UNITED STATES DISTRICT COURT FOR THE
NORTHERN DISTRICT OF OKLAHOMA

FILED

NOV 30 1984

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

UNITED STATES OF AMERICA, Plaintiff, vs.	
JOHN W. ATTERBERRY, et al., Defendants,	Civil No. 82-C-896-B
ROBERT D. BENNETT, et al., Defendants,	Civil No. 82-C-897-B
ETHEL M. COLLUM, et al., Defendants,	Civil No. 82-C-898-B
L. LAUREE CARRIGER, et al., Defendants,	Civil No. 82-C-899-B
ALOYSIUS V. HILL, JR., et al., Defendants,	Civil No. 82-C-900-B
CONSTANCE BEAR, et al., Defendants,	Civil No. 82-C-901-B
FEDERAL LAND BANK OF WICHITA, et al., Defendants,	Civil No. 82-C-902-B
CONSTANCE BEAR, et al., Defendants,	Civil No. 82-C-903-B
FEDERAL LAND BANK OF WICHITA, et al., Defendants,	Civil No. 82-C-904-B
PEARL MAZE, et al., Defendants,	Civil No. 82-C-905-B
ISC FINANCIAL HOUSE, et al., Defendants,	Civil No. 82-C-906-B
WILLIAM H. BELL, Trustee for Judith Barnard Braymen and for James R. Barnard Children Trust, et al., Defendants,	Civil No. 82-C-907-B
FEDERAL LAND BANK OF WICHITA, et al., Defendants,	Civil No. 82-C-908-B

WILLIAM H. BELL, Trustee for Judith Barnard Braymen and for James R. Barnard Children Trust, et al., Defendants,	)	Civil No. 82-C-909-B
WILLIAM H. BELL, Trustee for Judith Barnard Braymen and for James R. Barnard Children Trust, et al., Defendants,	)	Civil No. 82-C-910-B
DALE CHRISTENSON, et al., Defendants,	)	Civil No. 82-C-911-B
HELEN LEE CHRISTENSON, et al., Defendants,	)	Civil No. 82-C-912-B
BANK OF OKLAHOMA, N.A., Co-Trustee of the Horace G. Barnard, Jr. Trust, et al., Defendants,	)	Civil No. 82-C-913-B
BANK OF OKLAHOMA, N.A., Co-Trustee of the Horace G. Barnard, Jr. Trust, et al., Defendants,	)	Civil No. 82-C-914-B
BANK OF OKLAHOMA, N.A., Co-Trustee of the Horace G. Barnard, Jr. Trust, et al., Defendants,	)	Civil No. 82-C-915-B
STUART MARSHALL, Executor of the Estate of Helen G. Stuart, et al., Defendants,	)	Civil No. 82-C-916-B
BANK OF OKLAHOMA, N.A., Co-Trustee of the Horace G. Barnard, Jr. Trust, et al., Defendants,	)	Civil No. 82-C-917-B
JAMES A. CHAPMAN and LETA M. CHAPMAN, Charitable Trust, et al., Defendants,	)	Civil No. 82-C-918-B
JAMES A. CHAPMAN and LETA M. CHAPMAN, Charitable Trust, et al., Defendants,	)	Civil No. 82-C-919-B
JAMES A. CHAPMAN and LETA M. CHAPMAN, Charitable Trust, et al., Defendants,	)	Civil No. 82-C-920-B

ADAMS ENERGY COMPANY, et al., Defendants,	Civil No. 82-C-921-B
OKLAHOMA LAND & CATTLE CO., et al., Defendants,	Civil No. 82-C-922-B
JAMES A. CHAPMAN and LETA M. CHAPMAN, Charitable Trust, et al., Defendants,	Civil No. 82-C-923-B
OKLAHOMA LAND & CATTLE CO., et al., Defendants,	Civil No. 82-C-924-B
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G. O. BARTGIS, et al., Defendants,	)	Civil No. 82-C-939-B
COOPERATIVE REFINERY ASSOCIATION, et al., Defendants,	)	Civil No. 82-C-940-B
COOPERATIVE REFINERY ASSOCIATION, et al., Defendants,	)	Civil No. 82-C-941-B
BURBANK PIPELINE, et al., Defendants,	)	Civil No. 82-C-942-B
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CHARLES OLSON, et al., Defendants,	)	Civil No. 82-C-945-B
EDDIE L. HARRIS, et al., Defendants,	)	Civil No. 82-C-946-B
MARGARET CONNER OLSON, et al., Defendants,	)	Civil No. 82-C-947-B
EDDIE L. HARRIS, et al., Defendants,	)	Civil No. 82-C-948-B
VEATRICE HARRIS, et al., Defendants,	)	Civil No. 82-C-949-B

JUDGMENT

1.

This matter comes on for disposition on the 30th day of November, 1984, and the Court being fully advised in this matter finds that:

2.

This judgment applies to each of the civil actions named in the caption of this document.

3.

The Court has jurisdiction of the parties hereto and of the subject matter of these actions.

4.

Each of the defendants made a party in each of the civil actions named above has been properly and legally served with summons, in person or by legal and valid service by publication, as required by law, and such service upon such defendants is hereby affirmed and approved.

5.

Based upon the ORDER of this Court, entered in each of the captioned actions on June 22, 1984, which ORDER is incorporated herein by reference as though fully recited herein, the Court now enters final judgment in subject actions, as follows:

A. It is ADJUDGED and DECREED that the land described in each and all of the Complaints filed in the subject civil actions has ceased to be used for railroad purposes, and fee simple title thereto (less and except all oil, gas, coal or other minerals) has reverted to, and vested in, the owners of the abutting land from which the described lands were taken. Therefore, the prayer of each of Plaintiff's Complaints that title to all of the land described in such Complaints be quieted in the United States of America, in trust for the use and benefit of the Osage Indians, and for other relief, hereby is DENIED.

B. It is further ADJUDGED and DECREED that each and every claim, counterclaim, and cross-claim presented in any or all of the captioned civil actions, by any defendant therein, by pleading, motion, brief, cral argument or any other means, hereby IS DISMISSED WITHOUT PREJUDICE.

C. It is further ORDERED that a copy of this judgment be filed in each of the captioned civil actions.

Entered this 30th day of November, 1984.

UNITED STATES DISTRICT JUDGE

APPROVED AS TO FORM:

Bradford S. Baker, Attorney for Tercero Corporation

William H. Bell and/or Mildred E. Otey, Attorneys for Chapman Barnard Interests

William K. Blanchard, per se

Leta Blanchard, per se

Gary W. Catron and/or Thomas D. Evans, Attorneys for Getty Pipeline Company

Bruce W. Gambill, Attorney for
Defendants in 8 cases

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Phyllis C. Gibbs

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WILLIAM H. BELL, Trustee for Judith Barnard Braymen and for James R. Barnard Children Trust, et al., Defendants,	)	Civil No. 82-C-910-B
DALE CHRISTENSON, et al., Defendants,	)	Civil No. 82-C-911-B
HELEN LEE CHRISTENSON, et al., Defendants,	)	Civil No. 82-C-912-B
BANK OF OKLAHOMA, N.A., Co-Trustee of the Horace G. Barnard, Jr. Trust, et al., Defendants,	)	Civil No. 82-C-913-B
BANK OF OKLAHOMA, N.A., Co-Trustee of the Horace G. Barnard, Jr. Trust, et al., Defendants,	)	Civil No. 82-C-914-B
BANK OF OKLAHOMA, N.A., Co-Trustee of the Horace G. Barnard, Jr. Trust, et al., Defendants,	)	Civil No. 82-C-915-B
STUART MARSHALL, Executor of the Estate of Helen G. Stuart, et al., Defendants,	)	Civil No. 82-C-916-B
BANK OF OKLAHOMA, N.A., Co-Trustee of the Horace G. Barnard, Jr. Trust, et al., Defendants,	)	Civil No. 82-C-917-B
JAMES A. CHAPMAN and LETA M. CHAPMAN, Charitable Trust, et al., Defendants,	)	Civil No. 82-C-918-B
JAMES A. CHAPMAN and LETA M. CHAPMAN, Charitable Trust, et al., Defendants,	)	Civil No. 82-C-919-B
JAMES A. CHAPMAN and LETA M. CHAPMAN, Charitable Trust, et al., Defendants,	)	Civil No. 82-C-920-B

ADAMS ENERGY COMPANY, et al., Defendants,	Civil No. 82-C-921-B
OKLAHOMA LAND & CATTLE CO., et al., Defendants,	Civil No. 82-C-922-B
JAMES A. CHAPMAN and LETA M. CHAPMAN, Charitable Trust, et al., Defendants,	Civil No. 82-C-923-B
OKLAHOMA LAND & CATTLE CO., et al., Defendants,	Civil No. 82-C-924-B
FEDERAL LAND BANK OF WICHITA, et al., Defendants,	Civil No. 82-C-925-B
DEE JAY BARTON, et al., Defendants,	Civil No. 82-C-927-B
JAY BARTON, et al., Defendants,	Civil No. 82-C-928-B
FEDERAL LAND BANK OF WICHITA, et al., Defendants,	Civil No. 82-C-929-B
JOE ALLEN PERRYMAN, et al., Defendants,	Civil No. 82-C-930-B
EQUITABLE LIFE ASSURANCE SOCIETY OF THE UNITED STATES, et al., Defendants,	Civil No. 82-C-931-B
JOE ALLEN PERRYMAN, et al., Defendants,	Civil No. 82-C-932-B
TERCERO CORPORATION, et al., Defendants,	Civil No. 82-C-933-B
TERCERO CORPORATION, et al., Defendants,	Civil No. 82-C-934-B
STEPHANIE ANN RAPP, et al., Defendants,	Civil No. 82-C-935-B
TERCERO CORPORATION, et al., Defendants,	Civil No. 82-C-936-B
PAULINE LYMAN, et al., Defendants,	Civil No. 82-C-937-B
JOE A. FULSOM, et al., Defendants,	Civil No. 82-C-938-B

G. O. BARTGIS, et al., Defendants,	)	Civil No. 82-C-939-B
COOPERATIVE REFINERY ASSOCIATION, et al., Defendants,	)	Civil No. 82-C-940-B
COOPERATIVE REFINERY ASSOCIATION, et al., Defendants,	)	Civil No. 82-C-941-B
BURBANK PIPELINE, et al., Defendants,	)	Civil No. 82-C-942-B
JOHN FRANCIS MURPHY, et al., Defendants,	)	Civil No. 82-C-943-B
DAVID HARRIS, et al., Defendants,	)	Civil No. 82-C-944-B
CHARLES OLSON, et al., Defendants,	)	Civil No. 82-C-945-B
EDDIE L. HARRIS, et al., Defendants,	)	Civil No. 82-C-946-B
MARGARET CONNER OLSON, et al., Defendants,	)	Civil No. 82-C-947-B
EDDIE L. HARRIS, et al., Defendants,	)	Civil No. 82-C-948-B
VEATRICE HARRIS, et al., Defendants,	)	Civil No. 82-C-949-B

JUDGMENT

1.

This matter comes on for disposition on the 30th day of November, 1984, and the Court being fully advised in this matter finds that:

2.

This judgment applies to each of the civil actions named in the caption of this document.

3.

The Court has jurisdiction of the parties hereto and of the subject matter of these actions.

4.

Each of the defendants made a party in each of the civil actions named above has been properly and legally served with summons, in person or by legal and valid service by publication, as required by law, and such service upon such defendants is hereby affirmed and approved.

5.

Based upon the ORDER of this Court, entered in each of the captioned actions on June 22, 1984, which ORDER is incorporated herein by reference as though fully recited herein, the Court now enters final judgment in subject actions, as follows:

A. It is ADJUDGED and DECREED that the land described in each and all of the Complaints filed in the subject civil actions has ceased to be used for railroad purposes, and fee simple title thereto (less and except all oil, gas, coal or other minerals) has reverted to, and vested in, the owners of the abutting land from which the described lands were taken. Therefore, the prayer of each of Plaintiff's Complaints that title to all of the land described in such Complaints be quieted in the United States of America, in trust for the use and benefit of the Osage Indians, and for other relief, hereby is DENIED.

B. It is further ADJUDGED and DECREED that each and every claim, counterclaim, and cross-claim presented in any or all of the captioned civil actions, by any defendant therein, by pleading, motion, brief, oral argument or any other means, hereby IS DISMISSED WITHOUT PREJUDICE.

C. It is further ORDERED that a copy of this judgment be filed in each of the captioned civil actions.

Entered this 30th day of November, 1984.

UNITED STATES DISTRICT JUDGE

APPROVED AS TO FORM:

Bradford S. Baker, Attorney for Tercero Corporation

William H. Bell and/or Mildred E. Otey, Attorneys for Chapman Barnard Interests

William K. Blanchard, per se

Leta Blanchard, per se

Gary W. Catron and/or Thomas D. Evans, Attorneys for Getty Pipeline Company

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William E. Hughes, Attorney for
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Robert P. Kelly, Attorney for
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Bow Pipe Line Company

Janet S. Tilley, per se

David L. Tilley, per se

W. Robert Wilson, Attorney for
Defendants in 11 cases

Hubert A. Marlow
Assistant United States Attorney

UNITED STATES DISTRICT COURT FOR THE
NORTHERN DISTRICT OF OKLAHOMA

FILED

NOV 30 1984

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

UNITED STATES OF AMERICA, Plaintiff, vs.	
JOHN W. ATTERBERRY, et al., Defendants,	Civil No. 82-C-896-B
ROBERT D. BENNETT, et al., Defendants,	Civil No. 82-C-897-B
ETHEL M. COLLUM, et al., Defendants,	Civil No. 82-C-898-B
L. LAUREE CARRIGER, et al., Defendants,	Civil No. 82-C-899-B
ALOYSIUS V. HILL, JR., et al., Defendants,	Civil No. 82-C-900-B
CONSTANCE BEAR, et al., Defendants,	Civil No. 82-C-901-B
FEDERAL LAND BANK OF WICHITA, et al., Defendants,	Civil No. 82-C-902-B
CONSTANCE BEAR, et al., Defendants,	Civil No. 82-C-903-B
FEDERAL LAND BANK OF WICHITA, et al., Defendants,	Civil No. 82-C-904-B
PEARL MAZE, et al., Defendants,	Civil No. 82-C-905-B
ISC FINANCIAL HOUSE, et al., Defendants,	Civil No. 82-C-906-B
WILLIAM H. BELL, Trustee for Judith Barnard Braymen and for James R. Barnard Children Trust, et al., Defendants,	Civil No. 82-C-907-B
FEDERAL LAND BANK OF WICHITA, et al., Defendants,	Civil No. 82-C-908-B

WILLIAM H. BELL, Trustee for Judith Barnard Braymen and for James R. Barnard Children Trust, et al., Defendants,	Civil No. 82-C-909-B
WILLIAM H. BELL, Trustee for Judith Barnard Braymen and for James R. Barnard Children Trust, et al., Defendants,	Civil No. 82-C-910-B
DALE CHRISTENSON, et al., Defendants,	Civil No. 82-C-911-B
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BANK OF OKLAHOMA, N.A., Co-Trustee of the Horace G. Barnard, Jr. Trust, et al., Defendants,	Civil No. 82-C-913-B
BANK OF OKLAHOMA, N.A., Co-Trustee of the Horace G. Barnard, Jr. Trust, et al., Defendants,	Civil No. 82-C-914-B
BANK OF OKLAHOMA, N.A., Co-Trustee of the Horace G. Barnard, Jr. Trust, et al., Defendants,	Civil No. 82-C-915-B
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JAMES A. CHAPMAN and LETA M. CHAPMAN, Charitable Trust, et al., Defendants,	Civil No. 82-C-918-B
JAMES A. CHAPMAN and LETA M. CHAPMAN, Charitable Trust, et al., Defendants,	Civil No. 82-C-919-B
JAMES A. CHAPMAN and LETA M. CHAPMAN, Charitable Trust, et al., Defendants,	Civil No. 82-C-920-B

ADAMS ENERGY COMPANY, et al., Defendants,	Civil No. 82-C-921-B
OKLAHOMA LAND & CATTLE CO., et al., Defendants,	Civil No. 82-C-922-B
JAMES A. CHAPMAN and LETA M. CHAPMAN, Charitable Trust, et al., Defendants,	Civil No. 82-C-923-B
OKLAHOMA LAND & CATTLE CO., et al., Defendants,	Civil No. 82-C-924-B
FEDERAL LAND BANK OF WICHITA, et al., Defendants,	Civil No. 82-C-925-B
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JAY BARTON, et al., Defendants,	Civil No. 82-C-928-B
FEDERAL LAND BANK OF WICHITA, et al., Defendants,	Civil No. 82-C-929-B
JOE ALLEN PERRYMAN, et al., Defendants,	Civil No. 82-C-930-B
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TERCERO CORPORATION, et al., Defendants,	Civil No. 82-C-933-B
TERCERO CORPORATION, et al., Defendants,	Civil No. 82-C-934-B
STEPHANIE ANN RAPP, et al., Defendants,	Civil No. 82-C-935-B
TERCERO CORPORATION, et al., Defendants,	Civil No. 82-C-936-B
PAULINE LYMAN, et al., Defendants,	Civil No. 82-C-937-B
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G. O. BARTGIS, et al., Defendants,	)	Civil No. 82-C-939-B
COOPERATIVE REFINERY ASSOCIATION, et al., Defendants,	)	Civil No. 82-C-940-B
COOPERATIVE REFINERY ASSOCIATION, et al., Defendants,	)	Civil No. 82-C-941-B
BURBANK PIPELINE, et al., Defendants,	)	Civil No, 82-C-942-B
JOHN FRANCIS MURPHY, et al., Defendants,	)	Civil No. 82-C-943-B
DAVID HARRIS, et al., Defendants,	)	Civil No. 82-C-944-B
CHARLES OLSON, et al., Defendants,	)	Civil No. 82-C-945-B
EDDIE L. HARRIS, et al., Defendants,	)	Civil No. 82-C-946-B
MARGARET CONNER OLSON, et al., Defendants,	)	Civil No. 82-C-947-B
EDDIE L. HARRIS, et al., Defendants,	)	Civil No. 82-C-948-B
VEATRICE HARRIS, et al., Defendants,	)	Civil No. 82-C-949-B

JUDGMENT

1.

This matter comes on for disposition on the 30th day of November, 1984, and the Court being fully advised in this matter finds that:

2.

This judgment applies to each of the civil actions named in the caption of this document.

3.

The Court has jurisdiction of the parties hereto and of the subject matter of these actions.

4.

Each of the defendants made a party in each of the civil actions named above has been properly and legally served with summons, in person or by legal and valid service by publication, as required by law, and such service upon such defendants is hereby affirmed and approved.

5.

Based upon the ORDER of this Court, entered in each of the captioned actions on June 22, 1984, which ORDER is incorporated herein by reference as though fully recited herein, the Court now enters final judgment in subject actions, as follows:

A. It is ADJUDGED and DECREED that the land described in each and all of the Complaints filed in the subject civil actions has ceased to be used for railroad purposes, and fee simple title thereto (less and except all oil, gas, coal or other minerals) has reverted to, and vested in, the owners of the abutting land from which the described lands were taken. Therefore, the prayer of each of Plaintiff's Complaints that title to all of the land described in such Complaints be quieted in the United States of America, in trust for the use and benefit of the Osage Indians, and for other relief, hereby is DENIED.

B. It is further ADJUDGED and DECREED that each and every claim, counterclaim, and cross-claim presented in any or all of the captioned civil actions, by any defendant therein, by pleading, motion, brief, oral argument or any other means, hereby IS DISMISSED WITHOUT PREJUDICE.

C. It is further ORDERED that a copy of this judgment be filed in each of the captioned civil actions.

Entered this 30th day of November, 1984.

UNITED STATES DISTRICT JUDGE

APPROVED AS TO FORM:

Bradford S. Baker, Attorney for Tercero Corporation

William H. Bell and/or Mildred E. Otey, Attorneys for Chapman Barnard Interests

William K. Blanchard, per se

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W. Robert Wilson, Attorney for
Defendants in 11 cases

Hubert A. Marlow
Assistant United States Attorney

UNITED STATES DISTRICT COURT FOR THE
NORTHERN DISTRICT OF OKLAHOMA

FILED

NOV 30 1984

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

UNITED STATES OF AMERICA, Plaintiff, vs.	
JOHN W. ATTERBERRY, et al., Defendants,	Civil No. 82-C-896-B
ROBERT D. BENNETT, et al., Defendants,	Civil No. 82-C-897-B
ETHEL M. COLLUM, et al., Defendants,	Civil No. 82-C-898-B
L. LAUREE CARRIGER, et al., Defendants,	Civil No. 82-C-899-B
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EDDIE L. HARRIS, et al., Defendants,	)	Civil No. 82-C-948-B
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JUDGMENT

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This matter comes on for disposition on the 30th day of November, 1984, and the Court being fully advised in this matter finds that:

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C. It is further ORDERED that a copy of this judgment be filed in each of the captioned civil actions.

Entered this 30th day of November, 1984.

UNITED STATES DISTRICT JUDGE

APPROVED AS TO FORM:

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Hubert A. Marlow
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UNITED STATES DISTRICT COURT FOR THE
NORTHERN DISTRICT OF OKLAHOMA

FILED

NOV 30 1984

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

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JAMES A. CHAPMAN and LETA M. CHAPMAN, Charitable Trust, et al., Defendants,	)	Civil No. 82-C-918-B
JAMES A. CHAPMAN and LETA M. CHAPMAN, Charitable Trust, et al., Defendants,	)	Civil No. 82-C-919-B
JAMES A. CHAPMAN and LETA M. CHAPMAN, Charitable Trust, et al., Defendants,	)	Civil No. 82-C-920-B

ADAMS ENERGY COMPANY, et al., Defendants,	Civil No. 82-C-921-B
OKLAHOMA LAND & CATTLE CO., et al., Defendants,	Civil No. 82-C-922-B
JAMES A. CHAPMAN and LETA M. CHAPMAN, Charitable Trust, et al., Defendants,	Civil No. 82-C-923-B
OKLAHOMA LAND & CATTLE CO., et al., Defendants,	Civil No. 82-C-924-B
FEDERAL LAND BANK OF WICHITA, et al., Defendants,	Civil No. 82-C-925-B
DEE JAY BARTON, et al., Defendants,	Civil No. 82-C-927-B
JAY BARTON, et al., Defendants,	Civil No. 82-C-928-B
FEDERAL LAND BANK OF WICHITA, et al., Defendants,	Civil No. 82-C-929-B
JOE ALLEN PERRYMAN, et al., Defendants,	Civil No. 82-C-930-B
EQUITABLE LIFE ASSURANCE SOCIETY OF THE UNITED STATES, et al., Defendants,	Civil No. 82-C-931-B
JOE ALLEN PERRYMAN, et al., Defendants,	Civil No. 82-C-932-B
TERCERO CORPORATION, et al., Defendants,	Civil No. 82-C-933-B
TERCERO CORPORATION, et al., Defendants,	Civil No. 82-C-934-B
STEPHANIE ANN RAPP, et al., Defendants,	Civil No. 82-C-935-B
TERCERO CORPORATION, et al., Defendants,	Civil No. 82-C-936-B
PAULINE LYMAN, et al., Defendants,	Civil No. 82-C-937-B
JOE A. FULSOM, et al., Defendants,	Civil No. 82-C-938-B

G. O. BARTGIS, et al., Defendants,	)	Civil No. 82-C-939-B
COOPERATIVE REFINERY ASSOCIATION, et al., Defendants,	)	Civil No. 82-C-940-B
COOPERATIVE REFINERY ASSOCIATION, et al., Defendants,	)	Civil No. 82-C-941-B
BURBANK PIPELINE, et al., Defendants,	)	Civil No. 82-C-942-B
JOHN FRANCIS MURPHY, et al., Defendants,	)	Civil No. 82-C-943-B
DAVID HARRIS, et al., Defendants,	)	Civil No. 82-C-944-B
CHARLES OLSON, et al., Defendants,	)	Civil No. 82-C-945-B
EDDIE L. HARRIS, et al., Defendants,	)	Civil No. 82-C-946-B
MARGARET CONNER OLSON, et al., Defendants,	)	Civil No. 82-C-947-B
EDDIE L. HARRIS, et al., Defendants,	)	Civil No. 82-C-948-B
VEATRICE HARRIS, et al., Defendants,	)	Civil No. 82-C-949-B

JUDGMENT

1.

This matter comes on for disposition on the 30th day of November, 1984, and the Court being fully advised in this matter finds that:

2.

This judgment applies to each of the civil actions named in the caption of this document.

3.

The Court has jurisdiction of the parties hereto and of the subject matter of these actions.

4.

Each of the defendants made a party in each of the civil actions named above has been properly and legally served with summons, in person or by legal and valid service by publication, as required by law, and such service upon such defendants is hereby affirmed and approved.

5.

Based upon the ORDER of this Court, entered in each of the captioned actions on June 22, 1984, which ORDER is incorporated herein by reference as though fully recited herein, the Court now enters final judgment in subject actions, as follows:

A. It is ADJUDGED and DECREED that the land described in each and all of the Complaints filed in the subject civil actions has ceased to be used for railroad purposes, and fee simple title thereto (less and except all oil, gas, coal or other minerals) has reverted to, and vested in, the owners of the abutting land from which the described lands were taken. Therefore, the prayer of each of Plaintiff's Complaints that title to all of the land described in such Complaints be quieted in the United States of America, in trust for the use and benefit of the Osage Indians, and for other relief, hereby is DENIED.

B. It is further ADJUDGED and DECREED that each and every claim, counterclaim, and cross-claim presented in any or all of the captioned civil actions, by any defendant therein, by pleading, motion, brief, oral argument or any other means, hereby IS DISMISSED WITHOUT PREJUDICE.

C. It is further ORDERED that a copy of this judgment be filed in each of the captioned civil actions.

Entered this 30th day of November, 1984.

UNITED STATES DISTRICT JUDGE

APPROVED AS TO FORM:

Bradford S. Baker, Attorney for Tercero Corporation

William H. Bell and/or Mildred E. Otey, Attorneys for Chapman Barnard Interests

William K. Blanchard, per se

Leta Blanchard, per se

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and Don E. Edwards

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Farmland Industries, Inc.

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Dee Jay Barton a/k/a Jay Barton

Robert P. Kelly, Attorney for
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Bow Pipe Line Company

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W. Robert Wilson, Attorney for
Defendants in 11 cases

Hubert A. Marlow
Assistant United States Attorney

UNITED STATES DISTRICT COURT FOR THE
NORTHERN DISTRICT OF OKLAHOMA

FILED

NOV 30 1984

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

UNITED STATES OF AMERICA, Plaintiff, vs. JOHN W. ATTERBERRY, et al., Defendants,	Civil No. 82-C-896-B
ROBERT D. BENNETT, et al., Defendants,	Civil No. 82-C-897-B
ETHEL M. COLLUM, et al., Defendants,	Civil No. 82-C-898-B
L. LAUREE CARRIGER, et al., Defendants,	Civil No. 82-C-899-B
ALOYSIUS V. HILL, JR., et al., Defendants,	Civil No. 82-C-900-B
CONSTANCE BEAR, et al., Defendants,	Civil No. 82-C-901-B
FEDERAL LAND BANK OF WICHITA, et al., Defendants,	Civil No. 82-C-902-B
CONSTANCE BEAR, et al., Defendants,	Civil No. 82-C-903-B
FEDERAL LAND BANK OF WICHITA, et al., Defendants,	Civil No. 82-C-904-B
PEARL MAZE, et al., Defendants,	Civil No. 82-C-905-B
ISC FINANCIAL HOUSE, et al., Defendants,	Civil No. 82-C-906-B
WILLIAM H. BELL, Trustee for Judith Barnard Braymen and for James R. Barnard Children Trust, et al., Defendants,	Civil No. 82-C-907-B
FEDERAL LAND BANK OF WICHITA, et al., Defendants,	Civil No. 82-C-908-B

WILLIAM H. BELL, Trustee for Judith Barnard Braymen and for James R. Barnard Children Trust, et al., Defendants,	Civil No. 82-C-909-B
WILLIAM H. BELL, Trustee for Judith Barnard Braymen and for James R. Barnard Children Trust, et al., Defendants,	Civil No. 82-C-910-B
DALE CHRISTENSON, et al., Defendants,	Civil No. 82-C-911-B
HELEN LEE CHRISTENSON, et al., Defendants,	Civil No. 82-C-912-B
BANK OF OKLAHOMA, N.A., Co-Trustee of the Horace G. Barnard, Jr. Trust, et al., Defendants,	Civil No. 82-C-913-B
BANK OF OKLAHOMA, N.A., Co-Trustee of the Horace G. Barnard, Jr. Trust, et al., Defendants,	Civil No. 82-C-914-B
BANK OF OKLAHOMA, N.A., Co-Trustee of the Horace G. Barnard, Jr. Trust, et al., Defendants,	Civil No. 82-C-915-B
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TERCERO CORPORATION, et al., Defendants,	Civil No. 82-C-934-B
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PAULINE LYMAN, et al., Defendants,	Civil No. 82-C-937-B
JOE A. FULSOM, et al., Defendants,	Civil No. 82-C-938-B

G. O. BARTGIS, et al., Defendants,	)	Civil No. 82-C-939-B
COOPERATIVE REFINERY ASSOCIATION, et al., Defendants,	)	Civil No. 82-C-940-B
COOPERATIVE REFINERY ASSOCIATION, et al., Defendants,	)	Civil No. 82-C-941-B
BURBANK PIPELINE, et al., Defendants,	)	Civil No. 82-C-942-B
JOHN FRANCIS MURPHY, et al., Defendants,	)	Civil No. 82-C-943-B
DAVID HARRIS, et al., Defendants,	)	Civil No. 82-C-944-B
CHARLES OLSON, et al., Defendants,	)	Civil No. 82-C-945-B
EDDIE L. HARRIS, et al., Defendants,	)	Civil No. 82-C-946-B
MARGARET CONNER OLSON, et al., Defendants,	)	Civil No. 82-C-947-B
EDDIE L. HARRIS, et al., Defendants,	)	Civil No. 82-C-948-B
VEATRICE HARRIS, et al., Defendants,	)	Civil No. 82-C-949-B

JUDGMENT

1.

This matter comes on for disposition on the 30th day of November, 1984, and the Court being fully advised in this matter finds that:

2.

This judgment applies to each of the civil actions named in the caption of this document.

3.

The Court has jurisdiction of the parties hereto and of the subject matter of these actions.

4.

Each of the defendants made a party in each of the civil actions named above has been properly and legally served with summons, in person or by legal and valid service by publication, as required by law, and such service upon such defendants is hereby affirmed and approved.

5.

Based upon the ORDER of this Court, entered in each of the captioned actions on June 22, 1984, which ORDER is incorporated herein by reference as though fully recited herein, the Court now enters final judgment in subject actions, as follows:

A. It is ADJUDGED and DECREED that the land described in each and all of the Complaints filed in the subject civil actions has ceased to be used for railroad purposes, and fee simple title thereto (less and except all oil, gas, coal or other minerals) has reverted to, and vested in, the owners of the abutting land from which the described lands were taken. Therefore, the prayer of each of Plaintiff's Complaints that title to all of the land described in such Complaints be quieted in the United States of America, in trust for the use and benefit of the Osage Indians, and for other relief, hereby is DENIED.

B. It is further ADJUDGED and DECREED that each and every claim, counterclaim, and cross-claim presented in any or all of the captioned civil actions, by any defendant therein, by pleading, motion, brief, oral argument or any other means, hereby IS DISMISSED WITHOUT PREJUDICE.

C. It is further ORDERED that a copy of this judgment be filed in each of the captioned civil actions.

Entered this 30th day of November, 1984.

UNITED STATES DISTRICT JUDGE

APPROVED AS TO FORM:

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and Joan L. Bennett, and Cora Mae
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Bow Pipe Line Company

Janet S. Tilley, per se

David L. Tilley, per se

W. Robert Wilson, Attorney for
Defendants in 11 cases

Hubert A. Marlow
Assistant United States Attorney

UNITED STATES DISTRICT COURT FOR THE
NORTHERN DISTRICT OF OKLAHOMA

FILED

NOV 30 1984

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

UNITED STATES OF AMERICA, Plaintiff, vs. JOHN W. ATTERBERRY, et al., Defendants,	Civil No. 82-C-896-B
ROBERT D. BENNETT, et al., Defendants,	Civil No. 82-C-897-B
ETHEL M. COLLUM, et al., Defendants,	Civil No. 82-C-898-B
L. LAUREE CARRIGER, et al., Defendants,	Civil No. 82-C-899-B
ALOYSIUS V. HILL, JR., et al., Defendants,	Civil No. 82-C-900-B
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VEATRICE HARRIS, et al., Defendants,	)	Civil No. 82-C-949-B

JUDGMENT

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This matter comes on for disposition on the 30th day of November, 1984, and the Court being fully advised in this matter finds that:

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Entered this 30th day of November, 1984.

UNITED STATES DISTRICT JUDGE

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UNITED STATES DISTRICT COURT FOR THE
NORTHERN DISTRICT OF OKLAHOMA

FILED

NOV 30 1984

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

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JOE ALLEN PERRYMAN, et al., Defendants,	)	Civil No. 82-C-932-B
TERCERO CORPORATION, et al., Defendants,	)	Civil No. 82-C-933-B
TERCERO CORPORATION, et al., Defendants,	)	Civil No. 82-C-934-B
STEPHANIE ANN RAPP, et al., Defendants,	)	Civil No. 82-C-935-B
TERCERO CORPORATION, et al., Defendants,	)	Civil No. 82-C-936-B
PAULINE LYMAN, et al., Defendants,	)	Civil No. 82-C-937-B
JOE A. FULSOM, et al., Defendants,	)	Civil No. 82-C-938-B

G. O. BARTGIS, et al., Defendants,	)	Civil No. 82-C-939-B
COOPERATIVE REFINERY ASSOCIATION, et al., Defendants,	)	Civil No. 82-C-940-B
COOPERATIVE REFINERY ASSOCIATION, et al., Defendants,	)	Civil No. 82-C-941-B
BURBANK PIPELINE, et al., Defendants,	)	Civil No. 82-C-942-B
JOHN FRANCIS MURPHY, et al., Defendants,	)	Civil No. 82-C-943-B
DAVID HARRIS, et al., Defendants,	)	Civil No. 82-C-944-B
CHARLES OLSON, et al., Defendants,	)	Civil No. 82-C-945-B
EDDIE L. HARRIS, et al., Defendants,	)	Civil No. 82-C-946-B
MARGARET CONNER OLSON, et al., Defendants,	)	Civil No. 82-C-947-B
EDDIE L. HARRIS, et al., Defendants,	)	Civil No. 82-C-948-B
VEATRICE HARRIS, et al., Defendants,	)	Civil No. 82-C-949-B

JUDGMENT

1.

This matter comes on for disposition on the 30th day of November, 1984, and the Court being fully advised in this matter finds that:

2.

This judgment applies to each of the civil actions named in the caption of this document.

3.

The Court has jurisdiction of the parties hereto and of the subject matter of these actions.

4.

Each of the defendants made a party in each of the civil actions named above has been properly and legally served with summons, in person or by legal and valid service by publication, as required by law, and such service upon such defendants is hereby affirmed and approved.

5.

Based upon the ORDER of this Court, entered in each of the captioned actions on June 22, 1984, which ORDER is incorporated herein by reference as though fully recited herein, the Court now enters final judgment in subject actions, as follows:

A. It is ADJUDGED and DECREED that the land described in each and all of the Complaints filed in the subject civil actions has ceased to be used for railroad purposes, and fee simple title thereto (less and except all oil, gas, coal or other minerals) has reverted to, and vested in, the owners of the abutting land from which the described lands were taken. Therefore, the prayer of each of Plaintiff's Complaints that title to all of the land described in such Complaints be quieted in the United States of America, in trust for the use and benefit of the Osage Indians, and for other relief, hereby is DENIED.

B. It is further ADJUDGED and DECREED that each and every claim, counterclaim, and cross-claim presented in any or all of the captioned civil actions, by any defendant therein, by pleading, motion, brief, oral argument or any other means, hereby IS DISMISSED WITHOUT PREJUDICE.

C. It is further ORDERED that a copy of this judgment be filed in each of the captioned civil actions.

Entered this 30th day of November, 1984.

UNITED STATES DISTRICT JUDGE

APPROVED AS TO FORM:

Bradford S. Baker, Attorney for Tercero Corporation

William H. Bell and/or Mildred E. Otey, Attorneys for Chapman Barnard Interests

William K. Blanchard, per se

Leta Blanchard, per se

Gary W. Catron and/or Thomas D. Evans, Attorneys for Getty Pipeline Company

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Bow Pipe Line Company

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W. Robert Wilson, Attorney for
Defendants in 11 cases

Hubert A. Marlow
Assistant United States Attorney

UNITED STATES DISTRICT COURT FOR THE
NORTHERN DISTRICT OF OKLAHOMA

FILED

NOV 30 1984

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

UNITED STATES OF AMERICA, Plaintiff, vs.	
JOHN W. ATTERBERRY, et al., Defendants,	Civil No. 82-C-896-B
ROBERT D. BENNETT, et al., Defendants,	Civil No. 82-C-897-B
ETHEL M. COLLUM, et al., Defendants,	Civil No. 82-C-898-B
L. LAUREE CARRIGER, et al., Defendants,	Civil No. 82-C-899-B
ALOYSIUS V. HILL, JR., et al., Defendants,	Civil No. 82-C-900-B
CONSTANCE BEAR, et al., Defendants,	Civil No. 82-C-901-B
FEDERAL LAND BANK OF WICHITA, et al., Defendants,	Civil No. 82-C-902-B
CONSTANCE BEAR, et al., Defendants,	Civil No. 82-C-903-B
FEDERAL LAND BANK OF WICHITA, et al., Defendants,	Civil No. 82-C-904-B
PEARL MAZE, et al., Defendants,	Civil No. 82-C-905-B
ISC FINANCIAL HOUSE, et al., Defendants,	Civil No. 82-C-906-B
WILLIAM H. BELL, Trustee for Judith Barnard Braymen and for James R. Barnard Children Trust, et al., Defendants,	Civil No. 82-C-907-B
FEDERAL LAND BANK OF WICHITA, et al., Defendants,	Civil No. 82-C-908-B

WILLIAM H. BELL, Trustee for Judith Barnard Braymen and for James R. Barnard Children Trust, et al., Defendants,	)	Civil No. 82-C-909-B
WILLIAM H. BELL, Trustee for Judith Barnard Braymen and for James R. Barnard Children Trust, et al., Defendants,	)	Civil No. 82-C-910-B
DALE CHRISTENSON, et al., Defendants,	)	Civil No. 82-C-911-B
HELEN LEE CHRISTENSON, et al., Defendants,	)	Civil No. 82-C-912-B
BANK OF OKLAHOMA, N.A., Co-Trustee of the Horace G. Barnard, Jr. Trust, et al., Defendants,	)	Civil No. 82-C-913-B
BANK OF OKLAHOMA, N.A., Co-Trustee of the Horace G. Barnard, Jr. Trust, et al., Defendants,	)	Civil No. 82-C-914-B
BANK OF OKLAHOMA, N.A., Co-Trustee of the Horace G. Barnard, Jr. Trust, et al., Defendants,	)	Civil No. 82-C-915-B
STUART MARSHALL, Executor of the Estate of Helen G. Stuart, et al., Defendants,	)	Civil No. 82-C-916-B
BANK OF OKLAHOMA, N.A., Co-Trustee of the Horace G. Barnard, Jr. Trust, et al., Defendants,	)	Civil No. 82-C-917-B
JAMES A. CHAPMAN and LETA M. CHAPMAN, Charitable Trust, et al., Defendants,	)	Civil No. 82-C-918-B
JAMES A. CHAPMAN and LETA M. CHAPMAN, Charitable Trust, et al., Defendants,	)	Civil No. 82-C-919-B
JAMES A. CHAPMAN and LETA M. CHAPMAN, Charitable Trust, et al., Defendants,	)	Civil No. 82-C-920-B

ADAMS ENERGY COMPANY, et al., Defendants,	Civil No. 82-C-921-B
OKLAHOMA LAND & CATTLE CO., et al., Defendants,	Civil No. 82-C-922-B
JAMES A. CHAPMAN and LETA M. CHAPMAN, Charitable Trust, et al., Defendants,	Civil No. 82-C-923-B
OKLAHOMA LAND & CATTLE CO., et al., Defendants,	Civil No. 82-C-924-B
FEDERAL LAND BANK OF WICHITA, et al., Defendants,	Civil No. 82-C-925-B
DEE JAY BARTON, et al., Defendants,	Civil No. 82-C-927-B
JAY BARTON, et al., Defendants,	Civil No. 82-C-928-B
FEDERAL LAND BANK OF WICHITA, et al., Defendants,	Civil No. 82-C-929-B
JOE ALLEN PERRYMAN, et al., Defendants,	Civil No. 82-C-930-B
EQUITABLE LIFE ASSURANCE SOCIETY OF THE UNITED STATES, et al., Defendants,	Civil No. 82-C-931-B
JOE ALLEN PERRYMAN, et al., Defendants,	Civil No. 82-C-932-B
TERCERO CORPORATION, et al., Defendants,	Civil No. 82-C-933-B
TERCERO CORPORATION, et al., Defendants,	Civil No. 82-C-934-B
STEPHANIE ANN RAPP, et al., Defendants,	Civil No. 82-C-935-B
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PAULINE LYMAN, et al., Defendants,	Civil No. 82-C-937-B
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COOPERATIVE REFINERY ASSOCIATION, et al., Defendants,	)	Civil No. 82-C-940-B
COOPERATIVE REFINERY ASSOCIATION, et al., Defendants,	)	Civil No. 82-C-941-B
BURBANK PIPELINE, et al., Defendants,	)	Civil No. 82-C-942-B
JOHN FRANCIS MURPHY, et al., Defendants,	)	Civil No. 82-C-943-B
DAVID HARRIS, et al., Defendants,	)	Civil No. 82-C-944-B
CHARLES OLSON, et al., Defendants,	)	Civil No. 82-C-945-B
EDDIE L. HARRIS, et al., Defendants,	)	Civil No. 82-C-946-B
MARGARET CONNER OLSON, et al., Defendants,	)	Civil No. 82-C-947-B
EDDIE L. HARRIS, et al., Defendants,	)	Civil No. 82-C-948-B
VEATRICE HARRIS, et al., Defendants,	)	Civil No. 82-C-949-B

JUDGMENT

1.

This matter comes on for disposition on the 30th day of November, 1984, and the Court being fully advised in this matter finds that:

2.

This judgment applies to each of the civil actions named in the caption of this document.

3.

The Court has jurisdiction of the parties hereto and of the subject matter of these actions.

4.

Each of the defendants made a party in each of the civil actions named above has been properly and legally served with summons, in person or by legal and valid service by publication, as required by law, and such service upon such defendants is hereby affirmed and approved.

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Based upon the ORDER of this Court, entered in each of the captioned actions on June 22, 1984, which ORDER is incorporated herein by reference as though fully recited herein, the Court now enters final judgment in subject actions, as follows:

A. It is ADJUDGED and DECREED that the land described in each and all of the Complaints filed in the subject civil actions has ceased to be used for railroad purposes, and fee simple title thereto (less and except all oil, gas, coal or other minerals) has reverted to, and vested in, the owners of the abutting land from which the described lands were taken. Therefore, the prayer of each of Plaintiff's Complaints that title to all of the land described in such Complaints be quieted in the United States of America, in trust for the use and benefit of the Osage Indians, and for other relief, hereby is DENIED.

B. It is further ADJUDGED and DECREED that each and every claim, counterclaim, and cross-claim presented in any or all of the captioned civil actions, by any defendant therein, by pleading, motion, brief, oral argument or any other means, hereby IS DISMISSED WITHOUT PREJUDICE.

C. It is further ORDERED that a copy of this judgment be filed in each of the captioned civil actions.

Entered this 30th day of November, 1984.

UNITED STATES DISTRICT JUDGE

APPROVED AS TO FORM:

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Bow Pipe Line Company

Janet S. Tilley, per se

David L. Tilley, per se

W. Robert Wilson, Attorney for
Defendants in 11 cases

Hubert A. Marlow
Assistant United States Attorney

UNITED STATES DISTRICT COURT FOR THE
NORTHERN DISTRICT OF OKLAHOMA

FILED

NOV 30 1984

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

UNITED STATES OF AMERICA, Plaintiff, vs.	
JOHN W. ATTERBERRY, et al., Defendants,	Civil No. 82-C-896-B
ROBERT D. BENNETT, et al., Defendants,	Civil No. 82-C-897-B
ETHEL M. COLLUM, et al., Defendants,	Civil No. 82-C-898-B
L. LAUREE CARRIGER, et al., Defendants,	Civil No. 82-C-899-B
ALOYSIUS V. HILL, JR., et al., Defendants,	Civil No. 82-C-900-B
CONSTANCE BEAR, et al., Defendants,	Civil No. 82-C-901-B
FEDERAL LAND BANK OF WICHITA, et al., Defendants,	Civil No. 82-C-902-B
CONSTANCE BEAR, et al., Defendants,	Civil No. 82-C-903-B
FEDERAL LAND BANK OF WICHITA, et al., Defendants,	Civil No. 82-C-904-B
PEARL MAZE, et al., Defendants,	Civil No. 82-C-905-B
ISC FINANCIAL HOUSE, et al., Defendants,	Civil No. 82-C-906-B
WILLIAM H. BELL, Trustee for Judith Barnard Braymen and for James R. Barnard Children Trust, et al., Defendants,	Civil No. 82-C-907-B
FEDERAL LAND BANK OF WICHITA, et al., Defendants,	Civil No. 82-C-908-B

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WILLIAM H. BELL, Trustee for Judith Barnard Braymen and for James R. Barnard Children Trust, et al., Defendants,	)	Civil No. 82-C-910-B
DALE CHRISTENSON, et al., Defendants,	)	Civil No. 82-C-911-B
HELEN LEE CHRISTENSON, et al., Defendants,	)	Civil No. 82-C-912-B
BANK OF OKLAHOMA, N.A., Co-Trustee of the Horace G. Barnard, Jr. Trust, et al., Defendants,	)	Civil No. 82-C-913-B
BANK OF OKLAHOMA, N.A., Co-Trustee of the Horace G. Barnard, Jr. Trust, et al., Defendants,	)	Civil No. 82-C-914-B
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STUART MARSHALL, Executor of the Estate of Helen G. Stuart, et al., Defendants,	)	Civil No. 82-C-916-B
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JAMES A. CHAPMAN and LETA M. CHAPMAN, Charitable Trust, et al., Defendants,	)	Civil No. 82-C-918-B
JAMES A. CHAPMAN and LETA M. CHAPMAN, Charitable Trust, et al., Defendants,	)	Civil No. 82-C-919-B
JAMES A. CHAPMAN and LETA M. CHAPMAN, Charitable Trust, et al., Defendants,	)	Civil No. 82-C-920-B

ADAMS ENERGY COMPANY, et al., Defendants,	Civil No. 82-C-921-B
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DEE JAY BARTON, et al., Defendants,	Civil No. 82-C-927-B
JAY BARTON, et al., Defendants,	Civil No. 82-C-928-B
FEDERAL LAND BANK OF WICHITA, et al., Defendants,	Civil No. 82-C-929-B
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EDDIE L. HARRIS, et al., Defendants,	)	Civil No. 82-C-948-B
VEATRICE HARRIS, et al., Defendants,	)	Civil No. 82-C-949-B

JUDGMENT

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UNITED STATES DISTRICT COURT FOR THE
NORTHERN DISTRICT OF OKLAHOMA

FILED

NOV 30 1984

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

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CHARLES OLSON, et al., Defendants,	)	Civil No. 82-C-945-B
EDDIE L. HARRIS, et al., Defendants,	)	Civil No. 82-C-946-B
MARGARET CONNER OLSON, et al., Defendants,	)	Civil No. 82-C-947-B
EDDIE L. HARRIS, et al., Defendants,	)	Civil No. 82-C-948-B
VEATRICE HARRIS, et al., Defendants,	)	Civil No. 82-C-949-B

JUDGMENT

1.

This matter comes on for disposition on the 30th day of November, 1984, and the Court being fully advised in this matter finds that:

2.

This judgment applies to each of the civil actions named in the caption of this document.

3.

The Court has jurisdiction of the parties hereto and of the subject matter of these actions.

4.

Each of the defendants made a party in each of the civil actions named above has been properly and legally served with summons, in person or by legal and valid service by publication, as required by law, and such service upon such defendants is hereby affirmed and approved.

5.

Based upon the ORDER of this Court, entered in each of the captioned actions on June 22, 1984, which ORDER is incorporated herein by reference as though fully recited herein, the Court now enters final judgment in subject actions, as follows:

A. It is ADJUDGED and DECREED that the land described in each and all of the Complaints filed in the subject civil actions has ceased to be used for railroad purposes, and fee simple title thereto (less and except all oil, gas, coal or other minerals) has reverted to, and vested in, the owners of the abutting land from which the described lands were taken. Therefore, the prayer of each of Plaintiff's Complaints that title to all of the land described in such Complaints be quieted in the United States of America, in trust for the use and benefit of the Osage Indians, and for other relief, hereby is DENIED.

B. It is further ADJUDGED and DECREED that each and every claim, counterclaim, and cross-claim presented in any or all of the captioned civil actions, by any defendant therein, by pleading, motion, brief, oral argument or any other means, hereby IS DISMISSED WITHOUT PREJUDICE.

C. It is further ORDERED that a copy of this judgment be filed in each of the captioned civil actions.

Entered this 30th day of November, 1984.

UNITED STATES DISTRICT JUDGE

APPROVED AS TO FORM:

Bradford S. Baker, Attorney for Tercero Corporation

William H. Bell and/or Mildred E. Otey, Attorneys for Chapman Barnard Interests

William K. Blanchard, per se

Leta Blanchard, per se

Gary W. Catron and/or Thomas D. Evans, Attorneys for Getty Pipeline Company

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Defendants in 8 cases

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and Joan L. Bennett, and Cora Mae
and Don E. Edwards

Robert J. Hammer, Attorney for
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William E. Hughes, Attorney for
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Paul Hunter, per se

Matthew Kane, Jr., Attorney for
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Bow Pipe Line Company

Janet S. Tilley, per se

David L. Tilley, per se

W. Robert Wilson, Attorney for
Defendants in 11 cases

Hubert A. Marlow
Assistant United States Attorney

UNITED STATES DISTRICT COURT FOR THE
NORTHERN DISTRICT OF OKLAHOMA

FILED

NOV 30 1984

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

UNITED STATES OF AMERICA, Plaintiff, vs.	
JOHN W. ATTERBERRY, et al., Defendants,	Civil No. 82-C-896-B
ROBERT D. BENNETT, et al., Defendants,	Civil No. 82-C-897-B
ETHEL M. COLLUM, et al., Defendants,	Civil No. 82-C-898-B
L. LAUREE CARRIGER, et al., Defendants,	Civil No. 82-C-899-B
ALOYSIUS V. HILL, JR., et al., Defendants,	Civil No. 82-C-900-B
CONSTANCE BEAR, et al., Defendants,	Civil No. 82-C-901-B
FEDERAL LAND BANK OF WICHITA, et al., Defendants,	Civil No. 82-C-902-B
CONSTANCE BEAR, et al., Defendants,	Civil No. 82-C-903-B
FEDERAL LAND BANK OF WICHITA, et al., Defendants,	Civil No. 82-C-904-B
PEARL MAZE, et al., Defendants,	Civil No. 82-C-905-B
ISC FINANCIAL HOUSE, et al., Defendants,	Civil No. 82-C-906-B
WILLIAM H. BELL, Trustee for Judith Barnard Braymen and for James R. Barnard Children Trust, et al., Defendants,	Civil No. 82-C-907-B
FEDERAL LAND BANK OF WICHITA, et al., Defendants,	Civil No. 82-C-908-B

WILLIAM H. BELL, Trustee for Judith Barnard Braymen and for James R. Barnard Children Trust, et al., Defendants,	Civil No. 82-C-909-B
WILLIAM H. BELL, Trustee for Judith Barnard Braymen and for James R. Barnard Children Trust, et al., Defendants,	Civil No. 82-C-910-B
DALE CHRISTENSON, et al., Defendants,	Civil No. 82-C-911-B
HELEN LEE CHRISTENSON, et al., Defendants,	Civil No. 82-C-912-B
BANK OF OKLAHOMA, N.A., Co-Trustee of the Horace G. Barnard, Jr. Trust, et al., Defendants,	Civil No. 82-C-913-B
BANK OF OKLAHOMA, N.A., Co-Trustee of the Horace G. Barnard, Jr. Trust, et al., Defendants,	Civil No. 82-C-914-B
BANK OF OKLAHOMA, N.A., Co-Trustee of the Horace G. Barnard, Jr. Trust, et al., Defendants,	Civil No. 82-C-915-B
STUART MARSHALL, Executor of the Estate of Helen G. Stuart, et al., Defendants,	Civil No. 82-C-916-B
BANK OF OKLAHOMA, N.A., Co-Trustee of the Horace G. Barnard, Jr. Trust, et al., Defendants,	Civil No. 82-C-917-B
JAMES A. CHAPMAN and LETA M. CHAPMAN, Charitable Trust, et al., Defendants,	Civil No. 82-C-918-B
JAMES A. CHAPMAN and LETA M. CHAPMAN, Charitable Trust, et al., Defendants,	Civil No. 82-C-919-B
JAMES A. CHAPMAN and LETA M. CHAPMAN, Charitable Trust, et al., Defendants,	Civil No. 82-C-920-B

ADAMS ENERGY COMPANY, et al., Defendants,	)	Civil No. 82-C-921-B
OKLAHOMA LAND & CATTLE CO., et al., Defendants,	)	Civil No. 82-C-922-B
JAMES A. CHAPMAN and LETA M. CHAPMAN, Charitable Trust, et al., Defendants,	)	Civil No. 82-C-923-B
OKLAHOMA LAND & CATTLE CO., et al., Defendants,	)	Civil No. 82-C-924-B
FEDERAL LAND BANK OF WICHITA, et al., Defendants,	)	Civil No. 82-C-925-B
DEE JAY BARTON, et al., Defendants,	)	Civil No. 82-C-927-B
JAY BARTON, et al., Defendants,	)	Civil No. 82-C-928-B
FEDERAL LAND BANK OF WICHITA, et al., Defendants,	)	Civil No. 82-C-929-B
JOE ALLEN PERRYMAN, et al., Defendants,	)	Civil No. 82-C-930-B
EQUITABLE LIFE ASSURANCE SOCIETY OF THE UNITED STATES, et al., Defendants,	)	Civil No. 82-C-931-B
JOE ALLEN PERRYMAN, et al., Defendants,	)	Civil No. 82-C-932-B
TERCERO CORPORATION, et al., Defendants,	)	Civil No. 82-C-933-B
TERCERO CORPORATION, et al., Defendants,	)	Civil No. 82-C-934-B
STEPHANIE ANN RAPP, et al., Defendants,	)	Civil No. 82-C-935-B
TERCERO CORPORATION, et al., Defendants,	)	Civil No. 82-C-936-B
PAULINE LYMAN, et al., Defendants,	)	Civil No. 82-C-937-B
JOE A. FULSOM, et al., Defendants,	)	Civil No. 82-C-938-B

G. O. BARTGIS, et al., Defendants,	)	Civil No. 82-C-939-B
COOPERATIVE REFINERY ASSOCIATION, et al., Defendants,	)	Civil No. 82-C-940-B
COOPERATIVE REFINERY ASSOCIATION, et al., Defendants,	)	Civil No. 82-C-941-B
BURBANK PIPELINE, et al., Defendants,	)	Civil No. 82-C-942-B
JOHN FRANCIS MURPHY, et al., Defendants,	)	Civil No. 82-C-943-B
DAVID HARRIS, et al., Defendants,	)	Civil No. 82-C-944-B
CHARLES OLSON, et al., Defendants,	)	Civil No. 82-C-945-B
EDDIE L. HARRIS, et al., Defendants,	)	Civil No. 82-C-946-B
MARGARET CONNER OLSON, et al., Defendants,	)	Civil No. 82-C-947-B
EDDIE L. HARRIS, et al., Defendants,	)	Civil No. 82-C-948-B
VEATRICE HARRIS, et al., Defendants,	)	Civil No. 82-C-949-B

JUDGMENT

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This matter comes on for disposition on the 30th day of November, 1984, and the Court being fully advised in this matter finds that:

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This judgment applies to each of the civil actions named in the caption of this document.

3.

The Court has jurisdiction of the parties hereto and of the subject matter of these actions.

4.

Each of the defendants made a party in each of the civil actions named above has been properly and legally served with summons, in person or by legal and valid service by publication, as required by law, and such service upon such defendants is hereby affirmed and approved.

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Based upon the ORDER of this Court, entered in each of the captioned actions on June 22, 1984, which ORDER is incorporated herein by reference as though fully recited herein, the Court now enters final judgment in subject actions, as follows:

A. It is ADJUDGED and DECREED that the land described in each and all of the Complaints filed in the subject civil actions has ceased to be used for railroad purposes, and fee simple title thereto (less and except all oil, gas, coal or other minerals) has reverted to, and vested in, the owners of the abutting land from which the described lands were taken. Therefore, the prayer of each of Plaintiff's Complaints that title to all of the land described in such Complaints be quieted in the United States of America, in trust for the use and benefit of the Osage Indians, and for other relief, hereby is DENIED.

B. It is further ADJUDGED and DECREED that each and every claim, counterclaim, and cross-claim presented in any or all of the captioned civil actions, by any defendant therein, by pleading, motion, brief, oral argument or any other means, hereby IS DISMISSED WITHOUT PREJUDICE.

C. It is further ORDERED that a copy of this judgment be filed in each of the captioned civil actions.

Entered this 30th day of November, 1984.

UNITED STATES DISTRICT JUDGE

APPROVED AS TO FORM:

Bradford S. Baker, Attorney for Tercero Corporation

William H. Bell and/or Mildred E. Otey, Attorneys for Chapman Barnard Interests

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Bow Pipe Line Company

Janet S. Tilley, per se

David L. Tilley, per se

W. Robert Wilson, Attorney for
Defendants in 11 cases

Hubert A. Marlow
Assistant United States Attorney

UNITED STATES DISTRICT COURT FOR THE
NORTHERN DISTRICT OF OKLAHOMA

FILED

NOV 30 1984

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

UNITED STATES OF AMERICA, Plaintiff, vs.	
JOHN W. ATTERBERRY, et al., Defendants,	Civil No. 82-C-896-B
ROBERT D. BENNETT, et al., Defendants,	Civil No. 82-C-897-B
ETHEL M. COLLUM, et al., Defendants,	Civil No. 82-C-898-B
L. LAUREE CARRIGER, et al., Defendants,	Civil No. 82-C-899-B
ALOYSIUS V. HILL, JR., et al., Defendants,	Civil No. 82-C-900-B
CONSTANCE BEAR, et al., Defendants,	Civil No. 82-C-901-B
FEDERAL LAND BANK OF WICHITA, et al., Defendants,	Civil No. 82-C-902-B
CONSTANCE BEAR, et al., Defendants,	Civil No. 82-C-903-B
FEDERAL LAND BANK OF WICHITA, et al., Defendants,	Civil No. 82-C-904-B
PEARL MAZE, et al., Defendants,	Civil No. 82-C-905-B
ISC FINANCIAL HOUSE, et al., Defendants,	Civil No. 82-C-906-B
WILLIAM H. BELL, Trustee for Judith Barnard Braymen and for James R. Barnard Children Trust, et al., Defendants,	Civil No. 82-C-907-B
FEDERAL LAND BANK OF WICHITA, et al., Defendants,	Civil No. 82-C-908-B

WILLIAM H. BELL, Trustee for Judith Barnard Braymen and for James R. Barnard Children Trust, et al., Defendants,	)	Civil No. 82-C-909-B
WILLIAM H. BELL, Trustee for Judith Barnard Braymen and for James R. Barnard Children Trust, et al., Defendants,	)	Civil No. 82-C-910-B
DALE CHRISTENSON, et al., Defendants,	)	Civil No. 82-C-911-B
HELEN LEE CHRISTENSON, et al., Defendants,	)	Civil No. 82-C-912-B
BANK OF OKLAHOMA, N.A., Co-Trustee of the Horace G. Barnard, Jr. Trust, et al., Defendants,	)	Civil No. 82-C-913-B
BANK OF OKLAHOMA, N.A., Co-Trustee of the Horace G. Barnard, Jr. Trust, et al., Defendants,	)	Civil No. 82-C-914-B
BANK OF OKLAHOMA, N.A., Co-Trustee of the Horace G. Barnard, Jr. Trust, et al., Defendants,	)	Civil No. 82-C-915-B
STUART MARSHALL, Executor of the Estate of Helen G. Stuart, et al., Defendants,	)	Civil No. 82-C-916-B
BANK OF OKLAHOMA, N.A., Co-Trustee of the Horace G. Barnard, Jr. Trust, et al., Defendants,	)	Civil No. 82-C-917-B
JAMES A. CHAPMAN and LETA M. CHAPMAN, Charitable Trust, et al., Defendants,	)	Civil No. 82-C-918-B
JAMES A. CHAPMAN and LETA M. CHAPMAN, Charitable Trust, et al., Defendants,	)	Civil No. 82-C-919-B
JAMES A. CHAPMAN and LETA M. CHAPMAN, Charitable Trust, et al., Defendants,	)	Civil No. 82-C-920-B

ADAMS ENERGY COMPANY, et al., Defendants,	Civil No. 82-C-921-B
OKLAHOMA LAND & CATTLE CO., et al., Defendants,	Civil No. 82-C-922-B
JAMES A. CHAPMAN and LETA M. CHAPMAN, Charitable Trust, et al., Defendants,	Civil No. 82-C-923-B
OKLAHOMA LAND & CATTLE CO., et al., Defendants,	Civil No. 82-C-924-B
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JOE ALLEN PERRYMAN, et al., Defendants,	Civil No. 82-C-930-B
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JOE A. FULSOM, et al., Defendants,	Civil No. 82-C-938-B

G. O. BARTGIS, et al., Defendants,	)	Civil No. 82-C-939-B
COOPERATIVE REFINERY ASSOCIATION, et al., Defendants,	)	Civil No. 82-C-940-B
COOPERATIVE REFINERY ASSOCIATION, et al., Defendants,	)	Civil No. 82-C-941-B
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EDDIE L. HARRIS, et al., Defendants,	)	Civil No. 82-C-946-B
MARGARET CONNER OLSON, et al., Defendants,	)	Civil No. 82-C-947-B
EDDIE L. HARRIS, et al., Defendants,	)	Civil No. 82-C-948-B
VEATRICE HARRIS, et al., Defendants,	)	Civil No. 82-C-949-B

JUDGMENT

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This matter comes on for disposition on the 30th day of November, 1984, and the Court being fully advised in this matter finds that:

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The Court has jurisdiction of the parties hereto and of the subject matter of these actions.

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Each of the defendants made a party in each of the civil actions named above has been properly and legally served with summons, in person or by legal and valid service by publication, as required by law, and such service upon such defendants is hereby affirmed and approved.

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B. It is further ADJUDGED and DECREED that each and every claim, counterclaim, and cross-claim presented in any or all of the captioned civil actions, by any defendant therein, by pleading, motion, brief, oral argument or any other means, hereby IS DISMISSED WITHOUT PREJUDICE.

C. It is further ORDERED that a copy of this judgment be filed in each of the captioned civil actions.

Entered this 30th day of November, 1984.

UNITED STATES DISTRICT JUDGE

APPROVED AS TO FORM:

Bradford S. Baker, Attorney for Tercero Corporation

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Hubert A. Marlow
Assistant United States Attorney

UNITED STATES DISTRICT COURT FOR THE
NORTHERN DISTRICT OF OKLAHOMA

FILED

NOV 30 1984

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

UNITED STATES OF AMERICA, Plaintiff, vs.	
JOHN W. ATTERBERRY, et al., Defendants,	Civil No. 82-C-896-B
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L. LAUREE CARRIGER, et al., Defendants,	Civil No. 82-C-899-B
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CONSTANCE BEAR, et al., Defendants,	Civil No. 82-C-901-B
FEDERAL LAND BANK OF WICHITA, et al., Defendants,	Civil No. 82-C-902-B
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FEDERAL LAND BANK OF WICHITA, et al., Defendants,	Civil No. 82-C-904-B
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WILLIAM H. BELL, Trustee for Judith Barnard Braymen and for James R. Barnard Children Trust, et al., Defendants,	)	Civil No. 82-C-909-B
WILLIAM H. BELL, Trustee for Judith Barnard Braymen and for James R. Barnard Children Trust, et al., Defendants,	)	Civil No. 82-C-910-B
DALE CHRISTENSON, et al., Defendants,	)	Civil No. 82-C-911-B
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BANK OF OKLAHOMA, N.A., Co-Trustee of the Horace G. Barnard, Jr. Trust, et al., Defendants,	)	Civil No. 82-C-915-B
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CHARLES OLSON, et al., Defendants,	)	Civil No. 82-C-945-B
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VEATRICE HARRIS, et al., Defendants,	)	Civil No. 82-C-949-B

JUDGMENT

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5.

Based upon the ORDER of this Court, entered in each of the captioned actions on June 22, 1984, which ORDER is incorporated herein by reference as though fully recited herein, the Court now enters final judgment in subject actions, as follows:

A. It is ADJUDGED and DECREED that the land described in each and all of the Complaints filed in the subject civil actions has ceased to be used for railroad purposes, and fee simple title thereto (less and except all oil, gas, coal or other minerals) has reverted to, and vested in, the owners of the abutting land from which the described lands were taken. Therefore, the prayer of each of Plaintiff's Complaints that title to all of the land described in such Complaints be quieted in the United States of America, in trust for the use and benefit of the Osage Indians, and for other relief, hereby is DENIED.

B. It is further ADJUDGED and DECREED that each and every claim, counterclaim, and cross-claim presented in any or all of the captioned civil actions, by any defendant therein, by pleading, motion, brief, oral argument or any other means, hereby IS DISMISSED WITHOUT PREJUDICE.

C. It is further ORDERED that a copy of this judgment be filed in each of the captioned civil actions.

Entered this 30th day of November, 1984.

UNITED STATES DISTRICT JUDGE

APPROVED AS TO FORM:

Bradford S. Baker, Attorney for Tercero Corporation

William H. Bell and/or Mildred E. Otey, Attorneys for Chapman Barnard Interests

William K. Blanchard, per se

Leta Blanchard, per se

Gary W. Catron and/or Thomas D. Evans, Attorneys for Getty Pipeline Company

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Paul Hunter, per se

Matthew Kane, Jr., Attorney for
Dee Jay Barton a/k/a Jay Barton

Robert P. Kelly, Attorney for
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Bow Pipe Line Company

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W. Robert Wilson, Attorney for
Defendants in 11 cases

Hubert A. Marlow
Assistant United States Attorney

UNITED STATES DISTRICT COURT FOR THE
NORTHERN DISTRICT OF OKLAHOMA

FILED

NOV 30 1984

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

UNITED STATES OF AMERICA, Plaintiff, vs.	
JOHN W. ATTERBERRY, et al., Defendants,	Civil No. 82-C-896-B
ROBERT D. BENNETT, et al., Defendants,	Civil No. 82-C-897-B
ETHEL M. COLLUM, et al., Defendants,	Civil No. 82-C-898-B
L. LAUREE CARRIGER, et al., Defendants,	Civil No. 82-C-899-B
ALOYSIUS V. HILL, JR., et al., Defendants,	Civil No. 82-C-900-B
CONSTANCE BEAR, et al., Defendants,	Civil No. 82-C-901-B
FEDERAL LAND BANK OF WICHITA, et al., Defendants,	Civil No. 82-C-902-B
CONSTANCE BEAR, et al., Defendants,	Civil No. 82-C-903-B
FEDERAL LAND BANK OF WICHITA, et al., Defendants,	Civil No. 82-C-904-B
PEARL MAZE, et al., Defendants,	Civil No. 82-C-905-B
ISC FINANCIAL HOUSE, et al., Defendants,	Civil No. 82-C-906-B
WILLIAM H. BELL, Trustee for Judith Barnard Braymen and for James R. Barnard Children Trust, et al., Defendants,	Civil No. 82-C-907-B
FEDERAL LAND BANK OF WICHITA, et al., Defendants,	Civil No. 82-C-908-B

WILLIAM H. BELL, Trustee for Judith Barnard Braymen and for James R. Barnard Children Trust, et al., Defendants,	)	Civil No. 82-C-909-B
WILLIAM H. BELL, Trustee for Judith Barnard Braymen and for James R. Barnard Children Trust, et al., Defendants,	)	Civil No. 82-C-910-B
DALE CHRISTENSON, et al., Defendants,	)	Civil No. 82-C-911-B
HELEN LEE CHRISTENSON, et al., Defendants,	)	Civil No. 82-C-912-B
BANK OF OKLAHOMA, N.A., Co-Trustee of the Horace G. Barnard, Jr. Trust, et al., Defendants,	)	Civil No. 82-C-913-B
BANK OF OKLAHOMA, N.A., Co-Trustee of the Horace G. Barnard, Jr. Trust, et al., Defendants,	)	Civil No. 82-C-914-B
BANK OF OKLAHOMA, N.A., Co-Trustee of the Horace G. Barnard, Jr. Trust, et al., Defendants,	)	Civil No. 82-C-915-B
STUART MARSHALL, Executor of the Estate of Helen G. Stuart, et al., Defendants,	)	Civil No. 82-C-916-B
BANK OF OKLAHOMA, N.A., Co-Trustee of the Horace G. Barnard, Jr. Trust, et al., Defendants,	)	Civil No. 82-C-917-B
JAMES A. CHAPMAN and LETA M. CHAPMAN, Charitable Trust, et al., Defendants,	)	Civil No. 82-C-918-B
JAMES A. CHAPMAN and LETA M. CHAPMAN, Charitable Trust, et al., Defendants,	)	Civil No. 82-C-919-B
JAMES A. CHAPMAN and LETA M. CHAPMAN, Charitable Trust, et al., Defendants,	)	Civil No. 82-C-920-B

ADAMS ENERGY COMPANY, et al., Defendants,	)	Civil No. 82-C-921-B
OKLAHOMA LAND & CATTLE CO., et al., Defendants,	)	Civil No. 82-C-922-B
JAMES A. CHAPMAN and LETA M. CHAPMAN, Charitable Trust, et al., Defendants,	)	Civil No. 82-C-923-B
OKLAHOMA LAND & CATTLE CO., et al., Defendants,	)	Civil No. 82-C-924-B
FEDERAL LAND BANK OF WICHITA, et al., Defendants,	)	Civil No. 82-C-925-B
DEE JAY BARTON, et al., Defendants,	)	Civil No. 82-C-927-B
JAY BARTON, et al., Defendants,	)	Civil No. 82-C-928-B
FEDERAL LAND BANK OF WICHITA, et al., Defendants,	)	Civil No. 82-C-929-B
JOE ALLEN PERRYMAN, et al., Defendants,	)	Civil No. 82-C-930-B
EQUITABLE LIFE ASSURANCE SOCIETY OF THE UNITED STATES, et al., Defendants,	)	Civil No. 82-C-931-B
JOE ALLEN PERRYMAN, et al., Defendants,	)	Civil No. 82-C-932-B
TERCERO CORPORATION, et al., Defendants,	)	Civil No. 82-C-933-B
TERCERO CORPORATION, et al., Defendants,	)	Civil No. 82-C-934-B
STEPHANIE ANN RAPP, et al., Defendants,	)	Civil No. 82-C-935-B
TERCERO CORPORATION, et al., Defendants,	)	Civil No. 82-C-936-B
PAULINE LYMAN, et al., Defendants,	)	Civil No. 82-C-937-B
JOE A. FULSOM, et al., Defendants,	)	Civil No. 82-C-938-B

G. O. BARTGIS, et al., Defendants,	)	Civil No. 82-C-939-B
COOPERATIVE REFINERY ASSOCIATION, et al., Defendants,	)	Civil No. 82-C-940-B
COOPERATIVE REFINERY ASSOCIATION, et al., Defendants,	)	Civil No. 82-C-941-B
BURBANK PIPELINE, et al., Defendants,	)	Civil No. 82-C-942-B
JOHN FRANCIS MURPHY, et al., Defendants,	)	Civil No. 82-C-943-B
DAVID HARRIS, et al., Defendants,	)	Civil No. 82-C-944-B
CHARLES OLSON, et al., Defendants,	)	Civil No. 82-C-945-B
EDDIE L. HARRIS, et al., Defendants,	)	Civil No. 82-C-946-B
MARGARET CONNER OLSON, et al., Defendants,	)	Civil No. 82-C-947-B
EDDIE L. HARRIS, et al., Defendants,	)	Civil No. 82-C-948-B
VEATRICE HARRIS, et al., Defendants,	)	Civil No. 82-C-949-B

JUDGMENT

1.

This matter comes on for disposition on the 30th day of November, 1984, and the Court being fully advised in this matter finds that:

2.

This judgment applies to each of the civil actions named in the caption of this document.

3.

The Court has jurisdiction of the parties hereto and of the subject matter of these actions.

4.

Each of the defendants made a party in each of the civil actions named above has been properly and legally served with summons, in person or by legal and valid service by publication, as required by law, and such service upon such defendants is hereby affirmed and approved.

5.

Based upon the ORDER of this Court, entered in each of the captioned actions on June 22, 1984, which ORDER is incorporated herein by reference as though fully recited herein, the Court now enters final judgment in subject actions, as follows:

A. It is ADJUDGED and DECREED that the land described in each and all of the Complaints filed in the subject civil actions has ceased to be used for railroad purposes, and fee simple title thereto (less and except all oil, gas, coal or other minerals) has reverted to, and vested in, the owners of the abutting land from which the described lands were taken. Therefore, the prayer of each of Plaintiff's Complaints that title to all of the land described in such Complaints be quieted in the United States of America, in trust for the use and benefit of the Osage Indians, and for other relief, hereby is DENIED.

B. It is further ADJUDGED and DECREED that each and every claim, counterclaim, and cross-claim presented in any or all of the captioned civil actions, by any defendant therein, by pleading, motion, brief, oral argument or any other means, hereby IS DISMISSED WITHOUT PREJUDICE.

C. It is further ORDERED that a copy of this judgment be filed in each of the captioned civil actions.

Entered this 30th day of November, 1984.

UNITED STATES DISTRICT JUDGE

APPROVED AS TO FORM:

Bradford S. Baker, Attorney for Tercero Corporation

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UNITED STATES DISTRICT COURT FOR THE
NORTHERN DISTRICT OF OKLAHOMA

FILED

NOV 30 1984

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

UNITED STATES OF AMERICA, Plaintiff, vs.	
JOHN W. ATTERBERRY, et al., Defendants,	Civil No. 82-C-896-B
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L. LAUREE CARRIGER, et al., Defendants,	Civil No. 82-C-899-B
ALOYSIUS V. HILL, JR., et al., Defendants,	Civil No. 82-C-900-B
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FEDERAL LAND BANK OF WICHITA, et al., Defendants,	Civil No. 82-C-902-B
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FEDERAL LAND BANK OF WICHITA, et al., Defendants,	Civil No. 82-C-904-B
PEARL MAZE, et al., Defendants,	Civil No. 82-C-905-B
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DALE CHRISTENSON, et al., Defendants,	)	Civil No. 82-C-911-B
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JAMES A. CHAPMAN and LETA M. CHAPMAN, Charitable Trust, et al., Defendants,	)	Civil No. 82-C-920-B

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EDDIE L. HARRIS, et al., Defendants,	)	Civil No. 82-C-948-B
VEATRICE HARRIS, et al., Defendants,	)	Civil No. 82-C-949-B

JUDGMENT

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Entered this 30th day of November, 1984.

UNITED STATES DISTRICT JUDGE

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UNITED STATES DISTRICT COURT FOR THE
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JUDGMENT

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C. It is further ORDERED that a copy of this judgment be filed in each of the captioned civil actions.

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APPROVED AS TO FORM:

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Defendants in 11 cases

Hubert A. Marlow
Assistant United States Attorney

UNITED STATES DISTRICT COURT FOR THE
NORTHERN DISTRICT OF OKLAHOMA

FILED

NOV 30 1984

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

UNITED STATES OF AMERICA, Plaintiff, vs.	
JOHN W. ATTERBERRY, et al., Defendants,	Civil No. 82-C-896-B
ROBERT D. BENNETT, et al., Defendants,	Civil No. 82-C-897-B
ETHEL M. COLLUM, et al., Defendants,	Civil No. 82-C-898-B
L. LAUREE CARRIGER, et al., Defendants,	Civil No. 82-C-899-B
ALOYSIUS V. HILL, JR., et al., Defendants,	Civil No. 82-C-900-B
CONSTANCE BEAR, et al., Defendants,	Civil No. 82-C-901-B
FEDERAL LAND BANK OF WICHITA, et al., Defendants,	Civil No. 82-C-902-B
CONSTANCE BEAR, et al., Defendants,	Civil No. 82-C-903-B
FEDERAL LAND BANK OF WICHITA, et al., Defendants,	Civil No. 82-C-904-B
PEARL MAZE, et al., Defendants,	Civil No. 82-C-905-B
ISC FINANCIAL HOUSE, et al., Defendants,	Civil No. 82-C-906-B
WILLIAM H. BELL, Trustee for Judith Barnard Braymen and for James R. Barnard Children Trust, et al., Defendants,	Civil No. 82-C-907-B
FEDERAL LAND BANK OF WICHITA, et al., Defendants,	Civil No. 82-C-908-B

WILLIAM H. BELL, Trustee for Judith Barnard Braymen and for James R. Barnard Children Trust, et al., Defendants,	)	Civil No. 82-C-909-B
WILLIAM H. BELL, Trustee for Judith Barnard Braymen and for James R. Barnard Children Trust, et al., Defendants,	)	Civil No. 82-C-910-B
DALE CHRISTENSON, et al., Defendants,	)	Civil No. 82-C-911-B
HELEN LEE CHRISTENSON, et al., Defendants,	)	Civil No. 82-C-912-B
BANK OF OKLAHOMA, N.A., Co-Trustee of the Horace G. Barnard, Jr. Trust, et al., Defendants,	)	Civil No. 82-C-913-B
BANK OF OKLAHOMA, N.A., Co-Trustee of the Horace G. Barnard, Jr. Trust, et al., Defendants,	)	Civil No. 82-C-914-B
BANK OF OKLAHOMA, N.A., Co-Trustee of the Horace G. Barnard, Jr. Trust, et al., Defendants,	)	Civil No. 82-C-915-B
STUART MARSHALL, Executor of the Estate of Helen G. Stuart, et al., Defendants,	)	Civil No. 82-C-916-B
BANK OF OKLAHOMA, N.A., Co-Trustee of the Horace G. Barnard, Jr. Trust, et al., Defendants,	)	Civil No. 82-C-917-B
JAMES A. CHAPMAN and LETA M. CHAPMAN, Charitable Trust, et al., Defendants,	)	Civil No. 82-C-918-B
JAMES A. CHAPMAN and LETA M. CHAPMAN, Charitable Trust, et al., Defendants,	)	Civil No. 82-C-919-B
JAMES A. CHAPMAN and LETA M. CHAPMAN, Charitable Trust, et al., Defendants,	)	Civil No. 82-C-920-B

ADAMS ENERGY COMPANY, et al., Defendants,	Civil No. 82-C-921-B
OKLAHOMA LAND & CATTLE CO., et al., Defendants,	Civil No. 82-C-922-B
JAMES A. CHAPMAN and LETA M. CHAPMAN, Charitable Trust, et al., Defendants,	Civil No. 82-C-923-B
OKLAHOMA LAND & CATTLE CO., et al., Defendants,	Civil No. 82-C-924-B
FEDERAL LAND BANK OF WICHITA, et al., Defendants,	Civil No. 82-C-925-B
DEE JAY BARTON, et al., Defendants,	Civil No. 82-C-927-B
JAY BARTON, et al., Defendants,	Civil No. 82-C-928-B
FEDERAL LAND BANK OF WICHITA, et al., Defendants,	Civil No. 82-C-929-B
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EQUITABLE LIFE ASSURANCE SOCIETY OF THE UNITED STATES, et al., Defendants,	Civil No. 82-C-931-B
JOE ALLEN PERRYMAN, et al., Defendants,	Civil No. 82-C-932-B
TERCERO CORPORATION, et al., Defendants,	Civil No. 82-C-933-B
TERCERO CORPORATION, et al., Defendants,	Civil No. 82-C-934-B
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PAULINE LYMAN, et al., Defendants,	Civil No. 82-C-937-B
JOE A. FULSOM, et al., Defendants,	Civil No. 82-C-938-B

G. O. BARTGIS, et al., Defendants,	)	Civil No. 82-C-939-B
COOPERATIVE REFINERY ASSOCIATION, et al., Defendants,	)	Civil No. 82-C-940-B
COOPERATIVE REFINERY ASSOCIATION, et al., Defendants,	)	Civil No. 82-C-941-B
BURBANK PIPELINE, et al., Defendants,	)	Civil No. 82-C-942-B
JOHN FRANCIS MURPHY, et al., Defendants,	)	Civil No. 82-C-943-B
DAVID HARRIS, et al., Defendants,	)	Civil No. 82-C-944-B
CHARLES OLSON, et al., Defendants,	)	Civil No. 82-C-945-B
EDDIE L. HARRIS, et al., Defendants,	)	Civil No. 82-C-946-B
MARGARET CONNER OLSON, et al., Defendants,	)	Civil No. 82-C-947-B
EDDIE L. HARRIS, et al., Defendants,	)	Civil No. 82-C-948-B
VEATRICE HARRIS, et al., Defendants,	)	Civil No. 82-C-949-B

JUDGMENT

1.

This matter comes on for disposition on the 30th day of November, 1984, and the Court being fully advised in this matter finds that:

2.

This judgment applies to each of the civil actions named in the caption of this document.

3.

The Court has jurisdiction of the parties hereto and of the subject matter of these actions.

4.

Each of the defendants made a party in each of the civil actions named above has been properly and legally served with summons, in person or by legal and valid service by publication, as required by law, and such service upon such defendants is hereby affirmed and approved.

5.

Based upon the ORDER of this Court, entered in each of the captioned actions on June 22, 1984, which ORDER is incorporated herein by reference as though fully recited herein, the Court now enters final judgment in subject actions, as follows:

A. It is ADJUDGED and DECREED that the land described in each and all of the Complaints filed in the subject civil actions has ceased to be used for railroad purposes, and fee simple title thereto (less and except all oil, gas, coal or other minerals) has reverted to, and vested in, the owners of the abutting land from which the described lands were taken. Therefore, the prayer of each of Plaintiff's Complaints that title to all of the land described in such Complaints be quieted in the United States of America, in trust for the use and benefit of the Osage Indians, and for other relief, hereby is DENIED.

B. It is further ADJUDGED and DECREED that each and every claim, counterclaim, and cross-claim presented in any or all of the captioned civil actions, by any defendant therein, by pleading, motion, brief, oral argument or any other means, hereby IS DISMISSED WITHOUT PREJUDICE.

C. It is further ORDERED that a copy of this judgment be filed in each of the captioned civil actions.

Entered this 30th day of November, 1984.

UNITED STATES DISTRICT JUDGE

APPROVED AS TO FORM:

Bradford S. Baker, Attorney for Tercero Corporation

William H. Bell and/or Mildred E. Otey, Attorneys for Chapman Barnard Interests

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UNITED STATES DISTRICT COURT FOR THE
NORTHERN DISTRICT OF OKLAHOMA

FILED

NOV 30 1984

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

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FEDERAL LAND BANK OF WICHITA, et al., Defendants,	Civil No. 82-C-902-B
CONSTANCE BEAR, et al., Defendants,	Civil No. 82-C-903-B
FEDERAL LAND BANK OF WICHITA, et al., Defendants,	Civil No. 82-C-904-B
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DALE CHRISTENSON, et al., Defendants,	)	Civil No. 82-C-911-B
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EDDIE L. HARRIS, et al., Defendants,	)	Civil No. 82-C-948-B
VEATRICE HARRIS, et al., Defendants,	)	Civil No. 82-C-949-B

JUDGMENT

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C. It is further ORDERED that a copy of this judgment be filed in each of the captioned civil actions.

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UNITED STATES DISTRICT COURT FOR THE
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JUDGMENT

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L. LAUREE CARRIGER, et al., Defendants,	Civil No. 82-C-899-B
ALOYSIUS V. HILL, JR., et al., Defendants,	Civil No. 82-C-900-B
CONSTANCE BEAR, et al., Defendants,	Civil No. 82-C-901-B
FEDERAL LAND BANK OF WICHITA, et al., Defendants,	Civil No. 82-C-902-B
CONSTANCE BEAR, et al., Defendants,	Civil No. 82-C-903-B
FEDERAL LAND BANK OF WICHITA, et al., Defendants,	Civil No. 82-C-904-B
PEARL MAZE, et al., Defendants,	Civil No. 82-C-905-B
ISC FINANCIAL HOUSE, et al., Defendants,	Civil No. 82-C-906-B
WILLIAM H. BELL, Trustee for Judith Barnard Braymen and for James R. Barnard Children Trust, et al., Defendants,	Civil No. 82-C-907-B
FEDERAL LAND BANK OF WICHITA, et al., Defendants,	Civil No. 82-C-908-B

WILLIAM H. BELL, Trustee for Judith Barnard Braymen and for James R. Barnard Children Trust, et al., Defendants,	)	Civil No. 82-C-909-B
WILLIAM H. BELL, Trustee for Judith Barnard Braymen and for James R. Barnard Children Trust, et al., Defendants,	)	Civil No. 82-C-910-B
DALE CHRISTENSON, et al., Defendants,	)	Civil No. 82-C-911-B
HELEN LEE CHRISTENSON, et al., Defendants,	)	Civil No. 82-C-912-B
BANK OF OKLAHOMA, N.A., Co-Trustee of the Horace G. Barnard, Jr. Trust, et al., Defendants,	)	Civil No. 82-C-913-B
BANK OF OKLAHOMA, N.A., Co-Trustee of the Horace G. Barnard, Jr. Trust, et al., Defendants,	)	Civil No. 82-C-914-B
BANK OF OKLAHOMA, N.A., Co-Trustee of the Horace G. Barnard, Jr. Trust, et al., Defendants,	)	Civil No. 82-C-915-B
STUART MARSHALL, Executor of the Estate of Helen G. Stuart, et al., Defendants,	)	Civil No. 82-C-916-B
BANK OF OKLAHOMA, N.A., Co-Trustee of the Horace G. Barnard, Jr. Trust, et al., Defendants,	)	Civil No. 82-C-917-B
JAMES A. CHAPMAN and LETA M. CHAPMAN, Charitable Trust, et al., Defendants,	)	Civil No. 82-C-918-B
JAMES A. CHAPMAN and LETA M. CHAPMAN, Charitable Trust, et al., Defendants,	)	Civil No. 82-C-919-B
JAMES A. CHAPMAN and LETA M. CHAPMAN, Charitable Trust, et al., Defendants,	)	Civil No. 82-C-920-B

ADAMS ENERGY COMPANY, et al., Defendants,	Civil No. 82-C-921-B
OKLAHOMA LAND & CATTLE CO., et al., Defendants,	Civil No. 82-C-922-B
JAMES A. CHAPMAN and LETA M. CHAPMAN, Charitable Trust, et al., Defendants,	Civil No. 82-C-923-B
OKLAHOMA LAND & CATTLE CO., et al., Defendants,	Civil No. 82-C-924-B
FEDERAL LAND BANK OF WICHITA, et al., Defendants,	Civil No. 82-C-925-B
DEE JAY BARTON, et al., Defendants,	Civil No. 82-C-927-B
JAY BARTON, et al., Defendants,	Civil No. 82-C-928-B
FEDERAL LAND BANK OF WICHITA, et al., Defendants,	Civil No. 82-C-929-B
JOE ALLEN PERRYMAN, et al., Defendants,	Civil No. 82-C-930-B
EQUITABLE LIFE ASSURANCE SOCIETY OF THE UNITED STATES, et al., Defendants,	Civil No. 82-C-931-B
JOE ALLEN PERRYMAN, et al., Defendants,	Civil No. 82-C-932-B
TERCERO CORPORATION, et al., Defendants,	Civil No. 82-C-933-B
TERCERO CORPORATION, et al., Defendants,	Civil No. 82-C-934-B
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PAULINE LYMAN, et al., Defendants,	Civil No. 82-C-937-B
JOE A. FULSOM, et al., Defendants,	Civil No. 82-C-938-B

G. O. BARTGIS, et al., Defendants,	)	Civil No. 82-C-939-B
COOPERATIVE REFINERY ASSOCIATION, et al., Defendants,	)	Civil No. 82-C-940-B
COOPERATIVE REFINERY ASSOCIATION, et al., Defendants,	)	Civil No. 82-C-941-B
BURBANK PIPELINE, et al., Defendants,	)	Civil No. 82-C-942-B
JOHN FRANCIS MURPHY, et al., Defendants,	)	Civil No. 82-C-943-B
DAVID HARRIS, et al., Defendants,	)	Civil No. 82-C-944-B
CHARLES OLSON, et al., Defendants,	)	Civil No. 82-C-945-B
EDDIE L. HARRIS, et al., Defendants,	)	Civil No. 82-C-946-B
MARGARET CONNER OLSON, et al., Defendants,	)	Civil No. 82-C-947-B
EDDIE L. HARRIS, et al., Defendants,	)	Civil No. 82-C-948-B
VEATRICE HARRIS, et al., Defendants,	)	Civil No. 82-C-949-B

JUDGMENT

1.

This matter comes on for disposition on the 30th day of November, 1984, and the Court being fully advised in this matter finds that:

2.

This judgment applies to each of the civil actions named in the caption of this document.

3.

The Court has jurisdiction of the parties hereto and of the subject matter of these actions.

4.

Each of the defendants made a party in each of the civil actions named above has been properly and legally served with summons, in person or by legal and valid service by publication, as required by law, and such service upon such defendants is hereby affirmed and approved.

5.

Based upon the ORDER of this Court, entered in each of the captioned actions on June 22, 1984, which ORDER is incorporated herein by reference as though fully recited herein, the Court now enters final judgment in subject actions, as follows:

A. It is ADJUDGED and DECREED that the land described in each and all of the Complaints filed in the subject civil actions has ceased to be used for railroad purposes, and fee simple title thereto (less and except all oil, gas, coal or other minerals) has reverted to, and vested in, the owners of the abutting land from which the described lands were taken. Therefore, the prayer of each of Plaintiff's Complaints that title to all of the land described in such Complaints be quieted in the United States of America, in trust for the use and benefit of the Osage Indians, and for other relief, hereby is DENIED.

B. It is further ADJUDGED and DECREED that each and every claim, counterclaim, and cross-claim presented in any or all of the captioned civil actions, by any defendant therein, by pleading, motion, brief, oral argument or any other means, hereby IS DISMISSED WITHOUT PREJUDICE.

C. It is further ORDERED that a copy of this judgment be filed in each of the captioned civil actions.

Entered this 30th day of November, 1984.

UNITED STATES DISTRICT JUDGE

APPROVED AS TO FORM:

Bradford S. Baker, Attorney for Tercero Corporation

William H. Bell and/or Mildred E. Otey, Attorneys for Chapman Barnard Interests

William K. Blanchard, per se

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Bow Pipe Line Company

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Defendants in 11 cases

Hubert A. Marlow
Assistant United States Attorney

UNITED STATES DISTRICT COURT FOR THE
NORTHERN DISTRICT OF OKLAHOMA

FILED

NOV 30 1984

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

UNITED STATES OF AMERICA, Plaintiff, vs.	
JOHN W. ATTERBERRY, et al., Defendants,	Civil No. 82-C-896-B
ROBERT D. BENNETT, et al., Defendants,	Civil No. 82-C-897-B
ETHEL M. COLLUM, et al., Defendants,	Civil No. 82-C-898-B
L. LAUREE CARRIGER, et al., Defendants,	Civil No. 82-C-899-B
ALOYSIUS V. HILL, JR., et al., Defendants,	Civil No. 82-C-900-B
CONSTANCE BEAR, et al., Defendants,	Civil No. 82-C-901-B
FEDERAL LAND BANK OF WICHITA, et al., Defendants,	Civil No. 82-C-902-B
CONSTANCE BEAR, et al., Defendants,	Civil No. 82-C-903-B
FEDERAL LAND BANK OF WICHITA, et al., Defendants,	Civil No. 82-C-904-B
PEARL MAZE, et al., Defendants,	Civil No. 82-C-905-B
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WILLIAM H. BELL, Trustee for Judith Barnard Braymen and for James R. Barnard Children Trust, et al., Defendants,	Civil No. 82-C-907-B
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WILLIAM H. BELL, Trustee for Judith Barnard Braymen and for James R. Barnard Children Trust, et al., Defendants,	)	Civil No. 82-C-909-B
WILLIAM H. BELL, Trustee for Judith Barnard Braymen and for James R. Barnard Children Trust, et al., Defendants,	)	Civil No. 82-C-910-B
DALE CHRISTENSON, et al., Defendants,	)	Civil No. 82-C-911-B
HELEN LEE CHRISTENSON, et al., Defendants,	)	Civil No. 82-C-912-B
BANK OF OKLAHOMA, N.A., Co-Trustee of the Horace G. Barnard, Jr. Trust, et al., Defendants,	)	Civil No. 82-C-913-B
BANK OF OKLAHOMA, N.A., Co-Trustee of the Horace G. Barnard, Jr. Trust, et al., Defendants,	)	Civil No. 82-C-914-B
BANK OF OKLAHOMA, N.A., Co-Trustee of the Horace G. Barnard, Jr. Trust, et al., Defendants,	)	Civil No. 82-C-915-B
STUART MARSHALL, Executor of the Estate of Helen G. Stuart, et al., Defendants,	)	Civil No. 82-C-916-B
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JAMES A. CHAPMAN and LETA M. CHAPMAN, Charitable Trust, et al., Defendants,	)	Civil No. 82-C-918-B
JAMES A. CHAPMAN and LETA M. CHAPMAN, Charitable Trust, et al., Defendants,	)	Civil No. 82-C-919-B
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COOPERATIVE REFINERY ASSOCIATION, et al., Defendants,	)	Civil No. 82-C-940-B
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BURBANK PIPELINE, et al., Defendants,	)	Civil No. 82-C-942-B
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CHARLES OLSON, et al., Defendants,	)	Civil No. 82-C-945-B
EDDIE L. HARRIS, et al., Defendants,	)	Civil No. 82-C-946-B
MARGARET CONNER OLSON, et al., Defendants,	)	Civil No. 82-C-947-B
EDDIE L. HARRIS, et al., Defendants,	)	Civil No. 82-C-948-B
VEATRICE HARRIS, et al., Defendants,	)	Civil No. 82-C-949-B

JUDGMENT

1.

This matter comes on for disposition on the 30th day of November, 1984, and the Court being fully advised in this matter finds that:

2.

This judgment applies to each of the civil actions named in the caption of this document.

3.

The Court has jurisdiction of the parties hereto and of the subject matter of these actions.

4.

Each of the defendants made a party in each of the civil actions named above has been properly and legally served with summons, in person or by legal and valid service by publication, as required by law, and such service upon such defendants is hereby affirmed and approved.

5.

Based upon the ORDER of this Court, entered in each of the captioned actions on June 22, 1984, which ORDER is incorporated herein by reference as though fully recited herein, the Court now enters final judgment in subject actions, as follows:

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B. It is further ADJUDGED and DECREED that each and every claim, counterclaim, and cross-claim presented in any or all of the captioned civil actions, by any defendant therein, by pleading, motion, brief, oral argument or any other means, hereby IS DISMISSED WITHOUT PREJUDICE.

C. It is further ORDERED that a copy of this judgment be filed in each of the captioned civil actions.

Entered this 30th day of November, 1984.

UNITED STATES DISTRICT JUDGE

APPROVED AS TO FORM:

Bradford S. Baker, Attorney for Tercero Corporation

William H. Bell and/or Mildred E. Otey, Attorneys for Chapman Barnard Interests

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W. Robert Wilson, Attorney for
Defendants in 11 cases

Hubert A. Marlow
Assistant United States Attorney

UNITED STATES DISTRICT COURT FOR THE
NORTHERN DISTRICT OF OKLAHOMA

FILED

NOV 30 1984

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

UNITED STATES OF AMERICA, Plaintiff, vs.	
JOHN W. ATTERBERRY, et al., Defendants,	Civil No. 82-C-896-B
ROBERT D. BENNETT, et al., Defendants,	Civil No. 82-C-897-B
ETHEL M. COLLUM, et al., Defendants,	Civil No. 82-C-898-B
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EDDIE L. HARRIS, et al., Defendants,	)	Civil No. 82-C-948-B
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JUDGMENT

1.

This matter comes on for disposition on the 30th day of November, 1984, and the Court being fully advised in this matter finds that:

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B. It is further ADJUDGED and DECREED that each and every claim, counterclaim, and cross-claim presented in any or all of the captioned civil actions, by any defendant therein, by pleading, motion, brief, oral argument or any other means, hereby IS DISMISSED WITHOUT PREJUDICE.

C. It is further ORDERED that a copy of this judgment be filed in each of the captioned civil actions.

Entered this 30th day of November, 1984.

UNITED STATES DISTRICT JUDGE

APPROVED AS TO FORM:

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UNITED STATES DISTRICT COURT FOR THE
NORTHERN DISTRICT OF OKLAHOMA

FILED

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Jack C. Silver, Clerk
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DALE CHRISTENSON, et al., Defendants,	)	Civil No. 82-C-911-B
HELEN LEE CHRISTENSON, et al., Defendants,	)	Civil No. 82-C-912-B
BANK OF OKLAHOMA, N.A., Co-Trustee of the Horace G. Barnard, Jr. Trust, et al., Defendants,	)	Civil No. 82-C-913-B
BANK OF OKLAHOMA, N.A., Co-Trustee of the Horace G. Barnard, Jr. Trust, et al., Defendants,	)	Civil No. 82-C-914-B
BANK OF OKLAHOMA, N.A., Co-Trustee of the Horace G. Barnard, Jr. Trust, et al., Defendants,	)	Civil No. 82-C-915-B
STUART MARSHALL, Executor of the Estate of Helen G. Stuart, et al., Defendants,	)	Civil No. 82-C-916-B
BANK OF OKLAHOMA, N.A., Co-Trustee of the Horace G. Barnard, Jr. Trust, et al., Defendants,	)	Civil No. 82-C-917-B
JAMES A. CHAPMAN and LETA M. CHAPMAN, Charitable Trust, et al., Defendants,	)	Civil No. 82-C-918-B
JAMES A. CHAPMAN and LETA M. CHAPMAN, Charitable Trust, et al., Defendants,	)	Civil No. 82-C-919-B
JAMES A. CHAPMAN and LETA M. CHAPMAN, Charitable Trust, et al., Defendants,	)	Civil No. 82-C-920-B

ADAMS ENERGY COMPANY, et al., Defendants,	Civil No. 82-C-921-B
OKLAHOMA LAND & CATTLE CO., et al., Defendants,	Civil No. 82-C-922-B
JAMES A. CHAPMAN and LETA M. CHAPMAN, Charitable Trust, et al., Defendants,	Civil No. 82-C-923-B
OKLAHOMA LAND & CATTLE CO., et al., Defendants,	Civil No. 82-C-924-B
FEDERAL LAND BANK OF WICHITA, et al., Defendants,	Civil No. 82-C-925-B
DEE JAY BARTON, et al., Defendants,	Civil No. 82-C-927-B
JAY BARTON, et al., Defendants,	Civil No. 82-C-928-B
FEDERAL LAND BANK OF WICHITA, et al., Defendants,	Civil No. 82-C-929-B
JOE ALLEN PERRYMAN, et al., Defendants,	Civil No. 82-C-930-B
EQUITABLE LIFE ASSURANCE SOCIETY OF THE UNITED STATES, et al., Defendants,	Civil No. 82-C-931-B
JOE ALLEN PERRYMAN, et al., Defendants,	Civil No. 82-C-932-B
TERCERO CORPORATION, et al., Defendants,	Civil No. 82-C-933-B
TERCERO CORPORATION, et al., Defendants,	Civil No. 82-C-934-B
STEPHANIE ANN RAPP, et al., Defendants,	Civil No. 82-C-935-B
TERCERO CORPORATION, et al., Defendants,	Civil No. 82-C-936-B
PAULINE LYMAN, et al., Defendants,	Civil No. 82-C-937-B
JOE A. FULSOM, et al., Defendants,	Civil No. 82-C-938-B

G. O. BARTGIS, et al., Defendants,	)	Civil No. 82-C-939-B
COOPERATIVE REFINERY ASSOCIATION, et al., Defendants,	)	Civil No. 82-C-940-B
COOPERATIVE REFINERY ASSOCIATION, et al., Defendants,	)	Civil No. 82-C-941-B
BURBANK PIPELINE, et al., Defendants,	)	Civil No. 82-C-942-B
JOHN FRANCIS MURPHY, et al., Defendants,	)	Civil No. 82-C-943-B
DAVID HARRIS, et al., Defendants,	)	Civil No. 82-C-944-B
CHARLES OLSON, et al., Defendants,	)	Civil No. 82-C-945-B
EDDIE L. HARRIS, et al., Defendants,	)	Civil No. 82-C-946-B
MARGARET CONNER OLSON, et al., Defendants,	)	Civil No. 82-C-947-B
EDDIE L. HARRIS, et al., Defendants,	)	Civil No. 82-C-948-B
VEATRICE HARRIS, et al., Defendants,	)	Civil No. 82-C-949-B

JUDGMENT

1.

This matter comes on for disposition on the 30th day of November, 1984, and the Court being fully advised in this matter finds that:

2.

This judgment applies to each of the civil actions named in the caption of this document.

3.

The Court has jurisdiction of the parties hereto and of the subject matter of these actions.

4.

Each of the defendants made a party in each of the civil actions named above has been properly and legally served with summons, in person or by legal and valid service by publication, as required by law, and such service upon such defendants is hereby affirmed and approved.

5.

Based upon the ORDER of this Court, entered in each of the captioned actions on June 22, 1984, which ORDER is incorporated herein by reference as though fully recited herein, the Court now enters final judgment in subject actions, as follows:

A. It is ADJUDGED and DECREED that the land described in each and all of the Complaints filed in the subject civil actions has ceased to be used for railroad purposes, and fee simple title thereto (less and except all oil, gas, coal or other minerals) has reverted to, and vested in, the owners of the abutting land from which the described lands were taken. Therefore, the prayer of each of Plaintiff's Complaints that title to all of the land described in such Complaints be quieted in the United States of America, in trust for the use and benefit of the Osage Indians, and for other relief, hereby is DENIED.

B. It is further ADJUDGED and DECREED that each and every claim, counterclaim, and cross-claim presented in any or all of the captioned civil actions, by any defendant therein, by pleading, motion, brief, oral argument or any other means, hereby IS DISMISSED WITHOUT PREJUDICE.

C. It is further ORDERED that a copy of this judgment be filed in each of the captioned civil actions.

Entered this 30th day of November, 1984.

UNITED STATES DISTRICT JUDGE

APPROVED AS TO FORM:

Bradford S. Baker, Attorney for Tercero Corporation

William H. Bell and/or Mildred E. Otey, Attorneys for Chapman Barnard Interests

William K. Blanchard, per se

Leta Blanchard, per se

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Bow Pipe Line Company

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W. Robert Wilson, Attorney for
Defendants in 11 cases

Hubert A. Marlow
Assistant United States Attorney

UNITED STATES DISTRICT COURT FOR THE
NORTHERN DISTRICT OF OKLAHOMA

FILED

NOV 30 1984

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

UNITED STATES OF AMERICA, Plaintiff, vs.	
JOHN W. ATTERBERRY, et al., Defendants,	Civil No. 82-C-896-B
ROBERT D. BENNETT, et al., Defendants,	Civil No. 82-C-897-B
ETHEL M. COLLUM, et al., Defendants,	Civil No. 82-C-898-B
L. LAUREE CARRIGER, et al., Defendants,	Civil No. 82-C-899-B
ALOYSIUS V. HILL, JR., et al., Defendants,	Civil No. 82-C-900-B
CONSTANCE BEAR, et al., Defendants,	Civil No. 82-C-901-B
FEDERAL LAND BANK OF WICHITA, et al., Defendants,	Civil No. 82-C-902-B
CONSTANCE BEAR, et al., Defendants,	Civil No. 82-C-903-B
FEDERAL LAND BANK OF WICHITA, et al., Defendants,	Civil No. 82-C-904-B
PEARL MAZE, et al., Defendants,	Civil No. 82-C-905-B
ISC FINANCIAL HOUSE, et al., Defendants,	Civil No. 82-C-906-B
WILLIAM H. BELL, Trustee for Judith Barnard Braymen and for James R. Barnard Children Trust, et al., Defendants,	Civil No. 82-C-907-B
FEDERAL LAND BANK OF WICHITA, et al., Defendants,	Civil No. 82-C-908-B

WILLIAM H. BELL, Trustee for Judith Barnard Braymen and for James R. Barnard Children Trust, et al., Defendants,	)	Civil No. 82-C-909-B
WILLIAM H. BELL, Trustee for Judith Barnard Braymen and for James R. Barnard Children Trust, et al., Defendants,	)	Civil No. 82-C-910-B
DALE CHRISTENSON, et al., Defendants,	)	Civil No. 82-C-911-B
HELEN LEE CHRISTENSON, et al., Defendants,	)	Civil No. 82-C-912-B
BANK OF OKLAHOMA, N.A., Co-Trustee of the Horace G. Barnard, Jr. Trust, et al., Defendants,	)	Civil No. 82-C-913-B
BANK OF OKLAHOMA, N.A., Co-Trustee of the Horace G. Barnard, Jr. Trust, et al., Defendants,	)	Civil No. 82-C-914-B
BANK OF OKLAHOMA, N.A., Co-Trustee of the Horace G. Barnard, Jr. Trust, et al., Defendants,	)	Civil No. 82-C-915-B
STUART MARSHALL, Executor of the Estate of Helen G. Stuart, et al., Defendants,	)	Civil No. 82-C-916-B
BANK OF OKLAHOMA, N.A., Co-Trustee of the Horace G. Barnard, Jr. Trust, et al., Defendants,	)	Civil No. 82-C-917-B
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JAMES A. CHAPMAN and LETA M. CHAPMAN, Charitable Trust, et al., Defendants,	)	Civil No. 82-C-919-B
JAMES A. CHAPMAN and LETA M. CHAPMAN, Charitable Trust, et al., Defendants,	)	Civil No. 82-C-920-B

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OKLAHOMA LAND & CATTLE CO., et al., Defendants,	Civil No. 82-C-924-B
FEDERAL LAND BANK OF WICHITA, et al., Defendants,	Civil No. 82-C-925-B
DEE JAY BARTON, et al., Defendants,	Civil No. 82-C-927-B
JAY BARTON, et al., Defendants,	Civil No. 82-C-928-B
FEDERAL LAND BANK OF WICHITA, et al., Defendants,	Civil No. 82-C-929-B
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TERCERO CORPORATION, et al., Defendants,	Civil No. 82-C-933-B
TERCERO CORPORATION, et al., Defendants,	Civil No. 82-C-934-B
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PAULINE LYMAN, et al., Defendants,	Civil No. 82-C-937-B
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G. O. BARTGIS, et al., Defendants,	)	Civil No. 82-C-939-B
COOPERATIVE REFINERY ASSOCIATION, et al., Defendants,	)	Civil No. 82-C-940-B
COOPERATIVE REFINERY ASSOCIATION, et al., Defendants,	)	Civil No. 82-C-941-B
BURBANK PIPELINE, et al., Defendants,	)	Civil No. 82-C-942-B
JOHN FRANCIS MURPHY, et al., Defendants,	)	Civil No. 82-C-943-B
DAVID HARRIS, et al., Defendants,	)	Civil No. 82-C-944-B
CHARLES OLSON, et al., Defendants,	)	Civil No. 82-C-945-B
EDDIE L. HARRIS, et al., Defendants,	)	Civil No. 82-C-946-B
MARGARET CONNER OLSON, et al., Defendants,	)	Civil No. 82-C-947-B
EDDIE L. HARRIS, et al., Defendants,	)	Civil No. 82-C-948-B
VEATRICE HARRIS, et al., Defendants,	)	Civil No. 82-C-949-B

JUDGMENT

1.

This matter comes on for disposition on the 30th day of November, 1984, and the Court being fully advised in this matter finds that:

2.

This judgment applies to each of the civil actions named in the caption of this document.

3.

The Court has jurisdiction of the parties hereto and of the subject matter of these actions.

4.

Each of the defendants made a party in each of the civil actions named above has been properly and legally served with summons, in person or by legal and valid service by publication, as required by law, and such service upon such defendants is hereby affirmed and approved.

5.

Based upon the ORDER of this Court, entered in each of the captioned actions on June 22, 1984, which ORDER is incorporated herein by reference as though fully recited herein, the Court now enters final judgment in subject actions, as follows:

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B. It is further ADJUDGED and DECREED that each and every claim, counterclaim, and cross-claim presented in any or all of the captioned civil actions, by any defendant therein, by pleading, motion, brief, oral argument or any other means, hereby IS DISMISSED WITHOUT PREJUDICE.

C. It is further ORDERED that a copy of this judgment be filed in each of the captioned civil actions.

Entered this 30th day of November, 1984.

UNITED STATES DISTRICT JUDGE

APPROVED AS TO FORM:

Bradford S. Baker, Attorney for Tercero Corporation

William H. Bell and/or Mildred E. Otey, Attorneys for Chapman Barnard Interests

William K. Blanchard, per se

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Defendants in 11 cases

Hubert A. Marlow
Assistant United States Attorney

UNITED STATES DISTRICT COURT FOR THE
NORTHERN DISTRICT OF OKLAHOMA

FILED

NOV 30 1984

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

UNITED STATES OF AMERICA, Plaintiff, vs.	
JOHN W. ATTERBERRY, et al., Defendants,	Civil No. 82-C-896-B
ROBERT D. BENNETT, et al., Defendants,	Civil No. 82-C-897-B
ETHEL M. COLLUM, et al., Defendants,	Civil No. 82-C-898-B
L. LAUREE CARRIGER, et al., Defendants,	Civil No. 82-C-899-B
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CONSTANCE BEAR, et al., Defendants,	Civil No. 82-C-901-B
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PEARL MAZE, et al., Defendants,	Civil No. 82-C-905-B
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WILLIAM H. BELL, Trustee for Judith Barnard Braymen and for James R. Barnard Children Trust, et al., Defendants,	Civil No. 82-C-907-B
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WILLIAM H. BELL, Trustee for Judith Barnard Braymen and for James R. Barnard Children Trust, et al., Defendants,	)	Civil No. 82-C-910-B
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EDDIE L. HARRIS, et al., Defendants,	)	Civil No. 82-C-948-B
VEATRICE HARRIS, et al., Defendants,	)	Civil No. 82-C-949-B

JUDGMENT

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UNITED STATES DISTRICT COURT FOR THE
NORTHERN DISTRICT OF OKLAHOMA

FILED

NOV 30 1984

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

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JAMES A. CHAPMAN and LETA M. CHAPMAN, Charitable Trust, et al., Defendants,	)	Civil No. 82-C-920-B

ADAMS ENERGY COMPANY, et al., Defendants,	Civil No. 82-C-921-B
OKLAHOMA LAND & CATTLE CO., et al., Defendants,	Civil No. 82-C-922-B
JAMES A. CHAPMAN and LETA M. CHAPMAN, Charitable Trust, et al., Defendants,	Civil No. 82-C-923-B
OKLAHOMA LAND & CATTLE CO., et al., Defendants,	Civil No. 82-C-924-B
FEDERAL LAND BANK OF WICHITA, et al., Defendants,	Civil No. 82-C-925-B
DEE JAY BARTON, et al., Defendants,	Civil No. 82-C-927-B
JAY BARTON, et al., Defendants,	Civil No. 82-C-928-B
FEDERAL LAND BANK OF WICHITA, et al., Defendants,	Civil No. 82-C-929-B
JOE ALLEN PERRYMAN, et al., Defendants,	Civil No. 82-C-930-B
EQUITABLE LIFE ASSURANCE SOCIETY OF THE UNITED STATES, et al., Defendants,	Civil No. 82-C-931-B
JOE ALLEN PERRYMAN, et al., Defendants,	Civil No. 82-C-932-B
TERCERO CORPORATION, et al., Defendants,	Civil No. 82-C-933-B
TERCERO CORPORATION, et al., Defendants,	Civil No. 82-C-934-B
STEPHANIE ANN RAPP, et al., Defendants,	Civil No. 82-C-935-B
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PAULINE LYMAN, et al., Defendants,	Civil No. 82-C-937-B
JOE A. FULSOM, et al., Defendants,	Civil No. 82-C-938-B

G. O. BARTGIS, et al., Defendants,	)	Civil No. 82-C-939-B
COOPERATIVE REFINERY ASSOCIATION, et al., Defendants,	)	Civil No. 82-C-940-B
COOPERATIVE REFINERY ASSOCIATION, et al., Defendants,	)	Civil No. 82-C-941-B
BURBANK PIPELINE, et al., Defendants,	)	Civil No. 82-C-942-B
JOHN FRANCIS MURPHY, et al., Defendants,	)	Civil No. 82-C-943-B
DAVID HARRIS, et al., Defendants,	)	Civil No. 82-C-944-B
CHARLES OLSON, et al., Defendants,	)	Civil No. 82-C-945-B
EDDIE L. HARRIS, et al., Defendants,	)	Civil No. 82-C-946-B
MARGARET CONNER OLSON, et al., Defendants,	)	Civil No. 82-C-947-B
EDDIE L. HARRIS, et al., Defendants,	)	Civil No. 82-C-948-B
VEATRICE HARRIS, et al., Defendants,	)	Civil No. 82-C-949-B

JUDGMENT

1.

This matter comes on for disposition on the 30th day of November, 1984, and the Court being fully advised in this matter finds that:

2.

This judgment applies to each of the civil actions named in the caption of this document.

3.

The Court has jurisdiction of the parties hereto and of the subject matter of these actions.

4.

Each of the defendants made a party in each of the civil actions named above has been properly and legally served with summons, in person or by legal and valid service by publication, as required by law, and such service upon such defendants is hereby affirmed and approved.

5.

Based upon the ORDER of this Court, entered in each of the captioned actions on June 22, 1984, which ORDER is incorporated herein by reference as though fully recited herein, the Court now enters final judgment in subject actions, as follows:

A. It is ADJUDGED and DECREED that the land described in each and all of the Complaints filed in the subject civil actions has ceased to be used for railroad purposes, and fee simple title thereto (less and except all oil, gas, coal or other minerals) has reverted to, and vested in, the owners of the abutting land from which the described lands were taken. Therefore, the prayer of each of Plaintiff's Complaints that title to all of the land described in such Complaints be quieted in the United States of America, in trust for the use and benefit of the Osage Indians, and for other relief, hereby is DENIED.

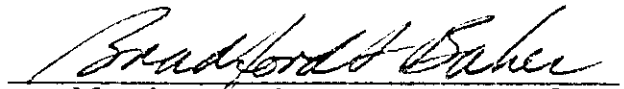
B. It is further ADJUDGED and DECREED that each and every claim, counterclaim, and cross-claim presented in any or all of the captioned civil actions, by any defendant therein, by pleading, motion, brief, oral argument or any other means, hereby IS DISMISSED WITHOUT PREJUDICE.

C. It is further ORDERED that a copy of this judgment be filed in each of the captioned civil actions.

Entered this 30th day of November, 1984.

UNITED STATES DISTRICT JUDGE

APPROVED AS TO FORM:



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Defendants in 11 cases

Hubert A. Marlow
Assistant United States Attorney

UNITED STATES DISTRICT COURT FOR THE
NORTHERN DISTRICT OF OKLAHOMA

FILED

NOV 30 1984

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

UNITED STATES OF AMERICA, Plaintiff, vs.	
JOHN W. ATTERBERRY, et al., Defendants,	Civil No. 82-C-896-B
ROBERT D. BENNETT, et al., Defendants,	Civil No. 82-C-897-B
ETHEL M. COLLUM, et al., Defendants,	Civil No. 82-C-898-B
L. LAUREE CARRIGER, et al., Defendants,	Civil No. 82-C-899-B
ALOYSIUS V. HILL, JR., et al., Defendants,	Civil No. 82-C-900-B
CONSTANCE BEAR, et al., Defendants,	Civil No. 82-C-901-B
FEDERAL LAND BANK OF WICHITA, et al., Defendants,	Civil No. 82-C-902-B
CONSTANCE BEAR, et al., Defendants,	Civil No. 82-C-903-B
FEDERAL LAND BANK OF WICHITA, et al., Defendants,	Civil No. 82-C-904-B
PEARL MAZE, et al., Defendants,	Civil No. 82-C-905-B
ISC FINANCIAL HOUSE, et al., Defendants,	Civil No. 82-C-906-B
WILLIAM H. BELL, Trustee for Judith Barnard Braymen and for James R. Barnard Children Trust, et al., Defendants,	Civil No. 82-C-907-B
FEDERAL LAND BANK OF WICHITA, et al., Defendants,	Civil No. 82-C-908-B

WILLIAM H. BELL, Trustee for Judith Barnard Braymen and for James R. Barnard Children Trust, et al., Defendants,	)	Civil No. 82-C-909-B
WILLIAM H. BELL, Trustee for Judith Barnard Braymen and for James R. Barnard Children Trust, et al., Defendants,	)	Civil No. 82-C-910-B
DALE CHRISTENSON, et al., Defendants,	)	Civil No. 82-C-911-B
HELEN LEE CHRISTENSON, et al., Defendants,	)	Civil No. 82-C-912-B
BANK OF OKLAHOMA, N.A., Co-Trustee of the Horace G. Barnard, Jr. Trust, et al., Defendants,	)	Civil No. 82-C-913-B
BANK OF OKLAHOMA, N.A., Co-Trustee of the Horace G. Barnard, Jr. Trust, et al., Defendants,	)	Civil No. 82-C-914-B
BANK OF OKLAHOMA, N.A., Co-Trustee of the Horace G. Barnard, Jr. Trust, et al., Defendants,	)	Civil No. 82-C-915-B
STUART MARSHALL, Executor of the Estate of Helen G. Stuart, et al., Defendants,	)	Civil No. 82-C-916-B
BANK OF OKLAHOMA, N.A., Co-Trustee of the Horace G. Barnard, Jr. Trust, et al., Defendants,	)	Civil No. 82-C-917-B
JAMES A. CHAPMAN and LETA M. CHAPMAN, Charitable Trust, et al., Defendants,	)	Civil No. 82-C-918-B
JAMES A. CHAPMAN and LETA M. CHAPMAN, Charitable Trust, et al., Defendants,	)	Civil No. 82-C-919-B
JAMES A. CHAPMAN and LETA M. CHAPMAN, Charitable Trust, et al., Defendants,	)	Civil No. 82-C-920-B

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OKLAHOMA LAND & CATTLE CO., et al., Defendants,	)	Civil No. 82-C-922-B
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OKLAHOMA LAND & CATTLE CO., et al., Defendants,	)	Civil No. 82-C-924-B
FEDERAL LAND BANK OF WICHITA, et al., Defendants,	)	Civil No. 82-C-925-B
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JOE ALLEN PERRYMAN, et al., Defendants,	)	Civil No. 82-C-930-B
EQUITABLE LIFE ASSURANCE SOCIETY OF THE UNITED STATES, et al., Defendants,	)	Civil No. 82-C-931-B
JOE ALLEN PERRYMAN, et al., Defendants,	)	Civil No. 82-C-932-B
TERCERO CORPORATION, et al., Defendants,	)	Civil No. 82-C-933-B
TERCERO CORPORATION, et al., Defendants,	)	Civil No. 82-C-934-B
STEPHANIE ANN RAPP, et al., Defendants,	)	Civil No. 82-C-935-B
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COOPERATIVE REFINERY ASSOCIATION, et al., Defendants,	)	Civil No. 82-C-940-B
COOPERATIVE REFINERY ASSOCIATION, et al., Defendants,	)	Civil No. 82-C-941-B
BURBANK PIPELINE, et al., Defendants,	)	Civil No. 82-C-942-B
JOHN FRANCIS MURPHY, et al., Defendants,	)	Civil No. 82-C-943-B
DAVID HARRIS, et al., Defendants,	)	Civil No. 82-C-944-B
CHARLES OLSON, et al., Defendants,	)	Civil No. 82-C-945-B
EDDIE L. HARRIS, et al., Defendants,	)	Civil No. 82-C-946-B
MARGARET CONNER OLSON, et al., Defendants,	)	Civil No. 82-C-947-B
EDDIE L. HARRIS, et al., Defendants,	)	Civil No. 82-C-948-B
VEATRICE HARRIS, et al., Defendants,	)	Civil No. 82-C-949-B

JUDGMENT

1.

This matter comes on for disposition on the 30th day of November, 1984, and the Court being fully advised in this matter finds that:

2.

This judgment applies to each of the civil actions named in the caption of this document.

3.

The Court has jurisdiction of the parties hereto and of the subject matter of these actions.

4.

Each of the defendants made a party in each of the civil actions named above has been properly and legally served with summons, in person or by legal and valid service by publication, as required by law, and such service upon such defendants is hereby affirmed and approved.

5.

Based upon the ORDER of this Court, entered in each of the captioned actions on June 22, 1984, which ORDER is incorporated herein by reference as though fully recited herein, the Court now enters final judgment in subject actions, as follows:

A. It is ADJUDGED and DECREED that the land described in each and all of the Complaints filed in the subject civil actions has ceased to be used for railroad purposes, and fee simple title thereto (less and except all oil, gas, coal or other minerals) has reverted to, and vested in, the owners of the abutting land from which the described lands were taken. Therefore, the prayer of each of Plaintiff's Complaints that title to all of the land described in such Complaints be quieted in the United States of America, in trust for the use and benefit of the Osage Indians, and for other relief, hereby is DENIED.

B. It is further ADJUDGED and DECREED that each and every claim, counterclaim, and cross-claim presented in any or all of the captioned civil actions, by any defendant therein, by pleading, motion, brief, oral argument or any other means, hereby IS DISMISSED WITHOUT PREJUDICE.

C. It is further ORDERED that a copy of this judgment be filed in each of the captioned civil actions.

Entered this 30th day of November, 1984.

UNITED STATES DISTRICT JUDGE

APPROVED AS TO FORM:

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UNITED STATES DISTRICT COURT FOR THE
NORTHERN DISTRICT OF OKLAHOMA

UNITED STATES OF AMERICA, Plaintiff, vs.	
JOHN W. ATTERBERRY, et al., Defendants,	Civil No. 82-C-896-B
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Hubert A. Marlow
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FILED

NOV 30 1984

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

UNITED STATES DISTRICT COURT FOR THE
NORTHERN DISTRICT OF OKLAHOMA

UNITED STATES OF AMERICA, Plaintiff, vs.	
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BANK OF OKLAHOMA, N.A., Co-Trustee of the Horace G. Barnard, Jr. Trust, et al., Defendants,	)	Civil No. 82-C-915-B
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JAY BARTON, et al., Defendants,	Civil No. 82-C-928-B
FEDERAL LAND BANK OF WICHITA, et al., Defendants,	Civil No. 82-C-929-B
JOE ALLEN PERRYMAN, et al., Defendants,	Civil No. 82-C-930-B
EQUITABLE LIFE ASSURANCE SOCIETY OF THE UNITED STATES, et al., Defendants,	Civil No. 82-C-931-B
JOE ALLEN PERRYMAN, et al., Defendants,	Civil No. 82-C-932-B
TERCERO CORPORATION, et al., Defendants,	Civil No. 82-C-933-B
TERCERO CORPORATION, et al., Defendants,	Civil No. 82-C-934-B
STEPHANIE ANN RAPP, et al., Defendants,	Civil No. 82-C-935-B
TERCERO CORPORATION, et al., Defendants,	Civil No. 82-C-936-B
PAULINE LYMAN, et al., Defendants,	Civil No. 82-C-937-B
JOE A. FULSOM, et al., Defendants,	Civil No. 82-C-938-B

G. O. BARTGIS, et al., Defendants,	)	Civil No. 82-C-939-B
COOPERATIVE REFINERY ASSOCIATION, et al., Defendants,	)	Civil No. 82-C-940-B
COOPERATIVE REFINERY ASSOCIATION, et al., Defendants,	)	Civil No. 82-C-941-B
BURBANK PIPELINE, et al., Defendants,	)	Civil No. 82-C-942-B
JOHN FRANCIS MURPHY, et al., Defendants,	)	Civil No. 82-C-943-B
DAVID HARRIS, et al., Defendants,	)	Civil No. 82-C-944-B
CHARLES OLSON, et al., Defendants,	)	Civil No. 82-C-945-B
EDDIE L. HARRIS, et al., Defendants,	)	Civil No. 82-C-946-B
MARGARET CONNER OLSON, et al., Defendants,	)	Civil No. 82-C-947-B
EDDIE L. HARRIS, et al., Defendants,	)	Civil No. 82-C-948-B
VEATRICE HARRIS, et al., Defendants,	)	Civil No. 82-C-949-B

JUDGMENT

1.

This matter comes on for disposition on the 30th day of November, 1984, and the Court being fully advised in this matter finds that:

2.

This judgment applies to each of the civil actions named in the caption of this document.

3.

The Court has jurisdiction of the parties hereto and of the subject matter of these actions.

4.

Each of the defendants made a party in each of the civil actions named above has been properly and legally served with summons, in person or by legal and valid service by publication, as required by law, and such service upon such defendants is hereby affirmed and approved.

5.

Based upon the ORDER of this Court, entered in each of the captioned actions on June 22, 1984, which ORDER is incorporated herein by reference as though fully recited herein, the Court now enters final judgment in subject actions, as follows:

A. It is ADJUDGED and DECREED that the land described in each and all of the Complaints filed in the subject civil actions has ceased to be used for railroad purposes, and fee simple title thereto (less and except all oil, gas, coal or other minerals) has reverted to, and vested in, the owners of the abutting land from which the described lands were taken. Therefore, the prayer of each of Plaintiff's Complaints that title to all of the land described in such Complaints be quieted in the United States of America, in trust for the use and benefit of the Osage Indians, and for other relief, hereby is DENIED.

B. It is further ADJUDGED and DECREED that each and every claim, counterclaim, and cross-claim presented in any or all of the captioned civil actions, by any defendant therein, by pleading, motion, brief, oral argument or any other means, hereby IS DISMISSED WITHOUT PREJUDICE.

C. It is further ORDERED that a copy of this judgment be filed in each of the captioned civil actions.

Entered this 30th day of November, 1984.

UNITED STATES DISTRICT JUDGE

APPROVED AS TO FORM:

Bradford S. Baker, Attorney for Tercero Corporation

William H. Bell and/or Mildred E. Otey, Attorneys for Chapman Barnard Interests

William K. Blanchard, per se

Leta Blanchard, per se

Gary W. Catron and/or Thomas D. Evans, Attorneys for Getty Pipeline Company

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and Don E. Edwards

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William E. Hughes, Attorney for
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Paul Hunter, per se

Matthew Kane, Jr., Attorney for
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W. Robert Wilson, Attorney for
Defendants in 11 cases

Hubert A. Marlow
Assistant United States Attorney

FILED

NOV 30 1984

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

UNITED STATES DISTRICT COURT FOR THE
NORTHERN DISTRICT OF OKLAHOMA

UNITED STATES OF AMERICA, Plaintiff, vs. JOHN W. ATTERBERRY, et al., Defendants,	Civil No. 82-C-896-B
ROBERT D. BENNETT, et al., Defendants,	Civil No. 82-C-897-B
ETHEL M. COLLUM, et al., Defendants,	Civil No. 82-C-898-B
L. LAUREE CARRIGER, et al., Defendants,	Civil No. 82-C-899-B
ALOYSIUS V. HILL, JR., et al., Defendants,	Civil No. 82-C-900-B
CONSTANCE BEAR, et al., Defendants,	Civil No. 82-C-901-B
FEDERAL LAND BANK OF WICHITA, et al., Defendants,	Civil No. 82-C-902-B
CONSTANCE BEAR, et al., Defendants,	Civil No. 82-C-903-B
FEDERAL LAND BANK OF WICHITA, et al., Defendants,	Civil No. 82-C-904-B
PEARL MAZE, et al., Defendants,	Civil No. 82-C-905-B
ISC FINANCIAL HOUSE, et al., Defendants,	Civil No. 82-C-906-B
WILLIAM H. BELL, Trustee for Judith Barnard Braymen and for James R. Barnard Children Trust, et al., Defendants,	Civil No. 82-C-907-B
FEDERAL LAND BANK OF WICHITA, et al., Defendants,	Civil No. 82-C-908-B

WILLIAM H. BELL, Trustee for Judith Barnard Braymen and for James R. Barnard Children Trust, et al., Defendants,	)	Civil No. 82-C-909-B
WILLIAM H. BELL, Trustee for Judith Barnard Braymen and for James R. Barnard Children Trust, et al., Defendants,	)	Civil No. 82-C-910-B
DALE CHRISTENSON, et al., Defendants,	)	Civil No. 82-C-911-B
HELEN LEE CHRISTENSON, et al., Defendants,	)	Civil No. 82-C-912-B
BANK OF OKLAHOMA, N.A., Co-Trustee of the Horace G. Barnard, Jr. Trust, et al., Defendants,	)	Civil No. 82-C-913-B
BANK OF OKLAHOMA, N.A., Co-Trustee of the Horace G. Barnard, Jr. Trust, et al., Defendants,	)	Civil No. 82-C-914-B
BANK OF OKLAHOMA, N.A., Co-Trustee of the Horace G. Barnard, Jr. Trust, et al., Defendants,	)	Civil No. 82-C-915-B
STUART MARSHALL, Executor of the Estate of Helen G. Stuart, et al., Defendants,	)	Civil No. 82-C-916-B
BANK OF OKLAHOMA, N.A., Co-Trustee of the Horace G. Barnard, Jr. Trust, et al., Defendants,	)	Civil No. 82-C-917-B
JAMES A. CHAPMAN and LETA M. CHAPMAN, Charitable Trust, et al., Defendants,	)	Civil No. 82-C-918-B
JAMES A. CHAPMAN and LETA M. CHAPMAN, Charitable Trust, et al., Defendants,	)	Civil No. 82-C-919-B
JAMES A. CHAPMAN and LETA M. CHAPMAN, Charitable Trust, et al., Defendants,	)	Civil No. 82-C-920-B

ADAMS ENERGY COMPANY, et al., Defendants,	)	Civil No. 82-C-921-B
OKLAHOMA LAND & CATTLE CO., et al., Defendants,	)	Civil No. 82-C-922-B
JAMES A. CHAPMAN and LETA M. CHAPMAN, Charitable Trust, et al., Defendants,	)	Civil No. 82-C-923-B
OKLAHOMA LAND & CATTLE CO., et al., Defendants,	)	Civil No. 82-C-924-B
FEDERAL LAND BANK OF WICHITA, et al., Defendants,	)	Civil No. 82-C-925-B
DEE JAY BARTON, et al., Defendants,	)	Civil No. 82-C-927-B
JAY BARTON, et al., Defendants,	)	Civil No. 82-C-928-B
FEDERAL LAND BANK OF WICHITA, et al., Defendants,	)	Civil No. 82-C-929-B
JOE ALLEN PERRYMAN, et al., Defendants,	)	Civil No. 82-C-930-B
EQUITABLE LIFE ASSURANCE SOCIETY OF THE UNITED STATES, et al., Defendants,	)	Civil No. 82-C-931-B
JOE ALLEN PERRYMAN, et al., Defendants,	)	Civil No. 82-C-932-B
TERCERO CORPORATION, et al., Defendants,	)	Civil No. 82-C-933-B
TERCERO CORPORATION, et al., Defendants,	)	Civil No. 82-C-934-B
STEPHANIE ANN RAPP, et al., Defendants,	)	Civil No. 82-C-935-B
TERCERO CORPORATION, et al., Defendants,	)	Civil No. 82-C-936-B
PAULINE LYMAN, et al., Defendants,	)	Civil No. 82-C-937-B
JOE A. FULSOM, et al., Defendants,	)	Civil No. 82-C-938-B

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COOPERATIVE REFINERY ASSOCIATION, et al., Defendants,	)	Civil No. 82-C-940-B
COOPERATIVE REFINERY ASSOCIATION, et al., Defendants,	)	Civil No. 82-C-941-B
BURBANK PIPELINE, et al., Defendants,	)	Civil No. 82-C-942-B
JOHN FRANCIS MURPHY, et al., Defendants,	)	Civil No. 82-C-943-B
DAVID HARRIS, et al., Defendants,	)	Civil No. 82-C-944-B
CHARLES OLSON, et al., Defendants,	)	Civil No. 82-C-945-B
EDDIE L. HARRIS, et al., Defendants,	)	Civil No. 82-C-946-B
MARGARET CONNER OLSON, et al., Defendants,	)	Civil No. 82-C-947-B
EDDIE L. HARRIS, et al., Defendants,	)	Civil No. 82-C-948-B
VEATRICE HARRIS, et al., Defendants,	)	Civil No. 82-C-949-B

JUDGMENT

1.

This matter comes on for disposition on the 30th day of November, 1984, and the Court being fully advised in this matter finds that:

2.

This judgment applies to each of the civil actions named in the caption of this document.

3.

The Court has jurisdiction of the parties hereto and of the subject matter of these actions.

4.

Each of the defendants made a party in each of the civil actions named above has been properly and legally served with summons, in person or by legal and valid service by publication, as required by law, and such service upon such defendants is hereby affirmed and approved.

5.

Based upon the ORDER of this Court, entered in each of the captioned actions on June 22, 1984, which ORDER is incorporated herein by reference as though fully recited herein, the Court now enters final judgment in subject actions, as follows:

A. It is ADJUDGED and DECREED that the land described in each and all of the Complaints filed in the subject civil actions has ceased to be used for railroad purposes, and fee simple title thereto (less and except all oil, gas, coal or other minerals) has reverted to, and vested in, the owners of the abutting land from which the described lands were taken. Therefore, the prayer of each of Plaintiff's Complaints that title to all of the land described in such Complaints be quieted in the United States of America, in trust for the use and benefit of the Osage Indians, and for other relief, hereby is DENIED.

B. It is further ADJUDGED and DECREED that each and every claim, counterclaim, and cross-claim presented in any or all of the captioned civil actions, by any defendant therein, by pleading, motion, brief, oral argument or any other means, hereby IS DISMISSED WITHOUT PREJUDICE.

C. It is further ORDERED that a copy of this judgment be filed in each of the captioned civil actions.

Entered this 30th day of November, 1984.

UNITED STATES DISTRICT JUDGE

APPROVED AS TO FORM:

Bradford S. Baker, Attorney for Tercero Corporation

William H. Bell and/or Mildred E. Otey, Attorneys for Chapman Barnard Interests

William K. Blanchard, per se

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Hubert A. Marlow
Assistant United States Attorney

FILED

NOV 30 1984

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

UNITED STATES DISTRICT COURT FOR THE
NORTHERN DISTRICT OF OKLAHOMA

UNITED STATES OF AMERICA, Plaintiff, vs. JOHN W. ATTERBERRY, et al., Defendants,	Civil No. 82-C-896-B
ROBERT D. BENNETT, et al., Defendants,	Civil No. 82-C-897-B
ETHEL M. COLLUM, et al., Defendants,	Civil No. 82-C-898-B
L. LAUREE CARRIGER, et al., Defendants,	Civil No. 82-C-899-B
ALOYSIUS V. HILL, JR., et al., Defendants,	Civil No. 82-C-900-B
CONSTANCE BEAR, et al., Defendants,	Civil No. 82-C-901-B
FEDERAL LAND BANK OF WICHITA, et al., Defendants,	Civil No. 82-C-902-B
CONSTANCE BEAR, et al., Defendants,	Civil No. 82-C-903-B
FEDERAL LAND BANK OF WICHITA, et al., Defendants,	Civil No. 82-C-904-B
PEARL MAZE, et al., Defendants,	Civil No. 82-C-905-B
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WILLIAM H. BELL, Trustee for Judith Barnard Braymen and for James R. Barnard Children Trust, et al., Defendants,	Civil No. 82-C-907-B
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WILLIAM H. BELL, Trustee for Judith Barnard Braymen and for James R. Barnard Children Trust, et al., Defendants,	)	Civil No. 82-C-909-B
WILLIAM H. BELL, Trustee for Judith Barnard Braymen and for James R. Barnard Children Trust, et al., Defendants,	)	Civil No. 82-C-910-B
DALE CHRISTENSON, et al., Defendants,	)	Civil No. 82-C-911-B
HELEN LEE CHRISTENSON, et al., Defendants,	)	Civil No. 82-C-912-B
BANK OF OKLAHOMA, N.A., Co-Trustee of the Horace G. Barnard, Jr. Trust, et al., Defendants,	)	Civil No. 82-C-913-B
BANK OF OKLAHOMA, N.A., Co-Trustee of the Horace G. Barnard, Jr. Trust, et al., Defendants,	)	Civil No. 82-C-914-B
BANK OF OKLAHOMA, N.A., Co-Trustee of the Horace G. Barnard, Jr. Trust, et al., Defendants,	)	Civil No. 82-C-915-B
STUART MARSHALL, Executor of the Estate of Helen G. Stuart, et al., Defendants,	)	Civil No. 82-C-916-B
BANK OF OKLAHOMA, N.A., Co-Trustee of the Horace G. Barnard, Jr. Trust, et al., Defendants,	)	Civil No. 82-C-917-B
JAMES A. CHAPMAN and LETA M. CHAPMAN, Charitable Trust, et al., Defendants,	)	Civil No. 82-C-918-B
JAMES A. CHAPMAN and LETA M. CHAPMAN, Charitable Trust, et al., Defendants,	)	Civil No. 82-C-919-B
JAMES A. CHAPMAN and LETA M. CHAPMAN, Charitable Trust, et al., Defendants,	)	Civil No. 82-C-920-B

ADAMS ENERGY COMPANY, et al., Defendants,	)	Civil No. 82-C-921-B
OKLAHOMA LAND & CATTLE CO., et al., Defendants,	)	Civil No. 82-C-922-B
JAMES A. CHAPMAN and LETA M. CHAPMAN, Charitable Trust, et al., Defendants,	)	Civil No. 82-C-923-B
OKLAHOMA LAND & CATTLE CO., et al., Defendants,	)	Civil No. 82-C-924-B
FEDERAL LAND BANK OF WICHITA, et al., Defendants,	)	Civil No. 82-C-925-B
DEE JAY BARTON, et al., Defendants,	)	Civil No. 82-C-927-B
JAY BARTON, et al., Defendants,	)	Civil No. 82-C-928-B
FEDERAL LAND BANK OF WICHITA, et al., Defendants,	)	Civil No. 82-C-929-B
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EDDIE L. HARRIS, et al., Defendants,	)	Civil No. 82-C-946-B
MARGARET CONNER OLSON, et al., Defendants,	)	Civil No. 82-C-947-B
EDDIE L. HARRIS, et al., Defendants,	)	Civil No. 82-C-948-B
VEATRICE HARRIS, et al., Defendants,	)	Civil No. 82-C-949-B

JUDGMENT

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C. It is further ORDERED that a copy of this judgment be filed in each of the captioned civil actions.

Entered this 30th day of November, 1984.

UNITED STATES DISTRICT JUDGE

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NOV 30 1984

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

UNITED STATES DISTRICT COURT FOR THE
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BANK OF OKLAHOMA, N.A., Co-Trustee of the Horace G. Barnard, Jr. Trust, et al., Defendants,	)	Civil No. 82-C-914-B
BANK OF OKLAHOMA, N.A., Co-Trustee of the Horace G. Barnard, Jr. Trust, et al., Defendants,	)	Civil No. 82-C-915-B
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JAMES A. CHAPMAN and LETA M. CHAPMAN, Charitable Trust, et al., Defendants,	)	Civil No. 82-C-918-B
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COOPERATIVE REFINERY ASSOCIATION, et al., Defendants,	)	Civil No. 82-C-940-B
COOPERATIVE REFINERY ASSOCIATION, et al., Defendants,	)	Civil No. 82-C-941-B
BURBANK PIPELINE, et al., Defendants,	)	Civil No. 82-C-942-B
JOHN FRANCIS MURPHY, et al., Defendants,	)	Civil No. 82-C-943-B
DAVID HARRIS, et al., Defendants,	)	Civil No. 82-C-944-B
CHARLES OLSON, et al., Defendants,	)	Civil No. 82-C-945-B
EDDIE L. HARRIS, et al., Defendants,	)	Civil No. 82-C-946-B
MARGARET CONNER OLSON, et al., Defendants,	)	Civil No. 82-C-947-B
EDDIE L. HARRIS, et al., Defendants,	)	Civil No. 82-C-948-B
VEATRICE HARRIS, et al., Defendants,	)	Civil No. 82-C-949-B

JUDGMENT

1.

This matter comes on for disposition on the 30th day of November, 1984, and the Court being fully advised in this matter finds that:

2.

This judgment applies to each of the civil actions named in the caption of this document.

3.

The Court has jurisdiction of the parties hereto and of the subject matter of these actions.

4.

Each of the defendants made a party in each of the civil actions named above has been properly and legally served with summons, in person or by legal and valid service by publication, as required by law, and such service upon such defendants is hereby affirmed and approved.

5.

Based upon the ORDER of this Court, entered in each of the captioned actions on June 22, 1984, which ORDER is incorporated herein by reference as though fully recited herein, the Court now enters final judgment in subject actions, as follows:

A. It is ADJUDGED and DECREED that the land described in each and all of the Complaints filed in the subject civil actions has ceased to be used for railroad purposes, and fee simple title thereto (less and except all oil, gas, coal or other minerals) has reverted to, and vested in, the owners of the abutting land from which the described lands were taken. Therefore, the prayer of each of Plaintiff's Complaints that title to all of the land described in such Complaints be quieted in the United States of America, in trust for the use and benefit of the Osage Indians, and for other relief, hereby is DENIED.

B. It is further ADJUDGED and DECREED that each and every claim, counterclaim, and cross-claim presented in any or all of the captioned civil actions, by any defendant therein, by pleading, motion, brief, cral argument or any other means, hereby IS DISMISSED WITHOUT PREJUDICE.

C. It is further ORDERED that a copy of this judgment be filed in each of the captioned civil actions.

Entered this 30th day of November, 1984.

UNITED STATES DISTRICT JUDGE

APPROVED AS TO FORM:

Bradford S. Baker, Attorney for Tercero Corporation

William H. Bell and/or Mildred E. Otey, Attorneys for Chapman Barnard Interests

William K. Blanchard, per se

Leta Blanchard, per se

Gary W. Catron and/or Thomas D. Evans, Attorneys for Getty Pipeline Company

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Defendants in 8 cases

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and Joan L. Bennett, and Cora Mae
and Don E. Edwards

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Farmland Industries, Inc.

William E. Hughes, Attorney for
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Paul Hunter, per se

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W. Robert Wilson, Attorney for
Defendants in 11 cases

Hubert A. Marlow
Assistant United States Attorney

FILED

NOV 30 1984

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

UNITED STATES DISTRICT COURT FOR THE
NORTHERN DISTRICT OF OKLAHOMA

UNITED STATES OF AMERICA, Plaintiff, vs.	
JOHN W. ATTERBERRY, et al., Defendants,	Civil No. 82-C-896-B
ROBERT D. BENNETT, et al., Defendants,	Civil No. 82-C-897-B
ETHEL M. COLLUM, et al., Defendants,	Civil No. 82-C-898-B
L. LAUREE CARRIGER, et al., Defendants,	Civil No. 82-C-899-B
ALOYSIUS V. HILL, JR., et al., Defendants,	Civil No. 82-C-900-B
CONSTANCE BEAR, et al., Defendants,	Civil No. 82-C-901-B
FEDERAL LAND BANK OF WICHITA, et al., Defendants,	Civil No. 82-C-902-B
CONSTANCE BEAR, et al., Defendants,	Civil No. 82-C-903-B
FEDERAL LAND BANK OF WICHITA, et al., Defendants,	Civil No. 82-C-904-B
PEARL MAZE, et al., Defendants,	Civil No. 82-C-905-B
ISC FINANCIAL HOUSE, et al., Defendants,	Civil No. 82-C-906-B
WILLIAM H. BELL, Trustee for Judith Barnard Braymen and for James R. Barnard Children Trust, et al., Defendants,	Civil No. 82-C-907-B
FEDERAL LAND BANK OF WICHITA, et al., Defendants,	Civil No. 82-C-908-B

WILLIAM H. BELL, Trustee for Judith Barnard Braymen and for James R. Barnard Children Trust, et al., Defendants,	)	Civil No. 82-C-909-B
WILLIAM H. BELL, Trustee for Judith Barnard Braymen and for James R. Barnard Children Trust, et al., Defendants,	)	Civil No. 82-C-910-B
DALE CHRISTENSON, et al., Defendants,	)	Civil No. 82-C-911-B
HELEN LEE CHRISTENSON, et al., Defendants,	)	Civil No. 82-C-912-B
BANK OF OKLAHOMA, N.A., Co-Trustee of the Horace G. Barnard, Jr. Trust, et al., Defendants,	)	Civil No. 82-C-913-B
BANK OF OKLAHOMA, N.A., Co-Trustee of the Horace G. Barnard, Jr. Trust, et al., Defendants,	)	Civil No. 82-C-914-B
BANK OF OKLAHOMA, N.A., Co-Trustee of the Horace G. Barnard, Jr. Trust, et al., Defendants,	)	Civil No. 82-C-915-B
STUART MARSHALL, Executor of the Estate of Helen G. Stuart, et al., Defendants,	)	Civil No. 82-C-916-B
BANK OF OKLAHOMA, N.A., Co-Trustee of the Horace G. Barnard, Jr. Trust, et al., Defendants,	)	Civil No. 82-C-917-B
JAMES A. CHAPMAN and LETA M. CHAPMAN, Charitable Trust, et al., Defendants,	)	Civil No. 82-C-918-B
JAMES A. CHAPMAN and LETA M. CHAPMAN, Charitable Trust, et al., Defendants,	)	Civil No. 82-C-919-B
JAMES A. CHAPMAN and LETA M. CHAPMAN, Charitable Trust, et al., Defendants,	)	Civil No. 82-C-920-B

ADAMS ENERGY COMPANY, et al., Defendants,	Civil No. 82-C-921-B
OKLAHOMA LAND & CATTLE CO., et al., Defendants,	Civil No. 82-C-922-B
JAMES A. CHAPMAN and LETA M. CHAPMAN, Charitable Trust, et al., Defendants,	Civil No. 82-C-923-B
OKLAHOMA LAND & CATTLE CO., et al., Defendants,	Civil No. 82-C-924-B
FEDERAL LAND BANK OF WICHITA, et al., Defendants,	Civil No. 82-C-925-B
DEE JAY BARTON, et al., Defendants,	Civil No. 82-C-927-B
JAY BARTON, et al., Defendants,	Civil No. 82-C-928-B
FEDERAL LAND BANK OF WICHITA, et al., Defendants,	Civil No. 82-C-929-B
JOE ALLEN PERRYMAN, et al., Defendants,	Civil No. 82-C-930-B
EQUITABLE LIFE ASSURANCE SOCIETY OF THE UNITED STATES, et al., Defendants,	Civil No. 82-C-931-B
JOE ALLEN PERRYMAN, et al., Defendants,	Civil No. 82-C-932-B
TERCERO CORPORATION, et al., Defendants,	Civil No. 82-C-933-B
TERCERO CORPORATION, et al., Defendants,	Civil No. 82-C-934-B
STEPHANIE ANN RAPP, et al., Defendants,	Civil No. 82-C-935-B
TERCERO CORPORATION, et al., Defendants,	Civil No. 82-C-936-B
PAULINE LYMAN, et al., Defendants,	Civil No. 82-C-937-B
JOE A. FULSOM, et al., Defendants,	Civil No. 82-C-938-B

G. O. BARTGIS, et al., Defendants,	)	Civil No. 82-C-939-B
COOPERATIVE REFINERY ASSOCIATION, et al., Defendants,	)	Civil No. 82-C-940-B
COOPERATIVE REFINERY ASSOCIATION, et al., Defendants,	)	Civil No. 82-C-941-B
BURBANK PIPELINE, et al., Defendants,	)	Civil No. 82-C-942-B
JOHN FRANCIS MURPHY, et al., Defendants,	)	Civil No. 82-C-943-B
DAVID HARRIS, et al., Defendants,	)	Civil No. 82-C-944-B
CHARLES OLSON, et al., Defendants,	)	Civil No. 82-C-945-B
EDDIE L. HARRIS, et al., Defendants,	)	Civil No. 82-C-946-B
MARGARET CONNER OLSON, et al., Defendants,	)	Civil No. 82-C-947-B
EDDIE L. HARRIS, et al., Defendants,	)	Civil No. 82-C-948-B
VEATRICE HARRIS, et al., Defendants,	)	Civil No. 82-C-949-B

JUDGMENT

1.

This matter comes on for disposition on the 30th day of November, 1984, and the Court being fully advised in this matter finds that:

2.

This judgment applies to each of the civil actions named in the caption of this document.

3.

The Court has jurisdiction of the parties hereto and of the subject matter of these actions.

4.

Each of the defendants made a party in each of the civil actions named above has been properly and legally served with summons, in person or by legal and valid service by publication, as required by law, and such service upon such defendants is hereby affirmed and approved.

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Based upon the ORDER of this Court, entered in each of the captioned actions on June 22, 1984, which ORDER is incorporated herein by reference as though fully recited herein, the Court now enters final judgment in subject actions, as follows:

A. It is ADJUDGED and DECREED that the land described in each and all of the Complaints filed in the subject civil actions has ceased to be used for railroad purposes, and fee simple title thereto (less and except all oil, gas, coal or other minerals) has reverted to, and vested in, the owners of the abutting land from which the described lands were taken. Therefore, the prayer of each of Plaintiff's Complaints that title to all of the land described in such Complaints be quieted in the United States of America, in trust for the use and benefit of the Osage Indians, and for other relief, hereby is DENIED.

B. It is further ADJUDGED and DECREED that each and every claim, counterclaim, and cross-claim presented in any or all of the captioned civil actions, by any defendant therein, by pleading, motion, brief, oral argument or any other means, hereby IS DISMISSED WITHOUT PREJUDICE.

C. It is further ORDERED that a copy of this judgment be filed in each of the captioned civil actions.

Entered this 30th day of November, 1984.

UNITED STATES DISTRICT JUDGE

APPROVED AS TO FORM:

Bradford S. Baker, Attorney for Tercero Corporation

William H. Bell and/or Mildred E. Otey, Attorneys for Chapman Barnard Interests

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W. Robert Wilson, Attorney for
Defendants in 11 cases

Hubert A. Marlow
Assistant United States Attorney

FILED

NOV 30 1984

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

UNITED STATES DISTRICT COURT FOR THE
NORTHERN DISTRICT OF OKLAHOMA

UNITED STATES OF AMERICA, Plaintiff, vs. JOHN W. ATTERBERRY, et al., Defendants,	Civil No. 82-C-896-B
ROBERT D. BENNETT, et al., Defendants,	Civil No. 82-C-897-B
ETHEL M. COLLUM, et al., Defendants,	Civil No. 82-C-898-B
L. LAUREE CARRIGER, et al., Defendants,	Civil No. 82-C-899-B
ALOYSIUS V. HILL, JR., et al., Defendants,	Civil No. 82-C-900-B
CONSTANCE BEAR, et al., Defendants,	Civil No. 82-C-901-B
FEDERAL LAND BANK OF WICHITA, et al., Defendants,	Civil No. 82-C-902-B
CONSTANCE BEAR, et al., Defendants,	Civil No. 82-C-903-B
FEDERAL LAND BANK OF WICHITA, et al., Defendants,	Civil No. 82-C-904-B
PEARL MAZE, et al., Defendants,	Civil No. 82-C-905-B
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WILLIAM H. BELL, Trustee for Judith Barnard Braymen and for James R. Barnard Children Trust, et al., Defendants,	Civil No. 82-C-907-B
FEDERAL LAND BANK OF WICHITA, et al., Defendants,	Civil No. 82-C-908-B

WILLIAM H. BELL, Trustee for Judith Barnard Braymen and for James R. Barnard Children Trust, et al., Defendants,	)	Civil No. 82-C-909-B
WILLIAM H. BELL, Trustee for Judith Barnard Braymen and for James R. Barnard Children Trust, et al., Defendants,	)	Civil No. 82-C-910-B
DALE CHRISTENSON, et al., Defendants,	)	Civil No. 82-C-911-B
HELEN LEE CHRISTENSON, et al., Defendants,	)	Civil No. 82-C-912-B
BANK OF OKLAHOMA, N.A., Co-Trustee of the Horace G. Barnard, Jr. Trust, et al., Defendants,	)	Civil No. 82-C-913-B
BANK OF OKLAHOMA, N.A., Co-Trustee of the Horace G. Barnard, Jr. Trust, et al., Defendants,	)	Civil No. 82-C-914-B
BANK OF OKLAHOMA, N.A., Co-Trustee of the Horace G. Barnard, Jr. Trust, et al., Defendants,	)	Civil No. 82-C-915-B
STUART MARSHALL, Executor of the Estate of Helen G. Stuart, et al., Defendants,	)	Civil No. 82-C-916-B
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JAMES A. CHAPMAN and LETA M. CHAPMAN, Charitable Trust, et al., Defendants,	)	Civil No. 82-C-919-B
JAMES A. CHAPMAN and LETA M. CHAPMAN, Charitable Trust, et al., Defendants,	)	Civil No. 82-C-920-B

ADAMS ENERGY COMPANY, et al., Defendants,	Civil No. 82-C-921-B
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PAULINE LYMAN, et al., Defendants,	Civil No. 82-C-937-B
JOE A. FULSOM, et al., Defendants,	Civil No. 82-C-938-B

G. O. BARTGIS, et al., Defendants,	)	Civil No. 82-C-939-B
COOPERATIVE REFINERY ASSOCIATION, et al., Defendants,	)	Civil No. 82-C-940-B
COOPERATIVE REFINERY ASSOCIATION, et al., Defendants,	)	Civil No. 82-C-941-B
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EDDIE L. HARRIS, et al., Defendants,	)	Civil No. 82-C-946-B
MARGARET CONNER OLSON, et al., Defendants,	)	Civil No. 82-C-947-B
EDDIE L. HARRIS, et al., Defendants,	)	Civil No. 82-C-948-B
VEATRICE HARRIS, et al., Defendants,	)	Civil No. 82-C-949-B

JUDGMENT

1.

This matter comes on for disposition on the 30th day of November, 1984, and the Court being fully advised in this matter finds that:

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This judgment applies to each of the civil actions named in the caption of this document.

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B. It is further ADJUDGED and DECREED that each and every claim, counterclaim, and cross-claim presented in any or all of the captioned civil actions, by any defendant therein, by pleading, motion, brief, oral argument or any other means, hereby IS DISMISSED WITHOUT PREJUDICE.

C. It is further ORDERED that a copy of this judgment be filed in each of the captioned civil actions.

Entered this 30th day of November, 1984.

UNITED STATES DISTRICT JUDGE

APPROVED AS TO FORM:

Bradford S. Baker, Attorney for Tercero Corporation

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Hubert A. Marlow
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NOV 30 1984

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

UNITED STATES DISTRICT COURT FOR THE
NORTHERN DISTRICT OF OKLAHOMA

UNITED STATES OF AMERICA, Plaintiff, vs. JOHN W. ATTERBERRY, et al., Defendants,	Civil No. 82-C-896-B
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ALOYSIUS V. HILL, JR., et al., Defendants,	Civil No. 82-C-900-B
CONSTANCE BEAR, et al., Defendants,	Civil No. 82-C-901-B
FEDERAL LAND BANK OF WICHITA, et al., Defendants,	Civil No. 82-C-902-B
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FEDERAL LAND BANK OF WICHITA, et al., Defendants,	Civil No. 82-C-904-B
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JUDGMENT

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Each of the defendants made a party in each of the civil actions named above has been properly and legally served with summons, in person or by legal and valid service by publication, as required by law, and such service upon such defendants is hereby affirmed and approved.

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Based upon the ORDER of this Court, entered in each of the captioned actions on June 22, 1984, which ORDER is incorporated herein by reference as though fully recited herein, the Court now enters final judgment in subject actions, as follows:

A. It is ADJUDGED and DECREED that the land described in each and all of the Complaints filed in the subject civil actions has ceased to be used for railroad purposes, and fee simple title thereto (less and except all oil, gas, coal or other minerals) has reverted to, and vested in, the owners of the abutting land from which the described lands were taken. Therefore, the prayer of each of Plaintiff's Complaints that title to all of the land described in such Complaints be quieted in the United States of America, in trust for the use and benefit of the Osage Indians, and for other relief, hereby is DENIED.

B. It is further ADJUDGED and DECREED that each and every claim, counterclaim, and cross-claim presented in any or all of the captioned civil actions, by any defendant therein, by pleading, motion, brief, oral argument or any other means, hereby IS DISMISSED WITHOUT PREJUDICE.

C. It is further ORDERED that a copy of this judgment be filed in each of the captioned civil actions.

Entered this 30th day of November, 1984.

UNITED STATES DISTRICT JUDGE

APPROVED AS TO FORM:

Bradford S. Baker, Attorney for Tercero Corporation

William H. Bell and/or Mildred E. Otey, Attorneys for Chapman Barnard Interests

William K. Blanchard, per se

Leta Blanchard, per se

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and Joan L. Bennett, and Cora Mae
and Don E. Edwards

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Robert P. Kelly, Attorney for
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Osage County, Oklahoma

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Bow Pipe Line Company

Janet S. Tilley, per se

David L. Tilley, per se

W. Robert Wilson, Attorney for
Defendants in 11 cases

Hubert A. Marlow
Assistant United States Attorney

NOV 30 1984

UNITED STATES DISTRICT COURT FOR THE
NORTHERN DISTRICT OF OKLAHOMA

UNITED STATES OF AMERICA, Plaintiff, vs. JOHN W. ATTERBERRY, et al., Defendants,	Civil No. 82-C-896-B
ROBERT D. BENNETT, et al., Defendants,	Civil No. 82-C-897-B
ETHEL M. COLLUM, et al., Defendants,	Civil No. 82-C-898-B
L. LAUREE CARRIGER, et al., Defendants,	Civil No. 82-C-899-B
ALOYSIUS V. HILL, JR., et al., Defendants,	Civil No. 82-C-900-B
CONSTANCE BEAR, et al., Defendants,	Civil No. 82-C-901-B
FEDERAL LAND BANK OF WICHITA, et al., Defendants,	Civil No. 82-C-902-B
CONSTANCE BEAR, et al., Defendants,	Civil No. 82-C-903-B
FEDERAL LAND BANK OF WICHITA, et al., Defendants,	Civil No. 82-C-904-B
PEARL MAZE, et al., Defendants,	Civil No. 82-C-905-B
ISC FINANCIAL HOUSE, et al., Defendants,	Civil No. 82-C-906-B
WILLIAM H. BELL, Trustee for Judith Barnard Braymen and for James R. Barnard Children Trust, et al., Defendants,	Civil No. 82-C-907-B
FEDERAL LAND BANK OF WICHITA, et al., Defendants,	Civil No. 82-C-908-B

WILLIAM H. BELL, Trustee for Judith Barnard Braymen and for James R. Barnard Children Trust, et al., Defendants,	)	Civil No. 82-C-909-B
WILLIAM H. BELL, Trustee for Judith Barnard Braymen and for James R. Barnard Children Trust, et al., Defendants,	)	Civil No. 82-C-910-B
DALE CHRISTENSON, et al., Defendants,	)	Civil No. 82-C-911-B
HELEN LEE CHRISTENSON, et al., Defendants,	)	Civil No. 82-C-912-B
BANK OF OKLAHOMA, N.A., Co-Trustee of the Horace G. Barnard, Jr. Trust, et al., Defendants,	)	Civil No. 82-C-913-B
BANK OF OKLAHOMA, N.A., Co-Trustee of the Horace G. Barnard, Jr. Trust, et al., Defendants,	)	Civil No. 82-C-914-B
BANK OF OKLAHOMA, N.A., Co-Trustee of the Horace G. Barnard, Jr. Trust, et al., Defendants,	)	Civil No. 82-C-915-B
STUART MARSHALL, Executor of the Estate of Helen G. Stuart, et al., Defendants,	)	Civil No. 82-C-916-B
BANK OF OKLAHOMA, N.A., Co-Trustee of the Horace G. Barnard, Jr. Trust, et al., Defendants,	)	Civil No. 82-C-917-B
JAMES A. CHAPMAN and LETA M. CHAPMAN, Charitable Trust, et al., Defendants,	)	Civil No. 82-C-918-B
JAMES A. CHAPMAN and LETA M. CHAPMAN, Charitable Trust, et al., Defendants,	)	Civil No. 82-C-919-B
JAMES A. CHAPMAN and LETA M. CHAPMAN, Charitable Trust, et al., Defendants,	)	Civil No. 82-C-920-B

ADAMS ENERGY COMPANY, et al., Defendants,	Civil No. 82-C-921-B
OKLAHOMA LAND & CATTLE CO., et al., Defendants,	Civil No. 82-C-922-B
JAMES A. CHAPMAN and LETA M. CHAPMAN, Charitable Trust, et al., Defendants,	Civil No. 82-C-923-B
OKLAHOMA LAND & CATTLE CO., et al., Defendants,	Civil No. 82-C-924-B
FEDERAL LAND BANK OF WICHITA, et al., Defendants,	Civil No. 82-C-925-B
DEE JAY BARTON, et al., Defendants,	Civil No. 82-C-927-B
JAY BARTON, et al., Defendants,	Civil No. 82-C-928-B
FEDERAL LAND BANK OF WICHITA, et al., Defendants,	Civil No. 82-C-929-B
JOE ALLEN PERRYMAN, et al., Defendants,	Civil No. 82-C-930-B
EQUITABLE LIFE ASSURANCE SOCIETY OF THE UNITED STATES, et al., Defendants,	Civil No. 82-C-931-B
JOE ALLEN PERRYMAN, et al., Defendants,	Civil No. 82-C-932-B
TERCERO CORPORATION, et al., Defendants,	Civil No. 82-C-933-B
TERCERO CORPORATION, et al., Defendants,	Civil No. 82-C-934-B
STEPHANIE ANN RAPP, et al., Defendants,	Civil No. 82-C-935-B
TERCERO CORPORATION, et al., Defendants,	Civil No. 82-C-936-B
PAULINE LYMAN, et al., Defendants,	Civil No. 82-C-937-B
JOE A. FULSOM, et al., Defendants,	Civil No. 82-C-938-B

G. O. BARTGIS, et al., Defendants,	)	Civil No. 82-C-939-B
COOPERATIVE REFINERY ASSOCIATION, et al., Defendants,	)	Civil No. 82-C-940-B
COOPERATIVE REFINERY ASSOCIATION, et al., Defendants,	)	Civil No. 82-C-941-B
BURBANK PIPELINE, et al., Defendants,	)	Civil No. 82-C-942-B
JOHN FRANCIS MURPHY, et al., Defendants,	)	Civil No. 82-C-943-B
DAVID HARRIS, et al., Defendants,	)	Civil No. 82-C-944-B
CHARLES OLSON, et al., Defendants,	)	Civil No. 82-C-945-B
EDDIE L. HARRIS, et al., Defendants,	)	Civil No. 82-C-946-B
MARGARET CONNER OLSON, et al., Defendants,	)	Civil No. 82-C-947-B
EDDIE L. HARRIS, et al., Defendants,	)	Civil No. 82-C-948-B
VEATRICE HARRIS, et al., Defendants,	)	Civil No. 82-C-949-B

JUDGMENT

1.

This matter comes on for disposition on the 30th day of November, 1984, and the Court being fully advised in this matter finds that:

2.

This judgment applies to each of the civil actions named in the caption of this document.

3.

The Court has jurisdiction of the parties hereto and of the subject matter of these actions.

4.

Each of the defendants made a party in each of the civil actions named above has been properly and legally served with summons, in person or by legal and valid service by publication, as required by law, and such service upon such defendants is hereby affirmed and approved.

5.

Based upon the ORDER of this Court, entered in each of the captioned actions on June 22, 1984, which ORDER is incorporated herein by reference as though fully recited herein, the Court now enters final judgment in subject actions, as follows:

A. It is ADJUDGED and DECREED that the land described in each and all of the Complaints filed in the subject civil actions has ceased to be used for railroad purposes, and fee simple title thereto (less and except all oil, gas, coal or other minerals) has reverted to, and vested in, the owners of the abutting land from which the described lands were taken. Therefore, the prayer of each of Plaintiff's Complaints that title to all of the land described in such Complaints be quieted in the United States of America, in trust for the use and benefit of the Osage Indians, and for other relief, hereby is DENIED.

B. It is further ADJUDGED and DECREED that each and every claim, counterclaim, and cross-claim presented in any or all of the captioned civil actions, by any defendant therein, by pleading, motion, brief, oral argument or any other means, hereby IS DISMISSED WITHOUT PREJUDICE.

C. It is further ORDERED that a copy of this judgment be filed in each of the captioned civil actions.

Entered this 30th day of November, 1984.

UNITED STATES DISTRICT JUDGE

APPROVED AS TO FORM:

Bradford S. Baker, Attorney for Tercero Corporation

William H. Bell and/or Mildred E. Otey, Attorneys for Chapman Barnard Interests

William K. Blanchard, per se

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W. Robert Wilson, Attorney for
Defendants in 11 cases

Hubert A. Marlow
Assistant United States Attorney

NOV 30

UNITED STATES DISTRICT COURT FOR THE
NORTHERN DISTRICT OF OKLAHOMA

UNITED STATES OF AMERICA, Plaintiff, vs.	
JOHN W. ATTERBERRY, et al., Defendants,	Civil No. 82-C-896-B
ROBERT D. BENNETT, et al., Defendants,	Civil No. 82-C-897-B
ETHEL M. COLLUM, et al., Defendants,	Civil No. 82-C-898-B
L. LAUREE CARRIGER, et al., Defendants,	Civil No. 82-C-899-B
ALOYSIUS V. HILL, JR., et al., Defendants,	Civil No. 82-C-900-B
CONSTANCE BEAR, et al., Defendants,	Civil No. 82-C-901-B
FEDERAL LAND BANK OF WICHITA, et al., Defendants,	Civil No. 82-C-902-B
CONSTANCE BEAR, et al., Defendants,	Civil No. 82-C-903-B
FEDERAL LAND BANK OF WICHITA, et al., Defendants,	Civil No. 82-C-904-B
PEARL MAZE, et al., Defendants,	Civil No. 82-C-905-B
ISC FINANCIAL HOUSE, et al., Defendants,	Civil No. 82-C-906-B
WILLIAM H. BELL, Trustee for Judith Barnard Braymen and for James R. Barnard Children Trust, et al., Defendants,	Civil No. 82-C-907-B
FEDERAL LAND BANK OF WICHITA, et al., Defendants,	Civil No. 82-C-908-B

WILLIAM H. BELL, Trustee for Judith Barnard Braymen and for James R. Barnard Children Trust, et al., Defendants,	)	Civil No. 82-C-909-B
WILLIAM H. BELL, Trustee for Judith Barnard Braymen and for James R. Barnard Children Trust, et al., Defendants,	)	Civil No. 82-C-910-B
DALE CHRISTENSON, et al., Defendants,	)	Civil No. 82-C-911-B
HELEN LEE CHRISTENSON, et al., Defendants,	)	Civil No. 82-C-912-B
BANK OF OKLAHOMA, N.A., Co-Trustee of the Horace G. Barnard, Jr. Trust, et al., Defendants,	)	Civil No. 82-C-913-B
BANK OF OKLAHOMA, N.A., Co-Trustee of the Horace G. Barnard, Jr. Trust, et al., Defendants,	)	Civil No. 82-C-914-B
BANK OF OKLAHOMA, N.A., Co-Trustee of the Horace G. Barnard, Jr. Trust, et al., Defendants,	)	Civil No. 82-C-915-B
STUART MARSHALL, Executor of the Estate of Helen G. Stuart, et al., Defendants,	)	Civil No. 82-C-916-B
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JAMES A. CHAPMAN and LETA M. CHAPMAN, Charitable Trust, et al., Defendants,	)	Civil No. 82-C-918-B
JAMES A. CHAPMAN and LETA M. CHAPMAN, Charitable Trust, et al., Defendants,	)	Civil No. 82-C-919-B
JAMES A. CHAPMAN and LETA M. CHAPMAN, Charitable Trust, et al., Defendants,	)	Civil No. 82-C-920-B

ADAMS ENERGY COMPANY, et al., Defendants,	Civil No. 82-C-921-B
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JAY BARTON, et al., Defendants,	Civil No. 82-C-928-B
FEDERAL LAND BANK OF WICHITA, et al., Defendants,	Civil No. 82-C-929-B
JOE ALLEN PERRYMAN, et al., Defendants,	Civil No. 82-C-930-B
EQUITABLE LIFE ASSURANCE SOCIETY OF THE UNITED STATES, et al., Defendants,	Civil No. 82-C-931-B
JOE ALLEN PERRYMAN, et al., Defendants,	Civil No. 82-C-932-B
TERCERO CORPORATION, et al., Defendants,	Civil No. 82-C-933-B
TERCERO CORPORATION, et al., Defendants,	Civil No. 82-C-934-B
STEPHANIE ANN RAPP, et al., Defendants,	Civil No. 82-C-935-B
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G. O. BARTGIS, et al., Defendants,	)	Civil No. 82-C-939-B
COOPERATIVE REFINERY ASSOCIATION, et al., Defendants,	)	Civil No. 82-C-940-B
COOPERATIVE REFINERY ASSOCIATION, et al., Defendants,	)	Civil No. 82-C-941-B
BURBANK PIPELINE, et al., Defendants,	)	Civil No. 82-C-942-B
JOHN FRANCIS MURPHY, et al., Defendants,	)	Civil No. 82-C-943-B
DAVID HARRIS, et al., Defendants,	)	Civil No. 82-C-944-B
CHARLES OLSON, et al., Defendants,	)	Civil No. 82-C-945-B
EDDIE L. HARRIS, et al., Defendants,	)	Civil No. 82-C-946-B
MARGARET CONNER OLSON, et al., Defendants,	)	Civil No. 82-C-947-B
EDDIE L. HARRIS, et al., Defendants,	)	Civil No. 82-C-948-B
VEATRICE HARRIS, et al., Defendants,	)	Civil No. 82-C-949-B

JUDGMENT

1.

This matter comes on for disposition on the 30th day of November, 1984, and the Court being fully advised in this matter finds that:

2.

This judgment applies to each of the civil actions named in the caption of this document.

3.

The Court has jurisdiction of the parties hereto and of the subject matter of these actions.

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Each of the defendants made a party in each of the civil actions named above has been properly and legally served with summons, in person or by legal and valid service by publication, as required by law, and such service upon such defendants is hereby affirmed and approved.

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B. It is further ADJUDGED and DECREED that each and every claim, counterclaim, and cross-claim presented in any or all of the captioned civil actions, by any defendant therein, by pleading, motion, brief, oral argument or any other means, hereby IS DISMISSED WITHOUT PREJUDICE.

C. It is further ORDERED that a copy of this judgment be filed in each of the captioned civil actions.

Entered this 30th day of November, 1984.

UNITED STATES DISTRICT JUDGE

APPROVED AS TO FORM:

Bradford S. Baker, Attorney for Tercero Corporation

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MAR 30

UNITED STATES DISTRICT COURT FOR THE
NORTHERN DISTRICT OF OKLAHOMA

UNITED STATES OF AMERICA, Plaintiff, vs. JOHN W. ATTERBERRY, et al., Defendants,	Civil No. 82-C-896-B
ROBERT D. BENNETT, et al., Defendants,	Civil No. 82-C-897-B
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FEDERAL LAND BANK OF WICHITA, et al., Defendants,	Civil No. 82-C-902-B
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WILLIAM H. BELL, Trustee for Judith Barnard Braymen and for James R. Barnard Children Trust, et al., Defendants,	Civil No. 82-C-907-B
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DALE CHRISTENSON, et al., Defendants,	)	Civil No. 82-C-911-B
HELEN LEE CHRISTENSON, et al., Defendants,	)	Civil No. 82-C-912-B
BANK OF OKLAHOMA, N.A., Co-Trustee of the Horace G. Barnard, Jr. Trust, et al., Defendants,	)	Civil No. 82-C-913-B
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DEE JAY BARTON, et al., Defendants,	)	Civil No. 82-C-927-B
JAY BARTON, et al., Defendants,	)	Civil No. 82-C-928-B
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EDDIE L. HARRIS, et al., Defendants,	)	Civil No. 82-C-948-B
VEATRICE HARRIS, et al., Defendants,	)	Civil No. 82-C-949-B

JUDGMENT

1.

This matter comes on for disposition on the 30th day of November, 1984, and the Court being fully advised in this matter finds that:

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C. It is further ORDERED that a copy of this judgment be filed in each of the captioned civil actions.

Entered this 30th day of November, 1984.

UNITED STATES DISTRICT JUDGE

APPROVED AS TO FORM:

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and Joan L. Bennett, and Cora Mae
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Farmland Industries, Inc.

William E. Hughes, Attorney for
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Paul Hunter, per se

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Janet S. Tilley, per se

David L. Tilley, per se

W. Robert Wilson, Attorney for
Defendants in 11 cases

Hubert A. Marlow
Assistant United States Attorney

NOV 30 1984

UNITED STATES DISTRICT COURT FOR THE
NORTHERN DISTRICT OF OKLAHOMA

UNITED STATES OF AMERICA, Plaintiff, vs. JOHN W. ATTERBERRY, et al., Defendants,	Civil No. 82-C-896-B
ROBERT D. BENNETT, et al., Defendants,	Civil No. 82-C-897-B
ETHEL M. COLLUM, et al., Defendants,	Civil No. 82-C-898-B
L. LAUREE CARRIGER, et al., Defendants,	Civil No. 82-C-899-B
ALOYSIUS V. HILL, JR., et al., Defendants,	Civil No. 82-C-900-B
CONSTANCE BEAR, et al., Defendants,	Civil No. 82-C-901-B
FEDERAL LAND BANK OF WICHITA, et al., Defendants,	Civil No. 82-C-902-B
CONSTANCE BEAR, et al., Defendants,	Civil No. 82-C-903-B
FEDERAL LAND BANK OF WICHITA, et al., Defendants,	Civil No. 82-C-904-B
PEARL MAZE, et al., Defendants,	Civil No. 82-C-905-B
ISC FINANCIAL HOUSE, et al., Defendants,	Civil No. 82-C-906-B
WILLIAM H. BELL, Trustee for Judith Barnard Braymen and for James R. Barnard Children Trust, et al., Defendants,	Civil No. 82-C-907-B
FEDERAL LAND BANK OF WICHITA, et al., Defendants,	Civil No. 82-C-908-B

WILLIAM H. BELL, Trustee for Judith Barnard Braymen and for James R. Barnard Children Trust, et al., Defendants,	)	Civil No. 82-C-909-B
WILLIAM H. BELL, Trustee for Judith Barnard Braymen and for James R. Barnard Children Trust, et al., Defendants,	)	Civil No. 82-C-910-B
DALE CHRISTENSON, et al., Defendants,	)	Civil No. 82-C-911-B
HELEN LEE CHRISTENSON, et al., Defendants,	)	Civil No. 82-C-912-B
BANK OF OKLAHOMA, N.A., Co-Trustee of the Horace G. Barnard, Jr. Trust, et al., Defendants,	)	Civil No. 82-C-913-B
BANK OF OKLAHOMA, N.A., Co-Trustee of the Horace G. Barnard, Jr. Trust, et al., Defendants,	)	Civil No. 82-C-914-B
BANK OF OKLAHOMA, N.A., Co-Trustee of the Horace G. Barnard, Jr. Trust, et al., Defendants,	)	Civil No. 82-C-915-B
STUART MARSHALL, Executor of the Estate of Helen G. Stuart, et al., Defendants,	)	Civil No. 82-C-916-B
BANK OF OKLAHOMA, N.A., Co-Trustee of the Horace G. Barnard, Jr. Trust, et al., Defendants,	)	Civil No. 82-C-917-B
JAMES A. CHAPMAN and LETA M. CHAPMAN, Charitable Trust, et al., Defendants,	)	Civil No. 82-C-918-B
JAMES A. CHAPMAN and LETA M. CHAPMAN, Charitable Trust, et al., Defendants,	)	Civil No. 82-C-919-B
JAMES A. CHAPMAN and LETA M. CHAPMAN, Charitable Trust, et al., Defendants,	)	Civil No. 82-C-920-B

ADAMS ENERGY COMPANY, et al., Defendants,	)	Civil No. 82-C-921-B
OKLAHOMA LAND & CATTLE CO., et al., Defendants,	)	Civil No. 82-C-922-B
JAMES A. CHAPMAN and LETA M. CHAPMAN, Charitable Trust, et al., Defendants,	)	Civil No. 82-C-923-B
OKLAHOMA LAND & CATTLE CO., et al., Defendants,	)	Civil No. 82-C-924-B
FEDERAL LAND BANK OF WICHITA, et al., Defendants,	)	Civil No. 82-C-925-B
DEE JAY BARTON, et al., Defendants,	)	Civil No. 82-C-927-B
JAY BARTON, et al., Defendants,	)	Civil No. 82-C-928-B
FEDERAL LAND BANK OF WICHITA, et al., Defendants,	)	Civil No. 82-C-929-B
JOE ALLEN PERRYMAN, et al., Defendants,	)	Civil No. 82-C-930-B
EQUITABLE LIFE ASSURANCE SOCIETY OF THE UNITED STATES, et al., Defendants,	)	Civil No. 82-C-931-B
JOE ALLEN PERRYMAN, et al., Defendants,	)	Civil No. 82-C-932-B
TERCERO CORPORATION, et al., Defendants,	)	Civil No. 82-C-933-B
TERCERO CORPORATION, et al., Defendants,	)	Civil No. 82-C-934-B
STEPHANIE ANN RAPP, et al., Defendants,	)	Civil No. 82-C-935-B
TERCERO CORPORATION, et al., Defendants,	)	Civil No. 82-C-936-B
PAULINE LYMAN, et al., Defendants,	)	Civil No. 82-C-937-B
JOE A. FULSOM, et al., Defendants,	)	Civil No. 82-C-938-B

G. O. BARTGIS, et al., Defendants,	)	Civil No. 82-C-939-B
COOPERATIVE REFINERY ASSOCIATION, et al., Defendants,	)	Civil No. 82-C-940-B
COOPERATIVE REFINERY ASSOCIATION, et al., Defendants,	)	Civil No. 82-C-941-B
BURBANK PIPELINE, et al., Defendants,	)	Civil No. 82-C-942-B
JOHN FRANCIS MURPHY, et al., Defendants,	)	Civil No. 82-C-943-B
DAVID HARRIS, et al., Defendants,	)	Civil No. 82-C-944-B
CHARLES OLSON, et al., Defendants,	)	Civil No. 82-C-945-B
EDDIE L. HARRIS, et al., Defendants,	)	Civil No. 82-C-946-B
MARGARET CONNER OLSON, et al., Defendants,	)	Civil No. 82-C-947-B
EDDIE L. HARRIS, et al., Defendants,	)	Civil No. 82-C-948-B
VEATRICE HARRIS, et al., Defendants,	)	Civil No. 82-C-949-B

JUDGMENT

1.

This matter comes on for disposition on the 30th day of November, 1984, and the Court being fully advised in this matter finds that:

2.

This judgment applies to each of the civil actions named in the caption of this document.

3.

The Court has jurisdiction of the parties hereto and of the subject matter of these actions.

4.

Each of the defendants made a party in each of the civil actions named above has been properly and legally served with summons, in person or by legal and valid service by publication, as required by law, and such service upon such defendants is hereby affirmed and approved.

5.

Based upon the ORDER of this Court, entered in each of the captioned actions on June 22, 1984, which ORDER is incorporated herein by reference as though fully recited herein, the Court now enters final judgment in subject actions, as follows:

A. It is ADJUDGED and DECREED that the land described in each and all of the Complaints filed in the subject civil actions has ceased to be used for railroad purposes, and fee simple title thereto (less and except all oil, gas, coal or other minerals) has reverted to, and vested in, the owners of the abutting land from which the described lands were taken. Therefore, the prayer of each of Plaintiff's Complaints that title to all of the land described in such Complaints be quieted in the United States of America, in trust for the use and benefit of the Osage Indians, and for other relief, hereby is DENIED.

B. It is further ADJUDGED and DECREED that each and every claim, counterclaim, and cross-claim presented in any or all of the captioned civil actions, by any defendant therein, by pleading, motion, brief, oral argument or any other means, hereby IS DISMISSED WITHOUT PREJUDICE.

C. It is further ORDERED that a copy of this judgment be filed in each of the captioned civil actions.

Entered this 30th day of November, 1984.

UNITED STATES DISTRICT JUDGE

APPROVED AS TO FORM:

Bradford S. Baker, Attorney for Tercero Corporation

William H. Bell and/or Mildred E. Otey, Attorneys for Chapman Barnard Interests

William K. Blanchard, per se

Leta Blanchard, per se

Gary W. Catron and/or Thomas D. Evans, Attorneys for Getty Pipeline Company

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FILED
NOV 30 '83

UNITED STATES DISTRICT COURT FOR THE
NORTHERN DISTRICT OF OKLAHOMA

UNITED STATES OF AMERICA, Plaintiff, vs. JOHN W. ATTERBERRY, et al., Defendants,	Civil No. 82-C-896-B
ROBERT D. BENNETT, et al., Defendants,	Civil No. 82-C-897-B
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FEDERAL LAND BANK OF WICHITA, et al., Defendants,	Civil No. 82-C-904-B
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ISC FINANCIAL HOUSE, et al., Defendants,	Civil No. 82-C-906-B
WILLIAM H. BELL, Trustee for Judith Barnard Braymen and for James R. Barnard Children Trust, et al., Defendants,	Civil No. 82-C-907-B
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WILLIAM H. BELL, Trustee for Judith Barnard Braymen and for James R. Barnard Children Trust, et al., Defendants,	)	Civil No. 82-C-909-B
WILLIAM H. BELL, Trustee for Judith Barnard Braymen and for James R. Barnard Children Trust, et al., Defendants,	)	Civil No. 82-C-910-B
DALE CHRISTENSON, et al., Defendants,	)	Civil No. 82-C-911-B
HELEN LEE CHRISTENSON, et al., Defendants,	)	Civil No. 82-C-912-B
BANK OF OKLAHOMA, N.A., Co-Trustee of the Horace G. Barnard, Jr. Trust, et al., Defendants,	)	Civil No. 82-C-913-B
BANK OF OKLAHOMA, N.A., Co-Trustee of the Horace G. Barnard, Jr. Trust, et al., Defendants,	)	Civil No. 82-C-914-B
BANK OF OKLAHOMA, N.A., Co-Trustee of the Horace G. Barnard, Jr. Trust, et al., Defendants,	)	Civil No. 82-C-915-B
STUART MARSHALL, Executor of the Estate of Helen G. Stuart, et al., Defendants,	)	Civil No. 82-C-916-B
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TERCERO CORPORATION, et al., Defendants,	)	Civil No. 82-C-933-B
TERCERO CORPORATION, et al., Defendants,	)	Civil No. 82-C-934-B
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PAULINE LYMAN, et al., Defendants,	)	Civil No. 82-C-937-B
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MARGARET CONNER OLSON, et al., Defendants,	)	Civil No. 82-C-947-B
EDDIE L. HARRIS, et al., Defendants,	)	Civil No. 82-C-948-B
VEATRICE HARRIS, et al., Defendants,	)	Civil No. 82-C-949-B

JUDGMENT

1.

This matter comes on for disposition on the _____ day of November, 1984, and the Court being fully advised in this matter finds that:

2.

This judgment applies to each of the civil actions named in the caption of this document.

3.

The Court has jurisdiction of the parties hereto and of the subject matter of these actions.

4.

Each of the defendants made a party in each of the civil actions named above has been properly and legally served with summons, in person or by legal and valid service by publication, as required by law, and such service upon such defendants is hereby affirmed and approved.

5.

Based upon the ORDER of this Court, entered in each of the captioned actions on June 22, 1984, which ORDER is incorporated herein by reference as though fully recited herein, the Court now enters final judgment in subject actions, as follows:

A. It is ADJUDGED and DECREED that the land described in each and all of the Complaints filed in the subject civil actions has ceased to be used for railroad purposes, and fee simple title thereto (less and except all oil, gas, coal or other minerals) has reverted to, and vested in, the owners of the abutting land from which the described lands were taken. Therefore, the prayer of each of Plaintiff's Complaints that title to all of the land described in such Complaints be quieted in the United States of America, in trust for the use and benefit of the Osage Indians, and for other relief, hereby is DENIED.

B. It is further ADJUDGED and DECREED that each and every claim, counterclaim, and cross-claim presented in any or all of the captioned civil actions, by any defendant therein, by pleading, motion, brief, oral argument or any other means, hereby IS DISMISSED WITHOUT PREJUDICE.

C. It is further ORDERED that a copy of this judgment be filed in each of the captioned civil actions.

Entered this 30th day of November, 1984.

UNITED STATES DISTRICT JUDGE

APPROVED AS TO FORM:

Bradford S. Baker, Attorney for Tercero Corporation

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NOV 30 1984

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JUDGMENT

1.

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C. It is further ORDERED that a copy of this judgment be filed in each of the captioned civil actions.

Entered this 30th day of November, 1984.

UNITED STATES DISTRICT JUDGE

APPROVED AS TO FORM:

Bradford S. Baker, Attorney for Tercero Corporation

William H. Bell and/or Mildred E. Otey, Attorneys for Chapman Barnard Interests

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L. LAUREE CARRIGER, et al., Defendants,	Civil No. 82-C-899-B
ALOYSIUS V. HILL, JR., et al., Defendants,	Civil No. 82-C-900-B
CONSTANCE BEAR, et al., Defendants,	Civil No. 82-C-901-B
FEDERAL LAND BANK OF WICHITA, et al., Defendants,	Civil No. 82-C-902-B
CONSTANCE BEAR, et al., Defendants,	Civil No. 82-C-903-B
FEDERAL LAND BANK OF WICHITA, et al., Defendants,	Civil No. 82-C-904-B
PEARL MAZE, et al., Defendants,	Civil No. 82-C-905-B
ISC FINANCIAL HOUSE, et al., Defendants,	Civil No. 82-C-906-B
WILLIAM H. BELL, Trustee for Judith Barnard Braymen and for James R. Barnard Children Trust, et al., Defendants,	Civil No. 82-C-907-B
FEDERAL LAND BANK OF WICHITA, et al., Defendants,	Civil No. 82-C-908-B

WILLIAM H. BELL, Trustee for Judith Barnard Braymen and for James R. Barnard Children Trust, et al., Defendants,	)	Civil No. 82-C-909-B
WILLIAM H. BELL, Trustee for Judith Barnard Braymen and for James R. Barnard Children Trust, et al., Defendants,	)	Civil No. 82-C-910-B
DALE CHRISTENSON, et al., Defendants,	)	Civil No. 82-C-911-B
HELEN LEE CHRISTENSON, et al., Defendants,	)	Civil No. 82-C-912-B
BANK OF OKLAHOMA, N.A., Co-Trustee of the Horace G. Barnard, Jr. Trust, et al., Defendants,	)	Civil No. 82-C-913-B
BANK OF OKLAHOMA, N.A., Co-Trustee of the Horace G. Barnard, Jr. Trust, et al., Defendants,	)	Civil No. 82-C-914-B
BANK OF OKLAHOMA, N.A., Co-Trustee of the Horace G. Barnard, Jr. Trust, et al., Defendants,	)	Civil No. 82-C-915-B
STUART MARSHALL, Executor of the Estate of Helen G. Stuart, et al., Defendants,	)	Civil No. 82-C-916-B
BANK OF OKLAHOMA, N.A., Co-Trustee of the Horace G. Barnard, Jr. Trust, et al., Defendants,	)	Civil No. 82-C-917-B
JAMES A. CHAPMAN and LETA M. CHAPMAN, Charitable Trust, et al., Defendants,	)	Civil No. 82-C-918-B
JAMES A. CHAPMAN and LETA M. CHAPMAN, Charitable Trust, et al., Defendants,	)	Civil No. 82-C-919-B
JAMES A. CHAPMAN and LETA M. CHAPMAN, Charitable Trust, et al., Defendants,	)	Civil No. 82-C-920-B

ADAMS ENERGY COMPANY, et al., Defendants,	Civil No. 82-C-921-B
OKLAHOMA LAND & CATTLE CO., et al., Defendants,	Civil No. 82-C-922-B
JAMES A. CHAPMAN and LETA M. CHAPMAN, Charitable Trust, et al., Defendants,	Civil No. 82-C-923-B
OKLAHOMA LAND & CATTLE CO., et al., Defendants,	Civil No. 82-C-924-B
FEDERAL LAND BANK OF WICHITA, et al., Defendants,	Civil No. 82-C-925-B
DEE JAY BARTON, et al., Defendants,	Civil No. 82-C-927-B
JAY BARTON, et al., Defendants,	Civil No. 82-C-928-B
FEDERAL LAND BANK OF WICHITA, et al., Defendants,	Civil No. 82-C-929-B
JOE ALLEN PERRYMAN, et al., Defendants,	Civil No. 82-C-930-B
EQUITABLE LIFE ASSURANCE SOCIETY OF THE UNITED STATES, et al., Defendants,	Civil No. 82-C-931-B
JOE ALLEN PERRYMAN, et al., Defendants,	Civil No. 82-C-932-B
TERCERO CORPORATION, et al., Defendants,	Civil No. 82-C-933-B
TERCERO CORPORATION, et al., Defendants,	Civil No. 82-C-934-B
STEPHANIE ANN RAPP, et al., Defendants,	Civil No. 82-C-935-B
TERCERO CORPORATION, et al., Defendants,	Civil No. 82-C-936-B
PAULINE LYMAN, et al., Defendants,	Civil No. 82-C-937-B
JOE A. FULSOM, et al., Defendants,	Civil No. 82-C-938-B

G. O. BARTGIS, et al., Defendants,	)	Civil No. 82-C-939-B
COOPERATIVE REFINERY ASSOCIATION, et al., Defendants,	)	Civil No. 82-C-940-B
COOPERATIVE REFINERY ASSOCIATION, et al., Defendants,	)	Civil No. 82-C-941-B
BURBANK PIPELINE, et al., Defendants,	)	Civil No. 82-C-942-B
JOHN FRANCIS MURPHY, et al., Defendants,	)	Civil No. 82-C-943-B
DAVID HARRIS, et al., Defendants,	)	Civil No. 82-C-944-B
CHARLES OLSON, et al., Defendants,	)	Civil No. 82-C-945-B
EDDIE L. HARRIS, et al., Defendants,	)	Civil No. 82-C-946-B
MARGARET CONNER OLSON, et al., Defendants,	)	Civil No. 82-C-947-B
EDDIE L. HARRIS, et al., Defendants,	)	Civil No. 82-C-948-B
VEATRICE HARRIS, et al., Defendants,	)	Civil No. 82-C-949-B

JUDGMENT

1.

This matter comes on for disposition on the 30th day of November, 1984, and the Court being fully advised in this matter finds that:

2.

This judgment applies to each of the civil actions named in the caption of this document.

3.

The Court has jurisdiction of the parties hereto and of the subject matter of these actions.

4.

Each of the defendants made a party in each of the civil actions named above has been properly and legally served with summons, in person or by legal and valid service by publication, as required by law, and such service upon such defendants is hereby affirmed and approved.

5.

Based upon the ORDER of this Court, entered in each of the captioned actions on June 22, 1984, which ORDER is incorporated herein by reference as though fully recited herein, the Court now enters final judgment in subject actions, as follows:

A. It is ADJUDGED and DECREED that the land described in each and all of the Complaints filed in the subject civil actions has ceased to be used for railroad purposes, and fee simple title thereto (less and except all oil, gas, coal or other minerals) has reverted to, and vested in, the owners of the abutting land from which the described lands were taken. Therefore, the prayer of each of Plaintiff's Complaints that title to all of the land described in such Complaints be quieted in the United States of America, in trust for the use and benefit of the Osage Indians, and for other relief, hereby is DENIED.

B. It is further ADJUDGED and DECREED that each and every claim, counterclaim, and cross-claim presented in any or all of the captioned civil actions, by any defendant therein, by pleading, motion, brief, oral argument or any other means, hereby IS DISMISSED WITHOUT PREJUDICE.

C. It is further ORDERED that a copy of this judgment be filed in each of the captioned civil actions.

Entered this 30th day of November, 1984.

UNITED STATES DISTRICT JUDGE

APPROVED AS TO FORM:

Bradford S. Baker, Attorney for Tercero Corporation

William H. Bell and/or Mildred E. Otey, Attorneys for Chapman Barnard Interests

William K. Blanchard, per se

Leta Blanchard, per se

Gary W. Catron and/or Thomas D. Evans, Attorneys for Getty Pipeline Company

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Phyllis C. Gibbs

Bill Hall, Attorney for Robert D.
and Joan L. Bennett, and Cora Mae
and Don E. Edwards

Robert J. Hammer, Attorney for
Farmland Industries, Inc.

William E. Hughes, Attorney for
Public Service Company of Oklahoma

Paul Hunter, per se

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Dee Jay Barton a/k/a Jay Barton

Robert P. Kelly, Attorney for
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Osage County, Oklahoma

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Bow Pipe Line Company

Janet S. Tilley, per se

David L. Tilley, per se

W. Robert Wilson, Attorney for
Defendants in 11 cases

Hubert A. Marlow
Assistant United States Attorney

NOV 30, 1984

UNITED STATES DISTRICT COURT FOR THE
NORTHERN DISTRICT OF OKLAHOMA

UNITED STATES OF AMERICA, Plaintiff, vs. JOHN W. ATTERBERRY, et al., Defendants,	Civil No. 82-C-896-B
ROBERT D. BENNETT, et al., Defendants,	Civil No. 82-C-897-B
ETHEL M. COLLUM, et al., Defendants,	Civil No. 82-C-898-B
L. LAUREE CARRIGER, et al., Defendants,	Civil No. 82-C-899-B
ALOYSIUS V. HILL, JR., et al., Defendants,	Civil No. 82-C-900-B
CONSTANCE BEAR, et al., Defendants,	Civil No. 82-C-901-B
FEDERAL LAND BANK OF WICHITA, et al., Defendants,	Civil No. 82-C-902-B
CONSTANCE BEAR, et al., Defendants,	Civil No. 82-C-903-B
FEDERAL LAND BANK OF WICHITA, et al., Defendants,	Civil No. 82-C-904-B
PEARL MAZE, et al., Defendants,	Civil No. 82-C-905-B
ISC FINANCIAL HOUSE, et al., Defendants,	Civil No. 82-C-906-B
WILLIAM H. BELL, Trustee for Judith Barnard Braymen and for James R. Barnard Children Trust, et al., Defendants,	Civil No. 82-C-907-B
FEDERAL LAND BANK OF WICHITA, et al., Defendants,	Civil No. 82-C-908-B

WILLIAM H. BELL, Trustee for Judith Barnard Braymen and for James R. Barnard Children Trust, et al., Defendants,	)	Civil No. 82-C-909-B
WILLIAM H. BELL, Trustee for Judith Barnard Braymen and for James R. Barnard Children Trust, et al., Defendants,	)	Civil No. 82-C-910-B
DALE CHRISTENSON, et al., Defendants,	)	Civil No. 82-C-911-B
HELEN LEE CHRISTENSON, et al., Defendants,	)	Civil No. 82-C-912-B
BANK OF OKLAHOMA, N.A., Co-Trustee of the Horace G. Barnard, Jr. Trust, et al., Defendants,	)	Civil No. 82-C-913-B
BANK OF OKLAHOMA, N.A., Co-Trustee of the Horace G. Barnard, Jr. Trust, et al., Defendants,	)	Civil No. 82-C-914-B
BANK OF OKLAHOMA, N.A., Co-Trustee of the Horace G. Barnard, Jr. Trust, et al., Defendants,	)	Civil No. 82-C-915-B
STUART MARSHALL, Executor of the Estate of Helen G. Stuart, et al., Defendants,	)	Civil No. 82-C-916-B
BANK OF OKLAHOMA, N.A., Co-Trustee of the Horace G. Barnard, Jr. Trust, et al., Defendants,	)	Civil No. 82-C-917-B
JAMES A. CHAPMAN and LETA M. CHAPMAN, Charitable Trust, et al., Defendants,	)	Civil No. 82-C-918-B
JAMES A. CHAPMAN and LETA M. CHAPMAN, Charitable Trust, et al., Defendants,	)	Civil No. 82-C-919-B
JAMES A. CHAPMAN and LETA M. CHAPMAN, Charitable Trust, et al., Defendants,	)	Civil No. 82-C-920-B

ADAMS ENERGY COMPANY, et al., Defendants,	Civil No. 82-C-921-B
OKLAHOMA LAND & CATTLE CO., et al., Defendants,	Civil No. 82-C-922-B
JAMES A. CHAPMAN and LETA M. CHAPMAN, Charitable Trust, et al., Defendants,	Civil No. 82-C-923-B
OKLAHOMA LAND & CATTLE CO., et al., Defendants,	Civil No. 82-C-924-B
FEDERAL LAND BANK OF WICHITA, et al., Defendants,	Civil No. 82-C-925-B
DEE JAY BARTON, et al., Defendants,	Civil No. 82-C-927-B
JAY BARTON, et al., Defendants,	Civil No. 82-C-928-B
FEDERAL LAND BANK OF WICHITA, et al., Defendants,	Civil No. 82-C-929-B
JOE ALLEN PERRYMAN, et al., Defendants,	Civil No. 82-C-930-B
EQUITABLE LIFE ASSURANCE SOCIETY OF THE UNITED STATES, et al., Defendants,	Civil No. 82-C-931-B
JOE ALLEN PERRYMAN, et al., Defendants,	Civil No. 82-C-932-B
TERCERO CORPORATION, et al., Defendants,	Civil No. 82-C-933-B
TERCERO CORPORATION, et al., Defendants,	Civil No. 82-C-934-B
STEPHANIE ANN RAPP, et al., Defendants,	Civil No. 82-C-935-B
TERCERO CORPORATION, et al., Defendants,	Civil No. 82-C-936-B
PAULINE LYMAN, et al., Defendants,	Civil No. 82-C-937-B
JOE A. FULSOM, et al., Defendants,	Civil No. 82-C-938-B

G. O. BARTGIS, et al., Defendants,	)	Civil No. 82-C-939-B
COOPERATIVE REFINERY ASSOCIATION, et al., Defendants,	)	Civil No. 82-C-940-B
COOPERATIVE REFINERY ASSOCIATION, et al., Defendants,	)	Civil No. 82-C-941-B
BURBANK PIPELINE, et al., Defendants,	)	Civil No. 82-C-942-B
JOHN FRANCIS MURPHY, et al., Defendants,	)	Civil No. 82-C-943-B
DAVID HARRIS, et al., Defendants,	)	Civil No. 82-C-944-B
CHARLES OLSON, et al., Defendants,	)	Civil No. 82-C-945-B
EDDIE L. HARRIS, et al., Defendants,	)	Civil No. 82-C-946-B
MARGARET CONNER OLSON, et al., Defendants,	)	Civil No. 82-C-947-B
EDDIE L. HARRIS, et al., Defendants,	)	Civil No. 82-C-948-B
VEATRICE HARRIS, et al., Defendants,	)	Civil No. 82-C-949-B

JUDGMENT

1.

This matter comes on for disposition on the 30th day of November, 1984, and the Court being fully advised in this matter finds that:

2.

This judgment applies to each of the civil actions named in the caption of this document.

3.

The Court has jurisdiction of the parties hereto and of the subject matter of these actions.

4.

Each of the defendants made a party in each of the civil actions named above has been properly and legally served with summons, in person or by legal and valid service by publication, as required by law, and such service upon such defendants is hereby affirmed and approved.

5.

Based upon the ORDER of this Court, entered in each of the captioned actions on June 22, 1984, which ORDER is incorporated herein by reference as though fully recited herein, the Court now enters final judgment in subject actions, as follows:

A. It is ADJUDGED and DECREED that the land described in each and all of the Complaints filed in the subject civil actions has ceased to be used for railroad purposes, and fee simple title thereto (less and except all oil, gas, coal or other minerals) has reverted to, and vested in, the owners of the abutting land from which the described lands were taken. Therefore, the prayer of each of Plaintiff's Complaints that title to all of the land described in such Complaints be quieted in the United States of America, in trust for the use and benefit of the Osage Indians, and for other relief, hereby is DENIED.

B. It is further ADJUDGED and DECREED that each and every claim, counterclaim, and cross-claim presented in any or all of the captioned civil actions, by any defendant therein, by pleading, motion, brief, oral argument or any other means, hereby IS DISMISSED WITHOUT PREJUDICE.

C. It is further ORDERED that a copy of this judgment be filed in each of the captioned civil actions.

Entered this 30th day of November, 1984.

UNITED STATES DISTRICT JUDGE

APPROVED AS TO FORM:

Bradford S. Baker, Attorney for Tercero Corporation

William H. Bell and/or Mildred E. Otey, Attorneys for Chapman Barnard Interests

William K. Blanchard, per se

Leta Blanchard, per se

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and Joan L. Bennett, and Cora Mae
and Don E. Edwards

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Robert P. Kelly, Attorney for
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David Ross and/or Tom Rigdon,
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Osage County, for Board of County
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Osage County, Oklahoma

Lewis Reynolds, Attorney for
Bow Pipe Line Company

Janet S. Tilley, per se

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W. Robert Wilson, Attorney for
Defendants in 11 cases

Hubert A. Marlow
Assistant United States Attorney

NOV 30 1984

UNITED STATES DISTRICT COURT FOR THE
NORTHERN DISTRICT OF OKLAHOMA

UNITED STATES OF AMERICA, Plaintiff, vs. JOHN W. ATTERBERRY, et al., Defendants,	Civil No. 82-C-896-B
ROBERT D. BENNETT, et al., Defendants,	Civil No. 82-C-897-B
ETHEL M. COLLUM, et al., Defendants,	Civil No. 82-C-898-B
L. LAUREE CARRIGER, et al., Defendants,	Civil No. 82-C-899-B
ALOYSIUS V. HILL, JR., et al., Defendants,	Civil No. 82-C-900-B
CONSTANCE BEAR, et al., Defendants,	Civil No. 82-C-901-B
FEDERAL LAND BANK OF WICHITA, et al., Defendants,	Civil No. 82-C-902-B
CONSTANCE BEAR, et al., Defendants,	Civil No. 82-C-903-B
FEDERAL LAND BANK OF WICHITA, et al., Defendants,	Civil No. 82-C-904-B
PEARL MAZE, et al., Defendants,	Civil No. 82-C-905-B
ISC FINANCIAL HOUSE, et al., Defendants,	Civil No. 82-C-906-B
WILLIAM H. BELL, Trustee for Judith Barnard Braymen and for James R. Barnard Children Trust, et al., Defendants,	Civil No. 82-C-907-B
FEDERAL LAND BANK OF WICHITA, et al., Defendants,	Civil No. 82-C-908-B

WILLIAM H. BELL, Trustee for Judith Barnard Braymen and for James R. Barnard Children Trust, et al., Defendants,	)	Civil No. 82-C-909-B
WILLIAM H. BELL, Trustee for Judith Barnard Braymen and for James R. Barnard Children Trust, et al., Defendants,	)	Civil No. 82-C-910-B
DALE CHRISTENSON, et al., Defendants,	)	Civil No. 82-C-911-B
HELEN LEE CHRISTENSON, et al., Defendants,	)	Civil No. 82-C-912-B
BANK OF OKLAHOMA, N.A., Co-Trustee of the Horace G. Barnard, Jr. Trust, et al., Defendants,	)	Civil No. 82-C-913-B
BANK OF OKLAHOMA, N.A., Co-Trustee of the Horace G. Barnard, Jr. Trust, et al., Defendants,	)	Civil No. 82-C-914-B
BANK OF OKLAHOMA, N.A., Co-Trustee of the Horace G. Barnard, Jr. Trust, et al., Defendants,	)	Civil No. 82-C-915-B
STUART MARSHALL, Executor of the Estate of Helen G. Stuart, et al., Defendants,	)	Civil No. 82-C-916-B
BANK OF OKLAHOMA, N.A., Co-Trustee of the Horace G. Barnard, Jr. Trust, et al., Defendants,	)	Civil No. 82-C-917-B
JAMES A. CHAPMAN and LETA M. CHAPMAN, Charitable Trust, et al., Defendants,	)	Civil No. 82-C-918-B
JAMES A. CHAPMAN and LETA M. CHAPMAN, Charitable Trust, et al., Defendants,	)	Civil No. 82-C-919-B
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FEDERAL LAND BANK OF WICHITA, et al., Defendants,	Civil No. 82-C-925-B
DEE JAY BARTON, et al., Defendants,	Civil No. 82-C-927-B
JAY BARTON, et al., Defendants,	Civil No. 82-C-928-B
FEDERAL LAND BANK OF WICHITA, et al., Defendants,	Civil No. 82-C-929-B
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G. O. BARTGIS, et al., Defendants,	)	Civil No. 82-C-939-B
COOPERATIVE REFINERY ASSOCIATION, et al., Defendants,	)	Civil No. 82-C-940-B
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BURBANK PIPELINE, et al., Defendants,	)	Civil No. 82-C-942-B
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CHARLES OLSON, et al., Defendants,	)	Civil No. 82-C-945-B
EDDIE L. HARRIS, et al., Defendants,	)	Civil No. 82-C-946-B
MARGARET CONNER OLSON, et al., Defendants,	)	Civil No. 82-C-947-B
EDDIE L. HARRIS, et al., Defendants,	)	Civil No. 82-C-948-B
VEATRICE HARRIS, et al., Defendants,	)	Civil No. 82-C-949-B

JUDGMENT

1.

This matter comes on for disposition on the 30th day of November, 1984, and the Court being fully advised in this matter finds that:

2.

This judgment applies to each of the civil actions named in the caption of this document.

3.

The Court has jurisdiction of the parties hereto and of the subject matter of these actions.

4.

Each of the defendants made a party in each of the civil actions named above has been properly and legally served with summons, in person or by legal and valid service by publication, as required by law, and such service upon such defendants is hereby affirmed and approved.

5.

Based upon the ORDER of this Court, entered in each of the captioned actions on June 22, 1984, which ORDER is incorporated herein by reference as though fully recited herein, the Court now enters final judgment in subject actions, as follows:

A. It is ADJUDGED and DECREED that the land described in each and all of the Complaints filed in the subject civil actions has ceased to be used for railroad purposes, and fee simple title thereto (less and except all oil, gas, coal or other minerals) has reverted to, and vested in, the owners of the abutting land from which the described lands were taken. Therefore, the prayer of each of Plaintiff's Complaints that title to all of the land described in such Complaints be quieted in the United States of America, in trust for the use and benefit of the Osage Indians, and for other relief, hereby is DENIED.

B. It is further ADJUDGED and DECREED that each and every claim, counterclaim, and cross-claim presented in any or all of the captioned civil actions, by any defendant therein, by pleading, motion, brief, oral argument or any other means, hereby IS DISMISSED WITHOUT PREJUDICE.

C. It is further ORDERED that a copy of this judgment be filed in each of the captioned civil actions.

Entered this 30th day of November, 1984.

UNITED STATES DISTRICT JUDGE

APPROVED AS TO FORM:

Bradford S. Baker, Attorney for Tercero Corporation

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Hubert A. Marlow
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NOV 30 1984

UNITED STATES DISTRICT COURT FOR THE
NORTHERN DISTRICT OF OKLAHOMA

UNITED STATES OF AMERICA, Plaintiff, vs.	
JOHN W. ATTERBERRY, et al., Defendants,	Civil No. 82-C-896-B
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ETHEL M. COLLUM, et al., Defendants,	Civil No. 82-C-898-B
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ALOYSIUS V. HILL, JR., et al., Defendants,	Civil No. 82-C-900-B
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BANK OF OKLAHOMA, N.A., Co-Trustee of the Horace G. Barnard, Jr. Trust, et al., Defendants,	Civil No. 82-C-913-B
BANK OF OKLAHOMA, N.A., Co-Trustee of the Horace G. Barnard, Jr. Trust, et al., Defendants,	Civil No. 82-C-914-B
BANK OF OKLAHOMA, N.A., Co-Trustee of the Horace G. Barnard, Jr. Trust, et al., Defendants,	Civil No. 82-C-915-B
STUART MARSHALL, Executor of the Estate of Helen G. Stuart, et al., Defendants,	Civil No. 82-C-916-B
BANK OF OKLAHOMA, N.A., Co-Trustee of the Horace G. Barnard, Jr. Trust, et al., Defendants,	Civil No. 82-C-917-B
JAMES A. CHAPMAN and LETA M. CHAPMAN, Charitable Trust, et al., Defendants,	Civil No. 82-C-918-B
JAMES A. CHAPMAN and LETA M. CHAPMAN, Charitable Trust, et al., Defendants,	Civil No. 82-C-919-B
JAMES A. CHAPMAN and LETA M. CHAPMAN, Charitable Trust, et al., Defendants,	Civil No. 82-C-920-B

ADAMS ENERGY COMPANY, et al., Defendants,	Civil No. 82-C-921-B
OKLAHOMA LAND & CATTLE CO., et al., Defendants,	Civil No. 82-C-922-B
JAMES A. CHAPMAN and LETA M. CHAPMAN, Charitable Trust, et al., Defendants,	Civil No. 82-C-923-B
OKLAHOMA LAND & CATTLE CO., et al., Defendants,	Civil No. 82-C-924-B
FEDERAL LAND BANK OF WICHITA, et al., Defendants,	Civil No. 82-C-925-B
DEE JAY BARTON, et al., Defendants,	Civil No. 82-C-927-B
JAY BARTON, et al., Defendants,	Civil No. 82-C-928-B
FEDERAL LAND BANK OF WICHITA, et al., Defendants,	Civil No. 82-C-929-B
JOE ALLEN PERRYMAN, et al., Defendants,	Civil No. 82-C-930-B
EQUITABLE LIFE ASSURANCE SOCIETY OF THE UNITED STATES, et al., Defendants,	Civil No. 82-C-931-B
JOE ALLEN PERRYMAN, et al., Defendants,	Civil No. 82-C-932-B
TERCERO CORPORATION, et al., Defendants,	Civil No. 82-C-933-B
TERCERO CORPORATION, et al., Defendants,	Civil No. 82-C-934-B
STEPHANIE ANN RAPP, et al., Defendants,	Civil No. 82-C-935-B
TERCERO CORPORATION, et al., Defendants,	Civil No. 82-C-936-B
PAULINE LYMAN, et al., Defendants,	Civil No. 82-C-937-B
JOE A. FULSOM, et al., Defendants,	Civil No. 82-C-938-B

G. O. BARTGIS, et al., Defendants,	)	Civil No. 82-C-939-B
COOPERATIVE REFINERY ASSOCIATION, et al., Defendants,	)	Civil No. 82-C-940-B
COOPERATIVE REFINERY ASSOCIATION, et al., Defendants,	)	Civil No. 82-C-941-B
BURBANK PIPELINE, et al., Defendants,	)	Civil No. 82-C-942-B
JOHN FRANCIS MURPHY, et al., Defendants,	)	Civil No. 82-C-943-B
DAVID HARRIS, et al., Defendants,	)	Civil No. 82-C-944-B
CHARLES OLSON, et al., Defendants,	)	Civil No. 82-C-945-B
EDDIE L. HARRIS, et al., Defendants,	)	Civil No. 82-C-946-B
MARGARET CONNER OLSON, et al., Defendants,	)	Civil No. 82-C-947-B
EDDIE L. HARRIS, et al., Defendants,	)	Civil No. 82-C-948-B
VEATRICE HARRIS, et al., Defendants,	)	Civil No. 82-C-949-B

JUDGMENT

1.

This matter comes on for disposition on the 30th day of November, 1984, and the Court being fully advised in this matter finds that:

2.

This judgment applies to each of the civil actions named in the caption of this document.

3.

The Court has jurisdiction of the parties hereto and of the subject matter of these actions.

4.

Each of the defendants made a party in each of the civil actions named above has been properly and legally served with summons, in person or by legal and valid service by publication, as required by law, and such service upon such defendants is hereby affirmed and approved.

5.

Based upon the ORDER of this Court, entered in each of the captioned actions on June 22, 1984, which ORDER is incorporated herein by reference as though fully recited herein, the Court now enters final judgment in subject actions, as follows:

A. It is ADJUDGED and DECREED that the land described in each and all of the Complaints filed in the subject civil actions has ceased to be used for railroad purposes, and fee simple title thereto (less and except all oil, gas, coal or other minerals) has reverted to, and vested in, the owners of the abutting land from which the described lands were taken. Therefore, the prayer of each of Plaintiff's Complaints that title to all of the land described in such Complaints be quieted in the United States of America, in trust for the use and benefit of the Osage Indians, and for other relief, hereby is DENIED.

B. It is further ADJUDGED and DECREED that each and every claim, counterclaim, and cross-claim presented in any or all of the captioned civil actions, by any defendant therein, by pleading, motion, brief, oral argument or any other means, hereby IS DISMISSED WITHOUT PREJUDICE.

C. It is further ORDERED that a copy of this judgment be filed in each of the captioned civil actions.

Entered this 30th day of November, 1984.

UNITED STATES DISTRICT JUDGE

APPROVED AS TO FORM:

Bradford S. Baker, Attorney for Tercero Corporation

William H. Bell and/or Mildred E. Otey, Attorneys for Chapman Barnard Interests

William K. Blanchard, per se

Leta Blanchard, per se

Gary W. Catron and/or Thomas D. Evans, Attorneys for Getty Pipeline Company

Bruce W. Gambill, Attorney for
Defendants in 8 cases

Cornelius Gibbs, Attorney for
Phyllis C. Gibbs

Bill Hall, Attorney for Robert D.
and Joan L. Bennett, and Cora Mae
and Don E. Edwards

Robert J. Hammer, Attorney for
Farmland Industries, Inc.

William E. Hughes, Attorney for
Public Service Company of Oklahoma

Paul Hunter, per se

Matthew Kane, Jr., Attorney for
Dee Jay Barton a/k/a Jay Barton

Robert P. Kelly, Attorney for
Edith and Virgil Slone

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Larry D. Stuart, District Attorney,
Osage County, for Board of County
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Osage County, Oklahoma

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Janet S. Tilley, per se

David L. Tilley, per se

W. Robert Wilson, Attorney for
Defendants in 11 cases

Hubert A. Marlow
Assistant United States Attorney

NOV 30 1984

UNITED STATES DISTRICT COURT FOR THE
NORTHERN DISTRICT OF OKLAHOMA

UNITED STATES OF AMERICA, Plaintiff, vs.	)	
JOHN W. ATTERBERRY, et al., Defendants,	)	Civil No. 82-C-896-B
ROBERT D. BENNETT, et al., Defendants,	)	Civil No. 82-C-897-B
ETHEL M. COLLUM, et al., Defendants,	)	Civil No. 82-C-898-B
L. LAUREE CARRIGER, et al., Defendants,	)	Civil No. 82-C-899-B
ALOYSIUS V. HILL, JR., et al., Defendants,	)	Civil No. 82-C-900-B
CONSTANCE BEAR, et al., Defendants,	)	Civil No. 82-C-901-B
FEDERAL LAND BANK OF WICHITA, et al., Defendants,	)	Civil No. 82-C-902-B
CONSTANCE BEAR, et al., Defendants,	)	Civil No. 82-C-903-B
FEDERAL LAND BANK OF WICHITA, et al., Defendants,	)	Civil No. 82-C-904-B
PEARL MAZE, et al., Defendants,	)	Civil No. 82-C-905-B
ISC FINANCIAL HOUSE, et al., Defendants,	)	Civil No. 82-C-906-B
WILLIAM H. BELL, Trustee for Judith Barnard Braymen and for James R. Barnard Children Trust, et al., Defendants,	)	Civil No. 82-C-907-B
FEDERAL LAND BANK OF WICHITA, et al., Defendants,	)	Civil No. 82-C-908-B

WILLIAM H. BELL, Trustee for Judith Barnard Braymen and for James R. Barnard Children Trust, et al., Defendants,	)	Civil No. 82-C-909-B
WILLIAM H. BELL, Trustee for Judith Barnard Braymen and for James R. Barnard Children Trust, et al., Defendants,	)	Civil No. 82-C-910-B
DALE CHRISTENSON, et al., Defendants,	)	Civil No. 82-C-911-B
HELEN LEE CHRISTENSON, et al., Defendants,	)	Civil No. 82-C-912-B
BANK OF OKLAHOMA, N.A., Co-Trustee of the Horace G. Barnard, Jr. Trust, et al., Defendants,	)	Civil No. 82-C-913-B
BANK OF OKLAHOMA, N.A., Co-Trustee of the Horace G. Barnard, Jr. Trust, et al., Defendants,	)	Civil No. 82-C-914-B
BANK OF OKLAHOMA, N.A., Co-Trustee of the Horace G. Barnard, Jr. Trust, et al., Defendants,	)	Civil No. 82-C-915-B
STUART MARSHALL, Executor of the Estate of Helen G. Stuart, et al., Defendants,	)	Civil No. 82-C-916-B
BANK OF OKLAHOMA, N.A., Co-Trustee of the Horace G. Barnard, Jr. Trust, et al., Defendants,	)	Civil No. 82-C-917-B
JAMES A. CHAPMAN and LETA M. CHAPMAN, Charitable Trust, et al., Defendants,	)	Civil No. 82-C-918-B
JAMES A. CHAPMAN and LETA M. CHAPMAN, Charitable Trust, et al., Defendants,	)	Civil No. 82-C-919-B
JAMES A. CHAPMAN and LETA M. CHAPMAN, Charitable Trust, et al., Defendants,	)	Civil No. 82-C-920-B

ADAMS ENERGY COMPANY, et al., Defendants,	Civil No. 82-C-921-B
OKLAHOMA LAND & CATTLE CO., et al., Defendants,	Civil No. 82-C-922-B
JAMES A. CHAPMAN and LETA M. CHAPMAN, Charitable Trust, et al., Defendants,	Civil No. 82-C-923-B
OKLAHOMA LAND & CATTLE CO., et al., Defendants,	Civil No. 82-C-924-B
FEDERAL LAND BANK OF WICHITA, et al., Defendants,	Civil No. 82-C-925-B
DEE JAY BARTON, et al., Defendants,	Civil No. 82-C-927-B
JAY BARTON, et al., Defendants,	Civil No. 82-C-928-B
FEDERAL LAND BANK OF WICHITA, et al., Defendants,	Civil No. 82-C-929-B
JOE ALLEN PERRYMAN, et al., Defendants,	Civil No. 82-C-930-B
EQUITABLE LIFE ASSURANCE SOCIETY OF THE UNITED STATES, et al., Defendants,	Civil No. 82-C-931-B
JOE ALLEN PERRYMAN, et al., Defendants,	Civil No. 82-C-932-B
TERCERO CORPORATION, et al., Defendants,	Civil No. 82-C-933-B
TERCERO CORPORATION, et al., Defendants,	Civil No. 82-C-934-B
STEPHANIE ANN RAPP, et al., Defendants,	Civil No. 82-C-935-B
TERCERO CORPORATION, et al., Defendants,	Civil No. 82-C-936-B
PAULINE LYMAN, et al., Defendants,	Civil No. 82-C-937-B
JOE A. FULSOM, et al., Defendants,	Civil No. 82-C-938-B

G. O. BARTGIS, et al., Defendants,	)	Civil No. 82-C-939-B
COOPERATIVE REFINERY ASSOCIATION, et al., Defendants,	)	Civil No. 82-C-940-B
COOPERATIVE REFINERY ASSOCIATION, et al., Defendants,	)	Civil No. 82-C-941-B
BURBANK PIPELINE, et al., Defendants,	)	Civil No. 82-C-942-B
JOHN FRANCIS MURPHY, et al., Defendants,	)	Civil No. 82-C-943-B
DAVID HARRIS, et al., Defendants,	)	Civil No. 82-C-944-B
CHARLES OLSON, et al., Defendants,	)	Civil No. 82-C-945-B
EDDIE L. HARRIS, et al., Defendants,	)	Civil No. 82-C-946-B
MARGARET CONNER OLSON, et al., Defendants,	)	Civil No. 82-C-947-B
EDDIE L. HARRIS, et al., Defendants,	)	Civil No. 82-C-948-B
VEATRICE HARRIS, et al., Defendants,	)	Civil No. 82-C-949-B

JUDGMENT

1.

This matter comes on for disposition on the 30th day of November, 1984, and the Court being fully advised in this matter finds that:

2.

This judgment applies to each of the civil actions named in the caption of this document.

3.

The Court has jurisdiction of the parties hereto and of the subject matter of these actions.

4.

Each of the defendants made a party in each of the civil actions named above has been properly and legally served with summons, in person or by legal and valid service by publication, as required by law, and such service upon such defendants is hereby affirmed and approved.

5.

Based upon the ORDER of this Court, entered in each of the captioned actions on June 22, 1984, which ORDER is incorporated herein by reference as though fully recited herein, the Court now enters final judgment in subject actions, as follows:

A. It is ADJUDGED and DECREED that the land described in each and all of the Complaints filed in the subject civil actions has ceased to be used for railroad purposes, and fee simple title thereto (less and except all oil, gas, coal or other minerals) has reverted to, and vested in, the owners of the abutting land from which the described lands were taken. Therefore, the prayer of each of Plaintiff's Complaints that title to all of the land described in such Complaints be quieted in the United States of America, in trust for the use and benefit of the Osage Indians, and for other relief, hereby is DENIED.

B. It is further ADJUDGED and DECREED that each and every claim, counterclaim, and cross-claim presented in any or all of the captioned civil actions, by any defendant therein, by pleading, motion, brief, oral argument or any other means, hereby IS DISMISSED WITHOUT PREJUDICE.

C. It is further ORDERED that a copy of this judgment be filed in each of the captioned civil actions.

Entered this 30th day of November, 1984.

UNITED STATES DISTRICT JUDGE

APPROVED AS TO FORM:

Bradford S. Baker, Attorney for Tercero Corporation

William H. Bell and/or Mildred E. Otey, Attorneys for Chapman Barnard Interests

William K. Blanchard, per se

Leta Blanchard, per se

Gary W. Catron and/or Thomas D. Evans, Attorneys for Getty Pipeline Company

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Cornelius Gibbs, Attorney for
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and Joan L. Bennett, and Cora Mae
and Don E. Edwards

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David Ross and/or Tom Rigdon,
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Osage County, Oklahoma

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Bow Pipe Line Company

Janet S. Tilley, per se

David L. Tilley, per se

W. Robert Wilson, Attorney for
Defendants in 11 cases

Hubert A. Marlow
Assistant United States Attorney

Nov 30, 1984

UNITED STATES DISTRICT COURT FOR THE
NORTHERN DISTRICT OF OKLAHOMA

UNITED STATES OF AMERICA, Plaintiff, vs. JOHN W. ATTERBERRY, et al., Defendants,	Civil No. 82-C-896-B
ROBERT D. BENNETT, et al., Defendants,	Civil No. 82-C-897-B
ETHEL M. COLLUM, et al., Defendants,	Civil No. 82-C-898-B
L. LAUREE CARRIGER, et al., Defendants,	Civil No. 82-C-899-B
ALOYSIUS V. HILL, JR., et al., Defendants,	Civil No. 82-C-900-B
CONSTANCE BEAR, et al., Defendants,	Civil No. 82-C-901-B
FEDERAL LAND BANK OF WICHITA, et al., Defendants,	Civil No. 82-C-902-B
CONSTANCE BEAR, et al., Defendants,	Civil No. 82-C-903-B
FEDERAL LAND BANK OF WICHITA, et al., Defendants,	Civil No. 82-C-904-B
PEARL MAZE, et al., Defendants,	Civil No. 82-C-905-B
ISC FINANCIAL HOUSE, et al., Defendants,	Civil No. 82-C-906-B
WILLIAM H. BELL, Trustee for Judith Barnard Braymen and for James R. Barnard Children Trust, et al., Defendants,	Civil No. 82-C-907-B
FEDERAL LAND BANK OF WICHITA, et al., Defendants,	Civil No. 82-C-908-B

WILLIAM H. BELL, Trustee for Judith Barnard Braymen and for James R. Barnard Children Trust, et al., Defendants,	)	Civil No. 82-C-909-B
WILLIAM H. BELL, Trustee for Judith Barnard Braymen and for James R. Barnard Children Trust, et al., Defendants,	)	Civil No. 82-C-910-B
DALE CHRISTENSON, et al., Defendants,	)	Civil No. 82-C-911-B
HELEN LEE CHRISTENSON, et al., Defendants,	)	Civil No. 82-C-912-B
BANK OF OKLAHOMA, N.A., Co-Trustee of the Horace G. Barnard, Jr. Trust, et al., Defendants,	)	Civil No. 82-C-913-B
BANK OF OKLAHOMA, N.A., Co-Trustee of the Horace G. Barnard, Jr. Trust, et al., Defendants,	)	Civil No. 82-C-914-B
BANK OF OKLAHOMA, N.A., Co-Trustee of the Horace G. Barnard, Jr. Trust, et al., Defendants,	)	Civil No. 82-C-915-B
STUART MARSHALL, Executor of the Estate of Helen G. Stuart, et al., Defendants,	)	Civil No. 82-C-916-B
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JAMES A. CHAPMAN and LETA M. CHAPMAN, Charitable Trust, et al., Defendants,	)	Civil No. 82-C-918-B
JAMES A. CHAPMAN and LETA M. CHAPMAN, Charitable Trust, et al., Defendants,	)	Civil No. 82-C-919-B
JAMES A. CHAPMAN and LETA M. CHAPMAN, Charitable Trust, et al., Defendants,	)	Civil No. 82-C-920-B

ADAMS ENERGY COMPANY, et al., Defendants,	Civil No. 82-C-921-B
OKLAHOMA LAND & CATTLE CO., et al., Defendants,	Civil No. 82-C-922-B
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FEDERAL LAND BANK OF WICHITA, et al., Defendants,	Civil No. 82-C-925-B
DEE JAY BARTON, et al., Defendants,	Civil No. 82-C-927-B
JAY BARTON, et al., Defendants,	Civil No. 82-C-928-B
FEDERAL LAND BANK OF WICHITA, et al., Defendants,	Civil No. 82-C-929-B
JOE ALLEN PERRYMAN, et al., Defendants,	Civil No. 82-C-930-B
EQUITABLE LIFE ASSURANCE SOCIETY OF THE UNITED STATES, et al., Defendants,	Civil No. 82-C-931-B
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STEPHANIE ANN RAPP, et al., Defendants,	Civil No. 82-C-935-B
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PAULINE LYMAN, et al., Defendants,	Civil No. 82-C-937-B
JOE A. FULSOM, et al., Defendants,	Civil No. 82-C-938-B

G. O. BARTGIS, et al., Defendants,	)	Civil No. 82-C-939-B
COOPERATIVE REFINERY ASSOCIATION, et al., Defendants,	)	Civil No. 82-C-940-B
COOPERATIVE REFINERY ASSOCIATION, et al., Defendants,	)	Civil No. 82-C-941-B
BURBANK PIPELINE, et al., Defendants,	)	Civil No. 82-C-942-B
JOHN FRANCIS MURPHY, et al., Defendants,	)	Civil No. 82-C-943-B
DAVID HARRIS, et al., Defendants,	)	Civil No. 82-C-944-B
CHARLES OLSON, et al., Defendants,	)	Civil No. 82-C-945-B
EDDIE L. HARRIS, et al., Defendants,	)	Civil No. 82-C-946-B
MARGARET CONNER OLSON, et al., Defendants,	)	Civil No. 82-C-947-B
EDDIE L. HARRIS, et al., Defendants,	)	Civil No. 82-C-948-B
VEATRICE HARRIS, et al., Defendants,	)	Civil No. 82-C-949-B

JUDGMENT

1.

This matter comes on for disposition on the 30th day of November, 1984, and the Court being fully advised in this matter finds that:

2.

This judgment applies to each of the civil actions named in the caption of this document.

3.

The Court has jurisdiction of the parties hereto and of the subject matter of these actions.

4.

Each of the defendants made a party in each of the civil actions named above has been properly and legally served with summons, in person or by legal and valid service by publication, as required by law, and such service upon such defendants is hereby affirmed and approved.

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Based upon the ORDER of this Court, entered in each of the captioned actions on June 22, 1984, which ORDER is incorporated herein by reference as though fully recited herein, the Court now enters final judgment in subject actions, as follows:

A. It is ADJUDGED and DECREED that the land described in each and all of the Complaints filed in the subject civil actions has ceased to be used for railroad purposes, and fee simple title thereto (less and except all oil, gas, coal or other minerals) has reverted to, and vested in, the owners of the abutting land from which the described lands were taken. Therefore, the prayer of each of Plaintiff's Complaints that title to all of the land described in such Complaints be quieted in the United States of America, in trust for the use and benefit of the Osage Indians, and for other relief, hereby is DENIED.

B. It is further ADJUDGED and DECREED that each and every claim, counterclaim, and cross-claim presented in any or all of the captioned civil actions, by any defendant therein, by pleading, motion, brief, oral argument or any other means, hereby IS DISMISSED WITHOUT PREJUDICE.

C. It is further ORDERED that a copy of this judgment be filed in each of the captioned civil actions.

Entered this 30th day of November, 1984.

UNITED STATES DISTRICT JUDGE

APPROVED AS TO FORM:

Bradford S. Baker, Attorney for Tercero Corporation

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Hubert A. Marlow
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NOV 30, 1984

UNITED STATES DISTRICT COURT FOR THE
NORTHERN DISTRICT OF OKLAHOMA

UNITED STATES OF AMERICA, Plaintiff, vs. JOHN W. ATTERBERRY, et al., Defendants,	Civil No. 82-C-896-B
ROBERT D. BENNETT, et al., Defendants,	Civil No. 82-C-897-B
ETHEL M. COLLUM, et al., Defendants,	Civil No. 82-C-898-B
L. LAUREE CARRIGER, et al., Defendants,	Civil No. 82-C-899-B
ALOYSIUS V. HILL, JR., et al., Defendants,	Civil No. 82-C-900-B
CONSTANCE BEAR, et al., Defendants,	Civil No. 82-C-901-B
FEDERAL LAND BANK OF WICHITA, et al., Defendants,	Civil No. 82-C-902-B
CONSTANCE BEAR, et al., Defendants,	Civil No. 82-C-903-B
FEDERAL LAND BANK OF WICHITA, et al., Defendants,	Civil No. 82-C-904-B
PEARL MAZE, et al., Defendants,	Civil No. 82-C-905-B
ISC FINANCIAL HOUSE, et al., Defendants,	Civil No. 82-C-906-B
WILLIAM H. BELL, Trustee for Judith Barnard Braymen and for James R. Barnard Children Trust, et al., Defendants,	Civil No. 82-C-907-B
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WILLIAM H. BELL, Trustee for Judith Barnard Braymen and for James R. Barnard Children Trust, et al., Defendants,	)	Civil No. 82-C-909-B
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DALE CHRISTENSON, et al., Defendants,	)	Civil No. 82-C-911-B
HELEN LEE CHRISTENSON, et al., Defendants,	)	Civil No. 82-C-912-B
BANK OF OKLAHOMA, N.A., Co-Trustee of the Horace G. Barnard, Jr. Trust, et al., Defendants,	)	Civil No. 82-C-913-B
BANK OF OKLAHOMA, N.A., Co-Trustee of the Horace G. Barnard, Jr. Trust, et al., Defendants,	)	Civil No. 82-C-914-B
BANK OF OKLAHOMA, N.A., Co-Trustee of the Horace G. Barnard, Jr. Trust, et al., Defendants,	)	Civil No. 82-C-915-B
STUART MARSHALL, Executor of the Estate of Helen G. Stuart, et al., Defendants,	)	Civil No. 82-C-916-B
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JAMES A. CHAPMAN and LETA M. CHAPMAN, Charitable Trust, et al., Defendants,	)	Civil No. 82-C-919-B
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OKLAHOMA LAND & CATTLE CO., et al., Defendants,	Civil No. 82-C-924-B
FEDERAL LAND BANK OF WICHITA, et al., Defendants,	Civil No. 82-C-925-B
DEE JAY BARTON, et al., Defendants,	Civil No. 82-C-927-B
JAY BARTON, et al., Defendants,	Civil No. 82-C-928-B
FEDERAL LAND BANK OF WICHITA, et al., Defendants,	Civil No. 82-C-929-B
JOE ALLEN PERRYMAN, et al., Defendants,	Civil No. 82-C-930-B
EQUITABLE LIFE ASSURANCE SOCIETY OF THE UNITED STATES, et al., Defendants,	Civil No. 82-C-931-B
JOE ALLEN PERRYMAN, et al., Defendants,	Civil No. 82-C-932-B
TERCERO CORPORATION, et al., Defendants,	Civil No. 82-C-933-B
TERCERO CORPORATION, et al., Defendants,	Civil No. 82-C-934-B
STEPHANIE ANN RAPP, et al., Defendants,	Civil No. 82-C-935-B
TERCERO CORPORATION, et al., Defendants,	Civil No. 82-C-936-B
PAULINE LYMAN, et al., Defendants,	Civil No. 82-C-937-B
JOE A. FULSOM, et al., Defendants,	Civil No. 82-C-938-B

G. O. BARTGIS, et al., Defendants,	)	Civil No. 82-C-939-B
COOPERATIVE REFINERY ASSOCIATION, et al., Defendants,	)	Civil No. 82-C-940-B
COOPERATIVE REFINERY ASSOCIATION, et al., Defendants,	)	Civil No. 82-C-941-B
BURBANK PIPELINE, et al., Defendants,	)	Civil No. 82-C-942-B
JOHN FRANCIS MURPHY, et al., Defendants,	)	Civil No. 82-C-943-B
DAVID HARRIS, et al., Defendants,	)	Civil No. 82-C-944-B
CHARLES OLSON, et al., Defendants,	)	Civil No. 82-C-945-B
EDDIE L. HARRIS, et al., Defendants,	)	Civil No. 82-C-946-B
MARGARET CONNER OLSON, et al., Defendants,	)	Civil No. 82-C-947-B
EDDIE L. HARRIS, et al., Defendants,	)	Civil No. 82-C-948-B
VEATRICE HARRIS, et al., Defendants,	)	Civil No. 82-C-949-B

JUDGMENT

1.

This matter comes on for disposition on the 30th day of November, 1984, and the Court being fully advised in this matter finds that:

2.

This judgment applies to each of the civil actions named in the caption of this document.

3.

The Court has jurisdiction of the parties hereto and of the subject matter of these actions.

4.

Each of the defendants made a party in each of the civil actions named above has been properly and legally served with summons, in person or by legal and valid service by publication, as required by law, and such service upon such defendants is hereby affirmed and approved.

5.

Based upon the ORDER of this Court, entered in each of the captioned actions on June 22, 1984, which ORDER is incorporated herein by reference as though fully recited herein, the Court now enters final judgment in subject actions, as follows:

A. It is ADJUDGED and DECREED that the land described in each and all of the Complaints filed in the subject civil actions has ceased to be used for railroad purposes, and fee simple title thereto (less and except all oil, gas, coal or other minerals) has reverted to, and vested in, the owners of the abutting land from which the described lands were taken. Therefore, the prayer of each of Plaintiff's Complaints that title to all of the land described in such Complaints be quieted in the United States of America, in trust for the use and benefit of the Osage Indians, and for other relief, hereby is DENIED.

B. It is further ADJUDGED and DECREED that each and every claim, counterclaim, and cross-claim presented in any or all of the captioned civil actions, by any defendant therein, by pleading, motion, brief, oral argument or any other means, hereby IS DISMISSED WITHOUT PREJUDICE.

C. It is further ORDERED that a copy of this judgment be filed in each of the captioned civil actions.

Entered this 30th day of November, 1984.

UNITED STATES DISTRICT JUDGE

APPROVED AS TO FORM:

Bradford S. Baker, Attorney for Tercero Corporation

William H. Bell and/or Mildred E. Otey, Attorneys for Chapman Barnard Interests

William K. Blanchard, per se

Leta Blanchard, per se

Gary W. Catron and/or Thomas D. Evans, Attorneys for Getty Pipeline Company

Bruce W. Gambill, Attorney for
Defendants in 8 cases

Cornelius Gibbs, Attorney for
Phyllis C. Gibbs

Bill Hall, Attorney for Robert D.
and Joan L. Bennett, and Cora Mae
and Don E. Edwards

Robert J. Hammer, Attorney for
Farmland Industries, Inc.

William E. Hughes, Attorney for
Public Service Company of Oklahoma

Paul Hunter, per se

Matthew Kane, Jr., Attorney for
Dee Jay Barton a/k/a Jay Barton

Robert P. Kelly, Attorney for
Edith and Virgil Slone

David Ross and/or Tom Rigdon,
Attorneys for O.K. Rural Water, Inc.

Larry D. Stuart, District Attorney,
Osage County, for Board of County
Commissioners and County Treasurer,
Osage County, Oklahoma

Lewis Reynolds, Attorney for
Bow Pipe Line Company

Janet S. Tilley, per se

David L. Tilley, per se

W. Robert Wilson, Attorney for
Defendants in 11 cases

Hubert A. Marlow
Assistant United States Attorney

Nov 30, 1984

UNITED STATES DISTRICT COURT FOR THE
NORTHERN DISTRICT OF OKLAHOMA

UNITED STATES OF AMERICA, Plaintiff, vs.	
JOHN W. ATTERBERRY, et al., Defendants,	Civil No. 82-C-896-B
ROBERT D. BENNETT, et al., Defendants,	Civil No. 82-C-897-B
ETHEL M. COLLUM, et al., Defendants,	Civil No. 82-C-898-B
L. LAUREE CARRIGER, et al., Defendants,	Civil No. 82-C-899-B
ALOYSIUS V. HILL, JR., et al., Defendants,	Civil No. 82-C-900-B
CONSTANCE BEAR, et al., Defendants,	Civil No. 82-C-901-B
FEDERAL LAND BANK OF WICHITA, et al., Defendants,	Civil No. 82-C-902-B
CONSTANCE BEAR, et al., Defendants,	Civil No. 82-C-903-B
FEDERAL LAND BANK OF WICHITA, et al., Defendants,	Civil No. 82-C-904-B
PEARL MAZE, et al., Defendants,	Civil No. 82-C-905-B
ISC FINANCIAL HOUSE, et al., Defendants,	Civil No. 82-C-906-B
WILLIAM H. BELL, Trustee for Judith Barnard Braymen and for James R. Barnard Children Trust, et al., Defendants,	Civil No. 82-C-907-B
FEDERAL LAND BANK OF WICHITA, et al., Defendants,	Civil No. 82-C-908-B

WILLIAM H. BELL, Trustee for Judith Barnard Braymen and for James R. Barnard Children Trust, et al., Defendants,	)	Civil No. 82-C-909-B
WILLIAM H. BELL, Trustee for Judith Barnard Braymen and for James R. Barnard Children Trust, et al., Defendants,	)	Civil No. 82-C-910-B
DALE CHRISTENSON, et al., Defendants,	)	Civil No. 82-C-911-B
HELEN LEE CHRISTENSON, et al., Defendants,	)	Civil No. 82-C-912-B
BANK OF OKLAHOMA, N.A., Co-Trustee of the Horace G. Barnard, Jr. Trust, et al., Defendants,	)	Civil No. 82-C-913-B
BANK OF OKLAHOMA, N.A., Co-Trustee of the Horace G. Barnard, Jr. Trust, et al., Defendants,	)	Civil No. 82-C-914-B
BANK OF OKLAHOMA, N.A., Co-Trustee of the Horace G. Barnard, Jr. Trust, et al., Defendants,	)	Civil No. 82-C-915-B
STUART MARSHALL, Executor of the Estate of Helen G. Stuart, et al., Defendants,	)	Civil No. 82-C-916-B
BANK OF OKLAHOMA, N.A., Co-Trustee of the Horace G. Barnard, Jr. Trust, et al., Defendants,	)	Civil No. 82-C-917-B
JAMES A. CHAPMAN and LETA M. CHAPMAN, Charitable Trust, et al., Defendants,	)	Civil No. 82-C-918-B
JAMES A. CHAPMAN and LETA M. CHAPMAN, Charitable Trust, et al., Defendants,	)	Civil No. 82-C-919-B
JAMES A. CHAPMAN and LETA M. CHAPMAN, Charitable Trust, et al., Defendants,	)	Civil No. 82-C-920-B

ADAMS ENERGY COMPANY, et al., Defendants,	Civil No. 82-C-921-B
OKLAHOMA LAND & CATTLE CO., et al., Defendants,	Civil No. 82-C-922-B
JAMES A. CHAPMAN and LETA M. CHAPMAN, Charitable Trust, et al., Defendants,	Civil No. 82-C-923-B
OKLAHOMA LAND & CATTLE CO., et al., Defendants,	Civil No. 82-C-924-B
FEDERAL LAND BANK OF WICHITA, et al., Defendants,	Civil No. 82-C-925-B
DEE JAY BARTON, et al., Defendants,	Civil No. 82-C-927-B
JAY BARTON, et al., Defendants,	Civil No. 82-C-928-B
FEDERAL LAND BANK OF WICHITA, et al., Defendants,	Civil No. 82-C-929-B
JOE ALLEN PERRYMAN, et al., Defendants,	Civil No. 82-C-930-B
EQUITABLE LIFE ASSURANCE SOCIETY OF THE UNITED STATES, et al., Defendants,	Civil No. 82-C-931-B
JOE ALLEN PERRYMAN, et al., Defendants,	Civil No. 82-C-932-B
TERCERO CORPORATION, et al., Defendants,	Civil No. 82-C-933-B
TERCERO CORPORATION, et al., Defendants,	Civil No. 82-C-934-B
STEPHANIE ANN RAPP, et al., Defendants,	Civil No. 82-C-935-B
TERCERO CORPORATION, et al., Defendants,	Civil No. 82-C-936-B
PAULINE LYMAN, et al., Defendants,	Civil No. 82-C-937-B
JOE A. FULSOM, et al., Defendants,	Civil No. 82-C-938-B

G. O. BARTGIS, et al., Defendants,	)	Civil No. 82-C-939-B
COOPERATIVE REFINERY ASSOCIATION, et al., Defendants,	)	Civil No. 82-C-940-B
COOPERATIVE REFINERY ASSOCIATION, et al., Defendants,	)	Civil No. 82-C-941-B
BURBANK PIPELINE, et al., Defendants,	)	Civil No. 82-C-942-B
JOHN FRANCIS MURPHY, et al., Defendants,	)	Civil No. 82-C-943-B
DAVID HARRIS, et al., Defendants,	)	Civil No. 82-C-944-B
CHARLES OLSON, et al., Defendants,	)	Civil No. 82-C-945-B
EDDIE L. HARRIS, et al., Defendants,	)	Civil No. 82-C-946-B
MARGARET CONNER OLSON, et al., Defendants,	)	Civil No. 82-C-947-B
EDDIE L. HARRIS, et al., Defendants,	)	Civil No. 82-C-948-B
VEATRICE HARRIS, et al., Defendants,	)	Civil No. 82-C-949-B

JUDGMENT

1.

This matter comes on for disposition on the 30th day of November, 1984, and the Court being fully advised in this matter finds that:

2.

This judgment applies to each of the civil actions named in the caption of this document.

3.

The Court has jurisdiction of the parties hereto and of the subject matter of these actions.

4.

Each of the defendants made a party in each of the civil actions named above has been properly and legally served with summons, in person or by legal and valid service by publication, as required by law, and such service upon such defendants is hereby affirmed and approved.

5.

Based upon the ORDER of this Court, entered in each of the captioned actions on June 22, 1984, which ORDER is incorporated herein by reference as though fully recited herein, the Court now enters final judgment in subject actions, as follows:

A. It is ADJUDGED and DECREED that the land described in each and all of the Complaints filed in the subject civil actions has ceased to be used for railroad purposes, and fee simple title thereto (less and except all oil, gas, coal or other minerals) has reverted to, and vested in, the owners of the abutting land from which the described lands were taken. Therefore, the prayer of each of Plaintiff's Complaints that title to all of the land described in such Complaints be quieted in the United States of America, in trust for the use and benefit of the Osage Indians, and for other relief, hereby is DENIED.

B. It is further ADJUDGED and DECREED that each and every claim, counterclaim, and cross-claim presented in any or all of the captioned civil actions, by any defendant therein, by pleading, motion, brief, oral argument or any other means, hereby IS DISMISSED WITHOUT PREJUDICE.

C. It is further ORDERED that a copy of this judgment be filed in each of the captioned civil actions.

Entered this 30th day of November, 1984.

UNITED STATES DISTRICT JUDGE

APPROVED AS TO FORM:

Bradford S. Baker, Attorney for Tercero Corporation

William H. Bell and/or Mildred E. Otey, Attorneys for Chapman Barnard Interests

William K. Blanchard, per se

Leta Blanchard, per se

Gary W. Catron and/or Thomas D. Evans, Attorneys for Getty Pipeline Company

Bruce W. Gambill, Attorney for
Defendants in 8 cases

Cornelius Gibbs, Attorney for
Phyllis C. Gibbs

Bill Hall, Attorney for Robert D.
and Joan L. Bennett, and Cora Mae
and Don E. Edwards

Robert J. Hammer, Attorney for
Farmland Industries, Inc.

William E. Hughes, Attorney for
Public Service Company of Oklahoma

Paul Hunter, per se

Matthew Kane, Jr., Attorney for
Dee Jay Barton a/k/a Jay Barton

Robert P. Kelly, Attorney for
Edith and Virgil Slone

David Ross and/or Tom Rigdon,
Attorneys for O.K. Rural Water, Inc.

Larry D. Stuart, District Attorney,
Osage County, for Board of County
Commissioners and County Treasurer,
Osage County, Oklahoma

Lewis Reynolds, Attorney for
Bow Pipe Line Company

Janet S. Tilley, per se

David L. Tilley, per se

W. Robert Wilson, Attorney for
Defendants in 11 cases

Hubert A. Marlow
Assistant United States Attorney

UNITED STATES DISTRICT COURT FOR THE
NORTHERN DISTRICT OF OKLAHOMA

FILED

NOV 30 1984

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

UNITED STATES OF AMERICA, Plaintiff, vs.	
JOHN W. ATTERBERRY, et al., Defendants,	Civil No. 82-C-896-B
ROBERT D. BENNETT, et al., Defendants,	Civil No. 82-C-897-B
ETHEL M. COLLUM, et al., Defendants,	Civil No. 82-C-898-B
L. LAUREE CARRIGER, et al., Defendants,	Civil No. 82-C-899-B
ALOYSIUS V. HILL, JR., et al., Defendants,	Civil No. 82-C-900-B
CONSTANCE BEAR, et al., Defendants,	Civil No. 82-C-901-B
FEDERAL LAND BANK OF WICHITA, et al., Defendants,	Civil No. 82-C-902-B
CONSTANCE BEAR, et al., Defendants,	Civil No. 82-C-903-B
FEDERAL LAND BANK OF WICHITA, et al., Defendants,	Civil No. 82-C-904-B
PEARL MAZE, et al., Defendants,	Civil No. 82-C-905-B
ISC FINANCIAL HOUSE, et al., Defendants,	Civil No. 82-C-906-B
WILLIAM H. BELL, Trustee for Judith Barnard Braymen and for James R. Barnard Children Trust, et al., Defendants,	Civil No. 82-C-907-B
FEDERAL LAND BANK OF WICHITA, et al., Defendants,	Civil No. 82-C-908-B

WILLIAM H. BELL, Trustee for Judith Barnard Braymen and for James R. Barnard Children Trust, et al., Defendants,	Civil No. 82-C-909-B
WILLIAM H. BELL, Trustee for Judith Barnard Braymen and for James R. Barnard Children Trust, et al., Defendants,	Civil No. 82-C-910-B
DALE CHRISTENSON, et al., Defendants,	Civil No. 82-C-911-B
HELEN LEE CHRISTENSON, et al., Defendants,	Civil No. 82-C-912-B
BANK OF OKLAHOMA, N.A., Co-Trustee of the Horace G. Barnard, Jr. Trust, et al., Defendants,	Civil No. 82-C-913-B
BANK OF OKLAHOMA, N.A., Co-Trustee of the Horace G. Barnard, Jr. Trust, et al., Defendants,	Civil No. 82-C-914-B
BANK OF OKLAHOMA, N.A., Co-Trustee of the Horace G. Barnard, Jr. Trust, et al., Defendants,	Civil No. 82-C-915-B
STUART MARSHALL, Executor of the Estate of Helen G. Stuart, et al., Defendants,	Civil No. 82-C-916-B
BANK OF OKLAHOMA, N.A., Co-Trustee of the Horace G. Barnard, Jr. Trust, et al., Defendants,	Civil No. 82-C-917-B
JAMES A. CHAPMAN and LETA M. CHAPMAN, Charitable Trust, et al., Defendants,	Civil No. 82-C-918-B
JAMES A. CHAPMAN and LETA M. CHAPMAN, Charitable Trust, et al., Defendants,	Civil No. 82-C-919-B
JAMES A. CHAPMAN and LETA M. CHAPMAN, Charitable Trust, et al., Defendants,	Civil No. 82-C-920-B

ADAMS ENERGY COMPANY, et al., Defendants,	Civil No. 82-C-921-B
OKLAHOMA LAND & CATTLE CO., et al., Defendants,	Civil No. 82-C-922-B
JAMES A. CHAPMAN and LETA M. CHAPMAN, Charitable Trust, et al., Defendants,	Civil No. 82-C-923-B
OKLAHOMA LAND & CATTLE CO., et al., Defendants,	Civil No. 82-C-924-B
FEDERAL LAND BANK OF WICHITA, et al., Defendants,	Civil No. 82-C-925-B
DEE JAY BARTON, et al., Defendants,	Civil No. 82-C-927-B
JAY BARTON, et al., Defendants,	Civil No. 82-C-928-B
FEDERAL LAND BANK OF WICHITA, et al., Defendants,	Civil No. 82-C-929-B
JOE ALLEN PERRYMAN, et al., Defendants,	Civil No. 82-C-930-B
EQUITABLE LIFE ASSURANCE SOCIETY OF THE UNITED STATES, et al., Defendants,	Civil No. 82-C-931-B
JOE ALLEN PERRYMAN, et al., Defendants,	Civil No. 82-C-932-B
TERCERO CORPORATION, et al., Defendants,	Civil No. 82-C-933-B
TERCERO CORPORATION, et al., Defendants,	Civil No. 82-C-934-B
STEPHANIE ANN RAPP, et al., Defendants,	Civil No. 82-C-935-B
TERCERO CORPORATION, et al., Defendants,	Civil No. 82-C-936-B
PAULINE LYMAN, et al., Defendants,	Civil No. 82-C-937-B
JOE A. FULSOM, et al., Defendants,	Civil No. 82-C-938-B

G. O. BARTGIS, et al., Defendants,	)	Civil No. 82-C-939-B
COOPERATIVE REFINERY ASSOCIATION, et al., Defendants,	)	Civil No. 82-C-940-B
COOPERATIVE REFINERY ASSOCIATION, et al., Defendants,	)	Civil No. 82-C-941-B
BURBANK PIPELINE, et al., Defendants,	)	Civil No. 82-C-942-B
JOHN FRANCIS MURPHY, et al., Defendants,	)	Civil No. 82-C-943-B
DAVID HARRIS, et al., Defendants,	)	Civil No. 82-C-944-B
CHARLES OLSON, et al., Defendants,	)	Civil No. 82-C-945-B
EDDIE L. HARRIS, et al., Defendants,	)	Civil No. 82-C-946-B
MARGARET CONNER OLSON, et al., Defendants,	)	Civil No. 82-C-947-B
EDDIE L. HARRIS, et al., Defendants,	)	Civil No. 82-C-948-B
VEATRICE HARRIS, et al., Defendants,	)	Civil No. 82-C-949-B

JUDGMENT

1.

This matter comes on for disposition on the 30th day of November, 1984, and the Court being fully advised in this matter finds that:

2.

This judgment applies to each of the civil actions named in the caption of this document.

3.

The Court has jurisdiction of the parties hereto and of the subject matter of these actions.

4.

Each of the defendants made a party in each of the civil actions named above has been properly and legally served with summons, in person or by legal and valid service by publication, as required by law, and such service upon such defendants is hereby affirmed and approved.

5.

Based upon the ORDER of this Court, entered in each of the captioned actions on June 22, 1984, which ORDER is incorporated herein by reference as though fully recited herein, the Court now enters final judgment in subject actions, as follows:

A. It is ADJUDGED and DECREED that the land described in each and all of the Complaints filed in the subject civil actions has ceased to be used for railroad purposes, and fee simple title thereto (less and except all oil, gas, coal or other minerals) has reverted to, and vested in, the owners of the abutting land from which the described lands were taken. Therefore, the prayer of each of Plaintiff's Complaints that title to all of the land described in such Complaints be quieted in the United States of America, in trust for the use and benefit of the Osage Indians, and for other relief, hereby is DENIED.

B. It is further ADJUDGED and DECREED that each and every claim, counterclaim, and cross-claim presented in any or all of the captioned civil actions, by any defendant therein, by pleading, motion, brief, oral argument or any other means, hereby IS DISMISSED WITHOUT PREJUDICE.

C. It is further ORDERED that a copy of this judgment be filed in each of the captioned civil actions.

Entered this 30th day of November, 1984.

UNITED STATES DISTRICT JUDGE

APPROVED AS TO FORM:

Bradford S. Baker, Attorney for Tercero Corporation

William H. Bell and/or Mildred E. Otey, Attorneys for Chapman Barnard Interests

William K. Blanchard, per se

Leta Blanchard, per se

Gary W. Catron and/or Thomas D. Evans, Attorneys for Getty Pipeline Company

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and Joan L. Bennett, and Cora Mae
and Don E. Edwards

Robert J. Hammer, Attorney for
Farmland Industries, Inc.

William E. Hughes, Attorney for
Public Service Company of Oklahoma

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Robert P. Kelly, Attorney for
Edith and Virgil Slone

David Ross and/or Tom Rigdon,
Attorneys for O.K. Rural Water, Inc.

Larry D. Stuart, District Attorney,
Osage County, for Board of County
Commissioners and County Treasurer,
Osage County, Oklahoma

Lewis Reynolds, Attorney for
Bow Pipe Line Company

Janet S. Tilley, per se

David L. Tilley, per se

W. Robert Wilson, Attorney for
Defendants in 11 cases

Hubert A. Marlow
Assistant United States Attorney

Entered

FILED
NOV 30 1984
JACK C. SILVER, CLERK
U.S. DISTRICT COURT

IN THE UNITED STATES DISTRICT COURT FOR THE

NORTHERN DISTRICT OF OKLAHOMA

DURIRON COMPANY, INC., Plaintiff,	)	
vs.	)	Case No. 84-C-872-BT
GENERAL CATHODIC PROTECTION SERVICES, INC. Defendant.	)	

ADMINISTRATIVE CLOSING ORDER

The Defendant having filed its petition in bankruptcy and these proceeding 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 prupose 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 30th day of NOVEMBER, 1984.

Thomas R. Brett

UNITED STATES DISTRICT JUDGE
THOMAS R. BRETT

H

Entered

IN THE UNITED STATES DISTRICT COURT FOR THE

NORTHERN DISTRICT OF OKLAHOMA

NOV 30

ANOMET PRODUCTS, INC.	)	
Plaintiff,	)	
vs.	)	Case No. 84-C-759-BT
GERNERAL CATHODIC PROTECTION SERVICES,	)	
Defendant.	)	

ADMINISTRATIVE CLOSING ORDER

The Defendant having filed its petition in bankruptcy and these proceeding 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 prupose 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 30th day of NOVEMBER, 1984.

Thomas R. Brett

UNITED STATES DISTRICT JUDGE
THOMAS R. BRETT

5

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

MIDGE AIKEN and BOB AIKEN, individually and as Husband and Wife Plaintiffs, vs. NEWMAN BROS., TRUCKING CO., INC., a corporation, and GEORGE HOWARD OLIVER, individually and as agent, servant or employee of said NEWMAN BROS., TRUCKING CO., INC., Defendants.	)	Case No.: 84-C-382-C

FILED

NOV 30 1984

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

ORDER

NOW on this 30 day of November, 1984, 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/H. DALE COOK

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

APPROVAL:

KAINOR CARSON,

Attorney for the Plaintiffs

JOHN B. STUART,

Attorney for the Defendants.

UNITED STATES DISTRICT COURT FOR THE
NORTHERN DISTRICT OF OKLAHOMA

NOV 30 1984

UNITED STATES OF AMERICA, Plaintiff, v. FEDERAL LAND BANK OF WICHITA, DOROTHY LEE HAMILTON, JAMES L. HAMILTON, FRANCES KILPATRICK, O-K RURAL WATER INC., DUDLEY WHITEHORN, HATTIE WHITEHORN TEXAS AND PACIFIC RAILWAY COMPANY, STATE OF OKLAHOMA, OKLAHOMA TAX COMMISSION, BOARD OF COUNTY COMMISSIONERS of Osage County, Oklahoma, and COUNTY TREASURER of Osage County, Oklahoma, Defendants.	)	CIVIL ACTION NO. 82-C-926-B

JUDGMENT

Based upon the Order, Findings of Fact and Conclusions of Law filed herein on November 7, 1984 the Court hereby enters final judgment in the captioned civil action, as follows:

1. It is ADJUDGED and DECREED that the defendant Oklahoma Land and Cattle Company is not the owner of and has no right, title or interest in a certain tract of land, situated in Osage County, State of Oklahoma, described as follows:

> That portion of the West Half (W/2) of the Northeast Quarter (NE/4) of Section 33, Township 28 North, Range 7 East, more particularly described as follows:
>
> Beginning at a point which is the northwest corner of the West Half (W/2) of the Northeast Quarter (NE/4) of Section 33, Township 28 North, Range 7 East; thence due east along the north line of the Northeast Quarter (NE/4) of Section 33, a distance of 1320 feet to a point; thence due south along

> the east line of the West Half (W/2) of the Northeast Quarter (NE/4) of Section 33, a distance of 1450 feet to a point, said point being on the north right of way line of the Midland Valley Railroad and 100 feet distance from the center line of the main track of Midland Valley Railroad; thence in a northwesterly direction 100 feet from and parallel to said center line of Midland Valley Railroad main track 780 feet to a point; thence in a southwesterly direction 50 feet to a point, said point being 50 feet distance from said center line of main track; thence in a northwesterly direction 50 feet from and parallel to said main track a distance of 650 feet to a point on the west line of the Northeast Quarter (NE/4) of Section 33, Township 28 North, Range 7 East; thence due north along said west line of Northeast Quarter (NE/4) of Section 33, a distance of 900 feet to the point of beginning, containing 36.28 acres, more or less.

And the defendant Oklahoma Land and Cattle Company is not the owner of and has no right, title or interest in the balance (13.98) acres of the land described in Plaintiff's Complaint filed herein.

Therefore, the defendant Oklahoma Land and Cattle Company's Counter Claim and Cross-Claim against Plaintiff and all other defendants in this action, to quiet its title to all of the land described in Plaintiff's Complaint, hereby IS DENIED.

2. It is further ADJUDGED and DECREED that the prayer of Plaintiff's Complaint that title to all of the land described in such Complaint be quieted in the United States of America, in trust for the use and benefit of the Osage Indians, and that all defendants herein be enjoined from asserting any right, title or interest in such land, hereby IS DENIED.

3. It is further ADJUDGED and DECREED that because the land described above, in paragraph numbered "1.", together

with all of the railroad right of way situated in the NE ¼ of Section 33, T 28N, R 7E, (approximately 6.36 acres) as described in the Complaint filed herein, has ceased to be used for railroad purposes, title to such land has reverted to and is vested in the owner of the abutting land from which it was taken, to-wit: the United States of America in trust for Frances Kilpatrick and Dudley Whitehorn.

4. It is further ADJUDGED and DECREED that all claims, counterclaims, and cross-claims presented in this action, other than those covered in paragraphs numbered 1, 2 and 3 above, hereby are dismissed without prejudice.

Entered this 30th day of November, 1984.

UNITED STATES DISTRICT JUDGE

APPROVED AS TO FORM:

HUBERT A. MARLOW
Assistant United States Attorney

W. ROBERT WILSON

JAMES L. HAMILTON

DOROTHY LEE HAMILTON

for DAVID ROSS, Attorney for
O.K. Rural Water, Inc.

LARRY D. STUART, Attorney for
Board of Commissioners and
County Treasurer of Osage
County, Oklahoma

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

FRANK M. COMFORT, DAN HARRINGTON, STEVE W. CAIN, and JACK VICKERS,	)	
Plaintiffs,	)	
vs.	)	No. 84-C-681-E
THE OKLAHOMA POLICE PENSION AND RETIREMENT BOARD; and EVERETTE VANHOESEN, JEFFREY TAYLOR, JIM WINGERT, CHARLES WINGO, DARRELL ROUTH, CHESTER HODGE, DAVID BEEN, JERRY BOWEN, JOE JOHNSON, KENNETH NASH, and GARY LIVINGSTON, in their official capacities only,	)	
Defendants.	)	

NOTICE OF
DISMISSAL WITHOUT PREJUDICE

Comes now the Plaintiffs, Frank M. Comfort, Dan Herrington, Steve W. Cain and Jack Vickers, and herewith dismiss the above entitled cause without prejudice.

Respectfully submitted,

Frank M. Comfort, Dan Harrington,
STEVE W. CAIN and JACK VICKERS

BY: CHAPEL, WILKINSON, RIGGS,
ABNEY & HENSON

BY: M. D. Bingham
for Donald M. Bingham
502 West Sixth Street
Tulsa, Oklahoma 74119
(918) 587-3161

ATTORNEYS FOR PLAINTIFFS

CERTIFICATE OF MAILING

I hereby certify that on the 30th day of November, 1984, I mailed a true and correct copy of the foregoing Dismissal Without Prejudice to the Honorable Michael Scott Fern, Assistant Attorney General, 112 State Capitol Building, Oklahoma City, Oklahoma 73105, with sufficient postage thereon prepaid.

M. D. Bingham

for Donald M. Bingham

Entered

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

DOYLE J. WILLIAMS, Plaintiff,	)	
vs.	)	No. 84-C-925-C
ROBERT PACE, Defendant.	)	

FILED
NOV 30 1984
Jack C. Silver, Clerk
U. S. DISTRICT COURT

O R D E R

Now before the Court, sua sponte is the pro se petition of plaintiff Doyle J. Williams, a "citizen" of the State of Missouri. Plaintiff alleges that this Court has jurisdiction pursuant to Title 28 U.S.C. Sections 1331, 1332, and 1915.

Plaintiff alleges that on or about February 20, 1976, defendant Robert Pace agreed to pay Mrs. Darlene Brown $100.00 per month as payment for child support. As of the date of this complaint, $8,000.00 remains unpaid. Plaintiff alleges that he has received an assignment from Mrs. Brown of all her rights to the unpaid $8,000.00. It is this amount which plaintiff seeks to recover from Robert Pace.

This action must be dismissed pursuant to Rule 12(b)(1) and (6) for failure to state a claim. In addition, plaintiff's claim does not meet the requisite jurisdictional amount for this Court. (Title 28 U.S.C. §1332). There is no jurisdiction under Title 28

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U.S.C. §1331, as plaintiff contends, since there is no federal question involved here.

Therefore, plaintiff's petition should be and hereby is dismissed in all respects.

IT IS SO ORDERED this 30th day of November, 1984.

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

Entered

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

RUBY BRUMLEY, Administratrix of the Estate of Harley Baker, deceased, Plaintiff,	)	
v.	)	NO. 84-C-52-B
FRANK THURMAN, Individually, and as Tulsa County Sheriff; MELVIN C. RICE, Individually, and as Board of Commissioners of Tulsa County; TERRY YOUNG, Individually, and as Board of Commissioners of Tulsa County; LEWIS HARRIS, Individually, and as Board of Commissioners of Tulsa County; and TULSA COUNTY; VERNON WHERRY, Individually, and as a Police Officer of the City of Tulsa; JAMES INHOFE, Individually, and as Board of Commissioners of the City of Tulsa; WALTER HALL, Individually, and as Board of Commissioners of the City of Tulsa; ROY GARDNER, Individually, and as Board of Commissioners of the City of Tulsa; JAMES HEWGLEY, Individually, and as Board of Commissioners of the City of Tulsa; PATTY EATON, Individually, and as Board of Commissioners of the City of Tulsa; and CITY OF TULSA; and GIL R. OSBORNE, Individually, and d/b/a CLUB LOUNGE, Defendants.	)	

O R D E R

This matter comes before the Court on motions to dismiss of defendants City of Tulsa, Oklahoma, James Inhofe, Individually and as Mayor of the City of Tulsa and named defendants Hall, Gardner, Hewgley, and Eaton, individually and in their capacities as members of the Board of Commissioners of the City of Tulsa ("city defendants"); motion to dismiss of defendants Tulsa County

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Sheriff Frank Thurman and Tulsa County Commissioners Melvin C. Rice, Terry Young and Lewis Harris, individually and in their capacities as members of the Board of County Commissioners of Tulsa County ("county defendants"); motion to dismiss of Officer Vernon B. Wherry, individually and in his capacity as a member of the Tulsa Police Department; and motion to dismiss of Osteopathic Hospital Founders Association ("hospital"). Each motion will be treated separately below.

STATEMENT OF FACTS

The plaintiff alleges that on or about the evening of June 11, 1982, the deceased, Harley Baker, became intoxicated while a customer at the Club Lounge. After he became intoxicated, the Club Lounge continued to serve him until he became so intoxicated that he could not remain seated on his bar stool, instead falling from the stool and hitting his head.

Thereafter, Mr. Baker was taken to Oklahoma Osteopathic Hospital for medical treatment. The emergency room staff of the hospital refused to treat Mr. Baker because of his apparent intoxicated condition and called the police.

Officer Vernon Wherry responded to the call, arrested Mr. Baker for public drunk, and took him to the City/County Jail. Before being incarcerated Mr. Baker was screened by a jail medic, but was not provided with any medical treatment. Mr. Baker was placed in a jail cell at approximately 3:30 A.M., on June 12, 1982. At 6:30 A.M., on June 13, 1982 Mr. Baker was found dead in his cell.

MOTION TO DISMISS OF CITY DEFENDANTS

The City of Tulsa, Oklahoma, James Inhofe, individually and as Mayor of the City of Tulsa and named defendants Hall, Gardner, Hewgley, and Eaton, individually and in their capacities as members of the Board of Commissioners of the City of Tulsa ("city defendants") filed a motion to dismiss pursuant to F.R.Civ.P. 12(b)(6) on February 16, 1984. The plaintiff through his complaint claims that the city defendants violated the deceased's Eighth Amendment right to be free from cruel and unusual punishment through the actions of officer Vernon Wherry and that such a violation is actionable pursuant to the Civil Rights Act, 42 U.S.C. §1983.

The Supreme Court has decided that cities are "persons" within the meaning of §1983 and can be held liable for the unconstitutional behavior of their agents. Monell v. New York Dept. of Social Services, 436 U.S. 658, 98 S.Ct. 2018, 56 L.Ed.2d 611 (1978) overruling on this point Monroe v. Pape, 365 U.S. 167, 81 S.Ct. 473, 5 L.Ed. 2d 492 (1961). However, a municipality cannot be held solely liable because it employs a tortfeasor, or on a respondeat superior theory. Monell, 436 at 691. But liability may be premised upon a showing that a governmental "custom" is the motivating force behind the constitutional deprivation, even where that custom has not been approved formally through official decision-making channels. Id. at 690-691.

The plaintiff in her response brief asserts that as a result of deliberate indifference by the city defendants, the custom and policy of the City/County Jail concerning incarcerated persons needing medical attention was so disorganized and inadequate that it resulted in the death of Mr. Baker. Deliberate indifference by prison personnel to a prisoner's serious illness or injury constitutes cruel and unusual punishment contravening the Eighth Amendment of the United States Constitution. Estelle v. Gamble, 429 U.S. 97, 97 S.Ct. 284 (1976).

The plaintiff in her reply brief attempts to support these assertions with plaintiff's Exhibit A, an article from a Tulsa newspaper discussing the lack of medical treatment given to persons incarcerated by the City of Tulsa. Where the plaintiff alleges a pattern or series of incidents of unconstitutional conduct, the courts have found an allegation of policy sufficient to withstand a dismissal motion. Powe v. City of Chicago, 664 F.2d 639 (7th Cir. 1981). And it is not necessary to point out a specific, articulated municipal policy, but a policy or custom may be inferred from a complaint's allegations. Starstead v. City of Superior, 533 F.Supp. 1365 (1982).

But here the issue is the sufficiency of the complaint. We must therefore exclude from our discussion facts presented in the plaintiff's and defendants' briefs that are not alleged in the complaint. See Glaros v. Perse, 628 F.2d 679, 681 (1st Cir. 1980). The plaintiff's complaint fails to allege that the constitutional deprivation was caused by an official policy,

custom, or usage of the City of Tulsa, instead focusing on the employer-employee relationship of the city defendants and defendant Wherry.

Therefore, the Court concludes that the city defendants' motion to dismiss shall be sustained. The plaintiff shall have until December 20, 1984 in which to file an amended complaint.

MOTION TO DISMISS OF OFFICER VERNON B. WHERRY

The defendant, Officer Vernon B. Wherry, individually and in his capacity as a member of the Tulsa Police Department filed a motion to dismiss pursuant to F.R.Civ.P. 12(b)(6). In this motion, defendant Wherry requested the Court to consider the affidavits of Pat Carter, Vernon B. Wherry, and R. L. Hemphill. The Court has honored this request and defendant's motion to dismiss is converted to a motion for summary judgment as required by F.R.Civ.P. 56.[1]

Summary judgment must be denied if a genuine issue of material fact is presented to the trial court. Exnicious v. United States, 563 F.2d 418 (10th Cir. 1977). In making this determination the evidence must be viewed in the light most favorable to the party against whom judgment is sought. National Aviation Underwriters, Inc. v. Altus Flying Service, Inc., 555

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1 F.R.Civ.P. 12(b) provides:

"If, on a motion asserting the defense (6) to dismiss for failure to state a claim upon which relief can be granted, matters outside the pleadings are presented to and not excluded by the court, the motion shall be treated as one for summary judgment and disposed of as provided in Rule 56, and all parties shall be given reasonable opportunity to present all materials made pertinent to such a motion by Rule 56."

F.2d 778, 784 (10th Cir. 1977). Factual inferences tending to show triable issues must be resolved in favor of the existence of those issues. Luckett v. Bethlehem Steel Corp., 618 F.2d 1373, 1377 (10th Cir. 1980).

However, the Supreme Court in Harlow v. Fitzgerald, 457 U.S. 800, 73 L.Ed.2d 396, 102 S.Ct. 2727 (1982) held:

> "... that governmental 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."

It is clear in the present case that officer Wherry's actions were reasonable. It is undisputed that the deceased was 1) intoxicated at the time of his arrest, 2) arrested at a health care facility, and 3) screened by a jail medic prior to incarceration. Under these circumstances, it cannot be said that officer Wherry violated any clearly established statutory or constitutional rights of the deceased.

Therefore, the Court concludes that Officer Wherry's motion for summary judgment pursuant to F.R.Civ.P. 56 should be sustained.

MOTION TO DISMISS OF THE COUNTY DEFENDANTS

The county defendants in their official and individual capacity filed motions to dismiss under Rule 12(b)(2), 12(b)(5), and 12(b)(6) of the Federal Rules of Civil Procedure.

The county defendants assert that the court lacks in personam jurisdiction because the plaintiff has failed to

establish a causal connection between the county defendants and the alleged misconduct. Although this is an important element of the plaintiff's claim, it does not affect the Court's jurisdiction over the defendants' person. Therefore, the county defendants' motion to dismiss for lack of personal jurisdiction is hereby denied.

The county defendants also deny the court has in personam jurisdiction because of insufficiency of service of process. "In all legal proceedings against the county, process shall be served on the county clerk." 19 O.S. §5. However, Tulsa County is not before us in the present motion to dismiss. Personal service on the sheriff and county commissioners was sufficient to bestow the jurisdiction of this court over those defendants in their individual and official capacity.

Therefore, the county defendants' motion to dismiss for insufficiency of service of process is hereby denied.

The county defendants' third motion to dismiss is pursuant to F.R.Civ.P. 12(b)(6) for failure of plaintiff to state a claim upon which relief can be granted. In order to prevail on a motion to dismiss, defendants must establish that plaintiff can prove no set of facts in support of his claim which would entitle him to relief. Haines v. Kerner, 404 U.S. 519 (1972). In passing on the motion, the Court should construe the allegations in the complaint in favor of the petitioner, Scheuer v. Rhodes, 416 U.S. 232 (1974), and assume the allegations are true, Gardner v. Toilet Goods Ass'n, 387 U.S. 167 (1957). However, the Court

may accept none of the factual allegations contained in the briefs. Accord. Hayes v. Schmidt, 69 F.R.D. 56 (W.D.Wisc. 1975).

Plaintiff in her complaint states:

> "That the failure of the Sheriff and the Board of Commissioners of Tulsa County to provide proper medical attention to what are alleged to be obvious injuries constituted a violation of Mr. Baker's civil rights..."

Regardless of how evidenced, deliberate indifference to a prisoner's serious illness or injury states a cause of action under §1983.[2] Estelle v. Gamble, 429 U.S. 97, 97 S.Ct. 285 (1976).

Therefore, the Court concludes that the county defendants' motion to dismiss for failure to state a claim pursuant to F.R.Civ.P. 12(b)(6) should be denied.

MOTION TO DISMISS OF HOSPITAL

The defendant Osteopathic Hospital Founders Association filed a motion to dismiss pursuant to Rule 12(b)(1) and (2) of the Federal Rules of Civil Procedure for lack of subject matter and personal jurisdiction.

To state a claim under 42 U.S.C. §1983 a plaintiff must allege that (1) the defendant was acting under the color of state law at the time the acts complained of were committed, and that (2) the defendant deprived plaintiff of a right, privilege or immunity secured by the constitution or laws of the United States. Briley v. State of California, 564 F.2d 849 (9th Cir. 1977).

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2 The same standard was also used to judge the sufficiency of the allegations against the city defendant.

The key issue before the Court is whether or not the hospital acted under color of state law. To meet the "color of state law" requirement the plaintiff cites Oklahoma statute 63 O.S., §2113, "Any alcohol and drug-dependent person with associated medical problems will be treated by appropriate medical facilities such as a duly licensed general hospital." The Court is not convinced that 63 O.S. §2113 applies to the present plaintiff. Section 2113 is part of the "Oklahoma Alcohol and Drug Abuse Services Act", the purpose of which is to focus the state's resources on the problems of alcoholism and drug abuse. Compliance or noncompliance with the section does not place the hospital under the "color of state law." Furthermore, here there is no allegation that the deceased was an alcohol or drug-dependent person, or that he was seeking treatment for such a problem.

The plaintiff further argues that "Osteopathic Hospital receives federal funds and thus was required to treat Mr. Baker." This alone, however, is not sufficient to invoke federal jurisdiction. State action does not arise merely because private hospitals receive governmental aid; more is required than that. Ward v. St. Anthony Hospital, 476 F.2d 671, 675 (10th Cir. 1973).

Plaintiff also argues that even if the hospital engaged in purely private conduct it may be found liable under §1983 if the defendant acted in concert with another party against whom a valid claim can be stated. Briley v. State of California, 564 F.2d 849, 858 (1977). The plaintiff in her brief claims the hospital conspired with defendant, Officer Wherry.

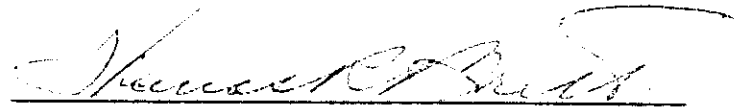
Conspiracy requires agreement among the parties. This agreement is not necessarily an express one but rather may be inferred from the acts of the parties. Oltman v. Miller, 407 F.2d 376, 378 (7th Cir. 1969). Federal courts have come to insist in conspiracy cases under §1983 that the complaint state with specificity the facts which show the existence and scope of the alleged conspiracy. Slotnick v. Staviskey, 500 F.2d 31, 33 (1st Cir. 1977), cert. denied, 434 U.S. 1077, 98 S.Ct. 1268, 55 L.Ed.2d 783. A plaintiff alleging conspiracy in a civil rights action must domore than make conclusory allegations of conspiracy with no supporting factual averments. Clulow v. Oklahoma, 700 F.2d 1291 (10th Cir. 1983). The plaintiff's complaint fails to allege any agreement between the hospital and any of the other defendants.

Finally, the plaintiff claims that the hospital is a proper party under the doctrine of pendent jurisdiction. The Supreme Court in Aldinger v. Howard, 427 U.S. 1, 96 S.Ct. 2413, 49 L.Ed.2d (1976) discussed the situation before the court. The court in Aldinger, rejected the argument that a plaintiff who has asserted a claim against one defendant with respect to which there is federal jurisdiction may join an entirely new defendant on the basis of a state law claim over which there is no independent basis of federal jurisdiction, simply because his claim against the two defendants derive from a common nucleus of fact. Aldinger v. Howard, 427 U.S. 1, 14 (1976).

CONCLUSION

For the reasons heretofore stated, the motion to dismiss of the city defendants is sustained with leave given to plaintiffs until December 20, 1984 to amend their complaint. The motion for summary judgment of Officer Wherry is sustained. The motion to dismiss of the county defendants is denied. The motion to dismiss Osteopathic Hospital is sustained.

DATED this 24 day of Nov, 1984.



THOMAS R. BRETT
UNITED STATES DISTRICT JUDGE

Entered

IN THE UNITED STATES DISTRICT COURT IN AND FOR

THE NORTHERN DISTRICT OF OKLAHOMA

THOMAS L. BAKER, BILL C. McCAWLEY, and THOMAS J. RIDDLE,	)	
Plaintiffs,	)	
vs.	)	No. 84-C-682-B
THE OKLAHOMA FIREFIGHTERS PENSION AND RETIREMENT SYSTEM, THE OKLAHOMA FIREFIGHTERS PENSION AND RETIREMENT BOARD; and PAUL GALLAHAR, WENDELL GILLIAM, HASKILL STARBUCK, JAMES SMITH, JOHN SOOS, LARRY BARRETT, JOHN GUEST, WYMAN DOBBS, JAMES LUCKETT, FRANCIS CAMPBELL, and MEREDITH LACEY, in their official capacities only,	)	
Defendants.	)	

DISMISSAL WITHOUT PREJUDICE

COMES NOW the Plaintiffs, Thomas L. Baker, Bill C. McCawley and Thomas J. Riddle, and herewith dismisses the above entitled cause without prejudice.

Respectfully submitted,

Thomas L. Baker, Bill C. McCawley
Thomas J. Riddle

BY: CHAPEL, WILKINSON, RIGGS,
ABNEY & HENSON

BY: M. D. Bingham
for Donald M. Bingham
502 West Sixth Street
Tulsa, Oklahoma 74119
(918) 587-3161

ATTORNEYS FOR PLAINTIFFS

CERTIFICATE OF MAILING

I hereby certify that on the 29th day of November, 1984, I mailed a true and correct copy of the foregoing Dismissal Without Prejudice to John D. Rothman, Assistant Attorney General, 112 State Captiol Building, Oklahoma City, Oklahoma 73105, with sufficient postage thereon prepaid.

M. D. Bingham
for Donald M. Bingham

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

FILED
NOV 29 1984
JACK C. SILVER, CLERK
U.S. DISTRICT COURT

THE BOARD OF TRUSTEES OF THE PLUMBERS & PIPEFITTERS NATIONAL PENSION FUND; THE BOARD OF TRUSTEES OF PIPE FITTERS LOCAL 205 HEALTH AND WELFARE FUND; THE BOARD OF TRUSTEES OF PLUMBERS & PIPE FITTERS LOCAL 397 APPRENTICESHIP FUND; and THE BOARD OF TRUSTEES OF PLUMBERS & PIPE FITTERS LOCAL 397 BUILDING FUND,	)	
Plaintiffs,	)	
vs.	)	No. 84-C-549-B
WALKINGSTICK PLUMBING COMPANY,	)	
Defendant.	)	

ORDER OF DISMISSAL

Now on this 29 day of November, 1984, plaintiffs' Motion to Dismiss coming on for consideration and counsel for plaintiffs herein representing and stating that all issues, controversies, debts and liabilities between the parties have been paid, settled and compromised;

IT IS THE ORDER OF THIS COURT that said action be, and the same is, hereby dismissed with prejudice to the bringing of another or future action by the plaintiffs herein.

Thomas R. Brett

UNITED STATES DISTRICT JUDGE

NOV 28 1984

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

LUTHER BEN LONG,	)	
Movant,	)	
vs.	)	No. 84-C-869-C 82-CR-1-C
UNITED STATES OF AMERICA,	)	
Respondent.	)	

O R D E R

Now before the Court for its consideration is Luther Ben Long's motion pursuant to Title 28 U.S.C. §2255 to vacate, set aside, or correct sentence by a person in federal custody.

The movant was charged by indictment in Case No. 82-CR-1-C with nine counts of violating Title 18 U.S.C. §1708, in that he knowingly possessed stolen mail. Movant was found guilty of all nine counts by a jury, by verdict rendered March 4, 1982. Movant was sentenced on April 13, 1982, to four (4) years as to Counts One (1), Two (2) and Three (3), with Counts 2 and 3 to run concurrent with the sentence imposed in Count 1, Four (4) years as to Counts Four (4), Five (5), Six (6), Seven (7), Eight (8), and Nine (9) with Counts 5, 6, 7, 8, and 9 to run concurrent with the sentence imposed in Count 4. In addition, the sentence as to Counts 4, 5, 6, 7, 8, and 9 is to run consecutive to the sentence

imposed in the other three remaining counts. The United States Court of Appeals for the Tenth Circuit having affirmed this conviction in May, 1983, movant surrendered for incarceration on June 16, 1983.

Movant contends, as the basis for this §2255 motion, that:

a. he was denied his right to the effective assistance of counsel by virtue of appointed counsel's failure to object to erroneous and prejudicial jury instructions and failure to object to the imposition of multiple sentences for a single criminal offense;

b. the Court's instructions to the jury regarding each count of the indictment's being a separate offense were erroneous and prejudicial such to deny movant a fair and impartial trial; and

c. the multiple sentences imposed upon movant are illegal, null and void when but a single offense is charged in the indictment.

Movant's contentions should have been raised in his appeal and are not, therefore, proper matters for this Court's consideration. A section 2255 motion cannot substitute for an appeal's being taken, and we find no circumstances present here for making an exception to this rule. Garcia v. United States, 492 F.2d 395 (10th Cir. 1974), cert. denied, 419 U.S. 897 (1974). Nor can it serve to present to this Court at this time additional issues,

which are allegedly based on facts all known to movant prior to his filing his appeal.

Accordingly, this Court finds that movant's motion to vacate, set aside, or correct sentence should be and hereby is denied.

IT IS SO ORDERED this 28th day of November, 1984.

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

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

NOV 28 1984

UNITED STATES OF AMERICA,	)	
Plaintiff,	)	
vs.	)	No. 81-CR-63-C
	)	84-C-820-C
MARION FRANCIS WEBSTER	)	
Defendant.	)	

O R D E R

Now before the Court for its consideration is the Motion of defendant Marion Francis Webster to Vacate Sentence; or in the Alternative, to Set Aside Sentences or in the Alternative, to Correct Sentence, pursuant to Title 28 U.S.C. §2255. Defendant alleges in his motions that the Court erred pursuant to Rules 32(c)(1), 32(c)(2), 32(c)(3)(D), and 32 (c)(3)(F) of the F.R.Cr.P.; that the Court erred by pronouncing an ambiguous judgment of the sentence; that the Court erred by allowing the suppression of evidence known to be exculpatory to defendant; that the Court erred by allowing "officers of the Court" to violate defendant's constitutional rights to due process, equal protection, and "liberty" under the Fifth and Fourteenth Amendments.

On November 24, 1981, defendant was tried and found guilty of all but two counts of a 19-count indictment involving the conversion and misapplication of government property, Indian

property, false statements on bank loans, and receiving a stolen motor vehicle. On April 26, 1982, the Motion of defendant for Judgment of Acquittal NOV and for a new trial was overruled.

It is well-established that a motion to vacate, set aside, or correct sentence may not be invoked to relitigate questions which were, or should have been, raised on direct appeal. Battaglia v. U.S., 428 F.2d 957 (9th Cir. 1970); Williams v. U.S., 334 F.Supp. 669 (D.C.N.Y. 1971).

Therefore, defendant's motion under Title 28 U.S.C. §2255 should be and hereby is denied.

IT IS SO ORDERED this 28 day of November, 1984.

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

Entered

FILED

NOV 28 1984

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

UNITED STATES DISTRICT COURT FOR THE
NORTHERN DISTRICT OF OKLAHOMA

UNITED STATES OF AMERICA,	)	
Plaintiff,	)	
vs.	)	
LARRY E. THOMAS,	)	
Defendant.	)	CIVIL ACTION NO. 84-C-694-E

DEFAULT JUDGMENT

This matter comes on for consideration this 28TH day of November, 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 E. Thomas, appearing not.

The Court being fully advised and having examined the file herein finds that Defendant, Larry E. Thomas, was served with Summons and Complaint on September 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, Larry E. Thomas, in the amount of $1,213.00, plus accrued interest of $156.18 as of June 1, 1984, plus interest thereafter at the rate of 15.05 percent per annum until judgment, and administrative

6

costs of $14.07, plus interest thereafter at the current legal rate of 9.50 percent from the date of judgment until paid, plus the costs of this action.

UNITED STATES DISTRICT JUDGE

Entered

FILED

NOV 23 1984

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

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

GRAND RIVER DAM AUTHORITY,	)	
	)	
Plaintiff,	)	
	)	
vs.	)	No. 84-C-585-E
	)	
UNITED STATES OF AMERICA,	)	
	)	
Defendant.	)	

JUDGMENT DISMISSING ACTION
BY REASON OF SETTLEMENT

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

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

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

DATED this 27th day of November, 1984.

James O. Ellison

JAMES O. ELLISON
UNITED STATES DISTRICT JUDGE

11-1-84
RCH/sl
OBA#4343
Entered

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

NOV 2 5 1984

ROBIN L. SCHEMMEL,	)	
Plaintiff,	)	
vs.	)	
K-MART CORPORATION,	)	
Defendant.	)	NO. 82-C-1058-E

ORDER OF DISMISSAL

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

DATED this 27 day of Nov, 1984.

S/ JAMES O. ELLISON

UNITED STATES DISTRICT JUDGE

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

FILED
NOV 28 1984
JACK C. SILVER, CLERK
U.S. DISTRICT COURT

AYODELLE AIGBEVBOLLE, Plaintiff,	)	
vs.	)	No. 84-C-903-C
CARL A. BARNES, Defendant.	)	

O R D E R

Now before the Court for its consideration sua sponte is the complaint filed by plaintiff Ayodelle Aigbevbolle, pursuant to Title 42 U.S.C. Section 1983. Plaintiff is an inmate at the Federal Correctional Center in El Reno, Oklahoma. He instituted this action seeking injunctive relief and monetary damages for alleged failure of his court-appointed counsel to file an appeal of his criminal conviction.

In order to establish a cause of action under Section 1983, plaintiff must allege that defendants have deprived him of a federally protected right and that the person who has deprived him of that right acted under color of state law. Gomez v. Toledo, 446 U.S. 635, 640, 100 S.Ct. 1920, 1923, 64 L.Ed.2d 572, (1980). Plaintiff's court-appointed counsel in a federal court cannot under any circumstances be said to be acting under color of state law.

Since a review of the pleadings filed herein does not indicate that the plaintiff has been deprived of rights secured under the U. S. Constitution, by a person acting under color of state law, plaintiff has no claim cognizable under Section 1983. Baker v. McCollan, 443 U.S. 137, 146-147, 99 S.Ct. 2612, 61 L.Ed.2d 321 (1979). Therefore, plaintiff's complaint herein should be and hereby is dismissed in all respects.

IT IS SO ORDERED this 28th day of November, 1984.

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

Entered

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

JOHN E. CARTER, Plaintiff,	)	
VS	)	No. 84-C-435-B
CHARLES J. DAVIS, Defendant.	)	

ORDER OF DISMISSAL WITH PREJUDICE

This case came on before the Court upon ther Stipulation of the parties for a voluntary dismissal of said cause with prejudice, and the Court being fully advised, it is:

ORDERED, the above styled and entitled action and each of the claims and causes of action of the parties be and the same is hereby dismissed with prejudice to the filing of a future action; and it is further:

ORDERED, that each of the parties hereto bear his own costs accrued or accruing herein.

DATED this 27 day of November, 1984.

S/ THOMAS R. BRETT
United States District Judge

NOV 27 1984

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

UNITED STATES OF AMERICA,	)	
	)	
Plaintiff,	)	
	)	
vs.	)	No. 70-CR-39-C
	)	84-C-602-C
WALTER T. NAPIER,	)	
	)	
Movant.	)	

O R D E R

Now before the Court for its consideration is the motion of the defendant pursuant to Title 28 United States Code Section 2255. Because Mr. Napier failed to complete the form complaint, the Court issued an order on July 18, 1984, requiring Mr. Napier to complete the §2255 form more fully and to supply the Court with grounds for the motion and any additional supporting documentation. On August 28, 1984, Mr. Napier responded by filing a new and still uncompleted form for a motion under §2255, but attaching a brief in support of a Writ of Habeas Corpus under Title 28 U.S.C. §2241.

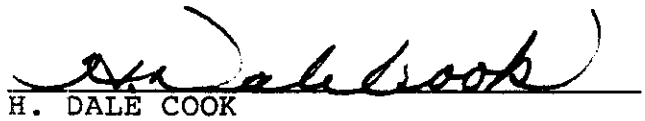
Since the Court can only conclude from these actions that Mr. Napier has chosen to abandon his motion under Section 2255, that motion must be dismissed.

As to Mr. Napier's motion under Title 28 U.S.C. Section 2241, this Court has no jurisdiction to entertain petitioner's motion. Petitioner is presently incarcerated in the Jess Dunn

Correctional Center in Taft, Oklahoma, which is within the jurisdiction of the U. S. District Court for the Eastern District of Oklahoma. Habeas Corpus jurisdiction conferred on federal district court is limited to petitions filed by persons physically present within the territorial limits of the district court. White v. State of Tenn., 447 F.2d 1354 (6th Cir. 1971). In addition, petitioner asks for relief in the form of a parole revocation hearing; and if such is not granted by the Federal Parole Commission, he asks for release from his confinement under a state charge. Clearly petitioner would not be entitled to release under the circumstances plead in his motion under §2241. It is well-established that habeas corpus may not be used as a means of securing determination of judicial questions which, if determined in petitioner's favor, will not result in his immediate release. McMahon v. Hunter, 150 F.2d 498 (10th Cir. 1945). The Court has also been advised by the Pre-Release Analyst with the United States Parole Commission that on May 9, 1984, Mr. Napier was afforded an in-person parole revocation hearing at which time the examiners found that his parole should be revoked and that none of the time spent on parole would be credited toward his federal sentence. Following the hearing, Napier appealed the findings of the Commission to the regional level and then to the national appeals board in Washington, D. C. and the findings of the Commission were upheld on both appeal levels. Therefore, it appears that Mr. Napier's Motion under Section 2241 is also moot.

Therefore, Mr. Napier's motions under Title 28 U.S.C. §2255 and §2241 should be and hereby are dismissed in all respects.

IT IS SO ORDERED this 27th day of November, 1984.



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

Entered

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

SECURITIES AND EXCHANGE COMMISSION	:	Civil Action No.
Plaintiff,	:	84-C-937 B
v.	:	FINAL CONSENT JUDGMENT AND ORDER OF PERMANENT INJUNCTION AS TO FLORAFAX INTERNATIONAL, INC.
FLORAFAX INTERNATIONAL, INC., JOSEPH H. HALE, KIRK K. NELLIS,	:	
Defendants.	:	

Plaintiff SECURITIES AND EXCHANGE COMMISSION having filed a Complaint for Civil Injunctive and Other Equitable Relief in this matter; and Defendant FLORAFAX INTERNATIONAL, INC., in its attached Consent and Undertaking, having entered a general appearance; having acknowledged receipt of the Complaint and waived service of the Summons in this matter; having admitted the jurisdiction of this Court over it and over the subject matter of this action; having acknowledged that it is represented by counsel who has entered a general appearance on its behalf; having waived the entry of any findings of fact or conclusions of law as provided by Rule 52 of the Federal Rules of Civil Procedure; and, without admitting or denying any of the allegations of the Complaint, except as to jurisdiction, having agreed to the entry of this Final Consent Judgment and Order of Permanent Injunction ("Final Consent Judgment"); and it further appearing that this Court has jurisdiction over it and the subject matter hereof; it appearing that no further notice of hearing for the entry of this Final Consent Judgment need be given; the Court

being fully advised in the premises; and there being no just reason for delay;

I.

IT IS HEREBY ORDERED, ADJUDGED and DECREED that Defendant FLORAFAX INTERNATIONAL, INC., be and hereby is permanently restrained and enjoined from, directly or indirectly, filing or causing to be filed with the COMMISSION, on behalf of FLORAFAX INTERNATIONAL, INC., any annual report on Form 10-K (17 C.F.R. 249.310], quarterly report on Form 10-Q [17 C.F.R. 249.308a], or any other report required to be filed pursuant to Section 13 of the Securities Exchange Act of 1934, as amended [15 U.S.C. 78m], and the rules promulgated thereunder, which:

(a) contains any untrue statement of a material fact; or

(b) fails to include the information expressly required to be included in such report; or

(c) fails to provide, in addition to the information expressly required to be included in such report, such further material information, if any, as may be necessary to present fully, fairly and accurately the information contained in such report and to make the required statements, in light of the circumstances under which they were made, not misleading, including, but not limited to, statements concerning:

(1) the accounting policies and practices regarding the recognition of revenues associated with the products division of FLORAFAX INTERNATIONAL, INC.;

(2) the accounting policies and practices regarding the determination and reporting of allowances for doubtful accounts and reserves for product returns of FLORAFAX INTERNATIONAL, INC.;

(3) the accounting policies, practices and procedures of FLORAFAX INTERNATIONAL, INC. regarding any transactions whereby products are shipped to customers without their express consent; or are shipped on a "for approval" or consignment basis;

(4) the sales operations and extent of change, growth and progress of the product division of FLORAFAX INTERNATIONAL, INC., including the circumstances under which products are shipped to customers;

(5) the financial condition of FLORAFAX INTERNATIONAL, INC. as affected by (1) through (4) above;

(6) the true value of the assets, including accounts receivable and inventories, of FLORAFAX INTERNATIONAL, INC. as affected by (1) through (4) above; or

(7) the true amounts for total revenues, total costs and expenses, and net income for FLORAFAX INTERNATIONAL, INC. as affected by (1) through (4) above;

in violation of Section 13(a) of the Securities Exchange Act of 1934, as amended [15 U.S.C. 78m(a)] and Rules 12b-20, 13a-1 and 13a-13 thereunder [17 C.F.R. 240.12b-20, 240.13a-1 and 240.13a--13].

II.

IT IS FURTHER ORDERED, ADJUDGED and DECREED that Defendant FLORAFAX INTERNATIONAL, INC., be and hereby is permanently restrained and enjoined from, directly or indirectly:

(a) failing or causing the failure to make and keep books, records, and accounts, which, in reasonable detail, accurately and fairly reflect the sales transactions and dispositions of the assets of FLORAFAX INTERNATIONAL, INC., including but not limited to all transactions affecting accounts receivable and inventories in connection with the consignment, sale, invoicing, payment, return, or loss of product;

(b) failing or causing the failure to devise and maintain a system of internal accounting controls for FLORAFAX INTERNATIONAL, INC. sufficient to provide reasonable assurances that sales transactions are recorded as necessary (1) to permit preparation of financial statements in conformity with generally accepted accounting principles or any other criteria applicable to such statements, and (2) to maintain accountability for assets; and

(c) falsifying or causing to be falsified, any book, record or account of FLORAFAX INTERNATIONAL, INC. where said book, record or account is subject to Section 13(b)(2)(A) of the Securities Exchange Act of 1934, as amended [15 U.S.C. 78m(b)(2)(A)];

in violation of Section 13(b)(2) of the Securities Exchange Act of 1934, as amended [15 U.S.C. 78m(b)(2)], and Rule 13b2-1 [17 C.F.R. 240.13b2-1] promulgated thereunder.

III.

IT IS FURTHER ORDERED, ADJUDGED and DECREED that this Order shall be binding only upon Defendant FLORAFAX INTERNATIONAL, INC. and upon those persons in active concert or participation with it who receive actual notice of this Order by personal service or otherwise, including but not limited to its officers, directors, agents, servants, and employees.

IV.

IT IS FURTHER ORDERED, ADJUDGED and DECREED that this Court shall retain jurisdiction of this action for purposes of entertaining motions or applications by any party to this action arising out of the terms of the Final Consent Judgment and of the Consent and Undertaking.

V.

IT IS FURTHER ORDERED that this Final Consent Judgment and Order of Permanent Injunction with the attached Consent and Undertaking may be served upon the Defendant in person or by mail by the United States Marshal, by the Clerk of the Court, or by any member of the staff of the COMMISSION.

VI.

There being no just reason for delay, the Clerk of this

Court is hereby directed to enter this Final Consent Judgment and Order of Permanent Injunction pursuant to Rule 54(b) of the Federal Rules of Civil Procedure, each party to bear its own costs.

Dated this [illegible] day of [illegible], 1984.

UNITED STATES DISTRICT JUDGE

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

Entered

SECURITIES AND EXCHANGE COMMISSION,	:	Civil Action No. 84-C-937 B
Plaintiff,	:	
v.	:	FINAL CONSENT JUDGMENT AND ORDER OF PERMANENT INJUNCTION AS TO KIRK K. NELLIS
FLORAFAX INTERNATIONAL, INC., JOSEPH H. HALE, KIRK K. NELLIS,	:	
Defendants.	:	

Plaintiff SECURITIES AND EXCHANGE COMMISSION having filed a Complaint for Civil Injunctive and Other Equitable Relief in this matter; and Defendant KIRK K. NELLIS, in his attached Stipulation and Consent, having entered a general appearance; having acknowledged receipt of the Complaint and waived service of the Summons in this matter; having admitted the jurisdiction of this Court over him and over the subject matter of this action; having acknowledged that he is represented by counsel who has entered a general appearance on his behalf; having waived the entry of any findings of fact or conclusions of law as provided by Rule 52 of the Federal Rules of Civil Procedure; and, without admitting or denying any of the allegations of the Complaint, except as to jurisdiction, having agreed to the entry of this Final Consent Judgment and Order of Permanent Injunction ("Final Consent Judgment"); and it further appearing that this Court has jurisdiction over him and the subject matter hereof; it appearing that no further notice of hearing for the entry of this Final Consent Judgment need be given; the Court being fully advised in the premises; and there being no just reason for delay;

I.

IT IS HEREBY ORDERED, ADJUDGED and DECREED that Defendant KIRK K. NELLIS, be and hereby is permanently restrained and enjoined from, directly or indirectly, filing or causing to be filed with the COMMISSION, on behalf of FLORAFAX INTERNATIONAL, INC. or any other issuer, any annual report on Form 10-K (17 C.F.R. 249.310], quarterly report on Form 10-Q [17 C.F.R. 249.308a], or any other report required to be filed pursuant to Section 13 of the Securities Exchange Act of 1934, as amended [15 U.S.C. 78m], and the rules promulgated thereunder, which:

(a) contains any untrue statement of a material fact; or

(b) fails to include the information expressly required to be included in such report; or

(c) fails to provide, in addition to the information expressly required to be included in such report, such further material information, if any, as may be necessary to present fully, fairly and accurately the information contained in such report and to make the required statements, in light of the circumstances under which they were made, not misleading, including, but not limited to, statements concerning:

(1) the accounting policies and practices regarding the recognition of revenues associated with the products division of FLORAFAX INTERNATIONAL, INC. or any other issuer;

(2) the accounting policies and practices regarding the determination and reporting of allowances for doubtful accounts and reserves for product returns of FLORAFAX INTERNATIONAL, INC. or any other issuer;

(3) the accounting policies, practices and procedures of FLORAFAX INTERNATIONAL, INC. or any other issuer regarding any transactions whereby products are shipped to customers without their express consent; or are shipped on a "for approval" or consignment basis;

(4) the sales operations and extent of change, growth and progress of the product division of FLORAFAX INTERNATIONAL, INC. or any other issuer, including the circumstances under which products are shipped to customers;

(5) the financial condition of FLORAFAX INTERNATIONAL, INC. or any other issuer as affected by (1) through (4) above;

(6) the true value of the assets, including accounts receivable and inventories, of FLORAFAX INTERNATIONAL, INC. or any other issuer as affected by (1) through (4) above; or

(7) the true amounts for total revenues, total costs and expenses, and net income for FLORAFAX INTERNATIONAL, INC. or any other issuer as affected by (1) through (4) above;

in violation of Section 13(a) of the Securities Exchange Act of 1934, as amended [15 U.S.C. 78m(a)] and Rules 12b-20, 13a-1 and 13a-13 thereunder [17 C.F.R. 240.12b-20, 240.13a-1 and 240.13a-13].

II.

IT IS FURTHER ORDERED, ADJUDGED and DECREED that this Order shall be binding only upon Defendant KIRK K. NELLIS and upon those persons in active concert or participation with him who receive actual notice of this Order by personal service or otherwise, including but not limited to his agents, servants, and employees.

III.

IT IS FURTHER ORDERED, ADJUDGED and DECREED that this Court shall retain jurisdiction of this action for purposes of entertaining motions or applications by any party to this action arising out of the terms of the Final Consent Judgment and of the Stipulation and Consent.

IV.

IT IS FURTHER ORDERED that this Final Consent Judgment and Order of Permanent Injunction with the attached Stipulation and Consent may be served upon the Defendant in person or by mail by the United States Marshal, by the Clerk of the Court, or by any member of the staff of the COMMISSION.

V.

There being no just reason for delay, the Clerk of this Court is hereby directed to enter this Final Consent Judgment and Order of Permanent Injunction pursuant to Rule 54(b) of the Federal Rules of Civil Procedure, each party to bear its own costs.

Dated this 27 day of Nov., 1984.

S/ THOMAS R. BRETT

UNITED STATES DISTRICT JUDGE

Entered

FILED
NOV 27 1984

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

WALTER N. HANDY CO., INC., a Missouri corporation, Plaintiff,	)	
v.	)	No. 84-C-110-B
PUBLIC SERVICE COMPANY OF OKLAHOMA, an Oklahoma corporation, Defendants.	)	

O R D E R

This matter comes before the Court on defendant's motion to dismiss pursuant to F.R.Civ.P. 12(b)(6) for failure to state a claim, and motion for summary judgment pursuant to F.R.Civ.P. 56. Since matters outside the pleadings were presented on the motion to dismiss, the Court has converted it to a motion for summary judgment. Plaintiff has objected to both motions. For the reasons set forth below, the motions for summary judgment are sustained in part and overruled in part.

This is a diversity action for fraud, breach of contract and intentional interference with prospective business advantage. The lawsuit arises from an agreement between Walter N. Handy Co., Inc., ("Handy") and Public Service Company of Oklahoma ("PSO") for the sale of fly ash by PSO to Handy from PSO's coal burning electrical generation plant at Oologah, Oklahoma. The parties entered into the agreement November 21, 1978, while the plant was under construction. Plaintiff contends PSO representatives repeatedly advised its estimated fly ash production from the

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plant would not exceed 40,000 tons per year. Based upon this representation, Handy contends it entered into an agreement to buy 50% of the fly ash production. Plaintiff further contends PSO representatives promised Handy that if PSO showed a need for a rail loading facility at the plant, PSO would install such a facility. However, there is no provision in the contract for such obligation on the part of PSO.

Fly ash production began in 1980. Total fly ash production that year exceeded 120,000 tons. Handy bought 10,359.04 tons. In 1981 production exceeded 133,000 tons. Handy bought 13,162.87 tons. Handy contends that during 1981 a PSO representative asked it for sales projections for 1982, and encouraged Handy to continue its marketing efforts, which Handy did. Handy sold 23,000 tons of fly ash in 1982. Handy also received a commitment from Texas Industries of Dallas, Texas, to purchase in excess of 100,000 tons of fly ash per year from the Northeastern Station. At that point, Handy approached PSO about installing a rail loading facility. PSO refused to install such a facility; as a result, no final contract was ever entered into between Handy and Texas Industries.

Plaintiff further contends that in July 1982, PSO, without notice to Handy, contracted with McMichael Concrete Company to supply fly ash to McMichael for the construction of roads in and about the Northeastern Station. Before this contract, McMichael had been purchasing fly ash solely from Handy and a business relationship existed between Handy and McMichael under which

Handy would have sold to McMichael the fly ash for the work contracted by PSO.

In October 1982, a PSO representative orally indicated to Handy that PSO intended to cancel the agreement effective December 31, 1982, on the basis that Handy had not complied with its obligation to purchase half of all fly ash produced. The notice to cancel was further confirmed in a letter to Handy from PSO. The contract was terminated December 31, 1982.

Based upon these allegatins, Handy makes 10 claims for relief:

1) Reformation of the contract to incorporate the requirement that Handy need purchase an annual minimum amount of only 20,000 tons of fly ash per year, based upon alternative theories of mutual mistake, unilateral mistake, fraud or inequitable conduct;

2) Reformation of the contract to incorporate the alleged oral promise by PSO that it would install a rail loading facility should Handy develop a market for fly ash in excess of 20,000 tons annually;

3) Reinstatement of the contract and exemplary damages against PSO for fraud in stating fly ash production would not exceed 40,000 tons annually;

4) Reinstatement and damages for breach of contract based on Handy's claim it fulfilled all terms of the contract for 1982, in that it purchased 23,000 tons of fly ash that year;

5) Reinstatement and damages on a theory of promissory estoppel on the basis that PSO represented it accepted Handy's sales projections for 1982 and encouraged further marketing efforts, even though PSO knew Handy would not sell 50 percent of total production of fly ash in 1982;

6) Actual and exemplary damages against PSO for misrepresentation based upon PSO's alleged representation to Handy that it would build a rail facility at the plant;

7) Damages for breach of PSO's alleged oral promise to build a rail loading facility;

8) Reinstatement and damages for breach of contract, based upon the theory that PSO interfered with Handy's efforts to comply with the 50 percent purchase requirement by refusing to install a rail loading facility;

9) Damages for intentional interference with prospective business advantage, based upon PSO's sale of fly ash to McMichael Concrete Company;

10) Damages for breach of contract, based upon the theory that PSO interfered with Handy's efforts to comply with the 50 percent purchase requirement by selling fly ash to McMichael Concrete.

PSO contends the complaint should be dismissed on the following bases:

1) The first, third and fourth claims are barred by applicable statutes of limitation;

2) The facts stated in Handy's complaint do not state a claim based upon prior oral representations by PSO that production from the plant would be limited to 40,000 tons per year;

3) PSO's alleged oral agreement to construct a rail loading facility is totally unenforceable;

4) There is no support for Handy's claim that PSO waived the 50 percent purchase requirement;

5) The ninth claim for tortious interference with a prospective business advantage should be dismissed;

6) The tenth claim for relief is in clear conflict with the terms of the contract, in that PSO was not barred from selling fly ash that Handy was otherwise unable to sell.

STATUTE OF LIMITATION

The first claim for relief is based upon theories of fraud, mistake, or "inequitable conduct" on the part of PSO. Under 12 O.S. §95, an action based upon contract express or implied, not in writing, is barred if not brought within three years; an action for relief on the basis of fraud is barred if not brought within two years of discovery of the fraud.

The contract was signed November 21, 1978. Plaintiff knew by the end of 1980, the first year of production, that the alleged representation that production would not exceed 40,000 tons of fly ash per year was false. Suit was not brought in this court until February 14, 1984, more than three years after discovery of the discrepancy between projected and actual

production. Therefore, plaintiff's claim for reformation based upon fraud is barred by the two-year state of limitations.

It further appears to the Court that the claim of mistake, based upon the alleged prior oral agreement between the parties, is likewise barred by the three-year statute of limitations for actions based upon contracts express or implied not in writing, since plaintiff would have discovered the mistake by the end of 1980, the first year of fly ash production.

The third claim for relief is also based upon a theory of fraud for the alleged misrepresentations concerning fly ash production. Again, the discrepancy between projected and actual fly ash production became apparent by the end of 1980. Therefore, the third claim is barred by the two-year statute of limitations.

The fourth claim for relief is based upon the alleged oral agreement concerning production of fly ash. The discrepancy between oral representations that production would be only 40,000 tons per year and actual production became known by year-end, 1980. Thus, the three-year statute of limitations for actions upon express or implied agreements not in writing ran before the lawsuit was filed.

The Court concludes the first, third and fourth claims for relief are barred by applicable statutes of limitation.

RAIL LOADING FACILITY

Plaintiff's second, sixth, seventh and eighth claims for relief are premised on its claim PSO representatives promised to

install a rail loading facility should plaintiff need one. The written agreement of November 21, 1978, provided:

> "3. Title to, and ownership of fly ash sold to Buyer upon its being loaded into trucks for delivery to Buyer's customers....
>
> "4. Buyer shall pay Seller for all bulk fly ash ordered by Buyer, and loaded by Seller into bulk transport trucks, <u>furnished by Buyer</u>...." (Emphasis added)

The agreement is devoid of any reference to future construction of a rail loading facility. Plaintiff nevertheless seeks relief on the following bases: reformation to include the alleged oral promise to build a rail loading facility; damages for fraud; damages for breach of alleged oral promise and reinstatement; and damages for breach of contract based upon the theory that PSO's refusal to build the rail facility was an interference with Handy's attempt to comply with the 50% purchase requirement of the contract.

Under 15 Okl.St.Ann. §137:

> "The execution of a contract in writing, whether the law requires it to be written or not, supersedes all the oral negotiations or stipulations concerning its matter, which preceded or accompanied the execution of the instrument."

Further, 12A Okl.St.Ann. §2-202 provides:

> "Terms with respect to which the confirmatory memorandum of the parties agree or which are otherwise set forth in a writing intended by the parties as a final expression of their agreement with respect to such terms as are included therein may not be ocntradicted by evidence of a prior agreement or of a contemporaneous oral agreement..."

Thus, in the absence of fraud, accident or mistake, a prior oral

agreement inconsistent with the terms of a written agreement is unenforceable. See C. Robert Ingram, Inc. v. Chrysler Corp., 256 F.2d 684 (10th Cir. 1958); Lone Star Gas Co. v. Oakman, 283 P.2d 810 (Okla. 1955). Further, the Oklahoma Supreme Court has stated:

> "The law will not make a better contract for parties than they themselves have seen fit to enter into, or alter it for the benefit of one party and to the detriment of the other; the judicial function of a court of law is to enforce a contract as it is written."

Great Western Oil & Gas Co. v. Mitchell, 326 P.2d 794, 795 (Okla. 1958).

Plaintiff's second, seventh and eighth claims are all attempts to obtain relief based upon the alleged prior oral agreement concerning a rail loading facility. Therefore, under applicable Oklahoma statutes and case authority, these claims must be dismissed.

Plaintiff's sixth claim for actual and punitive damages is based upon the theory PSO fraudulently represented it would install a rail loading facility. Four elements are necessary to establish fraud so as to invalidate a contract:

> "(1) that the representations must have been material to the contract or transaction at the time they were made; (2) the misrepresented facts must be facts of which the victim is ignorant, and which a person of ordinary sagacity and diligence would have acquired no knowledge; (3) the misrepresentations must be well calculated to deceive, and to induce the victim to make the contract; and (4) they must have induced him to do so."

James Talcott, Inc. v. Finley, 389 P.2d 988 (Okla. 1964).

Plaintiff has neither pleaded nor established by proper F.R.Civ.P. Rule 56 rejoinder that the alleged misrepresented facts are facts of which the victim was ignorant, and which a person of ordinary sagacity and diligence would have acquired no knowledge. Rather, the complaint states:

> "Unfortunately, when PSO sent the draft of the Agreement to Handy, this promise and representation was not incorporated. In reliance on the false promise and misrepresentation, Handy signed the Agreement..."

There is no allegation plaintiff was misled to believe that the rail loading facility promise was incorporated in the agreement or would be incorporated. In fact, the complaint indicates Handy was aware the rail loading facility promise was not made part of the contract. Further, deposition testimony of John Tinen, President of Handy, indicates he knew the alleged rail loading facility agreement was not part of the contract, as illustrated by the following exchange between Tinen and Richard Hix, counsel for PSO: (Deposition of John Tinen, page 154, line 14, to page 155, line 21)

> Q. (By Mr. Hix) All right. You also knew at the time you signed [the contract], that there was no reference to any rail loading facility in [the contract], is that correct?
>
> A. (by Mr. Tinen) That was a separate agreement.
>
> Q. Well, sir, did you know that there was no reference to railroading facility in [the contract] when you signed it?
>
> A. That's correct, because that wasn't part of this agreement.
>
> Q. All right. Now, did you know when you signed [the contract] that it specifically stated that

the transportation of fly ash was to come about through trucks provided by your company?

A. That's what this says, but this has reference, really, to the Tulsa market.

Q. Well, did you know what paragraphs 3, and 4, of [the contract] said when you signed the agreement?

A. Yes, because it's perfectly correct. You wouldn't ship by rail from Oologah to Tulsa.

Q. Now, you were in no way mistaken about the words that are in [the contract], when you signed it, were you?

A. There was a misrepresentation as to what the 50% was.

Q. Sir, as to the words that are in [the contract], from the first word in it, to the last word in it, when you signed the agreement, you were under no mistake about the actual words in the agreement, were you?

A. I am literate. I know what the goddamn words say. Now, what the hell are you trying to pull here? Are you trying to push me down?

(Mr. Pinkerton): Don't argue with --

A. I think he's insulting me. Certainly I understand English. I'm a college graduate."

The Court concludes plaintiff has failed to state or to produce evidence of fraud. The evidence indicates Mr. Tinen is a sophisticated businessman and was fully aware both that the agreement lacked reference to installation of a rail loading facility and that it required Handy to provide trucks for transportation of the fly ash. Therefore, the Court concludes the plaintiff's sixth claim for relief based upon fraud should be dismissed.

PROMISSORY ESTOPPEL (Plaintiff's Fifth Claim for Relief)

Plaintiff acknowledges in its complaint that it failed to purchase 50 percent of total fly ash production in 1982. Nevertheless, plaintiff contends PSO was precluded on the basis of promissory estoppel from cancelling the agreement at the end of 1982 because PSO's representatives earlier indicated they accepted Handy's sales projections for 1982 and encouraged further marketing efforts, even though PSO knew Handy would not achieve the 50 percent purchase obligation in 1982.

In Bickerstaff v. Gregston, 604 P.2d 382, 384 (Okl.App. 1979), the court, citing Restatement of Contracts (Second), defined promissory as:

> "A promise which the promissor should reasonably expect to induce action or forbearance on the part of the promissee or a third person and which does induce such action or forbearance is binding if injustice can be avoided only by enforcement of the promise."

Plaintiff claims, and has presented evidence that, PSO representatives assured it its marketing efforts were acceptable to PSO even though the representatives knew Handy could not meet the 50 percent purchase requirement in 1982. Thus, the Court concludes there is a material question of fact whether PSO made statements and promises which should preclude it from cancelling the contract at the end of 1982 on the basis of promissory estoppel. The Court believes the estoppel question is limited to the issue of whether PSO had the right to cancel the contract at the end of 1982, as the discussions between the parties were

limited to projections for 1982 sales. The evidence does not support any claim that PSO was permanently estopped from cancelling the contract.[1]

Summary judgment must be denied if a genuine issue of material fact is presented to the trial court. Exnicious v. United States, 563 F.2d 418 (10th Cir. 1977). In making this determination, the evidence must be viewed in the light most favorable to the party against whom the judgment is sought. National Aviation Underwriters, Inc. v. Altus Flying Service, Inc., 555 F.2d 778, 784 (10th Cir. 1977). Factual inferences tending to show triable issues must be resolved in favor of the existence of those issues. Luckett v. Bethlehem Steel Corp., 618 F.2d 1373, 1377 (10th Cir. 1980).

Therefore, defendant's motion for summary judgment on plaintiff's fifth claim for relief must be denied.

INTERFERENCE WITH PROSPECTIVE BUSINESS ADVANTAGE

Plaintiff's ninth claim for relief is based upon its assertion that PSO wrongfully sold fly ash to McMichael Concrete Company. Plaintiff contends it had been McMichael's sole supplier of fly ash previously and that McMichael would have bought fly ash for use in construction of roads in and around the Oologah power plant had PSO not sold or supplied the fly ash

---

1 The question for the jury will be whether PSO was estopped from exercising its right under the contract to cancel the contract at the end of 1982 after Handy failed to purchase 50% of the fly ash production. Thus, damages would be limited to Handy's lost profits from the purchase and resale of PSO fly ash in 1983.

directly to McMichael. Thus, plaintiff concludes, PSO wrongfully interfered with a prospective business advantage.

The Court notes Handy makes no claim that it had a contract with McMichael to be McMichael's exclusive fly ash supplier. Rather, it contends a "business relationship" existed and PSO's sale of fly ash to McMichael interfered tortiously with the relationship.

Oklahoma recognizes a tort action for interference with business relationships even where no contractual relations exist. See Crystal Gas Company v. Oklahoma Natural Gas Company, 529 P.2d 987 (Okla. 1974); Stebbins v. Edwards, 224 P. 714 (Okla. 1924). Existing case authority appears to stand for the proposition that "one has the right to carry on and prosecute a lawful business in which he is engaged without unlawful molestation or unjustified interference with any person, and any malicious interference with such business is an unlawful act and an actionable wrong." Crystal Gas Company v. Oklahoma Natural Gas Company, supra, 529 P.2d at 989. In Stebbins, supra, the court stated:

> "If an injury sustained by a person's business by means of false and malicious statements and representations made by the defendants for the purposes and with the intention of destroying such person's established business is an unlawful act ..., the petition in the instant case states a good cause of action. The plaintiff had a right to carry on and prosecute the business in which he was engaged without unlawful molestation or interference from any person, and, while in business competition a person must necessarily suffer considerable interference in the operation of his busines which cannot be considered unlawful or actionable, it has been held by most courts that a malicious interference with the right to carry on a legitimate business is an actionable wrong."

224 P. at 715. In Stebbins, the defendants had allegedly made slanderous statements about plaintiff's business. In Crystal Gas Company, supra, the defendant, a competitor, had made statements contending plastic lines used by the plaintiff utility were unsafe. Thus, it appears to the Court an action for interference with prospective business advantage exists only where the act of interference constitues an independent unlawful act. The Court cannot conclude PSO, in agreeing to supply fly ash to McMichael, committed an independent unlawful act. Legitimate competition is lawful and does not give rise to a cause of action. Emery v. A & B Commercial Finishing Co., 315 P.2d 950 (Okla. 1957); Schonewald v. Ragains, 122 P. 203 (Okla. 1912). Therefore, plaintiff's ninth claim must fail.

BREACH OF CONTRACT BY SALE OF FLY ASH

Plaintiff's final claim for relief is that PSO breached the contract by agreeing to provide fly ash to McMichael Concrete. Defendant's theory is that in providing the fly ash to a past customer of Handy's, PSO interfered with Handy's efforts to comply with the 50 percent purchase requirement of the contract. Although plaintiff does not state its basis for this contention, it appears to be arguing that PSO, under the terms of the contract, was prohibited from selling fly ash to anyone else. However, the contract contains no such restriction. In contrast, paragraph 3 of the contract provides:

> "Title to, and ownership of, fly ash sold to Buyer shall pass to the Buyer upon its being loaded into trucks for delivery to Buyer's customers. Title to and ownership of fly ash

disposed of on site shall be retained by Seller."

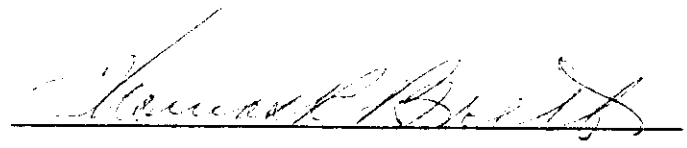
Defendant PSO was obligated under the terms of the contract to tender all fly ash production to Handy. However, Handy makes no argument that PSO failed to tender all production, or that Handy could have purchased all fly ash produced. Thus, no breach occurred when PSO provided fly ash to McMichael. Therefore, plaintiff's tenth claim is without merit.

CONCLUSION

The Court hereby sustains defendant's motion for summary judgment on plaintiff's first, second, third, fourth, sixth, seventh, eighth, ninth and tenth claims for relief. Summary judgment on plaintiff's fifth claim for relief is denied.

This case is set for status conference on November 29, 1984, at 8:30 a.m.

ENTERED this 27th day of November, 1984.



THOMAS R. BRETT
UNITED STATES DISTRICT JUDGE

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

UNITED STATES OF AMERICA,	)	
Plaintiff,	)	
vs.	)	No. 84-C-441-C
THE HARTFORD,	)	
Defendant.	)	

J U D G M E N T

This action came on before the Court for determination of declaratory judgment on stipulation of the parties. The issues having been duly considered, and a decision having been duly rendered,

IT IS ORDERED AND ADJUDGED that defendant The Hartford should be and hereby is awarded possession of the 1981 grey Chevrolet Silverado C-10 4x4 pickup truck, PUBLIC VIN 1GCEK14H7BS109942, now in the possession of plaintiff United States of America, who is hereby ordered to relinquish possession of said vehicle to defendant.

IT IS SO ORDERED this 27th day of November, 1984.

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

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

LARRY DALE GREEN,	)	
Plaintiff,	)	
vs.	)	No. 84-C-397-C
TIM WEST et al.,	)	
Defendants.	)	

O R D E R

Now before the Court for its consideration is the written request of plaintiff Larry Dale Green to withdraw his complaint or, in the alternative, to dismiss his action.

Based on our review of the record and communications before us, this Court finds plaintiff's complaint should be and hereby is dismissed.

IT IS SO ORDERED this 27 day of November, 1984.

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

UNITED STATES DISTRICT COURT FOR THE
NORTHERN DISTRICT OF OKLAHOMA

OKLAHOMA SURETY COMPANY,	)	
Plaintiff,	)	
vs.	)	
UNITED STATES OF AMERICA,	)	
Defendant.	)	CIVIL ACTION NO. 82-C-694-F

DISMISSAL OF THIRD PARTY
COMPLAINT WITHOUT PREJUDICE

COMES NOW the Defendant and Third Party Plaintiff, United States of America, and pursuant to Rule 41(a)(1) of the Federal Rules of Civil Procedure hereby dismisses without prejudice its third party complaint against C & D Grading Company, Inc. filed on September 2, 1983.

Dated this 27th day of November, 1984.

Respectfully submitted,

LAYN R. PHILLIPS
United States Attorney

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

CERTIFICATE OF SERVICE

This is to certify that on the 27th day of November, 1984, a true and correct copy of the foregoing was mailed, postage prepaid thereon, to: Mr. James E. Poe, 710 Grantson Building, Tulsa, Oklahoma 74103.

Assistant United States Attorney

Entered

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

SECURITIES AND EXCHANGE COMMISSION	:	Civil Action No.
Plaintiff,	:	84-C-937 B
v.	:	FINAL CONSENT JUDGMENT AND ORDER OF PERMANENT INJUNCTION AS TO JOSEPH H. HALE
FLORAFAX INTERNATIONAL, INC., JOSEPH H. HALE, KIRK K. NELLIS,	:	
Defendants.	:	

Plaintiff SECURITIES AND EXCHANGE COMMISSION having filed a Complaint for Civil Injunctive and Other Equitable Relief in this matter; and Defendant JOSEPH H. HALE, in his attached Consent and Undertaking, having entered a general appearance; having acknowledged receipt of the Complaint and waived service of the Summons in this matter; having admitted the jurisdiction of this Court over him and over the subject matter of this action; having acknowledged that he is represented by counsel who has entered a general appearance on his behalf; having waived the entry of any findings of fact or conclusions of law as provided by Rule 52 of the Federal Rules of Civil Procedure; and, without admitting or denying any of the allegations of the Complaint, except as to jurisdiction, having agreed to the entry of this Final Consent Judgment and Order of Permanent Injunction ("Final Consent Judgment"); and it further appearing that this Court has jurisdiction over him and the subject matter hereof; it appearing that no further notice of hearing for the entry of this Final Consent

Judgment need be given, the Court being fully advised in the premises; and there being no just reason for delay;

I.

IT IS HEREBY ORDERED, ADJUDGED and DECREED that Defendant JOSEPH H. HALE, be and hereby is permanently restrained and enjoined from, directly or indirectly, filing or causing to be filed with the COMMISSION, on behalf of FLORAFAX INTERNATIONAL, INC., or any other issuer, any annual report on Form 10-K (17 C.F.R. 249.310], quarterly report on Form 10-Q [17 C.F.R. 249.308a], or any other report required to be filed pursuant to Section 13 of the Securities Exchange Act of 1934, as amended [15 U.S.C. 78m], and the rules promulgated thereunder, which:

(a) contains any untrue statement of a material fact; or

(b) fails to include the information expressly required to be included in such report; or

(c) fails to provide, in addition to the information expressly required to be included in such report, such further material information, if any, as may be necessary to present fully, fairly and accurately the information contained in such report and to make the required statements, in light of the circumstances under which they were made, not misleading, including, but not limited to, statements concerning:

(1) the accounting policies and practices regarding the recognition of revenues associated with the products division of FLORAFAX INTERNATIONAL, INC. or any other issuer;

(2) the accounting policies and practices regarding the determination and reporting of allowances for doubtful accounts and reserves for product returns of FLORAFAX INTERNATIONAL, INC. or any other issuer;

(3) the accounting policies, practices and procedures of FLORAFAX INTERNATIONAL, INC. or any other issuer regarding any transactions whereby products are shipped to customers without their express consent; or are shipped on a "for approval" or consignment basis;

(4) the sales operations and extent of change, growth and progress of the product division of FLORAFAX INTERNATIONAL, INC. or any other issuer, including the circumstances under which products are shipped to customers;

(5) the financial condition of FLORAFAX INTERNATIONAL, INC. or any other issuer as affected by (1) through (4) above;

(6) the true value of the assets, including accounts receivable and inventories, of FLORAFAX INTERNATIONAL, INC. or any other issuer as affected by (1) through (4) above; or

(7) the true amounts for total revenues, total costs and expenses, and net income for FLORAFAX INTERNATIONAL, INC. or any other issuer as affected by (1) through (4) above;

in violation of Section 13(a) of the Securities Exchange Act of 1934, as amended [15 U.S.C. 78m(a)] and Rules 12b-20, 13a-1 and 13a-13 thereunder [17 C.F.R. 240.12b-20, 240.13a-1 and 240.13a-13].

II.

IT IS FURTHER ORDERED, ADJUDGED and DECREED that Defendant JOSEPH H. HALE, be and hereby is permanently restrained and enjoined from, directly or indirectly:

(a) making or keeping books, records, and accounts, which fail, in reasonable detail, to accurately and fairly reflect the sales transactions and dispositions of the assets of FLORAFAX INTERNATIONAL, INC., or any other issuer, including but not limited to all transactions affecting accounts receivable and inventories in connection with the consignment, sale, invoicing, payment, return, or loss of product;

(b) devising and maintaining a system of internal accounting controls for FLORAFAX INTERNATIONAL, INC., or any other issuer which fails to sufficiently provide reasonable assurances that sales transactions are recorded as necessary (1) to permit preparation of financial statements in conformity with generally accepted accounting principles or any other criteria applicable to such statements, and (2) to maintain accountability for assets;

(c) falsifying or causing to be falsified, any book, record or account of FLORAFAX INTERNATIONAL, INC., or any other issuer, where said book, record or account is subject to Section 13(b)(2)(A) of the Securities Exchange Act of 1934, as amended [15 U.S.C. 78m(b)(2)(A)]; and

(d) making or causing to be made any materially false or misleading statement, or omitting to state or causing another person to omit to state any material fact necessary in order to make statements made, in light of the circumstances under which such statements were made, not misleading to an accountant in connection with (1) any audit or examination of the financial statements of FLORAFAX INTERNATIONAL, INC., or any other issuer, which audit or examination is required to be made pursuant to the Rules and Regulations under the Securities Exchange Act of 1934 or (2) the preparation or filing of any document or report required to be filed with the COMMISSION;

in violation of Section 13(b)(2) of the Securities Exchange Act of 1934, as amended [15 U.S.C. 78m(b)(2)], and Rules 13b2-1 and 13b2-2 [17 C.F.R. 240.13b2-1 and 240.13b2-2] promulgated thereunder.

III.

IT IS FURTHER ORDERED, ADJUDGED and DECREED that this Order shall be binding only upon Defendant JOSEPH H. HALE, and upon those persons in active concert or participation with him who receive actual notice of this Order by personal service or otherwise, including but not limited to his agents, servants, and employees.

IV.

IT IS FURTHER ORDERED, ADJUDGED and DECREED that this Court shall retain jurisdiction of this action for purposes of

entertaining motions or applications by any party to this action arising out of the terms of the Final Consent Judgment and of the Consent and Undertaking.

V.

IT IS FURTHER ORDERED that this Final Consent Judgment and Order of Permanent Injunction with the attached Consent and Undertaking may be served upon the Defendant in person or by mail by the United States Marshal, by the Clerk of the Court, or by any member of the staff of the COMMISSION.

VI.

There being no just reason for delay, the Clerk of this Court is hereby directed to enter this Final Consent Judgment and Order of Permanent Injunction pursuant to Rule 54(b) of the Federal Rules of Civil Procedure, each party to bear its own costs.

Dated this 27 day of Feb, 1984.

UNITED STATES DISTRICT JUDGE

FILED
NOV 26 1984
CLERK
U.S. DISTRICT COURT

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

COMMERCIAL CARTAGE CO., a corporation, Plaintiff,	)	
vs.	)	No. 84-C-56-C
CHILDRESS CHEMICAL CO., a corporation, Defendant.	)	

J U D G M E N T

Pursuant to the Findings of Fact and Conclusions of law filed simultaneously herein, judgment is hereby entered in favor of plaintiffs and against defendants in the amount of $21,961.94 plus applicable interest and certified costs.

IT IS SO ORDERED this 26th day of November, 1984.

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

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

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

UNITED STATES OF AMERICA,	)	
Plaintiff,	)	
vs.	)	No. ~~81-CR-61-C~~ 84-C-850-C
JOSEPH LEONARD COX, JR.,	)	
Defendant.	)	

O R D E R

Now before the Court for its consideration is the motion of movant Joseph Leonard Cox, Jr. to vacate, set aside, or correct sentence by a person in federal custody pursuant to Title 28 U.S.C. §2255.

Movant was charged, by indictment filed July 7, 1981, with four counts of violating Title 18 U.S.C. §§922 and 924. On August 21, 1981, a jury returned a verdict of not guilty as to two counts and guilty as to the other two counts regarding unlawfully receiving a firearm shipped in interstate commerce after former conviction. On October 15, 1981, movant was sentenced to a period of probation for three years as to each count, such probation periods to run concurrently. Movant did not appeal.

On December 12, 1982, pursuant to application by the probation officer, this Court heard evidence at a revocation hearing, wherein movant admitted violating the terms of his

probation. The Court, on February 11, 1983, did not revoke probation, but instead extended the probation period for two additional years, for a total of five. Movant was ordered not to return to Osage County, Oklahoma, and was instead ordered to go to his brother's in Chicken, Alaska, and to report for probation supervision there.

On May 15, 1984, movant filed this section 2255 motion in Alaska. Movant alleges several grounds as a basis for this motion:

1. denial of effective assistance of counsel;
2. conviction obtained by use of coerced confession;
3. illegal time served in county jail; and
4. unfair treatment; harassment.

The United States District Court of Alaska, by order of the Honorable Judge James M. Fitzgerald, filed October 12, 1984, answered movant's claim regarding ineffective assistance of counsel. The remaining claims were transferred to this Court as the court of the original conviction and sentence for determination.

Movant was tried on four counts and convicted of two. Any attack on such finding of guilty should have been made by a proper appeal. A section 2255 motion cannot substitute for an appeal's being taken in this case, and we find no circumstances present here for making an exception to this rule. Garcia v. United States, 492 F.2d 395 (10th Cir. 1974), cert. denied, 419 U.S. 897 (1974). Accordingly, movant's claim regarding a coerced confession must be denied.

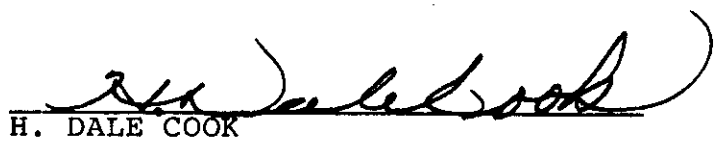
Movant alleges the time he served in the Osage County jail was illegal. We disagree. A section 2255 motion may attack the sentence per se, but not the execution of it. See Tanner v. Moseley, 441 F.2d 122 (8th Cir. 1971). In addition, Title 18 U.S.C. §4082 provides in pertinent part that:

> (b) The Attorney General may designate as a place of confinement any available, suitable, and appropriate institution or facility, whether maintained by the Federal Government or otherwise, and whether within or without the judicial district in which the person was convicted, and may at any time transfer a person from one place of confinement to another.

Finally, this Court finds movant's claim of unfair treatment to be without merit.

Accordingly, having completely and carefully reviewed the record before us, this Court finds movant Joseph Leonard Cox, Jr.'s section 2255 motion should be and hereby is denied.

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



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

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

FILED
IN OPEN COURT

NOV 26 1984 rm

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

R. L. CLARK DRILLING, Plaintiff,	)	
vs.	)	No. 83-C-720-C
SCHRAMM, INC. Defendant.	)	

JUDGMENT DISMISSING ACTION
BY REASON OF SETTLEMENT

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

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

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

IT IS SO ORDERED this 26th day of November, 1984.

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

Approve:
Alfred H. Morlan
Richard A. Horn

UNITED STATES DISTRICT COURT FOR THE
NORTHERN DISTRICT OF OKLAHOMA

UNITED STATES OF AMERICA,	)	
Plaintiff,	)	
vs.	)	
BILLY D. STAR	)	
Defendant.	)	CIVIL ACTION NO. 84-C-541-C

ORDER OF DISMISSAL

Now on this 26 day of November, 1984, it appears that the Defendant in the captioned case has not been located within the Northern District of Oklahoma, and therefore attempts to serve him have been unsuccessful.

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

(Signed) H. Dale Cook
UNITED STATES DISTRICT JUDGE

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

DANIEL L. SEARCY,	)	
Plaintiff,	)	
vs.	)	No. 84-C-703-E
J. D. THOMSON,	)	
Defendant.	)	

ORDER

This Court has before it for consideration the Joint Stipulation of Plaintiff, Daniel L. Searcy, and Defendant, J. D. Thomson, wherein the Plaintiff and the Defendant have stipulated to the dismissal, without prejudice, of the above-captioned matter and being fully advised in the premises, FINDS that the Joint Stipulation should be approved and the above-captioned matter dismissed without prejudice.

IT IS THEREFORE ORDERED, that the Joint Stipulation be, and the same is hereby approved and that the above-captioned matter is dismissed, without prejudice, in accordance with Rule 41(a) of the Federal Rules of Civil Procedure.

DATED this 26th day of November, 1984.

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

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IN THE UNITED STATES DISTRICT COURT FOR THE

NORTHERN DISTRICT OF OKLAHOMA

FILED
NOV 23 1984
Jack C. Silver, Clerk
U. S. DISTRICT COURT

AUXIER-SCOTT SUPPLY COMPANY, an Oklahoma corporation,	)	
Plaintiff,	)	
v.	)	No. 83-C-494-C
SEALCOATING, INC., a Massachusetts corporation,	)	
Defendant.	)	

STIPULATION OF DISMISSAL

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

1. All claims presented by the plaintiff herein shall be dismissed with prejudice pursuant to Rule 41(a) of the Federal Rules of Civil Procedure.

2. Each party shall bear its own costs and attorney's fees.

3. Each party hereby releases the other from any and all claims and/or causes of action which any may have against the other as a result of the facts which are the subject of this action.

DATED this 14th day of ~~September~~ November, 1984.

PYLE AND POARCH

By _____
DAVID A. POARCH
2500 South McGee Drive
Suite 148
Norman, Oklahoma 73069
(405) 321-6003
ATTORNEYS FOR PLAINTIFF

_____
LeRoy Powers
304 Investors Capital Building
217 North Harvey
Oklahoma City, Oklahoma 73102
ATTORNEY FOR DEFENDANT

DAP4.8

Entered

FILED
NOV 23 1984
U.S. DISTRICT COURT

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

JAMES EDWARD CLAYTON,	)	
Plaintiff,	)	
-vs-	)	NO. CA-79-723-BT and CA-80-318-E
DAVE FAULKNER, Sheriff; and CAPTAIN (Floyd) DALTON, et al.	)	

ORDER OF DISMISSAL WITH PREJUDICE

It appearing to the satisfaction of this Court that all matters in controversy regarding money damages have been compromised by and between the parties, as evidenced by the signatures of each of the parties and the attorney for Defendants on the Stipulation for Dismissal filed herein on the 19th day of November, 1984.

IT IS ORDERED that the Plaintiff's above styled and numbered consolidated causes of action for money damages be, and the same are hereby, dismissed with prejudice, without effect on the pending class action causes for injunctive relief. The Court costs of this portion of said actions, if any, are taxed to the Defendants.

Dated this 23 day of November, 1984.

THOMAS R. BRETT
UNITED STATES DISTRICT JUDGE

56

APPROVED:

JAMES EDWARD CLAYTON
Pro Se Plaintiff

DICK A. BLAKELEY
ASSISTANT DISTRICT ATTORNEY
Attorney for the Defendants

Entered

FILED
NOV 23 1984
JACK C. SILVER, CLERK
U.S. DISTRICT COURT

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

JAMES EDWARD CLAYTON,	)	
Plaintiff,	)	
-vs-	)	NO. CA-79-723-BT and CA-80-318-E
DAVE FAULKNER, Sheriff; and CAPTAIN (Floyd) DALTON, et al.	)	

ORDER OF DISMISSAL WITH PREJUDICE

It appearing to the satisfaction of this Court that all matters in controversy regarding money damages have been compromised by and between the parties, as evidenced by the signatures of each of the parties and the attorney for Defendants on the Stipulation for Dismissal filed herein on the 19th day of November, 1984.

IT IS ORDERED that the Plaintiff's above styled and numbered consolidated causes of action for money damages be, and the same are hereby, dismissed with prejudice, without effect on the pending class action causes for injunctive relief. The Court costs of this portion of said actions, if any, are taxed to the Defendants.

Dated this 23 day of November, 1984.

Thomas R. Brett

THOMAS R. BRETT
UNITED STATES DISTRICT JUDGE

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APPROVED:

JAMES EDWARD CLAYTON
Pro Se Plaintiff

DICK A. BLAKELEY
ASSISTANT DISTRICT ATTORNEY
Attorney for the Defendants

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

FILED
NOV 23 1984
Jack C. Silver, Clerk
U. S. DISTRICT COURT

JAMES L. V. MAGAR, Plaintiff,	)	No. 84-C-365-E
vs.	)	
BURLINGTON NORTHERN RAILROAD COMPANY, INC., Defendant.	)	

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

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

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

FILED
NOV 23 1984
Jack C. Silver, Clerk
U. S. DISTRICT COURT

Ben Franklin

BEN FRANKLIN
P.O. Box 26400
Oklahoma City, OK 73126
ATTORNEY 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 refiling of such action.

IT IS SO ORDERED this 27th day of November, 1984.

James O. Ellison

U. S. DISTRICT JUDGE

DATE	NR.	84-C-679-C (FAIRLAWN v TEXACO & GETTY) PROCEEDINGS 84-C-679-C
8-2	1	TRANSCRIPT of proceeding from M-31 including ntc of depo.a
8-2	2	OBJECTION of respondent to furnishing documents under depo subpoena served on responder MPSI Systems.a
9-18	MO:	ORDERED that respondent's OBJ. to furnishing documents [#2] is referred to Mag. for F&R. (HDC-J)rm c/Mag.
10-17	NTC	NOTICE that case is set for hrng before Mag on 10-24-84 @ 10:00 a.m. (RSR-Mag) c/m KT t
10-22	Min:	TELEPHONE CONF. held re Obj. to furnishing documents. Pltf. counsel withdraws its req. for prod. of documents. Motion is moot & hrg. of 10/24/84 is stricken.(RSR-Mag)(unreported)

10-29 - [illegible]

UNITED STATES DISTRICT COURT FOR THE
NORTHERN DISTRICT OF OKLAHOMA

FILED

NOV 21 1984

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

UNITED STATES OF AMERICA,	)	
	)	
Plaintiff,	)	
	)	
vs.	)	
	)	
F. W. VANWOUDENBERG,	)	
	)	
Defendant.	)	CIVIL ACTION NO. 84-C-159-E

ORDER OF DISMISSAL

Now on this 20th day of November, 1984, it appears that the Defendant in the captioned case has not been located within the Northern District of Oklahoma, and therefore attempts to serve him have been unsuccessful.

IT IS THEREFORE ORDERED that the Complaint against Defendant, F. W. Vanwoudenberg, be and is dismissed without prejudice.

S/ JAMES O. ELLISON

UNITED STATES DISTRICT JUDGE

UNITED STATES DISTRICT COURT FOR THE
NORTHERN DISTRICT OF OKLAHOMA

FILED

NOV 21 1984

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

UNITED STATES OF AMERICA,	)	
	)	
Plaintiff,	)	
	)	
vs.	)	
	)	
MICHAEL LITTLEBEAR	)	
	)	
Defendant.	)	CIVIL ACTION NO. 84-C-334-E

ORDER OF DISMISSAL

Now on this 20th day of November, 1984, it appears that the Defendant in the captioned case has not been located within the Northern District of Oklahoma, and therefore attempts to serve him have been unsuccessful.

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

/s/ JAMES O. ELLISON

UNITED STATES DISTRICT JUDGE

UNITED STATES DISTRICT COURT FOR THE
NORTHERN DISTRICT OF OKLAHOMA

FILED
NOV 21 1984
JACK C. SILVER, CLERK
U.S. DISTRICT COURT

UNITED STATES OF AMERICA,	)	
Plaintiff,	)	
vs.	)	
DAVID K. DATER,	)	
Defendant.	)	CIVIL ACTION NO. 84-C-512-B

ORDER OF DISMISSAL

Now on this 20th day of November, 1984, it appears that the Defendant in the captioned case has not been located within the Northern District of Oklahoma, and therefore attempts to serve him have been unsuccessful.

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

Thomas R. Brett
UNITED STATES DISTRICT JUDGE

FILED

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

NOV 21 1984

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

CORROSION ASSOCIATES, INC., a Colorado corporation,	)	
Plaintiff,	)	
vs.	)	No. 84-C-726-E
AMERICAN CORROSION, INC., an Oklahoma corporation,	)	
Defendant.	)	

JOURNAL ENTRY OF JUDGMENT

This cause is submitted to the Court on this date pursuant to a joint stipulation between the parties hereto with Plaintiff Corrosion Associates, Inc. appearing by and through its attorney of record, Charles H. Crain, and Defendant American Corrosion Inc. appearing by and through its attorney of record, John J. Tanner. With the parties having stipulated as to the judgment being rendered in this case, the Court, being fully advised of the premises, finds as follows:

1. Plaintiff is a corporation organized and existing under the laws of the state of Colorado with its principal place of business in Colorado.

2. Defendant is a corporation organized and existing under the laws of the state of Oklahoma with its principal place of business in Oklahoma.

3. Venue and jurisdiction are proper in this judicial district pursuant to 28 U.S.C. §§1391(a) and 1332(a) (1976).

4. Plaintiff contracted to sell and deliver certain goods, wares and merchandise to Defendant during May and June of 1984 for which Defendant promised to pay Plaintiff Fifteen Thousand Six Hundred Sixty-six Dollars and Nineteen Cents ($15,666.19) plus interest of eighteen percent (18%) per annum on delinquent accounts.

5. Interest of eighteen percent (18%) per annum has accrued on this delinquent account and, as of November 21, 1984, interest is due and owing in the amount of Twelve Hundred Eighty-two Dollars and Forty-eight Cents ($1,282.48).

6. Plaintiff has incurred costs in this lawsuit of Sixty Dollars ($60.00).

7. Plaintiff has been required to retain the services of an attorney to prosecute this action and is entitled to recover herein a reasonable attorney's fee of One Thousand Dollars ($1,000.00).

IT IS THEREFORE ORDERED, ADJUDGED, AND DECREED that Plaintiff, Corrosion Associates, Inc., be awarded judgment against Defendant, American Corrosion, Inc., in the sum of Sixteen Thousand Nine Hundred Forty-eight Dollars and Sixty-seven Cents ($16,948.67) with interest accruing on the unpaid balance at the rate of 10.33% per annum from the date of judgment until

paid in full, together with the costs of this action of Sixty Dollars ($60.00) and a reasonable attorney's fee of One Thousand Dollars ($1,000.00).

DATED this 20th day of November, 1984.

S/ JAMES O. ELLISON

James O. Ellison, Judge
Northern District of Oklahoma

APPROVED AS TO FORM AND CONTENT

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

ATTORNEY FOR CORROSION ASSOCIATES, INC.

John J. Tanner, Esq.
3315 East 39th Street
Tulsa, Oklahoma 74135

ATTORNEY FOR AMERICAN CORROSION, INC.

UNITED STATES DISTRICT COURT FOR THE
NORTHERN DISTRICT OF OKLAHOMA

UNITED STATES OF AMERICA,	)	
	)	
Plaintiff,	)	
	)	
vs.	)	
	)	
TOMAS R. WINTER,	)	
	)	
Defendant.	)	CIVIL ACTION NO. 84-C-223-E

DEFAULT JUDGMENT

This matter comes on for consideration this 19th day of November, 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, Tomas R. Winter, appearing not.

The Court being fully advised and having examined the file herein finds that Defendant, Tomas R. Winter, was served with Summons and Complaint on August 17, 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, Tomas R. Winter, in the amount of $532.50, plus interest at the rate of 15.05 percent per annum and administrative costs of $.61 per month from July 25, 1983, until judgment, plus interest thereafter at the current legal rate of 10.33 percent from the date of judgment until paid, plus the costs of this action.

S/ JAMES O. ELLISON
UNITED STATES DISTRICT JUDGE

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

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

KATHRYN S. MARTIN, Plaintiff, vs. THE UNITED STATES OF AMERICA'S EQUAL EMPLOYMENT OPPORTUNITY COMMISSION, et al., Defendants.	)	No. 84-C-575-C

O R D E R

Now before the Court is the motion of all defendants herein to dismiss this action for lack of subject matter jurisdiction and for failure to state a claim upon which relief can be granted. Plaintiff opposes this motion but cites no law in support of her objections.

In this action plaintiff seeks to sue the EEOC, five of its employees, and G. H. Rutherford, an employee of Sears, Roebuck, & Company. She alleges that defendant Bointy accepted a bribe from defendant Rutherford and that the named EEOC employees generally did not conduct a proper investigation of her charges. Plaintiff has filed a separate Title VII action against Sears, Roebuck, and Company in this Court.

The essence of plaintiff's complaint against the EEOC and its employees is improper, incorrect, or negligent processing of her charges of discrimination. Even if this were true, plaintiff

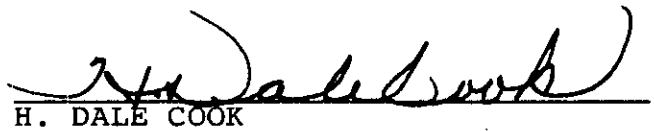
has failed to state a claim upon which relief can be granted. Title VII does not provide a private right of action against the EEOC, nor can such a right be implied. Plaintiff's remedy for dissatisfaction with the EEOC is the independent right to sue the employer. This is clear from case law and from the legislative history of Title VII. See Gibson v. Missouri Pacific Railroad, 579 F.2d 890 (5th Cir. 1978).

In addition, this Court lacks jurisdiction over plaintiff's claims against the EEOC and its employees.

Plaintiff's claim against defendant Rutherford appears to attempt to state a claim under Title 42 U.S.C. §1985. However, plaintiff has failed to allege the proper elements of a claim under §1985. Griffin v. Breckenridge, 403 U.S. 88, 91 S.Ct. 1790, 29 L.Ed.2d 338 (1971); United Brotherhood of Carpenters and Joiners, Local 610 v. Scott, _____ U.S. _____, 103 S.Ct. 3352, 77 L.Ed.2d 1049 (1983).

Therefore, this action should be and hereby is dismissed in all respects as to all defendants.

IT IS SO ORDERED this 20th day of November, 1984.



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

UNITED STATES DISTRICT COURT FOR THE
NORTHERN DISTRICT OF OKLAHOMA

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

UNITED STATES OF AMERICA,	)	
Plaintiff,	)	
vs.	)	
GARRY M. SWENSON,	)	
Defendant.	)	CIVIL ACTION NO. 84-C-472-C

ORDER OF DISMISSAL

Now on this 20th day of November, 1984, it appears that the Defendant in the captioned case has not been located within the Northern District of Oklahoma, and therefore attempts to serve him have been unsuccessful.

IT IS THEREFORE ORDERED that the Complaint against Defendant, Garry M. Swenson, be and is dismissed without prejudice.

(Signed) H. Dale Cook
UNITED STATES DISTRICT JUDGE

UNITED STATES DISTRICT COURT FOR THE
NORTHERN DISTRICT OF OKLAHOMA

UNITED STATES OF AMERICA,	)	
Plaintiff,	)	
vs.	)	
KEVIN W. TAYLOR	)	
Defendant.	)	CIVIL ACTION NO. 84-C-335-E

ORDER OF DISMISSAL

Now on this 19th day of November, 1984, it appears that the Defendant in the captioned case has not been located within the Northern District of Oklahoma, and therefore attempts to serve him have been unsuccessful.

IT IS THERFFORE ORDERED that the Complaint against Defendant, Kevin W. Taylor, be and is dismissed without prejudice.

S/ JAMES O. ELLISON

UNITED STATES DISTRICT JUDGE

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

PHILLIPS PETROLEUM COMPANY,	§	
	§	
Plaintiff,	§	
	§	
VS.	§	NO. 82-C-801-C
	§	
RANDALL TODD MORGAN, et al.	§	
	§	
Defendants.	§	

FILED
IN OPEN COURT

NOV 19 1984

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

STIPULATION OF DISMISSAL

COMES NOW the Plaintiff, PHILLIPS PETROLEUM COMPANY, and the Defendants, RANDALL TODD MORGAN and SHERRY ANNE MORGAN by and through their respective attorneys of record, and pursuant to Rule 41(a)(1)(ii) of the Federal Rules of Civil Procedure, herewith files their Stipulation of Dismissal, upon the grounds and for the reasons that this case has been settled.

WHEREFORE, the parties request that the Court direct the Clerk of the District Court to show this case Dismissed With Prejudice.

Respectfully submitted,

KENNETH HEADY
C. J. ROBERTS
ALAN L. ROFF
STEWART R. WERNER

By _____
Alan L. Roff
One of the Attorneys
for Plaintiff
PHILLIPS PETROLEUM COMPANY
1211 Adams Building
Bartlesville, Oklahoma 74004
918/661-6487

B. HAYDEN CRAWFORD
Attorney for Defendants
RANDALL TODD MORGAN and
SHERRY ANNE MORGAN
1714 First National Bldg.
Tulsa, Oklahoma 74102

CERTIFICATE OF SERVICE

This is to certify that on the 19th day of November, 1984, a true and correct copy of the above and foregoing Stipulation of Dismissal was served upon the District Court Clerk of Tulsa County, Tulsa County Courthouse.

Alan L. Roff

APPROVED this 19 day of November, 1984. The Clerk is hereby directed to enter upon the record that this case has been Dismissed with Prejudice.

(Signed) H. Dale Cook

H. DALE COOK
Chief Judge of the United
States District Court

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

UNITED STATES DISTRICT COURT FOR THE
NORTHERN DISTRICT OF OKLAHOMA

LARRY F. BRASHEARS, Plaintiff, vs. MARGARET M. HECKLER, Secretary of Health and Human Services of the United States of America, Defendant.	)	CIVIL ACTION NO. 82-C-1073-C

ORDER

Now, on this 19 day of November, 1984, their came on for consideration the Petition for Award of Attorney Fee by Gerald G. Williams, attorney for Larry F. Brashears. The Secretary of Health and Human Services by and through the U.S. Attorney, Layn R. Phillips, by Nancy Nesbitt Blevins, states that they have no objections to the award of attorney fees prayed for.

After careful consideration of the matter as presented to it, the Court finds that an award of $1,775.40 should be made to Gerald G. Williams for his work on behalf of the plaintiff in this case in addition to any sums heretofore awarded by the Secretary for work in the administrative matters.

The Court specifically finds that said amount does not exceed twenty-five (25) percent of the past due benefits figure.

IT IS THEREFORE ORDERED that the Secretary withhold the sum of $1,775.40 in addition to the previous administrative award of $4,800.00 and said money should be paid directly to plaintiff's attorney, Gerald G. Williams.

(Signed) H. Dale Cook

H. DALE COOK, CHIEF JUDGE

Approved as to Form:

/S/
GERALD G. WILLIAMS
Attorney for Plaintiff

/S/
NANCY NESBITT BLEVINS
Assistant United States
Attorney

FILED
IN OPEN COURT

NOV 19 1984

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

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

PHILLIPS PETROLEUM COMPANY,	§	
	§	
Plaintiff,	§	
	§	
VS.	§	NO. 82-C-801-C
	§	
MAURICE M. MORGAN	§	
	§	
Defendant.	§	

STIPULATION OF DISMISSAL

COMES NOW the Plaintiff, PHILLIPS PETROLEUM COMPANY, and the Defendant, MAURICE M. MORGAN, by and through their respective attorneys of record, and pursuant to Rule 41(a)(1)(ii) of the Federal Rules of Civil Procedure, herewith files their Stipulation of Dismissal, upon the grounds and for the reasons that this case has been settled.

WHEREFORE, the parties request that the Court direct the Clerk of the District Court to show this case Dismissed With Prejudice.

Respectfully submitted,

KENNETH HEADY
C. J. ROBERTS
ALAN L. ROFF
STEWART R. WERNER

By _____
Alan L. Roff
One of the Attorneys
for Plaintiff
PHILLIPS PETROLEUM COMPANY
1211 Adams Building
Bartlesville, Oklahoma 74004
918/661-6487

B. HAYDEN CRAWFORD
Attorney for Defendant
MAURICE M. MORGAN
1714 First National Bldg.
Tulsa, Oklahoma 74102

APPROVED this _____ day of November, 1984. The Clerk is hereby directed to enter upon the record that this case has been Dismissed with Prejudice.

(Signed) H. Dale Cook

H. DALE COOK
Chief Judge of the United States District Court

FILED

NOV 19 1984

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

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

VALERIE BALLS,	)	
	)	
Plaintiff,	)	
	)	
vs.	)	No. 84-C-744-E
	)	
CITY OF PRYOR, et al.,	)	
	)	
Defendants.	)	

ORDER

NOW on this 19th day of November, 1984 comes on for hearing the various motions to dismiss filed by Defendants in the above-styled case and the Court, being fully advised in the premises finds the same should be granted.

The Court finds the complaint as filed fails to state facts sufficient to constitute a claim for relief pursuant to 42 U.S.C. § 1983.

IT IS THEREFORE ORDERED, ADJUDGED AND DECREED that Defendants' motions to dismiss be and are hereby granted. Plaintiff is given twenty (20) days in which to file amended complaint.

James O. Ellison

JAMES O. ELLISON
UNITED STATES DISTRICT JUDGE

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

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

ROY GAREY LINDSEY, Petitioner,	)	
vs.	)	No. 83-C-1011-C
JOHN BROWN, WARDEN, et al., Respondents.	)	

O R D E R

The Findings and Recommendations of the Magistrate herein are hereby adopted. Pursuant to those Findings, it is hereby ordered the Petition for a Writ of Habeas Corpus pursuant to Title 28 U.S.C. §2254 should be and hereby is dismissed in all respects.

IT IS SO ORDERED this 19th day of November, 1984.

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

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

IN THE UNITED STATES DISTRICT COURT FOR THE

NORTHERN DISTRICT OF OKLAHOMA

SOUTHWESTERN BELL TELEPHONE COMPANY, a Missouri corporation, Plaintiff, vs. JAMES A. KEITH, an Oklahoma resident and KEITH CONSTRUCTORS, INCORPORATED, an Oklahoma corporation, Defendant.	)	Case No. 83-C-906-C

JOURNAL ENTRY OF JUDGMENT

Now on this 19 day of Nov, 1984, this matter comes on for hearing. The Plaintiff appears by and through its attorney, Owens & McGill, Inc., by James M. Reed. The Court, having reviewed the record in this case, being fully advised in the premises, finds:

1. Plaintiff filed its Petition herein on October 27, 1983. The Defendants filed an Answer on December 12, 1983.

2. The Court finds that the Defendant, James A. Keith, entered into a written contract with the Plaintiff on

February 1, 1981 for directory advertising for Keith Constructors, Inc.

3. The Court further finds that the Plaintiff has completely fulfilled all the stipulations, conditions and agreements stated in said contract to be performed on its part at the time and in the manner therein specified and that the Defendants have failed and refused to perform their part of said contract by their failure to pay amounts due and owing to Plaintiff.

4. That the advertising in question dealt specifically with the Defendant, James A. Keith's business activities in connection with Keith Constructors, Inc., and that both the Defendant corporation, Keith Constuctors, Inc., and the separate Defendant, James A. Keith who is listed as the owner of said corporation, are both jointly and severally liable for the amount owed Plaintiff under the terms of its contract with the Defendant, James A. Keith.

5. The Plaintiff, in order to facilitate a settlement of this lawsuit, agrees not to attempt to execute on this Judgment for a period of one (1) year from the date Judgment is entered in this case.

IT IS THEREFORE ORDERED, ADJUDGED AND DECREED by the Court that the Plaintiff, Southwestern Bell Telephone Company, have judgment against both Defendants, James A. Keith and Keith Constructors, Inc., jointly and severally, as follows:

1. The amount of $18,940.42 as the total amount due and owing to the Plaintiff from the Defendants for the directory advertising provided by Plaintiff.

2. Plaintiff waives its right to pre-judgment interest, its costs incurred herein, and attorneys fees.

3. Plaintiff may not attempt collection of the above stated amounts for one year from the date hereof.

(Signed) H. Dale Cook

Judge of the District Court

APPROVED AS TO FORM AND CONTENT:

Owens & McGill, Inc.

By James M. Reed, Attorney for
Southwestern Bell Telephone Company

APPROVED AS TO FORM AND CONTENT:

Mac D. Finlayson

Mac D. Finlayson, Attorney for
James A. Keith and Keith Constructors, Inc.

7819C/kfm
7-13-84/clh

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

FILED

NOV 19 1984

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

FORD MOTOR CREDIT COMPANY, a foreign corporation, Plaintiff, vs. DESMOND WARREN JORDAN, on his behalf and as Representative Underwriter of Those Underwriters Subscribing to Policy No. AS144/5467, Defendant and Third-Party Plaintiff, vs. WINSLOW & ASSOCIATES, INC., an Oklahoma corporation, Third-Party Defendant and Third-Party Plaintiff, vs. GRAHAM ROGERS, INC., Additional Third-Party Defendant.	)	NO. 83-C-993-E

ORDER OF DISMISSAL

Upon stipulation of defendant Desmond Warren Jordan and third-party defendant Graham Rogers, Inc., it is hereby ordered that Desmond Warren Jordan's claim against Graham Rogers, Inc., is hereby dismissed without prejudice to Desmond Warren Jordan's right to reassert the same at a later date.

ORDERED this_____day of November, 1984.

S/ JAMES O. ELLISON

UNITED STATES DISTRICT JUDGE

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

FILED
NOV 15 1984
JACK C. SILVER, CLERK
U.S. DISTRICT COURT

ROBERT T. JOHANSEN, KENNETH O. OLSON, and DELBERT STARRETT,	)	
Plaintiffs,	)	
vs.	)	No. 84-C-238-C
THE CITY OF BARTLESVILLE, OKLAHOMA, a municipal corporation; ARCH ROBBINS, Mayor of the City of Bartlesville, Oklahoma; ROBERT KURLAND, Vice Mayor of the City of Bartlesville, Oklahoma; and MICHAEL PROCTOR, City Commissioner of the City of Bartlesville, Oklahoma,	)	
Defendants.	)	

O R D E R

Now before the Court for its consideration are the Motions of the Defendants and Intervenors to Dismiss pursuant to Rule 12(b)(1) or in the alternative, Rule 12(b)(6) of the Federal Rules of Civil Procedure. Defendants and Intervenors claim that dismissal is appropriate because plaintiffs have failed to demonstrate a violation of a federal right, and because plaintiff's allegations of a "taking" of property or of a violation of equal protection do not create a substantial federal question.

Plaintiffs' complaint, filed under Title 42 United States Code, Sections 1983 and 1985(3), seeks a judgment declaring certain actions of defendants pursuant to the zoning regulations of the City of Bartlesville, as applied to plaintiffs,

unconstitutional, in that those actions violate the Fifth and Fourteenth Amendments of the Constitution of the United States, (due process, equal protection) and Title 42 United States Code, Section 1983.

Plaintiffs owned property in Bartlesville classified by the city zoning ordinances as residential. Leo Eisenberg & Co. purchased property in the vicinity, desiring to construct a shopping center there, and applied to the City to rezone that property from residential to commercial. Plaintiffs were notified of the application, filed a protest on September 15, 1983 against the rezoning, and voiced their protest in a public hearing on October 24, 1983 at a City Commissioners' meeting. Thereafter, the Commissioners voted 3-2 in favor of approving the application. The vote did not constitute the required 4/5 majority for approval of a protested rezoning application.

On November 3, 1983, Leo Eisenberg & Co. filed an action in the District Court of Washington County, State of Oklahoma, seeking injunctive relief against the City of Bartlesville and ordering the City to approve the rezoning. On December 19, 1983, the Bartlesville City Commission met to consider a motion to enter into an agreed judgment in that district court action. Plaintiffs were informed of that meeting five days prior to it and again voiced their protest of the rezoning. The City Commission approved the settlement and agreed judgment whereby the property in question would be rezoned C-3 Planned Unit Development zoning, allowing the construction of the shopping center to begin, by a vote of 3-0.

Plaintiffs allege that the five-day notice of the December 19, 1983 City Commission meeting was insufficient, because Oklahoma statutes regarding notice of zoning actions require fifteen or twenty days' notice of said actions to give parties a meaningful opportunity to defend or present objections. According to plaintiffs, the action of the Commission meeting denied plaintiffs their due process rights.

On May 17, 1984, after a hearing, this Court entered an order denying the motion of plaintiffs for a preliminary injunction enjoining defendants from allowing construction to proceed on the shopping center adjoining plaintiffs' property.

Plaintiffs allege that this Court has jurisdiction of their action because they have been deprived of a federal constitutional right. However, in order to obtain federal jurisdiction, a complaint must state a claim arising under the federal Constitution. Plaintiffs' complaint rests entirely on alleged violations of municipal and state law.

Attempts to clothe an alleged violation of a state-created right in terms of a deprivation of constitutional magnitude in order to invoke federal jurisdiction have been rejected by courts. "We cannot treat a mere error of state law, if one occurred, as a denial of due process; otherwise, every erroneous decision by a State court in State law would come here as a federal constitutional question." Gryger v. Burke, 334 U.S. 728, 731 (1948).

Plaintiffs also contend that defendants deprived them of procedural due process by failure to give adequate notice of the December 19, 1983 city council meeting. Although the due process

clause of the Fourteenth Amendment requires states to provide individuals with procedural protections when they are deprived of either their property or liberty, the type of process varies with the facts of the situation. See Mathews v. Eldridge, 424 U.S. 319, 334, 96 S.Ct. 893, 47 L.Ed.2d 18 (1972).

Plaintiffs received actual informal five-day notice of the Board of Commissioners' meeting on December 19, 1983 and were allowed to voice their protest of the application for rezoning before the Board voted to approve the settlement and agreed judgment rezoning the property. This was adequate notice to apprise plaintiffs of the pendency of the action and to afford them an opportunity to present their objections. Full judicial type hearings are not required when local boards engage in the quasi-legislative task of granting or revoking zoning or similar type permits. Cloutier v. Town of Epping, 714 F.2d 1184 (1st Cir. 1983). Thus plaintiffs' claim of violation of due process rights does not rise to federal constitutional magnitude.

Plaintiffs' claims of violation of equal protection are also without merit. Plaintiffs' equal protection argument is not fully developed in their brief, but appears to consist of "defendant City officials' actions which effectively nullified the vote of protest which the plaintiffs property invoked." (p.9, plaintiffs' Brief in Opposition to Intervenors' Motion to Dismiss, May 25, 1984.) Plaintiffs fail to make clear the basis of their claim regarding lack of equal protection. Clearly it cannot be racial or economic, but is merely a type of local zoning dispute in which federal courts may not intrude as a super zoning board. Miller and Son Paving, Inc. v. Wrightstown Township Association,

443 F.Supp. 1268 (E.D.Pa. 1978); Balle Terre v. Boraas, 416 U.S. 1, 94 S.Ct. 1536,39 L.Ed.2d 797 (1974). Nothing in plaintiffs' Complaint or Briefs convinces this Court that there are constitutional due process questions in this action.

Plaintiff's claims under Title 42 United States Code Section 1985(3) allege a conspiracy between defendants Robbins, Kurland, and/or Proctor, acting in concert with other parties unknown to plaintiff without further discovery, to deprive plaintiffs of their constitutional rights. In Griffin v. Breckenridge, 403 U.S. 88, 91 S.Ct. 1790, 29 L.Ed.2d 338, the Supreme Court held that in a §1985(3) action, a complaint "must allege that the defendants did (1) conspire to go in disguise on the highway or on the premises of another (2) for the purpose of depriving, either directly or indirectly, any person or class of persons of the equal protection of the laws, or of equal privileges and immunities under the laws. It must then assert that one or more of the conspirators (3) did, or caused to be done, any act in furtherance of the object of the conspiracy whereby another was (4a) injured in his person or property or (4b) deprived of having and exercising any right or privilege of a citizen of the United States." The Court added that there must be an allegation and showing of an "invidiously discriminatory animus," that is, "some racial or perhaps otherwise class-based, invidiously discriminatory animus behind the conspirators' action." This means, according to the Court of Appeals for the First Circuit, that a plaintiff must "allege facts showing that the defendants conspired against the plaintiffs because of their membership in a class and that the criteria defining the class were invidious."

Harrison v. Brooks, 519 F.2d 1348 (1st Cir. 1975). See also United Brotherhood of Carpenters & Joiners, Local 610 v. Scott, 103 S.Ct. 3352, 77 L.Ed.2d 1049, (1983). In addition, courts have consistently held that fairly specific allegations in §1985(3) suits must be stated in the complaint. Conclusory allegations unsupported by facts, as is the case here, are insufficient. Clearly plaintiffs attempt to state a claim under Section 1985(3) fails to meet these basic requirements.

For the foregoing reasons, both causes of action must be dismissed.

The Court also notes that plaintiffs had an adequate remedy at law in state court which they have apparently waived by neglecting or refusing to intervene in state court litigation on the issues herein, (Leo Eisenberg & Co. v. The City of Bartlesville, Case No. C-83-652, resolved by agreed-to Journal Entry of Judgment, not appealed), or by seeking an Order of Mandamus.

Therefore, plaintiffs' complaint herein should be and hereby is dismissed.

IT IS SO ORDERED this 16th day of November, 1984.

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

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

FILED
NOV 16 1984
JACK C. SILVER, CLERK
U.S. DISTRICT COURT

CENTRAL MARKET, INC., d/b/a AKSARBEN BEEF COMPANY, a Nebraska corporation,	)	
Plaintiff,	)	
vs.	)	Case No. 84-C-97-B
JACK G. STEELE, CLIFF AUTREY, T.A. JENKINS, and MARVIN MORSE, Individuals,	)	
Defendants,	)	
and	)	
LONGHORN FOODS, INC., d/b/a MONTANA MINING COMPANY,	)	
Additional Party Defendant.	)	

AGREED JOURNAL ENTRY OF JUDGMENT

NOW on this 16th day of November, 1984, this cause coming on to be heard in regular order; plaintiff Central Market, Inc., d/b/a Aksarben Beef Company, a Nebraska corporation, appearing by and through its attorney, Stephen A. Sherman, and defendant, Marvin Morse appearing by and through his attorney, D. Wm. Jacobus, Jr.. The parties agreed in open Court that the cause should be heard forthwith on this day, and each party announced ready for trial; trial by jury is waived in open Court. The Court having heard all of the evidence, and being fully advised in the premises, finds that Plaintiff is entitled to a judgment as follows:

The Court finds that the plaintiff Central Market, Inc., d/b/a Aksarben Beef Company is entitled to recover judgment against the defendant Marvin Morse, for the sum of $79,471.56 with interest thereon from September 1, 1983, at the rate of Norwest Bank of Omaha, Nebraska prime, plus two percent (2%) per annum, until paid; for an attorney's fee in the amount of $18,000.00 and costs of $800.00.

IT IS THEREFORE ORDERED, ADJUDGED AND DECREED by the Court that the plaintiff have and recover judgment against the defendant, Marvin Morse, for the total sum of $79,471.56, with interest thereon from September 1, 1983, at the rate of Norwest Bank of Omaha, Nebraska prime, plus two percent (2 %) per annum until paid, for an attorney's fee in the amount of $18,000.00 and costs in the amount or $800.00, for all of which let execution issue.

So Ordered this 16 ~~day~~ the of November, 1984.

Thomas R. Brett
UNITED STATES DISTRICT COURT JUDGE

APPROVED:

By: Stephen A. Sherman
Stephen A. Sherman
2200 Classen Blvd., Suite 352
Oklahoma City, Oklahoma 73106
(405) 521-8011
ATTORNEY FOR PLAINTIFF

By: D. Wm. Jacobus
D. Wm. Jacobus, Jr.
403 S. Cheyenne
Suite 351
Tulsa, Oklahoma 74103
(918) 587-0174
ATTORNEY FOR DEFENDANT
MARVIN MORSE

By: _____
Marvin Morse

UNITED STATES DISTRICT COURT FOR THE
NORTHERN DISTRICT OF OKLAHOMA

FILED

NOV 16 1984

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

EVERETT P. WINFIELD,	)	
Plaintiff,	)	
vs.	)	
MARGARET M. HECKLER, Secretary of Health and Human Services of the United States of America,	)	
Defendant.	)	CIVIL ACTION NO. 83-C-779-E

O R D E R

The Court hereby finds 1) that this action[1] was pending before this Court on September 19, 1984; and 2) that this action raises the issue of whether an individual who has had his/her entitlement to benefits under Title II, XVI, or XVIII of the Social Security Act based on disability terminated (or period of disability ended) should not have had such entitlement terminated (or period of disability ended) without consideration of whether there has been medical improvement in the condition of such individual (or another individual on whose disability such entitlement is based) since the time of a prior determination that the individual was under a disability.

Accordingly, it is this 16 day of Nov, 1984, ORDERED that this action be and hereby is remanded to the Secretary of Health and Human Services pursuant to Section 2 of

[1] Plaintiff's Social Security Number is 440-28-3940.

the Social Security Disability Benefits Reform Act of 1984 for review in accordance with the provisions of the Social Security Act as amended by Section 2 of the Social Security Disability Benefits Reform Act of 1984.

S/ JAMES O. ELLISON
UNITED STATES DISTRICT JUDGE

UNITED STATES DISTRICT COURT FOR THE
NORTHERN DISTRICT OF OKLAHOMA

FILED
NOV 16 1984
JACK C. SILVER, CLERK
U.S. DISTRICT COURT

UNITED STATES OF AMERICA,	)	
Plaintiff,	)	
vs.	)	
CHARLES STEWART,	)	
Defendant.	)	CIVIL ACTION NO. 84-C-535-C

DEFAULT JUDGMENT

This matter comes on for consideration this 16th day of November, 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, Charles Stewart, appearing not.

The Court being fully advised and having examined the file herein finds that Defendant, was served with Alias Summons and Complaint on September 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, Charles Stewart, in the amount of $711.80, plus interest at the rate of 15.05 percent per annum and administrative costs of $.63 per month from July 26, 1983, and $.68 per month from January 1, 1984, until judgment, plus interest thereafter at the current

legal rate of 10.33 percent from the date of judgment until paid, plus the costs of this action.

s/H. DALE COOK
UNITED STATES DISTRICT JUDGE

DATE 1984	NR.	84-C-715-C (JACOBS v USA) PROCEEDINGS 84-C-715-C
8-16	1	COMPLAINT w/si & JURY TRIAL DEMANDED.a
8-16	2	AFFIDAVIT of pltfs.a
8-16	3	CERTIFICATE of svc.a
8-27	--	RETURNS (2) on summons served Atty General of U.S. TaX Division by certified mail on 8-20-84; served H.C. Longley by certified mail on 8-21-84. tj
10-9	MO:	SCHED. CONF. set 11/16/84, 3:30 p.m.(HDC-J)rm-ntc
10-12	4	MOTION of deft. for ext. of time to ans. rm (O)
10-16	5	**ORDER** granting Deft. an add'l 30 days to file ans. or resp. to Pltf's compl. (HDC-J) pt cps/mvt
10-30	6	CERT. of service by deft. of mailing Order of 10/16 to pltfs. rm
11-16	Min:	Case called for Sched. Conf. Pltf. has recd. $75 refund and is willing to dismiss action. ORDERED that case is dismissed.(HDC-J)(ES-cr)rm [EOD 11/17/84]

Entered

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

NOV 16 1984

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

SUN EXPLORATION & PRODUCTION COMPANY, a Delaware corporation,	)	
Plaintiff,	)	
v.	)	No. 82-C-1217-B
UNIVERSAL DRILLING COMPANY, an Oklahoma corporation,	)	
Defendant.	)	

J U D G M E N T

In accordance with the Findings of Fact and Conclusions of Law entered this 16th day of November, 1984, Judgment is hereby entered for the plaintiff, Sun Exploration & Production Company, a Delaware corporation, and against the defendant, Universal Drilling Company, an Oklahoma corporation, relative to the Lokey well in the amount of $409,198.00, with interest thereon at the rate of 12% from the date of April 1, 1982; IT IS FURTHER ORDERED judgment is hereby entered for the plaintiff, Sun Exploration & Production Company, a Delaware corporation, and against the defendant, Universal Drilling Company, an Oklahoma corporation, relative to the Lasley well in the amount of $93,741.00, with interest thereon at the rate of 12% per annum from the date of May 1, 1982, with the costs of the action assessed against the defendant.

ENTERED this 16th day of November, 1984.

THOMAS R. BRETT
UNITED STATES DISTRICT JUDGE

32

Entered

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

MAVERICK TRANSPORTATION, INC., and Arkansas corporation,	)
Plaintiff,	)
-vs-	)
EARLY AMERICAN INSURANCE COMPANY, an Alabama corporation,	)
Defendant.	)

83-C-994-B

ORDER

NOW on this 16th day of November, 1984, the joint application of the parties for Dismissal With Prejudice came on before the Court for hearing. The Court finds that the parties have reached a complete settlement of all the issues in the above captioned matter and that said case should be Dismissed With Prejudice.

IT IS THEREFORE, ORDERED, ADJUDGED AND DECREED, that the above captioned matter is Dismissed With Prejudice.

S/ THOMAS R. BRETT
JUDGE OF THE DISTRICT COURT

APPROVED AS TO FORM:

Dennis King
DENNIS KING
Attorney for Maverick Transporation, Inc.

Donald Church
DONALD CHURCH
Attorney for Early American Insurance Co.

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

JACK GRAHAM, Plaintiff, vs. ARKANSAS VALLEY PETROLEUM INC., AN Oklahoma Corporation, Defendant.	)	No. 84-C-391-B

ORDER OF DISMISSAL

Now on this 15th day of November, 1984, the above-styled matter comes on before me pursuant to the Joint Motion to Dismiss of the Plaintiff and Defendant.

The Court being fully advised in the premises does hereby sustain said Joint Motion to Dismiss and does hereby dismiss the above and foregoing action with prejudice to the refiling of same.

IT IS THEREFORE ORDERED, ADJUDGED AND DECREED that the above and foregoing action should be dismissed with prejudice to the refiling of said action.

DISTRICT JUDGE

Approved as to Form:

Paul F. McTighe, Jr.
Attorney for Plaintiff

G. Bruce Sewell
Attorney for Defendant

Entered

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

CENTRAL MARKET, INC., d/b/a AKSARBEN BEEF COMPANY, a Nebraska corporation,	)	
Plaintiff,	)	
vs.	)	Case No. 84-C-97-B
JACK G. STEELE, CLIFF AUTREY, T.A. JENKINS, and MARVIN MORSE, Individuals,	)	
Defendants,	)	
and	)	
LONGHORN FOODS, INC., d/b/a MONTANA MINING COMPANY,	)	
Additional Party Defendant.	)	

AGREED JOURNAL ENTRY OF JUDGMENT

NOW on this 15 day of November, 1984, this cause coming on to be heard in regular order; plaintiff Central Market, Inc., d/b/a Aksarben Beef Company, a Nebraska corporation, appearing by and through its attorney, Stephen A. Sherman, and defendant, Jack G. Steele and additional party defendant, Longhorn Foods, Inc., d/b/a Montana Mining Company, appearing by and through their attorney, Larry D. Leonard. The parties agreed in open Court that the cause should be heard forthwith on this day, and each party announced ready for trial; trial by jury is waived in open Court. The Court having heard all of the evidence, and being fully advised in the premises, finds that Plaintiff is entitled to a judgment as follows:

21

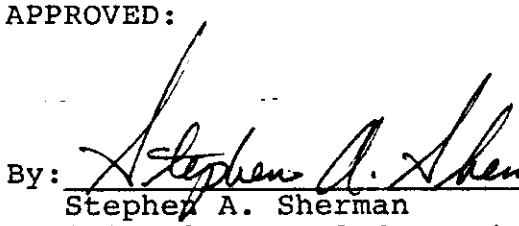
The Court finds that the plaintiff Central Market, Inc., d/b/a Aksarben Beef Company is entitled to recover judgment against the Defendant Jack G. Steele, for the sum of $79,471.56 with interest thereon from September 1, 1983, at the rate of Norwest Bank of Omaha, Nebraska prime, plus two percent (2%) per annum, until paid and attorney's fees in the amount of $18,000.00 and costs in the amount of $800.00 and the Court further finds that plaintiff is entitled to recover judgment against the additional party defendant, Longhorn Foods, Inc., d/b/a Montana Mining Company, for the sum of $20,570.67 with interest thereon from September 1, 1983, at the rate of Norwest Bank of Omaha, Nebraska prime, plus two percent (2%) per annum, until paid, an attorney's fee in the amount of $4,680.00 and costs in the amount of $208.00.

IT IS THEREFORE ORDERED, ADJUDGED AND DECREED by the Court that the Plaintiff have and recover judgment against the Defendant, Jack G. Steele, for the total sum of $79,471.56, with interest thereon from September 1, 1983, at the rate of Norwest Bank of Omaha, Nebraska prime, plus two percent (2%) per annum, until paid, for an attorney's fee in the amount of $18,000.00, and costs in the amount of $800.00; and that the plaintiff have and recover judgment against the additional party defendant, Longhorn Foods, Inc., d/b/a Montana Mining Company, for the sum of $20,570.67 with interest thereon from September 1, 1983, at the rate of Norwest Bank of Omaha, Nebraska prime, plus two percent (2%) per annum, until paid, and for an attorney's fee in the amount of $4,680.00 and costs in the amount of $208.00, for all of which let execution issue.

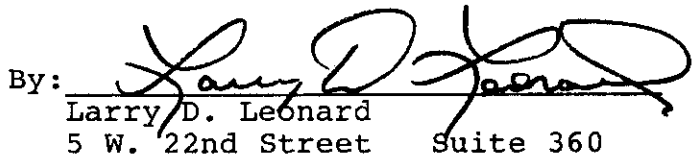
So Ordered this 15 day of November, 1984.

UNITED STATES DISTRICT COURT JUDGE

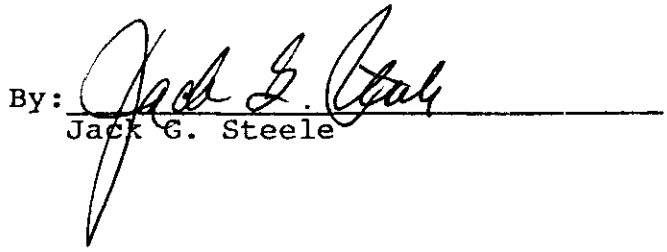
APPROVED:



By: _____
Stephen A. Sherman
2200 Classen Blvd., Suite 352
Oklahoma City, Oklahoma 73106
(405) 521-8011
ATTORNEY FOR PLAINTIFF



By: _____
Larry D. Leonard
5 W. 22nd Street Suite 360
Tulsa, Oklahoma 74114
(918) 585-2275
ATTORNEY FOR DEFENDANT,
JACK G. STEELE and
ADDITIONAL PARTY DEFENDANT,
LONGHORN FOODS, INC.



By: _____
Jack G. Steele

Entered

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

NOV 15 1984

CENTRAL MARKET, INC., d/b/a AKSARBEN BEEF COMPANY, a Nebraska corporation,	)	
Plaintiff,	)	
vs.	)	Case No. 84-C-97-B
JACK G. STEELE, CLIFF AUTREY, T.A. JENKINS, and MARVIN MORSE, Individuals,	)	
Defendants,	)	
and	)	
LONGHORN FOODS, INC., d/b/a MONTANA MINING COMPANY,	)	
Additional Party Defendant.	)	

AGREED JOURNAL ENTRY OF JUDGMENT

NOW on this 15th day of November, 1984, this cause coming on to be heard in regular order; plaintiff Central Market, Inc., d/b/a Aksarben Beef Company, a Nebraska corporation, appearing by and through its attorney, Stephen A. Sherman, and defendant Cliff Autrey appearing by and through his attorney, Patrick O'Conner. The parties agreed in open Court that the cause should be heard forthwith on this day, and each party announced ready for trial; trial by jury is waived in open Court. The Court having heard all of the evidence, and being fully advised in the premises, finds that Plaintiff is entitled to a judgment as follows:

22

The Court finds that the Plaintiff Central Market, Inc., d/b/a Aksarben Beef Company is entitled to recover judgment against the defendant Cliff Autrey, for the sum of $20,570.67 with interest thereon from September 1, 1983, at the rate of Norwest Bank of Omaha, Nebraska prime, plus two percent (2%) per annum, until paid; for an attorney's fee in the amount of $4,680.00, and costs in the amount of $208.00.

IT IS THEREFORE ORDERED, ADJUDGED AND DECREED by the Court that the plaintiff have and recover judgment against the defendant, Cliff Autrey, for the total sum of $20,570.65, with interest thereon from September 1, 1983, at the rate of Norwest Bank of Omaha, Nebraska prime, plus two percent (2%) per annum, until paid; and for an attorney's fee of $4,680.00 and all costs in the amount of $208.00, for all of which let execution issue.

So Ordered this 15 day of November, 1984.

UNITED STATES DISTRICT COURT JUDGE

APPROVED:

By: _____
Stephen A. Sherman
2200 Classen Blvd., Suite 352
Oklahoma City, Oklahoma 73106
(405) 521-8011
ATTORNEY FOR PLAINTIFF

By: _____
Patrick O'Connor
Sinclair Building
Suite 400
6 E. 5th Street
Tulsa, Oklahoma 74103
(918) 582-6159
ATTORNEY FOR DEFENDANT
CLIFF AUTREY

By: _____
Cliff Autrey

Entered

FILED

NOV 1984

UNITED STATES DISTRICT COURT FOR THE
NORTHERN DISTRICT OF OKLAHOMA

UNITED STATES OF AMERICA,	)	
Plaintiff,	)	
vs.	)	
ED WALLACE KIMBROUGH, et al.,	)	
Defendant.	)	CIVIL ACTION NO. 84-C-596-E

O R D E R

Upon the Motion of 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, and for good cause shown it is hereby ORDERED that this action be, and the same hereby is, dismissed in its entirety without prejudice.

Dated this 9th day of November, 1984.

UNITED STATES DISTRICT JUDGE

APPROVED:

LAYN R. PHILLIPS
United States Attorney

PETER BERNHARDT
Assistant U.S. Attorney

11

UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF OKLAHOMA

JERRY HAM and ESTHER HAM, Plaintiffs,	)	No. 84-C-40-B
vs.	)	
CLINTON SHAVER and MARILYN FOLK, guardian ad litem for JIM FOLK, a minor, Defendants.	)	

NOV 15 1984

ORDER

Pursuant to the Application for Order Approving Settlement and Dismissing Case With Prejudice, the Court finds that the Plaintiffs have agreed to settle all their claims, including costs and interest, as a result of a vehicle/horse accident which occurred on July 31, 1983, on Highway 169 in Nowata County, for the total sum of Sixty-Five Thousand Dollars ($65,000.00), which this Court finds to be fair, reasonable and just; whereupon, the Court orders that the settlement be approved and further orders that all of Plaintiffs' claims against the Defendants be dismissed with prejudice, reserving any claims which Defendants may have against each other.

Thomas R. Brett
JUDGE OF UNITED STATES DISTRICT COURT

APPROVED AS TO FORM:

C. Michael Black
Attorney for Plaintiffs

Steve Booth
Attorney for Plaintiffs

Tom King
Attorney for Clinton Shaver

Jeffrey A. King
Attorney for Marilyn Folk,
guardian ad litem for
Jim Folk

RDW/st

Entered

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

DAVID FELTZ and CINDY FELTZ, husband and wife,	)	
Plaintiffs,	)	
vs.	)	No. 83-C-778-B
THE COUNTY OF OSAGE, by and through the OSAGE COUNTY BOARD OF COMMISSIONERS, GEORGE WAYMAN, Osage County Sheriff, TOM TEEL, WADE FARLAND, DOUG McKENZIE and HARROLD GAFFNEY, jointly and severally,	)	
Defendants.	)	

ORDER

NOW ON THIS 7th day of November, 1984 the above cause came on for hearing. The Court acknowledges Plaintiff's confession of the motion for judgment on the pleadings as filed by the County of Osage, and in accordance therewith grants judgment on the pleadings on behalf of said County. The Court also notes that the Defendant McKenzie was not served with summons within the time frame earlier ordered by this Court on October 2, 1984, and therefore, this action is dismissed as to the Defendant McKenzie.

S/ THOMAS R. BRETT

THOMAS R. BRETT, UNITED STATES DISTRICT JUDGE

Entered

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

HUGHES ANDERSON ENGINEERING CORPORATION,	)	
Plaintiff,	)	
-vs-	)	No. 83-C-882-B
MARATHON PETROLEUM COMPANY,	)	
Defendant.	)	

ORDER OF DISMISSAL WITH PREJUDICE

Upon the Joint Application and Stipulation of Plaintiff and Defendant, THE COURT HEREBY ORDERS AS FOLLOWS:

1. All claims asserted herein by Plaintiff, Hughes Anderson Engineering Corporation, against Defendant, Marathon Petroleum Company, are hereby ordered dismissed, with prejudice to the refiling thereof.

2. All claims asserted herein by Defendant, Marathon Petroleum Company, against Plaintiff, Hughes Anderson Engineering Corporation, are hereby dismissed, with prejudice to the refiling thereof.

DATED this 15th day of November, 1984.

S/ THOMAS R. BRETT

UNITED STATES DISTRICT JUDGE

Entered

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

SANDRA LEE THOMAS Plaintiff, vs. NORTH AMERICAN VAN LINES, a corporation and STANLEY EARL STEVENS, an individual, Defendants.	)))))))))))	No. 83-C-824-B

ORDER OF DISMISSAL

ON This 15th day of ~~August,~~ Nov 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/ THOMAS R. BRETT

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

APPROVALS:

S. RICHARD FARBER, Plaintiff's Attorney

ALFRED B. KNIGHT, Defendants Attorney

Entered

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

EMMETT SMITH,	)	
Plaintiff,	)	
vs.	)	No. 84-C-94-E
LYSTADS, INC.,	)	
Defendant.	)	

O R D E R

There being no response to the Defendant's motion to dismiss amended complaint 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 has therefore waived any objection or opposition to the motion. See Woods Constr. Co. v. Atlas Chemical Indus., Inc., 337 F.2d 888, 890 (10th Cir. 1964).

The Defendant's motion to dismiss amended complaint is therefore granted.

DATED this 1st day of ~~October~~ November, 1984.

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

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UNITED STATES DISTRICT COURT FOR THE
NORTHERN DISTRICT OF OKLAHOMA

FILED

NOV 14 1984

LEMUEL R. SAYRE,	)	
Plaintiff,	)	
vs.	)	
MARGARET M. HECKLER, Secretary of Health and Human Services of the United States of America,	)	
Defendant.	)	CIVIL ACTION NO. 83-C-1003-E

O R D E R

The Court hereby finds 1) that this action[1] was pending before this Court on September 19, 1984; and 2) that this action raises the issue of whether an individual who has had his/her entitlement to benefits under Title II, XVI, or XVIII of the Social Security Act based on disability terminated (or period of disability ended) should not have had such entitlement terminated (or period of disability ended) without consideration of whether there has been medical improvement in the condition of such individual (or another individual on whose disability such entitlement is based) since the time of a prior determination that the individual was under a disability.

Accordingly, it is this 14 day of Nov., 1984, ORDERED that this action be and hereby is remanded to the Secretary of Health and Human Services pursuant to Section 2 of

---

[1] Plaintiff's Social Security Number is 441-36-2611.

the Social Security Disability Benefits Reform Act of 1984 for review in accordance with the provisions of the Social Security Act as amended by Section 2 of the Social Security Disability Benefits Reform Act of 1984.

UNITED STATES DISTRICT JUDGE

Entered

FILED

NOV 14 1984

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

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

VULCAN ENERGY CORPORATION, Plaintiff, vs. READD SUPPLY COMPANY, a Texas corporation; MARWIL, d/b/a CAL METAL, a California partnership; TECRIM CORPORATION; MILLSTEEL; DURHAM INDUSTRIES, INC.; and RUTLAND, LTD.; MIKE WILKINSON, Individually, KAISER PIPE & CASING, INC., a Nevada corporation, Defendants.	)	Case No. 83-C-627-B

STIPULATION OF DISMISSAL
OF KAISER PIPE & CASING, INC.

COME NOW Plaintiff Vulcan Energy Corporation and Defendants Readd Supply Company, Marwil d/b/a Cal Metal, Tecrim Corporation, Millsteel, Durham Industries, Inc. and Rutland, Ltd. and hereby stipulate to the dismissal of Kaiser Pipe & Casing Inc., from the above referenced action.

SNEED, LANG, ADAMS,
HAMILTON, DOWNIE & BARNETT

By: W. J. Wenzel

William J. Wenzel
OBA I.D. #9480
Sixth Floor
114 East Eighth Street
Tulsa, Oklahoma 74119
(918) 583-3145

Attorneys for Plaintiff
Vulcan Energy Corporation

WHITTEN, GOREE, DAVIES & MADDEN

By: Jack Y. Goree

Jack Y. Goree
Suite 410 City Plaza West
5310 East 31st Street
Tulsa, Oklahoma 74135

DERRYBERRY DUNCAN GRAY & QUIGLEY

By: Paul C Duncan (JVH)

Paul C. Duncan
4420 North Lincoln Boulevard
Oklahoma City, Oklahoma 73105

Entered

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

PINOCCHIO'S CHILD CARE CENTER INC., Debtor in possession d/b/a RICHMOND ACADEMY,	)	
Plaintiff,	)	
vs.	)	
SANDY WIGGS,	)	
Defendant.	)	No. 84-C-800-~~B~~ C

FILED
IN OPEN COURT

NOV 14 1984

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

ORDER

Now comes the plaintiff by and through its attorney and dismisses this action herein the same having been settled for the sum of the Complaint and this sum having been paid by defendant.

IT IS THEREFORE ORDERED by the Court that the above entitled action be dismissed with prejudice.

Dated this 14 day of November, 1984.

(Signed) H. Dale Cook

UNITED STATES DISTRICT JUDGE

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

FILED
NOV 13 1984
JACK C. SILVER, CLERK
U.S. DISTRICT COURT

TROY LEE PYLES, Plaintiff,	)	
vs.	)	No. 83-C-572-C
CLAY WISE, Defendant.	)	

O R D E R

Now before the Court sua sponte is the amended complaint of plaintiff Troy Lee Pyles, filed pursuant to Title 42 U.S.C. §1983, on February 11, 1984. On February 21, 1984, defendants Helen Walker, the State of Oklahoma and the Oklahoma Department of Corrections filed Motions to Dismiss, which were sustained as to all defendants except Clay Wise, by Order of the Court on April 17, 1984 under Local Rule 14(a) based on plaintiff's failure to respond.

Plaintiff was notified by a letter from the Clerk of the Court addressed to his last known address on August 3, 1984 that his case would be dismissed for lack of prosecution if no action was taken within 30 days of August 3, 1984.

The Court has received no communication from plaintiff since the filing of the Amended Complaint on February 1, 1984. Rule 36(a) of the Local Rules of this Court provides as follows:

> (a) In any case in which no action has been taken by the parties for six (6) months, it shall be the duty of the Clerk to mail notice thereof to counsel of record or to the parties, if their post office addresses are known. If such notice has been given and no action has been taken in the case within thirty (30) days of the date of the notice, an order of dismissal may in the Court's discretion be entered.

Therefore, pursuant to Local Rule 36(a) of the Local Rules of the United States District Court for the Northern District of Oklahoma, this action should be and hereby is dismissed in all respects.

IT IS SO ORDERED this 13 day of November, 1984.

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

Entered

13

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

SAMUEL J. FROELICH, et al.,	)	
Plaintiffs,	)	
vs.	)	No. 84-C-485-E
K. P. EXPLORATION, INC.,	)	
Defendant.	)	

O R D E R

This matter is before the Court on the motion of Defendants to transfer this action pursuant to 28 U.S.C. § 1404(a).

The Defendant asserts that venue is improper in this district under 28 U.S.C. § 1406(a). In support, Defendant argues that this action is essentially a quiet title action to the oil and gas leasehold held by Defendants and granted by Plaintiffs. Since this action is concerning real property, it is a "local" action, and the provisions of 28 U.S.C. § 1391 do not apply. Defendants argue that an action is local if the relief sought is in rem or quasi in rem as opposed to in personam.

An oil and gas lease has been described by the Oklahoma courts as "the hybrid offspring of an inner marriage between real and personal property, an offspring which is neither entirely real nor personal property, yet which bears distinguishing characteristics of both." Shields v. Moffitt, 55 OBAJ Number 26, 1355 (June 30, 1984). Although not "real estate" per se, an oil and gas lease is an interest in realty, and one holding a lease has a qualified fee interest. Hinds v. Phillips Petroleum Co.,

591 P.2d 697 (1979).

Title 12 O.S. § 131 sets forth a specified list of lawsuits specifically excluded from the venue provisions of § 139. Such suits may only be brought in the county where the subject of the action is situated. Subsection 1 states that suits "for the recovery of real property, or of any estate or interest therein, or the determination in any form of any such right or interest" must be brought in the county in which the subject of the action is situated and "interest" in real property includes an accounting action between joint adventurers over an oil and gas royalty (Ross v. District Court, 188 P.2d 861 (1948)) and an action to enforce a promise to apply unaccrued oil and gas lease royalty proceeds to payment on a note (McCully v. McCully, 86 P.2d 786 (1939)). An interest in the oil, gas and mineral rights in and to a certain tract of land is also "interest" in real property. Sinclair Prairie Oil Co. v. District Court of Oklahoma County, 70 P.2d 94 (1937).

In the complaint herein, Plaintiffs allege that they were the owners of certain mineral interests underlying a tract of land located in Texas County, Oklahoma. Plaintiffs as lessors entered into an oil and gas mining lease which reserved to them a one-eighth royalty on all minerals produced from the leasehold. In April of 1976 defendant K. P. was assigned that portion of the working interest in the leasehold which represented the right to develop the leasehold with respect to all formations situated in

whole below sea level. Plaintiffs allege that defendant K. P. has breached its implied covenant to protect against drainage by refusing to locate a well within the 640 area spacing unit of which this leasehold is a part. It is also alleged that K. P. is a party to the drainage from the formation, in that an offset well had been drilled on adjoining property, which well had produced approximately 4.2 billion cubic feet of natural gas on the date of complaint. Plaintiffs request that this court enter a declaratory judgment holding that the lease is no longer in force and is cancelled, to order actual and punitive damages, and to preliminarily and permanently enjoin defendant from draining the reserves from the leasehold.

A determination of the issues of this case would necessarily entail a determination of Plaintiffs' and Defendant's interests in estates in real property. The major affect of any possible relief in this action would be to award damages for an injury to an interest in real property, and to enjoin further damages to said interest. Under § 131(1) such an action must be brought where the subject of the action is situated. Sinclair Prairie Oil Co., supra.

The venue provisions of 28 U.S.C. § 1391 do not apply to "local" actions. Cobb v. National Lead Co., 215 F.Supp. 488 (D.C. Ark. 1963). Instead, local actions must be tried in the district in which the property or estate therein is found. French v. Clinchfield Coal Co., 407 F.Supp. 13 (D.C. Del. 1987). Venue of an action the subject of which is an estate in real property located in Texas County, Oklahoma would more properly be in the

Western District of Oklahoma. In the interest of justice, this Court finds that this matter should be transferred to the United States District Court for the Western District of Oklahoma pursuant to 28 U.S.C. § 1404(a) in lieu of dismissal.

IT IS THEREFORE ORDERED AND ADJUDGED that the motion of Defendant for change of venue be and the same is hereby granted.

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

ORDERED this 9TH day of November, 1984.

JAMES O. ELLISON
UNITED STATES DISTRICT JUDGE

DATE 1984	NR.	84-C-175-C	PROCEEDINGS COOK	84-C-175-C
2-28	1	APPLICATION of Pltf. for lv. to file action under Title VII of the Civil Rights Act of 1964 (42 USC 2000e-5) w/out payment of fees, costs or security and for the appointment of counsel. pt		
2-28	2	AFFIDAVIT OF FINANCIAL STATUS of Pltf. pt (O as part of affidavit)		
2-29	--	ORDER permitting pltf to file action w/out prepayment of costs; ANY FURTHER PROCEEDINGS MUST BE SPECIFICALLY AUTHORIZED IN ADVANCE BY THE COURT.(HDC-J)a		
2-29	3	COMPLAINT w/req. appt. of counsel. w/si.a (summons were issued 3-22-84)		
4-3	MO	IT IS THE ORDER OF THE COURT that Pltf's request for Court appointed attorney is denied. (HDC-J) pt cps/mld		
4-6	4	ANSWER of Defts. pt		
4-6	--	RETURN on summons. Served Deft. St. Francis Hospital on 3-26-84; $5.40. pt		
5-9	MO:	SCHEDULING CONF. set Wed., 6/20/84, 1:30 p.m.(HDC-J)rm-ntc		
6-13	5	MOTION of deft, Pickens to dismiss.a		
6-13	6	BRIEF in support of deft, Pickens mot/dismiss.a		
6-13	7	MOTION of deft, St. Francis Hosp. for order compelling disc.a		
6-13	8	BRIEF in support of deft, St. Francis' mot/order compelling disc.a		
6-20	Min:	SCHEDULING CONF. held. Pltf. appearing pro se. Defts. rep. Deft. Pickens dismissed from action on consent of pltf. Mo/compel of deft. satisfied. Pltf. granted 15 days to ans. interrogs. Scheduling Order entered.(HDC-J)(VM-cr)rm		
6-20	9	SCHEDULING ORDER that by: 9/14/84 - join addl. parties or amend pleadings. 8/31/84 - complete disc. 9/14/84 - all motions due 11/13/84, 2:50 p.m. - PT set. 1/4/85, 9:30 a.m. - Nonjury trial set. [ETT: 1 day] 11/1/84 - PTO due; FF/CL & trial briefs due.(HDC-J)rm-c/delivered at co		
9-14	10	**MOTION** of Deft. St. Francis Hos. to dismiss, or in the alternative mot/extend disc. period. pt		
9-14	11	**BRIEF** in support of mot. #10 w/AFFIDAVIT of A. Lynn Miller. pt		
10-29	MO	ORDER that pltf have until 11-8-84 to resp to defts mot/dismiss(#10 & #11)(HDC-J)a ntc/mld		
10-31	12	**APPLICATION** of Deft. for ext. of time to file trial brief & proposed FF/CL. pt (O)		
11-1	13	ORDER granting deft an ext of time to file its trial brief & proposed F/F & C/L w/in 15 days after pltf submits to the taking of deposition & after a p/t/o is filed. (HDC-J) c/m tj		
11-13	Min:	Case called for pretrial. Pltf. not present or represented. Ct. makes record of pltf. being notified and there being no return on mail; ORDERED that case is dismissed for failure of plaintiff to appear and for failure to prosecute, wo/prej. entered.(HDC-J)(ES-cr)rm [EOD 11/13/84] c/docket mailed to pltf, at last known address		

FILED

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

NOV 13 1984

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

DAVE MAHER & ASSOCIATES, INC.; and ROBINSON GLASS CONTRACTING, INC.,	)	
Plaintiffs,	)	
vs.	)	
MIAMI WALL SYSTEMS, INC.,	)	
Defendant.	)	No. 83-C-1050 E

STIPULATION OF DISMISSAL

Plaintiffs and Defendant, pursuant to Fed. R. Civ. P. 41(a)(1)(ii), stipulate that all claims raised by the parties in the above-styled action shall be, and hereby are, dismissed with prejudice, with each party to bear their own costs herein.

Respectfully submitted,

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

By Donald L. Kahl
Fred S. Nelson
Donald L. Kahl

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

ATTORNEYS FOR DAVE MAHER & ASSOCIATES, INC. and ROBINSON GLASS CONTRACTING, INC.

HOUSTON & KLEIN, INC.

By _____
Kevin T. Gassaway
3200 University Tower
1722 South Carson
Tulsa, Oklahoma 74119
(918) 583-2131

ATTORNEYS FOR MIAMI WALL SYSTEMS, INC.

CERTIFICATE OF MAILING

I hereby certify that a true and correct copy of the above and foregoing Stipulation Of Dismissal was, on the 6th day of November, 1984, mailed to Kevin T. Gassaway, at Houston & Klein, Inc., 3200 University Tower, 1722 South Carson, Tulsa, Oklahoma, 74119, with proper postage having been prepaid thereon.

_____

Entered

FILED

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

VULCAN ENERGY CORPORATION, Plaintiff, vs. READD SUPPLY COMPANY, a Texas corporation; MARWIL, d/b/a CAL METAL, a California partnership; TECRIM CORPORATION; MILLSTEEL; DURHAM INDUSTRIES, INC.; and RUTLAND, LTD.; MIKE WILKINSON, Individually, KAISER PIPE & CASING, INC., a Nevada corporation, Defendants.	)	Case No. 83-C-627-B

NOTICE OF DISMISSAL
WITHOUT PREJUDICE OF MIKE WILKINSON

COMES NOW the Plaintiff Vulcan Energy Corporation ("Vulcan"), and dismisses all claims pending against Defendant Mike Wilkinson without prejudice to refiling same.

SNEED, LANG, ADAMS,
HAMILTON, DOWNIE & BARNETT

By: W. J. Wenzel

William J. Wenzel
OBA I.D. #9480
J. Vince Hightower
OBA I.D. #10333
Sixth Floor
114 East Eighth Street
Tulsa, Oklahoma 74119
(918) 583-3145

Attorneys for Plaintiff
Vulcan Energy Corporation

CERTIFICATE OF MAILING

I, William J. Wenzel, do hereby certify that on the 13th. day of November, 1984, I caused to be mailed a true and correct copy of the above and foregoing instrument, proper postage thereon prepaid, to:

Jack Y. Goree, Esq.
Whitten, Goree, Davies & Madden
Suite 410 City Plaza West
5310 East 31st Street
Tulsa, Oklahoma 74135

Paul C. Duncan, Esq.
Derryberry Duncan Gray & Quigley
4420 North Lincoln Boulevard
Oklahoma City, Oklahoma 73105

William J. Wenzel

Entered

FILED

NOV 9 1984

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

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

MARIA M. JACKSON, Plaintiff, vs. NATIONAL EDUCATION CENTERS, INC., a California corporation, et al., Defendants.	)	No. 84-C-433-E

JUDGMENT DISMISSING ACTION BY REASON OF SETTLEMENT

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

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

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

DATED this 8th day of November, 1984.

James O. Ellison

JAMES O. ELLISON
UNITED STATES DISTRICT JUDGE

Entered

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

SHELTER AMERICA CORPORATION, Plaintiff,	)	FILED
vs.	)	NOV -9 1984
	)	Case No. 84-C-738-E
SHARON L. ROBERTS and CHARLES VAUGHAN, Defendants.	)	JACK C. SILVER, CLERK U.S. DISTRICT COURT

NOTICE OF DISMISSAL

Plaintiff, pursuant to Rule 41(a)(1), Federal Rules of Civil Procedure, hereby dismisses the above-entitled action without prejudice.

Dated: November 8, 1984.

JONES & EVANS

By Steve Rankin

Steve Rankin
320 South Boston Building
Suite 2010
Tulsa, Oklahoma 74103
(918) 582-0187

ATTORNEYS FOR PLAINTIFF

CERTIFICATE OF MAILING

I hereby certify that on the 9th day of November, 1984, a true and correct copy of the foregoing Dismissal was mailed to the following parties of record: Sharon L. Roberts, Route 1, Box 82, Cleveland, Oklahoma 74020 and Charles Vaughan, 1601 N. Aberdeen, Muskogee, Oklahoma 77401.

Steve Rankin
Steve Rankin

Entered

FILED
NOV -9 1984
JACK C. SILVER, CLERK
U.S. DISTRICT COURT

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

IN RE: THE CHIEF FREIGHT LINES COMPANY, Debtor.	United States District Court No. 84-C-157-B Bankruptcy Court No. 81-01096
THE CHIEF FREIGHT LINES COMPANY, and THE OFFICIAL CREDITORS' COMMITTEE OF THE CHIEF FREIGHT LINES COMPANY, Plaintiffs/Appellees, vs. STRICK FINANCE COMPANY and STRICK CORPORATION, Defendants/Appellants.	Bankruptcy Court Adversary No. 82-0361

D I S M I S S A L

Come now Appellants, Strick Finance Company and Strick Corporation, and Appellees, the Chief Freight Lines Company (Debtor) and the Official Creditors' Committee of the Chief Freight Lines Company, and show the Court that they have agreed to the dismissal of Appellants' appeal and Appellants hereby dismiss such appeal, with each party to bear its own costs in connection therewith.

James M. Sturdivant
Teresa B. Adwan
GABLE & GOTWALS
20th Floor, Fourth National
Bank Building
Tulsa, Oklahoma 74119
Telephone: 918/582-9201

and

Harold S. Novikoff
WACHTELL, LIPTON, ROSEN & KATZ
299 Park Avenue
New York, New York 10171
Telephone: 212/371-9200

ATTORNEYS FOR THE DEFENDANTS/APPELLANTS.

Sam G. Bratton
DOERNER, STUART, SAUNDERS,
DANIEL & ANDERSON
1000 Atlas Life Building
Tulsa, Oklahoma 74103
Telephone: 918/582-1211

ATTORNEYS FOR THE DEBTOR.

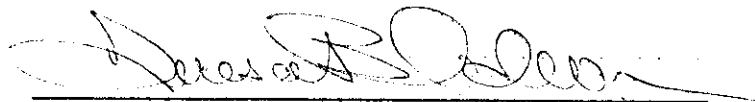
BOOTH, LIPTON & LIPTON
By: Peter D. Wolfson
405 Park Avenue
New York, New York 10022
Telephone: 212/758-1700

BURKE & ASSOCIATES
By: William T. Burke, Jr.
2000 One Main Place
Dallas, TX 75250
Telephone: 214/742-3813

ATTORNEYS FOR THE COMMITTEE OF
UNSECURED CREDITORS

CERTIFICATE OF MAILING

The undersigned hereby certifies that on this 9th day of November, 1984, a true and correct copy of the foregoing Dismissal has been served on the plaintiffs/appellees by mailing same to Sam G. Bratton, 1000 Atlas Life Building, Tulsa, Oklahoma, 74103; Peter D. Wolfson, 405 Park Avenue, New York, New York, 10022; and William T. Burke, Jr., 2000 One Main Place, Dallas, Texas, 75250 with proper postage fully prepaid thereon.



Teresa B. Adwan

FILED

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

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

CLARK RESOURCES, INC.,	)	
	)	
Plaintiff,	)	
	)	
vs.	)	No. 83-C-844-E
	)	
READD SUPPLY COMPANY, Texas corporation; MARWIL, d/b/a CAL METAL, a California partnership; TECRIM CORPORATION; MILLSTEEL; DURHAM INDUSTRIES, INC.; and RUTLAND, LTD.,	)	

STIPULATION OF DISMISSAL WITH PREJUDICE

Clark Resources, Inc., Plaintiff, and Marwil, d/b/a Cal Metal, a California partnership; Tecrim Corporation; Millsteel; Durham Industries, Inc.; and Rutland, Ltd.; Defendants, do hereby stipulate and agree to the Dismissal with Prejudice of the claim of Clark Resources asserted against these Defendants herein.

Done this 8th day of November, 1984.

SNEED, LANG, ADAMS,
HAMILTON, DOWNIE & BARNETT

By _____
William J. Wenzel
(O.B.A. #9480)
J. Vince Hightower
Sixth Floor
114 East Eighth Street
Tulsa, Oklahoma 74119
(918) 583-3145

Attorneys for Plaintiff,
Clark Resources, Inc.

WHITTEN, GOREE, DAVIES & MADDEN

By _____
Jack Y. Goree
Attorneys for Defendants,
Marwil, d/b/a Cal Metal,
Tecrim Corporation
Millsteel, Durham
Industries, Inc. and
Rutland, Ltd.

FILED

NOV 8 1984

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

IN THE UNITED STATES DISTRICT COURT FOR THE

NORTHERN DISTRICT OF OKLAHOMA

KENNETH RAY GRIFFIN,	)	
Petitioner,	)	
vs.	)	No. 84-C-96-E
TIM WEST, et al.,	)	
Respondents.	)	

ORDER

On the 29th day of October, 1984, this case came on for hearing before the Honorable James E. Ellison, District Judge for the United States District Court for the Northern District of Oklahoma. James Lloyd appeared on behalf of Petitioner and Linda L. Gray, Assistant Attorney General, appeared on behalf of Respondents.

The Court, after arguments of counsel, review of the file, and being fully advised in the premises, FINDS:

That the writ and application therefor presented only questions of law and an evidentiary hearing was not necessary.

That should a new trial be granted, there is no reasonable probability that the result would be different;

That it was not error for counsel to perfect an appeal but fail to file a brief or request an oral argument.

IT IS ORDERED, ADJUDGED AND DRCREED that the Petitioner's petition be and hereby is dismissed.

JAMES O. ELLISON
UNITED STATES DISTRICT JUDGE

APPROVED AS TO FORM:

JAMES LLOYD

MICHAEL C. TURPEN
ATTORNEY GENERAL OF OKLAHOMA
BY:

LINDA L. GRAY
ASSISTANT ATTORNEY GENERAL

UNITED STATES DISTRICT COURT FOR THE
NORTHERN DISTRICT OF OKLAHOMA

FILED

NOV 8 1984

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

WALTER O. PIGG,	)	
Plaintiff,	)	
vs.	)	
MARGARET M. HECKLER, Secretary of Health and Human Services of the United States of America,	)	
Defendant.	)	CIVIL ACTION NO. 84-C-11-E

O R D E R

The Court hereby finds 1) that this action[1] was pending before this Court on September 19, 1984; and 2) that this action raises the issue of whether an individual who has had his/her entitlement to benefits under Title II, XVI, or XVIII of the Social Security Act based on disability terminated (or period of disability ended) should not have had such entitlement terminated (or period of disability ended) without consideration of whether there has been medical improvement in the condition of such individual (or another individual on whose disability such entitlement is based) since the time of a prior determination that the individual was under a disability.

Accordingly, it is this 8th day of Nov., 1984, ORDERED that this action be and hereby is remanded to the Secretary of Health and Human Services pursuant to Section 2 of

[1] Plaintiff's Social Security Number is 444-58-0722.

the Social Security Disability Benefits Reform Act of 1984 for review in accordance with the provisions of the Social Security Act as amended by Section 2 of the Social Security Disability Benefits Reform Act of 1984.

/S/ JAMES [illegible]

UNITED STATES DISTRICT JUDGE

FILED

NOV 8 1984

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

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

CAJETAN O. DIKEH, Plaintiff, vs. SKYCHEF, INC., "Flagship International, Inc., Defendant.	)	No. 82-C-758-E

O R D E R

The Court, upon failure of the Plaintiff to appear for trial of this action at its scheduled time and to otherwise continue the prosecution of this action, finds that the same must be dismissed pursuant to Rule 41(b) of the Federal Rules of Civil Procedure.

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

ORDERED this 8TH day of November, 1984.

James O. Ellison

JAMES O. ELLISON
UNITED STATES DISTRICT JUDGE

FILED

NOV 8 1984

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

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

CLARK RESOURCES, INC.,	)	
Plaintiff,	)	
vs.	)	No. 83-C-844-E
READD SUPPLY COMPANY, Texas corporation; MARWIL, d/b/a CAL METAL, a California partnership; TECRIM CORPORATION; MILLSTEEL; DURHAM INDUSTRIES, INC.; and RUTLAND, LTD.,	)	

STIPULATIONS OF DISMISSAL WITH PREJUDICE

Clark Resources, Inc., Plaintiff, and Readd Supply Company, Defendant, hereby stipulate and agree to the Dismissal with Prejudice of the claims of each party to this agreement against the other as asserted herein.

Done this 8th day of November, 1984.

SNEED, LANG, ADAMS,
HAMILTON, DOWNIE & BARNETT

By _____
William J. Wenzel
(O.B.A. #9480)
Sixth Floor
114 East Eighth Street
Tulsa, Oklahoma 74119
(918) 583-3145

Attorneys for Plaintiff

DERRYBERRY, DUNCAN GRAY & QUIGLEY

By _____
Paul C. Duncan

Attorneys for Defendant,
Readd Supply Company

Entered

FILED
NOV -8 1984
JACK C. SILVER, CLERK
U.S. DISTRICT COURT

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

CHARLES F. ROBERSON, Plaintiff,	)	
v.	)	No. 83-C-533-B
ROBERT FULTON, in his official capacity as Director of Human Services, Oklahoma Department of Human Services, et al., Defendants.	)	

J U D G M E N T

In keeping with the Findings of Fact and Conclusions of Law entered this date, the Court hereby enters judgment for attorneys fees in the amount of $23,148.75 in favor of plaintiff, Charles F. Roberson, and against defendants, Robert Fulton, in his official capacity as Director of Human Services, Oklahoma Department of Human Services, and Herschell E. Daney. The Court further awards costs in favor of plaintiff and against defendants, plaintiff to file his bill of costs within 10 days of the date of judgment. The Court further awards post-judgment interest on the attorney fee award at a rate of 10.33% per annum.

ENTERED this 8th day of November, 1984.

Thomas R. Brett

THOMAS R. BRETT
UNITED STATES DISTRICT JUDGE

104

UNITED STATES DISTRICT COURT FOR THE
NORTHERN DISTRICT OF OKLAHOMA

FILED

NOV 8 1984

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

BILLY G. HILL,	)	
Plaintiff,	)	
vs.	)	
MARGARET M. HECKLER, Secretary of Health and Human Services of the United States of America,	)	
Defendant.	)	CIVIL ACTION NO. 84-C-148-E

O R D E R

The Court hereby finds 1) that this action[1] was pending before this Court on September 19, 1984; and 2) that this action raises the issue of whether an individual who has had his/her entitlement to benefits under Title II, XVI, or XVIII of the Social Security Act based on disability terminated (or period of disability ended) should not have had such entitlement terminated (or period of disability ended) without consideration of whether there has been medical improvement in the condition of such individual (or another individual on whose disability such entitlement is based) since the time of a prior determination that the individual was under a disability.

Accordingly, it is this 8th day of Nov, 1984, ORDERED that this action be and hereby is remanded to the Secretary of Health and Human Services pursuant to Section 2 of

[1] Plaintiff's Social Security Number is 442-20-4672.

the Social Security Disability Benefits Reform Act of 1984 for review in accordance with the provisions of the Social Security Act as amended by Section 2 of the Social Security Disability Benefits Reform Act of 1984.

S/ JAMES O. ELLISON

UNITED STATES DISTRICT JUDGE

IN THE UNITED STATES DISTRICT COURT

FOR THE NORTHERN DISTRICT OF OKLAHOMA

FILED

NOV 8 1984

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

LEASE LIGHTS, INC., JACK R. SEAY, d/b/a SEAY ELECTRIC COMPANY, INC., KNIGHT LIGHTS COMPANY, INC., and PROTECTIVE LIGHTING, INC.,	)	
Plaintiffs,	)	
v.	)	Case No. 77-C-417-E
PUBLIC SERVICE COMPANY OF OKLAHOMA, a corporation,	)	
Defendant.	)	

JUDGMENT

This matter comes on for hearing on Plaintiffs' Application for Attorneys' Fees pursuant to Section 4 of the Clayton Act, 15 U.S.C. § 15. The Court, having considered Plaintiffs' Application, and being advised that the parties have stipulated as to the amount of a reasonable attorneys' fee in connection herewith,

IT IS ORDERED AND ADJUDGED that the Plaintiffs shall recover of the Defendant, Public Service Company, the aggregate sum of Five Hundred Thousand Dollars ($500,000.00), with interest thereon at the rate of 10.33% from October 29,

1984, as provided by law, which amount shall be in addition to and become a part of the Court's Judgment entered on May 10, 1984. Incorporated herein is the Court's finding that such amount is a reasonable amount under all of the facts in this case for all services rendered by Plaintiffs' counsel in connection herewith through June 8, 1984.

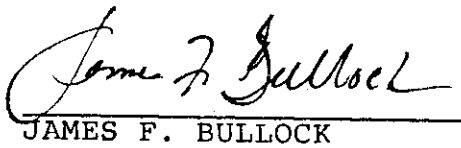
ENTERED THIS 29th day of October, 1984.

S/ JAMES O. ELLISON

JAMES E. ELLISON
U.S. DISTRICT JUDGE

APPROVED AS TO FORM:

PRAY, WALKER, JACKMAN,
WILLIAMSON & MARLAR



JAMES F. BULLOCK
2200 Fourth National Bldg.
Tulsa, Oklahoma 74119
ATTORNEYS FOR DEFENDANT

JACK I. GAITHER

JACK I. GAITHER
500 West 7th Street
Suite 100
Tulsa, Oklahoma 74119
ATTORNEY FOR PLAINTIFFS

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

FILED

NOV -8 1984

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

JACK GREEN and ALVERETTA GREEN, Plaintiffs,	)	
vs.	)	No. 83-C-580-C
FIBREBOARD CORPORATION, et al, Defendants.	)	

ORDER OF DISMISSAL

This matter came on for consideration on this 8th day of November, 1984 upon the Joint Application for Dismissal With Prejudice filed herein. The Court being duly advised in the premises, finds that said Application for Dismissal is in the best interest of justice and should be approved, and the above styled and numbered cause of action dismissed with prejudice to a refiling.

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

s/H. DALE COOK

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

APPROVED:

Mark H. Iola
Attorney for the Plaintiffs

Donald Church
Attorney for the Defendant,
Nicolet, Inc.

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

FILED

NOV 7 1984

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

CACTUS DRILLING COMPANY, a Delaware Corporation,	)	
Plaintiff,	)	
vs.	)	Case No. 84-C-604-C
NICHOLS PETROLEUM COMPANY, an Oklahoma Corporation,	)	
Defendant.	)	

JUDGMENT

In this action, the defendant Nichols Petroleum Company, having been duly served with copies of the certified citation and Complaint, and having failed to plead or otherwise defend, the legal time for pleading or otherwise defending having expired and default of said defendant Nichols Petroleum Company, in the premises having been duly entered according to law; upon the application of plaintiff, Cactus Drilling Company, judgment is hereby entered against said defendant pursuant to the prayer of said Complaint.

WHEREFORE, by virtue of the law and by reason of the premises aforesaid,

IT IS ORDERED, ADJUDGED, AND DECREED, that the said plaintiff Cactus Drilling Company does have and recover from the defendant Nichols Petroleum Company, the total and true sum of One Hundred Fifty-five Thousand Eight Hundred Sixty-six Dollars and Twenty-two cents ($155,866.22) with interest thereon at the rate of 10.33 percent per annum from date of judicial demand

until paid, together with plaintiff's costs and disbursements incurred in this action, amounting to the sum of One Thousand Two Hundred Ten dollars and Fifty cents ($1,210.50), and that the plaintiff Cactus Drilling Company have execution therefor.

Judgment rendered this 7th day of Nov., 1984.

s/H. DALE COOK

H. Dale Cook
United States District Court Judge

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

CHARLES STEWART MOTORS, INC. Plaintiff(s), vs. DON CARLETON Defendant(s).	)	No. 84-C-106-C ✓

FILED

NOV 7 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 7th day of NOVEMBER, 19 84.

UNITED STATES DISTRICT JUDGE

Entered

FILED

NOV 7 1984

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

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

REVEST CORPORATION,	)	
Plaintiff,	)	
vs.	)	
SPIRIT ENERGY, INC., and NOEL BLOCKER,	)	
Defendants.	)	Case No. 83-C-714-B

JUDGMENT

Now, on this 7th day of November, 1984, this matter comes on for hearing. Plaintiff, Revest Corporation, appears by and through its counsel of record, Hall, Estill, Hardwick, Gable, Collingsworth & Nelson. Defendants, Spirit Energy, Inc., and Noel Blocker, appear by and through their counsel of record, Blackstock, Joyce, Pollard, Blackstock & Montgomery.

This Court, having reviewed the pleadings on file and having heard the announcement of counsel for all parties that each party stipulates to the entry of judgment against defendant Spirit Energy, Inc., and being fully advised in the premises, finds that plaintiff's Complaint is well founded. This Court further finds that all parties have stipulated to the dismissal of plaintiff's action as against defendant Noel Blocker, with prejudice to the refiling of the same, pursuant to Rule 41(a)(1)(ii), Fed. R. Civ. P.

IT IS THEREFORE ORDERED, ADJUDGED AND DECREED that Plaintiff Revest Corporation is granted judgment in its favor on its claim against defendant Spirit Energy, Inc., for:

(1) the principal sum of $57,750.00;

(2) the further sum of $4,331.25, representing interest from August 1, 1983, until November 1, 1984, on aforesaid principal at a rate of six percent per annum;

(3) additional interest on aforesaid principal at the rate of twelve percent per annum from November 1, 1984 until paid;

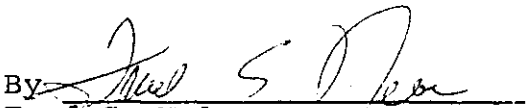
(4) its costs in this action; and

(5) a reasonable attorneys' fee.

United States District Judge

APPROVED AS TO FORM
AND CONTENT:

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



By
Fred S. Nelson
Donald L. Kahl
Orval E. Jones
4100 Bank of Oklahoma Tower
One Williams Center
Tulsa, Oklahoma 74172
(918) 588-2700

ATTORNEYS FOR PLAINTIFF
REVEST CORPORATION

BLACKSTOCK, JOYCE,
POLLARD, BLACKSTOCK
& MONTGOMERY

By
Steven A. Heath
515 South Main, Suite 300
Tulsa, Oklahoma 74103
(918) 588-2751

ATTORNEYS FOR DEFENDANTS
SPIRIT ENERGY, INC., and
NOEL BLOCKER

UNITED STATES DISTRICT COURT FOR THE
NORTHERN DISTRICT OF OKLAHOMA

NOV 7 1984
Jack C. Silver, Clerk
U. S. DISTRICT COURT

UNITED STATES OF AMERICA,	)	
Plaintiff,	)	
vs.	)	
RICHARD E. PAUL,	)	
Defendant.	)	CIVIL ACTION NO. 83-C-661-C

ORDER

Pursuant to the agreement reached by the parties at the pre-trial hearing herein on May 17, 1984, with regard to repayment by the Defendant Richard E. Paul of the overpayment of Veterans' Educational Benefits assessed against him, it is hereby Ordered that the Defendant will pay the sum of $300.00 in six monthly payments of $50.00 each, commencing June 10, 1984, and continuing on the tenth of each month thereafter until paid. Should Defendant fail to make the scheduled payments, a Default Judgment will be entered against him and interest will be charged on the amount remaining unpaid.

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

s/H. DALE COOK
UNITED STATES DISTRICT JUDGE

AGREED AS TO FORM AND CONTENT:

Nancy Nesbitt Blevins
NANCY NESBITT BLEVINS
Assistant United States Attorney

Richard E. Paul
RICHARD E. PAUL

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

JAMES A. WILSON, Plaintiff, vs. UNIONMUTUAL STOCK LIFE INSURANCE COMPANY, Defendant.	)	No. 83-C-414-C

FILED

NOV 7 1984

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

ORDER OF DISMISSAL

On this 7th day of November, 1984, upon written application of parties for an order of dismissal with prejudice of the complaint and all causes of action, the Court having examined said application, finds that said parties have entered into a compromise settlement covering all claims involved in the complaint and have requested the Court to dismiss the complaint with prejudice to any future action, and the Court being fully advised in the premises, finds that said complaint should be dismissed; it is, therefore,

ORDERED, ADJUDGED and DECREED by the Court that the complaint and all causes of action of the Plaintiff filed herein against the Defendant be and the same are hereby dismissed with prejudice to any further action.

s/H. DALE COOK
H. DALE COOK, JUDGE
UNITED STATES DISTRICT COURT

FILED

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

NOV -7 1984

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

DAVE MAHER & ASSOCIATES, INC.; and ROBINSON GLASS CONTRACTING, INC.,	)	
Plaintiffs,	)	
vs.	)	
MIAMI WALL SYSTEMS, INC.,	)	
Defendant.	)	No. 83-C-1050 E

STIPULATION OF DISMISSAL

Plaintiffs and Defendant, pursuant to Fed. R. Civ. P. 41(a)(1)(ii), stipulate that all claims raised by the parties in the above-styled action shall be, and hereby are, dismissed with prejudice, with each party to bear their own costs herein.

Respectfully submitted,

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

By _____
Fred S. Nelson
Donald L. Kahl

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

ATTORNEYS FOR DAVE MAHER & ASSOCIATES, INC. and ROBINSON GLASS CONTRACTING, INC.

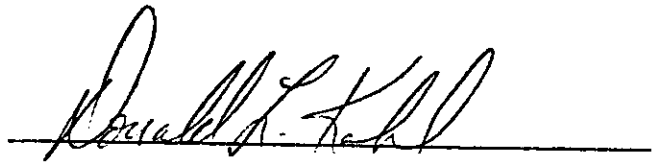
HOUSTON & KLEIN, INC.

By _____
Kevin T. Gassaway
3200 University Tower
1722 South Carson
Tulsa, Oklahoma 74119
(918) 583-2131

ATTORNEYS FOR MIAMI WALL SYSTEMS, INC.

CERTIFICATE OF MAILING

I hereby certify that a true and correct copy of the above and foregoing Stipulation Of Dismissal was, on the 6th day of November, 1984, mailed to Kevin T. Gassaway, at Houston & Klein, Inc., 3200 University Tower, 1722 South Carson, Tulsa, Oklahoma, 74119, with proper postage having been prepaid thereon.



Entered

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

ASSOCIATES COMMERCIAL CORPORATION, a Delaware corporation,	)	
Plaintiff,	)	
v.	)	No. 83-C-100-BT
OIL WEST SUPPLY, INC., an Oklahoma corporation,	)	
Defendant.	)	
and	)	
JERRY ROGERS,	)	
Garnishee.	)	

NOTICE OF DISMISSAL

COMES NOW the Plaintiff, Associates Commercial Corporation, and gives notice that the above-styled civil action is hereby dismissed.

ROBINSON, BOESE, DAVIDSON & SUBLETT

By William C. Connor
William C. Connor
P.O. Box 1046
Tulsa, Oklahoma 74101
918/583-1232
Attorneys for Plaintiff

Certificate of Service

I hereby certify that on the 6th day of November, 1984, a true and correct copy of the above and foregoing document was mailed with proper postage affixed thereon to: Kirk D. Fredickson, James T. Dupre', Fredickson, Merrick & Patton, 2700 First City Place, Oklahoma City, Oklahoma 73102, attorneys for Oil West Supply, Inc., and Jerry Rogers.

William C. Connor
William C. Connor

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

FILED

NOV -6 1984

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

BILL YORK, Plaintiff, vs. BOARD OF COUNTY COMMISSIONERS OF THE COUNTY OF TULSA, ex rel. TULSA METROPOLITAN AREA PLANNING COMMISSION and THE CITY-COUNTY HEALTH DEPARTMENT; and THE CITY OF OWASSO, a Municipal Corporation, Defendants.	)	No. 84-C-821-C

NOTICE OF DISMISSAL

TO: CITY OF OWASSO, a Municipal Corporation

Notice is hereby given that as the above-entitled action was commenced on October 1, 1984, and Defendant, The City of Owasso, a Municipal Corporation, has filed neither an answer nor a motion for summary judgment herein, Plaintiff dismisses the above-entitled action without prejudice.

The clerk of the above-entitled court is requested to enter this dismissal in the records of the Court.

Dated: November 6, 1984.

PARKS & BEARD

BY Curtis A. Parks

CURTIS A. PARKS
1736 South Carson
Tulsa, Oklahoma 74119
918/587-7113

ATTORNEY FOR PLAINTIFF

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

FILED
NOV -6 1984
CLERK, U.S. DISTRICT COURT

LEONA IRENE PIGEON,	)	
	)	
Petitioner,	)	
	)	
v.	)	No. 82-C-615-C
	)	
TED LOGAN, WARDEN,	)	
	)	
Respondent.	)	

O R D E R

The Court has for consideration the Findings and Recommendations of the Magistrate filed October 17, 1984 in which the it is recommended that the Petition for Writ of Habeas Corpus be denied. No exceptions or objections have been filed and the time for filing such exceptions or objections has expired.

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

Petitioner Leona Irene Pigeon brings this action pursuant to 28 U.S.C. § 2254. Petitioner is presently serving a sixty year sentence in the Mabel Bassett Correctional Center, Oklahoma City, Oklahoma pursuant to judgment and sentence of the District Court of Tulsa County, Oklahoma in Case No. CRF-79-731 for Manslaughter in the First Degree. Petitioner was charged with First Degree Murder but was found guilty of the lesser offense by a jury on September 17, 1979. Petitioner perfected her appeal to the Oklahoma Court of Criminal Appeals, which Court issued its opinion in a published opinion in Sartin v. State, 637 P.2d 897

19

(Okl.Cr.1981), affirming the conviction. Thereafter, pursuant to the Oklahoma Post-Conviction Procedure Act, 22 O.S.1981, §1080 et seq., Petitioner filed an Application for Post-Conviction Relief in the District Court of Tulsa County, Oklahoma. On May 6, 1982 the District Court entered its Order denying the application. Petitioner did not appeal the denial of post-conviction relief to the Oklahoma Court of Criminal Appeals.

Petitioner claims the following grounds for habeas relief:

> ... Ground One: 1st degree Manslaughter I was tried for 1st degree Murder,
>
> Supporting facts: ... 1st degree manslaughter wasn't the issue. Counsel wasn't prepared to defend me. The defense was built solely around the 1st degree murder. I never denied being present during the shooting, the defense was based completely on showing the jury there was no robbery. There was no indication from the court that we should prepare a defense for manslaughter.
>
> ... Ground Two: Excessive Punishment. This is my first time in prison and no A.F.C. was filed in this case.
>
> Supporting facts: Sixty years could be considered excessive due to this case being based completely on circumstantial evidence, and the testimony of an admitted liar. Randy Wright was state's key witness and he gave several statements to Police naming himself as the one that fired the gun. Sixty years could be considered cruel and unusual punishment.
>
> ... Ground Three: Right to an Impartial Jury.
>
> Supporting facts: The Jury became prejudice (sic) from reading the news of another charge pending at the time of trial. I was charged with being involved in a sodomy case. The jury was permitted to go home during my trial. The jury also was biased due to the fact, the key state's witness was a sixteen year old boy. The jury convicted me of being an immoral woman, not manslaughter.
>
> ... Ground Four: The "Allen Instruction"
>
> Supporting facts: The "Allen Instruction" has been abandoned in several states because of it's (sic) effect on the jury. In this case it was delivered at such a crucial time that it was deadly. It was delivered at a time when the jury was most vulnerable.

It was 7:30 p.m. They hadn't eaten since the noon meal, it was Friday and they had been in court all week. They were tired. They were deadlocked eleven to one. Under these circumstances the court influenced the verdict by delivering the "Allen Instruction."

[...Ground five:] The introduction of "another crime" denied me the right to a fair trial:

1. During testimony of State's key witness Randy Wright, while being cross examined by District Attorney, told the Jury of "Another Crime", saying "After the shooting, Leona said we had to break into A house because we needed more money And her And Sue ----"" The testimony was interrupted by counsel And District Attorney warned "Don't tell us about Another ---" This statement left several questions unanswered for the Jury. It took a crime from the planning stage to the actual commission of a crime. This testimony left a question as to whether a crime did in fact occur. These questions were never answered in Court.
2. Testimony of State's Witness Robert R. Wright served no purpose other than causing the Jury to become prejudice. This testimony was of An Incident that transpired the night before the Murder, and the Court was unable to link it up or connect it in anyway with the case in question. A phone call And being "lured" away from home, After returning home they found An outside Light bulb missing. Giving the theory of some diabolical plan for A night time crime when in fact it occurred in Mid-Afternoon.

...[Ground Six] This Trial was A Sham And A Mockery To Justice:

One of State's key witness was Mrs. Coy Snyder. The testimony she gave to the Jury was in no relation to statement given Police on th day of the crime. At which time she had to be Hospitalized for a "severe case of nerves". Everything in this testimony was proven to be false. And testimony given by Randy Wright, that I shot this man And took $62.00, when in fact Police found $500.00 in the deceased clothing and $12,000.00 in A desk drawer, should show this Trial was a farce. Randy Wright was A liar by his own admission. And gave numerous statements to Police naming himself as the one that actually fired the gun.

I am a native American and I stood trial at a time when I was warned by counsel that "This is a bad time for an Indian in court." At this time two greatly publicised (sic) cases were still in the news. Gene Leroy Hart and Rita Silk Nauni. Both native Americans, were still very fresh in the mind of the Jury. I was convicted of being Indian and of "bad character." District Attorney's case was based on my marriage and my "character." There was no evidence to convict me otherwise.

On direct appeal the Petitioner asserted the following propositions:

PROPOSITION I

THE DISTRICT COURT'S ALLEN CHARGE UNLAWFULLY COERCED VERDICTS OF GUILTY

PROPOSITION II

IT WAS ERROR TO SUBMIT THE ISSUE OF MANSLAUGHTER IN THE FIRST DEGREE TO THE JURY WHEN THE CASE WAS TRIED AS A FELONY-MURDER

PROPOSITION III

THE DISTRICT COURT ERRED IN INSTRUCTING THE JURY THAT ONE IS PRESUMED TO INTEND THE NECESSARY AND NATURAL CONSEQUENCES OF ONE'S ACTS

PROPOSITION IV

EVIDENCE OF OTHER CRIMES, ALLEGEDLY COMMITTED ON DATES BEFORE AND AFTER THE HOMICIDE, DENIED THE DEFENDANTS A FAIR TRIAL

PROPOSITION V

(This related to Petitioner's co-defendant Sartin)

PROPOSITION VI

THERE WAS INSUFFICIENT EVIDENCE OF "HEAT OF PASSION" TO SUSTAIN MS. PIGEON'S FIRST DEGREE MANSLAUGHTER CONVICTION

In her Petition (Ground One) in the instant case and in her brief on direct appeal (Proposition II), Petitioner claims that it was error to submit the issue of Manslaughter in the First Degree to the jury when the case was tried as a Felony-Murder. In addressing that issue the Oklahoma Court of Criminal Appeals stated:

> The appellant Pigeon, asserts that there was insufficient evidence of "heat of passion" to sustain her conviction of first degree manslaughter. However, it has long been held by this Court that:

> The general rule is that in a prosecution for murder, when the court submits the issue and the jury finds a defendant guilty of first degree manslaughter, although under the law and the facts the crime is murder, yet if the defendant is convicted of a lesser degree of homicide than that shown by the evidence, no prejudice could have resulted to him since the error is in his favor.
>
> Jackson v. State, 84 Okl.Cr. 138, 179 P.2d 924 (1947). Therefore, this assignment of error is without merit.

Sartin v. State, supra, 637 P.2d at 900.

In affirming Petitioner's conviction on direct appeal, the Oklahoma Court of Criminal Appeals relied on Jackson v. State, supra, 637 P.2d at 900. In Jackson the defendant was charged with the crime of Murder in the First Degree, but was convicted of Manslaughter in the Second Degree. The court found that "the evidence in this case tended strongly to prove the killing was premeditated and deliberate, and amply sufficient to support a verdict of murder, ... [b]ut fortunately, for the defendant, the jury in an exercise of mercy or in a mistaken view of the law or the facts, found the defendant guilty of manslaughter in the second degree." Jackson v. State, 179 P.2d 924, 931-32. The Court held that it is "bound by the provisions of § 916 O.S.A. T. 22," which provides that "'[t]he jury may find the defendant guilty of any offense, the commission of which is necessarily included in that with which he is charged, ...'" Id. at 932. The court further held that it is "likewise bound by the decisions of this court construing that section." Ibid. The court further held that "'[i]f any error was committed in finding defendant guilty only of manslaughter in the second degree, it was error of which defendant in this court will not be heard to complain.'" Ibid. (quoting Inman v. State, 22 Okl.Cr. 161, 178,

210 P. 742, 748). See also Berry v. State, 54 Okl.Cr. 154, 18 P.2d 285 (1932); Irby v. State, 18 Okl.Cr. 671, 197 P. 526 (1921); Taylor v. State, 50 Okl.Cr.220, 278 P. 1117 (1929); Seabolt v. State, 59 Okl.Cr.1, 57 P.2d 2781 (1936); Mayberry v. State, 94 Okl.Cr.301, 238 P.2d 362 (1951); Born v. State, 397 P.2d 924 (1965), cert. denied, 379 U.S. 1000 (1965).

Petitioner's contention that her conviction of the lesser included offense of Manslaughter in the First Degree violated her constitutional rights is not supported by the record in this case and should be and is hereby denied.

With respect to her claim of "Excessive Punishment" (Ground Two), Petitioner failed to raise this issue in her direct state appeal. In Holcomb v. Murphy, 701 F.2d 1307 (10th Cir. 1983) the court reviewed the rulings in Fay v. Noia, 372 U.S. 391 (1963), Wainwright v. Sykes, 433 U.S. 72 (1977) and Engle v. Isaacs, 456 U.S. 107 (1982). In Holcomb the Petitioner failed to raise a number of issues in his direct state appeal. The court held:

> We recognize that Rose v. Lundy, Engle v. Isaac, and United States v. Frady, 456 U.S. 152 (1982) ... have severely narrowed the issues cognizable in federal habeas corpus proceedings. Perhaps denying relief when an issue has not been raised in a direct appeal is a logical extension of the holdings of those cases. But absent explicit direction from the Supreme Court we are unwilling to so hold. In our view, Fay v. Noia is still the law and enunciates a broad enough rule to permit federal habeas consideration of issues not raised in a direct appeal.
>
> The trial court here considered the issues that could have been, but were not, raised in the petitioner's direct appeal. The judge made no finding of deliberate bypass, apparently exercising his discretion to treat the issues on their merits as permitted by Fay. See 372 U.S. at 438.

701 F.2d at 1311-12.

In the instant case it appears that Petitioner "deliberately by-passed the orderly procedure of the state courts" in failing to raise the "Excessive Punishment" issue in her direct state appeal and, therefore, this Court may, in its discretion, deny Petitioner relief on this issue. Additionally, the length of sentence is not a federal question since it involves the interpretation of state statutes and does not involve a constitutional question. See Hutto v. Davis, 454 U.S. 370 (1982). In Hutto the court stated:

> The petitioner in Rummel was sentenced to life imprisonment under the Texas recidivist statute upon being convicted of his third felony: obtaining $120.75 by false pretenses. He had previously been convicted of passing a forged check in the amount of $28.36, and of fraudulently using a credit card to obtain $80 worth of goods or services. 445 U.S., at 265-66. Like the respondent in this case, Rummel argued that the length of his imprisonment was so "grossly disproportionate" to the crime for which he was sentenced that it violated the ban on cruel and unusual punishment of the Eighth and Fourteenth Amendments. In rejecting that argument, we distinguished between punishments -- such as the death penalty -- which by their very nature differ from all other forms of conventionally accepted punishment, and punishments which differ from others only in duration. This distinction was based upon two factors. First, this "Court's Eighth Amendment judgments should neither be nor appear to be merely the subjective views of individual Justices." Id., at 275. And second, the excessiveness of one prison term as compared to another is invariably a subjective determination, there being no clear way to make "any constitutional distinction between one term of years and a shorter or longer term of years." Ibid. Thus, we concluded that "one could argue without fear of contradiction by any decision of this Court that for crimes concededly classified and classifiable as felonies, ... the length of the sentence actually imposed is purely a matter of legislative prerogative." Id., at 274. Accordingly, we held that Rummel's life sentence did not violate the constitutional ban on cruel and unusual punishment.

Id. at 372-73.

Petitioner's claim based on "Excessive Punishment" should be and is hereby denied.

The only issue raised in Plaintiff's direct appeal of those issues asserted under Grounds Three and Five of her Petition was the "Fair Trial" issue based on the testimony of Randy Wright concerning the commission of another crime. In addressing this issue, the Oklahoma Court of Criminal Appeals stated as follows:

> As their fourth assignment of error the appellants rely upon Burks v. State, 594 P.2d 771 (Okl.Cr.1979), and allege that evidence of other crimes was introduced at trial which denied them a fair trial. In the questioning of R.W. by the prosecutor, who was seeking to establish that the felony of robbery occurred during the murder of Mr. Parks, (footnote omitted) the following colloquy took place:
>
> MR. BAKER: Was there any more discussion about money on the trip to Arkansas?
>
> R.W.: Well, Leona said we had to break into a house because we needed more money and her and Sue --
>
> MR. MEFFORD: I'll object to this as being highly prejudicial, not having anything to do with the case.
>
> THE COURT: Will counsel --
>
> MR. BAKER: Don't tell us about another -- let me rephrase my question.
>
> MR. MEFFORD: Ask that the Court admonish the jury to disregard the voluntary statement of counsel.
>
> MR. BAKER: I'll withdraw the question.
>
> The record itself negates the assertion that the prosecutor purposely introduced evidence of another crime; he was obviously as surprised as anyone else when the witness blurted out his statement. Therefore, this situation is distinguishable from the purposeful introduction of evidence of "other crimes" that was condemned in Burks, supra, and the argument is meritless.

The other contentions asserted on the "Impartial Jury" and "Fair Trial" claims are the jury's alleged knowledge through news accounts of prejudicial information with respect to Petitioner; that Randy Wright was only 16 years old, had confessed that he shot the victim, and was an admitted liar; that Petitioner was a "Native American"; and that the jury was not sequestered during the trial and its deliberations following instructions by the Court. None of these claims were raised by Petitioner in her state direct appeal. Because Petitioner "deliberately by-passed the orderly procedure of the state courts" this Court should, in its discretion, deny Petitioner's claims of alleged violation of her constitutional rights based on those claims not raised in her direct appeal. Fay v. Noia, supra, 372 U.S. at 438; Holcomb v. Murphy, supra, 701 F.2d at 1312.

Additionally, the record simply does not support Petitioner's contention that she did not receive a fair trial from an impartial jury.

On the sequestration issue, "the decision to sequester the jury lies within the sound discretion of the trial court." Baldwin v. Blackburn, 653 F.2d 942, 948 (5th Cir. 1981) (citing Mastrain v. McManus, 554 F.2d 813, 818 (8th Cir. 1977), cert. denied, 433 U.S. 913 (1977) (denial of motion to sequester jury in first degree murder case; no state requirement involved).

With respect to the issue of the credibility of the State's chief witness, Randy Wright, "it is for the jury to finally consider the weight to be given to the evidence and the credi-

bility of witnesses." United States v. Peters, 625 F.2d 366, 369 (10th Cir. 1980) (citing Madrid v. Mine Safety Appliance Co., 486 F.2d 856, 858 (10th Cir. 1973)).

The Petitioner's claim that her constitutional rights were violated based on Grounds Three and Five ("Impartial Jury" and "Fair Trial" issues) is without merit and should be and is hereby denied.

Likewise for the reasons stated in connection with Grounds Three and Five, Petitioner's claim that "This Trial Was A Sham And A Mockery to Justice" (Ground Six) should be and is hereby denied.

As to Petitioner's claim based on the "Allen Instruction" (Ground Four) (Proposition I in her direct appeal), the Oklahoma Court of Criminal Appeals addressed that issue as follows:

> As their first assignment of error the appellants allege that the district court's Allen charge unlawfully coerced the verdicts of the jury. The Allen instruction was given after the jury had deliberated for approximately four (4) hours and was deadlocked eleven (11) to one (1). "Allen instructions have previously been upheld by this Court under circumstances of an apparent deadlocked jury. However, the trial court must carefully avoid any coercion." See, Day v. State, 620 P.2d 1318 (Okl.Cr. 1980); and, Glaze v. State, 565 P.2d 710 (Okl.Cr.1977). In the present case the court, in its instruction, emphasized twice that "... [N]o juror should surrender his conscientious convictions; and a verdict arrived at and to which a juror agrees must be his own verdict, the result of his own convictions, and not a mere acquiescence in the conclusions of other jurors." (OR 74) The Allen instruction was proper and not coercive; therefore, this assignment of error is without merit.

637 P.2d at 898.

In United States v. Brunetti, 615 F.2d 899 (10th Cir. 1980) the court stated:

> Complaint is also made on appeal to the Allen charge which the trial court gave the jury during the course of its deliberations. We find no error in this

> regard. Much has been written about the Allen charge. We shall not repeat it here. The instruction given here was similar in content to the ones given in United States v. Dyba, 554 F.2d 417 (10th Cir.) cert. denied, 434 U.S. 830, 98 S.Ct. 111, 54 L.Ed.2d 89 (1977) and Munroe v. United States, 424 F.2d 243 (10th Cir. 1970). The instructions given in Dyba and Munroe were held not to constitute error.

Id. at 903.

Petitioner's claim based on the giving of the "Allen Instruction" is without merit and should likewise be and is hereby denied.

With respect to Petitioner's claim of "ineffective assistance of counsel," Petitioner states in Ground One of her Petition, inter alia, that "Counsel wasn't prepared to defend [her]" on "1st degree manslaughter". Petitioner states in her "Response" filed July 22, 1983 that the "Attorney for the defense was shown to be incompetent in his Trial strategy"; that he "prepared his defense in the sole interest of only one of his clients [Sartin]"; that "Petitioner was persuaded to testify in her own defense, to assure leniency for Co-defendant (Helena Sartin)"; that "Ms. Sartin was refused by Mr. Mefford to testify in the defense of Petitioner"; that "[t]his action alone assured the Petitioner an unfair Trial"; and that "Trial counsel did not exercise the skill, judgment and diligence of a competent defense attorney."

The "ineffective assistance of counsel" issue was not raised by Petitioner in her state direct appeal. Because Petitioner "deliberately by-passed the orderly procedure of the state courts" this Court may, in its discretion, deny Petitioner's claims of alleged violation of her constitutional rights based on the "ineffective assistance of counsel" issue. Fay v. Noia,

supra, 372 U.S. at 438; Holcomb v. Murphy, supra, 701 F.2d at 1312. Additionally, a review of the complete record in the instant case does not support Petitioner's claim that her constitutional rights were violated based on "ineffective assistance of counsel." See Strickland v. Washington, No. 82-1154, 52 U.S.L.W. 4565 (decided May 14, 1984) (Defendant must show that there is a reasonable probability that, but for counsel's unprofessional errors, the result of the proceeding would have been different. A reasonable probability is a probability sufficient to undermine confidence in the outcome.) See also United States v. Cronic, No. 82-660, 52 U.S.L.W. 4560 (decided May 14, 1984).

Accordingly, Petitioner's Petition for Writ of Habeas Corpus is denied.

It is so Ordered this 5th day of November, 1984.

H. DALE COOK
CHIEF JUDGE

UNITED STATES DISTRICT COURT FOR THE
NORTHERN DISTRICT OF OKLAHOMA

UNITED STATES OF AMERICA,	)	
Plaintiff,	)	
vs.	)	
CHARLES M. GREENWOOD,	)	
Defendant.	)	CIVIL ACTION NO. 83-C-664-C

ORDER OF DISMISSAL

Now on this 5th day of November, 1984, it appears that the Defendant in the captioned case has not been located within the Northern District of Oklahoma, and therefore attempts to serve him have been unsuccessful.

IT IS THEREFORE ORDERED that the Complaint against Defendant, Charles M. Greenwood, be and is dismissed without prejudice.

s/H. DALE COOK
UNITED STATES DISTRICT JUDGE

FILED

IN THE UNITED STATES DISTRICT COURT FOR NOV 6 1984

NORTHERN DISTRICT OF OKLAHOMA Jack C. Silver, Clerk
U. S. DISTRICT COURT

MID-AMERICA GAS LINE CORPORATION, Plaintiff,	)	
v.	)	No. 82-C-1095E
EMPIRE PIPELINE CORPORATION, Defendant.	)	

ORDER

This matter comes on for consideration upon the Joint Stipulation for Dismissal with Prejudice filed by the parties. The Court, being fully advised in the premises, finds that a dismissal of this action is in the best interest of justice and an Order should be issued dismissing the above styled and numbered cause of action with prejudice to later refiling.

IT IS THEREFORE ORDERED, ADJUDGED AND DECREED that the Joint Stipulation for Dismissal with Prejudice, be and the same is hereby accepted, and the above styled and numbered cause of

action is hereby dismissed in all respects with prejudice to later refiling.

Dated: ~~October~~ November 5, 1984.

S/ JAMES O. ELLISON
JAMES O. ELLISON
United States District Judge

APPROVED AS TO FORM AND CONTENT:

HOUSTON & KLEIN, INC.

IRA L. EDWARDS, JR.
3200 University Club Tower
Tulsa, Oklahoma 74101
(918) 583-2131
Attorney for Mid-America Gas Line Corporation

PRAY, WALKER, JACKMAN, WILLIAMSON & MARLAR

RONALD S. GRANT
2200 Fourth National Bldg.
Tulsa, Oklahoma 74119
(918) 584-4136
Attorney for Empire Pipeline Corporation

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

Entered

LARRY LYNN RAIBOURN and SHIRLEY ANN RAIBOURN, individually and as parents of LARRY MATTHEW RAIBOURN, a minor,	)	NO. 83-C-688-B
Plaintiffs,	)	
v.	)	
NATIONAL CHILD CARE CENTERS, INC.,	)	
Defendant.	)	

FILED
NOV - 6 1984
JACK C. SILVER, CLERK
U.S. DISTRICT COURT
NORTHERN DISTRICT OF OKLAHOMA

AMENDED JUDGMENT

In keeping with the Court's Order of September 27, 1984, and the plaintiffs' acceptance of remittitur, filed November 2, 1984, the Courty hereby orders the judgment of April 26, 1984, vacated, and enters judgment in favor of plaintiffs, Larry Lynn Raibourn and Shirley Ann Raibourn, individually and as parents of Larry Matthew Raibourn, a minor, and against defendant, National Child Care Centers, Inc., and awards damages as follows: $6,272.91 in actual damages to the parents, Larry Lynn Raibourn and Shirley Ann Raibourn, $30,000.00 in actual damages to the minor child, Larry Matthew Raibourn, and $100,000.00 in punitive damages to the minor child, Larry Matthew Raibourn. The Court also awards costs in the amount of $1,593.30 in favor of plaintiffs and against defendant. Pre-judgment interest on the actual damage awards is ordered at the rate of 15% per annum, in keeping with 12 Okl.St.Ann. §727. Post judgment interest on the actual and punitive damage awards is

ordered at 10.33% per annum, the current coupon yield rate, in keeping with 28 U.S.C. §1961.

ENTERED this 6th day of November, 1984.

THOMAS R. BRETT
UNITED STATES DISTRICT JUDGE

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

FILED

NOV 6 1984

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

JAMES ELLIS COX, Executor of the Dorothy Louise Wilson Estate,	)	
Plaintiff,	)	
vs.	)	
HARTFORD CASUALTY INSURANCE COMPANY, a corporation,	)	
Defendant.	)	NO. 84-C-775-E

ORDER

Now on this 5th day of November, 1984, upon the joint application of the parties hereto, the plaintiff's Second Cause of Action against the defendant is hereby ordered dismissed with prejudice.

[illegible]

U. S. DISTRICT COURT JUDGE

Entered

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

KSM FASTENING SYSTEMS INC., a New Jersey corporation,	)	
Plaintiff,	)	
vs.	)	No. 84-C-611-B
REFRACTORY ANCHORS INC., an Oklahoma Corporation and JOHN ALEXANDER, an individual,	)	
Defendants.	)	

NOTICE OF DISMISSAL

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

Dated this 21 day of November, 1984.

Maynard I. Ungerman, OBA #9157
Attorney for Plaintiff

Ungerman, Conner & Little
P. O. Box 2099
Tulsa, Oklahoma 74101
(918) 745-0101

OF COUNSEL:

Charles F. Duffield
Norman E. Lehrer
DUFFIELD & LEHRER
Suite 218, 409 Route 70 East
Cherry Hill, New Jersey 08034
(609) 428-3400

LAW OFFICES
UNGERMAN, CONNER & LITTLE
MIDWAY BLDG.
2727 EAST 21 ST.
SUITE 400
P. O. BOX 2099
TULSA, OKLAHOMA
74101

CERTIFICATE OF MAILING

I, the undersigned, do hereby certify that I mailed a true and correct copy of the above and foregoing Notice of Dismissal to the attorney for Refractory Anchors, Inc., Darrell E. Williams, 5416 South Yale, Suite 202, Tulsa, Oklahoma 74135, and to John Alexander, c/o Refractory Anchors, Inc., 812 W. Elgin, Broken Arrow, Oklahoma 74012, with sufficient postage duly affixed thereon this 5th day of November, 1984.

Maynard I. Ungerman

Entered

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

Filed 11-5-84

PETER NIKWEI, TAIWO ABESON, KEVIN VORGMAN, OMOTAYO OLUWADAISI, CHUCWUDIKE CHYKE WOGU, AKEEM ADIO, FRANSON UCHE, VICTOR A. ENNI and FREDERICK HERBERT GLINTON,	)	
Plaintiffs,	)	
vs.	)	No. 84-C-149-E
ROSS SCHOOL OF AVIATION, INC., an Oklahoma Corporation, and RUDOLPH G. BABCOCK,	)	
Defendants.	)	

O R D E R

This matter having come on for hearing on this 19th day of October, 1984, upon the Court's Order setting this matter for hearing on the issue of punitive damages against the defendants herein, and the plaintiffs having moved for an Order directing the Clerk of this Court to enter the default of the defendants herein, Ross School of Aviation, Inc., and Rudolph G. Babcock in this action and granting to the remaining plaintiffs herein judgment against the defendants herein for substantial punitive damages.

The Court having examined the files and records in this case and having previously heard the oral testimony of witnesses sworn and examined in open Court, having fully considered the evidence, and being fully advised in the premises, finds:

That all material allegations contained in plaintiffs' Complaint are true;

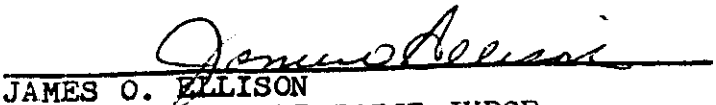
That the defendants herein, Ross School of Aviation, Inc., an Oklahoma corporation and Rudolph G. Babcock, its President and Director, traveled to Nigeria, inorder to solicit funds and students for Ross School of Aviation, Inc. for educational expenses and pre-paid living expenses which sums were paid to the defendants herein; that the education and funds for living expenses were not furnished as agreed by the defendants herein to these remaining plaintiffs herein; that the actions of the defendants herein, Ross School of Aviation Inc. and Rudolph G. Babcock were oppressive, malicious, fraudulent and wanton, and lends itself to an award for substantial punitive damages against the defendants herein to serve as an example to these defendants herein, it is

ORDERED, that the Clerk of this Court enter the default of the defendants herein, Ross School of Aviation, Inc. and Rudolph G. Babcock pursuant to this Order, and it is further

ORDERED, that the remaining plaintiffs herein have and recover judgment against the defendants herein, Ross School of Aviation, Inc. and Rudolph G. Babcock, in the sum of one hundred fifty thousand dollars ($150,000.00), with post-judgment interest at the rate of 10.33% per annum, together with plaintiffs' costs and disbursements.

It is so ordered.

DATED this 1st day of ~~October~~ November, 1984.



JAMES O. ELLISON
UNITED STATES DISTRICT JUDGE

Entered

FILED

NOV - 5 1984

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

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

ROSCOE LARRETT MORRIS,	)	
Petitioner,	)	
vs.	)	No. 84-C-320-E
PETER A. DOUGLAS, et al.,	)	
Respondents.	)	

ORDER

This Petition for a writ of habeas corpus is before this Court upon a Motion of Respondents to dismiss for failure to exhaust state remedies. Petitioner freely admits that parts of his complaint have not been presented to the state courts. Petitioner argues that the state denied his petition for post-conviction relief because it was out of time. He claims that his right to appeal has been violated, because the orders denying his application were not received by him until the time limit to perfect an appeal had expired. However, he has never given the state courts the opportunity to review this claim.

"A district court must dismiss such 'mixed petitions' leaving the petitioner with the choice of returning to state court to exhaust his claims or of amending or resubmitting the habeas petition to present only exhausted claims to the district court." Rose v. Lundy, 455 U.S. 509 (1982). A rigorously enforced exhaustion policy is necessary to serve the end of protecting and promoting the state's role in resolving the constitutional issues raised in federal habeas petitions.

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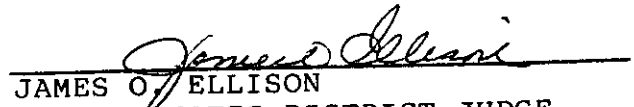
Naranjo v. Ricketts, 696 F.2d 83 (10th Cir. 1982).

IT IS THEREFORE ORDERED AND ADJUDGED that Defendants' Motion to Dismiss for failure to exhaust state remedies be and the same is hereby granted.

ORDERED this 1ST day of ~~October~~ NOVEMBER, 1984.



JAMES O. ELLISON
UNITED STATES DISTRICT JUDGE

13

FILED

NOV - 5 1984

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

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

CHARLES J. BONSACK, Petitioner, vs. THE ATTORNEY GENERAL OF THE STATE OF OKLAHOMA, et al., Respondents.	)	No. 83-C-972-E

ORDER

Pursuant to the Order of this Court entered the 14th day of September, 1984, and in view of Petitioner's failure to attempt to obtain service of the Supplement to Habeas Corpus Petition upon Respondents within the required time, the Court hereby orders that Petitioner's Supplemental Petition is dismissed.

It is so ORDERED this 2nd day of ~~October~~ November, 1984.

JAMES O. ELLISON
UNITED STATES DISTRICT JUDGE

13

Entered

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

NOV - 5 1984

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

GEORGE A. GILICINSKI, Plaintiff,	)	
v.	)	No. 83-C-787-B
PETROLITE CORPORATION, a foreign corporation; and TOBY R. GRAVES, Defendants.	)	

STIPULATION OF DISMISSAL WITH PREJUDICE

COME NOW George A. Gilicinski, Petrolite Corporation and Toby R. Graves, the sole parties to this litigation, and pursuant to Rule 41 of the Fed.R.Civ.P., hereby stipulate that this action is dismissed WITH PREJUDICE. The parties hereto further stipulate that they shall bear their own respective costs and attorneys' fees incurred in this action.

DATED this 29th day of October, 1984.

James R. Gotwals
(OBA No. 3499)
507 South Main, Suite 201
Tulsa, Oklahoma 74103
(918) 599-7088
Attorney for the Plaintiff
George A. Gilicinski

George A. Gilicinski, Plaintiff

DOERNER, STUART, SAUNDERS,
DANIEL & ANDERSON

Robert F. Biolchini (OBA No. 800)
Linda C. Martin (OBA No. 5732)
Charles S. Plumb (OBA No. 7194)

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

Attorneys for Defendants Petrolite Corporation and Toby R. Graves

PETROLITE CORPORATION

By: _____

Its: Sen. Vice President

Defendant

_____
Toby R. Graves

Defendant

Entered

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

JOHN STEVEN DELFRATE,	)	
Plaintiff,	)	
vs.	)	No. 84-C-698-E
FRANK THURMAN, SHERIFF OF TULSA COUNTY AND B. J. WHITWORTH, SHERIFF OF CREEK COUNTY,	)	
Defendants.	)	

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O R D E R

There being no response to the Defendant Frank Thurman'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 has therefore waived any objection or opposition to the motion. See Woods Constr. Co. v. Atlas Chemical Indus., Inc., 337 F.2d 888, 890 (10th Cir. 1964).

The Defendant Frank Thurman's motion to dismiss is therefore granted.

DATED this 1ST day of ~~October~~ NOVEMBER, 1984.

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

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P

Entered

FILED

NOV - 5 1984

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

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

AUDREY L. DEATHERAGE, Plaintiff,	)	
v.	)	83-C-709-E
MARGARET M. HECKLER, SECRETARY OF HEALTH AND HUMAN SERVICES, Defendant.	)	

O R D E R

The Court has for consideration the Findings and Recommendations of the Magistrate filed on October 16, 1984 in which it is recommended that Plaintiff's claim for disability insurance benefits be denied. No exceptions or objections have been filed and the time for filing such exceptions or objections has expired.

After careful consideration of the 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 Judgment be entered for the Defendant denying Plaintiff's claim for disability insurance benefits under the Social Security Act.

It is so Ordered this 1st day of November, 1984.

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

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FILED

NOV - 5 1984

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

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

UNITED STATES OF AMERICA, Plaintiff, vs. ED WALLACE KIMBROUGH and DAISY L. KIMBROUGH, husband and wife; MARVA JO WALDRON, a single person; FIDELITY FINANCIAL SERVICES, an Oklahoma corporation; BENEFICIAL FINANCE OF OKLAHOMA, a Delaware County corporation; SAFEWAY TULSA EMPLOYEES FEDERAL CREDIT UNION; COUNTY TREASURER, Tulsa County, Oklahoma; and BOARD OF COUNTY COMMISSIONERS, Tulsa County, Oklahoma, Defendants.	)	No. 84-C-596-E

ORDER

This cause came on to be heard on defendant, Safeway Tulsa Employees Federal Credit Union's, Motion for a voluntary dismissal of its Couter-Claim, and after due deliberation the Court orders that said Counter-Claim is dismissed without prejudice.

DATED November 2, 1984.

S/ JAMES O. ELLISON

JAMES O. ELLISON, United States District Judge

Entered

UNITED STATES DISTRICT COURT FOR THE
NORTHERN DISTRICT OF OKLAHOMA

SHELBY E. SALTSMAN,	)	
Plaintiff,	)	
vs.	)	
MARGARET M. HECKLER, Secretary of Health and Human Services of the United States of America,	)	
Defendant.	)	CIVIL ACTION NO. 84-C-144-B

O R D E R

The Court hereby finds 1) that this action[1] was pending before this Court on September 19, 1984; and 2) that this action raises the issue of whether an individual who has had his/her entitlement to benefits under Title II, XVI, or XVIII of the Social Security Act based on disability terminated (or period of disability ended) should not have had such entitlement terminated (or period of disability ended) without consideration of whether there has been medical improvement in the condition of such individual (or another individual on whose disability such entitlement is based) since the time of a prior determination that the individual was under a disability.

Accordingly, it is this 5th day of November, 1984, ORDERED that this action be and hereby is remanded to the Secretary of Health and Human Services pursuant to Section 2 of

[1] Plaintiff's Social Security Number is 448-46-1952.

the Social Security Disability Benefits Reform Act of 1984 for review in accordance with the provisions of the Social Security Act as amended by Section 2 of the Social Security Disability Benefits Reform Act of 1984.

S/ THOMAS R. BRETT

UNITED STATES DISTRICT JUDGE

Entered

IN THE UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF OKLAHOMA

NOV 5 1984
Jack C. Silver, Clerk
U. S. DISTRICT COURT

SPRINGDALE FARMS, INC., an Arkansas Corporation, Plaintiff,	)	
vs.	)	No. 84-C-45-B
OMAR RUMSEY, d/b/a NORTH FORTY MEATS, Defendant.	)	

NOTICE OF DISMISSAL WITHOUT PREJUDICE

COMES NOW the Plaintiff, by Bill Barksdale, its attorney, and hereby dismisses the above captioned action without prejudice.

RAINEY, BARKSDALE & BARKSDALE
316 McCulloch Bldg., Box 1366
Okmulgee, Oklahoma 74447
(918) 756-0900

BY Bill Barksdale
Bill Barksdale
Attorney for Plaintiff

RAINEY, BARKSDALE AND BARKSDALE
ATTORNEYS AT LAW
316 McCULLOCH BUILDING P. O. BOX 1366
OKMULGEE, OKLAHOMA 74447
(918) 756-0900

Entered

UNITED STATES DISTRICT COURT FOR THE
NORTHERN DISTRICT OF OKLAHOMA

UNITED STATES OF AMERICA,	)	
Plaintiff,	)	
vs.	)	
PAUL J. DICK,	)	
Defendant.	)	CIVIL ACTION NO. 83-C-954-B

ORDER OF DISMISSAL

Now on this 5th day of November, 1984, it appears that the Defendant in the captioned case has not been located within the Northern District of Oklahoma, and therefore attempts to serve Paul J. Dick have been unsuccessful.

IT IS THEREFORE ORDERED that the Complaint against Defendant, Paul J. Dick, be and is dismissed without prejudice.

S/ THOMAS R. BRETT
UNITED STATES DISTRICT JUDGE

Firm #21

FILED
NOV - 2 1984
Jack C. Silver, Clerk
U. S. DISTRICT COURT

IN THE UNITED STATES DISTRICT COURT,
NORTHERN DISTRICT OF OKLAHOMA

SOUTHWESTERN BELL TELEPHONE COMPANY, a Missouri Corporation,	)	
Plaintiff,	)	
vs.	)	Case No. 83-C-786-B
C. WATTS CONSTRUCTION COMPANY, INCORPORATED,	)	
Defendant.	)	

ORDER OF DISMISSAL

ON This 2nd day of November, 1984, upon the written application of the parties for 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 Complaints 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.

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

APPROVAL:

RAAL H. ROOS, Plaintiff's Attorney

RICHARD D. WAGNER, Defendant's Attorney

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

FILED
NOV - 2 1984
Jack C. Silver, Clerk
U. S. DISTRICT COURT

BILLY J. C. INGRAM, and MARSALETE INGRAM, Plaintiffs,	)	
vs.	)	No. 83-C-890-B
FIBREBOARD CORPORATION, et al, Defendants.	)	

ORDER OF DISMISSAL

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

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

Thomas R. Brett

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

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APPROVED:

Mark H. Iola
Attorney for Plaintiffs

Donald Church
Attorney for Defendant,
Nicolet, Inc.

FILED

NOV - 2 1984

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

IN THE UNITED STATES DISTRICT COURT FOR THE

NORTHERN DISTRICT OF OKLAHOMA

BIGHEART PIPELINE CORPORATION, an Oklahoma Corporation,	)	
Plaintiff	)	
v.	)	CIVIL NO. 83-C-891-B
THE UNITED STATES OF AMERICA, (INTERNAL REVENUE SERVICE); HOMESTEAD OIL COMPANY, INC.; HIS INDUSTRIES, INC.; DUNCAN PETROLEUM, CORE ENERGY, INC.; DELORES BRIGHTWELL; HERMAN WILSON; and CHARLES DUGGAR,	)	
Defendants	)	

JUDGMENT

Pursuant to the Order of this Court, entered in the above-entitled interpleader action on October 18, 1984, sustaining the motion of the defendant, United States of America, for summary judgment, it is hereby

ORDERED, ADJUDGED, and DECREED that the Clerk of the Court pay to the United States of America, from the funds on deposit in the Registry of the Court in this action, the sum of $26,461.28, plus accrued interest. The Clerk of the Court is hereby directed to make the aforesaid payment to the United States of America by check, payable to the "Internal Revenue Service", upon the maturing of the Certificate of Deposit, unless the Court has entered an order prior to that time concerning the filing of supersedeas bond under Rule 62, Federal Rules of Civil Procedure; it is further

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ORDERED, ADJUDGED, and DECREED that all claims of the remaining defendants against the plaintiff, Bigheart Pipeline Corporation, relating to the funds interpled herein are hereby dismissed with prejudice.

This is a final judgment.

ENTERED this 2nd day of November, 1984.

UNITED STATES DISTRICT JUDGE

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

In Re HOME-STAKE PRODUCTION COMPANY SECURITIES LITIGATION	M.D.L. Docket No. 153
ARTHUR ANDERSEN & CO., Plaintiff, -vs- SIMPSON, THACHER & BARTLETT, et al., Defendants.	82-C-662-C ORDER AND FINAL JUDGMENT

FILED
NOV - 1 1984
Jack C. Silver, Clerk
U. S. DISTRICT COURT

A Stipulation of Settlement dated November 2, 1983 having been entered into by certain parties in actions entitled Luce, et al. v. Arthur Andersen & Co., Civil Action No. 75-C-431 and Anton, et al. v. Home-Stake Production Company, et al., Civil Action No. 74-C-227, which actions have been consolidated for pre-trial purposes together with the above-captioned action in In Re Home-Stake Production Company Securities Litigation, M.D.L. Docket No. 153;

And the dismissal of the above-captioned action by plaintiff with prejudice as against all defendants being a condition of such Stipulation of Settlement;

And the plaintiff and defendants herein having released any and all claims, counterclaims or cross-claims

they have asserted or presently are asserting against each other;

And the Court having expressly determined that there is no just reason for delay in the entry of final judgment, and that a final judgment should be entered as, and be deemed, a final judgment in accordance with Fed.R.Civ.P. 54(b),

IT IS HEREBY ORDERED, ADJUDGED AND DECREED:

1. The complaint in the above-captioned action is hereby dismissed in its entirety as against all defendants and with prejudice to the plaintiff, each party to bear his own costs.

2. To the extent that any defendant has asserted or presently is asserting a counterclaim or cross-claim against plaintiff, such counterclaims or cross-claims are hereby dismissed with prejudice, each party to bear his own costs.

Dated: Tulsa, Oklahoma
Oct. 31, 1984

H. Dale Cook
United States District Judge

JUDGMENT ENTERED:

Jack C. Silver, Clerk

Clerk

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

In Re HOME-STAKE PRODUCTION COMPANY SECURITIES LITIGATION	M.D.L. Docket No. 153
MORRELL H. BLESH, et al., Plaintiffs, -vs- HOME-STAKE PRODUCTION CO., et al., Defendants.	74-C-225 ORDER AND FINAL JUDGMENT

FILED

NOV - 1 1984

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

A Stipulation of Settlement dated December 23, 1983, having been entered into by certain parties herein, and the Court having expressly determined that there is no just reason for delay in the entry of final judgment, and that a final judgment should be entered as, and be deemed, a final judgment in accordance with Fed.R.Civ.P. 54(b),

And the defendants set forth in Appendix A hereto having expressly denied any liability and any wrongdoing of any description or any deficiencies, faults, errors or omissions of any nature whatsoever; having entered into the Stipulation of Settlement solely for the purpose of terminating this litigation as to them and to avoid the cost, expense and effort required to continue to participate in such complex and protracted

litigation; and not admitting or conceding the validity of any of the claims asserted against them, any liability to any of the plaintiffs or others, or any wrongdoing, deficiencies, faults, errors or omissions of any nature whatsoever,

IT IS HEREBY ORDERED, ADJUDGED AND DECREED:

1. The complaint in the above-captioned action is hereby dismissed in its entirety as against each of the defendants set forth in Appendix A hereto and with prejudice to the plaintiffs, each party to bear his own costs.

2. To the extent that any of the defendants whose names are set forth in Appendix A hereto has asserted or presently is asserting a counterclaim or cross-claim against any plaintiff, any defendant set forth in Appendix A, any party to this action as against whom this multi-district litigation was dismissed with prejudice by Order of this Court dated October 28, 1982, or Arthur Andersen & Co., or to the extent that any such defendant set forth in Appendix A, previously dismissed party or Arthur Andersen & Co. has asserted or is presently asserting a counterclaim or cross-claim against any defendant set forth in Appendix A, such counterclaims or cross-claims are hereby dismissed with prejudice, each party to bear his own costs.

3. Jurisdiction is hereby reserved by the Court over the consummation of the compromise and settlement provided

for in the Stipulation of Settlement and all matters related thereto.

Dated: Tulsa, Oklahoma
Oct. 31, 1984

s/H. DALE COOK

H. Dale Cook
United States District Judge

JUDGMENT ENTERED:

Jack C. Silver, Clerk

Clerk

APPENDIX A

Thomas A. Landrith

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

In Re HOME-STAKE PRODUCTION COMPANY SECURITIES LITIGATION	M.D.L. Docket No. 153
MORRELL H. BLESH, et al., Plaintiffs, -vs- HOME-STAKE PRODUCTION CO., et al., Defendants.	74-C-224 ORDER AND FINAL JUDGMENT

FILED

NOV - 1 1984

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

A Stipulation of Settlement dated December 23, 1983, having been entered into by certain parties herein, and the Court having expressly determined that there is no just reason for delay in the entry of final judgment, and that a final judgment should be entered as, and be deemed, a final judgment in accordance with Fed.R.Civ.P. 54(b),

And the defendants set forth in Appendix A hereto having expressly denied any liability and any wrongdoing of any description or any deficiencies, faults, errors or omissions of any nature whatsoever; having entered into the Stipulation of Settlement solely for the purpose of terminating this litigation as to them and to avoid the cost, expense and effort required to continue to participate in such complex and protracted

litigation; and not admitting or conceding the validity of any of the claims asserted against them, any liability to any of the plaintiffs or others, or any wrongdoing, deficiencies, faults, errors or omissions of any nature whatsoever,

IT IS HEREBY ORDERED, ADJUDGED AND DECREED:

1. The complaint in the above-captioned action is hereby dismissed in its entirety as against each of the defendants set forth in Appendix A hereto and with prejudice to the plaintiffs, each party to bear his own costs.

2. To the extent that any of the defendants whose names are set forth in Appendix A hereto has asserted or presently is asserting a counterclaim or cross-claim against any plaintiff, any defendant set forth in Appendix A, any party to this action as against whom this multi-district litigation was dismissed with prejudice by Order of this Court dated October 28, 1982, or Arthur Andersen & Co., or to the extent that any such defendant set forth in Appendix A, previously dismissed party or Arthur Andersen & Co. has asserted or is presently asserting a counterclaim or cross-claim against any defendant set forth in Appendix A, such counterclaims or cross-claims are hereby dismissed with prejudice, each party to bear his own costs.

3. Jurisdiction is hereby reserved by the Court over the consummation of the compromise and settlement provided

for in the Stipulation of Settlement and all matters related thereto.

Dated: Tulsa, Oklahoma
Oct 31, 1984

s/H. DALE COOK

H. Dale Cook
United States District Judge

JUDGMENT ENTERED:

Jack C. Silver, Clerk

Clerk

APPENDIX A

Thomas A. Landrith

UNITED STATES DISTRICT COURT FOR THE
NORTHERN DISTRICT OF OKLAHOMA

FILED

NOV - 1 1984

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

UNITED STATES OF AMERICA,	)	
	)	
Plaintiff,	)	
	)	
vs.	)	
	)	
MILTON R. HORNSBY,	)	
	)	
Defendant.	)	CIVIL ACTION NO. 84-C-216-C

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 1st day of November, 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 1st day of November, 1984, a true and correct copy of the foregoing was mailed, postage prepaid thereon, to:

Milton R. Hornsby
7934 E. 59 Place
Tulsa, OK. 74145

Nancy Nesbitt Blevins
Assistant United States Attorney

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

FILED

NOV - 1 1984

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

ROBERTA ANN McMURRAY, Executrix of the Estate of DENNIS RAY McMURRAY, Deceased,	)	
Plaintiff,	)	
vs.	)	No. 83-C-1055-C
DEERE AND COMPANY, INC., a Delaware Corporation,	)	
Defendant.	)	

JOURNAL ENTRY OF JUDGMENT

This matter came on for jury trial on the 16th day of October, 1984, before the undersigned Judge. Plaintiff was present and represented by her attorneys of record, Floyd Walker and Ronald Grant. Defendant was represented by its attorneys of record, Bert M. Jones and J. A. McCullough.

Whereupon both sides proceeded to present evidence for the jury's consideration. At the close of all the evidence, on October 26th, 1984, the case was submitted to the jury for consideration, after argument of counsel and instructions by the Court. The jury returned its verdict on October 26th, 1984, in favor of the defendant, Deere and Company, Inc. and against the plaintiff, Roberta Ann McMurray. That verdict was duly accepted by the Court.

WHEREFORE, being fully advised in the premises, the Court finds that judgment should be, and hereby is, entered

in favor of the defendant, Deere and Company, Inc., and against the plaintiff, Roberta Ann McMurray, with defendant to recover from plaintiff its costs of the action.

IT IS SO ORDERED this 31 day of Oct, 1984.

s/H. DALE COOK

H. DALE COOK
UNITED STATES DISTRICT JUDGE

APPROVED AS TO FORM:

FLOYD L. WALKER
Attorney for Plaintiff

BERT M. JONES
Attorney for Defendant

FILED

NOV - 1 1984

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

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

TEXAS WESTERN FINANCIAL CORPORATION,	)	
Plaintiff,	)	United States District Court for the Northern District of Texas, Dallas Division Civil Action No. CA3-82-1687R
vs.	)	
WESTERN APPAREL CORPORATION, a corporation, and KEN EDWARDS, individually,	)	
Defendants.	)	Judgment M-1050

J U D G M E N T

This matter came on before the Court upon defendant Ken Edwards' objections to the Magistrate's Findings and Recommendations in support of denial of defendant's motion to vacate and set aside default judgment or, in the alternative, motion to dismiss. The issues having been duly considered, and a decision having been duly rendered in accordance with the Order adopting and affirming the Findings of the Magistrate filed in conjunction with this Judgment,

IT IS ORDERED AND ADJUDGED that the plaintiff, Texas Western Financial Corporation, recover by default judgment entered January 12, 1983, in the Dallas division of the United States District Court for the Northern District of Texas, duly filed in this district, as against the defendants Western Apparel Corporation and Ken Edwards, jointly and severally, the sum of

$120,010.91, being principal and interest, plus the sum of $3,500.00 for attorney fees with interest on the total sum at the rate of fourteen percent (14%) per annum, together with all costs herein incurred, for all of which let execution issue.

IT IS SO ORDERED this 31st day of October, 1984.

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

Entered

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

C. E. EQUIPMENT CO., INC., and HARCO CORPORATION, Plaintiffs,	)	
v.	)	No. 83-C-237-C
GENERAL CATHODIC PROTECTION SERVICES, INC., Defendant.	)	

FILED
NOV - 1 1984
Jack C. Silver, Clerk
U. S. DISTRICT COURT

O R D E R

The Court has for consideration the Findings and Recommendations of the Magistrate filed on October 4, 1984 with respect to the Motion of Defendant General Cathodic Protection Services, Inc. to Dismiss Count II of the Complaint. No exceptions or objections have been filed and the time for filing such exceptions or objections has expired.

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

It is therefore Ordered that in accordance with the Findings and Recommendations of the Magistrate Count II of Plaintiffs' Complaint is dismissed, provided, however, that Plaintiffs be and are hereby granted leave to file an Amendment to Count II of their Complaint within 10 days from the date of this Order.

It is so Ordered this 31 day of October, 1984.

H. Dale Cook
H. DALE COOK
CHIEF JUDGE

48

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

In Re HOME-STAKE PRODUCTION COMPANY SECURITIES LITIGATION	M.D.L. Docket No. 153
THE CHASE MANHATTAN BANK, etc. Plaintiff, -vs- HOME-STAKE PRODUCTION CO., et al., Defendants.	74-C-151 ORDER AND FINAL JUDGMENT

FILED
NOV - 1 1984
Jack C. Silver, Clerk
U. S. DISTRICT COURT

A Stipulation of Settlement dated December 23, 1983, having been entered into by certain parties herein, and the Court having expressly determined that there is no just reason for delay in the entry of final judgment, and that a final judgment should be entered as, and be deemed, a final judgment in accordance with Fed.R.Civ.P. 54(b),

And the defendants set forth in Appendix A hereto having expressly denied any liability and any wrongdoing of any description or any deficiencies, faults, errors or omissions of any nature whatsoever; having entered into the Stipulation of Settlement solely for the purpose of terminating this litigation as to them and to avoid the cost, expense and effort required to continue to participate in such complex and protracted

litigation; and not admitting or conceding the validity of any of the claims asserted against them, any liability to any of the plaintiffs or others, or any wrongdoing, deficiencies, faults, errors or omissions of any nature whatsoever,

IT IS HEREBY ORDERED, ADJUDGED AND DECREED:

1. The complaint in the above-captioned action is hereby dismissed in its entirety as against each of the defendants set forth in Appendix A hereto and with prejudice to the plaintiffs, each party to bear his own costs.

2. To the extent that any of the defendants whose names are set forth in Appendix A hereto has asserted or presently is asserting a counterclaim or cross-claim against any plaintiff, any defendant set forth in Appendix A, any party to this action as against whom this multi-district litigation was dismissed with prejudice by Order of this Court dated October 28, 1982, or Arthur Andersen & Co., or to the extent that any such defendant set forth in Appendix A, previously dismissed party or Arthur Andersen & Co. has asserted or is presently asserting a counterclaim or cross-claim against any defendant set forth in Appendix A, such counterclaims or cross-claims are hereby dismissed with prejudice, each party to bear his own costs.

3. Jurisdiction is hereby reserved by the Court over the consummation of the compromise and settlement provided

for in the Stipulation of Settlement and all matters related thereto.

Dated: Tulsa, Oklahoma
Oct 31, 1984

H. Dale Cook
United States District Judge

JUDGMENT ENTERED:

Jack C. Silver, Clerk
Clerk

APPENDIX A

Thomas A. Landrith

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

In Re HOME-STAKE PRODUCTION COMPANY SECURITIES LITIGATION	M.D.L. Docket No. 153
LELAND L. LEACHMAN, et al., Plaintiffs, -vs- H. L. FITZGERALD, et al. Defendants.	74-C-232 ORDER AND FINAL JUDGMENT

FILED
NOV - 1 1984
Jack C. Silver, Clerk
U. S. DISTRICT COURT

A Stipulation of Settlement dated December 23, 1983, having been entered into by certain parties herein, and the Court having expressly determined that there is no just reason for delay in the entry of final judgment, and that a final judgment should be entered as, and be deemed, a final judgment in accordance with Fed.R.Civ.P. 54(b),

And the defendants set forth in Appendix A hereto having expressly denied any liability and any wrongdoing of any description or any deficiencies, faults, errors or omissions of any nature whatsoever; having entered into the Stipulation of Settlement solely for the purpose of terminating this litigation as to them and to avoid the cost, expense and effort required to continue to participate in such complex and protracted

litigation, and not admitting or conceding the validity of any of the claims asserted against them, any liability to any of the plaintiffs or others, or any wrongdoing, deficiencies, faults, errors or omissions of any nature whatsoever,

IT IS HEREBY ORDERED, ADJUDGED AND DECREED:

1. The complaint in the above-captioned action is hereby dismissed in its entirety as against each of the defendants set forth in Appendix A hereto and with prejudice to the plaintiffs, each party to bear his own costs.

2. To the extent that any of the defendants whose names are set forth in Appendix A hereto has asserted or presently is asserting a counterclaim or cross-claim against any plaintiff, any defendant set forth in Appendix A, any party to this action as against whom this multi-district litigation was dismissed with prejudice by Order of this Court dated October 28, 1982, or Arthur Andersen & Co., or to the extent that any such defendant set forth in Appendix A, previously dismissed party or Arthur Andersen & Co. has asserted or is presently asserting a counterclaim or cross-claim against any defendant set forth in Appendix A, such counterclaims or cross-claims are hereby dismissed with prejudice, each party to bear his own costs.

3. Jurisdiction is hereby reserved by the Court over the consummation of the compromise and settlement provided

for in the Stipulation of Settlement and all matters related thereto.

Dated: Tulsa, Oklahoma
Oct. 31, 1984

s/H. DALE COOK

H. Dale Cook
United States District Judge

JUDGMENT ENTERED:

Jack C. Silver, Clerk

Clerk

APPENDIX A

Thomas A. Landrith

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

In Re HOME-STAKE PRODUCTION COMPANY SECURITIES LITIGATION	M.D.L. Docket No. 153
JUDSON L. STREICHER, et al., Plaintiffs, -vs- HOME-STAKE PRODUCTION CO., et al., Defendants.	73-C-175 ORDER AND FINAL JUDGMENT

FILED
NOV - 1 1984
Jack C. Silver, Clerk
U. S. DISTRICT COURT

A Stipulation of Settlement dated December 23, 1983, having been entered into by certain parties herein, and the Court having expressly determined that there is no just reason for delay in the entry of final judgment, and that a final judgment should be entered as, and be deemed, a final judgment in accordance with Fed.R.Civ.P. 54(b),

And the defendants set forth in Appendix A hereto having expressly denied any liability and any wrongdoing of any description or any deficiencies, faults, errors or omissions of any nature whatsoever; having entered into the Stipulation of Settlement solely for the purpose of terminating this litigation as to them and to avoid the cost, expense and effort required to continue to participate in such complex and protracted

litigation; and not admitting or conceding the validity of any of the claims asserted against them, any liability to any of the plaintiffs or others, or any wrongdoing, deficiencies, faults, errors or omissions of any nature whatsoever.

IT IS HEREBY ORDERED, ADJUDGED AND DECREED:

1. The complaint in the above-captioned action is hereby dismissed in its entirety as against each of the defendants set forth in Appendix A hereto and with prejudice to the plaintiffs, each party to bear his own costs.

2. To the extent that any of the defendants whose names are set forth in Appendix A hereto has asserted or presently is asserting a counterclaim or cross-claim against any plaintiff, any defendant set forth in Appendix A, any party to this action as against whom this multi-district litigation was dismissed with prejudice by Order of this Court dated October 28, 1982, or Arthur Andersen & Co., or to the extent that any such defendant set forth in Appendix A, previously dismissed party or Arthur Andersen & Co. has asserted or is presently asserting a counterclaim or cross-claim against any defendant set forth in Appendix A, such counterclaims or cross-claims are hereby dismissed with prejudice, each party to bear his own costs.

3. Jurisdiction is hereby reserved by the Court over the consummation of the compromise and settlement provided

for in the Stipulation of Settlement and all matters related thereto.

Dated: Tulsa, Oklahoma
Oct 31, 1984

s/H. DALE COOK

H. Dale Cook
United States District Judge

JUDGMENT ENTERED:

Jack C. Silver, Clerk

Clerk

APPENDIX A

Thomas A. Landrith

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

In Re HOME-STAKE PRODUCTION COMPANY SECURITIES LITIGATION	M.D.L. Docket No. 153
BERNARD D. BROEKER, et al., Plaintiffs, -vs- HOME-STAKE PRODUCTION CO., et al., Defendants.	74-C-181 ORDER AND FINAL JUDGMENT

FILED
NOV - 1 1984
Jack C. Silver, Clerk
U. S. DISTRICT COURT

A Stipulation of Settlement dated December 23, 1983, having been entered into by certain parties herein, and the Court having expressly determined that there is no just reason for delay in the entry of final judgment, and that a final judgment should be entered as, and be deemed, a final judgment in accordance with Fed.R.Civ.P. 54(b),

And the defendants set forth in Appendix A hereto having expressly denied any liability and any wrongdoing of any description or any deficiencies, faults, errors or omissions of any nature whatsoever; having entered into the Stipulation of Settlement solely for the purpose of terminating this litigation as to them and to avoid the cost, expense and effort required to continue to participate in such complex and protracted

litigation; and not admitting or conceding the validity of any of the claims asserted against them, any liability to any of the plaintiffs or others, or any wrongdoing, deficiencies, faults, errors or omissions of any nature whatsoever,

IT IS HEREBY ORDERED, ADJUDGED AND DECREED:

1. The complaint in the above-captioned action is hereby dismissed in its entirety as against each of the defendants set forth in Appendix A hereto and with prejudice to the plaintiffs, each party to bear his own costs.

2. To the extent that any of the defendants whose names are set forth in Appendix A hereto has asserted or presently is asserting a counterclaim or cross-claim against any plaintiff, any defendant set forth in Appendix A, any party to this action as against whom this multi-district litigation was dismissed with prejudice by Order of this Court dated October 28, 1982, or Arthur Andersen & Co., or to the extent that any such defendant set forth in Appendix A, previously dismissed party or Arthur Andersen & Co. has asserted or is presently asserting a counterclaim or cross-claim against any defendant set forth in Appendix A, such counterclaims or cross-claims are hereby dismissed with prejudice, each party to bear his own costs.

3. Jurisdiction is hereby reserved by the Court over the consummation of the compromise and settlement provided

for in the Stipulation of Settlement and all matters related thereto.

Dated: Tulsa, Oklahoma
Oct. 31, 1984

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

JUDGMENT ENTERED:

Jack C. Silver, Clerk
Clerk

APPENDIX A

Thomas A. Landrith

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

In Re HOME-STAKE PRODUCTION COMPANY SECURITIES LITIGATION	M.D.L. Docket No. 153
GERALD AND DIANE ACKER, et al., Plaintiffs, -vs- HOME-STAKE PRODUCTION CO., et al., Defendants.	74-C-231 ORDER AND FINAL JUDGMENT

FILED
NOV - 1 1984
Jack C. Silver, Clerk
U. S. DISTRICT COURT

A Stipulation of Settlement dated December 23, 1983, having been entered into by certain parties herein, and the Court having expressly determined that there is no just reason for delay in the entry of final judgment, and that a final judgment should be entered as, and be deemed, a final judgment in accordance with Fed.R.Civ.P. 54(b),

And the defendants set forth in Appendix A hereto having expressly denied any liability and any wrongdoing of any description or any deficiencies, faults, errors or omissions of any nature whatsoever; having entered into the Stipulation of Settlement solely for the purpose of terminating this litigation as to them and to avoid the cost, expense and effort required to continue to participate in such complex and protracted

litigation; and not admitting or conceding the validity of any of the claims asserted against them, any liability to any of the plaintiffs or others, or any wrongdoing, deficiencies, faults, errors or omissions of any nature whatsoever,

IT IS HEREBY ORDERED, ADJUDGED AND DECREED:

1. The complaint in the above-captioned action is hereby dismissed in its entirety as against each of the defendants set forth in Appendix A hereto and with prejudice to the plaintiffs, each party to bear his own costs.

2. To the extent that any of the defendants whose names are set forth in Appendix A hereto has asserted or presently is asserting a counterclaim or cross-claim against any plaintiff, any defendant set forth in Appendix A, any party to this action as against whom this multi-district litigation was dismissed with prejudice by Order of this Court dated October 28, 1982, or Arthur Andersen & Co., or to the extent that any such defendant set forth in Appendix A, previously dismissed party or Arthur Andersen & Co. has asserted or is presently asserting a counterclaim or cross-claim against any defendant set forth in Appendix A, such counterclaims or cross-claims are hereby dismissed with prejudice, each party to bear his own costs.

3. Jurisdiction is hereby reserved by the Court over the consummation of the compromise and settlement provided

for in the Stipulation of Settlement and all matters related thereto.

Dated: Tulsa, Oklahoma
Oct 21, 1984

H. Dale Cook
United States District Judge

JUDGMENT ENTERED:

Jack C. Silver, Clerk

Clerk

APPENDIX A

William E. Murray

Murray, Patterson & Sharpe

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

In Re HOME-STAKE PRODUCTION COMPANY SECURITIES LITIGATION	M.D.L. Docket No. 153
BANK OF AMERICA NATIONAL TRUST AND SAVINGS ASSOCIATION as Trustee for Marcella McHenry, et al., Plaintiffs, -vs- HOME-STAKE PRODUCTION CO., et al., Defendants.	74-C-230 ORDER AND FINAL JUDGMENT

FILED

NOV - 1 1984

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

A Stipulation of Settlement dated December 23, 1983, having been entered into by certain parties herein, and the Court having expressly determined that there is no just reason for delay in the entry of final judgment, and that a final judgment should be entered as, and be deemed, a final judgment in accordance with Fed.R.Civ.P. 54(b),

And the defendants set forth in Appendix A hereto having expressly denied any liability and any wrongdoing of any description or any deficiencies, faults, errors or omissions of any nature whatsoever; having entered into the Stipulation of Settlement solely for the purpose of terminating this litigation as to them and to avoid the cost, expense and effort

required to continue to participate in such complex and protracted litigation; and not admitting or conceding the validity of any of the claims asserted against them, any liability to any of the plaintiffs or others, or any wrongdoing, deficiencies, faults, errors or omissions of any nature whatsoever,

IT IS HEREBY ORDERED, ADJUDGED AND DECREED:

1. The complaint in the above-captioned action is hereby dismissed in its entirety as against each of the defendants set forth in Appendix A hereto and with prejudice to the plaintiffs, each party to bear his own costs.

2. To the extent that any of the defendants whose names are set forth in Appendix A hereto has asserted or presently is asserting a counterclaim or cross-claim against any plaintiff, any defendant set forth in Appendix A, any party to this action as against whom this multi-district litigation was dismissed with prejudice by Order of this Court dated October 28, 1982, or Arthur Andersen & Co., or to the extent that any such defendant set forth in Appendix A, previously dismissed party or Arthur Andersen & Co. has asserted or is presently asserting a counterclaim or cross-claim against any defendant set forth in Appendix A, such counterclaims or cross-claims are hereby dismissed with prejudice, each party to bear his own costs.

3. Jurisdiction is hereby reserved by the Court

over the consummation of the compromise and settlement provided for in the Stipulation of Settlement and all matters related thereto.

Dated: Tulsa, Oklahoma
Oct 31, 1984

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

JUDGMENT ENTERED:

Jack C. Silver, Clerk
Clerk

APPENDIX A

Thomas A. Landrith

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

In Re HOME-STAKE PRODUCTION COMPANY SECURITIES LITIGATION	M.D.L. Docket No. 153
A. M. ANDERSON, et al., Plaintiffs, -vs- HOME-STAKE PRODUCTION CO., et al., Defendants.	74-C-229 ORDER AND FINAL JUDGMENT

FILED
NOV - 1 1984
Jack C. Silver, Clerk
U. S. DISTRICT COURT

A Stipulation of Settlement dated December 23, 1983, having been entered into by certain parties herein, and the Court having expressly determined that there is no just reason for delay in the entry of final judgment, and that a final judgment should be entered as, and be deemed, a final judgment in accordance with Fed.R.Civ.P. 54(b),

And the defendants set forth in Appendix A hereto having expressly denied any liability and any wrongdoing of any description or any deficiencies, faults, errors or omissions of any nature whatsoever; having entered into the Stipulation of Settlement solely for the purpose of terminating this litigation as to them and to avoid the cost, expense and effort required to continue to participate in such complex and protracted

litigation; and not admitting or conceding the validity of any of the claims asserted against them, any liability to any of the plaintiffs or others, or any wrongdoing, deficiencies, faults, errors or omissions of any nature whatsoever,

IT IS HEREBY ORDERED, ADJUDGED AND DECREED:

1. The complaint in the above-captioned action is hereby dismissed in its entirety as against each of the defendants set forth in Appendix A hereto and with prejudice to the plaintiffs, each party to bear his own costs.

2. To the extent that any of the defendants whose names are set forth in Appendix A hereto has asserted or presently is asserting a counterclaim or cross-claim against any plaintiff, any defendant set forth in Appendix A, any party to this action as against whom this multi-district litigation was dismissed with prejudice by Order of this Court dated October 28, 1982, or Arthur Andersen & Co., or to the extent that any such defendant set forth in Appendix A, previously dismissed party or Arthur Andersen & Co. has asserted or is presently asserting a counterclaim or cross-claim against any defendant set forth in Appendix A, such counterclaims or cross-claims are hereby dismissed with prejudice, each party to bear his own costs.

3. Jurisdiction is hereby reserved by the Court over the consummation of the compromise and settlement provided

for in the Stipulation of Settlement and all matters related thereto.

Dated: Tulsa, Oklahoma
Oct 31, 1984

s/H. DALE COOK

H. Dale Cook
United States District Judge

JUDGMENT ENTERED:

Jack C. Silver, Clerk

Clerk

APPENDIX A

Thomas A. Landrith

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

In Re HOME-STAKE PRODUCTION COMPANY SECURITIES LITIGATION	M.D.L. Docket No. 153
A. M. and S. ANDERSON, et al., Plaintiffs, -vs- HOME-STAKE PRODUCTION CO., et al., Defendants.	74-C-228 ORDER AND FINAL JUDGMENT

FILED
NOV - 1 1984
Jack C. Silver, Clerk
U. S. DISTRICT COURT

A Stipulation of Settlement dated December 23, 1983, having been entered into by certain parties herein, and the Court having expressly determined that there is no just reason for delay in the entry of final judgment, and that a final judgment should be entered as, and be deemed, a final judgment in accordance with Fed.R.Civ.P. 54(b),

And the defendants set forth in Appendix A hereto having expressly denied any liability and any wrongdoing of any description or any deficiencies, faults, errors or omissions of any nature whatsoever; having entered into the Stipulation of Settlement solely for the purpose of terminating this litigation as to them and to avoid the cost, expense and effort required to continue to participate in such complex and protracted

litigation; and not admitting or conceding the validity of any of the claims asserted against them, any liability to any of the plaintiffs or others, or any wrongdoing, deficiencies, faults, errors or omissions of any nature whatsoever,

IT IS HEREBY ORDERED, ADJUDGED AND DECREED:

1. The complaint in the above-captioned action is hereby dismissed in its entirety as against each of the defendants set forth in Appendix A hereto and with prejudice to the plaintiffs, each party to bear his own costs.

2. To the extent that any of the defendants whose names are set forth in Appendix A hereto has asserted or presently is asserting a counterclaim or cross-claim against any plaintiff, any defendant set forth in Appendix A, any party to this action as against whom this multi-district litigation was dismissed with prejudice by Order of this Court dated October 28, 1982, or Arthur Andersen & Co., or to the extent that any such defendant set forth in Appendix A, previously dismissed party or Arthur Andersen & Co. has asserted or is presently asserting a counterclaim or cross-claim against any defendant set forth in Appendix A, such counterclaims or cross-claims are hereby dismissed with prejudice, each party to bear his own costs.

3. Jurisdiction is hereby reserved by the Court over the consummation of the compromise and settlement provided

for in the Stipulation of Settlement and all matters related thereto.

Dated: Tulsa, Oklahoma
Oct 31, 1984

s/H. DALE COOK

H. Dale Cook
United States District Judge

JUDGMENT ENTERED:

Jack C. Silver, Clerk

Clerk

APPENDIX A

Thomas A. Landrith

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

In Re HOME-STAKE PRODUCTION COMPANY SECURITIES LITIGATION	M.D.L. Docket No. 153
RICHARD J. ANTON, et al., Plaintiffs, -vs- HOME-STAKE PRODUCTION CO., et al., Defendants.	74-C-227 ORDER AND FINAL JUDGMENT

FILED

NOV - 1 1984

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

Stipulations of Settlement dated November 2, 1983 and December 23, 1983, having been entered into by certain parties herein, and the Court having expressly determined that there is no just reason for delay in the entry of final judgment, and that a final judgment should be entered as, and be deemed, a final judgment in accordance with Fed.R.Civ.P. 54(b),

And the defendants set forth in Appendix A hereto having expressly denied any liability and any wrongdoing of any description or any deficiencies, faults, errors or omissions of any nature whatsoever; having entered into the Stipulations of Settlement solely for the purpose of terminating this litigation as to them and to avoid the cost, expense and effort required to continue to participate in such complex and protracted litigation; and not admitting or conceding the validity of any

of the claims asserted against them, any liability to any of the plaintiffs or others, or any wrongdoing, deficiencies, faults, errors or omissions of any nature whatsoever,

IT IS HEREBY ORDERED, ADJUDGED AND DECREED:

1. The complaint in the above-captioned action is hereby dismissed in its entirety as against each of the defendants set forth in Appendix A hereto and with prejudice to the plaintiffs, each party to bear his own costs.

2. To the extent that any of the defendants whose names are set forth in Appendix A hereto has asserted or presently is asserting a counterclaim or cross-claim against any plaintiff or defendant set forth in Appendix A, or party to this action as against whom this multi-district litigation was dismissed with prejudice by Order of this Court, dated October 28, 1982, or to the extent that any such previously dismissed party has asserted or is presently asserting a counterclaim or cross-claim against any of the defendants whose names are set forth in Appendix A hereto, such counter-claims or cross-claims are hereby dismissed with prejudice, each party to bear his own costs.

3. Jurisdiction is hereby reserved by the Court over the consummation of the compromise and settlement provided

for in the Stipulations of Settlement and all matters related thereto.

Dated: Tulsa, Oklahoma
Oct 31, 1984

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

JUDGMENT ENTERED:

Jack C. Silver, Clerk

Clerk

APPENDIX A

Thomas A. Landrith

Arthur Andersen & Co.

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

In Re HOME-STAKE PRODUCTION COMPANY SECURITIES LITIGATION	M.D.L. Docket No. 153
RICHARD J. ANTON, et al., Plaintiffs, -vs- HOME-STAKE PRODUCTION CO., et al., Defendants.	74-C-226 ORDER AND FINAL JUDGMENT

FILED

NOV - 1 1984

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

A Stipulation of Settlement dated December 23, 1983, having been entered into by certain parties herein, and the Court having expressly determined that there is no just reason for delay in the entry of final judgment, and that a final judgment should be entered as, and be deemed, a final judgment in accordance with Fed.R.Civ.P. 54(b),

And the defendants set forth in Appendix A hereto having expressly denied any liability and any wrongdoing of any description or any deficiencies, faults, errors or omissions of any nature whatsoever; having entered into the Stipulation of Settlement solely for the purpose of terminating this litigation as to them and to avoid the cost, expense and effort required to continue to participate in such complex and protracted

litigation; and not admitting or conceding the validity of any of the claims asserted against them, any liability to any of the plaintiffs or others, or any wrongdoing, deficiencies, faults, errors or omissions of any nature whatsoever,

IT IS HEREBY ORDERED, ADJUDGED AND DECREED:

1. The complaint in the above-captioned action is hereby dismissed in its entirety as against each of the defendants set forth in Appendix A hereto and with prejudice to the plaintiffs, each party to bear his own costs.

2. To the extent that any of the defendants whose names are set forth in Appendix A hereto has asserted or presently is asserting a counterclaim or cross-claim against any plaintiff, any defendant set forth in Appendix A, any party to this action as against whom this multi-district litigation was dismissed with prejudice by Order of this Court dated October 28, 1982, or Arthur Andersen & Co., or to the extent that any such defendant set forth in Appendix A, previously dismissed party or Arthur Andersen & Co. has asserted or is presently asserting a counterclaim or cross-claim against any defendant set forth in Appendix A, such counterclaims or cross-claims are hereby dismissed with prejudice, each party to bear his own costs.

3. Jurisdiction is hereby reserved by the Court over the consummation of the compromise and settlement provided

for in the Stipulation of Settlement and all matters related thereto.

Dated: Tulsa, Oklahoma
Oct 31 , 1984

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

JUDGMENT ENTERED:

Jack C. Silver, Clerk
Clerk

APPENDIX A

Thomas A. Landrith

Entered

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

FRANKLIN W. FIELDS, Plaintiff,	)	
v.	)	No. 83-C-475-C
MARGARET M. HECKLER, SECRETARY OF HEALTH AND HUMAN SERVICES, Defendant.	)	

FILED
NOV - 1 1984
Jack C. Silver, Clerk
U. S. DISTRICT COURT

O R D E R

The Court has for consideration the Findings and Recommendations of the Magistrate filed on October 17, 1984 in which it is recommended that this case be remanded to the Secretary for further administrative proceedings. No exceptions or objections have been filed and the time for filing such exceptions or objections has expired.

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

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

It is so Ordered this 31 day of october, 1984.

H. Dale Cook
H. DALE COOK
CHIEF JUDGE

12

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

FILED

NOV - 1 1984

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

NATIONAL STANDARD INSURANCE COMPANY,	)	
Plaintiff,	)	
vs.	)	No. 84-C-580-C
CHARLENE L. FANNIN, et al.,	)	
Defendants.	)	

JUDGMENT AND ORDER OF DISTRIBUTION

This matter comes on for status conference this 12th day of September, 1984, at which time, in open court, the parties defendant to whom this Order and Judgment apply, advised the Court that before this suit was filed they had agreed on a division of the proceeds of the $50,000.00 insurance policy involved herein as follows:

Ella Charlotte Powell and James Powell	$10,000.00,
Edna I. Holdcroft and Lloyd Holdcroft	$10,000.00,
Eldred E. Beeman, as surviving spouse of Naomi T. Beeman	$15,000.00,
Dorothy Arend and Ray T. Arend	$15,000.00,

and further advised that that agreement has continued to exist at all times since a time before the filing of this interpleader action. All parties were present by and through their respective counsel, except for Charlene L. Fannin, individually, and as an independent Executrix, Estate of Grady F. Fannin, deceased, which party appeared not.

NOTE: THIS ORDER IS TO BE MAILED BY MOVANT TO ALL COUNSEL AND PRO SE LITIGANTS IMMEDIATELY UPON RECEIPT.

The defendants, Ella Charlotte Powell and James Powell, and the United States of America advised the Court that they have reached an agreement between themselves that the United States Government is to receive $2,154.56 of the $10,000.00 the Powells had agreed to take. The United States Government agrees that it has no other claim with regard to recoveries by Ella Charlotte Powell and/or James Powell resulting from the accident with Grady Fannin.

The defendants, Edna I. Holdcroft and Lloyd Holdcroft, and the United States of America advised the Court that they have reached an agreement between themselves that the United States Government is to receive $3,333.33 of the $10,000.00 the Holdcrofts had agreed to take. The United States Government agrees that it has no other claim with regard to recoveries by Edna I. Holdcroft and/or Lloyd Holdcroft resulting from the accident with Grady Fannin.

The parties defendant to whom this Order and Judgment apply agree to divide any interest accrued on the proceeds of the $50,000.00 insurance policy as follows:

Ella Charlotte Powell and James Powell	1/5th
Edna I. Holdcroft and Lloyd Holdcroft	1/5th
Eldred E. Beeman as surviving spouse of Naomi T. Beeman	15/50ths
Dorothy Arend and Ray T. Arend	15/50ths.

The Court finds that with announcement of the parties defendant to whom this Judgment and Order applies that they have reached full agreement with regard to the division of the fund, there is nothing to be decided in that regard and the Court orders distribution of the funds as set forth above.

The Court further finds that this is not a proper case for the awarding of attorneys fees to either the plaintiff or the defendants to whom this Judgment applies and orders that no attorneys fees are to be awarded.

The Court further finds that there is no authority for restraining the defendants to whom this Order applies from asserting claims against the estate of Grady F. Fannin and/or Charlene L. Fannin, individually and as independent executrix of the estate of Grady F. Fannin, deceased, and that plaintiff's request for such a permanent restraining order should be and the same is hereby denied.

The Court denies the plaintiff's prayer for costs.

No issues raised by the pleadings except those directly addressed in this Order and Judgment are affected by this Order.

DONE AND DATED this 31st day of ~~September~~ october, 1984.

JUDGE OF THE DISTRICT COURT

APPROVED AS TO FORM:

KNIGHT, WAGNER, STUART,
WILKERSON & LIEBER

By: _____
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