

IN THE SUPREME COURT OF THE STATE OF OKLAHOMA

OKLAHOMA DEPARTMENT OF SECURITIES)
Ex rel. IRVING L. FAUGHT, Administrator,)
and DOUGLAS L. JACKSON, in his capacity as)
the court appointed receiver for the investors and)
creditors of Schubert & Assoc. and for the assets)
of Marsha Schubert, individually, and doing)
business as Schubert & Associates, and for)
Schubert & Associates,)

Plaintiffs/Appellees,)

vs.)

ROBERT W. MATHEWS, et al,)

Defendants,)

WADE TOEPFER, R. KURT BLAIR, WENDY)
B. BLAIR, NEIL SHEEHAN, ROBERT RAINS,)

Defendants/Appellants.)

FILED
SUPREME COURT
STATE OF OKLAHOMA

NOV 22 2006

MICHAEL S. RICHIE
CLERK

Case No. CJ-2005-3796

Consolidated with

Case No. CJ-2005-3299

Supreme Court No.

#104004

RECORD ON ACCELERATED APPEAL

G. David Bryant OBA #01264
Lisa Mueggenborg OBA #18595
KLINE, KLINE, ELLIOTT & BRYANT, PC
720 N.E. 63rd Street
Oklahoma City, Oklahoma 73105
Telephone: (405) 848-4448
Telecopier: (405) 842-4539

ATTORNEY FOR APPELLANTS

November 22, 2006

VOLUME 1 of 2

IN THE DISTRICT COURT OF OKLAHOMA COUNTY
STATE OF OKLAHOMA

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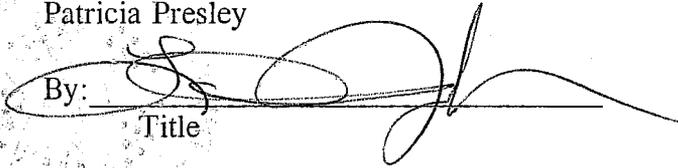
Supreme Court No. _____

COURT CLERK'S CERTIFICATE

I certify that each of the identified and included documents in the Record on Accelerated Appeal is a true and correct copy of the original on file in the Oklahoma County Court Clerk's office. A copy of the Index of Record is attached to this Certificate.

DATED this 20th day of November, 2006.

Clerk
Patricia Presley

By: 

Title

RECORD ON ACCELERATED APPEAL

Pursuant to Rule 1.36 of the Supreme Court Rules, Appellants submit this Record on Accelerated Appeal.

INDEX OF RECORD

- Tab 1 Plaintiffs' Petition filed on May 11, 2005
- Tab 2 Motion to Dismiss filed on June 1, 2005
- Tab 3 Plaintiff Department of Securities' Memorandum in Opposition to Motion to Dismiss filed June 20, 2005
- Tab 4 Plaintiff Receiver's Response to Motion to Dismiss filed June 20, 2005
- Tab 5 Transcript of Proceedings dated July 18, 2005
- Tab 6 Supplemental Brief to Motion to Dismiss filed July 28, 2005
- Tab 7 Plaintiff Department of Securities Response to Defendants' Supplemental Brief to Motion to Dismiss filed August 8, 2005
- Tab 8 District Court Order filed on August 16, 2005
- Tab 9 Defendants' Answer filed on August 26, 2005
- Tab 10 Defendants' Motion for Summary Judgment filed on March 31, 2006
- Tab 11 Memorandum Brief in Support of Defendants' Motion for Summary Judgment filed on March 31, 2006
- Tab 12 Plaintiff Receiver's Response and Objection to Defendants' Motion for Summary Judgment filed July 14, 2006
- Tab 13 Plaintiff Oklahoma Department of Securities' Brief in Response to Defendants' Motion for Summary Judgment filed on July 14, 2006
- Tab 14 Reply to Oklahoma Department of Securities' Brief in Response to Defendants' Motion for Summary Judgment filed on July 26, 2006
- Tab 15 Reply to Plaintiff Receiver's Response and Objection to Defendants' Motion for Summary Judgment filed on July 26, 2006
- Tab 16 Transcript of Proceedings dated August 2, 2006

- Tab 17 Defendants' Motion to Reconsider and Motion for New Trial filed on August 14, 2006
- Tab 18 Plaintiff Department's Motion for Summary Judgment against Defendants' Kurt and Wendy Blair and Brief in Support filed on August 16, 2006
- Tab 19 Defendants' Objection to Plaintiff Oklahoma Department of Securities' Motion for Summary Judgment and Brief in Support filed on August 31, 2006.
- Tab 20 Douglas L. Jackson's Response to Defendants' Motion to Reconsider and Motion for New Trial filed on September 6, 2006
- Tab 21 Transcript of Hearing on Motion to Reconsider held on September 6, 2006
- Tab 22 Journal Entry filed on September 11, 2006
- Tab 23 Plaintiff Department's Motion for Summary Judgment against Defendant Wade Toepfer and Brief in Support filed on September 18, 2006
- Tab 24 Plaintiff Department's Motion for Summary Judgment against Defendant Neil Sheehan and Brief in Support filed on September 13, 2006
- Tab 25 Plaintiff Department's Motion for Summary Judgment against Defendant Robert Rains and Brief in Support filed on September 13, 2006
- Tab 26 Defendant's Objection to Plaintiff Oklahoma Department of Securities' Motion for Summary Judgment and Brief in Support filed on September 28, 2006
- Tab 27 Defendant's Objection to Plaintiff Oklahoma Department of Securities' Motion for Summary Judgment and Brief in Support filed on September 28, 2006
- Tab 28 Defendant's Objection to Plaintiff Oklahoma Department of Securities' Motion for Summary Judgment and Brief in Support filed on October 3, 2006
- Tab 29 Journal Entry against R. Kurt Blair and Wendy B. Blair filed on October 18, 2006
- Tab 30 Order of Judgment filed on October 20, 2006
- Tab 31 Order of Judgment filed on October 20, 2006
- Tab 32 Order of Judgment filed on October 20, 2006
- Tab 33 The Appearance Docket for CJ-2005-3299
- Tab 34 The Appearance Docket for CJ-2005-3796

Respectfully submitted,



G. David Bryant OBA #01264
Lisa Mueggenborg OBA #18595
KLINE KLINE ELLIOTT & BRYANT, PC
720 N.E. 63rd Street
Oklahoma City, Oklahoma 73105
Telephone: (405) 848-4448
Telecopier: (405) 842-4539

ATTORNEYS FOR APPELLANTS

CERTIFICATE OF MAILING TO ALL PARTIES AND COURT CLERK

I hereby certify that a true and correct copy of the Accelerated Record on Appeal was mailed this 22nd day of November, 2006 by depositing it in the U.S. Mails, postage prepaid to:

Amanda Cornmesser/Gerri Stuckey
Melanie Hall
First National Center, Suite 860
120 North Robinson
Oklahoma City, Oklahoma 73102-5045

Attorneys for Oklahoma Department of
Securities

Bradley E. Davenport
323 W. Broadway Avenue
Enid, Oklahoma 73701-1549
Attorney for the Receiver,

Douglas L. Jackson

I further certify that a copy of the Accelerated Record on Appeal was filed in the Office of the Oklahoma County District Court Clerk on the 22nd day of November, 2006.

