

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,)

v.)

ACCELERATED BENEFITS)
CORPORATION, *et al.*,)

Defendants.)

JAN - 3 2003

PATRICIA PRESLEY, COURT CLERK

BY

~~DEPUTY~~

Case No. CJ-99-2500-66

**DEFENDANTS' OBJECTION TO CONSERVATOR'S APPLICATION FOR
ORDER DIRECTING DEFENDANT ACCELERATED BENEFITS
CORPORATION TO REIMBURSE THE CONSERVATOR FOR ADVANCES
FOR PREMIUM SHORTFALLS**

Defendants Accelerated Benefits Corporation ("ABC"), C. Keith LaMonda,
David S. Piercefield and American Title Company of Orlando ("American Title")
(collectively "Defendants"), hereby object to the Conservator's Application for Order
Directing Defendant Accelerated Benefits Corporation to Reimburse the Conservator for
Advances for Premium Shortfalls.

In support hereof, Defendants state as follows:

1. Pursuant to 12 O.S. § 2010(C), Defendants adopt and incorporate their
arguments contained in Defendants Motion to Enforce or, Alternatively, to Construe the

Court's Order Appointing Conservator and Transferring Assets and Brief in Support, filed on August 21, 2002, and their arguments contained in Defendants' Response to Conservator's Motion for Order Assessing Conservator's Expenses Against Defendants and Compelling Defendants to Comply With the Conservatorship Order, filed on September 17, 2002, as well as their arguments contained in Defendants' Response to Conservator's Motion to Settle Journal Entries, filed on November 8, 2002.

2. Further, any ruling on this matter should be stayed pending finalization of the event which the Court previously ordered.

3. In addition, the Court should be advised that Defendants have appealed the Court's previous ruling regarding whether ABC is required to pay premiums until 75% of the subject insurance policies have been transferred. Accordingly, this Court no longer has jurisdiction to rule on this matter because it is already pending in the Supreme Court. *See Oklahoma Supreme Court Rule 1.37, Tate v. Tate*, 912 P.2d 320 (Okla. 1996).

CONCLUSION

For the reasons set forth above, the Conservator's Motion should be denied.

Ryan T. Leonard

Eric S. Eissenstat, OBA No.10282
Dino E. Viera, OBA No. 11556
Brent M. Johnson, OBA No. 17070
Ryan T. Leonard, OBA No. 19155
FELLERS, SNIDER, BLANKENSHIP,
BAILEY & TIPPENS, P.C.
100 N. Broadway Avenue, Suite 1700
Oklahoma City, OK 73102-8820
Telephone: (405) 232-0621
Facsimile: (405) 232-9659

Attorneys for Defendant, Accelerated Benefits
Corporation, C. Keith LaMonda, David S.
Piercefield and American Title Company of
Orlando

CERTIFICATE OF SERVICE

The undersigned hereby certifies that on this 3rd day of January, 2003, a true and correct copy of the foregoing was mailed by first class U.S. Mail, postage prepaid thereon, to the following:

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

Attorney for Plaintiff

T. Ray Phillips, Esq.
Phillips McFall McCaffrey McVay &
Murrah, P.C.
One Leadership Square, 12th Floor
211 North Robins on Avenue
Oklahoma City, OK 73102

Attorneys for Conservator

Ryan T. Leonard

~~Dino E. Viera~~