

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



In the Matter of:

Colby Younger Ruth (CRD #5093489),

Respondent.

ODS File No. 12-057

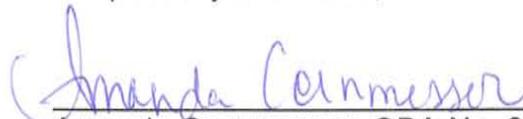
**DEPARTMENT'S MOTION TO EXCLUDE AT HEARING TESTIMONY OF
RESPONDENT'S WITNESSES AND USE OF EXHIBITS**

The Enforcement Division of the Oklahoma Department of Securities ("Department") respectfully alleges and states the following:

1. Respondent failed to participate and/or cooperate in the preparation of the *Scheduling Order* issued on August 6, 2012 in violation of 660:2-9-3(a) of the Rules of the Oklahoma Securities Commission and the Administrator of the Department of Securities ("Rules") (effective July 1, 2007).
2. Respondent has failed to comply with paragraphs 4, 5 and 6 of the *Scheduling Order*.
3. Pursuant to paragraph 4 of the *Scheduling Order*, the parties were required to file preliminary witness lists and preliminary exhibit lists by 5:00 p.m. on August 6, 2012. Respondent failed to file a preliminary witness list and preliminary exhibit list.
4. Pursuant to paragraph 5 of the *Scheduling Order*, the parties were required to file with the Administrator of the Department ("Administrator") final witness and exhibit lists, along with copies of all marked exhibits, before 5:00 p.m. on August 20, 2012. Respondent has failed to file a final witness and exhibit list.
5. Pursuant to paragraph 6 of the *Scheduling Order*, the parties were required to file with the Administrator a statement of their factual and legal contentions before 5:00 p.m. on August 20, 2012. Respondent has failed to file a statement of his factual and legal contentions.

WHEREFORE, based on the *Scheduling Order* and Rule 660:2-9-3(f), the Department respectfully requests an order precluding Respondent from presenting any witnesses or exhibits at hearing.

Respectfully submitted,



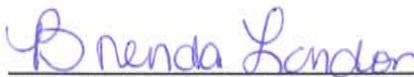
Amanda Cornmesser, OBA No. 20044
Oklahoma Department of Securities
120 North Robinson, Suite 860
Oklahoma City, OK 73102
(405) 280-7700

CERTIFICATE OF SERVICE

The undersigned certifies that on the 29th day of August, 2012, a true and correct copy of the *Department's Motion to Exclude at Hearing Testimony of Respondent's Witnesses and Use of Exhibits* was mailed by first class mail, with postage prepaid thereon, addressed to:

Colby Ruth
12002 Oak Drive
Henryetta, OK 74437

Colby Ruth
16709 La Paloma Lane
Edmond, OK 73013



Brenda London, Paralegal