

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

2015
U.S. DISTRICT COURT

DONALD L. STEVENS and
BEATRICE V. STEVENS,

Plaintiffs,

vs.

SMITH BARNEY, HARRIS UPHAM & CO.
INCORPORATED, a Delaware corporation
MARK A. WILTSHIRE, RICHARD L. HESSER
and HANS L. REICH

Defendants.

85-C-396-B
Civil No. 85-39613

STIPULATED ORDER OF
DISMISSAL WITH PREJUDICE

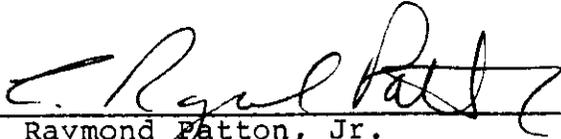
IT IS HEREBY STIPULATED that this action shall be dismissed
under the following terms and conditions:

1. Dismissal shall be with prejudice with respect to all
claims asserted in this action or all claims that could have been
asserted in this action including claims that were submitted to
the arbitration entitled Donald L. Stevens and Beatrice V.
Stevens v. Smith Barney, et al., National Association of
Securities Dealers No. 87-1619.

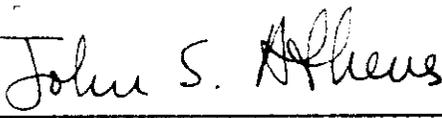
2. This Stipulated Order is designed to dismiss this action
finally and with prejudice.

3. This dismissal shall be without costs to any party.

HOUSTON & KLEIN INC.

By 
C. Raymond Patton, Jr.
Attorneys for Plaintiffs
3200 University Tower
1722 South Carson
P.O. Box 2967
Tulsa, Oklahoma 74101
(918) 583-2131

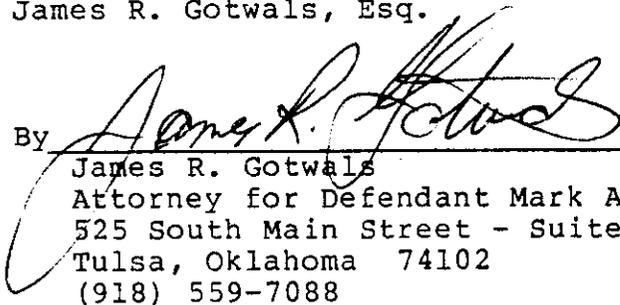
CONNOR & WINTERS

By 
John Athens
Attorneys for Defendants,
Smith Barney, Harris Upham
& Co. Incorporated,
Hans Reich and Richard L. Hesser
2400 First National Tower
Tulsa, Oklahoma 74103
(918) 586-5711

James R. Gotwals, Esq.

FILED

By


James R. Gotwals
Attorney for Defendant Mark A. Wiltshire
525 South Main Street - Suite 201
Tulsa, Oklahoma 74102
(918) 559-7088

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

IT IS SO ORDERED THIS 17 day of August, 1988.

S/ THOMAS R. BRETT

District Court Judge

UNITED STATES DISTRICT COURT FOR THE
NORTHERN DISTRICT OF OKLAHOMA

UNITED STATES OF AMERICA,)
)
Plaintiff,)
)
vs.)
)
DENNIS W. MADDING; LAURA D.)
MADDING; THE TRUSTEES OF THE)
NORTHEAST OKLAHOMA PUBLIC)
FACILITIES AUTHORITY, a public)
trust; REGIONAL METROPOLITAN)
UTILITY AUTHORITY, a public)
trust; COUNTY TREASURER, Tulsa)
County, Oklahoma; and BOARD OF)
COUNTY COMMISSIONERS, Tulsa)
County, Oklahoma,)
)
Defendants.)

FILED
AUG 15 1988
Jack C. Silver, Clerk
U. S. DISTRICT COURT

CIVIL ACTION NO. 88-C-153-B

JUDGMENT OF FORECLOSURE

This matter comes on for consideration this 15th day of August, 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; the Defendant, Laura D. Madding, appears not, having previously filed her Disclaimer; the Defendants, The Trustees of the Northeast Oklahoma Public Facilities Authority, a public trust, appear not, having previously filed their Disclaimer; the Defendant, Regional Metropolitan Utility Authority, a public trust, appears not, having previously filed its Disclaimer; and the Defendant, Dennis W. Madding, appears not, but makes default.

The Court being fully advised and having examined the file herein finds that the Defendant, Laura D. Madding, acknowledged receipt of Summons and Complaint on February 22, 1988; that Defendants, The Trustees of the Northeast Oklahoma Public Facilities Authority, a public trust, acknowledged receipt of Summons and Complaint on March 10, 1988; that Defendant, County Treasurer, Tulsa County, Oklahoma, acknowledged receipt of Summons and Complaint on February 18, 1988; and that Defendant, Board of County Commissioners, Tulsa County, Oklahoma, acknowledged receipt of Summons and Complaint on February 17, 1988.

The Court further finds that the Defendant, Dennis W. Madding, was 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 May 31, 1988, and continuing to July 5, 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 Defendant, Dennis W. Madding, and service cannot be made upon said Defendant within the Northern Judicial District of Oklahoma or the State of Oklahoma by any other method, or upon said Defendant 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 address of the Defendant, Dennis W. Madding. 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 party served by publication with respect to his present or last known place of residence and/or mailing address. 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 Defendant 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 March 8, 1988; that the Defendant, Laura D. Madding, filed her Disclaimer herein on April 27, 1988; that the Defendants, The Trustees of the Northeast Oklahoma Public Facilities Authority, a public trust, filed their Disclaimer herein on March 29, 1988; that the Defendant, Regional Metropolitan Utility Authority, a public trust, filed its Disclaimer herein on March 8, 1988; and that the Defendant, Dennis W. Madding, has failed to answer and his default has therefore been entered by the Clerk of this Court.

The Court further finds that on May 2, 1986, Dennis W. Madding and Laura D. Madding filed their voluntary petition in bankruptcy, Case No. 86-00993, Chapter 13. On August 10, 1987, the United States Bankruptcy Court in the Northern District of Oklahoma entered its order dismissing the case.

The Court further finds that on August 20, 1987, Laura Diane Madding a/k/a Laura D. Madding a/k/a Laura Madding a/ka/ Mrs. Dennis Wayne Madding filed her voluntary petition in bankruptcy in the United States Bankruptcy Court, Eastern District of California, Case No. 287-04758-B-7. On December 10, 1987, Laura Diane Madding a/k/a Laura D. Madding a/k/a Laura Madding a/ka/ Mrs. Dennis Wayne Madding was discharged of all dischargeable debts under 11 U.S.C. § 523.

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 Two (2) Block Eleven (11), ROLLING HILLS THIRD ADDITION, an Addition in Tulsa County, State of Oklahoma, according to the recorded Plat thereof.

The Court further finds that on April 5, 1985, the Defendants, Dennis W. Madding and Laura D. Madding, 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 \$46,000.00, payable in monthly installments, with interest thereon at the rate of twelve and one-half percent (12.5%) per annum.

The Court further finds that as security for the payment of the above-described note, the Defendants, Dennis W. Madding and Laura D. Madding, executed and delivered to the United States of America, acting on behalf of the Administrator of Veterans Affairs, a mortgage dated April 5, 1985, covering the above-described property. Said mortgage was recorded on April 10, 1985, in Book 4855, Page 707, in the records of Tulsa County, Oklahoma.

The Court further finds that the Defendants, Dennis W. Madding and Laura D. Madding, 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, Dennis W. Madding and Laura D. Madding, are indebted to the Plaintiff in the principal sum of \$46,276.83, plus interest at the rate of 12.5 percent per annum from July 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 Defendant, County Treasurer, Tulsa County, Oklahoma, has a lien on the property which is the subject matter of this action by virtue of ad valorem taxes in the amount of \$293.00, plus penalties and interest, for the year 1986 and \$339.00, plus penalties and interest, for the year 1987. Said liens are superior 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 Defendants, The Trustees of the Northeast Oklahoma Public Facilities Authority, a public trust, disclaim any right, title, or interest in the subject real property.

The Court further finds that the Defendant, Regional Metropolitan Utility Authority, a public trust, disclaims any 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 Defendants, Dennis W. Madding and Laura D. Madding, in the principal sum of \$46,276.83, plus interest at the rate of 12.5 percent per annum from July 1, 1986 until judgment, plus interest thereafter at the current legal rate of 7.95 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 \$293.00, plus penalties and interest, for ad valorem taxes for the year 1986, and \$339.00, plus penalties and interest, for ad valorem taxes for the year 1987, plus the costs of this action.

IT IS FURTHER ORDERED, ADJUDGED, AND DECREED that the Defendants, Board of County Commissioners, Tulsa County, Oklahoma; The Trustees of the Northeast Oklahoma Public

Facilities Authority, a public trust; and Regional Metropolitan Utility Authority, a public trust, 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 appraisalment the real property involved herein and apply the proceeds of the sale as follows:

First:

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

Second:

In payment of the Defendant, County Treasurer, Tulsa County, Oklahoma, in the amount of \$632.00, plus penalties and interest, for ad valorem taxes which are presently due and owing on said real property;

Third:

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



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

AUG 15 1988

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

UNITED STATES FIRE INSURANCE
COMPANY,

Plaintiff,

vs.

BILLY RAY STEPHENS and
JANICE MARIE STEPHENS,

Defendants.

No. 87-C-222-E

J U D G M E N T

This matter comes on for consideration of the motion of the plaintiff for summary judgment. The issues having been duly presented in the motion, and a decision having been duly rendered in accordance with the Order filed simultaneously herein, the Court finds that judgment should be entered.

IT IS HEREBY ORDERED, ADJUDGED, AND DECREED that judgment be entered on behalf of the plaintiff, United States Fire Insurance Company, and against defendants, Billy Ray Stephens and Janice Melody Stephens, jointly and severally, in the sum of \$111,119.51, with interest thereon at the rate of ^{7.95}~~7.54~~% as provided by law, and plaintiff's costs of action.

IT IS SO ORDERED this ^{15th}~~25th~~ day of ^{August}~~July~~, 1988.

M/ JAMES O. ELLISON

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

per this Court's Findings of Fact and Conclusions of Law, filed herein.

The Court further finds that by reason of said violation, plaintiff, Don Gant, is entitled to unpaid overtime wages in the amount of \$1,926.38, and that plaintiff, Thomas Wayne Korthanke, is entitled to unpaid overtime wages in the amount of \$1,196.56. The Court further finds that plaintiff, Don Gant, is entitled to liquidated damages in the amount of \$350.00, and that plaintiff, Thomas Wayne Korthanke, is entitled to liquidated damages in the amount of \$350.00, both in addition to said unpaid overtime compensation.

It is therefore ordered, adjudged and decreed by the Court that plaintiff, Don Gant, have and recover of the defendant the amount of \$2,276.38, with interest thereon at the rate of 7.95 per cent per annum from the 15 day of Aug., 1988; and that plaintiff, Thomas Wayne Korthanke, have and recover of the defendant the sum of \$1,546.56, with interest thereon at the rate of 7.95 per cent per annum from the 15 day of Aug. 1988, together with costs and attorney fees which are awarded in a supplemental Judgment Awarding Costs and Attorney Fees, for all of which let execution issue.

/s/ JAMES O. ELLISON

JAMES O. ELLISON
UNITED STATES DISTRICT JUDGE

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

F I L E D

AUG 15 1988

DWIGHT A. MORRISON,)
)
Plaintiff,)
)
vs.)
)
ST. JOHN MEDICAL CENTER, INC.,)
)
Defendant.)

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

No. 86-C-1146-E

JUDGMENT

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

IT IS THEREFORE ORDERED that the Plaintiff Dwight A. Morrison take nothing from the Defendant St. John Medical Center, Inc., that the action be dismissed on the merits, and that the Defendant St. John Medical Center, Inc. recover of the Plaintiff Dwight A. Morrison its costs of action.

ORDERED this 15th day of August, 1988.



JAMES O. ELLISON
UNITED STATES DISTRICT JUDGE

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

FILED

AUG 15 1988

SAMSON RESOURCES COMPANY,)
a corporation,)
)
Plaintiff,)
)
v.)
)
NORTHERN NATURAL GAS COMPANY,)
now INTERNORTH, INC., a)
corporation; FRED L. HOLLIGER,)
an individual; DAN DIENSTBIER,)
an individual; and CHARLES)
DEMPSTER, an individual;)
)
Defendants.)

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

Case No. 85-C-911-E

ORDER

The Court does ORDER that Count III (Rescission) and Count VI (Tortious Breach) of Plaintiffs' Amended Complaint filed in preconsolidation Case No. 85-C-911-E be, and hereby is, dismissed.

DONE this 15th day of August, 1988.

6/ JAMES O. ELLISON

United States District Judge

FILED

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

AUG 15 1988

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

DONALD KINZEY, ET AL.,

Plaintiffs,

vs.

VALLEY FEEDS, INC., ET AL.,

Defendants.

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)

Case No. 86-C-1064-E

ORDER OF DISMISSAL WITH PREJUDICE

NOW on this 15th day of August, 1988,
pursuant to the Joint Stipulation of all parties pursuant to Rule
41, Fed.R.Civ.P.,

IT IS ORDERED that the Plaintiffs' Complaint and First
Amended Complaint be, and the same are hereby, dismissed with
prejudice as to the Defendant, Velsicol Chemical Corporation.


UNITED STATES DISTRICT JUDGE

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

MIDWEST MUTUAL INSURANCE
COMPANY,

Plaintiff,

v.

JEFF L. WILCOX and
JUDITH KNIGHT,

Defendants.

88-C-54-C

FILED

AUG 12 1988

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

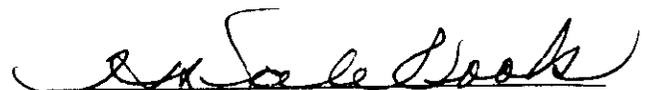
ORDER

The court has for consideration the Report and Recommendation of the Magistrate filed July 21, 1988, in which the Magistrate recommended that the Motion for Summary Judgment of defendant Wilcox be granted, plaintiff's Motion for Summary Judgment be denied, and defendant Knight's Motion for Summary Judgment be granted. No exceptions or objections have been filed and the time for filing such exceptions or objections has expired.

After careful consideration of the record and the issues, the court has concluded that the Report and Recommendation of the Magistrate should be and hereby is affirmed.

It is therefore Ordered that plaintiff's Motion for Summary Judgment is denied and defendants Wilcox and Knight's Motions for Summary Judgment are granted.

Dated this 17th day of August, 1988.


H. DALE COOK, CHIEF
UNITED STATES DISTRICT JUDGE

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

S.C. COSTA COMPANY, INC.,
Plaintiff,

vs.

AMERICAN TRUSTEE, INC., a
corporation, ET AL.,
Defendant.

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)
)
)
)
)
)
)

No. 88-C-306-B

F I L E D

AUG 12 1988

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

DEFAULT JUDGMENT

In this action the Defendant, Arthur A. Wallace, having been regularly served with the Summons and Complaint, and having failed to plead or otherwise defend, the legal time for pleading or otherwise defending has expired and the default of said Defendant, Arthur A. Wallace, has been duly entered according to law;

Upon the application of said Plaintiff, Judgment is hereby entered against said Defendant in pursuance of the prayers of said Complaint.

WHEREFORE, by virtue of the law and by reason of the premises aforesaid,

IT IS ORDERED, ADJUDGED AND DECREED, by the Court, the said Plaintiff do have and recover from the Defendant the sum of \$222,046.03, plus interest at margin rate since the time the same was due, and that the Plaintiff have execution

therefore.

Judgment rendered on the 12 day of August,
1988.

CLERK OF THE UNITED STATES
DISTRICT COURT

By: Norma Bass, Deputy

James R. Gotwals, OBA#3499
Timothy S. Gilpin, OBA#11844
JAMES R. GOTWALS & ASSOCIATES, INC.
Attorneys for the Plaintiff,
525 South Main, Suite 1130
Tulsa, OK 74103
(918) 599-7088

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

PATRICK B. BEVENUE, SR.,)
)
) Plaintiff,)
)
v.) No. 88-C-202-B
)
BUREAU OF INDIAN AFFAIRS,)
et al.,)
)
) Defendants.)

FILED

JUL 18 1988

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

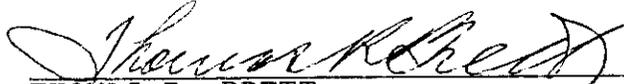
O R D E R

This matter comes before the Court on Plaintiff Patrick B. Bevenue, Sr.'s application for order of dismissal without prejudice filed July 18, 1988. All Defendants except The Creek Indian Nation stipulate to dismissal without prejudice.

On May 17, 1988, Defendant Creek Indian Nation filed a motion to dismiss with prejudice for lack of subject matter jurisdiction, lack of personal jurisdiction, improper venue, insufficiency of process and service of process and for failure to state a claim upon which relief can be granted.

Under Fed.R.Civ.P. 41(a)(1) Plaintiff without order of court may dismiss an action without prejudice "at any time before service by the adverse party of an answer or of a motion for summary judgment." Defendant has filed neither.

IT IS THEREFORE ORDERED this case is dismissed without
prejudice this 12th day of August, 1988.


THOMAS R. BRETT
UNITED STATES DISTRICT JUDGE

GLH/LAL/ta/lc
08/05/88

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

FILED
AUG 12 1988

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 12th day of August, 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 NL Industries, Inc. (National Lead 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, NL Industries, Inc. (National Lead Company), be and the same are hereby dismissed without prejudice. It is further

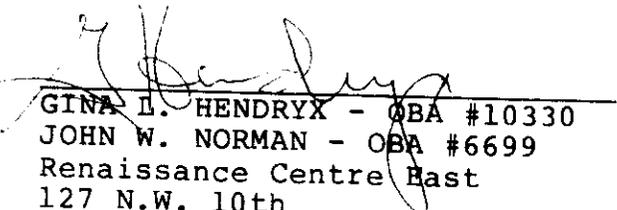
ORDERED that each party shall bear its own costs.

S/ JAMES O. ELISON

U.S. DISTRICT JUDGE

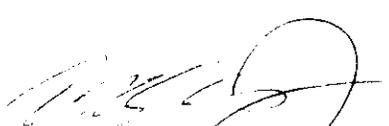
APPROVED:

LAW OFFICES OF
JOHN W. NORMAN INCORPORATED
ATTORNEYS FOR PLAINTIFFS



GINA L. HENDRYX - OBA #10330
JOHN W. NORMAN - OBA #6699
Renaissance Centre East
127 N.W. 10th
Oklahoma City, OK 73103-4903
405/272-0200

STEWART & ELDER
ATTORNEYS FOR NL INDUSTRIES, INC.
(NATIONAL LEAD COMPANY)



A. T. ELDER, JR. - OBA #002657
RODNEY C. RAMSEY - OBA #014560
1329 Classen Drive
P.O. Box 2056
Oklahoma City, OK 73101
405/272-9351



UNITED STATES DISTRICT COURT FOR THE
NORTHERN DISTRICT OF OKLAHOMA

FILED

AUG 12 1988

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

UNITED STATES OF AMERICA,)

Plaintiff,)

vs.)

DALE E. MOORE,)

Defendant.)

CIVIL ACTION NO. 87-C-891-C

DEFAULT JUDGMENT

This matter comes on for consideration this 11th day of August, 1988, the Plaintiff appearing by Tony M. Graham, United States Attorney for the Northern District of Oklahoma, through Peter Bernhardt, Assistant United States Attorney, and the Defendant, Dale E. Moore, appearing not.

The Court being fully advised and having examined the file herein finds that Defendant, Dale E. Moore, was served with Summons and Complaint on May 26, 1988. The time within which the Defendant could have answered or otherwise moved as to the Complaint has expired and has not been extended. The Defendant has not answered or otherwise moved, and default has been entered by the Clerk of this Court. Plaintiff is entitled to Judgment as a matter of law.

IT IS THEREFORE ORDERED, ADJUDGED, AND DECREED that the Plaintiff have and recover judgment against the Defendant,

Dale E. Moore, for the principal sum of \$974.76, plus interest at the rate of 12.25 percent per annum and administrative costs of \$.63 per month from April 23, 1986, and \$.70 per month from February 1, 1987, until judgment, plus interest thereafter at the current legal rate of 7.95 percent per annum until paid, plus costs of this action.

(Signed) H. Dale Cook

~~UNITED STATES DISTRICT JUDGE~~

GLH/LAL/nw
08/05/88

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

FILED

AUG 12 1988

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 12th day of August, 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 NRM Corporation. 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, NRM Corporation, be and the same are hereby dismissed without prejudice. It is further

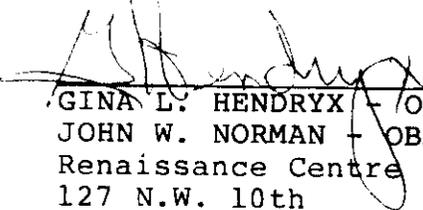
ORDERED that each party shall bear its own costs.

[Signature]
JAMES O. FUSON

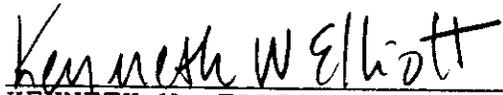
U.S. DISTRICT JUDGE

APPROVED:

LAW OFFICES OF
JOHN W. NORMAN INCORPORATED
ATTORNEYS FOR PLAINTIFFS


GINA L. HENDRYX - OBA #10330
JOHN W. NORMAN - OBA #6699
Renaissance Centre East
127 N.W. 10th
Oklahoma City, OK 73103-4903
405/272-0200

GREEN, JAMES, WILLIAMS & ELLIOTT
ATTORNEYS FOR NRM CORPORATION


KENNETH W. ELLIOTT - OBA #2686
P.O. Box 2248
Oklahoma City, OK 73101
405/525-0033

GLH/LAL/nw
08/05/88

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

F I L E D

AUG 12 1988

FLORA L. POWELL, individually, and as
surviving wife of HUBERT C. POWELL,
deceased,

Plaintiff,

vs.

ANCHOR PACKING COMPANY, a corporation;
et al.,

Defendants.

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

No. 88C-555-E

ORDER OF DISMISSAL

NOW on this 12th day of August, 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 NRM Corporation. Based upon the representations and request of these parties as set forth in the foregoing stipulation, it is

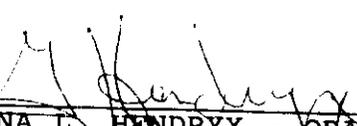
ORDERED that Plaintiffs' Complaint and claims for relief against the Defendant, NRM Corporation, be and the same are hereby dismissed without prejudice. It is further

ORDERED that each party shall bear its own costs.

JAMES O. ELSOM
U.S. DISTRICT JUDGE

APPROVED:

LAW OFFICES OF
JOHN W. NORMAN INCORPORATED
ATTORNEYS FOR PLAINTIFF


GINA L. HENDRYX - OBA #10330
JOHN W. NORMAN - OBA #6699
Renaissance Centre East
127 N.W. 10th
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405/272-0200

GREEN, JAMES, WILLIAMS & ELLIOTT
ATTORNEYS FOR NRM CORPORATION


KENNETH W. ELLIOTT - OBA #2686
P.O. Box 2248
Oklahoma City, OK 73101
405/525-0033

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

FILED

AUG 12 1988

MIDLANTIC NATIONAL BANK, a)
national banking association,)
)
Plaintiff,)
)
v.)
)
O. F. DUFFIELD, an individual,)
)
Defendant.)

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

No. 87-C-328-E

JOURNAL ENTRY OF DEFAULT JUDGMENT

On this 11th day of August, 1988, the above-styled cause comes before the Court at the request of the Plaintiff, Midlantic National Bank ("Midlantic"), for default judgment against the Defendant, O. F. Duffield ("Duffield"). After reading the entire file and being fully advised of all relevant facts, the Court finds as follows:

1. Midlantic has effected service upon Duffield pursuant to the provisions of the Court's Order of February 23, 1988, granting Midlantic leave to effect substituted service on Duffield by a combination of mail and publication.

2. Duffield has failed to appear, answer, or otherwise plead, and is in default.

3. The Court has jurisdiction over Duffield and over the subject matter of this action.

4. Midlantic is entitled to judgment as requested in its Complaint.

IT IS THEREFORE ORDERED, ADJUDGED AND DECREED that Midlantic is hereby awarded a judgment against Duffield for: the sum of \$366,714.51 plus interest accruing daily in the sum of \$96.42 per diem; costs; and a reasonable attorney's fee to be set upon Application.

IT IS FURTHER ORDERED, ADJUDGED AND DECREED that in the event the judgment of Midlantic set forth above, with interest, costs and attorneys' fees is not satisfied in full immediately, Duffield is directed to assemble, make available and surrender the Collateral set forth in Midlantic's Complaint to Midlantic.

s/ JAMES O. ELLISON

UNITED STATES DISTRICT JUDGE

Ronald E. Goins, OBA #3430
HOLLIMAN, LANGHOLZ, RUNNELS & DORWART,
A Professional Corporation
Suite 700, Holarud Building
10 East Third Street
Tulsa, Oklahoma 74103
(918) 584-1471

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

FILED

AUG 12 1988

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

RHONDA MARY ARTERBURN,)
)
 Plaintiff,)
)
 vs.)
)
 UNITED STATES OF AMERICA,)
)
 Defendant.)

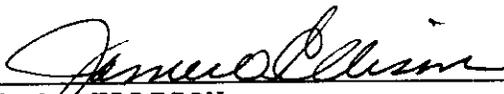
No. 88-C-334-E

O R D E R

NOW on this 11th day of August, 1988 comes on for hearing the above styled case and the Court, being fully advised in the premises finds that all the matters encompassed within Ms. Arterburn's Motion to Vacate, Set Aside or Correct Sentence pursuant to 28 U.S.C. §2255 having been either waived by Ms. Arterburn's guilty plea in Case No. 86-CR-3-E or having been addressed or waived during the course of her previous appeal, this §2255 Motion should be and is hereby denied.

IT IS THEREFORE ORDERED that the Motion to Vacate, Set Aside or Correct Sentence is hereby denied.

ORDERED this 11th day of August, 1988.



JAMES O. ELLISON
UNITED STATES DISTRICT JUDGE

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

Continental Carbonic Products,)
Inc., a Delaware Corporation,)
)
Plaintiff,)
)
vs.)
)
Tulsa Dry Ice, Inc., an)
Oklahoma corporation, and)
Hodges Quality Meats Inc.,)
an Oklahoma corporation.)
)
Defendants.)

No. 87-C-513-E

F I L E D

AUG 12 1988

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

PERMANENT INJUNCTION

1. Tulsa Dry Ice, Inc., an Oklahoma corporation, James Boomsma and Richard McGillvrey, are hereby permanently enjoined from engaging in the following conduct:

- A. Directly or indirectly causing a purchase of dry ice by a customer of Continental Carbonic Products, Inc. at any point in time or during any period of time in which such customer is required to purchase dry ice from Continental Carbonics, Inc. under a contract.
- b. Making any false representations about the general or specific nature of contracts between Continental Carbonic Products, Inc. and its customers, or that such contracts are in violation of the anti-trust or similar laws of the United States or of any state.

2. Nothing in this Permanent Injunction shall prohibit sales calls upon customers of Continental Carbonic Products, Inc. or solicitations of specific or continuing sales, so long as any and all of such sales shall occur only at such

time as the customer is not required to purchase dry ice from Continental Carbonic Products, Inc. under a contract.

3. Nothing in this Permanent Injunction shall prohibit any customer from giving copies of its contracts with Continental Carbonic Products, Inc, and/or cancellation notices pertaining to such contracts, to Tulsa Dry Ice, Inc. or to Boomsma or to McGillvrey, nor shall it prohibit such parties from requesting or obtaining copies of such contracts and/or cancellation notices from customers of Continental Carbonic Products, Inc.

4. This Permanent Injunction is without geographic limit within the United States.


U. S. DISTRICT JUDGE

AGREED AS TO FORM AND SUBSTANCE:


CONTINENTAL CARBONIC, INC.
Products INC


JAMES BOOMSMA


TULSA DRY ICE, INC.


RICHARD MCGILLVREY

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

JANICE DARLENE HORN; JON M.)
JOHNSON; and MICHAEL RYAN)
HORN, a minor, by and through)
his parent and next friend,)
JANICE DARLENE HORN,)
Plaintiffs,)

vs.)

PRUDENTIAL PROPERTY & CASUALTY)
INSURANCE COMPANY, a New Jersey)
corporation; and PREFERRED)
RISK MUTUAL INSURANCE COMPANY)
a/k/a PREFERRED RISK GROUP,)
an Iowa corporation,)
Defendants.)

Case No. 87 C-978-B

FILED

AUG 14 1988

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

ORDER OF DISMISSAL

UPON APPLICATION of the Plaintiffs requesting an Order of Dismissal with Prejudice, the Court being fully advised in the premises finds the matters between the parties have been fully settled and therefore, this cause of action is hereby dismissed with prejudice.

SO ORDERED this 12 day of August, 1988.

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

JAG:pm
8/5/88
P20

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

TRANSMISSION STRUCTURES
LIMITED,

Plaintiff,

vs.

TOM (ASHLEY THOMAS)
JOYNER, an individual;
JOYNER BROADCASTING
CORPORATION, a North
Carolina corporation;
POWER BROADCASTING, INC.,
a North Carolina
corporation; JOYNER
MANAGEMENT COMPANY, a
North Carolina corporation;
JOYNER COMMUNICATIONS, INC.,
a North Carolina
corporation; and ATLANTIC
BROADCASTING CORPORATION,
an Illinois corporation,

Defendants.

Case No. 87-C-543-B

F I L E D

AUG 12 1988

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

ORDER OF DISMISSAL OF PARTIES

NOW, on this 12 day of August, 1988, this matter coming before the Court upon the Plaintiff's Motion to Dismiss Parties the Defendants, Tom (Ashley Thomas) Joyner, Joyner Broadcasting Corporation, and Power Broadcasting, Inc. are hereby dismissed without prejudice as Defendants in this action.

AND IT IS SO ORDERED.

S/ THOMAS R. BRETT

JUDGE THOMAS R. BRETT
UNITED STATES DISTRICT JUDGE

GLH/LAL/nw
08/05/88

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

F I L E D

AUG 12 1988

FLORA L. POWELL, individually, and as
surviving wife of HUBERT C. POWELL,
deceased,

Plaintiff,

vs.

ANCHOR PACKING COMPANY, a corporation;
et al.,

Defendants.

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

No. 88C-555-E

ORDER OF DISMISSAL

NOW on this 12th day of August, 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 NL Industries, Inc. (National Lead 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, NL Industries, Inc. (National Lead Company), be and the same are hereby dismissed without prejudice. It is further

ORDERED that each party shall bear its own costs.

JAMES O. FLETCHER
U.S. DISTRICT JUDGE

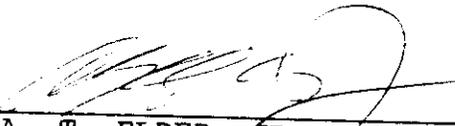
APPROVED:

LAW OFFICES OF
JOHN W. NORMAN INCORPORATED
ATTORNEYS FOR PLAINTIFF



GINA L. HENDRYX - OBA #10330
JOHN W. NORMAN - OBA #6699
Renaissance Centre East
127 N.W. 10th
Oklahoma City, OK 73103-4903
405/272-0200

STEWART & ELDER
ATTORNEYS FOR NL INDUSTRIES, INC.
(NATIONAL LEAD COMPANY)



A. T. ELDER, JR. - OBA #002657
RODNEY C. RAMSEY - OBA #014560
1329 Classen Drive
P.O. Box 2056
Oklahoma City, OK 73101
405/272-9351

UNITED STATES DISTRICT COURT FOR THE
NORTHERN DISTRICT OF OKLAHOMA

F I L E D

AUG 11 1988

UNITED STATES OF AMERICA,)
)
 Plaintiff,)
 vs.)
)
 566.60 ACRES OF LAND, MORE OR)
 LESS, SITUATE IN OSAGE COUNTY,)
 STATE OF OKLAHOMA; CEJA)
 CORPORATION, an Oklahoma)
 Corporation; and UNKNOWN)
 OWNERS, et al.,)
 Defendants.)

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

CIVIL ACTION NO. 87-C-183-E

Tract Nos. 1132ME, 1209ME-1,
1209ME-2, 1209ME-3, 1218ME,
1219ME, 1221ME-1, 1221ME-2,
1222ME, and 1303ME

J U D G M E N T

This matter comes on for consideration this 10th day
of Aug, 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 Defendant, Ceja Corporation, an Oklahoma
Corporation, appears by its attorney Doug Jones; and the
Defendants, Heirs of Richard Reilly, deceased; Bureau of Indian
Affairs; Heirs of Nona V. Reilly, deceased; Heirs of Zoe Depew,
deceased; Alice Marie Kopp; Margaret Depew Jones; Morgan Jones;
Sam F. Hamra, Jr.; Eugene Paine; Heirs of Robert B. Stevens,
deceased; Mildred B. Stevens, Executrix of the Estate of
Robert B. Stevens, deceased; John Scott Stevens; Frances Klein
a/k/a Frances Stevens Klein; and All Unknown Owners, appear not,
but make default.

The Court being fully advised and having examined the
file herein finds that the Defendant, Ceja Corporation, an
Oklahoma Corporation, acknowledged receipt of Notice of

Condemnation on March 20, 1987; the Defendant, Bureau of Indian Affairs, acknowledged receipt of Notice of Condemnation on March 19, 1987; the Defendant, Alice Marie Kopp, acknowledged receipt of Notice of Condemnation on October 20, 1987 through her power of attorney James L. Stevens; the Defendant, Margaret Depew Jones, acknowledged receipt of Notice of Condemnation on March 21, 1987; the Defendant, Morgan Jones, acknowledged receipt of Notice of Condemnation on March 21, 1987; the Defendant, Sam F. Hamra, Jr., was served with Notice of Condemnation on June 11, 1987; the Defendant, Eugene Paine, acknowledged receipt of Notice of Condemnation on March 20, 1987; the Defendant, Mildred B. Stevens, Executrix of the Estate of Robert B. Stevens, deceased, acknowledged receipt of Notice of Condemnation on March 20, 1987; the Defendant, John Scott Stevens, acknowledged receipt of Notice of Condemnation on March 23, 1987; and the Defendant, Frances Klein a/k/a Frances Stevens Klein, was served with Notice of Condemnation on July 24, 1987.

The Court further finds that the Defendants, Heirs of Richard Reilly, deceased; Heirs of Nona V. Reilly, deceased; Heirs of Zoe Depew, deceased; Heirs of Robert B. Stevens, deceased; and All Unknown Owners, were served by publication pursuant to Rule 71A of the Federal Rules of Civil Procedure. The Court finds that the Plaintiff, United States of America, and its attorney, Peter Bernhardt, Assistant United States Attorney, appearing for Tony M. Graham, United States Attorney for the Northern District of Oklahoma, have fully complied with the requirements of Rule 71A of the Federal Rules of Civil Procedure

and due process of law in connection with obtaining service by publication. Therefore, the Court 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 to the subject matter and the Defendants served by publication.

The Court finds that this is one of the classes of cases in which service by publication may be had and that the amended notice of publication has been published in the Pawhuska Daily Journal-Capital, a newspaper authorized by law to publish legal notices, printed in Osage County, Oklahoma, a newspaper of general circulation in Osage County, Oklahoma, once a week for three (3) successive weeks, commencing on February 5, 1988, and ending on February 19, 1988, by which said Defendants, Heirs of Richard Reilly, deceased; Heirs of Nona V. Reilly, deceased; Heirs of Zoe Depew, deceased; Heirs of Robert B. Stevens, deceased; and All Unknown Owners, were notified to answer the Complaint filed herein within 20 days after the third publication of the Notice, as more fully appears from the verified proof of publication by the printer and publisher of the Pawhuska Daily Journal-Capital filed herein on March 17, 1988.

It appears that the Defendants, Heirs of Richard Reilly, deceased; Bureau of Indian Affairs; Heirs of Nona V. Reilly, deceased; Heirs of Zoe Depew, deceased; Alice Marie Kopp; Margaret Depew Jones; Morgan Jones; Sam F. Hamra, Jr.; Eugene Paine; Heirs of Robert B. Stevens, deceased; Mildred B. Stevens, Executrix of the Estate of Robert B. Stevens, deceased; John Scott Stevens; Frances Klein a/k/a Frances Stevens Klein; and All

Unknown Owners, have failed to answer and their default has therefore been entered by the Clerk of this Court.

The Court finds that it has jurisdiction of the parties and the subject matter of this action.

This judgment applies to the entire estate taken in the tracts named in the caption above, as such tracts and estate are described in the Complaint filed in the captioned civil action.

The Court finds that service of process has been perfected personally, and by publication, as provided by Rule 71A of the Federal Rules of Civil Procedure, on all parties defendant in this action.

The Court finds that the Acts of Congress set out in paragraph 2 of the Complaint filed herein give the United States of America the right, power and authority to condemn for public use the subject property. Pursuant thereto, on March 16, 1987, the United States of America filed its Declaration of Taking a certain estate in such tracts of land, and title to such property should be vested in the United States of America, as of the date of filing such instrument.

Simultaneously with filing of the Declaration of Taking, there was deposited in the registry of this Court as estimated compensation for the estate taken in the subject tracts, a certain sum of money, and this deposit should be disbursed, as set out below.

The total amount of just compensation for the entire estate herein taken, and the allocation thereof to the various interests in the subject property, is set out below.

The Defendant, Ceja Corporation, an Oklahoma Corporation, as owner of the estate taken in the subject tracts is the only Defendant asserting any claim to such estate. All other Defendants having either disclaimed or defaulted, the Defendant, Ceja Corporation, an Oklahoma Corporation, was the owner of the estate condemned herein, as of the date of taking, and as such, is entitled to receive the just compensation awarded by this judgment.

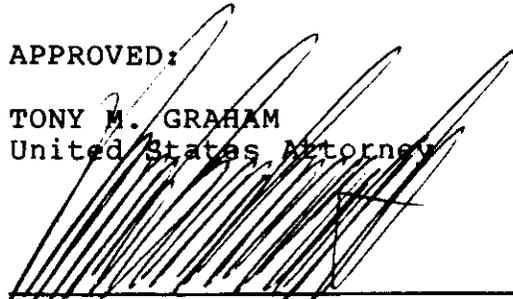
IT IS THEREFORE ORDERED, ADJUDGED AND DECREED that the United States of America has the right, power, and the authority to condemn for public use the subject tracts, as they are described in the Complaint filed herein, and such property, to the extent of the estate described in such Complaint, is condemned, and title to such estate is vested in the United States of America, as of March 16, 1987, and all Defendants herein and all other persons are forever barred from asserting any claim to such estate.

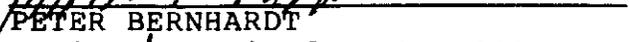
IT IS FURTHER ORDERED, ADJUDGED AND DECREED that the right to receive the just compensation for the estate taken herein in the subject tracts is vested in the Defendant, Ceja Corporation, an Oklahoma Corporation, and the sum of NINE THOUSAND FIVE HUNDRED EIGHTY-TWO AND 80/100 DOLLARS (\$9,582.80) is determined to be the total award of just compensation for the estate taken in the subject tracts, and the Defendant, Ceja Corporation, an Oklahoma Corporation, is entitled to the entire sum of said award as owner of the estate taken in the subject tracts.

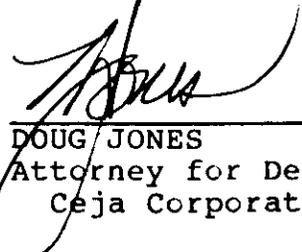
IT IS FURTHER ORDERED, ADJUDGED AND DECREED that the Clerk of this Court shall disburse from the deposit in the registry of this Court the sum of NINE THOUSAND FIVE HUNDRED EIGHTY-TWO AND 80/100 DOLLARS (\$9,582.80) to Ceja Corporation, an Oklahoma Corporation.

S/ James O. Ellison
UNITED STATES DISTRICT JUDGE

APPROVED:


TONY M. GRAHAM
United States Attorney


PETER BERNHARDT
Assistant United States Attorney


DOUG JONES
Attorney for Defendant,
Ceja Corporation, an Oklahoma Corporation

PB/css

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

ADRAIN PETTIGREW, et al.,)
)
 Plaintiff,)
)
 vs.)
)
 JOHN IRVINE et al.,)
)
 Defendant's.)

Case No. 87-C-1073-B

FILED

AUG 27 1988

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

NOTICE OF DISMISSAL WITH PREJUDICE

COMES NOW W. CREEKMORE WALLACE, II, counsel for Plaintiffs' and dismisses the cause of action of Plaintiffs' Adrain Pettigrew and Frank Smith against the Defendants with prejudice to the refiling of same.

W. Creekmore Wallace II

W. Creekmore Wallace, II
Attorney for Plaintiff
P.O. Box 90
Sapulpa, OK 74067
(918) 224-7611

CERTIFICATE OF SERVICE

I, W. CREEKMORE WALLACE, II, do hereby certify that on the 9 day of August, 1988, I caused a true and correct copy of the above Dismissal With Prejudice, to be mailed to Kelly Hake, POB 1215, Brisotw, OK 74010, and John Lieber, POB 1560, Tulsa, OK 74010-1560.

W. Creekmore Wallace II
W. Creekmore Wallace, II

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

AMERICAN COMBINED ENERGY
SYSTEMS, INC.,

Plaintiff,

vs.

UNIVERSAL POWER CONCEPTS,
INC., et al.,

Defendants.

NO. 88-C-55-C

F I L E D

AUG 1 1988

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

PAPP INTERNATIONAL INC.,
a Nebraska Corporation,

Plaintiff,

vs.

JOSEPH PAPP, an Individual,
and UNIVERSAL POWER CONCEPTS,
INC.,

Defendants.

NO. 88-C-64-~~F~~ C

JOSEPH PAPP, an Individual,
et al.,

Plaintiffs,

vs.

UNIVERSAL POWER CONCEPTS,
INC., a Nevada Corporation,
et al.,

Defendants.

NO. 88-C-148-~~F~~ C

SETTLEMENT AGREEMENT

COMES NOW the parties in the captioned cases to-wit:

1. American Combined Energy Systems, Inc. ("ACES") vs.
Universal Power Concepts, Inc. ("UPC"), Case No. 88-C-55-C:

A. Representation for ACES - R. Hayden Downie,
attorney, James Sabori, President CEO, and Jake Sabori, Vice
President.

B. Representation for UPC - David M. Nichols, attorney.

C. Representation for Rex Bartel - Gene M. Kelly, attorney.

D. Representation for William Cornell - Gene M. Kelly, attorney.

E. Representation for Ken Dollar - David M. Nichols, attorney.

F. Also present for UPC were Ken Dollar, individually and as president of UPC; Robert Smith, former in-house counsel for UPC; Buck Willis, UPC board advisor; and Sam Colburn, Board Member - UPC.

2. Papp International, Inc., a Nebraska corporation, ("PI") vs. Joseph Papp, an individual and Universal Power Concepts, Inc. ("UPC"), Case No. 88-C-63-E.

A. Representation for Papp International, Inc. - V. Bruce Thompson, attorney; William Cornell, President.

B. Representation for Joseph Papp, an individual - John Thomas Hall, attorney.

3. Joseph Papp, an individual, Henry Orthman, an individual, J.G. Gibson, an individual, and Papp International, Inc., a Nebraska corporation vs. Universal Power Concepts, Inc., a Nevada corporation, William Cornell, an individual; Ken Dollar, an individual; and Buck Willis, an individual, Case No. 88-C-148-B.

A. Representation for Joseph Papp, an individual, Henry Orthman, an individual, J.G. Gibson, an individual, and

Papp International, Inc., a Nebraska corporation - John Thomas Hall, attorney.

B. Also present were Joseph Papp, individually and as President of Papp International, Inc.; Gayle Gibson, individually and as a Director of Papp International, Inc.; and Henry Orthman, individually and as a Director of Papp International, Inc.

C. Representation for UPC, Inc., and Ken Dollar - David M. Nichols, attorney.

D. Representation for William Cornell and Rex Bartel - Gene M. Kelly, attorney.

E. Also present for UPC were Ken Dollar, individually and as President of UPC; William Cornell, individually, Buck Willis, individually; Robert Smith, former in-house counsel for UPC; Buck Willis, UPC board advisor; and Sam Colburn, Board Member - UPC.

3. Settlement Conference was held on July 26, 1988, by John Leo Wagner, United States Magistrate, for the purposes of resolving the differences of the parties and all parties in the aforementioned cases agreed and advised the court they had the complete authority to settle all differences in all cases heretofore recited. Each party has agreed to the following:

A. That each and every captioned case would be dismissed with prejudice.

B. That any and all claims, counter claims and set-offs, whatever they may have been, are hereby included in said dismissals with prejudice.

C. That each and every contract entered into by and between any parties in any of the captioned litigations is hereby declared null and void.

D. That all parties who have received money or paid money to another party hereby waive any right to proceed further in the collection of said monies.

E. That Universal Power Concepts, Inc. is hereby ordered and directed to return the Papp Engine to Joseph Papp or a representative of Joseph Papp's, along with any and all blueprints, parts of engine they may have in their possession, or that may be in the possession of any participant in the settlement conference.

F. That all stock certificates being litigated, Papp International, Inc. and P-fusion, Inc., as well as Universal Power Concepts, Inc., be returned to the original issuing parties, more specifically, Papp International, Inc. and P-fusion stock be returned to Joseph Papp properly endorsed and the following directors and officers shall herein submit their resignation and relinquish their control of Papp International, Inc.: William Cornell, President; Ralph Keen, Secretary; and Bob Larson, Director.

That Universal Power Concepts, Inc. stock be endorsed and returned by Joseph Papp to the appropriate party of Universal Power Concepts, Inc.

G. That it is the intent of the court and all parties that each party be returned to their original status, i.e., prior contractual status less any monies that have been expended as aforementioned.

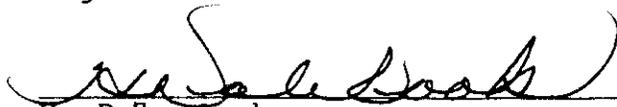
H. It is the understanding of all the parties that ACES and Joseph Papp will be entering into an agreement to develop and ultimately sell the Papp Engine, and that in the event that ACES and Papp are successful in developing a marketable engine, they will have an obligation to pay UPC, Inc. an overriding royalty interest of 3% of gross sales of the engine and fuel, or proceeds to the parties to the contract between ACES and PAPP from the sale of licenses to sell the engine and fuel for a period of 10 years from the date of this settlement agreement and at the end of the 10 year period the overriding royalty interest to UPC, Inc. shall decrease to 1% and shall remain at 1% thereafter as to aforementioned sales.

I. That UPC shall be responsible for any storage payments due and owing to U.S. Testing Laboratory for the storage of the Papp engine.

J. That Joseph Papp shall be responsible for costs of transporting the engine F.O.P. Tulsa after obtaining a release for said engine.

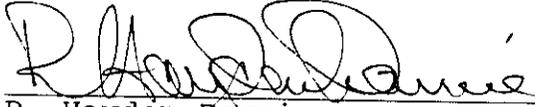
K. That all parties shall release the others from any and all liability associated with the captioned litigation.

L. That this settlement agreement is contingent upon the agreement between ACES and PAPP for the development and sales of engines for electrical power generation.

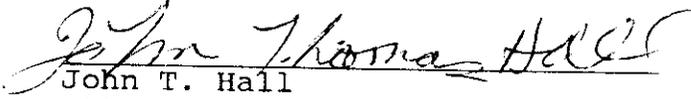

H. Dale Cook
United States District Judge

SETTLEMENT AGREEMENT
88-C-55-C, 88-C-64-C, 88-C-148-C

APPROVED AS TO FORM AND CONTENT:



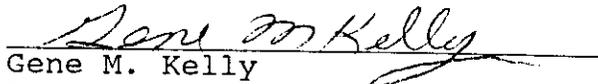
R. Hayden Downie
Attorney for ACES, Inc.



John T. Hall
Attorney for Joseph Papp, Papp
International, Inc., Henry
Orthman and J.G. Gibson



David M. Nichols
Attorney for UPC, Inc. and
Ken Dollar



Gene M. Kelly
Attorney for Rex Bartel and
William Cornell



V. Bruce Thompson
Attorney for Papp International, Inc.

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

FILED

AUG 11 1988

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

FOSTER PETROLEUM CORPORATION,)
INC., a corporation,)
)
Plaintiff,)
v.) 86-C-1091-E
)
FIRST STRATFORD FINANCIAL, INC.,)
a corporation, et al,)
)
Defendants.)

JOURNAL ENTRY OF JUDGMENT

This matter comes on before me this 10th day of Aug., 1988, upon presentation of this Journal Entry of Judgment, the Court having previously granted plaintiff summary judgment herein.

The Court finds that there is due plaintiff, upon the Promissory Note described in the Petition, the principal sum of One Million Dollars (\$1,000,000.00). Plaintiff is entitled to judgment in personam and jointly and severally for all the stated amounts against defendants, First Stratford Financial, Inc., a corporation, First Middlesex Financial, Inc, a corporation, Second Pacific Investments, Inc., a corporation, Margaret L. Estey, Roger S. Estey, Lewis E. Weeks, Marion C. Weeks, Stacy J. Weeks, and Nancy M. Weeks, individually, Jointly and severally, all of whom were personally served with process and otherwise appeared herein with the exception of Edward H. Hicks.

The Court further finds that the defendants obtained judgment against plaintiff under plaintiff's offer of judgment on defendants counterclaim against plaintiff in the amount of \$24,743.40. The Court finds that defendants judgment will be a set-off against the judgment plaintiff has against defendants in the amount of \$1,000,000.00.

The Court further finds that plaintiff and defendants each waive any interest, costs and attorneys' fees to which they may be entitled.

The Court further finds that the defendant, Edward H. Hicks, executed the Promissory Note as a pledgor of 49% of his limited partnership interest in the Crystal Pointe Associates Limited Partnership and that the judgment against defendant, Edward H. Hicks, is limited to the 49% limited partnership interest in the Crystal Pointe Associates Limited Partnership.

IT IS THEREFORE ORDERED, ADJUDGED AND DECREED that plaintiff have and recover on its Petition herein, judgment in the amount of One Million Dollars (\$1,000,000.00). Plaintiff's judgment shall be in personam and joint and several against defendants, First Stratford Financial, Inc., a corporation, First Middlesex Financial, Inc., a corporation, Second Pacific Investments, Inc., a corporation, Margaret L. Estey, Roger S. Estey, Lewis E. Weeks, Marion C. Weeks, Stacy J. Weeks, and Nancy M. Weeks, individually, jointly and severally, except Defendant, Edward H. Hicks, who pledged only his 49% of his interest in the Crystal Pointe Associates Limited Partnership.

IT IS FURTHER ORDERED, ADJUDGED AND DECREED that the defendants judgment against plaintiff in the sum of \$24,743.40 shall be a set-off and credit against the judgment plaintiff has recovered hereunder.

IT IS FURTHER ORDERED, ADJUDGED AND DECREED that plaintiff and defendants hereby waive any interest, cost, and attorneys' fees on their respective judgments.

DATED this 10 day of Aug, 1988.

James O. Ellison
JAMES O. ELLISON
United States District Judge
Northern District of Oklahoma

APPROVED:

Gerald R. Preston, Jr.
Gerald R. Preston, Jr.
4816 Classen Blvd.
Oklahoma City, Oklahoma 73118
Attorney for Plaintiff

Laurence L. Pinkerton
Laurence L. Pinkerton
2400 First National Tower
Tulsa, Oklahoma 74103

Attorney for Defendants

KLW/tmm

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

VIRGIL GORHAM
and OLLINE GORHAM,

Plaintiffs,

vs.

FIBREBOARD CORPORATION,
OWENS-CORNING FIBERGLASS
CORPORATION, EAGLE-PICHER
INDUSTRIES, INC., PITTSBURGH-
CORNING CORPORATION, CELOTEX
CORPORATION, GAF CORPORATION,
KEENE CORPORATION, COMBUSTION
ENGINEERING, INC., OWENS-ILLINOIS
INC., RAYMARK INDUSTRIES, INC.,
H. K. PORTER COMPANY, GARLOCK,
INC., ARMSTRONG CORK COMPANY,
FLEXITALLIC GASKET COMPANY, INC.,
FLINTKOTE COMPANY and JOHN CRANE-
HOUDAILLE, INC.,

Defendants.

FILED

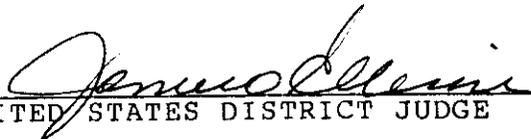
AUG 11 1988

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

Case No. 88-C-134-E

ORDER OF DISMISSAL

Upon the application for the plaintiff and for good
cause shown, this action is dismissed without prejudice against John
Crane Houdaille, Inc.


UNITED STATES DISTRICT JUDGE

KLW/tmm

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

ERNEST EUGENE WOODARD
and JANIE R. WOODARD,

Plaintiffs,

vs.

FIBREBOARD CORPORATION,
OWENS-CORNING FIBERGLASS
CORPORATION, EAGLE-PICHER
INDUSTRIES, INC., PITTSBURGH-
CORNING CORPORATION, CELOTEX
CORPORATION, GAF CORPORATION,
KEENE CORPORATION, COMBUSTION
ENGINEERING, INC., OWENS-ILLINOIS
INC., RAYMARK INDUSTRIES, INC.,
H. K. PORTER COMPANY, GARLOCK,
INC., ARMSTRONG CORK COMPANY,
FLEXITALLIC GASKET COMPANY, INC.,
FLINTKOTE COMPANY and JOHN CRANE-
HOUDAILLE, INC.,

Defendants.

FILED

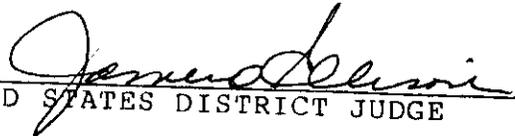
AUG 11 1988

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

Case No. 87-C-401E ✓

ORDER OF DISMISSAL

Upon the application for the plaintiff and for good
cause shown, this action is dismissed without prejudice against John
Crane Houdaille, Inc.


UNITED STATES DISTRICT JUDGE

29

KLW/tmm

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

BONNIE JEAN COLE, individually)
and as Personal Representative)
of the Heirs and Estate of)
Willard Travel Cole, Deceased,)
Plaintiffs,)

vs.)

FIBREBOARD CORPORATION,)
OWENS-CORNING FIBERGLASS)
CORPORATION, EAGLE-PICHER)
INDUSTRIES, INC., PITTSBURGH-)
CORNING CORPORATION, CELOTEX)
CORPORATION, GAF CORPORATION,)
KEENE CORPORATION, COMBUSTION)
ENGINEERING, INC., OWENS-ILLINOIS)
INC., RAYMARK INDUSTRIES, INC.,)
H. K. PORTER COMPANY, GARLOCK,)
INC., ARMSTRONG CORK COMPANY,)
FLEXITALLIC GASKET COMPANY, INC.,)
FLINTKOTE COMPANY and JOHN CRANE-)
HOUDAILLE, INC.,)
Defendants.)

FILED

AUG 11 1988

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

Case No. 88-c-641-e

ORDER OF DISMISSAL

Upon the application for the plaintiff and for good
cause shown, this action is dismissed without prejudice against John
Crane Houdaille, Inc.

UNITED STATES DISTRICT JUDGE

2

judgment against the defendant in the sum of \$24,673.50, with interest thereon as allowed by law from the 14th day of January, 1987, until paid.

IT IS ALSO ORDERED, ADJUDGED AND DECREED that defendant be and it is granted a default judgment against Jerl Methvin and Seven Exploration, Inc., jointly and severally, for the same amount awarded plaintiff against defendant. The third party defendants, Jerl Methvin and Seven Exploration, Inc., were duly served with process but have failed to file a responsive pleading and are in default.

IT IS FURTHER ORDERED, ADJUDGED AND DECREED that each party bear their own costs and attorney fees of this action.

St. James O. Ellison
United States District Judge

APPROVED AS TO FORM:

DRUMMOND, RAYMOND & CLAUSING
Attorneys for Plaintiffs

By: _____

T. E. Drummond, 2505
John B. DesBarres
1924 S. Utica, Suite 410
Tulsa, OK 74104
918/749-7378

LOONEY, NICHOLS, JOHNSON & HAYES

By: _____

John B. Hayes
John B. Hayes, 4005
528 N. W. 12th, P. O. Box 468
Oklahoma City, OK 73101
405/235-7641

KLW/tmm

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

JACK P. CRAWFORD)
and PHYLLIS A. CRAWFORD,)
)
Plaintiffs,)

vs.)

FIBREBOARD CORPORATION,)
OWENS-CORNING FIBERGLASS)
CORPORATION, EAGLE-PICHER)
INDUSTRIES, INC., PITTSBURGH-)
CORNING CORPORATION, CELOTEX)
CORPORATION, GAF CORPORATION,)
KEENE CORPORATION, COMBUSTION)
ENGINEERING, INC., OWENS-ILLINOIS)
INC., RAYMARK INDUSTRIES, INC.,)
H. K. PORTER COMPANY, GARLOCK,)
INC., ARMSTRONG CORK COMPANY,)
FLEXITALLIC GASKET COMPANY, INC.,)
FLINTKOTE COMPANY and JOHN CRANE-)
HOUDAILLE, INC.,)

Defendants.)

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

Case No. CA-88-C-136E ✓

ORDER OF DISMISSAL

Upon the application for the plaintiff and for good
cause shown, this action is dismissed without prejudice against John
Crane Houdaille, Inc.

UNITED STATES DISTRICT JUDGE

19

KLW/tmm

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

MRION JOE FLETCHER)
and JOSEPHINE FLETCHER,)
)
Plaintiffs,)

vs.)

FIBREBOARD CORPORATION,)
OWENS-CORNING FIBERGLASS)
CORPORATION, EAGLE-PICHER)
INDUSTRIES, INC., PITTSBURGH-)
CORNING CORPORATION, CELOTEX)
CORPORATION, GAF CORPORATION,)
KEENE CORPORATION, COMBUSTION)
ENGINEERING, INC., OWENS-ILLINOIS)
INC., RAYMARK INDUSTRIES, INC.,)
H. K. PORTER COMPANY, GARLOCK,)
INC., ARMSTRONG CORK COMPANY,)
FLEXITALLIC GASKET COMPANY, INC.,)
FLINTKOTE COMPANY and JOHN CRANE-)
HOUDAILLE, INC.,)
)
Defendants.)

FILED

AUG 11 1988

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

Case No. 88-C-218-E

ORDER OF DISMISSAL

Upon the application for the plaintiff and for good
cause shown, this action is dismissed without prejudice against John
Crane Houdaille, Inc.

UNITED STATES DISTRICT JUDGE

12

KLW/tmm

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

REX HAROLD HOUSTON)
and HELEN V. HOUSTON,)
)
Plaintiffs,)

vs.)

FIBREBOARD CORPORATION,)
OWENS-CORNING FIBERGLASS)
CORPORATION, EAGLE-PICHER)
INDUSTRIES, INC., PITTSBURGH-)
CORNING CORPORATION, CELOTEX)
CORPORATION, GAF CORPORATION,)
KEENE CORPORATION, COMBUSTION)
ENGINEERING, INC., OWENS-ILLINOIS)
INC., RAYMARK INDUSTRIES, INC.,)
H. K. PORTER COMPANY, GARLOCK,)
INC., ARMSTRONG CORK COMPANY,)
FLEXITALLIC GASKET COMPANY, INC.,)
FLINTKOTE COMPANY and JOHN CRANE-)
HOUDAILLE, INC.,)

Defendants.)

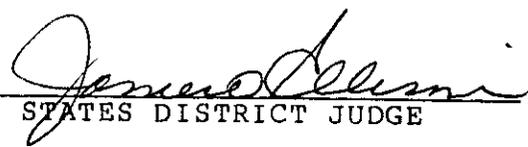
FILED
AUG 11 1988

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

Case No. 88-C-222-E ✓

ORDER OF DISMISSAL

Upon the application for the plaintiff and for good
cause shown, this action is dismissed without prejudice against John
Crane Houdaille, Inc.


UNITED STATES DISTRICT JUDGE

12

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

DIANN WATSON and DEANN DORWARD,)
individually and as Personal)
Representatives of the Heirs)
and Estate of Vernon Vance)
Dennis, Deceased,)

Plaintiffs,)

vs.)

FIBREBOARD CORPORATION,)
OWENS-CORNING FIBERGLASS)
CORPORATION, EAGLE-PICHER)
INDUSTRIES, INC., PITTSBURGH-)
CORNING CORPORATION, CELOTEX)
CORPORATION, GAF CORPORATION,)
KEENE CORPORATION, COMBUSTION)
ENGINEERING, INC., OWENS-ILLINOIS)
INC., RAYMARK INDUSTRIES, INC.,)
H. K. PORTER COMPANY, GARLOCK,)
INC., ARMSTRONG CORK COMPANY,)
FLEXITALLIC GASKET COMPANY, INC.,)
FLINTKOTE COMPANY and JOHN CRANE-)
HOUDAILLE, INC.,)

Defendants.)

FILED

AUG 11 1988

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

Case No. 88-C-84-E

ORDER OF DISMISSAL

Upon the application for the plaintiff and for good
cause shown, this action is dismissed without prejudice against John
Crane Houdaille, Inc.

UNITED STATES DISTRICT JUDGE

17

KLW/tmm

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

STANLEY JOHN O'BANION)
and LOUISE O'BANION,)
)
Plaintiffs,)

vs.)

FIBREBOARD CORPORATION,)
OWENS-CORNING FIBERGLASS)
CORPORATION, EAGLE-PICHER)
INDUSTRIES, INC., PITTSBURGH-)
CORNING CORPORATION, CELOTEX)
CORPORATION, GAF CORPORATION,)
KEENE CORPORATION, COMBUSTION)
ENGINEERING, INC., OWENS-ILLINOIS)
INC., RAYMARK INDUSTRIES, INC.,)
H. K. PORTER COMPANY, GARLOCK,)
INC., ARMSTRONG CORK COMPANY,)
FLEXITALLIC GASKET COMPANY, INC.,)
FLINTKOTE COMPANY and JOHN CRANE-)
HOUDAILLE, INC.,)
)
Defendants.)

FILED

AUG 11 1988

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

Case No. CA-88-C0092E

ORDER OF DISMISSAL

Upon the application for the plaintiff and for good
cause shown, this action is dismissed without prejudice against John
Crane Houdaille, Inc.


UNITED STATES DISTRICT JUDGE

18

KLW/tmm

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

IVAN DEAN RAMSEY
and KATHERINE EDITH RAMSEY,

Plaintiffs,

vs.

FIBREBOARD CORPORATION,
OWENS-CORNING FIBERGLASS
CORPORATION, EAGLE-PICHER
INDUSTRIES, INC., PITTSBURGH-
CORNING CORPORATION, CELOTEX
CORPORATION, GAF CORPORATION,
KEENE CORPORATION, COMBUSTION
ENGINEERING, INC., OWENS-ILLINOIS
INC., RAYMARK INDUSTRIES, INC.,
H. K. PORTER COMPANY, GARLOCK,
INC., ARMSTRONG CORK COMPANY,
FLEXITALLIC GASKET COMPANY, INC.,
FLINTKOTE COMPANY and JOHN CRANE-
HOUDAILLE, INC.,

Defendants.

FILED

AUG 11 1988

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

Case No. CA-88-C-106E

ORDER OF DISMISSAL

Upon the application for the plaintiff and for good
cause shown, this action is dismissed without prejudice against John
Crane Houdaille, Inc.


UNITED STATES DISTRICT JUDGE

15

KLW/tmm

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

BOBBY F. BLANKENSHIP)
and MARGIE D. BLANKENSHIP,)
)
Plaintiffs,)

vs.)

FIBREBOARD CORPORATION,)
OWENS-CORNING FIBERGLASS)
CORPORATION, EAGLE-PICHER)
INDUSTRIES, INC., PITTSBURGH-)
CORNING CORPORATION, CELOTEX)
CORPORATION, GAF CORPORATION,)
KEENE CORPORATION, COMBUSTION)
ENGINEERING, INC., OWENS-ILLINOIS)
INC., RAYMARK INDUSTRIES, INC.,)
H. K. PORTER COMPANY, GARLOCK,)
INC., ARMSTRONG CORK COMPANY,)
FLEXITALLIC GASKET COMPANY, INC.,)
FLINTKOTE COMPANY and JOHN CRANE-)
HOUDAILLE, INC.,)

Defendants.)

FILED

AUG 11 1988

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

Case No. 88-C-293-E ✓

ORDER OF DISMISSAL

Upon the application for the plaintiff and for good
cause shown, this action is dismissed without prejudice against John
Crane Houdaille, Inc.


UNITED STATES DISTRICT JUDGE

10

KLW/tmm

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

HARLEY GENE ROPER)
and FAYE ROPER,)
)
Plaintiffs,)

vs.)

FIBREBOARD CORPORATION,)
OWENS-CORNING FIBERGLASS)
CORPORATION, EAGLE-PICHER)
INDUSTRIES, INC., PITTSBURGH-)
CORNING CORPORATION, CELOTEX)
CORPORATION, GAF CORPORATION,)
KEENE CORPORATION, COMBUSTION)
ENGINEERING, INC., OWENS-ILLINOIS)
INC., RAYMARK INDUSTRIES, INC.,)
H. K. PORTER COMPANY, GARLOCK,)
INC., ARMSTRONG CORK COMPANY,)
FLEXITALLIC GASKET COMPANY, INC.,)
FLINTKOTE COMPANY and JOHN CRANE-)
HOUDAILLE, INC.,)

Defendants.)

FILED

AUG 11 1988

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

Case No. 88-C-491-E

ORDER OF DISMISSAL

Upon the application for the plaintiff and for good
cause shown, this action is dismissed without prejudice against John
Crane Houdaille, Inc.


UNITED STATES DISTRICT JUDGE

2

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

UNITED STATES OF AMERICA,)
)
 Plaintiff,)
)
 -vs-)
)
 PHILLIP N. JACKSON,)
 447403415)
)
 Defendant,)

CIVIL NUMBER 88-C-733 B

FILED

AUG 11 1988

NOTICE OF DISMISSAL

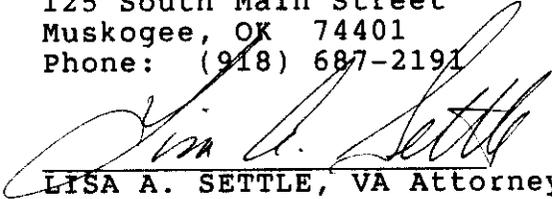
Jack C. Silver, Clerk
U.S. DISTRICT COURT

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,

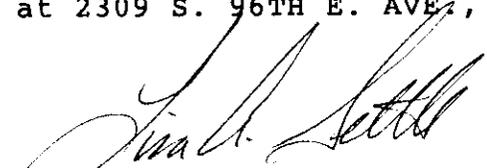
UNITED STATES OF AMERICA

Herbert N. Standeven
District Counsel
Veterans Administration
125 South Main Street
Muskogee, OK 74401
Phone: (918) 687-2191

By: 
LISA A. SETTLE, VA Attorney

CERTIFICATE OF MAILING

This is to certify that on the 10th day of August, 1988, a true and correct copy of the foregoing was mailed, postage prepaid thereon, to: PHILLIP N. JACKSON, at 2309 S. 96TH E. AVE., NO. C, TULSA, OK 74129.


LISA A. SETTLE, VA Attorney

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

ANTHONY P. SUTTON,)
)
Plaintiff,)
)
vs.)
)
AMEROIL ENERGY CORPORATION,)
)
Defendant.)

Case No. 87-C-176-E

480 11 13
U.S. DISTRICT COURT

police 06

DISMISSAL WITH PREJUDICE

The Plaintiff, Anthony P. Sutton, hereby dismisses this cause with prejudice.

Respectfully submitted,

PRAY, WALKER, JACKMAN,
WILLIAMSON & MARLAR

By 

S. Erickson Grimshaw
OBA # 3629
900 Oneok Plaza
Tulsa, OK 74103
918/584-4136

ATTORNEYS FOR PLAINTIFF,
ANTHONY P. SUTTON

CERTIFICATE OF MAILING

THIS IS TO CERTIFY that I have this 10th day of August, 1988, served a copy of the above and foregoing **Dismissal With Prejudice** upon Ira L. Edwards, Jr., of Houston & Klein, Inc., 320 South Boston, Suite 700, Tulsa, OK 74103, by placing same in the U. S. Mail, first-class postage prepaid.


S. Erickson Grimshaw

KLW/tmm

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

DAVID W. ELLIS)
and CATHY ELLIS,)
)
Plaintiffs,)

vs.)

FIBREBOARD CORPORATION,)
OWENS-CORNING FIBERGLASS)
CORPORATION, EAGLE-PICHER)
INDUSTRIES, INC., PITTSBURGH-)
CORNING CORPORATION, CELOTEX)
CORPORATION, GAF CORPORATION,)
KEENE CORPORATION, COMBUSTION)
ENGINEERING, INC., OWENS-ILLINOIS)
INC., RAYMARK INDUSTRIES, INC.,)
H. K. PORTER COMPANY, GARLOCK,)
INC., ARMSTRONG CORK COMPANY,)
FLEXITALLIC GASKET COMPANY, INC.,)
FLINTKOTE COMPANY and JOHN CRANE-)
HOUDAILLE, INC.,)
)
Defendants.)

FILED

AUG 11 1988 §

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

Case No. 88-C-298-E ✓

ORDER OF DISMISSAL

Upon the application for the plaintiff and for good
cause shown, this action is dismissed without prejudice against John
Crane Houdaille, Inc.

UNITED STATES DISTRICT JUDGE

KLW/tmm

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

LARRY J. CAUGHMAN)
and PEGGY E. CAUGHMAN,)
)
Plaintiffs,)

vs.)

FIBREBOARD CORPORATION,)
OWENS-CORNING FIBERGLASS)
CORPORATION, EAGLE-PICHER)
INDUSTRIES, INC., PITTSBURGH-)
CORNING CORPORATION, CELOTEX)
CORPORATION, GAF CORPORATION,)
KEENE CORPORATION, COMBUSTION)
ENGINEERING, INC., OWENS-ILLINOIS)
INC., RAYMARK INDUSTRIES, INC.,)
H. K. PORTER COMPANY, GARLOCK,)
INC., ARMSTRONG CORK COMPANY,)
FLEXITALLIC GASKET COMPANY, INC.,)
FLINTKOTE COMPANY and JOHN CRANE-)
HOUDAILLE, INC.,)

Defendants.)

FILED

AUG 11 1988

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

Case No. 88-C-210-E

ORDER OF DISMISSAL

Upon the application for the plaintiff and for good
cause shown, this action is dismissed without prejudice against John
Crane Houdaille, Inc.


UNITED STATES DISTRICT JUDGE

12

KLW/tmm

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

ONA M. JOHNSON)
and LOUELLA A. JOHNSON,)
)
Plaintiffs,)

vs.)

FIBREBOARD CORPORATION,)
OWENS-CORNING FIBERGLASS)
CORPORATION, EAGLE-PICHER)
INDUSTRIES, INC., PITTSBURGH-)
CORNING CORPORATION, CELOTEX)
CORPORATION, GAF CORPORATION,)
KEENE CORPORATION, COMBUSTION)
ENGINEERING, INC., OWENS-ILLINOIS)
INC., RAYMARK INDUSTRIES, INC.,)
H. K. PORTER COMPANY, GARLOCK,)
INC., ARMSTRONG CORK COMPANY,)
FLEXITALLIC GASKET COMPANY, INC.,)
FLINTKOTE COMPANY and JOHN CRANE-)
HOUDAILLE, INC.,)
)
Defendants.)

Case No. 88-C-301-E ✓

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

ORDER OF DISMISSAL

Upon the application for the plaintiff and for good cause shown, this action is dismissed without prejudice against John Crane Houdaille, Inc.


UNITED STATES DISTRICT JUDGE

10

KLW/tmm

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

SHELBY LEE CLARK,)
)
 Plaintiff,)
)
 vs.)
)
 FIBREBOARD CORPORATION,)
 OWENS-CORNING FIBERGLASS)
 CORPORATION, EAGLE-PICHER)
 INDUSTRIES, INC., PITTSBURGH-)
 CORNING CORPORATION, CELOTEX)
 CORPORATION, GAF CORPORATION,)
 KEENE CORPORATION, COMBUSTION)
 ENGINEERING, INC., OWENS-ILLINOIS)
 INC., RAYMARK INDUSTRIES, INC.,)
 H. K. PORTER COMPANY, GARLOCK,)
 INC., ARMSTRONG CORK COMPANY,)
 FLEXITALLIC GASKET COMPANY, INC.,)
 FLINTKOTE COMPANY and JOHN CRANE-)
 HOUDAILLE, INC.,)
)
 Defendants.)

FILED

AUG 11 1988

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

Case No. 88-C-206-E ✓

ORDER OF DISMISSAL

Upon the application for the plaintiff and for good cause shown, this action is dismissed without prejudice against John Crane Houdaille, Inc.


UNITED STATES DISTRICT JUDGE

12

KLW/tmm

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

HENRY BALDRIDGE)
and PAT BALDRIDGE,)
)
Plaintiffs,)

vs.)

FIBREBOARD CORPORATION,)
OWENS-CORNING FIBERGLASS)
CORPORATION, EAGLE-PICHER)
INDUSTRIES, INC., PITTSBURGH-)
CORNING CORPORATION, CELOTEX)
CORPORATION, GAF CORPORATION,)
KEENE CORPORATION, COMBUSTION)
ENGINEERING, INC., OWENS-ILLINOIS)
INC., RAYMARK INDUSTRIES, INC.,)
H. K. PORTER COMPANY, GARLOCK,)
INC., ARMSTRONG CORK COMPANY,)
FLEXITALLIC GASKET COMPANY, INC.,)
FLINTKOTE COMPANY and JOHN CRANE-)
HOUDAILLE, INC.,)

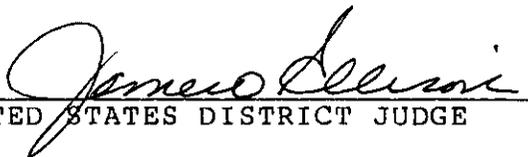
Defendants.)

Case No. 88-C-497-E

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

ORDER OF DISMISSAL

Upon the application for the plaintiff and for good
cause shown, this action is dismissed without prejudice against John
Crane Houdaille, Inc.


UNITED STATES DISTRICT JUDGE

KLW/tmm

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

PAUL JACK WATKINS
and GEORGIA LEE WATKINS,

Plaintiffs,

vs.

FIBREBOARD CORPORATION,
OWENS-CORNING FIBERGLASS
CORPORATION, EAGLE-PICHER
INDUSTRIES, INC., PITTSBURGH-
CORNING CORPORATION, CELOTEX
CORPORATION, GAF CORPORATION,
KEENE CORPORATION, COMBUSTION
ENGINEERING, INC., OWENS-ILLINOIS
INC., RAYMARK INDUSTRIES, INC.,
H. K. PORTER COMPANY, GARLOCK,
INC., ARMSTRONG CORK COMPANY,
FLEXITALLIC GASKET COMPANY, INC.,
FLINTKOTE COMPANY and JOHN CRANE-
HOUDAILLE, INC.,

Defendants.

FILED

AUG 11 1988

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

Case No. 87-C-379-E ✓

ORDER OF DISMISSAL

Upon the application for the plaintiff and for good
cause shown, this action is dismissed without prejudice against John
Crane Houdaille, Inc.


UNITED STATES DISTRICT JUDGE

31

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

FILED

AUG 11 1988

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

SHIRLEY JEAN JEFFERY,)
)
 Plaintiff,)
)
 v.)
)
 SAINT FRANCIS HOSPITAL, INC.,)
)
 Defendant.)

87-C-949-E

ORDER

The court has for consideration the Report and Recommendation of the Magistrate filed July 19, 1988, in which the Magistrate recommended that defendant's Motion to Dismiss or, in the Alternative, Motion to Strike, be granted as to plaintiff's claim for damages for tortious interference with her employment contract in violation of public policy. 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 defendant's Motion to Dismiss or, in the Alternative, Motion to Strike, is granted as to plaintiff's claim for damages for tortious interference with her employment contract in violation of public policy.

Dated this 11th day of August, 1988.


JAMES O. ELLISON
UNITED STATES DISTRICT JUDGE

UNITED STATES DISTRICT COURT

NORTHERN DISTRICT OF OKLAHOMA

CLERK'S OFFICE

UNITED STATES COURT HOUSE

TULSA, OKLAHOMA 74103

August 11, 1988

Entered

JACK C. SILVER
CLERK

(918) 581-7
(FTS) 736-7

TO: Counsel/Parties of Record

RE: Case # 88-C-180-C

Cooper v. Martin, et al.,

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

The motion of defendant Martin to dismiss is hereby granted as to that defendant only.

Very truly yours,

JACK C. SILVER, CLERK

By: Anita Mancoske
Deputy Clerk

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

FEDERAL DEPOSIT INSURANCE
CORPORATION, in its corporate
capacity,

Plaintiff,

vs.

FOURTH NATIONAL TOWER, LTD.,
an Oklahoma limited partnership,
DION GANTT, an individual, RAY F.
BIERY, an individual, and PAUL D.
HINCH, an individual,

Defendants.

No. 87-C-728-C

FILED

AUG 11 1988

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

ORDER AND JUDGMENT

Now on this 10th day of August, comes on before me the Application of Plaintiff Federal Deposit Insurance Corporation, in its corporate capacity ("FDIC"), for Attorney Fees and Stipulation of Counsel Regarding Same, and the Court being fully advised in the premises finds that Plaintiff's Application seeks attorneys' fees inclusive of all costs and expenses, in the sum of \$30,000.00, which sum Defendants have stipulated and consented to be a fair and reasonable sum, and the Court finds that said sum should be awarded to Plaintiff.

IT IS THEREFORE ORDERED, ADJUDGED AND DECREED that FDIC's Application for Attorney Fees, inclusive of all costs and expenses, should be and is hereby granted in the amount of \$30,000.00.

IT IS FURTHER ORDERED, ADJUDGED AND DECREED that judgment be and is hereby entered in favor of Plaintiff

Federal Deposit Insurance Corporation, in its corporate capacity, and against Defendants Fourth National Tower, Ltd., Dion Gantt, Ray F. Biery and Paul D. Hinch, jointly and severally, in the amount of \$30,000.00 for Attorney Fees inclusive of all costs and expenses.

IT IS SO ORDERED.

(Signed) H. Dale Cook

H. Dale Cooke
United States District Judge

Entered

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

AMERICAN COMBINED ENERGY)
SYSTEMS, INC.,)

Plaintiff,)

vs.)

UNIVERSAL POWER CONCEPTS,)
INC., et al.,)

Defendants.)

NO. 88-C-55-C

F I L E D

AUG 11 1988

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

PAPP INTERNATIONAL INC.,)
a Nebraska Corporation,)

Plaintiff,)

vs.)

JOSEPH PAPP, an Individual,)
and UNIVERSAL POWER CONCEPTS,)
INC.,)

Defendants.)

NO. 88-C-64-~~F~~ C

JOSEPH PAPP, an Individual,)
et al.,)

Plaintiffs,)

vs.)

UNIVERSAL POWER CONCEPTS,)
INC., a Nevada Corporation,)
et al.,)

Defendants.)

NO. 88-C-148-~~B~~ C

SETTLEMENT AGREEMENT

COMES NOW the parties in the captioned cases to-wit:

1. American Combined Energy Systems, Inc. ("ACES") vs.
Universal Power Concepts, Inc. ("UPC"), Case No. 88-C-55-C:

A. Representation for ACES - R. Hayden Downie,
attorney, James Sabori, President CEO, and Jake Sabori, Vice
President.

B. Representation for UPC - David M. Nichols, attorney.

C. Representation for Rex Bartel - Gene M. Kelly, attorney.

D. Representation for William Cornell - Gene M. Kelly, attorney.

E. Representation for Ken Dollar - David M. Nichols, attorney.

F. Also present for UPC were Ken Dollar, individually and as president of UPC; Robert Smith, former in-house counsel for UPC; Buck Willis, UPC board advisor; and Sam Colburn, Board Member - UPC.

2. Papp International, Inc., a Nebraska corporation, ("PI") vs. Joseph Papp, an individual and Universal Power Concepts, Inc. ("UPC"), Case No. 88-C-63-E.

A. Representation for Papp International, Inc. - V. Bruce Thompson, attorney; William Cornell, President.

B. Representation for Joseph Papp, an individual - John Thomas Hall, attorney.

3. Joseph Papp, an individual, Henry Orthman, an individual, J.G. Gibson, an individual, and Papp International, Inc., a Nebraska corporation vs. Universal Power Concepts, Inc., a Nevada corporation, William Cornell, an individual; Ken Dollar, an individual; and Buck Willis, an individual, Case No. 88-C-148-B.

A. Representation for Joseph Papp, an individual, Henry Orthman, an individual, J.G. Gibson, an individual, and

Papp International, Inc., a Nebraska corporation - John Thomas Hall, attorney.

B. Also present were Joseph Papp, individually and as President of Papp International, Inc.; Gayle Gibson, individually and as a Director of Papp International, Inc.; and Henry Orthman, individually and as a Director of Papp International, Inc.

C. Representation for UPC, Inc., and Ken Dollar - David M. Nichols, attorney.

D. Representation for William Cornell and Rex Bartel - Gene M. Kelly, attorney.

E. Also present for UPC were Ken Dollar, individually and as President of UPC; William Cornell, individually, Buck Willis, individually; Robert Smith, former in-house counsel for UPC; Buck Willis, UPC board advisor; and Sam Colburn, Board Member - UPC.

3. Settlement Conference was held on July 26, 1988, by John Leo Wagner, United States Magistrate, for the purposes of resolving the differences of the parties and all parties in the aforementioned cases agreed and advised the court they had the complete authority to settle all differences in all cases heretofore recited. Each party has agreed to the following:

A. That each and every captioned case would be dismissed with prejudice.

B. That any and all claims, counter claims and set-offs, whatever they may have been, are hereby included in said dismissals with prejudice.

C. That each and every contract entered into by and between any parties in any of the captioned litigations is hereby declared null and void.

D. That all parties who have received money or paid money to another party hereby waive any right to proceed further in the collection of said monies.

E. That Universal Power Concepts, Inc. is hereby ordered and directed to return the Papp Engine to Joseph Papp or a representative of Joseph Papp's, along with any and all blueprints, parts of engine they may have in their possession, or that may be in the possession of any participant in the settlement conference.

F. That all stock certificates being litigated, Papp International, Inc. and P-fusion, Inc., as well as Universal Power Concepts, Inc., be returned to the original issuing parties, more specifically, Papp International, Inc. and P-fusion stock be returned to Joseph Papp properly endorsed and the following directors and officers shall herein submit their resignation and relinquish their control of Papp International, Inc.: William Cornell, President; Ralph Keen, Secretary; and Bob Larson, Director.

That Universal Power Concepts, Inc. stock be endorsed and returned by Joseph Papp to the appropriate party of Universal Power Concepts, Inc.

G. That it is the intent of the court and all parties that each party be returned to their original status, i.e., prior contractual status less any monies that have been expended as aforementioned.

H. It is the understanding of all the parties that ACES and Joseph Papp will be entering into an agreement to develop and ultimately sell the Papp Engine, and that in the event that ACES and Papp are successful in developing a marketable engine, they will have an obligation to pay UPC, Inc. an overriding royalty interest of 3% of gross sales of the engine and fuel, or proceeds to the parties to the contract between ACES and PAPP from the sale of licenses to sell the engine and fuel for a period of 10 years from the date of this settlement agreement and at the end of the 10 year period the overriding royalty interest to UPC, Inc. shall decrease to 1% and shall remain at 1% thereafter as to aforementioned sales.

I. That UPC shall be responsible for any storage payments due and owing to U.S. Testing Laboratory for the storage of the Papp engine.

J. That Joseph Papp shall be responsible for costs of transporting the engine F.O.P. Tulsa after obtaining a release for said engine.

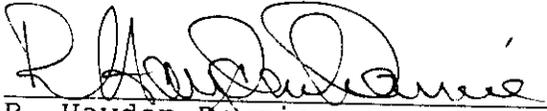
K. That all parties shall release the others from any and all liability associated with the captioned litigation.

L. That this settlement agreement is contingent upon the agreement between ACES and PAPP for the development and sales of engines for electrical power generation.

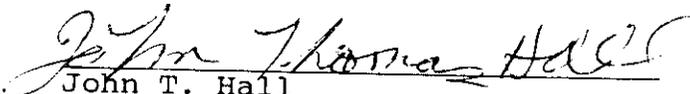

H. Dale Cook
United States District Judge

SETTLEMENT AGREEMENT
88-C-55-C, 88-C-64-C, 88-C-148-C

APPROVED AS TO FORM AND CONTENT:



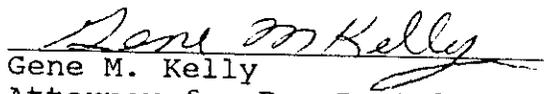
R. Hayden Downie
Attorney for ACES, Inc.



John T. Hall
Attorney for Joseph Papp, Papp
International, Inc., Henry
Orthman and J.G. Gibson



David M. Nichols
Attorney for UPC, Inc. and
Ken Dollar



Gene M. Kelly
Attorney for Rex Bartel and
William Cornell



V. Bruce Thompson
Attorney for Papp International, Inc.

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

FILED

AUG 10 1988

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

RUSSELL W. FRIZZELL and)
JEAN W. FRIZZELL,)
)
Plaintiffs,)
)
-vs-)
)
HEALTHTECH DYNAMICS, INC.,)
an Ohio corporation,)
)
Defendant.)

Case No. 86-C-0438-E

JUDGMENT AND ORDER OF DISMISSAL WITH PREJUDICE

The Court has been advised by counsel that this action has been settled and that it is not necessary for said cause of action to remain upon the Court's calendar.

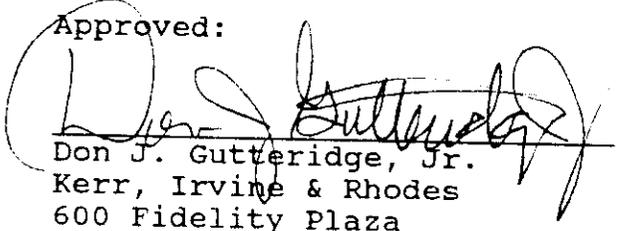
IT IS THEREFORE ORDERED that the above cause of action is dismissed with prejudice.

Dated this 10th day of August, 1988.

S/ JAMES O. ELLISON

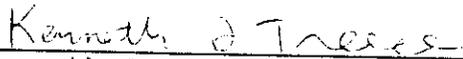
United States District Judge

Approved:



Don J. Gutteridge, Jr.
Kerr, Irvine & Rhodes
600 Fidelity Plaza
Oklahoma City, Oklahoma 73102

ATTORNEYS FOR DEFENDANTS



Kenneth J. Treece
Brune, Pezold, Richey & Lewis
700 Sinclair Building
Six East Fifth Street
Tulsa, Oklahoma 74103

ATTORNEYS FOR PLAINTIFFS

UNITED STATES DISTRICT COURT FOR THE
NORTHERN DISTRICT OF OKLAHOMA

UNITED STATES OF AMERICA,)
)
 Plaintiff,)
)
 vs.)
)
 JACKIE RAY MARTIN; KAREN L.)
 MARTIN; COUNTY TREASURER,)
 Rogers County, Oklahoma; and)
 BOARD OF COUNTY COMMISSIONERS,)
 Rogers County, Oklahoma,)
)
 Defendants.)

F I L E D

AUG 10 1988

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

CIVIL ACTION NO. 88-C-519-C

JUDGMENT OF FORECLOSURE

This matter comes on for consideration this 9 day
of August, 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, Rogers County,
Oklahoma, and Board of County Commissioners, Rogers County,
Oklahoma, appear by Ernest E. Haynes, Jr., Assistant District
Attorney, Rogers County, Oklahoma; and the Defendants, Jackie Ray
Martin and Karen L. Martin, appear not, but make default.

The Court being fully advised and having examined the
file herein finds that the Defendants, Jackie Ray Martin and
Karen L. Martin, acknowledged receipt of Summons and Complaint on
June 15, 1988; that Defendant, County Treasurer, Rogers County,
Oklahoma, acknowledged receipt of Summons and Complaint on
June 10, 1988; and that Defendant, Board of County Commissioners,
Rogers County, Oklahoma, acknowledged receipt of Summons and
Complaint on June 10, 1988.

It appears that the Defendants, County Treasurer, Rogers County, Oklahoma, and Board of County Commissioners, Rogers County, Oklahoma, filed their Answer herein on June 22, 1988; and that the Defendants, Jackie Ray Martin and Karen L. Martin, 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 Rogers County, Oklahoma, within the Northern Judicial District of Oklahoma:

The E/2 of SW/4 of SW/4 of NW/4 of Section 27, Township 24 North Range 15 East of the IB&M, Rogers County, Oklahoma, according to the U.S. Government Survey thereof.

The Court further finds that on October 9, 1985, the Defendants, Jackie Ray Martin and Karen L. Martin, 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 \$41,600.00, payable in monthly installments, with interest thereon at the rate of eleven and one-half percent (11.5%) per annum.

The Court further finds that as security for the payment of the above-described note, the Defendants, Jackie Ray Martin and Karen L. Martin, executed and delivered to the United States of America, acting on behalf of the Administrator of Veterans Affairs, a mortgage dated October 9, 1985, covering the above-described property. Said mortgage was recorded on October 11, 1985, in Book 715, Page 481, in the records of Rogers County, Oklahoma.

The Court further finds that the Defendants, Jackie Ray Martin and Karen L. Martin, 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, Jackie Ray Martin and Karen L. Martin, are indebted to the Plaintiff in the principal sum of \$41,762.38, plus interest at the rate of 11.5 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 Defendants, County Treasurer and Board of County Commissioners, Rogers County, Oklahoma, claim no right, title, or interest in the subject real property.

IT IS THEREFORE ORDERED, ADJUDGED, AND DECREED that the Plaintiff have and recover judgment against the Defendants, Jackie Ray Martin and Karen L. Martin, in the principal sum of \$41,762.38, plus interest at the rate of 11.5 percent per annum from May 1, 1987 until judgment, plus interest thereafter at the current legal rate of 7.95 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, Rogers 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, Jackie Ray Martin and Karen L. Martin, 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 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.

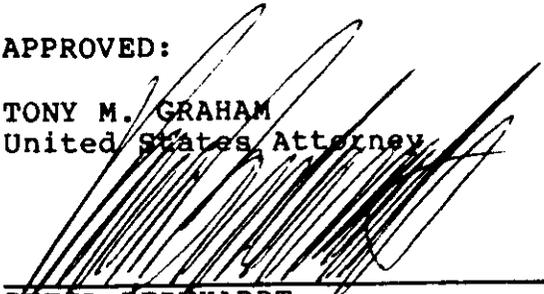
IT IS FURTHER ORDERED, ADJUDGED, AND DECREED that from and after the sale of the above-described real property, under and by virtue of this judgment and decree, all of the Defendants and all persons claiming under them since the filing of the Complaint, be and they are forever barred and foreclosed of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

(Signed) H. Dale ...

UNITED STATES DISTRICT JUDGE

APPROVED:

TONY M. GRAHAM
United States Attorney



PETER BERNHARDT
Assistant United States Attorney



ERNEST E. HAYNES, JR.
Assistant District Attorney
Attorney for Defendants,
County Treasurer and
Board of County Commissioners,
Rogers County, Oklahoma

PB/css

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

FILED

AUG 19 1988

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

TULSA DYNASPAN, INC.,)	
)	
Plaintiff,)	
)	
v.)	87-C-598-B
)	
STANLEY STRUCTURES, INC.)	
and THE STANLEY WORKS,)	
)	
Defendants.)	

ORDER

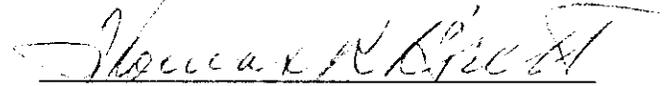
The court has for consideration the Findings and Recommendations of the Magistrate filed July 19, 1988, in which the Magistrate recommended that defendant Stanley Structure Inc.'s Motion to Dismiss Plaintiff's Third Cause of Action be granted, and defendant The Stanley Works' Motion to Dismiss be granted as to plaintiff's eighth cause of action regarding the liquidation and/or dissipation of assets and held in abeyance as to plaintiff's remaining causes of action pending completion of discovery in regard thereto. No exceptions or objections have been filed and the time for filing such exceptions or objections has expired.

After careful consideration of the record and the issues, the court has concluded that the Findings and Recommendations of the Magistrate should be and hereby are affirmed.

It is therefore Ordered that defendant Stanley Structure Inc.'s Motion to Dismiss Plaintiff's Third Cause of Action is granted, and defendant The Stanley Works' Motion to Dismiss is granted as to plaintiff's eighth cause of action regarding the

liquidation and/or dissipation of assets and held in abeyance as to plaintiff's remaining causes of action pending completion of discovery in regard thereto.

Dated this 10th day of August, 1988.



THOMAS R. BRETT
UNITED STATES DISTRICT JUDGE

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

1983

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

GEORGE MALL, individually; and)
INTERNATIONAL BUSINESS AIRCRAFT,)
INC., an Oklahoma corporation;)
on behalf of themselves and all)
other similarly situated,)
)
Plaintiffs,)
)
v.)
)
GARRETT CORPORATION, a)
California corporation,)
)
Defendant.)

No. 83-C-252-B ✓

O R D E R

Before the Court for consideration are the Defendant's motion to dismiss the Plaintiffs' warranty claims, the Defendant's motion for partial summary judgment regarding punitive damages, and the Defendant's motion for summary judgment on the Plaintiffs' fraud claim. Also pending is the Defendant's motion to bifurcate the liability and damage issues to be tried in this case. For the reasons set forth below, the motion to dismiss the warranty claims is granted. The motion for partial summary judgment regarding punitive damages is granted. The disposition of the Defendant's motion for summary judgment is deferred until the Plaintiffs are able to take the deposition of Plaintiffs' new expert and file supplemental briefs. The motion to bifurcate is granted.

DEFENDANT'S MOTION TO DISMISS

Defendant Garrett Corporation ("Garrett") has moved to dismiss the warranty claim brought by the Plaintiffs in their Second Amended Complaint at pages 9 through 11. The Plaintiffs allege

[Handwritten signature]

that the Defendant has expressly warranted the airworthiness of the subject turbine engines by virtue of the FAA's engine certification. Plaintiffs admit that the warranty of airworthiness claim is a novel theory but assert that such is a reasoned application of general warranty law under the Uniform Commercial Code which the Court should allow under the unusual facts this case presents. The Plaintiffs urge that the FAA certification is a culmination of various procedures and testing which rely almost exclusively on the manufacturer's participation and therefore the FAA certification of airworthiness should be included by interpretation in the published warranties of Garrett. The Court has reviewed the published warranties of Garrett concerning the subject engines (See Exhibit No. 6 to Garrett's Brief in Support of Motion for Summary Judgment filed August 29, 1984) and concludes that the FAA's certification that the engine and turbine wheels were "of proper design, material, specification, construction and performance for safe operation," 49 U.S.C. §1423 (1970) and the FAA's hour or cycle "life limits" are not warranties that can be imposed upon Garrett. The Plaintiffs' novel "warranty of airworthiness" theory relies upon 12A Okla.Stat. §2-313 which states in pertinent part:

"(a) Any affirmation of fact or promise made by the seller to the buyer which relates to the goods and becomes part of the basis of the bargain creates an express warranty that the goods shall conform to the affirmation or promise.

"(b) Any description of the goods which is made part of the basis of the bargain creates

an express warranty that the goods shall conform to the description."

The Court holds that Garrett's procurement of an FAA-type certificate and the subsequent manufacturing and marketing of an FAA certified engine do not constitute the type of "affirmation of fact or promise" and "description" sufficient to create an express warranty in addition to those expressly made by Garrett to purchasers of their engines. The Plaintiffs' contention that the Court should allow the additional warranty of airworthiness based upon Garrett's representations of airworthiness to the FAA in obtaining the type certificate appears to merely restate their claims under their fraud and deceit cause of action. Since the Court has relied upon matters outside the pleadings in evaluating the novel "airworthiness" warranty claim, the Court converts this matter to a motion for summary judgment and sustains same.

The Court's granting of summary judgment on the airworthiness theory does not appear to end the matter. The Plaintiffs' response brief in opposition to Garrett's motion to dismiss indicates that the Plaintiffs seek to recover under the express written warranty provided by Garrett at delivery. Defendant Garrett appears surprised by this revelation believing that the Plaintiffs had abandoned their state law warranty claims in lieu of the novel "airworthiness" warranty claim. Insofar as Count II of the Second Amended Complaint attempts to assert state law warranty claims, the Court concludes that Arizona law would apply as previously argued by the Plaintiffs and finds that summary judgment should be

granted. Generally, Garrett's express warranties for new engines run for twenty-four months from the date of shipment by a company to Mitsubishi (the aircraft manufacturer), or twelve months from the date the aircraft was put into use or 600 operating hours after the initial operation, whichever occurs first. Each of the warranties extended by Garrett also contained language which limited the scope of the warranty extended such as,

"All other warranties, whether express, implied or statutory, such as warranties of merchantability or fitness for a particular purpose are hereby excluded and disclaimed to the extent they exceed the warranties granted herein. In no event shall the Company be liable for consequential or incidental damages."

and

"This warranty comprises the Company's entire liability in relation to any failure or defect to the exclusion of all other liability in tort (whether for negligence or otherwise) or in contract, including liability for consequential or incidental loss, damage or expense."

(See Exhibit 6 to Defendant's Brief in Support of Motion for Summary Judgment filed August 29, 1984.) The Plaintiffs argue that the limitation of remedies clauses outlined above in Garrett's warranties may be avoided when the circumstances of a particular case cause an otherwise valid limited warranty to fail of its essential purpose. The Plaintiffs state that Garrett's warranty fails of its essential purposes because purchasers such as the Plaintiffs have no reason to inspect the turbine wheels within the first 1,000 hours or twelve months of operation and would have no reason to believe that the Garrett engine contained an unsafe

condition. There is absolutely no allegation in the record to indicate that any of the Plaintiffs' engines failed during the period warranted by Garrett. The Court does not find that the warranty failed of its essential purpose and to hold otherwise would create a warranty unlimited both in terms of time and type of assurances covered. The Court finds that Garrett's express warranties have expired without any evidence of damage suffered by the Plaintiffs throughout the warranty period. Therefore, summary judgment is granted on the second claim of the Plaintiffs' Second Amended Complaint.

MOTION FOR PARTIAL SUMMARY JUDGMENT
PUNITIVE DAMAGES/FRAUD CLAIM

Defendant Garrett seeks partial summary judgment on that portion of the Plaintiffs' fraud and deceit claim that seeks punitive damages. Defendant asserts that partial summary judgment is appropriate on the punitive damage claim for the reason that no evidence has been submitted by the Plaintiffs to support such an award under Arizona law. The Court in its Order dated October 30, 1986, determined that Arizona law would control the fraud claim. Arizona law on punitive damages sets up a stringent standard for an award of punitive damages. Under Arizona law punitive damages must be proven by clear and convincing evidence rather than by a preponderance of the evidence. Linthicum v. Nationwide Life Insurance Company, 723 P.2d 675 (Ariz. 1986). The Plaintiffs recognize their heavy burden and state that in order to obtain punitive damage it must prove Garrett's "evil hand was guided by

an evil mind." Bolen v. Apodaca, 726 P.2d 565 (Ariz. 1986). This "evil mind" element may be shown by either (1) evil actions; (2) spiteful motives; or (3) outrageous, oppressive, or intolerable conduct that creates substantial risk of tremendous harm to others. Linthicum, 723 P.2d at 679 (Plaintiff's Opposition Brief at p. 21)

Plaintiffs claim they are entitled to have the punitive damage issue submitted to the jury as the claim is solely dependent upon evidence developed at a trial and only a trial on the merits can adequately evaluate Garrett's conduct for the purpose of determining whether punitive damages are appropriate. This case has been pending more than five years and Plaintiffs point to no specific items of evidence or undisputed facts which might satisfy Arizona's exacting standard for a punitive damage award. While the Plaintiffs have articulated issues of fact which, if determined in the Plaintiffs' favor from appropriate evidence, might be sufficient for recovery under the fraud claim, the evidence does not support conduct of Garrett which is so egregious that a punitive damage claim would be proper under Arizona law. Gurule v. Illinois Mutual Life & Cas. Co., 734 P.2d 85 (1987). The Court finds the Plaintiffs have failed to demonstrate conduct on the part of the Defendant which would allow the punitive damage claim to be submitted to the jury. Therefore, the Defendant's motion for partial summary judgment on the punitive damage claim is granted.

DEFENDANT'S MOTION TO BIFURCATE

Defendant Garrett asks the Court to bifurcate the issues of liability and damages pursuant to Fed.R.Civ.P. 42(b). Garrett bases this motion on the alleged failure of the Plaintiffs to identify their theory of alleged damages, their methodology for computation of damages or to identify documents upon which they will rely at trial to prove damages. The Defendant urges that during the early discovery in the case the Plaintiffs had identified thirteen aircraft for which damages would be sought. Now over five years later the Plaintiffs have added damage claims for two more aircraft, for a total of fifteen. (See, Plaintiff's Brief in Opposition to the Motion for Bifurcation filed May 17, 1988).

The Defendant also asserts that a severance of the issues of liability and damages will reduce jury confusion and promote judicial economy in the event that the Plaintiffs are unsuccessful on their fraud claim, or partially successful.

In ruling on a motion to bifurcate pursuant to Fed.R.Civ.P. 42(b), the Court must consider three factors: (1) Whether severance will likely avoid prejudice to any party at trial which would otherwise occur if the issues were not bifurcated; (2) whether separation of issues will expedite the disposition of the action and conserve trial time and judicial resources; and (3) whether the issues are essentially separable for evidentiary purposes in order to avoid a duplication of evidence in separate proceedings. McKellar v. Clarke Equipment Co., 101 F.R.D. 93 (D.C.Maine 1984). In weighing the above enumerated factors the

Court finds that the motion to bifurcate should be granted for the reasons that: (1) the Plaintiffs eleventh hour production of the damage information requested by the Defendant throughout this case (See, Answer to Interrogatory No. 9 attached as an exhibit to Plaintiffs' Brief in Opposition to Defendant's Motion to Compel filed May 17, 1988) prejudices the Defendant's ability to discover information necessary to frame a defense. The current damage computation revealed by the Plaintiffs totals \$487,094.00, plus an additional ill-defined open-ended claim up to \$1,234,000.00. To proceed on the damages at this point in the case would prejudice the Defendant due to a lack of discovery regarding the open-ended claim; (2) The Court finds there is a likelihood that trial time would be conserved by bifurcation of liability and damages as the jury could find that no liability exists or that partial liability exists. This determination would result in an obvious reduction of damage evidence presented. The Court finds there is some likelihood that a settlement of this action might be accomplished if the liability aspect of the dispute is defined by the jury; (3) The Court finds that the liability and compensatory damage issues are basically separable and that trying both together would possibly confuse jurors.

In granting the motion to bifurcate, the Court contemplates submitting the liability issue to a jury with a two-week recess before hearing the damage portion of the case, if necessary. This recess would allow the parties to finalize discovery regarding damages, if necessary. To provide continuity and to avoid

duplication the Court would propose that the liability and damages claims would be heard by the same jury. Defendant's motion to bifurcate is granted.

DEFENDANT'S MOTION FOR SUMMARY JUDGMENT

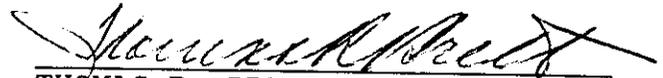
Lastly, the Defendant has moved for summary judgment on the Plaintiffs' fraud claim asserting that the Plaintiffs have not sufficiently proven each of the nine elements of fraud required under Arizona law. Plaintiffs have responded to the motion for summary judgment on the fraud claim and argue that summary judgment is inappropriate. In opposing the motion for summary judgment the Plaintiffs rely on a recent preliminary opinion rendered by metallurgist Dr. Paul F. Packman. Although preliminary, the opinion, at least for the meantime, creates fact questions which would preclude summary judgment. The Court in the interest of fairness will defer ruling on Defendant's motion for summary judgment until the Defendant has been given a reasonable time to take the deposition of Dr. Packman and file supplemental briefs. In this regard, the Defendant is entitled to receive Dr. Packman's final analysis before formulating its response. It is the Court's desire that the deposition of Dr. Packman, submission of his final report, and the supplemental briefs could be completed before the September 15, 1988 pretrial conference previously set.

For the reasons set forth above, the Defendant's motion to dismiss the Plaintiffs' warranty claims are converted to summary judgment motions and granted. Plaintiffs' motion for partial summary judgment on the punitive damage claim is granted.

Defendant's motion for bifurcation is granted. Defendant's motion for summary judgment on the fraud claim is deferred to allow for further discovery according to the following schedule:

- 1) Deposition of Dr. Paul F. Packman to be taken on or before August 25, 1988;
- 2) Supplemental Brief of Defendant to be filed by September 1, 1988;
- 3) Response of Plaintiff to be filed by September 7, 1988;
- 4) Reply due by September 14, 1988;
- 5) Pretrial conference and hearing on motions is set for September 15, 1988, at 9:15 A.M.

IT IS SO ORDERED this 10th day of August, 1988.



THOMAS R. BRETT
UNITED STATES DISTRICT JUDGE

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

F I L E D

AUG 10 1988

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

FIRST FEDERAL SAVINGS AND LOAN)
ASSOCIATION, Davenport, Iowa,)
et al.,)
)
Plaintiffs,)
)
v.)
)
J. W. HOYT & ASSOCIATES,)
et al.,)
)
Defendants.)

CIV. No. 86-C-1013-E

**ORDER OF DISMISSAL WITH
PREJUDICE AS TO J. W. HOYT**

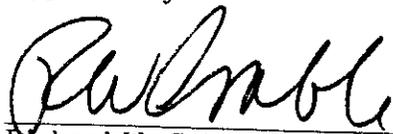
The Plaintiffs' Application for approval of their dismissal with prejudice as to J. W. Hoyt & Associates is hereby approved. All claims by Plaintiffs against J. W. Hoyt & Associates are hereby dismissed with prejudice. The parties are to bear their own costs and attorney fees.

Dated this ____ day of August, 1988.

S/ JAMES O. ELLISON

The Honorable James O. Ellison
United States District Judge

Approved by:



Richard W. Gable
Attorney for Defendant
GABLE & GOTWALS
2000 Fourth National Bank Bldg.
Tulsa, Oklahoma 74119
(918) 582-9201

Charles A. Grissom, Jr.
Charles A. Grissom, Jr.
Attorney for Plaintiffs
BOESCHE, McDERMOTT & ESKRIDGE
800 ONEOK Plaza, 100 West 5th Street
Tulsa, Oklahoma 74103
(918) 583-1777

KLW/tmm

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

FILED

AUG 10 1988

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

WILLIAM H. LITTLE
and DORA S. LITTLE,

Plaintiffs,

vs.

FIBREBOARD CORPORATION,
OWENS-CORNING FIBERGLASS
CORPORATION, EAGLE-PICHER
INDUSTRIES, INC., PITTSBURGH-
CORNING CORPORATION, CELOTEX
CORPORATION, GAF CORPORATION,
KEENE CORPORATION, COMBUSTION
ENGINEERING, INC., OWENS-ILLINOIS
INC., RAYMARK INDUSTRIES, INC.,
H. K. PORTER COMPANY, GARLOCK,
INC., ARMSTRONG CORK COMPANY,
FLEXITALLIC GASKET COMPANY, INC.,
FLINTKOTE COMPANY and JOHN CRANE-
HOUDAILLE, INC.,

Defendants.

Case No. 88-C-303-E ✓

ORDER OF DISMISSAL

Upon the application for the plaintiff and for good
cause shown, this action is dismissed without prejudice against John
Crane Houdaille, Inc.

UNITED STATES DISTRICT JUDGE

10

KLW/tmm

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

PERRY W. FRAKES)
and DONNA R. FRAKES,)
)
Plaintiffs,)

vs.)

FIBREBOARD CORPORATION,)
OWENS-CORNING FIBERGLASS)
CORPORATION, EAGLE-PICHER)
INDUSTRIES, INC., PITTSBURGH-)
CORNING CORPORATION, CELOTEX)
CORPORATION, GAF CORPORATION,)
KEENE CORPORATION, COMBUSTION)
ENGINEERING, INC., OWENS-ILLINOIS)
INC., RAYMARK INDUSTRIES, INC.,)
H. K. PORTER COMPANY, GARLOCK,)
INC., ARMSTRONG CORK COMPANY,)
FLEXITALLIC GASKET COMPANY, INC.,)
FLINTKOTE COMPANY and JOHN CRANE-)
HOUDAILLE, INC.,)

Defendants.)

FILED
AUG 10 1988 §
Jack C. Silver, Clerk
U.S. DISTRICT COURT

Case No. 88-C-299-E

ORDER OF DISMISSAL

Upon the application for the plaintiff and for good
cause shown, this action is dismissed without prejudice against John
Crane Houdaille, Inc.

UNITED STATES DISTRICT JUDGE

10

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

FILED

AUG 10 1988

IMAGE DEVICES INTERNATIONAL, INC.,)
)
Plaintiff,)
)
v.)
)
JACK W. KELLEY, d/b/a, INA FILMS,)
INC., and INSTITUTE OF NAUTICAL)
ARCHAEOLOGY,)
)
Defendants.)

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

Case No. 87-C-435-E

DISMISSAL WITH PREJUDICE

COMES NOW the Plaintiff, Image Devices International, and
hereby dismisses the above cause with prejudice.

Dated this 9th day of August, 1988.

Sandra F. Rodolf
Sandra F. Rodolf
BARKLEY, RODOLF, SILVA,
McCARTHY & RODOLF
100 West Fifth Street
Suite 410
Tulsa, Oklahoma 74103
(918) 599-9991

ATTORNEY FOR PLAINTIFF

CERTIFICATE OF MAILING

I hereby certify that a true and correct copy of the above
and foregoing was deposited in the U.S. Mails, properly addressed
and postage prepaid, this 9th day of August, 1988, to:

Mr. Roy Hinkle
1515 East 71st Street
Suite 307
Tulsa, Oklahoma 74136

Sandra F. Rodolf

KLW/tmm

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

CHARLEY JOE PREWITT
and JOYCE PREWITT,

Plaintiffs,

vs.

FIBREBOARD CORPORATION,
OWENS-CORNING FIBERGLASS
CORPORATION, EAGLE-PICHER
INDUSTRIES, INC., PITTSBURGH-
CORNING CORPORATION, CELOTEX
CORPORATION, GAF CORPORATION,
KEENE CORPORATION, COMBUSTION
ENGINEERING, INC., OWENS-ILLINOIS
INC., RAYMARK INDUSTRIES, INC.,
H. K. PORTER COMPANY, GARLOCK,
INC., ARMSTRONG CORK COMPANY,
FLEXITALLIC GASKET COMPANY, INC.,
FLINTKOTE COMPANY and JOHN CRANE-
HOUDAILLE, INC.,

Defendants.

FILED

AUG 10 1988

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

Case No. 88-C-386-E ✓

ORDER OF DISMISSAL

Upon the application for the plaintiff and for good
cause shown, this action is dismissed without prejudice against John
Crane Houdaille, Inc.


UNITED STATES DISTRICT JUDGE

KLW/tmm

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

F I L E D

AUG 10 1988

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

JACK LEE ROY RUSSELL)
and PAULINE MARTHA LOU RUSSELL,)
)
Plaintiffs,)

vs.)

FIBREBOARD CORPORATION,)
OWENS-CORNING FIBERGLASS)
CORPORATION, EAGLE-PICHER)
INDUSTRIES, INC., PITTSBURGH-)
CORNING CORPORATION, CELOTEX)
CORPORATION, GAF CORPORATION,)
KEENE CORPORATION, COMBUSTION)
ENGINEERING, INC., OWENS-ILLINOIS)
INC., RAYMARK INDUSTRIES, INC.,)
H. K. PORTER COMPANY, GARLOCK,)
INC., ARMSTRONG CORK COMPANY,)
FLEXITALLIC GASKET COMPANY, INC.,)
FLINTKOTE COMPANY and JOHN CRANE-)
HOUDAILLE, INC.,)
)
Defendants.)

Case No. 88-C-219-E ✓

ORDER OF DISMISSAL

Upon the application for the plaintiff and for good
cause shown, this action is dismissed without prejudice against John
Crane Houdaille, Inc.


UNITED STATES DISTRICT JUDGE

52

KLW/tmm

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

FILED

AUG 10 1988 8

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

WILLIAM FLOYD ROMINE)
and NOMA JEAN ROMINE,)
)
Plaintiffs,)

vs.)

FIBREBOARD CORPORATION,)
OWENS-CORNING FIBERGLASS)
CORPORATION, EAGLE-PICHER)
INDUSTRIES, INC., PITTSBURGH-)
CORNING CORPORATION, CELOTEX)
CORPORATION, GAF CORPORATION,)
KEENE CORPORATION, COMBUSTION)
ENGINEERING, INC., OWENS-ILLINOIS)
INC., RAYMARK INDUSTRIES, INC.,)
H. K. PORTER COMPANY, GARLOCK,)
INC., ARMSTRONG CORK COMPANY,)
FLEXITALLIC GASKET COMPANY, INC.,)
FLINTKOTE COMPANY and JOHN CRANE-)
HOUDAILLE, INC.,)

Defendants.)

Case No. CA-88-C-107E ✓

ORDER OF DISMISSAL

Upon the application for the plaintiff and for good
cause shown, this action is dismissed without prejudice against John
Crane Houdaille, Inc.


UNITED STATES DISTRICT JUDGE

KLW/tmm

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

RAYMOND FLOYD GOURLEY)
and WILLIE VERNICE GOURLEY,)
)
Plaintiffs,)

vs.)

FIBREBOARD CORPORATION,)
OWENS-CORNING FIBERGLASS)
CORPORATION, EAGLE-PICHER)
INDUSTRIES, INC., PITTSBURGH-)
CORNING CORPORATION, CELOTEX)
CORPORATION, GAF CORPORATION,)
KEENE CORPORATION, COMBUSTION)
ENGINEERING, INC., OWENS-ILLINOIS)
INC., RAYMARK INDUSTRIES, INC.,)
H. K. PORTER COMPANY, GARLOCK,)
INC., ARMSTRONG CORK COMPANY,)
FLEXITALLIC GASKET COMPANY, INC.,)
FLINTKOTE COMPANY and JOHN CRANE-)
HOUDAILLE, INC.,)
)
Defendants.)

FILED

AUG 10 1988

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

Case No. 388-C-137E ✓

ORDER OF DISMISSAL

Upon the application for the plaintiff and for good
cause shown, this action is dismissed without prejudice against John
Crane Houdaille, Inc.


UNITED STATES DISTRICT JUDGE

20

KLW/tmm

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

DAVID FRANKLIN SMITH
and RACHEL ROBERTA SMITH,

Plaintiffs,

vs.

FIBREBOARD CORPORATION,
OWENS-CORNING FIBERGLASS
CORPORATION, EAGLE-PICHER
INDUSTRIES, INC., PITTSBURGH-
CORNING CORPORATION, CELOTEX
CORPORATION, GAF CORPORATION,
KEENE CORPORATION, COMBUSTION
ENGINEERING, INC., OWENS-ILLINOIS
INC., RAYMARK INDUSTRIES, INC.,
H. K. PORTER COMPANY, GARLOCK,
INC., ARMSTRONG CORK COMPANY,
FLEXITALLIC GASKET COMPANY, INC.,
FLINTKOTE COMPANY and JOHN CRANE-
HOUDAILLE, INC.,

Defendants.

FILED

AUG 10 1988

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

Case No. 88-C-135-E

ORDER OF DISMISSAL

Upon the application for the plaintiff and for good
cause shown, this action is dismissed without prejudice against John
Crane Houdaille, Inc.


UNITED STATES DISTRICT JUDGE

19

KLW/tmm

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

FILED

AUG 10 1988

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

HOWARD E. CHAMBERLAIN
and JANICE M. CHAMBERLAIN,

Plaintiffs,

vs.

FIBREBOARD CORPORATION,
OWENS-CORNING FIBERGLASS
CORPORATION, EAGLE-PICHER
INDUSTRIES, INC., PITTSBURGH-
CORNING CORPORATION, CELOTEX
CORPORATION, GAF CORPORATION,
KEENE CORPORATION, COMBUSTION
ENGINEERING, INC., OWENS-ILLINOIS
INC., RAYMARK INDUSTRIES, INC.,
H. K. PORTER COMPANY, GARLOCK,
INC., ARMSTRONG CORK COMPANY,
FLEXITALLIC GASKET COMPANY, INC.,
FLINTKOTE COMPANY and JOHN CRANE-
HOUDAILLE, INC.,

Defendants.

Case No. CA-88-C-133E ✓

ORDER OF DISMISSAL

Upon the application for the plaintiff and for good
cause shown, this action is dismissed without prejudice against John
Crane Houdaille, Inc.


UNITED STATES DISTRICT JUDGE

KLW/tmm

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

FILED
AUG 10 1988

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

CHESTER OSBORN
and GLADYS LOUISE OSBORN,

Plaintiffs,

vs.

FIBREBOARD CORPORATION,
OWENS-CORNING FIBERGLASS
CORPORATION, EAGLE-PICHER
INDUSTRIES, INC., PITTSBURGH-
CORNING CORPORATION, CELOTEX
CORPORATION, GAF CORPORATION,
KEENE CORPORATION, COMBUSTION
ENGINEERING, INC., OWENS-ILLINOIS
INC., RAYMARK INDUSTRIES, INC.,
H. K. PORTER COMPANY, GARLOCK,
INC., ARMSTRONG CORK COMPANY,
FLEXITALLIC GASKET COMPANY, INC.,
FLINTKOTE COMPANY and JOHN CRANE-
HOUDAILLE, INC.,

Defendants.

Case No. CA-88-C-105E ✓

ORDER OF DISMISSAL

Upon the application for the plaintiff and for good
cause shown, this action is dismissed without prejudice against John
Crane Houdaille, Inc.


UNITED STATES DISTRICT JUDGE

KLW/tmm

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

FILED

AUG 10 1988

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

LEONARD DEWAINÉ CULP
BARBARA JEAN CULP,

Plaintiffs,

vs.

FIBREBOARD CORPORATION,
OWENS-CORNING FIBERGLASS
CORPORATION, EAGLE-PICHER
INDUSTRIES, INC., PITTSBURGH-
CORNING CORPORATION, CELOTEX
CORPORATION, GAF CORPORATION,
KEENE CORPORATION, COMBUSTION
ENGINEERING, INC., OWENS-ILLINOIS
INC., RAYMARK INDUSTRIES, INC.,
H. K. PORTER COMPANY, GARLOCK,
INC., ARMSTRONG CORK COMPANY,
FLEXITALLIC GASKET COMPANY, INC.,
FLINTKOTE COMPANY and JOHN CRANE-
HOUDAILLE, INC.,

Defendants.

Case No. 88-C-212-E

ORDER OF DISMISSAL

Upon the application for the plaintiff and for good
cause shown, this action is dismissed without prejudice against John
Crane Houdaille, Inc.


UNITED STATES DISTRICT JUDGE

KLW/tmm

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

LEONARD AUSTIN BALLENGER)
 and NORMA LEE BALLENGER,)
)
 Plaintiffs,)
)
 vs.)
)
 FIBREBOARD CORPORATION,)
 OWENS-CORNING FIBERGLASS)
 CORPORATION, EAGLE-PICHER)
 INDUSTRIES, INC., PITTSBURGH-)
 CORNING CORPORATION, CELOTEX)
 CORPORATION, GAF CORPORATION,)
 KEENE CORPORATION, COMBUSTION)
 ENGINEERING, INC., OWENS-ILLINOIS)
 INC., RAYMARK INDUSTRIES, INC.,)
 H. K. PORTER COMPANY, GARLOCK,)
 INC., ARMSTRONG CORK COMPANY,)
 FLEXITALLIC GASKET COMPANY, INC.,)
 FLINTKOTE COMPANY and JOHN CRANE-)
 HOUDAILLE, INC.,)
)
 Defendants.)

FILED

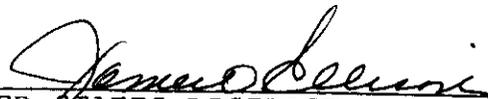
AUG 10 1988 8

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

Case No. 88-C-209-E ✓

ORDER OF DISMISSAL

Upon the application for the plaintiff and for good cause shown, this action is dismissed without prejudice against John Crane Houdaille, Inc.


 UNITED STATES DISTRICT JUDGE

3

KLW/tmm

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

ROBERT EUGENE SMYERS)
and HELEN M. SMYERS,)
)
Plaintiffs,)

vs.)

FIBREBOARD CORPORATION,)
OWENS-CORNING FIBERGLASS)
CORPORATION, EAGLE-PICHER)
INDUSTRIES, INC., PITTSBURGH-)
CORNING CORPORATION, CELOTEX)
CORPORATION, GAF CORPORATION,)
KEENE CORPORATION, COMBUSTION)
ENGINEERING, INC., OWENS-ILLINOIS)
INC., RAYMARK INDUSTRIES, INC.,)
H. K. PORTER COMPANY, GARLOCK,)
INC., ARMSTRONG CORK COMPANY,)
FLEXITALLIC GASKET COMPANY, INC.,)
FLINTKOTE COMPANY and JOHN CRANE-)
HOUDAILLE, INC.,)

Defendants.)

FILED

AUG 10 1988

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

Case No. 88-C-91-E ✓

ORDER OF DISMISSAL

Upon the application for the plaintiff and for good
cause shown, this action is dismissed without prejudice against John
Crane Houdaille, Inc.


UNITED STATES DISTRICT JUDGE

F I L E D

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

AUG 10 1988

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

MARGARET WICK,)	
)	
Plaintiff,)	
)	
vs.)	No. 86-C-638-E
)	
HARRY RICH, et al.,)	
)	
Defendants.)	

O R D E R

Now before the Court for its consideration are the objections of the Plaintiff, Margaret Wick, and Defendant Harry Rich ("Rich") to the Amended Findings and Recommendation of the United States Magistrate on the motion to dismiss and for more definite statement brought by Defendants Tom Griggs ("Griggs") and Opal Manufacturing Inc. ("New Opal"). Plaintiff objects to the Magistrate's recommendation that Griggs and New Opal be dismissed from this action for lack of in personam jurisdiction over those two Defendants. Rich's objection is directed to a footnote in the Magistrate's Recommendation which reiterated this Court's finding of in personam jurisdiction over Rich. Because these two parties' objections address separate, although related matters, the Court will deal first with Plaintiff's objection and then with Rich's objection.

The relevant facts in this action must be gleaned from an examination of the parties' various pleadings and affidavits filed thus far. Plaintiff alleges that the Defendants conspired to

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defraud her of commissions she earned under a 1982 agreement between the Plaintiff and Defendant Opal Manufacturing Company, Limited ("Old Opal"). Under that agreement, Plaintiff was to obtain contracts in the United States for the distribution of coin-operated postage vending machines manufactured by Old Opal, a Canadian corporation. Defendants Rich and Muller were then the principal officers of Old Opal. In 1984, Old Opal's assets were sold to a newly-created company, Defendant New Opal, with Old Opal retaining royalties on the sale of those assets. Defendants Cox and Griggs are 50% shareholders in New Opal and were guarantors of New Opal's obligations under the sale agreement with Old Opal. Plaintiff's 1982 agreement with Old Opal was not included in the transfer of obligations to New Opal, and Plaintiff alleges the sale of Old Opal's assets to New Opal was made with the intention of depriving her of commissions due her after the sale of assets.

Plaintiff's Objections

In his Findings and Recommendation, the Magistrate premised his recommendation that Griggs and New Opal be dismissed from this action for lack of in personam jurisdiction on four particular findings. First, the Magistrate found that Griggs had no contacts with Oklahoma upon which in personam jurisdiction could be predicated. Second, he found that no overt act in furtherance of the alleged conspiracy, by any alleged conspirator had been shown to have taken place in Oklahoma. Third, New Opal was found to not

have the requisite "minimum contacts" with Oklahoma for this Court to exercise jurisdiction over it; without an office, business, or obligations in Oklahoma, it could not be said that New Opal invoked the benefits and protection of Oklahoma's laws. Finally, the Magistrate found that New Opal's sale of postage vending machines which find their way in to Oklahoma in the stream of commerce did not confer jurisdiction over New Opal upon the Court, because New Opal did not intend to submit itself to such jurisdiction in Oklahoma.

Plaintiff challenges these findings in her objection, contending that the dismissal of Defendants Griggs and New Opal was the result of a "trial by affidavit" by the Magistrate. In reaction to that contention, the Court independently reviewed the Magistrate's treatment of the parties' affidavits in his findings to ensure that the proper standard was applied by the Magistrate in considering the affidavits filed thus far.

A court, when considering whether to exercise personal jurisdiction, may receive and weigh affidavits of the parties prior to a trial on the merits. O'Hare International Bank v. Hampton, 437 F.2d 1173, 1176 (7th Cir. 1971). While the Plaintiff bears the burden of establishing personal jurisdiction over the Defendant, when a motion to dismiss is to be decided on the basis of affidavits submitted by the parties, the Plaintiff is required to make only a prima facie case of jurisdiction. Behagen v. amateur Basketball Ass'n of U.S.A., 744 F.2d 731, 733 (10th Cir. 1984). The allegations of the complaint must be taken as true to the

extent they are uncontroverted by the Defendant's affidavits. Id. Should the parties' affidavits conflict upon facts bearing upon the issue of jurisdiction, the disputed facts are to be resolved in favor of the Plaintiff. Id.

With the above standards in mind, the Court reviewed the Magistrate's findings as well as the parties' pleadings and affidavits. The Court finds that the Magistrate did not err in his treatment of the affidavits, nor did he conduct a "trial by affidavit." Rather, it appears to the Court that plaintiff failed to present facts to contest the denials raised in Defendant Griggs' affidavit. For example, the Court notes that the Plaintiff presented no facts in her affidavit or elsewhere to support her allegations of conspiracy or to demonstrate the occurrence of an overt act that had taken place in Oklahoma in furtherance of the conspiracy. Had such facts been presented by the Plaintiff, a conflict between the Plaintiff's and Defendant Griggs' affidavits would have been raised, and, according to the above-cited law, the Court would have been compelled to resolve the conflict in favor of the Plaintiff. Instead, the Court has the denial of a conspiracy by Defendant Griggs on the one hand, and Plaintiff's unsupported allegations of a conspiracy on the other. No conflict in facts between the affidavits is present, as Griggs' denial of a conspiracy remains factually unchallenged by the Plaintiff's affidavit. Accordingly, Plaintiff has failed to make even a prima facie case of jurisdiction on her allegations of a conspiracy involving Griggs and New Opal.

Plaintiff's other criticisms of the Magistrate's findings are similarly unsupported by the applicable case law or by her failure to present facts in support of her allegations. Plaintiff contends that Griggs and New Opal had the requisite "minimum contacts" in that the Defendants were "aware" or "knew" that Plaintiff was an employee of Old Opal and resided in Oklahoma. Plaintiff argues that such "awareness" or "knowledge" allegedly possessed by the Defendants should have made it foreseeable that Oklahoma was a potential forum for litigation by the Plaintiff. Although Plaintiff has not shown any facts to support her imputation of "awareness" or "knowledge" to the Defendants, even if proved, these allegations would not suffice as "minimum contacts" upon which jurisdiction can be based. As noted by the United States Supreme Court, "foreseeability alone has never been a sufficient benchmark for personal jurisdiction under the Due Process Clause." World-Wide Volkswagen Corp. v. Woodson, 444 U.S. 286, 295 (1979). Other decisions by the Supreme Court have emphasized that a defendant's actions form the basis for imposing jurisdiction over that defendant. See Hanson v. Denkla, 357 U.S. 235 (1958) ("It is essential in each case there be some act by which the defendant purposefully avails itself of the privilege of conducting activities within the forum state ...") (emphasis added); Burger King Corp. v. Rudzewicz, 471 U.S. 462 (1984) ("Jurisdiction is proper ... where the contacts proximately result from actions by the defendant himself that create a 'substantial connection' with the forum state.") (emphasis added). Plaintiff has neither alleged

nor proved any action on the part of Defendants Griggs or New Opal which would demonstrate a purposeful and "substantial connection" with Oklahoma. The mere possession of an "awareness" or "knowledge", without some accompanying act on the part of the Defendant, cannot be equated to the purposeful establishment of a contact with the forum state for jurisdictional purposes.

Plaintiff contends that New Opal manufactures postage vending machines which are used at the United States Postal Training Center, located at Norman, Oklahoma. Plaintiff argues that New Opal places its machines in the stream of commerce, some of which eventually are used at the center in Norman for training purposes. According to the Plaintiff, New Opal thus has established a relationship with Oklahoma that qualifies as a "minimum contact" for jurisdictional purposes. Although the Magistrate rejected Plaintiff's stream of commerce theory as to all of New Opal's machines, he did not address with particularity Plaintiff's allegation of New Opal's contact with Oklahoma through the use of its machines at the U.S. Postal Training Center in Norman, Oklahoma. Having carefully reviewed the pertinent case law, the Court is not persuaded that New Opal's awareness that its machines are used in Norman, Oklahoma at the postal Training Center is a contact of a sufficient quality and nature upon which jurisdiction can be justified. The Supreme Court has recently stated that "a defendant's awareness that the stream of commerce may or will sweep the product into the forum state does not convert the mere act of placing the product into the stream of commerce into an act

purposefully directed toward Oklahoma by New Opal. Rather, it is the unilateral act of the Postal Service in placing those machines in its Training Center in Norman, Oklahoma, and not any effort by New Opal, that brings those machines into the forum state. See Helicopteros Nacionales de Columbia v. Hall, 466 U.S. 408 (1983) ("unilateral activity of another party or a third person is not an appropriate consideration when determining whether a defendant has sufficient contacts with a forum state to justify an assertion of jurisdiction."); World-Wide Volkswagen Corp. v. Woodson, 444 U.S. 286 (1980) (rejecting argument that chattel's presence in the forum state provides grounds for exercise of jurisdiction in that every "seller of chattels would in effect appoint the chattel his agent for service of process [and][the seller's] amenability to suit would travel with the chattel.")

In summary, then, after an independent review of the Magistrate's findings, Plaintiff's objections thereto, the parties' pleadings and affidavits, as well as the applicable case law, the Court concurs in and adopts the recommendation of the Magistrate, and finds that the Motion to Dismiss of Defendants Tom Griggs and Opal Manufacturing, Inc. should be granted.

Defendant Rich's Objection

In the second footnote of the Magistrate's Amended Findings and Recommendation, the Magistrate noted as follows:

2 The alleged conspiracy was never specifically denied in any affidavit of

Defendants Old Opal, Rich (the Secretary-Treasurer of Old Opal) or Muller (the President of Old Opal). The affidavit of Margaret Wick has presented prima facie proof that Rich and Muller committed acts on behalf of Old Opal, with the State of Oklahoma in 1981 and 1982 which constitute sufficient minimum contacts with the State of Oklahoma to establish general jurisdiction over Old Opal. However, these acts took place well before 1984, when Wick alleges the formation of the conspiracy to defraud.

Therefore, Rich is subject to the jurisdiction of the Oklahoma court because (1) Oklahoma has general jurisdiction of Old Opal, (2) Rich was a principal officer of Old Opal, (3) Wegerer permits Oklahoma to exercise jurisdiction over principal officers of Old Opal who were engaged in a conspiracy to defraud an Oklahoma citizen which is established by prima facie evidence, and (4) the alleged conspiracy must be deemed so established because Rich has never denied the existence of the conspiracy as set out in the allegations of the complaint.

In addition, the affidavit of Margaret Wick establishes an independent ground for the exercise of jurisdiction over Rich, due to his substantial personal contacts with the State of Oklahoma. See Wick deposition [Affidavit], paragraphs 3 and 5 (pleading #36).

Rich objects to the Magistrate's conclusion that the "alleged conspiracy must be deemed so established because Rich has never denied the existence of the conspiracy as set out in the allegations of the complaint." The Court agrees with Rich that a denial of the conspiracy's existence was made in his Answer and Counterclaim to Plaintiff's Second Amended Complaint, which was filed on October 1, 1987. In addition, Rich filed a second affidavit on April 20, 1988 in which he expressly denies conspiring to defraud the Plaintiff. In the face of these denials of a

conspiracy, and in the course of reviewing the Magistrate's findings, the Court must reconsider its previous rulings subjecting Rich to the jurisdiction of this Court.

As noted by the Magistrate, two Tenth Circuit decisions indicate that a plaintiff seeking to impose jurisdiction over non-resident defendants by allegations of a conspiracy must present a prima facie factual showing of a conspiracy. See Balderidge v. McPike, Inc., 466 F.2d 65 (10th Cir. 1972) ("Mere allegation of conspiracy, without some sort of prima facie factual showing of a conspiracy, cannot be the basis of personal jurisdiction of co-conspirators outside the territorial limits of the court."); American Land v. Bonaventura Uitgevers Maatshappij, 710 F.2d 1449 (10th Cir. 1983). Having carefully scrutinized all of Rich's and Plaintiff's pleadings and affidavits, the Court finds that Plaintiff has not controverted Rich's denial of a conspiracy to defraud, as her pleadings and affidavits contain only allegations and self-serving conclusions, rather than facts to prove the existence of a conspiracy. Conclusory statements are insufficient to sustain the Plaintiff's burden of proof in establishing jurisdiction over Rich by means of his participation in the alleged conspiracy. See Ten Mile Industrial Park v. Western Plains Service, 810 F.2d 1518, 1524 (10th Cir. 1987).

The Magistrate noted that the Plaintiff has presented circumstantial evidence "tending to prove" Plaintiff's allegations of conspiracy, but also found that "no overt act in furtherance of that conspiracy by any alleged conspirator has been shown to have

taken place in Oklahoma." This Court similarly found no overt acts by Defendant John Cox had been shown to have taken place in Oklahoma in dismissing Cox as a Defendant in this action. In contrast to the situation in Wegerer, where the evidence established the commission of a number of overt acts in the forum state in furtherance of the conspiracy there, the Plaintiff here has not presented any fact which demonstrated an overt act in Oklahoma to connect Rich to the alleged conspiracy. Having considered the affidavits in the light most favorable to the Plaintiff, the Court nevertheless finds that Plaintiff has not made a prima facie case of a conspiracy involving Rich, by which this Court can impose its jurisdiction over him under the Wegerer decision.

Rich also objects to the Magistrate's conclusion in footnote 2 that "independent" grounds exist justifying the exercise of jurisdiction over Rich because of his "substantial personal contacts" with Oklahoma. In support of this conclusion, the Magistrate cited two paragraphs from Plaintiff's December 5, 1986 affidavit. Those paragraphs essentially recite the following contacts between Rich and the State of Oklahoma:

- Rich made "numerous" trips to Norman, Oklahoma for training purposes at the U.S. Postal Training Center there; specifically Plaintiff only notes two such trips, made by Rich in 1981 and 1982;
- Rich directed personal and professional telephone calls and correspondence to the Plaintiff in Oklahoma;
- Rich visited his son and daughter-in-law (Plaintiff's daughter) in Tulsa, Oklahoma on several occasions.

In finding these contacts to be "substantial" and in holding Rich to be subject to jurisdiction in Oklahoma, the Magistrate apparently did not distinguish which of the above actions allegedly taken by Rich were performed in his capacity as a corporate officer, and which were taken for Rich's personal benefit. Under Oklahoma law, "[t]he individual [officer] and [the] corporation are two distinct legal entities that are separate and apart ..." and that "distinction should not be ignored unless there is a design or scheme to perpetuate a fraud." Hulme v. Springfield Life Ins. Co., 565 P.2d 666, 670 (Okla. 1977). In considering Oklahoma law, the Tenth Circuit has stated:

A corporation is an entity entirely separate from the persons who organize and compose it, but it has its limitations. Such separate identity may, in a proper case, be cast aside and disregarded if it appears that the corporation is merely the business conduit through which an individual does business and to recognize the separate entity of the corporation would bring about a fraud upon third parties.

Warner Bros. Theatres v. Cooper Foundation, 189 F.2d 825, 830 (10th Cir. 1951).

Although Plaintiff invites the Court to pierce Old Opal's corporate veil and treat Rich as the alter ego of that corporation, Plaintiff has not provided any facts which would permit the Court to treat Rich's acts taken in his corporate officer capacity as those taken for Rich's personal benefit. Nothing before this Court thus far suggests facts by which Rich could be deemed an alter ego of Old Opal. While fraud is the basis for the Plaintiff's action

against the Defendants, thus far she had made only vague allegations concerning that fraud.¹ The Court cannot undertake an extraordinary measure of piercing a corporate veil upon such insubstantial evidence, if any, of fraud, as Plaintiff has thus far presented.

In addition, Rich, in his affidavits filed on October 16, 1986 and April 20, 1988, stated that he acted in his corporate capacity during the three trips he made to Oklahoma on behalf of Old Opal. Likewise, Rich stated that "all of my dealings with the Plaintiff," including the correspondence and telephone calls directed to the Plaintiff in Oklahoma were made while acting in his corporate capacity, while acting for and on behalf of Old Opal. See Affidavit of Harry Rich, paragraphs 3 and 4, filed October 16, 1986; affidavit of Harry Rich in support of objections to amended findings and recommendations of United States Magistrate, paragraph 20, filed April 20, 1988. These denials by Rich's affidavits have not been controverted by Plaintiff. The Court thus declines to pierce the corporate veil as urged by the Plaintiff and thereby assign personal liability to Rich for actions taken in his

¹In his initial Findings and Recommendation, filed on January 26, 1988, the Magistrate found that Plaintiff's Second Amended Complaint failed to meet the requirements of Fed.R.Civ.P. 9(b), by not stating "the circumstances constituting fraud or mistake" with particularity. The Magistrate ordered the Plaintiff to amend her complaint within twenty days to "show the necessary elements of a fraud cause of action." This order was not repeated in the Magistrate's Amended Findings and Recommendation. As reflected thus far in the pleadings, Plaintiff has yet to file an amended complaint, complying with the Magistrate's Order. The Court concurs in the Magistrate's finding that Plaintiff's Second Amended Complaint failed to meet the requirements of Fed.R.Civ.P. 9(b).

corporate officer capacity which were directed toward Oklahoma.

Thus, actions by Rich in his corporate capacity for Old Opal concerning or directed towards the Plaintiff and Oklahoma must be examined separately from those alleged to have been taken personally by Rich in Oklahoma. In Wilshire Oil Company of Texas v. Riffe, 409 F.2d 1277 (10th Cir. 1969), the Tenth Circuit noted that:

It has been held that while a foreign corporation is amenable to service when it transacts business through agents operating in the forums state, unless the agents transact business on their own account and not on behalf of the corporation, the agents are not engaged in business so as to sustain an application of the long-arm statute to them as individuals.

Id. at 1281, n. 8. More recently, the Tenth Circuit has stated that "[j]urisdiction over the representative of a corporation may not be predicted on jurisdiction over the corporation itself, and jurisdiction over the individual officers and directors must be based on their individual contacts with the forums state." Ten Mile Indus. Park v. Western Plains Service, 810 F.2d 1518, 1527 (10th Cir. 1987). Rich's trips to Norman, Oklahoma for training purposes and the written and telephone communications he directed to Plaintiff in Oklahoma cannot serve as contacts for jurisdictional purposes against Rich personally, in that those trips and communications to Oklahoma were made by Rich while acting on behalf of Old Opal. Plaintiff has not presented facts which would lead this Court to believe that these trips and communications were undertaken by Rich for his personal business,

rather than on behalf of Old Opal, as stated by Rich in his affidavits.

Finally, the Court must consider whether the personal contacts that Rich is alleged to have with Oklahoma are sufficient to impose its jurisdiction over Rich. Plaintiff has alleged that Rich directed personal telephone calls and correspondence to her in Oklahoma, and that he has visited his son in Oklahoma "for purely social purposes during the period [from] 1978-1983" while his son lived in Tulsa. Rich has denied having any personal communications with the Plaintiff, stating that his dealings with her were strictly made on behalf of Old Opal. See Affidavit of Harry Rich, paragraphs 3 and 6, filed October 16, 1986.

As Plaintiff's cause of action does not purport to arise out of the alleged personal communications and visits Rich made to her and his son in Oklahoma, the Court assumes that the Magistrate meant that independent grounds existed for the Court's exercise of general, rather than specific jurisdiction over Rich. To assess whether general jurisdiction over Rich exists, the Court must determine whether Rich has contacts of a "continuous and systematic nature" with Oklahoma to support a reasonable exercise of jurisdiction. See Helicopteros Nacionales de Colombia v. Hall, 466 U.S. 408, 416 (1983).

In Holt Oil & Gas Corp. v. Harvey, 801 F.2d 773 (5th Cir. 1985), the Court there found the defendant's frequent trips into the forum state for personal and recreational purposes would not, by themselves, constitute the level of contacts which must exist

to find general jurisdiction over that defendant. Id. at ?? Likewise, in Laxalt v. McClatchy, 622 F.Supp. 737 (D. Nev. 1985), the Court found that the "few vacations and personal trips" that the individual Defendants made into the forums state did not "constitute the level of activities which must exist for general jurisdiction to lie." Id. at 742. The Court is similarly persuaded that Rich's personal trips to Oklahoma to visit his son are insufficient to support an exercise of general jurisdiction.

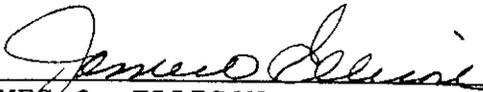
Faced with Rich's denial of personal telephone calls and written correspondence to her in Oklahoma, Plaintiff has not refuted that denial with any facts or evidence of personal communications from Rich to her in Oklahoma. Plaintiff's most recent affidavit shows no evidence of communications between Rich and Plaintiff that concerned anything other than her employment with Old Opal. Plaintiff has not provided any copies of the correspondence she alleges Rich sent to her in Oklahoma. As has been noted before, Plaintiff's allegations, without facts or evidence to create a factual conflict with Rich's denials, cannot make a prima facie case against Rich's motion to dismiss. The Court therefore finds that neither specific nor general jurisdiction may be exercised against Rich personally as a Defendant in this action. The Court declines to adopt that part of the Magistrate's Amended Findings and Recommendation which states that Rich is subject to the Court's jurisdiction. In light of the pleadings and affidavits now before it, and based upon its independent examination of the applicable case law, the Court now

finds that Plaintiff has not made a prima facie case for this Court's exercise of jurisdiction over Defendant Rich. Accordingly, the Court, sua sponte, vacates its previous Orders denying Defendant Rich's motion to dismiss. The Court hereby grants Defendant Harry Rich's motion to dismiss for lack of in personam jurisdiction, pursuant to Fed.R.civ.P. 12(b)(2).

In summary, then, the Court finds as follows:

1. that Defendants Tom Griggs' and Opal Manufacturing, Inc.'s Motion to Dismiss for lack of in personam jurisdiction over these Defendants should be granted;
2. that the Plaintiff, Margaret Wick, shall file an Amended Complaint within twenty days of the date of this Order, setting forth with particularity the circumstances constituting fraud on the part of the remaining Defendants as alleged in her Second Amended Complaint;
3. that the Court's previous Orders of July 2, 1987 and September 22, 1987 shall be vacated only insofar as those orders deny Defendant Harry Rich's motion to dismiss, and that the motion of Defendant Harry Rich to dismiss him as a Defendant in this action for lack of in personam jurisdiction over him shall be granted.

ORDERED this 10th day of August, 1988.



JAMES O. ELLISON
UNITED STATES DISTRICT JUDGE

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

KIM L. MASON,
Plaintiff,
v.
JACK FAULCONER, Deputy
Sheriff, Craig County,
Defendant.

87-C-265-B

FILED

NOV 2 1987

Jack C. Gilmer, Clerk

U. S. DISTRICT COURT

ORDER

Defendant's Motion to Dismiss plaintiff's civil rights action filed pursuant to 42 U.S.C. §1983 is now before the Court for determination. Plaintiff has alleged violations of his civil rights in that he was sprayed with mace twice during his incarceration. The same facts involved in this action, and the claims asserted, have been previously litigated in the District Court of Craig County, Oklahoma in Case No. C-86-157. Summary judgment was granted in favor of defendant in that case on November 26, 1986. No appeal was taken. Defendant's Motion to Dismiss the present civil rights action is based on the doctrine of res judicata.

The doctrines of res judicata and collateral estoppel provide that a judgment on the merits in a prior suit involving the same parties bars a second suit based on the same claims. Koch v. City of Hutchinson, 814 F.2d 1489 (10th Cir. 1987); Exhibitors Poster Exchange, Inc. v. Natl. Screen Service Corp., 421 F.2d 1313, 1316 (5th Cir. 1970).

Summary judgment is a final judgment on the merits and is sufficient to raise the defense of res judicata in a subsequent

action between the parties if summary judgment was properly entered in the first case. Hubicki v. ACF Industries, Inc., 484 F.2d 519, 524 (3rd Cir. 1973); Wight v. Montana Dakota Utilities, 299 F.2d 470 (9th Cir. 1962), cert. den., 371 U.S. 962, 83 S.Ct. 541, 9 L.Ed.2d 509 (1963). If summary judgment did not have a collateral estoppel effect, its utility would be nonexistent. Exhibitor's Poster Exchange v. Natl. Screen Service Corp., supra.

Plaintiff's present suit is based on the same claim as Craig County Case No. C-86-157, in which defendant was granted summary judgment. The Magistrate finds that summary judgment was properly entered in the first case. The pleadings, records, and interrogatories in the court records of Craig County Case No. C-86-157 do not show a substantial controversy as to any material fact.¹ Further, the facts do not suggest that there has been a violation of plaintiff's civil rights.²

¹ Summary judgment is a determination that "there is no genuine issue as to any material fact and that the moving party is entitled to a judgment as a matter of law." Fed.R.Civ.P. 56(c).

² The Supreme Court in Whitley v. Albers, 475 U.S. 312, 106 S.Ct. 1078, 89 L.Ed.2d 251, 261 (1986), held that "the infliction of pain in the course of a prison security measure ... does not amount to cruel and unusual punishment simply because it may appear in retrospect that the degree of force authorized or applied for security purposes was unreasonable." The Court pointed out that prison officials must take into account the threats which prison disturbances pose to inmates and officials, along with the possible harm to the inmate against which force might be used. Id. The standard to be applied where a prison security measure is undertaken to resolve a disturbance imposing risks to the safety of inmates and staff is whether the force was applied in a good faith effort to maintain or restore discipline or maliciously for the sole purpose of causing harm. Id.

It is therefore Ordered that defendant's Motion to Dismiss is sustained on the grounds that res judicata bars the present suit.

Dated this 9th day of August, 1988.


THOMAS R. BRETT
UNITED STATES DISTRICT JUDGE

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

UNITED STATES OF AMERICA,)
)
Plaintiff,)
)
-vs-)
)
LARRY C. HORTON,)
566984503)
)
Defendant,)

CIVIL NUMBER 88-C-732 E

FILED

AUG 9 1988

NOTICE OF DISMISSAL Jack C. Silver, Clerk
U.S. DISTRICT COURT

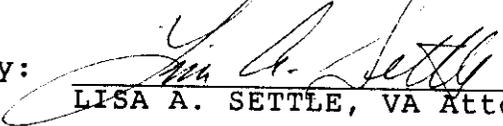
COMES NOW the Plaintiff, United States of America, by and through its attorney, Herbert N. Standeven, District Counsel, Veterans Administration, Muskogee, Oklahoma, and voluntarily dismisses said action without prejudice under the provisions of Rule 41(a)(1), Federal Rules of Civil Procedure.

Respectfully Submitted,

UNITED STATES OF AMERICA

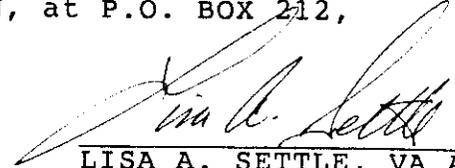
Herbert N. Standeven
District Counsel
Veterans Administration
125 South Main Street
Muskogee, OK 74401
Phone: (918) 687-2191

By:


LISA A. SETTLE, VA Attorney

CERTIFICATE OF MAILING

This is to certify that on the 8th day of August, 1988, a true and correct copy of the foregoing was mailed, postage prepaid thereon, to: LARRY C. HORTON, at P.O. BOX 212, MANNFORD, OK 74044.


LISA A. SETTLE, VA Attorney

The only defendants remaining in the action are ABC Corp., DEF Corporation, John Doe, and Simplimatic Engineering Company.

Jefferson D. Sellers, OBA #8066
JACK B. SELLERS LAW ASSOC., INC.
P.O. Box 730
Sapulpa, OK 74067

By: Jefferson D. Sellers
Attorney for Plaintiffs

J. A. Deaton, OBA #5938
RHODES, HIERONYMOUS, JONES,
TUCKER and GABLE
2800 Fourth Nat. Bank Building
Tulsa, OK 74119

By: J. A. Deaton
Attorney for Rapistan Corp.

James E. Green, Jr.
COMFORT, LIPE & GREEN, P.C.
401 South Boston Avenue
Tulsa, OK 74103

By: Frances J. Stanton
Attorney for Contran Conveyors
and Systems, Inc.

Ronald D. Wood
1346 E. 19th Street
Tulsa, OK 74120

By: Ronald D. Wood
Attorney for Alvey, Inc.

Mark Finnerty, OBA #2924
GOREE, KING, RUCKER & FINNERTY
Southern Oaks Office Park
7335 S. Lewis, Suite 306
Tulsa, OK 74136

By: Jack V. Free
Attorney for Simplimatic
Engineering Company

Daniel J. Hoehner, OBA #10852
KING, ROBERTS & BEELER
15 North Robinson, Suite 600
Oklahoma City, OK 73102

By: Daniel J. Hoehner
Attorney for Unex Conveying
Systems, Inc.

R. Hayden Downie
MAIN & DOWNIE LAW OFFICES
810 S. Cincinnati
Tulsa, OK 74119

By: R. Hayden Downie
Attorney for A&S Conveyors, Inc.

Joseph A. Sharp, OBA #8124
BEST, SHARP, SHERIDAN & STRITZKE
321 S. Boston, Suite 700
Tulsa, OK 74103

By: Joseph A. Sharp
Attorney for Uniflo
Conveyor, Inc.

Michael J. Gibbens, OBA #3339
JONES, GIVENS, GOTCHER, BOGAN &
HILBORNE
3800 First National Tower
Tulsa, OK 74103

By: Michael J. Gibbens
Attorney for Garvey Corporation

Elsie Draper, OBA #2482
GABLE & GOTWALS
2000 Fourth Nat. Bank Building
Tulsa, OK 74119

By: Elsie Draper
Attorney for Mathews
Conveyors Company

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

EDWARD S. SANDITEN and SANDRA)
SANDITEN HORNSTEIN,)

Plaintiffs,)

vs.)

No. 85-C-869-C ✓

SANDITEN INVESTMENT, LTD., an)
Oklahoma limited partnership;)
and IRVING S. FENSTER, LOUIS)
Z. FENSTER, DONALD M. MANN,)
GERALD S. RICHARDS, EDGAR R.)
SANDITEN, and WILFRED SANDITEN,)
All general partners of)
SANDITEN INVESTMENTS LTD.,)

Defendants.)

FILED

AUG 9 1988 A

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

ORDER OF DISMISSAL

NOW on this 8 day of August, 1988, upon consideration of the Plaintiff's Application for Order of Dismissal, the Court finds that the Plaintiffs' action should be dismissed with prejudice by reason of the parties' settlement of all claims relative to the allegations set forth in the Complaint.

IT IS THEREFORE ORDERED, ADJUDGED AND DECREED that the Plaintiffs' action shall be and is hereby dismissed with prejudice.

IT IS FURTHER ORDERED, ADJUDGED AND DECREED that each party shall pay their own respective attorneys fees and costs.


UNITED STATES DISTRICT JUDGE

Donald R. Bradford OBA #1041
BLACKSTOCK JOYCE POLLARD & MONTGOMERY
515 S. Main, Suite 300
Tulsa, Oklahoma 74103
(918) 585-2751
ATTORNEYS FOR PLAINTIFFS

Gene L. Mortensen
ROSENSTEIN, FIST & RINGOLD
525 S. Main Mall, Third Floor
Tulsa, Oklahoma 74103
ATTORNEYS FOR DEFENDANTS

DNMIS5/016

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

COSEC INTERNATIONAL, INC.

Plaintiff(s),

vs.

DEAN HILDEBRAND d/b/a CAROLINA
FURNITURE WAREHOUSE OUTLET

Defendant(s).

)
)
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)
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)

No. 87-C-648-C

FILED

AUG 9 1988

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

O R D E R

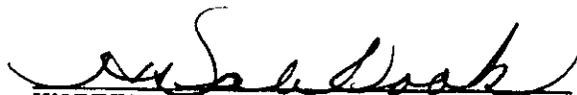
Rule 35(A) of the Rules of the United States District Court for the Northern District of Oklahoma provides as follows:

(a) In any case in which no action has been taken by the parties for six (6) months, it shall be the duty of the Clerk to mail notice thereof to counsel of record or to the parties, if their post office addresses are known. If such notice has been given and no action has been taken in the case within thirty (30) days of the date of the notice, an order of dismissal may in the Court's discretion be entered.

In the action herein, notice pursuant to Rule 36(a) was mailed to counsel of record or to the parties, at their last address of record with the Court, on May 9, 1988. No action has been taken in the case within thirty (30) days of the date of the notice.

Therefore, it is the Order of the Court that this action is in all respects dismissed.

Dated this 8 day of August, 1988.


UNITED STATES DISTRICT JUDGE
H. DALE COOK

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

FILED

FEDERAL DEPOSIT INSURANCE
CORPORATION,

Plaintiff,

vs.

AUXANO, INC., et al.

Defendant.

)
)
)
)
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)
)
)
)
)
)

Case No. 87-C-628-B

JUL 29 1988

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

ORDER

Upon the Plaintiff, the Federal Deposit Insurance Corporation's Application for Attorney's Fees against Defendants, Auxano, Inc. and Gary R. Mercer, the Court finds as follows:

1. That the FDIC timely filed its Application for Attorney's Fees pursuant to Rule 6(f) of the Rules of the United States District Court for the Northern District of Oklahoma on January 27, 1988 after judgment was entered against Auxano, Inc. and Gary R. Mercer.

2. That the contracts that were the subject of the actions against Auxano, Inc. and Gary R. Mercer provide for the award of attorney's fees.

3. That the Affidavit of Joel R. Hogue, attorney for the FDIC, reflects attorney's fees attributable to this matter in the amount of \$1,091.25.

4. That there being no objection to the Application, it is therefore ORDERED, ADJUDGED AND DECREED that the FDIC be awarded attorney's fees totaling \$1,091.25.

DATED this 26th day of July, 1988.

S/ THOMAS R. BRETT

JUDGE OF THE UNITED STATES
DISTRICT COURT

KLW/tmm

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

ROBERT L. ELLIS)
and JUANITA F. ELLIS,)
)
Plaintiffs,)

vs.)

FIBREBOARD CORPORATION,)
OWENS-CORNING FIBERGLASS)
CORPORATION, EAGLE-PICHER)
INDUSTRIES, INC., PITTSBURGH-)
CORNING CORPORATION, CELOTEX)
CORPORATION, GAF CORPORATION,)
KEENE CORPORATION, COMBUSTION)
ENGINEERING, INC., OWENS-ILLINOIS)
INC., RAYMARK INDUSTRIES, INC.,)
H. K. PORTER COMPANY, GARLOCK,)
INC., ARMSTRONG CORK COMPANY,)
FLEXITALLIC GASKET COMPANY, INC.,)
FLINTKOTE COMPANY and JOHN CRANE-)
HOUDAILLE, INC.,)

Defendants.)

FILED
AUG 8 1988

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

Case No. 88-C-496-C ✓

ORDER OF DISMISSAL

Upon the application for the plaintiff and for good
cause shown, this action is dismissed without prejudice against John
Crane Houdaille, Inc.


UNITED STATES DISTRICT JUDGE

KLW/tmm

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

ROY O. BURGESS and)
 ADALAIDE A. BURGESS,)
)
 Plaintiffs,)
)
 vs.)
)
 FIBREBOARD CORPORATION,)
 OWENS-CORNING FIBERGLASS)
 CORPORATION, EAGLE-PICHER)
 INDUSTRIES, INC., PITTSBURGH-)
 CORNING CORPORATION, CELOTEX)
 CORPORATION, GAF CORPORATION,)
 KEENE CORPORATION, COMBUSTION)
 ENGINEERING, INC., OWENS-ILLINOIS)
 INC., RAYMARK INDUSTRIES, INC.,)
 H. K. PORTER COMPANY, GARLOCK,)
 INC., ARMSTRONG CORK COMPANY,)
 FLEXITALLIC GASKET COMPANY, INC.,)
 FLINTKOTE COMPANY and JOHN CRANE)
 HOUDAILLE, INC.,)
)
 Defendants.)

FILED
AUG 8 1988 A

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

Case No. 87-C-404-C ✓

ORDER OF DISMISSAL

Upon the application for the plaintiff and for good
cause shown, this action is dismissed with prejudice against John
Crane Houdaille, Inc.

W. Dale Cook
UNITED STATES DISTRICT JUDGE

KLW

KLW/tmm

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

WILLIAM S. MCNATT
Plaintiff

vs.

FIBREBOARD CORPORATION,
OWENS-CORNING FIBERGLASS
CORPORATION, EAGLE-PICHER
INDUSTRIES, INC., PITTSBURGH-
CORNING CORPORATION, CELOTEX
CORPORATION, GAF CORPORATION,
KEENE CORPORATION, COMBUSTION
ENGINEERING, INC., OWENS-ILLINOIS
INC., RAYMARK INDUSTRIES, INC.,
H. K. PORTER COMPANY, GARLOCK,
INC., ARMSTRONG CORK COMPANY,
FLEXITALLIC GASKET COMPANY, INC.,
FLINTKOTE COMPANY and JOHN CRANE-
HOUDAILLE, INC.,

Defendants.

FILED
AUG 8 1988A

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

Case No. 88-C-493-C ✓

ORDER OF DISMISSAL

Upon the application for the plaintiff and for good
cause shown, this action is dismissed without prejudice against John
Crane Houdaille, Inc.

(Signature)
UNITED STATES DISTRICT JUDGE

KLW

KLW/tmm

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

MORRIS A. HOPKINS)
and DOROTHY HOPKINS,)
)
Plaintiffs,)

vs.)

FIBREBOARD CORPORATION,)
OWENS-CORNING FIBERGLASS)
CORPORATION, EAGLE-PICHER)
INDUSTRIES, INC., PITTSBURGH-)
CORNING CORPORATION, CELOTEX)
CORPORATION, GAF CORPORATION,)
KEENE CORPORATION, COMBUSTION)
ENGINEERING, INC., OWENS-ILLINOIS)
INC., RAYMARK INDUSTRIES, INC.,)
H. K. PORTER COMPANY, GARLOCK,)
INC., ARMSTRONG CORK COMPANY,)
FLEXITALLIC GASKET COMPANY, INC.,)
FLINTKOTE COMPANY and JOHN CRANE-)
HOUDAILLE, INC.,)

Defendants.)

FILED

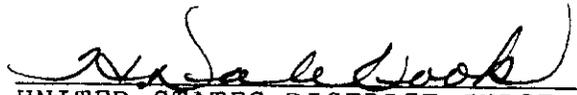
AUG 8 1988 A

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

Case No. 88-C-300-C ✓

ORDER OF DISMISSAL

Upon the application for the plaintiff and for good
cause shown, this action is dismissed without prejudice against John
Crane Houdaille, Inc.


UNITED STATES DISTRICT JUDGE

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

TULSA RETAIL ASSOCIATES LIMITED)
PARTNERSHIP, an Oklahoma limited)
partnership,)

Plaintiff,)

vs.)

No. 87-C-1016-C

J & B INVESTMENT COMPANY,)
an Oregon corporation, JAMES)
E. KUYKENDALL, individually,)
MADELINE L. KUYKENDALL,)
individually, VALTON E.)
KUYKENDALL, individually,)
and MARGARET KUYKENDALL,)
individually,)

Defendants.)

FILED

AUG 8 1988

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

ORDER OF DISMISSAL WITH PREJUDICE

On the Joint Motion of the plaintiff and the defendants, the parties having compromised and settled their claims, it is ORDERED, by the Court, that the Complaint herein and this action be and the same are hereby dismissed with prejudice to the bringing of another action upon the same claims for relief asserted herein.

Entered this 5 day of Aug, 1988.

(Signed) H. Dale Cook

CHIEF DISTRICT JUDGE

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

M. ELAINE MOORE,
Plaintiff,

vs.

FIRST INTERSTATE BANK OF CALIFORNIA)
a national banking corporation,)
STEVE LAWRENCE individually, and)
d/b/a TRANSAMERICA COLLECTIONS,)
MIKE DAVIS, and RENATE CARROLL,)
Defendants.)

NO: 88-C 259-C

F I L E D

AUG 8 1988

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

ORDER OF DISMISSAL

On this 5 day of ^{Aug}~~July~~ 1988, the above matter came on for hearing on Plaintiff's Motion to Dismiss. For good cause shown the Court finds, and

IT IS HEREBY ORDERED that the Plaintiff's action against the Defendants be and the same is hereby dismissed with prejudice, each party herein to bear their own costs incurred.

(Signed) H. Dale Cook

H. DALE COOK
UNITED STATES DISTRICT JUDGE

51W729A

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

LINDA PARTEN,)
)
Plaintiff,)
)
v.) No. 87-C-987-B
)
FORD MOTOR COMPANY, a Delaware)
corporation; UNITED AUTOMOBILE)
AEROSPACE AND AGRICULTURAL)
IMPLEMENT WORKERS OF AMERICA)
(UAW), LOCAL #1895; and JOE)
LUNDY,)
)
Defendants.)

FILED

AUG - 8 1988

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

J U D G M E N T

Pursuant to the Order Sustaining the Motions for Summary Judgment on Plaintiff's Title VII claim entered this date, Judgment is hereby entered in favor of Defendants, Ford Motor Company, a Delaware corporation, United Automobile, Aerospace and Agricultural Implement Workers of America (UAW), Local #1895, and JOE LUNDY, and against Plaintiff, Linda Parten, on the Title VII claim. The pendent state claims are dismissed without prejudice for want of subject matter jurisdiction.

The parties are directed to pay their own respective costs and attorney fees.

DATED this 8th day of August, 1988.


THOMAS R. BRETT
UNITED STATES DISTRICT JUDGE

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

LINDA PARTEN,

Plaintiff,

v.

FORD MOTOR COMPANY, a Delaware
corporation; UNITED AUTOMOBILE,
AEROSPACE AND AGRICULTURAL
IMPLEMENT WORKERS OF AMERICA
(UAW), LOCAL #1895; and JOE
LUNDY,

Defendants.

No. 87-C-987-B

F I L E D

AUG - 8 1988

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

O R D E R

This matter comes before the Court on Defendants' Motion for Summary Judgment, on Defendants' Motion to Strike, and on Defendants' motion under Local Rule 15(a) to enter summary judgment based on Plaintiff's failure to respond. Also before the Court is Plaintiff's request to have the pendent state claims remanded to the state court if the Court grants Defendants' Motion for Summary Judgment on Plaintiff's Title VII cause of action. Because this Court finds that the Motion for Summary Judgment on Plaintiff's Title VII claim should be granted on the merits, Defendants' other two motions are moot.

Plaintiff Linda Parten began working at Defendant Ford Motor Company glass plant in Tulsa, Oklahoma, and became a member of the Defendant United Automobile Aerospace and Agricultural Implement Workers of America (UAW) on January 29, 1979. On Friday, December 5, 1986, Plaintiff reported for work on the 11 P.M. to 7 A.M. shift at the plant. Plaintiff contends that during her shift and while

she was working, a co-worker, Defendant Lundy, came up behind her and grabbed and clinched her buttocks. Plaintiff shoved Defendant Lundy and immediately reported the incident to Supervisor Terry Kirkland. Defendant Lundy contends his touching was nothing more than a coach's pat to get Plaintiff's attention to move out of his way in the aisle. For the purpose of this analysis, the Plaintiff's description of the incident will be considered true. Plaintiff was told by supervisors that an investigation would be conducted and that proper discipline would follow.

In imposing discipline, management considered that Lundy had been an employee for thirteen years and had no previous disciplinary record. (Affidavit of Gene Hines, ¶15). Lundy was disciplined by management for improper conduct concerning a fellow employee with two weeks suspension without pay. However, one week of the suspension, Lundy was permitted to attend a job-related seminar away from the Ford plant. Plaintiff is now working in another division of the plant where she is not in close contact with Defendant Lundy.

Plaintiff herein alleges (1) sexual harassment in violation of Title VII of the Civil Rights Act of 1964, 42 U.S.C. §2000e, (2) assault and battery, and (3) intentional infliction of emotional distress; counts (2) and (3) are pendent claims.

Defendants have moved for summary judgment on Plaintiff's Title VII claim. Summary judgment pursuant to Fed.R.Civ.P. 56 is appropriate where "there is no genuine issue as to any material fact and that the moving party is entitled to judgment as a matter

of law." Where there is an absence of material issues of fact, then the movant is entitled to judgment as a matter of law. Celotex Corp. v. Catrett, 477 U.S. 317, 106 S.Ct. 2548, 91 L.Ed.2d 265, 274 (1986); Anderson v. Liberty Lobby, Inc., 477 U.S. 242, 106 S.Ct. 2505, 91 L.E.2d 202 (1986); Windon Third Oil and Gas v. Federal Deposit Insurance Corporation, 805 F.2d 342 (10th Cir. 1986); Commercial Iron & Metal Co. v. Bache & Co., Inc., 478 F.2d 39, 41 (10th Cir. 1973); and Ando v. Great Western Sugar Company, 475 F.2d 531, 535 (10th Cir. 1973).

"Title VII of the Civil Rights Act of 1964 makes it 'an unlawful employment practice for an employer ... to discriminate against any individual with respect to his compensation, terms, conditions, or privileges of employment, because of such individual's race, color, religion, sex, or national origin.' 42 U.S.C. §2000e-2(a)(1)." Meritor Savings Bank, FSB v. Vinson, 106 S.Ct. 2399 (1986). Although there may be many forms of sexual harassment, the courts seem to classify two categories: (1) harassment in which a supervisor demands sexual favors in exchange for job benefits (quid pro quo), and (2) harassment that creates an offensive environment. Katz v. Dole, 709 F.2d 251 (4th Cir. 1983); Henson v. City of Dundee, 682 F.2d 897 (11th Cir. 1982), and Meritor Savings Bank, FSB v. Vinson, *supra*.

Plaintiff contends that she falls within the second category because she was required to work in "an abusive environment." Plaintiff cites several references to depositions which reflects that she was visually exposed to certain co-workers, both male and

female, occasionally engaging in incidents of sex-related horse play such as: Fellow union employees, often on the instigation of particular female employees, would grab each other's crotches (James B. Redus deposition, p. 57; Linda Parten deposition, p. 154). A particular female would rub her breasts on male employees (Linda Parten deposition, p. 157). Employees would pantomime sexually suggestive acts. (James B. Redus deposition, p. 56; Linda Parten deposition, p. 157). The employees who participated in such conduct did so without complaint and Plaintiff made no complaint nor was she directly involved prior to the Lundy incident.

Occasional crude sex-related behavior which creates an unpleasant, if not disruptive work environment, does not necessarily constitute a violation of Title VII. The facts and circumstances of each case must be examined because the hostile work environment which creates a violation of Title VII must exist because of discrimination. Barnes v. Costle, 561 F.2d 983 (D.C.Cir. 1977); Meritor Savings Bank, FSB v. Vinson, supra. The harassment which creates the abusive environment must be for the purpose of singling out a particular person or group of persons for adverse treatment based on their sex. Henson v. City of Dundee, supra. The Henson case asks the question, but for her sex, would plaintiff have been singled out? In her seven years of employment with Ford Motor Company, except for two possible isolated

instances, she was not singled out for sexual harassment.¹

The Court has examined the two alleged instances where Plaintiff contends she was singled out and harassed based on her sex. The Court holds these two instances do not rise to "an intimidating, hostile and offensive working environment." Katz v. Dole, 709 F.2d 251 (4th Cir. 1983). These instances, although offensive, were isolated and not sufficiently pervasive and persistent to unreasonably interfere with an individual's performance. Arnold v. City of Seminole, 614 F.Supp. 853 (N.D.Okla. 1985); Henson v. Dundee, *supra*. Defendants' Motion for Summary Judgment on Plaintiff's Title VII claim is hereby granted.

Plaintiff has requested the Court to "remand" the pendent claims to the state court. Plaintiff cites no authority for this Court to transfer a case to the state court which was originally filed in federal court. The request is denied. See, McLaughlin v. Arco, 721 F.2d 426 (3rd Cir. 1983). Plaintiff's pendent state claims are dismissed without prejudice for lack of subject matter jurisdiction.

DATED this 5th day of August, 1988.


THOMAS R. BRETT
UNITED STATES DISTRICT JUDGE

¹The two alleged instances are the grabbing incident concerning this suit and a prior incident when a supervisor asked her about her sex life with her ex-husband.

KLW/tmm

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

CHARLES J. WEST)
and MARY WEST,)

Plaintiffs,)

vs.)

FIBREBOARD CORPORATION,)
OWENS-CORNING FIBERGLASS)
CORPORATION, EAGLE-PICHER)
INDUSTRIES, INC., PITTSBURGH-)
CORNING CORPORATION, CELOTEX)
CORPORATION, GAF CORPORATION,)
KEENE CORPORATION, COMBUSTION)
ENGINEERING, INC., OWENS-ILLINOIS)
INC., RAYMARK INDUSTRIES, INC.,)
H. K. PORTER COMPANY, GARLOCK,)
INC., ARMSTRONG CORK COMPANY,)
FLEXITALLIC GASKET COMPANY, INC.,)
FLINTKOTE COMPANY and JOHN CRANE-)
HOUDAILLE, INC.,)

Defendants.)

FILED

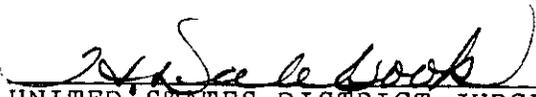
AUG 8 1988 A

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

Case No. 88-C-390-C

ORDER OF DISMISSAL

Upon the application for the plaintiff and for good
cause shown, this action is dismissed without prejudice against John
Crane Houdaille, Inc.


UNITED STATES DISTRICT JUDGE

KLW/tmm

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

BOBBY JEAN LEE)
and GOLDIE CAUDILL LEE,)
)
Plaintiffs,)

vs.)

FIBREBOARD CORPORATION,)
OWENS-CORNING FIBERGLASS)
CORPORATION, EAGLE-PICHER)
INDUSTRIES, INC., PITTSBURGH-)
CORNING CORPORATION, CELOTEX)
CORPORATION, GAF CORPORATION,)
KEENE CORPORATION, COMBUSTION)
ENGINEERING, INC., OWENS-ILLINOIS)
INC., RAYMARK INDUSTRIES, INC.,)
H. K. PORTER COMPANY, GARLOCK,)
INC., ARMSTRONG CORK COMPANY,)
FLEXITALLIC GASKET COMPANY, INC.,)
FLINTKOTE COMPANY and JOHN CRANE-)
HOUDAILLE, INC.,)
)
Defendants.)

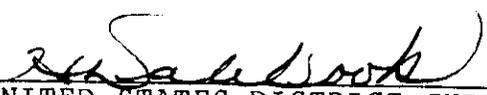
FILED
AUG 8 1988

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

Case No. 87-C-380-C ✓

ORDER OF DISMISSAL

Upon the application for the plaintiff and for good
cause shown, this action is dismissed without prejudice against John
Crane Houdaille, Inc.


UNITED STATES DISTRICT JUDGE

21

KLW/tmm

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

EDWARD FRANK CLAYPOOL and
GAYOLA JEAN CLAYPOOL,

Plaintiffs,

vs.

FIBREBOARD CORPORATION,
OWENS-CORNING FIBERGLASS
CORPORATION, EAGLE-PICHER
INDUSTRIES, INC., PITTSBURGH-
CORNING CORPORATION, CELOTEX
CORPORATION, GAF CORPORATION,
KEENE CORPORATION, COMBUSTION
ENGINEERING, INC., OWENS-ILLINOIS
INC., RAYMARK INDUSTRIES, INC.,
H. K. PORTER COMPANY, GARLOCK,
INC., ARMSTRONG CORK COMPANY,
FLEXITALLIC GASKET COMPANY, INC.,
FLINTKOTE COMPANY and JOHN CRANE
HOUDAILLE, INC.,

Defendants.

FILED

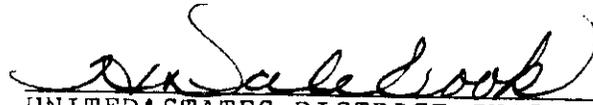
AUG 8 1988A

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

Case No. 87-C-519-C ✓

ORDER OF DISMISSAL

Upon the application for the plaintiff and for good
cause shown, this action is dismissed with prejudice against John
Crane Houdaille, Inc.


UNITED STATES DISTRICT JUDGE

13

KLW/tmm

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

LEWIS LEON BROWN)
and EVA JACQUELINE BROWN,)
)
Plaintiffs,)

vs.)

FIBREBOARD CORPORATION,)
OWENS-CORNING FIBERGLASS)
CORPORATION, EAGLE-PICHER)
INDUSTRIES, INC., PITTSBURGH-)
CORNING CORPORATION, CELOTEX)
CORPORATION, GAF CORPORATION,)
KEENE CORPORATION, COMBUSTION)
ENGINEERING, INC., OWENS-ILLINOIS)
INC., RAYMARK INDUSTRIES, INC.,)
H. K. PORTER COMPANY, GARLOCK,)
INC., ARMSTRONG CORK COMPANY,)
FLEXITALLIC GASKET COMPANY, INC.,)
FLINTKOTE COMPANY and JOHN CRANE-)
HOUDAILLE, INC.,)
)
Defendants.)

FILED

AUG 8 1988

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

Case No. 87-C-580-C

ORDER OF DISMISSAL

Upon the application for the plaintiff and for good
cause shown, this action is dismissed without prejudice against John
Crane Houdaille, Inc.

W. S. ...
UNITED STATES DISTRICT JUDGE

13

34

KLW/tmm

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

WALTER ALLEN HOWERTON)
and ANITA LOUISE HOWERTON,)
)
Plaintiffs,)

vs.)

FIBREBOARD CORPORATION,)
OWENS-CORNING FIBERGLASS)
CORPORATION, EAGLE-PICHER)
INDUSTRIES, INC., PITTSBURGH-)
CORNING CORPORATION, CELOTEX)
CORPORATION, GAF CORPORATION,)
KEENE CORPORATION, COMBUSTION)
ENGINEERING, INC., OWENS-ILLINOIS)
INC., RAYMARK INDUSTRIES, INC.,)
H. K. PORTER COMPANY, GARLOCK,)
INC., ARMSTRONG CORK COMPANY,)
FLEXITALLIC GASKET COMPANY, INC.,)
FLINTKOTE COMPANY and JOHN CRANE-)
HOUDAILLE, INC.,)

Defendants.)

FILED
AUG 8 1988
Jack C. Silver, Clerk
U.S. DISTRICT COURT

Case No. 87-C-353-C ✓

ORDER OF DISMISSAL

Upon the application for the plaintiff and for good
cause shown, this action is dismissed without prejudice against John
Crane Houdaille, Inc.

Jack C. Silver
UNITED STATES DISTRICT JUDGE

34

KLW/tmm

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

J. R. BEALL)
and VIRGINIA BEALL,)
)
Plaintiffs,)

vs.)

FIBREBOARD CORPORATION,)
OWENS-CORNING FIBERGLASS)
CORPORATION, EAGLE-PICHER)
INDUSTRIES, INC., PITTSBURGH-)
CORNING CORPORATION, CELOTEX)
CORPORATION, GAF CORPORATION,)
KEENE CORPORATION, COMBUSTION)
ENGINEERING, INC., OWENS-ILLINOIS)
INC., RAYMARK INDUSTRIES, INC.,)
H. K. PORTER COMPANY, GARLOCK,)
INC., ARMSTRONG CORK COMPANY,)
FLEXITALLIC GASKET COMPANY, INC.,)
FLINTKOTE COMPANY and JOHN CRANE-)
HOUDAILLE, INC.,)

Defendants.)

FILED

AUG 8 1988

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

Case No. 88-C-292-C ✓

ORDER OF DISMISSAL

Upon the application for the plaintiff and for good
cause shown, this action is dismissed without prejudice against John
Crane Houdaille, Inc.


UNITED STATES DISTRICT JUDGE

13
KLW/tmm

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

EDDIE M. JUNK)
and SANDRA L. JUNK,)
)
Plaintiffs,)

vs.)

FIBREBOARD CORPORATION,)
OWENS-CORNING FIBERGLASS)
CORPORATION, EAGLE-PICHER)
INDUSTRIES, INC., PITTSBURGH-)
CORNING CORPORATION, CELOTEX)
CORPORATION, GAF CORPORATION,)
KEENE CORPORATION, COMBUSTION)
ENGINEERING, INC., OWENS-ILLINOIS)
INC., RAYMARK INDUSTRIES, INC.,)
H. K. PORTER COMPANY, GARLOCK,)
INC., ARMSTRONG CORK COMPANY,)
FLEXITALLIC GASKET COMPANY, INC.,)
FLINTKOTE COMPANY and JOHN CRANE-)
HOUDAILLE, INC.,)

Defendants.)

FILED

AUG 8 1988

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

Case No. 88-C-223-C

ORDER OF DISMISSAL

Upon the application for the plaintiff and for good
cause shown, this action is dismissed without prejudice against John
Crane Houdaille, Inc.


UNITED STATES DISTRICT JUDGE

KLW/tmm

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

JACK LEE WEBB)
and FRANCES A. WEBB,)
)
Plaintiffs,)

vs.)

FIBREBOARD CORPORATION,)
OWENS-CORNING FIBERGLASS)
CORPORATION, EAGLE-PICHER)
INDUSTRIES, INC., PITTSBURGH-)
CORNING CORPORATION, CELOTEX)
CORPORATION, GAF CORPORATION,)
KEENE CORPORATION, COMBUSTION)
ENGINEERING, INC., OWENS-ILLINOIS)
INC., RAYMARK INDUSTRIES, INC.,)
H. K. PORTER COMPANY, GARLOCK,)
INC., ARMSTRONG CORK COMPANY,)
FLEXITALLIC GASKET COMPANY, INC.,)
FLINTKOTE COMPANY and JOHN CRANE-)
HOUDAILLE, INC.,)

Defendants.)

FILED
AUG 8 1988 A

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

Case No. 88-C-208-C ✓

ORDER OF DISMISSAL

Upon the application for the plaintiff and for good
cause shown, this action is dismissed without prejudice against John
Crane Houdaille, Inc.

W. J. Cook
UNITED STATES DISTRICT JUDGE

KLW/tmm

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

WILLIS CLINTON BELL)
and VIRGINIA FAITH BELL,)
)
Plaintiffs,)

vs.)

FIBREBOARD CORPORATION,)
OWENS-CORNING FIBERGLASS)
CORPORATION, EAGLE-PICHER)
INDUSTRIES, INC., PITTSBURGH-)
CORNING CORPORATION, CELOTEX)
CORPORATION, GAF CORPORATION,)
KEENE CORPORATION, COMBUSTION)
ENGINEERING, INC., OWENS-ILLINOIS)
INC., RAYMARK INDUSTRIES, INC.,)
H. K. PORTER COMPANY, GARLOCK,)
INC., ARMSTRONG CORK COMPANY,)
FLEXITALLIC GASKET COMPANY, INC.,)
FLINTKOTE COMPANY and JOHN CRANE-)
HOUDAILLE, INC.,)

Defendants.)

FILED

AUG 8 1988 A

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

Case No. CA-88-110C ✓

ORDER OF DISMISSAL

Upon the application for the plaintiff and for good
cause shown, this action is dismissed without prejudice against John
Crane Houdaille, Inc.


UNITED STATES DISTRICT JUDGE

KLW/tmm

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

MARION CLINTON CANTRELL)
and WANDA LOUISE CANTRELL,)
)
Plaintiffs,)

vs.)

FIBREBOARD CORPORATION,)
OWENS-CORNING FIBERGLASS)
CORPORATION, EAGLE-PICHER)
INDUSTRIES, INC., PITTSBURGH-)
CORNING CORPORATION, CELOTEX)
CORPORATION, GAF CORPORATION,)
KEENE CORPORATION, COMBUSTION)
ENGINEERING, INC., OWENS-ILLINOIS)
INC., RAYMARK INDUSTRIES, INC.,)
H. K. PORTER COMPANY, GARLOCK,)
INC., ARMSTRONG CORK COMPANY,)
FLEXITALLIC GASKET COMPANY, INC.,)
FLINTKOTE COMPANY and JOHN CRANE-)
HOUDAILLE, INC.,)

Defendants.)

FILED

AUG 8 1988 A

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

Case No. CA-88-109C ✓

ORDER OF DISMISSAL

Upon the application for the plaintiff and for good
cause shown, this action is dismissed without prejudice against John
Crane Houdaille, Inc.


UNITED STATES DISTRICT JUDGE

12
JW/tmm

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

RONALD ROBERT WALTON)
and PATSY JUNE WALTON,)
)
Plaintiffs,)

vs.)

FIBREBOARD CORPORATION,)
OWENS-CORNING FIBERGLASS)
CORPORATION, EAGLE-PICHER)
INDUSTRIES, INC., PITTSBURGH-)
CORNING CORPORATION, CELOTEX)
CORPORATION, GAF CORPORATION,)
KEENE CORPORATION, COMBUSTION)
ENGINEERING, INC., OWENS-ILLINOIS)
INC., RAYMARK INDUSTRIES, INC.,)
H. K. PORTER COMPANY, GARLOCK,)
INC., ARMSTRONG CORK COMPANY,)
FLEXITALLIC GASKET COMPANY, INC.,)
FLINTKOTE COMPANY and JOHN CRANE-)
HOUDAILLE, INC.,)

Defendants.)

FILED

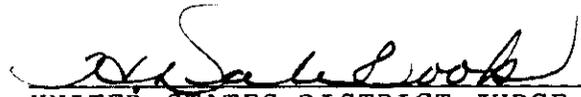
AUG 8 1988 A

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

Case No. 88-C-205-C ✓

ORDER OF DISMISSAL

Upon the application for the plaintiff and for good
cause shown, this action is dismissed without prejudice against John
Crane Houdaille, Inc.


UNITED STATES DISTRICT JUDGE

KLW/tmm

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

LOUIS EVERT CHALLIS)
and ALVIS GUSTINE CHALLIS,)
)
Plaintiffs,)

vs.)

FIBREBOARD CORPORATION,)
OWENS-CORNING FIBERGLASS)
CORPORATION, EAGLE-PICHER)
INDUSTRIES, INC., PITTSBURGH-)
CORNING CORPORATION, CELOTEX)
CORPORATION, GAF CORPORATION,)
KEENE CORPORATION, COMBUSTION)
ENGINEERING, INC., OWENS-ILLINOIS)
INC., RAYMARK INDUSTRIES, INC.,)
H. K. PORTER COMPANY, GARLOCK,)
INC., ARMSTRONG CORK COMPANY,)
FLEXITALLIC GASKET COMPANY, INC.,)
FLINTKOTE COMPANY and JOHN CRANE-)
HOUDAILLE, INC.,)

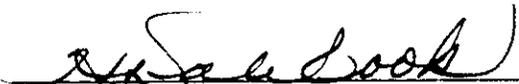
Defendants.)

FILED
AUG 8 1988
Jack C. Silver, Clerk
U.S. DISTRICT COURT

Case No. 88-C-291-C

ORDER OF DISMISSAL

Upon the application for the plaintiff and for good
cause shown, this action is dismissed without prejudice against John
Crane Houdaille, Inc.


UNITED STATES DISTRICT JUDGE

KLW/tmm

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

ARTHUR LEON HAMLIN)
and WANDA LORRAINE HAMLIN,)
)
Plaintiffs,)

vs.)

FIBREBOARD CORPORATION,)
OWENS-CORNING FIBERGLASS)
CORPORATION, EAGLE-PICHER)
INDUSTRIES, INC., PITTSBURGH-)
CORNING CORPORATION, CELOTEX)
CORPORATION, GAF CORPORATION,)
KEENE CORPORATION, COMBUSTION)
ENGINEERING, INC., OWENS-ILLINOIS)
INC., RAYMARK INDUSTRIES, INC.,)
H. K. PORTER COMPANY, GARLOCK,)
INC., ARMSTRONG CORK COMPANY,)
FLEXITALLIC GASKET COMPANY, INC.,)
FLINTKOTE COMPANY and JOHN CRANE-)
HOUDAILLE, INC.,)
)
Defendants.)

FILED

AUG 8 1988 A

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

Case No. 87-C-523-C ✓

ORDER OF DISMISSAL

Upon the application for the plaintiff and for good
cause shown, this action is dismissed without prejudice against John
Crane Houdaille, Inc.


UNITED STATES DISTRICT JUDGE

KLW/tmm

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

FLOYD OSCAR KELLEY
and VIOLET KELLEY,

 plaintiffs,

vs.

FIBREBOARD CORPORATION,
OWENS-CORNING FIBERGLASS
CORPORATION, EAGLE-PICHER
INDUSTRIES, INC., PITTSBURGH-
CORNING CORPORATION, CELOTEX
CORPORATION, GAF CORPORATION,
KEENE CORPORATION, COMBUSTION
ENGINEERING, INC., OWENS-ILLINOIS
INC., RAYMARK INDUSTRIES, INC.,
H. K. PORTER COMPANY, GARLOCK,
INC., ARMSTRONG CORK COMPANY,
FLEXITALLIC GASKET COMPANY, INC.,
FLINTKOTE COMPANY and JOHN CRANE-
HOUDAILLE, INC.,

Defendants.

FILED
AUG 8 1988 A

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

Case No. CA-88-C-132C ✓

ORDER OF DISMISSAL

Upon the application for the plaintiff and for good
cause shown, this action is dismissed without prejudice against John
Crane Houdaille, Inc.


UNITED STATES DISTRICT JUDGE

entered copy

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

FILED

AUG 8 1988

C. B. WILSON, JR.,)
)
 Plaintiff,)
)
 vs.)
)
 THE KANSAS CITY SOUTHERN)
 RAILWAY COMPANY,)
)
 Defendant.)

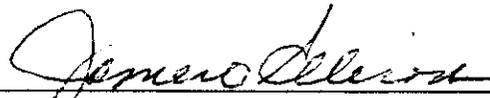
Jack C. Silver, Clerk
U.S. DISTRICT COURT
No. 87-C-1035-E

JUDGMENT

This action came on before the Court, Honorable James O. Ellison, District Judge, on Defendant's Motion to Compel Discovery and the issues having been duly reviewed the Court finds as follows:

IT IS THEREFORE ORDERED that the Plaintiff C. B. Wilson, Jr. take nothing from the Defendant The Kansas City Southern Railway Company, that the action be dismissed on the merits, and that the Defendant The Kansas City Southern Railway Company recover of the Plaintiff C. B. Wilson, Jr. its costs of action.

ORDERED this 5th day of August, 1988.



JAMES O. ELLISON
UNITED STATES DISTRICT JUDGE

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

FILED

AUG - 5 1988

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

LARRY NIXON,

Plaintiff,

v.

JUPITER CHEMICALS, INC.,

Defendant.

No. 87-C-663-B

J U D G M E N T

In accord with the Order filed this date granting the Defendant's Motion for Summary Judgment, Judgment is hereby entered in favor of the Defendant, Jupiter Chemicals, Inc., and against the Plaintiff, Larry Nixon, the Plaintiff to take nothing on his claim. Costs are awarded to the Defendant.

DATED this 5 day of August, 1988.



THOMAS R. BRETT
UNITED STATES DISTRICT JUDGE

Rule 55(b)(2) of the Rules of Civil Procedure for the amounts shown
in the accompanying Declaration, and the costs of this action.

UNITED STATES OF AMERICA

TONY M. GRAHAM
United States Attorney



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

PEP/mp

UNITED STATES DISTRICT COURT FOR THE
NORTHERN DISTRICT OF OKLAHOMA

UNITED STATES OF AMERICA,

Plaintiff,

vs.

ELOISE MIDGETTE, now known as
ELOISE J. CAMPBELL; JAMES SHAW;
RUTH MAE SHAW; FIDELITY
FINANCIAL SERVICES, INC.;
COUNTY TREASURER, Tulsa County,
Oklahoma; and BOARD OF COUNTY
COMMISSIONERS, Tulsa County,
Oklahoma,

Defendants.

FILED

1988

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

CIVIL ACTION NO. 87-C-1017-B

JUDGMENT OF FORECLOSURE

This matter comes on for consideration this 5th day
of August, 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, Eloise Midgette, now known as
Eloise J. Campbell; James Shaw; Ruth Mae Shaw; and Fidelity
Financial Services, Inc., appear not, but make default.

The Court being fully advised and having examined the
file herein finds that the Defendant, Eloise Midgette, now known
as Eloise J. Campbell, acknowledged receipt of Summons and
Amended Complaint on January 26, 1988; that Defendant, Fidelity
Financial Services, Inc., acknowledged receipt of Summons and

Complaint on December 17, 1987; that Defendant, County Treasurer, Tulsa County, Oklahoma, acknowledged receipt of Summons and Complaint on December 8, 1987; and that Defendant, Board of County Commissioners, Tulsa County, Oklahoma, acknowledged receipt of Summons and Complaint on December 8, 1987.

The Court further finds that the Defendants, James Shaw and Ruth Mae Shaw, 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 May 31, 1988, and continuing to July 5, 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, James Shaw and Ruth Mae Shaw, 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, James Shaw and Ruth Mae Shaw. 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 December 28, 1987, and their Answers to Amended Petition herein on January 28, 1988; that the Defendant, County Treasurer, Tulsa County, Oklahoma, filed its Disclaimer herein on March 31, 1988; and that the Defendants, Eloise Midgette, now known as Eloise J. Campbell; James Shaw; Ruth Mae Shaw; and Fidelity Financial Services, 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 8, Block 1, Hartford Hills Addition to the City of Tulsa, County of Tulsa, State of Oklahoma, according to the recorded plat thereof.

The Court further finds that on April 4, 1974, Eloise Midgette 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 \$10,000.00, payable in monthly installments, with interest thereon at the rate of 8.25 percent per annum.

The Court further finds that as security for the payment of the above-described note, Eloise Midgette executed and delivered to the United States of America, acting on behalf of the Administrator of Veterans Affairs, a mortgage dated April 4, 1974, covering the above-described property. Said mortgage was recorded on April 8, 1974, in Book 4113, Page 1213, in the records of Tulsa County, Oklahoma.

The Court further finds that pursuant to a General Warranty Deed dated October 25, 1977, and filed of record on November 9, 1977, in Book 4294 at Page 123 in the records of Tulsa County, Oklahoma, Eloise Midgette conveyed the above-described real proerty to James Shaw.

The Court further finds that the Defendant, Eloise Midgette, now known as Eloise J. Campbell, 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, Eloise Midgette, now known as Eloise J. Campbell, is indebted to the Plaintiff in the principal sum of \$8,525.75, plus interest at the

rate of 8.25 percent per annum from February 1, 1986 until judgment, plus interest thereafter at the legal rate until fully paid, and the costs of this action accrued and accruing.

The Court further finds that the Defendant, County Treasurer, Tulsa County, Oklahoma, disclaims any right, title, or interest in the subject real property.

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 Defendants, James Shaw, Ruth Mae Shaw, and Fidelity Financial Services, Inc., 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 Defendant, Eloise Midgette, now known as Eloise J. Campbell, in the principal sum of \$8,525.75, plus interest at the rate of 8.25 percent per annum from February 1, 1986 until judgment, plus interest thereafter at the current legal rate of 7.95 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, James Shaw; Ruth Mae Shaw; Fidelity Financial Services, Inc.; County Treasurer, Tulsa County, Oklahoma; 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 Defendant, Eloise Midgette, now known as Eloise J. Campbell, 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 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



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

PP/css

violation of Oklahoma's public policy in terminating the employment contract.

On May 10, 1988, Defendant moved for summary judgment contending that (1) Plaintiff had failed to exhaust the administrative remedy available to him under the Surface Transportation Assistance Act of 1982, 49 U.S.C. § 2305, and (2) Plaintiff's claim for wrongful discharge does not lie where a federal act provides an explicit remedial scheme. The Act provides:

"(b) Prohibition against discharge, discipline, or discrimination for refusal to operate vehicle, in violation of Federal rule, regulation, etc., or because of apprehension of serious injury due to unsafe condition; reasonable person standard

No person shall discharge, discipline, or in any manner discriminate against an employee with respect to the employee's compensation, terms, conditions, or privileges of employment for refusing to operate a vehicle when such operation constitutes a violation of any Federal rules, regulations, standards, or orders applicable to commercial motor vehicle safety or health, or because of the employee's reasonable apprehension of serious injury to himself or the public due to the unsafe condition of such equipment. The unsafe conditions causing the employee's apprehension of injury must be of such nature that a reasonable person, under the circumstances then confronting the employee, would conclude that there is a bona fide danger of an accident, injury, or serious impairment of health, resulting from the unsafe condition. In order to qualify for protection under this subsection, the employee must have sought from his employer, and have been unable to obtain, correction of the unsafe condition.

(c) Complaint for unlawful discharge, discipline, etc.; notification; investigation into merits of complaint; preliminary order for relief; objections to findings or order; hearing; final order; order of abatement; reinstatement, a n d damages; costs and expenses

(1) Any employee who believes he has been discharged, disciplined, or otherwise discriminated against by any person in violation of subsection (a) or (b) of this section may, within one hundred and eighty days after such alleged violation occurs, file (or have filed by any person on the employee's behalf) a complaint with the Secretary of Labor alleging such discharge, discipline, or discrimination. Upon receipt of such a complaint, the Secretary of Labor shall notify the person named in the complaint of the filing of the complaint."

Plaintiff here refused to operate his vehicle in violation of a federal rule (Department of Transportation regulation). This fact is undisputed. There is no dispute here that Defendant Jupiter Chemicals, Inc. and the Plaintiff/Driver Nixon were subject to the federal Department of Transportation regulations, nor is there a dispute that the Defendant's order to drive in excess of Department of Transportation hour and week limits, if proved, would be a violation of the federal regulations. The record indicates that Plaintiff's 180-day time period for filing has expired, leaving him administrative redress only if the Secretary of Labor makes an exception to the statutory time period. Defendant argues that even if there is some type of public policy tort cause of action, the claim would not exist when a statutory remedy that would provide full relief is available to Plaintiff. The Supreme

Court of Oklahoma in Hinson hinted that some public policy exceptions might be recognized to the "at will" employment relationship. They are as follows:

"... (a) refusing to participate in an illegal activity; (b) performing an important public obligation; (c) exercising a legal right or interest; (d) exposing some wrongdoing by the employer; and (e) performing an act that public policy would encourage or, for refusing to do something that public policy would condemn, when the discharge is coupled with a showing of bad faith, malice or retaliation."

An argument can be made that Defendant's actions may fall within one of these examples. However, the threshold issue to be addressed is whether a state tort law public policy claim can survive the existence of a statutory remedy which provides like relief.

Plaintiff, in his brief in opposition to the motion, asserts (1) exhaustion of an administrative remedy is not required when the Court also has jurisdiction to adjudicate the claim; and (2) assuming arguendo that Plaintiff should have exhausted an administrative remedy, Defendant has waived any right to assert the defense.

On the Plaintiff's first contention, he cites no authority to the court of the mutuality of jurisdiction between the administrative procedure and this court. Plaintiff states without legal justification that the Court has primary jurisdiction. Plaintiff further asserts that 49 U.S.C. §2305 contains permissive language ("may") which does not suggest that the administrative remedy is mandatory or operates to deny this court jurisdiction.

Secondly, Plaintiff argues that in the interest of efficiency and justice, the court should hear his case because the Defendant failed to timely raise 49 U.S.C. §2305 as a defense. Plaintiff asserts the Defendant waited for the 180-day filing period to expire before revealing and raising the exclusivity of the statutory remedy as a defense. The Court does not consider the Defendant's administrative remedy defense a surprise tactic and notes that Plaintiff's counsel failed to research and recognize available administrative remedy. Defendant's actions do not constitute a waiver of defense. Plaintiff's counsel is also responsible for locating applicable federal statutes.¹

In Defendant's reply brief the Defendant opines that Congress intended to create by statute (49 U.S.C. §2305) an exclusive cause of action and full remedial scheme concerning this type of violation. However, Defendant does not provide any clear legislative intent on the matter. Further, Defendant urges the court not to create a wrongful discharge cause of action because Congress already accomplished this purpose when enacting the Surface Transportation Assistance Act of 1982.

Plaintiff supplemented his reply brief urging that an implied right of action exists in federal court despite the existence of a statutory remedy. The case relied upon is Cort v. Ash, 422 U.S. 66 (1975), in which the Supreme Court established four factors for

¹This research might have been accomplished before filing the Complaint.

an implied right of action. The factors are: (1) whether the plaintiff is a member of the class for whose benefit the statute was enacted; (2) whether there is any indication of legislative intent to create a private right of action; (3) whether a private right of action is consistent with federal policy; and (4) whether the cause of action is traditionally governed by state law. Even if factors (1) and (4) are taken as being fulfilled², Plaintiff can provide no evidence of congressional intent in order to fulfill factors (2) and (3). Plaintiff attempts to establish legislative intent that private actions are allowed under 49 U.S.C. §2305(c)(1) only on the basis of the permissive language ("may") in the statute.

In the absence of clear legislative intent on the issue of whether the administrative remedy must be exhausted before the action can be pursued in federal court, this Court is reluctant to create a new public policy cause of action when there exists full relief under a federal statute. The Court will leave this task up to the Oklahoma legislature and Supreme Court. Therefore, the Court must agree with the Defendant that the Plaintiff has failed to state a claim upon which relief can be granted, despite the fact

²Although not mentioned by either party, the Oklahoma legislature has passed legislation entitled The Oklahoma Motor Carriers Safety and Hazardous Materials Transportation Act, 47 O.S. §230.1 et seq. (intrastate carriers). The Act does not provide an employee grievance procedure like the federal statute but does provide that any safety regulation adopted by a local or state government shall be consistent with federal regulations. See, 47 O.S. §230.15E.

that efficiency and justice might be served through an adjudication here.

This Court will not toll Plaintiff's statutory time limit as Plaintiff requests.³ Defendant's Motion for Summary Judgment is granted.

IT IS SO ORDERED this 4th day of August, 1988.


THOMAS R. BRETT
UNITED STATES DISTRICT JUDGE

³Any such tolling request would be a question for the Secretary of Labor to determine under 49 U.S.C. §2305.

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

VIRGINIA JENNER, an Individual,)
and a Voter, on behalf of all)
other Voters in the City of)
Tulsa, Oklahoma,)
Plaintiff,)

v.)

GENE PACE, Chairman, ROYCE PARR,)
Vice-Chairman, and SCOTT ORBISON,)
Secretary, in their capacity as)
Members of the Tulsa County)
Election Board, and the TULSA)
COUNTY ELECTION BOARD, RON HOWELL,)
as Auditor for the City of Tulsa,)
and the CITY OF TULSA, OKLAHOMA,)
an Oklahoma Municipal Corporation,)
Defendants.)

No. 88-C-283-B ✓

FILED
APR 11 1988
Jack C. [unclear]
U. S. DISTRICT COURT

O R D E R

This matter comes before the Court on the Defendants' application for attorney fees to be taxed as costs in this matter pursuant to 42 U.S.C. §1988 and Rule 6(F) of the Rules of the United States District Court for the Northern District of Oklahoma. Defendants' application for attorney fees arises from this Court's Findings of Fact and Conclusions of Law and Judgment entered against the Plaintiff on April 6, 1988, on her complaint which sought a temporary and permanent injunction prohibiting the Defendants from holding the Tulsa City General Election scheduled for April 5, 1988.

Defendants seek the amount of \$1125.00 as attorney fees to be taxed as costs in this action and append exhibits to their application which detail the time and duties performed by the

attorney in defending this lawsuit. Defendants' application details 7.5 hours of time expended at the rate of \$150.00 per hour.

The Court has reviewed the file and finds that the Plaintiff has not responded to the application for attorney fees. Therefore, the Court deems such failure to be a waiver of any objection and grants the Defendants' application for attorney fees to be taxed as costs pursuant to 42 U.S.C. §1988. The Defendants are entitled to recover the \$1125.00 requested. A Judgment in keeping with this Order is filed contemporaneously herewith.

DATED this 5 day of August, 1988.



THOMAS R. BRETT
UNITED STATES DISTRICT JUDGE

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

VIRGINIA JENNER, an Individual,)
and a Voter, on behalf of all)
other Voters in the City of)
Tulsa, Oklahoma,)
Plaintiff,)

v.)

GENE PACE, Chairman, ROYCE PARR,)
Vice-Chairman, and SCOTT ORBISON,)
Secretary, in their capacity as)
Members of the Tulsa County)
Election Board, and the TULSA)
COUNTY ELECTION BOARD, RON HOWELL,)
as Auditor for the City of Tulsa,)
and the CITY OF TULSA, OKLAHOMA,)
an Oklahoma Municipal Corporation,)
Defendants.)

No. 88-C-283-B ✓

FILED
AUG 11 1988
Jack C. Smith
U. S. DISTRICT COURT

J U D G M E N T

In accord with the Order entered this date granting the Defendants' application for attorney fees to be awarded as costs, the Court enters judgment in favor of Gene Pace, Chairman, Royse Parr, Vice-Chairman, and Scott Orbison, Secretary, in their capacity as Members of the Tulsa County Election Board, and the Tulsa County Election Board, Ron Howell, as Auditor for the City of Tulsa, and the City of Tulsa, Oklahoma, an Oklahoma municipal corporation, and against the Plaintiff, Virginia Jenner, in the amount of One Thousand One Hundred Twenty-Five Dollars (\$1125.00). Post-judgment interest to run at the rate of 7.95% per annum.

DATED this 5th day of August, 1988.


THOMAS R. BRETT
UNITED STATES DISTRICT JUDGE

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

FILED

AUG - 1 1988

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

FLEET FINANCE, INC.,)
a corporation,)
)
Plaintiff,)
)
vs.)
)
JACK A POWELL; ELIZABETH D.)
POWELL; COUNTY TREASURER, TULSA)
COUNTY, OKLAHOMA,)
)
Defendants.)

Case No. 88-C-356-B

JOURNAL ENTRY OF JUDGMENT IN REM
AND DECREE OF FORECLOSURE

NOW on this 4th day of August, 1988, the above-entitled cause comes on for hearing before the undersigned Judge of the United States District Court for the Northern District of Oklahoma. The Plaintiff, Fleet Finance, Inc. ("Fleet"), appearing by and through its attorneys, Doerner, Stuart, Saunders, Daniel & Anderson, by James P. McCann and L. Dru McQueen; the Defendants, Jack A. Powell and Elizabeth D. Powell ("Powell"), appearing by and through their attorney, Lyons & Clark by Mark D. Lyons; and the Defendant, Tulsa County Treasurer appearing by and through its attorney, David Moss District Attorney by Doris L. Fransein, Assistant District Attorney.

The Court, having examined the pleadings, process and files in this cause and being fully advised in the premises, FINDS that due and regular service of summons has been made upon all Defendants and each of them.

The Court FURTHER FINDS that the debts which are the subject of this action were contracted in Tulsa County, Oklahoma, and the property which is the subject of this action is located in Tulsa County, Oklahoma, and that the amount in controversy exceeds \$10,000.00, exclusive of costs, interest and attorneys' fees, thereby vesting this Court with jurisdiction over the action and making venue proper.

The Court further finds that on June 18, 1987, Defendants Powell filed for relief under Chapter 7 of Title 11 of the United States Code being Case No. 87-01639 in the United States Bankruptcy Court for the Northern District of Oklahoma. Subsequently on October 29, 1987, the Plaintiff Fleet obtained an Order Granting Relief from Automatic Stay and Abandonment with reference to the real property described herein which was filed with the Court on October 29, 1987.

Upon review of the pleadings in this case, filed by Fleet, the Court FURTHER FINDS that there is no issue as to any material fact and that the Judgment of Fleet should be granted.

The Court FURTHER FINDS that Defendants Powell duly executed and delivered a promissory note to George A. Shannon a/k/a G.A. Shannon and Mary Agnes Shannon as more particularly described in the Petition filed herein, which Note was subsequently assigned to Fleet and that as a result of Powell's default in the performance of the terms and conditions of said promissory note, there is due to the Plaintiff Fleet from the Defendants Powell the principal amount of \$84,204.74, and accrued interest through March 11, 1988, in the amount of \$11,996.85, and interest accruing thereafter at

the rate of \$35.08, until paid in full, plus the costs of this action, abstracting costs and including a reasonable attorney's fee of \$ 1,274.90 .

The Court FURTHER FINDS that Fleet has a good and valid first lien superior to the interests and claims of all others on the real estate and premises described by virtue of the mortgage executed by Defendants Powell to Shannon and recorded on the 24th day of June, 1985, and in Book 4871 at Page 2169 and assigned to Fleet by instrument recorded in Book 4979 at Page 2293 all in the records of the County Clerk of Tulsa County, State of Oklahoma, which mortgage secures the above-described indebtedness.

The Court FURTHER FINDS that the real estate which is subject to the above-described lien, as described in Fleet's mortgage herein sued upon, is situated in Tulsa County, Oklahoma, and is more particularly described as follows, to-wit:

Lot Two (2), Block Two (2), RUSTIC HILLS SECOND ADDITION to the County of Tulsa, State of Oklahoma, according to the recorded plat thereof.

The Court FURTHER FINDS that the mortgage of the Plaintiff Fleet should be foreclosed and the real estate described above sold according to law, to satisfy the indebtedness hereinabove set forth, that the proceeds of such sale, after payment of the costs of the sale, should be distributed to the Plaintiff Fleet and the Defendants as hereinafter provided.

IT IS THEREFORE ORDERED, ADJUDGED AND DECREED by the Court that the Plaintiff Fleet have and recover judgment in rem against the Defendants Powell in the principal amount of \$84,204.74, and accrued interest through March 11, 1988, in the amount of

\$11,996.85, and interest accruing thereafter at the rate of \$35.08 per diem, until paid in full, plus the costs of this action, accrued and accruing herein, including a reasonable attorney's fee in the amount of \$ 1,274.90 .

IT IS FURTHER ORDERED ADJUDGED AND DECREED that the above-described mortgage of Plaintiff Fleet is a valid first mortgage superior to the interests of all others on the real property and premises hereinbefore described.

IT IS FURTHER ORDERED, ADJUDGED AND DECREED by the Court that the mortgage in favor of Fleet herein be, and the same is hereby foreclosed, on the following described real estate and premises, and are hereby ordered to be sold subject to unpaid ad valorem real property taxes, if any, to satisfy the mortgage herein:

Lot Two (2), Block Two (2), RUSTIC HILLS SECOND ADDITION to the County of Tulsa, State of Oklahoma, according to the recorded plat thereof.

and that a special execution and order of sale and foreclosure shall issue, commanding the Sheriff of Tulsa County to levy upon the above-described real estate, and after having the same appraised as provided by law, shall proceed to advertise and sell the same as provided by law, subject to unpaid ad valorem real property taxes, if any, and such Sheriff shall apply the proceeds arising from such sale as follows:

1. In payment of the costs of such sale and of this action;
2. In payment to Fleet the sum of \$96,201.56, together with interest thereon at the rate of \$35.08 per diem from March 11, 1988, until paid in full, plus the costs of this action, including a reasonable attorney's fee in the sum of \$ 1,274.90 ;

3. The residue, if any, shall be held by the Clerk of the Court to await further order of the Court.

IT IS FURTHER ORDERED, ADJUDGED AND DECREED by the Court that from and after the sale of the above-described real estate and after the confirmation of such sale by the Court, the Plaintiff and Defendants, and each of them, shall be forever barred and foreclosed of and from any claim or lien upon or adverse to the right and title of the purchaser of such sale; and the Plaintiff and Defendants herein, and all persons claiming by, through or under them since the commencement of this action are hereby perpetually enjoined and restrained from ever setting up or asserting any lien upon the right, title, equity or interest in and to the above-described real estate adverse to the right or title of the purchaser at such sale if, as to the sale of the above-described real property, the same be had and confirmed; and that upon application by the purchaser, the Clerk of the District Court shall issue a writ of assistance to the Sheriff of Tulsa County, who shall, thereupon and forthwith, place such purchaser in full and complete possession and enjoyment of the premises.

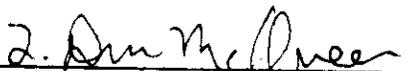
S/ THOMAS R. BRETT

JUDGE OF THE DISTRICT COURT

APPROVED BY:

DOERNER, STUART, SAUNDERS,
DANIEL & ANDERSON

By



James P. McCann
L. Dru McQueen
1000 Atlas Life Building
Tulsa, Oklahoma 74103

LYONS & CLARK

By Mark D. Lyons
Mark D. Lyons
610 South Main
Tulsa, Oklahoma 74103

DAVID MOSS, DISTRICT ATTORNEY

By Doris L. Fransein
Doris L. Fransein
Assistant District Attorney
500 South Denver
Tulsa, Oklahoma 74103

form of testimonial evidence concerning the records.

On June 27, 1988, this Court entered an order enforcing the terms of the summons. The Respondent has now appealed from that order and asks the Court to stay enforcement of the June 27, 1988 order pending final disposition of an appeal taken to the United States Court of Appeals for the Tenth Circuit.

The test for determining whether a stay order should issue pending appeal was outlined by the Tenth Circuit Court of Appeals in Battle v. Anderson, 564 F.2d 388 (10th Cir. 1977), as follows:

- (1) [W]hether the appellant has made strong showing that he is likely to prevail on the merits of the appeal,
- (2) whether the appellant has shown irreparable injury if the stay is not granted,
- (3) whether a stay will substantially harm the other parties to the litigation, and
- (4) where the public interests lie.

See also, Hilton v. Braunskill, 107 S.Ct. 2113 (1987).

An evaluation of the above factors requires a balancing of the equities. Washington Metropolitan Area Transit Comm. v. Holiday Tours, Inc., 559 F.2d 841 (App.D.C. 1977). Taylor asserts that this is a case of first impression in the United States by virtue of the assertion that Respondent Taylor is under compulsion through the application of 26 U.S.C. §§ 6001 and 7203, as well as Treas. Reg. §1.6001-1, to maintain the records sought by the IRS under the summons. Throughout these proceedings Respondent Taylor has urged that the recordkeeping requirements of the Internal Revenue Service

amount to a compulsion requiring him to make a testimonial communication that is incriminating.

The Court by its Order dated June 13, 1988, found that the Respondent had failed to pinpoint exactly which of the summoned records represented compliance with the recordkeeping requirements set out in 28 U.S.C. §6001 or applicable regulations and was therefore unable to properly evaluate this novel compulsion argument. The thrust of the Court's Order enforcing the summons was a finding that Taylor had failed to carry his burden on the Fifth Amendment privilege by showing which specific documents sought would represent a testimonial communication which would be incriminating if produced. This finding is buttressed by the fact that the Court carefully reviewed the documents submitted in camera and found no indication that such documents were actually authored by the Respondent Thad Taylor, Jr., or how same would compel Mr. Taylor to restate, repeat or affirm the truth of the content of the documents sought. See, Fisher v. United States, 425 U.S. 391, 408 (1976).

The Court is not persuaded that the Respondent has made a strong showing that he is likely to prevail on the merits of the appeal as the arguments in support of the application for stay

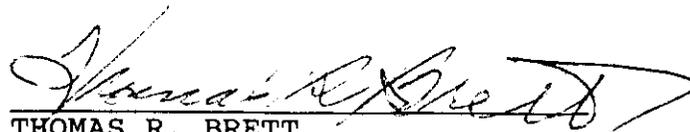
essentially restate the position already raised by the Respondent and found insufficient by the Court.¹ As respects factor (2) of the stay evaluation, the Court agrees that the Respondent could suffer irreparable harm if the IRS were allowed to review the records at this time should Taylor ultimately prevail on appeal. The threatened harm to the Respondent appears real given the pending criminal investigation being conducted by the IRS against Mr. Taylor. (See Exhibit to Respondent's Brief, Letter from IRS Criminal Investigation Div.).

Factor (3) requires that the imposition of a stay would not substantially harm the IRS in this litigation. The United States in its brief in opposition asserts that the stay and the enforcement of the summons could inhibit the IRS' ability to evaluate the Respondent's potential criminal liability under the Internal Revenue Code for the year 1982 as the statute of limitations on such a claim expires on April 15, 1989. Respondent Taylor does not take issue with the Government's assertion that it will be harmed at least to the extent of any potential liability for the tax year 1982. The Court concludes that the IRS would likely suffer from a lengthy appeal in light of the fact that the summons issue has been pending since October 9, 1986.

¹While the court might be reluctant to find the likelihood of a successful appeal, since such a finding implies that the district court erred in the first place, the Court is mindful that the evaluations of factors (2), (3) and (4) above in favor of the Respondent could be sufficient to suggest that the status quo should be maintained pending appeal. Holiday Tours, Inc., 559 F.2d 841.

Lastly, the Court must weigh the public's interest in determining whether a stay should issue. The Court certainly recognizes the valuable privilege against self-incrimination guaranteed by the Fifth Amendment of the United States Constitution and the obvious public interest in keeping its protections meaningful. However, the public also has an interest in the fair imposition and collection of taxes to finance the operation of the Government. Ordinarily, the Court might find that tax collection proceedings against a single taxpayer could be delayed given the importance of an appellate determination of an individual's right to assert the privilege against self-incrimination. In this case, however, the Court finds that the Respondent has not sufficiently shown that his Fifth Amendment privilege will be violated by enforcement of the summons. The Court concludes that the Petitioner United States of America is entitled to review and copy the requested documents which are now held under seal by the Clerk of the District Court. The Petitioner is entitled to begin such review and copying of the documents requested under the summons beginning August 15, 1988. The Court directs that the original documents should be returned to Mr. Taylor at the completion of the Petitioner's review and copying or not later than September 15, 1988. The Respondent's motion for stay pending appeal is overruled.

IT IS SO ORDERED this 4 day of August, 1988.


THOMAS R. BRETT
UNITED STATES DISTRICT JUDGE

IN THE UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF OKLAHOMA

FILED

AUG 4 1988

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

WILLIFORD ENERGY COMPANY,)
an Oklahoma corporation,)
)
Plaintiff,)
)
vs.)
)
ANR PIPELINE COMPANY,)
a Delaware Corporation,)
)
Defendant.)

No. 87-C-287-E

ORDER

NOW on this 3rd day of Aug, 1988, pursuant to the Stipulation of Dismissal with Prejudice filed herein by the Plaintiff and Defendant, it is ORDERED, ADJUDGED AND DECREED that all claims and causes of action filed in this case by all the parties are hereby dismissed with prejudice. All parties to bear their own costs and attorney's fees.

JAMES O. ELMON

United States District Judge

APPROVED AS TO FORM:

Frederic Dorwart
Frederic Dorwart
J. Michael Medina
Ronda L. Davis
Holliman, Langholz, Runnels,
& Dorwart
700 Holarud Building
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James M. Sturdivant
James M. Sturdivant
Teresa B. Adwan
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Gable & Gotwals
2000 Fourth National Bank Building
Tulsa, Oklahoma 74119
ATTORNEYS FOR DEFENDANT

KLW/tmm

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

JIMMY WAYNE MCCORKLE)
)
 Plaintiff,)
)
 vs.)
)
 FIBREBOARD CORPORATION,)
 OWENS-CORNING FIBERGLASS)
 CORPORATION, EAGLE-PICHER)
 INDUSTRIES, INC., PITTSBURGH-)
 CORNING CORPORATION, CELOTEX)
 CORPORATION, GAF CORPORATION,)
 KEENE CORPORATION, COMBUSTION)
 ENGINEERING, INC., OWENS-ILLINOIS)
 INC., RAYMARK INDUSTRIES, INC.,)
 H. K. PORTER COMPANY, GARLOCK,)
 INC., ARMSTRONG CORK COMPANY,)
 FLEXITALLIC GASKET COMPANY, INC.,)
 FLINTKOTE COMPANY and JOHN CRANE-)
 HOUDAILLE, INC.,)
)
 Defendants.)

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

499
 Case No. 88-C-449-B

ORDER OF DISMISSAL

Upon the application for the plaintiff and for good cause shown, this action is dismissed without prejudice against John Crane Houdaille, Inc.

s/ THOMAS R. BRETT

 UNITED STATES DISTRICT JUDGE

Completed

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

FILED

AUG 4 1988

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

TRANSPower CONSTRUCTORS,)
A Division of HARRISON)
INTERNATIONAL CORPORATION,)
)
Plaintiff,)
)
vs.)
)
GRAND RIVER DAM AUTHORITY,)
et al.,)
)
Defendants.)

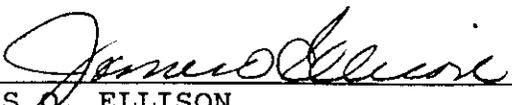
No. 86-C-14-E

O R D E R

The Court has for consideration the Report and Recommendation of the Magistrate filed April 14, 1988 as amended May 13, 1988. After careful consideration of the record and the issues, including the briefs and memoranda filed herein by the parties, the Court has concluded that the Report and Recommendation of the Magistrate as amended should be and hereby is adopted by the Court except the Court declines to make any finding regarding what part of the contract embodies the essence of the dispute now before the Court (Report and Recommendation at p. 13).

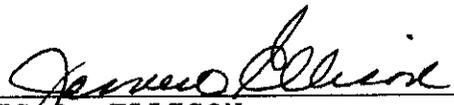
IT IS THEREFORE ORDERED that The Benham Group, Inc.'s Motion for Partial Summary Judgment is granted and the Motion for Summary Judgment of the Grand River Dam Authority is denied.

ORDERED this 3rd day of August, 1988.



JAMES O. ELLISON
UNITED STATES DISTRICT JUDGE

Dated this 3rd day of Aug., 1988.



JAMES O. ELLISON
UNITED STATES DISTRICT JUDGE

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

FILED

AUG 4 1988

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

CAMPBELL ENTERPRISES,)
)
 Plaintiff,)
)
 vs.)
)
 DON E. GASAWAY, et al.,)
)
 Defendants.)

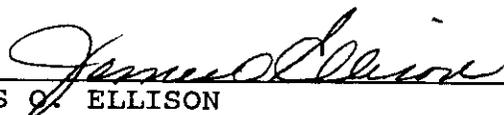
No. 86-C-484-E

JUDGMENT

This action came on for hearing on Intervenor's Motion for Summary Judgment before the Court, Honorable James O. Ellison, District Judge, presiding, and the issues having been duly tried,

IT IS THEREFORE ORDERED that the Plaintiff Campbell Enterprises take nothing from the Intervenor Steven M. Harris, that the action be dismissed on the merits, and that the Intervenor Steven M. Harris recover of the Plaintiff Campbell Enterprises his costs of action.

ORDERED this 3rd day of Aug, 1988.



JAMES O. ELLISON
UNITED STATES DISTRICT JUDGE

KLW/tmm

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

LEONARD L. COLLIER)
and MAUDIE INEZ COLLIER,)
)
Plaintiffs,)

vs.)

FIBREBOARD CORPORATION,)
OWENS-CORNING FIBERGLASS)
CORPORATION, EAGLE-PICHER)
INDUSTRIES, INC., PITTSBURGH-)
CORNING CORPORATION, CELOTEX)
CORPORATION, GAF CORPORATION,)
KEENE CORPORATION, COMBUSTION)
ENGINEERING, INC., OWENS-ILLINOIS)
INC., RAYMARK INDUSTRIES, INC.,)
H. K. PORTER COMPANY, GARLOCK,)
INC., ARMSTRONG CORK COMPANY,)
FLEXITALLIC GASKET COMPANY, INC.,)
FLINTKOTE COMPANY and JOHN CRANE-)
HOUDAILLE, INC.,)

Defendants.)

Case No. 88-C-495-B

ORDER OF DISMISSAL

Upon the application for the plaintiff and for good
cause shown, this action is dismissed without prejudice against John
Crane Houdaille, Inc.

S/ THOMAS R. BRETT
UNITED STATES DISTRICT JUDGE

KLW/tmm

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

ARTHUR JACKSON)
and LIHLA EDITH JACKSON,)
)
Plaintiffs,)

vs.)

FIBREBOARD CORPORATION,)
OWENS-CORNING FIBERGLASS)
CORPORATION, EAGLE-PICHER)
INDUSTRIES, INC., PITTSBURGH-)
CORNING CORPORATION, CELOTEX)
CORPORATION, GAF CORPORATION,)
KEENE CORPORATION, COMBUSTION)
ENGINEERING, INC., OWENS-ILLINOIS)
INC., RAYMARK INDUSTRIES, INC.,)
H. K. PORTER COMPANY, GARLOCK,)
INC., ARMSTRONG CORK COMPANY,)
FLEXITALLIC GASKET COMPANY, INC.,)
FLINTKOTE COMPANY and JOHN CRANE-)
HOUDAILLE, INC.,)

Defendants.)

Case No. 87-C-520-B

ORDER OF DISMISSAL

Upon the application for the plaintiff and for good
cause shown, this action is dismissed without prejudice against John
Crane Houdaille, Inc.

S/ THOMAS R. BRETT
UNITED STATES DISTRICT JUDGE

KLW/tmm

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

DENVER WESLEY WILMOTH and)
JEWELL A. WILMOTH,)
)
Plaintiffs,)

vs.)

FIBREBOARD CORPORATION,)
OWENS-CORNING FIBERGLASS)
CORPORATION, EAGLE-PICHER)
INDUSTRIES, INC., PITTSBURGH-)
CORNING CORPORATION, CELOTEX)
CORPORATION, GAF CORPORATION,)
KEENE CORPORATION, COMBUSTION)
ENGINEERING, INC., OWENS-ILLINOIS)
INC., RAYMARK INDUSTRIES, INC.,)
H. K. PORTER COMPANY, GARLOCK,)
INC., ARMSTRONG CORK COMPANY,)
FLEXITALLIC GASKET COMPANY, INC.,)
FLINTKOTE COMPANY and JOHN CRANE)
HOUDAILLE, INC.,)

Defendants.)

Case No. 87-C-403-B

FILED

1987

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

ORDER OF DISMISSAL

Upon the application for the plaintiff and for good
cause shown, this action is dismissed with prejudice against John
Crane Houdaille, Inc.

S/ THOMAS R. BRETT
UNITED STATES DISTRICT JUDGE

KLW/tmm

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

GUFFREY F. CARLTON)
and BESSIE M. CARLTON,)
)
Plaintiffs,)

vs.)

FIBREBOARD CORPORATION,)
OWENS-CORNING FIBERGLASS)
CORPORATION, EAGLE-PICHER)
INDUSTRIES, INC., PITTSBURGH-)
CORNING CORPORATION, CELOTEX)
CORPORATION, GAF CORPORATION,)
KEENE CORPORATION, COMBUSTION)
ENGINEERING, INC., OWENS-ILLINOIS)
INC., RAYMARK INDUSTRIES, INC.,)
H. K. PORTER COMPANY, GARLOCK,)
INC., ARMSTRONG CORK COMPANY,)
FLEXITALLIC GASKET COMPANY, INC.,)
FLINTKOTE COMPANY and JOHN CRANE-)
HOUDAILLE, INC.,)

Defendants.)

Case No. 88-C-112-B

FILED
JAN 11 1988
U. S. DISTRICT COURT

ORDER OF DISMISSAL

Upon the application for the plaintiff and for good cause shown, this action is dismissed without prejudice against John Crane Houdaille, Inc.

S/ THOMAS R. BRETT
UNITED STATES DISTRICT JUDGE

KLW/tmm

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

CONNIE CALVIN SIX, JR.,)
)
Plaintiff,)
)
vs.)
)
FIBREBOARD CORPORATION,)
OWENS-CORNING FIBERGLASS)
CORPORATION, EAGLE-PICHER)
INDUSTRIES, INC., PITTSBURGH-)
CORNING CORPORATION, CELOTEX)
CORPORATION, GAF CORPORATION,)
KEENE CORPORATION, COMBUSTION)
ENGINEERING, INC., OWENS-ILLINOIS)
INC., RAYMARK INDUSTRIES, INC.,)
H. K. PORTER COMPANY, GARLOCK,)
INC., ARMSTRONG CORK COMPANY,)
FLEXITALLIC GASKET COMPANY, INC.,)
FLINTKOTE COMPANY and JOHN CRANE-)
HOUDAILLE, INC.,)
)
Defendants.)

Case No. 88-C-207-B

FILED
JUL 1 1988
John C. Baker, Clerk
U. S. DISTRICT COURT

ORDER OF DISMISSAL

Upon the application for the plaintiff and for good cause shown, this action is dismissed without prejudice against John Crane Houdaille, Inc.

S/ THOMAS R. BRETT
UNITED STATES DISTRICT JUDGE

UNITED STATES DISTRICT COURT FOR THE
NORTHERN DISTRICT OF OKLAHOMA

F I L E D

AUG 4 1988

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

UNITED STATES OF AMERICA,)
)
Plaintiff,)
)
vs.)
)
SHIRLEY JACKSON,)
)
Defendant.)

CIVIL ACTION NO. 88-C-421-E

DEFAULT JUDGMENT

This matter comes on for consideration this 28 day of July, 1988, the Plaintiff appearing by Tony M. Graham, United States Attorney for the Northern District of Oklahoma, through Phil Pinnell, Assistant United States Attorney, and the Defendant, Shirley Jackson, appearing not.

The Court being fully advised and having examined the file herein finds that Defendant, Shirley Jackson, acknowledged receipt of Summons and Complaint on May 13, 1988. The time within which the Defendant could have answered or otherwise moved as to the Complaint has expired and has not been extended. The Defendant has not answered or otherwise moved, and default has been entered by the Clerk of this Court. Plaintiff is entitled to Judgment as a matter of law.

IT IS THEREFORE, ORDERED, ADJUDGED AND DECREED that the Plaintiff have and recover judgment against Defendant, Shirley Jackson, for the principal sum of \$1,959.96, plus accrued interest of \$471.71 as of April 14, 1988, plus interest thereafter at the rate of 3 percent per annum until judgment, plus interest thereafter at the current legal rate of 7.54 percent per annum until paid.

S/ JAMES O. ELLISON

UNITED STATES DISTRICT JUDGE

KLW/tmm

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

TEDDY L. OSBORNE)
and MARITUS OSBORNE,)
)
Plaintiffs,)

vs.)

FIBREBOARD CORPORATION,)
OWENS-CORNING FIBERGLASS)
CORPORATION, EAGLE-PICHER)
INDUSTRIES, INC., PITTSBURGH-)
CORNING CORPORATION, CELOTEX)
CORPORATION, GAF CORPORATION,)
KEENE CORPORATION, COMBUSTION)
ENGINEERING, INC., OWENS-ILLINOIS)
INC., RAYMARK INDUSTRIES, INC.,)
H. K. PORTER COMPANY, GARLOCK,)
INC., ARMSTRONG CORK COMPANY,)
FLEXITALLIC GASKET COMPANY, INC.,)
FLINTKOTE COMPANY and JOHN CRANE-)
HOUDAILLE, INC.,)

Defendants.)

Case No. 88-C-211-B

FILED
JAN 11 1989
JACK C. BRETT
U.S. DISTRICT COURT

ORDER OF DISMISSAL

Upon the application for the plaintiff and for good cause shown, this action is dismissed without prejudice against John Crane Houdaille, Inc.

S/ THOMAS R. BRETT

UNITED STATES DISTRICT JUDGE

KLW/tmm

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

ALVA RAY SHANKS)
and CHRISTINE SHANKS,)
)
Plaintiffs,)
)
vs.)
)
FIBREBOARD CORPORATION,)
OWENS-CORNING FIBERGLASS)
CORPORATION, EAGLE-PICHER)
INDUSTRIES, INC., PITTSBURGH-)
CORNING CORPORATION, CELOTEX)
CORPORATION, GAF CORPORATION,)
KEENE CORPORATION, COMBUSTION)
ENGINEERING, INC., OWENS-ILLINOIS)
INC., RAYMARK INDUSTRIES, INC.,)
H. K. PORTER COMPANY, GARLOCK,)
INC., ARMSTRONG CORK COMPANY,)
FLEXITALLIC GASKET COMPANY, INC.,)
FLINTKOTE COMPANY and JOHN CRANE-)
HOUDAILLE, INC.,)
)
Defendants.)

FILED
 1988
 Jack C. ...
 U. S. District Court

Case No. 88-C-213-B

ORDER OF DISMISSAL

Upon the application for the plaintiff and for good cause shown, this action is dismissed without prejudice against John Crane Houdaille, Inc.

S/ THOMAS R. BRETT

UNITED STATES DISTRICT JUDGE

KLW/tmm

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

CLIFTON EMERGY SILVER)
and GERALDINE FRANCES SILVER,)
)
Plaintiffs,)

vs.)

FIBREBOARD CORPORATION,)
OWENS-CORNING FIBERGLASS)
CORPORATION, EAGLE-PICHER)
INDUSTRIES, INC., PITTSBURGH-)
CORNING CORPORATION, CELOTEX)
CORPORATION, GAF CORPORATION,)
KEENE CORPORATION, COMBUSTION)
ENGINEERING, INC., OWENS-ILLINOIS)
INC., RAYMARK INDUSTRIES, INC.,)
H. K. PORTER COMPANY, GARLOCK,)
INC., ARMSTRONG CORK COMPANY,)
FLEXITALLIC GASKET COMPANY, INC.,)
FLINTKOTE COMPANY and JOHN CRANE-)
HOUDAILLE, INC.,)

Defendants.)

Case No. 88-C-220-B

FILED
JUL 11 1988
U.S. DISTRICT COURT
NORTHERN DISTRICT OF OKLAHOMA

ORDER OF DISMISSAL

Upon the application for the plaintiff and for good cause shown, this action is dismissed without prejudice against John Crane Houdaille, Inc.

S/ THOMAS R. BRETT
UNITED STATES DISTRICT JUDGE

KLW/tmm

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

EDWIN CHARLES ORPIN)

Plaintiff,)

vs.)

FIBREBOARD CORPORATION,)
OWENS-CORNING FIBERGLASS)
CORPORATION, EAGLE-PICHER)
INDUSTRIES, INC., PITTSBURGH-)
CORNING CORPORATION, CELOTEX)
CORPORATION, GAF CORPORATION,)
KEENE CORPORATION, COMBUSTION)
ENGINEERING, INC., OWENS-ILLINOIS)
INC., RAYMARK INDUSTRIES, INC.,)
H. K. PORTER COMPANY, GARLOCK,)
INC., ARMSTRONG CORK COMPANY,)
FLEXITALLIC GASKET COMPANY, INC.,)
FLINTKOTE COMPANY and JOHN CRANE-)
HOUDAILLE, INC.,)

Defendants.)

Case No. 88-C-221-B

FILED
JUL 11 1988
U.S. DISTRICT COURT
NORTHERN DISTRICT OF OKLAHOMA

ORDER OF DISMISSAL

Upon the application for the plaintiff and for good cause shown, this action is dismissed without prejudice against John Crane Houdaille, Inc.

S/ THOMAS R. BRETT
UNITED STATES DISTRICT JUDGE

KLW/tmm

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

GARRETT G. JUBY)
and RACHEL JEAN JUBY,)
)
Plaintiffs,)

vs.)

FIBREBOARD CORPORATION,)
OWENS-CORNING FIBERGLASS)
CORPORATION, EAGLE-PICHER)
INDUSTRIES, INC., PITTSBURGH-)
CORNING CORPORATION, CELOTEX)
CORPORATION, GAF CORPORATION,)
KEENE CORPORATION, COMBUSTION)
ENGINEERING, INC., OWENS-ILLINOIS)
INC., RAYMARK INDUSTRIES, INC.,)
H. K. PORTER COMPANY, GARLOCK,)
INC., ARMSTRONG CORK COMPANY,)
FLEXITALLIC GASKET COMPANY, INC.,)
FLINTKOTE COMPANY and JOHN CRANE-)
HOUDAILLE, INC.,)

Defendants.)

Case No. 88-C-302-B

ORDER OF DISMISSAL

Upon the application for the plaintiff and for good
cause shown, this action is dismissed without prejudice against John
Crane Houdaille, Inc.

S/ THOMAS R. BRETT

UNITED STATES DISTRICT JUDGE

KLW/tmm

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

GERALD D. NICKS)
and A. ALBERTA NICKS,)
)
Plaintiffs,)

vs.)

FIBREBOARD CORPORATION,)
OWENS-CORNING FIBERGLASS)
CORPORATION, EAGLE-PICHER)
INDUSTRIES, INC., PITTSBURGH-)
CORNING CORPORATION, CELOTEX)
CORPORATION, GAF CORPORATION,)
KEENE CORPORATION, COMBUSTION)
ENGINEERING, INC., OWENS-ILLINOIS)
INC., RAYMARK INDUSTRIES, INC.,)
H. K. PORTER COMPANY, GARLOCK,)
INC., ARMSTRONG CORK COMPANY,)
FLEXITALLIC GASKET COMPANY, INC.,)
FLINTKOTE COMPANY and JOHN CRANE-)
HOUDAILLE, INC.,)

Defendants.)

Case No. 88-C-304-B

ORDER OF DISMISSAL

Upon the application for the plaintiff and for good
cause shown, this action is dismissed without prejudice against John
Crane Houdaille, Inc.

S/ THOMAS R. BRETT

UNITED STATES DISTRICT JUDGE

KLW/tmm

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

CECIL E. RICHARDSON)
and BILLIE A. RICHARDSON,)
)
Plaintiffs,)

vs.)

FIBREBOARD CORPORATION,)
OWENS-CORNING FIBERGLASS)
CORPORATION, EAGLE-PICHER)
INDUSTRIES, INC., PITTSBURGH-)
CORNING CORPORATION, CELOTEX)
CORPORATION, GAF CORPORATION,)
KEENE CORPORATION, COMBUSTION)
ENGINEERING, INC., OWENS-ILLINOIS)
INC., RAYMARK INDUSTRIES, INC.,)
H. K. PORTER COMPANY, GARLOCK,)
INC., ARMSTRONG CORK COMPANY,)
FLEXITALLIC GASKET COMPANY, INC.,)
FLINTKOTE COMPANY and JOHN CRANE-)
HOUDAILLE, INC.,)

Defendants.)

Case No. 88-C-388-B

FILED
JAN 21 1988
U.S. DISTRICT COURT
NORTHERN DISTRICT OF OKLAHOMA

ORDER OF DISMISSAL

Upon the application for the plaintiff and for good
cause shown, this action is dismissed without prejudice against John
Crane Houdaille, Inc.

S/ THOMAS R. BRETT
UNITED STATES DISTRICT JUDGE

KLW/tmm

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

SUSAN ROHRBAUGH, BARBARA ANN)
CLAY and DEBRA MAE AMBLER,)
INDIVIDUALLY AND AS PERSONAL)
REPRESENTATIVES OF THE HEIRS AND)
ESTATE OF DOROTHY MAE PALMER,)
DECEASED,)

Plaintiffs,)

vs.)

FIBREBOARD CORPORATION,)
OWENS-CORNING FIBERGLASS)
CORPORATION, EAGLE-PICHER)
INDUSTRIES, INC., PITTSBURGH-)
CORNING CORPORATION, CELOTEX)
CORPORATION, GAF CORPORATION,)
KEENE CORPORATION, COMBUSTION)
ENGINEERING, INC., OWENS-ILLINOIS)
INC., RAYMARK INDUSTRIES, INC.,)
H. K. PORTER COMPANY, GARLOCK,)
INC., ARMSTRONG CORK COMPANY,)
FLEXITALLIC GASKET COMPANY, INC.,)
FLINTKOTE COMPANY and JOHN CRANE-)
HOUDAILLE, INC.,)

Defendants.)

Case No. CA-88-90B

FILED
JUL 19 1988
Jack U. ...
U. S. DISTRICT COURT

ORDER OF DISMISSAL

Upon the application for the plaintiff and for good
cause shown, this action is dismissed without prejudice against John
Crane Houdaille, Inc.

S/ THOMAS R. BRETT
UNITED STATES DISTRICT JUDGE

KLW/tmm

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

BENNY RICHARD ALLEN)
and MARSHA LEE ALLEN,)
)
Plaintiffs,)

vs.)

FIBREBOARD CORPORATION,)
OWENS-CORNING FIBERGLASS)
CORPORATION, EAGLE-PICHER)
INDUSTRIES, INC., PITTSBURGH-)
CORNING CORPORATION, CELOTEX)
CORPORATION, GAF CORPORATION,)
KEENE CORPORATION, COMBUSTION)
ENGINEERING, INC., OWENS-ILLINOIS)
INC., RAYMARK INDUSTRIES, INC.,)
H. K. PORTER COMPANY, GARLOCK,)
INC., ARMSTRONG CORK COMPANY,)
FLEXITALLIC GASKET COMPANY, INC.,)
FLINTKOTE COMPANY and JOHN CRANE-)
HOUDAILLE, INC.,)
)
Defendants.)

FILED
JAN 6 1988
U.S. DISTRICT COURT

Case No. 88-C-0087-B

ORDER OF DISMISSAL

Upon the application for the plaintiff and for good
cause shown, this action is dismissed without prejudice against John
Crane Houdaille, Inc.

S/ THOMAS R. BRETT
UNITED STATES DISTRICT JUDGE

KLW/tmm

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

MELVIN EVERETT SMITH,)
)
 Plaintiff,)
)
 vs.)
)
 FIBREBOARD CORPORATION,)
 OWENS-CORNING FIBERGLASS)
 CORPORATION, EAGLE-PICHER)
 INDUSTRIES, INC., PITTSBURGH-)
 CORNING CORPORATION, CELOTEX)
 CORPORATION, GAF CORPORATION,)
 KEENE CORPORATION, COMBUSTION)
 ENGINEERING, INC., OWENS-ILLINOIS)
 INC., RAYMARK INDUSTRIES, INC.,)
 H. K. PORTER COMPANY, GARLOCK,)
 INC., ARMSTRONG CORK COMPANY,)
 FLEXITALLIC GASKET COMPANY, INC.,)
 FLINTKOTE COMPANY and JOHN CRANE-)
 HOUDAILLE, INC.,)
)
 Defendants.)

FILED
 1983
 Jack C. Silver, Clerk
 U. S. DISTRICT COURT

Case No. 87-C-521-B

ORDER OF DISMISSAL

Upon the application for the plaintiff and for good cause shown, this action is dismissed without prejudice against John Crane Houdaille, Inc.

S/ THOMAS R. BRETT

 UNITED STATES DISTRICT JUDGE

KLW/tmm

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

JAMES ALEX TRAIL)
and ALPHA TRAIL,)
)
Plaintiffs,)

vs.)

FIBREBOARD CORPORATION,)
OWENS-CORNING FIBERGLASS)
CORPORATION, EAGLE-PICHER)
INDUSTRIES, INC., PITTSBURGH-)
CORNING CORPORATION, CELOTEX)
CORPORATION, GAF CORPORATION,)
KEENE CORPORATION, COMBUSTION)
ENGINEERING, INC., OWENS-ILLINOIS)
INC., RAYMARK INDUSTRIES, INC.,)
H. K. PORTER COMPANY, GARLOCK,)
INC., ARMSTRONG CORK COMPANY,)
FLEXITALLIC GASKET COMPANY, INC.,)
FLINTKOTE COMPANY and JOHN CRANE-)
HOUDAILLE, INC.,)

Defendants.)

Case No. 88-C-93-B

FILED
1988
U.S. DISTRICT COURT

ORDER OF DISMISSAL

Upon the application for the plaintiff and for good cause shown, this action is dismissed without prejudice against John Crane Houdaille, Inc.

S/ THOMAS R. BRETT

UNITED STATES DISTRICT JUDGE

KLW/tmm

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

TROY CECIL WILLIAMS)
and CLETA WILLIAMS,)
)
Plaintiffs,)

vs.)

FIBREBOARD CORPORATION,)
OWENS-CORNING FIBERGLASS)
CORPORATION, EAGLE-PICHER)
INDUSTRIES, INC., PITTSBURGH-)
CORNING CORPORATION, CELOTEX)
CORPORATION, GAF CORPORATION,)
KEENE CORPORATION, COMBUSTION)
ENGINEERING, INC., OWENS-ILLINOIS)
INC., RAYMARK INDUSTRIES, INC.,)
H. K. PORTER COMPANY, GARLOCK,)
INC., ARMSTRONG CORK COMPANY,)
FLEXITALLIC GASKET COMPANY, INC.,)
FLINTKOTE COMPANY and JOHN CRANE-)
HOUDAILLE, INC.,)

Defendants.)

Case No. CA-88-C-103B

FILED
JAN 6 1988
U.S. DISTRICT COURT
NORTHERN DISTRICT OF OKLAHOMA

ORDER OF DISMISSAL

Upon the application for the plaintiff and for good cause shown, this action is dismissed without prejudice against John Crane Houdaille, Inc.

S/ THOMAS R. BRETT
UNITED STATES DISTRICT JUDGE

KLW/tmm

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

FREDERICK CLINTON MCCORKLE)
and BERNEICE CAROL MCCORKLE,)
)
Plaintiffs,)

vs.)

FIBREBOARD CORPORATION,)
OWENS-CORNING FIBERGLASS)
CORPORATION, EAGLE-PICHER)
INDUSTRIES, INC., PITTSBURGH-)
CORNING CORPORATION, CELOTEX)
CORPORATION, GAF CORPORATION,)
KEENE CORPORATION, COMBUSTION)
ENGINEERING, INC., OWENS-ILLINOIS)
INC., RAYMARK INDUSTRIES, INC.,)
H. K. PORTER COMPANY, GARLOCK,)
INC., ARMSTRONG CORK COMPANY,)
FLEXITALLIC GASKET COMPANY, INC.,)
FLINTKOTE COMPANY and JOHN CRANE-)
HOUDAILLE, INC.,)
)
Defendants.)

FILED
1973
John C. Baker, Clerk
U. S. DISTRICT COURT

Case No. 87-C-640-B

ORDER OF DISMISSAL

Upon the application for the plaintiff and for good
cause shown, this action is dismissed without prejudice against John
Crane Houdaille, Inc.

S/ THOMAS R. BRETT
UNITED STATES DISTRICT JUDGE

KLW/tmm

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

ELIC TARVIN HILL)
and CAROLYN SUE HILL,)
)
Plaintiffs,)

vs.)

FIBREBOARD CORPORATION,)
OWENS-CORNING FIBERGLASS)
CORPORATION, EAGLE-PICHER)
INDUSTRIES, INC., PITTSBURGH-)
CORNING CORPORATION, CELOTEX)
CORPORATION, GAF CORPORATION,)
KEENE CORPORATION, COMBUSTION)
ENGINEERING, INC., OWENS-ILLINOIS)
INC., RAYMARK INDUSTRIES, INC.,)
H. K. PORTER COMPANY, GARLOCK,)
INC., ARMSTRONG CORK COMPANY,)
FLEXITALLIC GASKET COMPANY, INC.,)
FLINTKOTE COMPANY and JOHN CRANE-)
HOUDAILLE, INC.,)

Defendants.)

FILED
JAN 11 1988
JACK C. SMITH, CLERK
U. S. DISTRICT COURT

Case No. 88-C-88-B

ORDER OF DISMISSAL

Upon the application for the plaintiff and for good
cause shown, this action is dismissed without prejudice against John
Crane Houdaille, Inc.

S/ THOMAS R. BRETT

UNITED STATES DISTRICT JUDGE

KLW/tmm

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

MARVIN R. PAVEY)
and BEULAH H. PAVEY,)
)
Plaintiffs,)

vs.)

FIBREBOARD CORPORATION,)
OWENS-CORNING FIBERGLASS)
CORPORATION, EAGLE-PICHER)
INDUSTRIES, INC., PITTSBURGH-)
CORNING CORPORATION, CELOTEX)
CORPORATION, GAF CORPORATION,)
KEENE CORPORATION, COMBUSTION)
ENGINEERING, INC., OWENS-ILLINOIS)
INC., RAYMARK INDUSTRIES, INC.,)
H. K. PORTER COMPANY, GARLOCK,)
INC., ARMSTRONG CORK COMPANY,)
FLEXITALLIC GASKET COMPANY, INC.,)
FLINTKOTE COMPANY and JOHN CRANE-)
HOUDAILLE, INC.,)

Defendants.)

Case No. 88-C-391-B

FILED
JUL 11 1988
J. E. FLETCHER

ORDER OF DISMISSAL

Upon the application for the plaintiff and for good cause shown, this action is dismissed without prejudice against John Crane Houdaille, Inc.

S/ THOMAS R. BRETT
UNITED STATES DISTRICT JUDGE

KLW/tmm

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

HOMER SUE SWEPSTON)
and EDNA SUE SWEPSTON,)
)
Plaintiffs,)

vs.)

FIBREBOARD CORPORATION,)
OWENS-CORNING FIBERGLASS)
CORPORATION, EAGLE-PICHER)
INDUSTRIES, INC., PITTSBURGH-)
CORNING CORPORATION, CELOTEX)
CORPORATION, GAF CORPORATION,)
KEENE CORPORATION, COMBUSTION)
ENGINEERING, INC., OWENS-ILLINOIS)
INC., RAYMARK INDUSTRIES, INC.,)
H. K. PORTER COMPANY, GARLOCK,)
INC., ARMSTRONG CORK COMPANY,)
FLEXITALLIC GASKET COMPANY, INC.,)
FLINTKOTE COMPANY and JOHN CRANE-)
HOUDAILLE, INC.,)

Defendants.)

Case No. 88-C-204-B

FILED
JAN 11 1989
U.S. DISTRICT COURT

ORDER OF DISMISSAL

Upon the application for the plaintiff and for good cause shown, this action is dismissed without prejudice against John Crane Houdaille, Inc.

S/ THOMAS R. BRETT
UNITED STATES DISTRICT JUDGE

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

FILED
AUG 4 1988
Jack C. Silver, Clerk
U.S. DISTRICT COURT

JOHN ROY DRUMMOND,
Plaintiff,

vs.

OPPENHEIMER INDUSTRIES, INC.,
et al.,

Defendants.

No. 86-C-915-E

JUDGMENT

In accordance with the Order entered June 1, 1988,

IT IS THEREFORE ORDERED that Judgment be entered in favor of Defendant Oppenheimer Industries, Inc., and against the Plaintiff John Roy Drummond, and the Plaintiff is to take nothing by way of his claim herein. The Court reserves ruling on attorney fees and Court costs until Defendant files proper application for same.

ORDERED this 3rd day of August, 1988.



JAMES O. ELLISON
UNITED STATES DISTRICT JUDGE

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

FILED

AUG 4 1988

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

STEPHEN JOSEPH BARBERA, III,)
)
Plaintiff,)
)
vs.)
)
CITY OF TULSA, OKALHOMA, a)
municipal corporation; POLICE)
OFFICER M.B. EUBANKS; POLICE)
OFFICER W.C. CARR; POLICE)
CHIEF R.N. DICK,)
)
Defendants.)

Case No. 87-C-1033E

ORDER OF DISMISSAL

Now on this 4th day of Aug, 1988, upon the motion of the plaintiff for dismissal of the above styled and numbered case with prejudice to its re-filing, the Court finds that the motion should be granted.

IT IS THEREFORE ORDERED by the Court that plaintiff's action against the defendants in the above styled and numbered case be and same is hereby dismissed with prejudice with the plaintiff and the defendants to bear their respective attorneys fees and costs expended.

S/ JAMES O. ELLISON
James O. Ellison
United States District Judge

KLW/tmm

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

ROWLAND EARL BABCOCK)
and MIDA S. BABCOCK,)
)
Plaintiffs,)
)
vs.)
)
FIBREBOARD CORPORATION,)
OWENS-CORNING FIBERGLASS)
CORPORATION, EAGLE-PICHER)
INDUSTRIES, INC., PITTSBURGH-)
CORNING CORPORATION, CELOTEX)
CORPORATION, GAF CORPORATION,)
KEENE CORPORATION, COMBUSTION)
ENGINEERING, INC., OWENS-ILLINOIS)
INC., RAYMARK INDUSTRIES, INC.,)
H. K. PORTER COMPANY, GARLOCK,)
INC., ARMSTRONG CORK COMPANY,)
FLEXITALLIC GASKET COMPANY, INC.,)
FLINTKOTE COMPANY and JOHN CRANE-)
HOUDAILLE, INC.,)
)
Defendants.)

FILED
 1988
 J. C. ...
 ...

Case No. CA-88-C-139B

ORDER OF DISMISSAL

Upon the application for the plaintiff and for good cause shown, this action is dismissed without prejudice against John Crane Houdaille, Inc.

S/ THOMAS R. BRETT

UNITED STATES DISTRICT JUDGE

KLW/tmm

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

DON AUSTIN STOCKTON)
and GRACIA MAE STOCKTON,)
)
Plaintiffs,)

vs.)

FIBREBOARD CORPORATION,)
OWENS-CORNING FIBERGLASS)
CORPORATION, EAGLE-PICHER)
INDUSTRIES, INC., PITTSBURGH-)
CORNING CORPORATION, CELOTEX)
CORPORATION, GAF CORPORATION,)
KEENE CORPORATION, COMBUSTION)
ENGINEERING, INC., OWENS-ILLINOIS)
INC., RAYMARK INDUSTRIES, INC.,)
H. K. PORTER COMPANY, GARLOCK,)
INC., ARMSTRONG CORK COMPANY,)
FLEXITALLIC GASKET COMPANY, INC.,)
FLINTKOTE COMPANY and JOHN CRANE-)
HOUDAILLE, INC.,)

Defendants.)

Case No. 88-C-108-B

FILED
1988
JAN 20 1988
U.S. DISTRICT COURT

ORDER OF DISMISSAL

Upon the application for the plaintiff and for good cause shown, this action is dismissed without prejudice against John Crane Houdaille, Inc.

S/ THOMAS R. BRETT

UNITED STATES DISTRICT JUDGE

KLW/tmm

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

WEYBURN BYRON WILSON)
and DELLA GRACE WILSON,)
)
Plaintiffs,)

vs.)

FIBREBOARD CORPORATION,)
OWENS-CORNING FIBERGLASS)
CORPORATION, EAGLE-PICHER)
INDUSTRIES, INC., PITTSBURGH-)
CORNING CORPORATION, CELOTEX)
CORPORATION, GAF CORPORATION,)
KEENE CORPORATION, COMBUSTION)
ENGINEERING, INC., OWENS-ILLINOIS)
INC., RAYMARK INDUSTRIES, INC.,)
H. K. PORTER COMPANY, GARLOCK,)
INC., ARMSTRONG CORK COMPANY,)
FLEXITALLIC GASKET COMPANY, INC.,)
FLINTKOTE COMPANY and JOHN CRANE-)
HOUDAILLE, INC.,)

Defendants.)

Case No. CA-88-C-104B

FILED
JAN 11 1989
U.S. DISTRICT COURT
NORTHERN DISTRICT OF OKLAHOMA

ORDER OF DISMISSAL

Upon the application for the plaintiff and for good cause shown, this action is dismissed without prejudice against John Crane Houdaille, Inc.

S/ THOMAS R. BRETT

UNITED STATES DISTRICT JUDGE

*Entered
8/17*

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

FILED

AUG 4 1988

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

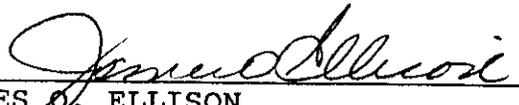
BERT COX, JR.,)	
)	
Plaintiff,)	
)	
vs.)	No. 88-C-130-E
)	
FRANK THURMAN, et al.,)	
)	
Defendants.)	

ORDER

The Court has for consideration the Report and Recommendations of the Magistrate filed June 16, 1988. After careful consideration of the record and the issues, including the briefs and memoranda filed herein by the parties, the Court has concluded that the Report and Recommendations of the Magistrate should be and hereby are adopted by the Court.

IT IS THEREFORE ORDERED that Defendants' Motion to Dismiss or in the Alternative for Summary Judgment be granted in part, as it relates to Plaintiff's Fifth and Fourteenth Amendment claims as well as Plaintiff's Eighth Amendment claim as it relates to Defendants in their individual (not official) capacity.

ORDERED this 3rd day of August, 1988.



 JAMES C. ELLISON
 UNITED STATES DISTRICT JUDGE

GLH/LAL/lc
07/15/88

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

FILED

AUG 4 1988

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

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

No. 88-C-555-E

ORDER OF DISMISSAL

NOW on this 4th day of Aug, 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 Whittaker, Clark & Daniels. 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 Whittaker, Clark & Daniels, be and the same are hereby dismissed without prejudice. It is further

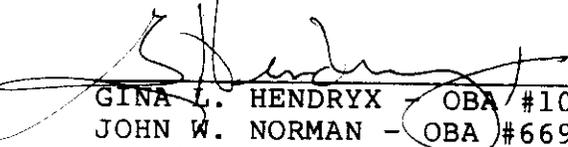
ORDERED that each party shall bear its own costs.

S/ JAMES O. ELISON

U.S. DISTRICT JUDGE

APPROVED AS TO FORM:

LAW OFFICES OF
JOHN W. NORMAN INCORPORATED
ATTORNEYS FOR PLAINTIFFS


GINA L. HENDRYX - OBA #10330
JOHN W. NORMAN - OBA #6699
Renaissance Centre East
127 N.W. 10th
Oklahoma City, OK 73103-4903
405/272-0200

THOMAS, GLASS & ATKINSON, HASKINS,
NELLIS & BOUDREAUX
ATTORNEYS FOR DEFENDANT WHITTAKER,
CLARK & DANIELS


MARTHA J. PHILLIPS
525 S. Main, Suite 1500
Tulsa, OK 74103

GLH/LAL/lc
07/15/88

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

FILED

AUG 4 1988

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 4th 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 Whittaker, Clark & Daniels. Based upon the representations and request of these parties as set forth in the foregoing stipulation, it is

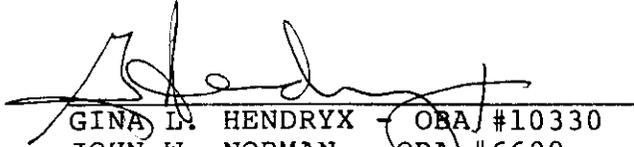
ORDERED that Plaintiffs' Complaint and claims for relief against the Defendant Whittaker, Clark & Daniels, be and the same are hereby dismissed without prejudice. It is further

ORDERED that each party shall bear its own costs.


U.S. DISTRICT JUDGE

APPROVED AS TO FORM:

LAW OFFICES OF
JOHN W. NORMAN INCORPORATED
ATTORNEYS FOR PLAINTIFFS


GINA L. HENDRYX - OBA #10330
JOHN W. NORMAN - OBA #6699
Renaissance Centre East
127 N.W. 10th
Oklahoma City, OK 73103-4903
405/272-0200

THOMAS, GLASS & ATKINSON, HASKINS,
NELLIS & BOUDREAUX
ATTORNEYS FOR DEFENDANT WHITTAKER,
CLARK & DANIELS


MARTHA J. PHILLIPS
525 S. Main, Suite 1500
Tulsa, OK 74103

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

AUG - 3 1988

BURLINGTON NORTHERN RAILROAD)
COMPANY, a corporation,)
)
Plaintiff,)

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

No. 87-C-568-B

vs.)

KARL D. JONES, Special)
Administrator of the Estate)
of Joe Ervin Epperson, Deceased,)
individually and d/b/a Epperson)
Hauling and/or Epperson Trucking;)
PROGRESSIVE CASUALTY INSURANCE)
COMPANY, a corporation; CADENCE)
CHEMICAL RESOURCES, INC., a)
corporation; and AMERICAN)
CHEMICAL SERVICE, INC., a)
corporation,)
)
Defendants.)

ORDER

For good cause shown, plaintiff's claim against defendant and
defendants' counterclaim against plaintiff are hereby dismissed
with prejudice to the refiling of such actions.

IT IS SO ORDERED this 3rd day of August, 1986.

S/ THOMAS R. BRETT

Thomas R. Brett
United States District Judge

entered

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

83-8 533A

U.S. DISTRICT COURT
NORTHERN DISTRICT OF OKLAHOMA

LILLIAN GRAHAM,

Plaintiff,

vs.

AMERICAN AIRLINES, INC.,
a corporation,

Defendant.

No. 86-C-516-C ✓

O R D E R

Now before the Court for its consideration is the appeal of the defendant to an order of the United States Magistrate, the latter entered on July 11, 1988.

Trial of this matter began on May 9, 1988 and continued until May 24, 1988, at which time the trial was suspended until October 31, 1988, because of this Court's trial docket. At the time of postponement, the plaintiff had presented her case-in-chief and had rested.

On June 17, 1988, plaintiff filed an application for special discovery, seeking records from Ports-of-Call, a flying club in Denver, Colorado, regarding engine repair work performed by the defendant in 1985 on Engine No. 6444980. This engine figured prominently in testimony elicited during plaintiff's case-in-chief.

After a hearing on July 11, 1988, the United States Magistrate granted the special application, reopening discovery solely as to a deposition regarding those engine records.

In her application, and in her response to the present appeal, plaintiff asserts that upon pretrial inquiry, Ports-of-Call officials claimed to have only a single document regarding the engine in question. Now, plaintiff states, the "Aircraft Records Coordinator" for Ports-of-Call advises that additional records are available.

In its appeal, the defendant responds that (1) plaintiff was advised before trial that Ports-of-Call had the records and should have issued a pretrial subpoena, and (2) discovery at this juncture is too late. As to (1), given the representations made in plaintiff's filings, a plausible reason has been presented for not issuing a subpoena earlier. As for (2), the defendant correctly notes that this Court denied plaintiff's pretrial request for a four-month delay in trial so that additional discovery could be done. However, that denial was based upon the avoidance of delay in what was predicted to be a four-day trial. Delay has now proved to be unavoidable, and this single deposition will not disturb the resumption date of October 31, 1988. While plaintiff has completed her case-in-chief, the records could be relevant for impeachment or rebuttal purposes. Given the totality of circumstances, the Court believes that its discretion is more prudently exercised in permitting this brief, limited discovery.

It is the Order of the Court that the appeal of the defendant from the July 11, 1988 order of the United States Magistrate is hereby DENIED.

IT IS SO ORDERED this 2ND day of August, 1988.


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

F I L E D

AUG - 3 1988

pkrd-and.ORD1295-8Fnj07148

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

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

DOUG E. ANDERSON, et al.,)
)
 Plaintiffs,)
)
 vs.)
)
 BOB PICKARD, d/b/a BOB PICKARD)
 PAINTING,)
)
 Defendant.)

Case No. 87-C-789-B

ORDER

Now on this 3rd day of August, 1988, comes on for consideration the Joint Motion to Dismiss filed herein by Plaintiffs and Defendant for the dismissal of this action with prejudice.

This Court finds on due consideration that such Joint Motion to Dismiss should be allowed.

IT IS THEREFORE ORDERED, that this action be and is dismissed with prejudice at the cost of Plaintiffs.

S/ THOMAS R. BRETT

UNITED STATES DISTRICT JUDGE

JN:rv
8/03/88

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

AUG -3 1988

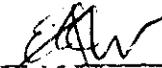
CLERK
U.S. DISTRICT COURT

DORIS L. HERNANDEZ,)
)
 Plaintiff,)
)
 vs.)
)
 DILLARD ENTERPRISES, INC., G.B.I.)
 INTERNATIONAL, INC., INTERFIRST)
 VENTURE CORPORATION, NEOMAR)
 RESOURCES, INC., INSULATION)
 SERVICES, INC., A.G.I. INSULATION,)
 INC., ROBERT S. WILLIAMS, an)
 individual; STEPHEN G. ADAMS, an)
 individual; and DAVID N. ELLIS,)
 JR., an individual,)
)
 Defendants.)

No. 88-C-432-B

NOTICE OF DISMISSAL

COMES NOW, the Plaintiff and dismisses the instant cause against all of the above-named Defendants, with the exception of **TECHNICAL METALS, INC.**, pursuant to Rule 41(2) of the Federal Rules of Civil Procedure. The Defendants have not filed an Answer or Motion for Summary Judgment.



JEFF NIX, OBA #6688
- and -
JAMES O. GOODWIN, OBA #3458
Attorneys for Plaintiff
P.O. Box 3267
Tulsa, Oklahoma 74101
(918) 582-9181

CERTIFICATE OF SERVICE

I, Jeff Nix, Attorney for Plaintiff, do hereby certify that on the 3rd day of August, 1988, a true and correct copy of

the above and foregoing Notice of Dismissal was mailed to Stephen L. Andrew, Attorney for Defendant, Suite 100, Tulsa Union Depot, 111 East First Street, Tulsa, Oklahoma 74103, with sufficient postage thereon fully prepaid.



JEFF NIX, OBA #6688

- and -

JAMES O. GOODWIN, OBA #3458
Attorneys for Plaintiff
P.O. Box 3267
Tulsa, Oklahoma 74101
(918) 582-9181

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

F I L E D

AUG 3 1988

ROSENSTEIN, FIST & RINGOLD, INC,)
a professional corporation,)
)
Plaintiff,)
)
vs.)
)
DAN J. SCHMIDER, an individual,)
)
Defendant.)

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

No. 88-C-312-C

JUDGMENT

This matter comes on for consideration upon the Motion for Default Judgment filed by the plaintiff, Rosenstein, Fist & Ringold ("RF&R"). After reviewing the Motion, accompanying Affidavit and the court file, the Court finds that:

1. Dan J. Schmider ("Schmider") has been properly served with process and a copy of RF&R's First Amended Complaint.

2. The Court has subject matter jurisdiction over this case based on diversity jurisdiction under 28 U.S.C. §1332(a)(1) and venue properly lies with this Court. The amount in controversy, excluding costs and interest, exceeds \$10,000.

3. Schmider has failed to respond to the First Amended Complaint or otherwise defend the case.

4. Schmider is indebted to and owes RF&R \$24,923.05, representing fees and costs incurred by RF&R in providing Schmider with legal advice and services.

5. Pursuant to Okla. Stat. tit. 12, §936 (1981), and the decisions of Weaver v. Laub, 574 P.2d 609 (Okla. 1977) and

Hamilton v. Telex Corp., 625 P.2d 106 (Okla. 1981), RF&R is also entitled to collect a reasonable attorney fee incurred to prosecute this case.

IT IS THEREFORE ORDERED AND ADJUDGED as follows:

1. RF&R is awarded judgment against the defendant, Dan J. Schmider in the principal amount of \$24,923.05.
2. RF&R is further awarded all costs incurred in prosecuting this action, including a reasonable attorney's fee, to be determined upon the filing of an appropriate application.
3. The Court Clerk is directed to enter the above judgment on the docket.

Dated this 2 day of August, 1988.


H. DALE COOK
United States District Court
Judge

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

KENNETH R. MARSHALL,)
)
 Petitioner,)
)
 v.)
)
 JACK COWLEY, WARDEN; and the)
 ATTORNEY GENERAL OF THE STATE)
 OF OKLAHOMA,)
)
 Respondents.)

87-C-965-B

FILED

MAY - 2 1988

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

ORDER

Now before the court is respondents' Motion to Dismiss petitioner's application for a writ of habeas corpus. Petitioner failed to respond to respondents' motion in a timely manner as required by the Federal Rules of Civil Procedure and the Local Rule 15A of the Northern District of Oklahoma. On May 9, 1988, the court granted petitioner's Motion for Extension of Time and ordered him to file his Traverse in response to the Motion to Dismiss by May 31, 1988. The copy of the Order granting the extension was mailed to the petitioner at McLeod Correctional Center on May 10, 1988 and returned unopened by the Post Office on May 12, 1988, saying addressee had moved and left no forwarding address. Further investigation has revealed that plaintiff escaped from McLeod Correctional Center on March 29, 1988, and that Warrant #CRF-88-41 is outstanding from Atoka County, Oklahoma.

The court finds that this action should therefore be dismissed without prejudice for failure to prosecute.

Dated this 2nd day of August, 1988.


THOMAS R. BRETT
UNITED STATES DISTRICT JUDGE

UNITED STATES DISTRICT COURT FOR THE
NORTHERN DISTRICT OF OKLAHOMA

UNITED STATES OF AMERICA,)
)
 Plaintiff,)
)
 vs.)
)
 TERRY ARTHUR ALLNUTT; GREGORY)
 SCOTT WALKER; COUNTY TREASURER,)
 Tulsa County, Oklahoma; and)
 BOARD OF COUNTY COMMISSIONERS,)
 Tulsa County, Oklahoma,)
)
 Defendants.)

FILED

AUG - 2 1988

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

CIVIL ACTION NO. 88-C-526-B

JUDGMENT OF FORECLOSURE

This matter comes on for consideration this 2nd day
of August, 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, Terry Arthur Allnutt and Gregory
Scott Walker, appear not, but make default.

The Court being fully advised and having examined the
file herein finds that the Defendant, Terry Arthur Allnutt,
acknowledged receipt of Summons and Complaint on June 22, 1988;
that the Defendant, Gregory Scott Walker, acknowledged receipt of
Summons and Complaint on June 24, 1988; that Defendant, County
Treasurer, Tulsa County, Oklahoma, acknowledged receipt of
Summons and Complaint on June 9, 1988; and that Defendant, Board

of County Commissioners, Tulsa County, Oklahoma, acknowledged receipt of Summons and Complaint on June 10, 1988.

It appears that the Defendants, County Treasurer, Tulsa County, Oklahoma, and Board of County Commissioners, Tulsa County, Oklahoma, filed their Answers herein on June 29, 1988; and that the Defendants, Terry Arthur Allnutt and Gregory Scott Walker, 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 Five (5), DOUGLAS COURT ADDITION to Dawson, now an Addition to the City of Tulsa, Tulsa County, State of Oklahoma, according to the Recorded Plat thereof.

The Court further finds that on December 12, 1984, the Defendants, Terry Arthur Allnutt and Gregory Scott Walker, 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 \$39,500.00, payable in monthly installments, with interest thereon at the rate of twelve and one-half percent (12.5%) per annum.

The Court further finds that as security for the payment of the above-described note, the Defendants, Terry Arthur Allnutt and Gregory Scott Walker, executed and delivered to the United States of America, acting on behalf of the Administrator

of Veterans Affairs, a mortgage dated December 12, 1984, covering the above-described property. Said mortgage was recorded on December 12, 1984, in Book 4833, Page 1102, in the records of Tulsa County, Oklahoma.

The Court further finds that the Defendants, Terry Arthur Allnutt and Gregory Scott Walker, 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, Terry Arthur Allnutt and Gregory Scott Walker, are indebted to the Plaintiff in the principal sum of \$39,089.98, plus interest at the rate of 12.5 percent per annum from November 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.

IT IS THEREFORE ORDERED, ADJUDGED, AND DECREED that the Plaintiff have and recover judgment against the Defendants, Terry Arthur Allnutt and Gregory Scott Walker, in the principal sum of \$39,089.98, plus interest at the rate of 12.5 percent per annum from November 1, 1987, until judgment, plus interest thereafter at the current legal rate of 7.95 percent per annum until paid, plus the costs of this action accrued and accruing, plus any additional sums advanced or to be advanced or expended during this foreclosure action by Plaintiff for taxes, insurance, abstracting, or sums for the preservation of the subject property.

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

IT IS FURTHER ORDERED, ADJUDGED, AND DECREED that upon the failure of said Defendants, Terry Arthur Allnutt and Gregory Scott Walker, 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 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.

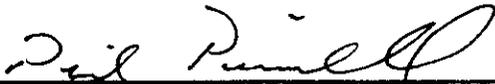
IT IS FURTHER ORDERED, ADJUDGED, AND DECREED that from and after the sale of the above-described real property, under and by virtue of this judgment and decree, all of the Defendants and all persons claiming under them since the filing of the Complaint, be and they are forever barred and foreclosed of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

S/ THOMAS R. BRETT

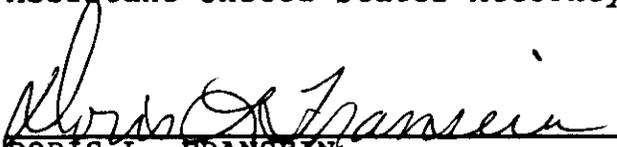
UNITED STATES DISTRICT JUDGE

APPROVED:

TONY M. GRAHAM
United States Attorney



PHIL PINNELL
Assistant United States Attorney



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

JEAN L'AQUARIUS,)
)
 Petitioner,)
)
 v.) 87-C-877-B
)
 THOMAS WHITE,)
)
 Respondent.)

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

AUG - 2 1988

FILED

ORDER

Now before the Court is Jean L'Aquarius' Petition for a Writ of Habeas Corpus Pursuant to 28 U.S.C. §2254. Although styled as an application for federal habeas relief, L'Aquarius states "This action challenges the constitutionality of the conditions of confinement rather than the fact or duration." Petition, ¶1 and ¶5. As such, the action is improperly brought as a habeas corpus action, which is available only to inquire into the legality of reason(s) for confinement. 28 U.S.C. §2254.

Therefore, the Petition for a Writ of Habeas Corpus is hereby, denied.

Nevertheless, the substance of L'Aquarius' pleading makes serious allegations of state prison officials' refusal to comply with an injunction issued by the United States District Court for the Eastern District of Oklahoma; in L'Aquarius v. Anderson, Case No. 72-155-Civ. (June 14, 1974).

Thus, treating the pro se pleading liberally, as it must be, (Hughes v. Rowe, 449 U.S. 5, 9-10 (1980)), the claims may be properly postured as seeking a contempt citation or relief under 42 U.S.C. §1983. Kearney v. Dalsheim, 586 F. Supp. 667, (S.D.

N.Y. 1984). However, the pleading is insufficient at present. L'Aquarius does not identify the proper Defendants, nor does he specify how the injunction is being violated. Consequently, L'Aquarius does not state a claim upon which relief can be granted and the Complaint is, therefore, subject to dismissal.

Rather than dismiss Plaintiff's claims, Plaintiff is hereby given thirty (30) days from the date of this order to amend his Complaint to set forth (1) a short and plain statement of the grounds upon which the court's jurisdiction depends; (2) a short and plain statement of the claim entitling the pleader to relief; and a demand for the relief to which he deems himself entitled. Rule 8(a) Fed.R.Civ.P. If Plaintiff fails to amend his Complaint within thirty (30) days, the action will be dismissed.

So ORDERED this 2nd day of AUGUST, 1988.


THOMAS R. BRETT
UNITED STATES DISTRICT JUDGE

James O. Ellison
Judge

United States District Court
Northern District of Oklahoma
333 West Fourth, Room 4-500
United States Courthouse
Tulsa, Oklahoma 74103

(918) 581-7981
(FCS) 736-7981

August 2, 1988

TO: COUNSEL/PARTIES OF RECORD

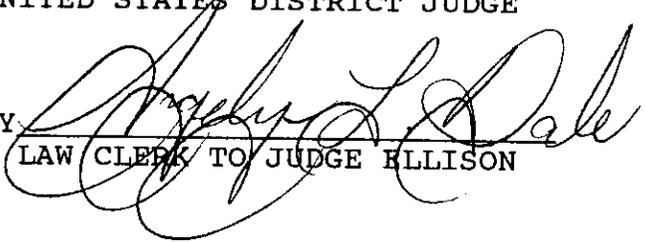
RE: CASE NO. 86-C-915-E - JOHN ROY DRUMMOND V.
OPPENHEIMER INDUSTRIES, INC., ET AL.

This is to advise you that Judge James O. Ellison entered the following Minute Order this date in the above case:

All Defendants upon whom service was never obtained are hereby deemed dismissed.

Very truly yours,

JAMES O. ELLISON
UNITED STATES DISTRICT JUDGE

BY 
LAW CLERK TO JUDGE ELLISON

Counsel Notified

Clerk to Notify

FILE

AUG 1 1988

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

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

EDWARD LEE CARTER,

PETITIONER,

VS.

NO. 87-C-304-B

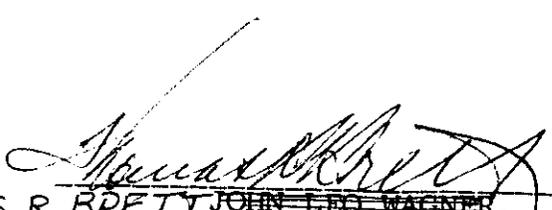
TED WALLMAN and THE
STATE OF OKLAHOMA,

RESPONDENTS.

O R D E R

Now before the ~~Magistrate~~ ^{Court} is the petitioner's Motion to Dismiss his Petition for Writ of Habeas Corpus pursuant to 28 U.S.C. Section 2254, on the grounds that petitioner feels that same is moot due to his release from State custody pursuant to the actions of the Oklahoma State Pardon and Parole Board and that petitioner is currently residing in the State of California and no longer desires to pursue said Petition.

IT IS THEREFORE ORDERED that the petitioner's Writ of Habeas Corpus pursuant to 28 U.S.C. Section 2254 is dismissed upon the motion of the petitioner.


THOMAS R. BRETY ~~JOHN LEO WAGNER~~
UNITED STATES ~~MAGISTRATE~~ JUDGE

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

FEDERAL DEPOSIT INSURANCE)
CORPORATION, a corporation)
organized and existing under)
the laws of the United States)
of America,)

Plaintiff,)

vs.)

Case No. 87-C-1067B

GARY D. JOHNSON and SANDRA K.)
JOHNSON, husband and wife;)
UNITED STATES OF AMERICA)
ex rel. THE FARMERS HOME)
ADMINISTRATION, UNITED STATES)
DEPARTMENT OF AGRICULTURE;)
MARJORIE M. ROBERTS, COUNTY)
TREASURER OF OTTAWA COUNTY,)
OKLAHOMA; BOARD OF COUNTY)
COMMISSIONERS OF OTTAWA)
COUNTY, OKLAHOMA; CAROL)
PAULDING, COUNTY TREASURER OF)
CRAIG COUNTY, OKLAHOMA; and)
BOARD OF COUNTY COMMISSIONERS)
OF CRAIG COUNTY, OKLAHOMA,)

Defendants.)

FILED

JUL 1 1988

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

JOURNAL ENTRY OF JUDGMENT

NOW, on this 29 day of July, 1988, this matter comes on for consideration, Plaintiff appearing by and through its attorney of record, J. Mark Lovelace of Phillips McFall McVay Sheets Lovelace & Juras; Defendants, Gary D. Johnson and Sandra K. Johnson appearing by and through their attorney, James W. Keeley; Defendant, United States of America ex rel. The Farmers Home Administration, United States Department of Agriculture, by and through its attorney Nancy Nesbitt Blevins, Assistant United States Attorney; Defendants, Marjorie Roberts, Ottawa County

Treasurer and the Board of County Commissioners of Ottawa County, Oklahoma; appearing by and through their attorney of record, Gary L. Hobough, Assistant District Attorney; and Defendants, Carol Paulding, Craig County Treasurer, and the Board of County Commissioners of Craig County, Oklahoma, appearing by and through their attorney of record, David R. Poplin, Assistant District Attorney. The Court, having examined the pleadings, process and file in this case, and being fully advised in the premises, finds:

1. That it has jurisdiction of the parties hereto and the subject matter herein and that venue is proper.

2. That on the 17th day of October, 1985, the Oklahoma State Banking Commissioner declared Farmers State Bank, Afton, Oklahoma (the "Bank"), insolvent and pursuant to 6 Okla. Stats. Section 1205(c) appointed the Federal Deposit Insurance Corporation as Liquidating Agent (in such capacity, "FDIC-Liquidator") of the Bank, and that subsequently, the assets of the insolvent bank were sold to the Plaintiff by FDIC-Liquidator pursuant to a purchase and assumption transaction.

3. That the Defendants, Gary D. Johnson and Sandra K. Johnson (the "Johnsons"), made, executed and delivered a certain Note in favor of the Bank, for value received, on the 11th day of February, 1985, which Note is secured by both a Mortgage of even date therewith recorded in Book 439 at Page 203, in the records of the County Clerk of Ottawa County, State of Oklahoma, said Mortgage (the "Tract I Mortgage") covering the following-described real estate situated in Ottawa County, State of Oklahoma, to-wit:

Tract I

A tract of land described as follows: Beginning at the Southeast Corner of Lot 4 in Block 7 in the Town of Afton, Ottawa County, Oklahoma, according to the recorded plat thereof; thence in a Northwesterly direction along the East line of Lots 4, 3, 2 and 1 in Block 7, aforesaid, a distance of 296 feet to a point of beginning; thence West a distance of 210 feet; thence North a distance of 210 feet; thence East to the West line of Downing Avenue, as extended, in the City of Afton, Oklahoma; thence in a Southeasterly direction along the West line of said Downing Avenue, a distance of 227 feet to the point of beginning.

together with the buildings, improvements, appurtenances, hereditaments and all other rights thereunto appertaining or belonging, and all fixtures then or thereafter attached or used in connection with said premises, and a Mortgage of even date therewith recorded in Book 345 at Page 750, in the records of the County Clerk of Craig County, State of Oklahoma, said Mortgage (the "Tract II Mortgage") covering the following-described real estate situated in Craig County, State of Oklahoma, to-wit:

Tract II

A parcel or tract of land situated in a part of the North Half of the Northeast Quarter of Section 36, Township 26 North, Range 21 East of the Indian Base and Meridian, in Craig County, Oklahoma, more particularly described as follows, to-wit: Beginning at a point 660 feet West of the Northeast Corner of said Section 36, Township 26 North, Range 21 East, thence South a distance of 660 feet to a point intersecting the North right of way boundary of the turnpike, thence Southwest along the said turnpike right of way a distance of 1525 feet, thence West along the South Boundary on the said North Half of the Northeast Quarter of said Section 6, a distance of 630.4 feet to the Southwest Corner, thence North a distance of 1320 feet to the Northwest Corner, thence East a distance of 1980 feet to the point of beginning, containing 50 acres, more or less.

4. That such Note is further secured by a Security Agreement dated the 12th day of February, 1985, covering the following-described collateral (the "Personal Property"):

65 Mixed Cows 4 to 7 yrs. avg. weight 1000 lbs.
3 Cross Bred Bulls
60 Mixed Calves avg. wt. 450 lbs.
1974 John Deere 4230 Tractor Ser#015623R
13 ft. John Deere Wheel Disc
All farm products, including but not limited to, livestock, crops, supplies used or produced in farming and feeding operations, and all equipment, contract rights and accounts, now owned or hereafter acquired.

and the security interest granted in the Personal Property was perfected by the filing of a UCC-1 Financing Statement with the Craig County Clerk on the 14th day of February, 1985.

5. That the Tract I and Tract II Mortgages herein sued upon provide that appraisement of the respective premises is waived or not waived at the option of the Mortgagee, and the Court finds that the Plaintiff has stated its election, under the terms of said Mortgages, to have said real estate sold with appraisement.

6. That the Defendants, the Johnsons, are in default on the Note, Tract I and Tract II Mortgages and Security Agreement and that there is now due, owing and unpaid to Plaintiff upon said Note the sum of \$61,609.72; interest due through the 28th day of June, 1988 in the amount of \$4,232.68, and interest thereafter at the rate set forth in the Note, to the date of judgment; post-judgment interest from the date of judgment at the legal rate per annum, until paid; attorney's fees in the sum of \$3,500.00; abstract expenses in the sum of \$618.75; all accrued and accruing costs in this action; advances for taxes and insurance; and all

other expenses, fees, charges, advances, taxes, assessments, and costs of this action, for which amounts said Tract I and Tract II Mortgages are a first, prior and superior lien upon Tract I and Tract II, respectively and for which amounts the security interest in the Personal Property is a first, prior and superior lien thereon.

7. That the Defendant, United States of America ex rel. the Farmers Home Administration, United States Department of Agriculture, has filed its Answer stating that it claims an interest in Tract I pursuant to a mortgage dated April 8, 1985, executed by the Defendants, the Johnsons, recorded in Book 440 at Page 545 in the records of the Ottawa County Clerk, and an interest in Tract II pursuant to a mortgage dated April 8, 1985 executed by the Defendants, the Johnsons, recorded in Book 346 at Page 637 in the records of the Craig County Clerk, which such mortgages are subject to and inferior to the respective Mortgages of the Plaintiff. That said mortgages held by such Defendant secure a note dated August 22, 1984 in the original principal amount of \$11,590.00, and there remains due and owing on such note the principal sum of \$10,099.82, together with interest accrued thereon in the amount of \$839.80 as of January 12, 1988, and interest accruing thereafter at the rate of \$1.3835 per day.

8. That the Defendants, Marjorie Roberts, Ottawa County Treasurer, and the Board of County Commissioners of Ottawa County, Oklahoma, have filed an Answer stating that the sum of \$4.42 is due for property taxes against Tract I, which such taxes are now

paid and satisfied and, therefore, such Defendants disclaim any present interest in Tract I.

9. That the Defendants, Carol Paulding, Craig County Treasurer, and the Board of County Commissioners of Craig County, Oklahoma, have filed an Answer and Counterclaim stating that the sum of \$96.63 plus penalty and interest from January 16, 1988 is due and owing for ad valorem taxes on Tract II, which such taxes are now paid and satisfied, and, therefore, such Defendants disclaim any present interest in Tract II.

10. That on January 13, 1988, the Johnsons filed their voluntary Petition under Chapter 7 of the Bankruptcy Code in Case No. 88-00039-C in the United States Bankruptcy Court for the Northern District of Oklahoma and that an Order was entered by the Bankruptcy Court on March 23, 1988 lifting the automatic stay provided by 11 U.S.C. §362(d)(2) to the extent it might affect Tract I, Tract II, and the Personal Property except for specific property determined to be exempt, namely the 1974 John Deere 4230 Tractor, Ser. No. 015623R and the 13 foot John Deere Wheel Disc Type H1110, Ser. No. 0252393, and deeming all of such non-exempt Personal Property abandoned pursuant to 11 U.S.C. 554(b).

11. That certain of the Personal Property has been sold, which sale the Court finds to have been proper in all respects, and the proceeds of such sale have been applied to the indebtedness owing to the Plaintiff.

12. That the allegations contained in the Fourth Cause of Action in Plaintiff's Complaint and Amended Complaint regarding

conversion are to be reserved for adjudication, such matters now being the subject of a non-dischargeability Complaint filed by the Plaintiff against Defendants, the Johnsons, presently pending before the Bankruptcy Court.

13. That the Plaintiff filed its Amended Complaint on June 17, 1988 in order to add a Fifth Cause of Action stating that the legal description of Tract II contained in the Tract II Mortgage is incorrect in that it does not enclose the property intended to be covered by such Mortgage, and that the true intent of the parties to such Mortgage and the true and correct legal description of Tract II is as follows:

The Northwest Quarter of the Northeast Quarter and the West Half of the Northeast Quarter of the Northeast Quarter in Section 36, Township 26 North, Range 21 East of the Indian Meridian lying North and West of the following described tract of land, to-wit: Beginning at a point on the South line of the North Half of the Northeast Quarter 640.6 feet East of the Southwest Corner of said North Half of the Northeast Quarter; thence East along the South line of said North Half of the Northeast Quarter 657.4 feet; thence North $63^{\circ}00''$ East a distance of 1511.5 feet to a point on the East line of said North Half of the Northeast Quarter 689.2 feet North of the Southeast Corner of said North Half of the Northeast Quarter; thence North along the East line of said North Half of the Northeast Quarter a distance of 337.0 feet; thence South $63^{\circ}00''$ West a distance of 2250.2 feet to the point of beginning;

and that the Tract II Mortgage should be conformed to reflect the true and correct intent of the parties to mortgage the above-described property actually owned by Defendants, the Johnsons.

14. That as Defendants, the Johnsons, have defaulted under said Note, Mortgages and Security Agreement as alleged in the

Complaint and Amended Complaint, Plaintiff as owner and holder of said Note, Mortgages and Security Agreement is entitled to judgment as aforesaid.

IT IS THEREFORE, ORDERED, ADJUDGED AND DECREED by the Court that the Tract II Mortgage is conformed to cover the following correct legal description of Tract II:

The Northwest Quarter of the Northeast Quarter and the West Half of the Northeast Quarter of the Northeast Quarter in Section 36, Township 26 North, Range 21 East of the Indian Meridian lying North and West of the following described tract of land, to-wit: Beginning at a point on the South line of the North Half of the Northeast Quarter 640.6 feet East of the Southwest Corner of said North Half of the Northeast Quarter; thence East along the South line of said North Half of the Northeast Quarter 657.4 feet; thence North 63°00" East a distance of 1511.5 feet to a point on the East line of said North Half of the Northeast Quarter 689.2 feet North of the Southeast Corner of said North Half of the Northeast Quarter; thence North along the East line of said North Half of the Northeast Quarter a distance of 337.0 feet; thence South 63°00" West a distance of 2250.2 feet to the point of beginning;

IT IS, FURTHER, ORDERED, ADJUDGED AND DECREED by the Court that Plaintiff, Federal Deposit Insurance Corporation, have judgment in rem against the Defendants, the Johnsons, under said Note, Tract I Mortgage, Tract II Mortgage, as conformed, and the Security Agreement in the sum of \$61,609.72; interest due through the 28th day of June, 1988 in the amount of \$4,232.68, and interest thereafter at the rate set forth in the Note to the date of judgment; post-judgment interest from the date of judgment at the legal rate per annum, until paid; attorney's fees in the sum of \$3,500.00; abstract expenses in the sum of \$618.75; all accrued and accruing costs in this action; advances for taxes and

insurance; and all other expenses, fees, charges, advances, taxes, assessments, and costs of this action, for which amounts said Tract I Mortgage and Tract II Mortgage, as conformed, are a first, prior and superior lien upon Tract I and Tract II, and the security interest in the non-exempt Personal Property is a first, prior and superior lien therein, it being understood and agreed that Plaintiff shall have no right to seek a deficiency judgment against the Defendants, the Johnsons, pursuant to 12 Okla. Stat. §686, provided, however, that Plaintiff reserves for adjudication its nondischargeability Complaint presently before the Bankruptcy Court.

IT IS FURTHER ORDERED, ADJUDGED AND DECREED by the Court that Defendant, United States of America, ex rel. The Farmers Home Administration, United States Department of Agriculture, have judgment in rem only under its note and mortgages upon Tract I and Tract II, as conformed, in the principal amount of \$10,099.82, together with interest accrued thereon in the amount of \$839.80 as of January 12, 1988, and interest accruing thereafter at the rate of \$1.3835, for which amounts said mortgages are second liens upon Tract I and Tract II, as conformed, subject only to the mortgages and liens of the Plaintiff, it being understood and agreed that said Defendant shall have no right to seek a deficiency judgment against the Defendants, the Johnsons, pursuant to 12 Okla. Stats. §686.

IT IS FURTHER ORDERED, ADJUDGED AND DECREED by the Court that the Tract I Mortgage be, and the same is hereby, foreclosed and

Tract I are hereby ordered to be sold to satisfy the judgment in favor of Plaintiff herein; that Special Execution and Order of Sale in Foreclosure shall issue, commanding the Sheriff of Ottawa County, Oklahoma, to levy upon Tract I, and after having the same appraised as provided by law, proceed to advertise and sell the same, as provided by law and apply the proceeds arising from the sale as follows:

FIRST: To the payment of costs of sale and court costs herein;

SECOND: To the payment of the judgment and lien of the Plaintiff in the amounts set forth herein;

THIRD: To the payment of the judgment and lien of the Defendant, United States of America ex rel. The Farmers Home Administration, United States Department of Agriculture, in the amounts set forth herein; and

FOURTH: The remainder, if any, to be held until further Order of the Court.

IT IS FURTHER ORDERED, ADJUDGED AND DECREED by the Court that upon confirmation of the sale and delivery of Sheriff's Deed, under and by virtue of this judgment and decree, that said Tract I shall be free and clear of the claims of all Defendants and that all persons claiming under said Defendants since the filing of the Complaint herein, shall have no right, title, interest, claim, lien or demand in or to said property.

IT IS FURTHER ORDERED, ADJUDGED AND DECREED by the Court that the Tract II Mortgage, as conformed, be, and the same is hereby,

foreclosed and Tract II, as correctly described herein, is hereby ordered to be sold to satisfy the judgment in favor of Plaintiff herein; that Special Execution and Order of Sale in Foreclosure shall issue, commanding the Sheriff of Craig County, Oklahoma, to levy upon the above-described real estate, and after having the same appraised as provided by law, proceed to advertise and sell the same, as provided by law and apply the proceeds arising from the sale as follows:

FIRST: To the payment of costs of sale and court costs herein;

SECOND: To the payment of the judgment and lien of the Plaintiff in the amounts set forth herein;

THIRD: To the payment of the judgment and lien of the Defendant, United States of America ex rel. The Farmers Home Administration, United States Department of Agriculture, in the amounts set forth herein; and

FOURTH: The remainder, if any, to be held until further Order of the Court.

IT IS FURTHER ORDERED, ADJUDGED AND DECREED by the Court that upon confirmation of the sale and delivery of Sheriff's Deed, under and by virtue of this judgment and decree, that Tract II, as correctly described herein, shall be free and clear of the claims of all Defendants and that all persons claiming under said Defendants since the filing of the Complaint herein, shall have no right, title, interest, claim, lien or demand in or to said property.

IT IS FURTHER ORDERED, ADJUDGED AND DECREED by the Court that the security interest of Plaintiff granted in the non-exempt Personal Property pursuant to the Security Agreement be, and the same is hereby, foreclosed, that any previous sale of any portion of such Personal Property is deemed proper in all respects, and that any remaining, unsold non-exempt Personal Property is hereby ordered to be sold to satisfy the judgment of Plaintiff herein; that Special Execution and Order of Sale shall issue, commanding the Sheriff of the county in which any such property is located to levy upon such Personal Property and sell the same, as provided by law and apply the proceeds arising from the sale as follows:

FIRST: To the payment of costs of sale and court costs herein;

SECOND: To the payment of the judgment and lien of the Plaintiff in the amounts set forth herein;

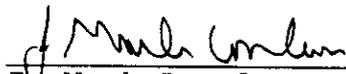
THIRD: The remainder, if any, to be held until further Order of the Court.

IT IS FURTHER ORDERED, ADJUDGED AND DECREED by the Court that upon the sale and delivery of Sheriff's Bill of Sale, under and by virtue of this judgment and decree, that such Personal Property shall be free and clear of the claims of all Defendants and that all persons claiming under said Defendants since the filing of this Complaint herein, shall have no right, title, interest, claim, lien or demand in or to said Personal Property.

S/ THOMAS R. BRETT

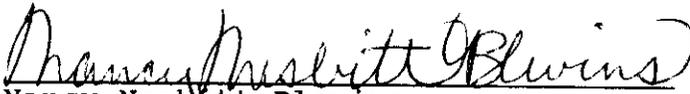
UNITED STATES DISTRICT JUDGE

APPROVED:



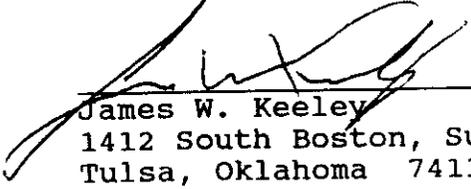
Mark Lovelace, OBA No. 5539
Johnny G. Beech, OBA No. 655
PHILLIPS McFALL McVAY SHEETS
LOVELACE & JURAS
1001 N.W. 63rd, Suite 205
Oklahoma City, Oklahoma 73116
(405) 848-1684
Attorneys for Plaintiff

APPROVED:



Nancy Nesbitt Blevins
Assistant U.S. Attorney
3600 United States Courthouse
333 West Fourth Street
Tulsa, Oklahoma 74103
(918) 581-7463
Attorney for Defendants, United
States of America ex rel. The
Farmers Home Administration, United
States Department of Agriculture

APPROVED:



James W. Keeley
1412 South Boston, Suite 680
Tulsa, Oklahoma 74119
(918) 587-1988

Attorney for Defendants, Gary D.
Johnson and Sandra K. Johnson

APPROVED:



Gary L. Hobbaugh
Assistant District Attorney
Ottawa County Courthouse
Miami, Oklahoma 74354
(918) 542-5707
Attorney for Defendants,
Marjorie Roberts, Ottawa County
Treasurer and the Board of County
Commissioners of Ottawa County

APPROVED:

A handwritten signature in black ink, appearing to read "David R. Poplin", is written over a horizontal line.

David R. Poplin *DBA 7221*
Assistant District Attorney

Craig County Courthouse
301 West Canadian Street
Vinita, Oklahoma 74301
(918) 256-3320

Attorney for Defendants,
Carol Paulding, Craig County
Treasurer, and the Board of County
Commissioners of Craig County, Oklahoma