

IN THE DISTRICT COURT OF OKLAHOMA COUNTY  
STATE OF OKLAHOMA

FILED IN DISTRICT COURT  
OKLAHOMA COUNTY

APR - 5 2017

37  
RICK WARREN  
COURT CLERK

Oklahoma Department of Securities )  
*ex rel.* Irving L. Faught, )  
Administrator, )  
)  
Plaintiff, )  
vs. )  
)  
Secure Operations Group, LLC, an )  
Oklahoma limited liability company; )  
Johnnie Louis McAlpine, an individual; )  
Cindy Kay McAlpine, an individual; )  
George Franklin Conner, an individual; )  
and Cody Belitz, an individual, )  
)  
Defendants. )

Case No. CJ-2017-1138

**ANSWER OF DEFENDANTS JOHNNIE LOUIS MCALPINE, CINDY  
KAY MCALPINE, AND CODY BELITZ**

Defendants Johnnie Louis McAlpine, Cindy Kay McAlpine, and Cody Belitz, by and through their attorneys of record, Levinson, Smith and Huffman, P.C., and denying all allegations set forth in the Petition unless specifically admitted, states as follows:

**PARTIES, JURISDICTION AND VENUE**

1. The Defendants deny the allegations contained in Paragraph 1 of the Petition. The Defendants have no knowledge of violating Section 1-301 or 1-402 of the Act.
2. The Defendants are without sufficient information or belief as to the truth of the allegations contained within Paragraph 2 of the Petition.
3. The Defendants are without sufficient information or belief as to the truth of the allegations contained within Paragraph 3 of the Petition.
4. The Defendants admit that venue is proper in Oklahoma County.

## DEFENDANTS

5. The Defendants admit the allegation set forth in Paragraph 5 of the Petition.
6. Defendant Johnnie Louis McAlpine denies in part and admits in part the allegations set forth in Paragraph 6 of the Petition. McAlpine denies that he was the actual control person for SOG. McAlpine admits that he pled guilty to fraud in 1993.
7. The Defendants are without information or belief as to the allegations set forth in Paragraph 7 of the Petition. Defendants therefore deny the same.
8. Defendant Cindy McAlpine denies the allegations set forth in Paragraph 8 of the Petition.
9. Defendant Cody Belitz admits the allegations set forth in Paragraph 9 of the Petition.

## NATURE OF THE CASE

10. The Defendants deny the allegations set forth in Paragraph 10 of the Petition. The Defendants have no knowledge of untrue statements or omissions of material facts.

### **I. The Sleeper Tract Interests**

11. The Defendants admit Paragraph 11 of the Petition.
12. The Defendants admit the allegations set forth in Paragraph 12 of the Petition.
13. The Defendants admit the allegations set forth in Paragraph 13 of the Petition.
14. The Defendants deny the allegations set forth in Paragraph 14 of the Petition.
15. The Defendants are without information or belief as to the allegations set forth in Paragraph 15 of the Petition. As a result, the Defendants deny the remaining allegations set forth in Paragraph 15 of the Petition.
16. The Defendants admit the allegations set forth in Paragraph 16 of the Petition.

17. The Defendants are without information or belief as to the allegations set forth in Paragraph 17 of the Petition, and therefore deny the same.
18. The Defendants are without information or belief as to the allegations set forth in Paragraph 18 of the Petition, and therefore deny the same.
19. The Defendants are without information or belief as to the allegations set forth in Paragraph 19 of the Petition, and therefore deny the same.
20. The Defendants are without information or belief as to the allegations set forth in Paragraph 20 of the Petition, and therefore deny the same.
21. The Defendants are without information or belief as to the allegations set forth in Paragraph 21 of the Petition, and therefore deny the same.
22. The Defendants deny the allegations set forth in Paragraph 22 of the Petition.
23. The Defendants are without information or belief as to the allegations set forth in Paragraph 23 of the Petition, and therefore deny the same.
24. The Defendants admit the allegations set forth in Paragraph 24 of the Petition. Further, the Defendants state that the interests were exempt.

## **II. The X Bar Tract Interests**

25. The Defendants admit the allegations set forth in Paragraph 25 of the Petition.
26. The Defendants admit the allegations set forth in Paragraph 26 of the Petition.
27. The Defendants are without information or belief as to the allegations set forth in Paragraph 27 of the Petition, and therefore deny the same.
28. The Defendants are without information or belief as to the allegations set forth in Paragraph 28 of the Petition, and therefore deny the same.



29. The Defendants are without information or belief as to the allegations set forth in Paragraph 29 of the Petition, and therefore deny the same.
30. The Defendants deny the allegations set forth in Paragraph 30 of the Petition.
31. The Defendants are without information or belief as to the allegations set forth in Paragraph 31 of the Petition, and therefore deny the same.
32. The Defendants are without information or belief as to the allegations set forth in Paragraph 32 of the Petition, and therefore deny the same.
33. The Defendants are without information or belief as to the allegations set forth in Paragraph 33 of the Petition, and therefore deny the same.
34. The Defendants are without information or belief as to the allegations set forth in Paragraph 34 of the Petition, and therefore deny the same.
35. The Defendants are without information or belief as to the allegations set forth in Paragraph 35 of the Petition, and therefore deny the same.

**FIRST CAUSE OF ACTION**

36. Defendants incorporate their answers to each of the foregoing averments as if they were fully set forth herein.
37. The Defendants deny the allegations set forth in Paragraph 37 of the Petition.
38. The Defendants are without information or belief as to the allegations set forth in Paragraph 38 of the Petition, and therefore deny the same.
39. The Defendants are without information or belief as to the allegations set forth in Paragraph 39 of the Petition, and therefore deny the same.

40. The Defendants are without information or belief as to the allegations set forth in Paragraph 40 of the Petition, and therefore deny the same.

41. The Defendants are without information or belief as to the allegations set forth in Paragraph 41 of the Petition. As a result, the Defendants deny the remaining allegations set forth in Paragraph 41 of the Petition.

### **SECOND CAUSE OF ACTION**

42. Defendants incorporate their answers to each of the foregoing averments as if they were fully set forth herein.

43. The Defendants are without information or belief as to the allegations set forth in Paragraph 43 of the Petition, and therefore deny the same.

44. The Defendants are without information or belief as to the allegations set forth in Paragraph 44 of the Petition, and therefore deny the same.

45. The Defendants are without information or belief as to the allegations set forth in Paragraph 45 of the Petition, and therefore deny the same.

46. The Defendants deny the allegations set forth in Paragraph 46 of the Petition.

47. The Defendants deny the allegations set forth in Paragraph 47 of the Petition.

48. The Defendants deny Paragraph 48 of the Petition.

49. The Defendants deny the allegations set forth in Paragraph 49 of the Petition.

### **THIRD CAUSE OF ACTION**

50. Defendants incorporate their answers to each of the foregoing averments as if they were fully set forth herein.

51. The Defendants deny the allegations set forth in Paragraph 51 of the Petition.
52. The Defendants deny the allegations set forth in Paragraph 52 of the Petition.
53. The Defendants are without information or belief as to the allegations set forth in Paragraph 53 of the Petition. Therefore, the Defendants deny the allegations set forth in Paragraph 53 of the Petition.
54. The Defendants are without information or belief as to the allegations set forth in Paragraph 54 of the Petition. Therefore, the Defendants deny the allegations set forth in Paragraph 54 of the Petition.

#### **FOURTH CAUSE OF ACTION**

55. Defendants incorporate their answers to each of the foregoing averments as if they were fully set forth herein.
56. The Defendants deny the allegations set forth in Paragraph 56 of the Petition.
57. The Defendants deny the allegations set forth in Paragraph 57 of the Petition.

#### **AFFIRMATIVE DEFENSES**

58. Defendants, reserving the right to plead additional defenses and counterclaims and to amend their Answer as necessary and as allowed by the Court and the Oklahoma Rules of Civil Procedure, sets forth the following affirmative defenses:
- a. The Defendants assert that Plaintiff's claims are barred in whole or in part by the doctrines of: 1. Waiver; 2. Failure to state a claim upon which relief can be granted; 3. Estoppel; 4. Release 5. Legal impossibility; 6. Factual impossibility; 7. Statute of limitations; 8. Laches; 9. Assumption of risk; 10. Breach of Contract

**PRAYER**

WHEREFORE, PREMISES CONSIDERED, Defendants respectfully requests, upon final hearing in this matter, that Plaintiff take nothing by way of its claims against Defendants; that no liability be rendered against Defendants; that Defendants recover all costs of Court; and that Defendants be granted all further relief to which he may show themselves justly entitled.

Respectfully submitted,

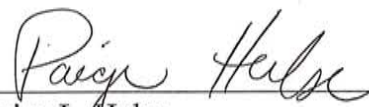


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**CERTIFICATE OF SERVICE**

I hereby certify that on April 4, 2017, a true and correct copy of the above and foregoing was served via first class U.S. mail, with proper postage prepaid thereon, to the following counsel of record:

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