

UNITED STATES DISTRICT COURT  
SOUTHERN DISTRICT OF INDIANA  
INDIANAPOLIS DIVISION

FILED  
NOV 28 PM 4:19  
SOUTHERN DISTRICT  
OF INDIANA  
LAURA A. BRIGGS

**JAMES A. KNAUER as the Court Appointed** )  
**Receiver for HEARTLAND** )  
**FINANCIAL SERVICES, INC., JMS** )  
**INVESTMENT GROUP, LLC,** )

) **CASE NO. IP-01-1168-C T/K**

**Plaintiff,**

v.

**JONATHON ROBERTS FINANCIAL** )  
**GROUP, INC., ALLIANCE CAPITAL** )  
**MANAGEMENT CORP., ANDOVER** )  
**SECURITIES, INC., FSC SECURITIES** )  
**CORPORATION AND FFP SECURITIES,** )  
**INC.,** )

**Defendants.**

**PLAINTIFF'S MOTION FOR EXTENSION OF TIME TO RESPOND TO DEFENDANT  
JONATHON ROBERTS FINANCIAL GROUP, INC. AND ALLIANCE CAPITAL  
MANAGEMENT CORP.'S MOTION TO DISMISS**

Comes now the Plaintiff, James A. Knauer as a Court Appointed Receiver for Heartland Financial Services, Inc. and JMS Investment Group, LLC ("Plaintiff"), by counsel, and respectfully moves the Court for an extension of thirty (30) days up to and including Wednesday, December 26, 2001, in which to respond to Jonathon Roberts Financial Group, Inc. and Alliance Capital Management Corp.'s Motion to Dismiss Plaintiff's Complaint ("Motion to Dismiss"). In support of this Motion, the Plaintiff sets forth the following:

1. On or about October 8, 2001, Plaintiff was served with the Defendant FFP Securities, Inc.'s Motion to Dismiss.
2. On or about October 9, 2001, Plaintiff was served with Defendant FSC Securities

Corp., Inc.'s Motion to Dismiss.

3. On or about October 12, 2001, Plaintiff was served with Defendants Jonathon Roberts Financial Group, Inc. and Alliance Capital Management Corporation's Motion to Dismiss.

4. Previously, Plaintiff requested and obtained an extension of thirty (30) days in preparation of Plaintiff's responses to Defendant's Motion as well as the Co-Defendants' Motions to Dismiss, making the three responses being due on November 28, 2001.

5. Defendant's Motion as well as the Co-Defendants' Motions to Dismiss involve both procedural and substantive legal issues requiring significant time in examining each of the Defendants' motions and memorandums/briefs supporting their motions as well as examining both state and federal law in preparing a response.

6. Counsel for the Plaintiff reasonably requires additional time in order to prepare his comprehensive response to all of the issues raised in each of the Defendants' Motions to Dismiss.

7. The Plaintiff reasonably requests a thirty (30) day extension of time up to and including Wednesday, December 26, 2001 in which to respond to the Defendants' Motion to Dismiss.

8. The extension of time requested herein has not been requested for the purpose causing undue delay and will not prejudice any party herein.

9. Counsel for Plaintiff has contacted counsel for the Defendant and at the time of the filing of this Motion, has not received an objection to this request for a thirty (30) day extension of time to respond to the Defendants' Motions to Dismiss.

WHEREFORE, the Plaintiff, James A. Knauer, by counsel respectfully requests that the Court GRANT a thirty (30) day extension of time up to and including Wednesday, December 26, 2001 in which to respond to Defendant Jonathon Roberts Financial Group, Inc. and Alliance Capital

Management Corp.'s Motion to Dismiss, and for all other relief just and proper in the premise.

Respectfully submitted,

KROGER, GARDIS & REGAS, LLP

By: William Bock / WJB  
WILLIAM BOCK, #1477-49  
Attorney for Plaintiff  
James A. Knauer, Receiver

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**CERTIFICATE OF SERVICE**

The undersigned hereby certifies that the foregoing has been served upon the following parties by placing a copy of the same in the United States Mail, first class postage pre-paid, on this 28<sup>th</sup> day of November, 2001:

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