

OCT 29 2004

IN THE DISTRICT COURT OF OKLAHOMA COUNTY, COURT CLERK
STATE OF OKLAHOMA By PATRICIA PRESLEY
Deputy

Oklahoma Department of Securities)
ex rel Irving L. Faight, Administrator,)
)
Plaintiff,)

v.)

Case No. CJ-2004-6295

Trade Partners, Inc., a Michigan corporation,)
TPI Management; LLC, a Michigan limited)
liability company; Trade LLC, a Michigan)
limited liability company; Thomas J. Smith,)
an individual; Christine M. Zmuka, an)
individual; Sojkara, L.L.C. a/k/a Sojkara ISP)
India L.L.C., a Michigan limited liability)
company; Robert J. Seitters, an individual;)
InterGlobal Waste Management, Inc., a)
California corporation; Harold A. Katersky,)
an individual; Elkins & Associates, Inc., an)
Oklahoma corporation; Heartland Viaticals,)
Inc., an Oklahoma corporation; Eddie)
Elkins, an individual; and James S. Stanley,)
an individual,)
)
Defendants.)

**ANSWER OF DEFENDANTS EDDIE ELKINS AND
ELKINS & ASSOCIATES, INC.**

Defendants Eddie Elkins and Elkins & Associates, Inc. ("Elkins Defendants") hereby submit their Answer to the Petition in the above captioned action.

Admissions and Denials

The Elkins Defendants submit the following admissions and denials to the enumerated paragraphs of the Petition:.

- 1. No response required.
- 2. No response required.

3. No response required.
4. Denied.
5. Admitted in part and denied in part. It is admitted that a receiver was appointed for defendant TPI in April 2003. The other allegations of paragraph 5 are denied.
6. The Elkins Defendants are without sufficient information to admit or deny the allegations of paragraph 6, therefore same are denied.
7. The Elkins Defendants are without sufficient information to admit or deny the allegations of paragraph 7, therefore same are denied.
8. The Elkins Defendants are without sufficient information to admit or deny the allegations of paragraph 8, therefore same are denied.
9. The Elkins Defendants are without sufficient information to admit or deny the allegations of paragraph 9, therefore same are denied.
10. The Elkins Defendants are without sufficient information to admit or deny the allegations of paragraph 10, therefore same are denied.
11. The Elkins Defendants are without sufficient information to admit or deny the allegations of paragraph 11, therefore same are denied.
12. The Elkins Defendants are without sufficient information to admit or deny the allegations of paragraph 12, therefore same are denied.
13. The Elkins Defendants are without sufficient information to admit or deny the allegations of paragraph 13, therefore same are denied.
14. Admitted in part and denied in part. It is admitted that Elkins & Associates, Inc. is an Oklahoma corporation with its principal place of business in Oklahoma City,

Oklahoma. The other allegations of paragraph 15 are denied.

15. The Elkins Defendants are without sufficient information to admit or deny the allegations of paragraph 15, therefore same are denied

16. Admitted in part and denied in part. It is admitted that Eddie Elkins is an individual. The other allegations of paragraph 16 are denied.

17. The Elkins Defendants are without sufficient information to admit or deny the allegations of paragraph 15, therefore same are denied.

18. Denied.

19. Denied.

20. Denied.

21. Denied.

22. The Elkins Defendants are without sufficient information to admit or deny the allegations of paragraph 22, therefore same are denied.

23. The Elkins Defendants are without sufficient information to admit or deny the allegations of paragraph 23, therefore same are denied.

24. The Elkins Defendants are without sufficient information to admit or deny the allegations of paragraph 24 therefore same are denied.

25. The Elkins Defendants are without sufficient information to admit or deny the allegations of paragraph 25, therefore same are denied.

26. Denied

27. Denied.

28. Denied.

29. Denied.

30. Denied.

31. Denied.

32. Denied.

33. Denied.

34. Denied.

35. See responses above.

36. Denied.

37. The Elkins Defendants are without sufficient information to admit or deny the allegations of paragraph 37 therefore same are denied.

38. Denied.

39. Denied

40. Denied.

41. Denied.

42. Denied.

43. See responses above.

44. Denied.

45. Denied.

46. See responses above.

47. Denied.

48. Denied.

49. Denied.

50. Denied.
51. Denied.
52. Denied.
53. Denied.
54. See responses above.
55. Denied.
56. Denied.
57. See responses above.
58. Denied.
59. Denied.
60. See responses above.
61. Denied.
62. Denied.
63. See responses above.
64. Denied.
65. Denied.
66. Denied.

Affirmative Defenses

First Defense. Plaintiff has failed to state facts sufficient to state a claim upon which relief may be granted.

Second Defense. Plaintiff's claims are barred by the applicable statutes of limitation.

Third Defense. The Elkins defendants did not know and, in the exercise of reasonable care, could not have known of any untruth or omission allegedly made in connection with the sale of any securities.

WHEREFORE, the Elkins Defendants respectfully request that plaintiff take nothing and that all claims against them be dismissed with their costs.

Dated: October 22, 2004



Kirk D. Fredrickson, OBA #3115
McDonald & Fredrickson, P.C.
24 West Park Place
Oklahoma City, Oklahoma 73103
(405) 232-4774
FAX (405) 971-0581

*Attorneys for defendants Eddie Elkins
and Elkins & Associates, Inc.*

CERTIFICATE OF SERVICE

I hereby certify that on this 26 day of October, 2004, a true and correct copy of the above and foregoing Answer was served by United States mail to the following:

Patricia A. Labarthe, Esq.
Melanie Hall, Esq.
Oklahoma Department of Securities
120 North Robinson, Suite 860
Oklahoma City, Oklahoma 73102
Attorneys for plaintiff

Ronald E. Stakem, Esq.
Robert E. Wegener, Esq.
Clark Stakem Wood & Patten, P.C.
101 Park Avenue, Suite 400
Oklahoma City, Oklahoma 73102
Attorneys for defendant Harold A. Katersky



Kirk D. Fredrickson