



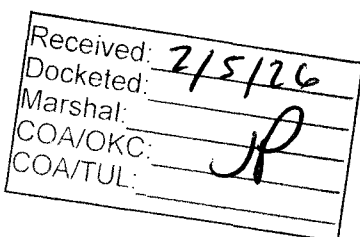
# Original

IN THE SUPREME COURT OF THE STATE OF OKLAHOMA-

FILED  
SUPREME COURT  
STATE OF OKLAHOMA

<p>STATE FARM FIRE &amp; CASUALTY COMPANY, Petitioner,</p> <p>v.</p> <p>THE HONORABLE AMY PALUMBO, Respondent,</p> <p>-AND-</p> <p>BILLY HURSH AND LACY HURSH, Real Parties in Interest,</p> <p>-AND-</p> <p>GENTNER DRUMMOND in his official capacity as Attorney General of Oklahoma, Real Parties in Interest.</p>	<p>FEB 05 2026</p> <p>SELDEN JONES CLERK</p> <p>Sup. Ct. Case No.: PR-123739</p> <p>Oklahoma County Case No. CJ-2025-2626</p>
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**REAL PARTY IN INTEREST BILLY AND LACY HURSH'S OBJECTION AND RESPONSE TO DEFENDANT STATE FARM'S APPLICATION TO ASSUME ORIGINAL JURISDICTION AND PETITION FOR WRIT OF PROHIBITION**

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Plaintiffs Billy and Lacy Hursh, (“Plaintiffs”) respectfully submit the following Objection and Response to Defendant State Farm Fire and Casualty Company’s (“Defendant” or “State Farm”) Application to Assume Original Jurisdiction and Petition for Writ of Prohibition (“Application”). Plaintiffs hereby notify this Court that they consent and have no objections to the Attorney General’s Motion to Intervene or Petition for Intervention. Plaintiffs assert State farm has failed to meet the burden of an extraordinary writ and it must be denied.

**I. Standard Governing Issuance of an Extraordinary Writ.**

This Court issues writs of prohibition where an exercise of judicial power violates fundamental law. *Lepak v. McClain*, 1992 OK 166, 844 P.2d 852, 853. This remedy usually only applies where fundamental law rights are clearly implicated and their immediate protection from encroachment appears absolutely necessary or in public interest cases. *Gaylord Entm’t Co. v. Thompson*, 1998 OK 30, 958 P.2d 128, 137. Prohibition is not a writ of right, but one of sound discretion, to be granted or withheld by the Court exercising supervisory control according to the nature and circumstances of each particular case. *Delhi Gas Pipeline Corp. v. Swanson*, 1974 OK 26, 520 P.2d 670, 672.

An abuse of discretion requires a determination of whether the trial court made a *clearly erroneous conclusion* which is against all reason and the evidence. *Oklahoma Turnpike Auth. v. Asher*, 1993 OK 136, ¶ 7, 863 P.2d 1205. The presumption is that the trial court’s findings are correct. *Id.* An abuse of discretion means the trial court based its decision on “an erroneous conclusion of law” or “there is no rational basis in evidence for the ruling.” *Fent v. Oklahoma Natural Gas Co.*, 2001 OK 35, ¶ 12, 27 P.3d 477, 481. Where the trial court has neither exceeded its jurisdiction nor abused its discretion, extraordinary relief is *not* appropriate. *Warren v. Myers*, 1976 OK 118, 554 P.2d 1171, 1174. This high standard is not met here, and the requested

extraordinary writ should be denied.

This Court has an explicit rule for review of orders denying intervention, but not for granting such. Sup. Ct. R. 1.20(b)(5). This contemplates that the granting of intervention is discretionary and does not arise to the standard required for an extraordinary writ. Furthermore, since the entire basis of State Farm's writ is the Insurance Commissioner's authority under Title 36, and the Commissioner has welcomed the Attorney General to investigate State Farm under Title 36 together, the merits of State Farm's writ are moot.

### CONCLUSION

For the reasons set forth above, Plaintiffs respectfully request this Court deny Defendant State Farm Fire and Casualty Company's Motion for Stay Pending Writ of Prohibition and for such further relief the Court deems proper.

Respectfully submitted,



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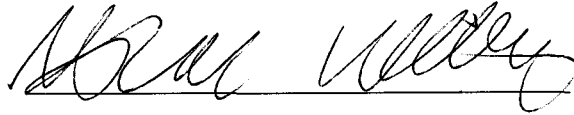
*Attorneys for Real Parties in Interest,  
Billy and Lacy Hursh*

**CERTIFICATE OF SERVICE**

I hereby certify that on February 5, 2026, a copy of the above and foregoing was served via United States Mail, postage prepaid, to:

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*Attorneys For Petitioner,  
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A handwritten signature in black ink, appearing to read "Lance E. Leffel", is written over a horizontal line.