

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF INDIANA
INDIANAPOLIS DIVISION

FILED
U.S. DISTRICT COURT
INDIANAPOLIS, INDIANA

01 JUL 23 PM 3:03

SO. DISTRICT
OF INDIANA
LAURA A. BRIGGS
CLERK

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

Plaintiff,)

v.)

KENNETH R. PAYNE,)
DANIEL G. DANKER, CONSTANCE)
BROOKS-KIEFER, JOHANN M. SMITH,)
AERO TECHNOLOGIAS, Ltd.,)
ATLAS INCOME FUND, LLC,)
BMC INVESTMENT GROUP,)
LLC, CARRIBEAN FEDERAL TRUST, Ltd.,)
CARRIBEAN FEDERAL TRUST SERVICES,)
Ltd., CARRIBEAN FINANCIAL SERVICES,)
CARRIBEAN INVESTMENTS)
INTERNATIONAL, Ltd. ,)
CELTIC CENTRE II,)
Ltd., CHARMAR, Ltd.,)
DOLPHIN INTERNATIONAL)
DEVELOPMENT, Ltd., DOLPHIN)
PENINSULA PARTNERS, FIRST FIDELITY)
TRUST, Ltd., FIRST INTERNATIONAL)
LIMITED, HEARTLAND)
INTERNATIONAL TRUST SERVICES, Ltd.,)
HEARTLAND MONEY MANAGEMENT OF)
FLORIDA, INC., INTERNATIONAL)
LEISURE CENTERS, INC., KJL, Ltd. OF)
BELIZE, LINCOLN FIDELITY ESCROW)
SERVICES, MDS INVESTMENTS, Ltd.,)
PMK, Ltd., PROVIDENT BANK,)
RMP, Ltd., TERENS, Ltd.,)
21ST CENTURY BANKING GROUP. Ltd.,)
21ST CENTURY INTERNATIONAL BANK)
& TRUST, Ltd. OF GRENADA,)
21ST CENTURY INTERNATIONAL)
ADVISORS, INC., 21ST CENTURY)
INTERNATIONAL ADVISORS OF)

CAUSE NO. IP-00-1629 C-T/G

BERMUDA, Ltd., 21ST CENTURY)
INTERNATIONAL ADVISORS OF)
IRELAND, Ltd., 21ST CENTURY)
PERSONNEL, LLC, UNIVERSAL)
FINANCIAL SERVICES, LTD. and)
JOHN DOES 1-20,)
))
Defendants.)
_____)

**PLAINTIFF'S THIRD MOTION FOR EXTENSION OF TIME
TO RESPOND TO DEFENDANT, CONSTANCE BROOKS-KIEFER'S,
MOTION TO DISMISS**

Comes now the Plaintiff, James A. Knauer ("Plaintiff"), by counsel, and respectfully moves the Court for a third thirty (30) day extension of time up to, and including, Wednesday, August 22, 2001, in which to respond to Defendant, Constance Brooks-Kiefer's, Motion to Dismiss. In support of his motion, the Plaintiff would show the Court as follows:

1. On or about May 7, 2001 Plaintiff was served with Defendant, Constance Brooks-Kiefer's ("Defendant"), Motion to Dismiss.
2. Plaintiff's response to Defendant's Motion is presently due on July 23, 2001, and said time has not yet expired.
3. Counsel for the Plaintiff is currently engaged in communications with another defendant in this lawsuit, Kenneth Payne ("Defendant Payne") (who is currently incarcerated) in an attempt to work out the settlement of various claims in this lawsuit. These communications may lead to the resolution of the claims against the Defendant, Constance Brooks-Kiefer.
4. Counsel for the Plaintiff is scheduled to meet with Defendant Payne on Thursday, July 26, 2001. Due to the fact that Defendant Payne is incarcerated and due to the need to review certain records prior to the meeting, July 26 was the soonest date available on which the undersigned

was able to schedule a meeting with Defendant Payne for settlement discussions.

5. The Plaintiff reasonably requires additional time in order to pursue the potential resolution of the various issues in this lawsuit and, specifically, those against the Defendant, Constance Brooks-Kiefer.

6. The Plaintiff believes that at this time it is in the best interest of the Receivership and the creditors of Heartland Financial Services to devote Receivership resources to attempt to resolve the issues between the Plaintiff and the Defendant, rather than in responding to the pending motion to dismiss.

7. Prior to the last request for an extension in this matter, counsel for the Plaintiff spoke with counsel for the Defendant (Steve Dillon) who had no objection to a thirty (30) day extension of time to respond to the Defendants' pending motion to dismiss.

8. Counsel for the Plaintiff has traded phone calls with Mr. Steve Dillon to determine whether he has any objection to this request for an extension but has been unable to speak with Mr. Dillon in part because Mr. Dillon is currently engaged in a jury trial.


9. The Plaintiff hereby requests a thirty (30) day extension of time up to, and including, Wednesday, August 22, 2001, in which to respond to Defendant's Motion to Dismiss.

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

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, August 22, 2001, in which to respond to Defendant's Motion to Dismiss, and for all other relief proper in the premises.

Respectfully submitted,

KROGER, GARDIS & REGAS, LLP

By: 
William Bock, III, Attorney No. 14777-49
Counsel for James A. Knauer, Plaintiff

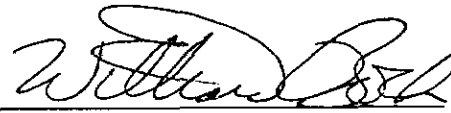
KROGER, GARDIS & REGAS, LLP
111 Monument Circle, Suite 900
Indianapolis, Indiana 46204-5125
Telephone: (317) 692-9000
Facsimile: (317) 264-6832

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 23rd day of July, 2001:

Stephen W. Dillon
Ross G. Thomas
Dillon Law Office
3601 North Pennsylvania Street
Indianapolis, Indiana 46205-3435

Kenneth Payne
VIA HAND DELIVERY


William Bock, III