

UNITED STATES DISTRICT COURT FOR THE
NORTHERN DISTRICT OF OKLAHOMA

FILED

UNITED STATES OF AMERICA,)
)
 Plaintiff,)
)
 vs.)
)
 EDWARD BARTLES,)
)
 Defendant.)

APR 30 1984

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

CIVIL ACTION NO. 84-C-250-C

DEFAULT JUDGMENT

This matter comes on for consideration this 30 day of April, 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, Edward Bartles, appearing not.

The Court being fully advised and having examined the file herein finds that Defendant, Edward Bartles, acknowledged receipt of Summons and Complaint on April 1, 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 the Defendant, Edward Bartles, in the amount of \$479.70, plus interest at the rate of 15.05 percent per annum and administrative costs of \$.61 per month from August 11, 1983, and \$.68 from January 1, 1984, until judgment, plus interest thereafter at the current legal rate of

10.81 percent from the date of judgment until paid, plus the costs of this action.

J. H. DAIE COOK
UNITED STATES DISTRICT JUDGE

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

Entered

FILED

APR 30 1984

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

JAMES ALFORD DONALD, JR.,)
)
Plaintiff,)
)
v.)
)
JUDGE MARGARET LAMM, et al.,)
)
Defendants.)

No. 84-C-70-BT

O R D E R

Before the Court for consideration is the motion to dismiss defendant Johnson for failure to state a claim upon which relief can be granted pursuant to Fed.R.Civ.P. 12(b)(6) and on the grounds that plaintiff's claim against Johnson is frivolous under 28 U.S.C. §1915(d). In response, plaintiff has filed his brief in support of his "Motion to Retain Defendant Johnson as a Defendant." For the reasons set forth below, the Court finds defendant Johnson's motion should be sustained.

Defendant Johnson is the court reporter who transcribed plaintiff's trial in Tulsa County District Court for Uttering a Forged Instrument After Former Conviction of Two or More Felonies, Case No. CRF-81-3770. Plaintiff sues Johnson pursuant to 42 U.S.C. §1983 claiming Johnson has violated plaintiff's constitutional right to a fair trial because the transcript of plaintiff's trial allegedly does not accurately reflect the proceedings. Plaintiff alleges that his counsel cursed him and that the cursing is not reflected in the transcript. Plaintiff also alleges defendant Johnson approached him during a trial recess and said: "Why are you fighting this thing," and "It's a real pity you can't come to some kind of agreement." Plaintiff claims these statements are not reflected in the transcript. Finally, plaintiff claims

the jury asked to "hear the policeman's testimony," but that the transcript only reflects that the jury desired the stipulation of Officer Leatherman's testimony.

Two elements are necessary for recovery under 42 U.S.C. §1983. As stated in Adickes v. S.H. Kress & Co., 398 U.S. 144, 151 (1970):

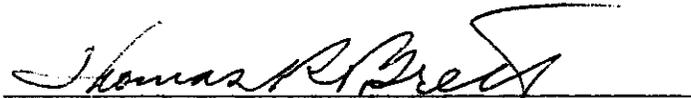
"First, the plaintiff must prove that the defendant has deprived him of a right secured by the 'Constitution and laws' of the United States. Second, the plaintiff must show that the defendants deprived him of this constitutional right 'under color of any statute, ordinance, regulation, custom, or usage, or any State or Territory.' This second element requires that the plaintiff must show the defendant acted 'under color of law.'"

There is no constitutional duty to "provide a court reporter to make a verbatim record of proceedings in criminal cases." Marsh v. United States, 435 F.Supp. 426, 430 (W.D.Okla. 1976). Lansinger v. Crisps, 403 F.Supp. 928, 930 (W.D.Okla. 1975). 20 Okla.St. Ann. §106.4 statutorily outlines the duties of court reporters, but does not mandate the taking down of all testimony in all instances. Byrd v. State, 530 P.2d 1364, 1366 (Okla.Cr.App. 1975); Higgins v. State, 506 P.2d 575, 578 (Okla.Cr.App. 1973). Conversations between counsel and his client or conversations during trial recess are not part of the trial proceedings. Further, mere allegations of error in the transcript unsupported by affidavit are not cognizable constitutionally.

The Court thus concludes plaintiff has not demonstrated that the defendant Johnson has deprived him of a right secured by the Constitution and the laws of the United States -- the first element of a §1983 cause of action.

IT IS THEREFORE ORDERED defendant Johnson's motion to
dismiss is sustained.

ENTERED this 30th day of April, 1984.

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

THOMAS R. BRET
UNITED STATES DISTRICT JUDGE

Entered

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

FILED
APR 30 1984

JAMES ALFORD DONALD, JR.,)
)
 Plaintiff,)
)
 v.)
)
 JUDGE MARGARET LAMM, et al.,)
)
 Defendants.)

No. 84-C-70-BT

W. B. SUMNER, CLERK
DISTRICT COURT

O R D E R

Before the Court for consideration is the motion to dismiss defendant Lamm. In response, plaintiff has filed a brief in support of his "motion to retain defendant Lamm as a defendant." For the reasons set forth below, the Court concludes defendant Lamm's motion to dismiss should be sustained.

Lamm seeks dismissal of plaintiff's complaint against her for failure to state a claim upon which relief can be granted pursuant to Fed.R.Civ.P. 12(b)(6) and upon the ground that the complaint is frivolous under 28 U.S.C. §1915(d).

Essentially, plaintiff has sued Lamm under 42 U.S.C. §1983 for her alleged indifference to violations of plaintiff's constitutional rights which allegedly occurred at plaintiff's trial in Tulsa County District Court. Plaintiff claims Lamm failed to keep defendant Martin Hart, plaintiff's attorney, from committing error at the trial, and in fact, helped to cover up constitutional violations by Hart. Further, plaintiff claims Lamm knew of discrepancies and error made by defendant Joel Johnson, court reporter, in the transcript of plaintiff's trial,

but failed to see that they were corrected and aided in covering up Johnson's alleged corroboration with the District Attorney's office to violate plaintiff's constitutional rights.

It was early established that "judges of courts of superior or general jurisdiction are not liable to civil actions for their judicial acts, even when such acts are in excess of their jurisdiction, and are alleged to have been done maliciously or corruptly." Bradley v. Fisher, 13 Wall. 335, 351 (1872). This doctrine of absolute immunity has been applied to lawsuits brought under 42 U.S.C. §1983 by the United States Supreme Court in Pierson v. Ray, 386 U.S. 547 (1967). See also Stump v. Sparkman, 435 U.S. 349 (1978) (A judge will be subject to liability only when he has acted in the clear absence of jurisdiction.)

It is clear defendant Lamm, acting well within her jurisdiction to hear defendant's criminal charge, is absolutely immune from liability from defendant's §1983 action.

IT IS THEREFORE ORDERED defendant Lamm's motion to dismiss is sustained.

ENTERED this 30 day of April, 1984.



THOMAS R. BRETT
UNITED STATES DISTRICT JUDGE

Entered

FILED

UNITED STATES DISTRICT COURT FOR THE NORTHERN DISTRICT OF OKLAHOMA APR 30 1984

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

UNITED STATES OF AMERICA,)
)
 Plaintiff,)
)
 vs.)
)
 TROY DRIVER, JR.,)
)
 Defendant.)

CIVIL ACTION NO. 84-C-248-E

AGREED JUDGMENT

This matter comes on for consideration this 30 day of April, 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, Troy Driver, Jr., appearing pro se.

The Court, being fully advised and having examined the file herein, finds that the Defendant, Troy Driver, Jr., was served with Summons and Complaint on April 12, 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 \$347.60, plus interest at the rate of 15.05 percent per annum and administrative costs of \$.61 per month from August 10, 1983, until judgment, plus interest thereafter at the legal rate from the date of judgment until paid, plus the costs of this action.

IT IS THEREFORE ORDERED, ADJUDGED, AND DECREED that the Plaintiff have and recover judgment against the Defendant, Troy Driver, Jr., in the amount of \$347.60, plus interest at the rate of 15.05 percent per annum and administrative costs of \$.61 per month from August 10, 1983, until judgment, plus interest thereafter at the current legal rate of 10.81 percent from the date of judgment until paid, plus the costs of this action.

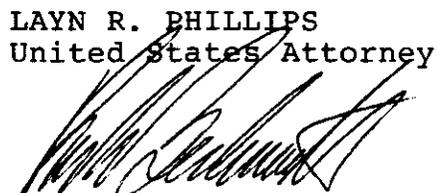
S/ JAMES O. ELLISON

UNITED STATES DISTRICT JUDGE

APPROVED:

UNITED STATES OF AMERICA

LAYN R. PHILLIPS
United States Attorney



PETER BERNHARDT
Assistant U.S. Attorney



TROY DRIVER, JR.

Entered

FILED

UNITED STATES DISTRICT COURT FOR THE
NORTHERN DISTRICT OF OKLAHOMA

APR 30 1984

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

UNITED STATES OF AMERICA,)
)
 Plaintiff,)
)
 vs.)
)
 EUGENE HARPER,)
)
 Defendant.)

CIVIL ACTION NO. 84-C-196-E

DEFAULT JUDGMENT

This matter comes on for consideration this 30 day
of April, 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, Eugene Harper, appearing not.

The Court being fully advised and having examined the
file herein finds that Defendant, Eugene Harper, acknowledged
receipt of Summons and Complaint on March 23, 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 the Defendant, Eugene
Harper, in the amount of \$559.80, plus interest at the rate of
15.05 percent per annum and administrative costs of \$.61 per
month from August 24, 1983, until judgment, plus interest

thereafter at the current legal rate of 10.81 percent from
the date of judgment until paid, plus the costs of this action.

s/ JAMES O. ELLISON

UNITED STATES DISTRICT JUDGE

Entered

FILED

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

APR 30 1984

L. G. HAWKINS AND WILLIAM)
 ROGERS, as individuals,)
)
 Plaintiffs,)
)
 vs.)
)
 COUER d' ALENE MINES CORP.,)
 an Idaho Corporation, and)
 DENNIS E. WHEELER, an)
 individual and as President)
 of Couer d' Alene Mines Corp.,)
)
 Defendants.)

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

No. 84-C-51-E

O R D E R

In consideration of Plaintiffs' confession of the Motion to Dismiss of Defendants Couer d' Alene Mines Corporation and Dennis E. Wheeler, and pursuant to Rule 41 of the Federal Rules of Civil Procedure, this case is hereby dismissed without prejudice.

ORDERED this 30th day of April, 1984.

James O. Ellison

 JAMES O. ELLISON
 UNITED STATES DISTRICT JUDGE

Entered
FILED

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

APR 30 1984

TERRY E. SANBORN,)
)
 Plaintiff,)
)
 vs.)
)
 OKLAHOMA FARM BUREAU MUTUAL)
 INSURANCE COMPANY, an)
 Oklahoma Corporation,)
)
 Defendant.)

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

No. 84-C-33-E

ORDER OF DISMISSAL

On this 30 day of April, 1984, the above matter comes one for hearing upon the written application of the parties for a Dismissal with Prejudice of the Complaint and all causes of action. The Court having examined said application, finds that said parties have entered into a compromised settlement covering all claims involved in the Complaint 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.

JAMES O. ELLISON
UNITED STATES DISTRICT JUDGE

APPROVAL:

Robert L. Shepherd
Robert L. Shepherd, Attorney for
Plaintiff

Donald G. Hopkins
Donald G. Hopkins, Attorney for
Defendant

Entered

FILED

UNITED STATES DISTRICT COURT FOR THE
NORTHERN DISTRICT OF OKLAHOMA

APR 20 1984

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

UNITED STATES OF AMERICA,)	
)	
Plaintiff,)	
)	
vs.)	
)	
DAVID E. SMITH,)	
)	
Defendant.)	CIVIL ACTION NO. 83-C-854-E

AGREED JUDGMENT

This matter comes on for consideration this 30 day of April, 1984, the Plaintiff appearing by Layn R. Phillips, United States Attorney for the Northern District of Oklahoma, through Nancy Nesbitt Blevins, Assistant United States Attorney, and the Defendant, David E. Smith, appearing pro se.

The Court, being fully advised and having examined the file herein, finds that the Defendant, David E. Smith, acknowledged receipt of Summons and Complaint on October 19, 1983. The Defendant filed his Answer on March 5, 1984, but now 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 \$734.11, plus costs and interest at the current legal rate of 10.81 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, David E. Smith, in the amount of \$734.11, plus costs and interest

at the current legal rate of 10.81 percent from the date of judgment until paid.

S/ JAMES O. ELLISON

UNITED STATES DISTRICT JUDGE

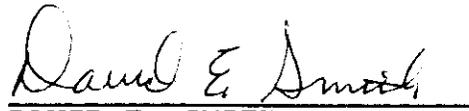
APPROVED:

UNITED STATES OF AMERICA

LAYN R. PHILLIPS
United States Attorney



NANCY NESBITT BLEVINS
Assistant U.S. Attorney



DAVID E. SMITH

Settled
FILED

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

APR 30 1984

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

HARRY F. COWART, and LIBERTY)
MUTUAL INSURANCE COMPANY,)
)
Plaintiffs,)
)
vs.)
)
DREIS & KRUMP MANUFACTURING)
COMPANY, a foreign corporation,)
)
Defendant.)

No. 81-C-853-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 twenty (20) 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 30th day of April, 1984.

James O. Ellison

JAMES O. ELLISON
UNITED STATES DISTRICT JUDGE

211

UNITED STATES DISTRICT COURT FOR THE
NORTHERN DISTRICT OF OKLAHOMA

UNITED STATES OF AMERICA,)
)
 Plaintiff,)
)
 vs.)
)
 FALCON HELICOPTERS, INC.,)
 t/k/a FALCON ENTERPRISES, INC.,)
)
 Defendant.)

FILED

APR 30 1984

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

CIVIL ACTION NO. 84-C-174-C

DEFAULT JUDGMENT

This matter comes on for consideration this 30 day of April, 1984, the Plaintiff appearing by Layn R. Phillips, United States Attorney for the Northern District of Oklahoma, through Nancy Nesbitt Blevins, Assistant United States Attorney, and the Defendant, Falcon Helicopters, Inc., t/k/a Falcon Enterprises, Inc., appearing not.

The Court being fully advised and having examined the file herein finds that Defendant, Falcon Helicopters, Inc., t/k/a Falcon Enterprises, Inc., acknowledged receipt of Summons and Complaint on March 22, 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 the Defendant, Falcon Helicopters, Inc., t/k/a Falcon Enterprises, Inc., in the amount

of \$7,000.00, plus costs and interest at the current legal rate
of 10.81 percent from the date of judgment until paid.

s/H. DALE COOK

UNITED STATES DISTRICT JUDGE

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

ROGER HANES,)
)
 Plaintiff)
)
 v.)
)
 HOWARD C. LONGLEY, District)
 Director of Internal)
 Revenue Service and)
 Internal Revenue Service,)
 an Agency of the United)
 States Government,)
)
 Defendant)
)
 v.)
)
 GARY D. RONGEY,)
 Additional Defendant)
 on Counterclaim)

CIVIL NO. 83-C-458-C

FILED
IN OPEN COURT

APR 30 1984

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

AGREED PARTIAL JUDGMENT

In accordance with the agreement and stipulation of the Defendant United States of America and Additional Defendant on Counterclaim Gary D. Rongey, it is hereby

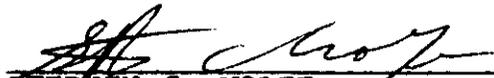
ORDERED, ADJUDGED, and DECREED that the Defendant United States of America have and recover of Additional Defendant on Counterclaim Gary D. Rongey the sum of \$8,652.18, plus statutory additions as allowed by law, as provided in 28 U.S.C. Section 1961(c)(1) and Section 6621, Internal Revenue Code of 1954 (26 U.S.C.), in partial satisfaction of the

counterclaim of the United States against Additional Defendant on Counterclaim Gary D. Rongey, said judgment covering only the tax periods ending 9-30-81 and 3-31-82.

Entered this 30 day of April, 1984.

151 W. Dale Cook
UNITED STATES DISTRICT JUDGE

AGREED:


STEPHEN C. WOLFE
Wolfe & Corbitt
1325 South Main Street
Tulsa, Oklahoma 74119

ATTORNEY FOR ADDITIONAL DEFENDANT
ON COUNTERCLAIM GARY D. RONGEY


MICHAEL M. GIBSON
Attorney, Tax Division
Department of Justice
Room 5B31, 1100 Commerce Street
Dallas, Texas 75242

ATTORNEY FOR UNITED STATES

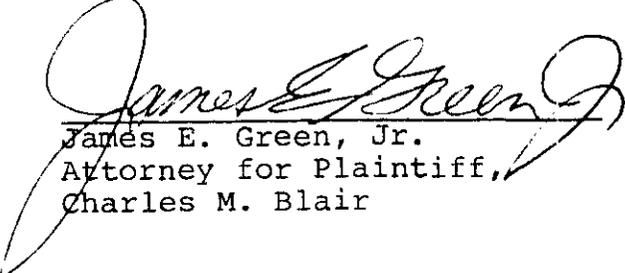
IT IS THEREFORE ORDERED, ADJUDGED AND DECREED that judgment is rendered for the Plaintiff, Charles M. Blair, and against the Garnishee, Universal Energy Corporation, in the amount of \$105,000.00 plus costs accrued and accruing.

DATED this 30 day of April, 1984.

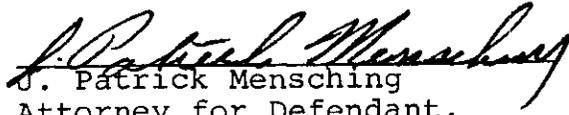
s/H. DALE COOK

H. Dale Cook
United States District Judge

APPROVED AS TO FORM:



James E. Green, Jr.
Attorney for Plaintiff,
Charles M. Blair



J. Patrick Mensching
Attorney for Defendant,
Robert A. Alexander, Jr.,
and for Garnishee,
Universal Energy Corporation

UNITED STATES DISTRICT COURT FOR THE
NORTHERN DISTRICT OF OKLAHOMA

FILED

APR 27 1984

CLERK OF DISTRICT COURT

UNITED STATES OF AMERICA,

Plaintiff,

vs.

RAYMOND L. CINDRIC,

Defendant.

CIVIL ACTION NO. 84-C-254-E

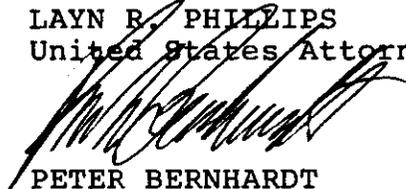
NOTICE OF DISMISSAL

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 27th day of April, 1984.

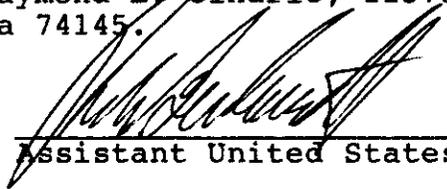
UNITED STATES OF AMERICA

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 27th day of April, 1984, a true and correct copy of the foregoing was mailed, postage prepaid thereon, to: Raymond L. Cindric, 12575 East 41st Street, No. 116, Tulsa, Oklahoma 74145.


Assistant United States Attorney

Entered

FILED

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

APR 2 1984

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

AMERICAN GAS AND OIL INVESTORS,)
LTD., a New York limited)
partnership,)
)
Plaintiff,)
)
vs.)
)
B-C OIL AND GAS CO., et al.,)
)
Defendants.)

No. 83-C-1038-E ✓

ORDER

NOW on this 27th day of April, 1984, in consideration of the removal of this action to the United States Bankruptcy Court for the Northern District of Oklahoma on March 26, 1984, it is

HEREBY ORDERED that the above styled and numbered case be dismissed without prejudice.



JAMES P. ELLISON
UNITED STATES DISTRICT JUDGE

D

Entered

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

FILED
MAR 27 1984

WILLIAM H. WARREN, JR., and)
CHARLES E. GIBSON,)
)
Plaintiffs,)

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

v.)

No. 84-C-262-B

MACK ALFORD, JUDGE H. DALE)
COOK, JUDGE FRANK SEAY, of the)
United States District Courts)
of the Eastern, Western, and)
Northern District of Oklahoma;)
MR. MICHAEL TURPEN, MR. DREW)
WILCOXEN, DISTRICT COURT OF)
MUSKOGEE COUNTY, UNITED STATES)
JUSTICE DEPT., CIVIL RIGHTS)
DIVISION, FOREMAN OF THE)
FEDERAL GRAND JURY, THEIR)
ASSISTANTS, ASSOCIATES, SUB-)
ORDINATES AND ALL FELLOW)
EMPLOYEES OF RESPECTIVE)
FEDERAL AND STATE JURIS-)
DICTIONS,)
)
Defendant.)

O R D E R

On March 27, 1984 plaintiffs were allowed to proceed with this action in forma pauperis. Plaintiffs now seek to have the Clerk of this Court issue subpoenae to the named defendants.

However, upon examination of the complaint herein, it appears to this Court that venue of this action is improper in this district.

Plaintiffs here bring this action on behalf of themselves and all others similarly situated alleging what appears to be a cause of action under 42 U.S.C. §1983 and/or §1985 and under the Racketeer Influenced and Corrupt Organizations Act ("RICO"), 18

U.S.C. §1961 et seq. However, plaintiffs have attached to the §1983 form provided to them by the Clerk of this Court a "Habeas Corpus Civil Complaint." From a reading of the habeas corpus complaint, it appears plaintiffs are not actually seeking a writ of habeas corpus, but allege violations of their constitutional rights in the following manners. Plaintiffs claim their constitutional rights have been violated because they are confined in overcrowded living areas as a result of illegal actions of state and federal officials. Plaintiffs claim the defendants conspired with Judge Frank Seay to convict them with manufactured and perjured evidence. Plaintiffs claim Judge H. Dale Cook participated in the conspiracy by having knowledge of the alleged actions of Judge Seay and by denying subsequent habeas corpus petitions and petitions seeking access to the Federal Grand Jury for purposes of seeking an Indictment against Judge Seay. Plaintiffs sue the United States Justice Department for its refusal to provide protection to them and its failure to prevent Judge Seay from violating their constitutional rights. Plaintiffs sue the Foreman of the Grand Jury for the "exclusionary policies" of the Grand Jury which make it impossible for persons similarly situated to plaintiffs to obtain justice and protection of the law. Further, plaintiffs claim their Eighth Amendment rights have been violated by deliberate overcrowding at the Oklahoma State Penitentiary, by herding them "as cattle through count line" and using "behavior modification" to win "security points reduction."

Plaintiffs seek the following relief: 1) access to the Federal Grand Jury to submit a complaint; 2) a declaratory judgment; 3) appointment of counsel as "guardian ad litem" and to present the cause to the federal grand jury for indictments against Seay and Turpen; and 4) vindication of their statutory and constitutional rights. Plaintiff Warren seeks \$100,000 punitive damages against defendant Turpen.

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."

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).

All defendants herein do not reside in the Eastern District of Oklahoma. However, it appears that all or substantially all of the acts or omissions giving rise to plaintiffs' cause of action occurred in the Eastern District of Oklahoma. The constitutional violations pertaining to living conditions at Oklahoma State Penitentiary occurred in McAlester, Oklahoma, located in the Eastern District of Oklahoma. Both convictions of plaintiffs occurred in Muskogee County District Court and any alleged conspiracy to convict plaintiffs with manufactured or

perjured evidence occurred in Muskogee County, in the Eastern District of Oklahoma. Further, any alleged RICO cause of action arising out of the conspiracy occurred in the Eastern District of Oklahoma.

The Court therefore concludes venue lies in the Eastern District of Oklahoma.

IT IS THEREFORE ORDERED plaintiffs' cause of action is dismissed in this Court for lack of appropriate venue.

ENTERED this 21st day of April, 1984.

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

THOMAS R. BRETT
UNITED STATES DISTRICT JUDGE

Entered

APR 27 1984
CLERK OF DISTRICT COURT

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

The Atchison, Topeka and Santa Fe)	
Railway Company, a Delaware corporation,)	
)	
)	
)	
Plaintiff,)	
vs.)	No. 83-C-1048B
)	
Columbian Chemicals Company,)	
a Delaware corporation,)	
)	
)	
Defendant.)	

ORDER

In accordance with the foregoing Stipulation for Dismissal;
IT IS HEREBY ORDERED AND ADJUDGED that the Complaint be, and hereby is,
dismissed with prejudice to the rights of the Plaintiff to recommence
said suit and at Plaintiff's costs.

DATED this 27 day of April, 1984.

S/ THOMAS R. BRETT

U. S. DISTRICT COURT JUDGE

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

APR 27 1984

W. G. HUNTER, CLERK
DISTRICT COURT

DONALD L. ALLEN,)
)
 Plaintiff,)
)
 v.)
)
 MASSEY-FERGUSON, INC., a)
 Maryland corporation,)
)
 Defendant.)

No. 83-C-692-B

J U D G M E N T

This action came on for trial before the Court and a jury, Honorable Thomas R. Brett, 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, Donald L. Allen, have and recover of the defendant, Massey-Ferguson, Inc., a Maryland corporation, the sum of Ten Thousand One Hundred Dollars (\$10,100.00), with interest thereon at the rate of 10.81% as provided by law, and his costs of this action. IT IS FURTHER ORDERED the plaintiff is entitled to revoke the subject backhoe-loader purchase and sale agreement.

IT IS FURTHER ORDERED AND ADJUDGED that plaintiff is entitled to retain possession of the MF-30D backhoe loader, which is the subject of this litigation, as security for the payment of the judgment herein, pursuant to 12A Okl.St. Ann. §2-711(3).

Dated at Tulsa, Oklahoma, this 26th day of April, 1984.

S/ THOMAS R. BRETT

Thomas R. Brett
United States District Judge

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

FILED

APR 27 1984

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

WADRESS HUBERT METOYER,)
)
 Petitioner,)
)
 vs.)
)
 JOHN BROWN, Warden, et al.,)
)
 Respondents.)

No. 84-C-59-C

O R D E R

Now before the Court for its consideration is the petition of Wadress Hubert Metoyer, II, pursuant to Title 28 U.S.C. §2254 in which he attacks his state court conviction on the basis of ineffective assistance of counsel and denial of due process by the district attorney who according to petitioner shifted the burden of proof to him. Petitioner also states, as separate ground, that "The Court of Appeals has saw on the surface that I have been denied a fair trial and wish to cure the error by modification from a life sentence to a life sentence in accord with their own doctrine and case law." It is unclear to the Court whether this statement is merely support for Grounds One and Three, or whether he is attacking the modification of the sentence by the Court of Appeals. For the purposes of this petition the Court must presume the former interpretation.

As to Ground One, petitioner has failed to allege the specific facts which form the basis of his charge of ineffective

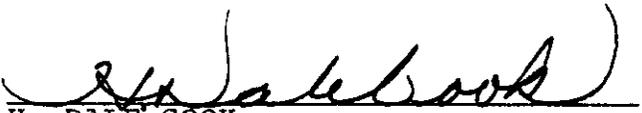
assistance of counsel. The Tenth Circuit Court of Appeals has held clearly that the burden on a habeas corpus petitioner to establish his claim of ineffective assistance of counsel is heavy. The court said specifically that "Neither hindsight nor success is the measure for determining adequacy of legal representation ... This circuit adheres to the well-established principle that relief from a final conviction on the ground of incompetent or ineffective counsel will be granted only when the trial was a farce, or a mockery of justice, or was shocking to the conscience of the reviewing court, or the purported representation was only perfunctory, in bad faith, a sham, a pretense, or without adequate opportunity for conference and preparation." Ellis v. State of Oklahoma, 430 F.2d 1352 (10th Cir. 1970). Since petitioner has failed to provide facts which, if true, would meet this standard, the petition must be dismissed as to Ground One.

The issue in Ground Three has already been raised before the Court of Criminal Appeals on direct appeal and that court said that Williams v. State, 373 P.2d 9, (1962) controls. Statements and exclamations or acts and conduct of third persons are admissible when they are so closely connected with the crime as to constitute part of the res gestae. It is well-established that alleged errors of the state trial court or rulings on admissibility not involving a violation of federal constitutional rights are not cognizable in a federal habeas corpus case. Gillihan v. Rodrigues, 551 F.2d 1182 (10th Cir. 1977). Brinlee v. Crisp, 608 F.2d 839 (10th Cir. 1979). There is simply nothing in the

petition herein to suggest that federal constitutional problems are present herein.

Therefore, since the petition of Mr. Metoyer for federal habeas corpus relief is without merit, the petition should be and hereby is dismissed in all respects.

It is so Ordered this 27th day of April, 1984.


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

DATE	NR.	84-C-21-C	PROCEEDINGS (TRUSTHOUSE v BRADY)	84-C-21-C
1-11	1	COMPLAINT w/si.a		
1-26	--	RETURN on summons & compl. Served Jack H. Brady ^{/served 1-17-84} w/Brady, Lohrman, Pendleton Consulting Engr., Inc.; Hardin International, Inc. x/o Robert D. Smith, Vice Pres.; G. & G. Controls., c/o Howard R. Godfrey on 1-19-84; \$1.75. pt		
2-2	--	RETURN on summons; served Watts Plumbing & Heating by serving Jami Henshaw by c/m on 1-25-84.a		
2-14	2	ANSWER of deft, Watts Plumbing, Heating & Supply Co.a		
2-14	3	REQUEST of deft, Watts Plumbing for JURY TRIAL.a		
2-24	MO:	STATUS & SCHEDULING CONF. set 4/27/84, 2 p.m.(HDC-J)rm-ntc		
2-28	4	ANSWER of Deft. Hardin Internaitonal, Inc. to compl. pt mld/conf. do		
3-5	5	MOTION of pltf for judgment by default of deft, Brady, Lohrman & Pendleton Consulting Engineers(J to J)a		
3-5	6	AFFIDAVIT of John B. Nicks.a		
3-5	7	APPLIC of deft, G&G Controls for exten of time to ans(O to J)a		
3-5	8	JUDGMENT ENTERED against deft, Brady, Lohrman & Pendleton Consulting Engineers in the amt of \$18,171.46 + costs & atty fees(HDC-J)a cps/mld		
3-9	9	ORDER granting deft, G&G Controls to 3-20-84 to ans cmplt(HDC-J)a cps/mvt		
3-13	10	ANSWER of deft. G & G controls, Inc. rc		
3-22	11	MOTION of deft, Brady, Lohrman & Pendleton to vacate judgment & to quash svc of summons.a		
3-22	12	BRIEF in support of #11.a		
4-2	13	RESPONSIVE BRIEF of pltf to mo/vacate judgment. hm		
4-27	Min:	CASE CALLED for Scheduling Conf. Pltf. admits there is no diversity jurisdiction in this Ct. COURT ORDERS that the judg. of 3/5/84 against deft. Brady, Lohrman & Pendleton is vacated and set aside and this case is dismissed for lack of juris. ENTERED. (HDC-J) (VM-cr)rm c/docket sheet mailed to all parties		

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

FILED

FILED

APR 27

APR 27 1984

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

JACK C. SILVER
U.S. DISTRICT COURT

R. PERRY WHEELER, et al.,)
)
 Plaintiffs,)
)
 vs.)
)
 ROSS O. SWIMMER, et al.,)
)
 Defendants.)

No. 84-C-305 C

NOTICE OF DISMISSAL OF
PLAINTIFF GLORIA WILSON

NOTICE IS HEREBY GIVEN that plaintiff GLORIA WILSON hereby dismisses the above entitled action against all defendants, pursuant to Rule 41(a)(1) of the Federal Rules of Civil Procedure, and hereby files this Notice of Dismissal with the Clerk of the Court before service by any defendant of either an Answer or a Motion for Summary Judgment.

Dated this 26th day of April, 1984.



D. Gregory Bledsoe
1515 South Denver
Tulsa, Oklahoma 74119
(918) 599-8118
and
L. V. Watkins, Jr.
Post Office Box 1704
Muskogee, Oklahoma 74401

Attorneys for Plaintiff WILSON

CERTIFICATE OF MAILING

I hereby certify that on the 26th day of April, 1984, I mailed a true and correct copy of the above and foregoing Notice of Dismissal of Plaintiff Gloria Wilson, with proper postage thereon fully prepaid, to the following defendants, to-wit:

Mr. Ross O. Swimmer
714 Brentwood
Tahlequah, OK 74464

Ms. Dora Watie
Route 5, Box 256
Stilwell, OK 74960

Mr. Gary Chapman
425 East Seneca
Tahlequah, OK 74464

Mr. Dennis Springwater
Route 1, Box 156
Park Hill, OK 74451

Mr. Joe M. Parker
317 Edmond
Muskogee, OK 74401

Mr. Frank Ferrell
Route 2
Stilwell, OK 74960

Mr. Gene Thompson
204 Sandy Circle
Tahlequah, OK 74464

Mr. Nathan Young
411 East Ross
Tahlequah, OK 74464

Ms. Dorothy Worsham
Post Office Box 652
Stilwell, OK 74960

Ms. Maude Davis
Post Office Box 64
Pryor, OK 74361

Ms. Elizabeth Sullivan
426 South 12th
Muskogee, OK 74401

Ms. Marie Wadley
2417 Arline Avenue
Muskogee, OK 74401

Mr. Ray McSpadden
2375 S.E. Windsor Way
Bartlesville, OK 74003

Ms. Wilma Mankiller
Route 1, Box 168
Stilwell, OK 74960

Mr. Amon Baker
Post Office Box 1747
Tahlequah, OK 74464

Mr. Sam Ed Bush
Post Office Box 267
Marble City, OK 74945

Mr. Don Crittenden
Route 1
Tahlequah, OK 74464

Mr. Leo Fishinghawk
c/o Main Street Cafe
118 Division Street
Stilwell, OK 74960

Mr. Stann Hummingbird, Jr.
304 Redbud Lane
Tahlequah, OK 74464

Mr. John A. Ketcher
330 West Keetoowah
Tahlequah, OK 74464

Mr. Bob McSpadden
1104 West Canadian
Vinita, OK 74301

Ms. Patsy Morton
625 West Allison
Stilwell, OK 74960

Mr. Goodlow Proctor
907 South Mission
Tahlequah, OK 74464

Mr. Ron Qualls
203 Sandy Circle
Tahlequah, OK 74464

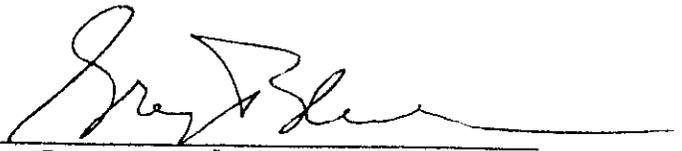
Ms. Barbara Starr Scott
11124 So. 83rd E. Avenue
Bixby, OK 74008

Mr. Clarence Sunday
133 N.E. Myers
Bartlesville, OK 74003

Mr. Dave Whitekiller
Post Office Box 882
Sallisaw, OK 74955

Ms. Wathene Young
Post Office Box 164
Dewey, OK 74029

Mr. Peter Bernhardt
Assistant United States
Attorney for the Northern
District of Oklahoma
460 United States Courthouse
Tulsa, Oklahoma 74103



D. Gregory Bledsoe

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

FILED
APR 27 1984

H. DALE COOK, CLERK
DISTRICT COURT

L & B ENTERPRISES, JR.,)
)
 Plaintiff,)
)
 vs.)
)
 KENNETH KENYON, d/b/a)
 Kenyon & Sons Construction,)
 et al.,)
)
 Defendants.)

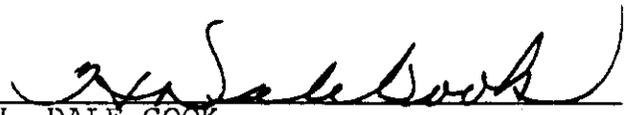
No. 83-C-523-C /

ORDER

Now before the Court for its consideration is the motion of defendants Ricky D. and Lana K. Wilkerson, to dismiss without prejudice their cross-claim against defendant United States of America, acting through and as the Farmers Home Administration. The United States of America has filed a response to this motion wherein it states it has no objection to such motion. No other party has filed a response to the motion.

It is therefore the Order of the Court that the motion of the defendants Ricky D. and Lana K. Wilkerson to dismiss without prejudice their cross-claim against defendant United States of America is granted.

It is so Ordered this 27th day of April, 1984.


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

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

FILED
APR 26 1984
JACK C. SILVER, CLERK
U.S. DISTRICT COURT

LARRY LYNN RAIBOURN and)
SHIRLEY ANN RAIBOURN,)
individually and as parents)
of LARRY MATTHEW RAIBOURN,)
a minor,)

Plaintiffs,)

v.)

NATIONAL CHILD CARE CENTERS,)
INC., a corporaition,)

Defendant.)

NO. 83-C-688-B

JUDGMENT

In keeping with the jury verdict rendered April 18, 1984, the Court hereby enters judgment for the plaintiffs, Larry Lynn Raibourn, Shirley Ann Raibourn and Larry Matthew Raibourn, and against the defendant, National Child Care Centers, Inc., in the following amounts:

- \$30,000 compensatory damages to Larry Matthew Raibourn;
- \$6,272.91 compensatory damages to Larry Lynn Raibourn and Shirley Ann Raibourn;
- \$500,000 punitive damages to Larry Matthew Raibourn.

Costs are assessed against the defendant.

ENTERED this 26 day of April, 1984.


THOMAS R. BRETT
UNITED STATES DISTRICT JUDGE

FILED

APR 23 1984

IN THE UNITED STATES DISTRICT COURT FOR THE NORTHERN DISTRICT OF OKLAHOMA
NORTHERN DISTRICT OF OKLAHOMA
FORN PERS. CLERK
U.S. DISTRICT COURT

MERCANTILE NATIONAL BANK AT)
DALLAS, a national banking)
association,)
)
Plaintiff,)
)
vs.)
)
RH ENERGY, LTD., a corporation;)
RH ENERGY DEVELOPMENT, LTD., a)
corporation; and SYNERGISTIC)
EQUITIES, LTD., a corporation,)
)
Defendants.)

No. 84-C-236-C

AGREED JOURNAL ENTRY OF JUDGMENT
AND RESOLUTION OF ALL CLAIMS

The parties to the above-captioned action would show the Court that, being desirous of resolving the issues in dispute between them, they have arrived at a negotiated settlement of those issues and do hereby agree and stipulate as follows:

1. That Plaintiff's original action against the above-named Defendants was filed in the Oklahoma District Court for Tulsa County on January 30, 1984. The Defendants' removal petition was properly filed on March 14, 1984, pursuant to 28 U.S.C. § 1441 et seq. This Court has subject matter and in personam jurisdiction and venue is properly laid in the United States District Court for the Northern District of Oklahoma.

2. That the Promissory Note in the principal sum of \$4,035,096.33, executed by the Defendants in favor of the Plaintiff, Mercantile Bank at Dallas ("Mercantile"), on February 15, 1983, was and is a valid obligation on the part of the Defendants, and, further, that the Promissory Note is presently in default and there is due and owing on the note, as of April 26, 1984, the total sum, including accrued interest, of \$4,054,435.66.

3. That the Promissory Note described in Paragraph Two above was secured by certain personalty constituting assets of the defendant corporations. All the property listed on the inventories submitted by all the parties is subject to Mercantile's security interest, except for those items of property specifically listed on Exhibit "A", attached hereto.

4. That Mercantile have judgment against the Defendants herein, BH Energy, Ltd., BH Energy Development, Ltd., and Synergistic Equities, Ltd., in the total amount of \$4,054,435.66, less a credit of \$1,400,000 which the parties stipulate is the reasonable value of the property being transferred.

5. It is the intent of the parties that this Agreed Journal Entry of Judgment constitutes a resolution of all issues and claims between these parties, their respective agents, officers and attorneys, whether claimed or not claimed, and whether raised by the pleadings or not, with the express understanding that the guarantors,

if any, of the Defendants' indebtedness at issue in this lawsuit are not affected in any way by this agreement and settlement.

6. It is expressly understood that all of Mercantile's claims against the Defendant entities with respect to the above-referenced Promissory Note, or otherwise, are merged herein in consideration of the transfer by the Defendants to Mercantile of certain properties including certain real property and oil and gas leases which are not the subject of this lawsuit and including specifically all the items of personal property as reflected in the inventories submitted by both parties, with the specific exception of those items of property designated on Exhibit "A."

WHEREFORE, IT IS ORDERED, ADJUDGED AND DECREED that the Plaintiff, Mercantile National Bank at Dallas, have judgment against the Defendants, RH Energy, Ltd., RH Energy Development, Ltd., and Synergistic Equities, Ltd., in the total amount of \$2,654,435.00 against the Defendants.

IT IS FURTHER ORDERED, ADJUDGED AND DECREED that Mercantile National Bank at Dallas have all ownership right and title in all the personal property reflected in the inventories submitted to the Court by both parties, with the exception of those items of personal property specifically set out in Exhibit "A" attached hereto.

IT IS FURTHER ORDERED, ADJUDGED AND DECREED that entry of the judgment herein will resolve all issues between these parties,

whether claimed or not and whether raised by the pleadings or not.

IT IS SO ORDERED.

s/H. DALE COOK

UNITED STATES DISTRICT JUDGE

APPROVED:

McFEEBLY, SPRINGER & WRIGHT
Ninth Floor, City Center Building
Main and Broadway
Oklahoma City, Oklahoma 73102
(405) 235-0004

BY: 
NED BASTOW
Attorney for Plaintiff

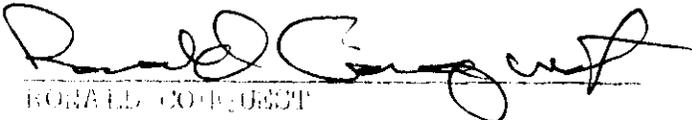

RONALD COYLE
pro se representative for the
defendants

EXHIBIT A

1. List of personal property stored in Mini-warehouse 2797 at Broken Arrow, Oklahoma.
2. 1982 AMC Eagle 4-door S/N 2CCK3858CB708156
3. 1981 AMC Eagle 4-door S/N 1ACCC3854BK130293
4. 1980 GMC one-ton 4-wheel drive winch truck with oil field bed, S/N TKM 33AJ508113.

Entered

UNITED STATES DISTRICT COURT FOR THE
NORTHERN DISTRICT OF OKLAHOMA

UNITED STATES OF AMERICA,)
)
 Plaintiff,)
)
 v.)
)
 RUBEN E. INNIS, JR.;)
 ROBIN C. INNIS; DIAL FINANCE)
 COMPANY OF TULSA, a corporation;)
 TULSA ADJUSTMENT BUREAU, INC.,)
 a corporation; COUNTY)
 TREASURER, Tulsa County,)
 Oklahoma; and BOARD OF COUNTY)
 COMMISSIONERS, Tulsa County,)
 Oklahoma,)
)
 Defendants.)

FILED

APR 26 1984

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

CIVIL ACTION NO. 84-C-50-C

JUDGMENT OF FORECLOSURE

THIS MATTER COMES on for consideration this 26 day of April, 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 Defendant Dial Finance Company of Tulsa, a corporation, appears by George P. Phillips; 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, Tulsa Adjustment Bureau, Inc., a corporation, appears not having previously filed its Disclaimer herein; and the Defendants, Ruben E. Innis, Jr. and Robin C. Innis appear not, but make default.

The Court being fully advised and having examined the file herein finds that the Defendant, County Treasurer, Tulsa County, Oklahoma, was served with Summons and Complaint on

January 27, 1984; that the Defendant, Board of County Commissioners, Tulsa County, Oklahoma, was served with Summons and Complaint on January 31, 1984; that the Defendants, Ruben E. Innis, Jr. and Robin C. Innis, were served with Summons and Complaint on March 9, 1984; that the Defendant Dial Finance Company of Tulsa, was served with Summons and Complaint on January 30, 1984; and that the Defendant, Tulsa Adjustment Bureau, Inc., was served with Summons and Complaint on January 30, 1984.

It appears that the Defendant, Tulsa Adjustment Bureau, Inc., has filed its Disclaimer on February 2, 1984, disclaiming any right, title or interest to the real property which is the subject matter of this foreclosure action; that the Defendant, Dial Finance Company of Tulsa, has filed its Answer, Cross-Petition and Counterclaim on February 15, 1984; that the Defendants, County Treasurer and Board of County Commissioners, Tulsa County, Oklahoma, have filed their Answer on February 15, 1984; and that the Defendants, Ruben E. Innis, Jr. and Robin C. Innis have failed to answer and their default has been entered by the Clerk of this Court on April 9, 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 Seven (7), GLENPOOL PARK,
and Addition in the Town of Glenpool, Tulsa
County, State of Oklahoma, according to the
Recorded Amended Plat thereof.

THAT on October 15, 1976, Ruben E. Innis, Jr. and Robin C. Innis, executed and delivered to the United States of America, acting through the Farmers Home Administration, their promissory note in the amount of \$23,350.00, payable in monthly installments with interest thereon at the rate of 8½ percent per annum.

That as security for the payment of the above described note, Ruben E. Innis, Jr. and Robin C. Innis, executed and delivered to the United States of America, acting through the Farmers Home Administration, a real estate mortgage dated October 15, 1976, covering the above described property. This mortgage was recorded on October 15, 1976, in Book 4235, Page 2012, in the records of Tulsa County, Oklahoma.

The Court further finds that the Defendants, Ruben E. Innis, Jr. and Robin C. Innis, 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, Ruben E. Innis, Jr. and Robin C. Innis, are indebted to the Plaintiff in the principal sum of \$22,023.20, plus accrued interest of \$1,040.56 as of October 21, 1983, plus interest thereafter at the rate of 8½ percent per annum or \$5.1287 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 1983 ad valorem taxes in the amount of \$258.62, which lien is prior and

superior to the interest of the Plaintiff, United States of America, and the interest of the Defendant, Dial Finance Company of Tulsa.

The Court further finds that the Defendant, County Treasurer, Tulsa County, Oklahoma, has a lien on the property which is the subject of this action by virtue of 1983 personal property taxes in the amount of \$2.05, which lien is subject and inferior to the interest of Plaintiff, United States of America, and the interest of the Defendant, Dial Finance Company of Tulsa.

The Court further finds that the Defendant, Dial Finance Company of Tulsa, has a lien on the property which is the subject matter of this action by virtue of a promissory note and mortgage, dated December 7, 1979, from Ruben E. Innis, Jr. and Robin C. Innis. This mortgage was recorded on December 13, 1979, in Book 4447, Page 266, in the records of Tulsa County, Oklahoma.

The Court further finds that the Defendants, Ruben E. Innis, Jr. and Robin C. Innis, made default under the aforesaid promissory note and mortgage by reason of their failure to make payments thereon in accordance with their terms and conditions, and that by reason thereof the Defendants, Ruben E. Innis, Jr. and Robin C. Innis, are indebted to the Defendant, Dial Finance Company of Tulsa, in the principal sum of \$3,568.88, plus interest at the rate of 18 percent per annum from November 3, 1983, plus an attorney's fee of \$535.33, plus costs of this action. The interest of the Defendant, Dial Finance Company of Tulsa is subject and inferior to the ad valorem tax lien of the Defendant, County Treasurer, Tulsa County, Oklahoma, and the first mortgage

lien of the Plaintiff, United States of America, but is prior and superior to the personal property tax lien of the Defendant, County Treasurer, Tulsa County, Oklahoma.

IT IS THEREFORE ORDERED, ADJUDGED, AND DECREED that the Plaintiff have and recover judgment against the Defendants, Ruben E. Innis, Jr. and Robin C. Innis, in the principal amount of \$22,023.20, plus accrued interest of \$1,040.56 as of October 21, 1983, plus interest thereafter at the rate of 8½ percent per annum or \$5.1287 per day until judgment, plus interest thereafter at the current legal rate of 10.81 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 \$258.62, for 1983 ad valorem taxes and in the amount of \$2.05 for 1983 personal property taxes, plus the costs of this action.

IT IS FURTHER ORDERED, ADJUDGED, AND DECREED that the Defendant, Dial Finance Company of Tulsa, a corporation, have and recover judgment against the Defendants, Ruben E. Innis, Jr. and Robin C. Innis, in the principal amount of \$3,568.88, plus interest at the rate of 18 percent per annum from November 3, 1983, plus an attorney's fee of \$535.33, plus costs of this action.

IT IS FURTHER ORDERED, ADJUDGED, AND DECREED that upon the failure of the Defendants, Ruben E. Innis, Jr. and Robin C. Innis, to satisfy the money judgment of the Plaintiff and the Defendants, County Treasurer, Tulsa County, Oklahoma, and Dial

Finance Company of Tulsa, 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 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 \$258.62, for 1983 ad valorem taxes which are presently due and owing on said real property;

Third:

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

Fourth:

In payment of the judgment rendered herein in favor of the Defendant, Dial Finance Company of Tulsa;

Fifth:

In payment of the Defendant, County Treasurer, Tulsa County, Oklahoma, in the amount of \$2.05 for 1983 personal property taxes.

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

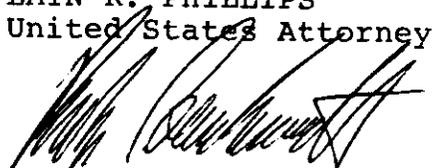
IT IS FURTHER ORDERED, ADJUDGED, AND DECREED that from and after the sale of the above described real property, under and by virtue of this judgment and decree, the Defendants and all persons claiming under them since the filing of this Complaint, be and they are forever barred and foreclosed of any right, title, interest or claim in or to the subject real property or any part thereof.

s/H. DALE COOK

UNITED STATES DISTRICT JUDGE

APPROVED:

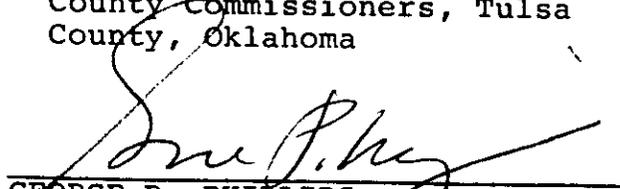
LAYN R. PHILLIPS
United States Attorney



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



GEORGE P. PHILLIPS
Attorney for Defendant,
Dial Finance Company of Tulsa

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

FILED

APR 26 1984

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

PERRY D. MITCHELL,)	
)	
Complainant,)	
)	
vs.)	
)	
GREEN COUNTRY CABLE TV OF)	
SAPULPA,)	
)	
Respondent.)	Case No. 83-C-10220

DISMISSAL WITH PREJUDICE

COMES NOW the Plaintiff, Perry D. Mitchell, and dismisses his complaint with prejudice to refileing and does hereby release Green Country Cable Systems and all of their affiliates, successors, assigns from any liability whatsoever arising from the employment and/or discharge of Perry Mitchell from Green Country Cable Systems, Inc.

Perry D. Mitchell
Perry D. Mitchell

Subscribed and sworn to before me on this 20 day of April, 1984.

Ernie D. Pausch
Notary Public

My Commission expires:
7-1-87

Entered
FILED

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

APR 26 1984
JACK C. SILVER, CLERK
U.S. DISTRICT COURT

UTICA NATIONAL BANK & TRUST)
COMPANY, a national banking)
association,)
)
Plaintiff,)
)
DONALD M. THOMPSON,)
)
Defendant.)

Case No. 83-C-964-B

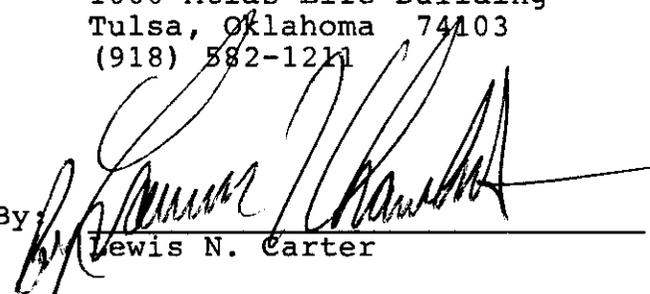
STIPULATION OF DISMISSAL

The above entitled matter, having been compromised and settled, the receipt of the entire consideration for said compromise being hereby acknowledged by Plaintiff, it is stipulated by and between the parties that Plaintiff's cause of action shall be and is hereby dismissed, at Defendant's cost.

It is further stipulated that attorneys fees are waived.

DATED this 25th day of April, 1984.

DOERNER, STUART, SAUNDERS,
DANIEL & ANDERSON
1000 Atlas Life Building
Tulsa, Oklahoma 74103
(918) 582-1211

By: 
Lewis N. Carter

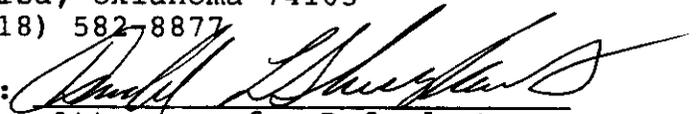
Attorneys for Plaintiff
Utica National Bank & Trust
Company

SHUGART, THOMSON & KILROY, P.C.
Donald L. Shughart
William L. Yocum
Ninth Floor Commerce Bank Bldg.
P.O. Box 13007
Kansas City, MO 64199
(816) 421-3355

and

BEST, SHARP, THOMAS, GLASS &
ATKINSON
Joseph A. Sharp
507 South Main Street
Suite 300
Tulsa, Oklahoma 74103
(918) 582-8877

By:



Attorneys for Defendant,
Donald M. Thompson

Entered

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

FILED

APR 26 1984

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

JOHN A. MOSIER,)
)
 Plaintiff,)
)
 v.)
)
 A. I. MURPHY,)
)
 Defendant.)

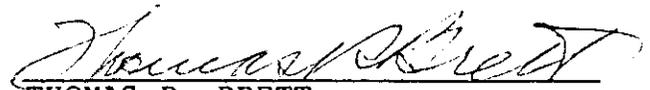
No. 82-C-676-BT

O R D E R

The Court has for consideration the Findings and Recommendations of the Magistrate filed on April 5, 1984 in which the Magistrate recommends that the Petition for Writ of Habeas Corpus be denied. No exceptions or objections have been filed and the time for filing such exceptions or objections has expired.

After careful consideration of the record and the issues presented by the Petition for Writ of Habeas Corpus, the Court has concluded that the Findings and Recommendations of the Magistrate should be and hereby are affirmed and adopted as the Findings and Conclusions of this Court.

Therefore, the Petition for Writ of Habeas Corpus is denied. It is so Order this 26th day of April, 1984.



THOMAS R. BRETT
UNITED STATES DISTRICT JUDGE

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

FILED

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

APR 26 1984

No. 82-C-836-C

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

ORDER

NOW, on this 26 day of April, 1984, the Court being advised that a compromise has been reached between the Plaintiffs and the named Defendants, Aeroquip Corporation and Libbey Owens Ford Company, and those parties stipulating to the Dismissal without Prejudice, the Court orders that the captioned case be dismissed without prejudice as to the Defendants, Aeroquip Corporation and Libbey Owens Ford Company, only.

s/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

Entered

UNITED STATES DISTRICT COURT FOR THE
NORTHERN DISTRICT OF OKLAHOMA

FILED

UNITED STATES OF AMERICA,)
)
 Plaintiff,)
)
 vs.)
)
 GARRETT J. BAKER, et al.,)
)
 Defendants.)

APR 26 1984

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

CIVIL ACTION NO. 83-C-28-C

ORDER VACATING
JUDGMENT OF FORECLOSURE, RESTORING
NOTE AND MORTGAGE AND DISMISSAL WITHOUT PREJUDICE

This matter comes on before the Court on this 26
day of April, 1984, upon the Motion of the Plaintiff,
United States of America, and the Defendants, Garrett J. Baker,
County Treasurer, Tulsa County, Oklahoma, Board of County
Commissioners, Tulsa County, Oklahoma, and Oklahoma Tax
Commission, for an Order of this Court vacating the Judgment of
Foreclosure entered in this case on February 17, 1984, and
restoring the note and mortgage sued upon in Plaintiff's Com-
plaint and dismissing this action without prejudice. The Court,
having considered the motion and the records and files in this
case, and being fully advised in the premises, finds that good
cause has been shown for the relief sought and that the motion
should be granted.

IT IS THEREFORE ORDERED, ADJUDGED AND DECREED that the
Judgment of Foreclosure entered in this case on February 17,

1984, be, and the same is hereby vacated, set aside and held for naught.

IT IS FURTHER ORDERED, ADJUDGED AND DECREED that the note and mortgage sued upon in Plaintiff's Complaint and attached thereto as Exhibits A and B, respectively, and more particularly described as follows, to-wit:

A note and mortgage executed by Defendant, Garrett J. Baker, to the United States of America, acting through the Administrator of Veterans Affairs, dated December 29, 1976, for the original principal amount of \$11,000.00, said mortgage being filed for record in the office of the County Clerk of Tulsa County, Oklahoma, on December 29, 1976, in Book 4244, Page 2510, and covering the following described real estate situated in Tulsa County, Oklahoma, to-wit:

Lot Ten (10), Block Thirty-Nine (39), VALLEY VIEW ACRES SECOND ADDITION to the City of Tulsa, Tulsa County, Oklahoma, according to the recorded plat thereof,

be, and such note and mortgage are hereby completely restored as a valid and subsisting note and mortgage and ordered redelivered to Plaintiff, United States of America, as the owner and holder thereof, and with full force and effect, the same as though said judgment and cancellation had never been adjudged and entered.

IT IS FURTHER ORDERED, ADJUDGED AND DECREED that this action be, and the same is hereby dismissed without prejudice.

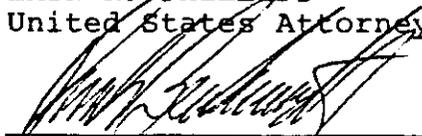
s/H. DALE COOK

H. DALE COOK, CHIEF,
UNITED STATES DISTRICT JUDGE

APPROVED:

UNITED STATES OF AMERICA

LAYN R. PHILLIPS
United States Attorney



PETER BERNHARDT
Assistant United States Attorney



GARRETT J. BAKER



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



JOE MARK ELKOURI
Assistant General Counsel
Oklahoma Tax Commission
Attorney for Defendant,
Oklahoma Tax Commission

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

LLOYD L. GRAY,

Plaintiff,

v.

McDONNELL DOUGLAS CORPORATION,
a Maryland corporation, and
DARRELL WATERS,

Defendants.

)
)
)
)
) Civil Action No. 83-C-412-C
)
)
)
)
)
)
)
)

FILED

APR 26 1984

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

ORDER

This matter came before the Court on March 28, 1984, for hearing on plaintiff's motion to reconsider this Court's order of February 27, 1984, dismissing this action with prejudice. All parties were represented at the conference by counsel and were afforded the opportunity to present evidence and argument. Having fully considered all evidence and argument presented,

IT IS HEREBY ORDERED, ADJUDGED AND DECREED that this Court's order dated February 27, 1984, be and is vacated, and that this Court's Memorandum dated February 23, 1984, be and is vacated to the extent inconsistent herewith but is otherwise incorporated herein by this reference.

IT IS HEREBY FURTHER ORDERED, ADJUDGED AND DECREED that this action be and is dismissed without prejudice and that defendants are to recover their costs of action from plaintiff.

IT IS HEREBY FURTHER ORDERED, ADJUDGED AND DECREED that as a condition to refiling a lawsuit in this or in any other court based on the matters raised in this action, plaintiff must, prior to such filing, pay to defendants the reasonable expenses, including attorney's fees, incurred by defendants as a result of plaintiff's noncompliance with and violation of the rules and orders of this Court as set forth in this Court's Memorandum dated February 23, 1984; which expenses, including attorney's fees, this Court finds to be in the total amount of \$ 2300⁰⁰.

IT IS HEREBY FURTHER ORDERED, ADJUDGED AND DECREED that plaintiff, plaintiff's counsel, and anyone acting through or at the direction of any of them shall, within thirty (30) days of the date of this order, return to defendants' counsel all copies of all documents in their possession or control which were supplied to plaintiff by defendants pursuant to discovery procedures in this action and which are marked as "CONFIDENTIAL" pursuant to the Protective Order entered by this Court on December 16, 1983; further, plaintiff, plaintiff's counsel and anyone acting through or at the direction of any of them shall, in good faith, make every reasonable effort to return to defendants' counsel all copies of said "CONFIDENTIAL" docu-

ments which have been given to any other person; but if, despite such efforts, it is not possible to arrange for the return of said "CONFIDENTIAL" documents that were given to such other persons, then plaintiff's counsel shall inform defendants' counsel of the identity of each other person to whom any such "CONFIDENTIAL" document was given, as well as the identity of each such "CONFIDENTIAL" document given to such other person.

IT IS SO ORDERED this 26 day of April, 1984.

s/H. DALE COOK

H. DALE COOK
Chief United States District Judge

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

FILED
APR 25 1984
JACK C. SIMON, CLERK
U.S. DISTRICT COURT

MICHAEL DUNN, Regional Director
of Region 16 of the National
Labor Relations Board, and on
behalf of the NATIONAL LABOR
RELATIONS BOARD)

Petitioner)

vs.)

CENTRAL BROADCAST COMPANY,
d/b/a KTFX-FM)

Respondent.)

No. 82-C-972-C ✓

S U P P L E M E N T A L
O R D E R

In an Order issued by this Court on April 3, 1984, in the captioned case, the Court provided for a hearing to be set at a later date for the purpose of affording counsel for Petitioner and Respondent an opportunity to address the appropriateness of other items of affirmative relief requested by Petitioner, such as matters relating to the installation of a sequencer, offer of re-employment and conditions thereof, and such other matters of injunctive relief urged by the Regional Director which had not been addressed in the Court's aforesaid Order.

As a result of a hearing pursuant to notice conducted by the Court on April 18, 1984, for the above purposes at which counsel for Petitioner and Respondent were afforded a full opportunity to be heard and to call witnesses and offer evidence, the Court herewith issues the following order:

1. That Respondent immediately offer to James C. Mitchell, James C. Peters, Fru Fru Reed, Bob Reavis II, Rodney McNatt and Jay T. Coomes re-employment at Respondent's Tulsa, Oklahoma, radio station in the positions which such individuals occupied immediately prior to their terminations of employment on or about May 15, 1982, by Respondent.

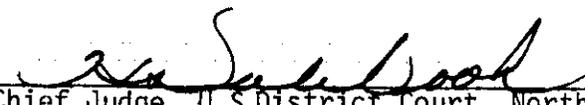
2. In the event the above positions do not presently exist, the Respondent is ordered to offer the above individuals employment in positions at its radio station which are substantially equivalent to their former positions.

3. The recipients of the above offers are hereby given until May 3, 1984, to either accept or reject such offers of re-employment.

4. Respondent contends that because of certain wrongful conduct which Respondent alleges Joseph W. Findlay, Jr., has committed, he is not fit or suitable for re-employment by Respondent. It is further ordered that Petitioner and Respondent shall have until June 19, 1984, to investigate allegations of wrongful conduct against Findlay and attempt to resolve whether or not Findlay should also be ordered re-employed by Respondent.

5. In the event Petitioner and Respondent fail by June 19, 1984, to resolve the issue of whether or not Respondent should be ordered in this injunction proceeding to offer re-employment to Joseph W. Findlay, Jr., then Petitioner and/or Respondent may petition this Court for a hearing on the suitability and/or fitness of Findlay for re-employment by Respondent.

^{25th}
Dated this 19th day of April, 1984, at Tulsa, Oklahoma.



Chief Judge, U.S. District Court, Northern
District of Oklahoma

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

FILED

APR 25 1984 A

ASSOCIATED COMMUNICATION, INC.,)
an Oklahoma corporation,)
)
Plaintiff,)
)
vs.)
)
TRANSTAR COMMUNICATIONS, INC.,)
a Tennessee corporation,)
)
Defendant.)

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

No. 83-C-684-C-C ✓

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 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 25th day of April, 1984.


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

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

FILED
APR 25 1984

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

HAROLD GENE JONES,
Plaintiff,

vs.

No. 83-C-123-C

MILWAUKEE ELECTRIC TOOL
CORPORATION and AMSTAR
CORPORATION,

Defendants.

ORDER OF DISMISSAL AS TO
AMSTAR CORPORATION

This matter comes on for consideration of plaintiff's Motion for permission to dismiss without prejudice against Amstar Corporation. The Court being fully advised in the premises finds that it is appropriate that the Motion to dismiss be granted. It is therefore ordered that the complaint against Amstar Corporation is hereby dismissed without prejudice and plaintiff shall be entitled to continue to maintain his action against Milwaukee Electric Tool Corporation.

DATED this 25th day of April, 1984.

(Signed) H. Dale Cook

H. DALE COOK
Chief United States
District Judge

Entered

FILED
APR 25 1984
LACK C. SILVER, CLERK
U.S. DISTRICT COURT

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

DYCO PETROLEUM CORPORATION,)
)
Plaintiff,)
)
vs.)
)
ROBERT C. BROWN, M.D., INC.,)
)
Defendant.)

No. 83-C-968B

ORDER

The parties to this action having so stipulated and agreed,
this Court does hereby:

ORDER, ADJUDGE AND DECREE that this action, including all
claims and counter-claims, is dismissed with prejudice with each
party to bear its own costs.

Given under my hand this 25th day of April, 1984.


United States District Judge

IN THE UNITED STATES DISTRICT COURT
FOR THE ~~WESTERN~~ DISTRICT OF OKLAHOMA
northern

FILED
APR 24 1984

CLERK OF COURT
U.S. DISTRICT COURT

DYCO PETROLEUM CORPORATION,)
Plaintiff,)
vs.) No. 83-C-967C
GOLSEN PETROLEUM CORPORATION,)
Defendant.)

ORDER

The parties to this action having so stipulated and agreed, this Court does hereby:

ORDER, ADJUDGE AND DECREE that this action, including all claims and counter-claims, is dismissed with prejudice with each party to bear its own costs.

Given under my hand this 24th day of April, 1984.

(Signed) H. Dale Cook

United States District Judge

Entered

FILED

APR 24 1984

UNITED STATES DISTRICT COURT FOR THE
NORTHERN DISTRICT OF OKLAHOMA

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

UNITED STATES OF AMERICA,)

Plaintiff,)

vs.)

MICHAEL R. USSERY,)

Defendant.)

CIVIL ACTION NO. 84-C-246-B

AGREED JUDGMENT

This matter comes on for consideration this 23rd day
of April, 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, Michael R. Ussery, appearing pro se.

The Court, being fully advised and having examined the
file herein, finds that the Defendant, Michael R. Ussery, was
served with Summons and Complaint. The Defendant has filed his
Answer and 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 \$665.40, interest
at the rate of 15.05 percent per annum until judgment, plus
administrative costs of \$.61, per month from July 27, 1983, plus
costs and interest thereafter at the current legal rate of
10.81 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, Michael R. Ussery, in the amount of \$665.40, plus interest at the rate of 15.05 percent per annum until judgment, plus administrative costs of \$.61, per month from July 27, 1983, plus costs and interest thereafter at the current legal rate of 10.81 percent from the date of judgment until paid.

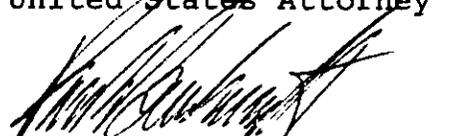
S/ THOMAS R. BRETT

UNITED STATES DISTRICT JUDGE

APPROVED:

UNITED STATES OF AMERICA

LAYN R. PHILLIPS
United States Attorney



PETER BERNHARDT
Assistant U.S. Attorney



MICHAEL R. USSERY

Entered

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

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

APR 24 1984
Jack C. Silver, Clerk
U. S. DISTRICT COURT

CIVIL ACTION NO. 84-C-119-EU

DEFAULT JUDGMENT

This matter comes on for consideration this 24th day of April, 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, Kenneth R. Coleman, appearing not.

The Court being fully advised and having examined the file herein finds that Defendant, Kenneth R. Coleman, was served with Summons and Complaint on March 2, 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, Kenneth R. Coleman, for the principal sum of \$352.47, as of November 30, 1983, plus interest thereafter at the rate of 15.05 percent per annum and administrative costs of \$.61 per month from July 25,

6

1983, until judgment (less the amount of \$50.00 which has been paid), plus costs and interest at the current legal rate of 10.81 percent from the date of judgment until paid.


UNITED STATES DISTRICT JUDGE

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

FILED

APR 24 1984, *hm*

DANNY DAVIS,)
)
 Plaintiff,)
)
 vs.)
)
 CHARLES KING and THE TOWN OF)
 SPERRY, OKLAHOMA,)
)
 Defendants.)

No. 84-C-44-E ✓ Jack C. Silver, Clerk
U. S. DISTRICT COURT

ORDER

Pursuant to the Order of this Court that Plaintiff cause the entry of appearance of counsel or file an application to proceed pro se by April 19, 1984, and in consideration of Plaintiff's failure to do so, and failure to appear at the scheduled status conference,

IT IS THEREFORE ORDERED AND ADJUDGED that this case be, and the same is, hereby dismissed.

ORDERED this 24th day of April, 1984.



JAMES J. ELLISON
UNITED STATES DISTRICT JUDGE

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

APR 24 1984

OLLIE D. FOUTCH,)
)
 Plaintiff,)
)
 vs.)
)
 CENTRAL STATES SOUTHEAST AND)
 SOUTHWEST AREAS HEALTH AND)
 WELFARE FUND, an alien insurer,)
 and AMALGMATED INSURANCE)
 AGENCY, an alien insurer,)
)
 Defendants.)

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

No. 83-C-1066-E

ORDER

The Court has before it the motion of the Defendants for summary judgment based upon the failure of the Plaintiff to exhaust administrative remedies available to him under the group insurance plan issued by Defendant Central States Southeast and Southwest Areas Health and Welfare Fund and processed by Defendant Amalgamated Insurance Agency Services, Inc.

Prior to June of 1976 Plaintiff was employed by Tucker Freight Lines, Inc. of South Bend, Indiana as a truck driver. He was a member of Teamster Local Union # 135 and was covered by the Defendant Central States Southeast and Southwest Areas Health and Welfare Fund. The Fund provided for the payment of \$10,000 for "total and permanent disability" for which Plaintiff filed a claim on May 19, 1978. A narrative summary in regard to the health of Plaintiff was submitted by his doctor on September 8, 1978.

Plaintiff was advised by letter dated November 9, 1978 from the Defendant Amalgamated that his medical condition did not fit

the definition of total and permanent disability under the group health and welfare plan and therefore his application was being denied. (See Exhibit F to the Brief in Support of the Motion for Summary Judgment of Defendant filed March 23, 1984.) By letter of December 19, 1978 Mr. Foutch was advised of the method of formally initiating the appellate process, and was told to complete an attached "Level 2 Claim Appeal Form" and return it to the office of the health and welfare group administration within thirty days. (See Exhibit G to Defendants' Brief filed March 23, 1984.)

Plaintiff represents in his pleadings and his affidavit filed of record on the 12th of April, 1984 that he did complete and submit a document, a copy of which is attached to his affidavit marked Exhibit A, sometime after December 19, 1978. Plaintiff claims he never received notice from the Defendants as to the disposition of his "Level 2 Appeal".

Defendant claims by affidavit of Bette Rudy, an employee of Central States Southeast and Southwest Areas Health and Welfare Fund, that a Level 2 Appeal form is not a part of Mr. Foutch's file and was therefore not received by that office.

Defendants argue that Plaintiff's current action should be dismissed for failure to exhaust his administrative remedies. Although not specifically required under the Employee Retirement Income Securities Act, 29 U.S.C. §§ 1101 et seq., the cases

consistently hold that the intent of Congress was to require the exhaustion of administrative remedies made available pursuant to the Act before pursuing a legal action. See Amato v. Bernard, 618 F.2d 559 (9th Cir. 1980); Taylor v. Bakery and Confectionary Union, 455 F.Supp. 816 (E.D. N.C. 1978); Weeks v. Coca-Cola Bottling Co. of Arkansas, 491 F.Supp. 1312 (E.D. Ark., W.D. 1980). In further support of this proposition, this Court notes that, in the event that it had jurisdiction over this action it would not be permitted to conduct a de novo hearing, see Weeks, supra, and its power would be limited to a review of the administrative decision below. The standard of review would require this Court to reverse an action of the trustees only if their decision were shown to be arbitrary and capricious. See Phillips v. Kennedy, 542 F.2d 42 (8th Cir. 1976). Since Plaintiff has yet to follow through with Levels 2 and 3 of the available administrative appeal process, this Court does not have available to it a complete record upon which it could base its decisions.

Upon review of the pleadings, this Court notes Plaintiff's statement that the cause of action was brought to avoid the running of the statute of limitations. ERISA itself does not contain any explicit time limitations for the bringing of suits. Therefore in determining the appropriate time limitation the Court must look to the most clearly analogous state statute of limitations. See Johnson v. Railway Express Agency, Inc., 421 U.S. 454, 95 S.Ct. 716 (1975); Livolisi v. City of New Castle,

Pa., 501 F.Supp. 1146 (W.D. Pa., 1980). The Oklahoma Statute applicable to this cause of action is found in 12 O.S. § 95 which provides for a five year limitations period on actions brought under a contract. Under Oklahoma law an action must be brought within the applicable period from the time at which the cause of action "accrues". "... A cause of action accrues at the time when a litigant first could have maintained his action to a successful conclusion." (citation omitted) Sherwood Forest Corp. v. City of Norman, 632 P.2d 368, 370 (Okla. 1980). Since, pursuant to the discussion above, this Court finds that the Plaintiff cannot at this time maintain a legal cause of action until he has exhausted his administrative remedies, the statute of limitations on his action based upon the final denial of his disability claim would not begin to run until the entire administrative process had been utilized.

Defendants have asked this Court to enter summary judgment in their favor for failure of the Plaintiff to exhaust administrative remedies. The Court finds that the most appropriate disposition of this case would be a dismissal without prejudice to allow Plaintiff to pursue administrative remedies, and to allow the refiling of an appropriate cause of action should the administrative decisions be adverse to Plaintiff.

. IT IS THEREFORE ORDERED AND ADJUDGED that the motion of Defendants for summary judgment be and the same is hereby denied.

IT IS FURTHER ORDERED that this cause of action be dismissed
for failure of Plaintiff to exhaust administrative remedies.

ORDERED this 23^d day of April, 1984.



JAMES O. ELLISON
UNITED STATES DISTRICT JUDGE

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

APR 23 1984

APR 23 1984

W. G. SILVER CLERK
U.S. DISTRICT COURT

EATHEL HILL,)
)
 Plaintiff,)
)
 vs.)
)
 WAL-MART STORE, INC.,)
 a Delaware corporation,)
)
 Defendant.)

NO. 83-C-811-C

ORDER OF DISMISSAL

ON THIS 23rd day of April, 1984, upon the written application of the parties for a Dismissal with Prejudice of the Complaint and all causes of action. The Court having examined said application, finds that said parties have entered into a compromised settlement covering all claims involved in the Complaint and have requested the Court to dismiss said Complaint with prejudice to any future action, and the Court being fully advised in the premises, finds that said Complaint should be dismissed pursuant to said application.

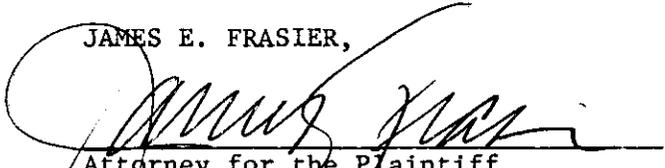
IT IS THEREFORE ORDERED, ADJUDGED AND DECREED by the Court that the Complaint and all causes of action of the Plaintiff filed herein against the Defendant be and the same are dismissed with prejudice to any future action.

(Signed) H. Dale Cook

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

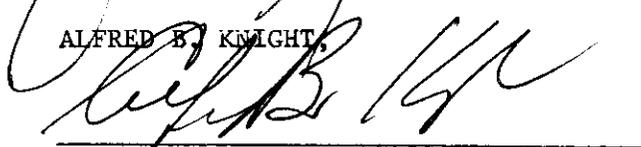
APPROVALS:

JAMES E. FRASIER,



Attorney for the Plaintiff

ALFRED B. KNIGHT,



Attorney for the Defendant.

UNITED STATES DISTRICT COURT FOR THE
NORTHERN DISTRICT OF OKLAHOMA

FILED

APR 23 1984

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

UNITED STATES OF AMERICA,)

Plaintiff,)

vs.)

RONALD LEE FIDLER,)

Defendant.)

CIVIL ACTION NO. 83-C-599-C

DEFAULT JUDGMENT

This matter comes on for consideration this 23rd day of April, 1984, the Plaintiff appearing by Layn R. Phillips, United States Attorney for the Northern District of Oklahoma, through Nancy Nesbitt Blevins, Assistant United States Attorney, and the Defendant, Ronald Lee Fidler, appearing not.

The Court being fully advised and having examined the file herein finds that Defendant, Ronald Lee Fidler, was served with Alias Summons and Complaint on September 28, 1983. Defendant failed to appear at the pretrial hearing herein and has failed to respond to Plaintiff's Motion for Summary Judgment by April 6, 1984, as was directed by the Court at the pretrial hearing on April 4, 1984. 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, Ronald Lee Fidler, for the principal sum of \$18,000.00, plus costs and interest at the current legal rate of 10.81 percent from the date of judgment until paid.

(Signed) H. Dale Cook

UNITED STATES DISTRICT JUDGE

FILED

APR 23 1984

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

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

HOME INDEMNITY COMPANY,)	
)	
Plaintiff,)	
)	
vs.)	NO. 83-C-162-C
)	
RICHARD CHANCE THOMPSON and)	
WILMA IRENE THOMPSON,)	
)	
Defendants.)	

ORDER OF DISMISSAL

On this 23rd day of April, 1984, upon the written application of the parties for a Dismissal with Prejudice of the Complaint and all causes of action, the Court having examined said application, finds that said parties have entered into a compromise settlement covering all claims and have requested the Court to dismiss said cause 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 Defendants be and the same hereby are dismissed with prejudice to any future action.

(Signed) H. Dale Cook

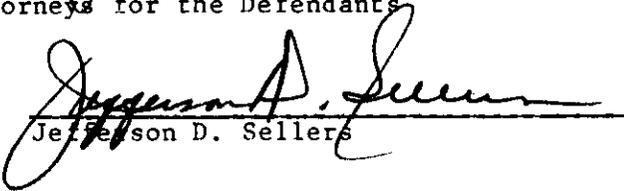
UNITED STATES DISTRICT JUDGE

APPROVALS:

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

By: 
John Howard Lieber

JACK SELLERS LAW ASSOCIATES, INC.
Attorneys for the Defendants

By: 
Jefferson D. Sellers

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

FILED

APR 23 1984

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

JOHN ALLEN MOSIER,)
)
 Petitioner,)
)
 vs.)
)
 LARRY R. MEACHUM, et al.,)
)
 Respondents.)

No. 84-C-283-C

O R D E R

On March 29, 1984, the petitioner John A. Mosier was granted leave to proceed in forma pauperis on a petition for a writ of habeas corpus originally filed in the United States District Court for the Eastern District of Oklahoma pursuant to 28 U.S.C. §2254. On that same date the action was transferred to this Court pursuant to 28 U.S.C. §2241(d). The petitioner is currently incarcerated in the Oklahoma State Penitentiary in McAlester, Oklahoma serving a life sentence arising out of his guilty plea to a charge of murder in Mayes County, State of Oklahoma on October 28, 1980 in Case No. CRF-80-41.

The only contention raised to support the petition for a writ of habeas corpus is that petitioner was not placed under oath in the state court plea proceedings and that his constitutional rights to due process and equal protection under the Fourteenth Amendment to the United States Constitution were

thereby violated. Petitioner further claims that the failure to place him under oath violated OKLA.STAT.ANN. tit.12, §2603.

The Court has thoroughly reviewed the submissions of the petitioner. From this review it is clear that the petitioner can make no rational argument on the law or the facts involved herein that would entitle him to habeas corpus relief in this action and that this action is frivolous and without merit. The petition is, thus, subject to dismissal under 28 U.S.C. §1915(d). There is no constitutional requirement rooted in the Fourteenth Amendment that would require a criminal defendant be placed under oath during a proceeding in which a plea of guilty is entered to a state court criminal charge. The applicability of OKLA.STAT.ANN. tit.12, §2603 is purely a matter of state law and it provides no basis for habeas corpus relief in this action.

The Court would finally note that petitioner has previously filed an action pursuant to 28 U.S.C. §2254 in this district challenging the voluntariness of his guilty plea and other matters not relevant here. That action is currently pending before the Honorable Thomas R. Brett in Case No. 82-C-676-Bt.

Based on the foregoing, it is the Order of this Court that the present action is dismissed, in all respects, pursuant to 28 U.S.C. §1915(d).

It is so Ordered this 23rd day of April, 1984.


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

FILED

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

APR 23 1984

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

THE FEDERAL DEPOSIT INSURANCE)
CORP.,)
)
Plaintiff,)
)
vs.)
)
REVCO PETROLEUM CORP., and)
GEORGE E. REVAR,)
)
Defendants.)

Case No. 83-C-244-E

ORDER ALLOWING DEFENDANTS TO
DISMISS CROSS COMPLAINT WITHOUT PREJUDICE

NOW on this 23 day of April, 1984, the above matter comes on before the undersigned Judge of the District Court for an order of this Court allowing the defendants to dismiss the cross complaint against the plaintiff without prejudice to a future filing.

The Court being fully advised in the premises and for good cause shown finds that said application should be granted.

IT IS THEREFORE ORDERED, ADJUDGED AND DECREED by the Court that the defendants should be and are hereby authorized to dismiss the cross complaint without prejudice.

S/ JAMES O. ELISON
JUDGE OF THE DISTRICT COURT

Gerald D. Swanson
Attorney for Defendants

800 Grantson Building
111 West Fifth Street
Tulsa, Oklahoma 74103
(918) 599-9125

Entered

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

FILED

APR 23 1984

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

ASHLAND OIL, INC.,)
)
 Plaintiff,)

v.)

No. 83-C-587-B

COTTON PETROLEUM CORPORATION,)
)
 Defendant,)

ASHLAND OIL, INC.,)
)
 Plaintiff,)

v.)

No. 83-C-588-B

THE UNITED STATES DEPARTMENT)
 OF ENERGY, DONALD HODEL,)
 SECRETARY OF ENERGY, and)
 COTTON PETROLEUM CORPORATION,)
)
 Defendants.)

O R D E R

This matter comes before the Court on defendant's motion to dismiss. Plaintiff has objected to the motion. Without ruling on the merits of defendant's motion, the Court hereby orders this case dismissed and the statutes of limitations on the claims of plaintiff, if timely filed in the first instance, be tolled.

BACKGROUND

The federal government controlled the price of domestically produced 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-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 decontrol 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. Meanwhile, on June 6, 1983, Cotton, by its attorneys, sent a letter and proposed agreement to Ashland concerning restitution of the \$714,677.90 in alleged overcharges. Apparently, Cotton and Ashland pursued negotiations on proposed repayment through June; however, on June 29, 1983, Cotton informed Ashland it had agreed to pay DOE the \$714,677.90 and would not pay the amount to Ashland. In September 1983, a final agreement was executed by Cotton and DOE and approved by the Court, thus settling the original lawsuit.

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, Ashland brought this action against Cotton on the following theories: 1) repayment of overcharges under Section 210 of the Economic Stabilization Act; 2) treble damages for willful, intentional and reckless disregard of DOE regulations under Section 210 of the Economic Stabilization Act; 3) enforcement of the DOE remedial order to Cotton to pay Ashland the amount of the alleged overcharges; and 4) damages for a debt acknowledged by Cotton as being due and owing.

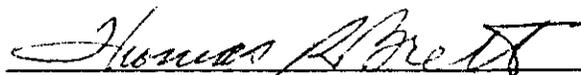
Simultaneously, Ashland sued DOE and Cotton seeking to overturn or modify the settlement agreement of the parties in the original lawsuit, in a case styled Ashland Oil, Inc. v. The United States Department of Energy, Donald Hodel, Secretary of Energy, and Cotton Petroleum Corporation, No. 83-C-588-B, which case was consolidated with this case.

On March 21, 1984, the Court entered an order dismissing the suit against DOE and Cotton for failure to exhaust administrative remedies and lack of judicial ripeness. The Court ruled plaintiff should petition the DOE through Subpart V proceedings for a refund of the money it alleged was due before attempting to obtain the funds through court action.

JUDICIAL RIPENESS

The funds plaintiff seeks are now the subject of DOE Subpart V proceedings. The actions of DOE may well serve to moot the issues raised in this lawsuit or otherwise render judicial review unnecessary. See Abbott Laboratories v. Gardner, 387 U.S. 136, 148-49 (1976). Therefore, the Court finds this case should be dismissed pending the outcome of Subpart V administrative proceedings. In so ruling, the Court makes no findings on the merits of plaintiff's claims in this lawsuit or on the merits of defendant's defenses to the action. Applicable statutes of limitations on plaintiff's claims should be tolled until the conclusion of Subpart V administrative proceedings.

ENTERED this 23rd day of April, 1984.



THOMAS R. BRETT
UNITED STATES DISTRICT JUDGE

Entered
FILED
APR 23 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.)
)
 JACK W. HENDERSON,)
)
 Defendant.) CIVIL ACTION NO. 84-C-162-B

AGREED JUDGMENT

This matter comes on for consideration this 23rd day of April, 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, Jack W. Henderson, appearing pro se.

The Court, being fully advised and having examined the file herein, finds that the Defendant, Jack W. Henderson, was served with Summons and Complaint on March 19, 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 \$552.53, plus interest rate of 15.05 percent per annum and administrative costs of \$0.61 per month from July 28, 1983 until judgment plus interest thereafter at the current legal rate of 10.81 percent from the date of judgment until paid, plus the costs of this action.

IT IS THEREFORE, ORDERED, ADJUDGED, AND DECREED that the Plaintiff have and recover judgment against the Defendant, Jack W. Henderson, in the amount of \$552.53, plus interest at the rate of 15.05 percent per annum and administrative costs of \$0.61 per month from July 28, 1983, until judgment plus interest thereafter at the current legal rate of 10.81 percent from the date of judgment until paid, plus costs of this action.

S/ THOMAS R. BRETT

UNITED STATES DISTRICT JUDGE

APPROVED:

UNITED STATES OF AMERICA

LAYN R. PHILLIPS
United States Attorney


NANCY A. NESBITT
Assistant U.S. Attorney


JACK W. HENDERSON

Entered

FILED

APR 23 1984

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

U. SILVER, CLERK
U.S. DISTRICT COURT

STANLEY A. MARKS, individually)
and as Trustee for Cindi Marks)
and Jeff Marks, minors,)

Plaintiff,)

v.)

No. 82-C-1042-B

JOE ED BUCKNER, an individual,)
C. A. RHOADS, an individual,)
and M. J. REYNOLDS, an)
individual,)

Defendant.)

AMENDED JUDGMENT

This action having come on for trial before a jury, with the Honorable Thomas R. Brett, United States District Judge, presiding, and the jury on March 28, 1984, having found that the securities offered the plaintiff were exempt from registration under the Oklahoma Securities Act and the Florida Securities Act, and the plaintiff on March 30 having moved for a directed verdict and for judgment notwithstanding the verdict, the Court finds, as a matter of law, that the defendants, Joe Ed Buckner and C. A. Rhoads, offered unregistered securities to the plaintiff in violation of the Oklahoma Securities Act, 71 Okl. Stat. Ann. 1981 § 408(a)(1) and in violation of the Florida Securities Act., Fla. Sta. Ann. § 517.07. The Court finds, as a matter of law, that the defendants, Joe Ed Buckner and C. A. Rhoads, have failed to prove by a preponderance of evidence that the transactions whereby the securities were offered were exempt

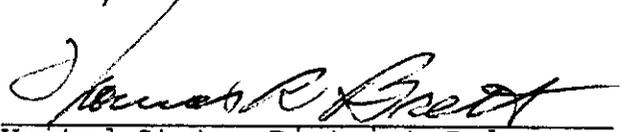
from registration under the Florida Securities Act, and in particular under Fla. Stat. Ann. §517.061(12)(a), and under the Oklahoma Securities Act, and in particular 71 O.S. 1981 §401(b)(15). The Court hereby enters judgment notwithstanding the jury verdict in favor of the plaintiff and against the Defendants, Joe Ed Buckner and C. A. Rhoads.

The jury having further found that the defendants, Joe Ed Buckner and C. A. Rhoads, committed acts of fraud in violation of Rule 10b-5, promulgated under authority of Section 10 of the Securities Exchange Act of 1934, Section 408(a)(2) of the Oklahoma Securities Act, and Section 517.301 of the Florida Securities Act, and the Court having found that the defendants' Motion for Judgment Notwithstanding the Verdict should be and hereby is denied, the Court hereby enters judgment in favor of the plaintiff and against the defendants, Joe Ed Buckner and C.A. Rhoads, for acts of fraud in violation of securities law, in the amount of \$13,258.15, as found by the jury.

IT IS ORDERED AND ADJUDGED that the transaction whereby the plaintiff, Stanley A. Marks, individually and as Trustee for Cindi Marks and Jeff Marks, minors, was offered and purchased securities from Joe Ed Buckner and C. A. Rhoads, acting on behalf of Gin Inc., be rescinded; that the Defendants, Joe Ed Buckner and C. A. Rhoads, refund to the plaintiff the amount of money which was paid for the securities, less the amount of income received, the amount to be refunded being \$77,486.84, plus interest at the rate of 10% per annum per year as provided by the Oklahoma Securities Act, 71 O.S. 1981 §408(a)(2)(ii), and that the plaintiff recover

costs and attorney fees, as provided by the Oklahoma Securities Act and the Florida Securities Act, upon the filing of appropriate motions within ten days hereafter; or, in the event that the plaintiff is not able to obtain rescission and a full refund, because of Bankruptcy proceeding or for any other reason, that the plaintiff recover from the defendants, Joe Ed Buckner and C. A. Rhoads, the amount of \$13,258.15, because of the defendants acts of fraud, plus costs and attorneys fees upon the filing of appropriate motions within ten days hereafter.

Dated this 23rd day of April, 1984.


United States District Judge

FILED

APR 23 1984

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

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

EQUAL EMPLOYMENT OPPORTUNITY)
COMMISSION,)
)
Plaintiff,)
)
v.)
)
GAS SERVICE COMPANY,)
)
Defendant.)
_____)

CIVIL ACTION

NO. _____

CONSENT DECREE

This matter was initiated by the Plaintiff, the Equal Employment Opportunity Commission, an agency of the United States government, alleging violation of Title VII of the Civil Rights Act of 1964, as amended, 42 U.S.C. §2000(e) et seq., (hereinafter "Title VII"), to the effect that Gas Service Company discriminated against male employees because of their sex by denying them coverage for their dependent wives to the same health insurance benefits for pregnancy claims that female employees receive.

In consideration of the mutual promises of each party to this settlement agreement, the receipt and sufficiency of which is hereby acknowledged, the Plaintiff, Equal Employment Opportunity Commission, and the Defendant, Gas Service Company, agree as follows:

1. Agreement to this consent decree and settlement agreement shall in no way serve as an admission that Gas Service Company is guilty of a violation of the Pregnancy Discrimination Amendment to Title VII.

2. Gas Service Company in settlement of this dispute consents and agrees to pay to the following employees the amount shown by each name.

Larry M. Adcock	\$ 413.40
Jackie L. Allen	26.40
Gerald L. Ash	335.30
Billy Basinger	820.10
Joe Biggerstaff	488.15
Charles Bizzell	949.97
George Botts	988.86
Larry A. Castle	454.78
Mark Corlett	542.48
Clifford A. Cox	388.83
John W. Crawford	754.91
James Davis	728.05
Fredderick Durham	1,618.56
Emeterio Gutierrez	367.10
Jerry Haroon	604.21
Stephen Hill	1,177.71
Thomas Hossfeld	804.40
David A. James	823.69
Jeff Josephson	475.90
Harold King	1,018.01
Edward Krzawcyk	414.14
Thomas Lanchaster	432.01
Russell Lynch	624.10
Greg Marino	567.95
Robert McClung	518.17
Gary McClure	789.98
Joe McGinness	860.98
Jack McNeal	475.36
Gerald McNeive	929.20
Wesley Nelson	1,028.26
Norman Peters	824.70
Roger Pierson	404.25
Paul E. Price	564.25
Charles Rock	689.05
Harry Schneider	457.10
Ronald Schultz	400.80
Stewart Scott	1,256.50

Steven A. Slinker	\$ 368.95
Ronald Swartz	937.46
Rick D. Sweeton	460.82
Michael Taylor	1,208.25
Clarence Van Eaton	945.82
Robert Waggoner	547.81
Michael Watterworth	503.31
David Wenger	914.09
Chris Woodward	1,460.04
Kevin Moore	1,578.09

3. The Gas Service Company agrees that any group insurance coverage issued for its employees henceforth shall cover pregnancy and maternity related claims for spouses of male employees to the same extent as such plan covers spouses of female employees enrolled in the plan.

4. Upon payment of the specified amounts to each of the foregoing persons the Equal Employment Opportunity Commission and the foregoing employees agree to release all claims either may have, based upon the factual underpinnings of this charge and complaint. Payment of the amounts indicated to each class member will constitute full and complete final relief.

5. This decree shall be binding upon the Equal Employment Opportunity Commission and Gas Service Company as to the issue resolved as well as upon their successors and assigns.

THE FOREGOING IS HEREBY ORDERED, ADJUDGED AND DECREED.

Signed, this 23 day of April,

1984.

S/ JAMES O. ELLISON

UNITED STATES DISTRICT JUDGE

FOR THE GAS SERVICE COMPANY

A. L. Baker
ATTORNEY FOR THE DEFENDANT

FOR THE EQUAL EMPLOYMENT
OPPORTUNITY COMMISSION

DAVID L. SLATE
General Counsel

MICHAEL A. MIDDLETON
Associate General Counsel

Joseph H. Mitchell
JOSEPH H. MITCHELL
Regional Attorney

Ivan Rivera
IVAN RIVERA
Supervisory Trial Attorney

Fred L. Lander III
FRED L. LANDER III
Senior Trial Attorney

EQUAL EMPLOYMENT OPPORTUNITY
COMMISSION

Dallas District Office
1900 Pacific Avenue, 13th Floor
Dallas, TX 75201

Telephone: (214) 767-4584
(FTS) 729-4584

UNITED STATES DISTRICT COURT FOR THE
NORTHERN DISTRICT OF OKLAHOMA

APR 20 1984
CLOCK & SHAW, CLERK
U.S. DISTRICT COURT

UNITED STATES OF AMERICA,)
)
Plaintiff,)
)
vs.)
)
WILLARD S. ALLEN,)
)
Defendant.) CIVIL ACTION NO. 84-C-322-E

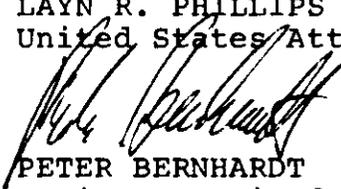
NOTICE OF DISMISSAL

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 without prejudice.

Dated this 20th day of April, 1984.

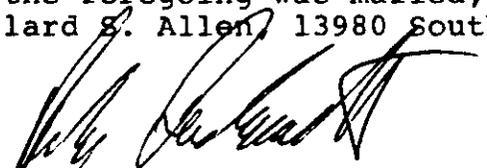
UNITED STATES OF AMERICA

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 20th day of April, 1984, a true and correct copy of the foregoing was mailed, postage prepaid thereon, to: Willard S. Allen, 13980 South Poplar, Glenpool, Oklahoma 74033.


Assistant United States Attorney

UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF NORTHERN OKLAHOMA

FILED
APR 17 1984
JACK C. SILVER, CLERK
U.S. DISTRICT COURT

84-C-133-C

California State Board
of Equalization
Plaintiff

vs

Harry Maselli
Defendant

Petition for Dismissal
& Order

I, Harry Maselli, defendant ask the Court to dismiss the
above case without prejudice.

In support of my application I submit the Plaintiff's
dismissal in Case # C-82-2163 which has been filed in
the District Court.

Harry Maselli
Harry Maselli
3739 South Wheeling
Tulsa, Oklahoma 74105
Pro Se
(918) 743-8748

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

APR 19 1984

FILED

ORDER

In reliance upon the representation and information
set forth in the above application, it is ordered that
the above case be dismissed.

s/H. DALE COOK
United States District Judge

JOHN K. VAN DE KAMP
Attorney General

State of California
DEPARTMENT OF JUSTICE



3580 WILSHIRE BOULEVARD, ROOM 800
LOS ANGELES 90010
(213) 736-2304

March 30, 1984

Ed R. Crockett, Esq.
6380-A East 31st Street
Tulsa, Oklahoma 74135

Dear Mr. Crockett:

State Board of Equalization
v. Harry Maselli
LASC No. C286295

This is in reply to your letter of March 26, 1984. Since you are attorney of record, I assume the court will not dispose of the case based upon a document from me. Therefore, in order to bring this to a conclusion, please file a dismissal with the Court or take other appropriate action. Hopefully, this matter will finally disappear!

Your assistance in this matter is appreciated.

Very truly yours,

A handwritten signature in cursive script that reads "Richard E. Nielsen".

RICHARD E. NIELSEN
Deputy Attorney General
(213) 736-2554

DISMISSAL

IN THE DISTRICT COURT OF TULSA COUNTY

STATE OF OKLAHOMA

DISTRICT COURT
FILED

STATE OF OKLAHOMA, }
COUNTY OF TULSA } ss.

APR 5 1984

DCN E. AUSTIN, COURT CLERK
STATE OF OKLA. TULSA, COUNTY

STATE BOARD OF EQUALIZATION OF
THE STATE OF CALIFORNIA

Plaintiff

vs.

No. C-82-2163

HARRY MASELLI

Defendant

Comes now the plaintiff and hereby dismisses the above causewithout.....
prejudice.

Dated this ...4th... day ofApril..... A. D. 19 ..84..

.....
Ed R. Crockett Attorney for Plaintiff
6380-A E. 31st , Tulsa, Oklahoma 74135

Form 249 (Rev. 12-73)

I, Don E. Austin, Court Clerk, for Tulsa County
Oklahoma, hereby certify that the foregoing is a
true, correct and full copy of the instrument here-
with set out as appears of record in the Court
Clerk's Office of Tulsa County, Oklahoma, this

5 day of April 19 84
By [Signature] Deputy Don E. Austin
Court Clerk

Ed R. Crockett

ATTORNEY AT LAW AND COUNSELOR

6380-A EAST 31st. STREET
TULSA, OKLAHOMA 74135
(918) 665-0075

April 5, 1984

Harry Maselli
3739 South Wheeling
Tulsa, OK 74105

Dear Mr. Maselli:

Enclosed is a copy of a letter from the State of California, along with a Dismissal, in Case No. C-82-2163, which has been filed in the District Court. You should proceed to file a Dismissal in Federal Court of your Petition to Remove.

Yours very truly,


Ed R. Crockett *hs*

ERC/bs

cc: State of California

"A lawyer's time and advice are his stock in trade."

ABRAHAM LINCOLN

FILED

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

APR 17 1984

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

JAMES S. RYAN,)
)
 Plaintiff,)
)
 v.)
)
 KLASSIC AMUSEMENT, INC.,)
)
 Defendant.)

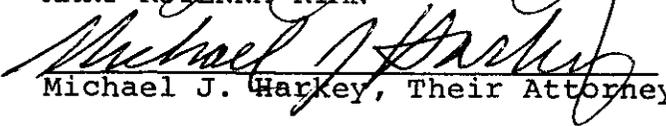
NO. 84-C-145-C

DISMISSAL WITH PREJUDICE

Comes now the plaintiffs, James S. Ryan and Mary Royenna Ryan, his wife, with their attorney of record, Michael J. Harkey, and for an adequate consideration, the receipt of which is hereby acknowledged, do hereby dismiss this cause of action against said defendant in the above styled and numbered action with prejudice to further action.



JAMES S. RYAN


MARY ROYENNA RYAN


Michael J. Harkey, Their Attorney

O R D E R

Upon motion of plaintiffs and their counsel:

IT IS ORDERED, ADJUDGED AND DECREED that the above

styled and numbered cause of action is hereby dismissed with prejudice to further action.

DATED this 19th day of April, 1984.

s/H. DALE COOK

DISTRICT JUDGE -

ALEX CHEEK/RODNEY J. HEGGY
CHEEK, CHEEK & CHEEK
311 North Harvey Avenue
Oklahoma City, Oklahoma
(405) 272-0621 73102

APR 19 1984
DISTRICT COURT
OKLAHOMA CITY

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

FILED
MAR 18 1984
JACK O. SHAW, CLERK
DISTRICT COURT

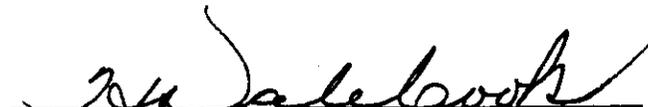
ALBERT LEONHARD,)
)
Plaintiff,)
)
vs.) No. 81-C-479-C
)
SPARTAN SCHOOL OF AERONAUTICS,)
et al.,)
)
Defendants.)

O R D E R

On February 1, 1984, this Court entered a Minute Order pursuant to Rule 36(a) of the Local Rules of the United States District Court of the Northern District of Oklahoma notifying the parties that this action would be dismissed for lack of prosecution if no action was taken in the case within thirty (30) days. On March 6, 1984 the plaintiff filed a notice of deposition. There is no indication in this record that the deposition noticed above was taken and inquiries by the Court Clerk's Office for the Northern District of Oklahoma concerning this matter have gone unanswered by plaintiff's counsel herein.

It is therefore the Order of this Court that the instant action is dismissed without prejudice pursuant to Local Rule 36(a).

It is so Ordered this ~~21~~¹⁹ day of April, 1984.


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

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

Entered
FILED
APR 10 1984

W. G. GIBBS, CLERK
U.S. DISTRICT COURT

KELLY WARD,)
)
Petitioner,)
)
v.)
)
BROWN, Warden, et al.,)
)
Respondents.)

No. 83-C-896-BT

O R D E R

This matter comes before the Court on a pro se petition for writ of habeas corpus pursuant to 28 U.S.C.A. §2254 by Kelly Ward. Respondents have filed a response to the petition. Petitioner has replied. For the reasons set forth below, the Court concludes the petition for writ of habeas corpus should be denied.

Petitioner filed this petition for habeas corpus relief October 24, 1983, while incarcerated at the Oklahoma State Penitentiary in McAlester, Oklahoma. He was discharged from state custody by the Oklahoma Department of Corrections on October 26, 1983. Jurisdiction of this Court is not defeated by the subsequent release from custody. Sanders/Miller v. Logan, 710 F.2d 645, 656 (10th Cir. 1983).

Petitioner was convicted of feloniously pointing a firearm in the District Court of Tulsa County, Oklahoma, Case No. CRF-78-2150, for the act of firing a pistol loaded with cartridges filled with red paint and sealed with wax at then-Attorney General Larry Derryberry. The cartridges struck,

but did not injure, Derryberry. Petitioner was sentenced to seven (7) years imprisonment by the Tulsa County District Court. The conviction was affirmed with a modified sentence of five (5) years by the Oklahoma Court of Criminal Appeals on May 1, 1981. Ward v. State, 628 P.2d 376, 380 (Okl.Cr. 1981).

It is difficult from the rambling nature of petitioner's pleadings to determine his grounds for relief herein. However, on the basis of his appellate and post-conviction relief allegations of error, the Court concludes there are three grounds for relief which must be addressed in this proceeding.

Petitioner claims he was charged and convicted under the wrong statute, 21 O.S. §1289.16. Section 1289.16 provides in part:

"It shall be unlawful for any person to willfully or without lawful cause point a shotgun, rifle or pistol, or any deadly weapon, whether loaded or not, at any person or persons for the purpose of threatening or with the intention of discharging the firearm or with any malice or for any purpose of injuring, either through physical injury or mental or emotional intimidation, or for purposes of whimsy, humor or prank. . . ."

Petitioner contends that section 1289.16 goes only to assault, and that the act he committed included battery. Petitioner claims he should have been charged under 21 Okl.St. Ann. §645 for assault and battery. Section 645 provides in pertinent part:

"Every person who, with intent to do bodily harm and without justifiable or excusable cause, commits any assault, battery, or assault and battery upon the person of another with any sharp or dangerous weapon, or who, without such cause, shoots at another, with any kind of firearm or air gun, or other means whatever, with intent to

injure any person, although without the intent to kill such person or commit any felony, is punishable by imprisonment in the penitentiary not exceeding five (5) years, or by imprisonment in a county jail not exceeding one (1) year."

In Ward v. State, 628 P.2d 376 (Okla. Cr. App. 1981), the Oklahoma Court of Criminal Appeals addressed petitioner's very argument. The court stated:

". . . The appellant could have been charged with assault and battery. The Tulsa County District Attorney chose to charge a different offense, namely, Feloniously Pointing a Firearm.

The appellant further argues, however, that the prosecutor could not charge the offense of pointing a firearm because he, the appellant, went farther than a mere pointing and committed assault and battery by discharging the weapon. This type of merger of offenses argument is without merit. In the case of Saxon v. White, 19 Ok. Cr. 58, 198 P. 107 (1921), the evidence showed that the defendant had pointed a gun at his victim and had then proceeded to use the gun as a bludgeon, thus committing assault and battery. The defendant was charged and convicted of pointing a weapon. The court stated that '[i]t was discretionary with the prosecuting attorney to elect before trial for which offense he would prosecute the accused where the evidence showed the commission, by the same act or transaction, of more than one offense.' Id. at 62, 198 P. at 108. See also, 21 O.S. Supp. 1971, §11. The Saxon case is dispositive of this issue." Ward at 378-79.

Moreover, the Court notes, as did the Oklahoma Court of Criminal Appeals that "Whether to prosecute and what charge to file or bring . . . are decisions that generally rest in the prosecutor's discretion." U.S. v. Batchelder, 442 U.S. 114, 124 (1978). When an act violates more than one criminal statute, the government

may prosecute under either as long as it does not discriminate against any class of defendants. Id. at 123. Here, there is no allegation nor evidence of discrimination against any class of defendants by charging petitioner under §1289.16. Further, the Court finds no error in the prosecutor's decision to charge petitioner under §1289.16 and not under §645.¹

As a collateral issue to that raised above, petitioner claims the trial court erred by refusing to give to the jury his requested instruction on misdemeanor assault and battery. Petitioner requested the following instruction:

- "4. The charge in this case is assault, although there is evidence the act in question, considered in its totality, was an assault and battery. The DA may not charge an assault, where there has also been a battery, but must charge the appropriate level of assault and battery. The jury cannot therefore, find the defendant guilty of assault, alone, if it believes there has been a battery, but the State has not charged assault and battery. Hence, if you believe an assault and battery has been committed, that is, if you believe there is evidence from the testimony there was actual contact between the defendant and the complaining witness, or between a substance put in motion by the defendant, and the complaining witness, since the State has not charged assault and battery, but only assault, if you conclude there was a

¹ Section 1289.16 contains a felony and misdemeanor provision covering the same subject matter and containing identical elements. There was no abuse of discretion on the part of the prosecutor to charge petitioner with feloniously pointing a firearm as opposed to misdemeanor pointing a firearm under §1289.16. Although petitioner does not clearly urge this issue as a ground for relief herein, the Court notes that the issue was raised before the Court of Criminal Appeals and was rejected in Ward v. State, 628 P.2d 376, 379 (Okla. Cr. App. 1981).

battery as well as an assault, that is, that there was an assault and battery, you cannot convict of assault on that basis, but must since the State has not charged assault and battery, acquit the defendant." Defendant's Requested Instructions, filed May 25, 1979 (TR 164-66).

As can be seen, the requested instructions are intertwined with petitioner's view of his case -- that he could not have been charged under §1289.16 for his actions. As this Court has concluded there was no error in charging petitioner under §1289.16, this Court likewise concludes the trial court correctly refused to instruct the jury with petitioner's requested instruction number four. Further, it appears the trial court did include in its instructions to the jury an instruction on the lesser included offense of misdemeanor pointing a weapon at another. (TR 170, 171-72) This instruction was proper in conjunction with the charge under §645.

Finally, petitioner contends that §1289.16 is void for vagueness. The United States Supreme Court has directed that (1) a criminal statute is invalid if it "fails to give a person of ordinary intelligence fair notice that this contemplated conduct is forbidden" and (2) sentencing provisions must "state with sufficient clarity the consequences of violating a given criminal statute." Batchelder, 442 U.S. at 123. Section 1289.16 specifically states that pointing a loaded or unloaded deadly weapon is unlawful. The statute does not require the weapon to be loaded with live ammunition, nor does it require the weapon to be loaded at all. Petitioner had adequate notice that his

conduct towards Derryberry was unlawful. Furthermore, 21 Okl. St. Ann. §1289.17 (1971) specifies that a "violation of [§1289.16] shall constitute a felony, for which a person convicted thereof shall be sentenced to imprisonment in the state penitentiary for not less than one (1) year or more than ten (10) years." The consequences of violating §1289.16 are the receipt of a sentence of one to ten years in the state penitentiary. Petitioner had sufficient notice of the possible penalties for his action.

For the foregoing reasons, the petition of Kelly Ward for writ of habeas corpus under 28 U.S.C. §2254 is hereby denied.

IT IS SO ORDERED this 18 day of April, 1984.

A handwritten signature in cursive script, reading "Thomas R. Brett", is 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

APR 18 1984

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

PENNZOIL COMPANY)	
)	
Plaintiff,)	
)	
vs.)	No. 84-C-29E
)	
TEXACO, INC. and)	
GETTY OIL COMPANY,)	
)	
Defendants.)	

ORDER OF DISMISSAL

On this 17th day of April, 1984, there was presented to the court the stipulation entered into by all parties herein, and the court having approved such stipulation, it is accordingly,

ORDERED, ADJUDGED AND DECREED that the captioned cause is dismissed without prejudice, on the condition that any future action by Pennzoil against Texaco and/or Getty alleging that Texaco's acquisition of Getty violates Section 7 of the Clayton Act shall be brought in the Northern District of Oklahoma. Each party shall bear its own costs of court.

SIGNED AND ENTERED on this 17th day of April, 1984.

James O. Ellison
James O. Ellison
United States District Judge

3-2

UNITED STATES DISTRICT COURT FOR THE
NORTHERN DISTRICT OF OKLAHOMA

FILED
APR 18 1984
Jack C. Silver, Clerk
U. S. DISTRICT COURT

UNITED STATES OF AMERICA,)
)
 Plaintiff,)
)
 vs.)
)
 LESSLIE J. GUNN, a/k/a)
 LESLIE J. GUNN,)
)
 Defendant.)

CIVIL ACTION NO. 84-C-190-E

AGREED JUDGMENT

This matter comes on for consideration this 12 day
of April, 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, Lesslie J. Gunn, a/k/a Leslie J.
Gunn, appearing pro se.

The Court, being fully advised and having examined the
file herein, finds that the Defendant, Lesslie J. Gunn, a/k/a
Leslie J. Gunn, was served with Summons and Complaint on
April 12, 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 \$563.54,
(less the amount of \$25.00 which has been paid), plus interest at
the rate of 15.05 percent per annum and administrative costs of
\$.61 per month from August 11, 1983, until judgment, plus costs

and interest at the current legal rate of 10.81 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, Lesslie J. Gunn, a/k/a Leslie J. Gunn, in the amount of \$563.54 (less the amount of \$25.00 which has been paid), plus interest at the rate of 15.05 percent per annum and administrative costs of \$.61 per month from August 11, 1983, until judgment, plus costs and interest at the current legal rate of 10.81 percent from the date of judgment until paid.

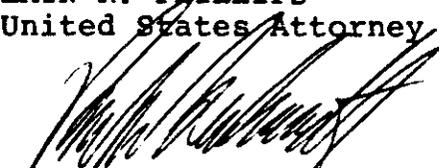
S/ JAMES O. ELLISON

UNITED STATES DISTRICT JUDGE

APPROVED:

UNITED STATES OF AMERICA

LAYN R. PHILLIPS
United States Attorney


PETER BERNHARDT
Assistant U.S. Attorney


LESSLIE J. GUNN, a/k/a
LESLIE J. GUNN

UNITED STATES DISTRICT COURT FOR THE
NORTHERN DISTRICT OF OKLAHOMA

FILED

APR 18 1984

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

UNITED STATES OF AMERICA,)
)
 Plaintiff,)
)
 vs.)
)
 WILLIAM F. STEPHENS)
)
 Defendant.)

CIVIL ACTION NO. 84-C-161-E

AGREED JUDGMENT

This matter comes on for consideration this 17th day
of April, 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, William F. Stephens, appearing pro
se.

The Court, being fully advised and having examined the
file herein, finds that the Defendant, William F. Stephens, has
been served with Summons and Complaint. 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 \$283.73, plus interest at the rate of 15.05 percent per
annum and administrative costs of \$.61 per month from October 29,
1983 until judgment plus interest thereafter at the legal rate
until paid, plus the costs of this action.

2

IT IS THEREFORE, ORDERED, ADJUDGED, AND DECREED that the Plaintiff have and recover judgment against the Defendant, William F. Stephens, in the amount of \$283.73, plus interest at the rate of 15.05 percent per annum and administrative costs of \$.61 per month from October 29, 1983 until judgment plus interest thereafter at the legal rate until paid, plus the costs of this action.


UNITED STATES DISTRICT JUDGE

APPROVED:

UNITED STATES OF AMERICA

LAYN R. PHILLIPS
United States Attorney


NANCY A. NESBITT
Assistant U.S. Attorney


WILLIAM F. STEPHENS

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

FILED
MAR 10 1984 *hm*

THOMAS SILVERMAN, CLERK
U.S. DISTRICT COURT

ESTEBAN GUTIERREZ, d/b/a)
R.G. & ASSOCIATES/TULSA)
INTERNATIONAL SUPPLIERS,)
)
Plaintiff,)
)
vs.)
)
PFIZER INC., a foreign)
corporation; and PFIZER)
OVERSEAS INC., a foreign)
corporation,)
)
Defendant.)

No. 83-C-973-C ✓

O R D E R

Now before the Court for its consideration is the motion of defendants Pfizer Inc., and Pfizer Overseas Inc. for summary judgment, filed on March 29, 1984. The Court has no record of a response to this motion from plaintiff Esteban Gutierrez, d/b/a R.G. & Associates/Tulsa International Suppliers. 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 defendants Pfizer Inc. and Pfizer Overseas Inc. should be and hereby is sustained.

It is so Ordered this ²⁶17 day of April, 1984.


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

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

APR 18 1984 *hm*

ESTEBAN GUTIERREZ, d/b/a
R.G. & ASSOCIATES/TULSA
INTERNATIONAL SUPPLIERS,

Plaintiff,

vs.

PFIZER INC., a foreign
corporation; and PFIZER
OVERSEAS INC., a foreign
corporation,

Defendant.

No. 83-C-973-C ✓

FILED & SERVED BY
U.S. DISTRICT COURT

J U D G M E N T

Pursuant to the Order filed simultaneously herein sustaining defendant's Motion for Summary Judgment, judgment is hereby entered in favor of defendant Pfizer Inc. and Pfizer Overseas Inc. and against plaintiff Esteban Gutierrez.

It is so Ordered this 18th day of April, 1984.

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

UNITED STATES DISTRICT COURT FOR THE
NORTHERN DISTRICT OF OKLAHOMA

FILED

APR 13 1984

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

UNITED STATES OF AMERICA,)
)
 Plaintiff,)
)
 vs.)
)
 WILLIAM F. STEPHENS)
)
 Defendant.)

CIVIL ACTION NO. 84-C-161-E

AGREED JUDGMENT

This matter comes on for consideration this 17th day of April, 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, William F. Stephens, appearing pro se.

The Court, being fully advised and having examined the file herein, finds that the Defendant, William F. Stephens, has been served with Summons and Complaint. 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 \$283.73, plus interest at the rate of 15.05 percent per annum and administrative costs of \$.61 per month from October 29, 1983 until judgment plus interest thereafter at the legal rate until paid, plus the costs of this action.

IT IS THEREFORE, ORDERED, ADJUDGED, AND DECREED that the Plaintiff have and recover judgment against the Defendant, William F. Stephens, in the amount of \$283.73, plus interest at the rate of 15.05 percent per annum and administrative costs of \$.61 per month from October 29, 1983 until judgment plus interest thereafter at the legal rate until paid, plus the costs of this action.

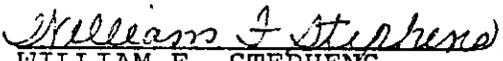

UNITED STATES DISTRICT JUDGE

APPROVED:

UNITED STATES OF AMERICA

LAYN R. PHILLIPS
United States Attorney


NANCY A. NESBITT
Assistant U.S. Attorney


WILLIAM F. STEPHENS

Jr., Esq. Defendant appeared by and through its attorneys, Elizabeth Head, Esq., Fred S. Nelson, Esq., Richard A. Paschal, Esq., and James D. Satrom, Esq.

Having reviewed the briefs and authorities submitted in support of and opposition to the motion, and having heard argument of counsel, the Court finds that there is no original jurisdiction of the claims asserted herein under the Constitution, treaties, and laws of the United States and that this Court is without jurisdiction of the claims asserted herein.

It is therefore

ORDERED, that the Motion for an order of remand be, and the same hereby is, sustained; and it is further

ORDERED, that the matter be remanded to the District Court of Oklahoma in and for Creek County for further proceedings; and it is further

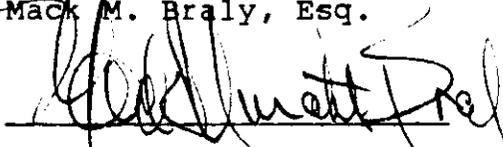
ORDERED, that the Clerk shall mail a certified copy of this order to the Clerk of the Court of Creek County.

Done this 18th Day of April, 1984.


United States District Judge

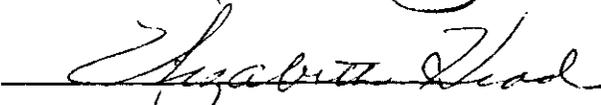
APPROVED AS TO FORM:

Mack M. Braly, Esq.


Attorney for Plaintiff

Hall, Estill, Hardwick, Gable,
Collingsworth & Nelson, Inc.

BY:


Attorneys for Defendant

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

ANNE CECIL, Guardian of)
the Person and Estate of)
SUSAN H. CORNELL, an)
incompetent person,)

Plaintiff)

vs.)

No, 84-C-353-C

ROBERT FRANK, Personal)
Representative of the)
Estate of VIRGINIA H.)
McINNES, Deceased,)

Defendant)

FILED

APR 18 1984

NOTICE OF DISMISSAL

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

TO: Robert Frank, Personal Representative of the Estate of
Virginia H. McInnes, Deceased

Please take notice that the above-entitled action is
hereby dismissed without prejudice, pursuant to Rule
41(a)(1)(i) of the Federal Rules of Civil Procedure.

DATED this 18th day of April, 1984.

PRAY, WALKER, JACKMAN,
WILLIAMSON & MARLAR

By:


JOHN F. McCORMICK, JR.
2200 Fourth National Building
Tulsa, Oklahoma 74119

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

FILED

APR 18 1984

hm

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

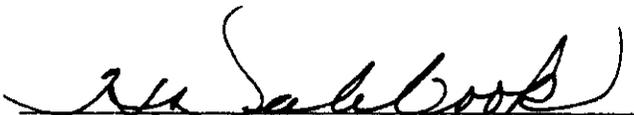
OKLAHOMA DRILLING CORPORATION,)
an Oklahoma corporation,)
)
Plaintiff,)
)
vs.)
)
HARRY ALAN KOPPEL,)
an individual,)
)
Defendant.)

No. 82-C-630-C ✓

J U D G M E N T

Pursuant to the Order filed simultaneously herein sustaining defendant's Motion for Summary Judgment, judgment is hereby entered in favor of defendant Harry Alan Koppel and against plaintiff Oklahoma Drilling Corporation.

It is so Ordered this 18 day of April, 1984.



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

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

FILED

APR 18 1984

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

OKLAHOMA DRILLING CORPORATION,)
an Oklahoma corporation,)
)
Plaintiff,)
)
vs.)
)
HARRY ALAN KOPPEL,)
an individual,)
)
Defendant.)

No. 82-C-630-C ✓

O R D E R

Now before the Court for its consideration is the motion of defendant Harry Allen Koppel for summary judgment, filed on March 27, 1984. The Court has no record of a response to this motion from plaintiff Oklahoma Drilling Corporation. 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 Harry Allen Koppel for Summary Judgment should be and hereby is sustained.

It is so Ordered this 17th day of April, 1984.


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

FILED

UNITED STATES DISTRICT COURT FOR THE
NORTHERN DISTRICT OF OKLAHOMA

APR 18 1984

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

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

CIVIL ACTION NO. 84-C-197-E

DEFAULT JUDGMENT

This matter comes on for consideration this 17th day of April, 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, Larry D. Shade, appearing not.

The Court being fully advised and having examined the file herein finds that Defendant, Larry D. Shade, was served with Summons and Complaint on March 9, 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, Larry D. Shade, for the principal sum of \$370.00, plus interest at the rate of 15.05 percent per annum and administrative costs of \$.61 per month from November 10, 1983, until judgment, plus costs and

interest at the current legal rate of 10.57 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

FILED

APR 18 1984

JAMES E. MCEACHERN,)
)
Plaintiff,)
)
v.)
)
STONHARD, INC.,)
a Delaware corporation,)
)
Defendant.)

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

No. 83-C-299-BT

JUDGMENT RE
ATTORNEYS' FEES

In keeping with the Findings of Fact and Conclusions of Law entered herein on April 10, 1984, the Court hereby renders judgment in favor of plaintiff, James E. McEachern, and against defendant, Stonhard, Inc., for attorneys' fees in the amount of \$4,350.00 as costs in this case.

IT IS SO ORDERED this 17th day of April, 1984.



THOMAS R. BRETT
UNITED STATES DISTRICT JUDGE

FILED

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

APR 18 1984

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

LADESSA HENDREX, and
HAROLD HENDREX,

Plaintiffs,

-vs-

ALLSTATE INSURANCE COMPANY,
a foreign corporation,

Defendant.

Case No. 82-C-977-E

Handwritten initials

ORDER OF DISMISSAL WITH PREJUDICE

Upon application of the Plaintiffs herein, for Dismissal with Prejudice of this action, the same having been fully settled between the parties. The Court finds that this matter should be Dismissed with Prejudice to the future filing of any action herein.

Dated this 17TH day of April, 1984.

Handwritten signature

JUDGE OF THE UNITED STATES DISTRICT COURT

JAG/pj
A214
4/10/84

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

FILED

APR 18 1984

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

FRANK ALLEN LOGAN, JR.,)
)
Plaintiff,)
)
vs.)
)
FRANK THURMAN and TULSA COUNTY,)
)
Defendants.)

No. 84-C-32-C ✓

O R D E R

Now before the Court for its consideration is the motion of defendants Frank Thurman and Tulsa County to dismiss, filed on February 23, 1984. The Court has no record of a response to this motion from plaintiff Frank Allen Logan. 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 defendants' Motion to Dismiss should be and hereby is sustained.

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

It is so Ordered this 18th day of April, 1984.


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

UNITED STATES DISTRICT COURT FOR THE
NORTHERN DISTRICT OF OKLAHOMA

FILED
APR 18 1984

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

UNITED STATES OF AMERICA,)
)
Plaintiff,)
)
v.)
)
BERTRAM H. DEAN, JR., a single)
person; PATRICIA DEAN; and)
HOUSEHOLD FINANCE CORPORATION)
OF OKLAHOMA, INC.,)
)
Defendants.)

CIVIL ACTION NO. 83-C-575-C

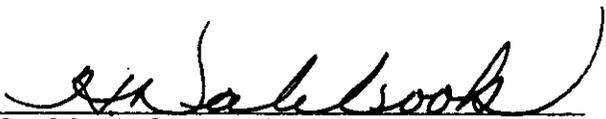
ORDER GRANTING JUDGMENT ON THE PLEADINGS

This case comes on before the Court on this 18th day of April, 1984, upon the Motion of 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, for a judgment on the pleadings in favor of the United States of America and against the Defendant Bertram H. Dean, Jr.

Upon examination of the pleadings contained in the Court file, the Motion and Brief submitted by the United States of America, and being fully advised in the premises, the Court finds that the Defendant, Bertram H. Dean, Jr., filed his Answer to the Complaint on September 9, 1983, wherein he does not deny any of the allegations contained in the Complaint and admits that the mortgage sued upon is past due. The United States of America is therefore entitled to a judgment on the pleadings against the Defendant Bertram H. Dean, Jr. for the amounts alleged in the Complaint less any sums which have been paid by the Defendant

Bertram H. Dean, Jr. and for foreclosure of its real estate mortgage.

IT IS THEREFORE ORDERED, ADJUDGED, AND DECREED, that the Plaintiff, United States of America, shall have judgment on the pleadings in its favor and against the Defendant Bertram H. Dean, Jr. for the amounts alleged in the Complaint, less any sums paid by the Defendant, Bertram H. Dean, Jr., and for foreclosure of its real estate mortgage.


H. DALE COOK, CHIEF UNITED
STATES DISTRICT JUDGE

Entered

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

FILED

APR 17 1984

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

DOUGLAS HALL,)
)
 Plaintiff,)
)
 v.)
)
 SAM RIGGS, an individual, and)
 SAM RIGGS FLYING SERVICE, INC.)
)
 Defendants.)

No. 83-C-727-B

J U D G M E N T

In accordance with the Findings of Fact and Conclusions of Law entered this date, IT IS HEREBY ORDERED the plaintiff, Douglas Hall, is to take nothing from the defendants, Sam Riggs, an individual and Sam Riggs Flying Service, Inc., on his claim for alleged fraud and deceit, breach of contract, and negligence, and the defendant, Sam Riggs Flying Service, Inc., is to have judgment on its counterclaim against the plaintiff, Douglas Hall, in the amount of Four Hundred Sixty-Eight and 12/100 Dollars (\$468.12), plus the costs of this action.

ENTERED this 17th day of April, 1984.



THOMAS R. BRETT
UNITED STATES DISTRICT JUDGE

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

Entered
FILED

APR 17 1984

MICHAEL D. ROBINSON,)
)
 Plaintiff,)
)
 v.)
)
 LANGLEY OPTICAL CO.,)
)
 Defendant.)
)
)
)

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

No. 83-C-970-BT

O R D E R

On April 6, 1984, this matter was scheduled for a status conference before Magistrate Rizley. Plaintiff failed to appear although he was given notice of the conference. Further, defendant filed its motion for summary judgment on January 11, 1984 and plaintiff has yet to respond.

For the above reasons the Court concludes plaintiff's case should be dismissed without prejudice for failure to prosecute.

IT IS THEREFORE ORDERED plaintiff's lawsuit is dismissed without prejudice for failure to prosecute.

ENTERED this 16th day of April, 1984.



THOMAS R. BRETT
UNITED STATES DISTRICT JUDGE

Excluded

FILED

APR 17 1984

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

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

TROY LEE PYLES,)
)
 Plaintiff,)
)
 vs.)
)
 STATE OF OKLAHOMA, et al.,)
)
 Defendants.)

No. 83-C-572-C

O R D E R

Now before the Court for its consideration are the motions of defendants Helen Walker, the State of Oklahoma, the Oklahoma Department of Corrections, and defendants Meachum, Champion, and Reeser to dismiss, filed on February 21 and March 7, 1984. The Court has no record of a response to these motions from plaintiff Troy Lee Pyles. 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 Helen Walker, the State of Oklahoma, the Oklahoma Department of Corrections, and defendants Meachum, Champion, and Reeser to dismiss should be and hereby are sustained.

It is the further Order of the Court that this action is dismissed in all respects as to all defendants except defendant Clay Wise who has not yet been served.

It is so Ordered this 17th day of April, 1984.


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

FILED
APR 16 1984

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

UNITED STATES OF AMERICA,)
)
 Plaintiff,)
)
 vs.)
)
 SAMMIE E. SPEAKMAN,)
)
 Defendant.)

CIVIL ACTION NO. 84-C-191-^E~~B~~

AGREED JUDGMENT

This matter comes on for consideration this 16th day
of April, 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, Sammie E. Speakman, appearing pro
se.

The Court, being fully advised and having examined the
file herein, finds that the Defendant, Sammie E. Speakman, was
served with Summons and Complaint. 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
\$505.60, plus interest at the rate of 15.05 percent per annum and
administrative costs of \$.61 per month from August 10, 1983,
until judgment, plus interest thereafter at the current legal
rate of 10.81% percent from the date of judgment until paid,
plus the costs of this action.



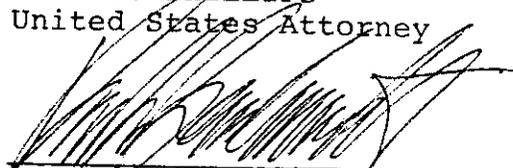
IT IS THEREFORE, ORDERED, ADJUDGED, AND DECREED that the Plaintiff have and recover judgment against the Defendant, Sammie E. Speakman, in the amount of \$505.60, plus interest at the rate of 15.05 percent per annum and administrative costs of \$.61 per month from August 10, 1983, until judgment, plus interest thereafter at the current legal rate of 10.81% percent from the date of judgment until paid, plus the costs of this action.

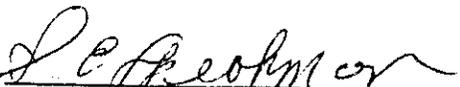

UNITED STATES DISTRICT JUDGE

APPROVED:

UNITED STATES OF AMERICA

LAYN R. PHILLIPS
United States Attorney


PETER BERNHARDT
Assistant U.S. Attorney


SAMMIE E. SPEAKMAN

UNITED STATES DISTRICT COURT FOR THE
NORTHERN DISTRICT OF OKLAHOMA

FILED

APR 16 1984

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

UNITED STATES OF AMERICA,)
)
 Plaintiff,)
)
 vs.)
)
 HEATHER L. WEST,)
)
 Defendant.)

CIVIL ACTION NO. 84-C-340-E

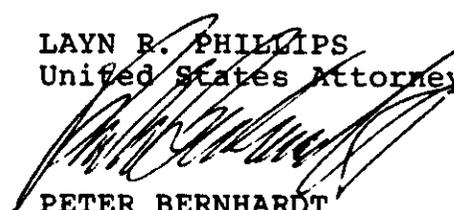
NOTICE OF DISMISSAL

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 without prejudice.

Dated this 16th day of April, 1984.

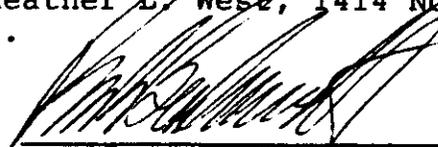
UNITED STATES OF AMERICA

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 16th day of April,
1984, a true and correct copy of the foregoing was mailed,
postage prepaid thereon, to: Heather L. West, 1414 North
Rosedale, Tulsa, Oklahoma 74127.


Assistant United States Attorney

UNITED STATES DISTRICT COURT FOR THE
NORTHERN DISTRICT OF OKLAHOMA

APR 16 1984

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

UNITED STATES OF AMERICA,)

Plaintiff,)

vs.)

STEPHEN W. ETTER,)

Defendant.)

CIVIL ACTION NO. 83-C-952-E

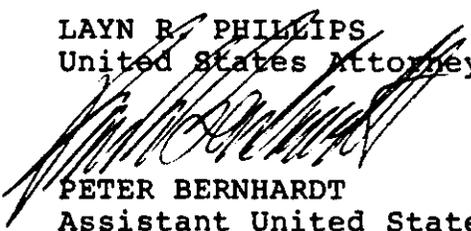
NOTICE OF DISMISSAL

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 without prejudice.

Dated this 16th day of April, 1984.

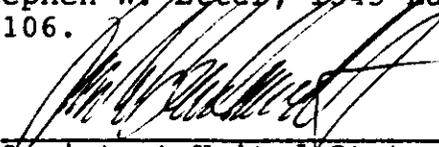
UNITED STATES OF AMERICA

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 16th day of April, 1984, a true and correct copy of the foregoing was mailed, postage prepaid thereon, to: Stephen W. Etter, 1345 East 38th Street North, Tulsa, Oklahoma 74106.


Assistant United States Attorney

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

FILED

APR 10 1984

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

W. O. DIXON,

Plaintiff,

vs.

No. 83-C-813-C

INTERSTATE EXPLORATION, INC., an
Oklahoma corporation; ROBERT A.
CLARK; and LINDA J. CLARK,

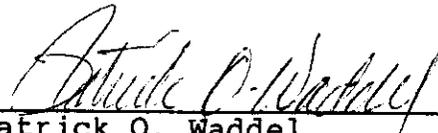
Defendants.

NOTICE OF DISMISSAL WITH PREJUDICE

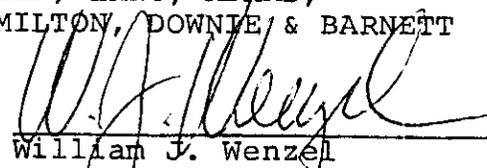
COMES NOW the plaintiff W. O. Dixon, by and through
his counsel, and hereby dismisses the above-entitled cause
with prejudice.

STIPULATED & AGREED TO:

SNEED, LANG, ADAMS,
HAMILTON, DOWNIE & BARNETT


Patrick O. Waddel

BY


William J. Wenzel
Sixth Floor
114 East Eighth Street
Tulsa, Oklahoma 74119

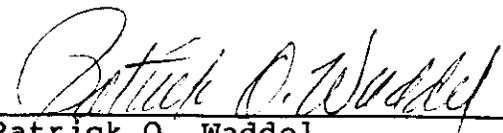
WADDEL & BUZZARD
1500 One Boston Plaza
20 East 5th Street
Tulsa, Oklahoma 74103

ATTORNEYS FOR PLAINTIFF

Attorneys for Defendants

CERTIFICATE OF MAILING

I hereby certify that a true and correct copy of
the above foregoing Dismissal with Prejudice was mailed, post-
age prepaid, this 13TH day of April, 1984, to William J. Wenzel,
Sneed, Lang, Adams, Hamilton, Downie & Barnett, Sixth Floor,
114 E. Eighth, Tulsa, Oklahoma 74119.


Patrick O. Waddel

UNITED STATES DISTRICT COURT FOR THE
NORTHERN DISTRICT OF OKLAHOMA

APR 13 1984
UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF OKLAHOMA

UNITED STATES OF AMERICA,)
)
 Plaintiff,)
)
 vs.)
)
 DEREK L. LOCKRIDGE,)
)
 Defendant.) CIVIL ACTION NO. 84-C-331-C

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 Nancy A. Nesbitt, Assistant United States Attorney, and hereby gives notice of its dismissal, pursuant to Rule 41, Federal Rules of Civil Procedure, of this action without prejudice.

Dated this 13th day of April, 1984.

UNITED STATES OF AMERICA

LAYN R. PHILLIPS
United States Attorney

[Handwritten signature]

Per 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 13th day of April, 1984, a true and correct copy of the foregoing was mailed, postage prepaid thereon, to: Derek L. Lockridge, 632 East Latimer Court, Tulsa, Oklahoma 74106.

[Handwritten signature]
Assistant United States Attorney

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

FILED

APR 13 1984

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

FLORAFAX INTERNATIONAL, INC., §
Plaintiff, §
V. § NO. 83-C-712-C
WILLIAM T. THOMPSON and §
JANETTE S. THOMPSON, §
Defendants. §

ORDER OF DISMISSAL WITH PREJUDICE

On this date came to be considered Plaintiff's and Defendant's Joint Motion to Dismiss With Prejudice their causes of action, and the Court having considered the pleadings and the premises herein, is of the opinion that since the parties have settled and compromised all of the matters in controversy between Plaintiff and Defendant, the Joint Motion to Dismiss With Prejudice should be in all things granted;

IT IS THEREFORE, ORDERED, ADJUDGED AND DECREED that the Complaint of Plaintiff, FLORAFAX INTERNATIONAL, INC., against Defendants, WILLIAM T. THOMPSON and JANETTE S. THOMPSON, in the above styled and numbered cause be in all things dismissed with prejudice to the refileing of the same.

IT IS FURTHER ORDERED, ADJUDGED and DECREED that the Counterclaim of Defendants WILLIAM T. THOMPSON and JANETTE S. THOMPSON, against Plaintiff, FLORAFAX INTERNATIONAL, INC., in the above styled and numbered cause be in all things dismissed with prejudice to the refileing of the same.

IT IS FURTHER ORDERED, ADJUDGED and DECREED that costs incurred by each party shall be borne by that party.

ENTERED and SIGNED this 13th day of April, 1984.

s/H. DALE COOK
JUDGE PRESIDING

AGREED AS TO FORM AND CONTENT:

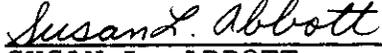


JOEL L. WOHLGEMUTH
909 Kennedy Building
Tulsa, Oklahoma 74103
(918) 583-7571

ATTORNEY FOR DEFENDANTS
WILLIAM T. THOMPSON and
JANETTE S. THOMPSON



JERRY E. PERIGO
CHAPEL WILKINSON, RIGGS,
ABNEY & HENSON
502 W. Sixth Street
Tulsa, Oklahoma 74119
(918) 587-3161



SUSAN L. ABBOTT
SHANK, IRWIN & CONANT
4100 Thanksgiving Tower
Dallas, Texas 75201
(212) 720-9600

ATTORNEYS FOR PLAINTIFF
FLORAFAX INTERNATIONAL, INC.

SLA-14-K

ORDER OF DISMISSAL WITH PREJUDICE - Page 2

Entitled

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

FILED

APR 12 1984

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

DUKE HOMES, a division of)
Windsor Mobile Homes, Inc.,)
an Ohio corporation,)
)
Plaintiff,)
)
vs.)
)
PARK AND FLYNN CORPORATION,)
d/b/a COUNTRY BOY MOBILE)
HOMES, INC., an Oklahoma)
corporation, JOHN M. FLYNN)
and REBECCA A. FLYNN,)
)
Defendants.)

No. 83-C-442-E

JOURNAL ENTRY OF JUDGMENT

Now on this 11th day of April, 1984, the above entitled matter was submitted to the Court upon the confession of judgment by the Defendants, John M. Flynn and Rebecca A. Flynn.

Whereupon, after reviewing the file and matters therein, and being well advised in the premises, the Court finds, and

IT IS, ORDERED, ADJUDGED AND DECREED that the Plaintiff be and is hereby awarded judgment against the Defendants, John M. Flynn and Rebecca A. Flynn, in the amount of \$47,257.54, with interest thereon from this date.

For all of which let execution issue.

S/ JAMES O. ELLISON
United States District Judge

Approved as to Form and Content:

Attorney for Plaintiff

Attorneys for Defendants

Entered

UNITED STATES DISTRICT COURT FOR THE
NORTHERN DISTRICT OF OKLAHOMA

FILED

APR 12 1984

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

UNITED STATES OF AMERICA,)
)
 Plaintiff,)
)
 vs.)
)
 RICHARD E. PAUL,)
)
 Defendant.)

CIVIL ACTION NO. 83-C-984-B

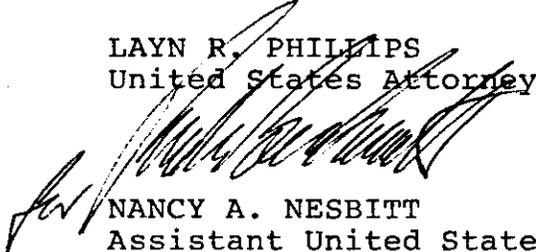
NOTICE OF DISMISSAL

COMES NOW the United States of America by
Layn R. Phillips, United States Attorney for the Northern
District of Oklahoma, Plaintiff herein, through Nancy A. Nesbitt,
Assistant United States Attorney, and hereby gives notice of its
dismissal, pursuant to Rule 41, Federal Rules of Civil Procedure,
of this action without prejudice.

Dated this 12th day of April, 1984.

UNITED STATES OF AMERICA

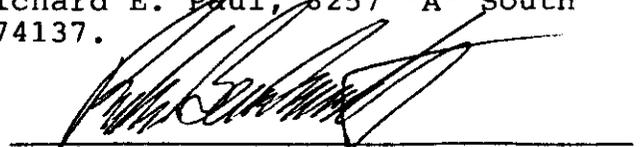
LAYN R. PHILLIPS
United States Attorney



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 12th day of April,
1984, a true and correct copy of the foregoing was mailed,
postage prepaid thereon, to: Richard E. Paul, 8257 "A" South
Yorktown Ave., Tulsa, Oklahoma 74137.


Assistant United States Attorney

DWC/mk

04-02-84

FILED

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

APR 12 1984

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

NL INDUSTRIES, INC.,)
)
 Plaintiff,)
)
 v.)
)
 DANIEL J. McCARTHY,)
)
 Defendant.)

No. 83-C-948-E

ORDER GRANTING ATTORNEY'S FEES

Upon proper application of the Plaintiff,
NL Industries, Inc., the Court grants TWO THOUSAND FIVE
HUNDRED SEVENTY-TWO and 15/100 (\$2,572.15) as a reasonable
attorney's fees to the Plaintiff to be paid by the
Defendant.



JUDGE JAMES O. ELLISON
UNITED STATES DISTRICT JUDGE

FILED

UNITED STATES DISTRICT COURT FOR THE
NORTHERN DISTRICT OF OKLAHOMA

APR 12 1984

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

UNITED STATES OF AMERICA,)
)
 Plaintiff,)
)
 vs.)
)
 JIMSEY R. CHALAKEE,)
)
 Defendant.)

CIVIL ACTION NO. 84-C-194-B/E

DEFAULT JUDGMENT

This matter comes on for consideration this 12 day of April, 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, Jimsey R. Chalakee, appearing not.

The Court being fully advised and having examined the file herein finds that Defendant, Jimsey R. Chalakee, was served with Summons and Complaint on March 13, 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, Jimsey R. Chalakee, for the principal sum of \$470.40, plus interest at the

rate of 15.05 percent annum and administrative costs of \$0.61 per month from August 11, 1983 until judgment plus interest thereafter at the current legal rate of 10.100 percent from the date of judgment until paid.

S/ JAMES O. ELLISON

UNITED STATES DISTRICT JUDGE

FILED

UNITED STATES DISTRICT COURT FOR THE
NORTHERN DISTRICT OF OKLAHOMA

APR 12 1984

Jack C. Silver, Clerk
S. DISTRICT COURT

UNITED STATES OF AMERICA,)
)
Plaintiff,)
)
vs.)
)
STEVEN K. FERNANDEZ,)
)
Defendant.)

CIVIL ACTION NO. 83-C-801-E

ORDER OF DISMISSAL

Now on this 11th day of April, 1984, it appears that the Defendant in the captioned case has not been located within the Northern District of Oklahoma, and therefore attempts to serve him have been unsuccessful.

IT IS THEREFORE ORDERED that the Complaint against Defendant, Steven K. Fernandez, be and is dismissed without prejudice.

S/ JAMES O. ELLISON

UNITED STATES DISTRICT JUDGE

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

FILED

APR 12 1984

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

LOVENTRICE A. KANNAR,)
Administrator of the Estate)
of MOHAMED OMAR BOZORGZADEH,)
Deceased,)
)
Plaintiff,)
)
vs.)
)
ROSS SCHOOL OF AVIATION, INC.,)
AND EDGARDO JOSE WILSON, AND)
THE UNITED STATES OF AMERICA,)
)
Defendants.)

No. 81-C-232-E

JUDGMENT

This action came on for trial by advisory jury 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, Loventrice A. Kannar, Administrator of the Estate of Mohamed Omar Bozorgzadeh, Deceased, take nothing from the Defendant United States of America, that the action be dismissed on the merits, and that the Defendant, United States of America, recover of the Plaintiff its costs of action.

DATED at Tulsa, Oklahoma this 11th day of April, 1984.



JAMES O. ELLISON
UNITED STATES DISTRICT JUDGE

FILED

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

APR 11 1984

Entered

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

MAX A. BOTT,)
)
Plaintiff,)
)
vs.)
)
THOMAS L. MONTGOMERY,)
)
Defendant.)

NO. 83-C-992-B

ORDER OF DISMISSAL

ON this 10th day of April, 1984, upon the written application of the parties for A Dismissal with Prejudice of the Complaint and all causes of action. The Court having examined said application, finds that said parties have entered into a compromised settlement covering all claims involved in the Complaint 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.

S/ THOMAS R. BRETT

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

APPROVAL:

ROBERT L. SHEPHERD,



Attorney for the Plaintiff,

ALFRED B. KNIGHT,



Attorney for the Defendant.

Entered
FILED

THE UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF OKLAHOMA

APR 11 1984

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

T. D. WILLIAMSON, INC. and)
Subsidiaries, including)
TDW Trading a Wholly Owned)
D.I.S.C.,)

Plaintiff,)

v.)

Civil Action No. 83-C-860-B

UNITED STATES OF AMERICA,)

Defendant.)

T. D. WILLIAMSON, INC., and)
Subsidiaries, including)
TDW Trading a Wholly Owned)
D.I.S.C.,)

Plaintiff,)

v.)

Civil Action No. 83-C-908-B

UNITED STATES OF AMERICA,)
Defendant.)

ADMINISTRATIVE CLOSING ORDER

Pursuant to the Application for Administrative Closing Order filed in the above-styled cases.

IT IS ORDERED that the Clerk administratively terminate this action in his records, without prejudice to the rights of the parties to reopen the proceedings for good cause shown. Furthermore, THE PARTIES HEREBY STIPULATE to the following:

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

2. The present actions shall be administratively closed pending action by the United States on a settlement proposal by Plaintiff herein.

3. The Statute of Limitations issue will not be raised if either of the parties reopens the proceedings.

DATED

April 10, 1984

S/ 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.)
)
 CHRIS D. ADAMS,)
)
 Defendant.)

APR 11 1984

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

CIVIL ACTION NO. 82-C-1198-B

ORDER OF DISMISSAL

Now on this 10th day of April, 1984, it appears that the Defendant in the captioned case has not been located within the Northern District of Oklahoma, and therefore attempts to serve Chris D. Adams have been unsuccessful.

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

S/ THOMAS R. BRETT

UNITED STATES DISTRICT JUDGE

Entered

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

FILED

APR 11 1984

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

ARMCO, INC., an Ohio)
corporation,)
))
Plaintiff,)
))
vs.)
))
FOX DRILLING COMPANY, a Delaware)
corporation, JASON FOX, an)
Individual and STEVEN R. RYKOFF,)
an Individual,)
))
Defendants,)
))
vs.)
))
DRILL PIPE, INC., a Texas)
corporation,)
))
Third Party Defendant.)

NO. 81-C-303-B

ORDER FOR DISMISSAL

NOW on this 10th day of April, 1984, upon Plaintiff's Motion for Dismissal and for cause shown, IT IS ORDERED that Plaintiff's cause of action against the Defendant Fox Drilling and action against Rykoff and Fox dismissed without prejudice. The Third-Party Complaint is dismissed without prejudice and the Counter-Claim of Fox Drilling is dismissed without prejudice.

S/ THOMAS R. BRETT

UNITED STATES DISTRICT COURT JUDGE

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

FILED

IN RE:)
)
PETROL PRODUCTS, INC.,)
)
Debtor,)
)
VIKING PETROLEUM, INC.,)
)
Plaintiff,)
)
vs.)
)
PATRICK J. MALLOY, III,)
)
Defendant.)

APR 1 1984

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

Appeal No. 84-C-139-E
Bankruptcy Case No.
81-01048; Adv. No.
83-0854

ORDER

This matter came on for hearing before the Court on the Application of Appellant Viking Petroleum, Inc. to dismiss the appeal, filed February 15, 1984, from the Order of the Bankruptcy Court entered from the bench on the 6th day of February, 1984.

The Court being advised in the premises finds that the application should be granted.

IT IS THEREFORE ORDERED AND ADJUDGED that the appeal from the Order of the Bankruptcy Court of the Northern District of Oklahoma, entered from the bench on the 6th day of February, 1984, be, and the same is hereby dismissed.

ENTERED this 11th day of April, 1984.



JAMES O. ELLISON
UNITED STATES DISTRICT JUDGE

FILED

APR 11 1984

IN THE UNITED STATES DISTRICT COURT IN AND FOR
THE NORTHERN DISTRICT OF OKLAHOMA
JAMES C. GILMER, CLERK
DISTRICT COURT

SHELTER INSURANCE COMPANY,)
a foreign corporation,)
)
Plaintiff,)
)
v.)
)
OKLAHOMA FARMERS UNION MUTUAL)
INSURANCE COMPANY, an Oklahoma)
corporation, and TONY ADAM)
BARNETT, an individual,)
)
Defendants.)

Case No. 83-C-788-C

JOURNAL ENTRY OF JUDGMENT

Pursuant to the Stipulation filed herein by the parties the Court finds as follows:

1. Shelter Insurance Company provided no insurance coverage on a 1972 Oldsmobile 98 Regency owned by one Haney Barnett and being driven by Tony Adam Barnett when it was involved in an accident on June 3, 1981, on U.S. Highway 75A north of Keifer, Oklahoma;
2. Shelter Insurance Company, therefore, is neither obligated to defend nor indemnify said Tony Adam Barnett in an action brought against him by Oklahoma Farmer Union Mutual Insurance Company now pending in the District Court in and for Creek County;
3. Each party to this action is to pay their own attorney fees and their costs in said action.

Dated this 9th day of April, 1984.

s/H. DALE COOK

The Honorable H. Dale Cook
Chief Judge

FILED

MAR 11 1984

W. B. SILVER, CLERK
DISTRICT COURT

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

McLARTY LEASING SYSTEM, INC., a)
Texas corporation,)
)
Plaintiff,)
)
vs.)
)
LEXINGTON INSURANCE COMPANY, a)
Delaware corporation and BAYLY,)
MARTIN & FAY, INC., an Oklahoma)
corporation,)
)
Defendants.)

No. 83-C-251-C

ORDER OF DISMISSAL

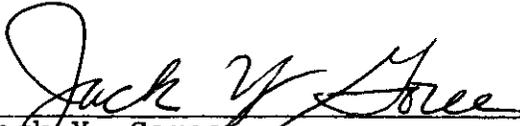
This matter came on for consideration on this 9th
day of ~~March~~ ^{April}, 1984 upon the Joint Application For Dismissal With
Prejudice filed herein. The Court being duly advised in the
premises, finds that said application for dismissal is in the
best interests of justice and should be approved, and the above
styled and numbered cause of action dismissed with prejudice to
a refileing.

IT IS, THEREFORE, ORDERED, ADJUDGED AND DECREED by the
Court that the Joint Application For Dismissal With Prejudice by
the parties be and the same is hereby approved and the above
styled and numbered cause of action and complaint is dismissed
with prejudice to a refileing, in all respects with each party
bearing its own costs and attorney fees.

s/H. DALE COOK

H. DALE COOK
CHIEF JUDGE, UNITED STATES DISTRICT
COURT

APPROVED:



Jack Y. Goree
Attorney for plaintiff



Donald Church
Attorney for Lexington Insurance
Company

ORIGINAL SIGNED BY
DAVID L. SOBEL

David L. Sobel
Attorney for Bayly, Martin & Fay,
Inc.

Entered

FILED

APR 11 1984

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

071

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

WILLIAM E WHITEAKER. by and)
through CONNIE BETH GEMMEL, as)
Conservator of his Estate,)

PLAINTIFF)

CASE NO. 79-C-716-B

v.)

W. D CARTER d/b/a CARTER L P GAS)
COMPANY,)

DEFENDANT)

ORDER

NOW ON THIS 11th day of April, 1984, comes on
for hearing the Motion of the Plaintiff to dismiss the above-
styled case with prejudice to the filing of a future action as
to the Defendant W. D CARTER d/b/a CARTER L P GAS COMPANY.

IT IS THEREFORE ORDERED. ADJUDGED AND DECREED that the
above-styled case is hereby dismissed with prejudice to the
filing of a future action as to the Defendant, W. D. CARTER
d/b/a CARTER L P GAS COMPANY.

S/ THOMAS R. BRETT

JUDGE

DWC/mk

04-02-84
FILED

IN THE NORTHERN DISTRICT OF OKLAHOMA FOR

THE WESTERN DISTRICT OF OKLAHOMA

APR 10 1984

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

NL INDUSTRIES, INC.,)
)
Plaintiff,)
)
v.)
)
DANIEL J. McCARTHY,)
)
Defendant.)

No. 83-C-948-E

JOURNAL ENTRY

On this 29th day of March, 1984, the Pretrial Conference came on for hearing at its scheduled date and time 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 proper request of the Plaintiff, review of the Court file, evidence presented and otherwise being fully advised in the premises finds that the Defendant, Daniel J. McCarthy, was properly served with Summons, filed an Answer and failed to attend the regularly scheduled pretrial conference of which notice was properly given by the Court, and is therefore in Default. The Court further finds that a Default Judgment should be rendered for the Plaintiff, NL Industries, Inc., and against the Defendant, Daniel J. McCarthy, in the

amount of \$12,025.57 plus attorney's fees as fully set out in the Order Granting Attorney's Fees filed herein and costs as fully set out in the Bill of Costs filed herein, 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, Daniel J. McCarthy, was properly served with Summons, filed an Answer, properly received notice of the Pretrial Conference by the Court and that the Defendant, Daniel J. McCarthy, failed to attend the regularly scheduled Pretrial Conference.

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, Daniel J. McCarthy, in the amount of \$12,025.57, attorney's fees as set forth in the Order granting Attorney's Fees, costs as set forth in the Bill of Costs filed herein, and post-judgment interest accruing at the annual rate of 10.60% from the date of this judgment until paid.

S/ JAMES O. ELLISON

JUDGE JAMES O. ELLISON
UNITED STATES DISTRICT JUDGE

APPROVED BY:

STEWART & ELDER
Post Office Box 2056
Oklahoma City, OK 73101
(405) 272-9351

By: D. Wade Christensen
D. Wade Christensen
Attorneys for the Plaintiff

UNITED STATES DISTRICT COURT FOR
NORTHERN DISTRICT OF OKLAHOMA

FILED

APR 10 1984

UNITED STATES OF AMERICA,)
)
 Plaintiff,)
)
 vs.)
)
 DUSTIN B. CASE,)
)
 Defendant.)

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

CIVIL ACTION NO. 83-C-673-E

ORDER OF DISMISSAL

Now on this 9th day of April, 1984, it appears that the Defendant in the captioned case has not been located within the Northern District of Oklahoma, and therefore attempts to serve him have been unsuccessful.

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

S/ JAMES G. ...

UNITED STATES DISTRICT JUDGE

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

Entered

FILED

APR 10 1984

CLERK OF DISTRICT COURT

DARLENE P. GUILLEN,
Plaintiff,

v.

UNITED STATES OF AMERICA,
INTERNAL REVENUE SERVICE,
COMMISSIONER OF INTERNAL REVENUE,
R.E. BARNES, REVENUE OFFICER,
and LOVE ENVELOPES, INC., a
corporation,

Defendants.

No. 83-C-987-BT

ORDER RE MOTION TO DISMISS
OF DEFENDANT, LOVE ENVELOPES, INC.

Before the Court for consideration is the motion to dismiss of defendant, Love Envelopes, Inc., pursuant to Rule 12(b)(6) of the Federal Rules of Civil Procedure. Plaintiff has filed her opposition to the motion. For the reasons set forth below, the Court finds defendant's motion to dismiss should be sustained.

Plaintiff brings this lawsuit for an alleged wrongful levy of her wages by the United States of America for taxes it claims are owed by plaintiff. Defendant, Love Envelopes, Inc., plaintiff's employer, honored a levy served on it by the Internal Revenue Service on or about November 15, 1983. Plaintiff sues Love Envelopes for conversion alleging that Love withheld her wages and honored the IRS levy despite plaintiff's demand that the wages not be withheld and for immediate return. Plaintiff seeks compensatory and punitive damages.

Defendant claims plaintiff has failed to state a cause of action against it, relying on 26 U.S.C. §6332(d). Under 26 U.S.C.

§6332(a), any person in possession of property subject to levy upon which a levy has been made must surrender the property.

26 U.S.C. §6332(d) provides as follows:

(d) Effect of honoring levy. -- Any person in possession of (or obligated with respect to) property or rights to property subject to levy upon which a levy has been made who, upon demand by the Secretary or his delegate, surrenders such property or rights to property (or discharges such obligation) to the Secretary or his delegate (or who pays a liability under subsection (c)(1)) shall be discharged from any obligation or liability to the delinquent taxpayer with respect to such property or rights to property arising from such surrender or payment. . . . " (Court's emphasis)

It is clear from the language of 26 U.S.C. §6332(d) that payment to the government pursuant to a levy is a complete defense against any action brought against the person complying with the levy. See also U.S. v. Bowery Savings Bank, 297 F.2d 380 (2nd Cir. 1961); Hoye v. U.S., 277 F.2d 116 (9th Cir. 1960); and Sunderlin v. Oneida National Bank of Utica, New York, 42 A.F.T.R.2d ¶78-5056 (N.D.N.Y. 1978).

To prevail upon a motion to dismiss, defendant must establish that plaintiff can prove no set of facts in support of her claim which would entitle her to relief. Haines v. Kerner, 404 U.S. 519 (1972). In deciding the motion, the Court must assume the allegations contained in the complaint are true. Gardner v. Toilet Goods Ass'n, 387 U.S. 167 (1957). Viewing plaintiff's allegations in a light most favorable to her, it is clear plaintiff has failed to state a cause of action against defendant, Love Envelopes, Inc.

IT IS THEREFORE ORDERED the motion to dismiss of
defendant, Love Envelopes, Inc., is sustained.

ENTERED this 10th day of April, 1984.

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

THOMAS R. BRET
UNITED STATES DISTRICT COURT

UNITED STATES DISTRICT COURT FOR THE
NORTHERN DISTRICT OF OKLAHOMA

FILED

LEMUEL R. SAYRE,)
)
 Plaintiff,)
)
 vs.)
)
 MARGARET M. HECKLER,)
 Secretary of Health and)
 Human Services of the)
 United States of America,)
)
 Defendant.)

APR - 9 1984

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

CIVIL ACTION NO. 83-C-1003-E

ORDER

For good cause shown, pursuant to 42 U.S.C. §405(g),
this cause is remanded for further administrative action.

Dated this 6th day of March, 1984.


UNITED STATES DISTRICT JUDGE

FILED

APR - 9 1984

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

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

KENNETH P. ROBINSON,)
)
 Plaintiff,)
)
 vs.) No. 84-C-100-E
)
 DOYLE EUGENE WHITE, JR.,)
)
 Defendant.)
)

ORDER TRANSFERRING VENUE

This Matter came on to be heard on the motions of defendant, appearing by Richard D. Wagner, his attorney, for dismissal of this action, for improper venue and for change of venue, and on motion of plaintiff, by John M. Gerkin, his attorney, for transfer of the action if venue herein is determined to be improper, and, on consideration of said motions and the affidavits submitted by defendant herein, the court having found that the venue herein is improper for the reasons stated in defendant's motions, and having further found that this action might have been brought originally in the United States District Court of Kansas and that the interest of justice requires transfer,

IT IS HEREBY ORDERED that this action be transferred to the United States District Court of Kansas;

IT IS FURTHER ORDERED that the Clerk of this Court transmit to the Clerk of the United States District Court of Kansas a certified copy of this order and all the pleadings and papers on file in this office relating to this action.

Dated this 6TH day of April, 1984.

JUDGE

James Deenan

APPROVED AS TO FORM:

John M. Gerkin
John M. Gerkin, Attorney for Plaintiff

Richard D. Wagner
Richard D. Wagner, Attorney for Defendant

Entered

FILED

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

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

REGINALD S. PERRY,
Plaintiff,
vs.
T.G. & Y. STORES COMPANY,
Defendants.

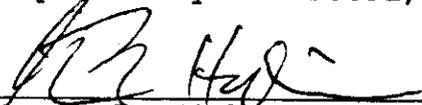
No. 83-C-816-B

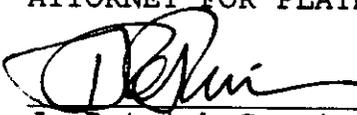
JOINT STIPULATION OF DISMISSAL WITH PREJUDICE

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

Dated this 4 day of April, 1984.

Respectfully submitted,


Steven R. Hickman
1700 S.W. Boulevard
P.O. Box 799
Tulsa, Oklahoma 74101
ATTORNEY FOR PLAINTIFF


J. Patrick Cremin
Hall, Estill, Hardwick, Gable,
Collingsworth & Nelson
4100 Bank of Oklahoma Tower
One Williams Center
Tulsa, Oklahoma 74172
ATTORNEY FOR DEFENDANT

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

Entered

APR 11 1984

APR -6 1984

CLERK OF DISTRICT COURT

STANLEY A. MARKS, individually)
and as Trustee for Cindi Marks)
and Jeff Marks, minors,)

Plaintiff,)

NO. 82-C-1042-B

v.)

JOE ED BUCKNER, an individual,)
C.A. RHOADS, an individual, and)
M.J. REYNOLDS, an individual,)

Defendants.)

JUDGMENT

In keeping with the jury verdict rendered March 28, 1984, judgment is hereby rendered in favor of defendant M.J. Reynolds and against plaintiff Stanley A. Marks on plaintiff's claims against defendant Reynolds, with costs and attorneys fees awarded against plaintiff.

ENTERED this 1st day of April, 1984.

Thomas R. Brett

THOMAS R. BRETT
UNITED STATES DISTRICT JUDGE

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

Entered

STANLEY A. MARKS, individually)
and as Trustee for Cindi Marks)
and Jeff Marks, minors,)
)
Plaintiff,)
)
v.)
)
JOE ED BUCKNER, an individual,)
C.A. RHOADS, an individual, and)
M.J. REYNOLDS, an individual,)
)
Defendants.)

LR-9 104
THOMAS R. BRETT, CLERK
DISTRICT COURT
NO. 82-C-1042-B

JUDGMENT

This action having come on for trial before a jury, with the Honorable Thomas R. Brett, United States District Judge, presiding, and the jury on March 28, 1984, having found that the securities offered the plaintiff were exempt from registration under the Oklahoma Securities Act and the Florida Securities Act, and the plaintiff on March 30 having moved for a directed verdict and for judgment notwithstanding the verdict, the Court finds, as a matter of law, that the defendants, Joe Ed Buckner and C.A. Rhoads, offered unregistered securities to the plaintiff in violation of the Oklahoma Securities Act, 71 Okl.Stat. Ann. 1981 §408(a)(1) and in violation of the Florida Securities Act., Fla. Stat. Ann. §517.07. The Court finds, as a matter of law, that the defendants, Joe Ed Buckner and C.A. Rhoads, have failed to prove by a preponderance of evidence that the transactions

whereby the securities were offered were exempt from registration under the Florida Securities Act, and in particular under Fla. Stat. Ann. §517.061(12)(a), and under the Oklahoma Securities Act, and in particular 71 O.S. 1981 §401(b)(15). The Court hereby enters judgment notwithstanding the jury verdict in favor of the plaintiff and against the Defendants, Joe Ed Buckner and C. A. Rhoads.

It is ORDERED and ADJUDGED that the transaction whereby the plaintiff, Stanley A. Marks, individually and as Trustee for Cindi Marks and Jeff Marks, minors, was offered and purchased securities from Joe Ed Buckner and C. A. Rhoads, acting on behalf of Gin Inc., be rescinded; that the Defendants, Joe Ed Buckner and C. A. Rhoads, refund to the plaintiff the amount of money which was paid for the securities, less the amount of income received, the amount to be refunded being is \$77,486.84, plus interest as provided by either the Oklahoma Securities Act or the Florida Securities Act, whichever provides for recovery of interest at the highest rate; and that the plaintiff recover costs and attorney fees, as provided by the Oklahoma Securities Act and the Florida Securities Act, upon the filing of appropriate motions within ten days hereafter.

Dated this 6th day of April, 1984.


United States District Judge

Entered

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

LOREN HUGHES and
THE HUGHES GROUP,

Plaintiffs,

v.

PERRY A. MORGAN and
CHARLENE MORGAN,

Defendants.

CASE NO. 82-C-824-B

RECEIVED
DISTRICT COURT
APR 9 1984
11:11 AM

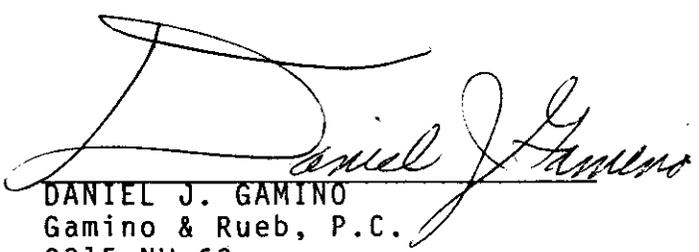
Notice of DISMISSAL WITHOUT PREJUDICE

COME NOW the Plaintiffs, Loren Hughes and The Hughes Group,
by and through counsel, Daniel J. Gamino, and dismiss without
prejudice to refileing the above-captioned cause.

Undersigned counsel advises the Court that he has finally
spoken with his clients by telephone and his clients indicate they
want to pursue this action in another manner and form.

Undersigned counsel hereby asks to withdraw his previously
filed Application to be Stricken from Docket Sheet as Attorney
of Record or, In the Alternative, Application for Leave of Court
to Withdraw.

DATED this 5th day of April, 1984.



DANIEL J. GAMINO
Gamino & Rueb, P.C.
3315 NW 63
Oklahoma City, OK 73116
(405) 840-3741
ATTORNEY FOR PLAINTIFFS

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

APR - 6 1984 *lm*
Jack C. Silver, Clerk
U. S. DISTRICT COURT

RANDELL MONDY,)
)
 Plaintiff,)
)
 vs.)
)
 TIERRA VISTA, INC., AND)
 ROSS FLOOD,)
)
 Defendants.)

No. 80-C-486-E
81-C-264-E
(CONSOLIDATED)

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 Randell Mondy take nothing from the Defendants Tierra Vista, Inc. and Ross Flood, that the action be dismissed on the merits, and that the Defendants Tierra Vista, Inc. and Ross Flood recover of the Plaintiff Randell Mondy their costs of action.

DATED at Tulsa, Oklahoma this 6TH day of April, 1984.



JAMES O. ELLISON
UNITED STATES DISTRICT JUDGE

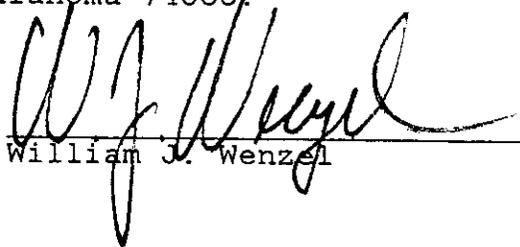
YOUNG & YOUNG

By 
John M. Young
Two North Main
Post Office Box 1364
Sapulpa, Oklahoma 74066

Attorneys for Plaintiff

CERTIFICATE OF MAILING

~~March~~ ^{April} I, William J. Wenzel, do hereby certify that on the 6th day of ~~March~~, 1984, I caused to be mailed a true and correct copy of the above and foregoing instrument, proper postage thereon prepaid, to John M. Young, Esq., Young & Young, Two North Main, Post Office Box 1364, Sapulpa, Oklahoma 74066.


William J. Wenzel

entered

FILED

APR -4 1984

IN THE UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF OKLAHOMA

WILLIAM C. SILVER, CLERK
DISTRICT COURT

KENNETH R. BUTTERWORTH)
 and ANITA E. BUTTERWORTH,)
 individuals,)
)
 Plaintiffs,)
)
 v.)
)
 AMERICAN HOT ROD)
 ASSOCIATION, a Kansas)
 corporation,)
)
 Defendant.)

No. 83-C-915-E

STIPULATION OF DISMISSAL

Come now the parties in this action, by and through their attorneys of record, and hereby dismiss the above-entitled cause, without prejudice, with costs to be shared equally by the parties.

DATED this 3rd day of April, 1984.

J. Stephen Welch

 J. Stephen Welch
 Attorney for Plaintiffs

2840 East 51st Street
Suite 180, Brittany Square
Tulsa, Oklahoma 74105
(918) 747-6820

R. P. Redemann

 Robert Redemann, of
 RHODES, HIERONYMUS, JONES, TUCKER
 & GABLE
 2900 Fourth National Bank Bldg.
 Tulsa, Oklahoma 74119
 (918) 582-1173

Lloyd S. Hellman and
Keith Witten, of SANDLER,
BALKIN, HELLMAN & WEINSTEIN
Professional Corporation
3130 Broadway, 3rd Floor
Kansas City, MO 64111
(816) 753-3525

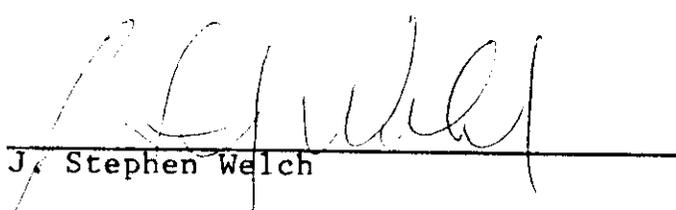
Attorneys for Defendant

CERTIFICATE OF MAILING

I, J. Stephen Welch, Attorney for Plaintiffs, certify that I have on this 3rd day of April, 1984, duly served a copy of the foregoing Stipulation of Dismissal on all parties, by mailing with sufficient postage attached, a copy of same to:

Robert Redemann
2900 Fourth National Bank Bldg.
Tulsa, Oklahoma 74119

Lloyd S. Hellman
3130 Broadway, 3rd Floor
Kansas City, MO 64111



J. Stephen Welch

entered

FILED

APR - 4 1984

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

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

HALIRU MAITALA, a citizen)
of Nigeria,)
)
Plaintiff,)
)
vs.)
)
ROSS SCHOOL OF AVIATION,)
INC., an Oklahoma)
corporation,)
)
Defendant.)

No. 83-C-395-E

JOURNAL ENTRY OF JUDGMENT

NOW on this 21st day of March, 1984, this cause comes on to be heard in its regular Order, plaintiff appears by and through his attorney of record, Michael James King, and defendant appears not.

The Court finds that the defendant, having been duly served a summons personally within this jurisdiction and having failed to answer or otherwise plead herein as directed by the summons, is in default.

IT IS THEREFORE ORDERED that the defendant is hereby adjudged to be in default and the allegations of the plaintiff's Petition are taken as true and confessed against the defendant. Whereupon, the Court having heard evidence and being fully advised in the premises, finds that the defendant is indebted to the plaintiff in the amount of \$32,000 and the same is hereby awarded to the

plaintiff with interest at the rate of 6% from the date of December 31, 1982 together with the costs of this action. The Court further orders and directs plaintiff's counsel to submit an application to tax attorney's fees and reserves ruling on the amount of attorney's fees to be awarded to a later date.

IT IS THEREFORE ORDERED, ADJUDGED AND DECREED that the plaintiff had judgment against the defendant for the sum of \$32,000.00, for interest before judgment the rate is 6% per annum from December 31, 1982, for interest after judgment at the rate of 10.60% per annum until judgment is paid in full, for reasonable attorney's fee to be awarded by the Court at a later date, and for costs of this action.



JAMES O. ELLISON
UNITED STATES DISTRICT JUDGE

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

Entered

JUDITH M. (FIELDS) TRUJILLO,)
)
 Plaintiff,)
)
 v.)
)
 TELEX COMPUTER PRODUCTS, INC.,)
 an Oklahoma corporation,)
)
 Defendant.)

No. 83-C-851-B

FILED

APR -4 1984

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

ORDER

This case was set for status conference on April 3, 1984, at 9:30 a.m. The plaintiff was properly notified of the status conference at her latest known address, but did not appear personally or through an attorney. The Court notes further plaintiff has failed to respond to defendant's motion for judgment on the pleadings or in the alternative motion for summary judgment.

Therefore, pursuant to F.R.Civ.P. 41(b), the Court hereby dismisses this suit without prejudice for failure to prosecute.

ENTERED this 3rd day of April, 1984.



THOMAS R. BRETT
UNITED STATES DISTRICT JUDGE

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

JAMES S. RYAN,

Plaintiff,

vs.

KLASSIC AMUSEMENT, INC.,

Defendant.

No. 84-C-145-C

F I L E D

APR - 3 1984

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

JUDGMENT DISMISSING ACTION
BY REASON OF SETTLEMENT

The Court has been advised by counsel that this action 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 3rd day of April, 1984.


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

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

FILED

MICHAEL DUNN, Regional Director)
of Region 16 of the)
National Labor Relations Board,)
and on behalf of the)
NATIONAL LABOR RELATIONS BOARD,)

Petitioner,)

vs.)

CENTRAL BROADCAST COMPANY,)
d/b/a KTFX-FM,)

Respondent.)

APR - 3 1982 *A*

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

No. 82-C-972-C ✓

O R D E R

The petitioner herein, Michael Dunn, Regional Director of Region 16 of the National Labor Relations Board (hereinafter, the Board) has petitioned this Court on behalf of the Board, pursuant to Section 10(j) of the National Labor Relations Act, 29 U.S.C. Sec. 160(j), (hereinafter, the Act), for appropriate injunctive relief pending the final disposition of matters still before the Board on charges alleging that Respondent has engaged in, and is engaging in unfair labor practices in violation of Sections 8(a) (1), (3), (4) and (5) of the Act.

On May 3, 13, and 17, 1982, the original and amended charges against respondent were filed by the United Food & Commercial Workers Union Local 73R, hereinafter, the Union, with the Board. On June 16, 1982, the general counsel of the Board issued on

behalf of the Board notice consolidating the cases and giving notice of a hearing set for September 14, 1982. A hearing on the charges began on that date and continued in the latter part of October. The petition herein was filed in this Court on October 4, 1982.

The petitioner has alleged that unless respondent's unfair labor practices are immediately enjoined, respondent will continue to seriously flout the Act, with the result that enforcement of important provisions of the Act, and of public policy, will be thwarted before respondent can be placed under legal restraint through the regular procedure of Board Order and an enforcement decree. More specifically, the petitioner has alleged that during the lengthy period of Board consideration and any subsequent proceedings before a Court of Appeals, the rights of employees of respondent under Section 7 of the Act to form, join or assist labor organizations will be seriously interfered with and restrained, and that the Union's majority status will be dissipated or destroyed.

On July 26, 1983 petitioner withdrew all previously requested remedies and requested that the Court order respondent to immediately comply with the order of the Administrative Law Judge rendered on June 30, 1983 against Central Broadcast Company in a case underlying this action.

Respondent objects to this petition, claiming that the filing of the request for injunction is untimely because of the long delay between the filing of the charges and the petition for injunction. Respondent further alleges that the Union never

represented a majority of employees. Respondent further claims that at least 4 of the 8 employees would refuse to return to work even under an Order by the Court; that granting an injunction under these circumstances would not be just and proper; that granting an injunction with a mandatory requirement to reconvert the automated programming to live announcing would be too financially burdensome; that respondent should not be required to recall employees who engaged in allegedly unprofessional behavior; and that granting an injunction would be in derogation of the newly developed Board law that does not require, according to respondent, the finding of an unfair labor practice where the change of condition complained of would have occurred in any event irrespective of the presence of a union.

Section 160(j) of the Act provides that "The Board shall have power, upon issuance of a complaint . . . charging that any person has engaged in, or is engaging in, an unfair labor practice, to petition any district court . . . for appropriate temporary relief or restraining order . . . (and the Court) . . . shall have jurisdiction to grant to the Board such temporary relief or restraining order as it deems just and proper." 29 U.S.C. Section 160(j).

The issues before a district court in proceedings under Section 160(j) are whether there is reasonable cause to believe that a violation of the Act, as charged, has been committed, and whether injunctive relief is "just and proper". Angle v. Sacks, 382 F.2d 655, 661 (10th Cir. 1967).

The "reasonable cause" standard requires not that the

district court decide whether an unfair labor practice has actually occurred but merely whether the Board has reasonable cause to believe that there has been a violation of the Act, and whether the controversy could ultimately be resolved by the Board in favor of the General Counsel. Seeler v. Trading Post, Inc., 517 F.2d 33, 36 (2nd Cir. 1975); Squillacote v. Graphic Arts International Union, Local 277, 540 F.2d 853 860 (7th Cir. 1976). The district court may not invade the fact-finding responsibilities of the Board. Indeed, where there are disputed issues of fact, "the Regional Director should be given the benefit of the doubt." Seeler v. Trading Post, Inc., supra, at 36-37.

The primary purpose of the provisions for injunctive relief in Section 160 were designed to give the Board a means to preserve the status quo as it existed before the onset of unfair labor practices during the considerable time period between the filing of the complaint and the final decision of the Board. Levine v. C&W Mining Co., Inc., 610 F.2d 432 (6th Cir. 1979); Fuch, for and on Behalf of N.L.R.B. v. Hood Industries, Inc., 590 F.2d 395 (1st Cir. 1979).

On June 30, 1983, an opinion was rendered by Howard I. Grossman, Administrative Law Judge, in the case of Central Broadcast Company (Case 16-CA-10432 and 16-CA-10453 which underlies this action,) in which he found that Central Broadcasting Company has committed unfair labor practices in violation of Section 8(a)(1) of the National Labor Relations Act, and because of the "outrageous and pervasive" nature of the unfair

practices, recommended certain cease and desist orders as well as orders to take affirmative action.

Therefore, the Court must conclude that there is reasonable cause to believe that a violation of Section 160 has occurred and that injunctive relief is necessary to preserve the status quo immediately prior to the onset of the unfair labor practices or to prevent frustration of the purposes of the act. Angel v. Sacks, supra. The "just and proper" standard for injunctive relief is met where there exists a probability that the purposes of the act will be frustrated unless temporary relief is granted. Angel v. Sacks, supra, 661.

It is therefore the Order of the Court that the petition for a temporary injunction is granted, enjoining and restraining respondent Central Broadcast Company, d/b/a KTFX-FM, its officers, representatives, agents, servants, employees, attorneys, successors, and assigns, and all persons acting in concert or participating with them, pending the final disposition of the matters involved herein pending before the Board, from the following acts:

1. Inhibiting or in any manner interfering with, restraining or coercing employees in the exercise of their rights to freely engage in activities protected under Section 7 of the Act.

2. Threatening, interrogating, or taking any retaliatory action against employees or prospective employees regarding their union sympathies, union membership, or union activities, or by discriminating against them with respect to their hire, tenure of employment, or terms and conditions of employment, because of

their union activities, or because they have filed charges or given testimony under the Act.

3. Offering inducements of any kind to employees or prospective employees to cease engaging in union activities.

4. Implementing a hiring policy requiring prospective employees to agree to refrain from union activities as a pre-condition to employment.

5. Refusing to bargain collectively concerning rates of pay, hours, and other terms and conditions of employment with the aforementioned union as the established bargaining representative of its employees in the following appropriate unit:

All regular full time and regular part-time on-air announcers and news department personnel employed by Respondent at its radio station KTFX-FM in Tulsa, Oklahoma, excluding all other employees, guards, watchmen, and supervisors as defined in the Act.

6. Unilaterally changing the regular hours, duties, and working conditions of its employees, assigning new duties changing the method whereby work is to be accomplished, or work conditions (limiting certain work to specified hours of the day, requiring that overtime work first be cleared with management, and requiring employees to specify the exact hours worked in each day) without notice to the Union and an opportunity for it to bargain over such matters.

7. Unilaterally laying off employees without notice to the Union and an opportunity for it to bargain.

The appropriateness of other items of affirmative relief requested, such as matters relating to the installation of a

sequencer, offer of re-employment and conditions thereof, and such other matters of injunctive relief urged by the Regional Director which have not been addressed in this Order, shall be addressed by counsel for petitioner and respondent at a hearing to be set by the Court at the earliest convenient time.

It is so Ordered this 3 day of April, 1984.


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

FILED

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

APR - 3 1984

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

CHARLES J. BONSACK,)
)
Petitioner,)
)
vs.) No. 83-C-972-E
)
WARDEN RON ANGELONE,)
)
Respondent.)

O R D E R

The Court has before it the motion of the Respondent Warden Ron Angelone to dismiss for failure to exhaust state remedies.

Petitioner Charles Bonsack filed a petition for writ of habeas corpus on November 22, 1983 naming Warden Angelone as Respondent. The Petitioner alleges that he is being held past the completion of his sentence and that he was incarcerated for parole violations without due process of law. He also alleges extortion on the part of his parole officer.

It appears from a reading of the petition that none of these grounds have been presented to any state court in any proceeding.

"The application for a writ of habeas corpus cannot be granted however if Petitioner has not exhausted state remedies available to raise the questions he presents." Clonce v. Presley, 640 F.2d 271 (10th Cir. 1981); 28 U.S.C. § 2254(b), (c). Although Petitioner claims to have discussed the matter with his parole officer, the DOC correctional personnel, DOC records

officers, case managers, parole board, director of the DOC, Leonard Meecham, and Governor Nigh, he has not pursued any available remedies in the courts of the State of Oklahoma.

Due to the failure to exhaust remedies available in the state courts the petition for writ of habeas corpus must be dismissed by this Court. See Karlin v. State of Oklahoma, 412 F.Supp. 635 (W.D. Okla. 1976); Brown v. Crouse, 395 F.2d 755 (10th Cir. 1968).

The Court notes that Petitioner attached to his petition as a supplement a civil rights complaint pursuant to 42 U.S.C. § 1983 regarding the same incidents. In his complaint Mr. Bonsack names Attorney General Mike Turpen, Department of Corrections Director Leonard Meecham and Pardon and Parole Officer Greg Province. The records reveal that none of the Defendants named in the civil rights complaint have been served as of this time. This Court will not require a response to the complaint until all Defendants have been properly served.

IT IS THEREFORE ORDERED AND ADJUDGED that the Motion of Respondent Warden Angelone to dismiss be and the same is hereby granted.

IT IS FURTHER ORDERED that the petition for writ of habeas corpus be and the same is hereby dismissed.

IT IS FURTHER ORDERED summons be issued and served upon

Defendants named in the supplement to habeas corpus petition,
filed pursuant to 42 U.S.C. § 1983.

ORDERED this 3rd day of April, 1984.



JAMES O. ELLISON
UNITED STATES DISTRICT JUDGE

entered
FILED

IN THE UNITED STATES DISTRICT COURT FOR THE **APR - 3 1984**
NORTHERN DISTRICT OF OKLAHOMA

FRANK J. BEARDEN,)
)
Plaintiff,)
)
v.)
)
RICHARD S. SCHWEIKER, SECRETARY)
OF HEALTH AND HUMAN SERVICES,)
)
Defendant.)

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

No. 82-C-610-E ✓

ORDER AND JUDGMENT

The Court has for consideration the Findings and Recommendations of the Magistrate filed on March 20, 1984 in which it is recommended that Plaintiff's claim for private duty nursing services 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. It is, therefore,

ORDERED that Judgment be and is hereby entered for the Defendant and against the Plaintiff denying Plaintiff's claim for reimbursement for private duty nursing services which he received from February 1979 to September 1979 in the sum of \$4,792.65.

Dated this 30 day of April, 1984.

James O. Ellison
JAMES O. ELLISON
UNITED STATES DISTRICT JUDGE

FILED

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

APR - 3 1984

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

RAYMOND J. DONOVAN, Secretary)
of Labor, United States)
Department of Labor,)
)
Plaintiff,)
)
vs.)
)
TIERRA VISTA, INC., AND)
ROSS FLOOD,)
)
Defendants.)

No. 80-C-486-E
81-C-264-E
(Consolidated)

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 Raymond J. Donovan, Secretary of Labor, take nothing from the Defendants Tierra Vista, Inc. and Ross Flood, that the action be dismissed on the merits, and that the Defendants Tierra Vista, Inc. and Ross Flood, recover of the Plaintiff Raymond J. Donovan, Secretary of Labor, their costs of action.

DATED at Tulsa, Oklahoma this 3rd day of ~~March~~^{April}, 1984.



JAMES O. ELLISON
UNITED STATES DISTRICT JUDGE

FILED

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

APR 22 1984

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

HELEN F. SANDUSKY,)
)
 Plaintiff,)
)
 v.)
)
 RICHARD S. SCHWEIKER, Secretary)
 of Health and Human Services,)
)
 Defendant.)

No. 83-C-152-CV

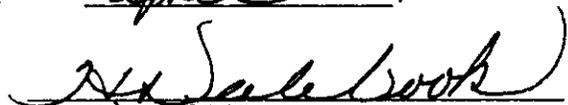
O R D E R

The Court has for consideration the Findings and Recommendations of the Magistrate filed on March 16, 1984 in which it is recommended that this case be remanded to the Secretary. 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 is remanded to the Secretary and that the Secretary is Ordered to reinstate Plaintiff's right to disability benefits commencing May 1, 1981 and that said disability benefits should be continued until such time as medical or other evidence shows that Plaintiff is not disabled or if there is not enough evidence to support a finding that disability continues pursuant to the Social Security Act and the Regulations promulgated thereunder.

Dated this 22nd day of April, 1984.


H. DALE COOK
CHIEF JUDGE

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

FILED

APR -2 1984

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

LEWIS VERNON DAVIS and)
SANDRA LEE DAVIS,)
)
Plaintiffs,)
)
vs.)
)
VANGUARD INSURANCE COMPANY,)
)
Defendant.)

No. 83 C-819-E

ORDER OF DISMISSAL

This matter came on for consideration on this 2nd day of March, 1984 upon the Joint Application for Dismissal With Prejudice filed herein. The Court being duly advised in the premises, finds that said Application for Dismissal is in the best interests of justice and should be approved, and the above styled and numbered cause of action dismissed with prejudice to a refiling.

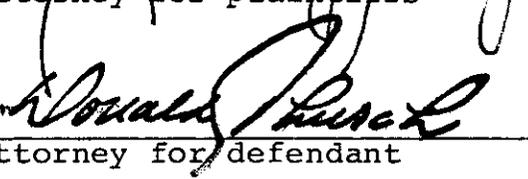
IT IS, THEREFORE, ORDERED, ADJUDGED AND DECREED by the Court that the Joint Application for Dismissal With Prejudice by the parties be and the same is hereby approved and the above styled and numbered cause of action and Complaint is dismissed with prejudice to a refiling.

S/ JAMES O. ELLISON
JAMES O. ELLISON
UNITED STATES DISTRICT JUDGE

APPROVED:



Attorney for plaintiffs



Attorney for defendant

FILED

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

APR -2 1984

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

FIRST NATIONAL BANK AND)
 TRUST COMPANY OF MIAMI, a)
 national banking association,)
)
 Plaintiff,)
)
 vs.)
)
 ALBERT Z. GOINS and MARGIE)
 GOINS, husband and wife;)
 ALBERT Z. GOINS, d/b/a GOINS)
 PIPELINE COMPANY, INC.; and)
 SAFECO INSURANCE COMPANY OF)
 AMERICA, a corporation)
 licensed to do business in the)
 State of Oklahoma,)
)
 Defendants.)

No. 83-C-278-C

ORDER OF DISMISSAL

On the Joint Motion of all parties to this action and for good cause shown, it is hereby

ORDERED, by the Court, that the Complaint of the plaintiff, First National Bank and Trust Company of Miami, a national banking association, against the defendant, Safeco Insurance Company of America, and the Cross-Complaint of the Defendants, Albert Z. Goins and Margie Goins, husband and wife, against the defendant, Safeco Insurance Company of America, be and they hereby are dismissed with prejudice to the bringing of another action upon the same cause or causes of action asserted therein, and it is further

ORDERED, that the Complaint of the plaintiff, First National Bank and Trust Company of Miami, against the defendants,

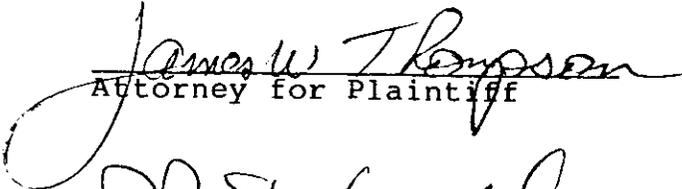
Albert Z. Goins and Margie Goins, husband and wife, and Albert Z. Goins, d/b/a Goins Pipeline Company, Inc., be and it is hereby dismissed without prejudice to the bringing of another action upon the same cause or causes of action sued upon therein.

ENTERED this 2nd day of ~~March~~^{April}, 1984.

(Signed) H. Dale Cook

H. DALE COOK, CHIEF JUDGE

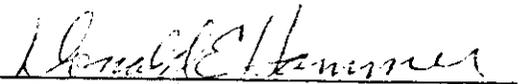
APPROVED:



Attorney for Plaintiff



Attorney for Defendants,
Albert Z. Goins and Margie
Goins



Attorney for Defendant,
Safeco Insurance Company
of America