

HARTLEY LAW FIRM - TDA LITIGATION STATUS REPORT
October 6, 2016

Case Type	Plaintiff/Defendant		Case No.	Status
Lien Foreclosure	Alpine Roofing, LLC v MGT Construction Management, East End Village, LLC; Larson Development; TDA and others		CJ-2015-1898	<p>Lawsuit to foreclose subcontractor lien on East End Village project.</p> <ul style="list-style-type: none"> - This case has been consolidated with the CJ-2015-2212 case. Caption of case has been restyled with that of two other related and pending consolidated cases. - We continue to receive motions, answers and cross claims from various subcontractors and claimants – preparing responses on behalf of TDA and its mortgage lien. - Depositions of representatives of East End Village and MGT Construction Management are on hold pending motions to quash subpoenas. - East End Village has filed six Motions for Partial Summary Judgment against subcontractors who have been paid or bonded. EEV and MGT have requested that the subcontractor liens be severed and stayed pending decision on the Owner/Contractor litigation. A hearing on subcontractors’ issue was held on 8-23-16. Case given first up trial setting for March 27, 2017. Request for special master re lien validity denied. Request for discovery master held in abeyance pending development of “realistic” scheduling order. All other pending motions not addressed. - Several lien claimants have dismissed their lien foreclosures or have assigned their claims to East End Village; some of the remaining lien claimants are seeking motions to compel production of documents – motions to compel do not involve TDA.
Breach of Contract and Lien Foreclosure Counterclaims	East End Village, LLC v. MGT Construction Management, Inc. et al		CJ-2015-2211	<p>Action filed by East End Village, LLC in response to lawsuit brought by subcontractors in CJ-2015-1898 above. TDA filed its Answer to the Petition on 8-19-15, TDA filed its Answer to Cross Claims of subcontractors on 9-23-15.</p> <p>See discussion of consolidated case above.</p>
Breach of Contract and Lien Foreclosure Counterclaims	Sunbelt Fire Protection, Inc v. MGT Construction Management, Inc. et al		CJ-2016-1738	<p>Action filed 5-6-16 by Sunbelt Fire Protection, Inc. for breach of contract relating to the East End Village redevelopment. TDA still has not been served. 17 total defendants including TDA. This case has been assigned to Judge Cantrell who also has the two cases listed</p>

				<p>above. See discussion of consolidated cases above. - Both East End Village, LLC and MGT Construction Management, Inc. (the general contractor) have filed motions to dismiss the claims – motions remain pending.</p>
Foreclosure	<i>Bank of Oklahoma v. Jessie L. Hardy, Roberta Hardy and TDA</i>		<i>CJ-2010-6967</i>	<i>Petition filed 10-29-10. TDA appears to have a second mortgage lien in the amount of \$20,000.00. Judgment entered with Plaintiff having a first lien in the amount of \$3,286.99 plus interest, costs of \$1,450 and costs of sale. Property appraised at \$30,000.00. Sheriff's sale set for 11-12-13. Ninth Special Execution returned NO SALE on 11-14-13. No action in case since 11-14-13</i>
Foreclosure	<i>TDA v Donald Jackson, et al</i>		<i>CJ-2011-5105</i>	<i>First mortgage holder, U. S. Bank has filed foreclosure proceedings. TDA Answer and Cross Petition filed on 11-4-11. Foreclosure on hold pending approval of bankruptcy reorganization plan under which, payments are to resume to TDA. Notice of Bankruptcy file 8-17-12 – Chapter 13, Case #11-13683.</i>
Breach of Contract	<i>TDA and Paula Recess v James Snyder d/b/a Gem Air Heating</i>		<i>CS-2011-8418</i>	<i>Hearing on Motion for Default Judgment held on September 18, 2012. Court required new service of summons. Alias Summons issued 9-29-12. Defendant James Snyder served on 3-1-13. TDA motion for default judgment taken under advisement.</i>
Other	<i>Novus Homes (Wilkins)</i>		<i>CJ-2008-5713</i>	<p><i>Case stricken from jury trial docket as settled on 6-14-12. Settlement agreement provides for dismissal of lawsuit upon Plaintiffs' failure to close sale of property. TDA and Plaintiffs signed a Redevelopment Agreement effective April 16, 2013.</i></p> <ul style="list-style-type: none"> - <i>Schematic Plans were approved by TDA Board of Commissioners on 5-1-14.</i> - <i>Contract dates extended 90 days on 1-9-14 and for an additional 30 days on October 9, 2014. 3rd Amendment to Redevelopment Contract executed (total extensions 180 days).</i> - <i>Construction Documents were approved at February 5, 2015 meeting with one condition relating to the Darven Brown memorial.</i> <ul style="list-style-type: none"> - <i>Redevelopers failed to provide financial ability to construct documentation after 90 day extension until November 13, 2015. Another extension request denied at the December, 2015 meeting and has declared a default. 60 Day Notice of Default served on December 22nd, 2015. No documents to cure received by February 20th, 2016 deadline.</i> - <i>At March, 2016 TDA Board meeting Wilkins</i>

				<p>requested a reconsideration of the denial of the extension to permit negotiation of a new redevelopment contract for the 120 Project with the Redevelopers and Parkes Development Group. This request was denied.</p> <ul style="list-style-type: none"> - At April, 2016 meeting the TDA Board proceeded with termination of Redevelopment Contract. Counsel for Redevelopers has submitted three letters objecting to TDA action. --Letter in response sent by TDA General Counsel and TDA Special Counsel, Jim Weger, on May, 19, 2016. - Letter from counsel Melissa East dated July 6, 2016 received requesting arbitration of "Dispute Between Tulsa Development Authority and Wilkins." - TDA Board approved participation in arbitration of the "dispute." - Letter from counsel Melissa East dated August 16, 2016 received with open records request to TDA regarding Wilkins, their companies and Block 44 property. General Counsel is reviewing the request and will process documents for privilege claims prior to production. - TDA General Counsel and Special Counsel are proceeding with arbitration as requested by Wilkins.
Other	<i>Novus Homes (Wilkins)</i>		CV-2016-998	<p>Filed by Wilkins seeking injunction against TDA proceeding with sale of its property in Block 44 pursuant to RFP issued following the April, 2016 TDA Board meeting. Request for temporary restraining order was denied. Temporary injunction hearing pending. Special Counsel Jim Weger is assisting TDA General Counsel in defense of this matter.</p> <ul style="list-style-type: none"> - Plaintiffs have requested and received a continuance of the hearing on their Motion for Temporary Injunction – no new date set