

This matter is set for hearing on the 7<sup>th</sup> day of  
October, 2010 at 1:30 p.m. before the Honorable  
Judge Vicki L. Robertson

IN THE DISTRICT COURT OF OKLAHOMA COUNTY  
STATE OF OKLAHOMA

OKLAHOMA DEPARTMENT OF )  
SECURITIES ex rel. IRVING L. FAUGHT, )  
ADMINISTRATOR )

Plaintiff, )

v. )

BARRY POLLARD AND )  
ROXANNE POLLARD, )

Defendants and Third )  
Party Plaintiffs )

v. )

AXA ADVISORS, LLC, a Delaware )  
Limited Liability Company; and AXA )  
EQUITABLE LIFE INSURANCE )  
COMPANY, f/k/a/ EQUITABLE LIFE )  
ASSURANCE SOCIETY OF THE )  
UNITED STATES )

Third Party Defendants. )

FILED IN THE DISTRICT COURT  
OKLAHOMA COUNTY, OKLA.

SEP - 9 2010

PATRICIA PRESLEY, COURT CLERK

by \_\_\_\_\_  
DEPUTY

Case No. CJ-2005-3799

**JOINT MOTION TO AMEND SCHEDULING ORDER**

Plaintiff, Oklahoma Department of Securities ("Department") and Defendants' Barry Pollard and Roxanne Pollard ("Pollards"), hereby jointly request this Court to amend the Scheduling Order entered herein on July 22, 2010, and to enter a new Scheduling Order. The Pollards have separately requested a Scheduling Order for their Third Party claims against AXA Equitable Life Insurance Company, f/k/a Equitable Life Assurance Society of the United States

and would like the scheduling orders to be consistent. In no way does the Department's joinder in this motion indicate its agreement to revocation of the order bifurcating the Pollards' Third Party Claims. The Department and the Pollards request that a new Scheduling Order be entered as to the Department's claims against the Pollards.

WHEREFORE, premises considered, the Department and the Pollards respectfully jointly request the Court order the relief requested herein.

Respectfully Submitted,



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Amy G. Piedmont, OBA #21322

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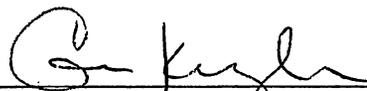
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Attorneys for Oklahoma Department of Securities

**CERTIFICATE OF MAILING**

This will certify that on the 9<sup>th</sup> day of September, 2010 a true and correct copy of the foregoing was mailed first class mail, postage prepaid to the following:

July Hamilton Morse  
Regan Strickland Beatty  
Crowe & Dunlevy  
One North Broadway, Suite 1800  
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\_\_\_\_\_  
Russell L. Mulinix