

IN THE DISTRICT COURT OF OKLAHOMA COUNTY
STATE OF OKLAHOMA

DISTRICT COURT
OKLAHOMA COUNTY
APR 24 2015
FILED
CLERK

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

Case No. CJ-2014-1346

**PLAINTIFF'S REPLY TO DEFENDANT'S RESPONSES TO APPLICATION FOR
ATTORNEY FEES AND COSTS**

Plaintiff filed an Application for Attorney Fees and Costs on March 26, 2015 (Application). Defendant filed two separate responses to the Application on April 2, 2015. Plaintiff replies herein to both of Defendant's responses.

Defendant's primary objections to the Application are corollary to two pending motions by Defendant: 1) Defendant's motion to reconsider the Order (filed March 18, 2015) that struck his first response to Plaintiff's motion for summary judgment (MSJ) and awarded Plaintiff reasonable expenses under Okla. Stat. tit. 12, § 2056(G), and 2) Defendant's motion to strike certain declarations and affidavits that were submitted in support of Plaintiff's MSJ and motion to strike the affidavit submitted with Defendant's first response to the MSJ. As a result, Plaintiff incorporates herein by reference Plaintiff's Objection to Defendant's Motion to Reconsider filed on April 13, 2015, and Plaintiff's Response to Defendant's Motion to

Strike filed on April 20, 2015. If Defendant's motion to reconsider and motion to strike are denied, Defendant's primary objections to the Application fail.

Further, Plaintiff's request for \$3,846.00 in attorney fees and costs is reasonable. In its application, Plaintiff only sought fees for 50 hours spent by one of its attorneys as a result of the affidavit of Defendant that was submitted to the Court in bad faith in connection with his response to Plaintiff's MSJ. The time spent was reasonable given the amount of investigation and research that was required to address the many defects in Defendant's affidavit and the exhibits thereto. Defendant's proposition that Plaintiff could have saved costs by asking Defendant to provide the necessary evidence is curious given that Defendant's fabrication of evidence was a basis for the award of reasonable expenses. Defendant's challenge to the Time and Expense Report (included in Exhibit B to the Application) on the grounds that it does not show time spent in communication with any witness is meritless.

In conclusion, Plaintiff asks that the Court enter an Order requiring Defendant, Bruce J. Scambler, to pay the reasonable expenses of \$3,846.00 that Plaintiff incurred as a result of Defendant's bad faith submission of his affidavit.

Respectfully submitted,



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Defendant pro se

CERTIFICATE OF MAILING

The undersigned hereby certifies that on the 24th day of April, 2015, a true and correct copy of the above and foregoing reply was mailed with postage prepaid thereon, addressed to:

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