

IN THE DISTRICT COURT OF OKLAHOMA COUNTY
STATE OF OKLAHOMA

FILED IN DISTRICT COURT
OKLAHOMA COUNTY

JUL 28 2016

RICK WARREN
COURT CLERK

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Oklahoma Department of Securities)
ex rel. Irving L. Faught,)
Administrator,)
)
Plaintiff,)
)
v.)
)
Nick's Oil & Gas Corporation, an)
unincorporated association;)
Semper Fidelis Exploration & Production,)
LLC, a Texas limited liability company;)
Harbor Resources, LLC, a)
dissolved Texas limited liability company;)
BTJ Consulting, Inc., a Texas corporation;)
and Nicholas P. Yukich, III, an individual,)
)
Defendants.)

Case No. CJ-2016-2884
Judge Aletia H. Timmons

MOTION FOR DEFAULT JUDGMENT

Plaintiff, Oklahoma Department of Securities ("Department"), *ex rel.* Irving L. Faught, Administrator, moves this Court to issue judgment by default in its favor and against Defendants Nick's Oil & Gas Corporation ("NOG"), Semper Fidelis Exploration & Production, LLC ("SFEP"), and Nicholas P. Yukich, III ("Yukich") (collectively, the "Default Defendants"). In support of this motion Plaintiff states as follows:

1. On June 18, 2016, the Default Defendants were served with a petition and summons by personal process server.
2. As of the filing of this motion, the Default Defendants have failed to appear or answer or otherwise plead to the petition, and their time for doing so has expired.

3. As alleged in the petition, the Plaintiff seeks a permanent injunction, an order requiring restitution and disgorgement of any and all ill-gotten gains and an order imposing a civil penalty, jointly and severally, in the amount of \$250,000.00 against the Default Defendants.

4. The Plaintiff is entitled to a judgment in its favor.

The Default Defendants have not made a proper appearance before this Court and, in accordance with Dist. Ct. Rule 10, notice of taking default is not required.

However, on July 8, 2016, the Plaintiff received via U.S. mail an "Entry of Appearance and Reservation Of Time", attached hereto as Exhibit A (the "Entry"), by Yukich acting pro se on his and on NOG and SFEP's behalf. The Entry purports to reserve an additional 20 days to file an answer to the Plaintiff's petition. The Default Defendants were notified via email by Plaintiff's counsel that the Entry must be filed with the Court. No response was had.

Although the Entry is legally and procedurally insufficient, the Plaintiff has delayed filing this motion more than 20 days past the original answer deadline. In addition, a copy of this motion has been sent to the Default Defendants, there being no attorney of record for the same.

WHEREFORE, premises considered, Plaintiff prays that judgment by default be entered in its favor and against the Default Defendants providing for a permanent injunction, an order requiring restitution and disgorgement and an order imposing a civil penalty in the amount of \$250,000.00.

Respectfully submitted,

OKLAHOMA DEPARTMENT OF SECURITIES
Irving L. Faught, Administrator

By:



Robert Fagnant, OBA #30548
Oklahoma Department of Securities
204 North Robinson Avenue, Suite 400
Oklahoma City, Oklahoma 73102
Telephone: (405) 280-7700
Facsimile: (405) 280-7742
Email: rfagnant@securities.ok.gov

CERTIFICATE OF MAILING

The undersigned hereby certifies that on the 28 day of July, 2016, a true and correct copy of the above and foregoing *Motion for Default Judgment* was mailed with postage prepaid thereon, via first-class US mail, addressed to:

Nick's Oil & Gas Corporation
316 N Main Street
Bristow, OK 74010

Semper Fidelis Exploration & Production, LLC
316 N Main Street
Bristow, OK 74010

Nicholas P. Yukich, III
316 N Main Street
Bristow, OK 74010



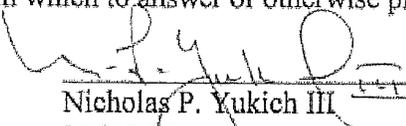
Robert Fagnant

IN THE DISTRICT COURT OF OKLAHOMA COUNTY
STATE OF OKLAHOMA

Oklahoma Department of Securities)
ex rel. Irvin L. Faught)
administrator)
Plaintiffs,)
vs.) Case No. CJ-2016-2834
Judge Unknown
Nick's Oil & Gas Corp. an unincorporated)
corporation; Semper Fidelis Exploration &)
Production, LLC a Texas Limited Liability)
Corporation and Nicholas P. Yukich III, individual)
Defendants.

ENTRY OF APPEARANCE AND RESERVATION OF TIME

Nick's Oil & Gas Corp., Semper Fidelis Exploration & Production, LLC and Nicholas P. Yukich III, hereby enters his appearance in the above-captioned case and reserves an additional twenty (20) days from the current answer date in which to answer or otherwise plead.

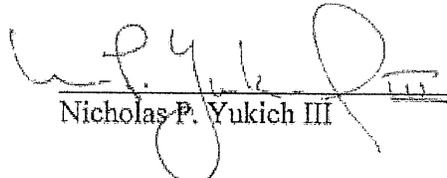


Nicholas P. Yukich III
316 N. MAIN STREET
BRISTOW, OKLAHOMA 74010
(918) 367-9012
(214) 697-7325

CERTIFICATE OF SERVICE

I certify that on the 30th day of June, 2016, a copy of the above and foregoing was mailed, via U.S. Mail to the following:

Robert Fagnant (OBA # 30548)
204 North Robinson Avenue, Suite #400
Oklahoma City, Ok 73102
Telephone: 405-280-7700

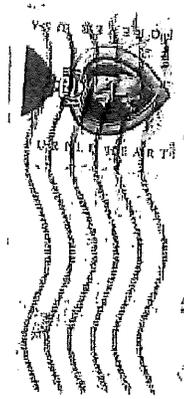


Nicholas P. Yukich III

EXHIBIT

A

SFEP/NOE
Nicholas Wiley
314 N. Main St
Bristow, Ok 74010



Oklahoma Dept of Securities
204 North Robinson Street #402
Oklahoma City, Ok 73102
Arthur Robert Ffemant

7310255500 0002 [Barcode]