

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

FILED

AUG 31 1988

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

ROY COPENHAVER,
an Individual

Plaintiff,

vs.

VALHI, INC.,
a Delaware Corporation,

Defendant.

CIVIL ACTION

File No. 87-C-925B

STIPULATION OF DISMISSAL

COME NOW the parties to the above-referenced action, Roy Copenhaver, Plaintiff, and Valhi, Inc., a Delaware Corporation, Defendant, and pursuant to Rule 41(a), Federal Rules of Civil Procedure, 28 U.S.C.A., hereby stipulate and agree the above-referenced matter should be, pursuant to the settlement entered into between the parties, dismissed, with prejudice.

Dated this 31st day of August, 1988.

SELBY, CONNOR & MADDUX

By: Thomas Janer
Thomas Janer, OBA #11110
Attorneys for Plaintiff
416 East Fifth Street
P. O. Drawer Z
Bartlesville, Oklahoma 74005-5025
(918) 336-8114

ROGERS & HARDIN

By: Peter W. Schneider
Peter W. Schneider
Attorneys for Defendant
2700 Cain Tower, Peachtree Ctr.
229 Peachtree Street, N. W.
Atlanta, Georgia 30303
(404) 522-4700

HALL, STILL, HARDWICK,
GABLE, GOLDEN & NELSON

By: Richard A. Paschal
Richard A. Paschal
Attorneys for Defendant
4100 Bank of Oklahoma Tower
One Williams Center
Tulsa, Oklahoma 74172
(918) 588-2700

AUG 31 1988

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

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

CHARLES McCORKLE, et al,)
)
 Plaintiffs,)
)
 vs.)
)
 ANCHOR STONE CO., INC., et al.)
)
 Defendants.)

CLASS ACTION
Civil Action No. 86-C-979-E

JUDGMENT

THE COURT finds from the record that:

The Defendant, Hobbs and Oberg Mining Company, Inc., Hobbs and Oberg, filed its Motion for Summary Judgment (docket 290) on 29 December, 1987. Hearing occurred on April 18, 1988, before the Magistrate, who recommended the Motion be converted by the Court to a Motion for Partial Summary Judgment and recommended that judgment be granted to the Defendant, Hobbs Oberg, on its liability for shipment of coal.

The Court, on 5 May, 1988, by Order, affirmed the Magistrate's report and recommendations and granted Plaintiff discovery for 60 days from April 13, 1988, to come forward with proof that Hobbs and Oberg engaged in illegal buy-sell agreements or received shipments of lime and limestone without paying appropriate tariffs.

A Motion for Summary Judgment as to these materials was set for reargument before Magistrate John Leo Wagoner on June 15, 1988.

Plaintiff's filed their Statement of Nonopposition to the Motion on 14 June, 1988.

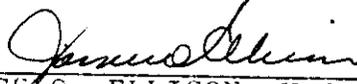
The Magistrate, on 15 June, after considering Plaintiff's Statement recommended that the Motion for Summary Judgment be granted.

THE COURT confirmed the Magistrate's Report and Recommendation on 17 August, 1988, and

ORDERED that the Motion for Summary Judgment (Docket 290) of the Defendant, Hobbs and Oberg Mining Company, Inc. be granted.

IT IS THEREFORE THE JUDGMENT OF THE COURT that the Motion for Summary Judgment of the Defendant, Hobbs and Oberg Mining Company, Inc., be and the same is hereby granted.

DATED THIS 30th day of August, 1988.

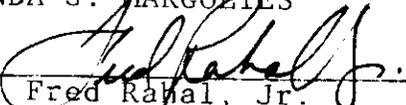


JAMES O. ELLISON, United States
District Judge

APPROVED:

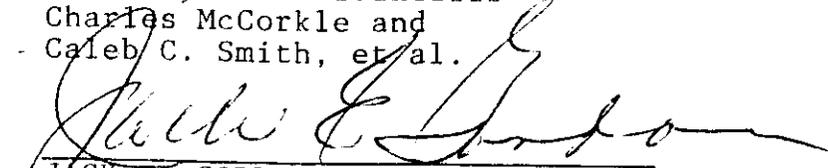
CHAPEL, WILKINSON, RIGGS & ABNEY
M. DAVID RIGGS
FRED RAHAL, JR.

KHOURIE, CREW & JAEGER, P.C.
EUGENE CREW
JAMES G. GILLILAND, JR.
LINDA J. MARGOLTES

By 

Fred Rahal, Jr.

Attorneys for Plaintiffs
Charles McCorkle and
Caleb C. Smith, et al.



JACK E. GORDON, Attorney for
Hobbs and Oberg Mining Company, Inc.
Defendant

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

LaFARGE CORPORATION,)
)
 Plaintiff,)
)
 v.)
)
 CARMAN CONCRETE, INC., and H.)
 GARY CARMAN,)
)
 Defendants.)

No. 88-C-606-C



F I L E D

AUG 30 1988 *[Signature]*

JOURNAL ENTRY OF JUDGMENT
AGAINST CARMAN CONCRETE, INC.

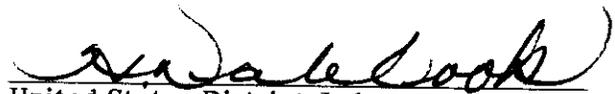
Jack C. Silver, Clerk
U.S. DISTRICT COURT

The Plaintiff, Lafarge Corporation ("Lafarge") and the Defendant, Carman Concrete, Inc. ("Carman Concrete"), stipulate that Lafarge is entitled to judgment against Carman Concrete as set forth in Lafarge's Complaint for Collection of Account, and therefore, the Court hereby enters this Journal Entry of Judgment. IT IS THEREFORE ADJUDGED AND DECREED as follows:

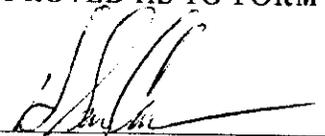
1. Lafarge is a Maryland corporation with its principal place of business in Reston, Virginia, and transacts business in the State of Oklahoma. Carman Concrete is an Oklahoma corporation having its principal place of business in Mayes County, Oklahoma. The amount in controversy exceeds \$10,000 exclusive of interest and costs.
2. The Court has jurisdiction of this action pursuant to 28 U.S.C. §1332(a).
3. Venue properly lies in this Court pursuant to 28 U.S.C. §1391(a).
4. Carman Concrete purchased from Lafarge certain goods on an open account, the outstanding balance of which is \$18,050.89. The outstanding balance due and owing by Carman Concrete to Lafarge is past due, and despite reasonable attempts by Lafarge to collect that amount, Carman Concrete is in default on the entire outstanding balance.

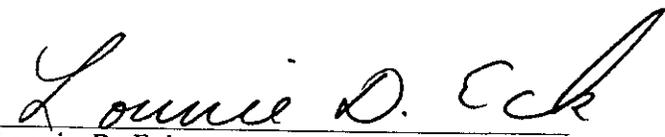
5. Lafarge is entitled to judgment against Carman Concrete for the total outstanding balance of \$18,050.89, a reasonable attorney's fee of \$500.00, and costs of this action of \$298.54.
6. Lafarge has previously filed its Notice of Dismissal Without Prejudice as to H. Gary Carman, and therefore this Journal Entry of Judgment does not address any claim against him individually.

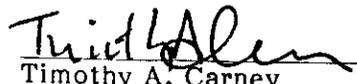
IT IS SO ORDERED this 30 day of August, 1988.


United States District Judge

APPROVED AS TO FORM AND CONTENT:


H. Gary Carman, President
Carman Concrete, Inc.


Lonnie D. Eck
1508 South Carson Avenue
Tulsa, Oklahoma 74119
Attorney for Defendants, CARMAN
CONCRETE, INC. and H. GARY CARMAN


Timothy A. Carney
GABLE & GOTWALS
2000 Fourth National Bank Building
Tulsa, Oklahoma 74119
(918) 582-9201
Attorneys for Plaintiff, LaFARGE
CORPORATION

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

OIL, CHEMICAL AND ATOMIC WORKERS
INTERNATIONAL UNION, LOCAL 5-401,

Plaintiff,

VS.

ST. JOE MINERALS CORPORATION,
a New York corporation,

and

IVY HOLDINGS, LTD.,
a Delaware corporation,

Defendants.

Case No. 88-C-741-C

F I L E D

AUG 30 1988

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

ORDER

Plaintiff has moved to dismiss Defendant IVY Holdings, Ltd. from the instant action, and it being shown that such action is in the interest of justice, it is hereby

ORDERED that Defendant IVY Holdings, Ltd. is hereby dismissed.

(Signed) H. Dale Cook

UNITED STATES DISTRICT JUDGE

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

F I L E D

AUG 30 1988

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

FLEET FINANCE, INC., a)
corporation,)
)
Plaintiff,)
)
vs.)
)
WILLIAM E. NEWTON and CHARLOTTE)
NEWTON, husband and wife; and)
BANK OF OKLAHOMA, GROVE,)
)
Defendants.)

Case No. 88-C-676-C

JOURNAL ENTRY OF JUDGMENT
AND DECREE OF FORECLOSURE

NOW on this 30 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; and the Defendants, William E. Newton and Charlotte Newton, husband and wife ("Newton") and Bank of Oklahoma, Grove ("BOK"), although duly served with summons herein have failed to answer or otherwise appear and are in default hereunder.

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 debt which is the subject of this action was contracted in Tulsa County, Oklahoma, and the

property which is the subject of this action is located in Delaware County, Oklahoma, thereby vesting this Court with jurisdiction over the action and making venue proper.

Upon review of the pleadings in this case, including the Affidavit of L. Dru McQueen filed herein and the Entry of Default entered in this action against Defendants Newton and BOK the Court FURTHER FINDS that there is no issue as to any material fact and that Judgment of Fleet should be granted.

The Court FURTHER FINDS that Defendant, William E. Newton, duly executed and delivered a promissory note to Fleet Mortgage Corp. ("FMC"), as more particularly described in the Complaint filed herein, which note was subsequently assigned by FMC to Fleet. Fleet is now the owner and holder of the note by virtue of an Agreement between FMC and Fleet dated May 21, 1986. That as a result of Defendant William E. Newton's default in the performance of the terms and conditions of said promissory note, there is due to the Plaintiff Fleet from the Defendant, William E. Newton, the principal amount of \$23,092.18 and accrued interest in the amount of \$8,611.57 through July 12, 1988, and interest accruing thereafter at the rate of \$12.50 per diem, until paid in full, plus the costs of this action, abstracting costs and including a reasonable attorney's fee of \$1,000.00.

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 Defendant, William E. Newton, and recorded on the 4th day of August, 1987, and in Book 527 at Page 221 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 Delaware County, Oklahoma, and is more particularly described as follows, to-wit:

The North 60 feet of Lot 17, Block 1, and all of Lot 18, Block 1, SUNSET ADDITION TO LAKOMA PARK, a subdivision in Delaware County, 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 personam against the Defendant William E. Newton, and judgment in rem against the Defendants Newton, in the principal amount of \$23,092.18 and accrued interest through July 12, 1988, in the amount of \$8,611.57, and interest accruing thereafter at the rate of \$12.50 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 \$1,000.00.

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:

The North 60 feet of Lot 17, Block 1, and all of Lot 18, Block 1, SUNSET ADDITION TO LAKOMA PARK, a subdivision in Delaware County, Oklahoma, according to the recorded plat thereof,

and that a writ of execution and order of sale and foreclosure shall issue, commanding the Sheriff of Delaware 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 \$31,703.75, together with interest thereon at the rate of \$12.50 per diem from July 12, 1988, until paid in full, plus the costs of this action, including a reasonable attorney's fee in the sum of \$1,000.00; and
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 United States District Court for the Northern District of Oklahoma shall issue a writ of assistance to the Sheriff of Delaware County, who shall, thereupon and forthwith, place such purchaser in full and complete possession and enjoyment of the premises.

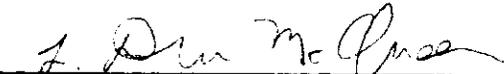
(Signed) H. Dale Cook

UNITED STATES DISTRICT JUDGE
FOR THE NORTHERN DISTRICT OF
OKLAHOMA

APPROVED BY:

DOERNER, STUART, SAUNDERS,
DANIEL & ANDERSON

By


James P. McCann (OBA #5865)
L. Dru McQueen (OBA #10100)
Attorneys for Plaintiff,
Fleet Finance, Inc.

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

CHARLOTTE F. HENSLEY and)
CHARLES L. HENSLEY, wife)
and husband,)
Plaintiffs,)
VS.)
MID-AMERICA INDUSTRIES,)
INC., a Delaware Corporation,)
Defendant.)

No. 87-C-857-C

F I L E D

AUG 30 1988

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

ORDER OF DISMISSAL WITH PREJUDICE

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

IT IS SO ORDERED this 30 day of August, 1988.

(Signed) H. Dale Cook

UNITED STATES DISTRICT JUDGE

ML

480:36ker

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

JOHN H. LUCAS,)
)
 Plaintiff,)
)
 vs.)
)
 THE ATCHISON, TOPEKA AND)
 SANTA FE RAILWAY COMPANY,)
)
 Defendant.)

Case No. 87-C-387 C

FILED

AUG 30 1988

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

ORDER FOR DISMISSAL

Now on this 30 day of August, 1988, there comes on for hearing the Stipulation for Dismissal of the Plaintiff, John H. Lucas, and the Defendant, The Atchison, Topeka and Santa Fe Railway Company, in the above-entitled case. The Court finds that said cause has been satisfactorily settled by and between the parties hereto and that the consideration therefore has been accepted by Plaintiff, in full settlement, satisfaction, release and discharge of his cause of action and claims against the Defendant, and the Court, after due consideration, finds that said Dismissal should be approved.

IT IS THEREFORE ORDERED that the cause of action of Plaintiff, John H. Lucas, be hereby dismissed with prejudice, each party to bear its own costs.

(Signed) H. Dale Cook

UNITED STATES DISTRICT JUDGE

APPROVED AS TO FORM:

WILSON JONES
Frasier & Frasier
P.O. Box 799
Tulsa, Oklahoma 74101

ATTORNEY FOR PLAINTIFF

H.D. BINNS, JR.
ROBERTA BROWNING FIELDS
Rainey, Ross, Rice & Binns
735 First National Center West
Oklahoma City, Oklahoma 73102
(405) 235-1356

ATTORNEYS FOR DEFENDANT

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

F I L E D

LaFARGE CORPORATION,)
)
 Plaintiff,)
)
 v.)
)
 CARMAN CONCRETE, INC., and H.)
 GARY CARMAN,)
)
 Defendants.)

No. 88-C-606-C

AUG 30 1988

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

JOURNAL ENTRY OF JUDGMENT
AGAINST CARMAN CONCRETE, INC.

The Plaintiff, Lafarge Corporation ("Lafarge") and the Defendant, Carman Concrete, Inc. ("Carman Concrete"), stipulate that Lafarge is entitled to judgment against Carman Concrete as set forth in Lafarge's Complaint for Collection of Account, and therefore, the Court hereby enters this Journal Entry of Judgment. IT IS THEREFORE ADJUDGED AND DECREED as follows:

1. Lafarge is a Maryland corporation with its principal place of business in Reston, Virginia, and transacts business in the State of Oklahoma. Carman Concrete is an Oklahoma corporation having its principal place of business in Mayes County, Oklahoma. The amount in controversy exceeds \$10,000 exclusive of interest and costs.
2. The Court has jurisdiction of this action pursuant to 28 U.S.C. §1332(a).
3. Venue properly lies in this Court pursuant to 28 U.S.C. §1391(a).
4. Carman Concrete purchased from Lafarge certain goods on an open account, the outstanding balance of which is \$18,050.89. The outstanding balance due and owing by Carman Concrete to Lafarge is past due, and despite reasonable attempts by Lafarge to collect that amount, Carman Concrete is in default on the entire outstanding balance.

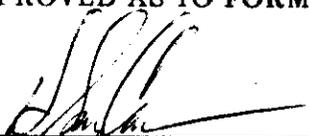
5. Lafarge is entitled to judgment against Carman Concrete for the total outstanding balance of \$18,050.89, a reasonable attorney's fee of \$500.00, and costs of this action of \$298.54.
6. Lafarge has previously filed its Notice of Dismissal Without Prejudice as to H. Gary Carman, and therefore this Journal Entry of Judgment does not address any claim against him individually.

IT IS SO ORDERED this 30 day of August, 1988.

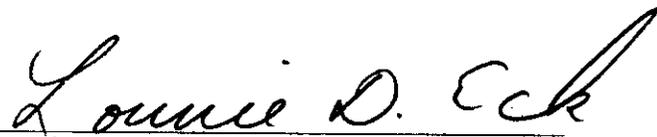
(Signed) H. Dale Cook

United States District Judge

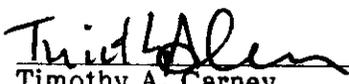
APPROVED AS TO FORM AND CONTENT:



H. Gary Carman, President
Carman Concrete, Inc.



Lonnie D. Eck
1508 South Carson Avenue
Tulsa, Oklahoma 74119
Attorney for Defendants, CARMAN
CONCRETE, INC. and H. GARY CARMAN



Timothy A. Carney
GABLE & GOTWALS
2000 Fourth National Bank Building
Tulsa, Oklahoma 74119
(918) 582-9201
Attorneys for Plaintiff, LaFARGE
CORPORATION

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

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

87-C-862-C ✓

FILED

AUG 30 1988 *hm*

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

ORDER

The court has for consideration the Report and Recommendation of the Magistrate filed August 3, 1988, in which the Magistrate recommended that plaintiff be granted \$1,050.00 as attorney fees. 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 the amount of \$1,050.00 is assessed against defendant in favor of plaintiff for attorney fees accrued.

Dated this 29 day of August, 1988.

H. Dale Cook
H. DALE COOK, CHIEF
UNITED STATES DISTRICT JUDGE

Entered

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

JAMES PERRY HALE,)
)
 Plaintiff,)
)
 v.)
)
 DIRECTOR OF THE DEPARTMENT OF)
 CORRECTION, Assistant, WARDEN)
 MICHAEL WATSON, GARY HUDSON,)
 DAN CLARK, DANIEL CRAMER, MAJOR)
 RUNYON, H.D. SAPPINGTON,)
 LT. RANDLE & OFFICER FEWELL,)
 RICHARD M. WATKINS & GARY)
 PARSONS,)
)
 Defendants.)

86-C-956-C

FILED

AUG 30 1988

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

ORDER

The Court has for consideration the Report and Recommendation of the Magistrate filed July 15, 1988 in which the Magistrate recommended that the Attorney General's Motion to Withdraw be granted; that Defendants Parson's and Watkins's Motions to Dismiss be granted and Plaintiff given an additional 45 days from the date of the Court's Order to effect proper service on Watkins and Parsons; and that Defendants' Motion to Amend Answer be granted.

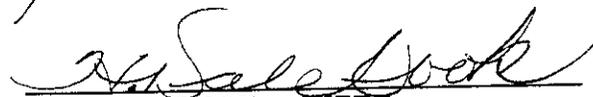
No exceptions or objections have been filed and the time for filing such exceptions or objections has expired.

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. The Attorney General's Motion to Withdraw is granted. Defendants Parsons' and Watkins' Motions to Dismiss are granted. Plaintiff, however, is granted an additional 45 days from this date to effect proper

service upon them. Finally, Defendants' Motion to Amend Answer is granted.

It is, therefore, Ordered that the recommendations of the Magistrate are hereby adopted as set forth above.

Dated this 29 day of August, 1988.


H. DALE COOK, CHIEF
UNITED STATES DISTRICT JUDGE

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

FILED

NOV 20 1980

DATAQ, INC.,

Plaintiff,

v.

TOKHEIM CORPORATION,

Defendant.

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

No. 78-C-484-E

JUDGMENT

The parties hereto having agreed as to the recoverable attorney fees of Defendant,

IT IS ORDERED AND ADJUDGED

That the Defendant, Tokheim Corporation, recover of the Plaintiff, Dataq, Inc., the sum of \$400,166.12/^{AS ATTORNEY FEES}with interest thereon at the rate of 7.95 percent as provided by law.

United States District Judge

The undersigned agree to the entry of this Judgment:

Jerry J. Dunlap
Attorney for Plaintiff

Elsie Draper *by djs*
Attorney for Defendant

GLH/LAL/ta
08/12/88

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

F I L E D

AUG 23 1988

BOBBY LEE BAUER, et al.,)
)
 Plaintiffs,)
)
 vs.)
)
 ARMSTRONG WORLD INDUSTRIES, INC., et al.,)
)
 Defendants.)

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

No. 87-C-66-E

ORDER OF DISMISSAL

NOW on this 26th 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 Lamons Metal Gasket Co. 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 Lamons Metal Gasket Co., 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

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

NINA WOFFORD and PHIL
ARNALL,

Plaintiffs,

vs.

RICKEY WAYNE HOLLOWAY,

Defendant.

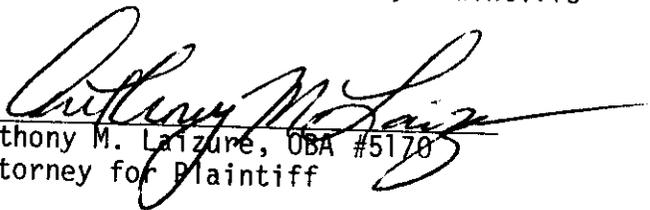
Case No. 87-C-117-E

Notice of DISMISSAL WITH PREJUDICE

COMES NOW the Plaintiffs, Nina Wofford and PHIL ARNALL, and
hereby dismisses with prejudice as to the Defendant Rickey Wayne Holloway.

Respectfully submitted,

NINA WOFFORD and PHIL ARNALL, Plaintiffs

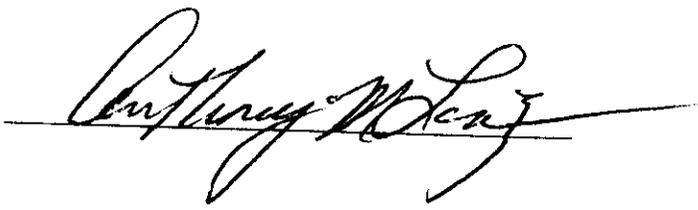
By 
Anthony M. Laizure, OBA #5170
Attorney for Plaintiff

STIPE, GOSSETT, STIPE, HARPER,
ESTES, McCUNE & PARKS
P. O. Box 701110
Tulsa, Oklahoma 74170
(918) 745-6084

CERTIFICATE OF MAILING

I hereby certify that on this 26 day of August, 1988, I mailed a true
and correct copy of the above and foregoing instrument with sufficient
postage prepaid thereon to:

Douglas W. Golden
Attorney at Law
2421 East Skelly Drive
Tulsa, Oklahoma 74105



CERTIFICATE OF SERVICE

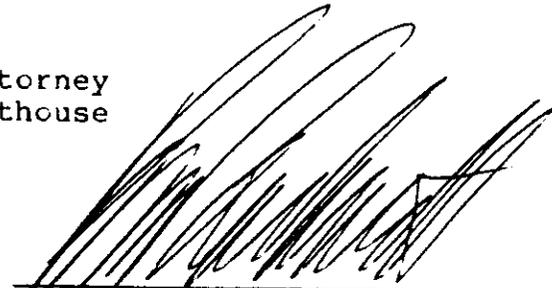
This is to certify that on the 26th day of August, 1988, a true and correct copy of the foregoing was mailed, postage prepaid thereon, to:

Michael Raynard Henderson
5451 North Hartford
Tulsa, OK 74126

P. Gae Widdows, Esq.
Howard & Widdows, P.C.
2021 South Lewis, Suite 570
Tulsa, OK 74104

Rockne E. Porter, Esq.
Howard & Widdows, P.C.
2021 South Lewis, Suite 570
Tulsa, OK 74104

Doris L. Fransein
Assistant District Attorney
406 Tulsa County Courthouse
Tulsa, OK 74103



Assistant United States Attorney

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

F I L E D

AUG 28 1988

RUTH JOSEPHINE MORGAN,)
)
 Plaintiff,)
)
 vs.)
)
 WOOD OIL COMPANY,)
)
 Defendant.)

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

Case No. 87-C-11-E

O R D E R

UPON the joint stipulation of the Plaintiff, Ruth Josephine Morgan, and the Defendant, Wood Oil Company, for the dismissal of the above-captioned case with prejudice, and good cause having been shown,

IT IS HEREBY ORDERED, ADJUDGED AND DECREED that the instant action is dismissed with prejudice, each side to bear her or its own costs, expenses and attorneys' fees.

JAMES O. BLANKS

UNITED STATES DISTRICT JUDGE

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

IRENE D. TAYLOR, by and)
through her next friend,)
Bruce W. Taylor,)
)
Plaintiff,)
)
vs.)
)
UNITED STATE^S OF AMERICA,)
)
Defendant.)

No. 88-C-375-E

FILED

AUG 26 1988

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

JUDGMENT DISMISSING ACTION
BY REASON OF SETTLEMENT

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

IT IS THEREFORE ORDERED that the action be dismissed without prejudice. The Court retains complete jurisdiction to vacate this order and to reopen the action upon cause shown within twenty (20) days that settlement has not been completed and further litigations is necessary.

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

ORDERED this 26th day of August, 1988.

S/ JAMES O. ELLISON

JAMES O. ELLISON
UNITED STATES DISTRICT JUDGE

F I L E D

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

AUG 25 1988

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

AETNA INSURANCE COMPANY,

Plaintiff,

v.

WISE ELECTRIC CO., TRACY REE,
LINDA REE, MONTE D. WISE, and
DONNA M. WISE,

Defendant.

Case No. 87-C-251-E

JUDGMENT

In accordance with the Court's orders of August 27, 1987, granting plaintiff's motion for a partial default judgment against defendants Wise Electric Company, Monte D. Wise and Donna M. Wise, and seeing that this matter was dismissed by this Court's Order dated July 1, 1988 against the remaining parties to this action, Tracy Ree and Linda Ree, judgment is hereby entered in favor of the plaintiff, Aetna Insurance Company and against the defendants, Wise Electric Company, Monte D. Wise and Donna M. Wise, jointly and severally, in the amount of Four Hundred Thirty-Four Thousand Eight Hundred Seventy-Three Dollars and Eighty-Four Cents (\$434,873.84) with interest from and after the date of judgment at the post-judgment interest rate of 7.95 percent per annum.

Costs of this action are assessed against defendants Wise Electric Company, Monte D. Wise and Donna M. Wise in the amount of \$120.00 as provided in the Court's orders dated August 27, 1987.

ENTERED this 25th day of August, 1988.

~~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 25 1988

M. ABLE AVIATION, INC.,)
et al.,)
)
Plaintiffs,)
)
vs.)
)
CUSTOM AIRMOTIVE, INC.,)
)
Defendant.)

No. 87-C-124-E

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

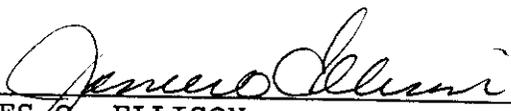
JUDGMENT DISMISSING ACTION
BY REASON OF SETTLEMENT

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

IT IS THEREFORE ORDERED that the action be dismissed without prejudice. The Court retains complete jurisdiction to vacate this order and to reopen the action upon cause shown within twenty (20) days that settlement has not been completed and further litigations is necessary.

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

ORDERED this 25th day of August, 1988.



JAMES O. ELLISON
UNITED STATES DISTRICT JUDGE

UNITED STATES DISTRICT COURT FOR THE
NORTHERN DISTRICT OF OKLAHOMA

FILED

AUG 25 1988

UNITED STATES OF AMERICA,

Plaintiff,

vs.

KAREN SUE TURNER HARRIS,
a/k/a KAREN TURNER, a/k/a
KAREN S. TURNER, a/k/a
KAREN SUE TURNER,

Defendant.

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

CIVIL ACTION NO. 87-C-453-E

JUDGMENT

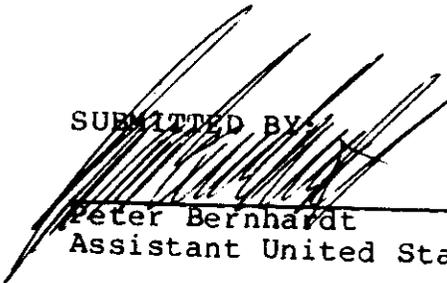
In conformity with the Court's Order of August 17, 1988, granting Summary Judgment in favor of the United States of America and against the Defendant, Karen Sue Turner Harris, IT IS ORDERED, ADJUDGED, AND DECREED that the Plaintiff, United States of America, have and recover judgment against the defendant, Karen Sue Turner Harris, a/k/a Karen Turner, a/k/a Karen S. Turner, a/k/a Karen Sue Turner, in the amount of \$900.00, plus accrued interest of \$387.95 as of March 17, 1987, plus interest thereafter at the rate of three percent (3%) per annum until judgment, plus interest thereafter at the current legal rate of 7.95 percent per annum until paid, plus the costs of this action.

DATED this 25th day of August, 1988.

JAMES O. ELLISON

JAMES O. ELLISON
United States District Judge

SUBMITTED BY:


Peter Bernhardt
Assistant United States Attorney

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

F I L E D

AUG 25 1988

THE FOURTH NATIONAL BANK OF)
TULSA,)
)
Plaintiff,)
)
vs.)
)
OLD STONE BANK, a federal)
savings bank,)
)
Defendant.)

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

Civil Action
No. 87-C-717-B

ORDER DISMISSING CASE WITH PREJUDICE TO REFILING

Now on this 25 day of August, 1988, came on for consideration the Joint Stipulation of Plaintiff and Defendant requesting entry of an Order dismissing the Amended Complaint, filed herein with prejudice to its refiling, including all claims asserted therein by Plaintiff Fourth National Bank of Tulsa, in its own capacity and as assignee or otherwise. The Court being advised that the parties jointly stipulate and request that this case be so dismissed, FINDS that this case should be dismissed with prejudice to its refiling, each party to bear its own costs and attorneys' fees incurred herein.

IT IS THEREFORE SO ORDERED, ADJUDGED, AND DECREED.

DONE this 25 day of August, 1988.

S/ THOMAS R. BRETT

THOMAS R. BRETT
UNITED STATES DISTRICT JUDGE

FILED

AUG 25 1988

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

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

GEOFFREY H. SAFT,)	
)	
Plaintiff,)	
)	
vs.	)	No. 88-C-651-E
)	
BENEFIT TRUST LIFE INSURANCE)	
COMPANY,)	
)	
Defendant.)	

ORDER

This matter comes on before the Court on Defendant's Motion to Dismiss as well as Defendant's Petition for Removal. Upon reviewing of the pleadings the Court finds as follows:

Defendant's assertion that Plaintiff does not have standing to sue under ERISA is unfounded. As an assignee of a claim Plaintiff has standing to sue. Misic v. Building Serv., 789 F.2d 1374 (9th Cir. 1986).

The assertion that Plaintiff has failed to exhaust administrative remedies is well refuted by Plaintiff in its Response to Motion to Dismiss. Plaintiff is directed to amend its complaint, within ten (10) days, in conformance with the allegations of exhaustion of remedies and its assertion of futility.

This Court, however, declines to expand Mass. Mutual Life v. Russell, 473 U.S. 134, 105 S.Ct. 3085 (1985) to allow punitives in an ERISA action such as the case at bar. Thus, Count II must be dismissed.

Dismissal of Count II raises the issue of whether it is appropriate for this matter to remain before the Court. Defendant's Petition for Removal has yet to be granted. Defendant is directed to address the issue of the Court's continuing jurisdiction in light of the elimination of the claim for \$10,000 in punitive damages by September 6, 1988. Plaintiff is to respond by September 20, 1988 and a reply may be filed by September 26, 1988.

IT IS THEREFORE ORDERED that the Motion to Dismiss is granted as to Count II and denied as to the remainder of the Complaint. Further, the parties are to file briefs as directed in this Order.

ORDERED this 25th day of August, 1988.



JAMES O. ELLISON
UNITED STATES DISTRICT JUDGE

IN THE UNITED STATES DISTRICT FOR THE
NORTHERN DISTRICT OF OKLAHOMA

FILED

AUG 25 1988

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

SURAG M. PATEL, a minor)
by and through MAHESH M.)
PATEL, as natural father and)
next friend; MAHESH M. PATEL,)
as surviving spouse of SOHINI)
PATEL, deceased,)

Plaintiffs,)

vs.)

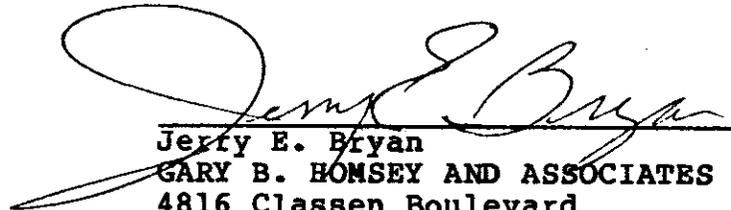
No. 88-C-94-B

RAWLEY JUDD DENT, as personal)
representative of the ESTATE OF)
DORA WHITNEY, deceased, and)
FARMERS INSURANCE COMPANY,)

Defendants.)

DISMISSAL WITH PREJUDICE

COME NOW the plaintiffs, by and through their attorneys,
Gary B. Homsey and Associates, and hereby dismisses the above
styled and numbered cause with prejudice to the filing of a future
action, for the reason that all claims against the defendants have
been satisfied.

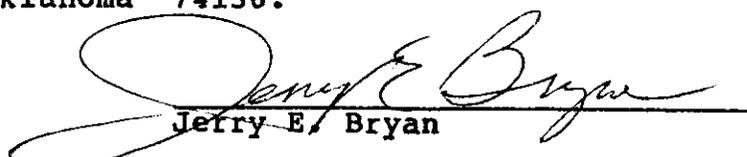


Jerry E. Bryan
GARY B. HOMSEY AND ASSOCIATES
4816 Classen Boulevard
Oklahoma City, OK 73118
(405) 843-9923

Attorney for Plaintiff

CERTIFICATE OF MAILING

I hereby certify that on this 17th day of August,
1988, a true and correct copy of the above and foregoing has been
mailed to: Steven E. Holden, WILBURN, MASTERSON & HOLDEN, 2526-A
East 71st Street, Tulsa, Oklahoma 74136.



Jerry E. Bryan

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

AUG 25 1988

SAMSON RESOURCES COMPANY,)
a corporation,)
)
Plaintiff,)
)
v.)
)
TEXAS GAS TRANSMISSION)
CORPORATION, a corporation,)
)
Defendant.)

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

Case No. 87-C-810 B

ORDER

Upon joint application of the parties hereto, the Court hereby enters an administrative closing order for a period of forty-five (45) days to allow for the parties to draft and execute documents settling this action.

S/ THOMAS R. BRETT

UNITED STATES DISTRICT JUDGE

UNITED STATES DISTRICT COURT FOR THE
NORTHERN DISTRICT OF OKLAHOMA

F I L E D

AUG 25 1988

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

TOMMY GENE THOMAS, et al.,)
)
Plaintiffs,)
)
vs.)
)
JULIUS W. BECTON, JR., et al.,)
)
Defendants.)

CASE NO. 87-C-853-B

O R D E R

This matter comes on before the Court upon the stipulation of all parties and the Court being fully advised in the premises ORDERS, ADJUDGES AND DECREES, that all claims asserted herein by Plaintiffs, Tommy Gene Thomas and Nancy J. Thomas, against the Federal Defendant, Julius W. Becton, Jr., Director of the Federal Emergency Management Agency, and MidAmerica Federal Savings and Loan Association and all claims asserted by MidAmerica in its Third-Party Complaint against W.J. Bolton and Cross-Claim against the Federal Defendant, and all claims asserted by Bolton in his Cross-Claims against MidAmerica and the Federal Defendant are hereby dismissed with prejudice, the parties to bear their own costs and attorneys' fees.

DATED this 25 day of August, 1988.

S/ THOMAS R. BRETT

UNITED STATES DISTRICT JUDGE

F I L E D

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

AUG 25 1988

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

CORE-MARK DISTRIBUTORS)
MID-CONTINENT, INC.,)
)
Plaintiff,)
vs.)
)
SNAK-N-SAK, INC., and)
WAYNE GLASS,)
)
Defendants.)

Case No. 88-C-653-B

STIPULATED JUDGMENT

This matter comes on before the undersigned Judge of the District Court upon the stipulation of the parties. Based on those stipulations, the Court finds that:

1. Plaintiff is a foreign corporation. Defendant Snak-N-Sak, Inc. is an Oklahoma corporation with its principal place of business in the Northern District of Oklahoma. Defendant Wayne Glass is an individual residing in the Northern District of Oklahoma. This Court has jurisdiction pursuant to 28 U.S.C. § 1332, the parties being of diverse citizenship and the amount in controversy exceeding \$10,000.00.

2. Defendants are indebted to Plaintiffs in the amount of \$17,008.85 on an open account for goods delivered between September 2, 1987, and December 9, 1987, together with interest at the rate of 18% per annum, in the amount of \$2,041.06 through August 8, 1988, and \$8.50 per day thereafter until paid.

3. Plaintiff is entitled to recover its costs in the amount of \$120.00 filing fee, \$125.00 service of process and \$1,500.00 attorney's fees.

IT IS, THEREFORE,

ORDERED, ADJUDGED, AND DECREED that Plaintiff have judgment against Defendants Snak-N-Sak, Inc. and Wayne Glass, jointly and severally, in the amount of \$20,794.91, together with interest at the rate of \$8.50 per day from and after August 9, 1988.

DATED THIS 25th DAY OF AUGUST, 1988.

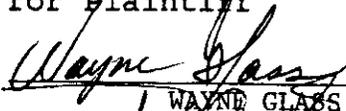
S/ THOMAS R. BRETT

The Honorable Thomas R. Brett
U. S. District Court Judge

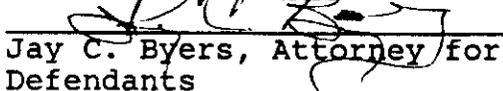
FORM AND CONTENT APPROVED:



Todd Maxwell Henshaw, Attorney
for Plaintiff



WAYNE GLASS



Jay C. Byers, Attorney for
Defendants

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

WILLIAM G. CODY,)
)
 Plaintiff,)
)
 v.)
)
 NOWATA COUNTY ELECTION BOARD,)
)
 Defendant.)

1000
CLERK
U.S. DISTRICT COURT

No. 88-C-986-B

ORDER DENYING TEMPORARY RESTRAINING
ORDER AND PRELIMINARY INJUNCTION
AND ORDER OF DISMISSAL

Now on this 19th day of August, 1988, there comes on for hearing the Complaint of the Plaintiff, William G. Cody, and his request contained therein for a temporary restraining order and preliminary injunction pursuant to Rule 65 of the Federal Rules of Civil Procedure. The Plaintiff appears personally and by and through his attorneys of record, Kevin D. Buchanan of Garrison, Brown, Carlson & Buchanan of Bartlesville, Oklahoma and Steve T. Lieb of Nowata, Oklahoma. The Defendant, Nowata County Election Board, appears by and through its specially appointed legal advisor and Assistant District Attorney, Morland T. Barton. Also appearing for L. D. Rogers, the Plaintiff's opposing candidate in the Democratic primary election race for the office of Sheriff of Nowata County, Oklahoma, is his attorney of record, Bruce A. Peabody.

The Court, having heard the stipulations, arguments and presentations of authorities by attorneys for the respective parties, and having received into evidence a certified copy of an

Order containing a Writ of Mandamus issued by the Supreme Court of the State of Oklahoma on the 17th day of August, 1988, in Case No. 71513 in said court, finds as follows, to-wit:

1. The Court reserves ruling on the Motion for Leave to Intervene, pursuant to Rule 24 of the Federal Rules of Civil Procedure made on behalf of the Plaintiff's opposing candidate, L. D. Rogers;

2. That the issue properly before the Court is whether or not the Fourteenth Amendment to the United States Constitution and the Equal Protection provision thereof is offended by the requirement inter alia of Title 19, §510 of the statutes of the State of Oklahoma that a person desiring to become a candidate for the office of County Sheriff "possess at least a high school education" at the time that he files for said office.

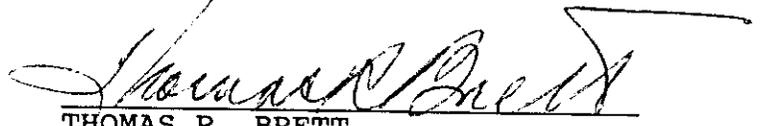
3. The Court further finds that the Plaintiff has stipulated in all prior proceedings and as of the date of this hearing, that he did not meet the qualifications required by the above-referenced statute in that he did not at the time of the filing of his declaration of candidacy and does not as of this date, possess a high school education or GED (General Educational Development) equivalent. The primary election date for said office of Sheriff of Nowata County, Oklahoma, is Tuesday, August 23, 1988.

4. That based upon the authorities presented, Williamson v. Lee Optical, 348 U.S. 483 (1955), and Fleming v. Baptist General Convention, 742 P.2d 1087, 1097 (Okla. 1987), cited in the Oklahoma Supreme Court's Order/Writ of Mandamus issued and filed August 17,

1988 in said Court and based upon the case of Crussel v. Oklahoma State Election Board, 497 Fed.Supp. 646 (1980), urged by the Plaintiff, the Court finds that the requirement of the Oklahoma legislature in Title 19 O.S. §510 that a candidate for the office of County Sheriff be required to possess a high school education or GED equivalent at the time that he files for said office cannot be said to be a denial of equal protection and cannot be said to be invidiously discriminatory as proscribed by the Fourteenth Amendment to the United States Constitution. The Court further finds that the requirement of Oklahoma law that a candidate for the chief law enforcement officer of the county possess at least a high school education bears a reasonable and rational relationship to the public interest of the State of Oklahoma, and is not irrational and arbitrary. Kadmas v. Dickinson Public School, ___ U.S. ___, No. 86-7113 (June 24, 1988); Hodel v. Indiana, 452 U.S. 314, 331 (1981).

IT IS THEREFORE ORDERED, ADJUDGED AND DECREED that Plaintiff's application for temporary restraining order and preliminary injunction contained in his original Complaint be and the same is hereby denied and Plaintiff's action is hereby dismissed. The Order and Writ of Mandamus issued by the Oklahoma Supreme Court to the Defendant, Nowata County Election Board, is reasonable under the facts and authorities presented. This Court finds there is no denial of equal protection to the Plaintiff under the Fourteenth Amendment and the Equal Protection Clause of the United States Constitution.

DATED this 22nd day of August, 1988,

A handwritten signature in cursive script, appearing to read "Thomas R. Brett". The signature is written in dark ink and is positioned above a horizontal line.

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-)
)
 BOBBY W. MCCANN,)
 511227487)
)
 Defendant,)

CIVIL NUMBER 88-C-734 E

FILED

88-74

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

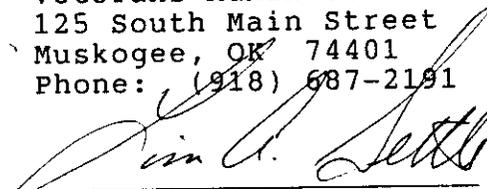
NOTICE OF DISMISSAL

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

Respectfully Submitted,

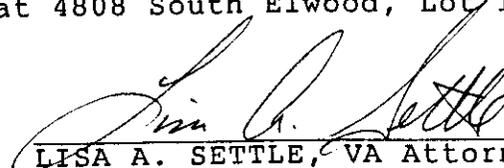
UNITED STATES OF AMERICA

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

By: 
LISA A. SETTLE, VA Attorney

CERTIFICATE OF MAILING

This is to certify that on the 22nd day of August, 1988, a true and correct copy of the foregoing was mailed, postage prepaid thereon, to: BOBBY W. MCCANN, at 4808 South Elwood, Lot 120, Tulsa, OK 74107.


LISA A. SETTLE, VA Attorney

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

FILED

AUG 23 1988

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

CHARLEY JOE PREWITT and)
JOYCE PREWITT,)
)
 Plaintiffs,)
)
 vs.)
)
 FIBREBOARD CORPORATION, et al.,)
)
 Defendants.)

No. 88-C-386-E

**ORDER OF DISMISSAL WITH PREJUDICE OF
DEFENDANT COMBUSTION ENGINEERING, INC.**

Upon joint stipulation of the parties of dismissal with prejudice of defendant Combustion Engineering, Inc., and request for order, the Court finds and ORDERS:

BE IT ORDERED AND ADJUDGED that plaintiffs' causes against the defendant Combustion Engineering, Inc., be and the same are hereby dismissed with prejudice with plaintiffs reserving their rights against all other defendants and the dismissing parties to bear their respective costs.

DATED this 22 day of August, 1988.

JAMES O. BURKE

UNITED STATES DISTRICT JUDGE

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

F I L E D

AUG 23 1988

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

PERRY W. FRAKES and)
DONNA R. FRAKES,)
)
 Plaintiffs,)
)
 vs.)
)
 FIBREBOARD CORPORATION, et al.,)
)
 Defendants.)

No. 88-C-299-E

ORDER OF DISMISSAL WITH PREJUDICE OF
DEFENDANT COMBUSTION ENGINEERING, INC.

Upon joint stipulation of the parties of dismissal with prejudice of defendant Combustion Engineering, Inc., and request for order, the Court finds and ORDERS:

BE IT ORDERED AND ADJUDGED that plaintiffs' causes against the defendant Combustion Engineering, Inc., be and the same are hereby dismissed with prejudice with plaintiffs reserving their rights against all other defendants and the dismissing parties to bear their respective costs.

DATED this 22 day of August, 1988.

W. JAMES P. FRISBORN

UNITED STATES DISTRICT JUDGE

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

AUG 23 1988

HENRY BALDRIDGE and)
PAT BALDRIDGE,)
)
)
 Plaintiffs,)
)
 vs.)
)
 FIBREBOARD CORPORATION, et al.,)
)
 Defendants.)

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

No. 88-C-497-E

**ORDER OF DISMISSAL WITH PREJUDICE OF
DEFENDANT COMBUSTION ENGINEERING, INC.**

Upon joint stipulation of the parties of dismissal with prejudice of defendant Combustion Engineering, Inc., and request for order, the Court finds and ORDERS:

BE IT ORDERED AND ADJUDGED that plaintiffs' causes against the defendant Combustion Engineering, Inc., be and the same are hereby dismissed with prejudice with plaintiffs reserving their rights against all other defendants and the dismissing parties to bear their respective costs.

DATED this 22 day of August, 1988.

of JAMES O. FULSON

UNITED STATES DISTRICT JUDGE

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

F I L E D

AUG 23 1988

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

WILLIAM H. LITTLE and)
DORA S. LITTLE,)
)
Plaintiffs,)
)
vs.)
)
FIBREBOARD CORPORATION, et al.,)
)
Defendants.)

No. 88-C-303-E

**ORDER OF DISMISSAL WITH PREJUDICE OF
DEFENDANT COMBUSTION ENGINEERING, INC.**

Upon joint stipulation of the parties of dismissal with prejudice of defendant Combustion Engineering, Inc., and request for order, the Court finds and ORDERS:

BE IT ORDERED AND ADJUDGED that plaintiffs' causes against the defendant Combustion Engineering, Inc., be and the same are hereby dismissed with prejudice with plaintiffs reserving their rights against all other defendants and the dismissing parties to bear their respective costs.

DATED this 22 day of August, 1988.

JAMES O. ELISON

UNITED STATES DISTRICT JUDGE

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

FILED

AUG 23 1988

CHARLES EDWARD CUNNINGHAM and)
DOLLIE L. CUNNINGHAM,)
)
 Plaintiffs,)
)
 vs.)
)
 FIBREBOARD CORPORATION, et al.,)
)
 Defendants.)

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

No. ~~87-C-366~~

87-C-977-E

ORDER OF DISMISSAL WITH PREJUDICE OF
DEFENDANT COMBUSTION ENGINEERING, INC.

Upon joint stipulation of the parties of dismissal with prejudice of defendant Combustion Engineering, Inc., and request for order, the Court finds and ORDERS:

BE IT ORDERED AND ADJUDGED that plaintiffs' causes against the defendant Combustion Engineering, Inc., be and the same are hereby dismissed with prejudice with plaintiffs reserving their rights against all other defendants and the dismissing parties to bear their respective costs.

DATED this _____ day of August, 1988.

S/ JAMES O. ELISON

UNITED STATES DISTRICT JUDGE

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

FILED

AUG 23 1988

ROBERT EUGENE SMYERS and)
HELEN M. SMYERS,)
)
Plaintiffs,)
)
vs.)
)
FIBREBOARD CORPORATION, et al.,)
)
Defendants.)

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

No. 88-C-91-E

**ORDER OF DISMISSAL WITH PREJUDICE OF
DEFENDANT COMBUSTION ENGINEERING, INC.**

Upon joint stipulation of the parties of dismissal with prejudice of defendant Combustion Engineering, Inc., and request for order, the Court finds and ORDERS:

BE IT ORDERED AND ADJUDGED that plaintiffs' causes against the defendant Combustion Engineering, Inc., be and the same are hereby dismissed with prejudice with plaintiffs reserving their rights against all other defendants and the dismissing parties to bear their respective costs.

DATED this 22 day of August, 1988.

M. JAMES O. FULSON

UNITED STATES DISTRICT JUDGE

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

FILED

AUG 23 1988

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

HOWARD E. CHAMBERLAIN and)
JANICE M. CHAMBERLAIN,)
)
)
)
 Plaintiffs,)
)
 vs.)
)
)
 FIBREBOARD CORPORATION, et al.,)
)
)
 Defendants.)

No. 88-C-133-E

ORDER OF DISMISSAL WITH PREJUDICE OF
DEFENDANT COMBUSTION ENGINEERING, INC.

Upon joint stipulation of the parties of dismissal with prejudice of defendant Combustion Engineering, Inc., and request for order, the Court finds and ORDERS:

BE IT ORDERED AND ADJUDGED that plaintiffs' causes against the defendant Combustion Engineering, Inc., be and the same are hereby dismissed with prejudice with plaintiffs reserving their rights against all other defendants and the dismissing parties to bear their respective costs.

DATED this 22 day of August, 1988.

JAMES D. ELLISON

UNITED STATES DISTRICT JUDGE

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

WILLIAM FLOYD ROMINE and)
NOMA JEAN ROMINE,)
)
Plaintiffs,)
)
vs.)
)
FIBREBOARD CORPORATION, et al.,)
)
Defendants.)

No. 88-C-107-E

FILED
AUG 23 1988

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

ORDER OF DISMISSAL WITH PREJUDICE OF
DEFENDANT COMBUSTION ENGINEERING, INC.

Upon joint stipulation of the parties of dismissal with prejudice of defendant Combustion Engineering, Inc., and request for order, the Court finds and ORDERS:

BE IT ORDERED AND ADJUDGED that plaintiffs' causes against the defendant Combustion Engineering, Inc., be and the same are hereby dismissed with prejudice with plaintiffs reserving their rights against all other defendants and the dismissing parties to bear their respective costs.

DATED this 22 day of August, 1988.

/s/ JAMES O. ELISON
UNITED STATES DISTRICT JUDGE

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

FILED

AUG 23 1988

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

JACK LEE ROY RUSSELL and)
PAULINE MARTHA LOU RUSSELL,)
)
Plaintiffs,)
)
vs.)
)
FIBREBOARD CORPORATION, et al.,)
)
Defendants.)

No. 88-C-219-E

**ORDER OF DISMISSAL WITH PREJUDICE OF
DEFENDANT COMBUSTION ENGINEERING, INC.**

Upon joint stipulation of the parties of dismissal with prejudice of defendant Combustion Engineering, Inc., and request for order, the Court finds and ORDERS:

BE IT ORDERED AND ADJUDGED that plaintiffs' causes against the defendant Combustion Engineering, Inc., be and the same are hereby dismissed with prejudice with plaintiffs reserving their rights against all other defendants and the dismissing parties to bear their respective costs.

DATED this 22 day of August, 1988.

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 23 1988

BILL B. HAITHCOAT and)
BEVERLY J. HAITHCOAT,)
)
Plaintiffs,)
)
vs.)
)
FIBREBOARD CORPORATION, et al.,)
)
Defendants.)

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

No. 86-C-995-E

**ORDER OF DISMISSAL WITH PREJUDICE OF
DEFENDANT COMBUSTION ENGINEERING, INC.**

Upon joint stipulation of the parties of dismissal with prejudice of defendant Combustion Engineering, Inc., and request for order, the Court finds and ORDERS:

BE IT ORDERED AND ADJUDGED that plaintiffs' causes against the defendant Combustion Engineering, Inc., be and the same are hereby dismissed with prejudice with plaintiffs reserving their rights against all other defendants and the dismissing parties to bear their respective costs.

DATED this 22 day of August, 1988.

[Signature]

UNITED STATES DISTRICT JUDGE

F I L E D

AUG 23 1988

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

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

LEONARD DEWAIN CULP and)
BARBARA JEAN CULP,)
)
) Plaintiffs,)
)
vs.) No. 88-C-212-E
)
)
FIBREBOARD CORPORATION, et al.,)
)
) Defendants.)

ORDER OF DISMISSAL WITH PREJUDICE OF
DEFENDANT COMBUSTION ENGINEERING, INC.

Upon joint stipulation of the parties of dismissal with prejudice of defendant Combustion Engineering, Inc., and request for order, the Court finds and ORDERS:

BE IT ORDERED AND ADJUDGED that plaintiffs' causes against the defendant Combustion Engineering, Inc., be and the same are hereby dismissed with prejudice with plaintiffs reserving their rights against all other defendants and the dismissing parties to bear their respective costs.

DATED this 22 day of August, 1988.

JAMES O. FURKS

UNITED STATES DISTRICT JUDGE

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

F I L E D

AUG 23 1988

RAYMOND FLOYD GOURLEY and)
WILLIE VERNICE GOURLEY,)
)
Plaintiffs,)
)
vs.)
)
FIBREBOARD CORPORATION, et al.,)
)
Defendants.)

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

No. 88-C-137-E

**ORDER OF DISMISSAL WITH PREJUDICE OF
DEFENDANT COMBUSTION ENGINEERING, INC.**

Upon joint stipulation of the parties of dismissal with prejudice of defendant Combustion Engineering, Inc., and request for order, the Court finds and ORDERS:

BE IT ORDERED AND ADJUDGED that plaintiffs' causes against the defendant Combustion Engineering, Inc., be and the same are hereby dismissed with prejudice with plaintiffs reserving their rights against all other defendants and the dismissing parties to bear their respective costs.

DATED this 22 day of August, 1988.

JAMES D. FURMAN

UNITED STATES DISTRICT JUDGE

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

CHESTER OSBORN and)
GLADYS LOUISE OSBORN,)
)
Plaintiffs,)
)
vs.)
)
FIBREBOARD CORPORATION, et al.,)
)
Defendants.)

No. 88-C-105-E

F I L E D

AUG 23 1988

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

**ORDER OF DISMISSAL WITH PREJUDICE OF
DEFENDANT COMBUSTION ENGINEERING, INC.**

Upon joint stipulation of the parties of dismissal with prejudice of defendant Combustion Engineering, Inc., and request for order, the Court finds and ORDERS:

BE IT ORDERED AND ADJUDGED that plaintiffs' causes against the defendant Combustion Engineering, Inc., be and the same are hereby dismissed with prejudice with plaintiffs reserving their rights against all other defendants and the dismissing parties to bear their respective costs.

DATED this 22 day of August, 1988.

S/ JAMES O. ELISON

UNITED STATES DISTRICT JUDGE

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

F I L E D

AUG 23 1988

DAVID FRANKLIN SMITH and)
RACHEL ROBERTA SMITH,)
)
) Plaintiffs,)
)
vs.)
)
FIBREBOARD CORPORATION, et al.,)
)
) Defendants.)

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

No. 88-C-135-E

**ORDER OF DISMISSAL WITH PREJUDICE OF
DEFENDANT COMBUSTION ENGINEERING, INC.**

Upon joint stipulation of the parties of dismissal with prejudice of defendant Combustion Engineering, Inc., and request for order, the Court finds and ORDERS:

BE IT ORDERED AND ADJUDGED that plaintiffs' causes against the defendant Combustion Engineering, Inc., be and the same are hereby dismissed with prejudice with plaintiffs reserving their rights against all other defendants and the dismissing parties to bear their respective costs.

DATED this 22 day of August, 1988.

S/ JAMES O. ELISON

UNITED STATES DISTRICT JUDGE

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

FILED

AUG 23 1988

LEONARD AUSTIN BALLENGER and)
NORMA LEE BALLENGER,)
)
Plaintiffs,)
)
vs.)
)
FIBREBOARD CORPORATION, et al.,)
)
Defendants.)

U.S. DISTRICT COURT

No. 88-C-209-E

**ORDER OF DISMISSAL WITH PREJUDICE OF
DEFENDANT COMBUSTION ENGINEERING, INC.**

Upon joint stipulation of the parties of dismissal with prejudice of defendant Combustion Engineering, Inc., and request for order, the Court finds and ORDERS:

BE IT ORDERED AND ADJUDGED that plaintiffs' causes against the defendant Combustion Engineering, Inc., be and the same are hereby dismissed with prejudice with plaintiffs reserving their rights against all other defendants and the dismissing parties to bear their respective costs.

DATED this 22 day of August, 1988.

JAMES O. FULSON

UNITED STATES DISTRICT JUDGE

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

KEITH L. BELKNAP and CHAMPIONS)
ORGANIZATION, INC., an Oklahoma)
corporation,)

Plaintiffs,)

v.)

AMWAY CORPORATION, a Michigan)
corporation; RICHARD M. DeVOS;)
JAY VanANDEL; RICK SETZER,)

Defendants.)

No. 87-C-795-B

AMENDMENT TO ORDER

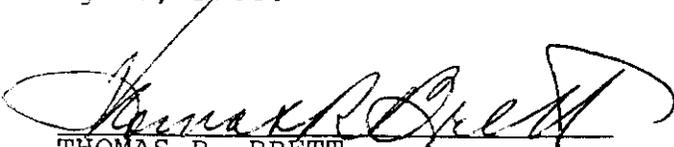
The Court hereby makes the following correction to its Order herein filed July 27, 1988: the next to last sentence on page 6 of the Order should read:

"A plaintiff must allege all of these elements to state a claim."

instead of reading:

"A plaintiff must allege one of these elements to state a claim."

DATED this 22nd 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 23 1988

JASPER GEORGE PITTS, JR.,)
)
 Petitioner,)
)
 v.)
)
 TED WALLMAN, et al,)
)
 Respondents.)

88-C-250-B

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

ORDER

Petitioner Jasper George Pitts, Jr.'s application for a writ of habeas corpus pursuant to 28 U.S.C. §2254 and respondents' Response are now before the court for determination. Petitioner was convicted in Tulsa County District Court, Case No. CRF-84-2248 of Larceny of Merchandise from a Retailer, After Former Conviction of a Felony and sentenced to five (5) years imprisonment. The conviction was not appealed to the Oklahoma Court of Criminal Appeals.

Petitioner filed an application for relief under the Oklahoma Post-Conviction Procedure Act, 22 O.S. §1080 et seq. The petition was denied by the trial court on October 12, 1987 and such denial was affirmed by the Court of Criminal Appeals in Case No. PC-87-847.

The respondents have stated in their Response to the petition that petitioner was paroled on the challenged sentence in February, 1986 and released into the custody of the Federal Bureau of Prisons to serve time for a federal conviction where he received a five-year sentence on June 22, 1982 and twenty-four (24) additional months when he violated parole. On June 10, 1986 petitioner was paroled from federal custody, having received

credit toward his federal time for the time he spent in state custody. He was rearrested on June 24, 1986 for parole violation and was accused of knowingly concealing stolen property. He received a 17-year sentence after pleading guilty to the allegations of concealing property and is currently serving that sentence. The amount of time he will serve is related to his new conviction and the violation of parole for the challenged offense. Petitioner does not dispute any of these facts.

Having reviewed the pleadings, transcript of the plea hearing, and the applicable law, the court finds as follows.

"Habeas corpus is available only to a prisoner who is in custody pursuant to the court judgment which is challenged by the proceedings." Ward v. State of Oklahoma, 376 F.2d 847, 847 (10th Cir. 1967), citing Parker v. Ellis, 362 U.S. 574, 80 S.Ct. 909, 4 L.Ed.2d 963 (1960). Habeas corpus is appropriate even though the petitioner is not in custody pursuant to the judgment being challenged when there is a "positive demonstrable relationship" between the prior conviction completely served and the sentence currently being served. Escobedo v. Estelle, 665 F.2d 613 (5th Cir. 1981); Thigpen v. Alford, 526 F.Supp. 689 (W.D.Okla. 1981).

Therefore, petitioner meets the "in custody" requirement of 28 U.S.C. §2254. Petitioner has also exhausted his state remedies.

However, the court finds that petitioner has failed to show that he is in custody in violation of the Constitution or laws or treaties of the United States.

A guilty plea is more than a confession of guilt; it is itself a conviction. Boykin v. Alabama, 395 U.S. 238, 89 S.Ct. 1709, 23 L.Ed.2d 274 (1969). The Supreme Court explained the ramifications of a guilty plea in McCarthy v. United States, 394 U.S. 459, 466, 89 S.Ct. 1166, 1170, 22 L.Ed.2d 418, 425 (1969).

... A defendant who enters such a plea simultaneously waives several constitutional rights, including his privilege against compulsory self-incrimination, his right to trial by jury, and his right to confront his accusers. For this waiver to be valid under the Due Process Clause, it must be 'an intentional relinquishment or abandonment of a known right or privilege.' Johnson v. Zerbst, 304 U.S. 458, 464, 82 L.Ed. 1461, 1466, 58 S.Ct. 1019, 146 ALR 357 (1938). Consequently, if a defendant's guilty plea is not equally voluntary and knowing, it has been obtained in violation of due process and is therefore void. Moreover, because a guilty plea is an admission of all the elements of a formal criminal charge, it cannot be truly voluntary unless the defendant possesses an understanding of the law in relation to the facts. (Footnotes omitted.)

The Supreme Court's standards for determining the validity of a guilty plea are embodied in Rule 11 of the Federal Rules of Criminal Procedure. In King v. State, 553 P.2d 530 (Okla. Crim. 1976), the Oklahoma Court of Criminal Appeals prescribed the procedure to be used by Oklahoma trial courts for acceptance of guilty pleas. This procedure is substantially similar to that set forth in Federal Rules of Criminal Procedure Rule 11(c).

Petitioner claims that he did not enter a valid guilty plea to the challenged offense because he did not understand the nature of the charges against him. Under the standards of Rule 11(c) and King v. State, supra, the court finds no basis for this claim. In King v. State, supra, the court stated: "the trial

court must first determine if the defendant is competent by interrogation of defense counsel and the defendant as to the defendant's past and present mental state as well as by observation of the defendant.'"

The transcript of the plea hearing heard on July 16, 1984 shows that Judge Lamm had the opportunity to observe petitioner closely. His attorney, Ms. Kim Richards, acknowledged receipt of the Information as amended and waived its reading. (Transcript, pg. 2). Petitioner's answers which followed were clear and responsive. Judge Lamm asked Ms. Richards if she had any reason to believe petitioner was not mentally competent to understand the proceedings and to aid in his defense and Ms. Richards answered in the negative. (Transcript, pg. 3). Judge Lamm then asked "Are you guilty of larceny of merchandise from a retailer after former conviction of a felony?" and petitioner answered, "Yes, ma'am." (Tr. pg. 4). Petitioner then acknowledged that he understood the rights that he was giving up by his plea of guilty (Tr. pg. 4), that he understood the range of punishment for the crime was up to ten years (Tr. pg. 5), and that he understood that the State was recommending he receive a sentence of five years to run concurrently with his federal conviction in Case No. 82-CR-1502 (Tr. pg. 6). He cannot now claim that he did not understand the nature of the charge or the consequences of his guilty plea.

In addition, absence of a "factual basis" statement by a prisoner upon a plea of guilty does not provide an independent

ground for invalidating the plea. Sena v. Romero, 617 F.2d 579, 581 (10th Cir. 1980); Freeman v. Page, 443 F.2d 493, 497 (10th Cir. 1972), cert. denied, 404 U.S. 1001, 92 S.Ct. 569, 30 L.Ed.2d 554 (1971). An exception to this rule exists if the criminal defendant proclaims his innocence during the plea, upon the record, when entering the plea of guilty. Sena v. Romero, supra, citing North Carolina v. Alford, 400 U.S. 25, 38 n.10, 91 S.Ct. 160, 27 L.Ed.2d 162 (1970). In the case at bar petitioner did not allege his innocence at his plea proceeding.

Next petitioner claims that the state did not comply with the terms of the plea agreement. The transcript shows that the defendant stated he knew the State was recommending a five-year sentence concurrent with his federal sentence (Tr. pg. 6) and the judge sentenced him to that amount of time (Tr. pg. 7). Petitioner is currently serving a seventeen-year sentence upon his conviction of knowingly concealing stolen property. He is not currently serving time in the case challenged here.

The courts have found that where there are other prior convictions that could be utilized to enhance a sentence being served, use of a conviction, even if deemed invalid, should be considered harmless error. Beavers v. Alford, 582 F.Supp 1504 (W.D.Okla. 1984). In Lane v. Williams, 455 U.S. 624, 102 S.Ct. 1322, 71 L.Ed.2d 508 (1982), the Supreme Court recognized that a criminal defendant must suffer actual harm from the judgment he attacks to be entitled to collateral review of a final judgment. 71 L.Ed.2d at 516, n.13. Petitioner has not shown that he is

suffering harm from the conviction he is challenging, and because he has numerous other convictions that could have supported enhancement of his current state sentence, including his federal conviction (see state information attached to respondents' Response), any error in utilizing the conviction attacked here is harmless error.

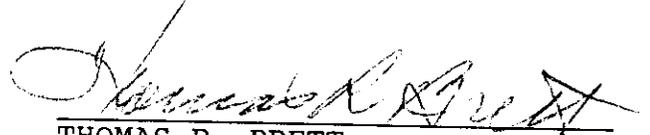
Petitioner also alleges that his right to due process was violated when his application for post-conviction relief was denied. However, the order of the district court denying petitioner's application clearly presented a valid legal basis for the denial, in that petitioner's failure to file a timely direct appeal by law waived all issues that could have been raised on appeal unless reason was given for a failure to appeal and no such reason was offered. The court also examined and found no merit in the issues presented. The court finds that no due process right was violated by this denial.

Finally, petitioner claims that there were questions of fact presented to the district court warranting an evidentiary hearing on his application for post-conviction relief. Errors occurring in state post-conviction proceedings are not sufficient to raise a federally cognizable issue as to the underlying state criminal conviction. Such claims represent an attack on a proceeding that is collateral to the detention of the prisoner and not on the detention itself. Bradshaw v. State of Oklahoma, 398 F.Supp 838, 843 (E.D.Okla. 1975); Williams. v. State of Missouri, 640 F.2d 140, 144 (8th Cir. 1981). Thus, petitioner is entitled to no

relief regardless of whether or not he was granted an evidentiary hearing in his state post-conviction proceeding.

For the foregoing reasons, the court find that petitioner's application for a writ of habeas corpus pursuant to 28 U.S.C. §2254 should be and hereby is denied.

It is so ordered this 23rd day of August, 1988.



THOMAS R. BRETT
UNITED STATES DISTRICT JUDGE

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

FILE
AUG 23 1988
Jack C. Smith
U. S. DISTRICT COURT

THE SCOTT FETZER COMPANY)
(Kirby Company Division),)
a Delaware corporation,)
)
Plaintiff,)
)
vs.)
)
LAEGER ENTERPRISES, INC.,)
an Oklahoma corporation,)
)
and)
)
VACUUM CLEANER SERVICE)
CENTER, INC.,)
an Oklahoma corporation,)
)
Defendants.)

No. 88-C-589-B

CONSENT DECREE

This matter comes on this 23rd day of August, 1988, on the Parties' Joint Application to Approve Consent Decree. Plaintiff, The Scott Fetzer Company, Kirby Company division, is represented by David K. Wheeler, of Braly & Hinds; Defendants, Laeger Enterprises, Inc., and Vacuum Cleaner Service Center, Inc., are represented by their attorney, Fred P. Gilbert, of Head & Johnson, Tulsa. The Court, being advised that the Parties have reached a settlement of their dispute, finds that the Parties' proposed settlement is just and fair. Based on the Parties' own stipulations, the Court FINDS:

1. The Plaintiff sells a line of vacuum cleaners under the trade name or trademark of "Kirby," which is the subject of U.S. Trademark Registration Nos. 659,500; 940,356; 993,713; 1,030,347; 1,076,783; 1,081,463; 1,081,464; 1,106,468; 1,135,019; 1,135,020; 1,151,579; 1,152,836; 1,185,521; 1,206,707, 1,210,015, 1,210,016; 1,210,017; 1,215,631; 1,255,543; and 1,257,878.

2. Plaintiff sells Kirby products through authorized independent distributors who are franchised, licensed or otherwise authorized to use Plaintiff's trademarks and service marks.

3. For about thirty years prior to April 1978, the Defendant Laeger Enterprises, Inc. (1975 an unincorporated proprietorship known as "Kirby Sweeper Company" owned by Mr. Virgil Laeger, not a party to this lawsuit), was an authorized outlet for both sales and repair of Kirby vacuum cleaners. During that period, that the Defendants were authorized by the Plaintiff to use the "Kirby" trademarks.

4. The formal relationship between the Plaintiff and Laeger Enterprises, Inc., ended in April of 1978, at which time the Defendants' authorization to use the "Kirby" trademarks also ended. Thereafter, the Defendant Laeger Enterprises, Inc., ceased doing business. However, Mr. Virgil Laeger, the principal of Laeger Enterprises, Inc., then formed another corporation, the Co-Defendant Vacuum Cleaner Service Center, Inc. (control of which is now in the Laeger children), which has continued on in the vacuum cleaner retail sales and services business.

5. Since April of 1978, then, at least one of the corporate Defendants has been engaged in the retail vacuum cleaner sales, service and repair business, presently located at two stores in Tulsa, namely, at 4925 South Memorial Drive and at 3204 South Yale Avenue. The Defendants' trade names are "Laeger Enterprises" and "Vacuum Cleaner Service Center."

6. The Defendants' vacuum cleaner business includes, as stated above, the retail sales, service, and repair of vacuum cleaners, and also includes the rebuilding and resale of used vacuum cleaners. The Defendants, although no longer authorized Kirby outlets, nevertheless do continue to carry the Kirby line (along with Hoover and Eureka vacuum cleaners), both new and used, to include their sale, service, repair, and rebuilding.

7. One of the activities conducted by Defendants is the rebuilding and sale of used Kirby vacuum cleaners. Defendants issue their own warranties for these rebuilt products. When it is possible to do so, the Defendants remove the original (factory) serial numbers from vacuum cleaners being rebuilt, and place their own serial numbers on the bottom of the rebuilt vacuum cleaners. If it is impossible to remove the serial number without damaging the product, Defendants do not remove the original serial number but do install their own serial numbers. In all cases the Defendants also put their own identifying stickers on a visible upper portion of the rebuilt sweepers.

8. The Defendants have also, since the termination of their formal relationship with the Plaintiff, continued to advertise their Kirby line of products and services. It is this continued advertising of Kirby products, new and used, and of service and repair therefor, which has given rise to this lawsuit.

9. The specific modes of advertising which the Plaintiff objects to are the following:

- a) The Defendants' use of the phrase "Kirby Sweepers" in the telephone "white" pages;
- b) The Defendants' use of the phrase "Kirby Sweepers" in oversized letters on signs on the Defendants' Memorial store, and in more particular, to the use of the phrase "Kirby Sweepers" in print larger than the Defendants' own business name, on signs not bearing the names of other brands of vacuum sweepers carried by the Defendants;
- c) The Defendants' use of the phrase, "Your Authorized Kirby Dealer for Over 30 Years";
- d) The Defendants' advertisement in the telephone yellow pages wherein the lettering for the phrase "Kirby Sweepers" without similar recitation of the other brands carried by Defendants, appears in print larger than the lettering for the Defendants' own trade name of "Laeger Enterprises."
- e) The failure of the Defendants, on Kirby sweepers rebuilt by them, to expressly advise customers that (1) the rebuilding is not done by the Plaintiff, and (2) that warranty work on the Defendants' rebuilt Kirbies is the sole responsibility of the Defendants, and not of the Plaintiff, or of any of Plaintiff's authorized outlets.

10. The Defendants, in response, while not denying the foregoing advertising complained of by the Plaintiffs, maintain as follows:

- a) The Defendants have a right to truthfully advertise the fact that they sell new and used Kirby sweepers, and offer service and repair therefor;
- b) The Defendants have not, since the termination of their formal relationship with the Plaintiff, used the word "Kirby" in any of the fanciful type or logos of the registered "Kirby" trademarks, but instead, have only used the word "Kirby" in block or other standard type;
- c) Purchasers of the Defendants' rebuilt Kirby sweepers are in fact made fully aware that the Defendants have done the rebuilding, and that the Plaintiff is no longer responsible for those rebuilt sweepers in any way; and
- d) Any use which Defendants have made of the word "Kirby" has been open and notorious for over the past ten years.

11. There appears to be little dispute as to the historical facts recited above. Rather, the Parties dispute the interpretation and legal effect of those facts. In more particular, the Plaintiff contends that the Defendants' advertising, taken together, goes beyond the Defendants' announcing that they merely deal in new and used Kirby products and service and repair thereof, and instead constitutes a misleading impression to the public that Defendants are, or still are, authorized Kirby outlets. The Defendants contend, however, that their advertising, taken together, does not go beyond their mere announcing to the public that they deal in new and used Kirby products, and that they offer service and repair therefor, and that their advertising does not go so far as to give the public any misimpression that the Defendants are or still are an authorized Kirby outlet. In addition, the Defendants maintain that the Plaintiff is barred from complaining of any of Defendants' existing modes of advertising by reason of laches and the statute of limitations. Based, however, on the Parties' own settlement,

The Court CONCLUDES:

1. This Court has jurisdiction and venue over the subject-matter and Parties to this lawsuit. 15 U.S.C. 1116,1121, 28 U.S.C. 1331,1338, 28 U.S.C. 1391(a), 1391(b), 1391(c).

2. The Plaintiff's trademark registrations enumerated above are valid and current.

3. Generally speaking, the independent small businessman may truthfully advertise the brand names of the goods he sells or services; but if he is not an outlet authorized by the manufacturer, he may not advertise in a way that gives the misimpression that he is an authorized outlet for that manufacturer. See Volkswagenwerk A.G. v. Church (9th Cir., 1969) 411 F.2d 350.

4. In order to resolve any possible confusion on this matter, the Defendants have agreed to the following:

a) To remove their "Kirby Sweepers" listings from the telephone white pages. [Defendants advise that they have already so informed the telephone company, although it is not clear whether that change can be made in time for next year's telephone book.]

b) To modify their telephone yellow pages so that references to "Kirby Sweepers," and similar phrases, will not appear in print larger than the Defendants' own trade name, unless other vacuum cleaner brand names carried by Defendants are displayed in print identical to that containing the word "Kirby," or substantially similar in size, format, type, prominence and emphasis. [Defendants advise that they have already so informed the telephone company, although it is not clear whether that change can be made in time for next year's telephone book.]

c) To alter their existing signs, and to post no future signs, which display the word "Kirby" in print larger than their own externally-displayed trade names, unless the other vacuum cleaner brand names carried by Defendants are displayed in print identical to that containing the word "Kirby," or substantially similar in size, format, type, prominence and emphasis; and to cease using the phrase "Your Authorized Sales & Service For 30 Years." The following options exemplify compliance with this subparagraph with respect to the sign presently on the front roof of the Defendants' store at 4925 South Memorial Drive:

(1) The Defendants may say "Specializing in Kirby Sweepers" in lieu of "Kirby Sweepers";

(2) The phrase "Kirby-Hoover-Eureka Sweepers" (or similar phrases denoting other brands carried by the Defendants) may be used in lieu of "Kirby Sweepers";

(3) The phrases denoted in Paragraph 5(f), *infra*, to be printed in print large enough to be read from the street;

(4) Signs with the names of other sweepers carried by the Defendants, with the brand names or logos of those other sweepers in comparable size to the phrase "Kirby Sweepers," to be displayed in close proximity to, and at the same height, and with the same prominence and emphasis as the sign bearing the phrase "Kirby Sweepers"; and

(5) The Defendants' own trade name(s) to be placed on the sign in print at least as large as the phrase "Kirby Sweepers."

d) To alter their rebuilt vacuum cleaner paperwork to clarify that the Defendants are solely responsible for such rebuilt products.

e) To refrain from making or giving any statement, indication, representation or suggestion, or doing any other act, likely to lead the public or individual members of the public to believe that Defendants are in any manner, directly or indirectly, associated or connected with, or licensed, authorized, franchised, or approved by Plaintiff, or by someone connected with Plaintiff.

5. Also in the spirit of compromise and settlement, the Plaintiff has agreed as follows:

a) The Defendants shall have sixty days within which to modify their external signs as indicated above.

b) The Defendants may consume existing supplies of warranties on rebuilt vacuum cleaners.

c) The Plaintiff will not complain if listing changes promptly communicated to the telephone company may come too late to be effective in next year's (1988-1989) telephone book.

d) The Plaintiff deems the presently existing external signs on the Defendants' Yale store to be acceptable.

e) The Defendants may use the phrase(s) of, "Kirby," "Kirby Sweepers," "Kirby Sales," and the like, when used merely to denote that Defendants sell and service Kirby vacuum cleaners, and rebuild same for resale, without undue prominence or emphasis and without creating any impression that Defendants are authorized, licensed or affiliated with Plaintiff in any way.

f) In addition, the Defendants may also use the phrases of, "Specializing in Kirby Sweepers and Service for Over ____ Years," and/or "Formerly Authorized Kirby Dealer (1948-1978)."

6. The Court awards no damages.

ORDER

1. These foregoing agreements are permanently enjoined upon the Parties.
2. Each side will bear its own costs, attorney's fees, and litigation expenses relating hereto.
3. This Consent Decree will constitute the Findings of Fact, Conclusions of Law, and Judgment of the Court.

IT IS SO ORDERED, this 23rd day of August, 1988.

S/ THOMAS R. BRETT
UNITED STATES DISTRICT JUDGE

APPROVED:



David K. Wheeler
BRALY & HINDS
1701 Fourth National Bank Building
Tulsa, Oklahoma 74119
(918) 582-2806
Attorney for Plaintiff



Fred P. Gilbert
HEAD & JOHNSON
228 West 17th Place
Tulsa, Oklahoma 74119
(918) 584-4187
Attorney for Defendants

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

FILED

AUG 23 1988

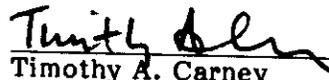
Jack C. Silver, Clerk
U.S. DISTRICT COURT

LaFARGE CORPORATION,)
)
 Plaintiff,)
)
 v.)
)
 CARMAN CONCRETE, INC., and H.)
 GARY CARMAN,)
)
 Defendants.)

No. 88-C-606-C

NOTICE OF DISMISSAL WITHOUT
PREJUDICE AS TO GARY CARMAN ONLY

The Plaintiff, pursuant to Rule 41(a)(1) of the Federal Rules of Civil Procedure hereby dismisses its action as to Defendant Gary Carman only without prejudice.



Timothy A. Carney
GABLE & GOTWALS
2000 Fourth National Bank Building
Tulsa, Oklahoma 74119
(918) 582-9201

Attorneys for Plaintiff, LaFARGE
CORPORATION

CERTIFICATE OF MAILING

I hereby certify that on the 23rd day of August, 1988, a true and correct copy of the above and foregoing instrument was mailed by the undersigned to:

Lonnie D. Eck
1508 South Carson Avenue
Tulsa, Oklahoma 74119


Timothy A. Carney

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

FILED

AUG 23 1988

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

BILL D. WICKLIFFE,
Plaintiff,

vs .

No. 88-C-59-B

TOWN OF LOCUST GROVE, a Municipal
corporation; CARROLL WALDEN,
PHILIP WALL, JIM POTTS, DORIS
RABLE, and RAY CALDWELL,
Defendants.

ORDER OF DISMISSAL

NOW on this 23rd day of August, 1988, upon the written application of the Plaintiff, Bill D. Wickliffe, and the Defendants, Town of Locust Grove, Carroll Walden, Philip Wall, Jim Potts, Doris Rable and Ray Caldwell, for a Dismissal With Prejudice of the Complaint of Wickliffe, v. Town of Locust Grove, and all causes of action therein, the court having examined said Application finds that said parties have entered into a compromise settlement covering all claims involved in the Complaint and have requested the court to dismiss said Complaint with prejudice to any future action. The court being fully advised in the premises finds that said settlement is in the best interest of the Plaintiff, and that said Complaint should be dismissed pursuant to said Application.

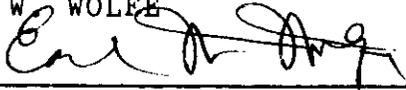
IT IS THEREFORE ORDERED, ADJUDGED AND DECREED by the court that the Complaint and all causes of action of the Plaintiff, Bill D. Wickliffe, against the Defendants, Town of Locust Grove, Carroll Walden, Philip Wall, Jim Potts, Doris Rable and Ray Caldwell, be and the same hereby are dismissed with prejudice to any future action.

S/ THOMAS R. BRETT

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

APPROVALS:

EARL W. WOLFE



Attorney for Plaintiff

JOHN H. LIEBER

Attorney for Defendants

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

PHILLIP RICE,)	
)	
Plaintiff,)	
)	
v.	)	No. 86-C-740-E
)	
LAWRENCE LAFLEUR, et al.,)	
)	
Defendants,)	
)	
LIL ANN RICE, mother and next friend of Melanie Rice, a minor,)	
)	
Plaintiff,)	
)	
	)	No. 86-C-742-E
	)	(Consolidated)
v.)	
)	
LAWRENCE LAFLEUR, et al.,)	
)	
Defendants.)	

FILED
AUG 23 1988
Jack C. Silver, Clerk
U.S. DISTRICT COURT

JOURNAL ENTRY OF JUDGMENT

NOW ON this 22^d day of August, 1988, the above-captioned case comes on for hearing before me, the undersigned Judge of the United States District Court for the Northern District of Oklahoma. The Plaintiffs, Phillip M. Rice and Lil Ann Rice, appear by and through their attorney of record, James E. Frasier, and the Defendants, Avis Corporation and Avis Rent-A-Car Systems, Inc., appear by and through their attorney of record, Daniel E. Holeman, and both parties announcing ready for trial, and the jury being waived, evidence was introduced, and the Court being fully advised in the premises, finds that the Plaintiffs have sustained the allegations of their Petition and are entitled to judgment accordingly.

The Court further finds that Phillip M. Rice and Lil Ann Rice have knowingly, willingly, and voluntarily caused this action to be prosecuted and have been advised of the consequences thereof. The Court therefore finds that the Plaintiffs receive judgment in their favor and against these Defendants in the amount of Seventeen

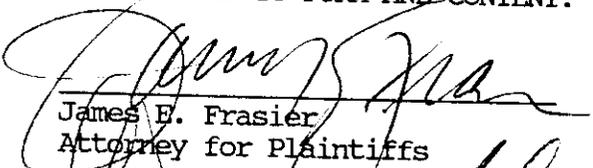
Thousand and 00/100ths Dollars (\$17,000). Said amount represents the combined judgment of United States Northern District case numbers 86-C-740-E and 86-C-742-E.

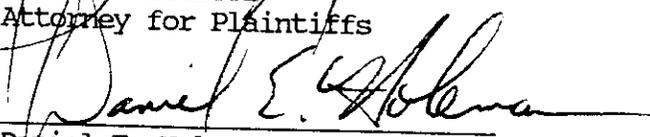
IT IS THEREFORE ORDERED, ADJUDGED AND DECREED by the Court that the Plaintiffs, on their causes of action contained in the Petitions herein, have and recover from the Defendants the total of Seventeen Thousand and 00/100ths Dollars (\$17,000).

The Court further finds that the sum of Seventeen Thousand 00/100ths Dollars (\$17,000) includes costs and expenses, including medical bills and attorney fees.


Judge of the District Court

APPROVED AS TO FORM AND CONTENT:


James E. Frasier
Attorney for Plaintiffs


Daniel E. Holeman
Attorney for Defendants

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

PHILLIP RICE,

Plaintiff,

v.

LAWRENCE LAFLEUR, et al.,

Defendants,

LIL ANN RICE, mother and next friend
of Melanie Rice, a minor,

Plaintiff,

v.

LAWRENCE LAFLEUR, et al.,

Defendants.

No. 86-C-740-E

FILED

AUG 23 1988

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

No. 86-C-742-E
(Consolidated)

ORDER OF DISMISSAL WITH PREJUDICE

NOW ON this 22^d day of Aug., 1988, it appearing to the Court that this matter has been compromised and settled, this case is herewith dismissed with prejudice to the refiling of a future action.


United States District Judge

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

FILED
AUG 23 1988

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

VAN LEE LOWE, JR.,)
)
 Plaintiff,)
)
 vs.)
)
 BOB NIXON AND R. W. SCRIBNER,)
)
 Defendants.)

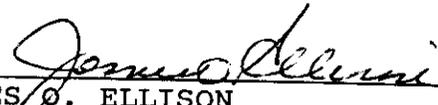
No. 84-C-278-E ✓

JUDGMENT

This action came on for jury trial before the Court, Honorable James O. Ellison, District Judge, presiding, and the issues having been duly tried and the jury having rendered its verdict,

IT IS THEREFORE ORDERED that the Plaintiff Van Lee Lowe, Jr. take nothing from the Defendants Bob Nixon and R. W. Scribner, that the action be dismissed on the merits, and that the parties shall bear their own costs and attorneys' fees.

ORDERED this 22^d day of August, 1988.



JAMES O. ELLISON
UNITED STATES DISTRICT JUDGE

FILED

AUG 23 1988

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

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

TURNER BROTHERS, INC.,)	
)	
Plaintiff,)	
)	
vs.	)	No. 86-C-553-E
)	
OFFICE OF SURFACE MINING)	
RECLAMATION AND ENFORCEMENT,)	
)	
Defendant.)	

ORDER

Before the Court for its consideration is the Amended Petition of Tuner Brothers, Inc. for review of a decision of the Interior Board of Land Appeals (IBLA) in Turner Brothers, Inc. v. Office of Surface Mining Reclamation and Enforcement, 92 IBLA 23 (1986). The Magistrate issued a Report and Recommendation on May 19, 1988 recommending that the Notice and Violation at issue in this appeal be vacated and judgment be entered for Turner Brothers. The Court declines to adopt the Magistrate's Report and Recommendation and upholds the decision of the Secretary of the Interior for the following reasons.

As a preliminary matter the Court finds that the Office of Surface Mining Reclamation and Enforcement's objections to the Magistrate's Report and Recommendation were timely filed, despite the contentions of Turner Brothers.

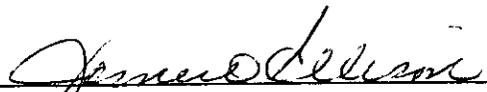
The District Court exercises a limited standard of review when reviewing a decision of the Interior Board of Land Appeals. Wilson v. Hodel, 758 F.2d 1369, 1372 (10th Cir. 1985); Baker v.

United States, 613 F.2d 224, 226 (9th Cir.); cert. denied, 449 U.S. 932, 101 S.Ct. 332 (1980). Review is limited to whether the IBLA ruling is arbitrary, capricious, an abuse of discretion, unsupported by substantial evidence, or not in accord with the law. Wilson v. Hodel, 758 F.2d 1372; Dredge Corp. v. Conn., 733 F.2d 704, 707 (9th Cir. 1984); Lara v. Secretary of Interior, 642 F.Supp. 458, 461 (D. Or. 1986); Baker v. United States, 613 F.2d at 226. The standard is that set forth in 5 U.S.C. §706(2)(A). The Court may not "merely substitute" its judgment for that of the IBLA. Coastal States Energy Co. v. Hodel, 816 F.2d 502, ____, n.5 (10th Cir. 1987); Baker v. United States, 613 F.2d at 226.

The Magistrate found that the record failed to show that the Office of Surface Mining Reclamation and Enforcement complied with the Ten Day Notice requirements pursuant to its authority under 30 U.S.C. §1271(a), particularly, the reinspection requirement of 30 C.F.R. §843. 12(a)(2) before the Office of Surface Mining Reclamation and Enforcement exercised its enforcement jurisdiction. This Court, however, declines to adopt such a finding, and does find that the Secretary's decision is supported by substantial evidence. The Office of Surface Mining Reclamation and Enforcement contends that Turner Brothers stipulated at the hearing before the Administrative Law Judge that the Office of Surface Mining Reclamation and Enforcement did comply with the procedures of the Ten Day Notice Requirement. The Office of Surface Mining Reclamation and Enforcement argues also, that even assuming arguendo, that the stipulation by Turner Brothers' counsel was

ambiguous, that the Secretary's interpretation would prevail under the standard of review utilized by this Court. The Court agrees. The Secretary found that Turner Brothers waived any objections to the procedural requirements of the Ten Day notice when it submitted the case to the Administrative Law Judge on the basis of its stipulation. This Court cannot merely substitute its judgment regarding the stipulations for the Secretary's when there is substantial evidence in the record to support it. The Secretary's decision upholding Office of Surface Mining Reclamation and Enforcement's enforcement jurisdiction is, therefore, affirmed.

ORDERED this 22nd day of August, 1988.



JAMES O. ELLISON
UNITED STATES DISTRICT JUDGE

UNITED STATES DISTRICT COURT FOR THE
NORTHERN DISTRICT OF OKLAHOMA

UNITED STATES OF AMERICA,)
)
 Plaintiff,)
)
 vs.)
)
 KENNETH LOGAN; LORRAINE LOGAN;)
 COUNTY TREASURER, Tulsa County,)
 Oklahoma; and BOARD OF COUNTY)
 COMMISSIONERS, Tulsa County,)
 Oklahoma,)
)
 Defendants.)

FILED

AUG 23 1988

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

CIVIL ACTION NO. 88-C-369-E

JUDGMENT OF FORECLOSURE

This matter comes on for consideration this 22nd day
of August, 1988. The Plaintiff appears by Tony M.
Graham, United States Attorney for the Northern District of
Oklahoma, through Nancy Nesbitt Blevins, 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, Kenneth
Logan and Lorraine Logan, appear not, but make default.

The Court being fully advised and having examined the
file herein finds that the Defendants, Kenneth Logan and Lorraine
Logan, were served with Summons and Complaint on June 8, 1988;
that Defendant, County Treasurer, Tulsa County, Oklahoma,
acknowledged receipt of Summons and Complaint on April 27, 1988;
and that Defendant, Board of County Commissioners, Tulsa County,
Oklahoma, acknowledged receipt of Summons and Complaint on
April 25, 1988.

It appears that the Defendants, County Treasurer, Tulsa County, Oklahoma, and Board of County Commissioners, Tulsa County, Oklahoma, filed their Answers herein on May 16, 1988; and that the Defendants, Kenneth Logan and Lorraine Logan, 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 Two (2), Block Twenty-Five (25), VALLEY VIEW ACRES ADDITION to the City of Tulsa, County of Tulsa, State of Oklahoma, according to the recorded plat thereof.

The Court further finds that on March 1, 1978, the Defendants, Kenneth Logan and Lorraine Logan, 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 \$11,000.00, payable in monthly installments, with interest thereon at the rate of eight and one-half percent (8.5%) per annum.

The Court further finds that as security for the payment of the above-described note, the Defendants, Kenneth Logan and Lorraine Logan, executed and delivered to the United States of America, acting on behalf of the Administrator of Veterans Affairs, a mortgage dated March 1, 1978, covering the above-described property. Said mortgage was recorded on March 3, 1978, in Book 4313, Page 1345, in the records of Tulsa County, Oklahoma.

The Court further finds that the Defendants, Kenneth Logan and Lorraine Logan, 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, Kenneth Logan and Lorraine Logan, are indebted to the Plaintiff in the principal sum of \$10,120.47, plus interest at the rate of 8.5 percent per annum from July 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, Kenneth Logan and Lorraine Logan, in the principal sum of \$10,120.47, plus interest at the rate of 8.5 percent per annum from July 1, 1987 until judgment, plus interest thereafter at the current legal rate of 7.25 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, Kenneth Logan and Lorraine Logan, 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 without appraisal the real property involved herein and apply the proceeds of the sale as follows:

First:

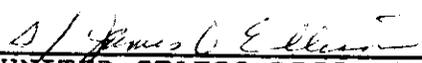
In payment of the costs of this action accrued and accruing incurred by the Plaintiff, including the costs of sale of said real property;

Second:

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

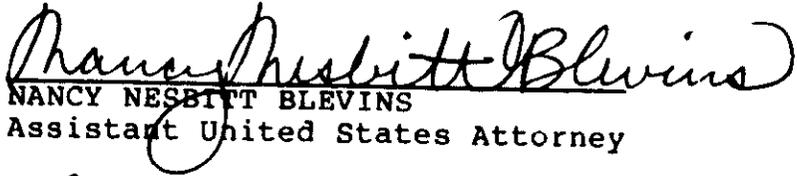
The surplus from said sale, if any, shall be deposited with the Clerk of the Court to await further Order of the Court.

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.


UNITED STATES DISTRICT JUDGE

APPROVED:

TONY M. GRAHAM
United States Attorney


NANCY NESBITT BLEVINS
Assistant United States Attorney


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

NNB/css

UNITED STATES DISTRICT COURT FOR THE
NORTHERN DISTRICT OF OKLAHOMA

UNITED STATES OF AMERICA,)
)
 Plaintiff,)
)
 vs.)
)
 JAMES EARL WHITMAN,)
)
 Defendant.) CIVIL ACTION NO. 88-C-650-E

NOTICE OF DISMISSAL

COMES NOW the United States of America by Tony M. Graham, United States Attorney for the Northern District of Oklahoma, Plaintiff herein, through Peter Bernhardt, Assistant United States Attorney, and hereby gives notice of its dismissal, pursuant to Rule 41, Federal Rules of Civil Procedure, of this action with prejudice.

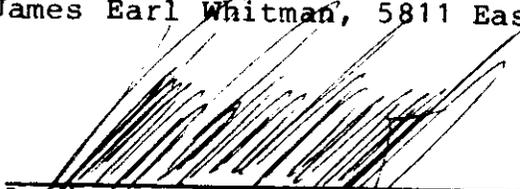
Dated this 23rd day of August, 1988.

UNITED STATES OF AMERICA
TONY M. GRAHAM
United States Attorney

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

CERTIFICATE OF SERVICE

This is to certify that on the 23rd day of August, 1988, a true and correct copy of the foregoing was mailed, postage prepaid thereon, to: James Earl Whitman, 5811 East 62nd, Tulsa, OK 74136.


Assistant United States Attorney

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

PHILLIP RICE,

Plaintiff,

v.

LAWRENCE LAFLEUR, et al.,

Defendants,

LIL ANN RICE, mother and next friend
of Melanie Rice, a minor,

Plaintiff,

v.

LAWRENCE LAFLEUR, et al.,

Defendants.

No. 86-C-740-E

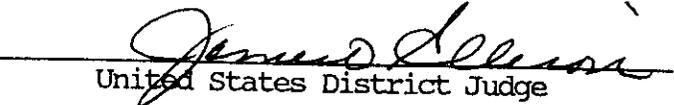
FILED
AUG 23 1988

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

No. 86-C-742-E
(Consolidated)

ORDER OF DISMISSAL WITH PREJUDICE

NOW ON this 22nd day of Aug., 1988, it appearing to the Court that this matter has been compromised and settled, this case is herewith dismissed with prejudice to the refiling of a future action.


United States District Judge

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

PHILLIP RICE,

Plaintiff,

v.

LAWRENCE LAFLEUR, et al.,

Defendants,

LIL ANN RICE, mother and next friend
of Melanie Rice, a minor,

Plaintiff,

v.

LAWRENCE LAFLEUR, et al.,

Defendants.

No. 86-C-740-E

No. 86-C-742-E
(Consolidated)

FILED
AUG 23 1988

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

JOURNAL ENTRY OF JUDGMENT

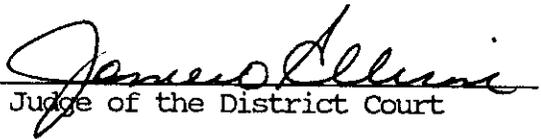
NOW ON this 22^d day of August, 1988, the above-captioned case comes on for hearing before me, the undersigned Judge of the United States District Court for the Northern District of Oklahoma. The Plaintiffs, Phillip M. Rice and Lil Ann Rice, appear by and through their attorney of record, James E. Frasier, and the Defendants, Avis Corporation and Avis Rent-A-Car Systems, Inc., appear by and through their attorney of record, Daniel E. Holeman, and both parties announcing ready for trial, and the jury being waived, evidence was introduced, and the Court being fully advised in the premises, finds that the Plaintiffs have sustained the allegations of their Petition and are entitled to judgment accordingly.

The Court further finds that Phillip M. Rice and Lil Ann Rice have knowingly, willingly, and voluntarily caused this action to be prosecuted and have been advised of the consequences thereof. The Court therefore finds that the Plaintiffs receive judgment in their favor and against these Defendants in the amount of Seventeen

Thousand and 00/100ths Dollars (\$17,000). Said amount represents the combined judgment of United States Northern District case numbers 86-C-740-E and 86-C-742-E.

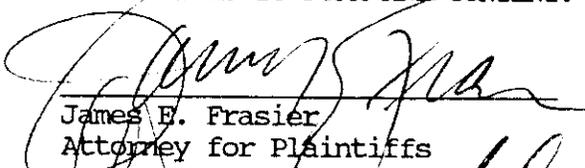
IT IS THEREFORE ORDERED, ADJUDGED AND DECREED by the Court that the Plaintiffs, on their causes of action contained in the Petitions herein, have and recover from the Defendants the total of Seventeen Thousand and 00/100ths Dollars (\$17,000).

The Court further finds that the sum of Seventeen Thousand 00/100ths Dollars (\$17,000) includes costs and expenses, including medical bills and attorney fees.

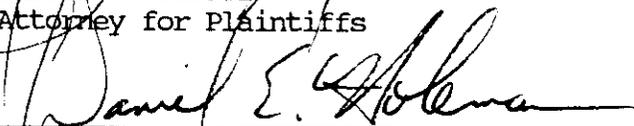


Judge of the District Court

APPROVED AS TO FORM AND CONTENT:



James E. Frasier
Attorney for Plaintiffs



Daniel E. Holeman
Attorney for Defendants

UNITED STATES DISTRICT COURT FOR THE
NORTHERN DISTRICT OF OKLAHOMA

FILED

UNITED STATES OF AMERICA,

Plaintiff,

vs.

ONE 1983 BMW
VIN WBAFJ8108D7875051, et al.,

Defendants.

AUG 22 1988

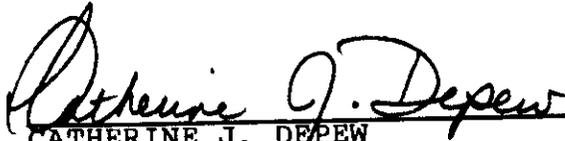
Jack C. Silver, Clerk
U.S. DISTRICT COURT

CIVIL ACTION NO. 87-C-922-E

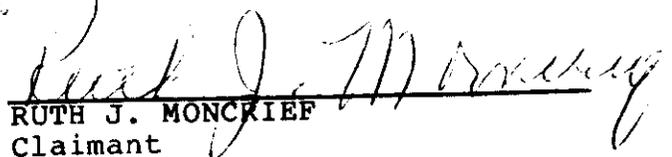
STIPULATION ^{For} OF DISMISSAL

Pursuant to Rule 41(a)(1(ii)) of the Federal Rules of Civil Procedure the Plaintiff, United States of America, by Tony M. Graham, United States Attorney for the Northern District of Oklahoma, through Catherine J. Depew, Assistant United States Attorney, and the Claimants, John S. Moncrief and Ruth J. Moncrief, hereby stipulate to dismissal against the Defendant Property, known as one parcel of real property with buildings, appurtenances, and improvements, located at 6911 S.W. 14th Street, Pembroke Pines, Florida, with prejudice, and without costs pursuant to the terms and conditions of the Release of Claim of Seized Property and Indemnity Agreement entered into by the parties on August 22, 1988.

TONY M. GRAHAM
United States Attorney


CATHERINE J. DEPEW
Assistant United States Attorney
Attorney for UNITED STATES
OF AMERICA


JOHN S. MONCRIEF
Claimant


RUTH J. MONCRIEF
Claimant

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

MARIAN E. LOVELACE,

Plaintiff,

vs.

FATHER DANIEL C. KEOHANE,
Individually, and as Agent
and Employee of THE ROMAN
CATHOLIC ARCHDIOCESE OF
OKLAHOMA CITY and the ROMAN
CATHOLIC DIOCESE OF TULSA;
THE ROMAN CATHOLIC ARCHDIOCESE
OF OKLAHOMA CITY; and THE
ROMAN CATHOLIC DIOCESE OF TULSA,

Defendants.

No. 88-C-436-C

O R D E R

Now before the Court for its consideration are the motions of the defendants to dismiss the First Amended Complaint of the plaintiff.

Plaintiff alleges that from the fall of 1967 until the winter of 1970 she was subjected to sexual molestations by defendant Keohane during counseling sessions. Further, as a result of these molestations, plaintiff developed a multiple personality and her dominant "host" personality had no memory of the events. Finally, on May 18, 1987, during psychotherapy, plaintiff recovered the memory of the molestations. The First Amended Complaint does not relate plaintiff's age at the time of the molestations, other than that she was a teenager. Plaintiff filed her original Complaint

on May 17, 1988, seeking recovery for damages from defendant Keohane and from the two dioceses with which he was affiliated at the time of the alleged molestations.

All defendants have moved to dismiss the suit on the basis of the statute of limitations. All parties agree that the applicable statutory reference is 12 O.S. §95, which states in pertinent part:

Civil actions, other than for the recovery of real property, can only be brought within the following periods, after the cause of action shall have accrued, and not afterwards:

Third. Within two (2) years: ... an action for injury to the rights of another, not arising on contract, and not hereinafter enumerated;

Defendants urge that since the alleged acts occurred from 1967 to 1970, the present claim is clearly barred. In response, plaintiff argues that the statute of limitations should be tolled (1) because of plaintiff's "mental incapacity" or (2) because of plaintiff's memory loss.

In support of the first proposition, plaintiff cites 12 O.S. §96, which provides in pertinent part:

If a person entitled to bring an action other than for the recovery of real property, except for a penalty or forfeiture, be, at the time the cause of action accrued, under any legal disability, every such person shall be entitled to bring such action within one (1) year after such disability shall be removed.

Obviously, the determinative issue is whether plaintiff may be said to have suffered from a "legal disability" during the applicable period. The term has not been defined as to 12 O.S. §96. In Walker v. Pac. Basin Trading Co., 536 F.2d 344 (10th Cir. 1976), the United States Court of Appeals for the Tenth Circuit held that

a comatose condition did fall within the term. The court quoted approvingly from Roberts v. Stith, 383 P.2d 14 (Okla. 1963) which, in interpreting another tolling statute, said that the disability must be of such a nature as to show a plaintiff unable to manage his business affairs or estate, or to comprehend his legal right or liabilities. See Walker, 536 F.2d at 346. The Roberts decision has subsequently been quoted with approval by the Supreme Court of Oklahoma, again interpreting a tolling statute other than the one involved in the case at bar, for the proposition that "legal disability" means that one does not understand the nature or legal effect of his act. Robertson v. Robertson, 654 P.2d 600, 605-606 (Okla. 1982). There has been no showing that the plaintiff's alleged condition rises to such a level. Accordingly, the Court concludes that 12 O.S. §96 is not applicable to the case at bar.

Alternatively, plaintiff argues that this Court should apply the "discovery rule", which provides that a statute of limitations does not begin to run until the plaintiff, using reasonable diligence, would have discovered the cause of action. See, e.g., U.S. Oil & Ref. Co. v. Dept. of Ecology, 633 P.2d 1329, 1333 (Wash. 1981). Defendants place great reliance upon Tyson v. Tyson, 727 P.2d 226 (Wash. 1986) (en banc), in which the Supreme Court of Washington addressed this question upon certification from a federal district court. The Tyson court concluded that the discovery rule did not apply "to an intentional tort claim where the plaintiff has blocked the incident from her conscious memory during the period of the statute of limitations." Id. at 230. The

plaintiff in the case at bar seeks to distinguish Tyson by noting that court's emphasis upon the lack of objective, verifiable evidence that the alleged tort occurred. Plaintiff states that, by contrast, defendant Keohane has admitted the alleged sexual abuse. For purposes of a 12(b)(6) motion, this Court accepts as true all well-pleaded factual allegations. Shaw v. Valdez, 819 F.2d 965, 968 (10th Cir. 1987). The question remains whether the plaintiff's condition requires invocation of the discovery rule in Oklahoma. A review of relevant authority indicates that Oklahoma has not, at this time, adopted the discovery rule in a broad range of actions. In Sloan v. Canadian Valley Animal Clinic, Inc., 719 P.2d 474 (Okla.Ct.App. 1985), plaintiff contracted Brucellosis in early 1981 after working in an animal clinic, but the disease was not correctly diagnosed until August, 1981. Plaintiff brought an action against the defendant veterinarians in August, 1983 for negligence. Defendants argued that the two-year limitation period had elapsed. The court stated:

The Oklahoma Legislature has not recognized a specific exception to the Statute of Limitations in negligence actions. However, Oklahoma case law has recognized in malpractice actions, in actions involving pollution of a stream, and in actions involving flood damage by oil producers, that the limitation period does not begin until the damage or injury becomes apparent to the injured party.

Id. at 475 (footnotes omitted).

The court concluded that such a rule should be adopted in negligence actions and reversed the trial court's grant of summary judgments. The Sloan decision was not authorized for publication by the Supreme Court of Oklahoma. Therefore, it has persuasive but

not precedential value. Rule 1.200(C)(B), Rules of Appellate Procedure in Civil Cases, 12 O.S., Ch.15, App.2. See also 20 O.S. §30.5. It is clear from the quotation above that the Supreme Court of Oklahoma has not yet adopted the discovery rule in a negligence action or one involving intentional infliction of emotional distress. Assuming arguendo that it would, does the delayed "discovery" alleged herein properly invoke the rule? The United States Court of Appeals for the Tenth Circuit recently discussed the doctrine of "federal equitable tolling", which has been applied to federal question cases in which the state statute of limitations is borrowed. Ebrahimi v. E. F. Hutton & Co., Inc., _____ F.2d _____, (Nos. 85-2795 and 85-2832) (August 2, 1988). The court stated:

Under the doctrine of federal equitable tolling, courts generally have not permitted mental illness, even where rising to the level of insanity, to delay the statute of limitations from running. One reason for this rule is that "[i]f the running of the statute of limitations depended on what the particular plaintiff actually knew given his mental or other incapacities, the discovery rule would swallow most of the provisions related to tolling, at least for disabilities that affected cognition and were in existence at the time of the accident." We are reluctant to expand the equitable tolling doctrine to include mental incapacity or illness where no court has previously recognized such a tolling factor.

Id. slip.op. at 12-13. (footnote omitted)
(citations omitted).

The court went on to note an exception when the defendant caused the plaintiff's mental disability. See, e.g., Zeidler v. United States, 601 F.2d 527 (10th Cir. 1979). However, such cases have involved medical malpractice and resulting coma or brain damage. They are distinguishable from the case at bar.

To permit the plaintiff to continue with this cause of action, this Court must find (1) that the Supreme Court of Oklahoma would apply the discovery rule to an action of this type, and (2) that alleged memory loss caused by psychological trauma is a basis for invoking the discovery rule. The Court has concluded that this two-stage speculation is too tenuous a foundation upon which to permit the presentation of a twenty-year old claim. Neither party has asked this Court to certify the question to the Supreme Court of Oklahoma. Such a decision is discretionary with this Court, and certification is not to be routinely invoked whenever a federal court is presented with an unsettled question of state law. Armijo v. Ex Cam, Inc., 843 F.2d 406, 407 (10th Cir. 1988). Under the circumstances, this Court will not certify the question.

It is the Order of the Court that the motions of the defendants to dismiss the First Amended Complaint should be and hereby are GRANTED.

IT IS SO ORDERED this 20th day of August, 1988.


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

Instead

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

LEWIS R. CRIST, Director of)
the Missouri Division of)
Insurance, acting as Receiver)
for TRANSIT CASUALTY COMPANY,)
)
Plaintiff,)
)
vs.)
)
INTEGRATED DRILLING AND,)
EXPLORATION, INC., an)
Oklahoma corporation,)
)
Defendant,)
)
QUARLES DRILLING CORPORATION,)
an Oklahoma corporation,)
)
Intervening Defendant.)

No. 87-C-291-C

AUG 21 1988
U.S. DISTRICT COURT
NORTHERN DISTRICT OF OKLAHOMA

ORDER

Now before the Court for its consideration is the objection of the plaintiff to the Report and Recommendation of the Magistrate, the latter filed on June 7, 1988. The Magistrate recommended that plaintiff's motion to dismiss counterclaims and defenses, and defendant's motion for partial summary judgment be granted in part and denied in part.

This action is brought by the Missouri Insurance Commissioner, acting as receiver for Transit Casualty Company (Transit) seeking to recover premiums which plaintiff alleges were owed to Transit on certain insurance policies. While defendant Integrated Drilling and Exploration, Inc. (Integrated) was a named insured under the contracts, the coverages were sought primarily for the benefit of

a subsidiary of Integrated, Quarles Drilling Corporation (Quarles). Quarles intervened in the case, denying liability and asserting counterclaims for unearned premiums and for damages suffered by Transit's failure to pay claims submitted to it which should have been covered by the insurance contracts.

Plaintiff filed a motion seeking to dismiss the counterclaims and defenses for lack of subject-matter jurisdiction or alternatively to enjoin their prosecution. In support of its motion to dismiss, plaintiff argues that the counterclaims and defenses constitute "claims" against an insurer, over which Oklahoma courts have legislatively been divested of jurisdiction. Under the "door closing" doctrine, plaintiff argues, this Court may not entertain such a claim. See 17 C.Wright, A.Miller & E.Cooper, Federal Practice and Procedure, §4211. 36 O.S. §1917 provides in pertinent part as follows:

A. In a delinquency proceeding in a reciprocal state against an insurer domiciled in that state, claimants against such insurer who reside within this state may file claims either with the ancillary receiver, if any, appointed in this state, or with the domiciliary receiver. All such claims must be filed on or before the last date fixed for the filing of claims in the domiciliary delinquency proceedings.

B. Controverted claims belonging to claimants residing in this state may either (1) be proved in the domiciliary state as provided by the law of that state, or (2) if ancillary proceedings have been commenced in this state, be approved in those proceedings.

A domiciliary state is the state in which an insurer is incorporated or organized. 36 O.S. §1901(6). Transit was incorporated in Missouri. A reciprocal state is one which has enacted the substance of the Uniform Insurers Liquidation Act. 36 O.S.

§1901(8). Both Oklahoma and Missouri have adopted the uniform act. See 36 O.S. §1901 et seq.; Mo.Stat.Ann. §375.950 et seq.. Pursuant to 36 O.S. §1917(B), plaintiff argues, Quarles' claims may be brought in Missouri (the "domiciliary state") or in Oklahoma, (if ancillary proceedings have been commenced). It is undisputed that no ancillary proceedings have been commenced, and thus plaintiff asserts that Missouri is the sole available forum. Plaintiff argues that claimants of an insolvent insurer are only entitled to a pro rata share of the estate's assets, and that to permit recovery on the defendant's counterclaims would be to violate equitable distribution.

In response, the defendant refers to 36 O.S. §1928, which provides in pertinent part as follows:

A. In all cases of mutual debts or mutual credits between the insurer and another person in connection with any action or proceeding under this article, such credits and debts shall be set off and the balance only shall be allowed or paid, except as provided in subsection B of this section.

It is undisputed that subsection B is inapplicable to the case at bar. Defendant asserts that both the plaintiff's claim for additional premiums and the defendant's claim for uncovered losses refer to events which occurred prior to insolvency. Thus, they constitute mutual debts which may be offset. The defendant opposes the plaintiff's motion and asks, by way of motion for partial summary judgment, for a declaration that the defendant is entitled to a setoff. The Magistrate recommended that defendant be allowed to maintain its counterclaims and defenses to the extent that they

offset plaintiff's claims, but that defendant not be allowed to recover affirmatively from the plaintiff.

Such authority as exists on the issue supports the Magistrate's recommendation. In O'Connor v. Ins. Co. of North America, 622 F.Supp. 611 (N.D.Ill. 1985), the court construed a similar Illinois statute and concluded:

Defendants concede that they must file with the liquidation court their affirmative claims for amounts exceeding that which the Liquidator seeks in this action. All Defendants attempt to do in this action is to show that the Liquidator has no claim or a lesser claim against them. The plain language of the statute gives Defendants that right.

Id. at 617.

In an unpublished order, Crist v. Kane Transfer Co., Inc. (No. H-87-2026) (D.Md.), the United States District Court for the District of Maryland rejected the identical arguments by the same plaintiff as in the case at bar. The Maryland statute involved was identical to 36 O.S. §1928.

As an alternative argument, the plaintiff refers to an order entered by the Circuit Court of Cole County Missouri, (the court in which the insolvency action proceeds), on December 3, 1985, which states in pertinent part:

7. All persons, wherever situated, are permanently enjoined and restrained from prosecuting or bringing any action, issuing any process or obtaining any judgment against Defendant Transit Casualty Company or its properties or assets.

The Crist decision in Maryland rejected this argument, holding that the defendant asserted setoffs, rather than affirmative counterclaims. So long as this defendant is not permitted affirmative recovery, the same reasoning holds here. It is true that

insolvency proceedings require pro rata distribution. However, what is contemplated is pro rata distribution on an insolvent company's assets. Transit's assets cannot be ascertained until it is determined how much is owed, if any, after legitimate setoffs. It is the balance remaining after setoff, not the initial amount of a claim, which is the subject of equitable distribution among creditors. The Court is persuaded that this reasoning conforms to both existing precedent and equity.

It is the Order of the Court that the motion of the plaintiff to dismiss counterclaims and defenses, and defendant's motion for partial summary judgment are hereby granted in part and denied in part. Defendant may maintain its counterclaims and defenses to the extent that they offset plaintiff's claims. No affirmative judgment may be taken against plaintiff by defendant except as a setoff against plaintiff's claims.

IT IS SO ORDERED this 20th day of August, 1988.


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

Entered

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

AUG 19 1987

BANKERS TRUST COMPANY,)
)
 Plaintiff,)
)
 vs.)
)
 LEE KEELING & ASSOCIATES, INC.,)
 and LEE A. KEELING,)
)
 Defendants.)

JACK D. SMITH
CLERK

No. 87-C-20-C

O R D E R

Now before the Court for its consideration is the objection of the plaintiff to the Report and Recommendation of the United States Magistrate, the latter filed on November 3, 1987.

On July 14, 1987, plaintiff filed a Second Amended Complaint in which five counts are alleged. The first four allege (1) negligence, (2) gross negligence, (3) breach of contract, and (4) breach of third party beneficiary contract on the part of the defendants involving the preparation of mineral resources valuation reports and a subsequent loan by plaintiff allegedly based on these reports. The fifth count purports to seek a declaratory judgment that the entities Palmco Management Company (Palmco), Savannah Investment Company (Savannah), and Columbia Development Company (Columbia) are mere alter egos of defendant Keeling.

On July 1, 1987, Palmco, Savannah and Columbia moved to quash subpoena and for a protective order. On August 7, 1987, the plaintiff moved to join additional party defendants. On September 4, 1987, First National Bank & Trust Company of Tulsa moved to

quash subpoena and for protective order. On the same date, the defendants jointly moved for a protective order, and on both September 3 and 4, 1987, various non-parties moved to quash and/or for protective order. On October 28, 1987, the United States Magistrate held a hearing on the motions described above, among others, and issued his Report and Recommendation on November 3, 1987.

The resolution of both the discovery motions and the plaintiff's motion to join additional parties depends upon an evaluation of the plaintiff's fifth count, its "alter ego" claim. This Court will initially address the motion for joinder. In that motion, plaintiff sought to join Aurilee Jeanette Keeling, Pamela Jo Driesin and Margaret Lynn Ozey as party defendants. These three individuals are partial owners of Palmco, Savannah and Columbia. The Magistrate recommended as follows:

It is recommended that the motion be denied because the additional parties are not necessary parties to the professional negligence cause of action. The so-called "Alter-ego cause of action" does not constitute an independent cause of action, but merely a creative advance effort to collect upon a professional negligence judgment which has not yet been rendered.

(Report and Recommendation at 1).

At the hearing before the Magistrate, plaintiff's counsel made the following response:

THE COURT: I don't understand how we get there.

MR. HARRIS: We get there on the basis, as a practical consideration is collectibility of the judgment -- I mean I'm not pulling any punches with the court, the alter-ego theory is motivated as a means to save time, that we have every confidence in the world that we're going to

prevail in the lawsuit on the principle [sic] negligence claim.

(Transcript at 20, LL.17-23).

The plaintiff argues that the Magistrate has, in effect, rendered a recommendation upon a motion to dismiss which was not pending. The Court disagrees. It was clearly necessary, in determining whether three non-party owners in three non-party corporations should be joined, to examine the nature of the claim asserted. In their responses to the plaintiff's objection, the defendants and the non-party movants have cited abundant authority regarding the required showing for piercing the corporate veil, and specifically that the possible difficulty of enforcing a judgment is not such a showing. See, e.g., Lockett v. Bethlehem Steel Corp., 618 F.2d 1373, 1379 (10th Cir. 1980). The Court has concluded that the Magistrate's recommendation was a proper one.

From the same premise flows the Magistrate's recommendations as to the discovery motions. The plaintiff sought all business records, tax returns, and other documents from Palmco, Savannah and Columbia. The Magistrate recommended granting the motion of these entities to quash subpoena and for protective order, while permitting plaintiff limited discovery as to the Keeling-Palmco relationship. The plaintiff also sought various financial records of both defendants and non-parties through a subpoena issued to First National Bank & Trust Company of Tulsa (FNB). The Magistrate recommended the granting of FNB's motion to quash and declared the related motions moot.

The Court has independently reviewed the pleadings and briefs of the parties and the case file and finds that the recommendations of the Magistrate are reasonable under the circumstances of this case and consistent with applicable law. The motions opposing discovery could be sustained on the basis of irrelevance or on the basis of overbreadth.

It is the Order of the Court that the motion of the plaintiff for joinder of additional parties is hereby DENIED.

It is the further Order of the Court that the motion of Palmco Management Company, Savannah Investment Company and Columbia Development Company to quash is hereby GRANTED, with the exception of the limited discovery permitted in the Magistrate's Report and Recommendation.

It is the Order of the Court that the motion to quash of First National Bank is hereby GRANTED.

IT IS SO ORDERED this 19th day of August, 1988.


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

FILED

AUG 19 1988

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

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

KIRBY BRUCE MARSHALL,)
)
 Plaintiff,)
)
 vs.)
)
 TRW, INC., Reda Pump)
 Division,)
)
 Defendant.)

Case No. 86-C-292-E

JUDGMENT

This case was tried before a jury on July 28 and 29 and August 1, 1988. The jury found for the Plaintiff, Kirby Bruce Marshall, and against the Defendant, TRW, Inc., Reda Pump Division, and awarded actual damages in the amount of \$150,000 from the date of termination to August 1, 1988 and punitive damages in the amount of \$125,000.

Upon a special interrogatory submitted by the Court, the jury also found that a hostile atmosphere exists at TRW, Inc., Reda Pump Division, such that reinstatement of the Plaintiff, Kirby Bruce Marshall, would be an inappropriate remedy. The jury then awarded future damages in the amount of \$250,000.

Judgment pursuant to these findings and verdict of the jury is hereby entered this 19th day of August, 1988, with interest thereon.

S/ JAMES O. ELLISON

JUDGE OF THE DISTRICT COURT

APPROVED AS TO FORM:

Stephen L. Andrew
McCormick, Andrew & Clark
A Professional Corporation
Attorneys for Defendant
Suite 100, Tulsa Union Depot
111 East First Street
Tulsa, Oklahoma 74103
(918) 583-1111

By: 

Leslie Williams
Patrick J. Malloy, III
Malloy & Malloy, Inc.
Attorneys for Plaintiff
1924 South Utica, - 810
Tulsa, Oklahoma 74104
(918) 747-3491

By: 

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

F I L E D

AUG 19 1988

GRAND FEDERAL SAVINGS BANK)
OF GROVE, OKLAHOMA)
)
Plaintiff,)
)
vs.)
)
LANDMARK GOVERNMENT SECURITIES,)
INC., and MICHAEL UPTON,)
)
Defendants.)

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

Case No. 87-C-56-E

ORDER OF DISMISSAL WITH PREJUDICE

Pursuant to Stipulation of Dismissal with Prejudice under Rule 41(a)(1) of the
Federal Rules of Civil Procedure entered into by all parties to this action,

IT IS HEREBY ORDERED that this action be and it hereby is dismissed with
prejudice.

S/ JAMES O. ELISON

UNITED STATES DISTRICT JUDGE

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

FILED

AUG 19 1988

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

W. DAVID MORRIS, JUNE C. VENAMON,)
JUANITA C. RUSH, JOHN F. MARR,)
FRAN E. KEOWN, LINDA G. HARRISON,)
MABEL L. BOATMAN, MARIANNE SHRUM,)
NORMAN GUTHRIE, CAROLYN FRENCH,)
SUSAN WILSON COBB, BETTY TOWNSEND,)
SANDRA L. THOMAS, JUDY A. ESPER,)
individuals,)

Plaintiffs,)

vs.)

NO. 88-C-649-E

FEDERAL SAVINGS & LOAN INSURANCE)
CORPORATION, as Receiver for)
Victor Federal Savings & Loan)
Association, JOHN G. SIMPSON)
and CAMERON D. MCKEEL, Trustees)
of the Retirement and Savings)
Fund of Employees of Victor)
Federal Savings & Loan)
Association, and HELEN CRAWFORD,)
CHARLES STIDHAM, and B.P.)
SUDBERRY, Trustees of Victor)
Federal Savings & Loan Employee)
Stock Ownership Plan, and THE)
TRUST COMPANY OF OKLAHOMA,)
Successor Trustee of Victor)
Federal Savings & Loan)
Employee Stock Ownership Plan,)

Defendants)

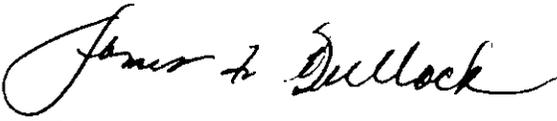
NOTICE OF DISMISSAL OF DEFENDANT FSLIC

COME NOW the Plaintiffs, W. David Morris, et al., pursuant to F.R.C.P. 41(a)(1), and dismiss this action as against Defendant Federal Savings & Loan Insurance Corporation only. In this regard, Plaintiffs represent that such Defendant has not yet served an answer or a motion for summary judgment.

This notice of dismissal does not affect the pendency of Plaintiffs' claims against any defendant other than the FSLIC.

Respectfully submitted,

PRAY, WALKER, JACKMAN,
WILLIAMSON & MARLAR

By 

James B. Bullock
900 Oneok Plaza
Tulsa, Oklahoma 74103
918/584-4136
ATTORNEYS FOR PLAINTIFFS

CERTIFICATE OF MAILING

I, James F. Bullock, do hereby certify that on this 19th day of August, 1988, a true and correct copy of the above and foregoing instrument was forwarded to the following individuals, by depositing same in the U.S. Mails, postage fully prepaid:

Charles Shipley
Steven E. Schneider
Blake K. Champlin
Shipley & Schneider
3401 First National Tower
Tulsa, Oklahoma 74103
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Post Office Box 707
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Cameron D. McKeel

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Attorney for Defendants
B.P. Sudberry and John G. Simpson

Richard P. Hix
Scott R. Rowland
Doerner, Stuart, Saunders, Daniel
& Anderson
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Tulsa, Oklahoma 74103
Attorneys for Defendant
The Trust Company of Oklahoma

Charles Stidham
5216 South Lewis, Apt. 1032
Tulsa, Oklahoma
Pro Se

Federal Savings & Loan Ins. Corp.,
Office of the Secretary of the
Federal Home Loan Bank Board
1700 G Street, N.W.
Washington, D.C. 20552



James F. Bullock

Entered

UNITED STATES DISTRICT COURT FOR THE
NORTHERN DISTRICT OF OKLAHOMA

UNITED STATES OF AMERICA,)
)
Plaintiff,)
)
vs.)
)
ALVIN LEEROY BURNS a/k/a ALVIN)
BURNS a/k/a ALVIN L. BURNS;)
JUDITH ANN BURNS a/k/a)
JUDY BURNS; BRIERCROFT SERVICE)
CORPORATION; COUNTY TREASURER,)
Washington County, Oklahoma;)
BOARD OF COUNTY COMMISSIONERS,)
Washington County, Oklahoma,)
BARTLESVILLE DISTRICT BELL)
FEDERAL CREDIT UNION,)
)
Defendants.)

FILED

AUG 14 1988

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

CIVIL ACTION NO. 87-C-791-C

O R D E R

The Court has for consideration the Report and Recommendation of the Magistrate filed July 25, 1988, in which the Magistrate recommended that the Motion to Confirm Sale 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 the Motion to Confirm Sale is granted.

Dated this 19th day of Aug, 1988.

(Signed) H. Dale Cook
(Signed) H. Dale Cook

UNITED STATES DISTRICT JUDGE

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

DOYLE W. COTTON, JR., et al,)
)
Plaintiffs,)
)
v.)
)
MERRILL, LYNCH, PIERCE,)
FENNER & SMITH, INCORPORATED,)
)
Defendant.)

87-C-889-E

FILED

AUG 19 1988

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

ORDER

The court has for consideration the Findings and Recommendations of the Magistrate filed July 25, 1988, in which the Magistrate recommended that defendant's Motion to Dismiss be granted and that plaintiffs' complaint be dismissed for failure to state any claims which would entitle plaintiffs to relief. 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's Motion to Dismiss is granted and plaintiffs' complaint is dismissed for failure to state any claims which would entitle plaintiffs to relief.

Dated this 19th 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 19 1988 A

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

CHARLES J. WEST and)
MARY WEST,)
)
Plaintiffs,)
)
vs.)
)
FIBREBOARD CORPORATION, et al.,)
)
Defendants.)

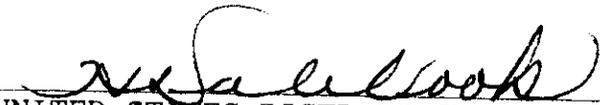
No. 88-C-390-C ✓

ORDER OF DISMISSAL WITH PREJUDICE OF
DEFENDANT COMBUSTION ENGINEERING, INC.

Upon joint stipulation of the parties of dismissal with prejudice of defendant Combustion Engineering, Inc., and request for order, the Court finds and ORDERS:

BE IT ORDERED AND ADJUDGED that plaintiffs' causes against the defendant Combustion Engineering, Inc., be and the same are hereby dismissed with prejudice with plaintiffs reserving their rights against all other defendants and the dismissing parties to bear their respective costs.

DATED this 19 day of August, 1988.


UNITED STATES DISTRICT JUDGE

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

FILED

AUG 17 1988

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

ARTHUR LEON HAMLIN and)
WANDA LORRAINE HAMLIN,)
)
Plaintiffs,)
)
vs.)
)
FIBREBOARD CORPORATION, et al.,)
)
Defendants.)

No. 87-C-523-C

ORDER OF DISMISSAL WITH PREJUDICE OF
DEFENDANT COMBUSTION ENGINEERING, INC.

Upon joint stipulation of the parties of dismissal with prejudice of defendant Combustion Engineering, Inc., and request for order, the Court finds and ORDERS:

BE IT ORDERED AND ADJUDGED that plaintiffs' causes against the defendant Combustion Engineering, Inc., be and the same are hereby dismissed with prejudice with plaintiffs reserving their rights against all other defendants and the dismissing parties to bear their respective costs.

DATED this 19th day of August, 1988.


UNITED STATES DISTRICT JUDGE

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

FILED

AUG 17 1988

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

WILLIAM S. McNATT,)
)
 Plaintiff,)
)
 vs.)
)
 FIBREBOARD CORPORATION, et al.,)
)
 Defendants.)

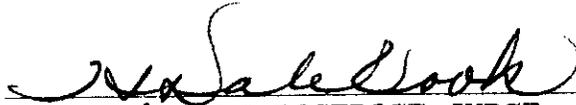
No. 88-C-493-C ✓

ORDER OF DISMISSAL WITH PREJUDICE OF
DEFENDANT COMBUSTION ENGINEERING, INC.

Upon joint stipulation of the parties of dismissal with prejudice of defendant Combustion Engineering, Inc., and request for order, the Court finds and ORDERS:

BE IT ORDERED AND ADJUDGED that plaintiff's causes against the defendant Combustion Engineering, Inc., be and the same are hereby dismissed with prejudice with plaintiff reserving his rights against all other defendants and the dismissing parties to bear their respective costs.

DATED this 19th day of August, 1988.


UNITED STATES DISTRICT JUDGE

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

FILED

AUG 17 1988

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

LEWIS LEON BROWN and)
EVA JACQUELINE BROWN,)
)
Plaintiffs,)
)
vs.)
)
FIBREBOARD CORPORATION, et al.,)
)
Defendants.)

§7
No. 88-C-580-C

ORDER OF DISMISSAL WITH PREJUDICE OF
DEFENDANT COMBUSTION ENGINEERING, INC.

Upon joint stipulation of the parties of dismissal with prejudice of defendant Combustion Engineering, Inc., and request for order, the Court finds and ORDERS:

BE IT ORDERED AND ADJUDGED that plaintiffs' causes against the defendant Combustion Engineering, Inc., be and the same are hereby dismissed with prejudice with plaintiffs reserving their rights against all other defendants and the dismissing parties to bear their respective costs.

DATED this 19th day of August, 1988.


UNITED STATES DISTRICT JUDGE

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

FILED

AUG 17 1988 A

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

JACK LEE WEBB and)
FRANCES A. WEBB,)
)
Plaintiffs,)
)
vs.)
)
FIBREBOARD CORPORATION, et al.,)
)
Defendants.)

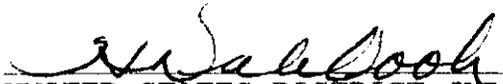
No. 88-C-208-C ✓

ORDER OF DISMISSAL WITH PREJUDICE OF
DEFENDANT COMBUSTION ENGINEERING, INC.

Upon joint stipulation of the parties of dismissal with prejudice of defendant Combustion Engineering, Inc., and request for order, the Court finds and ORDERS:

BE IT ORDERED AND ADJUDGED that plaintiffs' causes against the defendant Combustion Engineering, Inc., be and the same are hereby dismissed with prejudice with plaintiffs reserving their rights against all other defendants and the dismissing parties to bear their respective costs.

DATED this 19 day of August, 1988.


UNITED STATES DISTRICT JUDGE

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

FILED

AUG 19 1988

EDDIE M. JUNK and)
SANDRA L. JUNK,)
)
Plaintiffs,)
)
vs.)
)
FIBREBOARD CORPORATION, et al.,)
)
Defendants.)

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

No. 88-C-223-C

ORDER OF DISMISSAL WITH PREJUDICE OF
DEFENDANT COMBUSTION ENGINEERING, INC.

Upon joint stipulation of the parties of dismissal with prejudice of defendant Combustion Engineering, Inc., and request for order, the Court finds and ORDERS:

BE IT ORDERED AND ADJUDGED that plaintiffs' causes against the defendant Combustion Engineering, Inc., be and the same are hereby dismissed with prejudice with plaintiffs reserving their rights against all other defendants and the dismissing parties to bear their respective costs.

DATED this 19th day of August, 1988.


UNITED STATES DISTRICT JUDGE

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

FILED

AUG 17 1988

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

LOUIS EVERT CHALLIS and)
ALVIS GUSTINE CHALLIS,)
)
Plaintiffs,)
)
vs.)
)
FIBREBOARD CORPORATION, et al.,)
)
Defendants.)

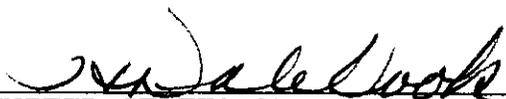
No. 88-C-291-C ✓

ORDER OF DISMISSAL WITH PREJUDICE OF
DEFENDANT COMBUSTION ENGINEERING, INC.

Upon joint stipulation of the parties of dismissal with prejudice of defendant Combustion Engineering, Inc., and request for order, the Court finds and ORDERS:

BE IT ORDERED AND ADJUDGED that plaintiffs' causes against the defendant Combustion Engineering, Inc., be and the same are hereby dismissed with prejudice with plaintiffs reserving their rights against all other defendants and the dismissing parties to bear their respective costs.

DATED this 19th day of August, 1988.


UNITED STATES DISTRICT JUDGE

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

FILED

AUG 13 1988 A

J. R. BEALL and)
VIRGINIA BEALL,)
)
Plaintiffs,)
)
vs.)
)
FIBREBOARD CORPORATION, et al.,)
)
Defendants.)

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

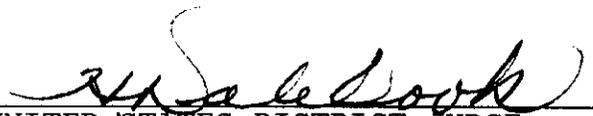
No. 88-C-292-C ✓

ORDER OF DISMISSAL WITH PREJUDICE OF
DEFENDANT COMBUSTION ENGINEERING, INC.

Upon joint stipulation of the parties of dismissal with prejudice of defendant Combustion Engineering, Inc., and request for order, the Court finds and ORDERS:

BE IT ORDERED AND ADJUDGED that plaintiffs' causes against the defendant Combustion Engineering, Inc., be and the same are hereby dismissed with prejudice with plaintiffs reserving their rights against all other defendants and the dismissing parties to bear their respective costs.

DATED this 19th day of August, 1988.


UNITED STATES DISTRICT JUDGE

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

FILED

AUG 19 1988

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

MORRIS A. HOPKINS and)
DOROTHY HOPKINS,)
)
Plaintiffs,)
)
vs.)
)
FIBREBOARD CORPORATION, et al.,)
)
Defendants.)

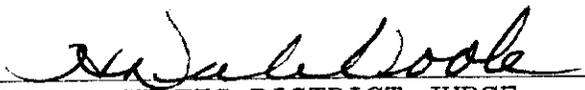
No. 88-C-300-C

ORDER OF DISMISSAL WITH PREJUDICE OF
DEFENDANT COMBUSTION ENGINEERING, INC.

Upon joint stipulation of the parties of dismissal with prejudice of defendant Combustion Engineering, Inc., and request for order, the Court finds and ORDERS:

BE IT ORDERED AND ADJUDGED that plaintiffs' causes against the defendant Combustion Engineering, Inc., be and the same are hereby dismissed with prejudice with plaintiffs reserving their rights against all other defendants and the dismissing parties to bear their respective costs.

DATED this 19 day of August, 1988.


UNITED STATES DISTRICT JUDGE

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

FILED

AUG 19 1988

ANN MCLAUGHLIN, Secretary of)
Labor, United States Department)
of Labor, and RANDELL CRAIG)
MONDY,)

Plaintiffs,)

vs.)

TIERRA VISTA, INC., and)
ROSS FLOOD,)

Defendants.)

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

No. 81-C-264-E

Consolidated with

Civil Action

No. 80-C-486-E

AMENDED JUDGMENT

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

IT IS ORDERED AND ADJUDGED that in Civil Action No. 80-C-486-E Plaintiff Randell Craig Mondy shall recover of Defendants Tierra Vista, Inc., and Ross Flood the sum of ONE THOUSAND TWO HUNDRED THIRTY-FOUR AND 78/100 DOLLARS (\$1,234.78) with interest thereon at the adjusted prime rate of six (6) percent per annum from April 18, 1979 (the median date of withholding) until paid, and his costs of this action, and

IT IS ORDERED AND ADJUDGED that in Civil Action No. 81-C-264-E Defendants Tierra Vista, Inc., and Ross Flood be, and they hereby are, permanently enjoined and restrained from violating the provisions of subsections 15(a)(2) and 15(a)(5) of the Fair Labor Standards Act of 1938, as amended (29 U.S.C. §§ 215(1)(2) and 215(a)(5)), and

IT IS FURTHER ORDERED AND ADJUDGED that in Civil Action No. 81-C-264-E Defendants Tierra Vista, Inc., and Ross Flood be, and they hereby are, enjoined and restrained from withholding back wages in the amount of EIGHT THOUSAND TWO HUNDRED THIRTY-ONE AND 20/100 DOLLARS (\$8,231.20) due to Jeffrey McCants and in the amount of THREE THOUSAND SEVEN HUNDRED SIXTY-FIVE AND 52/100 DOLLARS (\$3,765.52) due to Hugh O'Bannon with interest thereon at the adjusted prime rate of six percent per annum from April 18, 1979 (the median date of withholding) until paid, and

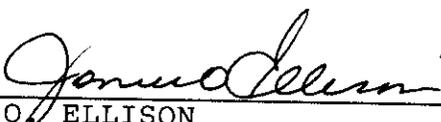
IT IS FURTHER ORDERED AND ADJUDGED that in order to comply with the foregoing provision of this judgment, Defendants Tierra Vista, Inc., and Ross Flood shall deliver to Plaintiff Ann McLaughlin, Secretary of Labor, United States Department of Labor, the sum of ELEVEN THOUSAND NINE HUNDRED NINETY-SIX AND 72/100 DOLLARS (\$11,996.72) with interest thereon at the adjusted prime rate of six percent per annum from April 18, 1979 (the median date of withholding) until paid, and

IT IS FURTHER ORDERED AND ADJUDGED in Civil Action No. 81-C-264-E that as soon as practicable after receipt of the aforesaid sum from Defendants, Plaintiff Ann McLaughlin, Secretary of Labor, United States Department of Labor, shall pay to Jeffrey McCants the sum of EIGHT THOUSAND TWO HUNDRED THIRTY-ONE AND 20/100 DOLLARS (\$8,231.20) and she shall pay to Hugh O'Bannon the sum of THREE THOUSAND SEVEN HUNDRED SIXTY-FIVE AND 52/100 DOLLARS (\$3,765.52) with interest thereon on the adjusted prime rate of

six (6) percent per annum from April 18, 1979 (the median date of withholding) until paid to her by the Defendants, and

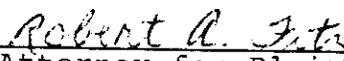
IT IS FURTHER ORDERED AND ADJUDGED in Civil Action No. 81-C-264-E that Plaintiff Ann McLaughlin, Secretary of Labor United States Department of Labor, recover of Defendants Tierra Vista, Inc., and Ross Flood her costs of this action.

Signed at Tulsa, Oklahoma, this 19~~th~~ day of August, 1988.

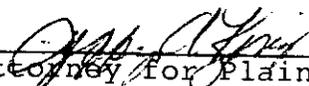


JAMES O. ELLISON
UNITED STATES DISTRICT JUDGE

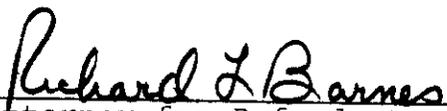
APPROVED AS TO FORM ONLY:



Attorney for Plaintiff in
Civil Action No. 81-C-246-E



Attorney for Plaintiff in
Civil Action No. 80-C-486-E



Attorney for Defendants

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

AUG 19 1988

ANN MCLAUGHLIN, Secretary of)
Labor, United States Department)
of Labor, and RANDELL CRAIG)
MONDY,)
Plaintiffs,)
vs.)
TIERRA VISTA, INC., and)
ROSS FLOOD,)
Defendants.)

Civil Action
No. 81-C-264-E
Consolidated with
Civil Action
No. 80-C-486-E

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

AMENDED JUDGMENT

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

IT IS ORDERED AND ADJUDGED that in Civil Action No. 80-C-486-E Plaintiff Randell Craig Mondy shall recover of Defendants Tierra Vista, Inc., and Ross Flood the sum of ONE THOUSAND TWO HUNDRED THIRTY-FOUR AND 78/100 DOLLARS (\$1,234.78) with interest thereon at the adjusted prime rate of six (6) percent per annum from April 18, 1979 (the median date of withholding) until paid, and his costs of this action, and

IT IS ORDERED AND ADJUDGED that in Civil Action No. 81-C-264-E Defendants Tierra Vista, Inc., and Ross Flood be, and they hereby are, permanently enjoined and restrained from violating the provisions of subsections 15(a)(2) and 15(a)(5) of the Fair Labor Standards Act of 1938, as amended (29 U.S.C. §§ 215(1)(2) and 215(a)(5)), and

IT IS FURTHER ORDERED AND ADJUDGED that in Civil Action No. 81-C-264-E Defendants Tierra Vista, Inc., and Ross Flood be, and they hereby are, enjoined and restrained from withholding back wages in the amount of EIGHT THOUSAND TWO HUNDRED THIRTY-ONE AND 20/100 DOLLARS (\$8,231.20) due to Jeffrey McCants and in the amount of THREE THOUSAND SEVEN HUNDRED SIXTY-FIVE AND 52/100 DOLLARS (\$3,765.52) due to Hugh O'Bannon with interest thereon at the adjusted prime rate of six percent per annum from April 18, 1979 (the median date of withholding) until paid, and

IT IS FURTHER ORDERED AND ADJUDGED that in order to comply with the foregoing provision of this judgment, Defendants Tierra Vista, Inc., and Ross Flood shall deliver to Plaintiff Ann McLaughlin, Secretary of Labor, United States Department of Labor, the sum of ELEVEN THOUSAND NINE HUNDRED NINETY-SIX AND 72/100 DOLLARS (\$11,996.72) with interest thereon at the adjusted prime rate of six percent per annum from April 18, 1979 (the median date of withholding) until paid, and

IT IS FURTHER ORDERED AND ADJUDGED in Civil Action No. 81-C-264-E that as soon as practicable after receipt of the aforesaid sum from Defendants, Plaintiff Ann McLaughlin, Secretary of Labor, United States Department of Labor, shall pay to Jeffrey McCants the sum of EIGHT THOUSAND TWO HUNDRED THIRTY-ONE AND 20/100 DOLLARS (\$8,231.20) and she shall pay to Hugh O'Bannon the sum of THREE THOUSAND SEVEN HUNDRED SIXTY-FIVE AND 52/100 DOLLARS (\$3,765.52) with interest thereon on the adjusted prime rate of

six (6) percent per annum from April 18, 1979 (the median date of withholding) until paid to her by the Defendants, and

IT IS FURTHER ORDERED AND ADJUDGED in Civil Action No. 81-C-264-E that Plaintiff Ann McLaughlin, Secretary of Labor United States Department of Labor, recover of Defendants Tierra Vista, Inc., and Ross Flood her costs of this action.

Signed at Tulsa, Oklahoma, this _____ day of _____, 1988.

S/ JAMES O. ELLISON

JAMES O. ELLISON
UNITED STATES DISTRICT JUDGE

APPROVED AS TO FORM ONLY:

Robert A. Fitz
Attorney for Plaintiff in
Civil Action No. 81-C-246-E

James O. Ellison
Attorney for Plaintiff in
Civil Action No. 80-C-486-E

Richard A. Barnes
Attorney for Defendants

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

FILED

WILLIAM FRANK PUGH and)
MURIEL LEA PUGH,)
)
Plaintiffs,)
)
vs.)
)
FIBREBOARD CORPORATION, et al.,)
)
Defendants.)

AUG 19 1988

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

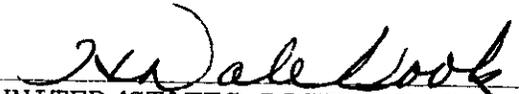
No. 88-C-387-C ✓

ORDER OF DISMISSAL WITH PREJUDICE OF
DEFENDANT COMBUSTION ENGINEERING, INC.

Upon joint stipulation of the parties of dismissal with prejudice of defendant Combustion Engineering, Inc., and request for order, the Court finds and ORDERS:

BE IT ORDERED AND ADJUDGED that plaintiffs' causes against the defendant Combustion Engineering, Inc., be and the same are hereby dismissed with prejudice with plaintiffs reserving their rights against all other defendants and the dismissing parties to bear their respective costs.

DATED this 19 day of August, 1988.


UNITED STATES DISTRICT JUDGE

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

FILED

AUG 17 1988

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

MARION CLINTON CANTRELL and)
WANDA LOUISE CANTRELL,)
)
Plaintiffs,)
)
vs.)
)
FIBREBOARD CORPORATION, et al.,)
)
Defendants.)

No. 88-C-109-C

ORDER OF DISMISSAL WITH PREJUDICE OF
DEFENDANT COMBUSTION ENGINEERING, INC.

Upon joint stipulation of the parties of dismissal with prejudice of defendant Combustion Engineering, Inc., and request for order, the Court finds and ORDERS:

BE IT ORDERED AND ADJUDGED that plaintiffs' causes against the defendant Combustion Engineering, Inc., be and the same are hereby dismissed with prejudice with plaintiffs reserving their rights against all other defendants and the dismissing parties to bear their respective costs.

DATED this 19th day of August, 1988.


UNITED STATES DISTRICT JUDGE

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

FILED

AUG 19 1988

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

WILLIS CLINTON BELL and)
VIRGINIA FAITH BELL,)
)
Plaintiffs,)
)
vs.)
)
FIBREBOARD CORPORATION, et al.,)
)
Defendants.)

No. 88-C-110-c ✓

ORDER OF DISMISSAL WITH PREJUDICE OF
DEFENDANT COMBUSTION ENGINEERING, INC.

Upon joint stipulation of the parties of dismissal with prejudice of defendant Combustion Engineering, Inc., and request for order, the Court finds and ORDERS:

BE IT ORDERED AND ADJUDGED that plaintiffs' causes against the defendant Combustion Engineering, Inc., be and the same are hereby dismissed with prejudice with plaintiffs reserving their rights against all other defendants and the dismissing parties to bear their respective costs.

DATED this 19th day of August, 1988.


UNITED STATES DISTRICT JUDGE

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

FILED

AUG 19 1988

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

JAMES JEFFERSON BATTLES and)
LINDA LOU BATTLES,)
)
 Plaintiffs,)
)
 vs.)
)
 FIBREBOARD CORPORATION, et al.,)
)
 Defendants.)

No. 88-C-111-C ✓

ORDER OF DISMISSAL WITH PREJUDICE OF
DEFENDANT COMBUSTION ENGINEERING, INC.

Upon joint stipulation of the parties of dismissal with prejudice of defendant Combustion Engineering, Inc., and request for order, the Court finds and ORDERS:

BE IT ORDERED AND ADJUDGED that plaintiffs' causes against the defendant Combustion Engineering, Inc., be and the same are hereby dismissed with prejudice with plaintiffs reserving their rights against all other defendants and the dismissing parties to bear their respective costs.

DATED this 19 day of August, 1988.


UNITED STATES DISTRICT JUDGE

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

FILED

AUG 19 1988 A

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

FLOYD OSCAR KELLEY and)
VIOLET KELLEY,)
)
Plaintiffs,)
)
vs.)
)
FIBREBOARD CORPORATION, et al.,)
)
Defendants.)

No. 88-C-132-C

ORDER OF DISMISSAL WITH PREJUDICE OF
DEFENDANT COMBUSTION ENGINEERING, INC.

Upon joint stipulation of the parties of dismissal with prejudice of defendant Combustion Engineering, Inc., and request for order, the Court finds and ORDERS:

BE IT ORDERED AND ADJUDGED that plaintiffs' causes against the defendant Combustion Engineering, Inc., be and the same are hereby dismissed with prejudice with plaintiffs reserving their rights against all other defendants and the dismissing parties to bear their respective costs.

DATED this 19th day of August, 1988.


UNITED STATES DISTRICT JUDGE

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

F I L E D

AUG 19 1988 A

BOBBY JEAN LEE and
GOLDIE CAUDILL LEE,

Plaintiffs,

vs.

FIBREBOARD CORPORATION, et al.,

Defendants.

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

No. 87-C-380-C

**ORDER OF DISMISSAL WITH PREJUDICE OF
DEFENDANT COMBUSTION ENGINEERING, INC.**

Upon joint stipulation of the parties of dismissal with prejudice of defendant Combustion Engineering, Inc., and request for order, the Court finds and ORDERS:

BE IT ORDERED AND ADJUDGED that plaintiffs' causes against the defendant Combustion Engineering, Inc., be and the same are hereby dismissed with prejudice with plaintiffs reserving their rights against all other defendants and the dismissing parties to bear their respective costs.

DATED this 19th day of August, 1988.


UNITED STATES DISTRICT JUDGE

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

FILED

AUG 19 1988

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

WALTER ALLEN HOWERTON and)
ANITA LOUISE HOWERTON,)
)
Plaintiffs,)
)
vs.)
)
FIBREBOARD CORPORATION, et al.,)
)
Defendants.)

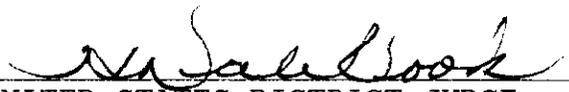
No. 87-C-353-C

ORDER OF DISMISSAL WITH PREJUDICE OF
DEFENDANT COMBUSTION ENGINEERING, INC.

Upon joint stipulation of the parties of dismissal with prejudice of defendant Combustion Engineering, Inc., and request for order, the Court finds and ORDERS:

BE IT ORDERED AND ADJUDGED that plaintiffs' causes against the defendant Combustion Engineering, Inc., be and the same are hereby dismissed with prejudice with plaintiffs reserving their rights against all other defendants and the dismissing parties to bear their respective costs.

DATED this 19 day of August, 1988.


UNITED STATES DISTRICT JUDGE

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

FILED

AUG 13 1988

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

DAVID L. McCORD and)
ELEANOR I. McCORD,)
)
Plaintiffs,)
)
vs.)
)
FIBREBOARD CORPORATION, et al.,)
)
Defendants.)

No. 88-C-494-C✓

ORDER OF DISMISSAL WITH PREJUDICE OF
DEFENDANT COMBUSTION ENGINEERING, INC.

Upon joint stipulation of the parties of dismissal with prejudice of defendant Combustion Engineering, Inc., and request for order, the Court finds and ORDERS:

BE IT ORDERED AND ADJUDGED that plaintiffs' causes against the defendant Combustion Engineering, Inc., be and the same are hereby dismissed with prejudice with plaintiffs reserving their rights against all other defendants and the dismissing parties to bear their respective costs.

DATED this 19 day of August, 1988.


UNITED STATES DISTRICT JUDGE

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

FILED

AUG 10 1988

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

ROBERT L. ELLIS and)
JUANITA F. ELLIS,)
)
 Plaintiffs,)
)
 vs.)
)
 FIBREBOARD CORPORATION, et al.,)
)
 Defendants.)

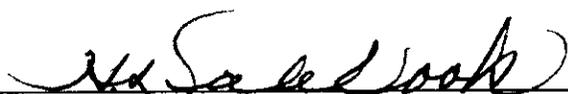
No. 88-C-496-C

ORDER OF DISMISSAL WITH PREJUDICE OF
DEFENDANT COMBUSTION ENGINEERING, INC.

Upon joint stipulation of the parties of dismissal with prejudice of defendant Combustion Engineering, Inc., and request for order, the Court finds and ORDERS:

BE IT ORDERED AND ADJUDGED that plaintiffs' causes against the defendant Combustion Engineering, Inc., be and the same are hereby dismissed with prejudice with plaintiffs reserving their rights against all other defendants and the dismissing parties to bear their respective costs.

DATED this 19th day of August, 1988.


UNITED STATES DISTRICT JUDGE

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

FILED

AUG 17 1988

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

EDWARD FRANK CLAYPOOL and)
GAYOLA JEAN CLAYPOOL,)
)
Plaintiffs,)
)
vs.)
)
FIBREBOARD CORPORATION, et al.,)
)
Defendants.)

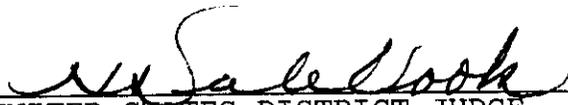
No. ⁸⁷88-C-519-C

ORDER OF DISMISSAL WITH PREJUDICE OF
DEFENDANT COMBUSTION ENGINEERING, INC.

Upon joint stipulation of the parties of dismissal with prejudice of defendant Combustion Engineering, Inc., and request for order, the Court finds and ORDERS:

BE IT ORDERED AND ADJUDGED that plaintiffs' causes against the defendant Combustion Engineering, Inc., be and the same are hereby dismissed with prejudice with plaintiffs reserving their rights against all other defendants and the dismissing parties to bear their respective costs.

DATED this 19 day of August, 1988.


UNITED STATES DISTRICT JUDGE

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

F I L E D

AUG 19 1988

FEDERAL DEPOSIT INSURANCE
CORPORATION,

Plaintiff,

vs.

FREDERICK WALTER VANSTONE,

Defendant.

)
)
)
)
)
)
)
)
)
)
)

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

Case No. 88-C-482-E

JUDGMENT

Upon the default of Defendant, Frederick W. Vanstone, judgment is hereby entered in favor of the Federal Deposit Insurance Corporation against Frederick Walter Vanstone in the amount of \$896,084.76. Interest on this judgment shall accrue at the contractual rate of \$317.38 per day until paid.

SO ORDERED this 19th day of August, 1988.

JAMES O. ELISON

UNITED STATES DISTRICT JUDGE

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

F I L E D

AUG 19 1988

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

In the Matter of:)	
)	
RUTH H. CREECH,	)	U.S. District Court, Southern
	)	District of Ohio, Western
Plaintiff-Movant	)	Division,
	)	Case No. C-1-086-1271
vs.)	
)	
ORAL ROBERTS, et al.	)	Case No. 88-C-648E
)	
Defendants-Respondents)	

CLOSING ORDER

With the Plaintiff-Movant having withdrawn her Motion For Contempt Citation herein, the Court finds, orders, and decrees that this matter hereby is closed.

DATED this 19th day of August, 1988.

S/ JAMES O. ELISON

U.S. DISTRICT JUDGE

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

FLEET FINANCE, INC.,)
a corporation,)
)
Plaintiff,)

vs.)

Case No. 88-C-532-C

JACK A. POWELL; ELIZABETH D.)
POWELL; UNION FEDERAL SAVINGS)
AND LOAN ASSOCIATION; COUNTY)
TREASURER, TULSA COUNTY,)
OKLAHOMA; SECURITY PACIFIC)
FINANCE CORP., SUCCESSOR-IN-)
INTEREST TO POSTAL FINANCE)
COMPANY, INC.; and BANK OF)
CHELSEA,)
)
Defendants.)

FILED

AUG 17 1988

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

JOURNAL ENTRY OF JUDGMENT IN REM
AND DECREE OF FORECLOSURE

NOW on this 19 day of Aug, 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 Defendant, Union Federal Savings and Loan Association ("Union"), appearing by and through its attorneys, Riddle and Wimbish by John B. Wimbish; Defendants, Jack A. Powell and Elizabeth D. Powell ("Powell") appearing by and through their attorneys Lyon & Clark by Mark D. Lyons; the Defendant, Bank of Chelsea ("Bank"), appearing by and through its attorney, James D. Goodpaster and has disclaimed any interest in the property which is the subject of this action; the

Defendant, County Treasurer, Tulsa County, appearing by and through his attorney, Doris L. Fransein, Assistant District Attorney; and the Defendant, Security Pacific Finance Corp., successor-in-interest to Postal Finance Company, Inc. having been duly served with summons herein have failed to answer or otherwise appear.

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, thereby vesting this Court with jurisdiction over the action and making venue proper.

Upon review of the pleadings in this case, 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 Warren P. Fannin and Claudia May Fannin ("Fannin") which note was subsequently sold, transferred and assigned to Fleet Mortgage Corp. (FMC) and now held by Fleet pursuant to an Agreement between FMC and Fleet, as more particularly described in the Petition of Fleet filed herein, 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

\$19,627.50, and accrued interest through April 1, 1988, in the amount of \$3,680.10, and interest accruing thereafter at the rate of \$8.178 per diem, until paid in full, plus the costs of this action, abstracting costs and including a reasonable attorney's fee of \$1,500.00.

The Court FURTHER FINDS that Fleet has a good and valid second 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 Fannin and recorded on the 14th day of June, 1985, and in Book 4869 at Page 1585 in the records of the County Clerk of Tulsa County, State of Oklahoma, which mortgage secures the above-described indebtedness. Said mortgage is now held by Fleet pursuant to an assignment recorded October 31, 1986 in Book 4979 at Page 2293 aforesaid records.

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 Seven (7), Block Thirty-five (35) VALLEY VIEW ACRES SECOND ADDITION to the City of Tulsa, Tulsa County, State of Oklahoma, according to the recorded plat thereof.

The Court FURTHER FINDS that James D. Morris and Tommie L. Morris ("Morris") duly executed and delivered a promissory note to Hall Investment Company ("Hall") now held by Union as more particularly described in the Answer and Cross-Petition of Union filed herein which obligation was assumed by Defendants Powell who agreed to pay in accordance with the terms contained therein and that as a result of the default of the terms and conditions of

said promissory note, there is due and owing from the Defendants Powell to the Defendant Union the sum of \$3,767.53, \$46.96 in late charges, plus interest thereon from March 1, 1987, at the rate of 5.25% per annum, until paid in full; plus costs of this action, accrued and accruing, including abstracting costs and a reasonable attorney's fees of \$600.00.

The Court FURTHER FINDS that Defendant Union has a good and valid first lien on the real estate and premises described above superior to the interests and claims of all others, by virtue of the mortgage executed by Morris to Hall and recorded on the 30th day of October, 1964, in Book 3508 at Page 663, in the office of the County Clerk of Tulsa County, Oklahoma and held by Union pursuant to an assignment recorded February 9, 1965 in Book 3541 at Page 603 aforesaid records.

The Court FURTHER FINDS that the mortgages of the Plaintiff Fleet and of the Defendant Union 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 \$19,627.50, and accrued interest through April 1, 1988, in the amount of \$3,680.10, and interest accruing thereafter at the rate of \$8.178 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 \$1,500.00.

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

IT IS FURTHER ORDERED, ADJUDGED AND DECREED by the Court that the Defendant Union have and recover judgment in rem against the Defendants Powell in the sum of \$3,767.53, late charges in the amount of \$46.96, plus interest accruing from March 1, 1987 at the rate of of 5.25% per annum, until paid in full, plus the costs of this action, accrued and accruing herein, including a reasonable attorney's fees of \$600.00.

IT IS FURTHER ORDERED, ADJUDGED AND DECREED by the Court that the mortgage in favor of Union and the mortgage of Fleet herein be, and the same are, 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 mortgages herein:

Lot Seven (7), Block Thirty-five (35) VALLEY VIEW ACRES SECOND ADDITION, to the City of Tulsa, Tulsa County, 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 Union the sum of \$3,767.53, \$46.96 in late charges, together with interest thereon at the rate of 5.25% per annum from March 1, 1987, until paid in full, plus the costs of this action, including a reasonable attorney's fee in the sum of \$600.00;
3. In payment to Fleet, the sum of \$23,307.60, together with interest thereon at the rate of \$8.178 per diem from April 1, 1988, until paid in full, plus the costs of this action, including a reasonable attorney's fee in the sum of \$1,500.00;
4. 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.

(Signed) H. Dale Cook

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

APPROVED BY:

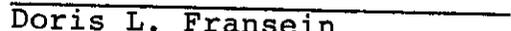
DOERNER, STUART, SAUNDERS,
DANIEL & ANDERSON

DAVID MOSS,
TULSA COUNTY DISTRICT ATTORNEY

By


James P. McCann
L. Dru McQueen
1000 Atlas Life Building
Tulsa, Oklahoma 74103
Attorneys for Plaintiff,
Fleet Finance, Inc.

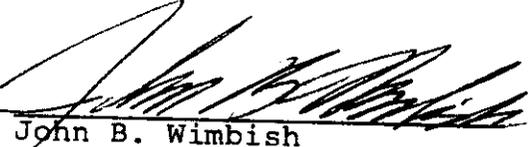
By


Doris L. Fransein
Assistant District Attorney
Tulsa County Courthouse
Tulsa, Oklahoma 74103
Attorneys for Defendant,
John F. Cantrell, Tulsa
County Treasurer

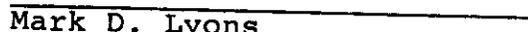
RIDDLE & WIMBISH

LYONS & CLARK

By


John B. Wimbish
5314 S. Yale, Suite 200
Tulsa, Oklahoma 74135
Attorneys for Defendant
and Cross-Petitioner,
Union Federal Savings and
Loan Association

By


Mark D. Lyons
Two Main Plaza
616 South Main, Suite 201
Attorneys for Defendants,
Jack A. Powell and
Elizabeth D. Powell

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.

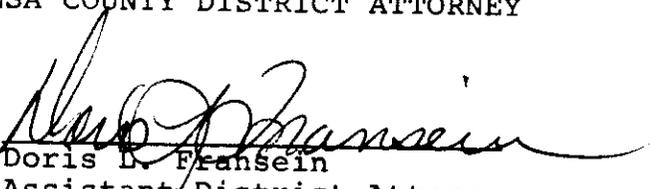
JUDGE OF THE UNITED STATES
DISTRICT COURT FOR THE NORTHERN
DISTRICT OF OKLAHOMA

APPROVED BY:

DOERNER, STUART, SAUNDERS,
DANIEL & ANDERSON

DAVID MOSS,
TULSA COUNTY DISTRICT ATTORNEY

By _____
James P. McCann
L. Dru McQueen
1000 Atlas Life Building
Tulsa, Oklahoma 74103
Attorneys for Plaintiff,
Fleet Finance, Inc.

By 
Doris L. Fransein
Assistant District Attorney
Tulsa County Courthouse
Tulsa, Oklahoma 74103
Attorneys for Defendant,
John F. Cantrell, Tulsa
County Treasurer

RIDDLE & WIMBISH

LYONS & CLARK

By _____
John B. Wimbish
5314 S. Yale, Suite 200
Tulsa, Oklahoma 74135
Attorneys for Defendant
and Cross-Petitioner,
Union Federal Savings and
Loan Association

By _____
Mark D. Lyons
Two Main Plaza
616 South Main, Suite 201
Attorneys for Defendants,
Jack A. Powell and
Elizabeth D. Powell

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.

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

APPROVED BY:

DOERNER, STUART, SAUNDERS,
DANIEL & ANDERSON

DAVID MOSS,
TULSA COUNTY DISTRICT ATTORNEY

By James P. McCann
L. Dru McQueen
1000 Atlas Life Building
Tulsa, Oklahoma 74103
Attorneys for Plaintiff,
Fleet Finance, Inc.

By Doris L. Fransein
Assistant District Attorney
Tulsa County Courthouse
Tulsa, Oklahoma 74103
Attorneys for Defendant,
John F. Cantrell, Tulsa
County Treasurer

RIDDLE & WIMBISH

LYONS & CLARK

By John B. Wimbish
5314 S. Yale, Suite 200
Tulsa, Oklahoma 74135
Attorneys for Defendant
and Cross-Petitioner,
Union Federal Savings and
Loan Association

By Mark D. Lyons
Mark D. Lyons
Two Main Plaza
616 South Main, Suite 201
Attorneys for Defendants,
Jack A. Powell and
Elizabeth D. Powell

Entered

UNITED STATES DISTRICT COURT

NORTHERN DISTRICT OF OKLAHOMA

CLERK'S OFFICE

UNITED STATES COURT HOUSE

TULSA, OKLAHOMA 74103

August 19, 1988

(918) 581-7796
(FTS) 736-7796

JACK C. SILVER
CLERK

TO: Counsel/Parties of Record

RE: Case # 87-C-636-C
Rhine vs. State Farm

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

Plaintiff's motion in limine is overruled at this time with right to renew at time of trial.

••

Very truly yours,

JACK C. SILVER, CLERK

By: *P. Jones*
Deputy Clerk

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

FILED
1988

JACK L. LEGAN and
VELMA J. LEGAN,

Plaintiffs,

vs.

FIBREBOARD CORPORATION, et al.,

Defendants.)

No. 88-C-500-B

JACK C. SMITH, JR.
U. S. DISTRICT COURT

ORDER OF DISMISSAL WITH PREJUDICE OF
DEFENDANT COMBUSTION ENGINEERING, INC.

Upon joint stipulation of the parties of dismissal with prejudice of defendant Combustion Engineering, Inc., and request for order, the Court finds and ORDERS:

BE IT ORDERED AND ADJUDGED that plaintiffs' causes against the defendant Combustion Engineering, Inc., be and the same are hereby dismissed with prejudice with plaintiffs reserving their rights against all other defendants and the dismissing parties to bear their respective costs.

DATED this 19 day of August, 1988.

19 Thomas R. Butt
UNITED STATES DISTRICT JUDGE

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

UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF OKLAHOMA

FILED

AUG 18 1988

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

PHILLIPS PETROLEUM COMPANY and)
PHILLIPS PIPE LINE COMPANY,)
)
Plaintiffs,)
)
v.)
)
FAIRVIEW HEIGHTS ASSOCIATES,)
et al.)
)
Defendants.)

No. 88-C-742B

**NOTICE OF
DISMISSAL WITH PREJUDICE**

COME NOW the plaintiffs and, as the captioned matter
has been settled by compromise agreement between the parties,
dismiss the above-captioned action with prejudice.

GALEN E. WARD
GARY R. PROCTOR
SHELLEY HIMEL
JIM HAMILTON
TOM COOK

By Galen E. Ward
Galen E. Ward, OBA #9345

One of the Attorneys for Plaintiffs
PHILLIPS PETROLEUM COMPANY and
PHILLIPS PIPE LINE COMPANY
American First Tower
101 North Robinson - 10th Floor
Oklahoma City, Oklahoma 73102
(405) 270-8321

CERTIFICATE OF SERVICE

This is to certify that I have this 17th day of
August, 1988, mailed or hand delivered a true and correct copy of
the above and foregoing Dismissal With Prejudice to each of the
named defendants.

By Galen E. Ward
Galen E. Ward

4

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

FILED

AUG 18 1988

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

SANDRA HARGER,)
)
Plaintiff,)
vs.) No. 87-C-336-E
)
PLAYTEX FAMILY PRODUCTS, INC.,)
)
Defendant.)

STIPULATION OF DISMISSAL

The parties hereto, by and through their respective counsel of record, hereby stipulate and agree that the above-captioned matter shall be dismissed with prejudice against defendant, with each party to bear their own costs.



CLARK O. BREWSTER
BREWSTER SHALLCROSS RIZLEY AND MULLON
One Boston Plaza, 15th Floor
20 East 5th Street
Tulsa, Oklahoma 74103

ATTORNEY FOR PLAINTIFF



RANDALL A. BRESHEARS, OBA# 1101
MONNET, HAYES, BULLIS, THOMPSON
& EDWARDS
1719 First National Center West
Okla. City, Okla. 73102
(405) 232-5481

ATTORNEY FOR DEFENDANT

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

IN RE:

ROBERT WILLIAM GRISHAM,
Debtor,

VICTOR SAVINGS AND LOAN
ASSOCIATION,
Plaintiff,

vs.

ROBERT WILLIAM GRISHAM,
Defendant.

Bankruptcy No. 87-00486-W
Chapter 7

Adversary No. 87-0280-C

Case No. 88-C-683-E

OF
STIPULATION FOR DISMISSAL OF APPEAL

Appellant, the Federal Savings and Loan Insurance Corporation, and Appellee, Robert W. Grisham, hereby stipulate that the appeal in the above-styled cause be dismissed.

SNEED, LANG, ADAMS,
HAMILTON & BARNETT

BY

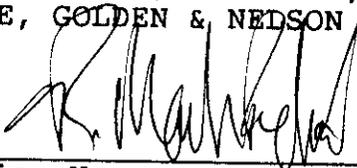
Brian S. Gaskill

Brian S. Gaskill
Sixth Floor
114 East Eighth Street
Tulsa, Oklahoma 74119
(918) 583-3145

AND

HALL, ESTILL, HARDWICK,
GABLE, GOLDEN & NEDSON

By



William Nay
James Hodges
R. Mark Petrich
4100 Bank of Oklahoma Tower
Tulsa, Oklahoma 74172
(918) 588-2700

Attorneys for Federal Savings and
Loan Insurance Corporation in its
capacity as receiver for Appellant
Victor Savings and Loan
Association

ROBERT G. FRY, JR. & ASSOCIATES

By



Robert G. Fry, Jr.
R. S. Passo
906 South Cheyenne Avenue
Tulsa, Oklahoma 74119
(918) 585-1107

Attorneys for Appellee
Robert William Grisham

CERTIFICATE OF MAILING

I, Brian S. Gaskill, do hereby certify that on the 18th day of August, 1988, I caused to be mailed a true and correct copy of the above and foregoing instrument, proper postage thereon prepaid, to R. S. Passo, Esq., Robert G. Fry, Jr. & Associates, 906 South Cheyenne Avenue, Tulsa, Oklahoma, 74119, attorneys for Appellee.

Brian S. Gaskill
Brian S. Gaskill

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

FREDERICK CLINTON McCORKLE and)
BERNEICE CAROL McCORKLE,)
)
Plaintiffs,)
)
vs.)
)
FIBREBOARD CORPORATION, et al.,)
)
Defendants.)

No. 87-C-640-B

**ORDER OF DISMISSAL WITH PREJUDICE OF
DEFENDANT COMBUSTION ENGINEERING, INC.**

Upon joint stipulation of the parties of dismissal with prejudice of defendant Combustion Engineering, Inc., and request for order, the Court finds and ORDERS:

BE IT ORDERED AND ADJUDGED that plaintiffs' causes against the defendant Combustion Engineering, Inc., be and the same are hereby dismissed with prejudice with plaintiffs reserving their rights against all other defendants and the dismissing parties to bear their respective costs.

DATED this 18 day of August, 1988.

S/ THOMAS R. BRETT
UNITED STATES DISTRICT JUDGE

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

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

CLIFTON EMERY SILVER and)
GERALDINE FRANCES SILVER,)
)
Plaintiffs,)
)
vs.) No. 88-C-220-B
)
FIBREBOARD CORPORATION, et al.,)
)
Defendants.)

ORDER OF DISMISSAL WITH PREJUDICE OF
DEFENDANT COMBUSTION ENGINEERING, INC.

Upon joint stipulation of the parties of dismissal with prejudice of defendant Combustion Engineering, Inc., and request for order, the Court finds and ORDERS:

BE IT ORDERED AND ADJUDGED that plaintiffs' causes against the defendant Combustion Engineering, Inc., be and the same are hereby dismissed with prejudice with plaintiffs reserving their rights against all other defendants and the dismissing parties to bear their respective costs.

DATED this 18 day of August, 1988.

S/ THOMAS R. BRETT

UNITED STATES DISTRICT JUDGE

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

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

JUNIOR ALMON BALDRIDGE and)
VIRGINIA LEE BALDRIDGE,)
)
Plaintiffs,)
)
vs.)
)
FIBREBOARD CORPORATION, et al.,)
)
Defendants.)

87
No. 88-C-668-B

ORDER OF DISMISSAL WITH PREJUDICE OF
DEFENDANT COMBUSTION ENGINEERING, INC.

Upon joint stipulation of the parties of dismissal with prejudice of defendant Combustion Engineering, Inc., and request for order, the Court finds and ORDERS:

BE IT ORDERED AND ADJUDGED that plaintiffs' causes against the defendant Combustion Engineering, Inc., be and the same are hereby dismissed with prejudice with plaintiffs reserving their rights against all other defendants and the dismissing parties to bear their respective costs.

DATED this 18 day of August, 1988.

S/ THOMAS R. BRETT

UNITED STATES DISTRICT JUDGE

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

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

WILLIE WADE CALDERA and)
MARIE R. CALDERA,)
)
Plaintiffs,)
)
vs.)
)
FIBREBOARD CORPORATION, et al.,)
)
Defendants.)

No. 87-88-C-522-B

ORDER OF DISMISSAL WITH PREJUDICE OF
DEFENDANT COMBUSTION ENGINEERING, INC.

Upon joint stipulation of the parties of dismissal with prejudice of defendant Combustion Engineering, Inc., and request for order, the Court finds and ORDERS:

BE IT ORDERED AND ADJUDGED that plaintiffs' causes against the defendant Combustion Engineering, Inc., be and the same are hereby dismissed with prejudice with plaintiffs reserving their rights against all other defendants and the dismissing parties to bear their respective costs.

DATED this 18 day of August, 1988.

S/ THOMAS R. BRETT
UNITED STATES DISTRICT JUDGE

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

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

FILED

ROY O. BURGESS and)
ADALAIDE A. BURGESS,)
)
Plaintiffs,)
)
vs.)
)
FIBREBOARD CORPORATION, et al.,)
)
Defendants.)

1988

Jack C. Silver, Clerk

87C-404-U.S. DISTRICT COURT

No. 88-C-381-B

ORDER OF DISMISSAL WITH PREJUDICE OF
DEFENDANT COMBUSTION ENGINEERING, INC.

Upon joint stipulation of the parties of dismissal with prejudice of defendant Combustion Engineering, Inc., and request for order, the Court finds and ORDERS:

BE IT ORDERED AND ADJUDGED that plaintiffs' causes against the defendant Combustion Engineering, Inc., be and the same are hereby dismissed with prejudice with plaintiffs reserving their rights against all other defendants and the dismissing parties to bear their respective costs.

DATED this 18 day of August, 1988.

S/ THOMAS R. BRETT
UNITED STATES DISTRICT JUDGE
for Chief Judge H. Dale Cook

UNITED STATES DISTRICT COURT FOR THE
NORTHERN DISTRICT OF OKLAHOMA

UNITED STATES OF AMERICA,)
)
 Plaintiff,)
 vs.)
)
 S. NADENE GARRETT; DARRELL W.)
 DUKE; RAMONA SUE PRICE;)
 COUNTY TREASURER, Tulsa County,)
 Oklahoma; and BOARD OF COUNTY)
 COMMISSIONERS, Tulsa County,)
 Oklahoma,)
)
 Defendants.)

FILED
JUL 19 1988
J. B. ...
U.S. DISTRICT COURT

CIVIL ACTION NO. 86-C-525-B

DEFICIENCY JUDGMENT

Now on this 17th day of Aug., 1988, there came on for hearing the Motion of the Plaintiff United States of America for leave to enter a Deficiency Judgment herein, said Motion being filed on the 18th day of July, 1988, and a copy of said Motion being mailed to S. Nadene Garrett, 1014 North College, Tulsa, Oklahoma 74110, and all counsel of record. The Plaintiff, United States of America, acting on behalf of the Administrator of Veterans Affairs, appeared by Tony M. Graham, United States Attorney for the Northern District of Oklahoma through Peter Bernhardt, Assistant United States Attorney, and the Defendant, S. Nadene Garrett, appeared neither in person nor by counsel.

The Court upon consideration of said Motion finds that the amount of the Judgment rendered herein on February 9, 1987, in favor of the Plaintiff United States of America, and against the Defendant, S. Nadene Garrett, with interest and costs to date of sale is \$50,082.02.

The Court further finds that the appraised value of the real property at the time of sale was \$20,000.00.

The Court further finds that the real property involved herein was sold at Marshal's sale, pursuant to the Judgment of this Court entered February 9, 1987, for the sum of \$17,447.00 which is less than the market value.

The Court further finds that the said Marshal's sale was confirmed pursuant to the Order of this Court on 12th day of August, 1988.

The Court further finds that the Plaintiff, United States of America on behalf of the Administrator of Veterans Affairs, is accordingly entitled to a deficiency judgment against the Defendant, S. Nadene Garrett, as follows:

Principal Balance as of 4/26/88	\$38,648.16
Interest	9,851.05
Late Charges to Date of Judgment	249.76
Appraisal by Agency	175.00
Management Broker Fees to Date of Sale	680.00
Abstracting	231.00
Publication Fees of Notice of Sale	142.05
Appraisers' Fees	<u>105.00</u>
TOTAL	\$50,082.02
Less Credit of Appraised Value	- <u>20,000.00</u>
DEFICIENCY	\$30,082.02

plus interest on said deficiency judgment at the legal rate of 7.95 percent per annum from date of deficiency judgment until paid; said deficiency being the difference between the amount of Judgment rendered herein and the appraised value of the property herein.

IT IS THEREFORE ORDERED, ADJUDGED, AND DECREED that the United States of America on behalf of the Administrator of Veterans Affairs have and recover from Defendant, S. Nadene Garrett, a deficiency judgment in the amount of \$30,082.02, plus interest at the legal rate of 7.95 percent per annum on said deficiency judgment from date of judgment until paid.

S/ THOMAS R. BRETT

UNITED STATES DISTRICT JUDGE

PB/css

UNITED STATES DISTRICT COURT FOR THE
NORTHERN DISTRICT OF OKLAHOMA

UNITED STATES OF AMERICA,)
)
 Plaintiff,)
)
 vs.)
)
 WILLIAM DEAN WHINERY, SR.;)
 JANET S. WHINERY; STATE OF)
 OKLAHOMA ex rel. DEPARTMENT)
 OF HUMAN SERVICES; COUNTY)
 TREASURER, Creek County,)
 Oklahoma; and BOARD OF COUNTY)
 COMMISSIONERS, Creek County,)
 Oklahoma,)
)
 Defendants.)

FILED
1988
JUL 28
J. M. [unclear]
U.S. DISTRICT COURT

CIVIL ACTION NO. 87-C-788-B

DEFICIENCY JUDGMENT

Now on this 17th day of Aug., 1988, there came on for hearing the Motion of the Plaintiff United States of America for leave to enter a Deficiency Judgment herein, said Motion being filed on the 9th day of August, 1988, and a copy of said Motion being mailed to William Dean Whinery, Sr. and Janet S. Whinery, 2334 South Water, Sapulpa, Oklahoma 74066 and all counsel of record. The Plaintiff, United States of America, acting on behalf of the Administrator of Veterans Affairs, appeared by Tony M. Graham, United States Attorney for the Northern District of Oklahoma through Phil Pinnell, Assistant United States Attorney, and the Defendants, William Dean Whinery, Sr. and Janet S. Whinery, appeared neither in person nor by counsel.

The Court upon consideration of said Motion finds that the amount of the Judgment rendered herein on January 15, 1988,

in favor of the Plaintiff United States of America, and against the Defendants, William Dean Whinery, Sr. and Janet S. Whinery, with interest and costs to date of sale is \$33,899.08.

The Court further finds that the appraised value of the real property at the time of sale was \$22,150.00.

The Court further finds that the real property involved herein was sold at Marshal's sale, pursuant to the Judgment of this Court entered January 15, 1988, for the sum of \$19,668.00 which is less than the market value.

The Court further finds that the said Marshal's sale was confirmed pursuant to the Order of this Court on 12th day of August, 1988.

The Court further finds that the Plaintiff, United States of America on behalf of the Administrator of Veterans Affairs, is accordingly entitled to a deficiency judgment against the Defendants, William Dean Whinery, Sr. and Janet S. Whinery, as follows:

Principal Balance as of 06/02/88	\$26,771.61
Interest	6,082.83
Late Charges to Date of Judgment	267.24
Appraisal by Agency	175.00
Management Broker Fees to Date of Sale	220.00
Abstracting	212.40
1987 Ad Valorem Taxes	<u>170.00</u>
TOTAL	\$33,899.08
Less Credit of Appraised Value	- <u>22,150.00</u>
DEFICIENCY	\$11,749.08

plus interest on said deficiency judgment at the legal rate of 7.95 percent per annum from date of deficiency judgment until paid; said deficiency being the difference between the amount of Judgment rendered herein and the appraised value of the property herein.

IT IS THEREFORE ORDERED, ADJUDGED, AND DECREED that the United States of America on behalf of the Administrator of Veterans Affairs have and recover from Defendants, William Dean Whinery, Sr. and Janet S. Whinery, a deficiency judgment in the amount of \$11,749.08, plus interest at the legal rate of 7.95 percent per annum on said deficiency judgment from date of judgment until paid.

~~S/ THOMAS P. BRETT~~
UNITED STATES DISTRICT JUDGE

PP/css

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

ROBERT CAPALDI,

Plaintiff,

v.

HISSOM MEMORIAL CENTER,
et al.,

Defendants.

No. 86-C-690-B

FILED

AUG 18 1988

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

J U D G M E N T

In accordance with the Order filed August 16, 1988, Judgment is hereby entered in favor of Defendants, Department of Human Services, Hissom Memorial Center, Reginald Barnes, Jane Hartley, W. E. Farha, R. M. Greer, Albert Furr, John Orr, Travis Harris, Wayne Chandler, Patty Eaton, Robert Fulton, Jean Cooper, James Borren, Fred Overstreet and Tom Tucker, and against Plaintiff, Robert Capaldi. Costs are assessed against Plaintiff. Each party is to pay its own attorney fee.

IT IS SO ORDERED, this 17th day of August, 1988.


THOMAS R. BRETT
UNITED STATES DISTRICT JUDGE

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

HOMER F. SWEPSTON and)
EDNA SUE SWEPSTON,)
)
Plaintiffs,)
)
vs.)
)
FIBREBOARD CORPORATION, et al.,)
)
Defendants.)

No. 88-C-204-B

ORDER OF DISMISSAL WITH PREJUDICE OF
DEFENDANT COMBUSTION ENGINEERING, INC.

Upon joint stipulation of the parties of dismissal with prejudice of defendant Combustion Engineering, Inc., and request for order, the Court finds and ORDERS:

BE IT ORDERED AND ADJUDGED that plaintiffs' causes against the defendant Combustion Engineering, Inc., be and the same are hereby dismissed with prejudice with plaintiffs reserving their rights against all other defendants and the dismissing parties to bear their respective costs.

DATED this 18 day of August, 1988.

S/ THOMAS R. BRETT
UNITED STATES DISTRICT JUDGE

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

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

CONNIE CALVIN SIX, JR.,)
)
 Plaintiffs,)
)
 vs.)
)
 FIBREBOARD CORPORATION, et al.,)
)
 Defendants.)

No. 88-C-207-B

FILED

Jack C. [unclear]
U.S. DISTRICT COURT

ORDER OF DISMISSAL WITH PREJUDICE OF
DEFENDANT COMBUSTION ENGINEERING, INC.

Upon joint stipulation of the parties or dismissal with prejudice of defendant Combustion Engineering, Inc., and request for order, the Court finds and ORDERS:

BE IT ORDERED AND ADJUDGED that plaintiffs' causes against the defendant Combustion Engineering, Inc., be and the same are hereby dismissed with prejudice with plaintiffs reserving their rights against all other defendants and the dismissing parties to bear their respective costs.

DATED this 18 day of August, 1988.

S/ THOMAS R. BRETT
UNITED STATES DISTRICT JUDGE

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

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

TEDDY L. OSBORNE and)
MARITUS OSBORNE,)
)
Plaintiffs,)
)
vs.) No. 88-C-211-B
)
FIBREBOARD CORPORATION, et al.,)
)
Defendants.)

**ORDER OF DISMISSAL WITH PREJUDICE OF
DEFENDANT COMBUSTION ENGINEERING, INC.**

Upon joint stipulation of the parties of dismissal with prejudice of defendant Combustion Engineering, Inc., and request for order, the Court finds and ORDERS:

BE IT ORDERED AND ADJUDGED that plaintiffs' causes against the defendant Combustion Engineering, Inc., be and the same are hereby dismissed with prejudice with plaintiffs reserving their rights against all other defendants and the dismissing parties to bear their respective costs.

DATED this 18 day of August, 1988.

S/ THOMAS R. BRETT

UNITED STATES DISTRICT JUDGE

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

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

ALVA RAY SHANKS and)
CHRISTINE SHANKS,)
)
Plaintiffs,)
)
vs.) No. 88-C-213-B
)
FIBREBOARD CORPORATION, et al.,)
)
Defendants.)

ORDER OF DISMISSAL WITH PREJUDICE OF
DEFENDANT COMBUSTION ENGINEERING, INC.

Upon joint stipulation of the parties of dismissal with prejudice of defendant Combustion Engineering, Inc., and request for order, the Court finds and ORDERS:

BE IT ORDERED AND ADJUDGED that plaintiffs' causes against the defendant Combustion Engineering, Inc., be and the same are hereby dismissed with prejudice with plaintiffs reserving their rights against all other defendants and the dismissing parties to bear their respective costs.

DATED this 16 day of August, 1988.

S/ THOMAS R. BRETT

UNITED STATES DISTRICT JUDGE

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

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

MELVIN EVERETT SMITH,)
)
 Plaintiffs,)
)
 vs.)
)
 FIBREBOARD CORPORATION, et al.,)
)
 Defendants.)

87
No. 88-C-521-B

**ORDER OF DISMISSAL WITH PREJUDICE OF
DEFENDANT COMBUSTION ENGINEERING, INC.**

Upon joint stipulation of the parties of dismissal with prejudice of defendant Combustion Engineering, Inc., and request for order, the Court finds and ORDERS:

BE IT ORDERED AND ADJUDGED that plaintiff's causes against the defendant Combustion Engineering, Inc., be and the same are hereby dismissed with prejudice with plaintiff reserving his rights against all other defendants and the dismissing parties to bear their respective costs.

DATED this 18 day of August, 1988.


UNITED STATES DISTRICT JUDGE

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

FILED

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

ARTHUR JACKSON and)
LIHLA EDITH JACKSON,)
)
Plaintiffs,)
)
vs.)
)
FIBREBOARD CORPORATION, et al.,)
)
Defendants.)

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

No. 87-C-520-B

ORDER OF DISMISSAL WITH PREJUDICE OF
DEFENDANT COMBUSTION ENGINEERING, INC.

Upon joint stipulation of the parties of dismissal with prejudice of defendant Combustion Engineering, Inc., and request for order, the Court finds and ORDERS:

BE IT ORDERED AND ADJUDGED that plaintiffs' causes against the defendant Combustion Engineering, Inc., be and the same are hereby dismissed with prejudice with plaintiffs reserving their rights against all other defendants and the dismissing parties to bear their respective costs.

DATED this 18 day of August, 1988.

S/ THOMAS R. BRETT
UNITED STATES DISTRICT JUDGE

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

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

FILED

1988

DENVER WESLEY WILMOTH and)
JEWELL A. WILMOTH,)
)
Plaintiffs,)
)
vs.)
)
FIBREBOARD CORPORATION, et al.,)
)
Defendants.)

Jack G. ...
U. S. DISTRICT COURT

No. ~~88-C-381-B~~

87-c-403-B

**ORDER OF DISMISSAL WITH PREJUDICE OF
DEFENDANT COMBUSTION ENGINEERING, INC.**

Upon joint stipulation of the parties of dismissal with prejudice of defendant Combustion Engineering, Inc., and request for order, the Court finds and ORDERS:

BE IT ORDERED AND ADJUDGED that plaintiffs' causes against the defendant Combustion Engineering, Inc., be and the same are hereby dismissed with prejudice with plaintiffs reserving their rights against all other defendants and the dismissing parties to bear their respective costs.

DATED this 18 day of August, 1988.

S/ THOMAS R. BRETT
UNITED STATES DISTRICT JUDGE

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

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

FILED
JUL 29 1988
U. S. DISTRICT COURT

HUGH H. INGALLS and)
LILLIE ALICE INGALLS,)
)
Plaintiffs,)
)
vs.)
)
FIBREBOARD CORPORATION, et al.,)
)
Defendants.)

No. 87-C-381-B

ORDER OF DISMISSAL WITH PREJUDICE OF
DEFENDANT COMBUSTION ENGINEERING, INC.

Upon joint stipulation of the parties of dismissal with prejudice of defendant Combustion Engineering, Inc., and request for order, the Court finds and ORDERS:

BE IT ORDERED AND ADJUDGED that plaintiffs' causes against the defendant Combustion Engineering, Inc., be and the same are hereby dismissed with prejudice with plaintiffs reserving their rights against all other defendants and the dismissing parties to bear their respective costs.

DATED this 18 day of August, 1988.

S/ THOMAS R. BRETT
UNITED STATES DISTRICT JUDGE

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

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

JESSE RAY HURST and)
EMMA V. HURST,)
)
) Plaintiffs,)
)
vs.) No. 88-C-85-B
)
) FIBREBOARD CORPORATION, et al.,)
)
) Defendants.)

ORDER OF DISMISSAL WITH PREJUDICE OF
DEFENDANT COMBUSTION ENGINEERING, INC.

Upon joint stipulation of the parties of dismissal with prejudice of defendant Combustion Engineering, Inc., and request for order, the Court finds and ORDERS:

BE IT ORDERED AND ADJUDGED that plaintiffs' causes against the defendant Combustion Engineering, Inc., be and the same are hereby dismissed with prejudice with plaintiffs reserving their rights against all other defendants and the dismissing parties to bear their respective costs.

DATED this 18 day of August, 1988.

S/ THOMAS R. BRETT

UNITED STATES DISTRICT JUDGE

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

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

WILLIAM DALE HAVER and)
BARBARA ANN HAVER,)
)
) Plaintiffs,)
)
vs.) No. 88-C-86-C
)
FIBREBOARD CORPORATION, et al.,)
)
) Defendants.)

ORDER OF DISMISSAL WITH PREJUDICE OF
DEFENDANT COMBUSTION ENGINEERING, INC.

Upon joint stipulation of the parties of dismissal with prejudice of defendant Combustion Engineering, Inc., and request for order, the Court finds and ORDERS:

BE IT ORDERED AND ADJUDGED that plaintiffs' causes against the defendant Combustion Engineering, Inc., be and the same are hereby dismissed with prejudice with plaintiffs reserving their rights against all other defendants and the dismissing parties to bear their respective costs.

DATED this 18 day of August, 1988.

S/ THOMAS R. BRETT

UNITED STATES DISTRICT JUDGE

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

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

FILED
1988
JAN 8 1988
U.S. DISTRICT COURT

EARNEY LEROY HEFFLEY and)
BETTY LANELLE HEFFLEY,)
)
Plaintiffs,)
)
vs.) No. 88-C-138-B
)
FIBREBOARD CORPORATION, et al.,)
)
Defendants.)

**ORDER OF DISMISSAL WITE PREJUDICE OF
DEFENDANT COMBUSTION ENGINEERING, INC.**

Upon joint stipulation of the parties of dismissal with prejudice of defendant Combustion Engineering, Inc., and request for order, the Court finds and ORDERS:

BE IT ORDERED AND ADJUDGED that plaintiffs' causes against the defendant Combustion Engineering, Inc., be and the same are hereby dismissed with prejudice with plaintiffs reserving their rights against all other defendants and the dismissing parties to bear their respective costs.

DATED this 18 day of August, 1988.

S/ THOMAS R. BRETT

UNITED STATES DISTRICT JUDGE

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

GUFFREY F. CARLTON and)
BESSIE M. CARLTON,)
)
) Plaintiffs,)
)
vs.) No. 88-C-112-B
)
) FIBREBOARD CORPORATION, et al.,)
)
) Defendants.)

ORDER OF DISMISSAL WITH PREJUDICE OF
DEFENDANT COMBUSTION ENGINEERING, INC.

Upon joint stipulation of the parties of dismissal with prejudice of defendant Combustion Engineering, Inc., and request for order, the Court finds and ORDERS:

BE IT ORDERED AND ADJUDGED that plaintiffs' causes against the defendant Combustion Engineering, Inc., be and the same are hereby dismissed with prejudice with plaintiffs reserving their rights against all other defendants and the dismissing parties to bear their respective costs.

DATED this 18 day of August, 1988.

S/ THOMAS R. BRETT

UNITED STATES DISTRICT JUDGE

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

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

JERRY LEEMON LAMBERT and)
AMBER JO LAMBERT,)
)
) Plaintiffs,)
)
vs.)
)
FIBREBOARD CORPORATION, et al.,)
)
) Defendants.)

No. 88-C-131-B

1988
John S. ...
U.S. District Court

ORDER OF DISMISSAL WITH PREJUDICE OF
DEFENDANT COMBUSTION ENGINEERING, INC.

Upon joint stipulation of the parties of dismissal with prejudice of defendant Combustion Engineering, Inc., and request for order, the Court finds and ORDERS:

BE IT ORDERED AND ADJUDGED that plaintiffs' causes against the defendant Combustion Engineering, Inc., be and the same are hereby dismissed with prejudice with plaintiffs reserving their rights against all other defendants and the dismissing parties to bear their respective costs.

DATED this 18 day of August, 1988.

S/ THOMAS R. BRETT
UNITED STATES DISTRICT JUDGE

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

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

TROY CECIL WILLIAMS and)
OLETA WILLIAMS,)
)
Plaintiffs,)
)
vs.) No. 88-C-103-B
)
FIBREBOARD CORPORATION, et al.,)
)
Defendants.)

**ORDER OF DISMISSAL WITH PREJUDICE OF
DEFENDANT COMBUSTION ENGINEERING, INC.**

Upon joint stipulation of the parties of dismissal with prejudice of defendant Combustion Engineering, Inc., and request for order, the Court finds and ORDERS:

BE IT ORDERED AND ADJUDGED that plaintiffs' causes against the defendant Combustion Engineering, Inc., be and the same are hereby dismissed with prejudice with plaintiffs reserving their rights against all other defendants and the dismissing parties to bear their respective costs.

DATED this 18 day of August, 1988.

S/ THOMAS R. BRETT
UNITED STATES DISTRICT JUDGE

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

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

BENNY RICHARD ALLEN and)
MARSHA LEE ALLEN,)
)
Plaintiffs,)
)
vs.) No. 88-C-87-B
)
FIBREBOARD CORPORATION, et al.,)
)
Defendants.)

**ORDER OF DISMISSAL WITH PREJUDICE OF
DEFENDANT COMBUSTION ENGINEERING, INC.**

Upon joint stipulation of the parties of dismissal with prejudice of defendant Combustion Engineering, Inc., and request for order, the Court finds and ORDERS:

BE IT ORDERED AND ADJUDGED that plaintiffs' causes against the defendant Combustion Engineering, Inc., be and the same are hereby dismissed with prejudice with plaintiffs reserving their rights against all other defendants and the dismissing parties to bear their respective costs.

DATED this 18 day of August, 1988.

S/ THOMAS R. BRETT
UNITED STATES DISTRICT JUDGE

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

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

KENNETH MONROE MAKINSON and)
VELMA JEAN MAKINSON,)
)
Plaintiffs,)
)
vs.) No. 88-C-89-B
)
FIBREBOARD CORPORATION, et al.,)
)
Defendants.)

ORDER OF DISMISSAL WITH PREJUDICE OF
DEFENDANT COMBUSTION ENGINEERING, INC.

Upon joint stipulation of the parties of dismissal with prejudice of defendant Combustion Engineering, Inc., and request for order, the Court finds and ORDERS:

BE IT ORDERED AND ADJUDGED that plaintiffs' causes against the defendant Combustion Engineering, Inc., be and the same are hereby dismissed with prejudice with plaintiffs reserving their rights against all other defendants and the dismissing parties to bear their respective costs.

DATED this 19 day of August, 1988.

S/ THOMAS R. BRETT

UNITED STATES DISTRICT JUDGE

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

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

ELIC TARVIN HILL and)
CAROLYN SUE HILL,)
)
Plaintiffs,)
)
vs.) No. 88-C-88-B
)
FIBREBOARD CORPORATION, et al.,)
)
Defendants.)

**ORDER OF DISMISSAL WITH PREJUDICE OF
DEFENDANT COMBUSTION ENGINEERING, INC.**

Upon joint stipulation of the parties of dismissal with prejudice of defendant Combustion Engineering, Inc., and request for order, the Court finds and ORDERS:

BE IT ORDERED AND ADJUDGED that plaintiffs' causes against the defendant Combustion Engineering, Inc., be and the same are hereby dismissed with prejudice with plaintiffs reserving their rights against all other defendants and the dismissing parties to bear their respective costs.

DATED this 18 day of August, 1988.

S/ THOMAS R. BRETT
UNITED STATES DISTRICT JUDGE

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

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

SUZAN ROHRBAUGH, BARBARA ANN CLAY and)
DEBRA MAE AMBLER, Ind. and as P.R. of)
Heirs and Estate of Dorothy Mae Palmer,)
Plaintiffs,)
vs.)
FIBREBOARD CORPORATION, et al.,)
Defendants.)

No. 88-C-90-B

ORDER OF DISMISSAL WITH PREJUDICE OF
DEFENDANT COMBUSTION ENGINEERING, INC.

Upon joint stipulation of the parties of dismissal with prejudice of defendant Combustion Engineering, Inc., and request for order, the Court finds and ORDERS:

BE IT ORDERED AND ADJUDGED that plaintiffs' causes against the defendant Combustion Engineering, Inc., be and the same are hereby dismissed with prejudice with plaintiffs reserving their rights against all other defendants and the dismissing parties to bear their respective costs.

DATED this 18 day of August, 1988.

S/ THOMAS R. BRETT
UNITED STATES DISTRICT JUDGE

NOTE: THIS COPY IS TO BE MAILED
BY THE CLERK TO THE U.S. DISTRICT COURT
FOR THE NORTHERN DISTRICT OF OKLAHOMA
UPON RECEIPT.

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

JAMES ALEX TRAIL and)
ALPHA TRAIL,)
)
) Plaintiffs,)
)
vs.)
)
FIBREBOARD CORPORATION, et al.,)
)
) Defendants.)

No. 88-C-93-B

FILED
AUG 1 1988
JAMES C. ...
U.S. DISTRICT COURT

ORDER OF DISMISSAL WITH PREJUDICE OF
DEFENDANT COMBUSTION ENGINEERING, INC.

Upon joint stipulation of the parties of dismissal with prejudice of defendant Combustion Engineering, Inc., and request for order, the Court finds and ORDERS:

BE IT ORDERED AND ADJUDGED that plaintiffs' causes against the defendant Combustion Engineering, Inc., be and the same are hereby dismissed with prejudice with plaintiffs reserving their rights against all other defendants and the dismissing parties to bear their respective costs.

DATED this 18 day of August, 1988.

S/ THOMAS R. BRETT
UNITED STATES DISTRICT JUDGE

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

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

WEYBURN BYRON WILSON and)
DELLA GRACE WILSON,)
)
Plaintiffs,)
)
vs.)
)
FIBREBOARD CORPORATION, et al.,)
)
Defendants.)

No. 88-C-104-B

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11 11 88
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ORDER OF DISMISSAL WITH PREJUDICE OF
DEFENDANT COMBUSTION ENGINEERING, INC.

Upon joint stipulation of the parties of dismissal with prejudice of defendant Combustion Engineering, Inc., and request for order, the Court finds and ORDERS:

BE IT ORDERED AND ADJUDGED that plaintiffs' causes against the defendant Combustion Engineering, Inc., be and the same are hereby dismissed with prejudice with plaintiffs reserving their rights against all other defendants and the dismissing parties to bear their respective costs.

DATED this 18 day of August, 1988.

S/ THOMAS R. BRETT
UNITED STATES DISTRICT JUDGE

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

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

DON AUSTIN STOCKTON and)
GRACIA MAE STOCKTON,)
)
Plaintiffs,)
)
vs.)
)
FIBREBOARD CORPORATION, et al.,)
)
Defendants.)

No. 88-C-108-B

ORDER OF DISMISSAL WITH PREJUDICE OF
DEFENDANT COMBUSTION ENGINEERING, INC.

Upon joint stipulation of the parties of dismissal with prejudice of defendant Combustion Engineering, Inc., and request for order, the Court finds and ORDERS:

BE IT ORDERED AND ADJUDGED that plaintiffs' causes against the defendant Combustion Engineering, Inc., be and the same are hereby dismissed with prejudice with plaintiffs reserving their rights against all other defendants and the dismissing parties to bear their respective costs.

DATED this 18 day of August, 1988.

S/ THOMAS R. BRETT
UNITED STATES DISTRICT JUDGE

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

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

FILED

1988

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

JIM FROST and)
BARBARA FROST,)
)
Plaintiffs,)
)
vs.) No. 88-C-498-B
)
FIBREBOARD CORPORATION, et al.,)
)
Defendants.)

ORDER OF DISMISSAL WITH PREJUDICE OF
DEFENDANT COMBUSTION ENGINEERING, INC.

Upon joint stipulation of the parties of dismissal with prejudice of defendant Combustion Engineering, Inc., and request for order, the Court finds and ORDERS:

BE IT ORDERED AND ADJUDGED that plaintiffs' causes against the defendant Combustion Engineering, Inc., be and the same are hereby dismissed with prejudice with plaintiffs reserving their rights against all other defendants and the dismissing parties to bear their respective costs.

DATED this 18 day of August, 1988.

S/ THOMAS R. BRETT
UNITED STATES DISTRICT JUDGE

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

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

FILED

John C. ...
U. S. District Court

LEONARD L. COLLIER and)
MAUDIE INEZ COLLIER,)
)
Plaintiffs,)
)
vs.) No. 88-C-495-B
)
FIBREBOARD CORPORATION, et al.,)
)
Defendants.)

ORDER OF DISMISSAL WITH PREJUDICE OF
DEFENDANT COMBUSTION ENGINEERING, INC.

Upon joint stipulation of the parties of dismissal with prejudice of defendant Combustion Engineering, Inc., and request for order, the Court finds and ORDERS:

BE IT ORDERED AND ADJUDGED that plaintiffs' causes against the defendant Combustion Engineering, Inc., be and the same are hereby dismissed with prejudice with plaintiffs reserving their rights against all other defendants and the dismissing parties to bear their respective costs.

DATED this 18 day of August, 1988.

S/ THOMAS R. BRETT
UNITED STATES DISTRICT JUDGE

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

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

FILED

AUG 23 1988

JACOB G. SULLIVAN
U. S. DISTRICT COURT

JOHN A. GIESEN and)
BETTY JANE GIESEN,)
)
Plaintiffs,)
)
vs.)
)
FIBREBOARD CORPORATION, et al.,)
)
Defendants.)

No. 88-C-492-B

ORDER OF DISMISSAL WITH PREJUDICE OF
DEFENDANT COMBUSTION ENGINEERING, INC.

Upon joint stipulation of the parties of dismissal with prejudice of defendant Combustion Engineering, Inc., and request for order, the Court finds and ORDERS:

BE IT ORDERED AND ADJUDGED that plaintiffs' causes against the defendant Combustion Engineering, Inc., be and the same are hereby dismissed with prejudice with plaintiffs reserving their rights against all other defendants and the dismissing parties to bear their respective costs.

DATED this 18 day of August, 1988.

S/ THOMAS R. BRETT
UNITED STATES DISTRICT JUDGE

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

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

MARVIN R. PAVEY and
BEULAH H. PAVEY,

Plaintiffs,

vs.

FIBREBOARD CORPORATION, et al.,

Defendants.

No. 88-C-391-B

**ORDER OF DISMISSAL WITH PREJUDICE OF
DEFENDANT COMBUSTION ENGINEERING, INC.**

Upon joint stipulation of the parties of dismissal with prejudice of defendant Combustion Engineering, Inc., and request for order, the Court finds and ORDERS:

BE IT ORDERED AND ADJUDGED that plaintiffs' causes against the defendant Combustion Engineering, Inc., be and the same are hereby dismissed with prejudice with plaintiffs reserving their rights against all other defendants and the dismissing parties to bear their respective costs.

DATED this 18 day of August, 1988.

S/ THOMAS R. BRETT
UNITED STATES DISTRICT JUDGE

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

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

NEIL N. THOMPSON and)
BONNIE M. THOMPSON,)
)
Plaintiffs,)
)
vs.) No. 88-C-389-B
)
FIBREBOARD CORPORATION, et al.,)
)
Defendants.)

**ORDER OF DISMISSAL WITH PREJUDICE OF
DEFENDANT COMBUSTION ENGINEERING, INC.**

Upon joint stipulation of the parties of dismissal with prejudice of defendant Combustion Engineering, Inc., and request for order, the Court finds and ORDERS:

BE IT ORDERED AND ADJUDGED that plaintiffs' causes against the defendant Combustion Engineering, Inc., be and the same are hereby dismissed with prejudice with plaintiffs reserving their rights against all other defendants and the dismissing parties to bear their respective costs.

DATED this 18 day of August, 1988.

S/ THOMAS R. BRETT
UNITED STATES DISTRICT JUDGE

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

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

CECIL E. RICHARDSON and)
BILLIE A. RICHARDSON,)
)
Plaintiffs,)
)
vs.) No. 88-C-388-B
)
FIBREBOARD CORPORATION, et al.,)
)
Defendants.)

**ORDER OF DISMISSAL WITH PREJUDICE OF
DEFENDANT COMBUSTION ENGINEERING, INC.**

Upon joint stipulation of the parties of dismissal with prejudice of defendant Combustion Engineering, Inc., and request for order, the Court finds and ORDERS:

BE IT ORDERED AND ADJUDGED that plaintiffs' causes against the defendant Combustion Engineering, Inc., be and the same are hereby dismissed with prejudice with plaintiffs reserving their rights against all other defendants and the dismissing parties to bear their respective costs.

DATED this 18 day of August, 1988.

S/ THOMAS R. BRETT

UNITED STATES DISTRICT JUDGE

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

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

GERALD D. NICKS and)
A. ALBERTA NICKS,)
)
Plaintiffs,)
)
vs.) No. 88-C-304-B
)
FIBREBOARD CORPORATION, et al.,)
)
Defendants.)

ORDER OF DISMISSAL WITH PREJUDICE OF
DEFENDANT COMBUSTION ENGINEERING, INC.

Upon joint stipulation of the parties of dismissal with prejudice of defendant Combustion Engineering, Inc., and request for order, the Court finds and ORDERS:

BE IT ORDERED AND ADJUDGED that plaintiffs' causes against the defendant Combustion Engineering, Inc., be and the same are hereby dismissed with prejudice with plaintiffs reserving their rights against all other defendants and the dismissing parties to bear their respective costs.

DATED this 18 day of August, 1988.

S/ THOMAS R. BRETT

UNITED STATES DISTRICT JUDGE

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

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

LINLEY NEIL O'BANION and)
MOZELLE O'BANION,)
)
Plaintiffs,)
)
vs.) No. 88-C-385-B
)
FIBREBOARD CORPORATION, et al.,)
)
Defendants.)

**ORDER OF DISMISSAL WITH PREJUDICE OF
DEFENDANT COMBUSTION ENGINEERING, INC.**

Upon joint stipulation of the parties of dismissal with prejudice of defendant Combustion Engineering, Inc., and request for order, the Court finds and ORDERS:

BE IT ORDERED AND ADJUDGED that plaintiffs' causes against the defendant Combustion Engineering, Inc., be and the same are hereby dismissed with prejudice with plaintiffs reserving their rights against all other defendants and the dismissing parties to bear their respective costs.

DATED this 18 day of August, 1988.

S/ THOMAS R. BRETT
UNITED STATES DISTRICT JUDGE

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

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

EDWIN CHARLES ORPIN,)
)
 Plaintiff,)
)
 vs.)
)
 FIBREBOARD CORPORATION, et al.,)
)
 Defendants.)

No. 88-C-221-B

FILED

1988

JAC. G. ...
U. S. DISTRICT COURT

ORDER OF DISMISSAL WITH PREJUDICE OF
DEFENDANT COMBUSTION ENGINEERING, INC.

Upon joint stipulation of the parties of dismissal with prejudice of defendant Combustion Engineering, Inc., and request for order, the Court finds and ORDERS:

BE IT ORDERED AND ADJUDGED that plaintiff's causes against the defendant Combustion Engineering, Inc., be and the same are hereby dismissed with prejudice with plaintiff reserving his rights against all other defendants and the dismissing parties to bear their respective costs.

DATED this 18 day of August, 1988.

S/ THOMAS R. BRETT
UNITED STATES DISTRICT JUDGE

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

HAROLD W. BURLINGAME,
Plaintiff,

v.

EUROPEAN IMPORTS, INC.,
ALFRED GEBHARDT, UDO
DREYSPRING, HAROLD WAYNE
DAVEY, and KYRA STEPHENS
GEBHARDT,

Defendants.

No. 86-C-538-B

FILED
JAN 11 1989
JAN 11 1989
RECEIVED

AGREED JOURNAL ENTRY OF JUDGMENT

Pursuant to agreement of the parties and based upon the court's pendant jurisdiction, the court finds:

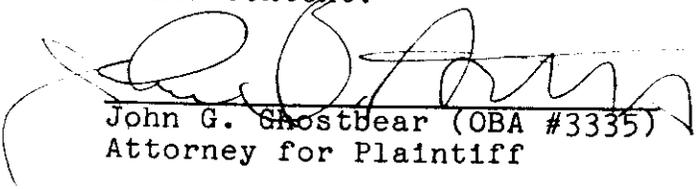
1. The plaintiff, Harold W. Burlingame, is hereby awarded judgment against the defendant Alfred Gebhardt, solely, in the sum of Thirty-Four Thousand Nine Hundred Sixty-Seven Dollars and Seventy-Four Cents (\$34,967.74) together with lawful interest exclusive of costs and attorney fees.

2. The plaintiff, Harold W. Burlingame, agrees to waive and forebear any right of appeal of this court's order of July 29, 1988 sustaining defendant Kyra Stephens Gebhardt's motion for summary judgment, the wife of defendant Alfred Gebhardt.

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

S/ THOMAS R. BRETT
THOMAS R. BRETT
UNITED STATES DISTRICT JUDGE

Approved as to Form
and Content:



John G. Ghostbear (OBA #3335)
Attorney for Plaintiff

C. Rabon Martin (OBA #)
Attorney for Defendant Alfred
Gebhardt

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

RICHARD S. STERRETT,

Plaintiff,

vs.

No. 87-C-705 B

VIRGIL R. BARRETT, an indi-
vidual, and HOME INSURANCE
COMPANY, a New Hampshire
corporation,

Defendants.

FILED

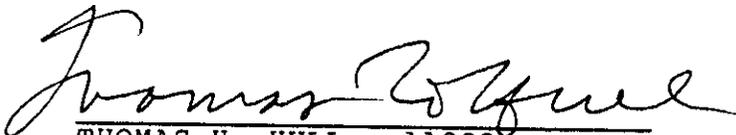
AUG 18 1988

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

NOTICE OF STIPULATION
OF
VOLUNTARY DISMISSAL

COME NOW the parties, both Plaintiff and Defendant, to the above styled cause and, pursuant to Rule 41 (a) (1) (ii), stipulate that each agree to a voluntary dismissal without prejudice of Plaintiff's claims, as embodied in their entirety in this case.

WHEREFORE, NOTICE IS HEREBY GIVEN of the stipulation by the parties of the voluntary dismissal of this case.



THOMAS H. HULL 11039
1717 SOUTH CHEYENNE AVENUE
TULSA, OKLAHOMA 74120
(918) 583-3300

ATTORNEY FOR PLAINTIFF



JOHN NEIMEYER
300 NORTH WALKER
OKLAHOMA CITY, OK 73102

ATTORNEY FOR DEFENDANT

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

ROWLAND EARL BABCOCK and)
MIDA S. BABCOCK,)
)
Plaintiffs,)
)
vs.) No. 88-C-139-B
)
FIBREBOARD CORPORATION, et al.,)
)
Defendants.)

ORDER OF DISMISSAL WITH PREJUDICE OF
DEFENDANT COMBUSTION ENGINEERING, INC.

Upon joint stipulation of the parties of dismissal with prejudice of defendant Combustion Engineering, Inc., and request for order, the Court finds and ORDERS:

BE IT ORDERED AND ADJUDGED that plaintiffs' causes against the defendant Combustion Engineering, Inc., be and the same are hereby dismissed with prejudice with plaintiffs reserving their rights against all other defendants and the dismissing parties to bear their respective costs.

DATED this 18 day of August, 1988.

S/ THOMAS R. BRETT
UNITED STATES DISTRICT JUDGE

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

F I L E D

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

AUG 17 1988

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

PAUL JACK WATKINS and)
GEORGIA LEE WATKINS,)
)
Plaintiffs,)
)
vs.)
FIBREBOARD CORPORATION, et al.,)
)
Defendants.)

No. 87-C-379-E

**ORDER OF DISMISSAL WITH PREJUDICE OF
DEFENDANT COMBUSTION ENGINEERING, INC.**

Upon joint stipulation of the parties of dismissal with prejudice of defendant Combustion Engineering, Inc., and request for order, the Court finds and ORDERS:

BE IT ORDERED AND ADJUDGED that plaintiffs' causes against the defendant Combustion Engineering, Inc., be and the same are hereby dismissed with prejudice with plaintiffs reserving their rights against all other defendants and the dismissing parties to bear their respective costs.

DATED this 17th day of August, 1988.

JAMES O. ELISON

UNITED STATES DISTRICT JUDGE

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

NTC OF AMERICA, INC.,
an Oklahoma corporation,

Plaintiff,

vs.

RIVER OAKS INDUSTRIES, INC.,
a Delaware corporation, GENERAL
ELECTRIC CREDIT CORPORATION, a
New York corporation, MERITOR
CREDIT CORPORATION, a New York
corporation and SECURITY PACIFIC
HOUSING SERVICES, INC., a
Delaware corporation,

Defendants.

No. 87-C-655-C

FILED

AUG 17 1988

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

ORDER GRANTING MOTION FOR DISMISSAL WITH PREJUDICE

NOW on this 15 day of Aug, 1988, there comes on for consideration the Plaintiff's Motion for Dismissal with Prejudice. The Court, being fully advised in the premises, finds that Plaintiff's Motion for Dismissal with Prejudice should be sustained.

IT IS THEREFORE ORDERED, ADJUDGED AND DECREED that Plaintiff's Motion for Dismissal with Prejudice is sustained; and upon the stipulation of the parties, the case is dismissed.

(Signed) H. Dale Cook

H. DALE COOK
CHIEF JUDGE OF THE UNITED STATES
DISTRICT COURT FOR THE NORTHERN
DISTRICT OF OKLAHOMA

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

DAVID R. WATKINS and LEO HOWELL,)
)
 Plaintiffs,)
)
 -vs-)
)
 BUCK JOHNSON, CLYDE WATKINS, and)
 RICK ADAIR,)
)
 Defendants.)

Case No. 87-C-69-C **F I L E D**

AUG 17 1988

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

ORDER DISMISSING ACTION FOR FAILURE TO PROSECUTE

The Court has before it Defendants' Motion to Dismiss for Failure to Prosecute. After careful consideration of this Motion, the Court finds:

That no pleading has been filed in this case by Plaintiffs since the filing of the Complaint on January 29, 1987.

That Plaintiffs have failed to respond to the Motion to Dismiss For Failure to State a Claim filed March 16, 1987.

That one year and six months has elapsed since Plaintiffs took any action in this case.

That Plaintiffs have failed to keep the Court and the parties informed of their current addresses, and their whereabouts are unknown.

Therefore, it is the Order of this Court, pursuant to the Federal Rules of Civil Procedure, Rule 41 (b) that this case be dismissed for failure of the Plaintiffs to prosecute their claim.

(Signed) H. Dale Cook

UNITED STATES DISTRICT COURT JUDGE

UNITED STATES DISTRICT COURT FOR THE
NORTHERN DISTRICT OF OKLAHOMA

UNITED STATES OF AMERICA,)
)
 Plaintiff,)
)
 vs.)
)
 RONNIE D. NORTON; DORIS E.)
 NORTON; COUNTY TREASURER,)
 Tulsa County, Oklahoma; and)
 BOARD OF COUNTY COMMISSIONERS,)
 Tulsa County, Oklahoma,)
)
 Defendants.)

FILED

AUG 17 1988

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

CIVIL ACTION NO. 88-C-128-E

JUDGMENT OF FORECLOSURE

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 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,
Ronnie D. Norton and Doris E. Norton, appear not, but make
default.

The Court being fully advised and having examined the
file herein finds that the Defendant, County Treasurer, Tulsa
County, Oklahoma, acknowledged receipt of Summons and Complaint
on February 17, 1988; and that Defendant, Board of County
Commissioners, Tulsa County, Oklahoma, acknowledged receipt of
Summons and Complaint on February 10, 1988.

The Court further finds that the Defendants, Ronnie D. Norton and Doris E. Norton, were served by publishing notice of this action in the Tulsa Daily Business Journal & Legal Record, a newspaper of general circulation in Tulsa County, Oklahoma, once a week for six (6) consecutive weeks beginning April 15, 1988, and continuing to May 20, 1988, as more fully appears from the verified proof of publication duly filed herein; and that this action is one in which service by publication is authorized by 12 O.S. Section 2004(C)(3)(c). Counsel for the Plaintiff does not know and with due diligence cannot ascertain the whereabouts of the Defendants, Ronnie D. Norton and Doris E. Norton, 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, Ronnie D. Norton and Doris E. Norton. 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 Peter Bernhardt, 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 March 1, 1988; and that the Defendants, Ronnie D. Norton and Doris E. Norton, 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 Sixteen (16), Block Three (3), of the RESUBDIVISION of Blocks 2 & 3 and Lots 46 & 47, Block 10, in LAKEVIEW HEIGHTS AMENDED ADDITION to the City of Tulsa, Tulsa County, State of Oklahoma, according to the recorded plat thereof.

The Court further finds that on August 3, 1977, the Defendants, Ronnie D. Norton and Doris E. Norton, 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 \$10,250.00, payable in monthly installments, with interest thereon at the rate of eight and one-half percent (8.5%) per annum.

The Court further finds that as security for the payment of the above-described note, the Defendants, Ronnie D. Norton and Doris E. Norton, executed and delivered to the United States of America, acting on behalf of the Administrator of Veterans Affairs, a mortgage dated August 3, 1977, covering the above-described property. Said mortgage was recorded on September 8, 1977, in Book 4282, Page 2361, in the records of Tulsa County, Oklahoma.

The Court further finds that the Defendants, Ronnie D. Norton and Doris E. Norton, 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, Ronnie D. Norton and Doris E. Norton, are indebted to the Plaintiff in the principal sum of \$9,501.33, plus interest at the rate of 8.5 percent per annum from March 1, 1987 until judgment, plus interest thereafter at the legal rate until fully paid, and the costs of this action accrued and accruing.

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

IT IS THEREFORE ORDERED, ADJUDGED, AND DECREED that the Plaintiff have and recover judgment in rem against Defendants, Ronnie D. Norton and Doris E. Norton, in the principal sum of \$9,501.33, plus interest at the rate of 8.5 percent per annum from March 1, 1987 until judgment, plus interest thereafter at

the current legal rate of 7.95 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 an Order of Sale shall be issued to the United States Marshal for the Northern District of Oklahoma, commanding him to advertise and sell with appraisalment the real property involved herein and apply the proceeds of the sale as follows:

First:

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

Second:

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

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

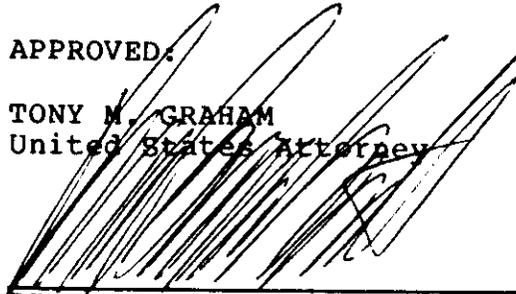
IT IS FURTHER ORDERED, ADJUDGED, AND DECREED that from and after the sale of the above-described real property, under

and by virtue of this judgment and decree, all of the Defendants and all persons claiming under them since the filing of the Complaint, be and they are forever barred and foreclosed of any right, title, interest or claim in or to the subject real property or any part thereof.

~~ST~~ JAMES O. ELLISON
UNITED STATES DISTRICT JUDGE

APPROVED:

TONY M. GRAHAM
United States Attorney


PETER BERNHARDT
Assistant United States Attorney


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

PB/css

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

FILED

AUG 17 1988

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

MARION JOE FLETCHER and)
JOSEPHINE FLETCHER,)
)
Plaintiffs,)
)
vs.) No. 88-C-218-E
)
FIBREBOARD CORPORATION, et al.,)
)
Defendants.)

ORDER OF DISMISSAL WITH PREJUDICE OF
DEFENDANT COMBUSTION ENGINEERING, INC.

Upon joint stipulation of the parties of dismissal with prejudice of defendant Combustion Engineering, Inc., and request for order, the Court finds and ORDERS:

BE IT ORDERED AND ADJUDGED that plaintiffs' causes against the defendant Combustion Engineering, Inc., be and the same are hereby dismissed with prejudice with plaintiffs reserving their rights against all other defendants and the dismissing parties to bear their respective costs.

DATED this _____ day of August, 1988.

JAMES O. ELSON

UNITED STATES DISTRICT JUDGE

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

FILED

AUG 17 1988

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

IVAN DEAN RAMSEY and)
KATHERINE EDITH RAMSEY,)
)
Plaintiffs,)
)
vs.)
)
FIBREBOARD CORPORATION, et al.,)
)
Defendants.)

No. 88-C-106-E

**ORDER OF DISMISSAL WITH PREJUDICE OF
DEFENDANT COMBUSTION ENGINEERING, INC.**

Upon joint stipulation of the parties of dismissal with prejudice of defendant Combustion Engineering, Inc., and request for order, the Court finds and ORDERS:

BE IT ORDERED AND ADJUDGED that plaintiffs' causes against the defendant Combustion Engineering, Inc., be and the same are hereby dismissed with prejudice with plaintiffs reserving their rights against all other defendants and the dismissing parties to bear their respective costs.

DATED this _____ day of August, 1988.

JAMES C. ELLISON

UNITED STATES DISTRICT JUDGE

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

F I L E D

AUG 17 1988

STANLEY JOHN O'BANION and)
LOUISE O'BANION,)
)
Plaintiffs,)
)
vs.)
)
FIBREBOARD CORPORATION, et al.,)
)
Defendants.)

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

No. 88-C-92-E

**ORDER OF DISMISSAL WITH PREJUDICE OF
DEFENDANT COMBUSTION ENGINEERING, INC.**

Upon joint stipulation of the parties of dismissal with prejudice of defendant Combustion Engineering, Inc., and request for order, the Court finds and ORDERS:

BE IT ORDERED AND ADJUDGED that plaintiffs' causes against the defendant Combustion Engineering, Inc., be and the same are hereby dismissed with prejudice with plaintiffs reserving their rights against all other defendants and the dismissing parties to bear their respective costs.

DATED this ____ day of August, 1988.

JAMES O. ELSON

UNITED STATES DISTRICT JUDGE

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

STUART CRUM, an individual,)
)
 Plaintiff,)
)
 vs.)
)
 CHICAGO FOOTBALL FRANCHISE)
 LIMITED PARTNERSHIP, an Illinois)
 limited partnership; EDWARD)
 EINHORN, a general partner; EDJER)
 CORPORATION, a general partner,)
 EDWARD EINHORN, Individually, and)
 MARV LEVY, OKLAHOMA OUTLAWS,)
 an Oklahoma limited partnership,)
 BILL TATHAM, JR., ARIZONA OUTLAWS,)
 successors in interest to the)
 Oklahoma Outlaws,)
)
 Defendants.)

Case No. 86-C-628-*EC* ✓

FILED
AUG 17 1988
 Jack C. Silver, Clerk
 U.S. DISTRICT COURT

ORDER

Upon review of the Application For Order Dismissing Without Prejudice Defendant Marv Levy, for good cause shown it is hereby ordered that said Application be granted.

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

[Signature]

 JUDGE OF THE DISTRICT COURT

JDP:cc
692-01
CRUM-DISM

14

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

FILED

AUG 17 1988

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

SHELBY LEE CLARK,)	
)	
Plaintiff,)	
)	
vs.	)	No. 88-C-206-E
)	
FIBREBOARD CORPORATION, et al.,)	
)	
Defendants.)	

**ORDER OF DISMISSAL WITH PREJUDICE OF
DEFENDANT COMBUSTION ENGINEERING, INC.**

Upon joint stipulation of the parties of dismissal with prejudice of defendant Combustion Engineering, Inc., and request for order, the Court finds and ORDERS:

BE IT ORDERED AND ADJUDGED that plaintiff's causes against the defendant Combustion Engineering, Inc., be and the same are hereby dismissed with prejudice with plaintiff reserving his rights against all other defendants and the dismissing parties to bear their respective costs.

DATED this _____ day of August, 1988.

S/ JAMES O. ELLISON

UNITED STATES DISTRICT JUDGE

FILED

AUG 17 1988

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

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

BONNIE JEAN COLE, Individually,)
and as P.R. of the Heirs and)
Estate of Willard Travis)
Cole, Deceased,)
)
Plaintiff,)
)
vs.)
)
FIBREBOARD CORPORATION, et al.,)
)
Defendants.)

No. 88-C-641-E

ORDER OF DISMISSAL WITH PREJUDICE OF
DEFENDANT COMBUSTION ENGINEERING, INC.

Upon joint stipulation of the parties of dismissal with prejudice of defendant Combustion Engineering, Inc., and request for order, the Court finds and ORDERS:

BE IT ORDERED AND ADJUDGED that plaintiff's causes against the defendant Combustion Engineering, Inc., be and the same are hereby dismissed with prejudice with plaintiff reserving her rights against all other defendants and the dismissing parties to bear their respective costs.

DATED this 17th day of August, 1988.

JAMES O. ELSON

UNITED STATES DISTRICT JUDGE

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

FILED

AUG 17 1988

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

LARRY J. CAUGHMAN and)
PEGGY E. CAUGHMAN,)
)
Plaintiffs,)
)
vs.)
)
FIBREBOARD CORPORATION, et al.,)
)
Defendants.)

No. 88-C-210-E

ORDER OF DISMISSAL WITH PREJUDICE OF
DEFENDANT COMBUSTION ENGINEERING, INC.

Upon joint stipulation of the parties of dismissal with prejudice of defendant Combustion Engineering, Inc., and request for order, the Court finds and ORDERS:

BE IT ORDERED AND ADJUDGED that plaintiffs' causes against the defendant Combustion Engineering, Inc., be and the same are hereby dismissed with prejudice with plaintiffs reserving their rights against all other defendants and the dismissing parties to bear their respective costs.

DATED this 17th day of August, 1988.

JAMES O. ELISON

UNITED STATES DISTRICT JUDGE

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

F I L E D

BOBBY F. BLANKENSHIP and)
MARGIE D. BLANKENSHIP,)
)
Plaintiffs,)
)
vs.)
)
FIBREBOARD CORPORATION, et al.,)
)
Defendants.)

AUG 17 1988

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

No. 88-C-293-E

ORDER OF DISMISSAL WITH PREJUDICE OF
DEFENDANT COMBUSTION ENGINEERING, INC.

Upon joint stipulation of the parties of dismissal with prejudice of defendant Combustion Engineering, Inc., and request for order, the Court finds and ORDERS:

BE IT ORDERED AND ADJUDGED that plaintiffs' causes against the defendant Combustion Engineering, Inc., be and the same are hereby dismissed with prejudice with plaintiffs reserving their rights against all other defendants and the dismissing parties to bear their respective costs.

DATED this _____ day of August, 1988.

UNITED STATES DISTRICT JUDGE

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

FILED

AUG 17 1988

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

VIRGIL GORHAM and)
OLLINE GORHAM,)
)
 Plaintiffs,)
)
vs.)
)
 FIBREBOARD CORPORATION, et al.,)
)
 Defendants.)

No. 88-C-134-E

ORDER OF DISMISSAL WITH PREJUDICE OF
DEFENDANT COMBUSTION ENGINEERING, INC.

Upon joint stipulation of the parties of dismissal with prejudice of defendant Combustion Engineering, Inc., and request for order, the Court finds and ORDERS:

BE IT ORDERED AND ADJUDGED that plaintiffs' causes against the defendant Combustion Engineering, Inc., be and the same are hereby dismissed with prejudice with plaintiffs reserving their rights against all other defendants and the dismissing parties to bear their respective costs.

DATED this _____ day of August, 1988.

J/ JAMES O. ELSON

UNITED STATES DISTRICT JUDGE

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

F I L E D

AUG 17 1988

ONA M. JOHNSON and
LOUELLA A. JOHNSON,

Plaintiffs,

vs.

FIBREBOARD CORPORATION, et al.,

Defendants.

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

No. 88-C-301-E

**ORDER OF DISMISSAL WITH PREJUDICE OF
DEFENDANT COMBUSTION ENGINEERING, INC.**

Upon joint stipulation of the parties of dismissal with prejudice of defendant Combustion Engineering, Inc., and request for order, the Court finds and ORDERS:

BE IT ORDERED AND ADJUDGED that plaintiffs' causes against the defendant Combustion Engineering, Inc., be and the same are hereby dismissed with prejudice with plaintiffs reserving their rights against all other defendants and the dismissing parties to bear their respective costs.

DATED this ____ day of August, 1988.

JAMES O. FUSCO

UNITED STATES DISTRICT JUDGE

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

F I L E D

AUG 17 1988

JACK P. CRAWFORD and)
PHYLLIS A. CRAWFORD,)
)
Plaintiffs,)
)
vs.)
)
FIBREBOARD CORPORATION, et al.,)
)
Defendants.)

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

No. 88-C-136-E

ORDER OF DISMISSAL WITH PREJUDICE OF
DEFENDANT COMBUSTION ENGINEERING, INC.

Upon joint stipulation of the parties of dismissal with prejudice of defendant Combustion Engineering, Inc., and request for order, the Court finds and ORDERS:

BE IT ORDERED AND ADJUDGED that plaintiffs' causes against the defendant Combustion Engineering, Inc., be and the same are hereby dismissed with prejudice with plaintiffs reserving their rights against all other defendants and the dismissing parties to bear their respective costs.

DATED this ____ day of August, 1988.

S/ JAMES O. ELISON

UNITED STATES DISTRICT JUDGE

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

FILED

AUG 17 1988

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

REX HAROLD HOUSTON and)
HELEN V. HOUSTON,)
)
Plaintiffs,)
)
vs.) No. 88-C-222-E
)
FIBREBOARD CORPORATION, et al.,)
)
Defendants.)

**ORDER OF DISMISSAL WITH PREJUDICE OF
DEFENDANT COMBUSTION ENGINEERING, INC.**

Upon joint stipulation of the parties of dismissal with prejudice of defendant Combustion Engineering, Inc., and request for order, the Court finds and ORDERS:

BE IT ORDERED AND ADJUDGED that plaintiffs' causes against the defendant Combustion Engineering, Inc., be and the same are hereby dismissed with prejudice with plaintiffs reserving their rights against all other defendants and the dismissing parties to bear their respective costs.

DATED this _____ day of August, 1988.

ST. JAMES O. ELSON

UNITED STATES DISTRICT JUDGE

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

F I L E D

AUG 17 1988

JIM A. ROZELL and)
LILLIAN G. ROZELL,)
)
Plaintiffs,)
)
vs.)
)
FIBREBOARD CORPORATION, et al.,)
)
Defendants.)

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

No. 88-C-140-E

**ORDER OF DISMISSAL WITH PREJUDICE OF
DEFENDANT COMBUSTION ENGINEERING, INC.**

Upon joint stipulation of the parties of dismissal with prejudice of defendant Combustion Engineering, Inc., and request for order, the Court finds and ORDERS:

BE IT ORDERED AND ADJUDGED that plaintiffs' causes against the defendant Combustion Engineering, Inc., be and the same are hereby dismissed with prejudice with plaintiffs reserving their rights against all other defendants and the dismissing parties to bear their respective costs.

DATED this 17th day of August, 1988.

S/ JAMES O. ELISON

UNITED STATES DISTRICT JUDGE

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

F I L E D

AUG 17 1988

HARLEY GENE ROPER and)
FAYE ROPER,)
)
Plaintiffs,)
)
vs.)
)
FIBREBOARD CORPORATION, et al.,)
)
Defendants.)

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

No. 88-C-491-E

**ORDER OF DISMISSAL WITH PREJUDICE OF
DEFENDANT COMBUSTION ENGINEERING, INC.**

Upon joint stipulation of the parties of dismissal with prejudice of defendant Combustion Engineering, Inc., and request for order, the Court finds and ORDERS:

BE IT ORDERED AND ADJUDGED that plaintiffs' causes against the defendant Combustion Engineering, Inc., be and the same are hereby dismissed with prejudice with plaintiffs reserving their rights against all other defendants and the dismissing parties to bear their respective costs.

DATED this _____ day of August, 1988.

S/ JAMES O. ELISON

UNITED STATES DISTRICT JUDGE

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

F I L E D

AUG 17 1988

DIANN WATSON and DEANN DORWARD)
ind. and as P.R. of Heirs and)
Estate of Vernon Vance Dennis,)
)
Plaintiffs,)
)
vs.)
)
FIBREBOARD CORPORATION, et al.,)
)
Defendants.)

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

No. 88-C-84-E

**ORDER OF DISMISSAL WITH PREJUDICE OF
DEFENDANT COMBUSTION ENGINEERING, INC.**

Upon joint stipulation of the parties of dismissal with prejudice of defendant Combustion Engineering, Inc., and request for order, the Court finds and ORDERS:

BE IT ORDERED AND ADJUDGED that plaintiffs' causes against the defendant Combustion Engineering, Inc., be and the same are hereby dismissed with prejudice with plaintiffs reserving their rights against all other defendants and the dismissing parties to bear their respective costs.

DATED this _____ day of August, 1988.

S/ 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 17 1988

DAVID W. ELLIS and)
CATHY ELLIS,)
)
Plaintiffs,)
)
vs.)
)
FIBREBOARD CORPORATION, et al.,)
)
Defendants.)

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

No. 88-C-298-E

ORDER OF DISMISSAL WITH PREJUDICE OF
DEFENDANT COMBUSTION ENGINEERING, INC.

Upon joint stipulation of the parties of dismissal with prejudice of defendant Combustion Engineering, Inc., and request for order, the Court finds and ORDERS:

BE IT ORDERED AND ADJUDGED that plaintiffs' causes against the defendant Combustion Engineering, Inc., be and the same are hereby dismissed with prejudice with plaintiffs reserving their rights against all other defendants and the dismissing parties to bear their respective costs.

DATED this _____ day of August, 1988.

UNITED STATES DISTRICT JUDGE

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

ERNEST EUGENE WOODARD and)
JANIE E. WOODARD,)
)
Plaintiffs,)
)
vs.)
)
FIBREBOARD CORPORATION, et al.,)
)
Defendants.)

FILED

AUG 17 1988

No. ⁸⁷~~88~~-C-401-E

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

**ORDER OF DISMISSAL WITH PREJUDICE OF
DEFENDANT COMBUSTION ENGINEERING, INC.**

Upon joint stipulation of the parties of dismissal with prejudice of defendant Combustion Engineering, Inc., and request for order, the Court finds and ORDERS:

BE IT ORDERED AND ADJUDGED that plaintiffs' causes against the defendant Combustion Engineering, Inc., be and the same are hereby dismissed with prejudice with plaintiffs reserving their rights against all other defendants and the dismissing parties to bear their respective costs.

DATED this 17th day of August, 1988.

S/ JAMES O. ELISON

UNITED STATES DISTRICT JUDGE

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

F I L E D

AUG 16 1988

WILLIAM EUGENE LOVE,)
)
 Plaintiff,)
)
 vs.)
)
 H. W. "CHIEF" JORDON, LEROY)
 LINAM, BOB POWELL and MAYES)
 COUNTY, a County Within The)
 State of Oklahoma,)
)
 Defendants.)

Jack C. Silver, Clerk
U.S. DISTRICT COURT
No. 87-C-340-E

**ORDER FOR DISMISSAL OF CLAIMS
AGAINST DEFENDANT MAYES COUNTY**

On stipulation of the parties and for good cause shown, Plaintiff's causes of action and claims against Mayes County, including the following, are hereby dismissed without prejudice:

1. False imprisonment;
2. False arrest;
3. Defamation;
4. Malicious prosecution;
5. Abuse of process;
6. Violation of civil rights.

IT IS SO ORDERED this 16th day of August, 1988.



JAMES O. ELLISON
UNITED STATES DISTRICT JUDGE

F I L E D

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

AUG 16 1988

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

WILLIAM EUGENE LOVE,)
)
 Plaintiff,)
)
 vs.)
)
 H. W. "CHIEF" JORDON, LEROY)
 LINAM, BOB POWELL and MAYES)
 COUNTY, a County Within The)
 State of Oklahoma,)
)
 Defendants.)

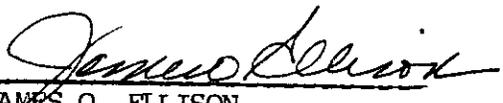
No. 87-C-340-E

**ORDER FOR DISMISSAL WITHOUT PRE-
JUDICE OF PENDANT STATE CLAIMS**

THIS MATTER comes on before the Court for consideration of Plaintiff's Motion to Dismiss the Pendant State Claims. This Court having previously granted summary judgment on Plaintiff's federal claims, the Court hereby finds that said pendant state claims against the individual defendants should be dismissed without prejudice.

Accordingly, Plaintiff's claims for false imprisonment, false arrest, defamation, malicious prosecution and abuse of process against Defendants Linam, Jordon and Powell, are hereby dismissed without prejudice.

Dated this 16th day of August, 1988.



 JAMES O. ELLISON
 UNITED STATES DISTRICT JUDGE

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

FILED

DANNY CAMPBELL, SR.)
)
 Plaintiff,)
)
 v.)
)
 TOM WHITE,)
)
 Defendant.)

87-C-774-B

AUG 1 1988
Jack C. Smith
U. S. DISTRICT COURT

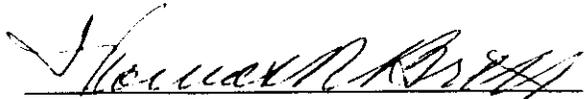
ORDER

Now before the Court is Defendant White's Motion to Dismiss Plaintiff's §1983 action. Defendant filed his motion on February 24, 1988. The Plaintiff, having failed to timely respond, was granted additional time to respond to Defendant's motion rather than suffer waiver of the motion pursuant to Local Rule 15(A). Plaintiff has still not responded to Defendant's motion.

Defendant raises as his first proposition that dismissal is proper because Plaintiff's claim is barred by the Statute of Limitations. Pursuant to Local Rule 15(A), Plaintiff has waived any objection and confessed the statute of limitations argument presented by Defendant.

Therefore, the Court finds Plaintiff's action is barred by the limitations period for civil rights actions and Defendant's Motion to Dismiss is hereby granted and Plaintiff's action is dismissed with prejudice.

So ORDERED this 16 day of August, 1988.


THOMAS R. BRETT
UNITED STATES DISTRICT JUDGE

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

REUBEN DAVIS, TRUSTEE FOR)
HOME-STAKE PRODUCTION COMPANY,)
)
Plaintiff,)

v.)

No. 86-C-1129-B

TALON PETROLEUM, C.A., a)
Venezuelan corporation;)
HIDROCARBUROS Y DERIVADOS, C.A.,)
a Venezuelan corporation;)
HIDECA OIL INTERNATIONAL, a)
Cayman Island corporation;)
HIDECA U.S.A., INC., a Delaware)
corporation; MULTI-DEVELOPMENT)
CORPORATION, a Florida corpora-)
tion; ROMICHAN CORPORATION, a)
Delaware corporation; RAUL J.)
VALDES-FAULI, Trustee;)
L.W., INC., a Delaware corporation;)
LAUDMAR, INC., a Delaware corpora-)
tion; LUNELCO, INC., a Delaware)
corporation; VENREST INVESTMENT)
CORPORATION, N.V., a Netherlands)
Antilles corporation; KARENWOOD)
INTERNATIONAL, N.V., a)
Netherland Antilles corporation;)
RAFAEL TUDELA; and ALBERTO TUDELA,)
)
Defendants.)

F I L E D

AUG 17 1988

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

O R D E R

Before the Court for decision are the following motions:

- 1) Motions of Defendants Hideca U.S.A., Inc., Romichan Corporation, Raul J. Valdes-Fauli, Trustee, L. W., Inc., Laudmar, Inc., Lunelco, Inc., Venrest Investment Corporation, Karenwood International, N.V., Rafael Tudela, and Alberto Tudela, to dismiss;

- 2) Motion of all Defendants¹ to Reconsider Findings of Fact and Conclusions of Law and to Vacate Preliminary Injunction;
- 3) Objections of all Defendants to Magistrate's Order Granting the Plaintiff's Motion to Compel Discovery, and the numerous objections of all Defendants to Magistrate's Report and Recommendation denying various motions to stay discovery and motions for protective orders.

For the reasons stated below, the motion of Alberto Tudela is granted; the motion to dismiss of Defendants Hideca U.S.A., Inc., Romichan Corporation, Raul J. Valdes-Fauli, L.W., Inc., Laudmar, Inc., Lunelco, Inc., Karenwood International, N.V., Venrest Investment Corporation, and Rafael Tudela are denied without prejudice to their renewal upon completion of discovery on the alter ego question. The motion of Defendants Rafael Tudela, Hideca U.S.A., Inc., Romichan Corporation, Raul J. Valdes-Fauli, Trustee, L.W., Inc., Laudmar, Inc., Lunelco, Inc., Venrest Investment Corporation, and Karenwood International to amend Findings of Fact and Conclusions of Law and to dissolve the preliminary injunction are overruled. All pending discovery motions are mooted by the Court's new discovery schedule and expanded scope of discovery.

FACTUAL BACKGROUND

This is an action brought by Plaintiff Home-Stake Production Company ("Home-Stake") seeking declaratory and monetary relief and

¹Except the judgment-debtor defendants Talon, Hidrocarburos Y Derivados, C.A. and Hideca Oil International, which are defunct corporations and in default here. Defendant Multi-Development Corporation is also in default.

seeking to establish that all the corporate Defendants, including Hideca Oil International ("Hideca Oil"), Hidrocarburos Y Derivados, C.A. ("Hideca Caracas"), and Talon Petroleum, C.A. ("Talon"), are mere instrumentalities of individual Defendants, Rafael Tudela and Alberto Tudela, and to establish that the corporate entity of each of the corporate defendants should be disregarded as a fiction as each are the alter ego of the Tudelas and other corporate defendants.

On May 15, 1986, the United States Court of Appeals for the Tenth Circuit affirmed a judgment originally awarded by the United States Bankruptcy Court for the Northern District of Oklahoma in favor of Home-Stake and against the Defendants Talon, Hideca Caracas and Hideca Oil, in the principal amount of \$1,690,113.55. The Plaintiff brings this action in an effort to collect the judgment affirmed by the Court of Appeals. Home-Stake seeks a declaratory judgment finding that Talon, Hideca Caracas and Hideca Oil are the alter egos or instrumentalities of the Tudelas, and that the remaining corporate defendants are so dominated and controlled by the Tudelas that they are also liable to Home-Stake. The Plaintiff moved for a temporary restraining order to prohibit the Defendants from transferring, selling, or otherwise disposing of certain assets and properties located in the United States. The Court entered a temporary restraining order on December 19, 1986, which affected certain New York and Florida real estate. Following a hearing the Court entered a preliminary injunction on January 30, 1987, which continued to prohibit the transfer, sale or encumbering

of the assets allegedly owned or controlled by Rafael Tudela and Alberto Tudela and the Tudela Group companies.

One portion of the evidence examined by the Court in granting the temporary restraining order and preliminary injunction was the affidavit and testimony of one Alvaro Sardi. Mr. Sardi's original affidavit and his affirmation of the statements made in his affidavit in open court were relied upon by the Court in finding the preliminary injunction should issue. Mr. Sardi's testimony centered on his knowledge as an insider in the Tudela Group of companies and the method in which they conducted their various corporate entities. It should be noted that at the hearing on the preliminary injunction the Defendants were not present and therefore were not able to cross-examine Mr. Sardi.²

Following the entry of the preliminary injunction the various Defendants filed motions to dismiss on the question of the in personam jurisdiction of the Court and the Plaintiff's alter ego theory. On June 25, 1987, the Defendant Rafael Tudela filed a motion to reconsider and vacate the preliminary injunction entered by the Court based upon a new declaration of Alvaro Sardi. The testimony presented in Mr. Sardi's original affidavit and that presented in the subsequent declaration are diametrically opposed. While the Court did not rely solely on Mr. Sardi's affidavit in

²It is for this reason that the Court made clear that the testimony and evidence presented through Mr. Sardi would not be considered at any hearing on the merits of this matter unless the Defendants were entitled to cross-examine him under oath. See, Fed.R.Civ.P. 65.

entering the preliminary injunction, his alleged inside role in the Tudela Group of companies was important to the Court's ruling that the Plaintiff had shown a substantial likelihood of prevailing on the alter ego theory asserted. Defendant Rafael Tudela's motion for reconsideration of the Findings of Fact and Conclusions of Law and to dissolve the preliminary injunction was joined by Alberto Tudela and Defendants Hideca U.S.A., Inc., Romichan Corporation, Raul J. Valdes-Fauli, Trustee, L.W., Inc., Laudmar, Inc., Lunelco, Inc., Venrest Investment Corporation, N.V., and Karenwood International, N.V. Since the filing of the Sardi declaration both the Plaintiff and the numerous Defendants have attempted to secure Mr. Sardi's presence before the Court in an attempt to clarify the obvious dissimilarities between the original affidavit and the declaration.

All the answering Defendants have moved the Court to disregard the original affidavit of Mr. Sardi based upon the Court's "strong reliance" on the affidavit in entering its preliminary injunction. The Court has reviewed the arguments and authorities of the parties regarding the effect Mr. Sardi's later declaration has on his original affidavit. Contrary to the Defendants' assertions, the Court does not find that the original affidavit and the later declaration stand on equal footing from an evidentiary standpoint. The Court finds Mr. Sardi's original affidavit more credible for the reasons that he personally took the stand and affirmed the truth of its contents. Mr. Sardi also testified that he understood the importance of the accuracy of his affidavit and related working with the Plaintiff's attorneys in that regard. (See, Temporary

Restraining Order Transcript, p. 21, lines 3-21). In addition, the original affidavit is consistent with testimony given by Mr. Sardi in two previous lawsuits. (See, Exhibit G(i) and (ii) to Sardi Affidavit). Additionally, the Sardi affidavit and live testimony are corroborated in part by testimony of witnesses John Castellvi, Luis Silva and Nicholas Becks. The Court concludes that the preliminary injunction shall stand based upon the record before the Court. The motions to amend or dissolve the preliminary injunction are overruled.

MOTIONS TO DISMISS

Defendant Alberto Tudela has moved to dismiss for lack of personal jurisdiction under Fed.R.Civ.P. 12(b)(2). Alberto Tudela asserts that Plaintiff's sole basis of jurisdiction over him in this suit is the allegation that he is the alter ego of the judgment debtors. While the Court originally viewed the Plaintiff's Complaint liberally, further review indicates that there is not sufficient evidence to establish that Alberto Tudela is the alter ego of the judgment debtors. The Court's further review of the evidence presented concludes that the allegations of the Complaint are conclusory at best regarding Alberto Tudela. The Court's original finding of jurisdiction in its Findings of Fact was based upon the testimony of Mr. Castellvi, who testified that Alberto Tudela was the "numbers man" of the Tudela Group of companies (Preliminary Injunction Hearing Transcript at page 144) and Castellvi's testimony that Alberto Tudela's philosophy of corporate organization was to have no organization. In addition, the

Plaintiff asserts that the evidence submitted in the original affidavit and testimony of Alvaro Sardi indicates that Alberto Tudela was a principal in the Hideca or Tudela Group of companies and that as a member of the Council of Coordination he dictated corporate policy. (See, Sardi Affidavit). The test for asserting personal jurisdiction over a defendant on an alter ego theory requires that the acts and conduct of an individual over whom the Court has jurisdiction (the judgment debtors here) may be imputed or attributed to the corporation which that individual dominates and controls. See, Rea v. An-Son Corp., 79 F.R.D. 25 (W.D.Okla. 1978), and Stuart v. Spademan, 772 F.2d 1185 (5th Cir. 1985). There is no allegation by the Plaintiff herein that Alberto Tudela has ever personally been to Oklahoma or transacted business here. The Court in reviewing the evidence finds no specific evidence presented which concerns Alberto Tudela's alleged ownership or control of any of the judgment debtor corporations. The Plaintiff's Complaint and evidence presented creates an issue that Defendant Rafael Tudela exerted control over the judgment debtors. Throughout, the Defendant Alberto Tudela is linked in a conclusory fashion to Rafael Tudela's conduct. In addition, the blurring of the distinction between the two individuals is furthered by reference to the Tudela(s) in the complaint. The Court also concludes that its Conclusion of Law in paragraph 9 that personal jurisdiction exists over Defendant Alberto Tudela because he was the agent of Rafael Tudela is without merit. The Court finds nothing in the record to indicate such an agency relationship

existed. The Court concludes that there is not sufficient evidence to indicate the domination or control of one of the three judgment debtors by Defendant Alberto Tudela necessary to sustain personal jurisdiction over a defendant with absolutely no contacts with the State of Oklahoma. The motion to dismiss of Alberto Tudela is granted.

Also before the Court are the remaining corporate Defendants and Rafael Tudela's motion to dismiss for lack of in personam jurisdiction. The motions to dismiss of Defendant Rafael Tudela and the corporate defendants will be deferred pending further discovery as outlined below.

Since the evidence at the preliminary injunction hearing clearly indicates that Rafael Tudela exercised control and domination over Defendants Romichan, L.W., Inc., Laudmar, Lunelco, Hideca U.S.A., Venrest and Karenwood, as well as the judgment debtors, the Plaintiff is entitled to investigate such relationships to determine if the contacts of Rafael Tudela with Oklahoma (as outlined in the Court's finding affects No. 8, 9, 11), can be imputed to the corporate Defendants to support personal jurisdiction. Rea v. An-Son Corp., 79 F.R.D. 25 (W.D. Okla. 1978); Marine Bank, N.A. v. Miller, 664 F.2d 899, 903 (2nd Cir. 1981).

DISCOVERY MOTIONS

The currently pending motions arising out of the discovery in this matter present an interesting dilemma. Initially, the Court allowed discovery to go forward on the in personam jurisdiction

question only in an effort to limit full scale discovery and possible prejudice to the Defendants. This limited discovery method has met resistance by all Defendants who argue that no discovery should be allowed until the dispositive motions regarding in personam jurisdiction have been decided. The problem, of course, is that the Plaintiff's sole basis of in personam jurisdiction over all nonjudgment debtor Defendants is on an alter ego theory. As such, it becomes clear that the ultimate issue on the merits, i.e., the alter ego liability is inextricably bound to the jurisdiction question. Therefore, the Court overrules all pending discovery motions and orders that discovery proceed without limitation. Discovery on the relationship between the remaining Defendants and the judgment-debtors will go forward so that the Court may make an informed decision on the pending motions to dismiss for lack of personal jurisdiction. If the Court should find that no alter ego relationship exists between the Defendants and judgment-debtor the in personam jurisdiction question would be answered. The Court finds that Plaintiff is entitled to full discovery as the evidence necessary to prove its case is necessarily in the possession of the Defendants. See, United States ex rel. Woodard v. Tynan, 776 F.2d 250 (10th Cir. 1985).

Defendant Alberto Tudela's motion to dismiss is granted. Disposition of all remaining motions to dismiss is deferred until completion of discovery. The motions to reconsider the Findings of Fact and Conclusions of Law and dissolve the preliminary injunction are overruled. All discovery-related motions are moot.

The parties shall adhere to the following scheduling order:

September 19, 1988	Motion to add parties or amend pleadings.
December 27, 1988	Exchange all witnesses' names and addresses, including experts, in writing. Any witnesses who appear on the list whose deposition has not been taken, state briefly the subject of that witness' testimony.
January 20, 1989	Discovery to be complete. (See Local Rule 11).
February 3, 1989	Dispositive motions.
February 17, 1989	Responses.
February 27, 1989	Replies.
March 17, 1989	Pre-Trial Conference and Hearing on Motions at 10 A.M.

DATED this 16 day of August, 1988.


THOMAS R. BRETT
UNITED STATES DISTRICT JUDGE

FILED

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

AUG 16 1988

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

ROBERT CAPALDI,)
)
 Plaintiff,)
)
 v.)
)
 HISSOM MEMORIAL CENTER,)
 et al.,)
)
 Defendants.)

No. 86-C-690-B

O R D E R

This matter comes before the Court on Defendants', The Department of Human Services, Hissom Memorial Center, Reginald Barnes, Jane Hartley, W. E. Farha, R. M. Greer, Albert Furr, John Orr, Travis Harris, Wayne Chandler, Patty Eaton, Robert Fulton, Jean Cooper, James Borren, Fred Overstreet and Tom Tucker, motion for summary judgment against Plaintiff, Robert Capaldi.

Defendants' motion was filed July 13, 1988. Plaintiff requested and received an extension of time to respond by August 2, 1988. Plaintiff has failed to respond.

The Court has reviewed the merits of the motion for summary judgment and finds the motion is supported by law and uncontroverted facts.

Therefore, the motion for summary judgment is granted.

IT IS SO ORDERED, this 16th day of August, 1988.


THOMAS R. BRETT
UNITED STATES DISTRICT JUDGE

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