

HARTLEY LAW FIRM - TDA LITIGATION STATUS REPORT
August 3, 2017

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> <p>EEV and MGT continue with discovery requests. MGT has filed a motion to compel responses to discovery requests and motion for summary judgment. Judge Cantrell has denied all motions for summary judgment. Therefore, claims and defenses of the parties will proceed to trial.</p> <p>Certificate of Completion has been issued by TDA to EEV.</p> <p>Defendant FE-NIX Construction Group, LLC was granted permission and has filed an Amended Counterclaim and Cross-Claim which named TDA in the Cross-Claim. TDA counsel has prepared and filed an Answer asserting TDA's priority over Defendant FE-NIX's claims. Defendants Ark Wrecking and Prestige Builders have filed motions to amend counterclaims and cross-claims.</p> <p>Case remains pending.</p>
Breach of Contract and Lien Foreclosure Counterclaims	East End Village, LLC v. MGT Construction Management, Inc. et al		CJ-2015-2212	<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. No activity in this case since 7-14-2016</p>
Foreclosure	Bank of Oklahoma v. Jessie L. Hardy, Roberta Hardy and TDA		CJ-2010-6967	<p><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></p>

Foreclosure	<i>TDA v Donald Jackson, et al</i>		CJ-2011-5105	<p>First mortgage holder, U. S. Bank filed foreclosure proceedings. Notice of Bankruptcy file 8-17-12 – Chapter 13, Case #11-13683. Received notice of dismissal of Chapter 13 Bankruptcy case.</p> <p>- Plaintiff U. S. Bank has reinstated loan and has filed a joint dismissal of the foreclosure with TDA. Case closed.</p>
Breach of Contract	<i>TDA and Paula Recess v James Snyder d/b/a Gem Air Heating</i>		CS-2011-8418	<p>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.</p>
Other	Novus Homes (Wilkins)		CJ-2008-5713	<p>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.</p> <p>- TDA Board refused request for 6th extension, issued notice of default and terminated contract when Wilkins failed to perform. Parties are now in arbitration of the "dispute."</p> <p>- Counsel for Wilkins submitted an open records request to TDA regarding Wilkins General Counsel has reviewed the request and has produced documents responsive to the request.</p> <p>- Parties have agreed upon Joe Hampton as the arbitrator. Case has been set for hearing on August 14, 2017 with an estimated 3 days of hearings.</p> <p>- Parties have completed responses to interrogatories and document requests. Depositions were taken in May, 2017. Wilkins counsel, Melissa East, has filed a motion to withdraw as counsel and has requested a 30 day stay of the arbitration proceedings to allow Wilkins to obtain other counsel.</p> <p>- Clint Russell has entered an appearance as new counsel for Wilkins. This will almost certainly result in the striking of the August 14th arbitration hearing to be reset at a later date.</p> <p>- Counsel for Wilkins has filed a Motion for Extension of Time and to continue arbitration hearing; TDA filed a response in opposition to Motion. Phone conference with arbitrator will be conducted on July 27th to determine whether arbitration hearing will be continued.</p>

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 - Counsel for TDA has filed a Motion for Summary Judgment. The Court has denied the Motion for Summary Judgment. Counsel for TDA has filed a Motion to Reconsider. - Clint Russell has entered his appearance as counsel for the Wilkins. <p>- Motion to Reconsider remains pending.</p>
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