

UNITED STATES COURT OF APPEALS
SEVENTH CIRCUIT COURT

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

Appellant/Plaintiff,)

vs.)

APPEAL NO. 02-3926

JONATHAN ROBERTS FINANCIAL)
GROUP, INC., ALLIANCE CAPITAL)
MANAGEMENT CORP., ANDOVER)
SECURITIES, INC., FSC SECURITIES)
CORPORATION and FFP SECURITIES, INC.,)

Appellees/Defendants.)

MOTION OF APPELLEES TO EXTEND TIME FOR FILING BRIEF

The Appellees, Jonathan Roberts Financial Group, Inc., Alliance Capital Management Corp., FSC Securities Corporation and FFP Securities, Inc. move pursuant to F.R.A.P. 26 and Circuit Rule 26 for an extension of time to file Appellees Briefs in this matter. All Appellees have joined in this Motion and have consented to the Motion being signed by counsel for FSC Securities Corporation.

1. Pursuant to Circuit Rule 26 an Affidavit setting forth the reasons on the extension of time is attached hereto as Exhibit A.

2. Appellant's counsel, William Bock, has been contacted and has no objections to the Appellees receiving a thirty (30) day extension of time in which to file the Briefs.

3. The Appellant moved for a sixty (60) day extension of time to file the Appellants Brief on December 4, 2002. On December 11, 2002 the Court granted that Motion in part and

required the Appellant to file its Brief by January 21, 2003 and ordering that the Appellees Brief was due on February 20, 2003.

4. The Appellees would thus request that the Brief of Appellees be due on March 24, 2003 which would be a thirty (30) day extension of time which would actually expire on a weekend thus, extending the due date to the next business day which is Monday, March 24, 2003.

5. The Appellees request this extension of time because pursuant to their responsibility to coordinate briefs the Appellees have met and plan to file a joint brief for all Appellees. There may be one other separately filed brief for issues that are not common to all Appellees.

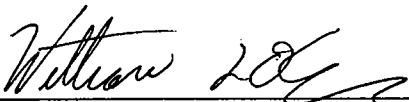
6. In order to allow each party's counsel proper input to review and comment and approve a final brief, this extension of time is necessary.

7. The Appellees have already conferenced on this matter and have divided responsibilities and in order to get a coordinated complete brief on all the necessary issues the extension of time is necessary.

WHEREFORE, the Appellees would respectfully request that the Court grant them up to and including March 24, 2003 in which to file the Appellees briefs which would then make the Appellants reply brief due on April 7, 2003.

Respectfully submitted,

DANN PECAR NEWMAN & KLEIMAN,
Professional Corporation

By: 
William L. O'Connor, Attorney No. 14925-22

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CERTIFICATE OF SERVICE

The undersigned hereby certifies that on February 3, 2003, a copy of the foregoing was duly served by first class United States mail, postage prepaid, upon the following:

William Bock, Esq.
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William L. O'Connor

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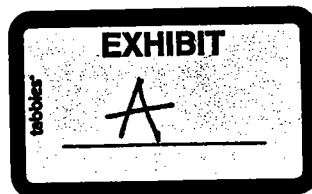
JONATHAN ROBERTS FINANCIAL)
GROUP, INC., ALLIANCE CAPITAL)
MANAGEMENT CORP., FSC SECURITIES)
CORPORATION and FFP SECURITIES, INC.,)

Appellees/Defendants.)

AFFIDAVIT

Comes now William L. O'Connor and being duly sworn upon his oath hereby states as follows:

1. I am of legal age and competent to execute this Affidavit.
2. I have personal knowledge of the facts stated in this Affidavit.
3. I am requesting from the Court, on behalf of all the Appellees, an extension of time to prepare and file the Appellees Brief in order to give all of the different Appellees time to work together and coordinate to file a joint brief on all of the primary issues involved in this appeal. There may also need to be one other brief for issues that are not common to all parties and the Appellees request that this brief be due at the same time as the joint brief of the Appellees.
4. The Appellants brief was due on January 21, 2003 and was received by the undersigned and by the other Appellees counsel shortly thereafter.



5. The several different lawyers representing the four different Appellees reviewed the brief and arranged for a conference call on January 29, 2003.

6. The Appellees have decided to file a joint brief on certain issues that are primarily at issue in this appeal and which are common to all parties. There are certain few issues which are unique to FSC Securities Corporation for which there may be a short Appellees brief filed separately from the joint brief.

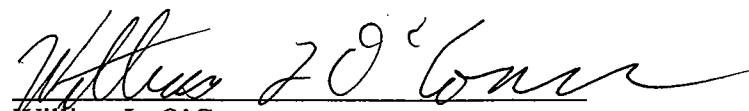
7. In dividing responsibility and setting time deadlines for the different law firms to coordinate their work product and arrive at a cohesive joint brief it was determined that a thirty (30) day extension of time was necessary.

8. When Appellants were seeking a sixty (60) day extension of time to file the Appellants brief the Appellees jointly agreed that they would not object to the Appellants motion for extension of time with the consideration that Appellant's counsel would grant the same courtesy to the Appellees.

9. The undersigned counsel contacted William Bock, counsel for the Appellants, and he stated that he had no objection to the Appellees all receiving a thirty (30) day extension of time to file the Appellees brief and any other required or supporting materials.

10. Appellees counsel realizes that such agreements are not binding on this Court and ask that this thirty (30) day extension be granted so the Appellees can appropriately work together to file a joint brief.

FURTHER AFFIANT SAITH NOT.


William L. O'Connor