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November 20, 2009

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**VIA EMAIL [keheley@ruralinet.net](mailto:keheley@ruralinet.net)**  
**AND U.S. MAIL**

Mr. Ed Keheley  
Keheley & Associates, Inc.  
2020 S. 640 Road  
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Re: No. CJ-2009-02539 DC Ottawa Co.  
Johnny and Patty LaFalier, et al., vs.  
The Lead-Impacted Communities  
Relocation Assistance Trust (L-6031)

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Dear Ed:

Please permit me to update you on our status. You may remember from our first meeting we have stressed the uphill battle we faced going against the Trust. Not the least of our problems were statutes or laws passed which basically said the Trust had immunity from being sued and that it was okay to subtract insurance proceeds from buyout offers given insured residents. I earlier provided you our brief to the judge asking that he hold those statutes unconstitutional. If successful, that would permit us to have a hearing on the Trust's behavior.

Unfortunately, the trial judge held that the statutes were constitutional. In other words, the Trust cannot be sued and it is okay to take insurance proceeds into account. Further, the judge held that it is okay for the Trust to take J. D. Strong, Cinnabar and Van Tuyl representatives into executive session when buyouts are discussed secretly.

Obviously, Jeff and I are quite disappointed with this ruling. While it has no direct impact on our Tulsa County case against Cinnabar, Van Tuyl, J. D. Strong and various insurance companies, it certainly does not help much.

Mr. Ed Keheley  
November 20, 2009  
Page - 2 -

We are appealing the judge's ruling. Unfortunately, that takes time. We are moving as fast as we can. We believe that it is in the residents' best interest that the judge's rulings be tested on appeal for validity. Our hope is that the appellate court will overturn the opinion completely or at least hold that the Trust is violating Oklahoma's Open Meeting Act on the way it is conducting executive sessions. The appropriateness of allowing J. D. Strong, Cinnabar and Van Tuyl into executive session is part of our Tulsa County litigation. We do not want the current ruling to go unchallenged, particularly in that regard.

We will keep you posted as events unfold. Please call if you have any question or concern. You need not worry about any hearing in December.

A copy of the court's opinion is enclosed. Ed, we continue to thank you for your time and expertise given this matter of importance. We are not giving up.

Yours very truly,

WIGGINS SEWELL & OGLETREE



John Wiggins

JW/8116img  
Enclosure

cc: Mr. Jeff D. Marr  
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