

IN THE DISTRICT COURT OF OKLAHOMA COUNTY  
STATE OF OKLAHOMA

FILED IN THE DISTRICT COURT  
OKLAHOMA COUNTY, OKLA.

DEC 31 2002

Oklahoma Department of Securities, )  
ex rel. Irving L. Fought, Administrator, )  
 )  
Plaintiff, )

PATRICIA PRESLEY, COURT CLERK  
by \_\_\_\_\_  
Deputy

v. )

Case No. CJ-99-2500-66

Accelerated Benefits Corporation, )  
a Florida corporation, et al., )  
 )  
Defendants. )

Hearing set:  
January 10, 2002 at 9:00 a.m.  
The Honorable Daniel L. Owens

**MOTION TO COMPEL PRODUCTION AND REQUEST FOR EXPEDITED HEARING**

ABC Investors John C. Hinkle and Wanda B. Hinkle (collectively referred to herein as the "Hinkles") move the Court to compel the Conservator to produce the documents and information described herein, and also request an expedited hearing on this motion, and in support, state the following:

1. The Hinkles invested in three (3) viatical policies with ABC. (John C. Hinkle invested in two (2) policies; Wanda B. Hinkle invested in one (1) policy.)
2. The Hinkles previously filed a Motion for Access to Certain Information which requested, among other things, copies of the policies and information concerning the payment of premiums on the policies.
3. Information received from the Conservator on December 20, 2002 shows that the Conservator has not been paying premiums on two (2) of the Hinkles' three (3) policies (one of the two policies in which John C. Hinkle invested and the policy in which Wanda B. Hinkle invested). According to the information from the Conservator, it appears that the premiums on one of the policies (apparently a term life policy) are being paid by the insured through a payroll deduction.

It appears that the premiums on the other policy (apparently a "term plus a supplemental" policy) are being paid from the insured's long-term disability. **This is all of the information that the Conservator has provided concerning the policies.** The Hinkles have received no documentation concerning the policies, but instead a simple, cursory summary.

4. Because these two (2) policies are not a burden to the Conservatorship, at a hearing on December 20, 2002, the Court agreed that these policies should not have to be sold with the Conservatorship assets.

5. The information received from the Conservator to date is far too cursory for the Hinkles to make informed decisions in their best interests as to whether the two (2) policies should in fact be sold with the Conservatorship assets or removed.

6. The purpose of the Conservatorship is to protect the ABC Investors' interests. *See, e.g.,* Order Appointing Conservator and Transferring Assets, filed herein on February 7, 2002, at p. 1 and at p. 2, second ¶ 2.

7. The Court gave the Conservator "directions and authority . . . to establish open communication with ABC Investors with proper disclosure of available options and consequences." *See id.* at p. 3, ¶ 9.

8. The Hinkles request copies of the entire files (including those contained in electronic format as well as hard copies) concerning Purchaser ID numbers 798P and 820P and Viator numbers 488V, 711V, and 364V. The Hinkles expect that such files would contain copies of the following:<sup>1</sup>

- a. The insurance policies and all riders, addendums, etc., thereto;

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<sup>1</sup>The Hinkles request the actual documents, rather than mere summaries of the documents.

b. Accounting and financial records pertaining to premium payments, including statements, reasons for non-payment of premiums, and how long such non-payment is likely to continue, if known; and

d. Periodic reports as to the medical condition of each viator.

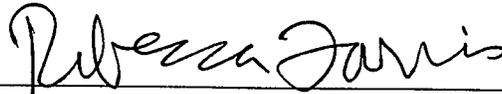
9. At the very least, the Hinkles are entitled to all information, documents, and electronic files concerning Purchaser ID numbers 798P and 820P and Viator numbers 488V, 711V, and 364V which were provided to the bidders in the Conservator's attempt to sell the assets.

10. Counsel for the Hinkles conferred in good faith with counsel for the Conservator several times on December 20, 2002, both in person and by telephone, in an effort to secure the information without Court action.

11. Because the Court has approved the sale of Conservatorship assets, it is essential that the Hinkles receive the requested information immediately in order to make their decisions before the sale is completed. An expedited hearing on this motion is therefore requested.

WHEREFORE, for all of the reasons stated herein, the Hinkles respectfully request that the Court conduct an expedited hearing on this motion and order the Conservator to immediately provide them all of the documents and information requested above.

Respectfully submitted,



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ATTORNEYS FOR JOHN C. HINKLE  
AND WANDA B. HINKLE

**CERTIFICATE OF SERVICE**

I hereby certify that a true and correct copy of the above and foregoing instrument was mailed, this 31 day of December, 2002, to the following:

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