

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

**FILED IN DISTRICT COURT
OKLAHOMA COUNTY**

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

MAY - 9 2014
 TIM RHODES
 COURT CLERK

43 _____

Case No. CJ-2012-6164
 Judge Roger Stuart

**HEARING SET FOR
 MAY 30, 2014 @ 9:30 A.M.**

**MOTION FOR COMMISSIONS
 TO TAKE DEPOSITIONS OUT OF STATE**

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

1. In order to establish the Department's claims against Defendants, it is necessary to obtain the testimony of the following witnesses:

Witness	State	County
David D. Rapp	Texas	Parker County
Philip W. Martin	Texas	Tarrant County
Gary A. Hennersdorf	Texas	Tarrant County
William F. Byrd	Texas	Tarrant County

2. All of the above-named witnesses are located in the State of Texas and have in their possession, custody and control correspondence and other documents that

are relevant to this action and likely to lead to the discovery of admissible evidence. More particularly, some of these witnesses have signed affidavits attached to pleadings filed in this matter and are the holders of notes that form the basis of one of the central issues in this case. Their testimony is important and material to this suit. Furthermore, these witnesses may not agree to attend the trial of this matter and this Court has no authority to compel them. Thus, their deposition testimony may be necessary to ensure a full and fair trial of the issues.

3. Plaintiff has served Defendants with notices of deposition for the above named persons to commence on the 19th day of June, at 9:30 a.m. in the offices of the United States Securities and Exchange Commission, located at 801 Cherry Street, Suite 1900, Fort Worth, Texas 76102.
4. 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.
5. Plaintiff asks that commissions be issued to Collins Realtime Reporting, P.C., authorizing and employing that firm to issue the subpoenas duces tecum identified in the Department's notices of deposition and to take the testimony of the witnesses in accordance with the Oklahoma Discovery Code or the appropriate procedural rules of Texas. *See Proposed Commissions with Notices of Deposition and Subpoenas Duces Tecum attached: Exhibit A – David A. Rapp;*

Exhibit B – Philip W. Martin; Exhibit C – Gary A. Hennersdorf; Exhibit D –
William F. Byrd.

Respectfully Submitted,



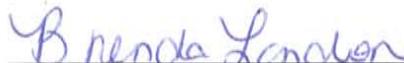
Shaun Mullins OBA #16869
Gerri Kavanaugh OBA # 16732
Oklahoma Department of Securities
120 North Robinson, Suite 860
Oklahoma City, OK 73102
Telephone: (405) 280-7700
Facsimile: (405) 280-7742
Email: smullins@securities.ok.gov
gkavanaugh@securities.ok.gov
Attorneys for Plaintiff

CERTIFICATE OF SERVICE

I hereby certify that on this 9th day of May, 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
bocklaw@sbcglobal.net
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 2001Trinity Fund, L.L.C.



Brenda London, Paralegal

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

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

COMMISSION TO TAKE DEPOSITION OF DAVID D. RAPP

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 September 17, 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 Parker County, Texas.
2. The deposition upon oral examination of David D. Rapp has been scheduled for June 19, 2014, at 3:00 p.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.



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 1.
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 May, 2014.

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

IN THE DISTRICT COURT OF OKLAHOMA COUNTY
STATE OF OKLAHOMA

Oklahoma Department of Securities)
ex rel. Irving L. Faught,)
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2001 Trinity Fund, L.L.C. and)
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Defendants.)

Case No. CJ-2012-6164
Judge Roger Stuart

NOTICE OF DEPOSITION OF DAVID D. RAPP

TO: All counsel of record:

Please notice that, pursuant to 12 O.S. §§ 3228(B) and 3230, and the Tex. Civ. Prac. & Rem. Code Ann. § 20.002, the Plaintiff, Oklahoma Department of Securities *ex rel.* Irving L. Faught, Administrator, will take the deposition of David D. Rapp upon oral examination at **3:00 p.m.** on the **19th day of June, 2014**, in the offices of the United States Securities and Exchange Commission, located at 801 Cherry Street, Suite 1900, Fort Worth, Texas 76102, before an officer authorized to administer oaths by the laws of the State of Texas. The deposition shall be recorded by stenographic and/or audio/visual means. The subpoena duces tecum is attached.

Respectfully Submitted,

OKLAHOMA DEPARTMENT OF SECURITIES


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

EXHIBIT

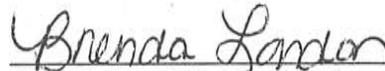
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Attorney for Defendant Robert Arrowood

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Robert Arrowood,)
)
Defendants.)

Case No. CJ-2012-6164
Judge Roger Stuart

SUBPOENA DUCES TECUM

TO: David D. Rapp



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 19th day of June, 2014, at 3:00 p.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 120 North Robinson, First National Center, Suite 860, Oklahoma City, Oklahoma, on or before the 13th day of June, 2014, at 4:30 p.m.:

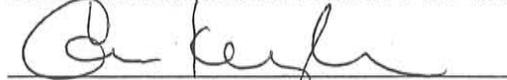
1. All documents that reflect any you monies paid or loaned to or received from 2001 Trinity Fund LLC and/or Robert Arrowood, for any purpose relating to oil and gas leases, oil and gas drilling projects, or general business expenses.
2. All documents that reflect any agreements or contracts between 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 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 9th day of May, 2014.

Respectfully Submitted,

OKLAHOMA DEPARTMENT OF SECURITIES



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

COMMISSION TO TAKE DEPOSITION OF PHILIP W. MARTIN

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 September 17, 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 Dallas County, Texas.
2. The deposition upon oral examination of Philip W. Martin has been scheduled for June 19, 2014, 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. 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
 B

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 1.
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 May, 2014.

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

IN THE DISTRICT COURT OF OKLAHOMA COUNTY
STATE OF OKLAHOMA

Oklahoma Department of Securities)
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Case No. CJ-2012-6164
Judge Roger Stuart

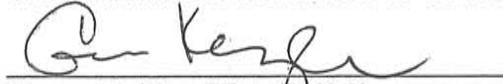
NOTICE OF DEPOSITIONS OF PHILIP W. MARTIN

TO: All counsel of record:

Please notice that, pursuant to 12 O.S. §§ 3228(B) and 3230, and the Tex. Civ. Prac. & Rem. Code Ann. § 20.002, the Plaintiff, Oklahoma Department of Securities *ex rel.* Irving L. Faught, Administrator, will take the deposition of Philip W. Martin upon oral examination at **11:00 a.m. on the 19th day of June, 2014**, in the offices of the United States Securities and Exchange Commission, located at 801 Cherry Street, Suite 1900, Fort Worth, Texas 76102, before an officer authorized to administer oaths by the laws of the State of Texas. The deposition shall be recorded by stenographic and/or audio/visual means. The subpoena duces tecum is attached.

Respectfully Submitted,

OKLAHOMA DEPARTMENT OF SECURITIES



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

EXHIBIT

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Attorney for Defendant Robert Arrowood

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Bankruptcy Trustee for 2001 Trinity Fund, L.L.C.

Brenda London
Brenda London, Paralegal

IN THE DISTRICT COURT OF OKLAHOMA COUNTY
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v.)	Case No. CJ-2012-6164
)	Judge Roger Stuart
2001 Trinity Fund, L.L.C. and)	
Robert Arrowood,)	
)	
Defendants.)	

SUBPOENA DUCES TECUM

TO: Philip W. Martin



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 19th day of June, 2014, 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.

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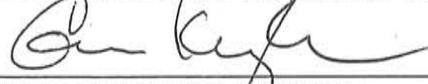
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4. All documents given to you by 2001 Trinity Fund LLC and/or Robert Arrowood for any purpose relating to oil and gas leases, oil and gas drilling projects, or general business expenses.

Hereof fail not under penalty of law.

Issued this 9th day of May, 2014.

Respectfully Submitted,

OKLAHOMA DEPARTMENT OF SECURITIES



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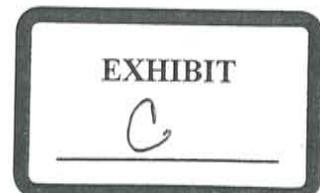
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)	Judge Roger Stuart
2001 Trinity Fund, L.L.C. and)	
Robert Arrowood,)	
)	
Defendants.)	

COMMISSION TO TAKE DEPOSITION OF GARY A. HENNERSDORF

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 September 17, 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 Gary A. Hennersdorf has been scheduled for June 19, 2014, at 1:30 p.m. 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.



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Dated this ____ of May, 2014.

**Judge of the District Court of Oklahoma
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2001 Trinity Fund, L.L.C. and)
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Defendants.)

Case No. CJ-2012-6164
Judge Roger Stuart

NOTICE OF DEPOSITION OF GARY A. HENNERSDORF

TO: All counsel of record:

Please notice that, pursuant to 12 O.S. §§ 3228(B) and 3230, and the Tex. Civ. Prac. & Rem. Code Ann. § 20.002, the Plaintiff, Oklahoma Department of Securities *ex rel.* Irving L. Faught, Administrator, will take the deposition of Gary A. Hennersdorf upon oral examination at **1:30 p.m. on the 19th day of June, 2014**, in the offices of the United States Securities and Exchange Commission, located at 801 Cherry Street, Suite 1900, Fort Worth, Texas 76102, before an officer authorized to administer oaths by the laws of the State of Texas. The deposition shall be recorded by stenographic and/or audio/visual means. The subpoena duces tecum is attached.

Respectfully Submitted,

OKLAHOMA DEPARTMENT OF SECURITIES


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Gerri Kavanaugh OBA # 16732
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EXHIBIT

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Bankruptcy Trustee for 2001Trinity Fund, L.L.C.



Brenda London, Paralegal

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Defendants.)

Case No. CJ-2012-6164
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SUBPOENA DUCES TECUM

TO: Gary A. Hennersdorf



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 **19th day of June, 2014, at 1:30 p.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.

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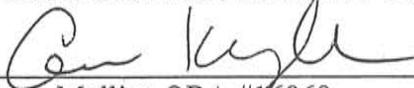
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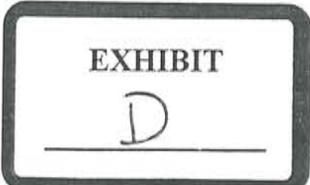
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2001 Trinity Fund, L.L.C. and)	
Robert Arrowood,)	
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Defendants.)	

COMMISSION TO TAKE DEPOSITION OF WILLIAM F. BYRD

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 September 17, 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 William F. Byrd has been scheduled for June 19, 2014, at 9:30 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. 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.



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NOTICE OF DEPOSITION OF WILLIAM F. BYRD

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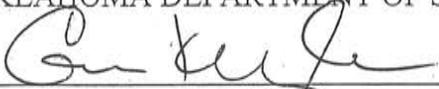

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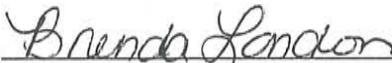
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Brenda London, Paralegal

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Plaintiff,)

v.)

2001 Trinity Fund, L.L.C. and)
Robert Arrowood,)

Defendants.)

Case No. CJ-2012-6164
Judge Roger Stuart

SUBPOENA DUCES TECUM

TO: William F. Byrd


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 **19th day of June, 2014, at 9:30 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 120 North Robinson, First National Center, Suite 860, Oklahoma City, Oklahoma, on or before the **13th day of June, 2014, at 4:30 p.m.**:

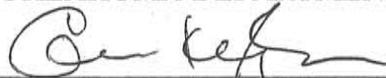
1. All documents that reflect any you monies paid or loaned to or received from 2001 Trinity Fund LLC and/or Robert Arrowood, for any purpose relating to oil and gas leases, oil and gas drilling projects, or general business expenses.
2. All documents that reflect any agreements or contracts between 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 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 9th day of May, 2014.

Respectfully Submitted,

OKLAHOMA DEPARTMENT OF SECURITIES



Shaun Mullins OBA #16869

Gerri Kavanaugh OBA # 16732

Oklahoma Department of Securities

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