

IN THE DISTRICT COURT OF OKLAHOMA COUNTY DISTRICT COURT
STATE OF OKLAHOMA OKLAHOMA COUNTY

Oklahoma Department of Securities)
ex rel. Irving L. Faught, Administrator,)
)
Plaintiff,)
vs.)
Bruce Scambler,)
)
Defendant.)

APR 27 2015
TIM RHODES
COUNT CLERK

CJ-2014-1346

**DEFENDANT’S MOTION TO COMPEL TIMELY PRODUCTION OF
DISCOVERY, AND REPLY TO RESPONSE OF PLAINTIFF TO DEFENDANT’S
MOTION TO STRIKE**

COMES NOW, defendant, pro se and his DEFENDANT’S MOTION TO COMPEL TIMELY
PRODUCTION OF DISCOVERY, AND REPLY TO RESPONSE OF PLAINTIFF TO
DEFENDANT’S MOTION TO STRIKE, states as follows to wit:

I INTRODUCTION

1. The defendant would take the courts time to please consider this motion and the requests for
orders herein, filed in direct response to plaintiffs latest filing 4/20/2015 and attempted case
delaying acts in this matter where time is of the essence to defendant.

II THE COURT HAS DISCRETION UNDER 12 O.S. § 2056 E

2. Plaintiff in their filing Apr 20th 2015, cite 12 O.S. § 2056 E where the court may permit
an affidavit to be supplemented. That is saying the court may. The court has the
discretion. The issue being that is the court exercises this discretion then “MFSJ”
becomes a pre-jury trial mini-trial where 12 O.S. § 2056 E allows for “affidavits being

supplemented” to be opposed by depositions, answers to defendants interrogatories, or additional affidavits. As of this date 4/27/2015, defendant is not aware of any application for grant of permission by plaintiff to the court to “allow an affidavit to be supplemented”. Defendant did not get the instructions as to how you might just write it in a reply and thereby “apply for court permission” and go get this supplemental affidavit? Should there not be first, a filing of a timely motion request? Is the plaintiff able to get these permissions for “affidavits to be supplemented” without a timely motion or defendant present to object? No such motion asking such permission where the court may permit an affidavit to be supplemented has been filed in the four months since filing the MFSJ.

3. Defendant, under 12 O.S. § 2056 E reads that:

The court may permit an affidavit to be supplemented or opposed by depositions, answers to interrogatories, or additional affidavits.

4. If such a motion request were filed defendant would oppose any such request as being just more extension of time, in only the plaintiff’s favor. Defendant would request that the court deny any such request to go down this road under MIDFIRST BANK v. WILSON 2013 OK CIV APP2013 OK CIV APP. The MFSJ was filed in 2014, and we are already over four (4) months in to 2015. It is supposed to be “summary” (quick?). Whether it is not what it is supposed to be, and if the court is indulging opening the floodgates to multiple MFSJ attorney submissions then defendant would request herein production of all of the affiants (future witnesses) in Oklahoma for depositions to be held in the next 30 days under 12 O.S. § 2056 E. Defendant is entitled by state and 6th amendment federal constitutional rights to cross examine. ". In this event defendant requests the court order plaintiff to immediately provide all the answers to interrogatories, (which court has

authority to order early provision 12 O.S. 2001, § 3234), and for plaintiff to provide all the Oklahoma, Texas and Canadian resident affiants in the Oklahoma County Court premises, or an agreed legal Oklahoma court reported premises, for video depositions in the next 30 days, under (12 O.S. § 2056 E)

5. If the court is granting permissions to plaintiff for supplements to affidavits, could it please also equally and with equity, allow defendant the opportunity to oppose by depositions, get all the answers to defendants interrogatories by 5/8/2015, or additional affidavits. (12 O.S. § 2056 E)

III COURT MAY DENY MFSJ, ALTERNATIVELY MAY ORDER TIMELY PRODUCTION OF INTERROGATORIES, DOCUMENTS & ADMISSIONS AND ORDER MFSJ DEPOSITIONS MEETING REQUIREMENTS OF 12 O.S. § 2056 E

6. Defendant would argue, were such a motion request filed For Supplemental Affidavits, that this would not be a supplement but a request “to correct a filing error” and would not lead to any better evidence with respect to Grewal as claimed. Supplementing is further time wasting and not warranted. What does 12 O.S. § 2056 E refer to in the statute where this language would seem to indicate it allows for “an affidavit to be supplemented”. It is not covering “making corrections to errors in filings” or “providing sworn or certified copies after the filing time”. There is no mention of “swearing to” or “certifying copies” of previously filed documents. This request for permission to correct attorney error does not “add further added supplements” and would not appear to be in the scope of the statute.
7. Mr Grewal’s existing affidavit attaches an unsigned letter, not addressed to his correct name, not on Cantex headed paper and not sent while Scambler was in control. Currently it is “unsworn” which renders the MFSJ deniable. However, even were affiant to have sworn

this document as “swearing this copy of an unsigned letter” that would not show any improvement of the evidence as to authority or control by Scambler to this issuance of correspondence by Bryant. There is no definitive evidence submitted at this time that defendant was “in control” in the time period claimed before the murder of Julie Mitchell.

In plaintiff’s reply filed April 20th 2015, they claim

“Even without the additional declaration by Tejinder Grewal, Plaintiff’s MSJ is “ripe” because other acceptable evidentiary materials Plaintiff submitted to the Court show that there is no substantial controversy as to any material fact. For example, Gary Berar’s declaration shows, without referring to a document, that he purchased shares of CanTex stock from CanTex on or about October 14, 2010, by wiring funds to a bank account in Oklahoma”.

There is ample controversy as to material facts. Looking at Exhibit D, TJ Grewal in 2005 had 5,000,000 in the company, and lost his shirt in 2006 when Maurin lost it all the first time over. Not having a “certified copy of the unsigned letter sent by Bryant to Grewal” does not show defendant made any such offer. Further Gary Berar’s declaration relies entirely on proof of defendant having control and that he signed the stock certificate (which is not in evidence) and such certificate was signed in Oklahoma, and no such certificate exists.

Whether Berar purchased shares of Cantex stock on or about October 14, 2010, by wiring funds to a bank account in Oklahoma does not make defendant the one that made the offer while in Oklahoma, or who controlled the company or signed a stock certificate. The MFSJ is not proven as to there being no controversy as to material facts. The MFSJ should be denied.

8. Arguing for this “affidavit to be supplemented” is in essence just added time for this, granting latitude to correct an error of record, which is not merited from an attorney filed MFSJ from 2014. Plaintiff is getting desperate to extend this MFSJ, their last reply is replete with desperate arguments without authority. It seems vital for plaintiff to show this

was a defendant controlled letter/offer. This is just not in the Grewal evidence whether sworn or certified.

9. Defendant would request for these reasons that the MFSJ be denied, and that we are not all sent down this 12 O.S. § 2056 E supplement route. Alternatively if the court does not deny the MFSJ at this time, court must order timely production of interrogatories, documents & admissions on or before 5/7/2015 and order MFSJ depositions meeting requirements of 12 o.s. § 2056 E
10. Essentially this MFSJ, which the plaintiff continues to argue for in their reply, is getting to be a mini trial before the jury trial, and as a “trial by nature” and as a compilation of foreign affidavits, defendant has the right to cross-examine. In MILLER v. STATE 2013 OK CR 11 313 P.3d 934 the OK Appeal Court considered United States Supreme Court's decisions:

“in Crawford v. Washington, 541 U.S. 36, 124 S.Ct. 1354, 158 L.Ed.2d 177 (2004), which was decided prior to his 2008 retrial, and Melendez-Diaz v. Massachusetts, 557 U.S. 305, 129 S.Ct. 2527, 174 L.Ed.2d 314 (2009), which was decided afterward. The Court's landmark decision in Crawford emphasized that a defendant's right to cross-examine the witnesses against him is "the centerpiece of the Sixth Amendment's confrontation right." In Crawford, the Supreme Court distinguished between "testimonial" evidence and "nontestimonial" evidence and held that "[w]here testimonial evidence is at issue, . . . the Sixth Amendment demands what the common law required: unavailability and a prior opportunity for cross-examination."

In its 2009 decision in Melendez-Diaz, the Supreme Court further clarified the meaning and reach of Crawford, finding that an analyst's "certificate of analysis" (stating that a particular tested substance is cocaine or any other drug) is essentially an affidavit, which declares certain facts to be true about the tested substance. Consequently, such evidence is subject to the defendant's Sixth Amendment right to confront and cross-examine the analyst who prepared it, who is, effectively, a "witness" against the defendant. Hence a defendant in a drug distribution/trafficking case who had raised his right to cross-examine the analysts who performed the drug analysis in his case had a right to demand the analysts' live testimony at trial, unless these analyst witnesses were "unavailable" and the defendant had a prior opportunity to cross-examine them.

11. If the court goes down this “supplemental affidavit route” then the defendant has raised the right to cross-examine, which is being denied by plaintiffs at this time through creation of a

“catch 22” for which state and federal authorities are notorious for. Defendant cannot get to interrogatories or discovery depositions because plaintiff will not timely answer discovery requests and provide the names and addresses. Because plaintiff will not answer discovery requests defendant can not to send out further interrogatories or set up discovery depositions. The court ordering timely production and depositions would break this “catch 22”

12. Under 12 O.S. § 2056 F if plaintiff cannot make affiants available in Oklahoma County such that “AFFIDAVITS ARE UNAVAILABLE” defendant shows by pleading / affidavit that, for these specified reasons, it cannot present facts essential to justify its opposition, the court may thus deny the motion, MFSJ under 12 O.S. § 2056 F.

IV TIME IS OF ESSENCE TO DEFENDANT

13. Plaintiff is represented by salaried employees who have little to no regard for how long this all takes, the case would likely continue even were they to retire. For defendant time is of the essence. Plaintiffs have through their actions and petition caused defendant immediate and considerable harm with their public postings spread out across google et al as colluded with Mr Maurin. Defendant is still now unable to conduct normal business and gain equivalent executive positions, has lost considerable business opportunity. Defendant wants to get this matter immediately through MFSJ, quickly through all discovery and through the jury trial as soon as possible. Plaintiff has made claims through unverified pleadings of serious accusations on Mr Scambler, a CPA and Forensic Accountant.
14. Defendant has provided copy of his employment contract which was in place until this case was filed. At a salary then of \$15,000 a month, defendant is losing over \$500.00 or more per day in earnings. Each day this lingers is another lost day earnings.

V COURT MAY UPHOLD REQUIREMENTS OF 12 O.S. 2001, § 3234.

15. Defendant requests the court to order plaintiff to comply with 12 O.S. 2001, §3234, and produce within 30 days on time, as of latest date 7th May 2015. That is not to wait until 7th May 2015 and ask for more days. The reason for requesting this order is that defendant was advised 4/23/2015, by his previous counsel, Jeff Black Esq., that plaintiff's attorney had contacted him, (Jeff Black Esq.), albeit he had withdrawn as filed of record, pleading for him, Jeff Black Esq., to grant plaintiff an immediate additional 45 added days extension of time (totaling 75 days) for production of documents and responses to interrogatories, apparently, whether joking or not, admitting that "this would take all this production out of the MFSJ hearings". Defendant does not understand why plaintiff would want to not want to provide this discovery information immediately, but if there is something they have that is controverted which would deny the MFSJ the defendant should have it now. Defendant sees this only contacting, Jeff Black Esq., as attempted representation circumvention. Plaintiff knows the pro se entry is filed. Defendant objects to plaintiff's act, not just because it is a further attempt to run up unwarranted addition of billed legal costs to defendant, but more so that given plaintiff, being a stickler for these local district court rules and statute, plaintiff knows there is 30 days by stature, and that is what should apply. Defendant by this motion, notices the court and seeks the court to enforce discovery, to order plaintiff to produce as of latest date 7th May 2015, which is a motion hearing date, for the reasons stated being within the scope of 12 O.S. 2001, § 3234.
16. Defendant sent out their discovery requests to plaintiff, filed of record 7th April 2015. These were detailed and specific questions to obtain necessary material evidence under the Discovery Code. In the 9 or more months since plaintiff filed this lawsuit, other than the countless motions form plaintiff, defendant has received almost nothing from the plaintiff.

This MFSJ did not start well as the plaintiff did not attach the documents to the affidavits. A complete copy was sent out 1/30/2015 as filed, but there is no record of any such copies Jan 8, 2015. Not having sight of the attachments to the affidavits defendant's attorney could not cite MIDFIRST BANK v. WILSON 2013 OK CIV APP2013 OK CIV APP in the first response to the MFSJ. It is catch 22 again that you can not claim the MFSJ should be denied under MIDFIRST BANK v. WILSON 2013 OK CIV APP if you did not get sight of the unsworn and un-certified copies of the documents. Defendant has now pointed out to the court that these documents are lacking certification or sworn specificity as to the documents.

17. The anniversary is now fast approaching, we are ever getting closer to a year since this case was filed. In all this time there has been no provision to defendant of the evidence that his accuser claims to support their case's claims. That needs to end, defendant needs to have these answers to interrogatories (or discovery depositions) in order to answer this MFSJ).

VI REQUEST FOR EXTENSION OF TIME IS NOT WARRANTED TO
UNEQUITABLY EXTEND APPLICATION OF 12 O.S. 2001, § 3234.

18. Defendant will gain no benefit from any extension of time. It would be unilaterally only beneficial to the plaintiff. This would make any grant of an extension of time as unequitable.
19. Plaintiff have had more than enough time to have the documentation available. The court should be aware that Plaintiff began these enquiries in early 2011. Defendant had discussions with Bryant in 2011. Bryant made five (5) or more offerings in Oklahoma prior to 2010. Bedford offerings and transactions were it seems being looked into under Exhibit A Defendant was provided recently by a third party, with a copy of a letter from plaintiff attorney Cornmesser, dated August 4, 2011, to the Cantex banker ref file ODS-10-102

requesting all of the Cantex and Bedford banking information. (see Exhibit A). Plaintiff has thus had four (4) years to review and compile this information, the bulk of which was already provided to them by BancFirst in ODS File 10-102. Plaintiff only has to copy this part of the information. This Exhibit A also shows that plaintiff had ample time to start this litigation when Harvey Bryant was living and could have answered all of this case matter in two sentences. "I, Harvey Bryant, as Cantex President, was in control of Cantex until my daughter Julie Bryant Mitchell was murdered. I then passed over control to Bruce with an employment contract and giving him the certificates and voting control when I resigned as President". The Administrator chose to not do this when Harvey Bryant was living and we now are where we are. This four year history of inquiry shows that the plaintiff have had plenty of time. They have had over 9 months since filing the petition to prepare the files. They have had plenty of time to get ready for discovery having initiated the action. Defendant requests the court to order plaintiff to comply with 12 O.S. 2001, § 3234. They shall produce within the 30 days (by 5/7/2015). Thirty (30) days: that is plenty of time to prepare written responses. There is by statute no if ands or buts, produce within 30 days.

20. Alternatively plaintiff must immediately apply to the court with details exactly why a state department needs more than 4 years, (with over nine months since filing petition) to answer the defendant's first (of 30 allowed) application for discovery. Plaintiff have two or more attorneys working on this case. These are attorneys who work full time on these matters. They are employed by the state in long term salaried positions, they work in a large department complete with many support staff and many assistants. Having compiled this limited defined amount of evidence it only takes two (2) days at most to take the files to the legal copier service and have them copied. The thirty (30) days allowed should have been more than adequate.

21. Defendant sent out his discovery requests under the Discovery Code. The Discovery request was filed with the court, as an exception to the Local rule, based on previous counsel's advice from their past experience with the known dilatoriness of plaintiff, so as to be able to meet the needs of 12 O.S. 2001, § 3234 (or alternatively 12 O.S. § 2056 E), and to be of record, to obtain a known date of service and start the 30 day clock running, and to show the court how reasonable the discovery requests were. The Statutory requirements under 12 O.S. 2001, § 3234. 4 A. gives the plaintiff as the party, upon whom the request is served, guidance that they shall serve a written response within thirty (30) days after the service of the request.
22. An added component of trial preparation will be to prepare for any "Experts". Such depositions can only be set up after plaintiff gives defendant the names and addresses of the expert witnesses. Defendant needs to get these names as soon as possible. In HEFFRON v. DISTRICT COURT OF OKLAHOMA COUNTY 2003 OK 75, 77 P.3d 1069 the subsections 3226(B)(3)(a)(2), 3226(B)(3)(b) and 3226(B)(3)(c)(1), were considered:
 - "a. Discovery of facts known and opinions held by experts, otherwise discoverable under the provisions of paragraph 1 of this subsection and acquired or developed in anticipation of litigation or for trial, may be obtained only as follows:
 - (2) After disclosure of the names and addresses of the expert witnesses, the other party expects to call as witnesses, the party, who has requested disclosure, may depose any such expert witnesses subject to scope of this section. Prior to taking the deposition the party must give notice as required in subsections A and C of Section 3230 of this title. If any documents are provided to such disclosed expert witnesses, the documents shall not be protected from disclosure by privilege or work product protection and they may be obtained through discovery."
23. Defendant would request that the court exercise its discretion and order a shorter time under 12 O.S. 2001, § 3234. 4 A. Given we are so close to 30 days an order for turnover effective 5/8/2015 issued now would suffice. The reason Defendant requests that is

ordered is that time is of the essence and the state, as represented through the Administrator, has comparatively almost unlimited resources. Plaintiff has had years (near 4) to compile this file, and over 9 months to collate the information for discovery. An order is required as plaintiff has shown its preference for endless motion filings. The MFSJ, then all these motions to strike and other motions by plaintiff have covered more time than “getting the discovery prepared” would ever take.

24. Without claim to ESP or possession of a magic crystal ball, defendant feels sure that plaintiff will likely expend more of their time to “file a reply” to this motion requesting “an extension of time for discovery provision”. Defendant objects ahead of this, Reply Motion requesting “an extension of time” as any time extension in these circumstances is totally unwarranted. Getting to the core of what is at stake here, plaintiff is attempting to push “provision of discovery” out beyond the MFSJ decision to impair defendant. Thankfully the statute says 30 days and that should be what is enforced. It is unfortunate that lawyers have not had an unblemished track record of complying with discovery requests. Reading *State ex rel. Oklahoma Bar Ass'n v. Lloyd*, 1990 OK 14, 787 P.2d 855, there Justice Opala, (who was always most cordial to me on meeting a fellow European), opined that

“Discovery is vital to the truth-seeking mechanism of our adjudicative process. Any conduct that misleads one's adversary in the latter's search for the truth anterior to trial impedes and impairs the integrity of forensic fact-finding process. All pretrial discovery, whether carried out by voluntary or involuntary means, must be treated alike. Its contamination produces a like negative effect on the law's pursuit of truth. While a lawyer has no duty to give succor to, or actively facilitate, the truth-seeking quest of an opponent, he may not undermine it by actions tending to mislead. In the conduct of our adversary litigation process no stage affords a license for an advocate's use of misleading tactics to impede or thwart the foe's legitimate pursuits”.

25. With cases like this on record about attorneys holding out on providing information, defendant has read quite enough of this to be comfortable waiting much longer. Plaintiff's attorney's attempt to delay is simply undermining “the truth-seeking quest of an opponent”.

Plaintiff not being ready to provide the responses is of their own making, choosing to file an MFSJ which were not properly prepared and which was deficient, then motions to strike and endless other motions, was all a preferred choice the plaintiff made instead of preparing discovery replies. 12 O.S. 2001, § 3234. 4 A. is clear at 30 days. Requesting more time is discretionary, and what is there before the court that would allow such a harmful extension when time is of the essence to defendant? Based on Motion filed 4/20/15 plaintiff is now intent on “skipping the lets ask permission first part” and spending time in contacting Canadian resident witnesses to have them “resubmit affidavits”. This is exactly what defendant indicated that opening the sluices to Attorney resubmissions would lead to floodwater levels of motion alterations. Plaintiff now seems to want to spend their time getting resubmitted affidavits as opposed to providing discovery, which is not what the 12 O.S. 2001, § 3234. 4 A. requires; they have a very fair 30 days under statute, they should make use of it.

26. Defendant requests the court not to allow longer time. Defendant would request an order be issued that if plaintiff fails to comply in the 30 days by 5/7/2015 that immediate access be granted under. 12 O.S. 2001, § 3234. 2 to permit defendant entry upon state offices or other property in the possession or control of plaintiff for the purpose of immediate inspection and measuring, surveying, photographing, testing or sampling the property or any designated object or operation thereon, within the scope of subsection B of Section 3226 of this title. Defendant is only requesting entry to a place of work. This is not the same as ATKINSON v. GURICH, 2011 OK 12, 248 P.3d 356 regarding a home entry where Kauger J states

“Just because we have a discovery code does not mean that it can be used to discover undiscoverable information”

Note also that now serving supreme court Justices state their opinion on the matter as TAYLOR, C.J., with whom WINCHESTER and REIF, J.J., join dissenting state:

Both parties are entitled to the full discovery afforded any party in a trial in district court. That includes the right to inspect the exterior and interior construction of the property in question in order to fully inform the fact-finder of all relevant and material evidence. There can be no fair trial without the opportunity to present all admissible evidence to the trial judge. The property owner asked for a trial in district court and now that trial should proceed in a regular and routine fashion in accordance with the rules of evidence and discovery.

27. Under 12 O.S. 2001, § 3234. 5. (given plaintiff would be unlikely to agree), defendant must (and hereby does) request the court orders:

- a. Immediate production of all documents for inspection to be produced in situ as they are kept in the usual course of business (or plaintiff shall organize and label them to correspond with the categories in the request),
- b. Production of all electronically stored information, (plaintiff as responding party shall produce the information in a form or forms in which it is ordinarily maintained or in a form or forms that are reasonably usable), and
- c. Compliance with all first filed discovery requests by 5/7/2015.

28. These requests are specific and detailed, and seek to obtain the necessary evidence to enable defendant to commence putting together his defense. Requests are reasonable within 12 O.S. 2001, Section 3234 B Which reads as follows

B. PROCEDURE. The request to produce or permit inspection or copying may, without leave of court, be served upon the plaintiff after commencement of the action and upon any other party with the summons and petition or after service of the summons and petition upon that party. The number of requests to produce or permit inspection or copying shall not exceed thirty (30) in number.

29. Defendant asks for only Fourteen (14) Interrogatories to be answered, Defendant asks for Eighteen (18) specific requests for production and defendant asks for Twenty (20) specific requests for admissions.

30. Plaintiff's "evidence" has been supplied to them by their affiants, (witnesses to be) and certain banks and others. Plaintiff appears to have little or no need to do much other than compile collate and prepare to copy. Plaintiff's records are subject to open records and as such plaintiff can not claim that this information is electronically stored information from sources that the plaintiff identifies as not reasonably accessible because of undue burden or cost. Plaintiff further has no case to make to claim that the information is not reasonably accessible because of undue burden or cost as they are fully state funded.
31. The plaintiff has no good reason to claim a time extension. There have been grants of exception in case law that allows more time when the RFP's are over onerous or duplicative. Here they only relate to one case and one claim. The information can not be obtained from other sources other than the plaintiff.
32. Defendant sent out their discovery with specific scope wherein any party may serve on any other party a request under General Provisions Governing Discovery Section 3234.

DISCOVERY SCOPE AND LIMITS. Unless otherwise limited by order of the court in accordance with the Oklahoma Discovery Code, the scope of discovery is as follows:

- a. Parties may obtain discovery regarding any matter, not privileged, which is relevant to the subject matter involved in the pending action, whether it relates to the claim or defense of the party seeking discovery or to the claim or defense of any other party, including the existence, description, nature, custody, condition and location of any documents, electronically stored information or other tangible things and the identity and location of persons having knowledge of any discoverable matter. It is not a ground for objection that the information sought will be inadmissible at the trial if the information sought appears reasonably calculated to lead to the discovery of admissible evidence.

VI TESTIMONY OF TRACE MAURIN SHOULD BE STRICKEN

33. Under 12 O.S. § 2056 E, and the Defendant's first response to the MSJ. (See Pl.'s MSJ, Ex. B; Pl.'s Mot. Strike, Ex. E (Jan. 30, 2015)) the declarations and testimony of Trace Maurin should be stricken As the plaintiff states

“An affidavit supporting a motion for summary judgment "must be made on personal knowledge, set out facts that would be admissible in evidence, and show that the affiant is competent to testify on the matters stated." Okla. Stat. tit. 12, § 2056(E). Trace Maurin's declaration, submitted in support of summary judgment, meets the requirements of Section 2056(E)”.

34. An affidavit "must be made on personal knowledge” of which Maurin was in Texas and Africa as shown by email evidence provided, and had no personal knowledge of relevant Oklahoma facts or happenings at that time. There was no “personal knowledge” by Maurin of any conversations between Scambler and Bryant in Oklahoma, or office happenings or work, or of Revised Minutes for which he previous to that document’s production he gave authorized use of his signature in pdf form. The affiant did not have personal knowledge and is not competent to testify on the matters stated both for the original affidavit and Trace Maurin's supplemental declaration. Neither meets the requirements of Section 2056(E) as he was not in Oklahoma, not in the location of Oklahoma for which all of plaintiff's claims must prove. Neither the first affidavit declaration nor the supplemental affidavit declaration are based on the “personal knowledge of Trace Maurin as pertaining to the Oklahoma events.

35. Plaintiff claims Defendant has

“not pointed to any specific paragraph of the declaration or supplemental declaration as not being based on personal knowledge and has not submitted any evidence that demonstrates that they are not based on personal knowledge”.

36. If “pointing to specific paragraphs” is what it takes defendant will go through each paragraph and here we quote the reply. As quoted Exhibit B

DECLARATION OF TRACE MAURIN PURSUANT TO 12 O.S. § 426

I, Trace Maurin, of lawful age, hereby declare and state the following based on my personal knowledge:

DECLARATION OF TRACE MAURIN PURSUANT TO 12 O.S. § 426

1. I founded CanTex Energy Corporation ("CanTex") in 2005. At that time, CanTex's headquarters were located in San Antonio, Texas.

2. CanTex was in the business of oil and gas exploration in the United States.

3. CanTex was traded on the pink sheets under the ticker symbol CTXE.

4. In 2009, I met with Bruce Scambler and Harvey Bryant to discuss raising money for CanTex. Bruce Scambler and Harvey Bryant owned and operated Bedford Energy. Bedford Energy had producing wells. Bruce Scambler and Harvey Bryant proposed merging Bedford Energy with CanTex so that CanTex would generate income.

5. Shortly after the 2009 meeting, the CanTex office was moved to Oklahoma. I remained in San Antonio, Texas.

6. Bruce Scambler became Chief Executive Officer (CEO) of CanTex and controlled all of the operations and business of CanTex. Harvey Bryant and I were members of the board of directors.

7. While he was in control of CanTex, Bruce Scambler gifted, offered and sold shares of CanTex to investors and/or CanTex employees. Bruce Scambler never advised me, a member of the Board of Directors, that he was gifting, offering and selling CanTex stock.

8. Bruce Scambler never completed the merger between CanTex and Bedford Energy. Bruce Scambler gave many excuses for failing to finalize the merger.

9. In March of 2014, CanTex shareholders removed Bruce Scambler as CEO and President and replaced him with a new CEO and President.

10. CanTex has since merged with another company and now operates under the name of Arkose Energy Corp.

1. Not relevant as to founded, misleading ref Exhibit C where TJ Grewal (TJ Oil) was the majority shareholder at 5,000,000 See Exhibit D

Not true as to "San Antonio" HQ was Boerne TX. See Exhibit D

2. Not relevant

3. True, but misleading as was claimed as a fully reporting company by Maurin 8/12/2010

4. Not true, never met Mr Maurin in 2009.

5. Not true as to 2009 meeting, not true as to moving tax or registered "office". If true as to remained in San Antonio not ~~in~~ in Boerne TX, not in Oklahoma

6. Not specific as to date, when was this 2009 or 2011? (contract was 1/1/2011)

7. Not specific as to date, was this 2009 or 2011? Not true as to "never advised" reference minutes.

8. True, Not relevant

9. True, Not relevant

10. True, Not relevant

37. What Mr Maurin claims in this first affidavit, has no personal knowledge. Point by point it is either not true, not relevant, or if true not relevant. Most is pure fiction and lies. Defendant never met Maurin in 2009. To disprove this, show the lies, defendant has to cross-examine / depose. That is how you prove you never met someone you never knew of at the time in 2009, who had no personal knowledge, who lives in some ranch in deep downie draw Texas, on an unspecified date in 2009?" This compilation of "facts" is all disputed and the MFSJ should be denied. Plaintiff further claims:

"Trace. Maurin stands to gain nothing from this action by Plaintiff to enforce Oklahoma's securities laws. Even if he did, such an interest in this action would not be grounds to strike his declarations or his testimony at trial. See Okla. Stat. tit. 12, § 2056(E); Dist. Ct. R. 13(c)"

38. The plaintiff's claim that "Maurin stands to gain nothing from this action by Plaintiff" is a hapless attempt to sustain an affiant's testimony. Discovery answers will show that by Maurin reporting defendant with publicity got defendant voted off board in 2014 absent any shareholder notice avoiding paying \$300,000+ in management and accounting fees. This will be again entirely discredited by discovery and deposition and so is a foolish claim by plaintiff. At this time Exhibit D shows the 2005 players, then the President loses the Cantex shareholders all their money, and in 2009 / 2010 tries to sell them snake oil in Texas (not telling them that his family owns the ranch) - "making offers". Maurin gained his company back and has tried to avoid paying for his litigation using the free service of the Oklahoma state. Then plaintiff relies on the "Supplemental Declaration". As quoted Exhibit C:

DECLARATION OF TRACE MAURIN PURSUANT TO 12 O.S. § 426

I, Trace Maurin, of lawful age, hereby declare and state the following based on my personal knowledge:

As quoted Exhibit C

1. This declaration supplements the declaration I executed on December 30, 2014.
 2. Bruce Scambler became Chief Executive Officer of CanTex and Chairman of the Board of Directors of CanTex effective August 12, 2010, pursuant to a Statement of Unanimous Consent of Board of Directors.
 3. A true and correct copy of that Statement of Unanimous Consent of Board of Directors of CanTex, effective as of August 12, 2010, is attached hereto as Exhibit 1.
 4. I have reviewed Exhibit 4 to the affidavit executed by Bruce Scambler on January 20, 2015, in support of his Objection to Plaintiff's Motion for Summary Judgment filed in the District Court of Oklahoma County, State of Oklahoma, in case number CJ-2014-1346.
 5. Exhibit 4 to the affidavit of Bruce Scambler is NOT a true and correct copy of the Statement of Unanimous Consent of Board of Directors of CanTex, effective as of August 12, 2010, and does not accurately represent the unanimous consent of the Board of Directors that Bruce Scambler become the CEO of CanTex and the Chairman of its Board of Directors effective 12:00 p.m. (Central) on August 12, 2010.
 6. I did not sign the version of the Statement of Unanimous Consent of Board of Directors that appears as Exhibit 4 to the affidavit of Bruce Scambler.
1. True, we are 27 days later.
 2. No evidence to support this as to an original document or certified document, that Bruce Scambler became Chief Executive Officer of CanTex and effective 1/5/2011. No evidence of August 12, 2010, Not his personal knowledge, not in Oklahoma.
 3. Not true, an unsworn, uncertified copy of draft minutes were attached. There is not Cantex certification Not his personal knowledge, not in Oklahoma.
 4. Not relevant, not his personal knowledge he was in San Antonio HQ was Boerne TX. Not in Oklahoma
 5. Not relevant, not proven, while there were copies of draft minutes they were not the filed version on Cantex file. Not his personal knowledge, not in Oklahoma.
 6. Not True, Maurin gave his consent for pdf signatures and this is what Bryant used.

While “such an interest in this action would (may) not be grounds to strike his declarations or his testimony at trial” (we are not yet at trial), we need to first have Mr Maurin show-up for deposition and corrects his lies /untruths in his affidavit). These two affidavits are “not unrefuted facts” for a MFSJ.

39. Defendant's has responded to plaintiff's challenge to point to each and every paragraph of the Trace Maurin affidavits. Having pointed to each specific paragraph of the declaration or supplemental declaration they are based on Maurin being in San Antonio, with the company in Boerne, and or him being off shore Angola, Africa. They are not based on personal knowledge and Maurin has not submitted any evidence that demonstrates that they are based on personal knowledge”. Maurin signed off for remote “do not bother me signature” and that is what he got.

VII SANCTIONS FOR NOT PROVIDING RESPONSES

40. Plaintiffs have through their actions and petition caused defendant immediate and considerable harm. Defendant would request that should plaintiff not comply with an order for such provision ^{of response} that sanctions be awarded for not providing responses in the amount of \$500.00 per day

VIII MOTION TO COMPEL ANSWERS.

41. Defendant requests an order to compel answers under 12 O.S. § 3237 to be effective 8th May 2015. Plaintiff will have failed to respond to the request for inspection and copying submitted under Section 3234. This motion is submitted in that the movant defendant has in good faith attempted to confer by telephone with the person or party “failing to make the discovery” in an effort to secure the information or material without court action. A call was made and voicemail left. Defendant includes copy of email (Exhibit E)

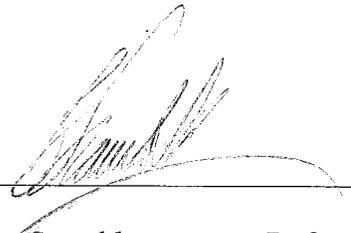
IX CONCLUSION

42. The defendant request the court deny the MFSJ. If the court grants plaintiff permission to supplement affidavits then the court must grant defendant depositions to be held as soon as possible. Delay in obtaining evidence in this discovery before trial will result in Defendant's further loss, at no loss to the state agency. For this reason defendant requests the court deny the MFSJ, sustain only the 30 days allowed by statute, and not grant any extension of time.

X PRAYER

WHEREFORE, the Defendant pray the Court should deny the MFSJ, grant Defendant's Motion to Compel Discovery on Plaintiff, effective 5/8/2015, and sanction plaintiff if they are late in amount of \$500.00 per day for non-compliance thereafter, and any other relief the Court may grant for the necessity to answer this motion.

Respectfully Submitted,



Bruce Scambler, pro se Defendant
3555 N.W. 58th St., #1000 LMT West
Oklahoma City, OK 73112
(Tel 405 608 2700)
Email scambler@me.com

File Note:

Lost Salary since case filing :\$135,000

Defendants time: added further eight (8) hours to compile and an added hour (1) hours for trip to travel to the Court House to file response in person (pro se litigants can not mail in replies) for a total of seventy three (73) hours

CERTIFICATE OF MAILING

The undersigned hereby certifies that on the 27th day of April 2015, a true and correct copy of the above and foregoing DEFENDANT'S MOTION TO COMPEL TIMELY PRODUCTION OF DISCOVERY, AND REPLY TO RESPONSE OF PLAINTIFF TO DEFENDANT'S MOTION TO STRIKE was delivered by hand or mailed with postage prepaid thereon, addressed to

Amanda Cornmesser (OBA No. 20044)
Terra Shamas Bonnell (OBA No. 20838)
Oklahoma Department of Securities
120 North Robinson, Suite 860
Oklahoma City,
Oklahoma 73102

Telephone: (405) 280-7700
Fax: (405) 280-7742



Bruce Scambler, pro se
Defendant
3555 N.W. 58th St., #1000
Land Mark Towers West
Oklahoma City,
OK 73112
Tel (405) 608 2700
Email scambler@me.com

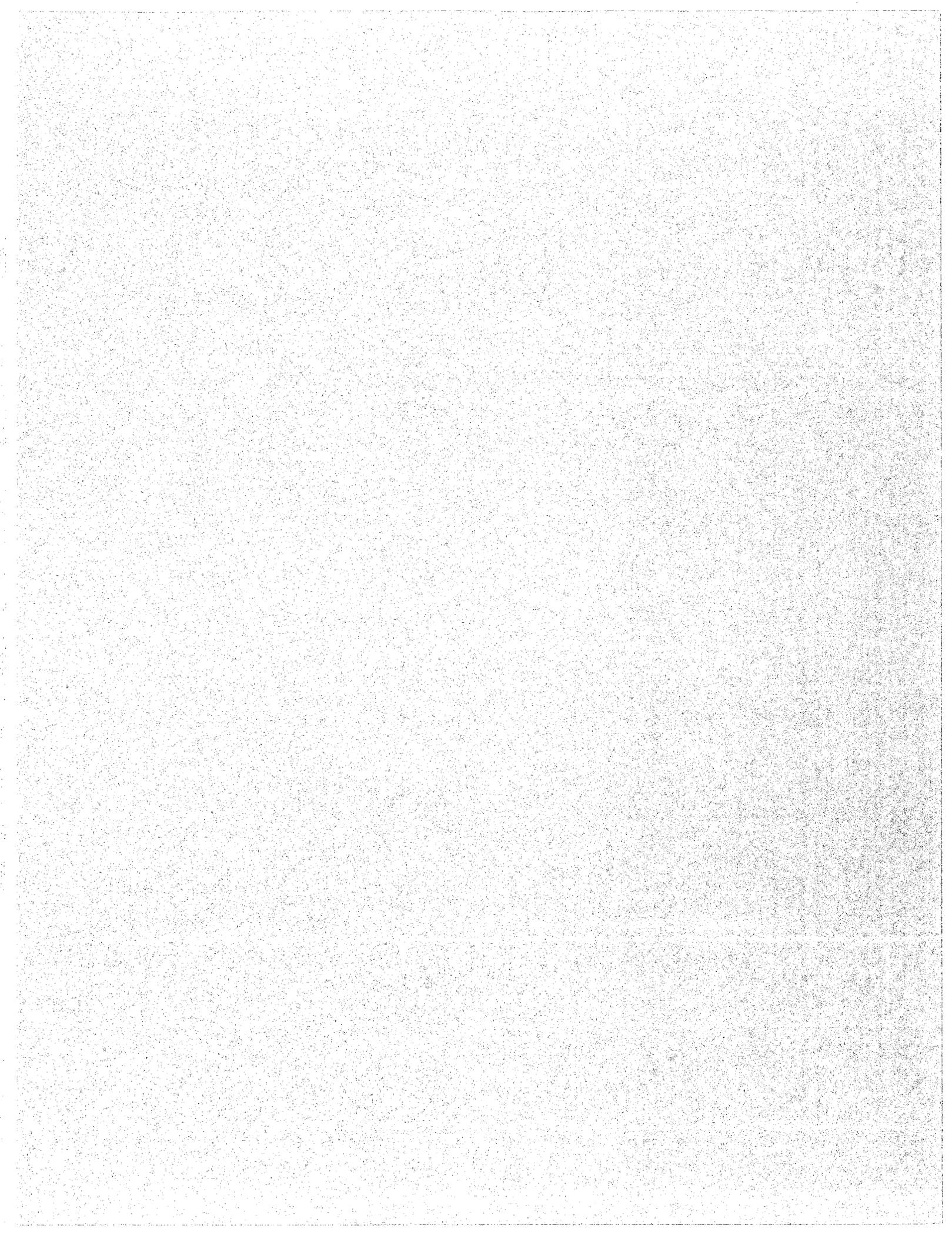


Exhibit A

IRVING L. FAUGHT
ADMINISTRATOR



MARY FALLIN
GOVERNOR

STATE OF OKLAHOMA
DEPARTMENT OF SECURITIES

August 4, 2011

BancFirst
101 N. Broadway Ave., Ste. 1110
Oklahoma City, OK 73102

Re: ODS File 10-102

Dear Madam/Sir:

As part of an investigation being conducted by the Oklahoma Department of Securities ("Department"), the Administrator of the Department has issued the attached Subpoena Duces Tecum ("Subpoena"). The personal appearance of an officer of the bank is not required at this time.

Pursuant to Section 2204 of the Oklahoma Financial Privacy Act ("Financial Privacy Act"), Okla. Stat. tit. 6, §§ 2201 *et seq.*, a copy of the attached Subpoena has been mailed on this date to the last known addresses of Bedford Energy Incorporated and CanTex Energy Corporation. Pursuant to Section 2208 of the Financial Privacy Act, you may not release the subpoenaed records to the Department until you receive certification of compliance with the applicable provisions of the Financial Privacy Act. You should receive such certification from the Department in approximately 14 days.

This inquiry should neither be construed as an indication that a violation of law has occurred nor as a reflection upon any person or entity. If you have any questions about the attached Subpoena, please contact the undersigned at (405) 280-7725. Thank you for your cooperation.

Respectfully,

Amanda Cornmesser
Attorney

Attachment

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



SUBPOENA DUCES TECUM

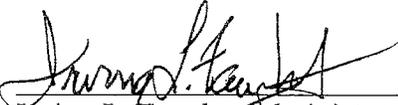
To: Custodian of Records for BancFirst

ODS File No. 10-102

IN THE NAME OF THE STATE OF OKLAHOMA, and pursuant to Section 1-602 of the Oklahoma Uniform Securities Act of 2004 ("Act"), Okla. Stat. tit. 71, §§ 1-101 through 1-701 (Supp. 2004), **YOU ARE COMMANDED TO PRODUCE** all documents, records, and materials described in Appendix "A", attached hereto and incorporated herein by reference, before the Administrator of the Oklahoma Department of Securities, or his designated representative, at 120 North Robinson, First National Center, Suite 860, Oklahoma City, County of Oklahoma, State of Oklahoma, on or before **August 26, 2011, at 5:00 p.m.**

Witness my Hand and the Official Seal of the Oklahoma Department of Securities this 4TH day of August, 2011.

(SEAL)



Irving L. Faught, Administrator
Oklahoma Department of Securities
First National Center, Suite 860
120 North Robinson
Oklahoma City, Oklahoma 73102
(405) 280-7700

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

Definitions

1. As used herein, the terms "you" or "your" refer to BancFirst.
2. As used herein, the term "Department" shall refer to the Oklahoma Department of Securities.
3. As used herein, the term "person" shall refer to any natural person, association, partnership, limited liability company, corporation, business trust, estate, trust, joint venture, or other form of business entity, or any government or any agency, subdivision or instrumentality thereof.
4. As used herein, the terms "identification," "identify," or "identity," when used in reference to (a) a natural individual, require you to state his or her full name and residential and business addresses and telephone numbers; (b) a firm, association, partnership, limited liability company, corporation or other form of business entity, require you to state its full name and any names under which it does business, its state of organization, the address of its principal place of business, and the addresses of all of its offices; (c) a business, require you to state the full name or style under which the business is conducted, its business address or addresses, the types of businesses in which it is engaged, the geographic areas in which it conducts those businesses, and the identity of the person or persons who own, operate, control the business; (d) a communication, requires you, if any part of the communication was written, to identify the document(s) which refer to or evidence the communication, and, to the extent that the communication was non-written, to identify the persons participating in the communication and to state the date, manner, place, and substance of the communication.
5. As used herein, the term "document" or "writing" means any medium upon which intelligence or information can be recorded or retrieved, and includes, without limitation; any invoice, bill, order form, receipt, financial statement, account statement, accounting entry, diary, written material, book, file, note, pamphlet, periodical, letter, memorandum (including any memorandum or report of a meeting), calendar, telex, telegram, cable, report, record, contract, agreement, study, handwritten note, working paper, chart, print, laboratory record, drawing, sketch, graph, index, list, tape, photograph, microfilm, data sheet or data processing card, or any other written, recorded, transcribed, punched, taped, filmed, or graphic matter, however produced or reproduced. "Document" or "writing" shall also mean all computer generated data including, but not limited to, spreadsheets, databases, graphics, charts and presentations, electronic mail messages, electronic facsimiles, scanned material, or all computer generated data stored on removable storage media, including, but not limited to, 3.5" and 5.25" floppy disks, rewritable optical disks, cd-recordable disks, flash memory, removable hard drives, backup and archive tape cartridges, reels and cassettes, or fixed storage media, including, but not limited to, internal hard drives, external hard drives, and Local Area Network drives.

6. As used herein, the terms "relation," "pertaining to," "relating to," "related to," or "related" mean pertaining in any way to, referring to, reflecting, recording, memorializing, mentioning, constituting, describing, or concerning, directly or indirectly.

7. The following rules of construction apply to this subpoena:

- (a) the connectives "and" and "or" shall be construed either disjunctively or conjunctively as necessary to bring within the scope of the attachment all responses that might otherwise be construed to be outside of its scope; and
- (b) the use of the singular form of any word includes the plural and vice versa.

Instructions

1. Documents required by the subpoena should be accompanied by a list briefly identifying each document or other material and the item or items of the subpoena to which it relates.

2. Should any document(s), required to be produced by the subpoena, be withheld pursuant to a claim of privilege or for any other reason, you should submit a list stating: (a) the nature of the documents, communications, or information not being produced; (b) the creator(s) and date(s) of creation of the documents, communications, or information; (c) their present, or last known custodian; and (d) the reason(s) the documents are not produced.

3. Should any document(s), required to be produced by the subpoena, have been destroyed, for any reason, provide a detailed statement describing such document(s) and setting forth when, how, and why the document(s) were destroyed. If the destruction occurred as a result of a document retention policy, provide a copy of that document retention policy with the detailed explanation.

4. Place a mark on all documents submitted by you identifying them as having been provided by you.

5. Indicate by separate affidavit whether a diligent search has been made for the subpoenaed documents and whether you have produced all of the documents required by the subpoena.

Appendix "A"

You are commanded to produce copies of documents within your possession, custody, or control relating to all accounts in the name of, for the benefit of, or under the control of Bedford Energy, Incorporated; Bedford Operating Company; Bedford Revenue Distribution and/or CanTex Energy Corporation, for the time period beginning **May 1, 2010, through the present.**

The documents to be produced include the following:

1. Documentation identifying all open and closed accounts including, but not limited to, checking, savings, certificate of deposit, loan, safe deposit box, trust and escrow, by the name the account is carried in, the mailing address, the account number, the type of account, and the name(s) of persons authorized to sign on the account.
2. Copies of any and all signature cards; account application forms; applicant financial statements; articles of incorporation; corporate resolutions; credit reports; safe deposit box records; and any other documents pertaining to the accounts identified in response to Item No. 1 above.
3. For any account identified in response to Item No. 1 above, copies of the bank statements; the front and reverse sides of canceled checks; deposit slips with supporting deposit items; debit memorandums; credit memorandums; electronic transfer records and receipts; and incoming and outgoing wire transfer records and receipts.
4. Documentation identifying all certificates of deposit by certificate number, the amount of the certificate, interest rate, purchase date, and maturity date.
5. For any loan accounts identified in response to Item No. 1 above, copies of loan application forms; loan evaluation forms; loan approval or disapproval forms; promissory notes; loan payment history statements; and any other related documents.
6. Copies of cashier checks or money orders purchased by or issued to any of the holders of the accounts identified in response to Item No. 1 above, and any related receipts or records.
7. Any other documents as may be requested in the future by the Administrator that may be relevant to this inquiry.

CERTIFICATE OF MAILING

The undersigned hereby certifies that on the 4th day of August, 2011, a true and correct copy of the above and foregoing *Subpoena Duces Tecum* was mailed by certified mail, return receipt requested, with postage prepaid thereon, addressed to:

BancFirst
101 N. Broadway Ave., Ste. 1110
Oklahoma City, OK 73102

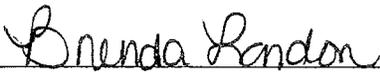
The undersigned also hereby certifies that on the 4th day of August, 2011, pursuant to 6 O.S. § 2204, a true and correct copy of the above and foregoing *Subpoena Duces Tecum* was mailed by first class mail, with postage prepaid thereon, addressed to:

Bedford Energy, Inc.
6301 Waterford Blvd., Suite 403
Oklahoma City, OK 73118

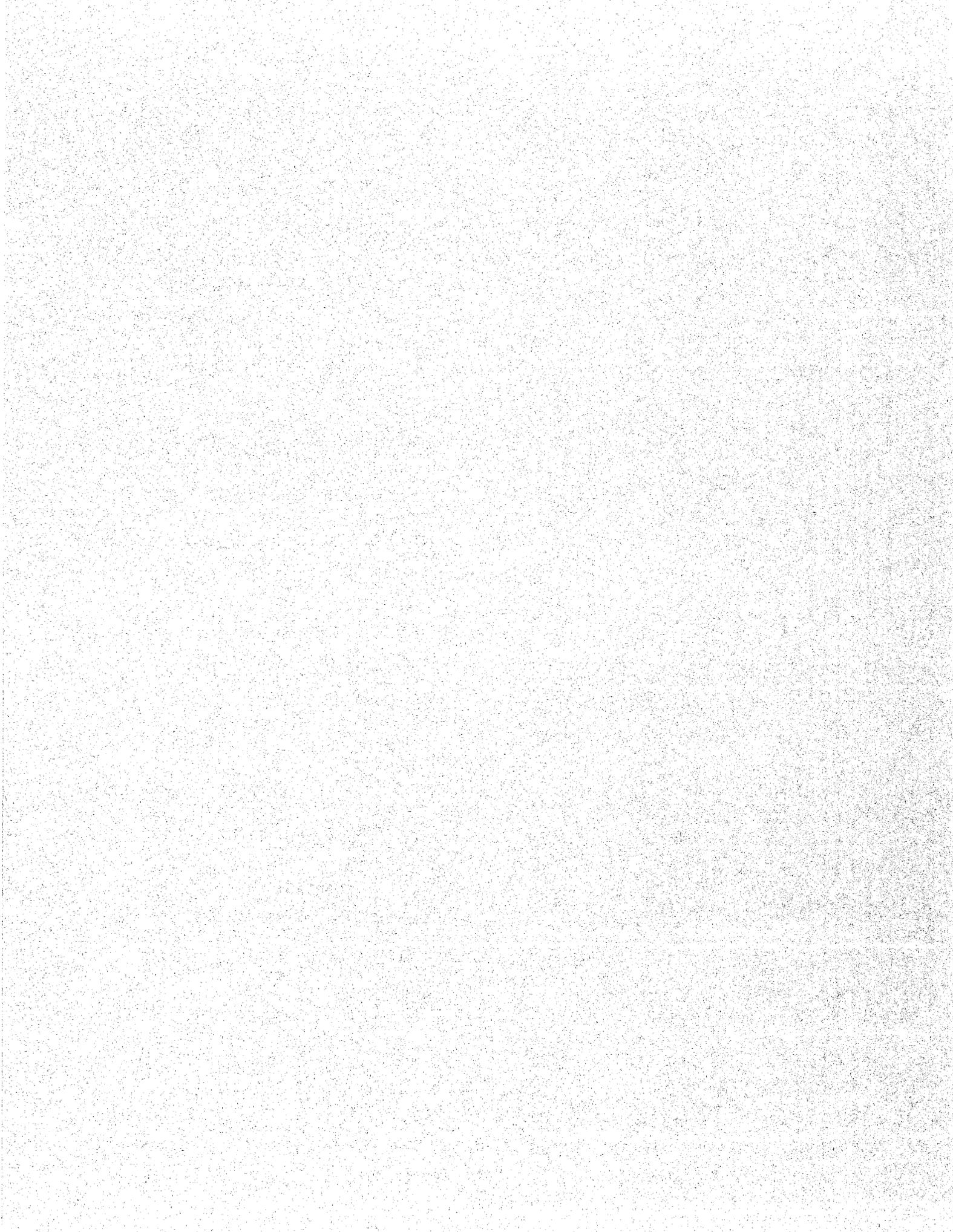
Bedford Operating Company
6301 Waterford Blvd., Suite 403
Oklahoma City, OK 73118

Bedford Revenue Distribution
6301 Waterford Blvd., Suite 403
Oklahoma City, OK 73118

CanTex Energy Corporation
6301 Waterford Blvd., Suite 403
Oklahoma City, OK 73118



Brenda London

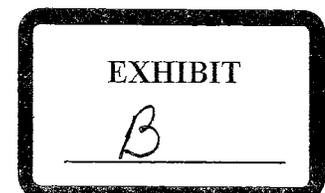


**DECLARATION OF TRACE MAURIN
PURSUANT TO 12 O.S. § 426**

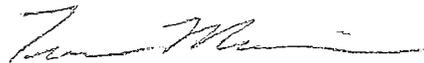
I, Trace Maurin, of lawful age, hereby declare and state the following based on my personal knowledge:

1. I founded CanTex Energy Corporation ("CanTex") in 2005. At that time, CanTex's headquarters were located in San Antonio, Texas.
2. CanTex was in the business of oil and gas exploration in the United States.
3. CanTex was traded on the pink sheets under the ticker symbol CTXE.
4. In 2009, I met with Bruce Scambler and Harvey Bryant to discuss raising money for CanTex. Bruce Scambler and Harvey Bryant owned and operated Bedford Energy. Bedford Energy had producing wells. Bruce Scambler and Harvey Bryant proposed merging Bedford Energy with CanTex so that CanTex would generate income.
5. Shortly after the 2009 meeting, the CanTex office was moved to Oklahoma. I remained in San Antonio, Texas.
6. Bruce Scambler became Chief Executive Officer (CEO) of Cantex and controlled all of the operations and business of CanTex. Harvey Bryant and I were members of the board of directors.
7. While he was in control of CanTex, Bruce Scambler gifted, offered and sold shares of CanTex to investors and/or CanTex employees. Bruce Scambler never advised me, a member of the Board of Directors, that he was gifting, offering and selling CanTex stock.
8. Bruce Scambler never completed the merger between CanTex and Bedford Energy. Bruce Scambler gave many excuses for failing to finalize the merger.
9. In March of 2014, CanTex shareholders removed Bruce Scambler as CEO and President and replaced him with a new CEO and President.
10. CanTex has since merged with another company and now operates under the name of Arkose Energy Corp.

I declare under penalty of perjury under the laws of the state of Oklahoma that the foregoing is true and correct.



Executed this 30th day of December, 2014, in San Antonio, Texas.

A handwritten signature in cursive script, appearing to read "Trace Maurin".

TRACE MAURIN

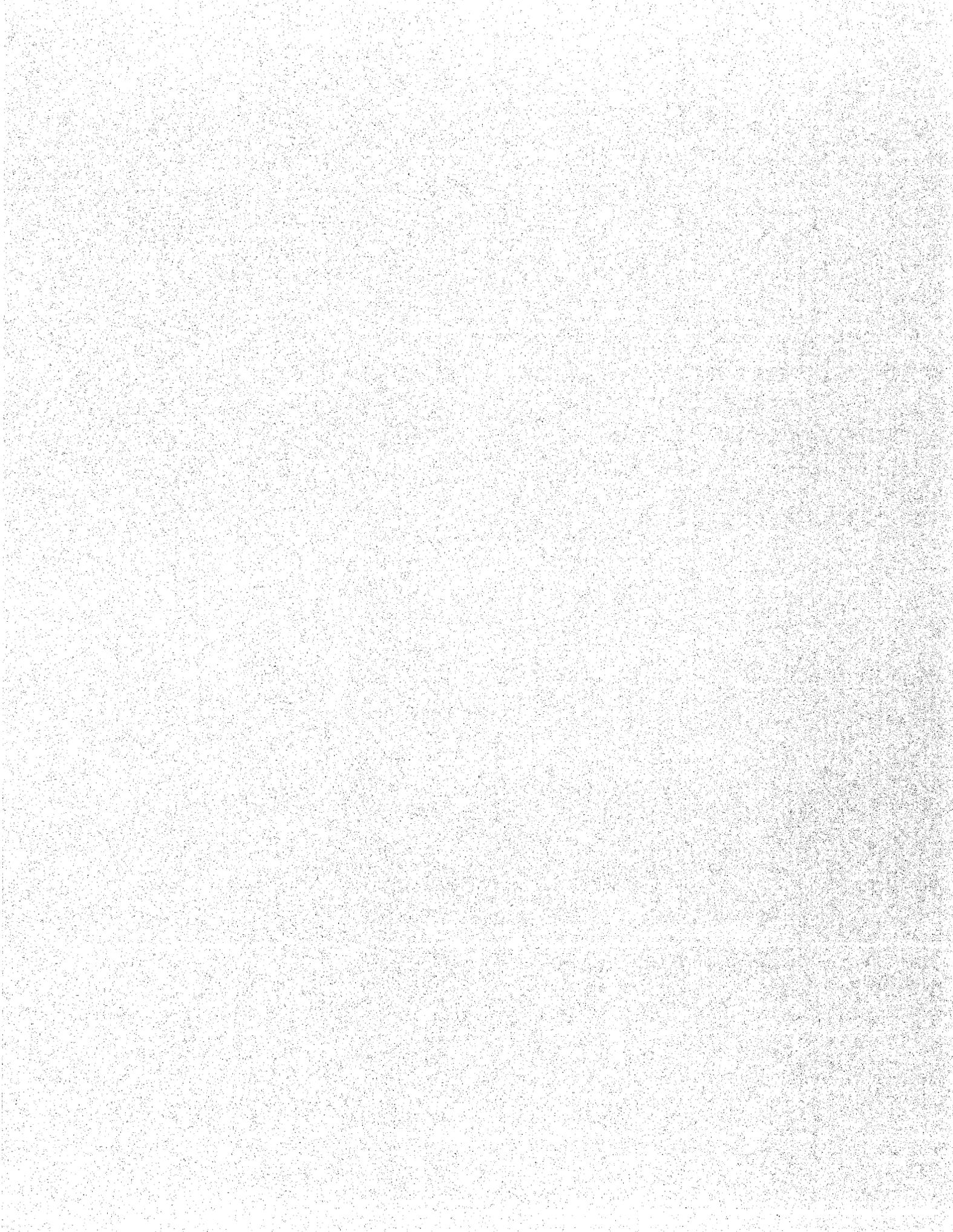


Exhibit E

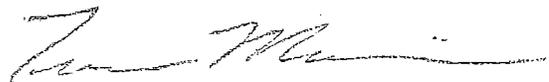
**SUPPLEMENTAL DECLARATION OF TRACE MAURIN
PURSUANT TO 12 O.S. § 426**

I, Trace Maurin, of lawful age, hereby declare and state the following based on my personal knowledge:

1. This declaration supplements the declaration I executed on December 30, 2014.
2. Bruce Scambler became Chief Executive Officer of CanTex and Chairman of the Board of Directors of CanTex effective August 12, 2010, pursuant to a Statement of Unanimous Consent of Board of Directors.
3. A true and correct copy of that Statement of Unanimous Consent of Board of Directors of CanTex, effective as of August 12, 2010, is attached hereto as Exhibit 1.
4. I have reviewed Exhibit 4 to the affidavit executed by Bruce Scambler on January 20, 2015, in support of his Objection to Plaintiff's Motion for Summary Judgment filed in the District Court of Oklahoma County, State of Oklahoma, in case number CJ-2014-1346.
5. Exhibit 4 to the affidavit of Bruce Scambler is NOT a true and correct copy of the Statement of Unanimous Consent of Board of Directors of CanTex, effective as of August 12, 2010, and does not accurately represent the unanimous consent of the Board of Directors that Bruce Scambler become the CEO of CanTex and the Chairman of its Board of Directors effective 12:00 p.m. (Central) on August 12, 2010.
6. I did not sign the version of the Statement of Unanimous Consent of Board of Directors that appears as Exhibit 4 to the affidavit of Bruce Scambler.

I declare under penalty of perjury under the laws of the state of Oklahoma that the foregoing is true and correct.

Executed this 27 day of January, 2015, in Bulverde, Texas.



TRACE MAURIN



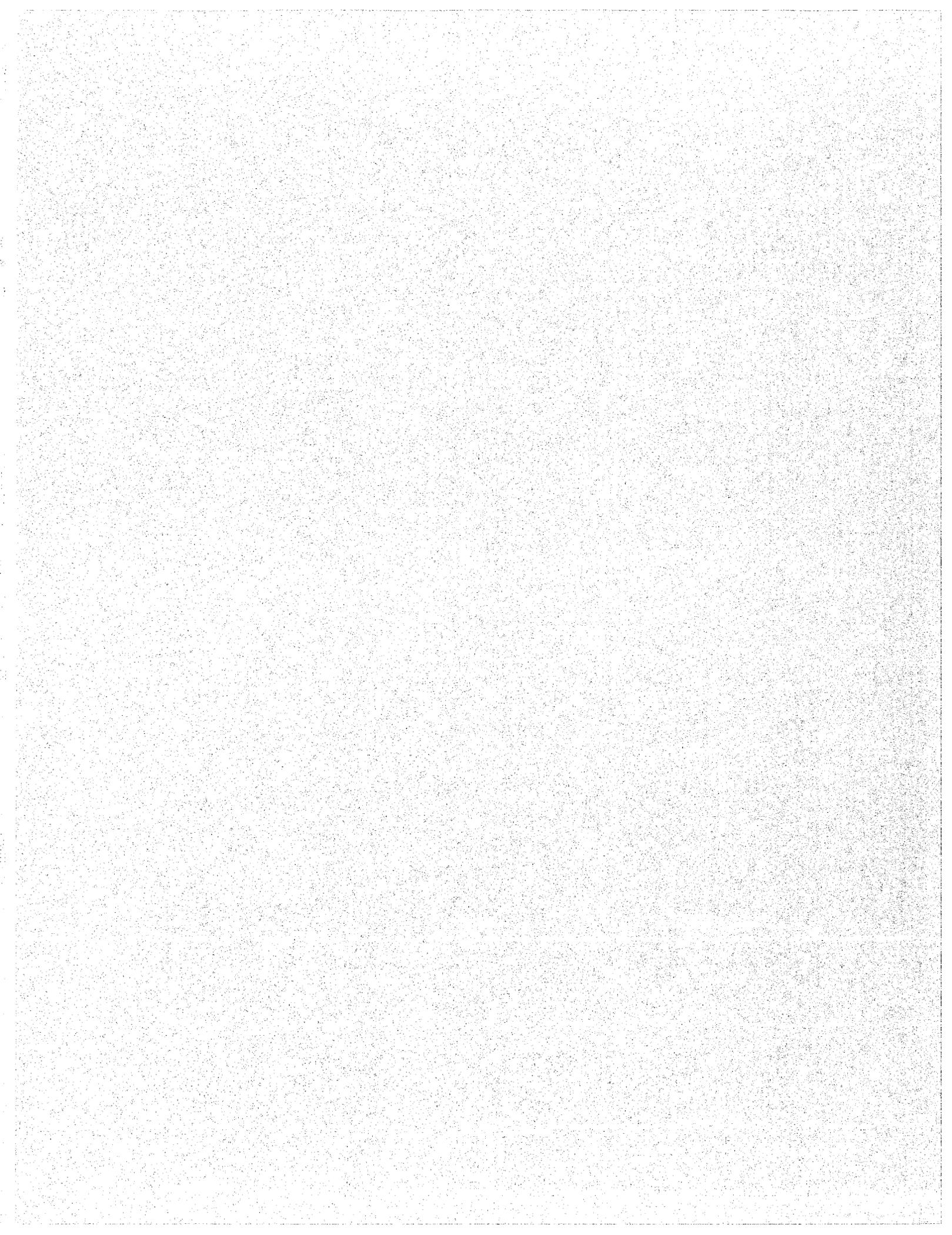


Exhibit D

CANTEX ENERGY CORP.
(A NEVADA CORPORATION)

July 29, 2005

27079 Karsch Road, Boerne, TX 78006

Phone (210) 639-3156
Fax (210) 568-4100

Federal Tax ID No.
20-2007454

Cusip No.
138116 10 8

ISSUER'S EQUITY SECURITIES

COMMON STOCK

\$0.0001 Par Value
25,000,000 Shares Authorized
10,175,000 Outstanding

TRANSFER AGENT

Transfer Online, Inc.
317 SW Alder Street, 2nd Floor
Portland, OR 97204

Phone: 503-227-2950
Fax: 503-227-6874

**INFORMATION REQUIRED TO BE IN THE POSSESSION OF CERTAIN BROKER-
DEALERS PURSUANT TO RULE 15C211 (A) (5) AS PROMULGATED BY THE
SECURITIES AND EXCHANGE ACT OF 1934, AS AMENDED.**

CANTEX ENERGY CORP.

TABLE OF CONTENTS

	<u>SECTION</u>
INFORMATION STATEMENT.....	I
ARTICLES OF INCORPORATION.....	II
BYLAWS.....	III
LETTER OF OPINION OF TRANSFERABILITY.....	IV
SHAREHOLDER LIST	V
FINANCIAL STATEMENTS.....	VI
ADDENDUM.....	VII

SECTION I
INFORMATION STATEMENT

CANTEX ENERGY CORP.

INFORMATION STATEMENT

All information contained in this Information and Disclosure Statement has been compiled to fulfill the disclosure requirements of Rule 15c2-11 (a) (5) as promulgated by the Securities and Exchange Act of 1934, as amended. The enumerated items and captions contained herein correspond to the format as set forth in the rule.

Item 1. The Exact Name and Issuer and Its Predecessor:

Issuer: Cantex Energy Corp.

Predecessor: Not applicable.

Item 2. The Address of the Principal Executive Offices:

27079 Karsch Road
Boerne, TX 78006

Item 3. Issuer's State of Incorporation:

The issuer, Cantex Energy Corp. (the "Company"), was organized under the laws of the State of Nevada on the 13th day of September, 2003.

Item 4. Exact Title and Class of Issuer's Securities:

The Company has twenty-five million (25,000,000) shares authorized of Common Stock, single class.

Item 5. Par or Stated Value of Issuer's Securities

The par value of the Issuer's Common Stock is \$0.0001 per share.

Item 6. The Number of Shares Currently Outstanding and the Number of Shares Outstanding as of the End of the Fiscal or Calendar Year:

As of the date of this Information Statement, the Company has a total of 10,175,000 shares of its Common Stock outstanding.

As of the date the Company's most recent fiscal year end, May 31, 2005, the Company had a total of 10,175,000 shares of its Common Stock outstanding.

Item 7. Name and Address of Issuer's Stock Transfer Agent and Shareholder Relations Contact:

The Company's Transfer Agent is:

Transfer Online, Inc.
317 SW Alder Street, 2nd Floor
Portland, OR 97204

Phone: 503-227-2950
Fax: 503-227-6874

For shareholder relations, you are encouraged to contact Trace Maurin, the President of the Company, at the address and phone number provided herein.

Item 8. Nature of Issuer's Business:

Cantex Energy Corp., (the Company) is a development stage, independent natural gas and oil company engaged in the acquisition, exploration, and development of natural gas and oil properties in the United States.

In March 25, 2005, the Company entered into a Purchase Agreement with TJ Oil & Gas Ltd. ("TJ") to acquire an 18% Working Interest (a thirty percent (30%) interest in TJ's rights to participate in the drilling, completion, and production of an oil prospect in Wyoming). TJ's original Agreement for their rights, dated July 27, 2004, provides that TJ has the right to participate in the development of up to eight wells in the West Ant Hills Prospect, situated in Niobrara County, Wyoming and thereby earning a sixty percent (60%) working interest in return for responsible for and paying 68.57% of all drilling and completion costs. In summary, the Company will earn a 30% interest in the 60% working interest held by TJ in this Wyoming property in return for paying 68.57% of the total costs. In addition the Company has a one year option to earn an additional 15% working interest.

The Company paid \$1,000 cash and issued five million (5,000,000) common shares to TJ Oil and Gas Ltd as consideration for these participation rights in the Wyoming prospect. The Option cost is \$300,000. Permitting is expected to be finalized during Summer, 2005, while drilling is scheduled for Fall, 2005.

There is no existing or pending litigation with the Company.

Item 9. Nature of Issuer's Products or Services Rendered:

The Company, at present, intends to proceed with its participating interests in the drilling, completion, and production from the eight oil and gas wells in Wyoming.

The Company may, in the future, depending upon availability of capital and the success of its present endeavors, look to invest in other oil and gas properties.

Item 10. Nature and Extent of Issuer's Facilities:

The Company's offices are presently located at an office in the home of the President and founder. There is no lease and the premises are provided free of charge to the Company. This arrangement and space is considered adequate for the foreseeable future.

Item 11. Chief Executive Officer and Members of the Board of Directors and Term of Office:

The following table sets forth information concerning the executive officers and directors of the Company as of the date of this Information Statement:

<u>Name & Address</u>	<u>Age</u>	<u>Position</u>
Trace Maurin	40	President, Secretary, and Director

Trace Maurin has owned and operated Mesa Chica Corp, an oil & gas company that he founded in South Texas in mid 1980's, drilling shallow gas wells in Maverick County, Texas. He has supervised all aspects of the operations from start to completion. From there, he started doing seismic survey work and funded the oil exploration from this seismic work. He has drilled and operated a production well in Bee County, Texas, as well as operated and managed a shallow oil operation in Atoscosa County, Texas. Mesa Chica has also invested in a few other oil & gas ventures in Texas, Wyoming, and Louisiana. He is also experienced in surveying locations and drawing up the plats for the Texas railroad commission.

He has also managed the mineral leasing onto the permitting, drilling, completion, and joint interest billing of several oil operations and has received permits by the states of Texas, West Virginia, Oklahoma, and New Mexico.

The term of office for each director is until the next annual meeting of shareholders and until their successor is elected and qualified. The term of office for each officer is annually or until a successor is elected and qualified and is subject to removal by the board. No executive officer or director of the Company has been the subject of any Order, Judgement, or Decree of any court of competent Jurisdiction, of any regulatory agency adjoining him from acting as an investment advisor, underwriter, broker or dealer in securities, or as an affiliated person, director, or employee of an investment company, bank savings and loan association, or insurance company or from engaging in or continuing any conduct

or practice in connection with the purchase or sale of any securities nor has any such person been the subject of any order of a state authority barring or suspending for more than sixty (60) days, the right of such person to be engaged in such activities or to be associated with such activities. No executive officer or director of the Company has been convicted in any criminal proceedings (excluding traffic violations) or the subject of a criminal proceeding which is presently pending.

Item 12. Issuer's Most Recent Balance Sheet, Profit and Loss, and Retained Earnings Statements:

The issuer's Balance Sheet as of May 31, 2005 and the related Statements of Operations, Stockholders' Equity, and Cash Flow for the period from Inception (September 13, 2002) through May 31, 2005 are attached as an Exhibit to this Information Statement.

Item 13. Issuer's Financial Statements for the Two Preceding Fiscal/Calendar Years

The Company's financial statements, for the annual periods from the date of Inception, September 13, 2002, through May 31, 2005 are attached as an Exhibit to this Information Statement.

Item 14. Whether the Broker or Dealer or Any Associated Persons are Affiliated, Directly or Indirectly, with the Issuer:

To the knowledge of the Issuer, the broker or dealer with which this report has been deposited is not affiliated, directly or indirectly, with the Issuer.

Item 15. Whether the Quotation is Being Published or Submitted on Behalf of any Other Broker or Dealer:

As of the date of this report, to the knowledge of the Issuer, a quotation is not being submitted on behalf of any other broker or dealer.

Item 16. The Quotation is Being Submitted or Published Directly or Indirectly on Behalf of the Issuer, or any Director, Officer, or any Person, Directly or Indirectly, the Beneficial Owners of More Than Ten Percent (10%) of the Outstanding Units or Shares of any Equity Security of the Issuer, and if so, the Name of Such Person and the Basis for any Exemption Under the Federal Securities Laws for any Sales of Such Securities on Behalf of Such a Person. If Such Information is Made Available to Others upon Request Pursuant to this Subparagraph, Such Delivery, Unless Otherwise Represented, Shall not Constitute a Representation by Such Broker or Dealer That Such Information is Reasonably Current in Relation to the Day the Quotation is

Submitted and That He has No Reasonable Basis for not Believing the Information is True and Correct; and That the Information was Obtained from Sources, Which He has a Reasonable Basis for Believing are Reliable.

To the best of Issuer's knowledge, information, and belief, quotations with respect to the Issuer's stock are not being submitted or published, directly or on behalf of the Issuer, or a director, or beneficial owner of more than 10% of any class of its issued and outstanding securities.

17. Other:

The ownership, or management, or anyone known to the Issuer to beneficially own more than 5% of the outstanding shares as of the date hereof.

<u>Owner</u>	<u># of Shares</u>	<u>Percent</u>
TJ Oil & Gas Company	5,000,000	49.1%
Trace Maurin	1,050,000	12.3%
Jeff Paquin	930,000	9.1%
Michael Sweatman	650,000	6.4%

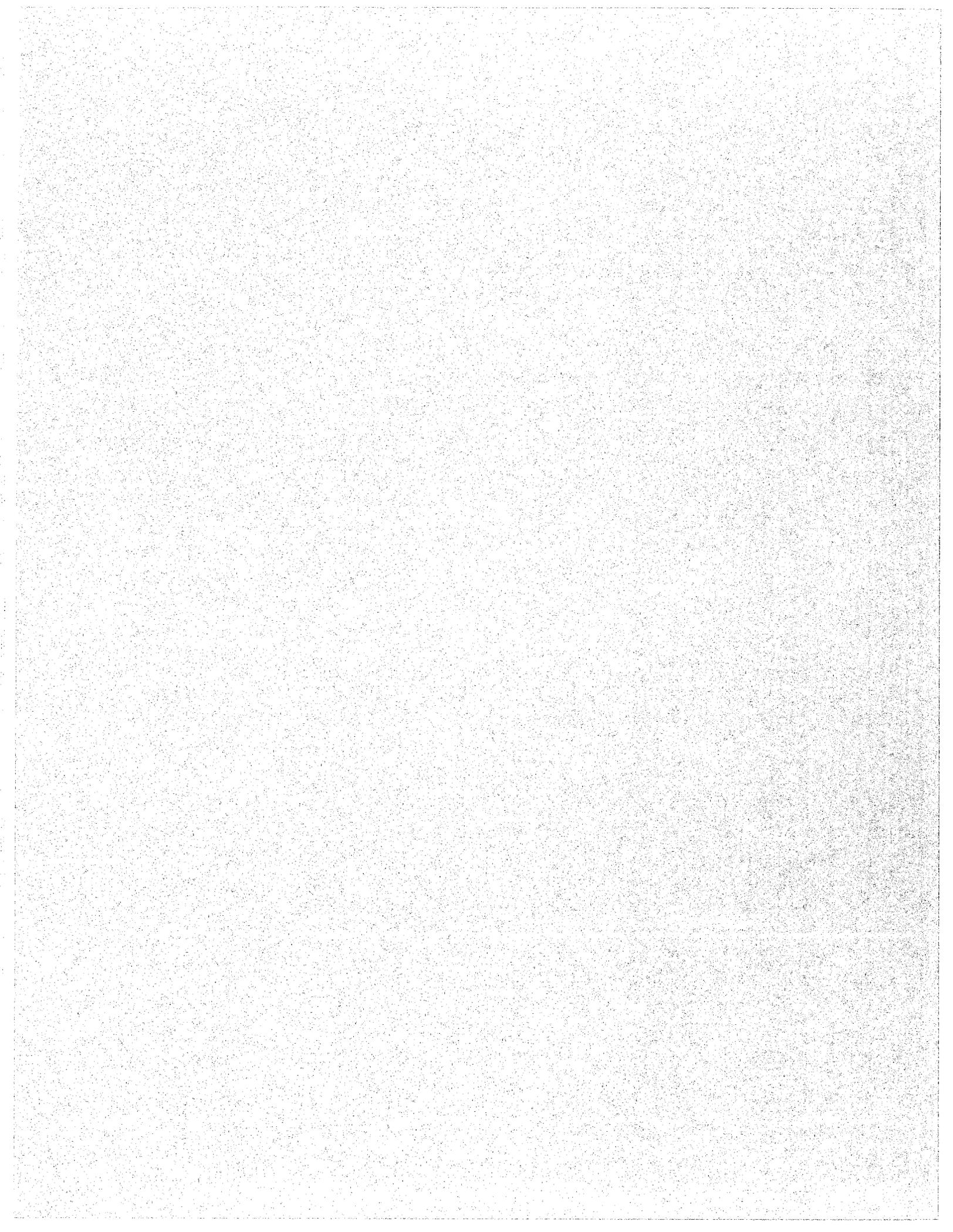
Notes:

1. Issuer's Director and Officer shares are "Restricted" under the Affiliate Rule.
2. Attached is the Shareholder's list of the Issuer, prepared by the Secretary of the Company as of July 22, 2005, to which no changes have occurred. The Company has recently employed Transfer Online, Inc., 317 SW Alder Street, 2nd Floor, Portland, OR 97204, as the Company's transfer agent.

Dated: _____

Cantex Energy Corp.

By: Trace Maurin, President



BJS

To: tbonnell@securities.ok.gov
Cc: B J Scambler CPA
Subject: Discovery 12 O.S. 2001, § 3234. CJ-2014-1346

Terra,

Discovery 12 O.S. 2001, § 3234. CJ-2014-1346

I left you a voice mail. I am ever so looking forward to discussing this matter with you.

The reason for the call was to put on record that that the movant (defendant) has in good faith attempted to confer by telephone with the person or party "failing to make the discovery" (which is you'all) in an effort to secure the information or material without court action.

You have had over four (4) years since your first enquiries of the BancFirst bank accounts in this matter. You have had over nine (9) months since commencing and filing your petition.

That is a very reasonable amount of time, and there should be no reason you can not comply with the statutory 30 days. You do after all work full time there, get paid a full time salary, and have 14 or more days left to comply (including weekend days). With you, your colleague Amanda and sizable staff to assist you there should be no reason you can not get this modest amount of discovery prepared, copied and ready for inspection in the time allotted. That is unless you have other motive for delaying this production?.

Under 12 O.S. 2001, § 3234. 5. (given you the plaintiff would seem unlikely to agree), defendant will today request that the court orders:

"Immediate production of all documents for inspection to be produced in situ as they are kept in the usual course of business (or plaintiff shall organize and label them to correspond with the categories in the request)".

Further defendant shall demand to be granted under 12 O.S. 2001, § 3234. 2 a court order to permit defendant entry upon state offices. or other property in the possession or control of plaintiff, for the purpose of inspection and measuring, surveying, photographing, testing or sampling the property or any designated object or operation thereon, within the scope of subsection B of Section 3226 of this title be granted under. 12 O.S. 2001, § 3234.

Please do try to stay within the statutory limit, and have this discovery ready on or before the expiry of 30 days.

Wishing you a productive day.

B. J. Scambler CPA FCMA

CPA Tax Counselors P.L.L.C.,
Certified Public Accountants
Land Mark Towers West
Suite 1000
3555 N.W. 58th Street
OKLAHOMA CITY
OK. 73112