

STATE OF OKLAHOMA
DEPARTMENT OF SECURITIES
THE FIRST NATIONAL CENTER
120 NORTH ROBINSON, SUITE 860
OKLAHOMA CITY, OKLAHOMA 73102



In the Matter of:
Jim J. Hammons,

Respondent.

ODS File 14-017

**AGREED APPLICATION TO CONTINUE DEADLINES
WITH AMENDED SCHEDULING ORDER**

**To: Oklahoma Department of Securities,
ex rel, Irving L. Faught, Administrator**

COMES NOW Respondent Jim Hammons and, by agreement, the Department of Securities, pursuant to Rules 660:2-9-3 and 660:2-9-3(c) of the Rules of the Oklahoma Securities Commission and the Administrator of the Oklahoma Department of Securities (the "Rules"), and moves to extend this matter's deadlines and continue the Prehearing Conference according to the mandates of the Amended Scheduling Order, submitted herewith. In support of this Agreed Application, Respondent would state as follows:

1. This matter was initiated on April 30, 2014. Respondent filed his Answer and Request for Hearing on June 30, 2014, *pro se*.
2. On July 9, 2014, a hearing on the merits of this matter was set for October 23, 2014, with a Scheduling Order entered thereafter on August 6, 2014.
3. Respondent obtained counsel on or about August 11, 2014.
4. Through no fault of any party, a great deal of discovery remains to be performed. To date, the Department has deposed one witness, Respondent has served written discovery, two witness depositions are scheduled, and the deposition of the

Respondent is scheduled for September 30, 2014. Further investigation, written discovery, and depositions are anticipated and necessary.

5. The parties conferred last week and developed a plan and time frame for completing the remaining discovery. The parties agree that additional time is necessary to complete all discovery prior to the Prehearing Conference.
6. The parties request that the Administrator continue the other deadlines according to the mandates of the Amended Scheduling Order, submitted herewith.
7. The parties assert that this Agreed Application is not made for the purposes of undue delay.

WHEREFORE, premises considered and for good cause shown, the parties respectfully request that the Administrator grant this Agreed Application to Extend Deadlines and Continue the Prehearing Conference, and enter the Amended Scheduling Order of record.

Respectfully submitted,

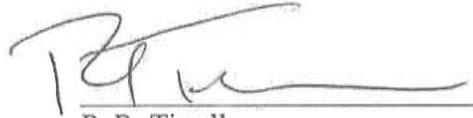


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ATTORNEY FOR RESPONDENT

CERTIFICATE OF SERVICE

I hereby certify that on September 2, 2014, a true and correct copy of the foregoing *Agreed Application to Continue Deadlines with Amended Scheduling Order* was served upon the following by U.S. Mail postage prepaid, and email:

Terra Bonnell, OBA #20838
Enforcement Attorney
Oklahoma Department of Securities
120 North Robinson, Suite 860
Oklahoma City, Oklahoma 73102
Telephone: (405) 280-7715
Facsimile: (405) 280-7742
E-mail: tbonnell@securities.ok.gov
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P. R. Tirrell

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In the Matter of:

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AMENDED SCHEDULING ORDER

This Amended Scheduling Order is issued with the consent of the parties pursuant to 660:2-9-3 of the Rules of the Oklahoma Securities Commission and the Administrator of the Oklahoma Department of Securities ("Rules"). All times herein refer to Central Time.

IT IS HEREBY ORDERED that:

1. **Preliminary Lists of Witnesses, Documents and Exhibits.** The parties have filed preliminary lists identifying witnesses, documents and exhibits intended to be utilized at the hearing. The parties were required to identify expert witnesses intended to be called at hearing on their preliminary witness lists. The preliminary witness lists were required to identify the witnesses by name, residential and/or business address, and telephone number and provide a short description of the witnesses' expected testimony. If the witness is known to be represented by counsel, contact information for the witness' counsel should also have been included.

2. **Final Witness Lists.** Before **5:00 p.m. on November 25, 2014**, the parties shall file final witness lists. The final witness lists shall identify, by name, residential and/or business address, and telephone number, all witnesses, including but not limited to expert witnesses, intended to be called at hearing and contain a short description of the expected testimony of each witness. If the witness is known to be represented by counsel, contact information for the witness' counsel should also be included. *Failure to comply with this paragraph may result in the exclusion of witnesses at hearing.*

3. **Motions.** Any motions that are filed shall comply with 660:2-9-3(c) of the Rules unless otherwise agreed to by the parties or ordered by the Administrator or a designated hearing officer. A response to a written motion shall be filed within ten (10) days after service of the motion but no later than the date and time of the hearing. A reply to a response may be filed within five (5) days after service of the response but no later than the date and time of the hearing.

(A) Dispositive motions will not be considered if filed after **5:00 p.m.** on **December 2, 2014.**

(B) Motions in limine will not be considered if filed after **5:00 p.m.** on **December 16, 2014.**

4. **Discovery.** Any discovery that is conducted shall comply with 660:2-9-3(b) of the Rules unless otherwise agreed to by the parties or ordered by the Administrator or a designated hearing officer. Discovery, including depositions, must be completed before **5:00 p.m.** on **November 25, 2014.** Be aware that any requests for production of documents to be served upon a party should be served at least fifteen (15) days before the discovery deadline, or *before* November 11, 2014.

5. **Document and Exhibit Exchange.** Before **5:00 p.m.** on **December 4, 2014,** each party shall provide all other parties with a copy of all documents and exhibits intended to be utilized by the party at hearing. *Failure to comply with this paragraph may result in the exclusion of documents and exhibits at hearing.*

6. **Prehearing Briefs and Proposed Findings of Fact and Conclusions of Law.** The Department may file a prehearing brief and/or proposed findings of fact and conclusions of law before **5:00 p.m.** on **December 11, 2014.** Respondent may file a prehearing brief and/or proposed findings of fact and conclusions of law before **5:00 p.m.** on **December 16, 2014.**

7. **Prehearing Conference.** Unless waived by agreement of all parties or cancelled by order of the Administrator or a designated hearing officer, a prehearing conference shall be held in person or by telephone at **10:00 a.m.** on **January 6, 2015,** at the offices of the Oklahoma Department of Securities, 120 North Robinson Avenue, Suite 860, Oklahoma City, Oklahoma, to address the following matters:

- (A) simplification of issues;
- (B) the final list of witnesses and exhibits to be utilized at the hearing;
- (C) admissions and stipulations of fact;
- (D) stipulations regarding admission and authenticity of documents;
- (E) requests for official notice;
- (F) discovery disputes;
- (G) pending motions;
- (H) requests for additional briefing; and
- (I) other matters that will promote the orderly and prompt conduct of the hearing.

8. **Hearing Date.** The hearing is reset to commence at **10:00 a.m.** on **January 13, 2015,** at the offices of the Oklahoma Department of Securities, 120 North Robinson Avenue, Suite 860, Oklahoma City, Oklahoma. The parties estimate that the hearing will take one (1) day.

9. **Filings and Service.** All documents required to be filed in connection with this matter shall be filed by email to blondon@securities.ok.gov or by U.S. Mail, third-party carrier, or personal delivery to the Department to the attention of Brenda London. All filings made after 5:00 p.m. shall be treated as filed on the next business day. All filings shall be served, by the party making the filing, by email *and* U.S. Mail, third-party carrier, or personal delivery, upon the opposing party, or counsel for the opposing party if represented, before 5:00 p.m. on the date of the filing. Any other document served on an opposing party, or counsel for an opposing party, shall be served by email *and* U.S. Mail, third-party carrier, or personal delivery. The effective date of service for filings and other documents is the date on which the serving party sends the filing or document by email to the opposing party, or counsel for the opposing party, if sent before 5:00 p.m. or the next business day if sent after 5:00 p.m.

10. **Failure to Comply.** Failure to comply with the terms of this Order may result in sanctions as set forth in 660:2-9-3(f) of the Rules.

IT IS FURTHER ORDERED that no date set by this Order can be changed except by agreement of all parties or for good cause upon written order of the Administrator or a designated hearing officer.

WITNESS MY HAND and the Official Seal of the Oklahoma Department of Securities this _____ day of September, 2014.

(SEAL)

IRVING L. FAUGHT, ADMINISTRATOR OF THE
OKLAHOMA DEPARTMENT OF SECURITIES

CERTIFICATE OF SERVICE

The undersigned hereby certifies that on the ____ day of September, 2014, a true and correct copy of the above and foregoing application was emailed to perry@dentonlawfirm.com and tifany@dentonlawfirm.com and mailed with postage prepaid thereon, addressed to:

Mr. Perry Tirrell, Esq.
Denton Law Firm
925 West State Highway 152
Mustang, OK 73064
Counsel for Respondent

Brenda London, Paralegal