

UNITED STATES DISTRICT COURT FOR THE
NORTHERN DISTRICT OF OKLAHOMA

NOV 21 1986

UNITED STATES OF AMERICA,)
)
 Plaintiff,)
)
 vs.)
)
 STEVEN L. FIELDS,)
)
 Defendant.)

CIVIL ACTION NO. 86-C-632-E

ORDER OF DISMISSAL

Now on this 19th day of November, 1986, it appears that the Defendant in the captioned case has not been located within the Northern District of Oklahoma, and therefore attempts to serve him have been unsuccessful.

IT IS THEREFORE ORDERED that the Complaint against Defendant, Steven L. Fields, 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

THE BOEING COMPANY,)
)
 Plaintiff,)
)
 v.)
)
 PPG INDUSTRIES, INC.,)
)
 Defendant.)

86-C-760-B ✓

nm
U.S. DISTRICT COURT

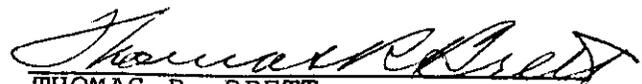
ORDER

The Court has for consideration the Report and Recommendation of the Magistrate filed November 17 , 1986, in which the Magistrate found defendant's motion for order to nonparty witness, Nordam, for production of documents to be moot. 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, the Court has concluded that the Report and Recommendation of the Magistrate should be and hereby is affirmed.

An agreed Protective Order having been entered by the Magistrate at the time of hearing, it is therefore Ordered that defendant's motion for order to nonparty witness, Nordam, for production of documents is moot.

Dated this 20 day of November, 1986.


THOMAS R. BRETT
UNITED STATES DISTRICT JUDGE

FILED

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

NOV 20 1985

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

ARTHUR SULENSKI, SUSAN)
SULENSKI, DANIEL SULENSKI,)
and DAVID SULENSKI,)
))
Plaintiffs,)
))
vs.)
))
HOWELL COUNTY, HOWELL COUNTY)
PROSECUTOR, J. B. CANTRELL,)
d/b/a CANTRELL HOME FURNISHINGS,)
CHARLES C. CANTRELL and)
HOWELL-OREGON ELECTRIC)
COOPERATIVE, INC.,)
))
Defendants.)

No. 85-C-826-C

ORDER

Now before the Court for its consideration is the motion to dismiss brought by defendant Truman Wiles in his official capacity as Howell County Prosecutor. Defendant Wiles alleges that there are no material controverted facts which will defeat summary judgment and he is therefore entitled to judgment as a matter of law.

In their second amended complaint, plaintiffs seek injunctive relief against Truman Wiles. Plaintiffs allege that prior to September 7, 1984 Charles Cantrell, in conspiracy with the Howell County Prosecuting attorney, Truman Wiles, caused to be issued a warrant for Arthur and Susan Sulenski for the class D felony of defrauding secured creditors in violation of Missouri

statutory law. Plaintiffs allege that the charge was filed without probable cause and for the impermissible purpose of obtaining a civil advantage via criminal action. Plaintiffs allege the activity was under color of law and was pursuant to an established custom and policy of the Howell County Prosecutor's Office. Plaintiffs seek relief against Truman Wiles under their "First claim for Relief", a 42 U.S.C. §1983 action and their "Fifth Claim for Relief", civil conspiracy.

Defendant Wiles, in his motion, seeks dismissal under the doctrine of prosecutorial absolute immunity. In their response, plaintiffs allege that since they are seeking equitable relief rather than monetary damages against Wiles, his immunity is qualified and not absolute.

The case of Martinez v. Winner, 771 F.d 424 (10th Cir. 1985) is dispositive of the issue before the Court. In Martinez the court stated,

The prosecutors are clearly entitled to immunity for initiating the prosecution. Whether the charges were false and whether the prosecutor knew they were false is irrelevant. The allegations that the prosecutor failed to make an independent investigation also falls within the scope of prosecutorial immunity. Martinez is not arguing that the federal prosecutors committed some specific improper act during the investigation of his case. Rather, he challenges the basis upon which the prosecutors decided to indict and prosecute him, i.e. that they relied on other law-enforcement agencies' information. A prosecutor's exercise of discretion in deciding whether information is sufficient to support an indictment, and whether its source is credible, concerns the judicial phase of the criminal process. Furthermore, we know of no legal duty which requires the U. S.

Attorney's office to make an independent investigation, and Martinez cites no support for his allegation that it is required to do so. 771 F.2d at 437-8.

Although the court noted that a prosecutor is entitled to absolute immunity for initiating prosecution, this absolute immunity is limited to actions for damages. The Court has reviewed the pleadings and finds that equitable relief is not appropriate under the factual setting of this action. Therefore the Court finds Truman Wiles' motion to dismiss should be granted under the doctrine of prosecutorial immunity.

WHEREFORE, premises considered, it is the Order of the Court that the motion to dismiss brought by Truman Wiles, in his official capacity as Howell County, Missouri prosecutor, is hereby granted.

IT IS SO ORDERED this 20th day of November, 1986.


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

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

NOV 20 1985
CLERK
DISTRICT COURT

C & H TRANSPORTATION CO.,
INC.,

Plaintiff

vs.

Case No. 85-C-1124 C

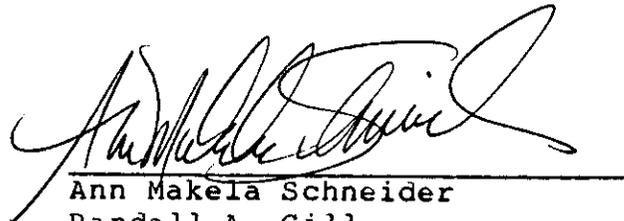
EUTSLER DRILLING COMPANY,
a corporation; WYMAN STEAM,
a corporation; and OKLAHOMA
REBEL DRILLING COMPANY, a
corporation,

Defendants.

notice of

DISMISSAL WITH PREJUDICE

COME NOW the Defendants, Eutsler Drilling Company, a corporation, Oklahoma Rebel Drilling Company, a corporation, and Clarence "Skip" Eutsler, by and through their attorney, Ann Makela Schneider, and hereby dismisses the Third Party Complaint against Marine Bank of Milwaukee, Wisconsin, N.A. and Marinebanc Leasing.



Ann Makela Schneider
Randall A. Gill
2624 E. 21st St., Suite #1
Tulsa, OK 74114
(918) 747-1341

The undersigned hereby certifies that this copy
is a true and correct copy of the original
filed in the above captioned case to
the court on the

20th day of Nov., 1985
of Ann Makela Schneider

UNITED STATES DISTRICT COURT FOR THE
NORTHERN DISTRICT OF OKLAHOMA

UNITED STATES OF AMERICA,)
)
 Plaintiff,)
)
 vs.)
)
 MICHAEL STEPHEN COPELAND;)
 CONNIE SUE COPELAND; COUNTY)
 TREASURER, Ottawa County,)
 Oklahoma; and BOARD OF COUNTY)
 COMMISSIONERS, Ottawa County,)
 Oklahoma,)
)
 Defendants.) CIVIL ACTION NO. 85-C-1087-B

DEFICIENCY JUDGMENT

Now on this 20th day of November, 1986, there came on for hearing the Motion of the Plaintiff United States of America for leave to enter a Deficiency Judgment herein, said Motion being filed on November 18, 1986, and a copy of said Motion being mailed to Michael Stephen Copeland and Connie Sue Copeland, 510 A Street, Southwest, Miami, Oklahoma 74354. The Plaintiff, United States of America, acting on behalf of the Administrator of Veterans Affairs, appeared by Layn R. Phillips, United States Attorney for the Northern District of Oklahoma through Phil Pinnell, Assistant United States Attorney, and the Defendants, Michael Stephen Copeland and Connie Sue Copeland, appeared neither in person nor by Counsel.

The Court upon consideration of said Motion finds that the amount of the Judgment rendered herein on April 4, 1986, in favor of the Plaintiff United States of America, and against the Defendants, Michael Stephen Copeland and Connie Sue Copeland, with interest and costs to date of sale is \$22,269.52.

The Court further finds that the appraised value of the real property at the time of sale was \$12,500.00.

The Court further finds that the real property involved herein was sold at Marshal's sale, pursuant to the Judgment of this Court entered April 4, 1986, for the sum of \$14,320.00 which is more than the market value.

The Court further finds that the Plaintiff, United States of America on behalf of the Administrator of Veterans Affairs, is accordingly entitled to a deficiency judgment against the Defendants, Michael Stephen Copeland and Connie Sue Copeland, as follows:

Principal Balance as of August 21, 1986	\$18,611.80
Interest	3,005.52
Late Charges	187.20
Appraisal	125.00
Management Broker Fees	<u>340.00</u>
TOTAL	\$22,269.52
Less Credit of Sale Proceeds	<u>- 14,320.00</u>
DEFICIENCY	\$ 7,949.52

plus interest on said deficiency judgment at the legal rate of 5.75 percent per annum from date of judgment until paid; said deficiency being the difference between the amount of Judgment rendered herein and the proceeds from the sale of the property herein.

IT IS THEREFORE ORDERED, ADJUDGED, AND DECREED that the United States of America on behalf of the Administrator of Veterans Affairs have and recover from Defendants, Michael

Stephen Copeland and Connie Sue Copeland, a deficiency judgment in the amount of \$7,949.52, plus interest at the legal rate of 5.75 percent per annum on said deficiency judgment from date of judgment until paid.

S/ THOMAS R. BRETT

UNITED STATES DISTRICT JUDGE

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

FILED

NOV 19 1986

PETER J. McMAHON,)
)
 Plaintiff,)
)
 v.)
)
 DEPARTMENT OF CORRECTIONS,)
 EX. REL., EDWARD L. EVANS,)
)
 Defendants.)

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

86-C-267-C

ORDER

The Court has for consideration the Findings and Recommendation of the Magistrate filed November 3, 1986, in which the Magistrate recommended that defendants' motion to dismiss be granted and that plaintiff's civil rights complaint be dismissed. 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, the Court has concluded that the Findings and Recommendation of the Magistrate should be and hereby are affirmed.

It is therefore Ordered that defendants' motion to dismiss is granted and plaintiff's civil rights complaint is dismissed.

Dated this 19th day of November, 1986.


H. DALE COOK, CHIEF
UNITED STATES DISTRICT JUDGE

UNITED STATES DISTRICT COURT FOR THE
NORTHERN DISTRICT OF OKLAHOMA

UNITED STATES OF AMERICA,)
)
 Plaintiff,)
 vs.)
)
 JOSEPH E. MOUNTFORD; BANK OF)
 QUAPAW; PHOENIX FEDERAL)
 SAVINGS AND LOAN ASSOCIATION;)
 CONTINENTAL FIDELITY LIFE)
 INSURANCE COMPANY; THE BANK OF)
 WYANDOTTE, a corporation;)
 COUNTY TREASURER, OTTAWA)
 COUNTY, OKLAHOMA; BOARD)
 OF COUNTY COMMISSIONERS,)
 OTTAWA COUNTY, OKLAHOMA;)
 LELAND SCHUBERT and NARCISSA)
 IMPLEMENT CO., INC.; THE FIRST)
 NATIONAL BANK AND TRUST COMPANY)
 OF MIAMI, OKLAHOMA; W. C.)
 SELLERS, PAUL N. ATKINS, JR.,)
 M.D.; GENE SWAZE; FRANKLIN J.)
 APPL; and SAM CASSIDY,)
)
 Defendants.)

CIVIL ACTION NO. 82-C-1006-C

FILED
NOV 19 1986
JACK C. SILVER, CLERK
U.S. DISTRICT COURT

O R D E R

NOW, on this 19 day of Nov, 1986, there came on for consideration the Motion of the United States to amend the Judgment of Foreclosure previously entered herein on August 31, 1983. The Court finds said Motion is well taken.

NOW, IT IS THEREFORE ORDERED, ADJUDGED, AND DECREED that the Judgment of Foreclosure previously entered herein on August 31, 1983, be and the same is hereby amended by deleting the words, "with appraisement," appearing in the third paragraph on page 7 of the Judgment and inserting in lieu thereof the words, "without appraisement."

L. S. H. Dale Cook
UNITED STATES DISTRICT JUDGE

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

FILED
NOV 10 1986

WOK & COMPANY
COURT REPORTERS

J. CLARK BUNDREN and J. W. EDWARD
WORTHAM, JR.,

Plaintiffs,

vs.

Case No. 86-C-417-E

HILLCREST MEDICAL CENTER, INC.,
a corporation existing under the
laws of the State of Oklahoma;
HILLCREST SERVICES COMPANY, INC.,
a corporation existing under the
laws of the State of Oklahoma;
HILLCREST MEDICAL CENTER
FOUNDATION, INC., a charitable
foundation organized and
existing under the laws of the
State of Oklahoma;
JOHN C. GOLDTHORPE, an Individual;
MARK AMBROSIUS, an Individual;
IRA SCHLEZINGER, an Individual;
JAMES K. TANNER, an Individual;
JAMES D. HARVEY, an Individual;
TIMOTHY DRISKILL, an Individual;
STEVEN LANDGARTEN, an Individual;
HOWARD W. JONES, JR., an Individual;
DONALD E. TREDWAY, an Individual;
EVERETT E. GRAFF, an Individual;
BLAIR R. SUELLENTROP, an Individual;
BARRY M. DAVIS, an Individual;
MASON C. ANDREWS; an Individual; and
HILLCREST INFERTILITY CENTER, INC.,
an Oklahoma corporation,

Defendants.

notice of

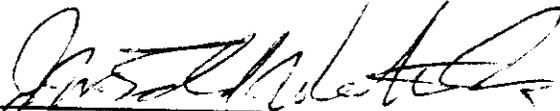
DISMISSAL WITH PREJUDICE

J. Clark Bundren and J. W. Edward Wortham, Jr. hereby dismiss with prejudice their claims against defendants Howard W. Jones, Jr. and Mason C. Andrews in the above-captioned action, each party to bear his own costs and attorneys fees.

Dated: October 16, 1986



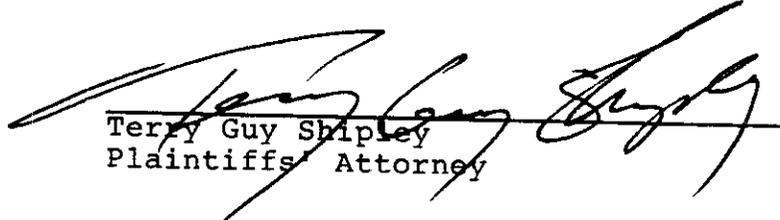
J. Clark Bundren
Plaintiff



J. W. Edward Wortham, Jr.
Plaintiff



James Clinton Garland
Plaintiffs' Attorney



Terry Guy Shipley
Plaintiffs' Attorney

AGREED TO:



William E. Hughes
Attorney for Howard W. Jones,
Jr. and Mason C. Andrews

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

FILED

NOV 19 1986

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

CANDICE H. SUMMERS, NANETTE HOLT)
PRICE, Individually, and as)
Trustees for THE OKLAHOMA TELE-)
PHONE & TELEGRAPH COMPANY, INC.)
VOTING TRUST, NORMA R. HOLT,)
J. CHARLES HOLT and AMANDA R. HOLT,)

Plaintiffs,)

v.)

TATUM TELEPHONE COMPANY,)

Defendant.)

No. 86-C-595-B

J U D G M E N T

In keeping with the Findings of Fact and Conclusions of Law entered this date, a declaratory judgment is entered in favor of the plaintiffs, Candice H. Summers, Nanette Holt Price, Individually, and as Trustees for The Oklahoma Telephone & Telegraph Company, Inc. Voting Trust, Norma R. Holt, J. Charles Holt and Amanda R. Holt, and against the defendant, Tatum Telephone Company, in which the Court hereby declares that no binding contract for the sale of the outstanding corporate stock of Oklahoma Telephone & Telegraph Company, Inc. owned by the plaintiffs was made to the defendant, Tatum Telephone Company, as a result of negotiations and discussions of said parties during the months of March to and including June 1986. Costs are hereby assessed against the defendant if timely applied for in keeping with Local Rule 6. The parties are to pay their own respective attorneys fees.

DATED this 19th day of November, 1986.

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

THOMAS R. BRETT
UNITED STATES DISTRICT JUDGE

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

FILED

NOV 19 1986 nm

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

STATE FARM MUTUAL AUTOMOBILE)
INSURANCE COMPANY,)
)
Plaintiff,)
)
v.)
)
JAMES THOMAS, EDDIE MERRILL,)
and JEFFERY ROEDER,)
)
Defendants.)

No. 85-C-508-B ✓

JOURNAL ENTRY OF JUDGMENT

Now on this 19th day of November, 1986, the above referenced cause coming on before the undersigned Judge of the District Court on the plaintiff's Application for Default Judgment against the defendants, James Thomas and Eddie Merrill. In consideration thereof, the Court finds that the defendants have been duly served by publication all as reflected by affidavits on file in this case. The Court additionally finds that defendants, James Thomas and Eddie Merrill, have failed to answer or otherwise respond to the complaint of the plaintiff. Further, the Court finds that the Court Clerk of this Court has reviewed the pleadings and affidavits on file herein and said Clerk finds that Default Judgment should be properly entered against the defendants, James Thomas and Eddie Merrill, and in favor of the plaintiff on the plaintiff's complaint.

IT IS THEREFORE ORDERED AND ADJUDGED that Judgment is entered in favor of the Plaintiff, State Farm Mutual Automobile Insurance

Co., and against the Defendants, James Thomas, Eddie Merrill and Jeffrey Roeder, and that Policy No. 197 4689-E22-36 does not provide coverage to James Thomas or Eddie Merrill for any claims which may be brought against them as a result of the accident of February 18, 1986, with Jeffrey Roeder.

DATED this 19th day of November, 1986.



THOMAS R. BRETT
UNITED STATES DISTRICT JUDGE

FILED

United States District Court NOV 19 1986

NORTHERN

DISTRICT OF

OKLAHOMA

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

MARTA HALL, et al

JUDGMENT IN A CIVIL CASE

v.

DR. ROGER A SIEMENS

CASE NUMBER: 86-C-125-BT

- Jury Verdict.** This action came before the Court for a trial by jury. The issues have been tried and the jury has rendered its verdict.
- Decision by Court.** This action came to trial or hearing before the Court. The issues have been tried or heard and a decision has been rendered.

IT IS ORDERED AND ADJUDGED THAT JUDGMENT IS ENTERED IN FAVOR OF THE DEFENDANT AND THAT THE PLAINTIFFS TAKE NOTHING AND THE DEFENDANT RECOVER OF THE PLAINTIFFS HIS COSTS OF ACTION.

11-19-86

Date

JACK C. SILVER

Clerk

H. Overton
(By) Deputy Clerk

Entered

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

FILED
NOV 18 1986

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

TERRY INGRAM & NANCY INGRAM
Plaintiff(s),

vs.

No. 86-C-444-C ✓

TRANSAMERICA OCCIDENTAL LIFE
INS. CO.
Defendant(s).

JUDGMENT DISMISSING ACTION
BY REASON OF SETTLEMENT

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

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

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

Dated this 18 day of November, 1986.

[Signature]
UNITED STATES DISTRICT JUDGE

Entered

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

FILED
OCT 18 1986

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

CROWN CORK & SEAL CO., INC.,)
)
 Plaintiff,)
)
 vs.)
)
 COCA-COLA BOTTLING COMPANY)
 OF TULSA, INC., and OKLAHOMA)
 BEVERAGE COMPANY, INC.,)
)
 Defendants.)

No. 85-C-1054 C ✓

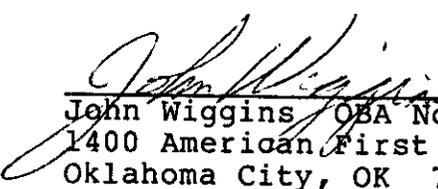
ORDER OF DISMISSAL WITH PREJUDICE

On this 16 November, ~~October~~, 1986, the above-referenced matter comes on for consideration of the parties' Joint Application for Order of Dismissal With Prejudice. Upon due consideration and for good cause shown, the Court finds that the same should be and is hereby granted.

IT IS THEREFORE ORDERED, ADJUDGED AND DECREED that all claims and counterclaims involved in the above-referenced litigation are hereby dismissed with prejudice toward the refiling thereof with each party bearing their own expenses and costs of litigation.

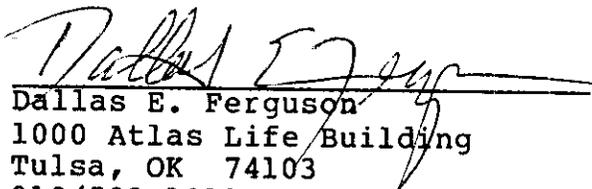

UNITED STATES DISTRICT JUDGE

APPROVED:



John Wiggins, OBA No. 9594
1400 American First Tower
Oklahoma City, OK 73102
405/232-1211

Attorney for Plaintiff



Dallas E. Ferguson
1000 Atlas Life Building
Tulsa, OK 74103
918/582-1211

Attorney for Defendant,
Coca-Cola Bottling Company
of Tulsa, Inc.



Jesse J. Worten, III
P. O. Box 1066
Bartlesville, OK 74005

Attorney for Defendant,
Oklahoma Beverage Company, Inc.

The Court of Appeals for the District of Columbia Circuit apparently believed that Petitioner's claim could have been brought in this district, however, venue is not proper in this district.

Petitioner's claim of racial discrimination while he was a civilian employee of the Department of the Army is governed by 42 U.S.C. §2000e-16.

That section provides in pertinent part:

"(a) All personnel actions affecting employees or applicants for employment (except with regard to aliens employed outside the limits of the United States) in military departments . . . shall be made free from any discrimination based on race, color, religion, sex, or national origin."

* * * * *

"(d) The provisions of section 2000e-5(f) through (k) of this title, as applicable, shall govern civil actions brought hereunder."

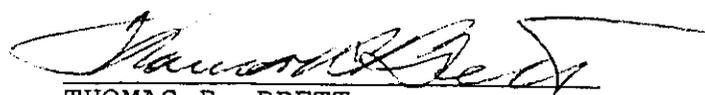
Section 2000e-5(f) (3) provides:

"(3) Each United States district court and each United States court of a place subject to the jurisdiction of the United States shall have jurisdiction of actions brought under this subchapter. Such an action may be brought in any judicial district in the State in which the unlawful employment practice is alleged to have been committed, in the judicial district in which the employment records relevant to such practice are maintained and administered, or in the judicial district in which the aggrieved person would have worked but for the alleged unlawful employment practice, but if the respondent is not found within any such district, such an action may be brought within the judicial district in which the respondent has his principal office. . . ." (emphasis added)

It is clear from the record before the court in this matter that the alleged acts of racial discrimination occurred while the Petitioner was working at Camp Robinson, Little Rock, Arkansas. This is within the Eastern Judicial District of Arkansas. It is uncertain where Petitioner's employment records are located, but it appears they were maintained at Fort Hood, Texas, prior to his retirement and are now kept at the Federal Records Center in St. Louis, Missouri. Petitioner

was not employed by the Department of the Army in the Northern District of Oklahoma during his tenure with that department. Had the discrimination complained of not occurred, it appears Petitioner would have continued his employment in the Eastern District of Arkansas. Thus, under 42 U.S.C. §2000e-5(f)(3), venue is proper in the Eastern District of Arkansas or the Eastern District of Missouri. Venue is not proper under this statute in the Northern District of Oklahoma. The court concludes, therefore, that this matter should be transferred to the Eastern District of Arkansas, pursuant to 28 U.S.C. §1406(a).

IT IS SO ORDERED, this 17th day of Nov., 1986.



THOMAS R. BRETT
UNITED STATES DISTRICT JUDGE

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

LIBERTY GLASS COMPANY,)
)
 Plaintiff,)
)
 vs.)
)
 BURLINGTON NORTHERN RAILROAD)
 COMPANY,)
)
 Defendant and)
 Third-Party Plaintiff)
)
 vs.)
)
 TULSA-SAPULPA UNION RAILWAY)
 company, a corporation,)
)
 Third-Party Defendant.)

No. 85-C-431-E

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. The third-party action pends.

IT IS SO ORDERED this 18th day of November, 1986.

S/ JAMES O. ELLISON
United States District Judge

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

RON BERNER,)
)
 Plaintiff,)
)
 vs.) No. 86-C-757-E
)
 E. F. HUTTON & COMPANY, INC.,)
)
 Defendant.)

JUDGMENT DISMISSING ACTION
BY REASON OF ARBITRATION

This action is being submitted for arbitration. 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 six (6) months that arbitration has not been completed or that it has failed to dispose of the issues in the case and further litigation is therefore 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 12th day of November, 1986.



JAMES O. ELLISON
UNITED STATES DISTRICT JUDGE

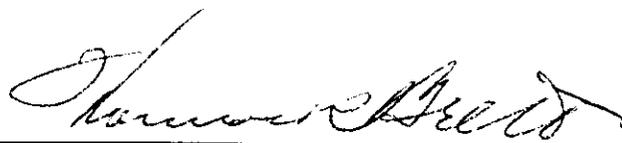
transporting cash receipts to the bank was the cause of his injuries. Plaintiff states that a suspect, James Blake, has been arrested for the assault on the Plaintiff herein. Plaintiff submits the deposition of one Leigh A. Miller, a former girlfriend of Blake's, who states that Blake told her he robbed and killed the manager of a Wendy's restaurant in Tulsa and that Blake told her that his sister told him that Wendy's had a routine of transferring receipts from the restaurant to the bank in a hamburger sack.

A Motion for New Trial on the basis of newly discovered evidence must show that the evidence was discovered after the trial, that the movant had been diligent in seeking such evidence before trial, and that the evidence is not merely cumulative or impeaching but material and of such a character that if a new trial is granted it would probably produce a different result. Kansas City Railway Co. v. Cagle, 229 F.2d 12, 15 (10th Cir.), cert. denied, 351 U.S. 908 (1956); Marshall's U.S. Auto Supply v. Cashman, 111 F.2d 140, 141-42 (10th Cir.), cert. denied, 311 U.S. 667 (1940). Such a motion is not favored by the courts and rests largely and almost wholly within the sound discretion of the trial court. Kodekey Electronics, Inc. v. Mechanex Corp., 486 F.2d 449, 458 (10th Cir. 1973); Harris v. Illinois-California Express, Inc., 687 F.2d 1361, 1375 (10th Cir. 1982).

The Court finds Plaintiff's newly discovered evidence insufficient to support a Motion for New Trial. In order to prevail on such a motion, Plaintiff's new evidence must be "of such a character that on a new trial such evidence will probably produce a different result." Cagle, supra, at 15. While the offered evidence supports Plaintiff's theory

as to Defendant's alleged negligence, the Court is not convinced that this evidence is strong enough that Plaintiff would "probably" prevail at a new trial. Further, the offered evidence is inadmissible hearsay. To support a Motion for New Trial, newly discovered evidence must be admissible. Wright & Miller, Federal Practice and Procedure: Civil §2808. Here, the offered evidence consists of an ex-girlfriend of the alleged assailant testifying as to what James Blake told her and what James Blake told her his sister told him. The gist of this testimony is that Defendant had a policy of transporting receipts in a hamburger sack. Since this contention is essential to Plaintiff's negligence claim, the offered testimony would be presented to establish the truth of the assertion contained therein. Thus, Ms. Miller's testimony would be inadmissible hearsay. For these reasons, the court concludes that the evidence offered is insufficient to sustain the Motion for New Trial. Accordingly, the motion is hereby denied.

IT IS SO ORDERED, this 15th day of Nov., 1986.



THOMAS R. BRETT
UNITED STATES DISTRICT JUDGE

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

FILED

NOV 18 1985

nm

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

BILLY ALLEN HARROLLE,)
)
Plaintiff,)
)
v.)
)
DR. RON BARNES, et al.,)
)
Defendant.)

No. 86-C-129-B ✓

O R D E R

This matter comes before the Court on Defendants' Motion to Dismiss or, in the alternative, for Summary Judgment. For the reasons set forth below, the Motion for Summary Judgment is sustained.

In this action under 42 U.S.C. §1983, Plaintiff contends that he has been denied necessary medical treatment while in custody in the Tulsa City-County Jail. Plaintiff states he was injured in a motorcycle accident in the fall of 1985, suffering a separated shoulder. He contends that doctors have told him he needs surgery on the shoulder but that medical officials at the Tulsa Jail have refused to provide the necessary treatment. Plaintiff contends that denial of this treatment constitutes cruel and unusual punishment in violation of the Eighth Amendment to the United States Constitution. He asks that Tulsa County be required to fix his arm and shoulder and provide the treatment he claims is necessary.

A Motion for Summary Judgment must be overruled if a genuine issue of material fact is presented to the trial court. Exnicious v. United States, 563 F.2d 419, 425 (10th Cir. 1977). In making this determination, the court must view the evidence in the light most

favorable to the party against whom judgment is sought. National Aviation Underwriters, Inc. v. Altus Flying Service, 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. Lockett v. Bethlehem Steel Corp., 618 F.2d 1373, 1377 (10th Cir. 1980).

Defendants contend that there is no genuine issue of material fact with respect to Plaintiff's claim of denial of necessary medical treatment and, therefore, summary judgment should be entered for the Defendants. In support of their Motion for Summary Judgment, the Defendants have submitted Plaintiff's Medical Screening/Receiving Form from the City-County Jail, Plaintiff's health care requisitions while in custody, treating physician's Progress Notes on Plaintiff and physician orders and medication dispensing records. Plaintiff has offered no documentary evidence in opposition to the Motion for Summary Judgment.

According to the documents submitted to the court, Plaintiff made 22 health care requisitions during six months he was in the Tulsa jail between March 1985 and March 1986.¹ The physician's Progress Notes indicate that every request for treatment or medication was addressed promptly by the jail medical staff. Between eight and twelve of Plaintiff's health care requests arguably concerned his shoulder problem.² Again, each of Plaintiff's requests for treatment or medication

¹ Plaintiff escaped from the jail in May 1985 and was recaptured and returned to the jail in December 1985.

² Plaintiff's health care requests variously describe his problem as pain in his "arm," "hand," or "shoulder." It is difficult to determine to what degree these pains interrelate.

received prompt action. For example, after Plaintiff asked on March 17, 1985, to have his arm checked, an X-ray was scheduled the next day and done on April 2, 1985. At that time, Plaintiff's left forearm and right wrist were x-rayed. Dr. Peter Beck indicated the arm "looks fine" and prescribed medication for pain. On April 9, 1985, Plaintiff asked that pain pills for his hand be re-prescribed. The medication was resumed on April 10, 1985. On May 5, 1985, Plaintiff asked for pain medication for his hand and arm. Medication was continued. Plaintiff escaped from the jail in May and was not returned to the system until December 27, 1985. At that time, Plaintiff complained of a shoulder injury suffered in a motorcycle accident some six weeks earlier. According to evidence submitted by defendant, a doctor at Okmulgee Hospital recommended orthopedic surgery on the shoulder. While in custody of the Tulsa City-County Jail, Plaintiff made several requests for medication for shoulder pain. Each request was honored.

Plaintiff contends that Defendant Dr. Ron Barnes showed "deliberate indifference" by not surgically repairing Plaintiff's shoulder. In response to the medical documentation offered by the defendants in support of their Motion for Summary Judgment, Plaintiff has offered no documentary evidence to support his claim. Fed.R.Civ.P. 56(e) requires the nonmoving party "to go beyond the pleadings and by her own affidavits, or by the 'depositions, answers to interrogatories, and admissions on file,' designate 'specific facts showing there is a genuine issue for trial.'" Celotex v. Catrett, ___ U.S. ___, 106 S.Ct. 2548, 91 L.Ed.2d 265, 274 (1986). Instead, Plaintiff has offered mere

conclusory allegations that he was denied proper medical treatment such as to constitute cruel and unusual punishment in violation of the United States Constitution.

Under Estelle v. Gamble, 429 U.S. 97 (1976), deliberate indifference by jail personnel to an inmate's serious illness or injury constitutes cruel and unusual punishment. Id. at 104. However, the examples cited in Estelle of official neglect amounting to "unnecessary and wanton infliction of pain," Gregg v. Georgia, 428 U.S. 153, 173 (1976) (joint opinion of Stewart, Powell and Stevens, JJ.), are far more egregious than the facts of this case. In Williams v. Vincent, 508 F.2d 541 (2d Cir. 1974), for example, a prison doctor chose to throw away a prisoner's ear and stitch the stump rather than try to sew the ear back on. In Thomas v. Pate, 493 F.2d 151 (7th Cir.), cert. denied sub nom. Thomas v. Cannon, 419 U.S. 879 (1974), a doctor gave an inmate an injection of penicillin knowing the inmate was allergic to the drug. The doctor then refused to treat the allergic reaction. In Jones v. Lockhart, 484 F.2d 1192 (8th Cir. 1973), a paramedic refused treatment to an inmate. Here, Plaintiff's requests for medication and other treatment were answered promptly each time. Plaintiff may disagree with the treatment afforded him, but, without more, this does not give rise to a claim for violation of civil rights. "[A]n inadvertent failure to provide adequate medical care cannot be said to constitute 'an unnecessary and wanton infliction of pain' or to be 'repugnant to the conscience of mankind,'" Estelle at 105-106. Every claim

by a prisoner that he has not received adequate medical treatment does not rise to the level of a constitutional violation. Id. at 105.

If Defendants have negligently diagnosed Plaintiff's condition or have negligently failed to examine Plaintiff properly, there may be a cause of action for medical malpractice. However, every such claim does not rise to the level of a constitutional violation simply because the Plaintiff is incarcerated at the time of the alleged mistreatment.

After reviewing the documentary evidence submitted by the Defendants, the Court concludes there is no genuine issue of material fact present regarding Plaintiff's claim he was denied adequate medical treatment. Accordingly, the Defendants' Motion for Summary Judgment is sustained.

IT IS SO ORDERED, this 17th day of November, 1986.



THOMAS R. BRETT
UNITED STATES DISTRICT JUDGE

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

BILLY ALLEN HARROLLE,

Plaintiff,

v.

DR. RON BARNES, et al.,

Defendants.

)
)
)
)
)
)
)
)
)
)
)

No. 86-C-129-B

J U D G M E N T

In accordance with the Order entered November 17, 1986,
IT IS HEREBY ORDERED AND ADJUDGED that the Defendant, Dr. Ron Barnes,
et al., is to have Judgment against the Plaintiff, Billy Allen Harrolle,
on Plaintiff's claims herein, and that Plaintiff shall take nothing
thereon. The parties are to pay their respective costs.

DATED this 18th day of November, 1986.


THOMAS R. BRETT
UNITED STATES DISTRICT JUDGE

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

JERRY GAFFNEY, VICKI GAFFNEY, and BRANDON)
GAFFNEY, by and through his next friends,)
JERRY GAFFNEY and VICKI GAFFNEY,)

Plaintiffs,)

vs.)

No. 85-C-945-B ✓

PREFERRED RISK MUTUAL INSURANCE COMPANY,)

Defendant,)

vs.)

FILED

KEN TURNER and TOWNSEND CLAIMS SERVICE,)
INC.,)

NOV 1 1986

Third Party Defendants.)

Jack C. ...
U.S. DISTRICT

ORDER

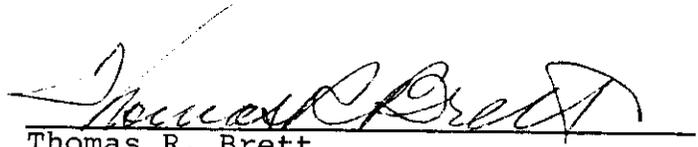
On the 2nd day of September, 1986, there came on for hearing before me, the undersigned Judge of this United States District Court, the following, to-wit: (1) Plaintiffs' Motion for Order to Set Aside Uninsured Motorist and Medical Pay Indemnifying Release and Trust Agreement, and (2) Motion for Summary Judgment by Third Party Defendants, Ken Turner and Townsend Claim Service. Plaintiffs appeared by their attorney, Patrick E. Carr; Defendant Preferred Risk Mutual appeared by its attorneys, Richard D. Wagner and Scott D. Cannon; and Third Party Defendants Ken Turner and Townsend Claim Service appeared by their attorneys, John R. Paul and Joseph F. Glass.

All parties announced that they had no further evidence to offer in addition to that heretofore submitted to the Court, and, after hearing oral argument, the Court made the following findings of fact and conclusions of law:

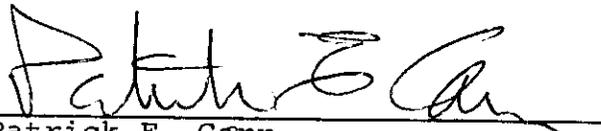
1. There remain material issues of fact regarding Plaintiffs' Motion to Set Aside Uninsured Motorist and Medical Pay Indemnifying Release and Trust Agreement, and that Motion by Plaintiffs should be and is hereby overruled.

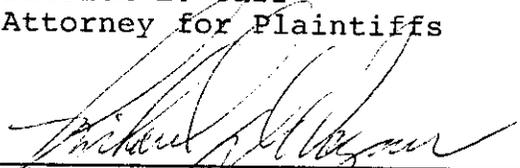
2. There is no material issue of fact regarding the Third Party claim by Preferred Risk Mutual against Third Party Defendants Ken Turner and Townsend Claim Service, and therefore, the Motion for Summary Judgment by Third Party Defendants Ken Turner and Townsend Claim Service should be and is hereby sustained, and said Third Party Defendants are hereby dismissed with prejudice.

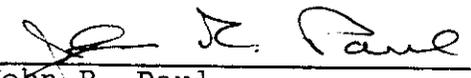
SO ORDERED this 17th day of ~~September~~ ^{November}, 1986.


Thomas R. Brett
United States District Judge

APPROVED AS TO FORM:


Patrick E. Carr
Attorney for Plaintiffs


Richard D. Wagner
Attorney for Defendant


John R. Paul
Attorney for Third Party Defendants

JKS/sc

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

SHARON L. CREEKMORE,)
)
 Plaintiff,)
)
 vs.)
)
 RANDY DUREN, GARY HENDERSON,)
 DRUMRIGHT MEMORIAL HOSPITAL)
 FOUNDATION, an Oklahoma)
 Corporation, and STATE OF)
 OKLAHOMA ex rel. The Okla-)
 homa Human Rights Commission,)
)
 Defendants.)

FILED

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nm

JACK C. ...
U.S. DISTRICT COURT

NO. 85-C-613-B ✓

JOURNAL ENTRY OF JUDGMENT

On the 25th day of March, 1986, the plaintiff, Sharon L. Creekmore, in person and by and through her attorneys, Tom Lee and Bill Ellington, appeared and also came the defendants, Randy Duran, Gary Henderson and Drumright Memorial Hospital Foundation, in person and by and through their attorney, James K. Secrest, II.

The defendants, Randy Duran, Gary Henderson and Drumright Memorial Hospital moved the Court allow them to amend the Pre-Trial Order previously entered herein relating to Count II of plaintiff's Complaint alleging assault and battery. Said defendants wish to amend the Pre-Trial Order and assert the defense of the Statute of Limitations. The Court, having heard argument of counsel, allowed the defendants to amend the Pre-Trial Order and assert said Statute of Limitations defense. The Court then sustained said defendants oral Motion for Partial

Summary Judgment on Count II (assault and battery) pursuant to rule 56 of the Federal Rules of Civil Procedure.

The Court further ruled that the causes of action upon which the plaintiff would proceed to trial were the Title VII allegation of sexual harassment and intentional infliction of emotional distress.

The case then proceeded to trial. After various recesses and on the 26th day of March, the jury of six (6) persons, who being duly empaneled and sworn to well and try the issues joined between the plaintiff and defendants and true verdicts render according to the evidence; and having heard the evidence, the charges of the Court and arguments of counsel upon their oaths say:

1. Do you conclude that the defendant, Randy Duran sexually harassed or made unwelcome sexual advances to the plaintiff Sharon L. Creekmore during the course of her employment for the defendant hospital?

YES X NO

2. Concerning termination of the plaintiff's employment on March 13, 1984, we conclude the following:

We conclude that the defendant hospital terminated plaintiff's employment in retaliation for her making complaints about Randy Duren's unwelcome sexual advances or harassment.

3. If you have answered Question No. 1 "YES", answer the following. We conclude that the defendant Randy Duren intentionally inflicted emotional distress upon the plaintiff, Sharon L. Creekmore.

YES X NO

If you have answered Question No. 3 "YES", complete the following:

We, the jury fix the amount of the plaintiff Sharon L. Creekmore's recovery at \$12,500.00.

4. If you have awarded money damages to the plaintiff for intentional infliction of emotional distress, answer the following question:

We, the jury, conclude that the conduct of the defendant, Randy Duren, giving rise to the intentional infliction of emotional distress could be characterized as oppressively, maliciously and wantonly done.

YES X NO

5. If you answered Question No. 4 "YES", complete the following:

We, the jury, duly empaneled and sworn, upon our oaths find in reference to punitive damages in favor of the plaintiff Sharon L. Creekmore, and against the defendants, Randy Duren and Drumright Memorial Hospital Foundation, and fix the amount of her recovery for punitive damages in the amount of \$25,000.00.

On April 7, 1986, defendants filed a Motion for Judgment Notwithstanding the verdict, Motion for New Trial and a Motion for Remittitur. On April 15, 1986, defendant filed its proposed findings of fact and conclusions of law. The plaintiff filed appropriate responses to the same.

On August 16, 1986, the court rendered its findings of fact and conclusions of law relative to plaintiff's Title VII Sexual Harassment claim. The Court found, as a matter of law, that the plaintiff had established sexual harassment and awarded the plaintiff nominal damages plus a reasonable attorney fee.

On August 15, 1986, the Court entered its Order reversing the jury verdict in favor of the plaintiff on the claim of intentional infliction of emotional distress. Judgment was entered in favor of the defendants on plaintiff's claim of intentional infliction of emotional distress and in favor of the plaintiff on plaintiff's Title VII Sexual Harassment claim. The defendants' Motion for New Trial was deemed moot.

It is therefore ordered, adjudged and decreed by the Court that the plaintiff, Sharon L. Creekmore, have and recover from the defendants, Randy Duren and Drumright Memorial Hospital Foundation, the sum of \$1.00 in nominal damages plus attorney's fees in the sum of \$15,000.00 on the claim asserted by plaintiff relating to the Title VII Sexual Harassment by defendants.

It is therefore ordered, adjudged and decreed by the Court that notwithstanding the verdict of the jury, it is ordered that the plaintiff shall have and recover nothing from the defendants on plaintiff's claim of intentional infliction of emotional distress and that judgment be ordered in favor of the defendants on said claim.



JUDGE OF THE UNITED STATES
DISTRICT COURT, NORTHERN DISTRICT

APPROVED AS TO FORM:



JAMES K. SECREST, II
Attorney for Defendants



TOM LEE
Attorney for Plaintiff

UNITED STATES DISTRICT COURT FOR THE
NORTHERN DISTRICT OF OKLAHOMA

FILED

NOV 17 1986

UNITED STATES OF AMERICA,)
)
Plaintiff,)
)
vs.)
)
WILLIE R. EDWARDS,)
)
Defendant.)

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

CIVIL ACTION NO. 86-C-156-C

ORDER OF DISMISSAL

Now on this 17 day of November, 1986, 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, Willie R. Edwards, be and is dismissed without prejudice.

Edmond H. L. Smith

UNITED STATES DISTRICT JUDGE

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

FILED

NOV 17 1986

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

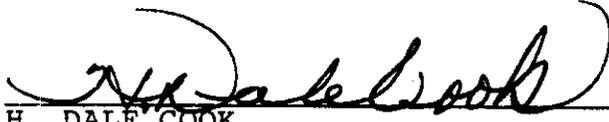
BRIAN MITCHELL,)
)
Plaintiff,)
)
vs.) No. 85-C-1104-C
)
CITY OF SAPULPA, JACK)
MCKENZIE AND GARY YOUNG,)
)
Defendants.)

J U D G M E N T

This matter came on before the Court upon defendants' motion for summary judgment. The issues having been duly considered and a decision having been duly rendered,

IT IS SO ORDERED AND ADJUDGED that judgment be entered in behalf of the defendants City of Sapulpa, Jack McKenzie and Gary Young on plaintiff's claim brought pursuant to 42 U.S.C. §1983.

IT IS SO ORDERED this 17th day of November, 1986.


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

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

FILED

NOV 17 1986

KIMBERLY D. ROSS,)
)
Plaintiff,)
)
vs.)
)
E. G. "SKIP HILL", an individual,)
RON HILL, an individual, and)
HILL PRODUCE, INC., a)
corporation,)
)
Defendants.)

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

Case No. 85-C-1013-C

ORDER OF DISMISSAL

This matter comes before the Court pursuant to the Stipulation of Dismissal of the parties. The parties represent to the Court that they have entered into a settlement and agreement for an Order of Dismissal in this matter. In furtherance of the agreement between the parties, it is found by this Court that Plaintiff's claims for violation of Title VII of the Civil Rights Act of 1964, 42 U.S.C. § 2000e, et seq., discrimination in employment, sexual harassment, retaliation, conspiracy, and infliction of emotional distress are without merit. The obligations and requirements assumed by the parties in their Mutual, General and Complete Release shall be entered and made part of the instant Order.

IT IS THEREFORE ORDERED that this matter is dismissed with prejudice. Each party shall bear its own attorney fees and costs.

DATED: November 17, 1986.

(Signed) H. Dale Cook

H. Dale Cook
United States District Judge

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

NOV 17 1986

ETHEL GUESS, et al.,)
)
Plaintiffs,)
)
vs.) No. 86-C-625-E
)
SAPULPA LITTLE CHIEFS)
FOOTBALL ASSOCIATION,)
)
Defendant.)

ORDER

NOW on this 17th day of November, 1986 comes on for hearing the above captioned matter and the Court, being fully advised in the premises finds:

Defendant filed objections to report and recommendation of the Magistrate which this Court set for hearing. No response was filed, however, counsel for Plaintiff appeared and presented testimony that the issues in the case have been rendered moot by the earlier order of this Court. The Court finds Defendant's objections shall be overruled. It is therefore no longer 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 six (6) months that 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 17th day of November, 1986.



JAMES O. ELLISON
UNITED STATES DISTRICT JUDGE

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

METROPOLITAN LIFE INSURANCE
COMPANY, a New York
corporation,

Plaintiff,

v.

ATOCHEM, INC., a Delaware
corporation, successor by
merger to CECA, INC., a
Missouri corporation,

Defendant.

Case No. 86-C-547-E

FILED

NOV 17 1986

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

STIPULATION FOR DISMISSAL

It is hereby stipulated that the above-entitled action
may be dismissed with prejudice.

METROPOLITAN LIFE INSURANCE
COMPANY

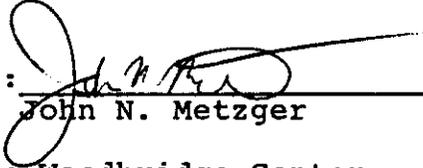
By: Mary S. Thompson
Mary S. Thompson - OBA #10495

Of the Firm:

MOCK, SCHWABE, WALDO, ELDER,
REEVES & BRYANT
A Professional Corporation
Fifteenth Floor
One Leadership Square
211 North Robinson
Oklahoma City, Oklahoma 73102
Telephone: (405) 235-5500

ATTORNEYS FOR METROPOLITAN LIFE
INSURANCE COMPANY

ATOCHEM, INC., successor by
merger to CECA, INC.

By: 

John N. Metzger

One Woodbridge Center
Woodbridge, New Jersey 07095
Telephone: (201) 499-2510

ATTORNEY FOR ATOCHEM, INC.,
successor by merger to CECA, INC.

222/140/jj

Closes
joint
application
(Case on 11-17-86)

UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF OKLAHOMA

FILED

NOV 17 1986

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

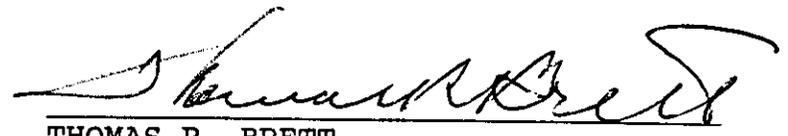
TERRANCE MURPHY, M.D.,
Plaintiff,
v.
WESTWORLD COMMUNITY HEALTHCARE,
INC., a California Corporation,
Defendant.

No. 86-C-421B ✓

ORDER OF DISMISSAL WITH PREJUDICE

Upon Application by the parties, and for good cause shown, the Court finds that the above styled and numbered cause of action should be dismissed with prejudice to refiling in the future.

IT IS SO ORDERED this 17th day of November, 1986.



THOMAS R. BRETT
U.S. DISTRICT JUDGE

15

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

FILED

NOV 17 1986 nm

W. G. CARROLL,)
)
 Plaintiff,)
)
 v.)
)
 SANTA FE ENERGY,)
)
 Defendant.)

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

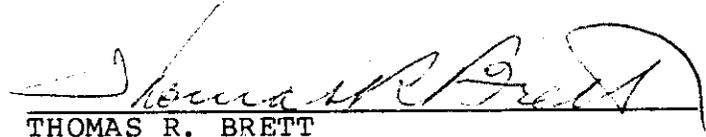
No. 85-C-910-B ✓

J U D G M E N T

Pursuant to the Court's order of September 30, 1986,
Judgment is hereby entered in favor of the defendant, Santa Fe
Energy, and against the plaintiff, W. G. Carroll.

Costs of this action are assessed against the plaintiff, and
each party is to pay its own respective attorney's fees.

ENTERED this 17th-day of November, 1986.


THOMAS R. BRETT
UNITED STATES DISTRICT JUDGE

FILED

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

NOV 14 1986

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

LONG DISTANCE SAVERS OF)
TULSA, INC.,)
))
Plaintiff,)
))
vs.)
))
THE ST. PAUL COMPANIES, INC.,)
a Minnesota Corporation; ST.)
PAUL FIRE AND MARINE INSURANCE)
CO., a Minnesota Corporation;)
ST. PAUL MERCURY INSURANCE CO.,)
a Minnesota Corporation; ST.)
PAUL SURPLUS LINES INSURANCE)
CO., a Delaware Corporation;)
ACORN INSURANCE AGENCY, INC.,)
a Colorado Corporation;)
ACORN-LILLEY INSURANCE AGENCY;)
CRAIG LILLEY, an individual,)
))
Defendants.)

Case No. 86-C-447E

NOTICE BY
JOINT DISMISSAL BY STIPULATION

COME NOW the parties to the captioned cause, pursuant to Rule 41(a)(1)(ii), Federal Rules of Civil Procedure, and hereby stipulate to a dismissal of the captioned action, with each party to bear his or its own costs and attorney's fees.

Respectfully Submitted,

CHARLES W. SHIPLEY
STEPHEN E. SCHNEIDER
STEPHEN J. GREUBEL

By *Stephen J. Greubel*
Stephen J. Greubel
3401 First National Tower
Tulsa, Oklahoma 74103
(918) 582-1720
ATTORNEYS FOR PLAINTIFF

RHODES, HIERONYMUS, JONES, TUCKER
and GABLE

By J. A. Deaton
J. A. Deaton
2800 Fourth National Bank Building
Tulsa, Oklahoma 74119
(918) 582-1173
ATTORNEY FOR DEFENDANTS, ACORN
INSURANCE AGENCY, INC., ACORN-LILLEY
INSURANCE AGENCY and CRAIG LILLEY

FENTON, FENTON, SMITH, RENEAU &
MOON

By Tom E. Mullen
Tom E. Mullen
200 Court Plaza Building
228 Robert S. Kerr Avenue
Oklahoma City, Oklahoma 73102-5281
(405) 235-4671
ATTORNEY FOR THE ST. PAUL COMPANIES,
INC., ST. PAUL FIRE AND MARINE
INSURANCE CO., ST. PAUL MERCURY
INSURANCE CO., ST. PAUL SURPLUS
LINES INSURANCE CO.

UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF OKLAHOMA

FILED

NOV 14 1986

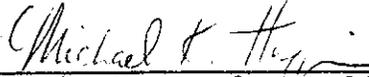
JACK C. SILVER, CLERK
U.S. DISTRICT COURT

PROFESSIONAL INVESTORS LIFE)
INSURANCE COMPANY,)
)
Plaintiff,)
)
vs.)
)
L. GEORGE REYNOLDS, an Individual,)
REYNOLDS & ASSOCIATES MARKETING)
COMPANY, a General Partnership,)
JERRY SMALL, an Individual, DAN)
COWAN, an Individual, and CHARLES)
YARBROUGH, an Individual,)
)
Defendants.)

No. 84-C-946-C

PLAINTIFF'S DISMISSAL WITH PREJUDICE OF ITS SECOND AND THIRD
CAUSES OF ACTION AGAINST REYNOLDS AND RAMCO

COMES NOW the plaintiff and hereby dismisses with prejudice
its Second and Third Causes of Action against defendants Reynolds
and Reynolds and Associates Marketing Company ("RAMCO").



Kevin W. Boyd OBA 1022
Michael K. Huggins OBA 4458
Attorneys for Plaintiff
P.O. Box 2888
Tulsa, OK 74101

CERTIFICATE OF MAILING

This is to certify that a true and correct copy of the foregoing Dismissal was mailed this 13th day of November, 1986 to:

Paul W. Tipton
204 Concorde on the Creek
6750 Hillcrest Plaza Drive
Dallas, Texas 75230

Jerry Small
1001 W. Park #147
Plano, Texas 75075

L. Stewart Fraser
3333 Lee Parkway
Dallas, Texas 75075



Michael K. Huggins

UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF OKLAHOMA

FILED

NOV 14 1986

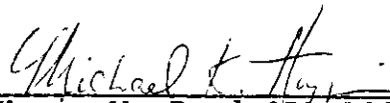
JACK C. SILVER, CLERK
U.S. DISTRICT COURT

PROFESSIONAL INVESTORS LIFE)
INSURANCE COMPANY,)
)
Plaintiff,)
)
vs.)
)
L. GEORGE REYNOLDS, an Individual,)
REYNOLDS & ASSOCIATES MARKETING)
COMPANY, a General Partnership,)
JERRY SMALL, an Individual, DAN)
COWAN, an Individual, and CHARLES)
YARBROUGH, an Individual,)
)
Defendants.)

No. 84-C-946-C

PLAINTIFF'S DISMISSAL WITH PREJUDICE OF ITS FIRST, SECOND,
AND THIRD CAUSES OF ACTION AGAINST DAN COWAN

COMES NOW the plaintiff, and hereby dismisses with prejudice
its First, Second, and Third Causes of Action against defendant
Dan Cowan.



Kevin W. Boyd OBA# 1022
Michael K. Huggins #4458
Attorneys for Plaintiff
P. O. Box 2888
Tulsa, OK 74101

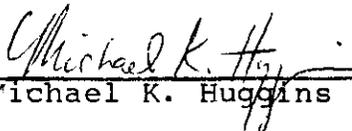
CERTIFICATE OF MAILING

This is to certify that a true and correct copy of the foregoing Dismissal was mailed this 13th day of November, 1986 to:

Paul W. Tipton
204 Concorde on the Creek
6750 Hillcrest Plaza Drive
Dallas, Texas 75230

L. Stewart Fraser
3333 Lee Parkway
Dallas, Texas 75219

Jerry Small
1001 W. Park #147
Plano, Texas 75075



Michael K. Huggins

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

FILED

NOV 14 1986

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

CHARLES E. MITCHELL,)
)
) Petitioner,)
)
 vs.) No. 86-C-799-C
)
)
 FERN KARRAKER, TREASURER)
)
 PAWNEE CO., OKLA., and)
)
 TEN JOHN DOES, et al.,)
)
) Respondents.)

ORDER

Now before the Court for its consideration is petitioner's motion for default judgment on the writ of mandamus and certiorari, filed October 29, 1986.

Rule 8 of the F.R.Cv.P. states in pertinent part, "A pleading which sets forth a claim for relief ... shall contain (1) a short and plain statement of the grounds upon which the court's jurisdiction depends, ..."

The Court notes sua sponte that the petition filed by the petitioner on August 28, 1986 failed to contain a proper jurisdictional statement. This omission requires that the case be dismissed.

WHEREFORE, premises considered, the Court Orders sua sponte that the case should be and hereby is dismissed for failure to

properly plead the Court's jurisdiction. This renders the application for default judgment moot.

IT IS SO ORDERED this 14th day of November, 1986.


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

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

C. D. SOWELL, et ux., §
CYNTHIA SOWELL, and §
KEITH HUDSON, et ux., §
MARY HUDSON, §

Plaintiffs, §

v. §

Civil Action No. 85-C-202-E

TOM J.LEDING, ELDON R. §
BOLLINGER, SAM MERIT, BOB C. §
WEATHERFORD, TRACON INTERNATIONAL, §
INC., and GOOD NEIGHBOR CAPITAL §
CORPORATION, §

Defendants. §

NOV 14 86

JUDGMENT BY DEFAULT

This cause came on for hearing at this term on the motion of C. D. Sowell, Cynthia Sowell, Keith Hudson, and Mary Hudson, Plaintiffs in the cause styled as above, for a default judgment pursuant to Rule 55(b)(2) of the Federal Rules of Civil Procedure, and it appearing to the Court that the Complaint in this cause was filed in this Court on the twenty-eighth day of February, 1985, and that Defendant Sam Merit was properly served with the Summons and Complaint by proper notice by publication on March 25, April 1, and April 8, 1986, and that he has failed to appear or plead to this action, and that default was entered on the 10th day of April, 1986, in the office of the Clerk of this Court, and

that no proceedings have been taken by the Defendant Sam Merit since the default was entered, it is hereby

ORDERED, ADJUDGED AND DECREED that Plaintiffs recover from Defendant Sam Merit the sum of \$105,000.00 as actual damages and the sum of \$210,000.00 as damages allowed under 18 U.S.C. § 1964(c), together with costs to be determined upon proper application.

DATED this 14th day of November, 1986.



JAMES O. ELLISON
UNITED STATES DISTRICT JUDGE

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

EDDIE O. RAY,

Plaintiff,

vs.

OTIS R. BOWEN, M.D.,
Secretary of Health and
Human Services of the
United States of America,

Defendant.

No. 85-C-1028-E

O R D E R

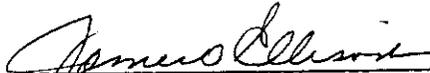
NOW on this 14th day of November, 1986 comes on for hearing the above captioned matter and the Court, being fully advised in the premises finds:

Plaintiff brought this action pursuant to Section 205(g) of the Social Security Act, 42 U.S.C. § 40(g). Plaintiff's disability claims were denied by the Secretary of Health and Human Services, and the Magistrate recommended that the Secretary's decision be affirmed. Plaintiff has objected to the Findings and Recommendations of the Magistrate on the grounds that Plaintiff has non-exertional impairments and the Magistrate incorrectly determined that the "grid" was applicable and that vocational testimony was not necessary, and also that the Magistrate incorrectly held that Plaintiff's multiple impairments were not the equivalent of a listed impairment.

Although no response to Plaintiff's objections was filed, this Court has reviewed the authorities submitted and finds the

report and recommendations of the Magistrate are substantiated by the evidence, including Plaintiff's own physician, and should be affirmed.

It is so Ordered.



JAMES Q. ELLISON
UNITED STATES DISTRICT JUDGE

APPROVALS:

JOHN BOULEY

John G. Bouley
Attorney for the Plaintiff

JOHN HOWARD LIEBER

John Lieber
Attorney for the Defendant

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

FILED

NOV 13 1986

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

WENDELL H. WILLIAMS,)
)
 Plaintiff,)
)
 v.)
)
 JOHN ALLEN HOCKETT,)
)
 Defendant.)

470
No. 86-C-740E

DISMISSAL WITH PREJUDICE

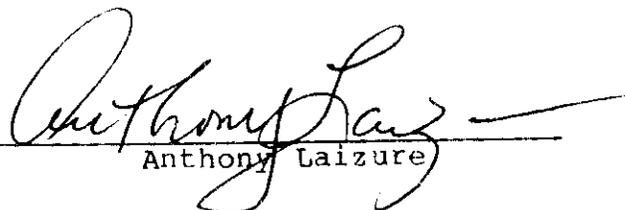
The plaintiff herein hereby dismiss the above styled
and numbered cause with prejudice to a future action.

DATED this 7th day of November, 1986.

Wendell H. Williams

CERTIFICATE OF MAILING

I Anthony Laizure, the attorney for Plaintiff, state
that I did on this 7th day of November, 1986, mail a true and
correct copy of the within and foregoing Dismissal with Prejudice
to Gary R. Proctor, 101 N. Robinson, 9th Floor, Oklahoma City,
Oklahoma 73102



Anthony Laizure

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

RICHARD E. SMITH, et al

Plaintiff(s),

vs.

ROBERT C. HILL, et al

Defendant(s).

No. 86-C-87-C

F I

NOV 1 1986

Jack C. ...
U.S. DISTRICT

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 10 day of November, 19 86.

ALL PARTIES

UNITED STATES DISTRICT JUDGE

UNITED STATES DISTRICT COURT FOR THE
NORTHERN DISTRICT OF OKLAHOMA

NOV 12 1986

NOV 12 1986

CLERK OF DISTRICT COURT
U.S. DISTRICT COURT

UNITED STATES OF AMERICA,)
)
Plaintiff,)
)
vs.)
)
DOUGLAS E. HARTMAN,)
)
Defendant.)

CIVIL ACTION NO. 86-C-630-C

DEFAULT JUDGMENT

This matter comes on for consideration this 12 day of October, 1986, 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, Douglas E. Hartman, appearing not.

The Court being fully advised and having examined the file herein finds that Defendant, Douglas E. Hartman, was served with Summons and Complaint on September 2, 1986. 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,

Douglas E. Hartman, for the principal sum of \$537.59, plus interest at the rate of 9 percent per annum and administrative costs of \$.67 per month from February 1, 1985 until judgment, plus interest thereafter at the current legal rate of 5.75 percent per annum until paid, plus costs of this action.

s/H. DALE COOK

UNITED STATES DISTRICT JUDGE

UNITED STATES DISTRICT COURT FOR THE
NORTHERN DISTRICT OF OKLAHOMA

FILED
NOV 12 1986
MACK G. SHIVERS, CLERK
U.S. DISTRICT COURT

UNITED STATES OF AMERICA,)
)
Plaintiff,)
)
vs.)
)
HAROLD W. HOOKER,)
)
Defendant.)

CIVIL ACTION NO. 86-C-623-C

ORDER OF DISMISSAL

Now on this 12 day of November, 1986, 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, Harold W. Hooker, be and is dismissed without prejudice.

s/H. DALE COOK

UNITED STATES DISTRICT JUDGE

UNITED STATES DISTRICT COURT FOR THE
NORTHERN DISTRICT OF OKLAHOMA

UNITED STATES OF AMERICA,)

Plaintiff,)

vs.)

MARC ALAN THOMPSON; SULTRA JEAN)
THOMPSON; COUNTY TREASURER,)
Tulsa County, Oklahoma; and)
BOARD OF COUNTY COMMISSIONERS,)
Tulsa County, Oklahoma,)

Defendants.)

CIVIL ACTION NO. 86-C-534-C

O R D E R

Upon the Motion of the United States of America acting on behalf of the Administrator of Veterans Affairs by Layn R. Phillips, United States Attorney for the Northern District of Oklahoma, through Phil Pinnell, Assistant United States Attorney, to which there are no objections it is hereby ORDERED that this action shall be dismissed without prejudice.

Dated this 10 day of November, 1986.

s/H. DALE COOK

UNITED STATES DISTRICT JUDGE

APPROVED AS TO FORM AND CONTENT:

LAYN R. PHILLIPS
United States Attorney



PHIL PINNELL
Assistant United States Attorney
3600 U.S. Courthouse
Tulsa, Oklahoma 74103
(918) 581-7463

UNITED STATES DISTRICT COURT FOR THE
NORTHERN DISTRICT OF OKLAHOMA

NOV 12 1986

UNITED STATES OF AMERICA,)
)
Plaintiff,)
)
vs.)
)
GEORGE A. BLACKOWL,)
)
Defendant.)

DAVE C. BLY CLERK
DISTRICT COURT

CIVIL ACTION NO. 86-C-453-C

ORDER OF DISMISSAL

Now on this 12 day of November, 1986, 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, George A. Blackowl, be and is dismissed without prejudice.

s/H. DALE COOK

UNITED STATES DISTRICT JUDGE

UNITED STATES DISTRICT COURT FOR THE
NORTHERN DISTRICT OF OKLAHOMA

NOV 12 1986

NOV 12 1986

UNITED STATES OF AMERICA,)
)
 Plaintiff,)
)
 vs.)
)
 CHARLOTTE L. GATES,)
)
 Defendant.)

MARK S. JONES, CLERK
U.S. DISTRICT COURT

CIVIL ACTION NO. 86-C-63-C

ORDER OF DISMISSAL

Now on this 12 day of November, 1986, it appears that the Defendant in the captioned case has not been located within the Northern District of Oklahoma, and therefore attempts to serve her have been unsuccessful.

IT IS THEREFORE ORDERED that the Complaint against Defendant, Charlotte L. Gates, be and is dismissed without prejudice.

s/H. DALE COOK

UNITED STATES DISTRICT JUDGE

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

FILED

NOV 12 1986

W. G. SILVER, CLERK
DISTRICT COURT

L.D. HOWELL, KATHERINE J.
HOWELL, and STATE BEAUTY
SUPPLY OF JOHNSON COUNTY,
INC.,

Plaintiffs,

vs.

JARTRAN, INC.,

Defendant.

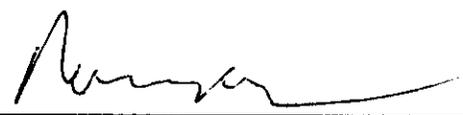
Case No. 86-C-515-E
JURY DEMAND

NOTICE OF DISMISSAL

COME NOW the Plaintiffs, L.D. Howell, Katherine J. Howell, and State Beauty Supply of Johnson County, Inc., by and through their attorney Robert S. Rizley of Brewster Shallcross and Rizley and hereby dismiss this action pursuant to Rule 41(a)(1) of the Federal Rules of Civil Procedure.

Brewster Shallcross and Rizley

By:



Robert S. Rizley, Esq.
OBA NO. 007613
5314 S. Yale - Ste. 600
Tulsa, OK 74135
(918) 494-5935

CERTIFICATE OF MAILING

I hereby certify that on the 12th day of November, 1986, I mailed a true and correct copy of the above and foregoing instrument in the United States mail with proper postage affixed to Jartran, Inc., c/o Corporation Company, Service Agent, 735 First National Building, Oklahoma City, OK 73102.



Robert S. Rizley

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

NOV 13 1986

GENE PACKARD,)
)
Plaintiff,)
)
vs.)
)
ST. JOE MINERALS CORPORATION,)
)
Defendant.)

JAMES O. ELLISON
U.S. DISTRICT JUDGE

No. 85-C-445-E ✓

JUDGMENT DISMISSING ACTION
BY REASON OF ARBITRATION

The Court has been advised by counsel that this action is being submitted for arbitration. 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 six (6) months that arbitration has not been completed or that it has failed to dispose of the issues in the case and further litigation is therefore 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 12th day of November, 1986.



JAMES O. ELLISON
UNITED STATES DISTRICT JUDGE

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

NOV 1 1986
U.S. DISTRICT COURT
NORTHERN DISTRICT OF OKLAHOMA

LYNN M. SEELYE; MORTY BOYD;)
PETE HARLOW; WAYNE E. ANDERSON;)
and, JAMES A. ANDERSON,)

Plaintiffs,)

vs.)

CASE NO. 86-C-394-E

L & M NATURAL RESOURCES,)
INC., PARTNERSHIP #1, L & M NATURAL)
RESOURCES, INC., PARTNERSHIP #2,)
Oklahoma Limited Partnerships; L & M)
NATURAL RESOURCES, INC., an Okla-)
homa corporation, General Partner; MEL)
GAILEY, a/k/a M. H. GAILEY; G. LEE)
JACKSON; GOLDEN GAS ENERGIES,)
INC., an Oklahoma corporation;)
and, BUSSETT RESOURCES, INC., an)
Oklahoma corporation,)

Defendants.)

DEFAULT JUDGMENT

The Court having considered the Plaintiffs' Motion for Default Judgment and all the pleadings herein finds and orders that the Defendants Golden Gas Energies, Inc. ("Golden") and Bussett Resources, Inc. ("Bussett") are in default and hereby grants to Plaintiffs judgment as follows:

(1.) IT THEREFORE IS ORDERED, ADJUDGED AND DECREED by this Court that Defendant Golden be ordered to account to the Receiver herein for all of the gas it has purchased from the Venture #1 well and pay the proceeds of same forthwith to the Receiver; and,

(2.) IT FURTHER IS ORDERED, ADJUDGED AND DECREED by this Court that the Gas Purchasing Contract dated July 23, 1986 between Defendants Golden and Bussett be voided and held to be of no effect; and,

(3.) IT FURTHER IS ORDERED, ADJUDGED AND DECREED by this Court that the Assignment-Gas Production Payments executed by Defendant L & M Natural Resources, Inc. as the General Partner of L & M Natural Resources, Inc., Partnership #1 with Defendant Bussett covering the Venture #1 well be voided and held to be of no effect; and,

(4.) IT FURTHER IS ORDERED, ADJUDGED AND DECREED by this Court that the Receiver or its nominee be appointed Operator of the Venture #1 well; and,

(5.) IT FURTHER IS ORDERED, ADJUDGED AND DECREED by this Court that the Receiver be ordered and authorized to collect all proceeds realized from the wells of the Defendant Limited Partnership, viz., Venture #1 well and the Stone #1 well and after payment of reasonable and necessary operating expenses, to disburse such proceeds to the proper owners thereof until further order of this Court; and,

(6.) IT FURTHER IS ORDERED, ADJUDGED AND DECREED by this Court that Plaintiffs be awarded their costs and attorneys' fees to be determined by the Court.

DATED: March 12, , 1986.

[Handwritten signature]

JUDGE

David M. Thornton,
O.B.A. No. 1214
THORNTON, WAGNER & THORNTON,
a Professional Corporation,
525 South Main Street, Suite 660
Tulsa, Oklahoma 74103
Telephone: (918) 587-2544

COUNSEL OF RECORD FOR PLAINTIFFS