

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

FILED

APR 20 1987

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

EDDIE EARL MATHIEUS,)
)
 Petitioner,)
)
 vs.)
)
 TED WALLMAN,)
)
 Respondent.)

No. 86-C-1085-C

O R D E R

Before the Court are the objections of petitioner Eddie Earl Mathieus to the Findings and Recommendations of the Magistrate. The Magistrate has recommended that petitioner's writ of habeas corpus pursuant to 28 U.S.C. §2254 be dismissed under Rule 9(a) of the Rules Governing Section 2254 cases.

Attached to Mathieus' petition are copies of the state's response to petitioner's application for post-conviction, the district court order denying post-conviction relief, the Court of Criminal Appeals order affirming such denial, the transcript of petitioner's 1968 guilty plea and sentencing, an affidavit of petitioner's counsel in Case No. 23,243, and the felony information in Case No. CRF-85-111.

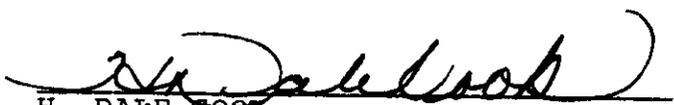
The transcript of petitioner's guilty plea and sentencing shows that Mathieus was represented by counsel at both the plea hearing and sentencing. The Court advised petitioner of his various rights and inquired of petitioner whether his attorney consulted him regarding his rights to a trial by jury. At the

sentencing the Court informed petitioner of his rights to appeal, whereupon petitioner indicated that he was aware of his right to appeal but that he elected to waive those rights and be sentenced.

Although Rule 9(a) upon which the Magistrate based his dismissal is appropriate in that it has been 18 years since petitioner was sentenced in Case No. 23,243, the Court finds after independent review of the record that petitioner's writ of habeas corpus is without merit. The record reveals that petitioner was adequately informed of his rights and had the right to advice from his attorney, and that petitioner was not denied due process of law.

Therefore, premises considered, it is the Order of the Court that the writ of habeas corpus brought pursuant to 28 U.S.C. §2254 is hereby denied.

IT IS SO ORDERED this 20th day of April, 1987.


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

UNITED STATES DISTRICT COURT FOR THE
NORTHERN DISTRICT OF OKLAHOMA

FILED

UNITED STATES OF AMERICA,

Plaintiff,

vs.

JANET S. LOFTIN,

Defendant.

APR 20 1987

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

CIVIL ACTION NO. 86-C-1123-E

ORDER OF DISMISSAL

NOW on this 20th day of April, 1987, 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, Janet S. Loftin, be and is dismissed without prejudice.

James O. Ellison
UNITED STATES DISTRICT JUDGE

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

JAMES SMITH,)
)
 Plaintiff,)
)
 v.)
)
 FRANK THURMAN and TULSA)
 COUNTY COMMISSIONERS,)
)
 Defendants.)

FILED

APR 20 1987

84-C-676-E

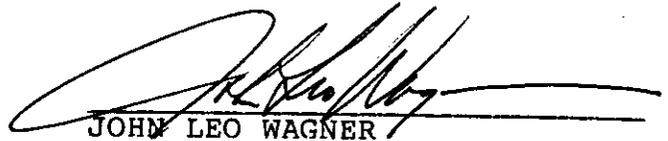
Jack C. Silver, Clerk
U.S. DISTRICT COURT

JUDGMENT

This action came on for trial before the Court, Honorable John Leo Wagner, U. S. Magistrate, presiding, and the issues having been duly tried and a decision having been duly rendered,

IT IS ORDERED AND ADJUDGED that the Plaintiff James Smith take nothing from the Defendants Frank Thurman and Tulsa County Commissioners, that the action be dismissed on the merits, and that the Defendants recover of the Plaintiff James Smith their costs of action.

Dated at Tulsa, Oklahoma, this 17th day of April, 1987.



JOHN LEO WAGNER
UNITED STATES MAGISTRATE

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

APR 17 1987

DELILAH C. WILSON, Widow of)
ALAN L. WILSON, Deceased,)
)
Plaintiff,)
)
vs.)
)
T. K. INTERNATIONAL., INC.,)
)
Defendant.)

No. 86-C-652-C

ORDER

NOW on this 4-13 day of April, 1987, this matter comes on for hearing before me on Plaintiff's Amended Application for Approval and Allocation of Settlement Proceeds and pursuant to Consent to proceed before a U.S. Magistrate by the parties hereto, and the Court finds:

The Settlement Agreement between the parties, including the apportionment and payments to beneficiaries and the payment of fees and expenses to the attorneys for Plaintiff as provided therein, should be and are hereby accepted and approved; and the action by Plaintiff, Delilah C. Wilson, Widow of Alan L. Wilson, Deceased, is dismissed with prejudice to the filing of another.

S/John L. Wagner
U.S. Magistrate

JOHN LEO WAGNER
U. S. Magistrate

Approved:

Jay C. Baker
Jay C. Baker, Attorney for Plaintiff

Chris Rhodes
Chris Rhodes, Attorney for Defendant

CLR:gaw

Entered

FILED

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

APR 17 1987

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

EQUITABLE LIFE LEASING)
CORPORATION,)
)
Plaintiff,)
)
v.)
)
EUGENE WILLIAM KOELSCH and)
SHIRLEY KOELSCH,)
)
Defendants.)

No. 86-C-1117E

ORDER

For good cause shown the above-captioned matter is dismissed
without prejudice.

3/18/87

James O. Ellison, Judge
United States District Court

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

ROY L. JACKSON,

Plaintiff,

vs.

OGL RETIREMENT FACILITIES
d/b/a WOODLAND TERRACE
RETIREMENT,

Defendant.

No. 86-C-1095-B

FILED

APR 17 1987

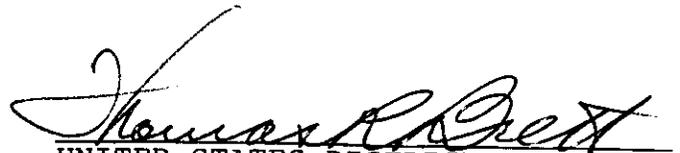
Jack C. Silver, Clerk
U.S. DISTRICT COURT

ORDER OF DISMISSAL

Upon the filing of a Joint Stipulation of Dismissal With
Prejudice by Plaintiff and Defendant,

IT IS HEREBY ORDERED that the case of Roy L. Jackson v.
OGL Retirement Facilities d/b/a Woodland Terrace Retirement,
Case No. 86-C-1095-B, United States District Court for the
Northern District of Oklahoma, is dismissed with prejudice,
each side to bear his or its own costs, expenses and attorneys'
fees.

DATED this 17 day of April, 1987.


UNITED STATES DISTRICT JUDGE

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

APR 17 1987
U.S. DISTRICT COURT
NORTHERN DISTRICT OF OKLAHOMA

JANETTA S. GRAPPERHAUS, Personal)
Representative of the Estate of)
STEVEN A. GRAPPERHAUS, deceased,)
)
Plaintiff,)
)
vs.)
)
T. K. INTERNATIONAL., INC.,)
)
Defendant.)

No. 86-C-651-C

ORDER

NOW on this 4-8 day of April, 1987, this matter comes on for hearing before me on Plaintiff's Amended Application for Approval and Allocation of Settlement Proceeds and pursuant to Consent to proceed before a U.S. Magistrate by the parties hereto, and the Court finds:

The Settlement Agreement between the parties, including the apportionment and payments to beneficiaries and the payment of fees and expenses to the attorneys for Plaintiff as provided therein, should be and are hereby accepted and approved; and the action by Plaintiff, Janetta S. Grapperhaus, Widow of Steven A. Grapperhaus, Deceased, is dismissed with prejudice to the filing of another.

S/John L. Wagner
U.S. Magistrate

JOHN LEO WAGNER
U. S. Magistrate

Approved:

Jay C. Baker
Jay C. Baker, Attorney for Plaintiff
Chris Rhodes
Chris Rhodes, Attorney for Defendant

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

BILLY M. FULTON and BARBARA
FULTON, husband and wife,

Plaintiffs,

vs.

BILL W. BUSH, ARROW SPECIALTY
CO., an Oklahoma corporation;
NORTHERN GROUP SERVICES, INC.,
a foreign corporation; MASCC
CORPORATION, a foreign corpora-
tion; LAFAYETTE LIFE INSURANCE
COMPANY, a foreign corporation;
WASHINGTON NATIONAL INSURANCE
COMPANY OF AMERICA, a foreign
corporation,

Defendants.

Case No. 86-C-450-C

FILED

APR 16 1987

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

ORDER OF DISMISSAL

This matter having come before this Court this 15 day of April, 1987, upon the Joint Stipulation of attorneys for Plaintiffs, Billy M. Fulton and Barbara Fulton, and Defendants, Bill W. Bush, Arrow Specialty Co., and Northern Group Services, Inc., and for good cause shown,

IT IS HEREBY ORDERED, ADJUDGED AND DECREED that the complaint of the Plaintiffs against Defendants, Bill W. Bush, Arrow Specialty Co., and Northern Group Services, Inc., is hereby dismissed with prejudice to the filing of a future action.


UNITED STATES DISTRICT JUDGE

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

WILLIAM F. WEBSTER,)
)
 Plaintiff,)
)
 v.)
)
 EASTERN STATE HOSPITAL,)
 et al,)
)
 Defendants.)

86-C-930-C FILED

APR 16 1987

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

ORDER

The Court has for consideration the Supplemental Findings and Recommendation of the Magistrate filed March 26, 1987, in which the Magistrate recommended that plaintiff William Webster'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 Supplemental Findings and Recommendation of the Magistrate should be and hereby are affirmed.

It is therefore Ordered that plaintiff William Webster's civil rights complaint is dismissed under 28 U.S.C. §1915(d).

Dated this 16 day of April, 1987.


H. DALE COOK, CHIEF
UNITED STATES DISTRICT JUDGE

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

FILED

APR 13 1987

QUINION R. LEIGH,)
)
 Plaintiff,)
)
 v.)
)
 DAVID MOSS and A. J. SCHULTZ,)
)
 Defendants.)

86-C-925-B

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

ORDER

Plaintiff brought this action under 42 U.S.C. §1983 alleging that defendants David Moss and A. J. Schultz had denied him his equal protection rights under the United States Constitution. Plaintiff contended that defendants, as officers of the District Attorney's office had discriminated against him in the application of the Oklahoma recidivist statute.

Defendants filed a motion to dismiss, or in the alternative for summary judgment, on November 12, 1986. In response thereto, plaintiff informs the court that on October 7, 1986, plaintiff and defendants entered into an agreement whereby plaintiff would dismiss the case. Plaintiff states that he sent a letter to the court advising them of the agreement to dismiss. The record does not indicate that any such letter has been received.

However, in light of the representations made in plaintiff's response, it is Ordered that this matter is dismissed and that defendants' application for attorney's fees is denied.

Dated this 16th day of April, 1987.


THOMAS R. BRETT
UNITED STATES DISTRICT JUDGE

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

SAMUEL R. KIRK and)
RICHARD E. WELLS,)
)
Plaintiffs,)
)
v.)
)
GENERAL SIGNAL CORP., a)
New York corporation, et al.,)
)
Defendants.)

FILED

APR 16 1987 nm

Jack C. Silver, Clerk
No. 85-C-48-B.S. DISTRICT COURT

O R D E R

This matter comes before the Court on the Motion for Summary Judgment of twelve individual Defendants: Ralph E. Bailey, Albert W. Buesking, Samuel A. Casey, David J. Dunn, Edward W. Franklin, Fred H. Gordon, Jr., N. Bruce Hannay, J. Robert Hipps, John P. Horgan, Harold J. Hudson, Jr., Reginald H. Jones, and Edward C. Prellwitz. Since this motion was filed, Defendants Buesking, Prellwitz, Hannay and Dunn have been dismissed from this litigation. Therefore, the Motion for Summary Judgment will be addressed by the Court only with respect to the remaining eight individual Defendants. After reviewing the record herein, the Court concludes that the Motion for Summary Judgment should be sustained with respect to Defendants Bailey, Casey, Gordon, Horgan, Hudson, Jones, and Franklin, and denied with respect to Defendant Hipps.

Plaintiffs' claims against the individual defendants herein allege violations of 15 U.S.C. §78j(b), SEC Rule 10b-5, and 71 O.S. §§101(1)(2)(3) and 408(a)2, asserting misstatements and

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omissions of material fact in connection with the purchase of Plaintiffs' stock in Arrow Engineering, Inc., by General Signal Corporation on February 8, 1983. Liability of these individual Defendants is based on 15 U.S.C. §78t and its Oklahoma counterpart, 71 O.S. §408(b), providing for joint and several liability of persons who directly or indirectly control any person liable under the provisions of certain other securities laws. Defendants Bailey, Casey, Gordon, Horgan, Hudson, and Jones are "outside directors" of General Signal. Defendants Franklin and Hipps are "inside directors" of General Signal, that is, in addition to their positions as directors of General Signal they also held positions as officers of the Defendant corporation.

15 U.S.C. §78t provides:

"Every person who, directly or indirectly, controls any person liable under any provision of this chapter or of any rule or regulation thereunder shall also be liable jointly and severally with and to the same extent as such controlled person to any person to whom such controlled person is liable, unless the controlling person acted in good faith and did not directly or indirectly induce the act or acts constituting the violation or cause of action."

Control is defined as "the possession, direct or indirect, of the power to direct or cause the direction of the management and policies of a person, whether through the ownership of voting securities, by contract or otherwise." 17 C.F.R. §230.405(f)(1979). Case law defines control as the ability to exert influence, directly or indirectly, on the decision-making process of another person. See, Rochez Brothers, Inc. v.

Rhoades, 527 F.2d 880, 884 (3rd Cir. 1975), cert. denied, 425 U.S. 993 (1976). Liability under Rule 10b-5 requires a finding of scienter, "a mental state embracing intent to deceive, manipulate, or defraud." Ernst & Ernst v. Hochfelder, 425 U.S. 185, 193, n. 12 (1976). The United States Supreme Court has concluded that negligent conduct is insufficient to meet this scienter requirement, but has declined to decide whether reckless behavior is sufficient for liability. Id. at 193, n. 12. In Hackbart v. Holmes, 675 F.2d 1114 (10th Cir. 1982), the Tenth Circuit Court of Appeals held that recklessness is sufficient to satisfy the scienter requirement of Rule 10b-5. Id. at 1117. The reckless behavior required is conduct that is "an extreme departure from the standards of ordinary care, and which presents a danger of misleading buyers or sellers that is either known to the defendant or so obvious that the actor must have been aware of it." Id. at 1118 (citations omitted). Thus, in addition to meeting the test for a controlling person, in order to establish liability under Rule 10b-5, a state of mind evidencing at least recklessness must also be proven. Carpenter v. Harris, Upham & Co., Inc., 594 F.2d 388, 394 (4th Cir. 1979). A controlling person may defend the claim of liability under the act by proving that although a controlling person, he acted in good faith and did not directly or indirectly conduce the act or acts constituting the violation or cause of action. 15 U.S.C. §78t(a).

outside directors also stated that they had no personal involvement with any of Arrow's operations or management, its budget, its insurance policies, with any purchases made by Arrow from other General Signal units, with any of General Signal's or Arrow's patents, with any of Arrow's relations with customers. Each of the outside directors also states that he was not involved in the decision to terminate the employment of either Plaintiff Kirk or Wells and was not aware that such termination was to take place prior to its having occurred. Finally, each of the outside directors also states that he did not participate in the negotiation for an evaluation of the proposed acquisition of Arrow Engineering by General Signal. Each of the outside directors herein, attended a Board of Directors meeting in December 1982, at which, after a discussion of details relating to proposed acquisition of Arrow, a vote was taken adopting the resolution to purchase Arrow. Thus, the sole involvement of these outside directors in General Signal's decision to purchase Arrow Engineering was that they each cast a vote at the annual directors' meeting in favor of said acquisition after listening to a discussion in favor of the acquisition led by Mr. Nathan R. Owen, Chairman of the Board of Directors. In determining whether a director is in fact a controlling person under §78t, courts look to, among other things, the director's participation in the management and direction of the day-to-day activities of the corporation. In Cameron v. Outdoor Resorts of America, Inc., 608 F.2d 187 (5th Cir. 1979), the Fifth Circuit Court of Appeals held

that a director without effective day-to-day control and without knowledge was not liable as a controlling person. Id. at 195. See also, Nader v. Armel, 461 F.2d 1123, 1125-26 (6th Cir.) cert. denied, 409 U.S. 1023 (1972); Moerman v. Zipco, Inc., 302 F.Supp. 439, 447 (E.D.N.Y. 1969), affirmed, 430 F.2d 362 (2d Cir. 1970). In In re Action Industries Tender Offer, 572 F.Supp. 846 (E.D.Va. 1983), a district court granted summary judgment in favor of outside directors holding that they could not be held liable without some evidence indicating that they knew that a tender offer contained securities violations. At most, the court said the outside directors each gave cursory approval of the tender offer.

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, 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, 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. Lockett v. Bethlehem Steel Corp., 618 F.2d 1373, 1377 (10th Cir. 1980). The party moving for summary judgment has the burden of showing that there is no genuine issue regarding the legal dispute, that the party opposing a properly supported motion for summary judgment may not rest upon mere allegations or denials contained in his pleading. The nonmovant must set forth

specific facts with supporting material showing that there is a genuine issue for trial. Celotex Corporation v. Catrett, 477 U.S. ____, 106 S.Ct. 2548, 91 L.Ed.2d 265 (1986); Anderson v. Liberty Lobby, Inc., 477 U.S. ____, 106 S.Ct. 2505, 91 L.Ed.2d 202 (1986); Windon Third Oil and Gas v. Federal Deposit Insurance Corp., 805 F. 2d 342 (10th Cir. 1986).

The outside directors have submitted affidavits establishing that they had no involvement in the day-to-day management and operation of General Signal Corporation. Nor did they participate in the negotiations leading up to the acquisition of Arrow Engineering by General Signal. The outside directors had no contact with the Plaintiffs herein, had no personal involvement with the Plaintiffs or Arrow Engineering or Arrow Engineering's business. The outside directors' sole activity with respect to General Signal's purchase of Arrow Engineering was to give approval of the acquisition at the Board of Directors' meeting in December, 1982. Thus, the Court concludes that the outside directors had no knowledge of the alleged misrepresentations made to Plaintiffs during the purchase of Arrow Engineering by General Signal. The Court further concludes that the outside directors' actions in approving the acquisition of Arrow Engineering did not constitute reckless behavior for purposes of the scienter requirement for a claim under 10b-5. The outside directors' actions did not constitute an extreme departure from standards of ordinary care, and did not present a danger of misleading buyers or sellers that was either known to

the Defendants or so obvious that they must have been aware of it. Hackbart, supra, at 1118. The Plaintiffs contend that the outside directors failed to exercise sufficient care with respect to the affairs of the defendant corporation and failed to seek information about the proposed acquisition of Arrow Engineering beyond that presented by Chairman of the Board Owen. However, while any such failure to exercise due care might constitute negligence, negligence is insufficient to meet the scienter requirement for purposes of Rule 10b-5. Hochfelder, supra, at 193 n. 12. Plaintiffs have failed to establish any actions by the outside directors which remotely approach recklessness as defined by Hackbart. Further, the Plaintiffs have failed to provide any evidence establishing that the outside directors had day-to-day control of General Signal Corporation or knowledge of the alleged misrepresentations made to Plaintiffs or, in any way, participated in the alleged fraud or otherwise acted in bad faith.

On February 6, 1987, Plaintiffs served interrogatories upon counsel for the Defendant Directors. These interrogatories concerned certain alleged provisions of the agreement for the sale of Arrow Engineering to General Signal. The Defendant-Directors refused to answer interrogatories 12-15 on the grounds that they assumed a set of facts not in evidence. Apparently adopting a theory of "negative evidence," Plaintiffs now contend that the Directors' failure to answer these interrogatories establishes that the Directors failed in their

duties to the Plaintiffs in the security transaction at issue and that the Directors relinquished their duty of corporate oversight. The Court is not persuaded by this reasoning. When confronted with a properly supported motion for summary judgment, the nonmovant must go beyond his pleadings and demonstrate by his own affidavits, depositions, answers to interrogatories and/or admissions on file that there are "specific facts showing that there is a genuine issue for trial." Celotex, supra, 106 S.Ct. at 2553. However, as Liberty Lobby notes, this requirement is qualified by Fed.R.Civ.P. 56(f) which provides that summary judgment be denied where the nonmovant has not had the opportunity to discover information that is essential to his opposition. Liberty Lobby, supra, 106 S.Ct. at 2511, n. 5. Here, although the Defendant-Directors refused to answer several of the propounded interrogatories, Plaintiffs have not deemed the answers to these interrogatories so critical to their case or response to the motion for summary judgment as to require a motion to compel answers. Plaintiffs have not contested the Directors' refusal to answer interrogatories 12-15. Thus, the Court concludes that Plaintiffs have not been denied the opportunity to discover information essential to their opposition to the motion for summary judgment. Further, the interrogatories propounded to the Directors were not the only means for Plaintiffs to establish a genuine issue of fact with respect to the scienter requirement of their 10b-5 claim. The Court concludes that the Plaintiffs have failed to meet their burden

under Celotex and Liberty Lobby, to provide evidence establishing that there are genuine issues for trial in regard to the securities fraud claims against the outside directors and Defendant Franklin, an inside director.

For these reasons, the Court concludes that the outside directors and Franklin (see discussion, infra) cannot be held liable as controlling persons under 15 U.S.C. §78t and its Oklahoma counterpart.

Defendants Franklin and Hipps, were inside directors of General Signal at the time of the Arrow purchase. Defendant Hipps was Vice-President and Treasurer of General Signal. His responsibilities included overseeing the acquisition effort of the defendant corporation. Hipps also made two trips to Oklahoma in connection with the Arrow purchase. In June 1982, he visited Royce Coffin, business broker employed by Plaintiffs Kirk and Wells to find a buyer for Arrow, in order to obtain information about the company. Subsequently, Hipps visited Arrow's plant in Tulsa, Oklahoma, to talk with Plaintiffs Kirk and Wells and to inspect the plant. Hipps did not negotiate the Arrow transaction, however, on the basis of his involvement in preliminary matters relating to the Arrow purchase and his duties to oversee General Signal's acquisition effort, the Court concludes that there are genuine issues as to material fact as to whether Mr. Hipps acted recklessly with regard to the alleged misrepresentations concerning General Signal's purchase of Arrow. For this reason, the Motion for Summary Judgment is denied with respect to Defendant Hipps.

Defendant Franklin retired as Vice-Chairman, Administration, of General Signal Corporation in December 1984. Franklin contends that he had no personal involvement in General Signal's purchase of Arrow or knowledge of representations made regarding the purchase. Although Franklin was an inside director of General Signal, he has submitted an affidavit that he had no involvement or personal knowledge of the Arrow Engineering purchase. As noted above, Plaintiffs have submitted no evidence to establish that a genuine issue of material fact exists concerning Franklin's liability in regard to the Arrow purchase. Accordingly, the court concludes that there is no genuine issue of material fact in this regard and the Motion for Summary Judgment is sustained with respect to Defendant Franklin.

The involvement of Defendant Hips in the Arrow transaction will be reexamined at the conclusion of Plaintiffs' evidence.

In summary, the Motion for Summary Judgment is sustained with respect to Defendants Bailey, Casey, Gordon, Horgan, Hudson, Jones and Franklin, and denied with respect to Defendant Hips.

IT IS SO ORDERED, this 16th day of April, 1987.


THOMAS R. BRETT
UNITED STATES DISTRICT JUDGE

Entered

UNITED STATES DISTRICT COURT FOR THE
NORTHERN DISTRICT OF OKLAHOMA

UNITED STATES OF AMERICA
and Raymond Hall,
Revenue Officer, Internal
Revenue Service,

Petitioners,

vs.

THOMAS J. JOHNSON and
PATRICIA A. JOHNSON,

Respondents.

FILED

APR 15 1986

CIVIL ACTION NO. 86-C-75-E

ORDER DISCHARGING RESPONDENTS AND DISMISSAL

ON THIS 15th day of April, 1986, Petitioners' Motion to Discharge Respondents and for Dismissal came for hearing. The Court finds that Respondents have now complied with the Internal Revenue Service Summonses served upon them September 26, 1985, that further proceedings herein are unnecessary and that the Respondents, Thomas J. Johnson and Patricia A. Johnson, should be discharged and this action dismissed.

IT IS THEREFORE ORDERED, ADJUDGED, AND DECREED BY THE COURT that the Respondents, Thomas J. Johnson and Patricia A. Johnson, be and they are hereby discharged from any further proceedings herein and this cause of action and Complaint are hereby dismissed.

James A. Johnson
UNITED STATES DISTRICT JUDGE

UNITED STATES DISTRICT COURT FOR THE
NORTHERN DISTRICT OF OKLAHOMA

UNITED STATES OF AMERICA,)
)
 Plaintiff,)
)
 vs.)
)
 HAROLD DEAN JONES; BERTHA A.)
 JONES; COUNTY TREASURER, Tulsa)
 County, Oklahoma; and BOARD OF)
 COUNTY COMMISSIONERS, Tulsa)
 County, Oklahoma,)
)
 Defendants.)

F I L E D

APR 15 1987

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

CIVIL ACTION NO. 87-C-105-C

JUDGMENT OF FORECLOSURE

This matter comes on for consideration this 15 day
of April, 1987. The Plaintiff appears by Layn R.
Phillips, United States Attorney for the Northern District of
Oklahoma, through Peter Bernhardt, Assistant United States
Attorney; the Defendants, County Treasurer, Tulsa County,
Oklahoma, and Board of County Commissioners, Tulsa County,
Oklahoma, appear by Doris L. Fransein, Assistant District
Attorney, Tulsa County, Oklahoma; and the Defendants, Harold Dean
Jones and Bertha A. Jones, appear not, but make default.

The Court being fully advised and having examined the
file herein finds that the Defendants, Harold Dean Jones and
Bertha A. Jones, acknowledged receipt of Summons and Complaint on
February 20, 1987; and that Defendants, County Treasurer and
Board of County Commissioners, Tulsa County, Oklahoma,
acknowledged receipt of Summons and Complaint on February 13,
1987.

It appears that the Defendants, County Treasurer and Board of County Commissioners, Tulsa County, Oklahoma, filed their Answers herein on March 4, 1987; and that the Defendants, Harold Dean Jones and Bertha A. Jones, have failed to answer and their default has been entered by the Clerk of this Court on March 31, 1987.

The Court further finds that this is a suit based upon a certain mortgage note and for foreclosure of a mortgage securing said mortgage note upon the following described real property located in Tulsa County, Oklahoma, within the Northern Judicial District of Oklahoma:

Lot Fifteen (15), Block Three (3), HUFFMAN HEIGHTS ADDITION to Dawson, now an Addition to the City of Tulsa, Tulsa County, State of Oklahoma, according to the recorded plat thereof; a/k/a 6921 East Newton Place, Tulsa, Oklahoma.

The Court further finds that on June 28, 1984, the Defendants, Harold Dean Jones and Bertha A. Jones, executed and delivered to the United States of America, acting on behalf of the Administrator of Veterans Affairs, their mortgage note in the amount of \$31,500.00, payable in monthly installments, with interest thereon at the rate of thirteen and one-half percent (13.5%) per annum.

The Court further finds that as security for the payment of the above-described note, the Defendants, Harold Dean Jones and Bertha A. Jones, executed and delivered to the United States of America, acting on behalf of the Administrator of Veterans Affairs, a mortgage dated June 28, 1984, covering the

above-described property. Said mortgage was recorded on July 2, 1984, in Book 4801, Page 10, in the records of Tulsa County, Oklahoma.

The Court further finds that the Defendants, Harold Dean Jones and Bertha A. Jones, made default under the terms of the aforesaid note and mortgage by reason of their failure to make the monthly installments due thereon, which default has continued, and that by reason thereof the Defendants, Harold Dean Jones and Bertha A. Jones, are indebted to the Plaintiff in the principal sum of \$31,450.77, plus interest at the rate of thirteen and one-half percent (13.5%) per annum from February 1, 1986 until judgment, plus interest thereafter at the legal rate until fully paid, and the costs of this action accrued and accruing.

The Court further finds that the Defendants, County Treasurer and Board of County Commissioners, Tulsa County, Oklahoma, claim no right, title, or interest in the subject real property.

IT IS THEREFORE ORDERED, ADJUDGED, AND DECREED that the Plaintiff have and recover judgment against the Defendants, Harold Dean Jones and Bertha A. Jones, in the principal sum of \$31,450.77, plus interest at the rate of thirteen and one-half percent (13.5%) per annum from February 1, 1986 until judgment, plus interest thereafter at the current legal rate of 6.30 percent per annum until paid, plus the costs of this action accrued and accruing, plus any additional sums advanced or to be advanced or expended during this foreclosure action by Plaintiff

for taxes, insurance, abstracting, or sums for the preservation of the subject property.

IT IS FURTHER ORDERED, ADJUDGED, AND DECREED that the Defendants, County Treasurer and Board of County Commissioners, Tulsa County, Oklahoma, have no right, title, or interest in the subject real property.

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

First:

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

Second:

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

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

IT IS FURTHER ORDERED, ADJUDGED, AND DECREED that from and after the sale of the above-described real property, under and by virtue of this judgment and decree, all of the Defendants and all persons claiming under them since the filing of the

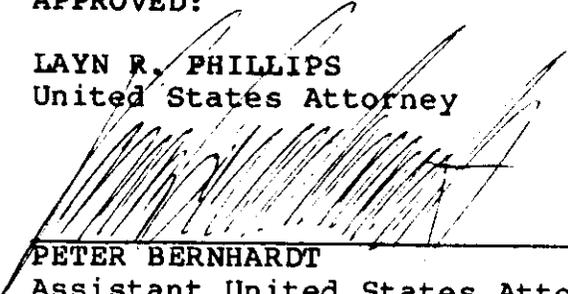
Complaint, be and they are forever barred and foreclosed of any right, title, interest or claim in or to the subject real property or any part thereof.

(Signed) H. Dale Cook

UNITED STATES DISTRICT JUDGE

APPROVED:

LAYN R. PHILLIPS
United States Attorney



PETER BERNHARDT
Assistant United States Attorney



DORIS L. FRANSEIN
Assistant District Attorney
Attorney for Defendants,
County Treasurer and
Board of County Commissioners,
Tulsa County, Oklahoma

4:15 pm

FILED

APR 15 1987

WASH. D. LEVER, CLERK
U.S. DISTRICT COURT

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

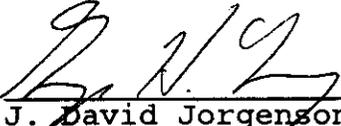
21ST CENTURY INVESTMENT COMPANY,)
an Oklahoma corporation,)
)
Plaintiff,)
)
vs.)
)
EL PASO NATURAL GAS COMPANY,)
a Delaware corporation,)
)
Defendant.)

Case No. 87-C-110-B

NOTICE OF DISMISSAL

Plaintiff 21st Century Investment Company, pursuant
to Federal Rule of Civil Procedure 41(a)(1)(i), hereby
dismisses this action without prejudice.

J. DAVID JORGENSON
GEORGE H. LOWREY

By 
J. David Jorgenson

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

OF COUNSEL:

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

CERTIFICATE OF SERVICE

The undersigned does hereby certify that on the 15th
day of April, 1987, he served a true and correct copy
of the within and foregoing Notice Of Dismissal by mailing the
same to the following:

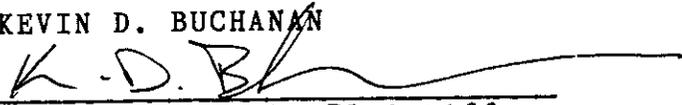
R. Thomas Seymour
Caralinn W. Cole
Suite 230, Mid Continent Bldg.
Tulsa, Oklahoma 74103

Donald S. MacIver, Jr.
Barbara Harrell
El Paso Natural Gas Company
P.O. Box 1492
El Paso, Texas 79978



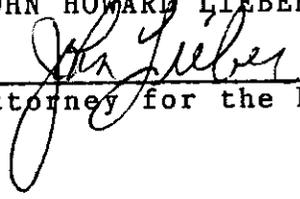
APPROVALS:

KEVIN D. BUCHANAN



Attorney for the Plaintiff

JOHN HOWARD LIEBER



Attorney for the Defendant

UNITED STATES DISTRICT COURT FOR THE
NORTHERN DISTRICT OF OKLAHOMA

FILE

UNITED STATES OF AMERICA,)
)
Plaintiff,)
)
vs.)
)
SHEILA A. REVIS,)
)
Defendant.)

APR 15 1987

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

CIVIL ACTION NO. 86-C-1021B

ORDER OF DISMISSAL

Now on this 15 day of April, 1987, 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, Sheila A. Revis, be and is dismissed without prejudice.

S/ THOMAS R. BRETT

UNITED STATES DISTRICT JUDGE

UNITED STATES DISTRICT COURT FOR THE
NORTHERN DISTRICT OF OKLAHOMA

UNITED STATES OF AMERICA,
Plaintiff,

vs.

ALLIS-CHALMERS MANUFACTURING
COMPANY, et al.,
Defendants.

F I L E D

APR 15 1987

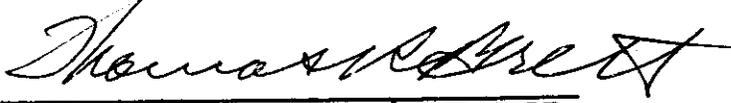
Jack C. Silver, Clerk
U.S. DISTRICT COURT

CIVIL ACTION NO. 85-C-567-B

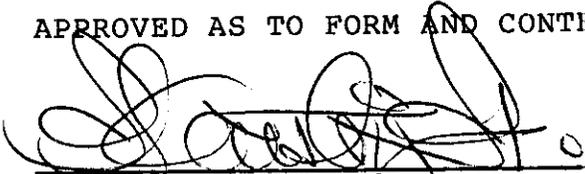
O R D E R

This matter comes on before the Court upon the stipulation of all of the parties and the Court being fully advised in the premises ORDERS, ADJUDGES AND DECREES, that all claims asserted herein by Plaintiff, United States of America, acting on behalf of Department of the Army, Corps of Engineers, and Department of Energy, Southwestern Power Administration, against Allis-Chalmers Corporation f/k/a Allis-Chalmers Manufacturing Company, Siemens Energy & Automation, Inc. f/k/a Siemens-Allis, Inc. and Seaboard Surety Company are hereby dismissed with prejudice.

Dated this 15 day of April, 1987.


UNITED STATES DISTRICT JUDGE

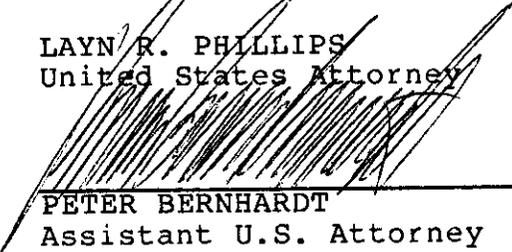
APPROVED AS TO FORM AND CONTENT:


JAMES L. AUSTIN, JR.
Karr, Tuttle, Koch, Campbell,
Mawer, Morrow & Sax, P.S.
1111 Third Avenue, Suite 2500
Seattle, WA 98101
Attorneys for Defendants


WALTER HASKINS
Best, Sharp, Thomas, Glass &
Atkinson
300 Oil Capital Building
507 S. Main Street
Tulsa, OK 74103
Attorneys for Defendants

UNITED STATES OF AMERICA

LAYN R. PHILLIPS
United States Attorney


PETER BERNHARDT
Assistant U.S. Attorney
3600 U.S. Courthouse
Tulsa, Oklahoma 74103
(918) 581-7463


W. JAY DEVECCHIO
Crowell & Moring
1100 Connecticut Ave., N.W.
Of Counsel for Defendants

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

JANEAN C. FIELDS,)
)
 Plaintiff,)
)
 v.)
)
 DEBORAH JEAN DISHMAN,)
)
 Defendant.)

85-C-959-C **F I L E D**
APR 15 1987

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

ORDER AND JUDGMENT

The Court has for consideration the Report and Recommendation of the Magistrate filed March 25, 1987, in which the Magistrate recommended that plaintiff's motion for default judgment against defendant Deborah Jean Dishman be granted. 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.

It is therefore Ordered that plaintiff's motion for default judgment against defendant Deborah Jean Dishman is granted, and judgment is hereby entered in favor of the plaintiff, Janean C. Fields, and against defendant Deborah Jean Dishman, in the amount of \$32,274.00, representing loss of wages, medical expenses, and pain and suffering.

It is so Ordered this 15 day of April, 1987.


H. DALE COOK, CHIEF
UNITED STATES DISTRICT JUDGE

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

FRANK TELLO, Individually, and as)
Next of Kin of NANCY ELLEN TELLO,)
)
Plaintiff,)

-vs-

No. 85-C-76-B

DONALD WAYNE PHILLIPS, an)
Individual, and)
LIBERTY TRANSPORT, INC., a)
Missouri Corporation,)

Defendants.)

-vs-

SHELLY BOGART, SHANNON BOGART,)
and SHANE VAN CLEVE,)

Intervenors.)

FILED

APR 15 1987

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

ORDER SUBSTITUTING PARTIES DEFENDANT

Upon Motion of defendants, and by acquiescence of plaintiff's counsel, and for good cause shown, defendants Donald Wayne Phillips and Liberty Transport, Inc., will be dismissed from the above-entitled cause, and in their place will be substituted Missouri Insurance Guaranty Association. Hereafter, the style of the case can be changed to conform with this substitution of parties defendant.

S/ THOMAS R. BRETT

Thomas R. Brett, UNITED STATES
DISTRICT COURT JUDGE

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

LEWIS V. FOUTS and PEGGY)
RUTH FOUTS,)
)
 Plaintiffs,)
)
 vs.)
)
 BECKER TRANSPORT COMPANY and)
 FORREST E. DOWELL,)
)
 Defendants.)

No. 86-C-978-C

F I L E D

APR 14 1987

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

ORDER OF DISMISSAL WITH PREJUDICE

Plaintiffs and Defendants having compromised and settled all issues in the action and having stipulated that the Complaint and the action may be dismissed with prejudice,

IT IS THEREFORE ORDERED that the Complaint and this cause of action are, by the Court, dismissed with prejudice to the bringing of another action upon the same cause or causes of action.

Entered this 14 day of April, 1987.

(Signed) H. Dale Cook
UNITED STATES DISTRICT JUDGE

Entered

F I L E D

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

APR 14 1987

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

UTICA NATIONAL BANK & TRUST CO.,)	
a national banking association,)	
)	
Plaintiff,)	
)	
vs.)	No. 85-C-537-C
)	
CALVIN RANSOM, et al.,)	
)	
Defendants.)	

STIPULATION OF DISMISSAL

PURSUANT to the provisions of Rule 41(a)(1) of the Federal Rules of Civil Procedure, the parties hereto agree that Plaintiff's claims against Lynn Wm. Southam, asserted herein are hereby dismissed with prejudice, each party to bear its/their own costs incurred herein.

This dismissal shall have no effect on any other claims made against any other Defendant herein.

DATED this 25th day of March, 1987.

Charles V. Wheeler

Charles V. Wheeler
GABLE & GOTWALS
2000 Fourth National Bank Building
Tulsa, Oklahoma 74119
(918) 582-9201

ATTORNEYS FOR PLAINTIFF
UTICA NATIONAL BANK & TRUST CO.

Katie J. Colopy

Katie J. Colopy
CONNER & WINTERS
2400 First National Bank Tower
Tulsa, Oklahoma 74103
(918) 586-5711

ATTORNEY FOR DEFENDANT

7/10/12

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

APR 12 2017

ROBERT A. CLEAVER and)
 BARBARA CLEAVER,)
)
 Plaintiffs,)
)
 vs.)
)
 COMPREHENSIVE BUSINESS)
 CORP., an Illinois)
 corporation,)
)
 Defendant,)
)
 and,)
)
 COMPREHENSIVE ACCOUNTING)
 CORP., a Delaware corporation,)
)
 Additional Defendant.)

CLERK
U.S. DISTRICT COURT

Case No. 86-C-539-B ✓

STIPULATION OF DISMISSAL

Pursuant to Federal Rule of Civil Procedure 41(a)(1) and (c), the parties to this action, in consideration of the Settlement and Compromise Agreement entered into between them, hereby stipulate to the dismissal of this action, and all claims and counterclaims asserted herein, with prejudice.

BREWSTER SHALLCROSS RIZLEY
& MULLON, ESQS.

By: Michael F. Kuzow
 Richard A. Shallcross
 OBA No. 10016
 Michael F. Kuzow
 OBA No. 10092
 5314 South Yale, Ste. 600
 Tulsa, OK 74135
 (918) 494-5935

Attorneys for Plaintiffs

DOERNER, STUART, SAUNDERS,
DANIEL & ANDERSON

By: William H. Hinkle

William H. Hinkle
L. Dru McQueen
1000 Atlas Life Building
Tulsa, Oklahoma 74103
(918) 582-1211

Attorneys for Defendant

2:204L:cleaver.sod

Entered

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

FILED

APR 13 1987

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

THE FOURTH NATIONAL BANK OF TULSA,

Plaintiff,

vs.

ROBERT C. H. LEE,

Defendant.

Case No. 87-C-8-B

JUDGMENT

NOW on this *10th* day of April, 1987, comes on before the Court the Amended Application for Entry of Default Judgment ("Application") against Defendant, Robert C. H. Lee ("Lee") filed herein by Plaintiff, The Fourth National Bank of Tulsa ("Fourth National") on April *9th*, 1987. The Court notes that Fourth National is represented by its attorneys of record, Gable & Gotwals, Inc. by Robert S. Glass, and the Defendant, Lee, has failed to answer or otherwise plead herein and is in default of these proceedings.

The Court makes the following FINDINGS upon a review of the record herein:

1. This Court has jurisdiction over the subject matter pursuant to 28 U.S.C. § 1332 and venue is properly laid in the Northern District of Oklahoma, pursuant to 28 U.S.C. § 1391. The Court has in personam jurisdiction over Lee, pursuant to 12 Okla. Stat. (1984) § 2001, et seq.
2. Fourth National filed its Complaint herein on January 6, 1987. Service of process upon the Defendant, Lee, was obtained on February 4, 1987, including service of a copy of the Complaint and Summons filed herein.
3. Lee has failed to answer or otherwise plead herein within the time provided pursuant to Rule 12(a), Federal Rules of Civil Procedure, and the time for answering or otherwise pleading has not been extended by this Court.

4. On March 11, 1987, pursuant to request by Fourth National, the Court Clerk for the United States District Court for the Northern District of Oklahoma did enter Default Judgment against Lee, pursuant to Rule 55, Federal Rules of Civil Procedure.

5. The Court finds that all the allegations contained in the Amended Application of Fourth National are true and correct and such Amended Application should be sustained.

6. Each and every allegation contained in Paragraphs 7 through 15 of Fourth National's Complaint, inclusive, are true and Fourth National is entitled to in personam judgment against Lee on its First Claim for Relief in the principal sum of \$24,829.83, together with accrued interest in the sum of \$1,018.28, calculated as of December 18, 1986, together with interest accruing thereon at the default rate provided in the subject Note, which is 7% per annum over Fourth National prime rate, until date of judgment, plus all costs and expenses of collection including a reasonable attorney's fee in the sum of \$2,500.00; and Fourth National is entitled to judgment on its Second Claim for Relief in the principal sum of \$4,957.99, together with unpaid accrued interest in the sum of \$817.86, calculated as of December 18, 1986, together with interest continuing to accrue thereon at 21% per annum, which is the default rate provided in the subject Agreement until date of judgment, attorney's fees in the sum of \$500.00, plus all other costs of collection (all such amounts are hereinafter collectively referred to as the "Lee Indebtedness").

IT IS THEREFORE ORDERED, ADJUDGED AND DECREED by this Court that The Fourth National Bank of Tulsa shall have and recover in personam judgment of and from the Defendant, Robert C. H. Lee, in the amount of the Lee Indebtedness hereinabove more fully set forth, plus interest continuing to accrue thereon at the rate of 6.30% per annum, pursuant to 28 U.S.C. §1961, from date of this Judgment until paid in full, for all of which let execution issue.

IT IS SO ORDERED, ADJUDGED AND DECREED.


UNITED STATES DISTRICT COURT JUDGE
NORTHERN DISTRICT OF OKLAHOMA

APPROVED:


Robert S. Glass
Gable & Gotwals, Inc.
Counsel for Plaintiff,
The Fourth National Bank of Tulsa

UNITED STATES DISTRICT COURT FOR THE
NORTHERN DISTRICT OF OKLAHOMA

F I L E D

APR 13 1987

UNITED STATES OF AMERICA,)
)
Plaintiff,)
)
vs.)
)
THOMAS G. HILL,)
)
Defendant.)

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

CIVIL ACTION NO. 87-C-10-C

DEFAULT JUDGMENT

This matter comes on for consideration this 10^m day
of April, 1987, the Plaintiff appearing by Layn R.
Phillips, United States Attorney for the Northern District of
Oklahoma, through Phil Pinnell, Assistant United States
Attorney, and the Defendant, Thomas G. Hill, appearing not.

The Court being fully advised and having examined the
file herein finds that Defendant, Thomas G. Hill, acknowledged
receipt of Summons and Complaint on January 23, 1987. 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,

Thomas G. Hill, for the principal sum of \$703.93, plus interest at the rate of 9 percent per annum and administrative costs of \$.67 per month from May 28, 1985, and \$.63 per month from February 1, 1986, until judgment, plus interest thereafter at the current legal rate of 6.50 percent per annum until paid, plus costs of this action.

(Signed) H. Dale Cook

UNITED STATES DISTRICT JUDGE