

Hearing Dec. 4 9am

IN THE DISTRICT COURT OF OKLAHOMA COUNTY
STATE OF OKLAHOMA

FILED IN DISTRICT COURT
OKLAHOMA COUNTY

NOV 19 2014

TIM RHODES
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Oklahoma Department of Securities)
<i>ex rel.</i> Irving L. Faught,)
Administrator,)
)
Plaintiff,)
)
v.)
)
2001 Trinity Fund, L.L.C. and)
Robert Arrowood,)
)
Defendants.)

Case No. CJ-2012-6164
Judge Roger Stuart

MOTION FOR COMMISSION TO TAKE DEPOSITION OUT OF STATE

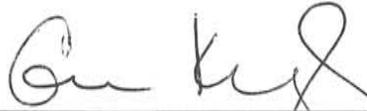
Plaintiff, the Oklahoma Department of Securities (Department), moves this Court to issue a commission to take the testimony of Richard Machina (Machina) pursuant to 12 O.S. § 3228(B)(2), and in support of this application states the following:

1. Machina is a resident of Tarrant County in the State of Texas and has in his possession, custody and control correspondence and other documents that are relevant to this action and likely to lead to the discovery of admissible evidence. His testimony is important and material to this suit. Furthermore, Machina may not agree to attend the trial of this matter and this Court has no authority to compel him. Thus, his deposition testimony may be necessary to ensure a full and fair trial of the issues.
2. Plaintiff has served Defendants with a notice of deposition for Machina to commence on the 8th day of January, 2015, at 11:00 a.m., in the offices of the United States Securities and Exchange Commission, located at 801 Cherry Street, Suite 1900, Fort Worth, Texas, 76102.

3. As provided for in Tex. Civ. Prac. & Rem. Code Ann. § 20.002 (West 2014) and Tex. R. Civ. P. 201.2, this Court may order the taking of a deposition of a deponent in Texas for use in Oklahoma pursuant to a commission to an official of the state of Texas authorized to take testimony. The officer in Texas holding the commission has the power to subpoena the witness to compel his or her attendance at the deposition and the production of documents.

4. Plaintiff asks that a commission be issued to Collins Realtime Reporting, P.C., authorizing and employing that firm to issue the subpoena duces tecum identified in the Plaintiff's notice of deposition and to take the testimony of the witness in accordance with the Oklahoma Discovery Code or the appropriate rules of Texas. See Exhibit A - Proposed Commission with Notice of Deposition and Subpoena Duces Tecum attached.

Respectfully submitted,



Shaun Mullins OBA # 16869
Gerri Kavanaugh OBA # 16732
Oklahoma Department of Securities
120 North Robinson, Suite 860
Oklahoma City, OK 73102
Telephone: (405) 280-7700
Facsimile: (405) 280-7742
Email: smullins@securities.ok.gov
gkavanaugh@securities.ok.gov

CERTIFICATE OF SERVICE

I hereby certify that on this 19th day of November, 2014, the foregoing document was sent by email and first-class mail to the following:

William H. Bock
Michelle L. Greene
William H. Bock, Inc.
6402 N. Santa Fe Ave., Ste. A
Oklahoma City, OK 73116
billybock@wbocklaw.com
Attorney for Defendant Robert Arrowood

L. Win Holbrook
Andrews Davis, P.C.
100 North Broadway, Suite 3300
Oklahoma City, OK 73102
wholbrook@andrewsdavis.com
Bankruptcy Trustee for 2001 Trinity Fund, L.L.C.



Gerri Kavanaugh

**IN THE DISTRICT COURT OF OKLAHOMA COUNTY
STATE OF OKLAHOMA**

Oklahoma Department of Securities)
ex rel. Irving L. Faught,)
Administrator,)
)
Plaintiff,)
)
v.)
)
2001 Trinity Fund, L.L.C. and)
Robert Arrowood,)
)
Defendants.)

Case No. CJ-2012-6164
Judge Roger Stuart

COMMISSION TO TAKE DEPOSITION OF RICHARD MACHINA

To: Collins Realtime Reporting, P.C.

1. The action described above is pending in the District Court of the State of Oklahoma for the County of Oklahoma and the pre-trial conference is set for October 29, 2014. It has been suggested to the Court that justice cannot be done between the parties without the testimony of the witness who resides in Tarrant County, Texas.
2. The deposition upon oral examination of Richard Machina has been scheduled for January 8, 2015, at 11:00 a.m., at in the offices of the United States Securities and Exchange Commission, located at 801 Cherry Street, Suite 1900, Fort Worth, Texas 76102.
3. Plaintiff, the Oklahoma Department of Securities, has requested that the witness produce the documents in his possession, custody or control prior to the deposition as described in the Notice of Deposition attached as Exhibit 1.

EXHIBIT

A

4. You are requested in furtherance of justice by the proper and usual process of Texas to issue a Subpoena Duces Tecum as provided for in Exhibit I.
5. You are further requested to appoint a qualified official to take testimony by the law of Texas, to administer an oath to the above-named witness, and to take his deposition in accordance with this commission and the Oklahoma Discovery Code or the appropriate procedural rules of Texas.

Dated this ___ of _____, 2014.

**Judge of the District Court of Oklahoma
County**

Approved as to Form:

Gerri Kavanaugh
Attorney for Plaintiff

**IN THE DISTRICT COURT OF OKLAHOMA COUNTY
STATE OF OKLAHOMA**

Oklahoma Department of Securities)	
<i>ex rel.</i> Irving L. Faught,)	
Administrator,)	
)	
Plaintiff,)	
)	
v.)	Case No. CJ-2012-6164
)	Judge Roger Stuart
2001 Trinity Fund, L.L.C. and)	
Robert Arrowood,)	
)	
Defendants.)	

SUBPOENA DUCES TECUM

TO: Richard Machina
2151 Portwood Way
Fort Worth, Texas

GREETINGS:

You are hereby commanded to appear at the offices of the United States Securities and Exchange Commission at 801 Cherry Street, Suite 1900, Fort Worth, Texas 76102, on the **8th day of January, 2015, at 11:00 a.m.**, to testify as a witness in a deposition noticed by Shaun Mullins and Gerri Kavanaugh, counsel for Plaintiff, Oklahoma Department of Securities *ex rel.* Irving L. Faught, Administrator in the above-captioned case. The deposition shall be recorded by stenographic and/or audio/visual means.

Furthermore, you are hereby commanded to produce copies of the following documents, in your possession, custody, or control, before the Administrator of the Oklahoma Department of Securities, or his designated representative, at the offices of the United States Securities and Exchange Commission at 801 Cherry Street, Suite 1900, Fort Worth, Texas 76102, on or before the **2nd day of January, 2015, at 1:30 p.m.**:

EXHIBIT
1

1. All documents that reflect any monies you paid or loaned to or received from 2001 Trinity Fund LLC and/or Robert Arrowood, for any purpose relating to oil and gas leases, oil and gas drilling projects, or general business expenses.
2. All documents that reflect any agreements or contracts between you and 2001 Trinity Fund and/or Robert Arrowood, for any purpose relating to oil and gas leases, oil and gas drilling projects, or general business expenses.
3. All documents that reflect any correspondence between you and 2001 Trinity Fund LLC and/or Robert Arrowood, or anyone acting in a representative capacity for 2001 Trinity Fund LLC or Robert Arrowood, in connection with oil and gas leases, oil and gas drilling projects or general business expenses, including, but not limited to, emails and letters and any attachments related thereto.
4. All documents given to you by 2001 Trinity Fund LLC and/or Robert Arrowood for any purpose relating to oil and gas leases, oil and gas drilling projects, or general business expenses.

Hereof fail not under penalty of law.

Issued this ____ day of _____, 2014.

Respectfully Submitted,

OKLAHOMA DEPARTMENT OF SECURITIES

Shaun Mullins OBA # 16869
Gerri Kavanaugh OBA # 16732
Oklahoma Department of Securities
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Oklahoma City, OK 73102
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