

IN THE DISTRICT COURT OF OKLAHOMA COUNTY  
STATE OF OKLAHOMA

AUG - 4 2006

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

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

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

**CONSERVATOR'S NOTICE OF RESPONSE TO KEITH LAMONDA'S  
MOTION FOR RECONSIDERATION TO THE MAGISTRATE JUDGE'S  
JULY 16, 2006 ORDER ON DEFENDANT C. KEITH LAMONDA'S  
UNOPPOSED (IN PART) MOTION FOR LEAVE TO ISSUE SUBPOENA  
DUCES TECUM FOR H. THOMAS MORAN, CONSERVATOR OF  
ACCELERATED BENEFITS CORPORATION**

COMES NOW Tom Moran, Conservator of Certain Assets of Accelerated Benefits Corporation ("ABC") and it agents, (the "Conservator") and hereby notifies the Court of his filing of a Response In Opposition To C. Keith LaMonda's Motion for Reconsideration To the Magistrate Judge's July 16, 2006 Order On Defendant C. Keith LaMonda's Unopposed (In part) Motion For Leave To Issue Subpoena *Duces Tecum* For H. Thomas Moran, Conservator of Accelerated Benefits Corporation (the "Motion to Reconsider"), in the criminal proceeding brought against C. Keith LaMonda ("LaMonda"), Jesse W. LaMonda and John L. Maynard (collectively the "Criminal Defendants") by the United States of America. In support thereof, the Conservator would show the Court as follows:

1. On July 13, 2005, the Criminal Defendants were indicted by the U.S. Attorney's office in the Middle District of Florida, Orlando Division, in Case No. 6:05-cr-131-ORL-19KRS on Fifteen Counts, including mail fraud, wire fraud and criminal tax violations. On September 28, 2005, the First Superseding Indictment was filed by the United States (the "Indictment").

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2. The Indictment alleges that LaMonda directed and controlled ABC's activities and owned ABC through various entities. The Indictment further alleges that LaMonda, as part of a scheme and conspiracy to defraud the ABC investors, diverted \$1.25 million dollars from premium reserve monies collected from ABC investors to make personal investments in an oil and gas exploration project.

3. On or about June 26, 2006, counsel for the Conservator was served with Defendant, C. Keith LaMonda's Unopposed (as to the United States of America and, in part, as to the Conservator) Motion For Leave To Issue Subpoena *Duces Tecum* For Thomas Moran, Conservator of Accelerated Benefits Corporation (the "Motion"). Attached to the Motion was a proposed subpoena *duces tecum* (the "Subpoena"), which sought production of virtually every document in the possession of the Conservator.

4. The Conservator's Response in Opposition to Defendant, C. Keith LaMonda's Motion For Leave To Issue Subpoena *Duces Tecum* For Thomas Moran, Conservator of Accelerated Benefits Corporation, was sent for filing on July 11, 2006, in the United States District Court for the Middle District of Florida, Orlando Division.

5. The Conservator objected to the issuance of the Subpoena on the basis that the Criminal Defendants have failed to meet their burden of demonstrating that the documents sought are relevant, that they cannot be procured in any other manner, and that the request was made in good faith. Further, the Conservator believes that the scope of the document requests contained in the Subpoena demonstrates that the request is nothing more than a fishing expedition and that the Subpoena is so over-broad as to constitute an unreasonable and oppressive request. *Id.*

6. On July 16, 2006, the Court entered its order granting in part and denying in part the Motion.

7. On July 28, 2006, LaMonda filed a Motion for Reconsideration To the Magistrate

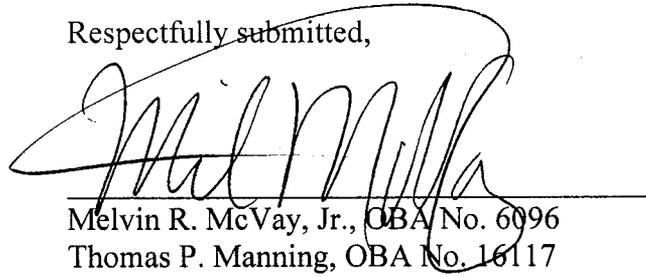
Judge's July 16, 2006 Order On Defendant C. Keith LaMonda's Unopposed (In part) Motion For Leave To Issue Subpoena *Duces Tecum* For H. Thomas Moran, Conservator of Accelerated Benefits. See Exhibit "A," Motion for Reconsideration To the Magistrate Judge's July 16, 2006 Order On Defendant C. Keith LaMonda's Unopposed (In part) Motion For Leave To Issue Subpoena *Duces Tecum* For H. Thomas Moran, Conservator of Accelerated Benefits.

8. The Conservator's Response in Opposition to C. Keith LaMonda's Motion for Reconsideration To the Magistrate Judge's July 16, 2006 Order was sent for filing on August 3, 2006. See Exhibit "B," Response in Opposition to C. Keith LaMonda's Motion for Reconsideration To the Magistrate Judge's July 16, 2006 Order.

9. A hearing on the Motion to Reconsider has been set by the Court for August 8, 2006, at 9:00 a.m., in the United States District Court for the Middle District of Florida, Orlando Division.

WHEREFORE, premises considered, the Conservator submits the foregoing in order to keep the Court fully apprised of all matters relating to the Conservatorship.

Respectfully submitted,



Melvin R. McVay, Jr., OBA No. 6096

Thomas P. Manning, OBA No. 16117

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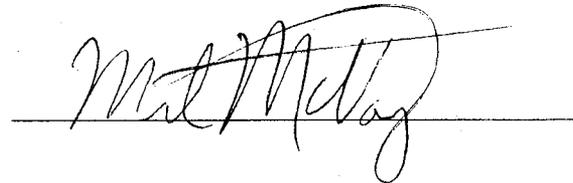
TOM MORAN

**CERTIFICATE OF MAILING**

The undersigned certifies that on the 4<sup>th</sup> day of August, 2006, a true and correct copy of the foregoing document was sent postage prepaid by first-class mail, to:

Patricia A. Labarthe, Esq.  
Oklahoma Department of Securities  
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Oklahoma City, OK 73102  
*Attorney for Plaintiff*

William H. Whitehill, Jr., Esq.  
Fellers, Snider, Blankenship,  
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Oklahoma City, OK 73102  
*Attorney for Defendants,  
Accelerated Benefits Corporation and  
American Title Company of Orlando*

A handwritten signature in cursive script, appearing to read "Matt McLaughlin", is written over a horizontal line.