

FILED
SUPREME COURT
STATE OF OKLAHOMA

JAN 9 2003

MICHAEL S. RICHIE
CLERK

IN THE SUPREME COURT OF THE STATE OF OKLAHOMA

Oklahoma Department of Securities)
ex rel., Irving L. Faught, Administrator,)
)
 Plaintiff/Appellee,)
)
 v.)
)
 Accelerated Benefits Corporation;)
 C. Keith LaMonda; American Title)
 Company of Orlando; and David)
 Piercefield,)
)
 Defendants/Appellants,)
)
 v.)
)
 Tom Moran,)
)
 Court Appointed Conservator/Appellee.)

Case No. 98663
(District Court Case No. CJ-99-
2500-66

**MOTION FOR LEAVE TO RESPOND OUT OF TIME TO
PETITION IN ERROR**

Appellee, the Oklahoma Department of Securities, hereby requests leave to file its response to Petition in Error out of time. Appellee calculated its response time as twenty (20) days based on the Supreme Court Rules of general application. However, Appellants apparently intended the basis of their appeal to be Part III(b) of the Supreme Court Rules despite the absence of a reference therein to 12 Okla. Stat. §993A.7, the authority cited by Appellants as the basis for their appeal. Part III(b) would have provided for a response time of ten (10) days. In addition, Appellee only received Appellant's Designation of Record in this case on January 9, 2003. Therefore, Appellee asserts that there does not appear to be any prejudice to the parties that would result from a grant of this request.

Based on the foregoing, Appellee, the Oklahoma Department of Securities, respectfully requests that the Court permit it to file its response to Petition in Error and counter designation of record on January 9, 2003.

DATE: January 9, 2003.



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Attorney for the Appellee,
Oklahoma Department of Securities

CERTIFICATE OF MAILING AND FILING

I hereby certify that a true and correct copy of the Motion for Leave to Respond Out of Time to Petition in Error was mailed by U.S. Mail, with postage prepaid thereon, this ~~9th~~ day of January, 2003, to the following:

The Honorable Daniel L. Owens
Judge of the District Court of Oklahoma County
304 Courthouse
321 Park Avenue
Oklahoma City, OK 73102

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Oklahoma City, OK 73102-8820

I further certify that a copy of the Motion for Leave to Respond Out of Time to Petition in Error was mailed to, or filed in, the office of the Oklahoma County Court Clerk this ~~9th~~ day of January, 2003.

Patricia A. Lambert