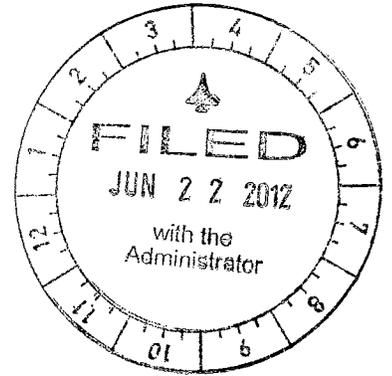


STATE OF OKLAHOMA
DEPARTMENT OF SECURITIES
THE FIRST NATIONAL CENTER
120 NORTH ROBINSON, SUITE 860
OKLAHOMA CITY, OKLAHOMA 73102



In the Matter of:

Anthony L. Cross (CRD #3155726), and
The O.N. Equity Sales Company (CRD #2936),

Respondents,

ODS File No. 11-017

**RESPONDENT CROSS' SUR-RESPONSE TO ODS' REPLY TO CROSS' RESPONSE
TO ODS' OBJECTION TO HIS REQUESTED SUBPOENA DUCES TECUM TO
THERESA HUGHES**

Respondent Anthony L. Cross ("Cross") respectfully submits this Sur-Response to ODS' Reply to Cross' Response to ODS' Objection to the issuance of Cross' Subpoena Duces Tecum to Theresa I. Hughes (the "Subpoena").

Introduction

Whether or not they had standing to do so, all parties to this proceeding have now filed pleadings to inform our Hearing Officer of their positions on the propriety of issuing Cross's Subpoena Duces Tecum to Ms. Hughes. However, ODS has improperly attempted to prejudice the Hearing Officer and interfere with Respondent's limited opportunity for discovery by distorting facts and arguing its case in its Objection / Reply to Cross' Response filed herein. Accordingly, Cross files the instant Sur-Response to ODS' Objection / Reply in order to counter any prejudice that may result from ODS' filings.

Sur-Response

1. ODS initiated the above-styled proceeding on the basis of representations contained in Ms. Hughes' Complaint. Discovery to date has demonstrated that Ms.

Hughes' representations in her Complaint were largely false and misleading. Contrary to said representations, the evidence at Hearing will show , (a) Ms. Hughes had at least 20 years of investment experience prior to the time she selected the investments at issue, (b) Cross did not advise Ms. Hughes to mortgage her home, (c) Cross did not choose Ohio Savings Bank as Ms. Hughes' mortgage company, (d) Cross did not recommend that Ms. Hughes purchase the securities at issue, (e) Cross did not represent that Ms. Hughes investment would generate \$1,200 in monthly income, and (f) Ms. Hughes did not receive \$1,200 monthly income "for some time" from the investments at issue.

2. Cross began his relationship with Ms. Hughes and her deceased husband in July 1990. Over time, Cross advised them on financial matters such as health insurance, life insurance, fixed and variable annuities, and investments. Cross was aware of the Hughes respective Merrill Lynch accounts and related purchases of securities, for the Hughes transferred those assets to a fixed annuity of which Cross was the agent.

3. ODS has been building their case against Respondents and conducting discovery for this proceeding ever since September 2010 without any oversight by a Hearing Officer. In fact, ODS subpoenaed all of Cross' bank account statements since 2006, and Cross produced them.

4. On the other hand, Respondents have only been conducting discovery since May 2012.

5. The Scheduling Order in this proceeding states, "Discovery, including depositions, must be completed/answered on or before July 27, 2012 at 5:00 p.m."

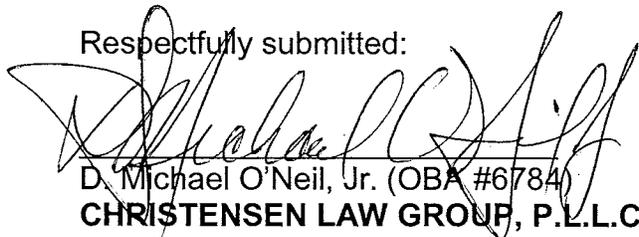
6. Respondents have demonstrated that the discovery sought by Cross is relevant to Ms. Hughes's credibility, investment experience / sophistication, and otherwise reasonable under the circumstances of Respondents investigating this matter to defend themselves; however, ODS is attempting to delay and otherwise interfere with Respondents' discovery in order to avoid disclosure of documents and information that may prove to be unfavorable to ODS' prosecution.

7. The Hearing Officer will determine the admissibility of evidence presented at hearing; that is not the test for determining the propriety of Cross' requested discovery.

Conclusion

Based upon the foregoing, Cross respectfully requests that the Hearing Officer immediately issue the subject Subpoena Duces Tecum in the interests of justice, fair play, and the avoidance of delaying the proceedings in this matter.

Respectfully submitted:



D. Michael O'Neil, Jr. (OBA #6784)

CHRISTENSEN LAW GROUP, P.L.L.C.

210 Park Avenue, 700 Oklahoma Tower

Oklahoma City, OK 73102

michael@christensenlawgroup.com

Telephone: (405) 232-2020

Facsimile: (405) 236-1012

ATTORNEY FOR RESPONDENT

ANTHONY L. CROSS

CERTIFICATE OF SERVICE

I hereby certify that a copy of this instrument was served on the following individuals and entities by Hand Delivery, depositing same in the U.S. Mail, first-class postage prepaid, and/or by other means as noted below, on June 22, 2012:

Irving L. Faught
Administrator, Okla. Dept. of Securities
120 North Robinson, Suite 860
Oklahoma City, OK 73102

U.S. Mail Fax E-mail

Terra S. Bonnell and Rob Fagnant,
Enforcement Attorneys
Oklahoma Department of Securities
120 North Robinson, Suite 860
Oklahoma City, Oklahoma 73102

U.S. Mail Fax E-mail

Robert J. Carlson
GABLEGOTWALS
100 West Fifth Street
Suite 1100
Tulsa, Oklahoma
ATTORNEYS FOR ONESCO

U.S. Mail Fax E-mail



D. Michael O'Neil