

IN THE SUPREME COURT OF THE STATE OF OKLAHOMA
FILED
SUPREME COURT
STATE OF OKLAHOMA

OKLAHOMA DEPARTMENT OF)
SECURITIES *ex rel.*, IRVING L.)
FAUGHT, ADMINISTRATOR,)
)
Plaintiff/Appellee,)

JUN 13 2003

MICHAEL S. RICHIE
CLERK

v.)
)
ACCELERATED BENEFITS)
CORPORATION; and AMERICAN TITLE)
COMPANY OF ORLANDO,)
)
Defendants/Appellants.)

Case No. 98,663

(District Court Case No. CJ-
99-2500-66)

DEFENDANTS/APPELLANTS'
REQUEST FOR EXTENSION OF TIME

Defendants/Appellants, Accelerated Benefits Corporation and American Title Company of Orlando (collectively referred to herein as "Defendants"), pursuant to Supreme Court Rule 1.6(b), hereby request an extension of seven (7) days, or until June 30, 2003, to file their combined reply brief in the captioned appeal. In support of this Motion, Defendants state:

1. Defendants' combined brief in reply to the answer briefs filed by the Oklahoma Department of Securities (the "Department") and the Conservator, Tom Moran (the "Conservator") is currently due on June 23, 2003. Defendants have not previously requested an extension of time to file their reply brief; however,

Defendants requested and received a twenty day extension of time to file their brief-in-chief. The Department previously objected to Defendants' request for an extension of time, asserting that the order which is the subject of this appeal falls under Rule 1.60 of the Oklahoma Supreme Court Rules, and therefore, Defendants' brief-in-chief should have been filed within thirty days of notice of completion of the record. The Department's characterization of this appeal is incorrect. The order from which Defendants appeal modified, and in effect, vacated, certain portions of a previous judgment of the district court. Accordingly, the order from which Defendants appeal is a final order as defined by Oklahoma Supreme Court Rule 1.20(b)(3), *i.e.*, "an order modifying or refusing to modify a judgment" As such, this appeal falls under Part II of the Oklahoma Supreme Court Rules entitled "Appeals From a Judgment or Final Order of the District Court," and, thus, Rule 1.10 of the Oklahoma Supreme Court Rules applies. It allows sixty days from the date of the notice of completion of record for the appellant to file its brief-in-chief and twenty days from after the filing of the answer brief of appellee to file a reply brief.

2. Defendants request the additional seven days for two reasons. First, Defendants must respond to two answer briefs which raise different arguments. As such, preparing the combined reply brief will consume more time and effort. Second, the attorney primarily responsible for drafting Defendants' combined reply

brief will undergo surgery on June 20, 2003 and will not be in a position to complete the combined reply brief by June 23, 2003.

3. The requested extension of seven days will not materially delay the disposition of this appeal.

WHEREFORE, Defendants/Appellants, Accelerated Benefits Corporation and American Title Company of Orlando, respectfully request an extension of seven (7) days, or until June 30, 2003, to file their combined reply brief in the captioned appeal.



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Attorneys for Defendants/Appellants,
Accelerated Benefits Corporation and
American Title Company of Orlando

CERTIFICATE OF MAILING

I hereby certify that a true and correct copy of the above and foregoing Motion for Extension of Time, was mailed, U.S. Mail, postage prepaid, this 13 day of June 2003, to:

Patricia A. Labarthe, Esq.
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First National Center, Suite 860
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