

**IN THE DISTRICT COURT OF OKLAHOMA COUNTY  
STATE OF OKLAHOMA**

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

Plaintiff, )

v. )

Case No. CJ-2005-3799

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.  
FEB 20 2008  
PATRICIA PRESLEY, COURT CLERK  
by \_\_\_\_\_  
Deputy

**ORDER GRANTING DEFENDANTS' MOTION TO CERTIFY QUESTIONS FOR  
IMMEDIATE INTERLOCUTORY APPEAL AND MOTION TO STAY**

Now on this 30<sup>th</sup> day of January 2008, Defendants Barry and Roxanne Pollard's *Motion to Certify Questions for Immediate Interlocutory Appeal and Motion to Stay* came on for hearing before the Court. The Court, having read all the briefs offered by the parties, having reviewed all evidence presented and having heard oral arguments from both parties, finds the following Defendants' *Motion to Certify Questions for Immediate Interlocutory Appeal and Motion to Stay* is granted.

**IT IS THEREFORE ORDERED, ADJUDGED AND DECREED** that the Defendants' *Motion to Certify Questions for Immediate Interlocutory Appeal and Motion to Stay*

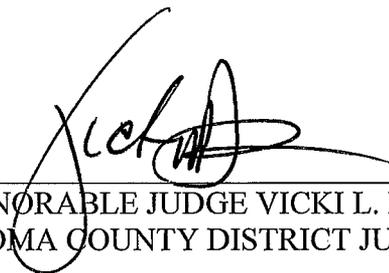
is granted.

**IT IS THEREFORE ORDERED, ADJUDGED AND DECREED** that pursuant to 12 Okla. Stat. §952(b)(3), the following legal issues should be certified to the Oklahoma Supreme Court for review in advance of final judgment:

- 1) Whether the Department is required to trace funds received by one investor as coming from other investors in order to prove unjust enrichment and/or require disgorgement of such monies?
- 2) Whether the Department may recover monies received by the investors under a Ponzi scheme based on the theory of unjust enrichment?
- 3) Whether the Pollards are entitled to a setoff or offset against any monies ordered to be disgorged?

**IT IS THEREFORE ORDERED, ADJUDGED AND DECREED** that all discovery and proceedings in this case are stayed pending determination of this matter by the Oklahoma Supreme Court.

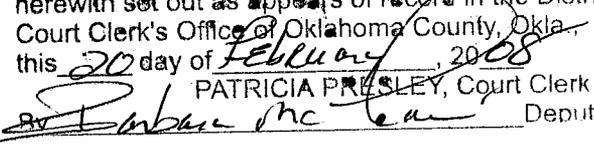
Dated this 19 day of February, 2008.



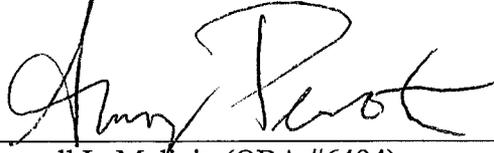
---

THE HONORABLE JUDGE VICKI L. ROBERTSON  
OKLAHOMA COUNTY DISTRICT JUDGE

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 appears of record in the District Court Clerk's Office of Oklahoma County, Okla., this 20 day of February, 2008.

  
PATRICIA PRESLEY, Court Clerk  
Deputy

Approved:



---

Russell L. Mulinix (OBA #6494)  
Amy G. Piedmont (OBA #21322)  
MULINIX OGDEN HALL  
ANDREWS & LUDLAM. P.L.L.C.  
A Professional Limited Liability Company  
210 Park Avenue, Suite 3030  
Oklahoma City, OK 73102  
(405) 232-3800 – Telephone  
(405) 232-8999 - Facsimile

Attorneys for Barry Pollard and Roxanne Pollard

---

Amanda Cornmesser, OBA #20044  
Gerri Stuckey, OBA #16732  
Melanie Hall, OBA #1209  
Oklahoma Department of Securities  
First National Center, Suite 860  
120 N. Robinson  
Oklahoma City, OK 73102

Attorneys for Oklahoma Department of Securities

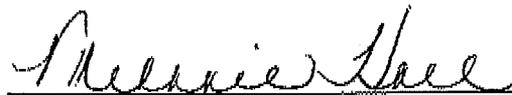
Feb. 8. 2008 1:54PM

No. 1191 P. 4

Approved:

---

Russell L. Mulinix (OBA #6494)  
Amy G. Piedmont (OBA #21322)  
MULINIX OGDEN HALL  
ANDREWS & LUDLAM, P.L.L.C.  
A Professional Limited Liability Company  
210 Park Avenue, Suite 3030  
Oklahoma City, OK 73102  
(405) 232-3800 - Telephone  
(405) 232-8999 - Facsimile  
Attorneys for Barry Pollard and Roxanne Pollard



---

Amanda Cornmesser, OBA #20044  
Gerri Stuckey, OBA #16732  
Melanie Hall, OBA #1209  
Oklahoma Department of Securities  
First National Center, Suite 860  
120 N. Robinson  
Oklahoma City, OK 73102

Attorneys for Oklahoma Department of Securities