

**FILED**

IN THE UNITED STATES DISTRICT COURT FOR **MAR 30 1984**  
THE NORTHERN DISTRICT OF OKLAHOMA

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

WILLIAM ROHRER, et. al.,            )  
  )  
    Plaintiffs,                        )  
  )  
vs.                                     )  
  )  
C. A. "RUSTY" RHOADS and         )  
JOE E. BUCKNER,                     )  
  )  
    Defendants.                         )

No. 82-C-855-E

AMENDED JUDGMENT

Now on this 10th day of January, 1984, pursuant to the Stipulation for Entry of Judgment entered into by Plaintiffs and Defendants herein and filed with this Court,

THE COURT FINDS that all parties to this action have stipulated and agreed that the Court may enter this Order. The parties have further stipulated and agreed that the entry of this Order shall not constitute a finding that the judgment or any part thereof arises out of any allegations of fraudulent representations by the Defendants to the Plaintiffs or any of them and the Court does not make such a finding; that they consent to the entry of this Order and waive their right to appeal therefrom and that their stipulation shall be binding upon them, their successors and assigns.

IT IS ORDERED that Plaintiffs, William Rohrer, Jack L. Goldsmith, Jerome Golden, Harold Brown, Mrs. Martin Coleman, William Ettleson, Jack Stadler, Kenneth Weil, Robert E. Berman, Damon Arney, Milton Binswanger, Eddy Felsenthal, Sidney S.

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

FILED

MAR 30 1984

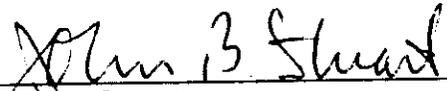
JACK C. SILVER, CLERK  
U.S. DISTRICT COURT

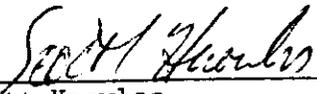
PREFERRED RISK MUTUAL )  
INSURANCE COMPANY, )  
 )  
Plaintiff, )  
 )  
vs. )  
 )  
AL WHITECROW, a minor, J.R. )  
WHITECROW, JOANNA WHITECROW, )  
JOHN DOE HERNANDEZ, a minor, )  
VICTOR HERNANDEZ, and CAROL )  
HERNANDEZ, )  
 )  
Defendants. )

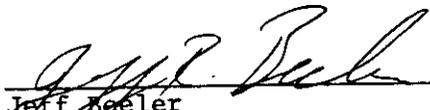
No. 83 C 635 C

STIPULATION OF DISMISSAL WITH PREJUDICE

COME NOW the parties, by and through their respective attorneys of record and would show the Court that the parties have entered into a full and complete settlement of this matter which they believe to be just and reasonable. The Hernandezes are to pay the sum of \$42,500.00 by and through their insurance carrier and the Whitecrows are to pay the sum of \$18,000.00 by and through their insurance carrier, for a total sum of \$60,500.00 which the plaintiff accepts in full settlement of this matter, thereby agreeing to a Dismissal with Prejudice of all claims.

  
\_\_\_\_\_  
John B. Stuart  
233 West 11th Street  
Tulsa, Oklahoma 74119

  
\_\_\_\_\_  
Scott Knowles  
2504-B East 71st Street  
Tulsa, Oklahoma 74136

  
\_\_\_\_\_  
Jeff Beeler  
2301 First National Center  
Oklahoma City, Oklahoma 73102

UNITED STATES DISTRICT COURT FOR THE  
NORTHERN DISTRICT OF OKLAHOMA

**FILED**

**MAR 30 1984**

UNITED STATES OF AMERICA, )  
 )  
 Plaintiff, )  
 )  
 vs. )  
 )  
 VINCENT E. GUTHRIE, )  
 )  
 Defendant. )

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

CIVIL ACTION NO. 84-C-120-E

DEFAULT JUDGMENT

This matter comes on for consideration this 29<sup>th</sup> day of March, 1984, the Plaintiff appearing by Layn R. Phillips, United States Attorney for the Northern District of Oklahoma, through Peter Bernhardt, Assistant United States Attorney, and the Defendant, Vincent E. Guthrie, appearing not.

The Court being fully advised and having examined the file herein finds that Defendant, Vincent E. Guthrie, was served with Summons and Complaint between February 16, 1984, and February 24, 1984. 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, Vincent E. Guthrie, for the principal sum of \$618.37, plus accrued interest of \$8.01, plus interest at the rate of 15.05 percent per annum

and administrative costs of \$.63 per month from September 11, 1983, plus costs and interest at the current legal rate of 10.60 percent from the date of judgment until paid.

S/ JAMES O. ELLISON

UNITED STATES DISTRICT JUDGE

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

MAR 30 1984

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

ANITA VASSAUR, )  
 )  
 Plaintiff, )  
 )  
 vs. )  
 )  
 SEARS ROEBUCK & CO., and )  
 THE ROPER CORPORATION, )  
 )  
 Defendants. )

No. 81-C-864-E ✓

O R D E R

The Court has now before it the motion of the Plaintiff Anita Vassaur for new trial pursuant to Rule 59 of the Federal Rules of Civil Procedure.

In support of her motion, the Plaintiff contends that there was insufficient evidence to warrant submission of the issue of assumption of the risk to the jury. Plaintiff additionally contends that the Court's instructions regarding assumption of the risk misstated the requirements of that defense as it applies to a manufacturer's products liability claim under the law of Oklahoma.

Submission of the defense: Plaintiff first contends that there was insufficient evidence to warrant the submission to the jury of the issue of the voluntary assumption of the risk of a known defect by the Plaintiff.

The Oklahoma Supreme Court in Jordan v. General Motors Corporation, 590 P.2d 193 (Okl. 1979) ruled that the defense of

the assumption of the risk of a known defect ought to be submitted to the jury where there is evidence suggesting that the Plaintiff voluntarily encountered a known risk. The Court states at page 196:

Assumption of the risk of a known defect is an affirmative defense in a manufacturer's products liability action. Where evidence is such that reasonable men might differ on the question of whether the Plaintiff's awareness of defect and continued use of the vehicle was proximate cause of the accident, this defense is a question of fact for the jury ... Whether evidence as to knowledge by the Plaintiff is equivalent to knowledge of a known defect and thus an assumption of the risk of a known defect, is for jury to decide.

Direct evidence of the Plaintiff's knowledge of the specific defect is not essential to the submission of the defense to the jury. Bingham v. Hollingsworth Manufacturing Co., Inc., 695 F.2d 445 (10th Cir. 1982). While general knowledge is insufficient to bar a recovery under manufacturer's products liability, the knowledge of the Plaintiff of the specific danger created by the defect may be inferred by the jury from all the evidence presented in the case.

Here the evidence established that the Plaintiff knew there was a blade or similar cutting device under the mower. There was evidence that shortly before the accident Plaintiff had turned the lawnmower to drain the oil and gasoline exposing the blade to view. There was evidence that the Plaintiff had observed the effect of the mower on grass and weeds in the yard and that she was aware that the mower performed the cutting function in the same manner as mowers which she and her former husband had previously owned. There was evidence to show that she did know

that the mower would cut grass when the self-propel mechanism was not activated.

The evidence established that Plaintiff knew that the mower was cutting grass before she stopped to check the grass catcher. Her actions in placing her hand in the path of the blade were not accidental but were entirely voluntary.

From this and other evidence presented in the case, the jury could have properly inferred that the Plaintiff not only knew about the general danger presented by the rotating blade of a lawnmower but also knew that the blade did not stop rotating when the self-propel mechanism was disengaged (the feature alleged to be the defect in the mower). The evidence was sufficient to create an inference in the mind of the jury that an obvious risk existed and that the Plaintiff voluntarily encountered this obvious risk. See Bingham, supra at page 451.

Instruction of the Court: As her second proposition, Plaintiff claims that the Court's instructions misstated the requirements of the affirmative defense of voluntary assumption of the risk of a known defect under Oklahoma law.

The Court instructed the jury as follows:

VOLUNTARY ASSUMPTION OF THE  
RISK OF A KNOWN DEFECT

The Defendants contend the Plaintiff assumed the risk of injury from dangers which the Plaintiff contends caused her injury. If you find each of the following propositions, the Plaintiff cannot recover:

1. That a dangerous situation existed.
2. That the dangerous situation was

obvious, or that the Plaintiff knew of the dangerous situation.

3. That the Plaintiff voluntarily exposed herself to the danger and was injured thereby.

As I have instructed you, the Defendants must prove each element of this defense by a preponderance of the evidence.

As the Court enunciated in Bingham, supra at pages 450 - 452, the Oklahoma Courts have not required that this defense be instructed in terms of "unreasonable" exposure to a danger, or in terms that the "plaintiff appreciated" the same. The Courts have consistently approved the use of the phrase "voluntarily" and "knew" in place of the above. The key to the defense in this regard is the subjective knowledge of the Plaintiff and the voluntary nature of the conduct of the Plaintiff in exposing herself to a dangerous situation. See Bingham, supra at page 452.

The Plaintiff asserts that it was error for the Court to use the phrase "dangerous situation" as opposed to the phrase "defect" in this instruction. The Oklahoma Supreme Court in Kirkland v. General Motors Corporation, 521 P.2d 1353 (Okla. 1974), in creating the cause of action of manufacturer's products liability in Oklahoma, declared its intention not to make manufacturers and suppliers of defective products absolute insurers of all users and consumers. The Court left open certain defenses going toward the causation of the injury. In order to avoid the confusion of the defense of assumption of the risk with its common law counterpart of the same name available in an action based on negligence, the Court narrowly defined the

defense as "voluntary assumption of the risk of a known defect". The Court went on to state that "This has been otherwise referred to as contributory fault, Williams v. Ford Motor Co., Mo. App. 454 S.W.2d 611, and discussed in terms of contributory negligence, comment n, § 402A, Restatement of the Law, Torts, Second, for the '... defense which consists of voluntarily and unreasonably encountering a known danger ... will, in general, relieve the defendant of strict liability.'" Kirkland, supra, at pages 1366-7.

The Court also held, and this Court instructed, that as part of the Plaintiff's proof she must show that a defect which was the cause of her injury was such that it made the article unreasonably dangerous to her, and that the term "unreasonably dangerous" should be defined as follows: "The article sold must be dangerous to an extent beyond that which would be contemplated by the ordinary consumer who purchases it, with the ordinary knowledge common to the community as to its characteristics." Kirkland, supra, at pages 1362-3. According to Kirkland, then, the product must be unreasonably dangerous, the danger must be "known" to the Plaintiff, and the encountering of the danger must be "voluntary".

In the situation before us it would not be reasonable to expect the Plaintiff to have an understanding of the exact nature of the defect alleged herein, in that the allegations are that the product was defective because it lacked a safety device, the

existence of which could not have been known to the Plaintiff at the time. To place such a narrow definition on the defense would have the effect of completely eliminating it in situations wherein Plaintiffs have alleged as defective in design products which lack a device or design unknown to the general public or too complicated to be understood by the "ordinary consumer who purchases it". Kirkland, supra, page 1362.

In view of the above, this Court finds that the use of the term "dangerous situation" was not improper in light of all the evidence submitted in the case, and in reading the instructions of the Court as a whole.

It is well settled under Oklahoma law that "a judgment will not be disturbed because of allegedly erroneous instructions, unless it appears reasonably certain that the jury was misled thereby, resulting in prejudice to the complaining party." Missouri-Kansas-Texas Railroad Co. v. Harper, 468 P.2d 1014, 1020 (Okla. 1970). "The salient test of reversible error in instructions is whether the jury was misled to the extent of rendering a different verdict than it would have rendered, if the alleged errors had not occurred." [citations omitted] Missouri-Kansas-Texas, supra at page 1020.

The best criteria of whether a party has suffered prejudice from the Court's instructions is whether the verdict is sufficiently supported by the evidence. As is required by

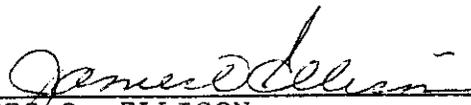
Kirkland, supra, and as was instructed by this Court, in order to prevail, the Plaintiff had to establish by a preponderance of the evidence that a defective condition making the product unreasonably dangerous was the direct cause of the injury. Causation was said to be missing if some act of the user of the product was the sole cause of the injury rather than a defective condition of the product itself. There was sufficient evidence presented at trial from which the jury could have inferred that: (1) no defective condition existed in the product at the time it left the Defendants' possession and control, or that (2) some act of the Plaintiff was the cause of the injury rather than a defective condition of the product. It was possible under the evidence presented to have decided the case without resort to the affirmative defense, in that the jury could have found that the Plaintiff failed to meet her initial burden of proof. Even if the jury did determine that the actions of the Plaintiff in inserting her hand under the mower in the path of the rotating blade were merely negligent, and that such conduct did not have the knowing and voluntary character necessary under the affirmative defense, the jury still could have found that the causation element of a manufacturer's products liability cause of action was not met. As stated in Kirkland, supra at page 1366, "If some act of the Plaintiff caused the injury, rather than the defective product itself, causation is missing and the Plaintiff may not recover ... although the act of the Plaintiff that did in fact cause the injury might have been negligent, it seems wise to avoid the semantic confusion of calling it contributory

negligence, especially since the action itself is not based on negligence. It seems better to lump this defense in with the general causation requirement."

For the reasons cited above and in consideration of the arguments and authorities submitted by the parties and the evidence presented in the case, this Court finds that its instructions in regard to the affirmative defense of the voluntary assumption of the risk of a known defect were not improper, and that the verdict is sufficiently supported by the evidence. This Court also finds that, in any event, any error in the instructions were not such as to mislead the jury to the extent of rendering a different verdict than it would have rendered if the alleged errors had not occurred.

IT IS THEREFORE ORDERED AND ADJUDGED that the motion of the Plaintiff for new trial be and the same is hereby denied.

ORDERED this 29<sup>th</sup> day of March, 1984.

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

**FILED**

**MAR 30 1984**

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

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

FORD MOTOR CREDIT COMPANY,	)
a foreign corporation,	)
	)
Plaintiff,	)
	)
v.	)
	)
STATE FARM MUTUAL AUTOMOBILE	)
INSURANCE COMPANY, a foreign	)
corporation,	)
	)
Defendant.	)

No. 84-C-205-E

ORDER OF DISMISSAL

Upon application of the plaintiff for a voluntary dismissal with prejudice in the above-captioned case, upon due consideration and good cause having been shown,

IT IS ORDERED by the Court that the Complaint be, and the same is, hereby dismissed with prejudice.

W. JAMES W. ELLISON

UNITED STATES DISTRICT JUDGE

entered

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

JOHN D. BLACKWELL, )  
 )  
 Plaintiff, )  
 )  
 v. )  
 )  
 TRI-STATE MOTOR TRANSIT COMPANY, )  
 )  
 and )  
 )  
 RAY PENCE, )  
 )  
 Defendants. )

MAR 30 1984

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

Case No.: 83-C-652-E

ORDER

Defendants, Tri-State Motor Transit Company and Ray Pence, have moved the Court to Dismiss or, in the alternative, to Change Venue in the above-captioned case. Oral argument was presented to the Court on this Motion by both parties on March 23, 1984.

After careful consideration of the issues raised, the Court has determined that venue is improper in this Court under Title VII of the Civil Rights Act of 1964, 42 U.S.C. §2000e-5(f)(3). Rather than dismissing this case, however, the Court finds that it would be in the interest of justice to transfer venue in this case to a district and division in which the case could have been brought. Accordingly, it is therefore

ORDERED THAT

This case be transferred to the United States District Court for the Western District of Missouri, Southwestern Division, in Joplin, Missouri, pursuant to 28 U.S.C. §1406(a). Further, it

should be noted that even if venue was otherwise proper under Title VII of the Civil Rights Act of 1964, this case would still be transferred to the United States District Court for the Western District of Missouri, Southwestern Division, pursuant to 28 U.S.C. §1404(a) since the Court finds that it would be for the convenience of the parties and witnesses and in the interest of justice to do so.

ORDERED THIS \_\_\_\_\_ day of \_\_\_\_\_, 1984.

S/ JAMES O. ELLISON

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James O. Ellison  
United States District Judge

JUDGMENT ON JURY VERDICT

United States District Court

FOR THE

NORTHERN DISTRICT OF OKLAHOMA

THELMA R. WALKER

CIVIL ACTION  
FILE NO.

83-C-446-C

vs.

JOHN DEERE COMPANY and

DEERE AND COMPANY

FILE

MAR 30 1984

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

This action came on for trial before the Court and a jury, Honorable \_\_\_\_\_

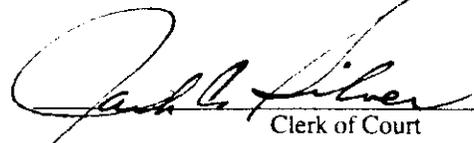
H. DALE COOK

, United States District Judge, presiding.

The issues having been duly tried and the jury having duly rendered its verdict, it is ordered and adjudged that the plaintiff, Thelma R. Walker, take nothing and that judgment be entered in favor of the Defendants, John Deere Company and Deere and Company, and that the defendants be awarded their costs herein.

Dated at Tulsa, Oklahoma  
of March , 19 84.

, this 30th day

  
Clerk of Court

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

*Entered*  
**FILED**

MAR 30 1984

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

LARRY LEON CHANEY, )  
 )  
Petitioner, )  
 )  
v. )  
 )  
JOHN N. BROWN, Warden, )  
Oklahoma State Penitentiary, )  
McAlester, Oklahoma, )  
 )  
Respondent. )

No. 83-C-519-BT

O R D E R

Pursuant to the opinion of the United States Circuit Court of Appeals entered March 21, 1984 and its judgment thereon entered March 23, 1984,

IT IS HEREBY ORDERED that the writ of habeas corpus is denied but that, determining the case as law and justice require, the death sentence of petitioner heretofore imposed is adjudged invalid under the Eighth and Fourteenth Amendments to the United States Constitution, and the execution of the petitioner under this invalid death sentence is enjoined; that the judgment is without prejudice to further proceedings by the State for re-determination of the sentence on the conviction, at which proceedings the petitioner is afforded an opportunity to present all evidence relevant to mitigating circumstances or to the aggravating circumstances alleged, including the withheld evidence discussed by the Tenth Circuit in its March 21, 1984 opinion, along with any other evidence relevant to the sentencing proceedings.

ENTERED this 29<sup>th</sup> day of March, 1984.



THOMAS R. BRETT  
UNITED STATES DISTRICT JUDGE

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

**FILED**

**MAR 30 1984**

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

RH ENERGY, LTD., II,  
a joint venture composed of  
Conquest Resources, Ltd.,  
a Nevada corporation, and  
Omni Energy, Ltd., a Nevada  
corporation,

Plaintiff,

vs.

No. 82-C-1210-C

EPHOD OIL, INC., an Oklahoma  
corporation, TIERRA ENERGY  
CORPORATION, a Utah  
corporation, and BIG RED  
DOG OIL, INC., an Oklahoma  
corporation,  
Defendants.

ORDER DISMISSING COMPLAINT AND ANSWER  
AND CROSS-COMPLAINT WITH PREJUDICE

ON the foregoing Stipulation for Dismissals with Prejudice of the parties herein, Plaintiff, RH Energy, Ltd., II, by its attorneys of record, and Defendants, Ephod Oil, Inc., Tierra Energy Corporation, and Big Red Dog Oil, Inc., by their attorney of record;

IT IS HEREBY ORDERED that the Complaint in the above entitled action be, and it hereby is, dismissed with prejudice to all parties, and that the Answer and Cross-Complaint of Defendants, Ephod Oil, Inc., Tierra Energy Corporation, and Big Red Dog Oil, Inc., be, and they hereby are, dismissed with prejudice to all parties.

DATED this 30 day of March, 1984.

(Signed) H. Dale Cook  

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Chief United States District  
Judge H. Dale Cook

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

*Entered*

FILED

MAR 30 1984

MARION L. HARLAN, )  
 )  
Plaintiff, )  
 )  
v. )  
 )  
MARGARET M. HECKLER, )  
SECRETARY OF HEALTH AND )  
HUMAN SERVICES, )  
 )  
Defendant. )

NO. 83-C-602-BT

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

J U D G M E N T

In keeping with the order entered this date, the Court hereby enters judgment affirming the decision of the Secretary of Health and Human Services and denying plaintiff's appeal of the decision, with costs awarded against plaintiff.

ENTERED this 29 day of March, 1984.



THOMAS R. BRETT  
UNITED STATES DISTRICT JUDGE

UNITED STATES DISTRICT COURT FOR THE  
NORTHERN DISTRICT OF OKLAHOMA

FILED

MAR 30 1984

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

UNITED STATES OF AMERICA,	)	
	)	
Plaintiff,	)	
	)	
vs.	)	
	)	
HAROLD W. REYNOLDS, JR.,	)	
	)	
Defendant.	)	CIVIL ACTION NO. 83-C-294-E

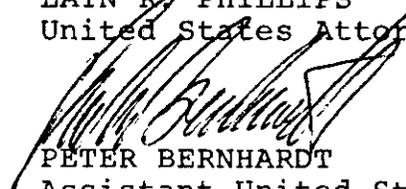
NOTICE OF DISMISSAL

COMES NOW the Plaintiff, United States of America, by Layn R. Phillips, 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 29<sup>th</sup> day of March, 1984.

UNITED STATES OF AMERICA

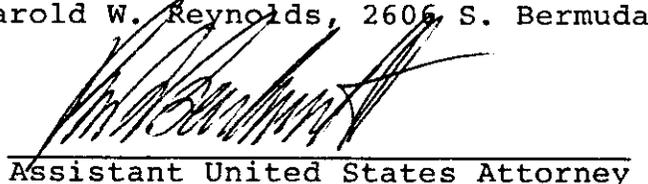
LAYN R. PHILLIPS  
United States Attorney



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 30<sup>th</sup> day of March, 1984, a true and correct copy of the foregoing was mailed, postage prepaid thereon, to: Harold W. Reynolds, 2606 S. Bermuda Ave., Sand Springs, OK 74063.

  
Assistant United States Attorney

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

**FILED**

MAR 30 1984 *A*

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

_____	)
THELMA R. WALKER,	)
	)
Plaintiff,	)
	)
	)
VS.	)
	)
JOHN DEERE COMPANY; DEERE AND COMPANY;	)
and INTERNATIONAL HARVESTER CORPORATION,	)
Defendants.	)
_____	)

NO. C-83-C-446-C ✓

OF  
STIPULATION FOR DISMISSAL

Comes now the plaintiff, Thelma Walker, and the defendant, International Harvester Corporation, and stipulate and agree that this case be dismissed with prejudice as against the defendant, International Harvester Corporation.

*Don L. Dees*  
\_\_\_\_\_  
DON L. DEES, Attorney for Plaintiff

*Michael W. Hinkle*  
\_\_\_\_\_  
MICHAEL W. HINKLE, Attorney for Defendant  
International Harvester Corporation

FILED

MAR 23 1984

DEK C. HARVEY, CLERK  
DISTRICT COURT

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

THE BOARD OF TRUSTEES OF THE PLUMBERS )  
 & PIPEFITTERS NATIONAL PENSION FUND; )  
 THE BOARD OF TRUSTEES OF PIPE FITTERS )  
 LOCAL 205 HEALTH AND WELFARE FUND; )  
 THE BOARD OF TRUSTEES OF PLUMBERS & )  
 PIPE FITTERS LOCAL UNION 205 )  
 APPRENTICESHIP FUND; THE BOARD OF )  
 TRUSTEES OF PLUMBERS & PIPE FITTERS )  
 LOCAL UNION 205 ANNUITY FUND; and )  
 THE BOARD OF TRUSTEES OF PLUMBERS & )  
 PIPE FITTERS LOCAL UNION 205 )  
 VACATION FUND, )  
 Plaintiffs, )  
 vs. )  
 JONES PLUMBING COMPANY, )  
 Defendant. )

No. 84-C-46-C

JUDGMENT BY DEFAULT

This matter comes on before me, the undersigned Judge, for hearing this 29<sup>th</sup> day of March, 1984, upon plaintiffs' Request for Default Judgment filed herein, upon the grounds that the defendant has failed to answer or otherwise plead to the Complaint filed herein, as required by law.

The Court finds that the defendant was duly served with Summons in this case on the 21st day of February, 1984, and is wholly in default herein, and that the plaintiffs should have judgment as prayed for in their Complaint filed herein.

IT IS THEREFORE ORDERED, ADJUDGED AND DECREED that the plaintiffs be, and are hereby, awarded a judgment of and from said defendant in the principal sum of \$5,253.82, together with interest thereon at the rate of <sup>10.60%</sup>~~10%~~ per annum from the date of judgment until paid in full, plus an attorney's fee in the amount of \$700.00, and the costs of this action that have accrued in the amount of \$110.00 and all costs that will continue to accrue.

(Signed) H. Dale Cook

---

UNITED STATES DISTRICT JUDGE

ent.

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

FILED

MAR 29 1982

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

CURTIS FOWLER, )  
 )  
 Plaintiff, )  
 )  
 vs. )  
 )  
 GEORGE ELIAS, )  
 )  
 Defendant. )

No. 82-C-756-E

JUDGMENT

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

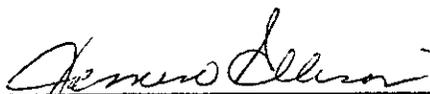
IT IS ORDERED AND ADJUDGED that the Plaintiff, Curtis Fowler, take nothing on his third cause of action and that the third cause of action be dismissed on the merits.

IT IS FURTHER ORDERED, ADJUDGED AND DECREED that Plaintiff, Curtis Fowler, take nothing on his second cause of action and that his second cause of action be dismissed on the merits, a directed verdict having been granted as to the second cause of action at the conclusion of the evidence.

IT IS FURTHER ORDERED, ADJUDGED AND DECREED that the Plaintiff, Curtis Fowler, recover of the Defendant, George Elias, the sum of \$39,700 plus interest at a rate of 10.60% from date of judgment as to Plaintiff's first cause of action, a directed verdict having been granted as to the first cause of action at the conclusion of the evidence.

6-11

DATED at Tulsa, Oklahoma this 29<sup>th</sup> day of March, 1984.

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

ent  
**FILED**

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

MAR 20 1984

NL INDUSTRIES, INC., )  
 )  
 Plaintiff, )  
 )  
 vs. ) No. 83-C-910-E  
 )  
 GULFSTAR DRILLING CORPORATION, )  
 )  
 Defendant. )

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

JOURNAL ENTRY OF JUDGMENT

On the 8th day of March, 1984 the Notice and Order Setting Hearing on Application for Default Judgment came on for hearing before the Court, Honorable James O. Ellison, United States District Judge, presiding. The Plaintiff appeared by and through its attorney of record, Wade Christensen, and the Defendant appeared not. The Court, upon review of the Court file, evidence presented and otherwise being fully advised in the premises finds that the Defendant, Gulfstar Drilling Corporation, was properly served with summons, filed no pleading or answer, is in default and that proper Notice and Order of Hearing on Application for Default Judgment was given. The Court further finds that a default judgment should be rendered for the Plaintiff, NL Industries, Inc., and against the Defendant, Gulfstar Drilling Corporation, in the amount of \$50,060.69, plus attorney fees and costs plus post-judgment interest accruing at the annual rate of 10.60% from the date of this judgment until paid.

IT IS THEREFORE ORDERED, ADJUDGED AND DECREED that the

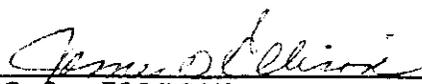
Defendant, Gulfstar Drilling Corporation, was properly served with summons, filed no pleading or answer, is in default and that proper Notice and Order of Hearing on Application for Default Judgment was given.

IT IS FURTHER ORDERED, ADJUDGED AND DECREED that a judgment should be and the same is hereby rendered in favor of the Plaintiff, NL Industries, Inc., and against the Defendant, Gulfstar Drilling Corporation, in the amount of \$50,060.69 plus attorney fees and costs and post-judgment interest accruing at the annual rate of 10.60% from the date of this judgment until paid.

IT IS FURTHER ORDERED, ADJUDGED AND DECREED that Plaintiff is to submit bill of costs within ten (10) days of this date to the Clerk of the District Court and is further to submit an affidavit showing hourly rate charged by each attorney participating in this case as the affidavit submitted at this time is insufficient for the Court to evaluate reasonableness at this time.

The Court therefore specifically reserves the issue of attorney fees. Counsel should also indicate whether the application currently on file which shows a billing of \$1,705.20 is the actual billing charged to the client.

Done this 27<sup>th</sup> day of March, 1984.

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

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

GUERDON INDUSTRIES, INC., a )  
Corporation, )  
 )  
Plaintiff, )  
 )  
VS )  
 )  
HICKS MOBILE HOMES, INC., a )  
Corporation, MIAMI MOBILE HOME )  
SALES, INC., a Corporation, )  
WILLIAM N. HICKS, and INYCE M. )  
HICKS, )  
 )  
Defendants. )

FILED

MAR 29 1984

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

No. 83-C-513-C

JUDGMENT

NOW on this 29<sup>th</sup> day of March, 1984, there comes on for consideration by the Court the Stipulation of Entry of Judgment executed by Attorneys of Record for all parties above named, and having been submitted and considered, and good cause appearing, the Court finds that Judgment should be entered as per said Stipulation.

IT IS THEREFORE ORDERED, ADJUDGED AND DECREED by the Court that Judgment be entered in the sum of \$50,000.00 with interest thereon at the rate of 12% per annum on the unpaid balance from this date until paid, together with costs and disbursements in the sum of \$120.00, making a total Judgment, including both damages, costs and disbursements, of the sum of \$50,120.00, against the defendants, Hicks Mobile Homes, Inc., Miami Mobile Home Sales, Inc., William N. Hicks, and Inyce M. Hicks, jointly and severally.

For all of the foregoing, let execution issue.

(Signed) H. Dale Cook

United States District Judge

UNITED STATES DISTRICT COURT FOR THE  
NORTHERN DISTRICT OF OKLAHOMA

FILED

MAR 28 1984

WILLIAM D. SILVER, CLERK  
DISTRICT COURT

UNITED STATES OF AMERICA, )  
 )  
 Plaintiff, )  
 )  
 vs. )  
 )  
 JAMES E. THORNBURG, )  
 )  
 Defendant. )

CIVIL ACTION NO. 84-C-160-C

DEFAULT JUDGMENT

This matter comes on for consideration this 28<sup>th</sup> day of March, 1984, the Plaintiff appearing by Layn R. Phillips, United States Attorney for the Northern District of Oklahoma, through Nancy A. Nesbitt, Assistant United States Attorney, and the Defendant, James E. Thornburg, appearing not.

The Court being fully advised and having examined the file herein finds that Defendant, James E. Thornburg, was served with Summons and Complaint on February 28, 1984. 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 E. Thornburg, for the principal sum of \$942.60, plus interest at the rate of 15.05 percent per annum and administrative costs of \$.61 per month from August 11, 1983, plus interest from the date of judgment at the rate of <sup>10.60%</sup>~~15.05~~ percent per annum until paid, plus the costs of this action.

(Signed) H. Dale Cook

UNITED STATES DISTRICT JUDGE

UNITED STATES DISTRICT COURT  
NORTHERN DISTRICT OF OKLAHOMA

SOONER FEDERAL SAVINGS AND LOAN  
ASSOCIATION AND LOUIS W. GRANT, JR.,

Plaintiffs,

-against-

THE CHARTER COMPANY, CHARTER SECURITY  
LIFE INSURANCE COMPANY, CONISTON  
PARTNERS, GOLLUST & TIERNEY, INC.,  
KEITH R. GOLLUST, PAUL E. TIERNEY, JR.,  
GROSVENOR PARTNERS, RICHARD ELDEN,  
JOHN DOES 1 through 10, MUTUAL SHARES  
CORPORATION, MUTUAL QUALIFIED INCOME  
FUND, INC., HERZOG, HEINE, GEDULD, INC.,  
HEINE SECURITIES CORPORATION, MAX L. HEINE,  
MICHAEL F. PRICE, BONNIE PRICE, ILSE BAUM  
and CHARLOTTE HEINE,

Defendants.

FILED  
MAR 28 1984  
JACK S. SIMMER, CLERK  
U.S. DISTRICT COURT

Civil Action  
No. 83-538-C

STIPULATION  
*of dismissal*

IT IS HEREBY STIPULATED AND AGREED, by and between  
the parties hereto, pursuant to Fed. R. Civ. P. 41(a)(ii), that  
the Complaint herein is dismissed as to The Charter Company  
and Charter Security Life Insurance Company (collectively  
"Charter") with prejudice and without costs or attorneys'  
fees to plaintiffs or Charter.

March 28, 1984

HOUSTON AND KLEIN, INC.

By   
James R. Eagleton  
Counsel for Plaintiffs  
3200 University Club Tower  
1722 South Carson  
Post Office Box 2967  
Tulsa, Oklahoma 74101  
(918) 583-2131

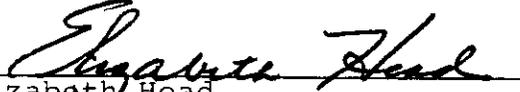
SHEREFF, FRIEDMAN, HOFFMAN  
& GOODMAN  
919 Third Avenue  
New York, New York 10022  
(212) 758-9500

HAMEL, PARK, McCABE & SAUNDERS  
888 Sixteenth Street, N.W.  
Washington, D.C. 20006  
(202) 835-8000

Of Counsel

HALL, ESTILL, HARDWICK, GABLE,  
COLLINGSWORTH & NELSON, P.C.

By

  
Elizabeth Head  
Counsel for Defendants  
4100 Bank of Oklahoma Tower  
One Williams Center  
Tulsa, Oklahoma 74172  
(918) 588-2700

SKADDEN, ARPS, SLATE,  
MEAGHER & FLOM  
919 Third Avenue  
New York, New York 10022  
(212) 371-6000

Of Counsel

Certificate of Service

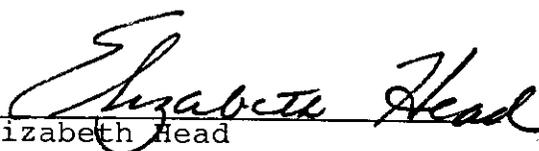
I, Elizabeth Head, hereby certify that I caused the accompanying Motion for Summary Judgment, Stipulation and Supplemental Memorandum to be served on plaintiffs' counsel on March 28, 1984, by hand upon:

Richard D. Weinberg, Esq.  
SHEREFF, FRIEDMAN, HOFFMAN & GOODMAN  
919 Third Avenue  
New York, New York 10022

Marc F. Conley, Esq.  
HOUSTON AND KLEIN, INC.  
3200 University Club Tower  
1722 South Carson  
P. O. Box 2967  
Tulsa, Oklahoma 74101

and by mail upon:

HAMEL, PARK, McCABE & SAUNDERS  
888 Sixteenth Street, N.W.  
Washington, D.C. 20006.

  
Elizabeth Head

Counsel for Defendants

FILED

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

MAR 23 1984

JACK G. SILVER, CLERK  
DISTRICT COURT

PRINCE PETROLEUM, INC., a corporation, )  
 and PRINCE PETROLEUM 1982-1 DRILLING )  
 PROGRAM, a limited partnership, )  
 )  
 Plaintiffs, )  
 )  
 vs. )  
 )  
 WILMAX OIL, INC., a corporation, )  
 WILLIAM R. DUFFER and MAX D. )  
 SKELTON, individually and doing )  
 business as D & S OIL COMPANY, )  
 a partnership, )  
 )  
 Defendants. )

CASE NO.  
84-C-48 E

ORDER DIRECTING THE CLERK TO PAY OVER  
CERTAIN FUNDS TO THE PARTIES  
AND

ORDER DISMISSING THIS CAUSE WITH PREJUDICE

This matter was presented to the court upon the joint application of the parties advising the court that this action had been settled and asking the court to direct the clerk to deposit funds into his registry and to pay same over to the parties as follows:

William R. Duffer	\$ 13,947.31	<i>CO 3/28/84</i>
Prince Petroleum, Inc. and Prince Petroleum 1982-1 Drilling Program (jointly).	\$ 31,052.69	<i>CO 3/28/84</i>
Total	\$ 45,000.00	<i>CO</i>

*dk/S*

These are funds tendered to the Clerk on March 22, 1984, by the defendants.

**THEREFORE IT IS THE ORDER OF THE COURT** that the Clerk pay over to the parties the monies as set forth above and deliver his checks in these amounts, made payable to the persons set forth above. The Clerk may deliver same to counsel for any party.

**IT IS THE FURTHER ORDER OF THE COURT** that, after such funds are disbursed, that this action be dismissed with prejudice to the refiling of same again. Each party shall bear their own costs.

Done this 28<sup>TH</sup> day of March, 1984.

  
\_\_\_\_\_  
James S. Ellison, United States  
District Judge

Copy to all parties.

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

*Entered*  
**FILED**

SHARON ELIZABETH ASHE, )  
 )  
Plaintiff, )  
 )  
vs. )  
 )  
GREEN RENAULT, ET AL. )  
 )  
Defendant. )  
 )  
WILLIAM G. LaSORSA, )  
 )  
Garnishee. )

MAR 28 1984

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

Case No. 81-C-522-B

ORDER

This matter coming on to be heard this 26th day of March, 1984 before the Court upon the Application of the Assignee of the plaintiff, John Harris for an Order dismissing, with prejudice, the Affidavit and Garnishee Summons herein served upon William LaSorsa, garnishee, and the Court, being fully advised in the premises finds that said matter has been amicably settled and disposed of between the parties hereto and that said Dismissal Order should issue.

IT IS THEREFORE ORDERED by the Court that the Garnishment Affidavit of John Harris, Assignee of the plaintiff herein, be, and the same is hereby dismissed with prejudice, the parties hereto having amicably settled and disposed of the issues arising out of the issuance of said

Garnishee Summons against the garnishee, William G. LaSorsa,  
Court costs hereof to be assessed against the said assignee,  
John Harris.

APPROVED:

  
PAUL E. GARRISON  
Attorney for Garnishor,  
John Harris

---

WILLIAM G. LaSORSA  
Pro Se

S/ THOMAS R. BRETT  

---

JUDGE

*Entered*

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

FILED

RONALD LEE SNYDER, )  
 )  
 Plaintiff, )  
 )  
 v. )  
 )  
 OKLAHOMA INDEPENDENT ENERGY )  
 COMPANY, LTD., d/b/a OKIE COMPANY, )  
 an Oklahoma corporation, and )  
 THOMAS L. BURGESS, )  
 )  
 Defendants. )

MAR 23 1984  
 JACK C. SHIVER, CLERK  
 U.S. DISTRICT COURT  
 No. 83-C-467-BT

J U D G M E N T

At the conclusion of the trial to the jury on the 21st day of March, 1984, the jury made the following findings that the defendants', Oklahoma Independent Energy Company, Ltd., d/b/a Okie Company, and Thomas L. Burgess, conduct had:

1. Violated Section 10b of the Securities and Exchange Act of 1934 and Rule 10b-5 of the Securities and Exchange Commission.
2. Violated Title 71, Section 408(a)(2) of the Oklahoma Statutes.
3. Violated Title 15, Section 58 of the Oklahoma Statutes -- Common Law Fraud.
4. Breached the Contract entered into with plaintiff on June 1, 1982.

After having heard the evidence in the case, and following said verdict of the jury, the Court granted a directed verdict for the plaintiff, Ronald Lee Snyder, and against the defendants, Oklahoma Independent Energy Company, Ltd., d/b/a Okie Company, for rescission as a matter of law.

Therefore, based upon said jury verdict and the Court's directing of a verdict,

IT IS ORDERED ADJUDGED AND DECREED that the plaintiff,

Ronald Lee Snyder, have judgment against the defendants, Oklahoma Independent Energy Company, Ltd., d/b/a Okie Company, an Oklahoma corporation, and Thomas L. Burgess, for rescission of the contract between the parties dated June 1, 1982, the subject of which was a working interest to plaintiff in an oil and gas prospect relating to a lease more particularly described, to-wit:

SE/4 SE/4 and SW/4 SE/4 and that part North of the Creek containing 25.6<sup>±</sup> acres, Section 18, Township 16 North, Range 13 East, Tulsa County, Oklahoma.

and that the plaintiff and said defendants are hereby restored to their pre-contract status.

IT IS FURTHER ORDERED, ADJUDGED AND DECREED that the plaintiff Ronald Lee Snyder have judgment for actual damages incurred as a result of defendants' violation of all of the above legal causes of action in the amount of Thirty-Eight Thousand Dollars (\$38,000.00) plus pre-judgment interest at the rate of 10% per annum to be calculated on Nineteen Thousand Dollars (\$19,000.00) from the first day of June, 1982, until the 28th day of September, 1982 and then pre-judgment interest to be calculated on the amount of Thirty-Eight Thousand Dollars (\$38,000.00) from the 28th day of September, 1982 until the 21st day of March, 1984, the date of judgment herein.

The plaintiff, Ronald Lee Snyder, shall then be awarded a judgment for interest based upon the coupon yield rate which at the date of judgment was 10.60 percent, in addition to attorney's fees and costs of litigation.

IT IS FURTHER ORDERED, ADJUDGED AND DECREED by this Court that pursuant to the verdict of the jury the plaintiff, Ronald

Lee Snyder, is entitled to an award of punitive or exemplary damages from the defendants, Oklahoma Independent Energy Company, Ltd., d/b/a Okie Company, an Oklahoma corporation, and Thomas L. Burgess, for his claim of common law fraud and violation of Title 15, section 58 of the Oklahoma Statutes in the amount of One Thousand Dollars (\$1,000.00) and interest thereon from the date of judgment at the rate of 10.60% per annum.

ENTERED this 28<sup>th</sup> day of March, 1984.

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

THOMAS R. BRETT  
UNITED STATES DISTRICT JUDGE

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

FILED  
APR 27 1984  
COURT CLERK  
DISTRICT COURT

THE BOARD OF TRUSTEES OF THE )  
PIPELINE INDUSTRY BENEFIT FUND )  
and THE BOARD OF TRUSTEES OF )  
THE PIPELINE INDUSTRY PENSION )  
FUND, )  
 )  
Plaintiffs, )  
 )  
vs. )  
 )  
WILLIE EARL HATCHER, )  
 )  
Defendant. )

No. 83-C-512-C W

O R D E R

Now before the Court for its consideration is the plaintiffs' motion to dismiss the counterclaim filed by the defendant on September 30, 1983. The defendant has responded to this motion and it is now ready for the determination of this Court.

On June 14, 1983 the plaintiffs filed their complaint under the Employee Retirement Income Security Act of 1974 (ERISA), 29 U.S.C. §1001 et seq. to recover from defendant disability and medical benefits paid to defendant for an injury apparently suffered by defendant in 1977. The plaintiffs claim that the defendant falsely procured such benefits. A second count of the complaint is based on common law fraud in which the plaintiffs seek to recover punitive damages from the defendant. On July 11, 1983 the plaintiffs filed an amended complaint to make known that the defendant Willie Earl Hatcher is also known as William Earl

Hatcher. On September 30, 1983 the defendant proceeding pro se filed his answer and counterclaim wherein he seeks \$250,000 compensatory damages and \$500,000 punitive damages from the plaintiffs. Though it was not completely clear upon what legal theory the defendant based his counterclaim the plaintiffs interpreted it as attempting to raise a claim for malicious prosecution. In the defendant's pleading of December 16, 1983 entitled Opposition to Motion Premises Filed by the Board of Trustees the defendant attempts to clarify the legal basis for his counterclaim. He asserts in that pleading that the counterclaim is for wrongful termination of benefits, common law fraud and slander.

In the first instance, the Court construes the pleadings filed by the defendant on December 16, 1983, December 27, 1983 and January 6, 1984 as abandoning or at least acknowledging the insufficiency of his counterclaim based on the legal theory of malicious prosecution. It is clear that the defendant has no claim for malicious prosecution here because at least one of the elements essential to maintain such an action is missing. The plaintiff has not and cannot contend that the action brought by the plaintiffs against him has terminated in his favor. See Lindsey v. Dayton-Hudson Corporation, 592 F.2d 1118 (10th Cir. 1979); Vieser v. Harvey Estes Construction Company, 69 F.R.D. 378 (W.D.Okla. 1975).

After reviewing the record herein and the applicable law the Court further concludes that the counterclaim on file herein is

not sufficient to plead any cause of action advanced by the defendant. For this reason the counterclaim must be dismissed.

It is therefore the Order of this Court that the motion to dismiss filed by the plaintiffs on October 21, 1983 is sustained and the counterclaim of the defendant is dismissed.

It is so Ordered this <sup>27</sup>27 day of March, 1984.

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

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

**FILED**  
IN OPEN COURT

MAR 27 1984

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

CLARK RESOURCES CORPORATION, )  
 )  
 Plaintiff, )  
 )  
 vs. )  
 )  
 MID-CONTINENT SUPPLY COMPANY, )  
 )  
 Defendant(s). )

No. 83-C-584-C

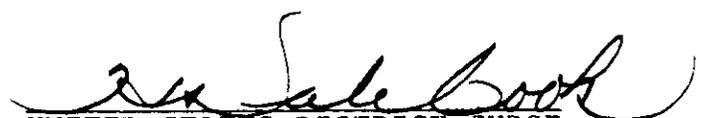
JUDGMENT DISMISSING ACTION  
BY REASON OF SETTLEMENT

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

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

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

Dated this 27 day of March, 1984.

  
UNITED STATES DISTRICT JUDGE

*entered*

**FILED**

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

MAR 27 1984

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

UNITED STATES OF AMERICA,	)	
	)	
Plaintiff	)	
	)	
v.	)	CIVIL NO. 82-C-729-E
	)	
DONALD GENE COX, REBA R.	)	
COX, ROY COOPER, JR.,	)	
RUBLE W. COOPER, and BOARD	)	
OF COUNTY COMMISSIONERS OF	)	
THE COUNTY OF TULSA,	)	
	)	
Defendants	)	

AGREED FINAL JUDGMENT

All parties to this action having agreed to the entry of this judgment, and the Court being satisfied that it is in the interest of justice to enter this judgment, it is

ORDERED, ADJUDGED, AND DECREED that the real property described as

West 125 feet of Lot 7 Block 2 Golden Hill Addition to the City of Tulsa, Tulsa County, State of Oklahoma according to the recorded plat thereof

is encumbered by a purchase money mortgage lien and property tax liens owned by Defendants Roy W. Cooper and Ruble Cooper; a right-of-way dedicated to the public for roadway use, being the west 20 feet of said Lot 7; and ad valorem taxes for 1982 and 1983; and it is further

ORDERED, ADJUDGED, AND DECREED that Defendant Donald Gene Cox is indebted to the plaintiff, United States of America, in the sum of \$47,051.82 plus statutory additions accruing after

March 1, 1984, until the date of entry of this judgment, plus interest thereafter at the rate prescribed by law for federal taxes, for employment taxes for the periods ending March 1976, December 1977, June, September and December 1978, and September and December 1979; for FUTA taxes for the years 1976, 1977, 1978 and 1979; and for highway use excise tax for the period ending July 1978; and it is further

ORDERED, ADJUDGED, AND DECREED that federal tax liens of the United States against said real property be foreclosed; that such property be sold in accordance with law; that the proceeds of such sale be applied to satisfy the unpaid ad valorem taxes, plus any interest and penalties due thereon; that one-half of the remaining proceeds of such sale be applied to pay the said federal tax liabilities; and that the other half of the sale proceeds remaining be paid over to the Defendant Reba Cox, provided that Plaintiff United States of America may delay in proceeding with the judicial sale to allow for Defendants Donald Gene Cox and Reba Cox to arrange a private sale, subject to the written approval of the United States, the proceeds to be distributed as described above, and it is further

ORDERED, ADJUDGED, AND DECREED that no liens or other interests attach to or exist against said real property, and title to said real property will pass at said judicial or private sale free and clear of all liens and encumbrances, except for ad valorem taxes, the liens of Defendants Roy

Cooper, Jr. and Ruble Cooper, and the right-of-way dedicated to roadway use, as described above, to the extent that such taxes and liens are not paid or released at such sale.

ENTERED this 26 day of March, 1984.

S/ JAMES O. ELLISON  
UNITED STATES DISTRICT JUDGE

APPROVED AND AGREED:

Michael E. Greene  
MICHAEL E. GREENE  
Attorney, Tax Division  
Department of Justice  
Room 5B31, 1100 Commerce St.  
Dallas, Texas 75242

ATTORNEY FOR PLAINTIFF  
UNITED STATES OF AMERICA

D. KENYON WILLIAMS  
1595 S. Utica  
Tulsa, Oklahoma 74104

ATTORNEY FOR DEFENDANTS  
DONALD GENE COX AND REBA R. COX

William J. Chronos  
WILLIAM J. CHRONOS  
3010 South 94th East Ave.  
Tulsa, Oklahoma 74129

ATTORNEY FOR DEFENDANTS  
ROY COOPER, JR. AND RUBLE W. COOPER

David A. Carpenter  
DAVID A. CARPENTER  
Assistant District Attorney  
406 Tulsa County Courthouse  
Tulsa, Oklahoma 74103

ATTORNEY FOR DEFENDANT  
BOARD OF COUNTY COMMISSIONERS, TULSA COUNTY

*Entered*

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

FILED

MAR 27 1984

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

GLENN MCKINLEY HILL, )  
 )  
 Plaintiff, )  
 )  
 v. )  
 )  
 RUFUS L. THOMAS, et al., )  
 )  
 Defendants. )

No. 83-C-<sup>565</sup>56-BT

O R D E R

Before the Court for consideration is the motion to dismiss of defendants filed January 16, 1984. Plaintiff has not responded to the motion.

Without addressing substantive arguments raised by defendants' motion, the Court notes that defendants' argument of improper venue appears sound.

Venue herein is governed by 28 U.S.C. §1391(b) which provides:

"A civil action wherein jurisdiction is not founded solely on diversity of citizenship may be brought only in the judicial district where all defendants reside, or in which the claim arose, except as otherwise provided by law."

Plaintiff brings this action pursuant to 42 U.S.C. §1983 alleging he was deprived of property without due process. At the time his claim arose, plaintiff was an inmate of the Oklahoma City Community Treatment Center. On April 25, 1983 plaintiff was sent to the Oklahoma County jail at the request of the staff of the Oklahoma City Community Treatment Center. On April 26, 1983

plaintiff was transported back to the Treatment Center and placed in a detention cell. Plaintiff claims he requested information about his personal property from C. O. Jackson and was told it was stored in the property room. Plaintiff claims on April 27, 1983 he requested C.O. Carter to inventory the property but his request was denied, although C.O. Carter showed plaintiff the unopened boxes. On April 28, 1983, plaintiff was transported to Connors Correctional Center in Hominy, Oklahoma. Upon his arrival an inventory was made by Sgt. Eaton and plaintiff. Plaintiff claims certain of his property was missing.

Both defendants herein reside in the Western District of Oklahoma. From the facts as set forth by plaintiff, it appears the theft of his property, if any, must have occurred in Oklahoma City in the Western District of Oklahoma.<sup>1</sup> The Court thus concludes venue lies in the Western District of Oklahoma and venue in this district is improper.

28 U.S.C. §1406(a) provides:

"(a) The district court of a district in which is filed a case laying venue in the wrong division or district shall dismiss, or if it be in the interest of justice, transfer such case to any district or division in which it could have been brought."

Where the interests of justice so dictate, transfer is preferable to dismissal. De La Fuente v. I.C.C., 451 F.Supp. 867, 872 (N.D. Ill. 1978); Moore v. Conway, 481 F.Supp. 563, 565 (E.D. Wis.

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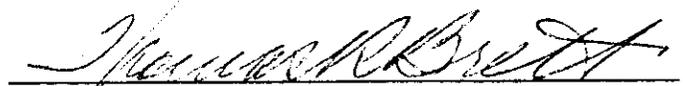
<sup>1</sup> The language of §1391(b), "in which the claim arose," has been interpreted as conferring venue "in a district where a substantial portion of the acts or omissions giving rise to the action occurred." Lamont v. Haig, 590 F.2d 1124, 1134-35 (D.C. Cir. 1978).

1979). As stated in Nation v. United States Government, 512 F.Supp. 121, 126 (S.D. Ohio 1981).

"Selection between options of dismissal and transfer, for improper venue, is a matter within the sound discretion of the district court. 1 Moore's Federal Practice §0.146[5]. However, transfer in and of itself is generally considered to be more in the 'interest of justice' than dismissal and, therefore, doubts should be resolved in favor of preserving the action, particularly where it appears that venue may be properly laid in the proposed transferee district."

Because venue is improper in this district and appears to lie in the United States District Court for the Western District of Oklahoma, the Court in its considerable discretion finds the matter should be so transferred pursuant to 28 U.S.C. §1406(a) and the portion of defendants' motion to dismiss dealing with improper venue denied.

IT IS SO ORDERED this 27<sup>th</sup> day of March, 1984.



THOMAS R. BRETT  
UNITED STATES DISTRICT JUDGE



FILED

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

MAR 27 1984

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

TANK TRUCKS, INC., )  
a corporation, )  
) )  
Plaintiff, )  
) )  
vs. )  
) )  
BURLINGTON NORTHERN RAILROAD )  
COMPANY, a Delaware corporation, )  
and SAM H. SCULLY, )  
) )  
Defendants. )  
) )  
) )  
CHARLES O. BELL, JR., )  
) )  
Plaintiff, )  
) )  
vs. )  
) )  
BURLINGTON NORTHERN RAILROAD )  
COMPANY, a Delaware corporation, )  
and SAM H. SCULLY, )  
) )  
Defendants. )

No. 83-C-535-C

State Court No.)  
C-81-460 )

CONSOLIDATED )

State Court No.)  
C-81-347 )

O R D E R

Now before the Court for its consideration is the Motion of the defendant Burlington Northern Railroad Company to declare "null and void" the verdicts and judgments entered in case numbers C-81-347 and C-81-460 (consolidated), in the District Court of Creek County, Oklahoma, on June 21, 1983, after the case had been removed by defendant Burlington Northern to this Court. The defendant has also moved for an injunction to prevent plaintiff Charles O. Bell, Jr. and his attorneys and plaintiff

Tank Trucks, Inc., its agents, servants, employees, and attorneys from proceeding further in the state court action until further order of this Court. Plaintiffs Charles O. Bell, Jr. and Tank Trucks, Inc. have filed motions to remand this action to state court.

It is the position of defendant Burlington Northern that when the state court judge sustained the demurrer of Sam Scully, the non-diverse party, immediately prior to instructing the jury, and the plaintiffs failed to object, removal to federal court became permissible. Plaintiff Bell contends that refraining from opposing a demurrer is not the equivalent of a voluntary dismissal.

It is the position of defendant Tank Trucks that its lawsuit was joined with the claim of Charles O. Bell as a matter of convenience for the purposes of trial only. Therefore, since there was no joint suit in state court, any statements or actions by counsel for Bell cannot be attributed to Tank Trucks and removal would be improper. Tank Trucks also argues that since Burlington Northern took its counterclaim against Tank Trucks to the jury in the state court action, that it waived its right to removal.

No transcription as of the proceedings in chambers was made wherein the state court judge discussed with the parties the matter of sustaining the defendants' demurrer as to defendant Sam Scully. At page 13 of the Partial Transcripts submitted to the Court on July 20, 1983, the state court judge stated as follows:

THE COURT: Okay. At this time the Court, as we have talked earlier in chambers, will sustain the demurrer as to Sam Scully, let him out, and we have agreed on the Instruction that would cover that. We did that this morning. . . .

Whether attorneys for both plaintiffs agreed to the judge's ruling on the demurrer is unclear under the record as it stands before this Court. It is clear that all parties understood that the ruling of the court went to the merits of plaintiffs' claims against Scully, including the attorney for the defendant, Burlington Northern, Mr. Satterfield:

MR. SATTERFIELD: With the Court having dismissed Sam Scully, the Court will be prohibited from considering any negligence on his part as being negligence against the railroad because the Court has made a judicial determination that there was no negligence on his part, no showing of negligence on his part, in sustaining the demurrer.

THE COURT: Should that be mentioned or not?

MR. PARKS: I don't think it needs to be mentioned. . . . (Tr.14)

It is clear that "the right of removal from the state courts is statutory. A suit commenced in state court must remain there until cause is shown under some act of Congress for its transfer." Gold-Washing & Water Co. v. Keyes, 96 U.S. 199, 201, 24 L.Ed. 656 (1877). Federal jurisdiction is to be determined solely by an examination of the plaintiff's case, without recourse to defendant's pleadings. Louisville & Nashville R.R. v. Mottley, 211 U.S. 149, 29 S.Ct. 42, 53 L.Ed. 126 (1908). It is also well-established that the "voluntary-involuntary" rule requires that a suit remain in state court unless a "voluntary"

act of plaintiff brings about a change that renders an action removable. A ruling by a court on the merits and in invitum which removes a resident defendant is clearly an involuntary as to plaintiff and prevents a cause from being removed from state court. Kansas City Suburban Belt Ry. Co. v. Herman, 187 U.S. 63, 23 S.Ct. 24, 47 L.Ed. 76 (1902); Lathrop, Shea & Henwood Co. v. Interior Construction & Improvement Co., 215 U.S. 246, 30 S.Ct. 76, 54 L.Ed. 177 (1909). In the Kansas City Suburban Belt Ry Co. case, a state judgment for a resident defendant on a demurrer to the evidence was held to bar removal to federal court since it was "on the merits" and "in invitum".

In the action herein, as in Kansas City Suburban Belt Ry. Co. and Lathrop, Shea & Henwood Co., supra, the plaintiffs insisted on the individual liability of Sam Scully until the close of trial, and the state court judge affirmed their right to proceed against him by overruling all demurrers of defendants to the evidence prior to instructing the jury as to the law. Only upon an unrecorded in-chambers discussion near the close of trial, did the state court judge decide that allowing defendant Scully to remain in the case as an individual would unreasonably confuse the jury. The judge reported after the in-chambers conference that he had sustained the demurrer as to Scully, and that any agreement between the parties pertained to the instruction covering the effect of the demurrer on the remaining action. (Tr.13,15). The court also deferred objections to instructions until after the jury went out to deliberate. (Tr.13). The subsequent recollection of the judge and

participating attorneys of the in-chambers discussion varies. Mr. Gossett, attorney for plaintiff Bell, said: "The fact is that they demurred, we did not object to the demurrer being sustained, but there has been no finding by the Court." (Tr.17). Mr. Gossett recalled that Mr. Gibbon, attorney for plaintiff Tank Trucks concurred in the statement that they had no objection to the demurrer (Tr.17-18). Mr. Parks, attorney for plaintiff Bell, stated: "Well, the way I understand it, the Judge just didn't want to submit the issue of Scully's liability to the jury, so the easy way to do that was just for the record to sustain the demurrer." (Tr.17). Mr. Gibbon stated: "I think that it was all in a discussion as to trying to work out as smooth of an instruction to the jury, and you all was the one that wanted him out of there." (Tr.18). Whereupon the following conversation ensued between the judge and the parties:

THE COURT: Mr. Wagner, if I can. We talked a little bit and you all had moved that he get out, and I was trying to find a way to get him out as an individual. If you feel that there is some problem with what we have done, over the lunch hour, you all think about it. I think the jury understood when I said individually that there would be nothing returned ---

MR. SATTERFIELD: For the time being, let's leave it as it is, and we'll take it up further after lunch.

MR. GIBBON: Maybe we can put him back in after lunch.

THE COURT: I indicated to you that I could leave him in.

MR. SATTERFIELD: Well, see, I didn't realize that Mr. Gibbon had -- I don't mean Mr. Gibbon, that Mr. Gossett had told you that

they had no objection to him going out.  
That's a little different. Okay.

THE COURT: Let me know.

(WHEREUPON, a brief lunch recess was taken,  
after which the following proceedings were had in  
open court in the presence and hearing of the jury  
panel, to-wit:)

THE COURT: Let the record show the jury has  
returned and are seated in the box. Is  
counsel ready to proceed?

MR. GOSSETT: Yes, Your Honor.

MR. SATTERFIELD: May I approach the bench?  
Let the record show this case has been  
removed to the United States District Court  
for the Northern District of Oklahoma because  
---

(Tr.17-18).

Thus the court appears to have opened the ruling on the demurrer  
to the further argument of all counsel. After lunch on the same  
day, during which time defendant Burlington Northern had filed  
its removal action, the parties again discussed with the judge  
their recollection of the in-chambers discussion as to the  
demurrer.

MR. PARKS (for plaintiff Bell): Now, one  
other thing I'd like to note. The Court  
granted the demurrer. The Plaintiff did not  
agree to it, it was an involuntary dismissal.  
The Court granted it.

MR. SATTERFIELD: We will let the record  
speak for itself on that score.

MR. WAGNER (for defendants): My understand-  
ing of the Judge's statement was that counsel  
agreed to it back in chambers. Judge, that  
is not my recollection. My recollection was  
that you indicated that you either had or  
would sustain the demurrer and if counsel --  
Mike, do you recall agreeing to that?

MR. PARKS: I did not agree to it.

THE COURT: Whatever it was, plaintiffs didn't agree to it. (emphasis added)

MR. SATTERFIELD: Well, whatever the record shows.

THE COURT: There was no agreement, just that there would be no objections. (emphasis added)

MR. GOSSETT: We would not argue it anyway.

THE COURT: And we were working on Instructions to submit so that it would make it clear if that were done. That was my understanding.

MR. SATTERFIELD: Well, we have got that pretty well covered in the record, I think, after the Court finished reading the Instructions, Your Honor. That will just be whatever it is. . . . (Tr.27, 28).

Based on the record submitted to the Court in the action herein, it is the view of the Court that the demurrer to the evidence of defendant Scully which was sustained by the state court was a ruling on the merits and was not in essence a dismissal by agreement of the parties. In addition, the record shows that the state court had reconsidered this ruling immediately prior to removal by defendant Burlington Northern, and had asked for counsel for all parties to advise him after lunch as to their positions on the demurrer. Before this could occur, defendant Burlington Northern took advantage of the apparent confusion to remove the action to this Court.

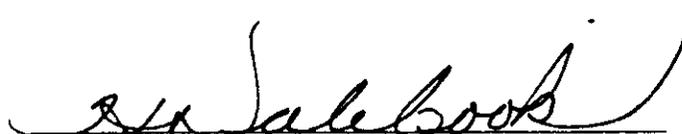
It is well-established that where doubt exists as to the right of the federal court to entertain jurisdiction of a suit removed from state court, the court should remand the suit to

state court. Graves v. Corbin, 132 U.S. 571, 10 S.Ct. 196, 33 L.Ed. 462 (1890); Greenshields v. Warren Petroleum Corp., 248 F.2d 61 (10th Cir. 1957); Dane v. Southwestern Bell Telephone Co., 352 F.Supp. 257 (W.D.Okla. 1972). In Dane, the court also noted that in addition to looking at the allegation of plaintiffs' state court petition, aided as necessary by defendants' Petition for Removal, "In determining jurisdiction on removal, the Court may delve deeply into the factual situation surrounding jurisdictional matters. . . ." Id., 258-59.

Having inquired as fully as possible into the record and affidavits supplied by the parties, and fully considering the pleadings filed herein, the Court retains considerable doubt as to whether this action was properly removed.

It is therefore the order of the Court that the action herein was removed improvidently and without jurisdiction. It is the further order of the Court that the action herein should be and hereby is remanded to the District Court of Creek County, State of Oklahoma, Sapulpa Division for further proceedings if such are deemed appropriate, pursuant to 28 U.S.C. Section 1447(c).

It is so Ordered this 27<sup>th</sup> day of March, 1984.

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

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

FILED

MAR 27 1984

WILLIAM D. SILVER, CLERK  
DISTRICT COURT

THE BOARD OF TRUSTEES OF THE )  
PIPELINE INDUSTRY BENEFIT FUND )  
and THE BOARD OF TRUSTEES OF )  
THE PIPELINE INDUSTRY PENSION )  
FUND, )  
 )  
Plaintiffs, )  
 )  
vs. ) No. 83-C-512-C  
 )  
WILLIE EARL HATCHER, )  
 )  
Defendant. )

O R D E R

Now before the Court for its consideration is the plaintiffs' motion to dismiss the counterclaim filed by the defendant on September 30, 1983. The defendant has responded to this motion and it is now ready for the determination of this Court.

On June 14, 1983 the plaintiffs filed their complaint under the Employee Retirement Income Security Act of 1974 (ERISA), 29 U.S.C. §1001 et seq. to recover from defendant disability and medical benefits paid to defendant for an injury apparently suffered by defendant in 1977. The plaintiffs claim that the defendant falsely procured such benefits. A second count of the complaint is based on common law fraud in which the plaintiffs seek to recover punitive damages from the defendant. On July 11, 1983 the plaintiffs filed an amended complaint to make known that the defendant Willie Earl Hatcher is also known as William Earl

Hatcher. On September 30, 1983 the defendant proceeding pro se filed his answer and counterclaim wherein he seeks \$250,000 compensatory damages and \$500,000 punitive damages from the plaintiffs. Though it was not completely clear upon what legal theory the defendant based his counterclaim the plaintiffs interpreted it as attempting to raise a claim for malicious prosecution. In the defendant's pleading of December 16, 1983 entitled Opposition to Motion Premises Filed by the Board of Trustees the defendant attempts to clarify the legal basis for his counterclaim. He asserts in that pleading that the counterclaim is for wrongful termination of benefits, common law fraud and slander.

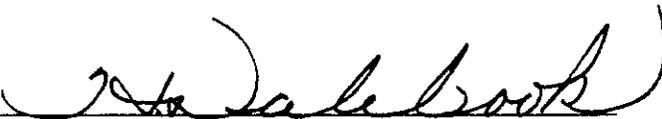
In the first instance, the Court construes the pleadings filed by the defendant on December 16, 1983, December 27, 1983 and January 6, 1984 as abandoning or at least acknowledging the insufficiency of his counterclaim based on the legal theory of malicious prosecution. It is clear that the defendant has no claim for malicious prosecution here because at least one of the elements essential to maintain such an action is missing. The plaintiff has not and cannot contend that the action brought by the plaintiffs against him has terminated in his favor. See Lindsey v. Dayton-Hudson Corporation, 592 F.2d 1118 (10th Cir. 1979); Vieser v. Harvey Estes Construction Company, 69 F.R.D. 378 (W.D.Okla. 1975).

After reviewing the record herein and the applicable law the Court further concludes that the counterclaim on file herein is

not sufficient to plead any cause of action advanced by the defendant. For this reason the counterclaim must be dismissed.

It is therefore the Order of this Court that the motion to dismiss filed by the plaintiffs on October 21, 1983 is sustained and the counterclaim of the defendant is dismissed.

It is so Ordered this <sup>26</sup>~~26~~ 27 day of March, 1984.

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

Entered

FILED

MAR 27 1984

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

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

KELLY WARD,	)	
	)	
Petitioner,	)	
	)	
v.	)	NO. 83-C-896-BT
	)	
BROWN, Warden, et al.,	)	
	)	
Respondents.	)	

O R D E R

This matter comes before the Court on motion to dismiss party-respondents Attorney General and Trial Judge. For the following reasons, the motion is sustained.

The motion to dismiss party-respondents Attorney General and Trial Judge is brought on grounds that a writ of habeas corpus goes only to the person or persons holding petitioner in unlawful custody. This is amply supported by case law. "If a petitioner seeks relief against state custody he must direct his petition against those state officials holding him in restraint." Moore v. U.S., 339 F.2d 448 (10th Cir. 1964); see also Spradling v. Maynard, 527 F.Supp. 398, 404 (W.D. Okl. 1981); English v. Miller, 341 F.Supp. 714, 715 (E.D. Va. 1972). Since neither the Attorney General of Oklahoma nor the trial judge who ordered the incarceration are proper party-respondents, they must be dismissed from this matter.

IT IS THEREFORE ORDERED the motion to dismiss party-respondents Attorney General and Trial Judge is hereby sustained.

ENTERED this 27 day of March, 1984.

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

THOMAS R. BRETT  
UNITED STATES DISTRICT JUDGE

*Entered*

FILED

MAR 27 1984

UNITED STATES DISTRICT COURT FOR THE  
NORTHERN DISTRICT OF OKLAHOMA

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

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. )

CIVIL ACTION NO. 83-C-675-B

DEFICIENCY JUDGMENT

NOW on this 27 day of March, 1984, there came on for hearing the Motion of the Plaintiff United States of America for leave to enter a Deficiency Judgment herein, said Motion being filed on March 22, 1984, and a copy of said Motion being mailed by Certified Mail to Sandy W. Easter, 9017 East 40th Place, Tulsa, Oklahoma 74145. The Plaintiff, United States of America, on behalf of the Administrator of Veterans' Affairs, appeared by Layn R. Phillips, United States Attorney for the Northern District of Oklahoma through Nancy A. Nesbitt, Assistant United States Attorney, and the Defendant Sandy W. Easter, appeared neither in person nor by counsel.

The Court upon consideration of said Motion finds that the amount of the Judgment rendered herein on November 7, 1983, in favor of the Plaintiff United States of America, and against the Defendant Sandy W. Easter, with interest and costs to date of sale is \$91,974.13.

The Court further finds that Plaintiff United States of America is accordingly entitled to a deficiency judgment against the defendant, Sandy W. Easter, as follows:

Principal as of January 25, 1984	\$ 80,991.54
Interest	10,289.60
Late charges	398.24
Appraisal	95.00
Credit report	4.75
Management broker fees	160.00
Marshal's fees	15.00
Costs	<u>20.00</u>
	TOTAL
	\$ 91,974.13
Credit from Sale	<u>82,741.58</u>
	DEFICIENCY
	\$ 9,232.55

plus interest on said deficiency judgment at the legal rate of 10.60% percent per annum from date of judgment until paid; said deficiency being the difference between the amount of Judgment rendered herein and the amount credited to Plaintiff, United States of America, after the Marshal's Sale of the property herein.

IT IS THEREFORE ORDERED, ADJUDGED AND DECREED that the Plaintiff United States of America have and recover from the Defendant Sandy W. Easter, a deficiency judgment in the amount of \$9,232.55, plus interest at the legal rate of 10.60% percent per annum on said deficiency judgment from date of judgment until paid.

S/ THOMAS R. BRETT

UNITED STATES DISTRICT JUDGE

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

**FILED**

**MAR 2 1984**

**Jana G. Silver, Clerk  
U. S. DISTRICT COURT**

GARY PIPKINS and BARBARA PIPKINS, )  
 )  
 Plaintiffs, )  
 )  
 vs. )  
 )  
 JOHN B. VOSBURGH, M.D., INC., )  
 and JOHN B. VOSBURGH, M.D., )  
 )  
 Defendants. )

No. 83-C-322-E

ORDER OF DISMISSAL

Now on this 23rd day of March, 1984, upon the parties stipulation for dismissal with prejudice, the Court finds that said stipulation should be approved.

IT IS THEREFORE ORDERED, ADJUDGED AND DECREED BY THE COURT that plaintiff's cause of action be dismissed with prejudice to the filing of any future action.

**S/ JAMES O. ELLISON**

\_\_\_\_\_  
United States District Judge

FILED

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

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J. O. Silver  
1984

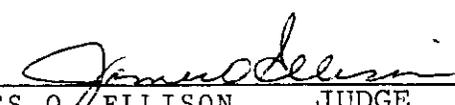
RUFUS SWEENEY, )  
 )  
 Plaintiff, )  
 )  
 vs. )  
 )  
 HARLEY INDUSTRIES, A COR- )  
 PORATION, )  
 )  
 Defendant. )

Case No. 83-C-796-E ✓

ORDER OF DISMISSAL WITHOUT PREJUDICE

THIS MATTER came on for consideration on the 23<sup>rd</sup> day of March 1984, upon the JOINT APPLICATION FOR DISMISSAL filed herein. The Court being duly advised in the premises finds that said Application For Dismissal is in the best interest of justice and should be dismissed in order to fully exhaust all administrative remedies.

IT IS THEREFORE ORDERED, ADJUDGED AND DECREED by the Court that the Joint Application for Dismissal by the parties be and the same is hereby approved and the above styled and numbered cause of action and complaint is dismissed without prejudice.

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



charge in the amount of \$50,000.

A careful perusal of certified copies of the docket sheets of the state proceedings shows that the judicial machinery of the state is moving, though apparently slowly, to a trial of the petitioner. At least some of the numerous continuances in the proceedings were requested by counsel for petitioner. The Tenth Circuit Court of Appeals has held that absent "special or unusual circumstances" a federal court will not interfere by way of habeas corpus until after a jury comes in and the state appellate process is concluded. Dollack v. Allenbrand, 548 F.2d 891 (10th Cir. 1977); See also Younger v. Harris, 401 U.S. 37, 91 S.Ct. 746, 27 L.Ed.2d 669 (1971) and Drury v. Cox, 457 F.2d 764 (9th Cir. 1972). At the present time and based on the present record before this Court no such "special circumstances" exist.

If the petitioner here is seeking immediate release and dismissal of the pending state charges against him -- which is not clear from the numerous pleadings filed by petitioner -- the United States Supreme Court decision in Braden v. 30th Judicial Circuit Court of Kentucky, 410 U.S. 484, 98 S.Ct. 1123, 35 L.Ed.2d 443 (1973) would appear to indicate that federal habeas corpus relief is not available. In Braden it was said, "that federal habeas corpus does not lie, absent special circumstances; to adjudicate the merits of an affirmative defense to a state criminal charge prior to a judgment of conviction by a state court." Id at 489. See also Brown v. Estelle, 530 F.2d 1280 (5th Cir. 1976). As mentioned above, the Court does not believe that any special circumstances exist here that would warrant intervention by this Court in the ongoing process of the state

criminal proceedings at the present time, particularly in that petitioner's state trial is now set to proceed on March 26th.

If the petitioner is requesting that this Court enforce the state's obligation to bring him to trial, habeas corpus relief would be available, in a proper situation, if the petitioner had first exhausted his state remedies. Brown v. Estelle, supra. On the present record the Court concludes that petitioner has not adequately exhausted his state remedies in this regard. Though petitioner has filed with the state trial court a motion for habeas corpus relief and with the Oklahoma Court of Criminal Appeals a petition for a writ of mandamus, a careful review of these pleadings indicates that petitioner failed to effectively communicate any demand for a speedy trial. In fact, at the same time these pleadings were being presented to the trial court and the Oklahoma Court of Criminal Appeals the petitioner, through his counsel, was requesting continuances of the state criminal proceedings.

In regard to petitioner's claim that his bonds are excessive this Court would note that in a proper situation federal habeas corpus relief is available to test the constitutionality of the excessiveness of bail set by a state court for a pretrial detainee. Goodine v. Griffin, 309 F.Supp. 590 (S.D.Ga. 1970). However, review by a federal district court is limited to a determination of whether the amount of bail so set is arbitrary or discriminatory or whether the amount of bail has resulted in a denial of the detainee's right to counsel or a fair trial. A federal district court is not entitled to review the matter de novo and substitute its judgment for that of the state trial

court. On the record before this Court there is no indication that the amount of bail is arbitrary or discriminatory. Further, no argument can be made that the amount of bail has resulted in a denial of petitioner's right to counsel or to a fair trial. In such a situation this Court will not substitute its judgment for that of a state trial court. The Court would further note that on the present record the bonds as set do not appear to be excessive.

Finally, the Court believes that the petitioner has not exhausted his state remedies in regard to the amount of his bail. The pro se pleadings he has filed with the Oklahoma Court of Criminal Appeals have not been presented to that Court in an appropriate manner so as to obtain a final ruling on the bail issue. Accordingly, the Court concludes that petitioner has failed to exhaust available and adequate state remedies in regard to his claim of excessive bail. See OKLA.STAT.ANN. tit.12 §1331 et seq.

For all of the foregoing reasons it is the Order of this Court that the petition for a writ of habeas corpus is denied without prejudice.

It is so Ordered this 23<sup>rd</sup> day of March, 1984.

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

FILED

MAR 23 1984

DALE COOK, CLERK  
U.S. DISTRICT COURT

IN THE UNITED STATES DISTRICT COURT  
NORTHERN DISTRICT OF OKLAHOMA

THELMA R. WALKER,	)	
	)	
Plaintiff,	)	
	)	
vs.	)	No. CIV-83-C-446-C
	)	
JOHN DEERE COMPANY;	)	
DEERE AND COMPANY; and	)	
INTERNATIONAL HARVESTER	)	
CORPORATION,	)	
	)	
Defendants.	)	

ORDER OF DISMISSAL WITH PREJUDICE

NOW on this 23 day of March, 1984, the Court, having been advised that the Plaintiff and Defendant International Harvester Company have stipulated that this case may be dismissed with prejudice as against the Defendant International Harvester Company, hereby orders, adjudges and decrees that this case should be and the same, therefore, is dismissed with prejudice as against Defendant International Harvester Company and only the Defendant International Harvester Company.

s/H. DALE COOK  
\_\_\_\_\_  
H. DALE COOK  
UNITED STATES DISTRICT JUDGE

Entered

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

**FILED**

MAR 22 1984

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

ICAN ENERGY COMPANY, )  
a general partnership, )  
 )  
Plaintiff, )  
 )  
vs. )  
 )  
ATCHISON, TOPEKA AND SANTA FE )  
RAILWAY COMPANY, a Delaware )  
corporation, )

NO. 83-C-1047B

ORDER OF DISMISSAL

Upon motion of the parties for dismissal of the above cause with prejudice to its further filing, the above case having been settled by and between the parties,

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

S/ THOMAS R. BRETT  
UNITED STATES DISTRICT JUDGE

APPROVED AS TO FORM:

Darrell E. Williams  
DARRELL E. WILLIAMS,  
Attorney for Plaintiff

James N. Atkins  
JAMES N. ATKINS,  
Attorney for Defendant

Entered

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

FILED  
MAR 22 1984

LESLIE JEAN REYNARD, as duly )  
appointed Personal Representative )  
of the Estate of JAMES DEAN )  
REYNARD, Deceased, )  
 )  
Plaintiff, )  
 )  
v. )  
 )  
ADVANCED HEALTH SYSTEMS, INC., )  
a California corporation, )  
d/b/a RALEIGH HILLS HOSPITAL, )  
PETROLANE, INC., a California )  
corporation, and CHRISTY LEE, )  
an individual, )  
 )  
Defendants. )

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

No. 83-C-687-B

O R D E R

This matter comes before the Court on defendant Kristie Lynn's Motion to Remand. Plaintiff has responded thereto. For the following reasons, the motion is sustained.

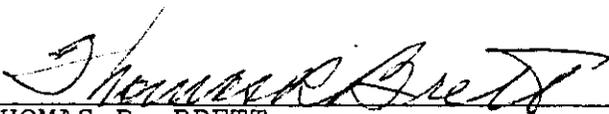
On August 9, 1983, defendants Advanced Health Systems, Inc., and Petrolane, Inc., filed a petition for removal to this court pursuant to 28 U.S.C. §1441(a). At this time, process had not been served on defendant Kristie Lynn. Defendant Kristie Lynn was later served with process, as provided in 28 U.S.C. §1448, and responded by filing the motion to remand.

Where "several defendants are jointly sued on a joint cause of action in a state court..., such suit cannot be removed to a federal court unless all of the defendants join in the removal."

Wright v. Missouri Pac. R. Co., 98 F.2d 34, 35 (8th Cir. 1938). Defendant Kristie Lynn, through her motion to remand, indicates her desire not to join in the petition for removal. Defendant Kristie Lynn also relies on 28 U.S.C. §1448, which provides that any defendant who is served with process after removal is not deprived of his right to move for remand of the case. Since defendant Kristie Lynn was not served with process until after removal of the action to federal court, she is entitled to remand of the case to the appropriate state court.

IT IS THEREFORE ORDERED defendant Kristie Lynn's motion to remand to the District Court of Ottawa County, Oklahoma is hereby sustained.

ENTERED this 23<sup>rd</sup> day of March, 1984.

  
\_\_\_\_\_  
THOMAS R. BRETT  
UNITED STATES DISTRICT JUDGE

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

**FILED**

KELLY McNEW and )  
JANET McNEW, )

Plaintiffs, )

vs. )

GEORGE ELIAS, PHYLLIS ELIAS, )  
JOE SAM VASSAR and TULSA )  
PETROLEUM RESOURCES, INC., )  
an Oklahoma Corporation, )

Defendants. )

No. 82-C-1098C

MAR 21 1984

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

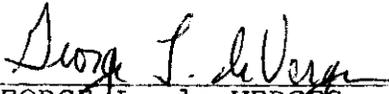
STIPULATED ORDER OF DISMISSAL

IT IS HEREBY STIPULATED, by and between counsel for all parties hereto, subject to the approval of the Court, as follows:

1. All claims presented by the complaint shall be dismissed without prejudice as to all parties to this action pursuant to Rule 41(a) of the Federal Rules of Civil Procedure.
2. Each party shall bear his or its own costs and attorneys' fees.
3. Defendants herein have not pleaded any counter-claim against Plaintiffs and such dismissal will not

inconvenience or prejudice the Defendants, or any parties hereto.

DATED the \_\_\_\_\_ day of March, 1984.

  
\_\_\_\_\_  
GEORGE L. de VERGES  
MORREL & WEST, INC.

Attorneys for Plaintiffs.

  
\_\_\_\_\_  
G. LEE JACKSON

Attorney for Defendant George,  
Elias and Tulsa Petroleum  
Resources, Inc., an Oklahoma  
Corporation.

SO ORDERED:

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

DATED: \_\_\_\_\_

10

Entered

FILED

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

MAR 21 1984

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

DONALD G. AND HELEN REYBURN, )  
 )  
 Plaintiffs, )

v. )

Civil No. 83-C-928-B

UNITED STATES OF AMERICA, )  
 )  
 Defendant. )

GERALD E. AND ALMA B. MOORE, )  
 )  
 Plaintiffs, )

v. )

Civil No. 83-C-1070-~~CB~~ ✓

UNITED STATES OF AMERICA, )  
 )  
 Defendant. )

ADMINISTRATIVE CLOSING ORDER

The above-styled cases contain a common issue involving the income tax consequences of certain claimed loss deductions generated by alleged advance royalty payments by the coal partnership of Jefferson Associates, Ltd. The same common issue is to be litigated in the United States Tax Court in the case of Braun v. Commissioner, Docket No. 5820-81. Since the parties to the present actions agree to be bound by the Tax Court's decision in Braun as it relates to the common issue, it is hereby ordered that the Clerk administratively terminate this action in his records, without prejudice to the rights of the parties to reopen the proceedings when the Braun decision becomes final. Furthermore, THE PARTIES HEREBY STIPULATE AND AGREE TO THE FOLLOWING:

1. The United States District Court For The Northern District of Oklahoma shall retain jurisdiction over the present actions.

2. The present actions shall be administratively closed until the Braun decision becomes final (as that term is defined in Section 7481 of the Internal Revenue Code of 1954). At such time one or more of the parties may reopen these proceedings to seek a judgment on the common issue in accordance with the decision rendered in Braun.

3. The statute of limitations issue will not be raised if one of the parties reopens the proceedings.

4. No party to these proceedings shall be bound by any portion of the Braun decision relating to the award of costs or attorney fees.

5. If, for any reason, the Braun case is not tried or decided on the merits, a new representative case will be selected to which the provisions of this ORDER shall apply.

Approved as to form and content.

Charles D. Harrison  
Counsel for Plaintiffs

Dated: March 15, 1984

[Signature]  
Counsel for the United States of  
America

Dated: March 19, 1984

IT IS SO ORDERED this 21<sup>ST</sup> day of March, 1984.

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

**FILED**

**MAR 21 1984**

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

JAMES R. HEAD  
Head, Johnson & Stevenson  
228 W. 17th Place  
Tulsa, Oklahoma 74119  
(918) 584-4187

JAMES E. BRUNTON  
225 West Broadway  
Suite 500  
Glendale, California 91204  
(213) 956-7154

Attorneys for Plaintiff

UNITED STATES DISTRICT COURT  
NORTHERN DISTRICT OF OKLAHOMA

NATIONAL ASSISTANCE LEAGUE, )  
a California Corporation, )  
 )  
Plaintiff, )

vs. )

Civil Action No. 84-C-9 E

GATESWAY FOUNDATION, INC., )  
an Oklahoma Corporation, )  
 )  
Defendant. )

STIPULATION AND CONSENT DECREE

THIS MATTER having come before the Court for Entry of Judgment, upon stipulation and consent of the parties, the Court being advised in the premises, it is hereby

ORDERED, ADJUDGED AND DECREED as follows:

1. This Court has jurisdiction of the parties and of the causes of action averred in the Complaint.

2. The Defendant, its agents, servants and employees individually and all acting in concert with or through them, directly or indirectly,

shall cease and desist from all use of the mark ASSISTANCE LEAGUE and shall not in the future use the mark ASSISTANCE LEAGUE, or any mark confusingly similar thereto, in connection with the business or activities of the Defendant.

3. All causes of action of the Complaint are dismissed with prejudice.

4. No damages are awarded and each party shall bear its own costs and fees.

DONE IN OPEN COURT this 21<sup>st</sup> day of March, 1984.

BY THE COURT

**S/ JAMES O. ELLISON**

UNITED STATES DISTRICT JUDGE

Entry of the above Stipulation and Consent Decree is hereby approved:

GATESWAY FOUNDATION, INC.

Dated Feb. 17, 1984 By [Signature]

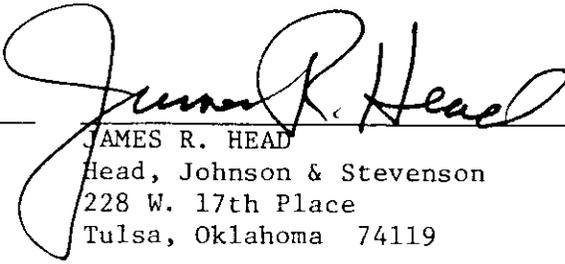
SUBLETT, McCORMICK, ANDREW & KEEFER

Dated Feb. 13, 1984 By [Signature]  
STEPHEN L. ANDREW  
Attorneys for the Defendant  
Suite 1776, One Williams Center  
Tulsa, Oklahoma 74172  
(918) 582-8815

NATIONAL ASSISTANCE LEAGUE

Dated February 27, 1984 By [Signature]  
President, National Assistance League

Dated March 6, 1984

  
JAMES R. HEAD  
Head, Johnson & Stevenson  
228 W. 17th Place  
Tulsa, Oklahoma 74119

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

**FILED**

UNARCO RUBBER PRODUCTS, )  
Division of UNARCO )  
INDUSTRIES, INC., )  
 )  
Plaintiff, )  
 )  
vs. )  
 )  
THE INTERNATIONAL UNION OF )  
UNITED RUBBER, CORK, )  
LINOLEUM AND PLASTIC )  
WORKERS OF AMERICA AFL-CIO )  
AND LOCAL UNION NO. 997 AND )  
JESSIE TERRY, )  
 )  
Defendants. )

MAR 21 1984

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

No. 83-C-81-EL

**JUDGMENT**

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

IT IS ORDERED AND ADJUDGED that the Plaintiff Unarco Rubber Products recover judgment of the Defendants The International Union of United Rubber, Cork, Linoleum and Plastic Workers of America AFL-CIO and Local Union No. 997 and Jessie Terry, that the arbitration award be set aside and declared unenforceable as against Plaintiff and that Plaintiff be awarded its costs of action.

DATED at Tulsa, Oklahoma this 21<sup>st</sup> day of March, 1984.

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

Entered

FILED

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

MAR 21 1984

W. C. SILVER, CLERK  
DISTRICT COURT

DONALD G. AND HELEN REYBURN, )  
 )  
 Plaintiffs, )

v. )

UNITED STATES OF AMERICA, )  
 )  
 Defendant. )

Civil No. 83-C-928-B ←

GERALD E. AND ALMA B. MOORE, )  
 )  
 Plaintiffs, )

v. )

UNITED STATES OF AMERICA, )  
 )  
 Defendant. )

Civil No. 83-C-1070-<sup>CB</sup>

ADMINISTRATIVE CLOSING ORDER

The above-styled cases contain a common issue involving the income tax consequences of certain claimed loss deductions generated by alleged advance royalty payments by the coal partnership of Jefferson Associates, Ltd. The same common issue is to be litigated in the United States Tax Court in the case of Braun v. Commissioner, Docket No. 5820-81. Since the parties to the present actions agree to be bound by the Tax Court's decision in Braun as it relates to the common issue, it is hereby ordered that the Clerk administratively terminate this action in his records, without prejudice to the rights of the parties to reopen the proceedings when the Braun decision becomes final. Furthermore, THE PARTIES HEREBY STIPULATE AND AGREE TO THE FOLLOWING:

1. The United States District Court For The Northern District of Oklahoma shall retain jurisdiction over the present actions.

2. The present actions shall be administratively closed until the Braun decision becomes final (as that term is defined in Section 7481 of the Internal Revenue Code of 1954). At such time one or more of the parties may reopen these proceedings to seek a judgment on the common issue in accordance with the decision rendered in Braun.

3. The statute of limitations issue will not be raised if one of the parties reopens the proceedings.

4. No party to these proceedings shall be bound by any portion of the Braun decision relating to the award of costs or attorney fees.

5. If, for any reason, the Braun case is not tried or decided on the merits, a new representative case will be selected to which the provisions of this ORDER shall apply.

Approved as to form and content.

Charles D. Harrison  
Counsel for Plaintiffs

Dated: March 15, 1984

[Signature]  
Counsel for the United States of  
America

Dated: March 19, 1984

IT IS SO ORDERED this 21<sup>st</sup> day of March, 1984.

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

Entered

FILED

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

MAR 21 1984

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

ASHLAND OIL, INC., )  
 )  
 Plaintiff, )  
 )  
 v. )  
 )  
 THE UNITED STATES DEPARTMENT )  
 OF ENERGY, DONALD HODEL, )  
 SECRETARY OF ENERGY, and )  
 COTTON PETROLEUM CORPORATION, )  
 )  
 Defendants. )

No. 83-C-588-B

O R D E R

This matter comes before the Court on motions to dismiss of defendants, the United States Department of Energy, Donald Hodel, Secretary of Energy and Cotton Petroleum Corporation, filed pursuant to F. R. Civ. P. 12(b)(1) and (6). For the reasons set forth below, the defendants' motions to dismiss are sustained.

SUMMARY OF FACTS

The federal government controlled the price of domestically produced crude oil from August 1973 until January 1981. Pursuant to the price control program, the Department of Energy (DOE) on August 26, 1977, issued a remedial order to Cotton Petroleum Corporation in which it determined Cotton had overcharged for crude oil sold from the North Goose Lake Unit in Montana to Ashland Oil, Inc. between the period of November 1, 1973 through December 31, 1975. The remedial order directed Cotton to refund \$714,677 to Ashland. Ashland received notice of the remedial order and of Cotton's subsequent appeal of the order. Following a hearing in which Ashland declined to participate, DOE denied Cotton's appeal of the remedial order on January 18, 1978.

In April 1979 Cotton filed suit in this Court challenging the remedial order. DOE counterclaimed to enforce the order [Cotton Petroleum Corporation v. Hodel, No. 79-C-217-B]. Ashland was not a party to the action and never sought leave to intervene. In March 1983, DOE moved to remand the remedial order to the agency so it could modify the refund requirement to reflect de-control of oil prices and the resulting potential inequity of allowing refunds to refiner-purchasers such as Ashland. In June 1983, DOE and Cotton reported to the Court an agreement in principle had been reached to settle the lawsuit and on September 7, 1983, a final agreement was executed by the parties and signed by the Court.

Under the settlement agreement, Cotton will pay over \$1 million into a separate government escrow account to be distributed in accordance with DOE's regulations for distributions of such refunds [See Special Procedures for Distribution of Refunds, 10 C.F.R. §§205.280-88]. These regulations--known as Subpart V regulations--provide for publication of a proposed decision and order by DOE, receipt of public comments, and issuance of a final decision and order. Following issuance of the final decision, any person entitled to a refund may file an application for refund. Decisions by DOE to grant or deny an application are subject to judicial review.

On July 11, 1983, Ashland brought this action against DOE and Cotton seeking to overturn or modify the settlement agreement of the parties in Cotton Petroleum Corporation v. Hodel. Simultaneously, Ashland sued Cotton under Section 210 of the Economic

Stabilization Act (ESA). [Ashland Oil, Inc. v. Cotton Petroleum Corporation, No. 83-C-587], which case has been consolidated.

Defendants contend, inter alia, this action should be dismissed because Ashland has no standing to challenge the settlement agreement; because Ashland has failed to exhaust administrative remedies and the controversy is not ripe for judicial review; because Ashland has a separate and independent right of action under Section 210 of ESA; and because Ashland comes to the Court with "unclean hands." Having determined the dispute is not ripe for judicial review, the Court will not address defendants' remaining arguments.

#### JUDICIAL RIPENESS/EXHAUSTION OF ADMINISTRATIVE REMEDIES

Ordinarily, a party is not entitled to judicial relief for a supposed or threatened injury until administrative remedies have been exhausted. Hawthorne Oil and Gas Corp. v. DOE, 647 F.2d 1107, 1113-4 (TECA 1981). The purpose of the exhaustion doctrine is "to allow an administrative agency to perform functions within its special competence--to make a factual record, to apply its expertise and to correct its own errors so as to moot judicial controversies." Parisi v. Davidson, 405 U.S. 34, 37 (1972).

Closely related to the exhaustion doctrine is the requirement that an issue be ripe for judicial review before a court may acquire subject matter jurisdiction. The United States Supreme Court has stated:

"Without undertaking to survey the intricacies of the ripeness doctrine it is fair to say that its basic rationale is to prevent the courts,

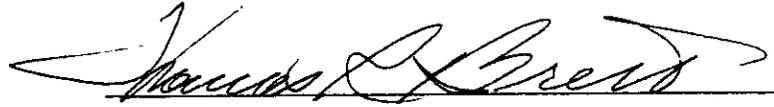
"through avoidance of premature adjudication, from entangling themselves in abstract disagreements over administrative policies, and also to protect the agencies from judicial interference until an administrative decision has been formalized and its effects felt in a concrete way by challenging parties. The problem is best seen in a twofold aspect, requiring us to evaluate both the fitness of the issues for judicial decision and the hardship to the parties of withholding court consideration."

Abbott Laboratories v. Gardner, 387 U.S. 136, 148-49 (1976). Clearly, plaintiff in this case has not exhausted administrative remedies. Plaintiff has the opportunity, through Subpart V proceedings, to petition DOE for a refund of money it alleges is due. Thus, the available agency proceedings can supply an adequate remedy.

Hawthorne Oil & Gas Corp. v. DOE, supra, 647 F.2d at 1114. Plaintiff alleges pursuit of the administrative remedy would be futile. However, plaintiff does not offer sufficient evidence of futility. Furthermore, Ashland has made no showing that requiring it to pursue administrative remedies will result in irreparable injury. Id. Rather, Ashland seeks a liquidated amount of money damages which it can obtain through administrative proceedings and possibly, ultimately through court action.

The Court further concludes judicial review of this controversy would be premature. No final determination as to the fate of the funds has been made. Until this is done, it would be a waste of the Court's time to involve itself in "abstract disagreements over administrative policies." Abbott Laboratories v. Gardner, supra. Therefore, the Court concludes this action should be dismissed for lack of judicial ripeness and plaintiff's failure to exhaust administrative remedies.

ENTERED this 21 day of March, 1984.

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

THOMAS R. BRETT  
UNITED STATES DISTRICT JUDGE

Entered  
FILED

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

MAR 20 1984  
JACK C. SILVER, CLERK  
U.S. DISTRICT COURT

IDA J. PREWITT,	)	
	)	
Plaintiff,	)	
	)	
vs.	)	No. 83-C-766-B
	)	
CIMARRON INSURANCE COMPANY,	)	
INC.,	)	
	)	
Defendants.	)	

ORDER OF DISMISSAL WITH PREJUDICE

The parties in this case having stipulated and agreed that this case be dismissed with prejudice.

It Is Ordered by the Court that this case be and the same is hereby dismissed with prejudice.

S/ THOMAS R. BRETT

UNITED STATES DISTRICT JUDGE

ROBINSON  
LOCKE  
GAGE  
&  
FITE  
ATTORNEYS AT LAW  
P. O. BOX 87  
MUSKOGEE, OK 74401

*Entered*

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

FILED

MAR 20 1984

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

CHARLES T. COLEMAN, SR., )  
 )  
 Plaintiff, )  
 )  
 v. )  
 )  
 DAVE FAULKNER, Sheriff Tulsa )  
 County, ROBERT DUCKERT, Captain )  
 Tulsa County Jail, Sheriff's )  
 Department, )  
 )  
 Defendants. )

No. 80-C-292-BT

J U D G M E N T

In accordance with the Court's order dated March 16, 1984, which sustained defendants' motion for summary judgment, judgment is hereby entered in favor of defendants, Dave Faulkner, Sheriff Tulsa County, and Robert Duckert, Captain Tulsa County Jail, Sheriff's Department, and against plaintiff, Charles T. Coleman, Sr.

IT IS SO ORDERED this 20<sup>th</sup> day of March, 1984.



THOMAS R. BRETT  
UNITED STATES DISTRICT JUDGE

FILED

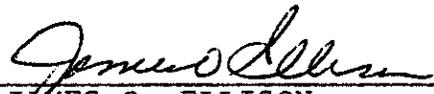
MAR 20 1984

83.C-965-E

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

ORDER OF DISMISSAL

NOW, on this 19<sup>th</sup> day of March, 1984, the Court being advised that a compromise settlement having been reached between the Plaintiff and the Defendant and those parties stipulating to the Dismissal With Prejudice, the Court orders that the captioned case be dismissed with prejudice as to all parties and all claims.

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



**FILED**

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

MAR 20 1984

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

HILTI EMPLOYEES FEDERAL	)
CREDIT UNION,	)
	)
Plaintiff,	)
	)
vs.	)
	)
CUMIS INSURANCE SOCIETY, INC.,	)
	)
Defendant.	)

NO. 83-C-912-C

ORDER OF DISMISSAL

ON this 20<sup>th</sup> day of March, 1984, upon 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.

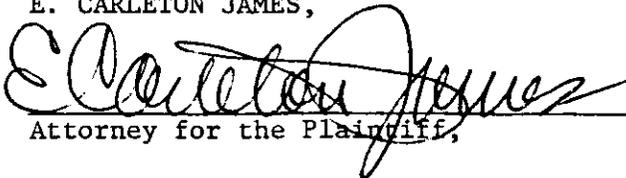
IT IS THEREFORE ORDERED, ADJUDGED AND DECREED by the Court that the Complaint and all causes of action of the Plaintiff filed herein against the Defendant be and the same hereby are dismissed with prejudice to any future action.

(Signed) H. Dale Cook

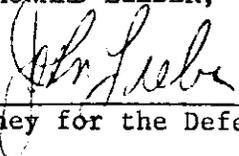
\_\_\_\_\_  
JUDGE, DISTRICT COURT OF THE UNITED STATES,  
NORTHERN DISTRICT OF OKLAHOMA

APPROVAL:

E. CARLETON JAMES,

  
\_\_\_\_\_  
Attorney for the Plaintiff,

JOHN HOWARD LIEBER,

  
\_\_\_\_\_  
Attorney for the Defendant.

FILED

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

MAR 20 1984

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

HALLIBURTON COMPANY, a	)	
Delaware corporation,	)	
	)	
Plaintiff,	)	
	)	
vs.	)	
	)	
QUALITY EXPLORATION, INC., an	)	
Oklahoma corporation,	)	
	)	
Defendant.	)	

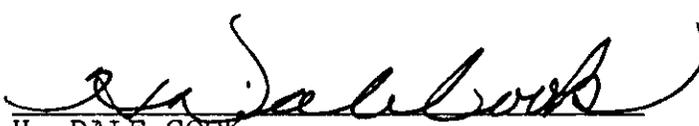
No. 83-C-942-C

O R D E R

On January 31, 1984, a status conference was held in this case, at which it was determined that defendant had not been served. The Court granted plaintiff 30 days to obtain service. In the event that service was not obtained within 30 days, the action was to be dismissed.

The records of the Court show that service has not been obtained. Therefore, this action should be and hereby is dismissed without prejudice.

It is so Ordered this 20<sup>th</sup> day of March, 1984.



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



**FILED**

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

MAR 19 1984

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

PERRY A. MORGAN, JR., )  
 )  
 Plaintiff, )  
 )  
 vs. )  
 )  
 THE HUGHES GROUP, )  
 )  
 Defendant. )

No. 83-C-261-E

JUDGMENT

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

IT IS ORDERED AND ADJUDGED that the Plaintiff Perry A. Morgan, Jr. take nothing from the Defendant The Hughes Group, that the action be dismissed on the merits, and that the Defendant The Hughes Group recover of the Plaintiff Perry A. Morgan, Jr. its costs of action.

DATED at Tulsa, Oklahoma this 19<sup>th</sup> day of March, 1984.

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

Entered

FILED

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

MAR 10 1984

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

TEXOMA PIPE LINE COMPANY, )  
a Delaware corporation, )  
 )  
Plaintiff, )  
 )  
vs. )  
 )  
UNITED REFINING COMPANY, )  
a Pennsylvania corporation, )  
 )  
Defendant. )

NO. 83-C-621-B

NOTICE OF DISMISSAL

COMES NOW the plaintiff, Texoma Pipe Line Company, a Delaware corporation, pursuant to Fed. R. Civ. P. 41(a)(1), prior to service of answer or motion for summary judgment by the adverse party, and hereby dismisses the above-numbered and entitled action with prejudice.

HALL, ESTILL, HARDWICK, GABLE,  
COLLINGSWORTH & NELSON

By Claire Eagan Barrett  
W. J. Collingsworth  
Claire Eagan Barrett  
Tyrus V. Dahl, Jr.  
4100 Bank of Oklahoma Tower  
One Williams Center  
Tulsa, Oklahoma 74172  
(918) 588-2700

CERTIFICATE OF SERVICE

I, the undersigned attorney, do hereby certify that I mailed a true and correct copy of the above and foregoing Notice of Dismissal, postage prepaid, on this 19<sup>th</sup> day of March, 1984, to UNITED REFINING COMPANY at its principal place of business located at 15 Bradley Street, Warren, Pennsylvania, 16365.

Claire Eagan Barrett

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

FILED

MAR 19 1984

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

KENNETH C. REVORD, )  
 )  
 Plaintiff, )  
 )  
 vs. ) No. 83-C-737-C  
 )  
 CHAMPION SPARK PLUG COMPANY, )  
 )  
 Defendant. )

O R D E R

Now before the Court for its consideration is the motion of defendant Champion Spark Plug to Dismiss, filed on March 2, 1984. The Court has no record of a response to this motion from plaintiff Kenneth C. Revord. Rule 14(a) of the local Rules of the United States District Court for the Northern District of Oklahoma provides as follows:

(a) Briefs. Each motion, application and objection filed shall set out the specific point or points upon which the motion is brought and shall be accompanied by a concise brief. Memoranda in opposition to such motion and objection shall be filed within ten (10) days after the filing of the motion or objection, and any reply memoranda shall be filed within ten (10) days thereafter. Failure to comply with this paragraph will constitute waiver of objection by the party not complying, and such failure to comply will constitute a confession of the matters raised by such pleadings.

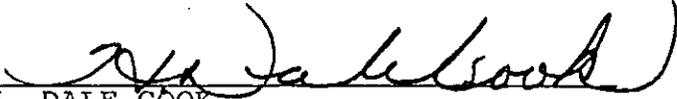
Therefore, in that plaintiff has failed to comply with local Rule 14(a) and no responsive pleading has been filed to date herein, the Court concludes that plaintiff has waived any

objection to said motion and has confessed the matters contained therein.

Accordingly, it is the Order of the Court that the motion of defendant Champion Spark Plug should be and hereby is sustained.

It is the further Order of the Court that this action is hereby dismissed in all respects.

It is so Ordered this 19<sup>th</sup> day of March, 1984.

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

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

**FILED**

MAR 19 1984

GLENN CUNNINGHAM, )  
 )  
 Plaintiff, )  
 )  
 vs. )  
 )  
 UNITED STATES OF AMERICA, )  
 )  
 Defendant. )

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

No. 83-C-480-C ✓

J U D G M E N T

Pursuant to the Findings of Fact and Conclusions of Law filed simultaneously herein, it is the Order of the Court that Judgment is hereby entered in favor of the plaintiff Glenn Cunningham and against defendant U.S.A. in the amount of \$91,000.00.

It is so Ordered this 19<sup>th</sup> day of March, 1984.

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

FILED

MAR 19 1984  
JACK C. SILVER, CLERK  
U.S. DISTRICT COURT

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

ANITA L. BRYANT, )  
 )  
 Plaintiff, )  
 )  
 vs. )  
 )  
 CHARLES GOULD, JR., and )  
 WAYNE HACKER, )  
 )  
 Defendants and )  
 Third-Party Plaintiffs, )  
 )  
 vs. )  
 )  
 ESCOA FIN TUBE CORPORATION, )  
 an Oklahoma corporation, )  
 )  
 Third-Party Defendant. )

No. 83-C-91 C

ORDER OF DISMISSAL

Now on this 16 day of March, 1984, it appearing to the Court that this matter has been compromised and settled, the Complaint and Third-Party Complaint are herewith dismissed with prejudice to the refileing of a future action.

*Ren Salebook*  
United States District Judge

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

FILED

MAR 19 1984

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

TULSA CABLE TELEVISION, INC., )  
an Oklahoma corporation, )  
 )  
Plaintiff, )  
 )  
vs. ) No. 82-1179-C  
 )  
FIVE STAR CABLESPORTS )  
NETWORK, INC., a Texas )  
corporation, and THE TEXAS )  
RANGERS, LTD., a Texas limited )  
partnership, )  
 )  
Defendants. )

O R D E R

On presentation of a Stipulation for Dismissal filed in the  
within proceeding:

IT IS ORDERED, ADJUDGED AND DECREED that:

1. This Court may enter an order, without further notice  
to the parties, dismissing plaintiff's Complaint and claims for  
relief against defendants with prejudice.

2. This Court may enter an order, without further notice  
to the parties, dismissing the counterclaims and claims for  
relief filed by the defendant Five Star Cablesports Network,  
Inc. against the plaintiff with prejudice.

3. Each party shall bear its own costs in this matter.

(Signed) H. Dale Cook

---

H. DALE COOK  
CHIEF JUDGE  
UNITED STATES DISTRICT COURT

**FILED**

MAR 19 1994

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

UNITED STATES DISTRICT COURT  
SOUTHERN DISTRICT OF NEW YORK  
IN RE: [Illegible]

[Illegible]

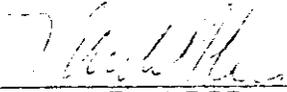
ON [Illegible] REPORT  
of [Illegible] Report  
[Illegible] VG Co  
[Illegible] Corpor-

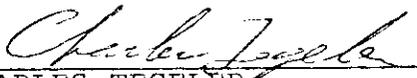
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S/ JAMES O. ELLISON

APPROVED:

  
\_\_\_\_\_  
MICHAEL I. LESS  
Attorney for Defendants  
Suite 1002-100 N. Main Bldg.  
Memphis, Tennessee 38103  
(901) 525-8700

  
\_\_\_\_\_  
CHARLES TEGELER  
Attorney for Plaintiff  
3010 South Harvard  
Tulsa, Oklahoma 74114

ent

FILED

MAR 19 1984

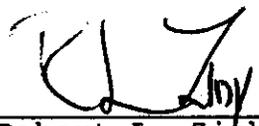
JACK C. SILVER, CLERK  
U.S. DISTRICT COURT

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

ROBERT L. ZINK,	)	
	)	
Plaintiff,	)	
-vs-	)	No. 83-C-1004E
	)	
MERRILL LYNCH PIERCE FENNER &	)	
SMITH, INC., and PETER A.	)	
CHILDS,	)	
	)	
Defendants.	)	

NOTICE OF DISMISSAL

Plaintiff, Robert L. Zink, hereby notices the dismissal  
of this case without prejudice under Rule 41(a)(1)(i).



Robert L. Zink  
Post Office Box 45400  
Tulsa, OK 74147  
(918) 627-9711

CERTIFICATE OF SERVICE

I hereby certify that on the 19th day of March, 1984,  
a true and correct and exact copy of the above and foregoing  
Notice of Dismissal was mailed to the following person, with  
proper postage thereon fully prepaid:

John S. Athens  
2400 First National Tower  
Tulsa, OK 74103  
(Attorney for all Defendants).



Robert L. Zink



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

FILED

MAR 19 1984

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

MELVIN KENT BRETZ,	)	
	)	
Plaintiff,	)	
vs.	)	No. 83-C-215-C
	)	No. 83-C-216-C
	)	No. 83-C-217-C
	)	No. 83-C-218-C
	)	No. 83-C-232-C
	)	No. 83-C-233-C
UNITED STATES OF AMERICA,	)	No. 83-C-234-C
	)	No. 83-C-287-C
Defendant.	)	(CONSOLIDATED)

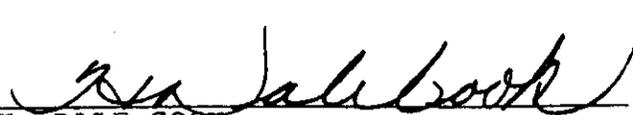
JUDGMENT DISMISSING ACTION

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

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

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

It is so Ordered this 19<sup>th</sup> day of March, 1984.

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

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

FILED

MAR 19 1984

DALE COOK, CLERK  
U.S. DISTRICT COURT

MELVIN KENT BRETZ,	)	
	)	
Plaintiff,	)	
vs.	)	No. 83-C-215-C
	)	No. 83-C-216-C
	)	No. 83-C-217-C
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	)	No. 83-C-233-C
UNITED STATES OF AMERICA,	)	No. 83-C-234-C
	)	No. 83-C-287-C
Defendant.	)	(CONSOLIDATED)

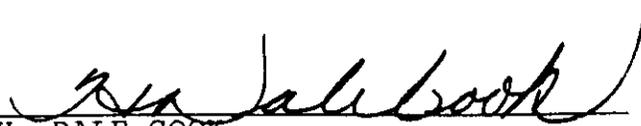
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H. DALE COOK  
Chief Judge, U. S. District Court

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

FILED

MAR 19 1984

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

MELVIN KENT BRETZ,	)	
	)	
Plaintiff,	)	
vs.	)	No. 83-C-215-C
	)	No. 83-C-216-C
	)	No. 83-C-217-C
	)	No. 83-C-218-C
	)	No. 83-C-232-C
	)	No. 83-C-233-C
UNITED STATES OF AMERICA,	)	No. 83-C-234-C
	)	No. 83-C-287-C
Defendant.	)	(CONSOLIDATED)

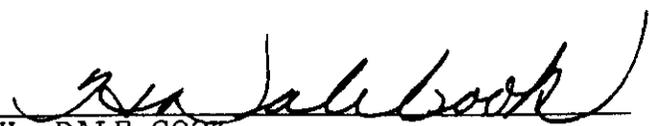
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H. DALE COOK  
Chief Judge, U. S. District Court

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

FILED

MAR 19 1984

DALE COOK, CLERK  
DISTRICT COURT

MELVIN KENT BRETZ,	)	
	)	
Plaintiff,	)	
vs.	)	No. 83-C-215-C
	)	No. 83-C-216-C
	)	No. 83-C-217-C
	)	No. 83-C-218-C
	)	No. 83-C-232-C
	)	No. 83-C-233-C
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	)	No. 83-C-287-C
Defendant.	)	(CONSOLIDATED)

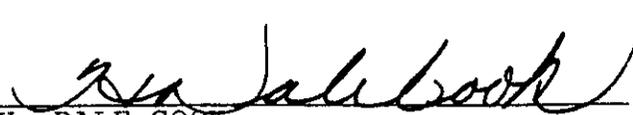
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It is so Ordered this 19<sup>th</sup> day of March, 1984.

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

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

FILED

MAR 19 1984

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

MELVIN KENT BRETZ,	)	
	)	
Plaintiff,	)	
vs.	)	No. 83-C-215-C
	)	No. 83-C-216-C
	)	No. 83-C-217-C
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	)	No. 83-C-287-C
Defendant.	)	(CONSOLIDATED)

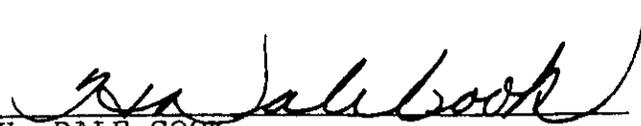
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H. DALE COOK  
Chief Judge, U. S. District Court

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

FILED

MAR 19 1984

H. DALE COOK, CLERK  
U.S. DISTRICT COURT

MELVIN KENT BRETZ,	)	
	)	
Plaintiff,	)	
vs.	)	No. 83-C-215-C
	)	No. 83-C-216-C
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	)	No. 83-C-233-C
UNITED STATES OF AMERICA,	)	No. 83-C-234-C
	)	No. 83-C-287-C
Defendant.	)	(CONSOLIDATED)

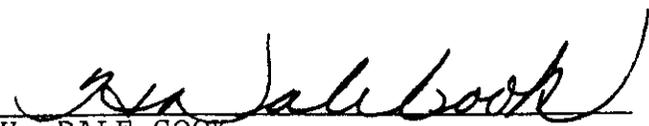
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It is so Ordered this 19<sup>th</sup> day of March, 1984.

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

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

FILED

MAR 19 1984

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

MELVIN KENT BRETZ,	)	
	)	
Plaintiff,	)	
vs.	)	No. 83-C-215-C
	)	No. 83-C-216-C
	)	No. 83-C-217-C
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UNITED STATES OF AMERICA,	)	No. 83-C-234-C
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Defendant.	)	(CONSOLIDATED)

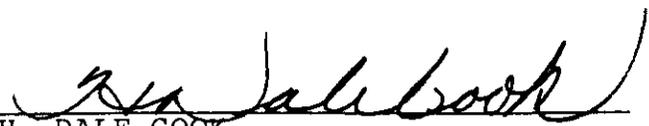
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IT IS FURTHER ORDERED that the Clerk forthwith serve copies of this Judgment by United States mail upon the attorneys for the parties appearing in this action.

It is so Ordered this 19<sup>th</sup> day of March, 1984.

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

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

FILED

MAR 19 1984

MELVIN KENT BRETZ,	)	
	)	
Plaintiff,	)	
vs.	)	No. 83-C-215-C
	)	No. 83-C-216-C
	)	No. 83-C-217-C
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	)	No. 83-C-232-C
	)	No. 83-C-233-C
UNITED STATES OF AMERICA,	)	No. 83-C-234-C
	)	No. 83-C-287-C
Defendant.	)	(CONSOLIDATED)

DALE COOK, CLERK  
DISTRICT COURT

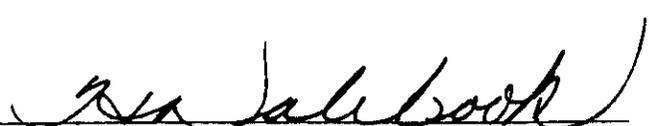
JUDGMENT DISMISSING ACTION

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

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

It is so Ordered this 19<sup>th</sup> day of March, 1984.

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

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

FILED

MAR 16 1984

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

UNITED STATES OF AMERICA,  
Plaintiff

vs.

T. F. BIRMINGHAM, JOEL P. BURKHART,  
and DONNA HART  
Defendants

Case No. 84-C-41-E

NOTICE OF DISMISSAL WITH PREJUDICE

COMES now the Plaintiff in the above styled cause, The United States of America by and through its attorney Layn R. Phillips, United States Attorney for the Northern District of Oklahoma, pursuant to Rule 41(a) of the Federal Rules of Civil Procedure, and dismiss with prejudice to filing another action said cause against the defendants T. F. Birmingham, Joel P. Burkhardt and Donna Hart.

Done this 16<sup>th</sup> day of March 1984

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 16 day of March, 1984.

[Signature]  
Assistant United States Attorney

UNITED STATES OF AMERICA

Layn R. Phillips  
United States Attorney  
Northern District of Oklahoma

[Signature]  
Assistant United States Attorney  
Northern District of Oklahoma  
400 U.S. Courthouse Building  
Tulsa Oklahoma 74103 (918) 581-7463

Entered

FILED

IN THE UNITED STATES DISTRICT COURT FOR  
THE NORTHERN DISTRICT OF OKLAHOMA 16 1984

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

TERRY EUGENE MCGEE, )  
 )  
 Plaintiff, )  
 )  
 v. )  
 )  
 RONALD W. WRESTLER and )  
 GLENDA J. WRESTLER, )  
 )  
 Defendants. )

NO. 83-C-821-B

J U D G M E N T

In keeping with the verdict of the jury returned this date, Judgment is hereby entered in favor of the defendants, Ronald W. Wrestler and Glenda J. Wrestler, and against the plaintiff, Terry Eugene McGee. The costs of this action are assessed against the plaintiff.

ENTERED this 16 day of March, 1984.



THOMAS R. BRETT  
UNITED STATES DISTRICT JUDGE

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

*Entered*

FILED

MAR 18 1983

BELGER CARTAGE SERVICE, INC., )  
a Missouri corporation, )

Plaintiff, )

v. )

RODGERS CONSTRUCTION, INC., OF )  
NASHVILLE, TENNESSEE, a/k/a )  
RODGERS CONSTRUCTION, INC., a )  
Tennessee corporation; and )  
NATIONAL FIRE INSURANCE COMPANY )  
OF HARTFORD, a Connecticut )  
insurance corporation, )

Defendants. )

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

NO. 83-C-11-B

AMENDED JUDGMENT

In keeping with the Court's order filed this date, IT IS ORDERED judgment is hereby entered in favor of the plaintiff, Belger Cartage Service, Inc., and against defendants Rodgers Construction, Inc., of Nashville, Tennessee, a/k/a Rodgers Construction, Inc., and National Fire Insurance Company of Hartford in the amount of seven thousand seven hundred thirty-one dollars (\$7,731.00) plus the costs of this action.

ENTERED this 16<sup>th</sup> day of March, 1983.



THOMAS R. BRETT  
UNITED STATES DISTRICT JUDGE

FILED

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

MAR 16 1984

W. G. SILVER, CLERK  
DISTRICT COURT

COMMERCE BANK, an Oklahoma )  
Banking corporation, )  
 )  
Plaintiff, )  
 )  
vs. )  
 )  
ENTRA, INC., a Texas )  
corporation; and HANS WAMBACH, )  
an individual, )  
 )  
Defendants. )

No. 83-C-710-C

ORDER  
AND  
AMENDED JUDGMENT

Pursuant to the Motion of the plaintiff Commerce Bank under Rule 59(e) of the Federal Rules of Civil Procedure, the Court hereby enters the following alteration and amendment to its Order and Judgment of February 14, 1984.

Pursuant to the Order of this Court filed herein on February 14, 1984, and as an amendment to this Court's earlier Judgment of February 14, 1984, Judgment is hereby entered in favor of plaintiff, Commerce Bank against defendant, Entra, Inc. on Plaintiff's First Cause of Action in the amount of \$49,900.00, the principal sum due under Note 82-1981 under the Extension and Assumption Agreement, together with accrued interest as of October 1, 1982 until February 24, 1984 in the amount of \$16,925.88 together with interest accruing at a per diem rate of \$28.42 until paid in full, all as provided for in Note 82-1981, together with an

attorney fee in the amount of \$7,485.00, all as provided under Note 82-1981.

Judgment in rem is hereby entered in favor of plaintiff, Commerce Bank and against defendant, Entra, Inc. on Plaintiff's Second Cause of Action. Further, that Commerce Bank is entitled to the foreclosure of Entra, Inc.'s oil and gas mortgage granted to this plaintiff on June 30, 1982 covering Entra, Inc.'s interest in and to the following described oil and gas properties:

- a) SMOKERISE II PROPERTY 02 B011: North half (N $\frac{1}{2}$  of Southeast Quarter, (SE $\frac{1}{4}$ ) Section 20, Township 25 North, Range 15 East
- b) SMOKERISE II PROPERTY 02 B012: North half (N $\frac{1}{2}$  of Southwest Quarter, (SW $\frac{1}{4}$ ) Section 21, Township 25 North, Range 15 East
- c) SMOKERISE II PROPERTY 02 C014: South half (S $\frac{1}{2}$  of Southeast Quarter, (SE $\frac{1}{4}$ ) Section 28, Township 25 North, Range 15 East
- d) SMOKERISE II PROPERTY 02 C031: North half (N $\frac{1}{2}$  of Southeast Quarter, (SE $\frac{1}{4}$ ) Section 33, Township 25 North, Range 15 East
- e) SMOKERISE II PROPERTY 02 C032: North half (N $\frac{1}{2}$  of Southeast Quarter, (SE $\frac{1}{4}$ ) Section 33, Township 25 North, Range 15 East

All of the above properties being located in Nowata County, State of Oklahoma, said Mortgage to this plaintiff being recorded in the Nowata County Clerk's office on August 4, 1982, in Book 537 at Pages 409-411.

Further, that said Mortgage is a valid and subsisting lien in and to the aforesaid properties and that such lien is superior to all right, title, lien, estate, encumbrance, claim or assessment of all defendants herein and that such Mortgage secures the Judgment awarded herein against Entra, Inc. and that such

Mortgage is hereby foreclosed and if redemption be not made from said Judgment forthwith, it is hereby ordered that a special execution and Order of Sale shall issue commanding the Sheriff of Nowata County to advertise and sell said property, subject to prior liens of record, in the manner provided by law, with appraisement, and pay out of the proceeds of said sale the following in the order hereinafter set forth:

- FIRST: The unpaid costs of this action and of such sale;
- SECOND: The Judgment herein awarded to this plaintiff, including interest, attorney fees and costs;
- FINALLY: The residue, if any, to be deposited with the Clerk of this Court to await further order of the Court.

Further, that all parties to this action and all persons claiming by, to or under them since the date of the filing of the Complaint herein shall be forever barred and enjoined from ever setting up any right, title, lien, estate, encumbrance, assessment or claim in or to the property adverse to the right, title and interest of the purchaser at such sale, if same be had and confirmed.

Further, Judgment is hereby entered on Plaintiff's Third Cause of Action in favor of plaintiff and against defendant, Hans Wambach, in the amount of \$49,900.00, together with accrued interest thereon as of October 1, 1982 until February 24, 1984 in the amount of \$16,925.88 accruing at a per diem rate of \$2,842 until paid in full, all in accordance with the terms of Note

82-1981, together with a reasonable attorney fee in the amount of \$7,485.00.

It is so Ordered this 13<sup>th</sup> day of March, 1984.

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

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

*Entered*  
**FILED**  
MAR 16 1984

CHARLES TROY COLEMAN, SR., )  
 )  
 Plaintiff, )  
 )  
 v. )  
 )  
 DAVE FAULKNER, Tulsa County )  
 Sheriff, et al., )  
 )  
 Defendants. )

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

No. 80-C-292-BT

O R D E R

Before the Court for consideration is the motion for summary judgment of defendants, Sheriff Dave Faulkner, Captain Robert Duckert and the Tulsa County Sheriff's Office. Plaintiff has not responded to the motion which was filed November 16, 1983. For the reasons set forth below, the Court finds the motion should be sustained.

Plaintiff was arrested and charged with Murder I in Tulsa County, Oklahoma. When plaintiff was arrested he had \$290.00 on his person which he claimed belonged to him. The State of Oklahoma claimed the money belonged to the murder victim. The State of Oklahoma kept the money in its evidence vault but did not use it as evidence against plaintiff at his trial.

Plaintiff filed this action pursuant to 42 U.S.C. §1983 claiming defendants had taken his property without due process of law, in violation of the fourteenth amendment. The Tenth Circuit Court of Appeals reversed the dismissal of this Court stating that while plaintiff appeared to have an adequate remedy for recovery of his property under 22 Okl. Stat. Ann. §1322, it further appeared this Court did not consider plaintiff's allegation that

the remedy provided by the state is constitutionally insufficient for an indigent prisoner. See Coleman v. Faulkner, Slip Op. No. 80-2073 (Dec. 8, 1982).

Plaintiff has since filed a motion for delivery of property under 22 Okl.St. Ann. §1322. He has appeared in state court for a hearing on his motion on August 15, 1983. At the hearing plaintiff agreed to dismiss this lawsuit and all other suits pertaining to the \$290.00 if the money was released to his wife. The defendants have released the \$290.00. At the August 15, 1983 hearing the following was stated:

"THE COURT: It is my understanding the parties have been negotiating this, the State and Defense Counsel, based upon the fact the Defendant has another charge pending in federal court sueing (sic) for damages; is that correct?

THE DEFENDANT: Yes, Your Honor.

THE COURT: In what amount?

MR. MCCARTHY: Three hundred fifty thousand dollars.

THE COURT: Three hundred fifty thousand dollars, in federal court. It is my understand (sic) an agreement has been struck that the State would turn ove (sic) the \$290 if the Defendant would be willing to forego that lawsuit, in other words, dismiss the lawsuit; is that correct?

THE DEFENDANT: Yes, sir, it is.

THE COURT: And in that regard, any other lawsuit pertaining to the sum of \$290; is that correct?

THE DEFENDANT: That's correct."

Transcript of the August 15, 1983 proceedings at pp. 2-3.

On the basis of the agreement between plaintiff herein and defendants as set forth above, the Court concludes this matter should be dismissed.

However, it further appears the procedure set forth in 22 Okl.St. Ann. §1322 to recover property held as stolen provides an adequate post-deprivation remedy. As plaintiff has availed himself of section 1322, the Court concludes there has been no violation of his due process rights under the fourteenth amendment.

IT IS THEREFORE ORDERED defendants' motion for summary judgment is sustained.

ENTERED this 13<sup>th</sup> day of March, 1984.



THOMAS R. BRETT  
UNITED STATES DISTRICT JUDGE

**FILED**  
**IN OPEN COURT**

MAR 15 1984

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

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

TERRY EUGENE MCGEE,  
Plaintiff,

vs.

RONALD W. WRESTLER, and GLENDA  
J. WRESTLER,  
Defendants

No. 83-C-821-B

*Stipulation*  
DISMISSAL WITH PREJUDICE

Plaintiff, Terry Eugene McGee, by his attorneys, Mack Muratet Braly & Associates, hereby dismisses with prejudice Glenda J. Wrestler from the above captioned cause.

Dated: Tulsa, Oklahoma  
~~February 22, 1984~~  
MARCH 15,

MACK MURATET BRALY & ASSOCIATES  
A Professional Corporation

*Ronald Henderson*  
*attorney for defendants*

By: *Darita DeLoach*  
Darita DeLoach

320 South Boston Suite 840  
Tulsa, Oklahoma 74103  
(918) 582-2806

CERTIFICATE OF SERVICE

I, Darita DeLoach, being one of the attorneys for Plaintiff, Terry Eugene McGee, does hereby certify that upon this 15<sup>th</sup> day of March, 1984, I did cause to be served upon David Sanders Esq., attorney for the Defendant, the above and foregoing Dismissal, by depositing a copy in the United States Mails, addressed to him at his correct address, with the correct Postage affixed thereto.

A handwritten signature in cursive script, appearing to read "Darita DeLoach", written over a horizontal line.

DARITA DELOACH

**FILED**

**MAR 15 1984**

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

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

DELBERT P. HENDRICKSON, and )  
IRENE E. HENDRICKSON, Co- )  
Administrators of the Estate )  
of RODNEY JAMES HENDRICKSON, )  
Deceased, )

Plaintiffs, )

vs. )

PPG INDUSTRIES, INC., and )  
ALAN LYNN MOORE, SR., )

Defendants. )

NO. 8<sup>3</sup>~~2~~-C-271-E

O R D E R

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

Dated this 15 day of March, 1984.

S/ JAMES O. ELLISON

UNITED STATES DISTRICT JUDGE

**FILED**

MAR 15 1984

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

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

LITTON INDUSTRIES CREDIT CORPORATION, a Delaware corporation,	)	
	)	
Plaintiff,	)	
	)	
vs.	)	No. 83-C-250-E
	)	
DELBERT S. STARR, JR. and STARR SERVICES, INC., an Oklahoma corporation,	)	
	)	
Defendants.	)	

JUDGMENT

This action came on for consideration before the undersigned Judge of the United States District Court for the Northern District of Oklahoma. The Plaintiff, Litton Industries Credit Corporation, is represented by the firm of Conner & Winters, by Douglas L. Inhofe and Steven K. Balman. The Defendants, Delbert S. Starr, Jr. and Starr Services, Inc., are represented by the firm of Chapel, Wilkinson, Riggs, Abney & Henson, by Benjamin P. Abney.

Trial by jury was waived by all parties and judgment is entered by consent, and pursuant to an agreement, of the parties. The Court being fully advised in the premises, and having examined all the pleadings herein, finds as follows:

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

2. That the allegations set forth in Plaintiff's Complaint, in Plaintiff Litton Industries Credit Corporation's Motion for Summary Judgment, Or In The Alternative, For Default Judgment, and in the brief and affidavits filed in support thereof, are true and correct.

3. That the Plaintiff, Litton Industries Credit Corporation, should recover from the Defendants, Delbert S. Starr, Jr. and Starr Services, Inc., and each of them, the total net balance due under both equipment leases executed and guaranteed by such Defendants, to wit: the sum of \$65,073.94.

4. That the Plaintiff, Litton Industries Credit Corporation, should recover from the Defendants, Delbert S. Starr, Jr. and Starr Services, Inc., the amount of such Plaintiff's expenses incurred in connection with the repossession, clean-up, sale and storage of the equipment which was the subject of the abovementioned equipment leases, to wit: the sum of \$910.00.

5. That the Plaintiff, Litton Industries Credit Corporation, should recover from the Defendants, Delbert S. Starr, Jr., and Starr Services, Inc., and each of them, a reasonable attorneys' fee in the amount of \$3,335.50 and its costs incurred in connection with the prosecution of this action, to wit: \$120.92, or a total of \$3,456.42.

IT IS THEREFORE ORDERED, ADJUDGED AND DECREED that the Plaintiff, Litton Industries Credit Corporation, recover from the Defendants, Delbert S. Starr, Jr., and Starr Services, Inc. the sum of \$69,440.36, plus interest thereon at the rate of 10.11 percent per annum from the date this judgment is entered until paid.

United States District Judge

Approved as to form:

Steven K. Balman  
CONNER & WINTERS  
2400 First National Tower  
Tulsa, Oklahoma 74103  
(918) 586-5711

Attorneys for Plaintiff  
LITTON INDUSTRIES CREDIT CORPORATION

Benjamin P. Abney  
CHAPEL, WILKINSON, RIGGS,  
ABNEY & HENSON  
502 West Sixth Street  
Tulsa, Oklahoma 74119

Attorneys for Defendants  
DELBERT S. STARR, JR.  
and STARR SERVICES, INC.



ent.

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

JESSIE LAVON BATES,  
Plaintiff,

vs.

NO. 83-C-515-C

ERNEST C. WARDEN and  
SANTA FE TRANSPORTATION CO.,  
Defendants.

**FILED**

MAR 14 1984

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

JUDGMENT

This action came on for trial before the court and a jury, Honorable H. Dale Cook, District Judge, presiding and the issues having been duly tried and the jury having duly rendered its verdict.

IT IS ORDERED AND ADJUDGED that the plaintiff, Jessie Lavon Bates, recover of the defendants, Ernest C. Warden and Santa Fe Transportation Co., the sum of \$65,000.00 with interest thereon at the rate of ~~15%~~ <sup>10.117%</sup> as provided by law, and her costs of action.

DATED at Tulsa, Oklahoma this 13 day of March, 1984.

s/H. DALE COOK

.....  
H. Dale Cook, Chief Judge

*entered*

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

MONIE EUGENE BATES,  
Plaintiff,

vs.

NO. 83-C-514-C

**FILED**

ERNEST C. WARDEN and  
SANTA FE TRANSPORTATION CO.,  
Defendants.

MAR 14 1984

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

JUDGMENT

This action came on for trial before the court and a jury, Honorable H. Dale Cook, District Judge, presiding and the issues having been duly tried and the jury having duly rendered its verdict.

IT IS ORDERED AND ADJUDGED that the plaintiff, Monie Eugene Bates, recover of the defendants, Ernest C. Warden and Santa Fe Transportation Co., the sum of \$37,200.00 with interest thereon at the rate of ~~25%~~ <sup>10.1170</sup> as provided by law, and his costs of action.

DATED at Tulsa, Oklahoma this 13 day of March, 1984.

s/H. DALE COOK

.....  
H. Dale Cook, Chief Judge

FILED

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

MAR 14 1984

HAWS MANUFACTURING, INC., )  
 )  
 Plaintiff, )  
 )  
 vs. )  
 )  
 OKLAHOMA MOBIL-CRETE, INC., )  
 )  
 Defendant. )

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

No. 82-C-780-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 sixty (60) 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 14<sup>th</sup> day of March, 1984.

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

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

*Entered*  
**FILED**

MAR 14 1984

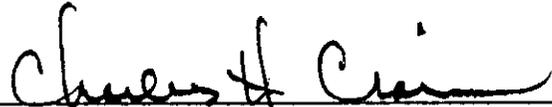
JACK C. SILVER, CLERK  
U.S. DISTRICT COURT

STANG HYDRONICS, INC., a )  
Delaware Corporation, )  
 )  
Plaintiff, )  
 )  
vs. )  
 )  
TRIPLE K LEASING, INC., an )  
Oklahoma Corporation, )  
 )  
Defendant. )

No. 83-C-1026 B

NOTICE OF DISMISSAL

NOW COMES the Plaintiff, Stang Hydronics, Inc., through its undersigned counsel, and pursuant to Rule 41 (a)(1)(i), Federal Rules of Civil Procedure, hereby voluntarily dismisses this action without prejudice.



Charles H. Crain  
of BOESCHE, McDERMOTT & ESKRIDGE  
320 S. Boston, Suite 1300  
Tulsa, Oklahoma 74103  
(918) 583-1777

ATTORNEY FOR PLAINTIFF  
STANG HYDRONICS, INC.

CERTIFICATE OF SERVICE

The undersigned hereby certifies that on the 14<sup>th</sup> day of March, 1984, a true and correct copy of the foregoing Plaintiff's Notice of Dismissal was mailed to the following persons by depositing the same in the United States mails in Tulsa, Oklahoma with first class postage fully prepaid thereon:

Secretary of State  
State of Oklahoma  
Room 101 State Capitol Building  
Oklahoma City, Oklahoma 73105-4897  
for service on:  
Triple K Leasing, Inc.  
16479 North Dallas Parkway  
Suite 400  
Dallas, Texas 75248

*Entered*

UNITED STATES DISTRICT COURT FOR THE  
NORTHERN DISTRICT OF OKLAHOMA

FILED

MAR 14 1984

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

UNITED STATES OF AMERICA,	)	
	)	
Plaintiff,	)	
	)	
v.	)	
	)	
PRISCILLA A. SCOTT;	)	
COUNTY TREASURER and BOARD OF	)	
COUNTY COMMISSIONERS, Tulsa	)	
County, Oklahoma,	)	
	)	
Defendants.	)	CIVIL ACTION NO. 83-C-1009-B

JUDGMENT OF FORECLOSURE

THIS MATTER COMES On for consideration this 14th day of March, 1984. Plaintiff appears by Layn R. Phillips, United States Attorney for the Northern District of Oklahoma, through Peter Bernhardt, Assistant United States Attorney; the Defendants County Treasurer, Tulsa County, Oklahoma, and Board of County Commissioners, Tulsa County, Oklahoma, appear by Cary W. Clark, Assistant District Attorney; the Defendant Priscilla A. Scott appears not, but makes default.

The Court being fully advised and having examined the file herein finds that the Defendant, County Treasurer, Tulsa County, Oklahoma, acknowledged receipt of Summons and Complaint on December 12, 1983; that the Defendant, Board of County Commissioners, Tulsa County, Oklahoma, acknowledged receipt of Summons and Complaint on December 14, 1983; and that the Defendant, Priscilla A. Scott, acknowledged receipt of Summons and Complaint on January 3, 1984. It appears that the Defendants, County Treasurer and Board of County Commissioners, Tulsa County,

Oklahoma, have filed their Answers on December 28, 1983, and that the Defendant, Priscilla A. Scott has failed to answer and her default has been entered by the Clerk of this Court on January 26, 1984.

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

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

That on January 28, 1983, Priscilla A. Scott executed and delivered to the United States of America, acting through the Administrator of Veterans' Affairs, her promissory note in the amount of \$30,000.00 payable in monthly installments with interest thereon at the rate of 12 percent per annum.

That as security for the payment of the above described note, Priscilla A. Scott executed and delivered to the United States of America, acting through the Administrator of Veterans' Affairs, a real estate mortgage dated January 28, 1983, covering the above described property. Said mortgage was recorded in Book 4665, Page 1651, in the records of Tulsa County, Oklahoma, on January 28, 1983.

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

reason thereof the above named Defendant is indebted to the Plaintiff in the principal sum of \$30,000.00, plus interest at the rate of 12 percent per annum from February 1, 1983, until judgment, plus interest thereafter at the legal rate until paid, plus the costs of this action accrued and accruing.

The Court further finds that there are currently no ad valorem or personal property taxes due relating to the property which is the subject matter of this action, and that there exist no liens on the subject property in favor of the Defendants, County Treasurer and Board of County Commissioners, Tulsa County, Oklahoma.

IT IS THEREFORE ORDERED, ADJUDGED AND DECREED that the Plaintiff, United States of America, have and recover judgment against the Defendant, Priscilla A. Scott, in the principal amount of \$30,000.00, plus interest at the rate of 12 percent per annum from February 1, 1983, until judgment, plus interest thereafter at the current legal rate of 10.11 percent per annum until paid, plus the costs of this action accrued and accruing.

IT IS FURTHER ORDERED, ADJUDGED AND DECREED that upon failure of the Defendant, Priscilla A. Scott, to satisfy the money judgment of the Plaintiff herein, an Order of Sale shall be issued to the United States Marshal for the Northern District of Oklahoma commanding him to advertise and sell with appraisement the real property herein and apply the proceeds of the sale as follows:

First:

In payment of the costs of this action accrued and accruing incurred by the Plaintiff, including cost of the sale of said real property;

Second:

In payment of the judgment rendered herein in favor of the 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 by virtue of this judgment and decree, the Defendants and all persons claiming under them since the filing of this Complaint, 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.

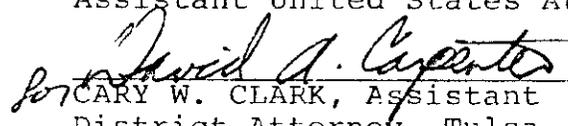
**S/ THOMAS R. BRETT**

UNITED STATES DISTRICT JUDGE

APPROVED:

LAYN R. PHILLIPS  
United States Attorney

  
PETER BERNHARDT  
Assistant United States Attorney

  
CARY W. CLARK, Assistant  
District Attorney, Tulsa,  
Oklahoma, Attorney for County  
Treasurer, Tulsa County,  
Oklahoma and Board of County  
Commissioners, Tulsa County,  
Oklahoma

**FILED**

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

MAR 14 1984

THE AETNA CASUALTY & SURETY )  
COMPANY, a foreign corporation, )  
 )  
Plaintiff, )  
 )  
vs. )  
 )  
MELVIE N. NUNLEY, et al., )  
 )  
Defendants. )

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

No. 84-C-36-E

O R D E R

NOW on this 13<sup>th</sup> day of March, 1984 comes on for hearing the various motions in the above styled action and the Court being fully advised in the premises finds as follows:

This is an action brought under Federal Declaratory Judgment Act, 28 U.S.C. § 2201 to determine the applicability of insurance policy.

On April 30, 1983 while operating Julia Jones' automobile Melvie Nunley lost control of said vehicle causing a collison which resulted in property damages and personal injuries to Defendants Duncan, Wilson, Haye, Peterson and Jones.

Defendant Nunley is insured by Aetna Casualty and Surety. Defendant Jones is insured by Hartford Casualty and Surety.

Lawsuits have been filed against Nunley in connection with the accident. Aetna has asked this Court to determine the applicability of its insurance policy to defend/indemnify Nunley.

It is Aetna's contention that (1) if Nunley was operating Jones' car with her consent then Hartford has primary duty to

defend and that Aetna is only liable for damages in excess of the Hartford policy's limit or alternatively that (2) if Nunley was operating the vehicle without Jones' consent that Aetna has no duty to supply coverage.

Several motions to dismiss for lack of diversity have been filed. Marianne Duncan has also filed motion to dismiss for failure to join her daughter, Dianna Duncan, as a party under Federal Rules of Civil Procedure 12(b)(7) and 19(a).

In Choate v. United States, 413 F.Supp 475 (10th Cir. 1976) Judge Cook held that provisions of the Federal Declaratory Judgment Act did not enlarge the jurisdiction of federal courts; it only provides additional remedies in those cases over which the Court has jurisdiction by reason of a federal question or diversity of citizenship and the requisite amount in controversy.

It is shown through the affidavit of Ronald Main that Hartford Casualty is incorporated in the State of Connecticut. As the Plaintiff, Aetna is also a Connecticut corporation, the requisite diversity does not exist.

Aetna has filed a motion to dismiss Hartford from this action because it is not an indispensable party. Due to the fact that Aetna has asked this Court to declare that Hartford has primary responsibility to provide insurance coverage in the actions against Nunley, Hartford is a necessary party to this suit.

Because Hartford is a necessary party and its inclusion as a defendant in this case would defeat diversity requirements, the motion to dismiss for lack of diversity should be granted. As

this is dispositive in this case, no other matters need to be addressed.

IT IS THEREFORE ORDERED, ADJUDGED AND DECREED that the Motion to Dismiss filed by Hartford Insurance Group be and is hereby granted.

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

Entered

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

FILED

MAR 14 1984

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

NOAH E. EDWARDS, for himself )  
and other persons similarly )  
situated, )

Plaintiff, )

vs. )

No. 83-C-553-B

AGRICO CHEMICAL COMPANY, a )  
Delaware corporation, and )  
THE WILLIAMS COMPANIES, a )  
Nevada corporation, )

Defendants. )

JOINT STIPULATION <sup>of</sup> FOR DISMISSAL WITH PREJUDICE

Plaintiff and defendants, by and through their respective attorneys, would jointly inform the Court that they have reached a mutually satisfactory private settlement regarding plaintiff's claims herein, in the following particulars:

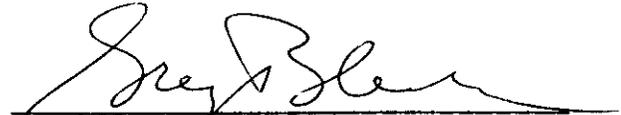
1. Plaintiff and defendants would jointly stipulate that this matter is not properly maintainable as a class action pursuant to the provisions of the Fair Labor

Standards Act (FLSA) and the Age Discrimination in Employment Act (ADEA).

2. Plaintiff's claims should be dismissed with prejudice, with each party to bear their own costs and attorney fees.

Dated this 4th day of March, 1984.

Respectfully submitted,



D. Gregory Bledsoe  
Attorney for Plaintiff  
1515 South Denver  
Tulsa, Oklahoma 74119  
(918) 599-8118



J. Patrick Cremin  
Hall, Estill, Hardwick, Gable,  
Collingsworth & Nelson  
Attorneys for Defendants  
4100 Bank of Oklahoma Tower  
One Williams Center  
Tulsa, Oklahoma 74172

UNITED STATES DISTRICT COURT  
NORTHERN DISTRICT OF OKLAHOMA

*Entered*

FILED

MAR 14 1984

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

CIVIL ACTION NO.

82-C-863-*EB*

CAROLE D. FEOLA, as Administratrix )  
of the Estate of Ralph )  
Feola, deceased, )  
 )  
Plaintiff, )  
 )  
vs. )  
 )  
FLYING MACHINES, INC., )  
 )  
Defendant. )

ORDER DISMISSING ACTION

WHEREAS, plaintiff has moved this Court for an Order pursuant to Rule 41(a)(2) of the Federal Rules of Civil Procedure dismissing this action with prejudice and without fees or costs against either party, and

WHEREAS, it appears there is no objection to such motion, and

WHEREAS, the Court finds that dismissal is in the best interest of plaintiff and the Estate of which she is Administratrix, all as fully set forth in the papers submitted in support of this motion, it is therefore,

ORDERED, that the foregoing action be and it is hereby dismissed with prejudice and without fees or costs against either party, and it is further

ORDERED, that the parties hereto are directed to exchange mutual general releases within 30 days of the signing of this order.

DATED: Tulsa, Oklahoma  
March 14, 1984

*3/14/84*

UNITED STATES DISTRICT JUDGE

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

*Entered*

FILED

MAR 14 1984

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

No. 81-C-29-BT

CHARLES C. McCARTY and )  
CORLA L. McCARTY, )  
 )  
Plaintiffs, )  
 )  
-v- )  
 )  
FIRST OF GEORGIA INSURANCE )  
COMPANY, an Insurance Company, )  
 )  
Defendant. )

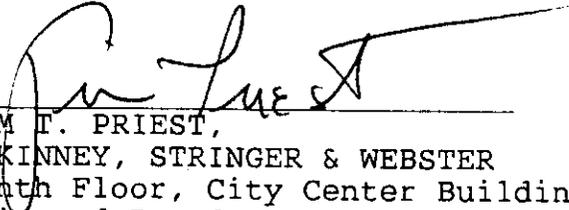
ORDER

On this the 14<sup>th</sup> day of March, 1984, the above styled and numbered cause coming on for hearing before the undersigned, Judge of the United States District Court in and for the Northern District of Oklahoma, upon the Stipulation for Dismissal of the plaintiffs and defendant herein; and the Court having examined the pleadings and being well and fully advised in the premises, is of the opinion that said cause should be dismissed.

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

*Thomas R. Best*  
UNITED STATES DISTRICT JUDGE

APPROVED:  
*Robert P. Kelly*  
ROBERT P. KELLY,  
KELLY & GAMBILL  
P.O. Box 329  
Pawhuska, Oklahoma 74056  
918/287-4185  
Attorney for Plaintiffs

A handwritten signature in black ink, appearing to read "Jim T. Priest", is written over a horizontal line.

JIM T. PRIEST,  
MCKINNEY, STRINGER & WEBSTER  
Ninth Floor, City Center Building  
Main and Broadway  
Oklahoma City, Oklahoma 73102  
405/239-6444  
Attorney for Defendant

4170-004/0110c

FILED

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

MAR 14 1984

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

GRACE WILKINSON, o/b/o CHARLES )  
E. WILKINSON (deceased), )  
 )  
Plaintiff, )  
 )  
v. )  
 )  
RICHARD SCHWEIKER, Secretary of )  
Health, Education and Welfare of )  
the United States of America, )  
 )  
Defendant. )

No. 82-C-1180-E

ORDER

The Court has for consideration the Findings and Recommendations of the Magistrate filed on February 28, 1984 in which it is recommended that Plaintiff's claim for disability benefits on behalf of her deceased husband under the Social Security Act be denied and that Judgment be entered for the Defendant. 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.

Dated this 13<sup>th</sup> day of March, 1984.

  
JAMES O. ELLISON  
UNITED STATES DISTRICT JUDGE

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

HAROLD KENNETH THOMPSON and )  
HELEN LOUISE THOMPSON, )  
 )  
Plaintiffs, )  
 )  
vs. )  
 )  
FIBREBOARD CORPORATION, et al., )  
 )  
Defendants. )

No. 82-C-836-C

**FILED**

MAR 14 1984

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

ORDER OF DEFAULT JUDGMENT

This action was heard in Open Court on March 12, 1984, on the Motion of Plaintiffs for Default Judgment pursuant to Rule 55 of the Federal Rules of Civil Procedure. The Defendant, Ryder Industries, Inc., has defaulted in this action. This default was entered on March 12, 1984.

The Court has heard the testimony of Plaintiffs in open Court and has found the Plaintiffs are entitled to recover damages from Defendant.

IT IS THEREFORE ORDERED, ADJUDGED AND DECREED by the Court that Plaintiff, Harold Kenneth Thompson, recover from the Defendant, Ryder Industries, Inc., the sum of \$250,000.00, together with interest thereon at the legal rate from and after March 12, 1984, together with his costs of this action.

IT IS FURTHER ORDERED, ADJUDGED AND DECREED by the Court that Plaintiff, Helen Thompson, recover from the Defendant, Ryder Industries, Inc., the sum of \$75,000.00, together with interest thereon at the legal rate from and after March 12, 1984, together with the costs of this action.

Dated this 13 day of March, 1984.

s/H. DALE COOK

Judge H. Dale Cook,  
United States District Judge

LAW OFFICES  
UNGERMAN,  
CONNER &  
LITTLE

MIDWAY BLDG.  
2727 EAST 21 ST.  
SUITE 400

P. O. BOX 2099  
TULSA, OKLAHOMA  
74101

**FILED**

IN THE UNITED STATES DISTRICT COURT FOR THE **MAR 14 1984**  
NORTHERN DISTRICT OF OKLAHOMA

RALPH D. KENDALL, )  
 )  
 Plaintiff, )  
 )  
 v. )  
 )  
 MARGARET M. HECKLER, Secretary )  
 of Health and Human Services of )  
 the United States of America, )  
 )  
 Defendant. )

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

No. 82-C-1209-E

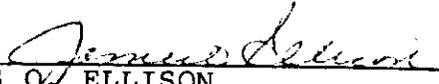
O R D E R

The Court has for consideration the Findings and Recommendations of the Magistrate filed on February 29, 1984 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 13<sup>th</sup> day of March, 1984.

  
JAMES O. ELLISON  
UNITED STATES DISTRICT JUDGE

**FILED**

MAR 14 1984

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

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

GILFORD D. DELOZIER, )  
 )  
 Plaintiff, )  
 )  
 v. )  
 )  
 SECRETARY OF THE DEPARTMENT OF )  
 HEALTH, EDUCATION AND WELFARE, )  
 )  
 Defendant. )

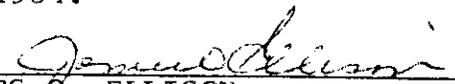
No. 82-C-1102-E

O R D E R

The Court has for consideration the Findings and Recommendations of the Magistrate filed on February 27, 1984 in which it is recommended that Plaintiff's claim for disability benefits under the Social Security Act be denied and that Judgment be entered for the Defendant. 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.

Dated this 13<sup>th</sup> day of March, 1984.

  
JAMES O. ELLISON  
UNITED STATES DISTRICT JUDGE

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

CATHY L. STANLEY, )  
 )  
 Plaintiff, )  
 )  
 vs. )  
 )  
 TANK SERVICES, INC., a )  
 corporation, )  
 )  
 Defendant. )

No. 83-C-25-E

**FILED**

ORDER

MAR 14 1984

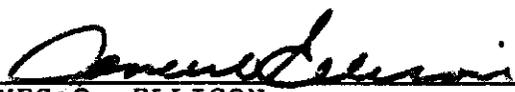
Jack C. Silver, Clerk  
U. S. DISTRICT COURT

NOW on this 13<sup>th</sup> day of March, 1984 comes on for hearing the motion of Plaintiff for new trial or rehearing and to alter or amend judgment pursuant to Rule 59 and the Court being fully advised in the premises finds the same should be denied.

The basis for the Court's ruling was clearly set forth and the Court finds no arguments now raised which merit reconsideration. Plaintiff's counsel referred himself to matters outside the complaint and cannot now be heard to complain of the Court's final determination. Defense counsel correctly points out in its response that the issue of "additional information" was addressed at pre-trial on December 14, 1983 and the record was supplemented by both parties. As a result of that discussion as to the issue of the requested stay, the Court's earlier decision spoke to that point adequately.

IT IS THEREFORE ORDERED, ADJUDGED AND DECREED that Plaintiff's motion for new trial or rehearing and to alter or

amend judgment pursuant to Rule 59 be and is hereby denied.

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

**FILED**

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

MAR 14 1984

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

ERMA L. WOMACK, )

Plaintiff, )

vs. )

No. 83-C-888-E

VETERANS OF FOREIGN WARS )  
OF THE U.S., POST NUMBER )  
989 AND BUDDY ALLEN, )

Defendants. )

JUDGMENT

NOW on this 13<sup>TH</sup> day of March, 1984 comes on for hearing Application for entry of default in the above-styled case and the Court, being fully advised in the premises finds the same should be granted.

The Court notes this case was filed October 21, 1983, and service was obtained on Veterans of Foreign Wars of U.S., Post Number 989 on November 25, 1983. Status conference was held on January 24, 1984 without the benefit of Defendant Veterans of Foreign Wars of U.S., Post Number 989 being in attendance. At that time, the attorneys present were instructed to contact the defaulting Defendant so this case could proceed although default could have been entered at that time.

The Court finds Defendant has been given every opportunity to protect its interests in this action and has failed to respond at all junctions. The Court therefore finds Defendant Veterans of Foreign Wars of U.S., Post Number 989 to be in default.

IT IS THEREFORE ORDERED, ADJUDGED AND DECREED that

Plaintiff, Erma L. Womack, recover judgment of the Defendant, Veterans of Foreign Wars of U.S., Post Number 989, in the amount of \$728.92 plus interest at the statutory rate of 10.11% from this date. The Court specifically reserves the issue of punitive damages until the presentation of evidence as to the remaining Defendant in the case.

Costs and attorney fees are hereby awarded subject to the same being presented to the Court through the appropriate pleadings and affidavits in support thereof.

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

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

**FILED**

MERLAND G. MORGAN and )  
HELEN MORGAN, )  
 )  
Plaintiffs, )  
 )  
vs. )  
 )  
FIBREBOARD CORPORATION, et al., )  
 )  
Defendants. )

No. 82-C-781-C

MAR 14 1984  
C. Silver, Clerk  
DISTRICT COURT

ORDER OF DEFAULT JUDGMENT

This action was heard in Open Court on March 12, 1984, on the Motion of Plaintiffs for Default Judgment pursuant to Rule 55 of the Federal Rules of Civil Procedure. The Defendant, Ryder Industries, Inc., has defaulted in this action. This default was entered on March 12, 1984.

The Court has heard the testimony of Plaintiffs in open Court and has found the Plaintiffs are entitled to recover damages from Defendant.

IT IS THEREFORE ORDERED, ADJUDGED AND DECREED by the Court that Plaintiff, Merland G. Morgan, recover from the Defendant, Ryder Industries, Inc., the sum of \$400,000.00, together with interest thereon at the legal rate from and after March 12, 1984, together with his costs of this action.

IT IS FURTHER ORDERED, ADJUDGED AND DECREED by the Court that Plaintiff, Helen Morgan, recover from the Defendant, Ryder Industries, Inc., the sum of \$50,000.00, together with interest thereon at the legal rate from and after March 12, 1984, together with the costs of this action.

Dated this 13 day of March, 1984.

LAW OFFICES

UNGERMAN,  
CONNER &  
LITTLE

MIDWAY BLDG.  
2727 EAST 21 ST.  
SUITE 400

P. O. BOX 2099  
TULSA, OKLAHOMA  
74101

s/H. DALE COOK  
Judge H. Dale Cook,  
United States District Judge

Entered

UNITED STATES DISTRICT COURT FOR THE  
NORTHERN DISTRICT OF OKLAHOMA

**FILED**

MAR 13 1984

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

UNITED STATES OF AMERICA, )  
 )  
Plaintiff, )  
 )  
vs. )  
 )  
STEPHEN H. BUCK, )  
 )  
Defendant. )

CIVIL ACTION NO. 84-C-122-B

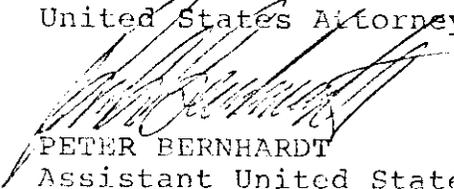
NOTICE OF DISMISSAL

COMES NOW the United States of America by Layn R. Phillips, United States Attorney for the Northern District of Oklahoma, Plaintiff herein, through Peter Bernhardt, Assistant United States Attorney, and hereby gives notice of its dismissal, pursuant to Rule 41, Federal Rules of Civil Procedure, of this action with prejudice. Plaintiff would further show the Court that Defendant has satisfied his obligation due the United States of America.

Dated this 12th day of March, 1984.

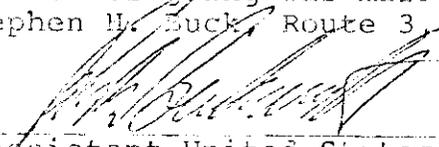
UNITED STATES OF AMERICA

LAYN R. PHILLIPS  
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 13<sup>th</sup> day of March, 1984, a true and correct copy of the foregoing was mailed, postage prepaid thereon, to: Stephen H. Buck, Route 3, Box 2369, Claremore, Oklahoma 74017.

  
Assistant United States Attorney

*Entered*

**FILED**

MAR 13 1984

Jack C. Silver, Clerk  
U. S. DISTRICT COURT  
5/16

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

ROBERTS S. SINN, et al.,	)	
	)	
Plaintiffs,	)	
	)	
vs.	)	Case no. CIV 81-C-857-B
	)	
HARRY E. McPHAIL, et al.,	)	
	)	
Defendants.	)	

ORDER OF DISMISSAL

In the matter of the Joint Application For Order of Dismissal filed herein by Robert A. Franden, as Trustee for the Estates of Ancor Exploration Company, Bluebell Oil & Gas, Inc., and Ancor Petroleum, Inc. (which Estates shall be referred to, collectively, as "Debtor Estates"), and by Robert S. Sinn, Jan S. Mirsky, First, Second and Third Ancor-Geostratic Drilling Partnerships 1980, and Sixth, Seventh and Eighth Geostratic Energy Drilling Programs 1980, the Court, having reviewed said Application and the terms of the settlement between certain of the parties to this litigation, finds and orders as follows:

On the 21st day of October, 1983, after having reviewed then the status of the action, including the various pending settlements between the parties herein, this Court ordered that Plaintiffs file a Fourth Amended Complaint against Harry E. McPhail, Jr., who in view of said settlements was then the sole remaining Defendant, and that said Defendant should file his answer and counterclaim (if any) to said Fourth Amended Complaint.

The Court further finds, and the record reflects, that the Plaintiffs, First, Second, Third Ancor-Geostratic Drilling Partnerships 1980, Sixth, Seventh and Eighth Geostratic Energy Drilling Programs 1980, Robert S. Sinn and Jan S. Mirsky, filed their Fourth Amended Complaint which asserts claims against three individuals only, to wit, Harry E. McPhail, James Ezzel, and Glinda Diane McPhail, a/k/a Diane Jones; that all three of said Defendants have answered; that Harry E. McPhail has counterclaimed, asserting claims only against the Plaintiffs above-named; and that Plaintiffs have replied to said counterclaim. These pleadings realign the First, Second and Third Ancor-Geostratic Drilling Partnerships 1980 as parties Plaintiff along with Robert S. Sinn, Jan S. Mirsky and the Sixth, Seventh and Eighth Geostratic Energy Drilling Programs 1980, also Plaintiffs, against the three remaining Defendants, Harry E. McPhail, James Ezzell, and Glinda Diane McPhail, a/k/a Diane Jones.

The Court further finds that the Plaintiffs have entered into a Letter Agreement with Robert A. Franden, Trustee for the Estates of Ancor Exploration Company, Bluebell Oil and Gas, Inc., and Ancor Petroleum, Inc., a copy of which Letter Agreement is attached to the Application For Order Of Dismissal, and which was approved by order of the U.S. Bankruptcy Court for the Northern District of Oklahoma on the 26th day of September, 1983.

The Court further finds that said Letter Agreement settles all claims that have been asserted herein by the Plaintiffs against the Estates of Ancor Exploration Company, Bluebell Oil and Gas, Inc., and Ancor Petroleum, Inc., and by the trustee of said Estates

against the Plaintiffs, with an express reservation of rights on the part of the Plaintiffs against Harry E. McPhail and affiliates.

Accordingly, it is hereby ordered that all claims heretofore asserted by the Plaintiffs, or any of them, against the Estates of Ancor Exploration Company, Bluebell Oil and Gas, Inc., and Ancor Petroleum, Inc., be dismissed with prejudice insofar, but only insofar, as the same are asserted against said Estates. It is further ordered that all claims heretofore asserted by Robert A. Franden, as Trustee for the Estates of Ancor Exploration Company, Bluebell Oil and Gas, Inc., and Ancor Petroleum, Inc., against the Plaintiffs, First, Second, and Third Ancor-Geostratic Drilling Partnerships 1980, Sixth, Seventh and Eighth Geostratic Energy Drilling Programs 1980, Robert S. Sinn and Jan S. Mirsky, be dismissed with prejudice.

To this end, the remaining parties to this action, in view of the settlements and realignment of parties and this Order, henceforth shall be the First, Second and Third Ancor-Geostratic Drilling Partnerships 1980, Sixth, Seventh and Eighth Geostratic Energy Drilling Programs 1980, Robert S. Sinn and Jan S. Mirsky, Plaintiffs, and Harry E. McPhail, James Ezzell and Glinda Diane McPhail, a/k/a Diane Jones, Defendants.

It is so Ordered this 12<sup>th</sup> day of March, 1984.

**S/ THOMAS R. BRETT**

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

Entered

FILED

FILED

MAR 13 1984

MAR 13 1984

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

DOROTHY A. EVANS, CLERK  
U. S. BANKRUPTCY COURT  
NORTHERN DISTRICT OF OKLAHOMA

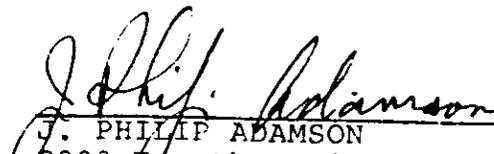
In Re:	)	
DALCO PETROLEUM CORPORATION, a	)	84-C-16-B
Nevada corporation	)	NO. 83-01074
Consolidated substantively	)	
DALCO PETROLEUM, INC.,	)	(NO. 83-01264)
DALCO MARKETING & STORAGE	)	
CO., INC.,	)	(NO. 83-01269)
DALCO SERVICES, INC.,	)	(NO. 83-01270)
DALCO TRANSPORTATION, INC.,	)	(NO. 83-01268)
DALCO MANUFACTURING, INC.,	)	(NO. 83-01265)
CARNEY INSULATION CORP.	)	(NO. 83-01266)
AND E. M. GREGG, INC.	)	(NO. 83-01267)
Employer Tax Identification	)	(All consolidated under
No. 87-0255355,	)	the above first numbered
	)	case filed)
Debtor.	)	

DISMISSAL OF APPEAL

COMES NOW the Debtor, Dalco Petroleum Corporation, and dismisses its appeal filed herein on the 9th day of January, 1984, for the reason and upon the grounds that said appeal would not be beneficial to the bankrupt estate at this time.

PRAY, WALKER, JACKMAN,  
WILLIAMSON & MARLAR

By:

  
J. PHILIP ADAMSON  
2200 Fourth National Building  
Tulsa, Oklahoma 74119  
(918) 584-4136

Attorneys for Debtor

CERTIFICATE OF MAILING

I, J. Philip Adamson, certify that on this 12<sup>th</sup> day of March, 1984, I mailed a true and correct copy of the above and foregoing instrument, without attachments, to the following persons at the following addresses, with proper postage affixed thereon:

Jonathan H. Alden  
Hall, Estill, Hardwick, Gable,  
Collingsworth & Nelson, P.C.  
4100 Bank of Oklahoma Tower  
One Williams Center  
Tulsa, Oklahoma 74172

Patrick D. O'Connor  
Rheam, Noss, O'Connor & Ray  
400 Sinclair Building  
Tulsa, Oklahoma 74103

Robert M. Herlihy  
McKeever, Glasser, Conrad,  
Herlihy & McKeever  
Tenth Floor Broadway Tower  
Post Office Box 1026  
Enid, Oklahoma 73701

Dalco Petroleum Corporation  
2431 East 51st St., Sixth Floor  
Tulsa, Oklahoma 74105

Roger R. Scott  
David W. Wulfers  
Lawrence, Scott & Lamb  
525 S. Main, Suite 204  
Tulsa, Oklahoma 74103

Neal Tomlins  
Holliman, Langholz,  
Runnels & Dorwart  
700 Holarud Building  
10 East Third Street  
Tulsa, Oklahoma 74103

Clark O. Brewster  
Brewster and Shallcross  
Park Towers, Suite 608  
5314 South Yale Avenue  
Tulsa, Oklahoma 74135

Charles Cox  
Barlow & Cox  
1010 Nine East 4th St.  
Tulsa, Oklahoma 74103

Gary M. McDonald  
Sam P. Daniel, Jr.  
Leonard I. Pataki  
Doerner, Stuart, Saunders, et al  
1000 Atlas Life Building  
Tulsa, Oklahoma 74103

R. Paul Wickes  
Tami L. Fitzgerald  
Watson & McKenzie  
1900 Liberty Tower  
Oklahoma City, OK 73102

Robert E. Davis  
Evans & Davis  
401 North Main  
P. O. Bcx 387  
Kingfisher, Oklahoma 73750

Timothy Kline  
Vicki S. Angus  
Kline & Kline  
820 N.E. 63rd St., Suite West  
Oklahoma City, Oklahoma 73105

Messrs. Mark Kreitman  
and Rodney Solemberger  
U. S. Department of Energy  
Office of General Counsel  
Room 6H034  
1000 Independence Ave., S.W.  
Washington, D.C. 20585

Bozena Y. Callahan  
Ungerman, Conner & Little  
P. O. Box 2099  
Tulsa, Oklahoma 74101

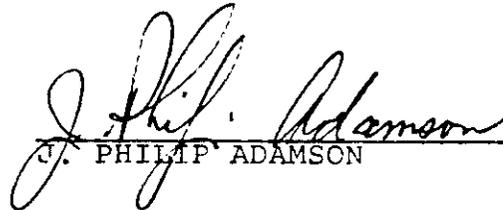
F. M. Parsons  
Dynex Petroleum Corp.  
2001 500-4th Avenue, S.W.  
Calgary, Alberta CANADA T2P 2V6

Robert L. Roark  
McKinney, Stringer & Webster  
Ninth Floor City Center Bldg.  
Main and Broadway  
Oklahoma City, Oklahoma 73102

Jeffrey H. Beck  
English, McCaughan & O'Bryan  
P. O. Box 14098  
Fort Lauderdale, Florida 33302

Edward O. Lee  
Pate & Payne  
200 Myriad Tower  
Oklahoma City, Oklahoma 73102

Michael H. Freeman  
1612 S. Cincinnati  
Tulsa, Oklahoma 74119

  
J. PHILIP ADAMSON

Entered

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

FORD MOTOR CREDIT COMPANY, )  
 )  
 Plaintiff, )  
 )  
 v. )  
 )  
 JASON I. FOX and STEPHEN R. )  
 RYKOFF, individually and )  
 jointly, )  
 )  
 Defendants. )

No. 82-C-612-B

**FILED**  
MAR 13 1984  
Jack C. Silver, Clerk  
U. S. DISTRICT COURT

ORDER OF DISMISSAL

This cause comes on to be heard upon plaintiff's Motion for Voluntary Dismissal of said cause against the defendant, Jason I. Fox, and after hearing counsel and due deliberation having been had thereon,

IT IS ORDERED that this cause be, and the same is, hereby dismissed with prejudice as to the defendant, Jason I. Fox.

Dated March 12<sup>th</sup>, 1984.

S/ THOMAS R. BRETT

UNITED STATES DISTRICT JUDGE

ent

FILED

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

APR 12 1984

WILLIAM G. SILVER, CLERK  
DISTRICT COURT

JAMES H. and SANDRA PETRAUSCH )  
individually and as parents )  
and next friends of JAMES D. )  
PETRAUSCH, a minor, )

Plaintiffs, )

vs. )

INDEPENDENT SCHOOL DISTRICT )  
NUMBER THIRTY-THREE OF CREEK )  
COUNTY, OKLAHOMA, also known as )  
Sapulpa High School, )

RONALD JAMES, )  
Individually and in his )  
official capacity as )  
Principal of Sapulpa High )  
School, Independent School )  
District #33 of Creek )  
County, )

JANE ENLOW, )  
PAUL N. ATKINS, )  
GERALD S. KELSEY, )  
GARY L. CLARK, )  
DALE G. STONE, )  
In their official )  
capacities as members )  
of the Board of Education )  
of Independent School )  
District #33, Creek )  
County, Oklahoma, )

Defendants. )

No. 83-C-761-C

CONSENT DECREE

The plaintiffs, JAMES H. PETRAUSCH and SANDRA PETRAUSCH,  
individually and as parents and next friends of JAMES D. PETRAUSCH, a  
minor, by their attorney of record, Thomas E. Salisbury, having filed

their Complaint herein on September 7, 1983, alleging violation of the Fourteenth Amendment to the United States Constitution, and seeking declaratory, injunctive and monetary relief and the Defendants, INDEPENDENT SCHOOL DISTRICT NUMBER THIRTY-THREE OF CREEK COUNTY, OKLAHOMA, also known as Sapulpa High School, RONALD JAMES, individually and in his official capacity as Principal of Sapulpa High School, Independent School District #33 of Creek County, JANE ENLOW, PAUL N. ATKINS, GERALD S. KELSEY, GARY L. CLARK, and DALE G. STONE, in their official capacities as members of the Board of Education of Independent School District #33, Creek County, Oklahoma, and each of them, having appeared by their attorney of record, Sam T. Allen, III, and plaintiffs and defendants by their respective attorneys having each consented to the making and entry of this Consent Decree, without trial or adjudication of any issue of fact or law herein, and the Court having considered the matter and being duly advised,

IT IS, THEREFORE, ORDERED, ADJUDGED AND DECREED as follows:

1. This Court has jurisdiction of the subject matter of this action and of the parties hereto. The Complaint properly states claims for relief against the defendants under the Fourteenth Amendment to the United States Constitution and under 4s U.S.C. §1983.

2. The provisions of this Consent Decree shall apply to the defendants and more specifically to defendant, INDEPENDENT SCHOOL DISTRICT NUMBER THIRTY-THREE OF CREEK COUNTY, OKLAHOMA, also known as Sapulpa High School, its officers, board members, agents, employees,

successors and assigns, and to all persons, firms or corporations in active concert or participation with defendants who have received actual notice of this Consent Decree by personal service or otherwise.

3. Defendants are hereby ordered and they agree that no later than May 31, 1984, they will expunge any and all disciplinary reports in any files of the student-plaintiff James D. Petruasch, including the "mooning incident" which was the subject of this action and the "check incident" referred to in defendants' Application to Vacate Temporary Injunction filed herein on November 2, 1983, but not including any offense committed by him after he has returned to school after his suspension period has ended the penalty for which extends to the Fall 1984 semester.

4. Defendants are hereby ordered and they agree that upon student-plaintiff James D. Petrausch's return to school he may ride to and from his home upon the school bus which operates near his home that is not driven by Wayne Lemmons; provided; it shall be Petrausch's responsibility to transport himself to and from the bus stop of that bus.

5. Defendants are hereby ordered and they agree that they will credit against the 55-day suspension of Student-plaintiff James D. Petrausch the six days of suspension served by him prior to the institution of this litigation. Student-plaintiff will therefore serve a suspension of 49 days, said suspension having begun on January 17, 1984.

6. Defendants are hereby ordered and they agree that should the plaintiffs decide to transfer student-plaintiff to another public or private school they will in no way oppose such transfer and will execute any necessary transfer documents required by statute for defendants to execute in order to affect such transfer.

7. Defendants hereby agree that plaintiffs' should recover their court costs in this action and their costs for depositions taken in this case and that plaintiffs' counsel should recover such attorney's fee as this court deems reasonable and proper and plaintiffs agree that they should not recover any damages except their said costs and attorney's fees. Said fee shall be determined by the Court upon hearing pursuant to verified application of plaintiffs' counsel. Plaintiffs' counsel agrees that said verified application along with all supporting documents and brief will be filed within ten (10) days of the Court's approval of this Consent Decree. Defendants' counsel agrees that any pleadings and brief in opposition to this application will be filed within fifteen (15) days thereafter. Both parties will then join in an application to the Court for a hearing on the application.

8. This Consent Decree shall not constitute an admission of liability or fault on the part of defendants as to any persons not a party hereto.

9. This Consent Decree shall include and cover all issues of fact and law raised by plaintiffs' Complaint and all responsive

pleadings of the defendants and shall act as a final judgment as to all such issues.

DATED this 12<sup>th</sup> day of March, 1984.

(Signed) H. Dale Cook

H. Dale Cook  
United States District Judge

We, the undersigned, hereby consent to the entry of the foregoing Consent Decree as a final judgment herein.

Thomas E. Salisbury  
Thomas E. Salisbury  
Attorney for Plaintiffs

LOEFFLER & ALLEN

By Sam T. Allen, III  
Sam T. Allen, III  
Attorneys for Defendants

Entered  
FILED

UNITED STATES DISTRICT COURT FOR THE  
NORTHERN DISTRICT OF OKLAHOMA MAR -9 1984

UNITED STATES OF AMERICA,	)	JACK C. SILVER, CLERK
	)	U.S. DISTRICT COURT
Plaintiff,	)	
	)	
vs.	)	
	)	
DEBORAH F. ZINCKE,	)	
	)	
Defendant.	)	CIVIL ACTION NO. 83-C-868-B

DEFAULT JUDGMENT

This matter comes on for consideration this 9th day of March, 1984, the Plaintiff appearing by Layn R. Phillips, United States Attorney for the Northern District of Oklahoma, through Peter Bernhardt, Assistant United States Attorney, and the Defendant, Deborah F. Zincke, appearing not.

The Court being fully advised and having examined the file herein finds that Defendant, Deborah F. Zincke, was served with Summons and Complaint on February 3, 1984. 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, Deborah F. Zincke, for the principal sum of \$1,161.73, plus costs and interest at the current legal rate of 10.11% percent from the date of judgment until paid.

**S/ THOMAS R. BRETT**

UNITED STATES DISTRICT JUDGE

FILED

MAR 9 1984

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

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

ARMCO, INC., an Ohio Corporation,  
Plaintiff,  
v.  
O.I.M.E., an Oklahoma Corporation,  
Defendant.

No. 83-C-1010C

O R D E R

Now on this 9<sup>th</sup> day of March, 1984, pursuant to the Stipulation of Dismissal submitted by the parties pursuant to Rule 41, Federal Rules of Civil Procedure, IT IS ORDERED that the above styled cause is Dismissed with Prejudice.

s/H. DALE COOK  
U. S. DISTRICT JUDGE

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

**FILED**

WAYNE WHITE and BETTY )  
WHITE, husband and wife, )  
 )  
Plaintiffs, )  
 )  
vs. )  
 )  
BURLINGTON NORTHERN RAILROAD )  
COMPANY, )  
 )  
Defendant. )

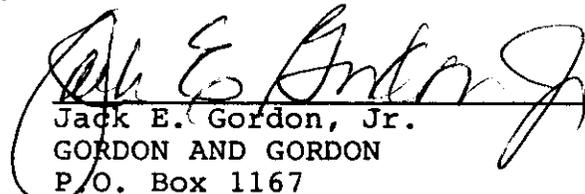
No. 83-C-1061C

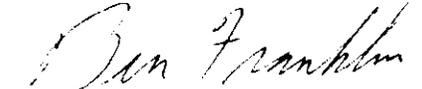
MAR 9 1984

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

STIPULATION FOR DISMISSAL WITH PREJUDICE

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

  
\_\_\_\_\_  
Jack E. Gordon, Jr.  
GORDON AND GORDON  
P.O. Box 1167  
Claremore, Okla. 74018  
(918) 341-7322  
Attorneys for Plaintiffs

  
\_\_\_\_\_  
Ben Franklin, of  
KORNFELD FRANKLIN & PHILLIPS  
P.O. Box 26300  
Oklahoma City, Okla. 73126  
(405) 840-2731  
Attorneys for Defendant

O R D E R

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

IT IS SO ORDERED this 9th day of March, 1984.

s/H. DALE COOK  
\_\_\_\_\_  
U. S. DISTRICT JUDGE

**FILED**

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

MAR 9 1984

EARL'S LAKE COUNTRY RECREATIONAL )  
VEHICLES, INC., an Oklahoma )  
corporation, and EARL N. NICODIN, )

Plaintiffs, )

vs. )

GREEN COUNTRY RECREATION VEHICLE )  
DEALERS ASSOCIATION, INC., an Oklahoma )  
corporation, )

Defendant. )

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

No. 84-C-150-C

ORDER OF DISMISSAL

Pursuant to plaintiff's Notice of Dismissal, this action is  
hereby dismissed without prejudice.

s/H. DALE COOK

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

Entered

UNITED STATES DISTRICT COURT FOR THE  
NORTHERN DISTRICT OF OKLAHOMA

FILED

MAR -9 1984

UNITED STATES OF AMERICA, )  
 )  
 Plaintiff, )  
 )  
 vs. )  
 )  
 ANTHONY E. REEVE, )  
 )  
 Defendant. )

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

CIVIL ACTION NO. 83-C-869-B

DEFAULT JUDGMENT

This matter comes on for consideration this 9th day  
of March, 1984, the Plaintiff appearing by Layn R.  
Phillips, United States Attorney for the Northern District of  
Oklahoma, through Peter Bernhardt, Assistant United States  
Attorney, and the Defendant, Anthony E. Reeve, appearing not.

The Court being fully advised and having examined the  
file herein finds that Defendant, Anthony E. Reeve, was served  
with Summons and Complaint on January 20, 1984. 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, Anthony E.  
Reeve, for the principal sum of \$741.00, plus costs and interest  
at the current legal rate of 10.11% percent from the date of  
judgment until paid.

S/ THOMAS R. BRETT

UNITED STATES DISTRICT JUDGE

Entered

FILED  
MAR -9 1984  
JACK C. SILVER, CLERK  
U.S. DISTRICT COURT

UNITED STATES DISTRICT COURT FOR THE  
NORTHERN DISTRICT OF OKLAHOMA

UNITED STATES OF AMERICA, )  
 )  
 Plaintiff, )  
 )  
 vs. )  
 )  
 RICKY D. LONG, )  
 )  
 Defendant. )

CIVIL ACTION NO. 82-C-1093-B

AGREED JUDGMENT

This matter comes on for consideration this 8<sup>th</sup> day of March, 1984, the Plaintiff appearing by Layn R. Phillips, United States Attorney for the Northern District of Oklahoma, through Nancy A. Nesbitt, Assistant United States Attorney, and the Defendant, Ricky D. Long, appearing pro se.

The Court, being fully advised and having examined the file herein, finds that the Defendant, Ricky D. Long, was served with Alias Summons and Complaint on February 22, 1984. The Defendant has not filed his Answer but in lieu thereof has agreed that he is indebted to the Plaintiff in the amount alleged in the Complaint and that judgment may accordingly be entered against him in the amount of \$558.60, plus costs and interest at the current legal rate of 10.11% percent from the date of judgment until paid.

IT IS THEREFORE, ORDERED, ADJUDGED, AND DECREED that the Plaintiff have and recover judgment against the Defendant, Ricky D. Long, in the amount of \$558.60, plus costs and interest

at the current legal rate of 10.11% percent from the date of judgment until paid.

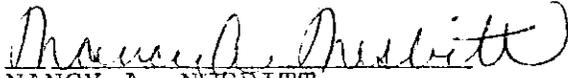
**S/ THOMAS R. BRETT**

UNITED STATES DISTRICT JUDGE

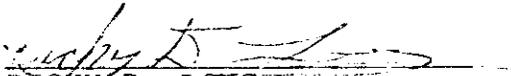
APPROVED:

UNITED STATES OF AMERICA

FRANK KEATING  
United States Attorney



NANCY A. NESBITT  
Assistant U.S. Attorney

  
RICKY D. LONG



Respondent Michael C. Turpen, Attorney General of Oklahoma to dismiss pursuant to Rule 12(b)(6) of the Federal Rules of Civil Procedure be and the same is hereby granted.

ORDERED this 9<sup>th</sup> day of March, 1984.

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

Entered

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

FILED  
MAR -9 1984  
JACK C. SILVER, CLERK  
U.S. DISTRICT COURT

GRACE AGRICULTURAL CHEMICALS )  
GROUP, a Division of W. R. )  
GRACE & COMPANY, a Connecticut )  
corporation, )

Plaintiff, )

vs. )

No. 81-C-420<sup>9</sup>-B

WE-CO OF GRAINOLA, INC., an )  
Oklahoma corporation; MELVIN B. )  
WEAVER, Individually, and )  
BETTY L. WEAVER, Individually, )

Defendants. )

JOURNAL ENTRY OF JUDGMENT

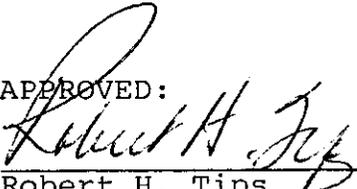
NOW, on this 8th day of November, 1983, the above styled and numbered cause came on for trial before the undersigned Judge; Plaintiff appeared by and through its attorney, Robert H. Tips, and the Defendants appeared by and through Douglas L. Boyd, both parties having heretofore waived trial by jury in the matter, and upon the evidence presented by the Plaintiff, the Court found that Plaintiff is entitled to a judgment as against the Defendant, We-Co of Grainola, Inc. only in the sum of \$98,119.03, with interest thereon at the rate of 10% per annum from December 13, 1979, until paid, together with a reasonable attorney's fee which the Court finds to be in the sum of \$30,000<sup>00</sup>, and the costs of this action. The Court further finds that Plaintiff is not entitled to a judgment as against the Defendants, Melvin B. Weaver and Betty L. Weaver, Individually, as Defendants have

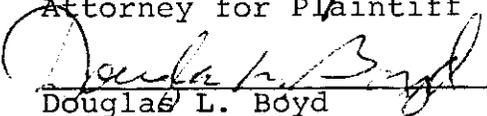
previously filed bankruptcy in the United States Bankruptcy Court for the Western District of Oklahoma, Case No. 83-01655-B and that this action is stayed as to said Defendants.

IT IS, THEREFORE, ORDERED, ADJUDGED AND DECREED that the Plaintiff have and is hereby granted judgment as against the Defendant We-Co of Grainola, Inc. in the sum of \$98,119.03, with interest thereon at the rate of 10% per annum from December 13, 1979, until paid, together with a reasonable attorney's fee in the sum of \$30,000<sup>00</sup>; together with the costs herein accrued, for all of which let execution issue.

  
\_\_\_\_\_  
JUDGE

APPROVED:

  
\_\_\_\_\_  
Robert H. Tips  
Attorney for Plaintiff

  
\_\_\_\_\_  
Douglas L. Boyd  
Attorney for Defendants

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**

*rm* MAR 9 1984

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

No. 80-C-522-C ✓

O R D E R

Grand River Dam Authority

Upon stipulation of the plaintiff and defendant, /it is hereby ordered that all claims asserted in this cause and not resolved by the judgment of this Court entered on November 28, 1983, are dismissed with prejudice.

ORDERED this 9<sup>th</sup> day of March, 1984.

*H. Dale Cook*  
H. DALE COOK  
United States District Judge

FILED

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

MAR 9 1984

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

BADGER METER, INC., a	)
Wisconsin corporation,	)
	)
Plaintiff,	)
	)
vs.	)
	)
FRONTIER ROOFING, INC., an	)
Oklahoma corporation;	)
STOCKDALE, INC., a Texas	)
corporation; and NEW HAMPSHIRE	)
INSURANCE COMPANY, a New	)
Hampshire corporation,	)
	)
Defendants.	)

No. 83-C-685

JOURNAL ENTRY OF JUDGMENT

On this 9th day of March, 1984, the Court finds that judgment should be entered pursuant to the parties' stipulation.

IT IS THEREFORE ORDERED AND DECREED that Badger Meter, Inc. have judgment against Frontier Roofing & Material Company, Inc. for the sum of \$44,000.00, to bear interest at 15% per annum from November 1, 1980, until paid, plus an attorney fee of \$4,862.50 and \$62.40 as the costs of this action.

s/H. DALE COOK  
\_\_\_\_\_  
DALE COOK  
United States District Court Judge

APPROVED:

Jon B. Comstock  
Jon B. Comstock, Attorney for  
Badger Meter, Inc.

Charles Pope  
Charles Pope, Attorney for  
Frontier Roofing, Inc.

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**

*rm* MAR 9 1984

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

No. 80-C-522-C ✓

O R D E R

Grand River Dam Authority

Upon stipulation of the plaintiff and defendant, /it is hereby ordered that all claims asserted in this cause and not resolved by the judgment of this Court entered on November 28, 1983, are dismissed with prejudice.

ORDERED this 9<sup>th</sup> day of March, 1984.

*H. Dale Cook*  
H. DALE COOK  
United States District Judge

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

FILED

KAMILLE McKINLEY, a minor, by )  
JANE McKINLEY, GUARDIAN, and )  
KENNETH McKINLEY, )

Plaintiffs, )

vs. )

THE WESTERN CASUALTY AND SURETY )  
COMPANY, a Kansas corporation, )

Defendant, )

vs. )

CHERYL STICE and FARMERS )  
INSURANCE GROUP, )

Third Party Defendants. )

NO. 83-C-681-C

MAR 9 1984

Jack G. Silver  
COURT REPORTER

ORDER OF DISMISSAL OF THIRD PARTY COMPLAINT

On this 8th day of March, 1984, upon the

written application of the parties for a Dismissal with Prejudice of the  
Third Party Complaint. The Court having examined said Application, finds  
that said parties have entered into a compromised settlement covering all  
claims involved in the Third Party Complaint and have requested the Court  
to dismiss said Third Party Complaint with prejudice to any future action,  
and the Court being fully advised in the premises, finds that said Third  
Party Complaint should be dismissed pursuant to said Application.

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

s/H. DALE COOK

UNITED STATES DISTRICT JUDGE

APPROVALS:

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

By: *John Howard Lieber*  
John Howard Lieber

WILBURN, KNOWLES & KING  
Attorneys for the Third Party Defendants

By: *Dennis King*  
Dennis King

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

**FILED**

MAR - 9 1984

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

INTER-TRIBAL INDUSTRIES, INC., )  
 )  
Plaintiff, )  
 )  
vs. )  
 )  
JOHN E. PRICE, T. W. MILLER, JR., )  
JOHN K. KONTINOS and THE JOHN E. )  
AND ALIESE PRICE FOUNDATION, INC., )  
 )  
Defendants and )  
Third Party Plaintiffs, )  
 )  
vs. )  
 )  
MARION F. WEBSTER, HOWARD C. )  
WEBSTER, SHIRLEY WEBSTER, MARIE )  
HALE, R. W. COBURN, S.W.S. LAND )  
COMPANY, WEBSTER ENERGY SERVICES, )  
INC., NATURAL GAS PRODUCERS, )  
COBURN RESOURCES CORPORATION and )  
PETROP INTERNATIONAL CORPORATION, )  
 )  
Third Party Defendants. )

No. 82-C-613-E

ORDER OF DISMISSAL WITH PREJUDICE

Upon application of the Plaintiff, Defendants and Third Party Plaintiffs, and Third Party Defendants for an order of dismissal, and for good cause shown, Plaintiff's Complaint and Defendants' Counterclaim and Third Party Complaint are dismissed herewith with prejudice.

DATED this 9<sup>th</sup> day of March, 1984.

S/ JAMES O. ELLISON

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

UNITED STATES DISTRICT COURT FOR  
THE NORTHERN DISTRICT OF OKLAHOMA

**FILED**

UNITED STATES OF AMERICA, )  
 )  
 Plaintiff, )  
 )  
 vs. )  
 )  
 RICHARD GERALD WILLIAMSON, and )  
 BOBBIE GAIL WILLIAMSON, )  
 )  
 Defendants. )

MAR - 9 1984

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

No. 84-CR-13-C

ORDER FOR DISMISSAL

Pursuant to Rule 49(a) of the Federal Rules of Criminal Procedure, and by leave of court endorsed hereon, the United States Attorney for the Northern District of Oklahoma hereby dismisses the Indictment against BOBBIE GAIL WILLIAMSON, defendant, without prejudice, for the reason that defendant's attorney has raised certain factual allegations which both parties agree warrant further investigation, in the interests of justice.



GERALD HILSHER  
Assistant United States Attorney

Approved:



JAMES FRANSEIN  
Attorney for  
Bobbie Gail Williamson

Leave of court is granted for the filing of the foregoing dismissal.

s/H. DALE COOK

United States District Judge

Date: March 9, 1984

**FILED**

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

MAR - 8 1984

SHARON BAUMGARTNER, LINDA )  
 CLARK AND SHARON BAUMGARTNER, )  
 as next friend of Gladys L. )  
 Sparkman, )  
 )  
 Plaintiff, )  
 )  
 vs. )  
 )  
 TED ADAMS AND PAULINE ADAMS, )  
 )  
 Defendant. )

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

No. 81-C-480-E ✓

JUDGMENT

This action came on for hearing before the Court, Honorable James O. Ellison, District Judge, presiding, on the issue of entitlement to attorney fees, and the issues having been duly heard and a decision having been duly rendered,

IT IS ORDERED AND ADJUDGED that the Plaintiffs Sharon Baumgartner, Linda Clark and Sharon Baumgartner as next friend of Gladys L. Sparkman, take nothing from the Defendants Ted Adams and Pauline Adams, that the action be dismissed on the merits with respect to entitlement to attorney fees, and that both parties bear their own costs of action.

DATED at Tulsa, Oklahoma this 8<sup>th</sup> day of March, 1984.

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



pleadings and construing the facts in favor of the Petitioner, Haines v. Kerner, 404 U.S. 519, 92 S.Ct. 594 (1972), Mr. McCarther has failed to make any allegations whatsoever that Sheriff Thurman personally committed any acts which were violative of his constitutional rights.

In order to state a cause of action that rises to a constitutional level, the Petitioner must meet a threshold requirement by the establishment of an affirmative link between the occurrence of the alleged misconduct and the authorization or approval of this misconduct on the part of Sheriff Thurman. See Rizzo v. Goode, 98 S.Ct. 598 (1976). The doctrine of respondeat superior is not applicable in an action under § 1983. The "personal participation" of the Defendant is an essential allegation in the claim. Bennett v. Passic, 545 F.2d 1260, 1262 (10th Cir. 1976). Before a superior may be held liable for the acts of an inferior, the superior expressly or otherwise must have participated or acquiesced in the constitutional deprivation of which the complaint is made. See Kite v. Kelly, 546 F.2d 334 (10th Cir. 1976).

Petitioner claims that since he was confined on March 7, 1983 he has not had ample opportunity to call or employ counsel or communicate with the Courts and with bondsmen and as a result has been irreversibly damaged by loss of witnesses and arbitrary court decisions in his absence. He also claimed that Oklahoma had accepted and recognized a detainer against him from Kansas but had "refused to allow me to seek counsel to defend against

the charge." Nowhere in his complaint does the Petitioner mention Sheriff Thurman's name or make any allegations that the Sheriff was aware of any of his alleged deprivations.

Even assuming that the allegations of the Petitioner rise to constitutional level, this Court finds that the complaint would properly be dismissed as against Respondent Thurman.

IT IS THEREFORE ORDERED AND ADJUDGED that the motion of Sheriff Frank Thurman to dismiss pursuant to Rule 12 of the Federal Rules of Civil Procedure be and the same is hereby granted.

ORDERED this 8<sup>th</sup> day of March, 1984.

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

FILED

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

GEORGE S. BLACK,
Plaintiff,
v.
RICHARD S. SCHWEIKER, Secretary
of Health and Human Services of
the United States of America,
Defendant.

Handwritten notes and signatures in the upper right margin.

No. 82-C-1140-E

ORDER

The Court has for consideration the Findings and Recommendations of the Magistrate filed on February 22, 1984 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 8th day of March, 1984.

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

Handwritten mark at the bottom left corner.

FILED

MAR -8 1984

UNITED STATES DISTRICT COURT FOR THE  
NORTHERN DISTRICT OF OKLAHOMA

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

UNITED STATES OF AMERICA, )  
 )  
 Plaintiff, )  
 )  
 vs. )  
 )  
 ERNEST L. CASS, a/k/a ERNIE L. )  
 CASS, RHONDA S. CASS, ASSOCIATES )  
 FINANCIAL SERVICES COMPANY OF )  
 OKLAHOMA, INC., an Oklahoma )  
 corporation, BOULDER BANK & )  
 TRUST COMPANY, COUNTY TREASURER, )  
 Tulsa County, Oklahoma, and )  
 BOARD OF COUNTY COMMISSIONERS, )  
 Tulsa County, Oklahoma, )  
 )  
 Defendants. )

CIVIL ACTION NO. 82-C-524-B

JUDGMENT OF FORECLOSURE

THIS MATTER COMES on for consideration this 7<sup>th</sup> day  
of March, 1984. The Plaintiff appears by Layn R.  
Phillips, United States Attorney for the Northern District of  
Oklahoma, through Peter Bernhardt, Assistant United States  
Attorney; the Defendants, County Treasurer and Board of County  
Commissioners, Tulsa County, Oklahoma, appear by David A.  
Carpenter, Assistant District Attorney, Tulsa County, Oklahoma;  
the Defendant, Boulder Bank & Trust Co., appears not having  
previously filed its Disclaimer herein; and the Defendants,  
Ernest L. Cass a/k/a Ernie L. Cass, Rhonda S. Cass, and  
Associates Financial Services of Oklahoma, Inc., appear not, but  
make default.

The Court being fully advised and having examined the  
file herein finds that Defendant, County Treasurer, Tulsa County,

Oklahoma, acknowledged receipt of Alias Summons and Amended Complaint on May 9, 1983; that the Defendant, Board of County Commissioners, Tulsa County, Oklahoma, acknowledged receipt of Alias Summons and Amended Complaint on May 5, 1983; that the Defendant, Boulder Bank & Trust Co., acknowledged receipt of Alias Summons and Amended Complaint on May 4, 1983; and the Defendant, Associates Financial Services Company of Oklahoma, Inc., an Oklahoma corporation, was served with Alias Summons and Complaint on October 26, 1983.

The Court further finds that the Defendants, Ernest L. Cass a/k/a Ernie L. Cass and Rhonda S. Cass, were served by publishing notice of this action in the Tulsa Daily Business Journal and Legal Record, a newspaper of general circulation in Tulsa County, Oklahoma, once a week for six consecutive weeks beginning February 16, 1983, and continuing to March 23, 1983, as more fully appears from the verified proof of publication duly filed herein; and that this action is one in which service by publication is authorized by 12 O.S. § 170.6(A) since counsel for the Plaintiff does not know and with due diligence cannot ascertain the whereabouts of the Defendants, Ernest L. Cass a/k/a Ernie L. Cass and Rhonda S. Cass, and service cannot be made upon said Defendants within the Northern Judicial District of Oklahoma or the State of Oklahoma by any other method, or upon said Defendants without the Northern Judicial District of Oklahoma or the State of Oklahoma by any other method, as more fully appears from the evidentiary affidavit of a bonded abstractor filed herein with respect to the last known address of the Defendants,

Ernest L. Cass a/k/a Ernie L. Cass and Rhonda S. Cass. The Court conducted an inquiry into the sufficiency of the service by publication to comply with due process of law and based upon the evidence presented together with affidavit and documentary evidence finds that the Plaintiff, United States of America, acting on behalf of the Farmers Home Administration, and its attorneys, Layn R. Phillips, United States Attorney for the Northern District of Oklahoma, through Peter Bernhardt, Assistant United Attorney, have fully exercised due diligence in ascertaining the true names and identities of the parties served by publication with respect to their present or last known places of residence and/or mailing addresses. The Court accordingly 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.

It appears that the Defendant, Boulder Bank & Trust Co., has filed its Disclaimer on May 5, 1983, disclaiming any right, title or interest to the real property which is the subject matter of this foreclosure action; that the Defendants, County Treasurer and Board of County Commissioners, Tulsa County, Oklahoma, have filed their Answers on May 6, 1983; and that the Defendants, Ernest L. Cass a/k/a Ernie L. Cass, Rhonda S. Cass, and Associates Financial Services Company of Oklahoma, Inc., an Oklahoma corporation, have failed to answer and their default has been entered by the Clerk of this Court on February 2, 1984, and on January 27, 1984, respectively.

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

Lot Two (2), Block Six (6), SCOTTSDALE ADDITION, an Addition in Tulsa County, State of Oklahoma, according to the recorded plat thereof.

THAT on July 6, 1979, Ernest L. Cass and Rhonda S. Cass executed and delivered to the United States of America, acting through the Farmers Home Administration, their promissory note in the amount of \$27,000.00, payable in monthly installments with interest thereon at the rate of 10 1/2 percent per annum.

That as security for the payment of the above described note, Ernest L. Cass and Rhonda S. Cass executed and delivered to the United States of America, acting through the Farmers Home Administration, a real estate mortgage dated July 6, 1979, covering the above described property. Said mortgage was recorded on July 6, 1979, in Book 4411, Page 420, in the records of Tulsa County, Oklahoma.

The Court further finds that Defendants, Ernest L. Cass and Rhonda S. Cass, made default under the terms of the aforesaid promissory note and mortgage by reason of their failure to make monthly installments due thereon, which default has continued and that by reason thereof the Defendants, Ernest L. Cass and Rhonda S. Cass, are indebted to the Plaintiff in the sum of \$27,414.33, plus accrued interest of \$2,597.03 as of March 3, 1982, plus interest thereafter at the rate of 10 1/2 percent per annum or

\$7.8863 per day until judgment, plus interest thereafter at the legal rate until fully paid, and the costs of this action accrued and accruing.

The Court further finds that the Defendant, County Treasurer, Tulsa County, Oklahoma, has a lien on the property which is the subject matter of this action by virtue of ad valorem taxes in the amount of \$165.63 plus applicable penalties and interest for the year of 1982, and in the amount of \$164.80 plus applicable penalties and interest for the year of 1983. Said lien is superior to the interest of the Plaintiff, United States of America.

The Court further finds that the Defendant, County Treasurer, Tulsa County, Oklahoma, has a lien on the property which is the subject matter of this action by virtue of personal property taxes in the amount of \$1.35 which became a lien on the property as of June 1, 1983. Said lien is inferior to the interest of the Plaintiff, United States of America,

IT IS THEREFORE ORDERED, ADJUDGED, AND DECREED that the Plaintiff have and recover judgment against Defendants, Ernest L. Cass and Rhonda S. Cass, in the principal amount of \$27,414.33, plus accrued interest of \$2,597.03 as of March 3, 1982, plus interest thereafter at the rate of 10 1/2 percent per annum, or \$7.8863 per day, until judgment, plus interest thereafter at the current legal rate of 10.11% percent per annum until paid, plus the costs of this action accrued and accruing.

IT IS FURTHER ORDERED, ADJUDGED, AND DECREED that the Defendant, County Treasurer, Tulsa County, Oklahoma, have and

recover judgment in the amount of \$330.43, plus applicable penalties and interest for ad valorem taxes for the years of 1982 and 1983, plus the costs of this action.

IT IS FURTHER ORDERED, ADJUDGED, AND DECREED that the Defendant, County Treasurer, Tulsa County, Oklahoma, have and recover judgment in the amount of \$1.35 for personal property taxes for the year of 1982, plus the costs of this action.

IT IS FURTHER ORDERED, ADJUDGED, AND DECREED that upon the failure of said Defendants, Ernest L. Cass a/k/a Ernie L. Cass and Rhonda S. Cass, to satisfy the money judgment of the Plaintiff 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 involved herein and apply the proceeds of the sale as follows:

First:

In payment of the costs of this action accrued and accruing incurred by the Plaintiff, including costs of the sale of said real property;

Second:

In payment of the Defendant, County Treasurer, Tulsa County, Oklahoma, in the amount of \$330.43, ad valorem taxes which are presently due and owing on said real property, plus applicable penalties and interest;

Third:

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

Fourth:

In payment of the Defendant, County Treasurer, Tulsa County, Oklahoma, in the amount of \$1.35, personal property taxes which are currently due and owing.

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

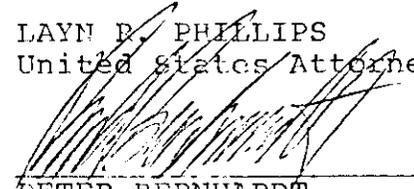
IT IS FURTHER ORDERED, ADJUDGED, AND DECREED that from and after the sale of the above described real property, under and by virtue of this judgment and decree, all of the Defendants and all persons claiming under them since the filing of the Complaint, be and they are forever barred and foreclosed of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

**S/ THOMAS R. BRETT**

UNITED STATES DISTRICT JUDGE

APPROVED:

LAYN B. PHILLIPS  
United States Attorney

  
PETER BERNHARDT  
Assistant United States Attorney

  
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

MAR -3 1984

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

KOBE, INC.

Plaintiff,

v.

HUGHES TOOL COMPANY

Defendant.

§  
§  
§  
§  
§  
§  
§  
§  
§  
§

Civil Action  
No. 83-C-541-B

CONSENT JUDGMENT

On this date, came the parties in this Action by and through their attorneys of record and announced that they have executed a Settlement Agreement, and the Court finds that the parties have resolved their differences and consented to the entry of the following judgment; and it is therefore,

ORDERED, ADJUDGED AND DECREED THAT:

1. This Court has jurisdiction over the parties and the subject matter of this Action.
2. The parties acknowledge and this Court holds that between the parties hereto United States Patent 3,972,352 is valid and enforceable.
3. The parties acknowledge and this Court holds that Plaintiff is the owner of the entire right, title and interest in and to United States Patent 3,972,352 (The Patent), including the right to sue and collect for damages for infringement thereof.
4. The parties acknowledge and this Court holds that Defendant has manufactured, used, and sold products that are within the

scope of at least some of the claims of United States Patent 3,972,352.

5. The parties have entered into a separate agreement which grants Defendant a license under The Patent.

6. All claims, demands, causes of action and rights of action of both parties, past and future, known and unknown, relating to The Patent are hereby dismissed with prejudice.

7. Each party shall pay its own costs and attorney fees incurred in this Action.

Date: March 8, 1984

Thomas R. Brett  
United States District Judge

Approved As To Form and Content

William C. Norvell, Jr.  
William C. Norvell, Jr.  
NORVELL & ASSOCIATES  
6363 Woodway, Suite 275  
Woodway National Bank Bldg.  
Houston, Texas 77057

February 27, 1984  
(Date)

✓ Thomas J. Vincent  
Thomas J. Vincent  
President  
Kobe, Inc.  
3040 East Slauson Avenue  
Huntington Park, CA 90255

✓ Feb. 24, 1984  
(Date)

Joseph L. Cox  
Joseph L. Cox  
President  
Centrilift-Hughes Division, a  
Division of Hughes Tool Company  
200 W. Stuart Roosa Dr.  
Claremore, Oklahoma 74017

28 Feb, 1984  
(Date)

Robert A. Felsman  
Robert A. Felsman  
FELSMAN, BRADLEY & GUNTER  
900 Baker Building  
110 West Seventh Street  
Fort Worth, Texas 76102

2/23/84  
(Date)

Entered

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

FILED

MAR -8 1984

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

CESSNA FINANCE CORPORATION )  
 )  
Plaintiff, )  
 )  
v. )  
 )  
HAROLD GARDNER, CARL DYER and )  
JOHN F. MOSS, )  
 )  
Defendants. )

No. 83-C-951-B7

CONSENT JUDGMENT

On this 8 day of March, 1984, the parties, Cessna Finance Corporation, plaintiff, Harold Gardner, Carl Dyer and John F. Moss, defendants, came before the Court and announced their agreement as to judgment. The parties agree that the Plaintiff's Motion for Summary Judgment filed February 15, 1984 should be granted. Furthermore, the parties have agreed to, and this Court finds, the following:

1. On or about September 25, 1981, the defendants purchased from Duncan Aviation, Inc. a 1973 Cessna 421B Aircraft, Serial No. 421B-0378, FAA Registration No. N41JT, by their execution of the Conditional Sales Contract which is attached as Exhibit A to the Request, for Admissions sent to each defendant by the plaintiff.
2. Duncan Aviation, Inc. subsequently assigned, on or about September 25, 1981, its rights to plaintiff.
3. The defendants are in default of the Conditional Sales Contract in that the July 20, 1983 and all subsequent payments have not

been received by the plaintiff.

4. The defendants are indebted, as of March 12, 1984, to Cessna in the amount of \$85,793.00 principal and \$9,650.15 accrued interest, for a total of \$95,443.14.
5. The plaintiff is entitled to attorney's fees in the amount \$3,000.00 for expenses incurred in initiating the above captioned action and pursuing it until resolution.

Upon these findings, the Court ORDERS, ADJUDGES and DECREES that the defendants Harold Gardner, Carl Dyer and John F. Moss are jointly and severally liable to the plaintiff Cessna Finance Corporation in the amount of \$95,443.14, attorney's fees in the amount of \$3,000.00 and interest accruing from this date on this judgment at the rate of 10.11% per annum.

S/ THOMAS R. BRETT

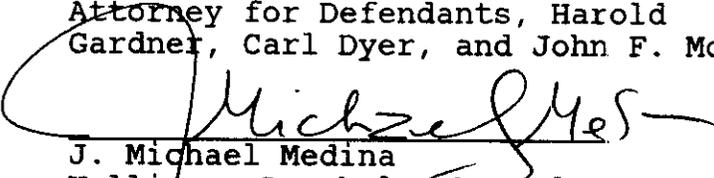
---

United States District Judge

APPROVED AS TO FORM AND CONTENT:

  
\_\_\_\_\_  
Paula Inman  
Jones, Sutton & Edwards, Inc.  
1000 One Boston Plaza  
20 East 5th Street  
Tulsa, Oklahoma 74103

Attorney for Defendants, Harold  
Gardner, Carl Dyer, and John F. Moss

  
\_\_\_\_\_  
J. Michael Medina  
Holliman, Langholz, Runnels  
& Dorwart  
Suite 700, Holarud Building  
Ten East Third Street  
Tulsa, Oklahoma 74103

Attorney for Plaintiff,  
Cessna Finance Corporation

Entered

FILED

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

MAR -7 1984

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

TOKLAN OIL CORPORATION, formerly )  
HARRISON L. TOWNES, INC., et. al. )

Plaintiff, )

vs. )

No. 83-C-840-B

UNITED STATES OF AMERICA; JAMES )  
G. WATT, Secretary of Interior; )  
NOVA ENERGY CORPORATION, )

Defendants. )

ORDER OF DISMISSAL WITH PREJUDICE

For good cause shown and pursuant to the Stipulation for Settlement and Dismissal of the parties, filed herein and approved by the Court, this action is dismissed with prejudice to the rights of Plaintiffs, above named, to reassert their action brought herein, or any part thereof; to the rights of the Defendant, Nova Energy Corporation ("Nova") to reassert its action against the United States of America and James G. Watt, Secretary of Interior, or his successor (collectively referred to as "USA"), brought herein, or any part thereof; and to the rights of the USA to reassert its action against Nova brought herein, or any part thereof; and to the rights of the USA to assert an action against Plaintiffs arising out of this action, or any part thereof.

The parties are to bear their own costs, including attorneys fees.

DATED this 7<sup>th</sup> day of March, 1984.

  
U.S. DISTRICT JUDGE  
THOMAS R. BRETT



**FILED**

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

MAR - 6 1984

SAMSON RESOURCES COMPANY, an  
Oklahoma corporation,

Plaintiff,

vs.

INTERNORTH, INC., and EL PASO  
NATURAL GAS COMPANY,

Defendant.

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

1214  
No. 82-C-1241E ✓

ORDER OF DISMISSAL

Upon the Joint Motion for Dismissal by the parties hereto, this action is dismissed with prejudice in accordance with and pursuant to the terms of the Protective Order entered by this Court on the 29th day of February, 1984.

UNITED STATES DISTRICT JUDGE

*Entered*

UNITED STATES DISTRICT COURT FOR THE  
NORTHERN DISTRICT OF OKLAHOMA

UNITED STATES OF AMERICA,	)	
	)	
Plaintiff,	)	
	)	
vs.	)	
	)	
WASHINGTON HEIGHTS, PARTNERS,	)	
a partnership,	)	
	)	
Defendant.	)	CIVIL ACTION NO. 82-C-667-B

O R D E R

Upon the Motion of the United States of America by Layn R. Phillips, United States Attorney for the Northern District of Oklahoma, through Peter Bernhardt, Assistant United States Attorney, and for good cause shown, it is hereby ORDERED that this action be and it hereby is dismissed without prejudice.

Dated this 6th day of March, 1984.

S/ THOMAS R. BRETT

\_\_\_\_\_  
THOMAS R. BRETT  
UNITED STATES DISTRICT JUDGE

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

*Entered copy*  
PATS )  
*Closes as to* )  
*Bobek & Postal,* )  
vs. )  
*Svc. ONLY* )  
UNITED STATES SERVICE, )  
et al., )  
Defendants. )

No. 83-C-1030-C

**FILED**

MAR 6 1984

Jack C. Silver, Clerk  
DISTRICT COURT

ORDER

Now before the Court for its consideration are the motions of defendant U.S.A. and Donald W. Bobek, M.D., to dismiss, filed on January 19 and January 11, 1984. The Court has no record of a response to these motions from plaintiff Patsy R. Wallace. Rule 14(a) of the local Rules of the United States District Court for the Northern District of Oklahoma provides as follows:

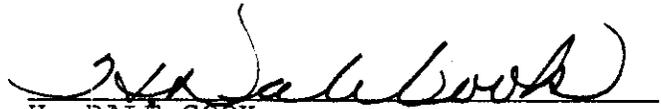
(a) Briefs. Each motion, application and objection filed shall set out the specific point or points upon which the motion is brought and shall be accompanied by a concise brief. Memoranda in opposition to such motion and objection shall be filed within ten (10) days after the filing of the motion or objection, and any reply memoranda shall be filed within ten (10) days thereafter. Failure to comply with this paragraph will constitute waiver of objection by the party not complying, and such failure to comply will constitute a confession of the matters raised by such pleadings.

Therefore, in that plaintiff has failed to comply with local Rule 14(a) and no responsive pleading has been filed to date herein, the Court concludes that plaintiff has waived any

objection to said motions and has confessed the matters contained therein.

Accordingly, it is the Order of the Court that the motions of defendants U.S.A. and Donald W. Bobek, M.D. to dismiss should be and hereby are sustained.

It is so Ordered this 5<sup>th</sup> day of March, 1984.

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

FILED

MAR -5 1934

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

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

TRUSTHOUSE FORTE INC., and )  
ROYAL INSURANCE COMPANY OF )  
AMERICA, )

Plaintiffs, )

vs. )

Case No. 94-C-21 - C

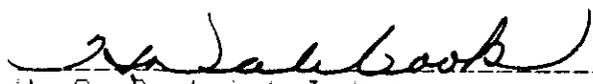
BRADY, LOHRMAN & PENDLETON )  
CONSULTING ENGINEERS, INC., )  
HARDIN INTERNATIONAL, INC., )  
G. & G. CONTROLS, INC., and )  
WATTS PLUMBING, HEATING, AND )  
SUPPLY COMPANY, )

Defendants., )

JUDGEMENT BY DEFAULT

Defendants Brady, Lohrman & Pendleton Consulting Engineers, Inc., having been properly served with summons and failing to plead or otherwise defend as provided in the Federal Rules of Civil Procedure; it is hereby ordered that said Defendants be declared in default and that judgement be entered pursuant to Rule 55, Federal Rules of Procedure.

Wherefore; Plaintiff is granted judgement in the amount of \$19,171.46 plus costs and attorney fees.

  
-----  
U. S. District Judge

Entered

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

FILED

MAR -5 1964

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

GRACE BALDWIN, )  
 )  
 )  
 Plaintiff, )  
 )  
 vs. )  
 )  
 )  
 BILLY L. BARNETT; PULLEY FREIGHT )  
 LINE, INC., an Iowa corporation, )  
 and SAFECO INSURANCE COMPANY OF )  
 AMERICA, a Washington )  
 corporation, )  
 )  
 Defendants. )

No. 83-C-843-B

ORDER OF DISMISSAL WITHOUT PREJUDICE  
AS TO THE DEFENDANT, SAFECO INSURANCE COMPANY OF AMERICA

This cause comes on for review upon Motion to Dismiss of the defendant Safeco Insurance Company of America. It appears from the record herein by an instrument called Representation and Stipulation filed herein by the defendants, Billy L. Barnett and Pulley Freight Line, Inc., that sufficient insurance coverage exists on the part of those defendants to meet the claims of the plaintiff. Since Safeco Insurance Company is present in this lawsuit only as an underinsured insurance carrier for Grace Baldwin, the Court finds that said insurance company does not appear to have liability

exposure in this matter and this cause should be and same is hereby dismissed without prejudice as to the defendant, Safeco Insurance Company of America.

S/ THOMAS R. BRETT  
THOMAS R. BRETT, U.S. DISTRICT JUDGE

APPROVED:

FRASIER & FRASIER

By:   
Attorneys for Plaintiff.

  
DONALD CHURCH, Attorney for  
Defendants, Billy L. Barnett  
and Pulley Freight Line, Inc.

  
RICHARD CARPENTER, Attorney  
for Defendant, Safeco Insurance  
Company of America.

Entered

FILED

MAR -5 1984

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

UNITED STATES DISTRICT COURT FOR THE  
NORTHERN DISTRICT OF OKLAHOMA

UNITED STATES OF AMERICA, )  
 )  
 Plaintiff, )  
 )  
 vs. )  
 )  
 BUSTER S. BAYOUTH; )  
 KENNETH DON WIGINTON; )  
 HARRY H. BAYOUTH; )  
 FRED J. McDONALD; )  
 JON H. BAYOUTH, )  
 )  
 Defendants. )

CIVIL ACTION NO. 83-C-773-B

ORDER OF DISMISSAL

Pursuant to the Stipulation of Dismissal entered into herein by counsel for the Plaintiff, United States of America, and counsel for the Defendant, John B. Jarrett, III, it is hereby ordered that this action is dismissed as against the Defendant John B. Jarrett, III.

S/ THOMAS R. BRETT

UNITED STATES DISTRICT JUDGE

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

FILED

MAR -5 1984

HOUSTON GENERAL INSURANCE CO.,  
Plaintiff,

VS.

SOUTHLAND MOTOR INNS CORP., et al.,  
Defendants.

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

NO. 81-C-101

ORDER OF DISMISSAL

Upon the Application of the defendant, William Michael Averitt, and it appearing that he no longer has any interest in the outcome of this litigation which would require his passive participation, the defendant, William Michael Averitt, is herewith dismissed as a party-defendant.

s/r. DALE COOK

H. DALE COOK

*entered*

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

FILED

MAR -5 1984

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

PAUL REID, d/b/a )  
TULSA TRUCK COLLISION, )  
 )  
Plaintiff, )  
 )  
vs. )  
 )  
AETNA CASUALTY & SURETY )  
COMPANY, a Connecticut )  
corporation; SOUTHWEST GENERAL )  
INSURANCE AGENCY, INC., an )  
Oklahoma corporation; THE CITY )  
OF SAPULPA, OKLAHOMA, a )  
municipal corporation; and )  
SAPULPA RURAL WATER CO., )  
 )  
Defendants. )

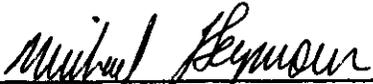
No. 82-C-492-BT

O R D E R

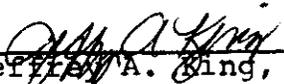
Pursuant to the Application for Order Approving Settlement and Dismissing Case With Prejudice, the Court finds that the Plaintiff, Paul Reid, has agreed to settle all claims he has, or may have, including costs, attorney's fees and interest, as a result of the occurrence complained of herein, for the total sum of Twenty-four Thousand and No/100 Dollars (\$24,000.00), which this Court finds to be fair, reasonable and just; whereupon, the Court orders that the settlement be approved and further orders that all of Plaintiff's claims against Aetna Casualty & Surety Company and Southwest General Insurance Agency, Inc. be dismissed with prejudice.

S/ THOMAS R. BRETT  
JUDGE OF THE UNITED STATES DISTRICT COURT

APPROVED AS TO FORM:

  
\_\_\_\_\_  
Michael L. Seymour  
Attorney for Plaintiff,  
Paul Reid, d/b/a Tulsa Truck Collision

  
\_\_\_\_\_  
Jack Goree,  
Attorney for Defendant,  
Aetna Casualty & Surety Company

  
\_\_\_\_\_  
Jeffrey A. King,  
Attorney for Defendant,  
Southwest General Insurance Agency, Inc.

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

*Entered*

FILED

MAR -5 1984

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

UNITED FOOD AND COMMERCIAL )  
WORKERS UNION LOCAL 76 )  
AFCWIU, AFL-CIO, CLC, )  
 )  
 ) Plaintiff, )  
 )  
v. )  
 )  
McCARTNEYS, INC., )  
 )  
 ) Defendant. )

NO. 83-C-855-B

JUDGMENT

In accordance with the Court's Order of February 29, 1984, judgment is hereby entered in favor of plaintiff, United Food and Commercial Works Union Local 76 AFCWIU, AFL-CIO, CLC, and against defendant, McCartneys, Inc. Defendant is ordered to proceed to arbitration in accordance with the terms of the collective bargaining agreement. Costs are awarded against defendant.

ENTERED this 5<sup>th</sup> day of March, 1984.



THOMAS R. BRETT  
UNITED STATES DISTRICT JUDGE

Entered

UNITED STATES DISTRICT COURT FOR THE  
NORTHERN DISTRICT OF OKLAHOMA

FILED

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

MAR 2 1984

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

CIVIL ACTION NO. 84-C-131-B

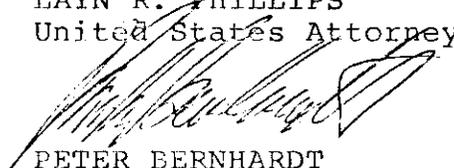
NOTICE OF DISMISSAL

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

Dated this 5th day of March, 1984.

UNITED STATES OF AMERICA

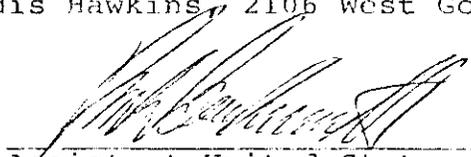
LAYN R. PHILLIPS  
United States Attorney



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 5th day of March,  
1984, a true and correct copy of the foregoing was mailed,  
postage prepaid thereon, to: Adis Hawkins, 2106 West Golden,  
Tulsa, Oklahoma 74127.



Assistant United States Attorney

UNITED STATES DISTRICT COURT FOR THE  
NORTHERN DISTRICT OF OKLAHOMA

FILED  
MAR 12 1984  
Jack C. Silver, Clerk  
U. S. DISTRICT COURT

UNITED STATES OF AMERICA, )  
 )  
Plaintiff, )  
 )  
vs. )  
 )  
THOMAS F. FITZGIBBON, )  
 )  
Defendant. ) CIVIL ACTION NO. 83-C-754-E

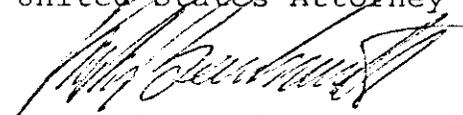
NOTICE OF DISMISSAL

COMES NOW the United States of America by  
Layn R. Phillips, United States Attorney for the Northern  
District of Oklahoma, Plaintiff herein, through Peter Bernhardt,  
Assistant United States Attorney, and hereby gives notice of its  
dismissal, pursuant to Rule 41, Federal Rules of Civil Procedure,  
of this action with prejudice. Plaintiff would advise the Court  
that the Defendant has satisfied his obligation due the United  
States of America.

Dated this 5<sup>th</sup> day of March, 1984.

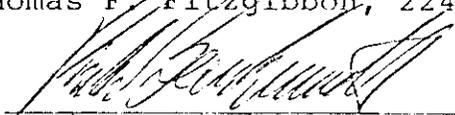
UNITED STATES OF AMERICA

LAYN R. PHILLIPS  
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 5<sup>th</sup> day of March,  
1984, a true and correct copy of the foregoing was mailed,  
postage prepaid thereon, to: Thomas F. Fitzgibbon, 2241 South  
Richmond, Tulsa, OK 74114.

  
Assistant United States Attorney

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

JERRY G. McFARLAND,

Plaintiff,

vs.

AETNA LIFE INSURANCE COMPANY,  
a Connecticut Corporation,

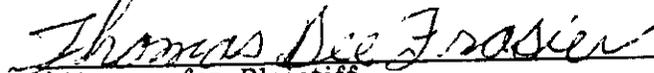
Defendant.

NO. 83-C-768-E

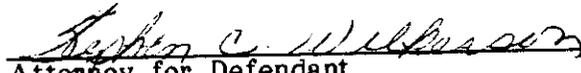
**STIPULATION OF DISMISSAL**

COME NOW the parties, and each of them, and stipulate that the Complaint in the above captioned cause be and the same hereby is dismissed with prejudice for the reason and upon the grounds that the cause has been compromised, settled and resolved.

THOMAS DEE FRASIER

  
Attorney for Plaintiff

STEPHEN C. WILKERSON

  
Attorney for Defendant

UNITED STATES DISTRICT COURT FOR THE  
NORTHERN DISTRICT OF OKLAHOMA

FILED  
MAR -5 1984  
Jack C. Siler, Clerk  
U. S. DISTRICT COURT

UNITED STATES OF AMERICA, )  
 )  
Plaintiff, )  
 )  
vs. )  
 )  
CENTRAL AMBULANCE SERVICE, )  
 )  
Defendant. ) CIVIL ACTION NO. 84-C-180-E

NOTICE OF DISMISSAL

COMES NOW the United States of America by  
Layn R. Phillips, 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. Plaintiff would advise the  
Court that the Defendant has satisfied his obligation due the  
United States of America.

Dated this 5<sup>th</sup> day of March, 1984.

UNITED STATES OF AMERICA

LAYN R. PHILLIPS  
United States Attorney

*Nancy A. Nesbitt*

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

CERTIFICATE OF SERVICE

This is to certify that on the 5<sup>th</sup> day of March,  
1984, a true and correct copy of the foregoing was mailed,  
postage prepaid thereon, to: Central Ambulance Service, P. O.  
Box 4197, Tulsa, Oklahoma 74104.

*Nancy A. Nesbitt*  
Assistant United States Attorney

UNITED STATES DISTRICT COURT FOR THE  
NORTHERN DISTRICT OF OKLAHOMA

**FILED**

UNITED STATES OF AMERICA, )  
 )  
 Plaintiff, )  
 )  
 v. )  
 )  
 GEORGIA REMONIA SKILLENS, )  
 et al., )  
 )  
 Defendants. )

MAR 5 1984

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

CIVIL ACTION NO. 83-C-941-B/C

O R D E R

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

Dated this 5<sup>th</sup> day of March, 1984.

(Signed) H. Dale Cook

UNITED STATES DISTRICT JUDGE

**FILED**

UNITED STATES DISTRICT COURT FOR THE  
NORTHERN DISTRICT OF OKLAHOMA

MAR - 5 1984

UNITED STATES OF AMERICA, )  
 )  
 Plaintiff, )  
 )  
 vs. )  
 )  
 RONALD J. LEBOEUF, )  
 )  
 Defendant. )

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

CIVIL ACTION NO. 83-C-985-C

AGREED JUDGMENT

This matter comes on for consideration this 5<sup>th</sup> day  
of March, 1984, the Plaintiff appearing by Layn R.  
Phillips, United States Attorney for the Northern District of  
Oklahoma, through Nancy A. Nesbitt, Assistant United States  
Attorney, and the Defendant, Ronald J. Leboeuf, appearing pro se.

The Court, being fully advised and having examined the  
file herein, finds that the Defendant, Ronald J. LeBoeuf, was  
served with Summons and Complaint on January 16, 1984. The  
Defendant has not filed his Answer but in lieu thereof has agreed  
that he is indebted to the Plaintiff in the amount alleged in the  
Complaint and that judgment may accordingly be entered against  
him in the amount of \$570.27, plus accrued interest of \$7.39 as  
of September 29, 1983, plus interest thereafter at the rate of  
15.05 percent per annum until judgment, plus costs and interest  
thereafter at the current legal rate of 10.11 percent from  
the date of judgment until paid, plus administrative costs of  
\$.63.

IT IS THEREFORE, ORDERED, ADJUDGED, AND DECREED that the Plaintiff have and recover judgment against the Defendant, Ronald J. LeBoeuf, in the amount of \$570.27, plus accrued interest of \$7.39 as of September 29, 1983, plus interest thereafter at the rate of 15.05 percent per annum until judgment, plus costs and interest thereafter at the current legal rate of 10.11 percent from the date of judgment until paid, plus administrative costs of \$.63.

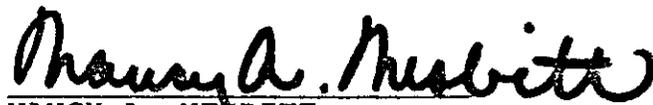
(Signed) H. Dale Cook

UNITED STATES DISTRICT JUDGE

APPROVED:

UNITED STATES OF AMERICA

LAYN R. PHILLIPS  
United States Attorney



NANCY A. NESBITT  
Assistant U.S. Attorney

  
RONALD J. LEBOEUF  
Defendant

FILED

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

MAR - 2 1984

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

TED WILLIAM FORD,	)	
	)	
Petitioner,	)	
	)	
vs.	)	No. 83-C-1072
	)	
FRANK THURMAN,	)	
	)	
Respondent.	)	

O R D E R

The Court has before it the petition of Ted William Ford for a writ of habeas corpus pursuant to 28 U.S.C. § 2254. The petition, filed January 4, 1984 in forma pauperis by leave of Court, alleged three separate grounds for relief. Grounds two and three concerned pre-trial identification procedures and were dismissed for failure to exhaust state court remedies. Ground one concerns "unnecessary, prejudicial, discriminatory, unconstitutionally excessive bail bonds".

This Court, by its Order of February 10, 1984, stayed consideration of Petitioner's motion for an evidentiary hearing pending receipt of the record from the Oklahoma Court of Criminal Appeals. This Court is now in receipt of the pleadings considered by the Court of Criminal Appeals and its decision of December 9, 1983.

As this Court has previously stated, an evidentiary hearing is required in a state habeas case under Townsend v. Sain, 372 U.S. 293, 83 S.Ct. 745 (1963), if (1) the merits of the factual dispute were not resolved in the state hearing; (2) the state

factual determination is not fairly supported by the record as a whole; (3) the fact-finding procedure employed by the state court was not adequate to afford a full and fair hearing; (4) there was a substantial allegation as to newly discovered evidence as to the issues brought out in the habeas petitions; and (5) the material facts were not adequately developed at the state court hearing. See Townsend, supra, 83 S.Ct. at 757.

On October 28, 1983, Petitioner moved for reduction of bail in Tulsa County District Court, such motion being denied by Judge Margaret Lamm. Petitioner applied for a writ of habeas corpus and a writ of mandamus to the Court of Criminal Appeals for the State of Oklahoma, such application being denied December 9, 1983.

The Petitioner was charged with five felony counts in the District Court of Tulsa County in case no. CRF-83-1596. The counts are as follows: (1) robbery with firearms after former conviction of a felony; (2) forcible sodomy after former conviction of a felony; (3) unauthorized use of a motor vehicle after former conviction of a felony; (4) kidnapping after former conviction of a felony; and (5) unauthorized use of a credit card after former conviction of a felony. Bond was set at \$30,000 on each of counts one, two and four and at \$5,000 each on counts three and five.

The record also shows previous convictions for aggravated robbery in 1971 (sentence 10 years to life) and obtaining a

firearm through interstate commerce in 1975 (sentence 1 year).

Petitioner argues that the above bail is excessive and therefore denies him his constitutional right to bail. He states that the amount set is higher than that reasonably calculated to be necessary to assure his presence, ignores his financial plight, ignores evidence of his bail worthiness, and evidence of his physical health.

The right to release before trial "is conditioned upon the accused giving adequate assurance that he will stand trial and submit to sentence if found guilty". Stack v. Boile, 342 U.S. 1, 4, 72 S.Ct. 1, 3 (1951).

The setting of bail is within the sound discretion of the trial court and it must clearly appear that the trial court has abused its discretion to the extent that the defendant has been denied his constitutional rights before this Court will overturn the trial court's decision.

Bowman v. State, 585 P.2d 1373, 1377 (OCL.Cr. 1978). The purpose of an appearance bond is to guarantee that an accused will be available at such time as the Court may direct. The amount of bond should be that amount calculated to cause the appearance of the accused. There are various factors which can be considered by a Court in setting bail. One such factor is the maximum punishment possible for the offense charged. See Bowman, supra at page 1378. This factor is relevant since the greater the potential punishment, the greater the tendency for a defendant to

be reluctant to appear. The Court may also consider such factors as the Defendant's ties with the jurisdiction and previous conduct under bail in other cases.

The question before this Court is whether or not the Tulsa County District Court abused its discretion in setting bail at \$30,000 for each of three counts and \$5,000 for each of two counts.

At the outset this Court finds that sufficient facts were developed in the state proceedings, that the state factual determination is fairly supported by the record as a whole and that there exists no substantial allegation of newly discovered evidence as to the issues brought out in this petition. Therefore the Court determines that an evidentiary hearing is not required under Townsend v. Sain.

After a review of the record in this case and the pleadings and arguments of the parties, it is the finding of this Court that the setting of bail by the Tulsa County District Court cannot be deemed an abuse of discretion under the standards of Bowman v. State, supra. The state court could properly consider the prior record of the accused, the nature of the offenses with which he is charged, and the maximum punishment possible for those offenses. Petitioner upon a conviction could be subject to a sentence well in excess of life in prison. The possible combined sentences for these offenses must be viewed by this

Court as a very severe penalty.

In view of the above the Court finds that Ground one of the petition of Ted William Ford for a writ of habeas corpus must be denied by this Court.

IT IS THEREFORE ORDERED AND ADJUDGED that Ground one of the petition of Ted William Ford for a writ of habeas corpus pursuant to 28 U.S.C. § 2254 be and the same is hereby denied.

ORDERED this 2<sup>d</sup> day of March, 1984.

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



Court was concerned with the Petitioner's entitlement to raise a speedy trial claim under federal habeas corpus before he was tried on the detainer. The Court made the explicit finding that the Petitioner had exhausted all available state remedies as a prelude to the instant action. Even though he had not yet been tried on the Kentucky indictment he made all available attempts to assert his speedy trial defense.

In Mr. Ford's case he has yet to avail himself of the opportunities for direct appeal to the Oklahoma Court of Criminal Appeals and of the opportunity to apply for a writ of habeas corpus in the state courts and of his opportunities under the Oklahoma Post-conviction Procedures Act, 22 O.S.A. § 1080 et seq.

Petitioner additionally cites United States ex rel Richardson v. Rundle, 461 F.2d 860 (3rd Cir. 1972). In Rundle, the main issue before the Court was a questionable search and seizure. The federal district court conducted an evidentiary hearing on that issue and granted Petitioner's writ of habeas corpus. The federal district court in addition declined to reach the issue of the Petitioner's in-court identification by the victim of the robbery on the ground that the Petitioner had not exhausted his state court remedies in that respect. The Court of Appeals reversed and remanded for proceedings on the issue because it determined that there were "exceptional circumstances" in the case that warranted the relaxation of the rule of comity laid down in 28 U.S.C. § 2254(b). However the exceptional

circumstances noted by the Court was not the allegations of improper in-court identification, but the fact that the federal court had already issued a writ of habeas corpus, and the petitioner had already been freed from custody. The appellate court thought that it was appropriate for the district court, having already taken jurisdiction over the issue of the constitutionality of the petitioner's confinement, and having already interrupted the service of his state sentence, continued to resolve the remaining issues without requiring exhaustion of state remedies.

This Court finds no such exceptional circumstances in this case. Petitioner argues and cites many authorities for the proposition that he should be granted an evidentiary hearing in the federal court on the issue of his in-court identification. The question of the necessity for an evidentiary hearing in a federal habeas action cannot be resolved until the state courts have had an opportunity to rule upon the merits of Petitioner's claims in the normal appellate and state habeas procedures. Upon the exhaustion of such available remedies by the Petitioner this Court would have jurisdiction to consider the question of whether or not an evidentiary hearing would be needed in a federal habeas action on that issue. However such a question need not be raised or resolved by this Court until the state courts have had an opportunity to resolve the questions posed by the Petitioner in this case. It may very well be that relief may be granted to the Petitioner in the state court system and that he will therefore

not find it necessary to bring a habeas action in federal court.

In view of the above, this Court finds that the motion of the Petitioner to reconsider must be denied. The Court emphasizes that the Petitioner must be aware of and should be pursuing his remedies in the state courts to avoid the possible loss of any rights due to his failure to assert them in the proper forum.

IT IS THEREFORE ORDERED AND ADJUDGED that the motion of Petitioner to reconsider this Court's Order dismissing grounds two and three of his petition for habeas corpus be and the same is hereby denied.

ORDERED this 2<sup>d</sup> day of March, 1984.

  
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JAMES O. ELLISON  
UNITED STATES DISTRICT JUDGE

Entered

FILED

MAR - 1 1984

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

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

CHEM-QUIP, INC.,  
an Oklahoma corporation,

Plaintiff,

vs.

STILLWELL FERTILIZER COMPANY,  
INC., a Texas corporation,

Defendant.

NO. 83-C-1020-C

DEFAULT JUDGMENT

This matter comes on for consideration this 1 day of March, 1984, the plaintiff appearing by Stephen P. Gray, and the defendant, Stillwell Fertilizer Company, Inc., not appearing.

The court being fully advised and having examined the file herein, finds that the defendant, Stillwell Fertilizer Company, Inc., was served with Summons and Complaint on February 6, 1984, 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 a judgment as a matter of law.

IT IS THEREFORE ORDERED, ADJUDGED AND DECREED that the Plaintiff have and recover judgment against the defendant, Stillwell Fertilizer Company, Inc., for the principal sum of \$17,147.11, plus interest at the legal rate from the date of this judgment until paid, costs of this action.

(Signed) H. Dale Cook

UNITED STATES DISTRICT JUDGE

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

**FILED**

MAR - / 1984

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

UNITED STATES OF AMERICA, )  
 )  
 Plaintiff, )  
 )  
 vs. )  
 )  
 ONE 1979 MERCEDES BENZ )  
 FOUR DOOR SEDAN, )  
 VIN 11603312085275, its )  
 tools and appurtenances, )  
 )  
 Respondent in Rem. )

No. 83-C-59-E

JOURNAL ENTRY OF JUDGMENT

NOW on this 17th day of February, 1984, this cause came on for non-jury trial pursuant to regular setting before me, the undersigned United States District Judge. The United States of America appeared by and through Jack Morgan, Assistant United States Attorney, and the Respondent in Rem and the claimants Albert J. Blair, Jr. and Ruth Ann Blair appeared by and through their attorney of record, Gomer A. Evans, Jr. Both sides having announced ready, the Court stated it was taking the Respondent's motion to suppress under advisement and would rule on same at the appropriate point in the proceeding.

The Plaintiff proceeded to call four witnesses, Chuck Lewis, Steve Greenberg, Forrest Stanley Tucker, and Gary L. Magrini, with the parties stipulating to the testimony of the fifth, William L. Holmes. The Court then proceeded to hear arguments of counsel concerning the Respondent's pending motion to suppress, and upon completion of same, the Court rendered

its decision sustaining the Respondent's motion and ordering the alleged gambling paraphernalia introduced as Plaintiff's Exhibits #1 and #2 not be considered in evidence. At the conclusion of the Court's ruling the Plaintiff rested, whereupon the Respondent presented its oral motion for directed verdict. The Court upon reviewing the evidence presented sustained the Respondent's motion for directed verdict and granted judgment for the Respondent.

IT IS THEREFORE ORDERED AND ADJUDGED that the Respondent be, and it is hereby awarded judgment from the United States of America, and that the Respondent in Rem, One (1) 1979 Mercedes Benz Four Door Sedan, VIN 11603312085275, its tools and appurtenances, and the alleged gambling paraphernalia offered as Plaintiff's Exhibits #1 and #2 be returned to the claimants Albert J. Blair, Jr. and Ruth Ann Blair.

  
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JAMES O. ELLISON  
UNITED STATES DISTRICT JUDGE