

1/14/02

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF INDIANA
INDIANAPOLIS DIVISION

FILED
U.S. DISTRICT COURT
INDIANAPOLIS DIVISION

02 JAN 14 PM 3:37

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 (ONE DAY) 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 one (1) day extension of time up to, and including, Tuesday, January 15, 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"),

40d

Motion to Dismiss.

2. Plaintiff's response to Defendants' Motion to Dismiss is presently due on Tuesday, January 15, 2002, and said time has not yet expired.

3. Due to illness, counsel for the Plaintiff reasonably requires a single additional day in order to fully frame his response to Defendants' Motion to Dismiss.

4. The Plaintiff requests an additional one (1) day extension of time up to, and including, Tuesday, January 15, 2002, in which to respond to Defendants' Motion to Dismiss.

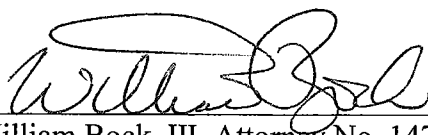
5. The extension of time requested herein has not been requested for the purpose of delay and will not prejudice any party herein.

6. Plaintiff's counsel has been unable to communicate with counsel for the Defendants prior to filing this request.

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 one (1) day extension of time up to, and including, Tuesday, January 15, 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: 
William Bock, III, Attorney No. 14777-49
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

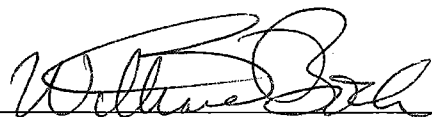
The undersigned hereby certifies that the foregoing has been served upon the following parties by placing a copy of the same in the United States Mail, first class postage pre-paid, on this 14th day of January, 2002:

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

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 Bock, III, Attorney No. 14777-49

KROGER GARDIS & REGAS, LLP
111 Monument Circle, Suite 900
Indianapolis, Indiana 46204-5125
317-692-9000