

IN THE DISTRICT COURT IN AND FOR OKLAHOMA COUNTY
STATE OF OKLAHOMA

Oklahoma Department of Securities)
ex rel. Irving L. Faught, Administrator,)
)
Plaintiff,)
)
vs.) Case No. CJ-2014-4515
)
Seabrooke Investments, LLC, et al.,)
)
Defendants.)

**MOTION TO STRIKE RECEIVER'S REPLY FOR FAILURE TO COMPLY WITH
LOCAL RULE 37**

COMES NOW the Intervenor, Wayne Doyle, ("Intervenor") and pursuant to Local Rule 37, presents to the Court his Motion to Strike Receiver's Reply In Support of Motion to Retain Interpled Funds as Receivership Asset. In support of the requested relief, Intervenor shows the Court as follows:

The Official Court Rules of the Seventh Judicial and Twenty-Sixth Administrative Districts, Rule No. 37 state as follows:

B. ...Reply briefs **shall be limited to five (5) pages in length**....(Emphasis added)

D. Any brief filed in violation of this rule **shall not be considered** by the assigned judge and **shall be stricken** from the record. (Emphasis added)

The use of the word "shall" connotes a mandatory duty when it is used in a statute. Comer v. Preferred Risk Mutual Ins. Co., 1999 OK 86, 991 P.2d 1006; O'Carroll v. State, 1998 OK 6, 952 P.2d 45; Klinger v. Thorn Apple Valley, 1999 OK CIV APP 94, 990 P.2d 331; Osprey v.

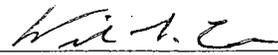
Kelly-Moore Paint Co., 1999 OK 50, 984 P.2d 194.

On June 11, 2015, Intervenor received via electronic mail a copy of Receiver's Reply In Support of Motion to Retain Interpled Funds as Receivership Asset. Receiver's Reply is ten (10) pages in length, double the page limitation allowed for reply briefs pursuant to Local Rule 37. Prior to the filing of their Reply, Receiver did not request, or receive from this Court, leave for additional pages in its Reply. Nor did Receiver consult with, or receive Intervenor's agreement, to exceed the page limitations for reply briefs found in Local Rule 37. Therefore, pursuant to Local Rule 37, Defendants' Reply **shall** not be considered by this Court, and **shall** be stricken from the record.

WHEREFORE, premises considered, Intervenor, Wayne Doyle, prays this Court disregard and strike from the Court's docket Receivers' Reply In Support of Motion to Retain Interpled Funds as Receivership Asset pursuant to Local Rule 37.

RESPECTFULLY SUBMITTED,

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CERTIFICATE OF MAILING

This is to certify that on the ^{15th} day of June, 2015, a true and correct copy of the above and foregoing instrument was mailed, with postage fully prepaid, to:

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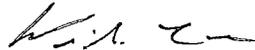
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