

## COURTS

# Oklahoma judge denies State Farm's dismissal bids

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As the Oklahoma Supreme Court weighs a motion to assume original jurisdiction — that is, overturn — Oklahoma City District Court Judge Amy Palumbo's decision to permit Attorney General Gentner Drummond to [intervene](#) in Oklahoma's ongoing hail claim saga, two back-to-back hearings in [State Farm cases](#) in Chickasha on Feb. 19 provided surprising insight into how rapidly the [legal actions against State Farm](#) have expanded since December.

Plus, there's a map.

Both Feb. 19 hearings focused on motions to dismiss portions of cases against State Farm captive agents. Captive agents are not formally employed by State Farm, but are required to sell only State Farm policies.

Many of the lawsuits brought against State Farm have included captive agents as culpable parties on the argument that they were aware of the alleged underlying scheme perpetrated by State Farm. The alleged scheme, as described in dozens of petitions examined by Oklahoma Watch, sought to arbitrarily reduce the amount that State Farm was paying out on wind and hail claims by up to 50%.

State Farm paid out [\\$11.4 billion](#) in catastrophic loss claims in 2024. Despite rocky years, the company's overall net worth has grown steadily, likely driven by alternative income streams, such as capital gains. The company's net worth has grown from \$60 billion in 2010 to \$145 billion in 2024, according to a 2025 story

from WGLT, the public media outlet in State Farm's home city of Bloomington, Illinois.

**More:** [Is State Farm writing Oklahoma's insurance law? Bill from last session raises questions](#)

In Chickasha, the first case heard by Grady County District Court Judge Kory Kirkland was one of approximately 155 Oklahoma cases represented by the Jeff Marr Law Firm of Oklahoma City.

In January, Marr told Oklahoma Watch that his firm had between 130 and 140 cases. Since that time, Marr said, approximately 20 more had been added in Oklahoma, and 28 more outside Oklahoma.

Jeff Marr Law Firm attorney Carole Dulisse revealed in court on Thursday that the first Grady County case involved a property that had suffered \$400,000 in damage, but State Farm had paid out only about \$30,000.

State Farm was represented by Timola Rother of Crowe and Dunleavy, which has offices in Oklahoma City and Tulsa and has defended State Farm for many years.

Rother challenged the notion that State Farm agents have a duty to inspect properties before insuring them.

“Their premise, that the agent was supposed to come to my house, and look at my roof, and I get a policy after that — there is no such duty,” Rother told Kirkland.

In the petition for Rother's second motion to dismiss of the day — Kirkland and all of the attorneys present agreed that the two cases were virtually identical — Rother argued that the case against the agent should be dismissed even if the alleged scheme were true.

“Even assuming specificity as to agent ‘scheming’ was pled (and it is not), and even if the alleged scheme fit the facts, each element of the scheme presumes an obligation by the agent that does not exist,” Rother wrote.

Kirkland disagreed — or, at least, he ruled that what was presented in court were matters for a jury to consider.

“Everything you said is a question of fact, therefore I am denying the motion to dismiss,” Kirkland said.

### **Agent: 'I know the growing trend is to deny claims'**

Rother sounded a bit resigned as she launched into her argument for Thursday’s second motion to dismiss.

“I think the writing’s on the wall,” she said, before repeating many of the same arguments she had presented minutes before.

The policyholder in the second case, which involved a \$50,000 gap between the damage sustained and what State Farm paid out on another Grady County property, was represented by Oklahoma City law firm Whitten Burrage. Whitten Burrage is also the policyholder’s attorney in Hursh v. State Farm, the case at the heart of the attorney general’s effort to intervene in the ongoing State Farm saga.

In Chickasha, father-daughter attorney team Reggie and Hannah Whitten did not accept Rother’s repeated claim that State Farm captive agents had no duty to inspect properties. Hannah Whitten quoted documents she said showed that State Farm had previously held that property inspection was core to an agent’s duty.

Whitten Burrage refused Rother’s suggestion that State Farm’s captive agents were mere bystanders in disputes between State Farm and its policyholders.

Whitten Burrage’s petition quoted a befuddled internal 2023 email from Oklahoma City State Farm captive agent David Hoffhines. Writing to State Farm managers, Hoffhines asked how he should characterize a claim denial when the damage was clear. Hoffhines’ plaintive message indicated that captive agents knew of the policy to deny claims.

“Can we discuss this please??” Hoffhines wrote. “How do I tell my client that the hail damage marks that were uploaded to the file from contractor are invisible to claims reps and supervisors?? I know the growing trend is for SF to deny hail claims, I’m just curious how do I word this??”

In Chickasha, Reggie Whitten went further than that.

“The captive agent is a critical player to the scheme,” Whitten said.

Drummond’s [petition](#) to intervene in Hursh v. State Farm agreed that captive agents understood what was happening.

“Captive agents knew, or at a minimum had reason to know, that State Farm was tightening internal claim standards and increasingly denying claims that would previously have been paid,” the petition said. “Despite this knowledge or reason to know, captive agents continued to sell and renew policies.”

A Dec. 19 [online statement](#) from State Farm indicated that there are approximately 300 State Farm captive agents in Oklahoma. In January, Oklahoma Watch reached out to more than 150 State Farm captive agents for comment.

None responded.

### **Judge: Alleged facts would 'expose the agent to liability'**

In Chickasha, Rother attempted to distinguish Thursday’s second motion to dismiss from the first by noting that it was similar to 70 other cases also brought by Whitten Burrage.

Reggie Whitten corrected Rother’s tally.

“We currently represent 600 clients in Oklahoma, your honor,” Whitten told Kirkland. “One hundred filed.”

Both Rother and Whitten refused interview requests, but Oklahoma Watch obtained a copy of a map that Whitten presented in court detailing the number and locations of the hundreds of claims represented by Whitten Burrage.

Kirkland rejected the second motion to dismiss as well.

“Plaintiffs have alleged facts that, if true, would expose the agent to liability, so for that reason I am denying the motion to dismiss,” Kirkland said.

## **More than 900 cases have been brought against State Farm**

In December, days prior to Drummond’s announcement of his effort to intervene, Oklahoma Watch [reported](#) on 125 previous cases brought by Whitten Burrage that State Farm settled out of court before going to trial.

In a public hearing, it was revealed that State Farm had publicly disclosed the settlement amount of just one of the cases: \$3 million.

It’s unknown whether the remainder of the 125 Whitten Burrage cases settled for more or less than \$3 million.

In December, between settled and active cases, Oklahoma Watch was able to count approximately 200 cases brought against State Farm.

Today, that number is much higher.

The Jeff Marr Law Firm tallies 183 cases in Oklahoma and other states. Whitten Burrage settled 125 cases, and now counts 600 active clients.

More than 900 cases.

Even that number may be dwarfed by the number of claims not yet brought. In December, State Farm indicated in court documents that between 2019 and 2024 Oklahomans filed [120,755](#) claims for hail and wind damage. Of these, 27,764 were denied any compensation. Of the remainder, an unknown portion were like the

cases heard Thursday: State Farm made partial payments but refused full compensation.

In early January, State Farm appealed to the Oklahoma Supreme Court to deny Drummond's intervention on the argument that Oklahoma insurance law is governed by Oklahoma Insurance Department Commissioner Glen Mulready.

Supreme Court oral arguments over State Farm's motion to dismiss the intervention were scheduled for Feb. 12.

On Jan. 29, a [letter](#) from Mulready to Drummond upended State Farm's argument by formally requesting Drummond's assistance and cooperation in the cases against State Farm.

"I request that you, as Oklahoma's chief legal officer, partner with my office to continue your investigation, intervention and prosecution of Hursh v. State Farm," Mulready's letter said.

Within a day, the Supreme Court canceled the oral arguments. On Feb. 20, oral arguments were rescheduled for March 25.

In the meantime, the total number of Oklahoma roof claim cases against State Farm will continue to multiply.

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