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INSURANCE COMMISSIONER
OKLAHOMA

BEFORE THE INSURANCE COMMISSIONER OF THE STATE OF OKLAHOMA

IN RE: HEARING PURSUANT TO 36 O.S. § 984 AS TO WHETHER THE OKLAHOMA HOMEOWNERS INSURANCE MARKET IS NONCOMPETITIVE	))))	CASE NO. 26-0820-TRN

RESPONSE OF THE OKLAHOMA ATTORNEY GENERAL TO THE DEPARTMENT'S MOTION TO DISMISS PARTIES FOR LACK OF STANDING

COMES NOW the State of Oklahoma, ex rel. Gentner Drummond, Attorney General of the State of Oklahoma (the "Attorney General"), a party to this proceeding pursuant to 74 O.S. § 18b(22), and responds to the Motion to Dismiss Parties Due to Lack of Standing filed by the State of Oklahoma, ex rel. Glen Mulready, Insurance Commissioner (the "Department") on September 3, 2026 (the "Motion").

I. INTRODUCTION AND SUMMARY

1. **The Attorney General opposes the Motion.** He asks that Mr. MacIntyre and Mr. Sullivan remain participants in this proceeding. The question this Court must answer under 36 O.S. § 984 is whether a reasonable degree of competition exists in a market that touches every homeowner in Oklahoma. That question is better answered on a fuller record than a narrower one, and nothing about the participation of two additional individuals impairs the orderly conduct of the hearing.

2. **The Motion applies the wrong legal standard.** Every authority the Department cites addresses standing to invoke a court's jurisdiction — the showing required to obtain judicial review of an agency order under 75 O.S. § 318. None addresses who may participate in an agency proceeding in the first instance. The Department cites no authority holding that a showing of injury

is a precondition to appearing before an Oklahoma agency, and the Attorney General is aware of none. Its authorities run in the opposite direction: they hold that participation below does not, by itself, carry a right of review above.

3. **The Commissioner's own Notice supplies the participation standard, and it was met.** The Notice of Hearing invited "all interested parties with a direct, immediate, and substantial interest" in the determination "to participate in the public hearing and offer evidence and argument on the issues involved." Mr. MacIntyre and Mr. Sullivan accepted that invitation and filed timely entries of appearance by the August 26, 2026, deadline the Department itself proposed.

4. **Oklahoma applies a permissive standing analysis in rate proceedings, and has done so for more than fifty years.** That body of authority — which supports the participation of the trade associations now before this Court — supports the participation of Mr. Sullivan and Mr. MacIntyre for the same reasons and by the same logic.

5. **If a stricter test is to be adopted, it cannot be applied to two participants and not to five.** The Attorney General does not ask that any participant be dismissed. But the Motion asks this Court to remove the only two individual participants while leaving untouched three associations, in a proceeding in which — by the Department's own account — not one insurance company has appeared at all. Part V explains why the test the Department proposes, applied evenhandedly, either accommodates everyone or empties the room.

6. **Two procedural matters warrant this Court's attention.** First, the Attorney General, counsel for Mr. Sullivan, and counsel for NAMIC and APCIA all opposed continuing the September 14, 2026 hearing; the sole request came from the Oklahoma P&C Advocacy Association, and the Department — which had told this Court that it did not wish the conference "delayed or continued further," Motion at 6 — stated that it had "no objection." Ex. 2, Tr. 14:9–11,

14:21–15:4. Second, the Omnibus Pre-Hearing Motion filed August 25, 2026, is now largely resolved by stipulation, and the five motions still in dispute stand reserved for the same setting as this Motion. Those matters are addressed in Part VI.

II. THE MOTION APPLIES A JUDICIAL-REVIEW STANDARD TO A QUESTION OF HEARING PARTICIPATION

A. Each authority the Department cites concerns standing to sue, not standing to participate.

7. The Motion's framework rests on four cases. Each arose from an effort to obtain relief in court, and each states its rule in those terms.

8. *Toxic Waste Impact Group, Inc. v. Leavitt*, 1994 OK 148, 890 P.2d 906, decided whether an organization could appeal the granting of a construction permit under § 318 of the Administrative Procedures Act. The Court framed the burden accordingly: "the party invoking a court's jurisdiction has the burden of establishing his or her standing (when contested) to pursue the action in court." *Id.* at 911 (emphasis added). The passage the Department quotes says the same thing: "the right to protest and submit evidence before an agency does not *ipso facto* grant the protesting party the right to maintain an appeal from the agency decision. The protesting party must still show it is somehow aggrieved or adversely affected by the administrative order." *Id.* at 912 (emphasis added). That is a rule about who may appeal. It is not a rule about who may be heard.

9. *Independent School District No. 9 of Tulsa County v. Glass*, 1982 OK 2, 639 P.2d 1233, concerns "invocation of the judicial process." *Oklahoma Electric Cooperative, Inc. v. State ex rel. Oklahoma Corporation Commission*, 1995 OK 91, 903 P.2d 321, concerns an appeal from a Corporation Commission order and the effect of "a judgment." *Heritage Village Apartments, Ltd. v. Oklahoma Housing Finance Agency*, 2001 OK CIV APP 4, 18 P.3d 1085, concerns an action filed in district court. None of the four asked who may appear at an agency hearing.

10. The formula the Motion applies confirms the point. Its "direct, immediate, and substantial" test descends from decisions fixing who may take an appeal. In *Cleary Petroleum Corp. v. Harrison*, 1980 OK 188, 621 P.2d 528 — a case *Toxic Waste* itself cites on standing — the Supreme Court held that a party is aggrieved by a judgment where the judgment's adverse effects are "direct, substantial and immediate" rather than contingent on some future event, and that a party not so affected may not bring an appeal from it. That is a rule of appellate jurisdiction over a district court judgment. Lifting it out of that setting and installing it as a condition of appearing at a public hearing is the error at the center of this Motion.

11. **The distinction is not a technicality.** A person excluded from the hearing cannot build a record; a person who participates and is later found to lack aggrieved status simply cannot appeal. The first deprives this Court of evidence. The second costs no one anything. Where the two standards diverge, the participation standard is necessarily the broader one.

12. **That one-way structure is long settled.** In *National Motor Club*, a protestant appeared before the State Insurance Board, demanded a hearing, presented evidence, and objected to a license — and the Court dismissed its appeal, holding that "[o]ur statutory law specifically prescribes who may appeal from an order of the Board," that "[t]he fact that National appeared before the Board and protested the issuance of the license are not controlling as to who may perfect an appeal," and that "[t]he Board may not grant a party the right to appeal, but such right is granted by legislative enactment." 1964 OK 138, ¶ 23, 393 P.2d 511. Nothing in the opinion suggests the protestant should have been excluded from the proceeding; the holding is that his presence in it did not carry him into court. The Court applied the same rule in an insurance context in *Roussel v. State ex rel. Grimes*, 1980 OK 101, 614 P.2d 53, holding that a company's participation in an administrative hearing on an acquisition application was not a material consideration in

determining whether it was an "aggrieved or adversely affected" party entitled to appeal, and distinguishing the Administrative Procedures Act's definition of "party" from the standard governing review. *Roussel* is instructive in a second respect. The Court had no difficulty treating the participant there as a "party" within 75 O.S. § 250.3 — "a person or agency named and participating . . . in an individual proceeding" — while holding that party status did not itself confer the aggrieved-or-adversely-affected status § 318 requires for review. *Id.* ¶¶ 14–15. Participation makes a party; it does not make an appellant. The Department's Motion inverts that order, treating the appellate test as the price of admission.

13. **The Supreme Court applied that structure again this year.** In *Gann v. State ex rel. Oklahoma Corporation Commission*, 2026 OK 24, the appellant sought review of a utility ratemaking order although, as the Court recorded, he "did not file an entry of appearance or otherwise attempt to intervene at the Corporation Commission." *Id.* ¶ 11. The Court nonetheless found him aggrieved, holding that "[a] ratepayer subject to a ratemaking order is a person aggrieved by the order." *Id.* ¶ 21. Two things follow, and both are fatal to the Motion. First, the entry of appearance is the mechanism Oklahoma law recognizes for becoming a participant in a rate proceeding — the step Mr. MacIntyre and Mr. Sullivan took and Mr. Gann did not. Second, if the aggrieved-party showing required to *appeal* is satisfied by the bare status of a person subject to the resulting order, the Department cannot coherently demand more than that as the price of *appearing*. Its Motion asks this Court to impose a higher threshold on participation below than the Supreme Court applies to review above.

14. *Gann* bears on a second point as well. The same paragraph records that "[t]he Attorney General, who represents and protects the collective interests of all utility consumers of this state in rate-related proceedings, entered an appearance in the proceeding." *Id.* ¶ 11. That is the collective

role 74 O.S. § 18b(22) assigns the Attorney General here — "[t]o represent and protect the collective interests of insurance consumers of this state in rate-related proceedings before the Insurance Commissioner." The Attorney General's appearance in *Gann* did not make the individual ratepayer's participation unnecessary, and it does not do so here.

15. **The direction of that authority matters on a motion to dismiss.** Every case in this line answers the question whether participation suffices to obtain **review**. None answers the question the Department poses — whether injury must be shown to obtain **participation** — and the Department, as movant, has offered no authority that does.

B. *Toxic Waste* itself preserves broad participation and recognizes participation standing untethered to injury.

16. The Department's lead case makes the point affirmatively. Discussing the statute at issue there, the Court explained that "[t]he Legislature clearly has the authority to grant standing to someone by statute and has done so in other contexts," citing *Northwest Datsun v. Oklahoma Motor Vehicle Commission*, 1987 OK 31, 736 P.2d 516. *Toxic Waste*, 890 P.2d at 911. The Court continued: "Such standing is not necessarily based on any injury to a property right, constitutional right or other legally recognized right, which may be done to the qualified interest group. Merely, it is a legislative policy decision in the context of the OCIWDA qualified interest groups, that request a public hearing, are granted standing to participate in the permitting process." *Id.* (emphasis added).

17. **Footnote 9 of the same opinion removes any doubt.** The Court observed that the governing act there "allows for the requesting of a public meeting by any person residing or doing business in Oklahoma," and that "even if it is assumed all persons who participate in the meetings are parties to an individual proceeding, to obtain judicial review under § 318 of the OAPA aggrieved or adversely affected status must be shown." *Id.* at 912 n.9 (emphasis added). Broad

participation below; a narrower class on review. That is precisely the structure the Department asks this Court to collapse.

18. **The facts of *Toxic Waste* cut against the Motion as well.** TWIG lost because it forwent the agency proceeding: "Although taking part in public meetings before OSDH on the matter, TWIG did not request a public hearing, as it would have been allowed to do as a qualified interest group." *Id.* at 909. Having declined the hearing available to it, TWIG then sought review in court. Mr. MacIntyre and Mr. Sullivan did the opposite. They appeared, on time, and participated. The rule the Department invokes exists to encourage exactly what they did.

C. The Department's own authority contains the condition that resolves this Motion.

19. The Motion quotes *Glass* for the proposition that "[i]f reliance is not placed on any specific statute authorizing invocation of the judicial process, the question of standing depends upon whether the party has alleged a personal stake in the outcome of the controversy." Motion at 2–3 (quoting *Glass*, 1982 OK 2, ¶ 8, 639 P.2d at 1237) (emphasis added). The conditional is the operative clause. Where a specific statute supplies the right to participate, the common-law personal-stake inquiry is not the governing test.

20. **Here reliance is placed on specific statutory and regulatory provisions.** Section 984(A) assigns the burden of proof to "the party or parties advocating the position that competition does not exist" — a formulation that identifies participants by the position they advance, not by the injury they can plead. Title 36 O.S. § 313(B) directs that in exercising the powers enumerated in Title 36 "the Commissioner shall comply with the procedures of the Administrative Procedures Act." OAC 365:1-7-1(a) authorizes hearings on the Commissioner's own motion or on demand by "any person aggrieved by any act, threatened act, or failure to act of the Insurance Commissioner." OAC 365:1-7-4(a) provides that "[a]ll hearings shall be open to the public," and OAC 365:1-7-4(b)

that "[a]ny person affected by the hearing shall have the right to appear in person and by counsel." And 75 O.S. § 309(C) requires that "[o]pportunity shall be afforded all parties to respond and present evidence and argument on all issues involved."

21. **Neither the examiner's quasi-judicial role nor the finality of his order supplies the missing authority.** It does not assist the Department to observe that an independent hearing examiner "shall sit as a quasi-judicial officer," 36 O.S. § 319, or that his order is final agency action, 36 O.S. § 313(A). Both are so. Neither speaks to who may appear. Quasi-judicial status prescribes the manner of decision — impartially, on a record, by findings of fact and conclusions of law, 36 O.S. § 984(B)(2). Section 313(A), by designating the final order as the agency action reviewable under 36 O.S. § 320, marks the point at which the standing inquiry the Motion presses becomes relevant. That point has not arrived.

22. **The Motion fails on either characterization of this proceeding.** NAMIC and APCIA describe it, as they did at the September 4 conference, as "more of a rule-making proceeding as opposed . . . to an individual proceeding under the APA." Ex. 2, Tr. 17:11–15. The Attorney General maintains, as he has throughout, that this is a contested individual proceeding governed by Article II of the Administrative Procedures Act. He observes only that the Motion cannot succeed under either characterization. If this is an individual proceeding, the Act and the Commissioner's rules govern participation and are satisfied. If the proceeding is instead legislative in character — one that "looks to the future and changes existing conditions by making a new rule to be applied thereafter," *Cox*, 2007 OK 55, ¶ 11 (quoting *Prentis v. Atlantic Coast Line Co.*) — then standing, a doctrine addressed to who may obtain adjudication of a dispute, supplies no test for participation at all.

III. THE COMMISSIONER'S NOTICE ESTABLISHED THE PARTICIPATION STANDARD, AND THE PARTIES RELIED ON IT

23. **Whatever the outer bounds of participation standing, the Commissioner defined the standard for this proceeding himself.** The Notice of Hearing filed July 14, 2026, states that the Commissioner "invites all interested parties with a direct, immediate, and substantial interest in the determination of whether or not the homeowners insurance market in Oklahoma is noncompetitive . . . to participate in the public hearing and offer evidence and argument on the issues involved," and directs that "[p]ersons wishing to participate shall file an entry of appearance by emailing OIDlegal@oid.ok.gov."

24. **That is an invitation extended to "interested parties," conditioned on a single procedural act.** The Department proposed the deadline for that act; this Court set it at August 26, 2026 at 5:00 p.m.; and seven participants met it. The Department does not contend that Mr. MacIntyre or Mr. Sullivan filed late, filed improperly, or misrepresented anything.

25. **The Department has itself treated these participants as parties.** On September 1, 2026 — two days before it filed this Motion — the Department signed a Joint Motion for Clarification and Stipulation beginning: "COMES NOW the State of Oklahoma, ex rel. Glen Mulready, Insurance Commissioner, the Oklahoma Attorney General, Bob Sullivan, [APCIA], [NAMIC], and Oklahoma P&C Advocacy Association, each appearing by and through their respective counsel, and Craig MacIntyre, appearing pro se (hereinafter, the "Parties")." That motion asked this Court to set deadlines "for all responses," and refers throughout to "the Parties." A litigant that jointly moves with a person as a co-party does not persuasively contend two days later that the person was never a party, on facts it has held since April.

26. **The sequence matters.** The Department published the standard, set the deadline, received the entries of appearance, appeared at the August 27 conference alongside these

participants, and raised no objection. It filed this Motion on the evening of September 3, 2026 — the day before the continued pre-hearing conference and eleven days before the scheduled hearing. Participants who accepted a public invitation to appear, and who ordered their affairs around it, were entitled to expect that the announced standard would govern. An agency is required to follow the procedures it promulgates; "[f]ailure to do so can result in an invalidation of the proceeding." *Pub. Serv. Co. of Okla. v. State ex rel. Corp. Comm'n*, 1996 OK 43, ¶ 13, 918 P.2d 733.

27. **The Attorney General does not contend that the objection is jurisdictionally waived.** Standing may ordinarily be raised at any stage, and this Court may take it up on its own motion. *See Nat'l Motor Club of Okla., Inc. v. State Ins. Bd.*, 1964 OK 138, 393 P.2d 511 (addressing standing though the question was not raised below). The point is one of equity and of weight, not of forfeiture. When an agency writes the participation standard, proposes the deadline, accepts the appearances, signs a joint motion identifying the appearing persons as "the Parties," and then objects on the eve of the conference — on facts available to it since April — its own construction of its own Notice is the most probative evidence before this Court of what that Notice required. And the timing bears directly on the relief. The Department has held this objection since April 7, 2026. It raised it on the evening of September 3 — after the August 26 deadline for entries of appearance that the Department itself proposed, after the pre-hearing conference held August 27, two days after it signed the Joint Motion identifying both men among "the Parties," and eleven days before the hearing then set for September 14. An objection surfaced on that schedule is not a reason to shorten the record. It is a reason to resolve the question once, for all participants.

IV. MESSRS. SULLIVAN AND MACINTYRE SATISFY THE STANDARD THE DEPARTMENT PROPOSES

28. Even measured against the Motion's own test, dismissal is unwarranted on this record.

29. **Mr. Sullivan.** The Department concedes that Mr. Sullivan "is a licensed Oklahoma producer and surplus lines broker." Motion at 2. A producer's livelihood consists of selling the very product whose regulatory treatment is at issue. A determination under § 984 changes when and how the rates for that product are filed and whether they may be disapproved as excessive. 36 O.S. §§ 985, 985.1, 987. That is a present business interest in a regulated line, not a speculative one. The Department's contrary submission — that Mr. Sullivan is "not an insurer," Motion at 2 — states a criterion the Notice of Hearing never imposed and that, on this record, no participant at all could or has satisfied.

30. **Oklahoma has recognized that interest, in this industry, against this Department.** In *Dean v. State ex rel. Doak*, 2012 OK CIV APP 105, 292 P.3d 58, licensed insurance producers challenged the Insurance Department's construction of the Insurance Code. The court held they had standing because they faced a direct danger of injury from the Code's operation as the Department interpreted it — their "very livelihoods are dependent on it." Notably, the court reached that conclusion while expressly distinguishing *Heritage Village Apartments*, the authority the Department cites here: the complainant in *Heritage Village* alleged only a competitive disadvantage arising from a benefit conferred on others, while the producers in *Dean* invoked a specific statutory scheme governing their own conduct. Mr. Sullivan stands with the producers in *Dean*. He is a licensee of this Department, in the line of insurance whose regulatory treatment is the subject of this hearing.

31. Mr. Sullivan's connection to this proceeding is also more direct than the Motion acknowledges. It was his request — by letter dated February 24, 2026, hand-delivered on or about March 9, 2026 — that prompted the Commissioner's April 7, 2026 Order in Case No. 26-0215-COR, and the Commissioner has since convened this hearing on the same question. A person

whose request set this subject in motion, and who then timely appeared when the Commissioner noticed a hearing on it, is not a stranger to the controversy.

32. That order also bears on the timing of the present Motion. Its conclusions of law state that the evidence "supports a finding that the Oklahoma homeowners insurance market is competitive," that Mr. Sullivan had not carried the burden of proof, and that "[n]or has Mr. Sullivan established that he or any other consumer has standing under 36 O.S. § 984 and OAC 365:1-7-1." Ex. 1, ¶ 24. The proportions of that order are worth noting. It runs nine pages. Its findings of fact occupy sixteen numbered paragraphs across five of them, addressing the number of insurers writing in Oklahoma, market share, the Herfindahl-Hirschman Index, the four-firm concentration ratio, five years of combined ratios, and the 2025 rate filings. Ex. 1, ¶¶ 8–23. Its conclusions of law occupy two paragraphs on a single page. Ex. 1, ¶¶ 24–25. Standing is one sentence — the last sentence of ¶ 24, entered without a hearing and without any inquiry of Mr. Sullivan. The Department has nonetheless held the objection since April 7, 2026. It did not raise it when Mr. Sullivan entered his appearance on August 26, at the August 27 conference, or in the Joint Motion it signed on September 1. It raised it on the evening of September 3.

33. **Mr. MacIntyre.** The Department concedes that Mr. MacIntyre "has experience working in the insurance industry." Motion at 2. He is also, like Mr. Sullivan, an Oklahoma consumer of homeowners insurance in a proceeding about the competitiveness of the Oklahoma homeowners insurance market. The Department does not suggest otherwise.

34. **Oklahoma's rate-proceeding cases answer this question in the administrative forum, and they answer it permissively.** In *Oklahoma State Senate v. State Board for Property & Casualty Rates*, 2000 OK 69, 11 P.3d 1242, the Supreme Court addressed who may be heard in a rate proceeding before the Board — a question governed by 36 O.S. § 901.4(C), which permits a

person aggrieved with respect to a filing then in effect to apply in writing for a hearing on it. Describing its own earlier decision, the Court said it had "broadly applied the concept of standing in a rate hearing." *Id.* ¶ 10. The Court took the same approach to participation before an agency in *City of Oklahoma City v. Oklahoma Corporation Commission*, 2024 OK 77, ¶ 24, 558 P.3d 1231, where the Oklahoma Municipal League "possessed standing to participate in the Commission proceeding." Those decisions concern appearing before the agency, not appealing from it.

35. The decision the Court was describing goes further still. In *Oklahoma State AFL-CIO v. State Board for Property & Casualty Rates*, 1970 OK 3, 463 P.2d 693, a labor federation and a trial lawyers association were held to "have 'standing' to represent their members in connection with the proposed rate increase." *Id.* ¶ 3. The Court supplied the members' interest by judicial notice, observing that some of them "carry insurance with companies which seek the rate increases, or will be applicants for insurance coverage by such companies." *Id.* ¶ 5, 463 P.2d at 694–95. The same approach obtains in analogous rate matters. *See State ex rel. Henry v. Sw. Bell Tel. Co.*, 1991 OK 134, ¶ 9, 825 P.2d 1305 (AARP's "membership is composed of individuals who presumably are ratepayers"). If members who merely carry insurance with the affected companies may be heard through their associations — on an interest the Court was willing to notice without proof — then a licensed producer who places that insurance, and an Oklahoma homeowner who buys it, may be heard in their own names.

36. The Department may answer that both decisions arose under 36 O.S. § 901.4(C) and that their generosity is a product of that particular statute. The answer favors the Attorney General rather than the Department. Where the Oklahoma Legislature has addressed participation in a rate proceeding, it has addressed it generously — and it has addressed it here. Section 984(A) identifies the participants in this hearing by the position they advance, "the party or parties advocating the

position that competition does not exist," not by the injury they can plead. Section 313(B) imports the Administrative Procedures Act. OAC 365:1-7-1(a) permits the hearing to be demanded by "any person aggrieved." OAC 365:1-7-4(a) makes the hearing public, and OAC 365:1-7-4(b) gives "[a]ny person affected by the hearing" the right to appear in person and by counsel. Nothing in that scheme is narrower than § 901.4(C), and the Department cites no authority holding that § 984 silently imports a common-law injury test that its own rules do not contain.

37. **The "already represented" argument does not hold.** The Department urges that both men, "as Oklahoma insurance consumers, . . . are already represented in this matter by the Oklahoma Insurance Commissioner and the Oklahoma Attorney General." Motion at 4. The Attorney General appears under 74 O.S. § 18b(22) to represent the collective interests of insurance consumers; he does not appear as counsel for Mr. MacIntyre or Mr. Sullivan, does not speak for their individual interests, and does not consent to being treated as a substitute for their participation. As for the Department, it has elsewhere told this Court that it does not advocate a position and that "[t]he Commissioner has appointed an independent hearing examiner to ensure that an objective determination is made based on the law and evidence presented." Department's Response to Omnibus Pre-Hearing Motion at 7. A neutral cannot simultaneously be the consumers' representative. The Department cannot claim neutrality as to the outcome and representation as to the consumers whose participation it seeks to end. At the September 4 conference, moreover, counsel for the Department advised that the Department "are anticipating that [the Commissioner] may be a witness." Ex. 2, Tr. 24:18–25:3. An agency whose head is an anticipated witness is a participant in the contest, not a substitute for those on the other side of it.

38. **Contingency proves too much.** The Motion argues that a noncompetitive finding "would not immediately or directly result in the reduction of homeowners insurance rates" and that

further proceedings under 36 O.S. § 989(B)(2) would be required. Motion at 4. That is true — and it is equally true of every participant. No insurer's rate is disapproved by this determination either. If contingency defeats participation, it defeats it for everyone whose interest runs through the rate-regulation machinery that a § 984 finding switches on. The Department does not explain why that reasoning stops where it does. And the Supreme Court has declined to treat a change in the intensity of regulatory oversight as too remote to support standing: "this potential for economic harm that results from a diminution in regulatory oversight by the Commission gives Cox standing to press for relief." *Cox Okla. Telecom, LLC v. State ex rel. Okla. Corp. Comm'n*, 2007 OK 55, ¶ 8, 164 P.3d 150. The doctrine "should never be applied mechanistically to bar from the courthouse those who are truly aggrieved." *Id.* ¶ 5. The KeyCite caution flag *Cox* carries reflects a modification by *Oklahoma Gas & Electric Co. v. State ex rel. Oklahoma Corporation Commission*, 2025 OK 15, 565 P.3d 418, that goes to the scope and standard of appellate review. The standing analysis at ¶¶ 5 through 8 is undisturbed.

39. **The determination does not end with this hearing, and it does not end with this Commissioner.** Section 984(A) provides that an order finding a market noncompetitive "shall expire no later than one (1) year after issue unless rescinded earlier by the Commissioner or unless the Commissioner renews" it "after a hearing and a finding." A determination that the market is competitive is no less durable in its consequences: for as long as it stands, 36 O.S. § 985(A)(1) forecloses any finding that a homeowners rate in this state is excessive. And the consequences that attach to the determination are themselves about to change. House Bill 3781, 2026 Okla. Sess. Law Serv. ch. 316, amends 36 O.S. §§ 985, 987, and 989 effective July 1, 2027, and keys the intervals it prescribes for rate filings to the very determination this hearing will make. Whatever this Court decides will therefore be administered — renewed, rescinded, or applied under an amended statute

— by a Commissioner other than the one who convened this hearing. Commissioner Mulready's term ends in January 2027.

40. That sequence answers the Department's contingency argument, and it answers the suggestion that these participants are adequately represented by the officeholder. The Department describes a § 984 determination as too remote to matter to Mr. MacIntyre and Mr. Sullivan. In fact the determination is the first step in a regulatory sequence that runs past the current Commissioner's term, and the Department's own exhibits to this Motion are the two men's campaign materials for the office that will carry it forward. The Attorney General does not suggest that a candidacy is itself a ground of standing, and he does not ask this Court to weigh the election. He asks only that the Department not be permitted to call an interest speculative when the record it has assembled shows the opposite.

V. IF A STANDING SHOWING IS REQUIRED, IT MUST BE REQUIRED OF ALL PARTICIPANTS

41. The Attorney General states plainly at the outset of this Part what he does not seek: he does not ask that NAMIC, APCIA, or the Oklahoma P&C Advocacy Association be dismissed. He would prefer that all seven participants remain. But if this Court concludes that participation in this proceeding requires an affirmative showing of a direct, personal, and immediate stake, that conclusion cannot be confined to the two participants the Department has chosen to name.

42. **The associations are not insurers either.** The Department's stated ground for dismissal is that Mr. MacIntyre and Mr. Sullivan are "not an insurer or otherwise directly or personally impacted by the outcome." Motion at 2. NAMIC and APCIA are trade associations. They do not write homeowners insurance in Oklahoma. They have no rates on file with the Department. No filing obligation of theirs changes if this Court finds the market noncompetitive;

§§ 985 through 989 operate on insurers, not on their trade groups. The Oklahoma P&C Advocacy Association stands in the same position.

43. **The Notice did not name them.** The Notice of Hearing invited participation by "all interested parties with a direct, immediate, and substantial interest . . . including all property and casualty insurers writing homeowners insurance business in Oklahoma and the Oklahoma Attorney General pursuant to 74 O.S. § 18b(22)." The two categories the Commissioner specifically identified were insurers and the Attorney General. The associations are neither. They participate, as Mr. MacIntyre and Mr. Sullivan do, on the strength of the Notice's broader invitation to "interested parties."

44. **No insurer is before this Court at all.** The Department has advised that "no individual insurance companies have filed EOAs or asked to participate in the Hearing." Department's Response to Omnibus Pre-Hearing Motion at 8. The consequence is that not one entity whose rate filings would actually change under a noncompetitive finding is a participant. If the Motion's premise is that only those directly and immediately regulated may appear, the proceeding would consist of the Department, the Attorney General, and no one else.

45. **The Department's own authority frames association standing through members.** *Toxic Waste* analyzed the organization's standing as depending on whether "it (or more probably one or more of its members) was in fact aggrieved or adversely affected," and on whether it had shown that it or any of its members "has been or will be adversely affected in any direct, substantial and immediate way." 890 P.2d at 911, 913. Oklahoma law is to the same effect: "an association's standing is based upon members of that association possessing standing to sue in their own right." *City of Okla. City*, 2024 OK 77, ¶ 23, 558 P.3d 1231. No such member-specific showing has been made here by any association — because none has been asked for. The Attorney General does not

suggest the associations could not make one. He observes only that the Motion demands from two individuals a showing it does not demand from three organizations, and offers no principle that distinguishes them.

46. **The asymmetry has a practical consequence.** Removing Mr. MacIntyre and Mr. Sullivan while retaining the associations would leave a proceeding in which the competitive-market position is advanced by three organizations and the noncompetitive position by one office, with the two individual Oklahomans who asked to be heard excluded. That result would be difficult to reconcile with a Notice that called this a "public hearing," with OAC 365:1-7-4(a), or with the obligation to conduct these proceedings so as to avoid "even the appearance of impropriety." *Arbuckle Simpson Aquifer Prot. Fed'n of Okla., Inc. v. Okla. Water Res. Bd.*, 2013 OK 29, ¶ 13.

47. **The allocation of hearing time makes the asymmetry concrete.** Motion 9 of the Omnibus Pre-Hearing Motion asks that time be divided equally between the positions advanced — half to those advocating that the market is noncompetitive, half to those advocating that it is competitive — rather than parceled out by participant. The Department and the associations would allocate by participant instead. That preference cannot be reconciled with this Motion: if time is apportioned per participant, then removing two participants from one side of the question redistributes the hearing itself, in favor of the side that loses no one.

48. **If a showing is required, it should be required once, of everyone, on one schedule.** The Attorney General accordingly requests that any such requirement be imposed uniformly: that every participant other than the Department and the Attorney General be directed to state, on a common schedule and in a single round of filings, the basis on which it claims a direct, immediate, and substantial interest in the determination. That approach resolves the question once, for

everyone, on an equal record — and it avoids the appearance that the standing inquiry has been aimed rather than applied.

49. If, notwithstanding the foregoing, any participant's appearance is to be limited, the Attorney General respectfully submits that the affected participant should be afforded the opportunity to preserve its showing by formal offer of proof. Judicial review of the final order will be confined to the record, 75 O.S. § 321, and under 36 O.S. § 313(A) only the final order signed after hearing constitutes final agency action. An exclusion not reflected in the record would not be meaningfully reviewable.

VI. THE CONTINUANCE AND THE RESERVED OMNIBUS MOTIONS

50. **The continuance was not sought by any party that had prepared to try this case.** At the September 4, 2026 conference, Brett Robinson, appearing for the Oklahoma P&C Advocacy Association, orally moved to continue the September 14 hearing, Ex. 2, Tr. 14:9–11; no written motion had been filed and no notice given. Counsel for the Department responded that "[t]he Department has no objection to any motions for a continuance," Ex. 2, Tr. 14:21–15:4 — the day after telling this Court in writing that the Department "does not wish for the scheduled pre-hearing conference to be delayed or continued further and believes any briefing and/or hearing on this matter could be scheduled and addressed after the pre-hearing conference." Motion at 6. The Attorney General, Mr. Sullivan's counsel, and counsel for NAMIC and APCIA each objected. The motion was granted and the hearing reset to the week of October 26, 2026.

51. **The Attorney General asks that the hearing proceed as reset.** He has retained out-of-state expert witnesses and prepared market and actuarial evidence, and the public interest in a prompt determination of this question is not served by further postponement occasioned by a motion filed eleven days before the original setting.

52. **The Omnibus Pre-Hearing Motion is now largely resolved, and what remains is set for the same day as this Motion.** That motion was filed August 25, 2026. The Department responded on September 1, 2026, stipulating or agreeing in principle to the substance of Motions 1, 4, 6, 7, 8, and 10. NAMIC and APCIA responded the same day, and the Attorney General replied to both. At the September 4 conference this Court stated that remote testimony "is going to be allowed," Ex. 2, Tr. 27:9–15, counsel identified Motions 2, 3, 5, 9, and 11 as the matters still in dispute, Ex. 2, Tr. 27:18–20, and this Court reserved ruling on those five "until next Tuesday at 10:00 after the hearing on the Motion to Dismiss," Ex. 2, Tr. 30:8–11. This Court further ordered witness lists exchanged by noon on Monday, September 14, 2026, and stated that the deadline for exchanging exhibits would be set at the September 15 setting. Ex. 2, Tr. 33:20–25.

53. **Motion 9 and the present Motion should be decided together, and this Motion first.** Motion 9 asks that hearing time be divided between the two positions advanced rather than parceled out among individual participants; the Department and the associations would allocate by participant. That question cannot sensibly be separated from this one. If time is allocated per participant, an order removing two participants from one side of the question redistributes the hearing itself in favor of the side that loses no one. The Attorney General accordingly asks that the present Motion be resolved before Motion 9 is taken up on September 15, 2026, and that any ruling on Motion 9 reflect the composition of the proceeding as this Court leaves it. He remains prepared to stipulate to any extension of the 36 O.S. § 319 deadline that the revised schedule may require.

VII. CONCLUSION

54. **The Department has applied the law of appellate standing to a question of hearing participation, and has applied it to two of seven participants.** The correct answer is the simple

one: this is a public hearing on a market-wide question, the Commissioner invited interested parties to appear, seven did so on time, and all seven should be heard.

WHEREFORE, PREMISES CONSIDERED, the State of Oklahoma, ex rel. the Attorney General, respectfully requests that this Court:

(a) deny the Motion to Dismiss Parties Due to Lack of Standing;

(b) in the alternative, if this Court determines that a showing of standing is required to participate in this proceeding, direct that every participant other than the Department and the Attorney General make that showing on a common schedule and in a single round of filings, and defer ruling until all such filings are before this Court;

(c) permit any participant whose appearance is limited to preserve its showing by formal offer of proof;

(d) confirm the reset hearing date under 36 O.S. § 984 and permit no further continuance absent good cause shown;

(e) resolve this Motion before taking up Motion 9 of the Omnibus Pre-Hearing Motion, which this Court has reserved for the September 15, 2026 setting; and

(f) grant such other and further relief as is just, equitable, and proper.

Respectfully submitted,

Reggie N. Whitten, OBA No. 9576
Michael Burrage, OBA No. 1350
Blake Sonne, OBA No. 20341
Hannah Whitten, OBA No. 35261
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Attorneys for the State of Oklahoma,
ex rel. Gentner Drummond, Attorney General

INDEX OF EXHIBITS

Exhibit 1	Order Regarding Request for Section 984 Hearing, entered April 7, 2026 (Case No. 26-0215-COR)
Exhibit 2	Transcript of Pre-Hearing Conference held September 4, 2026 (Case No. 26-0820-TRN)

CERTIFICATE OF SERVICE

I, Reggie N. Whitten, hereby certify that on this 10th day of September 2026, a true and correct copy of the above and foregoing *Response of the Oklahoma Attorney General to the Department's Motion to Dismiss Parties for Lack of Standing* was filed with the Oklahoma Insurance Department by electronic mail to OIDlegal@oid.ok.gov, and was served by electronic mail upon:

Nicole M. Nash
Antuanya "Bo" DeBose
Oklahoma Insurance Department, Legal Division
OIDlegal@oid.ok.gov
Nicole.nash@oid.ok.gov
Bo.debose@oid.ok.gov

The Honorable John D. Miller
Independent Hearing Examiner
Oklahoma Insurance Department
[via OIDlegal@oid.ok.gov]

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Reggie N. Whitten

Reggie N. Whitten

BEFORE THE INSURANCE COMMISSIONER OF THE

STATE OF OKLAHOMA

IN RE: HEARING PURSUANT TO 36 O.S. § 984
AS TO WHETHER THE OKLAHOMA HOMEOWNERS
INSURANCE MARKET IS NONCOMPETITIVE

CASE NO. 26-0820-TRN

EXHIBIT 1

Order Regarding Request for Section 984 Hearing, entered April 7, 2026
(Case No. 26-0215-COR)

FILED

APR 07 2026

INSURANCE COMMISSIONER
OKLAHOMA

BEFORE THE INSURANCE COMMISSIONER OF THE
STATE OF OKLAHOMA

IN RE:	Request by BOB SULLIVAN, an Oklahoma resident, for a hearing pursuant to 36 O.S. § 984	)))	Case No. 26-0215-COR

ORDER

The State of Oklahoma, ex rel. Glen Mulready, Insurance Commissioner, having fully reviewed the correspondence from Mr. Sullivan and comprehensive data relating to the current Oklahoma homeowners' insurance market, finds and orders as follows:

JURISDICTION AND APPLICABLE LAW

1. Glen Mulready is the Insurance Commissioner of the State of Oklahoma ("Commissioner") and as such is charged with the duty of administering and enforcing all provisions of the Oklahoma Insurance Code, 36 O.S. §§ 101 *et seq.*

2. In particular, the Insurance Commissioner has jurisdiction over the Property and Casualty Competitive Loss Cost Rating Act, 36 O.S. §§ 981 – 999, which regulates the use and filing of homeowners insurance rates for the State of Oklahoma.

3. Pursuant to 36 O.S. § 985(A)(1), "No rate in a competitive market may be determined to be excessive. A rate in a noncompetitive market may be determined to be excessive if it is likely to produce a profit that is unreasonably high for the insurance provided."

4. Pursuant to 36 O.S. § 984(A), "A competitive market is presumed to exist for a line of insurance unless the Commissioner, after a hearing, issues an order stating that a reasonable degree of competition does not exist in the market. The burden of proof in any hearing shall be placed on the party or parties advocating the position that competition does not exist. Any ruling that a market is not competitive shall identify the factors causing the market not to be competitive...."

Any such ruling may be challenged and appealed to the Oklahoma County District Court. 36 O.S. § 984(B)(3).

5. "In determining whether a reasonable degree of competition exists within a line of insurance, the Commissioner shall consider the following factors:

a. the number of insurers actively engaged in writing coverage,

b. market shares of the leading writers and the changes in market shares over a reasonable period of time,

c. existence of financial or economic barriers that could prevent new firms from entering the market,

d. measures of market concentration and changes of market concentration over time,

e. whether long-term profitability for insurers in the market is reasonable in relation to industries of comparable business risk, and

f. the relationship of insurers' costs to revenue over a reasonable period of time."

36 O.S. § 984(B)(1).

6. No other statute provides any definition or other criteria for measuring and determining whether an insurance market is competitive or noncompetitive.

7. OAC 365:1-7-1(a) states:

> The Insurance Commissioner may hold hearings on any matters within his/her jurisdiction under the Insurance Code, either upon his/her own motion or upon written demand therefor by any person aggrieved by any act, threatened act, or failure to act of the Insurance Commissioner or by any report, regulation, rule or order of the Insurance Commissioner. The written demand for hearing should specify the grounds to be relied upon as a basis for relief demanded at the hearing.

FINDINGS OF FACT

8. On or around March 9, 2026, a letter from Bob Sullivan addressed to the Insurance Commissioner was hand-delivered to the Oklahoma Insurance Department, 400 NE 50th Street, Oklahoma City, OK 73105. Exhibit 1, Letter from Bob Sullivan (Mar. 9, 2026).

9. The letter formally requests that the Insurance Commissioner hold a hearing pursuant to 36 O.S. § 984 and OAC 365:1-7-1 regarding whether a reasonable degree of competition exists within the Oklahoma homeowners insurance market.

10. As support for the request, the letter references "numerous news stories regarding the cost of homeowners insurance in Oklahoma in recent months," media reports that Oklahomans pay highest premiums in the country for homeowners insurance, an investigation by the Oklahoma Attorney General into the conduct of insurers providing homeowners' insurance, and an Order issued by Former Insurance Commissioner John Doak in 2016 relating to earthquake insurance rates.

11. The letter also states Mr. Sullivan represents Oklahoma policyholders who intend to participate as parties to the proceedings but does not name any of those individuals nor explain in what capacity he represents such policyholders.

12. The letter does not include nor cite to any specific supporting evidence, information, or data.

13. The Insurance Commissioner and Oklahoma Insurance Department staff closely monitor and analyze the Oklahoma homeowners insurance market, including its market concentration and rate increases and decreases, through required financial statements and filings, rate filings, market data calls, and other submissions of documents and data. The findings of fact provided herein are based on this data and analysis.

14. On or around September 30, 2025 and October 7, 2025, the Insurance Commissioner

presented at interim studies before the Oklahoma Legislature regarding homeowners insurance rates. Those interim studies also included various presenters representing both insurance companies and consumers.

15. In 2024, around 109 different insurance companies, making up at least fifty-three (53) different group codes, were actively writing homeowners insurance coverage in Oklahoma.

16. No single company—or group of affiliated companies—controls more than 31% of the homeowners insurance market.

17. Well-established economic tools widely accepted by the Department of Justice, the Federal Trade Commission, fellow regulators, and economists evidence that Oklahoma's homeowners insurance market is competitive.

18. The Herfindahl-Hirschman Index, the primary benchmark for measuring market concentration, uses companies' market shares to yield a single score. Markets with scores below 1500 are considered unconcentrated and competitive, while those above 2500 are highly concentrated and non-competitive. Oklahoma's HHI score is 1362. Oklahoma's HHI score has been within a competitive threshold for at least the past five (5) years. See Exhibit 2, Okla. Ins. Dep't, Presentation at September 30, 2025 Legislative Interim Study on Rising Homeowner Insurance Rates, pg. 5; see also Exhibit 3, Insurance Commissioner Glen Mulready, *Economic Indicators Show Oklahoma's Homeowners Insurance Market is Competitive* (Jan. 7, 2026), https://www.oid.ok.gov/getready1_2026/.

19. The CR4, or Four-Firm Concentration Ratio, measures the combined market share of the four largest firms in a given market. Scores 0-40% are considered low concentration. Scores 40-70% are considered medium concentration, and scores 70-100% are considered high concentration. Oklahoma's CR4 score is around 60%. Although less reliable, the CR4 score in combination with

Oklahoma's HHI score helps confirm the competitiveness of the Oklahoma homeowners insurance market. See id.

20. The following chart shows the combined ratios for companies writing homeowners insurance coverage in Oklahoma from 2020 to 2024. In four (4) out of the five (5) years, the top twenty (20) companies issuing homeowners insurance in Oklahoma on average experienced underwriting losses.

Homeowners Combined Ratios for Writers in Oklahoma		
Year	Average of All Companies	Average of Top 20 Companies
2024	108.11%	101.15%
2023	136.55%	134.78%
2022	78.76%	79.77%
2021	100.97%	106.83%
2020	98.64%	101.80%
S&P Global Market Intelligence	Combined Ratio	
2024	109.80%	
2023	136.00%	
2022	83.30%	
2021	103.20%	
2020	101.90%	

Exhibit 2, Okla. Ins. Dep't, Presentation at September 30, 2025 Legislative Interim Study on Rising Homeowner Insurance Rates, pg. 6.

21. In 2025, thirty-three (33) rate changes for homeowners insurance products were filed with the OID by the twenty (20) insurance companies holding the largest market shares of homeowners insurance coverage in Oklahoma. Nineteen (19) of these filings included no overall rate impact increases. Two (2) filings were overall rate impact decreases of -0.5 and -6.2. Fourteen (14)

of these filings included overall rate impact increases ranging from 2.6% to 31.9%—with eleven (11) of these filings being between ten percent (10%) to twenty percent (20%) and six (6) being under ten percent (10%). See Okla. Ins. Dep't, SERFF State Rate Change Report – Homeowners (01/01/2025 to 12/31/2025), https://www.oid.ok.gov/wp-content/uploads/2026/03/2025-HO-SERFF-State-Rate-Change-Report.pdf. Overall, rate increases for 2025 were substantially less than rate increases filed in previous years and reflect a downward trend.[1]

22. The current Oklahoma homeowners insurance market is not similar to the earthquake insurance market that existed in Oklahoma in 2016 for the following reasons. Although more than one hundred (100) companies were actively writing earthquake insurance coverage around 2015 and 2016, that coverage was mostly add-on coverage to existing homeowners insurance. It is also a catastrophic loss coverage, which is significantly different than homeowners insurance coverage. Audio Recording of May 24, 2016 Hearing, Case No. 16-0391-TRN.

23. The earthquake insurance market experienced a significant shift between 2010 to 2015 with more consumers and less business owners purchasing the coverage by 2015. *Id.* In 2010, direct premiums written in Oklahoma were around $6.7 million. By 2015, the direct premium amount written was around $18.8 million. See Exhibit 4, State of Okla., ex rel. John D. Doak to All Licensed Property and Casualty Insurers, et al., Case No. 16-0391-TRN, Notice of Hearing filed (Apr. 18, 2016); see also Exhibit 5, State of Okla., ex rel. John D. Doak to All Licensed Property and Casualty Insurers, et al., Case No. 16-0391-TRN, Order In Re: Earthquake Insurance Rates filed (June 5, 2016). From 2010 to 2015, total premiums written were around $76.3 million while only around $4.3 million was paid out in claims—for a pure direct loss ratio of around three percent (3%).

[1] Rate filings submitted to the Oklahoma Insurance Department are public record upon their effective date and may be viewed electronically by visiting the OID's website at https://www.oid.ok.gov/regulated-entities/rate-and-form-filing/public-rate-and-form-filings/.

Id. Yet, in 2015, earthquake insurance carriers filed twelve (12) rate increase filings ranging from four percent (4%) to three hundred percent (300%). Audio Recording of May 24, 2016 Hearing, Case No. 16-0391-TRN.

CONCLUSIONS OF LAW

24. Taking into consideration the factors listed in 36 O.S. § 984(B)(1) and applying the findings of facts provided above, the evidence supports a finding that the Oklahoma homeowners insurance market is competitive and does not support a hearing pursuant to 36 O.S. § 984. Mr. Sullivan has not provided any information or evidence sufficient to establish the burden of proof necessary to overcome the presumption of a competitive market. Nor has Mr. Sullivan established that he or any other consumer has standing under 36 O.S. § 984 and OAC 365:1-7-1.

25. The evidence establishes that the current Oklahoma homeowners insurance market is not similar to the earthquake insurance market that existed in Oklahoma in 2016. The most significant contributing factor to the determination of a noncompetitive market for earthquake insurance in 2016 was the fact that earthquake carriers were seeking rate increases of four percent (4%) to three hundred percent (300%) despite high profitability over the previous five (5) years and only a 3% direct loss ratio. Those facts contrast greatly with the current homeowners market where rate increases filed range from 2.6% to 31.9% and the top twenty (20) homeowners carriers in Oklahoma have overall experienced underwriting losses over the past five (5) years.

ORDER

IT IS THEREFORE ORDERED that Mr. Sullivan's request for a hearing pursuant to 36 O.S. § 984 and OAC 365:1-7-1 is denied. However, the Insurance Commissioner is extremely focused on protecting Oklahoma consumers on this very important issue. The Insurance Commissioner has been actively and diligently working with the legislature to pursue legislation changes that would offer greater consumer protections in the homeowners insurance market, as well as stabilizing rates, utilizing regulatory measures to assist consumers, investigate, and take enforcement action against homeowners insurance companies that are not in compliance with the law.

WITNESS My Hand and Official Seal this _7__ day of April, 2026.

GLEN MULREADY
INSURANCE COMMISSIONER
STATE OF OKLAHOMA

CERTIFICATE OF MAILING

I, Nicole M. Nash, hereby certify that a true and correct copy of the above and foregoing *Order* was sent by certified mail with postage prepaid and return receipt requested and by email on this 7th day of April, 2026, to:

Bob Sullivan
[redacted]

CERTIFIED MAIL NO. 9589 0710 5270 2711 7098 80

Bob Burke
BURKE LAW FIRM
512 North Broadway Avenue, Suite 300
Oklahoma City, OK 73102
405-802-1495
bob@bobburkelaw.com

CERTIFIED MAIL NO. 9589 0710 5270 2711 7098 97

Nicole Nash

Nicole M. Nash

February 24, 2026

Commissioner Glen Mulready

Oklahoma Insurance Department

400 NE 50th St. Oklahoma City, OK 73105

Dear Commissioner Mulready:

There have been numerous news stories regarding the cost of homeowners insurance in Oklahoma in recent months. Media outlets have reported that several studies find that Oklahomans' pay the highest premiums in the country for this coverage. In addition, the Oklahoma Attorney General has begun an investigation into the conduct of insurers who provide this coverage.

Your position on this matter has relied on your allegation that competition exists among insurance companies in the market, proscribing your ability to intervene on behalf of Oklahoma insureds, presumably pursuant to 36 O.S. Section 984, which provides, inter alia, "A competitive market is presumed to exist for a line of insurance unless the Commissioner after a hearing, issues an order stating that a reasonable degree of competition does not exist in the market."

I'm attaching an order issued by a former Commissioner John Doak in 2016 relating to earthquake insurance rates. After a hearing to determine whether competition existed in that marketplace, Doak determined that despite 119 insurers writing earthquake coverage, the four largest writers market share "exceeded 50% at all times for the six years preceding December 31, 2015." His order found that a reasonable degree of competition did not exist, and that earthquake insurance was a noncompetitive line of insurance.

Commissioner Doak's finding is based on market share data eerily similar to that which exists in Oklahoma today in which four major players control over half the homeowners' insurance market. In addition, Doak made his finding of no competition with 119 insurers writing earthquake insurers. Oklahoma has less than 100 companies writing homeowners insurance.

I am formally requesting you hold a hearing pursuant to 36 O.S. Section 984 and OAC 365:1-7-1. I represent Oklahoma policy holders who intend to participate as a party to this proceeding which requires you to consider the following factors:

"a. the number of insurers actively engaged in writing coverage,

b. market shares of the leading writers and the changes in market shares over a reasonable period of time,

c. existence of financial or economic barriers that could prevent new firms from entering the market,

EXHIBIT

1

d. measures of market concentration and changes of market concentration over time,

e. whether long-term profitability for insurers in the market is reasonable in relation to industries of comparable business risk, and

f. the relationship of insurers' costs to revenue over a reasonable period of time."

Pursuant to OAC 365:1-7-1(b) you "shall either set down the matter for hearing within thirty (30) days from the receipt of the demand therefor or shall issue a written order denying hearing."

Respectfully,

Bob Sullivan

Candidate for Oklahoma Insurance Commissioner 2026

Bob Sullivan

18566 S Park Pl

Inola, OK 74036

BOB BURKE
512 NORTH BROADWAY AVENUE
SUITE 300
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RECEIVED
FRONT DESK
MAR 09 2026
OKLAHOMA INSURANCE DEPT.

Hon. Glen Mulready

* CARRie

BOB BURKE
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MAR 09 2026
OKLAHOMA INSURANCE DEPT.

Nicole NASh, Esq.

OKLAHOMA
INSURANCE
DEPARTMENT

SEPTEMBER 2025

Glen Mulready – Insurance Commissioner

EXHIBIT
2

State Rate Filings

- Prior Approval – 14
- File and Use – 30
- Use and File – 8
- No File - 1

Oklahoma Statutory Reference

OK 36-984

B. 1. In determining whether a reasonable degree of competition exists within a line of insurance, the Commissioner shall consider the following factors:

a. the number of insurers actively engaged in writing coverage,

b. market shares of the leading writers and the changes in market shares over a reasonable period of time,

c. existence of financial or economic barriers that could prevent new firms from entering the market,

d. measures of market concentration and changes of market concentration over time,

e. whether long-term profitability for insurers in the market is reasonable in relation to industries of comparable business risk, and

f. the relationship of insurers' costs to revenue over a reasonable period of time.

2. All determinations by the Commissioner shall be made on the basis of findings of fact and conclusions of law.

3. The ruling may be challenged in the district court.

OK 36-985

A.1. No rate in a competitive market may be determined to be excessive. A rate in a non-competitive market may be determined to be excessive if it is likely to produce a profit that is unreasonably high for the insurance provided.

Herfindahl-Hirschman Index (HHI)

"A measure of the state of firms in relation to the industry they are in and is an indicator of the amount of competition among them."

Formula = the sum of the squares of each company's marketshare.

DOJ MEASUREMENT

0 – 1500	Unconcentrated Market (Competitive)
1500 – 2500	Moderately Concentrated
2500+	High Concentration (Non-competitive)

OK HOMEOWNER'S MARKET HHI SCORES

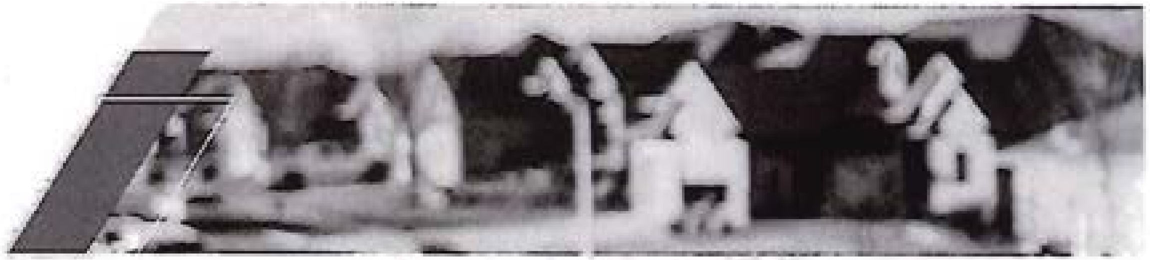
2024	1158
2023	1173
2022	1106
2021	1045
2020	1147

Combined Loss Ratios

HO LOB Combined Ratios for Writers in Oklahoma		
Year	Industry Average by Market Share	Average of Top 20 Companies
2024	108.11%	101.15%
2023	136.55%	134.78%
2022	78.76%	79.77%
2021	100.97%	106.83%
2020	98.64%	101.80%
S&P Global Market Intelligence	Combined Ratio	
2024	109.80%	
2023	136.00%	
2022	83.30%	
2021	103.20%	
2020	101.90%	

OK READY

STRENGTHEN OKLAHOMA HOMES PROGRAM



23 Contractors 4 Evaluators	3 Pilot Phases	46 homes completed and grants paid
339 applications in process	615 applications available	$446,075.58 paid out in grants

FORTIFIED

On average, Homeowners have saved $730 on their premiums after fortifying their homes.

OKLAHOMA
INSURANCE
DEPARTMENT

WWW.OID.OK.GOV

Oklahoma Insurance Department | Insurance Commissioner Glen Mulready | 800.522.0071

For Immediate Release
January 7, 2026

Economic Indicators Show Oklahoma's Homeowners Insurance Market Is Competitive

By Oklahoma Insurance Commissioner Glen Mulready

Public discussion about Oklahoma's homeowners insurance market has intensified in recent months, with some critics suggesting the market lacks competition. However, objective, well-established economic tools that are widely accepted by the Department of Justice, Federal Trade Commission, fellow regulators, and economists show that the Oklahoma homeowners insurance market is competitive. This isn't determined by rhetoric or perception, and it doesn't mean that premium costs aren't rising or invalidate homeowners' concerns about affordability, which is my top focus along with legislative leaders.

Two of the most commonly used measures of market concentration are the Herfindahl-Hirschman Index (HHI) and the Four-Firm Concentration Ratio (CR4). These tools provide a clear, data-driven way to assess whether a market is competitive or dominated by a small number of firms.

The Herfindahl-Hirschman Index, the primary benchmark for measuring market concentration, uses companies' market shares to yield a single score. Markets with scores below 1500 are considered unconcentrated and competitive, while those above 2500 are highly concentrated and non-competitive. Oklahoma's HHI score is 1362, indicating its homeowners insurance market is clearly competitive by this standard. Oklahoma's score is below this threshold for at least the past five years. The HHI is relied upon by federal entities when evaluating mergers, acquisitions, and potential antitrust concerns.

Less reliable but often cited is the CR4, or Four-Firm Concentration Ratio, that measures the combined market share of the four largest firms in a given market. Scores 0-40% are considered low concentration. Scores 40-70% are considered medium concentration, and scores 70-100% are considered high concentration. Oklahoma's CR4 score is 60%. Used alongside the HHI, it helps confirm whether competition is robust or limited.

When these objective economic tools are applied to Oklahoma's homeowners insurance market, they show a market characterized by multiple active insurers and meaningful consumer choice. No single company—or small group of companies—controls an outsized share of the market. By the standards used nationally and internationally, this reflects a competitive marketplace.

Based on previous news stories, it is important for consumers to know these facts. Insurance market competition is not decided by individual opinions, but by transparent, repeatable economic analysis using metrics that are universally recognized by regulatory authorities.

As critical discussions about insurance affordability and availability continue, grounding the conversation in objective economic analysis—rather than speculation—will help ensure policy decisions are informed by facts rather than perception.

Media questions or comments should be directed to
Chief of Communications, Liz Heigle

EXHIBIT
3

BEFORE THE INSURANCE COMMISSIONER OF THE
STATE OF OKLAHOMA

STATE OF OKLAHOMA, ex rel. JOHN D. DOAK, Insurance Commissioner,	)	
To:	)	Case No. 16-0391-TRN
All Licensed: Property and Casualty Insurers, Rating and Advisory Organizations Re Earthquake Insurance in the State of Oklahoma.	)	FILED APR 1 4 2016 INSURANCE COMMISSIONER OKLAHOMA

NOTICE OF HEARING

COMES NOW the State of Oklahoma, ex rel. John D. Doak, Insurance Commissioner, by and through counsel, Gordon C. Amini, and alleges and states as follows:

JURISDICTION

1. John D. Doak is the Insurance Commissioner of the State of Oklahoma and as such is charged with the duty of administering and enforcing all provisions of the Oklahoma Insurance Code, 36 O. S. §§ 101- 7301.

2. Affected by this Notice are licensed insurers, rating and advisory organizations ("insurers") re earthquake insurance covering property located in the State of Oklahoma.

3. The Property and Casualty Competitive Loss Cost Rating Act (36 O.S. §§ 981-999) ("Rating Act") regulates the filing and use of earthquake insurance rates for the State of Oklahoma.

4. In a competitive market, as defined in § 982 of the Rating Act, insurers are permitted to use insurance rates as long as such rates and supplementary rate information are filed with the Commissioner within thirty (30) days following the effective date of the filing.

EXHIBIT 4

PETITIONER EXHIBIT 1

December 31, 2015, indicates that approximately 150 companies offer some form of coverage. Almost all such coverages are provided as an add-on to homeowners insurance and very little coverage is available on a "stand-alone" basis. Because of the prevalence of multi-coverage discounts many policyholders have purchased homeowners, auto, boat, ATV, and umbrella liability from the same company. The difficulty in switching carriers to obtain a better price or lower deductible on earthquake coverage, greatly limits the competitiveness of the earthquake line of insurance.

8. Earthquake insurance, like flood insurance, is protection for homes and businesses against catastrophic damage. Without reasonably priced earthquake insurance, many Oklahomans could not afford to rebuild seriously damaged or destroyed property. Before the current trickle of rate increases becomes a flood, the Commissioner has determined to act proactively to protect the greater public interest in maintaining a viable competitive market for earthquake insurance.

9. Information collected from insurance companies demonstrates that 70% of the earthquake insurance, written in Oklahoma, is concentrated in only a few companies.

10. The Commissioner has, just this week, issued a mandatory call to the companies for detailed earthquake claims data. This data will be carefully reviewed to ensure that consumers are treated fairly.

WHEREFORE, affected insurers are hereby given notice of a hearing to be held at 8:00 a.m. on the 24th day of May 2016, at the Office of the Insurance Commissioner, Five Corporate Plaza, 3625 NW 56th St., Oklahoma City, OK 73112. The purpose of the hearing is to determine whether a reasonable degree of competition exists in the Oklahoma market for earthquake insurance. In determining whether a reasonable degree of competition exists, the Commissioner shall consider the following factors:

a. the number of insurers actively engaged in writing coverage;

b. market shares of the leading writers and the changes in market shares over a reasonable period of time;

c. existence of financial or economic barriers that could prevent new firms from entering the market;

d. measures of market concentration and changes of market concentration over time;

e. whether long-term profitability for insurers in the market is reasonable in relation to industries of comparable business risk; and,

f. the relationship of insurers' costs to revenue over a reasonable period of time.

If after hearing, the Commissioner determines that a reasonable degree of competition does not exist, the Commissioner shall issue an order designating earthquake insurance as a noncompetitive line of insurance in the State of Oklahoma.

The proceedings shall be conducted in accordance with the Oklahoma Administrative Procedures Act, 75 O.S. §§ 301-323. The Commissioner or his designee shall conduct the hearing. A recording of the proceedings will be available upon request. The Insurance Department requests that any person desiring to be heard, provide written notice to Gordon C. Amini, General Counsel, prior to May 17, 2016 at 3625 NW 56th St., Suite 100, Oklahoma City, OK 73112

WITNESS My Hand and Official Seal this 15th day of April, 2016.

JOHN D. DOAK
INSURANCE COMMISSIONER
STATE OF OKLAHOMA

Gordon C. Amini, General Counsel
3625 NW 56th St., Suite 100
Oklahoma City, OK 73112
(405) 522-6335

Hearings

2016 ALL PROPERTY AND CASUALTY INSURERS, RATING AND ADVISORY ORGANIZATIONS HEARING ON EARTHQUAKE INSURANCE RATE INCREASES IN THE STATE OF OKLAHOMA

Notice of Hearing Re Earthquake Insurance in the State of Oklahoma

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2004 STATE BOARD FOR PROPERTY AND CASUALTY RATES HEARING ON WORKERS' COMPENSATION LOSS COSTS

In the matter of the Workers' Compensation Loss Cost Filing by the National Council on Compensation Insurance: File No. 2004-2928C, 04-1041-PRJ. Order and Decision of the Board

SPECIAL MEETING: State Board for Property and Casualty Rates Hearing on Workers' Compensation Loss Costs Scheduled for Thursday, September 23, 2004 at 11:00 am.

August 5, 2004 Scheduling Order in the Matter of the Workers' Compensation Loss Costs Filing by the National Council on Compensation Insurance: File No. 04-1041-PRJ.

INSURANCE COMMISSIONER'S HEARING ON MEDICAL MALPRACTICE LIABILITY INSURANCE RATES:

2006

September 28, 2006 Notice of Hearing in the Matter of the Medical Malpractice Professional Liability Rate Filing by Physicians Liability Insurance Company: File No. 06-1541-PRJ.

September 28, 2006 Continuance Order in the Matter of the Medical Malpractice Professional Liability Rate Filing by Physicians Liability Insurance Company: File No. 06-1541-PRJ.

October 3, 2006 Cancellation of Hearing in the Matter of the Medical Malpractice Professional Liability Rate Filing by Physicians Liability Insurance Company: File No. 06-1541-PRJ.

2004

March 25, 2004 Notice of Hearing in the Matter of the Medical Malpractice Professional Liability Rate Filing by The Medical Protective Company: File No. 04-0218-PRJ.

March 18, 2004 Order of Presentation in the Matter of the Medical Malpractice Professional Liability Rate Filing by Medical Protective Company: File No. 04-0218-PRJ.

April 8, 2004 Final Order in the Matter of the Medical Malpractice Professional Liability Rate Filing by Medical Protective Company: File No. 04-0218PRJ.

October 28, 2004 Final Order in the Matter of the Rate Filing by NCMIC Insurance Company: File No. 04-1243-PRJ.

2003

November 21, 2003 Final Order in the Matter of the Medical Malpractice Professional Liability Rate Filing by Physicians Liability Insurance Company: File No. 03-1242PRJ.

November 10, 2003 Notice of Hearing in the Matter of the Medical Malpractice Professional Liability Rate Filing by Physicians Liability Insurance Company: File No. 03-1242 PRJ

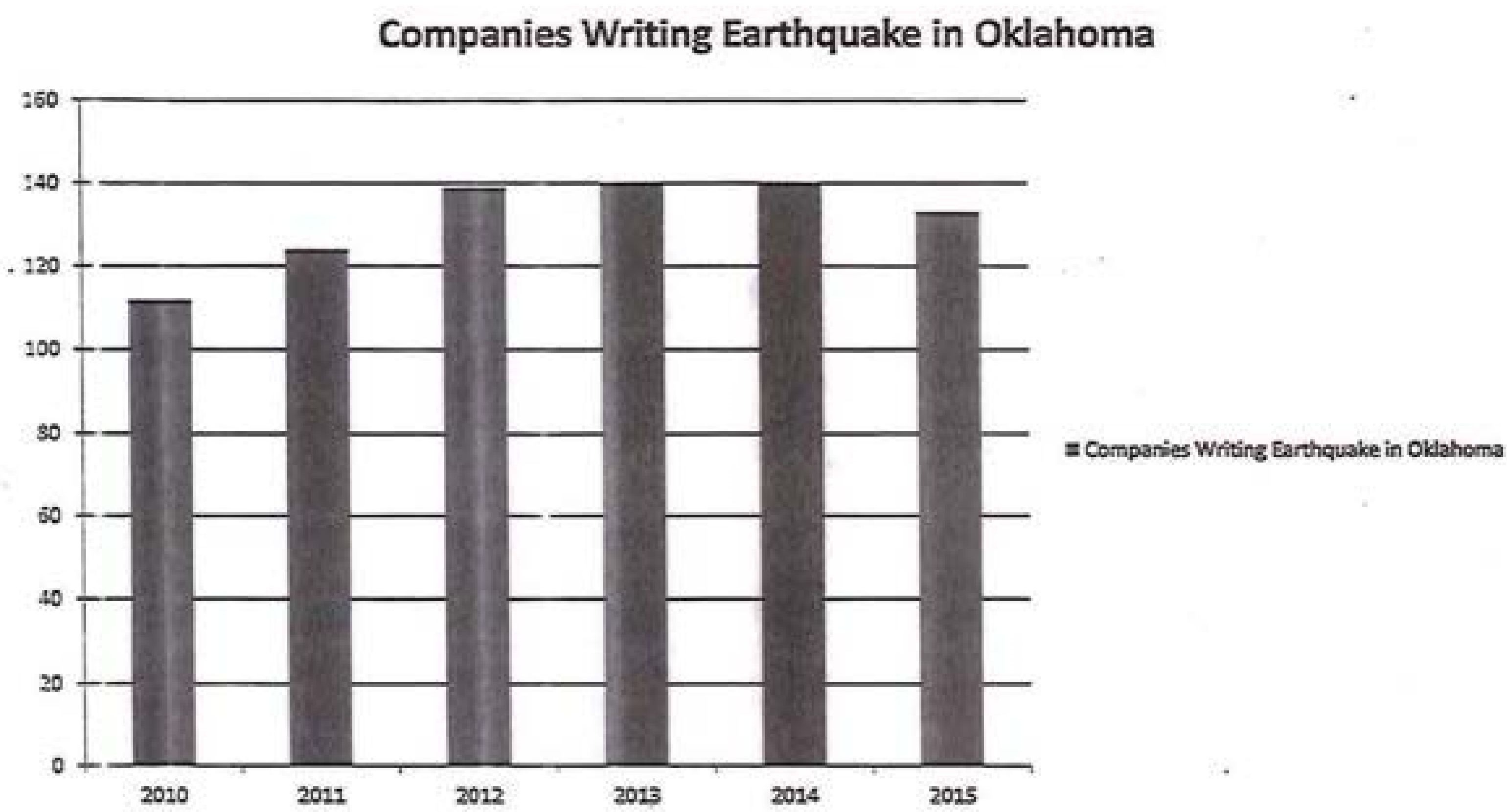
November 14, 2003 Order of Presentation in the Matter of the Medical Malpractice Professional Liability Rate Filing by Physicians Liability Insurance Company: File No. 03-1242PRJ.

PETITIONER'S EXHIBIT 2

Oklahoma Earthquake Claims and Market Share Premium Data

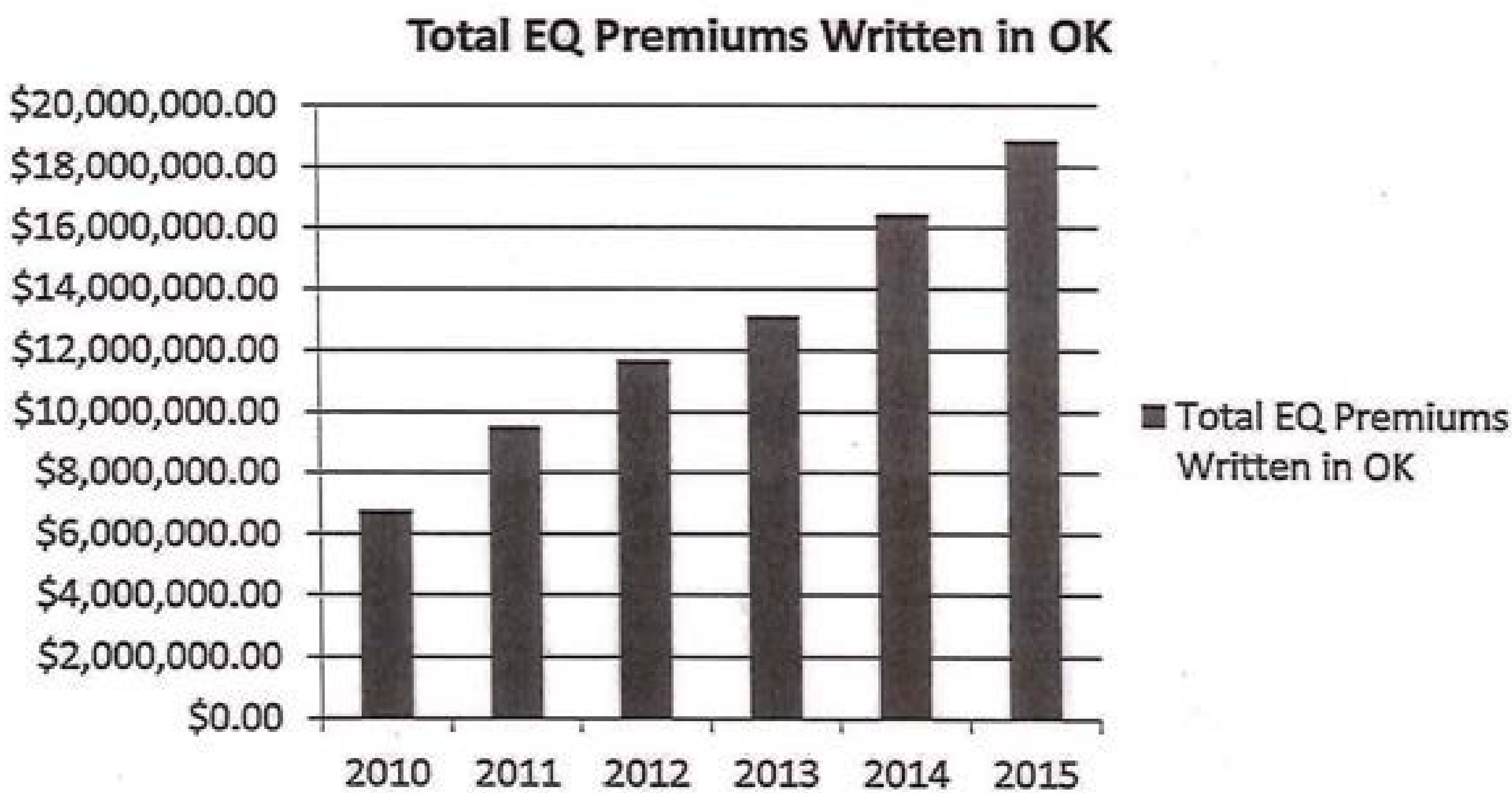
2010 to Present

PETITIONER'S EXHIBIT
3

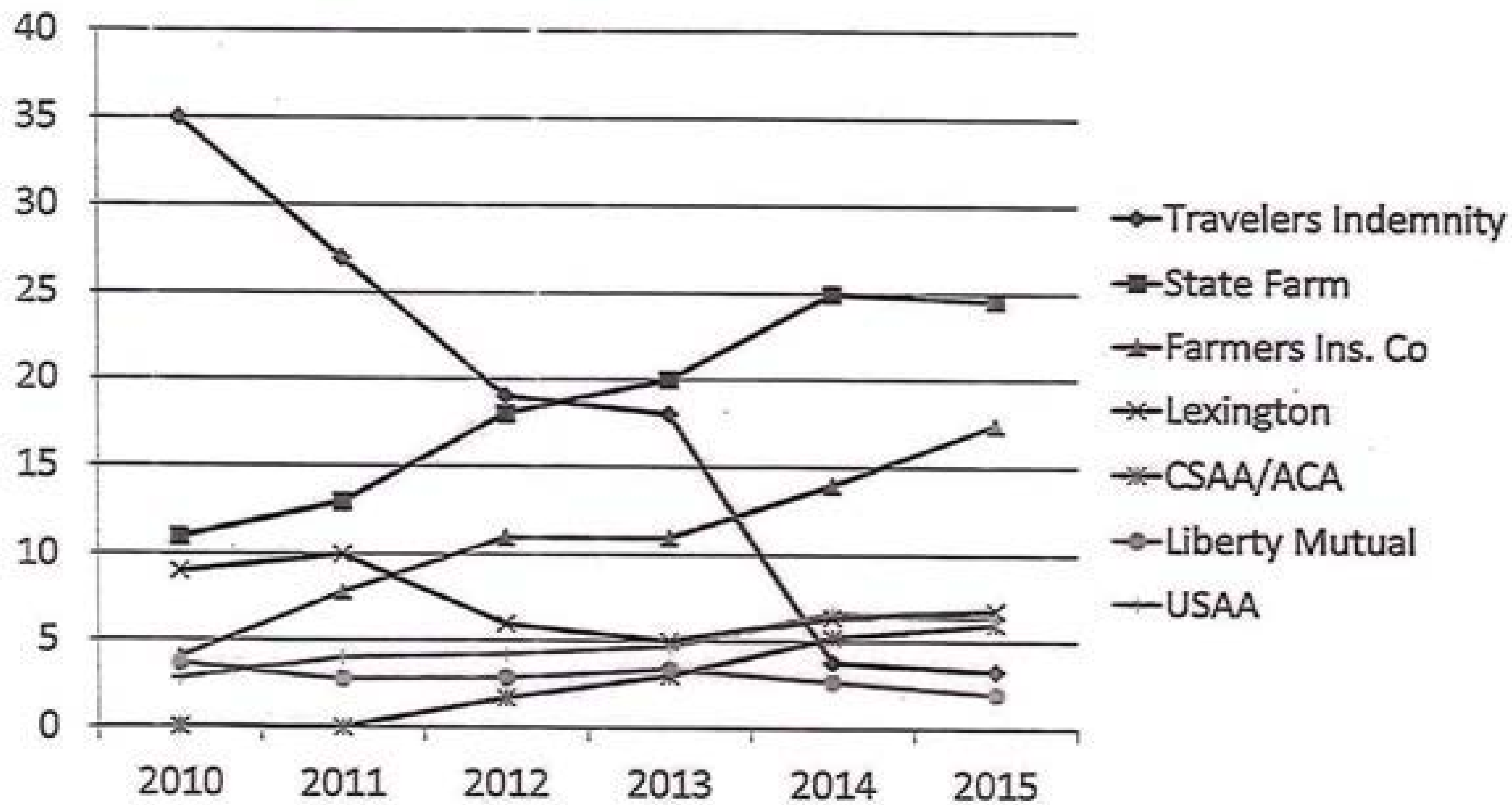


Companies Writing Earthquake in Oklahoma
160
140
120
100
80
60
40
20
0
2010
2011
2012
2013
2014
2015
Companies Writing Earthquake in Oklahoma

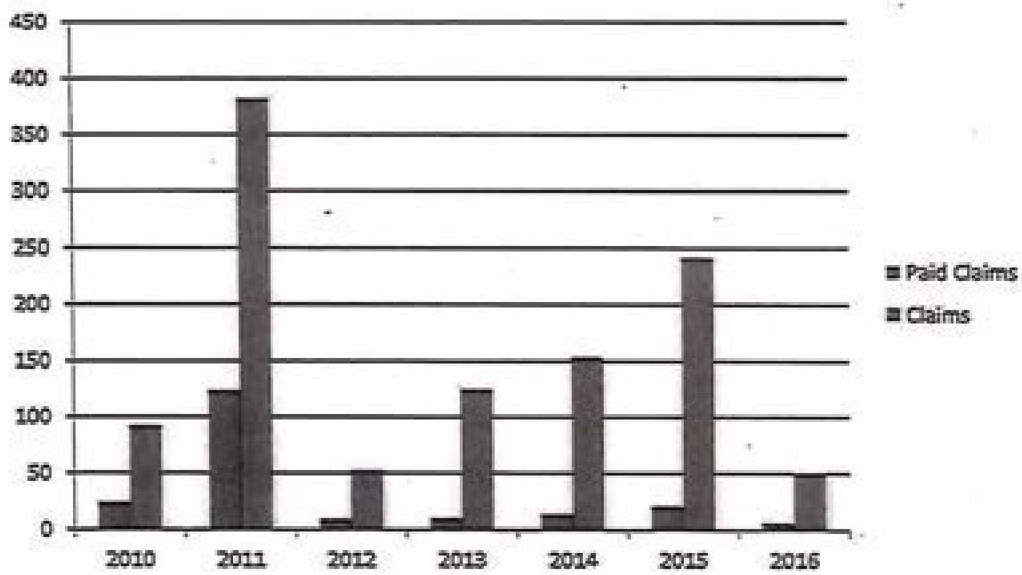
EQ Premiums in OK 2010 to 2015



Consolidation of EQ Premium Market Share into Personal Line Carriers Since 2010



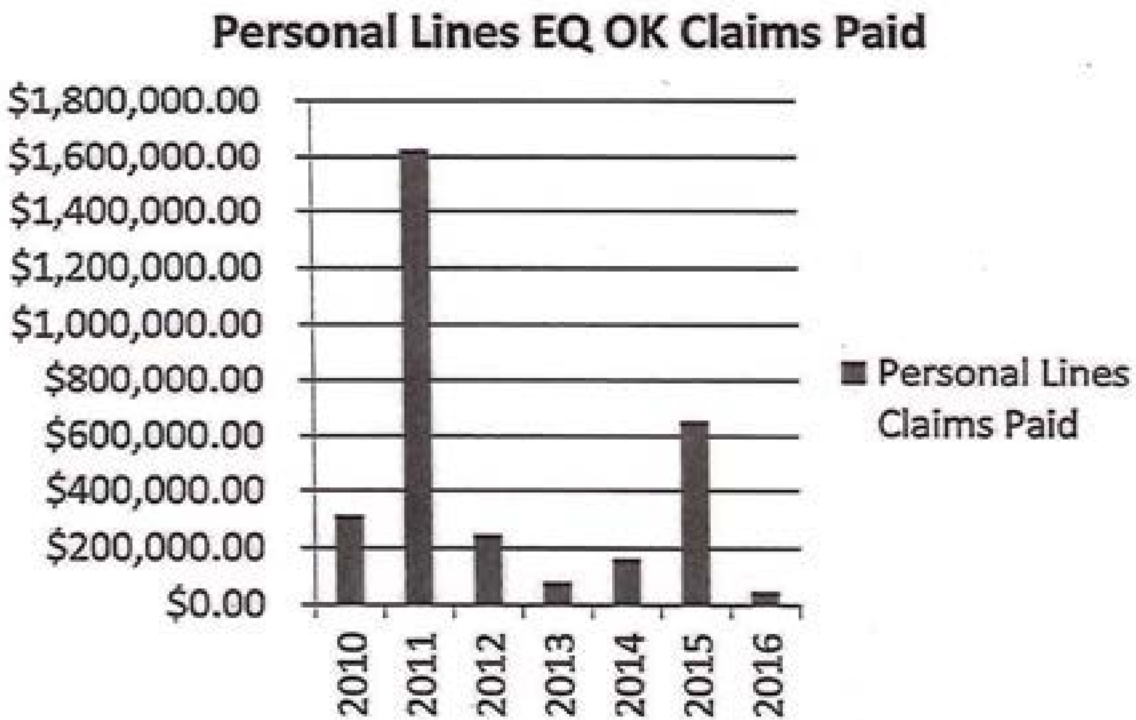
OK Personal Lines Earthquake Claims 2010 to Present



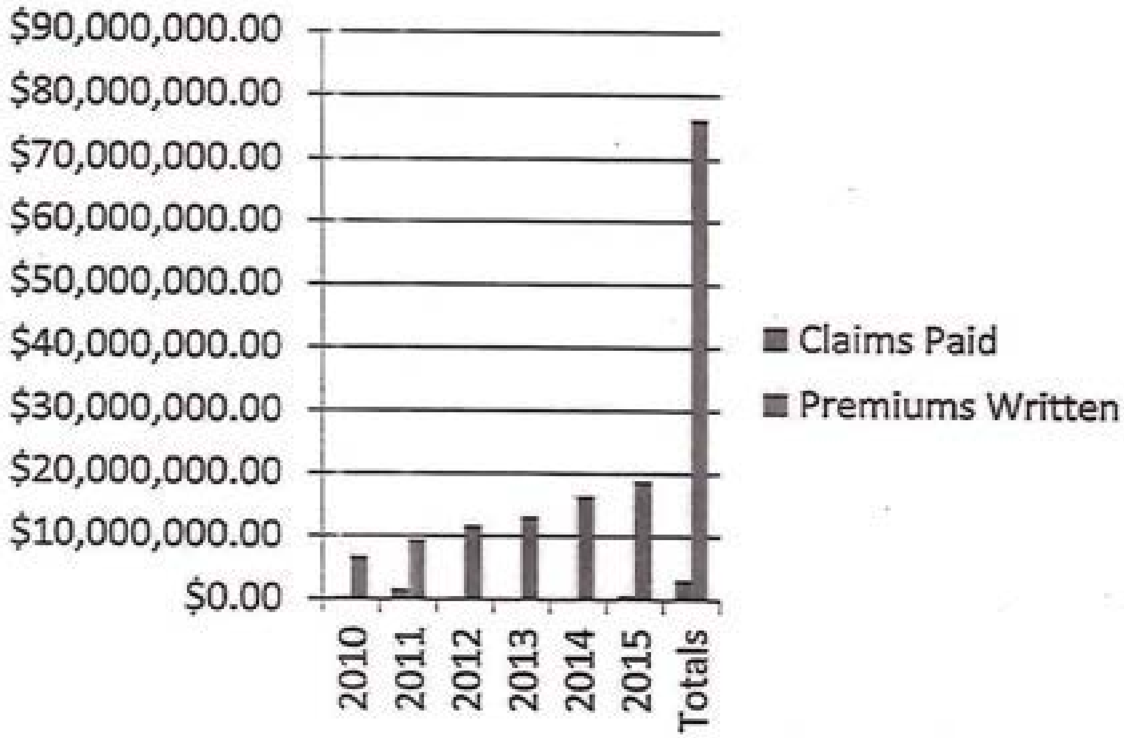
- Out of a total of 1094 claims, only 208 were paid or approximately 19%
- 2011 experienced the most claim activity

Personal Lines Earthquake Claims Paid

•Approximately half of the 208 paid claims resulted in payments of less than $5,000



Top 1% of Highest and Lowest Paid claims removed for statistical relevance

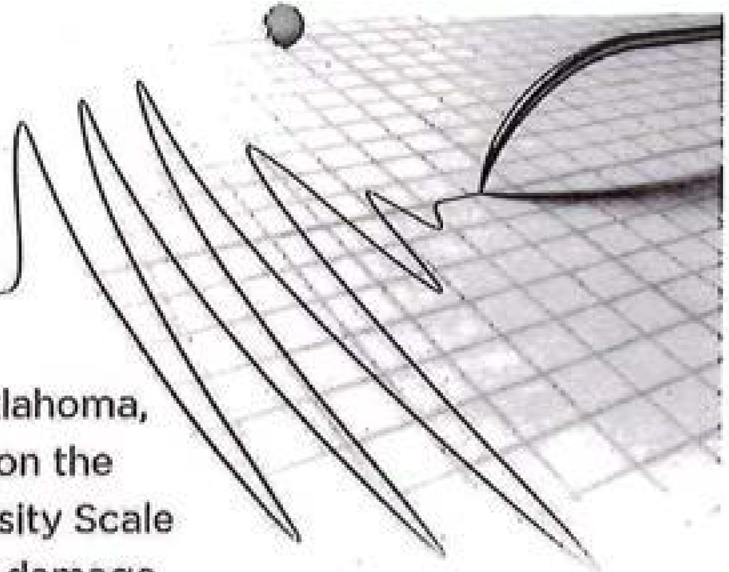


Total Claims Paid 2010 to 2015: $3,081,406
Total Premiums Written 2010 to 2015:
$76,373,494

Key Points

- Claim frequency peaked in 2011
- Market concentration has significantly increased into a handful of personal lines Earthquake carriers
- Current Pure Direct Loss Ratio for all Earthquake Carriers in OK since 2010 is approx. 3%
- Premiums written have far exceeded claims paid
- Paid claims have not shown a trend of severity in OK

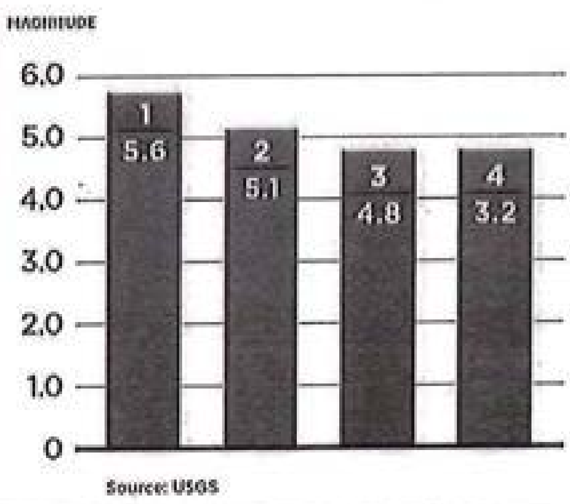
OKLAHOMA EARTHQUAKES



While there are hundreds of earthquakes every year in Oklahoma, they are rarely large enough on the USGS Modified Mercalli Intensity Scale to cause significant property damage.

Oklahoma has had only 2 earthquakes in the past 5 years above 5.0 magnitude, which is the typical threshold for causing property damage according to USGS Modified Mercalli Intensity Scale.

TOP 4 EARTHQUAKES IN OKLAHOMA; PAST 5 YEARS



1. Nov. 6, 2011 | 5.6 magnitude
   2.1 miles SW of Wilzetta
2. Feb. 13, 2016 | 5.1 magnitude
   19.3 miles NW of Fairview
3. Nov. 5, 2011 | 4.8 magnitude
   1.6 miles W of Wilzetta
4. Nov. 8, 2011 | 3.2 magnitude
   3.2 miles SW of Wilzetta

continued on back

EXHIBIT
4

PCI
Property Casualty Insurers Association of America
Advocacy. Leadership. Results.

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HOW DO YOU MEASURE THE INTENSITY OF EARTHQUAKES?

The table on the right gives intensities that are typically observed at locations near the epicenter of earthquakes of different magnitudes.

MAGNITUDE	TYPICAL MAXIMUM MODIFIED MERCALLI INTENSITY
1.0 — 3.0	I
3.0 — 3.9	II — III
4.0 — 4.9	IV — V
5.0 — 5.9	VI — VII
6.0 — 6.9	VII — IX
7.0 and higher	VIII or higher

Abbreviated Modified Mercalli Intensity Scale

I. Not felt except by a very few under especially favorable conditions.

II. Felt only by a few persons at rest, especially on upper floors of buildings.

III. Felt quite noticeably by persons indoors, especially on upper floors of buildings. Many people do not recognize it as an earthquake. Standing motor cars may rock slightly. Vibrations similar to the passing of a truck. Duration estimated.

IV. Felt indoors by many, outdoors by few during the day. At night, some awakened. Dishes, windows, doors disturbed; walls make cracking sound. Sensation like heavy truck striking building. Standing motor cars rocked noticeably.

V. Felt by nearly everyone; many awakened. Some dishes, windows broken. Unstable objects overturned. Pendulum clocks may stop.

VI. Felt by all, many frightened. Some heavy furniture moved; a few instances of fallen plaster. Damage slight.

VII. Damage negligible in buildings of good design and construction; slight to moderate in well-built ordinary structures; considerable damage in poorly built or badly designed structures; some chimneys broken.

VIII. Damage slight in specially designed structures; considerable damage in ordinary substantial buildings with partial collapse. Damage great in poorly built structures. Fall of chimneys, factory stacks, columns, monuments, walls. Heavy furniture overturned.

IX. Damage considerable in specially designed structures; well-designed frame structures thrown out of plumb. Damage great in substantial buildings, with partial collapse. Buildings shifted off foundations.

X. Some well-built wooden structures destroyed; most masonry and frame structures destroyed with foundations. Rails bent.

XI. Few, if any (masonry) structures remain standing. Bridges destroyed. Rails bent greatly.

XII. Damage total. Lines of sight and level are distorted. Objects thrown into the air.

Source: United States Geological Survey's (USGS) Earthquake Hazards Program

BEFORE THE INSURANCE COMMISSIONER OF THE
STATE OF OKLAHOMA

FILED

JUN 06 2016

INSURANCE COMMISSIONER
OKLAHOMA

STATE OF OKLAHOMA, ex rel. JOHN D. DOAK, Insurance Commissioner, To All Licensed Property and Casualty Insurers Offering Earthquake Insurance in the State of Oklahoma, Advisory Organizations	)))))))))))	Case No. 16-0391-TRN

ORDER IN RE: EARTHQUAKE INSURANCE RATES

JURISDICTION

1. John D. Doak is the Insurance Commissioner of the State of Oklahoma and as such is charged with the duty of administering and enforcing all provisions of the Oklahoma Insurance Code, 36 O. S. §§ 101- 7301.

2. Effected by this Order are licensed insurers ("insurers") offering earthquake insurance covering property located in the State of Oklahoma.

3. The Insurance Commissioner is responsible for enforcing the provisions of the Insurance Code.

4. The Competitive Loss Cost Rating Act (36 O.S. §§ 981-999) ("Rating Act") regulates the filing and use of earthquake insurance rates the State of Oklahoma.

5. In a competitive market, as defined in § 982 of the Rating Act, insurers are permitted to use insurance rates as long as such rates and supplementary rate information are filed with the Commissioner within thirty (30) days following the effective date of the filing.

EXHIBIT
5

6. A competitive market is presumed to exist for a line of insurance unless the Commissioner, after a hearing, issues an order stating that a reasonable degree of competition does not exist in the market.

7. On April 19, 2016, notice was given to all property and casualty insurers and advisory organizations of a hearing pursuant to 36 O.S. § 984 (A) would be held at the Oklahoma Insurance Department, 3624 N.W. 56th St., Ste. 100, Oklahoma City, OK 73112, at 8:00 a.m. on May 24, 2016.

8. On May 24, 2016, at 8:00 a.m., hearing was convened by the Commissioner at the Oklahoma Insurance Department, 3624 N.W. 56th St., Ste. 100, Oklahoma City, OK 73112, at 8:00 a.m. to determine whether the rates for earthquake insurance in Oklahoma were not competitive.

FINDINGS OF FACT

1. Oklahomans have experienced a high volume of earthquakes 2013, 2014 and 2015.

2. The Commissioner has received many inquiries and statements of concern from the public regarding the cost v. benefit of earthquake insurance.

3. In early 2016, the United States Geological Society released a map that purports to show an increased risk of earthquake damage in central and north central Oklahoma.

4. The Commissioner has recently received several filings by insurers seeking to increase the cost and decrease the availability of earthquake coverage.

5. Insurers making such filings have not substantiated their need for increased rates based on objective criteria, such as adverse experience, increased acquisition expense or cost of reinsurance thereby raising the distinct possibly that such rates are excessive.

6. The number of insurers writing earthquake coverage is 119.

7. The majority of earthquake insurance is written as an endorsement to homeowners insurance policies.

8. The market share of the four largest writers of earthquake insurance carriers has exceeded 50% at all times over the six years preceding December 31, 2015.

9. The concentration of the market and the reticence of consumers to lose "package discounts" constitutes an economic barrier that could prevent new firms from entering the market.

10. The long-term profitability for insurers in the market is evidenced by an average loss ratio over the six years preceding December 31, 2015 of approximately 3% is unreasonable.

11. The relationship of insurers' costs to revenue over the six years preceding December 31, 2015 demonstrates that current rates appear to be excessive.

ORDER

IT IS THEREFORE ORDERED that based upon the forgoing findings, a reasonable degree of competition does not exist in the market for earthquake insurance, and such insurance is designated as a noncompetitive line of insurance.

WITNESS My Hand and Official Seal this 6th day of June, 2016.

JOHN D. DOAK
INSURANCE COMMISSIONER
STATE OF OKLAHOMA

CERTIFICATE OF MAILING

I, John D. Doak, hereby certify that a true and correct copy of the above and foregoing Order was mailed by electronic mail, on this 6th day of June 2016, to:

All licensed property and casualty insurers issuing earthquake insurance in the State of Oklahoma.

BEFORE THE INSURANCE COMMISSIONER OF THE

STATE OF OKLAHOMA

IN RE: HEARING PURSUANT TO 36 O.S. § 984
AS TO WHETHER THE OKLAHOMA HOMEOWNERS
INSURANCE MARKET IS NONCOMPETITIVE

CASE NO. 26-0820-TRN

EXHIBIT 2

Transcript of Pre-Hearing Conference held September 4, 2026
(Case No. 26-0820-TRN)

BEFORE THE INSURANCE COMMISSIONER
OF THE STATE OF OKLAHOMA

IN RE: HEARING PURSUANT TO)
36 O.S. SECTION 984 AS)
TO WHETHER THE OKLAHOMA) No. 26-0820-TRN
HOMEOWNERS INSURANCE)
MARKET IS NONCOMPETITIVE)

PRE-HEARING CONFERENCE

BEFORE HONORABLE JUDGE JOHN D. MILLER

On September 4, 2026, beginning at 9:05 a.m.

Via Teams

Becky Steinkamp, CSR, RPR
Court Reporter
Professional Reporters
511 Couch Drive, Suite 100
Oklahoma City, Oklahoma 73102
(405) 272-1006

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APPEARANCES

Hearing Examiner for the matter of the Hearing Pursuant to 36 O.S. Section 984 as to Whether the Oklahoma Homeowners Insurance Market is Noncompetitive, No. 26-0820-TRN

Honorable Judge John D. Miller
c/o Sherry Standerfer
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Hannah Whitten
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CONTINUED APPEARANCES:

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Appearing on behalf of American Property Casualty Insurance Association and National Association of Mutual Insurance Companies, Inc.

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Caleb J. Evans
Jason T. Seay
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(Appearances continued on next page)

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CONTINUED APPEARANCES:

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brobinson@hbstrategies.us

Also present:
Sherry Standerfer, OID
Craig MacIntyre, Observer
Paul Martin, NAMIC
Walter Gonzales, APCIA
Denise Johnson, Observer
Chelsea Stallings, NAMIC
Ryan Kilpatrick, APCIA
Joanna Coll, APCIA
Jerrell Harris, Observer

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PROCEEDINGS

THE COURT: Good morning, everybody morning.

UNIDENTIFIED SPEAKER: Good morning.

THE COURT: Everybody hear me? Anybody not hear me?

UNIDENTIFIED SPEAKER: Good morning.

THE COURT: Okay.

All right. We've got some matters to address this morning. I just want to first of all make sure that I've got a list of those -- let's see.

We've got for the Oklahoma Insurance Department Mr. DeBose and Ms. Nash. You're present; is that correct?

MR. DeBOSE: Yes, sir, Judge.

THE COURT: Ms. Steinkamp, court reporter, present. Welcome.

Mr. Blake Shelton -- I mean, Blake Patton. Excuse me. You are appearing on behalf of counsel for American Property Casualty Insurance Association and National Association of Mutual Insurance Companies, Inc.? Is that correct, Mr. Patton?

MR. PATTON: Yes, Your Honor, along with myself and Mr. Caleb Evans and Jason Seay, and we

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have some client representatives on as well.
THE COURT: Right. Would that be Ms. Stallings and Mr. Gonzales?
MR. PATTON: And Mr. Martin as well, I believe.
THE COURT: Is there a Mr. Martin online?
MR. MARTIN: Good morning, Judge. I'm here.
THE COURT: Okay. All right. And then, let's see.
Good morning, Mr. MacIntyre. How are you, sir?
MR. MacINTYRE: Good morning, Judge. I'm going great. How about you?
THE COURT: Great. I'm doing well. Thank you.
Okay. Let's see.
Good morning, Mr. Hunter. How are you, sir?
MR. HUNTER: Hey, Judge. Good morning.
THE COURT: All right. And then, let's see. We've got Mr. Cameron Capps and Kristin Siegel on behalf of the AG's office; is that correct?
MR. CAPPS: That's correct.
THE COURT: And then we've got, in regards

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to the Whitten Burrage firm, we have -- who's appearing for Whitten Burrage this morning?

MR. WHITTEN: Good morning, Judge. Reggie Whitten, Michael Burrage, and Hannah Whitten, and we're here on behalf of the Oklahoma Attorney General, as well, with --

THE COURT: Right.

MR. WHITTEN: -- Mr. Capps and Ms. Siegel.

THE COURT: Mr. Siegel. Okay.

MS. STANDERFER: Is Mr. Denny on? He was on last time.

THE COURT: Is Mr. Denny on this call also? He was previously.

Mr. Whitten, you said that yourself, Hannah Whitten, and Mr. Burrage are --

MR. WHITTEN: Yes, sir.

THE COURT: -- on behalf of the AG; is that correct? Okay.

MR. WHITTEN: Me, Reggie Whitten, Mike Burrage, Hannah Whitten, Cameron Capps, and Kristin Siegel all for the AG. Thank you.

THE COURT: I think we've got that. Thank you.

All right. I had previously had an appearance from a Dr. Robert Hartwig.

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MR. PATTON: Judge, he is an expert associated with the American Property Casualty Insurance.
THE COURT: Okay. All right. So he's -- okay. He's not -- is he an attorney?
MR. PATTON: No, sir. He's --
THE COURT: Okay.
MR. PATTON: -- a professor --
THE COURT: Okay. All right.
Okay. Anybody I haven't --
MS. STANDERFER: You've got Brett and Mr. MacIntyre.
THE COURT: And Mr. Robinson is present here.
MS. STANDERFER: And Mr. MacIntyre, I believe.
THE COURT: Yes, Mr. MacIntyre, I've addressed him.
MS. STANDERFER: Okay.
MR. MacINTYRE: Yep. I am here.
THE COURT: Anybody else that I've not addressed that is present as a part of this Teams call pretrial conference?
MR. WHITTEN: Judge, we saw some other names up there earlier, but we can't get everybody

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on our gallery view. It doesn't -- our screen --
THE COURT: Right.
MR. WHITTEN: -- isn't big enough.
I think there was some other faces --
THE COURT: I see a Denise Johnson.
MS. STANDERFER: I think she's just here to --
THE COURT: Observe?
MS. STANDERFER: Yeah. She's --
THE COURT: Okay. Just observance?
MS. JOHNSON: Yep.
THE COURT: Okay. Thank you.
MS. COLL: Good morning, sir --
MR. WHITTEN: Yeah, Judge --
THE COURT: Good morning.
MR. WHITTEN: 0for the record -- oh, I'm sorry.
THE COURT: Yes, sir.
MS. COLL: I'm so sorry. Just an observer, Joanna Coll, from APCIA. Just observing.
THE COURT: Okay. Thank you.
MR. KILPATRICK: And same for me, Judge. Ryan Kilpatrick on behalf of APCIA, just observing.
THE COURT: Okay. Thank you.
MR. WHITTEN: Judge, this is Reggie

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Whitten. We were just going to say, for the record, if anybody is observing who has not announced their name and who they are observing on behalf of, we would like to just have that on the record, as well, please.

THE COURT: Absolutely.

All right. Anybody else that's not announced their presence that's just an observer?

(No response)

All right. Hearing none.

All right. Let's do a formal entry.

Comes out of this 4th day September 2026, the matter of Case Number 26-0820-TRN, in reference to Hearing pursuant to 36 Oklahoma Statute Section 984 as to whether the Oklahoma homeowners insurance market is noncompetitive.

This matter has previously been set for pretrial last week, was continued due to filings that have been made in order to give parties opportunity to review those and respond to those. Those responses have been made and are a part of the record of the Oklahoma Insurance Department file.

Having read those, I will state starting out that I have received -- I saw this morning a motion that had been filed last -- yesterday

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afternoon on behalf of the OID that was addressing a Motion to Dismiss Parties Due to a Lack of Standing. I have received that, and that is in regards to whether or not Mr. Sullivan and Mr. MacIntyre have standing as a party to this action.

With the lateness of filing that, what I'm going to do -- Mr. Hunter, on behalf of Mr. Sullivan and Mr. MacIntyre, with this being a holiday weekend, I'm going to ask that any response to that be filed with the Department by noon next Wednesday, which will be the 9th.

And then, upon receipt of those, I will issue a ruling that same day in regards to those motions -- or that motion. Excuse me. In regards specifically to the Motion to Dismiss. But you can file any response to that, Mr. Hunter, on behalf of Mr. Sullivan, Mr. MacIntyre, and yourself with the Department prior to that.

All right. Any questions in regards to that motion?

MS. NASH: Your Honor?

THE COURT: Uh-huh.

MS. NASH: Could the Department just make a statement for the record, please?

THE COURT: Is it in addition to, or does

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it include what your motion --
MS. NASH: It's in addition to.
THE COURT: Okay. All right.
MS. NASH: We would just like to apologize for the late hour filing. We certainly did not mean to appear in any way unprofessional or like we're ambushing. We asked in the motion that it not be considered today and be set for --
THE COURT: Oh, is that right?
MS. NASH: -- another time. We just wanted to ensure that it was before the Court because we thought it might impact the timing decisions that were made today.
THE COURT: Sure.
MS. NASH: But we regret -- I want to take personal ownership. I should have called Mr. Hunter as a professional courtesy, and I want on the record that I apologize for not doing so.
THE COURT: Okay. Thank you.
MR. WHITTEN: Your Honor, this is Reggie Whitten. May I expand, make an inquiry about one thing?
THE COURT: Is it related to that motion?
MR. WHITTEN: It is. I just have a question.

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THE COURT: Okay.

MR. WHITTEN: We are fine with that procedure, of course, but my question is: Will we have an opportunity to have oral argument on their motion? This is such a critically important issue because it may affect us taking issue with other parties.

I don't want to argue the motion now, obviously, but there are --

THE COURT: Yeah. Sure.

MR. WHITTEN: -- parties now who are on this call that we have not objected to, but they're not insureds. They don't own -- they're not paying for homeowners insurance either. Some of these trade associations, if there's a problem with standing for Mr. Sullivan, on behalf of the attorney general, we could advocate that there are problems with other parties. And so we do think oral argument would be very helpful on this issue.

THE COURT: Okay.

MR. ROBINSON: Your Honor, if I may.

THE COURT: Yes. Go ahead, Mr. Robinson.

MR. ROBINSON: I don't know if they can hear me online, but I would also -- along those same lines, would there be an opportunity to reply to any

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responses by Mr. Sullivan or Mr. MacIntyre?

THE COURT: Yeah. We're -- our time docket -- and I'm not -- you know, I'm not particularly wanting to move the date or time of the actual hearing itself, but I want to make sure it's conducted in a fair and impartial way, and any motions, or whatever, are appropriately dealt with and --

MR. ROBINSON: I think now is as good a time as any, as well, but I'd like to offer a motion for a continuance of the September 14th hearing.

THE COURT: Okay.

MR. ROBINSON: I think that with all the things considered -- potential witnesses, trading witnesses, all the things that are set out in the order, as far as Motions in Limine, and such, and all these legal issues that have now been raised in the responses of NAMIC and APCIA and the Department, that I think it would probably serve the public interest to move this hearing to a later date.

THE COURT: Any response from the Department with regards to that?

MR. DeBOSE: The Department has no objection to any motions for a continuance. We understand the concerns and the constrained

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timeline. I mean, we've got a lot of issues here still posed, and it looks like Monday after next we're set to go to hearing, so we understand a motion.

THE COURT: All right.

Mr. Whitten, on behalf -- go ahead.

MR. WHITTEN: Yes, sir. Thank you, sir.

On behalf of the Attorney General, just for the record, this is a matter of critical public interest. It's incredibly important.

We've been preparing for months. We have the four out-of-state expert witnesses that have set their schedule, and one of them cannot physically travel here. That's why we asked for him to appear -- it's Robert Hunter, for him to appear by Zoom.

We've got so much work put into this, and we would strenuously object to moving. There's no reason we can't argue all of these motions easily before the 14th, and, I mean, we're ready to go.

THE COURT: Okay.

Let's see.

MR. ROBINSON: We don't even know who those witnesses are, Your Honor.

THE COURT: Right. They haven't been

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disclosed as part of this pretrial hearing.

MR. WHITTEN: Yes. We're ready to disclose. We just -- the only thing we argue is we simultaneously disclose them. And we're the only party that's disclosed one witness.

THE COURT: Okay.

MR. HUNTER: Judge, may I be heard briefly?

THE COURT: Yes, sir. You may proceed.

MR. HUNTER: So this motion really throws a wrench in the machinery with regard to how we proceed, in my opinion. There's advocacy for a separation of time between parties in between positions. And I don't want to be too melodramatic here, but removing two parties from this hearing at this late date is important to the consideration of how time is allocated.

As far as I'm concerned, this motion is frivolous. The cases that are cited apply to the ability to participate in an appeal, not to participate in a hearing or trial below.

So with regard to a continuance, I also object to that, and I'd, frankly, like to argue this motion today.

THE COURT: Okay. Thank you for your

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position.

MR. HUNTER: Thank you, Judge.

THE COURT: Uh-huh.

MR. PATTON: Judge, if I may, this is Blake Patton on behalf of NAMIC and APCIA. Just for the record, I'd like to note our forceful, full-throated objection to any merits -- continuation of the merits hearing. These are all issues that we believe can be resolved in advance of the hearing. As noted in our papers, we believe this to be more of a rule-making proceeding as opposed --

THE COURT: Right.

MR. PATTON: -- to an individual proceeding under the APA.

Under that framework, we believe this Court is more than able to address these issues, appear, hear testimony on the Section 984 factors, make a decision, and the parties can do what they will with that decision, but we don't think there's any reason or need for a continuance of the merits hearing.

THE COURT: Okay. Thank you, sir.

All right. Anybody else wish to address that?

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MR. WHITTEN: On behalf of the Attorney General, we would be pleased to argue all these motions today. We think they could be argued today.

But, again, going back to the objection to Bob Sullivan. If Bob Sullivan doesn't have standing, then we want to file a motion. Some of these trade associations don't have standing either.

So I -- we had no objection to anybody participating in this. You know, both sides are definitely going to have to make a complete and fair record just in case someone does appeal.

THE COURT: Sure. Well, I anticipate it will be appealed, whatever the decision is.

MR. WHITTEN: Yeah. Well, it's just so hard to put the genie back in the bottle. It would be better to let everybody conduct the hearing, say what they want to say, call the witnesses they want to say.

And then, you know, if there is an appeal, that could all be sorted out later, but to cut parties out on the front end destroys every -- I mean, it puts a reversible error in this thing from the very beginning.

So we're prepared to argue all these motions today if the Court wants to. Or set them --

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we'll bend our schedule if you want to set them after we all agree. That's fine too, Your Honor. Whatever you want to do.

THE COURT: Okay. All right. Thank you.

Any further response?

(No response)

THE COURT: Okay. I'm going to take -- we're going to be in recess for about five minutes here, and then I'll come back and issue a decision.

(Short recess from 9:21 to 9:34 a.m.)

THE COURT: All right. After a short recess, based on the Motion to Continue that's been offered the morning and taken into account, the Motion to Dismiss based on standing of Mr. Sullivan and Mr. MacIntyre, this hearing is entered. In pursuant of a fair and impartial hearing in regards to all these matters, I'm going to issue the following rulings:

I'm going to order that any objections to the standing argument filed by the Department be filed in writing by 5:00 next Wednesday -- excuse me. By 5:00 Thursday, the 10th. If there should be any response to that, it would need to be filed with the Department by noon on Monday the 14th. The Motion to Continue is going to be granted.

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The Court is going to continue oral argument on the Motion to Dismiss for 10:00 a.m., via Teams, on Tuesday, September 15th, and that motion -- oral motion will be heard. Additionally, the Court will proceed to conduct its pretrial in regards to this matter.

After the oral argument on the motions, then I will rule on other motions pending by the parties, which will constitute another pretrial date for the 15th at 10:00 a.m., via Teams. And I will advise the parties, as far as resetting the hearing date, that's going to take consultation with the Capitol people.

And as far as me as the hearing examiner, I'm not looking to limit this hearing to one or two days. If it takes a whole week for relevant evidence to be presented, I'm open to that. So I don't see the need -- which will be addressed in the pretrial in regards to setting time limits and things, any relevant evidence or argument, or whatever, I'm willing to consider in making my decision.

We're roughly looking at the week of October 19th, and I'm asking to see if the whole week is available. I hope it doesn't take that

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long, but if it does, then that's what it's going to be. But I should know next Tuesday when we conduct our 10:00 oral argument on the Motion to Dismiss and the pretrial that should have a new date, time, and location secured.

All right. Noted to the objections of the parties that have expressed their objection to the continuance, that will be noted as a part of the record.

MR. HUNTER: Judge, Mike Hunter here. I will be out of the country on October 19th. Just FYI.

THE COURT: Okay. All right. Mr. Hunter, that -- when will you be back, sir?

MR. HUNTER: I believe that I'm back and hopefully will have my sea legs by the 25th, Your Honor.

THE COURT: Okay.

MR. WHITTEN: Your Honor, Reggie Whitten here. May I ask a question about scheduling?

THE COURT: Yes, sir, you may.

MR. WHITTEN: It's along the same lines as what Mr. Hunter just said. Mr. Burrage and I are set for two trials on the same day --

THE COURT: Yes, sir. Okay.

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MR. WHITTEN: -- in Lawton, and that is November 2. So, for us, we certainly don't want this to push any further --
THE COURT: Sure.
MR. WHITTEN: -- than October because -- I mean, we can't try --
THE COURT: Yes, sir.
MR. WHITTEN: -- two cases at the same time --
THE COURT: Absolutely.
MR. WHITTEN: -- but we will try one of them, I'm pretty sure.
THE COURT: Yeah. Well --
MR. WHITTEN: So we'd love to get it over with in October, if that's possible.
THE COURT: Yes, sir. I'm all in favor of that also, and with Mr. Hunter's conflict and you having a trial the next week, would anybody have a known conflict, provided we can coordinate a room, October 20 -- the week of October 26th? Does anybody have a known conflict that week?
MR. WHITTEN: We'll make it work here.
MR. PATTON: Judge, it works for us. We'll confer with our witness, but that works for us.

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THE COURT: Okay. All right. And I'm willing -- I understand with witnesses' situations, sometimes -- I mean, you don't know at this point in time, and I'm willing, if there is a major conflict, or whatever, to do everything we can to make sure that that gets included in the record, so that's not a problem.

And, like I say, in regards -- we'll be addressing this next week in detail on the 15th in regards to time limits and stuff, but I'm more of the school, if it's relevant, or whatever, I'm not looking to -- I may set some time limits in regards to any opening or closing statements, but in regards to presentation of evidence that's deemed to be relevant to the issues, then I'm not -- however long it takes, I'm willing to listen, so...

MR. PATTON: Yes, sir. Thank you.

MS. NASH: Your Honor?

THE COURT: Yes.

MS. NASH: I have some information on the Commissioner's travel schedule.

THE COURT: Okay.

MS. NASH: The best week of availability for him, if possible for the other parties, would be the week of October 12th through 16th. Is there any

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way to make that timing work?

THE COURT: Well, the only thing with that week is -- I don't think it's a State holiday, but it's Columbus Day and Indigenes People's Day, and it's Thanksgiving in Canada. So I don't want -- if anybody celebrates that date, I'm not necessarily wanting to deprive you of that holiday, but --

MR. ROBINSON: Your Honor, I'm gone most of that week in a client meeting.

THE COURT: Okay.

MR. HUNTER: Your Honor, that's the front end of my time out of the country, so I apologize --

THE COURT: Okay. All right.

MR. HUNTER: -- for not being flexible.

THE COURT: No, no. Congratulations. No need to apologize.

MR. HUNTER: Thank you.

THE COURT: So, Ms. Nash, will you again state -- tell me again the conflict that week?

MS. NASH: I believe the Commissioner is traveling for a conference.

THE COURT: So as far as the Department, or whatever, he's designated, I assume, you, as counsel, to act on behalf of the Department, or whatever. Were you anticipating him to be present

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for the hearing? Is that his desire?

MS. NASH: Yes. And we are anticipating that he may be a witness.

THE COURT: Well, that -- that's important. Okay. So what part of that week is he definitely unavailable?

MS. NASH: The whole week. But we can push to see if we can get some travel arrangements changed.

MR. WHITTEN: Your Honor, may I inquire?

THE COURT: Sure.

MR. WHITTEN: I mean, there's so many moving parts to this --

THE COURT: Absolutely.

MR. WHITTEN: -- and so many witnesses. I mean, it's pretty feasible today -- we do it all the time -- to take a video deposition of one person that's the hang up that can't be there. So it would be real easy to put him on videotape deposition, and then they can play it at trial. I hate to hold the whole thing up.

You know, we had this set for two days, so -- on behalf of the AG, I think we could say Monday, October 12th, Tuesday the 13th, Wednesday the 14th, those are three really good days for us.

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Surely we could finish this then. If the Commissioner wants to testify, he can give video deposition before then. That would be easy to do.

Just like if one of my witnesses couldn't be there, I could always, with the permission of the Court, of course, take his video deposition.

THE COURT: Sure.

MR. WHITTEN: That wouldn't hang it up. I mean, there's so many witnesses involved here, it's almost --

THE COURT: I understand it's a -- it's a -- right. All right.

MR. DeBOSE: Judge, as regards to the potential Commissioner's testimony --

THE COURT: Right.

MR. DeBOSE: -- I definitely understand where opposing counsel is coming from regarding the deposition option; however, I think -- it seems like -- and I don't mean to get into the issue, but it seems like we are all in agreement on allowing some witnesses to testify remotely, so if that is an option we can work out with the Commissioner, we would be open to that. That might be more convenient to us and the parties when it comes to direct and cross-examination.

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THE COURT: And are you referring to the availability for the week of the 26th through the 28th?

MR. DeBOSE: Yes, sir.

THE COURT: Okay. So provided -- okay.

MR. WHITTEN: Well, we agree with Bo that testimony should be able to be given remotely. I share those thoughts. That would be helpful.

THE COURT: That's going to be a part of our pretrial, and that testimony will be -- I'll just tell you, it's going to be allowed. In this day and time, that's part of the motion that we'll specifically address, but for your knowledge, there is no problem with testimony in that capacity, in that manner.

MR. WHITTEN: Judge, can I also inquire? That's very helpful what you just said for us planning. So, as of today, the only motions in our omnibus brief that are disputed are 2, 3, 5, 9, and 11. Would the Court like to -- I think you just resolved one of them, but would the Court like today to hear argument and maybe consider ruling on 2, 3, 5, 9, and 11 so we can get something done while we're all here?

THE COURT: Well, let me address the

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projected date of the hearing first before we do anything further.

In regards to -- based on what has been disclosed, our target date is going to be the week of the 26th of October. And Mr. Whitten, you have, on behalf of the AG's office, felt like you're comfortable that within three full days, we can have all -- if they're full days, that we can accomplish and everybody, at least from your perspective, have an opportunity to present whatever testimony and evidence that was needed?

MR. WHITTEN: I think so. Just speaking for the Attorney General alone --

THE COURT: Right.

MR. WHITTEN: -- I think we can put ours on in one day.

THE COURT: Right. Okay.

Well, and Mr. DeBose, Ms. Nash, on behalf of the Department, do you believe, if we set three days aside and it doesn't take all of that, are you confident that would provide sufficient timing for the presentation of anything the Department wishes to present?

MR. DeBOSE: Yes, sir, Judge.

THE COURT: Okay. And assuming in regards

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to -- there's not been any ruling in regards to the standing by Mr. MacIntyre or Mr. Hunter on behalf of Mr. Sullivan, do you believe that three full days would be sufficient to present anything based on what you know at this point?

MR. HUNTER: Yes, Your Honor.

MR. MacINTYRE: Yes, Your Honor.

THE COURT: Thank you, sir.

And, Mr. Robinson, on behalf of who you're representing, do you feel like three full days --

MR. ROBINSON: Yes, sir.

THE COURT: Okay. And then, let's see.

Mr. Patton --

MR. PATTON: Yes, sir. Same answer.

THE COURT: -- from your perspective, do you think three full days should -- will that question be sufficient timing for everything to be presented that needs to be presented for a determination under this matter?

MR. PATTON: Yes, sir.

THE COURT: Okay. All right.

Who have I missed? Okay.

Okay. So we're going to target the 26th through the 28th for the actual hearing on this matter, subject to approval by -- I assume we'll

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still have it at the Capitol, provided they've got facilities available during that time period, and we'll confirm that. She'll be able to confirm that with the person in charge of that, who is on vacation but should be back next week.

All right. Let me see. Pardon me just a moment.

I'm going to reserve my ruling on the motions 2, 3, 5, 9, and 11 until next Tuesday at 10:00 after the hearing on the Motion to Dismiss. In regards to standing, in regards to them too.

Anything -- so to clarify, any objection to that motion on behalf of either Mr. Sullivan, Mr. MacIntyre, or any of the other parties, needs to be in writing, submitted to the Department by 5:00 next Thursday, the 10th, and then any response to that either by the Department or any other party would be filed with the Department by noon on the 14th, and hearing, via Teams, on that motion and further rulings on the motions pending about the trial will be at 10:00 next Tuesday the 15th.

Anything else --

MR. BURRAGE: May I address one thing with regards to scheduling?

THE COURT: Yes.

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MR. WHITTEN: With regard to the conference on the 15th, I think it might be helpful in knowing what to present at the pretrial or what needs to be done. The sooner we could have the names of the witnesses, the better off we would be.

THE COURT: Well --

MR. BURRAGE: You might want to address that on the 15th, but it would be helpful if we had them prior to the pretrial.

THE COURT: Well, let me ask -- is that your Motion Number 3, Mr. Whitten?

MR. WHITTEN: I think that's right, Your Honor. And the way we look at it, we'd give all of our witnesses' names up today if everyone else would give their names up today. All we wanted was a simultaneous exchange.

But Mr. Burrage is right. With the Internet, you can do a lot of research. So we don't have to just sit around on our hands. We can actually be researching witnesses.

And we just -- you know, due process requires everybody to have the same level playing field --

THE COURT: That's right.

MR. WHITTEN: -- and we're okay giving

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names up, like I said, today. We just want to know who their witnesses are.

THE COURT: Sure. Well, I'll --

MR. PATTON: Judge?

THE COURT: Yes.

MR. PATTON: Blake Patton here. Maybe it's sensible just to build in a witness disclosure deadline as part of the, you know, order that will be issued today. That might make sense.

MR. WHITTEN: And the same goes for exhibits. I agree with Blake. I mean, we do need a date. The sooner is better, but, you know, due process requires no surprise.

THE COURT: Sure.

MR. WHITTEN: And we'll give all our exhibits up simultaneously if they give their --

THE COURT: Well, sure. And we've got -- we've got about a month and a half from our pretrial on the 15th, or whatever.

Mr. DeBose, Ms. Nash, on behalf of the Department, there's no doubt that there will be an order of disclosure of the witnesses, or whatever. Do you have those ready to do? Do you want to argue -- do you want to further clarify that on our hearing on the 15th? If everybody is in agreement,

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there's no problem. If not, I'll issue the ruling on the 15th, but what's the Department's position?

MR. DeBOSE: No. We get the position stated. I don't -- we don't have to wait all the way to the 15th to set that date to exchange. It can be set sometime next week or anytime prior to the 15th. We can agree to that, Judge. No problem.

THE COURT: Okay. All right. The order --

MR. PATTON: Judge, my only -- I'm sorry, Judge. My only add on to that is --

THE COURT: Yes, sir.

MR. PATTON: -- I think it might make sense to bifurcate witness and exhibit disclosures.

THE COURT: Right. Sure.

MR. PATTON: I think we're in the process of working with witnesses, so we may have a better picture of exhibits maybe further down the line.

THE COURT: Okay.

Okay. I'm going to order that the witness list be exchanged by any parties to the matter by noon next Monday, the 14th. And then, in regards to any witness exhibits, or whatever, on the pretrial next Tuesday at 10:00, I'll set a deadline for those exhibits to be exchanged.

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MR. PATTON: Yes, sir.
THE COURT: Anything further that anybody -- needs to be raised at this point or any point for clarification?
MR. WHITTEN: No, sir.
MR. BURRAGE: We're good.
MR. WHITTEN: Thank you.
THE COURT: All right. Thank you very much. Hope y'all have a nice Labor Day weekend, and we'll see you next week.
MR. HUNTER: Thank you, Judge.
MR. DeBOSE: Thank you, Judge.
MR. WHITTEN: Bye, everybody.
(HEARING CONCLUDED AT 9:53 A.M.)

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CERTIFICATE

STATE OF OKLAHOMA)
) SS:
COUNTY OF OKLAHOMA)

I, Becky Dame Steinkamp, Certified Shorthand Reporter within and for the State of Oklahoma, do hereby certify that the above and foregoing hearing was by me taken in shorthand and thereafter transcribed; and that I am not an attorney for nor relative of any of said parties or otherwise interested in the event of said action.

IN WITNESS WHEREOF, I have hereunto set my hand and official seal this 8th day of September, 2026.

Becky Dame Steinkamp, CSR, RPR

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