

DATE FEB 10 1993

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

TIM D. MAUK, an individual, )  
 )  
 Plaintiff, )  
 )  
 vs. )  
 )  
 THE CITY OF BARTLESVILLE, )  
 TIM SHIVELY, individually and )  
 as an officer of the )  
 Bartlesville Police )  
 Department, EDDIE VIRDEN, )  
 individually and as an )  
 officer of the Bartlesville )  
 Police Department, DAVID )  
 EMBRY, individually and as an )  
 officer of the Bartlesville )  
 Police Department, RICK )  
 SILVER, individually and )  
 as an officer of the )  
 Bartlesville Police Depart- )  
 ment, ERIC PETERSON, )  
 individually and as an officer )  
 of the Bartlesville Police )  
 Department, )  
 )  
 Defendants. )

Case No. 92 C-683 E

**FILED**

10 1993 *[Signature]*

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

**ORDER GRANTING  
DEFENDANTS' APPLICATION FOR ORDER GRANTING  
DEFENDANTS' MOTION TO DISMISS**

Upon Application of Defendants, requesting that Defendants' Motion To Dismiss be granted for the reason that Plaintiff has failed to set forth any Objection within the requisite time, this Court FINDS that on January 4, 1993 Defendants filed their Motion to Dismiss and Brief In Support, and as of February 1, 1993, Plaintiff had not responded to Defendants' Motion. Accordingly, this Court FINDS that any objection of the Plaintiff to Defendants' Motion To Dismiss has been waived, and the contents of Defendants' Motion to Dismiss are deemed confessed. Additionally, the Court FINDS that Plaintiff's Complaint has failed to allege facts with

sufficient specificity to set forth a claim for relief under 42 U.S.C. §1983 for violation of Plaintiff's constitutionally protected rights.

THEREFORE, IT IS HEREBY ORDERED Defendants' Motion To Dismiss is granted, and Plaintiff's Complaint is dismissed without prejudice.

DATED this 9<sup>th</sup> day of February, 1993.

  
\_\_\_\_\_  
THE HONORABLE JAMES O. ELLISON  
United States District Judge



Dated this 5<sup>th</sup> day of February, 1993.

  
\_\_\_\_\_  
JAMES O. ELLISON, CHIEF  
UNITED STATES DISTRICT JUDGE

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

ENTERED FOR FILE

BONNIE SUE DUFF and KENT DUFF,  
Plaintiffs,

FEB 10 1993

v.

Case No. 93-C-0029E

WILLIAM H. BROOKOVER, PRUDENTIAL  
PROPERTY AND CASUALTY INSURANCE  
COMPANY and UNITED SERVICES  
AUTOMOBILE ASSOCIATION,

FILED

Defendants.

123-000

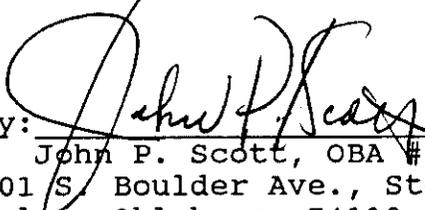
Edward M. Lawrence, Clerk  
U.S. DISTRICT COURT

NOTICE OF DISMISSAL

Pursuant to Rule 41(a)(1) of the Federal Rules of Civil Procedure, Plaintiffs hereby give Notice of Dismissal Without Prejudice of the above captioned case. No answer or motion has been filed by any of the Defendants herein.

Dated this 8th day of February, 1993.

SAVAGE, O'DONNELL, SCOTT,  
McNULTY, AFFELDT & GENTGES

By:   
John P. Scott, OBA #8019  
601 S. Boulder Ave., Ste. 1100  
Tulsa, Oklahoma 74119-1333  
(918) 599-9000

Attorneys for Plaintiffs

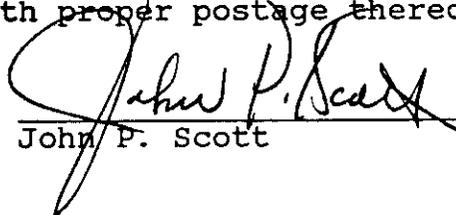
CERTIFICATE OF MAILING

This is to certify that a true, correct and exact copy of the above and foregoing instrument has been mailed to:

James K. Secrest II  
7134 S. Yale, Ste. 900  
Tulsa, OK 74136-6342  
Attorneys for Defendant USAA

Prudential Property and Casualty  
Insurance Company  
P. O. Box 488  
Metairie, LA 74001

this 8th day of February, 1993, with proper postage thereon fully prepaid.

  
\_\_\_\_\_  
John P. Scott

UNITED STATES DISTRICT COURT FOR THE  
NORTHERN DISTRICT OF OKLAHOMA

ENTERED ON DOCKET  
FEB 10 1993  
DATE

UNITED STATES OF AMERICA, )  
 )  
 Plaintiff, )  
 )  
 vs. )  
 )  
 BILLIE J. LIVINGSTON; COUNTY )  
 TREASURER, Washington County, )  
 Oklahoma; and BOARD OF COUNTY )  
 COMMISSIONERS, Washington County, )  
 Oklahoma, )  
 )  
 Defendants. )

FILED

FEB 8 1993

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

CIVIL ACTION NO. 92-C-579-E

JUDGMENT OF FORECLOSURE

This matter comes on for consideration this 5<sup>th</sup> day  
of Feb, 1993. The Plaintiff appears by Tony M.  
Graham, United States Attorney for the Northern District of  
Oklahoma, through Peter Bernhardt, Assistant United States  
Attorney; the Defendants, Billie J. Livingston; County Treasurer,  
Washington County, Oklahoma; and Board of County Commissioners,  
Washington County, Oklahoma, appear not, but make default.

The Court being fully advised and having examined the  
court file finds that the Defendant, Billie J. Livingston,  
acknowledged receipt of Summons and Complaint on or about  
September 17, 1992; that the Defendant, County Treasurer,  
Washington County, Oklahoma, acknowledged receipt of Summons and  
Complaint on July 9, 1992; and that Defendant, Board of County  
Commissioners, Washington County, Oklahoma, acknowledged receipt  
of Summons and Complaint on July 8, 1992.

It appears that the Defendants, Billie J. Livingston;  
County Treasurer, Washington County, Oklahoma; and Board of

County Commissioners, Washington County, Oklahoma, 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 Washington County, Oklahoma, within the Northern Judicial District of Oklahoma:

Part of Section Twenty-One (21), Township Twenty-Eight (28) North, Range Thirteen (13) East, Beginning 232.5 feet North of the SW corner of the SE/4 NE/4; thence East 130 feet; thence North 67.5 feet; thence West 130 feet; thence South 67.5 feet to the Point of Beginning, Washington County, Oklahoma.

The Court further finds that on July 6, 1984, the Defendant, Billie J. Livingston, executed and delivered to the United States of America, acting through the Farmers Home Administration, her promissory note in the amount of \$34,000.00, payable in monthly installments, with interest thereon at the rate of 11-7/8 percent per annum.

The Court further finds that as security for the payment of the above-described note, the Defendant, Billie J. Livingston, executed and delivered to the United States of America, acting through the Farmers Home Administration, a mortgage dated July 6, 1984, covering the above-described property. Said mortgage was recorded on July 6, 1984, in Book 820, Page 87, in the records of Washington County, Oklahoma.

The Court further finds that the Warranty Deed from Linda L. Field to the Farmers Home Administration, recorded in Book 818, Page 477, in the Office of the County Clerk, Washington County, Oklahoma; the Quitclaim Deed from the Administrator of the Farmers Home Administration to Billie J. Livingston, a single person, recorded in Book 820, Page 85, in the Office of the County Clerk, Washington County, Oklahoma; and the Mortgage recorded in Book 820, Page 87, in the Office of the County Clerk, Washington County, Oklahoma, incorrectly described the property due to a scrivener's error. The description as being on the Warranty Deed, Quitclaim Deed, and the Mortgage is erroneous in that the first call "beginning 232' North of the SW corner of the SE/4 NE/4" of said section should have been 232.5'; then the North call should have been 67.5' instead of 68' and the South call, 68', should have been 67.5' to the point of beginning. The Court further finds that the legal description should be reformed in the Warranty Deed, Quitclaim Deed, and Mortgage to correct the scrivener's error and the description thereon to be as hereinabove initially set forth.

The Court further finds that on July 6, 1984, the Defendant, Billie J. Livingston, executed and delivered to the United States of America, acting through the Farmers Home Administration, an Interest Credit Agreement pursuant to which the interest rate on the above-described note and mortgage was reduced.

The Court further finds that on May 31, 1985, the Defendant, Billie J. Livingston, executed and delivered to the United States of America, acting through the Farmers Home Administration, an Interest Credit Agreement pursuant to which the interest rate on the above-described note and mortgage was reduced.

The Court further finds that on May 20, 1986, the Defendant, Billie J. Livingston, executed and delivered to the United States of America, acting through the Farmers Home Administration, an Interest Credit Agreement pursuant to which the interest rate on the above-described note and mortgage was reduced.

The Court further finds that on June 5, 1987, the Defendant, Billie J. Livingston, executed and delivered to the United States of America, acting through the Farmers Home Administration, an Interest Credit Agreement pursuant to which the interest rate on the above-described note and mortgage was reduced.

The Court further finds that on May 18, 1988, the Defendant, Billie J. Livingston, executed and delivered to the United States of America, acting through the Farmers Home Administration, an Interest Credit Agreement pursuant to which the interest rate on the above-described note and mortgage was reduced.

The Court further finds that on May 9, 1989, the Defendant, Billie J. Livingston, executed and delivered to the United States of America, acting through the Farmers Home Administration, an Interest Credit Agreement pursuant to which the interest rate on the above-described note and mortgage was reduced.

The Court further finds that the Defendant, Billie J. Livingston, made default under the terms of the aforesaid note, mortgage, and interest credit agreements by reason of her failure to make the monthly installments due thereon, which default has continued, and that by reason thereof the Defendant, Billie J. Livingston, is indebted to the Plaintiff in the principal sum of \$32,362.73, plus accrued interest in the amount of \$6,994.93 as of November 12, 1991, plus interest accruing thereafter at the rate of 11.8750 percent per annum or \$10.5290 per day until judgment, plus interest thereafter at the legal rate until fully paid, and the further sum due and owing under the interest credit agreements of \$18,352.11, plus interest on that sum at the legal rate from judgment until paid, and the costs of this action in the amount of \$8.00 for recording Notice of Lis Pendens.

The Court further finds that the Defendants, County Treasurer and Board of County Commissioners, Washington County, Oklahoma, are in default and therefore have no right, title or interest in the subject real property.

IT IS THEREFORE ORDERED, ADJUDGED, AND DECREED that the Plaintiff have and recover judgment against Defendant, Billie J. Livingston, in the principal sum of \$32,362.73, plus accrued interest in the amount of \$6,994.93 as of November 12, 1991, plus interest accruing thereafter at the rate of 11.8750 percent per annum or \$10.5290 per day until judgment, plus interest thereafter at the current legal rate of 3.45 percent per annum until fully paid, and the further sum due and owing under the interest credit agreements of \$18,352.11, plus interest on that sum at the current legal rate of 3.45 percent per annum from judgment until paid, plus the costs of this action in the amount of \$8.00 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 legal description in the Warranty Deed from Linda L. Field to the Farmers Home Administration, recorded in Book 818, Page 477, in the Office of the County Clerk, Washington County, Oklahoma; the legal description in the Quitclaim Deed from the Administrator of the Farmers Home Administration to Billie J. Livingston, a single person, recorded in Book 820, Page 85, in the Office of the Court Clerk, Washington County, Oklahoma; and the legal description in the Mortgage recorded in Book 820, Page 87, in the Office of the

County Clerk, Washington County, Oklahoma, are reformed in that the first call "beginning 232' North of the SW corner of the SE/4 NE/4" of said section shall be 232.5'; then the North call shall be 67.5' instead of 68' and the South call, 68', shall be 67.5' to the point of beginning.

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

IT IS FURTHER ORDERED, ADJUDGED, AND DECREED that upon the failure of said Defendant, Billie J. Livingston, 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 appraisal the real property involved herein and apply the proceeds of the sale as follows:

**First:**

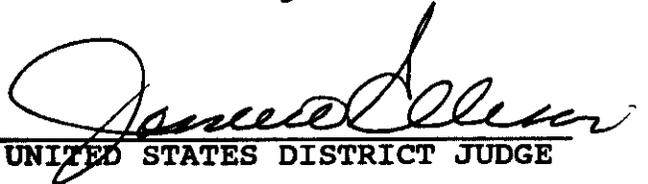
In payment of the costs of this action accrued and accruing incurred by the Plaintiff, including the costs of sale of said real property;

**Second:**

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

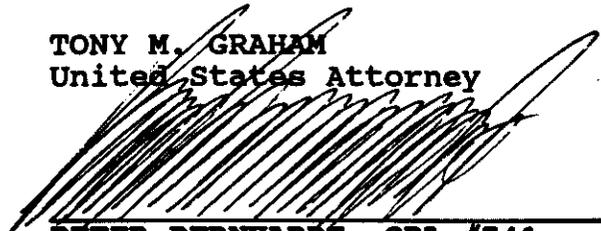
The surplus from said sale, if any, shall be deposited with the Clerk of the Court to await further Order of the Court.

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

  
UNITED STATES DISTRICT JUDGE

APPROVED:

TONY M. GRAHAM  
United States Attorney



---

PETER BERNHARDT, OBA #741  
Assistant United States Attorney  
3900 U.S. Courthouse  
Tulsa, Oklahoma 74103  
(918) 581-7463

Judgment of Foreclosure  
Civil Action No. 92-C-576-E

PB/css

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

JUDY MATTINGLY, an Individual,  
JAMES MATTINGLY, an Individual,  
and LINDA NORWOOD, an Individual,

Plaintiffs,

vs.

SUN REFINING AND MARKETING COMPANY,

Defendant.

FEB 8 1993  
Richard M. LAWRENCE, CLERK  
U.S. DISTRICT COURT  
NORTHERN DISTRICT OF OKLAHOMA

Case No. 90-C-307-E/

ENTERED ON DOCKET  
DATE FEB 10 1993

**JUDGMENT**

Pursuant to the verdict of the jury received by this Court on January 19, 1993, judgment is hereby entered in favor of the Defendant, Sun Refining and Marketing Company, and against the Plaintiffs, Judy Mattingly and Linda Norwood, as to all negligence claims.

Dated this 5<sup>th</sup> day of February, 1993.

  
JAMES O. ELLISON  
UNITED STATES DISTRICT JUDGE

APPROVED AS TO FORM:

  
Robert Redemann  
Attorney for Defendant

  
Roland V. Funk  
Attorney for Plaintiffs

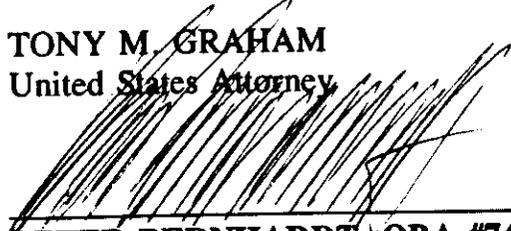
721



APPROVED AS TO FORM AND CONTENT:

UNITED STATES OF AMERICA

TONY M. GRAHAM  
United States Attorney



---

**PETER BERNHARDT, OBA #741**  
Assistant United States Attorney  
3900 U.S. Courthouse  
333 West 4th Street  
Tulsa, OK 74103  
(918) 581-7463



---

**JOHN G. GHOSTBEAR, OBA #3335**  
Attorney at Law  
Suite 220  
2700 East 51st Street  
Tulsa, OK 74105  
(918) 747-6351  
Attorney for Frontier Defendants



---

**ALAN R. WOODCOCK, OBA #9855**  
Assistant Regional Solicitor  
U.S. Department of the Interior  
P.O. Box 3156  
Tulsa, OK 74101  
(918) 581-7502

FILED

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

FEB 9 1993

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

WESTLAND EXPLORATION COMPANY,  
INC.,

Plaintiff,

v.

Case No. 91-C-0061-E

ARKLA, INC., a Delaware  
corporation, ARKANSAS-LOUISIANA  
GAS COMPANY, a Delaware  
corporation, and ARKLA ENERGY  
RESOURCES, a division of  
ARKLA, INC.

Defendants.

FEB 9 1993

ORDER OF DISMISSAL WITH PREJUDICE

On this 4<sup>th</sup> day of Feb. 1993, the Joint Motion to Dismiss of plaintiff and defendants came on for consideration. It appearing to the Court that the above-captioned case has been settled between the parties, it is therefore

ORDERED that the parties' Joint Motion to Dismiss is granted and that the above-captioned case is dismissed with prejudice, with each party to bear its own costs and attorney fees.

  
UNITED STATES DISTRICT COURT JUDGE

ENTERED ON DOCKET  
DATE FEB 9 1993

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

LARRY KELLEY, Nominee, )  
 )  
 Plaintiff, )  
 )  
 v. )  
 )  
 STATE BANK & TRUST, N.A., )  
 )  
 Defendant, )  
 )  
 THE RESOLUTION TRUST CORPORATION )  
 AS RECEIVER FOR FIRST FEDERAL )  
 SAVINGS & LOAN ASSOCIATION OF )  
 COFFEYVILLE, KANSAS, )  
 )  
 Intervenor. )

Case No. 92-C-472-E

**FILED**

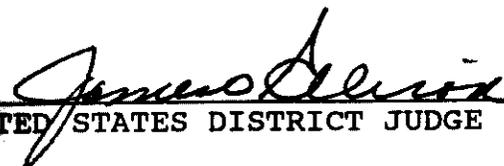
FEB 9 1993

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

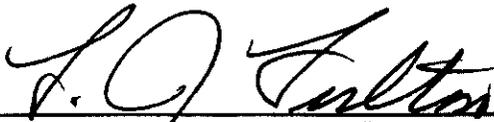
ORDER OF DISMISSAL

This matter is before the Court on the parties' Stipulation for Dismissal. The Court, having reviewed said stipulation and being fully advised in the premises, finds that Larry Kelley's claims as nominee and the Resolution Trust Corporation's claims as Receiver for First Federal Savings & Loan Association of Coffeyville, Kansas, and Intervenor, should be dismissed with prejudice.

IT IS THEREFORE ORDERED that Larry Kelley's claims as nominee and the Resolution Trust Corporation's claims as Receiver for First Federal Savings & Loan Association of Coffeyville, Kansas, and Intervenor, in the referenced case are hereby dismissed with prejudice.

  
UNITED STATES DISTRICT JUDGE

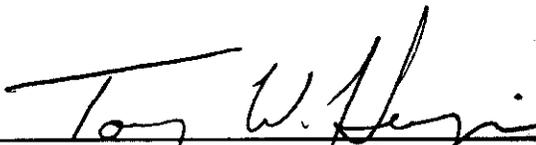
APPROVED:



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JOHN H. TUCKER, OBA #9110  
L. J. FULTON, OBA #3177  
RHODES, HIERONYMUS, JONES, TUCKER & GABLE  
2800 Fourth National Bank Building  
Tulsa, Oklahoma 74119-5430  
Telephone: (918) 582-1173

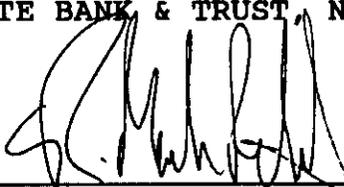
ATTORNEYS FOR PLAINTIFF, LARRY KELLEY



---

Tony W. Haynie, OBA #11097  
Sean H. McKee, OBA #14277  
CONNOR & WINTERS  
15 East 5th Street  
2400 First National Tower  
Tulsa, Oklahoma 74103-4391  
Telephone: (918) 586-5711

ATTORNEYS FOR DEFENDANT,  
STATE BANK & TRUST, N.A.



---

James M. Reed, OBA #7466  
R. Mark Petrich, OBA #11956  
HALL, ESTILL, HARDWICK, GABLE,  
GOLDEN & NELSON, P.C.  
4100 Bank of Oklahoma Tower  
One Williams Center  
Tulsa, Oklahoma 74172  
Telephone: (918) 588-2700

ATTORNEYS FOR INTERVENOR, RESOLUTION  
TRUST CORPORATION AS RECEIVER FOR FIRST  
FEDERAL SAVINGS & LOAN ASSOCIATION OF  
COFFEYVILLE, KANSAS

2/9/93

IN THE UNITED STATES DISTRICT COURT FOR  
NORTHERN DISTRICT OF OKLAHOMA

**FILED**

FEB 4 1993

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

AMERICAN HOME ASSURANCE  
COMPANY,

Plaintiff,

vs.

LAWRENCE L. BAILEY; and,  
TERRY L. NISSON,

Defendants.

Case No: 92-C-1014B

ORDER

This matter comes on before the Court by the plaintiff's Application for Dismissal Without Prejudice against the above-styled defendants. The Court finds for good cause shown that this cause should be dismissed without prejudice to the plaintiff's right to further action against the above-named defendants.

IT IS SO ORDERED.

DATED this 4<sup>th</sup> day of February, 1993.

S/ THOMAS R. BRETT

United States District Judge

ENTERED ON DOCKET  
DATE FEB 09 1993

**FILED**  
FEB 4 1993

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

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

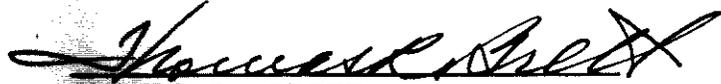
DAVID EUGENE RUSSELL,  
Plaintiff,  
vs.  
LARRY FIELDS, et al.,  
Defendants.

No. 92-C-1183-B

**ORDER**

Plaintiff has sent the court a letter stating he wants his case "dropped from any further action." Accordingly, his complaint is hereby dismissed without prejudice.

SO ORDERED THIS 4<sup>th</sup> day of Feb., 1993.



THOMAS R. BRET  
UNITED STATES DISTRICT JUDGE

2/9/93

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

FILED

DOROTHY DEWITTY, SAM ALLEN, STEVEN HERRIN, and LORRAINE HAYNES,

Plaintiffs,

vs.

PLEAS THOMPSON, CHARLES RUBLE RENEE CROOK, ELLOUISE COCHRANE, JERRY JENNINGS, and ZETTIE WILLIAMS,

Defendants.

FEB 4 1993

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

Case No. CIV 92 692-b

ORDER OF DISMISSAL WITH PREJUDICE

The Court, having before it the written Stipulation for Dismissal with Prejudice signed by all parties to this litigation, finds that based upon the agreement of the parties the Stipulation for Dismissal with Prejudice should be granted, and

IT IS THEREFORE ORDERED, ADJUDGED AND DECREED that the litigation captioned herein, including all complaints, counterclaims, cross-complaints and causes of action of any type by any party, should be and the same are hereby dismissed with prejudice to the refiling thereof. This Judgment is entered this 4th day of February, 1993.

S/ THOMAS R. BRETT

THOMAS R. BRETT Judge of the U.S. District Court

DATE 2-9-93

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

**FILED**

FEB 4 1993

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

SANDRA L. REED,  
Plaintiff,  
v.  
JAMES S. REED,  
Defendant.

Case No. 91-C-375-B

ORDER OF DISMISSAL

Came on for consideration by the Court the agreed Motion for Dismissal with Prejudice and Release filed herein by Plaintiff, Sandra L. Reed and Defendant, James Scott Reed. The Court, having reviewed the file and being fully advised in the premises, FINDS that the Joint Motion should be granted.

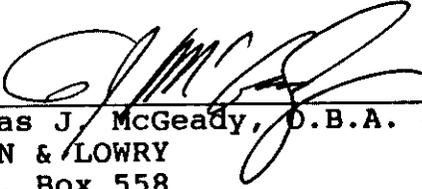
IT IS THEREFORE ORDERED, ADJUDGED AND DECREED that this matter and all claims asserted by the parties, one against the other, are dismissed with prejudice to refiling.

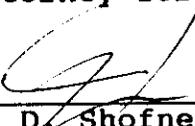
Dated this 4th day of Feb., 1993.

ST. THOMAS R. BRETT

UNITED STATES DISTRICT JUDGE

APPROVED AS TO FORM AND CONTENT:

  
\_\_\_\_\_  
Thomas J. McGeady, O.B.A. #5984  
LOGAN & LOWRY  
P. O. Box 558  
Vinita, OK 74301-0558  
(918) 256-7511  
(Attorney for Defendant)

  
\_\_\_\_\_  
Jim D. Shofner, O.B.A. # 8100  
4143 East 31st  
Tulsa, OK 74135  
(Attorney for Plaintiff)

ENTERED  
DATE FEB 09 1993

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

**FILED**

FEB 3 1993

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

VICTOR J. COOPER, )  
 )  
 Petitioner, )  
 )  
 v. )  
 )  
 STEPHEN KAISER, )  
 )  
 Respondent. )

92-C-695-B

ORDER

Now before this Court is Victor Joel Cooper's Petition For A Writ Of Habeas Corpus pursuant to 28 U.S.C. §2254. In 1988, Cooper pled guilty in Tulsa County District Court to three counts of Robbery With A Firearm after former conviction of two or more felonies. He received three 30-year concurrent sentences. He did not file a direct appeal.

Cooper alleges in his habeas petition that the Tulsa District Court improperly enhanced his current sentence "on the basis of unconstitutional prior guilty plea based convictions." *Petition, page 6 (docket #1).*

Respondents, however, argue that Cooper's Petition should be dismissed for two reasons. First, they allege Cooper is procedurally barred. Second, they contend that Cooper's guilty plea, in effect, admitted the validity of his prior convictions and prevents him from challenging them in this petition.

I. Summary of Facts/Procedural History

In 1988, Cooper was charged with three counts of robbery after former conviction

of two or more felonies ("AFCF").<sup>1</sup> The prior felony convictions on which the state predicated the AFCF charges are: CRF-78-2615, CRF-79-584, CRF-79-907, CRF-85-4910 and CRF-85-4921. He pled guilty and received 30 years for each robbery count to run concurrently.

Cooper did not pursue a direct appeal, but he filed an Application For Post-Conviction Relief more than three years later. That Application, however, was denied by the Tulsa County District Court on March 12, 1992. On July 13, 1992, the Oklahoma Court of Criminal Appeals affirmed the denial, writing:

Even though Petitioner is considered "in custody" under the former convictions for purposes of federal habeas corpus relief...if Petitioner's former convictions are not valid, then they should have been attacked in a direct appeal...or a post-conviction proceeding in the court imposing the judgment and sentence for that former conviction...Petitioner has not substantiated his claim that errors by counsel provide sufficient reasons for his failure to appeal. 22 O.S. 1991 §1086; see also *Hale v. State*, 807 P.2d 264, 266-267 (Okl.Cr.1991). Petitioner's sentences are well within the range of punishment for Robbery with Firearms regardless of any alleged errors concerning former conviction enhancement that Petitioner claims his counsel overlooked. *Response To Petition For Writ Of Habeas Corpus, Exhibit A, page 2 (docket #8)*.

On August 6, 1992, Cooper filed the instant habeas petition, claiming that the felonies used to enhance his current sentence were invalid.<sup>2</sup> Respondents, however, assert that Cooper is procedurally barred from raising his habeas petition. They also maintain, that even if Cooper is not procedurally barred, he cannot now challenge the convictions enhancing his current sentence.

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<sup>1</sup> CF-88-1001, CF-88-1269 and CF-88-1388.

<sup>2</sup> Cooper states that CRF-78-2615 has been served. He argues that his guilty plea to a pair of 1979 robbery charges (CRF-79-584 and CRF-79-907) was invalid on a variety of reasons, including ineffective assistance of counsel. Similarly, he states that his guilty and nolo contendere pleas to CRF-85-4910 and CRF-854921 were invalid.

## II. Legal Analysis

The first issue is whether Cooper is procedurally barred from raising his claims in this habeas petition. A procedural default occurs when the last state court rendering a judgment "clearly and expressly states that its judgment rests on a state procedural bar." *Harris v. Reed*, 489 U.S. 255, 263, 109 S.Ct. 1038, 1043, 103 L.Ed.2d 308 (1989). In addition, "in the absence of a clear indication that a state court rested its decision on federal law, a federal court's task will not be difficult." *Coleman v. Thompson*, 111 S.Ct. 2546, 2559 (1991).

In this case, this Court finds that the Oklahoma Court of Criminal Appeals' ruling clearly and expressly rested on a state procedural bar. The appellate court stated "Petitioner has not substantiated his claim that errors by counsel provide sufficient reasons for his failure to appeal. 22 O.S. 1991 §1086; see also *Hale v. State*, 807 P.2d 264, 266-267 (Okl.Cr.1991)." Clearly, the state court was applying a procedural bar.<sup>3</sup>

Cooper is correct in stating that the state court's ruling discusses whether his range of punishment was proper. However, the undersigned does not interpret that language as being a decision on the merits. The state court appears to be simply making the point that Cooper's sentence was within the range of punishment set out by statute.

Since a procedural bar was properly applied by the state court, Cooper must show cause-and-prejudice<sup>4</sup> in order for this Court to examine his habeas petition on the merits.

---

<sup>3</sup> Part of this Court's reasoning is based on the state court's citing of *Hale v. State*. *Hale* holds that the "doctrine of res judicata bars consideration of post-conviction proceedings of issues which have been, or which could have been, raised on direct appeal. Petitioner is therefore barred from asserting any claims which have been, or which could have been, raised previously in direct appeal." *Id.* at 266-267.

<sup>4</sup> Cooper must show cause why the procedural bar should be disregarded; and in so showing, show why he is prejudiced if not so treated.

*Gilbert v. Scott*, 941 F.2d 1065, 1067 (10th Cir.1991). Cooper has not made any sufficient showing of either cause or prejudice. Therefore, his habeas petition is DISMISSED.<sup>5</sup>

SO ORDERED THIS 3<sup>rd</sup> day of Feb., 1993.



THOMAS R. BRETT  
UNITED STATES DISTRICT JUDGE

---

<sup>5</sup> This Court holds that Cooper's habeas petition is procedurally barred. However, even assuming arguendo he was not procedurally barred, Cooper's petition would still be dismissed. "A court is not required to consider a petitioner's challenge to his former conviction if he has voluntarily and knowingly pled guilty to the enhancement charge. Mason v. Anderson, 357, F.Supp. 672 (W.D. Okla. 1973), quoting Price v. Beto, 436 F.2d 1070 (5th Cir. 1971). See, also Long v. McCoin, 792 F.2d 1338 (5th Cir. 1986). In this case, Cooper does not attack the validity of the 1988 guilty plea, which included the ACFE underlying convictions.

ENTERED ON DOCKET

DATE 2-8-93

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

**FILED**  
FEB 4 1993  
Richard M. Lawrence, Clerk  
U. S. DISTRICT COURT  
NORTHERN DISTRICT OF OKLAHOMA

ROBERT LEE WILLIAMS, )  
)  
Petitioner, )  
)  
v. )  
)  
RON CHAMPION, and the ATTORNEY )  
GENERAL OF THE STATE OF )  
OKLAHOMA, )  
)  
Respondents. )

Case No. 92-C-595-B

ORDER

This order pertains to Petitioner's Petition for a Writ of Habeas Corpus Pursuant to 28 U.S.C. § 2254 (Docket #2)<sup>1</sup> and Respondents' Motion to Dismiss (Docket #8).

Respondents' Motion to Dismiss **alleges** Petitioner has failed to exhaust his state remedies in regard to the grounds for **relief** raised by him.

Title 28 U.S.C. § 2254 provides in part:

- (b) An application for a writ of habeas corpus in behalf of a person in custody pursuant to the judgment of a State court shall not be granted unless it appears that the applicant has exhausted the remedies available in the courts of the State, or that there is either an absence of available State corrective process or the existence of circumstances rendering such process ineffective to protect the rights of the prisoner.
- (c) An applicant shall not be deemed to have exhausted the remedies available in the courts of the State, within the meaning of this section, if he has the right under the law of the State to

<sup>1</sup> "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.

raise, by any available procedure, the question presented.

A federal habeas petitioner must have fairly presented to the state courts the substance of his federal claim. In Anderson v. Harless, 459 U.S. 4, 6 (1982), the Supreme Court stated:

. . . 28 U.S.C. § 2254 requires a federal habeas petitioner to provide the state courts with a 'fair opportunity' to apply controlling legal principles to the facts bearing upon his constitutional claim. It is not enough that all the facts necessary to support the federal claim were before the state courts . . . or that a somewhat similar state-law claim was made. In addition, the habeas petitioner must have 'fairly presented' to the state courts the 'substance' of his federal habeas corpus claim. (citations omitted).

See also, Mabry v. Klimas, 448 U.S. 444 (1980) (state must be given initial opportunity to pass upon and correct alleged violations of federal rights); Jones v. Hess, 681 F.2d 688 (10th Cir. 1982); Castleberry v. Crisp, 414 F.Supp. 945, 952-53 (N.D. Okla. 1976).

The Tenth Circuit has noted that a "rigorously enforced" exhaustion policy is necessary to serve the end of protecting and promoting the State's role in resolving the constitutional issues raised in federal habeas petitions. Naranjo v. Ricketts, 696 F.2d 83, 87 (10th Cir. 1982).

There is no merit to Petitioner's arguments that he was denied his right to have his appeal begun within ten (10) days of his sentence and to a court-appointed attorney to assist him in his appeal. Petitioner's court-appointed attorney, Timothy J. Seuss, filed the appropriate documents to perfect his appeal within the ten (10) day period. (Attachment "A" to Respondents' Brief in Support of Motion to Dismiss for Failure to Exhaust Remedies ("Brief")). In addition, the proper documents have been filed to begin the appeal in the

Oklahoma Court of Criminal Appeals. (Attachment "B" to Brief).

Petitioner's third claim appears to be that he received ineffective assistance of counsel at trial. The third ground may still be brought on direct appeal. Thus, there is a meaningful remedy for this Petitioner to pursue in state court.

Petitioner's Petition for a Writ of Habeas Corpus Pursuant to 28 U.S.C. § 2254 (Docket #2) is dismissed.

Dated this 4<sup>th</sup> day of Feb., 1993.



THOMAS R. BRETT  
UNITED STATES DISTRICT JUDGE

ENTERED ON DOCKET

DATE 2-8-93

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

**FILED**

FEB 4 1993

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

LARRY N. DODD, )  
)  
Plaintiff, )  
)  
v. )  
)  
ALLSTATE INSURANCE COMPANY, )  
)  
Defendant. )

No: 92-C-482-B

D.Ct: C-92-216

**ORDER**

NOW on this 4th day of Feb., 1993, comes on to be heard the Joint Motion for Stipulation of Dismissal With Prejudice in the above-styled case. It is the order of this court that said Motion is hereby granted. The above-styled action is hereby dismissed with prejudice.

APPROVED AS TO FORM AND CONTENT:

  
\_\_\_\_\_  
JOHN HARLAN, Attorney for Plaintiff

  
\_\_\_\_\_  
GALEN L. BRITTINGHAM, Attorney for Defendant

S/ THOMAS R. BRETT,

\_\_\_\_\_  
JUDGE OF THE DISTRICT COURT

ENTERED ON DOCKET

DATE FEB 8 1993

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

**FILED**

PATRICIA STANFIELD )

Plaintiff, )

v. )

STATE FARM FIRE AND CASUALTY )  
COMPANY, )

Defendant.)

No: 92-C-1033-

D.Ct: CJ-92-5010

Richard M. Lawton, Clerk  
U.S. DISTRICT COURT  
NORTHERN DISTRICT OF OKLAHOMA  
1993

ORDER OF DISMISSAL WITH PREJUDICE

NOW ON this 3rd day of February 1993, it appearing to the Court that this matter has been compromised and settled, this case is herewith dismissed with prejudice to the refiling of a future action.

S/ JAMES O. ELLISON

United States District Judge

ENTERED ON DOCKET

DATE 2-8-93

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

**FILED**

FEB 3 1993

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

RALPH W. FISHER,	)	
	)	
Plaintiff,	)	
	)	
v.	)	92-C-517-B
	)	
STEPHEN KAISER, ET AL,	)	
	)	
Defendants.	)	

ORDER

Now before this Court is Defendant's Motion To Dismiss. Plaintiff filed a Civil Rights Complaint pursuant to 42 U.S.C. §1983 on June 12, 1992. Plaintiff Ralph Fisher is now incarcerated at Lexington Correctional Center, which is in the jurisdiction of the United States District Court for the Western District of Oklahoma.

Plaintiff's Complaint alleges that the State of Missouri has an illegal detainer against him.<sup>1</sup> He also contends that Defendants, Oklahoma Department of Correction officials are helping Missouri officials, in denying him due process of law. The record is unclear as to whether he has presented his challenge to a Missouri state court, and, as a result, this Court cannot rule on that issue. *See, Braden v. 30th Judicial Circuit Court*, 410 U.S. 484, 499, 93 S.Ct. 1123, 35 L.Ed.2d 443 (1973).

Of more concern, however, is the question of what court should examine Fisher's complaints. A prisoner must bring the action in either the district of confinement or in the federal district court in the State which has lodged the detainer. *See, Parette v. Lockhart*,

<sup>1</sup> In addition, a challenge to a state's detainer should be filed as a 28 U.S.C. §2254 action.

15

*Handwritten initials*

927 F.2d 366 (8th Cir. 1991). *See, also, Braden, supra.*

In this case, the district of confinement is the Western District of Oklahoma. That is the most appropriate forum to handle the instant lawsuit.<sup>2</sup> Therefore, the Court orders the case to be immediately transferred to the Western District of Oklahoma.

SO ORDERED THIS 3<sup>rd</sup> day of Feb., 1993.



THOMAS R. BRETT  
UNITED STATES DISTRICT JUDGE

---

<sup>2</sup> *The instant case appears to be a §2254 habeas action. However, even assuming arguendo it is a civil rights action, the Western District would be a more appropriate forum since Plaintiff is within its immediate jurisdiction. 28 U.S.C. §1404.*

ENTERED ON DOCKET

DATE 2-8-93

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

**FILED**  
FEB 4 1993  
Richard M. Lawrence, Clerk  
U. S. DISTRICT COURT  
NORTHERN DISTRICT OF OKLAHOMA

ATLANTIC RICHFIELD COMPANY,	)	
	)	
Plaintiff,	)	Consolidated Cases
	)	
v.	)	89-C-868-B
	)	89-C-869-B
AMERICAN AIRLINES, INC., Et. Al.,	)	90-C-859-B
	)	
Defendants.	)	

FINAL JUDGMENT AND ORDER OF DISMISSAL WITH PREJUDICE

Now on this fourth day of Feb., 1993, this matter comes on for consideration of the Plaintiff Atlantic Richfield Company's (ARCO'S) NOTICE OF MOTION AND MOTION FOR DETERMINATION OF GOOD FAITH SETTLEMENT<sup>1</sup> (docket no. 569). The Plaintiff ARCO appears by its attorney, Larry Gutteridge, the Defendants appear by their respective lead counsel, and William Anderson appears as liaison counsel. The Court having examined the files and records and proceedings herein, having reviewed and considered the terms and conditions of the settlements in question, having reviewed and considered the Magistrate's Report and Recommendation, and being fully advised and informed in the premises FINDS, ADJUDGES, ORDERS and DECREES:

1. The settlements encompassed by the Notice of Motion and Motion for Determination of Good Faith Settlement (docket no. 569) in the above captioned action between the Plaintiff ARCO

---

<sup>1</sup> On or about December 31, 1992, ARCO filed its Notice of Motion and Motion for Determination of Good Faith Settlement seeking determinations of good faith settlement and bar orders for settlements with 2 potentially responsible parties ("PRPs") of the Sand Springs Site.

and the following Defendants, including related entities ("Settling Parties"):

1. Paul Groover;
2. Majestic Lubricating Company,

are found to be in good faith, and a final judgment barring all claims against the Settling Parties for liabilities associated with the Site under state and federal law, except to the extent that such claims are preserved by the settlements, should be and is hereby entered.

2. Each and every claim asserted by the Plaintiff ARCO against the Settling Parties identified hereinabove is dismissed in its entirety on the merits, with prejudice and without costs.

3. Each and every claim "deemed filed" by or against each of the Settling Parties identified hereinabove, pursuant to the terms of the First Amended Case Management Order, Section VII. B., filed March 6, 1992, is hereby dismissed in its entirety on the merits, with prejudice and without costs.

4. In accordance with the terms of the agreements with the Settling Parties identified herein above, hereinafter referred to as the Agreement, this Judgment shall be conditioned upon the Agreement being and remaining valid and in effect.

5. The terms "Site" and "volume" are as defined in the Agreement and in ARCO's December 31, 1992 Motion.

6. Any breach, whether by omission or commission, whether intentional or non-intentional, of a Settling Party's representation and warranty that, it neither possesses, or has a right to possess, nor is aware of any information which indicates that it is responsible for additional or greater volume than is set forth

in the Volume Report attached to the Agreement, which has not been included in the documentation provided to ARCO in support of its offer to enter the Agreement, renders the Agreement null and void.

7. In the event that the Agreement is or becomes null and void, this Judgment along with all orders entered in conjunction with the Agreement shall be vacated nunc pro tunc, the settlement reflected in the Agreement shall be terminated pursuant to its terms and the parties to the vacated Agreement shall be deemed to have reverted to their respective status and position in the Action as of the date immediately prior to the execution of the Agreement.

8. Nothing contained in this Judgment and Order shall be construed to affect the rights of the Plaintiff ARCO or the Settling Parties with respect to claims which are preserved by the settlements.

9. There being no just reason to delay the entry of this Judgment, this Court hereby directs entry of this final Judgment and Order of Dismissal pursuant to Rule 54(b) of the Federal Rules of Civil Procedure.

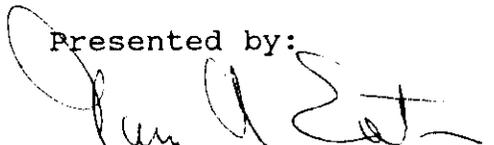
Dated:

Feb. 4, 1993

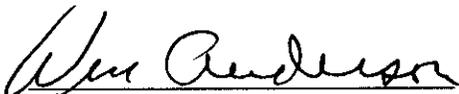
S/ THOMAS R. BRETT

\_\_\_\_\_  
Thomas R. Brett  
United States District Court Judge

Presented by:



Gary A. Eaton, Attorney  
for Plaintiff, Atlantic  
Richfield Company



William Anderson, Liaison Counsel

ENTERED ON DOCKET

DATE 2-4-93

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

**FILED**

FEB - 3 1993

RICHARD T. SONBERG, )  
PLAINTIFF, )  
VS. )  
CHANGING, INC. et al., )  
DEFENDANTS. )

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

CIVIL ACTION NO.

92-C-994-B

ORDER OF DISMISSAL WITHOUT PREJUDICE  
AS TO CERTAIN DEFENDANTS

NOW, on this 3rd day of Feb., 1993, there comes

before the Court the Joint Application for Dismissal Without Prejudice presented by the plaintiff and the defendants Larry Menser, Auto Trade Center, Inc., and Jackie Cooper Imports of Tulsa, Inc., wherein the plaintiff and said defendants stipulate that the complaint should be dismissed as to such defendants, and none other.

The Court finds that a dismissal of said defendants under Rule 41 of the Federal Rules of Civil Procedure is proper pursuant to the stipulation of these parties. It is therefore ORDERED that the plaintiff's complaint

is hereby dismissed, without prejudice, as to the defendants Larry Menser, Auto Trade Center, Inc., and Jack Cooper Imports of Tulsa, Inc., with each party to bear and pay his (its) own costs herein incurred.

SO ORDERED.

**S/ THOMAS R. BRETT**  
**UNITED STATES DISTRICT JUDGE**

ENTERED ON DOCKET

DATE 2-4-93

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

**FILED**

FEB - 3 1993

CHESTER ROLAND,	)
	)
Plaintiff,	)
	)
v.	)
	)
RON CHAMPION,	)
	)
Defendant.	)

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

92-C-118-B

ORDER

Now before this Court is Chester Roland's Petition For Writ Of Habeas Corpus pursuant to 28 U.S.C. §2254.<sup>1</sup> The issue is whether Roland has exhausted all available state remedies as required by 28 U.S.C. §2254(b) and (c). In order to exhaust the state remedies, the petitioner must fairly present his federal habeas claims to the state court.

As a general rule, the petitioner must have informed the state court of both the factual and legal premises of the claim he asserts in federal court. See *Picard v. Connor*, 404 U.S. 270 (1971), and *Jones v. Hess*, 681 F.2d 688, 694 (10th Cir. 1982).

In this case, Roland admits his **direct** appeal to the Oklahoma Court of Criminal Appeals is still pending. See *Petition at page 2 (docket #1)*. Therefore, the undersigned finds that the petitioner has not exhausted his state remedies. The case is dismissed without

<sup>1</sup> Respondents have not made a Rule 5 Response in this case. In addition, the Petitioner filed a Motion For Default Judgment on December 21, 1992.

prejudice. The Petitioner may re-file his habeas petition once he has exhausted his state remedies.

IT IS THEREFORE ORDERED this 3<sup>rd</sup> day of Feb.

1993.



THOMAS R. BRETT  
UNITED STATES DISTRICT JUDGE

ENTERED IN DOCKET

**FILED**

~~DATE FEB 3 1993~~

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

FEB 2 1993

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

BIG THREE INDUSTRIES, INC.

Plaintiff,

vs.

Case No.: 92-C-426 E

REXARC, INCORPORATED AND  
REXARC INTERNATIONAL, INC.,

Defendants.

ORDER OF DISMISSAL

UPON Application for Order of Dismissal filed this date by each of the parties herein, this Court finds it to be in the best interest of each of for this Court to order dismissal of this action herein for the reason that all claims by Plaintiff against said Defendants have been concluded by agreement between the parties.

WHEREFORE, this Court orders dismissal of the Defendants herein, with each party to bear their respective costs and fees.

  
UNITED STATES DISTRICT JUDGE

**FILED**

FEB 2 1993

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

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

ENTERED ON DOCKET  
DATE FEB 3 1993

ROBERT BYE,

Plaintiff,

vs.

REXARC INTERNATIONAL, Inc.,  
an Ohio Corporation, and  
REXARC INCORPORATED,

Defendants.

Case No. 92-C-0364-*HE*

ORDER OF DISMISSAL

UPON Application for Order of Dismissal filed this date by Plaintiff in the above-captioned case, this Court finds it to be in the best interest of each of said parties for this Court to order dismissal with prejudice to refiling of this action herein for the reason that all claims by Plaintiff against said Defendant have been concluded by agreement between the parties. Each party is to bear their respective costs and fees.

WHEREFORE, this Court orders dismissal of the above entitled cause with prejudice and with each party to bear their respective costs and fees.

*James Ellison*

UNITED STATES DISTRICT JUDGE

4

ENTERED ON DOCKET

DATE 2-3-93

**FILED**

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

FEB - 1 1993

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

EARLENE PEASE, now COCKRUM, )  
 )  
Plaintiff, )  
 )  
vs. )  
 )  
SOUTHWEST DINING SERVICES, Inc., )  
a Texas corporation, )  
 )  
Defendant. )

No. 92-C-640 B

JOINT STIPULATION OF DISMISSAL

Plaintiff EARLENE PEASE, now Cockrum and the Defendant SOUTHWEST DINING SERVICES, INC., a Texas corporation, pursuant to Fed. R. Civ. P. 41(a)(1)(ii), hereby stipulate as follows:

1. Plaintiff dismisses with prejudice its Complaint in the captioned case and all claims contained therein; and
2. Each side shall bear its own costs, expenses and attorneys fees incurred in this case.

Katherine S. Serio  
KATHERINE S. SERIO, OBA NO. 15051  
Attorney for Plaintiff  
COMMUNITY LEGAL SERVICES  
5110 S. Yale, Suite 415  
Tulsa, Oklahoma 74135

Randall L. Iola  
RANDALL L. IOLA, OBA No. 13085  
Attorney for Defendant  
Ungerman & Iola  
1323 E. 71st St., Suite 300  
P.O. Box 701917  
Tulsa, Oklahoma 74170-1917

Prepared by

COMMUNITY LEGAL SERVICES  
5110 S. Yale, Suite 415  
Tulsa, Oklahoma 74135

ENTERED ON DOCKET

DATE 2-3-93

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

SELCO INDUSTRIES CORP., )  
 an Oklahoma corporation, )  
 )  
 Plaintiffs, )  
 )  
 vs. )  
 )  
 )  
 FLOYD D. SCHULMEIER, )  
 VIOLA S. SMITH, )  
 WESLEY HINES, both individually )  
 and d/b/a S&S INDUSTRIES, )  
 an Oklahoma Partnership, and )  
 MARKPEAK LTD. )  
 )  
 Defendants. )

Case No. 92-C-910-B

**F I L E D**

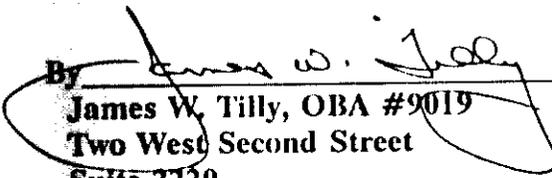
FEB - 2 1993

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

NOTICE OF DISMISSAL

The plaintiff, Selco Industries Corp. ("Selco"), pursuant to FED. R. CIV. P. 41(a)(1)(i), hereby dismisses the claims for relief asserted by Selco against the defendants, Floyd D. Schulmeier, Viola B. Smith, Wesley Hines, individually and d/b/a S&S Industries in Counts One, Two, Three, and Four of Selco's Original Complaint filed on October 7, 1992 in the captioned matter, with prejudice to refiling. Selco expressly reserves the causes of action and claims for relief which it has asserted against the defendant, Markpeak Ltd. in Counts One, Two, Three, and Four of Selco's Original Complaint filed on October 7, 1992 in the captioned matter, and reserves the causes of action and claims for relief which it has asserted against the defendants, Floyd D. Schulmeier, Viola B. Smith, Wesley Hines, individually and d/b/a S&S Industries in Counts Five, Six, and Seven of Selco's Original Complaint filed on October 7, 1992.

**TILLY & WARD**

By 

**James W. Tilly, OBA #9019**  
**Two West Second Street**  
**Suite 2220**  
**P.O. Box 3645**  
**Tulsa, OK 74101-3645**  
**(918) 583-8868**

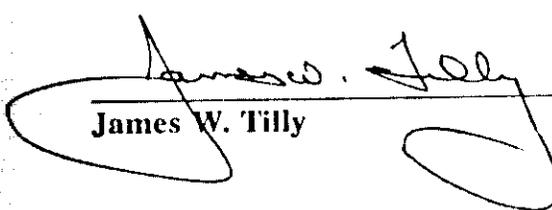
**ATTORNEYS FOR SELCO INDUSTRIES CORP.**

**CERTIFICATE OF MAILING**

I hereby certify that on this 2nd day of February, 1993, I caused a true and correct copy of the foregoing document to be mailed, with proper postage thereon fully prepaid, to the following:

Todd Alexander  
2121 South Columbia, Suite 500  
Tulsa, Oklahoma 74114

Mark G. Kachigian  
Head & Johnson  
228 West 17th Place  
Tulsa, Oklahoma 74115

  
James W. Tilly

ENTERED ON DOCKET

DATE 2-2-93

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

PLANK COATINGS, INC., )  
 )  
 Plaintiff, )  
 )  
 v. )  
 )  
 WESTSTAR BANK, N.A., )  
 DEWEY BRANCH, )  
 )  
 Defendant, )  
 )  
 WESTSTAR BANK, N.A., )  
 DEWEY BRANCH, )  
 )  
 Third Party Plaintiff, )  
 )  
 v. )  
 )  
 FEDERAL DEPOSIT INSURANCE )  
 CORPORATION as Liquidating Agent )  
 for Union Bank & Trust, )  
 Bartlesville, Oklahoma and )  
 FEDERAL DEPOSIT INSURANCE )  
 CORPORATION In Its Corporate )  
 Capacity, )  
 )  
 Third Party Defendant. )

**FILED**

FEB - 1 1993

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

Case No. 91-C-564-B

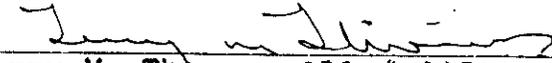
STIPULATION OF DISMISSAL

COME NOW the parties, Plank Coatings, Inc., WestStar Bank, N.A., Dewey Branch, Federal Deposit Insurance Corporation as Liquidating Agent for Union Bank & Trust, Bartlesville, Oklahoma and Federal Deposit Insurance Corporation In Its Corporate Capacity, by and through their respective attorneys of record and do hereby stipulate to a Dismissal without Prejudice of their claims herein each against the other.

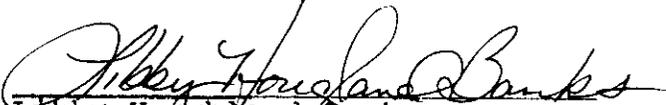
DATED this 27<sup>th</sup> day of January, 1993.

  
J. Philip Adamson, OBA # 0144  
ADAMSON & ZIRKLE  
201 West Fifth, Suite 350  
Tulsa, Oklahoma 74103  
(918) 587-1606

ATTORNEYS FOR PLANK COATINGS,  
INC.

  
Terry M. Thomas, OBA # 8951  
MOYERS, MARTIN, SANTEE,  
IMEL & TETRICK  
320 S. Boston Bldg., Suite 920  
Tulsa, Oklahoma 74103  
(918) 582-5281

ATTORNEYS FOR WESTSTAR BANK N.A.

  
Libby Houghland Banks  
LAW OFFICE OF ROBERT H.  
ALEXANDER, JR., P. C.  
P. O. Box 868  
Oklahoma City, Oklahoma 73101  
(405) 232-0803

ATTORNEYS FOR FEDERAL DEPOSIT  
INSURANCE CORPORATION AS  
LIQUIDATING AGENT FOR UNION  
BANK & TRUST, BARTLESVILLE, OK

FEB 2, 1993

UNITED STATES DISTRICT COURT FOR THE  
NORTHERN DISTRICT OF OKLAHOMA

UNITED STATES OF AMERICA, )  
 )  
 Plaintiff, )  
 )  
 vs. )  
 )  
 JOHNIE H. LAWSON, SR. a/k/a )  
 JOHNIE H. LAWSON; MARTHA A. )  
 LAWSON a/k/a MARTHA ANN LAWSON )  
 a/k/a MARTHA LAWSON; EXCHANGE )  
 BANK, Skiatook, Oklahoma; )  
 R. J. PEARSON; COUNTY TREASURER, )  
 Washington County, Oklahoma; )  
 BOARD OF COUNTY COMMISSIONERS, )  
 Washington County, Oklahoma; )  
 JOHNIE H. LAWSON, JR., Tenant; )  
 and DEBBIE LAWSON, Tenant, )  
 )  
 Defendants. )

FILED

FEB 2 1993  
Richard M. LAWRENCE, CLERK  
U.S. DISTRICT COURT  
NORTHERN DISTRICT OF OKLAHOMA

CIVIL ACTION NO. 91-C-728-E

JUDGMENT OF FORECLOSURE

This matter comes on for consideration this 1st day of February, 1993. The Plaintiff appears by Tony M. Graham, United States Attorney for the Northern District of Oklahoma, through Phil Pinnell, Assistant United States Attorney; the Defendant, R. J. Pearson, appears pro se; the Defendant, Exchange Bank, Skiatook, Oklahoma, appears not, having previously filed its Disclaimer; the Defendants, Johnie H. Lawson, Sr. a/k/a Johnie H. Lawson; Martha A. Lawson a/k/a Martha Ann Lawson a/k/a Martha Lawson; Johnie H. Lawson, Jr., Tenant; Debbie Lawson, Tenant; County Treasurer, Washington County, Oklahoma; and Board of County Commissioners, Washington County, Oklahoma, appear not, but make default.

The Court being fully advised and having examined the court file finds that the Defendant, Martha A. Lawson a/k/a

NOTE:  
PROSEUTANTS IMMEDIATELY  
UPON RECEIPT.

Martha Ann Lawson a/k/a Martha Lawson, was served with Summons and Second Amended Complaint on June 15, 1992; that the Defendant, Exchange Bank, Skiatook, Oklahoma, acknowledged receipt of Summons and Complaint on September 26, 1991; that the Defendant, R. J. Pearson, acknowledged receipt of Summons and Complaint on September 27, 1991; that the Defendants, Johnnie H. Lawson, Jr., Tenant, and Debbie Lawson, Tenant, were served with Summons and Second Amended Complaint on June 11, 1992; that Defendant, County Treasurer, Washington County, Oklahoma, acknowledged receipt of Summons and Complaint on October 16, 1991; and that Defendant, Board of County Commissioners, Washington County, Oklahoma, acknowledged receipt of Summons and Complaint on October 16, 1991.

The Court further finds that the Defendant, Johnnie H. Lawson, Sr. a/k/a Johnnie H. Lawson, was served by publishing notice of this action in the Bartlesville Examiner-Enterprise, a newspaper of general circulation in Washington County, Oklahoma, once a week for six (6) consecutive weeks beginning October 15, 1992, and continuing through November 19, 1992, as more fully appears from the verified proof of publication duly filed herein; and that this action is one in which service by publication is authorized by 12 O.S. Section 2004(c)(3)(c). Counsel for the Plaintiff does not know and with due diligence cannot ascertain the whereabouts of the Defendant, Johnnie H. Lawson, Sr. a/k/a Johnnie H. Lawson, and service cannot be made upon said Defendant within the Northern Judicial District of Oklahoma or the State of Oklahoma by any other method, or upon said Defendant without the

Northern Judicial District of Oklahoma or the State of Oklahoma by any other method, as more fully appears from the evidentiary affidavit of a bonded abstracter filed herein with respect to the last known address of the Defendant, Johnie H. Lawson, Sr. a/k/a Johnie H. Lawson. The Court conducted an inquiry into the sufficiency of the service by publication to comply with due process of law and based upon the evidence presented together with affidavit and documentary evidence finds that the Plaintiff, United States of America, acting on behalf of the Farmers Home Administration, and its attorneys, Tony M. Graham, United States Attorney for the Northern District of Oklahoma, through Phil Pinnell, Assistant United States Attorney, fully exercised due diligence in ascertaining the true name and identity of the party served by publication with respect to his present or last known place of residence and/or mailing address. The Court accordingly approves and confirms that the service by publication is sufficient to confer jurisdiction upon this Court to enter the relief sought by the Plaintiff, both as to subject matter and the Defendant served by publication.

It appears that the Defendant, Exchange Bank, Skiatook, Oklahoma, filed its Disclaimer on June 11, 1992; that Defendants, Johnie H. Lawson, Sr. a/k/a Johnie H. Lawson; Martha A. Lawson a/k/a Martha Ann Lawson a/k/a Martha Lawson; Johnie H. Lawson, Jr., Tenant; Debbie Lawson, Tenant; County Treasurer, Washington County, Oklahoma; and Board of County Commissioners, Washington County, Oklahoma, 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 certain promissory notes and for foreclosure of mortgages securing said promissory notes upon the following described real property located in Washington County, Oklahoma, within the Northern Judicial District of Oklahoma:

S/2 of the NW/4 of the SE/4; and the SW/4 of the SE/4 LESS the North 16-1/2' of the South 33' of Section 1, Township 24 North, Range 13 East, containing 60 acres, more or less, in Washington County, Oklahoma; and

S/2 of the NE/4 of the NE/4; and the NW/4 of the SW/4 of the NE/4; and the N/2 of the NE/4 of the SW/4 of the NE/4; and the NW/4 of the SE/4 of the NE/4; and the N/2 of the SE/4 of the NW/4 of Section 7, Township 24 North, Range 14 East, containing 65 acres in Washington County, Oklahoma; and

Part of Section 4, Township 26 North, Range 13 East described as follows: Beginning 20' South and 422.5' East of the Northwest corner of the S/2 of the NW/4 of the NW/4 of the SW/4, go South 145'; thence East 72.5'; thence North 145'; thence West 72.5' to the point of beginning. Also known as 3915 Vermont, Bartlesville, Oklahoma.

The Court further finds that on May 9, 1979, Johnnie H. Lawson, Sr. and Martha A. Lawson executed and delivered to the United States of America, acting through the Farmers Home Administration, their promissory note in the amount of \$90,000.00, payable in yearly installments, with interest thereon at the rate of 8.5 percent per annum.

The Court further finds that on May 9, 1979, Johnnie H. Lawson, Sr. and Martha A. Lawson executed and delivered to the United States of America, acting through the Farmers Home Administration, their promissory note in the amount of

\$27,040.00, payable in yearly installments, with interest thereon at the rate of 3 percent per annum. This note was rescheduled on March 30, 1981, in the amount of \$28,046.50, payable in yearly installments, with interest thereon at the rate of 5 percent per annum.

The Court further finds that on May 9, 1979, Johnie H. Lawson, Sr. and Martha A. Lawson executed and delivered to the United States of America, acting through the Farmers Home Administration, their promissory note in the amount of \$60,400.00, payable in yearly installments, with interest thereon at the rate of 8.5 percent per annum. This note was rescheduled on March 30, 1981, in the amount of \$11,029.22, payable in yearly installments, with interest thereon at the rate of 13 percent per annum.

The Court further finds that on May 9, 1979, Johnie H. Lawson, Sr. and Martha A. Lawson executed and delivered to the United States of America, acting through the Farmers Home Administration, their promissory note in the amount of \$56,510.00, payable in yearly installments, with interest thereon at the rate of 8.5 percent per annum. This note was rescheduled on March 30, 1981, in the amount of \$60,957.75, payable in yearly installments, with interest thereon at the rate of 13 percent per annum.

The Court further finds that on March 30, 1981, Johnie H. Lawson, Sr. and Martha A. Lawson executed and delivered to the United States of America, acting through the Farmers Home Administration, their promissory note in the amount of

\$20,060.00, payable in yearly installments, with interest thereon at the rate of 13 percent per annum.

The Court further finds that on March 30, 1981, Johnie H. Lawson, Sr. and Martha A. Lawson executed and delivered to the United States of America, acting through the Farmers Home Administration, their promissory note in the amount of \$26,280.00, payable in yearly installments, with interest thereon at the rate of 5 percent per annum.

The Court further finds that on December 22, 1981, Johnie H. Lawson, Sr. and Martha A. Lawson executed and delivered to the United States of America, acting through the Farmers Home Administration, their promissory note in the amount of \$108,460.00, payable in yearly installments, with interest thereon at the rate of 15 percent per annum. The correct original amount of this loan is \$81,160.00. Form FmHA 1940-10 was submitted March 9, 1983, to cancel the remaining obligation in the amount of \$27,300.00.

The Court further finds that as security for the payment of the above-described notes, Johnie H. Lawson, Sr. a/k/a Johnie H. Lawson and Martha A. Lawson a/k/a Martha Ann Lawson a/k/a Martha Lawson executed and delivered to the United States of America, acting through the Farmers Home Administration, the following described real estate mortgages:

<u>Instrument</u>	<u>Dated</u>	<u>Filed</u>	<u>County</u>	<u>Book</u>	<u>Page</u>
Mortgage	05/09/79	05/09/79	Washington	722	962
Mortgage	03/30/81	04/03/81	Washington	756	1011
Mortgage	03/30/81	04/07/81	Washington	776	347
Mortgage	12/22/81	01/15/82	Washington	772	323

These mortgages cover the above-described property, situated in the State of Oklahoma, Washington County.

The Court further finds that the mortgage dated March 30, 1981, and recorded on April 3, 1981, in Book 756, Page 1011, the mortgage dated March 30, 1981, and recorded on April 7, 1981, in Book 776, Page 347, and the mortgage dated December 22, 1981, and recorded on January 15, 1982, in Book 772, Page 323, in the records of Washington County, Oklahoma, incorrectly describe the real property due to a scrivener's error. The correct legal description should reflect the above-described property as shown on the mortgage dated May 9, 1979, and recorded on May 9, 1979, in Book 722, Page 962, in the records of Washington County, Oklahoma. The Court further finds that the above-described mortgages should be reformed to reflect the legal description of the subject property as shown in the mortgage dated May 9, 1979, and recorded on May 9, 1979, in Book 722, Page 962, in the records of Washington County, Oklahoma.

The Court further finds that on March 24, 1980, Johnie Lawson and Martha Lawson executed and delivered to the United States of America, acting through the Farmers Home Administration, an unsecured promissory note in the amount of \$81,000.00, payable in yearly installments, with interest thereon at the rate of 10.5 percent per annum. This note was rescheduled on March 30, 1981, in the amount of \$89,644.81, payable in yearly installments, with interest thereon at the rate of 5 percent per annum. The note was suppose to show an interest rate of 13 percent. Due to scrivener's error, the note inadvertently reflects an interest

rate of 5 percent. The Farmers Home Administration was not authorized to issue a 5 percent note for this type of loan. The correct interest rate for this note is 13 percent.

The Court further finds that the Defendants, Johnnie H. Lawson, Sr. a/k/a Johnnie H. Lawson and Martha A. Lawson a/k/a Martha Ann Lawson a/k/a Martha Lawson, made default under the terms of the aforesaid notes and mortgages by reason of their failure to make the yearly installments due thereon, which default has continued, and that by reason thereof the Defendants, Johnnie H. Lawson, Sr. a/k/a Johnnie H. Lawson and Martha A. Lawson a/k/a Martha Ann Lawson a/k/a Martha Lawson, are indebted to the Plaintiff in the principal sum of \$402,533.33, plus accrued interest in the amount of \$354,359.41 as of December 13, 1989, plus interest accruing thereafter at the rate of \$124.1590 per day until judgment, plus interest thereafter at the legal rate until fully paid, and the costs of this action in the amount of \$309.98 (\$15.48 fees for service of Summons and Complaint, \$286.50 publication fees, \$8.00 fee for recording Notice of Lis Pendens).

The Court further finds that the Defendant, Exchange Bank, Skiatook, Oklahoma, disclaims any right, title or interest in the real property as described in its real estate mortgage dated June 23, 1975, and recorded on June 25, 1975, in Book 643, Page 72 in the records of Washington County, Oklahoma.

The Court further finds that the Defendant, R. J. Pearson, claims no right, title or interest in the subject real property.

The Court further finds that the Defendants, Johnnie H. Lawson, Sr. a/k/a Johnnie H. Lawson; Martha A. Lawson a/k/a Martha Ann Lawson a/k/a Martha Lawson; Johnnie H. Lawson, Jr., Tenant; Debbie Lawson, Tenant; County Treasurer, Washington County, Oklahoma; and Board of County Commissioners, Washington County, Oklahoma, 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 in rem against the Defendants, Johnnie H. Lawson, Sr. a/k/a Johnnie H. Lawson and Martha A. Lawson a/k/a Martha Ann Lawson a/k/a Martha Lawson, in the principal sum of \$402,533.33, plus accrued interest in the amount of \$354,359.41 as of December 13, 1989, plus interest accruing thereafter at the rate of \$124.1590 per day until judgment, plus interest thereafter at the current legal rate of 3.67 percent per annum until paid, plus the costs of this action in the amount of \$309.98 (\$15.48 fees for service of Summons and Complaint, \$286.50 publication fees, \$8.00 fee for recording Notice of Lis Pendens), plus any additional sums advanced or to be advanced or expended during this foreclosure action by Plaintiff for taxes, insurance, abstracting, or sums for the preservation of the subject property.

IT IS FURTHER ORDERED, ADJUDGED, AND DECREED that the mortgage dated March 30, 1981, and recorded on April 3, 1981, in Book 756, Page 1011, the mortgage dated March 30, 1981, and recorded on April 7, 1981, in Book 776, Page 347, and the mortgage dated December 22, 1981, and recorded on January 15,

1982, in Book 772, Page 323, in the records of Washington County, Oklahoma, are reformed to reflect the correct legal description as shown on the mortgage dated May 9, 1979, and recorded on May 9, 1979, in Book 722, Page 962, in the records of Washington County, Oklahoma.

**IT IS FURTHER ORDERED, ADJUDGED, AND DECREED** that the Defendants, Johnie H. Lawson, Sr. a/k/a Johnie H. Lawson; Martha A. Lawson a/k/a Martha Ann Lawson a/k/a Martha Lawson; Exchange Bank, Skiatook, Oklahoma; R. J. Pearson; Johnie H. Lawson, Jr., Tenant; Debbie Lawson, Tenant; County Treasurer, Washington County, Oklahoma; and Board of County Commissioners, Washington County, Oklahoma, have no right, title, or interest in the subject real property.

**IT IS FURTHER ORDERED, ADJUDGED, AND DECREED** that upon the failure of said Defendants, Johnie H. Lawson, Sr. a/k/a Johnie H. Lawson and Martha A. Lawson a/k/a Martha Ann Lawson a/k/a Martha Lawson, to satisfy the in rem 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 appraisal the real property involved herein and apply the proceeds of the sale as follows:

**First:**

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

**Second:**

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

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

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

S/ JAMES O. ELLISON

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UNITED STATES DISTRICT JUDGE

APPROVED:

TONY M. GRAHAM  
United States Attorney



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



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R. J. PEARSON, PRO SE  
Route 1, Box 124  
Oologah, Oklahoma 74053

Judgment of Foreclosure  
Civil Action No. 91-C-728-E

PP/css

ENTERED ON DOCKET  
DATE FEB 1 1993 FILED

JAN 29 1993

Richard M. Lawless, Clerk  
U.S. DISTRICT COURT  
Northern District of Oklahoma

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

LINDA J. MOORE,

Plaintiff,

v.

OKLAHOMA STATE INDUSTRIES,  
et al.,

Defendants.

No. 91-C-581-E

ORDER OF DISMISSAL WITH PREJUDICE

On this 28<sup>th</sup> day of Jan. 1993, this matter comes on for consideration by the Court of the Stipulation of Dismissal with Prejudice in the above-captioned action, and the Court, having reviewed the Stipulation and being fully advised, finds the Stipulation should be approved, and the above-captioned is hereby dismissed with prejudice, each party bearing its own costs.

  
JAMES O. ELLISON  
UNITED STATES DISTRICT JUDGE

ENTERED ON DOCKET

DATE FEB 1 1993

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

MICHAEL L. WARD, )  
)  
Plaintiff, )  
)  
vs. )  
)  
TOWN OF OOLOGAH, OKLAHOMA, )  
an Oklahoma municipal )  
corporation, and STEVE )  
MCKENZIE, an individual, )  
and SCOTT SATTERFIELD, an )  
individual, )  
)  
Defendants. )

Case No. 92-C-353-E

**FILED**

**JAN 29 1993**

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

**STIPULATION OF DISMISSAL  
AS TO DEFENDANTS, STEVE MCKENZIE AND SCOTT SATTERFIELD**

It is hereby stipulated by MICHAEL L. WARD, Plaintiff, and TOWN OF OOLOGAH, STEVE MCKENZIE AND SCOTT SATTERFIELD, Defendants, that all claims set forth by MICHAEL L. WARD against STEVE MCKENZIE AND SCOTT SATTERFIELD in the above-styled action are dismissed with prejudice, and STEVE MCKENZIE and SCOTT SATTERFIELD, as individuals, are no longer parties to the above-styled action.

Respectfully submitted,

JON B. COMSTOCK & ASSOCIATES

By:   
Jon B. Comstock, OBA #1836  
412 Petroleum Club Building  
601 S. Boulder  
Tulsa, Oklahoma 74119  
(918) 583-0193

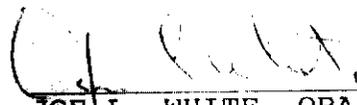
Attorneys for Defendants, Steve  
McKenzie and Scott Satterfield

ELLER AND DETRICH

BY:

  
\_\_\_\_\_  
John H. Lieber, OBA # 5421  
2727 East 21st  
Tulsa, Oklahoma 74135  
(918) 747-8900

Attorneys for Defendant, Town of  
Oologah, Oklahoma, a municipal  
corporation,

  
\_\_\_\_\_  
JOE L. WHITE, OBA # 10521  
1718 West Broadway  
Collinsville, Oklahoma 74021  
(918) 371-2531

Attorney for Plaintiff

ENTERED ON DOCKET

DATE 2-1-93

**F I L E D**

JAN 29 1993

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

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

MARY JO SCHULTZ, a widow,

Plaintiff,

vs.

THE RETIREMENT BENEFIT PLAN OF  
AMERICAN AIRLINES, INC., FOR  
EMPLOYEES REPRESENTED BY THE  
TRANSPORT WORKERS UNION OF  
AMERICA, AFL-CIO,

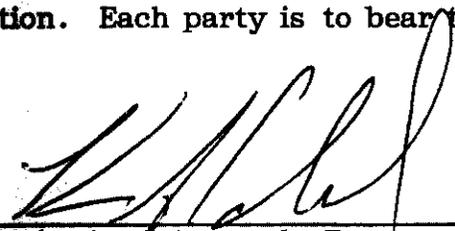
Defendant.

Case No. 92-C-918-B ✓

**STIPULATION OF DISMISSAL WITH PREJUDICE**

The parties, through their undersigned counsel, pursuant to Rule 41(a)(1) of the Federal Rules of Civil Procedure, stipulate to the dismissal, with prejudice, of the above captioned action. Each party is to bear their respective attorney's fees and costs.

By: \_\_\_\_\_

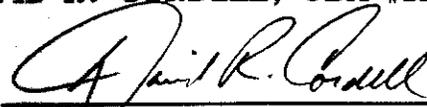


Kevin A. Schoepel, Esq.  
1408 South Denver  
Tulsa, OK 74119

Attorney for Plaintiff

STEVEN W. McGRATH, OBA #12055  
DAVID R. CORDELL, OBA #11272

By:



---

David R. Cordell  
2400 First National Tower  
15 E. Fifth Street  
Tulsa, Oklahoma 74103-4391  
(918) 586-5711

Attorneys for Defendant,  
THE RETIREMENT BENEFIT PLAN  
OF AMERICAN AIRLINES, INC., FOR  
EMPLOYEES REPRESENTED BY THE  
TRANSPORT WORKERS UNION OF  
AMERICA, AFL-CIO