

UNITED STATES DISTRICT COURT FOR THE
NORTHERN DISTRICT OF OKLAHOMA

FILED
IN OPEN COURT

JUL 20 1988

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

CHERYL A. WILLIAMS,)
)
 Plaintiff,)
)
 EMPLOYERS INSURANCE OF WAUSAU, INC.,)
)
 Plaintiff-Intervenor,)
)
 vs.)
)
 GREATER TULSA TRANSIT CENTER, INC.,)
 d/b/a YELLOW CHECKER CAB CO. OF TULSA,)
 an Oklahoma corporation; WILLIE TAFT)
 PIERSON, an individual; and PEOPLES)
 CHECKER CAB COMPANY, INC., an Oklahoma)
 corporation,)
)
 Defendants.)

Case No. C-85-754E

ORDER

ON April 22, 1988 the Court heard final argument in the disposition of this case which began at the trial setting January 4, 1988.

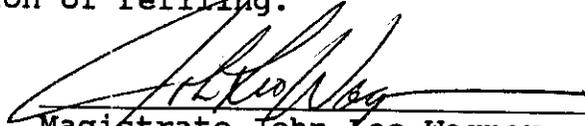
The following order is made:

1. Defendants Motion to Dismiss is granted and the case is Dismissed Without Prejudice.
2. Defendants Motion for Attorney Fees is granted to the extent that payment of fees and expenses^{in the amount of \$7,693.69} incurred by Defendant since August 3, 1987 is imposed as a condition of the refiling

CS

of this case and the remaining fees and expenses incurred by the Defendant prior to August 3, 1987 are imposed as a lien upon any eventual recovery by the Plaintiff in this case. The total amount of such attorney fees and expenses is twenty eight thousand forty two dollars and fifty cents (\$28,042.50) as requested and detailed in the Defendant's motion.

3. It is the Court's intention and order that the condition of payment of expenses and fees prior to the refiling of this case by the Plaintiff shall operate as a condition of filing in any Court with jurisdiction of the case where applicable law supports such a condition of refiling.


Magistrate John Leo Wagner
United States District Court

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

F I L E D

JUL 20 1988

THE CITIZENS BANK, Drumright,)
Oklahoma,)
)
Plaintiff,)
)
vs.)
)
CHARLES D. WATSON, JR.;)
SHARON L. WATSON, and STILLWATER)
SAVINGS AND LOAN ASSOCIATION,)
)
Defendants.)

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

No. 87-C-972-E

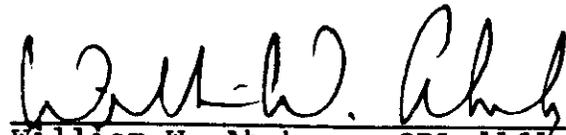
Notice of
DISMISSAL WITHOUT PREJUDICE

COMES NOW the Defendant Stillwater Savings and Loan Association, and hereby dismisses its within cause of action against the Defendants Charles D. Watson, Jr. and Sharon L. Watson, without prejudice to the bringing of a future cause of action against said Defendants.

DATED this 19th day of July, 1988.

WILLIAM W. AHRBERG
Attorney for Defendant
Stillwater Savings and Loan
Association

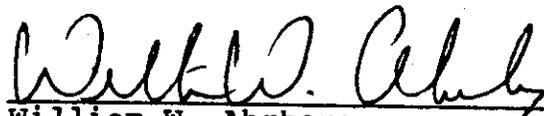
BY:


William W. Ahrberg, OBA #167
Post Office Box 307
Cushing, Oklahoma 74023
(918) 225-0012

CERTIFICATE OF MAILING

THIS IS TO CERTIFY that on the 19th day of July, 1988 a true and correct copy of the above and foregoing "Dismissal Without Prejudice" was mailed by regular mail, with postage thereon prepaid, to the following parties of record, to-wit:

1. Barry K. Beasley
Attorney for Federal Deposit
Insurance Corporation
Post Office Box 2269
Tulsa, Oklahoma 74101-2269
2. Doyle Watson, Esq.
Watson & Watson
Post Office Box 647
Drumright, Oklahoma 74030
3. Sharon L. Watson
12517 East 39th Place
Tulsa, Oklahoma 74146
4. Charles D. Watson, Jr.
141 East Broadway
Drumright, Oklahoma 74030



William W. Ahrberg

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

SOGELEASE CORPORATION, a)
Delaware corporation,)
)
Plaintiff,)
)
v.)
)
LEWIS E. KNIGHT and RICHARD H.)
WILLISON, individually, and d/b/a)
THE PICTURE SHOW,)
)
Defendants.)

No. 88-C-296-B

FILED

JUL 19 1988

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

J U D G M E N T

In keeping with the Entry of Default filed June 16, 1988 in this matter, Judgment is hereby entered in favor of Sogelease Corporation, a Delaware corporation, and against Lewis E. Knight and Richard H. Willison, individually, and d/b/a The Picture Show, in the amount of Forty-Nine Thousand Sixty-One and 71/100 Dollars (\$49,061.71), with postjudgment interest at the rate of 7.54% from this date until paid. The Plaintiff, Sogelease Corporation, is also awarded attorney fees in the amount of Nine Hundred Sixty-Seven and 75/100 Dollars (\$967.75).

DATED this 18th day of July, 1988.


THOMAS R. BRETT
UNITED STATES DISTRICT JUDGE

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

JUL 10 1988
U.S. DISTRICT COURT
NORTHERN DISTRICT OF OKLAHOMA

UNITED STATES OF AMERICA,)
)
Plaintiff,)
)
vs.)
)
CHEMICAL RESOURCES, INC.,)
et al.,)
)
Defendants.)

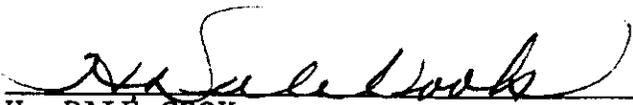
No. 86-C-714-C

J U D G M E N T

This matter came before the Court on defendants' motion for summary judgment and on plaintiff's cross motion for summary judgment. The issues having been duly considered and an opinion having been duly rendered in accordance with the Order filed simultaneously herein,

IT IS ORDERED, ADJUDGED AND DECREED, that the defendants, Chemical Resources, Inc., William J. Lamberton, and the William J. Lamberton revocable trust, are entitled to judgment over and against the plaintiff, United States of America, as a matter of law.

IT IS SO ORDERED this 18th day of July, 1988.


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

entered

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

JUL 19 1987

MARK G. SUMNER, CLERK
DISTRICT COURT

UNITED STATES OF AMERICA,)
)
 Plaintiff,)
)
 vs.)
)
 CHEMICAL RESOURCES, INC.,)
 et al.,)
)
 Defendants.)

No. 86-C-714-C

✓

O R D E R

Now before the Court for its consideration is the motion of defendants for judgment on the pleadings, said motion filed July 9, 1987, and the opposing motion of the plaintiff for partial summary judgment on the issue of liability under 42 U.S.C. §6925(e)(2), said motion filed July 17, 1987.

Plaintiff United States of America on behalf of the United States Environmental Protection Agency (Government) filed suit August 6, 1986 and amended its complaint July 16, 1987 against defendants Chemical Resources, Inc., William J. Lamberton, and the William J. Lamberton revocable trust (CRI). The Government seeks to enjoin CRI from further underground waste disposal operations, to require CRI to submit and implement a proper closure plan, and to require compliance with regulations under the Resource Conservation and Recovery Act (RCRA), 42 U.S.C. §§6901, 6921 et seq. and amendments thereto under the Hazardous and Solid Waste Amendments of 1984 (HSWA), 42 U.S.C. §6925(e)(2)(A) and (B) and

52

§6926(g)(2).

After the plaintiff and defendants filed their respective motions for partial summary judgment and judgment on the pleadings, the motions were referred to the Magistrate. A hearing was conducted March 28, 1988, followed by the Magistrate's recommendation of April 14, 1988, that 1) granted plaintiff's motion for partial summary judgment for the plaintiff's liability under 42 U.S.C. 6925(e) for operating without interim status or a permit, 2) granted an injunction against further operation until a final permit is secured, allowing 30 days to comply, and 3) found a further hearing necessary to determine the amount of civil penalty, if any. CRI filed objections April 28, 1988 to the Magistrate's recommendations.

CRI commenced underground injection disposal of hazardous waste in 1973. The RCRA of 1976, 40 C.F.R. §§260-271 (1987), enacted a federal program of regulation of hazardous waste to supplement local efforts, with the caveat that solid waste disposal "should continue to be primarily the function of State, regional, and local agencies." 42 U.S.C. §6901. Waste disposal facilities have to meet requirements for a permit to operate. 42 U.S.C. §6925. Enforcement measures for the federal program include compliance orders, civil penalties, criminal penalties, and civil actions. 42 U.S.C. §6928. The RCRA provides for interim status for facilities already in operation. 42 U.S.C. §6925(e). States can receive authorization to administer and enforce their own regulation and permit program "in lieu of" the federal program if

the state program is consistent with the federal program and provides adequate enforcement of compliance with the federal program. 42 U.S.C. §6926(b). The State of Oklahoma's program received final authorization from the EPA effective January 10, 1985. 49 Fed.Reg. 50, 362 (1984). The administrator of the State program is the Oklahoma State Department of Health (OSDH). Any action taken by a state under its authorized program shall have the same force and effect as a federal action. 42 U.S.C. §6926(c). In an authorized program, state requirements can be more but not less stringent than federal requirements. 42 U.S.C. §6929. Where an approved state program has a greater scope of coverage than that required by federal law, the additional coverage is not part of the federally approved program. 40 C.F.R. §271.1 (1987). However, the federal government retains authority to enforce federal RCRA requirements by compliance orders or civil actions in states with authorized programs. 42 U.S.C. §6928(a)(2).

In addition to technical engineering requirements, the RCRA imposed financial responsibility requirements on those facilities with final permits or interim status. 40 C.F.R. §265. Subparts G and H. Financial responsibility requirements for interim status included, among other requirements, financial assurance for proper closure of the facility and liability insurance for sudden and non-sudden accidental occurrences of one million dollars per occurrence with an annual aggregate of at least two million dollars, exclusive of legal defense costs. 40 C.F.R. §§265.143, 265.147. An alternate means to meet the requirements was to demonstrate

independent certified assets of at least ten million dollars and at least six times the amount of liability coverage. Id.

A section of the federal regulations on interim status dealing specifically with underground injection facilities states that "[e]xcept as §265.1 provides otherwise" underground injection facilities are excluded from financial responsibility requirements. 40 C.F.R. §265.430 (1987). All interim status regulations apply to underground injection facilities as provided in §265.1(b). 40 C.F.R. §265.1(c)(2)[Comment]. However, all standards on interim status apply except as specifically provided otherwise in §265 or §261. 40 C.F.R. §265.1(b). (emphasis added).

The State of Oklahoma requires all types of waste facilities with interim status to secure and maintain liability insurance in amounts and under conditions provided in 40 C.F.R. §265, Subpart H. Rules and Regulations of Industrial Waste Management, OSDH, Rule 7.1.15.1.1. The State of Oklahoma also requires financial mechanisms regarding closure in accordance with federal regulations. Id., at 7.1.15.2.1.

CRI applied for a permit in November 1980 as required by federal statutes and regulations and was granted interim status for existing and operating facilities pursuant to 42 U.S.C. §6925 (e)(1). It has continued to operate under interim status over the last eight years without yet having met final permit requirements. A letter from the OSDH dated June 13, 1987 indicated that upon successful completion of an "annular integrity" testing protocol, CRI and OSDH "may proceed with the permit process."

In 1984, the HSWA added a requirement that interim status "shall terminate" on November 8, 1985 unless the facility applies for a final determination regarding a permit by November 8, 1985 and certifies that the facility is in compliance "with all applicable groundwater monitoring and financial responsibility requirements." 42 U.S.C. §6925(e)(2)(A) and (B). The 1984 amendments to the §6926 state authorization provisions provide that the federal EPA administrator shall carry out the requirements imposed by the 1984 amendments even in states with authorized programs unless the state shows compliance with the new provisions and requests authorization to carry out the requirement. 42 U.S.C. §6926(g)(2). The State of Oklahoma has not received this additional authorization.

CRI submitted a certification statement dated November 8, 1985 and a separate supplemental certification statement dated November 11, 1985. CRI's sudden and non-sudden liability insurance had lapsed October 1, 1985. CRI was unable to immediately find new coverage. CRI's statement certified it was in compliance with financial responsibility requirements of the state program and the financial responsibility requirements in 40 C.F.R. Part 265 Subparts F and H, except the requirements for sudden accidental occurrence coverage. In its supplemental certification, CRI submitted its general liability policy for lower amounts and a statement of pledged assets prepared by its in-house accountant, showing an alleged net worth of eleven million dollars. CRI procured sufficient liability insurance effective August 22, 1986,

retroactive to claims made on or before July 8, 1986.

OSDH issued an Administrative Compliance Order May 7, 1986 stating CRI was in violation of several technical engineering requirements and of the financial responsibility requirements of the state program. OSDH gave CRI sixty days to comply with the insurance requirements. CRI requested administrative review of OSDH's Compliance Order on June 5, 1986. No hearing was held. OSDH's Status Report of August 5, 1987 stated that technically CRI had not complied with insurance requirements from the sixty-day deadline of July 7, 1986 to August 22, 1986, but OSDH would seek no assessment.

Plaintiff asserts that CRI has been operating without interim status or a final state permit in violation of federal laws and regulations, entitling plaintiff to an enforcement action. The Government first contends (and the Magistrate agreed) that the interaction of 40 C.F.R. 265.430, 40 C.F.R. 265.1(c)(2)[Comment], and 40 C.F.R. 265.1 creates a federal requirement of liability insurance (or alternative), which CRI did not meet as of the required certification date of November 8, 1985. Secondly, even if the interaction of the federal regulations does not create a federal financial responsibility requirement for underground injection facilities on its face, the 1984 amendments to §9625 on interim status calling for certification of compliance with "all applicable ... financial responsibility requirements", whether the applicable financial responsibility requirements are federal or state, create a federal financial responsibility requirement for

continued interim status after November 8, 1985. Additionally, plaintiff argues that only the Government can enforce the requirements of the 1984 amendments to the §6925 interim status provision in the State of Oklahoma by virtue of the 1984 amendments to §6926. Therefore, any enforcement action that OSDH may have taken with regard to noncompliance with financial responsibility certification by November 8, 1985 is ineffective. Finally, plaintiff contends that any attempted compliance by CRI after November 8, 1985 is ineffective. EPA's interpretation of the 1984 amendments to §6925 on loss of interim status to require already-operating facilities to submit certification of compliance with financial responsibility requirements by November 8, 1985 is reasonable and the surface impoundment facility's post-deadline submissions of compliance were irrelevant. Vineland Chemical Co. v. United States E.P.A., 810 F.2d 402, 410 (3rd Cir. 1987).

Defendant CRI contends that there is no federal question jurisdiction for this Court in that the alleged violation arises under state law, not federal law, by virtue of the exclusion of underground injection facilities by 40 C.F.R. §265.30 and 40 C.F.R. §265.1(b) from federal financial responsibility requirements. It also asserts that the Government has no standing under the §6928 enforcement provisions and 40 C.F.R. §271.1 to pursue a civil action for a possible violation of a state requirement. In addition, even if the financial responsibility requirements for underground injection facilities are federal as well as state, OSDH's Compliance Order precludes any subsequent federal

enforcement. CRI asserts that its certification of alternate means of financial responsibility compliance (pledging of assets) during the period of lapse of insurance coverage and OSDH's Status Report decision not to seek assessment constitute a state ruling of no lack of compliance. In a determination on closure procedures under a denial of a final permit which took place before the 1984 amendments to §6925, the EPA has no authority to commence independent enforcement action where a state's authorized program has taken enforcement action. Northside Sanitary Landfill, Inc. v. Thomas, 804 F.2d 371, 382 (7th Cir. 1986).

The Court has carefully reviewed the parties' respective positions and finds as follows. By virtue of 40 C.F.R. §265.430 and §265.1(b), underground injection facilities are exempted from federal financial responsibility requirements. The requirement by the OSDH of sudden and non-sudden accidental liability insurance (for up to one million dollars per occurrence with an annual aggregate of at least two million dollars for underground injection facilities) is a state requirement in excess of the federal minimum. Further, use of the phrase "all applicable ... financial responsibility requirements" in the 1984 amendments to §6925(e) does not make the OSDH insurance requirements for underground injection facilities, federal requirements.¹ Therefore, the Court

¹The Court would parenthetically note, that if the 1984 amendment to §6925(e) did make the financial responsibility requirement a federal enforcement matter, the EPA would be burdened with the task of monitoring and enforcing possibly fifty different financial responsibility requirements, representing potentially different standards set in each of the States in the Union.

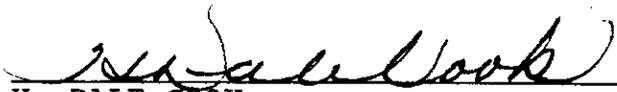
finds and concludes that the EPA is not entitled under §6928, or the 1984 amendments to §6926, or 40 C.F.R. §271.1, to enforce financial responsibility requirements established by a State in excess of that proscribed by the federal government.

THEREFORE, IT IS THE ORDER OF THE COURT that the motion of the defendant for judgment on the pleadings is hereby GRANTED.

IT IS THE FURTHER ORDER OF THE COURT that the motion of the plaintiff for partial summary judgment on liability is hereby DENIED.

IT IS FURTHER ORDERED BY THE COURT that the Recommendation of the Magistrate entered on April 14, 1988 is hereby reversed and held for naught.

IT IS SO ORDERED this 18th day of July, 1988.


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.)
)
 WILLIAM BARNEY HEDGE, JR.,)
)
 Defendant.)

JUL 19 1988

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

CIVIL ACTION NO. 88-C-149-B

ORDER OF DISMISSAL

Now on this 18th day of July, 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 William Barney Hedge, Jr. have been unsuccessful.

IT IS THEREFORE ORDERED that the Complaint against Defendant, William Barney Hedge, Jr., be and is dismissed without prejudice.

S/ THOMAS R. BRETT

UNITED STATES DISTRICT JUDGE

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

LONNIE D. HOWELL,)
)
 Plaintiff,)
)
 v.)
)
 CITY OF TULSA, OKLAHOMA, a)
 municipal corporation, POLICE)
 CHIEF R. N. DICK, POLICE)
 OFFICER H. L. BRAUER,)
)
 Defendants.)

No. 88-C-95-B

FILED

JUL 19 1988

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

J U D G M E N T

In accord with the Order filed this date sustaining the Defendant's Motion for Summary Judgment, the Court hereby enters judgment in favor of the Defendants, City of Tulsa, Oklahoma, a municipal corporation, Police Chief R. N. Dick, and Police Officer H. L. Brauer, and against the Plaintiff, Lonnie D. Howell. The Plaintiff shall take nothing on her claim. Costs are assessed against the Plaintiff. Each party shall be responsible for their own respective attorney fees.

DATED this 18 day of July, 1988.



THOMAS R. BRETT
UNITED STATES DISTRICT JUDGE

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

LONNIE D. HOWELL,)
)
 Plaintiff,)
)
 v.)
)
 CITY OF TULSA, OKLAHOMA, a)
 municipal corporation, POLICE)
 CHIEF R. N. DICK, POLICE OFFICER)
 H. L. BRAUER,)
)
 Defendants.)

No. 88-C-95-B
FILED

JUL 19 1988

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

O R D E R

This matter comes before the Court on the Defendants' Motion for Summary Judgment filed March 15, 1988. Plaintiff filed an Application for Extension of Time seeking a sixty-day extension of time to respond to the Motion for Summary Judgment. The Court granted the extension of time and ordered Plaintiff to file her response to the Motion for Summary Judgment by June 9, 1988, to allow for limited discovery to take place as requested by the Plaintiff.

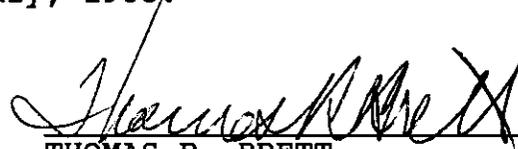
On June 9, 1988, the Plaintiff filed another application for extension of time seeking an additional 15 days or until June 24, 1988, in which to respond to the Defendants' motion. The Court discussed the application for extension of time at a status conference held June 10, 1988, and granted the Plaintiff an extension to June 24, 1988, in which to respond to the Motion for Summary Judgment.

The Court has reviewed the file in this case and finds that the Plaintiff has wholly failed to respond to the Defendants'

Motion for Summary Judgment as required by the Local Rules and extended by order of the Court. Therefore, the Court deems the Defendants' Motion for Summary Judgment as confessed pursuant to Rule 15(a) of the Local Rules of the United States District Court for the Northern District of Oklahoma. Accordingly, the Defendants' Motion for Summary Judgment is hereby granted.

A Judgment in keeping with this order is filed contemporaneously herewith.

DATED this 14th day of July, 1988.



THOMAS R. BRETT
UNITED STATES DISTRICT JUDGE

FILED

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

JUL 19 1988

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

FEDERAL DEPOSIT INSURANCE)
CORPORATION,)
)
Plaintiff,)
)
v.)
)
SETCO ENTERPRISES CORPORATION;)
and NABIL F. SAHYLIYEH,)
)
Defendants.)

No. 87-C-549-B

O R D E R

This matter comes before the Court on the Plaintiff's Motion for Summary Judgment. For the reasons discussed below, the motion is granted.

The undisputed facts are as follows: Central Bank and Trust Company of Tulsa was a state chartered banking company organized and operating under the laws of Oklahoma. On September 11, 1986, the State Banking Commissioner closed the bank and appointed the FDIC as liquidating agent. The bank's assets were negotiated and transferred to the FDIC. The note in question was one of those assets.

On February 13, 1986, Defendant Setco Enterprises Corporation ("Setco") executed a promissory note in favor of the Central Bank and Trust Company ("Central Bank"). Defendant Nabil F. Sahliyah ("Sahliyah) executed and delivered to Central Bank his personal guaranty of the note on that same date. It is both Defendants' contention that they were fraudulently induced by B. P. Sudberry, the Vice-President and Chief Loan Officer of Victor Savings and Loan ("Victor Federal"), to purchase Victor Federal stock.

Sudberry made arrangements with Central Bank to finance the sale of the stock. Defendants allege that Central Bank knew or should have known of the fraudulent nature of the stock transaction. Defendants admit that they are in default on the note, but assert they are free from repaying the note which they claim was void from its inception.

The issue in this case is whether Defendants can assert fraud as a defense to repayment of the note to the FDIC. As Plaintiff contends in its brief in support of the motion, 12 U.S.C. §1823(e) affords the FDIC special protection from the defense of oral representations and agreements. Plaintiff supports this contention by citing Langley v. FDIC, 108 S.Ct. 396 (1987), which is directly on point. The Supreme Court in Langley allowed the FDIC to recover repayment of a note based on 12 U.S.C. §1823(e) even if there was fraud in the inducement of such note. (The Court laid out specific exceptions to this rule, but none apply here.) However, as Defendants argue, "fraud in the factum" would qualify as a defense to the FDIC claim for payment because the transaction would be void from the beginning as opposed to "fraud in the inducement" which is voidable.

Plaintiff properly maintains that any allegations concerning the subject loan transactions should be considered "fraud in the inducement," not "fraud in the factum." The Court in Langley defined fraud in the factum as "the sort of fraud that procures a party's signature to an instrument without knowledge of its true nature or contents." When Defendants signed the note they

understood its nature and contents, therefore the transaction does not qualify as "fraud in the factum." The note was clear on its face with standard contract provisions. The note explicitly states the amount borrowed and lists as collateral the correct number of Victor shares purchased. Defendants do not assert they had no knowledge of the contents of the note. To qualify as fraud in factum, Defendants would have to show that they were unaware that they were signing a promissory note which would obligate them. Defendants are attempting to assert a "fraud in factum" defense based on facts which, if true, would support a "fraud in the inducement" defense. See, Restatement of Contracts (Second) §163, comments a and c.

Defendants assertion of lack of consideration is not relevant to the issue of fraud. Assuming, arguendo, that Defendants were defrauded based on Sudberry's actions, this "fraud in the inducement" is no defense to repayment of the note according to the Supreme Court. The Motion for Summary Judgment is granted.

Within 10 days of the date of this Order, plaintiff is directed to file a statement of the exact amount owed on the promissory notes plus interest from the date of default to the present. Plaintiff should also inform the Court of the post-judgment interest rate that will apply under the note's floating base interest rate.

DATED this 18th day of July, 1988.


THOMAS R. BRETT

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

FEDERAL DEPOSIT INSURANCE CORPORATION,)
in its corporate capacity,)

Plaintiff,)

v.)

No. 87-C-677-B

RELL SCHWAB, JR., an individual;)
VICTORY NATIONAL BANK OF NOWATA, a)
national banking association;)
COFFEYVILLE STATE BANK, a Kansas)
corporation; and)
THE FEDERAL LAND BANK OF WICHITA, a)
federally chartered corporation)
pursuant to the Farm Credit Act,)

Defendants.)

FILED

JUL 19 1988

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

ENTRY OF FINAL JUDGMENT

NOW this matter comes on for consideration before the Honorable Thomas R. Brett, Judge of the United States District Court for the Northern District of Oklahoma. In accordance with this Court's Order of June 30, 1988, and after examining the file herein and being fully informed, the Court FINDS as follows:

- (1) On or about April 13, 1981, the Defendant, Rell Schwab, Jr. ("Schwab"), made, executed and delivered a certain Promissory Note (Note "A") in the original amount of \$100,000.00 payable to The First National Bank & Trust Company of Oklahoma City ("FNB").
- (2) As part and parcel of the transaction concerning Note A, on or about April 13, 1981, Schwab made, executed and delivered to FNB a certain Real Estate Mortgage (the "1981 Mortgage"), by which he

mortgaged to FNB the real estate (the "60 Acres") more particularly described as follows:

The South Half (S/2) of the Northeast Quarter (NE/4) of the Northeast Quarter (NE/4); and the Southeast Quarter (SE/4) of the Northeast Quarter (NE/4) of Section Thirty-Six (36), Township Twenty-Six (26) North, Range Fourteen East (14E), Nowata County, Oklahoma.

Said Mortgage was recorded on April 23, 1981, in Record 526 at Pages 6 and 7 in the office of the County Clerk of Nowata County, State of Oklahoma.

- (3) On or about November 10, 1982, for good and valuable consideration, Well Logging, Inc. and Selective Well Service, Inc. made, executed and delivered to FNB a certain Promissory Note ("Note B") in the principal amount of \$680,000.00.
- (4) As part and parcel of the transaction concerning Note B, and for the express purpose of securing the payment of Note B, Schwab made, executed and delivered to FNB a certain Guaranty.
- (5) As part and parcel of the transaction concerning Note B and the Guaranty, and for the express purpose of securing the payment of his obligations under the Guaranty, on or about November 10, 1982, Schwab made, executed and delivered to FNB a certain Real Estate Mortgage (the "1982 Mortgage") by which he mortgaged to FNB the real estate (the "80 Acres") more particularly described as follows:

The North Half (N/2) of the Southeast Quarter (SE/4) of Section Thirty-Six (36), Township Twenty-Six North (26N), Range Fourteen East (14E), Nowata County, Oklahoma.

Said Mortgage was recorded on March 14, 1983, in Record 542 at Pages 220 and 221 in the office of the County Clerk of Nowata County, State of Oklahoma.

- (6) On or about April 1, 1983, for the purpose of securing the payment of a certain Promissory Note as well as all other indebtedness of Schwab to FNB, whether then existing or thereafter arising,

including contingent liabilities, Schwab made, executed and delivered to FNB a certain Real Estate Mortgage (the "1983 Mortgage") by which he mortgaged to FNB the real estate (the "160 Acres") more particularly described as follows:

The South Half (S/2) of the Northeast Quarter (NE/4) of the Northeast Quarter (NE/4); the Southeast Quarter (SE/4) of the Northeast Quarter (NE/4); the North Half (N/2) of the Northeast Quarter (NE/4) of the Southeast Quarter (SE/4); and the West Half (W/2) of the Southwest Quarter (SW/4) of Section Thirty-Six (36), Township Twenty-Six North (26N), Range Fourteen East (14E), Nowata County, Oklahoma.

Said Mortgage was recorded on April 15, 1983, in Record 542 at Pages 740 through 744 in the office of the County Clerk of Nowata County, State of Oklahoma.

- (7) On July 14, 1986, FNB was declared insolvent by the Comptroller of the Currency and the Federal Deposit Insurance Corporation ("FDIC") was appointed as Receiver of FNB by the United States District Court for the Western District of Oklahoma in an Order entered in Case No. CIV-86-1503-R. Thereafter, the FDIC in its corporate capacity purchased certain assets from said Receiver, which assets included the Notes, the Guaranty, and the Mortgages which are the subject of this action.
- (8) The Mortgages described above provide that upon the failure of the mortgagor to perform and fulfill all the duties and obligations undertaken by said mortgagor according to the terms and conditions thereof, that shall constitute an event of default and all amounts owing shall at the election of the mortgagee become immediately due and payable, without notice or demand, and the mortgagee will be entitled to foreclose said Mortgages, and to recover a reasonable attorney's fee, all advances made by said holder to protect its lien on said security, and all costs and expenses of said foreclosure action, and said holder shall be further entitled to have said property sold, with or without appraisal, at the option of said holder, which option may be exercised at the time

judgment is rendered in any such foreclosure action.

- (9) Schwab is currently in default under the terms of said Mortgages in that Note A and Note B secured by his Guaranty remain unpaid although their respective maturity dates have passed, and by the terms of said Mortgages, Plaintiff is entitled to foreclose on the Premises described therein.
- (10) On April 6, 1988, in Case No. CIV-87-241-P then pending in the United States District Court for the Western District of Oklahoma, the Honorable Layn R. Phillips entered a Final Judgment in favor of Plaintiff herein against Schwab on the instruments described herein as Note A, Note B and Schwab's Guaranty.
- (11) Pursuant to said Entry of Final Judgment, the amount due and owing on Note A, which is secured by the 1981 Mortgage, is the principal sum of \$13,255.28, together with interest through April 6, 1988, in the amount of \$1,766.40, with interest thereafter at the rate specified by 28 U.S.C. §1961, being 7.01% per annum.
- (12) Pursuant to said Entry of Final Judgment, the amount due and owing on Note B and Schwab's Guaranty, which is secured by the 1982 Mortgage, is the principal sum of \$229,657.60, together with interest thereon through April 6, 1988, in the amount of \$40,811.53, with interest thereafter at the rate specified by 28 U.S.C. §1961, being 7.01% per annum.
- (13) On June 22, 1988, the FDIC received \$20,000.00 as proceeds of the sale of certain collateral which had secured Note B, and Schwab is entitled to have his in rem liability on the 1982 Mortgage and the 1983 Mortgage, which also secure Note B, reduced by that amount.
- (14) On May 23, 1988, the Honorable Layn R. Phillips entered an Order in Case No. CIV-87-241-P then pending in the United States District Court for the Western District of Oklahoma awarding attorney's fees to the FDIC in the amount of \$5,210.00.
- (15) The total amount due and owing by Schwab on his Note and his Guaranty, which total amount is secured by the 1983 Mortgage, is the principal sum

of \$242,912.88, together with interest through April 6, 1988, in the amount of \$42,577.93, less \$20,000.00, with interest thereafter at the rate of 7.01% per annum.

- (16) The Mortgages provide that Schwab agrees that appraisement of the Premises encumbered by the Mortgages is waived or not waived at the option of the mortgagee, and Plaintiff has elected to foreclose the Mortgages with appraisement.
- (17) Plaintiff has incurred costs and attorney's fees in this action, as well as abstracting expenses in the amount of \$548.40.
- (18) The Defendants, Coffeyville State Bank and The Federal Land Bank of Wichita, have filed Disclaimers in this action and are asserting no right, title or interest in the property at issue.
- (19) The Defendant, Victory National Bank of Nowata ("Victory"), has filed an Answer in which it disclaims any right, title or interest in the property at issue, with the exception that Victory claims a first mortgage on the 80 Acres more particularly described as:

The North Half (N/2) of the Southeast Quarter (SE/4) of Section Thirty-Six (36), Township Twenty-Six North (26N), Range Fourteen East (14E), Nowata County, Oklahoma.

Plaintiff concedes the priority of Victory's claim to said tract and has elected to foreclose its Mortgages subject to the first mortgage lien of Victory on the above-described parcel of real property.

IT IS THEREFORE ORDERED, ADJUDGED AND DECREED that Plaintiff is granted judgment in rem on its First Cause of Action against Defendants declaring the 1981 Mortgage to constitute a first, prior and superior lien upon the property more particularly described as:

The South Half (S/2) of the Northeast Quarter (NE/4) of the Northeast Quarter

(NE/4); and the Southeast Quarter (SE/4) of the Northeast Quarter (NE/4) of Section Thirty-Six (36), Township Twenty-Six North (26N), Range Fourteen East (14E), Nowata County, Oklahoma;

said lien being in the amount of Fifteen Thousand Twenty-One and 68/100's Dollars (\$15,021.68), together with interest on said amount from April 7, 1988, until fully paid at the rate of 7.01% per annum; and said property is ordered to be sold with appraisement, subject to ad valorem taxes, toward satisfaction of said indebtedness, with the proceeds from said sale to be applied first to the payment of properly apportioned costs, abstracting expenses and attorney's fees, and second to Schwab's said indebtedness to Plaintiff, with the residue, if any, to be paid into Court to abide the further Order of this Court; and all Defendants are hereafter barred from claiming any interest, title, estate, right or equity of redemption in and to said real property.

IT IS FURTHER ORDERED, ADJUDGED AND DECREED that Plaintiff is granted judgment in rem on its Second Cause of Action against Defendants declaring the 1982 Mortgage to constitute a valid, second and subsisting lien upon the property more particularly described as:

The North Half (N/2) of the Southeast Quarter (SE/4) of Section Thirty-Six (36), Township Twenty-Six North (26N), Range Fourteen East (14E), Nowata County, Oklahoma,

subject only to the first mortgage lien of Victory, Plaintiff's said lien being in the amount of Two Hundred

Fifty Thousand Four Hundred Sixty-Nine and 13/100's Dollars (\$250,469.13), together with interest on said amount from April 7, 1988, until fully paid at the rate of 7.01% per annum; and said property is ordered to be sold with appraisement toward satisfaction of said indebtedness, subject to ad valorem taxes and said first mortgage, with the proceeds from said sale to be applied first to the payment of properly apportioned costs, abstracting expenses and attorney's fees, and second to Schwab's said indebtedness to Plaintiff, with the residue, if any, to be paid into Court to abide the further Order of this Court; and Defendants, excepting Victory as concerns the 80 Acres encumbered by its first mortgage, are hereafter barred from claiming any interest, title, estate, right or equity of redemption in and to said property.

IT IS FURTHER ORDERED, ADJUDGED AND DECREED that Plaintiff is granted judgment in rem on its Second Cause of Action against Schwab declaring the 1983 Mortgage to constitute a first, prior and superior lien upon the property more particularly described as:

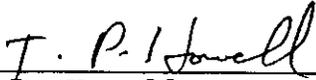
The South Half (S/2) of the Northeast Quarter (NE/4) of the Northeast Quarter (NE/4); the Southeast Quarter (SE/4) of the Northeast Quarter (NE/4); the North Half (N/2) of the Northeast Quarter (NE/4) of the Southeast Quarter (SE/4) and the West Half (W/2) of the Southwest Quarter (SW/4) of Section Thirty-Six (36), Township Twenty-Six North (26N), Range Fourteen East (14E), Nowata County, Oklahoma,

except for those portions of said property encumbered by the first mortgage of Victory on the 80 Acres described above, and except for those portions encumbered by Plaintiff's 1981 Mortgage and 1982 Mortgage described above, to which the 1983 Mortgage is a junior lien, Plaintiff's said lien being in the amount of Two Hundred Sixty-Five Thousand Four Hundred Ninety and 81/100's Dollars (\$265,490.81), together with interest on said amount from April 7, 1988, until fully paid at the rate of 7.01% per annum; and said property is ordered to be sold, subject to ad valorem taxes and the prior mortgages of Victory and Plaintiff, with appraisement, toward satisfaction of said indebtedness, with the proceeds from said sale to be applied first to the payment of properly apportioned costs, abstracting expenses and attorney's fees, and second to Schwab's said indebtedness to Plaintiff, with the residue, if any, to be paid into Court to abide the further Order of this Court; and Defendants, excepting Victory concerning the 80 Acres encumbered by its first mortgage, are hereafter barred from claiming any interest, title, estate, right or equity of redemption in and to said real property.

S/ THOMAS R. BRETT

Thomas R. Brett, Judge of the United States District Court for the Northern District of Oklahoma

APPROVED:



T.P. Howell

Of the Firm:

Edwards, Roberts & Propester
Suite 2900, First Oklahoma Tower
210 West Park Avenue
Oklahoma City, Oklahoma 73102-5605
Telephone: 405/239-2121

ATTORNEYS FOR PLAINTIFF, THE
FEDERAL DEPOSIT INSURANCE
CORPORATION in its corporate
capacity

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

F I L E D

JUL 19 1988

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

KAISER ALUMINUM & CHEMICAL CORPORATION,)
)
)
 Plaintiff,)
)
 vs.)
)
 EDISON PIPE & TUBING, INC.,)
)
 Defendant.)

Case No. 86-C-1087-B

ORDER OF DISMISSAL

On this 18 day of July, 1988, upon written application of the parties for an order of dismissal with prejudice of the complaint and all causes of action, the Court having examined said application finds that said parties have entered into a compromise settlement covering all claims involved in the complaint and have requested the Court to dismiss the complaint with prejudice to any future action, and the Court having fully advised in the premises, finds that said complaint should be dismissed. It is, therefore,

ORDERED, ADJUDGED AND DECREED by the Court that the Complaint and all causes of action of the Plaintiffs filed herein against the Defendant be and the same are hereby dismissed with prejudice to any further action.

S/ THOMAS R. BRETT

THOMAS R. BRETT,
UNITED STATES DISTRICT JUDGE

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

WILLIAM L. SPENCER,)
)
 Plaintiff,)
)
 v.)
)
 CHEMLINK PETROLEUM, INC., a)
 subsidiary of Atlantic Rich-)
 field, a Delaware corporation,)
 and OIL CHEMICAL AND ATOMIC)
 WORKERS INTERNATIONAL UNION,)
 an unincorporated association,)
)
 Defendants.)

No. 87-C-1003-B

FILED

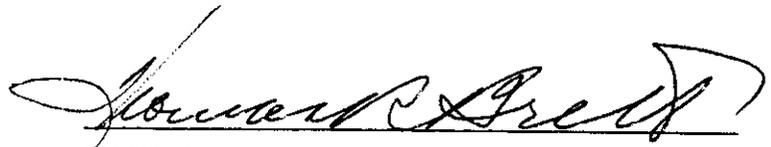
JUL 19 1988

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

J U D G M E N T

In accordance with the Order filed June 8, 1988, Judgment is hereby awarded Chemlink Petroleum, Inc., a subsidiary of Atlantic, Richfield, a Delaware corporation, against Plaintiff, William L. Spencer.

DATED this 18th day of July, 1988.



THOMAS R. BRETT
UNITED STATES DISTRICT JUDGE

UNITED STATES DISTRICT COURT FOR THE
NORTHERN DISTRICT OF OKLAHOMA

FILED

JUL 1 1988

TINA M. JONES, et al.,)
)
 Plaintiffs,)
)
 vs.)
)
 UNITED STATES OF AMERICA,)
)
 Defendant.)

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

Civil Action No. 87-C-256-C

ORDER

This matter comes on before the Court upon the stipulation of all parties and the Court being fully advised in the premises ORDERS, ADJUDGES AND DECREES, that all claims asserted herein by Plaintiffs, Tina M. Jones and Larry Jones, against the United States of America are hereby dismissed with prejudice.

Dated this 18^m day of July, 1988.
~~17th~~ ~~June~~

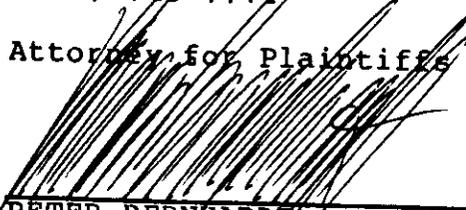
(Signed) H. Dale Cook
UNITED STATES DISTRICT JUDGE

APPROVED AS TO FORM AND CONTENT:



JOHN K. HARLIN, JR.
2622 East 21st Street
Suite 11
Tulsa, Oklahoma 74114
(918) 743-7714

Attorney for Plaintiffs



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

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

FILED
JUL 19 1988

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

RUTH H. CREECH,)
)
 Plaintiff,)
)
 vs.)
)
 CITY OF FAITH HOSPITAL, et al.,)
)
 Defendants.)

No. 87-C-1012-B ✓

ORDER

NOW on this 18th day of July, 1988, the Motion for Summary Judgment of Defendants City of Faith Hospital and City of Faith Medical and Research Center, Inc. is hereby sustained by agreement of the parties. This Judgment shall not eliminate those issues of vicarious liability as set forth in the Pre-Trial Order herein.


THOMAS R. BRETT
United States District Judge

APPROVALS:


T. DAVID BURGESS
Attorney for Plaintiff


RICHARD D. WAGNER
Attorney for City of Faith Hospital
& City of Faith Medical and Research
Center, Inc.

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

FILED

JUL 19 1988

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

MARVIN LEE MOSLEY,)
)
Plaintiff,)
)
v.) 88-C-604-B
)
SGT. CHARLES BURTON,)
)
Defendant.)

ORDER

Plaintiff's Motion to Proceed in forma pauperis was granted and Plaintiff's Complaint was filed. Plaintiff brings this action pursuant to 42 U.S.C. §1983.

The Complaint is now to be tested under the standard set forth in 28 U.S.C. § 1915(d). If the Complaint is found to be obviously without merit, it is subject to summary dismissal. Henriksen v. Bentley, 644 F.2d 852, 853 (10th Cir. 1981). The test to be applied is whether or not the Plaintiff can make a rational argument on the law or the facts to support his claim. Van Sickle v. Holloway, 791 F.2d 1431, 1434 (10th Cir. 1986). Applying the test to Plaintiff's claims, the Court finds that the instant action should be dismissed as obviously without merit for the following reasons.

In Count I of the Complaint Plaintiff alleges he was denied access to the courts. In support of the allegation, Plaintiff asserts that a "motion" was not filed, copies not delivered, and a copy was not given to Plaintiff by Defendant Burton. However, the exhibits attached to the Complaint consist of several copies of motions (unrelated to this case) with file stamps from the

Tulsa County District Court. Said motions indicate the same date (June 13, 1988) Plaintiff apparently gave the pleadings to Defendant to mail. Obviously, Plaintiff has not been denied access to the courts by this Defendant and Count I is frivolous.

In Count II Plaintiff alleges he was not permitted "to go to the Law Library to seek for some assistance". The Court takes judicial notice that persons incarcerated at the Tulsa City-County Jail are usually allowed to review legal treatises and reporters only by a check-out request system - - not through actual access to the library area itself. Plaintiff does not allege he has no access to legal treatises or reporters. Furthermore, Plaintiff has been represented by counsel in his state criminal proceeding since May 25, 1988. Representation by counsel obviates the need for independent access to legal materials.

Plaintiff's Second claim for relief is thus also frivolous.

Similarly, in Count III, Plaintiff repeats the allegation that he has been denied access to the Courts, alleging he was told, if he did not stop asking about his motion, he would be "tanked". As discussed earlier, Plaintiff has not been denied access to the courts. Furthermore, Plaintiff has failed to identify (1) the person making the alleged threat; (2) what it means to be "tanked"; (3) any specific constitutional right which Defendant has violated. Plaintiff's claims are therefore, plainly frivolous and without merit.

Accordingly, Plaintiff's action is hereby dismissed pursuant to 28 U.S.C. §1915(d).

It is so ORDERED this 18th day of July, 1988.



THOMAS R. BRETT
UNITED STATES DISTRICT JUDGE

UNITED STATES DISTRICT COURT FOR THE
NORTHERN DISTRICT OF OKLAHOMA

UNITED STATES OF AMERICA,)

Plaintiff,)

vs.)

FREDDIE L. BLEVINS, JR.;)
THERESA L. BLEVINS a/k/a)
THERESA MABRY; COUNTY)
TREASURER, Washington County,)
Oklahoma; and BOARD OF COUNTY)
COMMISSIONERS, Washington)
County, Oklahoma,)

Defendants.)

FILED

JUL 19 1988

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

CIVIL ACTION NO. 88-C-0014-B

JUDGMENT OF FORECLOSURE

This matter comes on for consideration this 18th day
of July, 1988. The Plaintiff appears by Tony M.
Graham, United States Attorney for the Northern District of
Oklahoma, through Phil Pinnell, Assistant United States Attorney;
the Defendants, Freddie L. Blevins, Jr.; Theresa L. Blevins a/k/a
Theresa Mabry; County Treasurer, Washington County, Oklahoma; and
Board of County Commissioners, Washington County, Oklahoma,
appear not, but make default.

The Court being fully advised and having examined the
file herein finds that the Defendant, Freddie L. Blevins, Jr.,
was served with Summons and Complaint on April 22, 1988; that
Defendant, Theresa L. Blevins a/k/a Theresa Mabry, was served
with Summons and Complaint on February 24, 1988; that Defendant,
County Treasurer, Washington County, Oklahoma, acknowledged
receipt of Summons and Complaint on January 27, 1988; and that
Defendant, Board of County Commissioners, Washington County,
Oklahoma, acknowledged receipt of Summons and Complaint on
January 20, 1988.

It appears that Denzil D. Garrison, attorney for Defendant, Theresa L. Blevins a/k/a Theresa Mabry, filed a Motion for Enlargement of Time to Answer on her behalf, but failed to answer and default has therefore been entered by the Clerk of this Court on June 27, 1988; that the Defendants, Freddie L. Blevins, Jr.; County Treasurer, Washington County, Oklahoma; and Board of County Commissioners, Washington County, Oklahoma, failed to answer and their default has therefore been entered by the Clerk of this Court on June 27, 1988.

The Court further finds that on April 6, 1988, Freddie L. Blevins, Jr. filed his voluntary petition in bankruptcy in Chapter 7 in the United States Bankruptcy Court, Northern District of Oklahoma, Case No. 88-00886-C. On June 8, 1988, the United States Bankruptcy Court in the Northern District of Oklahoma entered its order modifying the automatic stay afforded the debtors by 11 U.S.C. § 362 and directing abandonment of the real property subject to this foreclosure action and which is described below.

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 Washington County, Oklahoma, within the Northern Judicial District of Oklahoma:

The East Half of the Southwest Quarter of the Southeast Quarter of the Southeast Quarter of Section 8, Township 26 North, Range 14 East of the Indian Meridian, Washington County, Oklahoma.

The Court further finds that on May 3, 1985, the Defendants, Freddie L. Blevins, Jr. and Theresa L. Blevins,

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 \$55,000.00, payable in monthly installments, with interest thereon at the rate of 12.5 percent per annum.

The Court further finds that as security for the payment of the above-described note, the Defendants, Freddie L. Blevins, Jr. and Theresa L. Blevins a/k/a Theresa Mabry, executed and delivered to the United States of America, acting on behalf of the Administrator of Veterans Affairs, a mortgage dated May 3, 1985, covering the above-described property. Said mortgage was recorded on May 3, 1985, in Book 831, Page 185, in the records of Washington County, Oklahoma.

The Court further finds that the Defendants, Freddie L. Blevins, Jr. and Theresa L. Blevins a/k/a Theresa Mabry, 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, Freddie L. Blevins, Jr. and Theresa L. Blevins a/k/a Theresa Mabry, are indebted to the Plaintiff in the principal sum of \$55,427.20, plus interest at the rate of 12.5 percent per annum from December 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, Washington County, Oklahoma, are in default and have 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, Freddie L. Blevins, Jr. in rem and Theresa L. Blevins a/k/a Theresa Mabry, in personam, in the principal sum of \$55,427.20, plus interest at the rate of 12.5 percent per annum from December 1, 1986 until judgment, plus interest thereafter at the current legal rate of 7.54 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, Washington County, Oklahoma, have no right, title, or interest in the subject real property.

IT IS FURTHER ORDERED, ADJUDGED, AND DECREED that an Order of Sale shall be issued to the United States Marshal for the Northern District of Oklahoma, commanding him to advertise and sell with appraisement the real property involved herein and apply the proceeds of the sale as follows:

First:

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

Second:

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

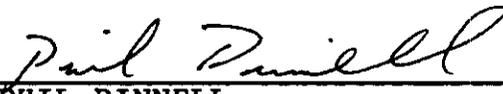
The surplus from said sale, if any, shall be deposited with the Clerk of the Court to await further Order of the Court.

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.

S/ THOMAS R. BRETT
UNITED STATES DISTRICT JUDGE

APPROVED:

TONY M. GRAHAM
United States Attorney


PHIL PINNELL
Assistant United States Attorney

UNITED STATES DISTRICT COURT FOR THE
NORTHERN DISTRICT OF OKLAHOMA

UNITED STATES OF AMERICA,)
)
 Plaintiff,)
)
 vs.)
)
 DAVID HAROLD MURDOCH a/k/a)
 DAVID H. MURDOCH; MARGARET KAY)
 MURDOCH a/k/a MARGARET K.)
 MURDOCH; NORTH SIDE STATE BANK;)
 COUNTY TREASURER, Tulsa County,)
 Oklahoma; BOARD OF COUNTY)
 COMMISSIONERS, Tulsa County,)
 Oklahoma,)
)
 Defendants.)

FILED

JUL 19 1988

JAMES O. ELLISON, Clerk
U.S. DISTRICT COURT

CIVIL ACTION NO. 88-C-489-E

ORDER

Upon the Motion of the United States of America acting on behalf of the Administrator of Veterans Affairs by Tony M. Graham, United States Attorney for the Northern District of Oklahoma, through Nancy Nesbitt Blevins, Assistant United States Attorney, to which no objections have been filed, it is hereby ORDERED that this action shall be dismissed without prejudice.

Dated this 18th day of July, 1988.

H. DALE COOK
UNITED STATES DISTRICT JUDGE
for JAMES O. ELLISON

APPROVED AS TO FORM AND CONTENT:

TONY M. GRAHAM
United States Attorney

Nancy Nesbitt Blevins

NANCY NESBITT BLEVINS
Assistant United States Attorney
3600 United States Courthouse
Tulsa, Oklahoma 74103
(918) 581-7463

FILED

JUL 19 1988

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

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

FRED A. ENGLAND and MID-STATES)
GENERAL AGENCY, INC.,)
)
Plaintiffs,)
)
v.)
)
SUMMIT HOME INSURANCE COMPANY,)
)
Defendant.)

Case No. 86-C-1066-E

ORDER DISMISSING ACTION AND COUNTERCLAIM WITH PREJUDICE

Upon the foregoing Stipulation Of Dismissal With Prejudice of the parties herein, Plaintiffs Fred A. England and Mid-States General Agency, Inc., by their attorneys of record, and Defendant Summit Home Insurance Company, by its attorneys of record,

IT IS HEREBY ORDERED that the above-entitled action be, and it hereby is, dismissed with prejudice to all parties, and that the Counterclaim of Defendant Summit Home Insurance Company be, and it hereby is, dismissed with prejudice to all parties.

DATED this 18 day of July, 1988.

H. DALE COOK

UNITED STATES DISTRICT JUDGE

for JAMES O. FULSON

067//0556

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

FILED

JUL 7 1988

Jack C. ... Clerk
DISTRICT COURT

CLAYTON COLLINSWORTH,)
)
Plaintiff,)
)
vs.)
)
CHICAGO PNEUMATIC TOOL)
CO., and R.A. YOUNG & SON,)
INC.,)
)
Defendants.)

Case No. 86-C-160-E

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ORDER OF DISMISSAL WITH PREJUDICE

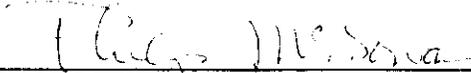
This matter comes on for consideration this 18 day of July, 1988, upon the Agreed Stipulation and Application for Dismissal with Prejudice, and the Court, being fully advised in the premises, finds that this action should be and is hereby dismissed with prejudice to the future filing of any action herein.

BE IT THEREFORE ORDERED, ADJUDGED AND DECREED by the Court that this action on the part of the Plaintiff, Clayton Collinsworth, be and is hereby dismissed with prejudice, to the future filing of any action herein.

H. DALE COOL

JUDGE OF THE DISTRICT COURT
for JAMES O. ELLISON

APPROVED:



PHILIP MCGOWAN
Attorney for Defendant,
Chicago Pneumatic Tool Company



Attorney for Plaintiff,
Mission Insurance Company



THOMAS F. GANEM
Attorney for Plaintiff,
Clayton Collinsworth

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

JUL 19 1988

JACK L. BAKER, CLERK
U.S. DISTRICT COURT

FEDERAL DEPOSIT INSURANCE)
CORPORATION, a corporation)
organized and existing under)
the laws of the United States)
of America,)
)
Plaintiff,)
)
v.)
)
LASER ADVERTISING, INC.,)
et al.,)
)
Defendants.)

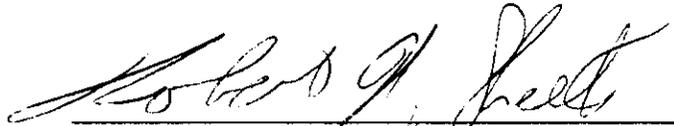
Case No. 88-C-277-E

DISMISSAL WITHOUT PREJUDICE

COMES NOW the Plaintiff herein and dismisses Defendants, Ed H. Daniels and Grace M. Daniels, husband and wife; Dale Powers; Donald Lower; Collie E. Thomas and Ida B. Thomas, husband and wife; Wesley E. Cox and Laura Jean Cox, husband and wife; and Clifford Leon Crowder, from the above-entitled cause without prejudice.

DATED this 19th day of July, 1988.

Respectfully Submitted,

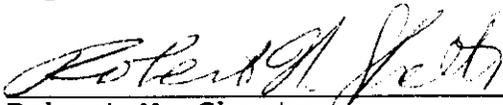


Robert N. Sheets, OBA No. 8152
PHILLIPS McFALL McVAY SHEETS
LOVELACE & JURAS, P.C.
1001 N.W. 63rd, Suite 205
Oklahoma City, Oklahoma 73116
(405) 848-1684

Attorneys for Plaintiff

CERTIFICATE OF MAILING

The undersigned certifies that on the 19th day of July, 1988, a true and correct copy of the above Dismissal Without Prejudice was mailed postage prepaid to all counsel of record.



Robert N. Sheets

entered

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

ALFRED BURROWS, d/b/a BURROWS)
CONSTRUCTION COMPANY,)
)
Plaintiff,)
)
vs.)
)
TRUCKER'S EXCHANGE, INC.,)
)
Defendant,)
)
vs.)
)
FORREST TRANSPORTATION SERVICE)
INC.,)
)
Third Party Defendant.)

FILED

JUL 19 1980

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

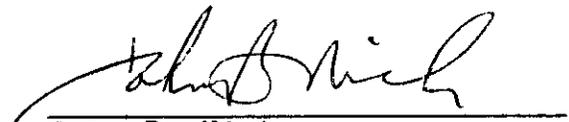
Case No. 87-C-60-C

STIPULATION FOR DISMISSAL

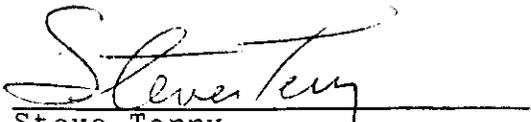
COME NOW Plaintiff, Defendant, and Third Party Defendant,
and hereby stipulate that the above entitled action be dismissed
with prejudice and without payment of costs.



David B. Dykeman
Attorney for Plaintiff
Suite 107
5101 N. Classen Blvd.
Oklahoma City, OK 73118



John B. Nicks
Attorney for Third Party
Defendant Forrest
1448 South Carson
Tulsa, OK 74119



Steve Terry
Attorney for Defendant Truckers
600 Sterling Plaza
5949 Sherry Lane
Dallas, TX 75225

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

FILED

JUL 19 1988

STATE OF OKLAHOMA, ex rel.,)
OKLAHOMA TURNPIKE AUTHORITY,)

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

Plaintiff,)

v.)

No. 88-C-121-E

MOBILE AIR TRANSPORT CORP.,)
DAWN TRANSPORT, INC.,)
FIREMAN'S FUND INSURANCE)
COMPANIES and INDUSTRIAL)
INDEMNITY INSURANCE COMPANY,)

Defendants.)

ORDER OF DISMISSAL WITHOUT PREJUDICE

On the 18th day of July, 1988, this matter comes on before me, the undersigned United States District Judge, upon plaintiff's Motion to Dismiss its suit against defendants, Dawn Transport, Inc. and Fireman's Fund Insurance companies. The Court being fully advised in the premises and for good cause shown, finds that the relief prayed for should be granted.

IT IS THEREFORE ORDERED, ADJUDGED AND DECREED that defendants Dawn Transport, Inc. and Fireman's Fund Insurance Companies are hereby dismissed, provided, however, that plaintiff may refile its lawsuit within one (1) year of the date of this Order.

U.S. DISTRICT COURT

United States District Judge

for JAMES O. ELLISON

Bonds, Matthews, Bonds & Hayes
Attorneys and Counselors At Law
444 Court Street - P.O. Box 1906
Muskegee, Oklahoma 74402-1906
(918) 683-2911

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

JUL 18 1988

CLERK OF DISTRICT COURT
NORTHERN DISTRICT OF OKLAHOMA

HILDA D. SMITH, Individually)
and as Personal Representative)
of the Heirs and Estate of)
Alan Reed Smith, Deceased,)
Plaintiff,)
vs.)
THE CELOTEX CORPORATION,)
et al.,)
Defendants.)

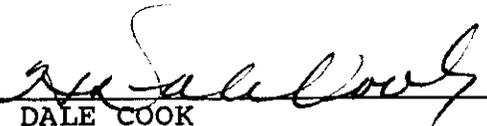
No. 84-C-774-C ✓

J U D G M E N T

This matter came on for consideration of the motion for summary judgment of defendant Crown Cork & Seal Company, Inc. The issues having been duly considered and a decision having been duly rendered,

IT IS ORDERED AND ADJUDGED that the Court grants judgment against the plaintiff and in favor of defendant Crown Cork & Seal Company, Inc.

IT IS SO ORDERED this 18th day of July, 1988.


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

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

JUL 16 1988

HILDA D. SMITH, Individually)
and as Personal Representative)
of the Heirs and Estate of)
Alan Reed Smith, Deceased,)
Plaintiff,)
vs.)
THE CELOTEX CORPORATION,)
et al.,)
Defendants.)

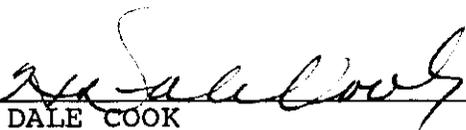
No. 84-C-774-C

J U D G M E N T

This matter came on for consideration of the motion for summary judgment of defendant Crown Cork & Seal Company, Inc. The issues having been duly considered and a decision having been duly rendered,

IT IS ORDERED AND ADJUDGED that the Court grants judgment against the plaintiff and in favor of defendant Crown Cork & Seal Company, Inc.

IT IS SO ORDERED this 18th day of July, 1988.



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

entered

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

JUL 13 1988

CLERK
U.S. DISTRICT COURT

WILLIAM JORDAN,)
)
 Plaintiff,)
)
 vs.)
)
 SHEFFIELD STEEL CORPORATION,)
)
 Defendant.)

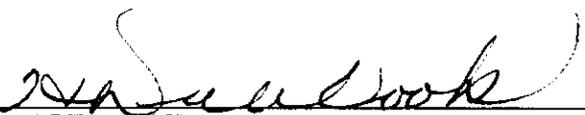
No. 86-C-408-C

J U D G M E N T

This matter came on for consideration of the motion for summary judgment of the defendant Sheffield Steel Corporation. The issues having been duly considered and a decision having been duly rendered in accordance with the Order filed contemporaneously herewith,

IT IS THEREFORE ORDERED, ADJUDGED AND DECREED that judgment is hereby entered for defendant Sheffield Steel Corporation and against plaintiff William Jordan as to plaintiff's ADEA claim and plaintiff's bad-faith discharge claim.

IT IS SO ORDERED this 15th day of July, 1988.


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

entered

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

JUL 18 1988

JACK S. HENDERSON, CLERK
U.S. DISTRICT COURT

WILLIAM JORDAN,

Plaintiff,

vs.

SHEFFIELD STEEL CORPORATION,

Defendant.

No. 86-C-408-C

O R D E R

Now before the Court for its consideration is the objection of the defendant to the Report and Recommendation of the United States Magistrate, the latter filed on June 22, 1988. In that Report and Recommendation, the Magistrate recommended that the motion of the defendant for summary judgment be denied in all respects.

The plaintiff has alleged four causes of action relating to his discharge by the defendant: (1) violation of the Age Discrimination in Employment Act of 1967, as amended, 29 U.S.C. §621 et seq., (ADEA); (2) retaliatory discharge for plaintiff's filing of a claim under Oklahoma's Workers Compensation laws; (3) bad-faith discharge; and (4) violation of the Civil Rights Act of 1964, as amended, 42 U.S.C. §2000e et seq., (hereafter referred to

as Title VII).

In his response to the defendant's objection, the plaintiff simply adopts his brief in response to the defendant's motion for summary judgment. In that brief, the plaintiff made no response whatsoever as to the ADEA claim and the bad faith discharge claim. Moreover, in the Pretrial Order filed in this case on July 1, 1988, the parties list as legal issues only the Title VII claim and the retaliatory discharge claim. Obviously, the plaintiff has abandoned the ADEA claim and the bad faith discharge claim. Therefore, judgment will be granted as to those claims.

In order to prevail upon the retaliatory discharge claim, the plaintiff must show that his filing of a claim was a "significant factor" in the employer's decision to terminate him. Pierce v. Franklin Elec. Co., 737 P.2d 921, 923 (Okla. 1987). Upon review, the Court finds the plaintiff's evidence to be highly circumstantial. Yet the Court must construe the facts in the light most favorable to the non-moving party. Brown v. Parker-Hannifin Corp., 746 F.2d 1407, 1411 (10th Cir. 1984). Also, great circumspection is required where summary judgment is sought on an issue involving state of mind. Dolese v. United States, 605 F.2d 1146, 1154-55 (10th Cir. 1979), cert. denied, 445 U.S. 961 (1980). Although the issue is a close one, the Court will permit the plaintiff to submit its evidence to the jury.

As to the Title VII claim, the defendant did not object to the recommendation of the Magistrate. Accordingly, summary judgment as to that claim will be denied.

It is the Order of the Court that the motion of the defendant

for summary judgment is hereby granted as to the ADEA and bad-faith discharge claims and is hereby denied as to the retaliatory discharge and Title VII claims.

IT IS SO ORDERED this 15th day of July, 1988.



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

Entered

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

OCT 18 1988

HILDA D. SMITH, Individually)
and as Personal Representative)
of the Heirs and Estate of)
Alan Reed Smith, Deceased,)
Plaintiff,)
vs.)
THE CELOTEX CORPORATION,)
et al.,)
Defendants.)

CLERK OF DISTRICT COURT
NORTHERN DISTRICT OF OKLAHOMA

No. 84-C-774-C

O R D E R

Now before the Court for its consideration is the motion of the defendant to reconsider. On March 29, 1988, this Court entered its Order granting the motions for summary judgment of certain defendants. The plaintiff asks the Court to reconsider that Order.

In its prior Order, the Court concluded that the plaintiff had presented insufficient evidence demonstrating that the disease and death of Alan Reed Smith were caused by his inhalation of asbestos fibers emanating from insulation products manufactured by the defendants. The Court referred in its Order to Lohrmann v. Pittsburgh Corning Corp., 782 F.2d 1156 (4th Cir. 1986). That court referred to a reasonable inference of "substantial causation" necessary to maintain an action of this type. Id. at 1162. Plaintiff notes that the Oklahoma Supreme Court, in the course of rejecting the "market share" theory of collective liability regarding asbestos, used the phrase "significant probability" as to proof of causation. Case v. Fibreboard Corp., 743 P.2d 1062,

1067 (Okla. 1987). Plaintiff contends that the Court placed an improperly heightened burden of proof upon her in rendering judgment.

The Court has reviewed the evidence and finds that the plaintiff has produced insufficient evidence that there is a "significant probability" that the products of any of these defendants caused the disease and death of Alan Reed Smith. The plaintiff has pointed to evidence that the asbestos-containing products of certain manufacturers were at the workplace of Alan Reed Smith. This is insufficient to meet the burden under Kirkland v. General Motors Corp., 521 P.2d 1353 (Okla. 1974).

The Court also notes that defendant Crown Cork & Seal Company, Inc. has recently filed its motion for summary judgment, based upon the same authority set forth in the other defendants' motions. The plaintiff has not responded, and the motion is granted.

It is the Order of the Court that the motion of the plaintiff to reconsider is hereby DENIED.

It is the further Order of the Court that the motion of defendant Crown Cork & Seal Company, Inc. for summary judgment is hereby GRANTED.

IT IS SO ORDERED this 18th day of July, 1988.


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

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

JUL 1 1988

FLORA L. POWELL, individually,)
and as a surviving wife of)
HUBERT C. POWELL, deceased,)
Plaintiffs,)
vs.)
ANCHOR PACKING COMPANY,)
a corporation; et al.,)
Defendants.)

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

No. 88-C-555-E

ORDER OF DISMISSAL

NOW ON THIS 13 day of July, 1988, the Court has for its consideration the Stipulation for Dismissal jointly filed in the above-styled and numbered cause by plaintiffs and defendant, Eastern Magnesia Talc Co. Based upon the representations and requests of the parties, as set forth in the foregoing stipulation, it is

ORDERED that plaintiffs' Complaint and claims for relief against the defendant, Eastern Magnesia Talc Co., be and the same are hereby dismissed without prejudice. It is further ORDERED that each party shall bear its own costs.

H. DALE COOK

James O. Ellison

JAMES O. ELLISON,
UNITED STATES DISTRICT JUDGE

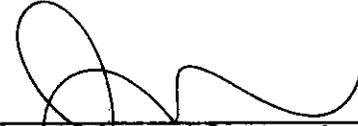
APPROVED:

CASEY, GERRY, CASEY, WESTBROOK,
REED & HUGHES
110 Laurel Street
San Diego, CA 92101-1486

By: 

Gina E. Hendryx, OBA #01330
John W. Norman, OBA #0699
JOHN W. NORMAN INCORPORATED
127 N.W. 10th
Renaissance Centre East
Okalahoma City, OK 73103

Attorneys for Plaintiffs


Joel L. Wohlgemuth, OBA #9811
NORMAN, WOHLGEMUTH & THOMPSON
909 Kennedy Building
Tulsa, OK 74103
(918) 583-7571

Attorneys for Defendant,
Eastern Magnesia Talc Company

OF COUNSEL:

Howard G. Sloane
Craig A. Newman
Eric S. Sarnier
CAHILL GORDON & REINDEL
(a partnership including
professional corporations)
80 Pine Street
New York, New York 10005
(212) 701-3000

IN THE UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF OKLAHOMA **F I L E D**

JUL 15 1988

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

BRUCE A. ROBSON, SYBIL ANN
ROBSON, JOHN JOSEPH ROBSON
and EDWARD DODGE ROBSON,

Plaintiffs,

v.

MORRIS E. STEWART OIL CO.,
an Oklahoma corporation,
MORRIS E. STEWART, VINITA JO
STEWART, LINDA J. RALSTON,

Defendants.

No. 86-C-533-E

WILLIAM REED BENTLEY, JR.,

Plaintiff,

v.

MORRIS E. STEWART OIL CO.,
et al.,

Defendants.

No. 87-C-140-E
(Consolidated)

JOHN N. ROBSON,

Plaintiff,

v.

MORRIS E. STEWART OIL, CO.,
an Oklahoma corporation,
MORRIS E. STEWART, VINITA JO
STEWART, LINDA J. RALSTON,

Defendants.

No. 87-C-329-E
(Consolidated)

STIPULATION OF DISMISSAL WITH PREJUDICE

Plaintiffs, John N. Robson, Bruce A. Robson, Edward Dodge Robson, Sybil Ann Robson, John Joseph Robson and William Reed Bentley, Jr. (hereinafter collectively referred to as "Plaintiffs") and Defendants, Morris E. Stewart Oil Company, Morris E. Stewart, Vinita Jo Stewart and Linda J. Ralston (hereinafter collectively referred to as "Defendants"), hereby dismiss with prejudice each and every of their respective claims pending in the above-styled action, each party to bear its own costs.

JOHN E. BARRY
LAURENCE L. PINKERTON
DAVID J. HYMAN

By 
John E. Barry

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

Attorneys for Plaintiffs
Bruce A. Robson, Sybil Ann
Robson, John Joseph Robson,
Edward Dodge Robson and
John N. Robson

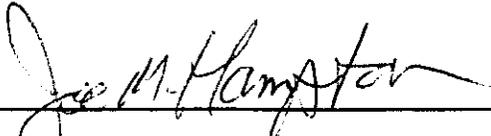
MARK K. STONECIPHER

By See Exhibit "A" Attached

KIRK & CHANEY
1300 Midland Center
Oklahoma City, Oklahoma 73102

Attorneys for Plaintiff
William Reed Bentley, Jr.

GEORGE S. CORBYN, JR.
JOE M. HAMPTON

By  _____

RYAN, HOLLOMAN, CORBYN &
GEISTER

900 Robinson Renaissance
119 North Robinson
Oklahoma City, Oklahoma 73102

Attorneys for Defendants
Morris E. Stewart Oil Company,
Morris E. Stewart, Vinita Jo
Stewart and Linda J. Ralston

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

BRUCE A. ROBSON, SYBIL ANN)
ROBSON, JOHN JOSEPH ROBSON)
and EDWARD DODGE ROBSON,)
)
Plaintiffs,)
)
v.) No. 86-C-533-E
)
MORRIS E. STEWART OIL CO.,)
an Oklahoma corporation,)
MORRIS E. STEWART, VINITA JO)
STEWART and LINDA J. RALSTON,)
)
Defendants.)
)
-----)
WILLIAM REED BENTLEY, JR.,)
)
Plaintiff,)
)
v.) No. 87-C-140-E
) (Consolidated)
)
MORRIS E. STEWART OIL CO.,)
et al.,)
)
Defendants.)
)
-----)
JOHN N. ROBSON,)
)
Plaintiff,)
)
v.) No. 87-C-329-E
) (Consolidated)
)
MORRIS E. STEWART OIL CO., an)
Oklahoma corporation, MORRIS)
E. STEWART, VINITA JO STEWART)
and LINDA J. RALSTON,)
)
Defendants.)

STIPULATION OF
DISMISSAL WITH PREJUDICE

EXHIBIT
"A"

Plaintiffs, John N. Robson, Bruce A. Robson, Edward Dodge Robson, Sybil Ann Robson, John Joseph Robson and William Reed Bentley, Jr., (hereinafter collectively referred to as "Plaintiffs") and Defendants, Morris E. Stewart Oil Company, Morris E. Stewart, Vinita Jo Stewart and Linda J. Ralston (hereinafter collectively referred to as "Defendants"), hereby dismiss with prejudice each and every of their respective claims pending in the above-styled action, each party to bear its own costs.

Laurence Pinkerton
CONNER & WINTERS
2400 First National Tower
Tulsa, Oklahoma 74103

Attorney for Plaintiffs,
Bruce A. Robson, John J. Robson,
Edward D. Robson, Sybil A.
Robson and John N. Robson



Mark K. Stenecipher
KIRK & CHANEY
1300 Midland Center
Oklahoma City, Oklahoma 73102

Attorney for Plaintiff,
William Reed Bentley, Jr.

George S. Corbyn, Jr.
Joe M. Hampton
RYAN, HOLLOMAN, CORBYN & GEISTER
900 Robinson Renaissance
119 North Robinson
Oklahoma City, Oklahoma 73102-4608

Attorneys for Defendants, Morris E.
Stewart Oil Company, Morris E.
Stewart, Vinita Jo Stewart and
Linda J. Ralston

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

TERRITORY SAVINGS AND LOAN ASSOCIATION OF SEMINOLE,)	
)	
Plaintiff,)	
)	
vs.)	Case No. 88-C-194-E
)	
KENNETH E. BAILEY and)	
WENDELL F. BAKER,)	
)	
Defendants,)	State Court Action
)	Case No. CJ-86-0866
and)	
)	
TOM VANDERPOOL,)	
)	
Intervenor.)	

FILED
JUN 21 1988

AGREED ORDER

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

This matter comes on for consideration on this 21st day of June, 1988, upon the Federal Savings and Loan Insurance Corporation's as Receiver for Territory Savings and Loan ("FSLIC") Motion to Dismiss Defendants' Counterclaims asserted against the Plaintiff Territory Savings and Loan Association ("Territory"). FSLIC, as receiver for Investors, appears by its attorneys Hall, Estill, Hardwick, Gable, Golden & Nelson and the Defendants Kenneth Bailey and Wendell Baker ("Bailey/Baker"), by their attorneys Robert L. Briggs, Houston & Klein. As is evidenced by the signatures attached hereto, the parties have agreed to the entry of this Order.

This Court being fully advised in the premises finds that FSLIC's Motion to Dismiss Defendants' Counterclaims should be sustained, as this Court lacks subject matter jurisdiction to adjudicate Defendants' claims against FSLIC.

IT IS THEREFORE ORDERED, ADJUDGED AND DECREED by this Court that FSLIC's Motion to Dismiss Defendants' Counterclaims is hereby sustained and that all counterclaims filed herein by the Defendants, Bailey/Baker, seeking relief against Territory Savings and Loan Association, and/or its receiver, FSLIC, are hereby dismissed for lack of subject matter jurisdiction.

H. DALE COOK

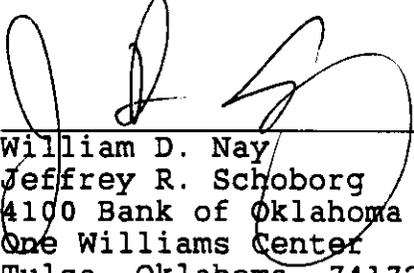
JUDGE OF THE DISTRICT COURT

Approved as to Content and Form:

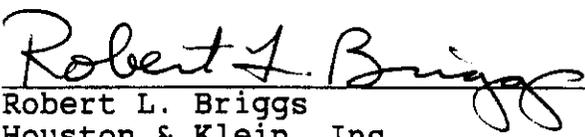
HALL, ESTILL, HARDWICK, GABLE,
GOLDEN & NELSON, P.C.

For JAMES O. ELLSON

By


William D. Nay
Jeffrey R. Schoborg
4100 Bank of Oklahoma Tower
One Williams Center
Tulsa, Oklahoma 74172

ATTORNEYS FOR FEDERAL SAVINGS
AND LOAN INSURANCE CORPORATION
AS RECEIVER FOR INVESTORS SAVINGS
AND LOAN ASSOCIATION, formerly
INVESTORS FEDERAL BANK, F.S.B.


Robert L. Briggs
Houston & Klein, Inc.
P. O. Box 2967
Tulsa, Oklahoma 74101-2967

ATTORNEYS FOR BAKER AND BAILEY

IT IS THEREFORE ORDERED, ADJUDGED, AND DECREED that the Plaintiff have and recover judgment against the Defendant, Thomas K. Harrison, in the amount of \$3,894.12, plus interest at the rate of 9 percent per annum, administrative costs, and penalty charges for a total indebtedness as of January 27, 1988 of \$4,543.76, plus interest at the rate of 9 percent per annum until judgment, plus interest thereafter at the current legal rate of 7.54 percent per annum until paid, plus the costs of this action.

H. DALE COOK

UNITED STATES DISTRICT JUDGE

JCH JAMES O. ELISON

APPROVED:

UNITED STATES OF AMERICA

TONY M. GRAHAM
United States Attorney

Phil Pinnell

PHIL PINNELL
Assistant U.S. Attorney

Thomas K. Harrison

THOMAS K. HARRISON

PEP/mp

UNITED STATES DISTRICT COURT FOR THE
NORTHERN DISTRICT OF OKLAHOMA

UNITED STATES OF AMERICA,)
)
)
)
 Plaintiff,)
)
 vs.)
)

IVE S. EDWARDS; WILMA J.)
 EDWARDS; LARRY A. EDWARDS)
 a/k/a LARRY ALLEN EDWARDS;)
 GINA EDWARDS; ASSOCIATES)
 FINANCIAL SERVICES COMPANY)
 OF OKLAHOMA, INC.; COUNTY)
 TREASURER, Tulsa County,)
 Oklahoma; and BOARD OF COUNTY)
 COMMISSIONERS, Tulsa County,)
 Oklahoma,)

Defendants.)

FILED

JUL 14 1988

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

CIVIL ACTION NO. 88-C-169-E

JUDGMENT OF FORECLOSURE

This matter comes on for consideration this 13 day
of July, 1988. The Plaintiff appears by Tony M.
Graham, 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, Ive S.
Edwards, Wilma J. Edwards, Larry A. Edwards a/k/a Larry Allen
Edwards, Gina Edwards, and Associates Financial Services Company
of Oklahoma, Inc., appear not, but make default.

The Court being fully advised and having examined the
file herein finds that the Defendants, Ive S. Edwards and
Wilma J. Edwards, acknowledged receipt of Summons and Complaint

on March 1, 1988; that the Defendants, Larry A. Edwards a/k/a Larry Allen Edwards and Gina Edwards, were served with Summons and Complaint on May 17, 1988; that the Defendant, Associates Financial Services Company of Oklahoma, Inc., was served with Summons and Complaint on April 18, 1988; that Defendant, County Treasurer, Tulsa County, Oklahoma, acknowledged receipt of Summons and Complaint on February 19, 1988; and that Defendant, Board of County Commissioners, Tulsa County, Oklahoma, acknowledged receipt of Summons and Complaint on February 18, 1988.

It appears that the Defendants, County Treasurer, Tulsa County, Oklahoma, and Board of County Commissioners, Tulsa County, Oklahoma, filed their Answers herein on March 9, 1988; and that the Defendants, Ive S. Edwards, Wilma J. Edwards, Larry A. Edwards a/k/a Larry Allen Edwards, Gina Edwards, and Associates Financial Services Company of Oklahoma, Inc., have failed to answer and their default has therefore been entered by the Clerk of this Court.

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 Eight (8), Block Six (6), of Lots 5 thru 25, Block 6, Lots 5 thru 23, Block 7, Lots 14 thru 17, Block 8, and Lots 1 thru 4, Block 9, ARROW VILLAGE ADDITION to the City of Broken Arrow, Tulsa County, State of Oklahoma, according to the recorded plat thereof.

The Court further finds that on August 28, 1986, Ive S. Edwards, Wilma J. Edwards, Larry A. Edwards, and Gina Edwards, 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 \$32,655.00, payable in monthly installments, with interest thereon at the rate of ten percent (10%) per annum.

The Court further finds that as security for the payment of the above-described note, Ive S. Edwards, Wilma J. Edwards, Larry A. Edwards, and Gina Edwards, executed and delivered to the United States of America, acting on behalf of the Administrator of Veterans Affairs, a mortgage dated August 28, 1986, covering the above-described property. Said mortgage was recorded on September 4, 1986, in Book 4967, Page 1295, in the records of Tulsa County, Oklahoma.

The Court further finds that pursuant to a Quit Claim Deed dated February 12, 1987, and filed of record on February 17, 1987, in Book 5002, Page 120 in the records of Tulsa County, Oklahoma, and rerecorded on February 25, 1987, in Book 5004, Page 735 in the records of Tulsa County, Oklahoma, Ive S. Edwards and Wilma J. Edwards quitclaimed their interest in the above-described real property to Larry Allen Edwards and Gina Edwards.

The Court further finds that the Defendants, Ive S. Edwards, Wilma J. Edwards, Larry A. Edwards a/k/a Larry Allen Edwards, and Gina Edwards, 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, Ive S. Edwards, Wilma J. Edwards, Larry A. Edwards a/k/a Larry Allen Edwards, and Gina Edwards, are indebted to the Plaintiff in the principal sum of \$32,936.12, plus interest at the rate of 10 percent per annum from May 1, 1987 until judgment, plus interest thereafter at the legal rate until fully paid, and the costs of this action accrued and accruing.

The Court further finds that the Defendant, County Treasurer, Tulsa County, Oklahoma, has a lien on the property which is the subject matter of this action by virtue of personal property taxes in the amount of \$8.00 which became a lien on the property as of 1987. Said lien is inferior to the interest of the Plaintiff, United States of America.

The Court further finds that the Defendant, Board of County Commissioners, Tulsa County, Oklahoma, claims no right, title, or interest in the subject real property.

The Court further finds that the Defendant, Associates Financial Services Company of Oklahoma, Inc., is in default and has 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, Ive S. Edwards, Wilma J. Edwards, Larry A. Edwards a/k/a Larry Allen Edwards, and Gina Edwards, in the principal sum of \$32,936.12, plus interest at the rate of 10 percent per annum from May 1, 1987 until judgment, plus interest thereafter at the current legal rate of 2.54 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 Defendant, County Treasurer, Tulsa County, Oklahoma, have and recover judgment in the amount of \$8.00 for personal property taxes for the year of 1987, plus the costs of this action.

IT IS FURTHER ORDERED, ADJUDGED, AND DECREED that the Defendants, Associates Financial Services Company of Oklahoma, Inc. 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, Ive S. Edwards, Wilma J. Edwards, Larry A. Edwards a/k/a Larry Allen Edwards, and Gina Edwards, to satisfy the money judgment of the Plaintiff herein, an Order of Sale shall be issued to the United States Marshal for the Northern District of Oklahoma, commanding him to advertise and sell with appraisal the real property involved herein and apply the proceeds of the sale as follows:

First:

In payment of 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;

Third:

In payment of the Defendant, County
Treasurer, Tulsa County, Oklahoma, in the
amount of \$8.00, personal property taxes
which are currently due and owing.

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

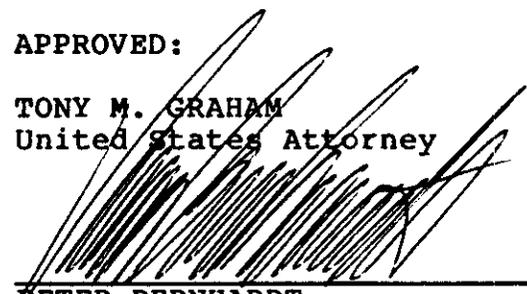
IT IS FURTHER ORDERED, ADJUDGED, AND DECREED that from
and after the sale of the above-described real property, under
and by virtue of this judgment and decree, all of the Defendants
and all persons claiming under them since the filing of the
Complaint, be and they are forever barred and foreclosed of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

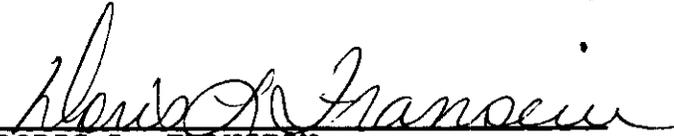
H. DALE COOL

UNITED STATES DISTRICT JUDGE

APPROVED:

TONY M. GRAHAM
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

PB/css

UNITED STATES DISTRICT COURT FOR THE
NORTHERN DISTRICT OF OKLAHOMA

UNITED STATES OF AMERICA,)
)
 Plaintiff,)
)
 vs.)
)
 CYNTHIA L. JOHNSON a/k/a)
 CYNTHIA L. THOMAS; EUGENE)
 THOMAS, JR. III; FIDELITY)
 FINANCIAL SERVICES, INC.;)
 ST. FRANCIS EMPLOYEES FEDERAL)
 CREDIT UNION; COUNTY TREASURER,)
 Tulsa County, Oklahoma; and)
 BOARD OF COUNTY COMMISSIONERS,)
 Tulsa County, Oklahoma,)
)
 Defendants.)

FILED

JUL 1 1988

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

CIVIL ACTION NO. 88-C-0052-E

JUDGMENT OF FORECLOSURE

This matter comes on for consideration this 13 day
of July, 1988. The Plaintiff appears by Tony M.
Graham, United States Attorney for the Northern District of
Oklahoma, through Phil Pinnell, 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, Cynthia L. Johnson a/k/a Cynthia L.
Thomas; Eugene Thomas, Jr. III; Fidelity Financial Services,
Inc.; and St. Francis Employees Federal Credit Union, appear not,
but make default.

The Court being fully advised and having examined the
file herein finds that the Defendant, Fidelity Financial
Services, Inc., acknowledged receipt of Summons and Complaint on

January 22, 1988; that Defendant, St. Francis Employees Federal Credit Union, acknowledged receipt of Summons and Complaint on February 8, 1988; that Defendant, County Treasurer, Tulsa County, Oklahoma, acknowledged receipt of Summons and Complaint on January 25, 1988; and that Defendant, Board of County Commissioners, Tulsa County, Oklahoma, acknowledged receipt of Summons and Complaint on January 21, 1988.

The Court further finds that the Defendants, Cynthia L. Johnson a/k/a Cynthia L. Thomas and Eugene Thomas, Jr. III, were served by publishing notice of this action in the Tulsa Daily Business Journal & Legal Record, a newspaper of general circulation in Tulsa County, Oklahoma, once a week for six (6) consecutive weeks beginning April 15, 1988, and continuing to May 20, 1988, as more fully appears from the verified proof of publication duly filed herein; and that this action is one in which service by publication is authorized by 12 O.S. Section 2004(C)(3)(c). Counsel for the Plaintiff does not know and with due diligence cannot ascertain the whereabouts of the Defendants, Cynthia L. Johnson a/k/a Cynthia L. Thomas and Eugene Thomas, Jr. III, and service cannot be made upon said Defendants within the Northern Judicial District of Oklahoma or the State of Oklahoma by any other method, or upon said Defendants without the Northern Judicial District of Oklahoma or the State of Oklahoma by any other method, as more fully appears from the evidentiary affidavit of a bonded abstracter filed herein with respect to the last known addresses of the Defendants, Cynthia L. Johnson a/k/a Cynthia L. Thomas and Eugene Thomas, Jr. III. The Court conducted

an inquiry into the sufficiency of the service by publication to comply with due process of law and based upon the evidence presented together with affidavit and documentary evidence finds that the Plaintiff, United States of America, acting on behalf of the Administrator of Veterans Affairs, and its attorneys, Tony M. Graham, United States Attorney for the Northern District of Oklahoma, through Phil Pinnell, Assistant United States Attorney, fully exercised due diligence in ascertaining the true name and identity of the parties served by publication with respect to their present or last known places of residence and/or mailing addresses. The Court accordingly approves and confirms that the service by publication is sufficient to confer jurisdiction upon this Court to enter the relief sought by the Plaintiff, both as the subject matter and the Defendants served by publication.

It appears that the Defendants, County Treasurer, Tulsa County, Oklahoma, and Board of County Commissioners, Tulsa County, Oklahoma, filed their Answers herein on February 12, 1988; and that the Defendants, Cynthia L. Johnson a/k/a Cynthia L. Thomas; Eugene Thomas, Jr. III; Fidelity Financial Services, Inc.; and St. Francis Employees Federal Credit Union, have failed to answer and their default has therefore been entered by the Clerk of this Court.

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 Nine (9), Block Fifty-three (53), VALLEY VIEW ACRES THIRD ADDITION to the City of Tulsa, Tulsa County, Oklahoma, according to the recorded Plat thereof.

The Court further finds that on August 22, 1977, Cynthia L. Johnson executed and delivered to the United States of America, acting on behalf of the Administrator of Veterans Affairs, her mortgage note in the amount of \$11,500.00, payable in monthly installments, with interest thereon at the rate of eight and one-half percent (8.5%) per annum.

The Court further finds that as security for the payment of the above-described note, Cynthia L. Johnson executed and delivered to the United States of America, acting on behalf of the Administrator of Veterans Affairs, a mortgage dated August 22, 1977, covering the above-described property. Said mortgage was recorded on September 9, 1977, in Book 4282, Page 2567, in the records of Tulsa County, Oklahoma.

The Court further finds that the Defendant, Cynthia L. Johnson a/k/a Cynthia L. Thomas, made default under the terms of the aforesaid note and mortgage by reason of her failure to make the monthly installments due thereon, which default has continued, and that by reason thereof the Defendant, Cynthia L. Johnson a/k/a Cynthia L. Thomas, is indebted to the Plaintiff in the principal sum of \$9,994.23, plus interest at the rate of 8.5 percent per annum from March 1, 1987 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.

The Court further finds that the Defendants, Eugene Thomas, Jr. III; Fidelity Financial Services, Inc.; and St. Francis Employees Federal Credit Union, are in default and have no right, title, or interest in the subject real property.

IT IS THEREFORE ORDERED, ADJUDGED, AND DECREED that the Plaintiff have and recover judgment in rem against the Defendant, Cynthia L. Johnson a/k/a Cynthia L. Thomas, in the principal sum of \$9,994.23, plus interest at the rate of 8.5 percent per annum from March 1, 1987 until judgment, plus interest thereafter at the current legal rate of 7.54 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; Eugene Thomas, Jr. III; Fidelity Financial Services, Inc.; and St. Francis Employees Federal Credit Union, have no right, title, or interest in the subject real property.

IT IS FURTHER ORDERED, ADJUDGED, AND DECREED that an Order of Sale shall be issued to the United States Marshal for the Northern District of Oklahoma, commanding him to advertise and sell with appraisement the real property involved herein and apply the proceeds of the sale as follows:

First:

In payment of the costs of this action accrued and accruing incurred by the Plaintiff, including 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.

H. DALE COOK

UNITED STATES DISTRICT JUDGE

J. James O. Ellison

APPROVED:

TONY M. GRAHAM
United States Attorney

Phil Pinnell
PHIL PINNELL
Assistant United States Attorney

Doris L. Fransein
DORIS L. FRANSEIN
Assistant District Attorney
Attorney for Defendants,
County Treasurer and
Board of County Commissioners,
Tulsa County, Oklahoma
PP/css

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

FILED
JUL 15 1983

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

BRUCE A. ROBSON, SYBIL ANN
ROBSON, JOHN JOSEPH ROBSON
and EDWARD DODGE ROBSON,

Plaintiffs,

v.

MORRIS E. STEWART OIL CO.,
an Oklahoma corporation,
MORRIS E. STEWART, VINITA JO
STEWART, LINDA J. RALSTON,

Defendants.

No. 86-C-533-E

WILLIAM REED BENTLEY, JR.,

Plaintiff,

v.

MORRIS E. STEWART OIL CO.,
et al.,

Defendants.

No. 87-C-140-E
(Consolidated)

JOHN N. ROBSON,

Plaintiff,

v.

MORRIS E. STEWART OIL, CO.,
an Oklahoma corporation,
MORRIS E. STEWART, VINITA JO
STEWART, LINDA J. RALSTON,

Defendants.

No. 87-C-329-E
(Consolidated)

STIPULATION OF DISMISSAL WITH PREJUDICE

Plaintiffs, John N. Robson, Bruce A. Robson, Edward Dodge Robson, Sybil Ann Robson, John Joseph Robson and William Reed Bentley, Jr. (hereinafter collectively referred to as "Plaintiffs") and Defendants, Morris E. Stewart Oil Company, Morris E. Stewart, Vinita Jo Stewart and Linda J. Ralston (hereinafter collectively referred to as "Defendants"), hereby dismiss with prejudice each and every of their respective claims pending in the above-styled action, each party to bear its own costs.

JOHN E. BARRY
LAURENCE L. PINKERTON
DAVID J. HYMAN

By 
John E. Barry

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

Attorneys for Plaintiffs
Bruce A. Robson, Sybil Ann
Robson, John Joseph Robson,
Edward Dodge Robson and
John N. Robson

MARK K. STONECIPHER

By See Exhibit "A" Attached

KIRK & CHANEY
1300 Midland Center
Oklahoma City, Oklahoma 73102

Attorneys for Plaintiff
William Reed Bentley, Jr.

GEORGE S. CORBYN, JR.
JOE M. HAMPTON

BY  _____

RYAN, HOLLOMAN, CORBYN &
GEISTER
900 Robinson Renaissance
119 North Robinson
Oklahoma City, Oklahoma 73102

Attorneys for Defendants
Morris E. Stewart Oil Company,
Morris E. Stewart, Vinita Jo
Stewart and Linda J. Ralston

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

BRUCE A. ROBSON, SYBIL ANN)
ROBSON, JOHN JOSEPH ROBSON)
and EDWARD DODGE ROBSON,)
)
Plaintiffs,)

v.)

No. 86-C-533-E ✓)

MORRIS E. STEWART OIL CO.,)
an Oklahoma corporation,)
MORRIS E. STEWART, VINITA JO)
STEWART and LINDA J. RALSTON,)
)
Defendants.)

WILLIAM REED BENTLEY, JR.,)
)
Plaintiff,)

v.)

No. 87-C-140-E)
(Consolidated))

MORRIS E. STEWART OIL CO.,)
et al.,)
)
Defendants.)

JOHN N. ROBSON,)
)
Plaintiff,)

v.)

No. 87-C-329-E)
(Consolidated))

MORRIS E. STEWART OIL CO., an)
Oklahoma corporation, MORRIS)
E. STEWART, VINITA JO STEWART)
and LINDA J. RALSTON,)
)
Defendants.)

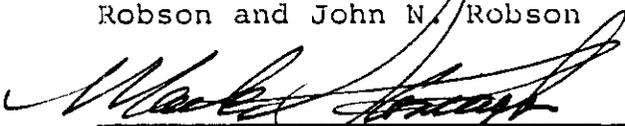
STIPULATION OF
DISMISSAL WITH PREJUDICE

EXHIBIT
"A"

Plaintiffs, John N. Robson, Bruce A. Robson, Edward Dodge Robson, Sybil Ann Robson, John Joseph Robson and William Reed Bentley, Jr., (hereinafter collectively referred to as "Plaintiffs") and Defendants, Morris E. Stewart Oil Company, Morris E. Stewart, Vinita Jo Stewart and Linda J. Ralston (hereinafter collectively referred to as "Defendants"), hereby dismiss with prejudice each and every of their respective claims pending in the above-styled action, each party to bear its own costs.

Laurence Pinkerton
CONNER & WINTERS
2400 First National Tower
Tulsa, Oklahoma 74103

Attorney for Plaintiffs,
Bruce A. Robson, John J. Robson,
Edward D. Robson, Sybil A.
Robson and John N. Robson



Mark K. Stenecipher
KIRK & CHANEY
1300 Midland Center
Oklahoma City, Oklahoma 73102

Attorney for Plaintiff,
William Reed Bentley, Jr.

George S. Corbyn, Jr.
Joe M. Hampton
RYAN, HOLLOMAN, CORBYN & GEISTER
900 Robinson Renaissance
119 North Robinson
Oklahoma City, Oklahoma 73102-4608

Attorneys for Defendants, Morris E.
Stewart Oil Company, Morris E.
Stewart, Vinita Jo Stewart, and
Linda J. Ralston

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

FILED

JUL 15 1983

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

BRUCE A. ROBSON, SYBIL ANN
ROBSON, JOHN JOSEPH ROBSON
and EDWARD DODGE ROBSON,

Plaintiffs,

v.

MORRIS E. STEWART OIL CO.,
an Oklahoma corporation,
MORRIS E. STEWART, VINITA JO
STEWART, LINDA J. RALSTON,

Defendants.

No. 86-C-533-E

WILLIAM REED BENTLEY, JR.,

Plaintiff,

v.

MORRIS E. STEWART OIL CO.,
et al.,

Defendants.

No. 87-C-140-E
(Consolidated)

JOHN N. ROBSON,

Plaintiff,

v.

MORRIS E. STEWART OIL, CO.,
an Oklahoma corporation,
MORRIS E. STEWART, VINITA JO
STEWART, LINDA J. RALSTON,

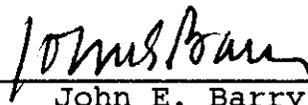
Defendants.

No. 87-C-329-E
(Consolidated)

STIPULATION OF DISMISSAL WITH PREJUDICE

Plaintiffs, John N. Robson, Bruce A. Robson, Edward Dodge Robson, Sybil Ann Robson, John Joseph Robson and William Reed Bentley, Jr. (hereinafter collectively referred to as "Plaintiffs") and Defendants, Morris E. Stewart Oil Company, Morris E. Stewart, Vinita Jo Stewart and Linda J. Ralston (hereinafter collectively referred to as "Defendants"), hereby dismiss with prejudice each and every of their respective claims pending in the above-styled action, each party to bear its own costs.

JOHN E. BARRY
LAURENCE L. PINKERTON
DAVID J. HYMAN

By 
John E. Barry

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

Attorneys for Plaintiffs
Bruce A. Robson, Sybil Ann
Robson, John Joseph Robson,
Edward Dodge Robson and
John N. Robson

MARK K. STONECIPHER

By See Exhibit "A" Attached

KIRK & CHANEY
1300 Midland Center
Oklahoma City, Oklahoma 73102

Attorneys for Plaintiff
William Reed Bentley, Jr.

GEORGE S. CORBYN, JR.
JOE M. HAMPTON

By  _____

RYAN, HOLLOMAN, CORBYN &
GEISTER
900 Robinson Renaissance
119 North Robinson
Oklahoma City, Oklahoma 73102

Attorneys for Defendants
Morris E. Stewart Oil Company,
Morris E. Stewart, Vinita Jo
Stewart and Linda J. Ralston

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

BRUCE A. ROBSON, SYBIL ANN)
ROBSON, JOHN JOSEPH ROBSON)
and EDWARD DODGE ROBSON,)
)
Plaintiffs,)

v.)

No. 86-C-533-E ✓

MORRIS E. STEWART OIL CO.,)
an Oklahoma corporation,)
MORRIS E. STEWART, VINITA JO)
STEWART and LINDA J. RALSTON,)
)
Defendants.)

WILLIAM REED BENTLEY, JR.,)
)
Plaintiff,)

v.)

No. 87-C-140-E
(Consolidated)

MORRIS E. STEWART OIL CO.,)
et al.,)
)
Defendants.)

JOHN N. ROBSON,)
)
Plaintiff,)

v.)

No. 87-C-329-E
(Consolidated)

MORRIS E. STEWART OIL CO., an)
Oklahoma corporation, MORRIS)
E. STEWART, VINITA JO STEWART)
and LINDA J. RALSTON,)
)
Defendants.)

STIPULATION OF
DISMISSAL WITH PREJUDICE

EXHIBIT
"A"

Plaintiffs, John N. Robson, Bruce A. Robson, Edward Dodge Robson, Sybil Ann Robson, John Joseph Robson and William Reed Bentley, Jr., (hereinafter collectively referred to as "Plaintiffs") and Defendants, Morris E. Stewart Oil Company, Morris E. Stewart, Vinita Jo Stewart and Linda J. Ralston (hereinafter collectively referred to as "Defendants"), hereby dismiss with prejudice each and every of their respective claims pending in the above-styled action, each party to bear its own costs.

Laurence Pinkerton
CONNER & WINTERS
2400 First National Tower
Tulsa, Oklahoma 74103

Attorney for Plaintiffs,
Bruce A. Robson, John J. Robson,
Edward D. Robson, Sybil A.
Robson and John N. Robson



Mark K. Stenecipher
KIRK & CHANEY
1300 Midland Center
Oklahoma City, Oklahoma 73102

Attorney for Plaintiff,
William Reed Bentley, Jr.

George S. Corbyn, Jr.
Joe M. Hampton
RYAN, HOLLOMAN, CORBYN & GEISTER
900 Robinson Renaissance
119 North Robinson
Oklahoma City, Oklahoma 73102-4608

Attorneys for Defendants, Morris E.
Stewart Oil Company, Morris E.
Stewart, Vinita Jo Stewart, and
Linda J. Ralston

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

FILED

JUL 15 1987

Jack C. Simpson, Jr.
U.S. DISTRICT COURT

ORS CORPORATION, an Oklahoma
corporation, UENTECH, an
Oklahoma corporation, and
ORS DEVELOPMENT CORPORATION,
an Oklahoma corporation,

Plaintiffs,

vs.

WALTER L. MAGUIRE a/k/a WALTER L.
MAGUIRE, SR., et al.,

Defendants.

WALTER L. MAGUIRE a/k/a
WALTER L. MAGUIRE, SR.,
WALTER L. MAGUIRE, JR. a/k/a
TERRY MAGUIRE; THE MAGUIRE
FOUNDATION, INC., a Connecticut
corporation; and UNITERRA
CORPORATION, a Nevada
corporation,

Defendants and
Third-Party Plaintiffs,

vs.

ROBERT A. ALEXANDER, JR., J. L.
DIAMOND, V. E. GOODWIN, and
HOMER L. SPENCER, JR.,

Third-Party Defendants.

Case No. 87-C-426-E

STIPULATION TO DISMISSAL WITH PREJUDICE
OF COUNTS II AND III OF PLAINTIFFS'
COMPLAINT ONLY AND COUNTS EIGHT AND
NINE OF DEFENDANTS' COUNTERCLAIM ONLY

Plaintiffs ORS Corporation, Uentech Corporation, and ORS
Development Corporation, and Defendants Walter L. Maguire, Sr.,
Walter L. Maguire, Jr., The Maguire Foundation, Inc., and

Uniterra Corporation, pursuant to Rule 41(a) Federal Rules of Civil Procedure, hereby stipulate to the dismissal of Counts II and III of Plaintiffs' Complaint only and Counts Eight and Nine of Defendants' Counterclaims only with prejudice.

Respectfully submitted,

COMFORT, LIPE & GREEN, P.C.

By: 
James E. Green, Jr.
2100 Mid-Continent Tower
401 South Boston Avenue
Tulsa, Oklahoma 74103

and

TIPS AND GIBSON

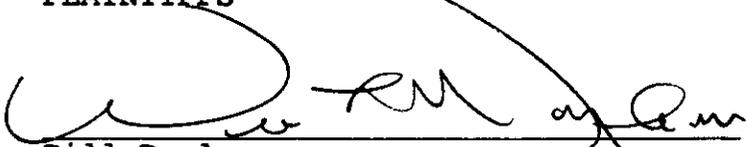
Robert H. Tips
525 South Main
Tulsa, Oklahoma 74103

ATTORNEYS FOR PLAINTIFFS

HALL, ESTILL, HARDWICK, GABLE,
GOLDEN & NELSON

By: 
Claire V. Eagan -#554
Barbara L. Woltz -#12535
4100 Bank of Oklahoma Tower
Tulsa, Oklahoma 74172

ATTORNEYS FOR DEFENDANTS/THIRD-PARTY
PLAINTIFFS


Bill Doyle
2520 Mid-Continent Tower
Tulsa, Oklahoma 74103

ATTORNEY FOR THIRD-PARTY DEFENDANT,
V. E. GOODWIN

CRAWFORD, CROWE & BAINBRIDGE

By: *B. Hayden Crawford*
B. Hayden Crawford
1714 First National Building
Tulsa, Oklahoma 74103

ATTORNEYS FOR THIRD-PARTY DEFENDANT,
ROBERT A. ALEXANDER, JR.

Michael L. Seymour
Michael L. Seymour
1717 East 15th Street
Tulsa, Oklahoma 74104

ATTORNEYS FOR THIRD-PARTY DEFENDANT,
HOMER L. SPENCER, JR.

CHAPEL, WILKINSON, RIGGS & ABNEY

By: *Stephen B. Riley*
Stephen B. Riley
502 West Sixth Street
Tulsa, Oklahoma 74119-1010

ATTORNEYS FOR THIRD-PARTY DEFENDANT,
J.L. DIAMOND

entered

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

RALPH JOHN FEUERBORN, SR.,;)
LAURA FEUERBORN and THE)
AMERICAN INSURANCE COMPANY,)
a New Jersey corporation,)
Plaintiffs,)

-vs-

STOOPS EXPRESS, INC., OZARK)
KENWORTH, INC.; SAM GUY; an)
Individual; PACCAR, INC.,)
HOLLAND HITCH, INC.; THE)
TRAVELERS INDEMNITY COMPANY,)
and INTEGRAL INSURANCE)
COMPANY,)
Defendants,)

No. 87-C-159-C

FILED
JUL 1 1988

EVAN AQUILA JONES IV,)
TRAILINER CORPORATION,)
DARRELL WILSON and)
ROADRUNNER LEASING, INC.,)
Third-Party)
Defendants.)

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

ORDER

The Court finds that the Application of Defendant,
Ozark Kenworth, Inc., for dismissal of said defendant's Cross
Claim against the Defendant, Paccar, Inc., should be and is
hereby sustained. Said Cross Claim is hereby dismissed without
prejudice.


HONORABLE H. DALE COOK
United States District Judge

NOTE: THIS ORDER IS TO BE MAILED
BY MOVANT TO ALL COUNSEL AND
PRO SE LITIGANTS IMMEDIATELY
UPON RECEIPT.

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

FILED

JUL 15 1990

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

CAROLYN SUE DOYLE,)	
)	
Plaintiff,)	
)	
-vs-)	No. 88-C0008-B
)	
JEANNE PARKS CHELSEA,)	
)	
Defendant.)	

JOINT STIPULATION OF DISMISSAL OF ALL CLAIMS WITH PREJUDICE

COME NOW the parties hereto, by and through their attorneys of record, and pursuant to Fed. R. Civ. Proc. 41(a)(1)(ii), hereby stipulate that the captioned case is hereby dismissed in its entirety with prejudice, including all claims and counterclaims therein by reason that the parties have reached a settlement. Each party is to bear its own attorneys' fees.

SAVAGE, O'DONNELL, SCOTT,
McNULTY & AFFELDT

NICHOLS, WOLFE, STAMPER,
NALLY & FALLIS, INC.

By: Michelle Stokely
Alan W. Gentges
Michelle Stokely
Petroleum Club Building
Tulsa, Oklahoma 74119
(918) 599-9000

By: Diane O. Palumbo
Diane O. Palumbo, OBA #12154
400 Old City Hall Building
124 East Fourth Street
Tulsa, Oklahoma 74103
(918) 584-5182

ATTORNEYS FOR PLAINTIFF

ATTORNEYS FOR DEFENDANTS

FILED

IN THE UNITED STATES DISTRICT COURT July 7 1988
FOR THE NORTHERN DISTRICT OF OKLAHOMA

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

CHARLES L. ROLLINS, Plaintiff, and SALLY
DORIS ROLLINS, Plaintiff's Spouse,

Plaintiffs,

vs.

ANCHOR PACKING COMPANY, a corporation;
et al.,

Defendants.

No. 88-C-354-E

ORDER OF DISMISSAL

NOW ON THIS 13 day of July, 1988, the Court has for its consideration the Stipulation for Dismissal jointly filed in the above-styled and numbered cause by plaintiffs and defendant, Eastern Magnesia Talc Co. Based upon the representations and requests of the parties, as set forth in the foregoing stipulation, it is

ORDERED that plaintiffs' Complaint and claims for relief against the defendant, Eastern Magnesia Talc Co., be and the same are hereby dismissed without prejudice. It is further

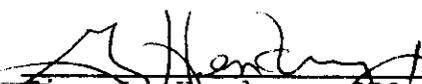
ORDERED that each party shall bear its own costs.

H. DALE COOK

for JAMES O. ELLISON,
UNITED STATES DISTRICT JUDGE

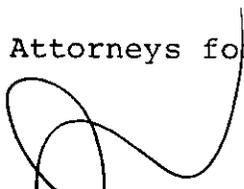
APPROVED:

CASEY, GERRY, CASEY, WESTBROOK,
REED & HUGHES
110 Laurel Street
San Diego, CA 92101-1486

By: 

~~Gina L. Hendryx, OBA #01330~~
John W. Norman, OBA #6699
JOHN W. NORMAN INCORPORATED
127 N.W. 10th
Renaissance Centre East
Oklahoma City, OK 73103

Attorneys for Plaintiffs


~~Joel L. Wohlgemuth, OBA #9811~~
NORMAN, WOHLGEMUTH & THOMPSON
909 Kennedy Building
Tulsa, OK 74103
(918) 583-7571

Attorneys for Defendant,
Eastern Magnesia Talc Company

OF COUNSEL:

Howard G. Sloane
Craig A. Newman
Eric S. Sarnier
CAHILL GORDON & REINDEL
(a partnership including
professional corporations)
80 Pine Street
New York, New York 10005
(212) 701-3000

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

BILLY ALLEN HARROLLE,
Plaintiff,

v.

JAMES MATNEY THURMAN, SAMMY
COLE,

Defendants.

)
)
)
)
)
)
)
)
)
)
)

87-C-365-E

FILED

JUL 14 1988

ORDER

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

The Court has for consideration the Report and Recommendation of the Magistrate filed June 16, 1988 in which the Magistrate recommended that Defendants' Motion to Dismiss 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 Defendants' Motion to Dismiss is granted.

Dated this 13th day of July, 1988.

for 
JAMES O. ELLISON
UNITED STATES DISTRICT JUDGE

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

KENNETH JACKSON, et al.

Plaintiffs,

v.

DEPENDABLE INSURANCE CO., INC.

Defendant.

)
)
)
)
)
)
)

No. 86-C-448-E

FILED

JUL 14 1988

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

ORDER OF DISMISSAL

NOW ON THIS 13th day of July 1988, the Court has for its consideration the Notice of Settlement filed in the above-styled and number action by the plaintiffs and defendant. Based upon the representations and requests of the parties, as set forth in the foregoing stipulation, it is

ORDERED that plaintiff's Complaint against defendant and defendant's Counterclaim against the plaintiffs be and the same are hereby dismissed with prejudice. It is further

ORDERED that each party shall bear its own costs and attorneys fees.

DALE COOK
for JAMES O. ELLISON
UNITED STATES DISTRICT JUDGE FOR THE
NORTHERN DISTRICT OF OKLAHOMA

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

FILED

JUL 14 1988

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

MAPS INTERNATIONAL, INC.,)
an Oklahoma corporation,)
)
Plaintiff,)
)
v.)
)
CAT POWER CORPORATION and)
AMIR A. SARDARI, an individual,)
)
Defendants.)

No. 88-C-214-B

ORDER

This matter comes before the Court on Defendant Cat Power Corporation's motion to quash in which it asserts it is not subject to the in personam jurisdiction of this court. Plaintiff has objected to the motion. For the reasons set forth below the motion to quash is granted.

This is a diversity action for breach of contract, breach of warranty, and fraudulent misrepresentation brought by the Plaintiff, an Oklahoma corporation, against Defendants, Cat Power Corporation ("Cat"), a California corporation, and Amir A. Sardari, a citizen of California.

Defendant Cat has filed a motion to quash in which it asserts it is not subject to the in personam jurisdiction of this court. Motions to quash are improper in federal practice and the same will be considered a motion to dismiss for lack of in personam jurisdiction pursuant to Rule 12(b)(2), Fed.R.Civ.P. Product Promotions, Inc. v. Cousteau, 495 F.2d 483 (5th Cir. 1974); Federal National Bank & Trust Co. v. Moon, 412 F.Supp. 644 (W.D.Okla. 1976). Defendant Cat, a California corporation, contends that

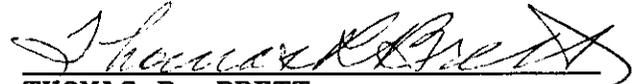
insufficient connections exist with the State of Oklahoma to subject it to the jurisdiction of Oklahoma courts. Plaintiff contends the Court has personal jurisdiction over Defendant by virtue of Oklahoma's long-arm statute, 12 Okl.St. §2004(F).

When a jurisdictional question arises, the burden of proof is upon the party asserting that jurisdiction exists. Yarbrough v. Elmer Bunker & Associates, 669 F.2d 614, 616 (10th Cir. 1982); Hoster v. Monongahela Steel Corp., 492 F.Supp. 1249, 1252 (W.D. Okla. 1980). The Plaintiff's response consists of arguments and authorities in support of in personam jurisdiction and as evidence, a photo copy of a business card.¹ In light of the fact that the Plaintiff's response wholly fails to take issue with the Defendant's assertions supported by affidavit, the Court grants the motion to dismiss for the reasons stated in the Defendant Cat Power Corporation's brief in support of its motion to quash. In so ruling the Court also notes that the individually named defendant, Amir A. Sardari, has been served and is apparently in default for failure to answer or otherwise plead within the time period prescribed by the federal rules.

¹Plaintiff's Response Brief represents that it has attached the affidavit of Lynn Whitefield, Plaintiff's representative. However, in reviewing the matter, the Court found that the affidavit of Whitefield had not been attached and fearing that the Plaintiff had inadvertently excluded the affidavit or that the Clerk's office had misplaced same, the Court directed the Court Clerk to notify Plaintiff's counsel of the missing affidavit. The Plaintiff responded to this request by filing an unsigned copy of the affidavit and then subsequently notified the Court Clerk that it did not intend to include the affidavit as part of its response.

Defendant Cat Power Corporation's motion to dismiss for lack of in personam jurisdiction is granted. This case is dismissed without prejudice as to Defendant Cat Power Corporation.² Costs are assessed against the Plaintiff,

IT IS SO ORDERED this 14th day of July, 1988.


THOMAS R. BRETT
UNITED STATES DISTRICT JUDGE

²Plaintiff's counsel is encouraged to refrain from pretend affidavits in support of filings in this court. Given the Court's current caseload, such academic exercises are unnecessary.

GLH/LAL/ta
07/05/88

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

F I L E D

JUL 14 1988

CHARLES L. ROLLINS, Plaintiff, and)
SALLY DORIS ROLLINS, Plaintiff's Spouse,)
)
Plaintiffs,)
)
vs.)
)
ANCHOR PACKING COMPANY, a corporation;)
et al.,)
)
Defendants.)

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

No. 88-C-354-E

ORDER OF DISMISSAL

NOW on this 13th day of July, 1988, the Court has for its consideration the Stipulation for Dismissal jointly filed in the above-styled and numbered cause by the Plaintiffs, and the Defendant Charles B. Crystal Company. Based upon the representations and request of these parties as set forth in the foregoing stipulation, it is

ORDERED that Plaintiffs' Complaint and claims for relief against the Defendant Charles B. Crystal Company, be and the same are hereby dismissed without prejudice. It is further

ORDERED that each party shall bear its own costs.

DALE COOK

U.S. DISTRICT JUDGE
JAMES O. RILSON

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

FILED

JUL 13 1988

BERLINER HANDELS-UND)
FRANKFURTER BANK, a bank)
organized under the laws of the)
Federal Republic of Germany,)
)
Plaintiff,)
)
vs.)
)
JON N. CHAFIN,)
)
Defendant.)

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

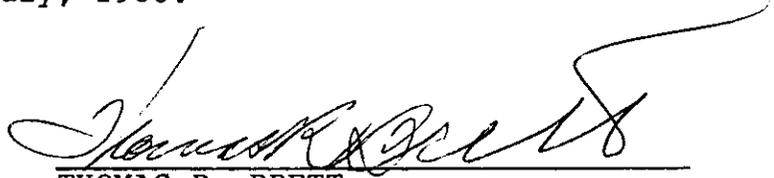
No. 88-C-338-B

JUDGMENT

This matter comes before the Court pursuant to the Joint Stipulation for Judgment presented by the Plaintiff Berliner Handels-und Frankfurter Bank ("Berliner") and Defendant Jon N. Chafin ("Chafin"). Upon consideration of the Joint Stipulation for Judgment, and for good cause shown, it is

ORDERED that the Plaintiff Berliner is awarded a judgment in its favor against the Defendant Chafin in the amount of (i) Thirty-Nine Thousand Five Hundred Twelve and 08/100 Dollars (\$39,512.08) representing principal of and interest accrued on the Note identified in Plaintiff's Complaint through and including May 11, 1988, plus (ii) interest thereon from and after May 12, 1988 in an amount of Ten and 59/100 Dollars (\$10.59) per day until paid or satisfied, plus (iii) an attorneys' fee of One Thousand and no/100 Dollars (\$1,000.00).

DATED this ^{13TH}~~14~~ day of July, 1988.

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

THOMAS R. BRETT,
UNITED STATES DISTRICT JUDGE FOR
THE NORTHERN DISTRICT OF OKLAHOMA

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

FILED

JUL 13 1988

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

JEAN ROBINSON-KEYS,
Plaintiff,

vs.

WAL-MART STORES, INC., a
foreign corporation,
Defendant.

Case No. 88-C-309-B

ORDER

NOW on this 13th day of June, 1988, this matter comes on for hearing pursuant to the plaintiff's Application For Dismissal Without Prejudice, and the Court finds justifiable cause therefor.

IT IS THEREFORE ORDERED, ADJUDGED AND DECREED that said Application be granted and that the above-entitled matter be dismissed without prejudice to re-filing.

S/ THOMAS R. BRETT

JUDGE

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

ATLAS UTILITY COMPANY,)
)
 Plaintiff,)
)
 v.)
)
 WAYNE ODOM d/b/a NEW START)
 INDUSTRIES,)
)
 Defendant.)

87-C-862-C

FILED
JUL 13 1988
Jack C. Silver, Clerk
U.S. DISTRICT COURT

JUDGMENT

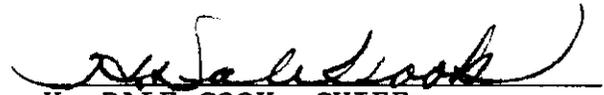
The court has for consideration the Report and Recommendation of the Magistrate filed June 14, 1988, in which the Magistrate recommended that plaintiff be granted judgment in the sum of \$30,432.25 plus interest, costs, and attorney's fees, to be set upon filing of affidavit and application. No exceptions 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 is granted judgment in the sum of \$30,432.25, plus interest at the statutory rate from the date of judgment until paid.

It is further Ordered that plaintiff is granted costs accrued and accruing and attorney's fees accrued and accruing, to be determined upon the filing of an application and affidavit.

Dated this 13th day of July, 1988.


H. DALE COOK, CHIEF
UNITED STATES DISTRICT JUDGE

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

MARY LAMBERT MACHEN
Administratrix of the
Estate of GERALD M.
MACHEN, deceased,

vs.

RAY POST and LYNN POST,
individually and d/b/a
SMUGGLER'S REST DIVE RESORT;
DIVE, DIVE, DIVE, LTD.,
and WYNDHAM HOTEL CORPORATION,
d/b/a THE AMBASSADOR BEACH
HOTEL,

Defendants.

No. 87-C-392-C ✓

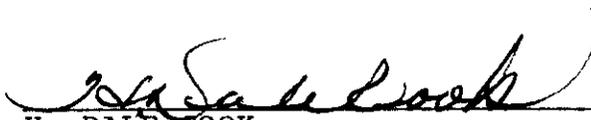
FILED
JUL 13 1988

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

ORDER

The Court has been advised that the Parties have reached a compromise settlement on all issues in the case. The Court thereby orders that this action is hereby dismissed with prejudice as to all Defendants.

ORDERED this 13th day of July, 1988.


H. DALE COOK
UNITED STATES DISTRICT JUDGE

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

FILED

JUL 13 1988

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

FEDERAL DEPOSIT INSURANCE)
CORPORATION,)
)
Plaintiff,)
)
v.)
)
ROBERT S. SINN,)
)
Defendant.)

Case No. 88-C-288-B

ORDER

Comes now for consideration the Joint Motion for Administrative Closure, and for good cause shown, the Court FINDS AND ORDERS as follows:

1. The Sinn Settlement Agreement, which is attached to the Joint Motion is hereby approved.
2. This action is administratively closed until July 1, 1990, without prejudice to the FDIC's right to reopen this action on or before that date and in accordance with the Sinn Settlement Agreement; and,
3. If no motion to reopen or motion to extend the administrative closure is filed on or before July 1, 1990, the FDIC's claims against Sinn herein are hereby dismissed with prejudice on that date, with each party to bear his or its own attorney's fees and costs and expenses.

DATED this 13th day of July, 1988.

S/ THOMAS R. BRETT

JUDGE OF THE DISTRICT COURT

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

FILED

JUL 13 1988

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

OCIE B. JENKINS

Plaintiff(s),

vs.

No. 88-C-167-B

VISTA PLAZA APARTMENTS

Defendant(s).

JUDGMENT DISMISSING ACTION
BY REASON OF SETTLEMENT

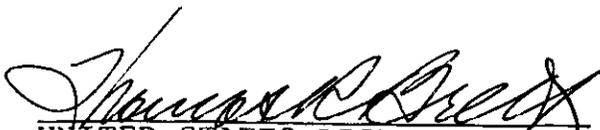
on 6-10-88

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 ^{13th} 14 day of JULY, 19 88.


UNITED STATES DISTRICT JUDGE
THOMAS R. BRETT

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

F I L E D

JUL 13 1988

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

KATHY STOUT, et al

Plaintiff(s),

vs.

No. 84-C-449-B

USA

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 13th day of JULY, 19 88.


UNITED STATES DISTRICT JUDGE
THOMAS R. BRETT

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

JUL 13 1988

DEBORAH ANN McLANE, et al.)
)
 Plaintiffs,)
)
 v.)
)
 THE CIRCLE K CORPORATION,)
 a Texas Corporation,)
)
 Defendant.)

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

Case No. 87-C-721-B

STIPULATED JUDGMENT OF DISMISSAL

Upon consideration of the Stipulation for Entry of Judgment submitted by all parties to this action, and in view of the parties' fair and reasonable settlement and resolution of all issues herein with the advice and assistance of counsel, it is hereby

ORDERED that this action be dismissed with prejudice, each party to bear its own attorney's fees and costs.

SO ORDERED this 13th day of July, 1988.

S/ THOMAS R. BRETT
UNITED STATES DISTRICT JUDGE

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

F I L E D

JUL 13 1988

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

B&B SAFETY SYSTEMS, INC.

Plaintiff(s),

vs.

No. 87-C-582-B

UNITED STEELWORKERS OF AMERICA,
et al

Defendant(s).

JUDGMENT DISMISSING ACTION
BY REASON OF SETTLEMENT

on 1-14-88

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 ^{13th} 14 day of JULY, 19 88.


UNITED STATES DISTRICT JUDGE
THOMAS R. BRETT

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

VERNON C. PERKINS)

Plaintiff,)

vs.)

Case No. 87-C-202-C

PHILLIPS PETROLEUM COMPANY)
and PHILLIPS PETROLEUM)
COMPANY NORWAY)

Defendants.)

FILED

JUL 1 1988

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

ORDER

This matter comes before the Court on Plaintiff's Application for Dismissal with Prejudice. For good cause shown, the Court finds this application should be granted. Accordingly, this matter is hereby dismissed with prejudice.

IT IS SO ORDERED THIS 11 DAY OF JULY, 1988.

(Signed) H. Dale Cook

H. DALE COOK
Presiding Judge

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

FILED

JUL 12 1988

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

UNITED STATES OF AMERICA,)
)
 Plaintiff,)
)
 -vs-)
)
 CURTIS W. FRIEDHOFF,)
 226864892)
)
 Defendant,)

CIVIL NUMBER 88-C-613 B

NOTICE OF DISMISSAL

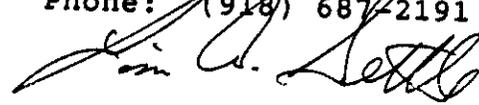
COMES NOW the Plaintiff, United States of America, by and through its attorney, Herbert N. Standeven, District Counsel, Veterans Administration, Muskogee, Oklahoma, and voluntarily dismisses said action without prejudice under the provisions of Rule 41(a)(1), Federal Rules of Civil Procedure.

Respectfully Submitted,

UNITED STATES OF AMERICA

Herbert N. Standeven
District Counsel
Veterans Administration
125 South Main Street
Muskogee, OK 74407
Phone: (918) 687-2191

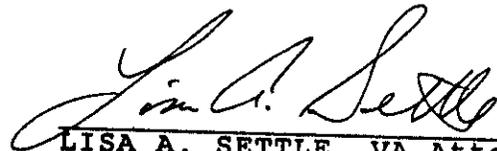
By:



LISA A. SETTLE, VA Attorney

CERTIFICATE OF MAILING

This is to certify that on the 11th day of July, 1988, a true and correct copy of the foregoing was mailed, postage prepaid thereon, to: CURTIS W. FRIEDHOFF, at 4963 SOUTH 72ND EAST AVENUE, TULSA, OK 74145.



LISA A. SETTLE, VA Attorney

FILED

JUL 12 1988

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

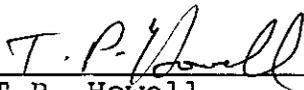
Jack C. Silver, Clerk
U.S. DISTRICT COURT

FEDERAL DEPOSIT INSURANCE)
CORPORATION,)
)
Plaintiff,)
)
v.)
)
RELL SCHWAB, JR.,)
VICTORY NATIONAL BANK,)
et al.,)
)
Defendants.)

Case No. 87-C-677-B

STIPULATION OF DISMISSAL OF
VICTORY NATIONAL BANK OF NOWATA

Pursuant to Fed.R.Civ.P. 41(a), Plaintiff, the Federal Deposit Insurance Corporation, and Defendant, Victory National Bank of Nowata, hereby stipulate that Victory National Bank of Nowata may be dismissed from this action, with each party paying its own costs.

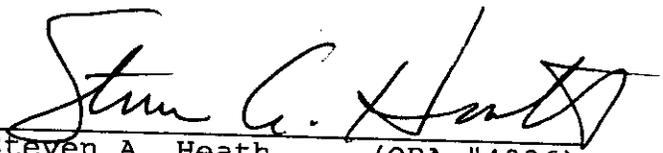


T.P. Howell (OBA #10347)

Of the Firm:

EDWARDS, ROBERTS & PROPESTER
Suite 2900
First Oklahoma Tower
210 West Park Avenue
Oklahoma City, OK 73102-5606
Telephone: (405) 239-2121

ATTORNEYS FOR PLAINTIFF,
FEDERAL DEPOSIT INSURANCE
CORPORATION


Steven A. Heath (OBA #4036)

Of the Firm:

BLACKSTOCK JOYCE POLLARD &
MONTGOMERY
Suite 300
515 South Main
Tulsa, Oklahoma 74103
Telephone: (918) 585-2751

ATTORNEYS FOR DEFENDANT,
VICTORY NATIONAL BANK OF NOWATA

UNITED STATES DISTRICT COURT

NORTHERN DISTRICT OF OKLAHOMA

CLERK'S OFFICE

UNITED STATES COURT HOUSE

TULSA, OKLAHOMA 74103

July 11, 1988

JACK C. SILVER
CLERK

(918) 581-7796
(FTE) 736-7796

TO: Counsel/Parties of Record

RE: Case # 87-C-338-C
FDIC vs. Dan McAlvain

This is to advise you that Chief Judge H. Dale Cook entered the following Minute Order this date in the above case:

Plaintiff's claim against Dan McAlvain is hereby dismissed without prejudice for failure of plaintiff to obtain proper service of process against defendant Dan McAlvain.

Very truly yours,

JACK C. SILVER, CLERK

By: P. Juney
Deputy Clerk

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

MARVIN RANDALL DeSHANE,
BETTY JEAN DeSHANE and
KENNETH R. DeSHANE,

Plaintiffs,

vs.

BARBARA THOMAS,

Defendant.

)
)
)
)
)
)
)
)
)
)

No. 87-C-1064B

FILED
JUL 11 1988
Jack C. Silver, Clerk
U.S. DISTRICT COURT

OF
STIPULATION FOR DISMISSAL

Come now the plaintiffs to the above-entitled action and would hereby show this Honorable Court that same has been settled by the parties herein. Both representatives of the plaintiffs and defendant would enter into a stipulation dismissing with prejudice all claims related to the instant action.

WHEREFORE, premises considered, the plaintiffs and defendant would hereby request this Honorable Court to dismiss with prejudice the above-styled action.

Respectfully Submitted,


MARK S. RAINS
Attorney for Plaintiffs


JOSEPH H. PAULK
Attorney for Defendant