STATE OF OKLAHOMA
DEPARTMENT OF SECURITIES
THE FIRST NATIONAL CENTER
120 N. ROBINSON, SUITE 860
OKLAHOMA CITY, OKLAHOMA 73102

In the Matter of:

Rodney Larry Watkins, Jr. (CRD #3091936);
Southeast Investments, N.C. Inc. (CRD #43035); and
Frank H. Black (CRD #22451);

Respondents. ODS File No. 12-058

RESPONDENTS' MOTION FOR ORDER COMPELLING RESPONSE
TO HIS MOTION FOR SUMMARY DISPOSITION AND FOR RELATED RELIEF

Respondents Rodney L. Watkins, Jr., Southeast Investments, N.C. Inc., and Frank H. Black move the Administrator (i) for an order requiring that the Department respond to Respondent's Motion for Summary Disposition filed herein on December 2, 2013 (the "Disposition Motion") no later than five days following the filing of this motion, (ii) for a ruling on the merits of the Disposition Motion promptly thereafter or, (iii) in the alternative to such ruling, to schedule promptly oral argument on the issues pursuant to Rule 660:2-9-3(c)(3. In support of this motion, Respondents would show the Administrator as follows:

(1) The Disposition Motion was filed almost three months ago. Absent an extension of time, the Department's written response would have been due on December 12, 2013. *See* Rule 660:2-9-3(c)(2).

(2) Prior to December 17, 2013, the Department asked Respondents to agree to an extension of time for the Department to respond to the Disposition Motion. In the spirit of cooperation and fairness, Respondents consented to an extension of time for the Department to

respond to the Disposition Motion and to extend other dates set by the Scheduling Order. *See* Department's motion filed herein on December 17, 2013.

(3) After Respondents produced two waves of documents to the Department – the second wave having been hand-delivered on January 28, 2014 -- the Department demanded that Respondents produce still additional documents. The additional documents demanded were (i) new account forms and (ii) order tickets.

(4) Respondents produced the additional documents demanded by the Department (account forms and order tickets) on February 6, 2014 (transmitted by overnight service on February 5, 2014). The undersigned counsel has reviewed these additional documents. In such counsel's judgment, the new documents do not bear on the jurisdictional issues raised by the Disposition Motion, except insofar as they *reinforce* Respondents' showing that the Commission lacks jurisdiction in these matters. Be that as it may, no impediment (pretextual or bona fide) to the Department's response to the Disposition Motion now remains and no additional "fishing expeditions" should be allowed.

WHEREFORE, Respondents ask the Administrator to grant the relief set forth in the first paragraph of this motion.

Respectfully submitted,

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