

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

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

SOUTHERN DISTRICT
OF INDIANA
LAURA A. BRIGGS
CLERK

Plaintiff,)

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

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
DEFENDANT FFP SECURITIES, INC.'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 FFP Securities Inc.'s Motion to Dismiss Plaintiff's Complaint ("Motion to Dismiss"). In support of his Motion, the Plaintiff would show the Court as follows:

1. On or about October 8, 2001 Plaintiff was served with the Defendant, FFP Securities, Inc.'s ("Defendant FFP"), Motion to Dismiss.

398

2. On or about October 12, 2001 Plaintiff was served with Defendants Jonathan Roberts Financial Group, Inc. and Alliance Capital Management Corporation's Motion to Dismiss (the "Roberts/Alliance Motion to Dismiss")

3. Plaintiff's response to the Roberts/Alliance Motion to Dismiss is presently due on Friday, December 28, 2001, and said time has not yet expired.

4. On or about October 14, 2001, Plaintiff was served with Defendant FFP's Joinder of FFP Securities, Inc. in the Motion to Dismiss and Brief in Support of Jonathan Roberts Financial Group, Inc./Alliance Capital Management Corporation.

5. As Defendant FFP is now a joined party to the Roberts/Alliance Motion to Dismiss, Plaintiff's response to Defendant FFP's Motion to Dismiss is presently due on Friday, December 28, 2001.

6. Counsel for the Plaintiff reasonably requires additional time in order to fully frame his response to the FFP Motion to Dismiss and the Roberts/Alliance Motion to Dismiss.

7. The Plaintiff reasonably requests an additional fourteen (14) day extension of time up to, and including, Friday, January 11, 2002, in which to respond to the Roberts/Alliance Motion to Dismiss in which Defendant FFP is now a joined party and to the FFP Motion to Dismiss.

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

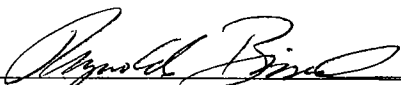
9. Plaintiff's counsel has communicated to counsel for each of the aforementioned Defendants and at the time of filing has received no objection to this request for an additional fourteen (14) day extension of time to respond to the pending Roberts/Alliance Motion to Dismiss.

WHEREFORE, the Plaintiff, James A. Knauer, 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 the Roberts/Alliance 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

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 27th day of December, 2001:

James W. Riley, Jr., Esq.
Riley, Bennett & Egloff
One American Square, Suite 1810
Box 82035
Indianapolis, Indiana 46282

Thomas E. Wheeler, II, Esq.
Locke Reynolds, LLP
1000 Capital Center South Tower
201 North Illinois Street
Indianapolis, Indiana 46204-4210

Thomas E. Wack
Leo J. Asaro
Bryan Cave, LLP
One Metropolitan Square
211 N. Broadway
Suite 3600
St. Louis, Missouri 63102-2750

William L. O'Connor, Esq.
Kightlinger & Gray, LLP
151 North Delaware Street
Suite 600
Indianapolis, Indiana 46204-2574



Reynolds B. Brissenden, Attorney No. 19989-49

KROGER, GARDIS & REGAS, LLP
111 Monument Circle, Suite 900
Indianapolis, Indiana 46204-5125
Telephone: (317) 692-9000
Facsimile: (317) 264-6832