DISTRICT COURT
FILED
OCT 29 2026
DON NEWBERRY, Court Clerk
STATE OF OKLA. TULSA COUNTY

IN THE DISTRICT COURT OF TULSA COUNTY
STATE OF OKLAHOMA

IN RE: PETITION FOR THE CONVENING OF A CITIZENS' GRAND JURY) Case No. GJ-2026-2

ORDER FOR HEARING, FINDINGS OF FACT BASED ON THE RECORD, AND STATUS OF PENDING ISSUES

This matter comes before the Court on assignment by Supreme Court Order SCAD-2026-92, filed October 28, 2026.

ORDER FOR HEARING

The Court sets the following matters for hearing on Tuesday, November 3, 2026, at 10:00 a.m., in Courtroom 605, Tulsa County Courthouse, by agreement of counsel, and orders:

1. The matters in Table A below will be heard and addressed. The matters in Table B are moot by reason of this setting and will be so noted unless a party objects at the hearing.

2. If the District Attorney files a Motion to Quash, he shall file it and email it to counsel and chambers by noon on Friday, October 30, 2026. Petitioner may respond by noon on Monday, November 2, 2026, or at the hearing. The Court will hear it on November 3.

3. The Court will email a Microsoft Teams link to each person listed in the Certificate of Service so that any of them may participate in the hearing remotely.

4. Counsel of record may be heard on all matters. Mr. Wakat is a non-party and receives this Order and the Teams link for notice only. He may be heard only on No. 4, and notice to him does not determine his status or confer any right to file or to be served.

5. Nothing in this Order stays, tolls, or extends any statutory deadline or rules on any pending matter.

FINDINGS OF FACT BASED ON THE RECORD

Based on the record and the pleadings and orders on file, the Court finds:

1. The petition was filed September 23, 2026. Judge Pazzo entered orders on September 29, October 1, and October 5, 2026, and recused October 6. Judge Russell entered an order on October 20 and recused October 22. Neither recusal states a basis.

2. No ruling has been made on the motions, objections, and requests listed below, and no hearing has been held.

3. The 45-day period of 38 O.S. § 103 is fixed by statute, and the Court has not determined when it began to run.

4. The Court has not determined whether the District Attorney or any other person is a party to or an intervenor in this proceeding.

STATUS OF PENDING ISSUES

Table A. Matters to be heard

No.	Matter and filings	Issue to be heard
1	Participation of the District Attorney and his counsel. Petitioner's Motion to Strike Entries of Appearance (9/30) and Supplement (10/1); DA Response (10/12); Petitioner's Consolidated Response (10/13); Petitioner's Objection to Adverse Participation (10/21); DA Reply (10/27).	Whether Title 38 permits the subject of the petition to be heard before certification under § 107, and in what capacity; the authorities cited in the DA's Reply; timeliness of the Reply under the Order of October 20.
2	DA's Motion to Vacate the October 5 Order and Stay Circulation (10/12).	Effect of the unexplained recusals of Judges Pazzo and Russell; whether any ground for vacatur is shown; authority to stay circulation.
3	The 45-day period, 38 O.S. §§ 103 and 106 (Court's own motion).	Date from which the period runs (Sept. 29, Oct. 1, or Oct. 5 order); date it expires; whether any court may extend or toll it.

No.	Matter and filings	Issue to be heard
4	Filings of August J. Wakat, Jr.: Entry of Appearance and Request for Video and Electronic Filing, Motion for Leave to Amend (9/28); Petitioner's Objection and Motion to Strike (9/28) and Limited Reply (10/12); Wakat Response (9/30); Objection to Entries of Appearance (9/30); Request for DOJ Referral (10/6); Motion to Disqualify Chief Justice Rowe (10/9); Motion for Subpoenas Duces Tecum (10/16).	Standing and authority to file; motion to strike; whether the Court may act on the disqualification and subpoena requests; whether any limit on further filings is warranted, after notice and a hearing.
5	DA's anticipated Motion to Quash (if filed by noon 10/30; Petitioner's response due noon 11/2).	Whether Title 38 authorizes a motion to quash at this stage; if so, its merits. Setting these dates is not a ruling that the motion is authorized.
6	Matters raised in the DA's Amended Request for Status Conference and Reply: real party in interest; alleged use of artificial intelligence; use of social media; method of service.	Whether each is properly before the Court, whether relief is requested and procedurally available, and by what motion.

Table B. Matters rendered moot by this setting

No.	Matter and filings	Disposition
7	DA's Request for Status Conference (10/2) and Amended Request (10/12); Petitioner's Response in Opposition (10/2); Wakat Response in Agreement (10/6), as to the conference only.	Moot as requests for a conference. The underlying issues are carried to Nos. 1–6.
8	Petitioner's Emergency Motion to Temporarily Stay Further Adverse Participation (10/21).	Moot as to the reply deadline; otherwise included in No. 1.
9	DA's Application for Leave to File a Reply (10/15), granted 10/20; Wakat Response in Opposition (10/16), as to the Application only.	Moot. The subpoena request in the same filing is included in No. 4.

IT IS SO ORDERED this 29th day of October, 2026.

Timothy L. King, District Judge
Assigned pursuant to SCAD-2026-92

CERTIFICATE OF SERVICE

The undersigned certifies that on the _____ day of October, 2026, a copy of the foregoing order was sent via email attachment, to the following:

Ms. Shar Agosto at shar@augustlawfirm.com
Mr. Joel L. Wohlgemuth at jwohlgemuth@nwlawok.com
Ms. Jo Lynn Jeter at jjeter@nwlawok.com
Ms. Sarah A. McManes at smcmanes@nwlawok.com
Mr. August J. Wakat Jr. @ elroi81082@gmail.com

_____
Tulsa County Court Clerk

COURT CLERK'S CERTIFICATION

I, Don Newberry, District Court Clerk for Tulsa, Oklahoma, hereby certify that the foregoing is a true, correct and full copy of the instrument herewith set out as appears on record in the Court Clerk's Office of Tulsa, Oklahoma.

Dated this the 29th day of October, 2026

DON NEWBERRY, DISTRICT COURT CLERK, TULSA COUNTY, OKLAHOMA

By: Tracy Reed **Deputy**

