FILED
SUPREME COURT
STATE OF OKLAHOMA
OCT 26 2026
SELDEN JONES
CLERK

IN THE SUPREME COURT OF THE STATE OF OKLAHOMA

STATE OF OKLAHOMA, ex rel. GENTNER DRUMMOND, ATTORNEY GENERAL OF THE STATE OF OKLAHOMA, and BOB SULLIVAN,	)	No. PR-124,489
Petitioners,	)	(OID Case No. 26-0820-TRN)
v.	)	
THE HONORABLE JOHN D. MILLER, Independent Hearing Examiner; GLEN MULREADY, Insurance Commissioner of the State of Oklahoma; and the OKLAHOMA INSURANCE DEPARTMENT,	)	
Respondents.	)	

MOTION TO STAY PROCEEDINGS BELOW

Petitioners move under Okla. Sup. Ct. R. 1.15(c), as Rule 1.191(i) requires, for an order staying further substantive proceedings in Oklahoma Insurance Department Case No. 26-0820-TRN pending this Court's disposition of the Application to Assume Original Jurisdiction and Petition for Writs of Prohibition and Mandamus filed October 15, 2026. In support, Petitioners state:

1. The Application, Brief in Support, and Appendix filed October 15, 2026, and the Amended Brief in Support filed herewith are incorporated by reference. The ground for a stay is the ground for the writs: a proceeding in which a properly filed disqualification affidavit has been denied by an officer whom the Commissioner, a subject of the Affidavit, designated without notice, should not resume until this Court decides whether the tribunal is lawfully constituted.

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2. **Petitioners are likely to succeed.** A ruling on disqualification that is a clear abuse of discretion is corrected by mandamus. *Merritt v. Hunter*, 1978 OK 18, ¶¶ 2, 6, 575 P.2d 623, 624. The order denying the Affidavit was entered by an officer the Commissioner selected without notice and over Petitioners' objection, App. at 18, 23, 191 (Tr. 17:7–16), and it rejected the grounds on the view that "[a]n aggregation of individually lawful and unremarkable circumstances does not become an appearance of partiality merely by being listed together," App. at 28, though the order itself recites that the appearance of partiality is judged on "the totality of the circumstances," App. at 22; *Bowen v. State ex rel. Oklahoma Real Estate Appraiser Board*, 2011 OK 86, ¶ 23, 270 P.3d 133, 139. The grounds are developed at Propositions II through IV of the Amended Brief in Support.

3. Absent a stay the relief sought may be rendered meaningless. The stay entered below ended on October 2, 2026, when the order denying the Affidavit directed that "the proceeding shall resume under the Hearing Examiner without further delay." App. at 29. Rulings entered in the interval, including any ruling on the Attorney General's Omnibus Pre-Hearing Motion, App. at 90–123, or on the Department's motion to dismiss two participants, one of whom is a Petitioner here, App. at 127–34, and any merits hearing, would be exposed to nullification rather than correction. Bowen, 2011 OK 86, ¶ 23, 270 P.3d at 139 (affirming "nullification and reversal" of proceedings marked by "an appearance of impropriety and conflict of interest"); *Wilson v. Oklahoma Horse Racing Commission*, 1996 OK 3, ¶ 17, 910 P.2d 1020, 1024.

4. A stay prejudices no participant, and Petitioners do not seek delay. The matters pending below are fully briefed and will travel with the file to whoever adjudicates them. Petitioners objected on the record to the continuance of the merits hearing, and the Order for

Continuance entered September 10, 2026 records that it issued over their objection and "without objection from the Department." Order for Continuance, App. at 30. The period of the stay is short and fixed. Responses to the Application are due November 9, 2026, and the oral presentation is set for November 19, 2026. Order of October 19, 2026. NAMIC and APCIA, who opposed a stay below, predicted there that this Court will likely rule before any hearing is held. Ex. 1 at 3–4. If that is so, a stay limited to substantive rulings costs them nothing. If it is not, the stay spares every participant a hearing that may have to be held again.

5. The public interest favors a stay. The proceeding below will determine whether the homeowners insurance market of this State is noncompetitive, 36 O.S. § 984(A), a question of statewide consequence for insurance consumers, whose collective interests the Attorney General appears below to represent. 74 O.S. § 18b(A)(22). The public is served by a determination made once, by a tribunal whose composition has been settled in the manner § 316 requires, and not by one exposed to being set aside and repeated.

6. Relief was first sought below. On September 15, 2026 the Hearing Examiner announced a stay pending the Commissioner's determination of the Affidavit. App. at 191–93 (Tr. 17:22–18:1, 18:7–8, 18:20–19:1). The Affidavit asked that no further substantive ruling issue until it is determined, App. at 10 (Aff. ¶ 49), and on September 28, 2026 the Hearing Examiner entered a written order staying the matter pending the Commissioner's decision. App. at 214–15. Following the denial, Petitioners moved below on October 5, 2026 that further substantive proceedings be stayed pending this Court's disposition of the Application, and asked for a written ruling by noon on October 7, 2026. App. at 227–35. NAMIC and APCIA objected on October 7, 2026, contending among other things that Rule 1.15(b) bars a motion in this Court until the lower tribunal has ruled. Ex. 1 at 3. On October 8, 2026 the officer who

entered the order of October 2 notified the Hearing Examiner and the parties that the motion is outside the scope of his appointment and that he will not rule on it. Ex. 2. Petitioners replied on October 9, 2026 and asked that the Hearing Examiner rule promptly by written order. Ex. 3 at 5. The Hearing Examiner has not ruled. A request for stay in an original proceeding "is governed by Rule 1.15(c)," Okla. Sup. Ct. R. 1.191(i), which requires only that the application "state that relief was first sought in the district court or other lower tribunal," Okla. Sup. Ct. R. 1.15(c)(2). To the extent Rule 1.15(b) is thought to apply, Petitioners ask that the Hearing Examiner's failure to rule on a motion pending since October 5, 2026 be treated as a refusal, or that this Motion be held until he rules. Petitioners will promptly file any ruling that issues.

7. This Motion is timely. No cause is set for hearing below; every setting, including the October 26, 2026 merits hearing, was stricken on September 15, 2026. App. at 192–93 (Tr. 18:20–19:1). No hearing has been reset since the order of October 2, 2026, App. at 29; Application, Part III. Because no hearing is set, the Motion does not require action in less than a week and is not an emergency application. Okla. Sup. Ct. R. 1.15(c)(1).

8. The stay sought is limited to substantive rulings. Petitioners do not ask this Court to restrain scheduling, the exchange of witness or exhibit lists, or any other non-substantive step. Petitioners do not object to the setting of a hearing date below, provided the hearing does not commence before this Court rules. Ex. 3 at 3.

9. Facts not of record in this Court. The Appendix closes with the motion filed below on October 5, 2026. App. at 227–35. The three filings that followed it are attached: the objection of NAMIC and APCIA (Exhibit 1), the order of October 8, 2026 (Exhibit 2), and Petitioners' reply (Exhibit 3). Because they are not of record in this Court, they are supported

by the Affidavit of Michael J. Hunter (Exhibit 4), which also states whether any ruling or hearing setting has issued below. Okla. Sup. Ct. R. 1.6(a).

WHEREFORE, Petitioners respectfully request that further substantive proceedings in Case No. 26-0820-TRN be stayed pending disposition of the Application.

Respectfully submitted,

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ex rel. Gentner Drummond, Attorney General

CERTIFICATE OF SERVICE

I hereby certify that on this 26th day of October, 2026, a true and correct copy of the above and foregoing *Motion to Stay Proceedings Below*, with Exhibits 1 through 4, was served, in the manner provided in 12 O.S. § 2005(B) and the Rules for Electronic Filing in the Oklahoma Courts, upon the following respondents, parties, and real parties in interest entitled to notice under Rule 1.191(e):

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Michael J. Hunter

EXHIBIT 1

FILED

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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

THE NATIONAL ASSOCIATION OF MUTUAL INSURANCE COMPANIES, INC. AND THE AMERICAN PROPERTY CASUALTY INSURANCE ASSOCIATION, INC.'S OBJECTION TO THE JOINT MOTION TO STAY

The National Association of Mutual Insurance Companies, Inc. ("NAMIC") and The American Property Casualty Insurance Association, Inc. ("APCIA"), requests the OID deny the Joint Motion of the Oklahoma Attorney General and Bob Sullivan to Stay Proceedings Pending Original Action in the Oklahoma Supreme Court (the "Motion") and state as follows in support thereof:

I. BACKGROUND AND INTRODUCTION

On September 10, 2026, Movants filed an Affidavit seeking the disqualification of Independent Hearing Examiner John Miller based on his granting of an oral motion to continue the deadlines in the case that was opposed by most of the parties to this action. Specifically, Movants took issue with a brief recess held by Examiner Miller to consider the motion while he was at the Insurance Commissioner's office and in the presence of an Insurance Department paralegal, as well as his contract with the Insurance Department as a hearing examiner. Examiner Miller agreed that a ruling on the Affidavit had to be made pursuant to 75 O.S. § 316, and, therefore, paused these proceedings pending adjudication of the Affidavit by the Insurance Commissioner.

The Insurance Commissioner assigned the Affidavit to Independent Hearing Examiner Stephan S. Mathis. Examiner Mathis issued an Order denying the Affidavit on October 2, 2026. In the Order, Examiner Mathis noted that the determination of a hearing examiner's partiality is objective and that there is a presumption against finding impartiality. *Order*, at 5-6. And upon consideration of the arguments advanced in the Affidavit, Examiner Mathis held that Examiner Miller was not impartial based on the totality of the circumstances. He instead observed that many of Movants' claims amount to nothing more than routine agency practice or otherwise do not evidence impartiality. *Id.* at 7-11. Examiner Mathis further held that Movants' request for the Insurance Commissioner to withdraw from any adjudicative role in the decision of their Affidavit was unnecessary because the Commissioner delegated such authority to Examiner Mathis. *Id.* at 11. Based on the denial of the Affidavit, Examiner Mathis ordered that these proceedings continue "without further delay." *Id.* at 12.

Movants filed the instant Motion to stay these proceedings pending a forthcoming application for a writ of prohibition to the Oklahoma Supreme Court based on Examiner Mathis's Order. Specifically, Movants argue that Examiner Mathis faces similar issues of impartiality based on his contractual agreement with the Insurance Department, and they claim that under 75 O.S. § 316, the Insurance Commissioner lacks the authority to delegate resolution of their Affidavit to another individual. They further contend—cursorily—that the questions raised by their forthcoming application are "substantial", that continuing these proceedings would cause irreparable harm, that no party will be prejudiced by the requested stay, and that the public interest favors a stay.

However, the Motion is procedurally defective and practically unnecessary. ***First***, Movants fail to meet the mandatory procedural prerequisites to a stay set forth in the Oklahoma Supreme

Court Rules and the Oklahoma Administrative Procedures Act. This ground alone requires denial of the Motion. ***Second***, from a practical standpoint, a stay is wholly unnecessary. There are no pending deadlines in these proceedings and it is possible (if not likely) that their application will be adjudicated before a hearing on the merits of this action

II. ARGUMENTS AND AUTHORITIES

A. Movants have failed to establish their entitlement to a stay under the Oklahoma Supreme Court Rules.

The stay of enforcement of decisions is governed by Oklahoma Supreme Court Rule 1.15. Under the Rule,

> Stay of enforcement of the decision of a lower tribunal in any proceeding other than an appeal from a final decision of a district court ***shall be governed by any applicable statutory law or rules governing that tribunal. Except where an applicable statute or rule provides otherwise***, the lower tribunal may in its sound discretion stay enforcement of the decision which is the subject of proceedings in this Court on terms which will protect the rights of the parties. No motion shall be filed in this Court to stay the decision of the lower tribunal where such relief may be sought from the lower tribunal until application has first been presented to and ruled upon by the lower tribunal.

OKLA. SUP. CT. R. 1.15(b) (emphasis added). Thus, if either the Oklahoma Insurance Code, 36 O.S. 101, *et seq.* ("OIC"), or the Oklahoma Administrative Procedures Act, 75 O.S. 250, *et seq.* ("OAPA"), set forth requirements for a stay, such requirements govern this body's determination of the Motion. And even if no such requirements are applicable to these proceedings, a stay under Rule 1.15(b) is appropriate only to "protect the rights of the parties."

1. The OIC does not set forth distinct requirements for a stay.

Although several provisions of the OIC address and permit the stay of proceedings in certain instances, *see, e.g.*, 36 O.S. §§ 320, 2020, 2042, none of the enumerated circumstances

addressing the procedure for a stay are present here. Thus, the OIC does not provide for a specific governing procedure for a stay in this case.

2. The OAPA establishes specific requirements for a stay of proceedings, which Movants fail to address in their Motion.

No provision in Article I of the OAPA requires an agency to "stay" its rule-making process for any reason, let alone because a participant in such process objects to the official presiding over the process. ***Even if*** this was an Article II proceeding, an application for stay of an agency order must be "supported by verified statements of material fact establishing that the enforcement of the order pending final decision would result in present, continuous and irreparable impairment of the constitutional rights of the applicant. . . ." 75 O.S. § 319(2). A cursory review of the Motion reveals that these requirements are not met.

Movants fail to verify any of the statements in their Motion. Instead, they make perfunctory allusion to irreparable harm, lack of prejudice to the non-moving parties, and the public's interest in a stay. This is plainly insufficient to warrant a discretionary stay under Section 319.

Even ignoring this glaring deficiency, Movants' still fail to show why a stay is required. ***First***, it is likely that any final adjudication in this matter will come after the Supreme Court has ruled on Movant's forthcoming application for writ, which will likely occur before any hearing in this proceeding. As such, any alleged harm, if any, is indeed reparable.[1] ***Second***, the other parties in this proceeding have a clear interest in the resolution of this action and the ultimate

[1] To be sure, no constitutional rights are implicated by the request for a stay to these proceedings pending Movants' forthcoming application. By way of example, the necessity for a stay pending an application for a writ could be present where the movant claims that the adjudicatory tribunal lacks personal jurisdiction over the movant. In such a case, the very proceeding itself violates the movant's Fourteenth Amendment rights. That is not the case here. If these proceedings continue while the application is pending, Movants' rights will not be violated and they make no verified showing to the contrary as required by Section 319.

determination of the question of whether this is a competitive market. That two parties want to hand-pick their own examiner because of a motion the current Examiner granted—which both NAMIC and APCIA also opposed—is not an adequate basis to delay resolution of these proceedings, and such delay plainly prejudices the interests of these other parties by delaying their right to a timely determination of these proceedings. ***Third***, Movants' cursory argument that the public interest favors a stay is nonsensical. A stay does not ensure the finality of any decision in these proceedings, as they may be appealed and reversed following a final adjudication. In fact, the sooner a final decision is made, the sooner any decision can go through the appellate review process and actually be deemed final. As such, the further delay caused by a stay actually harms the public interest.

3. Movants have not established that their requested stay is "necessary to protect the rights of the parties."

Rule 1.15(b) only permits the OID to—"in its sound discretion"—stay enforcement of a decision "on terms which will protect the rights of the parties." But further delay will not "protect the rights of the parties" and Movants make no showing to the contrary. If anything, the other parties' will be harmed through unnecessary delay, while Movants' rights will be unaffected either way. As such, the indefinite stay requested by Movants does not protect the rights of the parties, and this tribunal should not, in its sound discretion, permit further delay in this matter.

B. The requested stay is unnecessary where—as here—there are neither pending deadlines nor the risk of constitutional violations in play.

From a practical perspective, a stay at this juncture of the proceedings is unnecessary. Following Movants' Affidavit, Examiner Miller struck the October 26 hearing date and all other deadlines in this case. A new hearing date has not been scheduled, nor have any other deadlines been reset. As such, ***Movants may therefore seek their writ while this matter continues without***

any prejudice. Setting a hearing date and making arrangements for an orderly hearing process does not implicate Movants' constitutional rights and simply ensures that these proceedings can proceed in a timely fashion upon the Supreme Court's adjudication of Movants' application, because ***a new hearing examiner can be appointed to preside over the hearing at any time before it is commenced.***

If Movants want to seek a writ, they are free to do so. But these proceedings should continue without delay so as to not allow Movants further delay this proceeding with the not-so-well veiled intent to have it conducted only after a new Insurance Commissioner is sworn into office.

III. CONCLUSION

In sum, Movants fail to establish the legal prerequisites for a stay in this action under either the OAPA or under Supreme Court Rule 1.15(b). Even if they had, such a stay is both practically unnecessary and prudentially problematic. Movant's requested relief should therefore be denied. As Examiner Mathis correctly observed, this proceeding should continue "without further delay."

Submitted by:



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EXHIBIT 2

FILED

OCT 08 2026

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

ORDER CLARIFYING AUTHORITY OF
HEARING EXAMINER STEPHAN S. MATHIS

The undersigned was designated by the Insurance Commissioner ("Commissioner") pursuant to 75 O.S. § 316, to determine the *Joint Affidavit of the Oklahoma Attorney General and Bob Sullivan in Support of Disqualification of the Independent Hearing Examiner and of the Insurance Commissioner Pursuant to 75 O.S. § 316,* filed September 10, 2026 (the "Affidavit") by the State of Oklahoma, ex rel. Genter Drummond, Attorney General of the State of Oklahoma ("Attorney General") and Bob Sullivan ("Sullivan")(collectively referred to as "Movants"). The undersigned's appointment was limited to determining the Affidavit and the issue of recusal in this matter. In the October 2, 2026 Order, the undersigned denied the request to disqualify Independent Hearing Examiner, John D. Miller (the "Hearing Examiner Miller") and further ordered that the proceeding shall resume under the Hearing Examiner Miller without delay. Accordingly, the undersigned has decided the limited issues that were within his authority and completed his appointment.

On October 5, 2026, the undersigned was provided copies of a *Joint Request of the Oklahoma Attorney General and Bob Sullivan for Production of the Record of the September 4, 2026 Pre-hearing Conference and of the Designation under 75 O.S. § 316* and *Joint Motion of the Oklahoma Attorney General and Bob Sullivan to Stay Proceedings Pending Original Action in the Supreme Court of Oklahoma* (collectively referred to as the "Pending Motions"). The

undersigned issues this Order to provide clarification and to notify Hearing Examiner Miller and all parties to this proceeding that the Pending Motions are outside the scope of the undersigned's appointment, and as such, the undersigned will not be issuing a ruling on the Pending Motions.

IT IS SO ORDERED.

Dated: October 8, 2026

Stephan S. Mathis
Independent Hearing Examiner
Designated Pursuant to 75 O.S. § 316

EXHIBIT 3

FILED
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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

JOINT REPLY OF THE OKLAHOMA ATTORNEY GENERAL AND BOB SULLIVAN IN SUPPORT OF THEIR JOINT MOTION TO STAY PROCEEDINGS PENDING ORIGINAL ACTION

COME NOW the State of Oklahoma, ex rel. Gentner Drummond, Attorney General of the State of Oklahoma (the "Attorney General"), and Bob Sullivan (together, "Movants"), and reply to the Objection to the Joint Motion to Stay filed October 7, 2026 (the "Objection") by the National Association of Mutual Insurance Companies, Inc. and the American Property Casualty Insurance Association, Inc. (the "Trade Associations"). The Objection is addressed to Movants' Joint Motion to Stay Proceedings Pending Original Action filed October 5, 2026 (the "Motion"). Movants state:

1. **Section 319(2) does not govern this Motion.** The Objection contends that a stay requires "verified statements of material fact" showing irreparable impairment of constitutional rights. Objection at 4 (quoting 75 O.S. § 319(2)). That subsection applies "[i]n every proceeding in any court for the review of an order of an agency," and states when a reviewing court must enter a stay. 75 O.S. § 319(2). It does not limit the agency. Subsection (1) provides that the filing of a proceeding for review "shall not stay enforcement of the agency decision; but the agency may do so." 75 O.S. § 319(1). Supreme Court Rule 1.15(b), which will govern once the original action is filed, is to the same effect: unless a statute or rule provides otherwise, "the lower tribunal may in its sound discretion stay enforcement of the decision which is the subject of proceedings in this Court on terms which will protect the rights of the parties." Okla. Sup. Ct. R. 1.15(b). The

Objection identifies no provision of the Insurance Code that governs this request, Objection at 3–4, and Movants know of none. The question is one of discretion.

2. **The Objection relies on Article II.** The Objection reasserts the Trade Associations' illogical argument that the present competitive market proceeding is rulemaking under Article I of the Administrative Procedures Act ("APA"), while paradoxically relying on § 319, which is part of Article II[1]. Objection at 4. 75 O.S. § 250.1. As set out in more depth in the September 3, 2026, Reply of the Oklahoma Attorney General to the Response of NAMIC and APCIA, this matter has proceeded under Article II of the APA from its very inception with the appointment of a hearing examiner, "a person meeting the qualifications specified by Article II of the Administrative Procedures Act and who has been duly appointed by an agency to hold hearings and, as required, render orders or proposed orders." 75 O.S. § 250.3 (defining "hearing examiner"). The present disqualification inquiry, including the Department's Response and the October 2, 2026 Order, continues to proceed under 75 O.S. § 316, which is also a creature of Article II. *See* September 22, 2026, Oklahoma Insurance Department's Response Opposing the Disqualification of the Independent Hearing Examiner and the Insurance Commissioner and October 2, 2026, Order Denying the Joint Affidavit Seeking Disqualification of Independent Hearing Examiner and the Insurance Commissioner. The Order declined to decide whether this proceeding is rulemaking. Order at 7. Ultimately, this matter will conclude pursuant to Article II with the entry of a final agency order as provided in 75 O.S. § 312. It has every mark of an individual proceeding, "the formal process employed by an agency having jurisdiction by law to resolve issues of law or fact between parties and which results in the exercise of discretion of a judicial nature." 75 O.S. § 250.3 (defining "individual proceeding"). The definition of "rule" found in the APA expressly excludes

[1] Article II "shall consist of Sections 308a through 323." 75 O.S. § 250.1(A).

"orders by an agency." 75 O.S. § 250.3 (defining "rule," subparagraph e). As the present proceeding will result in an order as specifically required by statute, this proceeding cannot be characterized as rulemaking and Article I does not apply. Section 984 places "[t]he burden of proof in any hearing" on "the party or parties advocating the position that competition does not exist" and requires that "[a]ll determinations by the Commissioner shall be made on the basis of findings of fact and conclusions of law." 36 O.S. § 984(A), (B)(2). Those are the features of an individual proceeding, not of rulemaking.

3. **The right at stake is constitutional.** The Objection asserts that "no constitutional rights are implicated." Objection at 4 n.1. The Supreme Court has held otherwise. Due process "entitles a person to an impartial and disinterested tribunal in both civil and criminal" adjudicative proceedings, and it is "a protection afforded by both the United States and the Oklahoma Constitutions." *Johnson v. Board of Governors of Registered Dentists*, 1996 OK 41, ¶ 14, 913 P.2d 1339, 1344 (quoting *Marshall v. Jerrico, Inc.*, 446 U.S. 238, 242 (1980)). This is an individual proceeding, see ¶ 2 above, and a challenge to the impartiality of the tribunal is no less fundamental than the challenge to its jurisdiction the Objection offers as an example. Objection at 4 n.1.

4. **The stay requested is limited, and scheduling is not stayed.** The Objection describes the request as an "indefinite stay," Objection at 5, and argues that "[s]etting a hearing date and making arrangements for an orderly hearing process" should go forward, *id.* at 6. The Motion does not ask otherwise. It asks that substantive rulings, including rulings on the pending motions, and any evidentiary hearing await the Supreme Court's disposition, and it does "not ask that the exchange of filings or any other non-substantive step be suspended." Motion ¶ 8. The stay ends when the Supreme Court acts. Movants do not object to the setting of a hearing date, provided the hearing does not commence before the Supreme Court has ruled.

5. **The harm is concrete.** Two motions are pending: the Attorney General's Omnibus Pre-Hearing Motion, briefed under the stipulated schedule, and the Department's Motion to Dismiss Parties Due to Lack of Standing, which seeks to remove Mr. Sullivan and Craig MacIntyre from this proceeding. The Order directs that "the proceeding shall resume under the Hearing Examiner without further delay." Order at 12. A ruling on either motion by the officer whose disqualification Movants are presenting to the Supreme Court is the harm the Motion seeks to avoid. In the courts, a judge whose disqualification is sought "cannot proceed with the case until the disqualification stands overruled of record," which occurs only after the appellate court has acted. Rule 15(d), Rules for District Courts of Oklahoma, 12 O.S., ch. 2, app.; *see Miller Dollarhide, P.C. v. Tal*, 2007 OK 58, ¶ 21, 163 P.3d 548, 555–56. The same principle supports a stay here.

6. **The Objection's own prediction favors a stay.** The Objection predicts that the Supreme Court will likely rule before any hearing in this proceeding. Objection at 3, 4. If so, a stay limited to substantive rulings and the hearing costs the other participants nothing.

7. **The Affidavit did not rest on the ruling.** The Objection describes the Affidavit as "based on [the Hearing Examiner's] granting of an oral motion." Objection at 1. The Affidavit says the opposite: "The objection is not to the ruling." Affidavit ¶ 22. The Affidavit also named the Commissioner, Affidavit, Relief Requested ¶ 2, and it did not ask that Movants "hand-pick" an examiner, Objection at 5. It asked for an agreed successor or, failing agreement, selection by alternating strikes from a list of persons with no engagement with the Department, a process in which every party would take part. Affidavit ¶ 48.

8. **Movants have opposed delay throughout.** The Objection attributes to Movants an intent to delay the hearing until a new Insurance Commissioner takes office. Objection at 6.

The record shows otherwise. At the September 4, 2026 conference counsel for the Attorney General stated that his client "would strenuously object to moving" the hearing, Sept. 4 Tr. 15:17–18, and counsel for Mr. Sullivan objected to the continuance and asked to argue the pending motion that day, *id.* at 16:22–24. The Trade Associations objected as well. *Id.* at 17:4–8. The continuance issued over those objections. Order for Continuance (Sept. 10, 2026) at 1. And on the Order's own account the Commissioner has no adjudicative, decisional, or supervisory role in this proceeding. Order at 11. If that is so, the identity of the officeholder has no bearing on when the hearing is held.

WHEREFORE, PREMISES CONSIDERED, Movants respectfully request that the Motion be granted to the extent stated in paragraph 8 of the Motion and paragraph 4 above; that the Hearing Examiner rule on it promptly by written order; and that Movants be granted such other and further relief as is fair and proper.

Respectfully submitted,

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CERTIFICATE OF SERVICE

I, Michael J. Hunter, hereby certify that on this 9th day of October, 2026, a true and correct copy of the above and foregoing **JOINT REPLY OF THE OKLAHOMA ATTORNEY GENERAL AND BOB SULLIVAN IN SUPPORT OF THEIR JOINT MOTION TO STAY PROCEEDINGS PENDING ORIGINAL ACTION** 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]

The Honorable Stephan S. Mathis
Independent Hearing Examiner
Designated Pursuant to 75 O.S. § 316
Oklahoma Insurance Department [via OIDlegal@oid.ok.gov]

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Michael J. Hunter

Michael J. Hunter

EXHIBIT 4

IN THE SUPREME COURT OF THE STATE OF OKLAHOMA

STATE OF OKLAHOMA, ex rel. GENTNER DRUMMOND, ATTORNEY GENERAL OF THE STATE OF OKLAHOMA, and BOB SULLIVAN,	)	No. PR-124,489
Petitioners,	)	(OID Case No. 26-0820-TRN)
v.	)	
THE HONORABLE JOHN D. MILLER, Independent Hearing Examiner; GLEN MULREADY, Insurance Commissioner of the State of Oklahoma; and the OKLAHOMA INSURANCE DEPARTMENT,	)	
Respondents.	)	

AFFIDAVIT OF MICHAEL J. HUNTER IN SUPPORT OF MOTION TO STAY PROCEEDINGS BELOW

I, Michael J. Hunter, state:

1. I am counsel of record for Bob Sullivan in Oklahoma Insurance Department Case No. 26-0820-TRN and in this proceeding. I make this statement on personal knowledge.

2. Exhibit 1 to the Motion to Stay Proceedings Below is a true and correct copy of The National Association of Mutual Insurance Companies, Inc. and The American Property Casualty Insurance Association, Inc.'s Objection to the Joint Motion to Stay, file-stamped October 7, 2026 in Case No. 26-0820-TRN.

3. Exhibit 2 is a true and correct copy of the Order Clarifying Authority of Hearing Examiner Stephan S. Mathis, file-stamped October 8, 2026 in Case No. 26-0820-TRN.

4. Exhibit 3 is a true and correct copy of the Joint Reply of the Oklahoma Attorney General and Bob Sullivan in Support of Their Joint Motion to Stay Proceedings Pending Original Action, file-stamped October 9, 2026 in Case No. 26-0820-TRN.

5. As of the date of this statement, no ruling has been entered in Case No. 26-0820-TRN on the Joint Motion of the Oklahoma Attorney General and Bob Sullivan to Stay Proceedings Pending Original Action filed October 5, 2026, and no hearing has been set in that case.

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

Executed on October 26th, 2026, at Oklahoma City, Oklahoma.

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