

Entered

UNITED STATES DISTRICT COURT FOR THE
NORTHERN DISTRICT OF OKLAHOMA

UNITED STATES OF AMERICA,)	
)	
Plaintiff,)	
)	
vs.)	
)	
ED WALLACE KIMBROUGH, <u>et al.</u> ,)	
)	
Defendants.	)	CIVIL ACTION NO. 84-C-596-E

JOINT STIPULATION
OF DISMISSAL WITHOUT PREJUDICE

COMES NOW the Plaintiff, United States of America, acting on behalf of the Administrator of Veterans' Affairs, by Layn R. Phillips, United States Attorney for the Northern District of Oklahoma, through Peter Bernhardt, Assistant United States Attorney, and the Defendant, Fidelity Financial Services, Inc., by George P. Phillips, and stipulate that Plaintiff's Complaint and the Cross-Petition and Counterclaim of Defendant, Fidelity Financial Services, Inc., may be dismissed without prejudice.

WHEREFORE, Plaintiff, United States of America, hereby dismisses its Complaint without prejudice and the Defendant, Fidelity Financial Services, Inc., hereby dismisses its Cross-Petition and Counterclaim without prejudice.

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

FILED

AUG 31 1984

ERMA L. WOMACK,)
)
Plaintiff,)
)
-vs-)
)
VETERANS OF FOREIGN WARS)
OF THE U. S., POST NUMBER)
989, and BUDDY ALLEN,)
)
Defendant.)

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

NO. 83-C-888-E

ORDER OF DISMISSAL

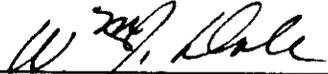
ON this 31st day of Aug, 1984, upon the written application of the parties for a Dismissal with Prejudice of the Complaint and all causes of action, the Court having examined said application, finds that said parties have entered into a compromise settlement covering all claims involved in the Complaint 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.

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

S/ JAMES O. ELLISON

UNITED STATES DISTRICT JUDGE

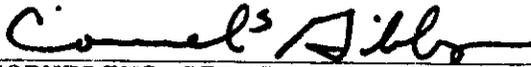
APPROVED AS TO FORM:



WILLIAM J. DALE
Attorney for Plaintiff



RAY/H. WILBURN
Attorney for Defendant



CORNELIUS GIBBS
Attorney for Defendant

FILED

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

AUG 31 1984

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

DALE MICHAEL GOODMAN,)
)
 Petitioner,)
)
 vs.)
)
 TIM WEST, et al.,)
)
 Respondents.)

No. 84-C-107-E ✓

ORDER

The Court has before it the motion of Respondents to dismiss for failure to exhaust state remedies.

In support of their motion Respondents cite the case of Rose v. Lundy, 455 U.S. 509, 102 S.Ct. 1198 (1982) for the proposition that a federal habeas corpus petition which contains exhausted and unexhausted claims must be dismissed by the federal court. Respondents further argue that § 2254 requires a federal habeas petitioner to have provided the state courts with a "fair opportunity to apply controlling legal principles to the facts bearing upon his constitutional claim", citing Anderson v. Harless, 103 S.Ct. 276 (1982).

The Petitioner alleges in both his petition and motion for subpoena that he has not presented his claims to any state court. He argues, however, that a submission of his case to the state courts would have no positive fruitful results in that other persons making similar claims have been denied the requested relief. Petitioner cites as support the decision of the Oklahoma Court of Criminal Appeals in the Matter of Johnny Lee Sanders, 635 P.2d 1023 (1981) where the Court reiterated its

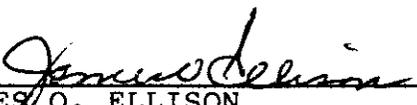
decision in State v. Wood, 624 P.2d 555 (Okl.Cr. 1981) that the 1976 amendment of 57 O.S. 1980 § 138 did not substantively change the credits for good conduct granted under the pre-1976 statute.

In Canales v. Baker, 406 F.2d 685 (1969), the Tenth Circuit articulated and expanded the rule of the Supreme Court in Fay v. Noia, 372 U.S. 391, 83 S.Ct. 822 (1963). In the Tenth Circuit the exhaustion doctrine does not require the futile act of appealing a decision to the highest court of the state when that court has already had the opportunity to pass upon those same issues and decide them against that same petitioner. This does not, however, eliminate the requirement that each petitioner afford the state courts a fair opportunity to apply controlling legal principles to their own claims, and does not relieve the Petitioner Dale Michael Goodman of the requirement that he exhaust remedies that are currently available to him in the state courts.

IT IS THEREFORE ORDERED AND ADJUDGED that the motion of Respondents to dismiss the petition for writ of habeas corpus for failure to exhaust state remedies be and the same is hereby granted.

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

ORDERED this 31st day of August, 1984.



JAMES O. ELLISON
UNITED STATES DISTRICT JUDGE

UNITED STATES DISTRICT COURT FOR THE
NORTHERN DISTRICT OF OKLAHOMA

UNITED STATES OF AMERICA,)
)
 Plaintiff,)
)
 vs.)
)
 LEE W. WERLING,)
)
 Defendant.) CIVIL ACTION NO. 84-C-561-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 31st day of August, 1984.

UNITED STATES OF AMERICA

LAYN R. PHILLIPS
United States Attorney

for Nancy Nesbitt Blewins
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 31st day of August,
1984, a true and correct copy of the foregoing was mailed,
postage prepaid thereon, to: Lee W. Werling, 221 West Waco,
Broken Arrow, Oklahoma 74011.

Nancy Nesbitt Blewins
Assistant United States Attorney

Entered

UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF OKLAHOMA

EASY LISTENING MUSIC CORP., ET AL	§
Plaintiffs,	§
v.	§ Civil Action No. 84-C-502-B
CLUB TIKI NOOK, ET AL,	§
Defendants.	§

ORDER OF DISMISSAL WITH PREJUDICE

BE IT REMEMBERED, that on this came the parties by and through their respective counsel of record and announced that all matters had been settled and the action should be dismissed with prejudice to the refiling thereof, with the parties to bear their respective costs of court, and the court having considered said Motion, it is accordingly

ORDERED that the above entitled and numbered action be, and the same is hereby, dismissed with prejudice to the refiling of same with all parties to bear their respective costs incurred by them.

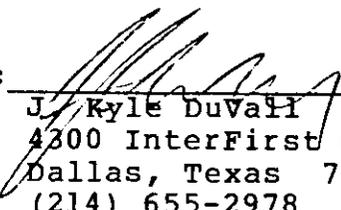
RENDERED SIGNED AND ENTERED this 29th day of August, 1984.

S/ THOMAS R. BRETT

DISTRICT JUDGE

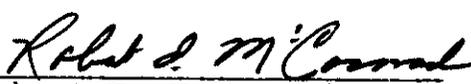
APPROVED as to form
and content:

JACKSON, WALKER, WINSTEAD,
CANTWELL & MILLER

By: 

J. Kyle DuVal
4300 InterFirst One
Dallas, Texas 75202
(214) 655-2978
Attorneys for Plaintiffs

MCCORMACK & SUPPES

By: 

Robert E. McCormack
Suite 100, 113 West Dawes
Bixby, Oklahoma 74008
(918) 366-4949
Attorneys for Defendants

3022M

Entered

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

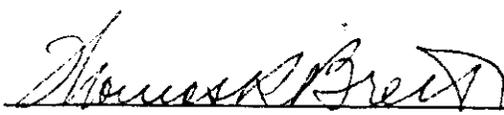
OTHEL WARREN McDONALD,)
)
 Plaintiff,)
)
 v.)
)
 McDONNELL DOUGLAS CORPORATION,)
 and INTERNATIONAL UNION,)
 UNITED AUTOMOBILE, AEROSPACE)
 AND AGRICULTURAL IMPLEMENT)
 WORKERS OF AMERICA,)
 LOCAL 1093,)
)
 Defendants.)

AUG 30 1984
Jack C. Silver, Clerk
U. S. DISTRICT COURT
No. 82-C-1055-B

J U D G M E N T

In keeping with the Findings of Fact and Conclusions of Law entered this date, Judgment is hereby entered in favor of the defendants, McDonnell Douglas Corporation and International Union, United Automobile, Aerospace and Agricultural Implement Workers of America, Local 1093, and against the plaintiff, Othel Warren McDonald. Costs are assessed against the plaintiff with each party to pay their respective attorney's fees.

ENTERED this 30th day of August, 1984.



THOMAS R. BRETT
UNITED STATES DISTRICT JUDGE

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

FILED
MAY 30 1983
U.S. DISTRICT COURT
NORTHERN DISTRICT OF OKLAHOMA

DEBORAH A. BROWN,)
)
 Plaintiff,)
)
 vs.) Case No. 83-C-159-E
)
 GRAND LAKE MENTAL HEALTH)
 CENTER, INC.,)
)
 Defendant.)

FINAL JUDGMENT (CONSENT)

The Plaintiff, DEBORAH A. BROWN, having filed her complaint herein on the 24th day of May, 1983, alleging violations of Title VII of the Civil Rights Act of 1964 (42 U.S.C. § 2000e), and seeking injunctive relief, money damages, and costs, together with a reasonable attorney fees; and Defendant, GRAND LAKE MENTAL HEALTH CENTER, having appeared, and plaintiff and defendant, by their respective attorneys, having each consented to the making and entry of this Final Judgment, without trial or adjudication of any issue of fact or law herein, and the Court having considered the matter and being fully advised, it is ORDERED, ADJUDGED AND DECREED as follows:

1. This Court has jurisdiction of the subject matter of this action and of the parties hereto. The complaint states claims for relief against defendant pursuant to Title VII of the Civil Rights Act of 1964 (42 U.S.C. §

2000e);

2. The provisions of this Final Judgment shall apply to plaintiff and to defendant and to each of its officers, directors, agents, employees, successors and assigns, and to all persons, firms, or corporations in active concert or participation as partner or joint venturer with defendant who received actual notice of this Final Judgment by personal service or otherwise.

3. Plaintiff is entitled to money damages in the total amount of Thirty-Two Thousand Five Hundred and Seventy-One Dollars and Thirteen Cents (\$32,571.13);

4. Plaintiff is entitled to an award of attorney fees in the amount of Fifteen Thousand Two Hundred and Thirty-three Dollars and Eighty-three center (\$15,233.83).

5. This consent judgment shall not constitute an admission or finding of liability or fault on the part of the defendant;

6. Jurisdiction is retained by this Court for the purpose of enabling either party to apply to the Court at any time for such further orders and directions as may be necessary or appropriate for the construction or carrying out of this Final Judgment, for the modification or termination of any of the provisions herein, for the enforcement of compliance therewith, and the punishment of violations thereof;

7. Incorporated herein by reference, and adopted by the Court as part of the instant Judgment, is the certain

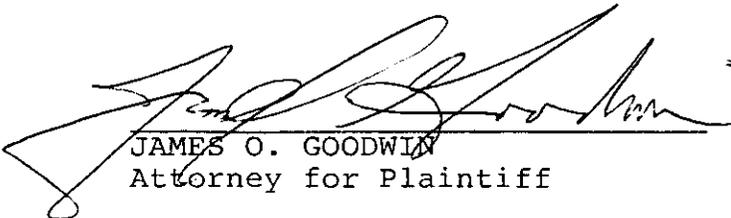
Settlement and Release of Judgment Agreement executed by the parties and their attorneys, and appended hereto as Exhibit "A".

Dated this 29th day of August, 1984.



JAMES O. ELLISON
UNITED STATES DISTRICT JUDGE

We hereby consent to the entry of the foregoing Final Judgment without further notice.

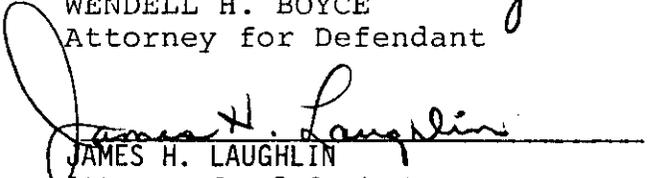


JAMES O. GOODWIN
Attorney for Plaintiff



WENDELL H. BOYCE
Attorney for Defendant

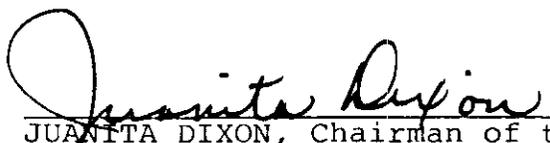
APPROVED BY DEFENDANT'S
AUTHORIZED AGENTS:



JAMES H. LAUGHLIN
Attorney for Defendant



JANICE P. DREILING, Member of the
Board of Directors,
Grand Lake Mental Health Center, Inc.



JUANITA DIXON, Chairman of the
Board of Directors,
Grand Lake Mental Health Center, Inc.

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

DEBORAH A. BROWN,)
)
 Plaintiff,)
)
 vs.) Case No. 83-C-159-E
)
 GRAND LAKE MENTAL HEALTH)
 CENTER, INC.,)
)
 Defendant.)

SETTLEMENT AND RELEASE OF
LIABILITY AGREEMENT

NOW on the 30th day of AUGUST, 1984, comes now Plaintiff, DEBORAH A. BROWN, and her attorney, JAMES O. GOODWIN, and Defendant, GRAND LAKE MENTAL HEALTH CENTER, by and through defendant's duly authorized agents, Janice P. Dreiling and Juanita Dixon, and do, for good and valuable consideration, flowing each to the other, receipt of which is hereby acknowledged, and for the mutual advantage and benefit of both plaintiff and defendant in compromising and avoiding further litigation in Case No. 83-C-159-E, styled Deborah A. Brown, Plaintiff, vs. Grand Lake Mental Health Center, Defendant, in the United States District Court in and for the Northern District of Oklahoma, do hereby mutually covenant and agree as follows:

That, in compromise of the above styled litigation brought by plaintiff against defendant alleging violation of Title VII of the Civil Rights Act of 1964 (42 U.S.C. § 2000e),

and in further consideration of the agreement and promise of plaintiff and plaintiff's attorney to execute and deliver to defendant and defendant's attorney, a certain Release of Judgment prepared August 30, 1984, the terms of which are incorporated herein by reference as part of this agreement, defendant does hereby agree to convey to Plaintiff Deborah A. Brown the total sum of Thirty-two Thousand Five Hundred Seventy-one Dollars and Thirteen Cents (\$32,571.13), payable as follows: Defendant shall, contemporaneously with the execution of a certain Final Consent Judgment herein by the parties and upon approval of the Court, convey to Plaintiff Deborah A. Brown the sum of Eight Thousand Eight Hundred Sixty-three Dollars and Sixty-nine Cents (\$8,863.69). At the same time, for and in consideration of plaintiff's attorney's acknowledgement and release of claims for any and all additional attorney fees, convey to said plaintiff's attorney, James O. Goodwin, the sum of Fifteen Thousand Two Hundred Thirty-three Dollars and Eighty-three Cents (\$15,233.83) as and for full satisfaction and of all claims, rights, or entitlement to attorney fees arising from his representation of plaintiff in the above entitled cause. On or before 1 October 1984, defendant further agrees to convey to Plaintiff Deborah A. Brown the additional sum of Twenty-three Thousand Seven Hundred and Seven Dollars and forty-four cents (\$23,707.44) as and for full satisfaction of all claims against defendant its present, former or future officers, directors, agents, employees or the successors thereof, of and from any and all

actions, causes of actions, demands, damages, costs, expenses and compensation on account of, or in any way growing out of plaintiff's employment or termination by Grand Lake Mental Health Center, Inc., or of any act or omission on the part of defendant's former, present, or future officers, directors, agents, employees or their successors whatsoever;

In consideration of the above covenants on the part of defendant, Plaintiff Deborah A. Brown and her attorney, James O. Goodwin, do covenant and agree as follows:

1. That the time of entry of the aforementioned Consent Judgment herein, and upon receipt at said time of the sum of Eight Thousand Eight Hundred and Sixty-three Dollars and Sixty-nine Cents (\$8,863.69) by Plaintiff Deborah A. Brown and of the sum of Fifteen Thousand Two Hundred Thirty-three Dollars and Eighty-three Cents (\$15,233.83) by plaintiff's attorney as and for his reasonable attorney fee, plaintiff shall tender to defendant's attorney her written resignation from employment by defendant, Grand Lake Mental Health Center, Inc., said resignation to be effective immediately.

2. That, upon the receipt of the aforementioned sum of Fifteen Thousand Two Hundred Thirty-three Dollars and Eighty-three Cents (\$15,233.83) as and for his reasonable attorney fees, plaintiff's attorney will acknowledge to the Court that said sum is received by him in full satisfaction of any and all attorney fees relating to his representation

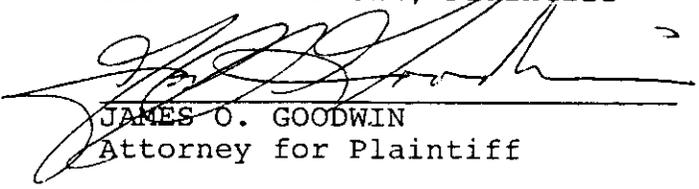
of plaintiff in this cause.

3. That upon receipt by plaintiff of the additional sum of Twenty-three Thousand Seven Hundred and Seven Dollars and Forty-four Center (\$23,707.44) on or before 1 October 1984 from defendant, plaintiff and her attorney covenant and agree that they will execute and deliver to defendant's attorney the certain Release of Judgment, an unexecuted copy of which is attached hereto and incorporated herein as Exhibit "A".

IN WITNESS WHEREOF, the parties have hereinbelow affixed their signatures. This settlement and release of liability agreement shall be final and binding upon each of the signatures hereto, their heirs, successors and assigns.


DEBORAH A. BROWN, Plaintiff

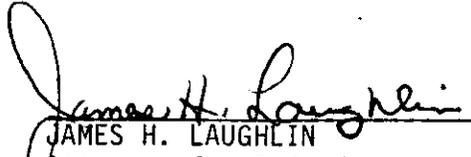
GRAND LAKE MENTAL HEALTH
CENTER, INC.


JAMES O. GOODWIN
Attorney for Plaintiff

By: 
JUANITA DIXON, Chairman
Board of Directors
Grand Lake Mental Health
Center, Inc.

By: 
JANICE P. DREILING, Member
Board of Directors
Grand Lake Mental Health
Center, Inc.


WENDELL H. BOYCE
Attorney for Defendant


JAMES H. LAUGHLIN
Attorney for Defendant

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

DEBORAH A. BROWN,)
)
 Plaintiff,)
)
 vs.) Case No. 83-C-159-E
)
 GRAND LAKE MENTAL HEALTH)
 CENTER, INC.,)
)
 Defendant.)

RELEASE OF JUDGMENT

For and in consideration of the payment to Plaintiff at this time of the sum of Thirty-two Thousand Five Hundred Seventy-one Dollars and Thirteen Cents (\$32,571.13) by Defendant Grand Lake Mental Health Center, Inc., the receipt of which is hereby acknowledged, plaintiff and James O. Goodwin, her attorney, do hereby release and forever discharge the above named defendant and any of its former, present, or future officers, directors, agents and employees or the successors thereof, of and from any and all actions, causes of actions, demands, damages, costs, expenses and compensation on account of, or in any way growing out of plaintiff's employment or termination by Grand Lake Mental Health Center, Inc., or of any act or omission on the part of defendant's former, present, or future officers, directors, agents, employees or their successors whatsoever, and do further release said defendant, its former, present

or future officers, directors, agents, employees or their successors of any and all liability and/or claim for additional attorney fees in the instant case over and above the sum of Fifteen Thousand Two Hundred Thirty-three Dollars and Eighty-three Cents (\$15,233.83) already paid.

It is further understood and agreed that this Release of Judgment is the compromise of a claim under Title VII, 42 U.S.C. § 2000e, et seq., and that the payment is not to be construed as an admission of liability on the part of defendant, by whom liability is expressly denied.

This release contains the entire agreement between the parties hereto, and the terms of this release are contractual and not a mere recital.

We further state that we have carefully read the foregoing release and know the contents thereof, and sign the same as our own free act.

Witness our hand this _____ day of August, 1984.

DEBORAH BROWN, Plaintiff

JAMES O. GOODWIN
Attorney for Plaintiff

FILED

AUG 30 1984

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

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

ABDALLAH RAMADAN SHABAZZ,)	
)	
Petitioner,)	
)	
vs.	)	No. 81-C-38-E
)	
LARRY MEACHUM, et al.,)	
)	
Respondents.)	

O R D E R

NOW on this 30th day of August, 1984 comes on for hearing the the above styled case and the Court, being fully advised in the premises finds as follows:

Petitioner, Abdallah Ramadan Shabazz, brings this petition for injunctive and declaratory relief pursuant to 42 U.S.C. § 1983 for an alleged violation of Petitioner's first amendment right of free exercise of religion contained in the United States Constitution.

Petitioner asserts that he is a member of the Islamic faith and that he has had his name legally changed from Jimmy Phillips to Abdallah Ramadan Shabazz to reflect his new religious affiliation. Petitioner states that DOC officials have refused to amend his prison records to reflect his name change as requested by Petitioner and have harrassed Petitioner by referring to him by his former name, Jimmy Phillips. Petitioner claims that such refusal and harrassment violate his right of religious freedom under the United States Constitution. Petitioner further states that DOC officials granted a similar

change of records request amending the records of Elbert Coffey to show his new name Nadir N'Mum and that in light of allowance of Coffey's request officials discriminated against him by refusing his name change request.

Respondents contend that the DOC policy requires that a prisoner's records be kept in the name which appears on the judgment and sentence or other committing document. By affidavit of Fred Bingamon, Administrator of Central Records, Division of Programs and Services, Oklahoma Department of Corrections, Respondents indicate that the name change allowed Elbert Coffey, or Nadir N'Mum was granted by an official who lacked authority to make such a change and that the records have been changed from Nadir N'Mum back to Elbert Coffey to comply with DOC policy.

The Tenth Circuit follows a "hands off" policy in matters of prison administration. Under such policy the responsibility for control of penal institutions lies with the responsible administrative agency and judicial review will not be granted unless agency officials' action constitutes capriciousness or abuse. Marchesane v. McCune, 531 F.2d 459, 462 (10th Cir. 1976); Smalley v. Bell, 484 F.Supp. 16, 17 (N.D. Okla. 1979).

A similar request was denied in Smalley v. Bell, supra, where the court found that the orderly administration of the prison system is sufficient cause for refusing the prisoner's request that his official records be changed to show his new name.

The Court finds that the DOC policy regarding names or prison records is within the "hands off" policy and does not

constitute capriciousness or abuse. Accordingly, Petitioner's complaint is dismissed.

It is so ORDERED.



JAMES O. ELLISON
UNITED STATES DISTRICT JUDGE

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

WILLIAM M. HORNBUCKLE,)
)
 Plaintiff,)
)
 vs.)
)
 SANDCO, INC., CAROLEA WHEELER,)
 and PETER DiNOTO,)
)
 Defendants.)

No. 83-C-307-E

FILED

AUG 29 1984

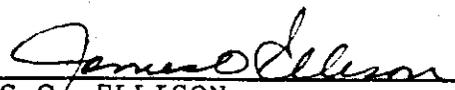
ORDER

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

NOW on this 28th day of August, 1984 comes on for hearing the above styled case and the Court, being fully advised in the premises finds as follows:

This Court entered an Order on the 28th day of June in which Plaintiff was ordered to file a brief in support of motion to transfer within ten (10) days. Both parties were ordered to submit a joint settlement report by June 1, 1984 by Order of May 4, 1984 which has not been done to date. Rule 41(b) allows involuntary dismissal of actions where a party fails to comply with the Federal Rules of Civil Procedure or any order of this Court. The Court finds Plaintiff and Defendants have both failed to comply with the orders of this Court.

IT IS THEREFORE ORDERED, ADJUDGED AND DECREED that this case be and is hereby dismissed pursuant to Rule 41(b) of the Federal Rules of Civil Procedure. This dismissal is effective as to both the primary action and the counter-claim.



JAMES O. ELLISON
UNITED STATES DISTRICT JUDGE

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

FILED

AUG 23 1984

CLERK OF DISTRICT COURT
NORTHERN DISTRICT OF OKLAHOMA

SOUTHWESTERN BELL TELEPHONE)
COMPANY, a Missouri)
corporation,)

Plaintiff,)

vs.)

No. 83-C-748-E

BEAVER OIL COMPANY, INC.,)
et al.,)

Defendants.)

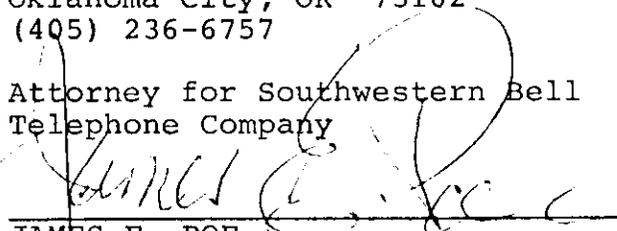
STIPULATION ~~FOR~~ DISMISSAL WITH PREJUDICE

COME NOW the plaintiff and the defendants, by their attorneys, subject to the provisions of Rule 41 F.R.C.P., and hereby stipulate that the plaintiff's action against all defendants and all cross complaints may be dismissed with prejudice to the bringing of another action for the same, each party to pay his or its own costs.



RAAL H. ROOS
707 North Robinson, Room 921
Oklahoma City, OK 73102
(405) 236-6757

Attorney for Southwestern Bell
Telephone Company



JAMES E. POE
Suite 740, Grantson Building
Tulsa, OK 74103
(918) 585-5537

Attorney for B & M Oil Company,
Inc.

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

By 
Alfred K. Morlan
201 West Fifth, Suite 400
Tulsa, OK 74103
(918) 581-8200

Attorneys for Gulf Oil Corporation

KNIGHT, WAGNER, STUART, WILKERSON
& LIEBER

By 
Richard Dan Wagner
233 West 11th Street
Tulsa, OK 74119

Attorneys for Pennant Petroleum Co.

FILED

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

AUG 29 1984

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

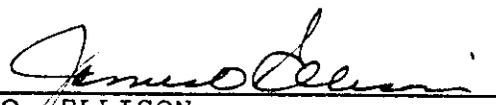
ISAAC A. VAUGHT,)
)
Plaintiff,)
)
vs.)
)
TIM WEST AND THE ATTORNEY)
GENERAL OF THE STATE OF)
OKLAHOMA,)
)
Defendants.)

No. 84-C-401-E

ORDER

NOW on this 28th day of August, 1984 comes on for hearing Plaintiff's motion to dismiss without prejudice and the Court, being fully advised in the premises finds the same should be granted.

It is so ORDERED.



JAMES O. ELLISON
UNITED STATES DISTRICT JUDGE

FILED

IN THE UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF OKLAHOMA AUG 29 1984

GARLAND C. RAINWATER,)
)
 Plaintiff,)
)
 vs.)
)
 L.K. MOORE and D.E. McGRATH,)
 individually and as police officers)
 in the Police Department of the City)
 of Tulsa, Oklahoma; and CITY OF)
 TULSA, OKLAHOMA, a municipal)
 corporation,)
)
 Defendants.)

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

No. 84-C-630-E

CONSENT DECREE

The plaintiff, Garland C. Rainwater, has filed complaint herein on July 13, 1984, alleging violation of his civil rights and seeking compensatory damages, punitive damages, and attorney fees. The plaintiff, by his attorney of record Kenneth D. Bodenhamer, and the defendants L. K. Moore and D. E. McGrath, by their attorney of record, David L. Pauling, Assistant City Attorney, have each consented to the making and the entry of this Consent Decree, without trial and without adjudication of any issue of fact or law arising herein, and the court having considered the matter and being duly advised, orders, adjudges and decrees as follows:

1. This court has jurisdiction of the subject matter of this action and the parties hereto. The complaint properly states claims for relief against the consenting defendants under 42 U.S. C. §1983.

2. The defendants shall pay the plaintiff the sum of \$5,000.00 as reasonable damages.

3. The consenting defendants shall pay to plaintiff's counsel, Kenneth D. Bodenhamer, the sum of \$1,664.00 as an reasonable attorney fee, said sum including any and all court costs incurred by plaintiff as a result of this litigation.

4. This Consent Decree shall not constitute an admission of liability or fault on the part of the consenting defendants.

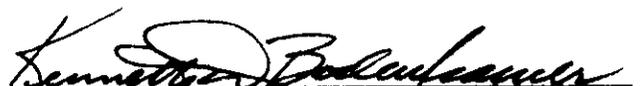
5. This Consent Decree shall include and cover all issues of fact and law raised by the plaintiff, and shall act as a final judgment as to such issues and with regard to all damages sustained by plaintiff.

DATED this 28th day of August, 1984.

S/ JAMES O. ELLISON

James O. Ellison
United States District Judge

We, the undersigned, hereby consent to the entry of the foregoing Consent Decree as a final judgment herein.


Kenneth D. Bodenhamer
Attorney for Plaintiff


David L. Pauling
Attorney for defendants L. K. Moore and D. E. McGrath

After being granted separate extensions of time to July 13, 1984 to respond to the two above motions on July 19, 1984, the Court granted a further extension of time to August 12, 1984, to so respond. No response has been filed as of this date.

Therefore, since no response has been received to date herein, in accordance with Rule 14(a), the failure to comply constitutes a confession of the motions to dismiss.

Accordingly, it is the Order of the Court that the motions to dismiss filed on April 30, 1984 and June 1, 1984, respectively, should be and hereby are granted.

It is the further Order of the Court that the present action is dismissed.

It is so Ordered this 29 day of August, 1984.

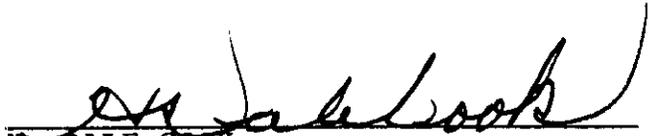

H. DALE COOK
Chief Judge, U. S. District Court

enlargement of time to so respond. The Court granted plaintiff until February 21, 1984, to respond and copies of defendant's motion and brief were sent to plaintiff by officials of the Court Clerk's Office for the Northern District of Oklahoma. On August 1, 1984, the plaintiff was granted until August 10, 1984 to respond to the motion of defendants to dismiss and he was informed that failure to respond would result in dismissal of his action. Plaintiff was further informed of the dictates of Local Rule 14(a). A copy of this Court's Local Rules and copies of the motion and brief of defendants were sent to plaintiff at that time. No response has been received by the Court.

Therefore, since no response has been received to date herein, in accordance with Rule 14(a), the failure to comply constitutes a confession of the motion to dismiss.

Accordingly, it is the Order of the Court that the motion of defendants to dismiss should be and hereby is granted and that this action is, accordingly, dismissed.

It is so Ordered this 29 day of August, 1984.


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

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

APR 20 1984

U.S. DISTRICT COURT
NORTHERN DISTRICT OF OKLAHOMA

R. PERRY WHEELER, et al.,)
)
Plaintiffs,)
)
vs.) No. 84-C-116-C
)
UNITED STATES DEPARTMENT)
OF THE INTERIOR, et al.,)
)
Defendants.)

O R D E R

Now before the Court for its consideration is the motion of defendants for summary judgment, filed on April 14, 1984. The Court has no record of a response to this motion from plaintiffs. Rule 14(a) of the local Rules of the United States District Court for the Northern District of Oklahoma provides as follows:

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

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

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

Accordingly, it is the Order of the Court that defendants' Motion for Summary Judgment should be and hereby is sustained.

It is so Ordered this 28 day of August, 1984.



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

Entered

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

CLARENCE EDWARD JOHNSON)
and LINDA JOHNSON,)
)
Plaintiff,)
)
vs.) No: 84-C-620-E
)
LESTER KEITH LAWSON,)
)
Defendant.)

FILED

AUG 28 1984

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

ORDER OF DISMISSAL

ON This 28 day of August, 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 premisses, finds that said Complaint should be dismissed pursuant to said application.

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

S/ JAMES O. ELLISON

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

APPROVALS:

JOHN HARRIS, Plaintiffs Attorney

ALFRED E. KNICKE

Entered
FILED

APR 28 1984

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

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

JAY D. LAMONT,)
)
 Plaintiff,)
)
 vs.)
)
 FLOYD INGRAM AND RAE)
 PATTERSON,)
)
 Defendants.)

No. 84-C-418-E ✓

ORDER

The Court has before it for consideration the motion of Plaintiff, Jay D. Lamont, to withdraw his complaint and all pertinent pleadings, deemed a motion to dismiss under Rule 41(a)(2) of the Federal Rules of Civil Procedure. After perusal of the file, and said motion, it is determined that the motion should be granted.

IT IS THEREFORE ORDERED AND ADJUDGED that Plaintiff's motion to withdraw the complaint is granted without prejudice.

James O. Ellison

JAMES O. ELLISON
UNITED STATES DISTRICT JUDGE

10

FILED

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

AUG 28 1984

PHILLIP S. BISHOP,)
)
 Petitioner,)
)
 vs.)
)
 JERRY JOHNSON, et al.,)
)
 Respondents.)

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

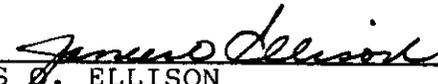
No. 84-C-306-E ✓

ORDER

There being no response to the Respondent's motion to dismiss for failure to exhaust state remedies and more than ten (10) days having passed since the filing of the motion and no extension of time having been sought by Petitioner the Court, pursuant to Local Rule 14(a), as amended effective March 1, 1981, concludes that Petitioner has therefore waived any objection or opposition to the motion to dismiss. See Woods Constr. Co. v. Atlas Chemical Indus., Inc., 337 F.2d 888, 890 (10th Cir. 1964).

The motion to dismiss is therefore granted.

DATED this 28th day of August, 1984.



JAMES D. ELLISON
UNITED STATES DISTRICT JUDGE

Entered

FILED

AUG 28 1984

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

RICHARD LEE MCCARTHER,)
)
 Petitioner,)
)
 vs.)
)
 PETER DOUGLAS, et al.,)
)
 Respondents.)

No. 84-C-92-E

O R D E R

The Court has before it the motion of Respondents to dismiss for failure to exhaust available state remedies.

The record reveals that Petitioner's petition for writ of certiorari to the Oklahoma Court of Criminal Appeals is still pending. This Court cannot accept jurisdiction of a habeas petition until the courts of the state have had the opportunity to resolve the constitutional issues so presented. Rose v. Lundy, 455 U.S. 509, 102 S.Ct. 1198 (1982); Anderson v. Hailless, 103 S.Ct. 276 (1982); Naranjo v. Ricketts, 696 F.2d 83 (10th Cir. 1983).

IT IS THEREFORE ORDERED AND ADJUDGED that the motion of Respondents to dismiss be, and the same is hereby granted.

ORDERED this 28th day of August, 1984.

JAMES O. ELLISON
UNITED STATES DISTRICT JUDGE

17

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

UNITED STATES OF AMERICA,)
)
 Plaintiff,)
)
 vs.)
)
 DONALD R. DEACON,)
)
 Defendant.)

AUG 28 1984
Jack A. Silver
U. S. DISTRICT COURT
CIVIL ACTION NO. 84-C-477-E ✓

DEFAULT JUDGMENT

This matter comes on for consideration this 28TH day of August, 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, Donald R. Deacon, appearing not.

The Court being fully advised and having examined the file herein finds that Defendant, Donald R. Deacon, acknowledged receipt of Summons and Complaint on June 1, 1984. Defendant filed his Answer herein on June 4, 1984. This matter was set for a status conference on August 13, 1984 and Defendant was duly notified but he failed to appear. Plaintiff is therefore entitled to Default Judgment herein against the Defendant.

IT IS THEREFORE ORDERED, ADJUDGED, AND DECREED that the Plaintiff have and recover judgment against the Defendant, Donald R. Deacon, in the amount of \$284.75, plus interest at the rate of 15.05 percent per annum and administrative costs of \$.61 per month from September 1, 1983, and \$.68 per month from January 1, 1984, until judgment, plus interest thereafter at the current

legal rate of 11.93 percent from the date of judgment until paid, plus the costs of this action.

James D. Lewis
UNITED STATES DISTRICT JUDGE

UNITED STATES DISTRICT COURT FOR THE
NORTHERN DISTRICT OF OKLAHOMA

FILED

AUG 28 1984

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

UNITED STATES OF AMERICA,)
)
Plaintiff,)
)
vs.)
)
KEITH W. THARP,)
)
Defendant.)

CIVIL ACTION NO. 84-C-527-E ✓

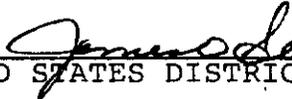
DEFAULT JUDGMENT

This matter comes on for consideration this 28th day of August, 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, Keith W. Tharp, appearing not.

The Court being fully advised and having examined the file herein finds that Defendant, Keith W. Tharp, was served with Summons and Complaint on July 25, 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, Keith W. Tharp, in the amount of \$476.57, 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 from January 1, 1984, until judgment, plus interest thereafter at the current

legal rate of 16.93 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
AUG 28 1984

DAVID KEEBLE,)
)
 Plaintiff,)
)
 vs.)
)
 LARRY MEACHUM, TIM WEST,)
 BARNEY LONG, JAMES WEST,)
 ANN STRAUB, C. O. KIMBROUGH,)
)
 Defendants.)

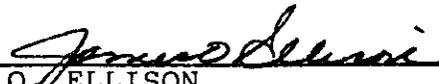
✓ Jack C. Silver
No. 84-C-390-E DISTRICT COURT

ORDER

There being no response to the Defendant's motion to dismiss and more than ten (10) days having passed since the filing of the motion and no extension of time having been sought by Plaintiff the Court, pursuant to Local Rule 14(a), as amended effective March 1, 1981, concludes that Plaintiff has therefore waived any objection or opposition to the motion to dismiss. See Woods Constr. Co. v. Atlas Chemical Indus., Inc., 337 F.2d 888, 890 (10th Cir. 1964).

The motion to dismiss is therefore granted.

DATED this 28th day of August, 1984.



JAMES O. ELLISON
UNITED STATES DISTRICT JUDGE

FILED

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

AUG 28 1984

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

RONALD B. STOCKWELL,)	
)	
Plaintiff,)	
)	
vs.	)	No. 83-C-591-E
)	
SHEARSON/AMERICAN EXPRESS,)	
INC., a Delaware corporation,)	
and SANDRA SHELBY,)	
)	
Defendants.)	

ORDER

NOW on this 18th day of August, 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.


United States District Judge

FILED

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

AUG 28 1984

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

REPUBLIC BANK AND TRUST
COMPANY,

Plaintiff-Appellant,

vs.

JAMES C. HARDY,

Defendant-Appellee.

)
)
)
)
)
)
)
)
)
)
)

No. 83-C-1064-E

O R D E R

In accordance with the Stipulation for Dismissal entered into herein by all parties, this case is hereby dismissed with prejudice, each party to bear its own costs and fees herein.

S/ JAMES O. ELLISON
UNITED STATES DISTRICT JUDGE

Entered

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

RAYMOND ZIMMERMAN,)
)
 Plaintiff,)
)
 -vs-)
)
 AARON H. McINTOSH,)
)
 Defendant.)

No. 84-C-66-B

FILED
AUG 27 1984
U. S. DISTRICT COURT

ORDER

Upon Plaintiff's Application to Dismiss this cause of action is being fully settled the Court finds that said Application should be approved.

THEREFORE ORDERED, ADJUDGED AND DECREED that said case is dismissed with the prejudice to the future filing.



JUDGE OF THE DISTRICT COURT

RDG:JAG/pdj
A116-4
8/3/84

Entered

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

GLEN TAFF,)	
)	
Plaintiff)	
)	
v.	)	CIVIL NO. 83-C-344-E
)	
UNITED STATES OF AMERICA,)	
)	
Defendant)	
)	
v.)	
)	
GLEN TAFF, et al.)	
)	
Third-Party Defendants)	

FILE
AUG 27 1984
 Jack C. Silver, Clerk
 U. S. DISTRICT COURT

STIPULATION FOR DISMISSAL

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

H. Victor Conrad

 H. VICTOR CONRAD
 Attorney, Tax Division
 Department of Justice
 Room 5B31, 1100 Commerce St.
 Dallas, Texas 75242-0599

ATTORNEY FOR DEFENDANT
UNITED STATES



BARRY G. WEST
Attorney at Law
4111 S. Darlington, Suite 600
Tulsa, Oklahoma 74135

ATTORNEY FOR PLAINTIFF
GLEN TAFF

PAUL H. PETERSON
Attorney at Law
320 South Boston, Suite 102
Tulsa, Oklahoma 74103

ATTORNEY FOR THIRD PARTY DEFENDANT
ROBERT L. GIBSON

KENNETH E. DORNBLASER
Attorney at Law
Gable and Gotwals
Fourth National Bank
Building, 20th Floor
Tulsa, Oklahoma 74119

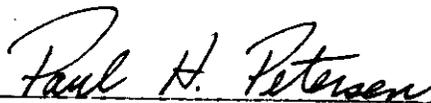
ATTORNEY FOR THIRD PARTY DEFENDANT
WILLIS MULKEY, JR.

MILFORD L. COWAN, PRO SE
4827 West 27th Street
Tulsa, Oklahoma 74107

THIRD PARTY DEFENDANT

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GLEN TAFF



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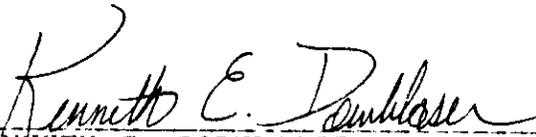
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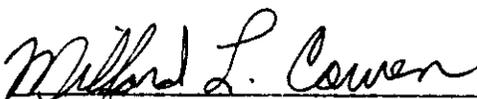
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Tulsa, Oklahoma 74119

ATTORNEY FOR THIRD PARTY DEFENDANT
WILLIS MULKEY, JR.


MILFORD L. COWAN, PRO SE
4827 West 27th Street
Tulsa, Oklahoma 74107

THIRD PARTY DEFENDANT

Entered

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

AUG 27 1984

JACK G. ...
U.S. DISTRICT COURT

JERRY L. BIRMINGHAM,)
)
Plaintiff,)
)
vs.)
)
EVERETT S. COLLINS and)
THOMAS A. WALLACE,)
)
Defendants.)

No. 83-C-1001-B

ORDER OF DISMISSAL WITH PREJUDICE

Now on this 27th day of August, 1984, there comes on for consideration the application of the Plaintiff for an Order dismissing this cause with prejudice. The Court finds that the application recites that the parties have reached a full and final settlement of the Plaintiff's claim for relief and that the same constitutes good cause for granting the Plaintiff's application.

IT IS, THEREFORE, ORDERED that this action be and the same is hereby dismissed with prejudice to any future refiling hereof.

Entered the date first above written.

S/ THOMAS R. BRETT
U.S. DISTRICT JUDGE

Entered

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

PHIL GREER & ASSOCIATES, INC.,)	
)	
Plaintiff,)	
)	
vs.	)	No. 82-C-461-B
)	
WERNER OIL & GAS, INC.,)	
)	
Defendant.)	

FILED

AUG 27 1984

JAMES W. HARRIS, CLERK
U. S. DISTRICT COURT

JUDGMENT

This matter comes on for hearing this 15th day of April, 1984. The plaintiff appearing by and through its attorney of record, Steven M. Harris, and the defendant Werner Oil & Gas, Inc., appearing through its attorney of record, Thomas M. Rigdon. 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 15th day of April, 1982, 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 \$14,330.78 plus interest thereon at the rate of six percent (6%) per annum from February 13, 1982, until the date of judgment and fifteen percent (15%)

from the date of judgment until paid in full, plus an attorney's fee of \$3,000.00 and all costs of the action.

4. The parties by stipulation have agreed that the defendant should not take anything by way of its Answer and Counterclaim.

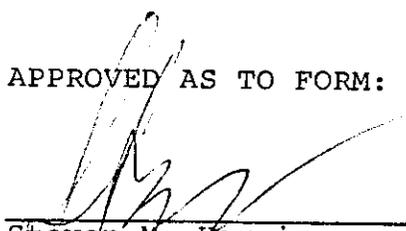
IT IS THEREFORE ORDERED, ADJUDGED AND DECREED by the Court that the plaintiff, Phil Greer & Associates, Inc., have and recover judgment against the defendant, Werner Oil & Gas, Inc., for the principal amount of \$14,330.78 plus interest thereon at the rate of six percent (6%) per annum from February 13, 1982, until the date of judgment and fifteen percent (15%) from the date of judgment until paid in full, plus an attorney's fee of \$3,000.00 and all costs of the action.

IT IS FURTHER ORDERED, ADJUDGED AND DECREED by the Court that the plaintiff, Phil Greer & Associates, Inc., have and recover judgment against the defendant, Werner Oil & Gas, Inc., on said defendant's Answer and Counterclaim.

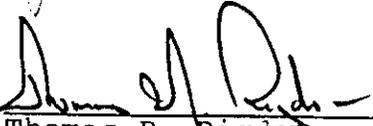
S/ THOMAS R. BRETT

THOMAS R. BRETT
JUDGE OF THE UNITED STATES
DISTRICT COURT

APPROVED AS TO FORM:



Steven M. Harris
Attorney for Plaintiff



Thomas R. Rigdon
GVW:061184:ksc

UNITED STATES DISTRICT COURT

NORTHERN DISTRICT OF OKLAHOMA

CLERK'S OFFICE

UNITED STATES COURT HOUSE

TULSA, OKLAHOMA 74103

August 27, 1984 *pt*

JACK C. SILVER
CLERK

(918) 581-7796
(FTS) 736-7796

Mr. Argel C. Martin
#73662
P. O. Box 97
Oklahoma State Penitentiary
McAlester, OK 64502-0097

RE: 84-C-671-C, ARGEL COONEY MARTIN vs THE STATE OF
OKLAHOMA, ET. AL.

Dear Sir:

Please be advised that on this date U.S District
Judge entered the following Minute Order in the above
case:

"It is the order of the Court that Plain-
tiff's "Motion to Dismiss without Pre-
judice" is hereby granted."

Yours very truly,

JACK C. SILVER, CLERK

P. Turpen
By: Deputy Clerk

C: File
Michael C. Turpen

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

AUG 17, 1984

MID-AMERICA GAS LINE CORPORATION,)
)
Plaintiff,)
)
vs.)
)
M.M. RESOURCES, INC.,)
)
Defendant.)

Case No. 82-C-1096-B

JOURNAL ENTRY OF JUDGMENT

NOW on this 27 day of August, 1984, pursuant to settlement agreement previously entered into of the parties hereto, with the Plaintiff being represented by Ira L. Edwards, Jr., of Jones, Suttons & Edwards, Inc. and the Defendant, being represented by Theodore P. Gibson of Houston and Klein, Inc., and Mr. R. James Unruh, Unruh & Leiter, and the Court finds, based upon the stipulation of the parties hereto, that the Defendant, M.M. Resources, Inc., has agreed to allow the Plaintiff to take judgment in its favor against M.M. Resources, Inc., in the amount of \$70,000.00 and post judgment interest at the lawful rate.

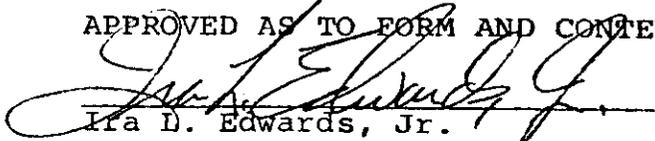
IT IS THEREFORE ORDERED, ADJUDGED AND DECREED by the Court that Plaintiff have and recover of and from the Defendant, M.M. Resources, Inc., the sum of \$70,000.00 together with post judgment interest at the lawful rate for all of which let execution issue.

EXECUTED AND ENTERED THIS 27 DAY OF AUGUST, 1984.

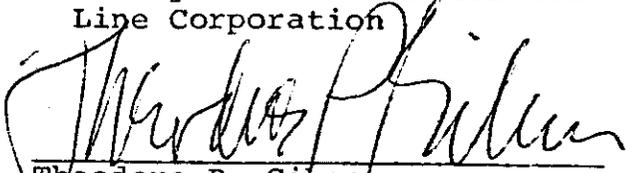
S/ THOMAS R. BRETT

United States District Judge

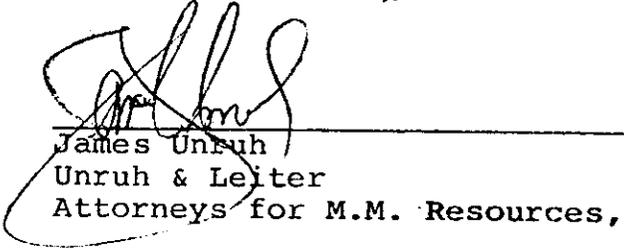
APPROVED AS TO FORM AND CONTENT:



Ira D. Edwards, Jr.
Attorney for Mid-America Gas
Line Corporation



Theodore P. Gipson
Houston and Klein, Inc.



James Unruh
Unruh & Leiter
Attorneys for M.M. Resources, Inc.

Entered

FILED

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

AUG 27 1984 *ry*

UNITED STATES OF AMERICA,)
)
 Plaintiff,)
)
 v.)
)
 RICHARD D. STEWART, BARBARA)
 R. STEWART, O'MALLEY EQUIPMENT)
 COMPANY, BOARD OF COUNTY)
 COMMISSIONERS, Nowata County,)
 Oklahoma, COUNTY TREASURER,)
 Nowata County, Oklahoma,)
)
 Defendants.)

LISA C. GIBBS, CLERK
 U. S. DISTRICT COURT
 No. 83-C-12-BT

ADMINISTRATIVE CLOSING ORDER

The defendants, Richard D. Stewart and Barbara R. Stewart, having filed their petition in bankruptcy and this proceeding being stayed against them, and further it appearing that the plaintiff is enjoined from proceeding further in this matter due to a case pending in North Dakota, 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, with 60 days of a final adjudication of the bankruptcy proceedings or the North Dakota 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 27 day of August, 1984.

Thomas R. Brett

 THOMAS R. BRETT
 UNITED STATES DISTRICT JUDGE

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

RYDER FINANCIAL AND COMMUNICATION
SERVICES, INC. formerly known as
FLEET CONTROL SERVICES, INC., a
Florida corporation,

Plaintiff,

vs.

SERVICE TRANSFER, INC., an Oklahoma
corporation, STUBBS TRUCKS, INC., an
Oklahoma corporation,

Defendants.

Case No. 84-C-341-C

FILED

AUG 24 1984

JOURNAL ENTRY OF JUDGMENT

This matter having come before the Court on August 16, 1984 on the Plaintiff's Motion for Summary Judgment, the Court having reviewed the pleadings and other matters of record and having heard the stipulations of counsel,

FINDS:

1. That this Court has subject matter jurisdiction.
2. That summons herein was duly issued, served and returned according to law and that this Court has in personam jurisdiction over the Defendants, Service Transfer, Inc. and Stubbs Trucks, Inc., and is the proper venue.
3. That both Defendants have confessed judgment on Plaintiff's claims in the amount of \$29,492.28, plus prejudgment interest in the amount of \$2,056.89.
4. That Plaintiff is also entitled to recover from both Defendants a reasonable attorneys' fee in the amount of \$2,000.00; and it is, therefore,

ORDERED, ADJUDGED AND DECREED that the Plaintiff be and it is hereby granted judgment against Defendants Service Transfer, Inc. and Stubbs Trucks, Inc., jointly and severally, on Plaintiff's claims for relief in the principal amount of \$29,492.28, plus prejudgment interest in the amount of \$2,056.89, plus post judgment interest on the foregoing sums accruing at the rate of 15% per annum from August 16, 1984, and a reasonable attorneys' fee in the amount of \$2,000.00.

DATED this 21 day of August, 1984.

s/H. DALE COOK

UNITED STATES DISTRICT JUDGE

APPROVED:

Doerner, Stuart, Saunders
Daniel & Anderson

ORIGINAL SIGNED BY
RICHARD H. FOSTER

By: _____

Richard H. Foster
1000 Atlas Life Building
Tulsa, Oklahoma 74103
(918) 582-1211

Attorneys for Plaintiff,
Ryder Financial & Communication
Services, Inc.

APPROVED AS TO FORM:

McGivern, Scott, Gilliard
& McGivern, P.A.

By: /s/ _____

Michael D. Gilliard
1515 South Boulder
Tulsa, Oklahoma 74119

Attorneys for Defendants,
Service Transfer, Inc. and
Stubbs Trucks, Inc.

UNITED STATES DISTRICT COURT FOR THE
NORTHERN DISTRICT OF OKLAHOMA

FILED

UNITED STATES OF AMERICA,)
)
 Plaintiff,)
)
 vs.)
)
 WALTER C. BARNETT,)
)
 Defendant.)

AUG 24 1984

U.S. District Court
Northern District of Oklahoma

CIVIL ACTION NO. 84-C-509-C

DEFAULT JUDGMENT

This matter comes on for consideration this 23rd day of August, 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, Walter C. Barnett, appearing not.

The Court being fully advised and having examined the file herein finds that Defendant, Walter C. Barnett, was served with Summons and Complaint on July 18, 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, Walter C. Barnett, in the amount of \$378.20, plus interest at the rate of 15.05 percent per annum and administrative costs of \$.61 per month from August 8, 1983, and \$.68 per month from January 1, 1984, until judgment, plus interest thereafter at the current

legal rate of 11.93 percent from the date of judgment until
paid, plus the costs of this action.

s/H. DALE COOK

UNITED STATES DISTRICT JUDGE

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

KENNETH D. REVORD,
Plaintiff,

v.

CHAMPION SPARK PLUG COMPANY,
Defendant.

No. 83-C-737-C

FILED

AUG 24 1984

ORDER OF DISMISSAL

This cause having come before this Court on the Joint Application for Dismissal with Prejudice, and this Court being fully advised in the premises and the parties having stipulated, and the Court having found that the parties have reached a private settlement of the individual claims of Plaintiff and that such claims should be dismissed, it is, therefore,

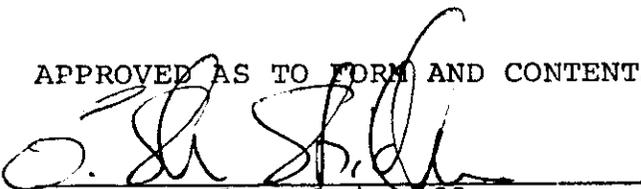
ORDERED, ADJUDGED AND DECREED that the Complaint of Plaintiff, and his causes of action set forth therein, be and hereby are dismissed with prejudice, with each party to bear its own costs.

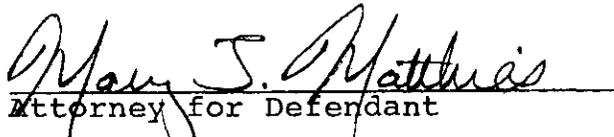
So Ordered this 23 day of Aug, 1984.

s/H. DALE COOK

U.S. District Judge

APPROVED AS TO FORM AND CONTENTS:


Attorney for Plaintiff


Attorney for Defendant

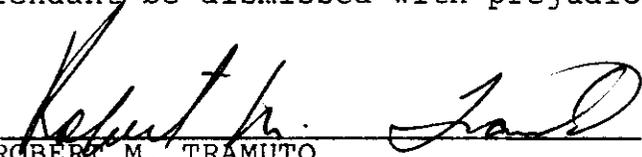
IN THE UNITED STATES DISTRICT COURT FOR THE
NORTHERN DISTRICT OF OKLAHOMA

DUANE HUMPHREYS)
)
 Plaintiff,)
) No. 83-C-946-C
 vs.)
)
 BURLINGTON NORTHERN RAILROAD)
 COMPANY,)
)
 Defendant.)

RECEIVED
U.S. DISTRICT COURT
AUG 23 1984

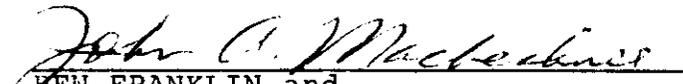
STIPULATION FOR DISMISSAL WITH PREJUDICE

The parties hereto advise the Court that they have agreed to fully settle this case and thereby stipulate that plaintiff's cause of action against the defendant be dismissed with prejudice.


ROBERT M. TRAMUTO
P.O. Box 4340
Houston, TX 77210

JOE SHARP
507 So. Main
Tulsa, Okla. 74103
ATTORNEYS FOR PLAINTIFF

FILED
AUG 24 1984
Jack Silver
SECRET


BEN FRANKLIN and
JOHN A. MACKECHNIE
P.O. Box 26400
Oklahoma City, Okla. 73126
ATTORNEYS FOR DEFENDANT

ORDER

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

IT IS SO ORDERED this 24 day of August, 1984

s/H. DALE COOK

U. S. DISTRICT JUDGE

Entold

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

GENERAL DISCOUNT CORPORATION,)
a corporation,)
)
Plaintiff,)
)
vs.)
)
FOX DRILLING COMPANY, A)
corporation and JASON I. FOX,)
an individual,)
)
Defendants.)

No. 82-C-446-P

FILED
AUG 22 1984
Jack C. Silver, Clerk
U. S. DISTRICT COURT

ADMINISTRATIVE CLOSING ORDER

The Defendants Fox Drilling Company and Jason I. Fox 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 17th day of August, 1984.

James C. Ellison

JAMES C. ELLISON
UNITED STATES DISTRICT JUDGE

27

P

Entered

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

FILED

AUG 23 1984

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

UNITED FOOD AND COMMERCIAL)
WORKERS UNION LOCAL 76,)
)
Plaintiff,)
)
vs.)
)
BILLY S. YEAKEY AND BILLY S.)
YEAKEY, JR., partners in)
Yeakey's Neighborhood Grocery,)
a partnership,)
)
Defendants.)

No. 83-C-857-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 award of the arbitrator be enforced and that the Plaintiff recover of the Defendants his costs of action.

DATED at Tulsa, Oklahoma this 17th day of August, 1983.



 JAMES O. ELLISON
 UNITED STATES DISTRICT JUDGE

LS

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

LORETA I. DAVIS, Surviving
Widow and Executrix of the
Estate of Brainard C. Davis,
Deceased, and CURLO
CORPORATION, an Oklahoma
corporation,

Plaintiffs,

vs

UNITED STATES OF AMERICA,
CESSNA AIRCRAFT COMPANY, INC.,
a corporation and JEPPESEN
AND CO., a corporation,

Defendants.

FILED

AUG 22 1984

James O. Sibley, Clerk
U. S. DISTRICT COURT

No. 81-C-672-E

ORDER

NOW on this 17th day of August, 1984, there comes on for hearing the Plaintiffs' Motion to Dismiss With Prejudice of the above styled and numbered cause, and the Court, being fully advised in the premises, review of the file herein, and for good cause shown, finds, and,

IT IS ORDERED, ADJUDGED AND DECREED that Plaintiff's Motion to Dismiss With Prejudice be and is hereby granted.


JAMES O. ELLISON
United States District Judge

FILED
F. CLERK

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

AUG 17 1984

JACK B. SHYKEL, CLERK
U.S. DISTRICT COURT

EMORY J. ETHRIDGE,)
)
 Plaintiff,)
)
 vs.)
)
 THE AMERICAN NATIONAL BANK OF)
 BRISTOW, EVELYN NORRIS and)
 CONTINENTAL ILLINOIS NATIONAL)
 BANK & TRUST COMPANY OF CHICAGO,)
)
 Defendants.)

No. 83-C-1074C

ORDER

After a hearing and due consideration of the Motion to Dismiss filed by Continental Illinois National Bank and Trust Company ("Continental Illinois") in this case, this Court sustains the Motion to Dismiss of Continental Illinois and dismisses this lawsuit as against Continental Illinois.

Dated this 17th day of August, 1984.

s/H. DALE COOK

United States District Judge

Entered

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

FILED

AUG 17 1984

JAMES L. SMITH,)
)
 Plaintiff,)
)
 v.)
)
 UNITED STATES OF AMERICA,)
 INTERNAL REVENUE SERVICE,)
 COMMISSIONER OF INTERNAL)
 REVENUE, and NORRELL C.)
 SMITH,)
)
 Defendants.)

No. 83-C-589-BT

O R D E R

This matter comes before the Court on defendants' motion to dismiss or, in the alternative, motion for summary judgment. Plaintiff has filed his objection thereto. Defendants have filed a supplement to their brief in support of the motion; plaintiff has supplemented his objection. Oral arguments on the motion were heard by the Court on July 11, 1984. For the reasons set forth below, the Court finds defendants' alternative motion for summary judgment should be sustained.¹

Plaintiff brings this action pursuant to 42 U.S.C. §1983 alleging violations of his constitutional rights by federal officials. Plaintiff originally sought injunctive relief against defendants, but no longer pursues such cause of action.²

¹ As the parties have supported the record with affidavits and depositions, the Court must use summary judgment standards in its decision. See Fed.R.Civ.P. 12(b).

² In a letter to the Court dated July 23, 1984, plaintiff's counsel states that plaintiff will petition the tax court and "the injunctive relief is of no further consequence at this time."

Further, although plaintiff's amended complaint upon review appears to attempt to state causes of action under the Federal Tort Claims Act for conversion, libel and intentional infliction of emotional distress, plaintiff's counsel represented to the Court at the July 11, 1984 hearing that this action involves a Bivens-type constitutional tort claim alone.³

Initially, the Court notes that Bivens-type constitutional tort actions do not lie against the United States of America as the United States may be sued only to the extent it has consented to suit by statute. Terrapin Leasing, Ltd. v. United States, 449 F.Supp. 7, 8 (W.D. Okl. 1978); United States v. Sherwood, 312 U.S. 584 (1941). An action against the Internal Revenue Service is effectively one against the United States. Terrapin Leasing, Ltd. v. United States, Id. at 8. Thus, plaintiff's cause of action against the United States of America and Internal Revenue Service must fail as a matter of law.

Defendants, Commissioner of Internal Revenue and Norrell C. Smith, revenue agent, assert they are entitled to either absolute or qualified immunity with respect to plaintiff's action.

³ See also plaintiff's Memorandum of Law in Support of Objection to Defendant's Motion to Dismiss or Motion for Summary Judgment, p. 8.

Bivens v. Six Unknown Federal Narcotics Agents, 403 U.S. 388 (1971), established that "a citizen suffering a compensable injury to a constitutionally protected interest could invoke the general federal-question jurisdiction of the district courts to obtain an award of monetary damages against the responsible federal official." Butz v. Economou, 438 U.S. 478, 505 (1978).

There appears to be two lines of cases bearing on absolute and qualified immunity.⁴ One line, beginning with Barr v. Matteo, 360 U.S. 564 (1959), and recognized in Butz v. Economou, 438 U.S. 478 (1978), deals with absolute immunity accorded government officials who are accused of committing a common law tort. The other line deals with qualified immunity available to government officials who are charged with violating the federal constitution or federal statute. See Butz v. Economou, Id.; Harlow v. Fitzgerald, 457 U.S. 800 (1982). Thus, the type of immunity accorded defendants, Commissioner of Internal Revenue and Norrell C. Smith, revenue agent, turns upon the characterization of plaintiff's constitutional tort action as one involving the commission by defendants of common law torts or the violation by defendants of the federal constitution or federal statute.

The facts alleged by plaintiff giving rise to his cause of action are set forth as follows. Plaintiff's 1981 Income Tax Return was audited by the Internal Revenue Service and subsequently an additional tax levy was alleged in the amount of \$13,975.59 by the IRS. Plaintiff disagreed with the levy and on March 3, 1983 petitioned for an abatement of the 1981 income tax liability. (Exhibit "B" to plaintiff's amended complaint). Plaintiff received a response dated April 13, 1983, from the Chief Examination Branch in Austin, Texas, showing that no assessment had been made, and plaintiff's request for abatement

⁴ See Strothman v. Gefreh, Tenth Circuit Slip Op. 83-1108 (July 20, 1984).

was not applicable. (Exhibit "C" to plaintiff's amended complaint). Plaintiff received a second response to his request for abatement, this one from Norrell C. Smith dated April 14, 1983, stating that plaintiff was not entitled to a stay of collection and that distraint activity would begin April 22, 1983, unless payment in full or a collection statement was completed by that date. (Exhibit "D" to plaintiff's amended complaint). On April 22, 1983, plaintiff requested that a Notice of Deficiency be issued to him. (Exhibit "E" to plaintiff's amended complaint). On April 22, 1983, Norrell C. Smith issued a "Notice of Levy of Wages" and caused it to be served on plaintiff's employer. (Exhibit "A" to plaintiff's amended complaint).

Plaintiff filed this lawsuit on July 8, 1983, and on August 10, 1983, filed a motion for preliminary injunction. After investigation of plaintiff's complaint, Philard L. Rounds, Jr., Assistant United States Attorney, Northern District of Oklahoma, wrote the following letter "To Whom It May Concern":

"This letter is concerning the wage levy issued by the United States Department of Treasury, Internal Revenue Service upon the wages of James L. Smith held by Sun Refining and Marketing Company, 10 Pennsylvania Center, 1801 Market Street, Philadelphia, Pennsylvania 19103.

"It appears due to internal administrative error, a wage levy was issued on Mr. Smith's funds held by Sun Refining and Marketing Company. Please retain a copy of this letter in your personal file and forward a copy to your home office to reflect that Mr. James Smith's pay should not have been levied upon and the Internal Revenue Service was in error.

"The proper administrative steps to allow Mr. Smith to challenge this decision in the United States Tax Court had not been fully complied with and we do not wish this error to reflect adversely upon Mr. Smith.

"Please excuse this oversight on the part of the government and be advised that Mr. Smith was not at the time of the wage levy indebted to the United States of America for back taxes. If any further information is necessary regarding this erroneous wage levy, please feel free to contact me."

On August 24, 1983, the IRS released the levy on plaintiff's wages. On September 12, 1983, the federal tax lien on which the levy was based was released. And on September 22, 1983, the monies received from the levy were refunded to the plaintiff. The IRS has abated in full the assessment for plaintiff's 1981 taxes as well as all penalties and interest related to the assessment.

Plaintiff's amended complaint sets forth four causes of action. In the first, plaintiff pleads the facts set forth above and alleges that the actions of defendants violated a certain statutory provision and the Fifth and First Amendments to the Constitution. Plaintiff states:

"The issuance of the 'Notice of Levy' on Plaintiff's wages was unlawful, issued in bad faith, and violated the Constitutional rights of Plaintiff guaranteed by the due process clause of the Fifth Amendment, the exercise of religion and free speech under the First Amendment and the mandate of USC subsection 6213(a) in that, 'no levy or proceeding in Court for its collection shall be made, begun, or prosecuted until such notice has been mailed to the taxpayer. . . ."

In plaintiff's second cause of action, he alleges that the

levy upon his wages constituted a conversion. In plaintiff's third cause of action he alleges that the issuance by defendants of the notice of levy to his employer was meant to and did convey to plaintiff's employer that "there was due a lawful debt from Plaintiff to Defendant in that he failed and refused to pay such lawful debt. . ." Plaintiff alleges this constituted a libel.

In plaintiff's third cause of action, plaintiff alleges that the actions of the defendants were intentional and malicious and done for the purpose of inflicting upon him emotional distress.

Although the latter three causes of action are essentially common law torts, the Court concludes they are dependent upon and arise out of plaintiff's first cause of action -- the constitutional tort arising out of defendants' alleged violations of federal statute and the constitution. Thus, the Court concludes the proper immunity inquiry available to defendants herein is the qualified or good faith immunity. Accord: Terrapin Leasing, Ltd. v. United States, supra at 9; G.M. Leasing Corp. v. United States, 560 F.2d 1011, 1015 (10th Cir. 1977).

The district judge stated in Terrapin Leasing, supra at 9:

"The doctrine of absolute immunity is inapplicable to the defendants agents' actions in executing the levy. G.M. Leasing Corp. v. United States, 560 F.2d 1011 (10th Cir. 1977). The proper inquiry is whether the agents are protected from damages liability by qualified immunity.

'[I]n varying scope, a qualified immunity is available to officers of the executive branch of the government the variation being dependent upon the scope of discretion and responsibilities of the office and all the circumstances

as they reasonably appeared at the time of the action on which liability is sought to be based. It is the existence a reasonable grounds for the belief formed at the time and in light of all the circumstances, coupled with good-faith belief, that affords a basis for qualified immunity of executive officials for acts performed in the course of official conduct.' Scheuer v. Rhodes, 416 U.S. 232, 247-248, 94 S.Ct. 1683, 1692, 40 L.Ed.2d 90 (1974). See also Wood v. Strickland, 420 U.S. 308, 95 S.Ct. 992, 43 L.Ed.2d 214 (1975), rehearing denied, 421 U.S. 921, 95 S.Ct. 1589, 43 L.Ed.2d 790 (1975)."

The Supreme Court recently restated the rule of qualified immunity in Harlow v. Fitzgerald, 457 U.S. 800, 815 (1982), to the effect that an official's claim of qualified immunity will be defeated if an official knew or reasonably should have known that the action he took within his sphere of official responsibility would violate the constitutional rights of the plaintiff, or if he took the action with the malicious intention to cause a deprivation of constitutional rights or other injury. The Court further concluded bare allegations of malice should not suffice to subject government officials either to the costs of trial or discovery. The Court stated, "We therefore hold that government officials performing discretionary functions generally are shielded from liability for civil damages insofar as their conduct does not violate clearly established statutory or constitutional rights of which a reasonable person would have known." Harlow at 818. See also Davis v. Scherer, 52 U.S.L.W. 4956 (June 26, 1984).

The actions of the Internal Revenue Service, performed through its agents and employees, are statutorily mandated. With respect to a notice of levy, 26 U.S.C. §6213(a) provides in pertinent part:

"[N]o assessment of a deficiency in respect of any tax imposed by subtitle A . . . and no levy . . . shall be made . . . until such notice [of deficiency] has been mailed to the taxpayer"

There is no question that Norrell C. Smith was acting within the "sphere of his official responsibility" when he issued the notice of levy. Plaintiff alleges Smith knew at the time he issued the notice of levy that there had been no notice of deficiency mailed to plaintiff. At the July 11, 1984 hearing, plaintiff's attorney alleged that Norrell C. Smith's actions were motivated by his belief that plaintiff was a "tax protestor."⁵ However, there is nothing in the record beyond allegations of malice which reflects that the issuance of the notice of levy by Norrell C. Smith was done under the belief that a notice of deficiency had been mailed to plaintiff.

Norrell C. Smith received plaintiff's account for the purpose of beginning collection procedures on April 8, 1983. (Norrell C. Smith deposition, May 25, 1984, p.14) The account indicated that "notice had been sent." (Norrell C. Smith

⁵ Plaintiff's 1981 Income Tax Return reflects the following typewritten words: "Wages Not Income Unless From Privilege Morgan v. Comm 309 US 80," lines 22-23; and "Federal Reserve Notes are Not Cash. Value 10¢ 3401(A)IRC" lines 27-28. Attached to the return is a document entitled "Affidavit" consisting of five pages and signed by David M. Martin essentially in support of the proposition typed in on the front of plaintiff's tax return.

deposition, pg. 5, lines 19-24). He issued the notice of levy on April 22, 1983. In his deposition, Norrell C. Smith states:

Q: (By Mr. Flynn) Prior to signing and authorizing that levy, did Mr. Smith make it known to you that he had not received a 90 day deficiency notice?

A: I don't recall a mention of a 90 day notice. Mr. Smith indicated that the collection should -- that the tax should be abated and a stay of collection is in effect and no levy proceeding in Court for the collection of such assessment shall be made under Section 6213-B of Title 26, U.S. Code. That was Mr. Smith's communication to me.

(Page 15, lines 2-17)

Q: (By Mr. Flynn) Okay. When did you first become aware that Mr. Smith was stating that he had not received a 90 day deficiency notice?

A: There was a suit filed somewhere around July or August.

Q: Are you talking about the original suit filed for injunctive relief from this collection of taxes?

A: I suspect that's probably it.

Q: All right.

A: July 8; I believe this must be it. July 8, 1983.

Q: Okay. And that would be in case number 83-C-589-B about which we are presently here on today?

A: Correct.

Q: That is the first time, July 8, that you ever became aware of the fact that Mr. Smith was notifying(sic) you that he had not received a 90 day delinquency notice?

A: This was filed with the Court. He wasn't notifying me about anything. The 90 day delinquency notices mean nothing to me. I'm a collector. When it comes to collection, everything that has been -- that is to be done, has been done. The amens are all over and all this stuff that goes on previous to that, I am not concerned with. It's not my problem; not my area.

(Page 17, lines 10-25; Page 18, lines 1-8).

With respect to his feeling toward plaintiff, Norrell C. Smith stated:

Q: (By Mr. Gibson) All right. Mr. Smith, have you always acted in good faith with respect to the tax payer with respect to this account, collecting this account?

A: Absolutely.

Q: Do you have any personal animosity toward the Plaintiff?

A: No; I don't know him.

(Page 11, lines 11-17).

It appears that plaintiff was the "victim" of an internal administrative error made by persons other than Norrell C. Smith and prior to Smith's involvement in collection of plaintiff's account that was readily rectified upon discovery. There is no evidence in the record from which the inference could be drawn that Norrell C. Smith was acting without good faith or with malice toward plaintiff when he issued the notice of levy. The evidence is to the contrary, that is, that the defendant Norrell C. Smith was acting in good faith. The conclusory allegations of plaintiff are unsupported.

With respect to the Commissioner of Internal Revenue, there are no allegations of personal involvement in the issuance of the notice of levy. Any liability of the Commissioner would have to be predicated on his position alone. Further, the Court notes that the Commissioner is not Norrell C. Smith's employer, thus, respondeat superior has no application even if Norrell C. Smith was liable to plaintiff.

Rule 56 of the Federal Rules of Civil Procedure provides summary judgment is proper where no issue of genuine fact remains and the moving party is entitled to judgment as a matter of law. Bruce v. Martin-Marietta, 544 F.2d 442, 445 (10th Cir. 1976).

IT IS THEREFORE ORDERED defendants' alternative motion for summary judgment pursuant to Rule 56 of the Federal Rules of Civil Procedure is sustained.

ENTERED this 17th day of August, 1984.



THOMAS R. BRETT
UNITED STATES DISTRICT JUDGE

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

FILED

AUG 17 1984

U.S. DISTRICT COURT

TOM HANSEN CO., INC.,
A Texas Corporation,

Plaintiff,

vs.

R & M PETROLEUM, INC.,
An Oklahoma Corporation,

Defendant.

vs.

No. 82-C-1097-C

GEARHART INDUSTRIES, INC., A
Texas Corporation, and BAKER
OIL TOOLS, INC., A Texas
Corporation,

Third Party
Defendants.

TIM STRAYER,

Intervenor.

ORDER OF DISMISSAL

NOW on this 17 day of Aug, 1984, the
above-entitled cause comes on upon the application of the
plaintiff, defendants, third party defendants and
intervenor for an order dismissing the above-entitled
action upon the merits, with prejudice to a future action
as to the said defendants, and the Court being well
advised in the premises, is of the opinion that the said
motion should be sustained.

IT IS, THEREFORE, ORDERED, ADJUDGED AND DECREED
that the above-entitled action be and the same is hereby
dismissed upon the merits and with prejudice to a future
action as to the defendants.

s/H. DALE C. ...

UNITED STATES DISTRICT JUDGE

FILED

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

AUG 16 1984

DAVID J. CHAMBERLAIN, CLERK
U.S. DISTRICT COURT

BAKER PUBLICATIONS, INC.)
5757 Alpha Road, Suite 400)
Dallas, Texas 75249)

Plaintiff,)

V.)

CONTINENTAL HERITAGE PRESS)
115 West Third Street)
Suite 500)
Tulsa, Oklahoma 74103)

Defendant.)

CIVIL ACTION NO.
84-C-505-C

FINAL JUDGMENT ON CONSENT

Upon consent of the parties hereto, there having been no adjudication on the merits, it is hereby

ORDERED, ADJUDGED AND DECREED that

1. This Court has jurisdiction of the subject matter and the parties to this action.

2. The trademark LIVING and United States Trademark Registration No. 1,246,344 registered July 26, 1983 for LIVING is owned by Plaintiff.

3. Defendant, CONTINENTAL HERITAGE PRESS (hereinafter "Defendant"), its officers, agents, servants, employees, and all others in active concert and/or participation with it, and each of them, is hereby perpetually restrained and enjoined from infringing the rights of Plaintiff in and to

its trademark LIVING, and from using the trademark LIVING or any simulation or colorable imitation thereof, including but not limited to TULSA LIVING, in connection with the publishing of a periodic magazine or the sale, offering for sale or advertising of services not emanating from Plaintiff.

4. That each party hereto absorb its own attorney fees and costs.

s/H. DALE COOK
UNITED STATES DISTRICT JUDGE

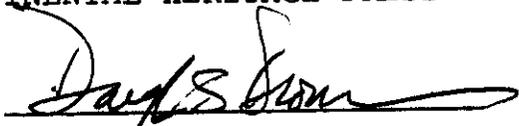
Entry of the foregoing Final Judgment on Consent is hereby consented to.

BAKER PUBLICATIONS, INC.

BY: 

TITLE: Chairman

CONTINENTAL HERITAGE PRESS

BY: 

TITLE: President

Entered

FILED

UNITED STATES DISTRICT COURT FOR THE
NORTHERN DISTRICT OF OKLAHOMA

AUG 10 1984

UNITED STATES OF AMERICA,)
)
 Plaintiff,)
)
 vs.)
)
 JOHN M. CONDER,)
)
 Defendant.)

JACK E. HARRIS, CLERK
U. S. DISTRICT COURT

CIVIL ACTION NO. 84-C-516-E

DEFAULT JUDGMENT

This matter comes on for consideration this 16 day of August, 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, John M. Conder, appearing not.

The Court being fully advised and having examined the file herein finds that Defendant, John M. Conder, 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, John M. Conder, in the amount of \$1,111.36, plus interest at the rate of 15.05 percent per annum and administrative costs of \$.63 per month from August 9, 1983, and \$.68 per month from January 1,

1984, until judgment, plus interest thereafter at the current legal rate of 11.93 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 WITHIN AND FOR THE
NORTHERN DISTRICT OF OKLAHOMA

FILED

ROBERT LEE HUNCOVSKY,

Plaintiff,

vs.

HENRY F. LANE, MIDWESTERN
DISTRIBUTION, INC., and
EXCALIBUR INSURANCE COMPANY,

Defendants.

)
)
) AUG 10 1984
)
) JACK O. ELLISON, CLERK. 83-C-436-E
) U. S. DISTRICT COURT
)
)
)
)
)

ORDER OF DISMISSAL

ON this 16 day of Aug 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.

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

S/ JAMES O. ELLISON

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

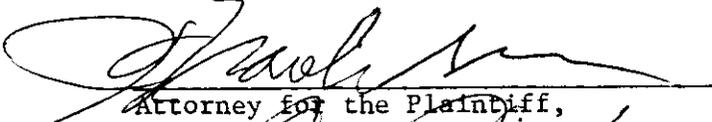
APPROVAL:

DALE WARNER,



Attorney for the Plaintiff,

FRANK GREER,



Attorney for the Plaintiff,

ALFRED B. KNIGHT,


Attorney for the Defendants.

The Court finds plaintiff has failed to comply with Local Rule 14(a) and has thus confessed defendant's motion.

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

ENTERED this 16th day of August, 1984.

~~57~~ JAMES O. ELLISON

JAMES O. ELLISON
UNITED STATES DISTRICT JUDGE

APR 10 1984

James O. Ellison, Clerk
U.S. DISTRICT COURT

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

FLYNN ENERGY CORPORATION, GENE E.
WILLIAMS AND PATRICIA R. WILLIAMS,

Plaintiffs,

vs.

UNITED STATES OF AMERICA,

Defendant.

X
X
X
X
X
X
X
X
X
X

No. 78-C-532-E and
79-C-549-E
(Consolidated)

ORDER OF DISMISSAL AND JUDGMENT

Pursuant to the Stipulation of Dismissal filed by the parties herein, the Court hereby renders a final judgment with respect to the matters contained in said Stipulation.

IT IS HEREBY ORDERED that the claims of Plaintiffs Gene E. Williams and Patricia R. Williams in this case pertaining to certain business promotion and entertainment expenses and medical expense limitations which were not included in the Partial Judgment heretofore entered in this case be and they are hereby dismissed with prejudice with respect to tax liability for the year 1973.

IT IS FURTHER ORDERED that neither the stipulation herein nor this Order of Dismissal and Judgment shall be construed or used as an admission of liability, concession or stipulation by said Plaintiffs or be used as evidence against said Plaintiffs or have any precedential or binding effect on said Plaintiffs in connection with the same or similar issues involving the determination of tax liability of Plaintiffs for any year other than calendar year 1973.

S/ JAMES O. ELLISON

JAMES O. ELLISON
UNITED STATES DISTRICT JUDGE

Approved:



MICHAEL M. GIBSON, Counsel for
Defendant United States of America



G. DOUGLAS FOX, Counsel for
Plaintiffs Gene E. Williams and
Patricia R. Williams

Entered

UNITED STATES DISTRICT COURT FOR THE
NORTHERN DISTRICT OF OKLAHOMA

FILED

UNITED STATES OF AMERICA,)
)
 Plaintiff,)
)
 vs.)
)
 JARVIS H. COLBERT,)
)
 Defendant.)

AUG 15 1984

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

CIVIL ACTION NO. 84-C-506-B

DEFAULT JUDGMENT

This matter comes on for consideration this 14th day of August, 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, Jarvis H. Colbert, appearing not.

The Court being fully advised and having examined the file herein finds that Defendant, Jarvis H. Colbert, 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, Jarvis H. Colbert, in the amount of \$985.17, plus interest at the rate of 15.05 percent per annum and administrative costs of \$.61 per month from August 18, 1983, and \$.68 per month from January 1,

1984, until judgment, plus interest thereafter at the current legal rate of 11.93 percent from the date of judgment until paid, plus the costs of this action.

S/ THOMAS R. BRETT

UNITED STATES DISTRICT JUDGE

Entered

UNITED STATES DISTRICT COURT FOR THE
NORTHERN DISTRICT OF OKLAHOMA

FILED

UNITED STATES OF AMERICA,)
)
 Plaintiff,)
)
 vs.)
)
 IVEN E. HALE,)
)
 Defendant.)

AUG 15 1984

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

CIVIL ACTION NO. 84-C-490-B

DEFAULT JUDGMENT

This matter comes on for consideration this 14th day of August, 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, Iven E. Hale, appearing not.

The Court being fully advised and having examined the file herein finds that Defendant, Iven E. Hale, was served with Summons and Complaint on July 13, 1984. The time within which the Defendant could have answered or otherwise moved as to the Complaint has expired and has not been extended. The Defendant has not answered or otherwise moved, and default has been entered by the Clerk of this Court. Plaintiff is entitled to Judgment as a matter of law.

IT IS THEREFORE ORDERED, ADJUDGED, AND DECREED that the Plaintiff have and recover judgment against the Defendant, Iven E. Hale, in the amount of \$464.20, plus interest at the rate of 15.05 percent per annum and administrative costs of \$.61 per month from August 30, 1983, and \$.68 per month from January 1,

1984, until judgment, plus interest thereafter at the current legal rate of 11.93 percent from the date of judgment until paid, plus the costs of this action.

S/ THOMAS R. BRETT

UNITED STATES DISTRICT JUDGE

Entered

FILED

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

93-1001

MARGARET P. IRETON,)
)
 Plaintiff,)
)
 vs.)
)
 POLYMER TECHNOLOGY CORPORATION,)
 a Massachusetts corporation,)
)
 Defendant.)

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

No. 83-C-974-B

O R D E R

This action comes before the Court on the stipulation of the parties to dismiss this action.

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

DONE this 15th day of August, 1984.

S/ THOMAS R. BRETT

THOMAS R. BRETT
United States District Judge

APPROVED AS TO FORM & CONTENT:


MARVIN E. SPEARS
Attorney for Plaintiff

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

BY 
ALFRED K. MORLAN
Attorneys for Defendant

FILED

AUG 15 1984

pt

JACK TANNER, CLERK
U.S. DISTRICT COURT

IN THE UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF OKLAHOMA

JOHN DEERE INSURANCE)
COMPANY, a corporation,)
)
Plaintiff,)
)
v.)
)
JACK TANNER, Sheriff of Rogers)
County, Oklahoma, et al.,)
)
Defendants.)

No. 84-C-403 C ✓

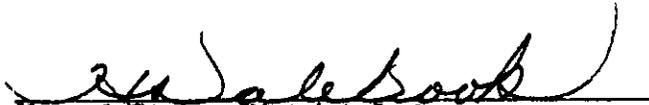
ORDER DISMISSING ACTION

Now on this 15th day of August, 1984, there comes on for hearing the application of the plaintiff, John Deere Insurance Company, to dismiss this action.

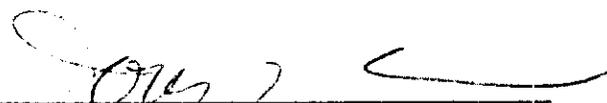
According to the application of the plaintiff, the defendant Jack Tanner, Sheriff of Rogers County, Oklahoma, has disclaimed any interest in the property involved in this proceeding; plaintiff has secured from defendant, Joe Bickford, d/b/a United Wrecker Service, possession of the JD 2440 tractor and has paid Joe Bickford an amount for storage of the same; plaintiff has abandoned its effort to secure possession of the rotary cutter in this proceeding and the defendant, Bob Bunnell, in return has agreed to not claim any interest in the 2440 tractor now in the possession of plaintiff.

All attorneys in this proceeding have indicated their approval of this order.

IT IS THEREFORE ORDERED, ADJUDGED AND DECREED by this court that this action be and the same is hereby dismissed.


United States District Judge

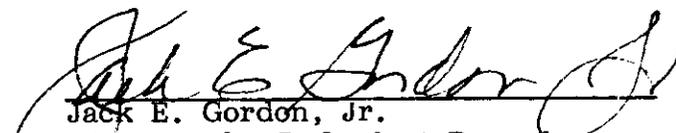
APPROVED:


John C. Harrington, Jr.
Lytle, Soule, Curlee, Harrington,
Chandler & Van Dyke
2210 First National Center
Oklahoma City, OK 73102
(405) 235-7471
Attorneys for Plaintiff


James P. Tanner
Attorney for Defendant Bickford

T. Jack Graves, District Attorney

By: 
Assistant District Attorney
for Jack Tanner, Sheriff of
Rogers County, Oklahoma


Jack E. Gordon, Jr.
Attorney for Defendant Bunnell

UNITED STATES DISTRICT COURT FOR THE
NORTHERN DISTRICT OF OKLAHOMA

FILED

AUG 14 1984

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

ALVIN L. THOMPSON,)
)
 Plaintiff,)
)
 vs.)
)
 MARGARET M. HECKLER,)
 Secretary of Health and)
 Human Services of the)
 United States of America,)
)
 Defendant.)

CIVIL ACTION NO. 84-C-421-C

O R D E R

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

Dated this 14 day of Aug, 1984.

s/H. DALE COOK

UNITED STATES DISTRICT JUDGE

Entered
FILED
AUG 14 1984
JENNIFER B. BAKER
CLERK
U.S. DISTRICT COURT

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

DRESSER INDUSTRIES, INC., a)
Delaware Corporation,)
)
Plaintiff,)
)
vs.) 84-C-4-B
)
TRADERS OIL CO., INC.,)
an Arkansas Corporation,)
)
Defendant.)

ORDER GRANTING DEFAULT JUDGMENT

The Court now has before it the Application for Entry of Judgment ("Application") of Plaintiffs in the above-referenced action. Upon careful consideration of the Application, the Court finds:

1. That the Defendant, Traders Oil Co., Inc., ("Traders"), failed to respond to the Plaintiff's, Dresser Industries, Inc. ("Dresser"), Motion to Compel filed on May 29 relating to various discovery requests mailed by Dresser to Traders on March 8, 1984. Traders has therefore waived objection to Dresser's Motion to Compel. See Local Rule 14(a).

2. Likewise, Traders failed to respond to Dresser's Motion for Discovery Sanctions filed on July 24 requesting that, pursuant to Rule 37(b)(2)(C) F.R.Civ.P, judgment by default be entered against Traders and in favor of Plaintiff, Dresser. Traders has therefore waived objection to Dresser's Motion for Discovery Sanctions. See Local Rule 14(a).

3. This matter is set for trial on August 20, 1984, and counsel for Traders has indicated that he has no intention to respond to the above-described motions filed by Dresser.

WHEREFORE, and for good cause shown, it is ordered that the Plaintiff, Dresser Industries, Inc., be granted a judgment by default in the amount of \$30,104.36 and the costs of this action including a reasonable attorneys' fee to be taxed by the Court.

Dated this 13th day of August, 1984.

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

FRONTIER ROOFING AND)
MATERIAL COMPANY, an)
Oklahoma corporation,)
)
Plaintiff,)
)
vs.)
)
ERA CORPORATION, a)
Minnesota corporation,)
)
Defendant and Third)
Party Plaintiff,)
)
vs.)
)
CONTECH, INC., a)
Minnesota corporation,)
)
Third Party Defendant.)

No. 84-C-289-B

STIPULATION ^{of} ~~FOR~~ DISMISSAL OF
THIRD PARTY COMPLAINT

Third Party Plaintiff ERA Corporation, by and through its attorney, John R. Paul, and Third Party Defendant, Contech, Inc., by and through its attorney, Mr. Donald Hopkins, pursuant to the provisions of Rule 41(A)(1)(ii), hereby stipulate that the third party complaint filed on April 18, 1984, should be and is hereby dismissed without prejudice, the third party plaintiff ERA Corporation and Third Party Defendant Contech, Inc. each to bear its own costs.

This stipulation for dismissal is not intended, and should not affect, the original complaint filed by the plaintiff

Frontier Roofing and Material Company against ERA Corporation,
which action is still pending.

Dated: August 14TH, 1984.



JOHN R. PAUL
Attorney for Third Party Plaintiff
ERA Corporation



DONALD HOPKINS
Attorney for Third Party Defendant
Contech, Inc.

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

TOM HANSEN CO., INC.

Plaintiff(s),

vs.

No. 82-C-1097-C

R&M PETROLEUM, INC. ; BAKER OIL TOOLS
& GEARHART INDUSTRIES

Defendant(s).

FILED

AUG 14 1984

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

JUDGMENT DISMISSING ACTION
BY REASON OF SETTLEMENT

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

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

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

Dated this 13 day of Aug, 1984.

s/H. DALE COOK

UNITED STATES DISTRICT JUDGE

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

DEREK LEE WILSON,)
)
 Plaintiff,)
)
 vs.)
)
 FRANK THURMAN, Sheriff; et al.,)
)
 Defendants.)

No. 84-C-76-C

FILED

nm AUG 13 1984

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

ORDER

Now before the Court for its consideration is the motion of defendant to dismiss this action for failure to prosecute pursuant to Fed.R.Civ.P. 41(b). The defendant in its motion and brief in support thereof informs this Court that the plaintiff while being permitted to participate in physical exercise at the Tulsa Adult Detention Center escaped custody on July 23, 1984, and that as of July 27, 1984, the plaintiff had not been recaptured. As of the date of this Order, the Court has not been informed as to plaintiff's recapture, surrender, or whereabouts.

Accordingly, it is the Order of this Court that the action of the plaintiff is dismissed without prejudice.

It is so Ordered this 13 day of August, 1984.


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

2. that he was denied his Sixth Amendment right to counsel at an evidentiary hearing on his application for post-conviction relief in the Tulsa County District Court.

After reviewing the record herein, this Court concludes that petitioner has exhausted his state remedies by raising the identical issues before the Oklahoma Court of Criminal Appeals. The Court further concludes that no question of fact is at issue in this action that would require an evidentiary hearing. Based on the record herein the Court concludes that petitioner is entitled to no relief and that his petition for a writ of habeas corpus should be denied.

The facts, as gleaned from the state record, are as follows: on February 21, 1978, Mr. Bishop was sentenced to a term of five years imprisonment within the custody of the Oklahoma Department of Corrections upon conviction of larceny of merchandise from a retailer, after former conviction of a felony. On that same date petitioner's counsel, S. T. Coleman, Jr., filed a notice of intent to appeal. Petitioner remained free on an appeal bond. On June 22, 1978, petitioner's counsel filed an application to withdraw from the case and he was allowed to withdraw on July 5, 1978. Petitioner's appeal was never perfected. Petitioner remained free until, while being released from the Tulsa County-City Jail on an unrelated charge on January 13, 1983, he was taken into custody on the outstanding judgment and sentence involved here. Evidently, on August 29, 1978, a letter was sent to the Clerk of the Court of Criminal Appeals by the Clerk of the

Tulsa County District Court inquiring about the status of petitioner's appeal. On September 1, 1978, the Clerk of the Tulsa County District Court was informed there was no pending appeal. On that same date, petitioner's appeal bondsman was sent a notice that no appeal had been perfected and that he was required to surrender defendant to avoid forfeiture of his bond. The notice was returned unclaimed.

On July 28, 1983 petitioner filed an application for post-conviction relief pursuant to OKLA.STAT.ANN. tit.22, §1080 et seq. On September 8, 1983, an evidentiary hearing was held on petitioner's application before the Honorable Margaret Lamm, the state sentencing judge. Though Mr. Bishop did not formally testify at the hearing, he did indicate that he did not receive the application of his attorney to withdraw from his case or the order allowing the attorney to withdraw. Evidently, petitioner had no telephone in the summer of 1978 and he gave Mr. Coleman the telephone number where he worked. Mr. Coleman testified at the hearing. Mr. Coleman testified that after he filed a written notice of intent to appeal, he recalled making efforts to contact petitioner, but he was unable to do so. Mr. Coleman testified that his recollection was that prior to filing his application to withdraw he wrote petitioner a letter and sent it to petitioner's work address. He testified the letter was sent via regular mail. Mr. Coleman testified that he told petitioner to keep in touch with him after his sentencing. He testified that after he withdrew from the case he mailed a copy of his application and order to withdraw to petitioner's last known address. He further

testified that the first time he saw petitioner after the spring of 1978 was in January, 1983.

Based upon the testimony of Mr. Coleman and the state court record, the state district judge found that petitioner's direct appeal was not perfected due to petitioner's failure to communicate with his attorney. His post-conviction relief application was denied.

In this case petitioner alleges that it was error when the state district court judge failed to notify him that his attorney had withdrawn from his case before his appeal was perfected and that constitutional error occurred when he was not informed that his appeal was not perfected. He contends that he should be given credit toward his sentence for the nearly five years he spent on bond awaiting the outcome of his appeal. Petitioner further alleges that his Sixth Amendment right to counsel was violated by his not being afforded counsel at the evidentiary hearing of September 8, 1983. Petitioner did apply for appointment of counsel to represent him in the post-conviction proceeding on a form apparently provided by the Tulsa County District Court, contrary to the finding of the Oklahoma Court of Criminal Appeals. See Application For Post-Conviction Relief, Part E (State Court Record). However, petitioner never made an oral request for an attorney at the September 8, 1983 evidentiary hearing.

After the September 8, 1983 evidentiary hearing Judge Lamm found in her September 15, 1983, Order Denying Post-Conviction Relief that the reason no appeal was completed in petitioner's

case was due to petitioner's own failure to communicate with his attorney. Under Sumner v. Mata, 449 U.S. 539 (1981) a state court factual finding such as this is entitled to a presumption of correctness unless one of several specified conditions are found to exist. See 28 U.S.C. §2254(d). This Court concludes that none of the specified conditions contained in Section 2254(d) exist here and that the state court record indicates that the reason for petitioner's non-completion of appeal was, indeed, his own failure to communicate with Mr. Coleman. This is not a situation where it can be said that petitioner's failure to perfect an appeal was attributable to the State. Biggler v. Brewer, 384 F.Supp. 1 (D.C.Iowa 1974). (State failed to appoint appellate counsel to indigent defendant who made timely request for such until after time for appeal had expired.) On the record before this Court and as found by the state trial court petitioner's own inaction and his failure to communicate with his counsel was the cause of no appeal being perfected. In this situation petitioner is not entitled to any relief here. See Barnett v. Alford, 550 F.Supp. 719 (W.D.Okla. 1981); United States ex rel. Wells v. DeRobertis, 535 F.Supp. 1349 (N.D.Ill. 1982).

In regard to petitioner's second claim that he was denied his Sixth Amendment right to counsel in the evidentiary hearing of September 8, 1983, this Court concludes that the claim is without merit. This Court concludes that petitioner has no independent constitutional right to the appointment of counsel in a post-conviction proceeding. Noble v. Sigler, 351 F.2d 673 (8th Cir. 1965); Mitchell v. Wyrick, 727 F.2d 773 (8th Cir. 1974).

The Court further concludes that OKLA.STAT.ANN. tit.22, §1082 does not create such a right. No finding was made in petitioner's post-conviction proceeding by the state trial judge that counsel was necessary to provide a fair determination of a meritorious claim. Thus, petitioner was not entitled to the appointment of counsel under Section 1082.

It is therefore the Order of the Court that petitioner's request for a writ of habeas corpus is denied.

It is so Ordered this 10th day of August, 1984.


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

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

FILED FILE
AUG 13 1984 AUG 13

VALLEY NATIONAL BANK, a National)
Banking Association,)
)
Plaintiff,)
)
v.)
)
VALLEY NATIONAL FINANCIAL SERVICES)
COMPANY OF OKLAHOMA, INC.,)
)
Defendant.)

JACK C. SILVEI
CLERK
U.S. DISTRICT COURT

No. 84-C-450-E

Notice of
DISSMISSAL WITHOUT PREJUDICE

COMES NOW Valley National Bank, Plaintiff herein, and,
pursuant to Rule 41(a)(1)(i) and hereby dismisses without preju-
dice this action. No Answer, Motion for Summary Judgment, or
Counterclaim has been filed herein.

DOERNER, STUART, SAUNDERS,
DANIEL & ANDERSON

By: Richard P. Hix
Richard P. Hix
1000 Atlas Life Building
Tulsa, Oklahoma 74103
(918) 582-1211

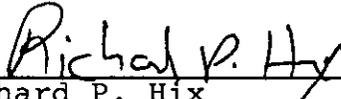
Attorneys for Plaintiff Valley
National Bank

CERTIFICATE OF MAILING

I do hereby certify that on the 13th day of August, 1984, I mailed, a true, correct and exact copy of the above and foregoing Dismissal Without Prejudice to:

John J. Griffin, Jr., Esquire
CROWE & DUNLEVY
1800 Mid-America Tower
20 North Broadway
Oklahoma City, Oklahoma 73102

with proper postage thereon fully prepaid.



Richard P. Hix

Entered

FILED

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

AUG 13 1984

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

MANHATTAN CONSTRUCTION)
COMPANY, an Oklahoma)
corporation,)
)
Plaintiff,)
)
vs.)
)
EASTERN INDEMNITY COMPANY)
OF MARYLAND, a Maryland)
corporation,)
)
Defendant.)

No. 84-C-261-E

✓

O R D E R

NOW on this 13th day of August, 1984 comes on for hearing Defendant's motion for change of venue and the Court, being fully advised in the premises finds the same should be granted.

The Court finds the motion is combined with brief and therefore was properly filed for consideration under Rule 14(a). The Court further finds that a review of the relevant factors set forth in Gulf Oil Corp. v. Gilbert, 330 U.S. 501, 67 S.Ct. 839 (1947) for the Court to consider in determining motions such as this weigh most strongly in favor of transfer.

IT IS THEREFORE ORDERED, ADJUDGED AND DECREED that this case be and is hereby transferred to the Southern District of Texas, Main Division.

JAMES O. ELLISON
UNITED STATES DISTRICT JUDGE

6

Entered

FILED

AUG 13 1984

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

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

IN RE:)
)
ENICO ENERGY COMPANY,)
ENICO OIL COMPANY, INC.,)
ENICO OPERATING CO., INC.,)
ENICO PIPELINE, INC. AND)
ENICO PRODUCTION COMPANY, INC.,)
)
Bankruptcy No.)
82-00868.)

Case No. 84-C-30-E ✓

O R D E R

There being no response to the motion to dismiss filed in the above-styled case and more than ten (10) days having passed since the filing of the same and no extension of time having been sought, the Court, pursuant to Local Rule 14(a), as amended effective March 1, 1981, concludes that objection has therefore been waived. See Woods Constr. Co. v. Atlas Chemical Indus., Inc., 337 F.2d 888, 890 (10th Cir. 1964).

The motion to dismiss filed by Trustee Fred Woodson, W. W. Walton and Beatrice Walton is therefore granted.

DATED this 13th day of August, 1984.

James O. Ellison

JAMES O. ELLISON
UNITED STATES DISTRICT JUDGE

Estill

FILED

AUG 10 1984

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

U.S. DISTRICT COURT
NORTHERN DISTRICT OF OKLAHOMA

THRIFTY RENT-A-CAR SYSTEM,)
INC., an Oklahoma)
corporation,)

Plaintiff,)

vs.)

ESTATE OF PAUL W. DRUMMET,)
and ROBERT P. KELLEY,)
Executor of the Estate of)
Paul W. Drummet,)

Defendants.)

No. 84-C-434 E

Notice
STIPULATION OF DISMISSAL

Pursuant to Fed. R. Civ. P. 41(a)(1), Plaintiff Thrifty Rent-A-Car System, Inc., hereby dismisses this action without prejudice to the refiling thereof.

Respectfully submitted,

HALL, ESTILL, HARDWICK, GABLE,
COLLINGSWORTH & NELSON, INC.

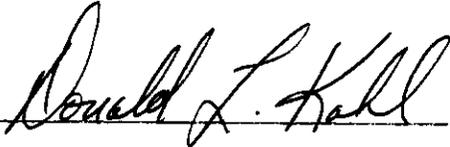
By *Donald L. Kahl*
Kent L. Jones
Donald L. Kahl

4100 Bank of Oklahoma Tower
One Williams Center
Tulsa, Oklahoma 74172
(918) 588-2700

ATTORNEYS FOR PLAINTIFF
THRIFTY RENT-A-CAR SYSTEM, INC.

CERTIFICATE OF MAILING

I hereby certify that a true and correct copy of the above and foregoing Stipulation of Dismissal, on the 10th day of August, 1984, been mailed to Robert P. Kelley, at 2312 Tidwell Road, Houston, Texas, 77016, to Charles J. Maddox, Jr., at Maddox, Perrin & Kirkendall, 4646 Texas Commerce Tower, Houston, Texas, 77002, and to Roger Beck, at Fizer, Beck & Webster, 1177 West Loop South, Suite 1120, Houston, Texas, 77027, with proper postage having been fully prepaid thereon.



Entered

UNITED STATES DISTRICT COURT FOR THE
NORTHERN DISTRICT OF OKLAHOMA

FILED

AUG -9 1984

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

UNITED STATES OF AMERICA,)
)
 Plaintiff,)
)
 vs.)
)
 JIMMIE POWELL, a/k/a)
 JIMMIE POWELL McCORMICK,)
 a/k/a JIMMIE McCORMICK,)
)
 Defendant.)

CIVIL ACTION NO. 81-C-666-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 9th day of August, 1984.

UNITED STATES OF AMERICA

LAYN R. PHILLIPS
United States Attorney

for Nancy Nesbitt Blewins

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 August,
1984, a true and correct copy of the foregoing was mailed,
postage prepaid thereon, to: Jimmie Powell McCormick, 3925 South
Norfolk, Apartment #6, Tulsa, Oklahoma 74105.

Nancy Nesbitt Blewins
Assistant United States Attorney

Entered

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

FILED

KAREN COLLINS CAPERTON,)
)
 Plaintiff,)
)
 vs.)
)
 DOW CHEMICAL COMPANY, a)
 Foreign corporation,)
)
 Defendant.)

AUG - 9 1984

No. 84-C-185-B

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

ORDER

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

DATED this 8th day of August, 1984.

S/ THOMAS R. BRETT

UNITED STATES DISTRICT JUDGE

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

AUG - 9 1984

SATELLITE PROGRAM NETWORK,)
an Oklahoma corporation,)
)
Plaintiff,)
)
vs.)
)
Number 1 TV, Inc.,)
a Florida corporation,)
)
Defendant.)

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

No. 84-C-184-E

DEFAULT JUDGMENT

COMES NOW the Plaintiff, Satellite Program Network ("SPN"), while the Defendant, Number 1 TV, Inc., comes not, in reference to Plaintiff's Motion for Default filed in this Court on August 1984. The Court, having considered the motion, sustains the Plaintiff's Motion for Default in the amount of One Million Five Hundred Thousand Dollars (\$1,500,000.00) plus interest at the statutory rate, based upon the ground that the Defendant's Answer to Plaintiff's Original Complaint has not been filed within the requisite twenty (20) days.

S/ JAMES O. ELLISON

HON. JAMES O. ELLISON,
Judge of the U. S. District Court

Teddy O. McWhirt
320 Southwest Graham
Pryor, OK 74361

Sharon K. McWhirt
320 Southwest Graham
Pryor, OK 74361

William Leiter, Esq.
Unruh & Leiter
320 South Boston, Suite 525
Tulsa, Oklahoma 74103

County Treasurer
Mayes County Courthouse
Pryor, OK 74361

Board of County Commissioners
Mayes County Courthouse
Pryor, OK 74361


Assistant United States Attorney

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

FILED

AUG -8 1984

GLORIA YVETTE ROBINSON,)
)
Plaintiff,)
)
vs.)
)
RECTOR PROPERTIES COMPANY,)
)
Defendant.)

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

No. 84-C-189-C

D I S M I S S A L

COMES NOW the Plaintiff, GLORIA YVETTE ROBINSON, by
and through her attorney GEORGINA B. LANDMAN, and dismisses
the above-captioned case without prejudice.

Georgina B. Landman

GEORGINA B. LANDMAN
Attorney for Plaintiff
1921 South Boston
Tulsa, Oklahoma 74119
(918) 585-2351

CERTIFICATE OF MAILING

I, GEORGINA B. LANDMAN, hereby certify that on the
8 day of August 1984, I mailed a true and correct copy of the
above and foregoing DISMISSAL to: Paul Rector, Rector Properties,
9820 East 21st Street, Tulsa, Oklahoma 74145 and Gloria Yvette
Robinson, 2537 East 88th Street, #620, Tulsa, Oklahoma 74137, with
sufficient postage thereon fully prepaid.

Georgina B. Landman

GEORGINA B. LANDMAN
Attorney for Plaintiff

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

FILED

09-8-1984 *pm*

L & B ENTERPRISES, INC.,
Plaintiff,

vs.

KENNETH KENYON, d/b/a KENYON
& SONS CONSTRUCTION, et al.,
Defendants.

No. 83-C-523-C

CLERK OF COURT

O R D E R

Now before the Court for its consideration is the motion of the United States of America to lift stay and to dismiss without prejudice the present action in its entirety. Plaintiff L & B Enterprises, Inc., and defendants Ricky D. and Lana K. Wilkerson have responded to this motion and object to the action being dismissed in its entirety. After carefully reviewing the record herein, the Court concludes that this action is subject to the entering of an administrative closing order at this time. The Court does agree with defendant United States of America that the stay entered on December 20, 1983, has been rendered moot by virtue of this Court's Orders of April 27, 1984 and May 16, 1984.

By virtue of this Court's Order of September 20, 1983, which dismissed plaintiff's action against defendants Ricky D. and Lana K. Wilkerson and Rule 6(f) of the Local Rules of this Court, the Wilkersons had ten days from September 20, 1983 to supply the Court with relevant material concerning the amount of attorney fees they were entitled to recover against the plaintiff. They failed to do so and this Court concludes the Wilkersons waived

any claim they may have had to said attorney fees. Thus, the only pending claim in this action is plaintiff's claim against defendant, Kenneth Kenyon, d/b/a Kenyon & Sons Construction.

Accordingly, it is the Order of this Court that the stay entered on December 20, 1983 has been rendered moot as the United States of America no longer has a pending claim in this action against defendants Ricky D. and Lana K. Wilkerson.

In that defendant Kenneth Kenyon, d/b/a Kenyon & Sons Construction has filed its 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 plaintiff or defendant Kenyon to reopen the proceedings on their involved claim 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 sixty (60) days of a final adjudication of the bankruptcy proceedings, the plaintiff or defendant Kenyon have not reopened for the purpose of obtaining a final determination herein, plaintiff's action against defendant Kenneth Kenyon, d/b/a Kenyon & Sons Construction, shall be deemed dismissed with prejudice.

It is so Ordered this 8th day of August, 1984.


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

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

FILED

1984

RALPH ANDERSON

Plaintiff(s),

vs.

No. 83-C-522-C

THOMAS & BETTS CORPORATION

Defendant(s).

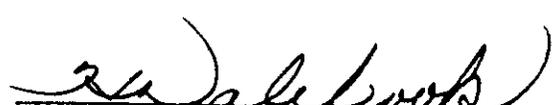
JUDGMENT DISMISSING ACTION
BY REASON OF SETTLEMENT

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

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

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

Dated this 8 day of AUGUST, 19 84.


UNITED STATES DISTRICT JUDGE

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

In re

JAMES E. BRUCE and	)	Case No. 83-00143
JUANITA BRUCE,	)	(Chapter 11)
)	
Debtors,	)	U. S. District Court
	)	Case No. 84-C-663-C

ORDER DISMISSING APPEAL

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.

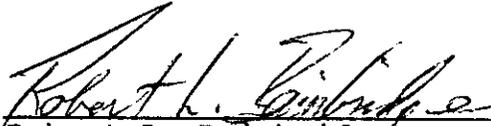
s/H. DALE COOK

U. S. DISTRICT JUDGE

APPROVED:



Dominic Sokolosky
BAKER, HOSTER, McSPADDEN,
CLARK & RASURE
13th Floor, One Boston Plaza
Tulsa, Oklahoma 74103
(918) 592-5555
Attorneys for
Northeastern Production
Credit Association



Robert L. Bainbridge
CRAWFORD, CROWE & BAINBRIDGE
1714 First National Building
Tulsa, Oklahoma 74103
(918) 587-1128
Attorney for Debtors
James E. Bruce and Juanita Bruce

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

FILED

AUG -3 1984 *jm*

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

THRIFTY RENT-A-CAR SYSTEM,
INC.,

Plaintiff,

vs.

KIRPAL SINGH SAINI and
SAINI & CO., INC.,

Defendants.

No. 82-C-1059-C ✓

J U D G M E N T

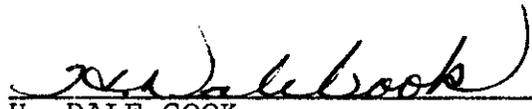
This action came on before the Court upon the motion of plaintiff, Thrifty Rent-A-Car System, Inc. for default judgment and said motion having been duly granted,

It is Ordered, Adjudged and Declared

1. that plaintiff recover of the defendants Kirpal Singh Saini and Saini & Co., Inc. the sum of \$26,060.65;
2. that plaintiff recover of defendant Kirpal Singh Saini the sum of \$114,904.51;
3. that a certain License Agreement dated May 12, 1982 between Thrifty Rent-A-Car System, Inc., as "Licensor", and Kirpal Singh Saini, as "Licensee" is terminated and no longer in effect;
4. that a certain Lease Agreement dated May 20, 1982 between Thrifty Rent-A-Car System, Inc., as "Lessor", and Kirpal Saini, as "Lessee" is terminated and no longer in effect;

5. that the sums set forth in paragraphs 1 and 2 above shall bear interest at the rate of 11.93 percent as provided by law from the date of this Judgment until paid; and
6. that the plaintiff recover its costs of action from defendants Kirpal Singh Saini and Saini & Co., Inc.

It is so Ordered this 8th day of August, 1984.



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

FILED

83-8-154

CLERK OF DISTRICT COURT

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

ALLSTATE INSURANCE COMPANY,)
)
 Plaintiff,)
)
 vs.)
)
 STEVEN PETE MOUSSOURAS, and)
 JEANNE LLEWELLYN,)
)
 Defendants.)

No. 83-C-929-C

J U D G M E N T

This action came on for trial before the Court and the issues having been duly tried and a decision having been duly rendered,

IT IS ORDERED, ADJUDGED AND DECLARED that the plaintiff Allstate Insurance Company is under a duty to undertake the defense for Stephen Moussouras in case No. CT 83-506 currently pending in the District Court in and for Tulsa County, State of Oklahoma, and that said plaintiff is required to provide insurance coverage under policy of insurance No. 010 895 143, up to the policy limits, for any recovery defendant Jeanne Llewellyn may recover against defendant Stephen Moussouras in CT 83-506, by virtue of an automobile accident of June 1, 1983 between said defendants; that defendant Jeanne Llewellyn take nothing by

virtue of her counterclaim against plaintiff, Allstate Insurance Company.

It is so Ordered, Adjudged and Declared this 8th day of August, 1984.


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

Entered
FILED

UNITED STATES DISTRICT COURT FOR THE *AUG 8 1984*
NORTHERN DISTRICT OF OKLAHOMA

UNITED STATES OF AMERICA,)
)
 Plaintiff,)
)
 vs.)
)
 TIMOTHY N. CROOM,)
)
 Defendant.)

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

CIVIL ACTION NO. 84-C-511-E

DEFAULT JUDGMENT

This matter comes on for consideration this *7th* day of *August*, 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, Timothy N. Croom, appearing not.

The Court being fully advised and having examined the file herein finds that Defendant, Timothy N. Croom, acknowledged receipt of Summons and Complaint on June 20, 1984. The time within which the Defendant could have answered or otherwise moved as to the Complaint has expired and has not been extended. The Defendant has not answered or otherwise moved, and default has been entered by the Clerk of this Court. Plaintiff is entitled to Judgment as a matter of law.

IT IS THEREFORE ORDERED, ADJUDGED, AND DECREED that the Plaintiff have and recover judgment against the Defendant, Timothy N. Croom, in the amount of \$464.00, plus interest at the rate of 12.25 percent per annum and administrative costs of \$.61 per month from November 22, 1983, and \$.68 per month from January 1, 1984, until judgment, plus interest thereafter at the current

legal rate of 11.93 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

AUG -8 1984

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

UNITED STATES OF AMERICA,)	
)	
Plaintiff,)	
)	
vs.)	
)	
KENNETH W. MEREDITH,)	
)	
Defendant.	)	CIVIL ACTION NO. 84-C-164-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 with prejudice.

Dated this 8th day of August, 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

This is to certify that on the 8th day of August, 1984, a true and correct copy of the foregoing was mailed, postage prepaid thereon, to: Kenneth W. Meredith, 3122 South 70th East Avenue, Tulsa, Oklahoma 74145.

Nancy Nesbitt Blevins
Assistant United States Attorney

FILED

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

AUG - 7 1984

ROBERT E. COTNER,)
)
 Petitioner,)
)
 v.)
)
 MACK ALFORD, Warden, Lexington)
 Treatment Center, et al.,)
)
 Respondents.)

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

No. 82-C-723-E

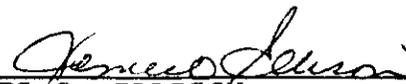
ORDER

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

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

Therefore, the Petition for Writ of Habeas Corpus is denied and judgment is entered for Respondents.

It is so Ordered this 7th day of August, 1984.



JAMES O. ELLISON
UNITED STATES DISTRICT JUDGE

FILED

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

AUG - 7 1984

ROBERT MORRISON,)
an individual,)
)
Plaintiff,)
)
vs.)
)
MERRILL LYNCH, PIERCE,)
FENNER & SMITH, INC.,)
a corporation, and)
ROBERT McCORMICK, an)
individual,)
)
Defendants.)

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

No. 84-C-226-E

ORDER OF DISMISSAL

UPON the Combined Application of Defendants herein for an Order, pursuant to Rule 41(b), Fed. R. Civ. P., dismissing the Complaint and Plaintiff's claims for relief for Plaintiff's failure to comply with the Court's Order of June 4, 1984, and for good cause shown, said Combined Application is hereby granted.

IT IS THEREFORE ORDERED, ADJUDGED, AND DECREED that the Complaint and Plaintiff's claims for relief against Defendants, and each of them, are hereby dismissed.

Dated this 7th day of August, 1984.

s/ JAMES O. ELLISON

JAMES O. ELLISON
UNITED STATES DISTRICT JUDGE

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

SUNBELT BANK AND TRUST COMPANY,)
)
 Plaintiff,)
)
 vs.)
)
 W. L. ASHER,)
)
 Defendant.)

Case No. 84-C-520-E

Notice of DISMISSAL WITH PREJUDICE

The plaintiff, Sunbelt Bank and Trust Company, hereby dismisses this action with prejudice, with the understanding that each side shall bear its own costs and attorneys' fees.


Terry M. Thomas
Janet L. Spaulding
NORMAN, WOHLGEMUTH & THOMPSON
909 Kennedy Building
Tulsa, Oklahoma 74103
(918) 583-7571

Attorneys for the Plaintiff,
Sunbelt Bank and Trust Company

CERTIFICATE OF MAILING

I hereby certify that on the 7th day of August, 1984, I mailed true and correct copies of the above and foregoing Stipulation of Dismissal to:

Gary R. McSpadden, Esq.
G. Lawrence Fox, Esq.
Baker, Hoster, McSpadden,
Clark & Rasure
13th Floor, One Boston Plaza
Tulsa, Oklahoma 74103

Timothy J. Sullivan, Esq.
540 Kensington Towers
Tulsa, Oklahoma 74136

by depositing said copies in the U.S. mail, postage prepaid
thereon.

Janel L. Gaudin

AUG 27 1984

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

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

LEONARD SPRINGER,)	
)	
Plaintiff,)	
)	
vs.	)	No. 84-C-60-E
)	
S. STACK, Case Manager,)	
)	
Defendant.)	

ORDER

There being no response to the Defendant's Motion to Dismiss and more than ten (10) days having passed since the filing of the same and no extension of time having been sought by Plaintiff the Court, pursuant to Local Rule 14(a), as amended effective March 1, 1981, concludes that Plaintiff Leonard Springer has therefore waived any objection or opposition to the Defendant's motion. See Woods Constr. Co. v. Atlas Chemical Indus., Inc., 337 F.2d 888, 890 (10th Cir. 1964).

The Defendant S. Stack's Motion to Dismiss is therefore granted.

DATED this 27th day of August, 1984.



 JAMES O. ELLISON
 UNITED STATES DISTRICT JUDGE

FILED

IN THE UNITED STATES DISTRICT COURT **AUG - 7 1984**
FOR THE NORTHERN DISTRICT OF OKLAHOMA

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

FEDERAL DEPOSIT INSURANCE)
CORPORATION,)
)
Appellant,)
)
vs.)
)
JAMES C. HARDY and REPUBLIC)
BANK & TRUST COMPANY,)
)
Appellees.)

Case No. 83-C-10674E
Bankruptcy No. 83-00093
Adversary No. 83-00043

ORDER
OF DISMISSAL

NOW on this 7th day of August, 1984 there came
on for hearing before the ^{JUDGE}~~Clerk~~ of the Court, the Joint
Application of the Federal Deposit Insurance Corporation,
Appellant, and the Appellees, James C. Hardy and Republic
Bank & Trust Company for dismissal of this appeal. The
^{COURT}~~Clerk~~ finds that Bankruptcy Rule 8001(c) (2) has been complied
with. Accordingly, the ^{COURT}~~Clerk~~ finds that this appeal should be,
and it is hereby dismissed.

S/ JAMES O. ELLISON

Clerk of the District Court

APPROVED AS TO FORM:

Theodore Q. Eliot
Theodore Q. Eliot
GABLE & GOTWALS, INC.
20th Floor, Fourth National Bank
Tulsa, Oklahoma 74119
Attorneys for Federal Deposit
Insurance Corporation

James C. Pinkerton
James C. Pinkerton
PINKERTON & PINKERTON
1722 South Boston
Tulsa, Oklahoma 74119
Attorney for James C. Hardy

Terry M. Thomas
909 Kennedy Building
Tulsa, Oklahoma 74103
Attorney for Republic Bank &
Trust Company

FILED

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

AUG - 7 1984

PATRICK ABBOTT and RANDALL)
 VAUGHN,)
)
 Plaintiffs,)
)
 vs.)
)
 JOE E. SHARP, ERIC BAUSCH,)
 CHARLES KVINTA, RICARDO CORDON,)
 DAVID McBEE, RONALD RIDGERS,)
 and TERRY MULLOY, d/b/a)
 SHARP, BAUSCH & CO., Certified)
 Public Accountants, a General)
 Partnership, and JOE E. SHARP,)
 an individual,)
)
 Defendants.)

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

No. 84-C-3-E

FINAL JUDGMENT

Pursuant to the Stipulation for Consent Decree presented to the Court by the plaintiffs and defendants, the parties having entered into a settlement agreement, and the Court being fully advised in the premises,

IT IS ORDERED, ADJUDGED AND DECREED that Article VI Section 8 of the partnership agreement as referred to in the Complaint is reasonable in scope and time, does not restrain trade or commerce in violation of the Sherman Act or of other federal or state laws, and is valid and enforceable in accordance with its terms.

Dated this 7th day of August, 1984.


UNITED STATES DISTRICT JUDGE

UNITED STATES DISTRICT COURT FOR THE
NORTHERN DISTRICT OF OKLAHOMA

FILED

AUG - 7 1984

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

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

CIVIL ACTION NO. 84-C-130-E

DEFAULT JUDGMENT

This matter comes on for consideration this 7th day of August, 1984, the Plaintiff appearing by Layn R. Phillips, United States Attorney for the Northern District of Oklahoma, through Peter Bernhardt, Assistant United States Attorney, and the Defendant, Larry J. Moore, appearing not.

The Court being fully advised and having examined the file herein finds that Defendant, Larry J. Moore, was served with Alias Summons and Complaint on June 18, 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, Larry J. Moore, in the amount of \$421.80, plus interest at the rate of 15.05 percent per annum and administrative costs of \$.61 per month from August 11, 1983, until judgment, plus interest

thereafter at the current legal rate of 11.93 percent from
the date of judgment until paid, plus the costs of this action.

[Handwritten signature]

UNITED STATES DISTRICT JUDGE

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

HAROLD K. & HELEN L. THOMPSON

Plaintiff(s),

vs.

FIBREBOARD CORP., et al

Defendant(s).

No. 82-C-836-C ✓

FILED

AUG 7 1984

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

ADMINISTRATIVE CLOSING ORDER

The Defendant/ having filed its petition in bankruptcy and these
Johns-Manville Sales Corp.
proceedings being stayed thereby, it is hereby ordered that the Clerk
administratively terminate this action in his records, without preju-
dice 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 60 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 7th day of August, 1984.


UNITED STATES DISTRICT JUDGE

FILED

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

AUG - 7 1984

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

ROBERT B. RATLIFF,)
)
 Plaintiff,)
)
 v.)
)
 MARGARET M. HECKLER, Secretary)
 of Health and Human Services of)
 the United States of America,)

No. 83-C-286-E ✓

O R D E R

The Court has for consideration the Findings and Recommendations of the Magistrate filed on July 18, 1984, in which it is recommended that Plaintiff's Application to Remand be denied, that the Court find the Plaintiff not entitled to disability benefits under the Social Security Act and that Judgment be entered for the Defendant. No exceptions or objections have been filed and the time for filing such exceptions or objections has expired.

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

It is hereby Ordered that Plaintiff's Application to Remand is denied. It is further ordered that Plaintiff is not entitled to disability benefits under the Social Security Act and that Judgment be entered for the Defendant.

Dated this 7th day of August, 1984.

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

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

R. H. OIL COMPANY,

Plaintiff,

vs.

MERCANTILE NATIONAL BANK AT
DALLAS, and MERCANTILE TEXAS
CREDIT CORPORATION,

Defendants.

No. 84-C-599-C

FILED

AUG 7 1984

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

O R D E R

Now before the Court for its consideration is the motion of defendants Mercantile National Bank at Dallas and Mercantile Texas Credit Corporation to dismiss, filed on July 16, 1984. The Court has no record of a response to this motion from plaintiff, R. H. Oil Company. Rule 14(a) of the local Rules of the United States District Court for the Northern District of Oklahoma provides as follows:

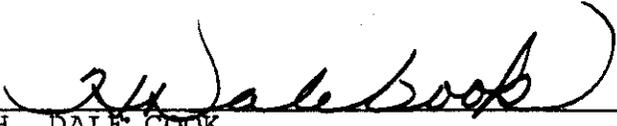
(a) Briefs. Each motion, application and objection filed shall set out the specific point or points upon which the motion is brought and shall be accompanied by a concise brief. Memoranda in opposition to such motion and objection shall be filed within ten (10) days after the filing of the motion or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

Therefore, since no response has been received to date

herein, in accordance with Rule 14(a), the failure to comply constitutes a confession of the motion to dismiss.

Accordingly, it is the Order of the Court that the motion of defendants to dismiss should be and hereby is granted and this action is dismissed in all respects.

It is so Ordered this 7 day of August, 1984.


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

UNITED STATES DISTRICT COURT FOR THE
NORTHERN DISTRICT OF OKLAHOMA

FILED

UNITED STATES OF AMERICA,)
)
 Plaintiff,)
)
 vs.)
)
 CYNTHIA L. STALVEY,)
)
 Defendant.)

AUG - 7 1984

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

CIVIL ACTION NO. 84-C-473-C

DEFAULT JUDGMENT

This matter comes on for consideration this 7 day of August, 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, Cynthia L. Stalvey, appearing not.

The Court being fully advised and having examined the file herein finds that Defendant, Cynthia L. Stalvey, was served with Summons and Complaint on July 5, 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, Cynthia L. Stalvey, in the amount of \$618.43, 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 11.93 percent from the date of judgment
until paid, plus the costs of this action.

s/H. DALE COOK

UNITED STATES DISTRICT JUDGE

UNITED STATES DISTRICT COURT FOR THE
NORTHERN DISTRICT OF OKLAHOMA

UNITED STATES OF AMERICA,)
)
 Plaintiff,)
)
 vs.)
)
 DENNIS R. McKEE and Sharon S.)
 McKEE, husband and wife;)
 MIAMI READY MIX, INC.;)
 RICHARDSON PROPANE CO.;)
 COUNTY TREASURER and BOARD OF)
 COUNTY COMMISSIONERS, Nowata)
 County, Oklahoma,)
)
 Defendants.)

FILED

AUG - 7 1984

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

CIVIL ACTION NO. 83-C-691-C

JUDGMENT OF FORECLOSURE

THIS MATTER COMES on for consideration this 7th day
of August, 1984. The Plaintiff appears by Layn R.
Phillips, United States Attorney for the Northern District of
Oklahoma, through Peter Bernhardt, Assistant United States
Attorney; the Defendants, County Treasturer, Nowata County,
Oklahoma, and Board of County Commissioners, Nowata County,
Oklahoma, appear not; and the Defendants, Dennis R. McKee,
Sharon S. McKee, Miami Ready Mix, Inc., and Richardson Propane
Co., appear not, but make default.

The Court being fully advised and having examined the
file herein finds that Defendant, County Treasurer, Nowata
County, Oklahoma, acknowledged receipt of Summons and Complaint
on August 16, 1983; that the Defendant, Board of County
Commissioners, Nowata County, Oklahoma, was served with Alias
Summons and Complaint on September 28, 1983; that the Defendant,

Dennis R. McKee, was served with Alias Summons and Complaint on November 17, 1983; that the Defendant, Sharon S. McKee, was served with Alias Summons and Complaint on November 17, 1983; that the Defendant, Miami Ready Mix, Inc., acknowledged receipt of Summons and Complaint on August 15, 1983; and that the Defendant, Richardson Propane Co., acknowledged receipt of Summons and Complaint on August 19, 1983.

It appears that the Defendants, Dennis R. McKee and Sharon S. McKee, have failed to answer and their default has been entered by the Clerk of this Court on December 14, 1983; that the Defendants, Miami Ready Mix, Inc., and Richardson Propane Co., have failed to answer and their default has been entered by the Clerk of this Court on September 20, 1983; and that the Defendants, County Treasurer and Board of County Commissioners, Nowata County, Oklahoma, have failed to answer and their default has been entered by Clerk of this Court on November 9, 1983. In addition, the Defendant, County Treasurer, Nowata County, Oklahoma, has filed its Disclaimer on January 9, 1984, disclaiming all right, title and interest in the property being foreclosed.

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:

A one acre tract in the SW corner of Section 17, Township 26 North, Range 16 East, specifically described as follows: Beginning at the SW corner of Section 17, thence North

220 feet, thence East 198 feet, thence South
220 feet, thence West 198 feet to the point
of beginning.

The Court finds that on April 15, 1977, Victor L. Savala and Deborah A. Savala executed and delivered to the United States of America, acting through the Farmers Home Administration their Promissory Note in the amount of \$13,870.00, payable in monthly installments, with interest thereon at the rate of eight (8) percent per annum.

The Court finds that as security for the payment of the above described note, Victor L. Savala and Deborah A. Savala, executed and delivered to the United States of America, acting through the Farmers Home Administration, a Real Estate Mortgage dated April 15, 1977, covering the above described property. This mortgage was recorded in Book 488, Page 453, in the records of Nowata County, Oklahoma.

The Court further finds that on July 2, 1979, Dennis R. McKee and Sharon S. McKee, executed and delivered to the United States of America, acting through the Farmers Home Administration, their assumption agreement thereby assuming the note and mortgage referred to above. The assumption agreement was in the unpaid principal balance of \$13,523.75.

The Court further finds that as security for the note and assumption agreement described above, Dennis R. McKee and Sharon S. McKee, executed and delivered to the United States of America, acting through the Farmers Home Administration, a supplemental real estate mortgage dated July 2, 1979, covering the above described property. The supplemental mortgage was

recorded on July 5, 1979, in Book 506, Page 222, in the records of Nowata County, Oklahoma.

The Court further finds that Defendants, Dennis R. McKee and Sharon S. McKee, made default under the terms of the aforesaid promissory note, assumption agreement and supplemental mortgage by reason of their failure to make monthly installments due thereon, which default has continued and that by reason thereof the above named Defendants are indebted to the Plaintiff in the sum of \$13,514.11, plus accrued interest of \$2,621.08, as of June 2, 1983, plus interest thereafter at the rate of eight (8) percent per annum or \$2.9620 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 there are currently no ad valorem or personal property taxes due relating to the property which is the subject matter of this action, and that there exist no liens on the subject property in favor of the Defendants, County Treasurer and Board of County Commissioners, Nowata County, Oklahoma.

IT IS THEREFORE ORDERED, ADJUDGED, AND DECREED that the Plaintiff have and recover judgment against Defendants, Dennis R. McKee and Sharon S. McKee, in the principal amount of \$13,514.11, plus accrued interest of \$2,621.08 as of June 2, 1983, plus interest thereafter at the rate of eight (8) percent per annum, or \$2.9620 per day, until judgment, plus interest thereafter at the current legal rate of 11.93 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, Dennis R. McKee and Sharon S. McKee, to satisfy the money judgment of the Plaintiff herein, an Order of Sale shall be issued to the United States Marshal for the Northern District of Oklahoma, commanding him to advertise and sell with appraisalment the real property involved herein and apply the proceeds of the sale as follows:

First:

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

Second:

In payment of the 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.

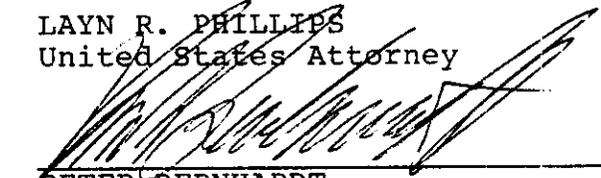
IT IS FURTHER ORDERED, ADJUDGED, AND DECREED that from and after the sale of the above described real property, under and by virtue of this judgment and decree, all of the Defendants and all persons claiming under them since the filing of the Complaint, be and they are forever barred and foreclosed of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

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


UNITED STATES DISTRICT JUDGE

APPROVED:

LAYN R. PHILLIPS
United States Attorney


PETER BERNHARDT
Assistant United States Attorney

Entered

UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF OKLAHOMA

FILED
AUG -6 1984
FEDERAL CLERK

BUCK JONES,

Plaintiff,

-vs-

Case No. 83-C-845-B

THE ATCHISON, TOPEKA &
SANTA FE RAILWAY COMPANY,
et al,

Defendants.

_____ /

ORDER OF DISMISSAL

This matter comes before the Court on a Stipulation for Dismissal signed by counsel for all parties. Having read and approved that Stipulation:

IT IS THEREFORE ORDERED that the above-entitled action be dismissed in its entirety, with prejudice and without costs to any party.

ENTERED this 3rd day of August, 1984.

S/ THOMAS R. BRETT

THOMAS R. BRETT
UNITED STATES DISTRICT JUDGE

ATTORNEYS AND COUNSELORS AT LAW
707 NORTHLAND TOWERS EAST
SOUTHFIELD, MI 48075-5382
TELEPHONE (313) 424-9296

FILED

AUG -6 1984

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

NELSON A. HUERTA and)
YNES M. HUERTA,)
)
 Plaintiffs,)
)
 vs.)
)
)
 INA UNDERWRITERS IN-)
 SURANCE COMPANY, a)
 corporation,)
)
 Defendant.)

NO. 83-C-827-C

JUDGMENT ON DECISION BY THE COURT

The Plaintiffs' Application for Attorney's Fee and for Interest came on for hearing before the Court, Honorable Robert S. Rizley, United States Magistrate, presiding, and the issues having been duly heard and a decision having been rendered,

It is Ordered and Adjudged that the Plaintiffs, Nelson A. Huerta and Ynes M. Huerta, recover from the Defendant, INA Underwriters Insurance Company, a corporation, an attorney's fee in the amount of \$7,885.83 and prejudgment interest in the amount of \$1,207.50, with interest thereon as provided by law.

Dated at Tulsa, Oklahoma, this 6th day of August, 1984.


ROBERT S. RIZLEY,
United States Magistrate

28

ENTERED this 6th day of August, 1984.

A handwritten signature in cursive script, reading "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.)

EDWARD W. JACKSON,)

Defendant.)

CIVIL ACTION NO. 84-C-538-E

RECEIVED
AUG - 8 1984
U.S. DISTRICT COURT
NORTHERN DISTRICT OF OKLAHOMA
TULSA

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 6th day of August, 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

This is to certify that on the 6th day of August, 1984, a true and correct copy of the foregoing was mailed, postage prepaid thereon, to: Edward W. Jackson, 19 West 50th Place, North, Tulsa, Oklahoma 74126.

Nancy Nesbitt Blevins
Assistant United States Attorney

Entered

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

FILED

THE AETNA CASUALTY & SURETY)
COMPANY, a foreign)
corporation,)
)
Plaintiff,)
)
vs.)
)
MELVIE N. NUNLEY and)
JULIA JONES,)
)
Defendants.)

AUG - 3 1984
Jack C. Silver, Clerk
U.S. DISTRICT COURT

No. 84-C-307-E ✓

JUDGMENT

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

IT IS ORDERED AND ADJUDGED that the Plaintiff The Aetna Casualty & Surety Company recover judgment of the Defendants Melvie N. Nunley and Julia Jones, that the contract of insurance be declared unenforceable as against Plaintiff and that Plaintiff be awarded its costs of action.

DATED at Tulsa, Oklahoma this 3rd day of August, 1984.

James O. Ellison

JAMES O. ELLISON
UNITED STATES DISTRICT JUDGE

Entered
FILED
AUG 3 1984

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

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

In the Matter of the)
Application for the)
Appointment of Guardian) Case No. 84-C-616-E ✓
ad Litem for Lamont)
Colford Scott, a minor.)

ORDER AND JOURNAL ENTRY

The Application for Appointment of Guardian ad Litem, pursuant to Federal Rule F.R.C.P. 17(c), and the Application for Approval of Contingent Fee Contract come on for hearing.

THE COURT FINDS:

1. That Lamont Colford Scott is a minor and that Bobbi Scott is his legal guardian by virtue of an Illinois Guardianship Order.
2. That Lamont Colford Scott and Bobbi Scott are residents of the City of Chicago, Cook County, State of Illinois.
3. That Lamont Colford Scott intends to prosecute a claim for relief for personal injuries allegedly sustained by him on July 4, 1984, against Universal Recreation, Ltd., d/b/a "Big Splash."
4. That Bobbi Scott has no interest adverse to the rights of Lamont Colford Scott, is not connected in business with the proposed adverse party, and is fully competent and responsible to prosecute said personal injury action on behalf of Lamont Colford Scott.



5. That Bobbi Scott entered into the attorney/client contingent fee contract on behalf of Lamont Colford Scott annexed hereto as Exhibit "A", for the prosecution of the aforementioned action.

6. That the approval of a contingency fee arrangement would not be proper at this time and is not provided for by 12 O.S. 1981 § 226, 83 and 84.

IT IS THEREFORE ORDERED AND ADJUDGED that Bobbi Scott is hereby appointed as the Guardian ad Litem for Lamont Colford Scott's prosecution of his claim for relief arising out of the personal injuries he allegedly sustained at Big Splash on July 4, 1984.

IT IS FURTHER ORDERED that the Court reserves ruling upon the appropriateness of attorney fees until a later date.

8/3/84



JAMES O. ELLISON
UNITED STATES DISTRICT JUDGE

ABEL & ASSOCIATES

ABEL & ASSOCIATES

Suite 220 • Parkland Plaza Building • 2121 South Columbia •
P.O. Box 52758 • Tulsa, Oklahoma 74152 • (918) 747-2675

July 5, 1984

Mrs. Bobbi Scott
10019 Van Vlissingen
Chicago, Illinois 60617

Re: Lamont C. Scott, by and through his next friend and grand-
mother, Bobbi J. Scott v. Big Splash

Dear Mrs. Scott:

May we express to you our gratitude for your decision to retain us to represent you in your action against Big Splash.

We will represent you on the following contingent fee basis:

<u>Stage of Proceeding</u>	<u>Percentage of Recovery</u>	
	<u>Scott</u>	<u>Abel&Busch</u>
Case settled before trial	60%	40%
Case tried in Court	55%	45%
Case appealed	50%	50%

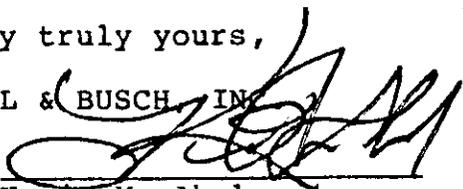
You will receive a monthly statement with the understanding that you will pay all expenses on a monthly basis, as they are incurred. This provision relates only to expenses, i.e. filing fees, deposition costs, xerox expenses, etc. Our fee, based upon the foregoing percentage, will only be paid at the end of your lawsuit.

If the terms outlined above are agreeable to you, please sign the Acceptance below and return the original to us.

Once again, thank you for deciding to let us handle this case for you.

Very truly yours,

ABEL & BUSCH, INC.

By: 

Kevin M. Abel

KMA/tw

A C C E P T A N C E

I have read the terms of the foregoing contract and fully agree thereto.

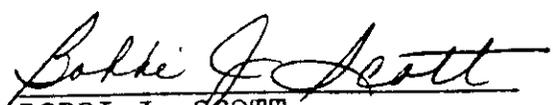

BOBBI J. SCOTT

Exhibit "A"

Entered

FILED

IN THE UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF OKLAHOMA **AUG 13 1984**

ALLSTATE INSURANCE COMPANY,
a foreign insurance
corporation,

Plaintiff,

vs.

HERBERT TIM ABRAHAM and
JAMES E. RYBURN, JR.,

Defendants.

No. 83-C-154-E

John C. ...

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 Defendants Herbert Tim Abraham and James E. Ryburn, Jr. recover judgment of the Plaintiff Allstate Insurance Company, that the contract of insurance be declared in full force and effect as against Plaintiff Allstate Insurance Co. and that Defendants Herbert Tim Abraham and James E. Ryburn, Jr. be awarded costs of action.

DATED at Tulsa, Oklahoma this 3rd day of August, 1984.

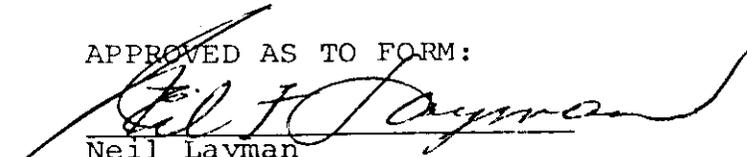
James O. Ellison

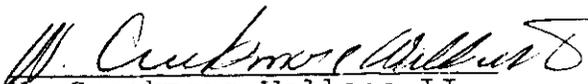
JAMES O. ELLISON
UNITED STATES DISTRICT JUDGE

25

6

APPROVED AS TO FORM:


Neil Layman


W. Creekmore Wallace II

Entered

FILED

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

AUG 1 1984

BELGER CARTAGE SERVICE, INC.,)
 a domesticated corporation,)
)
 Plaintiff,)
)
 vs.)
)
 PETRO-CHEM DEVELOPMENT, a)
 Division of AMERICAN PETRO-CHEM)
 CO., INC., a foreign corporation,)
)
 Defendant.)

Jack C. Silver, Clerk

No. 84-C-469-E

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 the Plaintiff.

S/ JAMES O. ELLISON

UNITED STATES DISTRICT JUDGE

CERTIFICATE OF MAILING

I, JACK C. SILVER, Clerk of the United States District Court, 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. James R. Elder of Malloy & Malloy, Attorneys for Plaintiff, 1924 S.Utica, Suite 820, Tulsa, Oklahoma 74104 and to Mr. Michael R. Babbitt, Senior Corporate Attorney, Midland Ross Corporation, 20600 Chagrin Boulevard, Cleveland, Ohio 44122.

JACK C. SILVER, CLERK

By: _____
DEPUTY

Entered

FILED

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

AUG 7 1984

Edw. C. [unclear]
U.S. DISTRICT COURT

COUNTY FEDERAL SAVINGS AND)
LOAN ASSOCIATION OF WESTPORT)
CONNECTICUT,)
)
Plaintiff,)
)
vs.)
)
NICHOLAS T. O'NEILL,)
)
Defendant.)

No. 83-C-923-E ✓

ORDER OF DEFAULT JUDGMENT

This cause coming on for hearing by the Court upon the Motion of Plaintiff for Default Judgment; the plaintiff being represented by Theodore Q. Eliot of the law firm of Gable & Gotwals, Inc. and the defendant appearing not, but being in default, the Court, fully advised in the premises, finds:

1. That the Court has subject matter jurisdiction over the matter there being requisite diversity of the parties and there being controversy over an amount, excluding interest and costs, in excess of \$10,000.00, and that venue is proper under 28 U.S.C. §1391.
2. That the Court has personal jurisdiction over the defendant, Nicholas T. O'Neill, and that defendant was properly served with process herein pursuant to 12 Okla. Stat. §170.6 (1981) et seq.
3. That the defendant executed and delivered to plaintiff a \$150,000 promissory note (hereinafter the "note"), a copy of which is attached to plaintiff's Amended Complaint, and pursuant

to which the defendant agreed to pay \$150,000 to the plaintiff in accordance with the terms of the note.

4. That the defendant Nicholas T. O'Neill has defaulted upon his obligations under the note in that he has failed to make timely payments thereunder and that the entire principal balance owing thereunder of \$127,512.40, together with prejudgment interest through June 6, 1984 of \$23,081.79 is now past due and owing to plaintiff by defendant. Plaintiff should recover a reasonable attorney's fee of \$831.25, and the costs of this action.

5. The plaintiff is entitled to interest on its judgment as provided in 28 U.S.C. § 1961 until said judgment is paid.

IT IS THEREFORE ORDERED, ADJUDGED AND DECREED by the Court that plaintiff be, and it is hereby, awarded judgment against the defendant, Nicholas T. O'Neill in the principal sum of \$127,512.40, together with pre-judgment interest of \$23,081.79, post-judgment interest pursuant to 28 U.S.C. § 1961 at the rate of 12.17% and costs of this action to be determined upon proper application for all of which let execution issue.



JAMES O. ELLISON
UNITED STATES DISTRICT JUDGE

Entered

FILED

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

AUG 9 1984

Jack C. Silver, Clerk
U.S. District Court

ROBERT J. FILGAS, JR., and)
LISA A. FILGAS, as Guardians)
of the person and estate of)
L. VERNON LUKENBILL, JR.,)

Plaintiffs,)

vs.)

Case No. 83-C-94-E

REPUBLIC FINANCIAL CORPORA-)
TION, an Oklahoma corporation,)

Defendant,)

RALPH OTIS DOUGLAS and)
HUBERT PORTER, co-guardians)
of the person and estate of)
BESSIE ANNA CRAIG,)

Defendants on)
Counterclaim.)

O R D E R

The Court has for its consideration the Joint Application for Order Disbursing Funds and for Order of Dismissal. The Court finds that all parties hereto have joined in the Application and that the Application should be granted. It is therefore,

ORDERED by the Court that Jack C. Silver, United States District Court Clerk, is hereby directed to disburse the sum of \$35,014.19 to Robert J. Filgas, Jr., and/or Lisa A. Filgas, as guardians of the person and estate of L. Vernon Lukenbill, Jr. It is further

ORDERED by the Court that the above-entitled cause is hereby dismissed with prejudice.

DATED this 2nd day of Aug., 1984.

S/ JAMES O. ELLISON

JAMES O. ELLISON
UNITED STATES DISTRICT JUDGE

4. That the Court finds, based upon Affidavits on file in the action, a reasonable attorney fee for Plaintiff is \$ 2500⁰⁰.

IT IS ORDERED AND ADJUDGED BY THE COURT, that Plaintiff, Gearhart Industries, Inc. recover of Defendant, Sam Rosengarten, judgment in the sum of \$81,000.00 plus accumulated interest through 1-12-82 in the sum of \$18,391.50 plus interest at the rate of 19% per annum from January 13, 1982, and with interest on the judgment at the rate of ^{12.17} ~~18~~% per annum from the 2 day of Aug., 1984 until said judgment is satisfied, in accordance with Title 12, Oklahoma Statutes, Section 727(1) and all costs expended in the action.

IT IS FURTHER ORDERED AND ADJUDGED BY THE COURT, that Plaintiff, Gearhart Industries, Inc., recover of Defendant, Sam Rosengarten judgment for reasonable attorney fees in accordance with Title 12, Oklahoma Statutes, Section 936, determined by the Court to be the sum of \$ 2500⁰⁰.

(Signed) H. Dale Cook

UNITED STATES DISTRICT JUDGE

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

FILED

AUG -2 1984

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

MARGARET L. BUNCH,)
)
Plaintiff,)
)
vs.) Case No. 83-C-413-C
)
TRW CINCH CONNECTORS, a)
Division of TRW, Inc.,)
)
Defendants.)

ORDER APPROVING STIPULATION
FOR DISMISSAL WITH PREJUDICE

On this 2 day of August, 1984, this matter comes on for consideration by the Court of the Stipulation for Dismissal with Prejudice in the above-entitled action, with each party bearing its own costs; and the Court, having reviewed said Stipulation and being fully advised, finds same should be approved and the same is hereby dismissed with prejudice.

s/H. DALE COOK

H. DALE COOK
UNITED STATES DISTRICT JUDGE

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

FILED

NOV -2 1984

CLERK
U.S. DISTRICT COURT

THE BFGOODRICH COMPANY, a)
New York corporation,)
)
Plaintiff,)
)
vs.)
)
MANLEY TRUCK LINES, INC., a)
Missouri corporation, HAYES)
MOTOR FREIGHT, INC., an Oklahoma)
corporation, L & L MOTOR)
FREIGHT, INC., and VALMONT)
EQUIPMENT CO., an Oklahoma)
corporation,)
)
Defendants.)

No. 82-C-1211-C

ORDER OF JUDGMENT

In accordance with the Stipulation For Entry of Judgment entered into by the parties and filed herein, judgment is hereby entered in favor of the Plaintiff, The BFGoodrich Company, against the Defendant Manley Truck Lines, Inc., in the amount of Forty-One Thousand and 00/100 Dollars (\$41,000.00).

Furthermore, judgment is entered in favor of Defendant Manley Truck Lines, Inc. over and against Defendant, L&L Motor Freight, Inc. in the amount of Forty-One Thousand and 00/100 Dollars (\$41,000.00) and in favor of Manley Truck Lines, Inc. and L&L Motor Freight, Inc. against Defendant Hayes Motor Freight, Inc. in the amount of Forty-One Thousand and 00/100 Dollars (\$41,000.00).

Judgment is furthermore entered in favor of Defendant

Valmont Equipment Co.

Each party shall bear its own costs incurred in this action.

IT IS SO ORDERED this 2 day of Aug, 1984.

s/H. DALE COOK

United States District Judge

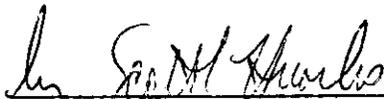
APPROVED AS TO FORM AND CONTENT:

ROBINSON, BOESE, DAVIDSON & SUBLETT



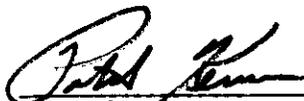
William C. Connor
P. O. Box 1046
Tulsa, Oklahoma 74101
(918) 583-1232
ATTORNEYS FOR PLAINTIFF,
BFGOODRICH COMPANY

WILBURN, KNOWLES & KING



Ray H. Wilburn,
Scott T. Knowles
2504-B E. 71st Street
Tulsa, Oklahoma 74136
(918) 494-0414
ATTORNEYS FOR DEFENDANT,
MANLEY TRUCK LINES, INC.

KERNAN & KERNAN



Patrick H. Kernan
Suite 180 Brittany Square
2840 E. 51st Street
Tulsa, Oklahoma 74105
ATTORNEY FOR DEFENDANT,
L & L MOTOR FREIGHT, INC.

Carol L. Swenson

Carol L. Swenson

Suite 1770

One Williams Center

Tulsa, Oklahoma 74102

ATTORNEY FOR DEFENDANT

VALMONT EQUIPMENT

Entered

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

FILED

AUG 1 1984

SHIRLEY LEROY,)
)
 Plaintiff,)
)
 -vs-)
)
 MCDONNELL DOUGLAS - TULSA,)
 INC., A Component of)
 McDonnell Douglas Corporation,)
 A Maryland Corporation,)
)
 and)
)
 INTERNATIONAL UNION UNITED)
 AUTOMOBILE AEROSPACE AND)
 AGRICULTURAL IMPLEMENT WORKERS)
 OF AMERICA, INC., Local 1093,)
)
 Defendants.)

*Index to
this file*

CASE NO. 84-C-440-E

ORDER

This matter comes on before the Court on the Motion of Plaintiff, Shirley Leroy, to Dismiss based on her confession of Defendants', McDonnell Douglas and International Union United, motion to dismiss only on the basis that Plaintiff's claim is barred by the applicable statute of limitations as defined by the recently decided case, EEOC v. Gaddis, No. 82-1959 (10th cir. May 2, 1984) and finds that Plaintiff's motion should be granted.

IT IS THEREFORE ORDERED ADJUDGED AND DECREED that Plaintiff's action against McDonnell Douglass and International Union United is hereby dismissed, without prejudice.

Dated this 1st day of August, 1984.

S/ JAMES O. ELLISON

JUDGE OF THE U.S. DISTRICT COURT

Entered

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

FILED

AUG 3 1984

DENNIS W. TIMMERMAN, BRUCE)
TIMMERMAN, WILLIAM TIMMERMAN,)
DONNA LYNN TIMMERMAN and)
BRIAN TIMMERMAN,)

Plaintiffs,)

-vs-

No. 83-C-836-E

RALPH TIMMERMAN and)
MAX WIGGINS, Co-Trustees)
of the Rose Timmerman)
Trust for the Children of)
Ralph Timmerman,)

Defendants.)

J U D G M E N T

It appearing to the Court by the Settlement Agreement and Stipulation for Judgment entered into between the parties to this action that the parties have resolved all issues herein and that judgment should be entered in accordance with such agreement and stipulation.

Each of the Plaintiffs herein is granted judgment against the Defendant for \$32,000.00 for a total judgment of \$160,000.00, which shall bear interest at the rate of 12.17% per cent per annum. Said judgment shall not be dischargeable in bankruptcy and shall be secured by liens upon the following described real property belonging to Defendant.

1. Block 6, Lot 6, Manalopan Township, New Jersey;

2. The Georgia farm and timberlands located in Lanier, Georgia, described as:

TRACT NO. A (Also known as Tract No. 2): All that tract or parcel of land situate, lying and being 139 acres, more or less, of Land Lots No. 501 and 468 in the 11th Land District of Lanier County, Georgia, bounded now or formerly as follows: North by lands of Noah Guest; Fender Estate, A. B. Bell and Lewis Sirmans Estate; East by Stockton-Mud Creek Public Road; South by lands of E. B. Harrell and Fender Estate; and West by lands of E. B. Harrell, and Louis Sirmans. LESS AND EXCEPT, a 1-1/2 acre tract previously deeded to Mrs. Albert Fender, same being recorded in Deed Book 22, Page 17 in the Office of the Clerk of Superior Court of Lanier County, Georgia; LESS AND EXCEPT, a Lot measuring 110 feet by 150 feet previously deeded to J. E. Branch, same being recorded in Deed Book 20, Page 267 in the Office of the Clerk of Superior Court of Lanier County, Georgia; LESS AND EXCEPT All that tract or parcel of land lying and being 6 acres, more or less, of Land Lot 501 in the 11th Land District of Lanier County, Georgia, beginning at the Southeast corner of the original Land Lot line and running North to a concrete corner post; thence West to the American Telephone and Telegraph Cable right of way; thence South to the original Land line and thence East back to the original starting point. Bounded now or formerly as follows: On the East by U.S. Highway 129; on the North by lands of J. W. Timmerman, on the West by the American Telephone and Telegraph Cable right of way; and on the South by the original Land Lot line; AND

TRACT NO. B (Also known as Tract No. 3): All that tract or parcel of land lying and being in Land Lot No. 500 of the 11th Land District of Lanier County, Georgia, and being 5 acres, more or less, described as follows: Commencing at the Northwest corner of land herein described as it corners with the East right of way of U. S. Highway 129 and the original Land Lot line and from said point of

beginning running thence in an Easterly direction along lands of J. W. Timmerman and the original Lot line to the West margin of the Old Stockton-Mud Creek Public Road; thence running in a Southerly direction along the West margin of said Public Road; thence running in a Westerly direction along a drainage ditch to a wire fence; thence continuing Westerly along said wire fence to the East margin of U. S. Highway 129; and thence Northerly along the East margin of U. S. Highway 129 to the point of beginning. Said tract of land bounded now or formerly as follows: North by the original Lot line and lands of J. W. Timmerman; East by the Old Stockton-Mud Creek Public Road; South by an agreed line with lands of Mrs. E. B. Harrell; and West by U. S. Highway No. 129.

3. Lots 45, 46, 47 and 48 located in Simpson's Trailer Village, a subdivision in Delaware County, State of Oklahoma, according to the recorded plat thereof.

Within 15 days of the date of this judgment a corporate trustee agreeable to the parties shall be appointed by the Plaintiffs Brian Timmerman and Donna Lynn Timmerman by irrevocable trust deed in accordance with the exhibit to the stipulation of the parties, which shall receive and manage for their use and benefit the net proceeds of the judgments of Brian Timmerman and Donna Lynn Timmerman and should the parties be unable to agree upon such trustee, upon application the Court will make such appointment.

Execution upon this judgment shall be stayed for 30 days and upon payment by the Defendant of an installment thereon of at least \$40,000.00 within such time, execution shall be further stayed for a period of 180 days. Plaintiffs shall execute and deliver within 15 days proper quitclaim deeds

reconveying the above-described property to Defendant as trustee; subject, however, to the lien of this judgment; failure to execute such conveyances within such time shall estop enforcement of this judgment for any such period of delay.

Dated this 1st day of Aug 1984.

S/ JAMES O. ELLISON

James O. Ellison
U. S. District Judge

RESPECTFULLY SUBMITTED:

THOMAS E. SALISBURY AND
RONALD H. MOOK

BY Thomas E. Salisbury
Attorney for Plaintiff
P. O. Box 519
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918-599-9155

CERTIFICATE OF SERVICE

I, Thomas E. Salisbury, Attorney for Thomas H. Hull, above named, hereby certify that on the 1st day of August, 1984, a true copy of this Notice of Dismissal was served:

✓
_____ By Mail, postage
prepaid to:

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