

AT



DISTRICT COURT  
**FILED**

IN THE DISTRICT COURT OF TULSA COUNTY  
STATE OF OKLAHOMA

AUG 29 2012

SALLY HOWE SMITH, COURT CLERK  
STATE OF OKLA. TULSA COUNTY

LARRY SMOOT, CONNIE SMOOT, and )  
C&L RESTORATION SERVICES, LLC )

Plaintiffs, )

vs. )

Case No. CJ-2007-2299  
Hon. Rebecca Nightingale

BRANDON HOPPER, JULIE HOPPER, and )  
B&J RESTORATION SERVICES, INC., )  
a/k/a B&J RESTORATION, INC.. )

Defendants. )

**PLAINTIFFS' RESPONSE TO  
MARK LYONS' FILING TITLED  
"NOTICE OF FAILURE TO TIMELY DELIVER FILED PLEADINGS"**

Sometimes people play on computers and produce silly results. See e.g. Figure A; see also, "Notice Of Failure To Timely Deliver Filed Pleadings," filed by Mark Lyons in the above-captioned case on August 23, 2012 (hereinafter shortened to "Failure").

SALLY HOWE SMITH  
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Fig. A

Sometimes attorneys waste the time and resources of the Court with unnecessary filings that could have been avoided with a simple professional telephone call, e-mail, or other communication to opposing counsel. *See e.g. Failure*. Professional courtesy, handshakes (*see e.g. Figure B*), and the like are sadly too rare in the practice of law.



Fig. B.

In the *Failure*, Mr. Lyons submits 20 pages to the Court exposing urgent matters such as the fact that on October 23, 2008, an attorney signed a Certificate of Mailing that was actually not mailed until hours later, on October 24, 2008. *See Figure C*. Demonstrating his own superior commitment to timeliness, Mr. Lyons has swiftly brought that 2008 mailing incident to the Court's attention in less than four years.



Fig. C.

As for the day-after mailings, Plaintiffs hereby concede that sometimes work is done in the afternoon. As a result, sometimes outgoing mail is placed in the outgoing mailbox after that day's outgoing mail has already been collected. In those instances, said outgoing mail is collected during the next collection of outgoing mail, which falls on the ensuing calendar day, thus explaining the developments Mr. Lyons calls "inexcusable" and a "persistent problem" in his 20-page filing. *See generally, Failure*.

Finally, in a marvelous bit of irony, undersigned counsel has still not received Mr. Lyons' filing of August 17, 2012 (12 days ago). But rather than burden the Court with this type of matter, undersigned counsel e-mailed Mr. Lyons on August 21, 2012, politely reminding Mr. Lyons of the correct mailing address and asking for this filing (a copy of which e-mail is attached as Exhibit A). Mr. Lyons' response to that e-mail can best be depicted by Figure D.

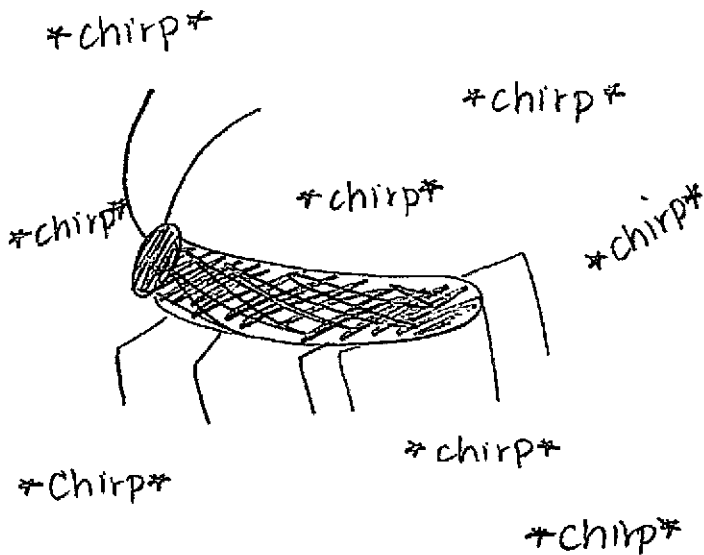
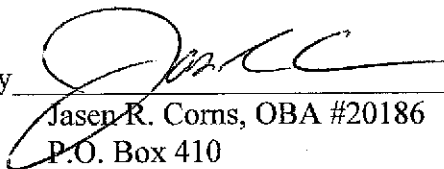


Fig. D.

WHEREFORE, Plaintiffs request that the Court treat the *Failure* in the ways it deems just, and again politely asks Mr. Lyons to mail his August 17, 2012, filing when he gets a chance.

Respectfully submitted,

By   
Jason R. Corns, OBA #20186  
P.O. Box 410  
Jenks, OK 74037  
T: \_\_\_\_\_  
F: \_\_\_\_\_  
ATTORNEY FOR PLAINTIFFS

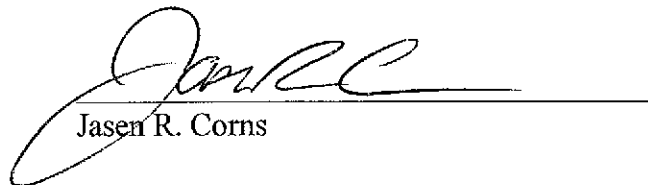
**CERTIFICATE OF SERVICE**

I hereby certify that on this 29<sup>th</sup> day of August, 2012, I caused<sup>1</sup> a true and correct copy of the foregoing to be mailed to the following:

Mark Lyons  
Lyons, Clark & Mensching  
616 S. Main, Suite 201  
Tulsa, Oklahoma 74119  
Attorney for Defendants

Pat Mensching  
Riggs Abney  
502 West 6<sup>th</sup> St  
Tulsa, OK 74119-1016

Tracy Robinette  
Robinett & Murphy  
624 S. Boston, Suite 900  
Tulsa, Oklahoma 74119

  
Jason R. Corns

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<sup>1</sup> Really, I did.

**EXHIBITS REDACTED**