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IN THE DISTRICT COURT OF TULSA COUNTY
STATE OF OKLAHOMA

2017 APR -5 PM 2:32

DISTRICT COURT
FILED
APR 05 2017

DON NEWBERRY, Court Clerk
STATE OF OKLA. TULSA COUNTY

IN RE THE MARRIAGE OF:)
)
 [REDACTED])
 Petitioner,)
 AND)
)
 [REDACTED])
 Respondent.)

DON NEWBERRY
COURT CLERK
Case No. [REDACTED]

[REDACTED]

RESPONDENT'S MOTION TO COMPEL PETITIONER'S DISCOVERY RESPONSES

COMES NOW Respondent [REDACTED] pursuant to OKLA. STAT. tit. 12, §3237, and moves this Court to compel Petitioner [REDACTED] to fully respond to *Respondent's First Discovery Requests to Petitioner*. In support of this Motion, Respondent alleges and states as follows:

1. On September 8, 2016, Respondent's Counsel mailed via facsimile and regular mail to Petitioner's Counsel *Respondent's First Discovery Requests to Petitioner* (hereinafter, "Respondent's discovery requests"). See Exhibits A, B, and C attached hereto.
2. On October 6, 2016, Petitioner's Counsel sent *Petitioner's Responses to Requests for Admissions* to Respondent's Counsel.
3. To date, Petitioner has failed to provide responses to the interrogatories and requests for production of documents.
4. The requested discovery is necessary for Petitioner to adequately prepare for settlement negotiations and trial on this matter.
5. Respondent's Counsel has conferred with Petitioner's Counsel in good faith via email and in person to attempt to obtain responses without seeking court relief.
6. Respondent requests that this Court enter an Order compelling Petitioner to fully

respond to Petitioner's discovery requests by a date certain.

7. The filing of this Motion was caused by Petitioner's failure to abide by the Discovery Code. As a result, Petitioner should be ordered to pay Respondent's attorney fees and costs associated with this Motion.

WHEREFORE, Respondent requests the Court grant *Respondent's Motion to Compel Respondent's Discovery Responses*, enter an order compelling Petitioner to provide complete discovery responses by a date certain, grant Respondent his attorney fees associated with this motion, and award such other and further relief as this Court deems equitable and just.

Respectfully submitted,

CORDELL | CORDELL



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Katherine.lewis@cordelllaw.com
ATTORNEY FOR PETITIONER

CERTIFICATE OF SERVICE

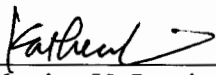
The undersigned hereby certifies that on the 6th day of April 2017, a true and correct copy of the above and foregoing instrument was:

- mailed with postage prepaid thereon;
- mailed by certified mail, Return Receipt No. _____;
- transmitted via facsimile or electronic mail; or
- hand delivered.

to the following:

Adam P. Carroll, Esq.
FEAMSTER & CARROLL, PLLC
35 E. 18th Street
Tulsa, OK 74119

Angela Monroe, Esq.
Assistant Public Defender
423 S. Boulder, Suite 300
Tulsa, Oklahoma 74103



Katherine V. Lewis



Cordell Cordell

A Domestic Litigation Firm

A Partner Men Can Count On.®

LEE-ANNE STARKS
LSTARKS@CORDELLLAW.COM
DIRECT: 918.779.3810

September 8, 2016

Via Facsimile and U.S. Mail

Adam P. Carroll, Esq.
FEAMSTER & CARROLL, PLLC
35 E. 18th Street
Tulsa, OK 74119
Fax No. (918) 712-9222

Re: *In re the Marriage of* [REDACTED]
Tulsa County Case No. [REDACTED]

Dear Mr. Carroll:

Enclosed please find *Respondent's First Discovery Requests to Petitioner* in the above-referenced matter.

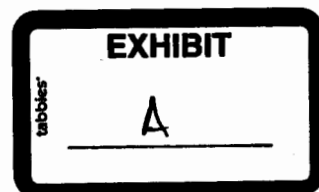
Should you have any questions or concerns, please don't hesitate to contact this office.

Respectfully,
CORDELL | CORDELL

Lee-Anne Starks
Regional Senior Paralegal

Enclosure

cc: Mr. [REDACTED]



- c. "Minor Child" or "Child" shall refer to the parties' minor child, namely X.C.T., born November 2006.
 - d. "Name and address", when used with reference to an individual person, means to state that person's full name, their residential address and business address.
 - e. "Name and address", when used with reference to a corporation, firm, employer, or other entity, means its full name, form of organization, and its present or last known address.
 - f. "Identify" or "identification", when used in reference to a writing, means a description of a writing in a manner sufficient for a subpoena duces tecum or for production pursuant to §3211 of the Oklahoma Discovery Code. Also give its present location or custodian. If any writing was, but no longer is in your possession or control, state:
 - i. What disposition was made of it;
 - ii. The date the item was transferred to another person or entity; and,
 - iii. The person responsible for the document at this time.
 - g. "Identify" or "identification," when used in reference to a person, means to provide the person's name, address, and phone number.
 - h. "Issue(s)", unless otherwise specified, refers to any and all factual matters contained within the Petition, any Counterclaim or Cross-Petition, any Motion, any Answer, any Reply and any evidentiary motion filed in this case regardless of who may have filed that document.
3. Format. As required by §3233, in responding to this requested Discovery, you must recite each Interrogatory, Request for Admission or Request for Production in writing and insert your answer in writing immediately after the request for production or part that is being answered. If you request, a disc that contains the questions will be provided.
4. Signature. As required by §§3226 (G) and 3233 (A), the response to these discovery requests must be signed under oath by the party making such responses and by the attorney for the party.
5. Duty to Supplement Answers. 12 O.S. §3226(E)
- a. You have a duty to supplement your answers if the answers given initially are later found to be incomplete with regard to those questions relating to:
 - i. The identity and location of persons having knowledge of discoverable matters; and,

- ii. The identity of each person expected to be called as an expert witness at trial, the subject matter on which he is expected to testify and the substance of the expert's testimony.
 - b. You further must supplement your answers at any time you discover that:
 - i. A response or any portion thereof was incorrect when made; or
 - ii. You discover that the response, which was correct when made, is no longer true.
 - c. Any supplementation must be in writing and under oath and in the same form as the original answers, and such supplementation should take place as soon as possible after such new information is obtained.
6. Exhibits. Within the time for responding to the requests for production set forth hereafter, you are advised that you may attach to your responses copies of all such photographs, charts, records, documents or other tangible evidence which will assist you in your responses. If the item required to be produced is a model or other piece of tangible evidence not capable of being attached to such answers, then you must identify a reasonable location and reasonable times within the next thirty (30) days, unless an earlier or later time is designated by the court, at which time it may be viewed by this party or counsel.
7. Requests for Admissions. Pursuant to §3236(A), with regard to each Requested Admission, you are advised that you must admit or deny said matter in writing and under oath within thirty (30) days from the date that you were served, unless the Court orders a greater or lesser time for such response. If you fail to respond within the time, the matter will be deemed admitted. You are further advised that:
 - a. If you cannot either admit or deny the requested admission, you must set out reasons why you cannot respond and you must show that you are acting in good faith and have utilized due diligence in attempting to discover information which would allow you to either admit or deny the same;
 - b. If you dispute a part, but not all of the requested admission, you must admit the part you do not dispute and deny only the part in controversy; and,
 - c. Pursuant to §3237(d), if you fail to admit any fact that is later proven at trial, the costs of making such proof, including a reasonable attorney's fee, shall be taxed against you unless you can show a proper excuse for your failure to admit.

REQUESTS FOR ADMISSIONS

REQUEST FOR ADMISSION NO. 1 Admit that Respondent is able to meet the physical, mental, and temporal needs of the minor child.

REQUEST FOR ADMISSION NO. 2 Admit that you have spoken negatively about Respondent to the child.

REQUEST FOR ADMISSION NO. 3 Admit that you have been suicidal in the last

twenty four (24) months.

REQUEST FOR ADMISSION NO. 4 Admit that you were hospitalized for being suicidal.

REQUEST FOR ADMISSION NO. 5 Admit that you have coached the minor child to say negative things about Respondent.

REQUEST FOR ADMISSION NO. 6 Admit that the child has left the state since October 26, 2015.

INTERROGATORIES

INTERROGATORY NO. 1 If your response to any Request for Admission was anything but an unqualified admission, please identify each and every reason that supports your position.

INTERROGATORY NO. 2 Please state the physical custody / visitation schedule that you believe to be in the best interest of the minor child and each and every reason that supports your contention.

INTERROGATORY NO. 3 If it is your position that you should have sole custody of the minor child, please state each and every reason that supports your contention.

INTERROGATORY NO. 4 If it is your position that you and Respondent cannot share joint legal custody, please state each and every reason that supports your contention.

INTERROGATORY NO. 5 State any plans you have to move from Tulsa, OK, either temporarily or permanently.

INTERROGATORY NO. 6 Please describe your strengths and weaknesses as a parent, including specific examples.

INTERROGATORY NO. 7 Please describe what you claim to be Respondent's strengths and weaknesses as a parent, including specific examples.

INTERROGATORY NO. 8 If you have formed an opinion that Respondent has acted contrary to the best interests of the minor child, state with particular detail the following:

- a. The event(s) that caused you to believe Respondent acted contrary to the best interests of the minor child, and
- b. The date the event(s) occurred.

INTERROGATORY NO. 9 If the minor child in this action told you anything which leads you to believe that Respondent should not have or share custody or that Respondent's visitation

should be supervised, please state what the minor child told you, and set forth the date of the conversation(s), the person or persons present, and the substance of the conversation.

INTERROGATORY NO. 10 If you have discussed any aspect of this divorce proceeding with the minor child, including but not limited to issues between you and Respondent and Respondent's conduct or behavior, identify the following:

- a. The date such discussion(s) took place;
- b. The individuals present for the discussion(s); and
- c. The substance of the discussion(s).

INTERROGATORY NO. 11 Do you think that your child is developing at satisfactory levels concerning his:

- a. Social development;
- b. Intellectual development; and
- c. Moral development?
- d. If any response is in the negative, identify the reasons for your belief that such development is not satisfactory and all reasons and support for your belief.

INTERROGATORY NO. 12 If you have taken the minor child in this action to a medical doctor, a psychiatrist, psychologist, social worker, or other health professional in the twelve (12) months, please state: (a) the name, address, and telephone number of the professional; (b) the dates of the appointments, and the diagnosis or prognosis made by each such professional; and, (c) any conversation you had with any such professional, and, for each such conversation, state the date of the conversation, the person or persons present, and the substance of the conversation.

INTERROGATORY NO. 13 State in detail your current daily schedule.

INTERROGATORY NO. 14 Please list your employment history from the date of marriage to the present, identifying each of the following:

- a. Name of employer;
- b. Address of employer;
- c. Position;
- d. Salary or pay rate at end of employment;
- e. Reason for leaving employment; and
- f. Dates of employment.

INTERROGATORY NO. 15 State the following:

- a. Gross Income. Your current gross (i.e., before taxes and deductions) monthly income from each of your present sources of income, including employment, gifts, independent sales, and trusts;
- b. Net Income. Your current net income (i.e., after taxes and deductions) from your present sources of income; and,
- c. Deductions. Itemize each deduction by name and amount (e.g., federal income tax, \$250.00; state income taxes, \$50.00, etc.; retirement, \$100.00, etc.).

INTERROGATORY NO. 16 State the total amount of money you anticipate receiving for the next twelve months from all sources, commencing with the first day of the month in which these Interrogatories were served upon you or your legal counsel, and specifying as follows with respect to such money:

- a. the name of each source of such money and its character (e.g., stipends, trust monies, dividends, salary, interest, commissions, sales, fees, gifts from family, etc.);
- b. the amount of such money you expect to receive in each month during the period; and
- c. identify all documents which support your response to this Interrogatory.

INTERROGATORY NO. 17 Please list for each interest, either individual or joint, personal or business, in any account held in any financial institution, including, but not limited to checking accounts, savings accounts, pension plans, retirement accounts, and stocks:

- a. Name of the bank or financial institution;
- b. Account number;
- c. Type of account;
- d. Ownership of account on the date of filing the petition;
- e. Current ownership of account;
- f. Date the account was opened;
- g. Balance in the account one month before the date of the petition;
- h. Balance in the account on the date of the petition; and,
- i. Current balance in the account.

INTERROGATORY NO. 18 Identify each real and/or personal property item that you

claim to be your separate property, stating the following for each item: (a) date acquired; (b) value as of the date of marriage; (c) value as of the date the Petition was filed; (d) value as of the date of your discovery response; and (e) each and every reason that support your contention that the item is your separate property.

INTERROGATORY NO. 19 Identify each item of real and/or personal property owned by you, Petitioner, or you and Petitioner together that is valued at or in excess of \$200, including the marital home, and for each such item provide the following: (a) the present fair market value of the item; (b) how the fair market value of the items was determined; (c) the name and address of each appraiser who has appraised the item; (d) the percentage of ownership you have in the item; (e) the address where the item is presently located; (f) the purchase price of the item or your interest therein; and (g) to whom the item should be awarded in the decree of dissolution of marriage.

INTERROGATORY NO. 20 If you own any life insurance policies or are the beneficiary of any life insurance policies, provide the following information as to each policy:

- a. the name of the insurance company;
- b. the name of the insured;
- c. the policy number;
- d. the face value;
- e. the cash value, accumulated dividends, or loan amount as of today; and
- f. any other information pertaining to the value thereof.

INTERROGATORY NO. 21 Identify all debt currently owed by you, Respondent, or you and Respondent jointly. As to each debt, state the following:

- d. The name of the creditor;
- e. The balance as of January 1, 2015;
- f. The balance owed as of the filing of the Petition;
- g. The balance owed as of the date of your responses;
- h. The security for the indebtedness, if any;
- i. The purpose of such debt;

- j. Who is currently paying on the debt;
- k. The date the debt was incurred or the account was opened; and
- l. Any current garnishments for debts.

INTERROGATORY NO. 22 Please itemize your current monthly living expenses and the monthly amount paid for each item by completing "Schedule 1" attached hereto.

INTERROGATORY NO. 23 Please list each and every medical, psychological and/or mental health care provider you have seen since January 2014, to include:

- a. The name of the provider;
- b. The purpose of seeing the provider;
- c. Any diagnosis made by the provider; and
- d. All medications prescribed by each provider and whether you are taking current medications as prescribed.

INTERROGATORY NO. 24 Please list each and every illegal drug or drug that is not prescribed to you that you have taken in the last twelve (12) months, the name of the drug or prescription medication, whether you consumed same in the presence of the child, and approximately when you took the drug or prescription medication.

INTERROGATORY NO. 25 State the frequency of your alcohol consumption, the typical amount of alcohol consumed, and the type of alcohol consumed (e.g., wine, beer, vodka, etc.) within the last twelve (12) months.

INTERROGATORY NO. 26 Identify all persons whom you believe to have relevant information to the divorce proceeding.

INTERROGATORY NO. 27 Identify each person you intend to call as a witness in this matter and a brief synopsis of each person's testimony.

REQUEST FOR PRODUCTION OF DOCUMENTS

REQUEST FOR PRODUCTION NO. 1 Produce copies of every piece of evidence that you intend to introduce as an exhibit in this case.

REQUEST FOR PRODUCTION NO. 2 Produce copies of all documentation reviewed, referenced, identified, or relied upon in responding to the above Interrogatories.

REQUEST FOR PRODUCTION NO. 3 Produce copies of all evidence (including, but

not limited to, documents, photographs, video recordings, audio recordings, reports, electronic data, etc.) that support your position regarding legal custody of the minor child.

REQUEST FOR PRODUCTION NO. 4 Produce copies of all evidence (including, but not limited to, documents, photographs, video recordings, audio recordings, reports, electronic data, etc.) that support your position regarding physical custody/visitation of the child.

REQUEST FOR PRODUCTION NO. 5 Produce complete copies of all appraisals, market analysis reports or other written documents which relate to any property currently owned by you and/or Respondent.

REQUEST FOR PRODUCTION NO. 6 Produce copies of all payments received by you through any and all sources of income, including, but not limited to, independent sales, gifts from family members, employment, trust monies, whether part-time, full-time, self-employment, or contract, since January 2013.

REQUEST FOR PRODUCTION NO. 7 Produce a copy of your current resume or curriculum vitae.

REQUEST FOR PRODUCTION NO. 8 Produce copies of all promissory notes or other contracts to pay money signed by you and upon which an outstanding debt is owed.

REQUEST FOR PRODUCTION NO. 9 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 from January 1, 2014 to present for every account into which you have made any deposit or withdrawal or in which you have any interest (individual or joint, personal, or business).

REQUEST FOR PRODUCTION NO. 10 Produce all documents evidencing the balance of each indebtedness currently owed by you, Respondent, or you and Respondent together.

REQUEST FOR PRODUCTION NO. 11 Produce copies of all credit card statements and all unsecured debt documentation that you have in your possession or control that reflect all charges and payments for each such account during the past twenty-four (24) months for any and all credit card accounts either in your name and/or Respondent's name.

REQUEST FOR PRODUCTION NO. 12 If you or someone on your behalf has submitted a financial statement and/or loan application to any bank, credit union, or other person or entity in the last three (3) years, provide copies of each financial statement and/or loan

application.

REQUEST FOR PRODUCTION NO. 13 Produce copies of all deeds, titles, contracts for deed, contracts to purchase or other documents of ownership for all titled personal property, including automobiles, boats and other vehicles, any item of real and/or personal property in which you claim any right, title or interest, and all surface or mineral real property interests, including cemetery lots.

REQUEST FOR PRODUCTION NO. 14 Produce copies of all mortgages, security interests, liens, pledges or other documents by reason of which any person or legal entity claims any interest in any real or personal property owned by you or your spouse.

REQUEST FOR PRODUCTION NO. 15 Produce copies of all documents that 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, KEOGH, IRA or other types of interests. Produce copies of all documents that describe the value of any such interest during the past twenty-four (24) months.

REQUEST FOR PRODUCTION NO. 16 Produce copies of all documents that reflect any interest (individual or joint, personal or business) you have or have had within the past twenty-four (24) 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. 17 Produce complete copies of all individual or group life, accident, property, casualty, income protection, health or other type of insurance in which you have any interest, either as owner, beneficiary, insured or otherwise.

REQUEST FOR PRODUCTION NO. 18 Produce complete copies of any current, modified or revoked will or trust in your possession or control in which you or Respondent were or are the testator(s), settlor(s), beneficiary(ies) or have any other type of interest and/or control.

REQUEST FOR PRODUCTION NO. 19 Produce copies of all documents that relate to the value and character of the separate and marital property and/or debts, which were not previously provided in response to any of the above requests for production.

REQUEST FOR PRODUCTION NO. 20 Produce copies of your federal and state income tax returns, both personal and business, with true and correct copies of W-2 forms, IRS

1099 forms, and all other attachments to each return for 2013 through the present.

REQUEST FOR PRODUCTION NO. 21 Produce copies of all health care documents (insurance claims, prescription records, medical, mental health, or other health care documents) in your possession or control which reflect any diagnosis, prescriptions, prognosis, or opinion concerning you for the past two (2) years.

REQUEST FOR PRODUCTION NO. 22 Produce copies of all health care documents (insurance claims, prescription records, medical, mental health, or other health care documents) in your possession or control which reflect any diagnosis, prescriptions, prognosis, or opinion concerning the minor child for the past two (2) years.

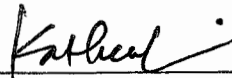
REQUEST FOR PRODUCTION NO. 23 Produce copies of all audio or video recordings you have made in which you and/or Respondent were a participant in the last twelve (12) months that are relevant to these proceedings.

REQUEST FOR PRODUCTION NO. 24 Produce copies of all personal diaries, journal, calendars, or other notes or memoranda that are descriptive of any activity, speech, event, or conduct of either you or Respondent from the last twelve (12) months.

REQUEST FOR PRODUCTION NO. 25 Produce copies of all pictures drawn by the minor child that are referenced in the Petition for Protective Order filed in Tulsa County Case No. PO-2016-3204.

Respectfully submitted,

CORDELL | CORDELL



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8801 S. Yale Ave., Suite 250
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F: (918) 515-4784
Katherine.lewis@cordelllaw.com
ATTORNEY FOR RESPONDENT


CERTIFICATE OF SERVICE

The undersigned hereby certifies that on the 8th day of September 2016, a true and correct copy of the above and foregoing instrument was:

- mailed with postage prepaid thereon;
- mailed by certified mail, Return Receipt No. _____;
- transmitted via facsimile or electronic mail; or
- hand delivered.

to the following:

Adam P. Carroll, Esq.
FEAMSTER & CARROLL, PLLC
35 E. 18th Street
Tulsa, OK 74119
Fax: (918) 712-9222



Katherine V. Lewis

SCHEDULE "1"

BUDGET

1. Number of persons living in household:
2. Which party is the custodial parent?
3. List names and relationship of all members of the household whose expenses are included:

NAME

RELATIONSHIP

Expense	Amount
1. Rent or mortgage payments (residence)	
2. Real property taxes (residence)	
3. Real property insurance (residence)	
4. Maintenance (residence)	
5. Food and household supplies	
6. Utilities including water, electricity, gas and heat	
7. Telephone, mobile phone and pager	
8. Laundry and cleaning	
9. Clothing	
10. Uninsured medical	
12. Uninsured dental	

13. Insurance (life, health, accident, comprehensive, liability, and
14. Child Care
15. Payment of Child Support/Spousal Support (Prior Marriage)
16. School
17. Entertainment (includes clubs, social obligations, travel and gifts)
18. Incidentals (grooming, tobacco, alcohol, gifts and donations)
19. Transportation (other than auto)
20. Auto expense (gas, oil, repair, insurance, tag)
21. Auto payments
22. Other expenses (please specify)
Total

Lee-Anne Starks

From: send@mail.efax.com
Sent: Thursday, September 08, 2016 3:32 PM
To: Lee-Anne Starks
Subject: Successful transmission to 19187129222. Re: Marriage of [REDACTED]
Attachments: 20160908_133214080_FAX_1710271777.tif



Dear Lee-Anne Starks,

Re: Marriage of [REDACTED]

The 18 page fax you sent through eFax Solutions to 19187129222 was successfully transmitted at 2016-09-08 20:32:12 (GMT).

The length of transmission was 844 seconds.

The receiving machine's fax ID: .

If you need additional assistance, please visit our online help center at <https://www.efaxcorporate.com/corp/twa/page/customerSupport>. Thank you for using the eFax Solutions service.

Best Regards,
eFax Solutions

Customer Service

Online Help: <https://www.efaxcorporate.com/corp/twa/page/customerSupport>
Tel: 1-323-817-3202
Email: corporatesupport@mail.efax.com

Reference ID:



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