

UNITED STATES DISTRICT COURT
 SOUTHERN DISTRICT OF INDIANA
 INDIANAPOLIS DIVISION

FILED
 U.S. DISTRICT COURT
 INDIANAPOLIS DIVISION
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 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.)

MOTION FOR LEAVE OF COURT TO FILE RECEIVER'S RESPONSE TO MOTIONS TO DISMISS OF FSC SECURITIES CORPORATION, FFP SECURITIES, INC. JONATHON ROBERTS FINANCIAL GROUP, INC. AND ALLIANCE CAPITAL MANAGEMENT CORP.

The Plaintiff, James A. Knauer, Receiver for Heartland Financial Services, Inc. and JMS Investment Group, LLC, by counsel, brings this motion, pursuant to the Local Rules of the United States District Court for the Southern District of Indiana, L.R. 7.1(b) and requests permission of the Court to allow the Receiver to file his Response to Motions to Dismiss of FSC Securities Corp., FFP Securities, Inc., and Jonathon Roberts Financial Group, Inc. (attached herein as **Exhibit 1**) which is in excess of thirty-five (35) pages in length and in support of such request sets forth the following:

1. Defendants Jonathon Roberts Financial Group, Inc., Alliance Capital Management

Corp., FSC Securities Corp., and FFP Securities, Inc. filed three separate motions to dismiss along with three separate briefs supporting their motions to dismiss.

2. The Defendants in their motions to dismiss and briefs in support of those motions argued separate and distinct basis for the Court to dismiss the Receiver's Complaint.

3. In the interest the Court's efficient administration of the various issues raised by the Defendants' three separate motions to dismiss, the Receiver in preparing his response rather than filing three separate responses, consolidated them into one single response addressing all issues raised in the three motions.

4. Defendants in their separate briefs in support of their motions to dismiss have set forth forty-three (43) pages of legal theories and arguments in support of their motions to dismiss.

5. In addition to filing its own motion to dismiss and brief in support of its motion, FFP Securities, Inc. on October 11, 2001 notified the Court that it was joining in and adopting Defendants Roberts/Alliance motion to dismiss and their brief in support of motion to dismiss.

6. By filing three separate motions and briefs addressing various legal theories supporting their arguments, Defendants have circumvented the requirements of Local Rule 7.1(b).

7. Therefore, Defendants would not be prejudiced by the Receiver filing his response in excess of thirty-five (35) pages.


8. Furthermore, the Receiver in drafting his response has also complied with Local Rule 7.1(b) by including a Table of Contents, Statement of Issues, and a Table of Cases, Statutes and Other Authorities cited.

WHEREFORE, Plaintiff, James A. Knauer, Receiver for Heartland Financial Services, Inc., and JMS Investment Group, LLC, by counsel, respectfully requests permission of the Court to allow the Receiver to file his Response to Motions to Dismiss of FSC Securities Corp., FFP Securities,

Inc., Jonathon Roberts Financial Group, Inc., and Alliance Capital Management Corp.

Respectfully submitted,

KROGER, GARDIS & REGAS, LLP

By: 
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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 15th day of January, 2002:

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