

IN THE DISTRICT COURT OF OKLAHOMA COUNTY
STATE OF OKLAHOMA

FILED IN THE DISTRICT CO
OKLAHOMA COUNTY, OKL

SEP 15 2010

OKLAHOMA DEPARTMENT OF SECURITIES)
ex. Rel. IRVING L. FAUGHT)
Administrator, et al.,)
v.)
)
)
ROBERT MATHEWS, et al.,)
)
)
Defendants)

PATRICIA PRESLEY, COURT CL
by _____
DEPUTY

Case No. CJ2005-3296 No,

Hearing set for October 1,2010
@9:00 A.M.

DEFENDANTS OBJECTION TO PLAINTIFF OKLAHOMA DEPARTMENT OF SECURITIES' MOTION FOR SUMMARY JUDGEMENT AND BRIEF IN SUPPORT ADDENDUM

1. The defendants Young had an ancillary debt relationship with Schubert evidenced by the following.

Schubert was trading stocks on a margin (borrowed money) starting 11/29/01 thru 4/11/02. During this time additional funds were required by AXA on 6 occasions for a total of \$13426.30. Exhibits **F,G,H,I,J,K** From 12/20/01 thru 5/20/01 interest on the loans was charged to the Young's account in the amount of \$336.22. 4/2002 statement is missing. The amount listed does not include interest paid in April 2002.

Exhibits **L,M,N,O,P**

2. During this same period of stock churning and buying margin The Young's lost at least \$14344. Exhibit **A,B,D** (original objection doc.)

3. During this same time frame 11/29/2001 thru 5/5/2002 \$19918.66 was transferred into the Young's AXA account to cover losses and debt. Exhibits **Q,R**

4. Plaintiffs allege: Defendants Young did not loan money or other wise contract with Schubert for a particular interest rate that would create an antecedent

debt for the use of their money. In fact the Young's contracted with Schubert to invest in a legitimate investment. When that money was illegally taken, moved into the ponzi scheme the money became a an *ancillary* debt. Exhibit **A,B**

5. The conclusion can only be the Young's and Schubert had an ancillary debt relationship and the Young's sustained losses.

CERTIFICATION OF SERVICE

This to certify a true and correct copy of the above and foregoing instrument was mailed on this day September 15, 2010 with postage prepaid to:

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