

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

FILED

MAY 9 1991

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

ALBERT D. TUCKER,)
)
Plaintiff,)
)
v.)
)
JAY D. DALTON, et al,)
)
Defendants.)

90-C-766-E ✓

ORDER

The Court has for consideration the Report and Recommendation of the United States Magistrate Judge filed March 14, 1991 in which the Magistrate Judge recommended that the entire action be **dismissed** as frivolous pursuant to 28 U.S.C. §1915(d).

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 United States Magistrate Judge should be and hereby is adopted and affirmed.

It is, therefore, Ordered that the entire action is **dismissed** as frivolous pursuant to 28 U.S.C. §1915(d).

Dated this 9th day of May, 1991.


JAMES O. ELLISON
UNITED STATES DISTRICT JUDGE

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

FILED

MAY -9 1991

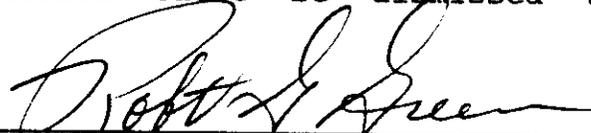
KENNETH D. BODENHAMER and)
ELEANORE BODENHAMER,)
)
Plaintiffs,)
)
vs.)
)
CIGNA INSURANCE COMPANY,)
)
Defendant.)

SHARON S. SILVER, CLERK
U.S. DISTRICT COURT

No. 90-C-364-E

**JOINT STIPULATION OF
DISMISSAL WITH PREJUDICE**

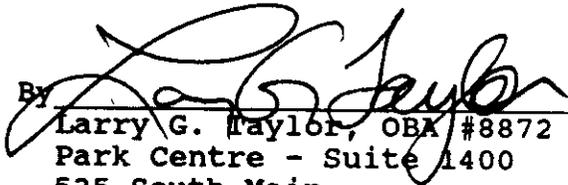
Come now the Plaintiffs, Kenneth D. Bodenhamer and Eleanore Bodenhamer, and the Defendant, CIGNA Insurance Company, by their respective counsel, and pursuant to Rule 41 (a)(1)(ii), hereby stipulate that the above-entitled cause be dismissed with prejudice.



Robert G. Green, OBA #3573
16 East 16th Street, Suite 200
Tulsa, OK 74119
(918) 592-4000

ATTORNEY FOR PLAINTIFF

FELDMAN, HALL, FRANDEN,
WOODARD & FARRIS



Larry G. Taylor, OBA #8872
Park Centre - Suite 1400
525 South Main
Tulsa, OK 74103-4409
(918) 583-7129

ATTORNEYS FOR DEFENDANT

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

F I L E D

IN RE:)
)
HUBERT HUMPHREYS and)
WILLA MAE HUMPHREYS,)
)
Plaintiffs,)
)
vs.)
)
FIBREBOARD CORPORATION, et al.,)
)
Defendants.)

MAY 9 - 1991

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

No. 90-C-541-C

ORDER DETERMINING DAMAGES

Pursuant to the verdict of the jury returned and filed on April 23, 1991, in this Phase I bifurcated damage trial, the Court hereby enters a damage award in favor of the Plaintiff Hubert Humphreys in the amount of Eighty Thousand Dollars (\$80,000.00), and in favor of the Plaintiff Willa Mae Humphreys in the amount of Thirty Thousand Dollars (\$30,000.00).¹

IT IS SO ORDERED this 9 day of April, 1991.

(Signed) H. Dale Cook

H. DALE COOK
UNITED STATES DISTRICT JUDGE

¹ At the time of entering any final judgment the following prior settlements for setoff purposes should be considered: (1) Garlock \$2,000, previously paid, (2) Babcock and Wilcox \$7,500, previously paid, (3) Pittsburgh-Corning \$25,000, previously paid, (4) Flintkote \$2,500, (to be paid by June 15, 1991), and (5) Fibreboard Corporation \$10,000, previously paid and \$15,000 (contingent, can, if paid, be paid no sooner than July 24, 1995). The Court should also consider prejudgment interest.

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

ATLANTIC RICHFIELD COMPANY,
Plaintiff,

v.

AMERICAN AIRLINES, INC., ET. AL.,
Defendants.

ATLANTIC RICHFIELD COMPANY,
Plaintiff,

v.

SOLVENTS RECOVERY CORP., ET. AL.,
Defendants.

ATLANTIC RICHFIELD COMPANY,
Plaintiff,

v.

UNIT RIG & EQUIPMENT CO., ET. AL.,
Defendants.

CASE NO. 89-C-868-C

FILED

MAY 9 - 1991

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

CASE NO. 89-C-869-C

CASE NO. 90-C-859-C

ORDER OF DISMISSAL WITH PREJUDICE
OF DEFENDANT HENDERLITER HEAT TREATING COMPANY, INC.

Now on this 9 day of May, 1991, this matter comes on for consideration of Plaintiff's Motion for Order of Dismissal with Prejudice as to Defendant Henderliter Heat Treating Company, Inc., d/b/a Hinderliter Heat Treating, Inc.

I.

The Court being fully advised in the premises finds and adjudges that the motion should be and is hereby sustained. It is therefore, ordered and adjudged that Plaintiff's claims against Defendant Henderliter Heat Treating Company, Inc., d/b/a Hinderliter Heating Treating, Inc., only, are dismissed with prejudice.

(Signed) H. Dale Cook

Judge

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

*entered
Phase I*

F I L E D

MAY 9 - 1991

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

IN RE:)
)
RICHARD EUGENE CAVIN and)
THELMA ROSE CAVIN,)
)
Plaintiffs,)
)
vs.)
)
FIBREBOARD CORPORATION, et al.,)
)
Defendants.)

No. 89-C-983-C

ORDER DETERMINING DAMAGES

Pursuant to the verdict of the jury returned and filed on April 15, 1991, in this Phase I bifurcated damage trial, the Court hereby enters a damage award in favor of the Plaintiff Richard Eugene Cavin in the amount of One Hundred Thousand Dollars (\$100,000.00); and Thelma Rose Cavin was not awarded any damages in regard to her loss of consortium claim.¹

IT IS SO ORDERED this 9 day of ^{May}~~April~~, 1991.

(Signed) H. Dale Cook

H. DALE COOK
UNITED STATES DISTRICT JUDGE

¹ At the time of entering any final judgment the following prior settlements for setoff purposes should be considered: (1) Garlock \$1,650, previously paid, (2) Combustion Engineering \$5,000, previously paid, (3) Babcock and Wilcox \$5,000, previously paid, (4) Pittsburgh-Corning \$15,000, previously paid, and (5) Fibreboard Corporation \$6,000, previously paid and \$9,000 (contingent, can, if paid, be paid no sooner than June 11, 1995). The Court should also consider prejudgment interest.

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

MAY -9 1991

JACK C. SILVER, CLERK
U.S. DISTRICT COURT

ROY W. HESS and SHARON L.
HESS, husband and wife,

Plaintiffs,

vs.

MEMBERS MUTUAL INSURANCE
COMPANY,

Defendant and
Third Party Plaintiff,

LINDSEY & NEWSOM CLAIMS
SERVICE, INC., a Texas
corporation,

Third Party Defendant.

No. 90-C-350-C

ORDER

Before the Court is the motion of the defendant for partial summary judgment. This is an action alleging breach of contract and the tort of bad faith arising out of fire damage to plaintiffs' home and subsequent denial of an insurance claim.

In their motion, defendants argue that passage in 1986 of the Unfair Claims Settlement Practices Act, (the Act), 36 O.S. §§1221, et seq., has legislatively preempted the tort of bad faith. The Supreme Court of Oklahoma has clearly recognized, and upon opportunity has reaffirmed, the tort of bad faith. Nothing in the language of the Act or in court decisions since the Act's passage, supports the defendants' position.

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It is the Order of the Court that the motion of the defendants for partial summary judgment is hereby denied.

IT IS SO ORDERED this 9 day of May, 1991.


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

FILED

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

MAY 9 1991

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

NICHOLAS J. ANGELO and
RAYMA L. ANGELO,

Plaintiffs

v.

ARMSTRONG WORLD INDUSTRIES,
GAF CORPORATION, KEENE
CORPORATION, OWENS-ILLINOIS,
INC., OWENS-CORNING FIBERGLAS
CORPORATION, FLEXITALLIC
GASKET, CO., INC., JOHN-CRANE
HOUDAILLE, INC., and ANCHOR
PACKING COMPANY,

Defendants

No. 89-C-910-E

JUDGMENT

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

IT IS THEREFORE ORDERED that the Plaintiff Nicholas J. Angelo take nothing from the Defendants, that the action be dismissed on the merits, and that the Defendants recover of the Plaintiff Nicholas J. Angelo their costs of action.

ORDERED this 9th day of May, 1991.



JAMES O. ELLISON
UNITED STATES DISTRICT JUDGE

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

ATLANTIC RICHFIELD COMPANY,

Plaintiff,

v.

AMERICAN AIRLINES, INC., ET. AL.,

Defendants.

ATLANTIC RICHFIELD COMPANY,

Plaintiff,

v.

SOLVENTS RECOVERY CORP., ET. AL.,

Defendants.

ATLANTIC RICHFIELD COMPANY,

Plaintiff,

v.

UNIT RIG & EQUIPMENT CO., ET. AL.,

Defendants.

5-8-91
RECEIVED
MAY 10 1991
U.S. DISTRICT COURT

89-C-868-C
89-C-869-C
90-C-859-C
(Cases Consolidated)

NOTICE OF DISMISSAL, AND VOLUNTARY DISMISSAL WITH PREJUDICE UNDER
RULE 41(a)(1) OF THE FEDERAL RULES OF CIVIL PROCEDURE

Pursuant to Federal Rule of Civil Procedure 41(a)(1), all
claims which the Plaintiff Atlantic Richfield Company has filed

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in this action against the following named Defendants are hereby dismissed with prejudice:

1. Sand Springs Board of Education Garages, doing business as the City of Sand Springs, Oklahoma;
2. Oklahoma City School Board, doing business as Independent School District No. I-89 of Oklahoma County, Oklahoma;
3. Metropolitan Tulsa Transit Authority, a/k/a MTTA;
4. Oklahoma State Department of Transportation, doing business as Oklahoma Department of Transportation (Oklahoma Department of Highways);
5. Vocational-Technical School - Tulsa County, doing business as Tulsa County Area Vo-Tech District #18;
- 6. Affiliated Foods Stores, doing business as Affiliated Food Stores, Inc.;
7. Agrico Chemical Company, doing business as Agrico Chemical;
8. Prestolite Electric Incorporated, doing business as Allied-Signal Inc.;
9. Anchor Concrete, doing business as Anchor Concrete Co.;
10. Associated Milk Producers, Inc., doing business as AMPI and Gold Spot Dairy;
11. Auto Convoy, doing business as Auto Convoy Co and its successor, Allied Systems, Ltd.;
12. Ball Corporation;
- 13. Bama Pie, Inc., doing business as Bama Pie, Ltd.;

14. Bank of Oklahoma, doing business as Bank of Oklahoma, National Association;
15. Beech Aircraft Corporation;
16. The Boeing Company;
17. Brod-Dugan Paint Company, doing business as Brod Dugan Co;
18. Brown & Root, doing business as Brown & Root, Inc.;
19. Brown Shoe Company, doing business as Brown Group, Inc.;
20. Centerline Pump Company, doing business as Center Line Center Line Pumps;
21. Cessna Aircraft, doing business as the Cessna Aircraft Company;
22. Champion International Corporation;
23. Chance Manufacturing, doing business as Chance Manufacturing Company, Inc.;
24. Chemical Reclamation Services, Inc.;
25. Coleman Heat Treating Co., doing business as Coleman Heat Treating, Inc.;
26. Central Maloney Transformer Division, doing business as Coltec Industries, Inc.;
27. O.K. Grain, doing business as ConAgra, Inc. and OK Grain;
28. Continental Baking Company;
29. Cooper Energy Corporation, doing business as Cooper Industries, Inc.;
30. Cust-O-Fab, Inc.;
31. Dabco Equipment, Inc., doing business as Dabco Equipment Co.;

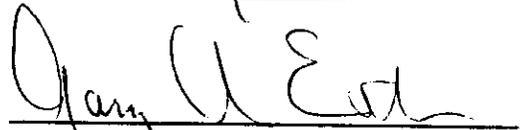
32. Dennis Chemical, doing business as Dennis Chemical Co.;
33. Diamond International Corporation and Diamond International Corporation, Meekin Can Division;
34. Dresser Industries, Inc.;
35. Dupont Denemours EI & Co., doing business as E.I. du Pont de Nemours & Co.;
36. F. W. Woolworth Company, doing business as F.W. Woolworth Co.;
37. Facet Enterprises, Inc., doing business as Fram Corporation, Facet Industries, Industrial Division of Facet Enterprises, Inc., Purolator Products Company and Quantek, Inc.;
38. Fansteel, Inc.;
39. Fibercast Company, formerly known as FOC Corporation;
40. Flo-Bend, doing business as Flo-Bend, Inc.;
41. Fluor Corporation;
42. Franklin Electric Company, Inc., doing business as Franklin Electric Co., Inc.;
43. General Electric Corporation, doing business as General Electric Company;
44. Georgia-Pacific Corporation;
45. Gordos Arkansas, doing business as Gordos Arkansas, Inc.;
46. Hale-Halsell Company;
47. Halliburton Company, doing business as Halliburton Services, a Division of Halliburton Company;

48. Hertz Equipment Rental Corporation, doing business as the Hertz Corporation and Hertz Equipment Rental Corporation, a wholly-owned subsidiary thereof;
49. Interplastic Corporation;
50. Jack Cooper Transport Company, Inc., doing business as Jack Cooper Transport Co.;
51. John N. Martin Manufacturing, Inc., doing business as John N. Martin Manufacturer, Inc.;
52. Zinklahoma, Inc., formerly known as John Zink Company;
53. Jones Truck Lines, Inc.;
54. Kaiser Chemicals, doing business as Kaiser Aluminum & Chemical Corp.;
55. Kelco Industries, Inc., doing business as Kelco Division of Merck & Co., Inc.;
56. Oklahoma Peterbuilt Trucks, Tulsa Peterbuilt Trucks, and Mid American Peterbuilt, Inc., doing business as Kerr Consolidated, Inc.;
57. Kerr McGee Corporation, doing business as Kerr-McGee Refining Corporation;
58. LaBarge, Inc.;
59. Masonite Corporation;
60. McElroy Manufacturing, Inc.;
61. Brunswick Corporation, Mercury Maine Division;
62. Minnesota Mining & Manufacturing Co., doing business as Minnesota Mining and Manufacturing Company;

63. Nordam Co. and T K International, Inc., doing business as Nordam/TK International;
64. Oklahoma Fixture Company;
65. Oklahoma Natural Gas Company, doing business as a Division of ONEOK Inc.;
66. Thermal Systems, Inc., doing business as ONEOK Services, Inc.;
67. Oral Roberts University, doing business as Oral Roberts;
68. Rockwell International Corp., doing business as Rockwell International Corporation;
69. Scrivner, Inc.;
70. Solar Basic Company, doing business as Solar Basic Co. (Solar Basic);
71. Sooner Pipe & Supply Corporation;
72. Southwest United Industries, doing business as Southwest United Ind. Inc.;
73. Syntex Corporation, doing business as Syntex Agribusiness, Inc., a subsidiary of Syntex Corporation;
74. Tenneco Oil Company, doing business as Tenneco Oil Co.;
75. TWA, doing business as Trans World Airlines, Inc.;
76. 20th Century Mfg. & Supply Co., doing business as Twentieth Century Manufacturing & Supply Co.;
77. United Engines, Inc.;
78. United Transports, Inc., doing business as United Transports;

79. Valmont Oilfield Products, doing business as Valmont Equipment Company, formerly known as Valmont Oilfield Products Co.;
80. De Soto, Inc., doing business as the Valspar Corporation;
81. Zapata Industries, Inc. and Zapata Industries.

Dated May 3, 1991



Gary A. Eaton, OBA #2598
Attorney for Plaintiff
1717 East 15th St.
Tulsa, OK 74104
918 743 8717

CERTIFICATE OF MAILING

The undersigned certifies that on May 8, 1991, a true and correct copy of the above instrument / pleading was mailed with postage prepaid to the following persons:

Mr. William Anderson, Attorney at Law and Liaison Counsel and Co-Lead Counsel for Owners and Non-Operator Lessees Group, 320 South Boston Building, Suite 500, Tulsa, OK 74103

Mr. C. S. Lewis, III, Attorney at Law and Co-Lead Counsel for Owners and Non-Operator Lessees Group, P. O. Box 1046, Tulsa, OK 74101

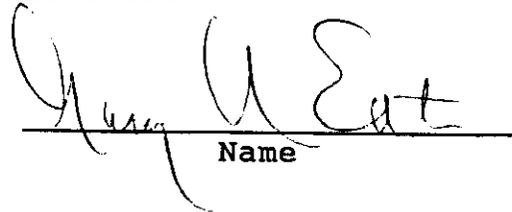
Mr. John Tucker, Lead Counsel for Non Group Generators and Transporters, 2800 Fourth National Bank Building, Tulsa, OK 74119

Mr. Steven Harris, Attorney at Law and Lead Counsel for Operators Group, Suite 260 Southern Hills Tower, 2431 East 61st Street, Tulsa, OK 74136

Mr. Charles Shipley, Attorney at Law and Settlement Coordinator, 3401 First National Tower, Tulsa, OK 74103

Ms. Claire V. Eagan, Attorney at Law and Lead Counsel for
the Sand Springs PRP Group, 4100 Bank of Oklahoma Tower,
One Williams Center, Tulsa, OK 74172

Mr. Larry Gutteridge, co-counsel for the Plaintiff, c/o
Sidley & Austin, Attorneys at Law, 633 West 5th Street,
Suite 3500, Los Angeles, California 90071


Name

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

FILED

MAY 8 1991

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

MCI TELECOMMUNICATIONS
CORPORATION,

Plaintiff,

v.

FMG, INC.,

Defendant.

No. 90-C-1057-B

STIPULATION OF VOLUNTARY DISMISSAL

Pursuant to Rule 41(a)(1) of the Federal Rules of Civil Procedure, Plaintiff, MCI Telecommunications Corporation, by its undersigned counsel, hereby dismisses with prejudice the above-captioned case against Defendant, FMG, Inc.

Respectfully submitted,

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

H. DUANE RIFFE, P.C.

By:

Barbara L. Woltz

James Proszek, OBA #10443
Barbara L. Woltz, OBA #12535
4100 Bank of Oklahoma
One Williams Center
Tulsa, Oklahoma 74172
(918) 588-2700

By:

H. Duane Riffe

H. Duane Riffe, OBA #7579
P.O. Box 881
Wagoner, Oklahoma 74477
(918) 485-4515

Counsel for Defendant,
FMG, Inc.

Cynthia A. Raposo
MCI Telecommunications Corporation
1133 19th Street, N.W.
Washington, D.C. 20036
(202) 887-2509

Counsel for Plaintiff, MCI
Telecommunications

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

MICHAEL SANDERS,)
)
Plaintiff,)
vs.)
)
TULSA BOYS' HOME, an)
Oklahoma corporation,)
)
Defendant.)

Case No. 91-C-15-C-

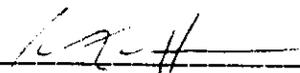
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MAY 6 1991

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

STIPULATION OF DISMISSAL WITHOUT PREJUDICE

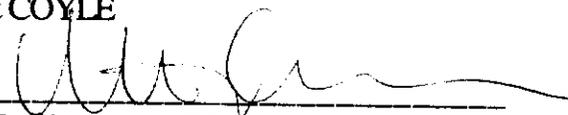
COME NOW Plaintiff and Defendant pursuant to Rule 41(a)(1) of the Federal Rules of Civil Procedure and stipulate to the Dismissal and hereby dismiss the above styled and numbered cause without prejudice to any future action.

FRASIER & FRASIER

BY: 

Steven R. Hickman
1700 Southwest Blvd., Suite 100
P. O. Box 799
Tulsa, OK 74101
918/584-4724
Attorneys for Plaintiff

ROBISON, LEWIS, ORBISON, SMITH
& COYLE

BY: 

Marilyn M. Wagner #6292
P.O. Box 1046
Tulsa, OK 74101-1046
918/583-1232
Attorneys for Defendant

FILED

MAY 8 1991

IN THE UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF OKLAHOMA
Jack C. Silver, Clerk
U.S. DISTRICT COURT

LEC CAPITAL CORPORATION,)
)
 Plaintiff,)
)
 vs.)
)
 CAMPBELL DRILLING COMPANY, INC.,)
 BOB E. WALLS, TRUMAN D. HOOVER,)
 BOB L. HAMILTON and BYTHEL)
 CAMPBELL,)
)
 Defendants.)

Case No. 89-C-1047B

ORDER OF DISMISSAL

Upon the Application of the Plaintiff LEC Capital Corporation and for good cause shown therein, IT IS THEREFORE ORDERED that this cause of action against the Defendant BOB L. HAMILTON shall be and is hereby dismissed for the reason that the issues have been fully compromised and settled.

DATED: this 8th day of May, 1991.

S/ THOMAS R. BRETT
United States District Judge

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

TRANSOK, INC., an
Oklahoma corporation,

Plaintiff,

v.

ELCOR CORPORATION, a
Delaware corporation;
ORTLOFF ENGINEERS, LTD.,
a Delaware corporation; and
ORTLOFF CORPORATION, a Texas
corporation,

Defendants.

FILED

MAY 8 1991

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

Case No. 91-C-005-B

ORDER OF DISMISSAL

Now on this 8 day of May, 1991, there
comes before this Court the Motion of Plaintiff for Voluntary
Dismissal, without prejudice, of the Complaint filed in the above-
identified case.

IT IS THEREFORE ORDERED that the case be dismissed without
prejudice.

DATED this 8 day of May, 1991.



JUDGE

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

F I L E D
MAY 8 1991

LEC CAPITAL CORPORATION,)
)
 Plaintiff,)
)
 vs.)
)
 CAMPBELL DRILLING COMPANY, INC.,)
 BOB E. WALLS, TRUMAN D. HOOVER,)
 BOB L. HAMILTON and BYTHEL)
 CAMPBELL,)
)
 Defendants.)

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

Case No. 89-C-1047B

ORDER OF DISMISSAL

Upon the Application of Plaintiff LEC Capital Corporation and for good cause shown therein, IT IS THEREFORE ORDERED that this cause of action against the Defendant BYTHEL CAMPBELL shall be and is hereby dismissed for the reason that the issues herein have been fully compromised and settled with this Defendant.

DATED: this 8th day of May, 1991.

S/ THOMAS R. BRETT
United States District Judge

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

FILED

CARLTON WASHINGTON,)
)
 Plaintiff,)
)
 vs.)
)
 UNITED STATES OF AMERICA,)
)
 Defendant.)

MAY 7 1991

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

No. 87-CR-119-E
(91-C-241-E)

**ORDER DENYING MOTION TO VACATE, SET ASIDE
OR CORRECT SENTENCE AND CONVICTION**

NOW before the Court for its consideration is the motion of Plaintiff to Vacate, Set Aside or Correct Sentence and Conviction pursuant to 28 U.S.C. §2255. The Court having reviewed the record and accompanying briefs finds that the sentence and conviction awarded Plaintiffs was just and proper.

IT IS THEREFORE ORDERED that Plaintiff's motion to vacate is denied.

ORDERED this 7th day of May, 1991.



JAMES C. ELLISON
UNITED STATES DISTRICT JUDGE

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

FILED

MAY 7 1991

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

RICHARD DIRICKSON,)
)
 Plaintiff.)
)
 vs.)
)
 UNITED ENTERTAINMENT, INC.,)
 et al.,)
)
 Defendants.)

No. 89-C-680-E

ADMINISTRATIVE CLOSING ORDER

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 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, order, judgment, or for any other purpose required to obtain a final determination of the litigation. 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 litigation is necessary.

ORDERED this 7th day of May, 1991.



JAMES O. ELLISON
UNITED STATES DISTRICT JUDGE

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

FILED

MAY 7 1991

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

GLEN LEWIS

Plaintiff,

vs.

SGT TREDWELL, *et al.*

Defendants.

Case No. 89-C-386-E

ORDER OF DISMISSAL

After careful consideration of the Stipulation for Dismissal of Plaintiff, Glen Lewis and Defendants, Rickey L. Treadwell, Robert Dumar and William Mazingo, filed in the above-styled and numbered case, and for good cause shown, it is therefore **ORDERED**, that the above-styled and numbered case be and hereby is dismissed with prejudice.

So Ordered this 7th day of May, 1991.


JAMES O. ELLISON, JUDGE
UNITED STATES DISTRICT COURT

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

FILED

MAY 7 1991 *cs*

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

LEONA SAWYER, individually)
and as personal)
representative of the)
estate of JOHNNY SAWYER)
deceased,)
)
Plaintiff,)
)
vs.)
)
BOARD OF COUNTY)
COMMISSIONERS OF CREEK)
COUNTY, OKLAHOMA,)
ROBERT J. WHITWORTH,)
and MICHAEL E. BIRD)
)
Defendants.)

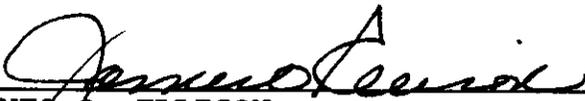
No. 88-C-444-E

JUDGMENT

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

IT IS THEREFORE ORDERED that the Plaintiff Leona Sawyer take nothing from the Defendant Board of Creek County Commissioners of the County of Creek, et al., that the action be dismissed on the merits, and that the Defendant Board of Creek County Commissioners of the County of Creek, et al. recover of the Plaintiff Leona Sawyer their costs of action.

ORDERED this 7th day of May, 1991.



JAMES O. ELLISON
UNITED STATES DISTRICT JUDGE

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

FILED

MAY 7 1991

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

TERRY GENE CAREY,)
)
Plaintiff,)
)
v.)
)
JON D. DOUTHITT, DISTRICT)
ATTORNEY,)
)
Defendant.)

Case No. 90-C-632-E

ORDER

The court has for consideration the Report and Recommendation of the Magistrate Judge filed April 4, 1991, in which the Magistrate Judge recommended that this action be dismissed for failure to prosecute. 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 Judge should be and hereby is affirmed.

It is therefore Ordered that this action be dismissed for failure to prosecute.

Dated this 7th day of May, 1991.


JAMES O. ELLISON
UNITED STATES DISTRICT JUDGE

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

FILED

CARLTON WASHINGTON,)
)
 Plaintiff,)
)
 vs.)
)
 UNITED STATES OF AMERICA,)
)
 Defendant.)

MAY 7 1991

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

No. 87-CR-119-E
(91-C-241-E)

**ORDER DENYING MOTION TO VACATE, SET ASIDE
OR CORRECT SENTENCE AND CONVICTION**

NOW before the Court for its consideration is the motion of Plaintiff to Vacate, Set Aside or Correct Sentence and Conviction pursuant to 28 U.S.C. §2255. The Court having reviewed the record and accompanying briefs finds that the sentence and conviction awarded Plaintiffs was just and proper.

IT IS THEREFORE ORDERED that Plaintiff's motion to vacate is denied.

ORDERED this 7th day of May, 1991.



JAMES C. ELLISON
UNITED STATES DISTRICT JUDGE

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

FILED

MAY 7 - 1991

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

VIRGINIA R. CURNUTT, an
individual, and VIRGINIA R.
CURNUTT, TRUSTEE OF THE
VIRGINIA R. CURNUTT LIVING
TRUST,

Plaintiffs,

vs.

DEAN WITTER REYNOLDS, INC.,
a corporation, JULIA A. SAVAGE,
and EMORY A. RAGSDALE,

Defendants.

No. 90-C-822-C

ORDER

This Court, having reviewed the Stipulation of Dismissal filed by the parties, finds that this case should be dismissed with prejudice to the refiling of same. Thus, it is

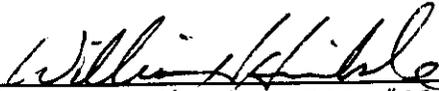
ORDERED that the complaint, and all claims for relief are dismissed with prejudice to the refiling of same.

IT IS FURTHER ORDERED that the parties shall bear their respective costs, expenses and attorney fees.

IT IS SO ORDERED this 6 day of ^{May} April, 1991.

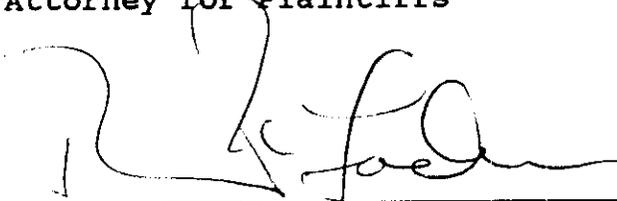
~~(Signed)~~ H. Dale Cook
H. DALE COOK
UNITED STATES DISTRICT JUDGE

APPROVED:



William H. Hinkle, OBA #4229
320 S. Boston Avenue, Suite 1100
Tulsa, Oklahoma 74103
(918) 584-6700

Attorney for Plaintiffs



Joel L. Wohlgemuth, OBA #9811
Thomas M. Ladner, OBA #5161
NORMAN & WOHLGEMUTH
2900 Mid-Continent Tower
Tulsa, Oklahoma 74103
(918) 583-7571

Attorneys for Defendants

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

WILLIAM ABRAHAM,

Plaintiff,

-vs-

SEARS, ROEBUCK AND CO., et al.

Defendants.

No. 90-C-589-C

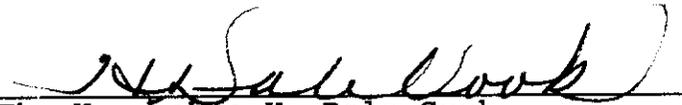
FILED

MAY 6 - 1991

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

ORDER OF DISMISSAL WITH PREJUDICE

In accordance with the Stipulation of Dismissal With Prejudice filed herein by all parties to this action, the above-captioned matter and cause is hereby dismissed with prejudice.


The Honorable H. Dale Cook
United States District Court
Northern District of Oklahoma

UNITED STATES DISTRICT COURT FOR THE
NORTHERN DISTRICT OF OKLAHOMA

FILED

MAY -6 1991

LUCK C. CHIVERS, CLERK
DISTRICT COURT

UNITED STATES OF AMERICA,

Plaintiff,

vs.

GEORGE L. MEADOWS; ARLEEN M.
MEADOWS; RANDALL T. MACKIN;
KELLI LYNN MACKIN; COUNTY
TREASURER, Tulsa County,
Oklahoma; and BOARD OF COUNTY
COMMISSIONERS, Tulsa County,
Oklahoma,

Defendants.

CIVIL ACTION NO. 91-C-0046-C

JUDGMENT OF FORECLOSURE

This matter comes on for consideration this 3 day
of May, 1991. The Plaintiff appears by Tony M.
Graham, United States Attorney for the Northern District of
Oklahoma, through Peter Bernhardt, Assistant United States
Attorney; the Defendants, County Treasurer, Tulsa County,
Oklahoma, and Board of County Commissioners, Tulsa County,
Oklahoma, appear by J. Dennis Semler, Assistant District
Attorney, Tulsa County, Oklahoma; and the Defendants, George L.
Meadows, Arleen M. Meadows, Randall T. Mackin, and Kelli Lynn
Mackin, appear not, but make default.

The Court being fully advised and having examined the
court file finds that the Defendants, George L. Meadows and
Arleen M. Meadows, acknowledged receipt of Summons and Complaint
on February 2, 1991; that the Defendants, Randall T. Mackin and
Kelli Lynn Mackin, acknowledged receipt of Summons and Amended
Complaint on March 22, 1991; that Defendant, County Treasurer,

Tulsa County, Oklahoma, acknowledged receipt of Summons and Complaint on January 19, 1991; and that Defendant, Board of County Commissioners, Tulsa County, Oklahoma, acknowledged receipt of Summons and Complaint on January 29, 1991.

It appears that the Defendants, County Treasurer, Tulsa County, Oklahoma, and Board of County Commissioners, Tulsa County, Oklahoma, filed their Answers on February 11, 1991; that the Defendants, George L. Meadows, Arleen M. Meadows, Randall T. Mackin, and Kelli Lynn Mackin, have failed to answer and their default has therefore been entered by the Clerk of this Court.

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

Lot Seven (7), Block Twenty-eight (28), BOMAN ACRES FOURTH ADDITION to the City of Tulsa, Tulsa County, State of Oklahoma, according to the recorded Plat thereof.

The Court further finds that on January 17, 1984, the Defendants, George L. Meadows and Arleen M. Meadows, executed and delivered to the United States of America, acting on behalf of the Administrator of Veterans Affairs, now known as Secretary of Veterans Affairs, their mortgage note in the amount of \$59,000.00, payable in monthly installments, with interest thereon at the rate of twelve and one-half percent (12.5%) per annum.

The Court further finds that as security for the payment of the above-described note, the Defendants, George L. Meadows and Arleen M. Meadows, executed and delivered to the United States of America, acting on behalf of the Administrator of Veterans Affairs, now known as Secretary of Veterans Affairs, a mortgage dated January 17, 1984, covering the above-described property. Said mortgage was recorded on January 25, 1984, in Book 4761, Page 1557, in the records of Tulsa County, Oklahoma.

The Court further finds that the Defendants, George L. Meadows and Arleen M. Meadows, made default under the terms of the aforesaid note and mortgage by reason of their failure to make the monthly installments due thereon, which default has continued, and that by reason thereof the Defendants, George L. Meadows and Arleen M. Meadows, are indebted to the Plaintiff in the principal sum of \$57,833.05, plus interest at the rate of 12.5 percent per annum from December 1, 1988 until judgment, plus interest thereafter at the legal rate until fully paid, and the costs of this action accrued and accruing.

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

The Court further finds that the Defendants, Randall T. Mackin and Kelli Lynn Mackin, are in default and therefore have no right, title or interest in the subject real property.

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

George L. Meadows and Arleen M. Meadows, in the principal sum of \$57,833.05, plus interest at the rate of 12.5 percent per annum from December 1, 1988 until judgment, plus interest thereafter at the current legal rate of 6.07 percent per annum until paid, plus the costs of this action accrued and accruing, plus any additional sums advanced or to be advanced or expended during this foreclosure action by Plaintiff for taxes, insurance, abstracting, or sums for the preservation of the subject property.

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

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

First:

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

Second:

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

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

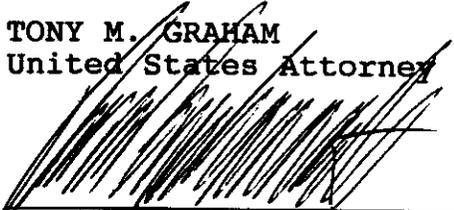
IT IS FURTHER ORDERED, ADJUDGED, AND DECREED that from
and after the sale of the above-described real property, under
and by virtue of this judgment and decree, all of the Defendants
and all persons claiming under them since the filing of the
Complaint, be and they are forever barred and foreclosed of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

(Signed) H. Dale Cook

UNITED STATES DISTRICT JUDGE

APPROVED:

TONY M. GRAHAM
United States Attorney


PETER BERNHARDT, OBA #741
Assistant United States Attorney
3600 U.S. Courthouse
Tulsa, Oklahoma 74103
(918) 581-7463


J. DENNIS SEMLER, OBA #8076
Assistant District Attorney
Attorney for Defendants,
County Treasurer and
Board of County Commissioners,
Tulsa County, Oklahoma

Judgment of Foreclosure
Civil Action No. 91-C-0046-C

UNITED STATES DISTRICT COURT FOR THE
NORTHERN DISTRICT OF OKLAHOMA

UNITED STATES OF AMERICA,)
)
 Plaintiff,)
)
 vs.)
)
 FRANKLIN AND UNDERWOOD PROPERTIES,)
 an Oklahoma general partnership;)
 CIMARRON FEDERAL SAVINGS AND LOAN)
 ASSOCIATION, as Successor to)
 Phoenix Federal Savings and Loan)
 Association; E.W. FISHER, III;)
 TALLANT RENTAL PROPERTIES, INC.,)
 formerly named Tallant Development)
 Corporation; COUNTY TREASURER,)
 Tulsa County, Oklahoma; and BOARD)
 OF COUNTY COMMISSIONERS, Tulsa)
 County, Oklahoma,)
)
 Defendants.)

FILED
MAY 6 1991

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

CIVIL ACTION NO. 90-C-412-B

JUDGMENT OF FORECLOSURE

This matter comes on for consideration this 6th day
of May, 1991. The Plaintiff appears by Tony M.
Graham, United States Attorney for the Northern District of
Oklahoma, through Phil Pinnell, Assistant United States Attorney;
the Defendants, County Treasurer, Tulsa County, Oklahoma, and
Board of County Commissioners, Tulsa County, Oklahoma, appear by
J. Dennis Semler, Assistant District Attorney, Tulsa County,
Oklahoma; the Defendant, Franklin and Underwood Properties
appears not, having previously filed their Disclaimer; and the
Defendants, Cimarron Federal Savings & Loan Association, as
Successor to Phoenix Federal Savings and Loan Association, E. W.
Fisher, III, and Tallant Rental Rental Properties, Inc., formerly
named Tallant Development Corporation, appear not, but make
default.

The Court, being fully advised and having examined the court file, finds that the Defendant, Franklin and Underwood Properties filed a Disclaimer on July 23, 1990; that the Defendant, Cimarron Federal Savings and Loan Association, as Successor to Phoenix Federal Savings and Loan Association, acknowledged receipt of Summons and Complaint on June 28, 1990; that the Defendant, E.W. Fisher, III, acknowledged receipt of Summons and Complaint on May 29, 1990; that the Defendant, Tallant Rental Properties, Inc., formerly named Tallant Development Corporation, was served by U.S. Marshal on September 6, 1990; that Defendant, County Treasurer, Tulsa County, Oklahoma, acknowledged receipt of Summons and Complaint on May 15, 1990; and that Defendant, Board of County Commissioners, Tulsa County, Oklahoma, acknowledged receipt of Summons and Complaint on May 15, 1990.

It appears that the Defendant, Franklin and Underwood Properties, filed its Disclaimer on July 23, 1990; that the Defendant, County Treasurer, Tulsa County, Oklahoma, filed its Answer on June 5, 1990; that the Defendant, Board of County Commissioners, Tulsa County, Oklahoma, filed its Answer on June 5, 1990; and that the Defendants, Cimarron Federal Savings and Loan Association, as Successor to Phoenix Federal Savings and Loan Association, E.W. Fisher, III, and Tallant Rental Properties, Inc., formerly named Tallant Development Corporation, have failed to answer and their default has therefore been entered by the Clerk of this Court.

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

Lot Nineteen (19), Block Forty-Eight (48), Valley View Acres Third Addition to the City of Tulsa, Tulsa County, Oklahoma, according to the recorded plat thereof.

The Court further finds that on December 19, 1963, Byron Rollins and Audry Rollins executed and delivered to the United States of America, acting on behalf of the Administrator of Veterans Affairs, now known as Secretary of Veterans Affairs, their mortgage note in the amount of \$10,632.00, payable in monthly installments, with interest thereon at the rate of 5.25 percent (5.25%) per annum.

The Court further finds that as security for the payment of the above-described note, Byron Rollins and Audrey Rollins, executed and delivered to the United States of America, acting on behalf of the Administrator of Veterans Affairs, now known as Secretary of Veterans Affairs, a mortgage dated December 19, 1963, covering the above-described property. Said mortgage was recorded on December 19, 1963, in Book 3407, Page 250, in the records of Tulsa County, Oklahoma.

The Court further finds that Byron Rollins and Audrey Rollins made default under the terms of the aforesaid note and mortgage by reason of their failure to make the monthly installments due thereon, which default has continued, and that

by reason thereof, they are indebted to the Plaintiff in the principal sum of \$3,315.52, plus interest at the rate of 5.25 percent per annum from August 1, 1987 until judgment, plus interest thereafter at the legal rate until fully paid, and the costs of this action in the amount of \$24.44 (\$20.00 docket fees, \$4.44 fees for service of Summons and Complaint).

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

The Court further finds that the Defendants, Franklin and Underwood Properties; Cimarron Federal Savings and Loan Association, as Successor to Phoenix Federal Savings and Loan Association; E.W. Fisher, III; and Tallant Rental Properties, Inc., formerly named Tallant Development Corporation, claim no right, title or interest in the subject real property.

IT IS THEREFORE ORDERED, ADJUDGED, AND DECREED that the Plaintiff have and recover judgment in rem in the principal sum of \$3,315.52, plus interest at the rate of 5.25 percent per annum from August 1, 1987 until judgment, plus interest thereafter at the current legal rate of 6.07 percent per annum until paid, plus the costs of this action in the amount of \$24.44 (\$20.00 docket fees, \$4.44 fees for service of Summons and Complaint), plus any additional sums advanced or to be advanced or expended during this foreclosure action by Plaintiff for taxes, insurance, abstracting, or sums of the preservation of the subject property.

IT IS FURTHER ORDERED, ADJUDGED, AND DECREED that the Defendants, County Treasurer and Board of County Commissioners, Tulsa County, Oklahoma; Cimarron Federal Savings and Loan Association, as Successor to Phoenix Federal Savings and Loan Association; E.W. Fisher, III; and Tallant Rental Properties, Inc., formerly named Tallant Development Corporation, have no right, title, or interest in the subject real property.

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

First:

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

Second:

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

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

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

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

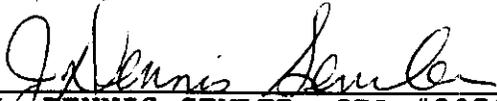
ST THOMAS R. BRETT
UNITED STATES DISTRICT JUDGE

APPROVED:

TONY M. GRAHAM
United States Attorney



PHIL PINNELL, OBA #7169
Assistant United States Attorney
3600 U.S. Courthouse
Tulsa, Oklahoma 74103
(918) 581-7463



J. DENNIS SEMLER, OBA #8076
Assistant District Attorney
Attorney for Defendants,
County Treasurer and
Board of County Commissioners,
Tulsa County, Oklahoma

Judgment of Foreclosure
Civil Action No. 90-C-412-B

PP/esr

FILED

MAY -6 1991

FERN A. WARREN,

Plaintiff,

vs.

LONG-TERM DISABILITY AND
SURVIVORS BENEFIT PLAN FOR
ELIGIBLE EMPLOYEES OF FACET
ENTERPRISES, INC.,

Defendant.

Case No. 89-C-894-C. JACK C. SILVER, CLERK
U.S. DISTRICT COURT

JUDGMENT

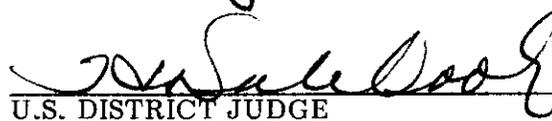
This action came on for hearing before the Court, Honorable H. Dale Cook, District Judge, presiding, and the issues having been duly heard and a decision having been duly rendered,

It is Ordered and Adjudged

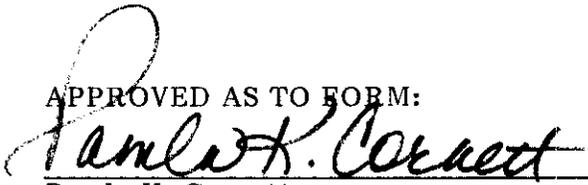
That the plaintiff, Fern A. Warren recover of the defendant Long Term Disability and Survivors Benefit Plan for Eligible Employees of Facet Enterprises, Inc. the sum of \$7,448.71 and her costs of the action.

That a determination of allowance of attorney fees be reserved for future hearing.

DATED at Tulsa, Oklahoma this 3 day of may, 1991.


U.S. DISTRICT JUDGE

APPROVED AS TO FORM:



Pamla K. Cornett
Attorney for Plaintiff



Curtis Fisher
Attorney for Defendant

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

FILED

MAY 6 1991

JAMES KELSO,)
Plaintiff,)

vs.)

GENERAL AMERICAN LIFE)
INSURANCE COMPANY, a)
domesticated insurance)
corporation,)

Defendant.)

Case No. 90-C-80-B Jack C. Silver, Clerk
U.S. DISTRICT COURT

J U D G M E N T

In accord with the Order filed April 22, 1991 sustaining the Defendant's Motion for Summary Judgment, the Court hereby enters judgment in favor of the Defendant, General American Life Insurance Company, and against the Plaintiff, James Kelso. Costs are assessed against the Plaintiff, and each party is to pay its respective attorney's fees.

Dated, this 6th day of May, 1991.



THOMAS R. BRETT
UNITED STATES DISTRICT JUDGE

FILED

MAY 3 1991

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

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

ROBERTA L. EARP,)
)
 Plaintiff,)
)
 vs.)
)
 HARDWARE WHOLESALERS, INC., an)
 Indiana corporation, and OLIVER G.)
 REYNOLDS, individually,)
)
 Defendants.)

Case No. 90-C-696-E

ORDER GRANTING DISMISSAL WITH PREJUDICE

It is hereby ordered that Plaintiff's Application to Dismiss With Prejudice is granted and the above-captioned cause of action is dismissed with prejudice.

DATED this 2 day of ~~April~~^{May}, 1991.

S/ JAMES O. ELLISON

UNITED STATES DISTRICT JUDGE _____

UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF OKLAHOMA

FILED

MAY 3 1991

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

BROADCAST MUSIC, INC.; et al.,)
)
 Plaintiffs,)
)
 vs.)
)
 BEST SHORT, INC., d/b/a BEST SHOT)
 WATERBEDS, and BRUCE KIRALY,)
 individually,)
)
 Defendants.)

NO. 90-C-889E

AMENDED
ORDER

On this 2 day of May, 1991, this matter comes on for hearing on Plaintiffs, Broadcast Music, Inc., Anita M. Pointer d/b/a Anita Pointer Publishing, EMI Blackwood Music, Inc., Richard Perry d/b/a Braintree Music, June Pointer Whitmore d/b/a Leggs Four Publishing, Ruth Pointer d/b/a Ruth Pointer Publishing, Trevor Lawrence d/b/a Til Dawn Music, Stone Agate Music, Division of Jobete Music Co., Inc., Country Road Music, Inc., Thomas Bell d/b/a Bell Boy Music, Kenneth Gamble, Leon Huff, and Thomas Bell, a partnership d/b/a Mighty Three Music, Warner-Tamerlane Publishing Corp., Jondora Music, Michael Jackson d/b/a ATV Music, Virgin Songs, Inc., Billy Mach Ham d/b/a Hamstein Music Company, Careers Music, Inc., Daryl Hall and John Oates, a partnership d/b/a Hot CHA Music, Co., Muscle Shoals Sound Publishing Co., Inc. Bob M. Brown, Hugh Gregg and Ronda B.

**RAMEY, BIEHLER, MILLER
& FONG**
ATTORNEYS AT LAW
An Association
508 W. VANDAMENT
SUITE 300
P.O. BOX 850187
YUKON, OK 73085
(405) 354-2526
(405) 354-1974

Espy, a partnership d/b/a Lew Bob Songs, Michael Joe Jackson d/b/a Mijac Music, House of Fun Music, Inc., Pure Energy Music Publishers, Inc., S.K. Music, L.P. and Fujipacific Music (USA), Inc., a joint venture known as Windswept Pacific Entertainment Co. and d/b/a Longiture Music, Co., Application for Dismissal Without Prejudice. The Court finds that said Application should be granted for good cause shown.

IT IS HEREBY ORDERED that the above captioned cause is dismissed without prejudice.

S/ JAMES O. ELLISON

UNITED STATES DISTRICT JUDGE

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

THELMA R. SPENCER and
ROBERT E. SPENCER,
individually and as husband
and wife,

Plaintiffs,

vs.

No. 90-C-640-E

KEVIN COLE; AMERICAN FAMILY
MUTUAL INSURANCE COMPANY,
a foreign corporation;
UNITED SOUTHERN ASSURANCE
COMPANY, a foreign
corporation; PORT CASTAWAYS;
KATHY HIX, as owner,
proprietor and/or license
holder of Port Castaways; and
PHILLIPS 66 COMPANY, a
Delaware corporation, and a
subsidiary of PHILLIPS
PETROLEUM COMPANY, a Delaware
corporation, d/b/a WASHINGTON
EXPRESS CONVENIENCE-DELI,
a/k/a PHILLIPS 66 FOOD PLAZA,

Defendants.

FILED

MAY 3 1991

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

ORDER

NOW on this 2 day of May, 1991, the above entitled
cause comes before the Court on plaintiff's Motion to Dismiss
defendants, Port Castaways and Kathy Hix, as owner, proprietor
and/or license holder of Port Castaways, ONLY. For good cause
shown;

IT IS THEREFORE ORDERED, ADJUDGED AND DECREED that
plaintiff's Motion to Dismiss is hereby granted and the
defendants, Port Castaways and Kathy Hix, as owner, proprietor
and/or license holder of Port Castaways, ONLY, are hereby
dismissed without prejudice from this action.

S/ JAMES O. ELLISON

UNITED STATES DISTRICT JUDGE

FILED

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

MAY 03 1991

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

LEON RUFF,)
)
 Plaintiff,)
)
 RENBERGS, INC.,)
)
 Defendant.)

Case No. 90-C-643-~~E~~ B

ORDER OF DISMISSAL WITH PREJUDICE

Pursuant to the Joint Stipulation filed herein, the parties to this action have advised the Court that the captioned matter has been settled and that the case should therefore be dismissed with prejudice. WHEREFORE, this Court having been duly advised, does hereby dismiss the captioned matter with prejudice, with each side to pay its own costs and attorneys' fees.

IT IS SO ORDERED.

DATED this 3rd day of May, 1991.

S/ THOMAS R. BRETT

THOMAS R. BRETT
UNITED STATES DISTRICT JUDGE

FILED

**IN THE UNITED STATES DISTRICT COURT MAY 3 1991
FOR THE NORTHERN DISTRICT OF OKLAHOMA**

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

SUSAN TIPPPIE, Trustee for)
MICHELLE TIPPPIE, a Minor,)

Plaintiff)

vs.)

Case No. 90-C-126-E

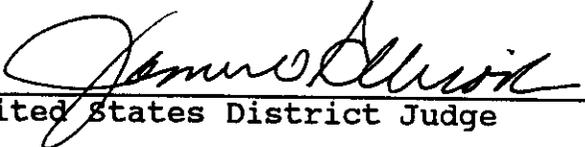
SOONER FEDERAL SAVINGS AND)
LOAN ASSOCIATION,)

Defendant)

ORDER

NOW, before this Court is the Joint Application of the Plaintiff, Susan Tippie, Trustee for Michelle Tippie, a minor, and the Defendant, Resolution Trust Corporation, as Receiver for Sooner Federal Savings and Loan Association and Sooner Federal Savings Association for Dismissal With Prejudice of all claims and causes of action in the above-captioned matter. After reviewing the pleadings on file herein, the Court finds that such Application should be granted.

IT IS THEREFORE ORDERED, ADJUDGED AND DECREED that the above-referenced matter be, and hereby is, dismissed with prejudice in all respects, and that the parties to this action shall bear their own costs and fees.


United States District Judge

FILED

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

MAY 3 1991

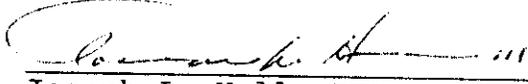
Jack C. Silver, Clerk
U.S. DISTRICT COURT

Strategic International, Inc.)
an Oklahoma corporation,)
)
Plaintiff,)
)
vs.)
)
Delmar Nightengale, d/b/a)
Wren Investments, a Sole)
Proprietorship,)
)
Defendant.)

Case No. 90-C-344-B

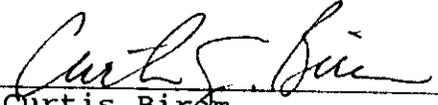
STIPULATION OF
DISMISSAL WITH PREJUDICE

COMES NOW the Plaintiff, Strategic International, Inc., and Delmar Nightengale, d/b/a Wren Investments, by and through their respective attorneys of record and pursuant to the provisions of Rule 41 (a)(1)(ii) of the Federal Rules of Civil Procedure stipulate to the dismissal of the captioned cause, with prejudice.



Joseph L. Hull, III
Attorney for Plaintiff

BIRAM & KAISER
Attorneys at Law

By: 

Curtis Biram
Attorneys for Defendant

FILED

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

MAY 3 1991

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

STATE FARM MUTUAL AUTOMOBILE)	
INSURANCE COMPANY)	
)	
Plaintiff,)	
)	
v.)	
)	
DONALD COOPER, et al,)	
)	
Defendants.)	

90-C-217-E

ORDER

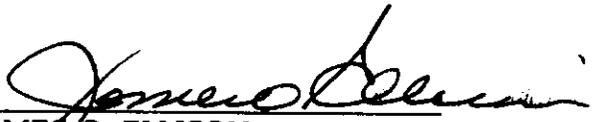
The Court has for consideration the Report and Recommendation of the United States Magistrate Judge filed February 25, 1991 in which the Magistrate recommended that Plaintiff's Motion for Dismissal be granted and that Defendant Sharpe's Response also be granted, Plaintiff being ordered to pay the sum of \$2,584.00 as agreed between the parties.

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 United States Magistrate should be and hereby is adopted and affirmed.

It is, therefore, Ordered that Plaintiff's Motion for Dismissal is granted and that Defendant Sharpe's Response also is granted, Plaintiff being ordered to pay the sum of \$2,584.00 as agreed between the parties.

Dated this 2^d day of May, 1991.



JAMES O. ELLISON
UNITED STATES DISTRICT JUDGE

FILED

MAY 02 1991

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

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

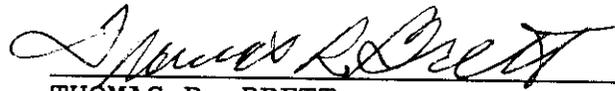
BARBARA J. WALKER,)
)
 Plaintiff,)
)
 vs.)
)
 U.S. DEPARTMENT OF HOUSING AND)
 URBAN DEVELOPMENT, ROBERT GARDNER,)
 RALPH L. JONES JR. & CO.,)
 KIM WORLEY, RHONDA STARKS, et al.,)
)
 Defendants.)

No. 91-C-122-B ✓

ORDER

This matter comes before the Court upon Plaintiff's Objection to the Report and Recommendation of the Magistrate Judge pursuant to Rule 32(D) of the United States District Court for the Northern District of Oklahoma. The Magistrate Judge recommends that the defendants' Motion to Enforce Settlement Agreement be granted, plaintiff's request for a preliminary or permanent injunction be denied, and the case be dismissed. Having conducted a de novo review of the record, the Court finds that the parties entered into a valid settlement agreement which resolves the issues in this case. The Court, therefore, adopts the Magistrate-Judge's report and recommendation and grants the defendants' Motion to Enforce Settlement Agreement, denies the plaintiff's motion for a preliminary or permanent injunction and dismisses the case with prejudice.

IT IS SO ORDERED, this 2nd day of May, 1991.

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

THOMAS R. BRET
UNITED STATES DISTRICT JUDGE

UNITED STATES DISTRICT COURT FOR THE
NORTHERN DISTRICT OF OKLAHOMA

UNITED STATES OF AMERICA,
Plaintiff,

vs.

FLOYD G. NEWTON; STELLA NEWTON
a/k/a STELLA FAY NEWTON;
COUNTY TREASURER, Creek County,
Oklahoma; and BOARD OF COUNTY
COMMISSIONERS, Creek County,
Oklahoma,

Defendants.

FILED

MAY 2 1991

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

CIVIL ACTION NO. 90-C-690-E

JUDGMENT OF FORECLOSURE

This matter comes on for consideration this 2 day
of May, 1991. The Plaintiff appears by Tony M.
Graham, United States Attorney for the Northern District of
Oklahoma, through Peter Bernhardt, Assistant United States
Attorney; the Defendants, County Treasurer, Creek County,
Oklahoma, and Board of County Commissioners, Creek County,
Oklahoma, appear not, having previously filed their Disclaimer;
and the Defendants, Floyd G. Newton and Stella Newton a/k/a
Stella Fay Newton, appear not, but make default.

The Court being fully advised and having examined the
court file finds that Defendant, Floyd G. Newton, acknowledged
receipt of Summons and Complaint on August 17, 1990; that
Defendant, County Treasurer, Creek County, Oklahoma, acknowledged
receipt of Summons and Complaint on August 16, 1990.

The Court further finds that the Defendant, Stella
Newton a/k/a Stella Fay Newton, was served by publishing notice
of this action in the Sapulpa Legal News, a newspaper of general

circulation in Creek County, Oklahoma, once a week for six (6) consecutive weeks beginning January 31, 1991, and continuing through March 7, 1991, as more fully appears from the verified proof of publication duly filed herein; and that this action is one in which service by publication is authorized by 12 O.S. Section 2004(c)(3)(c). Counsel for the Plaintiff does not know and with due diligence cannot ascertain the whereabouts of the Defendant, Stella Newton a/k/a Stella Fay Newton, and service cannot be made upon said Defendant within the Northern Judicial District of Oklahoma or the State of Oklahoma by any other method, or upon said Defendant without the Northern Judicial District of Oklahoma or the State of Oklahoma by any other method, as more fully appears from the evidentiary affidavit of a bonded abstracter filed herein with respect to the last known address of the Defendant, Stella Newton a/k/a Stella Fay Newton. The Court conducted an inquiry into the sufficiency of the service by publication to comply with due process of law and based upon the evidence presented together with affidavit and documentary evidence finds that the Plaintiff, United States of America, acting on behalf of the Secretary of Veterans Affairs, and its attorneys, Tony M. Graham, United States Attorney for the Northern District of Oklahoma, through Peter Bernhardt, Assistant United States Attorney, fully exercised due diligence in ascertaining the true name and identity of the party served by publication with respect to her present or last known place of residence and/or mailing address. The Court accordingly approves and confirms that the service by publication is sufficient to

confer jurisdiction upon this Court to enter the relief sought by the Plaintiff, both as to subject matter and the Defendant served by publication.

It appears that the Defendants, County Treasurer, Creek County, Oklahoma, and Board of County Commissioners, Creek County, Oklahoma, filed their Disclaimer on August 23, 1990; that and that the Defendants, Floyd G. Newton and Stella Newton a/k/a Stella Fay Newton, 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 Creek County, Oklahoma, within the Northern Judicial District of Oklahoma:

A part of the Southeast Quarter (SE/4) of the Southeast Quarter (SE/4) of Section Thirty-four (34), Township Eighteen (18) North, Range Ten (10) East; Beginning at the Southeast corner thereof, thence North Twenty (20) rods, thence West Ten (10) rods, thence South Twenty (20) rods, thence East Ten (10) rods to the point of beginning, containing One and one-fourth (1-1/4) acres, in Creek County, State of Oklahoma, according to the U.S. Government Survey thereof.

The Court further finds that on June 22, 1978, the Defendants, Floyd G. Newton and Stella Newton a/k/a Stella Fay Newton, executed and delivered to the United States of America, acting on behalf of the Administrator of Veterans Affairs, now known as Secretary of Veterans Affairs, their mortgage note in the amount of \$18,200.00, payable in monthly installments, with interest thereon at the rate of nine percent (9%) per annum.

The Court further finds that as security for the payment of the above-described note, the Defendants, Floyd G. Newton and Stella Newton a/k/a Stella Fay Newton, executed and delivered to the United States of America, acting on behalf of the Administrator of Veterans Affairs, now known as Secretary of Veterans Affairs, a mortgage dated June 22, 1978, covering the above-described property. Said mortgage was recorded on June 28, 1978, in Book 61, Page 1014, in the records of Creek County, Oklahoma.

The Court further finds that the Defendants, Floyd G. Newton and Stella Newton a/k/a Stella Fay Newton, made default under the terms of the aforesaid note and mortgage by reason of their failure to make the monthly installments due thereon, which default has continued, and that by reason thereof the Defendants, Floyd G. Newton and Stella Newton a/k/a Stella Fay Newton, are indebted to the Plaintiff in the principal sum of \$16,227.64, plus interest at the rate of 9 percent per annum from October 1, 1988 until judgment, plus interest thereafter at the legal rate until fully paid, and the costs of this action in the amount of \$487.80 (\$20.00 docket fees, \$459.80 publication fees, \$8.00 fee for recording Notice of Lis Pendens).

The Court further finds that the Defendants, County Treasurer and Board of County Commissioners, Creek County, Oklahoma, disclaim all right, title or interest in the subject real property.

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

Defendants, Floyd G. Newton and Stella Newton a/k/a Stella Fay Newton, in the principal sum of \$16,227.64, plus interest at the rate of 9 percent per annum from October 1, 1988 until judgment, plus interest thereafter at the current legal rate of 6.26 percent per annum until paid, plus the costs of this action in the amount of \$487.80 (\$20.00 docket fees, \$459.80 publication fees, \$8.00 fee for recording Notice of Lis Pendens), plus any additional sums advanced or to be advanced or expended during this foreclosure action by Plaintiff for taxes, insurance, abstracting, or sums for the preservation of the subject property.

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

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

First:

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

Second:

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

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

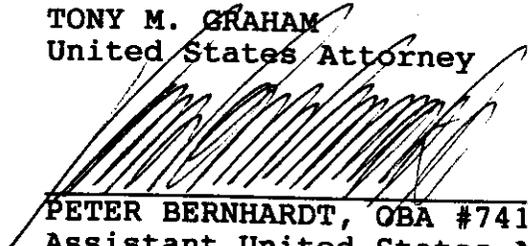
IT IS FURTHER ORDERED, ADJUDGED, AND DECREED that from and after the sale of the above-described real property, under and by virtue of this judgment and decree, all of the Defendants and all persons claiming under them since the filing of the Complaint, be and they are forever barred and foreclosed of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

S/ JAMES O. ELLISON

UNITED STATES DISTRICT JUDGE

APPROVED:

TONY M. GRAHAM
United States Attorney



PETER BERNHARDT, OBA #741
Assistant United States Attorney
3600 U.S. Courthouse
Tulsa, Oklahoma 74103
(918) 581-7463

Judgment of Foreclosure
Civil Action No. 90-C-690-E

PB/css

UNITED STATES DISTRICT COURT FOR THE
NORTHERN DISTRICT OF OKLAHOMA

UNITED STATES OF AMERICA,
Plaintiff,
vs.
JOHN H. RAY; SANDRA J. RAY;
COUNTY TREASURER, Tulsa County,
Oklahoma; and BOARD OF COUNTY
COMMISSIONERS, Tulsa County,
Oklahoma,
Defendants.

FILED

MAY 2 1991

CS

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

CIVIL ACTION NO. 90-C-789-E

JUDGMENT OF FORECLOSURE

This matter comes on for consideration this 2 day
of May, 1991. The Plaintiff appears by Tony M.
Graham, United States Attorney for the Northern District of
Oklahoma, through Kathleen Bliss Adams, Assistant United States
Attorney; the Defendants, County Treasurer, Tulsa County,
Oklahoma, and Board of County Commissioners, Tulsa County,
Oklahoma, appear by J. Dennis Semler, Assistant District
Attorney, Tulsa County, Oklahoma; and the Defendants, John H. Ray
and Sandra J. Ray, appear not, but make default.

The Court being fully advised and having examined the
court file finds that the Defendant, John H. Ray, was served with
Summons and Complaint on December 26, 1990; that the Defendant,
Sandra J. Ray, was served with Summons and Complaint on
January 28, 1991; that Defendant, County Treasurer, Tulsa County,
Oklahoma, acknowledged receipt of Summons and Complaint on
September 17, 1990; and that Defendant, Board of County

Commissioners, Tulsa County, Oklahoma, acknowledged receipt of Summons and Complaint on September 18, 1990.

It appears that the Defendants, County Treasurer, Tulsa County, Oklahoma, and Board of County Commissioners, Tulsa County, Oklahoma, filed their Answers on October 4, 1990; that and that the Defendants, John H. Ray and Sandra J. Ray, have failed to answer and their default has therefore been entered by the Clerk of this Court.

The Court further finds that on October 17, 1990 John H. Ray and Sandra J. Ray filed their voluntary petition in bankruptcy in Chapter 7 in the United States Bankruptcy Court, Northern District of Oklahoma, Case No. 90-03124-W. On November 14, 1990, the United States Bankruptcy Court for the Northern District of Oklahoma entered its order modifying the automatic stay afforded the debtors by 11 U.S.C. § 362 and directing abandonment of the real property subject to this foreclosure action and which is described below.

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

Lot Two (2), Block One (1), Amended Plat of Arrow Park Addition, an Addition to the City of Broken Arrow, Tulsa County, State of Oklahoma, according to the recorded plat thereof.

The Court further finds that on January 11, 1989, the Defendants, John H. Ray and Sandra J. Ray, executed and delivered

to the United States of America, acting on behalf of the Administrator of Veterans Affairs, now known as Secretary of Veterans Affairs, their mortgage note in the amount of \$46,100.00, payable in monthly installments, with interest thereon at the rate of ten percent (10%) per annum.

The Court further finds that as security for the payment of the above-described note, the Defendants, John H. Ray and Sandra J. Ray, executed and delivered to the United States of America, acting on behalf of the Administrator of Veterans Affairs, now known as Secretary of Veterans Affairs, a mortgage dated January 11, 1989, covering the above-described property. Said mortgage was recorded on January 9, 1989, in Book 5160, Page 767, in the records of Tulsa County, Oklahoma.

The Court further finds that the Defendants, John H. Ray and Sandra J. Ray, made default under the terms of the aforesaid note and mortgage by reason of their failure to make the monthly installments due thereon, which default has continued, and that by reason thereof the Defendants, John H. Ray and Sandra J. Ray, are indebted to the Plaintiff in the principal sum of \$45,932.03, plus interest at the rate of 10 percent per annum from October 1, 1989 until judgment, plus interest thereafter at the legal rate until fully paid, and the costs of this action in the amount of \$39.32 (\$20.00 docket fees, \$19.32 fees for service of Summons and Complaint).

The Court further finds that the Defendants, County Treasurer and Board of County Commissioners, Tulsa County,

Oklahoma, claim no right, title or interest in the subject real property.

IT IS THEREFORE ORDERED, ADJUDGED, AND DECREED that the Plaintiff have and recover judgment in rem against the Defendants, John H. Ray and Sandra J. Ray, in the principal sum of \$45,932.03, plus interest at the rate of 10 percent per annum from October 1, 1989 until judgment, plus interest thereafter at the current legal rate of 6.26 percent per annum until paid, plus the costs of this action in the amount of \$39.32 (\$20.00 docket fees, \$19.32 fees for service of Summons and Complaint), plus any additional sums advanced or to be advanced or expended during this foreclosure action by Plaintiff for taxes, insurance, abstracting, or sums for the preservation of the subject property.

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

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

First:

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

Second:

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

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

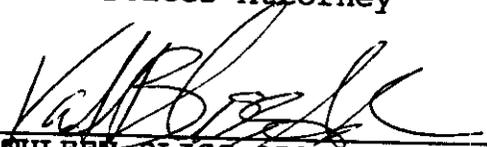
IT IS FURTHER ORDERED, ADJUDGED, AND DECREED that from
and after the sale of the above-described real property, under
and by virtue of this judgment and decree, all of the Defendants
and all persons claiming under them since the filing of the
Complaint, be and they are forever barred and foreclosed of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

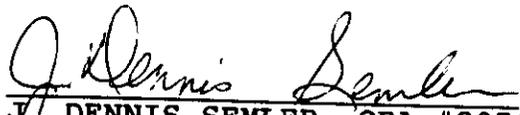
S/ JAMES O. ELLISON

UNITED STATES DISTRICT JUDGE

APPROVED:

TONY M. GRAHAM
United States Attorney


KATHLEEN BLISS ADAMS, OBA #13625
Assistant United States Attorney
3600 U.S. Courthouse
Tulsa, Oklahoma 74103
(918) 581-7463


J. DENNIS SEMLER, OBA #8076
Assistant District Attorney
Attorney for Defendants,
County Treasurer and
Board of County Commissioners,
Tulsa County, Oklahoma

Judgment of Foreclosure
Civil Action No. 90-C-789-E

entered

FILED

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

MAY 2 1991

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

MALCOM OWEN SMITH, et al.,)
)
 Plaintiffs,)
)
 vs.)
)
 THE WILLIAMS COMPANIES, INC.,)
 et al.,)
)
 Defendants.)

No. 90-C-803-E

ORDER

This matter comes before the Court on Defendant The Williams Companies' (TWC) Motion to Dismiss. Defendant TWC fund and maintain a pension plan (Plan) which provides death, disability and retirement benefits to TWC employees. Jim Smith, a former vested employee, was shot to death by his wife Defendant Susan Smith. Plaintiffs, Jim Smith's heirs at law, submitted a claim for payment of the survivor pension benefits provided for in the Plan but were denied payment by the Plan Administrator. Plaintiffs subsequently filed this action claiming that since Susan Smith is disqualified from receiving the benefits under 84 O.S. §231, they are entitled to such as heirs at law.

Defendant seeks dismissal because:

1. The Oklahoma slayer statute is preempted by ERISA. Equitable principles applicable to ERISA matters such as this preclude the payment of spousal survival pension to a spouse responsible for the participant's death;
2. Under both the Plan and the applicable law survivor

pension benefits are to be paid to spouses only;

3. Payment to beneficiaries other than those recognized by the Plan and applicable law would violate the Plan fiduciary's legal duty.

There is no dispute that Oklahoma law and equitable principles applicable to ERISA actions preclude payment of the survivor pension benefits to Susan Smith. 84 O.S. §231; Stepleton v. Rathbun, 253 P.2d 164, 166 (Okla. 1952); R. H. Sterns Co. v. United States, 291 U.S. 54 (1934). But Plaintiff's contentions that Oklahoma law should be employed to determine the remaining issues in this case are negated by the recent Supreme Court opinion of FMC v. Holliday, _____ U.S. _____, 111 S.Ct. 403 (1990). In FMC the Supreme Court makes a distinction between insured and uninsured plans, "leaving the former open to indirect regulation [by the states] while the latter [is] not." Id at 410 (citing Metropolitan Life Ins. Co. v. Massachusetts, 471 U.S. 724 (1985)). The TWC Plan is self-funded and as a result is preempted by ERISA.

The Retirement Equity Act of 1984 §205(A)(2) states that a pension plan shall include in the case of a vested participant who dies before the annuity starting date and who has a surviving spouse, a qualified pre-retirement annuity, that is paid to the surviving spouse of the participant. I.R.C. §401(a)(11)(A)(ii). Absent a violation of federal or state law a court may not rewrite a substantive provision of a pension plan. Moore v. Reynolds Metals Company Retirement Program for Salaried Employees, 740 F.2d 454, 456 (6th Cir. 1984).

The language of the TWC Plan states:

"Surviving Spouse" means the person to whom a Participant is married on the date of his death and/or any former spouse to the extent provided in a Qualified Domestic Relations order and allowed under Section 414(p) of the Code. A person shall not be treated as a Surviving Spouse for purposes of eligibility for a Survivor Pension unless such person also has been continuously married to the Participant for at least one year at the date of his death or such person is required to be treated as a Surviving Spouse pursuant to a Qualified Domestic Relations Order and Section 414(p) of the Code. A person shall not be treated as a Surviving Spouse for purposes of eligibility for the survivor portion of any Pension paid to a Participant hereunder unless such Spouse was married to the Participant on his Annuity Starting Date.

at 18.

"Survivor Pension" means a monthly amount payable for life to the Surviving Spouse of a Vested Participant who died prior to the Annuity Starting Date of his benefits under this Plan.

at 18.

In-Service Death Benefits.

(a) Survivor Pension. The Surviving Spouse of a deceased, Vested Participant who was an Eligible Employee on his date of death shall receive a Survivor Pension with payments commencing on the Annuity Starting Date.

Congress has imposed, a fiduciary duty upon trustees to: 1) administer plans governed by ERISA in the interest of plan participants and beneficiaries; and 2) manage the assets in "accordance with the documents and instruments governing the plan." 29 U.S.C. §1104(a). Therefore, if a payment of spousal benefits is

made to someone other than the surviving spouse, when such payment is neither required nor allowed by law or a provision of the Plan, the Plan Administrator is in violation of his/her fiduciary duty.

Since Susan Smith is precluded from receiving the benefits and there are no provisions in the Plan or applicable law which allow the Plan Administrator to award benefits to anyone other than the surviving spouse, the benefits must revert back to the TWC Plan in the interest of Plan participants and beneficiaries.

IT IS THEREFORE ORDERED that Defendants' motion to dismiss is granted.

ORDERED this 15th day of ~~April~~ ^{May}, 1991.



JAMES O. ELLISON
UNITED STATES DISTRICT JUDGE

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

JAMES SCOTT DICKEY,)
)
 Plaintiff,)
)
 vs.)
)
 WINSTON H. CONNOR, II, et al.,)
)
 Defendants.)

No. 91-C-108-E

FILED

MAY 1 1991

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

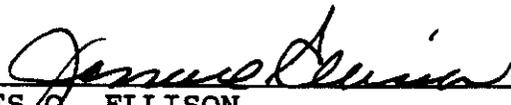
O R D E R

The Court has for consideration the Report and Recommendation of the United States Magistrate Judge filed March 14, 1991 in which the Magistrate Judge recommended that the entire action be dismissed as frivolous pursuant to 28 U.S.C. §1915(d).

While an objection was filed by Defendant, it was not persuasive and after careful consideration of the record and the issues, the Court has concluded that the Report and Recommendation of the United States Magistrate Judge should be and hereby is adopted and affirmed.

IT IS THEREFORE ORDERED that the entire action is dismissed as frivolous pursuant to 28 u.S.C. §1915(d).

ORDERED this 12th day of ~~April~~ MAY, 1991.



JAMES O. ELLISON
UNITED STATES DISTRICT JUDGE

F I L E D

MAY 1 - 1991

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

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

EQUAL EMPLOYMENT OPPORTUNITY)
COMMISSION,)
)
Plaintiff,)
)
v.)
)
FRU-CON CONSTRUCTION CORPORATION,)
)
Defendant.)

Case No. 90-C-856-C

ORDER

Upon consideration of the Joint Stipulation of Dismissal with Prejudice filed by the the parties to this action, it is hereby ordered that this case is dismissed with prejudice, with each side to pay its own costs and attorneys fees.

(Signed) H. Dale Cook

UNITED STATES DISTRICT JUDGE

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

FIDELITY & DEPOSIT)
COMPANY OF MARYLAND,)
)
Plaintiff,)
)
v.)
)
TAMMY LEE BUBENICK,)
)
Defendant.)

90-C-765-E ✓

FILED

MAY 1 1991 C

ORDER

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

This order pertains to Defendant's Motion for Summary Judgment (Docket #8)¹.

A hearing was held on April 26, 1991 and oral arguments were heard.

Plaintiff seeks recovery of \$130,071.94 based on subrogation, under an insurance policy insuring Adams Affiliates, Inc. ("Adams"), for payments made to Adams by plaintiff as a result of the fraudulent acts of defendant while she was employed by Adams. The facts are not contested by the parties. Defendant claims that the two-year statute of limitations applicable to plaintiff's claim against defendant based on the tort of conversion or fraud has run, and thus the action is time barred. Plaintiff claims it has waived the tort of fraud or conversion and sued on an implied contract for which the statute of limitations is three years, and the action is not time barred.

In Wagner v. Blankenship, 250 P.2d 464, 466 (Okla. 1952), the court held that one whose property has been converted by another to the benefit of the tortfeasor may elect

¹ "Docket numbers" refer to numerical designations assigned sequentially to each pleading, motion, order, or other filing and are included for purposes of record keeping only. "Docket numbers" have no independent legal significance and are to be used in conjunction with the docket sheet prepared and maintained by the United States Court Clerk, Northern District of Oklahoma.

not to sue on the tort but to sue upon an implied contract to pay for the property so converted:

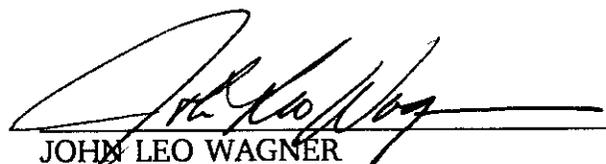
The question of whether a person whose property has been converted may elect to sue either in tort or in assumpsit has been a rather controversial one, but this court has adopted the view that a person whose property has been converted by another to the enhancement or benefit of the tort-feasor's estate may elect not to sue on the tort, but to sue on the implied contract to pay for the property so converted.

See also, T&S Investment Co. v. Coury, 593 P.2d 503 (Okla. 1979).

Under 12 O.S. § 95, the statute of limitations for an action based upon implied contract is three years. Adams discovered defendant's acts of employee dishonesty on December 13, 1987, and this action was filed on September 5, 1990, less than three years later.

Defendant's Motion for Summary Judgment is granted in part and denied in part, based on Oklahoma law. The motion is granted as to any theory sounding in tort, as the two-year statute of limitations under 12 O.S. § 95 has run. The motion is denied as to an implied contract theory, as the three-year statute of limitations had not run when suit was filed. It is sound public policy to allow the election as to whether to sue in tort or contract by the person bearing a loss from fraud or conversion.

Dated this 30th day of April, 1990.


JOHN LEO WAGNER
UNITED STATES MAGISTRATE JUDGE

Entered

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

FILED

MAY 1 1991

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

COMPUTONE, INC.,)
)
Plaintiff,)
)
vs.)
)
DAT SERVICES, INC., et al.,)
)
Defendants.)

No. 90-C-188-E ✓

ADMINISTRATIVE CLOSING ORDER

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 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, order, judgment, or for any other purpose required to obtain a final determination of the litigation. 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 litigation is necessary.

ORDERED this 12th day of ~~April~~ ^{MAY}, 1991.



JAMES O. ELLISON
UNITED STATES DISTRICT JUDGE

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

LIBERTY MUTUAL INSURANCE COMPANY,)

Plaintiff,)

vs.)

BILLY KELLEY and EDITH CORNISH,)

Defendants.)

Case No. 90-C-165-C

FILED

MAY 0 1991

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

ORDER OF DISMISSAL WITH PREJUDICE

NOW ON this 1st day of may, 1991, 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.

(Signed) H. Dale Cook

United States District Judge

20-201/KCP/lco

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

FILED

MAY 01 1991

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

DEBRA D. DAVIS,

Plaintiff,

-vs-

NO. 90-C-729-C

NCH CORPORATION, a Foreign
Corporation, ST. JOHN MEDICAL
CENTER, INC., an Oklahoma
Corporation d/b/a WORK MED or
ST. JOHN MINOR EMERGENCY CENTER -
EAST, LLOYD T. ANDERSON, M.D.,
and FRANK DeMARCO, M.D.,

Defendants.

O R D E R

NOW on this 1 day of May, 1991, the
Plaintiff's APPLICATION FOR PARTIAL DISMISSAL AS TO DEFENDANT ST.
JOHN ONLY comes on for consideration before the undersigned Judge.

Defendant ST. JOHN MEDICAL CENTER, INC., an Oklahoma
Corporation d/b/a WORK MED or ST. JOHN MINOR EMERGENCY CENTER -
EAST is hereby dismissed without prejudice as to further filing
and the Plaintiff may proceed with her causes of action against
Defendants NCH CORPORATION, a Foreign Corporation, LLOYD T.
ANDERSON, M.D. and FRANK DeMARCO, M.D.


UNITED STATES DISTRICT JUDGE

19