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FILED IN DISTRICT COURT
OKLAHOMA COUNTY

OCT 29 2026

RICK WARREN
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IN THE DISTRICT COURT OF OKLAHOMA COUNTY
STATE OF OKLAHOMA

BILLY & LACY HURSH,

Plaintiffs,

v.

STATE FARM FIRE AND CASUALTY COMPANY; MARK D. WELTY; and **MARK D. WELTY INSURANCE AGENCY, INC.,**

Defendants.

Case No. CJ-2025-2626
Honorable Amy Palumbo

PLAINTIFFS' OPPOSED MOTION FOR LEAVE TO EXCEED PAGE LIMIT IN RESPONSE TO DEFENDANT WELTY'S MOTION FOR SUMMARY JUDGMENT

Plaintiffs Billy and Lacy Hursh respectfully move for leave to file a response brief exceeding the twenty-page limit of Rule 4(e) of the Rules for District Courts of Oklahoma and Local Rule 37(B) of the Official Court Rules of Oklahoma County in opposition to the Motion for Summary Judgment filed by the Welty Defendants on October 15, 2026. Plaintiffs request leave to file a response of no more than thirty-five pages, exclusive of the caption, table of contents, table of authorities, signature block, certificate of conference, certificate of service, and exhibits. In support, Plaintiffs state as follows.

1. The Welty Defendants' Motion seeks judgment on all claims against it, negligent procurement, negligent misrepresentation and constructive fraud, and on Plaintiffs' request for punitive damages. The Welty Defendants challenge duty, breach, reliance, materiality, and causation. Each ground requires a separate response.
2. The Motion sets out fifteen numbered statements of undisputed material fact. Rule 13(b) requires Plaintiffs to respond to each numbered fact, to state with citations to the record

which facts they contend are disputed, and to set out any additional facts that preclude judgment.

3. The Motion asserts that Plaintiffs have no evidence that the Welty Defendants harmed them in any way. The evidence bearing on that assertion lies in the more than 564,000 documents State Farm produced and in the depositions of State Farm executives. Plaintiffs' response must present the portions of that record that show what State Farm communicated to its agents about roof claims.

4. The Motion relies principally on federal decisions resolving motions to remand, which asked only whether a petition stated any possible claim against a non-diverse agent. Plaintiffs must address those decisions and explain why the Oklahoma decisions governing summary judgment and more recent decisions of the federal courts lead to a different result here.

5. Plaintiffs have made every effort to present their response concisely. They have consolidated responses to related numbered facts, limited their additional facts to those necessary to show genuine disputes, and confined their discussion of the Welty Defendants' authorities to what is needed to distinguish them. A modest enlargement of fifteen pages will permit Plaintiffs to respond fully to each ground the Welty Defendants raise without burdening the Court.

6. The requested enlargement will not delay the proceedings or prejudice the Welty Defendants. Plaintiffs will file their response on the date it is due, and the Welty Defendants remain free to reply.

7. Because State Farm failed to respond to Plaintiffs' inquiry as to whether Defendants object to Plaintiffs' request for fifteen additional pages for their response, Plaintiffs assume that

the Welty Defendants oppose the relief requested. **Exhibit 1**, 10/26/2026 Email to Counsel for State Farm. Plaintiffs are filing a separate motion for leave as to their response to State Farm's Amended Motion for Partial Summary Judgment.

WHEREFORE, Plaintiffs respectfully request that the Court grant them leave to file a response of no more than thirty-five pages, exclusive of the caption, tables, signature block, certificate of conference, certificate of service, and exhibits, in opposition to the Welty Defendants' Motion for Summary Judgment, and grant such further relief as the Court deems just.

Dated: October 29, 2026

Respectfully submitted:

Reggie Whitten, OBA No. 9576
Michael Burrage, OBA No. 1350
Blake Sonne, OBA No. 20341
Hannah Whitten, OBA No. 35261
John S. Sanders, OBA No. 34990
Jake Denne, OBA No. 35097
Brad Beskin, OBA No.
WHITTEN BURRAGE
512 North Broadway Avenue, Suite 300
Oklahoma City, OK 73102
Office: 405 .516. 7800 rwhitten@whittenburragelaw.com
mburrage@whittenburragelaw.com
bsonne@whittenburragelaw.com
hwhitten@whittenburragelaw.com
jsanders@whittenburragelaw.com
jdenne@whittenburragelaw.com
bbeskin@whittenburragelaw.com

&

Patrick F. Collogan, OBA #30529
Biby Law Firm
6305 E. 120th Ct., Suite F
Tulsa, OK 74137
918-574-8458
888-572-8263 (fax)

pat@bibylaw.com

&

R. Ryan Deligans, OBA #19793
Andrew M. Gunn, OBA #19470 920
North Harvey
Oklahoma City, OK 73102-2610
Telephone: (405)235-9584
Facsimile: (405)235-0551
rdeligan@dlb.net
agunn@dlb.net
ATTORNEYS FOR PLAINTIFFS

CERTIFICATE OF SERVICE

I hereby certify that on the 29th day of October, 2026, a true, correct, and exact copy of the foregoing document was emailed and/or mailed to the following persons:

Carrie McNeer
Grant A. Fitz
GABLEGOTWALS
110 N. Elgin Avenue
Suite 200
Tulsa, OK 74120-1490
(918) 595-4800
(918) 595-4990 (fax)
cmcneer@gablelaw.com
gfitz@gablelaw.com

-and-

Lance E. Leffel
GABLEGOTWALS
BOK Park Plaza
499 W. Sheridan Ave. Suite 2200
Oklahoma City, OK 73102
lleffel@gablelaw.com
(405) 235-5500
(405) 235-2875 (fax)
ATTORNEYS FOR DEFENDANTS

John Sanders

Outlook

Hursh v. State Farm - Request for Oversized Brief - 15 pages

From John Sanders <jsanders@whittenburragelaw.com>

Date Mon 10/26/2026 12:06 PM

To Lance Leffel <lleffel@gablelaw.com>; David R. Herber <dherber@gablelaw.com>; Carrie McNeer <cmcneer@gablelaw.com>; Grant Fitz <gfitz@gablelaw.com>; Nathan A. Miramontes <nmiramontes@gablelaw.com>; Erica Zolner <ezolner@redgravellp.com>; Tiffany.Powers@alston.com_moveit <tiffany.powers@alston.com>; Park, Samuel <samuel.park@alston.com>; Kari Cyrs <kcyrs@gablelaw.com>; Rebeca Matheus <rmatheus@gablelaw.com>; Janet L. Wright <jwright@gablelaw.com>; Amy H. Jenkins <ajenkins@gablelaw.com>; Jaylea A. Allen <jallen@gablelaw.com>

Cc Reggie N. Whitten <rwhitten@whittenburragelaw.com>; Michael Burrage <mburrage@whittenburragelaw.com>; Blake Sonne <bsonne@whittenburragelaw.com>; Hannah Whitten <hwhitten@whittenburragelaw.com>; Brad Beskin <bbeskin@whittenburragelaw.com>; Jake Denne <jdenne@whittenburragelaw.com>; Ryan Deligans <rdeligans@dlb.net>; Pat Collogan <pat@bibylaw.com>; Karen Stratton <kstratton@whittenburragelaw.com>; Kayli Price <kprice@whittenburragelaw.com>; Autumn Hobbs <ahobbs@whittenburragelaw.com>; Roxanne Fitzgerald <rfitzgerald@whittenburragelaw.com>

Counsel,
We will be requesting oversized briefs from Judge Palumbo for responding to both motions for summary judgment filed by State Farm and Welty in the *Hursh* case. We are asking for 15 additional pages for both responses. Could you please advise today whether Defendant State Farm and Defendant Welty object to these requests for oversized briefs so that we can move forward with our requests to Judge Palumbo? Thank you!

Respectfully,

John Scott Sanders
Attorney
WB
WHITTEN BURRAGE
512 N. Broadway Avenue
Suite 300
Oklahoma City, OK 73102
Telephone: (405) 516-7800
Facsimile: (405) 516-7859
jsanders@whittenburragelaw.com
www.whittenburragelaw.com

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EXHIBIT
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