## IN THE DISTRICT COURT OF OKLAHOMA CONTRICT COUNTY STATE OF OKLAHOMA

FRED'S TIRE AND BATTERY, LLC, and SHAWNEE OUTDOORS, LLC, on behalf of

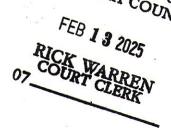
Plaintiffs,

v.

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

themselves and others similarly situated,

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 13th 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: Bradley C. West J. Shawn Spencer The West Law Firm 124 W. Highland P.O. Box 698 Shawnee, OK 74802

Reggie Whitten Randa Reeves Whitten Burrage 512 N. Broadway Avenue, Ste. 300 Oklahoma City, OK 73102 Thomas G. Wolfe Catherine Campbell Phillips Murrah, PC Corporate Tower, 13<sup>th</sup> Floor 101 N. Robinson Ave. Oklahoma City, OK 73102

Drew Neville
Michael K. Avery
McAfee & Taft
10<sup>th</sup> Flr., Two Leadership Square
211 N. Robinson Ave.
Oklahoma City, OK 73122

Deputy Court Clerk