

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

EQUAL EMPLOYMENT OPPORTUNITY)
COMMISSION,)
)
Plaintiff,)
)
vs.)
)
ST. LOUIS-SAN FRANCISCO)
RAILWAY COMPANY, now)
BURLINGTON NORTHERN RAILROAD)
COMPANY,)
)
Defendant.)

No. 76-C-253-E

FILED

JAN 29 1982

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

JOURNAL ENTRY OF FINAL JUDGMENT

Upon consideration of all pleadings, briefs of the parties, affidavits, depositions, and all of the evidence and exhibits presented at the trial held April 7-9, 1980, and at the subsequent hearing held June 30, 1980, as is more fully set out in the Findings of Fact and Conclusions of Law filed May 7, 1980, and those filed January 22, 1982,

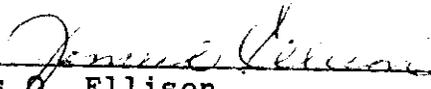
IT IS ORDERED, ADJUDGED AND DECREED, that:

1. The Judgment filed and entered herein on May 7, 1980, in favor of Defendant and against Plaintiff is incorporated herein and re-entered in full.

2. Judgment is hereby further entered in favor of Defendant and against Plaintiff for the reasonable value of the services of Defendant's contract attorneys in the sum of \$74,088, together with the sum of \$3,548 representing the contract attorney's travel and other necessary and reasonable expenses paid by defendant, making a total judgment of \$77,636, which total sum shall bear interest from the date hereof at the rate of twelve percent (12%) per annum until paid.

3. Judgment is hereby further entered in favor of Defendant and against Plaintiff for the additional separate sum of \$1,512.70 representing Court costs heretofore taxed in this case.

Done and dated this 29TH day of January, 1982.


James O. Ellison
United States District Judge

UNITED STATES DISTRICT COURT FOR THE
NORTHERN DISTRICT OF OKLAHOMA

FILED

nm JAN 29 1982

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

UNITED STATES OF AMERICA,)
)
 Plaintiff,)
)
 vs.)
)
 KEITH W. GIBSON,)
)
 Defendant.)

CIVIL ACTION NO. 81-C-812-E ✓

AGREED JUDGMENT

This matter comes on for consideration this 29th day of January, 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, Keith W. Gibson, appearing pro se.

The Court, being fully advised and having examined the file herein, finds that the Defendant, Keith W. Gibson, was personally served with Summons and Complaint on December 5, 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 \$724.80, 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, Keith W. Gibson, in the amount of \$724.80, plus 12% interest from the date of this Judgment until paid.

James C. Silver
UNITED STATES DISTRICT JUDGE

APPROVED:

UNITED STATES OF AMERICA

FRANK KEATING
United States Attorney

Philard L. Rounds, Jr.
PHILARD L. ROUNDS, JR.
Assistant U.S. Attorney

Keith W. Gibson
KEITH W. GIBSON

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

LEROY E. BENTLEY,

Plaintiff,

vs.

No. 81-C-470-E

FICHTENBERG SURGICAL
ASSOCIATES, INC., and
HANS FICHTENBERG, D.O.,

Defendants.

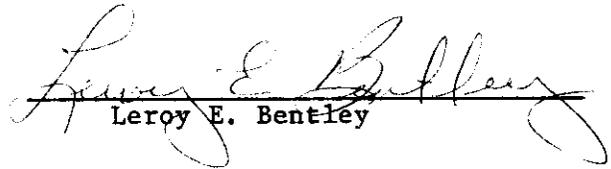
FILED

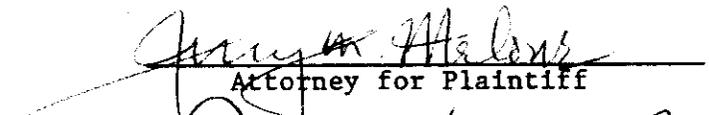
JAN 29 1982

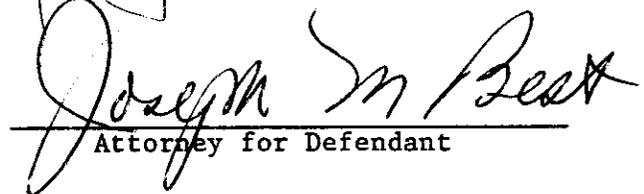
Jack C. Silver, Clerk
U. S. DISTRICT COURT

STIPULATION FOR DISMISSAL

COMES NOW the plaintiff and his attorney and the defendant's attorney would show to the Court that this matter has been compromised and settled and that nothing further remains to be litigated. Wherefore, these parties pray for a dismissal with prejudice of the above-captioned case.


Leroy E. Bentley


Attorney for Plaintiff


Attorney for Defendant

ORDER

Now on this 29 day of January, 1982, upon the parties' stipulation and request for dismissal with prejudice, the Court finds that nothing further remains to be litigated in this matter and this case is herewith dismissed with prejudice.

IT IS THEREFORE ORDERED, ADJUDGED AND DECREED BY THE COURT that the above-captioned cause be and the same is hereby dismissed with prejudice with each party to bear their own costs.

S/ JAMES O. ELLISON

The Honorable James O. Ellison

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

FILED

JAN 29 1982

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

SUNBELT TRUCK & EQUIPMENT)
COMPANY, an Oklahoma)
corporation,)
)
Plaintiff,)
)
vs.)
)
BAYOU BOTTLING, INC., a)
Louisiana corporation,)
)
Defendant.)

No. 81-C-72-E

ORDER OF DISMISSAL

The parties having so stipulated and agreed, IT IS ORDERED,
ADJUDGED AND DECREED that this action be dismissed with prejudice,
with each party to bear its own costs.

Given under my hand this 29 day of January,
1982.

JAMES O. ELLISON
Honorable James O. Ellison
United States District Judge

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

TERCO, INC., d/b/a BOSCO SERVICES,
Plaintiff,
vs.
CHEMICAL CONSTRUCTION CORPORATION,
d/b/a CHEMICO,
Defendant.

No. 78-C-481-E ✓

FILED
JAN 29 1982 *lm*
Jack C. Silver, Clerk
U. S. DISTRICT COURT

O R D E R

On August 27, 1980, this Court entered an Order staying these proceedings pending the determination of a Petition for Writ of Prohibition filed by Defendant in the United States Court of Appeals for the Second Circuit.

The Court has been notified, by letter dated January 21, 1982, written by Plaintiff's counsel, that Defendant elected not to pursue the action referred to above.

Having reviewed the file, and the applicable authorities, the Court finds that the aforesaid stay should be lifted, and that Defendant's Motion to Dismiss, pending before this Court at the time of said stay, should be granted.

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

It is so Ordered this 27 day of January, 1982.

James O. Ellison

JAMES O. ELLISON
UNITED STATES DISTRICT JUDGE

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

FILED

JAN 29 1982

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

BONNIE NICKELL,)
)
Plaintiff,)
)
vs.)
)
UNITED INSULATION)
COMPANY,)
)
Defnedant.)

Case No. 80-C-547-E

ORDER

COMES NOW this Court and orders the aboved styled and numbered cause dismissed with prejudice to the filing of another action.

J. James O. Ellison
JAMES O. ELLISON, Judge
United States District Court
for the Northern District
of Oklahoma

UNITED STATES DISTRICT COURT FOR THE
NORTHERN DISTRICT OF OKLAHOMA

JAN 29 1982

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

United States of America,)	
)	
Plaintiff,	)	CIVIL ACTION NO. 79-C-81-E
)	
vs.	)	Tract No. 239M-Part A
)	
232.87 Acres of Land, More or	)	Overriding Royalty Interest
Less, Situate in Washington	)	only, in the oil and gas
County, State of Oklahoma, and	)	leasehold interest in the
C. W. McCrory, et al., and	)	estate taken
Unknown Owners,)	
)	
Defendants.	)	(Included in Amended D.T. filed in Master File #400-14)

J U D G M E N T

1.

NOW, on this 29th day of January, 1982, this matter comes on for disposition on application of the Plaintiff, United States of America, for entry of judgment on a stipulation of the parties agreeing upon just compensation, and the Court, after having examined the files in this action and being advised by counsel for the Plaintiff, finds:

2.

This judgment applies to the entire estate condemned in Tract No. 239M--Part A, as such estate and tract are described in the Complaint and the Amendment thereto in this action.

3.

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

4.

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

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 in such Complaint and Amendment thereto. Pursuant thereto,

on February 13, 1979, the United States of America filed its Declaration of Taking of such described property, and title to the described estate in such property should be vested in the United States of America as of the date of filing the Declaration of Taking.

6.

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

7.

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

8.

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

9.

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

10.

It Is, Therefore, ORDERED, ADJUDGED and DECREED that the United States of America has the right, power and authority to condemn for public use the tract listed in paragraph 2 herein,

as such tract is particularly described in the Complaint and the Amendment thereto filed herein; and such tract, to the extent of the estate described in such Complaint and Amendment thereto, is condemned, and title thereto is vested in the United States of America, as of February 13, 1979, and all defendants herein and all other persons interested in such estate are forever barred from asserting any claim to such estate.

11.

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

12.

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

TRACT NO. 239M--Part A

OWNERS:

C. W. L. McCrory ----- 1/2
 Nell McCrory ----- 1/2

Award of Just Compensation pursuant to Stipulation -----	\$48,500.00	\$48,500.00
Deposited as estimated compensation -----	\$10,659.00	
Disbursed to owners -----		<u>\$10,659.00</u>
Balance due to owners -----		<u>\$37,841.00</u>
Deposit deficiency -----	\$37,841.00	

13.

It Is Further ORDERED, ADJUDGED and DECREED that the United States of America shall deposit in the Registry of this Court in this civil action, to the credit of subject tract, the

deposit deficiency in the sum of \$37,841.00, and the Clerk of this Court then shall disburse the deposit for such tract as follows:

To:

C. W. L. McCrory -----	\$18,920.50
Nell McCrory -----	\$18,920.50

S/ JAMES O. ELLISON

UNITED STATES DISTRICT JUDGE

APPROVED:

Hubert A. Marlow
HUBERT A. MARLOW
Assistant United States Attorney

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

GEORGE F. DOWNS,)
)
 Plaintiff,)
)
 vs.)
)
 HUTCHINSON-HAYS)
 INTERNATIONAL, INC.,)
)
 Defendant.)

No. 80-C-428-C

FILED

JAN 28 1982

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

O R D E R

NOW on the application of the Plaintiff for a dismissal of this cause with prejudice and this Court being advised that the Defendant concurs with such dismissal, and it being further understood by the Court that the parties have reached an agreed to settlement of the above captioned dispute and all claims arising thereunder.

IT IS THEREFORE HEREBY ORDERED by this Court that the above captioned case is dismissed with prejudice with each party being required to pay its own cost. Further, the Removal Bond posted by the Defendants in this matter is hereby exonerated and released.

S/ JAMES O. ELLISON

U.S. District Court Judge

for H. DALE COOK

FILED

JAN 27 1982

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

UNITED STATES DISTRICT COURT FOR THE
NORTHERN DISTRICT OF OKLAHOMA

UNITED STATES OF AMERICA,)
)
Plaintiff,)
)
vs.) CIVIL ACTION NO. 81-C-838-B
)
JAMES A. WALKER,)
)
Defendant.)

DEFAULT JUDGMENT

This matter comes on for consideration this 27 day of January, 1982, the Plaintiff appearing by Frank Keating, United States Attorney, through Philard L. Rounds, Jr., Assistant United States Attorney for the Northern District of Oklahoma, and the Defendant, James A. Walker, appearing not.

The Court being fully advised and having examined the file herein finds that Defendant, James A. Walker, was personally served with Summons and Complaint on December 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 A. Walker, for the principal sum of \$649.60, plus interest at the rate of 12 percent from the date of this Judgment until paid.


UNITED STATES DISTRICT JUDGE

UNITED STATES DISTRICT COURT FOR THE
NORTHERN DISTRICT OF OKLAHOMA

FILED

JAN 27 1982

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

UNITED STATES OF AMERICA,)
)
 Plaintiff,)
)
 vs.)
)
 EUGENE TRAVIS,)
)
 Defendant.)

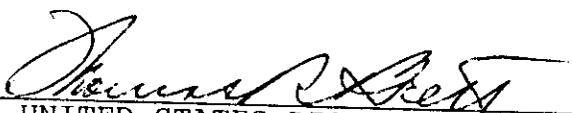
CIVIL ACTION NO. 81-C-815-B

DEFAULT JUDGMENT

This matter comes on for consideration this 27 day of January, 1982, the Plaintiff appearing by Frank Keating, United States Attorney, through Don J. Guy, Assistant United States Attorney for the Northern District of Oklahoma, and the Defendant, Eugene Travis, appearing not.

The Court being fully advised and having examined the file herein finds that Defendant, Eugene Travis, was personally served with Summons and Complaint on December 5, 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, Eugene Travis, for the principal sum of \$316.50, plus interest at the rate of 12 percent from the date of this Judgment until paid.


UNITED STATES DISTRICT JUDGE

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

MARY ALICE ATTEBERRY,

Plaintiff,

vs.

No. 81-C-544-E ✓

OKLAHOMA REGENTS FOR HIGHER
EDUCATION; BOARD OF REGENTS OF
TULSA JUNIOR COLLEGE; and
JOANNE JACOBS, individually, and
BARBARA BOX, individually,

Defendants.

JAN 27 1982 *if*

O R D E R

This action was commenced on October 8, 1981, and Plaintiff's Amended Complaint was filed on October 29, 1981.

On November 12, 1981, Defendant Oklahoma Regents for Higher Education filed its Motion to Dismiss; on November 13, 1981, Defendants Jacobs and Box filed their Motion to Dismiss; and on November 23, 1981, Defendant Board of Regents of Tulsa Junior College filed its Motion to Dismiss.

On January 12, 1982, the Court entered its Minute Order, directing Plaintiff to file a response to the above motions by January 18, 1982, failing which Plaintiff would face dismissal for failure to prosecute.

Local Rule 14(a), Rules of the United States District Court for the Northern District of Oklahoma (as amended effective March 1, 1981) provides that memoranda in opposition to motions "shall be filed within 10 days after the filing of the motion ... Failure to comply with this paragraph will constitute waiver of objection by the party not complying." The Court would be justified, on this ground alone, in granting Defendants' Motions to Dismiss. Furthermore, this Court did, on January 12, 1982, order Plaintiff to file her responses by the 18th of January, 1982, and Plaintiff has wholly failed to comply with said Order.

Rule 41(b), Fed.R.Civ.Pro., provides:

For failure of the plaintiff to prosecute or to comply with these rules or any order of court, a defendant may move for dismissal of an action or of any claim against him.

Although the Rule allows for a motion to dismiss by Defendant, the

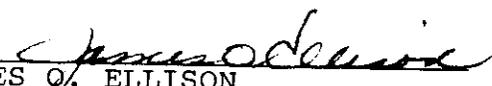
law is clear that the Court need not wait for such action before taking action of its own.

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., 370 U.S. 626, 82 S.Ct. 1386, 8 L.Ed.2d 734 (1962). 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).

Under the circumstances of this case, and under the above cited authorities, the Court concludes that this action must be dismissed. Under the authority of Rule 41(b), Fed.R.Civ.Pro., and Local Rule 14(a), the Court further finds that such dismissal be with prejudice, and that Defendants be awarded their costs incurred herein.

IT IS THEREFORE ORDERED that this action be, and the same is, hereby dismissed, and that Defendants be awarded costs.

It is so Ordered this 26TH day of January, 1982.


JAMES O. ELLISON
UNITED STATES DISTRICT JUDGE

FILED

JAN 27 1982

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

UNITED STATES DISTRICT COURT FOR THE
NORTHERN DISTRICT OF OKLAHOMA

UNITED STATES OF AMERICA,)
)
 Plaintiff,)
)
 vs.)
)
 CHARLES D. PURTLE,)
)
 Defendant.)

CIVIL ACTION NO. 81-C-787-B

DEFAULT JUDGMENT

This matter comes on for consideration this 27 day of January, 1982, the Plaintiff appearing by Frank Keating, United States Attorney, through Philard L. Rounds, Jr., Assistant United States Attorney for the Northern District of Oklahoma, and the Defendant, Charles D. Purtle, appearing not.

The Court being fully advised and having examined the file herein finds that Defendant, Charles D. Purtle, was personally served with Summons and Complaint on November 27, 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 D. Purtle, for the principal sum of \$587.60, plus interest at the rate of 12 percent from the date of this Judgment until paid.

S/ THOMAS R. BRETT

UNITED STATES DISTRICT JUDGE

FILED

JAN 27 1982

UNITED STATES DISTRICT COURT FOR THE
NORTHERN DISTRICT OF OKLAHOMA

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

UNITED STATES OF AMERICA,)
)
 Plaintiff,)
)
 vs.)
)
 SHIRLEY A. WILLOUGHBY,)
)
 Defendant.)

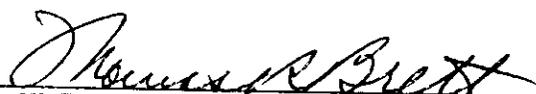
CIVIL ACTION NO. 81-C-771-B

DEFAULT JUDGMENT

This matter comes on for consideration this 27 day of January, 1982, the Plaintiff appearing by Frank Keating, United States Attorney, through Philard L. Rounds, Jr., Assistant United States Attorney for the Northern District of Oklahoma, and the Defendant, Shirley A. Willoughby, appearing not.

The Court being fully advised and having examined the file herein finds that Defendant, Shirley A. Willoughby, was personally served with Summons and Complaint on November 30, 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, Shirley A. Willoughby, for the principal sum of \$222.16, plus interest at the rate of 12 percent from the date of this Judgment until paid.


UNITED STATES DISTRICT JUDGE

FILED

JAN 27 1982

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

UNITED STATES DISTRICT COURT FOR THE
NORTHERN DISTRICT OF OKLAHOMA

UNITED STATES OF AMERICA,)
)
 Plaintiff,)
)
 vs.)
)
 Ronald W. Sunday,)
)
 Defendant.)

CIVIL ACTION NO. 81-C-770-B

DEFAULT JUDGMENT

This matter comes on for consideration this 27 day of January, 1982, 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, Ronald W. Sunday, appearing not.

The Court being fully advised and having examined the file herein finds that Defendant, Ronald W. Sunday, was personally served with Summons and Complaint on December 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, Ronald W. Sunday, for the principal sum of \$1,115.20, plus interest at the rate of 12 percent from the date of this Judgment until paid.


UNITED STATES DISTRICT JUDGE

FILED
JAN 27 1982
Jack C. Silver, Clerk
U. S. DISTRICT COURT

UNITED STATES DISTRICT COURT FOR THE
NORTHERN DISTRICT OF OKLAHOMA

UNITED STATES OF AMERICA,)
)
 Plaintiff,)
)
 vs.)
)
 DOUGLAS R. TURNER,)
)
 Defendant.)

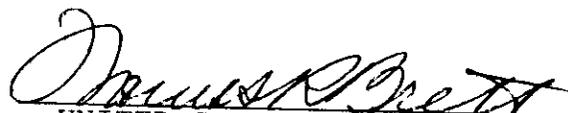
CIVIL ACTION NO. 81-C-728-B ✓

DEFAULT JUDGMENT

This matter comes on for consideration this 27 day of January, 1982, the Plaintiff appearing by Frank Keating, United States Attorney, through Philard L. Rounds, Jr., Assistant United States Attorney for the Northern District of Oklahoma, and the Defendant, Douglas R. Turner, appearing not.

The Court being fully advised and having examined the file herein finds that Defendant, Douglas R. Turner, was personally served with Summons and Complaint on December 17, 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, Douglas R. Turner, for the principal sum of \$841.61, plus interest at the rate of 12 percent from the date of this Judgment until paid.


UNITED STATES DISTRICT JUDGE

UNITED STATES DISTRICT COURT FOR THE
NORTHERN DISTRICT OF OKLAHOMA

FILED

JAN 27 1982

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

UNITED STATES OF AMERICA,)
)
 Plaintiff,)
)
 vs.)
)
 JERRY L. TAYLOR,)
)
 Defendant.)

CIVIL ACTION NO. 81-C-682-B

DEFAULT JUDGMENT

This matter comes on for consideration this 27 day of January, 1982, the Plaintiff appearing by Frank Keating, United States Attorney, through Don J. Guy, Assistant United States Attorney for the Northern District of Oklahoma, and the Defendant, Jerry L. Taylor, appearing not.

The Court being fully advised and having examined the file herein finds that Defendant, Jerry L. Taylor, was personally served with Summons and Complaint on December 8, 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, Jerry L. Taylor, for the principal sum of \$661.87, plus interest at the rate of 12 percent from the date of this Judgment until paid.


UNITED STATES DISTRICT JUDGE

FILED

JAN 27 1982

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

UNITED STATES DISTRICT COURT FOR THE
NORTHERN DISTRICT OF OKLAHOMA

UNITED STATES OF AMERICA,)
)
 Plaintiff,)
)
 vs.)
)
 ROBERT W. CLARK,)
)
 Defendant.)

CIVIL ACTION NO. 81-C-620-B

DEFAULT JUDGMENT

This matter comes on for consideration this 27 day of January, 1982, the Plaintiff appearing by Frank Keating, United States Attorney, through Philard L. Rounds, Jr., Assistant United States Attorney for the Northern District of Oklahoma, and the Defendant, Roger W. Clark, appearing not.

The Court being fully advised and having examined the file herein finds that Defendant, Roger W. Clark, was personally served with Summons and Complaint on November 6, 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, Roger W. Clark, for the principal sum of \$1,192.17, plus interest at the rate of 12 percent from the date of this Judgment until paid.


UNITED STATES DISTRICT JUDGE

FILED

JAN 27 1982

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

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

AIRESEARCH AVIATION COMPANY,)
a division of The Garrett)
Corporation,)
)
Plaintiff,)
)
vs.) No. 81-C-342-B
)
SOONAIR LINES, INC., an)
Oklahoma corporation,)
)
)
Defendant.)

JOURNAL ENTRY OF JUDGMENT

This action came on for consideration before the undersigned United States District Judge for the Northern District of Oklahoma. The Plaintiff is represented by its attorneys, Laurence L. Pinkerton and Stephen Schneider of Conner, Winters, Ballaine, Barry & McGowen, and Defendant Soonair Lines, Inc. is represented by its attorney, C. S. Lewis, III, of Robinson, Boese & Davidson.

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

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

2. That the allegations of Plaintiff's Complaint are true and correct, and are confessed by the Defendant.

3. That Plaintiff, AiResearch Aviation Company, a division of The Garrett Corporation, should recover of Defendant, Soonair Lines, Inc., the following:

(a) the sum of \$21,515.57, that being the amount owed Plaintiff by Defendant on open account as of July 10, 1981;

(b) Plaintiff's costs in the amount of \$60.00;

(c) Plaintiff's attorney fees in the amount of \$2,400.00, and

(d) interest which should accrue on the total sum of \$23,975.57 at the rate of twelve (12) percent per annum from the date hereof until paid.

IT IS THEREFORE ORDERED, ADJUDGED AND DECREED that Plaintiff, AiResearch Aviation Company, a division of The Garrett Corporation, is granted judgment against Defendant, Soonair Lines, Inc., and is awarded the following:

(a) the sum of \$21,515.57, that being the amount owed Plaintiff by Defendant on open account as of July 10, 1981;

(b) Plaintiff's costs in the amount of \$60.00;

(c) Plaintiff's attorney fees in the amount of \$2,400.00, and

(d) interest which should accrue on the total sum of \$23,975.57 at the rate of twelve (12) percent per annum from the date hereof until paid.

Dated this 27 day of January, 1982.

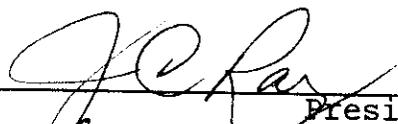
S/ THOMAS R. BRETT

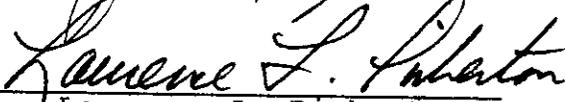
UNITED STATES DISTRICT JUDGE FOR
THE NORTHERN DISTRICT OF OKLAHOMA

APPROVED AND ACCEPTED:

SOONAIR LINES, INC.

By


President


Laurence L. Pinkerton,
Attorney for AiResearch
Aviation Company


C. S. Lewis, III,
Attorney for Soonair Lines, Inc.

UNITED STATES DISTRICT COURT FOR THE
NORTHERN DISTRICT OF OKLAHOMA

UNITED STATES OF AMERICA,)
)
 Plaintiff,)
)
 vs.) CIVIL ACTION NO. 81-C-638-E
)
 DAVID S. FIELDS,)
)
 Defendant.)

DEFAULT JUDGMENT

This matter comes on for consideration this 26 day of January, 1982, 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, David S. Fields, appearing not.

The Court being fully advised and having examined the file herein finds that Defendant, David S. Fields, was personally served with Summons and Complaint on December 7, 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, \$264.17, for the principal sum of , plus interest at the rate of 12 percent from the date of this Judgment until paid.

s/ JAMES O. ELISON

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-664-E
)
 CHARLES E. SAMS,)
)
 Defendant.)

DEFAULT JUDGMENT

This matter comes on for consideration this 26 day of January, 1982, the Plaintiff appearing by Frank Keating, United States Attorney, through Don J. Guy, Assistant United States Attorney for the Northern District of Oklahoma, and the Defendant, Charles E. Sams, appearing not.

The Court being fully advised and having examined the file herein finds that Defendant, Charles E. Sams, was personally served with Summons and Complaint on December 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, Charles E. Sams, for the principal sum of \$554.40, plus interest at the rate of 12 percent from the date of this Judgment until paid.

[Signature]
UNITED STATES DISTRICT JUDGE

UNITED STATES DISTRICT COURT FOR THE
NORTHERN DISTRICT OF OKLAHOMA

FILED
JAN 9 1982
FBI - OKLAHOMA
FBI - OKLAHOMA

UNITED STATES OF AMERICA,)
)
Plaintiff,)
)
vs.) CIVIL ACTION NO. 81-C-842-E
)
SHERMAN R. LEENSVART,)
)
Defendant.)

DEFAULT JUDGMENT

This matter comes on for consideration this 26th day of January, 1982, the Plaintiff appearing by Frank Keating, United States Attorney, through Philard L. Rounds, Jr., Assistant United States Attorney for the Northern District of Oklahoma, and the Defendant, Sherman R. Leensvart, appearing not.

The Court being fully advised and having examined the file herein finds that Defendant, Sherman R. Leensvart, was personally served with Summons and Complaint on December 7, 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, Sherman R. Leensvart, for the principal sum of \$616.67, plus interest at the rate of 12 percent from the date of this Judgment until paid.

S/ JAMES C. HAYSON
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-833-E
)
 PATRICIA A. STANLEY,)
)
 Defendant.)

AGREED JUDGMENT

This matter comes on for consideration this 30th day of January, 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, Patricia A. Stanley, appearing pro se.

The Court, being fully advised and having examined the file herein, finds that the Defendant, Patricia A. Stanley, was personally served with Summons and Complaint on December 3, 1981. The Defendant has not filed her Answer but in lieu thereof has agreed that she is indebted to the Plaintiff in the amount alleged in the Complaint and that Judgment may accordingly be entered against her in the amount of \$311.00, 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, Patricia A. Stanley, in the amount of \$311.00, plus 12% interest from the date of this Judgment until paid.

W. JAMES O. ELISON

UNITED STATES DISTRICT JUDGE

APPROVED:

UNITED STATES OF AMERICA

FRANK KEATING
United States Attorney

Nancy A. Nesbitt
NANCY A. NESBITT
Assistant U.S. Attorney

Patricia A. Stanley
PATRICIA A. STANLEY

FILED

UNITED STATES DISTRICT COURT FOR THE
NORTHERN DISTRICT OF OKLAHOMA

JAN 27 1982

RECEIVED
JAN 27 1982

UNITED STATES OF AMERICA,)
)
 Plaintiff,)
)
 vs.)
)
 STEVEN M. BARTEAU,)
)
 Defendant.)

CIVIL ACTION NO. 81-C-765-E

DEFAULT JUDGMENT

This matter comes on for consideration this 26th day of January, 1982, 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, Steven M. Barteau, appearing not.

The Court being fully advised and having examined the file herein finds that Defendant, Steven M. Barteau, was personally served with Summons and Complaint on November 25, 1981. Defendant was granted an extension of time to answer until January 5, 1982. He has not answered or otherwise moved within the time allowed, and default has therefore 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, Steven M. Barteau, for the principal sum of \$602.00, plus interest at the rate of 12 percent from the date of this Judgment until paid.

S/ JAMES O. ELLISON

UNITED STATES DISTRICT JUDGE

UNITED STATES DISTRICT COURT FOR THE
NORTHERN DISTRICT OF OKLAHOMA

UNITED STATES OF AMERICA,)
)
Plaintiff,)
)
vs.) CIVIL ACTION NO. 81-C-563-E
)
WILLIAM R. MCGUIRE,)
)
Defendant.)

AGREED JUDGMENT

This matter comes on for consideration this 26th day of January, 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, William R. McGuire, appearing pro se.

The Court, being fully advised and having examined the file herein, finds that the Defendant, William R. McGuire, was personally served with Summons and Complaint on October 21, 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 \$385.70, 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, William R. McGuire, in the amount of \$385.70, plus 12% interest from the date of this Judgment until paid.

S/ JAMES O. ELLISON

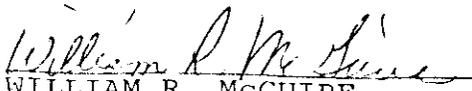
UNITED STATES DISTRICT JUDGE

APPROVED:

UNITED STATES OF AMERICA

FRANK KEATING
United States Attorney


NANCY A. NESBITT
Assistant U.S. Attorney


WILLIAM R. MCGUIRE

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

UNITED STATES OF AMERICA,)

Plaintiff,)

vs.)

CIVIL ACTION NO. 81-C-266-E

MARVIN L. COWANS, COUNTY)
TREASURER, Tulsa County,)
Oklahoma, and BOARD OF COUNTY)
COMMISSIONERS, Tulsa County,)
Oklahoma,)

Defendants.)

JUDGMENT OF FORECLOSURE

THIS MATTER COMES on for consideration this 26th day of January, 1982. The Plaintiff appearing by Frank Keating, United States Attorney for the Northern District of Oklahoma, through Philard L. Rounds, Jr., Assistant United States Attorney, the Defendants, County Treasurer, Tulsa County, Oklahoma, and Board of County Commissioners, Tulsa County, Oklahoma, appearing by their attorney, David A. Carpenter, Assistant District Attorney, and the Defendant, Marvin L. Cowans, appearing not.

The Court being fully advised and having examined the file herein finds that Defendants, Marvin L. Cowans, County Treasurer, Tulsa County, Oklahoma, and Board of County Commissioners, Tulsa County, Oklahoma, were served with Summons and Complaint on June 11, 1981, all as appears on the United States Marshal's Service herein.

It appears that the Defendants, County Treasurer, Tulsa County, Oklahoma, and Board of County Commissioners, Tulsa County, Oklahoma, have duly duly their Answers herein on July 13, 1981, and that the Defendant, Marvin L. Cowans, has failed to answer and that default has been entered by the Clerk of this Court.

The Court further finds that this is a suit based upon a mortgage note and for a foreclosure of a real property mortgage securing said mortgage note upon the following described real

property located in Tulsa County, Oklahoma, within the Northern Judicial District of Oklahoma:

Lot Twenty (20) in Block Eighteen (18),
SUBURBAN HILLS ADDITION to the City of Tulsa,
Tulsa County, Oklahoma, according to the
recorded plat thereof.

THAT the Defendant, Marvin L. Cowans, did, on the 17th day of August, 1973, execute and deliver to the Administrator of Veterans Affairs, his mortgage and mortgage note in the sum of \$11,500.00 with 4 1/2 percent interest per annum, and further providing for the payment of monthly installments of principal and interest.

The Court further finds that Defendant, Marvin L. Cowans, made default under the terms of the aforesaid mortgage note by reason of his failure to make monthly installments due thereon, which default has continued and that by reason thereof the above-named Defendant is now indebted to the Plaintiff in the sum of \$9,908.43 as unpaid principal with interest thereon at the rate of 4 1/2 percent per annum from May 1, 1980, until paid, plus the cost of this action accrued and accruing.

The Court further finds that there is due and owing to the County of Tulsa, State of Oklahoma, from Defendant, Marvin L. Cowans, the sum of \$ 74⁰⁰ plus interest according to law for personal property taxes for the year(s) 1976 - 1980 and that Tulsa County should have judgment for said amount, but that such judgment is subject to and inferior to the first mortgage lien of the Plaintiff herein.

IT IS THEREFORE ORDERED, ADJUDGED AND DECREED that the Plaintiff have and recover judgment against Defendant, Marvin L. Cowans, for the sum of \$9,908.43 with interest thereon at the rate of 4 1/2 percent per annum from May 1, 1980, plus the cost of this action accrued and accruing, plus any additional sums advanced or to be advanced or expended during this foreclosure action by Plaintiff for taxes, insurance, abstracting, or sums for the preservation of the subject property.

IT IS FURTHER ORDERED, ADJUDGED AND DECREED that the County of Tulsa have and recover judgment against Defendant, Marvin L. Cowans, for the sum of \$ 74⁰⁰ as of the date of this judgment plus interest thereafter according to law for personal property taxes, but that such judgment is subject to and inferior to the first mortgage lien of the Plaintiff herein.

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

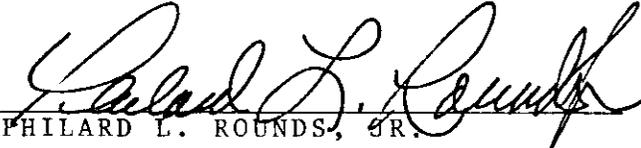
IT IS FURTHER ORDERED, ADJUDGED AND DECREED that from and after the sale of said property, under and by virtue of this judgment and decree, all of the Defendants and all persons claiming under them since the filing of the Complaint herein are forever barred and foreclosed of any right, title, interest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

S/ JAMES O. ELLISON

UNITED STATES DISTRICT JUDGE

APPROVED:

FRANK KEATING
United States Attorney


PHILARD L. ROUNDS, SR.
Assistant United States Attorney


DAVID A. CARPENTER
Assistant District Attorney
Attorney for Defendants,
County Treasurer and
Board of County Commissioners,
Tulsa County

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

FILED

LEONA P. REEVES,)
)
 Plaintiff,)
)
 -vs-)
)
 SOUTHWESTERN BELL TELEPHONE)
 COMPANY,)
)
 Defendant.)

JAN 26 1982

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

No. 80-C-720-E

ORDER OF DISMISSAL

NOW on this 26th day of January, 1982, the above styled and numbered cause of action comes on before me upon the Joint Stipulation of Dismissal as filed herein by the plaintiff and the defendant. The Court, having examined said Joint Stipulation of Dismissal, finds that the parties have entered into a compromise settlement of all claims involved herein, and therefore finds that the plaintiff's Complaint against the defendant, should be dismissed with prejudice.

IT IS THEREFORE ORDERED, ADJUDGED AND DECREED by this Court that the Complaint filed herein by the plaintiff, Leona P. Reeves, should be and the same is hereby dismissed with prejudice as to future action.

S/ JAMES O. ELSON

UNITED STATES DISTRICT JUDGE

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

JAMES W. NEELEY and)
FLOSSIE W. NEELEY,)
)
Plaintiffs,)
)
v.)
)
FLOYD ALBERT KYLER,)
)
Defendant.)

No. 80-C-121-E

JAN 20 1982
JAMES O. ELLISON, Clerk
U. S. DISTRICT COURT

J U D G M E N T

In accordance with the Findings of Fact and Conclusions
of Law filed herein on this date,

IT IS ORDERED, ADJUDGED AND DECREED that Judgment be
entered in favor of Defendant, Floyd Albert Kyler, and
against the Plaintiff, James W. Neeley, in the sum of
\$5,269.81 with interest thereon at the rate of Twelve per-
cent (12%) per annum from the date of Judgment until paid,
together with his costs.

Dated this 26th day of January, 1982.



JAMES O. ELLISON
UNITED STATES DISTRICT JUDGE

FILED

UNITED STATES DISTRICT COURT FOR THE
NORTHERN DISTRICT OF OKLAHOMA

JAN 26 1982

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

UNITED STATES OF AMERICA,)

Plaintiff,)

vs.)

LARRY W. RIEVES,)

Defendant.)

CIVIL ACTION NO. 81-C-740-C

DEFAULT JUDGMENT

This matter comes on for consideration this 26 day of January, 1982, the Plaintiff appearing by Frank Keating, United States Attorney, through Don J. Guy, Assistant United States Attorney for the Northern District of Oklahoma, and the Defendant, Larry W. Rieves, appearing not.

The Court being fully advised and having examined the file herein finds that Defendant, Larry W. Rieves, was personally served with Summons and Complaint on November 20, 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, Larry W. Rieves, for the principal sum of \$493.00, plus interest at the rate of 12 percent from the date of this Judgment until paid.

H. DALE COOK

UNITED STATES DISTRICT JUDGE

FILED

UNITED STATES DISTRICT COURT FOR THE
NORTHERN DISTRICT OF OKLAHOMA

JAN 26 1982

UNITED STATES OF AMERICA,)
)
 Plaintiff,)
)
 vs.)
)
 DAVID L. FAIRMAN,)
)
 Defendant.)

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

CIVIL ACTION NO. 81-C-829-C

DEFAULT JUDGMENT

This matter comes on for consideration this 26 day of January, 1982, the Plaintiff appearing by Frank Keating, United States Attorney, through Philard L. Rounds, Jr., Assistant United States Attorney for the Northern District of Oklahoma, and the Defendant, David L. Fairman, appearing not.

The Court being fully advised and having examined the file herein finds that Defendant, David L. Fairman, was personally served with Summons and Complaint on December 10, 1981. The time within which the Defendant could have answered or otherwise moved as to the Complaint has expired and has not been extended. The Defendant has not answered or otherwise moved, and default has been entered by the Clerk of this Court. Plaintiff is entitled to Judgment as a matter of law.

IT IS THEREFORE, ORDERED, ADJUDGED AND DECREED that the Plaintiff have and recover Judgment against Defendant, David L. Fairman, for the principal sum of \$1,058.60, plus interest at the rate of 12 percent from the date of this Judgment until paid.

syn. DALE COOK

UNITED STATES DISTRICT JUDGE

FILED

UNITED STATES DISTRICT COURT FOR THE
NORTHERN DISTRICT OF OKLAHOMA

JAN 20 1982

UNITED STATES OF AMERICA,)
)
 Plaintiff,)
)
 vs.)
)
 BILLY J. DAULTON,)
)
 Defendant.)

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

CIVIL ACTION NO. 81-C-562-C

DEFAULT JUDGMENT

This matter comes on for consideration this 26th day of January, 1982, the Plaintiff appearing by Frank Keating, United States Attorney, through Philard L. Rounds, Jr., Assistant United States Attorney for the Northern District of Oklahoma, and the Defendant, Billy J. Daulton, appearing not.

The Court being fully advised and having examined the file herein finds that Defendant, Billy J. Daulton, was personally served with Summons and Complaint on November 18, 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, Billy J. Daulton, for the principal sum of \$86.33 (less the sum of \$20.00 which has been paid), plus interest at the rate of 12 percent from the date of this Judgment until paid.


UNITED STATES DISTRICT JUDGE

UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF OKLAHOMA

GENERAL WIRE AND SUPPLY CO.,)
an Oklahoma corporation,)
)
Plaintiff,)
)
vs.)
)
RUSSELL LEE WILLIAMS, individually,)
and as president of Archway Fence Co.,)
Inc., a Missouri corporation, and)
ARCHWAY FENCE CO., Inc., a Miss-)
ouri corporation,)
)
Defendants.)

No. 81-C-634-C

FILED

JAN 26 1982

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

JUDGMENT

The captioned cause comes on for hearing on the date set forth below on the Application for Entry of Default, Affidavit of Failure to Plead or Otherwise Defend in Support of Application for Entry of Default and Entry of Default. This Court having reviewed the Courtfile, and being fully advised in the premises finds that Judgment should be entered herein as against the defendants, and each of them.

IT IS THEREFORE ORDERED, ADJUDGED and DECREED that the defendants and each of them have failed to plead or otherwise defend as required by law, and are in default.

IT IS FURTHER ORDERED that plaintiff be granted a judgment herein as against the defendants, and each of them, which is to say Russell Lee Williams, individually and Archway Fence Co., Inc., a Missouri corporation, in the principal sum of \$52,437.77, with interest on said sum at the rate of fifteen (15%) percent per annum from the 5th day of October, 1981, and hereafter, from this date interest according to law.

IT IS FURTHER ORDERED that plaintiff have and recover a judgment against the defendants, and each of them as-and-for a reasonable attorneys fee in this cause, the sum of \$12,039.27, which is eighteen (18%) percent of the sums due from the defendants, as set forth in the note signed by each of the defendants.

IT IS FURTHER ORDERED that the note in question be, and the same is hereby cancelled in judgment.

IT IS FURTHER ORDERED that plaintiff have and recover all costs of this action, to include the costs that have accrued, and those which shall accrue hereafter.

IT IS FURTHER ORDERED that judgment is hereby granted plaintiff for all of the sums set forth hereinabove, as against the defendants, and each of them.

DATED this 26 day of January, 1982.

J. DALE COOK
UNITED STATES DISTRICT JUDGE

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

BURNING HILLS STEEL COMPANY,)
an Oklahoma corporation; and)
ADVENT INVESTMENT CORPORATION,)
an Oklahoma corporation,)
)
Plaintiffs,)
)
vs.)
)
MICHAEL E. TARR,)
)
Defendant,)
)
JACK JAMES,)
)
Additional Defen-)
dant on Counter-)
claim.)

No. 81-C-690-E

FILED

JAN 26 1982

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

DECLARATORY JUDGMENT

Upon consideration of the pleadings, the testimony of the witnesses and the evidence admitted during the trial of this cause, as is more fully set out in the Findings of Fact and Conclusions of Law filed of even date,

IT IS ORDERED, ADJUDGED AND DECREED that judgment be and hereby is granted in favor of the Plaintiffs determining that the termination of Defendant's employment was proper and further judgment in favor of the Defendant on his counter-claim against the Plaintiff Burning Hills Steel Company in the sum of \$6,251.47. Judgment is entered in favor of the additional Defendant Jack James on Defendant Tarr's counter-claim.

It is so Ordered this 26th day of January, 1982.


JAMES O. ELLISON
UNITED STATES DISTRICT JUDGE

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

HOPE MORENO LEOS,)
)
 Plaintiff,)
)
 vs.)
)
 McDONNELL DOUGLAS CORPORATION,)
 McDONNELL DOUGLAS-TULSA,)
)
 Defendants.)

No. 81-C-304-C

FILED

JAN 26 1982

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

O R D E R

Now before the Court for its consideration is defendants' motion to dismiss and/or For Partial Summary Judgment, filed pursuant to Fed.R.Civ.Pro. 12 and 56, respectively. The plaintiff has filed her claims against the defendants for alleged violations of her civil rights under 42 U.S.C. §§1981, 1983, 1985 and 2000e et seq. Defendants assert in their motion the following:

1. that plaintiff's claims regarding age and sex discrimination are not cognizable under Section 1981;
2. that plaintiff's claims under Section 1983 should be dismissed on the basis that the state action requirement under that section is not present in the instant action;
3. that plaintiff's claims under Section 1985 should be dismissed on the grounds that a corporation and its agents cannot engage in a conspiracy of such a nature to satisfy the requirements of that section and that alleged violations of Section 2000e et seq. cannot be challenged under Section 1985;
4. that there is no legal entity, "McDonnell Douglas-Tulsa" and the Court is without jurisdiction over such a non-existent entity;
5. that any claims of plaintiff under Sections 1981, 1983 and 1985 which occurred prior to June 26, 1979 must be dismissed because they would have occurred outside the applicable two year

statute of limitations;

6. that any claims of plaintiff under Section 2000e et seq. occurring prior to April 13, 1979 must be dismissed because they were not made the basis of a timely charge of discrimination before the Equal Employment Opportunity Commission (EEOC), which defendants allege is a jurisdictional prerequisite to suit.

In order to establish a claim under Section 1981, plaintiff must allege she was deprived of a federally protected right because of her race. Boling v. National Zinc Co., 435 F.Supp. 18 (N.D.Okla. 1976); Runyon v. McCrary, 427 U.S. 160, 96 S.Ct. 2586, 49 L.Ed. 415 (1976). Accordingly, plaintiff's claims of age and sex discrimination are not cognizable under Section 1981. Kodish v. United Air Lines, Inc., 628 F.2d 1301 (10th Cir. 1980).

In order to establish a cause of action under Section 1983,¹⁰ plaintiff must allege that defendant has deprived her of a federally protected right and that the person who has deprived her of that right acted under color of state law. Gomez v. Toledo, 446 U.S. 635, 640, 100 S.Ct. 1920, 1923, 64 L.Ed.2d 572 (1980). Since plaintiff has not presented any set of facts under which it might be concluded that the defendants are or were acting under color of state law, the Court must dismiss the plaintiff's claims under §1983 of Title 42 for failure to allege facts which establish an essential element of a cause of action under Section 1983.

In view of the uncontroverted affidavit of Mr. R. C. Linstrom, Vice-President and General Manager of the Tulsa, Oklahoma facility of McDonnell Douglas Corporation, attached to defendants' motion, this Court concludes that there is no legal entity, McDonnell Douglas-Tulsa. Therefore, the Court must dismiss the instant action as to all claims against such non-existent entity. All of plaintiff's remaining claims can be

adequately pursued against McDonnell Douglas Corporation, who is a suable entity.

In order to sustain a claim under Title 42 U.S.C. §1985(3) it is required that two or more persons must have entered into a conspiracy to deprive the plaintiff of a federally protected right. In that only one corporation or entity is a defendant in the present action, this Court holds that a single corporation cannot conspire with itself, even through the acts of its agents. See Zelinger v. Uvalde Rock Asphalt Co., 316 F.2d 47, 52 (10th Cir. 1963) and Dombroski v. Dowling, 459 F.2d 190 (7th Cir. 1972). The Court, thus, concludes that the plaintiff's Section 1985 claim must also be dismissed for failure to meet the requirements of that section. In view of the above ruling regarding Section 1985 it is unnecessary for the Court to reach the merits of the defendant's second argument relating to Section 1985.

Though the complaint and first amended complaint are somewhat ambiguous as to the exact use plaintiff intends under 42 U.S.C. §2000e, it is clear she is alleging acts of continuing discrimination from April 21, 1967 to the present. It also appears to the Court that the plaintiff is requesting back pay, at least in some amount, all the way back to 1967. This Court is without authority to award back pay under Section 2000e et seq. for any period prior to two years from the filing of the plaintiff's charge of discrimination with the EEOC. 42 U.S.C. §2000e-5(g). Therefore, if the plaintiff prevails in this action and back pay is deemed an appropriate form of relief such back pay under Section 2000e-5(g) could only reach back to February 8, 1978 in that the plaintiff filed her claim with the EEOC on February 8, 1980. The Court would note that the defendant's argument concerning the 300 day time limit is inapplicable to the present action because the plaintiff is alleging continuing discrimination. See Rich v. Martin Marietta Corporation, 522 F.2d 333 (10th Cir. 1975).

The statute of limitation question under Section 1981 is governed by state law. Wright v. St. Johns Hospital, 414 F.Supp. 1202 (N.D.Okla. 1976). The applicable Oklahoma law is found at OKLA.STAT.ANN. tit. 12, §95. Whether the five-year limitation for written contracts (Section 95 (first)), the the three-year limitation for oral contracts (Section 95 (second)), or the two-year limitation for injury to the rights of another not arising on contract (Section 95 (third)) applies to the Section 1981 claims involves an issue of fact to be determined at trial.

It is therefore the Order of this Court that the defendant's motion to dismiss the plaintiff's claims regarding age and sex discrimination under Section 1981 is sustained.

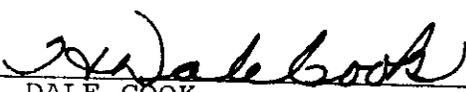
It is the further Order of this Court that the defendant's motion to dismiss all of the plaintiff's claims of discrimination under Section 1983 is sustained.

It is the further Order of this Court that because McDonnell Douglas-Tulsa is not a suable entity, it should be and is hereby dismissed from the present action.

It is the further Order of this Court that the defendant's motion to dismiss all of plaintiff's claims under Section 1985(3) is sustained.

It is the further Order of this Court that the ruling on the limitation issue as to claims under Section 1981 is hereby reserved until the time of trial.

It is so Ordered this 26th day of January, 1982.



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

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

PATRICIA L. HUGHES,

Plaintiff,

vs.

UNITED STATES OF AMERICA and
UNITED STATES POSTAL SERVICE,

Defendants.

RICHARD D. HUGHES,

Plaintiff,

vs.

UNITED STATES OF AMERICA and
UNITED STATES POSTAL SERVICE,

Defendants.

81-C-519-BT

FILED

JAN 20 1982

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

81-C-520-BT

(CONSOLIDATED)

O R D E R

The Court has for consideration the following Motions
filed by defendants.

1. Motion to Strike, pursuant to F.R.Civ.P. 12(f).^{1/}
2. Motion to Dismiss, pursuant to F.R.Civ. 12(b)(1).^{2/}

1/ The United States of America moves to strike plaintiff's demand for a jury trial. The Court previously denied plaintiffs' demand for jury trial by Order dated December 17, 1981, and that portion of the motion is moot. The balance of the motion is directed to the increased claim of plaintiffs for damages in excess to the amount in the administrative claim. By response, the United States now contends the designation of motion to strike as to this contention was in error since it challenges subject matter jurisdiction and should be considered as having been filed pursuant to F.R.Civ.P. 12(f), (h) (3).

2/ Plaintiffs, by response, concede the Motion to Dismiss pursuant to F.R.Civ.P. 12(b)(1) of the United States Postal Service.

This action was brought pursuant to the Federal Tort Claims Act, 28 U.S.C. §2671 et seq.

The question before the Court [being jurisdictional] is whether plaintiffs can seek damages in this litigation in excess of those damages claimed in the administrative claim to the agency.^{3/}

Title 28 U.S.C. §2675(b) provides:

"Action under this section shall not be instituted for any sum in excess of the amount of the claim presented to the federal agency, except where the increased amount is based upon newly discovered evidence not reasonably discoverable at the time of presenting the claim to the federal agency, or upon allegation and proof of intervening facts, relating to the amount of the claim."

Plaintiffs' contention is before filing of the administrative claim Patricia Hughes had suffered one seizure and her physicians were unable to determine the probability that she would have additional seizures and that after the administrative claim was denied and prior to filing this litigation Patricia Hughes suffered a second seizure on August 19, 1981. Plaintiffs contend the second seizure significantly increased the probability that she will suffer additional seizures in the future. Plaintiffs contend these conditions constituted newly discovered evidence and intervening facts, thus bring the increased claim within the exception provided in 28 U.S.C. §2765(b).

On the administrative claim submitted in behalf of Patricia Hughes, her injuries were listed as:

"Traumatic arthritis in right temporo-mandibular joint
"Right parietal lobe seizure disorder."

The burden of establishing "newly discovered evidence" or "intervening fact" rests on the plaintiffs. Kielwien v. United States, 540 F.2d 676, 680 (4th Cir. 1976), cert. denied, 429 U.S. 979, 97 S.Ct. 491, 50 L.Ed.2d 588 (1976).

^{3/} Plaintiffs claimed \$499,702.32 in the administrative claim and now claim in this litigation \$560,911.26, or an increase of \$61,208.61.

Since this case will be tried to the Court, the Court will overrule the defendant's Motion at this time, without prejudice to renewal at trial when the parties have had an opportunity to present evidence to the Court as to whether the increased claim comes within the exception of 28 U.S.C. §2765(b).

IT IS, THEREFORE, ORDERED AS FOLLOWS:

1. The Motion to Strike demand for jury trial is overruled as being moot, the Court having heretofore denied plaintiffs' demand for jury trial.

2. The Motion to Strike [actually a Motion to Dismiss] based on lack of subject matter jurisdiction of the additional \$61,208.61 is overruled at this time without prejudice to being renewed after trial of this matter.

3. The Motion to Dismiss of the United States Post Office is sustained and the United States Post Office is dismissed as a defendant in this litigation.

IT IS FURTHER ORDERED:

1. The parties are to complete all discovery on or before the 22nd day of March, 1982.

2. This case is set for pre-trial conference on the 6th day of April, 1982, at 2:10 P.M.

3. The parties should file an agreed Pre-Trial Order on or before the 31st day of March, 1982.

4. The parties are directed to file Trial Briefs and suggested Findings of Fact and Conclusions of Law on or before the 19th day of April, 1982.

5. The case is set for non-jury trial on the 26th day of April, 1982, at 9 o'clock A.M.

ENTERED this 26th day of January, 1982.


THOMAS R. BRETT
UNITED STATES DISTRICT JUDGE

JAN 25 1982

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

CARRIE LEA MORRIS

Plaintiff(s),

VS

CHARLES L. BOYCE, et al

Defendant(s).

Case No. 80-C-556-BT

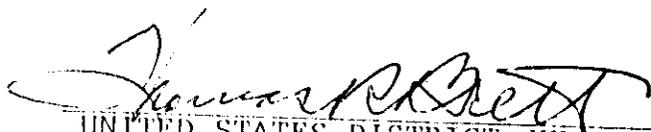
JUDGMENT DISMISSING ACTION
BY REASON OF SETTLEMENT

The Court has been advised by counsel that this action has been settled, or is in the process of being settled. Therefore, it is not necessary that the action remain upon the calendar of the Court. Counsels advise settlement papers will be filed in 10 days.

IT IS ORDERED that the action is dismissed without prejudice. The Court retains complete jurisdiction to vacate this order and to reopen the action upon cause shown that settlement has not been completed and further litigation is necessary.

IT IS FURTHER ORDERED that the Clerk forthwith serve copies of this judgment by United States mail upon the attorneys for the parties appearing in this action.

Dated this 25th day of JANUARY, 1982.


UNITED STATES DISTRICT JUDGE
THOMAS R. BRETT

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

FILED

JAN 25 1982 *jc*

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

UNITED STATES OF AMERICA,)
)
 Plaintiff,)
)
 vs.)
)
 PAULA M. ZACKERY,)
)
 Defendant.)

CIVIL ACTION NO. 81-C-394-C ✓

JUDGMENT OF FORECLOSURE

THIS MATTER COMES on for consideration this 25th day of January, 1982. 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, Paula M. Zackery, appearing not.

The Court being fully advised and having examined the file herein finds that Defendant, Paula M. Zackery, was served with Summons and Complaint on September 24, 1981, as appears on the United States Marshal's Service herein.

It appears that the Defendant, Paula M. Zackery, has failed to answer and that default has been entered by the Clerk of this Court.

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

Lot Four (4), Block One (1), BUENOS VISTA
SUBDIVISION of Tulsa County, State of Oklahoma,
according to the recorded plat thereof

THAT the Defendant, Paula M. Zackery, did, on the 15th day of December, 1978, execute and deliver to the Administrator of Veterans Affairs, her mortgage and mortgage note in the sum of \$14,200.00 with 9 1/2 percent interest per annum, and further providing for the payment of monthly installments of principal and interest.

The Court further finds that Defendant, Paula M. Zackery, made default under the terms of the aforesaid mortgage note by reason of her failure to make monthly installments due thereon, which default has continued and that by reason thereof the above-named Defendant is now indebted to the Plaintiff in the sum of \$14,218.27 as unpaid principal with interest thereon at the rate of 9 1/2 percent per annum from July 1, 1980, until paid, plus the cost of this action accrued and accruing.

IT IS THEREFORE ORDERED, ADJUDGED, AND DECREED that the Plaintiff have and recover judgment against Defendant, Paula M. Zackery, for the sum of \$14,218.27 with interest thereon at the rate of 9 1/2 percent per annum from July 1, 1980, plus the cost of this action accrued and accruing, plus any additional sums advanced or to be advanced or expended during this foreclosure action by Plaintiff for taxes, insurance, abstracting, or sums for the preservation of the subject property.

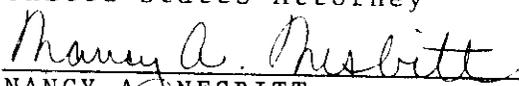
IT IS FURTHER ORDERED, ADJUDGED, AND DECREED that upon the failure of said Defendant to satisfy Plaintiff's money judgment herein, an Order of Sale shall be issued to the United States Marshal for the Northern District of Oklahoma, commanding him to advertise and sell with appraisement the real property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

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


UNITED STATES DISTRICT JUDGE

APPROVED:

FRANK KEATING
United States Attorney


NANCY A. NESBITT
Assistant United States Attorney

FILED

UNITED STATES DISTRICT COURT FOR THE
NORTHERN DISTRICT OF OKLAHOMA

JAN 25 1982

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

UNITED STATES OF AMERICA,)
)
 Plaintiff,)
)
 vs.)
)
 GERALD W. SCOTT,)
)
 Defendant.)

CIVIL ACTION NO. 81-C-758-C

AGREED JUDGMENT

This matter comes on for consideration this 25th day of January, 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, Gerald W. Scott, appearing pro se.

The Court, being fully advised and having examined the file herein, finds that the Defendant, Gerald W. Scott, was personally served with Summons and Complaint on December 29, 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 \$312.00, 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, Gerald W. Scott, in the amount of \$312.00, plus 12% interest from the date of this Judgment until paid.

W. Salebook
UNITED STATES DISTRICT JUDGE

APPROVED:

UNITED STATES OF AMERICA

FRANK KEATING
United States Attorney

Philard L. Rounds, Jr.
PHILARD L. ROUNDS, JR.
Assistant U.S. Attorney

Gerald W. Scott
GERALD W. SCOTT

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

FILED

JAN 25 1982

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

KAMO Electric Cooperative, Inc.,)
A Corporation,)
)
Plaintiff,)
)
vs.)
)
JAMES DALGARN, et al.,)
)
Defendants.)

CIVIL NO. 81-C-652-B

ORDER

The Motion to Dismiss of the United States of America as party defendant came on the 15th day of January, 1982, and for good cause shown by the United States of America in its motion, and by agreement of the parties,

IT IS HEREBY ORDERED, ADJUDGED and DECREED that the United States of America is dismissed as a party defendant in this action.

Dated this 25th day of January, 1982.

S/ THOMAS R. BRETT

UNITED STATES DISTRICT JUDGE

UNITED STATES DISTRICT COURT FOR THE
NORTHERN DISTRICT OF OKLAHOMA

FILED

JAN 25 1982

UNITED STATES OF AMERICA,)
)
 Plaintiff,)
)
 vs.)
)
 ROBERT O. GATEWOOD,)
)
 Defendant.)

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

CIVIL ACTION NO. 81-C-780-B

AGREED JUDGMENT

This matter comes on for consideration this 25th day of January, 1982, the Plaintiff appearing by Frank Keating, United States Attorney for the Northern District of Oklahoma, through Don J. Guy, Assistant United States Attorney, and the Defendant, Robert O. Gatewood, appearing pro se.

The Court, being fully advised and having examined the file herein, finds that the Defendant, Robert O. Gatewood, was personally served with Summons and Complaint on December 17, 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 \$352.73, plus 12% interest from the date of this Judgment until paid.

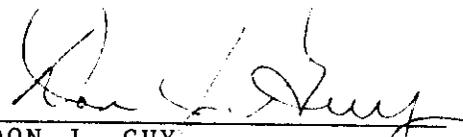
IT IS THEREFORE, ORDERED, ADJUDGED, AND DECREED that the Plaintiff have and recover Judgment against the Defendant, Robert O. Gatewood, in the amount of \$352.73, plus 12% interest from the date of this Judgment until paid.

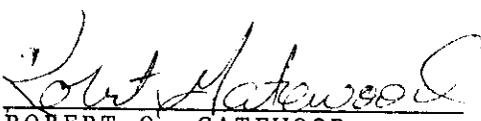

UNITED STATES DISTRICT JUDGE

APPROVED:

UNITED STATES OF AMERICA

FRANK KEATING
United States Attorney


DON J. GUY
Assistant U.S. Attorney


ROBERT O. GATEWOOD

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

FILED

JAN 25 1982

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

FLOYD R. HARDESTY d/b/a)
THE HARDESTY COMPANY, an)
Oklahoma citizen,)
)
Plaintiff,)
)
vs.)
)
CITY INSURANCE COMPANY, a)
New Jersey corporation,)
)
Defendant.)

No. 81-C-867-B

ORDER OF DISMISSAL

NOW on this 25 day of January, 1982, the Court has for its consideration Stipulation for Dismissal jointly filed in the above-styled and numbered cause by plaintiff and defendant. Based upon the representations and requests of the parties, as set forth in the foregoing Stipulation, it is

ORDERED that plaintiff's Complaint and claims for relief against the defendant be and the same are hereby dismissed with prejudice.

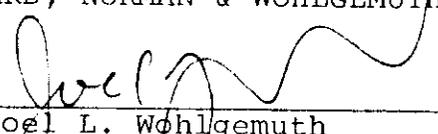
S/ THOMAS R. BRETT

THOMAS R. BRETT
UNITED STATES DISTRICT JUDGE

APPROVED:

PRICHARD, NORMAN & WOHLGEMUTH

By

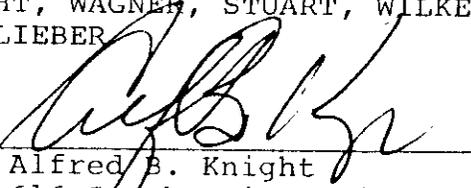


Joel L. Wohlgemuth
909 Kennedy Building
Tulsa, Oklahoma 74103

Attorneys for the plaintiff,
Floyd R. Hardesty d/b/a The
Hardesty Company

KNIGHT, WAGNER, STUART, WILKERSON
& LIEBER

By



Alfred B. Knight
616 South Main, Suite 205
Tulsa, Oklahoma 74119

Attorneys for the defendant,
City Insurance Company

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

J.Y. ROGERS, JR., WELDON CARTER)
JOE FISCHER, VERNON HARNELL,)
and RUSSELL M. GOODWINE, JR.,)
Plaintiffs,)
vs.)
RAYMOND E. CAIN,)
Defendant.)

No. 81-C-856-B

FILED
JAN 21 1982
Jack C. Silver, Clerk
U. S. DISTRICT COURT

JOURNAL ENTRY OF JUDGMENT

NOW on this 25th day of January, 1982, the above entitled and numbered cause comes before this Court upon the Plaintiffs' Motion for Default Judgment and the Plaintiffs appearing by and through their attorneys, Robinson, Boese & Davidson, by Kenneth M. Smith, and the Defendant, Raymond E. Cain, appearing not.

Thereupon, the Court examined the file and pleadings therein and finds that this Court has jurisdiction of both the subject matter and parties to this action.

The Court further finds that the Defendant, Raymond E. Cain, was duly served with the Complaint and Summons herein on the 11th day of December, 1981, and that the answer date of said Defendant, as fixed on said Summons, has passed and that the aforesaid Defendant has failed to plead or answer the Complaint of the Plaintiffs filed herein, and the Defendant is therefore found to be in default.

The Court further finds that the allegations in the Plaintiffs' Complaint are ~~admitted~~ ^{taken as true} by the Defendant and that the Plaintiffs should have judgment for the actual damages as prayed for in the Complaint, but not for the exemplary damages prayed for therein.

IT IS THEREFORE, ORDERED, ADJUDGED AND DECREED that the Plaintiffs have and recover judgment against the Defendant, Raymond E. Cain, in the amount of \$32,337.50, together with

interest thereon, from the date of this judgment at the statutory rate, together with their costs, including a reasonable attorney's fee to be taxed as costs.

Dated this 25th day of January, 1982.



JUDGE THOMAS R. BRETT
United States District Court
for the Northern District of
Oklahoma

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

GEORGIA-PACIFIC CORPORATION,)
a corporation,)
)
Plaintiff,)
)
vs.)
)
GRAND RIVER DAM AUTHORITY,)
a public corporation, et al.,)
)
Defendants.)

No. 80-C-444-C

FILED

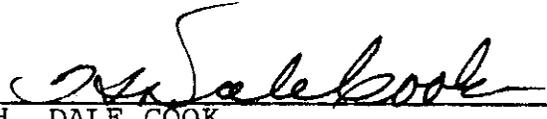
JAN 25 1982

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

J U D G M E N T

Pursuant to the Findings of Fact and Conclusions of Law filed simultaneously herein, it is hereby ordered that judgment be entered for the plaintiff and against the defendant in the amount of \$106,546.52, which shall be paid to the plaintiff within 30 days.

It is so Ordered this 25th day of January, 1982.



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

UNITED STATES DISTRICT COURT FOR THE
NORTHERN DISTRICT OF OKLAHOMA

JAN 24 1982
U.S. DISTRICT COURT
NORTHERN DISTRICT OF OKLAHOMA

UNITED STATES OF AMERICA,)
)
Plaintiff,)
)
vs.) CIVIL ACTION NO. 81-C-729-E
)
BILLY R. FRICKS,)
)
Defendant.)

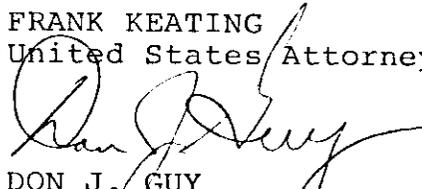
NOTICE OF DISMISSAL

COMES NOW the United States of America by Frank Keating, United States Attorney for the Northern District of Oklahoma, Plaintiff herein, through Don J. Guy, 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 25th day of January, 1982.

UNITED STATES OF AMERICA

FRANK KEATING
United States Attorney


DON J. GUY
Assistant United States Attorney

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

MUSTAFA SULIEMAN TARA'ANI,)
)
 Plaintiff,)
)
 vs.)
)
 DEGEN PIPE AND SUPPLY COMPANY,)
 et al.,)
)
 Defendants.)

No. 79-C-124-C

FILED

JAN 25 1982

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

J U D G M E N T

Pursuant to the Findings of Fact and Conclusions of Law filed simultaneously herein, it is hereby ordered that judgment be entered for the plaintiff and against the defendant, for the sum of \$52,000 with interest at the statutory rate from the date of the filing of this Judgment.

It is so Ordered this 25th day of January, 1982.


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

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

LION UNIFORM, INC., an)
Ohio corporation,)
)
Plaintiff,)
)
vs.)
)
SPRINGS MILLS, INC., a)
foreign corporation; and)
WASHINGTON MANUFACTURING CO.,)
a foreign corporation,)
)
Defendants.)

No. 80-C-507-C ✓

FILED

JAN 25 1982 *Ch*

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

J U D G M E N T

Based on the Findings of Fact and Conclusions of Law filed simultaneously herein, the Court hereby enters judgment in favor of defendants and against plaintiff.

It is so Ordered this 25th day of January, 1982.

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

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

SOONER FEDERAL SAVINGS AND
LOAN ASSOCIATION, a
corporation,

Plaintiff,

vs.

IRA G. WHEELER, JR.,
KATHY L. WHEELER,
EDDIE D. BRAND,
DORIS BRAND,

Defendants.

No. 81-C-631-C

FILED

JAN 25 1982

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

O R D E R

Now before the Court for its consideration is defendants' motion to dismiss filed pursuant to Fed.R.Civ.Pro. 12(b)(1) and (2). In that the Court has determined that it lacks subject matter jurisdiction of the instant action, it does not reach the question raised under Rule 12(b)(2).

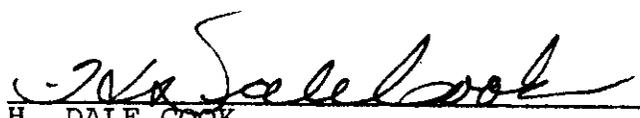
The plaintiff alleges that federal jurisdiction is conferred on this Court under the authority of the Federal Home Loan Mortgage Corporation Act, 12 U.S.C. §1452(e)(2), the Homeowner's Loan Act of 1933, 12 U.S.C. 1461 et seq. and 28 U.S.C. §1331, the general federal question statute. Section 1452(e)(2) does not confer jurisdiction on this Court in that the Federal Home Loan Mortgage Corporation is not a party to the present action. Section 1461 et seq. nowhere specifically confers jurisdiction on this Court in a suit similar to the present action. The Court is left to consider whether any substantial federal question is raised in the complaint which would bring the action under 28 U.S.C. §1331.

The plaintiff cites Williams v. First Federal Savings & Loan Association of Arlington, 651 F.2d 910 (4th Cir. 1981) in support of its contention that this Court has subject matter jurisdiction of the instant action. The Court has carefully reviewed the

Williams decision and is in disagreement thereto. It is well established that the federal question must appear on the face of a well-pleaded complaint. Trent Realty Associates v. First Federal Savings and Loan Association of Philadelphia, 657 F.2d 29 (3rd Cir. 1981). Nowhere does the complaint in the instant action raise such a federal question. The present action is merely one to foreclose a mortgage and to determine that the remaining balance on a promissory note is due and payable. The complaint does not raise the issue of federal preemption or that the laws of the State of Oklahoma are somehow in conflict with rules and regulations promulgated by the Federal Home Loan Bank Board. See First Federal Savings and Loan of Gadsden County v. Peterson, 516 F.Supp. 732 (N.D.Fla. 1981); Cf. Florida Federal Savings and Loan Association v. Bauer, 515 F.Supp. 869 (M.D.Fla. 1981). In the absence of any substantial federal question appearing in the complaint the Court concludes it lacks subject matter jurisdiction to entertain the present action.

Accordingly, it is the Order of this Court that the present action is dismissed for lack of subject matter jurisdiction.

It is so Ordered this 25th day of January, 1982.


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

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

FILED

JAN 22 1982 *hm*

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

ASSOCIATED BEAUTY COMPANIES,)
INC.,)
)
Plaintiff,)
)
-vs-)
)
THE DRACKETT COMPANY,)
)
Defendant.)

Case No. 82-C-4-EV ✓

STIPULATION OF DISMISSAL

COME NOW the plaintiff, Associated Beauty Companies, Inc., and the defendant, The Drackett Company, through their counsel, pursuant to Rule 41(a)(1)(ii) of the Federal Rules of Civil Procedure, and stipulate that this action may be and it is hereby dismissed with prejudice.

DATED January 21, 1982.

Patrick D. O'Connor

PATRICK D. O'CONNOR
RHEAM, NOSS & O'CONNOR
400 Sinclair Building
6 East Fifth Street
Tulsa, Oklahoma 74103

Attorneys for Plaintiff
ASSOCIATED BEAUTY COMPANIES, INC.

James M. Sturdivant

JAMES M. STURDIVANT
GABLE, GOTWALS, RUBIN, FOX, JOHNSON
& BAKER
20th Floor - Fourth National Building
Tulsa, Oklahoma 74119

Attorneys for Defendant
THE DRACKETT COMPANY

UNITED STATES DISTRICT COURT FOR THE
NORTHERN DISTRICT OF OKLAHOMA

F I L E D
JAN 21 1982
Jack [unclear]
U.S. DISTRICT COURT

United States of America,)	
)	
Plaintiff,	)	CIVIL ACTION NO. 79-C-107-E
)	
vs.	)	Tracts Nos. 320E, 327-1,
	)	327E-1 and 327E-2
)	
48.59 Acres of Land, More or	)	As to the <u>Overriding Royalty</u>
Less, Situate in Washington	)	<u>Interest and the Oil Payment</u>
County, State of Oklahoma, and	)	Interest only in the oil and
Charles F. Shertzer, et al.,	)	gas leasehold interest in
and Unknown Owners,	)	the estate taken.
)	
	)	(Included in D.T. filed in
Defendants.	)	Master File #400-14)

J U D G M E N T

1.

Now, on this 21st day of January, 1982, this matter comes on for disposition on application of the Plaintiff, United States of America, for entry of judgment on the Report of Commissioners filed herein on December 30, 1981, and the Court, after having examined the files in this action and being advised by counsel for the Plaintiff, finds that:

2.

This judgment applies to the estate condemned in the tracts listed in the caption hereof, as such estate 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 February 13,

1979, the United States of America filed its Declaration of Taking of such property, and title thereto should be vested in the United States of America, as of the date of filing such instrument.

6.

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

7.

The Report of Commissioners filed herein on December 30, 1981 is approved, and adopted as a finding of fact as to subject tracts. The amount of just compensation for the estate taken in the subject tracts, as fixed by the Commission, is set out below in paragraph 12.

8.

This judgment will create a surplus in the amount deposited in this case, as set out below in paragraph 12, and such surplus should be refunded to the Plaintiff.

9.

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

10.

It Is, Therefore, ORDERED, ADJUDGED and DECREED that the United States of America has the right, power and authority to condemn for public use the subject tracts, as they are described in the Complaint filed herein, and such property, to the extent of the estate described in such Complaint, is condemned, and title thereto is vested in the United States of America, as of February 13, 1979, and all defendants therein and all other persons are forever barred from asserting any claim to such estate.

11.

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

12.

It Is Further ORDERED, ADJUDGED and DECREED that the Report of Commissioners filed herein on December 30, 1981, hereby is confirmed and the sum therein fixed is adopted as the award of just compensation for the estate taken in the subject tracts, as shown by the following schedule:

TRACTS NOS. 320E, 327-1, 327E-1 and
327E-2, as to the Overriding Royalty
Interest and the Oil Payment Interest,
in the Oil and Gas Leasehold Interest
in the Estate Taken.

OWNERS:

Charles F. Shertzer ----- 1/2
Ruth Partridge ----- 1/4
Helen Austin ----- 1/8
Patricia Ann Watkins ----- 1/8

Deposited as estimated Compensation ----- \$49.00
Award of just compensation pursuant
to Commissioners' Report ----- \$44.00 \$44.00
Disbursed to owners ----- None
Balance due to owners ----- \$44.00
Deposit surplus ----- \$ 5.00

13.

It Is Further ORDERED that the Clerk of this Court shall disburse from the deposit in this case certain sums as follows:

To:

Charles F. Shertzer ----- \$22.00
Ruth Partridge ----- \$11.00
Helen Austin ----- \$ 5.50
Treasurer, United States
of America ----- \$ 5.00

14.

It Is Further ORDERED that the share of subject award due to Patricia Ann Watkins shall not be disbursed at the present time because the address of said defendant is now unknown. In the event said defendant is located the Court will enter an appropriate order of disbursal.

In the event that the balance due to such defendant remains on deposit for a period of five years from the date of filing this Judgment, then, after that period, the Clerk of this Court, without further order shall disburse the balance on deposit for subject tracts to the Treasurer of the United States of America, pursuant to the provisions of Title 28, Section 2042, U.S.C.

S/ JAMES O. ELLISON
UNITED STATES DISTRICT JUDGE

APPROVED:

H. A. Marlow
HUBERT A. MARLOW
Assistant United States Attorney

UNITED STATES DISTRICT COURT FOR THE
NORTHERN DISTRICT OF OKLAHOMA

JAN 21 1982

JACKSONVILLE
U.S. DISTRICT COURT

UNITED STATES OF AMERICA,)
)
Plaintiff,)
)
vs.) CIVIL ACTION NO. 81-C-485-E
)
CHARLES A. MAUPIN,)
)
Defendant.)

JUDGMENT

This matter comes on for consideration this 21st day of January, 1982, 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, Charles A. Maupin, appearing pro se.

The Court being fully advised and having examined the file herein finds that Defendant, Charles A. Maupin, was personally served with Summons and Complaint on September 21, 1981. On October 15, 1981, Defendant's Answer was filed in which he admitted the debt which is the subject of the Complaint. On November 19, 1981, the Plaintiff filed a Motion for Judgment on the Pleadings which was sustained by the Court. Plaintiff is therefore 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 A. Maupin, for the principal sum of \$650.00 (less the sum of \$400.00 which has been paid), plus the accrued interest of \$69.21 as of October 21, 1979, plus interest on the principal sum of \$650.00 at 7 percent from October 21, 1979, until the date of Judgment, plus interest on the Judgment at the rate of 12 percent until paid.

SA DAVID W. ELISON

UNITED STATES DISTRICT JUDGE

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

JAN 21 1982

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

LINDA MITCHELL,)
)
Plaintiff,)
)
vs.)
)
AUTOMOBILES OF ITALY, INC.,)
d/b/a PASSPORT MOTORS,)
)
Defendant.)

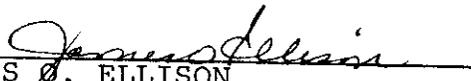
No. 81-C-835-E

ORDER

The Court being fully advised in the premises and on consideration of the parties' Dismissal by Stipulation filed herein, finds that plaintiff's cause should be dismissed.

BE IT THEREFORE ORDERED, ADJUDGED AND DECREED by the Court that plaintiff's cause be, and the same is hereby dismissed.

DONE AND DATED this 21st day of January, 1982.


JAMES P. ELLISON
UNITED STATES DISTRICT JUDGE

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

F. I. E. 7.
JAN 21 1982
Jack G. ... Clerk
U. S. DISTRICT COURT

HORACE MANN INSURANCE COMPANY,))
a foreign corporation,))
))
Plaintiff,))
))
vs.))
))
THE HOME INDEMNITY COMPANY,))
a foreign corporation,))
))
Defendant.))

No. 81-C-854-E

ORDER OF DISMISSAL

The Court, being fully advised in the premises, and on consideration of the parties' Dismissal by Stipulation filed herein, states that plaintiff's cause should be dismissed.

BE IT THEREFORE ORDERED, ADJUDGED AND DECREED that plaintiff's cause be, and the same is hereby dismissed.

DONE AND DATED this 21 day of January, 1982.

S/ JAMES O. ELLISON
JAMES O. ELLISON
UNITED STATES DISTRICT JUDGE

FILED

IN THE UNITED STATES DISTRICT COURT IN AND FOR THE NORTHERN DISTRICT OF OKLAHOMA JAN 20 1982

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

VIDEO COMMUNICATIONS, INC.,)
an Oklahoma Corporation,)
)
Plaintiff,)
)
vs.)
)
OSTANO COMMERZ ANSTALT, a)
Business Establishment)
Organized and Existing By)
Virtue of The Laws of The)
Principality of)
Liechtenstein, and HERBERT)
JOVEY,)
)
Defendants.)

No. 81-C-203-C ✓

NOTICE OF DISMISSAL

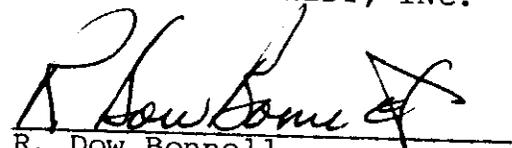
COMES now the Plaintiff, VIDEO COMMUNICATIONS, INC., an Oklahoma corporation, and pursuant to Rule 41 of the Federal Rules of Civil Procedure advises the Court as follows:

1. Service of Process has never been obtained over the Defendants, and no Defendant has entered an appearance in the above captioned case since the date of filing.
2. Plaintiff desires to dismiss the above action.
3. Plaintiff therefore dismisses the above action with prejudice.

Respectfully submitted,

MORREL, HERROLD & WEST, INC.

By:



R. Dow Bonnell
4111 S. Darlington, Suite 600
Tulsa, OK 74135-6394
(918) 664-2424

ATTORNEY FOR PLAINTIFF

FILED

UNITED STATES DISTRICT COURT FOR THE
NORTHERN DISTRICT OF OKLAHOMA

JAN 18 1982

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

UNITED STATES OF AMERICA,)
)
Plaintiff,)
)
vs.)
)
GARLIN F. BAILEY,)
)
Defendant.)

CIVIL ACTION NO. 81-C-695-E ✓

DEFAULT JUDGMENT

This matter comes on for consideration this 18th day of January, 1982, the Plaintiff appearing by Frank Keating, United States Attorney, through Don J. Guy, Assistant United States Attorney for the Northern District of Oklahoma, and the Defendant, Garlin F. Bailey, appearing not.

The Court being fully advised and having examined the file herein finds that Defendant, Garlin F. Bailey, was personally served with Summons and Complaint on November 18, 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, Garlin F. Bailey, for the principal sum of \$420.47, plus interest at the rate of 12 percent from the date of this Judgment until paid.

James E. Silver
UNITED STATES DISTRICT JUDGE

UNITED STATES DISTRICT COURT FOR THE
NORTHERN DISTRICT OF OKLAHOMA

UNITED STATES OF AMERICA,)
)
 Plaintiff,)
)
 vs.)
)
 DEREK L. HAWKINS,)
)
 Defendant.)

CIVIL ACTION NO. 81-C-783-B

FILED

JAN 18 1982

NOTICE OF DISMISSAL

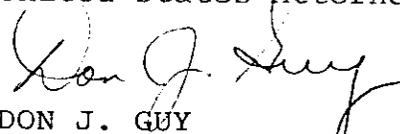
Jack C. Silver, Clerk
U. S. DISTRICT COURT

COMES NOW the United States of America by
Frank Keating, United States Attorney for the Northern District
of Oklahoma, Plaintiff herein, through Don J. Guy, 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 18th day of January, 1982.

UNITED STATES OF AMERICA

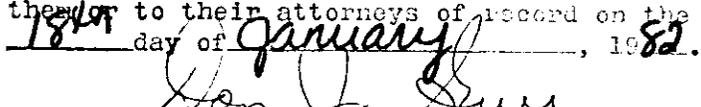
FRANK KEATING
United States Attorney



DON J. GUY
Assistant United States Attorney

CERTIFICATE OF SERVICE

The undersigned certifies that a true copy
of the foregoing pleading was served on each
of the parties hereto by mailing the same to
them or to their attorneys of record on the
18th day of January, 1982.


Assistant United States Attorney

UNITED STATES DISTRICT COURT FOR THE
NORTHERN DISTRICT OF OKLAHOMA

UNITED STATES OF AMERICA,)
)
 Plaintiff,)
)
 vs.)
)
 LAWRENCE D. SIMMONS,)
)
 Defendant.)

CIVIL ACTION NO. 81-C-781-B

FILED

JAN 18 1982

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

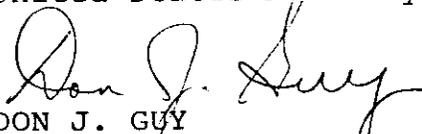
NOTICE OF DISMISSAL

COMES NOW the United States of America by Frank Keating, United States Attorney for the Northern District of Oklahoma, Plaintiff herein, through Don J. Guy, 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 18th day of January, 1982.

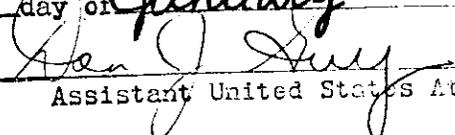
UNITED STATES OF AMERICA

FRANK KEATING
United States Attorney


DON J. GUY
Assistant United States Attorney

CERTIFICATE OF SERVICE

The undersigned certifies that a true copy of the foregoing pleading was served on each of the parties hereto by mailing the same to them or to their attorneys of record on the 18th day of January, 1982.


Assistant United States Attorney

FILED

UNITED STATES DISTRICT COURT FOR THE
NORTHERN DISTRICT OF OKLAHOMA

JAN 18 1982

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

UNITED STATES OF AMERICA,)
)
Plaintiff,)
)
vs.)
)
DONALD D. SIMMONS,)
)
Defendant.)

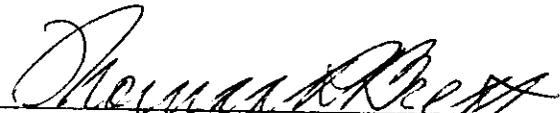
CIVIL ACTION NO. 81-C-676-B ✓

DEFAULT JUDGMENT

This matter comes on for consideration this 15th day of January, 1982, the Plaintiff appearing by Frank Keating, United States Attorney, through Don J. Guy, Assistant United States Attorney for the Northern District of Oklahoma, and the Defendant, Donald D. Simmons, appearing not.

The Court being fully advised and having examined the file herein finds that Defendant, Donald D. Simmons, was personally served with Summons and Complaint on November 20, 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, Donald D. Simmons, for the principal sum of \$752.80, plus interest at the rate of 12 percent from the date of this Judgment until paid.


UNITED STATES DISTRICT JUDGE

FILED

UNITED STATES DISTRICT COURT FOR THE
NORTHERN DISTRICT OF OKLAHOMA

JAN 18 1982

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

UNITED STATES OF AMERICA,)
)
Plaintiff,)
)
vs.)
)
JOHN R. RIDENHOUR,)
)
Defendant.)

CIVIL ACTION NO. 81-C-622-B

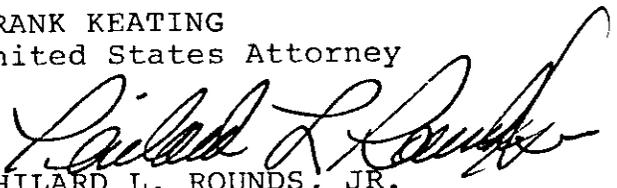
NOTICE OF DISMISSAL

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

Dated this 18th day of January, 1982.

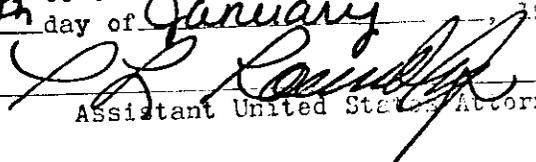
UNITED STATES OF AMERICA

FRANK KEATING
United States Attorney


PHILARD L. ROUNDS, JR.
Assistant United States Attorney

CERTIFICATE OF SERVICE

The undersigned certifies that a true copy
of the foregoing pleading was served on each
of the parties hereto by mailing the same to
them or to their attorneys of record on the
18th day of January, 1982.


Assistant United States Attorney

Petitioner states he unsuccessfully sought a writ of habeas corpus in the Oklahoma state court. The State suggests it was this action which petitioner has confused with the direct appeal required under the foregoing statute. In any event, petitioner has failed to pursue the post-conviction procedure required, thus leaving this Court without jurisdiction to entertain his petition for a writ of habeas corpus. 28 U.S.C. §§2254 (b) and (c). See Pitchess v. Davis, 421 U.S. 482, 490 (1975).

IT IS THEREFORE ORDERED the petition for a writ of habeas corpus is denied and the cause dismissed.

ENTERED this 15 day of January, 1982.



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

FILED

UNITED STATES DISTRICT COURT FOR THE
NORTHERN DISTRICT OF OKLAHOMA

JAN 18 1982

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

UNITED STATES OF AMERICA,)
)
 Plaintiff,)
)
 vs.)
)
 EMERY F. THOMPSON,)
)
 Defendant.)

CIVIL ACTION NO. 81-C-784-E

DEFAULT JUDGMENT

This matter comes on for consideration this 18th day of January, 1982, the Plaintiff appearing by Frank Keating, United States Attorney, through Don J. Guy, Assistant United States Attorney for the Northern District of Oklahoma, and the Defendant, Emery F. Thompson, appearing not.

The Court being fully advised and having examined the file herein finds that Defendant, Emery F. Thompson, was personally served with Summons and Complaint on November 21, 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, Emery F. Thompson, for the principal sum of \$662.79, plus interest at the rate of 12 percent from the date of this Judgment until paid.


UNITED STATES DISTRICT JUDGE

FILED

UNITED STATES DISTRICT COURT FOR THE
NORTHERN DISTRICT OF OKLAHOMA

JAN 18 1982

UNITED STATES OF AMERICA,)
)
 Plaintiff,)
)
 vs.)
)
 TOMMY R. MEEKS,)
)
 Defendant.)

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

CIVIL ACTION NO. 81-C-593-E

DEFAULT JUDGMENT

This matter comes on for consideration this 18th day of January, 1982, the Plaintiff appearing by Frank Keating, United States Attorney, through Don J. Guy, Assistant United States Attorney for the Northern District of Oklahoma, and the Defendant, Tommy R. Meeks, appearing not.

The Court being fully advised and having examined the file herein finds that Defendant, Tommy R. Meeks, was personally served with Summons and Complaint on November 30, 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, Tommy R. Meeks, for the principal sum of \$524.68, plus interest at the rate of 12 percent from the date of this Judgment until paid.

James O. Ellison
UNITED STATES DISTRICT JUDGE

FILED

UNITED STATES DISTRICT COURT FOR THE NORTHERN DISTRICT OF OKLAHOMA
JAN 18 1982

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

UNITED STATES OF AMERICA,)	
)	
Plaintiff,)	
)	
vs.	)	CIVIL ACTION NO. 81-C-724-C
)	
PETER I. JOHNSON,)	
)	
Defendant.)	

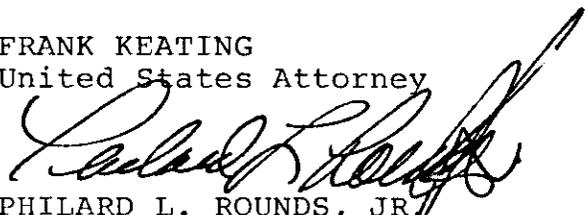
NOTICE OF DISMISSAL

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 18th day of January, 1982.

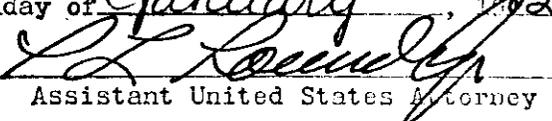
UNITED STATES OF AMERICA

FRANK KEATING
United States Attorney


PHILARD L. ROUNDS, JR.
Assistant United States Attorney

CERTIFICATE OF SERVICE

The undersigned certifies that a true copy of the foregoing pleading was served on each of the parties hereto by mailing the same to them or to their attorneys of record on the 18th day of January, 1982.


Assistant United States Attorney

FILED

JAN 18 1982

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

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

RICHARD FITZGERALD,)	
)	
Plaintiff,)	
)	
vs.	)	No. 80-C-646-E
)	
WILLIAMS INTERNATIONAL GROUP,)	
INC., A CORPORATION,)	
)	
Defendant.)	

ORDER OF DISMISSAL WITH PREJUDICE

ON THIS 18 day of January, 1982, the under-
signed Judge of the United States District Court for the Northern
District of Oklahoma, having been presented with Plaintiff's
Motion for Dismissal with Prejudice, after full file review and
being fully advised in the premises, finds that said Motion
should be granted.

IT IS THEREFORE, ORDERED, ADJUDGED AND DECREED that this
case be dismissed with prejudice to the filing of another action
for the same cause.

S/ JAMES O. ELLISON
United States District Judge

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

WILLOW CREEK, I, NEIGHBORHOOD)
ASSOCIATION, INC., and WILLOW)
CREEK, II, NEIGHBORHOOD)
ASSOCIATION, INC.,)

Plaintiffs,)

-vs-)

TEMP-CO ROOFING SPECIALIST,)
a partnership consisting of)
J. A. Templeton and Tom)
Templeton, and J. A. TEMPLETON)
and TOM TEMPLETON, Individually,)

Defendants.)

FILED

JAN 18 1982

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

No. 81-C-191-E

DEFAULT JUDGMENT

NOW on this 18 day of January, 1982, the above styled and numbered cause comes on before the Court upon the Motion of the plaintiffs to enter default and for default judgment against the defendant, J. A. Templeton, only. The Court, having reviewed the pleadings and having reviewed the Entry of Default as entered by the Clerk of the Court, finds that the defendant, J. A. Templeton, has been legally and duly served with Summons and Plaintiffs' First Amended Complaint on the 21st day of November, 1981, and granted twenty (20) days thereafter to plead or answer but has wholly failed and refused to plead, answer or extend the time to plead or answer and is in default. The Court further finds that the allegations of the plaintiffs' First Amended Complaint be, and the same are taken as true and that the plaintiffs are entitled to judgment as prayed for therein.

IT IS THEREFORE ORDERED, ADJUDGED AND DECREED by the Court that the plaintiffs have and recover judgment against the defendant, J. A. Templeton, for and in the sum of \$441,000.00, together with the costs of the action, accrued and accruing.

FOR ALL OF WHICH LET EXECUTION ISSUE.

S/ JAMES O. ELLISON

JUDGE OF THE DISTRICT COURT

FILED

UNITED STATES DISTRICT COURT FOR ~~JAN 18~~ 1982
NORTHERN DISTRICT OF OKLAHOMA

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

UNITED STATES OF AMERICA,)
)
Plaintiff,)
)
vs.)
)
PAUL D. MURPHY,)
)
Defendant.)

CIVIL ACTION NO. 81-C-679-E

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 Don J. Guy, 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 18th day of January, 1982.

UNITED STATES OF AMERICA

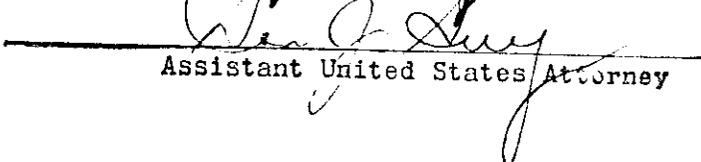
FRANK KEATING
United States Attorney



DON J. GUY
Assistant United States Attorney

CERTIFICATE OF SERVICE

The undersigned certifies that a true copy of the foregoing pleading was served on each of the parties hereto by mailing the same to them to their attorneys of record on the 18th day of January, 1982.


Assistant United States Attorney

FILED

UNITED STATES DISTRICT COURT FOR THE
NORTHERN DISTRICT OF OKLAHOMA

JAN 18 1982

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

UNITED STATES OF AMERICA,)
)
Plaintiff,)
)
vs.)
)
JOHNNIE G. SUNDAY,)
)
Defendant.)

CIVIL ACTION NO. 81-C-743-E

AGREED JUDGMENT

This matter comes on for consideration this 18TH day of January, 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, Johnnie G. Sunday, appearing pro se.

The Court, being fully advised and having examined the file herein, finds that the Defendant, Johnnie G. Sunday, was personally served with Summons and Complaint on November 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 \$1,162.74, 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, Johnnie G. Sunday, in the amount of \$1,162.74, plus 12% interest from the date of this Judgment until paid.

James O. Deason
UNITED STATES DISTRICT JUDGE

APPROVED:

UNITED STATES OF AMERICA

FRANK KEATING
United States Attorney

Nancy A. Nesbitt
NANCY A. NESBITT
Assistant U.S. Attorney

Johnnie G. Sunday
JOHNNIE G. SUNDAY

UNITED STATES DISTRICT COURT FOR THE
NORTHERN DISTRICT OF OKLAHOMA

UNITED STATES OF AMERICA,)
)
 Plaintiff,)
)
 vs.)
)
 RICHARD E. DIXON,)
)
 Defendant.)

CIVIL ACTION NO. 81-C-745-E

FILED

JAN 18 1982

Jack C. Silver, Clerk
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 Nancy A. Nesbitt,
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 18th day of January, 1982.

UNITED STATES OF AMERICA

FRANK KEATING
United States Attorney

Nancy A. Nesbitt

NANCY A. NESBITT
Assistant United States Attorney

CERTIFICATE OF SERVICE

The undersigned certifies that a true copy
of the foregoing pleading was served on each
of the parties hereto by mailing the same to
them or to their attorneys of record on the
18th day of January, 1982.

Nancy A. Nesbitt

Assistant United States Attorney

FILED

UNITED STATES DISTRICT COURT FOR THE
NORTHERN DISTRICT OF OKLAHOMA

JAN 18 1982

UNITED STATES OF AMERICA,)
)
 Plaintiff,)
)
 vs.)
)
 ROBERT G. ROACH,)
)
 Defendant.)

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

CIVIL ACTION NO. 81-C-760-E

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 Nancy A. Nesbitt, 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 18th day of January, 1982.

UNITED STATES OF AMERICA

FRANK KEATING
United States Attorney

Nancy A. Nesbitt

NANCY A. NESBITT
Assistant United States Attorney

CERTIFICATE OF SERVICE

The undersigned certifies that a true copy of the foregoing pleading was served on each of the parties hereto by mailing the same to them or to their attorneys of record on the 18th day of January, 1982.

Nancy A. Nesbitt
Assistant United States Attorney

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

IN RE:)
)
GARY HOLDER and)
ELAINE LOUISE HOLDER,)
)
Plaintiffs,)
)
vs.)
)
KEITH BELKNAP, SR.,)
et al.,)
)
Defendants.)

No. 81-C-67-C

FILED
JAN 17 1982
Jack C. Silver, Clerk
U. S. DISTRICT COURT

O R D E R

Comes on for hearing plaintiff's Joint Application For Dismissal of Complaint With Prejudice, the Court, being fully advised in the premises, finds said Order should enter.

WHEREFORE, IT IS HEREBY ORDERED, ADJUDGED AND DECREED that the above styled litigation should be and is hereby dismissed with prejudice and the minutes previously entered should be and are hereby amended to reflect such.

DATED this 7th day of January, 1982.

W. Salebook
JUDGE

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

F I L E D
JAN 15 1982
Jack C. Silver, Clerk
U. S. DISTRICT COURT

JACK HIGH and DONNA HIGH,
Husband and Wife,

Plaintiffs,

CITY OF TULSA, OKLAHOMA,
a municipal corporation,

vs. Intervenor,

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

Defendants.

No. 78-C-515-B

CONSOLIDATED

LILLIAN WOLARIDGE, Individually,
and as Surviving Mother for and
on Behalf of the Heirs, Executors,
and Administrators of the Estate
of KENNETH WOLARIDGE, Deceased,

Plaintiff,

vs.

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

Defendants.

No. 79-C-160-B

CONSOLIDATED

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

Plaintiffs,

vs.

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

Defendants.

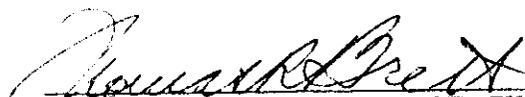
No. 79-C-384-B

O R D E R

O R D E R

NOW, on this 24th day of December, 1981, this matter coming on before me, the undersigned Judge of the United States District Court for the Northern District of Oklahoma, upon Plaintiffs' Motion to Dismiss, and it appearing to the Court that the relief prayed for should be granted, and it appearing that in granting Plaintiffs' Motion, the trial of this cause will be substantially facilitated:

IT IS THEREFORE ORDERED, ADJUDGED, AND DECREED by the Court that Plaintiffs' causes of action as to the Defendant, FLEET TIRE SALES, INC., only, be, and the same is hereby dismissed without prejudice to the filing of a further cause of action.


UNITED STATES DISTRICT JUDGE.

UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF OKLAHOMA

JAN 15 1982
JACK C. SILVER, CLERK
U. S. DISTRICT COURT

MANESS TYPE CO., INC.,)
an Oklahoma Corporation,)
)
Plaintiff,)
)
v.)
)
THE MONOTYPE CORPORATION, LTD.)
a foreign corporation,)
)
Defendant.)

No. 80-C-512-E

DEFAULT JUDGEMENT BY CLERK

TO: JACK C. SILVER, CLERK OF THE UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF OKLAHOMA

In this action, the Plaintiff and Counter-Defendant, having been duly served with copies of Defendant's and Counter-Claimant's Counter Claim and having failed to plead or otherwise defend, the legal time for pleading or otherwise defending having expired and the default of said Plaintiffs and Counter-Defendants, in the premises having been duly entered according to law; upon the application of Defendant and Counter-Claimant, judgment is hereby entered against the Plaintiff and Counter-Defendant pursuant to the prayer of said Counter-Claim.

WHEREFORE, by virtue of the law and by reason of the premises aforesaid,

It is Ordered, Adjudged, and Decreed, that the said Defendant and Counter-Claimant does have and recovers from the Plaintiff and Counter-Defendant the total and true sum of \$10,895.00 with interest thereon at the rate of 12% per annum from the date of judicial demand until paid, and that the Defendant and Counter-Claimant have execution therefor.

Judgment rendered this 15th day of Jan, 1982.


JACK C. SILVER
CLERK, U. S. DISTRICT COURT
NORTHERN DISTRICT OF OKLAHOMA

IN THE UNITED STATES DISTRICT COURT JAN 14 1982
FOR THE NORTHERN DISTRICT OF OKLAHOMA

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

SOUTHWEST TUBE MANUFACTURING)
COMPANY,)
)
Plaintiff,)
)
vs.)
)
BRISTOL LOCKNUT COMPANY,)
)
Defendant.)

No. 80-C-360-BT

J U D G M E N T

Pursuant to the verdict of the jury entered herein on November 24, 1981, and the Findings of Fact and Conclusions of Law relative to attorney's fee and interest entered this date, Judgment is hereby granted to the plaintiff, Southwest Tube Manufacturing Company, and against the defendant, Bristol Locknut Company, in the amount of \$27,248.28 with prejudgment interest from February 28, 1980 through January 14, 1982 in the amount of \$9,204.00, and interest thereafter at the rate of 1 1/2% per month, as well as a reasonable attorney's fee in the amount of \$13,405.00, and the costs of this action.

ENTERED this 14th day of January, 1982.



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

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

FILED

RAYMOND J. DONOVAN, Secretary of)
Labor, United States Department)
of Labor,)
Plaintiff,)
vs.)
PEERLESS MATERIALS COMPANY, INC.,)
Defendant.)

JAN 16 1982 *hm*
Jack C. Silver, Clerk
U. S. DISTRICT COURT

No. 80-C-230-EV ✓

ORDER

This matter concerns the inspection by Plaintiff, through his authorized representatives, of a surface mining operation producing sand and gravel. The Plaintiff is charged with carrying out such inspection pursuant to 30 U.S.C. § 813, and is authorized to institute actions such as the instant one by 30 U.S.C. § 818 (a)(1)(B), (C), and (D). Defendant herein has essentially argued that as a small sand and gravel operator, it has not been the subject of such "pervasive" regulation so that a warrantless inspection of its operation may take place.

Presently before the Court for consideration is Plaintiff's motion for summary judgment. Plaintiff seeks summary judgment on the issue of whether or not the Plaintiff is entitled to an injunction permanently enjoining the Defendant, its agents, officers, employees and all persons in active concert and participation with Defendant from refusing to permit inspections of the Defendant's mine and from interfering with, hindering or delaying authorized representatives of the Secretary in carrying out their duties under the provisions of the Federal Mine Safety and Health Act, 30 U.S.C. §§ 801, et seq. During the pendency of this action, the Supreme Court decided Donovan v. Dewey, _____ U.S. _____, 101 S.Ct. 2534 (June 17, 1981). In light of this, the Court, on September 14, 1981, ordered the parties to file supplemental briefs, addressing the Dewey case and its impact upon this litigation. Defendant, in response, argues that while the Dewey case does in fact hold that a sufficient regulatory scheme exists to permit warrantless inspection of underground and surface mines, the decision does not address the question of whether "small, family-owned and operated rock quarries"

are subject to the same procedure, citing Marshall v. Wait, 628 F.2d 1255 (Ninth Cir. 1980).

Having reviewed again the applicable authorities, the Court finds Defendant's arguments to be unpersuasive. In Marshall v. Halquist Stone Co., Inc., 512 F.Supp. 379 (E.D. Wis. 1981), the Court said:

On review of the relevant decisions, I am persuaded by the reasoning of those courts which have upheld the constitutionality of the warrantless inspection provision contained in 30 U.S.C. § 813(a) (1) that it is designed to remedy significant health and safety hazards in the mines of this country; that those hazards exist in significant numbers in stone and gravel quarries as well as in operations more traditionally thought of as "mines"; that the legislation is reasonable in that it does not apply to any except the active mining areas of a quarry operation and provides reasonable notice to a quarry owner of the objectives of the inspections; that it is also reasonable in that it provides a mechanism for an operator to air any specific objections to an inspection or claimed abuses of process before a district court or an administrative law judge and then a court of appeals; and finally, I am persuaded that a quarry operator in the present day has no significant expectation of privacy and freedom from regulation in the active areas of his operation. The statute serves a legitimate governmental function, it is reasonably circumscribed, and it does not unduly infringe on the rather limited privacy expectations of a quarry operator.

512 F.Supp. at 383. This Court finds itself in agreement with this reasoning. The policy embodied in the Act by Congress remains the same, the size of an operation or the time of its commencement notwithstanding. In light of the weight of the authorities that have upheld the statute, and the fact that the Wait case was decided before that court had the benefit of the Supreme Court's views in Donovan v. Dewey, the Court is of the opinion that Plaintiff's motion for summary judgment should be granted, and an injunction entered as prayed for by Plaintiff.

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

IT IS FURTHER ORDERED that Defendant, its agents, officers, employees, and all persons in active concert and participation with it are permanently enjoined from refusing to permit the Secre-

tary of Labor's authorized representative from entering upon and inspecting those areas of the Defendant's premises where mining is taking place, and from interfering with, hindering, or delaying any such inspections by the Secretary of Labor's authorized representatives in carrying out the provisions of the Federal Mine Safety and Health Act of 1977, 30 U.S.C. §§ 801, et seq.

It is so Ordered this 12th day of January, 1982.



JAMES O. ELLISON
UNITED STATES DISTRICT JUDGE

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

HERBERT RAY LEWIS,)
)
 Plaintiff,)
)
 vs.)
)
 QUIK-TRIP CORPORATION, et al.,)
)
 Defendants.)

No. 80-C-599-E

FILED

JAN 14 1981
Jack E. Silver, Clerk
U. S. DISTRICT COURT

ORDER

Plaintiff was allowed to file this action on November 14, 1980, in forma pauperis, acting pro se, seeking relief pursuant to 42 U.S.C. § 1983. Presently before the Court is Defendants' motion to compel answer to interrogatories, filed October 28, 1981. Defendants' interrogatories were filed on July 27, 1981, and it appears that Plaintiff has failed to answer them or to request any extensions of time to do so.

Although an order of Court grounded upon Rule 37, Fed.R.Civ.Pro. would be appropriate in this case, the Court, upon its review of the Complaint, has determined that this matter must be dismissed on other grounds.

The Court has sua sponte examined this case to fulfil its continuing obligation to inquire into the existence of its subject matter jurisdiction. Plaintiff has commenced this action pursuant to 42 U.S.C. § 1983, alleging that he was arrested by police while in a store operated by Defendant and its agents. Plaintiff states that he was defamed and slandered.

Although the Court has construed Plaintiff's Complaint very liberally, due to the fact that Plaintiff is proceeding pro se and in forma pauperis pursuant to 28 U.S.C. § 1915, the Court, after a review of the Complaint finds that this action must be dismissed for lack of jurisdiction.

Plaintiff's claims of defamation and slander are not cognizable under 42 U.S.C. § 1983, because a defamed person has not been deprived of any right, privilege or immunity secured to him by the Federal Constitution or laws of the United States. Ellingburg v. Lucas, 518 F.2d 1196, 1197 (Eighth Cir. 1975). See also Taylor v. Nichols, 409 F.Supp. 927 (D. Kan. 1976), aff'd, 558 F.2d 561 (Tenth Cir. 1977);

Duff v. Sherlock, 432 F.Supp. 423 (E.D. Pa. 1977); Everett v. City of Chester, 391 F.Supp. 26 (E.D. Pa. 1975); Hahn v. Sargent, 388 F.Supp. 445 (D. Mass. 1975), aff'd, 523 F.2d 461 (First Cir. 1975), cert. denied, 425 U.S. 904, 96 S.Ct. 1495 (1976).

Plaintiff's Complaint should, accordingly, be dismissed under the provisions of 28 U.S.C. § 1915, because it is frivolous, since Plaintiff's allegations plainly show no deprivation of a constitutional right cognizable under 42 U.S.C. § 1983 over which this Court could exercise jurisdiction. See Collins v. Cundy, 603 F.2d 825 (Tenth Cir. 1979).

Again, the Court notes its duty to liberally construe a pro se litigant's allegations, and concludes that even were the Court to construe the Complaint as an attempt to state a state-law cause of action cognizable by this Court under its diversity jurisdiction, the Court would still have no choice but to dismiss, it being a necessity that the alleged facts supporting the Court's jurisdiction appear affirmatively in the Complaint (ignoring, for the moment, the Plaintiff's own allegation that Defendant is a citizen of Tulsa, Oklahoma, which in itself is enough to divest this Court of jurisdiction, Plaintiff also being a resident of Tulsa, Oklahoma).

Accordingly the Court, upon its own motion, finds and concludes that this action should be dismissed.

IT IS THEREFORE ORDERED that this action be, and the same hereby is, dismissed for lack of subject matter jurisdiction.

It is so Ordered this 12th day of January, 1982.



JAMES O. ELLISON
UNITED STATES DISTRICT JUDGE

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

MELBA LAJUANA COX,
and STEPHEN E. COX,

Plaintiffs,

vs.

THOMAS LEE GARRETT
and JERRY L. GARRETT,

Defendants.

No. 81-C-108-E

FILED
1
JAMES O. ELLISON
U.S. DISTRICT COURT

JUDGMENT

The Defendants, Thomas Lee Garrett and Jerry L. Garrett, having failed to timely answer in this action and their default having been entered,

Now, upon application of the Plaintiffs and upon affidavit that Defendants are indebted to the Plaintiffs in the sum of \$218,660.00, that Defendants have been defaulted for failure to answer and that neither Defendant is an infant or incompetent person and is not in the military service of the United States, it is hereby

ORDERED, ADJUDGED and DECREED that Plaintiffs recover of Defendants the sum of \$200,000.00, with interest of \$18,600.00 computed at a 12% annualized rate from the 20th day of March, 1981, and costs in the sum of \$60.00.

DATED this 12 day of January, 1981.

S/ JAMES O. ELLISON

~~Clerk~~

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

MELBA LAJUANA COX,)
and STEPHEN E. COX,)
)
Plaintiffs,)
)
vs.) No. 81-C-108-E
)
THOMAS LEE GARRETT)
and JERRY L. GARRETT,)
)
Defendants.)

STATEMENT OF AMOUNT DUE

Amount of Complaint sued upon. \$200,000.00

Interest on \$200,000.00 to December 29, 1981 . . \$ 18,600.00

Costs. \$ 60.00

TOTAL. \$218,660.00

UNITED STATES DISTRICT COURT FOR THE
NORTHERN DISTRICT OF OKLAHOMA

FILED

JAN 17 1982

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

UNITED STATES OF AMERICA,)
)
Plaintiff,)
)
vs.)
)
ALTON W. SCANTLING,)
)
Defendant.)

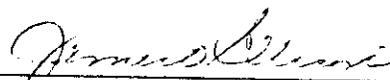
CIVIL ACTION NO. 81-C-330-E

DEFAULT JUDGMENT

This matter comes on for consideration this 12th day of January, 1982, 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, Alton W. Scantling, appearing not.

The Court being fully advised and having examined the file herein finds that Defendant, Alton W. Scantling, was personally served with Summons and Complaint on July 9, 1981. The time within which the Defendant could have answered or otherwise moved as to the Complaint has expired and has not been extended. The Defendant has not answered or otherwise moved, and default has been entered by the Clerk of this Court. Plaintiff is entitled to Judgment as a matter of law.

IT IS THEREFORE, ORDERED, ADJUDGED AND DECREED that the Plaintiff have and recover Judgment against Defendant, Alton W. Scantling, for the principal sum of \$765.00 (less the sum of \$250.00 which has been paid), plus interest at the rate of 12 percent from the date of this Judgment until paid.


UNITED STATES DISTRICT JUDGE

UNITED STATES DISTRICT COURT FOR THE
NORTHERN DISTRICT OF OKLAHOMA

81-1-769-E
JAN 14 1982
FRANK KEATING, CLERK
U.S. DISTRICT COURT

UNITED STATES OF AMERICA,)
)
 Plaintiff,)
)
 vs.)
)
 WILLIAM P. PHILLIPS, JR.,)
)
 Defendant.)

CIVIL ACTION NO. 81-C-769-E

DEFAULT JUDGMENT

This matter comes on for consideration this 12th day of January, 1982, 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, William P. Phillips, Jr., appearing not.

The Court being fully advised and having examined the file herein finds that Defendant, William P. Phillips, Jr., was personally served with Summons and Complaint on November 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, William P. Phillips, Jr., for the principal sum of \$1,109.60 (less the sum of \$730.00, the recovery of which is barred herein because of the running of the applicable statute of limitations), plus interest at the rate of 12 percent from the date of this Judgment until paid.

UNITED STATES DISTRICT JUDGE

UNITED STATES DISTRICT COURT FOR THE
NORTHERN DISTRICT OF OKLAHOMA

FILED
JAN 13 1982

LEWIS C. SISK, Clerk
U. S. DISTRICT COURT

UNITED STATES OF AMERICA,)
)
Plaintiff,)
)
vs.)
)
HOWARD C. THORNTON,)
)
Defendant.)

CIVIL ACTION NO. 81-C-776-E

DEFAULT JUDGMENT

This matter comes on for consideration this 12th day of January, 1982, 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, Howard C. Thornton, appearing not.

The Court being fully advised and having examined the file herein finds that Defendant, Howard C. Thornton, was personally served with Summons and Complaint on November 28, 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, Howard C. Thornton, for the principal sum of \$672.20, plus interest at the rate of 12 percent from the date of this Judgment until paid.

James C. Sisk
UNITED STATES DISTRICT JUDGE

UNITED STATES DISTRICT COURT FOR THE
NORTHERN DISTRICT OF OKLAHOMA

FILED
JAN 13 1982
JAMES G. SHULTZ, CLERK
U.S. DISTRICT COURT

UNITED STATES OF AMERICA,)
)
 Plaintiff,)
)
 vs.)
)
 NORMAN P. BLAIR,)
)
 Defendant.)

CIVIL ACTION NO. 81-C-778-E

DEFAULT JUDGMENT

This matter comes on for consideration this 12th day of January, 1982, 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, Norman P. Blair, appearing not.

The Court being fully advised and having examined the file herein finds that Defendant, Norman P. Blair, was personally served with Summons and Complaint on November 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, Norman P. Blair, for the principal sum of \$293.86, plus interest at the rate of 12 percent from the date of this Judgment until paid.

James G. Shultz
UNITED STATES DISTRICT JUDGE

UNITED STATES DISTRICT COURT FOR THE
NORTHERN DISTRICT OF OKLAHOMA

JAN 15 1982

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

UNITED STATES OF AMERICA,)
)
 Plaintiff,)
)
 vs.)
)
 WIS C. BRAVO,)
)
 Defendant.)

CIVIL ACTION NO. 81-C-795-E

DEFAULT JUDGMENT

This matter comes on for consideration this 12th day of January, 1982, 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, Wis C. Bravo, appearing not.

The Court being fully advised and having examined the file herein finds that Defendant, Wis C. Bravo, was personally served with Summons and Complaint on December 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, Wis C. Bravo, for the principal sum of \$670.87, plus interest at the rate of 12 percent from the date of this Judgment until paid.

James D. White
UNITED STATES DISTRICT JUDGE

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

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

No. 81-C-182-C ✓

FILED

JAN - 8 1982

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

STIPULATION FOR DISMISSAL WITH PREJUDICE

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

Dated this 8th day of January, 1982.

Richard Carpenter
Richard Carpenter
205 Denver Building
Tulsa, OK 74119

Attorney for Plaintiff

Coy D. Morrow
Coy D. Morrow
WALLACE AND OWENS, INC.
P. O. Box 1168
Miami, OK 74354

Attorney for Defendants

ORDER OF DISMISSAL WITH PREJUDICE

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

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

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

DATED, this 11th day of January, 1982.

~~UNITED STATES DISTRICT JUDGE~~
United States District Judge
U. S. District Court for the
Northern District of Oklahoma

FILED

JAN 12 1982 *dm*

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

FILED

UNITED STATES DISTRICT COURT FOR THE
NORTHERN DISTRICT OF OKLAHOMA

JAN 11 1982

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

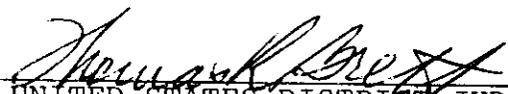
UNITED STATES OF AMERICA,)
)
Plaintiff,)
)
vs.) CIVIL ACTION NO. 81-C-761-B
)
LONNIE D. McBROOM,)
)
Defendant.)

DEFAULT JUDGMENT

This matter comes on for consideration this 8th day of January, 1982, 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, Lonnie D. McBroom, appearing not.

The Court being fully advised and having examined the file herein finds that Defendant, Lonnie D. McBroom, was personally served with Summons and Complaint on November 24, 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, Lonnie D. McBroom, for the principal sum of \$231.99, plus interest at the rate of 12 percent from the date of this Judgment until paid.


UNITED STATES DISTRICT JUDGE

FILED

UNITED STATES DISTRICT COURT FOR THE
NORTHERN DISTRICT OF OKLAHOMA

JAN 11 1982 *je*

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

UNITED STATES OF AMERICA,

Plaintiff,

vs.

MICHAEL T. DOUGLAS,

Defendant.

CIVIL ACTION NO. 81-C-825-B

DEFAULT JUDGMENT

This matter comes on for consideration this 8th day of January, 1982, the Plaintiff appearing by Frank Keating, United States Attorney, through Philard L. Rounds, Jr., Assistant United States Attorney for the Northern District of Oklahoma, and the Defendant, Michael T. Douglas, appearing not.

The Court being fully advised and having examined the file herein finds that Defendant, Michael T. Douglas, was personally served with Summons and Complaint on December 5, 1981. The time within which the Defendant could have answered or otherwise moved as to the Complaint has expired and has not been extended. The Defendant has not answered or otherwise moved, and default has been entered by the Clerk of this Court. Plaintiff is entitled to Judgment as a matter of law.

IT IS THEREFORE, ORDERED, ADJUDGED AND DECREED that the Plaintiff have and recover Judgment against Defendant, Michael T. Douglas, for the principal sum of \$238.43, plus interest at the rate of 12 percent from the date of this Judgment until paid.


UNITED STATES DISTRICT JUDGE

FILED

JAN 11 1982

UNITED STATES DISTRICT COURT FOR THE
NORTHERN DISTRICT OF OKLAHOMA

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

UNITED STATES OF AMERICA,)
)
 Plaintiff,)
)
 vs.)
)
 JOHN L. HORN,)
)
 Defendant.)

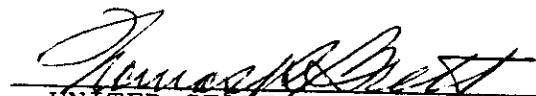
CIVIL ACTION NO. 81-C-723-B

DEFAULT JUDGMENT

This matter comes on for consideration this 8th day of January, 1982, the Plaintiff appearing by Frank Keating, United States Attorney, through Philard L. Rounds, Jr., Assistant United States Attorney for the Northern District of Oklahoma, and the Defendant, John L. Horn, appearing not.

The Court being fully advised and having examined the file herein finds that Defendant, John L. Horn, was personally served with Summons and Complaint on November 20, 1981. The time within which the Defendant could have answered or otherwise moved as to the Complaint has expired and has not been extended. The Defendant has not answered or otherwise moved, and default has been entered by the Clerk of this Court. Plaintiff is entitled to Judgment as a matter of law.

IT IS THEREFORE, ORDERED, ADJUDGED AND DECREED that the Plaintiff have and recover Judgment against Defendant, John L. Horn, for the principal sum of \$732.00, plus interest at the rate of 12 percent from the date of this Judgment until paid.


UNITED STATES DISTRICT JUDGE

FILED

JAN 11 1982

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

UNITED STATES DISTRICT COURT FOR THE
NORTHERN DISTRICT OF OKLAHOMA

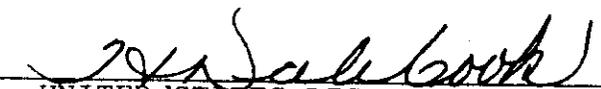
UNITED STATES OF AMERICA,)	
)	
Plaintiff,)	
)	
vs.	)	CIVIL ACTION NO. 81-C-749-C
)	
STEPHEN D. SANDERS,)	
)	
Defendant.)	

DEFAULT JUDGMENT

This matter comes on for consideration this 11th day of January, 1982, 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, Stephen D. Sanders, appearing not.

The Court being fully advised and having examined the file herein finds that Defendant, Stephen D. Sanders, was personally served with Summons and Complaint on November 23, 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, Stephen D. Sanders, for the principal sum of \$1,030.70, plus interest at the rate of 12 percent from the date of this Judgment until paid.


UNITED STATES DISTRICT JUDGE

UNITED STATES DISTRICT COURT FOR THE
NORTHERN DISTRICT OF OKLAHOMA

UNITED STATES OF AMERICA,)
)
 Plaintiff,)
)
 vs.)
)
 SIDNEY P. GRIFFIN,)
)
 Defendant.)

CIVIL ACTION NO. 81-C-727-C ✓

FILED

JAN 11 1982 *je*

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

DEFAULT JUDGMENT

This matter comes on for consideration this 11 day of January, 1982, the Plaintiff appearing by Frank Keating, United States Attorney, through Philard L. Rounds, Jr., Assistant United States Attorney for the Northern District of Oklahoma, and the Defendant, Sidney P. Griffin, appearing not.

The Court being fully advised and having examined the file herein finds that Defendant, Sidney P. Griffin, was personally served with Summons and Complaint on November 20, 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, Sidney P. Griffin, for the principal sum of \$370.00, plus interest at the rate of 12 percent from the date of this Judgment until paid.

W. Dale Cook
UNITED STATES DISTRICT JUDGE

FILED

JAN 11 1982 *fe*

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

UNITED STATES DISTRICT COURT FOR THE
NORTHERN DISTRICT OF OKLAHOMA

UNITED STATES OF AMERICA,)
)
 Plaintiff,)
)
 vs.)
)
 RONNIE J. CORNELUS,)
)
 Defendant.)

CIVIL ACTION NO. 81-C-707-C

DEFAULT JUDGMENT

This matter comes on for consideration this 11th day of January, 1982, 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, Ronnie J. Cornelus, appearing not.

The Court being fully advised and having examined the file herein finds that Defendant, Ronnie J. Cornelus, was personally served with an Alias Summons and Complaint on December 7, 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, Ronnie J. Cornelus, for the principal sum of \$297.47, plus interest at the rate of 12 percent from the date of this Judgment until paid.

[Signature]
UNITED STATES DISTRICT JUDGE

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

FILED

RODGER CODAY and LIBBY CODAY,)
)
 Plaintiffs,)
)
 vs.)
)
 FREDDIE COX and J. T.)
 WALTERS,)
)
 Defendants.)

JAN 11 1982

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

NO: 81-C-128-B

ORDER OF DISMISSAL

ON This 8th day of January, 1982, upon the written application of the parties for a Dismissal without Prejudice of the Complaint, and the Court being fully advised in the premises, finds that said Complaint should be dismissed pursuant to said application.

IT IS THEREFORE ORDERED, ADJUDGED AND DECREED by the Court that the Complaint of the plaintiffs filed herein against the defendants be and the same hereby is dismissed without prejudice to any future action.

S/Thomas R. Dutt
JUDGE, DISTRICT COURT OF THE UNITED
STATES, NORTHERN DISTRICT OF OKLAHOMA

UNITED STATES DISTRICT COURT FOR THE
NORTHERN DISTRICT OF OKLAHOMA

JAN 11 1982

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

United States of America,)	
)	
Plaintiff,	)	CIVIL ACTION NO. 78-C-111-Bt
)	
vs.	)	Tract No. 243M
)	
130.91 Acres of Land, More or	)	This action applies to all
Less, Situate in Washington	)	interests in the estate taken
County, State of Oklahoma, and	)	<u>except the oil and gas lease-</u>
Rosa Wilson Goodman, et al.,	)	<u>hold interest in 80.91 Acres</u>
and Unknown Owners,	)	<u>described in the Proviso in</u>
	)	Schedule "B".
)	
Defendants.	)	(The D.T. covering this tract
	)	is filed in M.F. #400-12)

United States of America,	)	CIVIL ACTION NO. 78-C-113-Bt
)	
Plaintiff,	)	This action applies to the
	)	<u>Overriding Royalty Interest</u>
vs.	)	<u>only in the oil and gas</u>
	)	leasehold interest in the
80.91 Acres of Land, More or	)	estate taken in Part (80.91
Less, Situate in Washington	)	Acres) of Tract No. 243M.
County, State of Oklahoma, and)	
Rosa Goodman, et al., and)	
Unknown Owners,	)	(The D.T. covering this
	)	property is filed in
Defendants.	)	Master File #400-12)

J U D G M E N T

1.
Now, on this 8th day of Jan., 1982, this matter comes on for disposition on application of the parties for entry of judgment on the Report of Commissioners filed herein on July 1, 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 both of the civil actions listed in the caption of this document, and covers the entire estates taken in the tract involved in such actions, as such estates and tract are described in the Complaint filed in each of the said civil actions.

3.

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

4.

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

5.

The Acts of Congress set out in paragraph 2 of the Complaints filed in subject actions 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 March 13, 1978, the United States of America filed its Declaration of Taking of certain estates in subject tract of land, and title to such property should be vested in the United States of America, as of the date of filing such instrument.

6.

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

7.

A Report of Commissioners was filed herein on July 1, 1981, by the commissioners appointed by the Court in these cases.

On July 13, 1981 the Plaintiff filed its objections to the Report of Commissioners. On December 29, 1981 the Court entered its order overruling said objections. Therefore, the said Report of Commissioners should be accepted and adopted as the basis for the award made by this judgment.

The amount of just compensation for the estates taken in the subject tract, as fixed by the commission, is set out below in paragraph 12.

8.

This judgment will create a deficiency between the amount deposited as estimated just compensation for the estates taken in subject tract and the amount fixed by the Commission and the Court as just compensation, and a sum of money sufficient to cover such

deficiency should be deposited by the Government. This deficiency is set out below in paragraph 12.

9.

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

10.

It Is, Therefore, ORDERED, ADJUDGED and DECREED that the United States of America has the right, power, and authority to condemn for public use the subject tract, as such tract is described in the Complaints filed in these actions, and such property, to the extent of the estates described in such Complaints is condemned, and title thereto is vested in the United States of America, as of March 13, 1978, 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 these cases, the owner of the estates taken herein in subject tract was the defendant whose name appears below in paragraph 12, and the right to receive the just compensation for the taking of such estates is vested in the party so named in said paragraph, subject to the conditions therein recited.

12.

It Is Further ORDERED, ADJUDGED and DECREED that the Order, entered by this Court on December 29, 1981, overruling the Plaintiff's objections to the Report of Commissioners, hereby is confirmed and made a part of this judgment by reference.

The Report of Commissioners, filed herein on July 1, 1981, hereby is approved and adopted by the Court as the basis for the award of just compensation for the taking of the subject property, as shown by the following schedule:

OWNER: Rosa Wilson Goodman

NOTE: This owner is a Fullblood Cherokee Indian, and this property was held in a restricted status. Therefore, payment of this award should be made to the Bureau of Indian Affairs for deposit into the owner's money account.

Award of just compensation, pursuant to Commissioners' Report:

Civil Action 78-C-111Bt - \$52,811.00
Civil Action 78-C-113Bt - 37,109.00

Total award ----- \$89,920.00 \$89,920.00

Deposited as estimated compensation:

Civil Action 78-C-111Bt - \$27,799.00
Civil Action 78-C-113Bt - 11,274.00

Total deposit ----- \$39,073.00

Disbursed to owner ----- \$39,073.00

Balance due to owner ----- \$50,847.00
plus
interest

Deposit deficiency ----- \$50,847.00
plus
interest

13.

It Is Further ORDERED, ADJUDGED and DECREED that the United States of America shall pay into the Registry of this Court for the benefit of the owner the deposit deficiency for the subject property as shown in paragraph 12, in the total amount of \$50,847.00, together with interest on such deficiency at the rate of 6% per annum from March 13, 1978 until the date of deposit of such deficiency and interest.

14.

It is Further ORDERED that when the aforesaid deficiency and accrued interest has been deposited by the Plaintiff, the Clerk of this Court shall credit the entire payment to Civil Action No. 78-C-113Bt and then shall disburse the entire amount so deposited to:

Area Director, Bureau of Indian Affairs,
Muskogee Area Office, for deposit to the
Account of Rosa Wilson Goodman.


UNITED STATES DISTRICT JUDGE

APPROVED:


HUBERT A. MARLOW
Assistant United States Attorney


SUZETTE CHAFIN
Attorney for Defendant

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

HERBERT RAY LEWIS,
Plaintiff,
vs.
TULSA POLICE, TULSA COUNTY COURT,
NORTHEASTERN STATE HOSPITAL,
Defendant.

No. 80-C-600-E

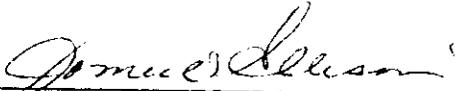
FILED
JAN 8 1982
Jack C. Silver, Clerk
U. S. DISTRICT COURT

O R D E R

The Court allowed Plaintiff, acting pro se, to commence this action in forma pauperis on November 14, 1980. Plaintiff seeks relief pursuant to 42 U.S.C. § 1983, alleging that Defendants violated his rights when he was arrested by police officers, and detained at a hospital for a number of days before his release.

Presently before the Court are the Defendants' motions to dismiss. Having reviewed the arguments advanced by these motions, the Complaint (construing it liberally as the Court must in such cases), and the relevant authorities, the Court finds that the arguments advanced in support of dismissal are well taken, and concludes that the Complaint should be dismissed. Such dismissal, however, will be without prejudice to the Plaintiff's refiling of this action, naming the proper parties-defendant, should Plaintiff so desire.

It is so Ordered this 8th day of January, 1982.



JAMES O. ELLISON
UNITED STATES DISTRICT JUDGE

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

UNITED STATES OF AMERICA,)
)
Plaintiff,)
)
vs.)
)
DOYLE L. REEDY and wife,)
JANICE G. REEDY,)
)
Defendants.)

Civil No. 81-C-413-C

FILED

JAN - 8 1982

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

AGREED JUDGMENT

This matter comes on for consideration this 8th day
of January, 1982, the Plaintiff appearing by Frank Keating,
United States Attorney for the Northern District of Oklahoma, and
the Defendants, Doyle L. Reedy and Janice G. Reedy, appearing by
their attorney, Jack E. Gordon, Jr.

The Court being fully advised and having examined the
file herein finds that Defendants, Doyle L. Reedy and Janice G.
Reedy, were personally served with Summons and Complaint and filed
their Answer on September 2, 1981.

The parties agree and consent that judgment may be entered
against the Defendants, Doyle L. Reedy and Janice G. Reedy, in
the amount of \$30,141.13 unpaid principal, accrued interest of
\$6,432.46 to April 15, 1981 and \$6.4268 per day thereafter to
the date of Judgment and thereafter at the rate of twelve percent
(12%) per annum.

IT IS, THEREFORE, ORDERED, ADJUDGED AND DECREED that the
Plaintiff have and recover Judgment against the Defendants, Doyle
L. Reedy and Janice G. Reedy, in the amount of \$30,141.13 unpaid
principal, accrued interest of \$6,432.46 to April 15, 1981 and
\$6.4268 per day thereafter to the date of Judgment and thereafter
at the rate of twelve percent (12%) per annum from the date of
this Judgment until paid.

APPROVED:

W. S. Saltschick
UNITED STATES DISTRICT JUDGE

UNITED STATES OF AMERICA

Frank Keating
FRANK KEATING, U.S. Attorney

Jack E. Gordon, Jr.
JACK E. GORDON, JR.
Attorney for Defendants

FILED

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

JAN - 8 1982

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

UNITED STATES OF AMERICA,)
)
Plaintiff,)
)
-vs-)
)
WILLIAM J. PHILLIPS, et al,)
)
Defendants.)

Civil Action No.
81-C-240-E

Notice of DISMISSAL WITHOUT PREJUDICE

COME now the Defendants, William J. Phillips and
Isabelle H. Phillips, and dismiss their Cross-Claim against
Defendants, Sam L. Rowen and Eva Lee Rowen, without prejudice
to refiling same.

WILLIAM J. PHILLIPS
ISABELLE H. PHILLIPS

By *Steven J. Berg*
Steven J. Berg

of BRIGGS, PATTERSON, EATON & BERG
Attorneys for Defendants Phillips
Post Office Drawer 4566
Tulsa, Oklahoma 74104-4566

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

F I L E D

JAN 8 1982

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

ROBERT E. JOHNSON,)
)
 Plaintiff,)
)
 vs.)
)
 L. T. BROWN, DEPUTY WARDEN,)
 CAPT. WEST, C.O., et al.,)
)
 Defendants.)

No. 80-C-92-E

JUDGMENT

Upon Defendants' motion for summary judgment, the Court, having fully considered the affidavits and pleadings on file, as is more fully set out in the opinion filed this same date, finds that Defendants are entitled to judgment in their favor as a matter of law.

IT IS THEREFORE ORDERED, ADJUDGED AND DECREED that judgment be and hereby is granted in favor of Defendants and against the Plaintiff.

It is so Ordered this 8th day of January, 1982.



JAMES O. ELLISON
UNITED STATES DISTRICT JUDGE

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

FILED

JAN 8 1982A

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

RAY MARSHALL, Secretary of Labor,)
United States Department of)
Labor,)
)
Plaintiff,)
)
vs.)
)
SECURITY AND INVESTIGATIONS)
LIMITED, A Corporation and KEN)
BRETZ, an Individual,)
)
Defendant.)

No. 79-C-494-E ✓

JUDGMENT DISMISSING ACTION
BY REASON OF SETTLEMENT

The Court has been advised by counsel that this action has been settled, or is in the process of being settled. Therefore it is not necessary that the action remain upon the calendar of the Court.

IT IS ORDERED that the action is dismissed without prejudice. The Court retains complete jurisdiction to vacate this order and to reopen the action upon cause shown that settlement has not been completed and further litigation is necessary.

IT IS FURTHER ORDERED that the Clerk forthwith serve copies of this judgment by United States mail upon the attorneys for the parties appearing in this action.

Dated this 8th day of January, 1982.

James O. Ellison
JAMES O. ELLISON
UNITED STATES DISTRICT JUDGE

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

FILED
JAN 17 1982

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

FARMERS INSURANCE COMPANY, INC.,
Plaintiff,
vs.
DAVID ARMSTRONG, et al.,
Defendants.

No. 75-C-92-C

ORDER DISBURSING FUNDS

NOW on this 7th day of Jan., 1982, the above styled and captioned matter comes on and for final resolution before me, the undersigned Judge. The Court finds as follows:

That Farmers Insurance Company, Inc. commenced this interpleader action and deposited the face amount of its applicable policy with the Registry of this Court.

That Saint Francis Hospital, Inc. and the State of Oklahoma, among others, filed claims to said interpleader fund.

That on July 26, 1979, a Joint Application to Enter Judgment and an Order approving Judgment was filed in this cause after approval by this Court. That said Order disbursed the entire interpleader fund, save and except \$863.61, which sum was to be paid to Saint Francis Hospital, Inc. or to injured claimants pending appeal.

That said Order further contained the following provision:

"IT IS FURTHER ORDERED by the Court that all parties have waived their right to appeal from this Court's Judgment save and except DISRS, which has preserved the following issue for appeal: DISRS specifically preserves its right to appeal the question of whether or not the Hospital, having submitted a claim for payment under Title XIX and the contracts entered into between the Hospital and the State pursuant to Title XIX and the Hospital having accepted payment, can make claims in addition to the sums received from the State for the same services rendered to the same parties."

That on August 24, 1979, a Notice of Appeal was filed by the Defendant, State of Oklahoma ex rel. DISRS, raising the sole remaining issue preserved for

appeal. That said appeal was an action by the State of Oklahoma seeking a declaration of the respective rights of the State of Oklahoma and Saint Francis Hospital, Inc., parties to a Medicare/Medicaid Agreement, and further asking the Court to direct the payment of the \$863.61 remaining in the Court Registry to certain injured claimants.

That after submission of the appeal to the United States Court of Appeals for the 10th Circuit on briefs, the United States Court of Appeals entered its Opinion on the 24th day of November, 1981. (Cause No. 79-1923).

That the Opinion of the United States Court of Appeals affirmed this Court's distribution of interpleader funds and further directed the distribution of the disputed \$863.61 to Saint Francis Hospital, Inc. The United States Court of Appeals further found that it was without jurisdiction to hear the underlying contractual dispute between the State of Oklahoma and Saint Francis Hospital, Inc.

That on December 16, 1981, the final mandate issued by the United States Court of Appeal for the 10th Circuit in Cause No. 79-1923 was issued, no appeal or petition for rehearing having been filed or sought by either party to said Cause No. 79-1923.

It is therefore the finding of this Court that the remaining \$863.61 held by this Court in an interpleader fund be henceforth distributed to Saint Francis Hospital, Inc. in accordance with the decision of the United States Court of Appeals for the 10th Circuit in Cause No. 79-1923.

IT IS THEREFORE ORDERED, ADJUDGED AND DECREED that the Clerk of this Court is directed to disburse to Saint Francis Hospital, Inc. the remaining \$863.61 ^{jc 1-8-82} held by this Court in an interpleader fund under this cause and style number.

s/H. DALE COOK

UNITED STATES DISTRICT JUDGE H. DALE COOK

A strip of land one hundred (100') feet in width, including any area in this tract on the 100 foot strip which extends beyond the entry point of the centerline because of the angle of the centerline with the property line, in the Northeast Quarter (NE $\frac{1}{4}$) of Section 7, Township 24 North, Range 6 East and the Northwest Quarter (NW $\frac{1}{4}$) of Section 8, Township 24 North, Range 6 East, Osage County, Oklahoma, the centerline of which is described as follows:

Beginning at a point approximately six hundred seventy-two (672') feet North and eight hundred (800') feet East of the Southwest corner of said Northeast Quarter (NE $\frac{1}{4}$) of Section 7, thence in an Easterly direction approximately one thousand eight hundred nine (1809') feet to a point on the East line of said Northeast Quarter (NE $\frac{1}{4}$) of Section 7, point being approximately six hundred three (603') feet North of the Southeast corner of said Northeast Quarter (NE $\frac{1}{4}$) of Section 7, thence in an Easterly direction approximately one hundred fifty (150') feet to a point of deflection (91° 48' left) located approximately five hundred ninety-eight (598') feet North and one hundred fifty (150') feet East of the Southwest corner of said Northwest Quarter (NW $\frac{1}{4}$) of Section 8, thence in a Northerly direction approximately two thousand fifty-one (2051') feet to a point approximately one hundred fifty (150') feet East of the Northwest corner of said Northwest Quarter (NW $\frac{1}{4}$) of Section 8.

Plus two fifty (50') foot by fifty (50') foot strips of land for guying, lying south of and East of and adjacent to the above described one hundred (100') foot strip at the point of deflection,

together with the right, privilege and authority of entering upon said tract for the purpose of erecting, operating, maintaining and removing said transmission lines and systems, and the right to cut, trim or remove any trees within the limits of said right-of-way, and the right to remove any structure or obstruction now or hereafter located within the limits of said right-of-way, if in Plaintiff's judgment such trees or structures are likely to endanger said transmission system or interfere with its operation, construction and maintenance, and such other rights and privileges as may be necessary or proper for the construction, maintenance, operation or removal of said electric transmission system, by plaintiff, its successors and assigns.

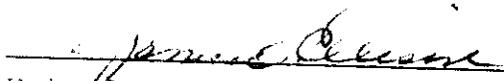
IT IS FURTHER ORDERED, ADJUDGED AND DECREED that the Report of Commissioners dated August 24, 1981, heretofore filed in this cause be, and the same is hereby ratified, confirmed and approved.

Plaintiff and made
IT IS FURTHER ORDERED that the ~~plaintiff~~ ^{*Celish*} pay by check ~~the~~ ^{*which sum has been deposited into the Registry of the Court by the*} said awards ~~which check is to be drawn~~ ^{*made*} payable to the Superintendent, Osage Agency, Pawhuska, Oklahoma; and that the check to the Superintendent, Osage Agency, Pawhuska, Oklahoma, be in the following amount as set opposite said tract, to-wit:

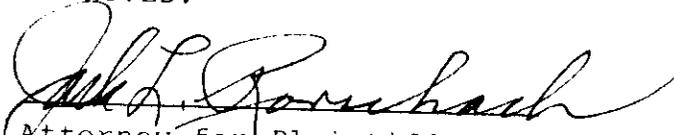
Tract No. 1.....\$4,000.00.

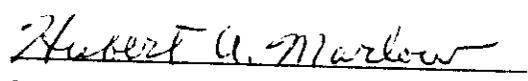
That the Court further adjudges and decrees that when the amount above set forth has been so paid that the case be closed, and that the check so ordered paid herein, be placed in the hands of the Honorable Hubert A. Marlow, Attorney of Record herein for the United States of America, who is then directed to forward the same to the

Superintendent, Osage Agency, Pawhuska, Oklahoma.


United States District Judge

APPROVED:


Attorney for Plaintiff


Attorney for United States of America

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

RUBY M. EVANS,)
)
Plaintiff,)
)
v.)
)
PATRICIA ROBERTS HARRIS,)
)
Secretary of Health and)
Human Services of the)
United States of America,)
)
Defendant.)

80-C-307-B

FILED

JAN 7 1982

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

ORDER

The Court has for consideration the Findings and Recommendations of the Magistrate filed herein on December 22, 1981 in which the Magistrate recommends that the case be remanded to the Administrative Law Judge for the reasons stated therein. No objections have been filed to the Findings and Recommendations of the Magistrate and the time for filing such objections has expired.

The Court has reviewed the Findings and Recommendations of the Magistrate and finds that the same are fully supported by the record in this case.

IT IS, THEREFORE, ORDERED that this matter be remanded to the Administrative Law Judge for the purpose of including in the record additional evidence and findings by the Administrative Law Judge determining what work, if any, Plaintiff can do, taking into consideration her residual functional capacity, age, education and working experience, and for such other action as deemed appropriate by the Secretary in compliance with this Order.

Dated this 7 day of January, 1982.


THOMAS R. BRETT
UNITED STATES DISTRICT JUDGE

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

CHAMPION FINANCIAL CORPORATION,)
a California corporation,)
)
Plaintiff,)
)
vs.)
)
THE MARINA LIMITED, an Oklahoma)
limited partnership,)
)
Defendant.)

No. 77-C-526-C ✓

FILED

JAN 7 1982 *JS*

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

J U D G M E N T

It is the judgment of this Court that plaintiff shall recover the amount specified to be due, \$1,261,727.00 less any additional payments after June 30, 1981, of principal and interest paid by defendant until the date of transfer of title, and that defendant is hereby directed to pay this amount to plaintiff, and that plaintiff has a personal judgment against defendant for this amount and execution for the same.

It is so Ordered this 7th day of January, 1982.

H. Dale Cook

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

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

FILED

JAN 7 1982

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

WARREN SPAHN, LEON HARDESTY,)
ELBRIDGE G. KING, MICHAEL W.)
CHAMPION, FRED E. KANT, VIN-)
CENT MATTONE, FRANK W. CHIT-)
WOOD, RICHARD BANKER, ROGER)
A. MICHAEL, MARVIN WILSON)
and TROY WILLIAMSON,)

Plaintiffs,)

vs.)

ROSENTHAL COMMODITIES CO.,)
a partnership,)

Defendant and)
Third-Party)
Plaintiff,)

vs.)

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

Third-Party)
Defendants.)

No. 79-C-66-B

ORDER

This matter came on for hearing on January 5, 1982 on plaintiffs' Motion to Vacate. Also before the Court is the application of plaintiff Daniel Levine for dismissal without prejudice.

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 at trial, and requested Daniel Levine be dismissed from the action without prejudice. The Court at that time directed counsel for plaintiff to inform plaintiff Levine to file with the Court his sworn affidavit setting forth the reasons necessitating his absence from trial and his request for dismissal without prejudice on or before November 27, 1981. The Court further informed counsel the claim of Daniel Levine would be dismissed with prejudice in the event such affidavit was not timely filed with the Court. Plaintiff Levine failed timely to file such affidavit and request for dismissal, and by Order of November 30, 1981, this Court dismissed the claim of Daniel Levine with prejudice.

On the afternoon of Monday, November 30, 1981, plaintiffs' counsel filed with the Clerk the application of Daniel Levine for dismissal without prejudice together with an accompanying affidavit which purports to explain the reasons for Levine's absence from the trial in this matter. Prior to filing such application on November 30, plaintiffs' counsel conferred with this Court's law clerk who informed them the Court had entered earlier that day an Order dismissing the claim of Daniel Levine upon his failure timely to file the required affidavit and request for dismissal. At that time, plaintiffs' counsel represented to the law clerk Levine had executed the affidavit on November 25, 1981 and had sent the same to counsel via Federal Express prior to the November 27 filing deadline. Counsel further represented to the law clerk the affidavit would have been filed on November 27 as required, but counsel had had the mistaken belief the Clerk's office had been closed on the 27th as it was the day following Thanksgiving. Thereafter, on December 1, 1981, plaintiffs' counsel filed the Motion to Vacate which is the subject of this Order.

At the hearing, in support of the Motion to Vacate, plaintiffs' counsel represented to the Court the reason for Levine's untimely filing was the slowness of the mails, but pointed out to the Court the affidavit had been executed on November 25, 1981, or two days prior to the deadline. Counsel for defendant noted Levine's affidavit had allegedly been sworn before a United States Magistrate in New Jersey, but there was no notary seal or proof the individual was in fact a United States Magistrate. The Court advised the parties it would ascertain whether that individual, Edward R. Knight, was in fact a United States Magistrate. The Court has looked into the matter and has found Edward R. Knight is a United States Magistrate, and the Court further concludes the affidavit is in proper form.

The Court notes the inconsistency in plaintiffs' counsel's representations to the Court and the Court's law clerk with respect to the reason for Daniel Levine's untimely filing. In view of the fact Levine's affidavit was executed in timely fashion, however, the Court need not decide which account of the facts is true. The Court finds Daniel Levine substantially complied with the Court's directive by executing his affidavit two days prior to the filing deadline and by causing it to be filed on the next business day following such deadline. Accordingly,

IT IS ORDERED plaintiffs' Motion to Vacate the Order of this Court of November 30, 1981 dismissing with prejudice plaintiff Daniel Levine is hereby sustained.

IT IS FURTHER ORDERED plaintiff Daniel Levine's Application to Dismiss without prejudice is hereby sustained, and Levine is dismissed as a party to this action without prejudice.

ENTERED this 7th day of January, 1982.


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

IN THE UNITED STATES DISTRICT COURT FOR THE NORTHERN DISTRICT

KAMO Electric Cooperative, Inc.,)
A Corporation,)

Plaintiff,)

-vs-

) Case No. 81-C-217-E
)

Josephine Goode Tillman, et al.,)

Defendants.)

FILED

JAN 7 1982

Jack C. Silver, Clerk

JUDGMENT AND ORDER DIRECTING PAYMENT OF **U. S. DISTRICT COURT**
AWARD OF COMMISSIONERS

This matter coming to be heard on this 5th day of January, 1982, pursuant to regular assignment, and it appearing that all of the Defendants have been duly served as required by the Court and Rule 71 of the Rules of Civil Procedure more than twenty days prior to this date, and that Plaintiff is entitled to judgment condemning and vesting in Plaintiff the sub-station hereinafter described, all as prayed for in its Petition; and

It further appearing that the commissioners appointed herein have made and returned to this Court their Report of the compensation and damages to which the restricted owners are entitled for the taking and appropriation of said sub-station.

That the United States of America has not filed any exceptions to the commissioners' award nor demand for jury trial, and that none of the other defendants have filed a demand for jury trial or exception to the Report of the Commissioners, and that the time for filing such demand and exceptions has expired.

IT IS THEREFORE ORDERED, AND DECREED that Plaintiff have and recover judgment against the Defendants and each of them, condemning and vesting in Plaintiff a fee simple title by condemnation for the construction, operation and maintenance of a sub-station of wires, cables and fixtures aerially suspended from and supported by structures limited as to number and location, as set forth in the Complaint, for the transmission of electric current and energy at such voltages as may be desired by the Plaintiff in the operation of Plaintiff's electric transmission system over and across the following described tract of land:

A tract of land situated in the Southwest Quarter (SW $\frac{1}{4}$) of the Northeast Quarter (NE $\frac{1}{4}$) of Section 7, Township 24 North, Range 6 East, Osage County, Oklahoma and more particularly described as follows:

OK-NEM

Beginning at a point six hundred forty-nine and fifty-three one-hundredths (649.53') feet North of the Southwest corner of said Southwest Quarter (SW $\frac{1}{4}$) of the Northeast Quarter (NE $\frac{1}{4}$), thence North along the West line of said Southwest Quarter (SW $\frac{1}{4}$) of the Northeast Quarter (NE $\frac{1}{4}$) a distance of two hundred nineteen and forty-seven one-hundredths (219.47') feet to a point, thence East and parallel with the South line of said Southwest Quarter (SW $\frac{1}{4}$) of the Northeast Quarter (NE $\frac{1}{4}$), a distance of eight hundred (800.00') feet to a point, thence South and parallel with the West line of said Southwest Quarter (SW $\frac{1}{4}$) of the Northeast Quarter (NE $\frac{1}{4}$) a distance of eight hundred sixty-nine (869.00') feet to a point on the South line of said Southwest Quarter (SW $\frac{1}{4}$) of the Northeast Quarter (NE $\frac{1}{4}$), thence West along the South line of said Southwest Quarter (SW $\frac{1}{4}$) of the Northeast Quarter (NE $\frac{1}{4}$) a distance of four hundred sixty-three and thirty-eight one-hundredths (463.38') feet to a point on the Easterly right of way line of the Santa Fe Railway, thence Northwesterly along the curve (2° curve) of said right of way line a distance of seven hundred thirty-one and fifty-five one-hundredths (731.55') feet to the point of beginning, containing 13.19 acres less 1.41 acres presently owned by KAMO Electric Cooperative, Inc.,

together with the right, privilege and authority of entering upon said tract for the purpose of erecting, operating, maintaining and removing said sub-station, and the right to cut, trim or remove any trees within the limits of said sub-station and the right to remove any structure or obstruction now or hereafter located within the limits of said right-of-way if in Plaintiff's judgment such trees or structures are likely to endanger said transmission system or interfere with its operation, construction and maintenance, and such other rights, and privileges as may be necessary or proper for the construction, maintenance, operation or removal of said sub-station by Plaintiff, its successors and assigns.

IT IS FURTHER ORDERED, ADJUDGED AND DECREED that the Report of Commissioners dated August 24, 1981, heretofore filed in this cause, be and the same is hereby ratified, confirmed and approved,

It is further ordered that the Plaintiff pay by check ^{Clerk} ~~the~~ the said awards ~~which check is to be drawn~~ ^{which sum has been deposited into the Registry of the Court by the Plaintiff and made} payable to the Superintendent, Osage Agency, Pawhuska, Oklahoma, and that the check to the Superintendent, Osage Agency, Pawhuska, Oklahoma, be in the following amount as set opposite said tract, to-wit:

Tract No. 1.....\$ 14,136.00.

That the Court further adjudges and decrees that when the amount above set forth has been paid that the case be closed, and that the check so ordered paid herein be placed in the hands of the Honorable Hubert A. Marlow, Attorney of Record herein for the United States of America, who is then directed to forward the same to the Superintendent, Osage Agency, Pawhuska, Oklahoma.

APPROVED:

Charles L. Roushark
Attorney for Plaintiff

Hubert A. Marlow
Attorney for United States of America

James J. Quinn
United States District Judge

FILED

JAN 7 1982

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

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

INVESTMENT REALTY SERVICE, INC.,)
an Oklahoma corporation,)
)
Plaintiff,)
)
-vs-)
)
STEVE SCHMIDT & COMPANY,)
a California corporation,)
)
Defendant.)

Case No. 81-C-318-E

O R D E R

There comes on for consideration the Stipulation For Dismissal Without Prejudice and Waiver of Notice of Entry of Order of Dismissal, and the Court being fully advised, FINDS AND IT IS ORDERED:

That plaintiff's Complaint in each and every cause of action and claim for relief set forth therein, are hereby dismissed without prejudice; and

That each party hereto shall bear its own costs.

DATED this 7 day of January, 1982.

S/ JAMES O. ELLISON

JAMES O. ELLISON, Judge
United States District Court
For the Northern District of
Oklahoma

FILED

JAN 7 1982

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

UNITED STATES DISTRICT COURT FOR THE
NORTHERN DISTRICT OF OKLAHOMA

UNITED STATES OF AMERICA,)
)
 Plaintiff,)
)
 vs.)
)
 SANFORD Y. McGRIFF,)
)
 Defendant.)

CIVIL ACTION NO. 81-C-333-E

DEFAULT JUDGMENT

This matter comes on for consideration this 7th day of December, 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, Sanford Y. McGriff, appearing not.

The Court being fully advised and having examined the file herein finds that Defendant, Sanford Y. McGriff, 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, Sanford Y. McGriff, for the principal sum of \$1,600.67 (less the sum of \$200.00 which has been paid), plus the accrued interest of \$501.57 as of February 15, 1981, plus interest at 7% from February 15, 1981, until the date of Judgment, plus interest at the legal rate (12%) on the principal sum of \$1,600.67 (less the sum of \$200.00) from the date of Judgment until paid.

S/ JAMES O. ELLISON
UNITED STATES DISTRICT JUDGE

FILED

IN THE UNITED STATES DISTRICT COURT JAN 7 1982
FOR THE NORTHERN DISTRICT OF OKLAHOMA

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

K. M. VANCE,)	
)	
Plaintiff,)	
)	
vs.	)	No. 81-C-893-E
)	
WILLIAM MARTIN GISLER,)	
)	
Defendant.)	

NOTICE OF DISMISSAL

COMES NOW the Plaintiff, K. M. Vance, pursuant to Rule 41(a)(1) of the Federal Rules of Civil Procedure and hereby dismisses the above-entitled cause of action with prejudice as to any and all claims arising out of said cause of action.

Katherine M. Vance
K. M. VANCE, Plaintiff

Bruce Sewell
G. BRUCE SEWELL
Attorney for Plaintiff
OLIVER & EVANS, INC.
2406 Fourth National Building
Tulsa, OK 74119
918-585-8181

FILED

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

JAN 7 1982

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

KER-BAR PIPE & SUPPLY, INC.,)
a Texas corporation,)
))
Plaintiff,)
))
vs.)
))
STATEWIDE PETROLEUM CORP.,)
an Oklahoma corporation,)
))
Defendant.)

No. 81-C-524-B

J U D G M E N T

Pursuant to the Findings of Fact and Conclusions of Law entered this date, IT IS ORDERED the plaintiff, Ker-Bar Pipe & Supply, Inc., a Texas corporation, is to have judgment against the defendant, Statewide Petroleum Corporation, an Oklahoma corporation, in the amount of Four Thousand Five Hundred Eighty Two and 50/100 Dollars (\$4,582.50), as and for attorney's fees, and the costs of this action.

DATED this 7th day of January, 1982.



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

UNITED STATES DISTRICT COURT FOR THE
NORTHERN DISTRICT OF OKLAHOMA

JAN 7 1982

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

UNITED STATES OF AMERICA,)
)
 Plaintiff,)
)
 vs.)
)
 JACK E. HELSCEL)
)
 Defendant.)

CIVIL ACTION NO. 81-C-752-B ✓

AGREED JUDGMENT

This matter comes on for consideration this 7th day
of January, 1982, 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, Jack E. Helscel, appearing pro se.

The Court, being fully advised and having examined the
file herein, finds that the Defendant, Jack E. Helscel, was
personally served with Summons and Complaint on December 2, 1981.
The Defendant filed his Answer on December 8, 1981, where he has
agreed that he is indebted to the Plaintiff in the amount alleged
in the Complaint. Judgment may accordingly be entered against
him in the amount of \$712.80, 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,
Jack E. Helscel, in the amount of \$712.80, plus 12% interest from
the date of this Judgment until paid.

Frank Keating
UNITED STATES DISTRICT JUDGE

APPROVED:

UNITED STATES OF AMERICA
FRANK KEATING
United States Attorney

Nancy A. Nesbitt
NANCY A. NESBITT
Assistant U.S. Attorney

Jack E. Helscel
JACK E. HELSCEL

FILED

UNITED STATES DISTRICT COURT FOR THE
NORTHERN DISTRICT OF OKLAHOMA

JAN 5 1982

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

UNITED STATES OF AMERICA,)
)
Plaintiff,)
)
vs.)
)
WILLIAM H. MOORE,)
)
Defendant.)

CIVIL ACTION NO. 81-C-722-B

AGREED JUDGMENT

This matter comes on for consideration this 5th day of January, 1982, 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, William H. Moore, appearing pro se.

The Court, being fully advised and having examined the file herein, finds that the Defendant, William H. Moore, was personally served with Summons and Complaint on November 20, 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 \$456.77, plus 12% interest from the date of this Judgment until paid.

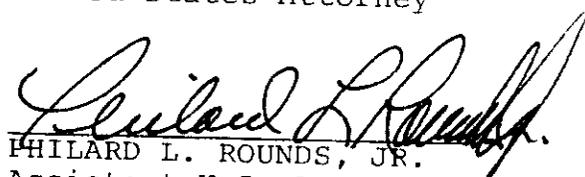
IT IS THEREFORE, ORDERED, ADJUDGED, AND DECREED that the Plaintiff have and recover Judgment against the Defendant, William H. Moore, in the amount of \$456.77, plus 12% interest from the date of this Judgment until paid.


UNITED STATES DISTRICT JUDGE

APPROVED:

UNITED STATES OF AMERICA

FRANK KEATING
United States Attorney


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


WILLIAM H. MOORE

UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF OKLAHOMA

FILED

JAN 5 1982

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

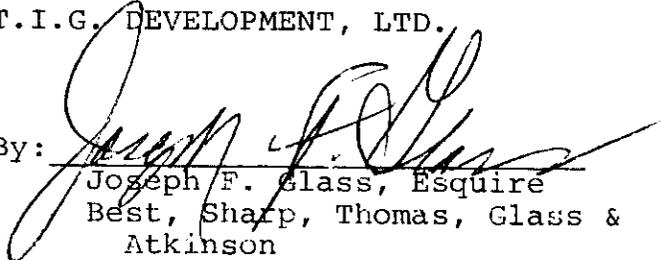
CITIZENS MORTGAGE CORPORATION,)
)
 Plaintiff,)
)
 vs.)
)
 THE FOURTH NATIONAL BANK OF TULSA,)
 a National Banking Association;)
 T.I.G. DEVELOPMENT, LTD., a North)
 Carolina Limited Partnership; and)
 RAYMOND W. GRAHAM, District Judge,)
 Tulsa County, Oklahoma)
)
 Defendants.)

CIVIL ACTION
NO. 75-C-175-E ✓

STIPULATION OF DISMISSAL OF COUNTERCLAIMS

Now come the parties in the above-entitled action, acting by their respective attorneys, and agree and stipulate that said action and counterclaims may be and they hereby are discontinued, and the counterclaims herein dismissed, with prejudice, each party to bear its own costs and attorneys fees.

T.I.G. DEVELOPMENT, LTD.

By: 

Joseph F. Glass, Esquire
Best, Sharp, Thomas, Glass &
Atkinson
300 Oil Capitol Bldg.
Tulsa, Oklahoma 74103

CITIZENS MORTGAGE CORPORATION

By: 

William E. Hughes
Doerner, Stuart, Saunders, Daniel
& Anderson
1200 Atlas Life Bldg.
Tulsa, Oklahoma 74103

FILED

IN THE UNITED STATES DISTRICT COURT FOR THE **JAN 4 1982**
NORTHERN DISTRICT OF OKLAHOMA

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

UNITED STATES OF AMERICA,)	
)	
Plaintiff,)	
)	
vs.	)	No. 81-C-452-B
)	
FLOYD FITZSIMMONS,)	
)	
Defendant.)	

AGREED JUDGMENT

This matter comes on for consideration this 4 day of November, 1981, the Plaintiff appearing by Philard L. Rounds, Jr., Assistant United States Attorney for the Northern District of Oklahoma, and the Defendant, Floyd Fitzsimmons, appearing by his attorney, Stephen Wolfe, Esquire, hereby agree that judgment be entered against the Defendant, Floyd Fitzsimmons, in favor of the United States of America.

The Court being fully advised and having examined the record herein finds that the Defendant, Floyd Fitzsimmons, was personally served with Summons and Complaint on September 10, 1981, by serving his attorney, Stephen Wolfe, at 1325 South Main, Tulsa, Oklahoma, such service being consented to by Defendant, Floyd Fitzsimmons.

The Court further finds that an Application for Extension of Time to File Answer was filed on October 7, 1981, and said Order granting extension of time was filed October 16, 1981, within which to file his Answer herein. The time within which the Defendant could have answered or otherwise moved as to the Complaint has expired, that the Defendant has not answered or otherwise moved, and that Plaintiff is entitled to judgment as a matter of law.

The Court further finds that the Defendant, Floyd Fitzsimmons, by entering into a lease contract No. DACW56-1-77-241 on June 28, 1977, did assume, pursuant to the contract, an obligation to pay \$44,000.00 in lease rental on said tract.

The Court further finds that the Defendant has failed and refused to pay the full amount due January 1, 1977, as provided in the lease contract, and it remains due and owing the United States \$38,000.00.

IT IS THEREFORE, ORDERED, ADJUDGED AND DECREED that the Plaintiff have and recover judgment against the Defendant, Floyd Fitzsimmons, for the principal sum of \$38,000.00 plus interest from the date of judgment until paid.

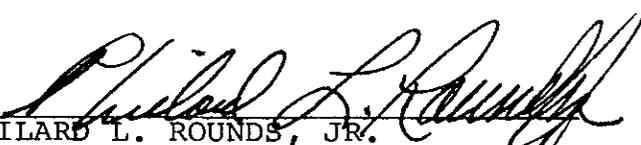
S/ THOMAS R. BRETT

UNITED STATES DISTRICT JUDGE

APPROVED:

UNITED STATES OF AMERICA

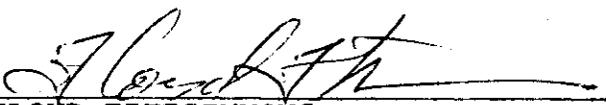
FRANK KEATING
United States Attorney



PHILARD L. ROUNDS, JR.
Assistant United States Attorney



STEPHEN WOLFE
Attorney for Floyd Fitzsimmons



FLOYD FITZSIMMONS

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

MACHINERY, INC.,)
)
 Plaintiff,)
)
 -vs-)
)
 HOUSTON FOUNDATION DRILLING)
 COMPANY, INC.,)
)
 Defendant.)

No. 81-C-338-E

FILED
JAN - 4 1982
Jack C. Silver, Clerk
U. S. DISTRICT COURT

ORDER OF DISMISSAL

Upon the application of Plaintiff, Machinery, Inc.,
it is hereby ordered that Plaintiff's Complaint against
Defendant is dismissed, with prejudice to the refiling thereof,
and Plaintiff shall bear its costs.

S/ JAMES O. ELLISON

JUDGE JAMES O. ELLISON

UNITED STATES DISTRICT COURT FOR THE
NORTHERN DISTRICT OF OKLAHOMA

FILED
JAN - 4 1982
Jack C. Silver, Clerk
U. S. DISTRICT COURT

UNITED STATES OF AMERICA,)
)
Plaintiff,)
)
vs.) CIVIL ACTION NO. 81-C-494-E
)
LARRY A. MURPHY,)
)
Defendant.)

DEFAULT JUDGMENT

This matter comes on for consideration this 4th day of ~~December~~ January, 1982, the Plaintiff appearing by Frank Keating, United States Attorney for the Northern District of Oklahoma, through Don J. Guy, Assistant United States Attorney, and the Defendant, Larry A. Murphy, appearing not.

The Court being fully advised and having examined the file herein finds that Defendant, Larry A. Murphy, was personally served with Summons and Complaint on October 20, 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, Larry A. Murphy, for the principal sum of \$1,000.56, plus the accrued interest of \$421.88 as of September 24, 1981, plus interest at 7% from September 24, 1981, until the date of Judgment, plus interest at the legal rate (12%) on the principal sum of \$1,000.56 from the date of Judgment until paid.

S/ JAMES O. ELLISON
UNITED STATES DISTRICT JUDGE

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

FILED

JAN 4 1982

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

E. R. McKEE and
CLARA RUTH MCKEE,

Plaintiffs,

vs.

CHEROKEE INVESTMENTS, LTD.,
II, a Limited Partnership,

Defendant.

No. 81-C-198-E

J U D G M E N T

This cause came on for hearing before the undersigned Judge on this 4th day of January, 1982, at which time the plaintiffs appeared by their attorney, David H. Sanders, and the defendant appeared by its attorney, Thomas Trower. The Court, after hearing the evidence presented, finds the issues in favor of the plaintiffs and against the defendant and finds that judgment should be entered herein in favor of the plaintiffs, E. R. McKee and Clara Ruth McKee, and against the defendant, Cherokee Investments, Ltd., II, a Limited Partnership, for the principal sum of \$451,250.00, plus interest thereon as provided in the note to date hereof in the sum of \$54,449.80, and accruing thereon at the rate of \$160.71917 per day until paid in full, together with an attorney's fee in the sum of \$17,500.00 and costs of this action.

NOW, THEREFORE, BE IT ORDERED, ADJUDGED AND DECREED by the Court that the plaintiffs, E. R. McKee and Clara Ruth McKee, have and recover judgment of and from the defendant, Cherokee Investments, Ltd., II, a Limited Partnership, for the principal sum of \$451,250.00, plus interest thereon as provided in the note to date hereof in the sum of \$54,449.80

and accruing thereon at the rate of \$160.71917 per day until paid in full, together with an attorney's fee in the sum of \$17,500.00 and costs of this action.

BE IT FURTHER ORDERED, ADJUDGED AND DECREED by the Court that the aforesaid judgment is hereby decreed to be a first and valid lien upon the following described real estate located in the County of Tulsa, State of Oklahoma, to-wit:

The Northwest Quarter (NW/4) and the Southeast Quarter (SE/4) of the Northeast Quarter (NE/4) and the South Half (S/2) of the Southwest Quarter (SW/4) of the Northeast Quarter (NE/4) and that part of the Southwest Quarter (SW/4) lying North and East of Bird Creek, in Section 6, Township 21 North, Range 13 East of the Indian Base and Meridian,

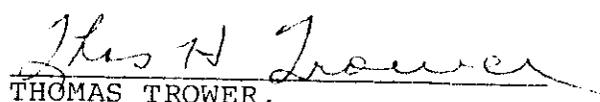
and that same is hereby foreclosed and ordered to be sold according to law.

FOR ALL OF WHICH LET EXECUTION ISSUE.


UNITED STATES DISTRICT JUDGE

APPROVED:


DAVID H. SANDERS,
Attorney for Plaintiffs.


THOMAS TROWER,
Attorney for Defendant.