

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

JOHN ALLEN MOSIER,)
)
 Plaintiff,)
)
 vs.) No. 82-C-16-B
)
 T. JACK GRAVES, et al.,)
)
 Defendants.)

FILED
DEC 30 1982
Jack C. Silver, Clerk
U. S. DISTRICT COURT

O R D E R

This matter comes before the Court on the Findings and Recommendations of the Magistrate. The plaintiff has filed his Objections thereto. For the reasons set forth below, the Court affirms the Magistrate's Findings and Recommendations.

The Magistrate recommended that the Motions to Dismiss of Graves and Webb be sustained on the basis that Graves and Webb are immune from plaintiff's claims on the basis of prosecutorial immunity. The plaintiff objected to the Magistrate's recommendation claiming Graves and Webb committed acts which violated his constitutional rights by conspiring "outside the court room and outside the scope of immunity." Plaintiff's claims are nothing more than conclusory allegations. There are no facts in the record which allege the specific actions taken by Graves and Webb outside the courtroom and outside the scope of their immunity. According to Slotnick v. Stavisky, 560 F.2d 31, 33 (1st Cir. 1977), the plaintiff's complaint

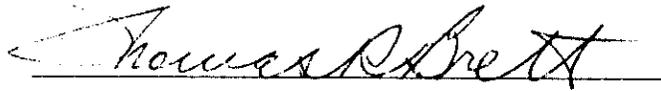
must state with specificity the facts that, in the plaintiff's mind, show the existence and scope of the alleged conspiracy.

The Magistrate also recommended that defendant Weaver's Motion to Dismiss be sustained but that plaintiff be allowed to file an amended complaint within 30 days if plaintiff is able to allege facts demonstrating the existence of a significant nexus between Weaver, Graves and Webb. In plaintiff's objections, he wishes to amend his complaint to further allege Weaver acted under color of state law. Plaintiff may do so when he amends his complaint to comport with the Magistrate's recommendations.

In his objections plaintiff further requests that he be allowed to conduct discovery to "support fully his allegations of conspiracy." To meet the test of Slotnick, supra, all plaintiff need do is allege the facts in plaintiff's own mind that he thinks show the existence of a conspiracy. In plaintiff's complaint, as in the complaint in Slotnick, there are "frequent references to conspiracy, but it offers few insights into the specific nature of the alleged concerted action." 560 F.2d at 33. Once plaintiff amends his complaint and pleads facts to show the alleged conspiracy, the Court will allow plaintiff to conduct further discovery.

IT IS THEREFORE ORDERED the Findings and Recommendations of the Magistrate be affirmed except that the plaintiff may include in his amended complaint allegations that defendant Weaver acted under color of state law. The defendant Sloan is dismissed from the lawsuit.

ENTERED this 30th day of December, 1982.

A handwritten signature in cursive script, reading "Thomas R. Brett", written over a horizontal line.

THOMAS R. BRETT
UNITED STATES DISTRICT JUDGE

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

FILED

DEC 30 1982

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

UNITED STATES OF AMERICA,)
)
 Plaintiff,)
)
 vs.)
)
 DANNY MORDHORST,)
)
 Defendant.)

No. 81-C-73-B

J U D G M E N T

In accordance with the Findings of Fact and Conclusions of Law entered this date, Judgment is hereby entered in favor of the plaintiff, United States of America, in the amount of Five Thousand Four Hundred Eleven and 70/100 Dollars (\$5,411.70), and against the defendant, Danny Mordhorst, plus costs of this action and interest to run thereon from this date at the rate of 8.75% per annum.

ENTERED this 30th day of December, 1982.



THOMAS R. BRETT
UNITED STATES DISTRICT JUDGE

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

HERBERT R. LEWIS,)
)
 Plaintiff,)
)
 v.)
)
 TULSA POLICE DEPARTMENT,)
 COUNTY COURT, STATE OF OKLAHOMA,)
 N.E.S.H.,)
)
 Defendants.)

No. 80-C-600 ✓

Dec. 30 1980
J. O. Ellison, Clerk
U. S. DISTRICT COURT

br

O R D E R

Plaintiff was allowed to file this action on October 24, 1980, in forma pauperis, pursuant to 28 U.S.C. §1915. His pro se complaint was filed November 14, 1980.^{1/}

Plaintiff was a customer at a Quik Trip store in Tulsa, Oklahoma, on March 18, 1980, when he was allegedly arrested by officers of the Tulsa Police Department for no apparent reason. After his arrest, plaintiff alleged he was placed in a straight jacket and taken to Northeastern State Hospital where he was held against his will until March 20, 1980.

Plaintiff brings this cause of action pursuant to 42 U.S.C. §1983 alleging his constitutional rights were violated by an "illegal search and seizure, unlawful detention, unlawful harassment, defamation of character and stress on [his] moral,

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1. On June 30, 1981, Judge James O. Ellison dismissed plaintiff's complaint without prejudice for failure to prosecute, plaintiff having failed to issue summons directed to defendant. The dismissal was without prejudice.

mental and physical well being." 2/

The Court has for consideration the plaintiff's Motion to Rehear and Reopen. It appears from the order of dismissal filed herein that plaintiff improperly named persons as defendants in the suit. The Court believes the dismissal was well taken for "Tulsa Police Department" is a non-entity, "County Court" is a non-entity, the State of Oklahoma is immune from such suits under the 11th Amendment, and Northeastern State Hospital, as an arm of the State of Oklahoma is also immune under the 11th Amendment. Moreover, plaintiff has failed to name the individuals who deprived him of his constitutional rights under color of state law. The Court, however, notes that the previous dismissal was without prejudice. Thus, plaintiff may refile his lawsuit if he properly names persons as defendants.

IT IS THEREFORE ORDERED that the Motion to Reopen is overruled.

ENTERED this 29th day of December, 1982.



THOMAS R. BRETT
UNITED STATES DISTRICT JUDGE

-
2. Defendant, City of Tulsa, filed a Motion to Dismiss pursuant to Fed.R.Civ.P. 12(b)(2) on July 6, 1981. The State of Oklahoma on July 15, 1981, filed a Motion to Dismiss pursuant to Rule 12(b)(6) on behalf of Woodrow Pendergrass who apparently accepted service for Northeastern State Hospital. On July 29, 1981, defendant, Pat Williams, former Deputy Court Clerk of Tulsa County, filed a Motion to Dismiss pursuant to Rule 12(b)(6). On January 8, 1982, Judge James O. Ellison dismissed plaintiff's case without prejudice.

FILED

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

DEC 30 1982

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

UNITED STATES FIDELITY &)
GUARANTY CO.,)
)
Plaintiff,)
)
v.)
)
LARRY HOOVER, DAVID ALLEN)
MILES, and LU ANN MILES,)
)
Defendants.)

No. 78-C-129-B

O R D E R

This matter comes before the Court on the plaintiff's Motion to Dismiss Cross Complaint of the defendants. The plaintiff's Motion to Dismiss was filed on August 16, 1982. Although the defendants have been notified several times, they have failed to file any response thereto.

The Court may dismiss an action for failure to prosecute pursuant to Fed.R.Civ.P. 41(b). Furthermore, the Court has inherent power to control its docket, Pond v. Braniff Airways, Inc., 453 F.2d 347 (5th Cir. 1972); Link v. Wabash Railroad Co., 370 U.S. 626 (1962), including the power, under appropriate circumstances, to dismiss a complaint on the Court's own motion. See Diaz v. Stathis, 440 F.Supp. 634 (D. Mass. 1977), aff'd, 576 F.2d 9 (1st Cir. 1978); Literature, Inc. v. Quinn, 482 F.2d 372 (1st Cir. 1973); Maddox v. Shroyer, 302 F.2d 903 (D.C.Cir. 1962), cert. denied, 371 U.S. 825 (1962). A dismissal on the Court's own motion would normally operate as an adjudication on the merits. 9 Wright & Miller, Federal Practice and Procedure

§2373. However, under the circumstances of this case, the Court concludes that a dismissal without prejudice is a more appropriate course of action.

In addition, the Court notes that plaintiff's above-entitled cause of action has been mooted by the Oklahoma Supreme Court in Case No. 56, 182 wherein the Oklahoma Supreme Court affirmed the judgment entered in the District Court of Creek County in favor of the defendants herein, Case Nos. C-74-13 and C-74-79.

IT IS THEREFORE ORDERED that defendant's Cross Complaint is dismissed without prejudice on the motion of the Court for failure to prosecute. It is further ordered that plaintiff's action herein is dismissed as moot.

ENTERED this 29th day of December, 1982.



THOMAS R. BRETT
UNITED STATES DISTRICT JUDGE

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

FILED
JUL 11 1982
U.S. DISTRICT COURT
NORTHERN DISTRICT OF OKLAHOMA
MUSKOGEE
A

MARY CAROL HENRY,)
)
Plaintiff,)
)
v.)
)
GUARDIAN ENTERPRISE, INC. and)
ANTHONY RON SISCO,)
)
Defendants.)

No. 82-C-768-B ✓

O R D E R

This matter comes before the Court on the defendants' Motion to Dismiss pursuant to Fed.R.Civ.P. 12(b)(6) for failure to state a claim upon which relief may be granted. The plaintiff has filed her response thereto. For the reasons set forth below, the Motion to Dismiss is sustained.

Defendants correctly assert that plaintiff has stated essentially three bases for relief in her complaint: 1) that she was discriminated against by defendant, Guardian Enterprise, Inc. (Guardian), on the basis of sex; 2) that Guardian caused her to be slandered; and 3) that a W-2 form plaintiff received from Guardian was incorrect in some way. The plaintiff appears to have included defendant, Anthony Ron Sisco, in her discrimination charge because he was an employee of Guardian and plaintiff's superior.

I. EMPLOYMENT DISCRIMINATION

It is well-established that the jurisdictional prerequisite to an action under Title VII of the Civil Rights Act of 1964 is

the timely filing of a charge with the Equal Employment Opportunity Commission within 180 days of the alleged discriminatory act.^{1/} Verzosa v. Merrill Lynch, Pierce, Fenner & Smith, Inc., 589 F.2d 974, 976 (9th Cir. 1978); Hamilton v. General Motors Corporation, 606 F.2d 576, 578-79 (5th Cir. 1979), rehearing denied 611 F.2d 882, cert. denied 100 S.Ct. 2990; Olson v. Rembrandt Printing Company, 511 F.2d 1228, 1232 (8th Cir. 1975). On July 15, 1982, the EEOC issued to the plaintiff a Notice of Right to Sue which stated,

"This is your Notice of Right to Sue. It is issued because the Commission has dismissed your charge. Your charge was dismissed for the following reason: No jurisdiction, therefore the Commission has no authority to process your charge further."

Typed in parentheses under the reason given by the EEOC for the dismissal of plaintiff's charge were the words "Timeliness" and "Right to Sue." Thus, the EEOC dismissed plaintiff's charge for lack of timeliness. This dismissal appears to have been correct

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2. Due to Mohasco Corp. v. Silver, 447 U.S. 807 (1980), there appears to be some confusion as to whether a charge must be filed within 300 days of the alleged discriminatory act. Oklahoma is a "deferral state", i.e., Oklahoma has a state agency, the Oklahoma Human Rights Commission, with which charges of discrimination may be filed. A literal reading of the Mohasco case would indicate the 300-day period is applicable in discrimination actions under Title VII in deferral states regardless of whether the charge is filed with the state agency or with the EEOC office located in the state.

However, with regard to the matter at hand, this discussion is academic since the plaintiff did not file her charge with the EEOC within 180 days or 300 days.

for the latest of the allegedly discriminatory acts of which plaintiff complains, her dismissal, occurred on January 12, 1981. Plaintiff did not file a charge with the EEOC until June 22, 1982--over sixteen months later. Although a court may waive the jurisdictional requirements in certain cases by virtue of its equitable powers, plaintiff has not alleged any facts of any equitable nature which would necessitate the waiver of jurisdictional requirements. Thus, the Court finds it has no jurisdiction to hear plaintiff's discrimination allegations under Title VII of the Civil Rights Act of 1964 because plaintiff has failed to satisfy the jurisdictional prerequisite of timely filing of her charge of discrimination with the EEOC.

II. SLANDER

Plaintiff alleges in June or July of 1981 a collection agency trying to locate Elizabeth M. Henry called Guardian. Guardian, thinking that the plaintiff might be the person the agency was looking for, gave the agency the plaintiff's phone number and address. The plaintiff claims that Guardian, by giving her 'phone number and address, caused her "a great deal of embarrassment and anxiety." Moreover, plaintiff claims Guardian gave out "false and misleading information" about her, amounting to "libel (sic) and slander." Assuming plaintiff's complaint states a cause of action for libel and slander, there are two procedural problems with plaintiff's claim. First, the alleged libel and slander occurred

in June or July of 1981 and plaintiff did not file her complaint herein until August 26, 1982. The statute of limitations on causes of action for libel and slander in Oklahoma is one year from the time the cause of action has accrued. 12 Okl.St. Ann. §95. Thus, plaintiff's cause of action is barred by the statute of limitations. Second, plaintiff has failed to allege the requisite diversity and jurisdictional amount to invoke the Court's jurisdiction to hear the libel and slander cause of action.

III. INCORRECT W-2 STATEMENTS

Plaintiff appears to allege that Guardian altered the amount of income she earned in 1981 while in Guardian's employ to reflect an amount higher than the wages she received. At best, plaintiff's claim may be interpreted to allege fraud on the part of Guardian. However, the Court believes the more appropriate method of pursuing plaintiff's claim would be with the Internal Revenue Service.

IV. ALLEGATIONS AGAINST SISCO

The gist of plaintiff's complaint against the defendant, Sisco, seems to be that because he was her supervisor and on occasion disciplined her and at one time questioned her about an alleged affair with a maintenance employee, he somehow discriminated against her. However, plaintiff does not allege Sisco participated in her discharge, the purported libel and slander or the purported incorrect W-2 form. The Court does not believe plaintiff has stated a cause of action against the defendant, Sisco.

IT IS THEREFORE ORDERED that defendants' Motion to Dismiss is sustained. The Court deems plaintiff's renewed request for appointment of counsel moot in light of the dismissal of her lawsuit.

ENTERED this 29th day of December, 1982.



THOMAS R. BRETT
UNITED STATES DISTRICT JUDGE

4

UNITED STATES DISTRICT COURT FOR THE
NORTHERN DISTRICT OF OKLAHOMA

Jack G. Silver

UNITED STATES OF AMERICA,)
)
 Plaintiff,)
)
 vs.)
)
 HAROLD D. ANDERSON,)
)
 Defendant.)

CIVIL ACTION NO. 82-C-537-B

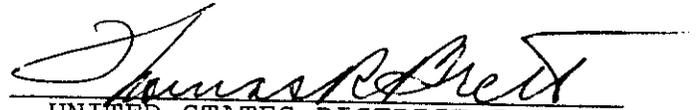
DEFAULT JUDGMENT

This matter comes on for consideration this 29th day of December, 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, Harold D. Anderson, appearing not.

The Court being fully advised and having examined the file herein finds that Defendant, Harold D. Anderson, was personally served with an Alias Summons and Complaint on August 31, 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,

Harold D. Anderson, for the principal sum of \$750.30, plus interest at the legal rate from the date of this Judgment until paid.


UNITED STATES DISTRICT JUDGE

UNITED STATES DISTRICT COURT FOR THE
NORTHERN DISTRICT OF OKLAHOMA

FILED

DEC 30 1982

UNITED STATES OF AMERICA,
Plaintiff,

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

vs.

CIVIL ACTION NO. 82-C-556-B

THOMAS E. RORSTROM,
Defendant.

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 30th day of December, 1982.

S/ THOMAS R. BRETT

UNITED STATES DISTRICT JUDGE

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

THOMAS E. BROADDRICK,)
)
 Plaintiff,)
)
 v.)
)
 FRED JORDAN, PAUL ALLEN, JOHN)
 WELLS, BOARD OF COUNTY COMMIS-)
 SIONERS, OSAGE COUNTY; GEORGE)
 WAYMAN, SHERIFF OF OSAGE COUNTY;)
 DON H. HAMPTON, PRESIDING JUDGE)
 OF OSAGE COUNTY,)
)
 Defendants.)

No. 82-C-563-

FILED
DEC 30 1982
Jack.C. Silver, Clerk
U. S. DISTRICT COURT

O R D E R

This matter comes before the Court on the Motion to Dismiss of defendant, Don H. Hampton, pursuant to Fed.R.Civ.P. 12 (b) (6).^{1/} Although notified several times, the plaintiff has failed to respond thereto. Because it is necessary to refer to matters outside the pleadings in its determination of this matter, the Court deems defendant's motion to be one for summary judgment under Fed.R.Civ. P.12(b).

Plaintiff filed this civil rights action^{2/} alleging his constitutional rights were violated because he was subjected to unhealthy and unsafe conditions while confined in the Osage County Jail. At the time he filed his complaint, plaintiff was awaiting trial on a murder charge in Osage County. On June 3, 1982, a jury found plaintiff guilty of Murder in the First Degree and fixed his punishment at death. On June 11, 1982,

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1. The other defendants filed an answer to plaintiff's complaint on July 26, 1982.
 2. Under 42 U.S.C. §1983.

plaintiff was delivered into the custody of the Department of Corrections and is presently incarcerated at Lexington Assessment and Reception Center.

Defendant Hampton claims plaintiff's cause of action is moot since he is no longer confined in the Osage County Jail, thus no longer subject to the conditions which prompted the filing of this lawsuit.^{3/} The Court agrees. Inmates v. Owens, 561 F.2d 560 (4th Cir. 1977) involved a situation very similar to the instant matter. There, nine inmates of a Virginia county jail filed a pro se civil rights action pursuant to 42 U.S.C. §1983 challenging certain conditions of the county jail.^{4/} By the time the appeal reached the Fourth Circuit, all nine of the inmates who originally signed the complaint had been released from the jail--no longer subject to the conditions of confinement of which they complained. The Fourth Circuit dismissed the appeal as moot. The Court believes the Inmates v. Owens case dispositive of the matter sub judice. See also, Cervantes v. Walker, 589 F.2d 424 (9th Cir. 1979), (probationer's challenge to conditions of his probation was moot where probationary period expired before oral argument); Nunes v. Nelson, 467 F.2d 1380

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3. Plaintiff does not bring this action as a class action.
 4. The conditions challenged were 1) alleged abuse of visiting rights; 2) receipt of an improper diet; 3) alleged denial of access to a law library; 4) alleged denial of medical treatment; and 5) that paupers were not furnished with stamps for correspondence.

(9th Cir. 1972), (because appellant was not in custody, issue of alleged illegal conditions of imprisonment was not justiciable); and Justin v. Jacobs, 145 U.S.App.D.C. 355, 449 F.2d 1017 (1971), (since confinement in hospital had ended, claim of inadequate medical treatment was moot).

The Court does not believe plaintiff's case falls into the exception to the doctrine of mootness as one "capable of repetition, yet evading review." Sosna v. Iowa, 419 U.S. 393, 399-400 (1975); Weinstein v. Bradford, 423 U.S. 147 (1975). In Sosna v. Iowa, the United States Supreme Court set forth a two-prong test to determine if a moot issue is one "capable of repetition, yet evading review." The Supreme Court limited the applicability of the doctrine "to the situation where two elements combined: 1) the challenged action was in its duration too short to be fully litigated prior to its cessation or expiration, and 2) there was a reasonable expectation that the same complaining party would be subjected to the same action." Sosna at 149. Applying the Sosna test to the matter at hand, it is apparent that plaintiff cannot meet the second prong for there is no expectation that the plaintiff will ever again be confined in the Osage County Jail. Therefore, plaintiff's cause of action is moot.^{5/}

5. Because the Court finds plaintiff's cause of action to be moot, it does not find it necessary to address defendant Hampton's argument of immunity from suit due to his position of District Judge of Osage County.

Furthermore, the Court has inherent power to control its own docket, Pond v. Braniff Airways, Inc., 453 F.2d 347 (5th Cir. 1972); Link v. Wabash Railroad Co., 370 U.S. 626 (1962), including the power, under the appropriate circumstances, to dismiss a complaint on the Court's own motion. See Diaz v. Stathis, 440 F.Supp. 534 (D. Mass. 1977), aff'd, 576 F.2d 9 (1st Cir. 1978); Literature, Inc. v. Quinn, 482 F.2d 372 (1st Cir. 1973); Maddox v. Shroyer, 302 F.2d 903 (D.C. Cir. 1962), cert. denied, 371 U.S. 825 (1962). Since the Court believes plaintiff's cause of action is moot as to defendant Hampton, the Court also finds plaintiff's cause of action is moot as to the remaining defendants. Thus, the Court dismisses plaintiff's action on its own motion with regard to defendants, Jordan; Allen; Wells; Board of County Commissioners, Osage County; and George Wayman, Sheriff of Osage County.

IT IS THEREFORE ORDERED that the Motion for Summary Judgment of defendant Hampton is sustained. IT IS FURTHER ORDERED that the plaintiff's cause of action is dismissed on the Court's own motion as moot with regard to the remaining defendants.

ENTERED this 30th day of December, 1982.



THOMAS R. BRETT
UNITED STATES DISTRICT JUDGE

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

CAROLYN J. ROBERTS,)
)
 Plaintiff,)
)
 v.) Case No. 82-C-750-B
)
 MAREL, INC., a corporation)
 d/b/a McDONALD'S RESTAURANT,)
)
 Defendant.)

ORDER OF DISMISSAL

This matter comes on for consideration pursuant to the Joint Dismissal for Prejudice filed by the Plaintiff and the Defendant and the Court having reviewed the same, and being fully advised in the premises finds that this case should and is hereby dismissed with prejudice, with each party to bear its own costs and attorneys' fees.

IT IS THEREFORE SO ORDERED.

Entered this 29 day of December, 1982.

S/ THOMAS R. BRETT

UNITED STATES DISTRICT JUDGE

MI:slb
12/29/82

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

FILED

DEC 30 1982

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

GERALD COTTRELL and)
CLAUDETTE COTTRELL,)
)
Plaintiffs,)
)
vs.)
)
UNIVERSAL OIL PRODUCTS, INC.,)
a corporation, and SIGNAL)
CORPORATION, a corporation,)
)
Defendants.)

NO. 82-C-1082

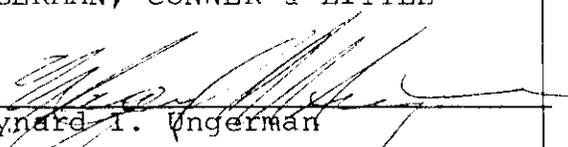
NOTICE OF DISMISSAL WITH PREJUDICE BY PLAINTIFFS

TO: Universal Oil Products, Inc., a corporation, and
Signal Corporation, a corporation, Defendants,
and Floyd Walker, their attorney:

NOTICE IS HEREBY GIVEN that Gerald Cottrell and
Claudette Cottrell, the above named Plaintiffs, hereby dismiss the
above entitled action with prejudice, pursuant to Rule 41(a)(1)(i)
of the Federal Rules of Civil Procedure, and hereby file this
Notice of Dismissal with the Clerk of the Court before service by
Defendants of either an Answer or a Motion for Summary Judgment.

DATED this 27th day of December, 1982.

UNGERMAN, CONNER & LITTLE

By 
Maynard I. Ungerman

P. O. Box 2099
Tulsa, Oklahoma 74101
(918) 745-0101
Attorneys for Plaintiffs

LAW OFFICES

UNGERMAN,
CONNER &
LITTLE

MIDWAY BLDG.
2727 EAST 21 ST.
SUITE 400

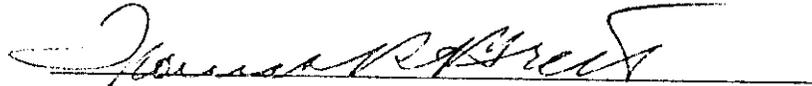
P. O. BOX 2099
TULSA, OKLAHOMA
74101

he filed a Motion for Rehearing in the Tulsa County District Court in connection with the denial of his Post Conviction Application which was denied by the state District Court on August 23, 1982; that his Motion for Rehearing has not been ruled upon and he requests that this Court stay the proceedings in this action pending the ruling of the District Court on his Motion for Rehearing. During the course of the telephone conference hearing Zeigler stated that it was his desire to exhaust his state court remedies and conceded that Rose v. Lundy, ____ U.S. ____, 102 S.Ct. 1198, 71 L.Ed.2d 379 (1982) was controlling. Zeigler further stated that he would have no objection to the Court's dismissing this action without prejudice so that he may exhaust his state remedies on the unexhausted issues contained in his Petition for Writ of Habeas Corpus.

IT IS THEREFORE ORDERED that Respondents' Motion to Dismiss for Failure to Exhaust State Remedies be sustained without prejudice to the Petitioner as to all claims raised by his Petition for Writ of Habeas Corpus. IT IS FURTHER ORDERED that Petitioner's Motion for Judicial Notice [and] Request to Stay Proceedings be denied in view of Petitioner's request that the action be dismissed without prejudice in order to permit him to exhaust his state remedies prior to his commencing additional habeas corpus proceedings with respect to the claims raised in his Petition for

Writ of Habeas Corpus in this case.

ENTERED this 30th day of December, 1982.

A handwritten signature in cursive script, appearing to read "Thomas R. Brett", written over a horizontal line.

THOMAS R. BRETT
UNITED STATES DISTRICT JUDGE

UNITED STATES DISTRICT COURT FOR THE
NORTHERN DISTRICT OF OKLAHOMA

RALPH LEPISCOPO,)
)
 Plaintiff,)
)
 vs.)
)
 UNITED STATES MARSHAL,)
)
 Defendant.) CIVIL ACTION NO. 82-C-1147-C

Dec. 29, 1982
John A. Dale
U.S. District Court

O R D E R

GOOD CAUSE having been shown, it is hereby ordered,
adjudged and decreed that the above-referenced action is hereby
dismissed.

Dated this 24 day of December, 1982.

John A. Dale
Cock

UNITED STATES DISTRICT JUDGE

FILED

UNITED STATES DISTRICT COURT FOR THE
NORTHERN DISTRICT OF OKLAHOMA

DEC 29 1982

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

UNITED STATES OF AMERICA,)
)
 Plaintiff,)
)
 vs.)
)
 GEARY A. SCHWARTZ,)
)
 Defendant.)

CIVIL ACTION NO. 81-C-567-^C~~B~~

DEFAULT JUDGMENT

This matter comes on for consideration this 29 day of December, 1982, the Plaintiff appearing by Frank Keating, United States Attorney for the Northern District of Oklahoma, through Nancy A. Nesbitt, Assistant United States Attorney, and the Defendant, Geary A. Schwartz, appearing not.

The Court being fully advised and having examined the file herein finds that Defendant, Geary A. Schwartz, was served with an Alias Summons and Complaint on October 17, 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, Geary A. Schwartz, for the principal sum of \$1,650.00, plus the accrued interest of \$636.11 as of January 12, 1981, plus interest on the

principal sum of \$1,650.00 at 7 percent from January 12, 1981,
until the date of Judgment, plus interest on the Judgment at the
legal rate until paid.

(Signed) H. Dale Cook

UNITED STATES DISTRICT JUDGE

1st day of July, 1981, until the date this judgment is rendered, together with the costs of this action accrued and accruing, together with a reasonable attorney's fee in and for the sum of Five Thousand Dollars and No Cents (\$5,000.00), together with interest accrued and accruing at the rate of fifteen percent (15%) per annum on this total sum found due and owing from the date this judgment is rendered herein until paid in full.

IT IS SO ORDERED this _____ day of _____, 198 2.

James O. Ellison
United States District Judge
For the Northern District
of Oklahoma

APPROVED AS TO FORM AND CONTENT:

Charles A. Grissom, Jr.
Charles A. Grissom, Jr.
Of Boesche, McDermott & Eskridge
320 South Boston, Suite 1300
Tulsa, OK 74103

ATTORNEYS FOR SOUTHERN BLEACHER
CONSTRUCTION COMPANY

Jack Y. Goree
Jack Y. Goree
David P. Madden
Of Whitten, Goree, Davies and Madden
City Plaza West, Suite 410
5310 East 31st Street
Tulsa, OK 74135

ATTORNEYS FOR SPORTS OF TULSA, INC.

FILED

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

DEC 29 1982

GUY B. HARRELL and LEWIS W. KRESCH)
)
 Plaintiffs,)
)
 v.)
)
 ALVIN DWORMAN and ARNOLD KIMMEL,)
)
 Defendants,)
)
 v.)
)
 RONALD H. BURKS,)
)
 Third Party Defendant.)

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

No. 81-C-267-E

JOURNAL ENTRY OF JUDGMENT

This matter coming on for trial before the undersigned judge on the 13th day of December, 1982, pursuant to regular setting; Plaintiffs appearing personally and Plaintiffs and Third Party Defendant appearing by their attorneys, Hall, Estill, Hardwick, Gable, Collingsworth & Nelson, P.C. by Richard E. Comfort and John E. Rooney, Jr.; the Defendant Arnold Kimmel appearing personally and Arnold Kimmel and Alvin Dworman appearing by their attorneys, Boone, Smith, Davis & Hurst, by Reuben Davis and John A. Burkhardt; the Court having examined the files and records in this case, having heard the witnesses' sworn testimony in open court, and hearing the arguments and statements of counsel FINDS:

1. That the Defendants and Third Party Defendant have been duly and regularly served with summons; that complete diversity of citizenship exists and that the amount in controversy exceeds

\$10,000, exclusive of interest and costs, and that the Court has jurisdiction of the parties in the subject matter hereof.

2. All parties stipulated and agreed through their respective counsel in open court that Defendants, Alvin Dworman and Arnold Kimmel, are indebted to the Plaintiffs, Guy B. Harrell and Lewis W. Kresch in the sum of \$225,000 and that said amount should be paid as follows: \$125,000 on January 3, 1983; \$25,000 on April 1, 1983; \$25,000 on July 1, 1983; \$25,000 on January 1, 1984; and \$25,000 on April 1, 1984.

3. All parties through their respective counsel further stipulated and agreed that the Counterclaim should be dismissed with prejudice against the Plaintiffs, Guy B. Harrell and Lewis W. Kresch.

4. All parties further stipulated and agreed that the Third Party Complaint should be dismissed with prejudice against the Third Party Defendant, Ronald H. Burks.

5. All parties through their respective counsel have stipulated and agreed that all amounts awarded herein are inclusive of interest, attorneys fees and costs to date and that the respective parties shall bear all costs incurred or expended by them.

IT IS THEREFORE ORDERED, ADJUDGED AND DECREED that judgment be and it is hereby granted in favor of Plaintiffs, Guy B. Harrell and Lewis W. Kresch, and against the Defendants, Alvin Dworman and Arnold Kimmel for the sum of \$225,000, said amount

FILED

UNITED STATES DISTRICT COURT FOR THE
NORTHERN DISTRICT OF OKLAHOMA

DEC 29 1982

UNITED STATES OF AMERICA,)
)
 Plaintiff,)
)
 vs.)
)
 RODNEY S. SIZELAND,)
)
 Defendant.)

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

CIVIL ACTION NO. 82-C-1025-C

DEFAULT JUDGMENT

This matter comes on for consideration this 29 day of December, 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, Rodney S. Sizeland, appearing not.

The Court being fully advised and having examined the file herein finds that Defendant, Rodney S. Sizeland, was served with Summons and Complaint on October 27, 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, Rodney S. Sizeland, for the principal sum of \$3,289.41 (less the sum of \$175.00 which has been paid), plus interest at the legal rate from the date of this Judgment until paid.

(s) HDC

UNITED STATES DISTRICT JUDGE

UNITED STATES DISTRICT COURT FOR THE
NORTHERN DISTRICT OF OKLAHOMA

UNITED STATES OF AMERICA,)
)
 Plaintiff,)
)
 vs.)
)
 MICHAEL G. BAY,)
)
 Defendant.)

CIVIL ACTION NO. 82-C-1061-B

FILED

DEC 29 1982

NOTICE OF DISMISSAL

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

COMES NOW the United States of America by
Frank Keating, United States Attorney for the Northern District
of Oklahoma, Plaintiff herein, through 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 30th day of December, 1982.

UNITED STATES OF AMERICA

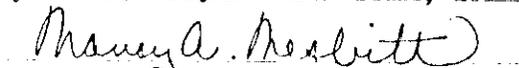
FRANK KEATING
United States Attorney



NANCY A. NESBITT
Assistant United States Attorney
460 U.S. Courthouse
Tulsa, OK 74103
(918) 581-7463

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
29th day of December, 1982.


Assistant United States Attorney

FILED

UNITED STATES DISTRICT COURT FOR THE
NORTHERN DISTRICT OF OKLAHOMA

DEC 29 1982

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

UNITED STATES OF AMERICA,)
)
 Plaintiff,)
)
 vs.)
)
 ROY E. CLARK,)
)
 Defendant.)

CIVIL ACTION NO. 82-C-169-B

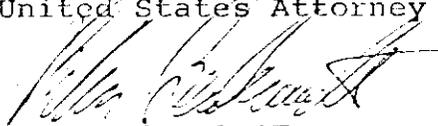
NOTICE OF DISMISSAL

COMES NOW the United States of America by Frank Keating, United States Attorney for the Northern District of Oklahoma, Plaintiff herein, through Peter Bernhardt, 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 23rd day of December, 1982.

UNITED STATES OF AMERICA

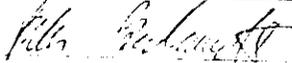
FRANK KEATING
United States Attorney



PETER BERNHARDT
Assistant United States Attorney
460 U.S. Courthouse
Tulsa, OK 74103
(918) 581-7463

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 29th day of December, 1982.


Assistant United States Attorney

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

UNITED STATES OF AMERICA,)
)
 Plaintiff,)
)
 v.)
)
 CHRISTINE HORNE,)
)
 Defendant.)

DEC 28 1982
Jack D. Silver, Clerk
No. 82-C-135-B
U.S. DISTRICT COURT

br

O R D E R

On July 12, 1982, this Court entered an Order allowing the plaintiff an enlargement of time until August 6, 1982, to serve the defendant herein. In its Order, the Court stated if the defendant was not served by August 6, 1982, the Court would dismiss the case without prejudice. It appears from the record that the plaintiff was unable to serve the defendant by August 6, 1982.

IT IS THEREFORE ORDERED the above-entitled matter is dismissed without prejudice for failure to serve the defendant.

ENTERED this 28th day of December, 1982.

Thomas R. Brett

THOMAS R. BRETT
UNITED STATES DISTRICT JUDGE

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

CARL G. TYLER,)
)
 Plaintiff,)
)
 vs.)
)
 LARRY MEACHUM, CHARLES KIRLS,)
 JOYCE SHEA and BEVERLY ARNOLD,)
)
 Defendants.)

No. 82-C-812-B

Dec. 28 1982

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

bu

O R D E R

This matter comes before the Court on the Motion to Dismiss for failure to state a claim upon which relief may be granted, pursuant to Fed.R.Civ. P. 12(b)(6). The plaintiff, pro se, has failed to respond thereto. For the reasons set forth below, defendants' Motion to Dismiss is sustained.

Plaintiff brings his action under 42 U.S.C. §1983 alleging violations of his federally protected rights under the Fifth, Eighth and Sixth Amendments by the defendants acting under color of state law. Essentially, plaintiff claims he has been subjected to double jeopardy because he was charged under 21 Okl. St. Ann. §443, in Tulsa County District Court, Case Number CRF-81-2597, for escape from a state penitentiary and also punished by the Disciplinary Committee of the Oklahoma Board of Corrections for the same escape. He pleaded guilty to the state charge and was sentenced by the Disciplinary Committee to 90 days disciplinary segregation and 30 days loss of earned time credits. Moreover, plaintiff claims the punishment he

received from the Disciplinary Committee was cruel and unusual. Finally, plaintiff claims he was deprived of his "Sixth Amendment right to due process of law"^{1/} because he was not allowed to have counsel present or to cross-examine at the Disciplinary Committee hearing.

With regard to his claim of double jeopardy, the statutes of the State of Oklahoma provide in addition to punishment under 21 Okl.St. Ann. §443 for escape from a state penitentiary that a prisoner may be punished by prison authorities for the escape. 21 Okl.St. Ann. §443a states:

"In addition, all prisoners who escape from either of the aforesaid prisons either while confined therein, or while at large as a trusty, when apprehended and returned to the prison, shall be punishable by the prison authorities in such manner as may be prescribed by the rules and regulations of the prison provided that such punishment shall not be cruel or unusual."

Further, in Boyles v. State, 569 P.2d 1026 (Okl.Crim.App. 1977), it was held that punishment under 21 Okl.St. Ann. §443 in addition to disciplinary action on the part of the Department of Corrections did not constitute double jeopardy.

Nor can the Court say plaintiff's punishment by the Disciplinary Committee was cruel and unusual. Under Policy Statement No. P-060403, (Revised) entitled, "Standards for Disciplinary Procedures," disciplinary segregation may be imposed not to exceed 90 days upon an inmate who violates an inmate rule.

-
1. The Court assumes plaintiff is referring to his Fifth and Fourteenth Amendment right to due process.

Loss of earned time credits may be imposed not to exceed 60 days. Two punishments or dispositions may be imposed for any one infraction. Plaintiff was segregated for 90 days and lost 30 days earned credit--punishment not excessive under the Department of Corrections standards for inmate infractions.

As to plaintiff's alleged due process violation, the Court observes an inmate is not entitled to cross-examine witnesses or to be represented by counsel in a disciplinary proceeding. Wolff v. McDonnell, 418 U.S. 539 (1974).

Thus, because the Court determines plaintiff has not suffered any deprivation of his Fifth, Eighth or Sixth Amendment rights, the Court must find plaintiff has failed to state a cause of action upon which relief may be granted.

IT IS THEREFORE ORDERED that defendants' Motion to Dismiss is sustained.

ENTERED this 28th day of December, 1982.



THOMAS R. BRETT
UNITED STATES DISTRICT JUDGE

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

STATE MUTUAL LIFE ASSURANCE)
COMPANY OF NORTH AMERICA, a)
Massachusetts Corporation,)

Plaintiff,)

vs.)

NANCY E. PENNINGTON, a/k/a)
NANCY LEONARD, Individually,)
and as Administratrix of the)
Estate of ARTHUR PENNINGTON,)
Deceased, ARTHUR JOE PENNINGTON,)
Individually, and as Administra-)
tor of the Estate of ARTHUR)
PENNINGTON, Deceased, LETHA SUE)
PENNINGTON BOWMAN, Individually,)

Defendants.)

No. 81-C-113-E ✓

FILED

DEC 28 1982

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

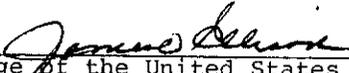
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O R D E R

ON this 27th day of December, 1982, the Joint Application to Dismiss with Prejudice came on before the Court for hearing. The Court finds that State Mutual Life Assurance Company of North America and Nancy E. Pennington, a/k/a Nancy Leonard, individually, and as Administratrix of the Estate of Arthur Pennington, have entered into a settlement agreement whereby each party is releasing the other party of all claims which each may have against the other resulting from the insurance policy on Arthur Pennington covering his life or accidental death. The Court further finds that the claims of Arthur Joe Pennington, individually, and as administratrix of the estate of Arthur Pennington, Deceased, Letha Sue Pennington Bowman, individually, have been previously dismissed with prejudice in this case.

IT IS THEREFORE ORDERED, ADJUDGED AND DECREED that the cause of action of State Mutual Life Assurance Company of North America, a Massachusetts Corporation, against Nancy E. Pennington, a/k/a Nancy Leonard, Individually, and as Administratrix of the Estate of Arthur Pennington, Deceased, is hereby dismissed

with prejudice and the claim of Nancy E. Pennington, a/k/a
Nancy Leonard, individually, and and as Administratrix of
the Estate of Arthur Pennington, against State Mutual Life
Assurance Company of North America, is dismissed with prejudice.



Judge of the United States
District Court for the
Northern District

UNITED STATES DISTRICT COURT FOR THE
NORTHERN DISTRICT OF OKLAHOMA

FILED

DEC 28 1982

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

UNITED STATES OF AMERICA,)
)
 Plaintiff,)
)
 vs.)
)
 PATRICK R. MASON,)
)
 Defendant.)

CIVIL ACTION NO. 82-C-236-E

DEFAULT JUDGMENT

This matter comes on for consideration this 28 day of December, 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, Patrick R. Mason, appearing not.

The Court being fully advised and having examined the file herein finds that Defendant, Patrick R. Mason, was personally served with an Alias Summons and Complaint on November 18, 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,

Patrick R. Mason, for the principal sum of \$707.66, plus interest at the legal rate from the date of this Judgment until paid.

[Signature]

UNITED STATES DISTRICT JUDGE

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

IRA M. GREEN, Administrator of
the Estate of LONNIE ROY GREEN,
Deceased,

Plaintiff,

vs.

ST. LOUIS-SAN FRANCISCO RAILWAY
COMPANY, a foreign corporation;
and BURLINGTON NORTHERN, INC.,
a foreign corporation,

Defendant.

No. 81-C-882-C

FILED

DEC 27 1982

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

STIPULATION FOR DISMISSAL WITH PREJUDICE

The parties hereto advise the Court that they have agreed to fully settle this case and thereby stipulate that plaintiff's cause of action be dismissed with prejudice, each party to bear its own costs.

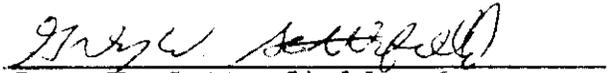


W. C. Sellers
Attorney for Plaintiff

FILED

DEC 29 1982

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



Grey W. Satterfield, of
KORNFELD, SATTERFIELD, McMILLIN,
HARMON, PHILLIPS & UPP
Attorneys for Defendant

ORDER

Upon stipulation of the parties and for good cause shown, plaintiff's cause of action against the defendant is hereby dismissed with prejudice to the refileing of such action, each party to bear its own costs.

IT IS SO ORDERED this 29th day of Dec., 1982.

(Signed) H. Dale Cook

U. S. District Judge

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

LAWRENCE INDUSTRIES, INC.,
Plaintiff,

vs.

THE BUIE CO., INC.,
Defendant and
Third Party Plaintiff,

vs.

UNITED ENGINES, INC.,
Third Party Defendant.

) FILED

) 0023 1982

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

) No. C-82-397-B

STIPULATION OF DISMISSAL

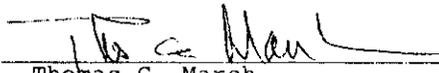
It is hereby stipulated by and between the Plaintiff, Lawrence Industries, Inc., by its attorney, Bruce M. Townsend, and the Defendant, The Buie Co., Inc., by and through its attorney, Thomas G. Marsh, that the complaint of the Plaintiff and the Cross-Petition of the Defendant, The Buie Co., Inc., against the Plaintiff be, and the same are hereby, dismissed with prejudice.

LAWRENCE INDUSTRIES, INC

By: 

Bruce M. Townsend
Attorney for Plaintiff
201 Denver Building
Tulsa, Oklahoma 74103
Telephone: (918) 582-9220

THE BUIE CO., INC.

By: 

Thomas G. Marsh
Attorney for Defendant
525 South Main, Suite 210
Tulsa, Oklahoma 74103
Telephone: (918) 587-0141

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

FORD MOTOR CREDIT COMPANY,)
)
Plaintiff,)
)
vs.)
)
M. FLOYD FITZSIMMONS,)
)
Defendant.)

FILED

DEC 23 1982

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

No. 82-C-635-C

NOTICE OF DISMISSAL

COMES NOW the Plaintiff, by and through its counsel, Thomas G. Marsh, and pursuant to Rule 41(a)(1)(i), Federal Rules of Civil Procedure, and without prejudice to the right of the Plaintiff, Ford Motor Credit Company, hereby dismisses this action in its own behalf without prejudice, for the reason that Plaintiff has recovered the collateral which is the subject matter of this action, and desires not to proceed against the Defendant at this time for deficiency judgment.

FORD MOTOR CREDIT COMPANY

By: _____

Thomas G. Marsh
Its Attorney
525 South Main, Suite 210
Tulsa, Oklahoma 74103
Telephone: (918) 587-0141

CERTIFICATE OF MAILING

The undersigned hereby certifies that on the 23 day of December, 1982, a true and exact copy of the above and foregoing Notice of Dismissal was mailed to Mr. M. Floyd Fitzsimmons, Route 1, Wann, Oklahoma 74083, with correct postage fully prepaid.

Thomas G. Marsh

UNITED STATES DISTRICT COURT FOR THE
NORTHERN DISTRICT OF OKLAHOMA

FILED

DEC 20 1982

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

UNITED STATES OF AMERICA,)
)
Plaintiff,)
)
vs.)
)
FREDERICK M. GRIFFIN,)
)
Defendant.)

CIVIL ACTION NO. 82-C-1091-C

AGREED JUDGMENT

This matter comes on for consideration this 13 day
of Dec, 1982, the Plaintiff appearing by Frank Keating,
United States Attorney for the Northern District of Oklahoma,
through Nancy A. Nesbitt, Assistant United States Attorney, and
the Defendant, Frederick M. Griffin, appearing pro se.

The Court, being fully advised and having examined the
file herein, finds that the Defendant, Frederick M. Griffin, was
personally served with Summons and Complaint on December 2, 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 him in the amount of \$840.00, plus interest at the legal
rate 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,
Frederick M. Griffin, in the amount of \$840.00, plus interest at
the legal rate from the date of this Judgment until paid.

UNITED STATES DISTRICT JUDGE

APPROVED:

UNITED STATES OF AMERICA

FRANK KEATING
United States Attorney

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

Frederick M. Griffin
FREDERICK M. GRIFFIN

UNITED STATES DISTRICT COURT FOR THE
NORTHERN DISTRICT OF OKLAHOMA

UNITED STATES OF AMERICA,

Plaintiff,

vs.

JOHN W. ATTERBERRY, MARY
ELSIE ATTERBERRY, CITIES
SERVICE COMPANY, EDNA HAMILTON,
SYLVEN E. HUGHES, JOHN H.
KEITH, CLARK KENNEDY, OGAL
KENNEDY, RUTH RANDOLPH, TEXAS
AND PACIFIC RAILWAY COMPANY,
STATE OF OKLAHOMA, OKLAHOMA
TAX COMMISSION, BOARD OF COUNTY
COMMISSIONERS of Osage County,
OK, and COUNTY TREASURER of
Osage County, OK,

Defendants.

CIVIL ACTION NO. 82-C-896-B ✓

FILED

DECEMBER 1982

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

ORDER DROPPING A PARTY DEFENDANT

On this 22nd day of December, 1982, there came on for consideration the motion of the United States of America, Plaintiff, to drop Edna Hamilton as a party defendant in this action. The Court has been advised by counsel for Plaintiff that said defendant has conveyed her property lying adjacent to abandoned railroad right-of-way, which is the subject matter of this action, to another person, and that she therefore no longer has any basis for a claim to subject property. The Court finds that the Plaintiff's motion should be sustained.

It Is Therefore, ORDERED that the defendant Edna Hamilton be dropped as a party defendant in this action, and that she shall not be notified of further proceedings in this action.

James R. Brett
UNITED STATES DISTRICT JUDGE

10

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

FILED

DEC 22 1982

cf

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

ANITA NESBITT and STEWART NESBITT,)
 individually and as wife and)
 husband,)
)
 Plaintiffs,)
)
 v.)
)
 UNIVERSITY MANSION OF TULSA)
 COMPANY, d/b/a UNIVERSITY CLUB)
 TOWERS, et al.)

No. 82-C-700-B ✓

ORDER

This matter comes before the Court on the Motion to Dismiss for lack of personal jurisdiction of the defendants, Eugene Kasser, Clara Kasser, Ivan Michael Kasser and Mary V. Mochary. It appears from the record that the plaintiffs have confessed the defendants' Motion to Dismiss.

IT IS THEREFORE ORDERED that defendants' Motion to Dismiss for lack of personal jurisdiction is sustained.

ENTERED this 22nd day of December, 1982.



THOMAS R. BRETT
UNITED STATES DISTRICT JUDGE

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

FILED

DEC 22 1982

UNITED STATES OF AMERICA,)
)
Plaintiff-Respondent,)
)
vs.)
)
CLYDE LEON MORLAND,)
)
Defendant-Movant.)

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

CASE NO. 71-CR-121-D
(82-C-888-D)

OPINION AND ORDER

The movant, who is presently incarcerated at the Federal Correctional Institution, Memphis, Tennessee, has filed a Motion pursuant to 28 U.S.C. §2255 to vacate, set aside, or correct sentence. The sentence under attack was imposed on December 1, 1971, following a jury verdict of guilty of a violation of 18 U.S.C. §§2113(a)(d), (2) in that movant did on June 18, 1971, aid and abet Thomas Leroy Morland to commit a bank robbery of the insured First National Bank, Hominy, Oklahoma, in which a dangerous weapon was used. Direct appeal of the judgment of conviction based primarily upon the sufficiency of the evidence to convict resulted in an affirmance of the conviction. (CCA No. 72-1074). As grounds for vacating this conviction the movant contends as follows:

- "Ground I: Sentenced without a pre-sentence report, in violation of Fed. Rule Crim. Procedure, Rule 32, (c) (3) (A)."
- "Ground II: Failure to disclose to the defense and trial jury, co-defendant's expectations of leniency promised by the prosecution for co-defendant's testimony."
- "Ground III: Title 18 U.S.C. Sect. 2113(A), and title 18 U.S.C. Sect. 2113(D), and (2), are merging offenses and should not be the basis for separate [sic] penalties [sic] either concurrent or consecutive, and should be vacated, CP." 1/

1/ Ground III was allowed by the Court through an amendment to Movant's original Motion.

Plaintiff has filed responses in opposition to the movant's Motion to Vacate, as amended. There are no material issues of fact presented which require an evidentiary hearing. The Court finds and concludes as follows:

GENERAL

The Supreme Court has clearly recognized the limitations applicable to §2255 collateral attack on a final judgment:

"When Congress enacted §2255 in 1948, it simplified the procedure for making a collateral attack on a final judgment entered in a federal criminal case, but it did not purport to modify the basic distinction between direct review and collateral review. It has, of course, long been settled law that an error that may justify reversal on direct appeal will not necessarily support a collateral attack on a final judgment. The reasons for narrowly limiting the grounds for collateral attack on final judgments are well known and basic to our adversary system of justice. The question in this case is whether an error has occurred that is sufficiently fundamental to come within those narrow limits."

United States v. Addonizio, 442 U.S. 178, 184-185 (1979). Thus it is the office of a §2255 Motion to correct any fundamental defects which inherently result in a complete miscarriage of justice or where exceptional circumstances warrant allowing collateral challenge. United States v. Boniface, 601 F.2d 390, 394, n.4 (9th Cir. 1979).

I.

The record reflects that the movant was sentenced on December 1, 1971, following the jury verdict and that the Court elected not to receive a presentence report. (Transcript of evidentiary proceedings, pages 141-142). The advisory committee notes show that the 1975 amendment to Rule 32, F.R.Crim.P., 18 U.S.C.A. added the provision requiring a presentence report except when the Court otherwise directs for reasons stated of record. See Rule 32 (c)(1). Accordingly, there was no requirement at the time of

sentencing herein in 1971 that the Court require the preparation of a presentence report or explain on the record why such a report is not ordered. United States v. Standing Soldier, 538 F.2d 196, 204 (8th Cir. 1976), Cert. denied 429 U.S. 1025 (1976), states:

"At the time of the sentencing in this case, the 1975 amendment to Fed.R.Crim.P. 32(c) had not yet taken effect, and thus appellant's claim that the District Court was obligated to explain its reasons for not ordering such a report without an explanation on the record is without merit. Also, the District Court's failure to order a report was not an abuse of discretion under prior Rule 32(c)."

By an allowed amendment to Plaintiff's §2255 Motion, Plaintiff incorrectly states that his counsel requested a presentence report. This is not true and is not supported by the record. In said amendment Plaintiff cites United States v. Ruiz, 580 F.2d 177 (5th Cir. 1978). This case involved Rule 32, F.R. Crim.P. after the 1975 amendment thereto and is not applicable herein as movant was sentenced in 1971 before the said rule was amended in 1975. Said case does not support Movant's claim in his amendment to his §2255 Motion that failure of the Court to order a presentence report did not afford him due process. Movant's due process claim is bare of any merit whatsoever and is frivolous. A presentence report is not required by due process. Movant's citation of People v. Triplett, 287 N.W.2d 165 (Michigan 1980) is not applicable herein as it involves the procedure established by the State of Michigan and not federal procedure regarding presentence reports in criminal cases. Ground I is without merit.

II.

The movant's contention in Ground II is not only conclusory but also spurious in view of the trial record. During the trial the movant's half-brother, Thomas L. Morland, testified for the government as to his participation in the offense with which the movant was also charged, and upon cross examination the following testimony was elicited:

"Q Mr. Morland, you were just convicted of this same crime, is that correct?

A That is correct.

Q You have been sentenced on it"

A No, sir.

Q You haven't been sentenced yet?

A No sir.

Q Were you offered anything by anybody to come in here and testify prior to you being sentenced in this case?

A No, sir.

Q You talk to any one of the FBI men when they took this statement that they might help you in this case?

A Not that they might help me, no, sir.

Q That has never been mentioned?

A No, sir."

In this Ground movant first asserts that his co-defendant had expectations of leniency promised by the prosecution for his testimony at movant's trial. This alleged expectation based on a promise from the prosecution is negated by the trial record as quoted above. The co-defendant under oath specifically denied he was promised anything by the government for his testimony given at the movant's trial. Movant does not refute this sworn testimony of his co-defendant by an affidavit of his co-defendant. Instead, Movant's assertion of such a promise is based on what his co-defendant allegedly now tells him and is strictly hearsay. Such a hearsay assertion directly refuted by sworn testimony in the record does not warrant an evidentiary hearing and is not sufficient to support a collateral attack by a §2255 motion.

Movant's effort by way of brief to alternatively claim that if his co-defendant may not have received a promise of leniency for his testimony, he none the less had an expectation of leniency, would involve something subjectively in the mind of the co-defendant about which the government would not have been privy. Not being privy to this mental subjective expectation without promise of the

co-defendant, no duty would rest on the government to disclose the same to the Movant or the trial jury.

Moreover, if Ground II is a belated challenge to the evidence on the grounds that the same was false or perjured, it has not been demonstrated that the prosecution knowingly and intentionally used such to secure movant's conviction. Brown v. U.S., 442 F. Supp. 150, 152 (E.D. Okla. 1977); Barbarin v. U.S., 329 F. Supp. 549, 552 (E.D. La. 1971), affirmed per curiam, 445 F.2d 1382 (5th Cir. 1971).

Ground II is without merit.

III.

Ground III is without merit. Movant was indicted for, convicted of and sentenced on only one federal offense, namely, aiding and abetting in the taking of money from an insured bank in which taking a dangerous weapon was used. Concurrent or consecutive sentences were not imposed on the Movant in this case as the record clearly demonstrates. The maximum penalty for this single offense is twenty-five years imprisonment and a \$10,000.00 fine. The sentence of the Court was within the permissible range of punishment for the single offense involved. As Movant's sentence is within the statutory limits, the duration of the confinement may not be attacked under §2255. U.S. v. Moore, 656 F.2d 378 (8th Cir. 1981), cert. denied ___ U.S. ___. The cases cited by Movant are not in point with the facts of this case.

Accordingly, the Movant's Motion to vacate, set aside or correct sentence, as amended, should be overruled.

IT IS SO ORDERED this 22nd day of December, 1982.


FRED DAUGHERTY
UNITED STATES DISTRICT JUDGE

100

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

DR. MARJORIE DAVIS,)
)
 Plaintiff,)

v.)

No. 81-C-103-BT ✓

THE OKLAHOMA COLLEGE OF)
OSTEOPATHIC MEDICINE AND)
SURGERY, THE BOARD OF REGENTS)
OF THE OKLAHOMA COLLEGE OF)
OSTEOPATHIC MEDICINE AND)
SURGERY, DR. WALTER WILSON,)
LEONA HAGERMAN, SIMON PARKER,)
DR. THOMAS J. CARLILE, JEANNE)
SMITH, FANNIE HILL, and BARBARA)
WALTER,)

Defendants.)

FILED

DEC 22 1982

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

lv

ORDER CERTIFYING JUDGMENT AS FINAL

Pursuant to Rule 54(b) of the Federal Rules of Civil Procedure, the Court hereby finds that the judgment rendered on November 18, 1982 is a final judgment on the claims tried to the Court under Title VII of the Civil Rights Act of 1964 (42 U.S.C. §2000 e, et seq.) and Title IV of the Education Amendments of 1972 (20 U.S.C. §1681). Additionally, this Court expressly determines that there is no just reason for delay in hearing an appeal upon the entry of this final judgment.

IT IS HEREBY ORDERED that the November 18, 1982 judgment be entered and certified according to Rule 54(b) of the Federal Rule of Civil Procedure, as a final judgment to the claims asserted under the Civil Rights Act of 1964 (42 U.S.C. §2000e, et seq.) and Title IV of the Education Amendments of 1972 (20 U.S.C. §1681).

Dated this 21st day of Dec., 1982.

Thomas C. Silver
United States District Judge

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

FILED
JUN 22 1982
Jack C. Silver, Clerk
U. S. DISTRICT COURT

ARTHUR L. COURVILLE, as Guardian)
of the Person and Estate of)
LINDA SUE COURVILLE, an)
Incompetent Person,)

Plaintiff,)

vs.)

NO. 82-C-76-C

ROBERT LEE KUNGLE, an Individual,)
and THE FARMERS INSURANCE)
EXCHANGE, A Foreign Corporation,)

Defendants.)

ORDER OF DISMISSAL WITH PREJUDICE

Pursuant to the Federal Rules of Civil Procedure, Rule 41,
and in accordance with the stipulated agreement of the parties, IT
IS HEREBY ORDERED that the cause of action of Plaintiff against
Defendant, The Farmers Insurance Exchange, is dismissed with pre-
judice.

151 H. Dale Cook
UNITED STATES DISTRICT JUDGE

FILED

UNITED STATES DISTRICT COURT FOR THE
NORTHERN DISTRICT OF OKLAHOMA DEC 22 1982

UNITED STATES OF AMERICA,)
)
 Plaintiff,)
)
 vs.)
)
 MICHAEL T. CHAMPION,)
)
 Defendant.)

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

CIVIL ACTION NO. 81-C-176-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 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 23rd day of December, 1982.

UNITED STATES OF AMERICA

FRANK KEATING
United States Attorney

Nancy A. Nesbitt
NANCY A. NESBITT
Assistant United States Attorney
460 U.S. Courthouse
Tulsa, OK 74103
(918) 581-7463

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
23rd day of December, 1982.
Nancy A. Nesbitt
United States Attorney

FILED

DEC 22 1982

IN THE UNITED STATES DISTRICT COURT FOR THE
NORTHERN DISTRICT OF OKLAHOMA **Jack C. Silver, Clerk**
U. S. DISTRICT COURT

THE MOLLOY GROUP, INC., an)
Oklahoma corporation,)
)
Plaintiff,)
)
v.)
)
STAFFAMERICA MANAGEMENT)
GROUP, INC., a Minnesota)
corporation,)
Defendant.)

No. 82-C-29-B

O R D E R

Pursuant to the Joint Stipulation of Dismissal filed herein by the parties on December 21, 1982, the above styled cause is hereby dismissed with prejudice as to each party.

S/ THOMAS R. BRETT
UNITED STATES DISTRICT JUDGE

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

FILED

DEC 22 1982

BANK OF COMMERCE AND TRUST COMPANY,)
)
) Plaintiff,)
)
)
) vs.)
)
) JOHN H. STEARNS,)
)
) Defendant.)

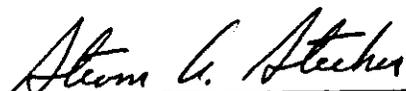
Jack C. Silver, Clerk
U. S. DISTRICT COURT

No. 82-C-974-B

NOTICE OF DISMISSAL

TO: John H. Stearns
7072 Indian Peaks Trail
Boulder, Colorado 80301

Please take notice that the above-entitled action is
hereby dismissed.

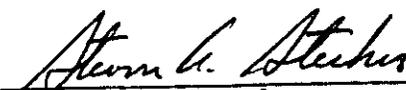


Steven A. Stecher
James R. Miller
MOYERS, MARTIN, CONWAY, SANTEE
& IMEL
320 South Boston, Suite 920
Tulsa, Oklahoma 74103
(918) 582-5281

ATTORNEYS FOR PLAINTIFF,
BANK OF COMMERCE AND TRUST
COMPANY

CERTIFICATE OF MAILING

I hereby certify that on the 22 day of December, 1982,
a true and correct copy of the foregoing Notice of Dismissal was
mailed postage prepaid to: John H. Stearns, 7072 Indian Peaks
Trail, Boulder, Colorado 80301.



Steven A. Stecher

IN THE UNITED STATES DISTRICT COURT FOR THE **FILED**

NORTHERN DISTRICT OF OKLAHOMA

DEC 22, 1982

CLARICE BROUGHTON,

Plaintiff,

vs.

SIPES FOOD MARKETS, INC., an
Oklahoma Corporation,

Defendant.

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

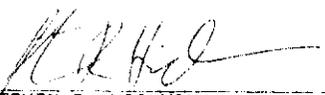
No. C-82-769-B

STIPULATION OF DISMISSAL

COME now Plaintiff and Defendant by and through their respective attorneys of record and stipulate to the dismissal of the above styled and numbered cause without prejudice.

FRASIER, FRASIER & GULLEKSON

By:


STEVEN R. HICKMAN
717 S. Houston, Suite 400
Tulsa, Oklahoma 74127
(918) 584-4724

Attorney for Plaintiff

KNIGHT, WAGNER, STUART, WILKERSON &
LIEBER

By:


JOHN HOWARD LIEBER
616 S. Main, Suite 205
Tulsa, Oklahoma 74119
(918) 584-6457

Attorney for Defendant

FILED

DEC 22 1982

UNITED STATES DISTRICT COURT FOR THE
NORTHERN DISTRICT OF OKLAHOMA

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

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

CIVIL ACTION NO. 82-C-352-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 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 23rd day of December, 1982.

UNITED STATES OF AMERICA
FRANK KEATING
United States Attorney
Nancy A. Nesbitt
NANCY A. NESBITT
Assistant United States Attorney
460 U.S. Courthouse
Tulsa, OK 74103
(918) 581-7463

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 23rd day of December, 1982.

Nancy A. Nesbitt
Assistant United States Attorney

FILED

UNITED STATES DISTRICT COURT FOR THE
NORTHERN DISTRICT OF OKLAHOMA

DEC 22 1982

UNITED STATES OF AMERICA,)
)
 Plaintiff,)
)
 vs.)
)
 WILLIAM M. BAXTER,)
)
 Defendant.)

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

CIVIL ACTION NO. 82-C-353-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 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 23rd day of December, 1982.

UNITED STATES OF AMERICA

FRANK KEATING
United States Attorney

Nancy A. Nesbitt

NANCY A. NESBITT
Assistant United States Attorney
460 U.S. Courthouse
Tulsa, OK 74103
(918) 581-7463

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 23rd day of December, 1982.

Nancy A. Nesbitt
Assistant United States Attorney

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

DAVIDSON OIL COUNTRY SUPPLY CO.,)
INC.,)
)
Plaintiff,)
)
vs.)
)
DEWEY OILFIELD SUPPLY, INC.,)
)
Defendant and)
Third-party Plaintiff,)
)
vs.)
)
HUNTINGTON OIL & GAS, INC.,)
)
Third-party Defendant.)

No. 82-C-291-BT ✓

FILED

DEC 23 1982 C

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

ORDER

This matter came on for pretrial hearing on October 5, 1982, the plaintiff appearing by and through its counsel, Linda G. Scoggins of Andrews, Davis, Legg, Bixler, Milsten & Murrah, the defendant appearing by and through its counsel, Rick Esser of Heskett, Heskett, Daniel, Esser & Woodyard, and third-party defendant by and through its counsel, Thomas M. Barrett. The Court, having considered the pleadings and all of the matters of the file, including the brief submitted by plaintiff in support of its motion to strike the third-party complaint, and having considered the argument of counsel presented to the Court, finds as follows that:

1. Plaintiff, Davidson Oil Country Supply Co., Inc. ("Davidson"), is a Delaware corporation with its principal place of business in Texas.
2. Defendant, Dewey Oilfield Supply, Inc. ("Dewey"), is an Oklahoma corporation with its principal place of business in Oklahoma.
3. Third-party defendant, Huntington Oil & Gas, Inc. ("Huntington"), is an Oklahoma corporation with its principal place of business in Oklahoma.

4. There is pending in Washington County, State of Oklahoma, a cause of action brought by defendant Dewey against third-party defendant Huntington based on the same transactions and occurrences as those asserted in the third-party action.

5. The finding of this Court has no effect on the action pending in Washington County, State of Oklahoma.

6. The third-party claim asserted by Dewey against Huntington is unrelated to the claim asserted in the original cause of action by Davidson against Dewey.

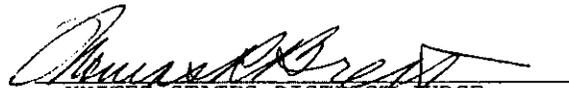
7. Dewey's third-party complaint against Huntington does not come within the ancillary jurisdiction of this Court.

8. There is no federal question involved in the third-party complaint against Huntington.

9. There is no diversity of citizenship between Dewey and Huntington.

10. Since Dewey's third-party claim against Huntington did not arise out of the same transaction or occurrence as the original cause of action and because it does not satisfy independent jurisdictional grounds, it should be stricken.

IT IS THEREFORE ORDERED, ADJUDGED AND DECREED that the Motion to Strike of plaintiff, Davidson Oil Country Supply Co., Inc. be and is hereby granted and the third-party complaint against Huntington Oil & Gas, Inc. is hereby stricken.

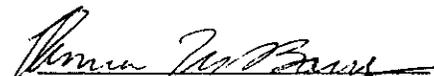

UNITED STATES DISTRICT JUDGE

APPROVED AS TO FORM:

DAVIDSON OIL COUNTRY SUPPLY CO., INC.


Linda G. Scoggins
-of-
ANDREWS DAVIS LEGG BIXLER
MILSTEN & MURRAH
1600 Midland Center
Oklahoma City, Oklahoma 73102
(405) 272-9241

HUNTINGTON OIL & GAS, INC.


Thomas M. Barrett
7900 N.W. 23rd
Bethany, Oklahoma 73008
(405) 787-2606

DEWEY OILFIELD SUPPLY, INC.


Rick Esser
-of-
HESKETT, HESKETT, DANIEL,
ESSER & WOODYARD
502 Union Bank and Trust Building
Bartlesville, Oklahoma 74003
(918) 336-1773

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

FILED

JOSEPH TREGO,)
)
 Plaintiff,)
)
 vs.)
)
 D & P TANK SERVICE, INC., an)
 Oklahoma corporation, and)
 LAWRENCE McWILLIAMS,)
)
 Defendants,)
)
 vs.)
)
 COMMERCIAL UNION ASSURANCE)
 COMPANY, INC.,)
)
 Party Plaintiff,)

DEC 22 1982
Jack C. Silver, Clerk
U. S. DISTRICT COURT
No. 82-C-633-D

ORDER

Upon the Joint Application and Stipulation of the Plaintiff, the Intervenor Party Plaintiff, and the Defendants, and each of them, to dismiss the Complaint and the Complaint in Intervention herein and for good cause shown, the Court finds that:

1. The Plaintiff's Complaint and the Intervenor Party Plaintiff's Complaint in Intervention filed herein should be dismissed by stipulation pursuant to the provisions of Rule 41(a)(1)(ii) of the Federal Rules of Civil Procedure.
2. That said Dismissal is with prejudice, and does operate as an adjudication upon the merits of the causes of action contained in said Complaint and Complaint in

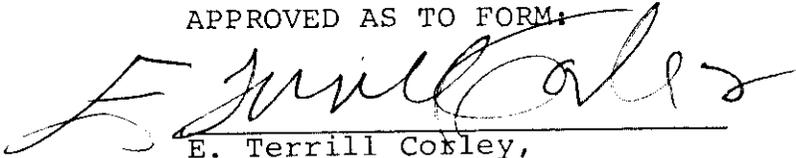
Intervention, and that the Defendants, D & P Tank Service, Inc. and Lawrence McWilliams and their insurance carrier are not responsible for the attorneys fees and/or costs of any other party.

IT IS, THEREFORE, ORDERED, ADJUDGED AND DECREED by the Court that the Complaint in the above styled and captioned cause, and the Complaint in Intervention, should be and the same are, Dismissed with Prejudice, and that the Defendants D & P Tank Service, Inc. and Lawrence McWilliams and their insurance carrier are not responsible for the attorneys fees and/or costs of any other party.

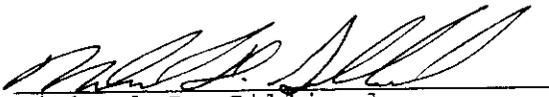
S/ THOMAS R. BRETT

U.S. DISTRICT JUDGE

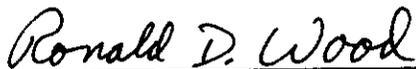
APPROVED AS TO FORM:



E. Terrill Coxley,
Attorney for Plaintiff
1809 E. 15th Street
Tulsa, Oklahoma 74104
(918) 744-6641



Michael D. Gilliard,
Attorney for Intervenor
Legal Arts Building
1515 S. Boulder
Tulsa, Oklahoma 74119
(918) 584-3391



Ronald D. Wood
Attorney for Defendants
9 E. 4th Street, Suite 400
Tulsa, Oklahoma 74103
(918) 584-2583

UNITED STATES DISTRICT COURT FOR THE
NORTHERN DISTRICT OF OKLAHOMA

DEC 9 1982
Jack C. S...
U. S. DISTRICT COURT

UNITED STATES OF AMERICA,)
)
 Plaintiff,)
)
 vs.) CIVIL ACTION NO. 82-C-509-E
)
 QUINCY D. PRINCE,)
)
 Defendant.)

DEFAULT JUDGMENT

This matter comes on for consideration this 20 day of December, 1982, the Plaintiff appearing by Frank Keating, United States Attorney for the Northern District of Oklahoma, through Nancy A. Nesbitt, Assistant United States Attorney, and the Defendant, Quincy D. Prince, appearing not.

The Court being fully advised and having examined the file herein finds that Defendant, Quincy D. Prince, was served with Alias Summons and Complaint on October 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, Quincy D. Prince, for the principal sum of \$1,631.22, plus the accrued interest of \$469.15 as of April 30, 1982, plus interest on the principal sum of \$1,631.22 at 7 percent from April 30, 1982, until the date of Judgment, plus interest on the Judgment at the legal rate until paid.

S/ JAMES O. ELLEN

UNITED STATES DISTRICT JUDGE

UNITED STATES DISTRICT COURT FOR THE
NORTHERN DISTRICT OF OKLAHOMA

FILED

DEC 21 1982

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

82-C-253-E

UNITED STATES OF AMERICA,)
)
Plaintiff,)
)
vs.)
)
DOROTHY K. SCHULTZ now)
HARTLOPER,)
)
Defendant.)

CIVIL ACTION NO. 82-253-E

AGREED JUDGMENT

This matter comes on for consideration this 20 day of Dec., 1982, the Plaintiff appearing by Frank Keating, United States Attorney for the Northern District of Oklahoma, through Peter Bernhardt, Assistant United States Attorney, and the Defendant, Dorothy K. Schultz now Hartloper, appearing pro se.

The Court, being fully advised and having examined the file herein, finds that the Defendant, Dorothy K. Schultz now Hartloper, was personally served with Summons and Complaint on April 14, 1982. The Defendant has not filed her Answer but in lieu thereof has agreed that she is indebted to the Plaintiff in the amount alleged in the Complaint and that Judgment may accordingly be entered against her in the amount of \$313.70, plus interest at the legal rate 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, Dorothy K. Schultz now Hartloper, in the amount of \$313.70, plus interest at the legal rate from the date of this Judgment until paid.

S/ JAMES O. ELISON
UNITED STATES DISTRICT JUDGE

APPROVED:

UNITED STATES OF AMERICA

FRANK KEATING
United States Attorney

Peter Bernhardt
PETER BERNHARDT
Assistant U.S. Attorney

Dorothy K. Schultz
DOROTHY K. (SCHULTZ) HARTLOPER

FILED

UNITED STATES DISTRICT COURT FOR THE
NORTHERN DISTRICT OF OKLAHOMA

DEC 9 1982

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

UNITED STATES OF AMERICA,)
)
Plaintiff,)
)
vs.)
)
KENNETH R. OWENS,)
)
Defendant.)

CIVIL ACTION NO. 82-C-1033-E ✓

DEFAULT JUDGMENT

This matter comes on for consideration this 20th day of December, 1982, the Plaintiff appearing by Frank Keating, United States Attorney, through Philard L. Rounds, Jr., Assistant United States Attorney for the Northern District of Oklahoma, and the Defendant, Kenneth R. Owens, appearing not.

The Court being fully advised and having examined the file herein finds that Defendant, Kenneth R. Owens, was served with Summons and Complaint on November 8, 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, Kenneth R. Owens, for the principal sum of \$1,996.70, plus interest at the legal rate from the date of this Judgment until paid.

James A. Adams
UNITED STATES DISTRICT JUDGE

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

GLODOWSKI TRUCKING, INC.,)
)
Plaintiff,)
)
vs.)
)
BOARD OF COUNTY COMMIS-)
SIONERS, OSAGE COUNTY,)
STATE OF OKLAHOMA, and)
JAMES BYRON MOUTRAY,)
and individual,)
)
Defendants.)

FILED
DEC 11 1982
Jack C. Silver, Clerk
U. S. DISTRICT COURT

No. 81-C-200E

ORDER OF DISMISSAL

Upon the application of the defendant, James Byron
Moutray, and for good cause shown, this Cross-Claim is
dismissed with prejudice.

S/ JAMES O. ELLISON

JUDGE OF THE DISTRICT COURT

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

GLODOWSKI TRUCKING, INC.,)
)
 Plaintiff,)
)
 vs.)
)
 BOARD OF COUNTY COMMIS-)
 SIONERS, OSAGE COUNTY,)
 STATE OF OKLAHOMA, and)
 JAMES BYRON MOUTRAY,)
 an individual,)
)
 Defendants.)

NO. 81-C-200-E

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

ORDER OF DISMISSAL

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

S/ JAMES O. HIGHT

UNITED STATES DISTRICT JUDGE

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

GENERAL DISCOUNT CORPORATION,)
a corporation,)
)
Plaintiff,)
)
v.)
)
FOX DRILLING COMPANY, a)
corporation; STEPHEN R.)
RYKOFF, an individual; and,)
JASON I. FOX, an individual,)
)
Defendants.)

Case No. 82-C-446-E

FILED

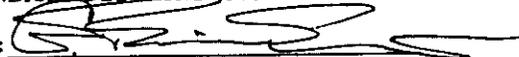
DEC 20 1982

STIPULATION AND ORDER OF DISMISSAL Jack C. Silver, Clerk
Stipulation

It is hereby stipulated by and between plaintiff, General Discount Corporation, and defendant, Stephen R. Rykoff, that the above-entitled action as between plaintiff and said defendant may be dismissed without prejudice, each party to bear its or his own costs.

Dated this 16 day of December, 1982.

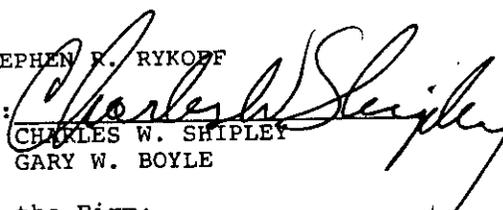
GENERAL DISCOUNT CORPORATION

By: 
G. BLAINE SCHWABE, III

Of the Firm:
MOCK, SCHWABE, WALDO, ELDER,
REEVES & BRYANT
Third Floor
One Hundred Park Avenue
Oklahoma City, Oklahoma 73102
(405) 235-5500

ATTORNEY FOR PLAINTIFF,
GENERAL DISCOUNT CORPORATION

STEPHEN R. RYKOFF

By: 
CHARLES W. SHIPLEY
GARY W. BOYLE

Of the Firm:
BOESCHE, MCDERMOTT & ESKRIDGE
320 South Boston, Suite 1300
Tulsa, Oklahoma 74103

ATTORNEYS FOR DEFENDANT,
STEPHEN R. RYKOFF

Order

Plaintiff, General Discount Corporation, and defendant, Stephen R. Rykoff, having stipulated that the above-entitled action may be dismissed without prejudice, each party to bear its or his own costs,

IT IS SO ORDERED.

Dated this ___ day of December, 1982.

[Signature]

UNITED STATES DISTRICT JUDGE

FILED

DEC 22 1982

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

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

LAWRENCE INDUSTRIES, INC.,)
)
 Plaintiff,)
)
 vs.)
)
 THE BUIE CO., INC.,)
)
 Defendant and)
 Third Party Plaintiff,)
)
 vs.)
)
 UNITED ENGINES, INC.,)
)
 Third Party Defendant.)

FILED

DEC 20 1982

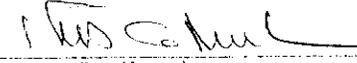
Jack C. Silver, Clerk
U. S. DISTRICT COURT

No. C-82-397-B

STIPULATION OF DISMISSAL

It is hereby stipulated by and between the Defendant and Third Party Plaintiff, The Buie Co., Inc., by and through its attorney, Thomas G. Marsh, and the Third Party Defendant, United Engines, Inc., by and through its attorney, Pat Malloy, that the Third Party complaint against the Third Party Defendant be, and the same is hereby, dismissed with prejudice.

THE BUIE CO., INC.

By: 
Thomas G. Marsh
Attorney for Third Party Plaintiff

525 South Main, Suite 210
Tulsa, Oklahoma 74103
918/587-0141

UNITED ENGINES, INC.

By: 
Pat Malloy
Attorney for Third Party Defendant

810 Utica Bank Tower
1924 South Utica Avenue
Tulsa, Oklahoma 74104
918/747-3491

CERTIFICATE OF MAILING

The undersigned hereby certifies that on the 20 day of December, 1982, a true and exact copy of the above and foregoing Stipulation of Dismissal was mailed to Mr. Bruce M. Townsend, attorney for Plaintiff, 201 Denver Building, Tulsa, Oklahoma 74103, with proper postage prepaid thereon.



Thomas G. Marsh

UNITED STATES DISTRICT COURT FOR THE
NORTHERN DISTRICT OF OKLAHOMA

UNITED STATES OF AMERICA,)
)
 Plaintiff,)
)
 vs.)
)
 JOHN LUTHER IVIE,)
)
 Defendant.)

CIVIL ACTION NO. 82-C-412-B

FILED

DEC 17 1982

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

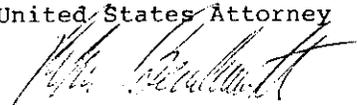
NOTICE OF DISMISSAL

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

Dated this 17th day of December, 1982.

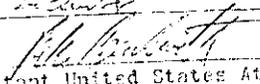
UNITED STATES OF AMERICA

FRANK KEATING
United States Attorney


PETER BERNHARDT
Assistant United States Attorney

CERTIFICATE OF SERVICE

The undersigned certifies that a true copy of the foregoing pleading was served on each of the parties hereto by mailing the same to them or to their attorneys of record on the 17th day of December, 1982.


Assistant United States Attorney

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

SATELLITE SYNDICATED SYSTEMS,)
INC., an Oklahoma corporation,)
)
Plaintiff,)
)
v.)
)
RCA AMERICAN COMMUNICATIONS, INC.,)
)
Defendant.)

No. 81-C-579-B

ORDER

Now, on this 17th day of December, 1982, upon Joint
Stipulation and Application of the parties herein, it is
ORDERED that the above cause be dismissed without prejudice
to refiling same.

S/ THOMAS R. BRETT

JUDGE

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

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

JAMES MARTIN JACKSON,
and L. KEN PUCKETT,

Plaintiffs

v.

UNITED STATES OF AMERICA,

Defendant

v.

JACK ADWON,

Additional Defendant
on Counterclaim

CIVIL NO. 82-C-38-B

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

JUDGMENT ON JURY VERDICT

In accordance with the verdict of the jury entered on
November 23, 1982, it is hereby

ORDERED, ADJUDGED, and DECREED that plaintiffs
James Martin Jackson's Complaint is dismissed with prejudice
and that defendant United States of America is to have and
recover against plaintiff James Martin Jackson on his
Counterclaim the sum of \$13,494.11 plus interest as provided by
law; and it is further

ORDERED, ADJUDGED, and DECREED that defendant United
States of America's Counterclaims against plaintiff Ken Puckett
and additional defendant on counterclaim Jack Adwon be and is
hereby dismissed with prejudice.

Dated at Tulsa Oklahoma this 17th day of December, 1982.

S/ THOMAS R. BRETT

UNITED STATES DISTRICT JUDGE

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

FILED

DEC 17 1982

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

HYDRO-SEAL, INC.,)
an Oklahoma Corporation,)
)
Plaintiff,)
)
vs.)
)
DYNAMIT NOBEL OF AMERICA,)
INC., a New York corporation,)
and)
AMERICAN ARBITRATION ASSOCIA-)
TION,)
)
Defendants.)

No. 81-C-245-E

STIPULATION FOR DISMISSAL

Pursuant to Rule 41(a) (1), of the Federal Rules of Civil Procedure, all claims in the above-entitled action having heretofore been fully satisfied, it is hereby stipulated by and between HYDRO-SEAL, INC., and DYNAMIT NOBEL OF AMERICA, INC., that the above-entitled action be dismissed with prejudice, all costs having heretofore been paid. Said stipulation excludes the AMERICAN ARBITRATION ASSOCIATION, Defendant herein, for the reason that said Defendant has made no appearance in the above-styled and numbered action.

DATED December ____, 1982.

TALIAFERRO, MALLOY & ELDER

By: *James R. Elder*
JAMES R. ELDER
1924 South Utica, Suite 820
Tulsa, Oklahoma 74104
(918) 749-6692
Attorney for Plaintiff

CONNER, WINTERS, BALLAINE,
BARRY & MCGOWEN

By: *Wade A. Hoefling*
WADE A. HOEFLING
2400 First National Tower
Tulsa, Oklahoma 74103
Attorney for Defendant DYNAMIT
NOBEL OF AMERICA, INC.

CERTIFICATE OF MAILING

I, JAMES R. ELDER, hereby certify that on the date of filing hereof, I mailed a true, correct and exact copy of the within and foregoing Stipulation For Dismissal, to Mr. Wade A. Hoefling, 2400 First National Tower, Tulsa, Oklahoma 74103, Attorney for Defendant, with proper postage thereon fully prepaid.

James R. Elder
JAMES R. ELDER

FILED

United States District Court

DEC 16 1982

FOR THE

NORTHERN DISTRICT OF OKLAHOMA

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

ISSER JOSEPH GANEM

CIVIL ACTION FILE NO. 82-C-58-BT

Plaintiff,

vs.

JUDGMENT

TAMMY CAMPBELL LEWIS, FIDELITY & CASUALTY
INSURANCE COMPANY AND SOUTHWEST NATIONAL
INSURANCE COMPANY,

Defendants.

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

It is Ordered and Adjudged THAT THE PLAINTIFF, ISSER JOSEPH GANEM, RECOVER
JUDGMENT FROM THE DEFENDANTS, TAMMY CAMPBELL LEWIS AND FIDELITY &
CASUALTY INSURANCE COMPANY ON COMPENSATORY DAMAGES IN THE AMOUNT OF
\$30,000.00 WITH PRE-JUDGMENT INTEREST FROM JANUARY 22, 1982 AT 15%
PER ANNUM UNTIL DATE OF JUDGMENT AND POST JUDGMENT INTEREST AT
9.07% PER ANNUM FROM DATE OF JUDGMENT UNTIL PAID. IT IS FURTHER
ORDERED AND ADJUDGED THAT THE PLAINTIFF, ISSER JOSEPH GANEM, RECOVER
JUDGMENT FROM THE DEFENDANT TAMMY CAMPBELL LEWIS, FOR PUNITIVE DAMAGES
IN THE AMOUNT OF \$2,500.00 WITH POST JUDGMENT INTEREST AT 9.07% PER
ANNUM FROM THE DATE OF JUDGMENT UNTIL PAID.
THE PLAINTIFF IS AWARDED ITS COSTS OF ACTION AND THE PARTIES ARE TO
PAY THEIR OWN RESPECTIVE ATTORNEY FEES. THE CLAIM OF THE PLAINTIFF,
ISSER JOSEPH GANEM, AGAINST THE DEFENDANT SOUTHWEST NATIONAL INSURANCE
COMPANY, IS HEREBY DISMISSED.

Dated at TULSA, OKLAHOMA , this 16th day
of DECEMBER , 19 82 .


THOMAS R. BRETT
U.S. DISTRICT JUDGE

FILED

UNITED STATES DISTRICT COURT FOR THE ~~16~~ ^{DEC 16} 1982,
NORTHERN DISTRICT OF OKLAHOMA

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

UNITED STATES OF AMERICA,)
)
 Plaintiff,)
)
 vs.) CIVIL ACTION NO. 82-C-1039-E
)
 HERBERT J. FARLEY,)
)
 Defendant.)

AGREED JUDGMENT

This matter comes on for consideration this ⁴⁶ ~~16~~ day of December, 1982, the Plaintiff appearing by Frank Keating, United States Attorney for the Northern District of Oklahoma, through Nancy A. Nesbitt, Assistant United States Attorney, and the Defendant, Herbert J. Farley, appearing pro se.

The Court, being fully advised and having examined the file herein, finds that Defendant, Herbert J. Farley, was personally served with Summons and Complaint on November 18, 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 \$969.75 (less the amount of \$540.00 which has been paid) , plus the accrued interest of \$275.70 as of June 2, 1981, plus interest at 7 percent per annum from June 2, 1981, until the date of this Judgment, plus interest at the legal rate 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, Herbert J. Farley, for the principal sum of \$969.75 (less the amount of \$540.00 which has been paid), plus the accrued interest of \$275.70 as of June 2, 1981, plus interest at 7 percent per annum from June 2, 1981, until the date of this Judgment, plus

interest at the legal rate from the date of this Judgment until paid.

S/ JAMES O. ELLISON
UNITED STATES DISTRICT JUDGE

APPROVED:

UNITED STATES OF AMERICA

FRANK KEATING
United States Attorney

Nancy A. Nesbitt

NANCY A. NESBITT
Assistant U.S. Attorney

Herbert J. Farley

HERBERT J. FARLEY

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

THE GREAT WESTERN SUGAR COMPANY,)
a Delaware corporation,)
)
Plaintiff,)
)
v.)
)
LAKE COUNTRY BEVERAGE, INC.,)
an Oklahoma corporation,)
d/b/a SEVEN-UP BOTTLING COMPANY,)
)
Defendant.)

Civil Action No.
82-C-180-C

FILED

DEC 16 1982

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

JUDGMENT

NOW THEN on the 16th day of December, 1982 there comes on for consideration the Defendant's Motion to Tax Costs and Attorneys Fees and the Court being advised by the parties hereto that the Plaintiff has agreed to pay the Defendant Lake Country Beverage, Inc. the sum of Thirty-Three Thousand Seven Hundred Eighty-Eight and 92/100 Dollars (\$33,788.92) as attorneys fees and costs finds that Judgment should be entered in favor of the Defendant Lake Country Beverage, Inc. against the Plaintiff, The Great Western Sugar Company in the amount of \$33,788.92.

IT IS THEREFORE ORDERED, ADJUDGED AND DECREED that the Plaintiff, The Great Western Sugar Company pay to the Defendant, Lake Country Beverage, Inc. the sum of \$33,788.92 as the Defendant's attorneys fees and costs herein.

(Signed) H. Dale Cook

JUDGE OF THE DISTRICT COURT

APPROVED AS TO FORM AND CONTENT:

NICHOLS & WOLFE, INC.
Attorneys for Defendant, Lake Country
Beverage, Inc.

By: _____
Thomas P. Nally

WADDELL & BUZZARD
Attorneys for Plaintiff, The Great
Western Sugar Company

By: _____
Gene C. Buzzard

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

BAS-TEX CORPORATION, §
§
Plaintiff, §
§
v. § CIVIL ACTION NO.
§ 82-C-334-C
SMITHCO ENGINEERING, INC., §
§
Defendant. §

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

CONSENT DECREE AND DISMISSAL

NOW, on this 16th day of December, 1982, the above styled and numbered cause comes on before the Court upon the consent and stipulation of the parties hereto for entry of judgment. The Court, having reviewed the pleadings filed herein and having been advised of the Consent Decree and Joint Stipulation for Dismissal, and being fully advised in the premises, finds that the parties have fully and completely settled and compromised all matters in dispute and that pursuant to the stipulation and agreement of parties, a Decree and Dismissal should be entered as follows:

IT IS, THEREFORE, ORDERED, ADJUDGED AND DECREED by the Court that the United States Patent No. 3,493,782 is valid.

IT IS, THEREFORE, ORDERED, ADJUDGED AND DECREED by the Court that the Defendant neither denies or admits infringement, but in the spirit of compromise agrees that it will

not, for the remaining term of the aforesaid patent, manufacture, or sell, or offer to sell a closure for a tube and shell type heat exchanger as substantially constructed in accordance with Exhibit A attached to the Consent Decree and Joint Stipulation For Dismissal, nor will it make, or sell closures or substantial equivalents that would read on claims 2-7 of said Patent.

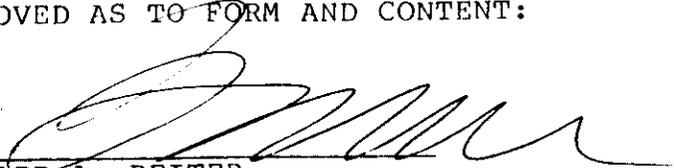
IT IS FURTHER ORDERED, ADJUDGED AND DECREED by the Court that neither party will publicize or cause to be publicized their Consent Decree and Joint Stipulation For Dismissal or any of the terms hereof and herein this Decree.

IT IS FURTHER ORDERED, ADJUDGED AND DECREED by the Court that no damages shall be assessed and that each party shall assume its own costs and attorneys' fees, except for payment of certain costs in the spirit of compromise by the Defendant to the Plaintiff of \$3,750.00.

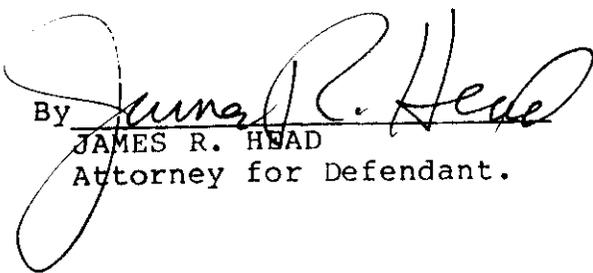
IT IS, THEREFORE, ORDERED, ADJUDGED AND DECREED by this Court that the Complaint filed herein by the Plaintiff, Bas-Tex Corporation and the Counterclaims filed by the Defendant, Smithco Engineering, Inc., should be and the same is dismissed with prejudice as to future filing.

LSI H. Dale Cook
U. S. DISTRICT JUDGE

APPROVED AS TO FORM AND CONTENT:


BERNARD A. REITER
Attorney for Plaintiff

HEAD, JOHNSON & STEVENSON

By 
JAMES R. HEAD
Attorney for Defendant.

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

FILED

bw
DEC 16 1982
PLAINTIFFS

IVAN L. SOREGHY AND MONICA S. SOREGHY

VS.

No. 82-C-817-E ✓

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

FARMER'S HOME ADMINISTRATION; FEDERAL
LAND BANK OF WICHITA; VAN W. OWENS,
INDIVIDUALLY AND AS COUNTY SUPERVISOR
OF FmHA IN JAY, OKLAHOMA; RALPH CHILDERS,
INDIVIDUALLY AND AS DISTRICT DIRECTOR OF
FmHA IN PRYOR, OKLAHOMA; LARRY E. STEPHENSON,
STATE DIRECTOR OF FmHA IN STILLWATER, OKLAHOMA;
and MIKE BLECKA, INDIVIDUALLY AND AS AN
EMPLOYEE AND OFFICER OF THE FEDERAL LAND BANK
ASSOCIATION OF BROKEN ARROW-VINITA BRANCH,
VINITA, OKLAHOMA

DEFENDANTS

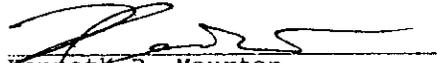
ORDER OF DISMISSAL WITH PREJUDICE

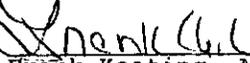
Now on this 16 day of ^{Nov.} ~~October~~, 1982, came on for
hearing the joint motion of Plaintiffs and all Defendants for
dismissal of the claims presented herein with prejudice, and
from a review of the record herein and the Stipulation for
Dismissal filed by the parties hereto, the Court finds that
the Stipulation for Dismissal should be recognized and this
matter is hereby dismissed with prejudice as to all claims
which have been asserted or could be asserted in this liti-
gation.

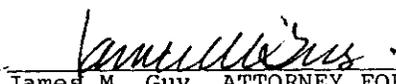
S/ JAMES O. ELLISON

United States District Judge

APPROVED AS TO FORM:


Kenneth R. Mourton
ATTORNEY FOR PLAINTIFFS


Frank Keating, ATTORNEY FOR
FARMER'S HOME ADMINISTRATION,
VAN W. OWENS, RALPH CHILDERS
and LARRY STEPHENSON, DEFENDANTS


James M. Guy, ATTORNEY FOR
DEFENDANTS THE FEDERAL LAND BANK
OF WICHITA AND MIKE BLECKA


Jot Hartley, ATTORNEY FOR
FEDERAL LAND BANK ASSOCIATION,
VINITA, OKLAHOMA

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

GLODOWSKI TRUCKING, INC.,)
)
Plaintiff,)
)
vs.)
)
BOARD OF COUNTY COMMIS-)
SIONERS, OSAGE COUNTY,)
STATE OF OKLAHOMA, and)
JAMES BYRON MOUTRAY,)
and individual,)
)
Defendants.)

FILED

DEC 16 1982

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

No. 81-C-200E

ORDER OF DISMISSAL

Upon the application of the defendant, Board of County Commissioners, Osage County, State of Oklahoma, and for good cause shown, this Cross-Claim is dismissed with prejudice.

S/ JAMES O. ELLISON

JUDGE OF THE DISTRICT COURT

FILED

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

DEC 16 1992

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

NICKELS & DIMES, INC.,)
)
vs.)
)
E & R OF TULSA, INC., d/b/a)
WIZZARD'S PINBALL; WILLIAM O.)
EVANS, SR.; WILLIAM O. EVANS, JR.,)
and SCOTT CARLIN,)

CIVIL ACTION
No. 82-C-94-B

ORDER OF DISMISSAL WITH PREJUDICE

Upon application of the parties, and for good cause shown,
the above style and numbered cause of action is dismissed with
prejudice.

AND IT IS SO ORDERED.

S/ THOMAS R. BRETT
United States District Judge

APPROVED AS TO FORM:


One of the Attorneys for Plaintiff


One of the Attorneys for Defendants

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

DAVIDSON OIL COUNTRY SUPPLY CO.,)
INC.,)
Plaintiff,)
vs.)
DEWEY OILFIELD SUPPLY, INC.,)
Defendant and)
Third-party Plaintiff,)
vs.)
HUNTINGTON OIL & GAS, INC.,)
Third-party Defendant.)

No. 82-C-291-BT

FILED
DEC 15 1982
Jack C. Silver, Clerk
U. S. DISTRICT COURT

JOURNAL ENTRY OF JUDGMENT

This matter came on before me, the undersigned judge, for a pretrial hearing on the 5th day of October, 1982; plaintiff appearing by and through its attorneys, Linda G. Scoggins of Andrews, Davis, Legg, Bixler, Milsten & Murrah, and the defendant appearing by and through its attorneys, Rick Esser of Heskett, Heskett, Daniel, Esser & Woodyard. The Court having considered the pleadings and all the matters in the court file, including the brief submitted by plaintiff in support of its motion for summary judgment, and having considered the argument of counsel presented to the Court and being fully advised in the premises finds that:

1. It has jurisdiction over the subject matter of this action and over the defendant, Dewey Oilfield Supply, Inc., said defendant having been properly served and having appeared herein.

2. On the 23rd day of December, 1980, at the express request of defendant, plaintiff sold and delivered to the defendant 13,722.75 feet of casing, for which the defendant agreed to pay the sum of Forty-five Thousand Nine Hundred Seventy-one and 21/100 Dollars (\$45,971.21).

3. There is no dispute between the parties as to the value of the casing described in paragraph 2 above.

4. The sum of Forty-five Thousand Nine Hundred Seventy-one and 21/100 Dollars (\$45,971.21) is currently due and owing by defendant for the casing sold and delivered by plaintiff.

5. On the 14th day of January, 1981, at the express request of defendant, plaintiff sold and delivered to defendant 7,753.80 feet of casing, for which the defendant agreed to pay the sum of Twenty-six Thousand Two Hundred Eighty-five and 38/100 Dollars (\$26,285.38).

6. There is no dispute between the parties as to the value of the casing described in paragraph 5 above.

7. The sum of Twenty-six Thousand Two Hundred Eighty-five and 38/100 Dollars (\$26,285.38) is due and owing by defendant for the casing sold and delivered by plaintiff.

8. On the 21st day of January, 1981, at the express request of defendant, plaintiff sold and delivered to the defendant 4,513.60 feet of casing, for which the defendant agreed to pay the sum of Eleven Thousand Eight Hundred Twenty-five and 63/100 Dollars (\$11,825.63).

9. There is no dispute between the parties as to the value of the casing described in paragraph 8 above.

10. Defendant, Dewey Oilfield Supply, Inc., made payment to plaintiff, Davidson Oil Country Supply Co., Inc., in the amount of Eleven Thousand Eight Hundred Twenty-five and 63/100 Dollars (\$11,825.63), representing the value of the casing described in paragraph 8 above.

11. There is currently due and owing the principal sum of Seventy-three Thousand Two Hundred Fifty-six and 59/100 Dollars (\$73,256.59) for casing sold and delivered by plaintiff to defendant as described in paragraphs 2 and 5 hereinabove.

12. Plaintiff, Davidson Oil Country Supply Co., Inc., is entitled to judgment against Dewey Oilfield Supply, Inc. in the sum of Seventy-three Thousand Two Hundred Fifty-six and 59/100 Dollars (\$73,256.59) with interest from the 13th day of

February, 1981, at twelve percent (12%) per annum until the date of judgment.

13. Plaintiff is entitled to recover from defendant, Dewey Oilfield Supply, Inc., a reasonable attorneys' fee in the sum of \$3,500.00, plus the costs of this action.

IT IS THEREFORE ORDERED, ADJUDGED AND DECREED that plaintiff have and recover from defendant, Dewey Oilfield Supply, Inc., judgment in the principal sum of Seventy-three Thousand Two Hundred Fifty-six and 59/100 Dollars (\$73,256.59), together with interest thereon at the rate of twelve percent (12%) per annum from the 13th day of February, 1981, until date of judgment and thereafter at the rate of fifteen percent (15%) per annum, together with the costs of this action, including an attorneys' fee of \$3,500.00 which the Court under all the evidence finds and adjudges to be just and reasonable.


UNITED STATES DISTRICT JUDGE

APPROVED AS TO FORM:

DAVIDSON OIL COUNTRY SUPPLY CO., INC.


Linda G. Scoggins

-of-

ANDREWS DAVIS LEGG BIXLER
MILSTEN & MURRAH
1600 Midland Center
Oklahoma City, Oklahoma 73102
(405) 272-9241

ATTORNEYS FOR PLAINTIFF
DAVIDSON OIL COUNTRY SUPPLY
CO., INC.

DEWEY OILFIELD SUPPLY, INC.


Rick Esser
-of-
HESKETT, HESKETT, DANIEL
ESSER & WOODYARD
502 Union Bank & Trust Building
Bartlesville, Oklahoma 74003
(918) 336-1773

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

FILED

1982

J. G. SIMS
U. S. DISTRICT

JIMMIE BUTLER and BETTY)
BUTLER, Husband and Wife,)
and LEONARD WALLSTEN,)

Plaintiffs,)

vs.)

No. 82-C-1052-E

INTERNATIONAL HARVESTER)
CREDIT CORPORATION, a)
Delaware corporation; JERRY)
GILLAM d/b/a Jerry Gillam)
Recovery Service,)

Defendants.)

JUDGMENT

This action came on for hearing before the under-
signed United States District Judge pursuant to Plaintiffs'
Application for Entry of Default Judgment.

The Court finds that the Defendant, Jerry Gillam,
d/b/a Jerry Gillam Recovery Service, was served with summons
and a return was made as required by law and that the Defend-
ant has failed to answer or otherwise appear within twenty (20)
days. The Court further finds that the Certificate of Entry
of Default entered herein on the 15th day of December,
1982, is in the form provided for by law.

IT IS THEREFORE ORDERED AND ADJUDGED that the Plaintiffs, Jimmie Butler and Betty Butler, husband and wife, have and recover money judgment against the Defendant, Jerry Gillam d/b/a Jerry Gillam Recovery Service, in the sum of \$14,726.84 with interest thereon at the rate of 15% per year from the date of judgment herein until paid in full, and the costs of this action.

IT IS FURTHER ORDERED AND ADJUDGED that the Plaintiff, Leonard Wallsten, have and recover money judgment against the Defendant, Jerry Gillam, d/b/a Jerry Gillam Recovery Service, in the sum of \$14,249.70 with interest thereon at the rate of 15% per year from the date of judgment herein until paid in full, and the costs of this action.

IT IS FURTHER ORDERED AND ADJUDGED that Plaintiffs shall have judgment against the Defendant, Jerry Gillam, d/b/a Jerry Gillam Recovery Service for punitive damages in a sum to be set by the Court upon further Application and hearing.

S/ JAMES W. ...

United States District Judge

UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF OKLAHOMA

FILED

DEC 15 1982

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

C & R CABINET COMPANY,)
INC., a Tennessee corporation,))
Plaintiff,))
vs.))
TERRY MILLER d/b/a C & R)
CABINET FACTORY WAREHOUSE,))
Defendant.))

No. 82-C-439-E

ORDER OF DISMISSAL WITHOUT PREJUDICE

Now on this 14th day of December, 1982, the above styled and numbered cause comes on for consideration by the Court on the Joint Stipulation for Dismissal filed herein by the plaintiff, C & R Cabinet Company, Inc., and the defendant, Terry Miller d/b/a C & R Cabinet Factory Warehouse. The Court, having examined the Joint Stipulation for Dismissal, finds that the plaintiff and the defendant have entered into an agreement whereby the plaintiff agrees to dismiss without prejudice the claim set forth in the Complaint filed by the plaintiff and the defendant agrees to dismiss without prejudice the counterclaims set forth in the Answer filed by the defendant and that the plaintiff's cause of action and the defendant's counterclaim set forth therein should be dismissed without prejudice as against the defendant, Terry Miller d/b/a C & R Cabinet Factory Warehouse, and as against C & R Cabinet Company, Inc., pursuant to the Joint Stipulation for Dismissal.

IT IS THEREFORE ORDERED, ADJUDGED AND DECREED by the Court that the cause of action filed by the plaintiff, C & R Cabinet Company, Inc., against the defendant, Terry Miller d/b/a C & R Cabinet Factory Warehouse, be and the same is hereby dismissed without prejudice as to future filing.

IT IS FURTHER ORDERED, ADJUDGED AND DECREED by the Court that the counterclaim filed by the defendant, Terry Miller d/b/a C & R Cabinet Factory Warehouse, against the plaintiff, C & R Cabinet Company, Inc., be and the same is hereby dismissed without prejudice as to future filings.

s/ JAMES O. ELLISON

JAMES O. ELLISON, United States
District Judge

RDW/bk

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

STEPHEN W. SMITH,)
)
 Plaintiff,)
)
 v.)
)
 AETNA LIFE & CASUALTY,)
)
 Defendant.)

NO. 81-C-523-E

FILED

DEC 15 1982

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

ORDER OF DISMISSAL

ON This 14 day of December, 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 THEFORE ORDERED, ADJUDGED AND DECREED by the Court that the Complaint and all causes of action of the Plaintiff filed herein against the Defendant be and the same hereby is dismissed with prejudice to any future action.

S/ JAMES C. LITSON
Judge, District Court of the United States, Northern District of Oklahoma

IN THE UNITED DISTRICT COURT FOR THE
NORTHERN DISTRICT OF OKLAHOMA

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

Plaintiffs,)

vs.)

No. 79-C-66-B

ROSENTHAL COMMODITIES CO.,)
a partnership,)

Defendant and)
Third-Party)
Plaintiff,)

vs.)

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

Third-Party)
Defendants.)

FILED
DEC 14 1982
Jack C. Silver, Clerk
U. S. DISTRICT COURT

STIPULATION OF DISMISSAL WITH PREJUDICE

COME now the plaintiffs and defendant and stipulate that the case against the defendant Rosenthal Commodities Company may be dismissed with prejudice to the rights to the bringing of any future action.

Joe Williamsogn-
By George A. Sank
George A. Sank
Attorneys for Plaintiffs

Joseph A. Sank
Attorneys for Defendants

ORDER OF DISMISSAL

Now on this 13th day of December, 1982, there came on for consideration before the undersigned Judge of the United States District Court for the Northern District of Oklahoma, stipulation of the parties hereto of dismissal, parties hereto having advised the court that all disputes between the parties have been settled.

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

S/ THOMAS R. BERRY

Judge of the U.S. District Court
For the Northern District of Oklahoma

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

FILED

DEC 14 1982

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

MICHAEL MARRS,)
)
Plaintiff,)
)
vs.) No. 81-C-596-B
)
CYCLES PEUGEOT, S.A., a)
foreign corporation; VERROT)
PERRIN, a foreign corporation)
and LIOTARD SURY LE EQUIPAL,)
a foreign corporation,)
)
Defendants.)

ORDER SUSTAINING MOTION FOR SUMMARY JUDGMENT

The Motion for Summary Judgment heretofore filed by the defendant,
Etablissements Peyrard, is hereby sustained.

Dated this 13th day of Dec. ~~November~~, 1982.

15/ Thomas R. Brett
Judge of the District Court
Northern District of Oklahoma

IN THE UNITED STATES DISTRICT COURT FOR
THE DISTRICT OF OKLAHOMA

MICHAEL MARRS,

Plaintiff,

vs.

No. 82-C-596-B

CYCLES PEUGEOT, S.A., a
foreign corporation; VERROT
PERRIN, a foreign corporation
and LEONARD SAUVEUR BOUNPAL,
a foreign corporation,

Defendants.

FILED
DEC 14 1982
Jack C. Silver, Clerk
U. S. DISTRICT COURT

ORDER

Upon the Application of the plaintiff, Michael MARRS, pursuant to Rule 55(a) of the Federal Rules of Civil Procedure, the Court makes the following findings and recommendations:

1. Michael C. Shulman is the duly authorized agent of the plaintiff, and one of its attorneys of record, and has personal knowledge of the facts set forth in this Affidavit.

2. The plaintiff herein, on the 30th day of July, 1982, filed in this cause his Amended Complaint against the defendants herein.

3. Examination of the Court files and records in this cause shows that on the 4th day of August, 1982, Summons were issued by the United States Marshall to the defendants aforesaid pursuant to the Convention on Service Abroad of Judicial and Extra-Judicial Documents in Civil or Commercial Matters.

4. Examination of the Court files and records in this cause also shows that on the 9th day of October, 1982, service of the Summons aforesaid was made on the defendants Verrot Perrin and Leotard Sury Le Eguempal through the Ministry of Justice of the Republic of France pursuant to the Convention on the Service Abroad of Judicial and Extra-Judicial Documents in Civil or Commercial Matters.

5. More than twenty (20) days elapsed since the date upon which the defendants Verrot Perrin and Leotard Sury Le Eguempal were served with Summons and a copy of the Amended Complaint, excluding the date thereof. The defendants Verrot Perrin and Leotard Sury Le Eguempal failed to answer or otherwise defend as to the plaintiff's Amended Complaint, or serve a copy of any Answer or other defense which it might have had, upon Michael C. Shulman and Dale F. McDaniel, attorneys of record for said plaintiff.

6. This Affidavit is executed by affiant herein in accordance with Rule 55(a) of the Federal Rules of Civil Procedure, for the purpose of enabling the plaintiff herein to obtain an entry of default against the defendants cited herein, for their failure to answer or otherwise defend as to the plaintiff's Amended Complaint.

IT IS, THEREFORE, ORDERED, ADJUDGED AND DECREED BY THE COURT, that the defendants, Verrot Perrin and Leotard Sury Le Eguempal, foreign corporations are in default for failure to plead or otherwise defend as is required by law,

and the default is hereby entered as against said defendants
this 13th day of December, 1982.

S/ THOMAS R. BRETT

HONORABLE JUDGE THOMAS R. BRETT

MCS:mt

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

FILED

DEC 14 1982

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

UNITED STATES OF AMERICA,)
)
Plaintiff, ~~def.~~)
)
vs.)
)
PHILLIP BRADLEY POLK,)
)
~~Defendant.~~ pttf.)

No. 82-C-894
No. 76-CR-13

ORDER

Before the Court at this time is the defendant's motion to vacate, set aside or correct sentence pursuant to 28 U.S.C. §2255. The defendant has sent numerous previous letters to this Court and to the late sentencing Judge, the Honorable Allen E. Barrow, concerning his case. These letters have dealt with various subjects, the most frequent inquiry concerning the defendant's plight of having to serve a state sentence before the commencement of federal incarceration in Case No. 76-CR-13. Apparently, the defendant has completed his state sentence and his federal sentence has commenced in the last year. The defendant directly appealed his conviction on two counts of transporting and causing to be transported in interstate commerce falsely made and forged securities and one count of conspiracy to commit the substantive offenses to the Tenth Circuit Court of Appeals, which affirmed the convictions. USA v. Polk, 550 F.2d 1265 (10th Cir. 1977) cert denied 434 U.S. 838 (1977).

The defendant previously filed a §2255 motion, the denial of which was also affirmed by the United States Court of Appeals for the Tenth Circuit on November 30, 1979. USA v. Polk, 79-1105, Unpublished, decided 11/30/79.

The defendant has raised four grounds in support of his present §2255 motion which are:

1. He is being denied his freedom and pursuit of happiness;

2. He is being denied equal protection and due process of law;

3. He is being subjected to double jeopardy, multiple prosecution, and he is not being treated fairly as others similarly situated; and

4. The court failed to consider the Youth Corrections Act, 18 U.S.C. §5005 et seq., when sentencing the defendant, a plea bargain with his co-defendant was not brought before the jury and there was insufficient evidence to support his conviction.

The Court has carefully reviewed the pertinent portions of the record in Case No. 76-CR-13 concerning this matter and is convinced that the issues raised by the defendant are meritless. The motion of defendant, the file and records in Case No. 76-CR-13 conclusively show that the defendant is entitled to no relief. The first three grounds raised by the defendant, though couched in different terminology, all concern the defendant's sentence and the fact that he was given no credit toward his federal sentence for time served in a state correctional institution on state charges. At all times material to the federal charges and proceedings the defendant was before the federal court on writ of habeas corpus ad prosequendum. He was, in effect, borrowed from the State of Oklahoma so that he could face the charges brought against him in federal court. See letter from the Honorable Allen E. Barrow dated April 11, 1977. When the defendant was sentenced on the federal charges on March 11, 1976 he was finally released back into the custody of state officials to face the state charges pending against him. He was shortly thereafter convicted and sentenced on state charges.¹ In this situation the defendant's federal sentence would not begin to run until he was received in federal custody after serving the

¹ The Court has reviewed the United States Probation file in this matter to obtain information concerning the defendant's state conviction.

state sentence. Casados v. U.S., 413 F.2d 291 (5th Cir. 1969). It is of no import that the defendant had not yet been tried on the state charges, convicted on them or sentenced thereon at the time of his federal sentencing. Vaughn v. U.S., 548 F.2d 631 (6th Cir. 1977).

The Court need only briefly consider any double jeopardy argument raised by the defendant. Even if the state charges arose out of the same acts as the federal charges, which the defendant does not allege,² no double jeopardy problem is raised. Goode v. McCune, 543 F.2d 751 (10th Cir. 1976). Both federal and state sovereignties may exact punishment for the commission of a single act. The clear facts of this case are simply that the defendant has no right to any credit toward his federal time for that served in state custody.

The last two issues raised by the defendant in ground four of his motion, the plea bargain claim and the insufficiency of evidence claim, were raised in his previous §2255 motion. These issues were determined adversely to defendant in the trial court and on appeal. He raises nothing new concerning these issues and this Court need not consider them and declines to do so.

The other issue raised by defendant in his fourth ground is that the trial court did not consider the Youth Corrections Act when sentencing defendant. The defendant is mistaken. At page 256 of the Reporter's Transcript of Proceedings, Supplemental Volume I, filed with the Clerk of this Court on April 19, 1976, the following transpired between the Honorable Allen E. Barrow and the defendant:

"The Court: Yes, you may. Wait a minute before you take Mr. Polk out, just a moment, let me see his pre-sentence report again. Mr. Polk, are you only 20 years of age?

The Defendant: Yes sir.

The Court: Well, the Court finds because of your

² The United States Probation Office file reflects that the state charges were unrelated to the federal charges.

background that you would not benefit at all from the YCA and that is the reason the Court did not impose it and sentenced you to a straight ten years because the Court feels you would not benefit from the YCA. Thank you."

It is clear from this colloquy that the trial court did consider the Youth Corrections Act when imposing sentence upon defendant and the trial court made a specific finding that the defendant would not benefit from a sentence under that Act. Nothing more is required. Again, all claims raised by defendant are simply meritless.

It is therefore the Order of this Court that the motion of defendant pursuant to 28 U.S.C. §2255 is denied and this action is dismissed in all respects.

It is so Ordered this 14th day of December, 1982.



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

UNITED STATES DISTRICT COURT FOR THE
NORTHERN DISTRICT OF OKLAHOMA

FILED

DEC 14 1982

UNITED STATES OF AMERICA,)
)
 Plaintiff,)
)
 vs.)
)
 CHARLES L. DARR, JR.,)
)
 Defendant.)

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

CIVIL ACTION NO. 82-C-952-B

ORDER

For 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 13 day of December, 1982.


UNITED STATES DISTRICT JUDGE

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

FILED

STERN ELECTRONICS, INC.,)
)
 Plaintiff,)
)
 -vs-)
)
 SPECTRUM GAMES, INC., JAMES)
 COOKSEY, FRANK BRUCE, RICK)
 SCOTT d/b/a Pirates Chest,)
 and CLARENCE WILLIAMS,)
)
 Defendants.)

DEC 14 1982

U.S. District Court
Northern District of Oklahoma

No. 81-C-532-E ✓

ORDER OF DISMISSAL WITH PREJUDICE

NOW on this 14TH day of December, 1982, the above styled and numbered cause comes on before the Court upon the Joint Stipulation of the parties requesting that this Court enter its Dismissal With Prejudice in the above cause. The Court finds that the parties have entered into a Settlement Agreement, compromising and settling all matters in controversy and therefore the action should be dismissed.

IT IS THEREFORE ORDERED, ADJUDGED AND DECREED by the Court that the above styled and numbered cause be, and the same is hereby dismissed with prejudice, and each party shall bear its own costs.

IT IS FURTHER ORDERED, ADJUDGED AND DECREED by the Court that the United States Marshal for the Northern District of Oklahoma is hereby ordered and directed to deliver to the defendants all games seized by the United States Marshal from these defendants and to further deliver to Rodney A. Edwards, as a representative of Stern Electronics, Inc., or any member of his firm, the circuit boards from said games.


UNITED STATES DISTRICT JUDGE

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

ROBERT JOSEPH ZANI,)
)
 Plaintiff,)
)
 v.)
)
 TULSA COUNTY, TULSA COUNTY)
 ELECTION BOARD, DAVID MOSS,)
 DISTRICT ATTORNEY, THE STATE)
 OF OKLAHOMA, JAN ERIC CARTWRIGHT,)
 ATTORNEY GENERAL,)
)
 Defendants.)

FILED
NO. 81-C-84-EB

DEC 13 1982

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

O R D E R

This matter comes before the Court on the Motion to Dismiss of the defendants, Tulsa County and Tulsa County Election Board. The plaintiff, pro se, although having been noticed, has failed to file a response to the Motion. For the reasons set forth below, the Motion to Dismiss is sustained.

In support of their Motion to Dismiss, defendants first argue this Court lacks in personam jurisdiction because of insufficiency of service of process. Fed.R.Civ.P. 4(d)(6) governs service upon governmental organizations. The rule provides in pertinent part that service shall be made:

"Upon a ... governmental organization ... by delivering a copy of the summons and of the complaint to the Chief Executive Officer thereof or by serving the summons and the complaint ... in the manner prescribed by the law of that state..."

With regard to Tulsa County it is the latter part of Fed. R.Civ.P. 4(d)(6) that governs. The manner of service of summons and complaint upon a county in Oklahoma is governed by 19 Okl.St. Ann. §5 which provides:

"In all legal proceedings against the county, process shall be served on the county clerk as the clerk of the board of county commissioners, and whenever suit or proceedings shall be commenced, it shall be the duty of the clerk, forthwith to notify the county attorney and lay before the board of county commissioners at their next meeting, all the information he may have in regard to such suit or proceedings."

According to Board of County Commissioners v. Weatherford, 565 P.2d 35, 37 (Okl. 1977), the above statute is mandatory and is the "only...mode of service...recognized as a basis for acquiring jurisdiction in legal proceedings against the county." From the record, it appears the plaintiff attempted to serve Tulsa County by serving David L. Moss, District Attorney for Tulsa County. Such service is improper, thus, defendant's Motion to Dismiss for lack of in personam jurisdiction over Tulsa County is proper pursuant to Fed.R.Civ.P. 12(b)(5).

With regard to the Tulsa County Election Board, the former portion of Fed.R.Civ.P. 4(d)(6) governs. Service of the summons and complaint is to be made on the "Chief Executive Officer" of the Tulsa County Election Board. It appears from 29 Okl.St. Ann. §2-117 the chief executive officer of the Election Board is the secretary, who is designed as the "administrative officer" of the Election Board. In addition, the members of the State Election Board designate the secretary of the county election

board. 29 Okl.St. Ann. §2-112. The Court believes the proper method of serving the Tulsa County Election Board is by service of process upon the secretary. Plaintiff attempted to serve the Tulsa County Election Board by serving David L. Moss, Tulsa County District Attorney. Thus, the Court does not have in personam jurisdiction over the Tulsa County Election Board and defendants' Motion to Dismiss pursuant to Fed.R.Civ.P. 12(b)(5) is proper.

Defendants correctly point out that plaintiff's form of service is improper. Fed.R.Civ.P. 4(b) provides in part the "summons shall...contain the names of the parties, [and] be directed to the defendant..." None of plaintiff's summons state the names of all the defendants or are they directed toward a defendant. Thus, this Court lacks in personam jurisdiction over defendants Tulsa County and Tulsa County Election Board due to improper form of service.

Defendants also argue this Court lacks subject-matter jurisdiction over plaintiff's alleged deprivation of his right to vote because plaintiff has not presented a federal question. The Court believes it has jurisdiction to hear plaintiff's claim under 42 U.S.C. §1983 because under 28 U.S.C. §1343(3) it is provided that the district courts have original jurisdiction of any civil action commenced by any person:

"(3) To redress the deprivation, under color of any State law, statute, ordinance, regulation, custom or usage, of any right, privilege or immunity secured by the Constitution of the United States or by any Act of Congress providing for equal rights of citizens or of all persons within the jurisdiction of the United States;"

Thus, the Court rejects defendants' argument of lack of subject matter jurisdiction. In addition, the Court finds the defendants' argument that plaintiff has failed to state a claim upon which relief may be granted is without merit.

Defendants' final argument in support of the Motion to Dismiss is that Tulsa County and the Tulsa County Election Board are immune under the Eleventh Amendment from plaintiff's lawsuit. The Eleventh Amendment provides:

"The judicial power of the United States shall not be construed to extend to any suit in law or equity commenced or prosecuted against one of the United States by citizens of another state, or by citizens or subjects of any foreign state."

While the Amendment by its terms does not bar suits against a state by its own citizens, it has been held that an unconsenting state is immune from suits brought in federal courts by her own citizens as well as by citizens of another state. Edelman v. Jordan, 415 U.S. 651, 663 (1973). It is also well established that even though a state is not named a party to the action, the suit may nonetheless be barred by the Eleventh Amendment. Ford Motor Company v. Dept. of Treasury, 323 U.S. 459 (1945). In the situation at hand, of course, the State of Oklahoma is a party although it has not joined defendants, Tulsa County and the Tulsa County Election Board, in the Motion to Dismiss.

Thus, if Tulsa County and the Tulsa County Election Board are alter egos or arms of the state, they are immune to suit by a citizen of Oklahoma. The Court believes the Tulsa County Election

Board is an arm of the state for its members are appointed by the State Election Board, 26 Okl.St. Ann. §2-111, its secretary is appointed by the State Election Board, 26 Okl.St. Ann. §2-111.1, and it is ultimately funded by the state, 26 Okl.St. Ann. §2-118. As for Tulsa County, it is well-settled that a county is not a "person" within the meaning of 42 U.S.C. §1983. See Aldinger v. Howard, 427 U.S. 1, 16 (1976). Additionally, counties in Oklahoma are arms of the state, as they are created by the legislature and serve as political subdivisions thereof. See Okla. Const. Art. 17, §1; Haines v. Murray, 18 Okl. 711, 91 P. 240 (1907). The sovereign immunity of the Eleventh Amendment extends to the counties and is derived from the State of Oklahoma.

IT IS THEREFORE ORDERED that defendants' Motion to Dismiss is sustained.

ENTERED this 15th day of December, 1982.



THOMAS R. BRETT
UNITED STATES DISTRICT JUDGE

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

MIDWEST ELECTRIC SUPPLY)
CO., INC., an Oklahoma)
Corporation,)
)
Plaintiff)
)
v.)
)
UNITED STATES OF AMERICA,)
)
Defendant)

CIVIL NO. 82-C-305-B

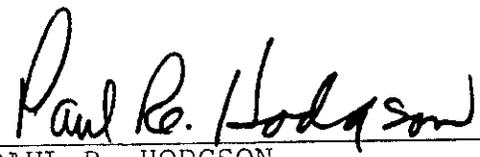
FILED

DEC 10 1982

U.S. DISTRICT COURT
NORTHERN DISTRICT OF OKLAHOMA
TULSA

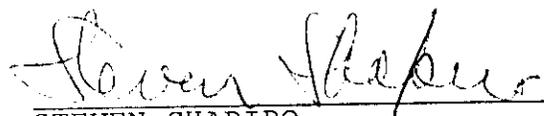
STIPULATION ^{of} DISMISSAL

It is hereby stipulated and agreed that the complaint in the above-entitled case be dismissed with prejudice, the parties to bear their respective costs, including any possible attorneys' fees or other expenses of litigation.



PAUL R. HODGSON
PAUL R. HODGSON, INC.
600 Southland Financial Center
4111 South Darlington
Tulsa, Oklahoma 74135

Attorney for Plaintiff



STEVEN SHAPIRO
Attorney, Tax Division
Department of Justice
Washington, D. C. 20530

Attorney for Defendant

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

FILED

DEC - 9 1982

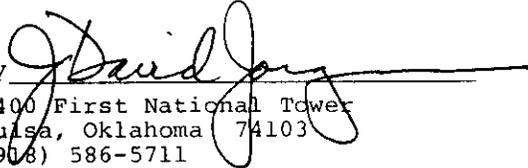
Jack C. Silver, Clerk
U. S. DISTRICT COURT

PEC ENTERPRISES, INC., an)	
Oklahoma corporation,)	
)	
Plaintiff,)	
)	
vs.)	No. 82-C-1019-E
)	
JOSEPH IMPORTS, INC., a Florida)	
Corporation; MITCHELL J. JOSEPH,)	
ANTHONY P. PRIETO, and DIECIDUE,)	
FERLITA, PRIETO & NUTTER, P.A.,)	
)	
Defendants.)	

DISMISSAL

Plaintiff PEC ENTERPRISES, INC., pursuant to
Fed.R.Civ.P. 41 (a) (1), dismisses the above-captioned action
with prejudice.

BOB F. McCOY
J. DAVID JORGENSON

By 
2400 First National Tower
Tulsa, Oklahoma 74103
(908) 586-5711

Of Counsel:

CONNER, WINTERS, BALLAINE,
BARRY & MCGOWEN
2400 First National Tower
Tulsa, Oklahoma 74103

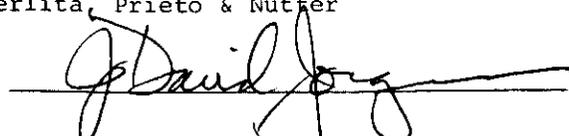
Attorneys for Pec Enterprises, Inc.

CERTIFICATE OF SERVICE

I hereby certify that on this 9th day of December, 1982,
I mailed a true and correct copy of the above and foregoing
DISMISSAL to the following with proper postage thereon:

Gerald W. Nelson, Esq.
John R. Newcomer, Esq.
Yado, Keel, Nelson, Casper,
Bergmann & Newcomer, P.A.
4950 West Kennedy Blvd., Suite 603
Tampa, Florida 33609
Attorneys for Mitchell J. Joseph and
Joseph Imports, Inc.

Deryl L. Gotcher, Esq.
Jones, Givens, Gotcher, Doyle & Bogan, Inc.
201 W. 5th St., Suite 400
Tulsa, Oklahoma 74103
Attorneys for Anthony P. Prieto and
Diecidue, Ferlita, Prieto & Nutter



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

FILED

DEC 9 1987

JAN PUTNAM and DENISE PUTNAM,)
)
 Plaintiffs,)
)
 vs.)
)
 METRO MOTORS, INC. and)
 ALEX W. HUTCHINGS,)
)
 Defendants.)

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

No. 82-C-734-C

STIPULATION OF DISMISSAL

COME NOW the Plaintiffs, Jan Putnam and Denise Putnam, and in accordance with Rule 41(a) (1) (ii), Fed. R. Civ. Pro., file this Stipulation of Dismissal dismissing the above styled action with prejudice as against the Defendant Metro Motors, Inc., but without prejudice as to the Defendant, Alex W. Hutchings.

Leonard I. Pataki
Leonard I. Pataki

Gary M. McDonald
Leonard I. Pataki
DOERNER, STUART, SAUNDERS,
DANIEL & ANDERSON
1000 Atlas Life Building
Tulsa, Oklahoma 74119
(918) 582-1211

Ted L. Moore
Ted L. Moore

Ted L. Moore
CHAPEL, WILKINSON, RIGGS,
ABNEY & HENSON
502 West Sixth Street
Tulsa, Oklahoma 74119
(918) 587-3161

ATTORNEYS FOR DEFENDANT
METRO MOTORS, INC.

ATTORNEYS FOR PLAINTIFFS

Alex W. Hutchings

Alex W. Hutchings, pro se,
5910 South Atlanta Place
Tulsa, Oklahoma 74145

UNITED STATES DISTRICT COURT FOR THE
NORTHERN DISTRICT OF OKLAHOMA

UNITED STATES OF AMERICA,)
)
 Plaintiff,)
)
 vs.)
)
 MARGARET CRAIG a/k/a)
 MARGARET A. KESSINGER a/k/a)
 MARGARET KESSINGER,)
)
 Defendant.)

CIVIL ACTION NO. 81-C-328-C

FILED

DEC - 8 1982

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

DEFAULT JUDGMENT

This matter comes on for consideration this 8th day of December, 1982, the Plaintiff appearing by Frank Keating, United States Attorney for the Northern District of Oklahoma, through Nancy A. Nesbitt, Assistant United States Attorney, and the Defendant, Margaret Craig a/k/a Margaret A. Kessinger a/k/a Margaret Kessinger, appearing not.

The Court being fully advised and having examined the file herein finds that Defendant, Margaret Craig a/k/a Margaret A. Kessinger a/k/a Margaret Kessinger, was personally served with Alias Summons and Complaint on September 15, 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, Margaret Craig a/k/a Margaret A. Kessinger a/k/a Margaret Kessinger, for the principal sum of \$662.29 (less the sum of \$575.43 which has been paid), plus the accrued interest of \$159.00 as of August 6, 1979, plus interest on the principal sum of \$662.29 (less the sum of \$575.43 which has been paid) at 7 percent from August 6, 1979,

until the date of Judgment, plus interest on the Judgment at the legal rate until paid.

151 W. Osee Cook
UNITED STATES DISTRICT JUDGE

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

HYDRO CONDUIT CORPORATION,)
 Plaintiff,)
 vs.)
 JAMES W. MILLER, d/b/a MILLER)
 CONSTRUCTION COMPANY, UNITED)
 STATES FIDELITY AND GUARANTY)
 COMPANY, a Maryland corporation,)
 Defendants,)
 vs.)
 THE CITY OF BROKEN ARROW, OKLA-)
 HOMA,)
 Defendant and Third)
 Party Plaintiff,)
 vs.)
 BENHAM-BLAIR & AFFILIATES, INC.,)
 a Delaware corporation, d/b/a)
 W. R. HOLWAY AND ASSOCIATES,)
 Third Party Defendant.)

FILED

DEC 8 1982

Jack C. Silver, Clerk

No. 76-C-154-E ✓

JOURNAL ENTRY OF JUDGMENT

On this 29th day of November, 1982, the Third Party complaint of The City of Broken Arrow, Oklahoma, against Benham-Blair & Associates, Incorporated, d/b/a W. R. Holway & Associates, came on before the Court for non-jury trial. The City of Broken Arrow appeared through its representatives and its attorneys, Dennis King and Ray H. Wilburn. Benham-Blair & Associates, Incorporated, appeared through its representatives and its attorneys, Harry M. Crowe, Jr. and Donald G. Hopkins. Trial commenced with each party presenting its witnesses and exhibits to the Court. The Court after hearing the evidence found that the City of Broken Arrow, Oklahoma was entitled to a judgment in the amount of \$271,560.41 against Benham-Blair & Associates, Incorporated, d/b/a W. R. Holway & Associates and ordered that judgment be entered for said amount. Said judgment is in addition to the \$22,500.00 judgment awarded in favor of The City of Broken Arrow against Benham-Blair,

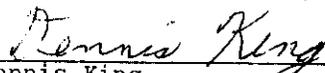
& Affiliates, Incorporated, d/b/a W. R. Holway & Associates on January 28, 1980.

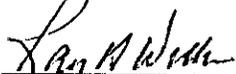
IT IS THEREFORE, ORDERED, ADJUDGED AND DECREED that the City of Broken Arrow, Oklahoma have and take judgment against Benham-Blair & Affiliates, Incorporated, d/b/a W. R. Holway & Associates for the sum of \$271,560.41 plus costs with post-judgment interest to run at the rate of 15% per annum from the date this journal entry is entered of record until said judgment is satisfied. Said judgment is in addition to and does not include the judgment rendered on January 28, 1980 in favor of the City of Broken Arrow and against Benham-Blair & Affiliates, Incorporated, d/b/a W. R. Holway & Associates for the amount of \$22,500.00.

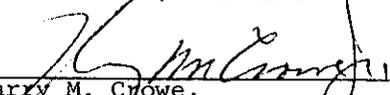
DATED this 6th day of December, 1982.

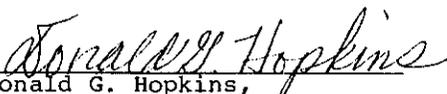

LUTHER B. EUBANKS,
Judge of the United States District
for the Northern District of Oklahoma

APPROVED AS TO FORM:


Dennis King,
Attorney for the City of
Broken Arrow, Oklahoma


Ray W. Wilburn,
Attorney for the City of
Broken Arrow, Oklahoma


Harry M. Crowe,
Attorney for Benham-Blair &
Affiliates, Incorporated,
d/b/a W. R. Holway & Associates


Donald G. Hopkins,
Attorney for Benham-Blair &
Affiliates, Incorporated,
d/b/a W. R. Holway & Associates

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

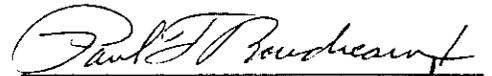
JERRY F. BARRETT,)
)
Plaintiff,)
)
vs.)
)
THE CITY OF BIXBY, OKLAHOMA,)
a municipal corporation,)
Gene P. King, individually)
and in his official capacity as)
police officer of the City of)
Bixby, and John Doe, in his or her)
supervisory capacity over)
defendant Gene P. King)
)
Defendants.)

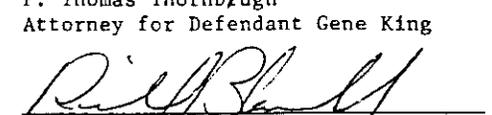
No. 81-C-609-E

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

STIPULATION FOR DISMISSAL WITH PREJUDICE

COME NOW the plaintiff, Jerry Floyd Barrett through his attorney, Paul T. Boudreaux, the defendant Gene P. King through his attorney, P. Thomas Thornburgh, and the defendant City of Bixby, through its attorney Richard Blanchard, and would show the Court that this matter has been compromised and settled and therefore move the Court for an Order of Dismissal with Prejudice of plaintiff's Complaint and defendant King's Counterclaims.


Paul T. Boudreaux
Attorney for Plaintiff

P. Thomas Thornburgh
Attorney for Defendant Gene King

Richard Blanchard
Attorney for Defendant City of Bixby

ORDER OF DISMISSAL

Now on this 14th day of ~~November~~ ^{December}, 1982, it appearing to the Court that this matter has been compromised and settled, the Complaint and Counterclaims are herewith dismissed with prejudice to the refiling of a future action.

FILED

DEC 11 1982

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

Judge of the District Court

DEC - 7 1982

United States District Court

FOR THE

NORTHERN DISTRICT OF OKLAHOMA

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

CIVIL ACTION FILE NO. 80-C-17-E

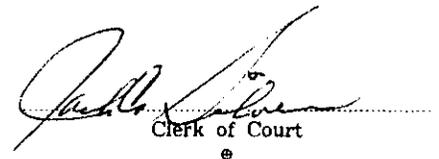
McGill Incorporated
Plaintiff,
us.
John Zink Company
Defendant.

JUDGMENT

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

It is Ordered and Adjudged that having found in favor of the Plaintiff,
McGill Incorporated, and against the Defendant John Zink Company
assesses actual damages in the amount of \$8,000,000.00. Plaintiff to
be awarded cost of action.

Dated at Tulsa, Oklahoma , this 7th day
of December , 19 82.


Clerk of Court

FILED

DEC - 6 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.)
)
 CORINTHIA W. SCOTT,)
)
 Defendant.)

CIVIL ACTION NO. 82-C-1015-E ✓

AGREED JUDGMENT

This matter comes on for consideration this 6th day of December, 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, Corinthia W. Scott, appearing pro se.

The Court, being fully advised and having examined the file herein, finds that the Defendant, Corinthia W. Scott, was served with Summons and Complaint on November 17, 1982. The Defendant has not filed his Answer but in lieu thereof has agreed that he is indebted to the Plaintiff in the amount alleged in the Complaint and that Judgment may accordingly be entered against him in the amount of \$382.53, plus interest at the legal rate 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, Corinthia W. Scott, in the amount of \$382.53, plus interest at the legal rate from the date of this Judgment until paid.

UNITED STATES DISTRICT JUDGE

APPROVED:

UNITED STATES OF AMERICA

FRANK KEATING
United States Attorney

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

CORINTHIA W. SCOTT

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

FILED

DEC - 6 1982

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

KATHERINE LONG BRYANT,)
)
Plaintiff,)
)
vs.)
)
ALLIANCE INSURANCE COMPANY,)
a foreign insurance company,)
)
Defendant.)

No. 82-C-959-B

ORDER OF DISMISSAL

The parties hereto having settled said cause and the parties having filed herein a stipulation of dismissal with prejudice, said cause of action is hereby dismissed with prejudice.

Done this 6th day of December, 1982.


Thomas R. Brett
Chief Judge of the District Court
for Thomas R. Brett, Judge



FILED

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

DEC - 6 1982

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

KANSAS CITY TERMINAL RAILWAY)
COMPANY,)

Plaintiff,)

-vs-

Case No. 82-C-1003-E ✓

PHILLIPS PETROLEUM CO.,)

Defendant,)

-vs-

ORDER

INTERSTATE COMMERCE COMMIS-)
SION,)

Intervener.)

NOW ON this 6th day of December, 1982,
the Court having considered the Motion to Dismiss submitted by
the plaintiff, Kansas City Terminal Railway, and the intervening
plaintiff, the Interstate Commerce Commission, and there being
no objection to said motion by the defendant;

IT IS THEREFORE ORDERED that the Complaint filed here-
in is dismissed.

James D. Lewis
UNITED STATES DISTRICT JUDGE

UNITED STATES DISTRICT COURT FOR THE
NORTHERN DISTRICT OF OKLAHOMA

FILED

UNITED STATES OF AMERICA,)
)
 Plaintiff,)
)
 vs.)
)
 LARRY A. CUSTIN,)
)
 Defendant.)

DEC - 6 1982

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

CIVIL ACTION NO. 82-C-323-E

O R D E R

On the 3rd day of December, 1982 this matter came on for hearing on the motions of the United States of America for Judgment on the pleadings or in the alternative for summary and also a motion for judgment pursuant to Rule 14(a) of the Local Rules of Court for the Northern District of Oklahoma. Appearing on behalf of the Plaintiff United States of America, Assistant United States Attorney, Philard L. Rounds, Jr., the Defendant appearing not.

IT IS THEREFORE, ORDERED, ADJUDGED AND DECREED that the Plaintiff have and recover Judgment against Defendant, Larry A. Gustin, for the principal sum of \$300.89, plus interest at the legal rate from the date of this Judgment until paid.

JAMES O. ELLISON

JAMES O. ELLISON
UNITED STATES DISTRICT JUDGE

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

FILED

DEC - 6 1982

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

KTUL-TV, INC.,)
an Oklahoma corporation,)
and LEAKE INDUSTRIES, INC.,)
an Oklahoma corporation,)

Plaintiffs,)

v.)

ACCU-WEATHER, INC.,)
a Pennsylvania corporation,)

Defendant.)

No. 82-C-641-B

ORDER OF DISMISSAL WITH PREJUDICE

This action comes before the Court on the Stipulation and Dismissal filed by all parties which have appeared in this action. It appearing to the Court that such Stipulation is in proper form and at the request of the parties:

IT IS THEREFORE ORDERED, ADJUDGED AND DECREED that each and every cause of action and claim for relief asserted by the parties herein is ordered dismissed with prejudice.

IT IS FURTHER ORDERED, ADJUDGED AND DECREED that each party to this action shall bear its own costs and attorneys' fees.

IT IS FURTHER ORDERED, ADJUDGED AND DECREED by the Court that within thirty (30) days from the date of this order each party shall return to the other all documents, records and exhibits produced by another party to the action.

DONE this 6th day of December, 1982.

(Signed) H. Dale Cook
Chief UNITED STATES DISTRICT JUDGE
For Thomas R. Brett, Judge

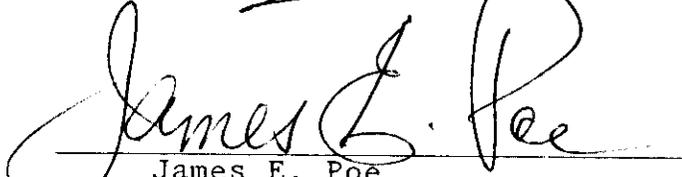
APPROVED AS TO FORM AND CONTENT:

SNEED, LANG, ADAMS,
HAMILTON, DOWNIE & BARNETT

By:



R. Hayden Downie
Attorneys for Plaintiffs



James E. Poe
Attorney for Defendant

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

RICHARD MARCH HOE,)
)
 Plaintiff,)
)
 v.)
)
 THE ROBERT A. McNEIL)
 CORPORATION, a)
 corporation, d/b/a THE)
 OUTRIGGER APARTMENTS,)
)
 Defendant.)

NO. 81-C-426-E

FILED

DEC - 6 1982

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

ORDER OF DISMISSAL

ON this 6th day of December, 1982, upon the written application of the parties for a Dismissal with Prejudice of the Complaint and all causes of action, the Court having examined said application, finds that said parties have entered into a compromise settlement covering all claims involved in the Complaint and have requested the Court to dismiss said Complaint with prejudice to any future action, and the Court being fully advised in the premises, finds that said Complaint should be dismissed pursuant to said application.

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

Richard D. Wagner

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

Approvals:

Curtis A. Parks

Curtis A. Parks, Attorney for Plaintiff

Richard D. Wagner

Richard D. Wagner, Attorney for Defendant

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

FILE

FRANKLIN SUPPLY COMPANY,)
)
 Plaintiff,)
)
 vs.) Case No. 82-C-813-B
)
 INDEX ENERGY, INC., formerly)
 INDEPENDENT EXPLORATION)
 COMPANY,)
)
 Defendant.)

DEC 3 1982

Clk. C. Silver
S. J. J. J.

Notice of DISMISSAL WITHOUT PREJUDICE

Comes now the Plaintiff, Franklin Supply Company,
and dismisses the above styled cause of action against the
Defendant, Index Energy, Inc., formerly Independent Explor-
ation Company, without prejudice. Plaintiff advises the
Court that Defendant's counsel has approved of and stipulates
to said dismissal.

BREWER, WORTEN, ROBINETT &
JOHNSON
Attorneys for Plaintiff
413 Professional Building
P.O. Box 1066
Bartlesville, Oklahoma 74005
(918) 336-4132

By David B. King
David B. King

APPROVED:

JONES, GIVENS, GOTCHER, DOYLE &
BOGAN, INC.
Suite 400, 201 W. 5th Street
Tulsa, Oklahoma 74103
(918) 581-8200

By Deryl L. Gotcher
Deryl L. Gotcher

UNITED STATES DISTRICT COURT FOR THE
NORTHERN DISTRICT OF OKLAHOMA

FILED

DEC - 2 1982

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

UNITED STATES OF AMERICA,)
)
 Plaintiff,)
)
 vs.)
)
 TERRYL ANTLE,)
)
 Defendant.)

CIVIL ACTION NO. 81-C-763-E

JUDGMENT

This matter came on for pre-trial hearing on August 12, 1982, the Plaintiff appearing by Frank Keating, United States Attorney for the Northern District of Oklahoma, through Nancy A. Nesbitt, Assistant United States Attorney, and the Defendant, Terryl Antle, appearing not.

The Court, being fully advised and having examined the file herein, finds that the Defendant, Terryl Antle, was personally served with Summons and Complaint on November 24, 1981. The Defendant filed his Answer herein on December 10, 1981, alleging that he did not receive the educational benefits that Plaintiff seeks to recover herein for the period September 1, 1979, to October 31, 1979. A certified copy of U.S. Treasury Check No. 46,501,885 made payable to and endorsed by the Defendant is attached hereto. It is dated October 25, 1979, and is for educational benefits for the period September 1, 1979, to September 30, 1979. Defendant received due notice of the pre-trial hearing but did not appear and is therefore in default. The amount of U.S. Treasury Check No. 46,501,885 is \$277.00.

IT IS THEREFORE ORDERED, ADJUDGED, AND DECREED that the Plaintiff have and recover Judgment against the Defendant Terryl Antle in the amount of \$277.00, plus interest at the legal rate from the date of this Judgment until paid.

UNITED STATES DISTRICT JUDGE



UNITED STATES OF AMERICA
DEPARTMENT OF THE TREASURY
WASHINGTON

NOV 12 1982

HEREBY CERTIFY that the annexed documents, listed or described below, are true copies of records (or extracts therefrom) maintained in the Division of Check Claims--
-----, and that I am the custodian of the check or microfilm copy designated thereof as; in favor of Terry L Antle _____

Alvin B. Campbell

George W Henderson
George W Henderson
Assistant Signature Director
Support Services Operations
Title

B. I HEREBY CERTIFY that George W Henderson who signed the foregoing certificate, was at the time of signing custodian of the check and microfilm and as such was the custodian of the above listed documents, and that full faith and credit should be given to the certificate.

IN TESTIMONY WHEREOF I have hereunto set my hand, and caused the seal of the Department of the Treasury to be affixed this twelfth day of November one thousand nine hundred and eighty-two

By direction of the Secretary of the Treasury:

Patricia Pearson
Manager
Document Preparation Branch

TREASURY
FEDERAL RESERVE
SYSTEM

KANSAS CITY, KANSAS

Check No. 46,501,885
BYMBOL 3111

United States Treasury

1965
500

PAY TO THE

ORDER OF TERRY L AMTLE

458 S INDIANAPOLIS
TULSA OK 74112

447-54-149
21 67 00 85

FDU 09/01/79-09/30/7

DOLLARS
399277 00

Signature
TERRY L AMTLE

PD 10-1-82
58010-8-88

AI

⑈3119⑈

⑈00000518⑈ 450188⑈

⑈0000027700⑈

FILED

DEC - 2 1982

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

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

KANSAS CITY TERMINAL RAILWAY)
COMPANY,)

Plaintiff,)

-vs-

SUN OIL CO.,)

Defendant,)

-vs-

INTERSTATE COMMERCE COMMIS-)
SION,)

Intervener.)

Case No. 82-C-1002-*AE*

ORDER

NOW ON this 2^d day of December, 1982,
this cause having come on by a Motion to Dismiss With Prejudice
presented by plaintiff and intervener, by and through their re-
spective attorneys, and the Court having considered such Motion
finds that defendant has no objection;

IT IS THEREFORE ORDERED that the Motion to Dismiss
with Prejudice be granted in the above-captioned and styled cause.

UNITED STATES DISTRICT JUDGE

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

STANDARD CHARTERED BANK, LTD.,
a corporation,

Plaintiff,

v.

INSTRUCTIONAL SYSTEMS DEVELOP-
MENT CORPORATION, an Oklahoma
corporation, WESTERN NATIONAL
BANK, a National Banking
corporation and CARL OXLEY,

Defendants.

and

CARL OXLEY,

Third Party
Plaintiff,

v.

STANDARD CHARTERED BANK, LTD.,
a corporation,

Third Party
Defendant.

No. 81-C-221-E

FILED

DEC - 2 1982

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

ORDER OF DISMISSAL WITH PREJUDICE

This action comes before the Court on the Stipulation and Dismissal filed by all parties which have appeared in this action. It appearing to the Court that such Stipulation is in proper form and at the request of the parties:

IT IS THEREFORE ORDERED, ADJUDGED AND DECREED that each and every cause of action, claim for relief, counterclaim and cross-claim asserted by the parties herein is ordered dismissed with prejudice.

IT IS FURTHER ORDERED, ADJUDGED AND DECREED that each party to this action shall bear its own costs and attorneys' fees.

IT IS FURTHER ORDERED, ADJUDGED AND DECREED by the Court that within thirty (30) days from the date of this order each party shall return to the other all documents, records and exhibits produced by another party to the action.

DONE this ____ day of _____, 1982.

S/ JAMES O. ELLISON

UNITED STATES DISTRICT JUDGE

APPROVED AS TO FORM AND CONTENT:

SNEED, LANG, ADAMS,
HAMILTON, DOWNIE & BARNETT

By: 

R. Hayden Downie
William J. Wenzel
Brian S. Gaskill

Attorneys for Carl Oxley

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

By: 

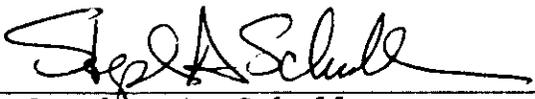
Graydon Dean Luthey, Jr.

Attorneys for Standard Chartered Bank, Ltd.


Donald E. Pool

Attorneys for Instructional Systems
Development Corporation

PRICHARD, NORMAN & WOHLGEMUTH

By: 
Stephen A. Schuller

Attorneys for Western National Bank

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

KURK KENDALL JOHNSON,)
)
 Petitioner,)
)
 vs.) No. 82-C-717-C
)
 AL MURPHY and THE ATTORNEY)
 GENERAL OF OKLAHOMA,)
)
 Respondents.)

FILED

DEC 1 - 1982

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

ORDER

Now before the Court for its consideration is the petitioner's petition for a writ of habeas corpus pursuant to 28 U.S.C. §2254. The respondents have filed their response as directed by the Court and they have submitted the state court record for this Court's review. The respondent, Attorney General of the State of Oklahoma, has filed a motion to dismiss this habeas proceeding as against him for the reason that the petition fails to state a claim against said respondent upon which relief can be granted. The Court concludes that the petition for writ of habeas corpus should be denied. In view of the Court's ruling on the habeas corpus petition the Attorney General's motion is rendered moot.

Petitioner is currently incarcerated at Oklahoma State Penitentiary, McAlester, Oklahoma, pursuant to a conviction of Kidnapping in Tulsa County District Court, Case No. CRF-75-690. Petitioner perfected a direct appeal to the Oklahoma Court of Criminal Appeals which affirmed the conviction in August of 1976. Johnson v. State, 554 P.2d 51 (Okla. Cr. 1976), cert. den. 429 U.S. 943, 97 S.Ct. 364 (1976). Petitioner has also sought post conviction relief under 22 O.S. 1971, §1080 et seq., such relief being denied on May 24, 1982. Petitioner now claims that the trial court erred in failing to sustain petitioner's motion to suppress items obtained during an allegedly illegal search of his

automobile and that error was committed by the trial court in failing to sustain petitioner's motion in limine filed to exclude reference, in the kidnapping trial, to the death of the victim.

Respondents admit and this Court concludes that petitioner has exhausted all available state remedies. The Court further concludes that there are no material issues of fact which require an evidentiary hearing in this Court.

The first issue raised by petitioner, the warrantless search of the trunk of his automobile, has been addressed by the state courts of Oklahoma at trial and on direct appeal. The petitioner was given a full and fair opportunity to litigate his Fourth Amendment claim in the state courts. Accordingly, this Court need not further consider the first claim raised by the petitioner. In Stone v. Powell, 428 U.S. 465, 96 S.Ct. 3037, 49 L.Ed.2d 1067 the United States Supreme Court said:

[W]e conclude that where the state has provided an opportunity for full and fair litigation of a Fourth Amendment claim, a state prisoner may not be granted federal habeas corpus relief on the ground that evidence obtained in an unconstitutional search or seizure was introduced at his trial.

Id at 494. See also, Chavez v. Rodriguez, 540 F.2d 500 (10th Cir. 1976); Pierce v. State of Oklahoma, 436 F.Supp. 1026 (W.D.Okla. 1977); Hughes v. State of Oklahoma, 426 F.Supp. 36 (W.D.Okla. 1976); United States Ex Rel. Barksdale v. Sielaff, 585 F.2d 288 (7th Cir. 1978).

The Court has reviewed the entire transcript of the petitioner's state court trial and the opinion of the Oklahoma Court of Criminal Appeals. The petitioner raised the Fourth Amendment claim by written motion in the trial court and the motion was argued immediately prior to petitioner's trial. The motion was submitted to the trial court on the stipulation of the District Attorney and the petitioner's trial counsel. In light of Stone, supra, this Court will not review the correctness of the state court determination of this issue when, as here, the petitioner was given a full and fair opportunity to litigate his

claim in the state courts.

The second claim raised by petitioner is that the state trial court erred in failing to sustain his motion in limine. The purpose of this motion was to exclude all reference to the death of the kidnap victim. Again, this motion was considered prior to petitioner's trial by the state trial court and on direct appeal. Apparently, the victim of the kidnapping was killed some time within a couple of days of the abduction and a murder case was pending against the petitioner in Osage County, Oklahoma, at the time of his kidnapping trial. See Johnson v. State of Oklahoma, 611 P.2d 1137 (Okl.Cr. 1980), cert. den. 449 U.S. 1132 (1981) (Petitioner's conviction for second degree murder affirmed).

The state trial court overruled the motion in limine on the theory that at least some discussion of the body of the victim was necessary to link projectiles found in or near the body with a .22 caliber rifle found in the trunk of the petitioner's automobile. The state trial court reasoned that such evidence was a proper element in the identification of petitioner with the kidnapping. The trial court's ruling was affirmed on appeal. The trial court recognized the potential prejudicial effect to the petitioner of introduction of evidence of other crimes, limited the scope of such evidence to the identification issue and gave petitioner's requested instruction that he was not on trial for any crime other than the kidnapping charge and such evidence could only be used by the jury for the purpose of showing the identification of petitioner with the crime charged.

As mentioned above, the Oklahoma Court of Criminal Appeals affirmed the ruling of the trial court in this regard. That court stated:

We find no indication in the record that the State purposely violated the trial court's ruling to hold the evidence of murder solely for the purpose of identification of the defendant. In such a situation the trial court must weigh the probative value of the evidence with any prejudicial effect that it might have. . . . In light of all the

precautions taken by the court, to wit: the admonishment to the jury; the subsequent instruction; and the probative value of the evidence which tended to connect the defendant with the crime, we find that the evidence was properly admitted. (citation omitted, emphasis added).

Johnson v. State, supra at 55.

These findings of the Oklahoma Court of Criminal Appeals are normally entitled to a presumption of correctness in a federal habeas corpus proceeding, Sumner v. Mata, 449 U.S. 539, 101 S.Ct. 764, 66 L.Ed.2d 722 (1981), unless one of the exceptions noted in 28 U.S.C. §2254(d) is present. The Court has searched the state court record concerning petitioner's second claim. The Court concludes that none of the circumstances enumerated in §2254(d) are applicable to the present case.

After reviewing the state court trial transcript this Court concludes that the ruling of the trial court in this regard was correct. See Bond v. State of Oklahoma, 546 F.2d 1369, 1378 (10th Cir. 1976). The evidence concerning the body of the victim and the projectiles found in and near the body were admitted by the state trial court solely for the purpose of showing that the petitioner was connected with the kidnapping. Such evidence did logically connect the petitioner with the kidnapping of Mr. Bell, the victim, because of the link between the projectiles discovered and the petitioner's rifle found in petitioner's automobile. The introduction of such evidence was proper to identify petitioner with the kidnapping of Mr. Bell.

Furthermore, state court rulings on the admissibility of evidence may not be questioned in a federal habeas proceeding unless they render the trial so fundamentally unfair so as to constitute a denial of federal constitutional rights. Brinlee v. Crisp, 608 F.2d 839 (10th Cir. 1979), cert. den. 444 U.S. 1047, 100 S.Ct. 737 (1980). The Court concludes that no denial of constitutional rights is shown after reviewing the state court record. The trial court took adequate precautions to limit the scope and use of evidence concerning the death of Mr. Bell and

the introduction of such evidence did not render the trial of petitioner fundamentally unfair.

The Court would finally note, that assuming arguendo that the state trial court did err in admitting evidence which referred to the body of the victim, that such was harmless beyond a reasonable doubt. This Court concludes that the minds of average jurors would not have found the case against petitioner significantly less persuasive had such evidence been excluded. Brinlee, supra at 850-851; Bond, supra at 1376-1377; Tyman v. State of Oklahoma, 560 F.2d 422 (10th Cir. 1977), cert. den. 434 U.S. 1071, 98 S.Ct. 1254 (1978). The Court would, however, reiterate, that it believes the state trial court ruling admitting this evidence was correct as identifying the petitioner with the kidnapping of Mr. Bell, even if the presumption of correctness were not afforded to the state court's findings.

For the foregoing reasons the petition for a writ of habeas corpus is denied and this action is dismissed in all respects.

It is so Ordered this 30th day of November, 1982.



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