

IN THE DISTRICT COURT OF OKLAHOMA COUNTY DISTRICT COURT
 STATE OF OKLAHOMA OKLAHOMA COUNTY, OKLA.

Oklahoma Department of Securities)
ex rel. Irving L. Faught,)
 Administrator,)
 Plaintiff,)
 v.)
 Edward Alan Haines,)
 Defendant.)

JUN 25 2010

PATRICIA PRESLEY, COURT CLERK
 by _____
 DEPUTY

Case No.

CJ - 2010 - 5353

**APPLICATION FOR ORDER ENFORCING SUBPOENAS AND AUTHORITY IN
 SUPPORT**

Plaintiff, Oklahoma Department of Securities (“Department”) *ex rel.* Irving L. Faught, Administrator, moves this Court for an order enforcing the subpoena issued to Edward Alan Haines (“Haines”) pursuant to Section 1-602(B) of the Oklahoma Uniform Securities Act of 2004 (“Act”), Okla. Stat. tit. 71, §§ 1-101 through 1-701 (Supp. 2009). The subpoena was issued for the purpose of requiring Haines to testify and produce documents to the Department in connection with an investigation conducted by the same.

BACKGROUND

1. Defendant is a resident of Ardmore, Oklahoma.
2. Based on information received by the Department, Haines may have violated, and may be continuing to violate, the Act.
3. The Department initiated an investigation of Haines in accordance with Section 1-602 of the Act that sets out the authority of the Administrator to investigate as follows:

(A) The Administrator may:

(1) Conduct public or private investigations within or outside of this state which the Administrator considers necessary or appropriate to determine whether a person has violated, is violating, or is about to violate this act or a rule adopted or order issued under this act, or to aid in the enforcement of this act or in the adoption of rules and forms under this act;

4. Subsection (B) of Section 1-602 of the Act authorizes the Administrator to subpoena witnesses, compel their attendance, and require production of documents as follows:

For the purpose of an investigation or proceeding under this act, the Administrator or its designated officer may administer oaths and affirmations, subpoena witnesses, seek compulsion of attendance, take evidence, require the filing of statements, and require the production of any records that the Administrator considers relevant or material to the investigation or proceeding.

5. Pursuant to Section 1-602, the Administrator issued a subpoena to Haines ("Subpoena"), a copy of which is attached hereto as Exhibit 1, requiring the production of certain documents on or before June 1, 2010, at 4:30 p.m. and his appearance for testimony before the Department on June 4, 2010, at 10:00 a.m.

6. Service of the Subpoena was effected on Haines by personal delivery on May 27, 2010. Proof of such service is provided in Exhibit 1.

7. On June 1, 2010, Haines contacted the Department via telephone claiming confusion about the date of testimony and difficulty in gathering required documents. Upon reiterating the date of the testimony, Haines informed the Department of a scheduling conflict due to a doctor's appointment. The dates were rescheduled with Haines during the June 1, 2010, phone call. The agreed upon new dates were June 7, 2010, for production of documents and June 10, 2010, for his testimony. A follow up letter confirming his agreement, a copy of which is attached hereto as Exhibit 2, was sent to Haines via certified mail on June 2, 2010, to the same

address at which the Subpoena was served. The letter was not signed for and was returned to the Department.

8. Haines failed to produce any documents by the agreed upon date of June 7, 2010.

9. The Department called Haines on June 9, 2010, the day before the rescheduled testimony date, to remind him of the appointment and again on June 10, 2010, prior to his required appearance for testimony. Haines did not answer either telephone call; voice messages were left after each call.

10. Haines called the Department at 9:45 a.m. on June 10, 2010, 15 minutes before his scheduled testimony, to inform the Department that he had not completed the gathering of documents because his brother-in-law had heart surgery and he was required to ferry elderly family members to and from the hospital. Haines further stated he believed his testimony was scheduled for the 11th of June, not the 10th as agreed on with the Department. Haines promised again to reschedule.

11. On June 10, 2010, at 2:00 p.m., Haines called the Department to again reschedule a time for production of documents and his appearance to testify. Two new dates were agreed upon for document production and testimony, June 15, 2010, and June 17, 2010, respectively. A follow up letter, confirming this agreement, a copy of which is attached hereto as Exhibit 3, was sent to Haines via personal service on June 10, 2010. Personal service was unsuccessful; Haines has apparently moved since the personal service of the Subpoena.

12. Haines failed to update the Department when he was requested to confirm his service address during the June 10, 2010, phone call.

13. Haines failed to produce documents on June 15, 2010, the third scheduled date for production.

14. Haines called the Department on June 17, 2010, the date of the scheduled testimony, at approximately 8:30 a.m., and left a message inquiring if the testimony was still scheduled for that day. Efforts to contact him by telephone were unsuccessful and a voice message was left with Haines requesting he contact the Department.

15. Haines failed to appear for testimony before the Department on the third scheduled date.

16. Haines called the Department on June 18, 2010, explaining that he had passed a kidney stone and was thus unable to attend the scheduled testimony.

AUTHORITY

17. Pursuant to Section 1-602 of the Act, the Court has the authority to enforce the Subpoena. Subsection (C) of Section 1-602 provides as follows:

If a person does not appear or refuses to testify, file a statement, produce records, or otherwise does not obey a subpoena as required by the Administrator under this act, the Administrator may apply to the district court of Oklahoma County or the district court in any other county where service can be obtained or a court of another state to enforce compliance.

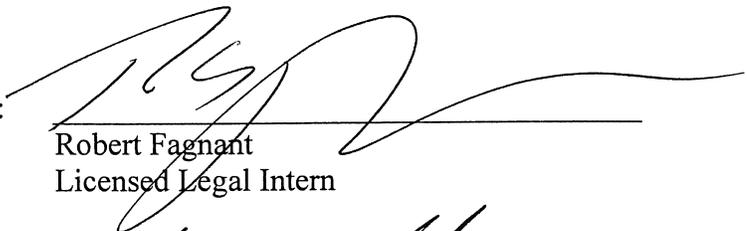
18. Enforcement of and compliance with the Subpoena is necessary for the effective enforcement of the Act by the Administrator.

WHEREFORE, the Department requests that this Court issue an order enforcing the Department's administrative subpoena issued by the Administrator on May 20, 2010, and granting such other relief as this Court deems appropriate.

Respectfully Submitted,

OKLAHOMA DEPARTMENT OF SECURITIES
IRVING L. FAUGHT, ADMINISTRATOR

By:


Robert Fagnant
Licensed Legal Intern

By:

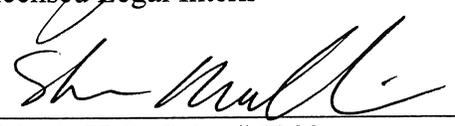

Melanie Hall, OBA # 1209
Shaun Mullins OBA #16869
Oklahoma Department of Securities
120 North Robinson, Suite 860
Oklahoma City, Oklahoma 73102
Telephone (405) 280-7700

EXHIBIT
1

OUR FIRM FILE NUMBER:

Client: OKLAHOMA STATE DEPT. OF SECURITIES County: Oklahoma

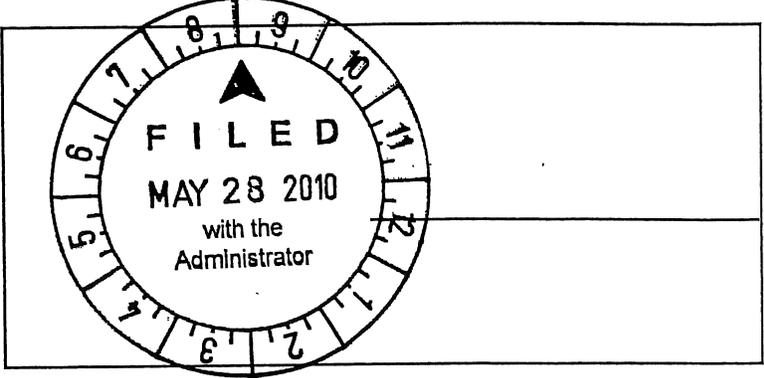
Case Number: ODS FILE 10-055

IN TH MATTER OF EDWARD ALAN HAINES ODS FILE

10-055 : Plaintiff(s)

vs

- Defendant(s)



Date Served: 5/27/2010 7:17:00 AM

Served By: STACEY L. AYRES (PS-09-7)

County of Origin: Oklahoma

Proof of Service

Case Number: ODS FILE 10-055

DOCUMENTS SERVED: I, being duly sworn, certify that I received the forgoing, to wit:

- *Subpoena
- *Letter

METHOD OF SERVICE:

And served the same according to the law in the following manner, to wit:

Personal Service

by delivering a true copy of said process personally to EDWARD ALAN HAINES at 39 OVERLAND, ARDMORE, OK 73401. Date and Time: 5/27/2010 7:17:00 AM

Other Information:

Subscribed and sworn to before me this

_____ day of **MAY 27 2010**

Notary Public

Commission Exp.

(SEAL)



Undersigned declares under penalty of perjury that the foregoing is true and correct.

Stacey L. Ayres

Name of Server

5/27/2010

(date)

SA

IRVING L. FAUGHT
ADMINISTRATOR



BRAD HENRY
GOVERNOR

STATE OF OKLAHOMA
DEPARTMENT OF SECURITIES

May 20, 2010

Edward Alan Haines
~~2200 Hickory~~ 39 Overland
Ardmore, OK 73401

SKIP

Re: Edward Alan Haines
ODS File 10-055

Mr. Haines:

Pursuant to an investigation being conducted by the Oklahoma Department of Securities (Department) in the referenced matter, the Administrator of the Department has issued the attached Subpoena requiring the production of documents and your appearance for testimony under oath on the date and at the time specified in the Subpoena.

Please be advised that you have the right to consult with and be represented by counsel in connection with this matter. If you have any questions about the attached Subpoena, please contact the undersigned at (405) 280-7718.

Respectfully,

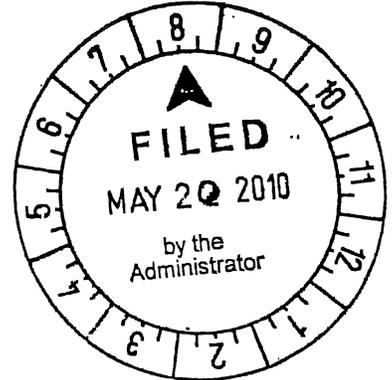
Rob Fagnant
Licensed Legal Intern

Attachment

STATE OF OKLAHOMA
DEPARTMENT OF SECURITIES
FIRST NATIONAL CENTER, SUITE 860
120 NORTH ROBINSON
OKLAHOMA CITY, OKLAHOMA 73102

In the Matter of:

Edward Alan Haines
ODS File 10-055



SUBPOENA

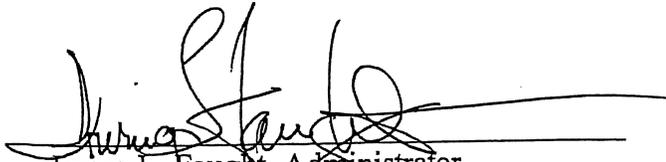
TO: Edward Alan Haines
2200 Hickory
Ardmore, OK 73401

IN THE NAME OF THE STATE OF OKLAHOMA, and pursuant to Section 602 of the Oklahoma Uniform Securities Act of 2004 ("Act"), Okla. Stat. tit. 71, §§ 1-101 through 1-701 (Supp. 2009), **YOU ARE COMMANDED TO APPEAR AND TESTIFY** in an oral deposition before the Administrator of the Oklahoma Department of Securities, or his designated representative, at the Oklahoma Department of Securities, 120 North Robinson Avenue, Suite 860, Oklahoma City, Oklahoma, on **Friday, June 4, 2010, at 10:00 a.m.**

FURTHER, YOU ARE COMMANDED TO PRODUCE all documents described in Appendix "A", attached hereto and incorporated herein by reference, before the Administrator of the Oklahoma Department of Securities, or his designated representative, at the Oklahoma Department of Securities, 120 North Robinson Avenue, Suite 860, Oklahoma City, Oklahoma, on or before **Tuesday, June 1, 2010, at 4:30 p.m.**

Witness my Hand and the Official Seal of the Oklahoma Department of Securities this 20th day of May, 2010.

(SEAL)


Irving L. Faught, Administrator
Oklahoma Department of Securities
First National Center, Suite 860
120 North Robinson
Oklahoma City, Oklahoma 73102
(405) 280-7700

**STATE OF OKLAHOMA
DEPARTMENT OF SECURITIES
FIRST NATIONAL CENTER, SUITE 860
120 NORTH ROBINSON
OKLAHOMA CITY, OKLAHOMA 73102**

Definitions

1. As used herein, the terms "you" and "your" refer to Edward Alan Haines and all entities in which such person has or has had a controlling interest; all "affiliates" thereof; all employees thereof; and all agents, representatives, attorneys or other persons acting or purporting to act on his behalf.

2. As used herein, the term "Boomer Oilfield" refers to Boomer Oilfield Services, LLC, an Oklahoma limited liability company, and all "affiliates" thereof.

3. As used herein, the term "Department" shall refer to the Oklahoma Department of Securities.

4. As used herein, the term "person" shall refer to any natural person, association, partnership, limited liability company, corporation, business trust, estate, trust, joint venture, or other form of business entity, or any government or any agency, subdivision or instrumentality thereof.

5. As used herein, the term "affiliates" when used to indicate a relationship with any person, shall mean (a) a corporation or organization of which such person is an officer or partner or is, directly or indirectly, the beneficial owner of 10 percent or more of any class of equity securities; (b) any trust or other estate in which such person has a substantial beneficial interest or as to which such person serves as trustee or in a similar capacity; and, (c) any relative or spouse of such person, or any relative of such spouse, who has the same home as such person or who is a director or officer of the registrant or any of its parents or subsidiaries.

6. As used herein, the terms "identification," "identify," or "identity," when used in reference to (a) a natural individual, require you to state his or her full name and residential and business addresses and telephone numbers; (b) a firm, association, partnership, limited liability company, corporation or other form of business entity, require you to state its full name and any names under which it does business, its state of organization, the address of its principal place of business, and the addresses of all of its offices; (c) a business, require you to state the full name or style under which the business is conducted, its business address or addresses, the types of businesses in which it is engaged, the geographic areas in which it conducts those businesses, and the identity of the person or persons who own, operate, control the business; (d) a communication, requires you, if any part of the communication was written, to identify the document(s) which refer to or evidence the communication, and, to the extent that the communication was non-written, to identify the persons participating in the communication and to state the date, manner, place, and substance of the communication.

7. As used herein, the term "document(s)" or "writing" means any medium upon which intelligence or information can be recorded or retrieved, and includes, without limitation; any invoice, bill, order form, receipt, financial statement, account statement, accounting entry, diary, written material, book, file, note, pamphlet, periodical, letter, memorandum (including any memorandum or report of a meeting), calendar, telex, telegram, cable, report, record, contract, agreement, study, handwritten note, working paper, chart, print, laboratory record, drawing, sketch, graph, index, list, tape, photograph, microfilm, data sheet or data processing card, or any other written, recorded, transcribed, punched, taped, filmed, or graphic matter, however produced or reproduced. "Document(s)" or "writing" shall also mean all computer generated data including, but not limited to, spreadsheets, databases, graphics, charts and presentations, electronic mail messages, electronic facsimiles, scanned material, or all computer generated data stored on removable storage media, including, but not limited to, 3.5" and 5.25" floppy disks, rewritable optical disks, cd-recordable disks, flash memory, removable hard drives, backup and archive tape cartridges, reels and cassettes, or fixed storage media, including, but not limited to, internal hard drives, external hard drives, and Local Area Network drives.

8. As used herein, the terms "relation," "pertaining to," "relating to," "related to," or "related" mean pertaining in any way to, referring to, reflecting, recording, memorializing, mentioning, constituting, describing, or concerning, directly or indirectly.

9. The following rules of construction apply to this subpoena:

- (a) the connectives "and" and "or" shall be construed either disjunctively or conjunctively as necessary to bring within the scope of the attachment all responses that might otherwise be construed to be outside of its scope; and
- (b) the use of the singular form of any word includes the plural and vice versa.

Instructions

1. Documents required by the subpoena should be accompanied by a list briefly identifying each document or other material and the item or items of the subpoena to which it relates.

2. Should any document(s), required to be produced by the subpoena, be withheld pursuant to a claim of privilege or for any other reason, you should submit a list stating: (a) the nature of the documents, communications, or information not being produced; (b) the creator(s) and date(s) of creation of the documents, communications, or information; (c) their present, or last known custodian; and (d) the reason(s) the documents are not produced.

3. Should any document(s), required to be produced by the subpoena, have been destroyed, for any reason, provide a detailed statement describing such document(s) and setting forth when, how, and why the document(s) were destroyed. If the destruction occurred as a result of a document retention policy, provide a copy of that document retention policy with the detailed explanation.

4. Place a mark on all documents submitted by you identifying them as having been provided by you.

5. Indicate by separate affidavit whether a diligent search has been made for the subpoenaed documents and whether you have produced all of the documents required by the subpoena.

Appendix "A"

You are commanded to produce the following items within your possession, custody or control:

1. All audited and/or unaudited fiscal year financial statements of Boomer Oilfield including, but not limited to, income statements and balance sheets;
2. Any document or series of documents identifying, by account number and the name and address of the financial institution, all accounts in the name of, for the benefit of, or controlled by, Boomer Oilfield, at any type of financial institution;
3. Any document or series of documents identifying, by account number and the name and address of the financial institution, all accounts in the name of, for the benefit of, or controlled by, you, at any type of financial institution;
4. All documents relating to the receipt of money by you from Erick Johnson, Brian Johnson, Chad Patzke or any other person for the purpose of purchasing, selling or transferring pipe, casing, tubing or any other similar or related product;
5. All documents relating to the purchase by you of any pipe, casing, tubing or any other similar or related product including, but not limited to, all invoices, receipts, contracts and shipping or delivery reports; and
6. Any other documents as may be requested in the future by the Administrator that may be relevant to this inquiry.

IRVING L. FAUGHT
ADMINISTRATOR



BRAD HENRY
GOVERNOR

STATE OF OKLAHOMA
DEPARTMENT OF SECURITIES

June 2, 2010

Edward Alan Haines
39 Overland
Ardmore, OK 73401

Edward Alan Haines
2200 Hickory
Ardmore, OK 73401

Re: Edward Alan Haines
ODS File 10-055

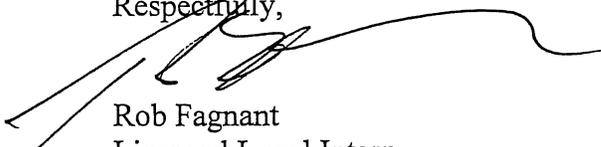
Mr. Haines:

In response to your phone call received by this office on June 1, 2010, we have rescheduled your **document production for 7 June, 2010, no later than 4:00 PM**, and your **appearance to testify to 10 June, 2010, at 10:00 AM**, both to occur at the offices of the Oklahoma Department of Securities ("Department").

The Administrator of the Department issued a Subpoena ("Subpoena") on May 20, 2010, and originally scheduled these events for the 1st and 10th June, 2010, respectively. You indicated you would be unable to produce and testify for lack of document preparation time and a conflicting medical appointment scheduled on the same day as the investigative testimony. The new dates have been deconflicted with both parties; the Administrator expects your compliance and attendance. The Department will take legal action to enforce the Subpoena if you fail to comply with the new dates.

Please be advised that you have the right to consult with and be represented by counsel in connection with this matter. If you have any questions about the attached Subpoena, please contact the undersigned at (405) 280-7718.

Respectfully,



Rob Fagnant
Licensed Legal Intern

CERTIFICATE OF MAILING

The undersigned hereby certifies that on the 2nd day of June, 2010, a true and correct copy of the above and foregoing was mailed by certified mail, return receipt requested, delivery restricted, with postage prepaid thereon, addressed to:

Edward Alan Haines
39 Overland
Ardmore, OK 73401

Edward Alan Haines
2200 Hickory
Ardmore, OK 73401

ORIGINAL MANUALLY SIGNED

Brenda London, Paralegal

EXHIBIT
3

OUR FIRM FILE NUMBER:

Client: OKLAHOMA STATE DEPT. OF SECURITIES

County:

Case Number:

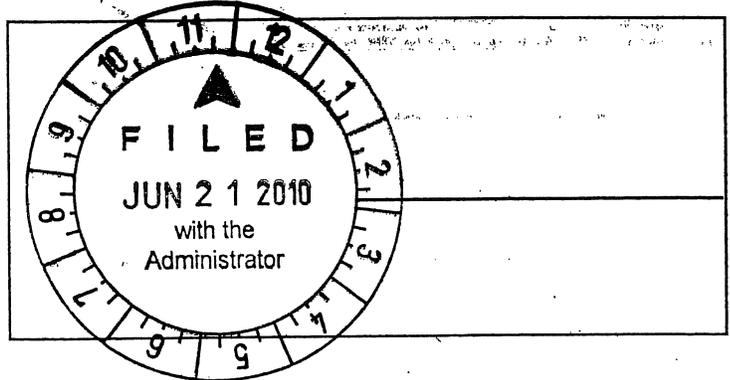
- Plaintiff(s)

vs

EDWARD ALAN HAINES - Defendant(s)

Date Served:

Served By: STACEY L. AYRES (PS-09-7)



County of Origin:

Proof of Service

Case Number:

DOCUMENTS SERVED: I, being duly sworn, certify that I received the forgoing, to wit:

*Letter

METHOD OF SERVICE:

And served the same according to the law in the following manner, to wit:

Not Served

Said process WAS NOT SERVED on the following name for the reasons stated:
EDWARD ALAN HAINES - UNABLE TO LOCATE

Other Information:

Subscribed and sworn to before me this

15 day of June 2010

Debbie Strand
Notary Public Commission Exp. 6-16-2014
(SEAL)

Undersigned declares under penalty of perjury that the foregoing is true and correct.

Stacey L. Ayres 6/15/10
Name of Server (date)

#02009750

IRVING L. FAUGHT
ADMINISTRATOR



BRAD HENRY
GOVERNOR

STATE OF OKLAHOMA
DEPARTMENT OF SECURITIES

June 10, 2010

Edward Alan Haines
39 Overland
Ardmore, OK 73401

Re: Edward Alan Haines
ODS File 10-055

Mr. Haines:

The Administrator of the Oklahoma Department of Securities ("Department") issued a Subpoena ("Subpoena") on May 20, 2010, originally requiring document production on the 1st and your testimony on the 10th of June, 2010, both to occur at the offices of the Department. You indicated you would be unable to produce and testify due to a lack of document preparation time and a conflicting medical appointment scheduled on the same day as the investigative testimony. We rescheduled your document production for June 7, 2010, no later than 4:00 PM, and your appearance to testify to June 10, 2010, at 10:00 AM.

For a second time, you failed to appear or produce documents. The Department received a phone call from you at 9:45 AM, on 10 June, 2010, (15 minutes before your deposition) informing us you would not make it due to the poor health and errand requirements of your brother-in-law. Pursuant to a call later the same day we rescheduled your document production for the second time.

You are now required to **produce documentation June 15, 2010, no later than 8:00 AM, and appear and testify in an oral deposition on June 17, 2010, at 10:00 AM**, both at the offices of the Department.

The Department will no longer reschedule these events and will take legal action to enforce the Subpoena if you fail to comply with the new dates.

IRVING L. FAUGHT
ADMINISTRATOR



BRAD HENRY
GOVERNOR

STATE OF OKLAHOMA
DEPARTMENT OF SECURITIES

Please be advised that you have the right to consult with and be represented by counsel in connection with this matter. If you have any questions please contact the undersigned at (405) 280-7718.

Respectfully,

A handwritten signature in black ink, appearing to read "Rob Fagnant".

Rob Fagnant
Licensed Legal Intern