



Handwritten initials

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

DISTRICT COURT 16 OCT 19 PM 3:02

IN RE THE MARRIAGE OF **FILED**

[Redacted]

OCT 19 2016
Petitioner,

Case No. [Redacted]

and

[Redacted]

SALLY HOWE SMITH, COURT CLERK
STATE OF OKLA. TULSA COUNTY

ATTORNEYS LIEN CLAIMED

Respondent.

MOTION TO COMPEL DISCOVERY RESPONSES

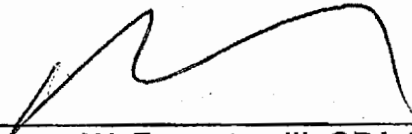
COMES NOW, the Petitioner, [Redacted] by and through her attorneys of record, James W. Feamster, III and Adam P. Carroll, with the law firm of Feamster & Carroll, PLLC., and moves the Court to compel the Respondent to produce his responses to the First Discovery Requests to Respondent. In support of her motion she states the following:

1. That the court should order Respondent to provide his responses to the First Discovery Requests to Respondent that were mailed to him on August 12, 2016 and received by Respondent's counsel via certified mail on August 18, 2016. See attached Exhibit A.
2. That Respondent did not produce the bank statements that were requested in Request for Production of No. 1.
3. That Respondent did not produce his military retirement documents for Request for Production No. 7.
4. That Respondent is represented by counsel and he has refused to comply with the requests by not providing the above mentioned Requests for Production.
5. That unless this court intervenes, Respondent will continue to avoid such request from counsel.
6. That Petitioner's counsel has conferred in good faith with Respondent's counsel Katherine Lewis, on October 6, 2016 via telephone, and Respondent has refused to comply with the requests.
7. Petitioner should be awarded her attorney fees and costs associated with bringing this motion pursuant to 12 O.S. §3237.

WHEREFORE, premises considered, Petitioner respectfully requests that this Court



compel Respondent to produce his responses to the Request for Production. In addition, the Petitioner requests that this Court grant her the costs of bringing this motion, together with a reasonable attorney fee.

Respectfully Submitted by:



James W. Feamster, III, OBA #2848
Adam P. Carroll, OBA #19770
Feamster & Carroll, P.L.L.C.
35 E. 18th Street
Tulsa, OK 74119
(918) 712-2686 Telephone
(918) 712-9222 Facsimile
Attorney for Petitioner

Verification

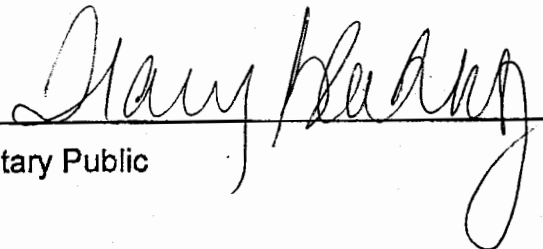
State of Oklahoma, County of Tulsa, ss:

 of lawful age and being first duly sworn upon oath, states: I am
 Petitioner above named. I have read the foregoing instrument and state that all statements contained therein are true and correct.



Subscribed and sworn to before me on ^{October} ~~September~~ 17, 2016, by 
Petitioner above named.

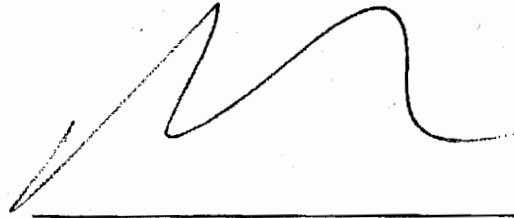
My Commission Expires 10/17/2016
Notary Public
TRACY BLANKNEY
Commission # _____


Notary Public

Certificate of Delivery

On ^{Oct} ~~September~~ 14, 2016, I mailed, postage prepaid, by First Class U.S. Mail, a true copy of the foregoing instrument to:

Katherine Lewis
8801 S. Yale Ave., Ste. 250
Tulsa, Oklahoma 74137



James W. Feamster, III

Adam P. Carroll

IN THE DISTRICT COURT IN AND FOR TULSA COUNTY

STATE OF OKLAHOMA

IN RE THE MARRIAGE OF)

[REDACTED])

Petitioner,)

and)

[REDACTED])

Respondent.)

Case No. [REDACTED]

ATTORNEYS LIEN CLAIMED

FIRST DISCOVERY REQUESTS TO RESPONDENT

Pursuant to the Oklahoma Discovery Code, 12 O.S. §3224 et seq., Petitioner submits the following discovery requests to Respondent. As used herein, the term "you" or "your" includes you personally and, additionally, any agent, attorney, accountant, consultant or other person acting or purporting to act for you or on your behalf, whether now or formerly. "Communication" includes any contact, oral, written, electronic or otherwise, by which information is conveyed and includes e-mail transmitted electronically, memoranda referring or relating to oral or other communication, whether made before, during or after such communication occurred.

In the event that privilege (including work product) is claimed concerning any question or request made herein, please describe the nature of the privilege claimed; provide the name of the person with whom such privilege is claimed; describe the information sufficiently to identify and explain the basis for the privilege claimed; and if a document is claimed to be privileged state the present location of the same and the names, addresses and telephone number of each person who has seen the document before the date of these discovery requests.

Upon your attorney's request stating that he/she will reciprocate this offer as to your own written discovery requests to Petitioner, a digital version of these discovery requests will be provided to your counsel by e-mail to facilitate your responses as a professional courtesy and to minimize activity needed to respond to each party's discovery requests.

INTERROGATORIES

Pursuant to 12 O.S. §3233, Petitioner submits the following written Interrogatories to Respondent, to be answered by Respondent in writing and under oath, with a copy supplied to Petitioner's undersigned attorney within thirty (30) days following your receipt of the same.

Interrogatory No. 1. What is the last date that you and Petitioner resided in the same dwelling?

Interrogatory No. 2. Identify and explain fully each and every parenting trait that each parent has and exhibits in his/her parenting of your minor child as to:

- A. Desirable (good) parenting traits;
- B. Undesirable (bad) parenting traits; and
- C. Give examples of each desirable and/or undesirable parenting trait that you identify for each parent.

Interrogatory No. 3. Have your actions or inactions ever caused any minor person (whether or not your child) to be physically injured in any way, including but not limited to bruises, cuts, broken bones or any other physical injury? If your answer is in the affirmative, state the name, address and telephone number of each such person and describe fully by date and description what physical injury occurred.

Interrogatory No. 4. Do you think that your child is developing at satisfactory levels concerning her:

- A. Social development;
- B. Intellectual development; and
- C. Moral development?
- D. If your answer to any above subparagraph is in the negative, identify the subparagraph (A, B, and/or C) and state all your reasons for your thought that such development is not satisfactory, and state all your reasons for the cause of such unsatisfactory development.

Interrogatory No. 5. Do you think that any physical health issues of your child are relevant to the pending litigation? If your answer is in the affirmative, explain fully your reasons for your opinion and give examples of each physical health item you identify.

Interrogatory No. 6. Have you ever been arrested for any public offense (other than parking violations)? If so, identify each such arrest by:

- A. Date;
- B. Offense for which you were subsequently charged (if any);
- C. Case information (name of court and case number), your final plea to such charges (e.g., guilty, nolo contendere, not guilty);
- D. Disposition of each such charge (e.g., dismissed, guilty, innocent) and the sentence imposed; and
- E. If you are presently on probation for any such item, identify the name, address and phone number of your probation officer.

Interrogatory No. 7. Concerning alcohol and/or drug (prescription or non-prescription) use and/or abuse, for each of you and your ex-spouse, answer the following, if you know or think you know:

- A. Have either you or your ex-spouse consumed alcohol on more than two days per week during the past twelve months? If your answer is in the affirmative, identify (1) Which spouse (or both); (2) Name of alcohol types consumed (e.g., bourbon, beer, etc.); (3) Whether such consumption ever resulted in intoxication, and, if so, when; (4) Whether any public offenses resulted from the same, e.g., public drunk, driving while intoxicated, driving while impaired; and (5) Whether the same ever occurred in the presence of your child, and, if so, the actual or approximate date for each such occasion.

- B. Have either you or your ex-spouse used any prescription drugs in any inappropriate manner during the past twelve months? If your answer is in the affirmative, identify (1) Which spouse (or both); (2) Name of medication; (3) Whether such use caused any impairment of your/your ex-spouse's abilities; (4) Whether any public offenses resulted from the same; and (5) Whether the same ever occurred in the presence of your child.
- C. Have either you or your ex-spouse used any illegal drug during the past twelve months? If your answer is in the affirmative, identify (1) Which spouse (or both); (2) Name of drug (e.g., marijuana); (3) Whether such use caused any impairment of your/your ex-spouse's abilities; (4) Whether any public offenses resulted from the same; and (5) Whether the same ever occurred in the presence of your minor child.

Interrogatory No. 8. Concerning mental health treatment and/or conditions for you, your ex-spouse, and/or your minor child during the past three (3) years (including but not limited to counseling sessions with any licensed mental health care provider, e.g., psychiatrists, psychologist, licensed professional counselors, etc.), answer the following:

- A. Name of person that has had treatment for any mental health condition;
- B. Name, address and phone number of the mental health professional(s) who provided mental health care;
- C. Each date that such mental health care was provided; and
- D. State your opinion as to the relevance of any of the foregoing as to any issues before the Court.

Interrogatory No. 9. Do you think that your minor child has a preference as to either custody or visitation in this case? If so:

- A. Identify what you think your child's preferences are;
- B. State your opinion as to how you think such preferences should be valued by the Court in making its decision (e.g., should be absolutely be followed, should not be followed, or any other description of your choosing).

Interrogatory No. 10. Do you think that either parent's physical, emotional, residential and/or employment stability is important in the custody decision to be made by the Court? If your answer is in the affirmative, explain your opinion in detail.

Interrogatory No. 11. Other than what you have said in answering other interrogatories, above, do you have any other reason that you want the Court to consider in deciding with which parent custody should be awarded? If your answer is in the affirmative, identify each such reason and explain it fully, giving examples.

Interrogatory No. 12. Describe in detail the amounts and names of any annuities, stock purchase options, profit sharing, retirement and/or pension fund plans or interests of any type in which you have any right, title, claim or interest, whether vested or unvested. If you claim that any such interest or any portion thereof is your separate property and is not part of the marital estate, so state and explain your reasons for such claim.

Interrogatory No. 13. List the names, addresses, telephone numbers and account numbers of all financial institutions or depositories in which you have had any safe deposit box, account or interest in any account whether as an owner or signatory or in which you have made any deposit during the past three years and identify whether each such account is open or closed, and, if closed, the date of closing.

Interrogatory No. 14. List each insurance policy of any type that you are either the insured, the owner and/or a beneficiary, including but not limited to life, health, fire and casualty, income protection, personal property, or other type of insurance. For each such policy by company name, address, phone number, and policy number, and the type of insurance. If any policy has any cash or loan value, state the amount of the same. For each health (including but not limited to medical, hospitalization, dental, etc.) insurance policy, state the monthly (or other periodic) premium amount and state the premium amount were you the only person insured.

Interrogatory No. 15. List all items of personal property, including but not limited to vehicles, works of art, furniture, jewelry, equipment, furniture, etc. in which you claim any interest which may have a fair market value of \$50.00 or more and as to each such item state the date the property was acquired, its original purchase price, your opinion of its present fair market value and whether you claim the item is separate or marital property, and, if separate property, of which spouse.

Interrogatory No. 16. Other than that property and debt which you may have above identified as the separate property and/or debt of either you or your spouse, list here with particularity each item of property or interest in property and/or debt that you claim to be the separate property and/or debt of either you or your spouse, including a description and location of each such item, its owner, the date of acquisition (or, for debts, the date of incurrence), the manner of acquisition (or incurrence) (e.g., purchase, gift, etc.), its purchase price (if a debt, the original amount of the debt), and its present fair market value (if a debt, the present unpaid balance).

Interrogatory No. 17. State the amount of all of your gross receipts (from income, gift or any other type of receipt) for each of the calendar years of 2013, 2014, 2015, and 2016 and state the name, address and telephone number of the source of each such item of receipt. For your 2016 receipts, itemize each deduction (if any) from any income source by name and amount (e.g., federal income tax, \$250.00; state income tax, \$50.00; etc.). For your current employment (if any), state the frequency of your pay, e.g., weekly, monthly, every two weeks, twice a month.

Interrogatory No. 18. For purposes of this question, a "job" is defined as work which is intended to produce income and includes self-employment, independent contracting, ordinary employment, and/or any other form or method of attempting to earn income.

- A. Identify all jobs you have had during your marriage to Petitioner.
- B. For each job, state the name, address, and phone number of each income source (e.g., your employer and/or those for whom you may have been an independent contractor, etc.).
- C. For each such job, state the beginning and ending dates, your position and/or the type of work you performed, and, other than your current job (if any), the reason that such employment was concluded.

Interrogatory No. 19. During either the past twelve (12) months or during the next twelve (12) months, have you received or do you expect to receive any property by inheritance, bequest or other means by reason of the death of any person? If your answer is yes, identify such decedent by name, date of death, place of death, court and case number if any probate or other court proceeding has been commenced from which your interest has or may derive, state the name, address and telephone number of such decedent's personal representative, if any, and fully describe the property you either have received or expect to receive within the stated time.

Interrogatory No. 20. Please itemize and list each item of your living or other types of expenses for the last twelve (12) month period of time and the total amount paid for each item over that same period of time. If any item in your current monthly expenses is different than the item for its twelve month average, identify each such item and state the current monthly amount you pay for each such item.

Interrogatory No. 21. Have you or any person on your behalf (other than your attorneys) made any computer files which contain financial and/or personal information during the last twelve (12) months? If so, identify the computer software program used to make each such file (e.g., Microsoft Word, WordPerfect, Quicken, Excel, etc.) used and identify each and all computers and storage media (e.g., floppy disks, compact disks, tape backups) whereon/wherein such files are located.

Interrogatory No. 22. Have you kept any diaries, journals, calendars or other written record of any events which occurred during the past twelve (12) months? If your answer is yes, state the name, address and telephone number of each person who has or has had the original or a copy of each such document.

Interrogatory No. 23. Have you communicated to or received any communication from any person by e-mail concerning any issue involved in this litigation during the last twelve (12) months? If your answer is in the affirmative, identify the name, address and telephone number of each such person, and identify the date and content of each such communication, and whether you have all such communications on a computer in your possession or control or in a storage disk or tape backup which is in your possession or control.

Interrogatory No. 24. Have you (or someone on your behalf) submitted a financial statement and/or loan application to any bank, credit union or other person or legal entity within the past five years? If your answer is yes, state the name, address and telephone number of each such person or legal entity and the date you submitted the document.

Interrogatory No. 25. Have you or any person on your behalf recorded any conversation or action in which Petitioner was a participant by audio or video tape or other digital means? If your answer is yes, state the name, address and telephone number of each person who has or has had the original or a copy of each such recording and state the date that each such recording was made.

REQUESTS FOR PRODUCTION

Pursuant to 12 O.S. §3234, Petitioner requests that Respondent produce for Petitioner's inspecting and copying, at the office of Petitioner's undersigned attorney, within thirty (30) days following your receipt of these requests, the following:

Request for Production No. 1. Produce originals or complete copies of all records, including all statements, deposit slips and canceled checks or other written withdrawals for every

depository account of any type (e.g., checking, savings, IRA, etc.) in any bank, savings and loan, credit union or other depository during the past twelve (12) months for every account into which you have made any deposit or withdrawal or in which you have any interest.

Request for Production No. 2. Produce or make available for copying all computer files stored in any computer or on computer disk which you or another person for you has made for you during the past twelve (12) months which contain any of your banking transactions, debt transactions, property inventory or other financial or property information.

Request for Production No. 3. Produce copies of all credit card statements which you have in your possession or control which reflect all charges and payments for each such account during the past twelve (12) months for any and all credit card accounts either in your name and/or Petitioner's name.

Request for Production No. 4. Produce copies of all documents which reflect income earned by you during the past twelve (12) months, including but not limited to pay check memoranda or other documents reflecting income received by you.

Request for Production No. 5. Produce copies of all deeds, titles, contracts for deed, contracts to purchase or other documents of ownership for all surface or mineral real property interests, including cemetery lots, all titled personal property, including automobiles, boats and other vehicles for any item of real and/or personal property in which you claim any right, title or interest.

Request for Production No. 6. Produce copies of all financial statements prepared by you or by any other person on your behalf during the past three (3) years, including but not limited to documents submitted to any bank or other financial institution and including all documents submitted to any financial institution for the purpose of applying for or obtaining credit or loan.

Request for Production No. 7. Produce copies of all documents which describe any and all type and form of retirement, pension or deferred income interest in which you have any vested or unvested interest, including but not limited to employer retirement plans or accounts, profit sharing accounts, stock purchase options, 401K, KEOUGH, IRA or other type of such interest. Produce copies of all documents which describe the value of any such interest during the past twelve (12) months.

Request for Production No. 8. Produce copies of all documents which reflect any interest you have or have had within the past twelve (12) months in any securities or securities accounts, including but not limited to stock certificates, bonds, mutual funds, brokerage accounts or other interest in securities and/or commercial paper.

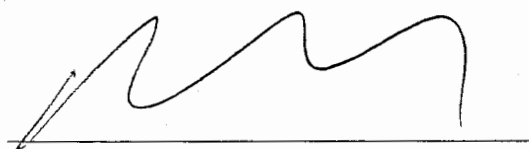
Request for Production No. 9. Produce complete copies of all business and/or personal income, sales or other tax returns signed by you during the past five (5) years and produce copies of all correspondence and/or tax liens received by you during the past five (5) years from any governmental taxing authority.

Request for Production No. 10. Produce copies of all personal diaries, journals, calendars or other notes or memoranda which are descriptive of any activity, speech, event or conduct of either you or of Petitioner which was written during the past twelve (12) months.

Request for Production No. 11. Produce copies of all written or electronically transmitted messages, letters, cards or other communications which you have sent to or received from any person during the last twelve (12) months.

Request for Production No. 12. Produce unedited copies of all E-mail messages which you have sent or received during the past twelve (12) months. If you claim that you have not kept the same on your computer but have deleted some of all such messages, produce a list of names of all persons (including corporations, etc.) that you have either sent or received E-mail from, including names, addresses, e-mail addresses and telephone numbers.

Dated August 12, 2016.

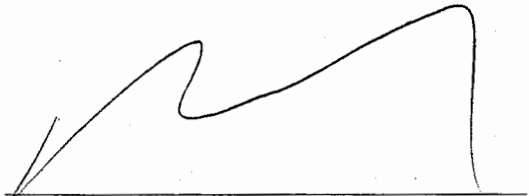


James W. Feamster, III OBA #2848
Adam P. Carroll, OBA#19770
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35 East 18th St.
Tulsa, Oklahoma 74119
Telephone (918) 712-2686
Fax (918) 712-9222
Attorney for Petitioner

Certificate of Delivery

On August 12, 2016, I mailed, postage prepaid, by First Class U.S. Mail, a true copy of the foregoing instrument to:

Katherine Lewis
8801 S. Yale Ave., Ste. 250
Tulsa, Oklahoma 74137



James W. Feamster, III
Adam P. Carroll

SENT COMPLETE THIS SECTION	COMPLETE THIS SECTION ON DELIVERY
<ul style="list-style-type: none"> Complete items 1, 2, and 3. Also complete item 4 if Restricted Delivery is desired. Print your name and address on the reverse so that we can return the card to you. Attach this card to the back of the mailpiece, or on the front if space permits. 	<p>A. Signature <input checked="" type="checkbox"/> Agent <input type="checkbox"/> Addressee <i>Lee-Anne Stark</i></p> <p>B. Received by (Printed Name) <input type="checkbox"/> Date of Delivery <i>Lee-Anne Stark 8/18</i></p> <p>C. Date of Delivery</p>
<p>1. Article Addressed to:</p> <p><i>Katherine Lewis 8801 S. Yale Ave. Apt. 250 Tulsa, OK 74137</i></p>	<p>D. Is delivery address different from item 1? <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No If YES, enter delivery address below:</p> <p>3. Service Type <input checked="" type="checkbox"/> Certified Mail <input type="checkbox"/> Express Mail <input type="checkbox"/> Registered <input checked="" type="checkbox"/> Return Receipt for Merchandise <input type="checkbox"/> Insured Mail <input type="checkbox"/> C.O.D.</p> <p>4. Restricted Delivery? (Extra Fee) <input type="checkbox"/> Yes</p>
<p>2. Article Number (Transfer from service label) 7012 2920 0002 3928 1075</p>	
<p>PS Form 3811, February 2004 Domestic Return Receipt 102595-02-M-1540</p>	

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7012 2920 0002 3928 1075

Sent To <i>Katherine Lewis</i>	
Street, Apt. No. or PO Box No. <i>8801 S. Yale Ave. Apt. 250</i>	
City, State, ZIP <i>Tulsa, OK 74137</i>	

PS Form 3800, August 2006 See Reverse for Instructions