

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,)

OCT 29 2003

MICHAEL S. RICHIE
CLERK

Plaintiff/Appellee,)

v.)

Case No. 98,854

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

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

Defendants/Appellants.)

v.)

TOM MORAN,)

Court-Appointed)
Conservator/Appellee.)

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 ten (10) days, or until November 13, 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 November 3, 2003. Defendants have not previously requested an extension of time to file their reply brief.

2. Defendants request the additional ten days for two reasons. First, Defendants must respond to two answer briefs and an amicus brief that 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 has a Reply Brief on Counter-Appeal due before this Court on Monday November 3, 2003 in *Paula J. Breedlove, as Personal Representative of the Estate of Billy Lloyd Breedlove v. TransWood, Inc.*, Oklahoma Supreme Court No. 98,620 (Lower Court Case No. CJ-2001-222, District Court of Mayes County). Third, the attorney primarily responsible for drafting Defendants' combined reply brief herein is assisting in the preparation of a Response Brief due before the United States Court of Appeals for the Federal Circuit due on Monday November 10, 2003, in *Unitherm Food Systems, Inc. and Jennie-O Foods, Inc. v. Swift-Eckrich, Inc.*, No. 03-1472,-1473 (Lower Court Case No. 01-CV-347, United States District Court for the Western District of Oklahoma).

3. These matters will consume significant amounts of time and resources and cannot be avoided. Due to the convergence of these matters, the

requested extension is the minimum time necessary to allow counsel sufficient time to prepare Defendants' combined reply brief.

5. In addition, the Conservator/Appellee, Tom Moran, filed a Motion to Supplement Designation of Record for Appeal in the District Court on October 14, 2003, which is set for hearing on Friday, October 31, 2003. Depending upon the outcome of the hearing, both Defendants' arguments and the appellate briefing schedule may be altered.

6. The requested extension of ten 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 ten (10) days, or until November 13, 2003, to file their combined reply brief in the captioned appeal.



Dino E. Viera (OBA #11556)
William H. Whitehill (OBA # 12038)
FELLERS, SNIDER, BLANKENSHIP,
BAILEY & TIPPENS
100 North Broadway, Suite 1700
Oklahoma City, OK 73102-8820
Telephone: (405) 232-0621
Facsimile: (405) 232-9659

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 27 day of October, 2003, to:

Patricia A. Labarthe, Esq.
Oklahoma Department of Securities
First National Center, Suite 860
120 North Robinson
Oklahoma City, OK 73102

Attorney for Plaintiff

Melvin R. McVay, Jr., Esq.
T. Ray Phillips, Esq.
Thomas P. Manning, Esq.
Phillips McFall McCaffrey McVay &
Murrah, P.C.
One Leadership Square, 12th Floor
211 North Robinson Avenue
Oklahoma City, OK 73102

Attorneys for Conservator



Dino E. Viera