

IN THE DISTRICT COURT OF OKLAHOMA COUNTY
STATE OF OKLAHOMA

FILED IN THE DISTRICT COURT
OKLAHOMA COUNTY, OKLA.

MAR 11 2008

PATRICIA PRESLEY, COURT CLERK

By ~~Deputy~~

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

v.)

Trade Partners, Inc., a Michigan corporation,)
et al,)
)
)
 Defendants.)

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

v.)

Clyde Edward Elkins, et al.,)
)
)
 Defendants.)

Case No. CJ-2004-6295

Consolidated with:

Case No. CJ-2007-2415

MOTION TO STRIKE OR RESET HEARING DATE
ON APPLICATION TO ACCELERATE DEFERRED SENTENCE

Defendant Eddie Elkins. ("Elkins") hereby moves the Court for a continuance of the hearing on the Application to Accelerate Deferred Sentence ("Application") filed herein by plaintiff Oklahoma Department of Securities, *ex rel* Irving L. Faught, Administrator ("Department"). In support of this motion, defendant Elkins would show as follows:

1. The Department filed the Application on February 27, 2008 without notice to counsel for defendant Elkins and, at the time of the filing, the Department set the hearing date for the Application for 1:30 p.m. on March 17, 2008.

2. The issues raised by the Application require the completion of some discovery from the individuals who received reimbursement checks in connection with the settlement of the dispute between the parties.

3. The setting of the hearing on March 17, and the necessary preparation for the hearing, creates various conflicts in the schedules of counsel to defendant Elkins..

4. Defendant Elkins is in the business of preparing state and federal income tax returns for hundreds of individuals and businesses and, in connection with this business, has client appointments scheduled for the majority of each working day until April 15, 2008.

5. The scheduling of the hearing before April 15, 2008 would create substantial inconvenience and, potentially, additional economic burden to many people who have relied for years on defendant Elkins to prepare their tax returns and who expect their return to be prepared by his office in the current year.

6. Defendant Elkins has filed a motion to dismiss the Application and it is submitted that this motion to dismiss should be heard and decided before any hearing is scheduled on the Application.

7. Counsel for the Department have agreed to not oppose a continuance of the hearing date up to April 1, 2008, but are unwilling to agree to continue the hearing date beyond April 15, 2008.

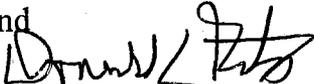
8. Granting a continuance of the hearing, if any, until a reasonable time after the dispositive motion would be in the interest of justice and operate to conserve the resources of the parties and the Court.

WHEREFORE, defendant Eddie Elkins respectfully requests that March 17, 2008 hearing date on the Application to Accelerate Deferred Sentence be stricken, with the hearing date to be reset only in the event that the Court denies the defendant's motion to dismiss the said Application.

Dated: March 11, 2008.

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and

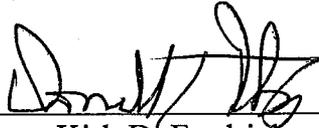

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Attorneys for defendant Eddie Elkins

CERTIFICATE OF SERVICE

I hereby certify that on this 11 day of March, 2008, a true and correct copy of the above and foregoing Motion to Strike or Reset Hearing Date was served by United States mail and by electronic mail to the following:

Patricia A. Labarthe, Esq.
Shaun Mullins, Esq.
Oklahoma Department of Securities
120 North Robinson, Suite 860
Oklahoma City, Oklahoma 73102
Attorneys for plaintiff



Kirk D. Fredrickson