



2026 Civil Case Law Update  
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# Introduction and Court News



- Chief Justice Dustin Rowe continues his courthouse tour of Oklahoma, visiting all seventy-seven county courthouses. As his term nears its end, the Chief Justice is pushing strong to visit each Courthouse across Oklahoma.





# Court News Con't






- Oral Argument Trend (?)
  - *Less than five arguments in 2020, 2021, and 2022;*
  - *Five arguments in 2023 and 2024;*
  - *Five arguments in 2025 (all from original jurisdiction matters).*
  - *Three arguments have occurred as of July 1, 2026*

11:13



✕ [www.oscn.net](http://www.oscn.net)   ...

**Legal Research** ✕

- < Case Law 
- Constitution 
- Court Rules 
- Session Laws 
- Statutes 
- Selected Supreme Court Administrative Directives SCADs
- Unpublished Opinions

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< Legal Forms 

# Court News Con't

- Unpublished Court of Civil Appeals Opinions are now on OSCN(!)

# Rule Amendments

- 2025 OK 92, *In Re Rules of the Supreme Court for Mandatory Continuing Legal Education* (up to six credit hours can be awarded for each author or contributor to an article published in the bar journal);
- 2026 OK 8, *In Re Amendments to Rule 2 of the Rules for Mandatory Judicial Continuing Legal Education* (adds programs offered by the Council on Judicial Complaints as an acceptable source of MJCLE);
- 2026 OK 21, *In Re Amendment of Rule 15 of the Rules for District Courts of Oklahoma, 12 O.S. 2025, CH. 2, APP. 15* (adding that in camera requests for Judge recusal must not be ex parte and that appellate courts will not review appeals from recusal matters without satisfaction of all requirements listed within Rule 15).

# Newsworthy Cases

- *Stroble v. Oklahoma Tax Commission*, 2025 OK 48
  - Stroble, member of the Muscogee (Creek) Nation who lives within the boundaries of the Creek Reservation recognized in *McGirt v. Oklahoma*, 591 U.S. 894 (2020), and whose income is derived from sources within the Creek Reservation, does not qualify for a state income tax exemption pursuant to O.A.C. § 710:50-15-2(b)(1) for years 2017, 2018, and 2019.



# Newsworthy Cases

- *White & Waddel v. Stitt*, 2025 OK 68 held Senate Bill 632
  - (creation of business courts) unconstitutional and void; the Act improperly circumvents Article VII, Section 9 by installing judges who function as district judges who must be elected.



# Newsworthy Cases

- *Stitt v. Drummond*, 2025 OK 82
  - Court held 74 O.S. § 10.3 plainly authorizes agency heads to serve concurrently as Governor's Cabinet Secretaries; though qualified as officers, the statute's text contemplates such appointments and preserves their agency duties.



# Newsworthy Cases

- *TSET v. Stitt*, 2026 OK 1
  - Court held HB 2783 unconstitutional because it converts constitutionally mandated staggered fixed seven-year terms for TSET Directors into at-will service “at-the-pleasure” of appointing authorities.



**TOBACCO SETTLEMENT  
ENDOWMENT TRUST**

# Newsworthy Cases

- *Stitt v. City of Tulsa*, 2026 OK 39
  - Court held that Tulsa's June 25, 2025 Settlement Agreement with the Muscogee Creek Nation is an intergovernmental cooperative agreement subject to 74 O.S. 2021 § 1221(D)(1) approval. Invalid due to the Joint Committee on State-Tribal Relations and the Governor did not approve the agreement as statutorily required.





# Opinions

## ■ Tribal Law

- *Anderson v. Honorable Lawrence Parish*, 2026 OK 36 (Court assumed original jurisdiction and prevented Okfuskee County District Court from adjudicating a dispute involving competing factions of the Thlopthlocco Tribal Town. Because the case presented an active intratribal leadership and election dispute—matters not justiciable in state courts and core to tribal sovereignty—the Court held the state lacked subject-matter jurisdiction).

# Opinions

## ■ Torts

- *Baughman v. World Acceptance Corp.*, 2025 OK 57 (IIED claim was preempted by the OADA as it arose from the same operative facts);
- *Coryell Roofing v. Burgess Farms*, 2025 OK 80 (omission of a negligence instruction was not reversible error where the claim arose from the same facts as a rejected breach of contract claim, jury already found against contract claim, and record did not show the jury was likely misled);



# Opinions

## ■ Torts

- *Franklin, next of kin to Latoya Perry v. OU Medicine, Inc.*, 2025 OK 84 (affirmed dismissal for lack of subject matter jurisdiction under the PREP Act, holding a cuffed tracheostomy used to treat Covid-19 was a covered countermeasure, injury was causally related, and the nurses and hospital were covered persons thereby divesting state court jurisdiction);
- *Austbo v. Greenbriar*, 2025 OK 85 (Covid-19 Act immunity requires both that the harm arise in providing Covid-19 healthcare and that the patient was impacted by provider decisions or capacity made in response to Covid-19 public health emergency, plus the absence of gross negligence);
- *Bean v. St. Francis Hospital, Inc.*, 2026 OK 27 (held registered nurse was not qualified to opine on physician's standards of care, that nurses following physician orders cannot be held liable absent expert proof the orders were obviously negligent, and that plaintiff failed to present expert medical causation linking alleged breaches to claimed permanent injury).

# Opinions

## ■ Civil Procedure

- *Barfell v. Freeman Health System*, 2025 OK 61 (sufficient systematic contacts were plead to warrant discovery into if defendant had availed themselves of personal jurisdiction in Oklahoma);
- *Bjorkman v. Noble*, 2025 OK 62 (attorney's abandonment combined with office procedural breakdowns and district court's failure to hold a damages hearing or provide evidentiary support for attorney fees deprived defendant of his day in court);



# Opinions

## ■ Civil Procedure

- *Allstate v. Honorable Lara Russell*, 2025 OK 79 (granted a writ of prohibition preventing a court order that would have required disclosure of nonparty insureds' residential addresses from insurer claim files; disclosure of such addresses would reveal nonparty, but such may be produced with redactions);
- *Brightwater Capital LLC v. Hill*, 2025 OK 81 (affirmed dismissal of an ancillary probate petition where claimant sought to enforce a dormant judgment it had failed to timely renew and filed an amended petition after the district court had dismissed the action without granting leave; once a claim is dismissed, § 2012(G) controls and a post-dismissal amended pleading requires leave; Brightwater sought no leave and its underlying claim had no legal basis, so dismissal with prejudice was proper);



# Opinions

## ■ Civil Procedure

- *NonDoc Media v. Board of Regents of Univ. of Oklahoma*, 2026 OK 2 (Court affirmed withholding two Jones Day investigative reports as attorney-client privilege communications. No waiver where disclosure was made to a law-enforcement agency under a subpoena or where limited Title IX excerpts were provided for due process, and declined review of other exemptions);
- *Chick-fil-A, Inc. v. Honorable Richard Ogden*, 2026 OK 13 (Court blocked enforcement of order compelling nationwide production of pedestrian-incident records, holding that requests for production seeking broad, dissimilar incidents was facially overbroad and trial court erred by not first requiring requesting party show such records were relevant);
- *Betts v. Toyota Motor Corporation*, 2026 OK 22 (Court held that Texas law governs whether a 15-year products-liability statute or repose bars the Betts' claim. Applying the Restatement (Second) of Conflict of Laws Sec. 145 factors, the Court found Texas had the most significant relationship given plaintiff's domicile, vehicle registration and use, and reasonable expectations, and rejected Oklahoma's borrowing statute as inapplicable because a statute of repose is substantive. Court affirmed summary judgment dismissal as time barred).

# Opinions

## ■ Probate

- *In the Matter of Estate of Cunningham*, 2025 OK 72 (Johnston County was the decedent's county of residence for probate; the 2019 photocopied instrument failed statutory execution and lost-will proof, and thus, did not revoke the valid 2018 will; but the trial court erred in finding the named personal representative had renounced by delay);
- *In the Matter of Estate of Evans v. Greer*, 2025 OK 89 (dismissed modified probate orders concerning heirs and beneficiaries; challenge to the vacatur order was untimely under the thirty-day interlocutory appeal rule; the order identifying heirs and beneficiaries was a provisional, interlocutory determination subject to revision until final decree).

# Opinions

## ■ State & Local Government

- *Fugate v. Stitt*, 2025 OK 54 (Representative Fugate alleged no concrete, redressable injury because the Executive order to return-to-office applied to executive-branch employees, did not affect his votes or legislative duties and fell under the Governor's authority);
- *Pybas v. Crites*, 2025 OK 63 (granted a writ prohibiting OIDS from defending an indigent defendant seeking resentencing under the Survivors' Act for noncapital offenses; such postconviction relief is barred from OIDS representation in noncapital offenses);



# Opinions

## ■ State & Local Government

- *Allison, et al. v. McCoy-Post, et al.*, 2026 OK 4 (Court affirmed invalidation of Referendum Petition 2425-1, due to legally insufficient gist as it misstated the project's maximum public assistance and omitted that tax increments would terminate upon the earliest of three triggering events, misleading potential signatories about the true financial and temporal effect);
- *Keenan v. Russ*, 2026 OK 20 (Court held appeal could proceed despite appellee's death and found Keenan, an OPERS retiree, had standing to challenge the Energy Discrimination Elimination Act of 2022. It ruled the Act, by imposing divestment rules and creating a dual purpose for investment decisions, conflicts with Oklahoma Constitution Article XXIII, §12's requirement that public retirement-system assets be managed exclusively for retirement purposes; therefore, is unconstitutional in its entirety as applied to the Oklahoma Public Employees Retirement System).

# Opinions



## ■ Business

- *America's Car Mart, Inc. v. Cantrell*, 2025 OK 73 (prevented enforcement of a trial-court order that denied partial summary judgment because the SWA bars tort claims for breach of the duty of good faith and fair dealing arising from vehicle service warranties and the SWA abrogated *McMullan*);
- *Howard v. Barrington Homeowners*, 2026 OK 9 (Court affirmed dismissal of shareholder derivative suit against HOA board because plaintiffs filed only three business days after making demand and thus denying the board a reasonable time to investigate. 12 O.S.2022 Sec. 2023.1 requires a particularized pre-suit demand not met).

# Opinions

- Mortgages/Foreclosure
  - *RCB Bank v. Stitt, et al.*, 2026 OK 49 (Court held that when notes are reduced to judgment, they are no longer independently enforceable contractual obligations, limiting the bank's remedies to *in personam* deficiency judgment; and that the mortgage liens were extinguished by operation of law when the limitations period on the notes expired, because the liens could only exist only so long as an action could be brought on the underlying obligations).



# Opinions

- Arbitration
  - *Thompson v. Heartway Corporation*, 2025 OK 65 (arbitration agreement was validly executed by the nursing home's authorized agent and the resident's power of attorney; sufficient evidence that the transaction involved interstate commerce and that the parties invoked the FAA, and concluded Marmet preempts the NHCA's categorical ban on pre-dispute nursing-home arbitration agreements).



# Opinions

## ■ Open Meeting Act

- *Randall v. Fields*, 2025 OK 91 (State Board of Education violated the Oklahoma Meeting Act when it adopted 2025 Social standards because the agenda and notice failed to disclose the materially different version considered at the meeting).
- *Oklahoma Schools Risk Management Trust v. Lexington School District*, 2026 OK 38 (Court affirmed OSRMT willfully violated the Oklahoma Open Meeting Act by voting on a substantive amended Trust Agreement that was known before the agenda was posted but not listed on the agenda. The “new business” exception is narrow—applying only to matters both unknown and unforeseeable—and OSRMT’s failure to amend the agenda or delay the vote was a conscious disregard of the Act, rendering the action invalid).



# Opinions

## ■ Open Records Act

- *Gray Media Group, Inc. v. Comanche County Facilities Authority*, 2026 OK 12 (Court held that a public trust operating a county detention center is not a “law enforcement agency” under the Oklahoma Open Records Act and is not exempt from disclosure on that statutory basis).
- *Brooke v. Reed*, 2025 OK 86 (ORA does not require public bodies to provide email records in native file format containing embedded metadata. Bodies may adopt reasonable procedures to protect record integrity and provide reasonable access);
- *Lawson v. LeFlore County Detention Center Public Trust*, 2025 OK 87 (reversed summary judgment for a county jail public trust, holding the trust is a public body but not a “law enforcement agency” under the Oklahoma Open Records Act because it is not charged with enforcing state or local criminal laws nor with initiating criminal prosecutions);

# Oklahoma Appeals: The Podcast

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