

IN THE DISTRICT COURT OF OKLAHOMA COUNTY  
STATE OF OKLAHOMA

FILED IN DISTRICT COURT  
OKLAHOMA COUNTY

FEB 13 2025  
RICK WARREN  
COURT CLERK  
07

FRED'S TIRE AND BATTERY, LLC, and  
SHAWNEE OUTDOORS, LLC, on behalf of  
themselves and others similarly situated,

Plaintiffs,

v.

COMPSOURCE MUTUAL INSURANCE  
COMPANY, formerly known as  
COMPSOURCE OKLAHOMA, a statutory  
agency,

Defendants.

Case No: CJ-2020-4891  
Judge Sheila Stinson

**ORDER GRANTING PLAINTIFFS' MOTION FOR PARTIAL SUMMARY  
JUDGMENT AS TO COMPSOURCE'S TRUST AND FIDUCIARY DUTIES TO  
PLAINTIFFS AND DENYING DEFENDANT'S COUNTER MOTION FOR PARTIAL  
SUMMARY JUDGMENT**

On February 3, 2025, Plaintiffs' Partial Motion for Summary Judgment as to CompSource's Trust and Fiduciary Duties to Plaintiffs and Defendant's Counter Motion for Partial Summary Judgment came before this Court for consideration. Plaintiffs appeared by and through Reggie Whitten, Randa Reeves, and Hannah Whitten of Whitten Burrage, and Bradley West of The West Law Firm. Defendant appeared by and through Thomas Wolfe, Catherine Campbell, Amy White, and Austin Ray of Phillips Murrah P.C. Following oral argument of counsel, admission of exhibits, and review of the pleadings submitted, the Court took the matter under advisement. The Court being fully advised in the premises, FINDS and ORDERS as follows:


1. Summary Judgment is appropriate when there are no disputed questions of material fact, and only a question of law remains. *Haworth v. Jantzen*, 2006 OK 35, ¶19.

2. Relying on the authority of *Moran v. State ex rel. Derryberry*, 1975 OK 69, and *Tulsa Stockyards, Inc. v. Clark*, 2014 OK 14, the Court finds CompSource, during the policy terms in question, owed trust and fiduciary duties to its insureds.

IT IS THEREFORE ORDERED, ADJUGED AND DECREED that, for the reasons and grounds stated herein, the Plaintiffs' Motion for Partial Summary Judgment as to CompSource's Trust and Fiduciary Duties to Plaintiff is sustained and Defendant's Counter Motion for Partial Summary Judgment is denied.

IT IS SO ORDERED.

DATED this 13<sup>th</sup> day of February 2025.

  
SHEILA D. STINSON  
JUDGE OF THE DISTRICT COURT

CERTIFICATE OF MAILING

I hereby certify that on February 13, 2025, I mailed by electronic mail and regular mail a true and correct copy of this Order to the following persons and filed a true and correct copy in this case.

TO:

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Deputy Court Clerk