

**IN THE UNITED STATES BANKRUPTCY COURT
FOR THE WESTERN DISTRICT OF OKLAHOMA**

IN RE:)
)
)
ROBERT WILLIAM MATHEWS,) Case No. 07-10108-BH
) Chapter 7
Debtor,)
)

APPLICATION TO WAIVE RULE 9014 TIME PERIOD

The Oklahoma Department of Securities (Department) has filed a motion to lift the automatic stay to allow the Department to pursue collection of its non-dischargeable judgment against Debtor Robert Mathews (Debtor). Debtor has filed a response. On April 22, 2009, the Department received notice that a hearing was set in this matter for May 6, 2009. At the hearing, the Department would like to present newly discovered evidence that may impact the Court's decision, and therefore, requests that the Court waive the time limitation set forth in Rule 9014 of the Local Rules of the United States Bankruptcy Court for the Western District of Oklahoma with respect to certain exhibits.

Rule 9014 provides that a party to a contested hearing must give notice of expected witnesses and exhibits 20 days prior to the hearing date. Because of the statutory time constraints set forth in 11 U.S.C. §362 for hearings on motions to lift the automatic stay, it is unlikely that a party would be able to make the 20 day deadline for the giving of the required notice. In this case, the hearing was noticed on April 22, 2009, for May 6, 2009, therefore, there was never 20 days within which to give the notice required by Rule 9014. The evidence which the Department wishes to present includes a letter from Debtor's counsel to the lawyer representing the trustee of the family trusts for which Debtor is a beneficiary. This evidence was received by the Department on April

24, 2009. On April 29, 2009, the Department provided copies of all anticipated exhibits to Debtors' counsel in compliance with Rule 9017.

WHEREFORE, the Department moves the Court to waive the time limitation set forth in Rule 9014.

Submitted by:

s/ Gerri Stuckey

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CERTIFICATE OF SERVICE

I hereby certify that on the 29th of April, 2009, I electronically transmitted the attached document to the Clerk of Court using the ECF System for filing. Based on the records currently on file, the Clerk of Court will transmit a Notice of Electronic Filing to the following ECF registrants:

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s/ Gerri Stuckey