

IN THE DISTRICT COURT OF OKLAHOMA COUNTY
STATE OF OKLAHOMA

OKLAHOMA DEPARTMENT OF)
SECURITIES ex rel., IRVING L.)
FAUGHT, ADMINISTRATOR,)

Plaintiff,

FILED IN THE DISTRICT COURT
OKLAHOMA COUNTY, OKLA.

Case No. CJ-99-2500-66

v.

JUN 30 2004

ACCELERATED BENEFITS)
CORPORATION, et al.,)

PATRICIA PRESLEY, COURT CLERK
by _____ Deputy

Defendants.)

**PLAINTIFF'S OBJECTION TO DEFENDANTS' APPLICATION TO
CONTINUE HEARING**

Plaintiff, Oklahoma Department of Securities ("Department"), respectfully objects to the Defendants' Application to Continue Hearing, filed on June 28, 2004, for the following reasons:

1. The Conservator's Motion to Enforce Conservatorship Order and Brief in Support ("Motion to Enforce") was filed on May 21, 2004.
2. A Notice of Hearing on the Motion to Enforce was filed on May 21, 2004, setting a hearing date of July 2, 2004.
3. The basis of the continuance is that counsel for Defendants will be out of town. However, there are four attorneys from Fellers, Snider, Blankenship, Bailey & Tippens, P.C. who have entered appearances in this case. The application does not state that all attorneys of record will be unavailable. Further, the Court does not generally hear argument on such matters as the Motion to Enforce so that the attendance of counsel for Defendants has no effect on a ruling.
4. Defendants failed to timely file a response to the Motion to Enforce pursuant to Rule 4(e) of the Rules for District Courts. Thus, the Motion to Enforce is deemed confessed.

5. Defendants failed to file and deliver to the Court a response to the Motion to Enforce at least five (5) days prior to the July 2, 2004 hearing, pursuant to Rule 37(C) of the Judicial District Rules for the Seventh Judicial District. Thus, any response should be stricken.

Therefore, for the reasons stated, the Department objects to a continuance of the July 2, 2004 hearing on the Motion to Enforce.

Respectfully submitted,



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CERTIFICATE OF MAILING

I hereby certify that a true and correct copy of the foregoing was mailed by first class mail, with postage prepaid thereon, this 30th day of June, 2004, to the following:

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