

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

ROBERT LYNN POURCHOT, Trustee of the)
 Robert Lynn Pourchot Trust; DONALD W. ORR,)
 Trustee of the Pork Chop Trust; THE WILL)
 FOUNDATION; POURCHOT INVESTMENTS,)
 LP; PHILLIP M. POURCHOT, Trustee of the)
 Phillip M. Pourchot Revocable Trust; RICHARD)
 REYNOLDS; RICHARD REYNOLDS, Trustee of)
 the Richard Reynolds Living Trust; ANNENDA)
 REYNOLDS; STEVEN B. SANDERS; VICKI L.)
 SANDERS; and CRANDALL & SANDERS, INC.,)

Plaintiffs,)

v.)

FARMERS & MERCHANTS BANK, an)
 Oklahoma banking entity; JOHN V. ANDERSON,)
 Individually, and as Officer and Director of)
 Farmers & Merchants Bank; and JOHN TOM)
 ANDERSON, Individually, and as Officer)
 and Director of Farmers & Merchants Bank,)

Defendants.)

**FILED IN THE DISTRICT COURT
OKLAHOMA COUNTY, OKLA.**

DEC 19 2006

PATRICIA PRESLEY, COURT CLERK
 by _____
 DEPUTY

Case No.: **CJ-2006-10049**

HEARING SET

DATE January 12, 2007
 TIME 9:00 a.m.
 JUDGE Parrish

MOTION TO CONSOLIDATE

COME NOW the Plaintiffs, Robert Lynn Pourchot, Trustee of the Robert Lynn Pourchot Trust; Donald W. Orr, Trustee of the Pork Chop Trust; the Will Foundation; Pourchot Investments, LP; Phillip M. Pourchot, Trustee of the Phillip M. Pourchot Revocable Trust; Richard Reynolds; Richard Reynolds, Trustee of the Richard Reynolds Living Trust; Annenda Reynolds; Steven B. Sanders; Vicki L. Sanders; and Crandall & Sanders, Inc. (collectively, "Plaintiffs"), and move to consolidate this case with Case No. CJ-2006-3311, *Oklahoma Department of Securities, ex rel., Irving L. Fraught, Administrator v. Farmers & Merchants Bank, an Oklahoma banking entity; Farmers and Merchants Bancshares, Inc., an Oklahoma*

corporation; John V. Anderson, Individually, as an officer and director of Farmers & Merchants Bank, and as a shareholder of Farmers & Merchants Bancshares, Inc.; and John Tom Anderson, Individually, as an officer and director of Farmers & Merchants Bank, and as a shareholder of Farmers & Merchants Bancshares, Inc.

1. On April 21, 2006, the Oklahoma Department of Securities ("ODS") filed a Petition against Farmers & Merchants Bank, ("F&M Bank"), Farmers and Merchants Bancshares, Inc. ("Bancshares"), John V. Anderson, individually, as an officer and director of F&M Bank, and as a shareholder of Bancshares, and John Tom Anderson, individually, as an officer and director of F&M Bank, and as a shareholder of Bancshares (the "ODS case"). In its suit, the ODS seeks an order requiring F&M Bank, John V. Anderson, and John Tom Anderson to make restitution for the benefit of all investors, including the Plaintiffs, who lost money in the fraudulent investment scheme orchestrated by Marsha Schubert. The ODS case is pending in Oklahoma County District Court in Case No. CJ-2006-3311 and is assigned to the Honorable Judge Patricia G. Parrish. No trial date has been set.

2. On December 8, 2006, the Plaintiffs filed a similar action in this Court alleging the same fraudulent scheme seeking to recover the damages caused by F&M Bank, John V. Anderson, and John Tom Anderson's aiding and abetting Marsha Schubert's scheme. This case is also assigned to the Honorable Judge Patricia G. Parrish.

3. The ODS case and the present case raise an identical issue concerning the liability of F&M Bank, John V. Anderson and John Tom Anderson under the Oklahoma Securities Act for aiding and abetting the securities fraud schemes of Marsha Schubert. These actions involve the same incident, most of the same questions of law and fact, and will require the testimony of the same witnesses.

4. These closely related cases should be consolidated in order to avoid inefficiencies and ensure uniformity of rulings. The Oklahoma Pleading Code provides that a Court may consolidate such closely related proceedings:

When actions involving a common question of law or fact are pending before the court, it may order a joint hearing or trial of any or all the matters in issue in the actions; it may order all the actions consolidated; and it may make such orders concerning proceedings therein as may tend to avoid unnecessary costs or delay.

12 Okla. Stat. § 2018(C).

5. The Rules of the Seventh Judicial District more specifically address the circumstances that warrant consolidation, as well as the procedure that may be followed when consolidating cases:

Whenever two or more cases involving identical issues and involving one or more parties common to all cases are pending, the judge of the division to which the lowest numbered case is assigned may consolidate and reassign all such cases to that assigned judge. Cases will be consolidated to the lowest case number. A copy of the order of consolidation shall be filed in each case affected by the consolidation.

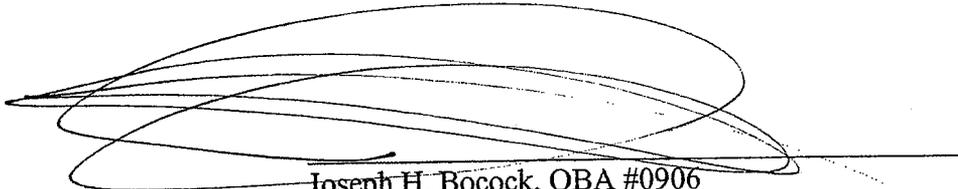
Seventh Judicial District Rule 9.

5. This case involves an identical issue as the ODS case, *i.e.*, whether F&M Bank, John V. Anderson, and/or John Tom Anderson are liable under the Oklahoma Securities Act for aiding and abetting Marsha Schubert's fraudulent schemes. This case also has three defendants common to the ODS case – F&M Bank, John V. Anderson, and/or John Tom Anderson. Accordingly, Plaintiffs requests that this case be consolidated with Case No. CJ-2006-3311, the lowest numbered case.

WHEREFORE, the plaintiffs, Robert Lynn Pourchot, Trustee of the Robert Lynn Pourchot Trust; Donald W. Orr, Trustee of the Pork Chop Trust; the Will Foundation; Pourchot Investments, LP; Phillip M. Pourchot, Trustee of the Phillip M. Pourchot Revocable Trust; Richard Reynolds; Richard Reynolds, Trustee of the Richard Reynolds Living Trust; Annenda

Reynolds; Steven B. Sanders; Vicki L. Sanders; and Crandall & Sanders, Inc. request that this matter be consolidated with the lower-numbered case, CJ-2006-3311.

Respectfully submitted this 19th day of December, 2006.

A large, messy handwritten scribble in black ink, likely representing a signature, positioned above the contact information for Joseph H. Bocock and Spencer F. Smith.

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