

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

FILED
MAY 28 1992

Richard M. Lawrence, Clerk
U.S. DISTRICT COURT

ARCHIC HILL,

Petitioner,

v.

STEPHEN KAISER and THE
ATTORNEY GENERAL OF THE
STATE OF OKLAHOMA,

Respondents.

92-C-435-E

ENTERED ON DOCKET

DATE 5-29-92

ORDER

The Court having examined petitioner's Petition for a Writ of Habeas Corpus Pursuant to 28 U.S.C. § 2254 finds as follows:

(1) That the petitioner is contesting his conviction in the Oklahoma County District Court, which is located within the territorial jurisdiction of the Western District of Oklahoma.

(2) That the petitioner demands his release from the custody imposed as a result of that conviction and as grounds therefore alleges he is being deprived of his liberty in violation of rights under the Constitution of the United States.

(3) In the furtherance of justice this case should be transferred to the United States District Court for the Western District of Oklahoma.

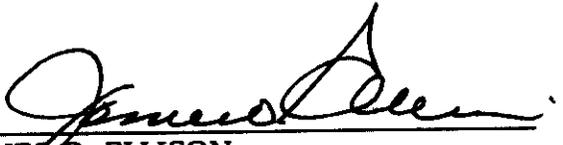
IT IS THEREFORE ORDERED:

(1) Pursuant to the authority contained in 28 U.S.C. § 2241(d) and in the exercise of discretion allocated to the Court, this cause is hereby transferred to the United

States District Court for the Western District of Oklahoma for all further proceedings.¹

(2) The Clerk of this Court shall mail a copy of this Order to the petitioner.

Dated this 28th day of May, 1992.



JAMES O. ELLISON
UNITED STATES DISTRICT JUDGE

¹ Title 28 U.S.C. § 2241(d) states: "Where an application for a writ of habeas corpus is made by a person in custody under the judgment and sentence of a State court of a State which contains two or more Federal judicial districts, the application may be filed in the district court for the district wherein such person is in custody or in the district court for the district within which the State court was held which convicted and sentenced him and each of such district courts shall have concurrent jurisdiction to entertain the application. The district court for the district wherein such application is filed in the exercise of discretion and in furtherance of justice may transfer the application to the other district court for hearing and determination."

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

BANKERS TRUST COMPANY,
Plaintiff,

v.

LEE KEELING & ASSOCIATES, INC.,
and LEE A. KEELING,
Defendants.

No. 87-C-20-B ✓

FILED

MAY 29 1992

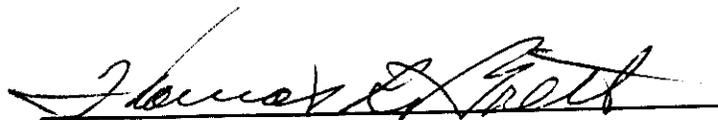
Richard M. Lawrence, Clerk
U. S. DISTRICT COURT
NORTHERN DISTRICT OF OKLAHOMA

J U D G M E N T

In accord with the Verdict entered on May 15, 1992, the Court hereby enters judgment in favor of the defendant, Lee Keeling & Associates, Inc., and against the plaintiff, Bankers Trust Company, on the breach of contract claims; and in favor of the plaintiff, Bankers Trust Company, and against the defendants, Lee Keeling & Associates, Inc. and Lee A. Keeling, on the negligence claims, for the amount of \$7,200,000.00, plus preverdict interest pursuant to N.Y. Civ. Prac. L. & R. §§5001 and 5004 at the rate of 9% per annum from May 25, 1984 to May 15, 1992, for total damages in the amount of \$12,369,790.08, plus prejudgment interest pursuant to N.Y. Civ. Prac. L. & R. §§5002 and 5004 from May 15, 1992 to this date in the amount of \$39,651.17, plus post-judgment interest on the total amount of \$12,409,441.25 from this date until payment at the legal rate of 4.40% per annum or \$1,495.93 per diem pursuant to 28 U.S.C. §1961. Costs may be awarded upon proper and timely application. The parties are to pay their respective attorneys' fees.

5/29

DATED this 28 day of May, 1992.

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

THOMAS R. BRETT
UNITED STATES DISTRICT JUDGE

FILED ON DOCKET
DATE 5/29/92

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

IN RE:)
)
MID REGION PETROLEUM,)
INC.,)
)
Debtor,)
_____)
)
GENERAL AMERICAN)
TRANSPORTATION CORPORATION,)
)
Appellant,)
)
v.)
)
W. SCOTT MARTIN, TRUSTEE)
OF MID REGION PETROLEUM, INC.,)
)
Appellee.)

Bankruptcy No. 83-01871-W
Chapter 11

District Court No. 90-C-258-B ✓

FILED
28
Filing
JUL 28 1992
U.S. DISTRICT COURT
NORTHERN DISTRICT OF OKLAHOMA

ORDER

This order pertains to the Motion of General American Transportation Corporation ("GATC") for Vacation of Order and Reentry Thereof Pursuant to Rule 60(b) of the Federal Rules of Civil Procedure (Docket #13)¹ and the Response to Motion of General American Transportation Corporation for Vacation of Order (Docket #15). The parties did not receive notice of the entry of the court's order of October 19, 1990 until after the appeal time had run because the court clerk failed to mail copies to them. The Motion to Vacate was filed on November 26, 1991.

Rule 4(a) of the Federal Rules of Appellate Procedure states in part "(1) In a civil case in which an appeal is permitted by law as of right from a district court to a court of

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.

6

appeals the notice of appeal required by Rule 3 shall be filed with the clerk of the district court within 30 days after the date of entry of the judgment or order appealed from; . . ."

The time periods established by this rule are "mandatory and jurisdictional." Browder v. Director, Ill. Dept. of Corrections, 434 U.S. 257, 264 (1978) (quoting United States v. Robinson, 361 U.S. 220, 229 (1960)). The purpose of the Rule is to set a definite point of time when litigation will end. Id.

Rule 77(d) of the Federal Rules of Civil Procedure read as follows on October 19, 1990:

Immediately upon the entry of an order or judgment the clerk shall serve a notice of the entry by mail in the manner provided for in Rule 5 upon each party who is not in default for failure to appear, and shall make a note in the docket of the mailing. Such mailing is sufficient notice for all purposes for which notice of the entry of an order is required by these rules; but any party may in addition serve a notice of such entry in the manner provided in Rule 5 for the service of papers. Lack of notice of the entry by the clerk does not affect the time to appeal or relieve or authorize the court to relieve a party for failure to appeal within the time allowed, except as permitted in Rule 4(a) of the Federal Rules of Appellate Procedure.

(emphasis added).

"Rule 77(d) charges a prospective appellant with the duty of following the progress of the action and advising himself as to when the court makes an order which he wishes to appeal." Gooch v. Skelly Oil Company, 493 F.2d 366, 369 (10th Cir.), cert. denied, 419 U.S. 997 (1974), discussing Lathrop v. Oklahoma City Housing Authority, 438 F.2d 914 (10th Cir.), cert. denied, 404 U.S. 840 (1971). Whether notice is received from the court clerk is "one of many factors to be considered in determining whether there has been excusable neglect Rule 77(d), as amended, charges a prospective appellant with the duty of keeping himself apprised as to the status of his case." Gooch, 493 F.2d at 369-70,

discussing Long v. Emery, 383 F.2d 392 (10th Cir. 1967).

In carefully limited circumstances, the Tenth Circuit has given relief from an untimely notice of appeal. If the district court induced detrimental reliance resulting in the filing of an untimely notice of appeal, the appeal may be allowed in the interests of justice. See, Stauber v. Kieser, 810 F.2d 1, 1-2 (10th Cir. 1982); Pinion v. Dow Chemical U.S.A., 928 F.2d 1522, 1526-35 (11th Cir.), cert. denied, 112 S.Ct. 438 (1991).

Relief may also be available under Rule 60(b) of the Federal Rules of Civil Procedure.² Wallace v. McManus, 776 F.2d 915, 916-17 (10th Cir. 1985). Rule 60(b) provides that a court may relieve a party from a final judgment, order, or proceeding for the reasons of mistake, inadvertence, surprise, or excusable neglect or for any other reason justifying relief. The decision to grant a 60(b) motion is thus within the trial court's discretion.

Oral arguments were presented to Magistrate Judge Wagner on October 1, 1990 and the district court issued the order being appealed on October 19, 1990. The order was docketed on October 21, 1990.

Counsel for GATC claims that he received information "from area practitioners" that

² Federal Rule of Civil Procedure 60(b) reads in part:

On motion and upon such terms as are just, the court may relieve a party or a party's legal representative from a final judgment, order, or proceeding for the following reasons: (1) mistake, inadvertence, surprise, or excusable neglect; (2) newly discovered evidence which by due diligence could not have been discovered in time to move for a new trial under Rule 59(b); (3) fraud (whether heretofore denominated intrinsic or extrinsic), misrepresentation, or other misconduct of an adverse party; (4) the judgment is void; (5) the judgment has been satisfied, released, or discharged, or a prior judgment upon which it is based has been reversed or otherwise vacated, or it is no longer equitable that the judgment should have prospective application; or (6) any other reason justifying relief from the operation of the judgment. The motion shall be made within a reasonable time, and for reasons (1), (2), and (3) not more than one year after the judgment, order, or proceeding was entered or taken. A motion under this subdivision (b) does not affect the finality of a judgment or suspend its operation

delays of as long as six months to one year in obtaining decisions in this court were not unusual, so he did not review the docket in this case for more than a year until November 21, 1991. He filed the motion at issue five days later.

The court concludes that, while counsel for GATC may not have exercised diligence in following the progress of this action, the interests of justice will be served by allowing this matter to be appealed. It is well-known among area practitioners that the heavy caseloads in this district court have caused significant delays in issuing decisions, and this fact may have induced detrimental reliance on the part of counsel for GATC. The Motion of General American Transportation Corporation for Vacation of Order and Reentry Thereof Pursuant to Rule 60(b) of the Federal Rules of Civil Procedure (#13) is granted. The Order is Vacated and Re-Entered as of the date of this order.

Dated this 28th day of May, 1992.


THOMAS R. BRETT
UNITED STATES DISTRICT JUDGE

UNITED STATES DISTRICT COURT FOR THE
NORTHERN DISTRICT OF OKLAHOMA

MAY 29 1992

LEON U. MOODY,)
)
Plaintiff,)
)
v.)
)
PROPERTY COMPANY OF AMERICA, INC.,)
)
Defendant.)

Richard M. Lawrence, Clerk
U.S. DISTRICT COURT

Case No. 91-C-988-E

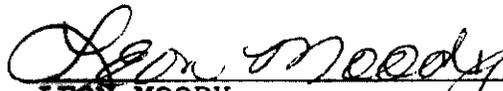
ENTERED ON DOCKET

DATE 5-29-92 H

STIPULATION ^{OF} FOR DISMISSAL BY ALL PARTIES

Pursuant to Fed. R. Civ. Proc. 41(a)91)(ii), it is hereby stipulated by LEON U. MOODY and PROPERTY COMPANY OF AMERICA, INC., by and through its attorney of record, R. Hayden Downie of Main and Downie, P.C., that the above entitled action be dismissed with prejudice and each party shall be responsible for their own costs.

Dated this 29th day of May, 1992.


LEON MOODY
3032 South 136th East Avenue #B
Tulsa, Oklahoma 74134

PRO SE PLAINTIFF


R. Hayden Downie, OBA #2466
MAIN & DOWNIE, P.C.
Galleria Tower I, Suite 520
7130 South Lewis Avenue
Tulsa, Oklahoma 74136
(918) 494-4050

ATTORNEY FOR DEFENDANT,
PROPERTY COMPANY OF AMERICA, INC.

(911sti):ssp

ENTERED ON DOCKET
MAY 29 1992
DATE _____

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

ENRON CORPORATION,
Plaintiff,

v.

MICHAEL F. MERRICK,
an individual,
and
TEMERON, INC.,
an Oklahoma corporation,

Defendants.

Case No. 88-C-739-B ✓

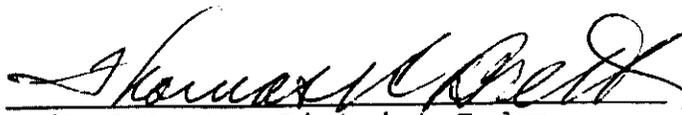
FILED
MAY 28
U.S. DISTRICT COURT
NORTHERN DISTRICT OF OKLAHOMA
MAY 28 1992

ORDER

This cause having come before this Court upon the Notice by Enron Corporation of its intent to abandon this litigation for reasons stated therein, and it appearing to this Court that Enron should be permitted to abandon this litigation, it is, therefore,

ORDERED, ADJUDGED AND DECREED THAT Enron Corporation be, and hereby is, granted leave to abandon this action. It is further Ordered that this action be, and hereby is, dismissed with prejudice at the consent of Enron.

So Ordered this 28 day of May, 1992.


United States District Judge

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

KAREN K. GLENN,
Plaintiff

vs.

LOUIS W. SULLIVAN, M.D.,
Secretary of the Department
of Health and Human Services
Defendant

Case No. 91-C-242-B

FILED
MAY 28 1992
Richard J. ... Clerk
U.S. DISTRICT COURT
NORTHERN DISTRICT OF OKLAHOMA

ORDER

Before the Court is Plaintiff Karen K. Glenn's objection to the Report and Recommendation of the U.S. Magistrate Judge to affirm termination of her disability benefits.

Glenn began receiving social security benefits in 1986. The record shows that a history of schizophrenic behavior caused her to lose her job operating a spool trim machine for Zebco and rendered her unable to work. In 1989, the Secretary of the Department of Health and Human Services ("Secretary") issued a Notice of Disability Cessation, which Glenn contested. After a hearing, the Administrative Law Judge found that Glenn's entitlement to disability benefits ended in February 1989 because medication had improved her condition sufficiently to enable her to return to her previous work. At the hearing, Glenn testified that she works part-time as a housekeeper and as a caregiver for an elderly woman. She said, however, that she is unable to work an eight-hour day because of stress, the fact that she tires easily and her memory would fade due to both her mental condition and the medication she receives

bimonthly for her schizophrenia. Glenn appealed the ruling to the Social Security Appeals Council, which affirmed termination of her benefits. She then brought this judicial review pursuant to 42 U.S.C. §405(g) to challenge the final decision by the Secretary. The Magistrate Judge recommends affirmation of the decision.

Glenn contends the decision should be reversed for three reasons: 1) The findings of the Administrative Law Judge were not based on substantial evidence; 2) The Administrative Law Judge erred when he did not hear testimony from a vocational expert; and 3) Glenn's due process rights were violated by the Administrative Law Judge.

The Administrative Law Judge's findings stand if they are supported by "sufficient relevant evidence in the record that a reasonable person might deem adequate to support the ultimate conclusion." Bernal v. Bowen, 851 F.2d 297, 299 (10th Cir. 1988). In deciding whether the findings are supported by substantial evidence, the Court must consider the record as a whole. Campbell v. Bowen, 822 F.2d 1518, 1521 (10th Cir. 1987). The Plaintiff has the burden to show that she is unable to return to the prior work she performed. Bernal, 851 F.2d at 299.

Plaintiff contends that the decisions of the Administrative Law Judge ("ALJ") and the Magistrate Judge were not based on substantial evidence because a representative of Mental Healthcare Services, Inc. stated in the record that the plaintiff "is able to comprehend and carry out simple instructions with close supervision" and that "[h]er physician has requested that she cut

back to two nights per week [of work], as she becomes overly tired, and there is a possibility of decompensation when she is under stress." Record on Appeal, p. 218-19. In addition, the Social Security Administration's physician, Dr. Goodman, testified that "[i]t is my impression that although she could probably not return to her previous work as a machine operator I think she can do simple tasks that did not require a great deal of interaction with the public or strangers or a great deal of concentrated intellectual effort." Record on Appeal, p. 235. The plaintiff argues that these statements preclude any determination that she can return to her past relevant work as a spool trimmer.

While Dr. Goodman stated that the plaintiff probably was unable to return to her work as a spool trimmer, he also stated that her schizophrenia was in remission. In addition, the most recent assessments filed by Social Security personnel (January 25, 1989, and May 26, 1989) showed that the effects of her schizophrenia were not severe enough to maintain her classification as disabled. Record on Appeal, pp. 141-182. One report stated the plaintiff "is able to do simple repetitive tasks... [she is] able to relate well enough to have superficial, incidental types of social contacts" Id. at 145.

Another Social Security Administration report stated that "current medical evidence shows the claimant has normal thought processes, and attention and concentration are intact. The individual has the residual functional capacity to ... respond appropriately to supervision, co-workers and customary work

pressure and changes in a routine work setting. Therefore, she retains the capacity for unskilled work at all exertional levels." Id. at 165. The Dictionary of Occupational Titles, on which the ALJ is allowed to rely, defines the plaintiff's former job of running a spool trim machine as unskilled work.

While the plaintiff stated at the ALJ hearing that stress caused her to forget, the only example she provided was when she "put a pan to soak and forgot to wash it." Record on Appeal, p. 41. She also testified that there had not been other recent examples of forgetfulness brought on by stress.

In weighing the evidence, the ALJ determined that the plaintiff "has had the residual functional capacity to perform the exertional and nonexertional requirements of work." (Finding #9, Record on Appeal, p. 19) and that the plaintiff's condition does not prevent her from performing her past work as a spool trimmer (Finding #11, Record on Appeal, p. 20). He determined that the plaintiff has the capacity for unskilled work at all exertional levels, and that her non-exertional limitation of stress brought about by schizophrenia is in remission. Evidence showed that the plaintiff no longer isolated herself; that her conversational ability, alertness and concentration had improved; and that she took care of her personal appearance and housekeeping.

The Magistrate Judge found that the two statements cited above, without more, do not meet the plaintiff's burden of showing she was unable to return to her past relevant work. This court holds some concern that the one doctor who specifically addressed

the question of whether the plaintiff was able to return to her job as a spool trimmer stated some doubt. However, this court agrees that there is sufficient relevant evidence in the record that a reasonable person might deem adequate to support the ultimate conclusion that the plaintiff is able to do her past work.

If the ALJ determines that a claimant is able to return to his previous work, testimony from a vocational expert is unnecessary. Williams v. Califano, 590 F.2d 1332, 1334 (5th Cir. 1979). If the plaintiff has met the burden of proving inability to return to previous relevant work, testimony from vocational experts is used by the Secretary to show that the plaintiff retains capacity to perform an alternative work activity. Frey v. Bowen, 816 F.2d 508 (10th Cir. 1987). Since the plaintiff in this case never met the burden of proving she was unable to return to her previous work, vocational testimony was not needed and the ALJ did not err by not hearing testimony from a vocational expert.

The plaintiff also alleges that her due process rights were violated because she was unable to cross-examine the Social Security Administration's physician. The request for subpoena was not received five days before the ALJ hearing as regulations require, and cross-examination was not allowed. Plaintiff states that the letter was mailed on December 29, 1989 (seven days before the hearing), that the Social Security Administration waived the five-day rule in this case, and that the ALJ left the record open an additional 15 days to allow additional evidence to be entered. However, the letter requesting the subpoena was not received by the

Social Security Administration until January 2, 1990 (three days before the hearing), and plaintiff points to no evidence supporting the allegation that the Social Security Administration waived the five-day rule in this case. Furthermore, although the ALJ allowed the record to remain open for fourteen days to receive additional evidence, this does not change the requirements of 20 C.F.R. 404.950(d)(2) that the request for subpoena be submitted at least five days before the hearing date. The Court therefore concludes the ALJ did not abuse his discretion by refusing to allow cross-examination.

The Court finds that there is sufficient relevant evidence in the record to support the ALJ's ruling that the plaintiff is able to perform her prior work, and therefore testimony from a vocational expert is unnecessary. The plaintiff's due process right to subpoena the reporting physician was not properly executed, but it was not violated. The Secretary's decision is, therefore, AFFIRMED.

IT IS SO ORDERED THIS 28 DAY OF MAY, 1992.


THOMAS R. BRETT
UNITED STATES DISTRICT JUDGE

ENTERED ON DOCKET

DATE MAY 28 1992

UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF OKLAHOMA

MAY 27 1992

ATLANTIC RICHFIELD CO.,)
)
 Plaintiff,)
)
 vs.)
)
 AMERICAN AIRLINES, INC.,)
 et al.,)
)
 Defendants.)
 AND OTHER CONSOLIDATED ACTIONS)

CLERK OF COURT
U.S. DISTRICT COURT
NORTHERN DISTRICT OF OK

Case No.'s 89-C-868-B
89-C-869-B
90-C-859-B

VACUUM & PRESSURE TANK TRUCK)
SERVICES,)
)
 Defendant and Third)
 Party Plaintiff,)
)
 vs.)
)
 AMERIGAS, INC.; ATLAS)
 TRUCKING CO., INC.; AYCOCK)
 LEASING a/k/a AYCOCK)
 INVESTMENT COMPANY; B & D)
 TRUCK SERVICE; BALDOR)
 ELECTRIC COMPANY; BALDWIN)
 PIANO & ORGAN CO.; BALL BROS)
 TRUCKING CO.; BAVARIAN MOTORS,)
 INC.; BROWN & ROOT, INC.;)
 CHICKASHA MANUFACTURING CO.,)
 INC.; CONMACK, INC.; CONOCO,)
 INC.; CONTINENTAL BAKING)
 COMPANY; GREYHOUND LINES,)
 INC.; CRAIN INDUSTRIES, INC.;)
 AMERICAN CAN COMPANY d/b/a)
 DIXIE CUPS; DESOTO, INC.;)
 ENVIRO-CHEM CORPORATION;)
 ERNIE MILLER PONTIAC GMC,)
 INC.; EXXON CORPORATION;)
 FACET ENTERPRISES, INC.)
 a/k/a PURALATOR PRODUCTS CO.;)
 FEST IMPORTS, INC.; FINE)
 TRUCK LINE, INC.; FORSGREN,)
 INC.; FRANKS & SONS, INC.;)
 GEAR PRODUCTS, INC.; GRIEF)
 BROS CORPORATION; HACKNEY)
 BROTHERS BODY COMPANY;)
 HALLETT CONSTRUCTION COMPANY,)

Respectfully Submitted,

DOYLE & HARRIS



Steven M. Harris, OBA #3913
Michael D. Davis, OBA #11282
2431 E. 61st St., Suite 260
Tulsa, OK 74136
(918) 743-1276

CERTIFICATE OF MAILING

I do hereby certify that on the 27 day of May, 1992, I caused to be mailed a true and correct copy of the above and foregoing instrument to the following parties with proper postage fully prepaid thereon.

Larry Gutteridge
SIDLEY & AUSTIN
2049 Century Park East
Suite 3500
Los Angeles, CA 90067

William Anderson
DOERNER, STUART, et al.
1000 Atlas Life Building
415 S. Boston
Tulsa, OK 74103



Steven M. Harris
Michael D. Davis

ENTERED ON DOCKET
DATE MAY 28 1992

UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF OKLAHOMA

MAY 27 1992

ATLANTIC RICHFIELD CO.,)
)
 Plaintiff,)
)
 vs.)
)
 AMERICAN AIRLINES, INC.,)
 et al.,)
)
 Defendants.)
 AND OTHER CONSOLIDATED ACTIONS)

Case No.'s 89-C-868-B
89-C-869-B
90-C-859-B

CLERK OF DISTRICT COURT
NORTHERN DISTRICT OF OKLAHOMA

VACUUM & PRESSURE TANK TRUCK)
SERVICES,)
)
 Defendant and Third)
 Party Plaintiff,)
)
 vs.)
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 AMERIGAS, INC.; ATLAS)
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 LEASING a/k/a AYCOCK)
 INVESTMENT COMPANY; B & D)
 TRUCK SERVICE; BALDOR)
 ELECTRIC COMPANY; BALDWIN)
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 TRUCKING CO.; BAVARIAN MOTORS,)
 INC.; BROWN & ROOT, INC.;)
 CHICKASHA MANUFACTURING CO.,)
 INC.; CONMACK, INC.; CONOCO,)
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 COMPANY; GREYHOUND LINES,)
 INC.; CRAIN INDUSTRIES, INC.;)
 AMERICAN CAN COMPANY d/b/a)
 DIXIE CUPS; DESOTO, INC.;)
 ENVIRO-CHEM CORPORATION;)
 ERNIE MILLER PONTIAC GMC,)
 INC.; EXXON CORPORATION;)
 FACET ENTERPRISES, INC.)
 a/k/a PURALATOR PRODUCTS CO.;)
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 GEAR PRODUCTS, INC.; GRIEF)
 BROS CORPORATION; HACKNEY)
 BROTHERS BODY COMPANY;)
 HALLETT CONSTRUCTION COMPANY,)

HEERING CAN, INC.; JOHN)
 HENSHAL; HUDSON OIL COMPANY;)
 J R WOODS TRANSPORT SERVICES,)
 INC.; JONES TRUCK LINES, INC.;)
 LITTLE ROCK ROPE MACHINERY;)
 MASONITE CORPORATION; MOLL)
 TOOL & PLASTIC; BAXTER HEALTH)
 CARE CORPORATION; OKLAHOMA)
 SOLVENTS & CHEMICAL COMPANY;)
 P M F, INC.; PETROLEUM)
 MARKETING CO.; STANDARD)
 BRANDS, INC. d/b/a PLANTERS)
 PEANUTS; PORCHE RACING;)
 REID SUPPLY COMPANY; RENTAL)
 UNIFORM SERVICES, INC.)
 a/k/a T&G LEASING, INC.;)
 ROLLINS TRUCK RENTAL; SCREW)
 CORPORATION DIVISION VSI;)
 SUPERWRENCH, INC.; SYNTEX)
 AGRI BUSINESS INC. a/k/a)
 SYNTEX CORPORATION; T D)
 WILLIAMSON, INC.; TEXAS)
 INSTRUMENTS, INC., TIMEX)
 CORPORATION; TRANSMISSION)
 SPECIALISTS COMPANY; TULSA)
 TRAILER & BODY, INC.;)
 U S POLLUTION CONTROL, INC.;)
 UNION CARBIDE CHEMICALS AND)
 PLASTIC COMPANY, INC.;)
 VALMONT OILFIELD PRODUCTS)
 COMPANY; WASTE MANAGEMENT OF)
 TULSA, INC.; YATES IMPLEMENT)
 CO., INC.; COMMERCIAL)
 CARTAGE; OLYMPIC OIL COMPANY;)
 RUTHERFORD/PACIFIC, INC.)

Third Party Defendants.)

**NOTICE OF DISMISSAL OF THIRD PARTY DEFENDANT,
CONOCO, INC.**

COMES NOW the Defendant/Third Party Plaintiff Vacuum &
 Pressure Tank Truck Services, Inc., pursuant to and in accordance
 with Rule 41(a)(1), Federal Rules of Civil Procedure, and hereby
 dismisses its Third Party Complaint in relation to the Third Party
 Defendant, Conoco, Inc.

Respectfully Submitted,

DOYLE & HARRIS



Steven M. Harris, OBA #3913
Michael D. Davis, OBA #11282
2431 E. 61st St., Suite 260
Tulsa, OK 74136
(918) 743-1276

CERTIFICATE OF MAILING

I do hereby certify that on the 27th day of May, 1992, I caused to be mailed a true and correct copy of the above and foregoing instrument to the following parties with proper postage fully prepaid thereon.

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DOERNER, STUART, et al.
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415 S. Boston
Tulsa, OK 74103



Steven M. Harris
Michael D. Davis

ENTERED ON DOCKET

DATE ~~MAY 28 1992~~
MAY 27 1992

UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF OKLAHOMA

ATLANTIC RICHFIELD CO.,
Plaintiff,
vs.
AMERICAN AIRLINES, INC.,
et al.,
Defendants.
AND OTHER CONSOLIDATED ACTIONS

Case No.'s 89-C-868-B
89-C-869-B
90-C-859-B

RECEIVED
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CLERK

VACUUM & PRESSURE TANK TRUCK
SERVICES,
Defendant and Third
Party Plaintiff,
vs.
AMERIGAS, INC.; ATLAS
TRUCKING CO., INC.; AYCOCK
LEASING a/k/a AYCOCK
INVESTMENT COMPANY; B & D
TRUCK SERVICE; BALDOR
ELECTRIC COMPANY; BALDWIN
PIANO & ORGAN CO.; BALL BROS
TRUCKING CO.; BAVARIAN MOTORS,
INC.; BROWN & ROOT, INC.;
CHICKASHA MANUFACTURING CO.,
INC.; CONMACK, INC.; CONOCO,
INC.; CONTINENTAL BAKING
COMPANY; GREYHOUND LINES,
INC.; CRAIN INDUSTRIES, INC.;
AMERICAN CAN COMPANY d/b/a
DIXIE CUPS; DESOTO, INC.;
ENVIRO-CHEM CORPORATION;
ERNIE MILLER PONTIAC GMC,
INC.; EXXON CORPORATION;
FACET ENTERPRISES, INC.
a/k/a PURALATOR PRODUCTS CO.;
FEST IMPORTS, INC.; FINE
TRUCK LINE, INC.; FORSGREN,
INC.; FRANKS & SONS, INC.;
GEAR PRODUCTS, INC.; GRIEF
BROS CORPORATION; HACKNEY
BROTHERS BODY COMPANY;
HALLETT CONSTRUCTION COMPANY,

Respectfully Submitted,

DOYLE & HARRIS



Steven M. Harris, OBA #3913
Michael D. Davis, OBA #11282
2431 E. 61st St., Suite 260
Tulsa, OK 74136
(918) 743-1276

CERTIFICATE OF MAILING

I do hereby certify that on the 27th day of May, 1992, I caused to be mailed a true and correct copy of the above and foregoing instrument to the following parties with proper postage fully prepaid thereon.

Larry Gutteridge
SIDLEY & AUSTIN
2049 Century Park East
Suite 3500
Los Angeles, CA 90067

William Anderson
DOERNER, STUART, et al.
1000 Atlas Life Building
415 S. Boston
Tulsa, OK 74103



Steven M. Harris
Michael D. Davis

DATE MAY 28 1992

UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF OKLAHOMA

MAY 27 1992

ATLANTIC RICHFIELD CO.,)
)
 Plaintiff,)
)
 vs.)
)
 AMERICAN AIRLINES, INC.,)
 et al.,)
)
 Defendants.)
 AND OTHER CONSOLIDATED ACTIONS)

Case No.'s 89-C-868-B
89-C-869-B
90-C-859-B

RECEIVED
CLERK OF COURT
NORTHERN DISTRICT OF OK

VACUUM & PRESSURE TANK TRUCK)
SERVICES,)
)
 Defendant and Third)
 Party Plaintiff,)
)
 vs.)
)
 AMERIGAS, INC.; ATLAS)
 TRUCKING CO., INC.; AYCOCK)
 LEASING a/k/a AYCOCK)
 INVESTMENT COMPANY; B & D)
 TRUCK SERVICE; BALDOR)
 ELECTRIC COMPANY; BALDWIN)
 PIANO & ORGAN CO.; BALL BROS)
 TRUCKING CO.; BAVARIAN MOTORS,)
 INC.; BROWN & ROOT, INC.;)
 CHICKASHA MANUFACTURING CO.,)
 INC.; CONMACK, INC.; CONOCO,)
 INC.; CONTINENTAL BAKING)
 COMPANY; GREYHOUND LINES,)
 INC.; CRAIN INDUSTRIES, INC.;)
 AMERICAN CAN COMPANY d/b/a)
 DIXIE CUPS; DESOTO, INC.;)
 ENVIRO-CHEM CORPORATION;)
 ERNIE MILLER PONTIAC GMC,)
 INC.; EXXON CORPORATION;)
 FACET ENTERPRISES, INC.)
 a/k/a PURALATOR PRODUCTS CO.;)
 FEST IMPORTS, INC.; FINE)
 TRUCK LINE, INC.; FORSGREN,)
 INC.; FRANKS & SONS, INC.;)
 GEAR PRODUCTS, INC.; GRIEF)
 BROS CORPORATION; HACKNEY)
 BROTHERS BODY COMPANY;)
 HALLETT CONSTRUCTION COMPANY,)

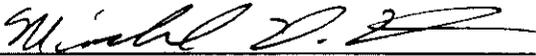
HEERING CAN, INC.; JOHN)
 HENSHAL; HUDSON OIL COMPANY;)
 J R WOODS TRANSPORT SERVICES,)
 INC.; JONES TRUCK LINES, INC.;)
 LITTLE ROCK ROAD MACHINERY;)
 MASONITE CORPORATION; MOLL)
 TOOL & PLASTIC; BAXTER HEALTH)
 CARE CORPORATION; OKLAHOMA)
 SOLVENTS & CHEMICAL COMPANY;)
 P M F, INC.; PETROLEUM)
 MARKETING CO.; STANDARD)
 BRANDS, INC. d/b/a PLANTERS)
 PEANUTS; PORCHE RACING;)
 REID SUPPLY COMPANY; RENTAL)
 UNIFORM SERVICES, INC.)
 a/k/a T&G LEASING, INC.;)
 ROLLINS TRUCK RENTAL; SCREW)
 CORPORATION DIVISION VSI;)
 SUPERWRENCH, INC.; SYNTEX)
 AGRI BUSINESS INC. a/k/a)
 SYNTEX CORPORATION; T D)
 WILLIAMSON, INC.; TEXAS)
 INSTRUMENTS, INC., TIMEX)
 CORPORATION; TRANSMISSION)
 SPECIALISTS COMPANY; TULSA)
 TRAILER & BODY, INC.;)
 U S POLLUTION CONTROL, INC.;)
 UNION CARBIDE CHEMICALS AND)
 PLASTIC COMPANY, INC.;)
 VALMONT OILFIELD PRODUCTS)
 COMPANY; WASTE MANAGEMENT OF)
 TULSA, INC.; YATES IMPLEMENT)
 CO., INC.; COMMERCIAL)
 CARTAGE; OLYMPIC OIL COMPANY;)
 RUTHERFORD/PACIFIC, INC.)
)
 Third Party Defendants.)

**NOTICE OF DISMISSAL OF THIRD PARTY DEFENDANT,
ERNIE MILLER PONTIAC GMC, INC.**

COMES NOW the Defendant/Third Party Plaintiff Vacuum &
 Pressure Tank Truck Services, Inc., pursuant to and in accordance
 with Rule 41(a)(1), Federal Rules of Civil Procedure, and hereby
 dismisses its Third Party Complaint in relation to the Third Party
 Defendant, Ernie Miller Pontiac GMC, Inc.

Respectfully Submitted,

DOYLE & HARRIS

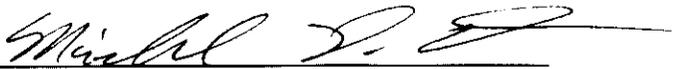

Steven M. Harris, OBA #3913
Michael D. Davis, OBA #11282
2431 E. 61st St., Suite 260
Tulsa, OK 74136
(918) 743-1276

CERTIFICATE OF MAILING

I do hereby certify that on the 21st day of May, 1992, I caused to be mailed a true and correct copy of the above and foregoing instrument to the following parties with proper postage fully prepaid thereon.

Larry Gutteridge
SIDLEY & AUSTIN
2049 Century Park East
Suite 3500
Los Angeles, CA 90067

William Anderson
DOERNER, STUART, et al.
1000 Atlas Life Building
415 S. Boston
Tulsa, OK 74103


Steven M. Harris
Michael D. Davis

ENTERED ON DOCKET
MAY 28 1992

UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF OKLAHOMA

FILED

MAY 27 1992

ATLANTIC RICHFIELD CO.,)
)
 Plaintiff,)
)
 vs.)
)
 AMERICAN AIRLINES, INC.,)
 et al.,)
)
 Defendants.)
 AND OTHER CONSOLIDATED ACTIONS)

Case No.'s 89-C-868-B
89-C-869-B
90-C-859-B

VACUUM & PRESSURE TANK TRUCK)
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 ERNIE MILLER PONTIAC GMC,)
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 a/k/a PURALATOR PRODUCTS CO.;)
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 TRUCK LINE, INC.; FORSGREN,)
 INC.; FRANKS & SOMS, INC.,)
 GEAR PRODUCTS, INC.; GRIEF)
 BROS CORPORATION; HACKNEY)
 BROTHERS BODY COMPANY;)
 HALLETT CONSTRUCTION COMPANY,)

HECKING CAN, INC.; JOHN)
 HENSHAL; HUDSON OIL COMPANY;)
 J R WOODS TRANSPORT SERVICES,)
 INC.; JONES TRUCK LINES, INC.;)
 LITTLE ROCK ROAD MACHINERY;)
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 TOOL & PLASTIC; BAXTER HEALTH)
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 SOLVENTS & CHEMICAL COMPANY;)
 P M F, INC.; PETROLEUM)
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 a/k/a T&G LEASING, INC.;)
 ROLLINS TRUCK RENTAL; SCREW)
 CORPORATION DIVISION VSI;)
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 INSTRUMENTS, INC., TIMEX)
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 VALMONT OILFIELD PRODUCTS)
 COMPANY; WASTE MANAGEMENT OF)
 TULSA, INC.; YATES IMPLEMENT)
 CO., INC.; COMMERCIAL)
 CARTAGE; OLYMPIC OIL COMPANY;)
 RUTHERFORD/PACIFIC, INC.)
)
 Third Party Defendants.)

**NOTICE OF DISMISSAL OF THIRD PARTY DEFENDANT,
SCREW CORPORATION DIVISION VSI**

COMES NOW the Defendant/Third Party Plaintiff Vacuum & Pressure Tank Truck Services, Inc., pursuant to and in accordance with Rule 41(a)(1), Federal Rules of Civil Procedure, and hereby dismisses its Third Party Complaint in relation to the Third Party Defendant, Screw Corporation Division VSI.

Respectfully Submitted,

DOYLE & HARRIS



Steven M. Harris, OBA #3913
Michael D. Davis, OBA #11282
2431 E. 61st St., Suite 260
Tulsa, OK 74136
(918) 743-1276

CERTIFICATE OF MAILING

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SIDLEY & AUSTIN
2049 Century Park East
Suite 3500
Los Angeles, CA 90067

William Anderson
DOERNER, STUART, et al.
1000 Atlas Life Building
415 S. Boston
Tulsa, OK 74103



Steven M. Harris
Michael D. Davis

ENTERED ON DOCKET

DATE 5/28/92

UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF OKLAHOMA

FILED

MAY 27 1992

RECEIVED

U.S. DISTRICT COURT

NORTHERN DISTRICT OF OKLAHOMA

ATLANTIC RICHFIELD CO.,)
)
 Plaintiff.)
)
 vs.)
)
 AMERICAN AIRLINES, INC.,)
 et al.,)
)
 Defendants.)
 AND OTHER CONSOLIDATED ACTIONS)

Case No.'s 89-C-868-B
89-C-869-B
90-C-859-B

VACUUM & PRESSURE TANK TRUCK)
SERVICES,)
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 Defendant and Third)
 Party Plaintiff,)
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 UNION CARBIDE CHEMICALS AND)
 PLASTIC COMPANY, INC.;)
 VALMONT OILFIELD PRODUCTS)
 COMPANY; WASTE MANAGEMENT OF)
 TULSA, INC.; YATES IMPLEMENT)
 CO., INC.; COMMERCIAL)
 CARTAGE; OLYMPIC OIL COMPANY;)
 RUTHERFORD/PACIFIC, INC.)

Third Party Defendants.)

**NOTICE OF DISMISSAL OF THIRD PARTY DEFENDANT,
STANDARD BRANDS, INC. d/b/a PLANTERS PEANUTS**

COMES NOW the Defendant/Third Party Plaintiff Vacuum &
 Pressure Tank Truck Services, Inc., pursuant to and in accordance
 with Rule 41(a)(1), Federal Rules of Civil Procedure, and hereby
 dismisses its Third Party Complaint in relation to the Third Party
 Defendant, Standard Brands, Inc. d/b/a Planters Peanuts.

Respectfully Submitted,

DOYLE & HARRIS



Steven M. Harris, OBA #3913
Michael D. Davis, OBA #11282
2431 E. 61st St., Suite 260
Tulsa, OK 74136
(918) 743-1276

CERTIFICATE OF MAILING

I do hereby certify that on the 27th day of May, 1992, I caused to be mailed a true and correct copy of the above and foregoing instrument to the following parties with proper postage fully prepaid thereon.

Larry Gutteridge
SIDLEY & AUSTIN
2049 Century Park East
Suite 3500
Los Angeles, CA 90067

William Anderson
DOERNER, STUART, et al.
1000 Atlas Life Building
415 S. Boston
Tulsa, OK 74103



Steven M. Harris
Michael D. Davis

UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF OKLAHOMA

ENTERED ON DOCKET
DATE MAY 28 1992
FILED

ATLANTIC RICHFIELD CO.,)
)
 Plaintiff,)
)
 vs.)
)
 AMERICAN AIRLINES, INC.,)
 et al.,)
)
 Defendants.)
 AND OTHER CONSOLIDATED ACTIONS)

MAY 27 1992

RIGHT OF APPEAL

Case No.'s 89-C-868-B
89-C-869-B
90-C-859-B

NOT
OF OK

VACUUM & PRESSURE TANK TRUCK)
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 Defendant and Third)
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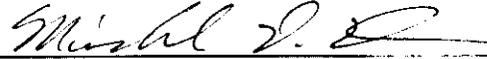
HEERING CAN, INC.; JOHN)
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 J R WOODS TRANSPORT SERVICES,)
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 LITTLE ROCK ROAD MACHINERY;)
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 CARE CORPORATION; OKLAHOMA)
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 TULSA, INC.; YATES IMPLEMENT)
 CO., INC.; COMMERCIAL)
 CARTAGE; OLYMPIC OIL COMPANY;)
 RUTHERFORD/PACIFIC, INC.)
)
 Third Party Defendants.)

**NOTICE OF DISMISSAL OF THIRD PARTY DEFENDANT,
BAXTER HEALTH CARE CORPORATION**

COMES NOW the Defendant/Third Party Plaintiff Vacuum & Pressure Tank Truck Services, Inc., pursuant to and in accordance with Rule 41(a)(1), Federal Rules of Civil Procedure, and hereby dismisses its Third Party Complaint in relation to the Third Party Defendant, Baxter Health Care Corporation.

Respectfully Submitted,

DOYLE & HARRIS



Steven M. Harris, OBA #3913
Michael D. Davis, OBA #11282
2431 E. 61st St., Suite 260
Tulsa, OK 74136
(918) 743-1276

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415 S. Boston
Tulsa, OK 74103



Steven M. Harris
Michael D. Davis

ENTERED ON DOCKET
MAY 28 1992
DATE

UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF OKLAHOMA

FILED

MAY 27 1992

ATLANTIC RICHFIELD CO.,)
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 Plaintiff,)
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 vs.)
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 AMERICAN AIRLINES, INC.,)
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 AND OTHER CONSOLIDATED ACTIONS)

Case No.'s 89-C-868-B
89-C-869-B
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VACUUM & PRESSURE TANK TRUCK)
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 TULSA, INC.; YATES IMPLEMENT)
 CO., INC.; COMMERCIAL)
 CARTAGE; OLYMPIC OIL COMPANY;)
 RUTHERFORD/PACIFIC, INC.)
)
 Third Party Defendants.)

**NOTICE OF DISMISSAL OF THIRD PARTY DEFENDANT,
HACKNEY BROTHERS BODY COMPANY**

COMES NOW the Defendant/Third Party Plaintiff Vacuum & Pressure Tank Truck Services, Inc., pursuant to and in accordance with Rule 41(a)(1), Federal Rules of Civil Procedure, and hereby dismisses its Third Party Complaint in relation to the Third Party Defendant, Hackney Brothers Body Company.

Respectfully Submitted,

DOYLE & HARRIS



Steven M. Harris, OBA #3913
Michael D. Davis, OBA #11282
2431 E. 61st St., Suite 260
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UNITED STATES DISTRICT COURT
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)
 Third Party Defendants.)

**NOTICE OF DISMISSAL OF THIRD PARTY DEFENDANT,
HEEKIN CAN, INC.**

COMES NOW the Defendant/Third Party Plaintiff Vacuum & Pressure Tank Truck Services, Inc., pursuant to and in accordance with Rule 41(a)(1), Federal Rules of Civil Procedure, and hereby dismisses its Third Party Complaint in relation to the Third Party Defendant, Heekin Can, Inc.

Respectfully Submitted,

DOYLE & HARRIS



Steven M. Harris, OBA #3913
Michael D. Davis, OBA #11282
2431 E. 61st St., Suite 260
Tulsa, OK 74136
(918) 743-1276

CERTIFICATE OF MAILING

I do hereby certify that on the 27th day of May, 1992, I caused to be mailed a true and correct copy of the above and foregoing instrument to the following parties with proper postage fully prepaid thereon.

Larry Gutteridge
SIDLEY & AUSTIN
2049 Century Park East
Suite 3500
Los Angeles, CA 90067

William Anderson
DOERNER, STUART, et al.
1000 Atlas Life Building
415 S. Boston
Tulsa, OK 74103



Steven M. Harris
Michael D. Davis

ENTERED ON DOCKET

DATE MAY 28 1992

UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF OKLAHOMA

MAY 27 1992

ATLANTIC RICHFIELD CO.,

Plaintiff,

vs.

AMERICAN AIRLINES, INC.,
et al.,

Defendants.

AND OTHER CONSOLIDATED ACTIONS

RECEIVED

COURT
CLERK OF OK

Case No.'s 89-C-868-B
89-C-869-B
90-C-859-B

VACUUM & PRESSURE TANK TRUCK
SERVICES,

Defendant and Third
Party Plaintiff,

vs.

AMERIGAS, INC.; ATLAS
TRUCKING CO., INC.; AYCOCK
LEASING a/k/a AYCOCK
INVESTMENT COMPANY; B & D
TRUCK SERVICE; BALDOR
ELECTRIC COMPANY; BALDWIN
PIANO & ORGAN CO.; BALL BROS
TRUCKING CO.; BAVARIAN MOTORS,
INC.; BROWN & ROOT, INC.;
CHICKASHA MANUFACTURING CO.,
INC.; CONMACK, INC.; CONOCO,
INC.; CONTINENTAL BAKING
COMPANY; GREYHOUND LINES,
INC.; CRAIN INDUSTRIES, INC.;
AMERICAN CAN COMPANY d/b/a
DIXIE CUPS; DESOTO, INC.;
ENVIRO-CHEM CORPORATION;
ERNIE MILLER PONTIAC GMC,
INC.; EXXON CORPORATION;
FACET ENTERPRISES, INC.
a/k/a PURALATOR PRODUCTS CO.;
FEST IMPORTS, INC.; FINE
TRUCK LINE, INC.; FORSGREN,
INC.; FRANKS & SONS, INC.;
GEAR PRODUCTS, INC.; GRIEF
BROS CORPORATION; HACKNEY
BROTHERS BODY COMPANY;
HALLETT CONSTRUCTION COMPANY,

HEERING CAN, INC.; JOHN)
 HENSHAL; HUDSON OIL COMPANY;)
 J R WOODS TRANSPORT SERVICES,)
 INC.; JONES TRUCK LINES, INC.;)
 LITTLE ROCK ROAD MACHINERY;)
 MASONITE CORPORATION; MOLL)
 TOOL & PLASTIC; BAXTER HEALTH)
 CARE CORPORATION; OKLAHOMA)
 SOLVENTS & CHEMICAL COMPANY;)
 P M F, INC.; PETROLEUM)
 MARKETING CO.; STANDARD)
 BRANDS, INC. d/b/a PLANTERS)
 PEANUTS; PORCHE RACING;)
 REID SUPPLY COMPANY; RENTAL)
 UNIFORM SERVICES, INC.)
 a/k/a T&G LEASING, INC.;)
 ROLLINS TRUCK RENTAL; SCREW)
 CORPORATION DIVISION VSI;)
 SUPERWRENCH, INC.; SYNTEX)
 AGRI BUSINESS INC. a/k/a)
 SYNTEX CORPORATION; T D)
 WILLIAMSON, INC.; TEXAS)
 INSTRUMENTS, INC., TIMEX)
 CORPORATION; TRANSMISSION)
 SPECIALISTS COMPANY; TULSA)
 TRAILER & BODY, INC.;)
 U S POLLUTION CONTROL, INC.;)
 UNION CARBIDE CHEMICALS AND)
 PLASTIC COMPANY, INC.;)
 VALMONT OILFIELD PRODUCTS)
 COMPANY; WASTE MANAGEMENT OF)
 TULSA, INC.; YATES IMPLEMENT)
 CO., INC.; COMMERCIAL)
 CARTAGE; OLYMPIC OIL COMPANY;)
 RUTHERFORD/PACIFIC, INC.)
)
 Third Party Defendants.)

**NOTICE OF DISMISSAL OF THIRD PARTY DEFENDANT,
CRAIN INDUSTRIES, INC.**

COMES NOW the Defendant/Third Party Plaintiff Vacuum & Pressure Tank Truck Services, Inc., pursuant to and in accordance with Rule 41(a)(1), Federal Rules of Civil Procedure, and hereby dismisses its Third Party Complaint in relation to the Third Party Defendant, Crain Industries, Inc..

Respectfully Submitted,

DOYLE & HARRIS



Steven M. Harris, OBA #3913
Michael D. Davis, OBA #11282
2431 E. 61st St., Suite 260
Tulsa, OK 74136
(918) 743-1276

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415 S. Boston
Tulsa, OK 74103



Steven M. Harris
Michael D. Davis

ENTERED ON DOCKET
MAY 28 1992

UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF OKLAHOMA

MAY 27 1992

ATLANTIC RICHFIELD CO.,)
)
 Plaintiff,)
)
 vs.)
)
 AMERICAN AIRLINES, INC.,)
 et al.,)
)
 Defendants.)
 AND OTHER CONSOLIDATED ACTIONS)

RICHMOND, OKLAHOMA
U.S. DISTRICT COURT
NORTHERN DISTRICT OF OK
Case No.'s 89-C-868-B
89-C-869-B
90-C-859-B

VACUUM & PRESSURE TANK TRUCK)
SERVICES,)
)
 Defendant and Third)
 Party Plaintiff,)
)
 vs.)
)
 AMERIGAS, INC.; ATLAS)
 TRUCKING CO., INC.; AYCOCK)
 LEASING a/k/a AYCOCK)
 INVESTMENT COMPANY; B & D)
 TRUCK SERVICE; BALDOR)
 ELECTRIC COMPANY; BALDWIN)
 PIANO & ORGAN CO.; BALL BROS)
 TRUCKING CO.; BAVARIAN MOTORS,)
 INC.; BROWN & ROOT, INC.;)
 CHICKASHA MANUFACTURING CO.,)
 INC.; CONMACK, INC.; CONOCO,)
 INC.; CONTINENTAL BAKING)
 COMPANY; GREYHOUND LINES,)
 INC.; CRAIN INDUSTRIES, INC.;)
 AMERICAN CAN COMPANY d/b/a)
 DIXIE CUPS; DESOTO, INC.;)
 ENVIRO-CHEM CORPORATION;)
 ERNIE MILLER PONTIAC GMC,)
 INC.; EXXON CORPORATION;)
 FACET ENTERPRISES, INC.)
 a/k/a PURALATOR PRODUCTS CO.;)
 FEST IMPORTS, INC.; FINE)
 TRUCK LINE, INC.; FORSGREN,)
 INC.; FRANKS & SONS, INC.;)
 GEAR PRODUCTS, INC.; GRIEF)
 BROS CORPORATION; HACKNEY)
 BROTHERS BODY COMPANY;)
 HALLETT CONSTRUCTION COMPANY,)

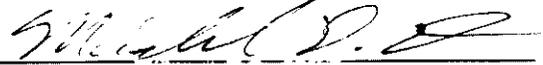
HECKING CAN, INC.; JOHN)
 HENSHAL; HUDSON OIL COMPANY;)
 J R WOODS TRANSPORT SERVICES,)
 INC.; JONES TRUCK LINES, INC.;)
 LITTLE ROCK ROAD MACHINERY;)
 MASONITE CORPORATION; MOLL)
 TOOL & PLASTIC; BAXTER HEALTH)
 CARE CORPORATION; OKLAHOMA)
 SOLVENTS & CHEMICAL COMPANY;)
 P M F, INC.; PETROLEUM)
 MARKETING CO.; STANDARD)
 BRANDS, INC. d/b/a PLANTERS)
 PEANUTS; PORCHE RACING;)
 REID SUPPLY COMPANY; RENTAL)
 UNIFORM SERVICES, INC.)
 a/k/a T&G LEASING, INC.;)
 ROLLINS TRUCK RENTAL; SCREW)
 CORPORATION DIVISION VSI;)
 SUPERWRENCH, INC.; SYNTEX)
 AGRI BUSINESS INC. a/k/a)
 SYNTEX CORPORATION; T D)
 WILLIAMSON, INC.; TEXAS)
 INSTRUMENTS, INC., TIMEX)
 CORPORATION; TRANSMISSION)
 SPECIALISTS COMPANY; TULSA)
 TRAILER & BODY, INC.;)
 U S POLLUTION CONTROL, INC.;)
 UNION CARBIDE CHEMICALS AND)
 PLASTIC COMPANY, INC.;)
 VALMONT OILFIELD PRODUCTS)
 COMPANY; WASTE MANAGEMENT OF)
 TULSA, INC.; YATES IMPLEMENT)
 CO., INC.; COMMERCIAL)
 CARTAGE; OLYMPIC OIL COMPANY;)
 RUTHERFORD/PACIFIC, INC.)
)
 Third Party Defendants.)

**NOTICE OF DISMISSAL OF THIRD PARTY DEFENDANT,
GEAR PRODUCTS, INC.**

COMES NOW the Defendant/Third Party Plaintiff Vacuum & Pressure Tank Truck Services, Inc., pursuant to and in accordance with Rule 41(a)(1), Federal Rules of Civil Procedure, and hereby dismisses its Third Party Complaint in relation to the Third Party Defendant, Gear Products, Inc.

Respectfully Submitted,

DOYLE & HARRIS



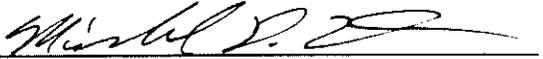
Steven M. Harris, OBA #3913
Michael D. Davis, OBA #11282
2431 E. 61st St., Suite 260
Tulsa, OK 74136
(918) 743-1276

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1000 Atlas Life Building
415 S. Boston
Tulsa, OK 74103



Steven M. Harris
Michael D. Davis

ENTERED ON DOCKET

MAY 28 1992

DATE

UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF OKLAHOMA

MAY 27 1992

ATLANTIC RICHFIELD CO.,)
)
 Plaintiff,)
)
 vs.)
)
 AMERICAN AIRLINES, INC.,)
 et al.,)
)
 Defendants.)
 AND OTHER CONSOLIDATED ACTIONS)

RECORDED & INDEXED
U.S. DISTRICT COURT
NORTHERN DISTRICT OF OKLAHOMA

Case No.'s 89-C-868-B
89-C-869-B
90-C-859-B

VACUUM & PRESSURE TANK TRUCK)
SERVICES,)
)
 Defendant and Third)
 Party Plaintiff,)
)
 vs.)
)
 AMERIGAS, INC.; ATLAS)
 TRUCKING CO., INC.; AYCOCK)
 LEASING a/k/a AYCOCK)
 INVESTMENT COMPANY; B & D)
 TRUCK SERVICE; BALDOR)
 ELECTRIC COMPANY; BALDWIN)
 PIANO & ORGAN CO.; BALL BROS)
 TRUCKING CO.; BAVARIAN MOTORS,)
 INC.; BROWN & ROOT, INC.;)
 CHICKASHA MANUFACTURING CO.,)
 INC.; CONMACK, INC.; CONOCO,)
 INC.; CONTINENTAL BAKING)
 COMPANY; GREYHOUND LINES,)
 INC.; CRAIN INDUSTRIES, INC.;)
 AMERICAN CAN COMPANY d/b/a)
 DIXIE CUPS; DESOTO, INC.;)
 ENVIRO-CHEM CORPORATION;)
 ERNIE MILLER PONTIAC GMC,)
 INC.; EXXON CORPORATION;)
 FACET ENTERPRISES, INC.)
 a/k/a PURALATOR PRODUCTS CO.;)
 FEST IMPORTS, INC.; FINE)
 TRUCK LINE, INC.; FORSGREN,)
 INC.; FRANKS & SONS, INC.)
 GEAR PRODUCTS, INC.; GRIFF)
 BROS CORPORATION; HACKNEY)
 BROTHERS BODY COMPANY;)
 HALLETT CONSTRUCTION COMPANY,)

HECKING CAN, INC.; JOHN)
 HENSHAL; HUDSON OIL COMPANY;)
 J R WOODS TRANSPORT SERVICES,)
 INC.; JONES TRUCK LINES, INC.;)
 LITTLE ROCK ROAD MACHINERY;)
 MASONITE CORPORATION; MOLL)
 TOOL & PLASTIC; BAXTER HEALTH)
 CARE CORPORATION; OKLAHOMA)
 SOLVENTS & CHEMICAL COMPANY;)
 P M F, INC.; PETROLEUM)
 MARKETING CO.; STANDARD)
 BRANDS, INC. d/b/a PLANTERS)
 PEANUTS; PORCHE RACING;)
 REID SUPPLY COMPANY; RENTAL)
 UNIFORM SERVICES, INC.)
 a/k/a T&G LEASING, INC.;)
 ROLLINS TRUCK RENTAL; SCREW)
 CORPORATION DIVISION VSI;)
 SUPERWRENCH, INC.; SYNTEX)
 AGRI BUSINESS INC. a/k/a)
 SYNTEX CORPORATION; T D)
 WILLIAMSON, INC.; TEXAS)
 INSTRUMENTS, INC., TIMEX)
 CORPORATION; TRANSMISSION)
 SPECIALISTS COMPANY; TULSA)
 TRAILER & BODY, INC.;)
 U S POLLUTION CONTROL, INC.;)
 UNION CARBIDE CHEMICALS AND)
 PLASTIC COMPANY, INC.;)
 VALMONT OILFIELD PRODUCTS)
 COMPANY; WASTE MANAGEMENT OF)
 TULSA, INC.; YATES IMPLEMENT)
 CO., INC.; COMMERCIAL)
 CARTAGE; OLYMPIC OIL COMPANY;)
 RUTHERFORD/PACIFIC, INC.)

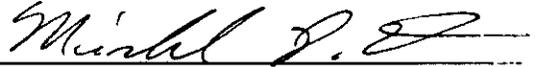
Third Party Defendants.)

NOTICE OF DISMISSAL OF THIRD PARTY DEFENDANT,
FACET ENTERPRISES, INC. a/k/a PURALATOR PRODUCTS CO.

COMES NOW the Defendant/Third Party Plaintiff Vacuum &
 Pressure Tank Truck Services, Inc., pursuant to and in accordance
 with Rule 41(a)(1), Federal Rules of Civil Procedure, and hereby
 dismisses its Third Party Complaint in relation to the Third Party
 Defendant, Facet Enterprises, Inc. a/k/a Puralator Products Co.

Respectfully Submitted,

DOYLE & HARRIS



Steven M. Harris, OBA #3913
Michael D. Davis, OBA #11282
2431 E. 61st St., Suite 260
Tulsa, OK 74136
(918) 743-1276

CERTIFICATE OF MAILING

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415 S. Boston
Tulsa, OK 74103



Steven M. Harris
Michael D. Davis

ENTERED ON DOCKET
DATE MAY 28 1992

UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF OKLAHOMA

FILED

MAY 27 1992

ATLANTIC RICHFIELD CO.,)
)
Plaintiff,)
)
vs.)
)
AMERICAN AIRLINES, INC.,)
et al.,)
)
Defendants.)
AND OTHER CONSOLIDATED ACTIONS)

Case No.'s 89-C-868-B
89-C-869-B
90-C-859-B

RICHMOND

CLERK

VACUUM & PRESSURE TANK TRUCK)
SERVICES,)
)
Defendant and Third)
Party Plaintiff,)
)
vs.)
)
AMERIGAS, INC.; ATLAS)
TRUCKING CO., INC.; AYCOCK)
LEASING a/k/a AYCOCK)
INVESTMENT COMPANY; B & D)
TRUCK SERVICE; BALDOR)
ELECTRIC COMPANY; BALDWIN)
PIANO & ORGAN CO.; BALL BROS)
TRUCKING CO.; BAVARIAN MOTORS,)
INC.; BROWN & ROOT, INC.;)
CHICKASHA MANUFACTURING CO.,)
INC.; CONMACK, INC.; CONOCO,)
INC.; CONTINENTAL BAKING)
COMPANY; GREYHOUND LINES,)
INC.; CRAIN INDUSTRIES, INC.;)
AMERICAN CAN COMPANY d/b/a)
DIXIE CUPS; DESOTO, INC.;)
ENVIRO-CHEM CORPORATION;)
ERNIE MILLER PONTIAC GMC,)
INC.; EXXON CORPORATION;)
FACET ENTERPRISES, INC.)
a/k/a PURALATOR PRODUCTS CO.;)
FEST IMPORTS, INC.; FINE)
TRUCK LINE, INC.; FORSGREN,)
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GEAR PRODUCTS, INC.; GRIFF)
BROS CORPORATION; HACKNEY)
BROTHERS BODY COMPANY;)
HALLETT CONSTRUCTION COMPANY,)

HEEKING CAN, INC.; JOHN)
 HENSHAL; HUDSON OIL COMPANY;)
 J R WOODS TRANSPORT SERVICES,)
 INC.; JONES TRUCK LINES, INC.;)
 LITTLE ROCK ROAD MACHINERY;)
 MASONITE CORPORATION; MO.I.)
 TOOL & PLASTIC; BAXTER HEALTH)
 CARE CORPORATION; OKLAHOMA)
 SOLVENTS & CHEMICAL COMPANY;)
 P M F, INC.; PETROLEUM)
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 BRANDS, INC. d/b/a PLANTERS)
 PEANUTS; PORCHE RACING;)
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 a/k/a T&G LEASING, INC.;)
 ROLLINS TRUCK RENTAL; SCREW)
 CORPORATION DIVISION VSI;)
 SUPERWRENCH, INC.; SYNTEX)
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 SYNTEX CORPORATION; T D)
 WILLIAMSON, INC.; TEXAS)
 INSTRUMENTS, INC., TIMEX)
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 SPECIALISTS COMPANY; TULSA)
 TRAILER & BODY, INC.;)
 U S POLLUTION CONTROL, INC.;)
 UNION CARBIDE CHEMICALS AND)
 PLASTIC COMPANY, INC.;)
 VALMONT OILFIELD PRODUCTS)
 COMPANY; WASTE MANAGEMENT OF)
 TULSA, INC.; YATES IMPLEMENT)
 CO., INC.; COMMERCIAL)
 CARTAGE; OLYMPIC OIL COMPANY;)
 RUTHERFORD/PACIFIC, INC.)

Third Party Defendants.)

**NOTICE OF DISMISSAL OF THIRD PARTY DEFENDANT,
T D WILLIAMSON, INC.**

COMES NOW the Defendant/Third Party Plaintiff Vacuum &
 Pressure Tank Truck Services, Inc., pursuant to and in accordance
 with Rule 41(a)(1), Federal Rules of Civil Procedure, and hereby
 dismisses its Third Party Complaint in relation to the Third Party
 Defendant, T D Williamson, Inc.

Respectfully Submitted,

DOYLE & HARRIS



Steven M. Harris, OBA #3913
Michael D. Davis, OBA #11282
2431 E. 61st St., Suite 260
Tulsa, OK 74136
(918) 743-1276

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Steven M. Harris
Michael D. Davis

ENTERED ON DOCKET
DATE MAY 28 1992

UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF OKLAHOMA

FILED

MAY 27 1992

ATLANTIC RICHFIELD CO.,
Plaintiff,
vs.
AMERICAN AIRLINES, INC.,
et al.,
Defendants.
AND OTHER CONSOLIDATED ACTIONS

Case No.'s 89-C-868-B
89-C-869-B
90-C-859-B

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VACUUM & PRESSURE TANK TRUCK
SERVICES,
Defendant and Third
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vs.
AMERIGAS, INC.; ATLAS
TRUCKING CO., INC.; AYCOCK
LEASING a/k/a AYCOCK
INVESTMENT COMPANY; B & D
TRUCK SERVICE; BALDOR
ELECTRIC COMPANY; BALDWIN
PIANO & ORGAN CO.; BALL BROS
TRUCKING CO.; BAVARIAN MOTORS,
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CHICKASHA MANUFACTURING CO.,
INC.; CONMACK, INC.; CONOCO,
INC.; CONTINENTAL BAKING
COMPANY; GREYHOUND LINES,
INC.; CRAIN INDUSTRIES, INC.;
AMERICAN CAN COMPANY d/b/a
DIXIE CUPS; DESOTO, INC.;
ENVIRO-CHEM CORPORATION;
ERNIE MILLER PONTIAC GMC,
INC.; EXXON CORPORATION;
FACET ENTERPRISES, INC.
a/k/a PURALATOR PRODUCTS CO.;
FEST IMPORTS, INC.; FINE
TRUCK LINE, INC.; FORSGREN,
INC.; FRANKS & SONS, INC.;
GELB PRODUCTS, INC.; GRIEF
BROS CORPORATION; HACKNEY
BROTHERS BODY COMPANY;
HALLETT CONSTRUCTION COMPANY,

HECKING CAN, INC.; JOHN)
 HENSHAL; HUDSON OIL COMPANY;)
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 LITTLE ROCK ROAD MACHINERY;)
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 UNION CARBIDE CHEMICALS AND)
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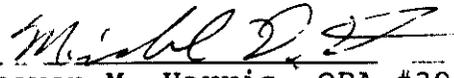
Third Party Defendants.)

**NOTICE OF DISMISSAL OF THIRD PARTY DEFENDANT,
 SYNTEX AGRI BUSINESS INC. a/k/a SYNTEX CORPORATION**

COMES NOW the Defendant/Third Party Plaintiff Vacuum &
 Pressure Tank Truck Services, Inc., pursuant to and in accordance
 with Rule 41(a)(1), Federal Rules of Civil Procedure, and hereby
 dismisses its Third Party Complaint in relation to the Third Party
 Defendant, Syntex AGRI Business Inc. a/k/a Syntex Corporation.

Respectfully Submitted,

DOYLE & HARRIS



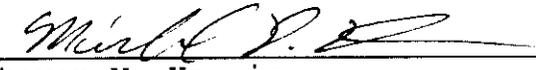
Steven M. Harris, OBA #3913
Michael D. Davis, OBA #11282
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Steven M. Harris
Michael D. Davis

ENTERED ON DOCKET

MAY 28 1992
DATE

UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF OKLAHOMA

FILED

MAY 27 1992

ATLANTIC RICHFIELD CO.,)
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 Plaintiff,)
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 AMERICAN AIRLINES, INC.,)
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 Defendants.)
 AND OTHER CONSOLIDATED ACTIONS)

Case No.'s 89-C-868-B
89-C-869-B
90-C-859-B

RIGHT TO LIFE FUND
U.S. DISTRICT COURT
NORTHERN DISTRICT OF OK

VACUUM & PRESSURE TANK TRUCK)
SERVICES,)
)
 Defendant and Third)
 Party Plaintiff,)
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 vs.)
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 AMERIGAS, INC.; ATLAS)
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 TRUCK SERVICE; BALDOR)
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 AMERICAN CAN COMPANY d/b/a)
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 ENVIRO-CHEM CORPORATION;)
 ERNIE MILLER PONTIAC GMC,)
 INC.; EXXON CORPORATION;)
 FACET ENTERPRISES, INC.)
 a/k/a PURALATOR PRODUCTS CO.;)
 FEST IMPORTS, INC.; FINE)
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 INC.; FRANKS & SONS, INC.,)
 GEAR PRODUCTS, INC.; GRIEF)
 BROS CORPORATION; HACKNEY)
 BROTHERS BODY COMPANY;)
 HALLETT CONSTRUCTION COMPANY,)

Respectfully Submitted,

DOYLE & HARRIS


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Steven M. Harris
Michael D. Davis

UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF OKLAHOMA

ENTERED ON BOOKS
MAY 28 1992
DATE

FILED

MAY 27 1992

RECEIVED

U.S. DISTRICT COURT
NORTHERN DISTRICT OF OK

ATLANTIC RICHFIELD CO.,)
)
Plaintiff,)
)
vs.)
)
AMERICAN AIRLINES, INC.,)
et al.,)
)
Defendants.)
AND OTHER CONSOLIDATED ACTIONS)

Case No.'s 89-C-868-B
89-C-869-B
90-C-859-B

VACUUM & PRESSURE TANK TRUCK)
SERVICES,)
)
Defendant and Third)
Party Plaintiff,)
)
vs.)
)
AMERIGAS, INC.; ATLAS)
TRUCKING CO., INC.; AYCOCK)
LEASING a/k/a AYCOCK)
INVESTMENT COMPANY; B & D)
TRUCK SERVICE; BALDOR)
ELECTRIC COMPANY; BALDWIN)
PIANO & ORGAN CO.; BALL BROS)
TRUCKING CO.; BAVARIAN MOTORS,)
INC.; BROWN & ROOT, INC.;)
CHICKASHA MANUFACTURING CO.,)
INC.; CONMACK, INC.; CONOCO,)
INC.; CONTINENTAL BAKING)
COMPANY; GREYHOUND LINES,)
INC.; CRAIN INDUSTRIES, INC.;)
AMERICAN CAN COMPANY d/b/a)
DIXIE CUPS; DESOTO, INC.;)
ENVIRO-CHEM CORPORATION;)
ERNIE MILLER PONTIAC GMC,)
INC.; EXXON CORPORATION;)
FACET ENTERPRISES, INC.)
a/k/a PURALATOR PRODUCTS CO.;)
FEST IMPORTS, INC.; FINE)
TRUCK LINE, INC.; FORSGREN,)
INC.; FRANKS & SONS, INC.;)
GEAR PRODUCTS, INC.; GRIEF)
BROS CORPORATION; HACKNEY)
BROTHERS BODY COMPANY;)
HALLETT CONSTRUCTION COMPANY,)

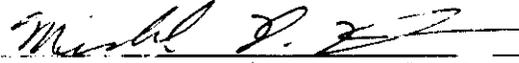
HEERING CAN, INC.; JOHN)
 HENSHAL; HUDSON OIL COMPANY;)
 J R WOODS TRANSPORT SERVICES,)
 INC.; JONES TRUCK LINES, INC.;)
 LITTLE ROCK ROAD MACHINERY;)
 MASONITE CORPORATION; MOLL)
 TOOL & PLASTIC; BAXTER HEALTH)
 CARE CORPORATION; OKLAHOMA)
 SOLVENTS & CHEMICAL COMPANY;)
 P M F, INC.; PETROLEUM)
 MARKETING CO.; STANDARD)
 BRANDS, INC. d/b/a PLANTERS)
 PEANUTS; PORCHE RACING;)
 REID SUPPLY COMPANY; RENTAL)
 UNIFORM SERVICES, INC.)
 a/k/a T&G LEASING, INC.;)
 ROLLINS TRUCK RENTAL; SCREW)
 CORPORATION DIVISION VSI;)
 SUPERWRENCH, INC.; SYNTEX)
 AGRI BUSINESS INC. a/k/a)
 SYNTEX CORPORATION; T D)
 WILLIAMSON, INC.; TEXAS)
 INSTRUMENTS, INC., TIMEX)
 CORPORATION; TRANSMISSION)
 SPECIALISTS COMPANY; TULSA)
 TRAILER & BODY, INC.;)
 U S POLLUTION CONTROL, INC.;)
 UNION CARBIDE CHEMICALS AND)
 PLASTIC COMPANY, INC.;)
 VALMONT OILFIELD PRODUCTS)
 COMPANY; WASTE MANAGEMENT OF)
 TULSA, INC.; YATES IMPLEMENT)
 CO., INC.; COMMERCIAL)
 CARTAGE; OLYMPIC OIL COMPANY;)
 RUTHERFORD/PACIFIC, INC.)
)
 Third Party Defendants.)

**NOTICE OF DISMISSAL OF THIRD PARTY DEFENDANT,
TEXAS INSTRUMENTS, INC.**

COMES NOW the Defendant/Third Party Plaintiff Vacuum & Pressure Tank Truck Services, Inc., pursuant to and in accordance with Rule 41(a)(1), Federal Rules of Civil Procedure, and hereby dismisses its Third Party Complaint in relation to the Third Party Defendant, Texas Instruments, Inc.

Respectfully Submitted,

DOYLE & HARRIS


Steven M. Harris, OBA #3913
Michael D. Davis, OBA #11282
2431 E. 61st St., Suite 260
Tulsa, OK 74136
(918) 743-1276

CERTIFICATE OF MAILING

I do hereby certify that on the 27th day of May, 1992, I caused to be mailed a true and correct copy of the above and foregoing instrument to the following parties with proper postage fully prepaid thereon.

Larry Gutteridge
SIDLEY & AUSTIN
2049 Century Park East
Suite 3500
Los Angeles, CA 90067

William Anderson
DOERNER, STUART, et al.
1000 Atlas Life Building
415 S. Boston
Tulsa, OK 74103


Steven M. Harris
Michael D. Davis

ENTERED ON DOCKET
MAY 28 1992
DATE

UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF OKLAHOMA

FILED

MAY 27 1992

ATLANTIC RICHFIELD CO.,)
)
 Plaintiff,)
)
 vs.)
)
 AMERICAN AIRLINES, INC.,)
 et al.,)
)
 Defendants.)
 AND OTHER CONSOLIDATED ACTIONS)

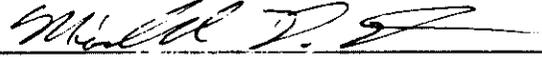
Case No.'s 89-C-868-B
89-C-869-B
90-C-859-B

RECEIVED
COURT
NORTH DISTRICT OF OK

VACUUM & PRESSURE TANK TRUCK)
SERVICES,)
)
 Defendant and Third)
 Party Plaintiff,)
)
 vs.)
)
 AMERIGAS, INC.; ATLAS)
 TRUCKING CO., INC.; AYCOCK)
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 TRUCK SERVICE; BALDOR)
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 AMERICAN CAN COMPANY d/b/a)
 DIXIE CUPS; DESOTO, INC.;)
 ENVIRO-CHEM CORPORATION;)
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 INC.; EXXON CORPORATION;)
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 INC.; FRANKS & SONS, INC.;)
 GEAR PRODUCTS, INC.; GRIEF)
 BROS CORPORATION; HACKNEY)
 BROTHERS BODY COMPANY;)
 HALLETT CONSTRUCTION COMPANY,)

Respectfully Submitted,

DOYLE & HARRIS



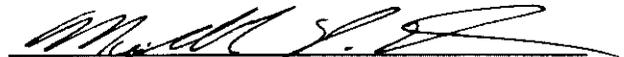
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415 S. Boston
Tulsa, OK 74103



Steven M. Harris
Michael D. Davis

ENTERED ON DOCKET
MAY 28 1992
DATE _____

UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF OKLAHOMA

MAY 27 1992

ATLANTIC RICHFIELD CO.,)
)
 Plaintiff,)
)
 vs.)
)
 AMERICAN AIRLINES, INC.,)
 et al.,)
)
 Defendants.)
 AND OTHER CONSOLIDATED ACTIONS)

Case No.'s 89-C-868-B
89-C-869-B
90-C-859-B

VACUUM & PRESSURE TANK TRUCK)
SERVICES,)
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 Defendant and Third)
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 INC.; FRANKS & SONS, INC.;)
 GEAR PRODUCTS, INC.; GRIEF)
 BROS CORPORATION; HACKNEY)
 BROTHERS BODY COMPANY;)
 HALLETT CONSTRUCTION COMPANY,)



ENTERED ON DOCKET

DATE MAY 28 1992

UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF OKLAHOMA

MAY 27 1992

ATLANTIC RICHFIELD CO.,)
)
Plaintiff,)
)
vs.)
)
AMERICAN AIRLINES, INC.,)
et al.,)
)
Defendants.)
AND OTHER CONSOLIDATED ACTIONS)

Case No.'s 89-C-868-B
89-C-869-B
90-C-859-B

VACUUM & PRESSURE TANK TRUCK)
SERVICES,)
)
Defendant and Third)
Party Plaintiff,)
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vs.)
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AMERIGAS, INC.; ATLAS)
TRUCKING CO., INC.; AYCOCK)
LEASING a/k/a AYCOCK)
INVESTMENT COMPANY; B & D)
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PIANO & ORGAN CO.; BALL BROS)
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INC.; BROWN & ROOT, INC.;)
CHICKASHA MANUFACTURING CO.,)
INC.; CONMACK, INC.; CONOCO,)
INC.; CONTINENTAL BAKING)
COMPANY; GREYHOUND LINES,)
INC.; CRAIN INDUSTRIES, INC.;)
AMERICAN CAN COMPANY d/b/a)
DIXIE CUPS; DESOTO, INC.;)
ENVIRO-CHEM CORPORATION;)
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 INC.; JONES TRUCK LINES, INC.;)
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 PLASTIC COMPANY, INC.;)
 VALMONT OILFIELD PRODUCTS)
 COMPANY; WASTE MANAGEMENT OF)
 TULSA, INC.; YATES IMPLEMENT)
 CO., INC.; COMMERCIAL)
 CARTAGE; OLYMPIC OIL COMPANY;)
 RUTHERFORD/PACIFIC, INC.)
)
 Third Party Defendants.)

**NOTICE OF DISMISSAL OF THIRD PARTY DEFENDANT,
BROWN & ROOT, INC.**

COMES NOW the Defendant/Third Party Plaintiff Vacuum &
 Pressure Tank Truck Services, Inc., pursuant to and in accordance
 with Rule 41(a)(1), Federal Rules of Civil Procedure, and hereby
 dismisses its Third Party Complaint in relation to the Third Party
 Defendant, Brown & Root, Inc.

Respectfully Submitted,

DOYLE & HARRIS



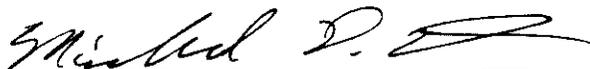
Steven M. Harris, OBA #3913
Michael D. Davis, OBA #11282
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DOERNER, STUART, et al.
1000 Atlas Life Building
415 S. Boston
Tulsa, OK 74103



Steven M. Harris
Michael D. Davis

ENTERED ON DOCKET

DATE MAY 28 1992

UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF OKLAHOMA

MAY 27 1992

ATLANTIC RICHFIELD CO.,)
)
 Plaintiff,)
)
 vs.)
)
 AMERICAN AIRLINES, INC.,)
 et al.,)
)
 Defendants.)
 AND OTHER CONSOLIDATED ACTIONS)

Case No.'s 89-C-868-B
89-C-869-B
90-C-859-B

RECEIVED
MAY 27 1992
U.S. DISTRICT COURT
NORTHERN DISTRICT OF OKLAHOMA

VACUUM & PRESSURE TANK TRUCK)
SERVICES,)
)
 Defendant and Third)
 Party Plaintiff,)
)
 vs.)
)
 AMERIGAS, INC.; ATLAS)
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 LEASING a/k/a AYCOCK)
 INVESTMENT COMPANY; B & D)
 TRUCK SERVICE; BALDOR)
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 FEST IMPORTS, INC.; FINE)
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 BROS CORPORATION; HACKNEY)
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 HALLETT CONSTRUCTION COMPANY,)

Respectfully Submitted,

DOYLE & HARRIS



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DOERNER, STUART, et al.
1000 Atlas Life Building
415 S. Boston
Tulsa, OK 74103



Steven M. Harris
Michael D. Davis

DATE 5-27-92

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

FILED

MAY 27 1992

Richard M. Lawrence, Clerk
U. S. DISTRICT COURT
NORTHERN DISTRICT OF OKLAHOMA

WARD PRICE,)	
)	
Plaintiff,)	
)	
vs.)	No. 92-C-113-E
)	
K-MART, INC., et al.,)	
)	
Defendants.)	

ORDER

Before the Court is the Report and Recommendation (R&R) of the U. S. Magistrate and Plaintiff's objection thereto. The Court has reviewed the record in light of the relevant law and finds that the R&R should be affirmed.

In his complaint, Mr. Price asserts that certain alleged conduct, on the part of K-Mart employees, infringed upon his constitutional rights. The R&R articulated the elements required to sustain a claim under 42 U.S.C. §1983: that Defendants' actions constituted a violation of **specific constitutional guarantees** and that those actions were taken "under color of state law." By way of explanation, the latter element requires that a justiciable claim under §1983 must pertain to the invasion of an individual's federal rights effected through state participation or authorization. Because it can be said to a legal certainty that any deprivation of Plaintiff's constitutional rights by K-Mart through its employees does not implicate the state, the Court must dismiss this action.

IT IS THEREFORE ORDERED that the Magistrate's R&R is affirmed.

ORDERED this 26th day of May, 1992.



JAMES O. ELLISON, Chief Judge
UNITED STATES DISTRICT COURT

FILED

MAY 27 1992

**Richard M. Lawrence, Clerk
U. S. DISTRICT COURT
NORTHERN DISTRICT OF OKLAHOMA**

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

MOUNTAIN STATES FINANCIAL)
RESOURCES, CORP.,)
)
Plaintiff,)
)
vs.)
)
L. DAVID HUSO, a/k/a L. D.)
HUSO, an individual, and)
OMAHA CREDIT REINSURANCE)
COMPANY, LTD., an Arkansas)
corporation,)
)
Defendant.)

ENTERED ON DOCKET

DATE 5-27-92

NO. 91-C-865-E

JOURNAL ENTRY OF JUDGMENT

NOW ON THIS 27 day of May, 1992, this cause comes on to be heard before the undersigned Judge. The defendants, L. David Huso, a/k/a L. D. Huso, and Omaha Credit Reinsurance Company, Ltd., were served with summons more than twenty (20) days prior to this date. The Court finds that the defendants are in default.

IT IS THEREFORE ORDERED, ADJUDGED AND DECREED by the Court that this Court has jurisdiction over the parties and the subject matter of this cause, that said defendants are adjudged to be in default, and the allegations contained in plaintiff's complaint be taken as true and confessed against the said defendants.

IT IS FURTHER ORDERED, ADJUDGED AND DECREED by the Court that the plaintiff is granted judgment against the defendant, Omaha Credit Reinsurance Company, Ltd., on its first cause of action with respect to promissory note number 8064873, for the principal sum of \$236,578.83, accrued interest in the amount of

\$98,390.87, through September 30, 1991, interest accruing thereon at the rate of \$74.54 per diem from October 1, 1991, until fully paid, as provided by 28 U.S.C. Section 1961.

IT IS FURTHER ORDERED, ADJUDGED AND DECREED by the Court that the plaintiff is granted judgment against the defendant, L. David Huso, a/k/a L. D. Huso, on its second cause of action with respect to promissory note number 6006930, for the principal sum of \$14,393.55, accrued interest in the amount of \$2,004.06 through September 30, 1991, interest accruing thereon at the rate of \$4.14 per diem from October 1, 1991, until fully paid, as provided by 28 U.S.C. Section 1961.

IT IS FURTHER ORDERED, ADJUDGED AND DECREED by the Court that the plaintiff is granted judgment against the defendant, L. David Huso, a/k/a L. D. Huso, on its third cause of action with respect to a certain Cash Reserve Credit Agreement, for the principal sum of \$1,452.06, accrued interest in the amount of \$781.25, through September 30, 1991, interest accruing thereon at the rate of \$.716 per diem from October 1, 1991, until fully paid, as provided by 28 U.S.C. Section 1961.

IT IS FURTHER ORDERED, ADJUDGED AND DECREED by the Court that the plaintiff is granted judgment against the defendant, L. David Huso, a/k/a L. D. Huso, on its fourth cause of action with respect to a certain Cash Reserve Credit Agreement, for the principal sum of \$8,885.11, accrued interest in the amount of \$4,778.25, through September 30, 1991, interest accruing thereon at the rate of \$4.38 per diem from October 1, 1991, until fully paid, as provided by 28 U.S.C. Section 1961.

IT IS FURTHER ORDERED, ADJUDGED AND DECREED by the Court that the plaintiff is granted judgment against the defendant, L. David Huso, a/k/a L. D. Huso, on its sixth cause of action with respect to his February 18, 1988, continuing Guaranty Agreement, for the principal sum of \$236,578.83, accrued interest in the amount of \$98,390.87, through September 30, 1991, interest accruing thereon at the rate of \$74.54 per diem from October 1, 1991, until fully paid, as provided by 28 U.S.C. Section 1961. This judgment shall be joint and several with the judgment appearing on page 1, paragraph III, supra.

IT IS FURTHER ORDERED, ADJUDGED AND DECREED by the Court that the plaintiff should have and recover an in personam judgment against the defendants, for its costs and a reasonable attorney's fee, to be determined by this Court following notice and a hearing, as provided by Federal Rule 54(d), and 12 O.S. Sections 928 and 936, and the terms of the promissory notes, cash reserve credit agreements and guaranty agreement mentioned above.

So ORDERED this 26th day of May, 1992.

FOR ALL OF WHICH LET EXECUTION OR GARNISHMENT ISSUE.



JAMES O. ELLISON, Chief Judge
UNITED STATES DISTRICT COURT

ENTERED ON DOCKET

DATE 5-27-92 *dl*

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

FILED

MAY 27 1992 *dl*

DAVID LEE SACK,)
)
 Plaintiff,)
)
 vs.)
)
 ST. FRANCIS HOSPITAL, et al.,)
)
 Defendants.)

No. 91-C-79-E

Richard M. Lawrence, Clerk
U.S. DISTRICT COURT

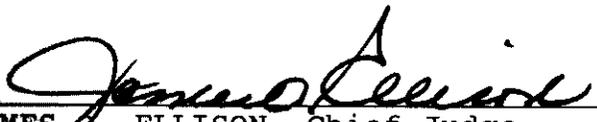
ORDER AND JUDGMENT

On the 8th day of May, 1992 the Motion to Dismiss of all Defendants was before the Court for oral argument. Plaintiff, David Lee Sack, was present pro se. Defendants, Saint Francis Hospital, Benjamin G. Benner, Karl N. Detwiler, Harold Dunlap, Chrys W. Corcoran, John C. Sacra, Unknown Security Guard, Unknown Medical Person were present by and through their attorney of record, Jennifer J. Keglovits. The Court has reviewed the pleadings, briefs and other evidence contained in the record, as well as the oral argument presented by counsel and pro se Plaintiff and Plaintiff's subsequent Motion to Reconsider, filed May 15, 1992. The Court believes that Mr. Sack now understands and acknowledges that the principal issues raised herein are barred by res judicata and collateral estoppel because they were heard and ruled upon by Judge Seay in the Eastern District. CIV-90-554-S. The Court finds that the remaining pendant state claims should not be considered by the Court pursuant to the Supplemental Jurisdiction Act, 18 U.S.C. §1367. See King Fisher Marine Service, Inc. v. 21st Phoenix Corp., 893 F.2d 1155 (10th Cir. 1990), Transok

Pipeline Co. v. Darks, 565 F.2d 1150 (10th Cir. 1977).

The Court therefore holds that Plaintiff's claims should be dismissed in their entirety.

So ORDERED this 26th day of May, 1992.



JAMES S. ELLISON, Chief Judge
UNITED STATES DISTRICT COURT

ENTERED ON DOCKET

DATE 5-27-92

FILED

MAY 27 1992 *H*

Richard M. Lawrence, Clerk
U. S. DISTRICT COURT
NORTHERN DISTRICT OF OKLAHOMA

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

ERWIN AND ELKE REIFF,)
)
 Plaintiffs,)
)
 vs.)
)
 BLUE CROSS AND BLUE SHIELD OF)
 OKLAHOMA, Individually and as)
 Trade Name of GROUP HEALTH)
 INSURANCE OF OKLAHOMA, INC.,)
)
 Defendant.)

No. 90-C-1030-E

ORDER

Pursuant to the Tenth Circuit Mandate of March 27, 1992, this Court's Order of September 4, 1991 is vacated, Plaintiffs' Petition for fees and costs is dismissed as moot, and this action is hereby dismissed.

So ORDERED this 26th day of May, 1992.

James O. Ellison

JAMES O. ELLISON, Chief Judge
UNITED STATES DISTRICT COURT

43

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

BRUCE W. ROBINETT, JAMES R.)
JOHNSON, JESSE J. WORTEN, III,)
and DAVID B. KING,)
individuals, d/b/a)
BREWER, WORTEN, ROBINETT,)
JOHNSON, WORTEN & KING,)
a professional law)
partnership,)

Plaintiffs,)

vs.)

RESOLUTION TRUST CORPORATION,)
a government corporation and)
receiver for Peoples Savings)
& Loan Association,)
Bartlesville, Oklahoma,)

Defendant.)

Case No. 92-C-243 E

FILED

MAY 27 1992

Richard M. Lawrence, Clerk
U.S. DISTRICT COURT

DISMISSAL WITH PREJUDICE

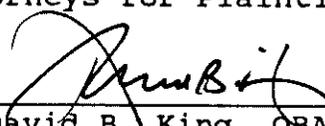
COME NOW Plaintiffs, Bruce W. Robinett, James R. Johnson, Jesse J. Worten, III and David B. King, individuals, d/b/a Brewer, Worten, Robinett, Johnson, Worten & King, a professional law partnership, and hereby dismisses with prejudice the above-captioned matter against the Defendant, Resolution Trust Corporation.

Dated this 21st day of May, 1992.

Respectfully submitted,

BREWER, WORTEN, ROBINETT,
JOHNSON, WORTEN & KING
Attorneys for Plaintiff

By


David B. King, OBA 5025
P.O. Box 1066
Bartlesville, OK 74005
(918) 336-4132

DATE 5/27/92

UNITED STATES DISTRICT COURT FOR THE
NORTHERN DISTRICT OF OKLAHOMA

UNITED STATES OF AMERICA,)
)
 Plaintiff,)
)
 vs.)
)
 RICHARD DUVAL FIELDS; SHIRLEY)
 ANN FIELDS; DONALD L. JURICK)
 and WANDA MAE JURICK,)
 Individually and as Co-Trustees)
 of the Donald L. Jurick Trust;)
 GRAND INVESTMENT COMPANY;)
 COUNTY TREASURER, Tulsa County,)
 Oklahoma; and BOARD OF COUNTY)
 COMMISSIONERS, Tulsa County,)
 Oklahoma,)
)
 Defendants.)

F I L E D

Richard M. Law, Clerk
U. S. DISTRICT COURT
NORTHERN DISTRICT OF OKLAHOMA

CIVIL ACTION NO. 89-C-041-B

DEFICIENCY JUDGMENT

This matter comes on for consideration this 26 day of May, 1992, upon the Motion of the Plaintiff, United States of America, acting on behalf of the Secretary of Veterans Affairs, for leave to enter a Deficiency Judgment. The Plaintiff appears by Tony M. Graham, United States Attorney for the Northern District of Oklahoma, through Phil Pinnell, Assistant United States Attorney, and the Defendants, Richard Duvall Fields and Shirley Ann Fields, appear through their attorney of record, Dennis A. Caruso. The Court being fully advised and having examined the court file finds that a copy of Plaintiff's Motion was mailed to Dennis A. Caruso, at Brune, Pezold, Richey & Lewis, 700 Sinclair Building, 6 East 5th Street, Tulsa, Oklahoma 74103, Attorney for Defendants, Richard Duvall Fields and Shirley Ann Fields, and all other counsel and parties of record. The Court further finds that the amount of the Judgment rendered on December 27, 1989, in favor of the Plaintiff United States of America,

and against the Defendants, Richard Duvall Fields and Shirley Ann Fields, with interest and costs to date of sale is \$44,356.61.

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

The Court further finds that the real property involved herein was sold at Marshal's sale, pursuant to the Judgment of this Court entered December 27, 1989, for the sum of \$8,981.00 which is less than the market value.

The Court further finds that the Marshal's sale was confirmed pursuant to the Order of this Court on May, 1991.

The Court further finds that the Plaintiff, United States of America on behalf of the Secretary of Veterans Affairs, is accordingly entitled to a deficiency judgment against the Defendants, Richard Duvall Fields and Shirley Ann Fields, as follows:

Principal Balance as of 12-27-89	\$32,530.72
Interest	9,871.85
Late Charges to Date of Judgment	398.52
Appraisal by Agency	500.00
Management Broker Fees to Date of Sale	588.15
Abstracting	94.00
Publication Fees of Notice of Sale	148.37
Court Appraisers' Fees	<u>225.00</u>
TOTAL	\$44,356.61
Less Credit For Fair Market Value	<u>-20,000.00</u>
DEFICIENCY	\$24,356.61

plus interest on said deficiency judgment at the legal rate of 4.40 percent per annum from date of deficiency judgment until paid; said deficiency being the difference between the amount of Judgment rendered herein and the appraised value of the property herein.

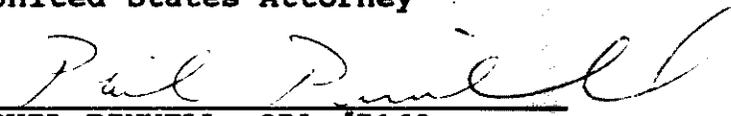
IT IS THEREFORE ORDERED, ADJUDGED, AND DECREED that the United States of America on behalf of the Secretary of Veterans Affairs have and recover from Defendants, Richard Duvall Fields and Shirley Ann Fields, a deficiency judgment in the amount of \$24,356.61, plus interest at the legal rate of 4.40 percent per annum on said deficiency judgment from date of judgment until paid.

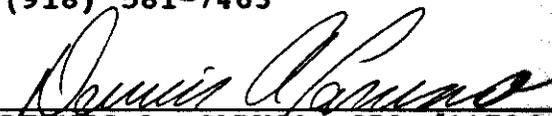
THOMAS B. GRAHAM

UNITED STATES DISTRICT JUDGE

APPROVED AS TO FORM AND CONTENT:

TONY M. GRAHAM
United States Attorney


PHIL PINNELL, OBA #7169
Assistant United States Attorney
3900 U.S. Courthouse
Tulsa, Oklahoma 74103
(918) 581-7463


DENNIS A. CARUSO, OBA #11786
BRUNE, PEZOLD, RICHEY & LEWIS
700 Sinclair Building
Six East Fifth Street
Tulsa, Oklahoma 74103

Attorney for Defendants,
Richard Duvall Fields and
Shirley Ann Fields

PP/esr

DATE 5/27/92

FILED

IN THE UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF OKLAHOMA **MAY 26 1992**

Richard M. Lawrence, Clerk
U. S. DISTRICT COURT
NORTHERN DISTRICT OF OKLAHOMA

DAVID WAYNE FRIDAY,)
)
 Plaintiff,)
)
 v.)
)
 DELORES DELSO, and BRUCE B. BURTON,)
)
 Defendants.)

No. 90-C-943-B

J U D G M E N T

In accord with the Order of June 18, 1991 sustaining the Defendants' Motion for Summary Judgment, the Court hereby enters judgment in favor of the Defendants, Delores Delso and Bruce B. Burton, and against the Plaintiff, David Wayne Friday.

Dated, this 26th day of May, 1992.



THOMAS R. BRETT
UNITED STATES DISTRICT JUDGE

DATE 5-27-92

FILED

MAY 26 1992

Richard M. Lawrence, Clerk
U. S. DISTRICT COURT
NORTHERN DISTRICT OF OKLAHOMA

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

PATRICK THRASHER,)
)
Plaintiff,)
)
V.)
)
B & B CHEMICAL COMPANY , INC.,)
a Florida Corporation,)
)
Defendant and)
Third-Party Plaintiff,)
)
FLORIDA DRUM COMPANY,)
)
Third-Party Defendant.)

No. 90-C-871-E

ORDER and JUDGMENT

The Court has before it for consideration the Plaintiff's, the Defendant's, and the Third-Party Defendant's Motions for Summary Judgment. Summary judgment is authorized if the movant establishes that there is no genuine dispute about any material fact and that as a matter of law he is entitled to judgment. Fed. R. Civ. P. 56(c). Summary judgment cannot be awarded when there exists a genuine issue as to a material fact. Adickes v. Kress, 90 S.Ct. 1598 (1970). In Celotex Corp. v. Catrett, 477 U.S. 317, 106 S.Ct. 2548 (1986), the Supreme Court Stated that "Rule 56(c) mandates the entry of summary judgment, after adequate time for discovery and upon motion, against a party who 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 at trial." Id. at 322, 106 S.Ct. at 2552. The moving party, of course, must shoulder "the initial responsibility of informing the district

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court of the basis of its motion, and identifying those portions of the pleadings, depositions, answers to interrogatories, and admissions on file, together with affidavits, if any which [it] believes demonstrate the absence of a genuine issue of fact." Id. at 323, 106 S.Ct. at 2553.

The Court has reviewed the pleadings and filings in this action, and finds, construing the pleadings liberally in favor of the party opposing summary judgment and considering all factual inferences tending to show triable issues, that material issues of fact do not remain to be litigated.

IT IS THEREFORE ORDERED that Defendant's, B & B Chemical Company, Inc., Motion for Summary Judgment is granted and that Plaintiff Patrick Thrasher's Motion for Summary Judgment is denied. The Third-Party Defendant's Motion for Summary Judgment is rendered moot by the above order.

SO ORDERED on the 19th day of May 1992.


CHIEF JUDGE JAMES O. ELLISON
UNITED STATES DISTRICT COURT

MAY 20 1992

DATE _____ FILED

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

MAY 22 1992

Richard M. Lawrence, Clerk
U.S. DISTRICT COURT

ATLANTIC RICHFIELD COMPANY,)
)
)
 Plaintiff,)
)
 vs.)
)
 AMERICAN AIRLINES, INC., et al.,)
)
)
 Defendants.)

Case Nos. 89-C-868 B;
89-C-869 B;
90-C-859 B
(Consolidated)

AND CONSOLIDATED ACTIONS)
)
)
 _____)

AMERICAN AIRLINES, INC., et al.)
)
)
 Third-Party Plaintiffs,)
)
)
 vs.)
)
)
 AMF; et al.)
)
)
 Third-Party Defendants.)

NOTICE OF DISMISSAL

The Group I Defendants/Third-Party Plaintiffs American Airlines, Inc., et al., pursuant to and in accordance with Fed. R. Civ. P. 41(a)(1), hereby dismiss their Third-Party Complaint, with prejudice, against each of the Third-Party Defendants listed below, with these Third-Party Plaintiffs and the Third-Party Defendants listed below each to bear their own costs, expenses, and attorney fees with regard to this resolution of these respective third-party claims:

1. Big Cabin Truck Plaza, Inc. f/k/a Cherokee Truck Terminal, Inc.
2. Breeden Dodge, Inc.

3. Bryan & Sons, a Limited Partnership
4. Wayne Compton d/b/a Wayne's Auto Repair & Radiator Shop
5. Flexi-Van Leasing, Inc.
6. Gelco Corp. d/b/a Feld Truck Leasing Division
7. Gutierrez Brothers, Inc.
8. Midwestern Equipment Company
9. Minstar, Inc.
10. AMF Incorporated
11. Tulsa Auto Spring Company
12. Varsity Corporation f/k/a Massey-Ferguson Equipment

CHARLES W. SHIPLEY, OBA No. 8182
DOUGLAS L. INHOFE, OBA No. 4550
MARK B. JENNINGS, OBA No. 10082
MARK A. WALLER, OBA No. 14831

SHIPLEY, INHOFE & STRECKER
3600 First National Tower
15 East Fifth Street
Tulsa, Oklahoma 74103
(918) 582-1720

By 
Mark B. Jennings

Attorneys for Third-Party
Plaintiffs (GROUP 1)

CERTIFICATE OF MAILING

I do hereby certify that on the 22 day of May, 1992, I deposited the above and foregoing instrument in the United States mail, first class, postage pre-paid to the following:

Professor Martin A. Frey
Tulsa University College of Law
3120 E. 4th Place
Tulsa, Oklahoma 74104

Larry G. Gutteridge, Esq.
Sidley & Austin
2049 Century Park East, Suite 3500
Los Angeles, CA 90067

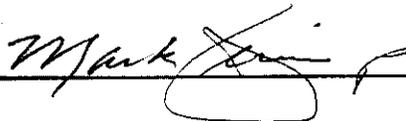
Michael D. Graves, Esq.
Hall, Estill, Hardwick, Gable, Golden & Nelson
4100 Bank of Oklahoma Tower
Tulsa, Oklahoma 74172

William C. Anderson, Esq.
Doerner, Stuart, Saunders, Daniel & Anderson
320 South Boston, Suite 500
Tulsa, Oklahoma 74103

Steve Harris, Esq.
Doyle & Harris
P. O. Box 1679
Tulsa, Oklahoma 74101

John H. Tucker, Esq.
Rhodes, Hieronymus, Jones, Tucker & Gable
2800 Fourth National Bank Building
Tulsa, Oklahoma 74119

Bradley Bridgewater, Esq.
U. S. DOJ-Environmental &
Natural Resources Division
999 18th Street, Suite 501
North Tower
Denver, Colorado 80202



ENTERED ON DOCKET
DATE 5/26/92 DR

FILED

MAY 20 1992

Richard M. Lawrence, Clerk
U. S. DISTRICT COURT
NORTHERN DISTRICT OF OKLAHOMA

JBS/MLP

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

LEONARD L. MUNSON, PERSONAL REPRESENTATIVE
OF THE ESTATE OF STEVEN LEWIS MUNSON,
PLAINTIFF,)

VS.)

CITY OF TULSA, OKLAHOMA, A MUNICIPAL
CORPORATION, ET AL., DEFENDANTS.)

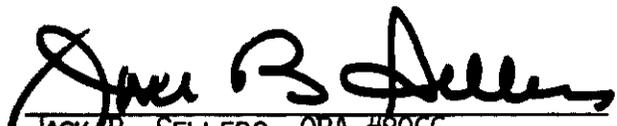
CASE No. 92-C-370-B

DISMISSAL OF ADDITIONAL DEFENDANTS GROUP II

PURSUANT TO FEDERAL RULES OF CIVIL PROCEDURE, RULE 41,
PLAINTIFF DISMISSES ADDITIONAL DEFENDANTS GROUP II, THE CITY COMMISSION
OR COUNCIL MEMBERS OF THE CITY OF TULSA FOR YEARS 1985 THROUGH 1990,
NAMELY:

- | | |
|---------------------------|-------------------------------|
| DIST. 1 - B.S. ROBERTS | DIST. 6 - JAMES HOGUE, SR. |
| DIST. 2 - DARLA HALL | DIST. 7 - JOHN BENJAMIN |
| DIST. 3 - DOROTHY DEWITTY | DIST. 8 - RICHARD POLISHUK |
| DIST. 4 - GARY WATTS | DIST. 9 - DEWEY BARTLETT, JR. |
| DIST. 5 - ROBERT NELSON | |

DATED MAY 20, 1992.



JACK B. SELLERS, OBA #8066
JEFFERSON D. SELLERS, OBA #8068
JACK B. SELLERS LAW ASSOCIATES, INC.
P.O. Box 730
SAPULPA, OKLAHOMA 74067-0730
(918) 224-9070

ATTORNEYS FOR PLAINTIFFS

2

CERTIFICATE

I CERTIFY THAT ON THIS MAY 20, 1992, I MAILED COPY OF THE ABOVE AND FOREGOING DISMISSAL TO:

DAVID PAULING
ASSISTANT CITY ATTORNEY
316 CITY HALL
200 CIVIC CENTER
TULSA, OK 74103

MR. MERL A. WHITEBOOK
ATTORNEY FOR JAMES HOGUE, SR.
AND RICHARD POLISHUK
2431 EAST 51ST STREET
TULSA, OK 74105

B.S. ROBERTS
541 E. LATIMER PL.
TULSA, OK 74106

DOROTHY DEWITTY
2415 N. WHEELING
TULSA, OK 74110

GARY WATTS
1564 S. GILLETTE
TULSA, OK 74104

JOHN BENJAMIN
6030 S. LAKEWOOD
TULSA, OK 74135

DEWEY BARTLETT, JR.
1208 E. 26TH ST.
TULSA, OK 74114



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

FILED

MAY 21 1992

Richard M. Lawrence, Clerk
U. S. DISTRICT COURT
NORTHERN DISTRICT OF OKLAHOMA

No. 91-C-451-B

NANETTE D. LEES,)
)
Plaintiff,)
)
vs.)
)
STATE FARM FIRE AND CASUALTY)
COMPANY, a corporation,)
)
Defendant.)

J U D G M E N T

In accord with the Verdict entered this date, the Court hereby enters judgment in favor of the Plaintiff, Nanette D. Lees, and against the Defendant, State Farm Fire and Casualty Company, for the amount of \$223,189.50, plus prejudgment interest pursuant to Okla. Stat. tit. 36, §3629(B), accrued as of July 19, 1991, at the rate of 15% per annum until this date, plus post-judgment interest from this date forward at the legal rate of 4.40% per annum, on the breach of contract claim; and for the amount of \$12,600.00, plus prejudgment interest pursuant to Okla. Stat. tit. 12, §727(A)(2), accrued as of May 30, 1991, until this date in the amount of 9.58% per annum, plus post-judgment interest from this date forward at the legal rate of 4.40% per annum, on the bad faith breach of contract claim. Costs and attorney fees may be awarded upon proper application.

DATED this 21ST day of May, 1992.



THOMAS R. BRETT
UNITED STATES DISTRICT JUDGE

DATE MAY 26 1992

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

FILED

MAY 21 1992

Richard M. Lawrence, Clerk
U. S. DISTRICT COURT
NORTHERN DISTRICT OF OKLAHOMA

FEDERAL DEPOSIT INSURANCE CORPORATION in its corporate capacity as holder of assets of the failed UTICA NATIONAL BANK & TRUST CO.,

Plaintiff,

vs.

Case No. 90-C-572-B

CHRISTOPHER DESIGN HOMES, INC., an Oklahoma corporation; MARK EN, LIMITED, an Oklahoma corporation; PAM STRONKS, AKA PAMELA STRONKS; LIBERTY NATIONAL BANK AND TRUST COMPANY OF OKLAHOMA CITY, a national banking association; G.E. DUPLEXES, INCORPORATED, an Oklahoma corporation; R & W CONTRACTORS, INC., an Oklahoma corporation; MARK C. ENTERLINE; BOARD OF COUNTY COMMISSIONERS OF TULSA COUNTY, OKLAHOMA; and JOHN F. CANTRELL, County Treasurer of Tulsa County, Oklahoma,

Defendants.

and

DAVID C. ROBERSON and LINN A. ROBERSON, husband and wife,

Additional Defendants,

and

E.E.G. CORPORATION, an Oklahoma corporation,

Additional Defendant.

O R D E R

This matter comes on for consideration of Plaintiff, Federal Deposit Insurance Corporation's (FDIC) Application For Assessment Of Attorneys' Fees.

FDIC's initial Application was filed July 22, 1991, seeking attorneys fees and expenses as provided for in the multiple Notes and Guaranties signed by the various Defendants. Plaintiff sought fees of \$25,527.40, representing 293.10 hours of work of Plaintiff's attorneys and legal assistants. Such amount was, in the Court's view, sufficiently documented.

Defendants objected thereto, specifically as to Plaintiff's alleged failure to allocate fees among the Defendants in view of the fact that not all Defendants were subject to the several claims brought by Plaintiff. Defendants concede the award of a reasonable attorneys fee is appropriate herein.

Plaintiff, in November, 1991, sought and received Court approval to file a supplemental pleading in support of its Application For Attorneys' Fees. In such supplemental pleading Plaintiff alleges it is virtually impossible for it to allocate the attorneys' fees expended in prosecution of a particular cause of action due to the mutual defenses and counterclaims raised by Defendants, Christopher Design Homes, Inc., Mark En Ltd., G.E. Duplexes, Inc., and Mark C. Enterline. Notwithstanding, Plaintiff amended it fee claim, from \$25,527.40 to \$21,696.60, in an attempt to exclude those amounts complained of by Defendants.

Defendants have filed no response thereto nor have applied to

the Court for leave to file any response thereto.

The Court, after considering the pleadings and record before it, concludes Plaintiff's attorneys' fee request, in the amount of \$21,696.60 is reasonable. The Court further concludes Plaintiff's Application For Attorneys' Fees in the amount of \$21,696.60 should be and the same is hereby GRANTED.

IT IS SO ORDERED this 21st day of May, 1992.


THOMAS R. BRETT
UNITED STATES DISTRICT JUDGE

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

ENTERED ON DOCKET
MAY 26 1992

FILED

MAY 21 1992
Richard M. Lawrence, Clerk
U. S. DISTRICT COURT
NORTHERN DISTRICT OF OKLAHOMA

FEDERAL DEPOSIT INSURANCE CORPORATION in its corporate capacity as holder of assets of the failed UTICA NATIONAL BANK & TRUST CO.,

Plaintiff,

vs.

CHRISTOPHER DESIGN HOMES, INC., an Oklahoma corporation; MARK EN, LIMITED, an Oklahoma corporation; PAM STRONKS, AKA PAMELA STRONKS; LIBERTY NATIONAL BANK AND TRUST COMPANY OF OKLAHOMA CITY, a national banking association; G.E. DUPLEXES, INCORPORATED, an Oklahoma corporation; R & W CONTRACTORS, INC., an Oklahoma corporation; MARK C. ENTERLINE; BOARD OF COUNTY COMMISSIONERS OF TULSA COUNTY, OKLAHOMA; and JOHN F. CANTRELL, County Treasurer of Tulsa County, Oklahoma,

Defendants.

and

DAVID C. ROBERSON and LINN A. ROBERSON, husband and wife,

Additional Defendants,

and

E.E.G. CORPORATION, an Oklahoma corporation,

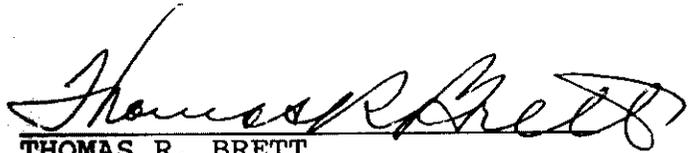
Additional Defendant.

Case No. 90-C-572-B

J U D G M E N T

In accord with the Order filed May 21, 1992, sustaining Plaintiff's Application For Assessment Of Attorneys' Fees in the amount of \$21,696.60, the Court hereby enters Judgment in favor of Plaintiff, FDIC, and against the Defendants, Christopher Design Homes, Inc., Mark En, Limited, E.E.G. Corporation and Mark C. Enterline, in the amount of \$21,696.60.

DATED this 21 day of May, 1992.

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

THOMAS R. BRETT
UNITED STATES DISTRICT JUDGE

DATE MAY 26 1992

FILED

MAY 21 1992

Richard M. Lawrence, Clerk
U. S. DISTRICT COURT
NORTHERN DISTRICT OF OKLAHOMA

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

BRENT CARROLL,)
)
 Plaintiff,)
)
 vs.)
)
 GENE C. HOWARD and GAE WIDDOWS;)
 HOWARD & WIDDOWS, P.C., an)
 Oklahoma Professional Corporation,)
 and JOHN W. HUNT,)
)
 Defendants.)

Case No. 91-C-132-B ✓

ORDER

This matter comes for consideration of summary judgment motions filed by both Plaintiff and Defendants pursuant to Rule 56, F.R.Civ.P., and a Motion in Limine filed by Defendants.

Defendant law firm Howard and Widdows, P.C. ("the Corporation") is a professional corporation with all of its shares owned by Defendant attorneys Gene C. Howard and P. Gae Widdows. The Corporation was a subscriber to the services of the Tulsa Credit Bureau.

The essentially undisputed facts show that a credit report on Plaintiff Brent Carroll was obtained through the Tulsa Credit Bureau on August 31, 1990, by a paralegal employed by the Corporation, acting in the scope of her employment and at the direction of Defendant John Hunt, an associate attorney employed by the Corporation. Neither Howard nor Widdows personally obtained nor directed anyone to obtain the report. The report was used to determine both the economic viability of pursuing a client's claim

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against Carroll and his whereabouts for service of process.

Plaintiff Carroll moves for Partial Summary Judgment that Defendants are liable for a willful violation of the Fair Credit Reporting Act as provided in 15 U.S.C. §1681n; and that Defendants obtained the report under false pretenses as proscribed by §1681q.

Defendants Howard and Widdows move for Summary Judgment on grounds that they have no personal liability for the alleged tortious acts of the Corporation because they are individual shareholders only and did not personally order or direct the order of the credit report in issue.

Summary Judgment was granted by this Court on October 10, 1991, in favor of Defendants Howard, Widdows, Hunt, and Howard and Widdows, P.C., and against Plaintiff Carroll on the issue relating to a violation of §1681b, ruling that §1681b applies only to credit agencies generating reports, not to users of those reports. The Court now considers the remaining summary judgment motions.

I.

Summary judgment pursuant to Fed.R.Civ.P. 56 is appropriate where "there is no genuine issue as to any material fact and that the moving party is entitled to judgment as a matter of law." Celotex Corp. v. Catrett, 477 U.S. 317 (1986); Anderson v. Liberty Lobby, Inc., 477 U.S. 242 (1986); Windon Third Oil and Gas v. Federal Deposit Insurance Corporation, 805 F.2d 342 (10th Cir. 1986) cert. den. 480 U.S. 947 (1987). In Celotex, 477 U.S. at 317 (1986), it is stated:

"The plain language of Rule 56(c) mandates the entry of summary judgment, after adequate time for discovery and upon motion, against a party who 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."

To survive a motion for summary judgment, nonmovant "must establish that there is a genuine issue of material fact..." Nonmovant "must do more than simply show that there is some metaphysical doubt as to the material facts." Matsushita v. Zenith, 475 U.S. 574, 585 (1986).

II.

In its earlier order, the court was of the view, and remains of the view, that §1681b as a premise for liability relates only to credit bureaus, as opposed to credit bureau customers, i.e., users of information. This persuaded the court that §1681n could not be bootstrapped with §1681b to create liability under either section. In its earlier order, after acknowledging the potential of civil liability based on the "criminal liability" provision of §1681q, the court concluded the present record was "sufficiently bereft of facts relating to the issue of false pretenses to prevent the court from proceeding further at this juncture." The parties have now supplanted the record.

Plaintiff Carroll's cross-motion for Partial Summary Judgment seeks judicial determination that Defendants obtained the credit report under false pretenses as enumerated under §1681q and that Defendants are liable for a willful violation of FCRA as provided in §1681n.

Section 1681q:

Any person who knowingly and willfully obtains information on a consumer from a consumer reporting agency under false pretenses shall be fined not more than \$5,000 or imprisoned not more than one year, or both.

Section 1681n:

Any consumer reporting agency or user of information which willfully fails to comply with any requirement imposed under this subchapter with respect to any consumer is liable to that consumer ...

As stated in this court's earlier order, §1681q on its face only provides a basis of criminal liability, and courts have held this section also provides a basis of civil liability under §§1681n and 1681o. Zamora v. Valley Savings and Loan Association, 811 F.2d 1368 (10th Cir. 1987); Yohay v. Alexandria Employees Credit Union, Inc., 827 F.2d 967 (4th Cir. 1987); Kennedy v. Border City, 747 F.2d 367 (6th Cir. 1984); Hansen v. Morgan, 582 F.2d 1214 (9th Cir. 1978). However, if a party does not employ false pretenses to get a credit report, he will not be liable under §1681q, even if the information was requested for improper purposes. Heath v. Credit Bureau of Sheridan, Inc., 618 F.2d 693 (10th Cir. 1980).

Whether a consumer report has been obtained under false pretenses is determined by reference to the permissible purposes for which consumer reports may be obtained, as enumerated in §1681b. Zamora, 811 F.2d at 1370. Section 1681b(3) lists permissible reasons for a credit agency to release credit reports:

- (1) In response to the order of a court having jurisdiction to issue such an order.
- (2) In accordance with the written instructions of the consumer to whom it relates.
- (3) To a person which it has reason to believe:

(A) intends to use the information in connection with a credit transaction involving the consumer on whom the information is to be furnished and involving the extension of credit to, or review or collection of an account of, the consumer; or
(B) intends to use the information for employment purposes; or
(C) intends to use the information in connection with the underwriting of insurance involving the consumer; or
(D) intends to use the information in connection with a determination of the consumer's eligibility for a license or other benefit granted by a governmental instrumentality ...
(E) otherwise has a legitimate business need for the information in connection with a business transaction involving the consumer.

According to Zamora, "if a user requests information for a purpose not permitted by §1681b, while representing to the credit agency that the report will be used for a permissible purpose, the user may be subject to civil liability." Zamora, 811 F.2d at 1370.

Both Plaintiff and Defendants agree that Defendant Hunt and Cathie White, a Corporation employee, did not make affirmative misrepresentations at the time the report was obtained because it was obtained via computer modem. While Zamora does not specifically state whether affirmative representations are needed at the time a credit report is obtained, that case involved a defendant who verbally informed a credit bureau that the report was for "business purposes."

Plaintiff argues that, according to Heath, "it may be reasonable to assume the agency expected the information to be used for a proper purpose" if the agency is not told why the report was requested. However, that argument is more germane to the potential liability of the credit agency under §1681b, addressed in the

court's previous order.

The 10th Circuit offers no precedent regarding the facts herein, but at least one other jurisdiction has held that obtaining credit reports to determine the viability of a lawsuit against the subject of the report is not a permissible use under the "business purposes" of 1681b(3)(E), as Defendants here claim. The court in Mone v. Dranow, 945 F.2d 306 (9th Cir. 1991), reversed summary judgment in favor of the user of the credit information, holding that acquiring a credit report to determine whether the plaintiff would be able to satisfy a judgment is not a lawful purpose.

The Mone court turned to Congressional intent behind the FCRA, and determined that obtaining a report to decide "whether an adverse party in litigation will be able to satisfy a judgment is plainly a purpose unrelated to 'an individual's eligibility for credit, insurance or employment.'" Id. at 308.

In addition, the court in Houghton v. New Jersey Manufacturers Ins. Co., 795 F.2d 1144 (3rd Cir. 1986), rejected a broad application of "business need", saying that an §1681b(3)(E) transaction must involve a consumer relationship between the party requesting the report and the subject of the report, or the specificity of the other provisions of §1681(b)(3) would be rendered meaningless.

This court believes the Mone and Houghton positions have merit, and are in accord with Zamora's policy of looking to the §1681b permissive reasons to determine liability under §1681q. This court is of the view that the phrase "legitimate business need"

specified under §1681b(3)(E) has more defined application than use as a convenient labeling for any business transaction of the user. Therefore, this court concludes that a credit report obtained for the purpose of determining financial worth in relation to impending litigation is not a legitimate business purpose as described under §1681b(3)(E).

There still remains, however, the question of whether Defendants "knowingly and willfully" obtained the report under false pretenses, a fact question for the jury under Zamora and Heath. Plaintiff offers into the record a Terminal Access Agreement between Howard and Widdows, P.C., and the Tulsa Credit Bureau, which delineates the agreed reasons credit reports can be accessed via computer from the Tulsa Credit Bureau. The question is whether entering into this agreement can be considered "representing to the agency that the report will be used for a permissible purpose" as described in Zamora, and therefore be reflective of Defendants' intent.

The Agreement allows reports to be obtained for the following reasons:

- (a) In connection with a credit transaction involving the consumer on whom the information is to be furnished and involving the extension of credit to, or review or collection of an account of, the consumer; or
- (b) For insurance underwriting involving a consumer; or
- (c) For employment purposes.

Plaintiff was not a party to the Terminal Agency Agreement nor a third-party beneficiary thereof. However, such contract may be relevant evidence in determining what the Defendants knew or should

have known regarding permissible purposes. Clearly, obtaining the credit report to determine the economic viability of pursuing a client's claim against Carroll and to determine his whereabouts for service of process in an unrelated matter does not meet the criteria set forth in the Terminal Access Agreement. The agreement, signed by Defendant Widdows on behalf of Defendant Howard and Widdows, P.C., could be considered as "representing to the agency" that the firm would only obtain credit reports for those allowable purposes enumerated herein.

Defendants have submitted affidavits in which Defendant Hunt and Corporation employee White state they did not "knowingly and willfully" obtain the report under false pretenses. Defendants argue that the database is for the "exclusive use" of Defendant subscribers, and that the contract language refers to the "legitimate business need" of Defendants.

Plaintiff submitted for this court's consideration a recent unpublished opinion from the Western District of Oklahoma. In Bennett v. Adams, No. 91-1241 (W.D.Okl. May 6, 1992), the court entered partial summary judgment for the Plaintiff, ruling that if a report is obtained for a reason not permitted under §1681b, then the defendant is, as a matter of law, in violation of §1681n. The court states:

"It is undisputed that [the defendant's] stated motivation in requesting the information does not fall within any of the categories set forth in §1681b. Thus, there is no genuine dispute that [the defendant] sought the information for a purpose other than one found on the exclusive list of permissible purposes set forth in the Act. Accordingly, liability under §1681n has been proven."

That court also found a violation under §1681q for the same reason: that the report was not obtained for a reason permitted under §1681b. However, this court concludes the Western District order did not address whether there was a knowing and willful violation of the Act, which this court views as necessary to establish liability under both §1681n and §1681q. See Zamora and Heath.

In Zamora, the court granted partial summary judgment on the issue of whether the report was obtained for a reason listed under §1681b, properly reserving for the jury the issue of whether the defendant willfully and knowingly obtained the credit report under false pretenses. Without a knowing and willful violation, Defendants cannot be held liable under §1681q or §1681n. In this case, the question of Defendants' intent is a disputed issue of material fact, thereby making summary judgment inappropriate on the issue of whether §1681q or §1681n was knowingly and wilfully violated by Defendants.

Accordingly, Plaintiff is GRANTED Partial Summary Judgment on the issue that a credit report, obtained for the purpose of determining financial worth and whereabouts of Plaintiff in anticipation of litigation, if knowingly and willfully done under false pretenses, is in violation of the FCRA.¹

¹The court is troubled by the considerable possibility that interpretations of FCRA could result in the following illogical conclusions:

John Jones opens an account at Sears, charges items thereon, and fails to pay. Sears obtains a credit report to determine the whereabouts of John Jones for purposes of pursuing collection and/or suit. This would be a permissible use of the credit bureau

III.

Defendants Howard and Widdows seek judicial determination that they, as sole shareholders of the Corporation, are not personally liable for the alleged tortious acts of the Corporation since they did not personally order or direct the order of the credit report.

Oklahoma law clearly states that shareholders of a professional corporation can be held personally liable for torts they commit. American National Bank v. Clarke & Van Wagner, 692 P.2d 61 (Okl.App. 1984) ("The professional corporation was never intended as a shield to protect individual attorneys from liability for their actions."). However, Oklahoma case law is silent on the issue of a shareholder's personal liability for the acts of non-shareholders employed by a professional corporation.

Section 802 of the Oklahoma Professional Corporation Act (OPCA) states:

This act shall be so construed as to effectuate its general purpose of making available to professional persons the benefits of the corporate form for the business aspects of their practices

report.

Assume the above, except that Sears refers the matter to its law firm, which orders a credit report to determine the whereabouts of John Jones to pursue collection and/or suit. This also would be a permissible use of the credit report.

Assume none of the above. Instead, John Jones, in a drunken stupor, drives upon the Sears premises and rams his vehicle into Sears' front door, doing considerable damage. John Jones has no credit or other connection with Sears. Sears and/or its law firm obtain a credit report on John Jones to determine his whereabouts for purposes of collection and/or suit. This would be an impermissible use of the credit bureau report.

In the court's view, this splitting of hairs would be unwise and illogical.

while preserving the established professional aspects of the personal relationship between the professional person and those he serves.

One of the benefits of the corporate form is limiting liability. A professional corporation "shall enjoy the same powers and privileges of business corporations except where it is inconsistent with the letter and purpose of the Act." Deaton, Gassaway & Davison v. Thomas, 564 P.2d 236 (Okla. 1977).

Section 805 of the OPCA states that the Oklahoma General Corporation Act shall be applicable to professional corporations, except where inconsistent with the letter and purpose of the act; OPCA takes precedence in any conflict with provisions of OGCA or other laws.

Section 814 of OPCA addresses personal/professional liability issues thusly:

This act does not alter any law applicable to the relationship between a person rendering professional services and a person receiving such services, including liability arising out of such professional services.

Since there is no conflict between OGCA and the OPCA regarding personal liability, the court concludes that OGCA applies and therefore provides, in this case, insulation from liability for non-culpable corporation shareholders.

Other jurisdictions are split on the issue of shareholder liability for the acts of co-shareholders within a professional corporation law firm. The most sweeping pronouncement was made in Georgia, where the court held that "when a lawyer holds himself out as a member of a law firm, the lawyer will be liable not only for

his own professional misdeeds but also for those of the other members of his firm. We make no distinction between partnerships and professional corporations in that respect." First Bank & Trust v. Zagoria, 302 S.E.2d 674 (However, the Zagoria court noted there remains insulation from liability for shareholders of a professional corporation "with respect to obligations of a purely business and nonprofessional nature."). Ohio has held that, since shareholders of a professional corporation have direct contact with running the corporation, limited liability is unnecessary. South High Development v. Weiner, 445 N.E.2d 1106 (Ohio 1983). Hawaii refused to allow limited liability because of the concern that "its adoption would not provide adequate protection to a client's claims against a law corporation." Bar Association of Hawaii, 516 P.2d 1267.

Other jurisdictions allow insulation from liability if the shareholders are not involved in the alleged wrongdoing. In Utah, whose professional corporation act mirrors that of Oklahoma, shareholders who have not participated in alleged acts or omissions of another shareholder are not vicariously liable. Stewart v. Coffman, 748 P.2d 579 (Utah 1988). The Stewart court said it could find no specific justification in the state's professional corporation act or its corporation act to allow vicarious liability for the acts of another shareholder. Rhode Island courts ruled that professional corporations provide limited liability "in that the lawyer-shareholders who do not participate in the rendering of the services out of which an actionable wrong arises will be free

from personal liability." In the matter of Rhode Island Bar, 263 A.2d 692 (RI 1970).

The jurisdictions that refuse to allow limited liability do so in fear of restricting a client's potential claim against the law firm and lawyers involved in the case. The case before this court, however, affects neither shareholders involved in the alleged wrongdoing nor clients of the law firm.

Accordingly, Summary Judgment for Defendants is GRANTED on the issue that shareholders of a professional corporation are not individually liable for violation of FCRA involving a non-client (a potential adverse party) by a non-shareholder employee within the scope of employment.

IV.

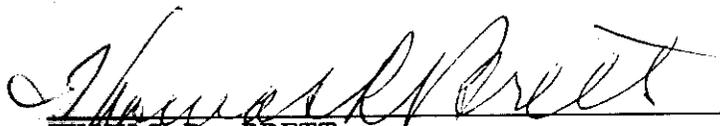
The court next considers Defendant's Motion in Limine to prohibit Plaintiff from mentioning at trial allegations of embezzlement from the Corporation by former employee Tyler M. Atkinson. Defendant argues that Atkinson's activities ceased in April 1990, and the credit report at issue in this case was obtained on August 31, 1990, therefore no relevance to this case exists. Defendant states there is no evidence Atkinson had access to the report.

Plaintiff states that the Corporation is negligent with their control of income, as evidenced by the alleged embezzlement by Atkinson, arguing therefore it is easily anticipated that others in the firm could have illegally obtained credit information "in order

to bilk the victims."

The court views such evidence as essentially irrelevant to this case. Therefore Defendant's Motion in Limine is GRANTED at this time, subject to Plaintiff's right to reurge such evidence at trial. However, Plaintiff carries a heavy burden indeed to convince this court that the relevance of such evidence, if any, would outweigh the danger of unfair prejudice, pursuant to Rule 403, Fed.R.Evid.

IT IS SO ORDERED this 21 day of May, 1991.


THOMAS R. BRETT
UNITED STATES DISTRICT JUDGE

MAY 26 1992

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

FILED

MAY 21 1992

Richard M. Lawrence, Clerk
U. S. DISTRICT COURT
NORTHERN DISTRICT OF OKLAHOMA

STEINAR REMETUN,)
)
Plaintiff,)
)
vs.)
)
BRAD WEBB, d/b/a WEBB)
LEASING, d/b/a WEBB)
BOATS,)
)
Defendant.)

90-C-318-B

ORDER FOR DISMISSAL WITH PREJUDICE

Now on this 21st day of May, 1992, upon a Joint Application for Dismissal filed herein by R. Allen Benningfield, attorney for Plaintiff and Ronald D. Cates, attorney for Defendant, the Court finds, orders and decrees that the above entitled cause should be and is hereby dismissed with prejudice to the bringing of any future action thereon.

THOMAS R. CLAY

United States District Judge

APPROVED AS TO FORM:



R. Allen Benningfield
Attorney for Plaintiff



Ronald D. Cates
Attorney for Defendant

ENTERED ON DOCKET
MAY 26 1992

DATE _____

FILED

MAY 22 1992

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

Richard M. Lawrence, Clerk
U.S. DISTRICT COURT
NORTHERN DISTRICT OF OKLAHOMA
TULSA, OKLAHOMA

MCI TELECOMMUNICATIONS CORPORATION,

Plaintiff,

v.

FRED JONES FORD OF TULSA, INC.,

Defendant.

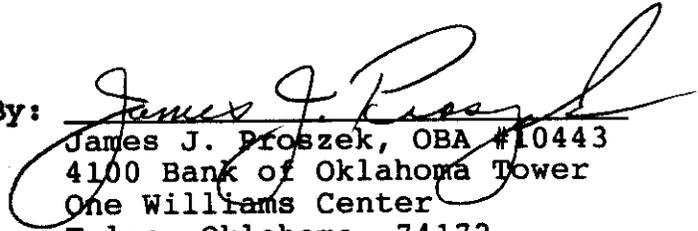
Case No. 92-C-280 B

STIPULATION OF DISMISSAL WITH PREJUDICE

COMES NOW Plaintiff MCI Telecommunications Corporation, pursuant to Fed. R. Civ. P. 41(a)(1)(ii), and hereby dismisses this action with prejudice. All parties to this action have signed this stipulation of dismissal and have agreed to bear their own costs.

Respectfully submitted,

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

By: 
James J. Proszek, OBA #10443
4100 Bank of Oklahoma Tower
One Williams Center
Tulsa, Oklahoma 74172
(918) 588-2700

-and-

MCI TELECOMMUNICATIONS CORPORATION
Anthony J. DeLaurentis
1133 19th Street, N.W.
Washington, D.C. 20036
(202) 736-6128

ATTORNEYS FOR PLAINTIFF
MCI TELECOMMUNICATIONS CORPORATION

MCAFEE & TAFT

By: John R. Morris ^(for James G. Floyd)
John R. Morris, OBA #6425
Tenth Floor
Two Leadership Square
Oklahoma City, Oklahoma 73102
(405) 235-9621

ATTORNEYS FOR DEFENDANT
FRED JONES FORD OF TULSA, INC.

DATE 5-26-92 *HL*

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

FILED

MAY 22 1992

**Richard M. Lawrence, Clerk
U. S. DISTRICT COURT
NORTHERN DISTRICT OF OKLAHOMA**

HOMeward BOUND, INC.
et al.,

Plaintiffs,

v.

THE HISSOM MEMORIAL CENTER,
et. al.,

Defendants.

Case No. 85-C-437-E

JUDGMENT

In accordance with the Stipulation as to uncontested fees and expenses, and the Order entered on this 22nd day of May, 1992, awarding Plaintiffs' counsel, Bullock & Bullock, interim base attorney fees and expenses, the Court hereby enters judgment in favor of Plaintiffs' counsel, Bullock & Bullock, in the amount of \$ 29,087.50 for uncontested base fees and \$ 3,669.98 for expenses.

ORDERED this 22nd day of May, 1992.

JAMES O. ELLISON

JAMES O. ELLISON
United States District Court

NOTE: THIS COURT IS TO BE FILED BY PRO SE LITIGANTS IMMEDIATELY UPON RECEIPT.



Louis W. Bullock
BULLOCK & BULLOCK
320 South Boston
Suite 718
Tulsa, Oklahoma 74103-3708
(918) 584-2001

Frank Laski
Judith Gran
**PUBLIC INTEREST LAW CENTER OF
PHILADELPHIA**
125 South Ninth Street
Suite 700
Philadelphia, Pennsylvania 19107

ATTORNEYS FOR PLAINTIFFS



Charlie Waters
John Harris
DEPARTMENT OF HUMAN SERVICES
P. O. Box 53025
Oklahoma City, Oklahoma 73152
(405) 521-3638

ATTORNEY FOR DEFENDANTS

ENTERED ON DOCKET
DATE 5-22-92

UNITED STATES DISTRICT COURT FOR THE
NORTHERN DISTRICT OF OKLAHOMA

UNITED STATES OF AMERICA,

Plaintiff,

vs.

KATHY A. WILSON; GARY L. WILSON;
STEVE HASSINGER d/b/a PRYOR
LUMBER COMPANY; SAM STONE;
COUNTY TREASURER, Mayes County,
Oklahoma; BOARD OF COUNTY
COMMISSIONERS, Mayes County,
Oklahoma; STATE OF OKLAHOMA
ex rel. OKLAHOMA EMPLOYMENT
SECURITY COMMISSION,

Defendants.

FILED

MAY 22 1992

Richard M. Lawrence, Clerk
U.S. DISTRICT COURT

CIVIL ACTION NO. 91-C-381-E

JUDGMENT OF FORECLOSURE

This matter comes on for consideration this 22nd day
of May, 1992. 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, Mayes County, Oklahoma, and
Board of County Commissioners, Mayes County, Oklahoma, appear by
William H. Castor, Assistant District Attorney, Mayes County,
Oklahoma; the Defendant, State of Oklahoma ex rel. Oklahoma
Employment Security Commission, appears not, having previously
filed its Disclaimer; and the Defendants, Kathy A. Wilson,
Gary L. Wilson, Steve Hassinger d/b/a Pryor Lumber Company, and
Sam Stone, appear not, but make default.

The Court being fully advised and having examined the
court file finds that Defendant, Kathy A. Wilson, acknowledged
receipt of Summons and Complaint on March 10, 1992; that the

Defendant, Gary L. Wilson, acknowledged receipt of Summons and Complaint on June 17, 1991; that the Defendant, Steve Hassinger d/b/a Pryor Lumber Company, acknowledged receipt of Summons and Complaint on June 13, 1991; that the Defendant, Sam Stone, acknowledged receipt of Summons and Complaint on July 10, 1991; that the Defendant, County Treasurer, Mayes County, Oklahoma, acknowledged receipt of Summons and Complaint on July 11, 1991; that the Defendant, Board of County Commissioners, Mayes County, Oklahoma, acknowledged receipt of Summons and Complaint on June 10, 1991; and that the Defendant, State of Oklahoma ex rel. Oklahoma Employment Security Commission, acknowledged receipt of Summons and Amended Complaint on September 12, 1991.

It appears that the Defendants, County Treasurer, Mayes County, Oklahoma, and Board of County Commissioners, Mayes County, Oklahoma, filed their Answer and Cross Petition on November 20, 1991; that the Defendant, State of Oklahoma ex rel. Oklahoma Employment Security Commission, filed its Disclaimer and Consent to Judgment by Defendant on September 24, 1991; and that the Defendants, Kathy A. Wilson, Gary L. Wilson, Steve Hassinger d/b/a Pryor Lumber Company, and Sam Stone, 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 Mayes County, Oklahoma, within the Northern Judicial District of Oklahoma:

Lot Numbered 4 in Block Numbered 3 of the Sportsmen Acres Second Addition a subdivision in Mayes County, according to the recorded plat thereof.

Said lots having been surveyed and platted from and lying entirely within the NE4 of Section 2, Township 20 North, Range 19 East of the Indian Base and Meridian.

The Court further finds that on October 18, 1977, the Defendants, Kathy A. Wilson and Gary L. Wilson, executed and delivered to the United States of America, acting through the Farmers Home Administration, their promissory note in the amount of \$22,200.00, payable in monthly installments, with interest thereon at the rate of eight percent (8%) per annum.

The Court further finds that as security for the payment of the above-described note, the Defendants, Kathy A. Wilson and Gary L. Wilson, executed and delivered to the United States of America, acting through the Farmers Home Administration, a mortgage dated October 18, 1977, covering the above-described property. Said mortgage was recorded on October 19, 1977, in Book 548, Page 8, in the records of Mayes County, Oklahoma.

The Court further finds that on August 18, 1979, the Defendants, Kathy A. Wilson and Gary L. Wilson, executed and delivered to the United States of America, acting through the Farmers Home Administration, a Reamortization and/or Deferral Agreement pursuant to which the entire debt due on that date was made principal.

The Court further finds that on July 9, 1990, Farmers Home Administration released Defendant, Gary L. Wilson, from personal liability to the Government for the indebtedness and

obligation of said note, mortgage and reamortization and/or deferral agreement.

The Court further finds that the Defendant, Kathy A. Wilson, 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, Kathy A. Wilson, is indebted to the Plaintiff in the principal sum of \$23,054.05, plus accrued interest in the amount of \$1,733.48 as of November 29, 1990, plus interest accruing thereafter at the rate of 8 percent per annum or \$5.0529 per day until judgment, plus interest thereafter at the legal rate until fully paid, and the costs of this action in the amount of \$34.84 (\$20.00 docket fees, \$6.84 fees for service of Summons and Complaint, \$8.00 fee for recording Notice of Lis Pendens).

The Court further finds that the Defendants, County Treasurer and Board of County Commissioners, Mayes County, Oklahoma, have a lien on the property which is the subject matter of this action by virtue of ad valorem taxes in the amount of \$93.58, plus penalties and interest, for the year 1991. Said lien is superior to the interest of the Plaintiff, United States of America.

The Court further finds that the Defendant, State of Oklahoma ex rel. Oklahoma Employment Security Commission, disclaims any right, title or interest in the subject real property.

The Court further finds that the Defendants, Gary L. Wilson, Steve Hassinger d/b/a Pryor Lumber Company, and Sam Stone, 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 Defendant, Kathy A. Wilson, in the principal sum of \$23,054.05, plus accrued interest in the amount of \$1,733.48 as of November 29, 1990, plus interest accruing thereafter at the rate of 8 percent per annum or \$5.0529 per day until judgment, plus interest thereafter at the current legal rate of 4.40 percent per annum until paid, plus the costs of this action in the amount of \$34.84 (\$20.00 docket fees, \$6.84 fees for service of Summons and Complaint, \$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, Mayes County, Oklahoma, have and recover judgment in the amount of \$93.58, plus penalties and interest, for ad valorem taxes for the year 1991, plus the costs of this action.

IT IS FURTHER ORDERED, ADJUDGED, AND DECREED that the Defendants, Gary L. Wilson, Steve Hassinger d/b/a Pryor Lumber Company, Sam Stone, and State of Oklahoma ex rel. Oklahoma Employment Security Commission, 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, Kathy A. Wilson, 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 according to Plaintiff's election with or without 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 Defendants, County Treasurer, and Board of County Commissioners, Mayes County, Oklahoma, in the amount of \$93.58, plus penalties and interest, for ad valorem taxes which are presently due and owing on said real property;

Third:

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

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

IT IS FURTHER ORDERED, ADJUDGED, AND DECREED that from and after the sale of the above-described real property, under

and by virtue of this judgment and decree, all of the Defendants and all persons claiming under them since the filing of the Complaint, be and they are forever barred and foreclosed of any right, title, interest or claim in or to the subject real property or any part thereof.

S/ JAMES O. ELLISON

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



WILLIAM H. CASTOR, OBA # 1560
Assistant District Attorney
Attorney for Defendants,
County Treasurer and
Board of County Commissioners,
Mayes County, Oklahoma

Judgment of Foreclosure
Civil Action No. 91-C-381-E

PP/css

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

CARL NICKLESON,)
)
 Plaintiff,)
)
 v.)
)
 RON CHAMPION,)
)
 Defendants.)

92-C-358-E / **FILED**
MAY 22 1992
Richard M. Lawrence, Clerk
U.S. DISTRICT COURT

ORDER TO TRANSFER CAUSE

The Court having examined the Petition for Writ of Habeas Corpus which the Petitioner has filed finds as follows:

(1) That the Petitioner was convicted in Pottowatomie Oklahoma, which is located within the territorial jurisdiction of the Western District of Oklahoma.

(2) That the Petitioner demands release from such custody and as grounds therefore alleges he is being deprived of his liberty in violation of rights under the Constitution of the United States.

(3) In the furtherance of justice this case should be transferred to the United States District Court for the Western District of Oklahoma.

IT IS THEREFORE ORDERED:

(1) Pursuant to the authority contained in 28 U.S.C. §2241(d) and in the exercise of discretion allocated to the Court, this cause is hereby transferred to the United States District Court for the Western District of Oklahoma for all further proceedings.

(2) The Clerk of this Court shall mail a copy of this Order to the Petitioner.

Dated this 18th day of May, 1992.



JAMES O. ELLISON, CHIEF JUDGE
UNITED STATES DISTRICT COURT

IN THE UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF OKLAHOMA

F I L E D

MAY 22 1992

OWL CREEK INVESTMENTS, PLC,
a United Kingdom company,

Plaintiff,

vs.

SOUTHPORT EXPLORATION ASSOCIATES,
INC., an Oklahoma corporation;
DANIEL A. WOODS; BEN C. GROENEWOLD;
E. MURRAY GULLATT; and PHILIPPE
SCHREIBER,

Defendants.

Richard M. Lawrence, Clerk
U.S. DISTRICT COURT

Case No. 92-C-231 E

ENTERED ON DOCKET

DATE 5-22-92 *[Signature]*

ORDER OF DISMISSAL WITH PREJUDICE

Based upon the parties Stipulation, the Court hereby approves the Dismissal With Prejudice by Plaintiff Owl Creek Investments, PLC with all parties to bear their own costs and attorneys' fees. The dismissal is effective upon filing of this Order.

[Signature] JAMES O. ELLISON

Honorable James O. Ellison,
United States District Judge

ENTERED ON DOCS
DATE MAY 21 1992

FILED

MAY 20 1992

UNITED DISTRICT COURT FOR THE
NORTHERN DISTRICT OF OKLAHOMA

Richard M. Lawrence, Clerk
U.S. DISTRICT COURT

DEBORAH BRODRICK,)
)
 Plaintiff,)
)
 vs.)
)
 HEALTH ENTERPRISES OF)
 OKLAHOMA, INC., a Texas)
 Corporation,)
 Defendant.)

Case No. 92-C-307 B

DISMISSAL WITHOUT PREJUDICE

COMES NOW the Plaintiff and hereby dismisses the above
cause without prejudice.

DATED this 19th day of May, 1992.

Richard H. Reno
RICHARD H. RENO, OBA #10454
WHITE & RENO, a Professional
Association
1802 Philtower, 427 S. Boston
Tulsa, Oklahoma 74103
(918) 582-7888

CERTIFICATE OF MAILING

I, Richard H. Reno, do hereby certify that on the 19th
day of May, 1992, I caused a true and correct copy of the
above and foregoing Dismissal without Prejudice to be hand
delivered or mailed to: Robert D. Looney, 528 Northwest 12th
Street, Oklahoma City, Oklahoma 73103.

Richard H. Reno
Richard H. Reno

UNITED STATES DISTRICT COURT FOR THE
NORTHERN DISTRICT OF OKLAHOMA

ENTERED ON DOCKET
MAY 21 1992
DATE FILED

MAY 21 1992

Richard M. Lawrence, Clerk
U. S. DISTRICT COURT
NORTHERN DISTRICT OF OKLAHOMA

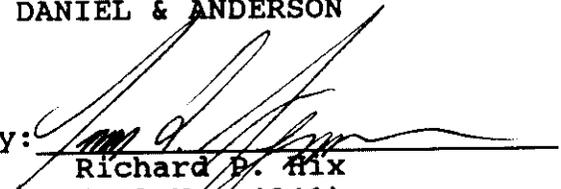
PUBLIC SERVICE COMPANY OF)
OKLAHOMA, an Oklahoma)
corporation,)
)
Plaintiff,)
)
vs.)
)
WAGNER & BROWN II, a)
partnership, GERALD)
ADKINS, and FALSE RIVER)
LIMITED,)
)
Defendants.)

Case No. 92-C-391-B

NOTICE OF DISMISSAL

Plaintiff, Public Service Company of Oklahoma, hereby dismisses this action without prejudice pursuant to Rule 41(a)(1)(i). In support of this Notice of Dismissal, PSO states that no adverse party has yet been served, and therefore no adverse party has yet filed an Answer or Motion for Summary Judgment.

DOERNER, STUART, SAUNDERS,
DANIEL & ANDERSON

By: 
Richard P. Hix
(OBA No. 4241)
L. Dru McQueen
(OBA No. 10100)
Tom Q. Ferguson
(OBA No. 12288)
320 South Boston Avenue
Suite 500
Tulsa, Oklahoma 74103
(918) 582-1211

Attorneys for Plaintiff,
Public Service Company of
Oklahoma

JBS/MLP

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

F I L E D

JEAN F. TRIGALET AND MYRA J. TRIGALET,)
PERSONAL REPRESENTATIVES OF THE ESTATE OF)
CONSTANCE TRIGALET, PLAINTIFFS,)

MAY 20 1992

Richard M. Lawrence, Clerk
U. S. DISTRICT COURT
NORTHERN DISTRICT OF OKLAHOMA

VS.)

CITY OF TULSA, OKLAHOMA, A MUNICIPAL)
CORPORATION, ET AL., DEFENDANTS.)

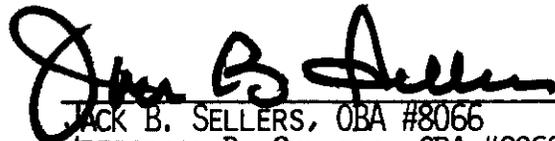
CASE No. 92-C-368-E

DISMISSAL OF ADDITIONAL DEFENDANTS GROUP II

PURSUANT TO FEDERAL RULES OF CIVIL PROCEDURE, RULE 41,
PLAINTIFFS DISMISS ADDITIONAL DEFENDANTS GROUP II, THE CITY COMMISSION
OR COUNCIL MEMBERS OF THE CITY OF TULSA FOR YEARS 1985 THROUGH 1990,
NAMELY:

- | | |
|---------------------------|-------------------------------|
| DIST. 1 - B.S. ROBERTS | DIST. 6 - JAMES HOGUE, SR. |
| DIST. 2 - DARLA HALL | DIST. 7 - JOHN BENJAMIN |
| DIST. 3 - DOROTHY DEWITTY | DIST. 8 - RICHARD POLISHUK |
| DIST. 4 - GARY WATTS | DIST. 9 - DEWEY BARTLETT, JR. |
| DIST. 5 - ROBERT NELSON | |

DATED MAY 20, 1992.



JACK B. SELLERS, OBA #8066
JEFFERSON D. SELLERS, OBA #8068
JACK B. SELLERS LAW ASSOCIATES, INC.
P.O. Box 730
SAPULPA, OKLAHOMA 74067-0730
(918) 224-9070

ATTORNEYS FOR PLAINTIFFS

CERTIFICATE

I CERTIFY THAT ON THIS MAY 20, 1992, I MAILED COPY OF THE ABOVE AND FOREGOING DISMISSAL TO:

DAVID PAULING
ASSISTANT CITY ATTORNEY
316 CITY HALL
200 CIVIC CENTER
TULSA, OK 74103

MR. MERL A. WHITEBOOK
ATTORNEY FOR JAMES HOGUE, SR.
AND RICHARD POLISHUK
2431 EAST 51ST STREET
TULSA, OK 74105

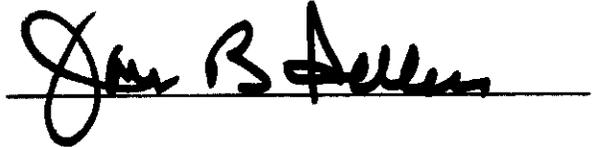
B.S. ROBERTS
541 E. LATIMER PL.
TULSA, OK 74106

DOROTHY DEWITTY
2415 N. WHEELING
TULSA, OK 74110

GARY WATTS
1564 S. GILLETTE
TULSA, OK 74104

JOHN BENJAMIN
6030 S. LAKEWOOD
TULSA, OK 74135

DEWEY BARTLETT, JR.
1208 E. 26TH ST.
TULSA, OK 74114

A handwritten signature in black ink, appearing to read "Jim B. Allen", is written over a horizontal line.

ENTERED ON DOCKET
DATE MAY 21 1992

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

FILED

MAY 20 1992

Richard M. Lawrence, Clerk
U. S. DISTRICT COURT
NORTHERN DISTRICT OF OKLAHOMA

EWING T. ROSS and DARLENE
L. ROSS, husband and wife,

Plaintiffs,

vs.

TARGET STORES, a division
of DAYTON HUDSON CORPORATION,

Defendant.

No. 91-C-514-C

ORDER

This matter comes on for consideration on this 20th
day of May, 1992, upon the Motion of the Defendant, Target
Stores, a division of Dayton Hudson Corporation, to dismiss this
case and to close the file. The Court, having reviewed the
Motion and its Order of March 19, 1992, and the file herein,
finds that this case should be dismissed.

IT IS THEREFORE ORDERED, ADJUDGED AND DECREED by the
Court that the above entitled cause of action be and is hereby
dismissed and the file ordered closed.

s/H. DALE COOK

H. DALE COOK, UNITED STATES
DISTRICT JUDGE

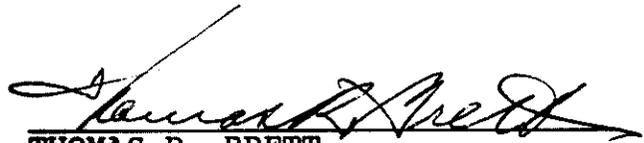
and Plaintiff's response thereto. The Court concludes Defendants' Motion and Supporting Brief essentially re-urges and re-argues the same issues and arguments presented by these Defendants in earlier pleadings. The Court further concludes these Defendants have presented no substantial reasons why this Court should reconsider, vacate and/or modify its previous Order of March 31, 1992.

Every Motion filed with the Clerk of this Court, no matter whether meritorious, repetitious or frivolous, requires some portion of this Court's limited resources. The Court, as the Honorable Wayne Alley¹ recently observed, is not just "hitting fungoes" when it enters an Order.

Conversely, the Court is indebted when a party, through a Motion to Reconsider, brings to its attention an oversight. It is the automatic or standardized use of Motions To Reconsider which gives the Court pause. The Court observes that motions to reconsider are not uncommon to these Defendants.

The Court concludes Defendants' Motion For Reconsideration should be and the same is herewith DENIED.

IT IS SO ORDERED this 20th day of May, 1992.


THOMAS R. BRETT
UNITED STATES DISTRICT JUDGE

¹ United States District Judge for the Western District of Oklahoma.