

IN THE DISTRICT COURT OF OKLAHOMA COUNTY  
STATE OF OKLAHOMA

FILED IN THE DISTRICT COURT  
OKLAHOMA COUNTY, OKLA.

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

Plaintiff, )

v. )

Bothwell Consulting, LLC, an Oklahoma )  
LLC; Lawrence G. Bothwell, an individual; )  
Christopher S. VonWerder, an individual; )  
and Tommy L. Richardson, an individual, )

Defendants, )

and )

Amy J. Richardson, an individual, )

Defendant Solely For )  
Purposes of Equitable Relief. )

FEB 11 2010

PATRICIA PRESLEY, COURT CLERK  
by \_\_\_\_\_  
DEPUTY

Case No. CJ-2009-6989

**PLAINTIFF'S APPLICATION FOR  
SUMMARY JUDGMENT WITHOUT A HEARING**

Plaintiff, Oklahoma Department of Securities *ex rel.* Irving L. Faught, Administrator, pursuant to Rule 13 of the Rules of the District Courts of Oklahoma (Rules for District Courts), filed a Motion for Summary Judgment against Defendants Bothwell Consulting, LLC and Lawrence G. Bothwell (collectively, "Defendants") on January 21, 2010. Plaintiff properly served its Motion for Summary Judgment (Motion) on Defendants' attorney. A hearing on the Motion is scheduled for February 17, 2010.

Summary judgment is appropriate when a party demonstrates to the court that no controversy exists as to any material fact, and that the moving party is entitled to judgment as a

matter of law. The Court then has a duty to enter summary judgment in favor of that party. Rule 13(e) of the Rules of the District Court.

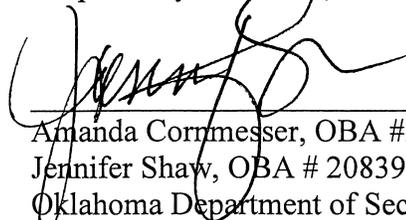
Defendants are establishing a pattern of failing to respond in this matter. Defendants failed to answer the Plaintiff's Petition for Permanent Injunction and Other Equitable Relief filed by the Department on July 24, 2009. The averments by Plaintiff in its petition, a pleading to which a responsive pleading was required, are therefore admitted. 12 O.S. 2008(D).

Defendants have also failed to respond to the Motion. Further, all of the material facts set forth in the Motion are supported by acceptable evidentiary material. Therefore, the material facts contained in the Motion shall be deemed admitted for the purpose of summary judgment in accordance with Rule 13(b) of the Rules for District Courts.

#### CONCLUSION

There is no substantial controversy as to any material facts in this matter and Plaintiff is entitled to judgment as a matter of law. Plaintiff respectfully requests that *Plaintiff's Motion for Summary Judgment Against Defendants Bothwell Consulting, LLC and Lawrence G. Bothwell*, be granted. Further, since Defendants have failed to respond in any way, Plaintiff also requests that this Court issue a ruling on the Motion without a hearing pursuant to Rules 4(h) and 13(f) of the Rules for District Courts.

Respectfully submitted,



Amanda Cormmesser, OBA #20044  
Jennifer Shaw, OBA # 20839  
Oklahoma Department of Securities  
120 North Robinson, Suite 860  
Oklahoma City, OK 73102  
(405) 280-7700

## CERTIFICATE OF MAILING

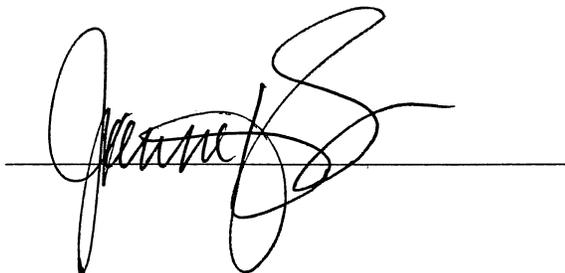
I hereby certify that a true and correct copy of the *Plaintiff's Application for Summary Judgment Without a Hearing*, was mailed this 11 day of February, 2010, by depositing it in the U.S. Mails, postage prepaid, to the following:

J. David Ogle  
100 Park Ave., Suite 500  
Oklahoma City, OK 73102

Stephen Parker  
416 SW 79th St., # 100  
Oklahoma City, OK 73139-8121

Tommy L. Richardson  
1511 Tahoe Lane  
Yukon, OK 73099

Amy J. Richardson  
1511 Tahoe Lane  
Yukon, OK 73099

A handwritten signature in black ink, appearing to read "Amy J. Richardson", is written over a horizontal line. The signature is stylized with large loops and flourishes.