

12/27/01

UNITED STATES DISTRICT COURT  
SOUTHERN DISTRICT OF INDIANA  
INDIANAPOLIS DIVISION

FILED  
U.S. DISTRICT COURT  
INDIANAPOLIS DIVISION  
01 DEC 27 PM 1:54  
SOUTHERN 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, )

CAUSE NO. IP01-1168-C-K/T

v. )

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

Defendants. )

**PLAINTIFF'S MOTION FOR EXTENSION OF TIME TO RESPOND TO  
DEFENDANTS JONATHAN ROBERTS FINANCIAL GROUP, INC.'S AND ALLIANCE  
CAPITAL MANAGEMENT CORP.'S MOTION TO DISMISS**

Comes now the Plaintiff, James A. Knauer, as the Court-Appointed Receiver for Heartland Financial Services, Inc. and JMS Investment Group, LLC ("Plaintiff"), by counsel, and respectfully moves the Court for an additional fourteen (14) day extension of time up to, and including, Friday, January 11, 2002, in which to respond to Defendants' Roberts/Alliance Motion to Dismiss ("Motion to Dismiss"). In support of his motion, the Plaintiff would show the Court as follows:

1. On or about October 12, 2001 Plaintiff was served with Defendants Jonathan Roberts Financial Group, Inc.'s and Alliance Capital Management Corp.'s (collectively, the "Defendants"),

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Motion to Dismiss.

2. Plaintiff's response to Defendants' Motion to Dismiss is presently due on Friday, December 28, 2001, and said time has not yet expired.

3. Counsel for the Plaintiff reasonably requires additional time in order to fully frame his response to Defendants' Motion to Dismiss.

4. The Plaintiff requests an additional fourteen (14) day extension of time up to, and including, Friday, January 11, 2002, in which to respond to Defendants' Motion to Dismiss.


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

6. Plaintiff's counsel has communicated with counsel for the Defendants and at the time of filing this motion has received no objection to this request for an additional (14) day extension of time to respond to the Defendants' pending Motion to Dismiss.

WHEREFORE, the Plaintiff, James A. Knauer, as the Court-Appointed Receiver for Heartland Financial Services, Inc. and JMS Investment Group, LLC, by counsel, respectfully requests that the Court grant an additional fourteen (14) day extension of time up to, and including, Friday, January 11, 2002, in which to respond to Defendants' Motion to Dismiss, and for all other relief proper in the premises.

Respectfully submitted,

**KROGER, GARDIS & REGAS, LLP**

By:   
Reynolds B. Brissenden, Attorney No. 19989-49  
Counsel for James A. Knauer, Plaintiff

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**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 27<sup>th</sup> day of December, 2001:

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\_\_\_\_\_  
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