

**IN THE DISTRICT COURT OF OKLAHOMA COUNTY
STATE OF OKLAHOMA**

OKLAHOMA DEPARTMENT OF SECURITIES)
ex rel. Irving L. Faught, Administrator,)
)
Plaintiff,)
)
vs.)
)
FARMERS & MERCHANTS BANK, et al.)
)
Defendants,)
)
and)
)
ROBERT LYNN POURCHOT, Trustee of the)
Robert Lynn Pourchot Trust, et al.,)
)
Intervenors.)

Case No. CJ-2006-3311

FILED IN THE DISTRICT COURT
OKLAHOMA COUNTY, OKLA.

JUL 18 2008

PATRICIA PRESLEY, COURT CLERK
by ~~_____~~ BEPUTY

**APPLICATION OF DEFENDANTS FOR EXTENSION OF BRIEFING
DEADLINES REGARDING DISCOVERY ISSUES AND
TO RESCHEDULE RELATED HEARING**

Defendants Farmer & Merchants Bank, Farmers & Merchants Bancshares, Inc., John V. Anderson and John Tom Anderson (“Defendants”) respectfully request the Court to enter an Order extending the current briefing schedule regarding discovery issues for ten (10) days and to reschedule the related hearing. In support of this application, Defendants would show the Court as follows:

1. After the hearing on Defendants’ Motion for Partial Summary Judgment, which was held on July 2, 2008, the parties discussed with the Court matters relating to discovery issues between the parties and the need for Court resolution of those matters before: (a) spending a significant amount of time and resources in discovery; and (b) resetting the current scheduling order deadlines.

2. As a result of these discussions, the Court struck the scheduling order and entered a briefing schedule regarding the discovery issues. *See* Exhibit "1." Currently, the parties are to file initial briefs by July 22, 2008 and reply briefs are due August 1, 2008.

3. A hearing is currently set regarding discovery issues for August 8, 2008 at 2:00 p.m. An amended scheduling will be discussed at the conclusion of the hearing. *Id.*

4. Defendants request that the Court enter an order extending the briefing schedule as follows:

	<u>Current Deadline</u>	<u>Proposed Deadline</u>
Initial briefs	July 22, 2008	August 1, 2008
Reply briefs	August 1, 2008	August 11, 2008.

5. Defendants believe that a short ten (10) day extension of the briefing deadlines and rescheduling of the related hearing is warranted in light of the breadth, scope, and complexity of the discovery issues being addressed by Defendants, which will ultimately impact the parameters and magnitude of discovery to be undertaken by the parties in this case.

6. Counsel for Defendants has contacted counsel for Intervenors who opposes the requested extension and rescheduling of the related hearing.

7. Counsel for Defendants has attempted to contact counsel for Plaintiff to determine whether they consent to the requested extension but was unable to reach them prior to filing this Application.

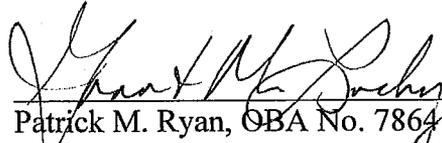
8. There have been no previous applications for an extension of time regarding this matter and the granting of this application will not affect any scheduling order deadline.

Defendants are agreeable to rescheduling the hearing as soon as possible after the filing of the reply briefs.

9. Defendants have transmitted this date for the Court's consideration and use a proposed order incorporating the dates and extensions set forth above.

WHEREFORE, Defendants respectfully request that this Court enter an Order granting this Application, extending the briefing deadlines regarding discovery issues and rescheduling the related hearing.

Respectfully submitted,



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INC., JOHN V. ANDERSON and JOHN TOM
ANDERSON**

CERTIFICATE OF SERVICE

I hereby certify that on this 18th day of July 2008, a true and correct copy of the above and foregoing instrument was mailed, via U.S. Mail, first-class, postage prepaid, to the following attorneys of record:

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