William B. Selman,
Attorney for Defendant, 2900 Fourth National Bank Building,
Tulsa, Oklahoma 74119, with the correct and proper postage
thereon fully prepaid.

Thomas Dee Frasier
THOMAS DEE FRASIER

United States District Court

FOR THE
NORTHERN DISTRICT OF OKLAHOMA

CIVIL ACTION FILE NO. 80-C-203-F

ALVIN ALVIS THOMPSON,

vs.

UNITED STATES OF AMERICA,

JUDGMENT

This action came on for trial (~~hearing~~) before the Court, Honorable Sherman G. Finesilver, United States District Judge, presiding, and the issues having been duly tried (~~heard~~) and a decision having been duly rendered,

It is Ordered and Adjudged that judgment be entered in favor of the Defendant, United States of America, and against the Plaintiff, Alvin Alvis Thompson, and the complaint and action are dismissed; each party to pay its own costs.

FILED

NOV 19 1981

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

Dated at Tulsa, Oklahoma, this 9th day
of November, 19 81.


Clerk of Court

FILED

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

87-67

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

JESSE ALEXANDER, et al,)
Plaintiffs,)
vs)
BANFIELD of TULSA, INC.,)
an Oklahoma corporation,)
Defendant,)

Case No. 80-C-539-E

JUDGMENT

Now on this 5th day of Nov, 1981, this matter comes on for hearing pursuant to the Plaintiffs' *application for default judgment*

the Plaintiff's appear by and through their attorney of record, Gary A. Eaton, and the Defendant, having been properly served with Summons herein more than 20 days prior to this date appears not. The Court proceeded to examine the files and records herein, to consider and study the proofs contained therein and being fully advised in the premises finds and adjudges as follows:

I

The Court has jurisdiction of the parties and the subject matter pursuant to 29 U.S.C.A. §201 et seq., and has the authority to enter judgment in this cause.

II

The Defendant's true and correct corporate name is Banfield of Tulsa, Inc.

III

The Defendant is now and was at all times hereinafter mentioned existing by virtue of the laws of the State of Oklahoma, with its principal place of business located at 2033 North Yale, Tulsa, Tulsa County, State of Oklahoma, and within the jurisdiction of this Court.

IV

The Defendant was at all times hereinafter mentioned engaged in related activities performed through unified operations and common control for a common business purpose.

V

The Defendant was at all times hereinafter mentioned an enterprise engaged in interstate commerce, including the handling, selling and buying of cattle and processed meat, having a gross sales volume or business done of not less than a quarter million dollars (\$250,000.00).

VI

The Defendant has repeatedly and willfully violated provisions of the Fair Labor Standards Act, 1938, as Amended (29 U.S.C. §201 et. seq.) by working employees in excess of forty (40) hours without compensating such employees for employment in excess of forty (40) hours in a work week at a rate of not less than one-and-one-half times the regular rate at which they were employed.

VII

The Defendant is further subject to the provisions of this Act in that it has willfully failed to make, keep and preserve adequate and accurate records of the persons employed by them and of the wages, hours and other conditions and practice of employment as prescribed by the regulations issued by the Administrator of the Wage and Hour and Public Contract Division of the United States Department of Labor.

VIII

The Plaintiff, Jesse Alexander, should be and he is hereby awarded and granted judgment against the Defendant for the sum of \$840.82 for actual damages and for the additional equal sum of \$840.82 for liquidated damages; The Plaintiff, Gene Fultz, should be and he is hereby awarded and granted judgment against the Defendant for the sum of \$1,685.50 for actual damages and for the additional sum of \$1,685.50 for liquidated damages, all pursuant to the provisions of the Fair Labor Standards Act of 1938, as amended (29 U.S.C. §201 et seq.). The Plaintiffs should be

and they are hereby awarded and granted judgment against the Defendant for costs accrued and accruing including a reasonable attorney fee in the sum of \$500.⁰⁰, to be taxed as costs. The entire amount of judgment shall bear interest as provided by law.

S/ JAMES O. ELLISON
J U D G E

FILED

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

JOHN RICHARDSON,)
)
 Plaintiff,)
)
 vs.) Case No. 81-C-168-E
)
 TOM WATTERS, JR., d/b/a TOM)
 WATTERS, JR., AUTO SALES,)
)
 Defendant.)

James O. Ellison, District Judge
U.S. DISTRICT COURT

ORDER OF JUDGMENT

On the 23rd day of October, 1981, the above entitled action came on for hearing before the Court, sitting without a jury, the Honorable James O. Ellison, District Judge, presiding, James W. Dunham, Jr. appearing as attorney for the Plaintiff, and the Defendant appearing not, his default having been entered herein previously on the 29th day of July, 1981, and the Court, having heard the testimony of witnesses duly sworn, having before it the pleadings of the parties, having heard the statements of counsel, and being otherwise fully advised in the premises, finds as follows, to-wit:

1. That the Defendant made material misrepresentations to the Plaintiff in the sale of the automobile which is the subject of this action, which misrepresentations violated the terms of 15 U.S.C. Section 1988(b);
2. That the Defendant was damaged by said misrepresentations in the amount of \$2,000.00, and that, pursuant to the terms of 15 U.S.C. Section 1989, said damages should be trebled;
3. That Plaintiff should be allowed his attorney's fees and costs reasonably incurred herein.

IT IS THEREFORE ORDERED, ADJUDGED AND DECREED by the Court that the Plaintiff, John Richardson, have and recover a money judgment against the Defendant, Tom Watters, Jr., for the sum of \$6,000.00 as damages, an attorney's fee of \$ 552.⁵⁰ and the costs of this action.

DATED this 5 of ~~October~~ ^{November}, 1981.

S/ JAMES O. ELLISON

UNITED STATES DISTRICT JUDGE

F I L E D

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

NOV - 6 1981

W. C. Silver Clerk
U. S. DISTRICT COURT

UNITED STATES OF AMERICA,)
)
 Plaintiff,)
)
 vs.)
)
 WILLIAM E. COUCH, JR., et. al.,)
)
 Defendants.)

CIVIL ACTION NO. 79-C-507-B

O R D E R

NOW, on this 6th day ~~October~~ ^{November}, 1981, there came on for consideration the Motion of the Plaintiff, United States of America, to set aside the Judgment of Foreclosure entered herein on February 25, 1981, and the Order of Sale entered herein on March 17, 1981, and further to dismiss this case with prejudice. The Court finds that said Motion is well taken.

THEREFORE, IT IS ORDERED, ADJUDGED, AND DECREED that the Judgment of Foreclosure entered herein on February 25, 1981, and the Order of Sale entered herein on March 17, 1981, are hereby set aside, and that this case is hereby dismissed with prejudice.

S/ THOMAS R. BRETT

UNITED STATES DISTRICT JUDGE

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

F I L E D

NOV - 6 1981

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

TOVA CORPORATION,

Plaintiff,

vs.

SOUTHWEST TELE-COMMUNICATIONS, INC.
and CURTIS LAWSON,

Defendants.

No. 81-C-117 B

ORDER OF DISMISSAL WITH PREJUDICE

The Court, being fully advised in the premises and pursuant to stipulation of the parties, does hereby dismiss the above-styled action, including all counterclaims made therein, with prejudice.

IT IS THEREFORE ORDERED, ADJUDGED AND DECREED that the above-styled action, including all Counterclaims made therein, be and is hereby dismissed with prejudice.

Approved:

TOVA CORPORATION, Plaintiff

Thomas R. Brett
UNITED STATES DISTRICT JUDGE

11-6-81

By:

James M. Chaney
JAMES M. CHANEY
Linn, Helms, Kirk & Burkett
410 Fidelity Plaza
Oklahoma City, Oklahoma 73102
Attorneys for Plaintiff

SOUTHWEST TELE-COMMUNICATIONS, INC.
and CURTIS LAWSON, Defendants

By:

Charles Pope
CHARLES POPE
1619 East 15th Street
Tulsa, Oklahoma 74120
Attorney for Defendant

UNITED STATES DISTRICT COURT FOR THE
NORTHERN DISTRICT OF OKLAHOMA

FILED
NOV 1981
Jack C. Silver Clerk
U. S. DISTRICT COURT

UNITED STATES OF AMERICA,)
)
 Plaintiff,)
)
 vs.) CIVIL ACTION NO. 78-C-253-C
)
 BILLY RAY ARMSTRONG,)
)
 Defendant.)

AMENDED DEFAULT JUDGMENT

This matter comes on for consideration this 6 day of November, 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, Billy Ray Armstrong, appearing not.

The Court being fully advised and having examined the file herein finds that Defendant, Billy Ray Armstrong, was personally served with Summons and Complaint on July 27, 1978. 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, Billy Ray Armstrong, for the principal sum of \$1,098.80 (less the sum of \$300.00 which has been paid), plus interest at the legal rate from the date of this Judgment until paid.

(Signed) H. Dale Cook

UNITED STATES DISTRICT JUDGE

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

FILED

NOV 14 1981

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

UNION OIL COMPANY OF CALIFORNIA,)
a California corporation,)
)
Plaintiff,)
)
vs.) No. 81-C-201-E
)
TOM INMAN TRUCKING, INC., et al.,)
)
Defendants.)

O R D E R

The Court has before it for consideration Plaintiff's application seeking dismissal as to the Defendant Tom Inman Trucking, Inc., filed pursuant to Fed.R.Civ.P. 41(a)(2). Plaintiff brings this action to collect on a promissory note signed by Defendant Tom Inman Trucking, Inc., and personally guaranteed by the remaining Defendants, Paul Thomas Inman and Jerry D. Garland. The record before the Court reflects that on May 29, 1981, Defendant Tom Inman Trucking, Inc., filed for relief under Chapter 11 of the Bankruptcy Code. On July 13, 1981, the Court entered an Order recognizing that these proceedings, insofar as they were related to Tom Inman Trucking, Inc., were automatically stayed because of the bankruptcy action.

Plaintiff now seeks to dismiss Tom Inman Trucking, Inc., from the action, without prejudice. Defendants Garland and Inman have filed a response to Plaintiff's application for dismissal. These Defendants take the position that this entire proceeding falls within the provisions of 11 U.S.C. § 362, and that, as a result, the Court's order of automatic stay applies to Defendants Garland and Inman, as well as to Tom Inman Trucking, Inc. Plaintiff disputes these Defendants' interpretation of the applicable law.

The Court has carefully reviewed the applicable law and finds that the Bankruptcy Code makes no provision for a stay of actions against comakers, endorsers or guarantors of a bankrupt involved in a Chapter 11 proceeding. Teledyne Industries, Inc. v. Eon Corp., 401 F.Supp. 729, 734 (S.D. N.Y. 1975), aff'd, 546 F.2d 495 (Second Cir. 1975); In re Magnus Harmonica Corp., 233 F.2d 803, 804 (Third Cir. 1956); 2 Collier on Bankruptcy, ¶ 362.04[1] (16th Ed. 1981). Accordingly, the case at bar should proceed against Defendants Garland

and Paul Thomas Inman.

Rule 41(a)(2) of the Federal Rules of Civil Procedure expressly provides that "an action shall not be dismissed at the Plaintiff's instance save upon order of the court and upon such terms and conditions as the court deems proper." Plaintiff is not entitled to dismissal as a matter of right. The decision on whether or not to dismiss rests in the sound discretion of the Court. Chase v. Ware, 41 F.R.D. 521, 522 (N.D. Okla. 1967). In exercising its discretion, the Court should follow the principle that dismissal ought to be allowed unless the Defendant will suffer some plain legal prejudice other than the mere prospect of a second lawsuit. Durham v. Florida East Coast Railway, 385 F.2d 366, 368 (Fifth Cir. 1967). Under the circumstances of this case, the Court is convinced that Plaintiff should be allowed to dismiss Defendant Tom Inman Trucking, Inc. from this action. Defendant Tom Inman Trucking, Inc. can suffer no legal detriment, inasmuch as these proceedings cannot go forward against the Defendant because of the provisions of the Bankruptcy Code.

IT IS THEREFORE ORDERED, ADJUDGED AND DECREED that Plaintiff's application for dismissal without prejudice against Defendant Tom Inman Trucking, Inc. should be, and the same hereby is granted.

It is so Ordered this 5TH day of November, 1981.



JAMES O. ELLISON
UNITED STATES DISTRICT JUDGE

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

FILED

NOV 5 1981

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

BAY BAKER,

Plaintiff,

vs.

B & B LINES, INC.,
a corporation,

Defendant.

No. 81-C-52-C

O R D E R

This matter comes on for hearing on this 5th day of November, 1981, upon the agreed stipulation for dismissal without prejudice of the parties herein, and the Court after having an opportunity to examine the file and being fully advised herein, and for good cause shown, hereby dismisses this cause of action without prejudice to the refiling thereof.

IT IS, THEREFORE, ORDERED, ADJUDGED AND DECREED by the Court that for good cause shown, the above styled action is hereby dismissed without prejudice.


CHIEF JUDGE
UNITED STATES DISTRICT COURT

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

FILED

NOV - 11 1981

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

J. W. BUTLER and JUANITA WALLACE,)
)
Plaintiffs,)
)
vs.)
)
BROOKS H. BEARDEN, BEARDEN)
COMPANY, an Oklahoma corporation,)
and EARL W. WOLFE,)
)
Defendants.)

No. 79-C-410-E

JUDGMENT

The Court having ruled previously that Defendants' motion for summary judgment should be granted, and having entered an Order to that effect hereby orders that judgment should be entered in this case in favor of Defendants, Brooks H. Bearden, Bearden Company and Earl W. Wolfe and against the Plaintiffs, J. W. Butler and Juanita Wallace.

It is so Ordered this 5TH day of November, 1981.



JAMES Q. ELLISON
UNITED STATES DISTRICT JUDGE

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

FILED

NOV - 4 1981

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

WILLIAM JACKSON,)
)
Plaintiff,)
)
vs.) No. 80-C-612-E
)
ASSOCIATED HOSTS OF CALIFORNIA,)
INC., d/b/a SMUGGLER'S INN,)
)
Defendant.)

JUDGMENT

The Court, having this date filed its Findings of Fact and Conclusions of Law after non-jury trial of this case, holds that judgment should be entered in favor of the Plaintiff, William Jackson.

IT IS THEREFORE ORDERED, ADJUDGED AND DECREED that judgment in this case be granted in favor of Plaintiff and against Defendant in the amount of \$9,600.00, Plaintiff to recover his costs incurred herein, including a reasonable attorney's fee.

It is so Ordered this 5TH day of November 1981.


JAMES C. ELLISON
UNITED STATES DISTRICT JUDGE

FILED

IN THE UNITED STATES DISTRICT COURT FOR THE **NOV - 5 1981**
NORTHERN DISTRICT OF OKLAHOMA

Jack C. Silver Clerk
U.S. DISTRICT COURT

THOMAS ALI AQUELL, a/k/a)
THOMAS E. JONES,)
)
Plaintiff,)
)
vs.)
)
EUGENE FINCH and VESTA FINCH,)
individually, and EUGENE FINCH)
and VESTA FINCH d/b/a FINCH &)
FINCH LANDSCAPING AND JANITORIAL)
SERVICES,)
)
Defendants.)

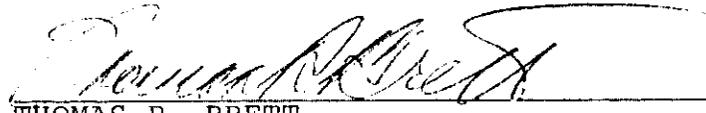
No. 80-C-542-B

ORDER OF JUDGMENT

Pursuant to the Court's Order of November 5, 1981 granting defendants' Motion for Summary Judgment,

IT IS ORDERED that judgment is hereby entered for defendants and against plaintiff and the plaintiff is to pay the costs of this action with each party to bear its own attorneys fees.

ENTERED this 5th day of November, 1981.



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

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

FILED
NOV 11 1981
Jack C. Silver, Clerk
U. S. DISTRICT COURT

LARRY G. GIBBONS, et al.,)
Plaintiffs,)
vs.)
TEMPLE PETROLEUM COMPANY,)
INC., an Oklahoma corporation,)
et al.,)
Defendants.)

Case Number 81-C-398-B

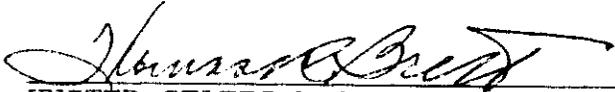
O R D E R

The Motion of Plaintiff for Dismissal of the above entitled action without prejudice came on regularly for hearing on this 4 day of Nov., 1981;

And it appearing that Defendant makes no Counter-Claim against Plaintiff Steve Steele, and will not be substantially prejudiced by a dismissal;

THEREFORE, IT IS ORDERED THAT the above entitled action be, and it hereby, dismissed without prejudice.

Dated this 4th day of November, 1981.


UNITED STATES DISTRICT JUDGE

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

FILED

NOV - 4 1981

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

WAYNE E. SWEARINGEN,)
GEORGE W. OWENS, and)
TAFT WELCH,)

Plaintiffs,)

vs.)

Civil Action No. 81-C-175-B

WILLIAMS, CRAIG & NEER, INC.,)
a New Jersey corporation,)
WALTER J. WILLIAMS, both)
individually and as an officer)
and director of Williams, Craig)
& Neer, Inc., GORDON T. WILLIAMS,)
JR., both individually and as an)
officer and director of Williams,)
Craig & Neer, Inc., CRAIG WILLIAMS,)
both individually and as an officer)
and director of Williams, Craig &)
Neer, Inc.,)

Defendants.)

O R D E R

Now on this 4th day of Nov, 1981, on Stipulation
of the parties,

IT IS HEREBY ORDERED that this action be and the same
hereby is dismissed with prejudice to refileing, with all
plaintiffs and defendants each to bear their own respective
costs.

SO ORDERED.

S/ THOMAS R. BRETT

United States District Judge

APPROVED AS TO FORM AND SUBSTANCE:

DOERNER, STUART, SAUNDERS,
DANIEL & ANDERSON

By Wm. C. Anderson
William C. Anderson

HUFFMAN, ARRINGTON, KIHLE,
GABERINO & DUNN

By John A. Gaberino, Jr.
John A. Gaberino, Jr.

By J. Clarke Kendall II
J. Clarke Kendall II

(Emphasis added). In the Christian case, Plaintiff was seeking more than simply punitive damages. Id at 903.

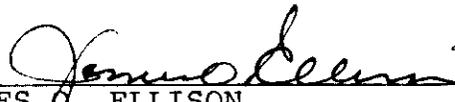
In the case at bar, the only consequential damage alleged by Plaintiff in his Amended Complaint is the loss of \$4,500.00 due under the insurance policy in question. Those damages arise from Defendant's alleged breach of contract. A punitive damage claim cannot be based upon those damages alone. The Oklahoma statutes, in Title 23, § 9, provide as follows:

"In any action for the breach of an obligation not arising from contract, where the defendant has been guilty of oppression, fraud or malice, actual or presumed, the jury, in addition to the actual damages, may give damages for the sake of example, and by way of punishing the defendant."

Based upon the foregoing review of Oklahoma law, it is clear to this Court that Plaintiff's prayer for punitive damages is without foundation and must be stricken. That leaves a jurisdictional amount in this diversity lawsuit of less than the required minimum of \$10,000.00. Consequently, this Court lacks subject matter jurisdiction and must dismiss Plaintiff's Complaint, pursuant to Fed.R.Civ.P. 12(b)(1).

IT IS THEREFORE ORDERED, ADJUDGED AND DECREED that Defendant's second motion to dismiss should be, and the same is hereby granted.

It is so Ordered this 4th day of November, 1981.



JAMES J. ELLISON
UNITED STATES DISTRICT JUDGE

UNITED STATES DISTRICT COURT FOR THE
NORTHERN DISTRICT OF OKLAHOMA

FILED

NOV 17 1981

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

United States of America,)
)
Plaintiff,)
)
vs.) CIVIL ACTION NO. 79-C-666-Bt
)
73.49 Acres of Land, More or)
Less, Situate in Rogers)
County, State of Oklahoma,)
and Standard Royalties, Inc.,)
Liquidating Trust, et al.,)
and Unknown Owners,)
)
Defendants.)

J U D G M E N T

1.
NOW, on this 14th day of Nov, 1981, this matter comes on for disposition on application of the parties for entry of judgment on the Report of Commissioners filed herein on September 21, 1981, and the Court, after having examined the files in this action and being advised by counsel for the parties, finds that:

2.

This judgment applies to the entire estates condemned in Tracts Nos. A, B, and C, as such estates and tracts are described in the Complaint filed in this action.

3.

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

4.

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

5.

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

described above in paragraph 2. Pursuant thereto, on October 29, 1979, the United States of America filed its Declaration of Taking of certain estates in such tracts of land, and title to such property should be vested in the United States of America as of the date of filing such instrument.

6.

Simultaneously with filing 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 all of this deposit has been disbursed, as set out below in paragraph 12.

7.

The Report of Commissioners filed herein on September 21, 1981, is accepted and adopted as findings of fact as to subject tracts. The amount of just compensation for the estates taken in the subject tracts, as fixed by the Commission, is set out below in paragraph 12. In addition, the owners of the subject property are entitled to receive compensation for the period October 1, 1978 to October 29, 1979, for use by Plaintiff of the property owned by defendants, as set forth in the prior order filed March 5, 1981.

8.

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

9.

The defendants named in paragraph 12 as owners of the estates taken in subject tracts are the only defendants asserting any interest in such estates. All other defendants having either disclaimed or defaulted, the named defendants were (as of the date of taking) the owners of the estates condemned herein and, as such,

are entitled to receive the just compensation awarded by this judgment.

10.

It Is, Therefore, ORDERED, ADJUDGED and DECREED that the United States of America has the right, power and authority to condemn for public use the subject tracts, as such tracts are described in the Complaint filed herein, and such property, to the extent of the estates described in such Complaint, is condemned, and title thereto is vested in the United States of America, as of October 29, 1979, and all defendants herein and all other persons are forever barred from asserting any claim to such estates.

11.

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

12.

It Is Further ORDERED, ADJUDGED and DECREED that the Report of Commissioners filed herein on September 21, 1981, hereby is confirmed and the sum therein fixed is adopted as the award of just compensation for the taking of the subject property, and for the use of the defendant owners' property, by the Plaintiff, for the period of October 1, 1978 to October 29, 1979, all as shown by the following schedule:

TRACTS NOS. A, B, and C

OWNERS:

Jack Judd, John J. Locy, and W. H. Barrett,
Trustees of Standard Royalties, Inc.,
Liquidating Trust.

Award of just compensation pursuant
to Commissioners' Report:

For estates condemned --- \$159,000.00

For use of owners' prop-
erty from October 1,
1978 to Oct. 29, 1979 - 10,400.00

Total Compensation ----- \$169,400.00 \$169,400.00

| | |
|---|---------------------|
| Deposited as estimated compensation ----- | 128,300.00 |
| Disbursed to owners ----- | <u>128,300.00</u> |
| Balance due to owners ----- | <u>\$ 41,100.00</u> |
| Deposit deficiency ----- | \$ 41,100.00 |

13.

It Is Further ORDERED, ADJUDGED and DECREED that the United States of America shall pay into the Registry of this Court for the benefit of the owners the deposit deficiency for the subject tracts as shown in paragraph 12, in the total amount of \$41,100.00, together with interest on such deficiency at the rate of 6% per annum from October 29, 1979, until the date of deposit of such deficiency sum; and such sum shall be placed in the deposit for subject tracts in this civil action.

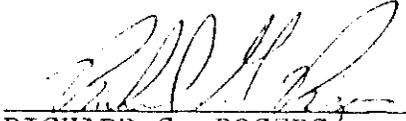
After such deficiency deposit has been made, the Clerk of this Court shall disburse the entire sum then on deposit for the subject tracts, to:

Jack Judd, John J. Locy, and W. H. Barrett,
Trustees of Standard Royalties, Inc., Liquidating
Trust.


UNITED STATES DISTRICT JUDGE

APPROVED:


HUBERT A. MARLOW
Assistant United States Attorney


RICHARD G. ROGERS
Attorney for Owners

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

O. D. CLEMONS,)
)
 Plaintiff,)
)
 and)
)
 SAFEWAY STORES, INC.,)
)
 Third Party)
 Plaintiff,)
)
 vs.)
)
 FRUIT GROWERS EXPRESS)
 COMPANY and BEN HILL)
 GRIFFIN, INC.,)
)
 Defendants,)
)
 vs.)
)
 UNARCO INDUSTRIES, INC.,)
 and SEABOARD COASTLINE)
 RAILROAD COMPANY,)
)
 Third Party)
 Defendants.)

FILED
NOV - 4 1981
Jack C. Silver, Clerk
U. S. DISTRICT COURT

NO. 79-C-132-B

ORDER OF DISMISSAL

Upon the application of the Defendant, Ben Hill Griffin, Inc., and the Third Party Defendants, Unarco Industries, Inc., and Seaboard Coastline Railroad Company, this action is dismissed with prejudice.

Entered this 4 day of ^{Nov}~~October~~, 1981.

S/ THOMAS R. BRETT
UNITED STATES DISTRICT JUDGE

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

O. D. CLEMONS,
Plaintiff,

and

SAFEWAY STORES, INC.,
Third Party
Plaintiff,

vs.

FRUIT GROWERS EXPRESS
COMPANY and BEN HILL
GRIFFIN, INC.,

Defendants,

vs.

UNARCO INDUSTRIES, INC.,
and SEABOARD COASTLINE
RAILROAD COMPANY,

Third Party
Defendants.

FILED

NOV - 4 1981

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

NO. 79-C-132-B

ORDER OF DISMISSAL

Upon the application of the plaintiff and the third party plaintiff and for good cause shown, this action is dismissed with prejudice.

Entered this 4th day of Nov, 1981.


UNITED STATES DISTRICT JUDGE

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

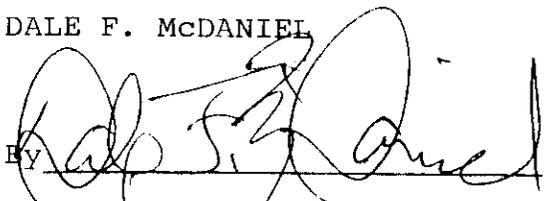
MICHAEL E. TARR,)
)
 Plaintiff,)
)
 vs.)
)
 BURNING HILLS STEEL COMPANY,)
 an Oklahoma corporation,)
 ADVENT INVESTMENT CORPORATION,)
 an Oklahoma corporation;)
 JACK JAMES: JOHN WEIDER:)
 ANTHONY KONSTANT; and)
 DONALD SEAMAN,)
)
 Defendants.)

Case No. 81-C-549-E

FILED
NOV 3 1981
Jack C. Silver, Clerk
U. S. DISTRICT COURT

Notice of DISMISSAL WITHOUT PREJUDICE

Comes the plaintiff, Michael E. Tarr, and dismisses without prejudice his cause of action herein filed. Defendants have filed no answer for any defendant in the case.

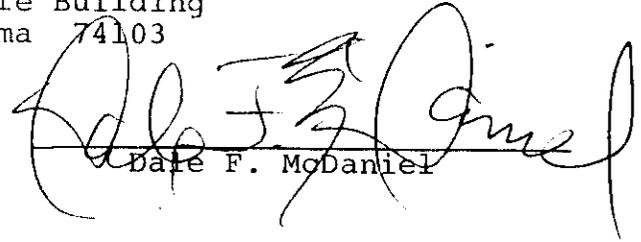
DALE F. MCDANIEL

BY _____
Attorney for Plaintiff

MCDANIEL & MEREDITH
2865 East Skelly Drive
Suite 233
Tulsa, Oklahoma 74105
(918) 749-6640

CERTIFICATE OF MAILING

This is to certify that on the 3rd day of November, 1981, a true, correct and exact copy of the within and foregoing instrument was mailed to the following, with proper postage thereon fully prepaid:

Sam P. Daniel, Jr.
Attorney at Law
1000 Atlas Life Building
Tulsa, Oklahoma 74103


Dale F. McDaniel