

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

JAN 24 2014

TIM RHODES  
COURT CLERK

33

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

Case No. CJ-2012-6164

**DEFENDANT ROBERT ARROWOOD'S MOTION TO STRIKE AND  
RESET HEARING AND FOR STATUS CONFERENCE**

Defendant Robert Arrowood hereby requests that this Court strike and reset the hearing on his Renewed Motion for Summary Judgment and set a status conference prior to the new hearing date. In support of this Motion, the Defendant states as follows:

1. Defendant Arrowood filed his Renewed Motion for Summary Judgment on December 12, 2013.
2. At the time of filing, the Renewed Motion was set for hearing on January 31, 2014. Pursuant to the Local Rules of this Court, Defendant Arrowood's Reply to Plaintiff Oklahoma Department of Securities' ("ODS") Response to his Renewed Motion would thus be due on January 27, 2014.
3. On January 17, 2014, Plaintiff ODS produced 182 pages of discoverable documents to Defendant Arrowood, which documents consisted largely of emails and other correspondence, many of which appear to support the Defendant's position.

4. Defendant Arrowood has been requesting such discovery from ODS since at least November 2012, and the above belated production was wrongfully withheld by ODS.

5. In response to Defendant Arrowood's Motion to Compel filed in February 2013, and at the hearing on that Motion held before this Court on March 29, 2013, counsel for ODS consistently represented to this Court that no such documents existed, and the only documents in the possession of ODS consisted of a small number of documents protected by attorney work-product and/or attorney-client privilege. Counsel for ODS stated as follows:

The--the documents that we produced--we produced everything that we have with the exception of what's in that privilege log, which is very few things. It essentially is just three memos that were of--that memorialized interviews conducted by department lawyers of witnesses. And the memos themselves were prepared by department lawyers.

[Transcript of March 29, 2013 hearing, p. 8, attached hereto as Exhibit 1].

6. The documents belatedly produced by ODS last week impact Defendant Arrowood's Renewed Motion for Summary Judgment, and need to be thoroughly reviewed before the Defendant's Reply is required to be filed.

7. Defendant Arrowood also believes that there are additional relevant and non-privileged documents in the possession of the Plaintiff that should have been produced to him and have not been.

8. As a result, Defendant Arrowood respectfully requests that the hearing currently scheduled for January 31, 2014 be stricken and rescheduled for a later date.

9. In addition, given the belated and incomplete production by ODS, and other issues that have arisen between the parties, Defendant Arrowood respectfully requests that this Court set a status conference prior to the hearing date for the Renewed Motion to discuss

resolution of discovery and other issues, including appropriate sanctions, and the impact of such on the trial deadlines set by this Court.

10. A proposed Order granting the requested relief is submitted contemporaneously herewith.

Respectfully Submitted,

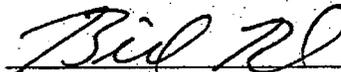


William H. Bock, OBA# 13888  
Michelle L. Greene, OBA# 17507  
WILLIAM H. BOCK, INC.  
6492 N. Santa Fe Ave., Suite A  
Oklahoma City, OK 73116  
Telephone: (405) 848-5400  
Facsimile: (405) 848-5479

**CERTIFICATE OF SERVICE**

The undersigned hereby certifies that on January 27, 2014, a true and correct copy of the foregoing Defendant Robert Arrowood's Motion to Strike and Reset Hearing and for Status Conference was mailed by first-class mail, postage prepaid, to:

Shaun Mullins  
Gerri Kavanaugh  
Oklahoma Department of Securities  
120 North Robinson, Suite 860  
Oklahoma City, OK 73102

  
William H. Bock

1 IN THE DISTRICT COURT IN AND FOR OKLAHOMA COUNTY,

2 STATE OF OKLAHOMA

3 OKLAHOMA DEPARTMENT OF SECURITIES )  
4 ex rel. IRVING L. FAUGHT, )  
ADMINISTRATOR, )

5 Plaintiff,

6 vs.

) CASE NO.: CJ-2012-6164

7 2001 TRINITY FUND, LLC AND ROBERT )  
ARROWOOD, )

8 Defendant. )

COPY

9 \* \* \* \* \*

10 TRANSCRIPT OF HEARING ON MOTION TO COMPEL

11 \* \* \* \* \*

12  
13  
14 THIS CAUSE CAME ON FOR HEARING ON THE 29TH DAY  
15 OF MARCH, 2013, BEFORE THE HONORABLE ROGER H. STUART,  
16 DISTRICT JUDGE, SEVENTH JUDICIAL DISTRICT, AT THE  
17 OKLAHOMA COUNTY COURTHOUSE, OKLAHOMA CITY, OKLAHOMA.

18 APPEARANCES:

19  
20 SHAUN MULLINS, Attorney at Law, Oklahoma  
21 Department of Securities, 120 North Robinson, Suite 860,  
Oklahoma City, Oklahoma 73102; appearing on behalf of the  
22 plaintiff.

23 WILLIAM H. BOCK, Attorney at Law, 6402 North Santa  
Fe Avenue, Suite A, Oklahoma City, Oklahoma 73116;  
24 appearing on behalf of the defendant.

25 REPORTED BY: Kristin L. O'Reilly, RPR

Exhibit 1

1 THE COURT: 302s or do you have statements like  
2 that where -- or do you have them writing out things in  
3 letters or -- I don't know what -- I don't know what the  
4 nature of it is.

5 MR. MULLINS: Sure, your Honor. As Mr. Bock  
6 pointed out I think a little history from our perspective  
7 also is -- will be helpful to the Court.

8 THE COURT: Okay.

9 MR. MULLINS: Mr. Arrowood has -- counsel  
10 representing Mr. Arrowood prior to Mr. Bock produced some  
11 documents that were the essence of the business transactions  
12 between his client and the investors. We have produced  
13 those. So to the extent that Mr. Bock has -- is -- is  
14 arguing to the Court that he does not have facts, I would  
15 disagree.

16 The -- the documents that we produced -- we  
17 produced everything that we have with the exception of  
18 what's in that privileged log, which is very few things. It  
19 essentially is just three memos that were of -- that  
20 memorialized interviews conducted by department lawyers of  
21 witnesses. And the memos themselves were prepared by  
22 department lawyers.

23 Underlying that though those were -- those  
24 interviews were conducted using documents that Mr. Arrowood,  
25 through his previous counsel, produced to the Department