

-10/5/01

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF INDIANA
INDIANAPOLIS DIVISION

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

Plaintiff,)

v.)

CAUSE NO. IP01-1168-C T/K

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

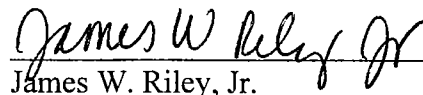
Defendants.)

_____)

FFP SECURITIES, INC.'S MOTION TO DISMISS PLAINTIFF'S COMPLAINT

COMES NOW Defendant FFP Securities, Inc. ("FFP"), by counsel, and pursuant to Rules 12(b)(1) and 12(b)(6) of the Federal Rules of Civil Procedure, moves to dismiss plaintiff's Complaint in its entirety on the ground that plaintiff lacks standing to assert the claims set forth therein. As a receiver, plaintiff has standing only to assert claims of the corporations in receivership. The receiver is not asserting claims of the corporations but is instead asserting the claims of certain investors not parties to this action who were allegedly defrauded by the corporations and their principals. Plaintiff lacks standing to assert these claims, and therefore the Complaint must be dismissed in its entirety. The grounds for this motion are more fully set forth in the Memorandum in Support submitted herewith.

Respectfully submitted,



James W. Riley, Jr.

No. 6073-49

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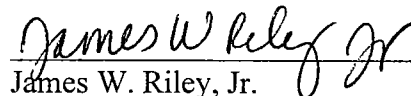
CERTIFICATE OF SERVICE

I hereby certify that a true and exact copy of the foregoing FFP Securities, Inc.'s Motion to Dismiss Plaintiff's Complaint has been served this 5th day of October, 2001, via First Class United States Mail, postage prepaid, upon:

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