

IN THE DISTRICT COURT OF OKLAHOMA COUNTY
STATE OF OKLAHOMA

FILED IN THE DISTRICT COURT
OKLAHOMA COUNTY, OKLA.

Oklahoma Department of Securities)
ex rel. Irving L. Faught,)
Administrator,)

FEB 14 2008

Plaintiff,)

PATRICIA PRESLEY, COURT CLERK
by _____
DEPUTY

v.)

Case No.CJ-2006-10111

Raglin Industries, LLC, an Oklahoma)
limited liability company; Phillip Levaughn)
Raglin, an individual; and Joseph Daniel)
Layne, an individual,)

Defendants.)

PLAINTIFF'S APPLICATION FOR EMERGENCY RELIEF

Plaintiff, Oklahoma Department of Securities ("Department"), respectfully requests this Court immediately freeze the newly discovered assets of Defendant Phillip Levaughn Raglin ("Raglin") and require Raglin to terminate any investment related internet sites or advertising. In support of this application, the Department alleges and states:

1. On December 12, 2006, Department filed a *Petition for Permanent Injunction and Other Equitable Relief* (Petition) against Defendants. The Petition included a prayer for restitution to investors. On December 12, 2006, this Court entered a *Temporary Restraining Order, Order Freezing Assets and Order for Accounting* ("Order"), against Defendants Raglin Industries, LLC, Raglin and Joseph Daniel Layne (collectively, "Defendants"). The Order was served on Raglin on December 13, 2006. The Order provides:

IT IS FURTHER ORDERED that pending determination of the motion for temporary injunction, the assets of Defendants be, and hereby are, frozen ("Assets"). The freeze shall include, but not be limited to, any funds located in any bank, depository institution, internet, securities, or other financial institution account. It shall also apply to accounts in the name of any individuals or entities controlled by Defendants or accounts over which Defendants have signatory or other designated authority, if the funds are derived to any extent from the activities alleged in Plaintiff's Petition. All banks, depository institutions, internet

service providers, securities firms, or other institutions or persons served with a copy of this Order shall cooperate with the Oklahoma Department of Securities ("Department") relating to implementation of this Order, including imposing a freeze on all Assets, including accounts and funds, and producing records relating thereto. Facsimile transmission shall constitute service on the banks, depository institutions, internet service providers, securities firms, or other institutions or persons.

2. Defendant Raglin Industries, Inc. and Raglin have never filed an answer in this matter.

3. On January 3, 2007, this Court issued a *Temporary Injunction* against the Defendants. The Defendants consented to the entry of the *Temporary Injunction*. The *Temporary Injunction* provides:

IT IS FURTHER ORDERED that the assets of Defendants be, and hereby are, frozen ("Assets"). The freeze shall include, but not be limited to, any funds located in any bank, depository institution, internet, securities, or other financial institution account. It shall also apply to accounts in the name of any individuals or entities controlled by Defendants or accounts over which Defendants have signatory or other designated authority, if the funds are derived to any extent from the activities alleged in Plaintiff's Petition. All banks, depository institutions, internet service providers, securities firms, or other institutions or persons served with a copy of this Order shall cooperate with the Oklahoma Department of Securities ("Department") relating to implementation of this Order, including imposing a freeze on all Assets, including accounts and funds, and producing records relating thereto. Facsimile transmission shall constitute service on the banks, depository institutions, internet service providers, securities firms, or other institutions or persons.

4. The basis for the *Temporary Injunction* was set forth in the *Application for Temporary Restraining Order, Order Freezing Assets, and Order for Accounting*, attached hereto as Exhibit A and incorporated by reference herein. Specifically, the Department asserted that:

Defendants have engaged in acts and practices in violation of the Act and have, as a result of these activities, received a substantial amount of money from numerous Investors. A danger exists that the money received from the Investors and/or held by Defendants will be lost, removed or transferred.

The Department also stated:

These circumstances make it necessary that the court freeze specific assets to preserve the status quo by preventing the dissipation of assets and to account for

the money raised through violations of the Act so as to protect Investors and to provide effective relief.

5. On or before October 4, 2007, funds of Defendants in the sum of Three Hundred Sixty-Five Thousand Dollars (\$365,000), were ordered by this Court to be paid to Raglin Industries, LLC investors. Of the investor claims approved by this Court on October 4, 2007, over Five Hundred Thousand Dollars (\$500,000) remains to be paid to investors. However, there are insufficient funds available from assets of Defendants to repay the remaining balance at this time.

6. On June 29, 2007, the District Attorney of Wagoner County, Oklahoma, filed One Hundred Twenty One (121) criminal counts of Obtaining Money by False Pretenses-Confidence Game against Raglin. On September 14, 2007, after a preliminary hearing, Raglin was bound over for trial on most of the criminal counts. He is currently awaiting trial and is released from custody on bond.

7. It has come to the attention of the Department that in recent weeks Raglin has been and continues using the alias "Mel Cooper" in his current investment related business, Divine Development LP. See Exhibit B. Mel Cooper and Divine Development use the cellular telephone number of Raglin. See Exhibit C. It has also come to the attention of the Department that there are Raglin assets in bank, depository institution, or other financial institution accounts in which Raglin is using the names Mel Cooper, Melinda Cooper, Melinda Raglin, and/or Divine Development LP, to conceal his regulatory and criminal history and to conceal his continuing accumulation of assets.

8. Melinda Cooper is the maiden name of Raglin's wife.

9. The attempt by Raglin to hide his identity and his business activity to evade the prohibitions and asset freeze in place against him in the *Temporary Injunction*, is a violation of the *Temporary Injunction*.

10. It is critical that these newly discovered assets of Raglin be immediately frozen

without notice to Raglin, until the Court can consider the remaining restitution and other relief for Raglin's prior investors and to protect investors and/or potential investors in his current investment scheme.

Therefore, for the reasons stated above, the Department respectfully requests this Court immediately order the following relief:

1. an order freezing the assets of Phillip Levaughn Raglin, Mel Cooper, Melinda Cooper, Melinda Raglin, Divine Development LP, and the assets of any other entity or person over which Phillip Levaughn Raglin has control of and/or access to assets including, but not limited to, JP Morgan Chase Bank, NA Account Number [REDACTED] and any bank, depository institution, or other financial institution account using the following social security numbers: [REDACTED] and

2. an order requiring Phillip Levaughn Raglin to terminate any investment related internet sites or advertising, including but not limited to, that of Divine Development LP.

Respectfully submitted,

Patricia A. Labarthe

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CERTIFICATE OF MAILING

The undersigned certifies that on the _____ day of February, 2008, a true and correct copy of the foregoing was mailed via First Class Mail, postage prepaid, to the following:

Raglin Industries, LLC
c/o National Registered Agents, Inc. of OK
115 SW 89th Street
Oklahoma City, OK 73139

and

33261 East 701 Drive
Wagoner, OK 74467-8653

Phillip Levaughn Raglin
33261 East 701 Drive
Wagoner, OK 74467-8653

Robert R. Nigh, Jr., OBA # 11686
Brewster & De Angelis
2617 East 21st Street
Tulsa, OK 74114

Patricia A. Leland