

Hearing Aug 3 2006 @ 1:30

IN THE DISTRICT COURT OF OKLAHOMA COUNTY  
STATE OF OKLAHOMA

FILED IN THE DISTRICT COURT  
OKLAHOMA COUNTY, OKLA.

Oklahoma Department of Securities )  
ex rel. Irving L. Faught, )  
Administrator; )  
 )  
Plaintiffs, )  
 )  
v. )  
 )  
Barry Pollard and Roxanne Pollard, )  
 )  
Defendants. )

JUN 30 2006

PATRICIA PRESLEY, COURT CLERK  
by \_\_\_\_\_  
DEPUTY

Case No. CJ-2005-3799

**PLAINTIFFS' MOTION TO COMPEL DISCOVERY FROM DEFENDANTS BARRY  
AND ROXANNE POLLARD**

Plaintiff, Oklahoma Department of Securities, *ex rel.* Irving L. Faught, Administrator, moves this Court to enter an order compelling Relief Defendants Barry and Roxanne Pollard (Defendants Pollard) to provide responsive and non-evasive answers to Interrogatory Nos. 8, 9, 17, 18 and 19, and to produce documents responsive to Request for Production Nos. 4 and 5 of *Plaintiffs' First Set of Discovery Requests to Defendants* (Discovery Requests), and requiring Defendants Pollard to pay the expenses and attorney fees incurred by Plaintiff in preparing, filing, and arguing this Motion.

1. This Motion is made on the grounds that on or about November 13, 2005, Plaintiff served the Discovery Requests on Defendants Pollard. *See Exhibit A.*
2. Allowing three (3) additional days for mailing, the responses of Defendants Pollard to the Discovery Requests were originally due on or about Tuesday, December 13, 2005. However, the parties agreed to extend the deadline for responses to the Discovery Requests until

thirty (30) days after the Motion to Dismiss filed on July 28, 2005, was heard and an answer was filed by Defendants Pollard. *See Exhibit B.*

3. On January 25, 2006, Defendants Pollard filed their answer, thereby making their responses to the Discovery Requests due on February 24, 2006. On March 27, 2006, Plaintiff notified counsel for Defendants Pollard that a response to the Discovery Requests had not been received. *See Exhibit C.* Counsel for Defendants Pollard acknowledged their failure to respond and Plaintiff agreed to extend the deadline for response to May 1, 2006.

4. On May 2, 2006, Plaintiff notified counsel for Defendants Pollard that a response to the Discovery Requests had not yet been received and advised that if responses were not received by May 5, 2006, a motion to compel would be filed. *See Exhibit D.*

5. On May 3, 2006, a hearing on various discovery issues was held before the Honorable Patricia Parrish in Case Nos. CJ-2005-3299 and CJ-2005-3796, the companion cases to the one before this Court. A copy of the order by Judge Parrish (May 3<sup>rd</sup> Order) is attached as **Exhibit E**. The May 3<sup>rd</sup> Order addresses the responses and production that are at issue in this case including the production of tax records reflecting investment gains and/or losses through any entity with which Marsha Schubert was affiliated. The May 3<sup>rd</sup> Order was not filed until June 30, 2006. However, Plaintiff provided counsel for Defendants Pollard with the transcript of the hearing held on May 3<sup>rd</sup> wherein Judge Parrish ruled on these discovery issues.

6. On or about May 4, 2006, Plaintiff received responses to the Discovery Requests from Defendants Pollard. On May 30, 2006, Plaintiff requested in writing that Defendants Pollard supplement their responses to the Discovery Requests in accordance with Judge Parrish's rulings. *See Exhibit F.* Counsel for Defendants Pollard notified Plaintiff of their refusal to produce such responses. *See Exhibit G.*

7. The facts and issues in the case against the Defendants Pollard are the same as those in the unjust enrichment and fraudulent transfer cases before Judge Parrish. The case against the Defendants Pollard was segregated and reassigned to this Court only because of a conflict of interest involving the Receiver in the initial cases. The Defendants Pollard should be subject to the discovery provisions of the May 3<sup>rd</sup> Order.

8. The information sought by Plaintiff in the Discovery Requests relates to discoverable, non-privileged information. The Defendants' refusal to respond to the above-identified Interrogatories and Requests for Documents is without justification and constitutes a failure to cooperate in discovery.

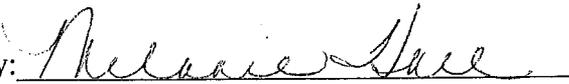
9. To date, Plaintiff has incurred attorney fees and expenses in the amount of \$525 to prepare and file this Motion. Plaintiff will incur additional attorney fees and expenses relative to its counsel appearing and arguing this Motion necessitated by the Defendants' failure to cooperate in discovery.

WHEREFORE, Plaintiff respectfully requests that this Court:

- 1) grant this motion to compel discovery from Defendants Pollard;
- 2) order Defendants Pollard to provide answers and documents responsive to the discovery requests within ten (10) days of the hearing on this matter;
- 3) prohibit any dispositive motion(s) from being filed on behalf of Defendants Pollard unless and until such time as they have provided full and complete responsive answers and documents in compliance with the Oklahoma Discovery Code; and
- 4) award Plaintiff its reasonable attorney fees and costs incurred in the preparation, filing, and arguing of this Motion, pursuant to 12 O.S. § 3237(A)(4).

Respectfully submitted,

Oklahoma Department of Securities, *ex rel.*  
Irving L. Faight, Administrator

By: 

Amanda Cornmesser, OBA #20044

Gerri Stuckey, OBA #16732

Melanie Hall, OBA #1209

Oklahoma Department of Securities

120 N. Robinson, Suite 860

Oklahoma City, OK 73120

(405)280-7700 phone/(405) 280-7742 fax

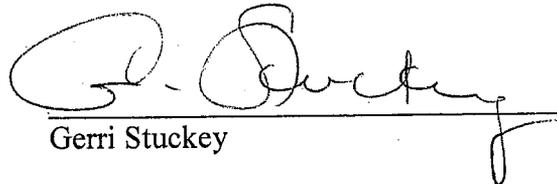
*Attorneys for Plaintiff, Oklahoma*

*Department of Securities*

CERTIFICATE OF SERVICE

The undersigned hereby certifies that on the 30<sup>th</sup> day of June, 2006, a true and correct copy of the above and foregoing was mailed by U.S. Mail, with postage prepaid thereon, addressed to:

Ronald D. Fulkerson  
Shawn D. Fulkerson  
Carolie E. Rozell  
Fulkerson & Fulkerson, P.C.  
10444 Greenbriar Place  
Oklahoma City, OK 73159

  
Gerri Stuckey

IN THE DISTRICT COURT OF OKLAHOMA COUNTY  
STATE OF OKLAHOMA

Oklahoma Department of Securities )  
*ex rel.* Irving L. Faught, Administrator; )  
 )  
Plaintiffs, )  
 )  
v. )  
 )  
Barry Pollard and Roxanne Pollard. )  
 )  
Defendants )

Case No. CJ-2005-3799

PLAINTIFFS' FIRST SET OF DISCOVERY REQUESTS  
TO DEFENDANTS

TO: Defendants, Barry and Roxanne Pollard

BY SERVING: Ronald D. Fulkerson  
Shawn D. Fulkerson  
Carolie E. Rozell  
Fulkerson & Fulkerson, P.C.  
10444 Greenbriar Place  
Oklahoma City, OK 73159  
Attorneys for Defendants

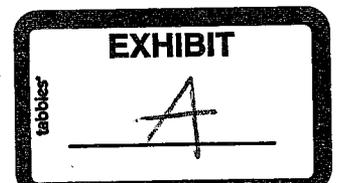
Pursuant to OKLA. STAT. ANN. TIT. 12, §§ 3233, 3234, and 3236, you are hereby requested to prepare and file written responses to the following discovery requests within thirty (30) days after receipt. All requests should be answered separately and fully, in writing under oath, and signed by the person answering them. Each answer shall be immediately preceded by the full text of the discovery request being answered.

INSTRUCTIONS FOR INTERROGATORIES

1. These Interrogatories are intended to ascertain not only in the possession of the **Defendants, Barry and Roxanne Pollard**, but also contained in records and documents in the *Defendants'* custody or control or otherwise available to the *Defendants*.

2. Interrogatories which cannot be answered in full shall be answered as completely as possible, and incomplete answers shall be accompanied by a specification of the reasons for the incompleteness of the answer, as well as by a statement of whatever knowledge, information or belief you possess with respect to each unanswered or incompletely answered Interrogatory.

3. These Interrogatories shall be deemed continuing, pursuant to Section 3226(E) of the Oklahoma Discovery Code, so as to require amended answers if you obtain information on



the basis of which you know that any response made was incorrect when made or, although correct when made, is no longer true. This shall apply to information acquired between the time the answers are served and the time of trial. Such additional answers shall be served seasonably, but not later than thirty (30) days after you receive such information.

4. As to every Interrogatory which you fail to answer in whole or in part on the ground that the information sought involves a document or oral communication which you contend to be privileged or otherwise protected from disclosure, state in detail:

- a. The portion of the Interrogatory to which the response is claimed to be privileged;
- b. The identification of the document, as defined below;
- c. The general subject matter of the document or communication;
- d. The author and all recipients of any document, and the persons involved in any oral communication;
- e. The identity of any other persons having knowledge of the document or communication involved;
- f. The nature of the privilege claimed; and
- g. Every fact on which you base the claim of privilege or that the information need not be disclosed.

#### INSTRUCTIONS FOR REQUESTS FOR PRODUCTION

1. With respect to each of the following Requests for Production, you are required to furnish one set of copies of the requested documents to the Oklahoma Department of Securities, and/or to permit **Plaintiffs, Oklahoma Department of Securities and Douglas L. Jackson, Receiver**, to inspect and copy the documents described herein which are in your possession, custody, or control, or otherwise available to you, at such time and location as set forth herein, or agreed to by the parties.

2. The documents requested shall be produced as they are kept in the usual course of business or shall be organized and labeled to correspond with the categories in the Request.

3. Your response shall state, with respect to each Request, that inspection and related activities shall be permitted as requested, unless the Request is objected to, in which event the reasons for objection shall be stated. If objection is made to part of a Request, that part shall be specified.

4. If any document is withheld for any reason, including, but not limited to, any alleged claim of privilege, confidentiality, or for any other reason or objection, you are to provide a description of the document being withheld which includes the following:

- a. The date of the document;
- b. The author of the document;
- c. The recipient of the document;
- d. All persons to whom copies of the document have been furnished;
- e. The subject matter of the document;
- f. The file in which the document is kept in the normal course of business;
- g. The current custodian of the document; and
- h. The nature of the privilege or other reason for not producing the document and a sufficient description of the facts surrounding the contents of the document to justify withholding the document under said privilege or reason.

### INSTRUCTIONS FOR REQUESTS FOR ADMISSION

With respect to each request for admission, you must within 30 days of service of the request specifically admit or deny the matter of which admission is sought, or set forth in detail the reason why you cannot truthfully admit or deny the matter. If you cannot admit any matter in its entirety, you must admit so much of it as is true and qualify or deny the remainder.

### DEFINITIONS FOR ALL DISCOVERY REQUESTS

1. "Defendant," "you," or "your" refers not only to the named **Defendants, Barry and Roxanne Pollard**, but also to any of (**his/her/your, its**) agents, employees, investigators, representatives, or any other person or persons who have or had, to the time of answering these written discovery requests, acquired knowledge of facts in the interest of the **Defendants, Barry and Roxanne Pollard**, concerning matters which are the subject of this litigation.

2. "Person" refers to any entity, including, but not limited to, any natural person, company, partnership, corporation, trust, estate, joint venture, or association of persons.

3. "Writing," "document," or "correspondence" shall include every kind of physical representation or recording of communication or data, including, without limitation, all materials and tangible objects conveying or carrying any kind of meaning, whether in graphic form for visual inspection or in machine-readable form, including every kind of written, printed, typed or graphic matter, including information generated or stored in a computer hard drive, floppy disk, compact disk or archive tape cartridge; film, microfilm, and magnetic or other visual or sound recordings, however produced or reproduced, including originals, if available, copies and drafts, and the files in which documents are maintained and regardless of whether signed, approved, executed, sent, received, erased or otherwise altered.

4. "Communication" as used in these written discovery requests, means any oral statement, dialogue, discussion or conversation, and also means any transfer of thoughts or ideas between persons by means of documents, and includes any transfer of data from one location to another by electronic or similar means.

5. "Identify," "identity," or "identification," when used in reference to a natural person, requires statement of the person's full name, last known home and business mailing and/or street addresses, home and business telephone numbers, and present business affiliation and position.

Where used with a person other than a natural person, these terms require statement of the full name, form of organization, and present and last known mailing and/or street address.

When used with reference to a document, these terms require the title or character of the document (such as "letter," "memorandum," or "receipt"); the author and every person signing the document; every recipient of the document; the date the document was prepared, executed and transmitted; a description of the general subject matter of the document; and the identification of every person in whose custody the document is now being kept. At your option, complete and legible copies of any document may be attached to your answers to these written discovery requests, appropriately labeled to correspond to the request in response to which it is being produced.

When used in reference to a meeting, conference, conversation or other communication, these terms require statement of the date and time, the identification of each person involved and the location of each party to the conference or communication at the time it took place.

6. The term or phrase "net amount" as used in Request for Admission Nos. 7 and 8 simply means the amount of money or economic benefit you received from Marsha Schubert and/or Schubert and Associates in excess of the amount of money you paid into, contributed to or gave to Marsha Schubert and/or Schubert and Associates.

### INTERROGATORIES

INTERROGATORY NO. 1: Identify each and every person whom you believe has knowledge and/or information concerning the allegations asserted against you in Plaintiffs' Petition and your defenses to those allegations. (See definition of "identify" above).

INTERROGATORY NO. 2: Identify each expert witness you have retained to testify on your behalf at the trial of this case. (See definition of "identify" above).

INTERROGATORY NO. 3: Pursuant to 12 O.S. § 3226(B)(3)(a)(3), for each expert witness identified in your response to the immediately preceding Interrogatory, provide the following information:

- (a) The subject matter on which each expert witness is expected to testify;

- (b) The substance of the facts and opinions to which the expert is expected to testify and a summary of the grounds for each opinion;
- (c) The qualifications of each expert witness, including a list of all publications authored by the expert witness in the preceding ten (10) years;
- (d) The compensation to be paid to the expert witness for the testimony and preparation for the testimony; and
- (e) A listing of any other cases in which the expert witness has testified as an expert at trial or by deposition within the preceding four (4) years.

INTERROGATORY NO. 4: State whether each expert you have retained to testify at the trial of this case on your behalf has prepared any written report, affidavit, or opinion letter relative to this case.

INTERROGATORY NO. 5: Identify all witnesses you intend to call at the trial of this case.

INTERROGATORY NO. 6: List all exhibits and demonstrative aids you intend to introduce and/or utilize at the trial of this case.

INTERROGATORY NO. 7: State whether all or any portion of the funds you received from Marsha Schubert and/or Schubert and Associates between January 1, 2000 and October 31, 2004 has been spent or otherwise dissipated.

INTERROGATORY NO. 8: Identify the bank, investment company, title company, or other entity where the money or funds you received from Marsha Schubert and/or Schubert and Associates between January 1, 2000 and October 31, 2004, were initially deposited.

INTERROGATORY NO. 9: Identify the bank account, investment account, escrow account, credit card account, or other account(s) into which the money or funds you received from Marsha Schubert and/or Schubert and Associates between January 1, 2000 and October 31, 2004, were initially deposited.

INTERROGATORY NO. 10: Describe how you spent the money that you received from Marsha Schubert and/or Schubert and Associates between January 1, 2000 and October 31, 2004.

INTERROGATORY NO. 11: If you used all or any part of the money or funds that you received from Marsha Schubert and/or Schubert and Associates between January 1, 2000 and October 31, 2004 to purchase real estate and/or real property, list the complete legal description for each piece of real estate and/or real property so purchased.

INTERROGATORY NO. 12: If you used all or any part of the money or funds that you received from Marsha Schubert and/or Schubert and Associates between January 1, 2000 and October 31, 2004 to pay off or pay down any debt secured by real estate and/or real property, list the complete legal description for each piece of real estate and/or real property securing such debt or former debt.

INTERROGATORY NO. 13: If you used all or any part of the money or funds that you received from Marsha Schubert and/or Schubert and Associates between January 1, 2000 and October 31, 2004 to purchase an automobile, motorcycle, recreational vehicle, bus, semi-tractor, and/or any type of farm equipment or machinery, list each vehicle and/or piece of equipment including its make, model, and vehicle identification number or serial number.

INTERROGATORY NO. 14: If you used all or any part of the money or funds that you received from Marsha Schubert and/or Schubert and Associates between January 1, 2000 and October 31, 2004 to purchase personal property with an original value in excess of \$500, including, but not limited to, things such as jewelry, artwork, clothes, firearms, a timeshare interest, stocks, bonds, or certificates of deposit, describe each such item of personal property in detail and state whether you still possess it.

INTERROGATORY NO. 15: If Marsha Schubert and/or Schubert and Associates made payments on your behalf to any of your creditors at any time between January 1, 2000 and October 31, 2004, list the name of your creditor(s) paid by Marsha Schubert and/or Schubert and Associates, the date of each payment, the amount of each payment, and the nature of your debt(s) on which Marsha Schubert and/or Schubert and Associates made payment.

INTERROGATORY NO. 16: Identify each account in your name, or on which you are or were an authorized signatory, or which contains or contained funds belonging to you that was opened and/or maintained at any time from January 1, 2000 to the present, by listing the account type, account name, account number, and the name and address of the financial institution at which each account is or was held or maintained.

INTERROGATORY NO. 17: Describe in detail the nature and amount of any setoff(s) you claim should be applied against the money and/or funds which Plaintiffs are seeking to have you disgorge in this lawsuit.

INTERROGATORY NO. 18: List by date, amount, and nature (i.e. check, wire transfer, cash) each sum of money Marsha Schubert and/or Schubert and Associates paid to you, or to a third party for your benefit, between January 1, 2000 and October 31, 2004.

INTERROGATORY NO. 19: List by date, amount, and nature (i.e. check, wire transfer, cash) each sum of money you paid or gave to Marsha Schubert and/or Schubert and Associates between January 1, 2000 and October 31, 2004.

INTERROGATORY NO. 20: Describe with specificity what, if any, goods, services, labor, or other consideration you provided to Marsha Schubert and/or Schubert and Associates for the money Marsha Schubert and/or Schubert and Associates paid to you between January 1, 2000

and October 31, 2004, and identify where said income was reported on your federal income tax return(s).

INTERROGATORY NO. 21: Describe with specificity what, if any, goods, services, labor, or other consideration you provided to Marsha Schubert and/or Schubert and Associates for the money Marsha Schubert and/or Schubert and Associates paid to one or more creditors on your behalf between January 1, 2000 and October 31, 2004, and identify where said income was reported on your federal income tax return(s).

INTERROGATORY NO. 22: If you allege that the Plaintiff Receiver's ledger sheet pertaining to you (attached as *Exhibit A*) is inaccurate because it does not include financial transactions between you and Marsha Schubert and/or Schubert and Associates prior to January 1, 2000, then list each financial transaction, including the date and amount of each transaction, that took place prior to January 1, 2000, between you and Marsha Schubert and/or Schubert and Associates that you believe should be taken into consideration and/or credited to you in this case.

INTERROGATORY NO. 23: List all defenses, if any, that you are asserting relative to the allegations in Plaintiffs' Petition.

INTERROGATORY NO. 24: List all facts and evidence that support each defense that you listed in your response to the immediately preceding Interrogatory.

#### REQUESTS FOR PRODUCTION OF DOCUMENTS AND THINGS

REQUEST FOR PRODUCTION NO. 1: Produce copies of all Form-1099s you received from Marsha Schubert and/or Schubert and Associates for the years 2000, 2001, 2002, 2003, and 2004.

REQUEST FOR PRODUCTION NO. 2: Produce copies of all K-1 tax forms you received from Marsha Schubert and/or Schubert and Associates for the years 2000, 2001, 2002, 2003, and 2004.

REQUEST FOR PRODUCTION NO. 3: Produce copies of all documents you received from Marsha Schubert and/or Schubert and Associates during the years 2000, 2001, 2002, 2003, and 2004.

REQUEST FOR PRODUCTION NO. 4: Produce copies of all state tax returns you have filed, either individually or jointly, for the years 2000, 2001, 2002, 2003, and 2004.

REQUEST FOR PRODUCTION NO. 5: Produce copies of all federal tax returns you have filed, either individually or jointly, for the years 2000, 2001, 2002, 2003, and 2004.

REQUEST FOR PRODUCTION NO. 6: Produce copies of all W-2 or other tax forms for income you have received relative to any work you claim to have performed for Marsha Schubert during any one or more of the following years: 2000, 2001, 2002, 2003, and 2004.

REQUEST FOR PRODUCTION NO. 7: Produce copies of all W-2 or other tax forms for income you have received relative to any work you claim to have performed for Schubert and Associates during any one or more of the following years: 2000, 2001, 2002, 2003, and 2004.

REQUEST FOR PRODUCTION NO. 8: Produce copies of all W-2 or other tax forms for income you have received for Kattails business relative to any work you claim to have performed for Kattails, L.L.C. and evidence of all Kattails expense reimbursements you have received during any one or more of the following years: 2000, 2001, 2002, 2003, and 2004.

REQUEST FOR PRODUCTION NO. 9: Produce any and all printed and/or typewritten investment statements you received from Marsha Schubert and/or Schubert and Associates at any time from January 1, 2000 through October 31, 2004. (Note: This request is not seeking or

requesting statements generated by AXA Advisors, LLC, Wilbanks Securities, Inc., Raymond James, or Pershing).

REQUEST FOR PRODUCTION NO. 10: Produce any and all printed and/or typewritten confirmations, sales statements or receipts, and/or investment statements you received from any options trading company or firm at any time from January 1, 2000 through October 31, 2004.

REQUEST FOR PRODUCTION NO. 11: Produce any and all printed and/or typewritten confirmations, sales statements or receipts, trading statements, and/or investment statements you received from any day trading company or firm at any time from January 1, 2000 through October 31, 2004.

REQUEST FOR PRODUCTION NO. 12: Produce all documents that you received from any options trading firm and/or any day trading company at any time from January 1, 2000 through October 31, 2004.

REQUEST FOR PRODUCTION NO. 13: Produce a current resume, or curriculum vitae, for each expert witness you have retained to testify on your behalf at the trial of this case.

REQUEST FOR PRODUCTION NO. 14: Produce all opinion letters, affidavits, and/or written reports prepared by each expert witness you have retained to testify on your behalf at the trial of this case.

REQUEST FOR PRODUCTION NO. 15: Produce copies of all exhibits you intend to introduce into evidence and/or utilize at the trial of this case.

REQUEST FOR PRODUCTION NO. 16: Produce copies of all demonstrative aids and/or visual aids you intend to utilize at the trial of this case.

REQUEST FOR PRODUCTION NO. 17: Produce a copy of the deed for each tract of real estate and/or real property you listed in response to Interrogatory No. 11.

REQUEST FOR PRODUCTION NO. 18: Produce a copy of the deed for each tract of real estate and/or real property you listed in response to Interrogatory No. 12.

REQUEST FOR PRODUCTION NO. 19: Produce a copy of the title for each vehicle and/or piece of equipment you listed in response to Interrogatory No. 13.

REQUEST FOR PRODUCTION NO. 20: Produce all receipts and all other documents that demonstrate or constitute evidence of your purchase and/or ownership of all personal property that you identified in response to Interrogatory No. 14.

REQUEST FOR PRODUCTION NO. 21: Produce all documents and other tangible evidence that support your claim for the set off(s) described in your response to Interrogatory No. 17.

REQUEST FOR PRODUCTION NO. 22: Produce all documents and other tangible evidence that support and/or verify that you paid any sum(s) of money to Marsha Schubert and/or Schubert and Associates at any time between January 1, 2000 and October 31, 2004, as indicated in your response to Interrogatory No. 19.

REQUEST FOR PRODUCTION NO. 23: Produce all documents and other tangible evidence that support or verify that you provided any goods, services, or labor to Marsha Schubert and/or Schubert and Associates at any time from January 1, 2000 to October 31, 2004.

REQUEST FOR PRODUCTION NO. 24: Produce all documents and other tangible evidence that support each financial transaction you listed in response to Interrogatory No. 22.

REQUEST FOR PRODUCTION NO. 25: Produce all documents and other tangible evidence that support each of the defenses you are asserting relative to the allegations in Plaintiffs' Petition that you listed in response to Interrogatory No. 23.

REQUEST FOR PRODUCTION NO. 26: Produce all documents and other tangible evidence that support and/or verify your response to Interrogatory No. 24 below.

REQUEST FOR PRODUCTION NO. 27: Produce all documents and other tangible evidence that support and/or verify your response to Interrogatory No. 25 below.

REQUESTS FOR ADMISSION

REQUEST FOR ADMISSION NO. 1: Admit that you received \$445,268 from Marsha Schubert and/or Schubert and Associates as indicated on the ledger sheet attached as *Exhibit A* for the time period of January 1, 2000 through October 31, 2004.

INTERROGATORY NO. 24: If you denied Request for Admission No. 1, list all facts, documents and other evidence that support your claim that you did not receive the amount of money from Marsha Schubert and/or Schubert and Associates as indicated in the ledger sheet attached as *Exhibit A*.

REQUEST FOR ADMISSION NO. 2: Admit that you did not pay any money to Marsha Schubert and/or Schubert and Associates between January 1, 2000 and October 31, 2004 as indicated on the ledger sheet attached as *Exhibit A*.

Alternate REQUEST FOR ADMISSION NO. 2: Admit that you paid \$59,110 to Marsha Schubert and/or Schubert and Associates between January 1, 2000 and October 31, 2004, resulting in a net gain to you of \$386,158, all as shown on the ledger sheet attached as *Exhibit A*.

INTERROGATORY NO. 25: If you denied Request for Admission No. 2, list all facts, documents and tangible evidence that support your claim that you paid any money to Marsha Schubert and/or Schubert and Associates contrary to what is indicated on the ledger sheet attached hereto as *Exhibit A*, including the specific date(s) and amount(s) of any payment(s) you claim to have made to Marsha Schubert and/or Schubert and Associates not reflected on *Exhibit A*.

Alternate INTERROGATORY NO. 25: If you denied Request for Admission No. 2, list all facts, documents and other evidence that support your claim that you paid more money to Marsha Schubert and/or Schubert and Associates than is listed in the "Money In" column of the ledger sheet attached hereto as *Exhibit A*, including the specific date(s) and amount(s) of any payment(s) you claim to have made to Marsha Schubert and/or Schubert and Associates not reflected on *Exhibit A*.

REQUEST FOR ADMISSION NO. 3: Admit that Marsha Schubert and/or Schubert and Associates did not invest the money you paid to her, if any, in options, day trading, cattle or any other type or form of investment.

REQUEST FOR ADMISSION NO. 4: Admit that you did not provide any goods to Marsha Schubert and/or Schubert and Associates from January 1, 2000 to October 31, 2004.

REQUEST FOR ADMISSION NO. 5: Admit that you did not provide any services to Marsha Schubert and/or Schubert and Associates between January 1, 2000 to October 31, 2004.

REQUEST FOR ADMISSION NO. 6: Admit that you did not provide any labor to Marsha Schubert and/or Schubert and Associates from January 1, 2000 to October 31, 2004.

REQUEST FOR ADMISSION NO. 7: Admit that you did not provide Marsha Schubert and/or Schubert and Associates any valuable consideration for the net amount of **\$386,158** that you received from Marsha Schubert and/or Schubert and Associates between January 1, 2000 and October 31, 2004.

REQUEST FOR ADMISSION NO. 8: Admit that you did not provide Marsha Schubert and/or Schubert and Associates anything that would constitute or amount to reasonably equivalent value for the net amount of **\$386,158** that you received from Marsha Schubert and/or Schubert and Associates between January 1, 2000 and October 31, 2004.



Respectfully submitted,

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Bradley E. Davenport, OBA #18687  
GUNGOLL, JACKSON, COLLINS, BOX & DEVOLL, P.C.  
Post Office Box 1549  
Enid, Oklahoma 73702-1549  
(580) 234-0436 phone/(580) 233-1284 fax  
Attorneys for Plaintiff/Receiver, Douglas L. Jackson

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Amanda Cornmesser, OBA #20044  
Gerri Stuckey, OBA #16732  
Melanie Hall, OBA #1209  
Oklahoma Department of Securities  
120 North Robinson, Suite 860  
Oklahoma City, Oklahoma 73102  
(405) 280-7700 phone number  
(405) 280-7742 facsimile number  
Attorneys for Plaintiff, Oklahoma Department of Securities

CERTIFICATE OF SERVICE

The undersigned hereby certifies that on the 31st day of March, 2006, a true and correct copy of the above and foregoing was e-mailed, addressed to:

Sara Tinsley [stinsley@fulkersonlawoffice.com]

for Carolie E. Rozell

Fulkerson & Fulkerson, P.C.

10444 Greenbriar Place

Oklahoma City, OK 73159

*Attorneys for Jerald Wayne Drake, Becky Drake, Barry and Roxanne Pollard, Trey Roehrig, Linda Elliott, Regina Kraus*

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Amanda Cornmesser

**MARSHA SCHUBERT**  
**ACTIVITY REGARDING BARRY & ROXANNE POLLARD**

	<u>2004</u>	<u>2003</u>	<u>2002</u>	<u>2001</u>	<u>2000</u>	<u>2000-2004</u>
<b>MONEY IN</b>	\$ 0	\$ 11,000	\$ 1,109	\$ 8,941	\$ 38,060	\$ 59,110
<b>MONEY OUT</b>						
Cash draw	116,576	69,500	88,073	124,922	18,247	417,318
Transfers to investment firms	0	10,250	17,700	0	0	27,950
	<u>116,576</u>	<u>79,750</u>	<u>105,773</u>	<u>124,922</u>	<u>18,247</u>	<u>445,268</u>
<b>NET POSITION SHORT (LONG)</b>	<u>\$ (116,576)</u>	<u>\$ (68,750)</u>	<u>\$ (104,664)</u>	<u>\$ (115,981)</u>	<u>\$ 19,813</u>	<u>\$ (386,158)</u>



MARSHA SCHUBERT  
General Ledger

22135  
Page 1  
07/07/05 08:32 AM

01/31/00 - 12/31/04

Date	Reference	T	Description	Beginning Balance	Debit	Credit	Period End Amount	YTD Balance
P009501 Investment BARRY POLLARD				0.00				
04/04/00	2.004		F&M DEPOSIT- BARRY & ROXANNE POLLARD ck #7170			20,000.00		
04/07/00	2.007		F&M DEPOSIT- BARRY & ROXANNE POLLARD			60.00		
				April	0.00	20,060.00	(20,060.00)	
04/24/00	5.005		F&M DEPOSIT-BARRY POLLARD-MARKET			10,000.00		
				May	0.00	10,000.00	(30,060.00)	
07/05/00	7.302		FARM DEP- BARRY POLLARD INVESTMENT			8,000.00		
				July	0.00	8,000.00	(38,060.00)	
04/24/01	5.020		F&M DEP-POLLARD FARMS- BARRY			8,941.00		
				May	0.00	8,941.00	(47,001.00)	
02/28/02	QB99	V	DEPOSIT KATTAILS Deposit-NEURO SURG ASSOC			1,109.35		
				February	0.00	1,109.35	(48,110.35)	
06/14/03	QB99	V	KATTAILS DEP- BARRY POLLARD TO MARSHA			1,000.00		
				June	0.00	1,000.00	(49,110.35)	
09/12/03	QB99		F&M DEP- POLLARD FARMS (BARRY)			10,000.00		
				September	0.00	10,000.00	(59,110.35)	
					0.00	59,110.35		(59,110.35)
P009801 Cash draw				0.00				
04/01/00	40001	V	DR BARRY POLLARD CAT 1104 - 1/15/00		7,100.00			
				April	7,100.00	0.00	7,100.00	
04/11/00	7005		BARRY POLLARD- may be farm related		1,037.25			
05/01/00	7350	V	NO PAYEE BARRY 4/27/00		2,510.00			
				May	3,547.25	0.00	10,647.25	
10/16/00	101000	V	DR BARRY POLLARD - COUNTER CK		7,600.00			
				October	7,600.00	0.00	18,247.25	
02/09/01	D002		BARRY POLLARD- CAT#43		7,500.00			
				February	7,500.00	0.00	25,747.25	
02/21/01	D001		COUNTER CK-BARRY					

MARSHA SCHUBERT  
General Ledger

01/31/00 - 12/31/04

22135  
Page 2  
07/07/05 08:32 AM

Date	Reference	T	Description	Beginning Balance	Debit	Credit	Period End Amount	YTD Balance
P009801 Cash draw (cont.)			POLLARD		6,800.00			
				April	6,800.00	0.00	32,547.25	
05/18/01	8503		CASHIER CHECK FOR BARRY POLLARD		9,000.00			
				May	9,000.00	0.00	41,547.25	
06/08/01	DFT60	V	BARRY POLLARD-COUNTER CK DATED 4/24/01		9,000.00			
06/11/01	DFT61	V	BARRY POLLARD-COUNTER CK DATED 6/3/01		9,000.00			
				June	18,000.00	0.00	59,547.25	
08/05/01	8194		BARRY POLLARD-DRAW		83,621.81			
				August	83,621.81	0.00	143,169.06	
07/08/02	DFT07/	V	BARRY POLLARD		54,186.60			
				July	54,186.60	0.00	197,355.66	
08/14/02	1343		BARRY POLLARD-DRAW		25,586.40			
				August	25,586.40	0.00	222,942.06	
03/28/02	8989		BARRY POLLARD-LIFE PREMIUMS		8,300.00			
				December	8,300.00	0.00	231,242.06	
05/02/03	2968		F&M CASHIER CK TO EQ FOR BARRY POLLARD 4423044		9,500.00			
				May	9,500.00	0.00	240,742.06	
08/25/03	2913	V	BARRY POLLARD		60,000.00			
				September	60,000.00	0.00	300,742.06	
02/11/04	3427		Barry Pollard, draw		30,000.00			
				February	30,000.00	0.00	330,742.06	
03/16/04	3238	V	CSHRS CK #57882-FRONTIER TRUST BARRY POLLARD		5,013.00			
				March	5,013.00	0.00	335,755.06	
05/03/04	3814		BARRY POLLARD		11,040.00			
				May	11,040.00	0.00	346,795.06	
06/10/04	3714	V	ROXANNE POLLARD		15,000.00			
				June	15,000.00	0.00	361,795.06	
07/01/04	4191	V	CASHIER CHECK #59132 TO NATL LIFE VERMONT FOR POLLARD		7,000.00			
				July	7,000.00	0.00	368,795.06	

MARSHA SCHUBERT  
General Ledger

22135

Page 3

07/07/05 08:32 AM

01/31/00 - 12/31/04

Date	Reference	T	Description	Beginning Balance	Debit	Credit	Period End Amount	YTD Balance
P009801 Cash draw (cont.)								
07/23/04	4343		NO PAYEE- BARRY POLLARD PER BANK		1,000.00			
07/31/04	4652		BARRY POLLARD		6,150.00			
				August	7,150.00	0.00	375,945.06	
09/01/04	4366	V	ROXANNE POLLARD		13,000.00			
09/01/04	4732	V	BARRY POLLARD		2,000.00			
09/03/04	4760	V	BARRY POLLARD		6,000.00			
09/07/04	4376	V	CSHRS CK#59439 TO EQUITABLE LIFE INS. FROM BARRY POLLARD/ WENDELL KIRTLEY POLICY		11,323.00			
09/08/04	4784	V	BARRY POLLARD		300.00			
				September	32,623.00	0.00	408,568.06	
10/01/04	4481	V	BARRY POLLARD		750.00			
10/01/04	4865	V	BARRY POLLARD		8,000.00			
				October	8,750.00	0.00	417,318.06	
					417,318.06	0.00		417,318.06
P009864 Transfers to investment firms				0.00				
06/10/02	9111	V	CSHRS CK #52633 TO EQUITABLE FOR BARRY POLLARD		8,086.00			
				June	8,086.00	0.00	8,086.00	
07/01/02	9227	V	BARRY POLLARD		614.00			
				July	614.00	0.00	8,700.00	
09/17/02	9269	V	CASHIER CHECK TO EQUITABLE FOR BARRY POLLARD		9,000.00			
				September	9,000.00	0.00	17,700.00	
09/02/03	2434	V	EQUITABLE- CSHRS CK #56289 FOR POLLARD POLICY# 44230443		10,250.00			
				June	10,250.00	0.00	27,950.00	
					27,950.00	0.00		27,950.00

Range of Periods Specified:

Total Profit/(Loss) (386,157.71)

Number of Transactions 41

The General Ledger is in balance 0.00

IRVING L. FAUGHT  
ADMINISTRATOR



BRAD HENRY  
GOVERNOR

STATE OF OKLAHOMA  
DEPARTMENT OF SECURITIES

November 16, 2005

*Via Facsimile (405) 691-4595*

Carolie E. Rozell  
Fulkerson & Fulkerson, P.C.  
10444 Greenbriar Place  
Oklahoma City, OK 73159

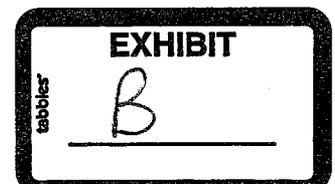
Re: Oklahoma Department of Securities v. Barry and Roxanne Pollard  
Case No. CJ-2005-3799

Dear Ms. Rozell:

This letter is to confirm the agreement of both parties that until the Motion to Dismiss filed on July 28, 2005, in the referenced matter, has been ruled upon, the Discovery Request for Barry and Roxanne Pollard would be due 30 days after an answer has been filed.

Sincerely,

  
Amanda Cornmesser  
Enforcement Attorney



IRVING L. FAUGHT  
ADMINISTRATOR



BRAD HENRY  
GOVERNOR

STATE OF OKLAHOMA  
DEPARTMENT OF SECURITIES

March 27, 2006

Via Facsimile (405) 691-4595

Carolie E. Rozell  
Fulkerson & Fulkerson, P.C.  
10444 Greenbriar Place  
Oklahoma City, OK 73159

Re: Oklahoma Department of Securities v. Barry and Roxanne Pollard  
Case No. CJ-2005-3799

Dear Ms. Rozell:

This letter is a reminder that an agreement was made on November 16, 2005, that Mr. Pollard's discovery would be due 30 days after the filing of an answer. Mr. Pollard's answer was filed on January 25, 2006; therefore, his discovery responses were due on February 24, 2006.

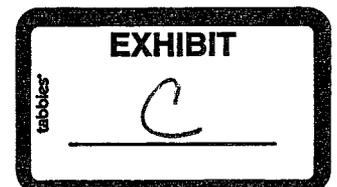
As of this date, the Department has not received the discovery responses. Please notify me in writing of when Mr. Pollard's responses will be provided to the Department. Thank you for your cooperation.

Sincerely,

A handwritten signature in cursive script that reads "Amanda Cornmesser".

Amanda Cornmesser  
Enforcement Attorney

Handwritten initials "mh" in cursive script.



IRVING L. FAUGHT  
ADMINISTRATOR



BRAD HENRY  
GOVERNOR

STATE OF OKLAHOMA  
DEPARTMENT OF SECURITIES

May 2, 2006

VIA FAX 405-691-4595 & Regular U.S. Mail

Richard Parrish  
Shawn D. Fulkerson  
Carolie E. Rozell  
Fulkerson & Fulkerson, P.C.  
10444 Greenbriar Place  
Oklahoma City, OK 73159

Re: Oklahoma Department of Securities ex. rel. Irving L. Faught, Administrator, et al.  
v. Barry and Roxanne Pollard  
Oklahoma County Case No. Case No. CJ-2005-3799

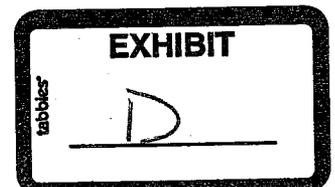
Dear Counsel:

According to our records, your client's 30-day response time relative to the written discovery requests sent to them expired on Monday, May 1, 2006. Please send your clients' discovery responses and document production to the Department before Friday, May 5, 2006. If you and/or your clients need a short amount of additional time to complete their responses, please contact us to discuss an extension. If we have neither received your client's written discovery responses nor received a call from you regarding an extension by Monday, May 8, a Motion to Compel will be filed. Your cooperation in this matter is both appreciated and expected.

Sincerely,

A handwritten signature in cursive script that reads "Amanda Cornmesser".

Amanda Cornmesser, OBA #20044  
Gerri L. Stuckey, OBA #16732  
Melanie Hall, OBA #1209  
Oklahoma Department of Securities  
120 N. Robinson, Suite 860  
Oklahoma City, OK 73102  
(405) 280-7700  
Attorneys for Plaintiffs



IN THE DISTRICT COURT OF OKLAHOMA COUNTY  
STATE OF OKLAHOMA

RICHARD LEOBOEUF, )  
 )  
 ) Plaintiff, )  
 )  
 v. )  
 )  
 ) GUNGOLL, JACKSON, COLLINS, )  
 ) BOX & DEVOLL, P.C., et al., )  
 )  
 ) Defendants. )  
 )  
 and )  
 )  
 ) OKLAHOMA DEPARTMENT OF )  
 ) SECURITIES )  
 ) *ex rel.* IRVING L. FAUGHT, )  
 ) Administrator, et al., )  
 )  
 ) Plaintiffs, )  
 v. )  
 )  
 ) ROBERT W. MATHEWS, et al., )  
 )  
 ) Defendants. )

FILED IN THE DISTRICT COURT  
OKLAHOMA COUNTY, OKLA.

Case No. CJ-2005-3299 JUN 30 2006

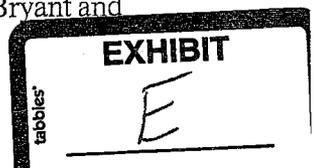
PATRICIA PRESLEY, COURT CLERK  
by \_\_\_\_\_ DEPUTY

Consolidated With

Case No. CJ-2005-3796

**ORDER COMPELLING DISCOVERY**

NOW on the 3<sup>rd</sup> day of May 2006, Plaintiffs' Motion to Compel Discovery from Defendants Allen, et al., and Plaintiffs' Motion to Compel Discovery from Kline Defendants, and various matters concerning scheduling, including rescheduling of trial and pretrial dates, rescheduling the hearing on Defendants' Motion for Summary Judgment and setting the hearing on Plaintiffs' Motion to Determine Common Issues for Trial and Separate Defendants for Individual Liability Issues, all came on for hearing before this Court. The Plaintiff Oklahoma Department of Securities appeared by and through its legal counsel, Amanda Cornmesser, Gerri Stuckey and Melanie Hall. The Plaintiff Receiver appeared by and through his attorney, Bradley E. Davenport. Defendants Allen, et al. appeared by and through their attorneys, David Bryant and



Lisa Mueggenborg. Defendants Drake, et al. appeared by and through their attorney, Carolie Rozell. Defendants Carr, Gibson and Fagg appeared by and through their attorney, Jack Mattingly, Sr. Defendants Glover and Powell appeared by and through their attorney, Rodney Heggy. Defendant Beth Armer appeared by and through her attorney, Ryan Wilson.

Based upon the briefs filed, the arguments and representations of counsel, and being fully advised in the premises, this Court finds as follows:

1. Defendants Allen, et al. shall answer the Interrogatories of Plaintiffs that were served on or about November 13, 2005, no later than June 2, 2006, and produce all documents responsive to the Plaintiffs' Requests for Production no later than June 16, 2006.

a. All Interrogatories and Requests for Production not otherwise specifically addressed herein shall be responded to as requested.

b. All Interrogatories and Requests for Production shall be responded to for the time period beginning January 1, 2000 through October 31, 2004, except to the extent that Defendants claim transactions with Marsha Schubert and/or Schubert and Associates prior to or after those dates. In the event Defendants claim transactions outside those dates, Defendants will produce detailed records reflecting both payments to and deposits and/or application of funds from Marsha Schubert and/or Schubert and Associates.

c. Defendants' previously produced Witness and Exhibit Lists shall serve as answers to Interrogatories numbered 1, 5 and 6 with the understanding that Defendants will supplement any additional witnesses or exhibits as soon as known to them with the detailed information requested in the Interrogatories and the corresponding documentation in Requests for Production numbered 15 and 16.

d. Defendants will answer Interrogatories numbered 2, 3 and 4 and produce the corresponding documentation in Requests for Production numbered 13 and 14 immediately upon retention of any expert witnesses.

e. Defendants will answer Interrogatory Number 7 as to whether Defendants have dissipated funds received from or through Marsha Schubert and/or Schubert and Associates.

f. Plaintiffs withdraw their Interrogatories numbered 10-14 and 16, and Requests for Production numbered 17-20.

g. Defendants will supplement their responses to Interrogatory numbered 15 pertaining to the identification of payments that Marsha Schubert and/or Schubert and Associates made on their behalf to any creditors between January 1, 2000 and October 31, 2004.

h. Defendants, in accordance with 12 O.S. §3226(E), will supplement their responses to Interrogatories numbered 23 and 24 pertaining to the listing of facts and evidence that support their affirmative defenses and to provide the corresponding documents responsive to Requests for Production numbered 25 and 26.

i. Since the hearing date of May 3, 2006, Defendants have supplemented their responses, including providing documents to Plaintiffs. Furthermore, Defendants, in accordance with 12 O.S. §3226(E) will supplement their responses to Interrogatory numbered 25 pertaining to the listing of facts and evidence that supports the Defendants' contentions that they gave more money to Marsha Schubert and/or Schubert and Associates than is reflected on Plaintiffs' accounting and to provide the corresponding documents responsive to Request for Production numbered 27.

j. Defendants will produce all documents responsive to Requests for Production numbered 1-3 and 6-9.

k. In response to Interrogatories numbered 17, 18, 19, 20, 21 and 22, each Defendant will state whether they agree with Plaintiffs' accounting. Those interrogatories pertain only to transactions between the Defendants and Marsha Schubert or Schubert and Associates.

l. Defendants who, in their verified answers to the Interrogatories, state their agreement with Plaintiffs' accounting will not be compelled at this time to produce tax returns as requested in Requests for Production numbered 4 and 5.

m. Defendants who, in their verified answers to Interrogatories, state their agreement with Plaintiffs' accounting will not be required at this time to list or produce statements or other records from their financial institutions as requested in Interrogatories numbered 8, 9, and 16-22 and Requests for Production numbered 10-12, 21-24, and 27-29.

n. Defendants who, in their verified answers to Interrogatories, state their disagreement with Plaintiffs' accounting will produce a list, including the date(s), amount(s) and nature of all moneys, goods, or services they paid (or provided) to or received from or through Marsha Schubert and/or Schubert and Associates, that explains and supports their dispute with Plaintiffs' accounting, as well as the institution name and account number where any such money or funds were deposited, as requested in Interrogatories numbered 8, 9, 17, 18, 19, 20, 21 and 22.

o. Defendants who, in their verified responses to Interrogatories, state their disagreement with Plaintiffs' accounting will produce tax returns as requested in Requests for Production numbered 4 and 5. The tax returns may be redacted to protect the Defendants' confidential financial information that is unrelated to their financial and investment transactions with Marsha Schubert, Schubert and Associates and any company with which she was affiliated or with whom the Defendants believed Marsha Schubert was affiliated including, but not limited to, AXA Advisors, LLC, Pershing, LLC, Wilbanks Securities, Inc., Raymond James Financial Services, Inc., E-Trade Securities, LLC, Options Xpress, Inc., and National Life Insurance

Company. Plaintiffs will work with Defendants' counsel to prepare an agreed protective order if requested by the Defendants.

p. Defendants who, in their verified answers to Interrogatories, state their disagreement with Plaintiffs' accounting will produce bank statements, front and back sides of cancelled checks, deposit slips, copies of deposit items, and other supporting documentation from their financial institutions as requested in Requests for Production numbered 10, 11, 12, 21, 22, 23, 24, 27, 28 and 29. The financial institution records may be redacted to protect the Defendants' confidential financial information that is unrelated to their financial and investment transactions with Marsha Schubert, Schubert and Associates, and any other company with which she was affiliated or with whom the Defendant believed Marsha Schubert was affiliated including, but not limited to, AXA Advisors, LLC, Pershing, LLC, Wilbanks Securities, Inc., Raymond James Financial Services, Inc., E-Trade Securities, LLC, Options Xpress, Inc., and National Life Insurance Company. Plaintiffs will work with Defendants' counsel to prepare an agreed protective order if requested by the Defendants.

2. The same dates and rulings set forth above pertaining to the discovery responses of Defendants Allen et al. will apply to the Defendants referenced in Plaintiffs' Motion to Compel Discovery from Kline Defendants.

**IT IS SO ORDERED.**

**PATRICIA G. PARRISH**

Dated: \_\_\_\_\_

\_\_\_\_\_  
Judge of the District Court

I, PATRICIA PRESLEY, Court Clerk for Oklahoma County, Okla., hereby certify that the foregoing is a true, correct and complete copy of the instrument herewith set out as the same appears in the District Court Clerk's Office, Oklahoma County, Okla., this 30 day of \_\_\_\_\_, 20\_\_\_\_.

PATRICIA PRESLEY, Court Clerk  
Deputy

Approved as to Form:



---

Amanda Commesser, OBA #20044

Gerri Stuckey, OBA #16732

Melanie Hall, OBA #1209

Oklahoma Department of Securities

120 N. Robinson, Suite 860

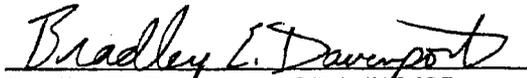
Oklahoma City, OK 73120

(405) 280-7700 phone/(405) 280-7742

Attorneys for Plaintiff, Oklahoma

Department of Securities

Approved as to Form:



Bradley E. Davenport, OBA #18687

Gungoll, Jackson, Collins, Box & Devoll, P.C.

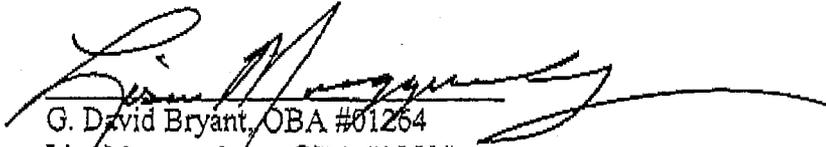
Post Office Box 1549

Enid, Oklahoma 73702-1549

(580) 234-0436 phone/(580) 233-1284 fax

Attorneys for Plaintiff/Receiver, Douglas L. Jackson

Approved as to Form:



G. David Bryant, OBA #01264  
Lisa Mueggenborg, OBA #18595  
Kline Kline Elliott & Bryant, PC  
720 N.E. 63<sup>rd</sup> St.  
Oklahoma City, OK 73105  
Attorneys for Defendants Allen, et al.

CERTIFICATE OF SERVICE

The undersigned hereby certifies that on the 30<sup>th</sup> day of June, 2006, a true and correct copy of the above and foregoing was mailed by U.S. Mail, with postage prepaid thereon, addressed to:

Lance E. Berry  
808 Longmeadow Court  
Edmond, OK 73003-3062

G. David Bryant  
Lisa M. Mueggenborg  
Kline, Kline, Elliot & Bryant  
720 NE 63rd Street  
Oklahoma City, OK 73105

Bradley E. Davenport  
Gungoll, Jackson, Collins, Box  
& Devoll, P.C.  
P.O. Box 1549  
Enid, OK 73702-1549

Ronald D. Fulkerson  
Shawn D. Fulkerson  
Carolie E. Rozell  
Fulkerson & Fulkerson, P.C.  
10444 Greenbriar Place  
Oklahoma City, OK 73159

Donald C. Fuller  
Ryan P. DeArman  
7008 NW 63rd, Suite 100  
Bethany, OK 73008

Donald Hall  
11120 Stratford Drive, #112  
Oklahoma City, OK 73120-7240

Rodney J. Heggy  
William B. Federman  
Federman & Sherwood  
First National Center, Suite 2720  
120 N. Robinson  
Oklahoma City, OK 73120

Dennis W. Hladik  
302 N. Independence, Suite 300  
Enid, OK 73701

Jack Mattingly, Sr.  
P.O. Box 70  
215 E. Oak  
Seminole, OK 74818-0070

Melvin L. McDaniel  
100 N. Broadway, Suite 3120  
Oklahoma City, OK 73102

E. Edd Pritchett  
Pritchett & Snyder  
114 N. Main Street, Suite 101  
Kingfisher, OK 73750

Garrett Lee Schubert  
1112 Emma Lane  
Stillwater, OK 74074

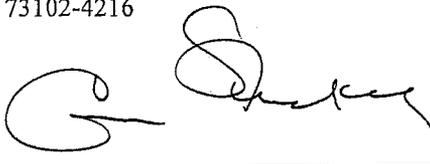
Hillary Schubert  
723 S. Third  
Medford, OK 73759-3704

R. Brandon Schubert  
833 Ethan Lane  
Yukon, OK 73099

Richard E. Stout  
Cynthia K. Stout  
3200 E. Memorial Road  
Suite 300  
Edmond, OK 73013

Gayle Venable  
Rt. 1, P.O. Box 129  
Anadarko, OK 73005

Ryan Wilson  
Hartzog, Conger, Cason & Neville  
201 Robert S Kerr Avenue  
Suite 1600  
Oklahoma City, OK 73102-4216

  
\_\_\_\_\_  
Gerri Stuckey



IRVING L. FAUGHT  
ADMINISTRATOR

BRAD HENRY  
GOVERNOR

STATE OF OKLAHOMA  
DEPARTMENT OF SECURITIES

May 30, 2006

VIA FAX 405-691-4595 & Regular U.S. Mail

Richard Parrish  
Shawn D. Fulkerson  
Carolie E. Rozell  
Fulkerson & Fulkerson, P.C.  
10444 Greenbriar Place  
Oklahoma City, OK 73159

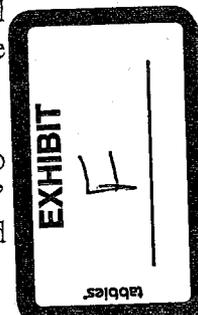
Re: Oklahoma Department of Securities ex. rel. Irving L. Faught, Administrator, et al.  
v. Barry and Roxanne Pollard  
Oklahoma County Case No. Case No. CJ-2005-3799

Dear Counsel:

We are writing to request production of the documents responsive to the Plaintiff's Interrogatories and Plaintiff's Request for Production of Documents that Barry and Roxanne Pollard indicated they would produce pursuant to 12 O.S. §3233(C) for inspection and copying. Please have all such documents sent out to Universal Document Subscriptions (Universal) at 100 W. Main, Suite 172A, for one set to be copied at the Department's expense. Arrangements have been made with Universal for payment by the Department.

In conjunction with this request, Plaintiff expects the Pollards to produce copies of any tax forms reflecting investment gains and/or losses through any entity with which Marsha Schubert was affiliated. Those entities include, but are not limited to, AXA Advisors LLC, Wilbanks, Pershing LLC, Raymond James, Equitable, Alliance, OptionsExpress, National Life Insurance and ETrade. These documents are responsive to Request for Production Nos. 4 and 5. As you know, the Court has ruled in Case Nos. CJ-2005-3299 and CJ-2005-3796 that the Plaintiff is entitled to this information. *See Transcript of Proceedings attached hereto, (Transcript), pages 64-65, and Rule 11 of the District Court Rules.* If requested by the Pollards, the Plaintiff will agree not to publish or disseminate any information in the Pollards' tax returns for any purpose other than is absolutely necessary in the course of this lawsuit.

Plaintiff also requests that Barry and Roxanne Pollard supplement their responses to Interrogatories 8 and 9. Because the responses are duplicative of the Kline Law Firm's clients' responses, Plaintiff will make you aware that the Court has ruled in Case Nos. CJ-2005-3299 and



CJ-2005-3796 that Plaintiff is entitled to any bank records that reflect monies paid by your clients to or paid to your clients from Marsha Schubert and/or Schubert and Associates. *See Transcript, page 41, and Rule 11 of the District Court Rules.*

In several of the responses, the Pollards claim that the accounting designated as Exhibit A to the discovery requests was not attached. While Plaintiff believes that Pollards' accounting was previously provided, another copy of Exhibit A is enclosed. Should you not receive a document in the future from this office, please notify the Department at your earliest convenience.

Plaintiff asks that the Pollards provide the supplemental discovery responses described above to the Department on or before June 12, 2006. Failure to supplement these discovery responses will result in the Department filing a motion to compel. However, it is our hope that we can resolve these discovery issues without having to involve the Court.

Should you have any questions, please do not hesitate to contact the undersigned at (405) 280-7700.

Sincerely,



Amanda Commesser  
Attorney  
Oklahoma Department of Securities

Enclosures

# FULKERSON & FULKERSON, P. C.

*Attorneys at Law*

RONALD D. FULKERSON  
SHAWN D. FULKERSON  
CAROLIE E. ROZELL  
OF COUNSEL  
RICHARD E. PARRISH, P.L.L.C.

10444 Greenbriar Place  
Oklahoma City, Oklahoma 73159

Telephone: (405) 691-4949  
Facsimile: (405) 691-4595

June 12, 2006

Amanda Cornmesser  
State of Oklahoma  
Department of Securities  
First National Center, Suite 860  
120 N. Robinson  
Oklahoma City, Oklahoma 73102

Re: *Oklahoma Department of Securities vs. Barry Pollard and Roxanne Pollard*  
Case No. CJ-2005-3799

Dear Ms. Cornmesser:

In response to your letter dated May 30, 2006, enclosed please find the documents we have agreed to produce in conjunction with your Requests for Production of Documents to Numbers 3, 9, 10, 21, and 25. We reserve the right to supplement our discovery responses and production of documents as discovery continues.

With regard to your Request for Production of Documents in Numbers 4 and 5, we maintain our objection to producing the same. It is our position that the Pollards' case is vastly distinguishable from the other cases cited in your letter. Therefore, we will not agree to produce the Pollards' tax information requested by the Department of Securities. We also maintain this position with regard to your request that we supplement our responses to Interrogatories 8 and 9.

Further, please be advised that we have not received the Exhibit A referenced in your Interrogatories, Requests for Production of Documents and in your letter dated May 30, 2006.

Sincerely,  
FULKERSON & FULKERSON, P.C.

  
RICHARD E. PARRISH

REP:st  
Enclosures

