

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

GEORGE W. PEASE, JR., TRUSTEE OF)
THE TRUST NO. II FOR GEORGE W.)
PEASE, JR.,)

Plaintiff,)

vs.)

JAMES W. DEVINNEY, JAMES A.)
BUTLER, JIMMY D. CARPENTER,)
HARLAN R. COLLIER, WILLIAM G.)
HUGHES, CLINT B. LAMBERT and)
DALE W. YOUNG,)

Defendants.)

Case No. 87-C-740 C

FILED

OCT 14 1988

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

ORDER

NOW on this 14 day of Oct August, 1988, pursuant to the
Joint Stipulation for Dismissal with Prejudice, the Court, for good
cause shown, dismisses this case with prejudice to refileing and
directs that each party pay his own costs.

(Signed) H. Dale Cook

JUDGE OF THE DISTRICT COURT

APPROVED:

GUNGOLL, JACKSON & COLLINS, P.C.

By Bradley A. Gungoll
Bradley A. Gungoll

ATTORNEY FOR PLAINTIFF
George W. Pease, Jr.

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

FILED

OCT 14 1988

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

UNION INSURANCE COMPANY,)
)
 Plaintiff,)
)
 vs.)
)
 LYNN A. COMPTON,)
)
 Defendant.)

No. 88-C-694

ORDER OF DISMISSAL

Upon application of the plaintiff for an order dismissing this action and for good cause shown, the court finds that the same should be granted.

IT IS SO ORDERED this 14 day of oct, 1988.

(Signed) H. Dale Cook

H. DALE COOK
Judge of the U. S. District Court

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

In re:
KATHRYN ELAINE MCAFEE,

Debtor.

Fred W. Woodson, Trustee,

Appellant,

v.

Kathryn Elaine McAfee,

Appellee.

Bankruptcy Case No. 87-03681-C

District Court No. 88-C-574-C *pm*

O R D E R

Pursuant to agreement of counsel and in light of the recent ruling of the United States Supreme Court in Mackey v. Lanier Collections Agency & Service, Inc., 100 L.Ed.2d 836 (1988) when read in conjunction with In re Daniel, 771 F.2d 1352 (9th Cir. 1985) cert. denied, 475 U.S. 1016 (1986), this case is remanded to Hon. Stephen J. Covey, United States Bankruptcy Judge for the Northern District of Oklahoma, for further hearings.

ORDERED this 11th day of October, 1988.


H. DALE COOK
UNITED STATES DISTRICT JUDGE

Clerk to notify all counsel.
cc: Judge Covey

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

OCT 14 1988

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

M & S MANAGEMENT CORPORATION,)
an Oklahoma corporation, d/b/a)
Bandanas' Restaurant,)

Plaintiff,)

v.)

87-C-1045 E

AMERICAN EXPRESS TRAVEL)
RELATED SERVICES COMPANY, INC.,)
a New York corporation, and)
AMERICAN EXPRESS TRAVEL)
RELATED SERVICES COMPANY)
(DELAWARE), INC., a Delaware)
corporation,)

Defendants,)

AMERICAN EXPRESS TRVEL)
RELATED SERVICES COMPANY, INC.)
and AMERICAN EXPRESS TRAVEL)
RELATED SERVICES COMPANY)
(DELAWARE), INC.,)

Third Party Plaintiffs,)

v.)

FIRST NATIONAL BANK OF ADA,)
OKLAHOMA, and NANCY YORK)
DONAGHEY,)

Third Party Defendants.)

ORDER

This matter came on for hearing pursuant to the Motion for Summary Judgment filed in this matter by Third Party Defendant, First National Bank and Trust Company of Ada. The plaintiff appeared by and through its attorney, Mack Braly, the defendant appeared by and through its attorney, Mark Kuehling, while the Third Party Defendant appeared by and through its attorneys, Benson & Newmaster.

BENSON & NEWMASTER

ATTORNEYS AT LAW

(405) 332-6858 P.O. BOX 1777

ADA, OKLAHOMA 74821-1777

After consideration of the briefs filed by the parties in this matter and being fully advised, the Court finds that as a matter of law the defendants are not entitled to maintain a cause of action against Third Party Defendant, First National Bank and Trust Company of Ada, for breach of warranty under the Uniform Commercial Code; that the defendants are not entitled to maintain a cause of action against Third Party Defendant, First National Bank and Trust Company of Ada, for conversion under the Uniform Commercial Code; and that the Motion for Summary Judgment filed by First National Bank and Trust Company of Ada is sustained as to Propositions I and II contained therein and that First National Bank and Trust Company of Ada is dismissed as a party to this action.

IT IS, THEREFORE, ORDERED, ADJUDGED AND DECREED by the Court that the Motion for Summary Judgment filed by First National Bank and Trust Company of Ada is sustained as to Proposition I and II contained therein and that First National Bank and Trust Company of Ada is dismissed as a party to this action.

DATED this 14 day of October, 1988.

~~JAMES O. ELLISON~~

JAMES O. ELLISON
UNITED STATES DISTRICT JUDGE

BENSON & NEWMASTER
ATTORNEYS AT LAW
(405) 332-6858 P.O. BOX 1777
ADA, OKLAHOMA 74821-1777

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

FILED

OCT 14 1988

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

MIAMI SENIOR CITIZENS HOUSING)
ASSOCIATION,)

Plaintiff,)

vs.)

OKLAHOMA II INVESTORS, LTD.,)

Defendant,)

GARY J. HENDLER, et al.,)

Intervenors and Third-)
Party Plaintiffs,)

vs.)

DAVID F. LITTLE, et al.,)

Third-Party Defendants.)

No. 86-C-1081-E ✓

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.

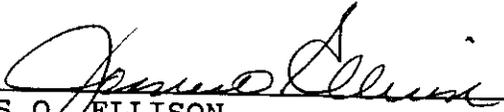
IT IS THEREFORE ORDERED that the action be dismissed without prejudice. The Court retains complete jurisdiction to vacate this order and to reopen the action upon cause shown within sixty (60) days that settlement has not been completed and further litigations is necessary.

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

22

parties appearing in this action.

ORDERED this 14th day of October, 1988.



JAMES O. ELLISON
UNITED STATES DISTRICT JUDGE

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

MARY HICKERSON, individually)
and as Personal Representative)
of the Heirs and Estate of)
James V. Hickerson, Deceased,)
Plaintiff,)
v.)
A C & S, INC., et al.,)
Defendants.)

F I L E D

OCT 14 1988

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

No. 87-C-160-E

ORDER GRANTING MOTION FOR VOLUNTARY DISMISSAL

FOR GOOD CAUSE SHOWN, the Motion For Voluntary Dismissal of this action against Defendant, W. R. Grace & Co. is hereby sustained. This action is dismissed, with prejudice, as to W. R. Grace & Co.

ENTERED this 14th day of October, 1988.

~~JAMES O. ELLISON~~

THE HONORABLE JAMES O. ELLISON

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

F I L E D

OCT 14 1988

V.I.P. MORTGAGE TRUST COMPANY,)
)
Plaintiff,)
)
vs.)
)
EXECUTIVE TELECOMMUNICATIONS,)
INC.,)
)
Defendant.)

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

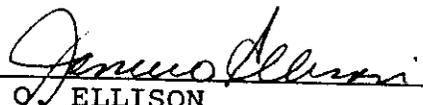
No. 87-C-332-E

ADMINISTRATIVE CLOSING ORDER

The Defendant having filed its petition in bankruptcy and these proceedings being stayed thereby, it is hereby ordered that the Clerk administratively terminate this action in his records, without prejudice to the rights of the parties to reopen the proceedings for good cause shown for the entry of any stipulation or order, or for any other purpose required to obtain a final determination of the litigation.

If, within thirty (30) days of a final adjudication of the bankruptcy proceedings the parties have not reopened for the purpose of obtaining a final determination herein, this action shall be deemed dismissed with prejudice.

ORDERED this 14th day of October, 1988.



JAMES O. ELLISON
UNITED STATES DISTRICT JUDGE

g

ejj

OBA # 5026 14

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

STATE FARM MUTUAL AUTOMOBILE)
INSURANCE COMPANY, an Illinois)
Corporation,)

No. 88-C-600-B

Plaintiff,)

vs.)

CHARLES GRAHAM and BARRI)
GRAHAM, Individually, and as)
Parents and Next Friends of)
ROBERT CHARLES SHANE GRAHAM,)
a Minor Child, et al.,)

Defendants.)

STIPULATION OF DISMISSAL WITHOUT PREJUDICE

COMES NOW Charles Graham, Jr. and Barri Graham, Individually, and as Parents and Next Friends of Robert Charles Shane Graham, and State Farm Mutual Automobile Insurance Company, and pursuant to Rule 41 of the Federal Rules of Civil Procedure, hereby stipulate that the Counterclaim for uninsured motorist coverage filed herein by Charles Graham, Jr. and Barri Graham, Individually, and as Parents and Next Friends of Robert Charles Shane Graham, can be dismissed without prejudice.

Respectfully submitted,

KNOWLES, KING AND SMITH

By *Dennis King*

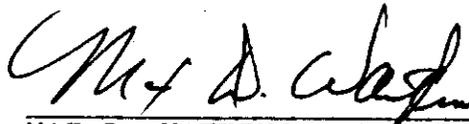
DENNIS KING - OBA # 5026
Attorney for Plaintiff,
State Farm Mutual Automobile
Insurance Company
603 Expressway Tower
2431 East 51 Street
Tulsa, Oklahoma 74105
(918) 749-5566

BRIGGS, PATTERSON & EATON

By 

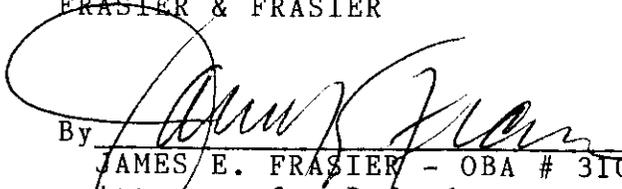
GARY EATON - OBA # 2598
Attorney for Defendants,
Charles Graham, Jr. and Barri
Graham, Individually, and as
Parents and Next Friends of
Robert Charles Shane Graham

1717 East 15th Street
Tulsa, Oklahoma 74104
(918) 743-8717



MAX D. WATKINS - OBA #9384
Attorney for Defendant,
Joann Tracy
428 Court Street
Muskogee, Oklahoma 74401
(918) 683-1181

FRASIER & FRASIER

By 

JAMES E. FRASIER - OBA # 3108
Attorney for Defendant,
Charles Graham

1700 S.W. Blvd., # 100
P. O. Box 799
Tulsa, Oklahoma 74101
(918) 584-4724

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

FILED

OCT 14 1988

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

R & B DECOR, INC.,)
d/b/a DURABILITY, an)
Oklahoma corporation,)
)
Plaintiff,)
)
vs.)
)
OVERLAND RESTAURANTS, INC.,)
a corporation,)
)
Defendant.)

Case No. 88-C-193-E

AGREED JOURNAL ENTRY OF JUDGMENT

The Plaintiff, R & B Decor, Inc., d/b/a Durability ("Plaintiff"), by and through its counsel of record, Anthony P. Sutton of Feldman, Hall, Franden, Woodard & Farris; and the Defendant, Overland Restaurants, Inc. ("Defendant"), by and through its counsel, R. Jeff Fendorf of McAnany, Van Cleave & Phillips, P.A., represent to the Court the following:

1. On August 30, 1988, the parties hereto, by and through their respective authorized representatives and their respective counsel of record, reached a settlement agreement of this cause.

2. In good faith, the parties have agreed to this Journal Entry of Judgment in order to resolve the issues before the Court and dispense with the trial of this cause. By virtue of this agreement and judgment herein, Defendant hereby agrees to allow judgment to be taken against it, in favor of Plaintiff, in the total sum of \$15,150.00, to be paid in accordance with a settlement agreement reached between the parties which by this reference is incorporated herein. Therefore, it is ordered,

adjudged and decreed that the Defendant, Overland Restaurants, Inc., is liable and obligated to Plaintiff, R & B Decor, Inc., d/b/a Durability, in the total sum of \$15,150.00 plus post-judgment interest to accrue at the rate of 10% per annum per the agreement of the parties.

WHEREFORE, let execution be had in favor of Plaintiff, R & B Decor, Inc., d/b/a Durability.

IT IS SO ORDERED, ADJUDGED AND DECREED this 14 day of October, 1988.

[Signature]

JUDGE OF THE DISTRICT COURT

APPROVED AS TO FORM:

FELDMAN, HALL, FRANDEN,
WOODARD & FARRIS

By *Anthony P. Sutton*
Anthony P. Sutton, OBA #8781
Park Centre - Suite 1400
525 South Main
Tulsa, OK 74103-4409
(918) 583-7129
ATTORNEYS FOR PLAINTIFF,
R & B DECOR, INC., d/b/a
DURABILITY

McANANY, VAN CLEAVE &
PHILLIPS, P.A.

By *R. Jeff Fendorf*
R. Jeff Fendorf
P. O. Box 1300
707 Minnesota Ave., Fourth Floor
Kansas City, Kansas 66117
ATTORNEYS FOR DEFENDANT,
OVERLAND RESTAURANTS, INC.

14/r&bdecor.jej t/lj

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

ALEXANDER & ALEXANDER, INC.)
)
Plaintiff,)
)
vs.)
)
EXPRESSCO, INC., a Tennessee)
corporation,)
)
Defendant.)

No. 88 C 674 B

OCT 13 1988

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

J U D G M E N T

THIS MATTER comes before the Court upon Application and Affidavit of the Plaintiff, Alexander & Alexander, Inc., duly made for judgment by default. It appears that the Defendant, Expressco, Inc., herein is in default and the Clerk of the United States District Court for the Northern District of Oklahoma has previously searched the records and found that Defendant has defaulted. Plaintiff is entitled to judgment against Defendant in the sum of Fifty-Three Thousand Nine Hundred Thirty-Five Dollars and Four Cents (\$53,935.04) for a statement of account, conversion, and insurance premiums. The Court finds that judgment should be entered for the Plaintiff.

IT IS THEREFORE ORDERED, ADJUDGED AND DECREED that Plaintiff recover from Defendant the sum of Fifty-Three Thousand Nine Hundred Thirty-Five Dollars and Four Cents (\$53,935.04) and post judgment interest from this date at the coupon yield rate of 8.04 % per annum until paid. The Plaintiff is also entitled to an

award of costs. An attorney fee will be considered upon proper application under Local Rule 6(f).

DATED this 12 day of October, 1988.

S/ JAMES O. ELLISON

JUDGE OF THE UNITED STATES DISTRICT

For Judge Thomas R. Brett

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

E I L E D

OCT 13 1988

Jack C. ...
U. S. DISTRICT

MARVIN LEE MOSLEY,)
)
Plaintiff,)
)
v.)
)
TULSA POLICE DEPARTMENT,)
et al,)
)
Defendants.)

88-C-622-B

ORDER

Now before the court are the Motions to Dismiss plaintiff's civil rights complaint of defendants Tulsa County Sheriff's Office and Tulsa Police Department. Although plaintiff failed to respond to defendants' motions in a timely manner as required by the Federal Rules of Civil Procedure and the Local Rules of the Northern District of Oklahoma, on September 2, 1988, the court, sua sponte, gave plaintiff an extension of time in which to respond to the motions. However, no such response was ever filed by plaintiff.

As the court previously advised plaintiff, all litigants, including those appearing pro se, are obligated to follow the procedural rules of court. See, Joplin v. Southwestern Bell Telephone Co., 671 F.2d 1274 (10th Cir. 1982). Plaintiff having been given every opportunity to comply with the pleading requirements of this court, the court concludes that plaintiff's failure to respond to the pending motion constitutes a waiver of objection to the motion. Rule 15A of the Local Rules for the Northern District of Oklahoma.

It is, therefore, ordered that the Motions to Dismiss plaintiff's civil rights complaint of defendants Tulsa County Sheriff's Office and Tulsa Police Department are granted, and plaintiff's civil rights complaint pursuant to 42 U.S.C. §1983 is hereby dismissed.

Dated this 12th day of October, 1988.

sr: *Thomas R. Brett*
THOMAS R. BRETT
UNITED STATES DISTRICT JUDGE

UNITED STATES DISTRICT COURT FOR THE
NORTHERN DISTRICT OF OKLAHOMA

FILED

OCT 13 1988

UNITED STATES OF AMERICA,)
)
 Plaintiff,)
)
 vs.)
)
 GARRY E. ANDERSON,)
)
 Defendant.)

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

CIVIL ACTION NO. 88-C-609-E

AGREED JUDGMENT

This matter comes on for consideration this 13
day of Oct, 1988, the Plaintiff appearing by Tony M.
Granam, United States Attorney for the Northern District of
Oklahoma, through Phil Pinnell, Assistant United States
Attorney, and the Defendant, Garry E. Anderson, appearing pro
se.

The Court, being fully advised and having examined the
file herein, finds that the Defendant, Garry E. Anderson,
acknowledged receipt of Summons and Complaint on July 1, 1988.
The Defendant has not filed an Answer but in lieu thereof has
agreed that he is indebted to the Plaintiff in the amount
alleged in the Complaint and that judgment may accordingly be
entered against him in the amount of \$104,512.75 as of March 31,
1988, (Principal \$96,044.64, interest \$3,731.47, and late
charges \$4,736.64) plus interest and late charges accruing
thereafter at the approximate rates of \$25.59 and \$13.12 per day
respectively, until judgment, plus interest thereafter at the
legal rate until paid, plus the costs of this action,

and a reasonable attorney's fee, and for such other and further relief to which Plaintiff may be entitled at law or in equity.

IT IS THEREFORE ORDERED, ADJUDGED, AND DECREED that the Plaintiff have and recover judgment against the Defendant, Garry E. Anderson, in the amount of \$104,512.75 (Principal \$96,044.64, interest \$3,731.47, and late charges \$4,736.64) plus interest and late charges accruing thereafter at the approximate rates of \$25.59 and \$13.12 per day respectively, until judgment, plus interest thereafter at the current legal rate of 8.04 percent per annum until paid, plus the costs of this action.

J. JAMES O'BRIEN

UNITED STATES DISTRICT JUDGE

APPROVED:

UNITED STATES OF AMERICA

TONY M. GRAHAM
United States Attorney

Phil Pinnell

PHIL PINNELL
Assistant U.S. Attorney

Garry E. Anderson

GARRY E. ANDERSON

EXHIBIT "A"

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

NAIMAN, JEFFREY CHRIS)	
dba Star Painting)	
NAIMAN, DYANE MARIE)	
)	
Debtors,)	Bankruptcy Case # 87-03677-C
)	
FRED W. WOODSON, Trustee)	District Court Case # 88-C-572-B
)	
Appellant,)	
)	
vs.)	
)	
JEFFREY CHRIS AND)	
DYANE MARIE NAIMAN)	
)	
Appellees.)	

OCT 13 1988
Jack C. ...
U. S. DISTRICT COURT

SETTLEMENT AGREEMENT

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

1. Jeffrey Chris Naiman dba Star Painting and Dyane Marie Naiman, Debtors with Fred W. Woodson, Trustee, Appellant vs. Jeffrey Chris and Dyane Marie Naiman, Appellees, Bankruptcy Case No. 87-03677-C and District Court Case No. 88-C-572-B.

A. Representation for Jeffrey Chris Naiman dba Star Painting and Dyane Marie Naiman, Debtors with Fred W. Woodson, Trustee - James A. Hogue, Sr., Hogue and Turkel, Inc., Attorney for the Trustee.

B. Representation for Jeffrey Chris and Dyane Marie Naiman, Appellees - Ralph Gabel.

2. The parties have agreed for the purposes of resolving the differences of all parties in the aforementioned cases and advise the court that they have the complete authority

to settle all differences in all cases heretofore recited. Each party has agreed to the following:

A. That the above captioned appeal before the United States District Court for the Northern District of Oklahoma, District Court Case #88-C-572-B will be dismissed with prejudice.

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

C. That Jeffrey Chris Naiman and Dyane Marie Naiman will pay Fred W. Woodson \$2,200.00 in settlement of any and all claims in the above captioned appeal from proceeds available to them in their retirement plans.

D. That said payment to the Trustee will be paid within 30 days of the Acceptance of filing of the Settlement Agreement.

E. That the settlement is contingent upon receipt of the consideration in #C above, to Fred W. Woodson, Trustee.

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

G. That the Bankruptcy Court will retain jurisdiction as to the awarding of any attorney's fees herein due to Trustee and Trustee's attorney from the Estate.

S/ JAMES O. ELLISON

The Honorable Thomas R. Brett
JUDGE OF THE DISTRICT COURT

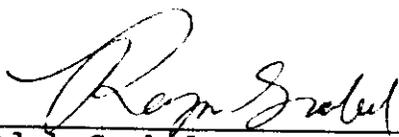
For Judge Thomas R. Brett

APPROVED AS TO CONTENT:



James A. Hogue, Sr.
Hogue and Turkel, Inc.
P. O. Box 2904
Tulsa, OK 74101-2904
(918) 585-3993

Attorney for the Trustee



Ralph Grabel
3112 S. Mingo, Suite 200
Tulsa, OK 74146
(918) 627-4777

Attorney for the Appellees

GLH/LAL/lc
09/14/88

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

FILED
OCT 13 1988

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

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

No. 88-C-555-E

ORDER OF DISMISSAL

NOW on this 12th day of Oct, 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 Dal-Briar Corporation, individually, and as successor to Texas Talc Company, a Limited Partnership. 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 Dal-Briar Corporation, individually, and as successor to Texas Talc Company, a Limited Partnership, be and the same are hereby dismissed without prejudice. It is further

ORDERED that each party shall bear its own costs.

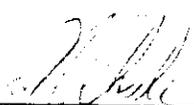
[Signature]

U.S. DISTRICT JUDGE

LAW OFFICES OF
JOHN W. NORMAN INCORPORATED
ATTORNEYS FOR PLAINTIFFS


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

CHEEK, CHEEK, & CHEEK
ATTORNEYS FOR DAL-BRIAR CORPORATION


~~RODNEY J. HEGGY~~ *J. W. N. Inc. OBA 1207*
Law Center Building
311 N. Harvey Avenue
Oklahoma City, OK 73102

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

OCT 13 1988

ROBERT L. PRICE,)
)
 Plaintiff,)
)
 v.)
)
 WILLIAM THOMAS, et al,)
)
 Defendants.)

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

88-C-528-B

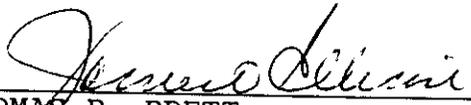
ORDER

The court now has before it the Motions to Dismiss plaintiff's civil rights complaint of defendants Ramsey and Thomas. Although plaintiff failed to respond to defendants' motions in a timely manner as required by the Federal Rules of Civil Procedure and the Local Rules of the Northern District of Oklahoma, on September 2, 1988, the court, sua sponte, gave plaintiff an extension of time in which to respond to the motions. However, no such response was ever filed by plaintiff.

As the court previously advised plaintiff, all litigants, including those appearing pro se, are obligated to follow the procedural rules of court. See, Joplin v. Southwestern Bell Telephone Co., 671 F.2d 1274 (10th Cir. 1982). Plaintiff having been given every opportunity to comply with the pleading requirements of this court, the court concludes that plaintiff's failure to respond to the pending motion constitutes a waiver of objection to the motion. Rule 15A of the Local Rules for the Northern District of Oklahoma.

It is, therefore, ordered that the Motions to Dismiss plaintiff's civil rights complaint of defendants Ramsey and Thomas are granted, and plaintiff's civil rights complaint pursuant to 42 U.S.C. §1983 is hereby dismissed.

Dated this 12th day of October, 1988.

for: 
THOMAS R. BRETT
UNITED STATES DISTRICT JUDGE

FILED

IN THE UNITED STATES DISTRICT COURT FOR THE NORTHERN DISTRICT OF OKLAHOMA OCT 13 1988

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

CHARLES E. CRABTREE,)
)
 Plaintiff,)
)
 v.)
)
 TULSA COUNTY SHERIFF'S)
 OFFICE,)
)
 Defendant.)

88-C-521-B

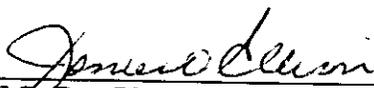
ORDER

The court now has before it defendants' Motion to Dismiss plaintiff's civil rights complaint. Although plaintiff failed to respond to defendants' motion in a timely manner as required by the Federal Rules of Civil Procedure and the Local Rules of the Northern District of Oklahoma, on September 2, 1988, the court, sua sponte, gave plaintiff an extension of time in which to respond to this motion. However, no such response was ever filed by plaintiff.

As the court previously advised plaintiff, all litigants, including those appearing pro se, are obligated to follow the procedural rules of court. See, Joplin v. Southwestern Bell Telephone Co., 671 F.2d 1274 (10th Cir. 1982). Plaintiff having been given every opportunity to comply with the pleading requirements of this court, the court concludes that plaintiff's failure to respond to the pending motion constitutes a waiver of objection to the motion. Rule 15A of the Local Rules for the Northern District of Oklahoma.

It is, therefore, ordered that defendants' Motion to Dismiss is granted, and plaintiff's civil rights complaint pursuant to 42 U.S.C. §1983 is hereby dismissed.

Dated this 12th day of October, 1988.

for: 
THOMAS R. BRETT
UNITED STATES DISTRICT JUDGE

UNITED STATES DISTRICT COURT FOR THE
NORTHERN DISTRICT OF OKLAHOMA

UNITED STATES OF AMERICA,)

Plaintiff,)

vs.)

SARAH VIRGINIA PINNEY; BOBBY)
LEE PINNEY; NUCORP ENERGY)
OF OKLAHOMA, INC.; COUNTY)
TREASURER, Osage County,)
Oklahoma; BOARD OF COUNTY)
COMMISSIONERS, Osage County,)
Oklahoma; JOHNNY TISDALE d/b/a)
JOHNNY'S WELL SERVICE,)

Defendants.)

CIVIL ACTION NO. 88-C-0058-B

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

JUDGMENT OF FORECLOSURE

This matter comes on for consideration this 12th day of October, 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, Osage County, Oklahoma, and Board of County Commissioners, Osage County, Oklahoma, appear by Larry D. Stuart, District Attorney, Osage County, Oklahoma; the Defendant, Nucorp Energy of Oklahoma, Inc., appears by its attorney Stephen E. Schneider; and the Defendants, Sarah Virginia Pinney, Bobby Lee Pinney, and Johnny Tisdale d/b/a Johnny's Well Service, appear not, but make default.

The Court being fully advised and having examined the file herein finds that the Defendant, Sarah Virginia Pinney, acknowledged receipt of Summons and Complaint on February 18, 1988; that Defendant, Bobby Lee Pinney, acknowledged receipt of

Summons and Amended Complaint on April 5, 1988; that Defendant, Nucorp Energy of Oklahoma, Inc., acknowledged receipt of Summons and Complaint on January 22, 1988; that Defendant, Johnny Tisdale d/b/a Johnny's Well Service, was served with Summons and Amended Complaint on August 11, 1988; that Defendant, County Treasurer, Osage County, Oklahoma, acknowledged receipt of Summons and Complaint on or about January 27, 1988; and that Defendant, Board of County Commissioners, Osage County, Oklahoma, acknowledged receipt of Summons and Complaint on or about January 27, 1988.

It appears that the Defendants, County Treasurer, Osage County, Oklahoma, and Board of County Commissioners, Osage County, Oklahoma, filed their Answer herein on January 27, 1988; that the Defendant, Nucorp Energy of Oklahoma, Inc., filed its Answer herein on February 3, 1988 and its Amended Answer herein on July 27, 1988; and that the Defendants, Sarah Virginia Pinney, Bobby Lee Pinney, and Johnny Tisdale d/b/a Johnny's Well Service, 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 Osage County, Oklahoma, within the Northern Judicial District of Oklahoma:

Lots Ten (10), Eleven (11), Twelve (12), Thirteen (13) and Fourteen (14), Block Seventeen (17), in the ORIGINAL TOWNSITE OF AVANT, Osage County, Oklahoma, according to the recorded Plat thereof.

The Court further finds that on August 19, 1982, the Defendant, Sarah Virginia Pinney, executed and delivered to the United States of America, acting on behalf of the Administrator of Veterans Affairs, her mortgage note in the amount of \$29,000.00, payable in monthly installments, with interest thereon at the rate of fifteen percent (15%) per annum.

The Court further finds that as security for the payment of the above-described note, the Defendants, Sarah Virginia Pinney and Bobby Lee Pinney, executed and delivered to the United States of America, acting on behalf of the Administrator of Veterans Affairs, a mortgage dated August 19, 1982, covering the above-described property. Said mortgage was recorded on August 19, 1982, in Book 621, Page 608, in the records of Osage County, Oklahoma.

The Court further finds that the Defendant, Sarah Virginia Pinney, made default under the terms of the aforesaid note and mortgage by reason of her failure to make the monthly installments due thereon, which default has continued, and that by reason thereof the Defendant, Sarah Virginia Pinney, is indebted to the Plaintiff in the principal sum of \$28,703.67, plus interest at the rate of 15 percent per annum from February 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, Osage County, Oklahoma, claim no right, title, or interest in the subject real property.

The Court further finds that the Defendant, Nucorp Energy of Oklahoma, Inc., has a lien on the subject real property by virtue of a Journal Entry of Judgment, entered August 16, 1985, and recorded on August 16, 1985, in Book 0681 at Page 357 in the records of Osage County, Oklahoma, in the amount of \$4,578.51 plus interest thereon at the rate of 18 percent from August 27, 1982 until paid, costs of \$269.41, and an attorney's fee of \$800.00.

The Court further finds that the Defendants, Bobby Lee Pinney and Johnny Tisdale d/b/a Johnny's Well Service, are in default and have no right, title, or interest in the subject real property.

IT IS THEREFORE ORDERED, ADJUDGED, AND DECREED that the Plaintiff have and recover judgment against the Defendant, Sarah Virginia Pinney, in the principal sum of \$28,703.67, plus interest at the rate of 15 percent per annum from February 1, 1987 until judgment, plus interest thereafter at the current legal rate of 8.04 percent per annum until paid, plus the costs of this action accrued and accruing, plus any additional sums advanced or to be advanced or expended during this foreclosure action by Plaintiff for taxes, insurance, abstracting, or sums for the preservation of the subject property.

IT IS FURTHER ORDERED, ADJUDGED, AND DECREED that the Defendant, Nucorp Energy of Oklahoma, Inc., have and recover judgment in the amount of \$4,578.51 plus interest thereon at the rate of 18 percent from August 27, 1982 until paid, costs of \$269.41, and an attorney's fee of \$800.00, by virtue of a Journal

Entry of Judgment, entered August 16, 1985, and recorded on August 16, 1985, in Book 0681 at Page 357 in the records of Osage County, Oklahoma.

IT IS FURTHER ORDERED, ADJUDGED, AND DECREED that the Defendants, Bobby Lee Pinney, Johnny Tisdale d/b/a Johnny's Well Service, and County Treasurer and Board of County Commissioners, Osage County, Oklahoma, have no right, title, or interest in the subject real property.

IT IS FURTHER ORDERED, ADJUDGED, AND DECREED that upon the failure of said Defendant, Sarah Virginia Pinney, to satisfy the money judgment of the Plaintiff herein, an Order of Sale shall be issued to the United States Marshal for the Northern District of Oklahoma, commanding him to advertise and sell with appraisement the real property involved herein and apply the proceeds of the sale as follows:

First:

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

Second:

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

Third:

In payment of the Defendant, Nucorp Energy of Oklahoma, Inc., in the amount of \$4,578.51 plus interest thereon at the rate of 18 percent from August 27, 1982 until paid, costs of \$269.41, and an attorney's fee of \$800.00.

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.

BY JAMES O. ELLISON

UNITED STATES DISTRICT JUDGE

For Judge Thomas R. Brett

APPROVED:

TONY M. GRAHAM
United States Attorney

Nancy Nesbitt Blevins
NANCY NESBITT BLEVINS
Assistant United States Attorney

Stephen E. Schneider
STEPHEN E. SCHNEIDER
Attorney for Defendant,
Nucorp Energy of Oklahoma, Inc.

Harry D. Stuart
HARRY D. STUART
District Attorney
Attorney for Defendants,
County Treasurer and
Board of County Commissioners,
Osage County, Oklahoma

NNB/css

FILED

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

MOTIVE PARTS WAREHOUSE, INC.,)
a Corporation,)
)
Plaintiff,)
)
vs.)
)
COMMERCE AUTO PARTS, a Partnership)
composed of DELMAR BLAYLOCK and)
LARRY PERRY, and DELMAR BLAYLOCK)
and LARRY PERRY, Individually)
)
Defendants.)

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

No. 88-C-113 E

JOURNAL ENTRY OF JUDGMENT

NOW, on this 6th day of October, 1988, the Defendant, Delmar Blaylock, d/b/a Commerce Auto Parts, Inc., having been regularly served with Summons and Complaint, and having failed to plead or otherwise defend, the legal time for pleading or otherwise defending having expired and the default of the said Defendant, Delmar Blaylock, d/b/a Commerce Auto Parts, Inc., in the premises having been duly entered according to law; upon application of Plaintiff, judgment is hereby entered against the Defendant, pursuant to the prayer of the Complaint.

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

IT IS THEREFORE ORDERED, ADJUDGED AND DECREED, that the Plaintiff, Motive Parts Warehouse, Inc., a corporation, have and recover from said Defendant, Delmar Blaylock, d/b/a Commerce Auto Parts Inc., the principal sum of \$33,362.43, with interest thereon at the rate of 6% per

annum from the 9th day of February, 1987, until the date of judgment, and interest thereafter at the rate of ~~4.00%~~ ^{8.04%} per annum, until paid, together with ~~the~~ attorney's fees ~~and~~ *and* ~~the~~ ~~costs~~ ~~of~~ ~~the~~ ~~action~~ ~~and~~ ~~that~~ Plaintiff have execution therefor.

The cause of action against the co-defendant, Larry Perry, is continued pending further order of the Court.

Judgment rendered against the Defendant Delmar Blaylock this 6th day of October, 1988.


JUDGE OF THE DISTRICT COURT

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

FILED
1987
MAY 15 1987

CHARLES W. FLINT, III,)
Successor Trustee of Kelley)
Ranch Company, an express)
trust,)
)
Plaintiff,)
)
v.)
)
COAL CORPORATION OF AMERICA,)
INC., a Delaware corporation,)
and CAMPBELL RESOURCES, INC.,)
a Quebec corporation,)
)
Defendants.)

No. 87-C-327-E

ORDER OF DISMISSAL WITH PREJUDICE

THIS MATTER CAME BEFORE THE COURT upon the Stipulation of Dismissal With Prejudice signed by the parties, and the entire record herein.

IT APPEARING TO THE COURT that the parties have stipulated to the dismissal with prejudice of all claims asserted in this matter, and

IT FURTHER APPEARING TO THE COURT that no counterclaims have been asserted herein; and

IT FURTHER APPEARING TO THE COURT that the parties each will bear its own costs and attorneys' fees pursuant to the terms of the settlement agreement between them,

IT IS ORDERED that the above-captioned matter be, and the same hereby is, dismissed with prejudice, with each party to bear its own costs and attorneys' fees.

Dated this 11 day of Oct, 1988.

James C. Ellison
UNITED STATES DISTRICT JUDGE

Approved:

John S. Athens
Russell H. Harbaugh, Jr.
Steven K. Balman

By Russell H. Harbaugh, Jr.
Russell H. Harbaugh, Jr.
OBA No. 3826

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

Steven W. Smith
118 North Fifth Street
Henryetta, Oklahoma 74437
(918) 652-4421

Attorneys for Plaintiff

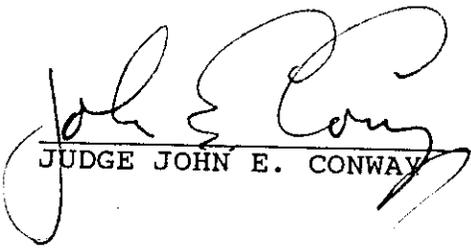
Thomas J. McGeady
for Thomas J. McGeady
OBA No. 5984

Logan, Lowry, Johnston, Switzer,
West & McGeady
Box 558
Vinita, Oklahoma 74301

Attorneys for Defendants

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

Dated this 6th day of October, 1988.


JUDGE JOHN E. CONWAY

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

SHELTER MUTUAL INSURANCE COMPANY,)

Plaintiff,)

vs.)

Case No. 88-C-316-B)

GALEN W. DONALD, individually;)
TERRI DONALD, individually and as)
mother and next friend of JEFFREY)
DONALD; ELIZABETH SUE BAKER,)
individually; and DENNIS FLANERY,)
individually,)

Defendants.)

FILED

OCT 13 1988

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

ORDER OF DISMISSAL WITH PREJUDICE

NOW ON this 6th day of October, 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.

S/ JAMES O. ELISON

United States District Judge

For Judge Thomas R. Brett

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

PATSY S. BISHOP, et al.,)
)
 Plaintiffs,)
)
 vs.)
)
 FACET ENTERPRISES, INC., a)
 Delaware corporation,)
)
 Defendant.)

No. 87-C-565-B

OCT 12 1988
Jack C. Silver,
U. S. DISTRICT COURT

**ORDER OF DISMISSAL WITHOUT PREJUDICE
BY PLAINTIFF MARY I. SMITH**

NOW on this 6th day of October, 1988, there comes on for consideration the Joint Stipulation of Dismissal concerning this matter, and for good cause shown,

IT IS HEREBY ORDERED that all claims against the defendant be, and they are hereby, dismissed from this lawsuit, **without prejudice**, regarding claims of plaintiff Mary I. Smith, with each party to bear its own costs and attorney's fees.

S/ JAMES O. ELLISON

United States District Judge

For Judge Thomas R. Brett

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

PATSY S. BISHOP, et al.,
Plaintiffs,
vs.
FACET ENTERPRISES, INC., a
Delaware corporation,
Defendant.

No. 87-C-565-B

FILED
OCT 12 1988

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

**ORDER OF DISMISSAL WITH PREJUDICE
BY PLAINTIFF ELMER WERYAVAH**

NOW on this 6th day of October, 1988, there comes on for
consideration the Joint Stipulation of Dismissal concerning this matter, and for good cause
shown,

IT IS HEREBY ORDERED that all claims against the defendant be, and
they are hereby, dismissed from this lawsuit, **with prejudice**, regarding claims of
plaintiff Elmer Weryavah, with each party to bear its own costs and attorney's fees.

S/ JAMES O. ELLISON
United States District Judge
For Judge Thomas R. Brett

FILED

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

10-12-1988

MICHAEL RALPH HILL,)
)
 Petitioner,)
)
 v.)
)
 RONALD CHAMPION,)
)
 Respondent.)

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

87-C-997-E

ORDER

Now before the court are respondent's Motion and Supplemental Motion to Dismiss petitioner's application for a writ of habeas corpus pursuant to 42 U.S.C. §2254. Although petitioner failed to respond to respondent's motions in a timely manner as required by the Federal Rules of Civil Procedure and the Local Rules of the Northern District of Oklahoma, on September 2, 1988, the court, sua sponte, gave petitioner an extension of time in which to respond to the motions. However, the Order granting such extension was undelivered and returned by the United States Postal Service.

Petitioner having failed to notify the court of his whereabouts and to prosecute this case in a timely manner, it is therefore ordered that respondent's Motions to Dismiss are granted, and petitioner's application for a writ of habeas corpus is hereby dismissed without prejudice for failure to prosecute.

Dated this 11th day of October, 1988.


JAMES O. ELLISON
UNITED STATES DISTRICT JUDGE

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

10-12-1988

DEREK LEE WILSON,)
)
 Petitioner,)
)
 v.)
)
 GARY MAYNARD, DOC, and)
 The Attorney General of)
 the State of Oklahoma,)
)
 Respondents.)

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

88-C-317-E

ORDER

The court has for consideration the Report and Recommendation of the Magistrate filed September 9, 1988, in which the Magistrate recommended that petitioner's application for a writ of habeas corpus be denied. 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 petitioner Derek Lee Wilson's application for a writ of habeas corpus pursuant to 28 U.S.C. §2254 is denied.

Dated this 11th day of October, 1988.


JAMES O. ELLISON
UNITED STATES DISTRICT JUDGE

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

FILED

OCT 12 1988

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

UNITED STATES OF AMERICA,

Plaintiff,

vs.

EDWARD R. DAVIS,

Defendant.

No. 87-C-847-E

AND 86-CR-05-01-E

ORDER

This matter comes before the Court upon the motion of Petitioner Edward R. Davis to vacate, set aside, or correct sentence pursuant to 28 U.S.C. §2255. All other post conviction motions were resolved by order of this Court entered April 14, 1988.

Petitioner seeks to vacate his sentence on the grounds that his guilty plea was coerced by the government through threats to petitioner and threats to prosecute his family.

Petitioner pled guilty on March 7, 1986 to the charge of knowingly conducting a continuing criminal enterprise in repeatedly violating 21 U.S.C. Section 841(a)(1) and other provisions of Title 21 of the United States Code. The Court accepted Davis' plea solely upon his own statements, which provided the factual basis for his conviction.

When a criminal defendant pleads guilty he admits all of the elements of the crime with which he is charged; his admission is the evidence which convicts him. Slayton v. Willingham, 726 F.2d

631 (10th Cir. 1984). Review of the transcript of the plea hearing supports Davis' plea, that there was a factual basis for the plea, and that Davis was guilty as charged.

The petition alleges that the government made threats to Davis and to his family if he pursued his right to a jury trial. Before accepting Davis' plea the Court addressed Davis personally, and Davis stated in substance that his plea was given voluntarily and knowingly, and that he had not been threatened or coerced in any way.

In collaterally attacking a guilty plea a prisoner may not ordinarily repudiate statements made to the sentencing judge when the plea was entered. Fontaine v. United States, 411 U.S. 213, 93 S.Ct. 1461 (1973). However, there is no per se rule that makes the procedural device for taking a plea "uniformly invulnerable to subsequent challenge". Id. at 215, 93 S.Ct., at 1462. The federal courts cannot fairly adopt a per se rule excluding all possibility that a defendant's representations at the time his guilty plea was accepted were so much the product of such factors as misunderstanding, duress, or misrepresentation by others as to make the guilty plea a constitutionally inadequate basis for imprisonment. Blackledge v. Allison, 431 U.S. 63, 75, 97 S.Ct. 1621, 1629-1630 (1977).

The burden on the Petitioner, in challenging his plea, though, is heavy. His representations, the representations of his lawyer, and the prosecutor, cannot be set aside easily. Likewise, any findings made by the Court cannot be easily set aside, and

"constitute a formidable barrier in any subsequent collateral proceedings." Id., at 74, 97 S.Ct., at 1629. Unsupported allegations are subject to summary dismissal. The Petitioner cannot simply make conclusory allegations that his guilty plea was the product of threats or coercion. Id.

Davis has not met his burden here. He merely has alleged threats against himself and his family. There is no evidence that any member of his family was the target of the government investigation that resulted in charges against Davis. There is no evidence that any member of Davis' family was a third party beneficiary of Davis' plea bargaining. The government has specifically denied that members of Davis' family were the subjects of investigation, or that it threatened "retaliation" against Davis and his family. Davis' petition must, therefore, be denied on these grounds.

IT IS THEREFORE ORDERED that the petition of Edward R. Davis to vacate, set aside, or correct his sentence pursuant to 28 U.S.C. §2255 is denied.

ORDERED this 11th day of October, 1988.



JAMES O. ELLISON
UNITED STATES DISTRICT JUDGE

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

BETTY LYNN MORGAN,
Plaintiff,

vs.

NELSON ELECTRIC--A UNIT OF GENERAL
SIGNAL CORPORATION, et al,
Defendants.

NO. 87-C-1085-B

FILED

OCT 12 1988

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

ORDER OF DISMISSAL

On this 6th day of October, 1988, upon written application of the parties for an order of dismissal with prejudice of the complaint and all causes of action, the Court, having examined said application, finds that said parties have entered into a compromise settlement covering all claims involved in the complaint and have requested the Court to dismiss the complaint with prejudice to any future action and the Court. The Court, having been fully advised in the premises, finds that said complaint should be dismissed.

IT IS, THEREFORE, ORDERED, ADJUDGED, AND DECREED by the Court that the complaint and all causes of action of Plaintiff filed herein against Defendants be and the same are hereby dismissed with prejudice to any further action, with each party to bear their own costs and attorney fees.

S/ JAMES O. ELLISON

UNITED STATES DISTRICT JUDGE

For Judge Thomas R. Brett

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

BETTY LYNN MORGAN,
Plaintiff,

vs.

NELSON ELECTRIC--A UNIT OF GENERAL
SIGNAL CORPORATION, et al,

Defendants.

)
)
)
)
)
)
)
)
)
)
)

NO. 87-C-1085-B

ORDER SEALING COURT RECORDS
AND PROHIBITING DISCLOSURE OF INFORMATION

OCT 12 1988

JAMES C. ...
U.S. DISTRICT COURT

Plaintiff, Betty Lynn Morgan, and Defendants, Nelson Electric--a Unit of General Signal Corporation, General Signal Corporation, and James Abrams, having filed a joint application for order sealing Court records and prohibiting disclosure of information and due consideration and having been given thereto, it is hereby ordered, adjudged, and decreed by the Court as follows:

The records in this action be and the same hereby are sealed, and the clerk of the Court is hereby directed to seal the same;

The parties to this lawsuit and their attorneys are hereby prohibited from disseminating, reproducing, giving, showing, revealing, disclosing or making available to anyone other than present or former counsel of record any of the terms of the settlement, or documents or information obtained during, learned through, or arising out of the settlement or settlement conference held on September 8, 1988, except as required to be disclosed by order of this Court or another court of competent jurisdiction; further provided that neither the parties nor their attorneys shall disclose

such information pursuant to any court order without first giving notice to all parties to the present lawsuit; and further provided that the parties or their attorneys may indicate that the "dispute has been resolved;"

The parties to this lawsuit and their attorneys are hereby prohibited from disseminating, reproducing, giving, showing, revealing, disclosing, or making available to anyone any of the documents or information obtained during, learned through, or arising out of this lawsuit or any of the claims associated with this lawsuit, including claims filed by Plaintiff with the Oklahoma Human Rights Commission, the Equal Employment Opportunity Commission, the Oklahoma Employment Security Commission, the Office of Federal Contract Compliance, and any other state or federal agencies except as required to be disclosed by order of this Court or another court of competent jurisdiction; further provided that neither the parties nor their attorneys shall disclose such information pursuant to any court order without first giving notice to all parties to the present lawsuit; and

This Court shall have continuing jurisdiction after the termination of this litigation for the purposes of enforcement of this Court's order.

Dated this 6th day of October, 1988.

S/ JAMES O. ELLISON

UNITED STATES DISTRICT JUDGE

For Judge Thomas R. Butt

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

PATSY S. BISHOP, et al.,)
)
 Plaintiffs,)
)
 vs.)
)
 FACET ENTERPRISES, INC., a)
 Delaware corporation,)
)
 Defendant.)

No. 87-C-565-B

FILED
OCT 12 1988
Jack C. Silver, Clerk
U. S. DISTRICT COURT

**ORDER OF DISMISSAL WITHOUT PREJUDICE
BY PLAINTIFF BOB WHITE**

NOW on this 6th day of October, 1988, there comes on for consideration the Joint Stipulation of Dismissal concerning this matter, and for good cause shown,

IT IS HEREBY ORDERED that all claims against the defendant be, and they are hereby, dismissed from this lawsuit, **without prejudice**, regarding claims of plaintiff Bob White, with each party to bear its own costs and attorney's fees.

S/ JAMES O. ELLISON

United States District Judge

For Judge Thomas R. Brett

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

PATSY S. BISHOP, et al.,
Plaintiffs,
vs.
FACET ENTERPRISES, INC., a
Delaware corporation,
Defendant.

No. 87-C-565-B

FILED
OCT 12 1988
Jack C. Silver, Clerk
U. S. DISTRICT COURT

ORDER OF DISMISSAL WITHOUT PREJUDICE
BY PLAINTIFF CAROLYN B. HILL

NOW on this 6th day of October, 1988, there comes on for
consideration the Joint Stipulation of Dismissal concerning this matter, and for good cause
shown,

IT IS HEREBY ORDERED that all claims against the defendant be, and
they are hereby, dismissed from this lawsuit, **without prejudice**, regarding claims of
plaintiff Carolyn B. Hill, with each party to bear its own costs and attorney's fees.

S/ JAMES O. ELLISON

United States District Judge

John Judge Thomas R. Pratt

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

FILED

OCT 12 1988

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

PATSY S. BISHOP, et al.,)
)
 Plaintiffs,)
)
 vs.)
)
 FACET ENTERPRISES, INC., a)
 Delaware corporation,)
)
 Defendant.)

No. 87-C-565-B

**ORDER OF DISMISSAL WITHOUT PREJUDICE
BY PLAINTIFF PATSY S. BISHOP**

NOW on this 6th day of ~~September~~ ^{October}, 1988, there comes on for consideration the Joint Stipulation of Dismissal concerning this matter, and for good cause shown,

IT IS HEREBY ORDERED that all claims against the defendant be, and they are hereby, dismissed from this lawsuit, **without prejudice**, regarding claims of plaintiff Patsy S. Bishop, with each party to bear its own costs and attorney's fees.

S/ JAMES O. ELLISON
United States District Judge
For Judge Thomas R. Brett

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

FILED

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

WILMER DANIELS,)
)
 Plaintiff,)
)
 vs.)
)
 SEARS, ROEBUCK & COMPANY,)
)
 Defendant.)

No. 88-C-81-E ✓

ORDER

This matter is before the Court on the Defendant's motion for summary judgment. Defendant's motion is unopposed. After reviewing the pleadings the Court finds as follows:

Rule 56(c) of the Federal Rules of Civil Procedure provides for summary judgment against a party who, after time for discovery, fails to make a showing sufficient to establish the existence of an element essential to that party's case, and on which that party will bear the burden of proof at trial. Celotex Corp. v. Catrett, ___ U.S. ___, 106 S.Ct. 2548 (1986).

Plaintiff has failed to submit any evidence to controvert the affidavit or allegations made in Defendant's Motion. Thus, these allegations are deemed true and correct. Defendant is correct in asserting the Plaintiff has brought forth "no direct evidence of any kind of discrimination." Plaintiff was warned six times of his need for improvement and failed to improve in the eyes of the Defendant. He was under no employment contract and as an "at will" employee could be terminated. Hinson v. Cameron, 742 P.2d 549

(Okla. 1987). This Plaintiff has failed to prove his prima facie case of discrimination and in light of Defendant's legitimate reason for firing Plaintiff, Plaintiff's claim must fail. Klein v. Trustees of Indiana Univ., 766 F.2d 275 (7th Cir. 1985).

IT IS THEREFORE ORDERED that Defendant's motion for summary judgment is granted. Defendant is to prepare a proper form of judgment within ten (10) days. Further, the pre-trial conference scheduled for October 13, 1988 is stricken.

ORDERED this 7th day of October ~~7~~, 1988.



JAMES O. ELLISON
UNITED STATES DISTRICT JUDGE

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

GRAYDON (RUSTY) G. FLUD)
and JANICE FLUD,)
)
Plaintiffs,)
)
-vs-)
)
NEW HOLLAND, INC., an)
Oklahoma corporation, and)
SPERRY NEW HOLLAND, a)
foreign corporation,)
)
Defendants.)

Case No. 88-C-248C

FILED

OCT 11 1988

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

ORDER OF DISMISSAL

The parties hereto having filed this 6 day of October, 1988, their Stipulation of Dismissal, reflecting their agreement that the plaintiffs' Petition, as removed, shall be dismissed with prejudice pursuant to Rule 41(a) of the Federal Rules of Civil Procedure, and the Court having reviewed the Stipulation and approved same, hereby orders that this cause be dismissed with prejudice and directs that each party bear its own costs and attorneys' fees.

DATED this 6th day of October, 1988.


UNITED STATES DISTRICT JUDGE

UNITED STATES DISTRICT COURT FOR THE
NORTHERN DISTRICT OF OKLAHOMA

F I L E D

OCT 11 1988

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

UNITED STATES OF AMERICA,)
)
Plaintiff,)
)
vs.)
)
MELVIN R. JOHNSON,)
)
Defendant.)

CIVIL ACTION NO. 87-C-926-C ✓

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 Phil Pinnell, Assistant United States Attorney, and hereby gives notice of its dismissal, pursuant to Rule 41, Federal Rules of Civil Procedure, of this action without prejudice.

Dated this 11th day of October, 1988.

UNITED STATES OF AMERICA

TONY M. GRAHAM
United States Attorney



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

CERTIFICATE OF SERVICE

This is to certify that on the 11th day of October, 1988, a true and correct copy of the foregoing was mailed, postage prepaid thereon, to: Melvin R. Johnson, 536 West 147th Street, Glenpool, Oklahoma 74033.


Assistant United States Attorney

PEP/mp

UNITED STATES DISTRICT COURT FOR THE
NORTHERN DISTRICT OF OKLAHOMA

FILED

OCT 11 1988

UNITED STATES OF AMERICA,)	
)	
Plaintiff,)	
)	
vs.)	
)	
MELVIN R. JOHNSON,)	
)	
Defendant.)	CIVIL ACTION NO. 87-C-926-C

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

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 Phil Pinnell, Assistant United States Attorney, and hereby gives notice of its dismissal, pursuant to Rule 41, Federal Rules of Civil Procedure, of this action without prejudice.

Dated this 11th day of October, 1988.

UNITED STATES OF AMERICA

TONY M. GRAHAM
United States Attorney



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

CERTIFICATE OF SERVICE

This is to certify that on the 11th day of October, 1988, a true and correct copy of the foregoing was mailed, postage prepaid thereon, to: Melvin R. Johnson, 536 West 147th Street, Glenpool, Oklahoma 74033.


Assistant United States Attorney

✓ EK

14327/tlr

IN THE UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF OKLAHOMA

ZEPHYR METAL CRAFT, INC.,)
)
 Plaintiff,)
)
 vs.)
)
 LIBERTY MUTUAL INSURANCE)
 COMPANY,)
)
 Defendant.)

No. 85-C-572-C

F I L E D

OCT 6 - 1988

Jack C. Silver, Clerk
U.S. DISTRICT COURT
RECEIVED
OUR OFFICE

SEP 29 1988

McGivern Law Firm

O R D E R

NOW, on this 14th day of September, 1988, this matter comes on for hearing before the undersigned Judge of the United States District Court. Plaintiff appears by and through its attorneys, James Poe and Stephen Clouser. Defendant appears by and through its attorney, Eugene Robinson.

This matter comes for hearing on Motions for Summary Judgment filed by Defendant. The Court, having reviewed the briefs, pleadings, and documents filed by the parties and being fully advised in the premises, finds that there is no coverage for retaliatory discharge under the Defendant's Workmen's Compensation and Employer's Liability Policy. The Court further finds that there is no coverage for retaliatory discharge under the Defendant's Special Multi-Peril Policy.

The Court, therefore, finds that Defendant's Motion for Summary Judgment on the issues of noncoverage under the two

policies issued to Plaintiff by Defendant should be and same is hereby sustained.

The Court further finds that the Defendant's Motion for Summary Judgment on the issue of noncoverage for punitive damages is rendered moot by the Court's finding of noncoverage under either policy of insurance. It is, therefore, not necessary to rule on the second Motion for Summary Judgment filed by Defendant.

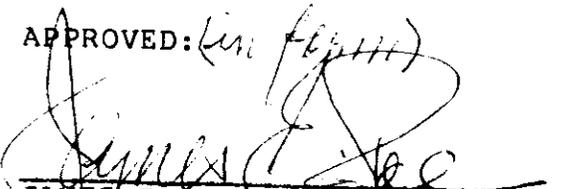
IT IS THEREFORE ORDERED, ADJUDGED AND DECREED that Defendant's Motion for Summary Judgment finding that no coverage exists under either the Workmen's Compensation and Employer's Liability Policy or the Special Multi-Peril Policy is sustained.

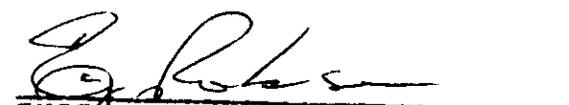
Judgment is granted in favor of Defendant on the issue of whether there is coverage for retaliatory discharge under the policies issued by Defendant to Plaintiff.

IT IS SO ORDERED.

(Signed) H. Dale Cook

H. DALE COOK, CHIEF JUDGE
U.S. DISTRICT COURT

APPROVED: 
JAMES E. POE
Attorney for Plaintiff


EUGENE ROBINSON
Attorney for Defendant

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

FILED

001 8 1988

NATIONAL UNION FIRE INSURANCE)
COMPANY, et al.,)
)
Plaintiffs,)
)
vs.)
)
A.A.R. WESTERN SKYWAYS, INC.,)
)
Defendant.)

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

No. 87-C-5-E

ADMINISTRATIVE CLOSING ORDER

The parties having requested certification of certain issues of law to the Oklahoma Supreme Court and these proceedings being stayed thereby,

IT IS HEREBY ORDERED that the Clerk administratively terminate this action in his records, without prejudice to the rights of the parties to reopen the proceedings for good cause shown for the entry of any stipulation or order, or for any other purpose required to obtain a final determination of the litigation, and to be reinstated on the presently scheduled trial docket of September 18, 1989 should the Oklahoma Supreme Court rulings indicate further need for trial of these issues.

If, within thirty (30) days of a final determination by the Oklahoma Supreme Court on the legal issues involved herein the parties have not reopened for the purpose of obtaining a final determination herein, this action shall be deemed dismissed with prejudice.

ORDERED this 5th day of October, 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

OCT 6 - 1988

CELIA LAWSON,)
)
 Plaintiff,)
)
 vs.)
)
 PRATTVILLE CASTING COMPANY,)
 INC., an Oklahoma corporation)
)
 Defendant.)
 _____)

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

CASE NO. 87-C-274-C

JUDGMENT

This action came on for hearing before the Court, Honorable H. Dale Cook, District Judge, presiding, and the issues having been duly heard and a decision having been duly rendered, IT IS ORDERED AND ADJUDGED that the Plaintiff Celia Lawson, take nothing from the Defendant Prattville Casting Company, Inc., that the action be dismissed on the merits, and that the Defendant Prattville Casting Company, Inc., recover of the Plaintiff Celia Lawson, its costs of action.

DATED at Tulsa, Oklahoma this 5th day of Oct, 1988.

(Signed) H. Dale Cook

H. DALE COOK
UNITED STATES DISTRICT JUDGE

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

JAMES R. STUNKARD, and,
STUNKARD-PARKER PRODUCTIONS,
INC.,

Plaintiffs,

vs.

ROLAND MARTIN ENTERPRISES,
INC.; ROLAND MARTIN; and
VIDEO SOUTH, INC.,

Defendants.

No. 87-C-67-C ✓

ORDER

Now before the Court is the Magistrate's Finding and Recommendations regarding Defendants' Motion for Summary Judgment. This Court has independently reviewed the pleadings and supporting affidavits filed by both parties and determined that the motion for summary judgment filed by the defendants Roland Martin

Enterprises, Inc., Roland Martin, and Video South, Inc., should be denied.

This case involves claims by the plaintiffs James R. Stunkard and Stunkard-Parker Productions, Inc., for breach of contract, conversion, tortious interference with business relations, and copyright infringement. The central issue in this case focuses on the right of ownership to "Fishing with Roland Martin" and to "One on One with Roland Martin". "Fishing with Roland Martin" is the respective name for one of each twelve video productions. "One on One with Roland Martin" is a compilation of selected segments from each of the twelve "Fishing with Roland Martin" programs.

In regard to the claim for copyright infringement, §401(C) of the Copyright Act, 17 U.S.C. §§101 et seq., provides that:

In any judicial proceedings the certificate of a registration made before or within five (5) years after first publication of the work shall constitute prima facie evidence of the validity of the copyright and of the facts stated in the certificate. The evidentiary weight to be accorded the certificate of a registration made thereafter shall be within the discretion of the Court.

The plaintiffs have supplied copyright registrations for each of the twelve videos entitled "Fishing with Roland Martin". All the certificates comply with the five-year registration period set forth in §401(C). The copyright certificates also list the

plaintiff, Stunkard-Parker Productions, Inc., and the defendant, Roland Martin Enterprises, as joint or co-authors.

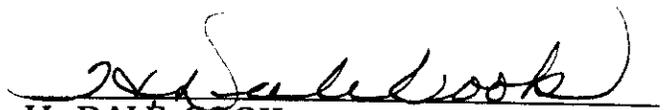
In regard to the §401(C) basis for prima facie recognition of a copyright certificate, it has been recognized that the correct information in the certificate is rebuttable for the purpose of summary judgment. Kenbrooke Fabrics, Inc. v. Material Things, 223 U.S.P.Q. 1039, 1042 (S.D.N.Y. 1984); Childers v. High Society Magazine, 557 F.Supp. 978, 983, 217 U.S.P.Q. 1221, 1225 (S.D.N.Y. 1983); Durham Industries, Inc. v. Toney Corp., 630 F.2d 905, 908, 208 U.S.P.Q. 10, 13 (2nd Cir. 1980). In this particular case the defendants have offered evidence which raises a question of doubt as to the certificate's correctness. Specifically, the defendants wish to show through use of the depositions of plaintiff James R. Stunkard and defendant Roland Martin that the twelve video productions of "Fishing with Roland Martin" are works made for hire. If this is the case, then the plaintiff would have no ownership interest in the twelve copyrighted works of the subsequently created derivative work "One on One with Roland Martin". The plaintiff has likewise offered evidence through depositions testimony which, if true, establishes his ownership interest in the copyrighted work.

This Court finds that the issue of ownership of the copyrighted works in question is an issue that has been placed in factual dispute. If different inferences can be drawn from the evidence before the Court, summary judgment must be denied. Thomas v. Department of Energy, 719 F.2d 342, 344 (10th Cir. 1983). Summary judgment cannot be awarded when there exist material issues of fact. Redhouse v. Quality Ford Sales, Inc., 511 F.2d 230 (10th Cir. 1975). Summary judgment cannot serve as a substitute for trial, nor can it be employed to require parties to litigate their differences through affidavits or depositions. Smoot v. Chicago, Rock Island, & Pacific RR Co., 378 F.2d 879 (10th Cir. 1967).

WHEREFORE, based on the premises considered, it is the Order of the Court that the motion of the defendants for summary judgment is DENIED.

The Magistrate's Report and Recommendations granting the Defendants' Motion for Summary Judgment is REVERSED.

IT IS SO ORDERED this 5th day of October, 1988.


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

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

FILED

OCT 11 1988 K

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

BRUNSWICK CORPORATION,)
)
 Plaintiff,)
)
 vs.)
)
 SPINIT REEL COMPANY and)
 DON McINTIRE,)
)
 Defendants.)

No. 83-C-253-E ✓

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 forty-five (45) 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 5th day of October, 1988.



JAMES O. ELLISON
UNITED STATES DISTRICT JUDGE

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

FILED

OCT 6 1983

HUTTON/INDIAN WELLS 1983 ENERGY
INCOME FUND, LTD., a Colorado
partnership,

Plaintiff,

vs.

BURKHART PETROLEUM CORPORATION,
JAMES L. BURKHART and S. LEE
CRAWLEY,

Defendants.

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

Case No. 86-C-872-E

JOINT STIPULATION OF DISMISSAL

Pursuant to Rule 41(a)(1) of the Federal Rules of Civil Procedure, Plaintiff, Hutton/Indian Wells 1983 Energy Income Fund, Ltd., and Defendants, James L. Burkhardt and S. Lee Crawley, hereby stipulate that the above-entitled action be dismissed as against the two Defendants, James L. Burkhardt and S. Lee Crawley only, for the reason that all matters and controversies have been compromised and settled between them. Each party shall bear his or its own costs and expenses.

Respectfully submitted,

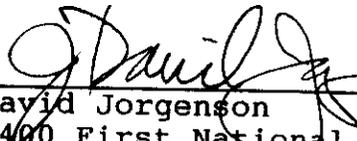
SNEED, LANG, ADAMS,
HAMILTON & BARNETT

By Pamela Shelton

James C. Lang
Melinda J. Martin
Pamela Dowell Shelton
Sixth Floor
114 East Eighth Street
Tulsa, Oklahoma 74119
(918) 583-3145

Attorneys for Plaintiff

CONNER & WINTERS

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

Attorneys for Defendants

CERTIFICATE OF MAILING

I, Pamela Dowell Shelton, do hereby certify that on the 25th day of April, 1988, I caused to be mailed a true and correct copy of the above and foregoing document, with proper postage thereon fully prepaid, to David Jorgenson, Esq., Conner & Winters, 2400 First National Tower, Tulsa, Oklahoma, 74103.


Pamela Dowell Shelton

FILED

OCT 6 1988

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

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

In re:]	
DONNA MARIE JONES,]	Bankruptcy Case No. 88-00270-C
]	
Debtor.]	
]	
Fred W. Woodson, Trustee,]	
]	
Appellant,]	
v.]	District Court No. 88-C-571-E
]	
Donna Marie Jones,]	
]	
Appellee.]	

O R D E R

Pursuant to agreement of counsel and in light of the recent ruling of the United States Supreme Court in Mackey v. Lanier Collections Agency & Service, Inc., 100 L.Ed.2d 836 (1988) when read in conjunction with In re Daniel, 771 F.2d 1352 (9th Cir. 1985) cert. denied, 475 U.S. 1016 (1986), this case is remanded to Hon. Stephen J. Covey, United States Bankruptcy Judge for the Northern District of Oklahoma, for further hearings.

ORDERED this 6th day of October, 1988.



 JAMES O. ELLISON
 UNITED STATES DISTRICT JUDGE

Clerk to notify all counsel.
cc: Judge Covey

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

FILED

OCT 6 1988

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

LINTON JAMES,

Plaintiff,

vs.

No. 85-C-404-E

KFC NATIONAL MANAGEMENT CO.)
d/b/a KENTUCKY FRIED CHICKEN)
INC., AETNA LIFE AND CASUALTY)
CO.; HEUBLEIN, INC.; AND)
HEUBLEIN INC., INSURED WELFARE)
BENEFIT PLAN (LONG TERM)
DISABILITY PLAN #505),)

Defendants.)

JUDGMENT

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

IT IS THEREFORE ORDERED that the Plaintiff Linton James take nothing from the Defendants KFC National Management Co. d/b/a Kentucky Fried Chicken, Inc., Aetna Life and Casualty Co., Heublein, Inc., and Heublein Inc., Insured Welfare Benefit Plan (Long Term Disability Plan #505), that the action be dismissed on the merits, and that the Defendants KFC National Management Co. d/b/a Kentucky Fried Chicken, Inc., Aetna Life and Casualty Co., Heublein, Inc., and Heublein Inc., Insured Welfare Benefit Plan (Long Term Disability Plan #505) recover of the Plaintiff Linton James their costs of action.

ORDERED this 6th day of ~~September~~ ^{October}, 1988.



JAMES O. ELLISON
UNITED STATES DISTRICT JUDGE

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

FILED

OCT 5 1988

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

DOROTHY E. MIZELL,)
)
 Plaintiff,)
)
 -vs-)
)
 HOMER WADE ARRINGTON, and)
)
 LAWRENCE THOMAS JONES,)
)
 Defendants.)

No. 86-C-814-E

JOURNAL ENTRY OF JUDGEMENT

The above and entitled cause came on for jury trial pursuant to its regular assignment. Whereupon, on the third day of October, 1988, a jury was duly empaneled and sworn to try the above case and the trudent verdict render according the the law and the evidence. The Plaintiff introduced her evidence and rested. Following which, the Defendants introduced their evidence and rested.

On the forth day of October, 1988, the jury trial of this cause was concluded, the jury having heard arguments of the counsel and the court's instructions retired to consider its verdict, and upon consideration thereof, returned the verdict in open court in the manner and form as follows:

VERDICT FORM

WE THE JURY, IN THE ABOVE ENTITLED CASE, FIND THE ISSUES IN FAVOR OF THE PLAINTIFF, DOROTHY E. MIZELL, AND AGAINST DEFENDANTS, AND AWARD DAMAGES IN THE AMOUNT OF \$ 66,830.00.

SPECIAL INTERROGATORIES

LADIES, AND GENTLEMEN, AFTER YOU HAVE COMPLETED THE VERDICT FORM ABOVE, PLEASE ANSWER THE QUESTIONS BELOW.

1. HAVE THE DEFENDANTS PROVEN BY A PREPONDERANCE OF THE EVIDENCE THAT PLAINTIFF DOROTHY MIZELL WAS CONTRIBUTORILY NEGLIGENT? YES
2. ONLY IF YOUR ANSWER TO QUESTION NUMBER ONE WAS YES, PLEASE COMPARE THE NEGLIGENCE OF THE PLAINTIFF WITH THE NEGLIGENCE OF THE DEFENDANTS BY FILLING IN THE FOLLOWING BLANKS.

A. THE DEFENDANTS WERE 80% NEGLIGENT.

B. THE PLAINTIFF WAS 20% NEGLIGENT.

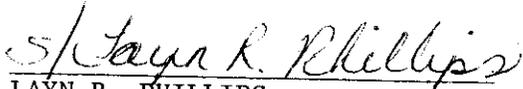
THE TWO PERCENTAGES IN A AND B MUST TOTAL 100%.

DATED OCTOBER 4, 1988

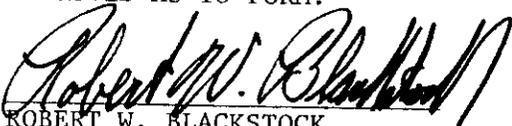
FOREPERSON SUSAN M. EIBEAK

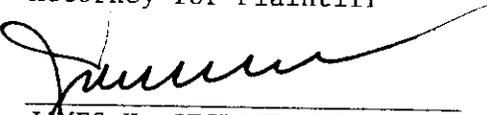
A 20% reduction by reason of the negligence of the Defendant produces a verdict in the amount of \$ 53,464.00.

It is therefore ordered, adjudged, and decreed that judgement be in the same as hereby entered in favor of DOROTHY E. MIZELL, Plaintiff against the Defendants HOMER W. ARRINGTON and LAWRENCE T. JONES in the amount of \$ 53, 464.00, together with Plaintiff's court costs herein expended for which execution issued.


LAYN R. PHILLIPS
UNITED STATES DISTRICT JUDGE

APPROVED AS TO FORM:


ROBERT W. BLACKSTOCK
Attorney for Plaintiff


JAMES K. SECREST, II
Attorney for Defendants

FILED

IN THE UNITED STATES DISTRICT COURT
IN AND FOR THE NORTHERN DISTRICT OF OKLAHOMA **OCT 5 1988**

DYCO PETROLEUM CORPORATION,
a corporation,

Plaintiff,

v.

ARKLA ENERGY RESOURCES,
(Formerly known as
Arkansas-Louisiana Gas Co.)
a division of ARKLA, INC.,
a Delaware corporation,

Defendant.

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

Case No. 87-C-275-C

JOINT STIPULATION OF DISMISSAL WITH PREJUDICE

Dyco Petroleum Corporation and Arkla Energy Resources, by and through their respective counsels, hereby jointly stipulate and agree that this action may be and hereby is dismissed with prejudice, without further cost to any of the parties.

Dated this 5th day of October, 1988.

Respectfully submitted,

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

By Richard T. McGonigle
Richard T. McGonigle, OBA #11675
Richard A. Paschal, OBA #6927
4100 Bank of Oklahoma Tower
One Williams Center
Tulsa, Oklahoma 74172
(918) 588-2700

and

LEMLE, KELLEHER, KOHLMAYER,
DENNERY, HUNLEY, MOSS & FRILOT

Ernest L. Edwards, Jr.
W. L. West
21st Floor
Pan-American Life Center
601 Poydras Street
New Orleans, Louisiana 70130-6097
(504) 586-1241

ATTORNEYS FOR DEFENDANT,
ARKLA ENERGY RESOURCES, INC.
A Division of ARKLA, INC.

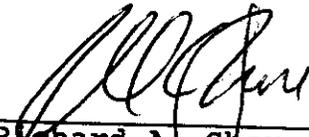
and

BRUNE, PEZOLD, RICHEY & LEWIS

By Mary B. Lewis

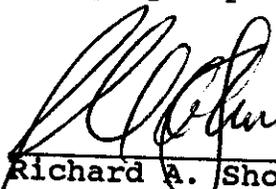
Mary B. Lewis
700 Sinclair Building
Six East Fifth Street
Tulsa, Oklahoma 74103
(918) 584-0506

ATTORNEYS FOR PLAINTIFF,
DYCO PETROLEUM CORPORATION


Richard A. Shore
STRADLEY, SCHMIDT, STEPHENS &
WRIGHT
One Campbell Centre
8350 North Central Expressway
Dallas, Texas 75206

CERTIFICATE OF SERVICE

I certify that on the 28th day of September, 1988, I mailed a true and correct copy of the above and foregoing PLAINTIFF'S APPLICATION FOR DISMISSAL WITH PREJUDICE to John R. Paul, Richards, Paul, Richards & Siegel, 9 East 4th Street, Suite 400, Tulsa, Oklahoma 74103 with proper postage fully prepaid thereon.


Richard A. Shore

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

JAMES C. STILL,)
Plaintiff,)
vs.)
TEXACO, INC. and TEXACO)
REFINING AND MARKETING, INC.,)
Defendants.)

Case No. 88-C-567-B

NOTICE OF DISMISSAL WITH PREJUDICE

COMES NOW the Plaintiff, James C. Still, and hereby dismisses all claims and causes of action in the above styled and captioned matter, with prejudice, by and with agreement of Defendants. Plaintiff would advise this Court that a settlement has been reached in this case.

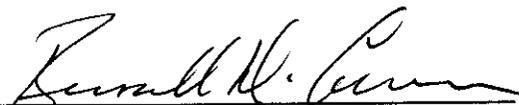
BY: 
Russell D. Carson OBA #11251
Attorney for Plaintiff
110 South Hartford
Suite 111, Hartford Building
Tulsa, Oklahoma 74120
(918) 582-6567

CERTIFICATE OF MAILING

I hereby certify that a true and correct copy of the above and foregoing Dismissal With Prejudice was mailed on this ___ day of October, 1988, with proper postage thereon fully prepaid, to:

Mr. Guy E. Mailly
P. O. Box 52332
Houston, Texas 77052

Mr. John T. Schmidt
Hall, Estill, Hardwick, Gable,
Collingsworth & Nelson, P.C.
4100 Bank of Oklahoma Tower
One Williams Center
Tulsa, Oklahoma 74172


Russell D. Carson

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

FILED

OCT 4 1988

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

JOHN CHRISTOPHER KRUTHOF,

Plaintiff,

vs.

PRUDENTIAL PROPERTY & CASUALTY
INSURANCE COMPANY, a
New Jersey corporation,

Defendant and
Third Party Plaintiff,

vs.

JOHN MICHAEL WATKINS,

Third Party Defendant.

Case No. 88-C-423-B

ORDER OF DISMISSAL

UPON APPLICATION of the Plaintiff and Defendant and Third Party Plaintiff, advising the Court that the matters have been fully settled between the parties herein, the Court being fully advised in the premises, finds that the Complaint by the Plaintiffs and Third Party Complaint by the Defendant against the Third Party Defendant, WATKINS, should and the same are hereby dismissed with prejudice.

S/ JAMES O. ELLISON

U.S. DISTRICT JUDGE FOR THE
NORTHERN DISTRICT OF OKLAHOMA

For Thomas R. Brett, Judge

JAG:pm
8/30/88
P20

F I L E D

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

OCT 4 1988

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

AMOCO PRODUCTION COMPANY,
a Delaware corporation,

Plaintiff,

vs.

MARSHALL S. MCCREA, JR.,
an individual,

Defendant.

Case No. 88-C-327-E

DISMISSAL WITH PREJUDICE

COMES NOW the Plaintiff, Amoco Production Company, and hereby dismisses the Petition filed in the above-styled and numbered cause with prejudice.

SNEED, LANG, ADAMS,
HAMILTON & BARNETT

By *Pamela Shelton*
James C. Lang
Pamela Shelton
Sixth Floor
114 East Eighth Street
Tulsa, Oklahoma 74119
(918) 583-3145

Attorneys for Amoco Production
Company

CERTIFICATE OF MAILING

I, Pamela Shelton, do hereby certify that on the 4th day of October, 1988, I caused to be mailed a true and correct copy of the above and foregoing instrument, proper postage thereon prepaid, to Marshall McCrea, Jr., Esq., P. O. Box 1715, Midland, Texas, 79702.

Pamela Shelton
Pamela Shelton

FILED

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

OCT 4 1988

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

FRANK H. MAHAN,)
)
 Plaintiff,)
)
 v.)
)
 UNITED STATES OF AMERICA,)
)
 Defendant.)
)
 v.)
)
 W. E. ROWSEY, III, and WILLIAM)
 G. PATTERSON,)
)
 Additional)
 Defendants on)
 Counterclaim.)

No. 87-C-629-B ✓

EXTENSION OF ADMINISTRATIVE CLOSING ORDER

On the representations from counsel for Frank H. Mahan and William G. Patterson that a settlement and compromise has been reached between Frank H. Mahan, William G. Patterson and the Department of Justice, it is ordered that the Clerk extend for an additional ninety (90) days the Administrative Closing Order entered herein on July 28, 1988, as it relates to Frank H. Mahan and William G. Patterson.

IT IS SO ORDERED this 3rd day of October, 1988.

James Collins

JUDGE OF THE DISTRICT COURT
In: Thomas R. Brett

Entered on the Judgment Docket on the 5 day of
October, 1988.

22

IN THE UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF OKLAHOMA

FILED

OCT 4 1988

CLARENCE P. WATSON and DELORIS
A. WATSON,

Plaintiffs,

vs.

CARRIERS INSURANCE COMPANY, a
foreign corporation,

Defendant.

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

Case No. 88-C-760-B

ORDER

NOW on this 3rd day of October, 1988, this matter comes on for hearing pursuant to the plaintiff's Application For Dismissal Without Prejudice against defendant CARRIERS INSURANCE COMPANY and the Court finds justifiable cause therefor.

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

S/ JAMES O. ELLISON

JUDGE

For Thomas R. Brett, Judge

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

FEDERAL DEPOSIT INSURANCE)
CORPORATION, a corporation)
organized and existing under)
the laws of the United States)
of America,)

Plaintiff,)

vs.)

Case No. 88-C-277-E

LASER ADVERTISING, INC.,)
G.L. LAND DEVELOPMENT, INC.,)
RAY L. HORNER, ROBERT D.)
HARDCASTLE, DAN EICHHORN,)
COLLIE E. THOMAS, and IDA B.)
THOMAS, husband and wife,)
ED H. DANIELS and GRACE M.)
DANIELS, husband and wife,)
WESLEY E. COX and LAURA JEAN)
COX, husband and wife,)
CLIFFORD LEON CROWDER,)
DALE POWERS, JIMMY FULLER,)
DONALD LOWER, LAKEMONT)
SHORES PROPERTY OWNERS)
ASSOCIATION, INC., ELAINE)
WITT, COUNTY TREASURER OF)
DELAWARE COUNTY, BOARD OF)
COUNTY COMMISSIONERS OF)
DELAWARE COUNTY, OKLAHOMA,)
PUBLISHERS UNLIMITED, INC.,)
KERM G. MULLIS; and SECURITY)
BANK & TRUST COMPANY OF MIAMI,)

Defendants.)

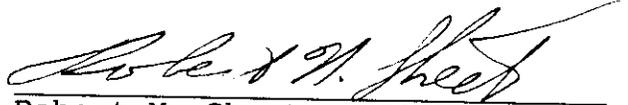
FILED

OCT 3 1988

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

DISMISSAL

COMES NOW the Plaintiff, Federal Deposit Insurance Corporation, and dismisses its cause of action against Security Bank & Trust Company of Miami, Oklahoma.



Robert N. Sheets, OBA No. 8152
OF

PHILLIPS McFALL McVAY SHEETS
LOVELACE & JURAS, P.C.
1001 N.W. 63rd St., Suite 205
Oklahoma City, Oklahoma 73116
(405) 848-1684

Attorney for Plaintiff

CERTIFICATE OF MAILING

I hereby certify on the 30th day of September, 1988, that a true and correct copy of the above and foregoing Dismissal against Security Bank & Trust Co. of Miami, Oklahoma was mailed, postage prepaid, to the following: Jimmy Fuller, 511 E. Rogers Dr., Stillwater, OK 74075; Robert C. Jenkins, Assistant District Attorney of Delaware County, Jay, OK 74346; Phil Thomas, P.O. Drawer 487, Jay, OK 74346; and Robert Tyson, Security Bank & Trust Co. of Miami, Oklahoma, Miami, OK 74354.



Robert N. Sheets

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

LISA LAMARR

Plaintiff,

vs.

WILLIAM L. ROBERSON, et al.,

Defendants.

No. 87-C-499-E

FILED
OCT 1 1992
Judge [unclear] Clerk
U.S. DISTRICT COURT

STIPULATION OF DISMISSAL

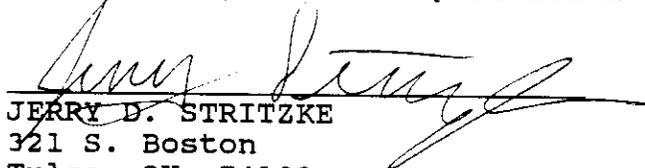
COME NOW the parties and dismiss all claims and cross-claims
with prejudice.

MELONE, SHEPHERD, SCHROEDER, HART,
ALLRED & MELONE



ROBERT L. SHEPHERD
222 W. Eighth St.
Tulsa, OK 74119
Attorneys for Plaintiff

BEST, SHARP, SHERIDAN & STRITZKE



JERRY D. STRITZKE
321 S. Boston
Tulsa, OK 74103
Attorney for defendant and third
party plaintiff Roberson

RHODES, HIERONYMUS, JONES,
TUCKER & GABLE - 36



R. P. REDEMANN
2800 Fourth National Building
Tulsa, Oklahoma 74119
(918) 582-1173
Attorneys for Dunnahoo & Associates

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

LISA LAMARR,

Plaintiff,

vs.

Case No. 87-C-499-E

WILLIAM L. ROBERSON and
CINCINNATI INSURANCE CO.,

Defendants and
Third-Party Plaintiffs,

vs.

MIKE DUNNAHOO BUICK, INC.,
d/b/a DUNNAHOO & ASSOCIATES
LEASING and CROWN BUICK, INC.,
and DEAN CASTALDO,

Third-Party Defendants.

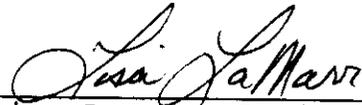
FILED

001 3 1989

J. L. ... Clerk
U.S. DISTRICT COURT

DISMISSAL WITH PREJUDICE

COMES NOW the Plaintiff, Lisa LaMarr, and dismisses the above-styled cause of action with prejudice to the refiling thereof.



Lisa LaMarr, Plaintiff



Robert L. Shepherd
Attorney for Plaintiff

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

FEDERAL DEPOSIT INSURANCE)
CORPORATION, a corporation)
organized and existing under)
the laws of the United States)
of America,)

Plaintiff,)

vs.)

Case No. 88-C-277-E

LASER ADVERTISING, INC.,)
G.L. LAND DEVELOPMENT, INC.,)
RAY L. HORNER, ROBERT D.)
HARDCASTLE, DAN EICHHORN,)
COLLIE E. THOMAS, and IDA B.)
THOMAS, husband and wife,)
ED H. DANIELS and GRACE M.)
DANIELS, husband and wife,)
WESLEY E. COX and LAURA JEAN)
COX, husband and wife,)
CLIFFORD LEON CROWDER,)
DALE POWERS, JIMMY FULLER,)
DONALD LOWER, LAKEMONT)
SHORES PROPERTY OWNERS)
ASSOCIATION, INC., ELAINE)
WITT, COUNTY TREASURER OF)
DELAWARE COUNTY, BOARD OF)
COUNTY COMMISSIONERS OF)
DELAWARE COUNTY, OKLAHOMA,)
PUBLISHERS UNLIMITED, INC.,)
KERM G. MULLIS; and SECURITY)
BANK & TRUST COMPANY OF MIAMI,)

Defendants.)

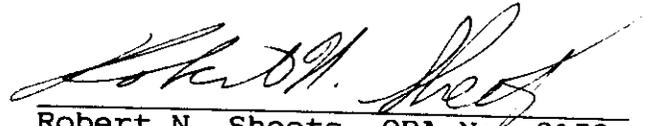
FILED

OCT 3 1988

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

DISMISSAL

COMES NOW the Plaintiff, Federal Deposit Insurance Corporation, and dismisses its cause of action against Ray L. Horner.



Robert N. Sheets, OBA No. 8152
OF

PHILLIPS McFALL McVAY SHEETS
LOVELACE & JURAS, P.C.
1001 N.W. 63rd St., Suite 205
Oklahoma City, Oklahoma 73116
(405) 848-1684

Attorney for Plaintiff

CERTIFICATE OF MAILING

I hereby certify on the 30th day of September, 1988, that a true and correct copy of the above and foregoing Dismissal against Ray L. Horner was mailed, postage prepaid, to the following: Jimmy Fuller, 511 E. Rogers Dr., Stillwater, OK 74075; Robert C. Jenkins, Assistant District Attorney of Delaware County, Jay, OK 74346; Phil Thomas, P.O. Drawer 487, Jay, OK 74346; Robert Tyson, Security Bank & Trust Co. of Miami, Oklahoma, Miami, OK 74354; and Pete Messler, Box 522, Langley, OK 74350.



Robert N. Sheets

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

FILED

OCT 3 1988

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

JIMMY ARLEN JONES,)
)
 Plaintiff,)
)
 v.)
)
 THE OKLAHOMA DEPARTMENT OF)
 CORRECTIONS, et al,)
)
 Defendants.)

87-C-986-E

ORDER

Now before the court is defendants' Motion to Dismiss plaintiff's civil rights complaint. Although plaintiff failed to respond to defendant's motion in a timely manner as required by the Federal Rules of Civil Procedure and the Local Rules of the Northern District of Oklahoma, on August 2, 1988 the court granted plaintiff's motion for enlargement of time and gave plaintiff until August 23, 1988 in which to respond to the motion. However, no such response was ever filed by plaintiff.

All litigants, including those appearing pro se, are obligated to follow the procedural rules of court. See, Joplin v. Southwestern Bell Telephone Co., 671 F.2d 1274 (10th Cir. 1982). Plaintiff having been given every opportunity to comply with the pleading requirements of this court, the court concludes that plaintiff's failure to respond to the pending motion constitutes a waiver of objection to the motion. Rule 15A of the Local Rules for the Northern District of Oklahoma.¹

¹ Local Rule 15A provides as follows:

Briefs. Each motion, application and objection filed in every civil and criminal case shall set out the specific point or points upon which the motion is brought and shall be

It is, therefore, ordered that defendants' Motion to Dismiss is granted, and plaintiff's civil rights complaint pursuant to 42 U.S.C. §1983 is hereby dismissed.

Dated this 9th day of ~~September~~ OCTOBER, 1988.



JAMES G. ELLISON
UNITED STATES DISTRICT JUDGE

accompanied by a concise brief. Memoranda in opposition to such motion and objection shall be filed within fifteen (15) days in a civil case, and within five (5) days in a criminal case, after the filing of the motion or objection. Any reply memoranda in a civil case shall be filed within eleven (11) days thereafter. Failure to comply with this paragraph will constitute waiver of objection by the party not complying, and such failure to comply will constitute a confession of the matters raised by such pleadings.

FILED

OCT 3 1988

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

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

TRIUNE RESOURCES CORP.,)
)
 Plaintiff,)
)
 vs.)
)
 WARREN BASS,)
)
 Defendant.)

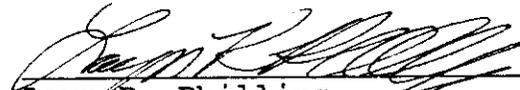
Case No. 87-C-127-E

J U D G M E N T

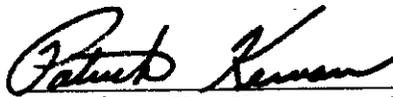
This action came on for trial before the Court and a jury, Honorable Layn R. Phillips, District Judge, presiding, and the issues having been duly tried and the jury having duly rendered its verdict,

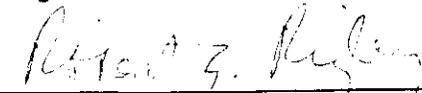
It is ORDERED AND ADJUDGED that the plaintiff take nothing, that the action be dismissed on the merits, and that the defendant Warren Bass recover of the plaintiff Triune Resources his costs of this action.

Dated at Tulsa, Oklahoma, this 3rd day of October 1988.


Layn R. Phillips
United States District Judge

APPROVED AS TO FORM:


Patrick H. Kernan, OBA #4983
4500 South Garnett, Suite 900
Tulsa, Oklahoma 74146
(918) 664-1403
Attorney for Defendant


Mr. Robert S. Rizley, OBA #7613
One Boston, Plaza, 15th Floor
Twenty East Fifth Street
Tulsa, Oklahoma 74103-4407
(918) 584-1500
Attorney for Plaintiff