

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

DEC 18 2024

RICK WARREN
COURT CLERK

112 _____

Oklahoma Department of Securities)
ex rel. Melanie Hall, Administrator,)
)
Plaintiff,)
)
v.)
)
Premier Global Corporation, *et al.*,)
)
Defendants.)

Case No. CJ-2022-5066
Judge Don Andrews

JOURNAL ENTRY OF JUDGMENT

Plaintiff's Motion for Partial Summary Judgment Against Defendant Jay Michael Bogdahn and Brief in Support ("Plaintiff's Motion") came on for hearing before the Court on December 18, 2024. Plaintiff appeared by and through its counsel of record, Patricia A. Labarthe, Shaun M. Mullins, and Bradley E. Davenport. Defendant, Jay Michael Bogdahn, appeared neither by counsel nor *pro se*.

The Court, having reviewed Plaintiff's Motion and the attached supporting documents and evidentiary material, and, being fully advised in the premises, finds that:

1. On May 26, 2023, Plaintiff mailed *Plaintiff's First Set of Requests for Admission, Interrogatories, and Requests for Production of Documents to Defendant, Jay Michael Bogdahn* ("Bogdahn Discovery") to counsel of record for Defendant Bogdahn.

2. The Bogdahn Discovery includes twelve (12) requests for admission ("Requests for Admission"), twenty-eight (28) interrogatories, and twenty-eight (28) requests for production. All of these requests relate to Plaintiff's claims in this lawsuit, as well as Defendant Bogdahn's defenses and/or setoffs thereto.

3. The Bogdahn Discovery responses were due to Plaintiff on Monday, June 28, 2023, by operation of law.

4. On June 22, 2023, Defendant Bogdahn's attorney, Jeanette Timmons ("Counsel"), informed Plaintiff that Defendant Bogdahn had suffered multiple strokes, was currently hospitalized, and unable to respond to the discovery. Counsel requested a sixty (60) day extension to comply. The extension was granted.

5. On August 29, 2023, Counsel for Defendant Bogdahn informed Plaintiff that Defendant Bogdahn continued to recover from his health issues and was unable to respond to the discovery. Counsel requested an additional sixty (60) day extension to comply. The extension was granted to October 23, 2023.

6. No further requests for an extension of time were made by or on behalf of Defendant Bogdahn relative to providing his responses to the Bogdahn Discovery.

7. Defendant Bogdahn has failed to provide Plaintiff with responses to the Bogdahn Discovery despite Plaintiff granting Defendant Bogdahn extensions of time totaling four (4) months beyond the original response deadline, and more than a year having passed since the responses to the Bogdahn Discovery were initially due pursuant to the Oklahoma Discovery Code, and, therefore, all of the matters contained in the Requests for Admission in the Bogdahn Discovery have been deemed admitted and conclusively established by operation of law, specifically 12 O.S. § 3236 (A), as to Defendant Bogdahn.

8. Defendant Bogdahn presented private placement memoranda to Oklahoma residents who became investors in promissory notes of one or more of the following entities: Premier Factoring, LLC; PF-2, LLC; PF-3, LLC; PF-4, LLC; PF-5, LLC; PF-6, LLC; and PF-7, LLC (hereinafter, "PF Entities").

9. Specifically, Defendant Bogdahn offered and sold promissory note investments in one of the PF Entities to each of the following: Jacob Kelln in June 2019 and in December 2019 in the principal amount of \$50,000 on each date; Janet Cosgrave in March 2020 in the principal amount of \$229,527.26; and, Carol Mote in April 2020 in the principal amount of \$50,000.

10. The promissory notes that Defendant Bogdahn offered and sold to investors in Oklahoma as described above were securities.

11. The PF Entities did not register the promissory notes, as securities, with the Oklahoma Department of Securities, nor is there any record of any notice claiming exemption from the requirement for the registration of securities under the Act.

12. Defendant Bogdahn received payment or compensation for each investment in a promissory note of one of the PF Entities that was based on the amount of each such investment for which he was a “loan originator.”

13. Defendant Bogdahn was not registered to offer or sell securities in and/or from Oklahoma under the Act during the Relevant Time Period¹.

14. Defendant Bogdahn did not qualify for an exemption from registration to offer and/or sell securities in and/or from Oklahoma under the Act during the Relevant Time Period.

15. Defendant Bogdahn has not filed a response to Plaintiff’s Motion despite this Court having granted him an extension of time to do so.

16. There exists no genuine issue or dispute of material fact regarding Plaintiff’s Motion seeking partial summary judgment against Defendant, Jay Michael Bogdahn, as to both the First Cause of Action and Second Cause of Action in *Plaintiff’s First Amended Petition for*

¹ The Bogdahn Discovery attached as Exhibit A to Plaintiff’s Motion defines the term “Relevant time period” to mean the calendar years 2018 through 2022. This capitalized term used in ¶ 13 and elsewhere in this Motion refers to that term as defined in the Bogdahn Discovery.

Permanent Injunction and Other Relief pertaining, respectively, to Defendant Bogdahn engaging in the offer and/or sale of unregistered securities in violation of Section 1-301 of the Oklahoma Uniform Securities Act of 2004, Okla. Stat. tit. 71, §§ 1-101 through 1-701 (2023) (“Act”), and for having acted as an unregistered agent in violation of Section 1-402 of the Act.

IT IS THEREFORE ORDERED, ADJUDGED, AND DECREED that Plaintiff’s Motion is *GRANTED* and partial summary judgment is entered in favor of Plaintiff and against Defendant, Jay Michael Bogdahn, as to both the First Cause of Action and Second Cause of Action in *Plaintiff’s First Amended Petition for Permanent Injunction and Other Relief*, respectively, finding Defendant Bogdahn liable for engaging in the offer and sale of unregistered securities in violation of Section 1-301 of the Oklahoma Uniform Securities Act of 2004, Okla. Stat. tit. 71, §§ 1-101 through 1-701 (2023) (“Act”), and for having acted as an unregistered agent in violation of Section 1-402 of the Act.

IT IS FURTHER ORDERED, ADJUDGED, AND DECREED that, pursuant to Section 1-603(B) of the Act, Defendant, Jay Michael Bogdahn, is permanently enjoined from transacting business in and/or from the state of Oklahoma as an issuer, issuer agent, broker-dealer, broker-dealer agent, investment adviser, and/or investment adviser representative, and from otherwise offering and/or selling securities in and/or from the state of Oklahoma.

IT IS FURTHER ORDERED, ADJUDGED, AND DECREED that, pursuant to Section 1-603(B) of the Act, Defendant, Jay Michael Bogdahn, pay a civil penalty in the amount of \$250,000 to the “Oklahoma Department of Securities Investor Education Revolving Fund” and mailed to 204 North Robinson Avenue, Suite 400, Oklahoma City, OK 73102.

Dated: December 18, 2024.

JUDGE OF THE DISTRICT COURT

DON ANDREWS

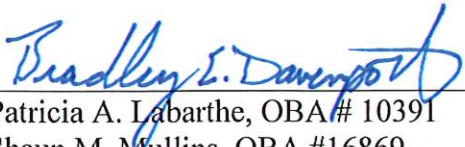
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DEC 18 2024

RICK WARREN COURT CLERK
Oklahoma County

Rick Warren

APPROVED:



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OKLAHOMA DEPARTMENT OF SECURITIES
204 North Robinson, Suite 400
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IMI
\$000.69⁰
12/18/2024 ZIP 73102
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US POSTAGE

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191409 East County Road 44
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Jay Bogdahn
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21-005

VERIFIED MAIL



OKLAHOMA DEPARTMENT OF SECURITIES
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Oklahoma City, Oklahoma 73102

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21-005

BD 21-005 JEF Judgment

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- Print your name and address on the reverse so that we can return the card to you.
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 Fargo, OK 73840



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A. Signature

X *Jay Bogdahn* Agent
 Addressee

B. Received by (Printed Name)

Jay Bogdahn

C. Date of Delivery

01-02-2025

D. Is delivery address different from item 1? Yes
 If YES, enter delivery address below: No

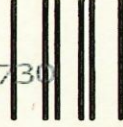
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