

[Handwritten signature]



IN THE DISTRICT COURT OF TULSA COUNTY
STATE OF OKLAHOMA
2018 MAR 15 PM 4:52

IN RE THE MARRIAGE OF:

[Redacted name]

Petitioner,

and

[Redacted name]

Respondent.

DON NEWBERRY
COURT CLERK

Case No. [Redacted]

[Redacted]

DISTRICT COURT
FILED
MAR 15 2018
DON NEWBERRY, Court Clerk
STATE OF OKLA. TULSA COUNTY

EXPEDITED MOTION TO COMPEL AND/OR REOPEN DISCOVERY FOR LIMITED PURPOSE OF DISCOVERY AS TO PARTIES' INTERESTS IN BOYCE ECO INVESTMENT LLC AND RELATED TRANSACTIONS

COMES NOW the Respondent, [Redacted] by and through her attorney Richard J. Eagleton and Stephanie A. Horton of The Law Offices of Richard J. Eagleton, LLC, pursuant to 12 Okla. Stat. §§ 3226(E), 3233(A), 3234(B), 3236(A) and 3237, and Rule 5 of the Rules for District Courts, and hereby moves for an expedited Order compelling Petitioner to supplement discovery and/or permitting Respondent to reopen discovery for the limited purpose of discovering information and documents concerning the status and value of the parties' interests in Boyce Eco Investment LLC, and transactions related thereto, including but not limited to Petitioner's previously undisclosed, apparent acquisition of stock in exchange for said interests through an Initial Public Offering ("IPO") of PQ Group Holdings, Inc. on or about September 28, 2017. In support hereof, Respondent shows the Court as follows:

1. Petitioner filed this dissolution proceeding on July 6, 2016.
2. On August 5, 2016, Respondent served Combined First Interrogatories and Requests for Production of Documents and Tangible Things on Petitioner, requesting information and

documents related to, among other things, any assets, including business interests, owned by Petitioner and/or Respondent at any time since January 1, 2011.

3. On September 19, 2016, Petitioner served his Answers to Respondent's Combined First Interrogatories and Requests for Production of Documents and Tangible Things, in which he identified as an asset an investment in Boyce Eco Investment LLC.

4. On May 23, 2017, Respondent took Petitioner's deposition.

5. On August 1, 2017, the Court entered a Final Scheduling Order, wherein the parties agreed to a deadline for discovery on September 22, 2017. Counsel for Respondent and Petitioner's then-counsel expressly agreed that the parties could continue supplementing and updating information and documentation after the discovery cutoff as is customary and consistent with the expectation of the Court in Tulsa County.

6. On October 12, 2017, counsel for Respondent sent a letter to then-counsel for Petitioner specifically requesting supplementation and updating of, among other things, discovery regarding Boyce Eco Investment LLC.

7. On October 26, 2017, the Court held a pre-trial conference at which he set trial of this proceeding for May 8, May 9, and May 10, 2018. Subsequent pre-trial conferences were held on December 14, 2017 and February 22, 2018, at which time the Court entered an additional trial date of May 7, 2017. A final pre-trial conference is scheduled for March 19, 2018.

8. On January 31, 2018, nearly four months after Respondent's request, Petitioner provided limited supplementation of his discovery production regarding Boyce Eco Investment LLC. Included in Petitioner's supplementation with a variety of other unrelated documents and with no other explanation was an October 2, 2017, email to Respondent advising of an IPO of PQ Group

Holdings, Inc. through which the parties' interests in Boyce Eco Investment LLC was converted into 9,333 shares of PQ Group Holdings, Inc. No other information was provided through the email or through other documents concerning this transaction. No information was provided about when Petitioner learned that the interest would be included in an IPO, transactions that occurred with the interest prior to the IPO, or whether Petitioner has sold or otherwise converted the interest he now holds.

9. Upon discovery of this email, on February 22, 2018, counsel for Respondent sent an email to counsel for Petitioner asking for details concerning the Boyce interest and IPO. Counsel for Respondent also addressed the issue at the pre-trial conference on the same date. After receiving no response to Respondent's requests, counsel for Respondent sent a letter to counsel for Petitioner on March 14, 2018 again requesting details concerning the Boyce interest and IPO. Within minutes of sending the letter, counsel for Petitioner responded by sending Petitioner's 2017 K-1 for his Boyce Eco Investment LLC interests, but that K-1 is inadequate to identifying the reasonable information Petitioner should provide under 12 Okla. Stat. § 3226(E) and the reasonable information Respondent and the Court should rightly have regarding this asset. Petitioner has not revealed if he sold the asset, whether the proceeds are safeguarded, or, if not sold, where the stock is held. As of this filing, Respondent has received no further details about the transaction, the information she requested, nor any assurance from Petitioner as to when or if she might expect to receive this information.

10. Despite the fact that Petitioner undoubtedly knew of the September 27, 2017 IPO associated with the original Boyce Eco Investment LLC interest, he gave no notice of it until January 31, 2018, and then produced one single email with a variety of other unrelated documents and with no other explanation. He did not reveal this information when he sat for his deposition, at any of the

three (3) pre-trial conferences, nor at any time voluntarily or per Respondent's request for supplementation in October, 2017 until January 31, 2018.

11. Counsel have conferred, in good faith, regarding Petitioner's delivering discovery responses, but have not reached agreement.

12. Respondent requests an order requiring Petitioner's fulsome response to Respondent's request for supplementation of interrogatories and requests for production of documents.

13. Pursuant to 12 § 3226(E), Respondent requests that the Court order Petitioner to supplement his responses to discovery concerning the Boyce Interest and IPO on the basis that his prior response is no longer true in some material respect.

14. Respondent further requests that given that trial of this matter is scheduled less than two months away, and given Petitioner's failure to disclose this material information prior to January 31, 2018, that this motion be heard on an expedited basis and that the Court permit Respondent to reopen discovery for the limited purpose of discovering information and documents concerning the status and value of the parties' interests in Boyce Eco Investment LLC, and transactions related thereto, including but not limited to Petitioner's previously undisclosed acquisition of stock in exchange for said interests through the IPO of PQ Group Holdings, Inc. on or about September 28, 2017. Respondent additionally requests an expedited schedule for serving and responding to discovery requests and any necessary depositions of Petitioner and other relevant witnesses.

WHEREFORE, Respondent prays for an order for the relief requested herein and granting such other relief to which Respondent may be entitled, including but not limited to, her attorney fees and costs.

Respectfully Submitted,

THE LAW OFFICES OF RICHARD J. EAGLETON,
PLLC

By:  _____

Richard J. Eagleton, OBA No. 13272

Stephanie A. Horton, OBA No. 19834

320 S. Boston Avenue – Suite 805

Tulsa, OK 74103-4706

Telephone: (918) 878-8091

Facsimile: (918) 932-2462

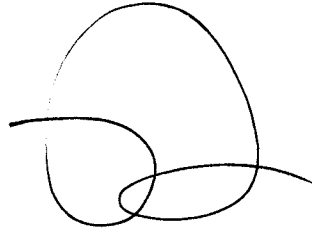
ATTORNEYS FOR RESPONDENT

CERTIFICATE OF SERVICE

The undersigned does hereby certify that, on the 15 day of March, 2018, a true and correct copy of the above and foregoing was sent via email and first-class mail, to:

James R. Gotwals, Esq.
Benjamin Aycock, Esq.
525 S. Main, Suite 1130
Tulsa, OK 74103

Attorneys for Petitioner [REDACTED]



Attorney for Respondent