IN THE DISTRICT COURT OF COMANCHE COUNTY
STATE OF OKLAHOMA

FILED
DISTRICT COURT
COMANCHE COUNTY, OKLAHOMA
July 27, 2026 4:54 PM
ROBERT MORALES, COURT CLERK
Case Number CJ-2025-135

NEIL & LACY WEST,	)	
	)	
Plaintiffs,	)	
	)	
v.	)	Case No. CJ-2025-135
	)	
STATE FARM FIRE & CASUALTY COMPANY and NANCY HOLCOMB INS. AGENCY, INC.,	)	
	)	
Defendants.	)	

DEFENDANT STATE FARM FIRE AND CASUALTY COMPANY'S RESPONSE TO PLAINTIFFS' RENEWED MOTION TO ENFORCE AND REQUEST FOR DISCOVERY SANCTIONS

Plaintiffs' "Renewed Motion to Enforce" (herein, "Renewed Motion") is yet another increasingly unreasonable request for sanctions based on alleged "delays" that, in fact, stem directly from the extraordinarily broad scope of Plaintiffs' own discovery requests. As set forth in Defendant State Farm Fire and Casualty Company's ("State Farm's") May 22, 2026 Motion for Extension, its June 19 Response to Plaintiff's prior Motion to Enforce, and its Reply/Supplement in Support of its Motion for Extension filed July 20, State Farm has been continuously working to collect, review for responsiveness, and produce ***hundreds of thousands of documents*** subject to the Court's April 22, 2026 Order. While State Farm was unable to complete this burdensome undertaking by June 1, 2026,[1] **it has now produced over 700,000 documents** in compliance with the Order and has supplemented its Responses to Interrogatories (the "Supplemental Responses") based on the documents it produced, as well as its reasonably diligent (and continuing) search for documents the interrogatories asked it to "identify." There is no basis for "discovery sanctions" for State Farm's inability to provide its Supplemental Responses by June 1, given that State Farm (1) knew it was not going to be able to complete its productions by June 1 and thus on May 22 sought an extension of the date for compliance with this Court, and (2) made a substantial production on June 1 of documents responsive to the interrogatories and continuous productions thereafter, prioritizing documents involving Ms. Manduca in light of her scheduled deposition. In any event, State Farm served its Supplemental Responses on July 17, 2026, when it could do so with reasonable completeness, which should render Plaintiffs' Renewed Motion moot.

I. FACTUAL AND PROCEDURAL BACKGROUND

State Farm does not here repeat the factual background of the insurance claim but refers the Court to prior discovery briefing and State Farm's Motion for Summary Judgment to re-urge that the

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[1] At the June 1, 2026 virtual status conference, the Court preliminarily extended State Farm's date to try to complete its productions in compliance with the Order to June 15.

ordered discovery is disproportionate to the facts of this case and that the request for sanctions of adverse instructions or loss of defenses is not only legally wrong, but itself disproportionate to the circumstance and Plaintiffs' own discovery history.

State Farm does, however, repeat the discovery history given that Plaintiffs' purported sanction motion is apparently based on the claimed failure to supplement interrogatory responses, which were tied primarily to document production. At the outset of this case, State Farm produced all claim-specific documents, including Plaintiffs' policy, their Claim File, and basic underwriting information for their property. In addition, upon the Court's entry of the Protective Order, State Farm produced, *inter alia*: underwriting guidelines in effect when the Policy was issued, applicable claim-handling guidelines in place at the time of the alleged loss, Wind and Hail Guidelines from 2020 and 2021, and similar claim handling information.

Plaintiffs also requested, moved to compel, and have now received over 700,000 State Farm documents that have nothing to do with the claim decision they are challenging, but that Plaintiffs allege are necessary to prove their theory around the FME. Specifically, during discovery, **Plaintiffs served State Farm with 123 written discovery requests** (including 34 interrogatories, 59 document requests, and 30 requests for admission), and the Court's April 22 Order granted many of these requests, though it denied others. Among other things, this Order required State Farm to produce, by June 1, claims training materials between 2019 and 2025; information between 2019 and 2025 regarding the FME and other "wind/hail initiatives," including purported tracking of roof replacements, indemnity savings, and payment volumes; six years of documents and communications relating to managerial approval requirements for full roof replacements; documents about alleged efforts to reduce indemnity payments for wind/hail claims; and all documents previously produced or ordered in six unrelated lawsuits. The Court also ordered State Farm to produce Fire Property Claims Quality Plans between 2019 and 2025 plus documents on initiatives concerning indemnity payments and roof replacement ratios, approval rates and payments, and emails or other correspondence to or from Nicole Manduca, Sharon Arnold, Tom Moss, and Susan Maynard, from 2019 to 2025, about the FME and various metrics relating to roof replacements, even though none of these individuals were involved in any aspect of the handling of Plaintiffs' claim.

Although the Order indicated that the Court Clerk would mail a copy to the parties, counsel for State Farm was not aware of and did not receive a copy of the Order until May 4, 2026 (and then only from counsel for Plaintiffs). As a result, State Farm's time to comply with the Order was reduced by 12 days. While State Farm respectfully disagrees that the discovery at issue in the Order is at all relevant or proportional to the claims and defenses in this lawsuit, immediately following receipt of the Order, State Farm began working diligently to identify, review, and produce documents potentially responsive to Plaintiffs' requests.

Given the volume of documents involved, State Farm's late notice of the Order, and the fact that many of the requests seek data from proprietary, internal systems and repositories across several business functions, State Farm moved the Court on May 22, 2026, for a 60-day extension of the Court's June 1 deadline to comply with the discovery order, until July 30, 2026. (*See* May 22, 2026 Motion for Extension.) As State Farm explained in its motion, the Court's Order implicates hundreds of thousands of documents over a six-and-a-half-year period from files of dozens of employees, including institutional communications, training materials, enterprise policies, and documents from State Farm's P&C Claims division. State Farm nonetheless continued to work diligently to collect, review, and prepare documents for production in compliance with the Order, and was able to produce nearly 50,000 documents by June 1, and has now produced over 700,000 total documents. These documents included reproductions from other matters, which involved dozens of production volumes from separate workspaces and required State Farm to engage a third-party discovery vendor to complete. State Farm's discovery vendor had to export many of these production volumes to a new workspace, run each production with its original Bates numbering and, once all these productions were complete, re-run each production to add Bates numbering specific to *West*.

Because State Farm's Supplemental Responses were based in large part on State Farm's investigation and review of the documents it has produced, the same complicating factors that extended the time it took for State Farm to produce documents caused a reasonable and justifiable delay in State Farm's ability to supplement its Responses to Interrogatories—which it has now served.

II. ARGUMENT AND AUTHORITIES

A. There Is Good Cause to Extend the Deadline for State Farm's Supplemental Responses to Interrogatories, and State Farm's Inability to Meet the Original Deadline Is Not Cause for Sanctions.

As set forth in State Farm's Motion for Extension, Reply in Support of its Motion for Extension, and its Response to Plaintiffs' First Motion for Enforcement, there is good cause for the Court to modify its interlocutory[2] Order and extend the deadline for State Farm's compliance. State Farm has, since learning of the Court's Order, been consistently working to produce—and has now produced—***more than 700,000 documents*** (at the last hearing, Plaintiffs' counsel identified it as 800,000 documents) responsive to Plaintiffs' wide-ranging discovery requests. Supplementing its

[2] A district court has the inherent authority to reconsider or modify an interlocutory, non-appealable order any time prior to entering final judgment. *See Kordis v. Kordis*, 2001 OK 99, ¶ 9, 37 P.3d 866, 870 (citing *Reams v. Tulsa Cable Television, Inc.*, 1979 OK 171, 604 P.2d 373). As the Oklahoma Supreme Court has confirmed, "[a] trial court's discretion to modify one of its interlocutory orders anterior to judgment is within the court's 'complete control' and not limited to [specific causes under 12 O.S. § 1031]." *Andrew v. Depani-Sparkes*, 2017 OK 42, ¶ 17, 396 P.3d 210, 218 (quoting *LCR v. Linwood Props.*, 1996 OK 73, 918 P.2d 1388, 1393). "[T]he trial court is not bound by, and may hence reconsider, all of its mid-litigation rulings at any time before the case comes to an end." *Conterez v. O'Donnell*, 2002 OK 67, ¶ 7, 58 P.3d 759, 761–62; *see also Snow v. TravelCenters of Am. LLC*, 2023 OK CIV APP 8, ¶ 10, 527 P.3d 741, 746 (A district court ruling which lacks finality and appealability is but an intermediate order in the case, [and remains] within the trial judge's complete control to modify or alter at any time before judgment.").

Responses to Interrogatories required State Farm to first search for documents the interrogatories requested and then review and analyze documents to determine whether they were responsive.[3]

Plaintiffs have asserted no prejudice resulting from extending the June 1, 2026 deadline. In their Motion, Plaintiffs contend (without factual support) that "State Farm has NO Excuse for Not Complying with the Court's Order" (*see* Mot. at 2) and assert generally that "Oklahoma law mandates that insurance claims be handled in a timely and prompt basis." (*Id.*) But Plaintiffs provide no facts, no documents, and no declarations showing that State Farm's inability to meet the June 1 deadline has, in any way, prejudiced Plaintiffs or unduly delayed this case. Nor do Plaintiffs ***even allege*** that they have suffered any "prejudice" or "harm" by the delay, despite insisting that the delay constitutes "severe sanctionable conduct." *See* Mot. at 3.

While Plaintiffs remark that the weather event at issue in this case occurred in "June 2023" (see Mot. at 2), insinuating that State Farm is somehow responsible for delaying the resolution of this action, this is typical one-sided hyperbole. Plaintiffs' (1) did not report the claim for more than a month after the weather event, (2) did not return State Farm's calls about the claim for more than a month, (3) did not follow up with any objection to State Farm's claim decision for almost six months, and (4) then did not even file their lawsuit until February 28, 2025. This case has been pending for less time than the nearly two years Plaintiffs waited to file it. Nor is there any merit to Plaintiffs' contention that "State Farm has had months to fashion interrogatory responses but is intentionally delaying providing this information as Plaintiffs move forward with key depositions and discovery in this case." (*See* Mot. at 2.) State Farm first received notice of the Court's Order on May 4, less than a month before the June 1 deadline. Between the time State Farm received notice

[3] As State Farm explained in its July 20, 2026 Reply in Support of its Opposed Motion for Extension of Time, despite its best efforts, its investigation into certain discovery requests remains ongoing. To the extent State Farm identifies additional responsive documents, State Farm will supplement its interrogatories as necessary.

of the Court's Order and Plaintiffs filed this Renewed Motion, State Farm worked diligently to produce the documents that would inform their Supplemental Responses and sought an extension of the deadline from this Court.

In any event, State Farm remedied the issue by providing its Supplemental Responses on July 17, 2026, after conducting a reasonably diligent investigation and search for documents responsive to Plaintiffs' interrogatories. State Farm's delay was attributable to the enormity of Plaintiffs' document requests and the complexity of the document production process that informed its Supplemental Responses, not any lack of diligence and certainly not as part of any tactical decision to delay production. Further, as soon as State Farm realized that it would be unable to comply by the original deadline, it notified the Court and Plaintiffs and moved for an extension, and the Court allowed State Farm another two weeks to endeavor to complete its productions. On these facts, there is no basis for discovery sanctions.

Further, most of the interrogatories the Court ordered supplemented were, as noted, requests to identify certain documents (Rogs 5, 9-12, 14, 19-21, 24) or questions specifically about FME (Rogs Rogs 6, 7, 13, 28, 29), as is evidenced by the focus of their motion. That is all information Plaintiffs could have and, in most instances, did ask of Ms. Manduca when they deposed her on June 23, 2026. Thus, Plaintiffs had access to the person they described as the "architect" of the FME in that deposition and thus access to the information requested via the interrogatories and otherwise. There was no prejudice, no denial of access to information, and no good faith basis for any sanction, particularly given that State Farm, well in advance of its deadline, asked for an extension given that it knew it could not comply as ordered.

B. Plaintiffs' Demand for "Discovery Sanctions" is Meritless.

Plaintiffs' proposed "discovery sanctions" are hyperbolic and without merit. Plaintiffs seek three "sanctions" for State Farm's inability to search for, process, and produce 700,000 documents and supplement 20 related interrogatories within 30-45 days depending on the times used as follows: (1) adverse jury instructions as to State Farm's purported violation of Court orders and alleged withholding of information relating to the FME; (2) orders from the Court allowing certain discovery and depositions following receipt of such interrogatory responses to be determined by the Plaintiffs; and (3) any other sanction the Court deems appropriate.

In the rare cases where sanctions are even appropriate (and they are not here), Oklahoma courts require sanctions to be proportional to the alleged discovery violation and grounded in prejudice and culpability. In *Barnett v. Simmons*, 2008 OK 100, ¶¶ 17–24, 197 P.3d 12, the Oklahoma Supreme Court explained that a trial court evaluating discovery sanctions should consider, among other things, whether a party failed to obey a court order, whether the party violated a duty to preserve evidence, the degree of culpability, and whether the opposing party was unfairly prejudiced. Although willfulness is not an absolute prerequisite to every sanction under 12 O.S. § 3237(B)(2), culpability remains central to the severity and propriety of the sanction imposed. *Id.* ¶¶ 17–19.

That is especially true for the extraordinary sanction Plaintiffs request here—an adverse inference instruction. Oklahoma's uniform instruction governing an inference from failure to produce evidence provides that, as a general matter, no such instruction should be given merely because a party did not produce evidence or a witness. OUJI-CIV 3.11. An adverse inference instruction may be appropriate only in the spoliation context, where the court first finds a duty to preserve the evidence and willful destruction, withholding, or failure to preserve it. OUJI-CIV 3.11A; *Phillips v. Nat'l Oilwell Varco, L.P.*, 2024 OK CIV APP 4, ¶¶ 17–18, 544 P.3d 980 (discussing OUJI-CIV 3.11A and the requirement that the court make threshold findings before giving a spoliation instruction).

Oklahoma courts have therefore treated adverse inference instructions as a harsh remedy reserved for materially different circumstances than those presented here. *See, e.g., Akins v. Ben Milam Heat, Air & Elec., Inc.*, 2019 OK CIV APP 52, ¶¶ 23–27, 451 P.3d 166 (reversing adverse inference instruction where the record did not support the required culpability and prejudice findings and recognizing the significant effect such an instruction can have on the jury). Simply put, the adverse inference instruction under Oklahoma law is designed for spoliation of evidence—the willful destruction, withholding, or failure to preserve evidence—not for a delayed supplementation of interrogatory responses where the information still exists and has been produced.[4]

This is not a case where the delay has resulted in spoliation of evidence, and even in such cases, no sanction is warranted where the conduct is substantially justified and not undertaken in bad faith. *See Barnett*, 2008 OK 100, ¶¶ 17–24 (affirming denial of fees as a spoliation sanction where the party was substantially justified given the complex nature of digital forensics and electronic discovery and his novice level of knowledge at that time); *Akins*, 2019 OK CIV APP 52, ¶¶ 23–27 (reversing adverse jury instruction for spoliation of evidence where plaintiffs had reasonable explanations for their failure to preserve the evidence at issue). Plaintiffs do not allege spoliation or identify any other bad faith conduct by State Farm, relying instead on the conclusory allegation that "State Farm's tactic is more delay and to thumb its nose at Court orders across Oklahoma." (Mot. at 2.) They identify no destroyed evidence, no hidden evidence, and no willful withholding designed to deprive Plaintiffs of proof, nor could they, since State Farm has since

[4] Oklahoma cases addressing failures to supplement interrogatory responses confirm that, even if State Farm had failed to supplement its interrogatory responses—which it has not— different remedies would be implicated. In *West v. Cajun's Wharf, Inc.*, 1988 OK 92, ¶¶ 8–10, 770 P.2d 558, for example, the Oklahoma Supreme Court addressed whether a new trial was warranted where a party failed to supplement interrogatory responses identifying a key witness. The Court focused on whether the withheld information caused significant prejudice and whether the moving party exercised diligence—not on imposing an adverse inference instruction. *Id.*

provided the Supplemental Responses at issue and will further supplement its interrogatories if and when it uncovers additional responsive information.

Section 3237 likewise does not support the extraordinary relief Plaintiffs seek where the record shows continuing good-faith compliance, rolling productions, and ongoing supplementation, because such conduct does not constitute "abusive litigation practices" or "abuse of judicial process." 12 O.S. § 3237(B)(2). At a minimum, the scope, timing, volume, and technical complexity of the ordered discovery justify State Farm's actions, as well as its forthrightness as to its ability to comply from the beginning.

Indeed, none of the sanctions Plaintiffs request are necessary or appropriate, most critically because Plaintiffs can show no prejudice resulting from the delay of approximately one month between the original deadline and when they received the Supplemental Responses. And, as noted, they had access to information they believed they urgently needed regarding State Farm's productions through Ms. Manduca. Nor do Plaintiffs cite any authority supporting their vague request for undefined orders from the Court allowing "certain discovery and depositions" that are "to be determined by the Plaintiffs." Discovery under Oklahoma law must be relevant and proportional, and Plaintiffs are not entitled to any discovery they deem fit, particularly because they cannot even articulate what additional discovery they are seeking and how it relates to the claims and defenses of their single homeowner insurance case.

Furthermore, as State Farm noted in its Response to Plaintiffs' First Motion to Enforce, Plaintiffs are asking this Court to impose sanctions for alleged delay despite their own discovery delays. **Plaintiffs themselves did not respond to State Farm's very basic, Plaintiff-specific discovery until *80 days after* their responses were due, and then only after State Farm moved to compel.** *See* State Farm's Motion to Compel, filed December 12, 2025. Once Plaintiffs did

CERTIFICATE OF SERVICE

This is to certify that on the 27th day of July, 2026, the undersigned caused a true and correct copy of the above and foregoing to be mailed to:

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respond, they argued "no harm no foul" and demanded that State Farm withdraw its motion as improper. **Thus, it took Plaintiffs 80 days to produce approximately 700 pages** (comprising maybe 100 documents) and they, to this day, continue to supplement with information called for by the original requests. Plaintiffs' own delays make their request for sanctions even more unreasonable and untenable. *See Paycom Payroll, LLC v. Boodoosingh*, 2021 OK CIV APP 43 (reversing fee award where there was a mutual lack of professional courtesy between the parties and their counsel).

CONCLUSION

WHEREFORE, State Farm respectfully requests that the Court deny Plaintiff's Renewed Motion to Enforce, Request for Expedited Hearing, and Request for Discovery Sanctions.

Respectfully submitted,

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