

HARTLEY LAW FIRM - TDA LITIGATION STATUS REPORT
April 5, 2018

Case Type	Plaintiff/Defendant	Case No.	Status
Breach of Contract, Appointment of Receiver and Tort claims	<i>TDA v. Carland Group, LLC; Cherokee Meadows, LP; Carland Properties, LLC and Omega Alpha Development, LLC</i>	CJ-2017-4487	Petition filed 11-13-17. Judge Caroline Wall assigned to the case. TDA is seeking to obtain remediation for removal of barriers created by Redeveloper's improper installation of "integral curbing" across the front of driveways leading to elderly and mobility impaired housing constructed as the Cherokee Meadows project. Defendants permitted to join architect firm as 3rd party defendant – Hearing on TDA application for appointment of a receiver has been reset for April 6th at 9:30 am;
Declaratory Judgment	<i>North Star Mutual Insurance Company, Inc. v.</i>	<i>18-cv-00035-CVE-JFJ</i>	Suit filed in federal court by insurer of Carland Properties, LLC to determine rights and obligations under policy of insurance as a result of claims brought by TDA in CJ-2017-4487.
Lien Foreclosure	Alpine Roofing, LLC v MGT Construction Management, East End Village, LLC; Larson Development; TDA and others	CJ-2015-1898	Lawsuit to foreclose subcontractor lien on East End Village project. Contractor MGT Construction has filed a cross claim against EEV and EEV has countered against MGT; <i>Certificate of Completion has been issued by TDA to EEV.</i> Court granted extension of time until after mediation to file motions in limine. East End Village LLC has sought leave to file a 4 th Amended Petition. MGT Construction has filed for bankruptcy protection. Case remains pending.
Breach of Contract and Lien Foreclosure Counterclaims	East End Village, LLC v. MGT Construction Management, Inc. et al	CJ-2015-2212	This case has been consolidated with CJ-2015-1898. See discussion of consolidated case above.
Breach of Contract and Lien Foreclosure Counterclaims	Sunbelt Fire Protection, Inc v. MGT Construction Management, Inc. et al	CJ-2016-1738	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
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. Ninth Special Execution returned NO SALE on 11-14-13. No action in case since 11-14-13</i>

Breach of Contract	<i>TDA and Paula Recess v James Snyder d/b/a Gem Air Heating</i>	CS-2011-8418	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.
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. Wilkins defaulted on the Agreement and it was terminated by TDA. Termination action appealed to arbitration.</p> <ul style="list-style-type: none"> - Arbitrator granted TDA's Motion for Summary Judgment on 10-5-17. Judge Pickerell granted TDA's Motion to Confirm Arbitration Summary Judgment and denied Wilkins' Motion to Amend their claims. - TDA counsel filed a Motion For Summary Judgment in the District Court case on January 17, 2018. This is to follow up on the redevelopment contract requirement for dismissal of the lawsuit upon failure of Wilkins to perform. No ruling issued.
Other	Novus Homes (Wilkins)	CV-2016-998	<p>Filed by Wilkins seeking declaratory judgment that TDA violated open meeting act with regard to issuance of Block 44 RFP and 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"> - Counsel for the Wilkins has withdrawn. - Judge Sellers has denied Wilkins Motion for Award of Attorney Fees; Wilkins has filed a Motion to Vacate/New Trial; TDA has filed a Motion to Reconsider. All Motions set for hearing on March 7th at 10:00 am. - Counsel for parties appeared and March 7th hearing. All motions in the case will be decided by Judge Sellers after review of Briefs submitted by the parties. - Case remains pending.

Other	<i>Vanessa Hall-Harper et. al v. TDA</i>	CV-2017-1049	<p>Filed by Tulsa City Councilor Vanessa Hall-Harper (in her individual capacity) and others alleging violation of the Open Meeting Act. Plaintiffs are claiming that the Agenda for the January 5th, 2017 meeting failed to adequately describe the subject matter to be considered under Agenda item 7(i).</p> <p>Hearing on Plaintiff's Motion for Temporary Injunction set for 8-31-17 continued at Plaintiff's request to 9-27-17. Second hearing cancelled at request of Plaintiffs.</p> <p>Plaintiffs amended their Petition on 10-4-17. TDA General Counsel has filed an Entry of Appearance for all named Defendants.</p> <ul style="list-style-type: none"> - Plaintiffs have submitted proposed responses to discovery requests issued by TDA to Plaintiffs on 2-9-18. The parties have agreed to entry of a protective order re personal information; - Depositions of Plaintiffs scheduled for April 9th. Following completion of discovery, TDA will pursue a motion for summary judgment. Case remains pending.
Declaratory Judgment	<i>UCAT v TDA</i>	CV-2018-127	<p>Action for declaratory judgment filed by UCAT on February 2, 2018 seeking to determine that UCAT is not in default under the terms and conditions of the 1986 Redevelopment Contract with TDA for land located north of the IDL.</p> <ul style="list-style-type: none"> - TDA counsel has filed an Entry of Appearance and reserved an additional 20 days to answer the petition. - Case pending