

AUG 19 2014

TIM RHODES
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IN THE DISTRICT COURT OF OKLAHOMA COUNTY
STATE OF OKLAHOMA

Oklahoma Department of Securities)
ex rel. Irving L. Faught, Administrator,)
))
Plaintiff,)
))
v.)
))
Seabrooke Investments LLC, an Oklahoma)
limited liability company;)
Seabrooke Realty LLC, an Oklahoma)
limited liability company;)
Oakbrooke Homes LLC, an Oklahoma)
limited liability company)
Bricktown Capital LLC, an Oklahoma)
limited liability company;)
KAT Properties LLC, an Oklahoma)
limited liability company;)
Cherry Hill LLC, an Oklahoma limited liability)
company doing business as Cherry Hill Apartments;)
Tom W. Seabrooke, individually and as trustee of)
Tom Seabrooke 2007 Revocable Trust and)
J. Karyn Seabrooke 2007 Revocable Trust; and)
Judith Karyn Seabrooke, individually and as trustee)
of Tom Seabrooke 2007 Revocable Trust and)
J. Karyn Seabrooke 2007 Revocable Trust,)
))
Defendants.)

Case No. CJ-2014-4515
Judge Patricia G. Parrish

**DEFENDANTS' MOTION TO VACATE
TEMPORARY RESTRAINING ORDER**

Plaintiff obtained a temporary restraining order on August 11, 2014, in this action, restraining defendants pending the hearing on plaintiff's motion for temporary injunction that is set for 1:30 pm on the 19th day of August, 2014, before the Honorable Patricia G. Parrish, or further order of the Court. Defendants hereby move, pursuant to 12 O.S. § 1384.1(D), that this temporary restraining order be dissolved, or alternatively, that plaintiff be required to post an undertaking to secure payment of any damages defendants may sustain, including reasonable attorney's fees, if it be later determined that the restraining order ought not to have been granted.

The hearing on this motion is set for August 19, 2014 at 1:30p.m., and actual notice of the hearing on this motion by personally serving the copy of this motion upon plaintiff on August 19, 2014.

Plaintiff's affidavit in support of the temporary restraining order is defective on its face. There is no evidence, therefore, to support the entry of the temporary restraining order.

This Court's temporary restraining order represents a prior restraint, upon defendants' right to free speech and encroaches upon defendants' rights under the First Amendment incorporated through the due process clause in the Fourteenth Amendment of the United States Constitution. The temporary restraining order also denies defendants' state constitutional rights under Okla. Const. art. II, § 22.

BRIEF

Thus, the Temporary restraining order should be immediately dissolved, pursuant to 12 O.S. §1384.1(D).

Respectfully submitted,



Mark A. Robertson, OBA #7663
Michael Paul Kirschner, OBA #5056
ROBERTSON & WILLIAMS
9658 N. May Avenue, Suite 200
Oklahoma City, Oklahoma 73120
Telephone: (405) 848-1944
Facsimile: (405) 843-6707
Email: mark@robertsonwilliams.com
Email: mike@robertsonwilliams.com
ATTORNEY FOR DEFENDANTS

CERTIFICATE OF MAILING

I hereby certify that on this 19th day of August, 2014, a true and correct copy of the above and foregoing was hand-delivered, to:

Patricia A. Labarthe
Jennifer Shaw
Oklahoma Department of Securities
120 North Robinson, Suite 860
Oklahoma City, Oklahoma 73102


Michael Paul Kirschner