IN THE DISTRICT COURT OF CLEVELAND COUNTY
STATE OF OKLAHOMA

FILED
DISTRICT COURT
CLEVELAND COUNTY, OKLAHOMA
May 19, 2026 4:47 PM
MARILYN WILLIAMS, COURT CLERK
Case Number CJ-2023-1426

DON FOSTER and BRENDA FOSTER,	)	
Plaintiffs,	)	
v.	)	Case No. CJ-2023-1426
	)	*Judge Thad Balkman*
STATE FARM FIRE AND CASUALTY COMPANY et al.,	)	
Defendants.	)	

DEFENDANT STATE FARM FIRE AND CASUALTY COMPANY'S
RESPONSE TO PLAINTIFFS' MOTION TO SHOW CAUSE AND FOR SANCTIONS

This case involves a single weather-related roof damage claim with less than $45,000 in dispute, yet State Farm's compliance with this Court's Order has already cost more than $2.5 million. Now, Plaintiffs seek unjustified and extraordinary sanctions against State Farm—including contempt, daily monetary fines, and fee-shifting—for exercising its right to seek appellate review of a discovery order compelling production on a scale that dwarfs the disputed claim. Not surprisingly, Plaintiffs' Motion does not address this burden or acknowledge any of the steps State Farm has diligently taken since November to comply with the Order, including during the pendency of its application to assume original jurisdiction with the Oklahoma Supreme Court.[1] Instead, Plaintiffs seek sanctions for State Farm's inability to "press a button" and produce

[1] State Farm outlined this background in the Motion for Extension of Time it filed on May 1, 2026, the same day Plaintiffs filed their Motion. While it is apparent that Plaintiffs had their Motion ready to file once State Farm took any action, Plaintiffs did not file it until after State Farm indicated by email that it was filing a Motion for Extension of Time (sending an email announcing their intention to seek sanctions immediately after State Farm transmitted information regarding its about-to-be-filed Motion for Extension of Time). It is clear that Plaintiffs' Motion is a direct response to State Farm's Motion for Extension of Time and an attempt to color the Court's thinking regarding State Farm's Motion.

extensive discovery often spanning 15 years and involving hundreds of employees, while ignoring that State Farm could not produce documents that were at issue in its pending Writ request without rendering its appellate arguments moot.

The timing of Plaintiffs' Motion belies their claimed urgency. While Plaintiffs argue for sanctions based on the Court's original April 1, 2026, production deadline, they waited ***a full month*** to file this Motion. And instead of presenting evidence as to why the millions of dollars and tens of thousands of hours that State Farm has spent reviewing documents is sanctionable, Plaintiffs instead assert that State Farm's procedure for requesting a "stay" versus an "emergency stay" from this Court and the Supreme Court while seeking appellate review was "gamesmanship" and an "abuse" of the judiciary. Mot. at 6; *see* **Ex. 1**, Decl. of T. Barritt. Setting aside that State Farm complied with the procedural requirements for seeking a stay, Plaintiffs' goal is clear: they seek to punish State Farm for pursuing its right to appellate review, and to create a chilling effect on any litigant who dares to seek appellate review of a burdensome and costly discovery order. Such behavior on the part of Plaintiffs should be disallowed.

State Farm has been anything but idle since the Court issued its oral ruling on November 13, 2025.[2] Although State Farm timely moved to reconsider the Order and subsequently sought relief from the Oklahoma Supreme Court, it began assessing the scope of the Order promptly after its entry, began actively collecting the millions of documents potentially subject to the Court's Order in December 2025, and began reviewing documents in January 2026. Moreover, in addition to the claim-specific documents it has already produced during discovery, State Farm produced an

[2] (1) The court's oral ruling from November 13, 2025; (2) the Summary Order filed on November 17, 2025; and (3) the lengthier formalized Order filed on January 28, 2026, are all referred to collectively as "the Order" herein.

additional 935 documents on April 1 that were not at issue in its Writ[3] and—since the Supreme Court's denial of the Writ request on April 28—has produced more than 88,000 documents, with review ongoing and productions of tens of thousands of additional documents forthcoming. To date, State Farm has engaged more than 175 attorneys for first-level review and spent more than 30,000 hours on review at a cost exceeding $2.5 million.[4] **Ex. 1**, Decl. of T. Barritt. Moreover, three days after the Supreme Court denied its Writ, State Farm filed a Motion for Extension of Time to comply with the Order and, in the interim, has continued making rolling productions. **These are not the actions of a party in contempt**; they are the actions of a party attempting to comply with a massive amount of documents to review and produce without being forced to forego procedural and substantive options made available to it by the statutes enacted by the Oklahoma legislature. The Court should deny Plaintiffs' Motion.

I. FACTUAL AND PROCEDURAL BACKGROUND

On November 13, 2025, the Court granted Plaintiffs' Motion to Compel in part, requiring State Farm to produce responsive documents to numerous and extensive requests for production,

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[3] This production included, *inter alia*, Operation Guides, Standard Claim Processes, training materials, training transcripts, Wind/Hail Guidelines, and relevant Quality Plans.

[4] State Farm has continued to review documents since it filed its Motion for Extension of Time, and the increase in hours spent on review and cost, as compared to State Farm's Motion for Extension of Time, is due to this continued review. In particular, **State Farm's costs exceeded $1 million in April 2026 alone.** Additionally, the "more than 160" Consilio attorneys that Mr. Barritt references in his declaration (**Ex. 1**, Decl. at ¶ 7), was limited to attorneys conducting first-level review and did not include Consilio's Quality Assurance ("QC") team. State Farm's Motion for Extension—which notes that 175 attorneys have conducted first-level review—takes the QC team into account. Mr. Barritt's declaration was limited to attorneys conducting first-level review and did not include Consilio's Quality Assurance team. Mr. Barritt's declaration also states that Consilio has reviewed more than 500,000 documents. *Id.* This is limited to documents that have been fully reviewed and cleared quality control checks; more than 1 million documents have been reviewed in total.

often spanning 15 years across dozens of categories of information, including institutional communications, training materials, personnel files, third-party vendor contracts, and documents from State Farm's P&C Claims division—**the vast majority of which State Farm has never collected, reviewed, or produced before in any Oklahoma matter.**[5] At a subsequent hearing, the Court set a production deadline of April 1, 2026. Over the next month, the parties' counsel met and conferred and exchanged several drafts of the proposed journal entry, but failed to reach any agreement. Contrary to Plaintiffs' contention that State Farm "refused to sign a journal entry," State Farm objected to Plaintiffs' mischaracterization of the Court's ruling and declined to sign a document that did not accurately reflect that ruling. Indeed, after motion practice, the Court adopted language for its journal entry that drew from Plaintiffs' ***and from State Farm's*** competing proposals, including language from State Farm's proposal limiting production of personnel files, training transcripts, and training materials to the individuals identified in State Farm's Response to Interrogatory No. 2. Regardless, State Farm did not delay work on gathering and reviewing documents it was ordered to produce until after a formalized Order was entered, as has been inferred by Plaintiffs (who are not privy to State Farm's background actions in preparation for discovery production).

Thereafter, State Farm filed a Motion to Reconsider, Clarify, and Stay the Court's November 13, 2025 Order. Contrary to Plaintiffs' contention that State Farm "chose not to seek a stay with this Court" (Mot. at 4), ***this motion included an explicit request for a stay until***

[5] Plaintiffs continue to argue that State Farm has produced the ordered discovery in other litigation. Mot. at 1. Although State Farm produced some of the same responsive documents in other matters, the Court's Order covers different discovery requests and numerous new categories of documents, as well as different time periods, which have required additional searches and collections that State Farm has not previously conducted. As such, compliance with the Court's Order requires much more than simply reproducing documents that State Farm previously produced.

exhaustion of all appellate remedies. [6] The Court denied State Farm's stay request, and State Farm subsequently pursued its right to seek appellate review by filing an Application to Assume Original Jurisdiction and Petition for Writ of Prohibition ("Application") with the Supreme Court on March 6, 2026. Four days later, State Farm sought a stay of its related discovery obligations from the Supreme Court. The Supreme Court set a hearing before a referee for April 1, 2026, but later rescheduled the argument to April 7, 2026 due to the referee being ill, and thereafter denied State Farm's Application on April 28, 2026. Three days later, on May 1, 2026, State Farm filed a Motion for Extension of Time with this Court requesting until July 30, 2026, to complete its production and detailing the efforts taken to date for review and production of documents.

II. STATE FARM'S DISCOVERY EFFORTS AND PRODUCTIONS TO DATE

Immediately after this Court's November 2025 Order granting Plaintiffs' Motion to Compel, State Farm began taking steps to identify, collect, and review documents that are potentially responsive to the Court's Order. As counsel for State Farm has repeatedly made clear,

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[6] Plaintiffs suggest that State Farm filed its Motion to Reconsider "to cause unnecessary delay", after requesting 150 days to complete its production. Mot. at 5, n. 2. There was nothing improper about State Farm's Motion to Reconsider—a relief available to all litigants. Moreover, State Farm's request for 150 days to complete its production was reasonable given the broad scope of the ordered production and the extraordinary efforts it would require of State Farm, which it made known to the Court and Plaintiffs' counsel. That State Farm was also deciding whether to file a motion for reconsideration did not change or have any effect on the amount of time State Farm estimated it would need to comply with the Order. Plaintiffs further claim that State Farm made "flagrant misrepresentations to the Oklahoma Supreme Court" (*id.*) by not attaching exhibits to Plaintiffs' Motion to Compel to its Appendix. Plaintiffs' complaint is both meritless and irrelevant to the dispute at issue here, and State Farm maintains its objections that Plaintiffs have failed to provide evidence connecting the purported "scheme" and the facts of this case. Simply attaching and pointing to voluminous exhibits while mischaracterizing and speculating about their meaning does not amount to "evidence" that supports an enterprise-wide scheme. Moreover, responding parties at the Oklahoma Supreme Court are allowed to supplement the moving party's record with additional documents—as Plaintiffs did here.

the scale of the ordered discovery is enormous and implicates millions of potentially responsive documents across the enterprise. To comply with the Order, State Farm has interviewed custodians across numerous business units to identify potentially responsive documents and it has searched for emails and communications from the files of tens of thousands of P&C Claims employees. State Farm has collected **more than 8.4 million documents and 4.8 terabytes of data** that may be responsive to Plaintiffs' broadly worded Requests. **Ex. 1**, T. Barritt Decl. ¶ 4. Indeed, the search for documents responsive to two Requests for Production ***alone*** (RFP Nos. 14 and 17) yielded more than **3.5 terabytes of data and more than four million unique documents**. Due to this volume, State Farm engaged a third-party vendor, Consilio, to host, process, and assist with the review and production of State Farm's collections. To date, Consilio has employed more than 160 attorneys who have spent more than 30,000 hours on first-level responsiveness and privilege review. *Id.* at ¶ 7. As of May 14, 2026, Consilio has estimated total costs of **more than $2.5 million for hosting, processing, first-level review, and production.** *Id.* **In addition, State Farm's outside counsel has dedicated more than 15 attorneys to second-level review and quality control, which is expected to cost more than $1 million on top of the first-level review costs.**

In addition to nearly 1,000 documents responsive to the Court's Order that were not at issue in its Writ, State Farm has produced more than 88,000 documents in compliance with the Court's Order, including more than 61,000 documents on May 6 and an additional 27,000 on May 13. *Id.* State Farm anticipates making its next production by May 22, 2026, and will diligently continue to make rolling productions as quickly as is practicable.

III. STATE FARM IS COMPLYING WITH THE COURT'S ORDER

A. State Farm Took Significant Steps to Comply With This Court's Order While Pursuing Its Right to Appellate Review.

Contrary to Plaintiffs' claim that "State Farm has delayed this litigation in direct violation of this Court's Order" (Mot. at 1), **State Farm's decision to exercise its right to seek appellate review is *not* a basis for contempt**. It is a fundamental right available to every litigant. Moreover, State Farm did not sit idly and wait for a decision from the Supreme Court. On the contrary, it began searching for responsive documents ***before it even filed its Motion to Reconsider*** and undertook a large-scale document review while both its Reconsideration Motion and Writ request were pending. **Within days of the Supreme Court's denial of State Farm's Writ request on April 28, 2026, State Farm produced tens of thousands of documents**, with additional rolling productions forthcoming, and filed a Motion for Extension of Time detailing the extraordinary time, effort, and cost it is taking to comply with an Order with which State Farm has persistently maintained will require a significant lift in dollars and hours to comply. *See supra* at 5. These are not the actions of a party that granted itself "unilateral" relief (Mot. at 1), but rather, of a party that has been continuously working in good faith to comply with a massive discovery obligation while also protecting its appellate review rights.

Plaintiffs also misleadingly argue that counsel for State Farm "admitted" the Order compels production of materials that State Farm has "produced in other litigations previously." Mot. at 1. The Court's Order goes far beyond what State Farm has produced in any litigation in Oklahoma. Indeed, while counsel for State Farm explained that "*some* of the documents at issue have been produced in other litigation" (Mot. at Ex. 2, Videoconference Meet and Confer at 83:19-21), he also made clear that the Order was "the broadest . . . in any case involving State Farm," and would involve "millions of responses, of hits of documents that have to be reviewed" and a "gargantuan"

"amount of hours of review." Mot. at Ex. 1, Dec. 16, 2025, Hearing Tr. at 67:2-23. Simply put, the ordered production in this case is not a simple copy-paste from past litigations and requires extensive manpower and review.

B. State Farm Has Taken the Necessary Procedural Steps to Comply with the Court's Order.

Plaintiffs argue without merit that State Farm "granted its own relief" and sidestepped proper procedure in (1) not petitioning this Court for a stay or emergency stay pending appellate review or (2) requesting an emergency stay with the Supreme Court pending its request for appellate review. *See* Mot. at 2-3, 6. As a threshold matter, State Farm explicitly moved for a stay in its Motion to Reconsider, specifically asking the Court to "enter an order staying enforcement of the [November 13] Order—and State Farm's corresponding response and production obligations—until this motion has been resolved and any appeals have been exhausted." Mot. to Reconsider at 25. The Court denied State Farm's request for a stay. **Ex. 2**, January 23, 2026 Order. Thus, Plaintiffs are simply wrong that State Farm did not move this Court for a stay.

Moreover, Plaintiffs concede that State Farm requested a stay of the Court's ordered production in conjunction with its Application to the Supreme Court. Mot. at 2. Plaintiffs' suggestion that State Farm should have sought an emergency stay disregards the language of Oklahoma Supreme Court Rule 1.15(c)(1), which allows for "emergency applications" for stays *only* when the Supreme Court is asked "to act in less than a week in order to effect the relief requested." At the time State Farm filed its Application and Motion for Stay on March 10, 2026, three weeks remained until the April 1 deadline, and it would have been improper for State Farm to request an emergency stay. Filing an additional motion while its initial motion was pending, moreover, would have been duplicative and wasteful of the Supreme Court's resources—particularly because, at the March 25, 2026 referee hearing in connection with two other State

Farm matters that presented substantially similar issues and in which State Farm also sought a stay, the referee—the same referee as the one in this matter—requested the parties' forbearance while a stay request was being considered. And, on March 31, 2026, State Farm reminded the administrative assistant to the referee that the Motion to Stay was pending and could be ruled on by the Court prior to the April 7 hearing. **Ex. 3**, Email from M. Mansinghani to K. Middaugh. Plaintiffs' counsel also acknowledged before the rescheduled referee hearing on April 7 that State Farm's request for a stay was still before the Supreme Court and up for hearing on April 7. **Ex. 4**, Email from C. Dulisse to M. Mansinghani (stating that "two motions instead one [sic] will be heard" at the referee hearing).

In short, Plaintiffs' disagreement with State Farm's procedural decision to not request an emergency stay with this Court or the Supreme Court after already seeking a stay from both via the proper procedures to do so does not warrant sanctions.

IV. SANCTIONS ARE NEITHER WARRANTED NOR APPROPRIATE

Plaintiffs seek wholly unjustified sanctions against State Farm. Discovery sanctions under 12 O.S. § 3237 must be based on "the failure to obey an order of the court" after a Motion to Compel. *Barnett v. Simmons*, 2008 OK 100, ¶ 14, 197 P.3d 12, 18. Section 3237 sanctions "are designed as a tool to compel production of evidence, compensate adversaries for unnecessary expense and deter misconduct." *Payne v. Dewitt*, 1999 OK 93, 995 P.2d 1088, 1092 n.7. If the Court finds such a failure occurred, it "may make such orders in regard to the failure as are just." 12 O.S. § 3237(B)(2).

Any sanctions "must be both fair and related to the particular claim (or defense) at issue in the discovery order." *Payne*, 1999 OK 93, ¶ 8, 995 P.2d at 1093. Because discovery sanctions "serve a predominantely[sic] punitive purpose," "the proof of the sanctionable conduct should satisfy a 'clear and convincing evidence' standard of proof." *Markham v. Nat'l States Ins. Co.*, No.

CIV-02-1606-F, 2004 WL 3019309, at *1 (W.D. Okla. Dec. 27, 2004) (quotations omitted)[7]; *see also Henry v. Schmidt*, 2004 OK 34, ¶ 21, 91 P.3d 651, 656. The Oklahoma Supreme Court has adopted a five-factor test to determine the propriety of discovery sanctions. *See Payne,* 1999 OK 93, ¶ 8, 995 P.2d at 1093. Four of those factors are relevant here: (1) the quantum of prejudice noncompliance has caused the moving party, (2) the extent of interference with the judicial process, (3) culpability of the litigant, and (4) the efficacy of lesser sanctions. *Id.*[8] Determining whether to issue sanctions for a discovery violation is a "fact-specific inquiry." *See Barnett*, 2008 OK 100, ¶ 26, 197 P.3d at 21.

Under this standard, sanctions are plainly unwarranted. State Farm has diligently worked to comply with the Court's Order, identifying over 8.4 million potentially responsive documents as of May 18, 2026, producing nearly 1,000 documents in compliance with the Order by April 1 and more than 88,000 documents since April 28, 2026, and spending more than $2.5 million to date on review and production. Plaintiffs have not shown, by clear and convincing evidence or otherwise, any prejudice from the alleged noncompliance. Nor have Plaintiffs shown that their requested sanctions are "both fair and related" to their claims, given the exponential amount State Farm has already spent and estimates it will spend to comply with the Order. The sanctions Plaintiffs request are entirely unwarranted and unnecessary, as State Farm has demonstrated its commitment to compliance through its massive review effort and ongoing productions, and its

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[7] Section 3237 is patterned after Rule 37 of the Federal Rules of Civil Procedure and, therefore, "federal jurisprudence is instructive when interpreting the Oklahoma provisions." *Barnett*, 2008 OK 100, ¶ 16, 197 P.3d. at 18 (citing *Payne*, 1999 OK 93, ¶ 8, 995 P.2d at 1092-93).

[8] The fifth factor is whether the court warned the party in advance that noncompliance could lead to dismissal or default judgment where such sanctions are sought. *See Payne*, 1999 OK 93, ¶ 8, 995 P.2d at 1093. Plaintiffs here have not sought dismissal or default judgment.

request for an extension of time made just three days after the Supreme Court denied its Writ request.

Prejudice. Plaintiffs have not identified a single specific document that they need but do not have; nor have they explained how the timing of State Farm's production has prejudiced their claims. Discovery is ongoing with a deadline of August 12, 2026, and State Farm has already produced the documents related to State Farm's handling of Plaintiffs' insurance claim. In their Motion, Plaintiffs suggest the Court shift fees and costs for any depositions that must be scheduled later than May 31, 2026. But Plaintiffs fail to provide any justification for why State Farm should be responsible for depositions after this arbitrary date that is still more than *two months before* the discovery deadline. Plaintiffs cannot show any quantum of prejudice, much less the prejudice required to justify the extraordinary sanctions they seek. Indeed, if State Farm had produced documents at issue in its Writ request prior to a potentially favorable decision by the Supreme Court, it is State Farm, not Plaintiffs, that would have suffered irreparable prejudice.

Interference with the judicial process. State Farm's conduct has not interfered with the judicial process. Defendants are entitled to due process in defending against civil claims, including having "an opportunity to be heard," an "opportunity to defend," and an "orderly proceeding adapted to the nature of the case." *Cent. State Cmty. Serv. v. Anderson,* 2012 OK CIV APP 110, ¶ 11, 292 P.3d 36, 39. Here, State Farm timely pursued available legal remedies—a Motion to Reconsider (including a request for a stay), and an Application to the Supreme Court (including a request for a stay)—all of which are proper procedural tools. Further, had State Farm produced documents in compliance with the Order prior to the Supreme Court's decision on its Writ request, it would have risked waiving its objections and causing "worthless and ineffective" after-the-fact review, mooting any favorable ruling. *Cf. YWCA of Okla. City v. Melson,* 1997 OK 81, 20, 944

P.2d 304, 310 ("This court's original jurisdiction affords litigants an available remedy for resisting impermissibly compelled pretrial discovery"). ***This*** would have irreparably interfered with the judicial process. Regardless, State Farm's request for a stay from the Supreme Court in connection with its Application was still pending until April 28, 2026, when the Supreme Court denied it along with the Writ request. A mere three days passed before State Farm then requested an extension of time with this Court to complete its compliance.

Plaintiffs' recommended sanctions would also interfere with the judicial process. Plaintiffs' suggestion that the Court sanction State Farm in the form of "an award of fees and costs" for its Motion here or for any motion practice related to "the need for the Court to settle a journal entry or State Farm's (inevitable) request for reconsideration or clarification" not only flies in the face of State Farm's right to avail itself of the judicial process, but is tellingly silent about Plaintiffs' counsel's *own* actions and continued misinterpretations that forced State Farm to avail itself of additional judicial review. Indeed, as explained above, State Farm had no choice but to seek the Court's help to settle the journal entry for its November 13, 2025 Order after Plaintiffs sought to broaden the Court's ruling on several of the requests for production at issue in its Motion to Compel. The safeguards of the judicial process exist to protect both parties from any misinterpretations, willful or otherwise, and neither party should be penalized for its good faith efforts to seek judicial intervention.

Culpability. State Farm has not acted in bad faith or with willful disregard of the Court's Order. On the contrary, State Farm began its compliance efforts before it even filed its Motion to Reconsider, produced documents not at issue in the Writ request on the April 1 deadline, and promptly filed for an extension with this Court three days after the Supreme Court denied its Writ request and functionally denied its request to the Supreme Court for a stay. State Farm estimates

it will invest more than $2.5 million—and more than the 30,000 attorney hours it has already invested—in reviewing and producing documents. The rules of discovery "do not demand perfection, clairvoyance, or miracle workings in the production of documents." *Fisher v. Ciba Specialty Chem. Corp.*, No. CIVA 03-0566 WSB, 2007 WL 987457, at *3 (S.D. Ala. Mar. 30, 2007). Further, Plaintiffs' suggestion that the Court issue sanctions such as an order finding State Farm in "direct contempt of court" or admonishing "State Farm and counsel for their willful failure to seek a stay and decision to knowingly violate this Court's Order" (Mot. at 6) is unfounded, given State Farm's diligent and extraordinary efforts to comply with the Court's Order.

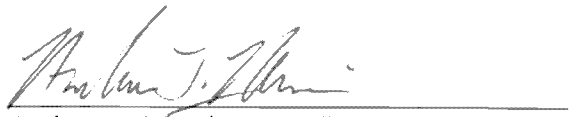
Efficacy of lesser sanctions. No sanctions are needed at all, because State Farm is already doing what any sanction would aim to accomplish: producing documents as expeditiously as possible. State Farm has committed substantial resources to the review process, is making rolling productions, and has in good faith and as a matter of necessity—given the extraordinarily high volume of documents and extensive review work—requested additional time to complete its production. The fact that State Farm has outstanding supplementations does not render its discovery efforts inadequate. *See Reinsdorf v. Skechers U.S.A., Inc.*, 296 F.R.D. 604, 615 (C.D. Cal. 2013) ("A party may comply in good faith with its discovery obligations and yet there may be supplemental productions or even additional responsive documents that were inadvertently omitted. Such supplemental productions or responses do not necessarily equate to discovery misconduct."). State Farm's actions are the *opposite* of discovery misconduct. Accordingly, Plaintiffs' recommendation that the Court issue a monetary sanction for each day State Farm is in violation of the Court's Order beginning on April 2, 2026 until State Farm certifies (via sworn statement) its court-ordered production is full and complete, would not serve to punish discovery misconduct—in which State Farm has not engaged—but effectively (and improperly) penalize

State Farm for seeking judicial review of one of the broadest discovery orders issued against it in an Oklahoma single homeowner's insurance case where its estimated costs to deliver the ordered production are exceptionally unparalleled—set to exceed fifty times the contractual amount in controversy in this case.

V. CONCLUSION

For these reasons, the Court should deny Plaintiffs' Motion to Show Cause and for Sanctions in its entirety. State Farm has acted in good faith throughout this process, has committed extraordinary resources to comply with the Court's Order, and is continuing to produce documents on a rolling basis. Sanctions are neither warranted nor necessary.

Respectfully submitted,



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CERTIFICATE OF SERVICE

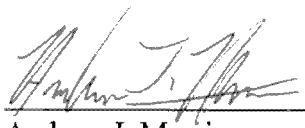
I certify that on May 19, 2026, a correct copy of the foregoing document was sent via both email and U.S. mail, postage prepaid, to:

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Attorneys for Plaintiffs



Andrew J. Morris

EXHIBIT 1

DECLARATION OF Tyler Barritt

I, Tyler Barritt, hereby certify under penalty of perjury that the following is true and correct:

1. I am over the age of 21 and if called as a witness could competently testify as to the matters set forth herein.

2. I am employed as a Senior Director at Consilio LLC. Consilio is a legal services and technology provider. I oversee a team of review managers, and each review manager is the lead on their review teams. I have held several positions at Consilio and its acquired companies, including reviewer, quality management professional, review associate, review manager, and discovery manager. I have personal knowledge regarding the costs associated with reviewing State Farm data as well as experience preparing cost estimates for State Farm's document reviews.

3. State Farm engaged Consilio to assist with hosting, processing, reviewing, and producing documents in response to the Court's Order in *Foster v. State Farm,* Case No. CJ-2023-1426, in the District Court of Cleveland County, Oklahoma (the "Foster Engagement").

4. Consilio received data that State Farm indicated it collected in response to the Foster Engagement. To date, Consilio has received 4.8 TB of data yielding 8,453,246 documents.

5. In coordination with State Farm and outside counsel, Consilio isolated a subset of documents relating to following discovery request:

RFP 10: Produce all Documents and Communications between or including Section Manager Sharon Arnold and any team manager handling wind and/or hail claims for homeowner's policies in Oklahoma for the last five (5) years.

6. That RFP 10 collection contained more than 151.69 GB of data and, upon processing yielded 579,503 documents.

7. Consilio engaged more than 160 attorneys for the Foster Engagement. Consilio's managed review team has conducted first-level responsiveness and privilege review, quality management, and secondary workflows, including privilege and personal information redactions and privilege logging on the Foster matter. Consilio review team members were engaged at various times to align staffing levels with review needs. The Consilio review team has collectively spent more than 30,000 hours conducting the aforementioned review workflows for more than 500,000 documents as of May 14, 2026.

8. As of May 14, 2026, Consilio has estimated a total cost of more than $2.5 million for hosting, processing, reviewing, and producing documents.

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

SIGNED this 15th day of May, 2026 in Apex, North Carolina.

Tyler Barritt

EXHIBIT 2

BARCODE ONLY

IN THE DISTRICT COURT OF CLEVELAND COUNTY, STATE OF OKLAHOMA

STATE OF OKLAHOMA)
CLEVELAND COUNTY)
FILED
JAN 28 2026
In the office of the Court Clerk MARILYN WILLIAMS

DON FOSTER, BRENDA FOSTER
Plaintiff(s)

JEFF MARR, CAROLE DULISSE Chad Ihrig
Attorney(s) for Plaintiff(s)

Case No. CJ-2023-1426 TB

—VS—

STATE FARM FIRE and CASUALTY CO., DAVID CAMP, NOAH BASIC, and RITA WALLENBERG INS. AGENCY
Defendant(s)

ANDREW MORRIS, MICHAEL LAUDERDALE ~~PEYTON HOWELL~~
Attorney(s) for Defendant(s)

SUMMARY ORDER

Date: 1/23/26 **Court Reporter** PG **Judge:** TB

Parties appear by counsel for hearing on motions. After review and consideration of the written briefs and oral presentations by counsel, the Court rules as follows:

The parties are to enter a Protective Order with paragraph 41 as drafted by Plaintiffs; The November 13, 2025 Journal Entry will include language on pages 1 and 2 as proposed by Plaintiffs, language in paragraph Numbers 4 and 5 as proposed by Defendant, and language in paragraph Number 7 as proposed by Plaintiffs. Plaintiffs December 19, 2025 Motion to Compel is granted. Defendant's Motion to Reconsider is denied; Defendant's Motion for Protective Order and to Quash and/or Stay Deposition of Nicole Manduca is granted; Defendant's Motion for Protective Order and to Quash and/or Stay Deposition of Jacob Nimesgern is granted.

Rod Ballman
JUDGE

EXHIBIT 3

From:	Middaugh, Kelley
To:	Mithun Mansinghani
Subject:	RE: [EXTERNAL]: Re: Supreme Court Referee Hearing Scheduled for April 1 - Case No. 123,852 State Farm
Date:	Tuesday, March 31, 2026 3:32:44 PM

You don't often get email from kelley.middaugh@oscn.net. Learn why this is important

I greatly appreciate your prompt reply. April 7 at 10:30 it is. I will get an order out in the morning. Thank you!

From: Mithun Mansinghani <mithun@lkcfirm.com>
Sent: Tuesday, March 31, 2026 2:17 PM
To: Middaugh, Kelley <Kelley.Middaugh@oscn.net>
Cc: Trisha Parent <tparent@marrlawfirm.com>; Jeff Marr <jeffdmarr@marrlawfirm.com>; 'cihrig@meclaw.net' <cihrig@meclaw.net>; 'revell@glasstaborlaw.com' <revell@glasstaborlaw.com>; 'andrew.morris@mcafeetaft.com' <andrew.morris@mcafeetaft.com>; peyton.howell@mcafeetaft.com; Carole Dulisse <cdulisse@marrlawfirm.com>
Subject: [EXTERNAL]: Re: Supreme Court Referee Hearing Scheduled for April 1 - Case No. 123,852 State Farm

Ms. Middaugh,

We're sorry to hear that Referee Holden is ill and hope he's already on the road to a quick recovery.

I've conferred with counsel for Real Parties in Interest/Plaintiffs and we have agreed to April 7 at 10:30 AM as a time that works for both sides for the rescheduled referee hearing. Opposing counsel also noted to me that they have another hearing in Cleveland County in the early afternoon, so they would need to be able to have the referee hearing concluded by noon on April 7. I don't think that should be an issue, but wanted to bring that to the Court's attention because both Petitioner's Application & Petition and Petitioner's Motion to Stay are still pending before the Court, although I recognize the Motion to Stay may be ruled upon tomorrow, prior to the April 7 hearing.

Thank you,

Mithun Mansinghani | Lehotsky Keller Cohn

From: Middaugh, Kelley <Kelley.Middaugh@oscn.net>
Date: Tuesday, March 31, 2026 at 11:18 AM
To: Mithun Mansinghani <mithun@lkcfirm.com>
Subject: FW: Supreme Court Referee Hearing Scheduled for April 1 - Case No. 123,852 State Farm

You don't often get email from kelley.middaugh@oscn.net. Learn why this is important

From: Middaugh, Kelley
Sent: Tuesday, March 31, 2026 11:00 AM
To: mithun@lkefirm.com; 'andrew.morris@mcafeetaft.com' <andrew.morris@mcafeetaft.com>; peyton.howell@mcafeetaft.com; jeffdmarr@marrlawfirm.com; 'edulisse@marrlawfirm.com' <edulisse@marrlawfirm.com>; 'cihrig@meclaw.net' <cihrig@meclaw.net>; 'revell@glasstaborlaw.com' <revell@glasstaborlaw.com>
Subject: Supreme Court Referee Hearing Scheduled for April 1 - Case No. 123,852 State Farm

The above referenced referee hearing will need to be rescheduled. Referee Holden has been out off the office ill for a few days and will not be able to hold tomorrow's hearing. I am offering some dates and times that Referee Holden is available. Please talk amongst yourselves and come to an agreement. Mr. Mansinghani can then let me know which date has been chosen, and an order sheet will be filed resetting the hearing.

April 7 at 10:30

April 8 at 10:30

April 9 at 10:30

Sorry for the inconvenience.

Sincerely,

Kelley Middaugh
Administrative Assistant to the Referees

CAUTION: This email originated outside of the Oklahoma State Courts Network. Please do not open attachments or click links unless you recognize the sender and know the content is safe.

EXHIBIT 4

From:	Carole Dulisse
To:	Mithun Mansinghani; "andrew.morris@mcafeetaft.com"; peyton.howell@mcafeetaft.com
Cc:	Trisha Parent; Jeff Marr; "cihrig@meclaw.net"; "revell@glasstaborlaw.com"
Subject:	RE: Supreme Court Referee Hearing Scheduled for April 1 - Case No. 123,852 State Farm
Date:	Tuesday, March 31, 2026 1:35:30 PM
Attachments:	image001.png

Mithun, that has been my experience as well, but since two motions instead one will be heard wanted to be clear where our hard stop was. With that, yes, you can communicate that April 7 works.

Carole Dulisse
Attorney

3100 NW 149th Street
Oklahoma City, OK 73134
Telephone: (405) 236-8000
Facsimile: (405) 236-8025
Toll Free No.: (800) 516-4299
Website: www.marrlawfirm.com

From: Mithun Mansinghani <mithun@lkcfirm.com>
Sent: Tuesday, March 31, 2026 12:27 PM
To: Carole Dulisse <cdulisse@marrlawfirm.com>; 'andrew.morris@mcafeetaft.com' <andrew.morris@mcafeetaft.com>; peyton.howell@mcafeetaft.com
Cc: Trisha Parent <tparent@marrlawfirm.com>; Jeff Marr <jeffdmarr@marrlawfirm.com>; 'cihrig@meclaw.net' <cihrig@meclaw.net>; 'revell@glasstaborlaw.com' <revell@glasstaborlaw.com>
Subject: Re: Supreme Court Referee Hearing Scheduled for April 1 - Case No. 123,852 State Farm

Thanks Carole. I think we would easily be wrapped up before noon. I've never had one go longer than 90 minutes, and my referee hearing last week was shorter than that. Can I communicate that April 7 works?

Mithun

From: Carole Dulisse <cdulisse@marrlawfirm.com>
Sent: Tuesday, March 31, 2026 12:21:53 PM
To: Mithun Mansinghani <mithun@lkcfirm.com>; 'andrew.morris@mcafeetaft.com' <andrew.morris@mcafeetaft.com>; peyton.howell@mcafeetaft.com <peyton.howell@mcafeetaft.com>
Cc: Trisha Parent <tparent@marrlawfirm.com>; Jeff Marr <jeffdmarr@marrlawfirm.com>; 'cihrig@meclaw.net' <cihrig@meclaw.net>; 'revell@glasstaborlaw.com' <revell@glasstaborlaw.com>
Subject: RE: Supreme Court Referee Hearing Scheduled for April 1 - Case No. 123,852 State Farm

Mithun

We have a hearing on April 7th @ 1:30 in Cleveland County in another case. So, presuming we can and will be wrapped up with all argument before the referee before noon, we can make Tuesday, April 7 @10:30 work. Otherwise, April 8 @ 10:30 is the only other workable date for us.

Carole Dulisse
Attorney

3100 NW 149th Street
Oklahoma City, OK 73134
Telephone: (405) 236-8000
Facsimile: (405) 236-8025
Toll Free No.: (800) 516-4299
Website: www.marrlawfirm.com

From: Mithun Mansinghani <mithun@lkcfirm.com>
Sent: Tuesday, March 31, 2026 11:24 AM

To: 'andrew.morris@mcafeetaft.com' <andrew.morris@mcafeetaft.com>; peyton.howell@mcafeetaft.com; Jeff Marr <jeffdmarr@marrlawfirm.com>; 'cihrig@meclaw.net' <cihrig@meclaw.net>; 'revell@glasstaborlaw.com' <revell@glasstaborlaw.com>; Carole Dulisse <cdulisse@marrlawfirm.com>
Subject: Re: Supreme Court Referee Hearing Scheduled for April 1 - Case No. 123,852 State Farm

Re-sending this because I copied the emails from the referee's office, and they had Ms. Dulisse's email wrong. Apologies.

Mithun

Mithun Mansinghani | Lehotsky Keller Cohn

From: Mithun Mansinghani <mithun@lkcfirm.com>
Date: Tuesday, March 31, 2026 at 11:21 AM
To: 'andrew.morris@mcafeetaft.com' <andrew.morris@mcafeetaft.com>, peyton.howell@mcafeetaft.com <peyton.howell@mcafeetaft.com>, jeffdmarr@marrlawfirm.com <jeffdmarr@marrlawfirm.com>, 'edulisse@marrlawfirm.com' <edulisse@marrlawfirm.com>, 'cihrig@meclaw.net' <cihrig@meclaw.net>, 'revell@glasstaborlaw.com' <revell@glasstaborlaw.com>
Subject: FW: Supreme Court Referee Hearing Scheduled for April 1 - Case No. 123,852 State Farm

Hi all: I'm scheduled to fly out of the country on the evening of April 7 through Dallas. Thus, April 7 at 10:30 is the only realistic availability for me. Let me know if that works for Plaintiffs' counsel. Thanks!

Mithun

Mithun Mansinghani | Lehotsky Keller Cohn

From: Middaugh, Kelley <Kelley.Middaugh@oscn.net>
Date: Tuesday, March 31, 2026 at 11:18 AM
To: Mithun Mansinghani <mithun@lkcfirm.com>
Subject: FW: Supreme Court Referee Hearing Scheduled for April 1 - Case No. 123,852 State Farm

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Sorry for the inconvenience.

Sincerely,

Kelley Middaugh
Administrative Assistant to the Referees