

Entered

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

FILED

NOV 30 1983

NATIONAL SUPPLY COMPANY)
DIVISION OF ARMCO, INC.,)
)
Plaintiff,)
)
vs.)
)
BILL MCGUIRE DRILLING, INC.,)
)
Defendant.)

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

No. 83-C-97B

JUDGMENT BY CONSENT

The Plaintiff, National Supply Company Division of ARMCO, INC., having filed its Complaint herein on February 1, 1983, and Defendant, Bill McGuire Drilling, Inc., having acknowledged receipt of a copy of the Summons and Complaint filed herein and having admitted the jurisdiction of this Court over the subject matter of this action, and Plaintiff and Defendant having agreed upon a basis for settlement, the parties agreeing that this Consent Judgment is entered into by and between the parties herein solely for the purpose of settlement and without admission as to any of the allegations of the Complaint or Answer, or as to any matters arising out of the Complaint or Answer, and it appearing that there has been no trial of the matter alleged in the Complaint and Answer, and that there has been no findings of facts, conclusions of law or adjudication made with respect to any matter alleged in, or arising out of, the Complaint and Answer, and it appearing further that no notice of hearing upon the entry of said final Consent Judgment need

be given as the parties' attorneys have consented to the entry of this Judgment as evidenced by the respective signatures of the parties or their attorneys on the last page of this Consent Judgment.

NOW, THEREFORE, by consent of the parties, it is

ORDERED, ADJUDGED AND DECREED that the Plaintiff, National Supply Company Division of ARMCO, INC., have judgment against the Defendant, Bill McGuire Drilling, Inc., as and for damages, the principal amount of Seventy-Six Thousand and no/100 Dollars (\$76,000.00), said judgment to bear interest at the statutory rate of fifteen percent (15%), until paid in full; and it is

ORDERED, ADJUDGED AND DECREED that each of the parties be responsible for the payment of their respective attorney fees and costs, and it is further

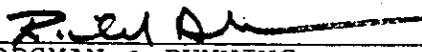
ORDERED, ADJUDGED AND DECREED that neither this final Judgment by Consent, nor anything contained herein, shall constitute evidence or an admission or adjudication with respect to any allegation of the Complaint or Answer of any wrongdoing or misconduct or liability on the part of the Plaintiff or the Defendant.

DATED: ~~September~~ ^{November} 30, 1983.

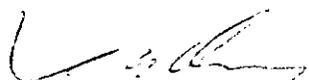
S/ THOMAS R. FREIT

UNITED STATES DISTRICT JUDGE

APPROVED AS TO SUBSTANCE AND FORM:



FORSMAN & RUNNING
By: Richard D. Marrs
1700 Bank of Oklahoma Tower
One Williams Center
Tulsa, Oklahoma 74172
(918) 585-2904
Attorney for Defendant
Bill McGuire Drilling, Inc.



GASAWAY, GREEN & HARRIS
Don E. Gasaway
2116 East 15th
Tulsa, Oklahoma
(918) 742-0548
Attorneys for Plaintiff,
National Supply Company, Division
of ARMCO, INC.

FILED

NOV 30 1983

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

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

GARY FRANK WHEATLEY,)
)
 Petitioner,)
)
 vs.)
)
 ATTORNEY GENERAL OF THE)
 STATE OF OKLAHOMA,)
)
 Respondent.)

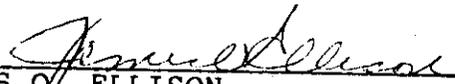
No. 83-C-943-E

ORDER

NOW on this 30th day of November, 1983, comes on for hearing Petition for Writ of Habeas Corpus filed by Gary Frank Wheatley and the Court, being fully advised in the premises finds the same should be denied.

The Court took various testimony in this case over a period of one week based primarily on Petitioner's assertion that he was provided with ineffective assistance of counsel, which this Court finds to be a very serious constitutional question. Petitioner's proof however failed in this regard. The Court is well aware that resort to state remedies at this point may require Petitioner to serve a sentence, which if overturned would provide a meaningless victory. However, that does not vest jurisdiction in this Court.

Following the holding of Rose vs. Lundy, 455 U.S. 509, 102 S.Ct. 1198, 71 L.Ed.2d 379 (1982), it is therefore Ordered, Adjudged and Decreed that the Petition for Writ of Habeas Corpus be and is hereby denied.



JAMES O. ELLISON
UNITED STATES DISTRICT JUDGE

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

FILED

NOV 30 1983

JACK C. SHIMER, CLERK
U.S. DISTRICT COURT

UTICA NATIONAL BANK & TRUST)
COMPANY, a national banking)
association,)
)
Plaintiff,)
)
vs.)
)
DONALD W. FOWLER and KENT E.)
SEARL,)
)
Defendants.)

Case No. 83-C-743-E

Notice of DISMISSAL WITH PREJUDICE

Plaintiff, Utica National Bank & Trust Company, by and through its attorneys of record, Doerner, Stuart, Saunders, Daniel & Anderson by Lewis N. Carter, hereby dismisses with prejudice against both named Defendants the above-entitled and numbered action.

DATED this 30 day of November, 1983.

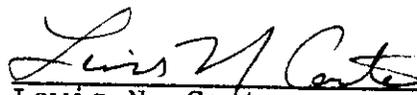
DOERNER, STUART, SAUNDERS,
DANIEL & ANDERSON
Lewis N. Carter
1000 Atlas Life Building
Tulsa, Oklahoma 74103

By: *Lewis N. Carter*
Lewis N. Carter

Attorneys for Plaintiff, Utica
National Bank & Trust Company

CERTIFICATE OF MAILING

The undersigned hereby certifies that on the 30 day of November, 1983, a true and correct copy of the above and foregoing DISMISSAL WITH PREJUDICE was mailed, with proper postage prepaid thereon, to Carl B. Noelke, Esquire, Bank of America Center, Suite 4350, 555 California Street, San Francisco, California 94104.



Lewis N. Carter

UNITED STATES DISTRICT COURT FOR THE
NORTHERN DISTRICT OF OKLAHOMA

FILED

NOV 30 1983

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

UNITED STATES OF AMERICA,)
)
 Plaintiff,)
)
 vs.)
)
 JOSEPH A. O'ROURKE,)
)
 Defendant.)

CIVIL ACTION NO. 83-C-617-E

DEFAULT JUDGMENT

This matter comes on for consideration this 30th day of November, 1983, 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, Joseph A. O'Rourke, appearing pro se.

The Court being fully advised and having examined the file herein finds that the Defendant, Joseph A. O'Rourke, was served with Summons and Complaint on August 6, 1983. On September 9, 1983, Defendant filed his Answer herein. This matter was set for pre-trial hearing on November 22, 1983, at 1:00 p.m., at which time Defendant did not appear. Judgment is not being entered herein as the result of Defendant's failure to appear at that time.

The Court further finds that the matters raised in Defendant's Answer do not constitute a defense to Plaintiff's claim herein and that Judgment should therefore be entered for Plaintiff for this reason.

IT IS THEREFORE, ORDERED, ADJUDGED, AND DECREED that the Plaintiff have and recover Judgment against the Defendant, Joseph A. O'Rourke, for the principal sum of \$1,363.73, plus interest at the legal rate from the date of this Judgment until paid, and the costs of this action.

S/James Q. Ellison
UNITED STATES DISTRICT JUDGE

UNITED STATES DISTRICT COURT FOR THE
NORTHERN DISTRICT OF OKLAHOMA

NOV 30 1983

JACOB S. GARDNER, CLERK
U.S. DISTRICT COURT

UNITED STATES OF AMERICA,)	
)	
Plaintiff,)	
)	
vs.)	
)	
DONALD L. CARDWELL,)	
)	
Defendant.)	CIVIL ACTION NO. 83-C-880-E

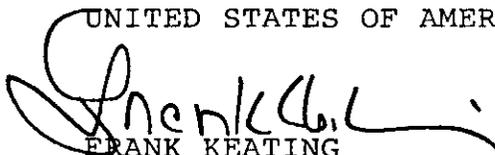
NOTICE OF DISMISSAL

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

Defendant has paid in full the indebtedness which is the subject matter of this action.

Dated this 28th day of November, 1983.

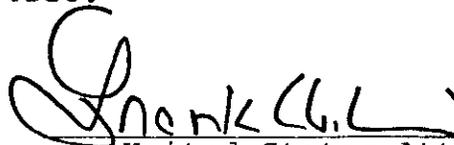
UNITED STATES OF AMERICA



FRANK KEATING
United States Attorney
460 U.S. Courthouse
Tulsa, Oklahoma 74103
(918) 581-7463

CERTIFICATE OF SERVICE

This is to certify that on the 30 day of November, 1983, a true and correct copy of the foregoing was mailed, postage prepaid thereon, to: Donald L. Cardwell, 525 South 103rd East Avenue, Tulsa, Oklahoma 74128.



United States Attorney

UNITED STATES DISTRICT COURT FOR THE
NORTHERN DISTRICT OF OKLAHOMA

FILED

NOV 30 1983

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

UNITED STATES OF AMERICA,)
)
Plaintiff,)
)
vs.)
)
FLOYD E. WEBER,)
)
Defendant.)

CIVIL ACTION NO. 83-C-780-E

DEFAULT JUDGMENT

This matter comes on for consideration this 30th day of November, 1983, 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, Floyd E. Weber, appearing not.

The Court being fully advised and having examined the file herein finds that Defendant, Floyd E. Weber, was served with Alias Summons and Complaint on October 25, 1983. 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, Floyd E. Weber, for the principal sum of \$889.33, plus costs and interest at the current legal rate of 9.93 percent from the date of judgment until paid.

J. JAMES S. HINSON
UNITED STATES DISTRICT JUDGE

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

GENERAL ELECTRIC CREDIT)
CORPORATION, a New York)
corporation,)
)
Plaintiff,)
)
vs.)
)
ESCHE SUBARU, INC., an)
Oklahoma corporation;)
FIRST NATIONAL BANK,)
TAHLEQUAH, OKLAHOMA, an)
OKLAHOMA CORPORATION; JOHN)
ESCHE, an individual and)
MAURICE D. BOX, an individual,)
)
Defendants.)
)
FIRST NATIONAL BANK)
TAHLEQUAH, OKLAHOMA, an)
Oklahoma corporation,)
)
Cross-Plaintiffs,)
)
vs.)
ESCHE SUBARU, INC., AND)
JOHN ESCHÉ,)
)
Cross-Defendants.)

No. 82-C-732-E

FILED

NOV 30 1983

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

ORDER FOR DISMISSAL WITH PREJUDICE

Upon consideration of the stipulation for dismissal filed herein, it is hereby ordered that the claims of General Electric Credit Corporation against Esche Subaru, Inc., John Esche, First National Bank of Tahlequah, Oklahoma, and Maurice D. Box and the claims of Esche Subaru, Inc., against First National Bank of Tahlequah, Oklahoma, and the claims of First National Bank of Tahlequah, Oklahoma, against Esche Subaru, Inc., John Esche and

Maurice D. Box in the above entitled action shall be, and are hereby dismissed with prejudice, each party to bear its own costs.

S/ JAMES O. ELLISON

UNITED STATES DISTRICT JUDGE

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

CHARLES E. LARSEN,

Plaintiff,

vs.

PETE SILVA, Public Defender,
DAVID MOSS, District Attorney,

Defendants.

No. 83-C-911-C

FILED

NOV 29 1983

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

ORDER

This action is before the Court upon the plaintiff's complaint, which is to be tested under 28 U.S.C. Section 1915(d). A motion to proceed in forma pauperis was filed on October 28, 1983 and the plaintiff's complaint was thereafter filed on November 3, 1983. See Henriksen v. Bentley, 644 F.2d 852 (10th Cir. 1981). Under 28 U.S.C. Section 1915(d) the complaint, if found to be frivolous, improper or obviously without merit, is subject to dismissal. Henriksen, supra at 854. The U. S. Court of Appeals for the Tenth Circuit has reiterated its position on numerous occasions that a trial court need not require service of the complaint and filing of an answer in cases where on the face of the complaint it clearly appears that the action is frivolous or malicious. Id at 854. This Court has determined that the instant action is such a case.

The plaintiff is a pretrial detainee presently incarcerated in the Tulsa County Jail. He instituted this action against Pete Silva, Chief Public Defender of Tulsa County; David Moss, District Attorney of Tulsa County; Frank Thurman, Sheriff of Tulsa County; numerous state judges of Tulsa County; George Nigh, Governor of the State of Oklahoma; Michael Turpen, the Attorney General of the State of Oklahoma; and apparently all of the Assistant Public Defenders and District Attorneys of Tulsa County; for alleged violations of his civil and constitutional rights pursuant to 42 U.S.C. Sections 1983 and 1985. The plaintiff seeks injunctive relief and unspecified actual and punitive damages. Generally, the plaintiff complains of inadequate representation by the Public Defender's Office and a conspiracy between all defendants to "coerce" criminal defendants who may be subject to enhanced punishment, as previously convicted felons, under OKLA.STAT.ANN. tit.21, Section 51, to enter pleas of guilty in exchange for the dismissal of that part of the state criminal information which would subject a criminal defendant to enhanced punishment under Section 51.¹ The plaintiff further complains of the conditions existing in the Tulsa County Jail to which he has been subjected.

Though the plaintiff in this case does not specifically request this Court to enjoin the State of Oklahoma from

¹ The plaintiff herein mistakenly refers to OKLA.STAT.ANN. tit.22, Section 51 as the Oklahoma enhancement statute rather than Title 21, Section 51.

proceeding with the state criminal prosecution pending against him, it is clear that the plaintiff requests this Court to become involved in an ongoing state criminal proceeding for the purpose of interpreting and defining plaintiff's rights under state criminal statutes. It is also clear that the plaintiff does request this Court to enjoin the defendants from continuing to plea-bargain in the manner plaintiff finds objectionable. Of course, the plaintiff himself is the one who must ultimately decide whether to accept any "deal" offered to him by the State. This Court believes that the plaintiff is not entitled to injunctive relief, whether or not he may have some valid claim as to the constitutionality of the practice of which he complains. Injunctive or declaratory relief in such a situation is directly contrary to "[T]he national policy forbidding federal courts to stay or enjoin pending state court proceedings except under special circumstances." Younger v. Harris, 401 U.S. 37, 41 (1971). There are no special circumstances involved here.

In regard to defendant Silva and the Tulsa County Public Defender's Office in general it is well-established that an attorney, whether retained or appointed, does not act "under color of state law" in representing his client for the purposes of an action under Section 1983. Henderson v. Fisher, 631 F.2d 1115 (3rd Cir. 1980); Harkins v. Eldredge, 505 F.2d 802 (8th Cir. 1974); Espinoza v. Rogers, 470 F.2d 1174, 1175 (10th Cir. 1972). See also Polk County v. Dodson, 454 U.S. 312 (1981). Further, conclusory allegations of some type of conspiracy between an appointed attorney and an entity or person that may be determined

to have acted under color of state law are wholly insufficient to support a Section 1983 action. Though the plaintiff may have a valid claim in the state courts of Oklahoma for some type of malpractice against his appointed attorney, he has stated no valid claim against his attorney pursuant to 42 U.S.C. Section 1983. The Court should note that it does not in any way mean to imply that the plaintiff does, in fact, have a valid state claim against his attorney.

In regard to any state judges sitting in Tulsa County sued herein, the United States Supreme Court has held that a judge has absolute immunity from liability for all judicial acts performed by him over which the judge has jurisdiction. Stump v. Sparkman, 435 U.S. 349, 98 S.Ct. 1099, 55 L.Ed.2d 331 (1978), reh. denied, 436 U.S. 951, 98 S.Ct. 2862, 56 L.Ed.2d 795 (1978); Pierson v. Ray, 386 U.S. 547, 87 S.Ct. 1213, 18 L.Ed.2d 288 (1967); Wiggins v. New Mexico State Supreme Court Clerk, 664 F.2d 812 (10th Cir. 1981). It is abundantly clear from the present record herein that any judge so named herein was and is acting on matters over which he or she has jurisdiction. Only in the clear absence of all jurisdiction could a judge so situated be deprived of such immunity. Such is not the case here.

In regard to David Moss, the District Attorney of Tulsa County, or his subordinates, the United States Supreme Court has held that a prosecutor is absolutely immune for any acts or omissions which were undertaken in the scope of his or her duties in initiating and pursuing a criminal prosecution and in presenting the State's case. Imbler v. Pachtman, 424 U.S. 409, 96 S.Ct.

984, 47 L.Ed.2d 128 (1976). All allegations of the plaintiff concerning the actions of these defendants would clearly fall within the scope of the prosecutorial immunity outlined by the Supreme Court. The Attorney General of the State of Oklahoma would also be cloaked with such prosecutorial immunity.²

The plaintiff also names the Governor of the State of Oklahoma, George Nigh, as a party defendant. No claim upon which relief could be granted is stated against the Governor and no allegation that he personally participated in any action concerning the plaintiff is alleged. See Fed.R.Civ.P. 12(b)(6) and 8. Personal participation must be alleged and established before liability can be found in this Section 1983 action. Kite v. Kelley, 546 F.2d 334 (10th Cir. 1976); Bennett v. Passic, 545 F.2d 1260 (10th Cir. 1976). The same rationale would apply to the Attorney General of the State of Oklahoma.

Plaintiff's complaint against Frank Thurman, Sheriff of Tulsa County, raises issues that are the subject of a class action lawsuit currently pending before the undersigned Judge and the other Judges of the United States District Court for the Northern District of Oklahoma, sitting en banc. Clayton, et al. v. Thurman, et al., 79-C-723. The en banc Court entered Findings of Fact and Conclusions of Law in that case on August 2, 1983, but no final judgment has been entered therein. The plaintiffs

² The Court would note that no claim at all is stated against the Attorney General of the State of Oklahoma and dismissal would be proper even in the absence of prosecutorial immunity. Fed.R.Civ.P. 12(b)(6).

in that action are represented by counsel for the purpose of injunctive relief and any claim for such injunctive relief by the plaintiff here will be protected in that class action.

Even though the plaintiff requests unspecified monetary damages the complaint nowhere alleges that he has been personally damaged by the conditions in the Tulsa County Jail. The allegations in regard to the jail are mere conclusions and this Court believes in light of such conclusory allegations and in the absence of allegations that plaintiff has been personally damaged by any alleged constitutional violations that any claim for monetary damage should be dismissed as frivolous. Pickens v. Brand, No. 80-2120 (10th Cir. Jan. 13, 1982).

The Court would finally note that the conclusory allegations of plaintiff concerning a conspiracy between the defendants or as to the conditions of the jail are insufficient to state a claim under 42 U.S.C. Sections 1983 or 1985 and such claims are subject to dismissal.

For all of the above reasons, it is the Order of this Court that this action is dismissed, in all respects, pursuant to 28 U.S.C. Section 1915(d).

It is so Ordered this 29th day of November, 1983.


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

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

FILED

NOV 29 1983

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

OKLAHOMA CARPENTERS HEALTH AND)
WELFARE FUND BY AND THROUGH)
ITS TRUSTEES, ROBERT L.)
LIPPERT, CHAIRMAN, AND)
GERALD BEAM, VICE PRESIDENT,)

Plaintiffs,)

vs.)

A. HANNAFORD COMPANY, INC.,)
a corporation,)

Defendant.)

No. 83-C-183-E

JUDGMENT

This matter was consolidated for trial by this Court on September 6, 1983 with case number 81-C-82-E, Brotherhood of Carpenters and Joiners of America vs. Roy J. Hannaford Company, Inc. and the Court, after considering the evidence, entered findings of fact and conclusions of law on November 4, 1983 in which the Court found a binding contract to be in effect between the parties. The Court specifically adopts by reference those findings of fact and conclusions of law which relate to the issues of contract validity and enforcement and incorporate those into this Order.

In addition to finding a valid contract between the parties named above, the Court finds the payment alleged to be due and owing to the Health and Welfare Fund is subject to arbitration under said contract.

IT IS THEREFORE ORDERED, ADJUDGED AND DECREED that Plaintiff

take nothing on its claim for damages, that the parties are ordered to submit to arbitration under the terms of the agreement within thirty (30) days of the date of this Order, that this case be dismissed on the merits and that each party bear its costs of action.

DATED this 29th day of November, 1983.



JAMES O. ELLISON
UNITED STATES DISTRICT JUDGE

UNITED STATES DISTRICT COURT FOR THE
NORTHERN DISTRICT OF OKLAHOMA

FILED

UNITED STATES OF AMERICA,)
)
 Plaintiff,)
)
 vs.)
)
 CENTRAL AIR SERVICE, INC.,)
)
 Defendant.)

NOV 29 1983

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

CIVIL ACTION NO. 83-C-831-C

DEFAULT JUDGMENT

This matter comes on for consideration this 29th day of November, 1983, 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, Central Air Service, Inc., appearing not.

The Court being fully advised and having examined the file herein finds that Defendant, Central Air Service, Inc., was served with Alias Summons and Complaint on October 26, 1983. 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, Central Air Service, Inc., for the principal sum of \$3,000.00, plus costs and interest from the date of judgment until paid.

W. H. Dale Cook
UNITED STATES DISTRICT JUDGE

UNITED STATES DISTRICT COURT FOR THE
NORTHERN DISTRICT OF OKLAHOMA

NOV 28 1983

UNITED STATES OF AMERICA,)
)
 Plaintiff,)
)
 vs.)
)
 LARRY J. McCOY,)
)
 Defendant.)

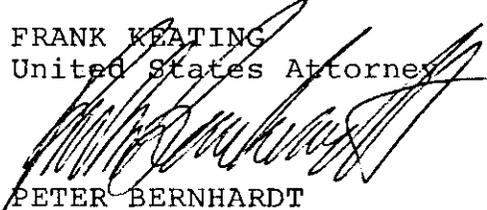
FRANK C. SILVER, CLERK
DISTRICT COURT

CIVIL ACTION NO. 83-C-802-E

NOTICE OF DISMISSAL

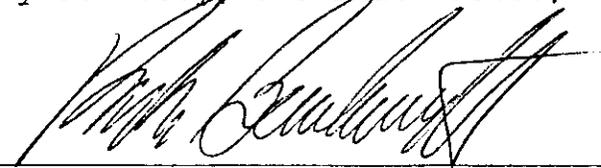
COMES NOW the Plaintiff, United States of America, by Frank Keating, United States Attorney for the Northern District of Oklahoma, through Peter Bernhardt, Assistant United States Attorney, and hereby gives notice of its dismissal, pursuant to Rule 41, Federal Rules of Civil Procedure, of this action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

Dated this 28th day of November, 1983.

UNITED STATES OF AMERICA
FRANK KEATING
United States Attorney

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

CERTIFICATE OF SERVICE

This is to certify that on the 29th day of November, 1983, a true and correct copy of the foregoing was mailed, postage prepaid thereon, to: Larry J. McCoy, 115 South Jones, Drumright, Oklahoma 74030.


Assistant United States Attorney

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

FILED

NOV 29 1983

D. C. SILVER, CLERK
DISTRICT COURT

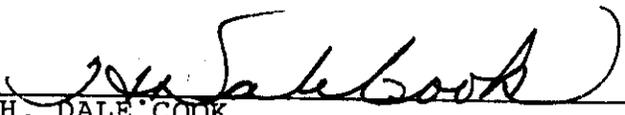
G. BOOKER SCHMIDT, INC.,)
)
 Plaintiff,)
)
 vs.)
)
 KENNETH ROGERS,)
)
 Defendant.)

No. 83-C-799-C ✓

SUPPLEMENTAL JUDGMENT

The Judgment of the Court, entered herein on October 19, 1983 is hereby supplemented to include an attorneys' fee of \$314.50 and costs in the amount of \$100.57, to plaintiff, G. Booker Schmidt, Inc.

It is so Ordered this 29 day of November, 1983.


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

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

FILED
NOV 23 1983
JACK D. SEVED, CLERK
U.S. DISTRICT COURT

JOHN B. ROSSO, JR.,)
)
Plaintiff,)
)
vs.)
)
DAVE FAULKNER,)
S. M. FALLIS, JR.,)
)
Defendants.)

No. 80-C-447-C ✓

O R D E R

Now before the Court for its consideration is the plaintiff's complaint, defendants' answers thereto, the motion for summary judgment of defendant S. M. Fallis, Jr., former District Attorney of Tulsa County, and the counterclaim of defendant Fallis. The plaintiff has not responded to the motion for summary judgment of defendant Fallis.

In the first instance, plaintiff's claim for injunctive relief was incorporated in the class action of Clayton, et al., v. Thurman, et al., 79-C-723-Bt, and has been determined by way of the Court's Order of August 2, 1983.

The complaint of the plaintiff is wholly conclusory and plaintiff attempts to premise liability on defendant Fallis, in his capacity as former District Attorney of Tulsa County, for the operation and conditions of the Tulsa County Jail. The only allegation against defendant Fallis is that defendant Fallis as

the District Attorney was responsible for bonds of pretrial detainees housed in the Tulsa County Jail. Under Imbler v. Pachtman, 424 U.S. 409, 96 S.Ct. 984, 47 L.Ed.2d 128 (1976), a prosecutor is absolutely immune for any acts or omissions which are undertaken in the scope of his or her duties in pursuing a criminal prosecution and in presenting the State's case. Any relation that defendant Fallis would have had with the setting of plaintiff's bond in a state criminal case would clearly fall within the prosecutorial immunity set out by the United States Supreme Court in Imbler, supra. The Court would also note that defendant Fallis has attached an affidavit to his motion that clearly shows that said defendant was not even involved in the bond setting procedure of this plaintiff. Furthermore, the ultimate responsibility for setting a bond in a state criminal case is that of a duly appointed or elected state judge under the law of the State of Oklahoma.

Defendant Fallis had no responsibility for the management or operation of the Tulsa County Jail of which plaintiff complains, nor does plaintiff provide any facts which would indicate that defendant Fallis had any personal connection with or responsibility for the conditions of which plaintiff complains. Under Oklahoma law, the Sheriff of a county has the charge and custody of the jail and prisoners housed in a county jail. Elsberry v. Haynes, 256 F.Supp. 735 (W.D.Okla. 1966). Therefore, the Court concludes that the motion for summary judgment of defendant Fallis should be sustained.

It is therefore the Order of this Court that the motion of defendant Fallis for summary judgment is sustained and plaintiff's complaint against said defendant is dismissed in all respects.

It is the further Order of this Court that plaintiff's claim for injunctive relief of the plaintiff is dismissed.

It is the further Order of this Court that defendant Fallis is allowed fifteen (15) days to inform this Court of whether he intends to pursue the counterclaim presently on file herein. If defendant Fallis does not inform the Court of his intentions in this regard within the aforementioned time period, the counterclaim will be dismissed in all respects.

It is so Ordered this 28th day of November, 1983.


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

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

FILED

NOV 28 1983

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

LIONEL D. TUCKER,)
)
 Plaintiff,)
)
 vs.)
)
 MR. TIM WEST, et al.,)
)
 Defendants.)

No. 82-C-1106-C

O R D E R

Now before the Court for its consideration is plaintiff's complaint, defendants' motion to dismiss, and the Special Report prepared by the Department of Corrections at the direction of the Court, in accordance with Martinez v. Aaron, 570 F.2d 317 (10th Cir. 1978), and Martinez v. Chavez, 574 F.2d 1043 (10th Cir. 1978).

Plaintiff is currently an inmate at the McLeod Correctional Center in Farris, Oklahoma. He instituted this action pursuant to 42 U.S.C. Section 1983 seeking injunctive relief for alleged violations of his civil rights. In his complaint, plaintiff generally alleges that he was not allowed a minimum security risk classification after he had served a disciplinary sentence at a higher security rated institution. The only relief requested by plaintiff is that he be sent to a minimum security institution or to be allowed to participate in a work release program. The Special Report reflects that plaintiff was transferred to McLeod

on July 26, 1983 and that such institution is a minimum security facility. Plaintiff's claim is therefore moot. Wycoff v. Brewer, 572 F.2d 1260 (8th Cir. 1978). The Court need not reach any other arguments made by defendants in support of their motion to dismiss.

It is therefore the Order of this Court that the instant action should be and hereby is dismissed, in all respects, as moot.

It is so Ordered this 28th day of November, 1983.


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

UNITED STATES DISTRICT COURT FOR THE
NORTHERN DISTRICT OF OKLAHOMA

UNITED STATES OF AMERICA,)

Plaintiff,)

vs.)

GERALD E. HALL,)

Defendant.)

CIVIL ACTION NO. 83-C-803-C

Filed
11-28-83

DEFAULT JUDGMENT

This matter comes on for consideration this 28th day of November, 1983, 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, Gerald E. Hall, appearing not.

The Court being fully advised and having examined the file herein finds that Defendant, Gerald E. Hall, acknowledged receipt of Summons and Complaint on October 4, 1983. 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, Gerald E. Hall, for the principal sum of \$580.00, plus costs and interest at the current legal rate of 9.86% percent from the date of judgment until paid.

/s/ H. Dale Cook
UNITED STATES DISTRICT JUDGE

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

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

FILED

NOV 28 1983

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

No. 80-C-522-C

JUDGMENT

Upon confession of judgment heretofore filed in this cause by defendant, Grand River Dam Authority, on the 14th day of November, 1983, it is hereby ordered and adjudged that the parties listed on Exhibit "A" hereto recover from defendant, Grand River Dam Authority, the principal sums and statutory interest at 6 percent per annum as set forth on Exhibit "A" hereto to the date

of this judgment and the costs of this action including the reasonable attorney fee incurred by each party set forth on Exhibit "A" hereto.

Dated this 28th day of November, 1983.

1/1 H. Dale Cook
H. DALE COOK
United States District Judge

EXHIBIT "A"

	<u>Principal</u>	<u>Interest thru November 28, 1983</u>	<u>Total</u>
Air Products and Chemical Inc.	\$ 19,623.43	\$ 10,686.04	\$ 30,309.47
Ashland-Warren, Inc.	5,804.27	3,859.62	9,663.89
Biraghi Enterprises	541.52	322.17	863.67
City of Claremore	111,832.79	63,514.95	175,347.74
City of Collinsville	23,579.94	15,434.29	39,014.23
Chelsea Municipal Authority	24,157.26	16,072.83	40,230.08
City of Cushing	17,124.14	11,060.15	28,184.29
The Dalton Foundries, Inc.	11,414.88	7,536.38	18,951.26
Fabricut, Inc.	790.08	516.32	1,306.40
KAMO Electric Cooperative	1,018,207.32	629,629.81	1,647,837.13
McDonnell Douglas Corporation	72,548.96	47,987.91	120,536.87
City of Miami	114,176.93	68,814.75	182,991.68
MidAmerica Yarn Mills	13,385.31	9,069.87	22,455.18
Midwest Carbide Corp.	107,580.96	65,989.64	173,570.60
N-ReN Corporation	175,963.36	108,186.63	284,149.99
National Gypsum Co.	82,021.71	51,133.14	133,154.85
Northeast Oklahoma Public Facilities Authority	5,353.20	3,596.15	8,949.35
Oklahoma Ordnance Works Authority	10,448.82	6,424.08	16,872.90
Phillips Driscopipe, Inc.	3,073.73	1,961.30	5,035.03

	<u>Principal</u>	<u>Interest thru November 28, 1983</u>	<u>Total</u>
City of Pryor	\$ 74,278.38	\$ 43,703.24	\$ 117,981.62
Pryor Automatic Tool Co.	554.42	367.71	922.13
Pryor Foundry, Inc.	69,022.68	42,122.72	111,145.40
Red Devil, Inc.	2,322.15	1,529.94	3,852.09
City of Sallisaw	63,089.04	41,048.94	104,137.98
City of Skiatook	5,237.46	2,679.73	7,917.19
City of Stillwell	30,365.32	18,183.37	48,548.69
City of Tahlequah	73,465.14	43,974.48	117,439.62
Technical Systems, Inc.	658.26	439.33	1,097.59
Verdigris Valley Electric Cooperative	41,524.97	27,405.36	68,930.33
B. F. Goodrich Company	93,704.18	57,381.58	151,085.76

FILED

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

NOV 28 1983

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

DENNIS S. FUNKHOUSER,)	
)	
Plaintiff,)	
)	
vs.)	No. 80-C-422-C
)	
DAVE FAULKNER,)	
S. M. FALLIS, JR.,)	
)	
Defendants.)	

O R D E R

Now before the Court for its consideration is the plaintiff's complaint, defendants' answers thereto, the motion for summary judgment of defendant S. M. Fallis, Jr., former District Attorney of Tulsa County, and the counterclaim of defendant Fallis. The plaintiff has not responded to the motion for summary judgment of defendant Fallis.

In the first instance, plaintiff's claim for injunctive relief was incorporated in the class action of Clayton, et al., v. Thurman, et al., 79-C-723-Bt, and has been determined by way of the Court's Order of August 2, 1983.

The complaint of the plaintiff is wholly conclusory and plaintiff attempts to premise liability on defendant Fallis, in his capacity as former District Attorney of Tulsa County, for the operation and conditions of the Tulsa County Jail. The only allegation against defendant Fallis is that defendant Fallis as

the District Attorney was responsible for bonds of pretrial detainees housed in the Tulsa County Jail. Under Imbler v. Pachtman, 424 U.S. 409, 96 S.Ct. 984, 47 L.Ed.2d 128 (1976), a prosecutor is absolutely immune for any acts or omissions which are undertaken in the scope of his or her duties in pursuing a criminal prosecution and in presenting the State's case. Any relation that defendant Fallis would have had with the setting of plaintiff's bond in a state criminal case would clearly fall within the prosecutorial immunity set out by the United States Supreme Court in Imbler, supra. The Court would also note that defendant Fallis has attached an affidavit to his motion that clearly shows that said defendant was not even involved in the bond setting procedure of this plaintiff. Furthermore, the ultimate responsibility for setting a bond in a state criminal case is that of a duly appointed or elected state judge under the law of the State of Oklahoma.

Defendant Fallis had no responsibility for the management or operation of the Tulsa County Jail of which plaintiff complains, nor does plaintiff provide any facts which would indicate that defendant Fallis had any personal connection with or responsibility for the conditions of which plaintiff complains. Under Oklahoma law, the Sheriff of a county has the charge and custody of the jail and prisoners housed in a county jail. Elsberry v. Haynes, 256 F.Supp. 735 (W.D.Okla. 1966). Therefore, the Court concludes that the motion for summary judgment of defendant Fallis should be sustained.

Finally, the plaintiff has completely failed to allege any factual allegations against defendant Faulkner which would support a claim for monetary relief herein. The plaintiff has also wholly failed to allege that he was personally damaged as a result of any constitutional violations. Given the lack of such allegations, the plaintiff's claim for monetary relief is subject to dismissal at this time. However, in the interest of justice, this Court will allow the plaintiff fifteen (15) days to file an amended complaint setting forth the factual basis for his claim against defendant Faulkner and which sets forth how the plaintiff has been personally damaged thereby.

It is therefore the Order of this Court that the motion of defendant Fallis for summary judgment is sustained and plaintiff's complaint against said defendant is dismissed in all respects.

It is the further Order of this Court that plaintiff is allowed fifteen (15) days to inform this Court as to whether he intends to pursue a claim for monetary relief against defendant Faulkner and, if he so intends, to file an amended complaint consistent with the body of this Order within such fifteen (15) day time period. If the plaintiff does not file an amended complaint within the aforementioned time period, the plaintiff's complaint will be dismissed in all respects.

It is the further Order of this Court that any claim for injunctive relief of the plaintiff is dismissed.

It is the further Order of this Court that defendant Fallis is allowed fifteen (15) days to inform this Court of whether he

intends to pursue the counterclaim presently on file herein. If defendant Fallis does not inform the Court of his intentions in this regard within the aforementioned time period, the counterclaim will be dismissed in all respects.

It is so Ordered this 28th day of November, 1983.



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

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

FILED

NOV 28 1983

ROSCOE VERNER, JR.,

Plaintiff,

vs.

DAVE FAULKNER,
S. M. FALLIS, JR.,

Defendants.

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

No. 80-C-474-C

O R D E R

Now before the Court for its consideration is the plaintiff's complaint, defendants' answers thereto, the motion for summary judgment of defendant S. M. Fallis, Jr., former District Attorney of Tulsa County, and the counterclaim of defendant Fallis. The plaintiff has not responded to the motion for summary judgment of defendant Fallis.

In the first instance, plaintiff's claim for injunctive relief was incorporated in the class action of Clayton, et al., v. Thurman, et al., 79-C-723-Bt, and has been determined by way of the Court's Order of August 2, 1983.

The complaint of the plaintiff is wholly conclusory and plaintiff attempts to premise liability on defendant Fallis, in his capacity as former District Attorney of Tulsa County, for the operation and conditions of the Tulsa County Jail. The only allegation against defendant Fallis is that defendant Fallis as

the District Attorney was responsible for bonds of pretrial detainees housed in the Tulsa County Jail. Under Imbler v. Pachtman, 424 U.S. 409, 96 S.Ct. 984, 47 L.Ed.2d 128 (1976), a prosecutor is absolutely immune for any acts or omissions which are undertaken in the scope of his or her duties in pursuing a criminal prosecution and in presenting the State's case. Any relation that defendant Fallis would have had with the setting of plaintiff's bond in a state criminal case would clearly fall within the prosecutorial immunity set out by the United States Supreme Court in Imbler, supra. The Court would also note that defendant Fallis has attached an affidavit to his motion that clearly shows that said defendant was not even involved in the bond setting procedure of this plaintiff. Furthermore, the ultimate responsibility for setting a bond in a state criminal case is that of a duly appointed or elected state judge under the law of the State of Oklahoma.

Defendant Fallis had no responsibility for the management or operation of the Tulsa County Jail of which plaintiff complains, nor does plaintiff provide any facts which would indicate that defendant Fallis had any personal connection with or responsibility for the conditions of which plaintiff complains. Under Oklahoma law, the Sheriff of a county has the charge and custody of the jail and prisoners housed in a county jail. Elsberry v. Haynes, 256 F.Supp. 735 (W.D.Okla. 1966). Therefore, the Court concludes that the motion for summary judgment of defendant Fallis should be sustained.

Finally, the plaintiff has completely failed to allege any factual allegations against defendant Faulkner which would support a claim for monetary relief herein. The plaintiff has also wholly failed to allege that he was personally damaged as a result of any constitutional violations. Given the lack of such allegations, the plaintiff's claim for monetary relief is subject to dismissal at this time. However, in the interest of justice, this Court will allow the plaintiff fifteen (15) days to file an amended complaint setting forth the factual basis for his claim against defendant Faulkner and which sets forth how the plaintiff has been personally damaged thereby.

It is therefore the Order of this Court that the motion of defendant Fallis for summary judgment is sustained and plaintiff's complaint against said defendant is dismissed in all respects.

It is the further Order of this Court that plaintiff is allowed fifteen (15) days to inform this Court as to whether he intends to pursue a claim for monetary relief against defendant Faulkner and, if he so intends, to file an amended complaint consistent with the body of this Order within such fifteen (15) day time period. If the plaintiff does not file an amended complaint within the aforementioned time period, the plaintiff's complaint will be dismissed in all respects.

It is the further Order of this Court that any claim for injunctive relief of the plaintiff is dismissed.

It is the further Order of this Court that defendant Fallis is allowed fifteen (15) days to inform this Court of whether he

intends to pursue the counterclaim presently on file herein. If defendant Fallis does not inform the Court of his intentions in this regard within the aforementioned time period, the counterclaim will be dismissed in all respects.

It is so Ordered this 28th day of November, 1983.



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

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

FILED

NOV 28 1983

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

QUALITY EXPLORATION, INCORPORATED §
an Oklahoma Corporation, §

Plaintiff §

Vs. § No. 81-C-705-C

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

Defendants §

ORDER

Came on to be heard the Motion of Quality Exploration, Incorporated, to dismiss its cause of action against Allied Bank of Texas, and the Court being of the opinion that such should be granted; it is, therefore,

ORDERED, ADJUDGED AND DECREED that the cause of action of Quality Exploration, Incorporated, asserted against Allied Bank of Texas be and it is hereby dismissed with prejudice.

SIGNED this 28th day of November, 1983.

H. Dale Cook
Judge Presiding

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

FILED

NOV 28 1983

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

CONNIE JEAN EMERY,

Plaintiff,

vs.

DR. LEROY JESKE, D. O., and
DR. KEITH SUTTON, D. O.,

Defendants.

Case No. 82-C-507-C

JOURNAL ENTRY OF JUDGMENT

On this 15th day of November, 1983, appeared before this Court counsel for the defendants, Dr. Leroy Jeske, D. O., and Dr. Keith Sutton, D. O. The defendants have both filed motions for summary judgment pursuant to Rule 56 of the Federal Rules of Civil Procedure.

The court, after a review of the pleadings and being fully advised by counsel for all parties of their respective arguments, finds there is no evidence of any medical negligence or malpractice on the part of the defendants. All matters are decided in favor of the defendants and against the plaintiff. Judgment is, therefore, ordered to be entered and is entered on behalf of the defendants, and the plaintiff's cause of action is dismissed.

Witness my hand and seal this 29th day of

November, 1983.

W. H. Dale Cook
UNITED STATES DISTRICT JUDGE

Entered
7 28 83

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

C. SILVER, CLERK
DISTRICT COURT

THE NORTHERN TRUST COMPANY, an)
Illinois banking association,)
)
Plaintiff and Counterdefendant,)

vs.)

Case No. 82-C-1047-B

CHASE EXPLORATION CORPORATION, CHASE)
GATHERING SYSTEMS, foreign corpora-)
tions; CHASE EXPLORATION LIMITED,)
a general partnership; RALPH W.)
JACKSON, ARTHUR R. POOL, and JERALD)
M. SCHUMAN, individually,)

Defendants and Counter-)
plaintiffs,)

vs.)

HARRY B. WILSON, an individual; PENN)
SQUARE BANK, a national banking)
association; BILL G. PATTERSON, an)
individual,)

Additional Counterdefendants.)

ORDER OF DISMISSAL

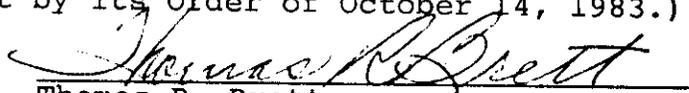
Plaintiff/Counterdefendant, The Northern Trust Company ("Northern Trust"), and Counterdefendant, Harry B. Wilson ("Wilson"), by their attorneys of record, and Defendants/Counterplaintiffs, Chase Exploration Limited ("Chase Limited"), Jerald M. Schuman ("Schuman") and Arthur R. Pool ("Pool"), by their attorneys of record, having filed a certain Joint Motion To Dismiss (with Stipulation to Dismiss attached as Exhibit A thereto) and the Court being advised in the premises:

IT IS HEREBY ORDERED that:

1. The complaint filed herein by Northern Trust against Chase Limited, Schuman and Pool, and each count thereof, is dismissed with prejudice, each party to bear its/his own costs.

2. The counterclaims filed herein by Chase Limited, Schuman and Pool against Northern Trust and Wilson, and each count thereof, are dismissed with prejudice, each party to bear its/his own costs.

3. This Order of Dismissal does not affect the complaint filed herein by Northern Trust against Ralph W. Jackson ("Jackson"), the counterclaims brought by Jackson against Northern Trust and Wilson, and the counterclaims brought by Chase Limited, Schuman, Pool and Jackson against Bill G. Patterson and the Federal Deposit Insurance Corporation. (The claim against the FDIC was concluded before this Court by its Order of October 14, 1983.)



Thomas R. Brett
United States District Court Judge

THE UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF OKLAHOMA

Entered

RONALD A SPELMAN, et al.,)
)
 Plaintiffs,)
)
 v.)
)
 THE F&M BANK & TRUST COMPANY,)
 et al.,)
)
 Defendants.)

NOV 28 1983
JOHN G. BILVER, CLERK
DISTRICT COURT
No. 80-C-106-BT

JUDGMENT

In accordance with the Court's order of November 23, 1983, granting the motion for summary judgment of defendants F&M Bank & Trust Company, F&M Bancorporation, Scott Beesley, Ty Beesley and Bryon V. Boone and the motion for summary judgment of defendants Republic BanCorporation, Inc., Wesley R. McKinney, R.R. Bastian, III, Brown J. Akin, Jr., Glenn F. Prichard, Altus E. Wilder, III and John A. Baker, judgment is hereby entered in favor of the above named defendants and against plaintiffs, Ronald A. Spelman, et al., with costs assessed against plaintiffs.

ENTERED this 28th day of November, 1983.

Thomas R. Brett

THOMAS R. BRETT
UNITED STATES DISTRICT JUDGE

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

NOV 23 1983

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

SHELTER AMERICA CORPORATION,)
Plaintiff,)
vs.)
CLINTON T. WILSON and)
LEISA WILSON,)
Defendants.)

Case No. 83-C-808E

JUDGMENT OF DEFAULT

This cause coming for hearing before the undersigned Judge upon Plaintiff's Motion for Default Judgment against Defendants, Clinton T. Wilson and Leisa Wilson, pursuant to Rule 55(b)(2) of the Federal Rules of Civil Procedure, and it appearing to the Court that the Complaint in the above cause was filed on the 20th day of September, 1983, and that Summons and Complaint were duly served on Defendants on October 24, 1983, and that no answer or other defense has been filed by said Defendants, and that default was entered by the Clerk on the ____ day of November, 1983, and that no proceeding has been taken by said Defendants, Clinton T. Wilson and Leisa Wilson, since default was entered by the Clerk.

The Court having examined the file, reviewed the Motion, Affidavit, and Brief filed by Plaintiff, and having considered the Affidavit of Plaintiff's counsel as to the attorney fees incurred by Plaintiff in this matter, and being fully advised finds, and

IT IS HEREBY ORDERED, ADJUDGED AND DECREED:

1. This Court has jurisdiction over the parties and the subject matter of this action pursuant to 28 U.S.C. § 1332.
2. That default judgment is hereby entered against Defendants, Clinton T. Wilson and Leisa Wilson, and in favor of Plaintiff for possession of the following described personal property, to-wit: One (1) 1982 Champion Mobile Home, Serial No. 1323307213.
3. In the event possession cannot be had within thirty (30) days of this date, the Court retains jurisdiction to reopen the case and consider alternative relief.
4. In the event possession is obtained within thirty (30) days of this date, this Court reserves, until after sale proceedings, the right of Plaintiff to be awarded a deficiency judgment with interest thereon as provided by the contract and by 12A O.S. § 9-504.
5. Plaintiff have further judgment against Defendants for a reasonable attorney fee in the amount of Five Hundred Seventy-Six (\$576.00) Dollars.
6. The Court further directs that Plaintiff is entitled to costs of this action.

ORDERED this 23^d day of November, 1983.



JAMES O. ELLISON
UNITED STATES DISTRICT JUDGE

UNITED STATES DISTRICT COURT FOR THE
NORTHERN DISTRICT OF OKLAHOMA

FILED

NOV 23 1983

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

UNITED STATES OF AMERICA,)
)
Plaintiff,)
)
vs.)
)
JAMES D. WARNER,)
)
Defendant.)

CIVIL ACTION NO. 83-C-752-E

DEFAULT JUDGMENT

This matter comes on for consideration this 23 day of Nov, 1983, 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, James D. Warner, appearing not.

The Court being fully advised and having examined the file herein finds that Defendant, James D. Warner, acknowledged receipt of Summons and Complaint on October 13, 1983. The time within which the Defendant could have answered or otherwise moved as to the Complaint has expired and has not been extended. The Defendant has not answered or otherwise moved, and default has been entered by the Clerk of this Court. Plaintiff is entitled to Judgment as a matter of law.

IT IS THEREFORE, ORDERED, ADJUDGED AND DECREED that the Plaintiff have and recover Judgment against Defendant, James D. Warner, for the principal sum of \$334.80, plus costs and interest at the current legal rate of 9.86 percent from the date of judgment until paid.

S/ JAMES O. ELLISON

UNITED STATES DISTRICT JUDGE

at the current legal rate of 9.86 percent from the date of judgment until paid.

S/ JAMES O. ELLISON

UNITED STATES DISTRICT JUDGE

UNITED STATES DISTRICT COURT FOR THE
NORTHERN DISTRICT OF OKLAHOMA

FILED

UNITED STATES OF AMERICA,)
)
 Plaintiff,)
)
 vs.)
)
 JIMMY D. McQUEEN,)
)
 Defendant.)

NOV 23 1983

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

CIVIL ACTION NO. 83-C-507-E

O R D E R

Now on this 23 day of November, 1983, it appears that the Defendant in the captioned case has not been located within the Northern District of Oklahoma, and therefore attempts to serve Jimmy D. McQueen have been unsuccessful.

IT IS THEREFORE ORDERED that the Complaint against Defendant, Jimmy D. McQueen, be and is dismissed without prejudice.

S/ JAMES O. ELLISON

UNITED STATES DISTRICT JUDGE

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

FILED

NOV 23 1983

CONTINENTAL FIBERGLASS)
CORPORATION, an Iowa)
Corporation,)

Plaintiff,)

vs.)

EAGLE TANK COMPANY, INC., an)
Oklahoma corporation, a/k/a)
OIL COUNTRY TANK MANUFACTURING)
COMPANY; LEE COOPER; JOHN)
GODWIN,)

Defendants.)

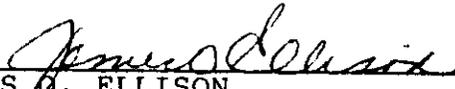
Jack C. Silver, Clerk
U.S. DISTRICT COURT

No. 82-C-617-E

O R D E R

NOW on this 23^d day of November, 1983, the Court has before it the cross-claim in the above-styled action and the Court, having reviewed the file, finds the case has been pending on the docket of the Court for ten (10) months with no action being taken by Defendant on its cross-claim.

IT IS THEREFORE ORDERED, ADJUDGED AND DECREED that the cross-claim be dismissed without prejudice for failure to prosecute pursuant to Rule 41(b) of the Federal Rules of Civil Procedure.



JAMES O. ELLISON
UNITED STATES DISTRICT JUDGE

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

FILED

NOV 23 1983

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

CHARLES BERNELL BARR,)
)
 Petitioner,)
)
 v.) No. 83-C-453-B ✓
)
 LARRY R. MEACHUM, et al.,)
)
 Respondents.)

O R D E R

This matter comes before the Court on the petition for writ of habeas corpus filed by Charles Bernell Barr, an inmate at Conner Correctional Center in Hominy, Oklahoma. Petitioner herein challenges a decision of the Department of Corrections of the State of Oklahoma concerning his sentences in two state criminal convictions. For the reasons set forth below, the petition for writ of habeas corpus is dismissed.

On December 14, 1977, the District Court of Tulsa County sentenced petitioner to 10 years imprisonment in Case No. CRF-77-2510, Burglary in the First Degree. Petitioner had plead guilty to the charge in that case. On December 16, 1977, petitioner was found guilty after jury trial in Case No. CRF-77-2511 in the District Court of Tulsa County, Oklahoma of Attempted Shooting with Intent to Kill and sentenced to 40 imprisonment. The two sentences were to run consecutively.

Petitioner appealed his conviction in Case No. CRF-77-2511 to the Oklahoma Court of Criminal Appeals, which reversed the conviction and remanded the case to District Court. On

February 25, 1980, the petitioner pled guilty to Attempted Shooting with Intent to Kill and was sentenced to 10 years to run concurrently with CRF-77-2510.

Petitioner claims herein the Department of Corrections has wrongly refused to apply time he served on CRF-77-2510 to the time he must serve on CRF-77-2511.

Petitioner has filed a number of suits in various state courts challenging certain aspects of the two convictions. He asserted his claim herein in a petition for Writ of Habeas Corpus and/or Petition for Writ of Mandamus in the District Court of Atoka County, on November 24, 1981. The district court denied the relief. The petitioner thereafter filed an appeal from denial of post-conviction relief challenging the Atoka County District Court decision, in Case No. PC-81-784. On March 18, 1982, the Oklahoma Court of Criminal Appeals dismissed the appeal until such time as a proper petition for post-conviction relief is filed in the Tulsa County District Court.

Plaintiff has not complied with the order of the Oklahoma Court of Criminal Appeals. Instead, on June 9, 1982, he filed a Petition for Writ of Mandamus or in the Alternative, a Writ of Prohibition in the Oklahoma Court of Criminal Appeals, Case No. 0-82-353. On July 16, 1982, the court issued an order dismissing the case on the basis that the petitioner had not followed the proper procedures for obtaining post-conviction relief. On May 31, 1983, he brought this action in federal district court.

The United States Supreme Court has held that a federal district court must dismiss a petition for writ of habeas corpus containing any claims that have not been exhausted in the state courts. Rose v. Lundy, 445 U.S. 509 (1982). Where a federal habeas corpus petitioner has not exhausted his available state remedies, appropriate disposition of the action is normally to deny present petition without prejudice to afford petitioner the opportunity to exhaust those remedies. Green v. Wyrick, 414 F.Supp. 343, 349 (1976) , aff'd. 542 F.2d 1178.

In the present matter, petitioner has failed to exhaust state remedies by filing a proper petition for post-conviction relief in the Tulsa County District Court, as required by the state Court of Criminal Appeals order in Case No. PC-81-784. Therefore, this petition is dismissed. Dismissal renders moot the motion to dismiss of party-respondent Attorney General.

ENTERED this 23rd day of November, 1983.



THOMAS R. BRETT
UNITED STATES DISTRICT JUDGE

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

FILED

NOV 23 1983

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

AZTEC INDUSTRIES, INC.,)
an Oklahoma corporation,)
)
Plaintiff,)
)
v.)
)
EUGENE M. GUNN, INC., a)
Florida corporation, d/b/a)
SOUTHERN STATES COMBUSTION,)
)
Defendant.)

No. 83-C-742-E

DEFAULT JUDGMENT

NOW, on this 23^d day of November, 1983, upon application of the Plaintiff and after review of the file of the captioned matter maintained by the Clerk of this Court, the court finds as follows:

1. That the Defendant Eugene M. Gunn, Inc. was duly served with summons and a copy of the Complaint herein on October 21, 1983.
2. That this Court has jurisdiction of the parties hereto and the subject matter hereof, and that the venue of this action is appropriate.
3. That the said Defendant has wholly failed to answer, plead or enter its appearance herein within the time allowed by law.
4. That the Plaintiff should have judgment as requested in its Complaint herein by virtue of the said Defendant's default.

IT IS THEREFORE ORDERED, ADJUDGED AND DECREED by the Court that judgment be entered in favor of the Plaintiff Aztec Industries, Inc. and against the Defendant Eugene M. Gunn, Inc., in the sum of \$10,252.95, including post-judgment interest at the rate of 9.86 percent per annum from the date of judgment until paid on said principal amount, plus its costs in the amount of \$66.55, incurred herein, and a reasonable attorneys' fee in the amount of \$500.00.



JAMES O. ELLISON
UNITED STATES DISTRICT JUDGE

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

Entered

FILED

NOV 23 1983

MARK J. SILVER, CLERK
U.S. DISTRICT COURT

JOHN P. CAMPBELL,)
)
Plaintiff,)
)
v.)
)
CITIES SERVICE COMPANY, a)
Delaware corporation and)
GRAND BASSA TANKERS, INC.,)
a Delaware corporation,)
)
Defendants.)

NO. 82-C-1012-B

JUDGMENT

In accordance with the order granting defendants' motion for summary judgment entered this date, the Court hereby renders judgment in favor of defendants, Cities Service Company and Grand Bassa Tankers, Inc. and against plaintiff, John P. Campbell, with costs assessed against plaintiff. The parties are to bear their own attorneys fees.

ENTERED this 22nd day of November, 1983.

Thomas R. Brett

THOMAS R. BRETT
UNITED STATES DISTRICT JUDGE

Entered

FILED
NOV 23 1983
JACK L. SEVIER, CLERK
U.S. DISTRICT COURT

UNITED STATES DISTRICT COURT FOR THE
NORTHERN DISTRICT OF OKLAHOMA

UNITED STATES OF AMERICA,)	
)	
Petitioner,)	
)	
vs.)	
)	
JAMES BLAKEMORE,)	
)	
Respondent.)	CIVIL ACTION NO. M-1098-B

ORDER DISCHARGING RESPONDENT AND DISMISSAL

ON THIS 23rd day of November, 1983, Petitioner's Motion to Discharge Respondent and for Dismissal came for hearing. The Court finds that Respondent has now complied with the Department of Energy Subpoena served upon him September 20, 1982, that further proceedings herein are unnecessary and that the Respondent, James Blakemore, should be discharged and this action dismissed.

IT IS THEREFORE ORDERED, ADJUDGED, AND DECREED BY THE COURT that the Respondent, James Blakemore, be and he is hereby discharged from any further proceedings herein and this cause of action and Petition are hereby dismissed.

S/ THOMAS R. BRETT
UNITED STATES DISTRICT JUDGE

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

FILED

1983 11 22

W. D. SILVER, CLERK
DISTRICT COURT

Southwest Valuation Service, Inc.)
)
 Plaintiff,)
)
 -vs-)
)
 Niles Curry, Cora Mercer, Aaron Donaldson,)
)
 and DMC, and Oklahoma Partnership)
)
 Defendants)

Case No. 83-C-297-C

ORDER

Plaintiff is granted permission to dismiss without prejudice; upon the stipulation that all discovery accomplished to date may be used in the State Court action subsequently filed, each party shall bear its own costs and attorney fees.

W. H. Dale Cook
United States District Judge

UNITED STATES DISTRICT COURT FOR THE
NORTHERN DISTRICT OF OKLAHOMA

FILED

NOV 22 1983

Mark C. Silver, Clerk
DISTRICT COURT

UNITED STATES OF AMERICA,

Plaintiff,

vs.

NORMAN P. BLAIR,

Defendant.

CIVIL ACTION NO. 81-C-778-E

O R D E R

Now on this 22nd day of November, 1983, it appears that the Defendant in the captioned case has not been located within the Northern District of Oklahoma, and therefore attempts to serve him have been unsuccessful.

IT IS THEREFORE ORDERED that the Complaint against Defendant, Norman P. Blair, be and is dismissed without prejudice.

S/ JAMES O. ELLISON

UNITED STATES DISTRICT JUDGE

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

Entered

ROBERT EUGENE COTNER,

Plaintiff,

v.

DAVE FAULKNER, SHERIFF
OF TULSA COUNTY

ROBERT EUGENE COTNER AND
ALL PRE-TRIAL DETAINEES IN
TULSA COUNTY JAIL,

Plaintiffs,

v.

STATE OF OKLAHOMA, DAVE FAULKNER,
TULSA COUNTY SHERIFF, S.M. FALLIS,
TULSA COUNTY DISTRICT ATTORNEY,
et al.,

Defendants.

NOV 22 1983
THOMAS R. BRETT, CLERK
DISTRICT COURT

No. 80-C-401-B

No. 80-C-433-B

ORDER

On August 6, 1983, this Court entered Findings of Fact and Conclusions of Law in Clayton, et al. v. Frank Thurman, Sheriff of Tulsa County, et al., No. 79-C-723-B, a class action into which these two cases had been consolidated for determination of the constitutionality of conditions in the Tulsa County Jail. The Court is now in the process of monitoring compliance with its ruling of August 6, 1983.

The plaintiffs in the cases herein sought injunctive relief only. No monetary damages were requested. Therefore, except with regard to the injunctive relief ordered in Clayton, these two cases are hereby ordered closed.

ENTERED this 22nd day of November, 1983.



THOMAS R. BRETT
UNITED STATES DISTRICT JUDGE

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

Entered

JEFFEREY E. MUCKER,)
)
Plaintiff,)
)
v.)
)
DAVE FAULKNER, S.M.)
FALLIS,)
)
Defendants.)

No. 80-C-468-B SILVER, CLERK
DISTRICT COURT

ORDER

On August 6, 1983, this Court entered Findings of Fact and Conclusions of Law in Clayton, et al. v. Frank Thurman, Sheriff of Tulsa County, et al., No. 79-C-723-B, a class action into which this case had been consolidated for determination of the constitutionality of conditions in the TULSA County Jail. The Court is now in the process of monitoring compliance with its ruling of August 6, 1983.

The plaintiff in the case herein sought injunctive relief only. No monetary damages were requested. Therefore, except with regard to the injunctive relief ordered in Clayton, this case is hereby ordered closed.

ENTERED this 22nd day of November, 1983.

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

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

FILED
NOV 22 1983

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

RUBY JEWEL TENNISON,)
Plaintiff,)
v.)
TRANSAMERICA OCCIDENTAL)
LIFE INSURANCE COMPANY,)
Defendant,)

No. 83-C-499-BT

J U D G M E N T

In accordance with the jury verdict entered herein on November 22, 1983, judgment is hereby entered in favor of the defendant, Transamerica Occidental Life Insurance Company and against the plaintiff, Ruby Jewel Tennison.



THOMAS R. BRETT
UNITED STATES DISTRICT JUDGE

Entered

FILED

NOV 22 1983

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

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

DEBORAH CAROL GADDY,)
)
 Plaintiff,)
)
 v.)
)
 FEYLINE PRESENTS, INC.,)
 a foreign corporation,)
)
 Defendant.)

NO. 83-C-441-B

ORDER OF DISMISSAL

This case was called this 21st day of November, 1983, pursuant to regular jury trial setting. Counsel of record appeared and advised the Court plaintiff's claim has been made against the defendant herein by way of a separate lawsuit filed in the District Court of Oklahoma County, Oklahoma, along with joinder of the additional defendant, The City of Oklahoma City, Oklahoma. Therefore, it was requested by the parties this matter be dismissed so the parties could proceed with prosecution and defense of the same case filed in the District Court of Oklahoma County, Oklahoma.

This case is hereby dismissed without prejudice and each party is to pay its own costs.

ENTERED this 21st day of November, 1983.



THOMAS R. BRETT
UNITED STATES DISTRICT JUDGE

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

FILED

NOV 21 1983

U.S. District Court
Northern District of Oklahoma

DONALD R. WRIGHT and)
CLEM H. STEPHENSON,)
)
Plaintiffs,)
)
vs.)
)
ROUGEOT OIL & GAS CORPORATION,)
)
Defendant.)

No. 82-C-370-E

O R D E R

On the 14th day of November, 1983, the Court conducted a hearing on the application of the defendant, Rougeot Oil & Gas Corporation, for attorneys' fees and defendant's application for judgment on the cost security bond. The parties appeared by and through their respective counsel of record, and the plaintiff, Clem H. Stephenson, appeared in person. Frederic Dorwart appeared for the purpose of presenting the application for attorneys' fees of Holliman, Langholz, Runnels & Dorwart.

Upon consideration of the evidence presented, the briefs and verified pleadings of the attorneys' fee applicants, the memoranda in opposition thereto, and the arguments of counsel, the Court finds that (i) defendant is entitled to an award of fees under 12 Okla. Stat. §936; (ii) plaintiffs' request for a jury trial on the issue of the award of attorneys' fees should be denied; and (iii) the prior filing of the notice of appeal by

plaintiffs does not deprive the Court of jurisdiction to consider the fee applications.

The Court further finds that the plaintiffs' counterclaim for expenses, set forth in its response to defendant's fee applications, should be denied. Further, there is no basis for plaintiffs' request that the Court disqualify in connection with the consideration of the pending matters.

With regard to the fee applications and request for judgment on the bond, it is hereby ORDERED:

1. The fee application of Holliman, Langholz, Runnels & Dorwart is denied in its entirety.

2. Defendant is awarded an attorneys' fee in the sum of \$35,000.00 for the services rendered by Prichard, Norman & Wohlgemuth.

3. Defendant's application for judgment on the cost security bond is denied.

The Court hereby incorporates as part of this order the findings and conclusions orally delivered from the bench at the close of the hearing.

S/ JAMES O. ELLISON

JAMES O. ELLISON
UNITED STATES DISTRICT JUDGE

APPROVED AS TO FORM:

OLIVER & EVANS, INC.

By: Larry L. Oliver
Larry L. Oliver
2121 S. Columbia
Tulsa, Oklahoma 74114

Attorneys for Plaintiffs,
Donald R. Wright and
Clem H. Stephenson

PRICHARD, NORMAN & WOHLGEMUTH

By: Joel I. Wohlgemuth
Joel I. Wohlgemuth
909 Kennedy Bldg.
Tulsa, Oklahoma 74103

Attorneys for Defendant, Rougeot
Oil & Gas Corporation

FILED

IN THE UNITED STATES DISTRICT COURT FOR THE NORTHERN DISTRICT OF OKLAHOMA NOV 21 1983

Jack C. Silver
U.S. DISTRICT COURT

UNITED STATES OF AMERICA,)
)
 Plaintiff,)
)
 vs.)
)
 LUTHER DUANE JONES, et al.,)
)
 Defendants.)

Civil Action No. 83-C-80-E

ORDER

For good cause having been shown, it is hereby ordered, adjudged and decreed that the Cross-Complaint of Defendant, Peoples Savings & Investments, Inc., in the above referenced cause of action is hereby dismissed without prejudice.

Dated this 21st day of November, 1983.

S/ JAMES O. ELLISON
UNITED STATES DISTRICT JUDGE

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

FILED

NOV 21 1983

W. C. Silver
U.S. District Court

QUAKER LIFE INSURANCE)
COMPANY, an Oklahoma)
corporation,)
)
Plaintiff,)
)
vs.)
)
F. L. OGLE, an individual,)
)
Defendant.)

Case No. 83-C-683-E

ORDER OF DISMISSAL

NOW on this 21 day of November, 1983, this matter comes before me, the undersigned United States District Judge, upon the Notice of Dismissal filed by the Plaintiff herein; and it appearing to the Court that Defendant herein, though having been duly served with process, has not entered his appearance or otherwise responded to Plaintiff's Complaint, and that Plaintiff and Defendant have entered into a mutually satisfactory agreement to resolve the controversy which constitutes the subject matter of this action under which Plaintiff has agreed to dismiss the matter;

IT IS, THEREFORE, ORDERED BY THE COURT that the above-captioned cause be, and the same hereby is, dismissed without prejudice.

S/ JAMES O. ELLISON

JUDGE OF THE UNITED STATES
DISTRICT COURT

UNITED STATES DISTRICT COURT FOR THE
NORTHERN DISTRICT OF OKLAHOMA

FILED

NOV 21 1983

RECEIVED
U.S. DISTRICT COURT

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

CIVIL ACTION NO. 83-C-894-E

O R D E R

For a good cause having been shown, it is hereby
ORDERED, ADJUDGED AND DECREED that the above-referenced action is
hereby dismissed without prejudice.

Dated this 21 day of November, 1983.

S/ JAMES O. ELLISON

UNITED STATES DISTRICT JUDGE

IT IS THEREFORE, ORDERED, ADJUDGED AND DECREED that this action be dismissed with prejudice on the grounds that the Court lacks jurisdiction over the subject matter of this action and that the Complaint fails to state a claim upon which relief can be granted.

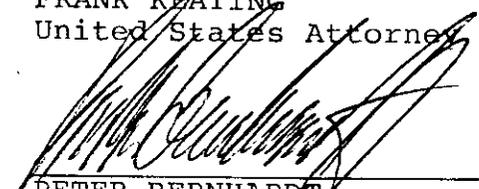
IT IS SO ORDERED this 21st day of November, 1983.

S/ JAMES O. ELLISON

JAMES O. ELLISON
UNITED STATES DISTRICT JUDGE

APPROVED:

FRANK KEATING
United States Attorney



PETER BERNHARDT
Assistant U.S. Attorney

FILED

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

NOV 24 1983

Jack C. Silver
U. S. DISTRICT COURT

LEATRICE HORNSBY,)
)
 Plaintiff,)
)
 v.)
)
 THE EQUITABLE LIFE ASSURANCE)
 SOCIETY OF THE U.S., a)
 foreign insurer,)
)
 Defendant.)

No. 82-C-709-E

JUDGMENT

In accordance with the Court's Order entered the 21 day of November, 1983, which sustained the Motion for Summary Judgment of the Defendant, The Equitable Life Assurance Society of the U.S., a foreign insurer, judgment is hereby entered in favor of Defendant, The Equitable Life Assurance Society of the U.S., a foreign insurer, and against the Plaintiff, Leatrice Hornsby.

ENTERED this 21 day of November, 1983.

By JAMES O. ELLISON

JAMES O. ELLISON
U.S. DISTRICT JUDGE

APPROVED AS TO FORM:



One of the Attorneys for the Plaintiff



One of the Attorneys for the Defendant

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

NOV 21 1983
U.S. DISTRICT COURT
NORTHERN DISTRICT OF OKLAHOMA
hm

PARKLINE SYSTEMS CORPORATION,)
a West Virginia corporation,)
and PARKLINE, INC., a West)
Virginia corporation,)
Plaintiffs,)
v.)
GEORGE O. GRIFFITH, an)
individual, WOODROW R.)
("WOODY") ROBERTS, an in-)
dividual, and PAPECO, INC.,)
an Oklahoma corporation,)
Defendants.)

NO. 81-C-872-BT ✓

J U D G M E N T

In accordance with the Court's Findings of Fact and Conclusions of Law, entered August 19, 1983, the Court hereby enters judgment in favor of plaintiff, Parkline Systems Corporation, and against defendants, George O. Griffith, Woodrow R. ("Woody") Roberts, and Papeco, Inc., for Twenty Six Thousand Five Hundred Dollars (\$26,500.00), with interest from the date of judgment at 9.98 percent per annum; and judgment in favor of plaintiff, Parkline, Inc., and against said defendants for Thirty Eight Thousand Dollars (\$38,000.00), with interest from the date of judgment at 9.98 percent per annum. The Court further assesses an attorney fee of Seventy Thousand Five Hundred Fifteen Dollars (\$70,515.00) for plaintiffs against said defendants.

ENTERED this 21st day of November, 1983.


THOMAS R. BRETT
UNITED STATES DISTRICT JUDGE

Entered

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

NOV 21 1983
U.S. DISTRICT COURT
NORTHERN DISTRICT OF OKLAHOMA

CONSTRUCTION DEVELOPMENT AND)
REALTY CORPORATION, an Oklahoma)
corporation; TRIPLETT ENTERPRISES)
INCORPORATED, an Oklahoma corpora-)
tion; and, ROBERT L. TRIPLETT, JR.,)

Plaintiffs,)

vs.)

CASE NO. 83-C-682-B

FLOYD W. COOK; PIPER AIRCRAFT)
CORPORATION, a Florida corporation;)
and, PIPER ACCEPTANCE CORPORA-)
TION, a Florida corporation,)

Defendants.)

ORDER FOR DISMISSAL

Upon the Application for Dismissal With Prejudice jointly filed herein on November 14th, 1983, plaintiffs, CONSTRUCTION DEVELOPMENT AND REALTY CORPORATION, an Oklahoma corporation, TRIPLETT ENTERPRISES INCORPORATED, an Oklahoma corporation, and ROBERT L. TRIPLETT, JR.; and by defendants, FLOYD W. COOK; PIPER AIRCRAFT CORPORATION, a Florida corporation; and, PIPER ACCEPTANCE CORPORATION, a Florida corporation;

IT HEREBY IS ORDERED:

- (1.) that in accordance with said Application this action is dismissed with prejudice; provided, however, that if defendants fail to perform their obligations under Sections (1.), (2.) or (3.) of said Application, plaintiffs shall be entitled to have this Order vacated and to

prosecute their claims under their Complaint herein;
and,

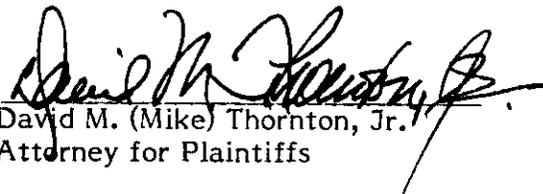
- (2.) that plaintiffs and defendants each shall be responsible for payment of their respective attorneys' fees, costs and any other expenses incurred in connection with this litigation.

S/ THOMAS R. BRETT

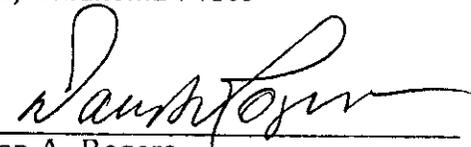
UNITED STATES DISTRICT JUDGE

APPROVED:

THORNTON, WAGNER & THORNTON
525 South Main, Suite 660
Tulsa, Oklahoma 74103

By: 
David M. (Mike) Thornton, Jr.
Attorney for Plaintiffs

ROGERS, HONN, HILL, SECREST
& McCORMICK
117 East Fifth Street
Tulsa, Oklahoma 74103

By: 
Dan A. Rogers
Attorney for Defendants

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

FILED
NOV 21 1983 *hm*

SHELTER AMERICA CORPORATION,)
Plaintiff,)
vs.)
OCIE C. TAYLOR and)
GWENDOLYN A. TAYLOR,)
Defendants.)

MARK C. SILVER, CLERK
U.S. DISTRICT COURT
No. 83-C-807-B ✓

Notice of DISMISSAL

COMES now plaintiff, Shelter America Corporation, and hereby dismisses the above entitled cause, without prejudice.

Dated this 21st day of November, 1983.

JONES & EVANS

By *Bruce Jones*
Bruce Jones
Steve Rankin
320 South Boston Building
Suite 1134
Tulsa, Oklahoma 74104
(918) 582-0187

ATTORNEYS FOR PLAINTIFF

*Copies mailed to opposing counsel
this 21st day of November.*

Bruce Jones

Entered

1983 NOV 21 1100

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

FEDERAL DEPOSIT INSURANCE CORPORATION,
in its corporate capacity,

Plaintiff,

vs.

CLARENCE HOUDE and M. PATRICIA HOUDE,

Defendants.

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

Case No. CIV-83-C-747-B

JOURNAL ENTRY OF JUDGMENT

Now on this 18th day of November, 1983, this cause comes on to be heard upon plaintiff's Application for Entry of Judgment by default, plaintiff appears by its attorney, Don R. Nicholson, II, of the firm Eagleton, Nicholson, Jones, Blaney and Pringle.

Jack C. Silver, duly appointed Clerk Clerk for United States District Court, Northern District of Oklahoma, having examined the Court Record of the above styled cause and being fully advised in the premises, does hereby find that the plaintiff's Complaint in the above styled cause was filed with the Court Clerk's Office on the 1st day of September, 1983. That said Complaint was duly served on the defendants', Clarence Houde and M. Patricia Houde, on the 13th day of October, 1983, by certified mail, return made.

That said defendants, Clarence Houde and M. Patricia Houde have not filed an Entry of Appearance, pleaded or otherwise defended as to said Complaint as required by the Federal Rules of Civil Procedure.

That plaintiff's claim is for a sum certain in the amount of \$33,750.00, plus interest in the amount of \$2,362.50 to August 17, 1983, plus per diem interest at the rate \$16.88, until paid, for all costs of this action, including a reasonable attorney's fee and such other and further relief as this Court may deem proper.

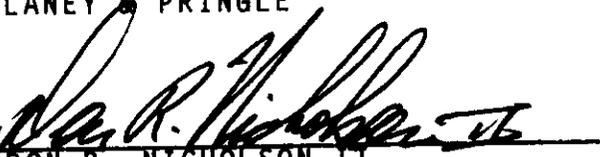
DONE this 18 day of November, 1983.

S/ THOMAS R. BRETT

~~JACK C. SILVER, COURT CLERK~~
UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF OKLAHOMA

APPROVED:

EAGELTON, NICHOLSON, JONES,
BLANEY & PRINGLE

By 

DON R. NICHOLSON II
Post Office Box 657
325 Dean A. McGee Avenue
Oklahoma City, Oklahoma 73101
(405) 235-8445
Attorneys for Plaintiff

UNITED STATES DISTRICT COURT FOR THE
NORTHERN DISTRICT OF OKLAHOMA

1983 OCT 21 10:00
COURT CLERK
DISTRICT COURT

UNITED STATES OF AMERICA,)
)
 Plaintiff,)
)
 vs.) CIVIL ACTION NO. 83-C-678-B
)
 TRAVIS O. DORSEY,)
)
 Defendant.)

AGREED JUDGMENT

This matter comes on for consideration this 18th day of November, 1983, 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, Travis O. Dorsey, appearing pro se.

The Court, being fully advised and having examined the file herein, finds that the Defendant, Travis O. Dorsey, was personally served with Alias Summons and Complaint on September 13, 1983. The Defendant has not filed Answer but in lieu thereof has agreed that he is indebted to the Plaintiff in the amount alleged in the Complaint and that Judgment may accordingly be entered against Travis O. Dorsey in the amount of \$820.17, 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,

Travis O. Dorsey, in the amount of \$820.17, plus costs and interest at the legal rate from the date of this Judgment until paid.

S/ THOMAS R. BRETT

UNITED STATES DISTRICT JUDGE

APPROVED:

UNITED STATES OF AMERICA

FRANK KEATING
United States Attorney


NANCY A. NESBITT
Assistant U.S. Attorney


TRAVIS O. DORSEY

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

RECEIVED
NOV 21 1983

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

RAYMOND CHARLES McLAUGHLIN,)
)
Plaintiff,)
)
vs.)
)
EARL HOBERT WILSON)
)
Defendant.)

Case No. 83-C-477-B

ORDER OF DISMISSAL WITH PREJUDICE

This matter coming on for hearing before the Court on this 21st day of November, 1983, upon the application of the plaintiff for order of dismissal with prejudice in this cause, plaintiff appearing by counsel, John Harlan, and the defendant appearing by counsel, Dale F. McDaniel, and the Court being advised in the premises and having examined the application of the plaintiff herein, finds that all issues of law and fact heretofore existing between the parties have been settled, compromised, released and extinguished, for valuable consideration flowing from plaintiff to defendant and from defendant to plaintiff, and further finds that there remains no issue of law or fact to be determined in this cause. The Court further finds that plaintiff desires to dismiss his cause to future actions for the reasons stated, and that his application should be granted.

BE IT, THEREFORE, ORDERED, ADJUDGED AND DECREED BY THE COURT that all issues of law and fact heretofore existing between the plaintiff and defendant have been settled, compromised,

1

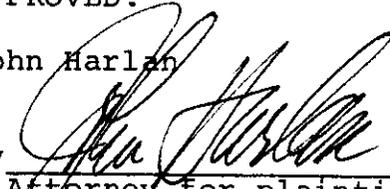
released and extinguished for valuable consideration, and that there remains no issue to be determined in this cause between the parties.

BE IT FURTHER ORDERED, ADJUDGED AND DECREED BY THE COURT that plaintiff's cause and any causes arising therefrom, be and the same are hereby dismissed with prejudice to all future actions thereon.

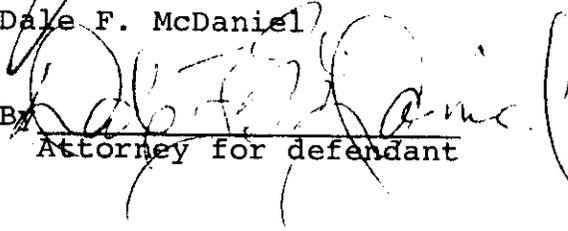

Judge

APPROVED:

John Harlan

By 
Attorney for plaintiff

Dale F. McDaniel

By 
Attorney for defendant

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

NOV 21 1983
DICK C. SHAW, CLERK
U.S. DISTRICT COURT

STEPHEN L. SOHOSKY and ALICE)
A. SOHOSKY, Natural Parents)
and Personal Representatives)
of CATHERINE SUZANNE SOHOSKY,)
deceased; and ALICE A.)
SOHOSKY, Individually,)

Plaintiffs,)

vs.)

BERRY PERSHING THOMPSON,)

Defendant.)

NO. 83-C-165-B

ORDER OF DISMISSAL

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

Entered this 18th day of November, 1983.

S/ THOMAS R. BRETT

UNITED STATES DISTRICT JUDGE

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

FILED
NOV 21 1983
DICK C. SIMONS, CLERK
U.S. DISTRICT COURT

LOUIS O. SOHOSKY and)
OTIE L. SOHOSKY,)
)
Plaintiffs,)
)
vs.)
)
BERRY PERSHING THOMPSON,)
665 S.W. Pt. Malabar)
Boulevard, Palm Beach,)
Florida,)
)
Defendant.)

83-C-165-B
NO. 83-C-279-B

ORDER OF DISMISSAL

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

Entered this 18th day of November, 1983.

S/ THOMAS R. BRETT

UNITED STATES DISTRICT JUDGE

FILED

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

NOV 21 1983

EUGENE G. BELL AND)
JANE McCLINTOCK BELL,)
)
) Plaintiffs,)
)
vs.)
)
DEAN WITTER REYNOLDS, INC.,)
a Delaware Corporation; and)
FELIX R. PARK,)
)
) Defendants.)
)

No. 79-C-605-E

JAMES O. SILVER
DISTRICT CLERK

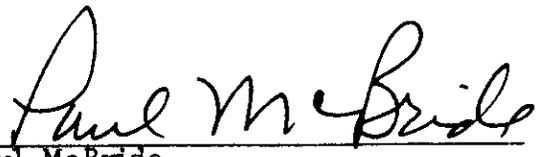
ORDER

On the 14th day of November, 1983, pursuant to the application and oral stipulation of the parties, it is ordered that this case be dismissed with prejudice and that the parties each bear their own costs.

S/ JAMES O. ELLISON

Judge

APPROVED AS TO FORM:



Paul McBride
Attorney for Plaintiff

UNITED STATES DISTRICT COURT FOR THE
NORTHERN DISTRICT OF OKLAHOMA

UNITED STATES OF AMERICA,

Plaintiff,

v.

THE UNKNOWN HEIRS, EXECUTORS,
ADMINISTRATORS, DEVISEES, TRUSTEES,
SUCCESSORS AND ASSIGNS OF RALPH
VERNON MCGINNIS, Deceased; THE
ESTATE OF RALPH VERNON MCGINNIS,
Deceased; FRANCES TUCK MCGINNIS,
formerly FRANCES TUCK SELLERS;
MARTHA MARILYN MCGINNIS MOORE;
STATE OF OKLAHOMA ex rel. OKLAHOMA
TAX COMMISSION; STATE OF OKLAHOMA
ex rel. OKLAHOMA EMPLOYMENT
SECURITY COMMISSION; COUNTY
TREASURER, Tulsa County, Oklahoma;
BOARD OF COUNTY COMMISSIONERS,
Tulsa County, Oklahoma; AJAX
ELECTRIC COMPANY, INC., a
corporation; BANKAMERICARD DIVISION,
now VISA, of THE FIRST NATIONAL
BANK AND TRUST COMPANY OF TULSA,
a national banking association; and
MASTER CHARGE, a division of THE
BANK OF OKLAHOMA, N.A., formerly
NATIONAL BANK OF TULSA,

Defendants.

FILED

NOV 21 1983

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

CIVIL NO. 83-C-315-C

JOURNAL ENTRY OF JUDGMENT

This matter comes on for consideration this 21st day
of November, 1983, Plaintiff appearing by Frank Keating, United
States Attorney for the Northern District of Oklahoma, through
Peter Bernhardt, Assistant United States Attorney; the Defendant,
County Treasurer, Tulsa County, Oklahoma, and the Defendant,
Board of County Commissioners, Tulsa County, Oklahoma, appearing
by David Carpenter, Assistant District Attorney, Tulsa County,
Oklahoma; and the Defendants, the Unknown Heirs, Executors,

Administrators, Devisees, Trustees, Successors and Assigns of Ralph Vernon McGinnis, Deceased, the Estate of Ralph Vernon McGinnis, Deceased, Frances Tuck McGinnis, formerly Frances Tuck Sellers, Martha Marilyn McGinnis Moore, State of Oklahoma, ex rel. Oklahoma Tax Commission, State of Oklahoma, ex rel. Oklahoma Employment Security Commission, Ajax Electric Company, Inc., a corporation, BankAmericard Division, now Visa of the First National Bank and Trust Company of Tulsa, a national banking association, and Mastercharge, a division of the Bank of Oklahoma, N. A., formerly National Bank of Tulsa, appearing not.

The Court having examined the file and being fully advised finds that the Defendants, Frances Tuck McGinnis, formerly Frances Tuck Sellers, State of Oklahoma, ex rel. Oklahoma Tax Commission, State of Oklahoma, ex rel. Oklahoma Employment Security Commission, Ajax Electric Company, Inc., a corporation, BankAmericard Division, now Visa of the First National Bank and Trust Company of Tulsa, a national banking association, and Mastercharge, a division of the Bank of Oklahoma, N.A., formerly National Bank of Tulsa, previously filed their disclaimers herein disclaiming any right, title, or interest in and to the property involved herein, and by reason of said disclaimers, the court finds that said Defendants have no right, title, or interest in and to said real property.

The Court further finds that the Defendants, County Treasurer, Tulsa County, Oklahoma, and Board of County Commissioners, Tulsa County, Oklahoma, have previously filed their answers herein.

The Court further finds that the Defendant, Martha Marilyn McGinnis Moore, was served with Summons and Complaint on April 26, 1983, and the Defendant, Martha Marilyn McGinnis Moore, has failed to answer and her default has been entered by the Clerk of this Court on June 16, 1983.

The Court further finds that the Defendants, the Unknown Heirs, Executors, Administrators, Devisees, Trustees, Successors and Assigns of Ralph Vernon McGinnis, Deceased, and the Estate of Ralph Vernon McGinnis, Deceased, were served by publication. The Court finds that Plaintiff has caused to be obtained an evidentiary affidavit from Guaranty Abstract Company, a bonded abstractor located in the City of Tulsa, Tulsa County, State of Oklahoma, as to the last address of Ralph Vernon McGinnis, Frances Tuck McGinnis, formerly Frances Tuck Sellers and Martha Marilyn McGinnis Moore, which affidavit was filed on October 21, 1983; that the necessity and sufficiency of Plaintiff's due diligence search with respect to ascertaining the names and addresses of the Defendants, the Unknown Heirs, Executors, Administrators, Devisees, Trustees, Successors and Assigns of Ralph Vernon McGinnis, Deceased, and the Estate of Ralph Vernon McGinnis, Deceased, was then determined by the Court conducting an evidentiary hearing on the sufficiency of the service by publication to comply with due process of law. From the evidence, the Court finds that the Plaintiff, United States of America, and its attorney, Peter Bernhardt, Assistant United States Attorney, appearing for Frank Keating, United States Attorney for the Northern District of Oklahoma, have fully

exercised due diligence in ascertaining the true names and identity of the parties served by publication, with their present or last known places of residence and/or mailing addresses.

The Court finds that the Plaintiff and its attorneys have fully complied with all applicable guidelines and due process of law in connection with obtaining service by publication. Therefore, the Court approves and confirms that the service by publication is sufficient to confer jurisdiction upon this Court to enter the relief sought by the Plaintiff, both as to the subject matter and the Defendants served by publication.

The Court finds that this is one of the classes of cases in which service by publication may be had and that the Court's order for service by publication has been published in the Tulsa Daily Business Journal & Legal Record, a newspaper authorized by law to publish legal notices, printed in Tulsa County, Oklahoma, a newspaper of general circulation in Tulsa County, State of Oklahoma, for six (6) consecutive weeks commencing on May 24, 1983, and ending on June 28, 1983, by which said Defendants, the Unknown Heirs, Executors, Administrators, Devisees, Trustees, Successors and Assigns of Ralph Vernon McGinnis, Deceased, and the Estate of Ralph Vernon McGinnis, Deceased, were notified to answer the complaint filed herein within 20 days after such publication, as more fully appears from the verified proof of such publication by the printer and publisher of said Tulsa Daily Business Journal & Legal Record duly filed herein.

The Court finds that the Defendants, the Unknown Heirs, Executors, Administrators, Devisees, Trustees, Successors, and Assigns of Ralph Vernon McGinnis, Deceased, and the Estate of Ralph Vernon McGinnis, Deceased, have failed to answer and their default has been entered by the Clerk of this Court on November 9, 1983.

The Court finds that this is a suit brought for the purpose of quieting title for the benefit of Plaintiff in and to the following described real property situated in Tulsa County, Oklahoma, to-wit:

All of Lot Seventeen (17) and that part of Lot Eighteen (18), in Block Two (2), WILDWOOD, an Addition to the City of Tulsa, Tulsa County, Oklahoma, according to the recorded plat thereof, described as follows: Beginning at the Southwest corner of said Lot; Thence Northerly along the West line of said Lot 125.70 feet to the Northwest corner of said Lot; Thence Easterly along the North line of said Lot, 35 feet to a point; Thence Southerly on a direct line to a point on the South line of said Lot, 35 feet Easterly from the Southwest corner of said Lot; Thence Westerly along the South line of said Lot, 35 feet to the Southwest corner of said Lot and the point of the beginning.

The Court further finds that this is a suit brought for the further purpose of judicially determining the death of Ralph Vernon McGinnis, terminating the life estate of Ralph Vernon McGinnis in the above described real property, and establishing the chain of title in Plaintiff, United States of America, to the real property which is the subject of this action.

The Court finds that Plaintiff acquired title to said real property under and virtue of that certain General Warranty Deed dated June 2, 1971, executed by Ralph V. McGinnis, an

unmarried man, one and the same person as Ralph Vernon McGinnis, to United States of America, and recorded on June 25, 1971, in Book 3973, Page 1815, in the records of the County Clerk of Tulsa, Oklahoma. In said General Warranty Deed the grantor, Ralph V. McGinnis, reserved unto himself a life estate in the above described property, including the right of exclusive occupancy thereof during the full term of grantor's natural life.

That on September 5, 1982, Ralph Vernon McGinnis died in the City of Tulsa, Tulsa County, Oklahoma, as is evidenced by Certificate of Death of the State Department of Health, State of Oklahoma, No. 20888.

The Court finds that Plaintiff, United States of America, is the record owner of the fee simple title in and to the property described above and is in open, actual, notorious, peaceable, and hostile possession of said land.

The Court finds that Plaintiff is entitled to a judicial determination of the death of Ralph Vernon McGinnis; to a judicial termination of the life estate of Ralph Vernon McGinnis in the real property involved herein; and to a judicial determination establishing the chain of title in Plaintiff to real property which is the subject of this action and quieting Plaintiff's title against the Defendants and each of them.

The Court finds that there is due to the Defendant, County Treasurer, Tulsa County, Oklahoma, the sum of \$516.00 for real estate taxes covering the first nine months of 1982, and that the County Treasurer, Tulsa County, Oklahoma, shall strike any assessments of real estate taxes after September 30, 1982,

against the subject property by virtue of the fact that said property vested in the United States of America on September 5, 1982, upon the death of Ralph Vernon McGinnis.

IT IS THEREFORE ORDERED, ADJUDGED, AND DECREED that the death of Ralph Vernon McGinnis be and the same hereby is judicially determined to have occurred on September 5, 1982, in the City of Tulsa, Tulsa County, Oklahoma.

IT IS FURTHER ORDERED, ADJUDGED, AND DECREED that the life estate of Ralph Vernon McGinnis in the above described real property be and the same hereby is judicially terminated as of his date of death, September 5, 1982.

IT IS FURTHER ORDERED, ADJUDGED, AND DECREED that the chain of title be and the same hereby is established in Plaintiff, United States of America, to the real property involved herein.

IT IS FURTHER ORDERED, ADJUDGED, AND DECREED that the Defendants, and each of them, have no right, title, lien, estate, inheritance, encumbrance, claim, assessment, or interest, either in law or in equity, in and to the real property involved herein, adverse to the right, title, and interest of Plaintiff and its grantees, and that Plaintiff, United States of America, is the owner of the above described real property in fee simple title, and that the Defendants, and each of them, be and they are perpetually barred and enjoined from setting up any right, title, lien, estate, inheritance, encumbrance, claim, assessment or interest, either in law or in equity, in and to the above described real property or any part thereof, except that the

Defendant, County Treasurer, Tulsa County, Oklahoma, has a lien on the subject property in the amount of \$516.00 for real estate taxes covering the first nine months of 1982, and that upon payment of the above amount to the County Treasurer, Tulsa County, Oklahoma, said Defendant shall have no further right, title, lien or interest, in the real property involved herein, adverse to the right, title and interest of Plaintiff and its grantees, and the County Treasurer, Tulsa County, Oklahoma, shall strike any assessments of real estate taxes after September 30, 1982, against the subject property.

H. Dale Cook
H. DALE COOK, CHIEF UNITED STATES DISTRICT JUDGE

APPROVED:

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

UNITED STATES OF AMERICA
FRANK KEATING
United States Attorney

Peter Bernhardt
PETER BERNHARDT, Assistant United States Attorney

UNITED STATES DISTRICT COURT FOR THE
NORTHERN DISTRICT OF OKLAHOMA

FILED

NOV 21 1983

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

UNITED STATES OF AMERICA,)
)
 Plaintiff,)
)
 vs.)
)
 ALLAN H. HAMPTON,)
)
 Defendant.)

CIVIL ACTION NO. 83-C-428-C

O R D E R

Now on this 21 day of November, 1983, it appears that the Defendant in the captioned case has not been located within the Northern District of Oklahoma, and therefore attempts to serve him have been unsuccessful.

IT IS THEREFORE ORDERED that the Complaint against Defendant, Allan H. Hampton, be and is dismissed without prejudice.

W. H. Dale Cook
UNITED STATES DISTRICT JUDGE

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

FILED

NOV 21 1983

MGF OIL CORPORATION,)
)
 Plaintiff,)
)
 v.) No. 83-C-839-C
)
 DEVON RESOURCES, INC.,)
)
 Defendant.)

Jack C. Silver
U.S. DISTRICT COURT

ORDER

An application having been duly made by the plaintiff for judgment by default, which includes damages in a specific amount and a request for attorneys' fees, and it appearing that the defendant herein is in default and that its default has been duly noted, and it further appearing that a jury trial was not demanded by the plaintiff, and the Court considering damages are for a specific amount;

IT IS ORDERED AND ADJUDGED:

1. That the plaintiff recover of the defendant the damages prayed for in his Complaint in the amount of \$50,804.71 plus pre-judgment interest at a rate of 1% above the prime rate of The First National Bank and Trust Co. of Oklahoma City from the dates on which said costs were billed to defendant and post-judgment interest as provided by statute.
2. That the plaintiff be awarded attorneys' fees in the amount of \$10,000.00.

Dated November 21, 1983.

121 H Dale Cook
UNITED STATES DISTRICT JUDGE

UNITED STATES DISTRICT COURT FOR THE
NORTHERN DISTRICT OF OKLAHOMA

FILED

NOV 21 1983

Jack C. Silver,
U. S. DISTRICT COURT

UNITED STATES OF AMERICA,)
)
 Plaintiff,)
)
 vs.)
)
 PERCY L. MCGEE,)
)
 Defendant.)

CIVIL ACTION NO. 83-C-142-C

O R D E R

Now on this 21 day of November, 1983, it appears that the Defendant in the captioned case has not been located within the Northern District of Oklahoma, and therefore attempts to serve him have been unsuccessful.

IT IS THEREFORE ORDERED that the Complaint against Defendant, Percy L. McGee, be and is dismissed without prejudice.

W. H. Dale Cook
UNITED STATES DISTRICT JUDGE

UNITED STATES DISTRICT COURT FOR THE
NORTHERN DISTRICT OF OKLAHOMA

FILED

UNITED STATES OF AMERICA,)
)
 Plaintiff,)
)
 vs.)
)
 MICHAEL S. STEPP,)
)
 Defendant.)

NOV 21 1983

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

CIVIL ACTION NO. 82-C-¹⁵⁷~~151~~-C

O R D E R

Now on this 21 day of November, 1983, it appears that the Defendant in the captioned case has not been located within the Northern District of Oklahoma, and therefore attempts to serve him have been unsuccessful.

IT IS THEREFORE ORDERED that the Complaint against Defendant, Michael S. Stepp, be and is dismissed without prejudice.

W. Dale Cook
UNITED STATES DISTRICT JUDGE

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

FILED

NOV 18 1983

DYCO PETROLEUM CORPORATION,)
)
 Plaintiff,)
)
 vs.)
)
 FAWNMARK MINERALS, LTD.,)
 et al.,)
)
 Defendants.)

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

Case No. 83-C-858-C

NOTICE OF
DISMISSAL OF CHARLES E. BROWN

Pursuant to the terms of Rule 41(a) (1), Dyco Petroleum Corporation dismisses the Defendant, Charles E. Brown.

Paula E. Pyron
Lance Stockwell
Paula E. Pyron
Charles H. Crain
Of BOESCHE, McDERMOTT & ESKRIDGE
320 South Boston, Suite 1300
Tulsa, Oklahoma 74103
(918) 583-1777

ATTORNEYS FOR PLAINTIFF,
DYCO PETROLEUM CORPORATION

CERTIFICATE OF SERVICE

The undersigned hereby certifies that a true and correct copy of the above and foregoing Dismissal of Charles E. Brown was mailed to Russell Cobb III, Attorney for Charles E. Brown, 420 South Main, Suite 503, Tulsa, Oklahoma 74103 by depositing a copy thereof in the United States Mails in Tulsa, Oklahoma with first-class postage thereon prepaid, this 18th day of November, 1983.

Paula E. Pyron

UNITED STATES DISTRICT COURT FOR THE
NORTHERN DISTRICT OF OKLAHOMA

1983

OCT 10 1983

FRANK C. KEATING, CLERK
U.S. DISTRICT COURT

UNITED STATES OF AMERICA,)	
)	
Plaintiff,)	
)	
v.)	
)	
MILDRED L. REEDER,)	
)	
Defendant.)	CIVIL ACTION NO. 83-C-657-C

JUDGMENT OF FORECLOSURE

THIS MATTER COMES on for consideration this 15 day of Nov., 1983. 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 Mildred L. Reeder appearing not.

The Court being fully advised and having examined the file herein, finds that the Defendant Mildred L. Reeder was served with Alias Summons and Complaint on October 17, 1983. The Defendant Mildred L. Reeder has failed to answer the Complaint or otherwise plead and her default has therefore been entered by the Clerk of this Court.

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

A tract, piece or parcel of land located in the SW $\frac{1}{4}$ of the SE $\frac{1}{4}$ of Section 19, Township 25 North, Range 20 East of Indian Meridian, and more particularly described as follows: Beginning at the SE corner of said SW $\frac{1}{4}$ of the SE $\frac{1}{4}$; thence North 0 degree 08 minutes West

307 feet; thence South 89 degrees 52 minutes West 440 feet for a POINT OF BEGINNING; thence South 89 degrees 52 minutes West 78 feet; thence South 0 degree 08 minutes East 174.6 feet; thence North 89 degrees 52 minutes East 78 feet; thence North 0 degree 08 minutes West 174.6 feet to the point of beginning.

THAT the Defendant Mildred L. Reeder, did on the 25th day of October, 1978, execute and deliver to the United States of America, acting through the Farmers Home Administration, her real estate mortgage and promissory note in the sum of \$22,500.00, payable in monthly installments, with interest thereon at the rate of eight and one-half (8½) percent per annum.

On the 25th day of June, 1982, the Defendant Mildred L. Reeder executed and delivered to the United States of America, a Reamortization and/or Deferral Agreement. By the terms of this Agreement, the total debt on that date in the amount of \$21,344.14 was made principal.

The Court further finds that the Defendant Mildred L. Reeder made default under the terms of the aforesaid promissory note, real estate mortgage, and Reamortization and/or Deferral Agreement by reason of her failure to make the monthly installments due thereon, which default has continued, and that reason thereof the above-named Defendant is indebted to the Plaintiff in the sum of \$21,712.36, plus accrued interest of \$74.86 as of May 31, 1983, plus interest thereafter accruing at the rate of \$.5948 per day, plus the costs of this action accrued and accruing.

IT IS THEREFORE ORDERED, ADJUDGED, AND DECREED that the Plaintiff have and recover judgment against the Defendant

Mildred L. Reeder in the sum of \$21,712.36, plus accrued interest of \$74.86 as of May 31, 1983, plus interest thereafter accruing at the rate of \$.5948 per day, plus the costs of this action accrued and accruing.

IT IS FURTHER ORDERED, ADJUDGED, AND DECREED that upon the failure of the previously named Defendant to satisfy Plaintiff's money judgment herein, an Order of Sale shall be issued to the United States Marshal for the Northern District of Oklahoma, commanding him to advertise and sell with appraisalment the real property herein, and apply the proceeds thereof as follows:

First:

In payment of the costs of this action, accrued and accruing, including the costs of sale;

Second:

In payment of the judgment rendered herein in favor of Plaintiff.

The surplus from said sale, if any, shall be deposited with the Clerk of the Court to await further order of the Court.

IT IS FURTHER ORDERED, ADJUDGED, AND DECREED that from and after the sale of the above-described real property, under and virtue of this judgment and decree, the Defendant and all persons claiming under her since the filing of the Complaint herein, be and they are forever barred and foreclosed of any

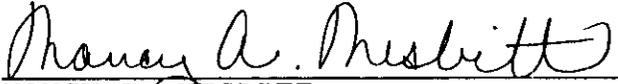
right, title, interest or claim in or to the subject real property or any part thereof.

s/H. DALE COOK

UNITED STATES DISTRICT JUDGE

APPROVED AS TO FORM AND CONTENT:

FRANK KEATING
United States Attorney



NANCY A. NESBITT
Assistant United States Attorney

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

MICHIGAN NATIONAL BANK, a)
national banking association,)
)
Plaintiff,)
)
v.)
)
GIANT PETROLEUM CORPORATION,)
an Oklahoma corporation,)
)
Defendant.)

NO. 83-C-505-C

FILED

NOV 16 1983

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

JUDGMENT

On November 16, 1983, the defendant, Giant Petroleum Corporation, filed its Confession of Judgment herein. The court finds that the plaintiff, Michigan National Bank, is entitled to be awarded judgment based on the defendant's Confession of Judgment.

Accordingly, the plaintiff, Michigan National Bank, is awarded judgment against the defendant, Giant Petroleum Corporation, as follows:

1. For the principal sum of \$42,887.62, plus interest thereon at the rate of 6% per annum from February 26, 1982, until the date of judgment, and thereafter at the statutory rate fixed by law, such interest to accrue until the judgment is paid in full;
2. For an attorney's fee of \$2,500;
3. For the costs of this action of \$60.00

(3) H. Dale Cook
United States District Judge

APPROVED AS TO FORM:

J. Douglas Mann
J. Douglas Mann
Rosenstein, Fist & Ringold
525 South Main, Suite 300
Tulsa, OK 74103

Attorneys for plaintiff,
Michigan National Bank

Allen E. Barrow, Jr.
Allen E. Barrow, Jr.
William Brad Heckenkemper
Barrow, Gaddis, Griffith & Grimm
610 South Main, Suite 300
Tulsa, OK 74119

Attorneys for defendant,
Giant Petroleum Corporation

APPROVED AS TO FORM AND CONTENT:

GIANT PETROLEUM CORPORATION

By Michael W. Hamilton
Authorized Representative

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

NEIL'S FAMOUS FOOTWEAR, INC.,)
a Wisconsin corporation,)

No. 82-C-1084-E

Plaintiff,)

vs.)

WILSON FIRE PROTECTION, INC.,)
an Oklahoma corporation,)

Defendant.)

FILED

NOV 15 1983

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

ORDER OF DISMISSAL WITHOUT PREJUDICE

IT IS ORDERED that the above-entitled cause of action is hereby dismissed without prejudice to the refileing of the same this 14th day of November, 1983.

James O. Ellison
JUDGE OF THE UNITED STATES DISTRICT COURT

APPROVED AS TO FORM:

Truman B. Rucker, Jr.
Truman B. Rucker, Jr.
Attorney for Plaintiff

William S. Hall
William S. Hall
Attorney for Defendant

UNITED STATES DISTRICT COURT FOR THE
NORTHERN DISTRICT OF OKLAHOMA

FILED

UNITED STATES OF AMERICA,)
)
 Plaintiff,)
)
 vs.)
)
 IMOGENE IRONS, d/b/a BLUE STEM)
 DRIVE-INN RESTAURANT, et al.,)
)
 Defendants.)

NOV 16 1983

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

CIVIL ACTION NO. 83-C-90-E

O R D E R

For a good cause having been shown, it is hereby
ORDERED, ADJUDGED AND DECREED that the above-referenced action is
hereby dismissed without prejudice against the United States of
America.

Dated this 14th day of November, 1983.

JAMES O. ELLISON
UNITED STATES DISTRICT JUDGE

FILED

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

NOV 15 1983

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

EMPIRE INDEMNITY INSURANCE)
COMPANY,)
)
Plaintiff,)
)
vs.) NO. 82-C-166-E
)
MOSSELL ELLIOTT, et al.,)
)
Defendants.)

JUDGMENT AND ORDER OF DISTRIBUTION

This matter came on for settlement conference on the 2nd day of November, 1983, pursuant to the request of all defendants having made claim herein, and this Court makes the following findings:

1. This interpleader action was filed by the plaintiff, who had been allowed to withdraw by this Court, and named therein all persons involved in an apartment fire as described in plaintiff's Complaint that occurred on the 23rd day of July, 1981. This Court did acquire proper jurisdiction and venue of this matter and each defendant herein received a copy of the summons and plaintiff's Complaint.

2. The only parties that have made a claim herein are the defendants, French Villa Properties, Inc., d/b/a French Villa Apartments; Teresa Heron; Diane C. Digrazia; Robert Luttrell; Lee Tublin; B. H. Rosenthal Tartof; Herman Tartof; Neil E. Floto; Lillian Parks; Farmer's Insurance Company; Western Insurance Company; Lexington Insurance Company and International Insurance Company; and said parties have filed their claims herein.

3. The plaintiff insurance company, Empire Indemnity Insurance Company, had issued a comprehensive liability policy of insurance to Charles Howe, d/b/a Howe's Energy Consultants and Renovators, which policy insures against liability of Charles Howe, d/b/a Howe's Energy Consultants and Renovators, to the maximum amount of ONE HUNDRED THOUSAND DOLLARS AND NO/100 (\$100,000.00) for each accident.

The plaintiff has deposited in the Court the total limits of the said insurance policy in the amount of ONE HUNDRED THOUSAND DOLLARS AND NO/100 (\$100,000.00), has made a Motion to Withdraw from any further participation in this matter, and the Court has ordered that the plaintiff be allowed to withdraw. All claims and any and all oral applications by the various defendants are hereby approved by the Court and found to be in the best interest of all parties involved, with this Court recognizing that all claims and cross claims, if any, filed herein are hereby dismissed with prejudice to refiling of same.

4. The above named Herman Tartof is now deceased and there are no known claims by his estate for any right or interest in the proceeds to the fund and therefore no part of the fund will be paid to the estate of Herman Tartof. The only parties before the Court, who have not specifically and legally disclaimed any right of contribution to the proceeds of said policy are the following named parties who are entitled to distribution of the proceeds on deposit with this clerk and distribution to be made in the following manner:

- a. The defendant, Lexington Insurance Company, receives SEVENTY SIX THOUSAND SEVEN HUNDRED DOLLARS AND NO/100 (\$76,700.00) of said sum.
- b. The defendant, International Insurance Company, receives EIGHT THOUSAND THREE HUNDRED TWENTY NINE DOLLARS AND 62/100 (\$8,329.62) of said sum.
- c. The defendant, French Villa Properties, Inc., d/b/a French Villa Apartments, receives THREE HUNDRED EIGHTY THREE DOLLARS AND 50/100 (\$383.50).
- d. The defendants, Western Insurance Company and Robert Luttrell, receive ONE THOUSAND THREE HUNDRED THIRTY DOLLARS AND 74/100 (\$1,330.74) of said sum.
- e. The defendant, United States Fidelity and Guarantee Company, receives TWO THOUSAND THREE HUNDRED EIGHTEEN DOLLARS AND 64/100 (\$2,318.64) of said sum.

- f. The defendant, Teresa Heron, receives ONE THOUSAND THREE HUNDRED THREE DOLLARS AND 90/100 (\$1,303.90) of said sum.
- g. The defendant, Lee Tublin, receives ONE THOUSAND TWO HUNDRED SEVENTY THREE DOLLARS AND 22/100 (\$1,273.22) of said sum.
- h. The defendant, Diane C. Digrazia, receives TWO THOUSAND THREE HUNDRED ONE DOLLARS AND NO/100 (\$2,301.00) of said sum.
- i. The defendant, B. H. Rosenthal Tartof, receives FOUR THOUSAND TWO HUNDRED EIGHTEEN DOLLARS AND 50/100 (\$4,218.50) of said sum.
- j. The defendant, Neil E. Floto, receives ONE THOUSAND THREE HUNDRED NINETY FIVE DOLLARS AND 94/100 (\$1,395.94) of said sum.
- k. The defendants, Lillian Parks and Farmer's Insurance Company, receive FOUR HUNDRED FORTY FOUR DOLLARS AND 94/100 (\$444.94) of said sum.

5. In accordance with the statements, oral stipulations and applications of the parties hereto, concerning the approval of the settlement and distribution of funds, it is the finding of this Court that the clerk of this Court should and is hereby ordered to distribute said funds as aforestated and that all others persons or entities who have not made or filed or may make but have not made claim herein are hereby precluded and forever barred from making claims against the insurance policy of Empire Indemnity Insurance Company as described in the Complaint of said insurance company which might have been payable in any manner or respect as a result of the fire that occurred on July 23, 1981 as set forth in the Complaint.

IT IS THEREFORE ORDERED, ADJUDGED AND DECREED by the Court that the defendants above named are liquidating the claims above named in paragraph 4 herein by agreement and upon receipt of the funds distributed by this Order are forever barred from execution against, or making further claim against the plaintiff as a result of the insurance policy as described in the plaintiff's Complaint.

S/ JAMES O. ELLISON

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

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

FILED
NOV 15 1983

JACK D. SIMON, CLERK
U.S. DISTRICT COURT

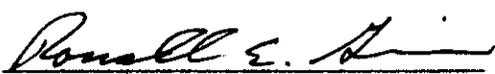
SAMSON RESOURCES COMPANY,)
an Oklahoma corporation,)
)
Plaintiff,)
)
v.)
)
MESA PETROLEUM COMPANY,)
a Delaware corporation; and)
MTS LIMITED PARTNERSHIP,)
)
Defendants.)

No. 82-C-1125C

STIPULATION OF DISMISSAL WITHOUT PREJUDICE

COME NOW Samson Resources Company, Mesa Petroleum Company, and MTS Limited Partnership, being all of the parties in the above captioned civil action, and stipulate that this civil action should be and hereby is dismissed, without prejudice, pursuant to Rule 41(a)(1) of the Federal Rules of Civil Procedure.

DATED this 15TH day of November, 1983.


Frederic Dorwart
Robert K. Pezold
Ronald E. Goins
Suite 700, Holarud Building
Ten East Third Street
Tulsa, Oklahoma 74103
(918) 584-1471

ATTORNEYS FOR SAMSON
RESOURCES COMPANY

OF COUNSEL:

HOLLIMAN, LANGHOLZ, RUNNELS
& DORWART
Suite 700, Holarud Building
Ten East Third Street
Tulsa, Oklahoma 74103
(918) 584-1471


Richard K. Books
1900 Liberty Tower
Oklahoma City, Oklahoma 73102

ATTORNEY FOR MESA PETROLEUM
COMPANY, and MTS LIMITED
PARTNERSHIP

OF COUNSEL:

WATSON & MCKENZIE
1900 Liberty Tower
Oklahoma City, Oklahoma 73102

CERTIFICATE OF MAILING

I, Ronald E. Goins certify that on this 15TH day of November, 1983, I placed in the United States mail at Tulsa, Oklahoma, a true and correct copy of the above and foregoing "Stipulation of Dismissal Without Prejudice" with correct postage prepaid thereon addressed to:

Richard K. Books
WATSON & MCKENZIE
1900 Liberty Tower
Oklahoma City, Oklahoma 73102


Ronald E. Goins

FILED

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

NOV 14 1983

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

THE ATCHISON, TOPEKA AND SANTA FE)
RAILWAY COMPANY, a corporation,)

Plaintiff,)

vs.)

OKLAHOMA-KANSAS GRAIN CORPORATION,)
a corporation,)

Defendant.)

No. 82-C-1119C

ORDER

Upon joint application of the parties for dismissal of the above styled cause with prejudice, the parties having reached an agreement to settle same,

IT IS THEREFORE ORDERED, ADJUDGED AND DECREED that the above styled case be dismissed with prejudice to its further filing.

W. H. Dale Cook
UNITED STATES DISTRICT JUDGE

APPROVED AS TO FORM:

James N. Atkins
JAMES N. ATKINS
Attorney for Plaintiffs

John W. Jordan
JOHN W. JORDAN
Attorney for Defendant

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

FILED

NOV 14 1983

INTERNATIONAL FIDELITY INSURANCE)
COMPANY,)

Plaintiff,)

v.)

MARIE ANN OCKE a/k/a Marie Ann)
Meyers,)

Defendant.)

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

NO. 83-C-730-C

DEFAULT JUDGMENT

NOW, on this 14th day of November, 1983, upon application of the Plaintiff and after review of the file of the captioned matter maintained by the Clerk of this Court, the Court finds as follows:

1. That the Defendant Marie Ann Ocke, a/k/a Marie Ann Meyers, was duly served with summons and a copy of the Complaint herein on September 1, 1983.

2. That this Court has jurisdiction of the parties hereto and the subject matter hereof, and that the venue of this action is appropriate.

3. That the said Defendant has wholly failed to answer, plead or enter her appearance herein.

4. That the Plaintiff should have judgment as requested in its Complaint herein by virtue of the said Defendant's default.

IT IS THEREFORE ORDERED, ADJUDGED AND DECREED by the Court that judgment be entered in favor of the Plaintiff International Fidelity Insurance Company and against the Defendant Marie Ann Ocke, a/k/a Marie Ann Meyers, in the amount of \$130,682.03, together with interest thereon from the date hereof at the rate of ^{9.86}~~fifteen~~ percent per annum, plus Plaintiff's costs herein in the amount of \$60.00, and attorneys' fees in the amount of \$ 5,000.00.

W. H. Dale Cook
Chief Judge of the United States
District Court, Northern District
of Oklahoma

FILED

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

NOV 14 1983

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

GREYCAS, INC., a Delaware corporation,)	
)	
Plaintiff,)	
)	
vs.)	Case No. 81-C-504-C
)	
SOONAIR LINES, INC., an Oklahoma corporation, and JAMES C. RAY, an individual,)	
)	
Defendants.)	

JUDGMENT

Plaintiff, having filed its Complaint demanding monetary damages based upon the default of Soonair Lines, Inc. under a Promissory Note and the personal guaranty of James C. Ray, and for the foreclosure of its security interest in one 1974 Swearingen Aviation Corporation Metro II aircraft, all as it appears more fully in said complaint and prayer for relief therein, and the Plaintiff and Defendant having agreed upon a basis for the adjudgment of the matters alleged in the Complaint and the entry of a Judgment in this action, and having entered into a Stipulation, the original of which has been filed with the Court, and due deliberation being had thereon, now, the Court finds as follows:

1. That the Plaintiff is entitled to judgment against Defendant, Soonair Lines, Inc. on Count I of its Complaint in the amount of \$551,000;

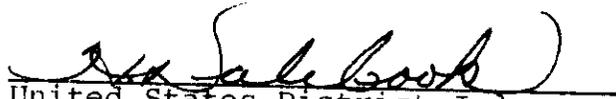
2. That the Plaintiff is entitled to a judgment against Defendant, James C. Ray, as guarantor for Soonair Lines, Inc., on Count II of its Complaint in the amount of \$551,000;

3. That the Plaintiff is entitled to judgment on Count III of its Complaint for foreclosure of the above-referenced aircraft;

4. That the Plaintiff's prejudgment sale of said aircraft was performed in a commercially reasonable manner and that the proceeds of said sale, amounting to \$251,000 should be applied to the satisfaction of Plaintiff's judgment; and

5. That Plaintiff is, therefore, entitled to a Deficiency Judgment against the Defendants jointly and severally in the amount of \$300,000.

IT IS SO ORDERED, ADJUDGED AND DECREED.


United States District Judge

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

FILED

NOV 14 1983

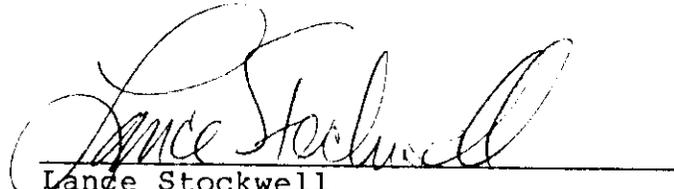
Jack C. Silver, Clerk
U. S. DISTRICT COURT

DYCO PETROLEUM CORPORATION,)
)
 Plaintiff,)
)
 vs.)
)
 FAWNMARK MINERALS, LTD., et al.,)
)
 Defendants.)

Case No. 83-C-858-C

DISMISSAL OF WARD PETROLEUM CORPORATION

Pursuant to the terms of Rule 41(a)(1), Dyco Petroleum Corporation dismisses the Defendant, Ward Petroleum Corporation.

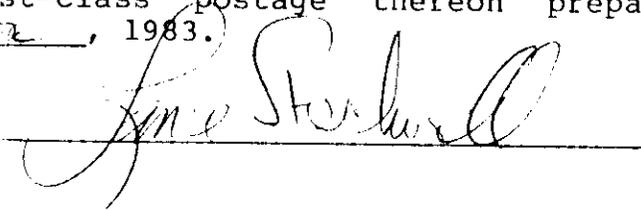


Lance Stockwell
Of BOESCHE, McDERMOTT & ESKRIDGE
320 South Boston, Suite 1300
Tulsa, Oklahoma 74103
(918) 583-1777

ATTORNEYS FOR PLAINTIFF

CERTIFICATE OF SERVICE

The undersigned hereby certifies that a copy of the foregoing Dismissal was mailed to Tom Newby, P. O. Box 1108, Enid, Oklahoma 73702, by depositing a copy thereof in the United States mails in Tulsa, Oklahoma, with first-class postage thereon prepaid, this 11th day of November, 1983.



Entered

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

NOV 10 1983

IN RE:)
)
KENNETH E. TUREAUD, a/k/a)
KENNETH TUREAUD d/b/a SAKET)
PETROLEUM COMPANY, a/k/a)
KENNETH E. TUREAUD d/b/a)
KESAT, a/k/a SAKET PETROLEUM)
COMPANY,)
)
Debtor.)

DAVID C. SILVER, CLERK
UNITED STATES DISTRICT COURT
Misc. No. M-1068-BT
Misc. No. M-1073-BT ✓
Bankruptcy No. 82-01269

J U D G M E N T

In accordance with the Court's Findings of Fact and Conclusions of Law concerning attorneys fees and expenses, entered this date, the Court hereby enters judgment in favor of R. Dobie Langenkamp, Trustee of the captioned bankrupt estate, and against Kenneth E. Tureaud, personally, in the amount of \$21,012.50. This award shall not be payable from Tureaud's bankruptcy estate, In the Matter of Kenneth E. Tureaud, a/k/a Kenneth Tureaud d/b/a Saket Petroleum Company, a/k/a Kenneth E. Tureaud d/b/a Kesat, a/k/a Saket Petroleum Company, Case No. 82-01269; nor shall it be dischargeable in bankruptcy. Post-judgment interest of 9.86% per annum shall commence to run 30 days from the date of this judgment.

ENTERED this 10th day of November, 1983.



THOMAS R. BRETT
UNITED STATES DISTRICT JUDGE

Entered

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

NOV 10 1983

IN RE:)
)
KENNETH E. TUREAUD, a/k/a)
KENNETH TUREAUD d/b/a SAKET)
PETROLEUM COMPANY, a/k/a)
KENNETH E. TUREAUD d/b/a)
KESAT, a/k/a SAKET PETROLEUM)
COMPANY,)
)
)
Debtor.)

CLERK OF DISTRICT COURT
MISC. No. M-1068-BT
MISC. No. M-1073-BT
Bankruptcy No. 82-01269

J U D G M E N T

In accordance with the Court's Findings of Fact and Conclusions of Law concerning attorneys fees and expenses, entered this date, the Court hereby enters judgment in favor of R. Dobie Langenkamp, Trustee of the captioned bankrupt estate, and against Kenneth E. Tureaud, personally, in the amount of \$21,012.50. This award shall not be payable from Tureaud's bankruptcy estate, In the Matter of Kenneth E. Tureaud, a/k/a Kenneth Tureaud d/b/a Saket Petroleum Company, a/k/a Kenneth E. Tureaud d/b/a Kesat, a/k/a Saket Petroleum Company, Case No. 82-01269; nor shall it be dischargeable in bankruptcy. Post-judgment interest of 9.86% per annum shall commence to run 30 days from the date of this judgment.

ENTERED this 10th day of November, 1983.

Thomas R. Brett

THOMAS R. BRETT
UNITED STATES DISTRICT JUDGE

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

DAVID NEAL PIGG,)
)
Plaintiff,)
)
v.)
)
FRANK THURMAN, Sheriff,)
Tulsa County,)
)
Defendant.)

FILED

NOV 10 1983

81-C-591-B

CLERK
DISTRICT COURT

ORDER

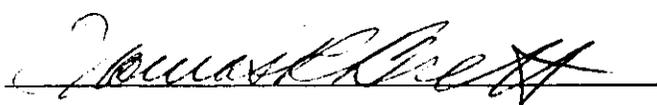
A pretrial conference was held by telephone in the captioned case on November 9, 1983. Present for the pretrial conference was attorney for the defendant, Susan Werner. Plaintiff was contacted personally and his claim discussed with him.

The plaintiff stated to the Court he was no longer interested in pursuing his damage claim for \$50,000, although he stated to the Court at the time the claim was filed he sincerely believed jail authorities had mishandled and wrongfully caused photographs sent to him by mail to be lost.

Concerning plaintiff's claim for injunctive relief, it was incorporated in the class action of Clayton, et al. v. Thurman, et al., 79-C-723, and has been determined therein by way of the Court's order of August 2, 1983.

In view of the above, it is therefore ordered, plaintiff's claim herein be dismissed.

ENTERED this 9th day of November, 1983.



THOMAS R. BRETT
UNITED STATES DISTRICT JUDGE

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



JUL 10 1983 Key

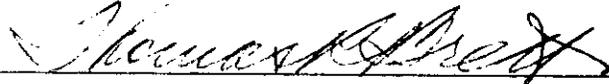
RONNIE L. SANDERS and)
DAVID JAMES REDDICK,)
)
Plaintiffs,)
)
v.)
)
S.M. FALLIS, et al.,)
)
Defendants.)

80-C-419-8
80-C-420-8
THOMAS R. BRETT, CLERK
DISTRICT COURT

ORDER

This case was set for pretrial conference on November 9, 1983. Notice of the conference was sent to all parties. Plaintiffs did not appear at the conference either in person or by telephone. Therefore, these actions are hereby dismissed for failure to prosecute.

ENTERED this 17th day of November, 1983.


THOMAS R. BRETT
UNITED STATES DISTRICT JUDGE

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

JUNIOR N. WILLIAMS,)
)
 Plaintiff,)
)
 v.)
)
 S.M. FALLIS, et al.,)
)
 Defendants.)

No. 80-C-421-BT

NOV 10 1983
197
CIVIL SERVICE CLERK
DISTRICT COURT

O R D E R

A pretrial conference was held by telephone in the captioned case on November 9, 1983. Present for the pretrial conference was attorney for the defendants, Susan Werner. Plaintiff was contacted personally and his claim discussed with him.

The plaintiff stated to the Court he was no longer interested in pursuing his damage claim for \$55,000.

Concerning plaintiff's claim for injunctive relief, it was incorporated in the class action of Clayton, et al. v. Thurman, et al., 79-C-723-BT, and has been determined by way of the Court's order of August 2, 1983.

In view of the above, it is therefore ordered, plaintiff's claim herein be dismissed.

ENTERED this 9th day of November, 1983.



THOMAS R. BRETT
UNITED STATES DISTRICT JUDGE

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

FILED

NOV 10 1983

UNITED STATES OF AMERICA,)
)
Plaintiff,)
)
v.)
)
BOARD OF EDUCATION, INDEPEN-)
DENT SCHOOL DISTRICT NO. 1)
OF TULSA COUNTY, OKLAHOMA,)
et al.,)
)
Defendants.)

WICK C. SILVER, CLERK
U.S. DISTRICT COURT
Civil Action No. 68-C-185-D

ORDER CLOSING CASE

The Application for Order Closing Case of the Defendant was presented to the Court on the 8th day of November, 1983. The Plaintiff herein, United States of America, appears by its attorney, Burtis M. Dougherty, Esq., United States Department of Justice. The Defendant, Tulsa School District, appears by its attorney, David L. Fist, Esq.

Counsel for the United States states to the Court that the United States has considered the Application of the Tulsa School District, and, based upon the representations contained therein, states that it has no objection to the relief requested by the Tulsa School District.

Having reviewed the Application, the Court makes the following findings:

1. The Tulsa School District has satisfactorily complied with all Orders of this Court.

2. The Tulsa School District has achieved a unitary school status. See Swann v. Charlotte-Mecklenburg Board of Education, 402 U.S. 1 (1971); Green v. County School Board, 391 U.S. 430 (1968).

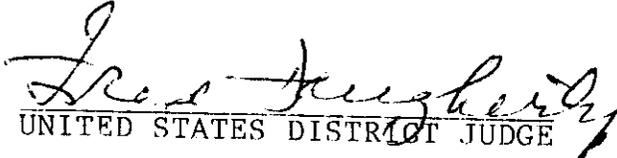
3. The detailed regulatory injunction previously entered by this Court in 1971, as subsequently modified, should be dissolved.

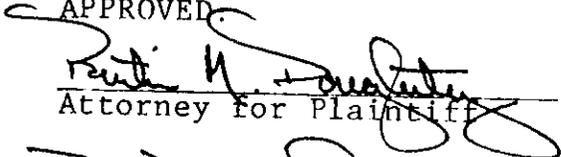
IT IS THEREFORE ORDERED, ADJUDGED AND DECREED as follows:

1. The Tulsa School District has satisfactorily complied with all Orders of this Court and has achieved a unitary school status.

2. The provisions of the detailed regulatory injunctions previously issued in this case are dissolved and the case is dismissed without prejudice.

So ordered this 9th day of November, 1983.


UNITED STATES DISTRICT JUDGE

APPROVED.

Attorney for Plaintiff

Attorney for Defendant

FILED

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

NOV 10 1983

JAMES E. WOLFE, et al.,)
)
Plaintiffs,)
)
vs.)
)
SUSIE CHUWEE BLACKWOOD, or her)
unknown successors,)
)
Defendants.)

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

No. 82-C-1181-E

JUDGMENT DISMISSING ACTION
BY REASON OF SETTLEMENT

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

IT IS ORDERED that the action is dismissed without prejudice. The Court retains complete jurisdiction to vacate this Order and to reopen the action upon cause shown within thirty (30) days that settlement has not been completed and further litigation is necessary.

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

DATED this 9TH day of November, 1983.



JAMES O. ELLISON
UNITED STATES DISTRICT JUDGE

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

Entered
FILED
NOV -9 1983
JACK C. SILVER, CLERK
U.S. DISTRICT COURT

_____)
C.I.T. CORPORATION, a)
Delaware corporation,)
)
Plaintiff,)
)
vs.)
)
SIMON B. UNRUH, an)
individual; and)
ERNIE ZUENDEL, an)
individual,)
)
Defendants.)
_____)

No. 83-C-700-B ✓

JUDGMENT

The defendant Ernie Zuendel, having been regularly served with process, and having failed to appear and answer the plaintiff's Complaint filed herein, and the default of said defendant having been duly entered, and it appearing that said defendant is not an infant or incompetent person, and an Affidavit of non-military service having been filed herein, and it appearing by the Affidavit of the plaintiff that the plaintiff is entitled to judgment herein,

IT IS ORDERED AND ADJUDGED that the plaintiff have and recover from the defendant Ernie Zuendel the sum of \$14,902.75, with interest thereon at the rate of 9.86% per annum from November 9th, 1983, until paid, together with costs.

Dated: November 9th, 1983.

Jack C. Silver, Clerk

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

By: *Kay Guzzi*
Deputy Clerk

- Entered

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

FILED

NOV -9 1983

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

rg

C.I.T. CORPORATION, a
Delaware corporation,

Plaintiff,

vs.

SIMON B. UNRUH, an
individual; and
ERNIE ZUENDEL, an
individual,

Defendants.

No. 83-C-700-B ✓

JUDGMENT

The defendant Simon B. Unruh, having been regularly served with process, and having failed to appear and answer the plaintiff's Complaint filed herein, and the default of said defendant having been duly entered, and it appearing that said defendant is not an infant or incompetent person, and an Affidavit of non-military service having been filed herein, and it appearing by the Affidavit of the plaintiff that the plaintiff is entitled to judgment herein,

IT IS ORDERED AND ADJUDGED that the plaintiff have and recover from the defendant Simon B. Unruh the sum of \$14,902.75, with interest thereon at the rate of 9.86% per annum from November 9th, 1983, until paid, together with costs.

Dated: November 9th, 1983.

Jack C. Silver, Clerk

By Kay Guzzi - Deputy Clerk
CLERK OF THE UNITED STATES DISTRICT
COURT FOR THE NORTHERN DISTRICT OF
OKLAHOMA

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

Entered
NOV 9 1983

JAMES E. CLAYTON, et al.,)
)
 Plaintiffs,)
)
 v.)
)
 FRANK THURMAN, SHERIFF,)
 TULSA COUNTY, et al.,)
)
 Defendants.)

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

No. 79-C-723-BT

J U D G M E N T

In accordance with the Court's Findings of Fact and Conclusions of Law concerning attorneys fees, entered September 28, 1983, the Court hereby enters judgment in favor of plaintiffs and against defendants for a enhancement of the attorney fee of Louis Bullock, in the amount of Seventeen Thousand Nine Hundred Twenty Five Dollars (\$17,925.00), with post-judgment interest of 9.86% per annum, to commence running 60 days from the date of this judgment.

ENTERED this 9th day of November, 1983.

H. Dale Cook

H. DALE COOK, CHIEF JUDGE
UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF OKLAHOMA

James O. Ellison

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

Thomas R. Brett

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

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

Entered

NOV 29 1983

NOV -9 1983

CLERK
DISTRICT COURT

JAMES E. CLAYTON, et al.,)
)
 Plaintiffs,)
)
 v.)
)
 FRANK THURMAN, SHERIFF,)
 TULSA COUNTY, et al.,)
)
 Defendants.)

No. 79-C-723-BT

J U D G M E N T

In accordance with the Court's Findings of Fact and Conclusions of Law concerning attorneys fees, entered September 28, 1983, the Court hereby enters judgment in favor of plaintiffs and against defendants for a base attorney fee for Louis Bullock in the amount of Fifty Three Thousand Seven Hundred Seventy Five Dollars (\$53,775.00), with post-judgment interest of 9.86% per annum, to commence running 60 days from the date of this judgment.

ENTERED this 9th day of November, 1983.

H. Dale Cook

H. DALE COOK, CHIEF JUDGE
UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF OKLAHOMA

James D. Ellison

JAMES D. ELLISON
UNITED STATES DISTRICT JUDGE
NORTHERN DISTRICT OF OKLAHOMA

Thomas R. Brett

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

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

Entered

JAMES E. CLAYTON, et al.,)
)
 Plaintiffs,)
)
 v.)
)
 FRANK THURMAN, SHERIFF,)
 TULSA COUNTY, et al.,)
)
 Defendants.)

NOV -9 1983

FRANK G. SILVER, CLERK
DISTRICT COURT

No. 79-C-723-BT

J U D G M E N T

In accordance with the Court's Findings of Fact and Conclusions of Law concerning attorneys fees, entered September 28, 1983, the Court hereby enters judgment in favor of plaintiffs and against defendants for costs in the amount of Eight Thousand Eight Hundred One and 43/100 Dollars (\$8,801.43), with post-judgment interest of 9.86% per annum, to commence running 60 days from the date of this judgment.

ENTERED this 9th day of November, 1983.

H. Dale Cook

H. DALE COOK, CHIEF JUDGE
UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF OKLAHOMA

James O. Ellison

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

Thomas R. Brett

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

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

Entered

1983

1-8 1983

CLERK
COURT

JAMES E. CLAYTON, et al.,
Plaintiffs,
v.
FRANK THURMAN, SHERIFF,
TULSA COUNTY, et al.,
Defendants.

No. 79-C-723-BT

J U D G M E N T

In accordance with the Court's Findings of Fact and Conclusions of Law concerning attorneys fees, entered September 28, 1983, the Court hereby enters judgment in favor of plaintiffs and against defendants for an attorney fee for J. C. Joyce in the amount of Five Thousand Dollars (\$5,000.00), with post-judgment interest of 9.86% per annum, to commence running 60 days from the date of this judgment.

ENTERED this 9th day of November, 1983.

H. Dale Cook
H. DALE COOK, CHIEF JUDGE
UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF OKLAHOMA

James O. Ellison
JAMES O. ELLISON
UNITED STATES DISTRICT JUDGE
NORTHERN DISTRICT OF OKLAHOMA

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

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

Entered

JAMES E. CLAYTON, et al.,)
)
 Plaintiffs,)
)
 v.)
)
 FRANK THURMAN, SHERIFF,)
 TULSA COUNTY, et al.,)
)
 Defendants.)

NOV 29 1983
JAMES O. ELLISON, CLERK
DISTRICT COURT

No. 79-C-723-BT

J U D G M E N T

In accordance with the Court's Findings of Fact and Conclusions of Law concerning attorneys fees, entered September 28, 1983, the Court hereby enters judgment in favor of plaintiffs and against defendants for an attorney fee for John Echols in the amount of Eleven Thousand Three Hundred Eighty Four Dollars (\$11,384.00), and for Jeff Smith in the amount of Five Hundred Dollars (\$500.00), with post-judgment interest of 9.86% per annum, to commence running 60 days from the date of this judgment.

ENTERED this 9th day of November, 1983.

H. Dale Cook

H. DALE COOK, CHIEF JUDGE
UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF OKLAHOMA

James O. Ellison

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

Thomas R. Brett

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

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

Entered

NOV 29 1983

JAMES E. CLAYTON, et al.,)
)
 Plaintiffs,)
)
 v.)
)
 FRANK THURMAN, SHERIFF,)
 TULSA COUNTY, et al.,)
)
 Defendants.)

No. 79-C-723-BT

DAVID SILVER, CLERK
DISTRICT COURT

J U D G M E N T

In accordance with the Court's Findings of Fact and Conclusions of Law concerning attorneys fees, entered September 28, 1983, the Court hereby enters judgment in favor of plaintiffs and against defendants for an attorney fee for David L. Sobel in the amount of Two Thousand Dollars (\$2,000.00), with post-judgment interest of 9.86% per annum, to commence running 60 days from the date of this judgment.

ENTERED this 9th day of November, 1983.

H. Dale Cook

H. DALE COOK, CHIEF JUDGE
UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF OKLAHOMA

James O. Ellison

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

Thomas R. Brett

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

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

Entered

SEP 28 1983

JAMES E. CLAYTON, et al.,)
)
 Plaintiffs,)
)
 v.)
)
 FRANK THURMAN, SHERIFF,)
 TULSA COUNTY, et al.,)
)
 Defendants.)

CLERK
DISTRICT COURT

No. 79-C-723-BT

J U D G M E N T

In accordance with the Court's Findings of Fact and Conclusions of Law concerning attorneys fees, entered September 28, 1983, the Court hereby enters judgment in favor of plaintiffs and against defendants for an attorney fee for Carl G. Stevens in the amount of Two Thousand Nine Hundred Sixty and No/100 (\$2,960.00), with post-judgment interest of 9.86% per annum, to commence running 60 days from the date of this judgment.

ENTERED this 9th day of November, 1983.

H. Dale Cook

H. DALE COOK, CHIEF JUDGE
UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF OKLAHOMA

James O. Ellison

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

Thomas R. Brett

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

Entered

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

FILED

JAMES E. CLAYTON, et al.,)
)
 Plaintiffs,)
)
 v.)
)
 FRANK THURMAN, SHERIFF,)
 TULSA COUNTY, et al.,)
)
 Defendants.)

NOV - 9 1983

JAMES O. ELLISON, CLERK
DISTRICT COURT

No. 79-C-723-BT

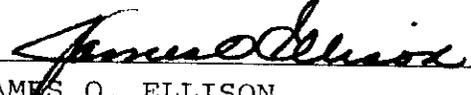
J U D G M E N T

In accordance with the Court's Findings of Fact and Conclusions of Law concerning attorneys fees, entered September 28, 1983, the Court hereby enters judgment in favor of plaintiffs and against defendants for an attorney fee for James Bullock in the amount of Forty-Two Thousand Five Hundred Eighty Five and No/100 Dollars (\$42,585.00), with post-judgment interest of 9.86% per annum, to commence running 60 days from the date of this judgment.

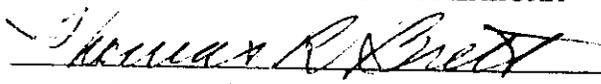
ENTERED this 9th day of November, 1983.



H. DALE COOK, CHIEF JUDGE
UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF OKLAHOMA



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



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

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

FILED
1983-3-1003

108

UTICA NATIONAL BANK & TRUST)
COMPANY, a National Banking)
Association,)

WACK S. SILVER, CLERK
U.S. DISTRICT COURT

Plaintiff,)

v.)

No. 83-C-388-B ✓

JOHN L. COCKRUM, an individual;)
J. T. HAILE, an individual; and)
TOM W. RUNYAN, an individual;)
and JOHN L. COCKRUM, J. T. HAILE,)
and TOM W. RUNYAN d/b/a JOINT)
VENTURE COMPANY, a Limited)
Partnership,)

Defendants,)

v.)

BRUCE FADEM and LLOYD FADEM, in-)
dividually and as Agents for)
GREAT SOUTHWESTERN EXPLORATION)
CORPORATION; ALBERT FADEM,)
individually, and as Agent for)
FADEM PIPE & SUPPLY CORPORATION;)
E. P. "PAUL" FITZGERALD,)
Consulting Petroleum Engineer,)

Third Party Defendants.)

O R D E R

This matter comes before the Court on the motion to dismiss of third party defendants Bruce Fadem, Lloyd Fadem, Great Southwestern Exploration, Inc., and E.P.Fitzgerald. Defendants have objected to the motion. For the reasons set forth below, the motion of the third party defendants to dismiss the complaint of defendants is sustained.

This is a diversity action by Utica National Bank & Trust Company to recover on promissory note for which defendants executed personal guarantees. On August 4, 1983, the defendants filed

a "Complaint of Third Party Plaintiffs" adding the third party defendants. In their motion to dismiss the complaint, the third party defendants contend no jurisdictional basis is stated and the complaint is insufficiently vague.

F.R.Civ.P. 8(a)(1) requires that a pleading which sets forth a claim for relief contain a short, plain statement of the grounds upon which the court's jurisdiction depends. The defendants' complaint lacks such a statement.

In addition, F.R.Civ.P. 9(b) provides:

"In all averments of fraud or mistake, the circumstances constituting fraud or mistake shall be stated with particularity."

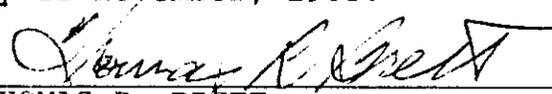
Conclusory allegations or opinions are insufficient when the supporting foundation facts are not set forth in the claim. Bryan v. Stillwater Board of Realtors, 578 F.2d 1319, 1321 (10th Cir. 1977).

Although the defendant's third party complaint alludes to acts of fraud and conspiracy by the third party defendants, there is no specific statement of circumstances or acts. Therefore, the third party complaint is insufficiently vague.

This case is set for jury trial November 21, 1983. Due to the short time frame, the Court will not permit the defendants an opportunity to amend the third party complaint. However, the Court makes no rulings on the merits of defendants' claims against the third party defendants.

The motion to dismiss of the third party defendants is hereby sustained.

ENTERED this 8th day of November, 1983.


THOMAS R. BRETT
UNITED STATES DISTRICT JUDGE

Entered
FILED
-8 1983
DARYL G. SILVER, CLERK
U.S. DISTRICT COURT

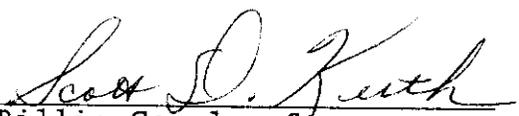
IN THE UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF OKLAHOMA

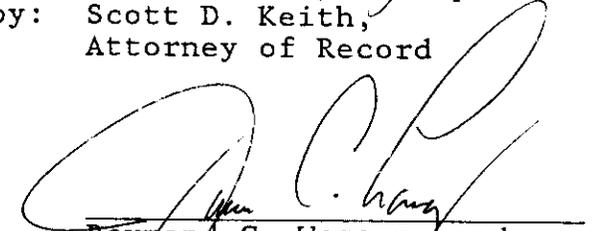
BILLIE CAROLYN STAMPS,
Plaintiff,
vs.
J. C. PENNEY COMPANY, Inc., a
corporation and RAYMOND C.
WASSON, an individual,
Defendants.

No. 82-C-819-B

STIPULATION OF DISMISSAL
WITH PREJUDICE

COME NOW the parties in the above styled and referenced case and stipulate the same, including Plaintiff's claim for intentional infliction of emotional distress, be dismissed with prejudice to refiling.


Billie Carolyn Stamps
by: Scott D. Keith,
Attorney of Record


Raymond C. Wasson, and
J. C. Penney Company, Inc.
by: James C. Lang,
Attorney of Record

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

JERRY L. DeRAMUS,)
)
 Plaintiff,)
)
 vs.)
)
 J. B. HUNT TRANSPORT, INC.)
)
 Defendant.)

No. 83-C-167-E

FILED

NOV 7 1983

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

O R D E R

The Court has before it the motion of the Defendant to transfer pursuant to 28 U.S.C. § 1404(a).

Section 1404(a) provides in pertinent part:

... for the convenience of parties and witnesses, in the interest of justice, a district court may transfer any civil action to any other district or division where it might have been brought.

The burden of establishing that a suit should be transferred is upon the movant and unless the evidence and the circumstances of the case are strongly in favor of the transfer, the Plaintiff's choice of forum should not be disturbed. See Texas Gulf Sulfur Co. vs. Ritter, 371 F.2d 145 (10th Cir. 1967). The choice to transfer lies within the sound judicial discretion of the trial judge, after examination of the particular circumstances of the case. Among the factors to be considered by the Court in this decision are (1) the Plaintiff's choice of forum; (2) the accessibility of witnesses and other sources of proof; (3) the advantage of having a local court determine questions of local

law; (4) relative advantages and obstacles to a fair trial; and (5) all other considerations of a practical nature that make a trial easy, expeditious and economical. Gulf Oil Corporation vs. Gilbert, 330 U.S. 501, 67 S.Ct. 839.

The Defendant argues that the accident occurred in the state of Kansas and that potential witnesses to the accident, five of whom have already been identified, reside within the State of Kansas. The Defendant will call two officers of the Highway Patrol who investigated the accident. Defendant will also call the accident investigator from Crawford & Co., Mr. Shumaker and will call two persons who were either eye witnesses to the incident or arrived shortly thereafter. On the other hand, the Plaintiff is a resident of Oklahoma and has chosen this forum. Plaintiff will adduce medical evidence at trial from witnesses residing in the Northern District of Oklahoma. Also Plaintiff's main treating physician is a resident of Tulsa, Oklahoma.

Although the Plaintiff's choice of forum is entitled to great weight, when none of the operative facts giving rise to the controversy occurred within the Plaintiff's choice of forum such selection is due less value in determining whether or not to transfer. See Pope vs. Missouri-Pacific Railroad Co., 446 F.Supp. 477 (W.D. Okla. 1978).

The Court notes that the trial of this case will be inconvenient to some parties whether tried in Oklahoma or in Kansas. The Court also notes that a mere shift of the inconvenience is not sufficient. Radiation Researchers, Inc. vs. Fischer Industries, 70 F.R.D. 561 (D.C. Okla. 1976). However,

this Court must consider paramount the convenience to the witnesses who will be compelled to testify. The witnesses on the Plaintiff's behalf are witnesses either in the employ of or chosen by the Plaintiff and should be subject to his control in securing their attendance in the forum where the trial will occur. However, witnesses for the Defendant - those already identified and those potentially to be identified - are residents of Kansas and have no connection to the case. Another consideration is the proof that exists in the State of Kansas. In other cases involving accidents in other forums courts have ordered transfer because of the availability of proof there. Pope, supra; Lowry vs. Chicago RI & P Railroad Co., 293 F.Supp. 867 (W.D. Okla. 1968); Koeneke vs. Greyhounds Lines, Inc., 289 F.Supp. 487 (W.D. Okla. 1968); Michell vs. Farrell Lines, Inc., 350 F.Supp. 1325 (E.D. Pa. 1972).

In consideration of the above, this Court finds it proper to transfer this action pursuant to § 1404(a) of Title 28 U.S.C. to the United States District Court for the District of Kansas at Wichita, Kansas.

IT IS THEREFORE ORDERED AND ADJUDGED that the motion of the Defendant to transfer be and hereby is granted.

IT IS FURTHER ORDERED that this action be transferred to the United States District Court for the District of Kansas at Wichita, Kansas.

IT IS FURTHER ORDERED that in view of the transfer of this action the motion of the Plaintiff for permission of the Court to

take videotape depositions of witnesses of the Defendant is moot.

ORDERED this 4th day of November, 1983.



JAMES P. ELLISON
UNITED STATES DISTRICT JUDGE

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

A. G. EDWARDS & SONS, INC.,)
)
Plaintiff,)
)
vs.)
)
STEVEN J. BERNARD,)
)
Defendants.)

No. 83-C-378-E

FILED

NOV - 7 1983

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

ORDER

NOW on this 4th day of November, 1983, the above-styled action comes on for status conference and the parties appeared not.

IT IS THEREFORE ORDERED, ADJUDGED AND DECREED that the case be dismissed without prejudice pursuant to Rule 41(b) for failure of counsel to follow the Order of this Court.



JAMES O. ELLISON
UNITED STATES DISTRICT JUDGE

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

FLORAFAX INTERNATIONAL, INC.)
)
Plaintiff,)
)
vs.)
)
KEN'S FASHIONS IN FLOWERS,)
INC., et al.,)
)
Defendants.)

No. 83-C-532-E ✓

FILED

NOV - 7 1983

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

ORDER

NOW on this 4th day of November, 1983, the above-styled action comes on for status conference and the parties appeared not.

IT IS THEREFORE ORDERED, ADJUDGED AND DECREED that the case be dismissed without prejudice pursuant to Rule 41(b) for failure of counsel to follow the Order of this Court.



JAMES O. ELLISON
UNITED STATES DISTRICT JUDGE

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

NOV 7 1988

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

_____	:	
COMMODITY FUTURES TRADING COMMISSION,	:	Civil Action No.
	:	82-C-449-E
Plaintiff,	:	
	:	
v.	:	ORDER GRANTING PERMANENT
	:	INJUNCTION, AND OTHER
THOMAS V. CARNAGEY, and	:	EQUITABLE RELIEF FOR
VINOTRON SYSTEMS, INC.,	:	VIOLATIONS OF THE
	:	COMMODITY EXCHANGE
Defendants.	:	ACT, AS AMENDED, 7
_____	:	U.S.C. §1 ET SEQ., AND
	:	REGULATIONS THEREUNDER

The plaintiff, Commodity Futures Trading Commission ("Commission") has requested that this Court enter a permanent injunction and other equitable relief against Thomas V. Carnagey ("Carnagey") and Vinotron Systems, Inc. ("Vinotron"), the defendants herein.

Upon consideration of the plaintiff's amended Complaint, the plaintiff's Motion for Summary Judgment with its accompanying memorandum of points and authorities, and the pleadings, memoranda, declarations, affidavits, deposition transcripts, Receiver's Report and all other papers filed in this case; and it appearing that the Court has jurisdiction over the parties and the subject matter; and the Court being fully advised in the premises:

I.

FINDINGS OF FACT

THE COURT HEREBY FINDS THAT:

1. Thomas V. Carnagey ("Carnagey") resides at 4929 East 37th Place, Tulsa, Oklahoma 74135. Carnagey is not registered with the Commission in any capacity.

2. Vinotron Systems, Inc. ("Vinotron"), is an Oklahoma corporation transacting business at 6106 East 32nd Place, Suite 105, Tulsa, Oklahoma 74135. Carnagey is an incorporator and a principal shareholder of Vinotron. Vinotron is not registered with the Commission in any capacity.

3. Beginning in at least August 1979 Carnagey had been involved in the trading of commodity futures contracts on his own behalf.

4. Carnagey opened a commodity futures trading account at Merrill Lynch Pierce Fenner & Smith, Inc. in August 1979. Between August, 1979 and the end of February, 1982, Carnagey's account had a profit of \$198.40.

5. Carnagey opened a commodity futures trading account at Clayton Brokerage Co. of St. Louis, Inc. in May, 1980. Between May, 1980 and the end of February, 1982, Carnagey's account had a loss of \$131,008.48.

6. Carnagey opened a commodity futures trading account at Conticommodity Services, Inc. in November, 1981. Between November, 1981 and the end of February, 1982, Carnagey's account had a loss of \$15,298.65.

7. Carnagey opened a commodity futures trading account at Smith Barney, Harris Upham & Co. in February, 1982. Between February 1, 1982 and February 25, 1982, Carnagey's account had a loss of \$10,295.25.

8. On February 4, 11, and 18, 1982, Carnagey placed the following advertisement in the Wall Street Journal:

T-BOND FUTURES SYSTEM
\$90,000 profit produced in
20 months trading 1 contract.
\$10,000 minimum account. Track
record available. Call Tom
Carnagey 1-800/331-3985

9. Carnagey also placed the following advertisement in the February and March, 1982 issues of Commodities magazine:

T-BOND FUTURES TRADING SYSTEM
\$90,000 profit produced in last
20 months trading 1 contract. Over
\$4,200/month average since January
1979. Minimum account \$10,000
Call Tom Carnagey 1-800/331-3985

10. The Wall Street Journal and Commodities magazine advertisements solicited participants for a partnership which would pool funds for investment in commodity futures contracts.

11. As a result of the advertisements, Carnagey received numerous telephone inquiries from potential investors.

12. In response to those inquiries, Carnagey mailed copies of the following documents, all under Vinotron letterhead, to approximately 50 to 60 persons: a Partnership Agreement form, a Risk Disclosure Statement, a New Account Worksheet, a form entitled "Composition of Net Worth", and a purported trading track record which ostensibly supported the claims made in the Wall Street Journal and Commodities magazine advertisements.

13. Carnagey and Vinotron have neither sought nor been granted registration by the Commission as commodity pool operators or in any other capacity.

14. Carnagey and Vinotron did not furnish potential investors with a written statement describing any applicable exemptions to registration with the Commission.

15. Carnagey's actual trading at the four brokerage houses discussed in paragraphs 4 through 7 above did not achieve a \$90,000 profit over a 20 month period, or an average profit of \$4,200 per month since January 1979, as claimed in the Wall Street Journal and Commodities magazine advertisements and as represented in the purported track record sent to potential investors.

16. Carnagey admitted to Randall J. Hobbs, a Commission auditor, that the \$90,000 in profits which he described

in his advertisements was based upon a system which he hypothetically traded on paper and which did not represent the results of actual trades.

17. Carnagey and Vinotron did not accompany the track record sent to potential investors with a statement concerning the limitations of hypothetical or simulated performance results.

18. At least nine persons invested a total of at least \$96,000 with Carnagey and Vinotron.

19. Some of the investors' money was either lost in trading or was used for the payment of commissions for trades made in one or more of the following three trading accounts: an account at Conticommodity Services, Inc. in the names of Thomas V. Carnagey and Linda Rae Swainston; an account at Smith Barney, Harris Upham & Company in the name of Thomas V. Carnagey; and an account at Eastern Capital Corporation in the name of Linda Rae Swainston.

20. The balance of the investors' money (minus approximately \$4,300 which remained in the account at Eastern Capital Corporation and four bank accounts) was dissipated by Carnagey through checking accounts which Carnagey and Vinotron used for personal and business expenses.

21. During March and April 1982, Carnagey sent account statements to investors which indicated that specified trades had been made for their accounts when certain of these trades had not in fact been executed.

22. Unless Carnagey and Vinotron are permanently enjoined, there exists a reasonable likelihood that the defendants will continue to engage in the acts or practices described above or in similar acts or practices in violation of the Commodity Exchange Act and the Regulations thereunder.

II.

CONCLUSIONS OF LAW

THE COURT HEREBY CONCLUDES THAT:

1. At various times between February 4, 1982 and the present, Carnagey and Vinotron directly or indirectly, solicited, accepted or received funds, securities or other property from prospective participants in a pool that they operated or that they intended to operate without, on or before the date that they engaged in that activity, delivering or causing to be delivered to the prospective participants a signed statement describing any exemption pursuant to which they need not register as commodity pool operators and stating as follows:

The commodity pool operator of this pool is not required to register, and has not registered, with the Commodity Futures Trading Commission. Therefore, unlike a registered commodity pool operator, this commodity pool operator is not required by the Commission to furnish a Disclosure Document, periodic Account Statements, and an Annual Report to participants in the pool.

Therefore, Carnagey and Vinotron have violated Section 4m of the Act, 7 U.S.C. §6m, and Regulation 4.13(b)(1), 17 C.F.R. §4.13(b)(1).

2. At various times between February 4, 1982 and the present, Carnagey and Vinotron, by use of the mails or other means or instrumentalities of interstate commerce, directly or indirectly, have advertised or are advertising in a manner which employs devices, schemes, or artifices to defraud participants or prospective participants in a commodity pool; or which involves transactions, practices, or courses of business which operate as a fraud or deceit upon participants or prospective participants in a commodity pool, in that they have represented, both in newspaper and magazine advertisements, and in a purported track record distributed to potential pool participants, that a T-Bond futures trading system had produced a \$90,000 profit in 20 months and had produced an average profit of over \$4,200 per month since January 1979, when in fact Carnagey and Vinotron have not earned any such profits in trading commodity futures. Therefore, Carnagey and Vinotron have violated

Section 4o(1) of the Act, 7 U.S.C. §6o(1), and Regulation 4.41(a), 17 C.F.R. §4.41(a).

3. At various times between February 4, 1982 and the present, Carnagey and Vinotron presented the performance of simulated or hypothetical commodity interest accounts, transactions in commodity interests or a series of transactions in commodity interests of Carnagey or Vinotron, without accompanying such presentations with the following statement:

Hypothetical or simulated performance results have certain inherent limitations. Unlike an actual performance record, simulated results do not represent actual trading. Also, since the trades have not actually been executed, the results may have under- or-over compensated for the impact, if any, of certain market factors, such as lack of liquidity. Simulated trading programs in general are also subject to the fact that they are designed with the benefit of hindsight. No representation is being made that any account will or is likely to achieve profits or losses similar to those shown.

Therefore, Carnagey and Vinotron have violated Section 4o(1) of the Act, 7 U.S.C. §6o(1), and Regulation 4.41(b), 17 C.F.R. §4.41(b).

4. At various times between January, 1982 and the present, Carnagey and Vinotron by use of the mails or other means or instrumentalities of interstate commerce, directly or indirectly, employed devices, schemes, or artifices to defraud clients or participants or prospective clients or

participants; or engaged in transactions, practices, or courses of business which operated as a fraud or deceit upon clients or participants or prospective clients or participants, in that they received funds from various persons for the purpose of investment in commodity futures and they misappropriated some of those funds to their own use. Therefore, Carnagey and Vinotron have violated Section 40(1) of the Act, 7 U.S.C. §60(1).

5. At various times between March, 1982 and the present, Carnagey and Vinotron by use of the mails or other means or instrumentalities of interstate commerce, directly or indirectly, employed devices, schemes, or artifices to defraud clients or participants or prospective clients or participants; or engaged in transactions, practices, or courses of business which operated as a fraud or deceit upon clients or participants or prospective clients or participants, in that they mailed account statements to various investors which represented that certain trades had been executed on their behalf when at least some of these trades had not, in fact, been executed. Therefore, Carnagey and Vinotron have violated Section 40(1) of the Act, 7 U.S.C. §60(1).

III.

RELIEF

THEREFORE, IT IS HEREBY ORDERED THAT:

A. Defendants and their officers, directors, subsidiaries, affiliates, agents, servants, employees, successors, attorneys, or assigns, and persons in active concert or participation with them who receive actual notice of this Order by personal service or otherwise, and each of them be, and are, hereby permanently enjoined from directly or indirectly:

1. Soliciting, accepting or receiving funds, securities or other property from prospective participants in a pool that Carnagey or Vinotron operates or that they intend to operate without, on or before the date that they engage in that activity, delivering or causing to be delivered to the prospective participants a written manually signed statement describing any applicable exemption pursuant to which they are not registered as commodity pool operators and containing the language required by Regulation 4.13(b)(1), 17 C.F.R. §4.13(b)(1).
2. Using the mails or other means or instrumentalities of interstate commerce, directly or indirectly, to advertise in a manner which employs devices, schemes, or artifices to defraud participants or prospective participants in a commodity pool, or which involves transactions, practices, or courses of business which operate as a fraud or deceit upon participants or prospective participants in a commodity pool in violation of Section 40(1) of the Act, 7 U.S.C. §60(1), and Regulation 4.41(a), 17 C.F.R. §4.41(a).

3. Presenting the performance of simulated or hypothetical commodity interest accounts, transactions in commodity interests or series of transactions in commodity interests without accompanying any such presentation with the language required by Regulation 4.41(b), 17 C.F.R. §4.41(b).
4. Using the mails or other means or instrumentalities of interstate commerce, directly or indirectly, to employ devices, schemes, or artifices to defraud clients or participants or prospective clients or participants; or to engage in transactions, practices, or courses of business which operate as a fraud or deceit upon clients or participants or prospective clients or participants in a commodity pool in violation of Section 4o(1) of the Act, 7 U.S.C. §6o(1).

B. Defendants shall continue to allow representatives of the Commission access to the business premises of the defendants during normal business hours and shall allow such representatives to inspect or immediately copy the books, records and other documents of the defendants wherever they may be situated and whether they are in the hands of defendants or others.

C. Defendants and any of their officers, directors, subsidiaries, affiliates, agents, servants, employees, successors, attorneys, or assigns, and persons in active concert or participation with them who receive actual notice of this Order by personal service or otherwise, shall be prohibited from destroying, mutilating, concealing, altering or disposing of, in any manner, any of the books, records,

documents, correspondence, brochures, manuals, or other property of the defendants until further order of this Court.

D. Gary C. Clark is hereby appointed Equity Receiver of Carnagey and Vinotron and all duties, rights, and privileges granted to him by the June 4, 1982 Order appointing him as Temporary Equity Receiver, as modified by the Order of October 25, 1982, shall remain in full force and effect.

E. All provisions of the Order entered by this Court on October 25, 1982, including those which require disgorgement by the defendants of the total amounts invested with them by the persons named therein, shall remain in full force and effect.

F. Defendants and any of their officers, directors, subsidiaries, affiliates, agents, servants, employees, successors, attorneys, or assigns, or any other person or entity in active concert or participation with defendants who receives actual notice of this Order by personal service or otherwise, are prohibited from directly or indirectly soliciting or accepting any new pool participants or any new deposits of funds from existing pool participants unless and until they comply with all applicable provisions of the Commodity Exchange Act and of the Regulations thereunder.

G. Defendants and any of their officers, directors, subsidiaries, affiliates, agents, servants, employees, successors, attorneys, or assigns, or any other person or entity in active concert or participation with defendants who receives actual notice of this Order by personal service or otherwise, are prohibited from directing or causing to be executed trades or contracts on behalf of any commodity pools, except for the purpose of liquidating any existing positions, unless and until they comply with all applicable provisions of the Commodity Exchange Act and of the Regulations thereunder.

H. This Court shall retain jurisdiction of this cause to assure compliance with this Order.

Issued on Nov 4, 1983, at 3:55 P.M.

S/ JAMES O. ELLISON
UNITED STATES DISTRICT JUDGE

Entered

FILED

IN THE UNITED STATES DISTRICT COURT 1983-7-1033

FOR THE NORTHERN DISTRICT OF OKLAHOMA
DORIS A. SILVER, CLERK
DISTRICT COURT

COMPRESSOR SYSTEMS, INC.)
)
 Plaintiff,)
)
 vs.)
)
 NEW PETROLEUM CORPORATION,)
)
 Defendant.)

No. 83-C-524-B

ORDER OF DISMISSAL

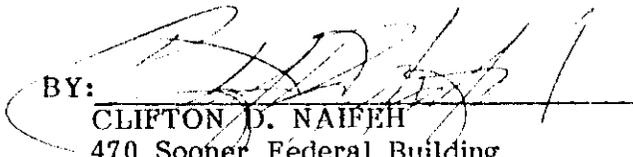
NOW on this 4th day of November, 1983, the above-styled and numbered cause coming on for hearing before the Court upon the Stipulation for Order of Dismissal of the Plaintiff and Defendant; and the Court, having fully examined the Stipulation for Order of Dismissal between the Plaintiff and Defendant and being well and fully advised in the premises, is of the opinion that the action should be dismissed without prejudice as to the filing of a future action upon the balance of the contract for the reason that the parties have settled their differences under the contract through October 31, 1983.

IT IS THEREFORE ORDERED, ADJUDGED AND DECREED by the Court that Plaintiff's cause of action be and the same is hereby dismissed without prejudice to all future actions against the Defendant under the contract involved herein for future claims from and after October 31, 1983.

S/ THOMAS R. BRETT
UNITED STATES DISTRICT JUDGE

APPROVED:

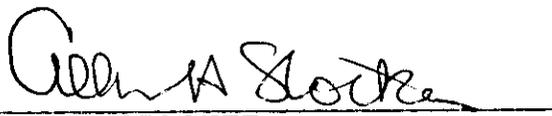
MILLER & NAIFEH

BY: 

CLIFTON D. NAIFEH
470 Sooner Federal Building
Norman, Oklahoma 73069
(405) 329-8031

ATTORNEYS FOR PLAINTIFF

BASSETT, STOCKER & BOYCE

BY: 

ALLAN H. STOCKER
P. O. Box 547
Bartlesville, Oklahoma 74005
(918) 336-0380

ATTORNEYS FOR DEFENDANT

Entered

FILED

NOV -7 1983

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

DAK C. SILVER, CLERK
U.S. DISTRICT COURT

ROY HOUSOUER,)	
)	
Plaintiff,)	
)	
vs.)	No. 83-C-534-B
)	
PRUDENTIAL INSURANCE)	
COMPANY OF AMERICA,)	
)	
Defendant.)	

ORDER OF DISMISSAL

On this 3rd day of November, 1983, upon written application of the parties for an Order of Dismissal with prejudice of the Complaint and all causes of action, the Court having examined said application, finds that said parties have entered into a compromise settlement covering all claims in the Complaint and have requested the Court to dismiss the Complaint with prejudice to any further action, and the Court being fully advised in the premises, finds that said Complaint should be dismissed.

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

S/ THOMAS R. BRETT

U.S. District Judge

Entered

UNITED STATES DISTRICT COURT FOR THE
NORTHERN DISTRICT OF OKLAHOMA

FILED

NOV -7 1983

UNITED STATES OF AMERICA,)
)
 Plaintiff,)
)
 v.)
)
 SANDY W. EASTER;)
 ERNIE MARLER, d/b/a MARLER)
 PLUMBING; COUNTY TREASURER,)
 Tulsa County, Oklahoma; and)
 BOARD OF COUNTY COMMISSIONERS,)
 Tulsa County, Oklahoma,)
)
 Defendants.)

CLERK
COURT

CIVIL ACTION NO. 83-C-675-B

JUDGMENT OF FORECLOSURE

THIS MATTER COMES on for consideration this 7th day
of November, 1983. The Plaintiff appearing by Frank Keating,
United States Attorney for the Northern District of Oklahoma,
through Nancy A. Nesbitt, Assistant United States Attorney; the
Defendant, Ernie Marler, d/b/a Marler Plumbing, appearing by his
attorney, J. Bradford Griffith; the Defendants, County Treasurer,
Tulsa County, Oklahoma, and Board of County Commissioners, Tulsa,
Oklahoma, appearing by their attorney, David A. Carpenter,
Assistant District Attorney; and the Defendant, Sandy W. Easter,
appearing not.

The Court being fully advised and having examined the
file herein finds that Defendant, Sandy W. Easter, acknowledged
receipt of Summons and Complaint on September 14, 1983; that the
Defendant, County Treasurer, Tulsa County, Oklahoma, acknowledged
receipt of Summons and Complaint on August 5, 1983; and that the
Defendants, Ernie Marler, d/b/a Marler Plumbing, and Board of

County Commissioners, Tulsa County, Oklahoma, have not acknowledged receipt of Summons and Complaint.

It appears that the Defendant, Ernie Marler, d/b/a Marler Plumbing, filed his Answer and Cross-Claim herein on August 19, 1983; that the Defendants, County Treasurer, Tulsa County, Oklahoma, and Board of County Commissioners, Tulsa County, Oklahoma, filed their Answers herein on August 19, 1983; and that the Defendant, Sandy W. Easter, has failed to answer the Complaint or otherwise plead and that her default has therefore been entered by the Clerk of this Court.

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

Lot Eight (8), Block Two (2), IMPERIAL ESTATES, an Addition to the City of Tulsa, Tulsa County, State of Oklahoma, according to the recorded Plat thereof.

THAT the Defendant, Sandy W. Easter, did on the 22nd day of December, 1982, execute and deliver to the United States of America acting through the Administrator of Veterans Affairs, her mortgage and mortgage note in the sum of \$80,000.00 payable in monthly installments with interest thereon at the rate of twelve (12) percent per annum.

The Court further finds that Defendant, Sandy W. Easter, made default under the terms of the aforesaid promissory note by reason of her failure to make the monthly installments due thereon, which default has continued and that by reason

thereof the above-named Defendant is indebted to the Plaintiff in the sum of \$80,000.00 as of January 1, 1983, plus interest thereafter at the rate of twelve (12) percent per annum, plus the costs of this action accrued and accruing.

The Defendant, Ernie Marler, d/b/a Marler Plumbing, has an interest in the above-described real property by virtue of a Material or Mechanic's Lien in the amount of \$49.50. Said lien is junior and inferior to the mortgage lien of the Plaintiff.

The Defendant, County Treasurer, Tulsa County, Oklahoma, has an interest in the above-described real property by virtue of real estate taxes for the years none in ^{oac} the amount of \$ 0.00 now due and owing and unpaid, which are ^{oac} a lien against said real property. Said lien is prior and superior to the mortgage of the Plaintiff.

IT IS THEREFORE ORDERED, ADJUDGED, AND DECREED that the Plaintiff have and recover judgment against the Defendant, Sandy W. Easter, in the sum of \$80,000.00 as of January 1, 1983, plus interest thereafter at the rate of twelve (12) percent per annum, plus the costs of this action accrued and accruing.

IT IS FURTHER ORDERED, ADJUDGED, AND DECREED that the Defendant, Ernie Marler, d/b/a Marler Plumbing, have and recover judgment against the Defendant, Sandy W. Easter, in the sum of \$49.50, plus a reasonable attorney's fee.

IT IS FURTHER ORDERED, ADJUDGED, AND DECREED that upon the failure of the previously named Defendant to satisfy the money judgments herein, an Order of Sale shall be issued to the United States Marshal for the Northern District of Oklahoma,

commanding him to advertise and sell with appraisalment the real property herein, and apply the proceeds thereof as follows:

First:

In payment of the costs of this action, accrued and accruing, including the costs of sale;

Second:

In payment of the real estate taxes assessed against the subject real property in the amount of \$ 0.00^{DAE};

Third:

In payment of the judgment rendered herein in favor of Plaintiff;

Fourth:

In payment of the judgment rendered herein in favor of the Defendant, Ernie Marler, d/b/a Marler Plumbing.

The surplus from said sale, if any, shall be deposited with the Clerk of Court to await further order of the Court.

IT IS FURTHER ORDERED, ADJUDGED, AND DECREED that from and after the sale of the above-described real property, under and by virtue of this judgment and decree, the Defendants and all persons claiming under them since the filing of the Complaint herein be and they are forever barred and foreclosed of any

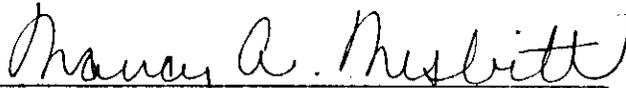
right, title, interest or claim in or to the subject real property or any part thereof.



UNITED STATES DISTRICT JUDGE

APPROVED AS TO FORM AND CONTENT:

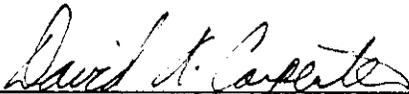
FRANK KEATING
United States Attorney



NANCY A. NESBITT
Assistant United States Attorney



J. BRADFORD GRIFFITH
Attorney for Defendant,
Ernie Marler, d/b/a
Marler Plumbing



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

Entered

FILED

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

NOV -4 1983

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

THOMAS CADILLAC, INC.,)
a Missouri corporation,)
)
Plaintiff,)
)
vs.)
)
RONALD KRAG,)
)
Defendant.)
)
)

Case No. 83-C- 718-B

Dismissal With Prejudice

COMES NOW the Plaintiff, Thomas Cadillac Inc., by
and through its attornneys of record, Oliver & Evans, Inc.
and hereby dismisses with prejudice the above captioned
matter pursuant to Rule 41 A-1 of the Federal Rules of
Civil Pocedure.

Oliver & Evans, Inc.

Larry L. Oliver
Larry L. Oliver

CERTIFICATE OF MAILING

I hereby certify the on the _____ day of _____
1983, a true and correct copy of the Plaintiff's
Dismissal with Prejudice was mailed with proper
postage affixed thereto to S.M. Fallis Jr. 124 E.
4th Tulsa, Ok 74103: Attorney for Defendant
Ronald Krag.

Larry L. Oliver

Entered

UNITED STATES DISTRICT COURT FOR THE
NORTHERN DISTRICT OF OKLAHOMA

FILED
11-4-83

UNITED STATES OF AMERICA,

Plaintiff,

vs.

RONNIE J. LEWIS,

Defendant.

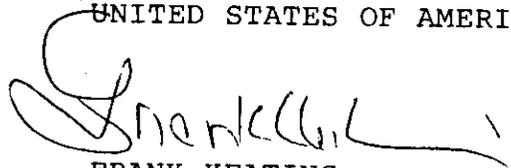
CIVIL ACTION NO. 83-C-876-B

NOTICE OF DISMISSAL

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

Dated this 4th day of November, 1983.

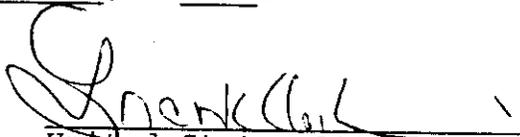
UNITED STATES OF AMERICA



FRANK KEATING
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 4 day of November, 1983.


United States Attorney

Entered

UNITED STATES DISTRICT COURT FOR THE
NORTHERN DISTRICT OF OKLAHOMA

FILED
NOV -4 1983
JACK C. SILVER, CLERK
U.S. DISTRICT COURT

UNITED STATES OF AMERICA,)
)
 Plaintiff,)
)
 vs.)
)
 JOHN W. DILLINGER,)
)
 Defendant.) CIVIL ACTION NO. 83-C-615-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 as the Defendant has produced the documents and records sought by the Internal Revenue Service Summons which is the subject of this action.

Dated this 4th day of November, 1983.

UNITED STATES OF AMERICA

FRANK KEATING
United States Attorney

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

CERTIFICATE OF SERVICE

The undersigned certifies that a true copy of the foregoing pleading was served on each of the parties hereto by mailing the same to them or to their attorneys of record on the 4th day of November, 1983.

Nancy A. Nesbitt
Assistant United States Attorney

UNITED STATES DISTRICT COURT FOR THE
NORTHERN DISTRICT OF OKLAHOMA

FILED
NOV - 4 1983
JACK O. SHANKS, CLERK
U.S. DISTRICT COURT

UNITED STATES OF AMERICA,)

Plaintiff,)

vs.)

RONALD D. HAMILTON,)

Defendant.)

CIVIL ACTION NO. 83-C-874-E

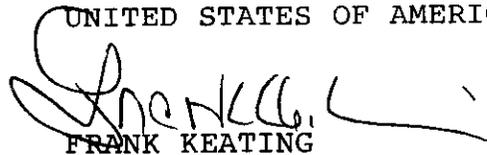
NOTICE OF DISMISSAL

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

Defendant has paid in full the indebtedness, the subject matter of this action.

Dated this 4 day of November, 1983.

UNITED STATES OF AMERICA



FRANK KEATING
United States Attorney
460 U.S. Courthouse
Tulsa, Oklahoma 74103
(918) 581-7463

CERTIFICATE OF SERVICE

This is to certify that on the 4 day of November, 1983, a true and correct copy of the foregoing was mailed, postage prepaid thereon, to:

Ronald D. Hamilton
Route 1, Box 90
Salina, Oklahoma 74365


United States Attorney

UNITED STATES DISTRICT COURT FOR THE
NORTHERN DISTRICT OF OKLAHOMA

FILED

NOV - 4 1983

UNITED STATES OF AMERICA,)
)
 Plaintiff,)
)
 vs.)
)
 JOSEPH B. LOWE,)
)
 Defendant.)

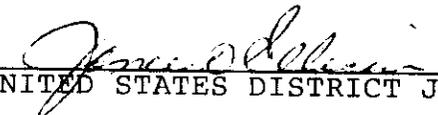
**Jack C. Silver, Clerk
U. S. DISTRICT COURT**

CIVIL ACTION NO. 83-C-517-E

O R D E R

Now on this 4th day of November, 1983, it appears that the Defendant in the captioned case has not been located within the Northern District of Oklahoma, and therefore attempts to serve him have been unsuccessful.

IT IS THEREFORE ORDERED that the Complaint against Defendant, Joseph B. Lowe, be and is dismissed without prejudice.


UNITED STATES DISTRICT JUDGE

Interested

FILED

NOV -4 1983

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

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

EDDIE LEE HIBBS and DARLENE
HIBBS,)
)
)
Plaintiffs,)
)
)
vs.)
)
)
FIREMAN'S FUND INSURANCE)
COMPANY, a foreign corporation,)
)
Defendant.)

NO. 82-C-718-B

STIPULATION OF DISMISSAL

COME NOW the plaintiffs and defendant and state to the Court that this action can be dismissed with prejudice for the reasons that the parties have reached a compromise and settlement of this matter. It has been determined by the parties that if the case were tried to a jury, the plaintiffs could conceivably receive a verdict in excess of the defendant's \$30,000.00 per person uninsured motorist coverage. Also, it is acknowledged by the parties that the pre-judgment interest to the date of this Stipulation of Dismissal is approximately \$5,400.00. Also, both acknowledging that the defendant has potential subrogation rights, since it has paid Workers' Compensation payments to the plaintiff, Eddie Lee Hibbs, the parties have compromised and settled this matter for a sum of SEVENTEEN THOUSAND TWO HUNDRED FIFTY DOLLARS AND NO/100 (\$17,250.00) taking all of the above and all circumstances into consideration. Therefore, the parties request that this matter be dismissed with prejudice for the reasons set out above.

John Harlan
JOHN HARLAN
Attorney for Plaintiffs
KNIGHT, WAGNER, STUART, WILKERSON & LIEBER

Stephen C. Wilkerson
Stephen C. Wilkerson
Attorney for Defendant

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

FILED

NOV - 4 1983

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

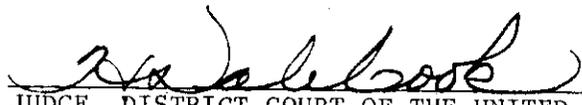
BILL A. CHASTAIN,)
)
Plaintiff,)
)
vs.)
)
TULSA SAND COMPANY, an)
Oklahoma Corporation,)
)
Defendant,)

NO. 83-C-569-~~PC~~

ORDER OF DISMISSAL

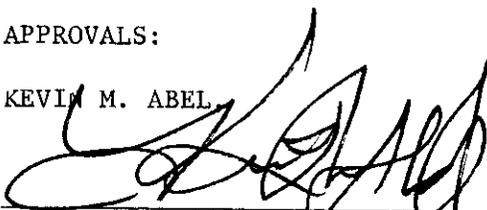
ON this 4th day of November, 1983, upon the written application of the parties for a Dismissal with Prejudice of the Complaint and all causes of action, the Court having examined said application, finds that said parties have entered into a compromised settlement covering all claims involved in the Complaint 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 are dismissed with prejudice to any future action.

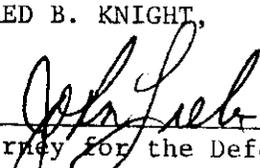


JUDGE, DISTRICT COURT OF THE UNITED STATES
NORTHERN DISTRICT OF OKLAHOMA

APPROVALS:

KEVIN M. ABEL


Attorney for the Plaintiff,

ALFRED B. KNIGHT,


Attorney for the Defendant.

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

BROTHERHOOD OF CARPENTERS)
AND JOINERS OF AMERICA, et al.,)
)
Plaintiff,)
)
vs.)
)
ROY J. HANNAFORD COMPANY,)
INC., a corporation,)
)
Defendant.)

No. 81-C-82-E

FILED
SEP -4 1983
JERRY C. SILVER, CLERK
DISTRICT COURT

FINDINGS OF FACT
AND
CONCLUSIONS OF LAW

This bench trial was tried to the Court on September 6, 1983. The Court, after consideration of the evidence, legal authorities and arguments of counsel enters the following findings of fact and conclusions of law.

FINDINGS OF FACT

1. Plaintiff is a local union representing carpenters and joiners and other individuals engaged in the construction business. At all times material to these proceedings the Plaintiff has been a labor organization representing employees in an industry affecting commerce, as defined in §2(5) of the National Labor Relations Act. Its officers and agents represent and act for employee members of the union within this judicial district.
2. Defendant is an Oklahoma corporation primarily engaged

in the construction business with its principal place of business at Tulsa, Oklahoma within the Northern District.

3. At all times material to the issues Defendant was an employer within the meaning of §301 and §2(2) of the National Labor Relations Act (29 U.S.C. §185 and 29 U.S.C. §142(2)). The Carpenters Health and Welfare Fund is an unincorporated association doing business as a trust under Oklahoma statutes and acts through its trustees.
4. The Oklahoma Chapter-Builders Division, The Associated General Contractors of America, Inc. ("AGC") is a bargaining association dealing with numerous employers which has for many years been engaged in representing employers in collective bargaining negotiations with various unions throughout the Northern District of Oklahoma.
5. Defendant has never been a member of the AGC.
6. The parties entered into a Memorandum Agreement on or about April 2, 1973, under the terms of which Defendant agreed to be bound by whatever contract would be entered into between the Plaintiff and the Associated General Contractors of Oklahoma. (Defendant's Exhibit 1). The agreement states that it will continue in force and effect for a period of one year and from June 1 to June 1 of any subsequent year and that the agreement could be terminated by either party with written notice of not

less than sixty (60) days before June 1 of any given year.

7. During June and July of 1974, during a time span of approximately forty-five (45) days the Plaintiff was engaged in a strike against the AGC because the contract between those parties had terminated as of June 1, 1974. Defendant on or about June 18, 1974 sent a letter (Plaintiff's Exhibit No. 2) to Plaintiff agreeing to abide by any agreement that might be established between AGC and the Plaintiff in exchange for the Plaintiff's promise not to strike the Defendant company.
8. On July 10, 1974, Plaintiff and AGC entered into a contract which was effective retroactively from June 1, 1974 through June 1, 1975.
9. Defendant's employees who were members of Plaintiff union were covered by the collective agreement reflected in the letter dated June 18, 1974 (Defendant's Exhibit No. 3) and by the collective agreement between Plaintiff and the AGC which was retroactively effective from June 1, 1974 through June 1, 1975 (Defendant's Exhibit No. 4).
10. Prior to the commencement of this action, Defendant had not sent notice to terminate the Memorandum Agreement of April 2, 1973 as provided by the terms of that agreement.
11. From 1973 until November 12, 1980, the Defendant complied with the terms and provisions of each Union-AGC

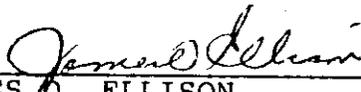
- contract, including payment of benefits and wages as required by those contracts (Plaintiff's Exhibit No. 10).
12. Plaintiff claims that on or about November 12, 1980, the Defendant breached its contract with Plaintiff by contracting with and using subcontractors who are not signatory to the AGC contract.
 13. The dispute between the parties as to the interpretation or performance under the terms of the collective agreement was the subject of binding arbitration.
 14. The issue raised in this action is whether Defendant violated a subcontracting clause. Such an issue constitutes a difference of opinion between the parties over the interpretation of or performance of the collective agreement.

CONCLUSIONS OF LAW

1. This Court has jurisdiction over the subject matter and the parties of this action (28 U.S.C. §185).
2. Plaintiff's sole remedy under the terms of the collective agreement is submission of the dispute to the contractual remedy of binding arbitration. Republic Steel Corp. v. Maddox, 379 U.S. 650, 13 L.Ed.2d 580, 85 S.Ct. 614 (1965).
3. The question of whether there has been a violation of a

subcontracting clause is an arbitral dispute under the terms of the collective agreement between the parties. United Steel Workers of America v. Warrior & Gulf Navigation Co., 363 U.S. 574, 582-583, 46 LRRM 2416; Brotherhood of Locomotive Firemen and Enginemen, Lodge 844 v. Kennecott Copper Corporation, 338 F.2d 224, 226, 57 LRRM 2530 (10th Cir, 1964).

DATED this 4th day of ^{November}~~October~~, 1983.



JAMES D. ELLISON
UNITED STATES DISTRICT JUDGE

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

FILED

NOV - 4 1983 pt

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

ANNA V. CHASTAIN,)
)
Plaintiff,)
)
vs.)
)
TULSA SAND COMPANY, an)
Oklahoma Corporation,)
)
Defendant.)

NO. 83-C-567-C ✓

ORDER OF DISMISSAL

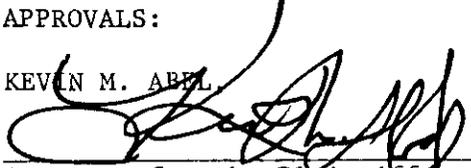
ON this 4th day of November, 1983, upon the written application of the parties for a Dismissal with Prejudice of the Complaint and all causes of action, the Court having examined said application, finds that said parties have entered into a compromised settlement covering all claims involved in the Complaint 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 are dismissed with prejudice to any future action.

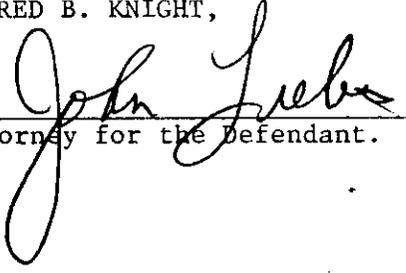


JUDGE, DISTRICT COURT OF THE UNITED STATES
NORTHERN DISTRICT OF OKLAHOMA

APPROVALS:

KEVIN M. ABEL


Attorney for the Plaintiff,

ALFRED B. KNIGHT,


Attorney for the Defendant.

NOV 3 1983

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

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

RICHARD L. DALE,)
)
 Plaintiff,)
)
 vs.)
)
 LESLIE MARIE LOCKE and)
 LEON OTIS BRIGGS,)
)
 Defendants.)

No. 82-C-719-E

JUDGMENT DISMISSING ACTION
BY REASON OF SETTLEMENT

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

IT IS ORDERED that the action is dismissed without prejudice. The Court retains complete jurisdiction to vacate this Order and to reopen the action upon cause shown within thirty (30) days that settlement has not been completed and further litigation is necessary.

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

DATED this 3RD day of November, 1983.



JAMES O. ELLISON
UNITED STATES DISTRICT JUDGE

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

FILED

JAMES EDWARD CLAYTON,)
)
 Plaintiff,)
)
 vs.)
)
 SGT. DON FISHER,)
 et al.,)
)
 Defendants.)

NOV -2 1983
W. G. SILVER, CLERK
DISTRICT COURT

No. 82-C-451-C

STIPULATION TO DISMISSAL UNDER
RULE 41

COMES NOW, Rick S. Passo, attorney for the defendants in the above styled case hereby agrees to Rule 41(a) that this matter be dismissed with prejudice in accordance to the Motion to Dismiss filed by James Edward Clayton.

It is understood that the plaintiff is not responsible for the cost of this litigation and that no attorney fees shall be awarded for bringing this action to either party.

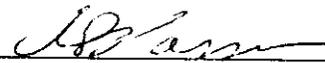
WHEREFORE, premises considered, defendant joins in the Motion to dismiss the above styled cause with prejudice in all things.



Rick S. Passo
Assistant City Attorney
200 Civic Center, Room 1012
Tulsa, OK 74103

CERTIFICATE OF MAILING

I, Rick S. Passo, hereby certify that I did on this 1 day of November, 1983, mail a true, correct and exact copy of the above and foregoing Stipulation with proper postage thereon applied, to: James Edward Clayton, Oklahoma State Penitentiary, P. O. Box 97, McAlester, OK 74501.



FILED

NOV 2 1983

UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF OKLAHOMA

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

ROBIN CHERNAK,
Plaintiff,

v.

CIVIL ACTION NO. 83-C-391-E

SOUTHWEST AIRLINES CO.
and the INTERNATIONAL
ASSOCIATION OF MACHINISTS
and AEROSPACE WORKERS,
AIRLINE DISTRICT 146,

Defendants.

CONFIDENTIAL

ORDER OF DISMISSAL

On October 31, 1983, came on for consideration the Motion to Dismiss of Defendant Southwest Airlines Co. The Court having fully considered the matter and it appearing that reasonable grounds therefor exist,

It is hereby ORDERED that the Motion to Dismiss of Defendant Southwest Airlines Co. be and hereby is GRANTED. Costs of Southwest, if any, shall be assessed against Plaintiff.

DATED this 2nd day of Nov, 1983.

S/ JAMES O. ELLISON
UNITED STATES DISTRICT JUDGE

APPROVED AS TO FORM:



THOMAS D. FRAZIER
Frazier, Frazier & Gullekson
717 South Houston, Suite 400
Tulsa, Oklahoma 74101
Attorney for Plaintiff



J. JOE HARRIS
Manitzas, Harris & Padgett
1100 NBC Building
San Antonio, Texas 78205
Attorney for Defendant

FILED

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

NOV 2 1983

ROBERT CHARLES HELBUSH,)
)
 Plaintiff,)
)
 vs.) No. 81-C-876-E
)
 FORD MOTOR COMPANY, a)
 foreign corporation,)
)
 Defendant.)

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

JUDGMENT DISMISSING ACTION
BY REASON OF SETTLEMENT

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

IT IS ORDERED that the action is dismissed without prejudice. The Court retains complete jurisdiction to vacate this Order and to reopen the action upon cause shown within thirty (30) days that settlement has not been completed and further litigation is necessary.

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

DATED this 2d day of November, 1983.



JAMES O. ELLISON
UNITED STATES DISTRICT JUDGE

FILED

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

NOV 2 1983

AUDREY CARTER,)
)
) Plaintiff,)
)
)
) v.)
)
)
) RICHARD S. SCHWEIKER, Secretary)
 of Health and Human Services,)
)
) Defendant.)

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

No. 82-C-725-E

O R D E R

The Court has for consideration the Findings and Recommendations of the Magistrate filed on October 17, 1983, in which it is recommended that this case be remanded to the Secretary for further administrative proceedings. No exceptions or objections have been filed and the time for filing such exceptions or objections has expired.

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

It is hereby Ordered that this case be remanded to the Secretary for further proceedings consonant with the Findings and Recommendations of the Magistrate.

Dated this 17th day of October, 1983.



JAMES D. ELLISON
UNITED STATES DISTRICT JUDGE

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

FILED
NOV -2 1983
WALKER C. SILVER, CLERK
U.S. DISTRICT COURT

OTTIS MOORE,)
)
 Plaintiff,)
)
 vs.) No. 83-C-284-C
)
 TIM WEST, et al.,)
)
 Defendants.)

O R D E R

Now before the Court for its consideration is the Motion of the defendants to Dismiss pursuant to Rule 12(b)(6) for failure to state a claim upon which relief can be granted for the reason that the Complaint fails to allege that the defendants were personally involved in the actions of which plaintiff complains, and that the complaint fails to set forth facts showing a deprivation of constitutional rights. Also before the Court is the Special Report prepared by the Department of Corrections at the request of the Court pursuant to Martinez v. Aaron, 570 F.2d 317 (10th Cir. 1978), and Martinez v. Chavez, 574 F.2d 1043 (10th Cir. 1978). Plaintiff has failed to respond to defendants' Motion to Dismiss.

Plaintiff herein is an inmate at the Conner Correctional Center at Hominy, Oklahoma. Plaintiff alleges in Count I and Count II that he was sent from the Trusty Unit, Eastern State Hospital, Vinita, Oklahoma, to Conner Correctional Center on

December 31, 1982 based on a misconduct charge, and that prior to this hearing on January 3, 1983, the Law Library was closed and he was unable to prepare a defense. He further alleges that he was unable to obtain witnesses because of his transfer, and claims that he was not allowed to view a written statement entered as evidence in his misconduct hearing. The Special Report states that plaintiff received his copy of the Misconduct Report at 11:30 a.m. on December 31, 1982. The Report also indicates that plaintiff did not request the use of any legal materials nor did he request the investigator to provide help for him. He did not request any witness to appear, and did not provide written testimony on his behalf. Further, he did not request additional preparation time. Nothing presented in plaintiff's complaint contradicts the statement of facts presented in the Special Report. Thus plaintiff has failed to allege that these defendants did or failed to do anything which deprived plaintiff of his right to due process under the Constitution.

In Count III plaintiff alleges that because of the action taken by the Disciplinary Committee he will lose "extra good time" and will be incarcerated longer in the Oklahoma prison system, which is, by itself, cruel and unusual punishment. The Special Report herein shows that plaintiff received punishment of loss of thirty days canteen privileges. Plaintiff did not lose his "good time" as punishment. Therefore, plaintiff's claim in Count III is without merit.

The Court authorized commencement of this action in forma pauperis under authority of 28 U.S.C. Section 1915. Subsection

(d) of that statute permits the dismissal of a case when the court is satisfied that the action is frivolous. Moreover, both the Supreme Court and the Tenth Circuit Court of Appeals have held that federal jurisdiction does not lie where a purported civil rights claim is simply unsubstantial. Hagans v. Lavine, 415 U.S. 528, 536 (1973); Wells v. Ward, 470 F.2d 1185, 1187 (10th Cir. 1972; Smart v. Villar, 547 F.2d 112 (10th Cir. 1976).

In view of its holding that the plaintiff has suffered no deprivation of rights constitutionally protected by any act of these defendants, the Court concludes that this action is frivolous and that plaintiff's claim is unsubstantial. Accordingly, this action is, in all respects, dismissed.

It is so Ordered this 2nd day of November, 1983.


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

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

SILICONE SPECIALTIES, INC., an
Oklahoma corporation,

Plaintiff,

vs.

FIRE SEAL, INC.,
a Texas corporation,

Defendant.

NOV 1 1983

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

No. 82-C-1129C

ORDER ALLOWING DISMISSAL ON PLAINTIFF'S MOTION

Upon Plaintiff's Motion for leave to discontinue this
action, IT IS ORDERED that the Complaint be dismissed without
prejudice, with costs to the Plaintiff.

Dated ^{November} ~~October~~ 1, 1983.

1st H Dale Cook
UNITED STATES DISTRICT JUDGE