

IN THE DISTRICT COURT OF OKLAHOMA COUNTY  
STATE OF OKLAHOMA

FILED IN DISTRICT COURT  
OKLAHOMA COUNTY

MAR 26 2015

TIM RHODES  
COURT CLERK

75

Oklahoma Department of Securities )  
ex rel. Irving L. Faught, )  
Administrator, )  
 )  
Plaintiff, )  
 )  
v. )  
 )  
Bruce J. Scambler, )  
 )  
Defendant. )

Case No. CJ-2014-1346

**PLAINTIFF'S APPLICATION FOR ATTORNEY FEES AND COSTS**

Plaintiff, Oklahoma Department of Securities ex rel. Irving L. Faught, Administrator, applies to the Court for an Order, under Okla. Stat. tit. 12, § 2056(G) (2011), requiring Defendant, Bruce J. Scambler, to pay the costs of \$3,846.00 that Plaintiff incurred as a result of the affidavit Defendant submitted to the Court in bad faith on January 20, 2015, with his *Objection to Plaintiff's Motion for Summary Judgment* ("Affidavit").

1. This Application is made on the grounds that on March 6, 2015, the Court ordered Defendant to pay Plaintiff the reasonable expenses, including attorney fees, in an amount to be determined, that Plaintiff incurred as a result of Defendant's bad faith submission of the Affidavit.

2. Plaintiff has incurred costs and attorney fees in the amount of \$3,846.00 as a result of Defendant's bad faith submission of the Affidavit. An Invoice for these costs and attorney fees is attached hereto as "Exhibit A." An Affidavit for Attorney Fees is attached hereto as "Exhibit B."

3. This Application is supported by Okla. Stat. tit. 12, § 2056(G), that provides:

If satisfied that an affidavit under this rule is submitted in bad faith or solely for delay, the court must order the submitting party to pay the other party the reasonable expenses, including attorney fees, it incurred as a result. An offending party or attorney may also be held in contempt.

In conclusion, the Department requests that the Court enter an Order requiring Defendant, Bruce J. Scambler, to pay the reasonable costs of \$3,846.00 that Plaintiff incurred as a result of Defendant's bad faith submission of the Affidavit.

Dated: March 26, 2015.

Respectfully submitted,



Amanda Cornmesser (OBA No. 20044)  
Terra Bonnell (OBA No. 20838)  
Oklahoma Department of Securities  
120 North Robinson, Suite 860  
Oklahoma City, Oklahoma 73102  
Telephone: (405) 280-7700  
Fax: (405) 280-7742  
Email: acornmesser@securities.ok.gov  
tbonnell@securities.ok.gov  
**Attorneys for Plaintiff**

Jeffrey D. Black, OBA #13847  
Bonham & Howard  
3555 N.W. 58<sup>th</sup> St., #1000  
Oklahoma City, OK 73112  
Telephone: (405) 943-6650  
Fax: (405) 943-6655  
**Attorney for Defendant**

Bruce Scambler  
3555 N.W. 58<sup>th</sup> St., #1000 LMT West  
Oklahoma City, OK 73112  
Telephone: (405) 608-2700  
**Defendant**





RFA - 3245  
PO - 6309001908  
Receipt - 5720

INVOICE

Terra Bonnell  
Attorney at Law  
120 N. Robinson, Ste. 860  
Oklahoma City, OK 73102

INVOICE DATE	INVOICE NUMBER	CASE NUMBER	CASE STYLE
January 22, 2015	OF-2372	CJ-2010-290	Universal Energy Plus, LLC., vs. Bruce Scambler, et al.,
DESCRIPTION			AMOUNT
<p>For the copy of the deposition of Harvy Bryant taken on September 15, 2011 on behalf of the Plaintiff .....</p> <p style="text-align: center;"><u>Please remit this copy with payment.</u></p> <p style="text-align: center;">Tax I.D. No. 73-1521256</p>			\$ 26.00
			<b>TOTAL DUE</b> \$ <b>26.00</b>

1/23/15 B London  
JDS 10-102  
?FA 3245

111 HARRISON AVENUE, SUITE 101 • OKLAHOMA CITY, OK 73104 • TELEPHONE (405) 232-9673

OK to pay  
James Swindle  
1/26/15

IN THE DISTRICT COURT OF OKLAHOMA COUNTY  
STATE OF OKLAHOMA

Oklahoma Department of Securities )  
*ex rel.* Irving L. Faught, )  
Administrator, )

Plaintiff, )

v. )

Case No. CJ-2014-1346

Bruce J. Scambler, )

Defendant. )

**AFFIDAVIT FOR ATTORNEY FEES**

STATE OF OKLAHOMA )

ss.

COUNTY OF OKLAHOMA )

Terra Bonnell states under oath as follows:

1. I am admitted to practice law in Oklahoma and have personal knowledge of the matters contained herein.
2. I am employed by the Oklahoma Department of Securities as an attorney and, with Amanda Cornmesser, have represented the Plaintiff in this case since it was initiated on March 7, 2014.
3. I was the primary drafter of Plaintiff's Motion to Strike that was filed in this matter on January 30, 2015, as a result of the affidavit Defendant submitted to the Court on January 20, 2015, with his Objection to Plaintiff's Motion for Summary Judgment.
4. Attached is a computer printout of my time entries relating to Plaintiff's Motion to Strike. I spent over fifty (50) hours in connection with the analysis of the affidavit and the preparation of Plaintiff's Motion to Strike. Amanda Cornmesser spent additional time in connection with Plaintiff's Motion to Strike.
5. The time expended was reasonable and necessary in representing the Plaintiff in connection with its Motion to Strike.

EXHIBIT

B

6. My total annual compensation from the Department equates to approximately \$76.40 an hour. My hourly rate is significantly lower than attorneys in private practice in Oklahoma.

7. The sum of \$3,820.00 is a reasonable attorney fee.

Dated this 26<sup>th</sup> day of March, 2015.

*Terra Bonnell*

Terra Bonnell (OBA No. 20838)  
Oklahoma Department of Securities  
120 North Robinson, Suite 860  
Oklahoma City, Oklahoma 73102  
Telephone: (405) 280-7715  
Fax: (405) 280-7742  
Email: [tbonnell@securities.ok.gov](mailto:tbonnell@securities.ok.gov)

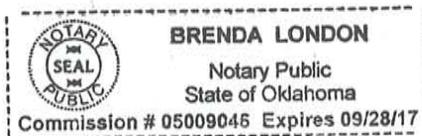
Subscribed and sworn to me this 26<sup>th</sup> day of March, 2015, by Terra Bonnell.

*Brenda London*

Brenda London

My Commission No.:  
My Commission Expires:

(SEAL)



**CERTIFICATE OF MAILING**

The undersigned hereby certifies that on the 26<sup>th</sup> day of March, 2015, a true and correct copy of the above and foregoing application was mailed with postage prepaid thereon, addressed to:

Jeffrey D. Black, OBA #13847  
Bonham & Howard  
3555 N.W. 58<sup>th</sup> St., #1000  
Oklahoma City, OK 73112  
**Attorney for Defendant**

Bruce Scambler  
3555 N.W. 58<sup>th</sup> St., #1000 LMT West  
Oklahoma City, OK 73112  
**Defendant**

  
\_\_\_\_\_  
Terra Bonnell

1/20/2015	Enforcement	00:10	Communications	update from AMC
1/22/2015	Enforcement	04:30	Case Preparation	reviewed objection to MSJ; gathered evidence for reply
1/23/2015	Enforcement	04:15	Pleadings	Motion to Strike; legal research and evidence review
1/26/2015	Enforcement	07:45	Pleadings	Motion to Strike; legal research and gathered evidence
1/27/2015	Enforcement	07:20	Pleadings	Motion to Strike; drafting
1/28/2015	Enforcement	08:30	Pleadings	Motion to Strike; drafting, research, evidence
1/29/2015	Enforcement	06:45	Pleadings	Motion to Strike; drafting, PC with AMC and MH
1/30/2015	Enforcement	04:00	Pleadings	Motion to Strike; revised, prepared for filing, filed
2/18/2015	Enforcement	01:45	Hearing Preparations	Motion to Strike; PC with AMC; legal research on confession of motions
2/18/2015	Enforcement	00:30	Hearing Preparations	Motion to Strike; legal research
2/19/2015	Enforcement	02:00	Hearing Preparations	Motion to Strike; legal research on sanctions; PC with AMC
2/20/2015	Enforcement	01:00	Hearing Preparations	Motion to Strike; legal research on 12 O.S. 2056
2/20/2015	Enforcement	00:30	Hearing Preparations	Motion to Strike; communications regarding time of hearing
2/20/2015	Enforcement	04:45	Hearing Preparations	Motion to Strike; more legal research on motions deemed confessed; hearing binder
2/25/2015	Enforcement	06:00	Hearing Preparations	Motion to Strike; hearing binder; courthouse to confirm time; drafted orders
2/26/2015	Enforcement	02:15	Hearing Preparations	Motion to Strike; revised orders, legal research
3/2/2015	Enforcement	03:00	Hearing Preparations	Motion to Strike; revised order; legal research
3/3/2015	Enforcement	02:00	Hearing Preparations	Motion to Strike; legal research and review of contempt citations; calculated expenses
3/6/2015	Enforcement	01:00	Appearances	appearance at hearing on motion to strike and prep
3/9/2015	Enforcement	02:00	Pleadings	drafted application for costs; reviewed order on motion to strike
3/11/2015	Enforcement	00:20	Communications	Motion to Strike; reviewed revised order; emailed to Def's atty
3/13/2015	Enforcement	01:00	Pleadings	Motion to Strike: received signed Order from opposing counsel; prepared for submission to Judge; delivered to Judge

*Total 11.33 hours*