

FILED IN THE DISTRICT COURT
OKLAHOMA COUNTY, OKLA.

**IN THE DISTRICT COURT OF OKLAHOMA COUNTY
STATE OF OKLAHOMA**

JAN 29 2009

Oklahoma Department of Securities,)
ex rel. Irving L. Faught, Administrator,)
)
Plaintiff,)
)
vs.)
)
Accelerated Benefits Corporation,)
a Florida Corporation, *et al.*,)
)
Defendants.)

PATRICIA PRESLEY, COURT CLERK
by _____
DEPUTY

Case No. CJ-99-2500-66
Judge Daniel L. Owens

**MOTION FOR LEAVE TO WITHDRAW APPLICATION
FOR CITATION FOR INDIRECT CONTEMPT**

The Conservator, H. Thomas Moran, II ("Conservator"), by and through his attorneys requests leave of the Court to withdraw the Application for Citation For Indirect Contempt filed with the Court on December 10, 2009. In support hereof, Conservator states as follows:

1. The Conservator's Motion for Citation for Indirect Contempt is based on the efforts of Gareth S. Gelinas, Jeffrey T. Gelinas, Fred Post, Barbara D. Post and James W. Jackson (referred to collectively as "Respondents"), to garnish the Conservator and HTM Conservator, LLC to satisfy a judgment the Respondents obtained against Accelerated Benefits Corporation in 2004.

2. Respondents brought their garnishments actions in federal court without obtaining leave of this Court as required by the Order of the Court establishing the Conservatorship and appointing the Conservator.

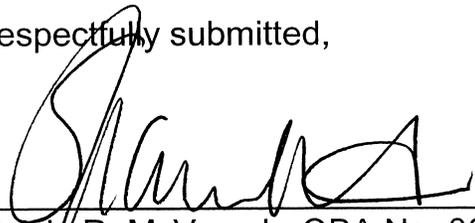
3. The Respondents have agreed to enter into a Stipulation for Dismissal of the federal actions. A copy of the contemplated Stipulations for Dismissal is attached as Exhibit 1.

4. Respondents have further agreed to not take any further action to garnish, levy on or execute against Garnishee, H. Thomas Moran, or HTM Conservator, LLC without obtaining leave of the Court.

5. Respondents' agreements are conditioned on the withdrawal of the Motion for Citation for Indirect Contempt.

Wherefore, in light of Respondents' agreements, and to eliminate further attorney's fees and costs to the Conservatorship, the Conservator respectfully requests the Court to enter an order granting the Conservator leave to withdraw the Motion for Citation for Indirect Contempt.

Respectfully submitted,



Melvin R. McVay, Jr. OBA No. 06096
Shannon K. Emmons OBA No. 14272
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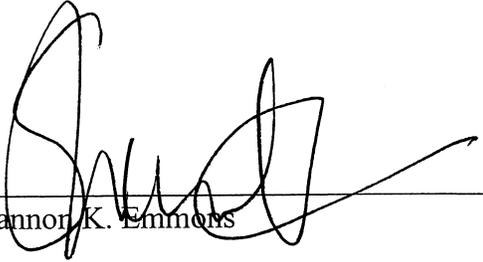
ATTORNEYS FOR CONSERVATOR
H. THOMAS MORAN, II

CERTIFICATE OF SERVICE

The undersigned certifies that on the 29th day of January, 2009, a true and correct copy of the above and foregoing was served, via U.S. First-Class Mail, postage prepaid, to the following:

Patricia A. Labarthe, Esq.
OKLAHOMA DEPARTMENT OF SECURITIES
120 North Robinson, Suite 600
Oklahoma City, OK 73102
Attorney for Plaintiff

William H. Whitehill, Jr., Esq.
FELLERS SNIDER BLANKENSHIP BAILEY
& TIPPENS, P.C.
100 North Broadway, Suite 1700
Oklahoma City, OK 73102
*Attorney for Defendants, Accelerated Benefits
Corporation and American Title Company of Orlando*


Shannon K. Emmons

IN THE UNITED STATES DISTRICT COURT FOR THE
WESTERN DISTRICT OF OKLAHOMA

GARETH S. GELINAS; JEFFREY T.)
GELINAS; FRED POST; BARBARA)
E. POST; and JAMES W. JACKSON,)

Plaintiffs,)

v.)

Civil Action No. 5:06-FJ-03-F

ACCELERATED BENEFITS)
CORPORATION; and AMERICAN TITLE)
COMPANY OF ORLANDO,)

Defendants,)

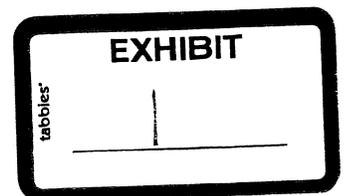
and)

KIRKPATRICK BANK; HTM)
CONSERVATOR, L.L.C.; and H.)
THOMAS MORAN, individually,)

Garnishees.)

JOINT STIPULATION FOR DISMISSAL WITHOUT PREJUDICE

Pursuant to Fed.R.Civ.P. 41(a), Plaintiffs, Gareth S. Gelinas, Jeffrey T. Gelinas, Fred Post, Barbara E. Post and James W. Jackson, and Garnishee, HTM Conservator, LLC, submit their Joint Stipulation of Dismissal Without Prejudice of all claims in the above-entitled matter with each party to bear its own court costs and attorney's fees incurred to date. Plaintiffs further stipulate and agree that they will not take any further action to garnish, levy on or execute against Garnishee, HTM Conservator, LLC or Thomas Moran without obtaining leave of the presiding judge in the matter of *Oklahoma Dept. of Securities v. Accelerated Benefits Corp. et al*, Case No. CJ-1999-2500, District



Court of Oklahoma County, State of Oklahoma, so long as the state court matter is pending.

A proposed Order of Dismissal Without Prejudice is being submitted separately for the Court's consideration.

Respectfully submitted,

s/ Shannon K. Emmons

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*Attorneys for Garnishees, HTM Conservator,
L.L.C., and H. Thomas Moran, individually and in
his capacity as Court-Appointed Conservator of
certain assets of Accelerated Benefits Corporation*

s/ Richard A. Gordon

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Attorney for Plaintiffs

CERTIFICATE OF MAILING

I hereby certify that on January _____, 2009, I electronically transmitted the attached document to the Clerk of the Court using the ECF System for filing and transmittal of a Notice of Electronic Filing to the following ECF registrants:

Cammi Ryan Jones: gilaw@bellsouth.net
Stanley M. Ward carol@wardglasslaw.com

Shannon K. Emmons

IN THE UNITED STATES DISTRICT COURT FOR THE
WESTERN DISTRICT OF OKLAHOMA

GARETH S. GELINAS; JEFFREY T.)
GELINAS; FRED POST; BARBARA)
E. POST; and JAMES W. JACKSON,)

Plaintiffs,)

v.)

Civil Action No. 5:06-FJ-02-F

ACCELERATED BENEFITS)
CORPORATION; and AMERICAN TITLE)
COMPANY OF ORLANDO,)

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KIRKPATRICK BANK; HTM)
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his capacity as Court-Appointed Conservator of
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