

JAN 8 2003

MICHAEL S. RICHIE  
CLERK

**IN THE SUPREME COURT OF THE STATE OF OKLAHOMA**

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

Plaintiff/Appellee, )

v. )

ACCELERATED BENEFITS CORPORATION; )  
C. KEITH LaMONDA; AMERICAN TITLE )  
COMPANY OF ORLANDO; and )  
DAVID PIERCEFIELD, )

Defendants/Appellants )

v. )

TOM MORAN, )

Court-Appointed Conservator/ )  
Appellee. )

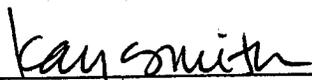
Case No. 98663

Oklahoma County  
Case No. CJ-99-2500-66

**MOTION FOR LEAVE TO RESPOND OUT OF TIME**  
**TO PETITION IN ERROR**

Appellee Conservator Tom Moran hereby requests leave to file his Response to Petition in Error out of time. Appellants' Petition in Error indicates that the appealed order is an interlocutory order appealable by right under 12 Okla. Stat. § 993.A.7. Because Section 993.A.7 is not referred to in Supreme Court Rule 1.60, counsel for the Conservator mistakenly calculated the time for filing his Response. Based on Rule 1.63, such Response was due December 31, 2003. Because Appellant did not file a Designation of Record in this case until the date of this Motion, Appellee believes that permitting him to file the attached Response on the same date will not prejudice the parties to this appeal.

Based on the foregoing, Appellee Conservator Tom Moran respectfully requests that the Court permit him to file his Response to Petition in Error and Counter-designation of Record on January 8, 2003.



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**Attorneys for Conservator Tom Moran, Appellee.**

**CERTIFICATE OF MAILING TO ALL PARTIES AND COURT CLERK**

I hereby certify that a true and correct copy of the Motion for Leave to Respond Out of Time to Petition in Error was mailed this 8<sup>th</sup> day of January, 2003, by depositing it in the U.S. Mails, postage prepaid, to:

Eric S. Eissenstat  
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Attorney for Plaintiff/Appellee  
Oklahoma Department of Securities

With a copy hand delivered to  
the Honorable Daniel L. Owens

I further certify that a copy of the foregoing was mailed to, or filed in, the Office of the Court Clerk of the Oklahoma County., Oklahoma City, Oklahoma 73105, on the 8th day of January, 2003.

Kay Smith