

# IN BRIEF

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Tulsa, Oklahoma

The newsletter of  
Feldman, Franden, Woodard, Farris & Boudreaux



NEWS YOU CAN GET AHOLD OF

## FED COURT SHOOT-OUT AT OK CORRAL

Whirlpool Corporation and several other businesses recently sought a Temporary Restraining Order to prevent Oklahoma from enforcing a new gun law. The law was scheduled to go into effect November 1, 2004 and would allow firearms to be in locked cars on business parking lots. It reads in part:

*No person, property owner, tenant, employer, or business entity shall be permitted to establish any policy or rule that has the effect of prohibiting any person, except a convicted felon, from transporting and storing firearms in a locked vehicle on any property set aside for any vehicle.*

The businesses sought a restraining order because the law was contrary to many of their policies prohibiting firearms on company property. On November 4, 2004,

the federal district court for the Northern District of Oklahoma found that the law may be unconstitutional and granted the temporary restraining order. Judge Holmes held that many key terms in the law were vague and overbroad. For example, the law did not define a "locked vehicle." Whirlpool argued it could be a convertible with its top down. The clause "any property set aside for any vehicle" was also vague. Whirlpool argued that many vehicles, such as forklifts, were used within their manufacturing facilities. The law's effect would be that Whirlpool would not be able to prohibit guns in forklifts and other vehicles. Judge Holmes also held that the law may be unconstitutional because it conflicts with federal laws that allow gun restrictions on private property. The State took no position at the hearing as to whether the law was constitutional.

## WE ARE PROUD OF ...

...our lawyers for their recent accomplishments

**Victor Wandres** won a defense verdict in two trials involving property damage. He used as authority a case John Woodard's grandfather successfully argued.

**Joe Farris** and **Jason Goodnight** won summary judgment for a trucking company, arising from a vehicular collision.

**John Woodard** and **Curtis Roberts** obtained dismissal of a legal malpractice claim.

**Paula Quillin** obtained dismissal of a wrongful death action against our client.

**Joe Farris** and **Paula Quillin** won dismissal of a legal malpractice suit.

**Victor Wandres** and **John Woodard** obtained dismissal of a personal injury case.

**Curtis Roberts** won a Daubert-based motion in limine to exclude the testimony of an expert witness in an insurance bad faith suit.

**Joe Farris** and **Jody Nathan** succeeded in a hotly contested suit to vacate a substantial default judgment and also an appeal.

**Paula Quillin** won summary judgment for a trucking company sued for sexual assault.

**Joe Farris** and **Thayla Bohn** succeeded in getting a lawyer reinstated who was disbarred for an inadvertent remark to a witness.

**Paul Boudreaux** and **Jody Nathan** won summary judgment for a governmental entity.

## MORE BREAKING NEWS INSIDE THIS SPECIAL HOLIDAY ISSUE ...

Something Went Wrong in Jet Crash, Expert Says

Police Begin Campaign to Run Down Jaywalkers

Safety Experts Say School Bus Passengers Should Be Belted

Drunk Gets Nine Months in Violin Case

Squad Helps Dog Bite Victim

Miners Refuse to Work After Death

Two Sisters Reunited after 18 Years in Checkout Counter

Typhoon Rips Through Cemetery; Hundreds Dead

Lansing Residents Can Drop Off Trees

Local High School Dropouts Cut in Half

War Dims Hope for Peace

Man Minus Ear Waives Hearing

Hospitals are Sued by 7 Foot Doctors

Red Tape Holds Up New Bridge

## Jody Nathan Wins Earl Sneed CLE Award



Many Oklahoma attorneys have great things to say about Jody Nathan, even though they have never met her. How is it that Jody has impacted people who she has never met? According to one attorney, she "willingly and unselfishly gives her assistance, guidance and words of advice to help her fellow OBA members with difficulties they encounter in the practice of law." Her medium: the OBA-Net, an online internet forum for bar members.

Jody has been praised because she is quick to offer timely advice, often supported by "coherent analysis and cita-

tion to legal authority" when questions are posted on OBA-Net. Many attorneys expressed high esteem for Jody when nominating her for the Earl Sneed award, with comments such as "Although I've never met her in person, I know that she is one of those lawyers who makes it a pleasure to practice law," "Jody's willingness to share her expertise in civil litigation and insurance law is legendary among users of the OBA-Net," "I have never met Jody personally and have no idea what she does in her everyday life. However, she has been enormously helpful to me on OBA-Net," "She is always courteous and professional. She personifies the best there is in the legal profession," "Jody is one of a few [attorneys] who has the knowledge, experience, and expertise and is willing to share with individuals with which the only thing in common is a bar card," and "Jody is arguably the most valuable resource on OBA-Net."

Jody directs our research and writing department. She is active in the OBA Appellate Practice Section, and has co-authored several articles in the Oklahoma Bar Journal. For our attorneys and staff, Jody shows the same willingness to help and thorough knowledge of the law that have earned for her the Earl Sneed Continuing Legal Education Award from the Oklahoma Bar Association.

### a few short jokes

Two antennas meet on a roof, fall in love and get married. The ceremony wasn't much, but the reception was excellent.

Two hydrogen atoms walk into a bar. One says, "I've lost my electron." The other says, "Are you sure?" The first replies, "Yes, I'm positive..."

A jumper cable walks into a bar. The bartender says, "I'll serve you, but don't start anything."

A sandwich walks into a bar. The bartender says, "Sorry we don't serve food in here."

A man walks into a bar with a slab of

asphalt under his arm and says, "Gimmie a beer please, and one for the road."

"Doc, I can't stop singing 'The Green, Green Grass of Home.'" "That sounds like Tom Jones Syndrome." "Is it common?" "It's Not Unusual."

An invisible man marries an invisible woman. The kids were nothing to look at either.

I went to buy some camouflage trousers the other day but I couldn't find any.

I went to a seafood disco last week and pulled a mussel.

Two termites walk into a bar. One asks, "Is the bar tender here?"

## THE LEAST WANTED CHILDREN'S GIFTS

Once more, IN BRIEF is pleased to present a list to assist those who do not have children but are obligated to buy gifts for the children of friends, colleagues, and relatives. This is a short list of what NOT to buy.

- "Sit 'n Spit" by Skol
- Iraq, Scissors & Paper
- Basketbrawl, The NBA Game
- Desperate Housewives Barbie (Clothes Not Included)
- California Redwoods Junior Campfire Kit
- Sponge Bob Mop Handle Attachment
- "Mr. Incredible" Presidential candidate action figure kit
- Tickets to the Kerry / Edwards Inaugural Ball
- Ebola-infected sea monkeys
- Bridgestone/Ford Tire Shredding Big Wheel
- Daisy Red Rider BB gun with eye patch
- African fire ant farm

### ? Did you know ? ... ? ... ?

The typewriter was invented by Hungarian immigrant Qwert Yuiop, who left his "signature" on the keyboard.

The average American college student consumes his or her weight in Doritos every 141.3 days.

Statistics show that the typical seasonal fruitcake has been given away 29.04 times.

The most popular gift this holiday season? A camera equipped toothbrush.

## JOE FARRIS INDUCTED INTO AMERICAN COLLEGE OF TRIAL LAWYERS



Joseph R. Farris has become a Fellow of the American College of Trial Lawyers, one of the premier legal associations in America. The induction ceremony at which Joe became a Fellow took place recently before an audience of 845 persons during the recent 2004 Annual Meeting of the College in St. Louis, Missouri.

Founded in 1950, the College is composed of the best of the trial bar from the U.S. and Canada. Fellowship in the College is extended by invitation only

## APPELLATE COURT REVERSES JUDGMENT FOR PLAN ADMINISTRATOR WHO DENIED DISABILITY BENEFITS

In the summer of 1999, Donald B. Gaither was suspended from employment because his employer determined that his medical condition--his use of narcotic painkillers--made him unable to perform his job.

At the same time, his employer's ER-ISA plan administrator denied him disability benefits because his medical condition did not make him unable to perform his job.

The plan administrator defended Gaither's suit on the essential ground

and only after careful investigation, to those experienced trial lawyers who have mastered the art of advocacy and whose professional careers have been marked by the highest standards of ethical conduct, professionalism, civility, and collegiality. Lawyers must have a minimum of fifteen years trial experience before they can be considered for Fellowship.

Membership in the College cannot exceed one percent of the total lawyer population of any state or province. There are currently approximately 5,400 members in the U.S. and Canada, including active Fellows, Emeritus Fellows, Judicial Fellows (those who ascended to the bench after their induction) and Honorary Fellows.

The College strives to improve and elevate the standards of trial practice, the administration of justice, and the ethics of the trial profession. Qualified lawyers are called to Fellowship in the College from all branches of trial practice. They are carefully selected from those who customarily represent plaintiffs and those who customarily represent defendants, those who prosecute those accused of crime and those who defend them. The College is thus able to speak with a balanced voice on important issues affecting the legal profession and the administration of justice.

Joe has been practicing in Tulsa for 28 years.

that it did not know, and was under no obligation to find out, why Mr. Gaither lost his job.

While the trial court used an abuse of discretion standard and upheld the denial of benefits, the Tenth Circuit court disagreed.

On remand, Aetna was required to reconsider its decision in light of the entire record, and to request and obtain additional documentation if necessary to determine Mr. Gaither's eligibility for disability benefits.



**John Woodard** and **Joe Farris** were again selected by their peers to be included in the 2005-2006 edition of *The Best Lawyers in America*.

**Paula Quillin** attended the November 2004 ALFA International Employment Law Seminar in New Orleans.

**Jody Nathan** spoke at the Oklahoma Bar Association meeting concerning latest technological gadgets.

## GUN BATTLE ERUPTS OVER CHICKEN RECIPE

Virginia Sept-29-04—A family meal erupted into a gun battle after a father and son clashed over how to cook chicken.

The two men argued over the best way to prepare skinless chicken for dinner.

“It started out as a physical confrontation, but it escalated until both of them were shooting at each other,” said Detective Sergeant AD Beasley in Bluewell, West Virginia.



Beasley said each man fired a .22 calibre gun at the other. Harley Shrader was struck by a bullet that went through the upper part of his right ear and lodged in the back of his head. He was treated at a hospital and released. The elder Shrader was not injured.

Jackie Lee Shrader, 49, was charged with malicious wounding and wanton endangerment. Harley Lee Shrader, 24, was charged with wanton endangerment. The chicken was later seen crossing the road.

**CHICKENS:** The only creatures you eat before they are born and after they are dead.

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Egg Nog Edition

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