

IN THE DISTRICT COURT OF OKLAHOMA COUNTY
STATE OF OKLAHOMA

FILED IN DISTRICT COURT
OKLAHOMA COUNTY

OCT 18 2016

RICK WARREN
COURT CLERK

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Oklahoma Department of Securities)
ex rel. Irving L. Faught,)
Administrator,)
)
Plaintiff,)
)
v.)
)
Larry Robert McDaniel,)
)
Defendant.)

Case No. CJ-2015-6867
Judge Patricia Parrish

Dec 2, 2016
10:30 a.m.

PLAINTIFF'S MOTION TO COMPEL

The Oklahoma Department of Securities *ex rel.* Irving L. Faught, Administrator, (Plaintiff), respectfully moves the Court to enter an order compelling Defendant Larry Robert McDaniel (Defendant) to produce, and/or permit the inspection and copying of, all documents requested in *Plaintiff's First Request for Production of Documents from Defendant* (Discovery Request), a copy of which is attached hereto as Exhibit 1 and incorporated herein by reference.

On September 12, 2016, the Discovery Request was mailed by U.S. Mail to Defendant's counsel, Timothy McCoy. More than 30 days have passed since Plaintiff mailed the Discovery Request to Defendant's counsel. On October 18, 2006, Defendant's counsel advised Plaintiff that on October 17, 2016, he filed a motion to withdraw as counsel for Defendant. To date no response to the Discovery Request has been received.

BRIEF IN SUPPORT

Pursuant to 12 O.S. § 3234, Plaintiff is authorized to request that a party produce and permit the inspection and copying of documents or electronically stored information in

discovery. Defendant is required to provide a response to such request within 30 days of the request. Plaintiff properly served the Discovery Request upon Defendant and the required time period for response has lapsed. To date no response to the Discovery Request has been received. Pursuant to 12 O.S. § 3237(A), Plaintiff respectfully requests that the Court enter an order compelling the production of documents identified in the Discovery Request.

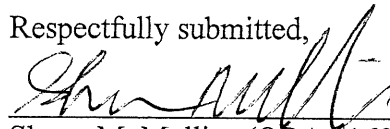
The Department has in good faith attempted to cooperate and confer with Defendant's counsel regarding this matter in an effort to secure the requested information and materials without court action. On October 14, 2016, counsel for Plaintiff contacted Defendant's counsel regarding the lack of response. On October 18, 2016, counsel for Defendant responded only by stating that he had filed a motion to withdraw.

CONCLUSION

Defendant has provided no response to the Discovery Request and has therefore failed to make or cooperate in discovery as required.

WHEREFORE, Plaintiff requests the Court enter an order requiring Defendant to produce, or permit the inspection and copying of, the documents identified in the Discovery Request within ten (10) days of the hearing on this Motion.

Respectfully submitted,

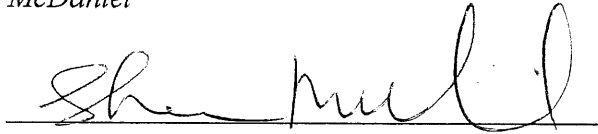


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Attorneys for Plaintiff

CERTIFICATE OF SERVICE

I hereby certify that on the 18th day of October 2016, a true and correct copy of the above and foregoing instrument, was mailed to:

Timothy McCoy, OBA #10838
4528 North Classen Blvd.
Oklahoma City, OK 73118
Attorney for Defendant Larry Robert McDaniel

A handwritten signature in cursive script, appearing to read "Sherrill", is written over a horizontal line.