

FILED  
AUG 31 1982  
Jack C. Silver, Clerk  
U. S. DISTRICT COURT

UNITED STATES DISTRICT COURT FOR THE  
NORTHERN DISTRICT OF OKLAHOMA

UNITED STATES OF AMERICA, )  
 )  
 Plaintiff, )  
 )  
 vs. ) CIVIL ACTION NO. 82-C-272-E  
 )  
 ALVIN H. LEE, JR., )  
 )  
 Defendant. )

DEFAULT JUDGMENT

This matter comes on for consideration this 31<sup>st</sup> day of , 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, Alvin H. Lee, Jr., appearing not.

The Court being fully advised and having examined the file herein finds that Defendant, Alvin H. Lee, Jr., was personally served with an Alias Summons and Complaint on July 30, 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, Alvin H. Lee, Jr., for the principal sum of \$249.33, plus interest at the legal rate (15%) from the date of this Judgment until paid.

S/ JAMES O. ELLISON

UNITED STATES DISTRICT JUDGE

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

CLYDE CRAMER, )  
 )  
 Plaintiff, )  
 )  
 vs. )  
 )  
 CHARLES L. DAVIS, MERLE )  
 WRIGHT AND FROZEN FOODS )  
 EXPRESS, INC., )  
 )  
 Defendants. )

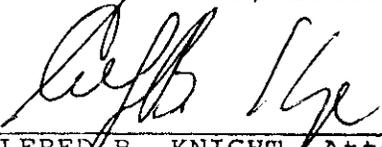
No. 81 C 538 E

**FILED**  
**AUG 31 1982**  
Jack C. Silver, Clerk  
U. S. DISTRICT COURT

STIPULATION OF DISMISSAL WITH PREJUDICE

Pursuant to Rule 41(a) of the Federal Rules of Civil Procedure, the plaintiff Clyde Cramer and the defendants Charles L. Davis, Merle Wright and Frozen Foods Express, Inc., being all the parties in the captioned case, by and through their attorneys, stipulate that the above entitled action has been settled for an agreed consideration and that there being no further issues for determination, the action is hereby dismissed with prejudice.

  
\_\_\_\_\_  
H. DOAK WILLIS, Attorney for Plaintiff

  
\_\_\_\_\_  
ALFRED B. KNIGHT, Attorney for Defendants,  
Charles L. Davis and Frozen Foods Express

  
\_\_\_\_\_  
LARRY D. OTTAWAY, Attorney for Defendant,  
Merle Wright

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

**FILED**  
AUG 31 1982 *hw*

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

AMF INCORPORATED, a corporation, )  
 )  
 ) Plaintiff, )  
 )  
 )  
 vs. )  
 )  
 )  
 )  
 ) ROBERT L. MAYNARD and )  
 ) JACKIE H. MAYNARD, d/b/a )  
 ) MAYNARD'S BOWLING & )  
 ) RECREATION CENTER, )  
 )  
 ) Defendants. )

No. 81-C-645-B ✓

ORDER OF DISMISSAL

On this 31st day of August, 1982, upon the written application of the plaintiff and his attorney of record for a dismissal with prejudice of the above and foregoing action as to the defendants, and the Court, being well advised in the premises, finds that the Order of Dismissal should issue.

IT IS THEREFORE ORDERED that the above entitled cause be and the same is hereby dismissed with prejudice as to any future action.



THOMAS R. BRETT  
UNITED STATES DISTRICT JUDGE

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

WILLIE WOLFE, )  
 )  
 Plaintiff, )  
 )  
 vs. )  
 )  
 BILL MARTIN, et al., )  
 )  
 Defendants. )

No. 82-C-606-C

**FILED**

AUG 31 1982

ORDER

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

Now before the Court sua sponte is the complaint of plaintiff Willie Wolfe. Mr. Wolfe is a citizen of the State of Oklahoma who is presently residing in the Oklahoma State Penitentiary at McAlester, Oklahoma. Plaintiff has filed his complaint under Title 42 U.S.C. §1983 against Bill Martin, Law Unit Supervisor, and Ted Wallman, Deputy Warden at the Oklahoma State Penitentiary at McAlester, based on incidents allegedly arising at that institution.

Venue in non-diversity actions is proper "only in the judicial district where all the defendants reside, or in which the claim arose." 28 U.S.C. §1391(b), Jiminez v. Pierce, 315 F.S. 365 (D.C.N.Y. 1970). Under this statute, venue can be placed where the operative facts, or a significant portion of them, occurred.

Since the cause of action herein arises under facts alleged to have occurred within the Eastern District of Oklahoma, it is the Order of the Court that this action should be and hereby is transferred to the United States District Court for the Eastern District of Oklahoma.

It is so Ordered this 31<sup>st</sup> day of August, 1982.

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

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

GORDON SECURITIES, LTD.,  
Plaintiff,

vs.

WILLIAM HOLLENSWORTH and  
McCALLISTER & MAPLES, a  
partnership, and VICTORY  
NATIONAL BANK OF NOWATA,  
Defendants,

and

RICHARD J. DENT,

Third-Party  
Defendant.

No. 81-C-39-C ✓

**FILED**

AUG 30 1982 y

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

J U D G M E N T

This action came on for hearing before the Court on the plaintiff's motion for summary judgment on its First and Second Causes of Action and the issues having been duly heard and a decision having been duly rendered,

It is Ordered and Adjudged,

that the plaintiff, Gordon Securities, Ltd. recover of the defendant, William Hollensworth the sum of \$700,000, plus interest at the rate of fifteen percent from the date of this Judgment, plus attorney fees in the amount of 78,000.<sup>00</sup> and its costs of action;

that if the above sum is not paid within thirty days from the date of this Judgment the plaintiff is entitled to foreclosure on the mortgaged and secured property as provided by applicable law and as provided in its Mortgage and Security Agreement.

It is so Ordered this 30<sup>th</sup> day of August, 1982.

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

UNITED STATES DISTRICT COURT FOR THE  
NORTHERN DISTRICT OF OKLAHOMA

FILED

UNITED STATES OF AMERICA, )  
 )  
Plaintiff, )  
 )  
vs. )  
 )  
J. W. JOHNSON, )  
 )  
Defendant. )

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

CIVIL ACTION NO. 81-C-224-B

AGREED JUDGMENT

This matter comes on for consideration this 27 day  
of August, 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, J. W. Johnson, appearing pro se.

The Court, being fully advised and having examined the  
file herein, finds that Defendant, J. W. Johnson, was personally  
served with an Alias Summons and Complaint on August 25, 1982.  
The Defendant has not filed his Answer but in lieu thereof has  
agreed that he is indebted to the Plaintiff in the amount of  
\$650.00, plus the accrued interest of \$245.53 as of April 13,  
1981, plus interest at 7% per annum from April 13, 1981, on the  
principal sum until paid.

IT IS THEREFORE, ORDERED, ADJUDGED, AND DECREED that  
the Plaintiff have and recover Judgment against the Defendant, J.  
W. Johnson, for the principal sum of \$650.00, plus the accrued  
interest of \$245.53 as of April 13, 1981, plus interest at 7% per  
annum from April 13, 1981, on the principal sum until paid.

S/ THOMAS R. BRETT

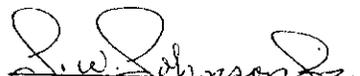
UNITED STATES DISTRICT JUDGE

APPROVED:

UNITED STATES OF AMERICA

FRANK KEATING  
United States Attorney

  
NANCY A. NESBITT  
Assistant U.S. Attorney

  
J. W. JOHNSON

FILED

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

AUG 30 1982

JACK G. SILVER, CLERK  
U. S. DISTRICT COURT

R & R EXPLORATION COMPANY, INC., )  
an Oklahoma corporation, )  
 )  
Plaintiff, )  
 )  
vs. )  
 )  
THE PRUDENTIAL ENERGY COMPANY, )  
INC., a Delaware corporation, )  
 )  
Defendant. )

No. 81-C-506-B

*Stipulation of*  
JOINT DISMISSAL

COME NOW the Plaintiff, by and through its attorneys, Doerner, Stuart, Saunders, Daniel & Anderson, and the Defendant, by and through its attorneys, Hall, Turner & Pike, and dismiss the Complaint and Counterclaim herein filed by the Plaintiff and Defendant, respectively, such dismissal to be with prejudice to a subsequent refiling.

DOERNER, STUART, SAUNDERS,  
DANIEL & ANDERSON

HALL, TURNER & PIKE

By:

*James P. McCann*  
SAM P. DANIEL, JR.  
JAMES P. McCANN  
1000 Atlas Life Building  
Tulsa, Oklahoma 74103  
Attorneys for Plaintiff

By:

*Jack N. Turner*  
JACK N. TURNER  
T. BANDALL WRIGHT  
One Main Place  
100 North Main  
Wichita, Kansas 67202  
Attorneys for Defendant

# United States District Court

FOR THE  
NORTHERN DISTRICT OF OKLAHOMA

Elbert Whitson, d/b/a Ozark Truck Plaza,  
Plaintiff,  
vs.  
Cummins Sales and Service, Inc.,  
Defendant.

CIVIL ACTION FILE NO. 80-C-716-E

JUDGMENT

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

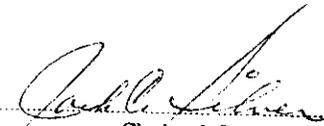
It is Ordered and Adjudged that the Plaintiff take nothing and that the  
defendant, Cummins Sales and Service, Inc., recover of the plaintiff  
its costs of action.

**FILED**

AUG 30 1982

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

Dated at Tulsa, Oklahoma, this 30th day  
of August, 19 82.

  
Clerk of Court  
e

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

**FILED**

**AUG 27 1982**

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

ROGER-MARK CO., INC., a )  
corporation; and CHARLES )  
LIVINGSTON, )  
 )  
Plaintiffs, )  
 )  
vs. )  
 )  
BLACKSTONE CORPORATION, )  
 )  
Defendants. )

No. 76-C-171-E

ORDER OF DISMISSAL WITH PREJUDICE

There now comes before the Court the Stipulation for Dismissal with Prejudice of the above-entitled case submitted jointly by all of the parties in said case. Being fully advised in the premises, the Court concludes that this case should be dismissed with prejudice based upon said Stipulation which has been entered into and submitted by all parties in this action.

IT IS, THEREFORE, ORDERED that the above-entitled action is hereby dismissed with prejudice, with each party in such action bearing its respective costs and attorneys' fees.

Dated this 27 day of August, 1982.

S/ JAMES O. ELLISON

\_\_\_\_\_  
JAMES O. ELLISON  
United States District Judge

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

ALLIED PRINTERS & PUBLISHERS, )  
INC., an Oklahoma Corporation, )  
 )  
Plaintiff, )  
 )  
vs. )  
 )  
CHAUCER PRESS, INC., a New York )  
Corporation, )  
 )  
Defendant. )

No. 81-C-33-E

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

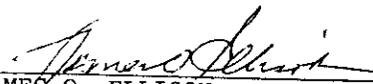
JOURNAL ENTRY OF JUDGMENT

Now on this 12th day of August, 1982, this matter comes on before me, the undersigned Judge of the United States District Court for the Northern District of Oklahoma, on this Court's pretrial conference setting, Plaintiff appearing by and through its attorney of record, Richard Blanchard, Defendant, appearing not.

Upon reviewing the file herein and statements made by counsel, and in accordance with Rule 55 of the Federal Rules of Civil Procedure, 28 U.S.C., the Court finds the Defendant, Chaucer Press, Inc., in default and grants judgment in favor of the Plaintiff against Chaucer Press, Inc., in the amount of \$32,336.64 with interest at the rate of 18% per annum to date of judgment and with interest at the rate of 15% per annum from this date until paid pursuant to 12 O.S. 1981 § 727.

IT IS THEREFORE ORDERED, ADJUDGED AND DECREED that the Plaintiff be and it is hereby awarded judgment against the Defendant, Chaucer Press, Inc., in the amount of \$32,336.64 with interest to the date of judgment at the rate of 18% per annum and with interest at the rate of 15% per annum from this date until paid.

FURTHER, IT IS ORDERED, ADJUDGED AND DECREED that the issue of attorney fees and costs is hereby reserved to be determined upon application of the Plaintiff.

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

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

WANDA LINDSEY, )  
 )  
 Plaintiff, )  
 )  
 vs. )  
 )  
 GOODYEAR TIRE & RUBBER COMPANY, )  
 )  
 Defendant. )

No. 81-C-423-C

**FILED**

AUG 27 1982

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

J U D G M E N T

Pursuant to the Findings of Fact and Conclusions of Law filed simultaneously herein, it is hereby Ordered that Judgment be entered in favor of the defendant and against the plaintiff, that the plaintiff take nothing, that the action be dismissed on the merits and that the defendant recover of the plaintiff its costs of action.

It is so Ordered this 27<sup>th</sup> day of August, 1982.

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

FILED

UNITED STATES DISTRICT COURT FOR THE  
NORTHERN DISTRICT OF OKLAHOMA

AUG 27 1982

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

UNITED STATES OF AMERICA,

Plaintiff,

vs.

Ted Ezell  
Arnold W. Dickinson  
Robert R. Snell  
Michael L. Kirkland  
Rickey D. Watkins  
Harvey A. Kunkel  
Benjamin T. Hibbard  
Quentin J. McDonald  
Alvin L. Toney

Defendants.

CIVIL ACTION NOS.

81-C-629-E  
81-C-642-E  
81-C-684-E  
81-C-685-E  
81-C-742-E  
81-C-782-E  
81-C-819-E  
81-C-823-E  
81-C-696-E

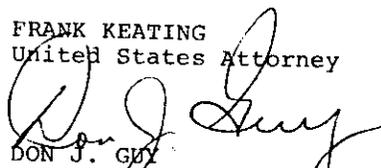
NOTICE OF DISMISSALS

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 these actions without prejudice.

Dated this <sup>27</sup>26th day of August, 1982.

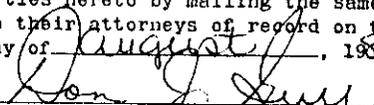
UNITED STATES OF AMERICA

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 24th day of August, 1982.

  
Assistant United States Attorney

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

ROBERT W. McLAUGHLIN, )  
 )  
Plaintiff, )

-vs-

No. 81-C-548-E

DISCOVERY OIL & GAS, INC., an )  
Oklahoma corporation, LARRY )  
HOOVER, an individual, ORVAL )  
DeLOZIER, WILLIAM H. PHILLIPS, )  
ANDY ANDERSON, and THE FIRST )  
NATIONAL BANK OF ALTAMONT, )  
ILLINOIS, )  
 )  
Defendants. )

**FILED**

**AUG 27 1982**

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

DEFAULT JUDGMENT

NOW on this 27 day of August, 1982, the above styled and numbered cause comes on before the Court upon the Motion of the plaintiff, Robert W. McLaughlin, to enter default judgment against the defendant, The First National Bank of Altamont, Illinois, as prayed for in the Complaint. The Court, having reviewed the pleadings filed herein, finds that the plaintiff filed this action to recover money judgment against the defendants, Larry Hoover and Discovery Oil & Gas, Inc., an Oklahoma corporation, and to foreclose a certain oil and gas lease located in the Northern District of Oklahoma in Nowata County, Oklahoma. The Court further finds that the defendant, First National Bank of Altamont, Illinois, pursuant to the allegations set forth in the original Complaint, may claim some right, title or interest in and to said oil and gas lease pursuant to a certain Oil and Gas Mortgage filed of record in Nowata County, Oklahoma. The Court further finds that the defendant, First National Bank of Altamont, Illinois, has wholly failed to plead, answer or otherwise defend this action and is therefore in default.

IT IS THEREFORE ORDERED, ADJUDGED AND DECREED by the Court that default judgment be entered against the defendant, First National Bank of Altamont, Illinois, and that the defendant, First National Bank of Altamont, Illinois, be determined to have no right,

title or interest in and to the oil and gas leases described as follows, to-wit:

The South Half, Southwest Quarter, Northwest Quarter (S/2 SW/4 NW/4), and Northwest Quarter of the Southwest Quarter (NW/4 SW/4), and the West Half of the Southwest Quarter of the Southwest Quarter (W/2 SW/4 SW/4) of Section 33, Township 29 North, Range 15 East, Nowata County, Oklahoma; and

The Southeast Quarter of the Northeast Quarter of the Southeast Quarter (SE/4 NE/4 SE/4) and the East Half of the Southeast Quarter of the Southeast Quarter of the Southeast Quarter (E/2 SE/4 SE/4 SE/4) of Section 32, Township 29 North, Range 15 East, Nowata County, State of Oklahoma; and

The West Half of the Southeast Quarter of the Southeast Quarter of the Southeast Quarter (W/2 SE/4 SE/4 SE/4), and the Southwest Quarter of the Southeast Quarter of the Southeast Quarter (SW/4 SE/4 SE/4) of Section 32, Township 29 North, Range 15 East, Nowata County, State of Oklahoma.

S/ JAMES O. ELLISON

UNITED STATES DISTRICT JUDGE

CERTIFICATE OF MAILING

I hereby certify that on the \_\_\_\_\_ day of \_\_\_\_\_, 1982, I mailed a true and correct copy of the above and foregoing instrument to the following, with proper postage prepaid thereon:

Mr. Stephen C. Wolfe, Esq.  
1325 South Main  
Tulsa, OK 74119

Rodney A. Edwards

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

MARY ALICE ATTERBERRY, )  
 )  
 Plaintiff, )  
 )  
 vs. ) Case No. 81-C-544-E  
 )  
 OKLAHOMA REGENTS FOR HIGHER )  
 EDUCATION; and JOANNA JACOBS, )  
 Individually; and BARBARA BOX, )  
 Individually; and BOARD OF )  
 REGENTS OF TULSA JUNIOR COLLEGE, )  
 )  
 Defendants. )

APPLICATION TO DISMISS

Comes now the plaintiff, by and through the undersigned counsel,  
and pursuant to Rule 41, Federal Rules of Civil Procedure, makes  
application to this Court for an order of dismissal as to the  
defendants Oklahoma Regents for Higher Education and the Board  
of Regents of Tulsa Junior College.

WHEREFORE, the plaintiff requests the Court dismiss action as to  
the defendants Oklahoma Regents for Higher Education and the  
Board of Regents for Tulsa Junior College.

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

TOM COLEMAN  
Attorney for Plaintiff  
1850 South Boulder  
Tulsa, Oklahoma 74119  
(918) 583-3155

O R D E R

Upon application of the plaintiff and for good cause shown the  
foregoing action is dismissed as against the Oklahoma Regents for  
Higher Education and the Board of Regents of Tulsa Junior College.

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

S/ JAMES O. ELLISON  
UNITED STATES DISTRICT JUDGE

CERTIFICATE OF MAILING

I, Tom Coleman, do hereby certify that on this      day of August, 1982, a true and copy of the above and foregoing Application was mailed to Mr. Deryl L. Gotcher and Dean Luthey, Attorneys for the Board of Regents of Tulsa Junior College, 201 West Fifth Street, Suite 400, Tulsa, OK 74103; and Mr. Robert Nance, assistant Attorney General, 112 State Capitol Building, Oklahoma City, OK 73105.

\_\_\_\_\_  
TOM COLEMAN

UNITED STATES DISTRICT COURT FOR THE  
NORTHERN DISTRICT OF OKLAHOMA

**FILED**

AUG 27 1982

Jack C. Scher Clerk  
U. S. DISTRICT COURT

UNITED STATES OF AMERICA, )  
 )  
Plaintiff, )  
 )  
vs. )  
 )  
JOHN P. FARMER, )  
 )  
Defendant. )

CIVIL ACTION NO. 81-C-694-E

AGREED JUDGMENT

This matter comes on for consideration this 27 day of August, 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, John P. Farmer, represented by his counsel, Lawrence A.G. Johnson.

The Court, being fully advised and having examined the file herein, finds that the Defendant, John P. Farmer, was personally served with Summons and Complaint on November 18, 1982. The Defendant has not filed an 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 John P. Farmer in the amount of \$189.80, plus 15% 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 P. Farmer, in the amount of \$189.80, plus 15% interest from the date of this Judgment until paid.

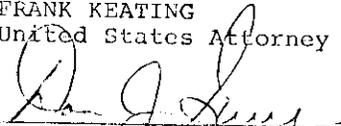
S/ JAMES O. ELLISON

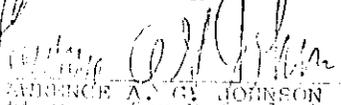
UNITED STATES DISTRICT JUDGE

APPROVED:

UNITED STATES OF AMERICA

FRANK KEATING  
United States Attorney

  
DON J. GUY  
Assistant U.S. Attorney

  
JOHN P. FARMER  
  
LAWRENCE A.G. JOHNSON  
Attorney for Defendant

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

ROBERT W. McLAUGHLIN, )  
 )  
 Plaintiff, )  
 )  
 -vs- )  
 )  
 DISCOVERY OIL & GAS, INC., an )  
 Oklahoma corporation, LARRY )  
 HOOVER, an individual, ORVAL )  
 DeLOZIER, WILLIAM H. PHILLIPS, )  
 ANDY ANDERSON, and THE FIRST )  
 NATIONAL BANK OF ALTAMONT, )  
 ILLINOIS, )  
 )  
 Defendants. )

No. 81-C-548-E

**FILED**

**AUG 27 1982**

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

DEFAULT JUDGMENT

NOW on this 27<sup>th</sup> day of August, 1982, the above styled and numbered cause comes on before the Court upon the Motion of the plaintiff, Robert W. McLaughlin, to enter default judgment against the defendant, The First National Bank of Altamont, Illinois, as prayed for in the Complaint. The Court, having reviewed the pleadings filed herein, finds that the plaintiff filed this action to recover money judgment against the defendants, Larry Hoover and Discovery Oil & Gas, Inc., an Oklahoma corporation, and to foreclose a certain oil and gas lease located in the Northern District of Oklahoma in Nowata County, Oklahoma. The Court further finds that the defendant, First National Bank of Altamont, Illinois, pursuant to the allegations set forth in the original Complaint, may claim some right, title or interest in and to said oil and gas lease pursuant to a certain Oil and Gas Mortgage filed of record in Nowata County, Oklahoma. The Court further finds that the defendant, First National Bank of Altamont, Illinois, has wholly failed to plead, answer or otherwise defend this action and is therefore in default.

IT IS THEREFORE ORDERED, ADJUDGED AND DECREED by the Court that default judgment be entered against the defendant, First National Bank of Altamont, Illinois, and that the defendant, First National Bank of Altamont, Illinois, be determined to have no right,

title or interest in and to the oil and gas leases described as follows, to-wit:

The South Half, Southwest Quarter, Northwest Quarter (S/2 SW/4 NW/4), and Northwest Quarter of the Southwest Quarter (NW/4 SW/4), and the West Half of the Southwest Quarter of the Southwest Quarter (W/2 SW/4 SW/4) of Section 33, Township 29 North, Range 15 East, Nowata County, Oklahoma; and

The Southeast Quarter of the Northeast Quarter of the Southeast Quarter (SE/4 NE/4 SE/4) and the East Half of the Southeast Quarter of the Southeast Quarter of the Southeast Quarter (E/2 SE/4 SE/4 SE/4) of Section 32, Township 29 North, Range 15 East, Nowata County, State of Oklahoma; and

The West Half of the Southeast Quarter of the Southeast Quarter of the Southeast Quarter (W/2 SE/4 SE/4 SE/4), and the Southwest Quarter of the Southeast Quarter of the Southeast Quarter (SW/4 SE/4 SE/4) of Section 32, Township 29 North, Range 15 East, Nowata County, State of Oklahoma.

  
UNITED STATES DISTRICT JUDGE

CERTIFICATE OF MAILING

I hereby certify that on the \_\_\_\_\_ day of \_\_\_\_\_, 1982, I mailed a true and correct copy of the above and foregoing instrument to the following, with proper postage prepaid thereon:

Mr. Stephen C. Wolfe, Esq.  
1325 South Main  
Tulsa, OK 74119

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

IN THE DISTRICT COURT FOR THE NORTHERN DISTRICT OF OKLAHOMA  
STATE OF OKLAHOMA

VICKIE ANN SUTTON, Administratrix )  
of the Estate of Bobby D. Sutton, )  
Deceased, and RUTH FITE, )  
 )  
Plaintiffs, )  
 )  
-vs- )  
 )  
GENE DAVIS, Administrator of the )  
Estate of MARTY G. ALLEN, )  
 )  
Defendant. )

No. 81-C-779-E

**FILED**

**AUG 27 1982**

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

ORDER

Now on this 27 day of August, 1982, there came on for hearing the Application for Settlement of the plaintiffs, Vickie Ann Sutton, Administratrix of the Estate of Bobby D. Sutton, deceased, and Ruth Fite, grandmother of the deceased, for approval of a settlement as set forth in said Application. That said application prays for an Order of the Court reducing the lien or claim of the Department of Human Services of the State of Oklahoma, from \$5,390.11 to \$4,000.00, and awarding the balance thereof to the plaintiffs herein, as set forth above.

IT IS THEREFORE ORDERED, ADJUDGED AND DECREED by the Court that the lien or claim of the Department of Human Services of the State of Oklahoma be reduced from \$5,390.11 to \$4,000.00 for medical services rendered Bobby D. Sutton, deceased; further, that due to the circumstances involved herein, the needs of the plaintiffs herein, and pain and suffering involved, and the amount of funds

available to satisfy the claim, the Court orders that the sum of \$4,000.00 be paid to the Department of Human Services of the State of Oklahoma, and that said payment fully extinguishes all claims of the Department of Human Services, State of Oklahoma, either by subrogation or lien for reimbursement from the defendant and/or the plaintiffs herein, and holds them harmless therefrom.

JUDGE OF THE U. S. DISTRICT COURT

APPROVED:

John R. Couch  
Attorney for Plaintiffs

Herbert K. Hyde, Attorney  
for State of Oklahoma  
Department of Human Services.

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

**FILED**

**AUG 27 1982**

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

CONTINENTAL FIBERGLASS )  
CORPORATION, an Iowa )  
corporation, )

Plaintiff, )

-vs.- )

MAVERICK ENTERPRISES, INC., )  
an Oklahoma corporation; )  
RAY RICHARDSON; and B. J. )  
SIMPSON, )

Defendants. )

No. 82-C-618-E

JUDGMENT

This action came on for hearing before the Court, Honorable James O. Ellison presiding, parties announcing the settlement of this action by the submission of this judgment, the Court having reviewed the same and being fully advised in the premises, finds as follows:

1. This action was commenced by the plaintiff which filed its Complaint herein on June 11, 1982. All defendants were personally served with a copy of the Complaint and subsequently filed an Answer herein. The Court has personal jurisdiction over the parties and pursuant to the allegations of the complaint, subject matter jurisdiction is proper.

2. All parties to the action consent to this judgment as evidenced by the signatures of their counsel of record, each of whom are members of the bar of the United States District Court.

IT IS THEREFORE ORDERED, ADJUDGED, AND DECREED that the Plaintiff, Continental Fiberglass Corporation, have and recover judgment from the defendants Maverick Enterprises, Inc., Ray Richardson, and B.J.Simpson, jointly and severally, the amount of \$ 39,843.67, plus interest on the sum of \$ 44,843.67 at the rate of 1 1/2 % per month from and after April 31, 1982, to August 25, 1982, and interest on the sum of \$ 39,843.67 from and after August 25, 1982 until paid; its costs, accrued and accruing, and a reasonable attorney's fee on behalf of Plaintiff's

attorney, Randolph L. Strnad, in the amount of \$ 4,500.00.

Entered this 27 day of August 1982.

S/ JAMES O. ELLISON

---

District Judge

APPROVED:

CONTINENTAL FIBERGLASS  
CORPORATION, plaintiff

by \_\_\_\_\_  
Randolf L. Strnad  
Attorney at Law  
1515 South Denver  
Tulsa, Oklahoma 74119

MAVERICK ENTERPRISES, INC.,  
RAY RICHARDSON, AND B.J. SIMPSON,  
defendants

by \_\_\_\_\_  
Donald K. Switzer, Esq.  
Logan, Lowry, Johnston, Switzer  
& West  
P.O. Box 558  
Vinita, Oklahoma 74301  
(918) 256-7511

UNITED STATES DISTRICT COURT FOR THE  
NORTHERN DISTRICT OF OKLAHOMA

UNITED STATES OF AMERICA, )  
 )  
 Plaintiff, )  
 )  
 vs. )  
 )  
 CHARLES F. DEAN, )  
 )  
 Defendant. )

CIVIL ACTION NO. 81-C-851-E

**FILED**

AUG 26 1982

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

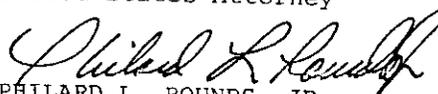
NOTICE OF DISMISSAL

COMES NOW the United States of America by Frank Keating, United States Attorney for the Northern District of Oklahoma, Plaintiff herein, through 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<sup>th</sup> day of August, 1982.

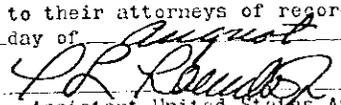
UNITED STATES OF AMERICA

FRANK KEATING  
United States Attorney

  
PHILARD L. ROUNDS, JR.  
Assistant United States Attorney

CERTIFICATE OF SERVICE

The undersigned certifies that a true copy of the foregoing pleading was served on each of the parties hereto by mailing the same to them or to their attorneys of record on the 26 day of August, 1982.

  
Assistant United States Attorney

UNITED STATES DISTRICT COURT FOR THE  
NORTHERN DISTRICT OF OKLAHOMA

UNITED STATES OF AMERICA, )  
 )  
 Plaintiff, )  
 )  
 vs. )  
 )  
 LARRY D. HUBBARD, )  
 )  
 Defendant. )

CIVIL ACTION NO. 81-C-648-E

**FILED**

AUG 26 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 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 August, 1982.

UNITED STATES OF AMERICA

FRANK KEATING  
United States Attorney

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

CERTIFICATE OF SERVICE

The undersigned certifies that a true copy of the foregoing pleading was served on each of the parties hereto by mailing the same to them or to their attorneys of record on the 26 day of August, 1982

*Philard L. Rounds, Jr.*  
Assistant United States Attorney

UNITED STATES DISTRICT COURT FOR THE  
NORTHERN DISTRICT OF OKLAHOMA

UNITED STATES OF AMERICA, )  
 )  
Plaintiff, )  
 )  
vs. )  
 )  
DAVID MANNER, )  
 )  
Defendant. )

CIVIL ACTION NO. 80-C-621-E

**FILED**

AUG 26 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 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 August, 1982.

UNITED STATES OF AMERICA

FRANK KEATING  
United States Attorney

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

CERTIFICATE OF SERVICE

The undersigned certifies that a true copy  
of the foregoing pleading was served on each  
of the parties hereto by mailing the same to  
them or to their attorneys of record on the

26 day of August, 1982

*Philard L. Rounds, Jr.*  
Assistant United States Attorney

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

COOPER MANUFACTURING CORP., :  
a Texas corporation, :  
 :  
Plaintiff, :  
 :  
v. :  
 :  
AA DIE TOOL & MACHINE, INC., :  
a Georgia corporation, and :  
 :  
GENERAL ENGINEERING SERVICE, INC., :  
a Georgia corporation, :  
 :  
Defendants. :

CIVIL ACTION

FILE NO. 82-C-512-C

**FILED**

AUG 26 1982

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

ORDER OF DISMISSAL WITH PREJUDICE

The parties having stipulated that the Complaint and the Counterclaim filed herein and all causes of action raised in these proceedings may be dismissed, and the Court being fully advised in the premises, it is therefore

ORDERED that this action be and the same is hereby dismissed with prejudice, each party to bear its own costs.

Dated this 26 day of Aug, 1982.

s/n. DALE COOK

Chief United States District  
Judge for the Northern  
District of Oklahoma

UNITED STATES DISTRICT COURT FOR THE  
NORTHERN DISTRICT OF OKLAHOMA

UNITED STATES OF AMERICA, )  
 )  
 Plaintiff, )  
 )  
 vs. )  
 )  
 STEVE C. HOPKINS, )  
 )  
 Defendant. )

CIVIL ACTION NO. 82-C-114-C

**FILED**

AUG 26 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 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<sup>th</sup> day of August, 1982.

UNITED STATES OF AMERICA

FRANK KEATING  
United States Attorney

  
PHILARD L. ROUNDS, JR.  
Assistant United States Attorney

CERTIFICATE OF SERVICE

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

  
Assistant United States Attorney

UNITED STATES DISTRICT COURT FOR THE  
NORTHERN DISTRICT OF OKLAHOMA

UNITED STATES OF AMERICA, )  
 )  
 Plaintiff, )  
 )  
 vs. )  
 )  
 CURTIS A. SCOTT, JR., )  
 )  
 Defendant. )

CIVIL ACTION NO. 81-C-657-C

FILED

AUG 10 1982

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

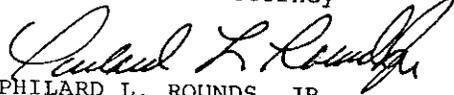
NOTICE OF DISMISSAL

COMES NOW the United States of America by Frank Keating, United States Attorney for the Northern District of Oklahoma, Plaintiff herein, through 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<sup>th</sup> day of August, 1982.

UNITED STATES OF AMERICA

FRANK KEATING  
United States Attorney

  
PHILARD L. ROUNDS, JR.  
Assistant United States Attorney

CERTIFICATE OF SERVICE

The undersigned certifies that a true copy of the foregoing pleading was served on each of the parties hereto by mailing the same to them or to their attorneys of record on the 26 day of August, 1982

  
Assistant United States Attorney

UNITED STATES DISTRICT COURT FOR THE  
NORTHERN DISTRICT OF OKLAHOMA

UNITED STATES OF AMERICA, )  
 )  
 Plaintiff, )  
 )  
 vs. )  
 )  
 DEAN C. RICHARDS, )  
 )  
 Defendant. )

CIVIL ACTION NO. 81-C-656-C

**FILED**

NOTICE OF DISMISSAL

AUG 26 1982

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 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<sup>th</sup> day of August, 1982.

UNITED STATES OF AMERICA

FRANK KEATING  
United States Attorney

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

CERTIFICATE OF SERVICE

The undersigned certifies that a true copy of the foregoing pleading was served on each of the parties hereto by mailing the same to them or to their attorneys of record on the 26 day of August, 1982

*P. L. Rounds, Jr.*  
Assistant United States Attorney

**FILED**  
AUG 20 1982  
Jack C. Silver, Clerk  
U. S. DISTRICT COURT

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

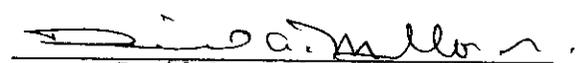
VICTOR BERNARD LINDSEY, )  
 )  
Plaintiff, )  
 )  
vs. ) Case No. 82-C-379-B  
 )  
SCRIVNER, INC., an Okla- )  
homa corporation, d/b/a )  
BESTYET DISCOUNT FOODS, and )  
DON ROWLAND, )  
 )  
Defendants. )

JOINT STIPULATION OF DISMISSAL

Come now the plaintiff and all defendants, by and through their counsel, and pursuant to Rule 41(a), Federal Rules of Civil Procedure, stipulate for the dismissal with prejudice of the, above styled and numbered action, said parties having entered into a full and complete settlement of said action, and further jointly pray that the Court enter an Order so dismissing this case.

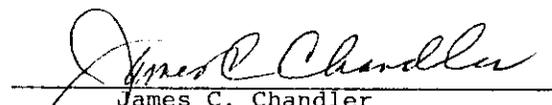
DATED as of August 20, 1982.

  
Clark O. Brewster

  
David A. Mullon, Jr.

608 Park Towers  
5314 S. Yale Avenue  
Tulsa, Oklahoma 74135  
(918) 494-5953

Attorneys of Record for plaintiff,  
Victor Bernard Lindsey

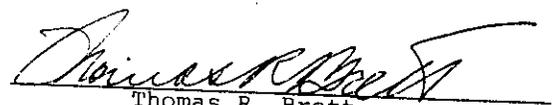
  
James C. Chandler

Lytle, Soule, Curlee, Harrington,  
Chandler & Van Dyke  
2210 First National Center  
Oklahoma City, Oklahoma 73102  
(405) 235-7471

Attorneys for Defendants

ORDER

In accordance with the above joint stipulation,  
this action is hereby dismissed with prejudice this 24  
day of August, 1982.



Thomas R. Brett,  
United States District Judge

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

BRODERICK & BASCOM ROPE CO.,  
a Missouri Corporation,

Plaintiff,

vs

AMERICAN INTERNATIONAL  
DISTRIBUTING, INC.,  
an Oklahoma Corporation,

Defendant.

CASE NO. 80-C-55-C

FILED

AUG 25 1982

ORDER DISMISSING ACTION

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

NOW on this 14th day of April, 1982 this matter having come before the undersigned Honorable H. Dale Cook, Chief Judge on the status hearing of the above styled matter.

Plaintiff appearing by and through its counsel, Ralph Grabel, and the Court being advised by counsel that the Defendant having heretofore filed a Petition for Order for Relief with the United States Bankruptcy Court for the Northern District of Oklahoma, and that said matter is being finalized.

On motion of Plaintiff's counsel, this Court therefore dismisses the above styled action, <sup>without</sup> with prejudice.

IT IS SO ORDERED.

131 H. Dale Cook  
THE HONORABLE H. DALE COOK  
Chief Judge

CERTIFICATE OF MAILING

Law Office  
RALPH GRABEL  
Suite 625  
Grabel-Wright Building  
Tulsa, Oklahoma 74103  
(918) 586-1227

I, Ralph Grabel, Attorney for Plaintiff herein do hereby certify that I mailed a true and correct copy of the above and foregoing ORDER DISMISSING ACTION to Mr. Don Elder, Service Agent for American International Distributing, Inc., 3010 South Harvard, #110, Tulsa, Oklahoma 74105 by U. S. Mail on the \_\_\_ day of August, 1982, with proper postage thereon.

Ralph Grabel  
RALPH GRABEL

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

ROBERT W. McLAUGHLIN, )  
 )  
 Plaintiff, )  
 )  
 -vs- )  
 )  
 DISCOVERY OIL & GAS, INC., an )  
 Oklahoma corporation, LARRY )  
 HOOVER, an individual, ORVAL )  
 DeLOZIER, WILLIAM H. PHILLIPS, )  
 ANDY ANDERSON and THE FIRST )  
 NATIONAL BANK OF ALTAMONT, )  
 ILLINOIS, )  
 )  
 Defendants. )

No. 81-C-548-E

DISMISSAL WITHOUT PREJUDICE

COMES NOW the plaintiff, Robert W. McLaughlin, and dismisses without prejudice his cause of action against defendant, Andy Anderson. In support of this Motion to Dismiss, pursuant to Rule 41 of the Federal Rules of Civil Procedure, the plaintiff would show the Court that the defendant, Andy Anderson, has not been served with Summons or Complaint and has not answered or plead herein.

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

By: \_\_\_\_\_  
Rodney A. Edwards  
201 West Fifth, Suite 400  
Tulsa, Oklahoma 74103  
Telephone: (918) 581-8200  
  
Attorneys for Plaintiff

CERTIFICATE OF MAILING

I hereby certify that on the \_\_\_\_\_ day of \_\_\_\_\_, 1982, I mailed a true and correct copy of the above and foregoing instrument to the following, with proper postage prepaid thereon:

Mr. Stephen C. Wolfe, Esq.  
1325 South Main  
Tulsa, OK 74119

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

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

FILED

1981

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

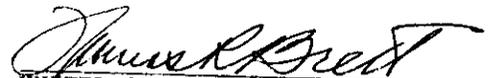
CLAUDE B. HUNTON, )  
 )  
Plaintiff, )  
 )  
v. )  
 )  
SOUTHWESTERN BELL TELEPHONE )  
COMPANY, )  
 )  
Defendant. )

No. 81-C-659-B

ORDER OF DISMISSAL

The Court has been advised that the above-styled cause has been brought to settlement, and that the parties desire to dismiss the action.

IT IS THEREFORE ORDERED that the action is DISMISSED, with prejudice.

  
UNITED STATES DISTRICT JUDGE

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

FILED

1982

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

CLARENCE A. BROWNING, et al.,	)	
	)	
Plaintiffs	)	
	)	
vs.	)	No. 82-C-131-BT
	)	
FIBREBOARD CORPORATION, et al.,	)	
	)	
Defendants	)	

ORDER OF DISMISSAL

NOW on this 23<sup>rd</sup> day of August, 1982, the above styled and numbered cause coming on for hearing before the undersigned Judge of the United States District Court in and for the Northern District of Oklahoma, upon the Application for Dismissal without Prejudice of Standard Asbestos Manufacturing and Insulating Company, defendant herein, and the Court having examined the pleadings and being well and fully advised in the premises, is of the opinion that the Cross-Claim of Standard Asbestos against Unarco Industries, Inc. should be dismissed.

IT IS THEREFORE ORDERED, ADJUDGED AND DECREED by the Court that the Cross-Claim of defendant Standard Asbestos Manufacturing and Insulating Company against Unarco Industries, Inc. should be and is hereby dismissed without prejudice.

S/ THOMAS R. BRETT

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

APPROVED:

\_\_\_\_\_  
Jeff R. Beeler  
King, Roberts & Beeler  
2301 First National Center  
Oklahoma City, Oklahoma 73102  
(405) 239-6143

Attorneys for Defendant Standard  
Asbestos Manufacturing and  
Insulating Company

NOTE: THIS ORDER IS TO BE MAILED  
BY MOVANT TO ALL COUNSEL AND  
FILED WITHIN 10 DAYS IMMEDIATELY  
UPON RECEIPT



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

WILLOW CREEK I, NEIGHBORHOOD )  
ASSOCIATION, INC., and WILLOW )  
CREEK II, NEIGHBORHOOD )  
ASSOCIATION, INC., )  
 )  
Plaintiffs, )  
 )  
-vs- )  
 )  
TEMP-CO ROOFING SPECIALIST, )  
a partnership, consisting of )  
J. A. Templeton and Tom )  
Templeton, and J. A. )  
TEMPLETON and TOM TEMPLETON, )  
Individually, )  
 )  
Defendants. )

**FILED**

AUG 23 1982

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

No. 81-C-191-E

ORDER OF DISMISSAL WITHOUT PREJUDICE

NOW on this 23<sup>rd</sup> day of August, 1982, the above styled cause comes on before the Court upon the Stipulation of Dismissal Without Prejudice filed herein by the parties. The Court, being advised that the plaintiffs intend to dismiss without prejudice all parties involved herein except J. A. Templeton, individually, finds that the plaintiffs are entitled to the relief prayed for and that an Order of Dismissal Without Prejudice as to all parties except J. A. Templeton, individually.

IT IS THEREFORE ORDERED, ADJUDGED AND DECREED by this Court that the above styled and numbered cause be, and the same is hereby dismissed without prejudice as to all parties herein except defendant, J. A. Templeton, individually, and that each party shall bear its own costs expended herein.

*JAMES C. ELLISON*

UNITED STATES DISTRICT JUDGE

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

DARLENE E. SALISBURY, et. al,        }  
  }  
  } Plaintiffs,                               }  
  }  
-VS-                                       }                                       CASE NO. 82-C-741-E  
  }  
CITY OF TULSA, et. al,                }  
  }  
  } Defendants.                             }

---

ORDER OF DISMISSAL  
AND  
JOURNAL ENTRY OF JUDGMENT

NOW ON THIS 20th day of August, 1982, the Court upon hearing in open court, the Plaintiffs present by their attorney of record, Thomas E. Salisbury, and the Defendants, by their attorneys of record, Neal McNeill, Imogene Harris and Richard Kallsnick, finds that in the interests of justice and by reason of Plaintiffs Application to Dismiss the above styled action should be dismissed with prejudice.

The Court further finds that by reason of subsequent actions of the Defendants, the Plaintiffs action has become moot but that said actions by Defendants were the product of the instant action by Plaintiffs. Under the rationale of Maher v. Gagne, 448 U.S. 122 (1980), and Connor v. Winter, 519 F. Supp. 1337 (S.D. Miss. 1981), the Court finds that the Plaintiffs are a "prevailing party" under 42 U.S.C. §1988. Further, Plaintiffs have presented by way of this action significant constitutional issues which convinces this Court to

exercise its discretion in favor of granting attorneys' fees to Plaintiffs.

The Court finds that pursuant to the affidavit of Plaintiff's counsel that he has expended 16.5 hours in the preparation and litigation of this action and that said time is adequately accounted for and was reasonable and necessary for the discharge of his professional obligation to his clients' interests. The Court further finds that \$75.00 per hour is a reasonable hourly rate in this community for litigation of this type considering the speed with which such litigation was required to be prepared, the time limitations placed upon counsel, the novelty and complexity of the issues involved, and the skills and expertise of counsel in constitutional litigation of this nature.

The Court finds that as a result of this litigation, Plaintiffs' have expended \$200.00 in costs, accounted for as \$60.00 filing fees and \$140.00 service of process fees. The Court finds that these fees were reasonably and necessarily incurred in the prosecution of this action.

IT IS THEREFORE ORDERED, ADJUDGED AND DECREED that this action be and is hereby dismissed with prejudice pursuant to Plaintiffs' Application to Dismiss.

IT IS THEREFORE ORDERED, ADJUDGED AND DECREED that the Plaintiffs are awarded a judgment against the Defendants, jointly and severally, for costs and attorneys' fees in the total sum of One Thousand Four Hundred Thirty-seven Dollars and Fifty Cents (\$ 1,437.50), representing One Thousand Two Hundred

Thirty-seven Dollars and Fifty Cents (\$ 1,237.50) in attorneys' fees and Two Hundred Dollars (\$ 200.00) in court costs.

DATED THIS 20th DAY OF AUGUST, 1982

*JAMES O. ELLISON*

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

APPROVED AS TO FORM:

*Imogene Harris*  
\_\_\_\_\_  
IMOGENE HARRIS  
Assistant City Attorney  
Counsel for Defendants

*Thomas E. Salisbury*  
\_\_\_\_\_  
THOMAS E. SALISBURY  
Counsel for Plaintiffs

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

NO. 82-C14-CV

ANN PAPPIN, JOYCE PAPPIN  
CROOM and SUSAN ANN PAPPIN,

Plaintiffs,

vs.

SHOCKLEY T. SHOEMAKE, EXECUTOR  
OF THE ESTATE OF ELLEN PAPPIN,  
DECEASED, SHOCKLEY T. SHOEMAKE,  
TRUSTEE FOR TERIC CURRY, ELLEN  
CURRY, LILLIE HALL AND ERIC  
CURRY, a Minor,

Defendants.

C O N S E N T D E C R E E

This cause having come on regularly for trial before the Court, setting without a jury, on August 20, 1982, with James R. Lloyd appearing as attorney for plaintiffs Ann Pappin, Joyce Pappin Croom and Susan Ann Pappin and Bill Heskett appearing as attorney for defendant Eric Curry, a minor, and as guardian ad litem, and Bill Heskett appearing as attorney for defendants Ellen Curry, Shockley T. Shoemake, Executor of the Estate of Ellen Pappin, deceased, and Shockley T. Shoemake as Trustee for Eric Curry, and for Ellen Curry; the Court having heard the testimony and having examined the pleadings and having reviewed the agreed stipulations offered by the respective parties, being fully advised in the premises, having considered the request by all parties for an agreed consent decree pursuant to the parties' written stipulation and compromise, and now, therefore,

IT IS ORDERED, ADJUDGED AND DECREED

1. That plaintiff Ann Pappin is a citizen and resident of Chester, State of Virginia; that plaintiff Joyce Pappin Croom is a citizen of Farmville, State of North Carolina; and that plaintiff Susan Ann Pappin is a citizen and resident of Richmond, State

FILED  
AUG 20 1982  
JACK C. SMITH, CLERK  
U. S. DISTRICT COURT

of Virginia. Defendant Shockley T. Shoemake is a resident and citizen of the State of Oklahoma. The amount in controversy exceeds, exclusive of interest and costs, the sum of \$10,000.00. Therefore, jurisdiction is proper with this Court based on diversity of citizenship within the meaning of 29 USC Section 1332. Ellen Curry and her minor son, Eric Curry, are residents and citizens of Oklahoma. Lillie Hall is a resident and citizen of Oklahoma.

2. That the Court considered the guardian ad litem request for the advice and consent of the Court to the settlement of a claim made by the Plaintiffs. The Court finds that said claim is for 1.75000 Osage Indian Headrights formerly held by Herbert A. Pappin, Sr., Allottee No. 1624, to be held in constructive trust for benefit of Plaintiffs and for an order directing the defendants to convey said Osage Indian Headrights formerly held by Herbert A. Pappin, Sr., Allottee No. 1624 to Plaintiffs.

3. The Court being fully advised that it would be to the best interest of the ward to settle the claim.

4. The Court being further fully advised herein finds that all of the other defendants being represented by counsel agree to compromise and settle the claim on terms as set forth in the stipulation and order herein.

5. The Court further finds that Ellen Pappin was not of Indian blood nor was Eric Curry of any Indian Heritage or Osage Indian Blood line.

6. It is therefore ordered that Bill Heskett guardian ad litem, be authorized and is hereby advised to compromise and settle the claim on terms as set forth in the Stipulation Agreement, hereto attached, marked "Exhibit A" and incorporated herein as though fully set out as the Court finds that it is in the best interest of the ward.

a. That the headrights herein involved shall pass under the terms of the will of the Decedent as modified by the settlement agreement of the parties and the Executor shall execute, acknowledge and deliver to plaintiffs by such form as shall be required by the Interior Department of the United States a conveyance of .87500 Osage Indian Headright.

7. It is therefore ordered that the defendants, Ellen Curry, an individual, Shockley T. Shoemake, the duly appointed, qualified and acting Executor of the Estate of Ellen Pappin, Deceased, and Shockley T. Shoemake, Trustee for Eric Curry, a minor, and Bill Heskett, the duly appointed, qualified and acting guardian ad litem of Eric Curry, a minor, convey to plaintiffs by means of such form as shall be required by the Department of the Interior, a conveyance of .87500 Osage Indian Headright.

8. It is therefor further ordered that the defendant, Lillie Hall, was properly served herein with a summons and with the complaint which was filed in this cause and that the said Lillie Hall is now in default and has filed a disclaimer herein and that the said Lillie Hall has no interest in the subject matter of this litigation.

9. It is further ordered, adjudged and decreed that this decree together with the attachment made hereto shall be hereinafter submitted to the Superintendent of the Osage Indian Agency, Pawhuska, Oklahoma, and to the Secretary of the Interior of the United States and to the Bureau of Indian Affairs for the United States and to the Bureau of Indian Affairs for the purpose of approval, recording and the registration and that if no particular form be required by the said Superintendent and Secretary that this decree shall operate and be used in lieu of any formal conveyance and that the terms of the Settlement Agreement as modified hereby shall be fully complied with as provided by the terms of this decree of this Court and by each and all

the parties thereto.

10. It is therefore further ordered that the parties stipulate and agree not to appeal and waive their rights to appeal from this judgment consent decree.

*Richard L. Book*  
U. S. DISTRICT JUDGE

The foregoing proposed judgment is approved as to form this

20<sup>th</sup> day of August, 1982.

*Shockley T. Shoemake*  
SHOCKLEY T. SHOEMAKE, EXECUTOR

*Ann Pappin*  
ANN PAPPIN

*Shockley T. Shoemake*  
SHOCKLEY T. SHOEMAKE, TRUSTEE

*Susan Ann Pappin*  
SUSAN ANN PAPPIN

*Shockley T. Shoemake*  
SHOCKLEY T. SHOEMAKE, ATTORNEY  
FOR ELLEN CURRY

*Joyce Pappin Croom*  
JOYCE PAPPIN CROOM

*Bill Heskett*  
BILL HESKETT, ATTORNEY FOR  
ELLEN CURRY

*James R. Lloyd*  
JAMES R. LLOYD, A PROFESSIONAL  
LAW OFFICE CORPORATION,  
ATTORNEY FOR PLAINTIFFS

*Bill Heskett*  
BILL HESKETT, GUARDIAN AD  
LITEM FOR ERIC CURRY

*Ellen Curry*

S E T T L E M E N T   A G R E E M E N T

THIS SETTLEMENT AGREEMENT Entered into this 20<sup>th</sup> day of August, 1982, in quadruplicate, any executed copy of which may be deemed an original, by and between Ann Pappin, Joyce Pappin Croom and Susan Ann Pappin, hereinafter called First Parties, and Shockley T. Shoemake, executor of the Estate of Ellen Pappin, deceased, he also having been sued in the case as Shockley T. Shoemake, Trustee for Eric Curry, hereinafter called Second Party, and Ellen Curry, hereinafter called Third Party, and Bill Heskett, as the Court appointed guardian ad litem of Eric Curry, a minor, hereinafter called Fourth Party; WITNESSETH:

WHEREAS, First Parties have brought suit in Cause No. 82-C14-C, United States District Court for the Northern District of Oklahoma, wherein they allege that Herbert A. Pappin, Sr., and Ellen Pappin, his wife, promised Herbert A. Pappin, Jr., and Ann Pappin, his wife, that if they would transfer certain personal property located in the Pawhuska Indian Camp to them, then and in that event, Herbert A. Pappin, Sr., and Ellen Pappin, whichever died last, would will the Osage Indian Headright interests then owned by Herbert A. Pappin, Sr., to Herbert A. Pappin, Jr., and Ann Pappin, and/or their children, and that Herbert A. Pappin, Jr. and Ann Pappin relying thereon transferred the personalty to the said Herbert A. Pappin, Sr., and Ellen Pappin, that they received the benefits thereof, that Herbert A. Pappin, Sr., died on the 9th day of December, 1967, that he left the Osage Indian Headright interests in toto to his wife, Ellen Pappin, who died on the 5th day of August, 1981, left a will naming Shockley T. Shoemake, executor and trustee for Eric Curry, and devising the Osage Indian Headright interests to Eric Curry and Ellen Curry, thereby, according to First Parties complaint, violating the resulting and constructive trust created by the agreement;

WHEREAS, Herbert A. Pappin, Sr., was an unrestricted Osage Indian, and Ellen Pappin was of no Indian blood;

WHEREAS, Second Party was appointed and did duly qualify, and is now acting as executor of the Estate of Ellen Pappin, deceased, and is a party to the above captioned law suit as such, together with being a party as the named trustee of Eric Curry in the will aforesaid of Ellen Pappin, deceased;

WHEREAS, neither Ellen Curry nor Eric Curry have any Indian blood, and both, Ellen Curry individually and Eric Curry, through his guardian ad litem, Bill Heskett, have indicated that they intend to accept their devises of the Osage Indian Headright interests aforesaid, and have in the hereinbefore mentioned United States District Court for the Northern District of Oklahoma tendered answers denying the facts in First Parties' complaint aforesaid; and

WHEREAS, the parties hereto are desirous of settling the controversy between them, subject to the approval of both the United States District Court for the Northern District of Oklahoma and the District Court of Osage County, State of Oklahoma, with full understanding that if the case aforesaid in the United States District Court for the Northern District of Oklahoma were tried, the winner would take all of the Osage Indian Headright interests and the loser would take nothing.

IT IS, THEREFORE, for good and valuable consideration, from each of the parties to the other, covenanted, stipulated and agreed, as follows:

1. That all of the recitations above set forth are true and correct.
2. That in full and complete settlement of the controversy aforesaid, the parties do hereby agree:

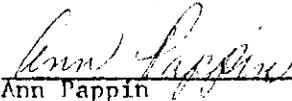
- (A) That the Headright income on the 1.75000 Osage Indian Headright interests aforesaid shall accumulate until sufficient sums are realized to pay all expenses of administration including but not restricted to all inheritance and fiduciary taxes, court costs, the sum of \$15,645.70 attorney fees and \$12,156.42 executor's fees, both to Shockley T. Shoemake, and payment of all creditor's claims heretofore approved and allowed, same being in the aforementioned Estate of Ellen Pappin, Case No. P-81-121, District Court of Osage County, Oklahoma, the balance, if any, to be divided 50% to the First Parties and 50% to the Estate of Ellen Pappin, deceased;
- (B) That the First Parties shall receive .875000 Osage Indian Headright interest from the Osage Indian Headright interests aforesaid and shall release and forever discharge the Estate of Ellen Pappin and the other parties above mentioned from any claim or charge whatsoever and shall file a disclaimer in the Estate of Ellen Pappin; and
- (C) The Estate of Ellen Pappin shall retain .875000 Osage Indian Headright interest to be distributed in accordance with the will admitted to probate in the District Court of Osage County, Oklahoma, and in proportion to the provisions made therein, and all other assets of whatever nature owned by the said Ellen Pappin at the time of her death.

IT IS FURTHER STIPULATED that a condition precedent to the foregoing settlement is that same be approved by the Probate Judge in Case No. P-81-121, District Court of Osage County, Oklahoma, and that approval be obtained before the appropriate Federal Judge in Case No. 82-C-14-C, United States District Court for the Northern District of Oklahoma by Bill Heskett as guardian ad litem of Eric Curry before his execution hereof.

IT IS FURTHER STIPULATED by all the parties that they have each fully read this Settlement Agreement, that they have had the advice of counsel regarding same and that they know and understand the contents thereof.

IN WITNESS WHEREOF, the parties aforesaid have hereunto set their hands the day and year first above written.

FIRST PARTIES:

  
\_\_\_\_\_  
Ann Pappin

Joyce Pappin Croom  
Joyce Pappin Croom

Susan Ann Pappin  
Susan Ann Pappin

SECOND PARTY:  
Shockley T. Shoemake  
Shockley T. Shoemake, Executor  
of the Estate of Ellen Pappin,  
deceased.

THIRD PARTY:  
Ellen Curry  
Ellen Curry

FOURTH PARTY:  
Billy Neske  
Billy Neske, guardian ad litem  
of Eric Curry, a minor.

STATE OF OKLAHOMA, Tulsa County ) ss.

Before me, the undersigned Notary Public in and for said County and State, on this 20th day of August, 1982, personally appeared Ann Pappin, Joyce Pappin Croom and Susan Ann Pappin, to me known to be the identical persons who executed the within and foregoing instrument, and acknowledged to me that they executed the same as their 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 the day and year last above written.

Shannon H. Morris, Notary Public

My commission expires: 6-7-86

[ S E A L ]

STATE OF OKLAHOMA, Osage County ) ss.

Before me, the undersigned Notary Public in and for said County and State, on this 19th day of August, 1982, personally appeared Shockley T. Shoemaker, executor of the Estate of Ellen Pappin, deceased, and as Trustee for Eric Curry, to me known to be the identical person who executed the within and foregoing instrument, and acknowledged to me that he executed the same 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 the day and year last above written.

Beverly J. Easley, Notary Public

My commission expires: 13 June, 1984.

[ S E A L ]

STATE OF OKLAHOMA, Osage County ) ss.

Before me, the undersigned Notary Public in and for said County and State, on this 19th day of August, 1982, personally appeared Ellen Curry, to be known to be the identical person who executed the within and foregoing instrument, and acknowledged to me that she executed the same as her 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 the day and year last above written.

Beverly J. Easley, Notary Public

My commission expires: 13 June 1984.

[ S E A L ]

STATE OF OKLAHOMA, \_\_\_\_\_ County ) ss.

Before me, the undersigned Notary Public in and for said County and State, on this 20th day of August, 1982, personally appeared Bill Heskett, guardian ad litem of Eric Curry, a minor, to me known to be the identical person who executed the within and foregoing instrument, and acknowledged to me that he executed the same 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 the day and year last above written.

W. Sale Book, Notary Public US Trust Judge

My commission expires: \_\_\_\_\_

[ S E A L ]

UNITED STATES DISTRICT COURT FOR THE  
NORTHERN DISTRICT OF OKLAHOMA

TOWN OF FAIRFAX, OSAGE COUNTY, )  
OKLAHOMA, a Municipal )  
Corporation, )

Plaintiff, )

vs. )

Civil No. 80-C-743-B ✓

Ten (10) acres of land, more )  
or less, described as the NE/4 )  
of the SE/4 of the NE/4 of )  
Section 13, Township 24 North, )  
Range 5 East, Osage County, )  
Oklahoma, the Secretary of the )  
Interior of the United States )  
of America, et al., )

Defendants. )

PARTIAL JOURNAL ENTRY OF JUDGMENT

NOW on this <sup>th</sup> 20 day of August, 1982, the herein matter comes on for hearing, that the plaintiff appears by its attorney, Dean Daniel, of the firm of Heskett, Heskett, Daniel & Esser; that the defendants, Secretary of the Interior, United States of America, Edward Paul Beartrack, Jr., Fannie M. Donelson, Billie Irene Hazen, now Wheeler, Rose Mary Bighorse, now Rothhammer, and Freddie Joe Davis, Jr., through their attorney, Frank Keating, United States Attorney for the Northern District of Oklahoma, by Don J. Guy, Assistant United States Attorney, and the parties being present in open court and the Court having heard evidence introduced and being fully advised finds:

1. That this Court has jurisdiction of this matter pursuant to 25 U.S.C. § 357.

2. That the plaintiff, Town of Fairfax, a municipal corporation, waives right of trial by jury and the defendants, Secretary of the Interior, United States of America, Edward Paul Beartrack, Jr., Fannie M. Donelson, Billie Irene Hazen, now Wheeler, Rose Mary Bighorse, now Rothhammer, and Freddie Joe Davis, Jr., waive rights to jury as to the hereinafter described real estate.

3. That the plaintiff's offer filed herein on the 14th day of May, 1982, was accepted by the aforesaid defendants on the 24th day of May, 1982, and that said sums have been paid to the Bureau of Indian Affairs for the credit of the individual aforesaid defendants.

4. That the aforesaid defendants are the owners of an undivided 59/72 interest in the hereinafter described lands, which interest is as follows:

Edward Paul Beartrack, Jr.	1/3
Fannie M. Donelson	1/4
Billie Irene Hazen, now Wheeler	1/8
Rose Mary Bighorse, now Rothhammer	1/18
Freddie Joe Davis, Jr.	1/18

5. That the taking of the property described as:

Northeast Quarter of the Southeast Quarter  
of the Northeast Quarter of Section 13,  
Township 24 North, Range 5 East, Osage County,  
Oklahoma,

is necessary for cemetery purposes of the plaintiff.

IT IS, THEREFORE, ORDERED, ADJUDGED AND DECREED by the Court that the plaintiff's appropriation of the aforesaid defendants' undivided 59/72 interest in fee simple, excepting all minerals which have heretofore been reserved by Act of Congress unto the Osage Tribe of Indians, of the following described real property, to-wit:

Northeast Quarter of the Southeast Quarter  
of the Northeast Quarter of Section 13,  
Township 24 North, Range 5 East, Osage County,  
Oklahoma,

be deemed complete and final and that the appropriation by the plaintiff in the condemnation proceeding is approved and confirmed.

  
THOMAS R. BRETT  
United States District Judge

APPROVED:

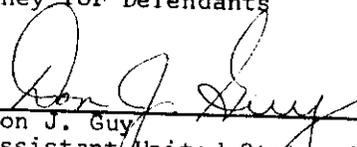
Attorneys for Plaintiff,  
a Municipal Corporation  
HESKETT, HESKETT, DANIEL & ESSER

By:

  
\_\_\_\_\_  
Dean Daniel  
304 First National Bank Building  
Pawhuska, Oklahoma 74056  
(918) 287-1545

Attorney for Defendants

By:

  
\_\_\_\_\_  
Don J. Guy  
Assistant United States Attorney  
460 U. S. Courthouse  
Tulsa, Oklahoma 74103

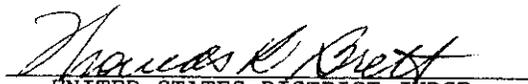
IN THE UNITED STATES DISTRICT COURT FOR THE  
NORTHERN DISTRICT OF OKLAHOMA

OPAL M. HULSMAN, )  
 )  
Plaintiff )  
 )  
vs. ) No. 82-C-648-B  
 )  
FIBREBOARD CORPORATION, )  
et al., )  
 )  
Defendants )

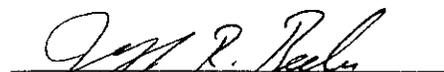
ORDER OF DISMISSAL

NOW on this <sup>th</sup> 20 day of August, 1982, the above styled and numbered cause coming on for hearing before the undersigned Judge of the United States District Court in and for the Northern District of Oklahoma, upon the Application for Dismissal without Prejudice of Standard Asbestos Manufacturing and Insulating Company, defendant herein, and the Court having examined the pleadings and being well and fully advised in the premises, is of the opinion that the Cross-Claim of Standard Asbestos against Unarco Industries, Inc. should be dismissed.

IT IS THEREFORE ORDERED, ADJUDGED AND DECREED by the Court that the Cross-Claim of defendant Standard Asbestos Manufacturing and Insulating Company against Unarco Industries, Inc. should be and the same is hereby dismissed without prejudice.

  
UNITED STATES DISTRICT JUDGE

APPROVED:

  
Jeff R. Beeler  
King, Roberts & Beeler  
2301 First National Center  
Oklahoma City, Oklahoma 73102  
(405) 239-6143

Attorneys for Defendant  
Standard Asbestos Manufacturing  
and Insulating Company

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

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

BOBBY RAY LOWDER,

--v--

PAUGHCO, Inc., a Foreign  
Corporation,

Plaintiff,

Defendant.

No. 82-C-674-B

Notice of  
DISMISSAL WITH PREJUDICE

Comes now the Plaintiff and dismisses this cause of action  
against the Defendant, with prejudice.

*Carol Sellers White*  
JACK B. SELLERS LAW ASSOCIATES, INC.  
P. O. Box 730  
Sapulpa, Oklahoma 74066  
Phone: 918/224-9070

Attorneys for Plaintiff

CERTIFICATE OF MAILING

A true and correct copy of the above and foregoing Dismissal  
With Prejudice has been mailed to Defendant's registered agent for  
service of process, Marvin Goodson, Goodson & Wachtel, 10850 Wilshire  
Boulevard, Sixth Floor, Los Angeles, California, 90024, this 18<sup>th</sup> day  
of August, 1982.

*Carol Sellers White*

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

MARY ANN LOWDER,

-vs-

PAUGHCO, Inc., a Foreign  
Corporation,

Plaintiff,

Defendant.) No. 82-C-675-B

Notice of  
DISMISSAL WITH PREJUDICE

Comes now the Plaintiff and dismisses this cause of action  
against the Defendant, with prejudice.

*Jack H. Sellers*  
JACK H. SELLERS LAW ASSOCIATES, INC.  
P. O. Box 730  
Sapulpa, Oklahoma 74066  
Phone: 918/224-9070

Attorneys for Plaintiff

CERTIFICATE OF MAILING

A true and correct copy of the above and foregoing Dismissal  
With Prejudice has been mailed to Defendant's registered agent for  
service of process, Marvin Goodson of Goodson & Wachtel, 10850 Wilshire  
Boulevard, Sixth Floor, Los Angeles, California, 90024, this 18<sup>th</sup>  
day of August, 1982.

*Jack H. Sellers*

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

1982  
U.S. DISTRICT COURT

AUTOPILOTS CENTRAL, INC.,  
An Oklahoma Corporation,  
  
Plaintiff,  
  
vs.  
  
CHARLES R. CHEREK and  
CRC ENTERPRISES, INC.,  
A Colorado Corporation,  
  
Defendants,  
  
and  
  
CRC ENTERPRISES, INC.,  
A Texas Corporation,  
  
Additional Defendant.

No. 82-C-762-C

NOTICE OF DISMISSAL

TO: CRC Enterprises, Inc., A Colorado Corporation

Please take notice that the above entitled action is hereby dismissed without prejudice as to CRC Enterprises, Inc., a Colorado Corporation, pursuant to Rule 41 (a) (1) (i) of the Federal Rules of Civil Procedure. It appears at this time that said Defendant was erroneously sued.

Dated the 18 day of August, 1982.

GIBBON, GLADD, TAYLOR, SMITH  
& HICKMAN, P.A.

By Brad Smith  
Brad Smith  
Attorney for Plaintiff  
1611 South Harvard  
Tulsa, Oklahoma 74112  
(918) 745-0687

*Certif. of Mailing*  
*This 18 day of Aug., 1982, this Notice mailed to*  
*all above listed defendant.*

Brad Smith

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

JIM R. STOCKARD, individually )  
and as next friend of )  
KIMBERLY LYNN STOCKARD, )  
a minor, )  
Plaintiff, )  
-vs- )  
FARMERS INSURANCE GROUP, )  
Defendant. )

FILED  
AUG 17 1982  
jc

No. 80-C-157E ✓

O R D E R

On this 17<sup>th</sup> day of August, 1982, the  
Joint Application of the parties for an Order of Dismissal  
With Prejudice came on before the Court for hearing. The  
Court finds that the parties have settled the above-captioned  
matter for Three Thousand One Hundred Fifty and No/100 Dollars  
(\$3,150.00). The Court finds that the case should be dismissed  
with prejudice.

IT IS THEREFORE, ORDERED, ADJUDGED AND DECREED that  
the above-captioned matter is dismissed with prejudice.

James L. Lewis  
Judge of the United States District  
Court for the Northern District of  
Oklahoma

44

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

DONALD R. LINDQUIST, )  
 )  
 Plaintiff, )  
 )  
 vs )  
 )  
 HOME CASUALTY CASSETTES, )  
 INC., a Missouri corporation, )  
 ANTHONY W. GREEN and STEVE )  
 ESPINOZA, )  
 )  
 Defendants. )

No. 80-C-322-E ✓

FILED  
NOV 11 1981  
COURT CLERK  
NORTHERN DISTRICT OF OKLAHOMA

JOURNAL ENTRY OF JUDGMENT

Now on this 9th day of November, 1981, there comes on for hearing a pre-trial conference in the above styled and numbered cause; Plaintiff appears by and through his attorney, Robert H. Tips; Steve Espinoza, Defendant, appears by and through his attorney, Dan A. Rogers; Defendant Anthony W. Green appears not but his attorney, George E. Schaaf, having previously received permission not to appear; and the Defendant Home Casualty Cassettes, Inc. appears neither in person nor by counsel, counsel for said corporation having previously withdrawn herein; and the Court, upon the motion of Plaintiff herein, finds that judgment should be granted as against Defendant Home Casualty Cassettes, Inc., it being in default.

IT IS, THEREFORE, ORDERED, ADJUDGED AND DECREED that the Plaintiff have, and is hereby granted judgment as against the Defendant Home Casualty Cassettes, Inc. in the sum of \$7,576.14, together with interest thereon at the rate of 15% per annum from April 1, 1979, until paid, for all of which let execution issued.

*James A. Schmitt*  
UNITED STATES DISTRICT JUDGE

UNITED STATES DISTRICT COURT FOR THE  
NORTHERN DISTRICT OF OKLAHOMA

UNITED STATES OF AMERICA, )  
 )  
Plaintiff, )  
 )  
vs. )  
 )  
SHEILA M. JACKSON, a/k/a )  
SHEILA SLOAN, )  
 )  
Defendant. )

CIVIL ACTION NO. <sup>81</sup>~~82~~-C-486-E

J U D G M E N T

This matter comes on for consideration this 17 day of August, 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, Sheila M. Jackson a/k/a Sheila Sloan, appearing not.

The Court being fully advised and having examined the file herein finds that Defendant, Sheila M. Jackson a/k/a Sheila Sloan was personally served with Summons and Complaint on September 21, 1982. The Defendant has answered, and the United States of America filed its Motion for Summary Judgment, which has been sustained. 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 Sheila M. Jackson a/k/a Sheila Sloan for the principal sum of \$1,495.00, plus the accrued interest of \$415.48 as of February 27, 1980, plus interest on the principal sum of \$1,495.00 at 7% from February 27, 1980, until the date of Judgment, plus interest on the Judgment at the rate of 7% until paid.

S/ JAMES O. ELISON

UNITED STATES DISTRICT JUDGE

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

CONTINENTAL FIBERGLASS )  
CORPORATION, An Iowa )  
corporation, )  
 )  
Plaintiff, )  
 )  
vs. )  
 )  
EAGLE TANK COMPANY, INC., )  
an Oklahoma corporation, )  
a/k/a OIL COUNTRY TANK )  
MANUFACTURING COMPANY; LEE )  
COOPER; and JOHN GODWIN, )  
 )  
Defendants. )

No. 82-C-617-B/E

JUDGMENT

This action came on for hearing before the Court, Honorable Thomas R. Brett, District Judge, presiding, parties announcing the settlement of a portion of this action by submission of this Judgment. Those appearing are: Plaintiff, CONTINENTAL FIBERGLASS CORPORATION, by and through its attorney, Randolph L. Strnad; Defendants, EAGLE TANK COMPANY, INC., a/k/a OIL COUNTRY TANK MANUFACTURING COMPANY and JOHN GODWIN, personally, and by and through their attorney, Tom Bingman. The Defendant, LEE COOPER, appears not and is not a party to this Judgment. The Court, having reviewed this Judgment and being fully advised, finds as follows:

1. This action was commenced by the Plaintiff which filed its Complaint herein on June 11, 1982. Each of the Defendants was personally served with a copy of the Complaint on July 6, 1982. The Court has personal jurisdiction over the parties and pursuant to the unrefuted allegations of the Complaint, subject matter jurisdiction is proper.

2. Those parties affected by this Judgment consent to this Judgment as evidenced by their signatures hereon.

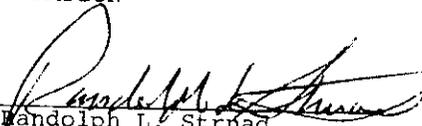
IT IS THEREFORE ORDERED AND ADJUDGED that the Plaintiff, CONTINENTAL FIBERGLASS CORPORATION, have judgment and recover from the Defendants, EAGLE TANK COMPANY, INC., an Oklahoma corporation, a/k/a OIL COUNTRY TANK MANUFACTURING COMPANY and JOHN GODWIN, jointly and severally, the amount of \$64,505.62,

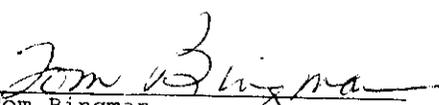
plus interest thereon at the rate of 1 1/2% per month after March 31, 1982, until paid; its costs, accrued and accruing and a reasonable attorney's fee on behalf of Plaintiff's attorney, Randolph L. Strnad, in the amount of \$8,500.00.

IT IS FURTHER ORDERED AND ADJUDGED that pursuant to the agreement of the parties, Plaintiff's second cause of action is dismissed.

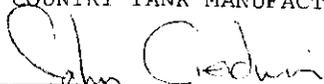
S/ JAMES O. ELLISON  
DISTRICT JUDGE

CONTINENTAL FIBERGLASS  
CORPORATION

BY:   
Randolph L. Strnad  
Attorney for Plaintiff

  
Tom Bingman  
Attorney for Defendants

EAGLE TANK COMPANY, INC. a/k/a  
OIL COUNTRY TANK MANUFACTURING COMPANY

BY:   
President

  
John Godwin



UNITED STATES DISTRICT COURT FOR THE  
NORTHERN DISTRICT OF OKLAHOMA

UNITED STATES OF AMERICA, )  
 )  
 Plaintiff, )  
 )  
 vs. ) CIVIL ACTION NO. 82-C-542-E  
 )  
 RICHARD E. HAYES, )  
 )  
 Defendant. )

DEFAULT JUDGMENT

This matter comes on for consideration this 17 day of August, 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, Richard E. Hayes, appearing not.

The Court being fully advised and having examined the file herein finds that Defendant, Richard E. Hayes, was personally served with an Alias Summons and Complaint on June 22, 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, Richard E. Hayes, for the principal sum of \$676.00, plus interest at the legal rate (15%) 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

ROBERT W. TURNER, )  
 )  
 Plaintiff, )  
 )  
 vs. )  
 )  
 THE WESTERN FIRE INSURANCE CO., )  
 )  
 Defendant. )

NO. 81-C-534-E

**FILED**

AUG 17 1982

Jack C. Silver, Clerk  
DISTRICT COURT

ORDER

Now on this 14 day of August, 1982, there was presented before the Court an Application for Order Dismissing this Cause With Prejudice. That the Court having reviewed the file and the Application herein, finds that for good cause, this matter should be dismissed with prejudice since all parties herein have agreed, stipulated and represented to the Court that this matter has been concluded by way of compromised settlement.

IT IS THEREFORE ORDERED, ADJUDGED AND DECREED by the Court that this matter is hereby dismissed with prejudice.

**S/ JAMES O. ELLISON**

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

UNITED STATES DISTRICT COURT FOR THE  
NORTHERN DISTRICT OF OKLAHOMA

UNITED STATES OF AMERICA, )  
 )  
Plaintiff, )

vs. )

MARIE A. MILLER, et al., )  
 )  
Defendants. )

CIVIL ACTION NO. 82-C-396-E

O R D E R

Now, on this \_\_\_\_\_ day of August, 1982, there came on for consideration the Motion of the Plaintiff, United States of America, to dismiss this action without prejudice and to vacate the Judgment of Foreclosure and Order of Sale herein.

Good cause being shown and there being no objection from the other parties claiming an interest in the subject real property, it is therefore ordered, adjudged, and decreed that this action is hereby dismissed without prejudice and the Judgment of Foreclosure and Order of Sale herein are hereby vacated.

*W. G. ...*  
\_\_\_\_\_  
UNITED STATES DISTRICT JUDGE



UNITED STATES DISTRICT COURT FOR THE  
NORTHERN DISTRICT OF OKLAHOMA

UNITED STATES OF AMERICA,            )  
  )  
  )            Plaintiff,            )  
  )            )  
vs.                                        )            CIVIL ACTION NO. 82-C-456-E  
  )            )  
MICHAEL P. ARMBURG,                    )  
  )            )  
  )            )  
  )            Defendant.            )

DEFAULT JUDGMENT

This matter comes on for consideration this 17 day of August, 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, Michael P. Armburg, appearing not.

The Court being fully advised and having examined the file herein finds that Defendant, Michael P. Armburg, was personally served with Summons and Complaint on April 19, 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, Michael P. Armburg, for the principal sum of \$301.73, plus interest at the legal rate (15%) from the date of this Judgment until paid.

BY JAMES G. ELISON

UNITED STATES DISTRICT JUDGE

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

McCLANAHAN & ASSOCIATES, INC., )  
a Texas corporation, )  
 )  
Plaintiff, )  
 )  
vs. )  
 )  
PENN-PACIFIC CORPORATION, )  
a Delaware corporation, )  
 )  
Defendant. )

Case No. 82-C-482-C

FILED

AUG 2 1982

U.S. DISTRICT COURT  
NORTHERN DISTRICT OF OKLAHOMA

STIPULATED JUDGMENT

NOW ON THIS 17<sup>th</sup> day of August, 1982, the above-entitled and numbered action comes on before the undersigned Chief Judge of the United States District Court for the Northern District of Oklahoma for approval of the stipulation between the parties hereto and the entry of judgment as to all issues in favor of the plaintiff and against the defendant.

The Court being fully advised in the premises and considerations hereof, approves of the stipulation of the parties for entry of judgment in favor of plaintiff and against the defendant and finds as follows:

- (1) Plaintiff filed its Complaint herein on April 21, 1982, and that the defendant was served with process on April 26, 1982;
- (2) Defendant filed its Answer herein on May 17, 1982;
- (3) Plaintiff filed its Request for Admissions on May 27, 1982;
- (4) The parties hereto have agreed to settle this matter and consent to a judgment being entered in this action; and
- (5) Defendant has agreed to pay plaintiff the total sum of \$31,710.17, of which \$24,465.34 is principal indebtedness; \$2,630.04 is interest at the rate of 21.5% from October 1981 through March 1982; \$2,089.75 is interest at the rate of 20.5% from April 1982 to

September 1982; \$1,965.04 is interest at the legal rate of 15% from September 1982 to September 1983; \$500.00 is plaintiff's attorneys' fees; and \$60.00 is court costs incurred herein.

(6) Defendant has agreed to pay plaintiff the total sum of \$31,710.17 in installment payments as follows:

- (a) payment by defendant of \$5,560.00 on or before September 1, 1982 to counsel for plaintiff, Lance A. Pool, Prichard, Norman & Wohlgemuth, 909 Kennedy Building, Tulsa, Oklahoma 74103;
- (b) payment by defendant of \$4,358.36 on or before November 1, 1982 directly to plaintiff at 8609 N.W. Plaza Dr. Ste. 222, Dallas, Texas 75225;
- (c) payment by defendant of \$2,179.18 on or before December 1, 1982, and on or before the first day of each and every month thereafter, directly to plaintiff until September 1, 1983; and
- (d) payment by defendant of \$2,179.15 on or before September 1, 1983.

IT IS THEREFORE ORDERED, ADJUDGED AND DECREED that the plaintiff, McClanahan & Associates, Inc., have judgment against the defendant, Penn-Pacific Corporation, in the total sum of \$31,710.17, being a principal indebtedness of which \$24,465.34 is principal indebtedness; \$2,630.04 is interest at the rate of 21.5% from October 1981 through March 1982; \$2,089.75 is interest at the rate of 20.5% from April 1982 to September 1982; \$1,965.04 is interest at the legal rate of 15% from September 1982 to September 1983; \$500.00 is plaintiff's attorneys' fees; and \$60.00 is court costs incurred herein;

IT IS FURTHER ORDERED, ADJUDGED AND DECREED that defendant, Penn-Pacific Corporation, is hereby ordered to pay to the plaintiff, McClanahan & Associates, Inc., the sum of \$31,710.17 as follows:

- (a) payment by defendant of \$5,560.00 on or before September 1, 1982 to counsel for plaintiff, Lance A.

Pool, Prichard, Norman & Wohlgemuth, 909 Kennedy Building, Tulsa, Oklahoma 74103;

- (b) payment by defendant of \$4,358.36 on or before November 1, 1982 directly to plaintiff at 8609 N.W. Plaza Dr. Ste. 222, Dallas, Texas 75225;
- (c) payment by defendant of \$2,179.18 on or before December 1, 1982, and on or before the first day of each and every month thereafter, directly to plaintiff until September 1, 1983; and
- (d) payment by defendant of \$2,179.15 on or before September 1, 1983;

until the total sum of this judgment is paid and satisfied;

IT IS FURTHER ORDERED, ADJUDGED AND DECREED that in the event defendant, Penn-Pacific Corporation, fails to pay any of the monthly installments in satisfaction of this judgment within ten (10) days of the date upon which an installment payment is due, plaintiff or its successors and assigns may immediately execute upon the balance of this judgment, in full, without further notice or hearing given to defendant.

DONE this 17<sup>th</sup> day of August, 1982.

131 H. Dale Cook  
H. DALE COOK, Chief Judge  
United States District Court  
for the Northern District of  
Oklahoma

APPROVED AS TO FORM AND  
CONTENT:

PRICHARD, NORMAN & WOHLGEMUTH

By: Lance A. Pool

Joel L. Wohlgemuth  
Lance A. Pool  
Attorneys for Plaintiff,  
McClanahan & Associates, Inc.

HOLT & BERNARD

By: Christopher J. Bernard

Christopher J. Bernard  
Attorneys for Defendant,  
Penn-Pacific Corporation

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

FILED  
MAY 2 1982  
COURT CLERK

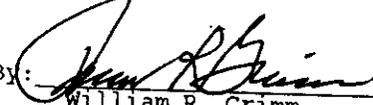
BUTTONWOOD OIL COMPANY, INC., )  
a corporation, )  
Plaintiff, )  
vs. )  
SAXON OIL COMPANY, INC., a )  
corporation, )  
Defendant. )

No. 82-C-418-C ✓

NOTICE OF  
DISMISSAL WITH PREJUDICE

COMES NOW the Plaintiff, BUTTONWOOD OIL COMPANY, INC., a corporation, by and through its attorney of record, William R. Grimm, of Barrow, Gaddis, Griffith & Grimm, and hereby dismisses the above cause with prejudice.

BARROW, GADDIS, GRIFFITH & GRIMM

By:   
William R. Grimm  
610 S. Main, Suite 300  
Tulsa, OK 74119  
(918) 584-1600  
(ATTORNEYS FOR PLAINTIFF)

UNITED STATES DISTRICT COURT FOR THE  
NORTHERN DISTRICT OF OKLAHOMA

F I L E D

AUG 16 1982

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

TOWN OF FAIRFAX, OSAGE COUNTY, )  
OKLAHOMA, a Municipal )  
Corporation, )

Plaintiff, )

vs. )

Civil No. 80-C-743-B )

Ten (10) acres of land, more )  
or less, described as the NE/4 )  
of the SE/4 of the NE/4 of )  
Section 13, Township 24 North, )  
Range 5 East, Osage County, )  
Oklahoma, the Secretary of the )  
Interior of the United States )  
of America, et al., )

Defendants. )

ORDER FOR PARTIAL DISMISSAL WITH PREJUDICE

NOW, on this 16<sup>th</sup> day of August, 1982, there came on for consideration the stipulation for partial dismissal with prejudice as to the First Cause of Action as to the defendant, Kelly Dee Young, and the Court finding that the First Cause of Action has now been settled with regard to the defendant, Kelly Dee Young, same should be dismissed with prejudice.

IT IS, THEREFORE, ORDERED, ADJUDGED AND DECREED by the Court that the First Cause of Action against the defendant, Kelly Dee Young, should be dismissed with prejudice and that this dismissal does not apply nor affect the second part of the action in any way or effect.

S/ THOMAS R. BRETT

United States District Judge

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

MORRIS BURK, an )  
individual, )  
 )  
Plaintiff )  
 )  
vs. )  
 )  
PENN SQUARE BANK, N.A. )  
and FEDERAL DEPOSIT INSURANCE )  
CORPORATION, Receiver on )  
behalf of Penn Square )  
Bank, N.A., )  
 )  
Defendants. )

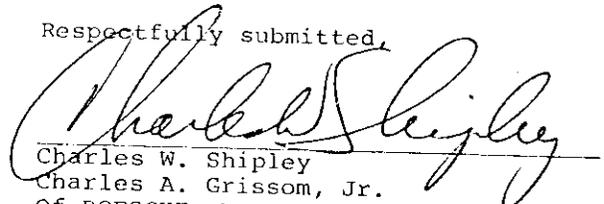
No. 82-C-688-B

STIPULATION AND NOTICE  
OF DISMISSAL WITHOUT PREJUDICE

1982  
JADA C. SIMON, CLERK  
U. S. DISTRICT COURT

COMES NOW the Plaintiff, MORRIS BURK, and pursuant to Rule 41(a)(1) of the Federal Rules of Civil Procedure stipulates that the above referenced action is hereby dismissed without prejudice. Plaintiff states that the above referenced Defendants have neither served an answer, nor served a Motion for Summary Judgment in this action.

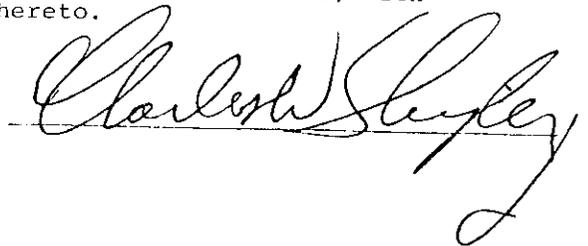
Respectfully submitted,



Charles W. Shipley  
Charles A. Grissom, Jr.  
Of BOESCHE, McDERMOTT & ESKRIDGE  
320 South Boston, Suite 1300  
Tulsa, Oklahoma 74103  
(918) 583-1777

CERTIFICATE OF SERVICE

This is to certify that a copy of the above and foregoing was placed in the U.S. Mail on this 13 day of August, 1982, addressed to William French Smith, Attorney General of the United States, Tenth and Constitution Avenue, Washington, D.C. 20530; and James Hudson, Chief Liquidator for Penn Square Bank, N.A., P.O. Box 26208, Oklahoma City, Oklahoma 73126, with sufficient postage attached thereto.



FILED

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

AUG 13 1982

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

KTUL-TV, INC., an  
Oklahoma corporation,  
  
Plaintiff,

vs.

No. 82-C-640-B ✓

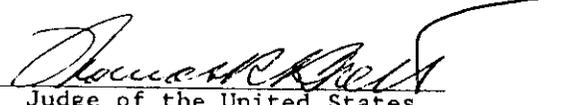
BILL CHILDES  
d/b/a SOUTHWESTERN  
BLOODSTOCK AGENCY,  
  
Defendant.

JUDGMENT BY DEFAULT  
UPON APPLICATION TO THE COURT

In this action, Defendant, Bill Childes d/b/a Southwestern Bloodstock Agency, having been regularly served with the summons and Complaint, and having failed to plead or otherwise defend, the legal time for pleading or otherwise defending having expired, and the default of said Defendant, Bill Childes d/b/a Southwestern Bloodstock Agency, and the premises having been duly entered according to law; upon the application of said Plaintiff, judgment is hereby entered against said Defendant in pursuance of the prayer of said Plaintiff.

WHEREFORE, by virtue of the law and by reason of the premises aforesaid, IT IS ORDERED, ADJUDGED, AND DECREED, that said Plaintiff have and recover from said Defendant, the sum of Thirty-three Thousand and No/100 Dollars (\$33,000.00) with interest thereon at the rate of fifteen percent (15%) from the date hereof, until paid, together with said Plaintiff's costs and disbursements incurred in this action, a reasonable attorney's fee of \$ 6600.<sup>00</sup>, and that Plaintiff have execution therefor.

JUDGMENT rendered this 13<sup>th</sup> day of Aug., 1982.

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

CERTIFICATE OF MAILING

I, R. Hayden Downie, do hereby certify that on the  
4th day of August, 1982, I mailed a true and  
correct copy of the above and foregoing Judgment by Default upon  
Application to the Court to: Mr. Bill Childes d/b/a Southwestern  
Bloodstock Agency, 621 Garden Acres, Fort Worth, Texas 76140.

  
R. Hayden Downie

FILED  
AUG 17 1982  
Jack G. Silver, Clerk  
U. S. DISTRICT COURT

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

DONALD R. LINDQUIST, )  
 )  
 Plaintiff, )  
 )  
 vs ) No. 80-C-322-E ✓  
 )  
 HOME CASUALTY CASSETTES, )  
 INC., a Missouri corporation, )  
 ANTHONY W. GREEN and STEVE )  
 ESPINOZA, )  
 )  
 Defendants. )

MOTION TO DISMISS

COMES NOW the Plaintiff, Donald R. Lindquist, through his attorney, Robert H. Tips, and moves to dismiss the Complaint herein as to Anthony W. Green.

  
ROBERT H. TIPS  
Attorney for Plaintiff

ORDER

Now on this 17<sup>th</sup> day of August, 1982, upon motion of the Plaintiff, it is hereby ordered that the Complaint against Anthony W. Green be and the same is hereby dismissed.

  
UNITED STATES DISTRICT JUDGE

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

JEAN L'AQUARIUS, )  
 )  
 Petitioner, )  
 )  
 vs. )  
 )  
 LARRY MEACHUM, Warden, and the )  
 ATTORNEY GENERAL for the State )  
 of Oklahoma, )  
 )  
 Respondents. )

No. 82-C-369-E ✓

FILED

AUG 13 1982

U.S. DISTRICT COURT

ORDER

The Court has before it for consideration, Petitioner's Petition for Writ of Habeas Corpus. Petitioner is presently incarcerated at the Joseph Harp Correctional Center in Lexington, Oklahoma by virtue of a Judgment rendered February 14, 1977, in the District Court of Mayes County, Oklahoma. Petitioner was convicted of the offense of Unlawful Distribution of Marijuana After Former Conviction of a Felony, and was sentenced to ten (10) years imprisonment.

Thereafter, Petitioner perfected a direct appeal to the Court of Criminal Appeals of the State of Oklahoma. In that appeal, Case No. F-77-579, the Court issued its opinion affirming the judgment and sentence of the trial court. See, Lewellyn v. State, 592 P.2d 538 (Okl.Cr. 1979).

On March 23, 1982, the Petitioner filed a pro se Petition for Writ of Habeas Corpus in the United States District Court for the Western District of Oklahoma (Case No. Civ-82-405-E). On March 25, 1982, Judge Luther Eubanks transferred the cause to the United States District Court for the Northern District of Oklahoma.

Examination of the Petitioner's application for Writ of Habeas Corpus reveals several grounds stated by the Petitioner for action by this Court.

First, Petitioner alleges a denial of fair trial and an unconstitutional conviction due to unconstitutional conditions of confinement and treatment while in the custody of the Mayes County, Oklahoma jail pending his trial.

Second, Petitioner asserts that his sentence was violative of the 1st, 8th, 9th, and 14th Amendments to the United States Constitution because of the conditions then existing in the Oklahoma correctional institutions, as outlined in Battle v. Anderson, 376 F.Supp. 402 (E.D.

Okla. 1974).

Third, the Petitioner asserts that his present incarceration is violative of Article VI and the 1st, 5th, 8th, 9th and 14th Amendments to the United States Constitution, due to alleged violation by the state of his right to freely exercise his religious faith, and the alleged confiscation of Petitioner's property in prison by state officials without due process of law.

Fourth, Petitioner claims a lack of state jurisdiction over the person of the Petitioner in his position as High Priest of the Holy American Church.

Finally, the Petitioner asserts that state prison officials, pursuant to Oklahoma statutes have unconstitutionally restricted his use of marijuana for religious purposes.

A thorough review of the voluminous record in this case reveals that the first ground asserted by the Petitioner is without merit. Habeas Corpus is not a proper remedy for alleged constitutional violations relating to the pre-sentence confinement of the Petitioner, when said conditions of confinement had no discernable effect on the conviction and the present confinement of the Petitioner. In the instant case, it appears clear that, as the trial court found in post-trial hearings on this same issue, the Petitioner was treated fairly during his incarceration in the Mayes County jail before and during his trial.

Likewise, the Petitioner's second ground for issuance of the Writ of Habeas Corpus is without merit. Petitioner alleges that his sentence to an institution of the Oklahoma Department of Corrections is unconstitutional in light of the decision in Battle v. Anderson, 376 F.Supp. 402 (E.D. Okla. 1974). Petitioner alleges that because the trial judge knew of the conditions then existing in the state prison system, found to be unconstitutional by the Court in Battle, his sentence ordering the confinement of the Petitioner in said system was itself unconstitutional. This Court does not agree. In the case relied on by the Petitioner, Battle v. Anderson, supra, the Court specifically found:

"Notwithstanding the grossly offensive conditions and treatment of inmates found to exist at the Oklahoma State Penitentiary at McAlester, it is also within the authority of this Court to

refrain, in its discretion, from entering at this time any order that would require or have the effect of requiring the closing of the penitentiary. The Court concludes that, at this time, the interests of all parties to the case and the public interest would be best served by the Court affording the authorities of the State of Oklahoma and of the Oklahoma State Penitentiary the opportunity to bring conditions and treatment of inmates at the penitentiary into conformity with the requirements of the United States Constitution, federal civil rights laws, and the laws, regulations and policies of the State of Oklahoma." Battle v. Anderson, supra at 428.

Some five years after the initial decision in Battle, the District Court conducted hearings predicated on the Motion of the State of Oklahoma to modify the Court's Order of September 11, 1978. In its "Order Approving Defendants' Proposed Plan" the District Court observed:

"[The] "good faith" commitments from the State's elected leadership persuade the court that the Defendants will now proceed to effectively resolve those fundamental, numerous deficiencies which have persisted so long in Oklahoma's state penal facilities." Battle v. Anderson, 614 F.2d 251, 254 (Tenth Circuit 1980).

Commenting on the District Court's Order, Judge Barrett, writing for the United States Court of Appeals for the Tenth Circuit, stated:

"We would be remiss, indeed, if we did not acknowledge the commendable postures displayed by the District Court and the respective parties in addressing the difficult problems on remand. There were obvious "good faith" endeavors to resolve them." Id at 254.

It is clear from the opinions of the trial Court in Battles that it never intended to stop the state courts from imposing sentences of incarceration where such a sentence was proper. Additionally, both the District Court and the Court of Appeals noted with approval, the strides made toward compliance with the Court's Order. Therefore this Court views the second ground of the Petitioner for issuance of a Writ of Habeas Corpus as being without merit.

The Petitioner's third ground for issuance of Writ of Habeas Corpus is based on the alleged denial of his right to freely exercise his religious beliefs and on the alleged confiscation of Petitioner's property by prison officials without due process of law. In support of the allegation of denial of free exercise of religious beliefs, Petitioner cites the refusal of prison authorities to make the prison chapel available to him and his followers on a regular basis. It is

the view of this Court that such a refusal, in and of itself, does not rise to the level of an unconstitutional abridgement of the Petitioner's right to free exercise of his religious beliefs. Such refusal of facility for religious exercise is not violative of the mandate found in the First Amendment to the Constitution of the United States. No law or other state action has been effected which prohibits, or purports to prohibit the free exercise of religion by members of the Holy American Church. As to the Petitioner's allegation of confiscation of his property by prison officials without due process of law, it is unnecessary for this Court to make a determination on the merits of this allegation. Petitioner's remedy, if any, for the conduct he alleges in regard to illegal confiscation of his property, does not fall within the scope of 28 U.S.C. § 2254. In his third ground for issuance of a writ, the Petitioner also alleges that his sentence has been lengthened without due process of law. Because, however, the Petitioner offers no support for this allegation, it cannot be properly considered by this Court. As a bare and unsupported allegation, it too must be viewed as being without merit.

In Petitioner's fourth ground for issuance of the writ, he asserts absence of jurisdiction by the State of Oklahoma over his person because of his position as High Priest of the Holy American Church. The Petitioner cites as authority for this position, the 1st and 9th Amendments to the Constitution of the United States and Article I of the Magna Carta. This Court views none of the cited authorities as defeating the jurisdiction of the State or Federal Courts in matters where acts in violation of the Oklahoma or United States Criminal Codes are alleged. The status of minister or priest of any church may not be held to be a shield which allows the holder to violate with impunity the duly enacted and codified laws of this land.

Finally, the Petitioner asserts that prison officials have unconstitutionally restricted his use of marijuana for religious purposes. This Court has reviewed the decisions of the Oklahoma Supreme Court Jean L'Aquarius v. Gary Maynard, Memorandum Decision No. 56,604, and of the Oklahoma Court of Criminal Appeals, Lewellyn v. State, 592 P.2d 538 (Okla. Cr. 1979), which address the issue here raised. In Lewellyn, Presiding Judge Cornish stated:

"Religious liberty is not an unlimited freedom,

and while laws cannot interfere with mere religious belief and opinions, they may inhibit certain acts or practices. Perfect toleration of religious sentiment does not include the right to introduce and carry out every scheme or purpose which persons see fit. The religious liberty intended by the framers of the Constitution is not a license unrestrained by law." Id at 540.

The Court then cited the "secular regulation" rule formulated by the United States Supreme Court in Reynolds v. United States, 98 U.S. 145 (1878) and stated:

"The Court held the First Amendment does not confer constitutional protection on religious practices that contravene generally acceptable legislation. Protection was bestowed only on religious beliefs and opinions." Id.

The Court in Lewellyn went on to follow the partial erosion of the "secular regulation" rule by Cantwell v. Connecticut, 310 U.S. 296 (1940) and its progeny. The Lewellyn Court then proceeded to distinguish the facts in the case now before this Court, from those in People v. Woody, 394 P.2d 813 (Cal. 1964), and Whitehorn v. State, 561 P.2d 539 (Okl.Cr. 1977) where the use of peyote by members of the Native American Church was held to constitute a religious exemption to the statutes normally prohibiting such possession and use. The Lewellyn Court stated:

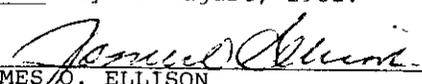
"Here, the appellant was convicted for distribution of a controlled dangerous substance, not mere possession. Significantly, the person receiving the marijuana was not a member of the professed religion." Lewellyn v. State, supra at 542.

It is the determination of this Court that the Oklahoma Court of Criminal Appeals correctly decided the question of "religious exemption" as the Petitioner would have it applied to the facts in this case.

In accordance with the foregoing reasoning of the Court and the cited authorities, the instant Petition for Writ of Habeas Corpus should be dismissed.

IT IS THEREFORE ORDERED that the Petition for Writ of Habeas Corpus be, and the same hereby is, dismissed.

DATED at Tulsa, Oklahoma this 13<sup>th</sup> day of August, 1982.

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

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

UNITED STATES OF AMERICA, )  
 )  
 Plaintiff, )  
 )  
 vs. )  
 )  
 RICHARD T. GURULE, )  
 )  
 Defendant. )

CIVIL ACTION NO. 80-C-518-C

**FILED**

AUG 12 1982

O R D E R

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

For a good cause having been shown, it is hereby  
ordered, adjudged and decreed that the above-referenced action is  
hereby dismissed without prejudice against the United States of  
America.

Dated this 11<sup>th</sup> day of August, 1982.

s/H. DALE COOK

UNITED STATES DISTRICT JUDGE

UNITED STATES DISTRICT COURT FOR THE  
NORTHERN DISTRICT OF OKLAHOMA

UNITED STATES OF AMERICA,            )  
  )  
  )            Plaintiff,                    )  
  )                                    )  
vs.                                        )            CIVIL ACTION NO. 82-C-301-E  
  )                                    )  
ROSS H. NORWELL,                        )  
  )                                    )  
  )                                    )  
  )            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 Nancy A. Nesbitt, Assistant United States Attorney, and hereby gives notice of its dismissal, pursuant to Rule 41, Federal Rules of Civil Procedure, of this action without prejudice.

Dated this 12th day of August, 1982.

UNITED STATES OF AMERICA

FRANK KEATING  
United States Attorney

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

CERTIFICATE OF SERVICE

The undersigned certifies that a true copy of the foregoing pleading was served on each of the parties hereto by mailing the same to them or to their attorneys of record on the 12th day of August, 1982.

*Nancy A. Nesbitt*  
Assistant United States Attorney

FILED

UNITED STATES DISTRICT COURT FOR THE  
NORTHERN DISTRICT OF OKLAHOMA

AUG 12 1982

UNITED STATES OF AMERICA, )  
 )  
 Plaintiff, )  
 )  
 vs. )  
 )  
 ROY I. ALGER, )  
 )  
 Defendant. )

CIVIL ACTION NO. 81-C-641-B

DEFAULT JUDGMENT

This matter comes on for consideration this 12<sup>th</sup> day of August, 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, Roy I. Alger, appearing not.

The Court being fully advised and having examined the file herein finds that Defendant, Roy I. Alger, was personally served with an Alias Summons and Complaint on July 12, 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, Roy I. Alger, for the principal sum of \$311.00, plus interest at the legal rate (15%) from the date of this Judgment until paid.

S/ THOMAS R. BRETT

UNITED STATES DISTRICT JUDGE

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

FILED

LEWIS JAMES HART, )  
 )  
 Plaintiff, )  
 )  
 vs. )  
 )  
 FIBREBOARD CORPORATION, )  
 et al., )  
 )  
 Defendants. )

No. 82-C-739-B  
AUG 4 1982  
Jack C. Silver, Clerk  
U.S. DISTRICT COURT

APPLICATION FOR DISMISSAL WITHOUT PREJUDICE

COMES NOW the Plaintiff, LEWIS JAMES HART, and dismisses the above numbered and styled cause of action as to the Defendant, NICOLET INDUSTRIES, INC., without prejudice for the reason that said Defendant was not named in the body of the Complaint filed herein, but was erroneously listed in the style of said action.

WOLF & WOLF

  
\_\_\_\_\_  
SILAS WOLF, JR.  
Attorney for Plaintiff  
111 North Peters, Suite 550  
Norman, Oklahoma 73069  
(405) 329-1115

ORDER OF DISMISSAL

NOW on this 1<sup>th</sup> day of August, 1982, the Court being fully advised, orders that the action of Lewis James Hart v. Nicolet Industries, Inc., No. 82-C-739-B, be dismissed without prejudice to a future action.

S/ THOMAS R. BRETT  
\_\_\_\_\_  
JUDGE OF THE U.S. DISTRICT COURT

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

**FILED**

LEWIS JAMES HART, )  
 )  
 Plaintiff, )  
 )  
 vs. )  
 )  
 FIBREBOARD CORPORATION, )  
 et al., )  
 )  
 Defendants. )

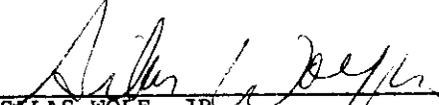
AUG 4 1982

Jack C. Silver, Clerk  
No. 82-C-739-B DISTRICT COURT

APPLICATION FOR DISMISSAL WITHOUT PREJUDICE

COMES NOW the Plaintiff, LEWIS JAMES HART, and dismisses the above numbered and styled cause of action as to the Defendant, UNARCO INDUSTRIES, INC., without prejudice for the reason that said Defendant has filed a voluntary petition in Bankruptcy and Plaintiff does not wish to pursue his action against UNARCO INDUSTRIES, INC. at this time.

WOLF & WOLF

  
\_\_\_\_\_  
SILAS WOLF, JR.  
Attorney for Plaintiff  
111 North Peters, Suite 550  
Norman, Oklahoma 73069  
(405) 329-1115

ORDER OF DISMISSAL

NOW on this 11<sup>th</sup> day of August, 1982, the Court being fully advised, orders that the action of Lewis James Hart v. Unarco Industries, Inc., No. 82-C-739-B, be dismissed without prejudice to a future action.

S/ THOMAS R. BRETHERTON  
\_\_\_\_\_  
JUDGE OF THE U.S. DISTRICT COURT

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

FEROLD G. AREND, an individual,

Plaintiff,

vs.

RIVER BASIN DEVELOPMENT CORPORATION,  
an Oklahoma corporation,

Defendant.

No. 82-C-683-B

JOURNAL ENTRY OF JUDGMENT

THIS MATTER comes on for consideration this 11<sup>th</sup> day of August, 1982, pursuant to Rule 55 of the Federal Rules of Civil Procedure and Plaintiff's Application for Judgment by Default herein.

Plaintiff appears by his attorney, Roy C. Breedlove, and Defendant appears not.

It appearing herein that Defendant, River Basin Development Corporation, an Oklahoma corporation, has filed no pleadings herein nor otherwise defended this action, and that default has been entered against Defendant herein; and pursuant to Rule 55(b)(1), judgment is hereby entered in favor of Plaintiff herein in the sum of \$755,952.74, said sum representing principal, accrued interest through August 3, 1982 and an agreed upon attorney's fee of \$91,068.48 as set forth in the Promissory Note which forms the basis of this suit, plus interest in the amount of \$252.97 per day from and after August 4, 1982 until the entire balance due is paid, plus all costs of this action.

S/ THOMAS R. BRETT  
UNITED STATES DISTRICT JUDGE

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

CURTIS L. CANARD, an individual, )  
and on behalf of himself and all )  
similarly situated stockholders )  
of Exploration Oil Production, )  
Inc., )  
Plaintiff, )  
vs. )  
EXPLORATION OIL PRODUCTION, INC., )  
an Oklahoma corporation, HAROLD )  
L. CRAGO, an individual, WILGUS )  
B. CREATH, an individual, and )  
DAVID FITCH, an individual, )  
Defendants. )

27  
AUG 1982  
JUL 1982  
NO. 82-C-596-B

O R D E R

The Court having reviewed the Joint Stipulation for Dismissal filed by the parties herein and it appearing to the Court that the parties hereto are all of the shareholders of Defendant Exploration Oil Production, Inc., and that no further notice of the proposed dismissal is required pursuant to Rule 23.1 of the Federal Rules of Civil Procedure,

IT IS ORDERED that this action be dismissed.

DATED this 14<sup>th</sup> day of August, 1982.

S/ THOMAS R. BRETT  
\_\_\_\_\_  
JUDGE OF THE UNITED STATES DISTRICT  
COURT, NORTHERN DISTRICT OF OKLAHOMA

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

UNITED STATES OF AMERICA, )  
)  
Plaintiff, )

vs. )

No. 81-C-692-B

THREE THOUSAND AND TWENTY-ONE )  
DOLLARS (\$3,021.00) IN UNITED )  
STATES CURRENCY, )

Defendant. )

J U D G M E N T

Pursuant to the Findings of Fact and Conclusions of Law entered this date, Judgment is ordered as follows:

Judgment is entered in favor of the defendant, Three Thousand and Twenty One Dollars in United States Currency, and against the plaintiff, United States of America, that the currency is not subject to forfeiture, and that Annette Pinkey, Custodian of Seized Monies, Drug Enforcement Administration, Room 335, U. S. Courthouse, 333 West 4th Street, Tulsa, Oklahoma 74103, is directed and ordered to remit said currency to the claimant, Paul Monroe. Smith.

ENTERED this 11<sup>th</sup> day of August, 1982.

  
THOMAS R. BRETT  
UNITED STATES DISTRICT JUDGE





In the Judgment rendered the same day the Court directed:  
"The plaintiff is to pay the costs of this action and the parties  
are to pay their own respective attorneys' fees."

The Court found the plaintiff, in its dealings with the  
defendant, was purchasing the defendant's warrants for its own  
account and not serving as a broker in that regard. Consequently,  
12 O.S.A. §936 is not applicable. Cf. Rendezvous Trails of America,  
Inc. v. Ayers, 612 P.2d 1384 (Ok1.App. 1980).

IT IS, THEREFORE, ORDERED:

1. The Motion to Amend and to Set Hearing for the Award  
of Attorneys' Fees filed by the defendant is overruled.
2. The Application for Hearing on Defendant's Motion to  
Amend Judgment is denied.

ENTERED this 11<sup>th</sup> day of August, 1982.

  
THOMAS R. BRETT  
UNITED STATES DISTRICT JUDGE

UNITED STATES DISTRICT COURT FOR THE  
NORTHERN DISTRICT OF OKLAHOMA

FILED  
AUG 11 1982

UNITED STATES OF AMERICA, )  
 )  
Plaintiff, )

vs. )

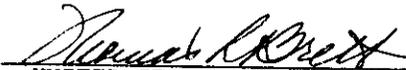
Michael Bates, )  
Roy Carter, )  
Leon Gillean, )  
Gideon Motley, )  
Eddie L. Lewis, )  
D. K. McClanahan, )

Civil Nos. 81-C-663-B ✓  
81-C-816-B  
81-C-824-B  
81-C-613-B  
81-C-721-B  
82-C-93-B

ORDER

IT IS HEREBY ORDERED, that the above styled actions be dismissed without prejudice pursuant to the Courts Order of July 12, 1982.

Dated this 11<sup>th</sup>, August, 1982.

  
UNITED STATES DISTRICT JUDGE

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

AUG 10 1982

Jack C. Silver, Clerk  
DISTRICT COURT

REBA GREER, administratrix of the )  
estate of JAMES ISAAC GREER, )  
deceased, )  
Plaintiff, )  
vs. )  
THE BOEING COMPANY, a foreign )  
corporation, )  
Defendant. )

No. 81-C-886-C

ORDER OF DISMISSAL

Plaintiff having filed her Motion to Dismiss in the above-styled and numbered cause without prejudice, and the Court being fully advised in the premises,

IT IS THEREFORE ORDERED that the above-styled and numbered cause be and the same is dismissed without prejudice.

*[Signature]*  
UNITED STATES DISTRICT JUDGE

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

FLOYD C. FIELDS,  
Plaintiff,  
vs.  
VAN DORN CO., an Ohio  
corporation, et al.,  
Defendants.

No. 80-C-387-E ✓

FILED

AUG 10 1982

U.S. DISTRICT COURT  
TULSA, OKLAHOMA

JUDGMENT

The Defendant Colonial Plastics having properly urged its motion for summary judgment, and the Plaintiff Floyd Fields having expressed no objection to the Defendant's motion, this Court granted summary judgment in favor of the Defendant Colonial Plastics.

IT IS THEREFORE ORDERED AND ADJUDGED

That the Plaintiff Floyd Fields take nothing, that the action be dismissed on the merits as to Defendant Colonial Plastics, and that the Defendant Colonial Plastics recover of the Plaintiff, its costs of action.

DATED at Tulsa, Oklahoma this 10<sup>th</sup> day of August, 1982.

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

FILED

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

10 1982

W. G. ... Clerk  
U. S. DISTRICT COURT

UNITED STATES OF AMERICA, )  
 )  
Plaintiff, )  
 )  
vs. )  
 )  
STEVEN I. BAYLIFFE, )  
 )  
Defendant. )

CIVIL ACTION NO. 82-C-309-E

ORDER

For a good cause having been shown, it is hereby  
ordered, adjudged and decreed that the above-referenced action is  
hereby dismissed without prejudice against the United States of  
America.

Dated this 10<sup>TH</sup> day of August, 1982.

UNITED STATES DISTRICT JUDGE

FILED  
1982  
AUG 11 10 30 AM  
U.S. DISTRICT COURT  
NORTHERN DISTRICT OF OKLAHOMA

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

UNITED STATES OF AMERICA, )  
 )  
 Plaintiff, )  
 )  
 vs. )  
 )  
 FLOYD R. O'NEAL a/k/a )  
 FLOYD O'NEAL, et al., )  
 )  
 Defendants. )

CIVIL ACTION NO. 82-C-521-E

O R D E R

For a good cause having been shown, it is hereby ordered, adjudged and decreed that the above-referenced action is hereby dismissed without prejudice against the United States of America.

Dated this 10<sup>th</sup> day of August, 1982.

S/ JAMES O. ELLISON

UNITED STATES DISTRICT JUDGE

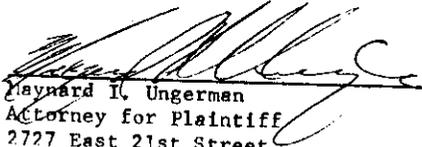
IN THE UNITED STATES DISTRICT COURT FOR THE  
NORTHERN DISTRICT OF OKLAHOMA

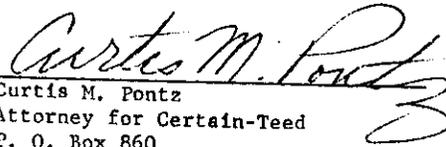
OPAL M. HULSMAN, )  
 )  
 Plaintiff, )  
 )  
 vs )  
 )  
 FIBERBOARD, ET. AL., )  
 )  
 Defendants. )

**FILED**  
NO. 82-C-648-B  
AUG 10 1982  
Jack C. Silver, Clerk  
U. S. DISTRICT COURT

STIPULATION OF DISMISSAL

UPON agreement of the Plaintiff and the Defendant, Certain-Teed Corporation, it is stipulated that the Defendant, Certain-Teed, be dismissed from this lawsuit without prejudice. It is further agreed and stipulated that, should the Plaintiff reinstate proceedings in this action against Certain-Teed, Certain-Teed waives any and all Statute of Limitations defenses arising after the original date of filing in this lawsuit and not available to it upon the original date of filing.

  
Maynard H. Ungerman  
Attorney for Plaintiff  
2727 East 21st Street  
Tulsa, OK 74101  
(918) 745-0101

  
Curtis M. Pontz  
Attorney for Certain-Teed  
P. O. Box 860  
Valley Forge, PA 19482

LAW OFFICES  
UNGERMAN,  
CONNER,  
LITTLE,

MIDWAY BLDG.  
2727 EAST 21 ST.  
SUITE 400  
P. O. BOX 2089  
TULSA, OKLAHOMA  
74101

FILED

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

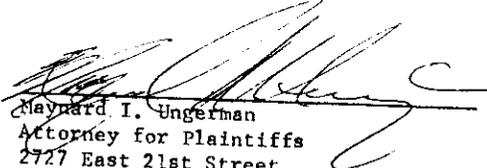
JE  
AUG 10 1982  
JOHN G. SIVEL, Clerk  
U. S. DISTRICT COURT

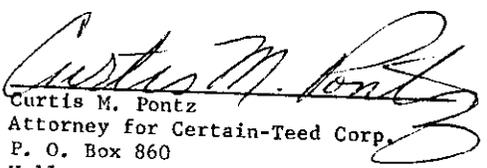
CLARENCE A. BROWNING and )  
FRANCES VIRGINIA BROWNING, )  
 )  
Plaintiff, )  
 )  
vs )  
 )  
FIBERBOARD, ET AL., )  
 )  
Defendants. )

NO. 82-C-131-BT

STIPULATION OF DISMISSAL

UPON agreement of the Plaintiffs and the Defendant, Certain-Teed Corporation, it is stipulated that the Defendant, Certain-Teed, be dismissed from this lawsuit without prejudice. It is further agreed and stipulated that, should the Plaintiffs reinstate proceedings in this action against Certain-Teed, Certain-Teed waives any and all Statute of Limitations defenses arising after the original date of filing in this lawsuit and not available to it upon the original date of filing.

  
Maynard I. Ungelman  
Attorney for Plaintiffs  
2727 East 21st Street  
Tulsa, OK 74101  
(918) 745-0101

  
Curtis M. Pontz  
Attorney for Certain-Teed Corp.  
P. O. Box 860  
Valley Forge, PA 19482

LAW OFFICES  
UNGERMAN,  
CONNER,  
LITTLE,

10WAY BLDG.  
2727 EAST 21 ST.  
SUITE 400  
P. O. BOX 2088  
TULSA, OKLAHOMA  
74101

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

DAVID HOLMES and  
ROSEANNE HOLMES,  
  
Plaintiffs,

vs.

HILLCREST MEDICAL CENTER;  
CASEY TRUETT, M.D.; and  
K.E.P., P.A.,

Defendants.

No. 82-C-67-A  
**FILED**

AUG - 9 1982A

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

VOLUNTARY DISMISSAL

COME NOW the attorney for the above-named plaintiffs,  
Allen M. Smallwood, and the attorney for the above-named sole  
defendant Casey Truett, M.D.; and K.E.P., P.A., pursuant to Rule 41  
of the Federal Rules of Civil Procedure and hereby stipulate and  
agree that this complaint and cause of action may be dismissed  
against the above-named defendants only, Casey Truett, M.D.; and  
K.E.P., P.A.

WHEREFORE, the attorneys for the above-named plaintiffs  
and above-named defendants only, Casey Truett, M.D.; and K.E.P.,  
P.A., hereby voluntarily stipulate and agree that this complaint  
and cause of action may be dismissed against the above-named  
defendants only, Casey Truett, M.D.; and K.E.P., P.A.

*Joseph M. Best*  
\_\_\_\_\_  
JOSEPH M. BEST  
Attorney for Casey Truett, M.D.;  
and K.E.P., P.A.  
300 Oil Capital Building  
Tulsa, Oklahoma 74103

*Allen M. Smallwood*  
\_\_\_\_\_  
ALLEN M. SMALLWOOD  
1310 South Denver Avenue  
Tulsa, Oklahoma 74119  
(918) 582-1993

J. WARREN JACKMAN  
JOHN F. MCCORMICK, JR.  
Pray, Walker, Jackman,  
Williamson & Marlar  
2200 Fourth National Building  
Tulsa, Oklahoma 74119  
(918) 584-4136

By: *Allen M. Smallwood*  
\_\_\_\_\_  
ALLEN M. SMALLWOOD

Attorneys for Plaintiffs

CERTIFICATE OF MAILING

I hereby certify that on this \_\_\_\_ day of \_\_\_\_\_  
1982, a true and correct copy of the above and foregoing Voluntary  
Dismissal was mailed, with correct postage thereon prepaid, to  
W. Michael Hill, Attorney for Hillcrest Medical Center, 117 East  
5th Street, Tulsa, Oklahoma 74103.

\_\_\_\_\_  
ALLEN M. SMALLWOOD

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

THE HARTFORD INSURANCE GROUP, )  
a foreign corporation, )  
 )  
Plaintiff, )  
 )  
vs. )  
 )  
EDWARD R. DAVIS, )  
 )  
Defendant. )

FILED

AUG 10 1982

Jack H. Scales, Clerk  
U. S. DISTRICT COURT

No. 82-C-573-C

ORDER

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

Dated this 9 day of Aug, 1982.

(Signed) H. Dale Cook

UNITED STATES DISTRICT JUDGE



UNITED STATES DISTRICT COURT FOR THE  
NORTHERN DISTRICT OF OKLAHOMA

7/30 1982  
1000  
1000

UNITED STATES OF AMERICA, )  
 )  
 Plaintiff, )  
 )  
 vs. )  
 )  
 MARK S. GRASSI, )  
 )  
 Defendant. )

CIVIL ACTION NO. 82-C-132-B

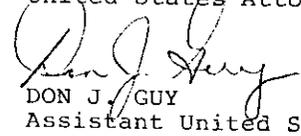
NOTICE OF DISMISSAL

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 without prejudice.

Dated this 6<sup>th</sup> day of August, 1982.

UNITED STATES OF AMERICA

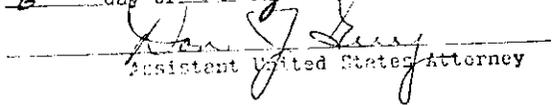
FRANK KEATING  
United States Attorney



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 6<sup>th</sup> day of August, 1982

  
Assistant United States Attorney

UNITED STATES DISTRICT COURT FOR THE  
NORTHERN DISTRICT OF OKLAHOMA

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

UNITED STATES OF AMERICA, )  
 )  
Plaintiff, )  
 )  
vs. )  
 )  
LESLIE H. STANFILL, )  
 )  
Defendant. )

CIVIL ACTION NO. 82-C-486-E

NOTICE OF DISMISSAL

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

Dated this 6<sup>th</sup> day of August, 1982.

UNITED STATES OF AMERICA

FRANK KEATING  
United States Attorney

*Don J. Guy*  
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 6<sup>th</sup> day of August, 1982

*Don J. Guy*  
Assistant United States Attorney

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

WAYCO OIL COMPANY, a partnership )  
composed of Holward Holloway and )  
Wayne Ramey, )  
 )  
Plaintiff, )  
 )  
vs. )  
 )  
SERVICE FRACTURING COMPANY, )  
a corporation, and )  
SCOTT WINLOCK, )  
 )  
Defendants. )

FILED

AUG 5 1982

JACK G. SMITH  
U. S. DISTRICT COURT

No. 82-C-333-B

ORDER DISMISSING DEFENDANT, SCOTT WINLOCK

On this 5<sup>th</sup> day of August, 1982, there comes on for hearing the joint motion of plaintiff and defendant, Service Fracturing Company, for the dismissal of Scott Winlock on condition that such dismissal shall be without prejudice to any rights which the said movants would otherwise have in this case, and the Court finds that such motion should be granted.

IT IS, THEREFORE, ORDERED, ADJUDGED AND DECREED that defendant Scott Winlock be and he is hereby dismissed from this action without prejudice to the rights which the parties remaining in said action otherwise would have.

  
\_\_\_\_\_  
Judge

LAW OFFICES  
LOEFFLER  
& ALLEN

FILED

UNITED STATES DISTRICT COURT FOR THE  
NORTHERN DISTRICT OF OKLAHOMA

770-5 1982

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

UNITED STATES OF AMERICA, )  
 )  
Plaintiff, )  
 )  
vs. )  
 )  
TRAVIS C. SNYDER, )  
 )  
Defendant. )

CIVIL ACTION NO. 82-C-154-E

NOTICE OF DISMISSAL

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

Dated this 4th day of August, 1982.

UNITED STATES OF AMERICA

FRANK KEATING  
United States Attorney

*Don J. Guy*  
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 August, 1982.

*Don J. Guy*  
Assistant United States Attorney

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

FILED  
AUG 1982

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

CLARA B. FULSON, )  
 )  
Plaintiff, )  
 )  
vs. )  
 )  
DOCTORS' MEDICAL CENTER, INC., )  
an Oklahoma corporation, )  
 )  
Defendant. )

No. 82-C-47-E

ORDER OF DISMISSAL

This matter came on for hearing before the Court for disposition and action on the Plaintiff's failure to prosecute and the Defendant's failure to answer.

Plaintiff in this action filed her complaint on January 22, 1982. Service on the Defendant's registered service agent was perfected and the return on the summons was received by the Clerk of this Court on January 29, 1982. No further action has been taken by either party to this action. On July 19, 1982 the case was set for disposition of the Plaintiff's failure to prosecute and the Defendant's failure to answer. Notice of the hearing was sent to the parties by certified and registered mail. On July 30, 1982, the date set for disposition, neither party appeared before the Court, and noting such failure to appear, the Court ruled in open court that the cause of action should be dismissed without prejudice.

IT IS THEREFORE THE ORDER OF THIS COURT, that the above styled action be dismissed without prejudice.

DATED this 5<sup>th</sup> day of August, 1982.

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

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

AUG 1982

JAMES O. ELLISON  
U.S. DISTRICT JUDGE

AMERICAN CRUDE, INC., )  
 )  
Plaintiff, )  
 )  
vs. )  
 )  
DYCO PETROLEUM CORPORATION, )  
 )  
Defendant. )

No. 81-C-706-E

ORDER

UPON the joint Stipulation for Dismissal with  
Prejudice, it is hereby ordered that the above styled action  
be dismissed.

S/ JAMES O. ELLISON

UNITED STATES DISTRICT JUDGE

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

AUG 11 1982  
Jack G. Smith, Clerk  
U.S. DISTRICT COURT

G. W. HARMAN, )  
 )  
 Plaintiff, )  
 )  
 vs. )  
 )  
 TULSA SECURITY PATROL, INC., )  
 an Oklahoma corporation; and )  
 LARRY GASS, an individual, )  
 )  
 Defendants. )

No. 79-C463-E ✓

O R D E R

THIS MATTER comes on for hearing this 5<sup>th</sup> day of August, 1982, upon the defendant, Tulsa Security Patrol, Inc., and Larry Gass's petition to dismiss the cause of action with prejudice.

FOR GOOD CAUSE SHOWN IT IS ORDERED, AND ADJUDGED that the cause of action having heretofore been settled, and the Court, given evidence of such settlement, finds that the case should be dismissed;

IT IS THEREFORE ORDERED, ADJUDGED AND DECREED that the above captioned case is dismissed with prejudice to the rights of any future filing on behalf of the plaintiff.

*James Delusi*  
UNITED STATES DISTRICT JUDGE



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

ALBERT LEONHARD, )  
 )  
 Plaintiff, )  
 )  
 vs. )  
 )  
 SPARTAN SCHOOL OF AERONAUTICS, )  
 et. al., )  
 )  
 Defendants. )  
 )  
 )

AUG 7 1982  
JACK G. SHER, CLERK  
U. S. DISTRICT COURT

Case No. 81-C-479-C

STIPULATED ORDER OF DISMISSAL WITH PREJUDICE

Now on this 9th day of July, 1982, this matter comes on before this Court upon the Defendants Spartan School of Aeronautics and Patrick Fitch's Motion to Dismiss and Motion for Summary Judgment. The Court finds as follows:

1. Plaintiff Albert Leonhard and Defendants Spartan School of Aeronautics and Patrick Fitch have reached a settlement agreement between them in the sum of \$30.00 to be paid by these Defendants to the Plaintiff as full and complete satisfaction of all claims the Plaintiff has against these Defendants.

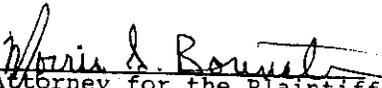
2. The settlement agreement is not to be construed as an admission of liability on the part of Defendants Spartan School of Aeronautics or Fitch or for any other Defendants named in the lawsuit.

3. Plaintiff Leonhard and Defendants Spartan School of Aeronautics and Fitch have agreed that pursuant to this settlement the Plaintiff's action against Defendants Spartan School of Aeronautics and Fitch should be dismissed with prejudice. This agreement is not contingent upon this Court granting a Default Judgment against any other Defendants named in this lawsuit.

IT IS THEREFORE ORDERED that Defendants Motion to Dismiss and Motion for Summary Judgment be sustained and Plaintiff's cause against Defendants Spartan School of Aeronautics and Patrick Fitch is dismissed with prejudice to Plaintiff's right to bring a new action in his behalf.

(Signed) H. Dale Cook

Judge of the District Court

  
Attorney for the Plaintiff  
Morris S. Borenstein  
3624 Magazine Street  
New Orleans, Louisiana 70115

  
Attorney for the Defendant  
William D. Lunn  
2200 Fourth National Building  
Tulsa, Oklahoma 74119

UNITED STATES DISTRICT COURT FOR THE  
NORTHERN DISTRICT OF OKLAHOMA

FILED  
AUG 4 1982

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

UNITED STATES OF AMERICA, )  
 )  
Plaintiff, )  
 )  
vs. )  
 )  
RICHARD C. BARSH, )  
 )  
Defendant. )

CIVIL ACTION NO. 82-C-302-E

NOTICE OF DISMISSAL

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

UNITED STATES OF AMERICA

FRANK KEATING  
United States Attorney

*Philard L. Rounds Jr.*  
PHILARD L. ROUNDS JR.  
Assistant United States Attorney

CERTIFICATE OF SERVICE

The undersigned certifies that a true copy of the foregoing pleading was served on each of the parties hereto by mailing the same to them or to their attorneys of record on the 4th day of August, 1982.

*Philard L. Rounds Jr.*  
Assistant United States Attorney

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

JACK LOVELOCK,  
Plaintiff,  
vs.  
LARRY WATKINS, RALPH FILLMORE,  
deceased and ANGELA FILLMORE  
BACHMAN, as the Administrator  
of the Estate of Ralph R.  
Fillmore,  
Defendants.

No. 81-C-484-BT ✓

FILED

AUG 4 1982 *ll*

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

STIPULATION OF DISMISSAL

Comes now the parties to the above entitled action and pursuant to Rule 41 of the Federal Rules of Civil Procedure hereby stipulate to the following:

1 The Plaintiff, Jack Lovelock ("Lovelock") hereby dismisses with prejudice the above entitled action against the Defendants, Ralph Fillmore, deceased, and Angela Fillmore Bachman, as the administrator of the Estate of Ralph R. Fillmore and dismisses against these Defendants only. Lovelock's dismissal against the Defendants Ralph Fillmore, deceased, and Angela Fillmore Bachman as administrator of the Estate of Ralph R. Fillmore, is based on the receipt of \$23,608.00 paid to Lovelock by these Defendants in satisfaction of Lovelock's claims against them.

Lovelock hereby specifically reserves all rights, claims and causes of action against the Defendant, Larry Watkins, and this Stipulation of Dismissal is in no manner to act as a dismissal of any claims of the Plaintiff, Jack Lovelock, against the Defendant, Larry Watkins.

2. The Defendant, Larry Watkins hereby dismisses with prejudice his Cross-Claim filed in the above entitled action against co-defendants Ralph Fillmore deceased, and Angela Fillmore Bachman, as the administrator of the Estate of Ralph R. Fillmore.

135  
This dismissal with prejudice by Larry Watkins as to Fillmore and the Administrator of his Estate is made for consideration and payment of the above amount to Lovelock.

3. The Defendant, Angela Fillmore Bachman, as administrator of the Estate of Ralph R. Fillmore hereby dismisses with prejudice her Cross-Claim filed in the above entitled action on October 23, 1981 against the co-defendant, Larry Watkins.

Respectfully submitted,

HOLLIMAN, LANGHOLZ, RUNNELS &  
DORWART

By: Laurie N. Lyons  
Attorney for Jack Lovelock

By: Loyal J. Roach  
Loyal Roach  
Attorney for Angela  
Fillmore Bachman

By: D. Brock  
Delbert Brock & Associates  
Attorney for Larry Watkins

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

JACK LOVELOCK, )  
 )  
 Plaintiff, )  
 )  
 vs. )  
 )  
 LARRY WATKINS, RALPH FILLMORE, )  
 deceased and ANGELA FILLMORE )  
 BACHMAN, as the Administrator )  
 of the Estate of Ralph R. )  
 Fillmore, )  
 )  
 Defendants. )

No. 81-C-484-BT ✓

FILED

AUG 4 1982

ll

Jack G. Sibley Clerk  
U. S. DISTRICT COURT

STIPULATION OF DISMISSAL

Comes now the parties to the above entitled action and pursuant to Rule 41 of the Federal Rules of Civil Procedure hereby stipulate to the following:

1 The Plaintiff, Jack Lovelock ("Lovelock") hereby dismisses with prejudice the above entitled action against the Defendants, Ralph Fillmore, deceased, and Angela Fillmore Bachman, as the administrator of the Estate of Ralph R. Fillmore and dismisses against these Defendants only. Lovelock's dismissal against the Defendants Ralph Fillmore, deceased, and Angela Fillmore Bachman as administrator of the Estate of Ralph R. Fillmore, is based on the receipt of \$23,608.00 paid to Lovelock by these Defendants in satisfaction of Lovelock's claims against them.

Lovelock hereby specifically reserves all rights, claims and causes of action against the Defendant, Larry Watkins, and this Stipulation of Dismissal is in no manner to act as a dismissal of any claims of the Plaintiff, Jack Lovelock, against the Defendant, Larry Watkins.

2. The Defendant, Larry Watkins hereby dismisses with prejudice his Cross-Claim filed in the above entitled action against co-defendants Ralph Fillmore deceased, and Angela Fillmore Bachman, as the administrator of the Estate of Ralph R. Fillmore.

This dismissal with prejudice by Larry Watkins as to Fillmore and the Administrator of his Estate is made for consideration and payment of the above amount to Lovelock.

3. The Defendant, Angela Fillmore Bachman, as administrator of the Estate of Ralph R. Fillmore hereby dismisses with prejudice her Cross-Claim filed in the above entitled action on October 23, 1981 against the co-defendant, Larry Watkins.

Respectfully submitted,

HOLLIMAN, LANGHOLZ, RUNNELS &  
DORWART

By *Laure N. Lyons*  
Attorney for Jack Lovelock

By: *Loyal J. Roach*  
Loyal Roach  
Attorney for Angela  
Fillmore Bachman

By: *D. Brock*  
Delbert Brock & Associates  
Attorney for Larry Watkins

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

JACK LOVELOCK, )  
 )  
 Plaintiff, )  
 )  
 v. )  
 )  
 LARRY WATKINS, RALPH FILLMORE, )  
 deceased, and ANGELA FILLMORE )  
 BACHMAN, as the Administrator )  
 of the Estate of Ralph R. )  
 Fillmore, )  
 )  
 Defendants. )

No. 81-C-484-BT

FILED

AUG - 3 1982

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

AGREED JUDGMENT

Now on this 3 day of Aug, 1982, as a part of and incident to a Settlement Agreement entered by the parties to the above-captioned action, a copy of which Agreement is attached hereto, the parties agree that judgment should be entered for plaintiff and against the defendant Watkins as follows:

1. For the principal amount of \$36,392.00;
2. Interest thereon at the rate of 16% per annum from and after the 31st day of July 1982;
3. Reasonable attorney's fees and costs of this action, to be fixed by the Court in an amount proved by plaintiff; and,
4. Which sums are to be reduced by an amount equal to payments made by Watkins to plaintiff, since the effective date of the Settlement Agreement, and made by Watkins for the purpose of reducing the amount owed.

WHEREFORE, IT IS ORDERED that, by agreement of the parties, judgment be entered for plaintiff and against the defendant as follows:

1. For the principal amount of \$36,392.00;
2. Interest thereon at the rate of 16% per annum from and after the 31st day of July 1982;
3. Reasonable attorney's fees and costs of this action, to be fixed by the Court in an amount proved by plaintiff; and,

4. Which sums are to be reduced by an amount equal to payments made by Watkins to plaintiff, since the effective date of the Settlement Agreement, and made by Watkins for the purpose of reducing the amount owed.

For all of which let execution issue.

JUDGE S/Thomas R. Butt

APPROVED AS TO FORM:

HOLLIMAN, LANGHOLTZ, RUNNELS & DORWART

By James H. Lyons  
Attorney for JACK LOVELOCK

DELBERT BROCK & ASSOCIATES, LAWYERS, INC.

By D. Brock  
DELBERT BROCK, Attorney for  
LARRY WATKINS

SETTLEMENT AGREEMENT

AGREEMENT made this 2nd day of June, 1982, between Jack Lovelock ("Lovelock"), Larry Watkins ("Watkins"), and Ralph Fillmore, deceased, by and through Angela Fillmore Bachman, Administrator of the Estate of Ralph R. Fillmore ("Fillmore").

SECTION ONE

PURPOSE

This Agreement is made as a compromise between the parties hereto for the complete and final settlement of their claims, differences, and causes of action with respect to the dispute described below.

SECTION TWO

STATEMENT OF DISPUTE

Lovelock asserts claims against Watkins and Fillmore based upon the following facts and considerations:

Lovelock is a citizen of Ontario, Canada, and Fillmore and Watkins are citizens of the State of Oklahoma; Watkins and Fillmore formed a partnership for the purpose of selling to Lovelock certain oil and gas leases known as the "North Cherokee Oil and Gas Prospect", covering 6,241 acres in Cherokee County, Oklahoma; the purchase price from Lovelock to Watkins and Fillmore was \$60,000.00; by agreement, Lovelock transferred \$60,000.00 to the Bank of Commerce, in Tulsa, Oklahoma, which was to be exchanged for the executed leases covering the "North Cherokee Oil and Gas Prospect"; Watkins and Fillmore obtained Lovelock's \$60,000.00 from the Bank of Commerce, but failed to deliver the executed leases, as agreed; and, Watkins and Fillmore failed to deliver the executed leases in question to Lovelock after due demand therefor had been made by Lovelock.

An action based on the above-styled claim has been filed and is now pending in the United States District Court for the Northern District of Oklahoma, entitled Jack Lovelock, Plaintiff, v. Larry Watkins, Ralph R. Fillmore, deceased, and Angela Fillmore Bachman, as the Administrator of the Estate of Ralph R. Fillmore, deceased,

de dants, and identified as civil action number 81-C-484-BT.

Lovelock makes twelve claims in this action, based upon fraud, securities violations, and breach of contract.

The parties desire to reach a full and final compromise and settlement of all matters and all causes of action arising out of the facts and claims as set forth above.

### SECTION THREE

#### TERMS OF SETTLEMENT

In consideration of the mutual covenants set forth herein, the parties agree as follows:

1. Fillmore agrees to pay to Lovelock, immediately upon approval of both this Agreement and final payment by the probate court having jurisdiction over the Fillmore Estate, the sum of \$23,608.00. This sum shall not bear interest from the date of execution of this agreement until the date of payment by Fillmore to Lovelock.

2. Watkins agrees to pay to Lovelock the sum of \$36,392.00, to be paid as follows: on a monthly basis, beginning on the 15th day of June, 1982, the sum of \$1,000.00, plus interest on the unpaid balance at the rate of 16% per annum; and, the entire unpaid balance, plus interest as aforescribed, to be paid by the 15th day of June, 1983. Prepayment may be made without penalty.

3. Lovelock agrees that all claims, demands, rights, and causes of action he has or may have against Watkins and/or Fillmore with respect to the above-described dispute shall be satisfied, discharged, and settled provided Watkins and Fillmore make the payments as provided for in Section Three hereof. Upon payment as aforescribed by both Watkins and Fillmore, Lovelock agrees to seek, obtain and be bound by a dismissal with prejudice in the above-described action, which will be sought, with respect to both Watkins and Fillmore, immediately upon receipt of payment from Watkins and Fillmore. Release of either Watkins or Fillmore shall not be contingent upon release of or payment by the other.

4. Lovelock further agrees to execute such releases as Watkins and Fillmore may require upon final payment to Lovelock. Lovelock also agrees to waive all attorney fees from defendants, provided payment is made under this agreement.

5. Watkins shall and execute an "Agreed Judgment" in the above-described legal action. That the "Agreed Judgment" shall be held by John Caslavka as escrow agent. Mr. Caslavka shall retain the "Agreed Judgment" so long as Watkins provides proof of payment to Mr. Caslavka in accordance with the terms of this Agreement. Mr. Caslavka shall be further instructed that, should Watkins default upon any of the payments required by this Agreement, the Mr. Caslavka shall deliver to Lovelock, or an agent of Lovelock's choosing, the "Agreed Judgment". Watkins further agrees that, in the event Mr. Caslavka is required to deliver the "Agreed Judgment" to Lovelock under the terms hereof, that Watkins shall make no attempt to bar the filing of that "Agreed Judgment", or to escape liability thereunder. Watkins further agrees that, in the event questions may arise with respect to the duties of Mr. Caslavka, the escrow agent shall be bound by the provisions of this Agreement which pertain to his duties.

6. The execution of this Agreement by Watkins shall constitute a full and complete release of Fillmore by Watkins of any and all claims, differences, and causes of action which Watkins now has or may have against Fillmore, and which arise out of or are a part of the dispute described in Section Two hereof.

#### SECTION FOUR

##### RESERVATIONS OF RIGHTS

This compromise Agreement is to operate as a release and discharge only as to the parties hereto, and it is agreed that all parties hereto expressly reserve the right to prosecute suits and claims against any and all other corporations or persons that may be responsible for or have contributed to the injuries and damages sustained and claimed by Lovelock.

#### SECTION FIVE

##### CHANGE OF FACTS

It is understood by all parties that the facts in respect of which this Agreement is made may hereafter prove to be other than or different from the facts in that connection now known by any of them or believed by any of them to be true, as set out in this Agreement. Each of the parties hereto expressly accept and assumes

the risk of the facts proving to be so different, and each of the parties hereto agrees that all of the terms of this Agreement shall be in all respects effective and not subject to termination or rescission by any such difference in facts.

SECTION SIX

JUDGMENT

A copy of this Agreement shall be filed with the Court in which is pending the above-described litigation, the parties are agreed that it shall form the basis for the Agreed Judgment in the above-described litigation, which judgment shall be filed with the Court only upon the conditions described hereinbefore.

SECTION SEVEN

EFFECT OF AGREEMENT

This Agreement shall be binding on and inure to the benefit of the parties and their respective legal representatives, successors, and assigns. With respect to Fillmore, the validity of this Agreement is subject to approval of the Probate Court of Cherokee County, State of Oklahoma.

In Witness Hereof, the parties have executed this Agreement at Tulsa, Oklahoma, the day and year first above written.

JACK LOVELOCK

By Lauree N. Lyons  
Holliman, Langholz, Ruphels &  
Dorwart

By: Delbert Brock  
LARRY WATKINS, by  
DELBERT BROCK, Attorney at Law

ESTATE OF RALPH R. FILLMORE,  
DECEASED

By Angela F. Bachman  
Angela Fillmore Bachman, g FR  
Administrator, by  
LOYAL ROACH, Attorney for  
Administrator

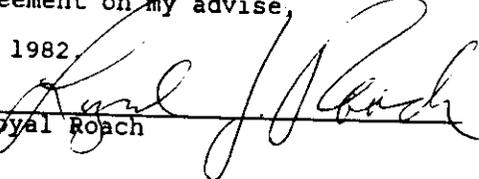
I, Laurie N. Lyons, attorney for Ja. Lovelock, have explained to Mr. Lovelock all of the terms of this Agreement, and he has represented to me that he fully understands all of the terms and their significance, and has authorized the firm of Holliman, Langholz, Runnels & Dorwart to execute this Agreement in his behalf.

Dated this 7 day of June, 1982.

  
Laurie N. Lyons

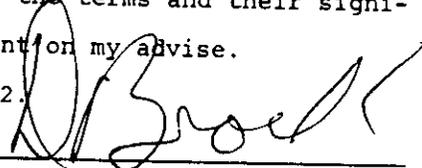
I, Loyal Roach, attorney for Fillmore, have explained to my client all of the terms of this Agreement, and she has represented to me that she fully understands all of the terms and their significance, and has executed this Agreement on my advise.

Dated this 7 day of June, 1982.

  
Loyal Roach

I, Delbert Brock, attorney for Watkins, have explained to my client all of the terms of this Agreement, and he has represented to me that he fully understands all of the terms and their significance, and has executed this Agreement on my advise.

Dated this 7 day of June, 1982.

  
DELBERT BROCK

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

JACK LOVELOCK, )  
 )  
Plaintiff, )  
 )  
v. )  
 )  
LARRY WATKINS, RALPH FILLMORE, )  
deceased, and ANGELA FILLMORE )  
BACHMAN, as the Administrator )  
of the Estate of Ralph R. )  
Fillmore, )  
 )  
Defendants. )

No. 81-C-484-BT

FILED

JUN 7 1982

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

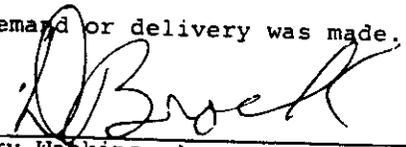
ESCROW AGREEMENT

To facilitate the settlement of the above-captioned action, Mr. John Caslavka, Esq. has agreed to act as Escrow Agent for Mr. Jack Lovelock, represented by Holliman, Langholz, Runnels & Dorwart, and Mr. Larry Watkins, represented by Delbert Brock, to hold certain documents relating to the settlement. The parties have entered into a Settlement Agreement, a copy of which is attached hereto. This Settlement Agreement sets forth the payment terms which are discussed hereinafter. As Escrow Agent, Mr. Caslavka shall have possession of two documents ("Documents"): an executed "Agreed Judgment", and, an executed "Stipulation for Dismissal", both in the above-captioned action.

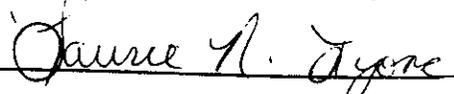
The instructions governing the Escrow Agent's conduct are as follows: Escrow Agent shall hold the Documents until the 16th day of June, 1983; if, on the 16th day of June, 1983, no written demand has been made of Escrow Agent for the Documents by Lovelock, Escrow Agent shall deliver the Documents to Watkins or his counsel; if written demand is or has been made of Escrow Agent by Lovelock for delivery of the Documents for Watkins' failure to comply with the payment terms contained in the Settlement Agreement, then Escrow Agent shall within ten (10) days make written demand of Watkins or his counsel for proof of compliance with the payment terms of the Settlement Agreement; Watkins or his counsel shall have ten (10) days from the date of delivery

of Escrow Agent's written demand to Watkins or his counsel with-  
in which to provide proof of compliance with the payment terms  
of the Settlement Agreement, which proof shall be satisfactory  
to Escrow Agent; Escrow Agent's determination of whether payment  
has been made in accordance with the terms of the Settlement  
Agreement shall be final and binding on all parties; if such  
proof as is provided to Escrow Agent is satisfactory to Escrow  
Agent and the determination made by Escrow Agent that payment  
was made or tendered in compliance with the terms of the Settle-  
ment Agreement, then Escrow Agent shall refuse the written demand  
for the Documents in writing; if Escrow Agent, on the other hand,  
should determine that payment has not been made by Watkins in  
accordance with the terms of the Settlement Agreement, and after  
written demand therefor by Lovelock, Escrow Agent shall deliver  
the Documents in his possession to Lovelock or Lovelock's counsel.

All parties hereto agree to hold Escrow Agent harmless from  
any loss they may suffer for Escrow Agent's actions, and further  
agree to indemnify Escrow Agent for any and all expenses which  
may be incurred by Escrow Agent in defending any claim made as  
a result of Escrow Agent's adherence to the instructions con-  
tained herein. Any demand or delivery required by Escrow Agent  
under the terms hereof may be made to counsel for the respective  
party, and any delivery or demand so made shall be binding upon  
the party upon whose counsel the demand or delivery was made.

By:   
Larry Watkins, by  
DELBERT BROCK, Attorney at Law

JACK LOVELOCK

By:   
HOLLIMAN, LANGHOLZ, RUNNELS &  
DORWART

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

JOHN ROEBUCK,  
Plaintiff,  
vs.  
BILL MITCHELL, et al.,  
Defendants.

FILED

AUG 3 1982 *hm*

Jack C. Silver, Clerk  
U. S. DISTRICT COURT  
81-C-869-BT ✓

F I

AUG 3

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

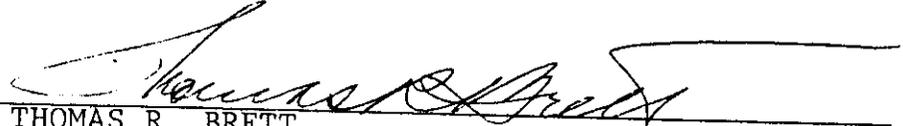
O R D E R

This matter came on for pre-trial conference pursuant to regular setting August 3, 1982. Counsel whose signatures appear below appeared for the respective parties. All counsel agreed the case could be dismissed without prejudice. It was further agreed by the defendants if the plaintiff refiled this action in the District Court of Osage County, Oklahoma, within forty-five (45) days from this date, that is on or before Friday, September 17, 1982, the defendants would waive the right to assert the defense of the applicable statute of limitations. Should the action not be commenced on or before September 17, 1982, the defendants reserve the right to urge the applicable statute of limitations defense. With the exception of what is set out herein, the parties reserve the right to urge any and all rights,

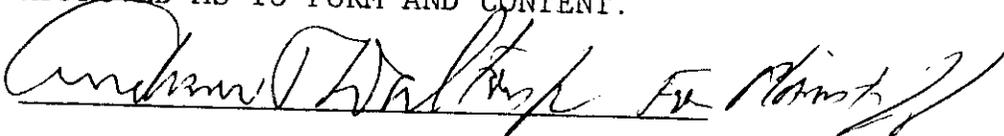
claims or defenses in this action.

Pursuant to the above IT IS HEREBY ORDERED the captioned case is hereby dismissed without prejudice to refiling the same.

ENTERED this 3rd day of August, 1982.

  
THOMAS R. BRETT  
UNITED STATES DISTRICT JUDGE

APPROVED AS TO FORM AND CONTENT.

  
Clifford Brien II  
Robert A. James  
John S. Boggs Jr.

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

MIDWESTERN HOMES, INC., A  
corporation,  
  
Plaintiff,  
  
vs.  
  
FRONTIER DEVELOPMENT OF  
OKLAHOMA, LTD., a corporation,  
and DAVID DILLION,  
  
Defendants.

No. 80-C-729-E

**FILED**

AUG 3 1982

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

JUDGMENT

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

IT IS ORDERED AND ADJUDGED,

That Plaintiff Midwestern Homes, Inc., recover of the Defendant Frontier Development of Oklahoma, Ltd., the sum of \$40,624.60, with interest thereon from the date of judgment at the statutory rate of 12 percent as provided by law.

IT IS FURTHER ORDERED AND ADJUDGED,

That Defendant Frontier Development of Oklahoma, Ltd., recover of the Plaintiff Midwestern Homes, Inc., the sum of \$35,934.86, which shall be deducted from the judgment awarded the Plaintiff in this action. The Plaintiff Midwestern Homes, Inc. and the Defendant Frontier Development of Oklahoma, Ltd., shall each bear its own costs and attorney fees.

IT IS FURTHER ORDERED AND ADJUDGED,

That as earlier reflected by the oral ruling of this Court, the Defendant David Dillion is hereby dismissed from this action and shall receive from the Plaintiff Midwestern Homes, Inc., his costs of this action and a reasonable attorney fee, to be determined by this Court.

DATED at Tulsa, Oklahoma this 28 day of August, 1982.

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

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

FILED

AUG - 5 1982 *hm*

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

WALINDA K. COLLINS,	)
	)
Plaintiff,	)
	)
vs.	)
	)
GROUP HOSPITAL SERVICE,	)
d/b/a BLUE CROSS AND BLUE	)
SHIELD OF OKLAHOMA,	)
	)
Defendant	)

81-C-150-E ✓

PLAINTIFF'S AND DEFENDANT'S JOINT NOTICE AND  
STIPULATION OF DISMISSAL WITH PREJUDICE OF  
CIVIL ACTION

In accordance with the provisions of Federal Rules of Civil Procedure, Rule 41(a), the Plaintiff and Defendant herein, jointly give notice and stipulate to dismissal of this action herein in its entirety, including Plaintiff's removed Petition and Complaint; Defendant's Petition for Removal; Plaintiff's Answer to Defendant's Petition for Removal; Defendant's Answer and all amended pleadings or responses thereto filed by the parties.

It is hereby stipulated to by the Plaintiff and the Defendant that this dismissal be with prejudice as to all claims and causes of action set forth in Plaintiff's Petition and Complaint herein.

By *Wesley E. Johnson*  
Wesley E. Johnson  
Attorney for Plaintiff

By *E. Bryan Henson Jr.*  
E. Bryan Henson, Jr.  
CHAPEL, WILKINSON, RIGGS, ABNEY  
& HENSON  
Attorneys for Defendant

APPROVED:  
*Walinda K. Collins*  
Walinda K. Collins

UNITED STATES DISTRICT COURT FOR THE  
NORTHERN DISTRICT OF OKLAHOMA

1982  
Jack C. Smith, C. J.  
U. S. District Court

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

CIVIL ACTION NO. 81-C-756-E

AGREED JUDGMENT

This matter comes on for consideration this 29 day of August, 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, David L. Fowler, appearing pro se.

The Court, being fully advised and having examined the file herein, finds that the Defendant, David L. Fowler, was personally served with Summons and Complaint on November 24, 1981. The Defendant has not filed 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 \$694.00, plus 15% 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 L. Fowler, in the amount of \$694.00, plus 15% interest from the date of this Judgment until paid.

James C. Smith  
UNITED STATES DISTRICT JUDGE

APPROVED:

UNITED STATES OF AMERICA

FRANK KEATING  
United States Attorney

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

David L. Fowler  
DAVID L. FOWLER

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

FILED  
JUL 29 1982  
JAMES O. BELANGER  
U.S. DISTRICT COURT

ORIS EUGENE ENGLER and )  
TRACIE EVELYN ENGLER, )  
 )  
Plaintiffs, )  
 )  
vs. )  
 )  
THE STANDARD FIRE INSURANCE )  
COMPANY, a Connecticut )  
corporation, )  
 )  
Defendant. )

NO. 81-C-793-E ✓

ORDER OF DISMISSAL

On this 29 day of ~~July~~ <sup>August</sup>, 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 Plaintiffs filed herein against the Defendant be and the same hereby is dismissed with prejudice to any future action.

James O. Belanger  
UNITED STATES DISTRICT JUDGE

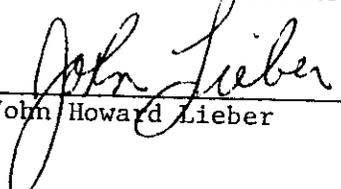
APPROVALS:

MICHAEL, J. BELANGER,

Michael J. Belanger  
Attorney for the Plaintiffs

KNIGHT, WAGNER, STUART, WILKERSON & LIEBER  
Attorneys for the Defendant

By:

  
\_\_\_\_\_  
John Howard Lieber

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

LARRY DON MAYNARD, )  
 )  
 Petitioner, )  
 )  
 vs. )  
 )  
 WARDEN L. T. BROWN, CONNER )  
 CORRECTIONAL CENTER AT HOMINY, )  
 OKLAHOMA, )  
 )  
 Respondent. )

No. 82-C-502-B

**FILED**

AUG 2 1982

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

ORDER

The matter presently before the Court for consideration is the petition for a writ of habeas corpus of Larry Don Maynard. For the reasons set forth below, the petition is denied.

Petitioner was tried and convicted upon a jury verdict on May 22, 1979 in the District Court of Tulsa County, Oklahoma of the offense of Shooting With Intent to Kill After Former Conviction of a Felony. Judgment and sentence of twelve years' imprisonment were entered thereon on June 12, 1979. Petitioner's direct appeal of the conviction to the Oklahoma Court of Criminal Appeals was denied and the judgment and sentence of the trial court were affirmed on February 19, 1981. Maynard v. State, 625 P.2d 111 (Okla.Cr. 1981). Thereafter, petitioner pursued his post-conviction remedies in the Oklahoma courts and was denied such relief ultimately by the Oklahoma Court of Criminal Appeals on February 25, 1982.

As an initial matter, the Attorney General has moved the Court for an order dismissing him as a party to this action on the ground he does not have custody of petitioner and, therefore, he was improperly joined. This contention is without merit. The instant petition expressly states petitioner is attacking a state court judgment to be served in the future consecutively to the judgment pursuant to which petitioner is presently in custody. Rule 2(b) of the Rules Governing §2254 Cases clearly provides the Attorney General shall be named as a respondent in such cases. Accordingly, the Attorney General is a required party hereto; therefore, the motion to dismiss must be denied.

In support of the instant petition, petitioner alleges the state trial court failed to advise him of the dangers of self-representation as required by Faretta v. California, 422 U.S. 806 (1975). Respondent asserts the record demonstrates petitioner's decision to represent himself was voluntary, and knowingly and intelligently made, and petitioner was sufficiently made aware of the disadvantages of such course of action. Respondent further notes the trial court, in an abundance of caution, directed petitioner's public defender to remain available to assist petitioner should he require assistance.

Petitioner first raised this issue in support of his motion for a new trial in the trial court. The trial court conducted a hearing thereon on June 11, 1979 and heard testimony and argument.

That court concluded petitioner had been sufficiently admonished as to the possible consequences of self-representation by District Judge Lamm, and accordingly denied the motion for a new trial. On direct appeal, the Oklahoma Court of Criminal Appeals found petitioner requested self-representation, petitioner had been in court on several previous occasions and felt he knew as much about his case as would a lawyer, and petitioner was advised by Judge Lamm of the dangers and disadvantages of self-representation. Further, that Court found when trial commenced petitioner reiterated his desire to represent himself and accepted the trial court's offer to have appointed counsel available to assist if requested.

The state trial court having conducted a hearing on petitioner's assertion he was not advised of the dangers of self-representation, where petitioner was present and presented testimony, and having made a finding Judge Lamm sufficiently admonished petitioner in this regard, this Court is bound to indulge the presumption of correctness accorded the factual findings of state tribunals. See Sumner v. Mata, 449 U.S. 539, 547 (1981); 28 U.S.C.A. §2254(d). Further, having reviewed the record as a whole, the Court concludes the factual findings of both the trial court and the Oklahoma Court of Criminal Appeals are fairly supported by the evidence therein. 28 U.S.C.A. §2254(d)(8). On the basis of these findings, the Court concludes petitioner's repeated assertion of his right and desire to represent himself was made voluntarily and in a knowing and intelligent manner, as required under Faretta v.

California, 422 U.S. 806, 835 (1975). See also, Johnson v. Zerbst, 304 U.S. 458, 464-5 (1938). In this regard, the opinion of the Court in Johnson v. State, 556 P.2d 1285 (Okla.Cr. 1976), is instructive. While not binding on this Court, that decision articulated a rational application of the Faretta requirement.

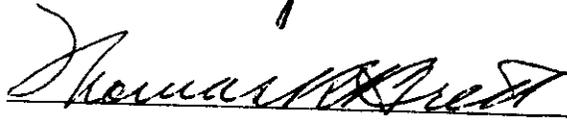
All that is required for an effective election for self-representation is that the defendant have full knowledge or adequate warning concerning this right and a clear intent to exercise it.

556 P.2d at 1296. In the instant case, the trial court, after determining at the commencement of trial that petitioner persisted in his desire to represent himself, took the further precaution of having appointed counsel stand by in the event petitioner requested assistance. See Johnson v. State, supra, 556 P.2d at 1297. The record further reflects appointed counsel not only stood by as directed, but also advised petitioner during the course of trial and conducted the examination of petitioner when petitioner elected to take the stand. Considering the totality of the record, and indulging the required presumption of correctness attaching to the state court factual determinations, the Court concludes petitioner was adequately informed of the dangers inhering in self-representation, and his choice so to do was voluntary, knowing and intelligent. Accordingly, the petition for a writ of habeas corpus must be denied.

IT IS THEREFORE ORDERED the Attorney General's Motion to Dismiss Party-Respondent is hereby denied.

IT IS FURTHER ORDERED the petition for a writ of habeas corpus is hereby denied and the action dismissed.

ENTERED this 2<sup>nd</sup> day of Aug, 1982.



THOMAS R. BRETT  
UNITED STATES DISTRICT JUDGE

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

JOHNNY RAY SMITH, )  
 )  
 Petitioner, )  
 )  
 vs. )  
 )  
 A. I. MURPHY and TIM WEST, )  
 )  
 Respondents, )  
 )  
 and )  
 )  
 THE ATTORNEY GENERAL OF THE )  
 STATE OF OKLAHOMA, )  
 )  
 Additional Respondent. )

No. 82-C-587-BT ✓

**FILED**

AUG - 2 1982

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

O R D E R

The matter presently before the Court for consideration is the petition for a writ of habeas corpus of Johnny Ray Smith. For the reasons set forth below, the petition is denied.

Petitioner was tried and convicted in the District Court of Tulsa County, Oklahoma (Case Number CRF-75-406) upon a jury verdict of guilty of the offense of Murder in the Second Degree. Thereafter, the Court sentenced petitioner to fifty years' imprisonment to run concurrently with the sentences imposed in CRF-75-412 and CRF-75-436. On direct appeal, the Oklahoma Court of Criminal Appeals affirmed the conviction but concluded the trial court erred in imposing a sentence of fifty years' imprisonment under the applicable sentencing statute, 21 Okl.St. Ann. §701.4 (repealed, by Laws 1976, 1st Ex.Sess.,

c.1, §10, eff. July 24, 1976). Smith v. State, 550 P.2d 946, 951 (Okla.Cr. 1976). That statute provided:

Every person convicted of murder in the second degree shall be punished by imprisonment in the State Penitentiary for not less than ten (10) years nor more than life. The trial court shall set an indeterminate sentence in accordance with this section upon a finding of guilty by the jury of murder in the second degree.

Accordingly, the Court remanded the case to the trial court with instructions to resentence petitioner in conformance with such statute. On rehearing, the Court of Criminal Appeals concluded the only sentence a trial court may impose under the foregoing statute is an indeterminate sentence of ten years' to life imprisonment. Smith v. State, 552 P.2d 1167, 1168 (Okla. Cr. 1976). Thereafter, on August 26, 1976, the trial court entered Judgment and Sentence Nunc Pro Tunc sentencing petitioner to an indeterminate sentence of not less than ten years' nor more than life imprisonment in accordance with the directions of the Oklahoma Court of Criminal Appeals. Petitioner pursued his post-conviction remedies, and the same were ultimately denied by the Oklahoma Court of Criminal Appeals on May 20, 1982.

As an initial matter, the Court notes petitioner raises no factual question requiring an evidentiary hearing. See 28 U.S.C.A. §2254(d).

In support of the instant petition, petition raises two issues:

(1) Petitioner having begun serving the fifty-year sentence first imposed by the trial court, the subsequent resentencing of petitioner to an indeterminate sentence of not less than ten years' nor more than life imprisonment constituted an increase in petitioner's sentence without due process of law; and

(2) Indeterminate sentences are per se illegal.

With respect to the first contention, the Court concludes the resentencing of petitioner as directed by the Oklahoma Court of Criminal Appeals does not constitute an impermissible increase in sentence without due process of law. The Oklahoma Court of Criminal Appeals, as the highest criminal appellate tribunal for the State of Oklahoma, construed the Oklahoma statute in question to allow for no other sentence than the one it directed the trial court in this instance to impose upon petitioner. See also, Wampler v. State, 553 P.2d 198 (Okla.Cr. 1976). That state court construction of a state statute is binding on this Court. The sentence petitioner began serving prior to the appellate decision was contrary to that required by law, and could not legally be imposed. The Court of Criminal Appeals having concluded the statute provided for one mandatory penalty, the trial court had no discretion in the matter and cannot be found to have increased petitioner's sentence. Accordingly, the Court concludes petitioner's sentence was not increased without due process of law.

Petitioner's second contention that indeterminate sentences are illegal has no foundation in law. The case cited by petitioner in support of this proposition, Cowles v. State, 636 P.2d

342 (Okla. Cr. 1981), makes no comment on the legality of indeterminate sentences; rather, the Cowles opinion simply notes the sentencing provision that replaced 21 Okl.St. Ann. §701.4 upon the latter's repeal no longer requires only an indeterminate sentence of not less than ten years' nor more than life imprisonment upon a conviction of second degree murder. See 21 Okl.St. Ann. §701.9(B). In addition, as the Oklahoma Court of Criminal Appeals correctly observed:

[T]he statute in force at the time of the commission of the crime, and not the statute in force at the time of his conviction, is the proper statute under which judgment and sentence should be imposed.

Order Affirming Denial of Post-Conviction Relief, May 20, 1982 (Okla.Cr.).

IT IS THEREFORE ORDERED the petition of Johnny Ray Smith for a writ of habeas corpus is hereby denied and the action dismissed.

ENTERED this 2<sup>nd</sup> day of Aug, 1982.



THOMAS R. BRETT  
UNITED STATES DISTRICT JUDGE

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

DAVID L. DIAMOND, d/b/a TAHLEQUAH )  
TILE CO., INC., a corporation, )  
 )  
Plaintiff, )

vs. )

No. 81-C-732-B

THE CHEROKEE NATION OF OKLAHOMA, )  
a federally recognized Indian )  
Tribe, and THE FIRST NATIONAL BANK )  
OF TAHLEQUAH, OKLAHOMA; PAT CARLILE; )  
DON BAKER, Asst. D.A.; CHEROKEE COUNTY )  
SHERIFF'S DEPARTMENT; SUSAN WAPLER; )  
PETER MANHART; ROSS O. SWIMMER; )  
ROBERT CARLILE; SANDY HANSON )  
 )  
Defendants. )

**FILED**

AUG - 2 1982

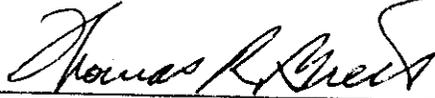
Jack C. Silver, Clerk  
U. S. DISTRICT COURT

ORDER OF DISMISSAL

The matter presently before the Court for consideration is the dismissal of the instant action upon the plaintiff's failure to prosecute. The file in this case reflects the plaintiff filed his complaint on November 23, 1981, alleging abridgement of his rights under 42 U.S.C. §1983. Upon plaintiff's application, the Court had entered an order on November 19, 1981 allowing plaintiff to file his complaint without prepayment of fees or costs. Apparently, however, at the time plaintiff filed his complaint, he failed to complete the required forms to cause process to issue. By letter dated November 23, 1981, the Clerk of this Court sought to inform plaintiff that summons could not issue until plaintiff completed the summons and United States Marshal's forms for service. Although the Clerk's letter was mailed to the address stated by plaintiff as his address on his complaint, the letter was returned to the Clerk

as undeliverable. Thereafter, on June 23, 1982, the Clerk mailed the same letter to plaintiff at three different addresses. One of the letters was returned by the Postal Service to the Clerk. Plaintiff has at no time contacted the Clerk regarding the prosecution of the instant matter, and process has never issued to any of the named defendants. Accordingly, the Court concludes the instant action should be dismissed upon the ground of the plaintiff's failure to prosecute. See Link v. Wabash Railroad Co., 370 U.S. 626, 630-31 (1962).

IT IS SO ORDERED this 2<sup>nd</sup> day of August, 1982.



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THOMAS R. BRETT  
UNITED STATES DISTRICT JUDGE



of the Magistrate filed August 19, 1981. On April 20, 1982, this Court ordered the case be referred to the Magistrate for reconsideration in view of the Second Amended Complaint.

On June 25, 1982, the Magistrate filed his Findings and Recommendations as to the Motions for Summary Judgment. The Magistrate found the Second Amended Complaint did not appear to raise any issues that affected the Findings and Recommendations entered on August 19, 1981. He did, however, upon reviewing the file, conclude the Findings and Recommendations to sustain the Motions for Summary Judgment of the defendants, T.L.C. Farm Lines, Inc. and Tom Lange Company should be withdrawn and recommended the Court overrule the Motions for Summary Judgment.

The Magistrate adhered to his Findings and Recommendations filed August 19, 1981, that the Motions for Summary Judgment of the defendants, C.D.B., Inc. and Michigan Mutual Insurance Company should be sustained.

The plaintiffs have filed their Objections to the Findings and Recommendations of the Magistrate that the Motions for Summary Judgment of the defendants, C.D.B., Inc. and Michigan Mutual Insurance Company be sustained.

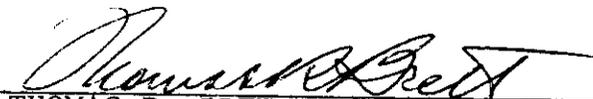
No objections have been filed to the Recommendation the Motions for Summary Judgment of the defendants, T.L.C. Farm Lines, Inc. and Tom Lange Company should be overruled, and, therefore, such recommendation will be sustained and adopted.

The Court has carefully reviewed the objections and the Findings and Recommendations of the Magistrate, and finds the objections should be overruled and the Findings and Recommendations should be sustained, affirmed and adopted.

IT IS, THEREFORE, ORDERED as follows:

1. The Motions for Summary Judgment of the defendants, T.L.C. Farm Lines, Inc. and Tom Lange Company are overruled.
2. The Motions for Summary Judgment of the defendants, C.D.B., Inc. and Michigan Mutual Insurance Company are sustained.<sup>1/</sup>
3. The objections of the plaintiffs to the Findings and Recommendations of the Magistrate filed June 25, 1982, are overruled.

ENTERED this 2<sup>nd</sup> day of August, 1982.



THOMAS R. BRETT  
UNITED STATES DISTRICT JUDGE

---

<sup>1/</sup> This order having adjudicated "...fewer than all the claims or the rights and liabilities of fewer than all the parties shall not terminate the action as to any of the claims or parties." F.R.Civ.P. 54(b). Therefore, the matter is not appealable at this time.

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

TOMMY L. PACK,

Plaintiff,

vs.

RICHARD S. SCHWEIKER, JR.,  
Secretary of Health and Human  
Services,

Defendant.

No. 81-C-526-E

**FILED**

SEP 28 1982

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

JUDGMENT

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

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

Dated this 29 day of August, 1982.

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

FILED

IN THE UNITED STATES DISTRICT COURT FOR THE AUG-2 1982  
NORTHERN DISTRICT OF OKLAHOMA

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

UNITED STATES OF AMERICA, )  
 )  
Plaintiff, )  
 )  
vs. )  
 )  
JAMES H. DAVIS, )  
 )  
Defendant. )

CIVIL ACTION NO. 81-C-654-C

ORDER

For a good cause having been shown, it is hereby ordered, adjudged and decreed that the above-referenced action is hereby dismissed without prejudice against the United States of America.

Dated this 30<sup>th</sup> day of July, 1982.

*Richard L. Cook*  
UNITED STATES DISTRICT JUDGE

FILED

UNITED STATES DISTRICT COURT FOR THE  
NORTHERN DISTRICT OF OKLAHOMA

AUG - 2 1982

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

UNITED STATES OF AMERICA,	)	
	)	
Plaintiff,	)	
	)	
vs.	)	CIVIL ACTION NO. 82-C-544-B
	)	
SABRINA L. SMITH	)	
	)	
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 2nd day of August, 1982.

UNITED STATES OF AMERICA

FRANK KEATING  
United States Attorney

*Don J. Guy*  
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 2nd day of August, 1982.

*Don J. Guy*  
Assistant United States Attorney

FILED

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

AUG - 2 1982

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

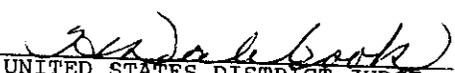
UNITED STATES OF AMERICA, )  
 )  
Plaintiff, )  
 )  
vs. )  
 )  
DEWEY L. SUNDAY, )  
 )  
Defendant. )

CIVIL ACTION NO. 82-C-314-C

ORDER

For a good cause having been shown, it is hereby  
ordered, adjudged and decreed that the above-referenced action is  
hereby dismissed with prejudice against the United States of  
America.

Dated this 30<sup>th</sup> day of July, 1982.

  
UNITED STATES DISTRICT JUDGE

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

JOHN L. KING, as next of kin )  
and Executor of the Estate of )  
CLAUDE LESLIE KING, Deceased, )  
 )  
Plaintiff, )  
 )  
vs. )  
 )  
OKLAHOMA NURSING HOMES, INC., )  
d/b/a SKIATOOK NURSING HOMES, )  
an Oklahoma corporation, )  
 )  
Defendant. )

Case No. 80-C-526-C ✓

**FILED**

AUG - 2 1982 ✕

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

ORDER

NOW on this 30<sup>th</sup> day of July, 1982, this matter comes on for consideration by the Court on the parties Joint Motion for Order of Disbursement, and the Court after reviewing the pleadings and stipulations of the parties and after being fully advised in the premises finds that:

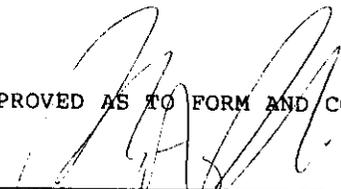
1. The \$9,000.00 collectively awarded by the jury to the nine (9) living children of the decedent CLAUDE LESLIE KING, should be apportioned equally among said children, pursuant to 12 O.S. 1053D, and;
2. The contingency fee contract of plaintiff's attorney, Randy A. Rankin for 40% of all amounts recovered for the personal injury and/or wrongful death of the decedent CLAUDE LESLIE KING, is appropriate in this case and in such cases generally, and;
3. The plaintiff's attorney, Randy A. Rankin should be and is hereby authorized to withhold 40% of the \$15,000.00 awarded to Pearl E. King, decedent's wife, and 40% of the \$9,000.00 collectively awarded decedent's children, as his attorney's fee for services rendered herein, and;
4. The plaintiff's attorney, Randy A. Rankin should be and is hereby authorized and directed, after deduction of the aforementioned 40%, to distribute directly to Pearl E. King, the amount of \$9,000.00 from the proceeds collected on the judgment herein, and;
5. The plaintiff's attorney, Randy A. Rankin should be and is hereby authorized and directed, after deduction of the

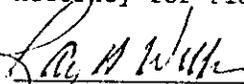
aforementioned 40%, to distribute directly to each of the nine (9) children of the decedent, the amount of \$600.00 per child from the proceeds collected on the judgment herein, for a total distribution of \$5,400.00.

AND IT IS ALL SO ORDERED.

  
UNITED STATES DISTRICT JUDGE

APPROVED AS TO FORM AND CONTENT:

  
RANDY A. RANKIN,  
Attorney for Plaintiff

  
RAY H. WILBURN,  
Attorney for Defendant

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

JOHN L. KING, as next of kin )  
and Executor of the Estate of )  
CLAUDE LESLIE KING, Deceased, )  
Plaintiff, )  
vs. )  
OKLAHOMA NURSING HOMES, INC., )  
d/b/a SKIATOOK NURSING HOMES, )  
an Oklahoma corporation, )  
Defendant. )

Case No. 80-C-526-C<sup>v</sup>

**FILED**

AUG - 2 1982

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

ORDER

NOW on this 30<sup>th</sup> day of July, 1982, this matter comes on for consideration upon the Joint Application and Stipulation of counsel for the plaintiff and defendant, a request by the plaintiff and defendant for an Order of this Court allowing the withdrawal of all post-trial motions filed herein.

For good cause shown, based upon the stipulations of counsel for the plaintiff and defendant, it is hereby ordered that plaintiff and defendant are hereby allowed to withdraw all post-trial motions.

  
H. DALE COOK,  
UNITED STATES DISTRICT JUDGE

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

B. F. GOODRICH COMPANY, )  
 )  
Plaintiff, )  
 )  
vs. )  
 )  
THE GRAND RIVER DAM AUTHORITY, )  
 )  
Defendant and Third Party )  
Plaintiff, )  
 )  
vs. )  
 )  
NORTHEAST OKLAHOMA ELECTRIC )  
COOPERATIVE, INC., )  
 )  
Third Party Defendant )  
and Counter Claimant, )  
 )  
vs. )  
 )  
AIR PRODUCTS & CHEMICALS, INC., )  
a Delaware corporation; et al., )  
 )  
Additional Third Party )  
Defendants. )

No. 80-C-522-C

**FILED**

AUG - 2 1982

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

ORDER OF DISMISSAL

NOW on this 30 day of July, 1982, upon application of Ralston Purina Co., additional third-party defendant, that it be dismissed from the above styled cause and the Court being fully advised thereon finds that said motion should be sustained.

IT IS THEREFORE ORDERED, ADJUDGED AND DECREED that Ralston Purina Co. is dismissed from this cause with prejudice.

s/H. DALE COOK

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