

10/9/01

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, )

Plaintiffs, )

v. )

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

Defendants. )

Cause No: IP01-1168-C-T/K

**DEFENDANTS' ROBERTS/ALLIANCE MOTION TO DISMISS**

Come now the Defendants, Jonathan Roberts Financial Group, Inc. and Alliance Capital Management Corporation, by counsel, and pursuant to the provisions of Rule 12(b)(6) of the Federal Rules of Civil Procedure, respectfully request that the Court dismiss the Plaintiffs' Complaint in the above-entitled cause of action. In support of said motion the Defendants would show the Court the Plaintiffs' Complaint, the Co-Defendant FFP Securities, Inc.'s Memorandum in Support of FFP Securities, Inc.'s Motion to Dismiss Plaintiff's Complaint, and the Defendants' Roberts/Alliance Brief in Support of Motion to Dismiss being filed contemporaneously herewith.

Wherefore the Defendants, Jonathan Roberts Financial Group, Inc. and Alliance Capital Management Corporation, respectfully request that the Court dismiss the Plaintiffs' Complaint in its entirety, together with all other just and proper relief in the premises.

Respectfully submitted,

LOCKE REYNOLDS LLP



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Thomas E. Wheeler, II  
Attorney I.D. No. 13800-49

Attorneys for the Defendants  
Jonathan Roberts Financial Group, Inc.  
and Alliance Capital Management Corp.


CERTIFICATE OF SERVICE

The undersigned hereby certifies that a copy of the foregoing was served by United States Mail, first-class, postage prepaid on the following counsel of record this 9 day of October, 2001:

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