

IN THE DISTRICT COURT OF OKLAHOMA COUNTY
STATE OF OKLAHOMA

**FILED IN DISTRICT COURT
OKLAHOMA COUNTY**

OKLAHOMA STATE DEPARTMENT)
OF HEALTH,)
)
Plaintiff,)
v.)
)
A&K DISTRIBUTORS PR, LLC, and)
A&K DISTRIBUTORS, LLC,)
)
Defendants.)

APR 12 2021

Case No.

**RICK WARREN
COURT CLERK**

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CJ-2021-1577

PETITION

COMES NOW Plaintiff Oklahoma State Department of Health and hereby asserts its causes of action against Defendants A&K DISTRIBUTORS PR, LLC and A&K DISTRIBUTORS, LLC.

1. Plaintiff Oklahoma State Department of Health is an agency of the State of Oklahoma and issued a purchase order to Defendant A&K DISTRIBUTORS PR, LLC to supply it with ventilators and accessories for the ventilators. Plaintiff is located in Oklahoma County, State of Oklahoma. The contract was executed in Oklahoma County and provides for venue in Oklahoma County.
2. Defendant A&K DISTRIBUTORS PR, LLC is a foreign limited liability company organized under the laws of Puerto Rico; however, they have representatives located in Pryor, Oklahoma and advertise and conduct business as its sister or parent company A&K DISTRIBUTORS, LLC.
3. Defendant A&K DISTRIBUTORS, LLC is an Oklahoma limited liability company organized under the laws of the State of Oklahoma. Defendant A&K DISTRIBUTORS, LLC is the general name and brand used by the entities to provide medical and

pharmaceutical supplies to retailers. There is no distinction between the two entities as Derek Sien is believed to control both entities either through direct ownership of both entities or by virtue of one entity owning the other and Derek Sien owning the parent entity. Family members of Derek Sien may also participate in the ownership of the entities.

4. Venue is proper in Oklahoma County, State of Oklahoma.
5. On or about April 10, 2020, the Oklahoma State Department of Health issued a purchase order, P.O. 3409023475, to A&K DISTRIBUTORS PR, LLC and prepaid the entire amount owed of \$890,416.88.
6. By June 2020, the accessories for all the ventilators ordered and two (2) of the forty (40) ventilators were received by Plaintiff.
7. On or about October 30, 2020, Plaintiff sent notice to Defendants that it was cancelling the purchase order as to the remaining thirty-eight (38) ventilators.
8. On or about November 6, 2020, Derek Sien contacted Plaintiff's counsel and Plaintiff's counsel confirmed to him that Plaintiff was cancelling the purchase order.
9. However, despite giving notice of the cancellation, on or about December 4, 2020, Defendants had twenty-one (21) of the thirty-eight (38) ventilators delivered to Plaintiff.
10. On or before March 8, 2021, Plaintiff returned all the accessories and the twenty-three (23) ventilators that had previously been received by it to Defendants.
11. Plaintiff has demanded a refund of the money paid; however, Defendants have not refunded the money.
12. Plaintiff through counsel and Defendants through Derek Sien tried resolve this matter without resort to the Court but have been unable to resolve this matter.

WHEREFORE Plaintiff Oklahoma State Department of Health prays for judgment against Defendants A&K DISTRIBUTORS PR, LLC and A&K DISTRIBUTORS, LLC in the amount of \$890,416.88 plus pre and post judgment interest, attorney fees and costs and for all other relief deemed just and equitable.

Respectfully submitted,



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JURY TRIAL DEMANDED