

IN THE DISTRICT COURT OF OKLAHOMA COUNTY
STATE OF OKLAHOMA

FILED IN THE DISTRICT COURT
OKLAHOMA COUNTY, OKLA.

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

JUL 18 2006

PATRICIA PRESLEY, COURT CLERK
by _____
Deputy

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

**CONSERVATOR'S NOTICE OF RESPONSE IN OPPOSITION TO
KEITH LAMONDA'S RENEWED MOTION FOR LEAVE TO ISSUE
SUBPOENA DUCES TECUM FOR THOMAS MORAN, CONSERVATOR OF
CERTAIN ASSETS 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 Leave To Issue Subpoena *Duces Tecum* For Thomas Moran, Conservator of Accelerated Benefits Corporation, in the criminal proceeding bought 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").

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. See Exhibit "1," 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.

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. See Exhibit "2," 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.

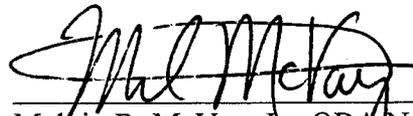
5. The Conservator objected to the issuance of the Subpoena on the basis that the Criminal Defendants have failed to meet their burden of demonstrating that the documents sought are relevant, that they cannot be procured in any other manner, and that the request was made in good faith. Further, the Conservator 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. *See* Exhibit "3," Order.

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
PHILLIPS McFALL McCAFFREY
McVAY & MURRAH, P.C.
Twelfth Floor, One Leadership Square
211 North Robinson
Oklahoma City, Oklahoma 73102
Telephone: (405) 235-4100
Facsimile: (405) 235-4133
ATTORNEYS FOR CONSERVATOR,
TOM MORAN

CERTIFICATE OF MAILING

The undersigned certifies that on the 18th day of July, 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
First National Center, Suite 860
120 North Robinson
Oklahoma City, OK 73102
Attorney for Plaintiff

William H. Whitehill, Jr., Esq.
Fellers, Snider, Blankenship,
Bailey & Tippens, P.C.
100 North Broadway Avenue, Suite 1700
Oklahoma City, OK 73102
*Attorney for Defendants,
Accelerated Benefits Corporation and
American Title Company of Orlando*

