



ORIGINAL

2026 OK 51

IN THE SUPREME COURT OF THE STATE OF OKLAHOMA

FILED
SUPREME COURT
STATE OF OKLAHOMA

STATE FARM FIRE & CASUALTY)
COMPANY,)

JUN 23 2026

Petitioner,)

SELDEN JONES
CLERK

v.)

No. 123,739

THE HONORABLE AMY PALUMBO,)
Oklahoma County District Judge,)

FOR OFFICIAL PUBLICATION

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.)

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ORDER

¶1 Original jurisdiction is assumed. Okla. Const. art. VII, § 4. The Court will assume original jurisdiction and grant extraordinary relief when the district court has exceeded its authority. *Murrell v. Cox*, 2009 OK 93, ¶ 23, 226 P.3d 692, 697. Petitioner State Farm Fire & Casualty Company ("State Farm") has shown, for the reasons stated herein, that the district court exercised judicial power unauthorized by law, and no adequate remedy at law exists. *Cannon v. Lane*, 1993 OK 40, ¶ 12,

867 P.2d 1235, 1239. A writ of prohibition is issued to Oklahoma County District Court Judge Amy Palumbo, or any other assigned judge, in *Billy & Lacy Hursh v. State Farm Fire & Casualty Company*, No. CJ-2025-2626 (Oklahoma County), barring the enforcement of the December 30, 2025 order that granted intervention by the Attorney General.

¶2 On April 17, 2025, Billy Hursh and Lacy Hursh (“Hurshes”) filed a petition against State Farm alleging breach of contract, bad faith, constructive fraud, and negligent misrepresentation following a dispute over hailstorm loss coverage. The district court later granted the Attorney General’s motion to intervene, allowing the State to assert claims for injunctive relief and damages under the Oklahoma Consumer Protection Act (“OCPA”), 15 O.S.2021, §§ 751-764.1, the Oklahoma Racketeer-Influenced and Corrupt Organizations Act (“RICO”), 22 O.S.2021, §§ 1401-1419, and the Oklahoma Deceptive Trade Practices Act, 78 O.S.2021, §§ 51-56, as well as claims for civil conspiracy and unjust enrichment. State Farm now seeks a writ regarding that intervention order, and this Court heard oral arguments on April 27, 2026.

DISCUSSION

¶3 The Court must determine whether the district court abused its discretion by permitting the Attorney General’s request to intervene in the underlying litigation. Here, allowing intervention would impermissibly expand the scope of the underlying litigation, violating a fundamental procedural rule for intervention. Since

the Court finds intervention was improper procedurally, we need not address the grounds for intervention or the remaining arguments raised by State Farm.

¶4 It is a fundamental procedural rule in Oklahoma that an intervenor must take the case as they find it; they are not permitted “to enlarge the issues or compel an alteration of the proceedings, or to include matters not germane to the issues presented.” *Gettler v. Cities Serv. Co.*, 1987 OK 57, ¶ 9, 739 P.2d 515, 518. Indeed, an intervenor “is admitted to the proceeding as it stands,” and cannot be allowed to expand the litigation beyond its original scope or character. *Franklin v. Margay Oil Corp.*, 1944 OK 316, ¶ 49, 153 P.2d 486, 497. Because the Attorney General’s claims introduce issues foreign to the underlying contract dispute, intervention would violate these established procedural limits.

¶5 The underlying litigation is a private contract dispute centered on a specific bad faith claim against State Farm for hail damage to a single property. The Attorney General’s intervention transforms this narrow action into a broad, statewide proceeding. By merging numerous generalized claims with a single, concrete dispute in Oklahoma County, the nature of the litigation is fundamentally altered. Such an expansion forces the original parties to litigate issues untethered to the Hurshes’ actual loss, effectively overwhelming the specific merits of the private claim with matters far exceeding the scope of the original petition.


¶6 The applicable law in the Attorney General’s proposed claims diverges from the underlying bad faith action. The Hurshes’ claims are governed by established principles of contract law and the duty of good faith. In contrast, the Attorney

General's pursuit of RICO allegations introduce quasi-criminal elements that would not only impermissibly broaden the scope of this civil contract dispute but also the nature of the recovery sought. The Attorney General seeks public-interest remedies like injunctive relief, civil penalties, and disgorgement, which are fundamentally different from the Hurshes' private contract damages. Such an expansion is impermissible under Oklahoma law.

¶7 The proper recourse could be for the Attorney General to bring his claims in a separate, independent lawsuit, which avoids the restraints of *Gettler* on intervention. Likewise, State Farm could fully litigate its remaining arguments at that time before the district court, which are not addressed in this order. Indeed, the Attorney General admits his intent to file such an action. Maintaining these as distinct proceedings ensures that the State's broad interests are addressed in the correct forum while preserving the integrity of this private litigation.

¶8 Accordingly, we issue a writ of prohibition, barring the enforcement of the December 30, 2025 order that permitted the Attorney General to intervene in the underlying suit brought by the Hurshes.

DONE BY ORDER OF THE SUPREME COURT IN CONFERENCE THE
23rd DAY OF JUNE, 2026.


CHIEF JUSTICE

CONCUR: Rowe, C.J., Kuehn, V.C.J., and Edmondson, Combs and Gurich, JJ., and Downing and Huber, S.JJ.
CONCUR IN RESULT: Winchester (by separate writing) and Darby, JJ.
RECUSED: Kane and Jett, JJ.