

IN THE DISTRICT COURT OF OKLAHOMA COUNTY  
STATE OF OKLAHOMA

FILED IN DISTRICT COURT  
OKLAHOMA COUNTY  
SEP 2 2014  
27  
CLERK OF DISTRICT COURT

Oklahoma Department of Securities )  
ex rel. Irving L. Faught, )  
Administrator, )  
)  
Plaintiff, )  
)  
v. )  
)  
Bruce J. Scambler, )  
)  
Defendant. )

Case No. CJ-2014-1346

**PLAINTIFF'S RESPONSE TO DEFENDANT'S MOTION FOR DEMURRER**

It is difficult again to decipher what Defendant is seeking by his motion. He has titled his motion as *Defendant's Motion for Demurrers* (Defendant's Motion). However, as the Court knows, demurrers are specifically prohibited by 12 O.S. § 2007(C).

Defendant's Motion does not appear to suggest that Plaintiff has failed to state a claim upon which relief can be granted. Even were Defendant's Motion to be construed as one for failure to state a claim, Oklahoma is a notice pleading state. *Fanning v. Brown*, 2004 OK 7, ¶19, 85 P.3d 841. Plaintiff was merely required in its petition to make "a short and plain statement of the claim" showing that it is entitled to relief and "a demand for judgment" for such relief. 12 O.S. § 2008(A). "Notice pleading does not require pleading every fact upon which a claim is based." *State ex. rel Oklahoma Corp. Com'n v. McPherson*, 2010 OK 31, ¶25, 232 P.3d 458. Plaintiff has not plead that Defendant engaged in fraud

so to require more particulars in its pleading, but even so, Plaintiff's petition would meet that level of scrutiny.

To the extent that Defendant's Motion can be construed as requesting a more definite statement of Plaintiff's claims, the Court should summarily deny it as required by Rule 4(l) of the Rules for the District Courts of Oklahoma. Again, Oklahoma is a notice pleading state. Plaintiff's petition is neither vague nor ambiguous. To obtain additional information about the Plaintiff's claims or to challenge them for insufficient facts, Defendant must engage in discovery or seek summary judgment. *Darrow v. Integris Health, Inc.*, 176 P.3d 1204, fn.17 (2008).

Prior to Defendant's Motion, Plaintiff had already filed a motion for summary judgment setting forth its claims in great detail and including supporting evidence. Defendant's Motion was therefore moot before it was even filed. Defendant's Motion should be denied.

Respectfully submitted,



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CERTIFICATE OF MAILING

The undersigned hereby certifies that on the 24<sup>th</sup> of April, 2015, a true and correct copy of the above and foregoing *Plaintiff's Response to Defendant's Motion for Demurrer* was mailed with postage prepaid thereon, addressed to:

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