



IN THE DISTRICT COURT OF OKLAHOMA COUNTY
STATE OF OKLAHOMA

FILED IN DISTRICT COURT
OKLAHOMA COUNTY

In re the Marriage of:)
)
 [Redacted])
)
 Petitioner,)
)
 and)
)
 [Redacted])
)
 Respondent.)

MAY 19 2017

RICK WARREN
COURT CLERK

43 _____

Case No. [Redacted]
Honorable Richard Ogden

**PETITIONER'S RESPONSE TO RESPONDENT'S OBJECTION TO SUBPOENA
DUCES TECUM TO SPYTEC INTERNATIONAL, INC.**

COMES NOW the Petitioner, [Redacted] by and through his attorneys of record, Kenneth W. Klingenberg, Grady R. Conrad, and Joseph D. Pierce, of Klingenberg & Associates, P.C., and pursuant to Title 12 O.S. 2013 §2004.1(C)(3)(a) respectfully files his Response to Respondent's Objection to Subpoena Duces Tecum to Spytec International, Inc. In support thereof, Petitioner alleges and states as follows:

1. Per Title 12 O.S. 2013 §2004.1(B)(1) a subpoena shall specify a date for the production or inspection that is *at least seven (7) days after the date* that the subpoena and copies of the subpoena are served on the witness and all parties. Plaintiff's Subpoena Duces Tecum directed SpyTec to respond by May 15, 2017. Per USPS records, attached as Exhibit "1," SpyTec received the Subpoena Duces Tecum on May 1, 2017, providing them 14 days, fully double the time required by statute, to respond. Consequently, Respondent's assertion the Subpoena Duces Tecum in question fails to provide a reasonable time for compliance is disingenuous and incorrect.
2. Petitioner narrowly tailored his Subpoena Duces Tecum to a specific tracker, providing a serial number and IME number to assist SpyTec in providing records for the particular

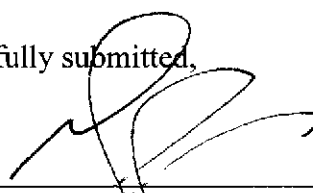
tracker which Petitioner found on his car. These records are likely electronically stored, and, given the narrow parameter of information sought by Petitioner, should be easily assessable and assembled by SpyTec International without undue burden or expense on the part of SpyTec International.

3. Respondent has stated several times that Respondent or Respondent's counsel were not responsible for the placing of a tracker on Petitioner's personal automobile. Consequently, Respondent can have no reason to object to this Subpoena Duces Tecum. Petitioner's counsel is concerned the Respondent's objection to Petitioner's Subpoena Duces Tecum is an example of the arbitrary and capricious conduct designed to waste this Court's time and precious resources.
4. Petitioner objects to Respondent's accusation that his conduct is arbitrary and capricious, is intended to waste the Court's resources and unnecessarily incur costs and fees in this matter, and is an attempt to stifle Respondent's discovery. Petitioner's objections to Respondent's previously filed subpoenas are based on well-founded areas of law and were filed only to protect Petitioner's interests and not to hinder Respondent's discovery. Specifically, as more fully set forth in Petitioner's Objections and Motions to Quash, at least one of Respondent's Subpoenas Duces Tecum seeks privileged and confidential information covered by the Attorney Work-Product Doctrine and/or Attorney-Client Privilege, and at least one if not two of Respondent's other Subpoenas Duces Tecum fails to comply with the Oklahoma Financial Privacy Act.
5. Additionally, Petitioner's objections to Respondent's previously issued subpoenas are irrelevant to Petitioner's Subpoena Duces Tecum to SpyTec International. Each subpoena is a separate issue in this matter, and each should be considered on their own merits,

regardless of any other subpoena issued, objected to, or quashed in this matter. Further, Petitioner has not objected to all Subpoenas Duces Tecum issued by Respondent. Specifically, Petitioner has not objected to the Subpoena Duces Tecum issued to American Express and does not intend to object to the Subpoena Duces Tecum issued to Rasier, LLC.

WHEREFORE, premises considered, as Respondent's only objection to Petitioner's Subpoena Duces Tecum to SpyTec International is for failure to provide reasonable time for compliance, and as a result of Petitioner having clearly provided more than the required time to produce the requested information, the Petitioner prays this Court will deny the Respondent's objection to Petitioner's Subpoena Duces Tecum issued by the Petitioner herein to Spytect International, Inc., require the requested information be produced instanter, grant Petitioner fees and costs incurred herein, and for such other and further relief as this Court deems necessary and proper.

Respectfully submitted,

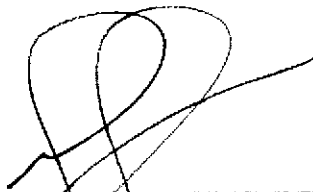


Kenneth W. Klingenberg, OBA No. 5079
Grady R. Conrad, OBA No. 32164
Joseph D. Pierce, OBA No. 32265
Klingenberg & Associates, P.C.
330 N.W. 13th Street
Oklahoma City, OK 73103
(T) 405-236-1985 (F) 405-236-1541
kwk@kenkling.com
grady@kenkling.com
joe@kenkling.com
ATTORNEYS FOR PETITIONER

CERTIFICATE OF DELIVERY

I hereby certify that on the 19 day of May, 2017, a true and correct copy of the above and foregoing instrument was faxed, emailed, hand-delivered, and/or mailed, First Class United States Postal Service, postage fully prepaid, to the following:

Laura McConnell-Corbyn, Esq.
Shane Riddles-Hill, Esq.
HARTZOG, CONGER, CASON, & NEVILLE
1600 Bank of Oklahoma Plaza
201 Robert S. Kerr Ave.
Oklahoma City, Oklahoma 73102
(T) 405-235-7000 (F) 405-996-3403
lmcconnell@hartzoglaw.com
ATTORNEY FOR PETITIONER



Kenneth W. Klingenberg, OBA No. 5079
Grady R. Conrad, OBA No. 32164
Joseph D. Pierce, OBA No. 32265
Klingenberg & Associates, P.C.

9414 7266 9904 2092 1050 19

delivered
TO: SPYTEC INTERNATIONAL, INC. *5-1-17*
Attn: Legal
135 W. 36th St., 13th Floor
New York City, NY 10018

SENDER: GRC

REFERENCE: [REDACTED] SDT

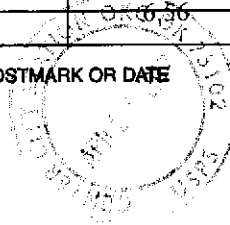
PS Form 3800, January 2005

| | | |
|------------------------------|----------------------|------|
| RETURN RECEIPT SERVICE | Postage | 0.46 |
| | Certified Fee | 3.35 |
| | Return Receipt Fee | 2.75 |
| | Restricted Delivery | 0.00 |
| | Total Postage & Fees | 6.56 |

USPS®
Receipt for
Certified Mail®

No Insurance Coverage Provided
Do Not Use for International Mail

POSTMARK OR DATE



USPS Tracking® Results

FAQs > (<http://faq.usps.com/?articleId=220900>)

Track Another Package +

Remove X

Tracking Number: 9414726699042092105019



Delivered

Updated Delivery Day: Monday, May 1, 2017 ⓘ

Product & Tracking Information

[See Available Actions](#)

Postal Product:
First-Class Mail®

Features:
Certified Mail™
Return Receipt

| DATE & TIME | STATUS OF ITEM | LOCATION |
|----------------------|--|---------------------------|
| May 1, 2017, 2:44 pm | Delivered, Left with Individual | NEW YORK, NY 10018 |



Your item was delivered to an individual at the address at 2:44 pm on May 1, 2017 in NEW YORK, NY 10018.

| | | |
|-------------------------|---------------------------|--------------------|
| May 1, 2017, 8:33 am | Arrived at Unit | NEW YORK, NY 10018 |
| April 30, 2017, 6:06 pm | In Transit to Destination | |

| DATE & TIME | STATUS OF ITEM | LOCATION |
|-------------------------|---------------------------|----------------------------|
| April 29, 2017, 6:06 pm | Departed USPS Facility | NEW YORK, NY 10199 |
| April 29, 2017, 9:14 am | Arrived at USPS Facility | NEW YORK, NY 10199 |
| April 28, 2017, 7:32 pm | In Transit to Destination | |
| April 27, 2017, 9:04 pm | Departed USPS Facility | OKLAHOMA CITY, OK 73107 |
| April 27, 2017, 6:36 pm | Arrived at USPS Facility | OKLAHOMA CITY, OK 73107 |

[See Less ^](#)

Available Actions

Text Updates



Email Updates



[See Less ^](#)

Can't find what you're looking for?

Go to our FAQs section to find answers to your tracking questions.