

118 27  
UNITED STATES DISTRICT COURT FOR THE  
NORTHERN DISTRICT OF OKLAHOMA

UNITED STATES OF AMERICA, )  
 )  
Plaintiff, )  
 )  
vs. ) CIVIL ACTION NO. 81-C-669-E  
 )  
RICHARD A. WALL, )  
 )  
Defendant. )

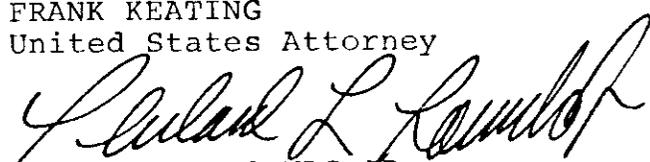
NOTICE OF DISMISSAL

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 26 day of February, 1982.

UNITED STATES OF AMERICA

FRANK KEATING  
United States Attorney

  
PHILARD L. ROUNDS JR.  
Assistant United States Attorney

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

1982  
FEB 22 1982  
U.S. DISTRICT COURT

ALLIED PRINTERS AND PUBLISHERS, )  
INC., an Oklahoma Corporation, )

Plaintiff, )

-vs- )

THE ATCHISON, TOPEKA AND SANTA )  
FE RAILWAY COMPANY, a Delaware )  
Corporation, )

Defendant. )

RECEIVED FEB 22 1982

No. 81-C-344-E

ORDER OF DISMISSAL

On this 16<sup>th</sup> day of February, 1982, upon written application of the parties for a Dismissal With Prejudice of the Complaint herein and all causes of action, the Court having examined said application, finds that said parties have entered into a compromise settlement covering all claims involved in the Complaint and have requested the Court to dismiss said Complaint with prejudice to any further action.

IT IS THEREFORE ORDERED, ADJUDGED AND DECREED by the Court, that the Complaint and any and all other causes of action of the plaintiff to this action filed herein, be and the same hereby are dismissed with prejudice to any further action.

*James D. ...*  
UNITED STATES DISTRICT JUDGE

UNITED STATES DISTRICT COURT FOR THE  
NORTHERN DISTRICT OF OKLAHOMA

FILED

FEB 26 1982

UNITED STATES OF AMERICA, )  
 )  
 Plaintiff, )  
 )  
 vs. )  
 )  
 DAVID A. EDWARDS, )  
 )  
 Defendant. )

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

CIVIL ACTION NO. 81-C-809-E

AGREED JUDGMENT

This matter comes on for consideration this 26<sup>th</sup> day of February, 1981, the Plaintiff appearing by Frank Keating, United States Attorney for the Northern District of Oklahoma, through Don J. Guy, Assistant United States Attorney, and the Defendant, David A. Edwards, appearing pro se.

The Court, being fully advised and having examined the file herein, finds that the Defendant, David A. Edwards, 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 \$1,109.60, 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, David A. Edwards, in the amount of \$1,109.60, plus 12% interest from the date of this Judgment until paid.

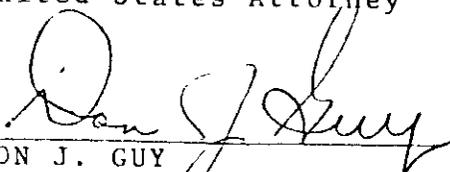
67 MAR 1 1982

UNITED STATES DISTRICT JUDGE

APPROVED:

UNITED STATES OF AMERICA

FRANK KEATING  
United States Attorney

  
DON J. GUY  
Assistant U.S. Attorney

  
DAVID A. EDWARDS

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

WILLIAM JACKSON,  
Plaintiff,  
vs.  
ASSOCIATED HOSTS OF CALIFORNIA,  
INC., d/b/a SMUGGLER'S INN,  
Defendant.

No. 80-C-612-E

FILED

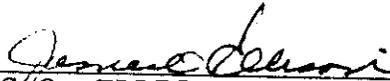
25 1982

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

ORDER OF DISMISSAL

Pursuant to the settlement agreement between the above parties to the litigation, and upon the Court's examination of the file and legal authority found therein, this proceeding is hereby dismissed with prejudice.

It is so Ordered this 24<sup>th</sup> day of February, 1982.

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

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

KENNETH RAY CASTLEBERRY, )  
 )  
 Petitioner, )  
 )  
 vs. )  
 )  
 WARDEN MACK H. ALFORD and the )  
 ATTORNEY GENERAL OF THE STATE )  
 OF OKLAHOMA, )  
 )  
 Respondents. )

No. 79-C-640-E

FILED

25 1982 CO

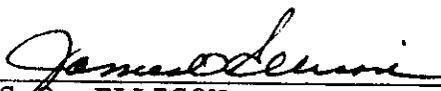
Jack C. Silver, Clerk  
U. S. DISTRICT COURT

JUDGMENT

Pursuant to the Mandate of the United States Court of Appeals for the Tenth Circuit, filed in this matter on the 12th day of February, 1982, it is

ORDERED, ADJUDGED AND DECREED that the writ in this case be discharged, and that judgment be entered in favor of the Respondents and against Petitioner.

Dated this 24<sup>th</sup> day of February, 1982.

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

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

**FILED**

FEB 25 1982

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

THE UNITED STATES OF AMERICA, )  
for the use and benefit of )  
BRISTOL BABCOCK, INC., and )  
BRISTOL BABCOCK, INC., a )  
Delaware corporation, )  
 )  
Plaintiffs, )  
 )  
vs. )  
 )  
BJORNE ENTERPRISES, INC., an )  
Oklahoma corporation, et al., )  
 )  
Defendants. )

No. 81-C-228-E

O R D E R

At the Pretrial Conference of this case held on January 14, 1982, the Court raised the question of whether venue in this case was proper in the Northern Judicial District of Oklahoma, or whether, under the provision of 40 U.S.C. § 270(b), venue properly lay in the Western Judicial District of Oklahoma.

The applicable statutory language, found in 40 U.S.C. § 270(b), is as follows:

Every suit instituted under this section shall be brought ... in the United States District Court for any district in which the contract was to be performed and executed and not elsewhere ...

The Complaint alleges (and there is, apparently, no dispute) that the contract upon which the Miller Act bond in this case is based was between the United States, acting through the Bureau of Reclamation, and Defendant Rollings Construction, Inc., and concerned a project located at the Frederick Pump Station in Frederick, Oklahoma.

This Court, sitting as it does in the State of Oklahoma, takes notice of the geographical fact that Frederick is located in Tillman County, Oklahoma. The Court further notes that Tillman County is located in the Western District of Oklahoma, 28 U.S.C. § 116.

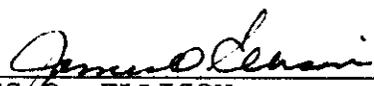
The Court is of the opinion that the reference, in the statute quoted above, to the "district in which the contract was to be performed" refers to the contract between the principal contractor and the government, and it is that location that determines venue, notwithstanding the fact that portions of the contract may have been performed elsewhere, see, e.g., United States of America for the use of Caswell Equipment Co. v. Fidelity & Deposit Co., 494 F.Supp. 354 (D. Minn. 1980); United States of America for the use of Miller v.

Mattingly Bridge Co., 344 F.Supp. 459 (W.D. Ky. 1972); United States of America for the use of Essex Machine Works, Inc. v. Rondout Marine, Inc., 312 F.Supp. 846 (S.D. N.Y. 1970); United States of America for the use of Fairbanks Morse & Co. v. Bero Constr. Corp., 148 F.Supp. 295 (S.D. N.Y. 1957).

Since the prime contract in this case was to be performed within the Western District of Oklahoma, the Miller Act's venue provisions require that this action be litigated there. This Court already having subject matter jurisdiction, and jurisdiction over the parties, it is the Court's opinion that a dismissal of this action, which would require a new action to be instituted in the proper district would only cause unnecessary delay. Accordingly, the Court will direct that this action, in its present posture, be transferred to the proper district.

IT IS THEREFORE ORDERED that this action be, and the same hereby is, transferred to the United States District Court for the Western District of Oklahoma. The Clerk of the Court is hereby directed to take the necessary steps forthwith to effect such transfer.

It is so Ordered this 24<sup>th</sup> day of February, 1982.

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

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

FEB 15 1982

U.S. DISTRICT COURT

UNITED STATES OF AMERICA and )  
FRANK M. LIMBIRD, Special )  
Agent, Internal Revenue )  
Service, )

Petitioners, )

vs. )

FRIST STATE BANK, )  
Commerce, Oklahoma, )

Respondent. )

79-C-194-C

CIVIL ACTION NO. 79-C-194-C

ORDER FOR DISMISSAL

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

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

Dated this 25<sup>th</sup> day of February, 1982.

  
UNITED STATES DISTRICT JUDGE



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

FEB 25 1982 X

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

UNITED STATES OF AMERICA, and)  
FRANK M. LIMBIRD, Special )  
Agent, Internal Revenue )  
Service, )

Petitioners, )

vs. )

GAYLE L. EDMONDSON, Certi- )  
fied Public Accountant, )

Respondent, )

VIRGIL P. FOX, )

Intervenor. )

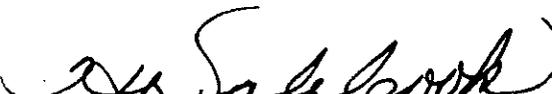
Civil Action No. 79-C-192-C ✓

ORDER FOR DISMISSAL

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

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

Dated this 25<sup>th</sup> day of February, 1982.

  
UNITED STATES DISTRICT JUDGE

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

Feb 25 1982  
Jack C. Silver, Clerk  
U. S. DISTRICT COURT

UNITED STATES OF AMERICA and )  
FRANK M. LIMBIRD, Special )  
Agent, Internal Revenue )  
Service, )  
 )  
Petitioners, )  
 )  
vs. )  
 )  
MIAMI SAVINGS & LOAN, )  
Miami, Oklahoma, )  
 )  
Respondent. )

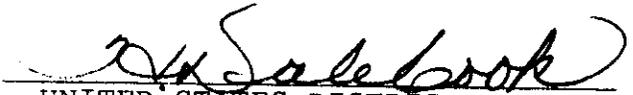
Civil Action No. 79-C-191-RC

ORDER FOR DISMISSAL

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

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

Dated this 25<sup>th</sup> day of February, 1982.

  
UNITED STATES DISTRICT JUDGE

UNITED STATES DISTRICT COURT FOR THE  
NORTHERN DISTRICT OF OKLAHOMA

FEB 25 1981  
Jack M. ...  
U. S. DISTRICT COURT

UNITED STATES OF AMERICA, )  
 )  
Plaintiff, )  
 )  
vs. ) CIVIL ACTION NO. 81-C-821-C  
 )  
MARK R. BOND, )  
 )  
Defendant. )

AGREED JUDGMENT

This matter comes on for consideration this 25<sup>th</sup> day of February, 1981, the Plaintiff appearing by Frank Keating, United States Attorney for the Northern District of Oklahoma, through Don J. Guy, Assistant United States Attorney, and the Defendant, Mark R. Bond, appearing pro se.

The Court, being fully advised and having examined the file herein, finds that the Defendant, Mark R. Bond, was personally served with Summons and Complaint on December 8, 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 \$900.00, 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, Mark R. Bond, in the amount of \$900.00, 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

*Don J. Guy*  
DON J. GUY  
Assistant U.S. Attorney

*Mark R. Bond*  
MARK R. BOND

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

JERRY BOGGS, )  
 )  
 Plaintiff, )  
 )  
 vs. )  
 )  
 HENRY T. CAMPBELL, PAUL )  
 SMITH and HONORABLE )  
 WILLIAM J. WHISTLER, )  
 )  
 Defendants. )

No. 81-C-551-B

**FILED**

FEB 24 1982

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

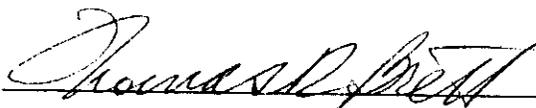
ORDER

The Clerk of this Court advises the Court he is in receipt of a letter from the plaintiff in the above-styled action requesting information as to how plaintiff may dismiss this action. Specifically, plaintiff states in his letter to the Clerk, "I understand that Henry T. Campbell [defendant] - County Commissioner for Mayes County has been indicted in Federal Court on some other charges. I also feel that Paul Smith is trying to do his job." Plaintiff asks of the Clerk therein, "Can I drop the lawsuit - Case No. 81-C-551-B - Boggs v. Henry T. Campbell et al." In addition, plaintiff states, "I would appreciate your help on this matter and if there is [sic] papers I must file, please send me a copy. I do need your advice and I want to drop this suit and all hearings. I don't feel the need to cost the court or anyone any more money for transporting me to hearings, court or legal fees."

Having reviewed the entire file in this case, the Court finds the attitudes and inclinations expressed by the plaintiff in the aforementioned letter consonant with those expressed by plaintiff throughout the pendency of this action. In addition, the Court concludes the letter received by the Clerk evidences an unequivocal and intelligent intention to dismiss this lawsuit.

IT IS THEREFORE ORDERED plaintiff's request to dismiss this action is granted, and the cause dismissed.

ENTERED this 23<sup>rd</sup> day of February, 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.

FEB 23 1982 *f*

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

JACK HIGH and DONNA HIGH,  
Husband and Wife,

Plaintiffs,

CITY OF TULSA, OKLAHOMA,  
a municipal corporation,

Intervening Plaintiff,

-vs-

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

Defendants.

No. 78-C-515-BT

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.; and  
NATIONAL TRUCK EQUIPMENT  
COMPANY,

Defendants.

No. 79-C-160-BT

CONSOLIDATED

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

Plaintiffs,

-vs-

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

Defendants.

No. 79-C-384-BT

ORDER OF DISMISSAL WITH PREJUDICE

ORDER OF DISMISSAL WITH PREJUDICE

The Plaintiffs, Jack and Donna High, by and through their attorney of record, Jefferson Greer; the Intervening Plaintiff, the City of Tulsa, Oklahoma, a municipal corporation, by and through its attorney of record, David L. Pauling; and the Defendants, Firestone Tire & Rubber Company and Ford Motor Company, by and through their respective attorneys of record, having heretofore filed a stipulation and application for the entry of an order of dismissal with prejudice;

And the parties having represented to the Court that they have entered into a full and completed settlement of this action and of all of the Plaintiffs' claims which have been asserted or which might have been asserted in this action;

And the Court being otherwise fully advised in the premises, finds and IT IS ORDERED that this action be dismissed with prejudice to the filing or prosecution of a future action at the costs of the Plaintiffs above named.

DATED this 23<sup>rd</sup> day of Feb., 1982.

  
\_\_\_\_\_  
Thomas R. Brett  
United States District Judge

IN THE UNITED STATES DISTRICT COURT FOR THE NORTHERN DISTRICT OF OKLAHOMA FEB 23 1982

U. S. DISTRICT COURT

UNITED STATES OF AMERICA, )
Plaintiff, )
vs. ) CIVIL ACTION NO. 82-C-101-B
L. WAYNE ANDERSON, )
Defendant. )

AGREED JUDGMENT

This matter comes on for consideration this 23rd day of February, 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, L. Wayne Anderson, appearing pro se.

The Court, being fully advised and having examined the file herein, finds that the Defendant, L. Wayne Anderson, was personally served with Summons and Complaint on February 2, 1982. 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 \$732.14, 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, L. Wayne Anderson, in the amount of \$732.14, plus 12% interest from the date of this Judgment until paid.

Thomas R. Crest
UNITED STATES DISTRICT JUDGE

APPROVED:

UNITED STATES OF AMERICA

FRANK KEATING
United States Attorney

Don J. Guy
DON J. GUY
Assistant U.S. Attorney

L. Wayne Anderson
L. WAYNE ANDERSON

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

FEB 23 1982

UNITED STATES OF AMERICA,  
Plaintiff,

vs.

JOHN L. BROWN,  
Defendant.

CIVIL ACTION NO. 82-C-17-B

AGREED JUDGMENT

This matter comes on for consideration this 12 day  
of February, 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, John L. Brown, appearing pro se.

The Court, being fully advised and having examined the  
file herein, finds that the Defendant, John L. Brown, was  
personally served with Summons and Complaint on January 20, 1982.  
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 \$630.73, 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,  
John L. Brown, in the amount of \$630.73, plus 12% interest from  
the date of this Judgment until paid.

S/Thomas R. Britt  
UNITED STATES DISTRICT JUDGE

APPROVED:

UNITED STATES OF AMERICA

FRANK KEATING  
United States Attorney

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

John L. Brown  
JOHN L. BROWN

UNITED STATES DISTRICT COURT  
NORTHERN DISTRICT OF OKLAHOMA

FILED

UNITED STATES OF AMERICA )

By )

RAYMOND J. DONOVAN, Secretary of )  
Labor, United States Department )  
of Labor, )

Plaintiff, )

v. )

GERALD HAIL, an Individual, )  
doing business as H & H ROAD )  
BORING, )

Defendant. )

FEB 22 1982

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

Civil Action File

No. 81-C-717-E

ORDER OF DISMISSAL

This matter has come on before the Court on plaintiff's application for an order dismissing the complaint. The Court being advised that defendant has paid to plaintiff the amount of \$760.00 representing the unpaid civil penalty for violations of the Occupational Safety and Health Act of 1970, and the Court being otherwise fully advised in the premises, it is hereby

ORDERED that plaintiff's complaint be, and it hereby is, dismissed with prejudice.

DATED this 22<sup>nd</sup> day of February, 1982.

  
UNITED STATES DISTRICT JUDGE

SOL Case No. 14406 (AFW)

FILED

UNITED STATES DISTRICT COURT FOR THE  
NORTHERN DISTRICT OF OKLAHOMA

FEB 22 1982

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

UNITED STATES OF AMERICA,	)	
	)	
Plaintiff,	)	
	)	
vs.	)	CIVIL ACTION NO. 81-C-640-E
	)	
BILLIE G. COOPER,	)	
	)	
Defendant.	)	

DEFAULT JUDGMENT

This matter comes on for consideration this 22<sup>nd</sup> day of February, 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, Billie G. Cooper, appearing not.

The Court being fully advised and having examined the file herein finds that Defendant, Billie G. Cooper, was personally served with an Alias Summons and Complaint on January 6, 1982. 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 G. Cooper, for the principal sum of \$869.67, plus interest at the rate of 12 percent from the date of this Judgment until paid.

S/ JAMES O. ELLISON

UNITED STATES DISTRICT JUDGE

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

MELVIN EDWARDS, )  
 )  
 ) Petitioner, )  
 )  
 vs. ) No. 81-C-443-C  
 )  
 ) SHERIFF DAVE FAULKNER, )  
 )  
 ) Respondent. )

**FILED**

OCT 19 1982

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

O R D E R

The petitioner filed this action for habeas corpus relief pursuant to 28 U.S.C. §2254 on September 3, 1981.<sup>1</sup> Though it is not completely clear, from the record, the exact type of relief sought by the petitioner, this Court concludes that habeas corpus relief is unavailable in the present action.

The Court has received numerous communications from the petitioner, the last of which was received by the Court on October 29, 1981 and is dated October 27, 1981. In that pleading, titled "Pre-Trial Supplement Amendment", the petitioner requests immediate release from custody and apparently dismissal of the then pending state charge against him. From earlier correspondence, the Court was of the view that petitioner sought either release from custody and dismissal of the charge against him or an order requiring the state authorities to bring him to trial. The Court would note that the respondent has furnished the Court with a Judgment and Sentence of Conviction dated October 28, 1981 and documentation showing that the petitioner was released from respondent's custody on the above date. The Judgment and Sentence also reflects that the petitioner was

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<sup>1</sup>The Court would note that Edwards' petition under §2254 was improper. Section 2254 only applies in post-trial situations. Title 28 U.S.C. §2241 would be the proper vehicle, which applies to persons in custody regardless of whether final judgment has been rendered and regardless of the present status of the case pending against him. See Atkins v. People of the State of Michigan, 644 F.2d 543 (6th Cir. 1981), cert den. 101 S.Ct. 3115 (1981).

legally tried and convicted in Case No. CRF-80-4174 and received a sentence of two years in the Tulsa County Jail with credit for the time he had already served.

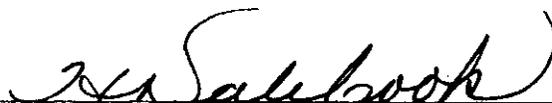
A preliminary question is whether petitioner had any right to invoke federal habeas corpus at a time when he had not yet been tried on the state court charge. If the petitioner was only seeking immediate release and dismissal of the pending state charge, the Supreme Court decision in Braden v. 30th Judicial Circuit Court of Kentucky, 410 U.S. 484, 98 S.Ct. 1123, 35 L.Ed. 443 (1973) would appear to indicate that federal habeas corpus relief was not available. There it was said "that federal habeas corpus does not lie, absent 'special circumstances', to adjudicate the merits of an affirmative defense to a state criminal charge prior to a judgment of conviction by a state court." Id at 489. See also Brown v. Estelle, 530 F.2d 1280 (5th Cir. 1976). In its previous Order of October 27, 1981, the Court concluded that no "special circumstances" existed which would require the Court to intervene in the ongoing workings of the state judiciary. Nothing has come to the Court's attention in the intervening months to warrant a change in this view. Therefore, federal habeas corpus was unavailable to the petitioner prior to his being tried on the state court charge if he was only seeking immediate release and dismissal of the state charge.

If the petitioner was requesting that the Court enforce the state's obligation to bring him to trial, habeas corpus relief would be available, in a proper situation, if the petitioner had first exhausted his state remedies. The Court has serious doubts as to whether the petitioner did exhaust his state remedies. However, the Court does not need to reach this issue. The petitioner was tried on the state court charge and sentenced on October 28, 1981. The petitioner in no way attacks the legality of this conviction and he has received his day in court on the state charge. The Court, on the record before it, thus cannot

grant him the relief sought because he has already received a trial in the state court.

For the above reasons it is the Order of this Court that the petition for a writ of habeas corpus should be and is hereby denied.

It is so Ordered this 19<sup>th</sup> day of February, 1982.

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

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

DANNY RAY CAMPBELL (PRINCE), SR., )

Plaintiff, )

vs. )

MAXINE FULTNER and )  
MRS. M. R. MASON, )

Defendants. )

81-C-515-BT ✓

**FILED**

FEB 19 1982 *hmv*

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

ORDER

Plaintiff, a resident of the Oklahoma State Hospital at Vinita, Oklahoma, brings his action pro se for an alleged violation of his rights under 42 U.S.C. §1983. The defendants, on October 13, 1981, moved to dismiss the action for failure to state a claim pursuant to F.R.Civ.P. 12(b)(6). On November 17, 1981, the plaintiff was notified by the Clerk by letter that pursuant to local amended Rule 14(a) he had 10 days to file a response. Plaintiff has not filed a response nor has he requested an extension.

The Court has reviewed the Motion to Dismiss of the defendants and finds it should be sustained for the following reasons.

In order for plaintiff to prevail in this action under 42 U.S.C. §1983, the defendants must have acted under color of state law. Plaintiff complains that on August 29, 1981, he was forced to go back to his bedroom and "lay down" because he refused to sweep and mop his room.

In a Rule 12(b)(6) motion to dismiss, factual allegations should be construed in favor of the pleader. Cruz v. Beto, 405 U.S. 319, 92 S.Ct. 1079, 31 L.Ed.2d 263 (1972). A pro se civil rights complaint is to be liberally construed and must be held to less stringent standards than formal pleadings drafted by a lawyer. Estelle v. Gamble, 429 U.S. 97, 97 S.Ct. 285, 50 L.Ed.2d 251 (1976).

There are two essential elements to stating a claim under §1983: (1) the conduct complained of was by a person acting under color of state law; and (2) the conduct complained of deprived the plaintiff of rights, privileges, or immunities secured by the Constitution

or laws of the United States. Adikces v. S.H. Kress and Co., 398 U.S. 144, 90 S.Ct. 1598, 26 L.Ed.2d 142 (1970); Palacios v. Foltz, 441 F.2d 1196 (10th Cir. 1971).

A liberal reading of plaintiff's complaint reveals that plaintiff has failed to allege that any of his constitutional rights, privileges or immunities were violated by defendants while acting under color of state law. Therefore, after thoroughly examining the complaint herein, the Court is of the opinion that plaintiff can prove no set of facts in support of his claim which would entitle him to relief against the defendants under §1983.

IT IS, THEREFORE, ORDERED defendants' Motion to Dismiss pursuant to F.R.Civ.P. 12(b)(6) for failure to state a claim is sustained and the complaint and cause of action are dismissed.

ENTERED this 19<sup>th</sup> day of February, 1982.



---

THOMAS R. BRETT  
UNITED STATES DISTRICT JUDGE

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

UNITED STATES OF AMERICA, )  
 )  
 Plaintiff, )  
 )  
 vs. )  
 )  
 LINDSEY JO LISSNER SCHRAMECK, )  
 )  
 Defendant. )

No. 79-CR-46-C

81-C-861-FILED

FEB 19 1982

O R D E R

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

Now before the Court for its consideration is the motion of the defendant pursuant to 28 U.S.C. §2255 to vacate her sentence. Defendant alleges as grounds for her motion the following:

1. the presentence report contained false information,
2. her conviction was based on evidence gained pursuant to an unconstitutional search and seizure,
3. denial of effective assistance of counsel, and
4. the sentence imposed was extremely harsh for the offense committed.

The defendant, Lindsey Jo Lissner Schrameck, entered pleas of guilty to a two-count indictment charging her with taking a letter containing a U. S. Treasury Check, in violation of Title 18 U.S.C. §1702, and forging the endorsement on that check in violation of Title 18 U.S.C. §495. The defendant entered her pleas of guilty to the two counts on July 26, 1979, and was sentenced by this Court on August 1, 1979. The defendant was sentenced to five years on count one of the indictment and six years on count two of the indictment, the sentence in count one to run concurrent to that in count two.

The Court has carefully reviewed the entire record in this matter and concludes that the grounds raised in the defendant's Section 2255 motion are without merit. The Court further concludes that the files and records in this case conclusively show that the defendant is entitled to no relief, that a response

by the United States Attorney is unnecessary and a hearing on the matter is unwarranted.

In the defendant's first ground she alleges incorrect information in the presentence report as follows:

1. the report states she is "doing" an 8-year sentence for the State of Oklahoma,
2. that she had her jaw broken while incarcerated in the Tulsa County Jail,
3. the report implies she is a narcotics addict, and
4. the report indicates that everyone the defendant knows is an ex-convict or drug addict.

The Court inquired of the defendant at her sentencing whether the information contained in the presentence report was correct and she responded in the affirmative. The Court was also requested by the defendant to impose the sentence that it did so that a plea bargain agreement exclusively between the defendant and the State of Oklahoma authorities on State charges could reach fruition. Though this Court was not privy to all the details of the State plea bargain agreement, such agreement was discussed in sufficient depth at the defendant's sentencing in this Court to warrant the Court in honoring the defendant's request for a six-year sentence on count two and a five-year sentence on count one. The plea bargain with State authorities allowed the defendant to serve her State time within the federal penal system. The defendant requested that outcome from this Court because she had been brutalized by other State prisoners while she was incarcerated in the Tulsa County Jail and she wished to avoid any recurrence of the brutalization. Though this Court was not obligated to follow the defendant's request in this regard nor to give any credence to the State plea bargain, the Court was of the view that, under the circumstances, the humane and just course to follow was to honor the defendant's request.

Even though the Court does not feel compelled to discuss each of the four alleged inaccuracies pointed out by the

defendant, it will do so to clarify the Court's position in this matter. The defendant states that she is not doing an 8-year sentence for the State of Oklahoma, that she has never done State time, never been in a State penitentiary and there are no detainers on her. First of all, though the presentence report apparently does reflect the defendant received concurrent sentences on four separate State charges, the longest sentence being eight years, the defendant fails to mention the reason she has never served any time in a State penitentiary and why there are no State detainers on her. The reason is that the State plea bargain agreement was worked out so that the defendant would not serve any time in a State penitentiary. The Court would also note that the presentence report did contain at least one inaccuracy. The presentence report, as mentioned earlier, reflects that the defendant received an eight-year sentence on one of the State charges. The Court has had the probation department run a check on this insert in the presentence report because it does not comport with the six-year sentence imposed by this Court on count two. The check revealed that, in fact, in case no. CRF-79-1225 the defendant received a six-year sentence to be served concurrently with the federal sentence imposed by this Court. The Court did not rely on this inaccurate time period in sentencing the defendant. The Court relied on the information provided, in open court, at the time of sentencing. The Court would finally note on this point that nowhere does the defendant deny she was convicted of the State charges. Of course, she could not deny her State convictions because she was, in fact, convicted.

The second alleged inaccuracy raised by the defendant is simply not true. The report indicates exactly what the defendant says it does not. Nowhere does the presentence report reflect that the defendant had her jaw broken while in the Tulsa County Jail. The report indicates that a Ms. Bardell had her jaw broken in the Tulsa County Jail. The Court can only assume that the

defendant has misread the report in that regard.

The third inaccuracy raised by the defendant is that the presentence report implies she is a narcotics addict. Though the report indicates that the defendant has had problems with drug addiction and abuse the Court did not rely on this information in its sentencing of the defendant. The Court would also note that the defendant states she has "never had a habit in my life", but she does not deny using and abusing drugs. In any event, the defendant has the burden of showing that the Court relied on misinformation. Shelton v. U.S., 497 F.2d 156 (5th Cir. 1974). The defendant had a full and fair opportunity to contest this information at sentencing. The Court would finally note on this issue that most of the information supplied to the probation department, on this drug use issue, was supplied by the defendant herself and at sentencing she indicated to the Court that the information in the report was correct.

The fourth alleged inaccuracy is similar to the third. The report does not state that everyone the defendant knows is either an ex-convict or a drug addict. It indicates that she had the benefit of an intact parental unit. It also indicates that with the exception of her first husband the "men in her life" have abused drugs and have arrest records. The Court did not rely on this information in sentencing the defendant. See Knight v. Warden, U.S. Pen., Leavenworth, Kan., 583 F.2d 1071 (8th Cir. 1978). In any event, the defendant had a full and fair opportunity at sentencing to refute or explain any of the information contained in the report. She chose not to do this and informed the Court that the information was, indeed, correct.

The defendant's second ground for vacation of her sentence is that the check associated with the indictment in this case was the product of an illegal search and seizure. All nonjurisdictional defects are waived by a plea of guilty and are not cognizable in this proceeding. United States v. Donohoe, 458 F.2d 237 (10th Cir. 1972) and United States v. Robert Jerrel

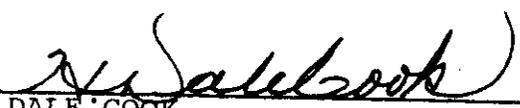
McIntosh (unpublished opinion of 10th Cir., no. 81-2079 (February 10, 1982) (copy attached).

The third ground raised by the defendant is ineffective assistance of counsel. The defendant indicated at the time of her plea of guilty that she was satisfied with the services of her attorney. Nothing in the record or the defendant's motion to vacate her sentence indicates she was denied the effective assistance of counsel. Dyer v. Crisp, 613 F.2d 275 (10th Cir. 1980), cert. denied, 445 U.S. 945 (1980) and McIntosh, supra.

The fourth ground raised by the defendant is that the sentence imposed was extremely harsh for the offense committed. The sentences imposed by the Court were within the statutory limits for the offenses committed and are, thus, not subject to attack on the ground of severity. Randall v. United States, 324 F.2d 726 (10th Cir. 1963).

For the above reasons, it is the ruling of this Court that the motion of the defendant to vacate her sentence should be and hereby is denied.

It is so Ordered this 19<sup>th</sup> day of February, 1982.

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

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

BUCYRUS-ERIE COMPANY,  
a corporation,  
  
Plaintiff,  
  
vs.  
  
ACI-HI EQUIPMENT CO., a  
corporation; WALTER H.  
MCKENZIE, an individual;  
and JACK KISSEE, an  
individual,  
  
Defendants,  
  
JACK KISSEE,  
  
Third Party Plaintiff,  
  
vs.  
  
DAN MCDEVITT,  
  
Third Party Defendant.

**FILED**  
**FEB 18 1982**

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

No. 80-C-665-E

STIPULATION OF DISMISSAL

COME NOW Bucyrus-Erie Company, Ace-Hi Equipment Co., Walter H. McKenzie, Jack Kisse, and Dan McDevitt, by and through their undersigned attorneys, and pursuant to Rule 41 of the Federal Rules of Civil Procedure hereby dismiss with prejudice all claims, counterclaims, cross-claims, and causes of action herein. The parties further stipulate that each shall bear their own respective costs and attorneys fees.

HALL, ESTILL, HARDWICK, GABLE,  
COLLINGSWORTH & NELSON

BY: Richard A. Paschal  
Richard A. Paschal  
John E. Rooney, Jr.  
4100 Bank of Oklahoma Tower  
One Williams Center  
Tulsa, Oklahoma 74172  
(918) 588-2667

Attorneys for Plaintiff,  
Bucyrus-Erie Company

BEUSTRING, CASSIDY, FAULKNER,  
& ASSOCIATES

BY: Benjamin C. Faulkner  
Benjamin C. Faulkner  
2624 E. 21st Street, Suite 1  
Tulsa, Oklahoma 74114  
(918) 747-1341

Attorneys for Defendants,  
Ace-Hi Equipment Co. and  
Walter H. McKenzie, and  
Third Party Defendant,  
Dan McDevitt

DOERNER, STUART, SAUNDERS,  
DANIEL & ANDERSON

BY: Richard P. Hix  
Richard P. Hix  
1000 Atlas Life Building  
Tulsa, Oklahoma 74103  
(918) 582-1211

Attorneys for Defendant, and  
Third Party Plaintiff,  
Jack Kisse

FILED

UNITED STATES DISTRICT COURT FOR THE  
NORTHERN DISTRICT OF OKLAHOMA

FEB 10 1982

U.S. DISTRICT COURT

UNITED STATES OF AMERICA, )  
 )  
 Plaintiff, )  
 )  
 vs. )  
 )  
 COFFEYVILLE PACKING )  
 COMPANY, INC., )  
 )  
 Defendant. )

CIVIL ACTION NO. 81-C-863-C

DEFAULT JUDGMENT

This matter comes on for consideration this 18th day of February, 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, Coffeyville Packing Company, Inc., appearing not.

The Court being fully advised and having examined the file herein finds that Defendant, Coffeyville Packing Company, Inc., was served with Summons and Complaint by serving the same on the Oklahoma Secretary of State 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, Coffeyville Packing Company, Inc., for the principal sum of \$85,882.95, plus interest and costs.

(Signed) H. Dale Cook

UNITED STATES DISTRICT JUDGE

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

**FILED**

CARRIE LEA MORRIS, a minor, )  
by her mother and next friend, )  
HELEN LOUISE STROUD, )  
 )  
Plaintiff, )  
 )  
vs. )  
 )  
CHARLES L. BOYCE and MISSOURI )  
PACIFIC RAILROAD COMPANY, a )  
Delaware corporation, )  
 )  
Defendants. )

**FEB 18 1982**

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

NO. 80-C-556-BT

ORDER OF DISMISSAL

ON This 18 day of February, 1982, upon the written application of the parties for a Dismissal with Prejudice of the Complaint and all causes of action, the Court having examined said application, finds that said parties have entered into a compromise settlement covering all claims involved in the Complaint and have requested the Court to dismiss said Complaint with prejudice to any future action, and the Court being fully advised in the premises, finds that said Complaint should be dismissed pursuant to said application.

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

**S/ THOMAS R. BRETT**

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

APPROVALS:

STIPE, GOSSETT, STIPE, HARPER & ESTES

By: *Gene Stipe*  
Attorneys for Plaintiff,

ALFRED B. KNIGHT

\_\_\_\_\_  
Attorney for Defendants.

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

LAWANA GAIL DILL,

Plaintiff,

vs.

TRAILWAYS, INC., a  
Foreign Corporation,

Defendant.

CASE NO. 81-C-595-C

**FILED**

FEB 18 1982

ORDER OF DISMISSAL

U.S. DISTRICT COURT

This matter coming on before the undersigned Judge of the United States District Court for the Northern District of Oklahoma upon the Plaintiff's Stipulation of Dismissal prepared relative to the above styled and numbered cause; the Court having reviewed same, finds that the following should be the order of this Court:

IT IS THEREFORE ORDERED, ADJUDGED AND DECREED by the Court that the above styled and numbered cause be, and the same is hereby dismissed with prejudice.

DATED this 18th day of February, 1982.

(Signed) H. Dale Cook

H. DALE COOK  
U.S. District Court Judge

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

DYER CONSTRUCTION COMPANY, an )  
Oklahoma Corporation, and )  
HANOVER INSURANCE COMPANY, )

Plaintiffs, )

vs. )

HYDRO CONDUIT CORPORATION, a )  
foreign corporation, and TWIN )  
T ERECTORS, a foreign corpora- )  
tion, )

Defendants. )

No. 80-C-412-E

**FILED**

FEB 17 1982

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

O R D E R

On this 17 day of Feb., 1982, the joint application to dismiss with prejudice filed by Hydro Conduit Corporation, Twin-T Erectors, and Dyer Construction Company came on before the Court for hearing. The Court finds that the causes of action between these parties have been settled.

IT IS THEREFORE ORDERED, ADJUDGED AND DECREED that the cause of action filed by Dyer Construction Company against Twin-T Erectors and Hydro Conduit Corporation is hereby ordered dismissed with prejudice. The cause of action filed by Twin-T Erectors against Hydro Conduit Corporation as a Cross-Petition is hereby dismissed with prejudice. The cause of action filed by Hydro Conduit Corporation against Twin-T Erectors is hereby ordered dismissed with prejudice.

S/ JAMES O. ELLISON

\_\_\_\_\_  
Judge of the United States  
District Court

UNITED STATES DISTRICT COURT FOR THE  
NORTHERN DISTRICT OF OKLAHOMA

FILED

FEB 17 1982

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

UNITED STATES OF AMERICA, )  
 )  
Plaintiff, )  
 )  
vs. )  
 )  
PAUL H. POWELL III, )  
 )  
Defendant. )

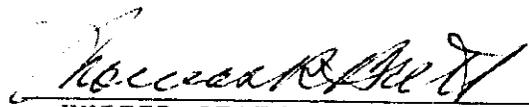
CIVIL ACTION NO. 81-C-837-B

AGREED JUDGMENT

This matter comes on for consideration this 17<sup>th</sup> day  
of Feb., 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, Paul H. Powell III, appearing pro se.

The Court, being fully advised and having examined the  
file herein, finds that the Defendant, Paul H. Powell III, was  
personally served with Summons and Complaint on December 3, 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 \$231.30, plus 12% interest from the  
date of this Judgment until paid.

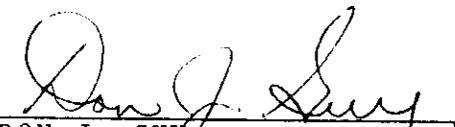
IT IS THEREFORE, ORDERED, ADJUDGED, AND DECREED that  
the Plaintiff have and recover Judgment against the Defendant,  
Paul H. Powell III, in the amount of \$231.30, plus 12% interest  
from the date of this Judgment until paid.

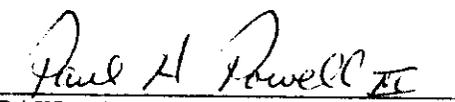
  
UNITED STATES DISTRICT JUDGE

APPROVED:

UNITED STATES OF AMERICA

FRANK KEATING  
United States Attorney

  
DON J. GUY  
Assistant U.S. Attorney

  
PAUL H. POWELL III

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

UNITED STATES OF AMERICA, and )  
JOHN R. THOMAS, Special Agent, )  
Internal Revenue Service, )  
Petitioners, )  
vs. )  
SUNMARK INDUSTRIES and DICK )  
EDWARDS, Credit Services )  
Division, )  
Respondents. )

No. 82-C-77-B

*FILED*  
*Feb-17, 1982*  
*Jack C. Silver, Clerk*  
*U.S. Dist. Court*

ORDER DISCHARGING RESPONDENTS  
AND DISMISSAL

On this 17th day of February, 1982, Petitioners' Motion to Discharge Respondents and for Dismissal came for hearing and the Court finds that Respondents have now complied with the Internal Revenue Service Summons served upon them August 10, 1981; that further proceedings herein are unnecessary and that the Respondents, Sunmark Industries and Dick Edwards, should be discharged and this action dismissed.

IT IS, THEREFORE, ORDERED, ADJUDGED, AND DECREED by the Court that the Respondents, Sunmark Industries and Dick Edwards, be and they are hereby discharged from any further proceedings herein and this cause of action and Complaint are hereby dismissed.

S/ THOMAS R. BRETT

UNITED STATES DISTRICT JUDGE

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

**FILED**

FEB 17 1982

UNITED STATES OF AMERICA, )  
 )  
 Plaintiff, )  
 )  
 vs. )  
 )  
 JOSEPH M. STACY, )  
 )  
 Defendant. )

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

CIVIL ACTION NO. 81-C-708-E

AGREED JUDGMENT

This matter comes on for consideration this 17<sup>th</sup> day of February, 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, Joseph M. Stacy, appearing pro se.

The Court, being fully advised and having examined the file herein, finds that the Defendant, Joseph M. Stacy, was personally served with Summons and Complaint on November 19, 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 \$415.80, 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, Joseph M. Stacy, in the amount of \$415.80, plus 12% interest from the date of this Judgment until paid.

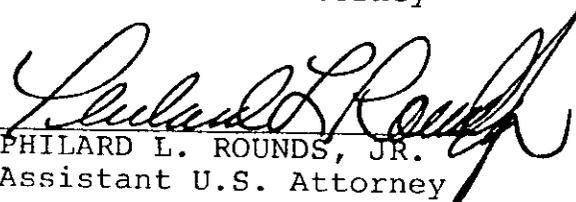
*S/* JAMES O. ELLIOTT

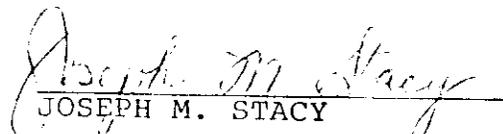
UNITED STATES DISTRICT JUDGE

APPROVED:

UNITED STATES OF AMERICA

FRANK KEATING  
United States Attorney

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

  
JOSEPH M. STACY

**FILED**

UNITED STATES DISTRICT COURT FOR THE **FEB 17 1982**  
NORTHERN DISTRICT OF OKLAHOMA

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

UNITED STATES OF AMERICA, )  
 )  
Plaintiff, )  
 )  
vs. ) CIVIL ACTION NO. 81-C-759-E  
 )  
WILLIAM G. ARMSTRONG, )  
 )  
Defendant. )

DEFAULT JUDGMENT

This matter comes on for consideration this 17 day of February, 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, William G. Armstrong, appearing not.

The Court being fully advised and having examined the file herein finds that Defendant, William G. Armstrong, was personally served with Summons and Complaint on December 31, 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 G. Armstrong, for the principal sum of \$238.43, plus interest at the rate of 12 percent from the date of this Judgment until paid.

S/ JAMES O. ELLISON  
UNITED STATES DISTRICT JUDGE

**FILED**

UNITED STATES DISTRICT COURT FOR THE  
NORTHERN DISTRICT OF OKLAHOMA

FEB 17 1982

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

UNITED STATES OF AMERICA, )  
 )  
Plaintiff, )  
 )  
vs. ) CIVIL ACTION NO. 81-C-841-E  
 )  
GARY M. TAYLOR, )  
 )  
Defendant. )

DEFAULT JUDGMENT

This matter comes on for consideration this 17 day of February, 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, Gary M. Taylor, appearing not.

The Court being fully advised and having examined the file herein finds that Defendant, Gary M. Taylor, was personally served with an Alias Summons and Complaint on January 7, 1982. 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, Gary M. Taylor, for the principal sum of \$380.40, plus interest at the rate of 12 percent from the date of this Judgment until paid.

S/ JAMES O. ELLISON

UNITED STATES DISTRICT JUDGE

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

UNITED STATES OF AMERICA, )  
 )  
 Plaintiff, )  
 )  
 v. )  
 )  
 BAVARIAN MOTORS, INC., BAVARIAN )  
 MOTORS, INTERNATIONAL and ALF )  
 GEBHARDT, )  
 )  
 Defendants. )

No. 80-C-701-E ✓

**FILED**

FEB 17 1982 *hmn*

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

AGREED JUDGMENT

Whereas, the plaintiff, United States of America and the defendants, Bavarian Motors, Inc., Bavarian Motors, International, and Alf Gebhardt, have agreed to mutually conclude the above action, and

Whereas, the parties hereto stipulate to the jurisdiction of this Court concerning all matters in the Complaint herein, and

Whereas, defendants Bavarian Motors, Inc. and Alf Gebhardt have agreed to pay to the United States the sum of Four Thousand Five Hundred Dollars (\$4,500), in full settlement of all matters alleged in the Complaint herein, and

Whereas, the parties hereto agree to the entry of this Judgment, it is hereby

ORDERED, ADJUDGED and DECREED that the defendants Bavarian Motors, Inc., and Alf Gebhardt pay the United States of America the sum of Four Thousand Five Hundred Dollars (\$4,500) together with interest at the rate of nine percent (9%) per annum from the date of entry of the Judgment until paid.

It is further ordered that defendants Bavarian Motors, Inc., and Alf Gebhardt shall pay the said amount due at the time of entry of this Judgment.

It is further ordered, adjudged and decreed that defendants Bavarian Motors, Inc., Bavarian Motors, International, and Alf Gebhardt are hereby permanently enjoined from further importing into the United States any motor vehicles, unless such vehicles are in full compliance with all statutory and regulatory requirements concerning such vehicles, including the requirements of 40 U.S.C. 7522.

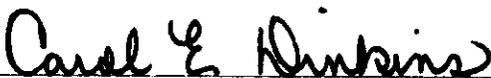
It is further ordered, adjudged and decreed that the parties hereto shall bear their own costs.

This is a final Judgment.

Done at Tulsa, Oklahoma, this 17<sup>th</sup> day of February, 1982.

  
United States District Judge

Approved as to form and substance:

  
CAROL E. DINKINS  
Assistant Attorney General  
Land and Natural Resources Division

  
FRED R. DISHEROON  
Special Litigation Counsel

  
C. RABON MARTIN  
Attorney for the Defendants

FILED

FEB 17 1982

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

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

UNITED STATES OF AMERICA,	)	
	)	
Plaintiff,	)	
	)	
vs.	)	CIVIL ACTION NO. 81-C-801-B
	)	
CLARENCE L. MADILL,	)	
	)	
Defendant.	)	

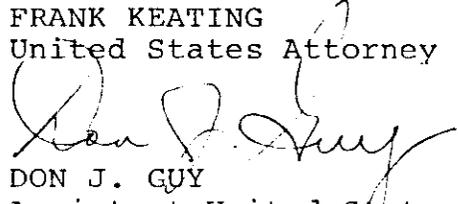
NOTICE OF DISMISSAL

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 17th day of February, 1982.

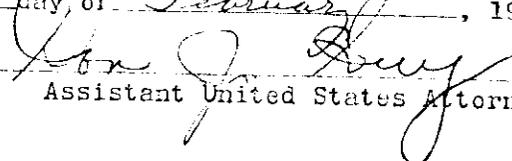
UNITED STATES OF AMERICA

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 17th day of February, 1982.

  
Assistant United States Attorney

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

CHARLES L. WEBER,

Plaintiff,

vs.

KENNETH TUREAUD, Individually  
and doing business as SAKET  
PETROLEUM COMPANY; SAKET  
PETROLEUM COMPANY, a corporation;  
THOMAS ORR; PENN SQUARE BANK, a  
national banking association;  
and UNITED STATES DEPARTMENT OF  
TRANSPORTATION, FEDERAL AVIATION  
ADMINISTRATION,

Defendants.

NO. CIV-81-C-879-B ✓

FILED

FEB 12 1982 *jm*

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

ORDER

Came on for hearing this date the Motion To Dismiss Or Transfer Due To Improper Venue of defendant Penn Square Bank, N.A., and the Court, being fully advised in the premises, finds, pursuant to agreement by the plaintiff herein, that said Motion should be granted in part and that this action should be transferred to the United States District Court for the Western District of Oklahoma.

IT IS THEREFORE ORDERED that this action be transferred forthwith to the United States District Court for the Western District of Oklahoma and that the Clerk of this Court take all action necessary to effect such transfer.

DATED: this 12 day of February, 1982.

*Howard R. Brett*  
UNITED STATES DISTRICT JUDGE

Approved:

*James M. Chaney*  
James M. Chaney  
Suite 410 Fidelity Plaza  
Oklahoma City, Oklahoma 73102  
Attorney for Penn Square Bank

*Bruce Townsend*  
Bruce Townsend  
201 Denver Building  
Tulsa, Oklahoma 74119  
Attorney for Plaintiff

UNITED STATES DISTRICT COURT FOR THE  
NORTHERN DISTRICT OF OKLAHOMA

UNITED STATES OF AMERICA, )  
)  
)  
vs. )  
)  
GREGORY T. CONWAY, )  
)  
)  
Defendant. )

CIVIL ACTION NO. 81-C-806-B  
**FILED**

FEB 12 1982

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

AGREED JUDGMENT

This matter comes on for consideration on February day of February, 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, Gregory T. Conway, appearing pro se.

The Court, being fully advised and having examined the file herein, finds that the Defendant, Gregory T. Conway, 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 \$787.87, 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, Gregory T. Conway, in the amount of \$787.87, plus 12% interest from the date of this Judgment until paid.

*Thomas B. Beetz*  
UNITED STATES DISTRICT JUDGE

APPROVED:

UNITED STATES OF AMERICA

FRANK KEATING  
United States Attorney

*Don J. Guy*  
DON J. GUY  
Assistant U.S. Attorney

*Gregory T. Conway*  
GREGORY T. CONWAY

**FILED**

UNITED STATES DISTRICT COURT FOR THE  
NORTHERN DISTRICT OF OKLAHOMA

FEB 12 1982

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

UNITED STATES OF AMERICA, )  
 )  
 Plaintiff, )  
 )  
 vs. )  
 )  
 EDWIN E. McADOO, )  
 )  
 Defendant. )

CIVIL ACTION NO. 81-C-655-B

DEFAULT JUDGMENT

This matter comes on for consideration this 12 day of February, 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, Edwin E. McAdoo, appearing not.

The Court being fully advised and having examined the file herein finds that Defendant, Edwin E. McAdoo, was personally served with Summons and Complaint on November 13, 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, Edwin E. McAdoo, for the principal sum of \$576.95, 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

TERESA F. LONG, )  
 )  
 Plaintiff, )  
 )  
 v. )  
 )  
 T.R.W. REDA PUMP COMPANY, )  
 a corporation, )  
 )  
 Defendant. )

No. 79-C-377-B ✓

**FILED**  
**FEB 12 1982** *hw*  
Jack C. Silver, 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, T.R.W. Reda Pump Company, and  
against the Plaintiff, Teresa F. Long, and for its costs in  
this action.

Dated this 12<sup>th</sup> day of February, 1982.

*Thomas R. Brett*  
THOMAS R. BRETT  
UNITED STATES DISTRICT JUDGE

**FILED**

IN THE UNITED STATES DISTRICT COURT  
NORTHERN DISTRICT OF OKLAHOMA

**FEB 12 1982**

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

POP N' ROLL MUSIC, ET AL,

Plaintiffs,

v.

DAWN BROADCASTING, INC.,

Defendant.

§  
§  
§  
§  
§  
§  
§  
§  
§

CIVIL ACTION NO. 81-C-243-B

DECREE

BE IT REMEMBERED that on this 12<sup>th</sup> day of Feb.,  
1982, came on to be heard Plaintiffs' Motion for Summary  
Judgment and the Court being of the opinion that there is no  
genuine issue as to any material fact remaining in the case and  
that Plaintiffs are entitled to judgment as a matter of law  
since it is conclusively established that Plaintiffs were on  
August 18 and 19, 1980, and still are owners and proprietors of  
the copyrights to the 15 musical compositions in issue and that  
Defendant on such dates did infringe the copyrights thereto by  
publicly performing all compositions by broadcasting same over  
Station KXVQ in Pawhuska, Oklahoma, a commercial radio station  
owned and operated by Defendant, all without the authority of  
Plaintiffs, thereby injuring Plaintiffs and giving rise to a  
possibility of future infringements for which they are without  
adequate remedy at law, it is accordingly

ORDERED, ADJUDGED AND DECREED AS FOLLOWS: That Defendant  
Dawn Broadcasting, Inc., be enjoined and restrained permanently  
from publicly performing for profit all copyrighted musical  
compositions of Plaintiffs and from causing or permitting any  
of Plaintiffs' copyrighted musical compositions to be publicly  
performed for profit over radio station KXVQ or any other

broadcast facility owned, controlled or conducted by the Defendant and from aiding and abetting public performance of such compositions in any such place or otherwise.

That Plaintiffs respectively recover of and from Defendant Dawn Broadcasting, Inc. the sum of \$ 250<sup>00</sup> as statutory damages for infringement of each of the 15 copyrighted musical compositions in issue.

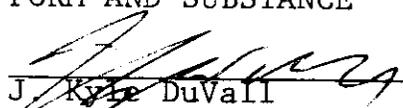
That Plaintiffs jointly recover of and from Defendant Dawn Broadcasting, Inc. their costs herein incurred together with the sum of \$ 1600<sup>00</sup> which is found to be reasonable attorneys' fees for counsel retained by Plaintiffs.

RENDERED, SIGNED AND ENTERED this 12 day of Feb, 1982.

  
United States District Judge

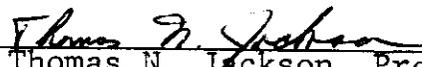
0267M

APPROVED AND AGREED AS TO  
FORM AND SUBSTANCE

  
J. Kyle DuVall

JACKSON, WALKER, WINSTEAD, CANTWELL & MILLER  
4300 First National Bank Building  
Dallas, Texas 75206  
ATTORNEYS FOR PLAINTIFFS

DAWN BROADCASTING, INC.

BY:   
Thomas N. Jackson, President  
Pro Se

FILED

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

FEB 12 1982

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

VALHOMA INDUSTRIES, INC. )  
an Oklahoma corporation, )  
 )  
Plaintiff, )  
 )  
vs. )  
 )  
LYLE ANDERSON d/b/a LYLE )  
ANDERSON DISTRIBUTING CO., )  
 )  
Defendant. )

Case No. 81-C-899-C ✓

JUDGMENT

THIS ACTION was considered by the Court on the 12<sup>th</sup> day of February, 1982, on Application of the plaintiff for the Entry of Default Judgment pursuant to Rule 55 of the Federal Rules of Civil Procedure; it appearing to the Court that the Complaint in this action was filed on December 29, 1981, that Summons and Complaint were duly served on the defendant as required by law; it further appearing to the Court that defendant has wholly failed to enter its appearance in the action or otherwise plead, and has defaulted, and it further appearing that default was entered against the defendant by the Court Clerk and that no proceedings have been taken by defendant since entry of his default.

The Court, having reviewed the pleadings, Exhibits and Affidavits on file, finds:

1. That the defendant is in default.
2. That plaintiff is entitled to default judgment in its favor for the relief prayed for.
3. That plaintiff is the prevailing party and thereby entitled to an attorney fee award pursuant to Title 12, Oklahoma Statutes, Section 936.
4. That the Court finds, based upon Affidavits on file in the action, a reasonable attorney fee for plaintiff is \$3,600.<sup>00</sup>.

IT IS ORDERED AND ADJUDGED BY THE COURT that plaintiff,

Valhoma Industries, Inc., an Oklahoma corporation, recover of defendant, Lyle Anderson d/b/a Lyle Anderson Distributing Co., judgment in the sum of \$36,530.14 with six percent (6%) per annum on said sum from April 1, 1980, until judgment and with interest on the judgment at the rate of twelve percent (12%) per annum from judgment until said judgment is satisfied, in accordance with Title 12, Oklahoma Statutes, Section 727(1) and all costs expended in the action.

IT IS FURTHER ORDERED AND ADJUDGED BY THE COURT that plaintiff, Valhoma Industries, Inc, an Oklahoma corporation, recover of defendant, Lyle Anderson d/b/a Lyle Anderson Distributing Co., judgment for reasonable attorney fees in accordance with Title 12, Oklahoma Statutes, Section 936, determined by the Court to be the sum of \$ 3,600.<sup>00</sup>.

  
UNITED STATES DISTRICT JUDGE

21

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

FILED

BEVERLY A. OGDEN, )  
 )  
Plaintiff )  
 )  
v. )  
 )  
T.G.& Y. STORES CO., )  
 )  
Defendant )

FFB 12 1982

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

No. 81-C-145-E ✓

ORDER OF DISMISSAL WITH PREJUDICE

Upon consideration of the Stipulation of Dismissal filed herein, it is hereby ordered that the above entitled action shall be, and it is hereby, dismissed with prejudice, each party to bear his own costs.

Dated this 12<sup>th</sup> day of February, 1982.

James D. Allen  
Judge

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

FILED

FEB 12 1982

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

PAMELA PAGANIS, )  
)  
Plaintiff, )  
)  
vs. )  
)  
DALE SCHULER, DEL CRAFTS, )  
MARGARET BRIDGES, CAROLYN )  
BROWN and JAMES M. DARLAND, )  
)  
Defendants. )

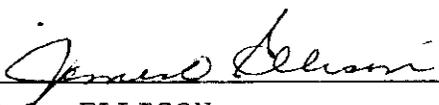
No. 80-C-502-E ✓

J U D G M E N T

This case having been concluded upon defendants' Motion for Summary Judgment, and the Court having granted the same,

IT IS ORDERED, ADJUDGED AND DECREED that judgment be entered in favor of defendants and against plaintiff, that plaintiff take nothing by her Complaint, and that defendants recover their costs.

DATED this 12<sup>th</sup> day of February, 1982.

  
\_\_\_\_\_  
JAMES O. ELLISON  
UNITED STATES DISTRICT JUDGE  
NORTHERN DISTRICT OF OKLAHOMA

**FILED**

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

FEB 12 1982

UNITED STATES OF AMERICA, )  
 )  
 Plaintiff, )  
 )  
 vs. )  
 )  
 ARLIS BLANTON, )  
 )  
 Defendant. )

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

CIVIL ACTION NO. 81-C-665-E

AGREED JUDGMENT

This matter comes on for consideration this 12<sup>TH</sup> 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, Arlis Blanton, appearing pro se.

The Court, being fully advised and having examined the file herein, finds that the Defendant, Arlis Blanton, was personally served with Summons and Complaint on November 30, 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 \$719.80, plus 12% interest from the date of this Judgment until paid.

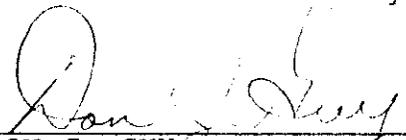
IT IS THEREFORE, ORDERED, ADJUDGED, AND DECREED that the Plaintiff have and recover Judgment against the Defendant, Arlis Blanton, in the amount of \$719.80, plus 12% interest from the date of this Judgment until paid.

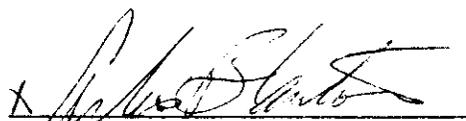
  
UNITED STATES DISTRICT JUDGE

APPROVED:

UNITED STATES OF AMERICA

FRANK KEATING  
United States Attorney

  
DON J. GUY  
Assistant U.S. Attorney

  
ARLIS BLANTON

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

SYSTEMATICS, INC., )  
 )  
 Plaintiff, )  
 )  
 -vs- )  
 )  
 TELEX COMPUTER PRODUCTS, INC. )  
 and TELEX SERVICE CORPORATION, )  
 )  
 Defendants. )

No. 81-C-10-E

**FILED**

FEB 12 1982

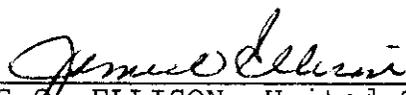
ORDER OF  
DISMISSAL WITH PREJUDICE

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

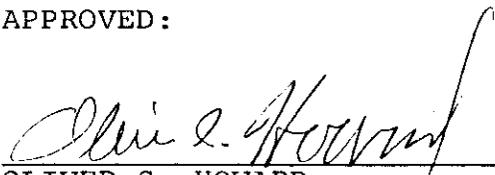
There comes on for consideration the application for a dismissal with prejudice filed by the Plaintiff herein, requesting this Court to enter an Order dismissing the above-captioned action and each and every claim for relief therein, with prejudice, and the Court being fully advised, FINDS and IT IS ORDERED:

That Plaintiff's Complaint and each and every cause of action and claim for relief set forth therein should be and are hereby dismissed; and that each party hereto shall bear its own costs and attorneys' fees.

DATED this 11th day of February, 1982.

  
\_\_\_\_\_  
JAMES G. ELLISON, United States  
District Judge for the Northern  
District of Oklahoma

APPROVED:

  
\_\_\_\_\_  
OLIVER S. HOWARD  
GABLE, GOTWALS, RUBIN, FOX,  
JOHNSON & BAKER  
Attorney for Plaintiff

  
\_\_\_\_\_  
DON E. WEICHMANN  
PRICHARD, NORMAN & WOHLGEMUTH  
Attorney for Defendants

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

**FILED**

BRADEN STEEL MANUFACTURING )  
CORPORATION, successor to )  
BRADEN-GOODBARY CORPORATION, )  
a subsidiary of BRADEN STEEL )  
CORPORATION, )  
 )  
Plaintiff, )  
 )  
vs. )  
 )  
MODERN MACHINERY CO., INC., )  
of Arizona, a corporation, )  
 )  
Defendant. )

**FEB 12 1982**

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

No. 81-C-529-C

O R D E R

Now before the Court for its consideration is the Motion of the defendant, Modern Machinery, Inc., to Dismiss, pursuant to Rule 12(b)2, Federal Rules of Civil Procedure. Defendant alleges that this Court lacks jurisdiction over the defendant under OKLA.STAT. tit.12, §§ 187 and 1701.03.

In support of its motion, defendant has submitted an affidavit of Randy Peterson, Vice-President of Modern Machinery Co., Inc. of Arizona, indicating that it is not qualified to do business in Oklahoma, nor is it domesticated in the State of Oklahoma. Further, the affidavit states that it has never done any business in Oklahoma, maintains no offices, sales personnel, employees, or agents in Oklahoma, nor does it own any property in Oklahoma. As to the contract at issue herein, the affidavit states that defendant was initially contacted by the plaintiff, Braden-Goodbary Corporation in Wyoming, and all work under the contract was performed at the Caballo Mine in Wyoming, which consisted of assembling four bottom dump haul trucks, beginning in October, 1979, and completed in April, 1980.

Plaintiff has also submitted an affidavit in support of its opposition to the Motion to Dismiss. This affidavit from James C. Pharr, President of Braden Steel Manufacturing, indicates no

activity by defendant in Oklahoma, other than phone negotiations leading to the written agreement. Other facts contained in the affidavit are irrelevant to the issue of in personam jurisdiction.

In diversity cases, federal district court sitting in Oklahoma looks to Oklahoma long-arm statutes in determining whether it has in personam jurisdiction over nonresidents. Federal Nat. Bank & Trust Co. of Shawnee v. Moon, 412 F.Supp. 644 (W.D.Okla. 1976). 12 O.S.Supp.1967 §187 in pertinent part provides that any firm or corporation licensed to do business in Oklahoma and who does, or who has done, certain acts submits itself to the jurisdiction of the Oklahoma Courts. The acts specified in the statute are:

1. The transaction of any business within the state;
2. The commission of any act within this state;
3. The manufacture or distribution of a product which is sold in the regular course of business within the state and is used within the state; or
4. Contracting to insure any person, etc.

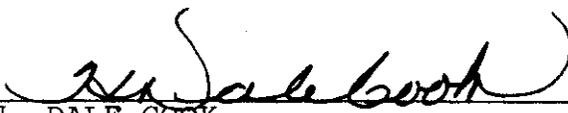
Section 1701.03 of 12 O.S.Supp.1967 provides in essence the same as §187, supra. The only limitation placed upon a court in exercising in personam jurisdiction is that of due process, as stated by the Supreme Court in International Shoe Co. v. State of Washington, 326 U.S. 310, 66 S.Ct. 154, 90 L.Ed. 95 (1945), and in McGee v. International Life Ins. Co., 355 U.S. 220, 788 S.Ct. 199, 2 L.Ed.2d 223 (1957). In International Shoe Co., supra, and in McGee, supra, the Supreme Court has stated that the due-process limitation is essentially based on "minimum contacts"; that is, a nonresident of the forum is subject to in personam jurisdiction in the forum with which he had minimum contacts, providing maintenance of the suit does not offend traditional notions of fair play and substantial justice. Just what amounts to minimum contacts must be decided by the facts of each case. Vacu-Maid, Inc. v. Covington, 530 P.2d 137, 139

(Okl.App. 1974). Oklahoma has made it clear that "the Oklahoma long-arm statutes were intended to extend the jurisdiction of Oklahoma courts over nonresidents to the outer limits permitted by the due process requirements of the Fourteenth Amendment of the United States Constitution." Vacu-Maid, supra, at 141.

According to the affidavits herein, the only activity by defendant in Oklahoma is the negotiation via telephone with plaintiffs in Oklahoma. Such activity is insufficient to qualify as the transaction of any business within the state, or the commission of any act with the state, particularly where the resident plaintiff initiated the contact with the nonresident defendant, which culminated in the written agreement. (See Henderson v. University Associates, Inc., 454 F.Supp. 493 (W.D.Okl. 1977), where the mere employment of a resident by a nonresident, even where the resident performs work for the resident in Oklahoma, does not establish sufficient contact on the part of the nonresident with Oklahoma to subject the nonresident to the jurisdiction of Oklahoma courts.)

Therefore, defendant's Motion to Dismiss for lack of in personam jurisdiction is hereby sustained.

It is so Ordered this 12<sup>th</sup> day of February, 1982.

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

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

CHALLENGER DRILLING, INC., )  
 )  
 Plaintiff, )  
 )  
 vs. )  
 )  
 McCARTHY ENGINEERING & )  
 CONSTRUCTION, INC., d/b/a )  
 McCARTHY ENGINEERS & )  
 CONSTRUCTORS, INC., )  
 )  
 Defendant. )

No. 81-C-287-C

**FILED**

**FEB 12 1982**

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

STIPULATION OF DISMISSAL WITH PREJUDICE

COME NOW Challenger Drilling, Inc., and McCarthy Engineering & Construction, Inc., and pursuant to Rule 41 of the Federal Rules of Civil Procedure hereby dismiss with prejudice all claims and counterclaims herein. The parties further stipulate that each is to bear their respective costs and attorneys fees in this matter.

GABLE, GOTWALS, RUBIN, FOX,  
JOHNSON & BAKER

BY: Ted Q. Eliot  
Ted Q. Eliot  
20th Floor - Fourth National  
Bank Building  
Tulsa, Oklahoma  
(918) 582-9201

Attorneys for Plaintiff

DOERNER, STUART, SAUNDERS,  
DANIEL & ANDERSON

BY: Richard P. Hix  
Richard P. Hix  
1000 Atlas Life Building  
Tulsa, Oklahoma 74103  
(918) 582-1211

Attorneys for Defendant

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

FILED

FEB 11 1982

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

LAURA JEAN FRYE )  
 )  
 Plaintiff, )  
 )  
 vs. )  
 )  
 WILLIAM HENRY MEADS, an )  
 Individual, E. P. MACE, an )  
 Individual, and ROGERS COUNTY ) Case No. 81-C-374-E  
 PARAMEDICAL SERVICES, INC., )  
 an Oklahoma Corporation. )  
 )  
 Defendants. )

ORDER

NOW on this 11<sup>th</sup> day of Feb, 1982, the defendant,  
E. P. MACE is hereby dismissed without prejudice by stipulation  
of the Plaintiff and Defendant, E. P. MACE.

S/ JAMES O. FULTON

---

Judge of the United States  
District Court

UNITED STATES DISTRICT COURT FOR THE  
NORTHERN DISTRICT OF OKLAHOMA

**FILED**

**FEB 11 1982**

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

UNITED STATES OF AMERICA, )  
 )  
 Plaintiff, )  
 )  
 vs. )  
 )  
 MARK D. SISSON, )  
 )  
 Defendant. )

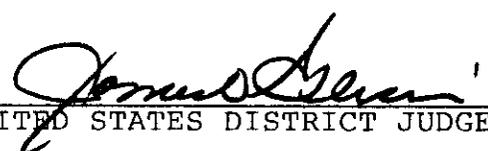
CIVIL ACTION NO. 81-C-831-E

DEFAULT JUDGMENT

This matter comes on for consideration this 11<sup>th</sup> day of February, 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, Mark D. Sisson, appearing not.

The Court being fully advised and having examined the file herein finds that Defendant, Mark D. Sisson, was personally served with Summons and Complaint on December 14, 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, Mark D. Sisson, for the principal sum of \$212.13, plus interest at the rate of 12 percent from the date of this Judgment until paid.

  
UNITED STATES DISTRICT JUDGE

FILED

FEB 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. )  
 )  
 DEWEY D. DAVIS, )  
 )  
 Defendant. )

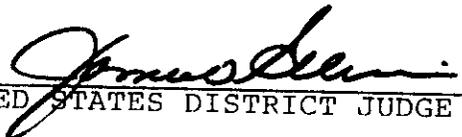
CIVIL ACTION NO. 81-C-818-E

DEFAULT JUDGMENT

This matter comes on for consideration this 11 day of February, 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, Dewey D. Davis, appearing not.

The Court being fully advised and having examined the file herein finds that Defendant, Dewey D. Davis, was personally served with Summons and Complaint on December 15, 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, Dewey D. Davis, for the principal sum of \$1,158.27, 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**

**FEB 11 1982**

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

UNITED STATES OF AMERICA, )  
 )  
 Plaintiff, )  
 )  
 vs. )  
 )  
 LUCIOUS D. WALKER, )  
 )  
 Defendant. )

CIVIL ACTION NO. 81-C-678-E

DEFAULT JUDGMENT

This matter comes on for consideration this 11<sup>th</sup> day of February, 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, Lucious D. Walker, appearing not.

The Court being fully advised and having examined the file herein finds that Defendant, Lucious D. Walker, 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, Lucious D. Walker, for the principal sum of \$950.00 (less the sum of \$75.00 which has been paid), plus interest at the rate of 12 percent from the date of this Judgment until paid.

  
UNITED STATES DISTRICT JUDGE

**FILED**

UNITED STATES DISTRICT COURT FOR THE  
NORTHERN DISTRICT OF OKLAHOMA

FEB 11 1982

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

UNITED STATES OF AMERICA, )  
 )  
 Plaintiff, )  
 )  
 vs. )  
 )  
 HERBERT L. TENNYSON, )  
 )  
 Defendant. )

CIVIL ACTION NO. 81-C-807-C

DEFAULT JUDGMENT

This matter comes on for consideration this 11<sup>th</sup> day of February, 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, Herbert L. Tennyson, appearing not.

The Court being fully advised and having examined the file herein finds that Defendant, Herbert L. Tennyson, was personally served with Summons and Complaint on January 6, 1982. The time within which the Defendant could have answered or otherwise moved as to the Complaint has expired and has not been extended. The Defendant has not answered or otherwise moved, and default has been entered by the Clerk of this Court. Plaintiff is entitled to Judgment as a matter of law.

IT IS THEREFORE, ORDERED, ADJUDGED AND DECREED that the Plaintiff have and recover Judgment against Defendant, Herbert L. Tennyson, for the principal sum of \$404.27, 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

FEB 11 1982

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

UNITED STATES OF AMERICA, )  
 )  
 Plaintiff, )  
 )  
 vs. )  
 )  
 WILLIE J. HOLBERT, )  
 )  
 Defendant. )

CIVIL ACTION NO. 81-C-683-C

DEFAULT JUDGMENT

This matter comes on for consideration this 11<sup>th</sup> day of February, 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, Willie J. Holbert, appearing not.

The Court being fully advised and having examined the file herein finds that Defendant, Willie J. Holbert, was personally served with Summons and Complaint on December 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, Willie J. Holbert, for the principal sum of \$1,124.00, 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

FEB 11 1982

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

UNITED STATES OF AMERICA, )  
 )  
 Plaintiff, )  
 )  
 vs. )  
 )  
 RAYFORD E. BISHOP, )  
 )  
 Defendant. )

CIVIL ACTION NO. 81-C-668-C

DEFAULT JUDGMENT

This matter comes on for consideration this 11<sup>th</sup> day of February, 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, Rayford E. Bishop, appearing not.

The Court being fully advised and having examined the file herein finds that Defendant, Rayford E. Bishop, 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, Rayford E. Bishop, for the principal sum of \$564.33, 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

**FILED**

**FEB 11 1982**

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

WALLY ABOULNAJA and  
JOE JABBOUR,  
Plaintiffs,

vs.

OKC CORPORATION and  
BASIN, INC.,  
Defendants.

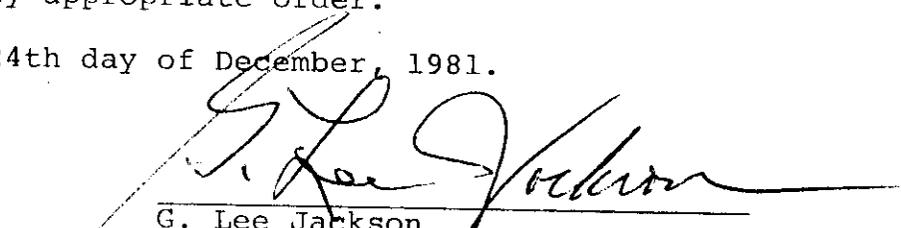
No. 81-C-528-C

STIPULATION FOR DISMISSAL WITH <sup>out</sup> PREJUDICE

It having been brought to the attention of the plaintiffs that the defendant, Basin, Inc., which was incorporated under the laws of the State of Texas on June 28, 1978, does not now and never has owned a refinery and is not the successor of the defendant OKC Corporation and is an entirely separate and distinct entity from Basin Refining, Inc., a corporation organized under the laws of the State of Texas on December 11, 1980 and that it was Basin Refining, Inc. which, on December 23, 1980 entered into an Agreement of Sale and Purchase with OKC Corporation for the purchase of all of the issued and outstanding shares of capital stock of OKC Refining, Inc., plaintiffs do hereby stipulate that the complaint in this case as against Basin, Inc. shall be dismissed with <sup>out</sup> prejudice.

This stipulation is signed on behalf of the plaintiffs and the defendant, Basin, Inc., by their attorneys of record and both parties move the Court to approve this stipulated dismissal by appropriate order.

Dated this 24th day of December, 1981.



G. Lee Jackson  
Suite 22  
4717 South Yale  
Tulsa, Oklahoma 74135  
918/663-1950

Attorney for Plaintiffs

*Cecil E. Munn*

Cecil E. Munn  
Cantey, Hanger, Gooch, Munn &  
Collins  
1800 First National Bank Building  
Fort Worth, Texas 76102  
817/335-9595

Attorney for Defendant,  
Basin, Inc.

ORDER

Upon the stipulation of the plaintiffs and the  
defendant Basin, Inc., it is hereby ORDERED that the complaint  
in this cause be dismissed with <sup>out</sup> prejudice as to the defendant  
Basin, Inc. only.

Entered this 11<sup>th</sup> day of ~~December~~ <sup>February</sup>, 1982.

*W. J. [Signature]*  
UNITED STATES DISTRICT JUDGE

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

KIOWA INDIAN TRIBE OF OKLAHOMA, )  
 )  
Plaintiff, )  
 )  
vs. )  
 )  
WILLIAM E. WILLIAMS, )  
Commissioner, Department of )  
the Treasury, Internal Revenue )  
Service; CHARLES A. PARKS, )  
District Director, IRS for )  
Oklahoma; and EUGENE BATEY, )  
Revenue Officer, Collection )  
Division, IRS, Oklahoma (United )  
States of America) )  
 )  
Defendants. )

No. 81-C-239-C

**FILED**

**FEB 10 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.P. 12(b). In that the Court has determined that there has been no proper service of process on any defendant properly a party to the present action and that the Court lacks subject matter jurisdiction over those portions of the complaint seeking injunctive relief, the Court does not reach the merits of defendants' lack of venue argument in support of dismissal.

The present action was instituted by the plaintiff to enjoin the named defendants from proceeding with the collection of certain taxes for the second, third and fourth quarters of 1977 and to refund taxes collected for the years 1976, the first quarter of 1977, 1978, 1979 and 1980. At the present time the complaint is in a confused and jumbled condition. Adding to the confusion is the fact that the plaintiff has failed to respond to the instant motion after the plaintiff was notified of the pendency of the motion to dismiss, and the plaintiff has, twice, been granted extensions of time to respond to said motion. An application for an extension of time to respond was filed by the

plaintiff on January 19, 1982, almost one full month after the last extension of time to respond granted by the Court had passed. The Court will, thus, deny this latest application for an extension of time to respond and will rule on the pending motion to dismiss.

The Court determines that under the provisions of 26 U.S.C. §7422(f) the individuals named in the complaint are not proper parties to the present action. Section 7422(f) reads as follows:

A suit or proceeding referred to in subsection (a) may be maintained only against the United States and not against any officer or employee of the United States (or former officer or employee) or his personal representative. Such suit or proceeding may be maintained against the United States notwithstanding that provisions of section 2502 of title 28 of the United States Code (relating to aliens' privilege to sue) and notwithstanding the provisions of section 1502 of such title 28 (relating to certain treaty cases). (emphasis added)

Subsection (a) of Section 7422 reads as follows:

No suit or proceeding shall be maintained in any court for the recovery of any internal revenue tax alleged to have been erroneously or illegally assessed or collected, or of any penalty claimed to have been collected without authority, or of any sum alleged to have been excessive or in any manner wrongfully collected, until a claim for refund or credit has been duly filed with the Secretary or his delegate, according to the provisions of law in that regard, and the regulations of the Secretary or his delegate established in pursuance thereof.

Insofar as the present action seeks to recover taxes collected for the years 1976, the first quarter of 1977, 1978, 1979 and 1980 the only proper party defendant to such suit would be and can only be, under Section 7422(f) the United States. The file reflects that only the three individual defendants have been served with process in the present action. Under Fed.R.Civ.P. 4(d)(4) it is clear that such service is not sufficient to effect service on the United States. Even though the United States is named parenthetically in the caption of plaintiff's complaint

there is no evidence before the Court that it has been properly served with process.

Rule 4(d)(4) has the following to say about service of process on the United States:

Upon the United States, by delivering a copy of the summons and of the complaint to the United States attorney for the district in which the action is brought or to an assistant United States attorney or clerical employee designated by the United States attorney in a writing filed with the clerk of the court and by sending a copy of the summons and of the complaint by registered or certified mail to the Attorney General of the United States at Washington, District of Columbia, and in any action attacking the validity of an order of an officer or agency of the United States not made a party, by also sending a copy of the summons and of the complaint by registered or certified mail to such officer or agency.

Apparently, no such service has been accomplished.

The Court further concludes that the injunctive relief sought in the complaint, to have this Court restrain the defendants from collection of taxes for the second, third and fourth quarters of 1977, is expressly barred by the provisions of 26 U.S.C. §7421(a). That section provides in relevant part, "[N]o suit for the purpose of restraining the assessment or collection of any tax shall be maintained in any court by any person, whether or not such person is the person against whom such tax was assessed." In that the Court has not been provided with any information from the plaintiff that its injunctive request falls under the noted exceptions in subsection (a) and the Court concludes that the noted exceptions do not apply herein this Court is without authority to grant the relief sought.

There being no response by the plaintiff to the motion of the defendants this Court can only conclude that the plaintiff cannot meet the two conditions necessary to avoid the effect of Section 7421(a) set out by the United States Supreme Court in Enochs v. Williams Packing Co., 82 S.Ct. 1125, 370 U.S. 1, 8 L.Ed.2d 292 (1962). Those two conditions are that a

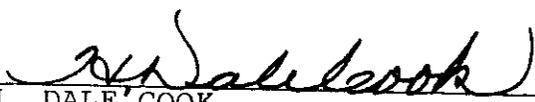
determination be made that under no circumstances could the government ultimately prevail and that there exist an independent basis for equitable jurisdiction, i.e. irreparable harm and inadequate legal remedy.

For the above reasons, it is the Order of this Court that the portion of the complaint which seeks injunctive relief is dismissed for the reason that the Court is without jurisdiction to grant the relief prayed for.

It is the further Order of this Court that William E. Williams, Commissioner, Department of the Treasury, Internal Revenue Service; Charles A. Parks, District Director, I.R.S. for Oklahoma and Eugene Batey, Revenue Officer, Collection Division, I.R.S. Oklahoma are dismissed as parties defendant in the present action.

It is the further Order of this Court that the remaining portions of the complaint are dismissed in their entirety against the United States of America for insufficiency of service of process.

It is so Ordered this 10<sup>th</sup> day of February, 1982.

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



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

UNITED STATES OF AMERICA, )  
 )  
 Plaintiff, )  
 )  
 vs. )  
 )  
 GEORGE A. MORROW a/k/a GEORGE A. )  
 MORROW, SR., MARIE MORROW a/k/a )  
 MARIE A. MORROW, RED CROWN )  
 FEDERAL CREDIT UNION, a Corpo- )  
 ration, TULSA ADJUSTMENT )  
 BUREAU, INC., FINANCE AMERICA )  
 CORPORATION, AETNA FINANCE )  
 COMPANY now known as LARTEC )  
 FINANCIAL SERVICES, INC., )  
 COUNTY TREASURER, Tulsa County, )  
 Oklahoma, and BOARD OF COUNTY )  
 COMMISSIONERS, Tulsa County, )  
 Oklahoma, )  
 )  
 Defendants. )

CIVIL ACTION NO. 81-C-395-C

**FILED**

FEB 10 1982

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

JUDGMENT OF FORECLOSURE

THIS MATTER COMES on for consideration this 9th 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 Defendant, Red Crown Federal Credit Union, a Corporation, appearing by its attorney, Thomas M. Bingham; the Defendant, Tulsa Adjustment Bureau, Inc., appearing by its attorney, D. Wm. Jacobus; 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 Defendants, George A. Morrow a/k/a George A. Morrow, Sr., Marie Morrow a/k/a Marie A. Morrow, Finance America Corporation, and Aetna Finance Company now known as LARTEC Financial Services, Inc., appearing not.

The Court being fully advised and having examined the file herein finds that Defendants, George A. Morrow a/k/a George A. Morrow, Sr., Marie Morrow a/k/a Marie A. Morrow, Red Crown Federal Credit Union, a Corporation, Finance America Corporation, Aetna Finance Company now known as LARTEC Financial

Services, Inc., were served with Summons and Complaint on August 4, 1981; the Defendants, County Treasurer, Tulsa County, Oklahoma, and Board of County Commissioners, Tulsa County, Oklahoma, were served with Summons and Complaint on August 3, 1981; and, the Defendant, Tulsa Adjustment Bureau, Inc., was served with Summons and Complaint on August 5, 1981; all as appears on the United States Marshal's Service herein.

It appears that the Defendant, Red Crown Federal Credit Union, a Corporation, has duly filed its Answer and Cross-Claim herein on August 24, 1981; the Defendants, County Treasurer, Tulsa County, Oklahoma, and Board of County Commissioners, Tulsa County, Oklahoma, have duly filed their Answers herein on August 21, 1981; the Defendant, Tulsa Adjustment Bureau, Inc., has duly filed its Disclaimer herein on September 10, 1981; and, that Defendants, George A. Morrow a/k/a George A. Morrow, Sr., Marie Morrow a/k/a Marie A. Morrow, Finance America Corporation, and Aetna Finance Company now known as LARTEC Financial Services, Inc., have 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 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 Forty-Eight (48), VALLEY VIEW ACRES THIRD ADDITION to the City of Tulsa, Tulsa County, State of Oklahoma, according to the recorded plat thereof.

THAT the Defendants, George A. Morrow and Marie Morrow, did, on the 1st day of April, 1976, execute and deliver to the Administrator of Veterans Affairs, their mortgage and mortgage note in the sum of \$9,800.00 with 9 percent interest per annum, and further providing for the payment of monthly installments of principal and interest.

The Court further finds that Defendants, George A. Morrow and Marie Morrow, made default under the terms of the

aforesaid mortgage note by reason of their failure to make monthly installments due thereon, which default has continued and that by reason thereof the above-named Defendants are now indebted to the Plaintiff in the sum of \$9,637.57 as unpaid principal with interest thereon at the rate of 9 percent per annum from April 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 Defendants, George A. Morrow and Marie Morrow, the sum of \$3.43 plus interest according to law for personal property taxes for the year 1979 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.

The Court further finds that Defendant, Red Crown Federal Credit Union, a Corporation, is entitled to judgment against Defendants, George A. Morrow and Marie Morrow, in the amount of \$3,715.41 with interest thereon at the rate of 9.75 percent per annum from December 15, 1980, until date of judgment and 12 percent per annum from date of judgment until paid, together with a reasonable attorneys fee, and the cost of the action, but that such judgment would be subject to and inferior to the first mortgage lien of the Plaintiff herein.

IT IS THEREFORE ORDERED, ADJUDGED AND DECREED that the Plaintiff have and recover judgment against Defendants, George A. Morrow and Marie Morrow, for the sum of \$9,637.57 with interest thereon at the rate of 9 percent per annum from April 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 Defendants,

George A. Morrow and Marie Morrow, for the sum of \$3.43 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.

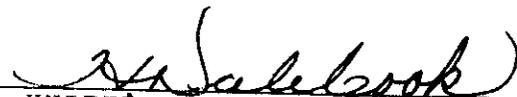
IT IS FURTHER ORDERED, ADJUDGED, AND DECREED that Red Crown Federal Credit Union, a Corporation, have and recover judgment against Defendant, George A. Morrow and Marie Morrow, in the amount of \$3,715.41, together with interest thereon at the rate of 9.75 percent per annum from December 15, 1980, until date of judgment and 12 percent per annum from the date of judgment until paid, and a reasonable attorneys fee, and the costs of the action, 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 Defendants, Finance America Corporation and Aetna Finance Company now known as LARTEC Financial Services, Inc., are in default because no answer was timely filed and the interest, if any, of Defendants, Finance America Corporation and Aetna Finance Company now known as LARTEC Financial Services, Inc., is subject to and inferior to the first mortgage lien of the Plaintiff herein.

IT IS FURTHER ORDERED, ADJUDGED, AND DECREED that upon the failure of said Defendants to satisfy Plaintiff's money judgment herein, an Order of Sale shall be issued to the United States Marshal for the Northern District of Oklahoma, commanding him to advertise and sell with appraisalment 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

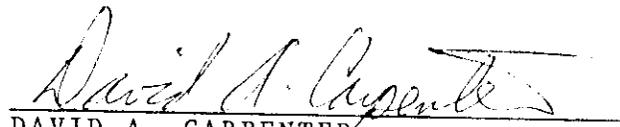
forever barred and foreclosed of any right, title, interest or claim to the real property or any part thereof.

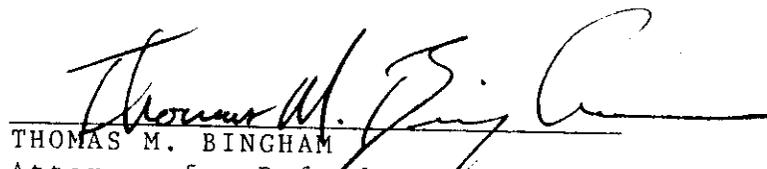
  
UNITED STATES DISTRICT JUDGE

APPROVED:

FRANK KEATING  
United States Attorney

  
PHILARD L. ROUNDS, JR.  
Assistant United States Attorney

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

  
THOMAS M. BINGHAM  
Attorney for Defendant,  
Red Crown Federal Credit Union

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

TROY ROACH,

Plaintiff

vs.

MICKEY D. WILSON, Trustee in  
Bankruptcy, for BOB DREWELL  
DODGE, INC., an Oklahoma  
corporation,

and

No. 78-C-366-C

JERRY PETTY MOTOR COMPANY,  
INC., an Oklahoma corporation,

and

ESTHER M. LANG,

Defendants.

**FILED**

**FEB 10 1982**

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

ORDER OF DISMISSAL

NOW on this 9 day of February, 1982, Plaintiff's Application for Dismissal coming on for consideration and counsel for Plaintiff herein representing and stating that all issues, controversies, debts and liabilities have been settled and compromised,

IT IS THE ORDER OF THIS COURT that said action be, and the same is, hereby dismissed with prejudice to the bringing of another or future action by the Plaintiff herein.

s/H. DALE COOK

JUDGE OF THE DISTRICT COURT

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

**FILED**

**FEB - 9 1982**

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

DAVID LONG, d/b/a BETTER )  
ENVIRONMENTAL SYSTEMS TODAY, )  
 )  
Plaintiff, )

vs. )

No. 80-C-679-E ✓

FOLLETT AGRI-FUELS, INC., )  
a corporation, et al., )  
 )  
Defendants and )  
Third Party )  
Plaintiffs, )

vs. )

SPEARHEAD ASSOCIATES, INC., )  
an Oklahoma corporation, et al., )  
 )  
Third Party )  
Defendants. )

O R D E R

NOW, on this 9<sup>th</sup> day of February, 1982, the above styled case comes on for further consideration, and the Court noting that on the 28th day of September, 1981, it was announced from the bench that unless further action were taken in connection with the case that the said case would be dismissed and the Court having conferred with counsel thereafter and being notified that none of the parties desires to continue to prosecute the action, it is therefore ORDERED:

1. That counsel of record for Plaintiff and certain Third Party Defendants, James L. Kincaid, should be and he is hereby allowed to withdraw as counsel of record effective as of July 19, 1981.

2. The Complaint filed herein on the 3rd day of December, 1980, should be and the same is hereby dismissed, all parties to bear their own costs.

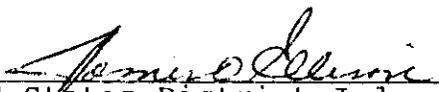
3. The Counterclaim filed herein on the 1st day of April, 1981, should be and the same is hereby dismissed, all parties to bear their own costs.

4. The Third Party Complaint filed herein on the 13th day of April, 1981, should be and the same is hereby dismissed, all parties to bear their own costs.

5. The Counterclaim filed herein on the 2nd day of June, 1981, should be and the same is hereby dismissed, all parties to bear their own costs.

6. The Motion to Dismiss filed herein on the 2nd day of June, 1981, should be and the same is hereby granted, all parties to bear their own costs.

7. The Motion to Dismiss filed herein on the 3rd day of June, 1981, should be and the same is hereby granted, all parties to bear their own costs.

  
United States District Judge for  
the Northern District of Oklahoma

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

STATE FARM FIRE AND CASUALTY COMPANY, )  
)  
Plaintiff, )  
)  
vs. )  
)  
NANCY M. SCHWAN, a minor; and )  
M&M LUMBER COMPANY, INC. )  
)  
Defendants. )

NO. 81 C 483 C ✓

**FILED**

FEB 9 1982 *jc*

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

JOURNAL ENTRY

NOW ON THIS 18th day of January, 1982 this cause, pursuant to regular assignment, came on for non-jury trial. The Plaintiff, State Farm Fire and Casualty Company was present and represented by and through its attorney of record Roger R. Williams. The Defendant, Nancy M. Schwan, a minor was present, as was her attorney, Dale Warner, this Court having previously appointed Robert L. Schwan, father of Nancy M. Schwan as guardian ad litem for and on behalf of Nancy M. Schwan, a minor. The Defendant, M&M Lumber Company, Inc., was present by and through Jim McKellar, Jr. and its attorney of record, John B. Stuart.

The Court finds that the parties have stipulated to jurisdiction, have stipulated that the policy in question contains an exclusion stating that personal liability does not apply to "property damage which is expected or intended by the insured;" have stipulated at all times material herein Nancy Schwan was an insured under the policy and have further stipulated that at all times material herein the policy was in full force and effect.

After opening statements were made by counsel the Court heard the testimony of the following witnesses, Jim Pilkington, Nancy Schwan, Diane Bernabe, Jim McKellar, Jr., and Joe Walker, who were all sworn and examined in open court. The Court then heard the closing arguments of counsel.

11

The Court finds, from the facts, observations of witnesses and circumstances involved herein that Nancy M. Schwan, a minor intended to light the plastic but did not intend or expect that such act would cause the lumberyard to catch fire and burn. The Court further finds that the exclusion relied upon by the Plaintiff does not apply and that there is coverage under the facts of this case and that the Plaintiff is obligated to follow the provisions of the policy in providing the defense and coverage herein.

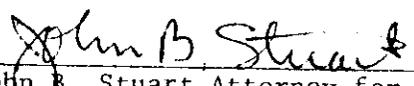
IT IS THEREFORE ORDERED, ADJUDGED AND DECREED by the Court that the exclusion relied upon by the Plaintiff does not apply under the facts of this case and it is further ordered, adjudged and decreed by the Court that the Plaintiff is obligated to follow the provisions of the policy.

  
JUDGE COOK

APPROVAL AS TO FORM AND CONTENT:

  
Roger Williams, Attorney for Plaintiff

  
Dale Warner, Attorney for Schwan

  
John B. Stuart, Attorney for M&M Lumber

UNITED STATES DISTRICT COURT FOR THE  
NORTHERN DISTRICT OF OKLAHOMA

UNITED STATES OF AMERICA, )

Plaintiff, )

vs. )

JAY B. EPPERSON, )

Defendant. )

CIVIL ACTION NO. 81-C-803-B

**FILED**  
FEB - 8 1982

NOTICE OF DISMISSAL

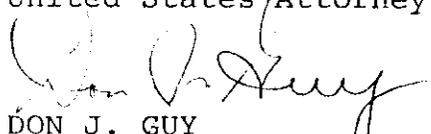
Jack C. Silver, Clerk  
U. S. DISTRICT COURT

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 with prejudice.

Dated this 4th day of February, 1982.

UNITED STATES OF AMERICA

FRANK KEATING  
United States Attorney

  
DON J. GUY  
Assistant United States Attorney

FILED

UNITED STATES DISTRICT COURT FOR THE  
NORTHERN DISTRICT OF OKLAHOMA

FEB 8 1982

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

UNITED STATES OF AMERICA, )  
 )  
 Plaintiff, )  
 )  
 vs. )  
 )  
 S. N. BAILEY, )  
 )  
 Defendant. )

CIVIL ACTION NO. 81-C-616-B

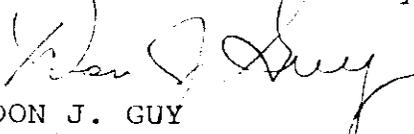
NOTICE OF DISMISSAL

COMES NOW the United States of America by Frank Keating, United States Attorney for the Northern District of Oklahoma, Plaintiff herein, through 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 with prejudice.

Dated this 5th day of February, 1982.

UNITED STATES OF AMERICA

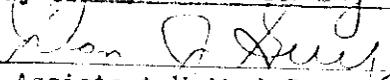
FRANK KEATING  
United States Attorney



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 5th day of February, 1982.

  
Assistant United States Attorney

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

JOHN W. LINSKOTT, )  
)  
Plaintiff, )  
)  
vs. )  
)  
GLENN CODDING, Sheriff, )  
DR. ROBERT KENNEDY, )  
County Doctor, )  
Washington County, Oklahoma, )  
)  
Defendants. )

No. 81-C-397-C

**FILED**

**FEB 8 1982**

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

O R D E R

Now before the Court for its consideration is defendant, Coddling's motion for judgment on the pleadings or, in the alternative, for summary judgment, filed pursuant to Fed.R.Civ.P. 12(c) and 56(b) respectively. The Court would also note that defendant Coddling cites Fed.R.Civ.P. 12(b) and he requests judgment in his favor upon the ground that the complaint fails to state a claim upon which relief can be granted. See Rule 12(b)(6).

The present action was filed on August 3, 1981 by the plaintiff pursuant to 42 U.S.C. §1983 alleging that defendant Coddling and defendant Dr. "Robert" Kennedy had violated the plaintiff's constitutional rights while the plaintiff was incarcerated in the "Bartlesville" County Jail from July 8, 1981 to July 29, 1981. Apparently, defendant Kennedy's correct name is George R. Kennedy and what plaintiff labels the "Bartlesville" County Jail is in reality the Washington County Jail. Defendant Kennedy has not been served with process in this action and the Court will treat this deficiency later in this Order.

The plaintiff specifically alleges that while in the Washington County Jail he was denied proper medical treatment for an epileptic condition and that "prisoners who enter the jail without money or family are not allowed to write home for

assistance because they cannot afford paper, penis (sic) stamps or envelopes." The plaintiff never alleges he was personally denied mailing privileges, and the Court concludes that even if someone in the plaintiff's position has some constitutional right to free mailing privileges the plaintiff has not alleged he suffered any damage by the lack of such a service. Accordingly, plaintiff's claim regarding mail is completely without merit and the Court will not treat it further. The claim is simply frivolous.

The plaintiff was sent a notice to respond to defendant Coddling's motion on November 17, 1981 at his last known address:

Mr. John W. Linscott, a/k/a  
Mr. Donald Oscar Landsdown (No. 86302)  
Wyoming State Penitentiary  
Box 400  
Rawlings, Wyoming 82301

The plaintiff has failed to respond to defendant Coddling's motion in any manner. The Court would also note that defendant Coddling, through his attorney of record, Wendell H. Boyce, made a diligent search for the whereabouts of the plaintiff after his release from the Washington County Jail, in order to serve him with copies of defendant Coddling's motion and that said copies were finally sent to the plaintiff at the above address.

The motion of defendant Coddling raises numerous grounds for dismissal or summary judgment in its favor. The Court concludes that the first argument raised in defendant Coddling's brief in support of its motion is dispositive of the present action in relation to defendant Coddling and the Court need not reach the merits of the other arguments raised in his brief.

Defendant Coddling contends that the doctrine of respondeat superior is not applicable to civil rights suits brought under Section 1983. See Barrows v. Faulkner, 327 F.Supp. 1191 (N.D.Okla. 1971). The plaintiff's complaint nowhere alleges that defendant Coddling directed or personally participated in any of the acts or omissions which allegedly constitute a violation of the plaintiff's civil rights. The uncontroverted affidavit of

defendant Coddling states that he had no personal contact with the plaintiff during plaintiff's incarceration and that Coddling had no personal role in any of the matters alleged in the complaint. No Section 1983 claims are plead by the plaintiff against defendant Coddling and none appear from the record before this Court.

Under direct liability, plaintiff must allege or show that defendant Coddling, as supervisor of the jail facility, breached a duty to plaintiff which was the proximate cause of plaintiff's alleged injury. McClelland v. Facticeau, 610 F.2d 693 (10th Cir. 1979). Plaintiff has failed to allege any facts under which it could be concluded that the alleged violations of his constitutional rights in failing to provide proper medical treatment were caused by any breach of duty owed by defendant Coddling. It can thus be seen that no direct liability of defendant Coddling exists.

In order for the doctrine of respondeat superior to be applicable to civil rights suits, the superior must have participated or acquiesced, expressly or otherwise, in the constitutional deprivations of which complaint is made. Kite v. Kelley, 546 F.2d 334 (10th Cir. 1976); Bennett v. Passic, 545 F.2d 1260 (10th Cir. 1976). Some "affirmative link" must be shown. McClelland v. Facticeau, supra, at 696. Nothing in the record shows the required "affirmative link". The Court, therefore, concludes that summary judgment should be granted in defendant Coddling's favor.

The Court next concludes that after a diligent search of the record, the defendant Dr. George R. Kennedy (apparently misdescribed in the complaint as Dr. Robert Kennedy) has not been served with process in the present action as required in Fed.R.Civ.P. 4. Accordingly, the Court will allow the plaintiff twenty-five (25) days to effect such service.

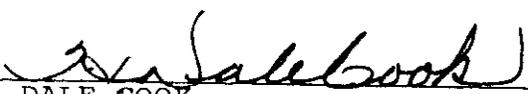
It is therefore the Order of this Court that defendant Coddling's motion for summary judgment is granted and the present

action is dismissed as to defendant Coddington.

It is the further Order of this Court that any claims in the complaint regarding mail privileges are dismissed as frivolous.

It is the further Order of this Court that the plaintiff is allowed twenty-five (25) days from the filing of this Order to effect proper service on defendant, Dr. George R. Kennedy. If service has not been obtained on defendant Kennedy at the end of said twenty-five (25) days, this action will be dismissed as to defendant Kennedy for insufficiency of service of process, without any further action being taken by this Court.

It is so Ordered this 8<sup>th</sup> day of February, 1982.

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

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

STAGECOACHES UNLIMITED, INC., )  
an Oklahoma corporation, )  
 )  
Plaintiff, )  
 )  
vs. )  
 )  
METROPOLITAN TRANSIT AUTHORITY )  
OF HARRIS COUNTY, TEXAS, )  
a political subdivision of )  
the STATE OF TEXAS, )  
d/b/a MTA, )  
 )  
Defendant. )

No. 81-C-859-C

**FILED**

FEB 8 1982 *van*

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

O R D E R

Now before the Court for its consideration is the motion of the defendant to transfer this action from the United States District Court for the Northern District of Oklahoma to the United States District Court for the Southern District of Texas, pursuant to 28 U.S.C.A. §1404(a).

Defendant argues that the motion to transfer should be sustained since the contract upon which the present action is based contains a specific provision whereby the parties agreed that venue shall lie exclusively in Harris County, Texas for any lawsuit that might arise out of the contract. The plaintiff argues that the venue clause in the contract is void as against public policy under the laws of the State of Texas, and further that if trial were held in Texas, the inconvenience to plaintiff's witnesses would be great.

The primary issue here, while it involves the construction and effect of a contractual provision, usually decided under state law, is essentially a question of whether venue is proper in this court, and is therefore governed by federal law. Taylor v. Titan Midwest Construction Corp., 474 F.Supp. 145 (N.D.Texas, 1979). Section 3.5 of the contract between plaintiff and defendant provides as follows:

3.5 Interpretation, Jurisdiction and Venue. The Contract shall be construed and interpreted solely in accordance with the laws of the State of Texas. The Supplier hereby consents and submits to the jurisdiction of the appropriate courts in the State of Texas for adjudication of any suit, right or cause of action arising under or in connection with the Contract. Venue of any suit, right or cause of action arising under or in connection with the Contract shall lie exclusively in Harris County, Texas.

Although historically forum selection clauses in contracts may not have been favored by courts, the modern trend is to give effect to such clauses contractually providing for venue in a suit upon the contract where the choice of forum is reasonable. M/S Bremen v. Zapata Off-Shore Co., 407 U.S. 1, 92 S.Ct. 1907, 32 L.Ed.2d 513 (1972). Lower federal courts have extended the Bremen holding to non-admiralty cases, and to cases involving only domestic corporations. Taylor v. Titan, *supra*; Cappaert Enterprises v. Citizens & So. International Bank of New Orleans, 486 F.Supp. 819 (E.D.La. 1980). However, the forum-selection clause must have been entered into by corporations of equal bargaining power and unaffected by fraud, over-reaching, or any other form of unfairness, and the clause must be reasonable in the sense that its enforcement does not cause great inconvenience to the parties and does not result in the transfer of the case to a forum that is not reasonably related to the lawsuit. Taylor v. Titan, *supra*, 149. In addition, the Supreme Court, in Scherk v. Alberto-Culver, 412 U.S. 506, 518, 94 S.Ct. 2449, 41 L.Ed.2d 270 (1974), reiterated its conclusion in the Bremen case that a "forum clause should control, absent a strong showing that it should be set aside." Defendant argues that it is located in Harris County, that all the Corporation's books and records are maintained there, that substantially all employees of defendant with responsibility for the bus refurbishing project reside in and around Harris County, Texas, and that, since the contract specifies that Texas law shall control any construction of the contract, venue should lie in a court accustomed to applying the

laws of Texas. Plaintiff claims that the buses, company records, and plaintiff's employees all reside in Tulsa County. However, all these factors were known to plaintiff when it entered into the contract. In the view of this Court, plaintiff has not carried its burden to make a strong showing as to reasons why the Court should override the forum selection clause. See also Meineke Discount Muffler Shops v. Feldman, 480 F.Supp. 1307 (S.D.Texas, 1979).

Therefore, it is hereby ordered that the action herein should be and hereby is transferred to the United States District Court for the Southern District of Texas, Harris County, Texas.

It is so Ordered this 8<sup>th</sup> day of February, 1982.

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

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

UNITED STATES OF AMERICA, )  
 )  
 Plaintiff, )  
 )  
 vs. )  
 )  
 DENNIS EDWARD PARNELL, )  
 )  
 Defendant. )

81-C-895-C ✓  
No. 76-CR-158-C  
**FILED**  
FEB 8 1982  
*J. C. Sullivan*

O R D E R

JACK C. SULLIVAN  
U. S. DISTRICT COURT

Now before the Court for its consideration is the motion of the defendant under 28 U.S.C. §2255 to vacate his sentence. Defendant alleges, as grounds for his motion, that the salient facts contained in the presentence report which are relevant to the sentencing process were inaccurate, that the salient factor determined by the Parole Commission is inconsistent with the determination of the Court, and that such material false assumptions render the entire sentencing procedure invalid as a violation of due process.

The defendant, Dennis Edward Parnell, was found guilty by jury verdict on March 2, 1977, of the offense of Conspiracy to Transport Forged Securities in Interstate Commerce. On March 22, 1977, the defendant was sentenced to the custody of the Attorney General for two years with five years probation to commence upon his release from confinement. Subsequent to his sentencing, the defendant posted an appeal bond and was released. The Court of Appeals for the Tenth Circuit affirmed the defendant's conviction and on August 17, 1978, the Clerk of the District Court for the Northern District of Oklahoma received a mandate ordering the defendant to surrender within ten days for commencement of his sentence. The defendant thereafter absented himself from the jurisdiction and remained a fugitive for approximately 21 months. The defendant was subsequently indicted for failure to appear under Title 18, United States Code, Section 3150. On September

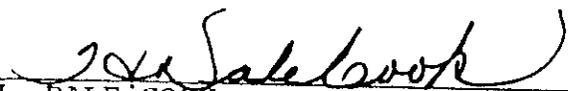
2, 1980, the defendant entered a guilty plea to the subsequent charge and was thereafter sentenced to one year incarceration to be served consecutively to the confinement ordered in the instant offense. This sentence was later reduced to six months incarceration to be served consecutively to the confinement imposed for the securities offense.

Defendant alleges that the Court relied on a salient factor of 8 in the presentence report instead of a correct salient factor of 10 in its decision to sentence defendant. Defendant has the burden of showing that the Court relied on misinformation. Shelton v. U.S., 497 F.2d 156 (5th Cir. 1974). At the time of the sentencing of the defendant herein, March 22, 1978, the Probation Department had not yet begun to supply salient factors to the Court to assist in sentencing. Therefore, the Court could not have relied on misinformation as to salient factor when sentencing defendant.

The Court has no jurisdiction to proceed with defendant's allegations concerning the determinations of the Parole Board. A motion pursuant to Section 2255 may not be invoked for matters occurring subsequent to the judgment. Thompson v. Warden -- El Reno, Oklahoma Board of Parole, 418 F.Supp. 895 (D.C.Okla. 1976); Allen v. U.S., 327 F.2d 58 (5th Cir. 1964).

For these reasons, it is the ruling of the Court that plaintiff's Motion to Vacate Sentence should be and hereby is denied.

It is so Ordered this 9th day of February, 1982.

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

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

**FILED**

**FEB 8 1982**

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

QUALITY EXPLORATION, INCORPORATED,  
an Oklahoma Corporation,

Plaintiff,

vs.

EVANS EXPLORATION CORPORATION,  
a Foreign Corporation, TRAVIS G.  
EVANS, and ALLIED BANK OF TEXAS,

Defendants.

NO. 81-C-705-C

JUDGMENT AS TO DEFENDANT TRAVIS G. EVANS

This action was considered by the Court on the 26th day of January, 1982 on Application of the Plaintiff, Quality Exploration, Incorporated, for the Entry of Default Judgment pursuant to Rule 55 of the Federal Rules of Civil Procedure; it appearing to the Court that the Complaint in this action was filed on November 16, 1981; that Summons and Complaint were duly served on the Defendant, Travis G. Evans, as required by law; it further appearing to the Court that Travis G. Evans has wholly failed to enter his appearance in the action or otherwise plead, and has defaulted; and it further appearing that default was entered against the Defendant, Travis G. Evans, by the Court Clerk, and that no proceedings have been taken by the Defendant, Travis G. Evans since entry of default.

The Court, having reviewed the pleadings, exhibits and affidavits on file, finds:

1. The Defendant, Travis G. Evans, is in default.
2. Plaintiff is entitled to default judgment in its favor for the relief prayed for in Count I of the Complaint.
3. Defendant, Travis G. Evans, is indebted to Plaintiff jointly and severally, in the principal sum of \$251,000.00, with interest thereon at the rate of ten percent (10%) per annum from August 7, 1981 until judgment, and twelve percent (12%) thereafter until paid.

4. That Plaintiff is the prevailing party and thereby is entitled to an attorney fee award pursuant to Title 12, Oklahoma Statutes, Section 936.

5. That based upon the affidavits on file in the action, a reasonable attorney fee for Plaintiff is \$10,000.00.

THEREFORE, IT IS ORDERED THAT Plaintiff, Quality Exploration, Incorporated, shall have judgment against the Defendant, Travis G. Evans, in the sum of \$251,000.00, with interest at the rate of ten percent (10%) per annum on said sum from August 7, 1981 until judgment, and twelve percent (12%) on the judgment amount until paid, and further an attorney fee of \$10,000.00, together with all costs of the action.

  
\_\_\_\_\_  
H. DALE COOK, Judge  
UNITED STATES DISTRICT COURT

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

ALAN ASHFORD, )  
 )  
 Plaintiff, )  
 )  
 vs. )  
 )  
 WORLDWIDE INNS, INC., )  
 )  
 Defendant. ) NO. 81-C-410-C

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

ORDER OF DISMISSAL

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

Executed this 8th day of February, 1982.

(Signed) H. Dale Cook

\_\_\_\_\_  
UNITED STATES DISTRICT JUDGE

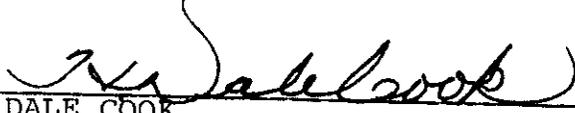


that the plaintiff has filed a new lawsuit in the District Court in and for Tulsa County, State of Oklahoma in which he sues the identical defendants currently before this Court.

The Court, thus, concludes that it does not have subject matter jurisdiction to entertain the present action because of a lack of complete diversity of citizenship. See Owen Equipment and Erection Co. v. Kroger, 98 S.Ct. 2396, 437 U.S. 365, 57 L.Ed.2d 274 (1978).

It is therefore the Order of this Court that the present action is dismissed, in all respects, for the reason that this Court lacks subject matter jurisdiction over the instant action. Accordingly, the motion of defendant Textron, Inc. for summary judgment and all other pending motions are moot.

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

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

UNITED STATES DISTRICT COURT FOR THE  
NORTHERN DISTRICT OF OKLAHOMA

UNITED STATES OF AMERICA, )  
 )  
 Plaintiff, )  
 )  
 vs. )  
 )  
 GREGORY T. MCGOFFIN, )  
 )  
 Defendant. )

CIVIL ACTION NO. 81-C-846-E

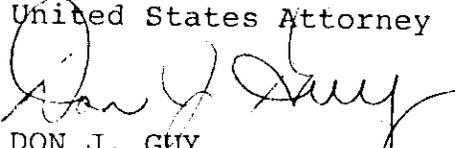
**FILED**  
**FEB - 8 1982**

**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 with prejudice.

Dated this 4th day of February, 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 **FILED**  
NORTHERN DISTRICT OF OKLAHOMA

**FEB - 5 1982**

DELORES JEAN WHITBY, )  
 )  
Plaintiff, )  
 )  
vs. )  
 )  
ASSOCIATED MILK PRODUCERS )  
INC., A Kansas Corporation, )  
 )  
Defendant. )

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

CIVIL ACTION NUMBER

81-C-343-E

ORDER OF DISMISSAL

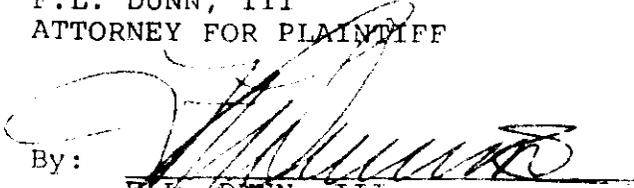
Upon the representation of the parties that this case has been settled and upon their stipulation that it may be dismissed with prejudice,

IT IS THEREFORE ORDERED, ADJUDGED AND DECREED by the Court that this case shall be and the same is hereby dismissed with prejudice to the refiling thereof.

S/ JAMES O. ELLISON  
UNITED STATES DISTRICT JUDGE

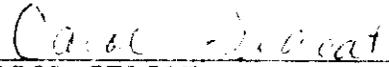
APPROVED:

F.L. DUNN, III  
ATTORNEY FOR PLAINTIFF

By: 

F.L. DUNN, III

HOPKINS, WARNER & KING, INC.  
ATTORNEYS FOR DEFENDANT

By: 

CAROL SEACAT

**FILED**

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

FEB - 5 1982 *if*

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

HENRY O'BRIEN, )  
 )  
Petitioner, )  
 )  
v. )  
 )  
MACK H. ALFORD, et al., )  
 )  
Respondents. )

No. 81-C-325-B ✓

O R D E R

The Court has for consideration the Findings and Recommendations of the Magistrate filed on January 11, 1982 recommending that Petitioner's Petition for Writ of Habeas Corpus be denied. No exceptions or objections have been filed and the time for filing such exceptions or objections has expired.

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

It is therefore Ordered that Petitioner's Petition for Writ of Habeas Corpus be and hereby is denied.

It is so Ordered this 4<sup>th</sup> day of ~~January~~ <sup>Feb.</sup>, 1982.

*Thomas R. Brett*  
THOMAS R. BRETT  
UNITED STATES DISTRICT JUDGE

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

FEB - 5 1982

UNITED STATES OF AMERICA, )  
 )  
 Plaintiff, )  
 )  
 vs. )  
 )  
 RODNEY K. MARSHALL, )  
 )  
 Defendant. )

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

CIVIL ACTION NO. 82-C-64-B

AGREED JUDGMENT

This matter comes on for consideration this 5<sup>th</sup> day of Feb., 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, Rodney K. Marshall, appearing pro se.

The Court, being fully advised and having examined the file herein, finds that the Defendant, Rodney K. Marshall, was personally served with Summons and Complaint on January 26, 1982. 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 \$933.00, 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, Rodney K. Marshall, in the amount of \$933.00, plus 12% interest from the date of this Judgment until paid.

S/ THOMAS R. FINE

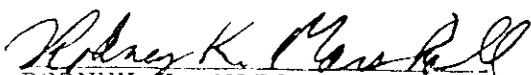
UNITED STATES DISTRICT JUDGE

APPROVED:

UNITED STATES OF AMERICA

FRANK KEATING  
United States Attorney

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

  
RODNEY K. MARSHALL

FILED

FEB - 4 1982

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

UNITED STATES DISTRICT COURT  
FOR THE NORTHERN DISTRICT OF OKLAHOMA

GULFSTAR DRILLING CORPORATION	)	
	)	
Plaintiff,	)	
	)	
vs.	)	NO. 81-C-873-B
	)	
PONEXCO, INC.	)	
	)	
Defendant.	)	

ORDER

It appears to the court that the above entitled action has been fully settled, adjusted and compromised and based on representations of counsel, therefore,

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

DATED this 4 day of February, 1982.

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

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

**FILED**  
IN OPEN COURT

FEB 4 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,

Intervening Plaintiff,

-vs-

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

Defendants.

No. 78-C-515-BT

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.; and  
NATIONAL TRUCK EQUIPMENT  
COMPANY,

Defendants.

No. 79-C-160-BT

CONSOLIDATED

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

Plaintiffs,

-vs-

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

Defendants.

No. 79-C-384-BT

ORDER APPROVING SETTLEMENT AND  
DISMISSING ACTION WITH PREJUDICE

ORDER APPROVING SETTLEMENT AND  
DISMISSING ACTION WITH PREJUDICE

On this 4<sup>th</sup> day of February, 1982, the above matter coming on to be heard upon the application of the Plaintiffs, 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, for the entry of an order approving settlement and ordering this action dismissed with prejudice.

And the Plaintiffs appearing in person and by their attorneys, Ash Crews & Reid, by David P. Reid, and the Defendants appearing by counsel, and the Court having conducted an evidentiary proceeding and being otherwise fully advised in the premises, finds and IT IS ORDERED AS FOLLOWS:

1. This action was heretofore commenced by Cordelia Hearn, individually and as the duly appointed and acting administratrix of the Estate of C. J. Hearn, deceased, and by C. J. Hearn Jr., Carlton D. Hearn and Wanda J. Hearn, to recover damages for the alleged wrongful death of C. J. Hearn, deceased, as a result of a one-vehicle accident occurring on March 16, 1978, on Interstate Highway 244 near its intersection with U.S. Highway 169 in Tulsa County, Oklahoma, as more fully described in Plaintiffs' Complaint, Amended Complaints and amendments thereto on file in this action.

2. C. J. Hearn, deceased, died instantly as a result of the accident and resulting fire as alleged and described in Plaintiffs' Complaint, Amended Complaints and amendments thereto.

3. Cordelia Hearn is the sole surviving spouse of C. J. Hearn, deceased, and C. J. Hearn Jr., Carlton D. Hearn and Wanda J. Hearn are the lawful children of C. J. Hearn, deceased. C. J. Hearn, deceased, left no other child or children nor any child or children of any deceased child or children. Plaintiffs above named are the sole and only persons beneficially interested in and entitled to share in the recovery of damages for the alleged wrongful death of C. J. Hearn, deceased.

4. Wanda J. Hearn is a minor and the settlement of this action requires the appointment of a guardian ad litem and next friend for said minor and the approval of this Court as to the adequacy and fairness of the proposed settlement.

5. Plaintiffs, by and through their attorneys of record, Ash Crews & Reid, have entered into a proposed settlement agreement with the Defendants, National Truck Equipment Company, Firestone Tire & Rubber Company and Ford Motor Company, for the settlement of any and all claims of Plaintiffs arising from the accident and death of C. J. Hearn, deceased, as described in Plaintiffs' Complaint, Amended Complaints and amendments thereto. Under the terms of the proposed settlement, the following sums are to be paid by the settling defendants:

A. National Truck Equipment Company	\$15,000
B. Firestone Tire & Rubber Company	\$ 1,500
C. Ford Motor Company	<u>\$ 1,500</u>
TOTAL	\$18,000

6. The Court having conducted an evidentiary hearing is fully satisfied that the terms of the proposed settlement are fair and adequate and are in the best interests of Wanda J. Hearn, the minor child of C. J. Hearn, deceased.

7. Cordelia Hearn is hereby appointed as the guardian ad litem and next friend for Wanda J. Hearn, a minor.

8. The Court finds that the proceeds of such settlement should be paid and disbursed as follows:

A. The cost and expense of burial and funeral of C. J. Hearn, deceased, in the sum of \$1,395.00, was paid by Cordelia Hearn from her own funds, and such costs and expenses should be deducted from the settlement proceeds and paid to Cordelia Hearn in full.

B. There should be deducted and paid from the remaining proceeds of settlement attorneys' fees of Ash Crews and Reid in the sum of \$6,200 and expense advancements in the sum of \$1,809.21, or a total sum of \$8,009.21, which the Court herewith finds to be fair and reasonable

and which are hereby approved.

C. The balance of the settlement proceeds of \$8,595.79, after deduction of the foregoing costs of burial and funeral and attorneys' fees and expenses, shall be paid and disbursed as follows:

(i) To Cordelia Hearn, individually as the surviving wife, one third, or the sum of \$2,865.28;

(ii) The balance of the proceeds of settlement shall be paid to C. J. Hearn and Carlton D. Hearn, individually, and to Cordelia Hearn, as the guardian ad litem and next friend of Wanda J. Hearn, a minor, in equal shares in the sum of \$1,910.17 each.

IT IS FURTHER ORDERED BY THE COURT that this action be and it is hereby dismissed with prejudice to the filing or prosecution of a future action at the costs of Plaintiffs.

DONE IN OPEN COURT the day and year first above written.



Thomas R. Brett  
United States District Judge

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

**FILED**  
IN OPEN COURT

FEB 3 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,  
  
Intervening Plaintiff,

-vs-

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

Defendants.

No. 78-C-515-BT

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.; and  
NATIONAL TRUCK EQUIPMENT  
COMPANY,

Defendants.

No. 79-C-160-BT

CONSOLIDATED

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

Plaintiffs,

-vs-

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

Defendants.

No. 79-C-384-BT

ORDER APPROVING SETTLEMENT AND  
DISMISSING ACTION WITH PREJUDICE

ORDER APPROVING SETTLEMENT AND  
DISMISSING ACTION WITH PREJUDICE

On this 4<sup>th</sup> day of Feb., 1982, the above matter coming on to be heard upon the application of the Plaintiff, Lillian Wolaridge, individually and as the surviving mother of Kenneth Wolaridge, deceased, and on behalf of the heirs, executors and administrators of the Estate of Kenneth Wolaridge, deceased, for the entry of an order determining the identity of the survivors, next of kin and heirs at law of Kenneth Wolaridge, deceased; determining that Plaintiff is the sole and only person entitled to share in the proceeds of the proposed settlement of this action and dismissing this action with prejudice.

And the Plaintiff appearing in person and by her attorneys, Robert W. Booth and Frank R. Hickman, and the Defendants appearing by counsel, and the Court having conducted an evidentiary proceeding and being otherwise fully advised in the premises, finds and IT IS ORDERED AS FOLLOWS:

1. This action was heretofore commenced by Lillian Wolaridge individually and as the surviving mother of Kenneth Wolaridge, deceased, on her own behalf and on behalf of the heirs, executors and administrators of the Estate of Kenneth Wolaridge, deceased, to recover damages for the alleged wrongful death of Kenneth Wolaridge as the result of a one-vehicle accident occurring on March 16, 1978, on Interstate Highway 244 near its intersection with U.S. Highway 169 in Tulsa County, Oklahoma, as more fully described in Plaintiff's Complaint, Amended Complaints and amendments thereto on file in this action.

2. Kenneth Wolaridge died instantly as a result of the accident and resulting fire, as alleged and described in Plaintiff's Complaint, Amended Complaints and amendments thereto.

3. Lillian Wolaridge is the surviving mother of Kenneth Wolaridge, deceased; Dillard Wolaridge is the surviving father of Kenneth Wolaridge, deceased, and Curtis Wolaridge is the surviving brother of Kenneth Wolaridge, deceased. Kenneth Wolaridge was not married at the time of his death and left no child or

children nor any child or children of any deceased child or children surviving him.

4. That the Plaintiff, Lillian Wolaridge, is the sole and only person who was pecuniarily dependent upon and who sustained pecuniary loss, damage and cost by reason of the death of Kenneth Wolaridge, deceased, and is the sole and only person entitled to share in the recovery of damages for the alleged wrongful death of Kenneth Wolaridge, deceased.

5. Plaintiff, by and through her attorneys of record, Robert W. Booth and Frank R. Hickman, have entered into a proposed settlement agreement with the Defendants, National Truck Equipment Company, Firestone Tire & Rubber Company and Ford Motor Company, for the settlement of any and all claims of Plaintiff arising from the accident and death of Kenneth Wolaridge, deceased, as described in Plaintiff's Complaint, Amended Complaints and amendments thereto. Under the terms of the proposed settlement, the following sums are to be paid by the settling Defendants:

A. National Truck Equipment Company	\$15,000
B. Firestone Tire & Rubber Company	\$ 1,500
C. Ford Motor Company	<u>\$ 1,500</u>
TOTAL	\$18,000

6. That the proceeds of the proposed settlement should be paid and disbursed by the Defendants above named to the Plaintiff, Lillian Wolaridge, who is the sole and only person entitled to participate in the proceeds of such settlement, and upon payment thereof, said Defendants shall be discharged of and from any and all duty or liability to allocate the proceeds of said settlement as between Lillian Wolaridge, Dillard Wolaridge and Curtis Wolaridge.

IT IS FURTHER ORDERED BY THE COURT that this action be and it is hereby dismissed with prejudice to the filing or prosecution of a future action at the costs of Plaintiff.

DONE IN OPEN COURT the day and year first above written.

  
THOMAS R. BRETT  
United States District Judge

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

UNITED STATES OF AMERICA, )  
 )  
 Plaintiff, )  
 )  
 vs. )  
 )  
 STEWART LEON ALLEN, BETTY )  
 ALLEN, MATTHEW D. HENRY, )  
 COUNTY TREASURER, Pawnee )  
 County, Oklahoma, and BOARD )  
 OF COUNTY COMMISSIONERS, )  
 Pawnee County, Oklahoma, )  
 )  
 Defendants. )

CIVIL ACTION NO. 81-C-604-B

FILED

FEB - 4 1982

JOHN C. SMITH, Clerk  
U. S. DISTRICT COURT

JUDGMENT OF FORECLOSURE

THIS MATTER COMES on for consideration this 4th 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; the Defendant, Matthew D. Henry appearing pro se; and, the Defendants, Stewart Leon Allen, Betty Allen, County Treasurer, Pawnee County, Oklahoma, and Board of County Commissioners, Pawnee County, Oklahoma, appearing not.

The Court being fully advised and having examined the file herein finds that Defendants, Stewart Leon Allen, Betty Allen, Matthew D. Henry, County Treasurer, Pawnee County, Oklahoma, and Board of County Commissioners, Pawnee County, Oklahoma, were served with Summons and Complaint on November 4, 1981; all as appears on the United States Marshal's Service herein.

It appears that the Defendant, Matthew D. Henry, has duly filed his Answer and Cross-Claim on November 6, 1981, and the Defendants, Stewart Leon Allen, Betty Allen, County Treasurer, Pawnee County, Oklahoma, and Board of County Commissioners, Pawnee County, Oklahoma, have 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 two mortgage notes and for a foreclosure of two real property

mortgages securing said mortgage notes upon the following described real property located in Pawnee County, Oklahoma, within the Northern Judicial District of Oklahoma:

Lots 11 and 12, Block 5, THOMPSON'S ADDITION to the Town of Ralston, except a strip of Lot 11 beginning at a point 20 feet due West of the Northeast corner of Lot 10, in Block 5, and running North 30 inches, thence West 30 feet, thence South 30 inches, thence East 30 feet to the point of beginning.

THAT Daryl Dean Hopper and Lynnda Jean Hopper did, on the 13th day of July, 1973, execute and deliver to the United States of America acting through the Farmers Home Administration their mortgage and mortgage note in the amount of \$4,600.00 with 7.25 percent interest per annum, and further providing for the payment of annual installments of principal and interest.

THAT the Defendant, Stewart Leon Allen, did, on the 6th day of April, 1976, execute and deliver to the United States of America an Assumption Agreement in which he did agree to assume the obligations of the mortgage note and mortgage described above and to pay the unpaid balance of the note in the principal amount of \$4,523.09, plus accrued interest in the amount of \$736.47.

THAT the Defendants, Stewart Leon Allen and Betty Allen, did, on the 14th day of February, 1977, execute and deliver to the United States of America their mortgage and mortgage note in the sum of \$7,870.00, with 8.0 percent interest per annum, and further providing for the payment of annual installments of principal and interest.

The Court further finds that Defendants, Stewart Leon Allen and Betty Allen, made default under the terms of the aforesaid mortgage notes, mortgages, and Assumption Agreement by reason of their failure to make annual installments due thereon, which default has continued and that by reason thereof the above-named Defendants are now indebted to the Plaintiff in the principal sum of \$9,455.40, plus accrued interest of \$563.31 as of August 7, 1981, plus interest thereafter at the rate of

\$2.0122 per day, until paid, plus the cost of this action accrued and accruing.

The Court further finds that Defendant, Matthew D. Henry, is entitled to judgment against Defendant, Betty Allen, in the amount of \$350.00, plus interest at the legal rate from and after the 23rd day of February, 1981, until paid, but that such judgment would be subject to and inferior to the first mortgage lien of the Plaintiff herein.

The Court further finds that there is due and owing to the County of Pawnee, State of Oklahoma, from Defendants, Stewart Leon Allen and Betty Allen, the sum of \$104.24 plus interest according to law for real estate taxes for the year 1981 and that Pawnee County should have judgment for said amount, and that such judgment is superior to the first mortgage lien of the Plaintiff herein.

The Court further finds that there is due and owing to the County of Pawnee, State of Oklahoma, from Defendants, Stewart Leon Allen and Betty Allen, the sum of \$6.48 plus interest according to law for personal property taxes for the year 1981 and that Pawnee 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 Defendants, Stewart Leon Allen and Betty Allen, for the principal sum of \$9,455.40 plus accrued interest \$563.31 as of August 7, 1981, plus interest thereafter at the rate of \$2.0122 per day, until paid, 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 Matthew D. Henry have and recover judgment against the Defendant,

Betty Allen in the amount of \$350.00, plus interest at the legal rate from and after the 23rd day of February, 1981, until paid, but that such judgment is subject to and inferior to the first mortgage lien of the Plaintiff herein.

IT IS FURTHER ORDERED, ADJUDGED, AND DECREED that the County of Pawnee have and recover judgment against Defendants, Stewart Leon Allen and Betty Allen, for the sum of \$104.24 as of the date of this judgment, plus interest thereafter according to law for real estate taxes, and that such judgment is superior to the first mortgage lien of the Plaintiff herein.

IT IS FURTHER ORDERED, ADJUDGED, AND DECREED that the County of Pawnee have and recover judgment against Defendants, Stewart Leon Allen and Betty Allen, for the sum of \$6.48 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 Defendants, Stewart Leon Allen and Betty Allen, 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, 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.

  
UNITED STATES DISTRICT JUDGE

APPROVED:

FRANK KEATING  
United States Attorney

*Nancy A. Nesbitt*

\_\_\_\_\_  
NANCY A. NESBITT  
Assistant United States Attorney

*Matthew D. Henry*  
\_\_\_\_\_  
MATTHEW D. HENRY, pro se

UNITED STATES DISTRICT COURT FOR THE  
NORTHERN DISTRICT OF OKLAHOMA

UNITED STATES OF AMERICA, )  
 )  
 Plaintiff, )  
 )  
 vs. )  
 )  
 RAYMOND D. DAVIS, )  
 )  
 Defendant. )

CIVIL ACTION NO. 81-C-741-E

**FILED**

**FEB . 4 1982**

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

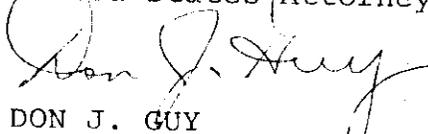
NOTICE OF DISMISSAL

COMES NOW the United States of America by Frank Keating, United States Attorney for the Northern District of Oklahoma, Plaintiff herein, through Dpn 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 4th day of February, 1982.

UNITED STATES OF AMERICA

FRANK KEATING  
United States Attorney



DON J. GUY  
Assistant United States Attorney

UNITED STATES DISTRICT COURT FOR THE  
NORTHERN DISTRICT OF OKLAHOMA

UNITED STATES OF AMERICA, )

Plaintiff, )

vs. )

RONALD L. LUPER, )

Defendant. )

CIVIL ACTION NO. 81-C-834-E

**FILED**

**FEB - 4 1982**

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

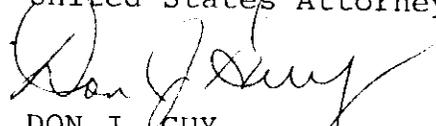
NOTICE OF DISMISSAL

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 4th day of February, 1982.

UNITED STATES OF AMERICA

FRANK KEATING  
United States Attorney

  
DON J. GUY

Assistant United States Attorney

UNITED STATES DISTRICT COURT FOR THE  
NORTHERN DISTRICT OF OKLAHOMA

UNITED STATES OF AMERICA, )  
 )  
 Plaintiff, )  
 )  
 vs. )  
 )  
 RHONDA L. YOUNGBLOOD, )  
 )  
 Defendant. )

CIVIL ACTION NO. 81-C-711-C

**FILED**

**FEB - 4 1982**

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

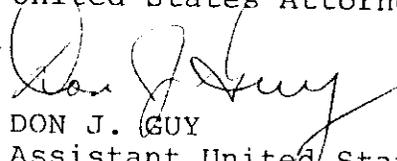
NOTICE OF DISMISSAL

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 4th day of February, 1982.

UNITED STATES OF AMERICA

FRANK KEATING  
United States Attorney

  
DON J. GUY  
Assistant United States Attorney

UNITED STATES DISTRICT COURT FOR THE  
NORTHERN DISTRICT OF OKLAHOMA

UNITED STATES OF AMERICA, )  
 )  
 Plaintiff, )  
 )  
 vs. )  
 )  
 SHERI D. JOHNSON, )  
 )  
 Defendant. )

CIVIL ACTION NO. 81-C-786-C

**FILED**

**FEB - 4 1982**

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

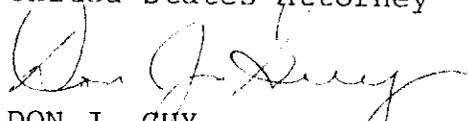
NOTICE OF DISMISSAL

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 4th day of February, 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

FILED

THERMO KING CORPORATION, a  
Delaware corporation, and  
THERMO KING de PUERTO RICO, a  
Delaware corporation,

Plaintiffs,

vs

THERMO KING OF TULSA, INC.,  
LLOYD A. ANDERSON and SANDRA  
ANDERSON, husband and wife, and  
BOULDER BANK AND TRUST COMPANY,

Defendants.

LLOYD A. ANDERSON, SANDRA L.  
ANDERSON, et ux; THERMO KING  
OF TULSA, INC., TRUCK REFRIG-  
ERATION CENTER, INC.  
THERMO KING OF FT. SMITH, INC.,  
and WEST SKELLY INVESTMENT  
COMPANY,

Plaintiffs,

vs

THERMO KING CORPORATION, a  
Delaware corporation, and  
THERMO KING de PUERTO RICO  
INC., a Delaware corporation,

Defendants.

FEB 3 1982

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

No. 78-C-58-E

No. 78-C-92-E

ORDER CONFIRMING MARSHAL'S SALE AND AWARDING  
ATTORNEYS' FEES

NOW, on this 15th day of January, 1982, this matter comes on for regular hearing upon the motion of Thermo King Corporation and Thermo King de Puerto Rico, for confirmation and approval of the sale of real estate and appurtenant property made by the United States Marshal for the Northern District of Oklahoma, to said Thermo King Corporation and Thermo King de Puerto Rico on November 18, 1981 under an Order of Sale issued in this cause out of the Office of the Clerk of the Northern District, on October 9, 1981, said sale being of and conveying the following described real estate and appurtenant property located in Tulsa County, Oklahoma:

- (a) That part of the West Half (W/2) of the Northeast Quarter (NE/4) of the Southeast

Quarter (SE/4) of the Southwest Quarter (SW/4) of Section 27, Township 19 North, Range 12 East of the Indian Base and Meridian, Tulsa County, State of Oklahoma. Being more particularly described as to-wit: Beginning at Northwest Corner of said West Half (W/2), Northeast Quarter (NE/4), Southeast Quarter (SE/4), Southwest Quarter (SW/4), thence East Ninety Five (95) Feet, thence South One Hundred Sixty Eight (168) Feet, thence West Ninety Five (95) Feet, thence North along the West line of said tract a distance of One Hundred Sixty Eight (168) Feet to the point of beginning.

- (b) Strip, piece or parcel of land lying in part of the Northeast Quarter (NE/4) of the Northwest Quarter (NW/4) of Section 35, Township 19 North, Range 12 East of the Indian Base and Meridian, Tulsa County, State of Oklahoma, according to U.S. Government Survey thereof. Said parcel of land being described by metes and bounds as follows: Beginning at a point on the South line of said Northeast Quarter (NE/4), Northwest Quarter (NW/4), Seven Hundred Thirty point Five (730.5) Feet East of the Southwest (SW) corner of said Northeast Quarter (NE/4), Northwest Quarter (NW/4), thence North One Hundred Ninety Two (192) Feet, thence South Eighty Nine (89) Degrees Six (6) Minutes 00 Seconds, West a distance of Fifty (50) Feet, thence North a distance of Fifty (50) Feet, thence South Eighty Nine (89) Degrees Six (6) Minutes 00 Seconds, West a distance of Two Hundred eleven point Ninety Seven (211.97) Feet, thence South Twenty (20) Degrees Twenty (20) Minutes 00 Seconds, West a distance of Two Hundred Sixty Four point Eighty Six (264.86) Feet, thence East along said South line a distance of Three Hundred Fifty Four point Five (354.5) Feet to the point of beginning.

Together with for the premises described in (a) and (b) immediately above all and singular: (i) the tenements, hereditaments and appurtenances thereunto belonging or in any manner appertaining; (ii) all of the buildings, improvements and structures erected or to be erected thereon with all of the fixtures installed therein including (without limitation) all lighting, heating, plumbing, cooling and air conditioning equipment, furnaces, blowers, compressors, ventilators, sprinklers, fire equipment, ducts, drains, built-in appliances and all accessions and accessories thereto and (iii) all of the issues, rents, rentals and profits arising and to arise under any and all leases and tenancies now and at all times hereafter in force with respect to all or any portion or portions of the said real property,

and upon the motion of Thermo King Corporation and Thermo King de Puerto Rico to tax attorneys' fees. Thermo King

Corporation and Thermo King de Puerto Rico are represented by their attorney, Laurence L. Pinkerton of Conner, Winters, Ballaine, Barry & McGowen. The Defendants in No. 78-C-58-E and Plaintiffs in No. 78-C-92-E appear not despite notice hereof.

The Court, having examined the proceedings herein, including the proceedings of said Marshal and his Amended Return of Sale thereof under the Order of Sale herein, and the Affidavit of Laurence L. Pinkerton, attached to the motion to tax attorneys' fees, and having heard the testimony of Charles W. Shipley and Laurence L. Pinkerton in open Court, finds as follows:

1) That the proceedings in the foreclosure sale have been performed and done in all respects in full conformity to applicable law; that the bids of Thermo King Corporation and Thermo King de Puerto Rico in the amounts of \$30,001, and \$145,001, were the highest and best bids that could be obtained; and that said sale was made after due and legal notice of the time and place of such sale.

2) That the U.S. Marshal is entitled to commission and fees for the sale in the sum of \$2,670.03, after the receipt of which he should issue his deed to the real estate and appurtenant property described above, such deed being in the form attached hereto and marked Exhibit "A".

3) That Thermo King Corporation and Thermo King de Puerto Rico should be awarded attorneys' fees in the sum of Eighty-nine Thousand Seven Hundred Eighteen Dollars and Seventy-seven Cents (\$89,718.77), and that Thermo King Corporation and Thermo King de Puerto Rico may apply for

additional attorney fees in accordance with the previous orders of this Court.

IT IS THEREFORE ORDERED, ADJUDGED AND DECREED by the Court that the Clerk of this District make an entry on the journal that the Court is satisfied with the legality of said sale.

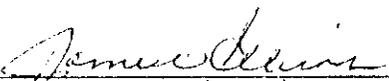
IT IS FURTHER ORDERED, ADJUDGED AND DECREED by the Court that said sale and all proceedings herein be and the same are in all respects approved and confirmed; and upon payment by Thermo King Corporation and Thermo King de Puerto Rico of commission and fees to the U.S. Marshal in the sum of \$2,670.03, that the United States Marshal make and execute to Thermo King Corporation and Thermo King de Puerto Rico, a good and sufficient Marshal's Deed for said lands and tenements in the form attached hereto and marked Exhibit "A".

IT IS FURTHER ORDERED, ADJUDGED AND DECREED that Thermo King Corporation and Thermo King de Puerto Rico, the purchasers of said premises, lands and tenements at said sale, as aforesaid, be immediately let into possession of said premises, and that a writ of assistance shall issue upon application of Thermo King Corporation and Thermo King de Puerto Rico.

IT IS FURTHER ORDERED, ADJUDGED AND DECREED that the sum of \$176,002 be credited against the judgment awarded Thermo King Corporation and Thermo King de Puerto Rico herein and that interest as previously awarded cease to run on said credited sum from the date hereof.

IT IS FURTHER ORDERED, ADJUDGED AND DECREED that Thermo King Corporation and Thermo King de Puerto Rico are awarded their attorney fees incurred to date in the sum of Eighty-nine Thousand Seven Hundred Eighteen Dollars and Seventy-seven Cents (\$89,718.77), and that they may make

application for further fees in accordance with the orders  
of this Court.

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United States District Judge

UNITED STATES MARSHAL'S DEED

WHEREAS, on the 22nd day of June, 1981, in an action before the United States District Court for the Northern District of Oklahoma, styled as follows:

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

THERMO KING CORPORATION, a )  
Delaware corporation, and )  
THERMO KING de PUERTO RICO, a )  
Delaware corporation, )  
 )  
Plaintiffs, )  
 )  
vs ) No. 78-C-58-E  
 )

THERMO KING OF TULSA, INC., )  
LLOYD A. ANDERSON and SANDRA )  
ANDERSON, husband and wife, and )  
BOULDER BANK AND TRUST COMPANY, )  
 )  
Defendants. )

LLOYD A. ANDERSON, SANDRA L. )  
ANDERSON, et ux; THERMO KING )  
OF TULSA, INC., TRUCK REFRIG- )  
ERATION CENTER, INC. )  
THERMO KING OF FT. SMITH, INC., )  
and WEST SKELLY INVESTMENT )  
COMPANY, )  
 )  
Plaintiffs, )  
 )  
vs ) No. 78-C-92-E  
 )

THERMO KING CORPORATION, a )  
Delaware corporation, and )  
THERMO KING de PUERTO RICO )  
INC., a Delaware corporation, )  
 )  
Defendants. )

(the "Action"), the Court entered in favor of Thermo King Corporation and Thermo King de Puerto Rico (collectively "Thermo King") a Judgment of Foreclosure awarding to Thermo King a judgment against Defendants Thermo King of Tulsa, Inc., Lloyd A. Anderson, and Sandra Anderson, in the sum of \$178,392, plus interest at the rate of twelve percent per annum from and after June 22, 1981, until such judgment is paid in full, and Thermo King's costs and attorney fees therein, foreclosing the mortgage of Thermo King against certain real estate and premises, providing for an Order of Sale to issue to the United States

Marshal commanding him to advertise and sell said real estate and premises subject to appraisalment, prescribing the manner of disposition of the proceeds arising therefrom, and forever barring and foreclosing the Defendants Thermo King of Tulsa, Inc., Lloyd Anderson, and Sandra Anderson and all persons claiming under them from any right, title, interest, or claim in or to the real property or any part thereof.

AND WHEREAS, on the 9th day of October, 1981, said judgment being wholly unpaid, there was issued by the Clerk of the United States District Court for the Northern District of Oklahoma an Order of Sale on said judgment, directed to the United States Marshal and commanding him to proceed according to law to advertise and sell subject to appraisalment, the hereinafter described real estate and premises and apply the proceeds as directed by the Judgment of Foreclosure;

AND WHEREAS, the Order of Sale having come into the hands of the undersigned United States Marshal on the 9th day of October, 1981, to be executed, he, by virtue thereof, did, on the 13th day of October, 1981, call an inquest of three disinterested householders resident within the said County of Tulsa, State of Oklahoma, wherein said real estate and premises are situated and administered to them an oath impartially to appraise the real estate and premises so levied on, upon actual view thereof; and thereafter the said householders having duly and as directed appraised the said real estate and premises, forthwith made and returned to said United States Marshal under their hands, a written estimate and appraisalment of the value of said real estate and premises, which said householders fixed at \$35,000 for parcel (a) described below, and \$200,000 for parcel (b) described below, and on receipt of said appraisalment, the said United States Marshal forthwith deposited a copy thereof with the Clerk of said Court, and gave legal notice of the time and place of sale and property to be sold by notice in the Tulsa Daily Legal News, a daily newspaper printed, published and of

general circulation in said county, wherein the said real estate and premises are situated, which advertisement commenced at least thirty days prior to the date of sale.

AND WHEREAS, on the 17th day of November, 1981, the Court ordered that the Rosewood Acres property, which was a part of the real estate and premises noticed for sale, should be eliminated from said sale, but that the sale should otherwise continue without hindrance and that the Rosewood Acres property would be subject to further order of the Court.

AND WHEREAS, on the said 18th day of November, 1981, pursuant to said Judgment of Foreclosure, Order of Sale and notice, the undersigned United States Marshal offered said real estate and premises to the highest and best bidder and so sold the same to Thermo King, it being the highest and best bidder therefor, at and for the price of \$35,001 for the parcel described as (a) below, and \$145,001 for the parcel described as (b) below, to be credited to its judgment, which bid was the highest and best sum bid and more than two-thirds of the appraised value so made and returned as aforesaid;

AND WHEREAS, the undersigned United States Marshal, afterwards returned into Court the Order of Sale and made an Amended Return of Sale showing the manner in which the sale had been executed and performed; and whereas, on the 15th day of January, 1982, the Court, having carefully examined said Order of Sale, and the return of the undersigned United States Marshal, and having otherwise carefully examined the proceedings of the undersigned United States Marshal, and being satisfied that said sale was made in all respects in conformity to law and the statutes in such case, on motion of Thermo King in said action, ordered and adjudged that said proceedings be and the same were in all respects confirmed, ordered the said clerk to make an entry on the journal that the Court was satisfied with the legality of said sale, and ordered that the undersigned United States Marshal make and execute to said purchasers,

Thermo King Corporation and Thermo King de Puerto Rico, a good and sufficient deed for said real estate and premises so sold as aforesaid and described hereafter, which said entry was made accordingly, and said sale confirmed and sustained in all respects.

Now, therefore, I, Harry Connally, United States Marshal for the Northern District of Oklahoma, in pursuance of said Judgment of Foreclosure, Order of Sale and Order Confirming Marshal's Sale and Awarding Attorneys' Fees, and in pursuance of the statutes in such case made and provided, and in consideration of the aforesaid sums credited against the judgment of Thermo King, do hereby give, grant, bargain and sell, convey and set over to Thermo King Corporation and Thermo King de Puerto Rico, their successors and assigns, the said real estate and premises in Tulsa County, Oklahoma so sold as aforesaid and heretofore referred to, and described as follows, to wit:

- (a) That part of the West Half (W/2) of the Northeast Quarter (NE/4) of the Southeast Quarter (SE/4) of the Southwest Quarter (SW/4) of Section 27, Township 19 North, Range 12 East of the Indian Base and Meridian, Tulsa County, State of Oklahoma. Being more particularly described as to-wit: Beginning at Northwest Corner of said West Half (W/2), Northeast Quarter (NE/4), Southeast Quarter (SE/4), Southwest Quarter (SW/4), thence East Ninety Five (95) Feet, thence South One Hundred Sixty Eight (168) Feet, thence West Ninety Five (95) Feet, thence North along the West line of said tract a distance of One Hundred Sixty Eight (168) Feet to the point of beginning.
- (b) Strip, piece or parcel of land lying in part of the Northeast Quarter (NE/4) of the Northwest Quarter (NW/4) of Section 35, Township 19 North, Range 12 East of the Indian Base and Meridian, Tulsa County, State of Oklahoma, according to U.S. Government Survey thereof. Said parcel of land being described by metes and bounds as follows: Beginning at a point on the South line of said Northeast Quarter (NE/4), Northwest Quarter (NW/4), Seven Hundred Thirty point Five (730.5) Feet East of the Southwest (SW) corner of said Northeast Quarter (NE/4), Northwest Quarter (NW/4), thence North One Hundred Ninety Two (192) Feet, thence South

Eighty Nine (89) Degrees Six (6) Minutes  
00 Seconds, West a distance of Fifty (50)  
Feet, thence North a distance of Fifty  
(50) Feet, thence South Eighty Nine (89)  
Degrees Six (6) Minutes 00 Seconds, West  
a distance of Two Hundred eleven point  
Ninety Seven (211.97) Feet, thence South  
Twenty (20) Degrees Twenty (20) Minutes  
00 Seconds, West a distance of Two  
Hundred Sixty Four point Eighty Six  
(264.86) Feet, thence East along said  
South line a distance of Three Hundred  
Fifty Four point Five (354.5) Feet to the  
point of beginning.

Together with for the premises described in  
(a) and (b) immediately above all and singular: (i)  
the tenements, hereditaments and appurtenances there-  
unto belonging or in any manner appertaining; (ii) all  
of the buildings, improvements and structures erected  
or to be erected thereon with all of the fixtures  
installed therein including (without limitation) all  
lighting, heating, plumbing, cooling and air condition-  
ing equipment, furnaces, blowers, compressors, ventila-  
tors, sprinklers, fire equipment, ducts, drains,  
built-in appliances and all accessions and accessories  
thereto and (iii) all of the issues, rents, rentals  
and profits arising and to arise under any and all  
leases and tenancies now and at all times hereafter in  
force with respect to all or any portion or portions  
of the said real property.

To have and to hold the same unto the Thermo King Corporation  
and Thermo King de Puerto Rico, their successors and assigns  
forever, as fully and absolutely, as I, the undersigned United  
States Marshal can, may or ought, by virtue of said judgment,  
the orders aforesaid and the statutes in such case made and  
provided, give, grant, bargain, sell and convey the same.

IN WITNESS WHEREOF, I, United States Marshal for the  
Northern District of Oklahoma, have hereunto set my hand this  
\_\_\_\_\_ day of \_\_\_\_\_, 1982.

\_\_\_\_\_  
United States Marshal for the  
Northern District of Oklahoma

STATE OF OKLAHOMA     )  
                          )    ss.  
COUNTY OF TULSA     )

BE IT REMEMBERED that on the \_\_\_\_ day of January,  
in the year One Thousand Nine Hundred Eight-two, before me,  
\_\_\_\_\_, a Notary Public, personally appeared  
Harry Connally, United States Marshal for the Northern District  
of Oklahoma, well known to be the same person who is described  
in and who executed the within and foregoing instrument, and  
acknowledged to me that he executed the same as United States  
Marshal for the Northern District of Oklahoma, and as his free  
and voluntary act and deed, for the uses and purposes therein  
set forth.

IN WITNESS WHEREOF, I have hereunto set my hand and  
official seal, at said County, the day and year last above  
written.

\_\_\_\_\_  
NOTARY PUBLIC

My Commission Expires:

\_\_\_\_\_  
(SEAL)

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

UNITED STATES OF AMERICA, )  
 )  
 Plaintiff, )  
 )  
 vs. )  
 )  
 DAVID L. AUTEN, PATTI S. )  
 AUTEN, and OKLAHOMA OSTEO- )  
 PATHIC FOUNDERS ASSOCIATION, )  
 INC., a Corporation d/b/a )  
 Oklahoma Osteopathic Hospital, )  
 )  
 Defendants. )

CIVIL ACTION NO. 81-C-174-C ✓

FILED

FEB 3 1982

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

JUDGMENT OF FORECLOSURE

THIS MATTER COMES on for consideration this 3rd day of February, 1982. The Plaintiff appearing by Frank Keating, United States Attorney for the Northern District of Oklahoma, through Nancy A. Nesbitt, Assistant United States Attorney, the Defendant, Oklahoma Osteopathic Founders Association, a Corporation d/b/a Oklahoma Osteopathic Hospital, appearing by its attorney, Fred A. Pottorf, and the Defendants, David L. Auten and Patti S. Auten, appearing not.

The Court being fully advised and having examined the file herein finds that Defendants, David L. Auten and Patti S. Auten, were served by publication as shown on the Proof of Publication filed herein; and, that Defendant, Oklahoma Osteopathic Founders Association, Inc., a Corporation d/b/a Oklahoma Osteopathic Hospital, was served with Summons and Complaint on April 22, 1981, as appears on the United States Marshal's Service herein.

It appears that the Defendant, Oklahoma Osteopathic Founders Association, a Corporation d/b/a Oklahoma Osteopathic Hospital, has duly filed its Answer herein on May 27, 1981; and, that Defendants, David L. Auten and Patti S. Auten, have 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 Seventeen (17), Block Six (6), SCOTTSDALE ADDITION, an Addition in Tulsa County, State of Oklahoma, according to the recorded plat thereof.

THAT the Defendants, David L. Auten and Patti S. Auten, did, on the 1st day of September, 1977, execute and deliver to the United States of America acting through the Farmers Home Administration their mortgage and mortgage note in the sum of \$22,900.00 with 8 percent interest per annum, and further providing for the payment of monthly installments of principal and interest.

The Court further finds that Defendants, David L. Auten and Patti S. Auten, made default under the terms of the aforesaid mortgage note by reason of their failure to make monthly installments due thereon, which default has continued and that by reason thereof the above-named Defendants are now indebted to the Plaintiff in the sum of \$22,001.84 as unpaid principal, plus accrued interest of \$903.25 as of October 20, 1980, plus interest from and after said date at the rate of 8 percent per annum, until paid, plus the costs of this action accrued and accruing.

The Court further finds that Defendant, Oklahoma Osteopathic Founders Association, a Corporation d/b/a Oklahoma Osteopathic Hospital, is entitled to judgment against Defendants, David Lee Auten and Patti Sue Auten, in the amount of \$949.40, plus 10 percent interest, plus \$384.82 attorney fees, and costs accrued and accruing, but that such judgment would be subject to and inferior to the first mortgage lien of the Plaintiff herein.

IT IS THEREFORE ORDERED, ADJUDGED AND DECREED that the Plaintiff have and recover judgment against Defendants, David L. Auten and Patti S. Auten, for the principal sum of \$22,001.84, with accrued interest of \$903.25 as of October 20, 1980, plus

interest from and after said date at the rate of 8 percent per annum, plus the costs of this action accrued and accruing, plus any additional sums advanced or to be advanced or expended during this foreclosure action by Plaintiff for taxes, insurance, abstracting, or sums for the preservation of the subject property.

IT IS FURTHER ORDERED, ADJUDGED, AND DECREED that Oklahoma Osteopathic Founders Association, a Corporation d/b/a Oklahoma Osteopathic Hospital, have and recover judgment against the Defendants, David Lee Auten and Patti Sue Auten, in the amount of \$949.40, plus 10 percent interest, plus \$384.82 attorney fees, and costs accrued and accruing, but that such judgment is subject to and inferior to the first mortgage lien of the Plaintiff herein.

IT IS FURTHER ORDERED, ADJUDGED, AND DECREED that upon the failure of said Defendants to satisfy Plaintiff's money judgment herein, an Order of Sale shall be issued to the United States Marshal for the Northern District of Oklahoma, commanding him to advertise and sell with 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

*for Judge H. Dale Cook*

APPROVED:

FRANK KEATING  
United States Attorney

*Nancy A. Nesbitt*  
\_\_\_\_\_  
NANCY A. NESBITT  
Assistant United States Attorney

*Fred A. Pottor*  
\_\_\_\_\_  
FRED A. POTTOR  
Attorney for Defendant,  
Oklahoma Osteopathic Founders  
Association, Inc., a Corporation  
d/b/a Oklahoma Osteopathic  
Hospital

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

**FILED**

FEB 3 1982 *JS*

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

BOB DAVIS and LOTUS DAVIS, )  
husband and wife, As Next )  
Friends of KEVIN DAVIS and )  
DIANE DAVIS, their children, )  
 )  
Plaintiffs, )  
 )  
vs. )  
 )  
THE ST. PAUL INSURANCE )  
COMPANY, a foreign insurance )  
company, )  
 )  
Defendant. )

No. 81-C-539-E ✓

ORDER GRANTING REMAND

The Motion for Remand, having come on for consideration before me the undersigned Judge, and the Court, having considered the matter and being fully advised, and it appearing to the Court that this case was improperly removed to this Court in that there is no diversity of citizenship,

IT IS ORDERED that the Defendant's Motion for Remand be and the same is hereby granted, and this cause be remanded to the District Court of Osage County, State of Oklahoma; that a certified copy of this Order be mailed to the Clerk of this Court and to the Clerk of the District Court of Osage County, State of Oklahoma.

IT IS FURTHER ORDERED that the Removal Bond heretofore filed by the Defendant should be and is hereby discharged and the surety thereon is hereby exonerated.

DATED this 3<sup>rd</sup> day of Feb., 1982.

*James C. Silver*  
UNITED STATES DISTRICT JUDGE

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

**FILED**

FEB 3 1982

OSTANO COMMERZANSTALT )  
and DR. HERBERT JOVY, )  
 )  
Plaintiffs, )  
 )  
vs. )  
 )  
VIDEO COMMUNICATIONS, INC., )  
and MR. BILL F. BLAIR, )  
 )  
Defendants. )

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

Civil Action  
No. 81-C-466-E

JUDGMENT OF DISMISSAL WITH  
PREJUDICE UPON STIPULATION

There comes on for consideration the stipulation of all parties for judgment of dismissal with prejudice of Plaintiffs' complaints and claims wherein the parties, and each of them, have requested this Court to enter an Order dismissing the above captioned complaint and each and every claim for relief and cause of action set forth therein, with prejudice, and the Court being fully advised in the premises and having reviewed the Settlement and Compromise Agreement entered into by the parties finds, and it is ordered;

That Plaintiffs' complaints, and each of them, and each and every claim and cause of action set forth therein should be and they are hereby dismissed with prejudice to the bringing of a future action thereon; and

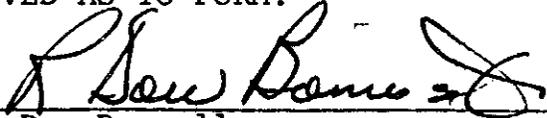
That each party shall bear its own costs and attorney fees.

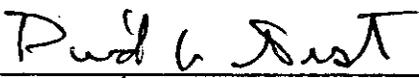
DATED this 34 day of February, 1982.

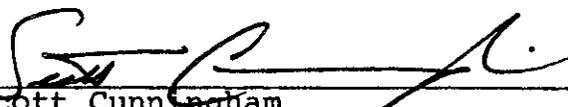
S/ JAMES O. ELLISON

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

APPROVED AS TO FORM:

By:   
R. Dow Bonnell  
Attorney for Video Communications, Inc.  
and Bill F. Blair

By:   
David L. Fist  
Attorney for Ostano Commerzanstalt  
and Dr. Herbert Jovy

By:   
Scott Cunningham  
Attorney for Ostano Commerzanstalt  
and Dr. Herbert Jovy

UNITED STATES DISTRICT COURT FOR THE  
NORTHERN DISTRICT OF OKLAHOMA

FEB 3 1982

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

UNITED STATES OF AMERICA, )  
 )  
 Plaintiff, )  
 )  
 vs. )  
 )  
 REYNALDO CERDA, )  
 )  
 Defendant. )

CIVIL ACTION NO. 81-C-762-E

AGREED JUDGMENT

This matter comes on for consideration this 3<sup>rd</sup> day of Feb., 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, Reynaldo Cerda, appearing pro se.

The Court, being fully advised and having examined the file herein, finds that the Defendant, Reynaldo Cerda, was personally served with Summons and Complaint on November 24, 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 \$448.00 (less the sum of \$50.00 which has been paid), 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, Reynaldo Cerda, in the amount of \$448.00 (less the sum of \$50.00), 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

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

Reynaldo Cerda  
REYNALDO CERDA

FILED

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

FEB 3 1982

DAVID B. WALTER and  
ELLA B. WALTER,

Plaintiffs,

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

vs.

No. 78-C-208-E

FARMERS COOPERATIVE ASSOCIATION,  
Defendant.

JOURNAL ENTRY OF DISMISSAL WITH PREJUDICE

NOW, on this 1st day of ~~January~~ <sup>FEBRUARY</sup>, 1982, the  
above-entitled matter comes on for hearing on the oral motion  
of all parties for dismissal with prejudice of this action.

The Plaintiffs, David B. Walter and Ella B. Walter,  
appear by their attorney, Larry A. Tawwater. The Defendant  
Farmers Cooperative Association, appears by its attorneys,  
Donald G. Hopkins and J. Eugene Balloun.

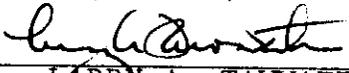
THEREUPON, all of the parties show to the Court that all  
matters in controversy between the parties have been settled  
and that this action should be dismissed with prejudice.

THEREUPON, the Court finds that the statements made by  
counsel are true and that all claims herein should be  
dismissed with prejudice with the costs assessed as previously  
paid by the parties.

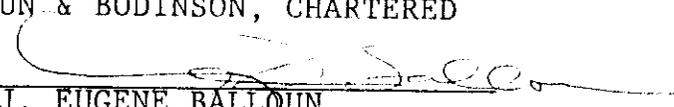
IT IS SO ORDERED.

  
HONORABLE JAMES O. ELLISON  
JUDGE OF UNITED STATES DISTRICT COURT  
NORTHERN DISTRICT OF OKLAHOMA

APPROVED:  
LAMPKIN, WOLFE, McCAFFREY & TAWWATER

By   
LARRY A. TAWWATER  
Suite 245, Century Center  
Main & Robinson  
Oklahoma City, Oklahoma 73102

BALLOUN & BODINSON, CHARTERED

By   
J. EUGENE BALLOUN  
130 N. Cherry - P.O. Box 2020  
Olathe, KS. 66061  
and  
DONALD G. HOPKINS  
HOPKINS, KING, RUCKER & SEACAT, INC.  
1502 So. Boulder, Box 3643  
Tulsa, Oklahoma 64101

FILED

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

FEB 3 1982 *fe*

PETER BARNARD WALTER,  
Plaintiff,

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

vs.

No. 80-C-49-E ✓

FARMERS COOPERATIVE ASSOCIATION,  
Defendant.

JOURNAL ENTRY OF DISMISSAL WITH PREJUDICE

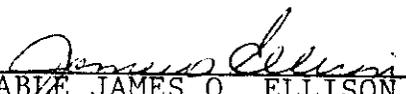
NOW, on this 1st day of ~~January~~ <sup>February</sup>, 1982, the  
above-entitled matter comes on for hearing on the oral motion  
of all parties for dismissal with prejudice of this action.

The Plaintiffs, David B. Walter and Ella B. Walter,  
appear by their attorney, Larry A. Tawwater. The  
Defendant Farmers Cooperative Association, appears by its  
attorneys, Donald G. Hopkins and J. Eugene Balloun.

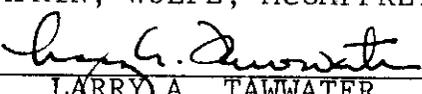
THEREUPON, all of the parties show to the Court that all  
matters in controversy between the parties have been settled  
and that this action should be dismissed with prejudice.

THEREUPON, the Court finds that the statements made by  
counsel are true and that all claims herein should be  
dismissed with prejudice with the costs assessed as previously  
paid by the parties.

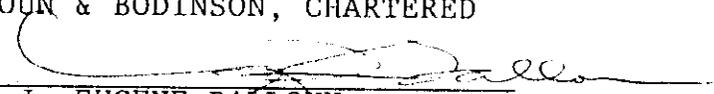
IT IS SO ORDERED.

  
HONORABLE JAMES O. ELLISON  
JUDGE OF UNITED STATES DISTRICT COURT  
NORTHERN DISTRICT OF OKLAHOMA

APPROVED:  
LAMPKIN, WOLFE, McCAFFREY & TAWWATER

By   
LARRY A. TAWWATER  
Suite 245, Century Center  
Main & Robinson  
Oklahoma City, Oklahoma 73102

BALLOUN & BODINSON, CHARTERED

By   
J. EUGENE BALLOUN  
130 N. Cherry - P.O. Box 2020  
Olathe, KS. 66061

and  
DONALD G. HOPKINS  
HOPKINS, KING, RUCKER & SEACAT, INC.  
1502 So. Boulder, Box 3643  
Tulsa, Oklahoma 64101

# United States District Court

FOR THE  
NORTHERN DISTRICT OF OKLAHOMA

Jim Perryman,

Plaintiff,

CIVIL ACTION FILE NO. 80-C-523-E

vs.

The City of Catoosa, Oklahoma, Curtis Conley,  
Eldon Harper,

Defendants.

JUDGMENT

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

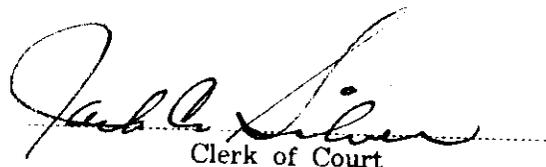
It is Ordered and Adjudged that having found in favor of the Plaintiff  
and against the defendants The City of Catoosa, Oklahoma, Curtis Conley and  
Eldon Harper assesses actual damages in the amount of \$24,000.00 and  
punitive damages in the amount of \$12,150.00. Plaintiff to be awarded cost  
of action.

FEB - 2 1982

J. S. DISTRICT COURT

Dated at Tulsa, Oklahoma  
of February , 19 82.

, this 2nd day

  
Clerk of Court

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

**FILED**  
**IN OPEN COURT**  
FEB 1 1982

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

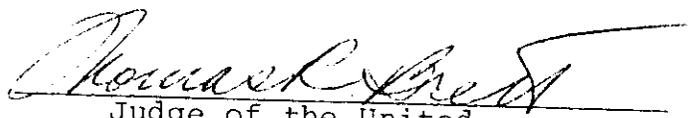
SUN GRAPHICS, INC., a  
Kansas corporation,  
  
Plaintiff,  
  
- vs -  
  
WORLD MEDIA CORP., an  
Oklahoma corporation, and  
TELEGUEST, INC., an  
Oklahoma corporation,  
  
Defendant.

No. 81-C-514-B

JOURNAL ENTRY OF JUDGMENT

NOW on this 1<sup>st</sup> day of February, 1982, this matter comes on for hearing upon the Motion for Default Judgment filed herein by Plaintiff. Plaintiff appears by and through its attorneys, Robinson, Boese & Davidson, by Pamela Sue Gotcher; whereupon the Court, having heard arguments of counsel, having examined the filings and pleadings herein, and being fully advised in the premises, finds that Defendants were duly served with Summons in this matter, that Defendants have wholly failed to enter an answer in this cause, and that Plaintiff should have and recover judgment against said Defendants <sup>and each of them 3/23</sup> as set forth in the Complaint herein.

IT IS, THEREFORE, ORDERED, ADJUDGED AND DECREED by the Court that Plaintiff be, and it is hereby, awarded judgment against the Defendants <sup>and each of them 3/23</sup> in the amount of \$15,507.83, together with interest thereon at the rate of 12% per annum from the 30th day of December, 1980, an attorney's fee in the amount of \$1,500.00, and the costs of this action.

  
Judge of the United  
States District Court