

IN THE DISTRICT COURT OF OKLAHOMA COUNTY
STATE OF OKLAHOMA

FILED IN DISTRICT COURT
OKLAHOMA COUNTY

State of Oklahoma, ex rel. Oklahoma)
Tourism and Recreation Department,)
)
Plaintiff,)
)
v.)
)
Swadley's Foggy Bottom Kitchen, LLC,)
an Oklahoma limited liability company,)
)
Defendant.)

APR 29 2022
RICK WARREN
COURT CLERK
37 _____

Case No:
CJ - 2022 - 2001

PETITION

COMES NOW Plaintiff State of Oklahoma, ex rel. Oklahoma Tourism and Recreation Department ("Plaintiff"), and hereby alleges the following facts and causes of action against Defendant Swadley's Foggy Bottom Kitchen, LLC ("Defendant").

1. This action is instituted by the State of Oklahoma, ex rel. Oklahoma Tourism and Recreation Department, as authorized by and pursuant to OKLA. STAT. tit. 74, § 2204.
2. Upon information and belief, Defendant Swadley's Foggy Bottom Kitchen, LLC is an Oklahoma limited liability company located in Oklahoma County, Oklahoma.
3. On or about March 4, 2020, Plaintiff and Defendant entered into a contractual arrangement regarding restaurant operations in the Oklahoma State Parks ("Contract").
4. Under the terms of the Contract, Defendant has the duty and obligation to make its financial books, records, and documents available to Plaintiff at all reasonable times.
5. Under the terms of the Contract, Defendant has the duty and obligation to have its financial statements audited annually and delivered with the audit report to Plaintiff.

6. Plaintiff has repeatedly requested that Defendant make its financial statements, books, records, reports, and such documents available for examination by Plaintiff.

7. Plaintiff's requests are reasonable and necessary not only because Plaintiff is contractually entitled to such information and documents but also to ascertain the accuracy of Defendant's record keeping and reconcile all monies paid by or owed to Plaintiff.

8. Defendant has violated its promises and obligations and is in material breach of the Contract and has failed and refused to provide an accounting to Plaintiff.

9. As a result of Defendant's knowing, reckless, and willful refusal to comply with its obligations and to provide an accounting, Plaintiff has been damaged.

10. Plaintiff is entitled to a full and complete accounting from Defendant.

WHEREFORE, Plaintiff State of Oklahoma, ex rel. Oklahoma Tourism and Recreation Department, requests the following against Swadley's Foggy Bottom Kitchen, LLC:

1. Judgment requiring said Defendant to perform its duties under the Contract;
2. A full and complete accounting; and
3. Such other and further relief this Court deems appropriate, including interest, costs, and attorney fees.

Respectfully submitted,



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