

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, a )  
Florida corporation, *et al.*, )

Defendants. )

FEB 26 2003

PATRICIA PRESLEY, COURT CLERK  
by \_\_\_\_\_  
Deputy

Case No. CJ-99-2500-66

MOTION TO ADD PARTY DEFENDANTS, AND FOR TEMPORARY RESTRAINING  
ORDER, ASSET FREEZE, ACCOUNTING, APPOINTMENT OF A RECEIVER, AND  
TEMPORARY INJUNCTION AND BRIEF IN SUPPORT

Plaintiff, Oklahoma Department of Securities ex rel. Irving L. Faught, Administrator (“Administrator”), respectfully moves for an order to add C. Keith LaMonda (“Keith LaMonda”), and Jess LaMonda as party Defendants to this action for purposes of imposing personal liability against them for debts incurred by Accelerated Benefits Corporation (“ABC”). ABC and Keith LaMonda are represented by Fellers, Snider, Blankenship, Bailey & Tippens. Jess LaMonda is not represented by counsel in this case. In addition, Plaintiff makes application for a temporary restraining order, an asset freeze, an accounting, the appointment of a receiver, and a temporary injunction. Plaintiff petitions this Court to remedy violations of the Oklahoma Securities Act (the “Act”), Okla. Stat. tit. 71, §§ 1-413, 501, 701-703 (2001 and Supp. 2002), alleged in the Plaintiff’s verified Petition for Permanent Injunction and Other Equitable Relief (“Petition”) filed herein and as described in the Findings of Fact and Conclusions of Law filed herein, to protect the rights of the Oklahoma Department of Securities (“Department”) in its

obligation to safeguard the public interest, to prevent any dissipation or loss of investor funds, and to avoid the misapplication of funds entrusted to ABC, and its officers, directors, principals and/or agents.

Plaintiff moves this Court for a temporary restraining order, an order freezing assets and for an accounting to issue instanter against ABC, Keith LaMonda and Jess LaMonda until the Court may afford the parties a hearing, and additionally moves for the entry of a temporary injunction, the appointment of a receiver, and an order adding Keith LaMonda and Jess LaMonda as party Defendants at such hearing. The entry of such orders is necessary to preserve the *status quo* and to protect the Department's rights in enforcing the Act. It further appears to the Court that if the issuance of this temporary restraining order, asset freeze and accounting is delayed until notice is given to the opposing party there is a strong likelihood that investor funds may be lost to the detriment of those investors. The irreparable injury to be suffered by Plaintiff is the continued violations of the orders of this Court and the loss of funds necessary to remedy adjudicated violations of the Act.

This relief is sought pursuant to Section 406.1(a)(1) of the Act and Sections 1382, 1383, 1384.1(B)(1) and 1551 of the Oklahoma Code of Civil Procedure (the "Civil Code"), Okla. Stat. tit. 12, §§ 1-3237 (2002). In support of these motions, the Department adopts and incorporates herein the following brief in support.

**BRIEF IN SUPPORT OF MOTION TO ADD PARTY DEFENDANTS, AND  
FOR TEMPORARY RESTRAINING ORDER, ASSET FREEZE, ACCOUNTING,  
APPOINTMENT OF A RECEIVER, AND TEMPORARY INJUNCTION**

**Statement of Facts**

1. On or about April 8, 1999, Plaintiff brought a fraud action against ABC and three Oklahoma residents who offered and sold investments in viatical settlements ("Viaticals") on

behalf of ABC. *See* Exhibit "A," Petition.

2. The District Court held a non-jury trial of ABC and adopted Findings of Fact and Conclusions of Law (the "Findings"), which among other things: (i) enumerated the misstatements and omissions of material facts ABC made to investors in connection with the offer and sale of the Viaticals; and (ii) stated that ABC committed fraud in the offer and sale of such securities. *See* Exhibit "B," Findings of Fact and Conclusions of Law.

3. The Court found that ABC misled investors ("ABC Investors") by the "guaranteed payment of premiums" on the life insurance policies underlying the Viaticals. *See* Exhibit "B," Findings of Fact and Conclusions of Law.

4. At the conclusion of the trial, the District Court entered an Order of Permanent Injunction against ABC. *See* Exhibit "C," Injunction.

5. On or about June 9, 2000, ABC became a suspended corporation in Oklahoma. *See* Exhibit "D," Certificate.

6. After extensive negotiations, the parties agreed that it was in the best interest of ABC Investors to seek the appointment of a conservator to take over administration of the Viaticals, in lieu of a judgment for restitution against ABC. On February 6, 2002, the Court entered its Order Appointing Conservator and Transferring Assets ("Conservatorship Order") and appointed Tom Moran as Conservator (the "Conservator"). The Conservatorship Order transferred certain assets of ABC and its agents, including Keith LaMonda, American Title Company of Oklahoma ("American Title") and David Piercefield ("Piercefield"), to the Conservator. *See* Exhibit "E," Conservatorship Order.

7. Jess LaMonda, as President, and Keith LaMonda approved and consented to the entry of the Conservatorship Order on behalf of ABC. *See* Exhibit "E," Conservatorship Order.

8. Under the Conservatorship Order, the Conservator was given the direction and authority to accomplish the following:

- a. To take custody, possession and control of the Conservatorship Assets as they are transferred to the Conservator;
- b. To manage all Conservatorship Assets pending further action by the Court including, but not limited to, the evaluation of the Policies, and to take necessary steps to protect the ABC Investors' interests including, but not limited to, the liquidation or sale of the Policies to institutional buyers and the assessment to ABC Investors of the future premium payments;
- c. Receive and collect any and all sums of money due or owing on the Policies to ABC or its agents;
- d. Seek the return of any cash, bond or guarantee on deposit with any regulatory agency or other entity on behalf of ABC or its agents;
- e. Make such payments and disbursements as may be necessary and advisable for the preservation of the Conservatorship Assets and as may be necessary and advisable in discharging his duties as Conservator including, but not limited to, the timely payment of all premiums for Policies that have not yet matured;
- f. Monitor the viators of the Policies by tracking the location of the viators and periodically checking the health of the viators;
- g. Receive notice of the death of viators, file death claims on the viators, and collect the proceeds paid on the Policies as such mature;
- h. Disburse to each ABC Investor his proportionate share of the proceeds, after deducting premiums advanced, paid in matured Policies;
- i. Establish open communication with ABC Investors with proper disclosure of available options and consequences including, but not limited to, notice to ABC Investors of the Conservatorship Order within 30 days;
- j. Retain and employ attorneys, accountants, computer consultants and other persons as may be advisable or necessary to the exercise of the duties of the Conservator, and compensate such persons, subject to application and approval by the Court;
- k. Open and inspect any and all mail and/or deliveries related to the existence, location, identity and/or collection, preservation, maintenance or operation of Conservatorship Assets, and to notify any insurance company or

third party administrator and the United States Postal Service to effect the forward delivery of any mail related to the Conservatorship Assets to a mail depository under the control of the Conservator;

l. Institute, prosecute, defend, intervene in or become a party to such actions or proceedings in any state court, federal court or United States Bankruptcy Court as may in the Conservator's opinion be necessary or proper for the protection, maintenance and preservation of Conservatorship Assets, or the carrying out of the Conservatorship Order; and

m. Exercise those powers necessary to implement the Conservator's conclusions with regard to the disposition of the Conservatorship pursuant to the orders and directives of the Court.

*See Exhibit "E," Conservatorship Order.*

9. The Conservatorship Order further required ABC to: (i) transfer to the Conservator within 90 days following the date thereof all proceeds held by ABC and its agents, including American Title and Piercefield, for the payment of such premiums; and (ii) **pay all costs of the Conservatorship until 75% of the policies were transferred to the Conservator.**

*See Exhibit "E," Conservatorship Order.*

10. Between February 6, 2002 and October 31, 2002, the Court approved \$396,610.54 in Conservator fees, expenses and attorney fees. On November 20, 2002, the Court entered a Journal Entry directing ABC to pay all of these approved Conservator fees, expenses and attorney fees. *See Exhibit "F," Journal Entry 1.*

11. On January 10, 2003, the Court entered an order directing ABC to reimburse the Conservator in the amount of \$173,445.82 for advances made by the Conservator for premium shortfalls during July and August 2002. *See Exhibit "G," Journal Entry 2.*

12. ABC has failed and/or refused to comply with the Court's orders directing ABC to pay to the Conservator the sum of \$570,056.36 within thirty (30) days from the dates of the orders.

**PROPOSITION I**

**KEITH LAMONDA AND JESS LAMONDA ARE  
PERSONALLY LIABLE FOR THE DEBTS INCURRED  
BY ABC DURING THE PERIOD OF SUSPENSION**

Oklahoma law provides that an officer or director of a suspended corporation shall be deemed personally liable for the debts incurred with their knowledge and consent by the corporation during the term the corporation is suspended from doing business. Pursuant to Okla. Stat. tit. 68, § 1212:

(c) Each trustee, director or officer of any such corporation, association or organization, whose right to do business within this state shall be so forfeited, shall, as to any and all debts of such corporation, association or organization, which may be created or incurred with his knowledge, approval and consent, within this state after such forfeiture and before the reinstatement of the right of such corporation to do business, be deemed and held liable thereon in the same manner and to the same extent as if such trustees, directors, and officers of such corporation, association or organization were partners.

In this case, ABC was suspended from doing business in Oklahoma on June 9, 2000, and has not been reinstated. ABC has continued to incur debts in Oklahoma since that date. Specifically, ABC agreed to entry of the Conservatorship Order in lieu of paying restitution to the ABC Investors in Oklahoma. The Conservatorship Order was entered into with the knowledge and consent of Keith LaMonda and Jess LaMonda, as indicated by their signatures on the Conservatorship Order.

The Conservatorship Order specifically contemplates that ABC will incur debts as a result of the order, since under the Conservatorship Order, ABC was responsible for payment of Conservatorship expenses until 75% of the Conservatorship assets were transferred to the Conservator. The Conservatorship Order specifically states:

**IT IS FURTHER ORDERED** that ABC pay and maintain all office expenses, salaries, and other costs of the Conservatorship until at least seventy-five percent (75%) of all Conservatorship Assets

have been transferred to the Conservator.

See Exhibit "E," Conservatorship Order, p.5.

The Court has specifically found that under the cited provision of the Conservatorship Order, ABC is responsible to pay to the Conservator all Conservatorship fees, expenses and attorney's fees approved by the Court for the period of February 6, 2002 through October 31, 2002. See Exhibit "F," Journal Entry 1 and Exhibit "G," Journal Entry 2. The Court has further specifically found that the payment of premium shortfalls by the Conservator is a Conservatorship expense, as contemplated by the Conservatorship Order. See Exhibit "H," Order.

On November 20, 2002, the Court entered an order directing ABC to pay the sum of \$396,610.54, representing the Conservator fees, expenses and attorney's fees through October 31, 2002, to the Conservator within 30 days from the date of the Court's order. On January 10, 2003, the Court entered an order directing ABC to pay the sum of \$173,445.82, representing the Conservatorship funds advanced for payment of premium shortfalls in July and August, 2002, to the Conservator within 30 days from the date of the order. ABC has failed and/or refused to comply with the Court's orders.

The money ordered to be paid by ABC to the Conservator is a debt for purposes of 68 O.S. § 1212. The word "liable" within the meaning of this provision, making a corporate director or officer personally liable for post-suspension corporate debt which they knowingly incurred, means the "state of one being bound in law to do, pay, or make good something which can be enforced by legal action." *Phillips & Stong Engineering Co. v. Howard B. James Associates, Inc.*, 1974 OK CIV APP 59, 529 P.2d 1013, 1016.

To date, ABC has incurred debt in the amount of \$570,056.36 under the Conservatorship

Order. This debt was incurred during a period when ABC was suspended from doing business in Oklahoma. The debt was incurred with the direct knowledge and prior consent of Keith LaMonda and Jess LaMonda. Therefore, Keith LaMonda and Jess LaMonda are personally liable for the corporate debt of ABC.

## PROPOSITION II

### **KEITH AND JESS LAMONDA ARE RESPONSIBLE FOR ABC'S IMPROPER ACTIONS**

As a general rule, a corporation is an entity separate and apart from the persons composing the corporation, thereby shielding such persons from personal liability. However, in certain circumstances, the corporate entity may be disregarded, or the corporate shield pierced, in order to impute liability for the acts of the corporation to the responsible persons. *Matter of Estate of Rahill*, 827 P.2d 896 (Okla. App. 1991). The circumstances are not limited to "alter ego" matters or cases involving fraud. The corporate shield should also be pierced in cases "where the facts require the court to disregard separate existence of the corporation and shareholders in order to protect rights of third persons and accomplish justice." *Thomas v. Vertigo, Inc.*, 1995 OK CIV APP 45, 900 P.2d 458, 460, citing, *Sautbine v. Keller*, 423 P.2d 447 (Okla. 1967), and *Mid-Continent Life Ins. Co. v. Goforth*, 143 P.2d 154 (Okla. 1943).

The court in *Thomas* relied on the Colorado Supreme Court's summary of the "piercing the corporate veil" principle in *Micciche v. Billings*, 727 P.2d 367 (Colo. 1986). The court, quoting *Micciche*, emphasized the following language by the Colorado court:

"When, however, the corporate structure is used so improperly that the continued recognition of the corporation as a separate legal entity would be unfair, the corporate entity may be disregarded and corporate principals held liable for the corporation's actions. Thus, if it is shown that shareholders used the corporate entity . . . in order to perpetrate a fraud or wrong on another, equity will permit the corporate form to be disregarded and will hold the shareholders personally responsible for the corporation's improper actions." *Id.* at 460.

There is compelling reason for this Court to disregard the corporate status of ABC under the facts of the present case. As stated by this Court in the Conservatorship Order, the Conservatorship was established in lieu of judgment against ABC for restitution and in order to prevent potential irreparable loss, damage or injury to the ABC Investors (emphasis added). If monies are not made immediately available to pay the expenses of the Conservatorship, to include the payment of premiums, the viated policies will lapse and investors will lose their entire investment. The purpose for the Conservatorship will be defeated.

ABC was created by Keith LaMonda and Jess LaMonda to act as a viatical settlement provider. ABC is owned by the LaMonda Management Family Limited Partnership (the "Partnership"), which acts under the control of Keith LaMonda as managing director and 98%-100% owner. Jess LaMonda is the President of ABC. Keith LaMonda is Chief Executive Officer and Chairman of the Board of Directors of ABC.

This Court found that ABC committed fraud in connection with the offer and sale of securities in the state of Oklahoma, in violation of Section 101 of the Oklahoma Securities Act. Keith and Jess LaMonda controlled all acts of ABC and are directly responsible for the corporation's improper actions. Under these circumstances, the corporate status of ABC should be disregarded and personal liability for payment of the Conservatorship expenses imputed to Keith LaMonda and Jess LaMonda. Failure to do so will result in the total collapse of the Conservatorship to the absolute financial detriment of the ABC Investors.

### **PROPOSITION III**

#### **KEITH LAMONDA AND JESS LAMONDA ARE NECESSARY PARTIES TO A JUST ADJUDICATION**

Pursuant to Okla. Stat. tit. 12, § 2019, persons shall be joined as parties in an action, if, in their absence, complete relief cannot be accorded among those already parties. Keith LaMonda and Jess LaMonda are the control persons and principals of ABC. They are the persons responsible for ensuring that ABC functions as a corporation in good standing in the state of Oklahoma. Keith LaMonda and Jess LaMonda have failed to do so. As a result and as stated above, Keith LaMonda and Jess LaMonda are personally liable for the corporate misdeeds of ABC. It is critical to a just adjudication of this case that Keith LaMonda and Jess LaMonda be made party Defendants in order that the Department pursue all remedies under state law for the adjudicated violations of the Act perpetrated by ABC.

### **PROPOSITION IV**

#### **NEED FOR TEMPORARY RESTRAINING ORDER, ASSET FREEZE, ACCOUNTING, APPOINTMENT OF A RECEIVER, AND TEMPORARY INJUNCTION**

Section 406.1 of the Act provides in part:

(a) Upon a showing by the Administrator that a person has violated or is about to violate the Oklahoma Securities Act, except under the provisions of Section 202.1 or 305.2 of this title, or a rule or order of the Administrator under the Oklahoma Securities Act or that a person has engaged or is about to engage in dishonest or unethical practices in the securities business, the Administrator, prior to, concurrently with, or subsequent to an administrative proceeding, may bring an action in the district court of Oklahoma County or the district court of any other county where service can be obtained on one or more of the defendants and the district court may grant or impose one or more of the following appropriate legal or equitable remedies:

(1) Upon a showing of a violation of the Oklahoma Securities Act or a rule or order of the Administrator under the Oklahoma Securities Act or conduct involving dishonest or unethical practices in the securities business:

- (i) a temporary restraining order, permanent or temporary prohibitory or mandatory injunction, or a writ of prohibition or mandamus;
- (ii) a civil penalty up to a maximum of Five Thousand Dollars (\$5,000.00) for a single violation or of Fifty Thousand Dollars (\$50,000.00) for multiple violations in a single proceeding or a series of related proceedings;
- (iii) a declaratory judgment;
- (iv) restitution to investors;
- (v) the appointment of a receiver or conservator for the defendant or the defendant's assets: and
- (vi) **other relief the court deems just** (emphasis added).

#### A. Temporary Restraining Order and Asset Freeze

Section 406.1 of the Act specifically grants this Court the power to fashion appropriate equitable relief to provide effective enforcement of the Act. Once the equity powers of the court are invoked, the court possesses the power to fashion appropriate interim remedies. *SEC v. Manor Nursing Centers*, 458 F.2d 1082, 1103 (2nd Cir. 1972). A temporary restraining order has the object of preserving the *status quo*, in order to prevent irreparable injury until such time as the Court may determine the Department's application for temporary injunction. *Morse v. Earnest, Inc.*, 547 P.2d 955 (Okla. 1976). The protection of the public interest is paramount in this matter. The Department's rights are also paramount in this matter as it has the statutory obligation to safeguard the public interest. Investors are entitled to the protections afforded by the Act.

As stated above, ABC has engaged in acts and practices in violation of the Act and has, as a result of these activities, received a substantial amount of money from numerous investors that continues to be in the hands of ABC, Keith LaMonda and Jess LaMonda. A danger exists that the money received by ABC, Keith LaMonda and Jess LaMonda will be lost, removed or

transferred. These facts make it clear that immediate preservation of the *status quo* is necessary to prevent further injury or loss. A temporary restraining order to issue instanter against ABC, Keith LaMonda and Jess LaMonda is necessary to preserve these funds and to prevent further violations of the Act. Further, no injury will befall ABC, Keith LaMonda and Jess LaMonda by granting such relief since ABC, Keith LaMonda and Jess LaMonda have no right to act in the state of Oklahoma in violation of the Act or while ABC is suspended. The interference with the rights of ABC, Keith LaMonda and Jess LaMonda by granting the temporary restraining order will be minimal, if any, while protecting the public from immediate and irreparable injury and loss.

Within the Court's powers is the authority to grant effective equitable relief by temporarily freezing specific assets. *SEC v. General Refractories Co.*, 400 F.Supp. 1248, 1259 (D.D.C. 1975); *SEC v. International Swiss Investments Corp.*, 895 F.2d 1272, 1276 (9th Cir. 1990); *SEC v. Manor Nursing Centers, supra*, at 1105-06 (upholding district court's order freezing assets in part because ". . . at the time the court's order was entered, a great deal of uncertainty existed with respect to the total amount of proceeds received and their location.").

As a result of the activities of ABC, Keith LaMonda and Jess LaMonda, a substantial, amount of money was raised from investors. Substantial uncertainty exists at this time as to the location of much of the proceeds. These circumstances make it necessary that the court freeze specific assets to preserve the *status quo* by preventing the dissipation of assets so as to protect investors and to provide effective relief.

## **B. Accounting**

Once the equitable power of the court is invoked, an accounting “. . . is appropriate to determine: (1) the amount of profits reaped from the allegedly illicit sales; (2) the present location of such proceeds; and (3) these defendants’ ability to repay.” *S.E.C. v. Lybrand*, 2000 WL 91384 (S.D.N.Y. July 6, 2000); *S.E.C. v. Vaskevitch*, 657 F.Supp. 312, 316 (S.D.N.Y. 1987).

ABC guaranteed to ABC Investors that it would pay premiums on the life insurance policies underlying the Viaticals. In providing adequate relief to ABC Investors, it is necessary that ABC, Keith LaMonda, and Jess LaMonda prepare and present to this Court, and to the Plaintiff, an accounting of all funds received pursuant to the scheme described in the Plaintiff’s Petition and of the disposition and use of said proceeds. Specifically, Plaintiff requests that ABC, Keith LaMonda, and Jess LaMonda identify the total amount of money received from each ABC Investor for his/her original investment(s), the amount of money escrowed for each ABC Investor for the payment of premiums, and the amount of money paid by each ABC Investor for the payment of premiums or for any other purpose after making his/her initial investment. Plaintiff further requests that ABC, Keith LaMonda, and Jess LaMonda shall account for their disposition and/or expenditure of the described funds.

## **C. Appointment of A Receiver**

ABC has violated two orders of this Court that required it to pay \$570,056.36 to the Conservator by February 10, 2003. Okla. Stat. tit. 18, § 1122 provides:

Whenever any corporation shall refuse, fail or neglect to obey an order or decree of any court of this state within the time fixed by the court for its observance, such refusal, failure or neglect shall be a sufficient ground for the appointment of a receiver of the corporation by a court of competent jurisdiction. If the corporation is a foreign corporation, such refusal, failure, or neglect shall be a sufficient ground for the appointment of a receiver of the assets of the corporation within this state.

ABC's failure and/or refusal to comply with the orders of this Court dated November 20, 2002 and January 10, 2003, within thirty (30) days from the date the orders were issued, are grounds for the appointment of a receiver of the assets of ABC located in Oklahoma. By virtue of the liability of Keith LaMonda and Jess LaMonda, previously discussed in Propositions I and II above, the Court has the authority to appoint a receiver of the assets of Keith LaMonda and Jess LaMonda as well.

ABC has engaged in a securities fraud in the sale of unregistered securities. It is critical that a receiver be appointed to take custody, possession and control of the assets. This Court has the judicial and statutory authority and, under the facts set forth in this application, the necessary justification to act to prevent dissipation of assets available to pay the expenses of the Conservatorship.

#### **D. Temporary Injunction**

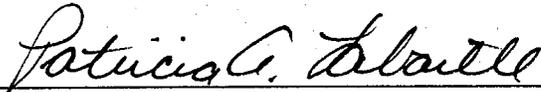
This Court has found that the past conduct of ABC violated the Act. Further, ABC has violated two orders of this Court requiring the payment of \$570,056.36 to the Conservator for Conservatorship expenses that were incurred in lieu of other remedies for ABC's violations of the Act. Thus, the proper test for the issuance of a statutory injunction is whether there is a reasonable expectation of future violations by ABC. *S.E.C. v. Manor Nursing Centers, Inc.*, 458 F.2d 1082 (2nd Cir. 1975); *S.E.C. v. Culpepper*, 270 F.2d 241, 249 (2d Cir. 1959). In considering this issue, past illegal conduct is strong support for the likelihood of future violations. *Oklahoma Securities Commission v. CFR International, Inc.*, 622 P.2d 293, 295 (Okla. Ct. App. 1980). ABC's past violations of the Act and orders of this Court create a presumption of a likelihood of future violations. Because the Department has conclusively demonstrated the existence of past violations, injunctive relief is appropriate and the burden of

showing that there is no reasonable expectation of future violations will shift to ABC and its burden "is a heavy one." *S.E.C. v. Culpepper*, 270 F.2d 241, 249 (2d Cir. 1959); *Oklahoma Securities Commission v. CFR International, Inc.*, 622 P.2d 293, 295 (Okla. Ct. App. 1980).

### CONCLUSION

Therefore, for the reasons stated above, the Department respectfully requests that this Court enter an order to add Keith LaMonda and Jess LaMonda as party Defendants, for a temporary restraining order, for an order freezing the assets of ABC, Keith LaMonda and Jess LaMonda, for an order requiring an accounting to this Court by ABC, Keith LaMonda, and Jess LaMonda, for an order appointing a receiver over the assets of ABC, Keith LaMonda and Jess LaMonda that are located in Oklahoma, and a temporary injunction.

Respectfully submitted,



Patricia A. Labarthe OBA #10391  
Oklahoma Department of Securities  
120 North Robinson, Suite 860  
Oklahoma City, Oklahoma 73102  
(405) 280-7700  
Attorney for the Oklahoma Department of Securities

## CERTIFICATE OF MAILING

The undersigned certifies that on the 26 day of February, 2003, a true and correct copy of the foregoing was mailed via First Class Mail, postage prepaid, to the following:

Melvin R. McVay, Jr., Esq.  
Thomas P. Manning, Esq.  
Phillips McFall McCaffrey  
McVay & Murrah, P.C.  
Twelfth Floor, One Leadership Square  
211 North Robinson  
Oklahoma City, Oklahoma 73102  
Attorneys for Tom Moran,  
Conservator of certain assets of  
Accelerated Benefits Corporation

Dino E. Viera, Esq.  
Fellers, Snider, Blankenship,  
Bailey & Tippens, P.C.  
100 North Broadway Avenue, Suite 1700  
Oklahoma City, Oklahoma 73102  
Attorney for Defendants,  
Accelerated Benefits Corporation and  
American Title Company of Orlando

Jeff Hartmann, Esq.  
Angela Ables, Esq.  
Kerr, Irvine, Rhodes & Ables  
201 Roberts S. Kerr, Suite 600  
Oklahoma City, OK 73102  
Attorneys for Life Alliance, L.L.C.

Nabeel Hamameh, Esq.  
800 N. Old Woodward Avenue, Suite 102  
Birmingham, MI 48009  
(248) 258-5658  
Facsimile (248) 203-6907  
Attorney for Infinity Capital Services, Inc.

James Slayton, Esq.  
4808 Classen Blvd  
Oklahoma City, OK 73118

-and -

Jon W. McLanahan, Esq.  
4205 McCauley Blvd, Suite 385  
Oklahoma City, OK 73120-8347  
Attorneys for Robert D. Stone and  
Larry W. Hanks

Robert A. Nance, Esq.  
Riggs, Abney, Neal, Turpen,  
Orbison and Lewis  
5801 Broadway Extension, Suite 101  
Oklahoma City, OK 73118  
Attorney for Lawrence Deziel

Rebecca A. Farris, Esq.  
Helms & Underwood  
2500 First National Center  
120 North Robinson  
Oklahoma City, OK 73102  
Attorney for John C. Hinkle and  
Wanda B. Hinkle

Brenda Gordon Smith