

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF INDIANA

02 JUL 22 PM 2:52

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, 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)
BERMUDA, Ltd., 21ST CENTURY)
INTERNATIONAL ADVISORS OF)

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

LAURA A. BRIGGS
CLERK

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

PLAINTIFF’S MOTION TO AMEND ORDER GRANTING STIPULATION OF DISMISSAL

Comes now the Plaintiff, James A. Knauer (“Plaintiff”), by counsel, and pursuant to Rule 60 of the Federal Rules of Civil Procedure respectfully moves the Court to amend the Order Granting Stipulation of Dismissal to reflect that the dismissal of the case was “without prejudice”. In support of his motion, the Plaintiff would show the Court as follows:

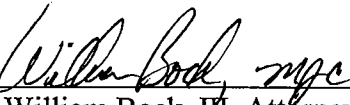
1. On or about July 17, 2002 Plaintiff, along with Kenneth Payne, by counsel, filed a Stipulation of Dismissal and Order Granting Stipulation of Dismissal (“the Stipulation”) with the court.
2. The Stipulation filed with the court specified that the dismissal was to be “without prejudice.”
3. There was a typographical error in the form order accompanying the Stipulation that read “dismissed with prejudice” instead of “dismissed without prejudice”.
4. The Plaintiff requests that the Order Granting the Dismissal of this case be amended to reflect that the matter is “dismissed without prejudice.”
5. A form order granting this motion to amend and a form order dismissing this matter without prejudice are attached.

WHEREFORE, the Plaintiff, James A. Knauer, by counsel, respectfully requests that the

Court grant the Motion to Amend the Order Granting Stipulation of Dismissal and enter a new order to dismiss without prejudice, 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 22nd day of July, 2002:

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

Linda M. Wagoner
156 E. Market Street, Ste. 900
Indianapolis, Indiana 46204


William Bock, III