

IN THE DISTRICT COURT OF OKLAHOMA COUNTY MAY 29 2024  
STATE OF OKLAHOMA

RICK WARREN  
COURT CLERK  
36 \_\_\_\_\_

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

**REPLY TO DEFENDANT RICHARD DALE DEAN AND DDIA’S RESPONSE IN  
OBJECTION TO PLAINTIFF’S MOTION TO STRIKE CROSS-CLAIM OF  
DEFENDANT DDI ADVISORY GROUP, LLC**

Plaintiff, Oklahoma Department of Securities, *ex rel.* Melanie Hall (“Plaintiff”), respectfully submits this *Reply to Defendant Richard Dale Dean and DDIA’s Response in Objection to Plaintiff’s Motion to Strike Cross-Claim of Defendant DDI Advisory Group, LLC* (“*Reply to Objection to Plaintiff’s Motion to Strike Cross-Claim*”) and states as follows:

**I. DEFENDANT RICHARD DALE DEAN HAS FILED NO CROSS-CLAIM**

On April 4, 2024, DDIA filed the *Answer of Defendants Richard Dale Dean and DDI Advisory Group, LLC to Plaintiff’s First Amended Petition* [Answer of Dean and DDIA] and *Defendant DDI Advisory Group, LLC’s Cross-Claim Against Defendant Steve J. Parish* [Cross-Claim of DDIA]. Notably, the *Answer of Dean and DDIA* was filed on behalf of Defendants Richard Dale Dean (“Dean”) and DDI Advisory Group, LLC (“DDIA”) but the sole cross-claim was the *Cross-Claim of DDIA*. Dean never asserted a cross-claim.

On April 29, 2024, Plaintiff filed its *Motion to Strike Cross-Claim of Defendant DDI Advisory Group, LLC* (“*Motion to Strike Cross-Claim*”). On May 7, 2024, the Receiver filed the *Receiver’s Joinder to ODS’ Motion to Strike Cross-Claim of Defendant DDI and Request to Stay any Response Deadlines Until Such Motion has been Resolved*.

Surprisingly, on May 21, 2024, a *Response of Defendants Richard Dale Dean and DDIA in Objection to Plaintiff's Motion to Strike Cross-Claim and the Receiver's Joinder to Plaintiff's Motion to Strike Cross-Claim* (“*Dean and DDIA Response*”) was filed. Included in the *Dean and DDIA Response*, Dean responded to the *Motion to Strike Cross-Claim* and advocated for his own cross-claim despite ever having filed or asserted a cross-claim. Plaintiff asks the Court to deny any purported cross-claim of Dean.

## **II. NO CROSS-CLAIM HAS BEEN FILED AGAINST PREMIER GLOBAL**

The *Cross-Claim of DDIA* alleges DDIA’s causes of action exclusively against Steve J. Parish (“Parish”). The *Cross-Claim of DDIA* claims breach of fiduciary duty, breach of contract, fraud/false representation, and nondisclosure or concealment. The *Cross-Claim of DDIA* seeks relief from Parish in the nature of damages, punitive damages, costs, interest, attorney fees, and other relief. However, the *Dean and DDIA Response* references a cross-claim against Premier Global never asserted in the *Cross-Claim of DDIA*. Plaintiff requests the Court deny any purported cross-claim against Premier Global Corporation.

## **III. DDIA FAILED TO SEEK LEAVE OF COURT TO LIFT STAY TO PURSUE CROSS-CLAIM AGAINST PARISH AS REQUIRED BY THE RECEIVERSHIP ORDER**

The *Order Appointing Receiver* clearly prohibits, without leave of court, any cross-claim. As the courts found in *Liberte Capital Group, LLC v. Capwill*, 462 F.3d 543, 551 (6th Cir. 2006) and in *SEC v. Vescor Capital Corp.*, 599 F.3d 1189 (10<sup>th</sup> Cir. 2010), the receiver’s focus is to safeguard the assets, administer the property, and assist the district court in achieving a final, equitable distribution of the assets. Therefore, the *Order Appointing Receiver* stays and restrains all persons seeking money, damages, lien enforcement, or other relief from

Parish, who is a Receivership Defendant, and all others acting on behalf of any person, from doing **any act or thing**:

1. to interfere with the Receiver or to the possession of or management by the Receiver of the Assets, or
2. to interfere in any manner during the pendency of this proceeding with the exclusive jurisdiction of this Court over the Receivership Entities.

Especially in a case involving a Ponzi scheme, the interests of the receiver are “very broad and include not only protection of the receivership *res*, but also protection of defrauded investors and considerations of judicial economy.” *SEC v. Universal Financial*, 760 F.2d 1034, 1038 (9<sup>th</sup> Cir. 1985); *SEC v. Wencke*, 622 F.2d 1363, 1372-3 (9<sup>th</sup> Cir. 1980).

This is the reason that the *Order Appointing Receiver* mandates the court grant leave to any person before any action may be injected into the receivership. These serious considerations are necessary to ensure that the Court prevents the acts of interference described in the *Order Appointing Receiver* that can divert the receiver’s time and attention from its court ordered obligations. The equally necessary justification for the court ordered stay is the mechanism by which the Court can deflect the continuing losses to the already devastated victims of the securities law violations.

The *Cross-Claim of DDIA* raises a statute of limitations issue as justification for the claim. However, that does not: (1) excuse them from complying with the requirement to seek relief from the stay; and (2) permit them to assert that claim in a regulatory enforcement action. Otherwise, all defendants in any regulatory action would be able to use these arguments to impede and delay the public interest that is focus of regulatory actions.

DDIA did not file an application seeking leave of Court to lift the stay to bring an action during the pendency of this receivership. Thus, the filing of any cross-claim, absent such leave of Court, violates the stay and injunction ordered by this Court. Thus, the *Cross-Claim of DDIA* should be stricken.

#### **IV. CROSS-CLAIMS ARE IMPROPER IN REGULATORY ENFORCEMENT ACTIONS**

Courts routinely reject attempts to interpose cross-claims in government enforcement actions. *Federal Trade Commission v. Green Equitable Solutions*, 2023 WL 7107273 (U.S.D.C. C.D. CA 2023). Where suit is brought by the government to enforce the law, public policy militates against allowing the inclusion of private claims that inevitably cause delay, confusion, and complexity. *SEC v. Everest Management Corp.*, 475 F.2d 1236 (2d Cir. 1972); *SEC v. National Student Marketing Corp.*, 59 F.R.D. 305, 307 (D.D.C. 1973); *SEC v. Trans Jersey Bancorp.*, 1976 WL 855 (D.N.J. 1976); *United States v. American Society of Composers, Authors and Publishers*, 11 F.R.D. 511, 513 (S.D.N.Y. 1951).

The *Cross-Claim of DDIA* argues that Plaintiff admits that there are facts common to the Amended Petition and the “cross claims”. (Plaintiff knows of only one cross-claim filed in this case and that is the *Cross-Claim of DDIA*). Instead, Plaintiff detailed the distinct claims of liability alleged by DDIA and the remedies sought by DDIA that each go substantially beyond the claims of Plaintiff and the relief sought in the *Amended Petition*. The proof necessary to sustain each claim was different as well. In support of these distinctions, Plaintiff cited *SEC v. National Student Marketing Corp.*, 59 F.R.D. 305, 307 (D.D.C. 1973), where the court, in dismissing the cross-claims, found, like here, that the cross-claims went well beyond the SEC’s allegations by introducing theories of contract, tort and corporate law. DDIA’s

private theories of recovery and redress conflict completely with those of the *Amended Petition*.

This case is a government enforcement action taken for the benefit of the public who have lost tens of millions of dollars. DDIA, in its private interest, seeks to air its private grievances against another party leading to the detriment of the public interest. The unnecessary or potentially prolonged litigation arising from a cross-claim would impede the public mission of the Plaintiff's agency.

### CONCLUSION

In light of the foregoing, Plaintiff urges the Court to grant the *Motion to Strike Cross-Claim* for the reasons asserted.

Respectfully submitted,

OKLAHOMA DEPARTMENT OF SECURITIES  
Melanie Hall, Administrator

By: Patricia A. Labarthe  
Patricia A. Labarthe, OBA #10391  
Shaun Mullins, OBA #16869  
Brad Davenport, OBA #18687  
Oklahoma Department of Securities  
204 North Robinson, Suite 400  
Oklahoma City, Oklahoma 73102  
Telephone (405) 280-7700  
Fax (405) 280-7742  
Email: plabarthe@securities.ok.gov  
smullins@securities.ok.gov  
bdavenport@securities.ok.gov  
*Attorneys for the Plaintiff*

CERTIFICATE OF SERVICE

I hereby certify that on the 29<sup>th</sup> day of May 2024, a true and correct copy of the above and foregoing instrument was delivered via First Class U.S. mail, with postage fully prepaid thereon, to:

Rollin Nash, Jr.  
Dennis S. Boxeur  
Bryan C. Dixon  
NASH COHENOUR & GIESSMAN, P.C.  
4101 Perimeter Center Dr., Ste. 200  
Oklahoma City, OK 73112  
Email: dboxuer@nashfirm.com  
bdixon@nashfirm.com  
rnash@nashfirm.com  
*Attorneys for Defendants Elkins & Assoc., Inc.  
and Clyde Edward Elkins*

Justin Williams  
OVERMAN LEGAL GROUP, P.L.C  
809 N.W. 36<sup>TH</sup> St.  
Oklahoma City, OK 73118  
Email: justinwilliams@overmanlegal.com  
*Attorney for Defendants Joshua Dane Owen  
and Premier Marketing Management*

Hilary Allen  
SPENCER FANE, LLP  
9400 N. Broadway Ext., Ste. 600  
Oklahoma City, OK 73114  
Email: hallen@spencerfane.com  
*Attorney for Receiver, Eric Johnson*

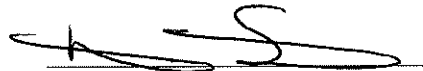
Eric Johnson  
SPENCER FANE, LLP  
1000 Walnut, Ste. 1400  
Kansas City, MO 64106  
Email: ejohnson@spencerfane.com  
*Receiver*

Tara A. LaClair  
Mary H. Tolbert  
Aimee Majoue  
STEPTOE & JOHNSON, PLLC  
210 Park Avenue, Suite 2300  
Oklahoma City, OK 73102  
Email: tara.laclair@steptoe-johnson.com  
molly.tolbert@steptoe-johnson.com  
aimee.majoue@steptoe-johnson.com  
*Attorneys for Defendants DDI Advisory  
Group and Richard Dale Dean*

Shawn D. Twing  
5005 Lexington Square  
Amarillo, TX 79109  
Email: stwing@mhba.com  
*Attorney for interested party,  
Life Investors Management Company,  
LLC*

J. Clay Christensen  
Jonathon M. Miles  
Brock Z. Pittman  
Lisa M. Molsbee  
CHRISTENSEN LAW GROUP, P.L.L.C.  
The Parkway Bldg.  
3401 N.W. 63rd St., Ste. 600  
Oklahoma City, OK 73116  
Email: clay@christensenlawgroup.com  
jon@christensenlawgroup.com  
brock@christensenlawgroup.com  
lisa@christensenlawgroup.com

*Attorneys for Defendants J & H Holdings, LLC, Kyle Blackburn, Mitzimack, Inc., Erika  
Greggs, James Scott Stanley, Edmond Brokerage, Inc., Brent Lee Worley, Byron Kent  
Freeman, and Karen Lynne Freeman*



Michelle L. Statham





OKLAHOMA DEPARTMENT OF SECURITIES  
204 North Robinson, Suite 400  
Oklahoma City, Oklahoma 73102



quodient  
FIRST-CLASS MAIL  
IMI  
**\$000.64**  
05/29/2024 ZIP 73102  
043M31248827

US POSTAGE

Rollin Nash, Jr., Dennis S. Boxeur,  
Bryan C. Dixon  
NASH COHENOUR & GIESSMAN, P.C.  
4101 Perimeter Center Dr., Ste. 200  
Oklahoma City, OK 73112

21-005

OKLAHOMA DEPARTMENT OF SECURITIES  
204 North Robinson, Suite 400  
Oklahoma City, Oklahoma 73102



quodient  
FIRST-CLASS MAIL  
IMI  
**\$000.64**  
05/29/2024 ZIP 73102  
043M31248827

US POSTAGE

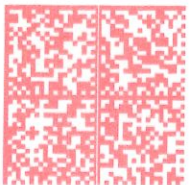
Eric Johnson, Receiver  
SPENCER FANE, LLP  
1000 Walnut, Ste. 1400  
Kansas City, MO 64106

21-005

**OKLAHOMA DEPARTMENT OF SECURITIES**

204 North Robinson, Suite 400  
Oklahoma City, Oklahoma 73102

Shawn D. Twing  
5005 Lexington Square  
Amarillo, TX 79109



quodient  
FIRST-CLASS MAIL  
IMI  
**\$000.64**  
05/29/2024 ZIP 73102  
043M31248827

**US POSTAGE**

21-005

**OKLAHOMA DEPARTMENT OF SECURITIES**

204 North Robinson, Suite 400  
Oklahoma City, Oklahoma 73102

Justin Williams  
OVERMAN LEGAL GROUP, P.L.L.C  
809 N.W. 36<sup>th</sup> St.  
Oklahoma City, OK 73118



quodient  
FIRST-CLASS MAIL  
IMI  
**\$000.64**  
05/29/2024 ZIP 73102  
043M31248827

**US POSTAGE**

21-005

**OKLAHOMA DEPARTMENT OF SECURITIES**  
204 North Robinson, Suite 400  
Oklahoma City, Oklahoma 73102

Tara A. LaClair  
Mary H. Tolbert  
Aimee Majoue  
STEPTOE & JOHNSON, PLLC  
101 N. Robinson Ave., Ste 500  
Oklahoma City, OK 73102



quodient  
FIRST-CLASS MAIL  
IMI  
**\$000.64**<sup>®</sup>  
06/29/2024 ZIP 73102  
043M31248827

**US POSTAGE**

21-005