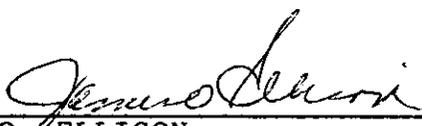


necessitate the presence of witnesses and records located within that district, this Court is of the view that this action be transferred.

IT IS THEREFORE ORDERED that this action be transferred to the United States District Court for the Western District of Oklahoma.

DATED this 31ST day of July, 1984.



JAMES O. ELLISON
UNITED STATES DISTRICT JUDGE

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

RONALD EUGENE SIER,)
)
 Plaintiff,)
)
 vs.)
)
 ATTORNEY GENERAL FOR THE)
 STATE OF OKLAHOMA AND DAVID C.)
 MILLER, Warden at Quachita)
 Correctional Center,)
)
 Defendants.)

No. 83-C-1039-E ✓

FILED
JUL 24 1984
Mark C. [unclear]
U.S. DISTRICT COURT

ORDER

NOW on this 3/27 day of July, 1984 comes on for hearing the above-styled case and the Court, being fully advised in the premises finds as follows:

Plaintiff filed this action pursuant to 28 U.S.C. § 2254 asserting that the District Court of Tulsa County erred in refusing to credit prison time served under case no. CRF-70-1589 which judgment and sentence was vacated on the grounds set forth in Edwards v. State, 591 P.2d 313 (Okl.Cr. 1979), to other sentences presently being served by him. The Oklahoma Court of Criminal Appeals affirmed the District Court's order stating that the Plaintiff's claim did not fall within the categories for time credit relief set forth in Floyd v. State, 540 P.2d 1195 (Okl.Cr. 1975).

The Oklahoma Court of Criminal Appeals recognized three situations in which the issue of time credit relief may arise. (540 P.2d at 1197). First where a conviction is set aside and

the prisoner is then retried and convicted of the same offense, the time served under the voided conviction must be credited toward the subsequent sentence for the same crime.

Second, time served under an invalid sentence will be credited where a prisoner is serving consecutive sentences on several convictions and one of the sentences is then invalidated.

The third and final situation exists where a prisoner has been released by virtue of an invalid sentence and then commits a new crime and receives a new sentence. Credit for the time served on the invalid conviction will not be granted toward time to be served on a new sentence.

The rationale governing this issue was clearly set forth in Abel v. State, 612 P.2d 283 (Okla. Cr. 1980) where the Court held that no error occurred in the District Court's refusal to credit prison time served under vacated sentence toward Defendant's conviction in three unrelated cases presently being served. Such request, if granted, would result in a "banking of jail time;" condemned as a matter of public policy. Credit time under these circumstances would result in allowing convicted individuals to establish a line of credit giving them a sense of immunity and an incentive to engage in criminal conduct. Brown v. Murphy, 693 F.2d 104, 105 (10th Cir. 1982).

The judgment in CRF-70-1598 was rendered November 25, 1970. Sentence was served from December 1, 1970 until March 1972 at which time Plaintiff was paroled. Judgment was vacated September 29, 1983 after Plaintiff's convictions for Burglary I and Robbery by Force for which he is presently incarcerated.

There is no evidence that Plaintiff's convictions were after former conviction of a felony or that the void conviction was used to enhance Plaintiff's punishment under his current sentences. According to the rationale of Floyd v. State, supra, and controlling case law, Plaintiff is not entitled to time credit relief.

Plaintiff's petition for writ of habeas corpus is denied.

It is so ORDERED.



JAMES O. ELLISON
UNITED STATES DISTRICT JUDGE

Entered

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

FILED
JUL 31 1984

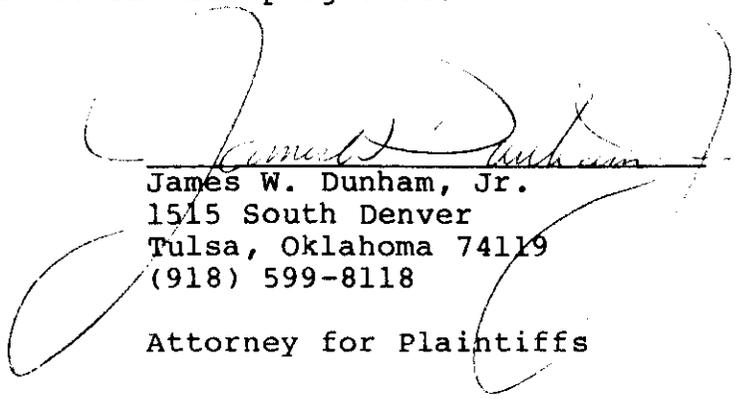
JACK C. SILVER, CLERK
U.S. DISTRICT COURT

PEACOCK MINING, INCORPORATED,)
an Oklahoma corporation;)
and RICHARD WILLIAMS, an)
individual,)
)
Plaintiff,)
)
vs.)
)
UNION PIPE, INC., a Texas)
corporation,)
)
Defendant.)

No. 84-C-639-C

NOTICE OF DISMISSAL

COME NOW the plaintiffs herein, by and through their attorney, James W. Dunham, Jr., and hereby dismiss the above entitled cause of action with prejudice.


James W. Dunham, Jr.
1515 South Denver
Tulsa, Oklahoma 74119
(918) 599-8118
Attorney for Plaintiffs

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

FILED

JUL 31 1984

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

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

No. 82-C-836-C

O R D E R

Now before the Court for its consideration is the motion of defendant Nicolet Industries, Inc. for summary judgment. The parties have thoroughly briefed their positions in support of and in opposition to the motion and the matter is ready for the Court's determination.

In Redhouse v. Quality Ford Sales, Inc., 511 F.2d 230 (10th Cir. 1975) the Tenth Circuit Court of Appeals reiterated the following criteria in regard to a motion for summary judgment:

Summary judgment cannot be awarded when there exists a genuine issue as to a material fact. Adickes v. S. H. Kress & Co., 398 U.S. 144, 90 S.Ct. 1598, 26 L.Ed.2d 142 (1970), White Motor Co. v. U.S., 372 U.S. 253, 83 S.Ct. 696, 9 L.Ed.2d 738 (1963), U.S. v. Diebold, Inc., 369 U.S. 654, 82 S.Ct. 993, 8 L.Ed.2d 176 (1962), Ando v. Great Western Sugar Co., 475 F.2d 531 (10th Cir. 1973)....Summary judgment does not serve as a substitute for trial, nor can it be employed so as to require parties to litigate via affidavits. Smoot v. Chicago, Rock Island & Pacific RR Co., 378 F.2d 879 (10th Cir. 1967). It is considered a drastic relief to be applied with caution. Jones v. Nelson, 484 F.2d 1165 (10th Cir. 1973), Ando v. Great Western Sugar Co., supra.

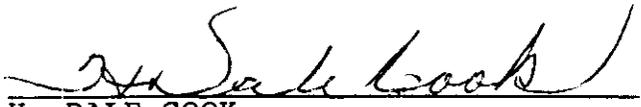
Pleadings, therefore, must be liberally construed in favor of the party opposing summary judgment. Harman v. Diversified Medical Investments Corp., 488 F.2d 111 (10th Cir. 1973), Smoot v. Chicago, Rock Island & Pacific RR Co., supra. Appellate courts must consider factual inferences tending to show triable issues in a light most favorable to the existence of such issues. Dzenits v. Merrill Lynch, Pierce, Fenner & Smith, Inc., 494 F.2d 168 (10th Cir. 1974).

See also Nat'l Aviation Underwriters, Inc. v. Altus Flying Service, Inc., 555 F.2d 778 (10th Cir. 1977); Madison v. Deseret Livestock Co., 574 F.2d 1027 (10th Cir. 1978); Romero v. Union Pacific RR, 615 F.2d 1303, 1309 (10th Cir. 1980).

The Court has reviewed the pleadings and filings in this action, and finds, construing the pleadings liberally in favor of the plaintiffs and considering all factual inferences tending to show triable issues in a light most favorable to the existence of such issues, that material issues of fact remain to be litigated.

For this reason, defendant's Motion for Summary Judgment is hereby denied.

It is so Ordered this 25th day of July, 1984.


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

Entered

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

FILED

JUL 1994

U.S. DISTRICT COURT

IN RE:)
)
 KENNETH E. TUREAUD, a/k/a)
 KENNETH E. TUREAUD, d/b/a)
 SAKET PETROLEUM COMPANY, a/k/a)
 KENNETH E. TUREAUD, d/b/a)
 KESAT, a/k/a SAKET)
 PETROLEUM COMPANY,)
)
 Debtor,)
)
 R. DOBIE LANGENKAMP,)
 Trustee,)
)
 Plaintiff,)
)
 vs.)
)
 SECURITY BANK, RUIDOSO, a New)
 Mexico Banking corporation,)
 SAKET DEVELOPMENT CO., a New)
 Mexico corporation (a/k/a)
 SAKET DEVELOPMENT CORP., a)
 New Mexico corporation; SAKET)
 DEVELOPMENT CORPORATION, an)
 Oklahoma corporation and)
 BILLY G. PAYNE,)
)
 Defendants.)

Case No. 82-01269

Adv. No. 83-0772

U.S. District Court
Case No. 84-C-1E

ORDER

This matter having come before the Court upon the Stipulation of the parties.

IT IS THEREFORE ORDERED that the appeal is dismissed and the matter is remanded to the Bankruptcy Court for further proceedings.

[Signature]

U.S. DISTRICT JUDGE

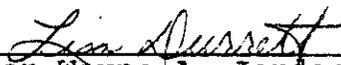
APPROVED

R. DOBIE LANGENKAMP, Trustee

By 
Sam G. Brattok II
1000 Atlas Life Building
Tulsa, Oklahoma 74103
(918) 582-1211

Attorneys for Appellee

DURRETT, JORDON & GRISHAM, P.C.

By 
For Wayne A. Jordan
P. O. Box 750 - 307 11th Street
Alamogordo, New Mexico 88310
(505) 437-1840

and

BAKER, HOSTER, McSPADDEN,
CLARK & RASURE

By 
Gary H. Baker
13th Floor, One Boston Plaza
Tulsa, Oklahoma 74103
(918) 592-5555

Attorneys for Appellant,
Security Bank, Ruidoso

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

Entered

FILED

JUL 31 1984

**WALKER G. SILVER, CLERK
DISTRICT COURT**

SUN REFINING AND MARKETING CO.,)
27th Floor)
Ten Penn Center Plaza)
1801 Market Street)
Philadelphia, PA. 19103)

Plaintiff,)

v.)

No. 83-C-571-B

THE EXCHANGE BANK)
Skiatook, Oklahoma 74070,)

Defendant and)
Third Party Plaintiff,)

v.)

L. PATRICK MURRAY,)

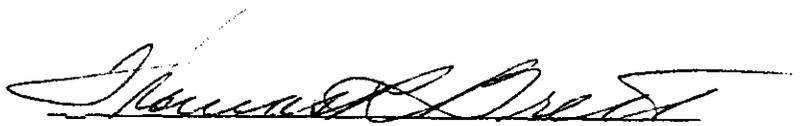
Third Party Defendant.)

J U D G M E N T

In keeping with the verdict of the jury duly rendered here-
in on Monday, July 30, 1984, on Verdict Form No. 1, IT IS HEREBY
ADJUDGED the plaintiff, Sun Refining and Marketing Co., is to
have judgment against the defendant, The Exchange Bank, Skiatook,
Oklahoma, for actual damages in the sum of \$500,000.00 with pre-
judgment interest thereon at the rate of 6% per annum from
June 27, 1983 until this date, July 31, 1984, post-judgment interest
from July 31, 1984 in the amount of 12.17%, plus the costs of this
action; IT IS FURTHER ORDERED the plaintiff, Sun Refining and
Marketing Co., is granted judgment for punitive damages against
the defendant, The Exchange Bank, Skiatook, Oklahoma, in the
amount of \$500,000.00, with post-judgment interest thereon at the
rate of 12.17% from July 31, 1984; AND IT IS FURTHER ORDERED AND

ADJUDGED, pursuant to the verdict of the jury on Verdict Form No. 4 in favor of the third party defendant, L. Patrick Murray, and against the third party plaintiff, The Exchange Bank, Skiatook, Oklahoma, that the defendant L. Patrick Murray is to have judgment against the third party plaintiff thereon. The Exchange Bank, Skiatook, Oklahoma, is to take nothing against the said third party defendant, L. Patrick Murray, and the third party defendant is to have his costs thereon.

DATED this 31st day of July, 1984.

A handwritten signature in cursive script, appearing to read "Thomas R. Brett", written in dark ink on a white background.

THOMAS R. BRETT
UNITED STATES DISTRICT JUDGE

UNITED STATES DISTRICT COURT FOR THE
NORTHERN DISTRICT OF OKLAHOMA

UNITED STATES OF AMERICA,)
)
 Plaintiff,)
)
 v.)
)
 RICHARD C. HELLER;)
 BRENDA L. HELLER;)
 COUNTY TREASURER, Creek County,)
 Oklahoma; and)
 BOARD OF COUNTY COMMISSIONERS,)
 Creek County, Oklahoma,)
)
 Defendants.)

FILED
JUL 24 1984
U.S. DISTRICT COURT
NORTHERN DISTRICT OF OKLAHOMA

CIVIL ACTION NO. 84-C-240-E ✓

JUDGMENT OF FORECLOSURE

THIS MATTER COMES on for consideration this 31st day of July, 1984. Plaintiff appears by Layn R. Phillips, United States Attorney for the Northern District of Oklahoma, through Peter Bernhardt, Assistant United States Attorney; the Defendants, County Treasurer and Board of County Commissioners, Creek County, Oklahoma, appear by David Young, District Attorney, Creek County, Oklahoma; and the Defendants, Richard C. Heller and Brenda L. Heller, appear not, but make default.

The Court being fully advised and having examined the file herein finds that the Defendant, County Treasurer, Creek County, Oklahoma, was served with Summons and Complaint on March 22, 1984; that the Defendant, Board of County Commissioners, Creek County, Oklahoma was served with Summons and Complaint on May 7, 1984; and that the Defendants, Richard C. Heller and Brenda L. Heller were served with Alias Summons and Complaint on June 26, 1984.

It appears that the Defendants, County Treasurer and Board of County Commissioners, Creek County, Oklahoma, have filed their Answer on July 13, 1984; and that the Defendants, Richard C. Heller and Brenda L. Heller, have failed to answer and their default has been entered by the Clerk of this Court on July 17, 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 Creek County, Oklahoma, within the Northern Judicial District of Oklahoma:

A tract of land in the Northeast Quarter (NE/4) of the Northeast Quarter (NE/4) of Section Twenty (20), Township Seventeen (17) North, Range (12) East, in Creek County, State of Oklahoma, more particularly bounded and described as follows: Beginning at a point eleven hundred eighty-seven (1187) feet South of the Northeast Corner of the NE/4 of the NE/4 of said Section 20, Thence West four hundred fourteen (414) feet; thence South one hundred thirty-three (133) feet; thence East four hundred fourteen (414) feet; thence North one hundred thirty-three (133) feet, to the point of beginning.

That on September 17, 1982, Richard C. Heller and Brenda L. Heller executed and delivered to the United States of America, acting through the Administrator of Veterans' Affairs, their promissory note in the amount of \$53,000.00, payable in monthly installments with interest thereon at the rate of 14 percent per annum.

That as security for the payment of the above described note, Richard C. Heller and Brenda L. Heller executed and delivered to the United States of America, acting through the

Administrator of Veterans' Affairs, a real estate mortgage dated September 17, 1982, covering the above described property. Said mortgage was recorded on September 22, 1982, in Book 124, Page 620, in the records of Creek County, Oklahoma.

The Court further finds that the Defendants, Richard C. Heller and Brenda L. Heller, 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, Richard C. Heller and Brenda L. Heller, are indebted to the Plaintiff in the principal sum of \$53,902.89, plus interest accruing thereon at the rate of 14 percent per annum from November 1, 1982, until judgment, plus interest thereafter at the legal rate until fully paid, plus the costs of this action accrued and accruing.

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

IT IS THEREFORE ORDERED, ADJUDGED, AND DECREED that the Plaintiff have and recover judgment against the Defendants, Richard C. Heller and Brenda L. Heller, in the principal amount of \$53,902.89, plus interest accruing thereon at the rate of 14 percent per annum, until judgment, plus interest thereafter at the current legal rate of 13.17 percent per annum until paid, plus the costs of this action accrued and accruing.

IT IS FURTHER ORDERED, ADJUDGED, AND DECREED that upon the failure of the Defendants, Richard C. Heller and Brenda L. Heller, to satisfy the money judgment of the Plaintiff herein, an Order of Sale shall be issued to the United States Marshal for the Northern District of Oklahoma, commanding him to advertise and sell with appraisal the real property involved herein and apply the proceeds of the sale as follows:

First:

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

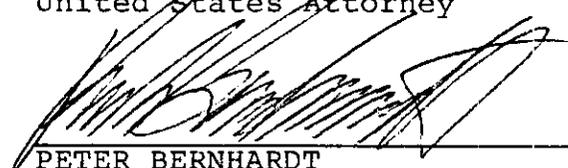
The surplus from said sale, if any, shall be deposited with the Clerk of the Court to await further Order of the Court.

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

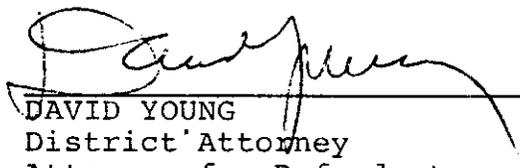

UNITED STATES DISTRICT JUDGE

APPROVED:

LAYN R. PHILLIPS
United States Attorney



PETER BERNHARDT
Assistant United States Attorney



DAVID YOUNG
District Attorney
Attorney for Defendants,
County Treasurer and
Board of County Commissioners,
Creek County, Oklahoma

UNITED STATES DISTRICT COURT FOR THE
NORTHERN DISTRICT OF OKLAHOMA

JUL 21 1984

UNITED STATES OF AMERICA,)

Plaintiff,)

vs.)

CRAIG K. GAINES,)

Defendant.)

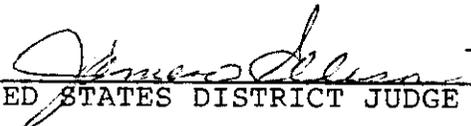
CIVIL ACTION NO. 84-C-508-E ✓

AGREED JUDGMENT

This matter comes on for consideration this 31ST day of JULY, 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, Craig K. Gaines, appearing pro se.

The Court, being fully advised and having examined the file herein, finds that the Defendant, Craig K. Gaines, acknowledged receipt of Summons and Complaint on June 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 Craig K. Gaines in the amount of \$294.59, plus interest thereafter at the rate of 15.05 percent per annum and administrative costs of \$.61 per month from September 6, 1983, and \$.68 per month from January 1, 1984 until judgment, plus interest thereafter at the legal rate from the date of judgment until paid, plus costs of this action.

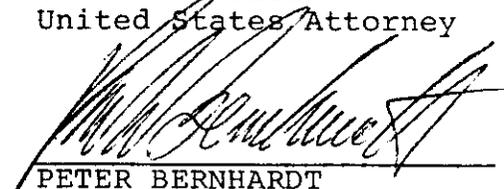
IT IS THEREFORE ORDERED, ADJUDGED, AND DECREED that the Plaintiff have and recover judgment against the Defendant, Craig K. Gaines, in the amount of \$294.59, plus interest thereafter at the rate of 15.05 percent per annum and administrative costs of \$.61 per month from September 6, 1983, and \$.68 per month from January 1, 1984 until judgment, plus interest thereafter at the current legal rate of 12.17 percent from the date of judgment until paid, plus costs of this action.

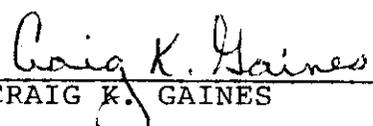

UNITED STATES DISTRICT JUDGE

APPROVED:

UNITED STATES OF AMERICA

LAYN R. PHILLIPS
United States Attorney


PETER BERNHARDT
Assistant U.S. Attorney


CRAIG K. GAINES

UNITED STATES DISTRICT COURT FOR THE
NORTHERN DISTRICT OF OKLAHOMA

FILED
JUL 1 1984

UNITED STATES OF AMERICA,)
)
 Plaintiff,)
)
 vs.)
)
 JAMES T. CARRIGER,)
)
 Defendant.)

CIVIL ACTION NO. 84-C-510-E ✓

AGREED JUDGMENT

This matter comes on for consideration this 31st day of July, 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, James T. Carriger, appearing pro se.

The Court, being fully advised and having examined the file herein, finds that the Defendant, James T. Carriger, acknowledged receipt of Summons and Complaint on June 20, 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 \$646.27, plus interest thereafter at the rate of 15.05 percent per annum and administrative costs of \$.61 per month from July 27, 1983, and \$.68 per month from January 1, 1984, until judgment, plus interest thereafter at the legal rate from the date of judgment until paid, plus costs of this action.

IT IS THEREFORE ORDERED, ADJUDGED, AND DECREED that the Plaintiff have and recover judgment against the Defendant, James T. Carriger, in the amount of \$646.27, plus interest thereafter at the rate of 15.05 percent per annum and administrative costs of \$.61 per month from July 27, 1983, and \$.68 per month from January 1, 1984 until judgment, plus interest thereafter at the current legal rate of 12.17 percent from the date of judgment until paid, plus costs of this action.

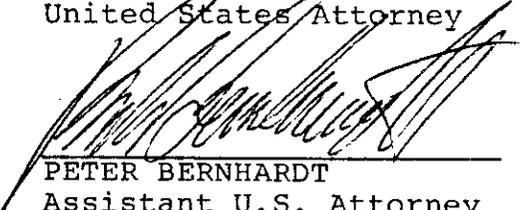
JAMES O. ELLISON

UNITED STATES DISTRICT JUDGE

APPROVED:

UNITED STATES OF AMERICA

LAYN R. PHILLIPS
United States Attorney


PETER BERNHARDT
Assistant U.S. Attorney


JAMES T. CARRIGER

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

FILED

JUL 21 1984

WISLO DRILLING CO., an)
Oklahoma corporation,)
)
Plaintiff,)
)
vs.)
)
PUMA EXPLORATION CO.,)
a Texas corporation,)
)
Defendant.)

No. 84-C-235-E ✓

U.S. DISTRICT COURT
NORTHERN DISTRICT OF OKLAHOMA

ADMINISTRATIVE CLOSING ORDER

The Defendant having filed a petition in bankruptcy and these proceedings being stayed thereby, it is hereby ordered that the Clerk administratively terminate this action in his records, without prejudice to the rights of the parties to reopen the proceedings for good cause shown for the entry of any stipulation or order, or for any other purpose required to obtain a final determination of the litigation.

If, within thirty (30) days of a final adjudication of the bankruptcy proceedings the parties have not reopened for the purpose of obtaining a final determination herein, this action shall be deemed dismissed with prejudice.

It is so ORDERED this 31ST day of July, 1984.



JAMES O. ELLISON
UNITED STATES DISTRICT JUDGE

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

TIMOTHY LEE GRAVES,)
)
 Petitioner,)
)
 vs.)
)
 A.I. MURPHY,)
)
 Respondent.)

FILED

JUL 31 1984

No. 82-C-816-C SILVER, CLERK
U.S. DISTRICT COURT

ORDER

COMES NOW this Court and orders the Petition For Writ of Habeas Corpus, filed by the above named Plaintiff, Timothy Lee Graves, hereby dismissed without prejudice to its refiling.

s/H. DALE COOK

H. DALE COOK, Chief Judge
United States District Court
For the Northern District
of Oklahoma

Entered

UNITED STATES DISTRICT COURT FOR THE
NORTHERN DISTRICT OF OKLAHOMA

FILED

JUL 31 1984

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

UNITED STATES OF AMERICA,)
)
 Plaintiff,)
)
 vs.)
)
 HUBERT D. SYAS,)
)
 Defendant.)

CIVIL ACTION NO. 84-C-489-B

DEFAULT JUDGMENT

This matter comes on for consideration this 31st day
of July, 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, Hubert D. Syas, appearing not.

The Court being fully advised and having examined the
file herein finds that Defendant, Hubert D. Syas, acknowledged
receipt of Summons and Complaint on June 24, 1984. The time
within which the Defendant could have answered or otherwise moved
as to the Complaint has expired and has not been extended. The
Defendant has not answered or otherwise moved, and default has
been entered by the Clerk of this Court. Plaintiff is entitled
to Judgment as a matter of law.

IT IS THEREFORE ORDERED, ADJUDGED, AND DECREED that the
Plaintiff have and recover judgment against the Defendant,
Hubert D. Syas, in the amount of \$439.92, plus accrued interest
of \$62.77, as of March 31, 1984, plus interest on the principal
sum of \$439.92 at the rate of 7 percent from March 31, 1984,

until the date of judgment, plus interest thereafter at the current legal rate of 12.17 percent from date of judgment until paid, plus the costs of this action.

S/ THOMAS R. BRETT

UNITED STATES DISTRICT JUDGE

IT IS THEREFORE ORDERED, ADJUDGED, AND DECREED that the Plaintiff have and recover judgment against the Defendant, Barry B. Block, in the amount of \$186.30 (less the sum of \$30.00 which has been paid), plus interest at the rate of 15.05 percent per annum and administrative costs of \$.61 per month from September 19, 1984, and \$.68 per month from January 1, 1984, until judgment, plus interest thereafter at the current legal rate of 12.12 percent from the date of judgment until paid, plus the costs of this action.

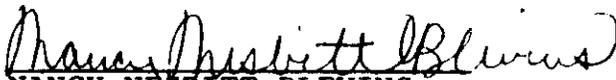
S/ JAMES O. ELLISON

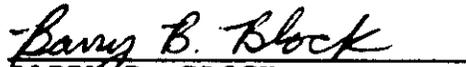
UNITED STATES DISTRICT JUDGE

APPROVED:

UNITED STATES OF AMERICA

LAYN R. PHILLIPS
United States Attorney


NANCY NESBITT BLEVINS
Assistant U.S. Attorney


BARRY B. BLOCK

Entered

UNITED STATES DISTRICT COURT FOR THE
NORTHERN DISTRICT OF OKLAHOMA

FILED

JUL 1 1984

UNITED STATES OF AMERICA,)
)
 Plaintiff,)
)
 vs.)
)
 DANA L. BARRETT,)
)
 Defendant.)

CIVIL ACTION NO. 84-C-539-E

AGREED JUDGMENT

This matter comes on for consideration this 31st day of July, 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, Dana L. Barrett, appearing pro se.

The Court, being fully advised and having examined the file herein, finds that the Defendant, Dana L. Barrett, was served with Summons and Complaint. The Defendant has not filed her Answer but in lieu thereof has agreed that she is indebted to the Plaintiff in the amount alleged in the Complaint and that judgment may accordingly be entered against her in the amount of \$344.63, plus interest at the rate of 15.05 percent per annum and administrative costs of \$.61 per month from August 22, 1983, and \$.68 per month from January 1, 1984, 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, Dana L. Barrett, in the amount of \$344.63, plus interest at the rate of 15.05 percent per annum and administrative costs of \$.61 per month from August 22, 1983, and \$.68 per month from January 1, 1984, until judgment, plus interest thereafter at the current legal rate of 12.17 percent from the date of judgment until paid, plus the costs of this action.

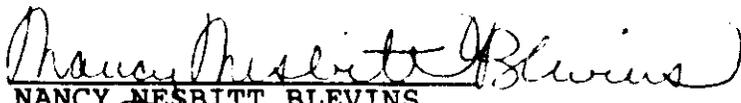
S/ JAMES O. ELLISON

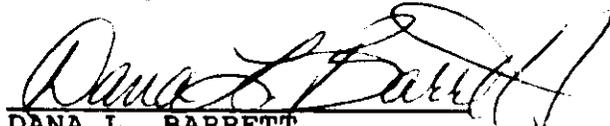
UNITED STATES DISTRICT JUDGE

APPROVED:

UNITED STATES OF AMERICA

LAYN R. PHILLIPS
United States Attorney


NANCY NESBITT BLEVINS
Assistant U.S. Attorney


DANA L. BARRETT



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

FILED

JUL 21 1984

INVIVO RESEARCH LABORATORIES,
INC., an Oklahoma corporation,

Plaintiff,

vs.

DN BIOMEDICAL EXPORTS AG,
a Swiss corporation,

Defendant.

No. 84-C-398-E ✓

Walter G. Lohr, Clerk
U.S. DISTRICT COURT

ORDER OF DISMISSAL

NOW on this 3/27 day of July, 1984, the Court has for its consideration the Stipulation for Dismissal jointly filed in the above-styled and numbered cause by plaintiff and defendant. Based upon the representations and requests of the parties, as set forth in the foregoing stipulation, it is

ORDERED that plaintiff's Complaint and the claims for relief against the defendant, DN Biomedical Exports AG, be and the same are hereby dismissed with prejudice.

The parties hereto shall each bear their own costs.



JAMES O. ELLISON
UNITED STATES DISTRICT JUDGE

UNITED STATES DISTRICT COURT FOR THE
NORTHERN DISTRICT OF OKLAHOMA

UNITED STATES OF AMERICA,

Plaintiff,

vs.

KENNETH DUNLAVY,

Defendant.

CIVIL ACTION NO. 84-C-513-E

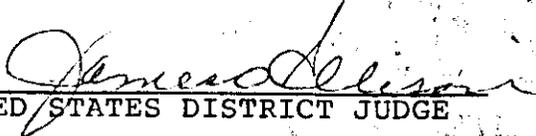
DEFAULT JUDGMENT

This matter comes on for consideration this 3/57 day of July, 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, Kenneth Dunlavy, appearing not.

The Court being fully advised and having examined the file herein finds that Defendant, Kenneth Dunlavy, acknowledged receipt of Summons and Complaint on June 26, 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, Kenneth Dunlavy, in the amount of \$303.54, plus interest at the rate of 15.05 percent per annum and administrative costs of \$.61 per month from August 10, 1983, and \$.68 per month from January 1, 1984, until judgment, plus interest thereafter at the

current legal rate of 12.17 percent from the date of judgment
until paid, plus the costs of this action.


UNITED STATES DISTRICT JUDGE

Entered

FILED

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

JUL 1 1984

THE UNITED STATES OF AMERICA,)
)
 Plaintiff,)
)
 vs.)
)
 WAYNE CHIDESTER, et al.,)
)
 Defendants.)

No. 84-C-187-E ✓

JUDGMENT DISMISSING ACTION
BY REASON OF SETTLEMENT

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

IT IS ORDERED that the action is dismissed without prejudice. The Court retains complete jurisdiction to vacate this Order and to reopen the action upon cause shown within sixty (60) days that settlement has not been completed and further litigation is necessary.

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

DATED this 31st day of July, 1984.

James O. Ellison

JAMES O. ELLISON
UNITED STATES DISTRICT JUDGE

FILED

JUL 19 1984

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

MARY ALICE SINCLAIR,

Plaintiff,

vs.

AUTOMOBILE CLUB OF OKLA-
HOMA, INC.

Defendant.

NO. 80-C-572-E ✓

Appeal No. 82-2599
83-1030
83-1229

ORDER OF DISMISSAL

This cause having been compromised and settled and
defendant having executed a Release and Satisfaction of
Judgment, this action is dismissed with prejudice.

James D. ...

UNITED STATES DISTRICT COURT JUDGE

Entered

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

JUL 31 1984

LOCK O. SILVER, CLERK
DISTRICT COURT

MICHAEL VAN LENTEN,)
)
 Plaintiff,)
)
 v.)
)
 STANDARD OIL COMPANY, an)
 Indiana corporation;)
 D. D. JOHNSON; and)
 J. F. McBRAYER,)
)
 Defendants.)

No. 84-C-544-B

ORDER

This matter comes before the Court on plaintiff's motion for remand of this action to the Tulsa County District Court. Defendants have filed their response in opposition to the motion. For the reasons set forth below, plaintiff's motion to remand is sustained.

Plaintiff Michael Van Lenten in his original petition brought suit in the District Court of Tulsa County against defendant, Standard Oil Company, and its alleged agents and employees, J. F. McBrayer and D. D. Johnson. Plaintiff alleged defendants had breached his employment contract and that he was wrongfully discharged from employment. Plaintiff's petition was amended apparently to state more succinctly the causes of action against the individual defendants. The amended petition did not add more parties.

Defendants have filed a petition for removal of this action from the aforesaid state court to this Court, alleging requisite diversity of citizenship.

Title 28 U.S.C. §1441 provides that civil actions are removable only if none of the parties "joined and served as defendants is a citizen of the state in which such action is brought." In plaintiff's original petition he alleged he was a citizen of Oklahoma and that defendants, McBrayer and Johnson, were also citizens of Oklahoma. The same is true as to the allegations of citizenship in plaintiff's amended petition. Moreover, plaintiff supports his allegation of Oklahoma citizenship with an uncontroverted affidavit that he has at all relevant times been a citizen of the State of Oklahoma.^{1/}

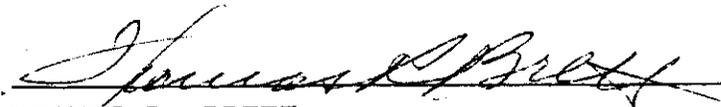
Once a motion to remand has been properly brought before the Court, the burden of proof is upon the removing parties to show that the action was properly removed. P.P. Farmers' Elevator Co. v. Farmers Elevator Mutual Insurance Co., 395 F.2d 546 (7th Cir. 1968); Goldberg v. CPC International, Inc., 495 F.Supp. 233 (N.D. Cal. 1980). Where there is any substantial doubt concerning jurisdiction of the federal court on removal, the case should be remanded and jurisdiction retained only where it is clear. Town of Freedom, Oklahoma v. Muskogee Bridge Company, Incorporated, 466 F.Supp. 75, 77 (W.D. Okl. 1978).

Here, the pleadings and plaintiff's uncontroverted affidavit raise a substantial doubt that the parties to this matter are diverse. Defendants have failed to bear the burden of proof that this Court has subject matter jurisdiction.

^{1/} Defendants have not filed an affidavit in response nor is the petition for removal verified.

IT IS THEREFORE ORDERED plaintiff's motion to remand is sus-
tained.

ENTERED this 31ST day of July, 1984.

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

THOMAS R. BRETT
UNITED STATES DISTRICT JUDGE

Entered

IN THE UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF OKLAHOMA

FILED

JUL 31 1984

WACK C. SILVER CLERK
U.S. DISTRICT COURT

JOZEF DZURILLA, Administrator)
of the Estate of Tomas Dzurilla)
Deceased, as Administrator,)
)
Plaintiff,)
)
vs.)
)
BOB GLANDON, et al.,)
)
Defendants.)

CIVIL ACTION
NO. 83-C-833B

ORDER

COMES NOW for hearing on this the 31st day of July, 1984 upon Defendants' Voluntary Motion of Dismissal, the Court having reviewed the file and Motion and being full advised on the premises, upon consideration FINDS as follows:

1. That all parties hereto, after and upon due consultation have mutually agreed and consented to dismiss this cause and counterclaims thereto.

IT IS THEREFORE ORDERED, ADJUDGED, AND DECREED by the Court that Defendants' Motion to Dismiss is well taken, should be and is hereby sustained.

S/ THOMAS R. BRETT

JUDGE OF THE UNITED STATES
DISTRICT COURT

Entered

United States District Court
In And For The
Northern District Of Oklahoma

OBO, et al.,)
)
 Plaintiff,)
)
 vs) No. 83-C-246-B
)
 CITY OF TULSA, et al.,)
)
 Defendants.)

O R D E R

All plaintiffs represented by attorney Hubert H. Bryant filed a motion to have the defendant DOUG KIDWELL dismissed from the above-entitled and numbered cause;

And it appearing to the Court that defendant DOUG KIDWELL is not a necessary party to this suit;

And it further appearing to the Court that defendant DOUG KIDWELL will not be prejudiced thereby;

It is therefore ordered, adjudged, and decreed that the suit by those plaintiffs represented by attorney Hubert H. Bryant against defendant DOUG KIDWELL is dismissed.

Dated: July 30, 1984

S/ THOMAS R. BRETT

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

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

IN RE:)

JAMES C. HARDY, individually,)
and d/b/a JCH INVESTMENTS,)
JCH DESIGNS FOR LIVING and)
JCH MANAGEMENT SERVICES,)

Debtor.)

Case No. 84-C-590-C

BERKLEY SQUARE ASSOCIATES, a)
Colorado limited partnership,)

Appellant,)

vs.)

JAMES C. HARDY,)

Appellee.)

ORDER DISMISSING APPEAL

The parties to the appeal having signed and filed with the Clerk of the District Court an agreement that the appeal filed by Berkley Square Associates be dismissed, and the Clerk being satisfied that all court costs and fees have been paid, it is

ORDERED that the appeal of Appellant, Berkley Square Associates, is hereby dismissed.

s/H. DALE COOK

UNITED STATES DISTRICT

APPROVED AS TO FORM AND CONTENT:

TIMOTHY J. SULLIVAN, P.C.

By: Timothy J. Sullivan

Timothy J. Sullivan
540 Kensington Towers
2250 East 73rd Street
Tulsa, Oklahoma 74136
(918) 496-8435

Attorneys for Appellant,
Berkley Square Associates

PINKERTON & PINKERTON

By: *James C. Pinkerton*
James C. Pinkerton
1722 South Boston
Tulsa, Oklahoma 74119
(918) 582-1112

Attorneys for Appellee,
James C. Hardy

ELLER & DETRICH

By: *Phil Eller*
Phil Eller
2727 East 21st Street
Suite 200
Tulsa, Oklahoma 74114

Attorneys for Gemini Properties

NORMAN, WOHLGEMUTH & THOMPSON

By: *Terry M. Thomas*
Terry M. Thomas
909 Kennedy Building
Tulsa, Oklahoma 74103

Attorneys for Sunbelt Bank & Trust

GABLE & GOTWALS

By: *Ted Q. Elliott*
Ted Q. Elliott
20th Floor
Fourth National Bank Bldg.
Tulsa, Oklahoma 74119

Attorneys for Federal Deposit
Insurance Corporation

FILED

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

JUL 30 1984

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

TOMMY H. FARGUSON and
ELLEN S. FARGUSON,

Plaintiffs,

vs.

THELMA LORENE HAWKINS,

Defendant.

No. 84-C-363-C

J U D G M E N T

Pursuant to the Order entered herein on July 16, 1984,
judgment is hereby entered in favor of defendant Thelma Lorene
Hawkins for reasonable attorney fees in the amount of \$4,449.61.

It is so Ordered this 30th day of July, 1984.



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

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

JUL 27 1984

BOBBY L. LANGFORD and)
PHYLLIS LANGFORD,)
)
Plaintiffs,)
)
v.)
)
BROWNWOOD ROSS COMPANY,)
)
Defendant.)

CASE NO.: 83-C-164-C ✓

O R D E R

Upon the Application of the Plaintiffs, Bobby L. Langford and Phyllis Landford, and their attorneys, Thomas A. Wallace and Creekmore Wallace, II, the Court finds that these parties have entered into a full, final and complete settlement for the total sum of TWENTY TWO THOUSAND TWO HUNDRED FIFTY AND NO/100 DOLLARS (\$22,250.00), and that the determination of all rights by and between said Langford and C.N.A. Insurance Company should be set for hearing on the 1st day of August, 1984^{at 1:30 pm}. The Court finds that the Plaintiffs and the Defendant have entered into a full, final and complete settlement of all claims and that the cause should be dismissed with prejudice against the Defendant, Brownwood Ross Company.

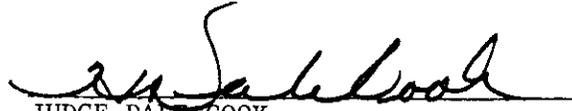
IT IS THEREFORE ORDERED, ADJUDGED, AND DECREED that all rights by and between Bobby L. Langford and Phyllis Langford and C.N.A. Insurance Company should be and hereby is set for hearing on the 1st day of August, 1984^{at 1:30 pm} and that all of the rights of the Plaintiffs herein should be and hereby are dismissed with prejudice.

The Court further finds that the Clerk of the District Court has had deposited within it the sum of \$22,250.00 and that said funds should

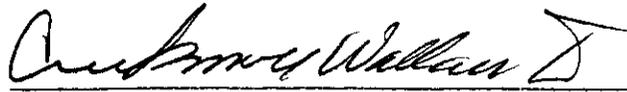
OK-NEM

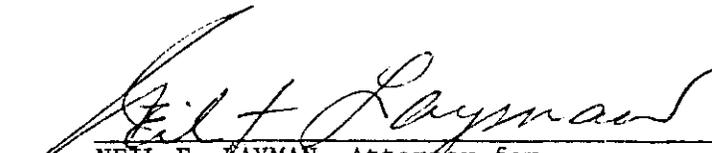
remain with the Clerk of the District Court in the above entitled cause until the Court enters an Order disbursing said funds to the appropriate parties in specified amounts.

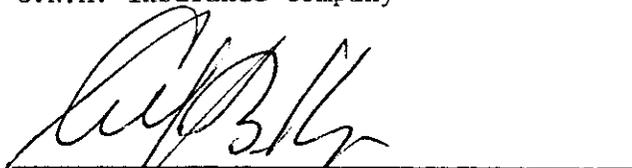
IT IS THEREFORE ORDERED, ADJUDGED, AND DECREED that this cause is dismissed with prejudice against Brownwood Ross Company.


JUDGE DALE COOK

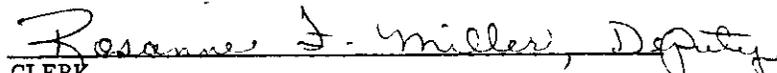
APPROVALS:


CREEKMORE WALLACE, II, Attorney
for Plaintiffs


NEIL F. LAYMAN, Attorney for
C.N.A. Insurance Company


ALFRED E. KNIGHT, Attorney for
Brownwood Ross Company

I certify that this matter was scheduled for hearing at 1:30
o'clock, p M., on the 1st day of August, 1984, before
Judge Dale Cook.


CLERK

IT IS ORDERED AND ADJUDGED as to Count II that the Plaintiff Leroy Tuck, in his individual capacity, and Plaintiff Dorothy Tuck recover of the Defendant United Services Automobile Association, the sum of Two-Hundred Thousand Dollars (\$200,000.00) actual damages and Five-Hundred Thousand Dollars (\$500,000.00) punitive damages with interest thereon at the rate of 12.17% as provided by law, and their costs of the action.

IT IS ORDERED AND ADJUDGED as to Count III that the Plaintiff Leroy Tuck, in his individual capacity, and Plaintiff Dorothy Tuck recover from the Defendant United Services Automobile Association actual damages in the amount of Fifty Thousand Dollars (\$50,000.00) and punitive damages in the amount of Fifty Thousand Dollars (\$50,000.00) with interest thereon at the rate of 12.17% as provided by law, and the costs of the action.

DATED at Tulsa, Oklahoma this 27 day of July, 1984.


Judge of the District Court

APPROVED AS TO FORM:


Attorney for Plaintiff

Attorney for Defendant

Entered

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

BOBBY L. LANGFORD and
PHYLLIS LANGFORD,

Plaintiffs,

v.

BROWNWOOD ROSS COMPANY,

Defendant.

CASE NO.: 83-C-164-C

O R D E R

Upon the Application of the Plaintiffs, Bobby L. Langford and Phyllis Landford, and their attorneys, Thomas A. Wallace and Creekmore Wallace, II, the Court finds that these parties have entered into a full, final and complete settlement for the total sum of TWENTY TWO THOUSAND TWO HUNDRED FIFTY AND NO/100 DOLLARS (\$22,250.00), and that the determination of all rights by and between said Langford and C.N.A. Insurance Company should be set for hearing on the 1st day of August, 1984^{at 1:30 pm}. The Court finds that the Plaintiffs and the Defendant have entered into a full, final and complete settlement of all claims and that the cause should be dismissed with prejudice against the Defendant, Brownwood Ross Company.

IT IS THEREFORE ORDERED, ADJUDGED, AND DECREED that all rights by and between Bobby L. Langford and Phyllis Langford and C.N.A. Insurance Company should be and hereby is set for hearing on the 1st day of August, 1984^{at 1:30 pm} and that all of the rights of the Plaintiffs herein should be and hereby are dismissed with prejudice.

The Court further finds that the Clerk of the District Court has had deposited within it the sum of \$22,250.00 and that said funds should

remain with the Clerk of the District Court in the above entitled cause until the Court enters an Order disbursing said funds to the appropriate parties in specified amounts.

IT IS THEREFORE ORDERED, ADJUDGED, AND DECREED that this cause is dismissed with prejudice against Brownwood Ross Company.

s/H. DALE COOK
JUDGE DALE COOK

APPROVALS:

Creekmore Wallace II
CREEKMORE WALLACE, II, Attorney
for Plaintiffs

Neil F. Layman
NEIL F. LAYMAN, Attorney for
C.N.A. Insurance Company

Alfred V. Knight
ALFRED V. KNIGHT, Attorney for
Brownwood Ross Company

I certify that this matter was scheduled for hearing at 1:30
o'clock, 40 M., on the 1st day of August, 1984, before
Judge Dale Cook.

Baroness J. Miller
Deputy CLERK

Entered

FILED

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

JUL 26 1984

*John G. ...
U.S. District Court*

GEORGE ROBERTS and
LEANNE ROBERTS,

Plaintiffs,

-vs-

DOANLD N. HALLOCK, County
Inspector, et al.,

Defendants.

NO. 83-C-818-E

ORDER

Based on the Joint Motion filed by Plaintiffs and Defendants this date and the announcement of Plaintiffs at the April 11, 1984 status conference, it is the ORDER of this Court that Count III of the Plaintiffs' pending complaint, alleging conspiracy and deprivation of civil rights of Plaintiffs be DISMISSED.

DATED: July 26, 1984.

S/ JAMES O. ELLISON

JAMES O. ELLISON
UNITED STATES DISTRICT JUDGE

APPROVED AS TO FORM
AND CONTENT:

JAMES C. LINGER
STEVEN L. SESSINGHAUS
Counsel for Plaintiffs

By: *[Signature]*

CARY W. CLARK
OFFICE OF THE DISTRICT ATTORNEY
Counsel for Defendants

By: Cary W. Clark

FILED

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

JUL 26 1984

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

THRIFTY RENT-A-CAR SYSTEM,)
INC.,)
)
Plaintiff,)
)
vs.)
)
TRAC RENTALS LIMITED,)
)
Defendant.)

No. 83-C-270-E

JUDGMENT

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

IT IS THEREFORE ORDERED, ADJUDGED AND DECREED that Plaintiff Thrifty Rent-A-Car System, Inc. recover judgment of the Defendant Trac Rentals Limited in the sum of \$78,923.33 plus interest at the statutory rate of 12.17%, that the franchise agreement be declared terminated and that Plaintiff be awarded its costs of action.

IT IS FURTHER ORDERED that Defendant, Trac Rentals Limited, take nothing on its counterclaim for wrongful termination and conspiracy to tortiously interfere with contract and that Defendant's counterclaims be dismissed on the merits.

IT IS FURTHER ORDERED that Defendant Trac Rentals Limited take nothing on its counterclaim for central billing accounts, the same having been dismissed by Defendant at the conclusion of all the evidence.

DATED at Tulsa, Oklahoma this 26th day of July, 1984.



JAMES C. ELLISON
UNITED STATES DISTRICT JUDGE

Entered
FILED

JUL 26 1984

Jack C. Sullivan
U. S. DISTRICT COURT

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

CONOCO, INC.,)
)
 Plaintiff,)
)
 vs.)
)
 TWIN OAKS ENERGY, INC.,)
)
 Defendant.)

CASE NO. 84-C-72-B

JOURNAL ENTRY OF DISMISSAL

This matter comes on for consideration this 26 day of July, 1984 pursuant to Stipulation for Dismissal entered herein by all parties. The Court having reviewed the Stipulation finds the same has been voluntarily entered into by the parties to this action, that said Stipulation is valid and that Judgment should be entered based there upon.

IT IS THEREFORE ORDERED, ADJUDGED AND DECREED that the Counterclaim filed herein by the Defendant, Twin Oaks Energy, Inc., against the Plaintiff, Conoco, Inc., be and the same is hereby dismissed with prejudice to the rights of the Defendant to refile the same.

S/ THOMAS R. BRETT

Thomas R. Brett
UNITED STATES DISTRICT JUDGE

Entered

FILED

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

JUL 26 1984

COMMERCIAL CREDIT EQUIPMENT)
CORPORATION,)
)
Plaintiff,)
)
vs.)
)
HAROLD RICHARD BAILEY, et al.,)
)
Defendants.)

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

No. 84-C-158-E ✓

JUDGMENT

This action was considered by the Court on the 26th day of July, 1984, on Application of the plaintiff for the Entry of Default Judgment pursuant to Rule 55 of the Federal Rules of Civil Procedure; it appearing to the Court that the Complaint in this action was filed on February 24, 1984, that Summons and Complaint were duly served on the defendants, Harold Richard Bailey and Rhonda Leigh Bailey, as required by law, it further appearing to the Court that the defendants have wholly failed to enter their appearances in the action or otherwise plead, and have defaulted, and it further appearing that default was entered against the defendants on the 11th day of June, 1984, by the Court Clerk, and that no proceedings have been taken by defendants since entry of their default.

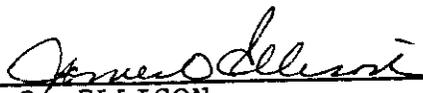
The Court, having reviewed the pleadings, exhibits and affidavits on file finds:

1. That the defendants, Harold Richard Bailey and Rhonda Leigh Bailey, are in default.

6

2. That plaintiff is entitled to default judgment in its favor, for the relief prayed for.
3. That plaintiff is the prevailing party and thereby entitled to an attorney fee award pursuant to Title 12, Oklahoma Statutes, Section 936, however the Court has reviewed the file and finds insufficient basis on which to award attorney fees and therefore finds the same should be denied.

IT IS THEREFORE ORDERED, ADJUDGED AND DECREED that plaintiff Commercial Equipment Corporation, recover of defendants, Harold Richard Bailey and Rhonda Leigh Bailey, judgment in the sum of \$36,494.46 with interest at the rate of 12.17% per annum from the date of judgment until paid and all costs expended in the action.



JAMES O. ELLISON
UNITED STATES DISTRICT JUDGE

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

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

Plaintiff,

v.

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

Defendants.

NO. 83-C-973-C

JUDGMENT

On the 19th day of July, 1984, the above cause came on for trial pursuant to regular setting; Plaintiff appeared in person and by counsel, Manville T. Buford; Defendants appeared by corporate representative and by counsel, William S. Hall.

All parties announced ready. A jury of six persons was duly qualified and sworn, whereupon the parties offered their evidence.

Upon conclusion of Plaintiff's evidence, Defendants moved for directed verdict on both counts alleged by Plaintiff. After hearing argument, the Court overruled the motion to dismiss Plaintiff's two counts, but sustained that portion of the motion striking exemplary damages from the relief sought by Plaintiff.

Upon conclusion of all evidence, both parties moved for directed verdict, all motions being overruled.

Arguments of counsel having been made, the Court instructed the jury as to the law of the case and the jury retired at 3:30 p.m., July 20, 1984.

At 5:05 p.m. of July 20, 1984, the jury announced that it had reached a verdict and returned to open court. The verdict was received by the Court and found for the Plaintiff on his Second Cause of Action (Fraud) against Defendants, and each of them, and fixed damages in the sum of \$35,000.00. A true and correct copy of the verdict is attached hereto as "Exhibit A" and incorporated herein as if fully recited.

There being no objection to the form of the verdict, the Court finds that judgment should be entered thereon.

IT IS THEREFORE ORDERED, ADJUDGED AND DECREED by the Court that judgment in the principal sum of \$35,000.00 should be and hereby is entered against Defendants Pfizer Inc. and Pfizer Overseas Inc., jointly and severally, in favor of Plaintiff Esteban Gutierrez, together with such interest thereon and costs as may be later determined by the Court as being authorized by law.

DONE this 26 day of July, 1984.

s/H. DALE COOK

H. Dale Cook, District Judge

[Counsel approval as to form next page]

Re: Gutierrez v. Pfizer Inc., et al.
Case No. 83-C-973-C
Judgment on Jury Verdict of 7-20-84

APPROVED AS TO FORM:

W S Hall

Wm S. Hall, Attorney for
Pfizer Inc. and Pfizer Overseas Inc.

Manville T. Buford

Manville T. Buford, Attorney for
Esteban Gutierrez dba R. G. & Associates/
Tulsa International Suppliers

VERDICT

<p>United States District Court</p>	<p>DISTRICT NORTHERN DISTRICT OF OKLAHOMA</p>
<p>CASE TITLE ESTEBAN GUTIERREZ d/b/a R.G. & ASSOC. TULSA INTERNATIONAL SUPPLIERS V. PFIZER, INC. & PFIZER OVERSEAS, INC.</p>	<p>DOCKET NO. 83-C-973-C</p> <p>MAGISTRATE'S CASE NO.</p>

WE, THE JURY, IN THE ABOVE ENTITLED AND NUMBERED CASE FIND:

For the Plaintiff, Esteban Gutierrez and against Defendants, Pfizer, Inc. & Pfizer Overseas, Inc. and fix damages in the amount of \$ 35,000.

In the event that you find in favor of the Plaintiff, Esteban Gutierrez, were the damages assessed under the First Cause of Action (Breach of Contract) or the Second Cause of Action (Fraud)?

FRAUD

FILED
IN OPEN COURT

JUL 20 1984

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

EXHIBIT "A" TO JUDGMENT

<p>FOREMAN'S SIGNATURE <i>Henry D. Miller</i></p>	<p>DATE 7-20-84</p>
---	-------------------------

Entered

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

JOHN A. MOSIER,)
)
 Petitioner,)
)
 v.)
)
 A. I. MURPHY,)
)
 Respondent.)

NO. 82-C-676-BT ✓

O R D E R

Before the Court for consideration is petitioner's motion to reconsider the Court's order of April 26, 1984 which sustained the April 5, 1984 Findings and Recommendations of the Magistrate. Also before the Court is petitioner's "traverse" to the Findings and Recommendations of the Magistrate.

Petitioner's "traverse" was filed with the Clerk of this Court on April 27, 1984 -- the day after the Court affirmed the Findings and Recommendations of the Magistrate. In his motion to reconsider, petitioner seeks consideration by the Court of his traverse, stating, "Plaintiff did mail from the Oklahoma State Prison his objection to the findings and recommendations of the magistrate within the time limit for such." Although the April 27, 1984 file-stamp date indicates petitioner's traverse was not timely filed, the Court concludes petitioner's motion to reconsider and "traverse" should be considered as a timely filed objection to the Magistrate's Findings and Recommendations.

In the comprehensive Findings and Recommendations of the Magistrate, it was recommended that the petition for writ of

habeas corpus be denied. The undersigned has reviewed the record in full.

In his petition for writ of habeas corpus, petitioner raised three grounds of error:

- 1) that his guilty plea was involuntary due to threats, coercion, duress and intimidation; the trial court did not follow the guidelines for accepting a guilty plea;
- 2) petitioner was denied due process of law by not being fully advised of the rights available; and
- 3) petitioner was denied effective assistances of counsel due to the conflict of interest existing in his attorney at the time of petitioner's guilty plea.

In his April 5, 1984 Findings and Recommendations, the Magistrate concluded with respect to ground of error number one, "It is the view of the Magistrate that Petitioner's claim that his plea of guilty was 'involuntary' because [i]t was the product of Threats, Coercion, Duress, and Intimidation,' and that '[t]he Court did not follow the guidelines for accepting a guilty plea,' is not supported by the record in this case."¹ The Magistrate further states:

"Petitioner contends that he would not have entered a plea of guilty absent a 'threat' by State to prosecute his wife and mother-in-law on charges relating to the murder for which Petitioner was being tried. The record shows that at the time the plea bargain agreement was entered into, charges had already been filed against Petitioner's wife in connection with the murder in Mayes County for which Petitioner was being tried, and that Petitioner's mother-in-law had also been charged with Murder in Orange County, Texas arising out of the same circumstances as the murder for which Petitioner was being tried. The record further

¹ Page 21.

shows that the State, as part of the plea bargain agreement, agreed to dismiss the charges against Petitioner's wife and further agreed that the State would not prosecute Petitioner's mother-in-law on charges of murder if the Defendant entered a plea of guilty to murder 1 after dismissing the Bill of Particulars which would have permitted the death penalty to be imposed if the Defendant were convicted."²

Plea bargains involving third person beneficiaries are not per se invalid. Harman v. Mohn, 683 F.2d 834 (4th Cir. 1982). However, special care must be taken to ascertain the voluntariness of guilty pleas entered in such circumstances. United States v. Nuckols, 606 F.2d 566, 569 (5th Cir. 1979); United States v. Tursi, 576 F.2d 396, 398 (1st Cir. 1978). As stated by the Fifth Circuit Court of Appeals in United States v. Nuckols, supra at 569:

"It is generally within a prosecutor's discretion merely to inform an accused that an implicated third person 'will be brought to book if he does not plead [guilty]. . . . If [an accused] elects to sacrifice himself for such motives, that is his choice . . .' Kent v. United States, 272 F.2d 795, 798 (1st Cir. 1959). Recognizing, however, that threats to prosecute third persons can carry leverage wholly unrelated to the validity of the underlying charge, we think that prosecutors who choose to use that technique must observe a high standard of good faith. Indeed, absent probable cause to believe that the third person has committed a crime, offering 'concessions' as to him or her constitutes a species of fraud. At a minimum, we think that prosecutors may not induce guilty pleas by means of threats which, if carried out, would warrant ethical censure."

From a careful review of the record in this case, it appears

the prosecutor offering the plea bargain to petitioner which involved petitioner's wife and mother-in-law acted in good faith in that both petitioner's wife and mother-in-law had been charged with crimes relating to petitioner's murder charge. Thus, the offer of "concessions" as to them did not constitute "a species of fraud." Nuckols, supra at 569. Moreover, the Court agrees that the record shows petitioner entered his guilty plea voluntarily with a full understanding of its consequences.

Further, the Court concludes the trial court substantially complied with the King v. State, 553 P.2d 529 (Okla. Cr. App. 1976), procedures for determining the voluntariness of and acceptance of a defendant's guilty plea. This is especially true when the transcript of petitioner's post-conviction relief proceedings is reviewed. The Magistrate stated,

"In denying the Application for Post-Conviction Relief, the trial court 'found that the Petitioner's plea of guilty was freely and voluntarily given by the Petitioner, who did so knowingly, intelligently and in the absence of coercion, in substantial compliance with the requirements of King' This finding was affirmed by the Court of Criminal Appeals. It is the view of the Magistrate that the record fully supports this finding."³

Having determined that petitioner's plea was voluntarily, petitioner's second ground of error, that he "was denied due process of law by not being fully advised of the rights available," has no merit.

Third, petitioner argues that he was denied effective assistance of counsel due to the "conflict of interest" existing

in his attorney at the time of petitioner's guilty plea. At the time of his guilty plea, petitioner was represented by Mr. George Farrar who also represented petitioner's wife and mother-in-law.

There is no requirement for trial courts to investigate the propriety of multiple representation in every case. As defense lawyers have an ethical obligation to avoid conflicting representations and to advise the trial court promptly when a conflict of interest arises, the trial court may assume there is either no conflict of interest or that the attorney's client knowingly accept such risk of conflict. Cuyler v. Sullivan, 446 U.S. 335 (1980).

Here, petitioner did not complain to the trial court that the representation by his attorney of petitioner's wife and mother-in-law adversely affected his attorney's performance. Nor did petitioner complain that his attorney induced him to plead guilty to obtain special consideration for petitioner's wife and mother-in-law. In fact, it appears that petitioner arranged for Farrar to represent his wife.

The Magistrate stated:

"Petitioner's contention that his attorney's alleged conflict of interest resulted in ineffective assistance of counsel which did in fact render his plea of guilty 'involuntary' is not supported by the record and 'is not a reason for vacating his plea.' ' Dukes, 250 U.S. at 257, quoting Santobello v. New York, 404 U.S. 257, 267 (1971)."⁴

The Court is in full agreement with the conclusion of the Magistrate.

⁴ Page 42.

Mindful of presumption of correctness afforded findings made by a state court judge, 28 U.S.C. §2254(d), and of the "convincing evidence" burden placed upon the habeas applicant to establish that the factual determination by the state court was erroneous, Sumner v. Mata, 449 U.S. 539, 550 (1981), the Court concludes the Findings and Recommendations of the Magistrate are correct and should be affirmed.

IT IS THEREFORE ORDERED petitioner's motion to reconsider the Court's April 26, 1984 order is sustained. IT IS FURTHER ORDERED that the Findings and Recommendations of the Magistrate entered herein on April 5, 1984 are affirmed. Petitioner's petition for writ of habeas corpus is denied.

ENTERED this 26 day of July, 1984.

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

THOMAS R. BRETT
UNITED STATES DISTRICT JUDGE

UNITED STATES DISTRICT COURT FOR THE
NORTHERN DISTRICT OF OKLAHOMA

UNITED STATES OF AMERICA,)
)
 Plaintiff,)
)
 vs.)
)
 DAVID BURLESON,)
)
 Defendant.) CIVIL ACTION NO. 84-C-188-E

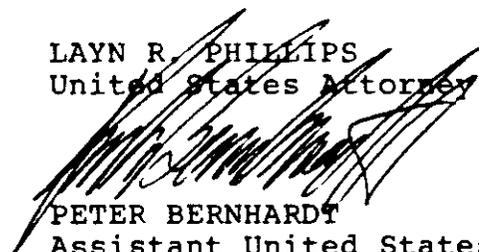
NOTICE OF DISMISSAL

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 26th day of July, 1984.

UNITED STATES OF AMERICA

LAYN R. PHILLIPS
United States Attorney

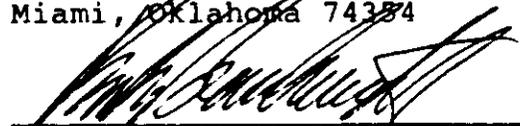

PETER BERNHARDT
Assistant United States Attorney
460 U.S. Courthouse
Tulsa, Oklahoma 74103
(918) 581-7463

CERTIFICATE OF SERVICE

This is to certify that on the 26th day of July, 1984,
a true and correct copy of the foregoing was mailed, postage
prepaid thereon, to:

David Burleson
Route 4
Grove, Oklahoma 74344

T. Logan Brown, Esq.
P.O. Box 248, 25 East Central
Miami, Oklahoma 74354


Assistant United States Attorney

FILED

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

JUL 26 1984

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

BETTIE J. ANTWINE,)
)
 Plaintiff,)
)
 v.)
)
 MARGARET M. HECKLER, Secretary)
 of Health and Human Services,)
)
 Defendant.)

No. 83-C-23-E ✓

C R D E R

The Court has for consideration the Findings and Recommendations of the Magistrate filed on July 11, 1984 in which it is recommended that this case be remanded to the Secretary for further administrative proceedings. No exceptions or objections have been filed and the time for filing such exceptions or objections has expired.

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

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

It is so Ordered this 26TH day of July, 1984.


JAMES O. ELLISON
UNITED STATES DISTRICT JUDGE

FILED

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

JUL 26 1984

CANADIAN COMMERCIAL BANK, a)
corporation,)
)
Plaintiff,)
)
vs.)
)
GEODYNE RESOURCES, INC.,)
a corporation,)
)
Defendant.)

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

Case No. 83-C-526-E

ORDER OF DISMISSAL

Upon stipulation of the parties hereto, this matter and all claims set forth in the pleadings filed by the parties are hereby ordered dismissed with prejudice, with each party to bear their own costs.

DATED this 26th day of July, 1984.

S/ JAMES O. ELLISON

UNITED STATES DISTRICT JUDGE

Entered

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

UNITED STATES OF AMERICA,)
)
 Plaintiff,)
)
 vs.)
)
 ROBERT D. LUNDY,)
)
 Defendant.)

JUL 26 1984

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

CIVIL ACTION NO. 84-C-333-B

DEFAULT JUDGMENT

This matter comes on for consideration this 26th day of July, 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, Robert D. Lundy, appearing not.

The Court being fully advised and having examined the file herein finds that Defendant, Robert D. Lundy, acknowledged receipt of Summons and Complaint on April 19, 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, Robert D. Lundy, in the amount of \$509.53, plus interest at the rate of 15.05 percent per annum and administrative costs of \$.61 per month from August 11, 1983, and \$.68 per month effective January 1, 1984, until judgment, plus interest thereafter at the

current legal rate of 12.17% percent from the date of judgment until paid, plus the costs of this action.

S/ THOMAS R. BRETT

UNITED STATES DISTRICT JUDGE

Entered

FILED

JUL 26 1984

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

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

EMMETT SMITH,)
)
 Plaintiff,)
)
 vs.)
)
 LYSTADS, INC.,)
)
 Defendant.)

No. 84-C-94-E ✓

ORDER

NOW on this 26th day of July, 1984 comes on for hearing Defendant's motion to dismiss in the above-styled case and the Court being fully advised in the premises finds the same should be granted. Plaintiff is given fifteen (15) days to cure the deficiencies in the complaint by amendment.

It is so ORDERED.

James O. Ellison

JAMES O. ELLISON
UNITED STATES DISTRICT JUDGE

6

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

FILED
July 25, 1984
4

NAND KISHORE BHOJWANI,)
)
Petitioner,)
)
vs.) No. 82-C-342-C ✓
)
JAMES WOODS, OFFICER IN)
CHARGE, IMMIGRATION AND)
NATURALIZATION SERVICE,)
OKLAHOMA CITY, OKLAHOMA,)
)
Respondent.)

O R D E R

This action is before the Court upon the petition of Nand Kishore Bhojwani for a writ of habeas corpus pursuant to 8 U.S.C. §1105a(b). The petitioner alleges that an Order of the Board of Immigration Appeals which denied petitioner's application for status as a permanent resident in the United States as a business investor was contrary to applicable law and was an abuse of the exercise of the Board's discretion. Mr. Bhojwani seeks a judgment from this Court to the effect that he has established his eligibility to be granted lawful permanent resident status in the United States.¹

¹ The factual background of this action and the chronological sequence of its procedural history are set forth in the thorough Findings and Recommendations of Robert S. Rizley, United States Magistrate for the Northern District of Oklahoma, and they need not be repeated here.

In respondent's Proposed Findings of Fact and Conclusions of Law submitted to Magistrate Rizley, the respondent admits error in the proceedings below in that "[A] significant part of the record of the exclusion proceedings that were both material and relevant to the issues were omitted from the record and/or was not received and considered by the Board of Immigration Appeals." Findings of Fact No. 6. In that same pleading the respondent requested that the Court reverse the decision of the Board and remand this case to the Board of Immigration Appeals to be reconsidered and decided on the entire record of the exclusion hearing held before the Immigration Judge.

After carefully reviewing the record herein and hearing the arguments of the parties, this Court has concluded that the decision of the Board of Immigration Appeals should be reversed and that the matter should be remanded for a new evidentiary hearing wherein reconsideration is given to the ruling that petitioner should be denied permanent resident status based on administrative discretion.

As did Magistrate Rizley, this Court concludes, on the record before it, that petitioner met the statutory eligibility requirements of 8 CFR §212.8(b)(4) as an investor, in effect at the time of his application for adjustment of status. Petitioner was, thus, exempt from the requirement of 8 U.S.C. §1182(a)(14) in relation to the obtaining of a labor certification. The Court believes that the testimony and documentation submitted by petitioner on his investor status under Section 212.8(b)(4) was clear and unambiguous. The record clearly reflects that

petitioner made a \$10,000 investment in the business of Excellor's Fashion and that he had at least one year's experience or training which qualified him to act as a manager in such business. On remand, the only issue to be considered by the administrative authorities is whether in the exercise of their discretion petitioner warrants adjustment of his status to that of permanent resident.

It appears from the record herein that an investigative report prepared by officials of the American Embassy, New Delhi, India, and apparently relied on by the Immigration Judge with respect to the discretionary denial of petitioner's application for change of status was not contained in the record lodged with the Board of Immigration Appeals when petitioner's case came before the Board for review. The Immigration Judge found petitioner excludable under the provisions of 8 U.S.C. §1182(a)(14), (19 and (20). The Board agreed that petitioner was excludable pursuant to 8 U.S.C. §1182(a)(14) and (20), but made no finding as to excludability pursuant to Section 1182(a)(19).

As noted earlier, this Court has concluded that petitioner carried his burden before the Immigration Judge and the Board of Immigration Appeals to show by clear and convincing evidence that he qualified for permanent residence status pursuant to the provisions of 8 C.F.R. 212.8(b)(4) in effect at the time of his application. The Board made no finding that petitioner was excludable pursuant to 8 U.S.C. §1182(a)(19). That section provides that: "[a]ny alien who seeks to procure, or has procured a visa or other documentation, or seeks to enter the

United States by fraud, or by willfully misrepresenting a material fact" shall be excluded from admission to the United States. In that the Board made no finding under Section 1182(a)(19) this Court need not address the issue.

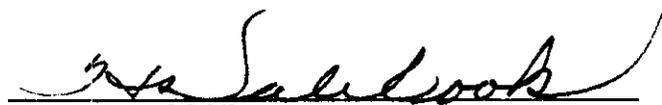
The only real question in this action is whether the Board properly exercised its discretion in denying petitioner's request for permanent residency status. This Court concludes that it did not properly exercise its discretion on the record before it. The Board, in its decision of February 3, 1982, found that even if petitioner had satisfied the statutory requirement necessary to become an investor, that his application should be denied as a matter of administrative discretion. The only "factual" finding the Court can discern concerning the Board's denial in this regard is its belief that the testimony offered by petitioner to support his investor application was not credible and that discrepancies and inconsistencies in the evidence were not adequately resolved. These statements of the Board are merely conclusory. The documentary evidence before the Board was wholly consistent with petitioner's testimony that he did, in fact, invest \$10,000 in Excellor's Fashion on May 2, 1975 pursuant to a partnership agreement he entered into on April 28, 1975 concerning the business. The Board, apparently, did not have before it the investigative report prepared by the American Embassy in New Delhi for its review. Thus, the Board could not have relied on that investigative report. Without the report the Board had little, if anything, to base its denial on discretionary grounds.

The investigative report prepared by the American Embassy does contain certain potentially adverse factors regarding petitioner's application for adjustment of status. It appears clear that the Immigration Judge relied, in part, on this report in denying petitioner's application. It is not at all clear what reliance, if any, the Board put on the report or information contained therein which was mentioned at the hearing before the Immigration Judge. It is also unclear whether petitioner or his counsel had any advance notice that the information contained in the report would be used against him at the hearing regarding his adjustment of status or whether petitioner or his counsel had access to the report prior to the hearing. It appears that petitioner, thus, was not afforded an adequate opportunity to meet the potentially adverse information contained in the report at his hearing. This Court concludes he should have been given such an opportunity in the first instance. The lack of this opportunity, together with the other procedural irregularities concerning the investigative report, warrant the conclusion that the petitioner was not afforded procedural due process in the administrative proceedings. He is therefore entitled to a new hearing to rebut any adverse information contained in the investigative report.

It is therefore the Order of this Court that the decision of the Board of Immigration Appeals is reversed and the present action is remanded to the Immigration and Naturalization Service for the purpose of conducting a new evidentiary hearing in regard to petitioner's application for adjustment of status to that of a

permanent resident alien. Such hearing shall be conducted within ninety (90) days from the date of this Order. If said hearing is not held within such ninety (90) day period a writ of habeas corpus shall issue from this Court discharging the petitioner and an Order directing that petitioner be granted an adjustment of status to that of permanent resident alien will issue. The Court would finally note that nothing in this Order shall preclude the Immigration and Naturalization Service from adjusting petitioner's status to that of permanent resident alien without holding the aforementioned evidentiary hearing.

It is so Ordered this 25th day of July, 1984.


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



UNITED STATES DISTRICT COURT FOR THE
NORTHERN DISTRICT OF OKLAHOMA

UNITED STATES OF AMERICA,)
)
 Plaintiff,)
)
 v.)
)
 JACK L. HUGHES and ALLENE)
 HUGHES; FIRST NATIONAL BANK)
 OF NOWATA; COUNTY TREASURER)
 and BOARD OF COUNTY)
 COMMISSIONERS, Nowata County,)
 Oklahoma,)
)
 Defendants.)

FILED
JUL 25 1984
Jack C. Silver, Clerk
U. S. DISTRICT COURT

CIVIL ACTION NO. 84-C-588-C ✓

ORDER

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

Dated this 25 day of July, 1984.


UNITED STATES DISTRICT JUDGE

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

FILED

JUL 25 1984

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

VERNON BINGHAM d/b/a)
BINGHAM SAND & GRAVEL, INC.,)
and TRI-STATE INSURANCE)
COMPANY,)

Plaintiffs,)

CASE NO.: 83-C-1034-C

v.)

THE UNITED STATES OF AMERICA,)

Defendant.)

ORDER OF DISMISSAL

NOW, on this 25 day of July, 1984, there comes on for consideration the Stipulation of Dismissal of the parties herein. The Court finds that the case should be dismissed with prejudice for the reason that a settlement has been entered into between the parties.

IT IS THEREFORE ORDERED, ADJUDGED, AND DECREED that this action should be and is hereby dismissed with prejudice.

s/H. DALE COOK

DISTRICT COURT JUDGE

APPROVALS:

Nancy Blevins
NANCY BLEVINS

MARK S. DARRAH

FILED

MAY -4 1984

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

UNITED STATES DISTRICT COURT FOR THE
NORTHERN DISTRICT OF OKLAHOMA

VERNON BINGHAM, d/b/a)	
BINGHAM SAND & GRAVEL, INC.,)	
and TRI-STATE INSURANCE)	
COMPANY,)	
)	
Plaintiffs,)	
)	
vs.)	
)	
UNITED STATES OF AMERICA,)	
)	
Defendant.	)	CIVIL ACTION NO. 83-C-1034-C

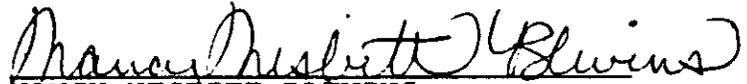
STIPULATION OF SETTLEMENT

COME NOW the Plaintiffs herein, Vernon Bingham, d/b/a Bingham Sand & Gravel, Inc., and Tri-State Insurance Company, and the Defendant, United States of America, and do hereby stipulate and agree that the Complaint of the Plaintiffs and the Counterclaim of the Defendant herein will be settled and satisfied in full upon payment by the Defendant, United States of America, of the sum of \$5,150.00 in the form of a draft made

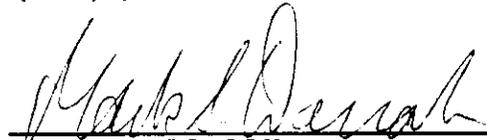
payable to Tri-State Insurance Company, and Knight, Wagner,
Stuart, Wilkerson, and Lieber, Attorneys at Law.

UNITED STATES OF AMERICA

LAYN R. PHILLIPS
United States Attorney



NANCY NESEBITT BLEVINS
Assistant United States Attorney
460 United States Courthouse
Tulsa, Oklahoma 74103
(918) 581-7463



MARK S. DARRAH
KNIGHT, WAGNER, STUART, WILKERSON
& LIEBER
Attorneys for Plaintiffs

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

FAIRFIELD MACHINE COMPANY, INC.,)
an Ohio corporation,)

Plaintiff,)

vs.)

NATIONAL TUBULAR SYSTEMS, INC.,)
an Oklahoma corporation,)

Defendant.)

Case No. 83-C-777-C

FILED

JUL 25 1984

ORDER OF DISMISSAL Jack C. Silver, Clerk
U. S. DISTRICT COURT

Pursuant to the Stipulation of Dismissal filed in the
above captioned case, the Court does hereby,

ORDER, ADJUDGE AND DECREE that the above captioned
case is dismissed with prejudice. Each party is to bear its
own costs.

SO ORDERED this 25 day of July, 1984.

s/H. DALE COOK

Judge of the District Court

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

NAND KISHORE BHOJWANI,
Petitioner,

vs.

JAMES WOODS, OFFICER IN
CHARGE, IMMIGRATION AND
NATURALIZATION SERVICE,
OKLAHOMA CITY, OKLAHOMA,
Respondent.

No. 82-C-342-C

O R D E R

This action is before the Court upon the petition of Nand Kishore Bhojwani for a writ of habeas corpus pursuant to 8 U.S.C. §1105a(b). The petitioner alleges that an Order of the Board of Immigration Appeals which denied petitioner's application for status as a permanent resident in the United States as a business investor was contrary to applicable law and was an abuse of the exercise of the Board's discretion. Mr. Bhojwani seeks a judgment from this Court to the effect that he has established his eligibility to be granted lawful permanent resident status in the United States.¹

¹ The factual background of this action and the chronological sequence of its procedural history are set forth in the thorough Findings and Recommendations of Robert S. Rizley, United States Magistrate for the Northern District of Oklahoma, and they need not be repeated here.

In respondent's Proposed Findings of Fact and Conclusions of Law submitted to Magistrate Rizley, the respondent admits error in the proceedings below in that "[A] significant part of the record of the exclusion proceedings that were both material and relevant to the issues were omitted from the record and/or was not received and considered by the Board of Immigration Appeals." Findings of Fact No. 6. In that same pleading the respondent requested that the Court reverse the decision of the Board and remand this case to the Board of Immigration Appeals to be reconsidered and decided on the entire record of the exclusion hearing held before the Immigration Judge.

After carefully reviewing the record herein and hearing the arguments of the parties, this Court has concluded that the decision of the Board of Immigration Appeals should be reversed and that the matter should be remanded for a new evidentiary hearing wherein reconsideration is given to the ruling that petitioner should be denied permanent resident status based on administrative discretion.

As did Magistrate Rizley, this Court concludes, on the record before it, that petitioner met the statutory eligibility requirements of 8 CFR §212.8(b)(4) as an investor, in effect at the time of his application for adjustment of status. Petitioner was, thus, exempt from the requirement of 8 U.S.C. §1182(a)(14) in relation to the obtaining of a labor certification. The Court believes that the testimony and documentation submitted by petitioner on his investor status under Section 212.8(b)(4) was clear and unambiguous. The record clearly reflects that

petitioner made a \$10,000 investment in the business of Excellor's Fashion and that he had at least one year's experience or training which qualified him to act as a manager in such business. On remand, the only issue to be considered by the administrative authorities is whether in the exercise of their discretion petitioner warrants adjustment of his status to that of permanent resident.

It appears from the record herein that an investigative report prepared by officials of the American Embassy, New Delhi, India, and apparently relied on by the Immigration Judge with respect to the discretionary denial of petitioner's application for change of status was not contained in the record lodged with the Board of Immigration Appeals when petitioner's case came before the Board for review. The Immigration Judge found petitioner excludable under the provisions of 8 U.S.C. §1182(a)(14), (19 and (20). The Board agreed that petitioner was excludable pursuant to 8 U.S.C. §1182(a)(14) and (20), but made no finding as to excludability pursuant to Section 1182(a)(19).

As noted earlier, this Court has concluded that petitioner carried his burden before the Immigration Judge and the Board of Immigration Appeals to show by clear and convincing evidence that he qualified for permanent residence status pursuant to the provisions of 8 C.F.R. 212.8(b)(4) in effect at the time of his application. The Board made no finding that petitioner was excludable pursuant to 8 U.S.C. §1182(a)(19). That section provides that: "[a]ny alien who seeks to procure, or has procured a visa or other documentation, or seeks to enter the

United States by fraud, or by willfully misrepresenting a material fact" shall be excluded from admission to the United States. In that the Board made no finding under Section 1182(a)(19) this Court need not address the issue.

The only real question in this action is whether the Board properly exercised its discretion in denying petitioner's request for permanent residency status. This Court concludes that it did not properly exercise its discretion on the record before it. The Board, in its decision of February 3, 1982, found that even if petitioner had satisfied the statutory requirement necessary to become an investor, that his application should be denied as a matter of administrative discretion. The only "factual" finding the Court can discern concerning the Board's denial in this regard is its belief that the testimony offered by petitioner to support his investor application was not credible and that discrepancies and inconsistencies in the evidence were not adequately resolved. These statements of the Board are merely conclusory. The documentary evidence before the Board was wholly consistent with petitioner's testimony that he did, in fact, invest \$10,000 in Excellor's Fashion on May 2, 1975 pursuant to a partnership agreement he entered into on April 28, 1975 concerning the business. The Board, apparently, did not have before it the investigative report prepared by the American Embassy in New Delhi for its review. Thus, the Board could not have relied on that investigative report. Without the report the Board had little, if anything, to base its denial on discretionary grounds.

The investigative report prepared by the American Embassy does contain certain potentially adverse factors regarding petitioner's application for adjustment of status. It appears clear that the Immigration Judge relied, in part, on this report in denying petitioner's application. It is not at all clear what reliance, if any, the Board put on the report or information contained therein which was mentioned at the hearing before the Immigration Judge. It is also unclear whether petitioner or his counsel had any advance notice that the information contained in the report would be used against him at the hearing regarding his adjustment of status or whether petitioner or his counsel had access to the report prior to the hearing. It appears that petitioner, thus, was not afforded an adequate opportunity to meet the potentially adverse information contained in the report at his hearing. This Court concludes he should have been given such an opportunity in the first instance. The lack of this opportunity, together with the other procedural irregularities concerning the investigative report, warrant the conclusion that the petitioner was not afforded procedural due process in the administrative proceedings. He is therefore entitled to a new hearing to rebut any adverse information contained in the investigative report.

It is therefore the Order of this Court that the decision of the Board of Immigration Appeals is reversed and the present action is remanded to the Immigration and Naturalization Service for the purpose of conducting a new evidentiary hearing in regard to petitioner's application for adjustment of status to that of a

permanent resident alien. Such hearing shall be conducted within ninety (90) days from the date of this Order. If said hearing is not held within such ninety (90) day period a writ of habeas corpus shall issue from this Court discharging the petitioner and an Order directing that petitioner be granted an adjustment of status to that of permanent resident alien will issue. The Court would finally note that nothing in this Order shall preclude the Immigration and Naturalization Service from adjusting petitioner's status to that of permanent resident alien without holding the aforementioned evidentiary hearing.

It is so Ordered this 25th day of July, 1984.


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

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

MERLAND G. MORGAN
and HELEN MORGAN

VS.

FIBREBOARD CORPORATION, ET AL

§
§
§
§
§
§

CASE NO. 82-C-781-C

FILED

JUL 25 1984

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

ORDER GRANTING DISMISSAL

BE IT REMEMBERED that on this 25 day of July, 1984, came on to be heard Plaintiffs' Motion for Dismissal with Prejudice against RYDER INDUSTRIES, INC., and the Court after reviewing same finds that it should be in all things granted.

IT IS THEREFORE ORDERED, ADJUDGED AND DECREED that the above styled and numbered cause is dismissed as to Defendant RYDER INDUSTRIES, INC., with prejudice to refileing the same with Plaintiffs bearing the costs of the litigation.

SIGNED this 25 day of July, 1984.


JUDGE PRESIDING

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

FILED

JUL 25 1984

HAROLD KENNETH THOMPSON
and HELEN LOUISE THOMPSON

§
§
§
§
§
§

CASE NO. 82-C-836-C

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

VS.

FIBREBOARD CORPORATION, ET AL

ORDER GRANTING DISMISSAL

BE IT REMEMBERED that on this 25 day of July, 1984, came on to be heard Plaintiffs' Motion for Dismissal with Prejudice against RYDER INDUSTRIES, INC., and the Court after reviewing same finds that it should be in all things granted.

IT IS THEREFORE ORDERED, ADJUDGED AND DECREED that the above styled and numbered cause is dismissed as to Defendant RYDER INDUSTRIES, INC., with prejudice to refileing the same with Plaintiffs bearing the costs of the litigation.

SIGNED this 25 day of July, 1984.

John Salebrook
JUDGE PRESIDING

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

MACK MURATET BRALY & ASSOCIATES,
a Professional Corporation,
Plaintiffs

v.

ROBERT S. SINN, JAN S. MIRSKY,
individuals, and general partners in
SIXTH GEOSTRATIC ENERGY DRILLING
PROGRAM OF 1980, SEVENTH GEOSTRATIC
DRILLING PROGRAM OF 1980, EIGHTH
GEOSTRATIC DRILLING PROGRAM OF 1980,
FIRST ANCOR GEOSTRATIC DRILLING
PROGRAM OF 1980, SECOND ANCOR
GEOSTRATIC DRILLING PROGRAM OF 1980,
and THIRD ANCOR GEOSTRATIC DRILLING
PROGRAM OF 1980,
Defendants

No. 84-C-507-E

JUL 23 1984

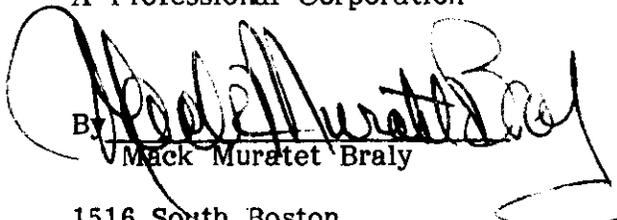
CLERK
U.S. DISTRICT COURT

NOTICE OF
DISMISSAL WITH PREJUDICE

Plaintiff, Mack Muratet Braly & Associates, a Professional Corporation,
pursuant to Rule 41 Fed. Rules Civ. Proc. hereby dismisses its claims with
prejudice against the above named Defendants.

Dated: Tulsa, Oklahoma
July 23, 1984

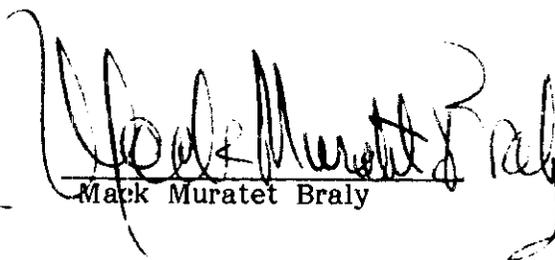
MACK MURATET BRALY & ASSOCIATES,
A Professional Corporation

By 
Mack Muratet Braly

1516 South Boston
Suite 320
Tulsa, Oklahoma 74119
(918) 582-2806

CERTIFICATE OF SERVICE

Mack Muratet Braly, being the Plaintiff does hereby certify that upon this 23rd day of July, 1984, I did cause to be served a true and correct copy of the above and foregoing Dismissal with Prejudice on the Defendant's by mailing a copy thereof to them in care of their attorney, Paul C. Kurland, Esq., Messrs Baer, Marks & Upham, 805 Third Avenue, New York, New York 10022, in the United States Mails with correct postage affixed thereto.


Mack Muratet Braly

UNITED STATES DISTRICT COURT FOR THE
NORTHERN DISTRICT OF OKLAHOMA

FILED

JUL 23 1984

UNITED STATES OF AMERICA,)
)
 Plaintiff,)
)
 vs.)
)
 JIMMIE D. WRIGHT,)
)
 Defendant.)

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

CIVIL ACTION NO. 84-C-498-E

DEFAULT JUDGMENT

This matter comes on for consideration this 20th day of July, 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, Jimmie D. Wright, appearing not.

The Court being fully advised and having examined the file herein finds that Defendant, Jimmie D. Wright, acknowledged receipt of Summons and Complaint on June 14, 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, Jimmie D. Wright, in the amount of \$515.72, plus accrued interest of \$80.26 as of March 31, 1984, plus interest thereafter at the rate of 8 percent per annum until judgment, plus interest

thereafter at the current legal rate of 12.17% percent from
the date of judgment until paid, plus the costs of this action.


UNITED STATES DISTRICT JUDGE

UNITED STATES DISTRICT COURT FOR THE
NORTHERN DISTRICT OF OKLAHOMA

FILED

JUL 23 1984

UNITED STATES OF AMERICA,)
)
 Plaintiff,)
)
 vs.)
)
 EDWARD M. VOTTERO,)
)
 Defendant.)

Jack C. Silver, Clerk
U S DISTRICT COURT

CIVIL ACTION NO. 84-C-488-E

DEFAULT JUDGMENT

This matter comes on for consideration this 20th day of July, 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 M. Vottero, appearing not.

The Court being fully advised and having examined the file herein finds that Defendant, Edward M. Vottero, acknowledged receipt of Summons and Complaint on June 19, 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 M. Vottero, in the amount of \$266.67, plus interest at the rate of 15.05 percent per annum and administrative costs of \$.61 per month from November 2, 1983, and \$.68 per month from January 1, 1984, until judgment, plus interest thereafter at the

current legal rate of 12.17 percent from the date of judgment until paid, plus the costs of this action.

S/ JAMES O. ELLISON
UNITED STATES DISTRICT JUDGE

UNITED STATES DISTRICT COURT FOR THE
NORTHERN DISTRICT OF OKLAHOMA

FILED

JUL 23 1984

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

UNITED STATES OF AMERICA,)
)
 Plaintiff,)
)
 vs.)
)
 RONALD L. COBB, a single)
 person, VANTEEN WILSON, a)
 single person, NATIONAL BANK)
 OF TULSA, Master Charge)
 Division, E. D. FISHER and)
 CHARLES FISHER, d/b/a)
 Premier Tile Company,)
 STATE OF OKLAHOMA, ex rel.,)
 Oklahoma Employment Security)
 Commission, STATE OF)
 OKLAHOMA, ex rel., Oklahoma)
 Tax Commission, COUNTY)
 TREASURER, Tulsa County,)
 Oklahoma, and BOARD OF)
 COUNTY COMMISSIONERS, Tulsa)
 County, Oklahoma,)
)
 Defendants.)

CIVIL ACTION No. 83-C-930-E

JUDGMENT OF FORECLOSURE

THIS MATTER COMES on for consideration this 23 day
of July, 1984. The Plaintiff appears by Layn R.
Phillips, United States Attorney for the Northern District of
Oklahoma, through Nancy Nesbitt Blevins, Assistant United States
Attorney; the Defendant, National Bank of Tulsa, now Bank of
Oklahoma, Master Charge Division, appears by its attorney Mark W.
Dixon; the Defendant, State of Oklahoma, ex rel. Oklahoma
Employment Security Commission, appears by James D. Stephens,
Assistant General Counsel, Oklahoma Employment Security Commis-
sion; the Defendant State of Oklahoma, ex rel. Oklahoma Tax
Commission appears by Joe Mark ElKouri, Assistant General

Counsel, Oklahoma Tax Commission; the Defendant County Treasurer, Tulsa County, Oklahoma, and Board of County Commissioners, Tulsa County, Oklahoma, appear by David A. Carpenter, Assistant District Attorney; and the Defendants Ronald L. Cobb, Vanteen Wilson, E. D. Fisher and Charles Fisher, d/b/a Premier Tile Company, appear not, but make default.

The Court being fully advised and having examined the file herein finds that Defendant, Vanteen Wilson was served with Summons and Complaint on November 5, 1983, and with Summons and Amended Complaint on March 6, 1984; that the Defendant National Bank of Tulsa, now Bank of Oklahoma, Master Charge Division was served with Summons and Complaint on November 16, 1983, and with Summons and Amended Complaint on February 3, 1984; that the Defendants E. D. Fisher and Charles Fisher, d/b/a Premier Tile Company were served with Summons and Complaint on November 14, 1983, and with Summons and Amended Complaint on February 4, 1984; that the Defendant State of Oklahoma, ex rel. Oklahoma Employment Security Commission was served with Summons and Complaint on November 4, 1983, and with Summons and Amended Complaint on January 26, 1984; that the Defendant State of Oklahoma, ex rel. Oklahoma Tax Commission, was served with Summons and Complaint on November 4, 1983, and with Summons and Amended Complaint on January 26, 1984; that the Defendant Board of County Commissioners, Tulsa County, Oklahoma was served with Summons and Complaint on November 7, 1983, and with Summons and Amended Complaint on January 26, 1984; and that the Defendant County Treasurer, Tulsa County, Oklahoma, was served with Summons and

Complaint on November 4, 1983, and with Summons and Amended Complaint on January 24, 1984.

The Court further finds that the Defendant Ronald L. Cobb, was served by publishing notice of this action in the Tulsa Daily Business Journal & Legal Record, a newspaper of general circulation in Tulsa County, Oklahoma, once a week for six (6) consecutive weeks beginning April 12, 1984, and continuing to May 17, 1984, as more fully appears from the verified proof of publication duly filed herein; and that this action is one in which service by publication is authorized by 12 O.S. Section 170.6(a) since counsel for the Plaintiff does not know and with due diligence cannot ascertain the whereabouts of the Defendant, Ronald L. Cobb, and service cannot be made upon said Defendant within the Northern Judicial District of Oklahoma or the State of Oklahoma by any other method, or upon said Defendant without the Northern Judicial District of Oklahoma or the State of Oklahoma by any other method. The Court conducted an inquiry into the sufficiency of the service by publication to comply with due process of law and based upon the evidence presented finds that the Plaintiff, United States of America, acting on behalf of the Veterans Administration, and its attorneys, Layn R. Phillips, United States Attorney for the Northern District of Oklahoma, through Nancy Nesbitt Blevins, Assistant United States Attorney, have fully exercised due diligence in ascertaining the true names and identities of the party served by publication with respect to his present or last known places of residence and/or mailing

addresses. The Court accordingly approves and confirms that the service by publication is sufficient to confer jurisdiction upon this Court to enter the relief sought by the Plaintiff, both as to the subject matter and the Defendant served by publication.

It appears that the Defendant National Bank of Tulsa, now Bank of Oklahoma, Master Charge Division, filed its Answer to the Complaint herein on November 17, 1983, and its Answer to the Amended Complaint herein on February 10, 1984; that the Defendant State of Oklahoma, ex rel. Oklahoma Employment Security Commission filed its Answer and Cross Petition herein on December 6, 1983; that the Defendant State of Oklahoma, ex rel. Oklahoma Tax Commission filed its Answer and Cross Petition herein on November 21, 1983, and its Amended Answer and Cross Petition herein on February 2, 1984; that the Defendants Board of County Commissioners, Tulsa County, Oklahoma, and County Treasurer, Tulsa County, Oklahoma, filed their Answers to the Complaint herein on November 17, 1983, and their Answers to the Amended Complaint herein on February 2, 1984; and that the Defendants Ronald L. Cobb, Vanteen Wilson, and E. D. Fisher and Charles Fisher, d/b/a Premier Tile Company have failed to answer and their default has been entered by the Clerk of this Court.

The Court further finds that Plaintiff's First Cause of Action is based upon a certain promissory note and 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 Thirty-four (34), Block Nineteen (19),
SUBURBAN HILLS ADDITION to the City of Tulsa,
Tulsa County, State of Oklahoma, according to
the recorded Plat thereof.

THAT on October 2, 1973, Defendant Ronald L. Cobb,
executed and delivered to the United States of America, acting
through the Administrator of Veterans' Affairs, his Mortgage Note
in the amount of \$12,000.00, payable in monthly installments with
interest thereon at the rate of 4½ percent per annum.

That as security for the payment of the above-described
note, Ronald L. Cobb executed and delivered to the United States
of America, acting through the Administrator of Veterans'
Affairs, a Mortgage dated October 2, 1973, covering the above-
described real property. Said mortgage was recorded in Book
4090, Page 1123, in the records of Tulsa County, Oklahoma.

The Court further finds that the Defendant, Ronald L.
Cobb, made default under the terms of the aforesaid Mortgage Note
and Mortgage by reason of his failure to make monthly
installments due thereon, which default has continued and that by
reason thereof the Defendant, Ronald L. Cobb, is indebted to the
Plaintiff in the sum of \$9,854.33, as of December 1, 1982, plus
interest thereafter at the rate of 4½ percent per annum 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 on January 16, 1975, a
judgment was entered against Thell Wilson and the Defendant
Vanteen Wilson foreclosing on certain chattels and awarding a
money judgment to the United States of America in the sum of

\$2,740.94, together with interest accrued thereon in the sum of \$74.25 through July 10, 1974, and interest accruing thereafter at the rate of \$.4473 per day.

The Court further finds that on January 9, 1980, an execution was issued on the above-described judgment of foreclosure, but was returned unsatisfied. The judgment of foreclosure has not been paid although payment has been demanded and it is therefore a lien against the above-described real property.

The Court further finds that the Defendant Vanteen Wilson is indebted to the Plaintiff under its Second Cause of Action based upon the aforesaid judgment of foreclosure in the sum of \$2,359.63 as of January 12, 1984, plus interest as of that date in the sum of \$120.91, plus interest thereafter accruing at the rate of \$.390 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 National Bank of Tulsa, now Bank of Oklahoma, Master Charge Division, has a lien against the above-described real property by virtue of a Journal Entry of Judgment dated March 25, 1975, entered March 25, 1975, in Master Charge, a division of the National Bank of Tulsa v. Vanteen Wilson, No. CSJ 75-585, District Court, Tulsa County, Oklahoma, in the amount of \$2,385.61, an attorney fee in the sum of \$800.00, plus interest at the rate of ten (10) percent per annum from the date of judgment until paid, plus costs accrued and accruing. Said lien is inferior to the interests of the Plaintiff, United States of America set forth above.

The Court further finds that the Defendant State of Oklahoma, ex rel. Oklahoma Employment Security Commission, has a lien against the above-described real property by virtue of a Judgment, dated January 10, 1975, entered March 13, 1975, in Oklahoma Employment Security Commission v. Thell and Vanteen Wilson, Individually and d/b/a Happy Hour Child Care Center, TW-75-127, No. 030858, District Court, Tulsa County, Oklahoma, in the current amount of \$10.62, with interest of one (1) percent per month, plus costs accrued and accruing. Said lien is inferior to the interests of the Plaintiff, United States of America set forth above.

The Court further finds that the Defendant State of Oklahoma, ex rel. Oklahoma Tax Commission, has a lien against the above-described real property by virtue of a Judgment dated December 31, 1975, entered February 25, 1976, in Oklahoma Tax Commission v. Vanteen Wilson, TW-76-49, No. 22451, District Court, Tulsa County, Oklahoma, in the amount of \$29.19, plus six (6) percent interest per annum, plus costs accrued and accruing. Said lien is inferior to the interests of the Plaintiff, United States of America set forth above.

The Court further finds that the Defendant, County Treasurer, Tulsa County, Oklahoma, has a lien against the above-described real property by virtue of personal property taxes in the amount of \$137.00. Said lien is inferior to the interests of the Plaintiff, United States of America set forth above.

IT IS THEREFORE ORDERED, ADJUDGED, AND DECREED that the Plaintiff have and recover judgment against Defendant, Ronald L. Cobb, on its First Cause of Action in the principal amount of \$9,854.33, as of December 1, 1982, plus interest thereafter at the rate of 4½ percent per annum, until judgment, plus interest thereafter at the current legal rate of 12.17 percent per annum until paid, plus the costs of this action accrued and accruing.

IT IS FURTHER ORDERED, ADJUDGED, AND DECREED that the Plaintiff have and recover judgment against the Defendant Vanteen Wilson on its Second Cause of Action in the principal amount of \$2,359.63, as of January 12, 1984, plus interest as of that date in the sum of \$120.91, plus interest thereafter at the rate of \$.390 per day, until judgment, plus interest thereafter at the current legal rate of 12.17 percent per annum until paid, plus the costs of this action accrued and accruing.

IT IS FURTHER ORDERED, ADJUDGED, AND DECREED that upon the failure of said Defendants, Ronald L. Cobb and Vanteen Wilson, to satisfy the money judgments of the Plaintiff herein, an Order of Sale shall be issued to the United States Marshal for the Northern District of Oklahoma, commanding him to advertise and sell with appraisalment the real property involved herein and apply the proceeds of the sale as follows:

First:

In payment of the costs of this action accrued and accruing incurred by the Plaintiff, including costs of the sale of the above-described real property;

Second:

In payment of the judgment rendered herein in favor of Plaintiff on its First Cause of Action;

Third:

In payment of the judgment rendered herein in favor of the Plaintiff on its Second Cause of Action;

Fourth:

In payment of the judgment lien of the Defendant, State of Oklahoma, ex rel. Oklahoma Employment Security Commission;

Fifth:

In payment of the judgment lien of the Defendant National Bank of Tulsa, now Bank of Oklahoma, Master Charge Division;

Sixth:

In payment of the judgment lien of the Defendant State of Oklahoma, ex rel. Oklahoma Tax Commission;

Seventh:

In payment of the personal property taxes in the amount of \$137.00 currently due and owing to the Defendant County Treasurer, Tulsa County, Oklahoma.

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

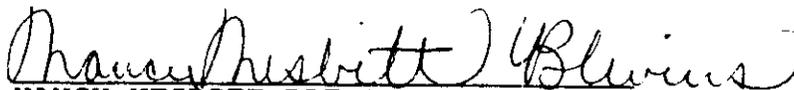
IT IS FURTHER ORDERED, ADJUDGED, AND DECREED that from and after the sale of the above-described real property, under and by virtue of this judgment and decree, all of the Defendants and all persons claiming under them since the filing of the Complaint, be and they are forever barred and foreclosed of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

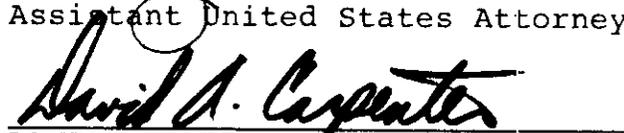
S/ JAMES O. ELLISON

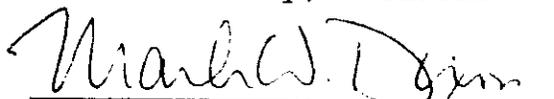
UNITED STATES DISTRICT JUDGE

APPROVED:

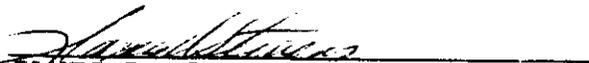
LAYN R. PHILLIPS
United States Attorney


NANCY NESBITT BLEVINS
Assistant United States Attorney


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


MARK DIXON, Attorney for
Defendant, Bank of Oklahoma


JOE MARK ELKOURI
Assistant General Counsel
Attorney for Defendant,
State of Oklahoma, ex rel.
Oklahoma Tax Commission


JAMES D. STEPHENS
Assistant General Counsel
Attorney for Defendant,
State of Oklahoma, ex rel.
Oklahoma Employment Security
Commission

FILED

IN THE UNITED STATES DISTRICT COURT FOR THE NORTHERN DISTRICT OF OKLAHOMA JUL 23 1984

JAMES EDWARD CLAYTON,)
)
 Plaintiff,)
)
 v.)
)
 LARRY JOHNSON, et al.,)
)
 Defendants.)

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

No. 80-C-611-E

ORDER

The Court has for consideration the Findings and Recommendations of the Magistrate filed on July 3, 1984 in which the Magistrate recommends that Defendants' Motion to Dismiss and/or Motion for Summary Judgment be sustained. 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 Defendants' Motion to Dismiss and/or Motion for Summary Judgment is sustained.

Dated this 20th day of July, 1984.


JAMES O. ELLISON
UNITED STATES DISTRICT JUDGE

UNITED STATES DISTRICT COURT FOR THE
NORTHERN DISTRICT OF OKLAHOMA

UNITED STATES OF AMERICA,
Plaintiff,
v.
GURNEY TAYLOR; CONNIE L.
TAYLOR; COUNTY TREASURER,
Tulsa County, Oklahoma; and
BOARD OF COUNTY
COMMISSIONERS, Tulsa County,
Oklahoma,
Defendants.

FILED

JUL 23 1984

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

CIVIL ACTION NO. 83-C-1008-E

DEFICIENCY JUDGMENT

NOW on this 20th day of July, 1984, there came on for hearing the Motion of the Plaintiff United States of America for leave to enter a Deficiency Judgment herein, said Motion being filed on July 10, 1984, and a copy of said Motion being mailed by Certified Mail to Gurney Taylor and Connie L. Taylor, 728 South Norfolk, Tulsa, Oklahoma. The Plaintiff, United States of America, acting on behalf of the Administrator of Veterans' Affairs, appeared by Layn R. Phillips, United States Attorney for the Northern District of Oklahoma through Peter Bernhardt, Assistant United States Attorney, and the Defendants Gurney Taylor and Connie L. Taylor, appeared neither in person nor by counsel.

The Court upon consideration of said Motion finds that the amount of the Judgment rendered herein on February 2, 1984, in favor of the Plaintiff United States of America, and against the Defendants Gurney Taylor and Connie L. Taylor, with interest and costs to date of sale is \$37,271.66.

The Court further finds that the market value of the real property at the time of sale was \$29,500.00.

The Court further finds that the real property involved herein was sold at Marshal's sale, pursuant to the Judgment of this Court entered February 2, 1984, for the sum of \$30,900.00.

The Court further finds that Plaintiff United States of America is accordingly entitled to a deficiency judgment against the Defendants, Gurney Taylor and Connie L. Taylor, as follows:

Principal as of February 1, 1983	\$30,290.75
Advances for insurance and taxes	365.59
Interest	5,821.18
Late charges	137.92
Appraisal	195.00
Management broker fees	180.00
Costs of appraisers and advertisement of sale	<u>281.22</u>
TOTAL	\$37,271.66
Credit from Sale	<u>30,900.00</u>
DEFICIENCY	\$ 6,371.66

plus interest on said deficiency judgment at the legal rate of 12.17% percent per annum from date of judgment until paid; said deficiency being the difference between the amount of Judgment rendered herein and the amount credited to Plaintiff, United States of America, after the Marshal's Sale of the property herein.

IT IS THEREFORE ORDERED, ADJUDGED AND DECREED that the Plaintiff United States of America have and recover from the Defendants Gurney Taylor and Connie L. Taylor, a deficiency judgment in the amount of \$6,371.66, plus interest at the legal

rate of 12.17% percent per annum on said deficiency judgment
from date of judgment until paid.

S/ JAMES O. ELLISON

UNITED STATES DISTRICT JUDGE

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

JUL 23 1984

UNITED STATES OF AMERICA,)
)
 Plaintiff,)
)
 vs.)
)
 JOHNNY F. TAYLOR,)
)
 Defendant.)

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

CIVIL ACTION NO. 84-C-172-E

ORDER GRANTING JUDGMENT ON THE PLEADINGS

This case comes on before the Court on this 20 day of July, 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, Johnny F. Taylor.

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, Johnny F. Taylor, filed his Answer to the Complaint on March 29, 1984, wherein he does not deny any of the allegations contained in the Complaint and acknowledges the existence of the debt sued upon. The United States of America is therefore entitled to a judgment on the pleadings against the Defendant, Johnny F. Taylor, for the amounts alleged in the Complaint.

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, Johnny F. Taylor, for the principal sum of \$969.40, plus interest at the current legal rate of 12.17 percent from the date of judgment until paid, plus the costs of this action.

S/ JAMES O. ELLISON

UNITED STATES DISTRICT JUDGE

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

THE TYPE SHOP, INC., an)
Oklahoma corporation; and)
MAXINE M. DOVER,)

Plaintiffs,)

vs.)

No. 84-C-115-B

COMPUGRAPHIC CORPORATION,)
a foreign corporation; and)
GRAPHIC CREDIT CORPORATION,)
a foreign corporation,)

Defendants.)

ORDER OF DISMISSAL

Upon the joint stipulation of the parties herein,
and pursuant to Rule 14(a)(i)(ii), F.R. Civ. P.,

IT IS HEREBY ORDERED that the Plaintiffs' Petition
and all claims for relief that have been or could ever be
based thereon be dismissed with prejudice, and further
that each side shall bear its own costs and attorneys' fees.

DATED: *July 23, 1984*

S/ THOMAS R. BRETT

United States District Judge

IN THE DISTRICT COURT WITHIN AND FOR TULSA COUNTY,
STATE OF OKLAHOMA

LOUISE NATION SMITH,
Plaintiff,
vs.
RICKY LAMONT TREADWELL,
Defendant.

Case No. 84-C-408-C

Notice of
DISMISSAL

COMES NOW Plaintiff and dismisses the above-styled and numbered cause without prejudice to any future action.

FRASIER & FRASIER


STEVEN R. HICKMAN
Attorney for Plaintiff
1700 Southwest Boulevard
P.O. Box 799
Tulsa, Oklahoma 74101
(918)-584-4724

UNITED STATES DISTRICT COURT FOR THE
NORTHERN DISTRICT OF OKLAHOMA

UNITED STATES OF AMERICA,)

Plaintiff,)

vs.)

COFFEYVILLE PACKING)
COMPANY, INC.,)

Defendant.)

CIVIL ACTION NO. 81-C-863-C

JUL 19 1984
U.S. DISTRICT COURT
NORTHERN DISTRICT OF OKLAHOMA

JUDGMENT

This matter comes on for consideration this 19th day of July, 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, Coffeyville Packing Company, Inc., appearing by its attorneys Paul P. McBride, J. Anthony Miller, Kenneth D. Bodenhamer, and Gene S. Rosen.

The Court being fully advised and having examined the file herein finds that Mr. Allan H. Applestein, Chief Executive Officer of the Defendant, Coffeyville Packing Co., Inc., failed to appear for the taking of his deposition as was ordered by the Court on June 20, 1984, and that pursuant to such Order, the Plaintiff, United States of America, is therefore entitled to Judgment on its Complaint and Defendant's Counterclaim.

IT IS THEREFORE, ORDERED, ADJUDGED AND DECREED that the Plaintiff have and recover Judgment against Defendant, Coffeyville Packing Company, Inc., for the principal sum of \$84,049.45, plus interest at the legal rate of 12.17 percent from the date of judgment, and costs.


UNITED STATES DISTRICT JUDGE

1981 11 10
11 10 1981

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

U.S. DISTRICT COURT
NORTHERN DISTRICT OF OKLAHOMA

UNITED STATES OF AMERICA,)	
)	
Plaintiff,)	
)	
vs.	)	No. 81-C-863-C
)	
COFFEYVILLE PACKING CO., INC.,)	
)	
Defendant.)	

O R D E R

Now before the Court for its consideration is the motion of the defendant, Coffeyville Packing Company, Inc., for an Order of Recusal, pursuant to Title 28 U.S.C. §144.

Title 28 United States Code Section 144 provides that the affidavit of the party seeking recusal must be accompanied by a certificate of counsel of record stating that it is made in good faith. An affidavit of bias or prejudice is insufficient to make a trial judge recusable if not accompanied by counsel's certificate of good faith. Mitchell v. United States, 126 F.2d 550 (10th Cir. 1942). This requirement has been strictly construed. U.S.A. v. Hines, et al., 696 F.2d 722 (10th Cir. 1982). In addition, courts have held that Title 28 U.S.C. Section 144 requires counsel to certify not only his client's good faith, but his own as well. U.S. v. Gilboy, 162 F.Supp. 384 (D.C.Pa. 1958); In Re Union Leader Corp., 292 F.2d 381 (1st Cir. 1961). It has been rightly held that only the requirement that counsel's good

faith be shown will effectively protect the courts from frivolous and unfounded allegations. U.S. v. Hanrahan, 248 F.Supp. 471 (D.C.D.C. 1965); Brotherhood of Locomotive Firemen & Enginemen v. Bangor & Aroostook R.Co., 380 F.2d 570 (D.C.D.C. 1967).

In the action herein, counsel of record, Paul McBride, has not submitted a certificate as required by §144; rather he has submitted only a Motion for Recusal in which "counsel of record" (name unspecified) "states that this motion (not the affidavit) is made in good faith." Neither does "counsel of record" (of which there are several) certify to his own good faith.

Even if the certification had been submitted to the Court in the form and with the substance required under the law, defendant's motion for recusal is insufficient and must be denied. The affidavit of Allan H. Applestein alleges no facts which, even if true, would be sufficient to support recusal. It is well-established that affidavits of disqualification must allege facts which show personal bias and prejudice of the judge as contrasted with general bias or judicial bias. Previous adverse rulings by a trial judge that do not show personal bias or prejudice are insufficient to require recusal. Kennedy v. Meacham, 540 F.2d 1057, 1060 (10th Cir. 1976); U.S. v. Bray, 546 F.2d 851 (10th Cir. 1976). Indeed, to sustain disqualification under §144, supra, there must be demonstrated bias and prejudice of the judge arising from an extrajudicial source which renders his trial participation unfair in that it results in an opinion formed by the judge on the merits on some basis other than that

learned from his participation in the case. U.S. v. Grinnell Corp., 384 U.S. 563, 86 S.Ct. 1698, 16 L.Ed.2d 778 (1966); Davis v. Cities Service Oil Company, 420 F.2d 1278 (10th Cir. 1970). Disqualification cannot be based solely on the basis of a bias against wrongdoers acquired from evidence presented in a trial, from an impersonal prejudice arising from the background, associations, or experiences of the judge rather than from an appraisal of the party personally. Andrews, Mosburg, Davis, Elam, et al., v. General Insurance Company, 418 F.Supp. 304 (W.D.Okla. 1976).

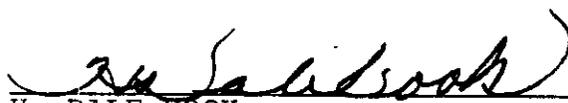
The affidavit of Allan H. Applestein refers entirely to rulings adverse to him made by the Court in a 1977 case or in the action herein. The only exception is the reference to a comment allegedly made by the Court in chambers, which even if true does not show personal bias against Mr. Applestein.

Since the requirements of §144 of Title 28, United States Code, strictly construed as required by law, have not been met, and for the additional reasons noted herein, the Motion for Recusal herein must be and hereby is denied.

In addition, plaintiff has certified to the Court that Allan H. Applestein, Chief Executive Officer of defendant Coffeyville Packing Company, has failed to appear in Tulsa, Oklahoma on June 29, 1984 at 10:00 a.m. as ordered by the Court. In accordance with the Order of the Court, the answer of the defendant Coffeyville Packing Company to plaintiff's complaint is hereby stricken for failure of its Chief Executive Officer to appear for

deposition as ordered by the Court, and judgment in favor of plaintiff will be entered simultaneously herein.

It is so Ordered this 19th day of July, 1984.



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

UNITED STATES OF AMERICA,)
)
 Plaintiff,)
)
 vs.)
)
 JOSEPH R. DENNIS,)
)
 Defendant.)

FILED
7-19-84
Jack C. Silvers
Clerk

CIVIL ACTION NO. 84-C-479-C

DEFAULT JUDGMENT

This matter comes on for consideration this 19th day of July, 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, Joseph R. Dennis, appearing not.

The Court being fully advised and having examined the file herein finds that Defendant, Joseph R. Dennis, acknowledged receipt of Summons and Complaint on June 11, 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, Joseph R. Dennis, in the amount of \$201.07, plus interest at the rate of 15.05 percent per annum and administrative costs of \$.61 per month from August 15, 1983, and \$.68 per month from January 1, 1984 until judgment, plus interest thereafter at the current legal rate of 12.17 percent from the date of judgment until paid, plus the costs of this action.

(Signed) H. Dale Cook
UNITED STATES DISTRICT JUDGE

FILED

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

JUL 19 1984

FLORAFAX INTERNATIONAL, INC.,)
)
 Plaintiff,)
)
 vs.)
)
 KEN'S FASHIONS IN FLOWERS, INC.,)
 a Florida corporation, a/k/a and)
 d/b/a ALBERT'S FASHION IN FLOWERS,)
 and ALBERT'S FLORIST, and)
 KENNETH A. DWYER, Individually)
 and Guarantor,)
)
 Defendants.)

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

No. 83-C-532-E
No. 83-C-961-C

ORDER ALLOWING DISMISSAL ON PLAINTIFF'S MOTION

Pursuant to Rule 41 (a) (2) FRCP, and upon Plaintiff's Motion for leave to discontinue this action, IT IS ORDERED, that the Complaint be dismissed with costs to Plaintiff.

s/H. DALE COOK
UNITED STATES DISTRICT JUDGE

CERTIFICATE OF MAILING

I, JAMES R. ELDER, hereby certify that on the date of filing the above and foregoing ORDER ALLOWING DISMISSAL ON PLAINTIFF'S MOTION, I deposited a true and correct copy of same into the United States Mail with proper postage thereon fully prepaid to: Mr. Jeffrey R. Eisensmith, Attorney at Law, One Financial Plaza, Suite 1300, Fort Lauderdale, Florida 33316, Attorney for Defendant.

JAMES R. ELDER

FILED

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

JUL 19 1984

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

CURLY JAY SHELBY,)
)
 Plaintiff,)
)
 vs.) No. 82-C-973-C
)
 YUBA HEAT TRANSFER)
 CORPORATION,)
)
 Defendant.)

ORDER

Upon the Joint Stipulation of the Plaintiff Curly Jay Shelby and the Defendant Yuba Heat Transfer Corporation that the above-captioned cause be dismissed with prejudice, it is hereby ordered, adjudged, and decreed that the case of Curly Jay Shelby vs. Yuba Heat Transfer Corporation, United States District Court for the Northern District of Oklahoma, Case No. 82-C-973-C, be dismissed with prejudice, each party thereto to bear his or its own costs, expenses, and attorneys' fees.

(Signed) H. Dale Cook

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

FILED

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

JUL 19 1984

FLORAFAX INTERNATIONAL, INC.,

Plaintiff,

vs.

KEN'S FASHIONS IN FLOWERS, INC.,
a Florida corporation, a/k/a and
d/b/a ALBERT'S FASHION IN FLOWERS,
and ALBERT'S FLORIST, and
KENNETH A. DWYER, Individually
and Guarantor,

Defendants.

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

No. 83-C-532-~~E~~C
No. 83-C-961-C

ORDER ALLOWING DISMISSAL ON PLAINTIFF'S MOTION

Pursuant to Rule 41 (a) (2) FRCP, and upon Plaintiff's Motion for leave to discontinue this action, IT IS ORDERED, that the Complaint be dismissed with costs to Plaintiff.

(Signed) H. Dale Cook

UNITED STATES DISTRICT JUDGE

CERTIFICATE OF MAILING

I, JAMES R. ELDER, hereby certify that on the date of filing the above and foregoing ORDER ALLOWING DISMISSAL ON PLAINTIFF'S MOTION, I deposited a true and correct copy of same into the United States Mail with proper postage thereon fully prepaid to: Mr. Jeffrey R. Eisensmith, Attorney at Law, One Financial Plaza, Suite 1300, Fort Lauderdale, Florida 33316, Attorney for Defendant.

JAMES R. ELDER

Entered

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

FILED

JUL 18 1984

Jack C. SHEET
U. S. DISTRICT COURT

JUNIOR C. CLOUSE, ZETTA LOU)
CLOUSE, and MELANIE CLOUSE, by)
and through her father and next)
friend, JUNIOR C. CLOUSE,)
)
Plaintiffs,)
)
vs.)
)
CRAG ALAN WITHROW and BERYL)
G. MITCHELL,)
)
Defendants.)

NO. 83-C-939-C

ORDER OF DISMISSAL

Now on this 18th day of July, 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 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.

The Court further finds that although Melanie Counts is under eighteen (18) years of age, she is a married women and an emancipated minor. Therefore, the Court finds that Melanie Counts is legally competent to enter into the settlement of this case and legally competent to execute any and all releases relating thereto.

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

S/ THOMAS R. BRETT
UNITED STATES DISTRICT COURT

Entered
FILED

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

JUL 17 1984

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

THE PRUDENTIAL INSURANCE COMPANY
OF AMERICA, a corporation,

Plaintiff,

vs.

TONY WILLIAMS; TONY WILLIAMS,
GUARDIAN FOR REBECCA AND BEVERLY
BOND; JODY WILLIAMS; JUDY HORNER,
PERSONAL REPRESENTATIVE OF THE
ESTATE OF BETTY J. BOND; and ALLAN
DEWITT ELLIOTT, ADMINISTRATOR OF
THE ESTATE OF WALTER L. BOND,

Defendants.

Case No. 83-C-473-E ✓

**ORDER APPROVING AGREED STIPULATION OF DISMISSAL
AND DISBURSEMENT OF INTERPLEADER FUNDS.**

COMES NOW this matter on this 16th day of July,
1984, before this Court upon the joint application of all of the
Defendants herein, for approval of their agreed stipulation of
dismissal and upon the application of Guardian Ad Litem for
payment of attorney's fees herein, both of said applications
having been filed with this Court on the 9th day of
July, 1984; and,

THE COURT, having reviewed the record herein, including all
pleadings filed by all parties hereto and being fully familiar
with the issues herein; now,

THEREFORE, IT IS HEREBY ORDERED, ADJUDGED AND DECREED by the
Court that the application of the several Defendants herein for
approval of their agreed stipulation of dismissal and their terms
of settlement as described therein, is hereby approved, affirmed
and ratified by this Court; including, specifically, approval of

25

the actions of Luanna L. Hamill, as Guardian Ad Litem for and on behalf of minor Defendants, REBECCA BOND and BEVERLY BOND, which actions are specifically approved, this Court having determined that the settlement proposed by said Guardian Ad Litem and the other several Defendants herein is fair, just and equitable in light of all circumstances surrounding the above entitled action and said settlement is in the best interests of said minor Defendants, REBECCA BOND and BEVERLY BOND; and,

IT IS FURTHER ORDERED, ADJUDGED AND DECREED by the Court that said Guardian Ad Litem, Luanna L. Hamill, is hereby discharged herefrom from any further duties, obligations or liabilities in connection with her representation of the minor Defendants, REBECCA BOND and BEVERLY BOND; and, further, that her application for payment of attorney's fees herein is hereby approved by the Court in the amounts applied for therein; and,

IT IS FURTHER ORDERED, ADJUDGED AND DECREED by the Court that the Clerk of this Court is forthwith to remit the total sum of \$22,607.33 currently remaining on deposit with the Court in connection herewith in the following amounts and to the following persons:

\$ 1,665.00	To Savage, O'Donnell, McNulty, Scott & Cleverdon for professional services rendered as attorneys for Luanna L. Hamill, as Guardian Ad Litem for REBECCA BOND and BEVERLY BOND, minors.
* \$3,490.39	\$ 3,323.72 To Allan Dewitt Elliott as Administrator of the Estate of Walter L. Bond, Deceased.
<u>\$17,451.94</u>	<u>\$ 16,618.61</u> To Judy Horner as Personal Representative of the Estate of Betty J. Bond, Deceased.
\$22,607.33	\$ 21,607.33 Total Disbursement.

(*DISBURSEMENT AMOUNTS CORRECTED PER ADVISE OF ATTY.ABERCROMBIE)

WHEREFORE, this Court hereby dismisses this action pursuant to the terms and details of the settlement agreed to by the parties herein according to that certain "Application for Court Approval of Agreed Stipulation of Dismissal of Interpleader and For Order Disbursing Funds" filed herein on the 9th day of July, 1984.

SIGNED this 16th day of July, 1984.



THE HONORABLE JAMES O. ELLISON
UNITED STATES DISTRICT COURT JUDGE

Enteleb

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

FILED

JUL 17 1984

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

GLASS, POTTERY, PLASTICS)
and ALLIED WORKERS, -et al.,)
)
Plaintiff,)
)
vs.)
)
LIBERTY GLASS COMPANY,)
)
Defendant.)

CIVIL ACTION

No. 84-C-147-E

ORDER SUSTAINING IN PART AND OVERRULING
IN PART DEFENDANT'S MOTION TO DISMISS

COMES NOW before me, the undersigned Judge, for hearing on this 8th day of June, 1984, the Motion to Dismiss filed herein by the Defendant, Liberty Glass Company, pursuant to Fed.R.Civ.P. Rule 12(b) (1) and 12(b) (6).

The Plaintiff appears through its counsel, Thomas F. Birmingham and James Katz; the Defendant appears through its counsel, James F. Bullock.

The Court having examined submissions filed by both parties and upon hearing oral arguments by both counsel for Plaintiff and Defendant, the Court finds as follows:

That the Defendant's Motion to Dismiss as to Counts Two and Three of the Plaintiff's Complaint and Amended Complaint is sustained.

That the Defendant's Motion to Dismiss as to Counts One, Four, Five and Six of the Plaintiff's Complaint and Amended Complaint is overruled.

IT IS THEREFORE ORDERED, ADJUDGED AND DECREED by the Court that the Defendant's Motion to Dismiss as to Counts Two and Three of the Plaintiff's Complaint and Amended Complaint be and the same is hereby sustained.

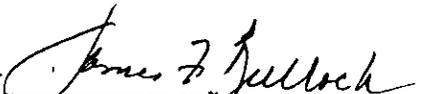
IT IS FURTHER ORDERED, ADJUDGED AND DECREED by the court that the Defendant's Motion to Dismiss as to Counts One, Four, Five and Six of the Plaintiff's Complaint and Amended Complaint is hereby overruled.

S/ JAMES O. ELLISON

UNITED STATES DISTRICT JUDGE

APPROVED AS TO FORM:

PRAY, WALKER, JACKMAN,
WILLIAMSON & MARLAR

By 
James Bullock

2200 Fourth National Bank Building
Tulsa, Oklahoma 74119
(918) 584-4136

Attorneys for Defendant

UNGERMAN, CONNER & LITTLE

BY:

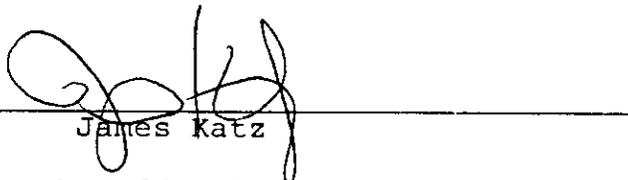

Thomas F. Birmingham

2727 E. 21st St., P.O. Box 2099
Tulsa, Oklahoma 74101
(918) 745-0101

and

TOMAR, PARKS, SELIGER, SIMONOFF & ADOURIAN

BY:


James Katz

41 South Haddon Avenue
Haddonfield, New Jersey 08033
(609) 429-1100

Attorneys for Plaintiff

UNITED STATES DISTRICT COURT FOR THE
NORTHERN DISTRICT OF OKLAHOMA

FILED

JUL 17 1984

UNITED STATES OF AMERICA,)
)
 Plaintiff,)
)
 vs.)
)
 ALEXANDER BARNETT,)
)
 Defendant.)

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

CIVIL ACTION NO. 84-C-533-E

ORDER OF DISMISSAL

Now on this 16th day of July, 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 Alexander Barnett have been unsuccessful.

IT IS THEREFORE ORDERED that the Complaint against Defendant, Alexander Barnett, be and is dismissed without prejudice.

W. DAVID G. THURSON

UNITED STATES DISTRICT JUDGE

Entered

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

FILED

JUL 10 1984

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

MARY PERSON,)	
)	
Plaintiff,)	
)	
vs.	)	NO. 83-C-326-E
)	
STANLEY IRVIN MATTOX and)	
ROBERT (BOB) MATTOX,)	
)	
Defendants.)	

CONSOLIDATED WITH

HARVEY PERSON,)	
)	
Plaintiff,)	
)	
vs.	)	NO. 83-C-976-E
)	
STANLEY IRVIN MATTOX and)	
ROBERT (BOB) MATTOX,)	
)	
Defendants.)	

ORDER OF DISMISSAL

On this 16th day of June, 1984, upon the written application of the parties for a Dismissal with Prejudice of the Complaints and all causes of action, the Court having examined said Application, finds that said parties have entered into a compromise settlement covering all claims involved in the Complaints and have requested the Court to dismiss said Complaints with prejudice to any future action.

The Court, being fully advised in the premises, finds that the Complaints should be dismissed pursuant to said Application.

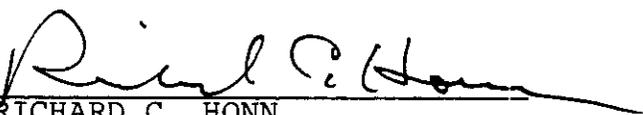
IT IS, THEREFORE, ORDERED, ADJUDGED AND DECREED by the Court that the Complaints and all causes of action of the plaintiffs filed herein against the defendants be, and the same are hereby dismissed with prejudice to any future action.

S/ JAMES O. ELLISON

UNITED STATES DISTRICT JUDGE
NORTHERN DISTRICT OF OKLAHOMA

APPROVED:


DENNIS F. SEACAT
Attorney for Plaintiffs


RICHARD C. HONN
Attorney for Defendants

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

FILED
JUL 17 1983
CLERK OF DISTRICT COURT
TULSA, OKLAHOMA

CONTROMATICS DIVISION OF)
LITTON INDUSTRIAL PRODUCTS,)
INC.,)

Plaintiff,)

vs.)

MATTSCO SUPPLY COMPANY,)

Defendant.)

No. 83-C-603-C

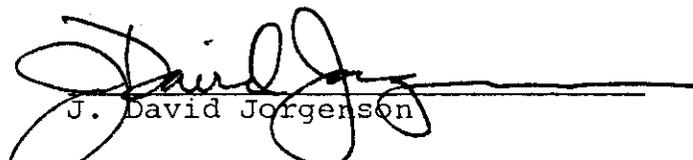
STIPULATION OF DISMISSAL
WITHOUT PREJUDICE

Plaintiff Contromatics Division of Litton Industrial Products, Inc. and Defendant Mattsco Supply Company, pursuant to Fed.R.Civ.P. 41(a)(1), stipulate to the dismissal of the above captioned action without prejudice, each party to bear its own costs and attorneys' fees.


Theodore Q. Eliot

GABLE & GOTWALS, INC.
2000 Fourth National Bank
Tulsa, Oklahoma 74119
(918) 582-9201

Attorney for Defendant
MATTSCO SUPPLY COMPANY


J. David Jorgenson

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

Attorney for Plaintiff
CONTROMATICS DIVISION OF
LITTON INDUSTRIAL PRODUCTS,
INC.

Entered

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

CONOCO, INC.,)	
)	
Plaintiff,)	
)	
vs.	)	CASE NO. 84-C-72-B
)	
TWIN OAKS ENERGY, INC.,)	
)	
Defendant.)	

JOURNAL ENTRY OF JUDGMENT

This matter comes on for consideration this 17 day of July, 1984 pursuant to Stipulation for Judgment entered herein by all parties. The Court having reviewed the Stipulation finds the same has been voluntarily entered into by the parties to this action and that said Stipulation is valid and that Judgment should be entered based thereupon.

IT IS THEREFORE ORDERED, ADJUDGED AND DECREED that the Plaintiff, Conoco, Inc., have and recover against the Defendant, Twin Oaks Energy, Inc., the sum of Thirty-Five Thousand, Seven Hundred and Seventy-Four dollars and Forty Cents (\$35,774.40), together with interest thereon from November 1, 1981 to date of payment at lawful rate until paid, together with an Attorney's fee in the amount of Three Thousand, Five Hundred and Seventy-Seven dollars (\$3,577.00) and the costs of this action for all of which let execution issue.

S/ THOMAS R. BRETT

Thomas R. Brett, United States District Judge

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

FILED
JUL 17 1984
U.S. DISTRICT COURT
NORTHERN DISTRICT OF OKLAHOMA

ROBERT BROWN and ELOISE
BROWN,

Plaintiffs,

vs.

HOFER, INC.,
a Kansas Corporation,

and

MAVERICK TRANSPORTATION, INC.,
an Arkansas Corporation

Defendants,

and

LUFKIN INDUSTRIES, INC., and
WEBB DIVISION OF MARMON
INDUSTRIES, INC.,

Third Party Defendants.

No. 82-C-1101-B

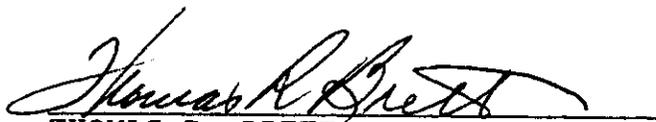
ORDER OF DISMISSAL

This matter came on for consideration on this 17th
day of ~~June~~ ^{July}, 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 as to the defendants, Hofer, Inc., and Maverick
Transportation, Inc.

IT IS, THEREFORE, ORDERED, ADJUDGED AND DECREED by the
court that the Joint Application For Dismissal With Prejudice by

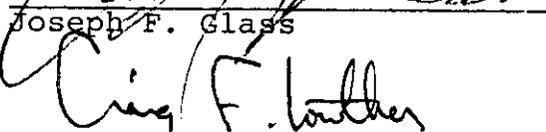
the parties be and the same is hereby approved and the above styled and numbered cause of action and complaint of the plaintiffs is dismissed with prejudice to a refile as to the said defendants, Hofer, Inc., and Maverick Transportation, Inc.

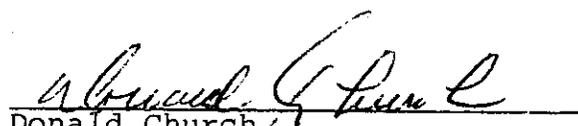
IT IS THE FURTHER ORDER of the court that all other pending cross-petitions, cross-claims and third party actions are reserved for a later determination.

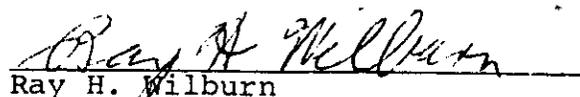

 THOMAS R. BRETT
 UNITED STATES DISTRICT JUDGE

APPROVED:


 Joseph F. Glass


 Craig F. Lowther
 Attorneys for the Plaintiffs


 Donald Church
 Attorney for Hofer, Inc.


 Ray H. Wilburn
 Attorney for Maverick
 Transportation, Inc.

IT IS FURTHER ORDERED that this case is set for status conference on August 9, 1984 at 9:40 a.m.

E. Stebbins

UNITED STATES DISTRICT COURT FOR THE
NORTHERN DISTRICT OF OKLAHOMA

UNITED STATES OF AMERICA,)	
)	
Plaintiff,)	
)	
vs.)	
)	
MELVIN J. WHITE,)	
)	
Defendant.	)	CIVIL ACTION NO. 84-C-476-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 13th day of July, 1984.

UNITED STATES OF AMERICA

LAYN R. PHILLIPS
United States Attorney

[Signature]
 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 July, 1984, a true and correct copy of the foregoing was mailed, postage prepaid thereon, to: Melvin J. White, 4134 West Eighth, Tulsa, Oklahoma 74127.

[Signature]
 Assistant United States Attorney

UNITED STATES DISTRICT COURT FOR THE
NORTHERN DISTRICT OF OKLAHOMA

FILED

UNITED STATES OF AMERICA,)
)
 Plaintiff,)
)
 vs.)
)
 ROGER D. BOOZE,)
)
 Defendant.)

JUL 16 1984

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

CIVIL ACTION NO. 84-C-478-C

AGREED JUDGMENT

This matter comes on for consideration this 13 day
of July, 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, Roger D. Booze, appearing pro se.

The Court, being fully advised and having examined the
file herein, finds that the Defendant, Roger D. Booze, 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
\$934.83, plus interest at the rate of 15.05 percent per annum and
administrative costs of \$.61 per month from September 2, 1983,
and \$.68 per month from January 1, 1984, until judgment, plus
costs and interest at the current legal rate of 12.17 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, Roger D. Booze, in the amount of \$934.83, plus interest at the rate of 15.05 percent per annum and administrative costs of \$.61 per month from September 2, 1983, and \$.68 per month from January 1, 1984, until judgment, plus costs and interest at the current legal rate of 12.17 percent from the date of judgment until paid.

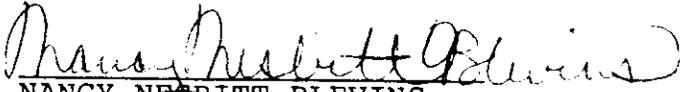
s/H. DALE COOK

UNITED STATES DISTRICT JUDGE

APPROVED:

UNITED STATES OF AMERICA

LAYN R. PHILLIPS
United States Attorney


NANCY NESBITT BLEVINS
Assistant U.S. Attorney


ROGER D. BOOZE

UNITED STATES DISTRICT COURT FOR THE
NORTHERN DISTRICT OF OKLAHOMA

FILED

JUL 16 1984

UNITED STATES OF AMERICA,)
)
 Plaintiff,)
)
 vs.)
)
 ELI PAGE, JR.,)
)
 Defendant.)

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

CIVIL ACTION NO. 84-C-328-C

DEFAULT JUDGMENT

This matter comes on for consideration this 13th day of ~~June~~ ^{July}, 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, Eli Page, Jr., appearing not.

The Court being fully advised and having examined the file herein finds that Defendant, Eli Page, Jr., acknowledged receipt of Summons and Complaint on June 14, 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, Eli Page, Jr., in the amount of \$621.67, plus interest at the rate of 15.05 percent per annum and administrative costs of \$.61 per

month from September 6, 1983, and \$.68 per month effective from January 1, 1984, until judgment, plus interest thereafter at the current legal rate of 12-17 percent from the date of judgment until paid, plus the costs of this action.

UNITED STATES DISTRICT JUDGE

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

FILED

JUL 16 1984

GLENN E. BRAS CORPORATION)
and MARY BRAS,)
)
Plaintiffs,)
)
vs.)
)
FIRST BANK & TRUST COMPANY)
OF SAND SPRINGS,)
)
Defendant.)

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

No. 83-C-481-C ✓

ORDER

Now before the Court for its consideration is the motion of defendant, First Bank & Trust Company of Sand Springs, to dismiss this action with prejudice based upon expiration of the applicable statute of limitation as to each of the two causes of action raised by plaintiffs herein and the motion of the plaintiffs for order compelling discovery and/or sanctions based upon defendant's purportedly inadequate answers and objections to certain interrogatories propounded to it. The parties have briefed their respective positions in regard to the motion of defendant to dismiss. The defendant has failed to file a response to the motion of the plaintiffs for an order compelling discovery and/or sanctions.

The first cause of action in the complaint was brought by plaintiff Glenn E. Bras Corporation against Okemah National Bank and First Bank & Trust Company of Sand Springs. Upon motion of

the plaintiffs, any cause of action against Okemah National Bank was dismissed with prejudice by this Court on May 27, 1983. From a review of the record herein, including the Pretrial Order filed on December 5, 1983, the first cause of action is for an allegedly wrongful garnishment of a bank account.

The second cause of action is brought by both plaintiffs against defendant, First Bank & Trust Company of Sand Springs and is for the allegedly wrongful execution on certain personal property belonging to the plaintiff corporation and real property in which Mary Bras claims an interest. The Court will first discuss the claim brought by plaintiff Mary Bras and then the claims of the plaintiff corporation.

Both sides to this litigation appear to agree that the statute of limitation as to any wrongful execution on real property in which Mary Bras claims an interest would be governed by OKLA.STAT.ANN. tit.12, §95 (Third).¹ The question here is when did the action as to Mary Bras accrue. The defendant argues that it accrued on September 9, 1980. This date is surely in error because it is the date that garnishment summons was issued to Okemah National Bank. As far as this Court can determine, the

¹ In plaintiffs' briefs of November 28 and December 13, 1983, for the first time in this litigation, plaintiff Mary Bras contends her action is for the recovery of real property and the applicable statute of limitation is found at OKLA.STAT.ANN. tit.12, §93(1). Nowhere in the complaint or the Pretrial Order filed herein is a request made for the recovery of any real property. On such a record, there is no basis for applying the five-year statute of limitation found at Section 93(1). The action here, as plead, is to recover monetary damages for the wrongful execution on real property in which Mary Bras claims an interest.

above summons was related only to the Okemah bank account, and not to any property in which Mary Bras claims an interest. The claim of Miss Bras relates only to a wrongful execution on real property.

In relation to this real property, the return of execution on the real property reported the property sold as of November 25, 1980 as admitted by plaintiffs in their November 28, 1983 brief in this regard. The plaintiffs assert that the date this Court should use for the accrual of Mary Bras' cause of action should be January 23, 1981, the date plaintiffs contend an order confirming the sale was issued. This Court does not agree. It is clear from the record herein that any cause of action Mary Bras would have had for wrongful execution as to the real property at issue herein would have accrued at the time of sale or prior thereto. Though the amount of her damages may not have been completely ascertained at that time, the "seizure" of the real property would have taken place long before the confirmation of sale. Therefore, any claim that Mary Bras may have had for the recovery of monetary damages is barred by the two-year statute of limitation found at OKLA.STAT.ANN. tit.12, §95(Third). The Court would reiterate that it does not view this action as one for the recovery of real property. The action of Mary Bras, as plead, is one for the recovery of monetary damages sounding in tort for wrongful execution.

On October 2, 1980, the plaintiff corporation filed a virtually identical complaint against the two original defendants in this action raising claims of wrongful garnishment and

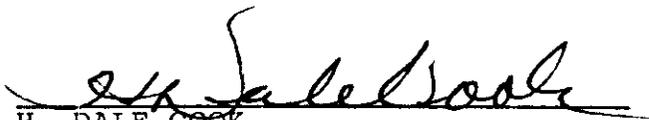
execution. That complaint instituted an action in the United States District Court for the Eastern District of Oklahoma in Case No. 80-363-C. On June 29, 1981, in Case No. 80-363-C, defendant First Bank & Trust Company of Sand Springs filed a motion to dismiss the action as against it pursuant to Fed.R.Civ.P. 37(d) for failure of the plaintiffs to make any response to interrogatories propounded to them by said defendant. On that same date the plaintiffs were afforded ten days to respond to the motion. Plaintiffs did not respond to the motion. On September 15, 1981, the District Court in 80-363-C entered an order granting the motion of defendant Bank pursuant to Fed.R.Civ.P. 37(b)(2)(C). In its June 29th motion, defendant Bank requested both an order striking the complaint and dismissal of the action as to it. The District Court did not specify which relief it was granting in this September 15th minute order; it simply granted defendant's motion. Later, on December 4, 1981, the District Court dismissed the case of plaintiffs without prejudice for failure to file certain pretrial documents. The only defendant named in the style and caption of this minute order was Okemah National Bank. No further action was taken in 80-363-C. The instant action was filed on December 6, 1982. December 4, 1982 fell on a Saturday. This Court believes that on the above set of facts the controlling date for any application of OKLA.STAT.ANN. tit.12, §100 as to defendant First Bank & Trust Company of Sand Springs would be September 15, 1981. This Court believes that, for all practical purposes, the plaintiff corporation's action against defendant Bank was dismissed on September

15, 1981. The Bank did not request either a striking of the complaint or dismissal. It requested both a striking and dismissal. This Court believes that it was incumbent on the plaintiff corporation to reassert or reinstitute its action against defendant Bank within one year from the District Court's order of September 15, 1981. It did not do so and its action is, thus, barred by the two-year statute of limitation found at OKLA.STAT.ANN. tit.12, §95(Third).

It is therefore the Order of this Court that the actions of the plaintiffs, as plead, are barred by the statute of limitations as set out above and those actions are, accordingly, dismissed with prejudice.

It is the further Order of the Court that the plaintiffs' motion for order compelling discovery and/or sanctions is deemed moot by this Court in light of the dismissal of the present action.

It is so Ordered this 13th day of July, 1984.


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

Entered

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

LESLIE V. WILLIAMS and WACHOVIA)
BANK AND TRUST COMPANY OF NORTH)
CAROLINA, et al.,)

Plaintiffs,)

-vs-

No. 84-C-286-E

IDLEWILD ASSOCIATES, a Colorado)
general partnership composed)
of JOHN W. ANDERSON and)
DOUGLAS K. SHELTON, et al.,)

Defendants.)

NOTICE OF DISMISSAL

Come now plaintiffs pursuant to Rule 41(a)(1) and dismisses the above styled and numbered cause as against the defendant Douglas K. Shelton, an individual. This dismissal is against that named defendant only and is without prejudice.

BROWN, BRECKINRIDGE & WILLIAMS

By *Robert G. Brown*
Robert G. Brown
Attorney for Plaintiff
500 W. 7th, Suite 150
Tulsa, OK 74119
(918) 582-5141

CERTIFICATE OF MAILING

I hereby certify that on the 11 day of July, 1984, I mailed a true and exact copy of the above and foregoine Notice of Dismissal to Paul Blodgett, P.O. Box 3317, Winter Park, CO 80482, and Joel Wohlgemuth, 909 Kennedy Bldg., Tulsa, OK 74103 with proper postage thereon fully prepaid.

Robert G. Brown
Robert G. Brown

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

FILED

JUL 16 1984

RONN FRITZ,

Plaintiff,

vs.

STEVEN WILCOX, et al.,

Defendants.

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

Case No. 83-C-1052-C

ORDER

NOW on this 13 day of ~~June~~ ^{July}, 1984, comes on before me, the undersigned Judge, the Application of Plaintiff and Defendant Wilcox to dismiss the above-styled and numbered cause as to Defendant Wilcox, only, with prejudice. The Court, being fully advised in the premises, finds that Plaintiff's claim against Defendant Wilcox in the above-styled and numbered cause should be dismissed with prejudice to any future action as the parties have settled, and that this action should continue with regard to Plaintiff's claim against Defendant Jim Nelson Ford, Inc., an Oklahoma Corporation.

IT IS SO ORDERED.

s/H. DALE COOK

H. DALE COOK, United States District
Judge

Entered

UNITED STATES DISTRICT COURT FOR THE
NORTHERN DISTRICT OF OKLAHOMA

JUL 13 1984

UNITED STATES OF AMERICA,)	
)	
Plaintiff,)	
)	
vs.)	
)	
SAMM L. JOHNSON,)	
)	
Defendant.	)	CIVIL ACTION NO. 84-C-338-E

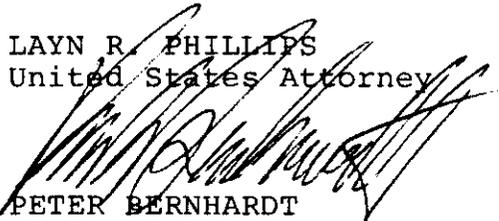
NOTICE OF DISMISSAL

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 13th day of July, 1984.

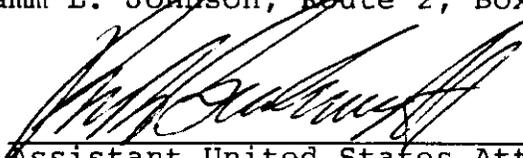
UNITED STATES OF AMERICA

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 13th day of July, 1984, a true and correct copy of the foregoing was mailed, postage prepaid thereon, to: Samm L. Johnson, Route 2, Box 52-A, Jennings, Oklahoma 74038.


Assistant United States Attorney

Entered

UNITED STATES DISTRICT COURT FOR THE
NORTHERN DISTRICT OF OKLAHOMA

JUL 13 1984

JAMES R. CUNNINGHAM, PLAINTIFF
U.S. DISTRICT COURT

UNITED STATES OF AMERICA,)
)
 Plaintiff,)
)
 vs.)
)
 JAMES R. CUNNINGHAM,)
)
 Defendant.)

CIVIL ACTION NO. 84-C-300-E

NOTICE OF DISMISSAL

COMES NOW the United States of America by Layn R. Phillips, United States Attorney for the Northern District of Oklahoma, Plaintiff herein, through Nancy Nesbitt Blevins, 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 11th day of July, 1984.

UNITED STATES OF AMERICA

LAYN R. PHILLIPS
United States Attorney

Nancy Nesbitt Blevins

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

CERTIFICATE OF SERVICE

13th

This is to certify that on the *13th* day of July, 1984, a true and correct copy of the foregoing was mailed, postage prepaid thereon, to: James R. Cunningham, 5005-B Goodwood, Austin, Texas 78744.

Nancy Nesbitt Blevins
Assistant United States Attorney

Entered

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

FILED

JUL 12 1984

CHARLEY M. LEATHERS, &)
BILLY RAY LEATHERS,)
)
Plaintiffs,)
)
vs.)
)
PHILLIPS PETROLEUM COMPANY,)
)
Defendant.)

NO. 84-C-517-E

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

ORDER

NOW on the 12th day of July, 1984, this matter comes on its regular order for hearing before me, the undersigned Judge in and for the United States District Court for the Northern District of Oklahoma, pursuant to Plaintiffs' Application to Dismiss Without Prejudice. The Court having examined the record, having heard the statements of counsel, and being otherwise fully advised in all relevant premises finds that Plaintiffs' Application to Dismiss Without Prejudice should be granted instanter.

IT IS THEREFORE ORDERED, ADJUDGED AND DECREED BY THE COURT that Plaintiffs' Application to Dismiss Without Prejudice be, and it is, hereby granted instanter, and said cause is hereby dismissed without prejudice.

S/ JAMES O. ELLISON

JAMES O. ELLISON
UNITED STATES DISTRICT JUDGE

CERTIFICATE OF MAILING

I hereby certify that on the 12th day of July, 1984, I mailed a true and correct copy of the above and foregoing Order to Rueben Davis, 900 World Building, Tulsa, Oklahoma 74103, with sufficient postage thereon prepaid.


LLOYD G. LARKIN & ASSOCIATES

Entered

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

CANADIAN COMMERCIAL BANK, a)
 Canadian chartered bank,)
)
 Plaintiff,)
)
)
 vs.)
)
 BancTEXAS DALLAS, N.A., and)
 UNIVERSAL ENERGY CORPORATION, an)
 Oklahoma corporation, and WADDELL &)
 BUZZARD, P.C., an Oklahoma)
 professional corporation, and)
 ROBERT A. ALEXANDER, JR., an)
 individual,)
)
 Defendants.)

No. 84-C-566-B

STIPULATION BETWEEN PLAINTIFF AND DEFENDANT,
BANCTEXAS DALLAS, N.A., AND NOTICE OF DISMISSAL OF
DEFENDANT, BANCTEXAS DALLAS, N.A.

Plaintiff, Canadian Commercial Bank, by and through its attorneys, Fairfield and Woods, and Gable and Gotwals, P.C., and Defendant BancTexas Dallas, N.A. ("Defendant BancTexas"), by and through its attorneys, Doerner, Stuart, Saunders, Daniel & Anderson, hereby stipulate and agree as follows:

1. Plaintiff hereby dismisses the First through Seventh Claims for Relief in the Verified Complaint against Defendant BancTexas without prejudice and without any effect on the rights of the Plaintiff to the relief sought against the other Defendants. Therefore, Defendant BancTexas is dismissed from this cause without prejudice.

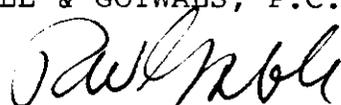
2. Defendant BancTexas shall cause its employees, Robert Bogutski and Amy Moore, to be present at their depositions (to be continued to such date mutually agreeable to counsel), to respond

fully to all questions of Plaintiff's counsel at their depositions as required by the Federal Rules of Civil Procedure, and to produce all documents requested to be produced in the subpoenas duces tecum served on them with the exception of Requests 4, 5, and 6. With respect to Requests 4, 5 and 6, Defendant BancTexas will cause to be produced at the deposition of Mr. Bogutski all such documents in those Requests 4, 5 and 6 as they relate to transactions on or after October 22, 1982, involving Universal stock owned by Defendant Robert A. Alexander. Jr. This stipulation is without prejudice to the right of Plaintiff to move to compel production of all documents sought in Requests 4, 5 and 6 and to the right of Defendant BancTexas to object thereto.

Dated this 12th day of July, 1984.

GABLE & GOTWALS, P.C.

By


Richard W. Gable
Carol Wood

Fourth National Bank Building
20th Floor
Tulsa, Oklahoma 74119
(918) 582-9201

FAIRFIELD AND WOODS

Jac K. Sperling
Stephen W. Seifert
1600 Colorado National Bldg.
950 Seventeenth Street
Denver, Colorado 80202
(303) 534-6135

ATTORNEYS FOR PLAINTIFF
CANADIAN COMMERCIAL BANK

DOERNER, STUART, SAUNDERS,
DANIEL & ANDERSON

By Lewis J. Carter
Lewis Carter

1000 Atlas Life Building
Tulsa, Oklahoma 74103
(918) 582-1211

BRICE & BARRON
Dewey Hicks
Suite 4700-B Thanksgiving Tower
1601 Elm Street
Dallas, Texas 75201

ATTORNEYS FOR DEFENDANT
BANCTEXAS DALLAS, N.A.

CERTIFICATE OF SERVICE

The undersigned hereby certifies that a copy of the above and foregoing Stipulation Between Plaintiff and Defendant BancTexas Dallas, N.A. and Order of Dismissal of Defendant BancTexas Dallas, N.A. was served upon the following by depositing copies thereof in the United States mail with proper postage affixed thereon, on this 12 day of July, 1984.

Universal Energy Corporation
3820 Charles Page Blvd.
Tulsa, OK 74127
Attn: Robert A. Alexander, Jr.,
President

Patrick Waddell, Esquire
Waddell & Buzzard, P.C.
1500 One Boston Plaza
20 East Fifth Street
Tulsa, OK 74103

Robert A. Alexander, Jr.
3820 Charles Page Blvd.
Tulsa, OK 74127

Robert H. Tips, Esquire
500 Mid-Continent Building
Tulsa, OK 74103

Lewis J. Carter

Entered

IN THE UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF OKLAHOMA

FILED

JUL 11 1964

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

JOSEF DZURILLA, Administrator)
of the Estate of TOMAS DZURILLA,)
deceased as Administrator,)
)
Plaintiff,)
)
vs.)
)
BOB GLANDON, et al.,)
)
Defendants.)

Case No. 83-833-B

ORDER

FOR GOOD CAUSE shown this cause is hereby Ordered and Directed
dismissed as to all party defendants by agreement of the parties.

S/ THOMAS R. BRETT

UNITED STATES DISTRICT JUDGE

Entered

UNITED STATES DISTRICT COURT FOR THE
NORTHERN DISTRICT OF OKLAHOMA

SEP 11 1984
CLERK
U.S. DISTRICT COURT

UNITED STATES OF AMERICA,)
)
Plaintiff,)
)
v.)
)
RALEIGH P. SHIPLEY; PHYLLIS J.)
SHIPLEY; THE FEDERAL LAND BANK)
OF WICHITA, Wichita, Kansas;)
COUNTY TREASURER, Nowata County,)
Oklahoma; and BOARD OF COUNTY)
COMMISSIONERS, Nowata County,)
Oklahoma,)
)
Defendants.)

CIVIL ACTION NO. 83-C-772-B

JUDGMENT OF FORECLOSURE

THIS MATTER COMES on for consideration this 11th day
of July, 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, The Federal Land Bank of Wichita,
appears by its attorney, Jot Hartley; the Defendants, County
Treasurer and Board of County Commissioners, Nowata County,
Oklahoma, appear by Craig D. Corgan, District Attorney, through
Frank Rollow, Assistant District Attorney; and the Defendants,
Raleigh P. Shipley and Phyllis J. Shipley, appear not, but make
default.

The Court being fully advised and having examined the
file herein finds that Defendant, County Treasurer, Nowata
County, Oklahoma, was served with Summons and Complaint on
September 21, 1983; that the Defendant, The Federal Land Bank of
Wichita, was served with Summons and Complaint on September 16,

1983; that the Defendant, Raleigh P. Shipley, was served with Alias Summons and Complaint on November 25, 1983; and that the Defendant, Phyllis J. Shipley, was served with Alias Summons and Complaint on November 25, 1983.

It appears that the Defendant, The Federal Land Bank of Wichita, filed its Answer, Counterclaim and Cross-Petition on November 23, 1983; that the Defendants, County Treasurer and Board of County Commissioners, Nowata County, Oklahoma, have filed their Answer and Cross-Claim on September 27, 1983; and that the Defendants, Raleigh P. Shipley and Phyllis J. Shipley, have failed to answer and their default has been entered by the Clerk of this Court on May 25, 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 Nowata County, Oklahoma, within the Northern Judicial District of Oklahoma:

The S/2 of the SE/4 of Section 10; and the SW/4 of the NW/4, and the SW/4 of the SE/4 of the NW/4 of Section 14; and the NE/4 of Section 15, all in Township 25 North, Range 15 East of the Indian Meridian, containing 290 acres, more or less.

The Court further finds that on March 3, 1980, Raleigh P. Shipley and Phyllis J. Shipley executed and delivered to the United States of America, acting through the Farmers Home Administration, their promissory note in the amount of \$104,000.00, payable in yearly installments with interest thereon at the rate of 10 1/2 percent per annum.

The Court further finds that on April 10, 1980, Raleigh P. Shipley and Phyllis J. Shipley executed and delivered to the United States of America, acting through the Farmers Home Administration, their promissory note in the amount of \$64,500.00, payable in yearly installments with interest thereon at the rate of 10 percent per annum.

The Court further finds that on May 9, 1980, Raleigh P. Shipley and Phyllis J. Shipley executed and delivered to the United States of America, acting through the Farmers Home Administration, their promissory note in the amount of \$7,000.00, payable in yearly installments with interest thereon at the rate of 11 percent per annum.

The Court further finds that on January 21, 1981, Raleigh P. Shipley and Phyllis J. Shipley executed and delivered to the United States of America, acting through the Farmers Home Administration, their promissory note in the amount of \$13,130.00, payable in yearly installments with interest thereon at the rate of 5 percent per annum.

The Court further finds that as security for the payment of the note attached as Exhibit "B" to the Complaint, Raleigh P. Shipley and Phyllis J. Shipley executed and delivered to the United States of America, acting through the Farmers Home Administration, a real estate mortgage dated April 10, 1980, covering the above described property. Said mortgage was recorded on April 10, 1980, in Book 514, Page 83, in the records of Nowata County, Oklahoma.

The Court further finds that as security for the payment of the notes attached as Exhibits "C" and "D", respectively, to the Complaint, Raleigh P. Shipley and Phyllis J. Shipley executed and delivered to the United States of America, acting through the Farmers Home Administration, a real estate mortgage dated May 9, 1980, covering the above described property. Said mortgage was recorded on May 9, 1980, in Book 514, Page 737, in the records of Nowata County, Oklahoma.

The Court further finds that as security for the payment of the notes attached as Exhibits "B", "C" and "D", respectively, to the Complaint, Raleigh P. Shipley and Phyllis J. Shipley executed and delivered to the United States of America, acting through the Farmers Home Administration, a real estate mortgage dated January 21, 1981, covering the above described property. Said mortgage was recorded on January 22, 1981, in Book 523, Page 8, in the records of Nowata County, Oklahoma.

The Court further finds that as security for the payment of the notes attached as Exhibits "A", "B", "C" and "D", respectively, to the Complaint, Raleigh P. Shipley and Phyllis J. Shipley executed and delivered to the United States of America, acting through the Farmers Home Administration, security agreements dated March 3, 1980, February 27, 1981, July 29, 1981, and July 1, 1982.

The Court further finds that Plaintiff perfected its security interest in the collateral described in the above security agreements by filing financing statements and a lien entry form, copies of which are attached as Exhibits "L", "M",

and "N", respectively, to the Complaint. All of the collateral has been liquidated except for the 1978 Ford truck described in the lien entry form attached to the Complaint as Exhibit "N".

The Court further finds that Defendants, Raleigh P. Shipley and Phyllis J. Shipley, made default under the terms of the aforesaid promissory notes and mortgages by reason of their failure to make yearly installments due thereon, which default has continued and that by reason thereof the Defendants, Raleigh P. Shipley and Phyllis J. Shipley, are indebted to the Plaintiff in the sum of \$150,783.88, plus accrued interest of \$23,237.01 as of August 9, 1983, plus interest thereafter at the rate of \$41.2860 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 on February 1, 1980, Raleigh P. Shipley and Phyllis J. Shipley executed and delivered to The Federal Land Bank of Wichita their promissory note in the amount of \$115,000.00, payable in semi-annual installments with interest thereon initially at the rate of 10 percent per annum subject to adjustment in accordance with the provisions of the Farm Credit Act of 1971.

The Court further finds that as security for the payment of the above described note Raleigh P. Shipley and Phyllis J. Shipley executed and delivered to the The Federal Land Bank of Wichita a real estate mortgage dated February 1, 1980, covering the above described property. This mortgage was

recorded on February 5, 1980, in Book 511, Page 487, in the records of Nowata County, Oklahoma.

The Court further finds that the Defendants, Raleigh P. Shipley and Phyllis J. Shipley, made default under the terms of the aforesaid note and mortgage by reason of their failure to make installments due thereon and their failure to keep the property insured, which default has continued and by reason thereof the Defendants, Raleigh P. Shipley and Phyllis J. Shipley, are indebted to the Defendant, The Federal Land Bank of Wichita, in the sum of \$136,556.30, plus interest at the rate of 13.25 percent per annum (unless or until adjusted pursuant to the Farm Credit Act of 1971) on \$129,183.75 from the 15th day of October, 1983, plus the costs of this action and a reasonable attorney's fee.

The Court further finds that the first mortgage lien of the Defendant, The Federal Land Bank of Wichita, is prior and superior to the interest of Plaintiff, United States of America, but is subject and inferior to the interest of the Defendant, County Treasurer, Nowata County, Oklahoma.

The Court further finds that the Defendant, County Treasurer, Nowata County, Oklahoma, has a lien on the property which is the subject matter of this action by virtue of ad valorem taxes in the amount of \$321.04, plus interest for the year 1982, and in the amount of \$758.23, plus interest for the year 1983. Said lien is superior to the interest of the Plaintiff, United States of America, and the Defendant, The Federal Land Bank of Wichita.

IT IS THEREFORE ORDERED, ADJUDGED, AND DECREED that the Plaintiff have and recover judgment against Defendants, Raleigh P. Shipley and Phyllis J. Shipley, in the principal amount of \$150,783.88, plus accrued interest of \$23,237.01 as of August 9, 1983, plus interest thereafter at the rate of \$41.2860 per day, until judgment, plus interest thereafter at the current legal rate of 12.08 percent per annum until paid, plus the costs of this action accrued and accruing.

IT IS FURTHER ORDERED, ADJUDGED, AND DECREED that the Defendant, The Federal Land Bank of Wichita, have and recover judgment against Defendants, Raleigh P. Shipley and Phyllis J. Shipley, in the amount of \$136,556.30, plus interest at the rate of 13.25 percent per annum (unless or until adjusted pursuant to the Farm Credit Act of 1971) on \$129,183.75 from the 15th day of October, 1983, plus the costs of this action and attorney's fee in the amount of \$ 2,000.00.

IT IS FURTHER ORDERED, ADJUDGED, AND DECREED that the Defendant, County Treasurer, Nowata County, Oklahoma, have and recover judgment in the amount of \$321.04 plus interest for ad valorem taxes for the year 1982, and in the amount of \$758.23 plus interest for ad valorem taxes for the year 1983, plus the costs of this action.

IT IS FURTHER ORDERED, ADJUDGED, AND DECREED that upon the failure of the Defendants, Raleigh P. Shipley and Phyllis J. Shipley, to satisfy the money judgment of the Plaintiff and the other defendants herein, an Order of Sale shall be issued to the United States Marshal for the Northern District of Oklahoma,

commanding him to advertise and sell with appraisement the real property 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, Nowata County, Oklahoma, in the amount of \$321.04 plus interest for ad valorem taxes for the year 1982, and in the amount of \$758.23 plus interest for ad valorem taxes for the year 1983 which are presently due and owing on said real property;

Third:

In payment of the judgment rendered herein in favor of the Defendant, The Federal Land Bank of Wichita;

Fourth:

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

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

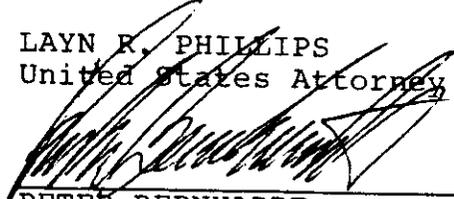
IT IS FURTHER ORDERED, ADJUDGED, AND DECREED that from and after the sale of the above described real property, under and by virtue of this judgment and decree, all of the Defendants and all persons claiming under them since the filing of the Complaint, be and they are forever barred and foreclosed of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

S/ THOMAS R. BRETT

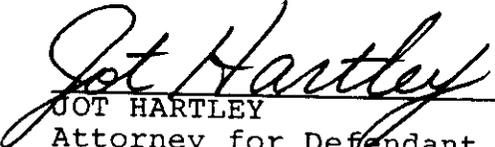
UNITED STATES DISTRICT JUDGE

APPROVED:

LAYN R. PHILLIPS
United States Attorney


PETER BERNHARDT
Assistant United States Attorney


FRANK ROLLOW
Assistant District Attorney
Attorney for Defendants,
County Treasurer and
Board of County Commissioners,
Nowata County, Oklahoma


JOT HARTLEY
Attorney for Defendant,
The Federal Land Bank of Wichita

from the date of judgment until paid.

IT IS THEREFORE, ORDERED, ADJUDGED, AND DECREED that the Plaintiff have and recover judgment against the Defendant, Terry L. Carmichael, in the amount of \$254.40, plus interest at the rate of 15.05 percent per annum and administrative costs of \$.61 per month from August 15, 1983, and \$.68 per month from January 1, 1984, plus costs and interest at the current legal rate of 12.08 percent from the date of judgment until paid.

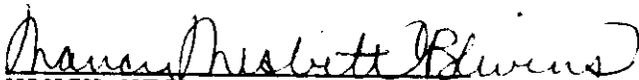
S/ THOMAS R. BRETT

UNITED STATES DISTRICT JUDGE

APPROVED:

UNITED STATES OF AMERICA

LAYN R. PHILLIPS
United States Attorney


NANCY NESBITT BLEVINS
Assistant U.S. Attorney


TERRY L. CARMICHAEL

Entered

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

BILLY J. C. INGRAM and)
MARSALETE INGRAM,)
)
Plaintiff)
)
-vs-)
)
FIBREBOARD CORPORATION,)
et al,)
)
Defendants.)

BO. 83-C-890-B

STIPULATION FOR DISMISSAL

COMES NOW Mark H. Iola, counsel for the plaintiffs, and Murray E. Abowitz, counsel for Keene Corporation, who is authorized to act for the named defendants herein, and show the Court that the issues between the plaintiffs and the defendants OWENS-ILLINOIS, INC., OWENS-CORNING FIBERGLASS CORPORATION, FIBREBOARD CORPORATION, EAGLE-PICHER INDUSTRIES, INC., CELOTEX CORPORATION, GAF CORPORATION, STANDARD INSULATIONS, INC., ARMSTRONG WORLD INDUSTRIES, INC., COMBUSTION ENGINEERING, INC., NATIONAL GYPSUM COMPANY, FORTY-EIGHT INSULATIONS, INC., KEENE CORPORATION, MUNDIT CORK COMPANY, and H. K. PORTER COMPANY have been resolved pursuant to a compromise settlement.

WHEREFORE, these parties pray that an order of dismissal

LAW OFFICES
UNGERMAN,
CONNER &
LITTLE

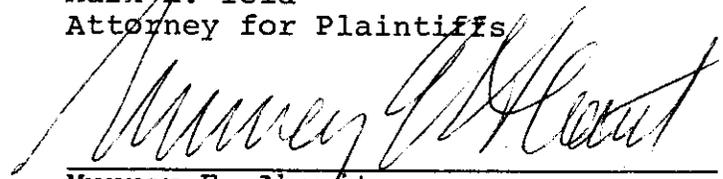
MIDWAY BLDG.
2727 EAST 21 ST.
SUITE 400

P. O. BOX 2099
TULSA, OKLAHOMA
74101

with prejudice be entered herein as the issues between them are now moot.



Mark H. Iola
Attorney for Plaintiffs



Murray E. Abowitz
Attorney for Keene Corporation
on Behalf of Named Defendants

ORDER OF DISMISSAL

Now on this 13 day of July, 1984, the Court being advised that a compromise settlement having been reached between the plaintiffs and the named defendants, and those parties stipulating to a dismissal with prejudice, the Court orders that the captioned case be dismissed with prejudice as to OWENS-ILLINOIS, INC., OWENS-CORNING FIBERGLASS CORPORATION, FIBREBOARD CORPORATION, EAGLE-PICHER INDUSTRIES, INC., CELOTEX CORPORATION, GAF CORPORATION, STANDARD INSULATIONS, INC., ARMSTRONG WORLD INDUSTRIES, INC., COMBUSTION ENGINEERING, INC., NATIONAL GYPSUM COMPANY, FORTY-EIGHT INSULATIONS, INC., KEENE CORPORATION, MUNDIT CORK COMPANY, and H. K. PORTER COMPANY.

S/ THOMAS R. BRETT

UNITED STATES DISTRICT JUDGE

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

JACK GREEN and)
ALVERETTA GREEN,)
)
Plaintiffs,)
)
-vs-)
)
FIBREBOARD CORPORATION,)
ET AL,)
)
Defendants.)

5,80-C
NO. 83-C ~~890-B~~

STIPULATION FOR DISMISSAL

COME NOW Mark H. Iola, counsel for the plaintiffs, and Murray E. Abowitz, counsel for Keene Corporation, who is authorized to act for the named defendants herein, and show the Court that the issues between the plaintiffs and the defendants OWENS-ILLINOIS, INC., OWENS-CORNING FIBERGLASS CORPORATION, FIBREBOARD CORPORATION, EAGLE-PICHER INDUSTRIES, INC., CELOTEX CORPORATION, GAF CORPORATION, STANDARD INSULATIONS, INC., COMBUSTION ENGINEERING, INC., FORTY-EIGHT INSULATIONS, INC., PITTSBURGH-CORNING CORPORATION, KEENE CORPORATION, RAYMARK INDUSTRIES, INC., FLINTKOTE COMPANIES, INC., and MUNDIT CORK COMPANY have been resolved pursuant to a compromise

LAW OFFICES
UNGERMAN,
CONNER &
LITTLE

MIDWAY BLDG.
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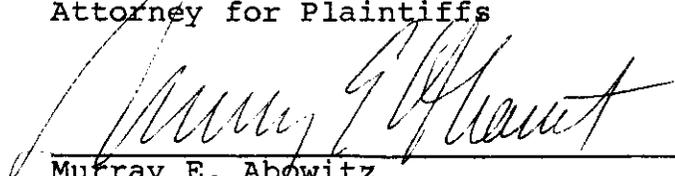
P. O. BOX 2099
TULSA, OKLAHOMA
74101

settlement

WHEREFORE, these parties pray that an order of dismissal with prejudice be entered herein as the issues between them are now moot.



Mark H. Iola
Attorney for Plaintiffs



Murray E. Abowitz
Attorney for Keene Corporation
on Behalf of Named Defendants

FILED

JUL 16 1984

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

ORDER OF DISMISSAL

Now on this 13 day of July, 1984, the Court being advised that a compromise settlement having been reached between the plaintiffs and the named defendants, and those parties stipulating to a dismissal with prejudice, the Court orders that the captioned case be dismissed with prejudice as to OWENS-ILLINOIS, INC., OWENS-CORNING FIBERGLASS CORPORATION, FIBREBOARD CORPORATION, EAGLE-PICHER INDUSTRIES, INC., CELOTEX CORPORATION, GAF CORPORATION, STANDARD INSULATIONS, INC., COMBUSTION ENGINEERING, INC., FORTY-EIGHT INSULATIONS, INC., PITTSBURGH-CORNING CORPORATION, KEENE CORPORATION, RAYMARK INDUSTRIES, INC., FLINTKOTE COMPANIES, INC., and MUNDIT CORK COMPANY.

s/H. DALE COOK

UNITED STATES DISTRICT JUDGE

Entered

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

7/10/84
CLERK OF COURT

NON-FERROUS INTERNATIONAL CORP.,)
a New York corporation,)
)
Plaintiff,)
)
v.)
)
ALLOY SERVICE CENTER, INC.,)
an Oklahoma corporation,)
)
Defendant.)

No. CIV-84-C-359-E

JUDGMENT

The defendant herein having failed to appear, and the plaintiff having sought and obtained an entry of default pursuant to Rule 55(a) and having requested entry of judgment by default pursuant to Rule 55(b)(1), and having filed the appropriate affidavit of the amount due,

IT IS HEREBY ORDERED AND ADJUDGED

that the plaintiff Non-Ferrous International Corporation recover from the defendant Alloy Service Center, Inc. the sum of Fifty-Nine Thousand, Fifty-Seven and 69/100 Dollars (\$59,057.69), with interest thereon at the rate of 12.08 percent as provided by law, and its costs of action.

Dated at Tulsa, Oklahoma, this 10th day of July, 1984.

Jack C. Silver, Clerk

By: Dave Silver
Clerk of the Court

Entered

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

FILED

APR 13 1984

RECEIVED CLERK
DISTRICT COURT

BECKY DOTY, VICKY DOTY,)
DAVID PRICE and ROY PRICE,)
)
Plaintiffs,)
)
v.)
)
EDDY ELIAS d/b/a EDDY'S)
STEAKHOUSE,)
)
Defendant.)

No. 80-C-702-BT ✓

AMENDED JUDGMENT

In keeping with the Mandate received from the Tenth Circuit Court of Appeals on June 6, 1984, and the opinion of the Tenth Circuit rendered May 2, 1984, the Court hereby enters judgment in favor of plaintiffs, Becky Doty, Vicky Doty, David Price and Roy Price, and against defendant, Eddy Elias d/b/a Eddy's Steakhouse, for unpaid wages and an additional equal amount as liquidated damages, pursuant to 29 U.S.C. §216(b). The amounts awarded are as follows:

BECKY DOTY	\$10,282.50
VICKY DOTY	\$ 9,992.50
DAVID PRICE	\$ 6,295.20
ROY PRICE	\$ 1,305.00

As ordered by the Tenth Circuit, these amounts do not include pre-judgment interest. The Court further award attorneys fees in the sum of \$12,750.00 in favor of plaintiffs and against defendant, as

well as taxable costs pursuant to 28 U.S.C. §1920. Post-judgment interest at the rate of 15% per annum is also awarded in favor of plaintiffs on each of said sums, including attorneys fees, from the date of judgment of April 16, 1982 (28 U.S.C. §1961; 12 Okl. St. Ann. §727).

ENTERED this 10th day of July, 1984.

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

THOMAS R. BRETT
UNITED STATES DISTRICT JUDGE

Entered

UNITED STATES DISTRICT COURT FOR THE
NORTHERN DISTRICT OF OKLAHOMA

JUL -9 1984

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

UNITED STATES OF AMERICA,)	
)	
Plaintiff,)	
)	
vs.)	
)	
WILLIAM F. OWEN,)	
)	
Defendant.	)	CIVIL ACTION NO. 84-C-532-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 5th day of July, 1984.

UNITED STATES OF AMERICA

LAYN R. PHILLIPS
United States Attorney

[Signature]
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 9th day of July, 1984, a true and correct copy of the foregoing was mailed postage prepaid thereon, to: William F. Owen, 5930 South 87th East Avenue, Tulsa, Oklahoma 74145.

[Signature]
Assistant United States Attorney

Entered

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

FILED

JUL 9 1984

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

JOSEPH B. ROSKOB and E.E. BODE,)
partners in DARROW ENERGY,)
a partnership,)
) **Plaintiffs,**)
) **vs.**)
) **SHEARSON/AMERICAN EXPRESS, INC., a**)
Delaware corporation, and SANDRA SHELBY,) **Defendants.**)

No. 83-C-592-E

ORDER

NOW ON this 6th day of July, 1984, comes on to be heard the Stipulation of the parties for dismissal with prejudice. The Court, being well advised in the premises, finds that the above-captioned action should be and hereby is DISMISSED with prejudice, each party to bear its own costs.

S/ JAMES O. ELLISON
UNITED STATES DISTRICT JUDGE

Entered

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

FILED

JUL 9 1984

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

JOSEPH B. ROSKOB,)
)
 Plaintiff,))
)
 vs.))
))
 SHEARSON/AMERICAN EXPRESS, INC., a)
 Delaware corporation, and SANDRA SHELBY,))
))
 Defendants.))

No. 83-C-590-E

ORDER

NOW ON this 6th day of July, 1984, comes on to be heard the Stipulation of the parties for dismissal with prejudice. The Court, being well advised in the premises, finds that the above-captioned action should be and hereby is DISMISSED with prejudice, each party to bear its own costs.

S/ JAMES O. ELLISON

UNITED STATES DISTRICT JUDGE

CIVIL DOCKET CONTINUATION SHEET

PLAINTIFF	DEFENDANT	DOCKET NO. <u>83-C-538-C</u>
SOONER FEDERAL SAVINGS & LOAN	CONISTON PARTNERS, et al	PAGE <u>5</u> OF <u>3</u> PAGES

DATE	NR.	PROCEEDINGS
6-28	50	MOTION of pltfs for protective order.a
6-28	51	MEMO of law in support of pltfs mot/protective order pursuant to rule 26(c)(1), FRCP.a
6-28	52	OBJECTIONS of H.F. Ahmanson to inspection or copying of designated materials, rule 45 FRCP.a
6-28	53	NOTICE of joinder of H.F. Ahmanson & Co in mot/protective order.a
6-28	54	AFFADAVIT of Mary L. Roberts.a
6-28	MIN	HRG held on defts mot/declaratory relief & TRO; ntc of dismissal was valid under Rule 41; therefore every other motion is moot.(HDC-J)a (VM-cr)
7-6	MO:	Inasmuch as the Ct. has ruled on status of dismissal & found that all motions are moot, Cost hrg. of 7/19/84 is stricken.(JCS-Clk)rm
8-21	----	TRANSCRIPT of hrg had on pltfs voluntary dismissal had on 6-28-84(HDC-J)(VM-cr) 1-4 pgs.a

Entered

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

FILED
CLERK
DISTRICT COURT

BOULDER FRUNITURE &)
APPLIANCES, INC.,)
)
Plaintiff,)
)
vs.)
)
CURTIS MATHES SALES COMPANY,)
a Corporation,)
)
Defendant.)

No. 80-C-35-E ✓

JUDGMENT

This action came on for jury trial before the Court, Honorable James O. Ellison, District Judge, presiding, and at the conclusion of Plaintiffs' evidence, Defendant Curtis Mathes Sales Company moved for directed verdict on the anti-trust allegations, which the Court finds should be sustained. Defendant Curtis Mathes Sales Company then moved for directed verdict at the conclusion of all the evidence based upon the exculpatory damages clause contained in the franchise agreement and the Court finds this motion should be sustained.

IT IS THEREFORE ORDERED, ADJUDGED AND DECREED that Defendant Curtis Mathes Sales Company's motion for directed verdict as to the antitrust allegations be and is hereby sustained. The Court further finds Defendant Curtis Mathes Sales Company's motion for directed verdict as to the cause of action based on breach of contract should also be sustained. The action is therefore dismissed as to Defendant Curtis Mathes Sales Company

on all counts with prejudice.

Defendant is awarded costs of the action to be determined upon proper application.

Dated at Tulsa, Oklahoma this 5TH day of July, 1984.


JAMES O. ELLISON
UNITED STATES DISTRICT JUDGE

Entered

UNITED STATES DISTRICT COURT FOR THE
NORTHERN DISTRICT OF OKLAHOMA

FILED

JUL -5 1984

SADE C. SHYKOR, CLERK
U.S. DISTRICT COURT

UNITED STATES OF AMERICA,)	
)	
Plaintiff,)	
)	
vs.)	
)	
BIM S. BRUNER,)	
)	
Defendant.	)	CIVIL ACTION NO. 84-C-128-B

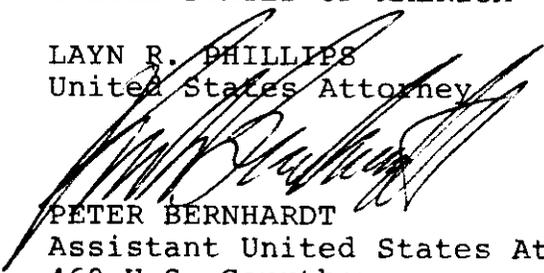
NOTICE OF DISMISSAL

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

Dated this 3rd day of July, 1984.

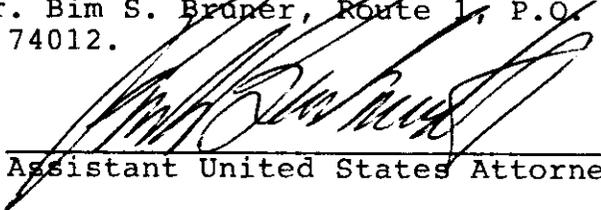
UNITED STATES OF AMERICA

LAYN R. PHILLIPS
United States Attorney


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

CERTIFICATE OF SERVICE

This is to certify that on the 5TH day of July, 1984, a true and correct copy of the foregoing was mailed, postage prepaid thereon, to: Mr. Bim S. Bruner, Route 1, P.O. Box 113, Broken Arrow, Oklahoma 74012.


Assistant United States Attorney

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

FILED
JUL -5 1984

THE CLERK
DISTRICT COURT

THE BURGGRAF CORPORATION, an)
Oklahoma corporation, and)
DISCOUNT TIRES OF OKLAHOMA,)
INC., an Oklahoma corporation,)
by and through LOLA BURGGRAF,)
JERRY BURGGRAF and LARRY BURGGRAF,)
shareholders, and LOLA BURGGRAF,)
JERRY BURGGRAF and LARRY BURGGRAF,)
individually,)

Plaintiffs,)

v.)

NO. 82-C-1177-B

THE GOODYEAR TIRE & RUBBER)
COMPANY, a corporation, THE)
LEE TIRE AND RUBBER COMPANY,)
a corporation, THE KELLY-)
SPRINGFIELD TIRE COMPANY, a)
corporation, CLARENCE BURGGRAF,)
SR., SHIRLEY BURGGRAF, L. K. NEWELL)
and GEORGE UTTERBACK,)

Defendants.)

O R D E R

This matter came on for jury trial July 2, 1984. Plaintiffs announced they were not ready to proceed to trial and requested continuance. Defendants objected to continuance of trial and stated they were ready to proceed with the jury trial, pursuant to regular setting.

This suit was filed in December 1982. Discovery cutoff was originally set for May 24, 1983. The discovery cutoff date was extended upon plaintiffs' request to July 20, 1983. The discovery cutoff date was again extended at plaintiffs' request to November 21, 1983 and jury trial set for December 19, 1983. At a discovery conference December 1, 1983, over objection of defendants, the Court again extended discovery cutoff to February 20, 1984,

and set jury trial for April 16, 1984--after repeated assurances from plaintiffs' counsel that plaintiff would be ready for jury trial in April 1984. On April 18, 1984, the case was reset for jury trial June 18, 1984 due to docket congestion and again for July 2, 1984 for the same reason.

In view of the repeated extensions of discovery cutoff since May 1983, and in view of the delays in the trial settings the Court concludes jury trial of this matter should not be continued over the objection of the defendants. As the plaintiffs are unprepared to proceed to trial, and upon application of defendants, the Court hereby dismisses with prejudice the plaintiffs' claims against defendants, for failure to prosecute, pursuant to F.R.Civ.P. 41(b).

ENTERED this 3rd day of July, 1984.



THOMAS R. BRETT
UNITED STATES DISTRICT JUDGE

Entered

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

1984 JUL 5 11:34 AM

RICHARD J. BROHAN,)	
)	
Plaintiff,)	
)	
vs.	)	No. 82-C-1044-BT
)	
AMERICAN AIRLINES,)	
)	
Defendant.)	

CLERK OF DISTRICT COURT

ORDER

The Court has for consideration the Joint Application For Dismissal With Prejudice and having been advised that the parties have settled the captioned case and being fully advised in the premises, FINDS that the same should be granted.

IT IS THEREFORE ORDERED that the Joint Application For Dismissal With Prejudice be, and the same is, hereby granted and the above-styled action and Complaint is hereby dismissed with prejudice and without costs or attorneys' fees pursuant to Rule 41(a), F.R.Civ.P.

DATED this 5th day of July, 1984.

S/ THOMAS R. BRETT
United States District Judge

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

ANCON WELL SERVICE, INC.)
an Oklahoma corporation)
)
Plaintiff,)

vs.)

Case no. 83-C-886-C

SMEAL MANUFACTURING COMPANY,)
a Nebraska corporation,)
)
Defendant,)

and)

GENE HARRIS, d/b/a)
HARRIS EQUIPMENT,)
)
Defendant and)
Third-Party)
Plaintiff,)

vs.)

FORD MOTOR COMPANY,)
)
Third-Party)
Defendant.)

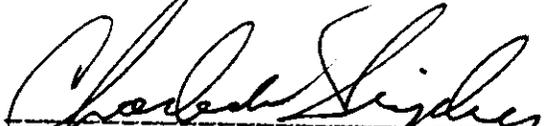
STIPULATION OF DISMISSAL

Comes now all the above-named parties, by and through their respective counsel, and pursuant to Fed. R. Civ. P. 41(a)(1) and (c) stipulate to the dismissal, with prejudice, of the above action and the mutual claims, either asserted or unasserted, therein. This voluntary dismissal is in consideration of and made by reason of the compromise and settlement agreement entered into among and between all parties herein.

Wherefore the parties through their respective counsel, set

their hands with the intent to be bound thereby.

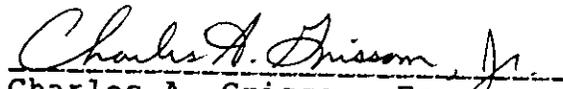
GENE HARRIS d/b/a
HARRIS EQUIPMENT:

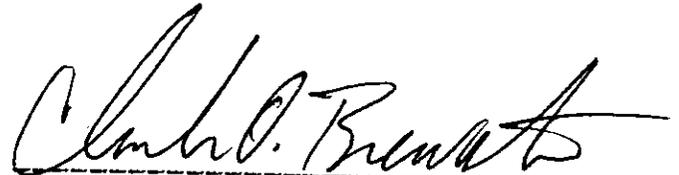

Charles W. Shipley, Esq.
One Williams Center Suite 1770
Tulsa, Oklahoma 74172
918-582-1720

ANCON WELL SERVICE, INC.:

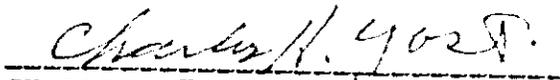

Larry Brown, President

FORD MOTOR COMPANY:

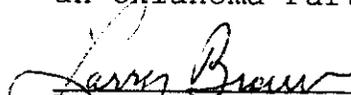

Charles A. Grissom, Esq.
of Boesche, McDermott & Eskridge
Suite 1300, 320 S Boston Bldg.
Tulsa, Oklahoma 74103


Clark O. Brewster, Esq.
of Brewster and Shallcross
5314 South Yale Suite 600
Tulsa, Oklahoma 74135
918-494-5953

SMEAL MANUFACTURING COMPANY:


CHARLES H. Yost, Esq.
of Yost, Schafersman, Yost,
Lamm & Hillis
81 West Fifth Street
Fremont, Nebraska 68025

ANCON WELL SERVICE,
an Oklahoma Partnership:


Larry Brown, General Partner

1:7:ancon.dis

FILED
IN OPEN COURT

JUL 3 1984

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

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

UNITED STATES OF AMERICA,)
)
) Plaintiff,)
)
) v.)
)
) STAR SUPPLY CO., a/k/a STAR VET,)
) INC., a corporation, and C.L.)
) PAULSEN, D.V.M., an individual,)
)
) Defendants.)
)

Civil No. 84-C-592-B

CONSENT DECREE OF
PERMANENT INJUNCTION

Plaintiff, United States of America, having filed its complaint on the 27th day of June, 1984, and defendants, Star Supply Co., a/k/a Star Vet, Inc., a corporation, and C.L. Paulsen, D.V.M., an individual, having appeared and having consented to the entry of this decree without contest and before any testimony has been taken, and the United States of America having consented to this decree and to each and every provision thereof, and having moved this court for this injunction,

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

A. That this court has jurisdiction of the subject matter herein and of all persons and parties hereto, and the complaint states a cause of action against the defendant under the Federal Food, Drug, and Cosmetic Act.

B. That the defendants Star Supply Company, a/k/a Star Vet., Inc., and C.L. Paulsen, D.V.M. have violated the Federal Food, Drug, and Cosmetic Act as alleged in the complaint.

C. That the Defendants, Star Supply Co., a/k/a Star Vet, Inc., a corporation, and C.L. Paulsen, D.V.M., an individual, and each of their officers, agents, servants, employees, and attorneys and any and all persons in active concert or participation with them, be perpetually restrained and enjoined under the provisions of 21 U.S.C. § 332(a) from directly or indirectly offering for sale any article of prescription veterinary drug, while held for sale after shipment in interstate commerce, or from directly or indirectly offering for sale in interstate commerce any article of prescription veterinary drug, unless and until:

(1) The defendants establish and follow procedures to insure that every sale of a prescription veterinary drug will be made only to or on the prescription or other order of a licensed veterinarian, for use in the course of his professional practice. Such procedures shall include, but not be limited to the establishment and maintenance of records which will document every such drug sold by the defendants.

(2) The defendants establish and maintain records which will demonstrate that every sale of a prescription veterinary drug is based on a prescription or other order of a licensed veterinarian issued in the course of his professional

practice or that the buyer is otherwise legally entitled to have prescription drugs, i.e. a legitimate distribution house or another veterinarian.

(3) The defendants prepare an accurate inventory of all prescription veterinary drugs that Star Supply Co. has in stock, and establish procedures for the maintenance of records and files in a manner whereby the inventory and all quantities of veterinary prescription drugs received following the initial establishment of the inventory can be reconciled with the quantities of such drugs sold or distributed in accordance with paragraphs (1) and (2) above.

(4) The defendants report in writing to the FDA, Dallas, Texas, the measures they have taken to assure that the provisions of subparagraphs (1) through (3) above have been met.

(5) The defendants permit FDA to make inspections of all facilities where drugs are processed, packed, and held, and to examine prescription files, drug inventories, patient records and other documents as the FDA deems necessary in order to determine that the requirements outlined in subparagraphs (1) through (3) of this paragraph have been met, the costs of any such inspections to be borne by the defendants at the rates of \$36.00 per hour and fraction thereof per representative for inspectional work; \$43.00 per hour or fraction thereof per representative for analytical work; \$0.20.5 per mile for travel expense, and \$64.00 maximum

per representative for subsistence expense where necessary.

(6) The FDA notifies the defendants in writing that defendants appear to be in compliance with subparagraphs (1) through (3) of this paragraph.

D. That after they have complied with the requirements of paragraph A above, Star Supply Co., a/k/a Star Vet, Inc., a corporation, and C.L. Paulsen, D.V.M., an individual, and each and all of their officers, agents, servants, employees, attorneys, and all persons in active concert or participation with them, or any of them, be perpetually restrained and enjoined under the provisions of 21 U.S.C. § 332(a) from directly or indirectly offering for sale any article of prescription veterinary drug while held for sale after shipment in interstate commerce, or from directly or indirectly offering for sale in interstate commerce any article of prescription veterinary drug, unless and until:

(1) There is a prescription or other order of a licensed veterinarian on file covering such sale of the drug.

(2) There is documentation that, for prescription veterinary drugs distributed by defendant Paulsen or any individual acting on his behalf, there is a legitimate veterinarian/client relationship to cover the sale of any such drug after entry of this decree. For a legitimate veterinarian/client relationship to exist:

- (a) Defendant Paulsen must be properly licensed to practice veterinary medicine in the state(s) in which the animal(s) to be treated is (are) located; and
- (b) Defendant Paulsen must have made at least an initial examination of the animal(s) to be treated sufficient to accurately diagnose the disease condition. Any follow-up prescription or administration of drugs shall be made only after the animal(s) to be treated has (have) been re-examined or defendant Paulsen has received sufficient information through oral contact with the client to determine that the previously diagnosed syndrome is continuing and re-examination is not necessary for accurate diagnosis.

E. That the defendants give written notice of the provisions of this decree to each of their officers, agents, servants, employees, and attorneys, and all persons now or in the future in active concert or participation with them or any of them who assist or participate in the sale or distribution of the aforesaid articles of drug, including but not limited to Shirley Holt and John Harper.

F. That the defendants:

- (1) Serve a copy of this consent decree of permanent injunction upon all employees of C.L. Paulsen and Star Supply

Company who are actually engaged in the dispensing of veterinary drugs, within 30 days after the entry of this consent decree; and,

(2) File an affidavit of compliance with this court, with a copy to the government's attorneys, within 60 days after the date of entry of this decree, stating the fact and manner of compliance with subparagraph (2) above, identifying the names and positions of all persons so notified, and attesting that they have been served with a copy of this consent decree.

G. That the plaintiff recover from the defendants the costs of this action in the sum of \$ 0 and that plaintiff have execution thereof.

H. That this Court retain jurisdiction of this proceeding for the purpose of modifying this decree and for the purpose of granting such additional relief as may hereafter be necessary or appropriate.

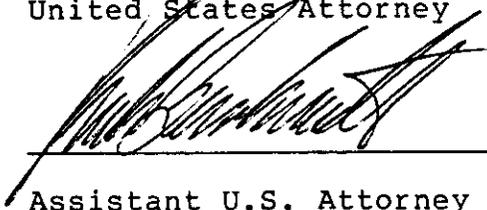
Dated: 7/3/84

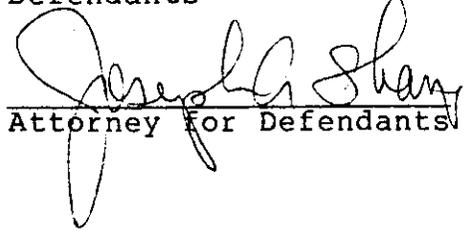

UNITED STATES DISTRICT JUDGE

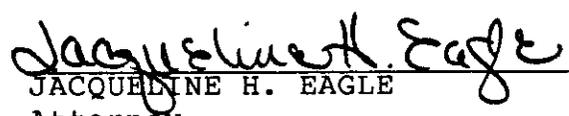
We hereby consent to the entry of the foregoing decree:

LAYN R. PHILLIPS
United States Attorney

C.L. PAULSEN, D.V.M.
STAR SUPPLY CO., a/k/a
STAR VET., INC.

By: 
Assistant U.S. Attorney


Defendants

Attorney for Defendants


JACQUELINE H. EAGLE
Attorney
Office of Consumer Litigation
Civil Division
U.S. Department of Justice
Washington, D.C. 20530
(202) 724-6164
Attorneys for Plaintiff

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

JUL -3 1984

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

A-1 ROOFING, INC., an Oklahoma Corporation,

Plaintiff,

vs.

UTICA NATIONAL BANK,

Defendant.

Case No. 84-C-465-E

NOTICE OF DISMISSAL

Comes now the Plaintiff on this 3rd day of July, 1984, and hereby dismisses the above cause without prejudice pursuant to Rule 12 (h) and Rule Rule 41 of Federal Rules of Civil Procedure.

By: Debra J. Gottschalk
DEBBRA J. GOTTSCHALK
Attorney for Plaintiff
4828 South Peoria--Suite 202
Tulsa, Oklahoma 74105
(918) 747-8704

CERTIFICATE OF MAILING

I certify that I mailed a true and correct copy of the above and foregoing Notice of Dismissal to: E. J. Raymond, of Drummond, Raymond & Hinds, Attorney for Defendant, 902 Utica Bank Tower, Tulsa, Oklahoma 74104, with proper postage prepaid.

Debra J. Gottschalk

Entered

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

FILED
JUL 3 1984
CLERK
DISTRICT COURT

FRED J. HUGHES,)	
)	
Plaintiff,)	
)	
v.	)	No. 83-C-947-B
)	
SKAGGS COMPANIES, INC.,)	
a Delaware corporation,)	
d/b/a SKAGGS ALPHA BETA,)	
)	
Defendant.)	

J U D G M E N T

In accordance with the Findings of Fact and Conclusions of Law entered this 3rd day of July, 1984, Judgment is hereby entered in favor of the defendant, Skaggs Companies, Inc., a Delaware corporation, d/b/a Skaggs Alpha Beta, and against the plaintiff, Fred J. Hughes, with the costs of the action assessed against the plaintiff. The parties are to pay their own respective attorneys' fees. 3rd day of July, 1984.


 THOMAS R. BRETT
 UNITED STATES DISTRICT JUDGE

Entered

FILED

JUL -2 1984

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

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

APACHE CORPORATION,

Plaintiff,

vs.

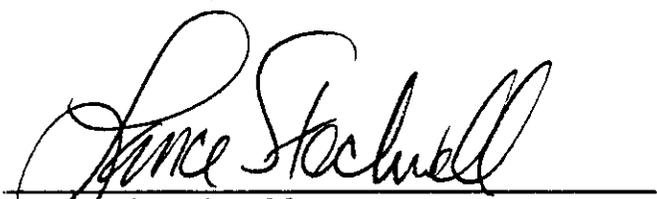
JAMES R. McNATT and RUTH
ROBERT McNATT,

Defendants.

No. 84-C-388-E

NOTICE OF VOLUNTARY DISMISSAL

Plaintiff, not having been served by the Defendant of an Answer or of a Motion for Summary Judgment, pursuant to Rule 41(a)(1) of the Federal Rules of Civil Procedure, dismisses this action without prejudice to its refiling.



Lance Stockwell
Of Boesche, McDermott & Eskridge
320 South Boston, Suite 1300
Tulsa, Oklahoma 74103
(918) 583-1777

ATTORNEYS FOR PLAINTIFF

CERTIFICATE OF SERVICE

The undersigned hereby certifies that a copy of the foregoing Notice of Voluntary Dismissal was mailed to C. B. Graft, Graft & Cabaniss, P. O. Box 1269, Clinton, Oklahoma 73601, by depositing a copy thereof in the United States mails in Tulsa, Oklahoma, with first-class postage thereon prepaid, this 2nd day of July, 1984.

Lance Stachurski

Er. et al.

FILED

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

VALLEY NATIONAL BANK, a)
National Banking Association,)
et al.,)
)
Plaintiffs,)
)
vs.)
)
C. T. CONOVER, Comptroller)
of the Currency of the United)
States of America, et al.,)
)
Defendants.)

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

No. 83-C-1051-E

O R D E R

This is an action for declaratory judgment and injunctive relief for alleged violations of the National Bank Act. The Plaintiffs Valley National Bank and American Bank & Trust Company sue the Comptroller of the Currency and the organizers of the proposed Southern National Bank to be built at 71st Street and Yale Avenue in Tulsa, Oklahoma. Preliminary approval for the chartering of the Southern National Bank was granted by the office of the Comptroller of the Currency on October 25, 1983. The Plaintiffs filed this action to have the decision of the Comptroller overturned as arbitrary and capricious. Plaintiffs also allege that the Comptroller failed to comply with the statutory obligations imposed upon him by the National Environmental Policy Act.

The matter is before the Court on the motion of the Defendant C. T. Conover, Comptroller of the Currency, to dismiss or in the alternative for summary judgment; the motion of

Defendants Brawner, Brock, Findahl, Gullatt, Linehan, Mauerman, Nowatny, O'Brien, Smith and Swanson as Organizers for the proposed Southern National Bank for summary judgment; and the cross-motion of the Plaintiffs for partial summary judgment as to their Environmental Protection Act claim.

Upon a review of the entire record and the arguments and authorities of counsel the Court finds that the Plaintiffs do not have standing to raise their allegations under the National Environmental Protection Act, and that the Comptroller did not abuse his discretion in granting preliminary approval to the proposed Southern National Bank.

STANDING UNDER NEPA:

The Supreme Court has applied a two-pronged standing test to plaintiffs seeking to challenge decisions of the Comptroller. In Association of Data Processing Service Organizations, Inc. v. Camp, 397 U.S. 150, 90 S.Ct. 827, 829-30 (1970) the Court required the plaintiff to show (1) that the challenged action has caused him injury in fact and (2) that the interest of plaintiff sought to be protected is arguably within the zone of interests to be regulated or protected by the statute or constitutional guaranty in question.

A review of the complaint convinces the Court that Plaintiffs have not alleged that the Comptroller's failure to prepare an environmental impact statement or failure to give any consideration to environmental factors has resulted in any harm

or injury to them personally; nor have the Plaintiffs alleged the existence of an interest which is arguably within the zone of interest to be protected or regulated by the National Environmental Policy Act. Plaintiffs' claims assert the probable relocation of a substantial portion of their business to the new bank and the denial of their due process rights by the Comptroller. However, in order to satisfy the second prong of the standing test under the National Environmental Protection Act, the interest sought to be protected must be an environmental interest. Association of Data Processing, supra; Sierra Club v. Morton, 405 U.S. 727, 92 S.Ct. 1361 (1972). Plaintiffs' complaints are devoid of any allegation of environmental threat or harm.

ACTIONS OF THE COMPTROLLER:

In the case of Camp v. Pitts, 411 U.S. 138, 93 S.Ct. 1241 (1973) the Supreme Court set out the appropriate scope and standard of review in cases involving the Comptroller's actions upon applications to establish new banks. The Court at 93 S.Ct. page 1243 states:

... It is also clear that neither the National Bank Act nor the APA [Administrative Procedure Act] requires the Comptroller to hold a hearing or to make formal findings on the hearing record when passing on applications for new banking authorities. 12 U.S.C. § 26; 5 U.S.C. § 557. Accordingly the proper standard for judicial review of the Comptroller's adjudications ... [is] whether the Comptroller's adjudication was arbitrary, capricious, an abuse of discretion, or otherwise not in accordance with law. 5

U.S.C. § 706(2)(A) ... The focal point for administrative review should be the Administrative record already in existence, not some new record made initially in the reviewing court.

The Court must not attempt to substitute its own opinion for that of the Comptroller nor may the Court require the determination to be supported by "substantial evidence". The Court instead must determine whether or not there exists in the administrative record as a whole a rational basis for the decision of the Comptroller.

In passing on applications to establish new banks, the Comptroller is governed by six factors enumerated in 12 CFR § 5.20. Those factors are:

1. The bank's future earnings prospects;
2. The general character of its management;
3. The adequacy of its capital structure;
4. The convenience and needs of the community to be served by the bank;
5. The financial history and the condition of the bank; and
6. Whether or not it has complied with all the provisions of the National Bank Act and whether or not its corporate powers are consistent with the purposes of the Federal Deposit Insurance Act.

A review of the record convinces the Court that ample evidence exists to support the Comptroller's decision on all six points.

The Plaintiffs emphasize the Comptroller's consideration of

the convenience and needs of the community. The regulations of the Comptroller at 12 CFR § 5.20(C) illuminate the rationale of the Comptroller in considering the needs of the community for the new banking institution. It is clear that an increase in competition in the area, given a proposed bank which meets the other criteria, would be of benefit to the community rather than a detriment to it.

Accordingly it is the policy of the office to foster competition through the chartering of national banks proposed by organizers and proposed directors ... whose experience and resources, plans for establishing and operating a bank ... financial strength, competency and honesty indicate, that within the context of the economic and competitive conditions in the market to be served, the proposed bank will have a reasonable likelihood of success and will be operated in a safe and sound manner. It is not the policy of the office to insure that a proposal is without risk nor to protect existing competitors from the competition a new bank will provide. 12 CFR § 5.20(C).

The record also contains evidence to support findings by the Comptroller in regard to the prospects for future earnings of the bank (see the administrative record at pages 27-28, 42, and 44-45). The Comptroller had before him evidence of the experience of the proposed management group, (see pages 35-50 of the administrative record) and the adequacy of the initial capital. The Comptroller also had before him a comprehensive management plan (pages 336-46) and recommendations of district office personnel regarding the financial stability of the organizing group (record at page 47).

It is clear under Camp v. Pitts, that the Comptroller is not

required to hold a hearing of any kind or to make formal findings on a hearing record when passing on applications for new banking authorities. Camp, supra at page 1243. The granting of a request for a public hearing is within the discretion of the Comptroller, and the denial of such a request does not violate the due process rights of the Plaintiffs. See Citizens Bank of Hattiesburg v. Camp, 387 F.2d 375 (5th Cir. 1967); Webster Groves Trust Co. v. Saxon, 370 F.2d 381 (8th Cir. 1966).

In view of the above the Court finds that the decision of the Comptroller in granting preliminary approval to the proposed Southern National Bank may not be overturned as "arbitrary, capricious, or an abuse of discretion" under 5 U.S.C. § 706(2)(A).

IT IS THEREFORE ORDERED AND ADJUDGED that the motion of the Defendant Comptroller of the Currency to dismiss be and the same is hereby granted as to the Plaintiffs' claim that the Comptroller failed to comply with the statutory obligations imposed upon him by the National Environmental Protection Act.

IT IS FURTHER ORDERED that the motion of the Defendant Comptroller of the Currency for summary judgment as to Plaintiffs' claim that the Comptroller abused his discretion in granting preliminary approval for the proposed Southern National Bank be and the same is hereby granted.

IT IS FURTHER ORDERED that the motion of Defendants Brawner,

Brock, Findahl, Gullatt, Lineham, Mauerman, Nowatny, O'Brien, Smith and Swanson for summary judgment be and the same is hereby granted.

IT IS FURTHER ORDERED that the cross-motion of the Plaintiffs for partial summary judgment on its claim of violations of the National Environmental Protection Act be and the same is hereby denied.

ORDERED this 2^d day of ~~July~~, 1984.



JAMES O. ELLISON
UNITED STATES DISTRICT JUDGE

Entitled

FILED

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

VALLEY NATIONAL BANK, a
National Banking Association,
et al.,

Plaintiffs,

vs.

C. T. CONOVER, Comptroller
of the Currency of the United
States of America, et al.,

Defendants.

1983
J. C. Stewart, Clerk
U. S. DISTRICT COURT

No. 83-C-1051-E ✓

JUDGMENT

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

IT IS ORDERED AND ADJUDGED that the Plaintiffs Valley National Bank and American Bank & Trust Company take nothing from the Defendants C. T. Conover, Comptroller of the Currency of the United States of America, Donald L. Brawner, John A. Brock, Roger N. Findahl, E. Murray Gullatt, J. Marston Linehan, George S. Mauerman, George E. Nowatny, John L. O'Brien, Daniel F. Smith and Gerock H. Swanson, that the decision of the Comptroller be upheld, that the action be dismissed on the merits, and that the Defendants C. T. Conover, Comptroller of the Currency of the United States of America, Donald L. Brawner, John A. Brock, Roger N. Findahl, E. Murray Gullatt, J. Marston Linehan, George S. Mauerman, George E. Nowatny, John L. O'Brien, Daniel F. Smith and Gerock H. Swanson recover of the Plaintiffs Valley National Bank and American Bank & Trust Company their costs of action.

DATED at Tulsa, Oklahoma this 29 day of July, 1984.



JAMES O. ELLISON
UNITED STATES DISTRICT JUDGE

FILED

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

July 2, 1984 JW

FIRST NATIONAL BANK OF)
ELKHART, INDIANA,)
)
Plaintiff,)
)
vs.)
)
TEXAS GULF PETROLEUM)
CORPORATION,)
)
Defendant.)

No. 84-C-103-E



JOURNAL ENTRY OF JUDGMENT

This matter comes on for hearing this 29 day of July, 1984. The plaintiff appearing by and through its attorney of record, Steven M. Harris, and the defendant, Texas Gulf Petroleum Corporation, appearing through its attorney, James C. Lang. After being fully advised in the pleadings in this matter and upon statements of counsel, the Court finds as follows:

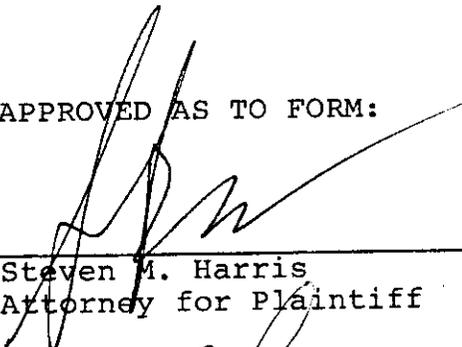
1. The Court has jurisdiction to hear this cause of action and has jurisdiction over the defendant herein.
2. The parties by stipulation have agreed that the allegations contained in the Complaint filed by the plaintiff on the 10th day of February, 1984, shall be taken as true.
3. There are no facts left to be determined in this matter and, as a matter of law, the plaintiff is entitled to judgment against the defendant, as prayed for in its Complaint. The defendant was at the time of filing this action indebted to the plaintiff in the principal amount of \$160,000.00 and accrued interest of \$16,751.20, as of February 10, 1984, plus interest

accruing in the amount of \$48.89 per day at a rate of eighteen percent (18%) per annum from February 10, 1984, until the day judgement is paid in full, plus an attorney's fee of \$16,000.00 and all costs of this action.

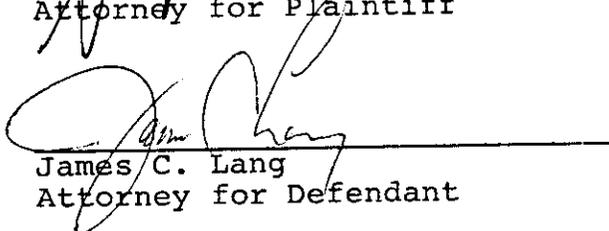
IT IS THEREFORE ORDERED, ADJUDGED AND DECREED by the Court that the plaintiff have and recover judgment against the defendant in the principal amount of \$160,000.00 and accrued interest of \$16,751.20, as of February 10, 1984, plus interest thereon, accruing at the rate of \$48.89 per day from February 10, 1984, until judgment is paid in full, plus an attorney's fee of \$16,000.00 and all costs of the action.


UNITED STATES DISTRICT JUDGE

APPROVED AS TO FORM:



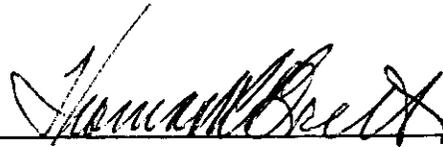
Steven M. Harris
Attorney for Plaintiff



James C. Lang
Attorney for Defendant

FIRSTVTEXAS:061184:ksc

ENTERED this 15th day of July, 1984.

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

THOMAS R. BRETT
UNITED STATES DISTRICT JUDGE

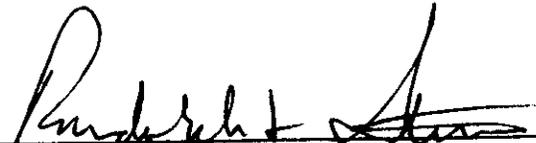
IN THE UNITED STATES DISTRICT COURT IN AND FOR
THE NORTHERN DISTRICT OF OKLAHOMA

RANDALL R. MORTON,)
)
 Plaintiff,)
)
 vs.)
)
 RICHARD BARBER,)
 WESTERN HOLDING CORPORATION,)
 and BRUCE WEAR,)
)
 Defendants.)

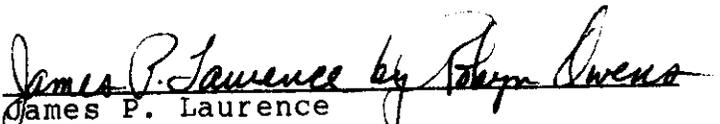
No. 82-C-881-C

STIPULATION OF PARTIAL DISMISSAL WITH PREJUDICE

The above named Plaintiff hereby dismisses jointly Richard Barber and Bruce Wear only from this captioned proceeding with prejudice against the filing of another action encompassing the same issues against said dismissed parties.



Randolph L. Strnad
Attorney for Plaintiff



James P. Laurence
Attorney for Defendants

Approved:

s/H. DALE COOK

H. DALE COOK
Judge of the United States District Court

7374C/jpl

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

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,

Defendants.

FILED
IN OPEN COURT

JUL 2 1984

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

No. 83-C-973-C

JOURNAL ENTRY OF JUDGMENT

on Cross-Complaint

Pursuant to agreement of the parties, the Court finds that plaintiff owes to the defendants the sum of \$13,720.00 open account incurred January 7, 1982, for goods sold and delivered by defendant to the plaintiff and pursuant to the defendants' cross complaint judgment should be entered in such amount.

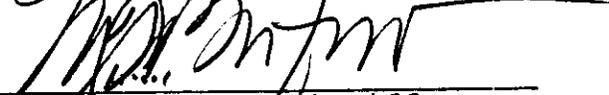
BE IT THEREFORE ORDERED, ADJUDGED AND DECREED that the defendants, Pfizer Inc., a foreign corporation, and Pfizer Overseas, Inc., a foreign corporation, have and recover judgment against the plaintiff, Esteban Gutierrez d/b/a R. G. & Associates/Tulsa International Suppliers, the sum of \$13,720.00 with interest thereon from and after February 6, 1982 at the

*9/10/84
25 Cor*

rate of 12% per annum and defendants' costs incurred herein including a reasonable attorney's fee in the amount of \$1,500.00.


H. DALE COOK, Chief United
States District Judge

APPROVED AS TO
FORM AND SUBSTANCE:


Attorney for Plaintiff


Attorney for Defendants