

UNITED STATES BANKRUPTCY COURT
WESTERN DISTRICT OF OKLAHOMA

In re: ROBERT WILLIAM MATTHEWS,)	Case No. 07-10108-BH
)	
Debtor.)	
)	
OKLAHOMA DEPARTMENT OF SECURITIES,)	
Ex rel. IRVING L. FAUGHT,)	
)	
Plaintiff,)	
v.)	Adv. No. 07-1140-BH
)	
ROBERT WILLIAM MATTHEWS,)	
)	
Defendant/Appellant.)	
)	
In re: MARVIN LEE WILCOX and)	
PAMELA JEAN WILCOX,)	
)	Case No. 07-10610-BH
Debtors.)	
)	
OKLAHOMA DEPARTMENT OF SECURITIES,)	
Ex rel. IRVING L. FAUGHT,)	
)	
Plaintiff,)	
v.)	Adv. No. 07-1226-BH
)	
MARVIN LEE WILCOX,)	
)	
Defendant/Appellant.)	

**DESIGNATION OF RECORD AND STATEMENT OF ISSUES ON APPEAL
FOR ADVERSARY NO. 07-1140-BH**

This is a Designation of Record and Statement of Issues to be presented by Appellant Robert William Mathews in Adversary No. 07-1140-BH.

A. Designation of Record

1. Complaint by Oklahoma Department of Securities against Robert William Mathews. Adversary case 07-01140. Docket #1.
2. Answer to Complaint Objection to Complaint Objecting to Discharge with Brief in Support. Docket #4.

3. Agreed Motion to Consolidate Lead Case. Docket #7.
4. Minute Order Transferring Judge. Docket #9.
5. Order Granting Agreed Motion for Consolidation. Docket #11.
6. Motion for Summary Judgment with Brief in Support. Docket #15.
7. Response to Motion for Summary Judgment. Docket #16.
8. Reply to Motion for Summary Judgment. Docket #17.
9. Order Requesting Parties to Supplement Record. Docket #18.
10. Response to Order. Docket #20.
11. Corrected Response to Order. Docket #22.
12. Order Granting Motion for Summary Judgment. Docket #23.
13. Judgment for Plaintiff Against Defendant. Docket #24.
14. Notice of Appearance and Request for Notice with Certificate of Service. Docket #27.
15. Appeal for District Court. Docket #28.
16. Election of Appeal to District Court. Docket #29.
17. Notice of Filing Appeal to the United States District Court. Docket #30.

B. Issues on Appeal

1. The Bankruptcy Court erred in finding that there was sufficient undisputed facts to entitle the Oklahoma Department of Securities to Summary Judgment and finding that the Plaintiff had met its burden of proof under § 523(a)(19), as there were numerous disputed facts which precluded summary judgment in this case.
2. The Bankruptcy Court erred in finding that the Oklahoma Department of Securities had met its burden in proving that the discharge should have been denied the Appellant Robert William Matthews based on 11 U.S.C. § 523(a)(19).
3. The Bankruptcy Court erred in finding that the decision of the District Court of Oklahoma County found the Appellant Robert William Matthews had violated Federal Securities Laws, which is an essential requirement of denial in the discharge under § 523(a)(19).

4. The Bankruptcy Court erred in finding Oklahoma law does not require wrongful intent in order to prove a violation of the Oklahoma Securities Law.
5. The Bankruptcy Court erred in finding that Appellant Robert William Matthews under the undisputed facts presented should had been denied a discharge under 11 U.S.C. § 523(a)(19).
6. The Bankruptcy Court erred because the findings of the Bankruptcy Court are based on an Oklahoma Court of Appeals Decision that is not final as the Oklahoma Supreme Court granted Certiorari in Case No. 104,004 on July 2, 2007.
7. The Bankruptcy Court erred in finding that Robert William Matthews had met the requirements of 11 U.S.C. § 523(a)(19) for denial of his discharge.

Respectfully submitted,

/s/ Robert N. Sheets

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CERTIFICATE OF MAILING

I hereby certify that on the 2nd day of January, 2009, I electronically transmitted the attached document to the Clerk of Court using the ECF System for filing and I also served the attached document by Regular U.S. Mail on the following, who are registered participants of the ECF System:

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 /s/ Robert N. Sheets
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