ORIGINAL

FILED
SUPREME COURT
STATE OF OKLAHOMA

JAN 16 2026

SELDEN JONES
CLERK

IN THE SUPREME COURT OF THE STATE OF OKLAHOMA

STATE FARM FIRE & CASUALTY COMPANY,

Petitioner,

v.

THE HONORABLE AMY PALUMBO,

Respondent,

-AND-

BILLY HURSH and LACY HURSH,

Real Parties in Interest,

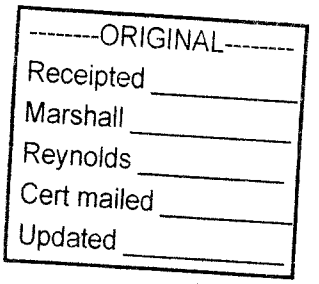
-AND-

GENTNER DRUMMOND in his official capacity as Attorney General of Oklahoma,

Real Party in Interest.

Sup. Ct. Case No. #123739

Oklahoma County Case No.
CJ-2025-2626



BRIEF IN SUPPORT OF PETITIONER'S APPLICATION TO ASSUME ORIGINAL JURISDICTION AND PETITION FOR WRIT OF PROHIBITION

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INDEX

INTRODUCTION AND BACKGROUND

In this case, the district court permitted the Attorney General to intervene in a private dispute between private litigants, throwing the massive weight of the State behind one of those private parties. Worse, the Attorney General is asserting regulatory authority over insurance issues that are constitutionally delegated to a different officer: the Insurance Commissioner. This Court's role is to check such bold and unprecedented assertions of power by state officers, testing them against the laws and Constitution of Oklahoma. Power is the central issue in this suit: the limits on the power of the Attorney General, the separation of powers, and the potential for abuse of power.

This case began when Plaintiffs Billy and Lacy Hursh filed suit alleging that State Farm failed to fully cover a loss incurred from hailstorms. Hursh Pet., App'x Tab 1. Plaintiffs asserted claims such as breach of contract and breach of the duty of good faith, and sought actual and punitive damages and disgorgement of financial benefits related solely to State Farm's determination of Plaintiffs' homeowners insurance claim. *Id.* at 34. Then, eight months after the case was filed, Oklahoma's Attorney General moved to intervene in this private insurance dispute—and only this insurance dispute. Mot. to Intervene, App'x Tab 2. His proposed Petition in intervention alleges claims of an entirely different nature, including violations of the Oklahoma Consumer Protection Act ("OCPA") and the Oklahoma Racketeer-Influenced and Corrupt Organizations Act ("ORICO"). Pet. for Intervention, App'x Tab 3 at 14-20. Unlike Plaintiffs' private action, the Attorney General seeks to assert claims on behalf of *all* "Oklahoma homeowners who purchased State Farm homeowners policies," contending that State Farm's claims-handling practices "impact[ed] numerous Oklahoma residents." *Id.* at 14, 16.

Over State Farm's objection, the district court granted the Attorney General intervention. Journal Entry, App'x Tab 6. That is an error of significant public and constitutional import.

The Attorney General cannot intervene in any lawsuit at will—his authority to represent the State has important limits. While he may represent the interests of the State when, for example, state officers or agencies are parties, state property is at issue, or the validity of a state law is challenged, he cannot simply declare the public's interest in private litigation and thereby intervene. As this Court recognized nearly a century ago, "the state cannot lend the power of its name, or assume the cause of one private citizen against another, for the purpose of settling rights or titles in controversy between them." *Savoy Oil Co. v. Emery*, 1928 OK 572, ¶ 27, 277 P. 1029, 1035 (citation omitted). Such action too greatly risks the abuse of power to be permitted.

Even if this was a close question, the Constitution's separation of powers settles it. The avowed aim of the Attorney General's intervention is to "vindicate the authority of the State of Oklahoma to regulate the business of insurance." Pet. for Intervention, App'x Tab 3 at 2. But it is the Insurance Commissioner, not the Attorney General, that is charged by the Constitution "with the execution of all laws now in force, or which shall hereafter be passed, in relation to insurance and insurance companies doing business in the State." OKLA. CONST. art. VI, §§ 22, 23. Under this Court's precedent, that necessarily precludes the exercise of the same power by the Attorney General. *Bd. of Regents of Univ. of Okla. v. Baker*, 1981 OK 160, ¶ 7, 638 P.2d 464, 466; *Okla. Benefit Life Ass'n v. Bird*, 1943 OK 103, ¶ 5, 135 P.2d 994, 996.

Moreover, the Attorney General is also subject to the Oklahoma Pleading Code, and precedent establishes that an intervenor "is not permitted to enlarge the issues or compel an alteration of the proceedings." *Gettler v. Cities Serv. Co.*, 1987 OK 57, ¶ 9, 739 P.2d 515, 518. But here, the district court granted the Attorney General's motion to intervene even though he asserts claims not raised by Plaintiffs in their original petition—claims that are fundamentally different in character from the original substantive claims disputing the damages incurred on Plaintiffs'

individual home. The Attorney General thereby expanded this action from an isolated dispute about the amount owed under Plaintiffs' homeowners policy to one seeking to prosecute State Farm for alleged improper claims-handling procedures across Oklahoma. Nothing about Plaintiffs' claims alleging that State Farm should have paid to fully replace their roof requires adjudication of State Farm's insurance determinations on claims of other Oklahomans.

This Court should assume original jurisdiction to prevent this unlawful exercise of power, not only as part of its superintending authority to issue writs to lower courts, but also because the district court's decision to allow the Attorney General's intervention has transformed this private dispute into a matter of *publici juris*. *See Rocket Props., LLC v. LaFortune*, 2022 OK 5, ¶ 1, 502 P.3d 1112, 1113 (citing *Fent v. Contingency Review Bd.*, 2007 OK 27, ¶ 11, 163 P.3d 512, 521). The district court's order places no guardrails on the Attorney General's intervention authority, providing him with a blueprint to engage in this type of conduct in future cases. That is a power ripe for abuse, especially where an attorney general can stand to benefit from selectively intervening in certain cases. Indeed, the Attorney General here criticized similar conduct by his predecessor for this very reason, labeling it "an abuse of the office." State Farm Resp., App'x Tab 4 at 33 (Exhibit 1). This Court should make clear the limitations on the Attorney General's power before the potential for abuse becomes reality.

Because the district court's order was not authorized by Oklahoma law and enables a violation of the constitutional separation of powers, the Court should issue a writ of prohibition.

ARGUMENT AND AUTHORITY

I. THE ATTORNEY GENERAL'S POWER TO INJECT THE STATE INTO LITIGATION IS NOT UNLIMITED, AND HE HAS NO STATUTORY RIGHT TO INTERVENE IN THIS PRIVATE LAWSUIT.

The district court granted the Attorney General's motion to intervene pursuant to 12 O.S. § 2024. But no "statute confers" on the Attorney General "an unconditional right to intervene" in

this private litigation. 12 O.S. § 2024(A)(1). Merely because he is "the chief law officer of the state," 74 O.S. § 18, does not mean every case and controversy in the courts is his business.

The Attorney General posited in his motion that 74 O.S. § 18b(A)(3)—which provides that the Attorney General may "initiate or appear in any action in which the interests of the state or the people of the state are at issue"—gives him an unconditional right to intervene. Mot. to Intervene, App'x Tab 2 at 3. But this insurance dispute between private litigants is not one where "the interests of the state or the people of the state" are being adjudicated. Just because an Oklahoman is involved in a lawsuit alleging a violation of Oklahoma law—that is, effectively *every* lawsuit in Oklahoma—does not mean state interests or the collective "people of the state" are at issue. *Id.*

Rather, the Attorney General typically appears under this provision in "actions where the State is an interested party," such as when another party has sued a state official or agency, or challenged the validity of state actions. *Ethics Comm'n of State of Okla. v. Cullison*, 1993 OK 37, ¶ 10, 850 P.2d 1069, 1074. Similarly, intervention is by right where "the applicant claims an interest relating to the property or transaction which is the subject of the action . . . ." 12 O.S. § 2024(A)(2). Thus, the Attorney General could intervene under Section 18b(A)(3) in an action where the property interests of the State are at issue. But here the Attorney General cannot claim that the State has a property interest in the insurance claim that is the subject of this dispute.

States across the nation interpreting similar statutory language agree that the state attorney general does not have the unlimited duty or authority to intervene in litigation. The Illinois Supreme Court interpreted the Attorney General's power to be involved in cases where "the state is interested as a party" as requiring the state to have a "direct and substantial interest." *People ex rel. Lowe v. Marquette Nat'l Fire Ins. Co.*, 351 Ill. 516, 523, 525, 184 N.E. 800, 803 (1933) ("The state is not directly interested in a lawsuit where its only concern is to see that its citizens are

protected in their rights," even with respect to "such as regulations imposed upon public utilities and the like."). So too in South Carolina, where the attorney general's concerns about "the infringement of private rights" are insufficient to justify intervention. *Langford v. McLeod*, 269 S.C. 466, 473, 238 S.E.2d 161, 164 (1977). The same reasoning applies in other states. *See, e.g.*, *State ex rel. Olson v. Graff*, 287 N.W.2d 87, 89 (N.D. 1979) ("'Interested' is not synonymous with 'concerned,'" and instead requires more, such as the State's exposure to potential liability.).

Here, the Attorney General asserts that Section 18b(A)(3) authorizes his intervention because the "public interest"—namely, protecting "Oklahoma insurance consumers" statewide from allegedly unlawful insurance practices—is at stake in this case. Mot. to Intervene, App'x Tab 2 at 3. Not so. As the Attorney General concedes, this a case between "private litigants seeking private relief and compensation for a subset of policyholders." *Id.* at 4.

The Attorney General points to Plaintiffs' fictional theory that State Farm underpaid Plaintiffs' insurance claim as part of a larger "scheme" to underpay or deny claims seeking coverage for wind and hail damage. *Id.* at 2. But Plaintiffs' lawsuit arises solely from State Farm's alleged underpayment of *their* claim under *their* policy and seeks actual and punitive damages only for that isolated claim decision. Hursh Pet., App'x Tab 1. Whether State Farm engaged in such a "scheme" (it did not) is therefore relevant (if at all) only insofar as proving such a "scheme" will show that *Plaintiffs* are entitled to punitive damages for *their* claims. Even if Plaintiffs prevail in this litigation, no other Oklahoman stands to receive any relief from a final judgment in Plaintiffs' favor. Further, Plaintiffs could prevail even without proving the alleged "scheme" by showing their individual claim was underpaid. Conversely, even if the Attorney General is somehow correct in his allegations that *other* Oklahomans' claims were incorrectly handled, Plaintiffs could still lose on *their* case because State Farm properly evaluated their claim. Thus,

absent the Attorney General's intervention, the only interests at stake in this litigation are Plaintiffs' in receiving payments under their insurance policy for their alleged damages arising from wind and hail events—not the public interest. Hursh Pet., App'x Tab 1 at 34.

To be sure, this Attorney General has not been shy in aggressively claiming power to insert himself in litigation by relying on Section 18b(A)(3). Just as sure, this Court has not been shy in checking that power. *See Cherokee Nation v. U.S. Dep't of the Interior*, 2025 OK 4, ¶¶ 32, 37, 564 P.3d 58, 69-71. Thus, this Court did not hesitate to reject the Attorney General's argument that his authority under 74 O.S. § 18b(A)(3) allowed him "complete dominion" over cases involving the State's interests such that he could assume control of litigation from the Governor. *Id.* This Court refused to "read the Attorney General's statutory authority to extend so broadly." *Id.* So too here. The Court should refuse to construe the Attorney General's power so broadly as to allow intervention in litigation between two private parties unless the public interest is so direct and substantial that it would be seriously impaired without intervention. That is not this case.

Perhaps recognizing that paragraph (3) of Section 18b(A) does not give him the power he seeks, on reply in support of his intervention below, the Attorney General raised a new argument: that paragraph ***(22)*** of Section 18b(A) permits him to intervene as of right. Intervention Reply, App'x Tab 5 at 1-3. That statute allows the Attorney General to "represent and protect the *collective interests* of insurance consumers of this state in rate-related proceedings before the Insurance Commissioner or in any other state or federal judicial or administrative proceeding." 74 O.S. § 18b(A)(22) (emphasis added). But the same problem persists: this private action is simply not a proceeding where the "collective interests" of Oklahoma insurance consumers are directly at issue. Moreover, these are not "rate-related proceedings before the Insurance Commissioner" or

any other tribunal, which Plaintiffs *explicitly* acknowledge in their Petition. Hursh Pet., App'x Tab 1 at 16 n.8 (disclaiming allegations that "the rates State Farm charges . . . are unlawful").

Even if the words "any other . . . proceeding" extend beyond "rate-related proceedings," this Court looks to the "words immediately surrounding" that phrase. *Broadway Clinic v. Liberty Mut. Ins. Co.*, 2006 OK 29, ¶ 18, 139 P.3d 873, 878 (explaining the *noscitur a sociis* canon). Section 18b(A)(22) begins by discussing "rate-related proceedings before the Insurance Commissioner"—indeed, that is the only type of proceeding the statute specifically mentions. 74 O.S. § 18b(A)(22). Rate-related proceedings, in turn, are those that address the rates an insurance company intends to charge to *all* of its consumers statewide. *See generally* 36 Okla. Stat. § 987(A) (requiring every insurer to "file with the Commissioner all rates . . . to be used in this state"). Such proceedings thus plainly involve the pecuniary interest of *every* Oklahoman that purchases insurance from that company. Under the *noscitur a sociis* canon, the phrase "any other . . . proceeding" involving the "collective interests of insurance consumers" must therefore bear a similar meaning—that is, those proceedings must likewise be adjudicating the interests of *all* of a company's customers. *See Sullins v. Am. Med. Response of Okla., Inc.*, 2001 OK 20, ¶¶ 19-20, 23 P.3d 259, 263-64. Here, however, Plaintiffs allege claims and seek relief related to payment of benefits under their insurance policy only, not on behalf of *all* State Farm customers. Hursh Pet., App'x Tab 1 at 23-34. This case therefore falls outside the proceedings contemplated by Section 18b(A)(22), so that provision confers no right on the Attorney General to intervene.

Contrary to these legal strictures, the district court's order imposes virtually no limitations on the Attorney General's power to selectively influence civil litigation across this State, paving the way for abuses of power. Although there are numerous insurance disputes underway in Oklahoma courts, the Attorney General chose to intervene in only this case, throwing the weight

of the state's resources behind the claims of only these Plaintiffs. But this Court has explained that the "state cannot lend the power of its name, or assume the cause of one private citizen against another, for the purpose of settling rights or titles in controversy between them." *Emery*, 1928 OK 572, ¶ 27, 277 P. at 1035. And such selective intervention—where the Attorney General then uses the forum to assert entirely separate claims—also raises the danger of forum shopping.[1]

Echoing these principles, this Attorney General labeled his predecessor's use of similar tactics in a similar case an "abuse of the office." State Farm Resp., App'x Tab 4 at 33 (Exhibit 1). Without clear limits on the Attorney General's intervention power, that same potential for abuse remains. The Court should take up its role to enforce the legal limits on the Attorney General's power and issue a writ of prohibition.

II. THE ATTORNEY GENERAL'S INTERVENTION IN THIS INSURANCE DISPUTE VIOLATES THE SEPARATION OF POWERS BECAUSE THE CONSTITUTION VESTS THE AUTHORITY TO REGULATE THE ALLEGED INSURANCE PRACTICES WITH THE OKLAHOMA INSURANCE COMMISSIONER.

Were there any doubt about the Attorney General's lack of authority to intervene in this case, that doubt is resolved by the Oklahoma Constitution. The Attorney General cannot be permitted to intervene because his intervention infringes on the constitutional prerogatives of the Insurance Commissioner. The Attorney General is explicitly seeking to "vindicate the authority of the State of Oklahoma to regulate the business of insurance." Pet. for Intervention, App'x Tab 3

[1] Indeed, Plaintiffs' counsel have brought dozens of similar individual private lawsuits in courtrooms throughout the state, in which they have sought expansive discovery regarding the same alleged "scheme." *See, e.g.*, *Cox v. State Farm Fire & Cas. Co.*, No. CJ-2024-7630 (Okla. Cnty. Dist. Ct.) (Dishman, J.); *Black v. State Farm Fire & Cas. Co.*, No. CJ-2024-7827 (Okla. Cnty. Dist. Ct.) (Mai, J.); *Willard v. State Farm Fire & Cas. Co.*, No. CJ-2024-7380 (Okla. Cnty. Dist. Ct.) (Andrews, J.); *Methvin v. State Farm Fire & Cas. Co.*, No. CJ-2025-1031(Okla. Cnty. Dist. Ct.) (Ogden, J.). Yet, the Attorney General selected this lawsuit—and only this lawsuit—in which to intervene. His Motion does not indicate why he selected this particular forum in which to assert his claims.

at 2. Under the Constitution, that is not his job. It is that of the Insurance Commissioner. The Attorney General's intervention in this case thus violates the separation of powers.

In Oklahoma, "[t]he Executive authority of the state" is "vested" in multiple, separately elected officers, including the "Attorney General" and the "Commissioner of Insurance." OKLA. CONST. art. VI, § 1. "The Constitution makes no further reference to the duties or powers of the Attorney General." *Cherokee Nation*, 2025 OK 4, ¶ 20, 564 P.3d at 66. In contrast, it vests explicit *constitutional* authority in the Insurance Department and its Commissioner for "the execution of ***all*** laws now in force, or which shall hereafter be passed, in relation to insurance and insurance companies doing business in the State." OKLA. CONST. art. VI, §§ 22, 23 (emphasis added). That constitutional grant of authority to the Insurance Commissioner "implies a negation of its exercise by" the Attorney General. *Baker*, 1981 OK 160, ¶ 7, 638 P.2d at 466. "If it did not, the whole constitutional fabric might be undermined and destroyed." *Trapp v. Cook Const. Co.*, 1909 OK 259, ¶ 11, 105 P. 667, 670.

For example, in *Oklahoma Benefit Life Association v. Bird*, members of a mutual benefit association brought suit to prevent the association from transacting with an insurance company. 1943 OK 103, ¶ 4, 135 P.2d 994, 995-96. "Had the case in district court been an ordinary action by stockholders against the officers of the corporation, the petition may have stated a cause for equitable relief." *Id.* ¶ 5, 135 P.2d at 996. "But," this Court explained, "unlike the ordinary business corporation, insurance companies have been placed under the general supervisory control of the Insurance Department of the State, and that department is charged with the execution of all laws in relation to insurance and to insurance companies doing business in the State." *Id.* (citing OKLA. CONST. art. VI, § 22). Thus, it was the Insurance Commissioner, and him alone, that had authority to execute "laws having for their purpose the regulation of such companies in all matters pertaining

to the general operation of their business as affecting the public at large and their policyholders as a body." *Id.* ¶ 6, 135 P.2d at 996. So "[a]side from existing contractual relation between the company and the individual policyholder," it is only "the Insurance Commissioner [that] may be made the executive spokesman for the policyholders and for the State in pursuing any remedy against the company or its officers," including "to institute proper judicial proceeding[s]." *Id.*

Bird thus reaffirmed the longstanding "general rule"—in the specific context of the Insurance Commissioner—"that where the Legislature has declared that certain classes of cases shall be prosecuted in the name of the State by designated persons or officers, such cases cannot be maintained ***by any other person***." *Id.* (emphasis added). This Court accordingly issued a writ of prohibition. *Id.* ¶¶ 9-16, 135 P.2d at 996-97. The same result is warranted here. Whatever the power of the Attorney General to bring the claims he alleges here in other contexts, he cannot do so in the insurance context because that is the exclusive purview of the Insurance Commissioner.

The Attorney General's claims in this case also directly overlap with the statutory role of the Insurance Commissioner. The Attorney General seeks to intervene to ensure "insurance consumers are not subjected to deceptive, unfair, or unlawful insurance practices." Mot. to Intervene, App'x Tab 2 at 3. But it is the Insurance Commissioner who is empowered to investigate and prosecute alleged "unfair or deceptive act[s] or practice[s]" in the insurance industry. 36 O.S. § 1205. That includes "[m]isrepresentations and false advertising of policy contracts" and "[f]alse information and advertising generally." *Id.* § 1204.

Nor does any statute provide the Attorney General the authority to regulate as he seeks to do here. As noted above, 74 O.S. § 18b(A)(22) is not applicable to this case and in any event creates no substantive law for the Attorney General to enforce. The Attorney General also points to 74 O.S. § 18n-1. Intervention Reply, App'x Tab 5 at 3-4. But that law allows the Attorney

General to investigate "insurance fraud," which is when a *policy holder* or other entity (*e.g.*, a medical provider) attempts to defraud an insurance company by "present[ing] any false or fraudulent claim . . . upon any contract of insurance, for the payment of any loss." 21 O.S. § 1662. Thus, it is insurers who under the law must report "insurance fraud." 36 O.S. § 363(A). That simply has nothing to do with the Attorney General's allegations in his Petition for intervention.

Regardless, no statute that purports to provide the Attorney General the authority to regulate insurance may override the Oklahoma Constitution's separation of powers and grant of authority to the Insurance Commissioner to execute "all laws . . . in relation to insurance and insurance companies doing business in the State." OKLA. CONST. art. VI, § 22. These "constitutional grounds" for the Insurance Commissioner's power override any statutory grounds for the Attorney General's power. *See Cherokee Nation*, 2025 OK 4, ¶¶ 29-30, 564 P.3d at 68. And the Court should "decline to adopt an interpretation" of the Attorney General's powers "which raises such obvious separation-of-powers concerns." *Id.* ¶ 41, 564 P.3d at 72.

Given the Constitution's grant of power to regulate insurance to the Insurance Commissioner—not the Attorney General—it is no surprise that none of the intervention claims apply to the insurance industry. The Attorney General primarily brings an OCPA claim, but that law specifically "exempts transactions regulated under laws administered by any regulatory body acting under statutory authority of the state or United States." *Est. of Hicks v. Urban E., Inc.*, 2004 OK 36, ¶ 25, 92 P.3d 88, 94 (citing 15 O.S. § 754). That precludes OCPA claims against insurers for alleged insurance-related misconduct, as many courts have held.[2] And the Attorney General's ORICO and conspiracy claims are dependent on the OCPA claim to form the predicate acts.

[2] *See Country Gold, Inc. v. State Auto Prop. & Cas. Ins. Co.*, 2015 WL 431638, at *1 (W.D. Okla. Feb. 2, 2015); *Bayro v. State Farm Fire & Cas. Co.*, 2015 WL 4717166, at *3 (W.D. Okla. Aug. 7, 2015); *Ruffin v. State Farm Fire & Cas. Co.*, 2014 WL 12730326, at *2 (W.D. Okla. Dec.

Ultimately, this case demonstrates the purpose of the separation of powers: a "structural protection[] against abuse of power" that is "critical to preserving liberty." *Seila Law LLC v. CFPB*, 591 U.S. 197, 223 (2020). That "structure scrupulously avoids concentrating power in the hands of any single individual." *Id.* It is this Court's function to "safeguard against the encroachment and aggrandizement" of one officer and to resist with "vigilance against the hydraulic pressure inherent within each of the separate Branches to exceed the outer limits of its power." *Mistretta v. United States*, 488 U.S. 361, 382 (1989) (citation modified).

The separation of powers also serves another purpose: it creates clear accountability in one officer or branch. If multiple officers are wielding the same power, "the public cannot determine on whom the blame . . . ought really to fall" for poor or pernicious regulation. *Free Enter. Fund v. Pub. Co. Acct. Oversight Bd.*, 561 U.S. 477, 498 (2010) (citation modified). Without clear separation, an officer "could not be held fully accountable for discharging his own responsibilities; the buck would stop somewhere else." *Id.* at 514. And it also would mean the people and regulated entities are subject to multiple authorities, perhaps with different or competing policies and political interests. The Attorney General's attempt to exercise powers over the insurance business that are given to the Insurance Commissioner presents exactly those dangers.

The framers of the Oklahoma Constitution separated the executive power of the State between multiple officers; the Attorney General seeks to tear down those walls. But there are substantive limitations on his power. His intervention into this insurance dispute violates the separation of powers. A writ of prohibition must issue.

16, 2014); *Childs v. Unified Life Ins. Co.*, 781 F. Supp. 2d 1240, 1250 (N.D. Okla. 2011); *Thomas v. Metro. Life Ins. Co.*, 540 F. Supp. 2d 1212, 1228 (W.D. Okla. 2008).

III. INTERVENTION BY THE ATTORNEY GENERAL UNLAWFULLY ENLARGES AND ALTERS THE PROCEEDINGS.

The district court erred for a third, independent reason: it permitted the Attorney General to intervene and assert claims substantially different from those originally raised by the Plaintiffs. The district court's order therefore enlarged the issues and altered the proceedings presented by Plaintiffs' original petition, which this Court has held is impermissible.

"An intervenor is not permitted to enlarge the issues or compel an alteration of the proceedings, or to include matters not germane to the issues presented." *Gettler*, 1987 OK 57, ¶ 9, 739 P.2d at 518; *see Franklin v. Margay Oil Corp.*, 1944 OK 316, ¶ 49, 153 P.2d 486, 497 (same). Thus, where an intervenor's petition raises claims and requests relief that are "too far afield" from the claims and relief requested in a plaintiff's original petition, intervention should be denied. *Sooner Prop. Mgmt., Inc. v. Okla. Gas & Elec. Co.*, 1973 OK 159, ¶ 5, 517 P.2d 1133, 1135.

Here, the Attorney General asserts claims and requests relief wholly different those Plaintiffs raised and requested in their petition. Plaintiffs' suit is a fundamentally private action between private parties raising individual claims about a single policy, a single home, and the handling of a single claim. Taken to its nucleus of operative facts, Plaintiffs allege that their home suffered damage from wind and hail events and that State Farm improperly refused to pay them the full benefits owed under their dwelling insurance policy. Hursh Pet., App'x Tab 1. Plaintiffs assert claims for, *inter alia*, breach of contract and breach of the duty of good faith. *Id.* at 23-34. Plaintiffs requested *for themselves* actual and punitive damages and disgorgement. *Id.* at 34.

The Attorney General, however, seeks to significantly expand the nature of Plaintiffs' action. In the Attorney General's own words: "Plaintiffs are private litigants seeking private relief and compensation for a subset of policyholders," but the Attorney General seeks to "represent[] the broader public interest . . . and the integrity of the insurance marketplace as a whole." Mot. to

Intervene, App'x Tab 2 at 4. To achieve that aim, the Attorney General brings claims under the OCPA, the ORICO, and the Oklahoma Deceptive Trade Practices Act, as well as claims for civil conspiracy and unjust enrichment. *Id.* at 4–5. But Plaintiffs raised none of those claims in their original petition. And the Attorney General asks for remedies completely distinct from those requested by Plaintiffs—namely, declaratory and injunctive relief, restitution to non-parties, statutory damages under ORICO and OCPA, and civil penalties. Pet. for Intervention, App'x Tab 3 at 20. Simply put, the Attorney General's claims and remedies are "far afield" from Plaintiffs'. *Sooner Prop. Mgmt.*, 1973 OK 159, ¶ 5, 517 P.2d at 1135.

The district court's grant of the Attorney General's motion thus enlarged the issues and altered the proceedings. Judge Palumbo's order more than doubled the number of claims to be litigated, and each of the Attorney General's new claims raises issues distinct from those raised by Plaintiffs. These claims, which seek to adjudicate State Farm's handling of insurance claims under policies issued to Oklahomans statewide, also portend to drastically alter the scope of discovery, rendering these proceedings unrecognizable. Intervention, either by right or by permission, is therefore unauthorized. *See Gettler*, 1987 OK 57, ¶ 9, 739 P.2d at 518.

IV. INTERVENTION WILL UNDULY PROLONG THE LITIGATION AND PREJUDICE STATE FARM, INFLICTING IRREPARABLE INJURY ABSENT INTERVENTION BY THIS COURT.

Section 2024(B)(2) allows permissive intervention where "an applicant's claim or defense and the main action have a question of law or fact in common," but not when "the intervention will unduly delay or prejudice the adjudication of the rights of the original parties." Even if the Attorney General raises sufficient common questions of fact with Plaintiffs, his intervention will delay the proceedings and prejudice State Farm.

Forcing State Farm to defend against new OCPA and ORICO claims in a suit centered around individual roof damage is highly prejudicial. For the period preceding the Attorney General's decision

to intervene, State Farm's strategy focused on defending against Plaintiffs' narrow, individual claims. *See, e.g.*, State Farm Resp. to Mot. to Compel, App'x Tab 7 at 1 ("This is a single homeowners' case involving an approximately $22,000.00 dispute over damages to a *single* Oklahoma property[.]"). Now the Attorney General purports to inject sweeping claims of statewide malfeasance against State Farm. Indeed, the breadth of the Attorney General's claims will, among other things, be used to justify broader discovery than that required to adjudicate Plaintiffs' private dispute. That will necessarily cause delay. And because, as explained, the district court committed errors on pure questions of law, it inherently abused its discretion. *Christian v. Gray*, 2003 OK 10, ¶ 43, 65 P.3d 591, 608. Intervention should have been denied.

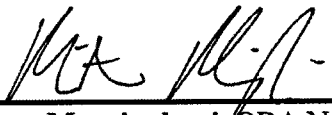
The prejudice to State Farm also shows "injury for which there is no other adequate remedy" besides a writ of prohibition. *Maree v. Neuwirth*, 2016 OK 62, ¶ 6, 374 P.3d 750, 753. By enlarging the issues and altering the proceedings, the district court's order subjects State Farm to prolonged litigation, increased legal expenses, and attempts at expanded discovery. What is more, intervention would allow Plaintiffs and the Attorney General to leverage the State's unique law-enforcement powers and the associated penalties to extract an increased settlement by State Farm.

State Farm has no right to appeal the district court's interlocutory order. *Cf.* Okla. Sup. Ct. R. 1.20(b)(5) (authorizing an appeal only from an order *denying* intervention). So absent a writ, the district court's order will signal judicial approval of the selective-intervention tactics the Attorney General used to commandeer this private lawsuit. Thus, a writ of prohibition from this Court is the only means by which State Farm can address this injury before the damage is done.

CONCLUSION

State Farm respectfully requests that the Court assume original jurisdiction, vacate the district court's order, issue a writ of prohibition, and order the district court to deny intervention and otherwise dismiss the Attorney General from this suit.

Respectfully Submitted,



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CERTIFICATE OF SERVICE

I hereby certify that a true and correct copy of the above and foregoing was mailed this 16th day of January, 2026, by depositing it in the U.S. Mail, postage prepaid, to:

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Oklahoma County Courthouse
321 Park Avenue, Room 809
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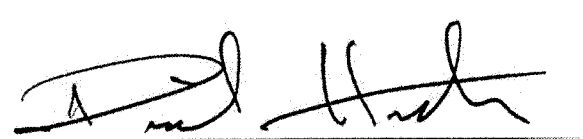

David R. Herber