

**IN THE UNITED STATES DISTRICT COURT FOR THE
NORTHERN DISTRICT OF OKLAHOMA**

EDDIE ANDREWS, et al.,)	
)	
Plaintiffs,)	
)	
v.)	Case No. 06-CV-460-TCK-PJC
)	
UNITED STATES, et al.)	
)	
Defendants.)	

**MOTION TO FILE RESPONSIVE PLEADING OUT OF TIME
AND BRIEF IN SUPPORT**

Defendant, First National Bank, Mangum, Oklahoma (“FNB”), and hereby moves this Court for an Order allowing Defendant to file a Responsive Pleading out of time. In support of this application, Defendant present the following:

1. FNB was served in this matter on September 11, 2006, via Certified Mail. See Return of Service filed in this matter.
2. During this time, FNB was being bought out by First National Bank and Trust Company of Shawnee, Oklahoma.
3. In this process, the instant litigation was not immediately forwarded to counsel and the answer date ran on October 1, 2006, fifteen (15) days ago.
4. FNB requests it be given twenty (20) days from the entry of any Order allowing it to respond out of time, to file such responsive pleading.
5. Defendant’s counsel has contacted the Plaintiffs and spoken to Carl Weston who advised that Plaintiffs object to this request.
6. No deadlines have been scheduled, and FNB would state that a manifest injustice would be to not allow FNB to defend itself.

7. Pursuant to Rule 6(b) of the Federal Rules of Civil Procedure, the Court may in its discretion permit a responsive pleading to be filed out of time, if the Court finds it is requested as a result of excusable neglect. As the FNB was going through a buy out and the matter simply was not timely sent to counsel due to attention to other matters, excusable neglect, it is urged, exists. There has been no request for default made and Plaintiffs would not be prejudiced by a full and fair determination of the issues.

WHEREFORE, First National Bank, respectfully requests that they be given twenty (20) days from the date of any order allowing a responsive pleading to be filed to file the same.

Respectfully submitted,

FIRST NATIONAL BANK

By: /s/ O. Clifton Gooding
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CERTIFICATE OF SERVICE

I hereby certify that on **October 17, 2006**, I electronically filed the foregoing Motion to File Responsive Pleading Out of Time with the clerk of the court by using the CM/ECF system which will send a notice of electronic filing to the following who are registered and via regular US Mail, with proper postage thereon, to the following who are not so registered:

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