

IN THE DISTRICT COURT OF OKLAHOMA COUNTY  
STATE OF OKLAHOMA

FILED IN THE DISTRICT COURT  
OKLAHOMA COUNTY, OKLA.

OCT 24 2007

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

Oklahoma Department of Securities )  
*ex rel.* Irving L. Faught, )  
Administrator; )  
 )  
Plaintiff, )  
 )  
v. )  
 )  
Barry Pollard and Roxanne Pollard, )  
 )  
Defendants. )  
 )  
v. )  
 )  
AXA Equitable Life Insurance Company, )  
f/k/a Equitable Life Assurance Company )  
of the United States, )  
 )  
Third Party Defendants. )

Case No. CJ-2005-3799

**ORDER**

On the 27<sup>th</sup> day of September, 2007, Plaintiff's *Motion for Summary Judgment*, Plaintiff's *Motion to Strike the Affidavit of David Morley*, and Defendants' *Motion to Strike Plaintiff's Reply or Alternatively Combined Motion to Continue Hearing on the Plaintiff's Motion for Summary Judgment and Motion for Leave to File a Sur-Reply* came on for hearing before this Court. The Plaintiff, Oklahoma Department of Securities, appeared by and through its legal counsel, Amanda Cornmesser and Melanie Hall. Defendants Barry and Roxanne Pollard appeared by and through their attorneys, Richard Parrish and Carolie Rozell. The Third-Party Defendant, AXA Equitable Life Insurance Company, appeared by and through their attorneys, Judy Morse and Regan Beatty Strickland.

Based on the pleadings filed, the Court made the following rulings at the conclusion of the hearing: 1) Plaintiff's *Motion to Strike the Affidavit of David Morley* was overruled; 2) Plaintiff's oral motion to exceed the five (5) page limitation for its *Reply to Defendants' Response to Plaintiff's Motion for Summary Judgment* was sustained; and 3) Defendant's *Motion to Continue Hearing on the Plaintiff's Motion for Summary Judgment and Motion for Leave to File a Sur-Reply* was sustained. The Court also authorized Defendants to file a sur-reply that is no more than fifteen (15) pages in length. The Court continued the hearing on Plaintiff's *Motion for Summary Judgment*.

**IT IS THEREFORE ORDERED** that Plaintiff's *Motion to Strike the Affidavit of David Morley* is overruled.

**IT IS FURTHER ORDERED** that Plaintiff's oral motion to exceed the five (5) page limitation for its *Reply to Defendants' Response to Plaintiff's Motion for Summary Judgment* is sustained.

**IT IS FURTHER ORDERED** that Defendants' *Motion to Continue Hearing on the Plaintiff's Motion for Summary Judgment and Motion for Leave to File a Sur-Reply* is sustained. Defendants' sur-reply shall not exceed fifteen (15) pages in length.

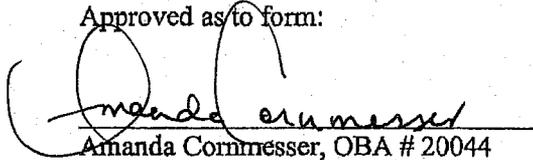
**IT IS FURTHER ORDERED** that the hearing on Plaintiff's *Motion for Summary Judgment* is continued to October 11, 2007, at 2:30 p.m.

Dated: Oct 24, 2007

VICKI ROBERTSON  
Judge of the District Court

VICKI ROBERTSON  
DISTRICT JUDGE

Approved as to form:



Amanda Commesser, OBA # 20044

Gerri Stuckey, OBA # 16732

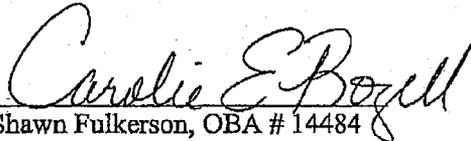
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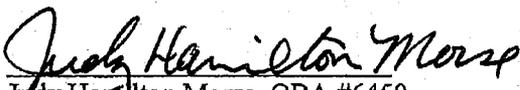
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Attorneys for Defendants

Barry Pollard and Roxanne Pollard



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Attorneys for Third Party Defendant

AXA Equitable Life Insurance Company

CERTIFICATE OF SERVICE

The undersigned hereby certifies that on the 24 day of October, 2007, a true and correct copy of the above and foregoing was mailed by U.S. Mail, with postage prepaid thereon, addressed to:

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Shawn D. Fulkerson  
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