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**BEFORE THE ARIZONA CORPORATION COMMISSION**

**COMMISSIONERS**

MARC SPITZER, Chairman  
WILLIAM A. MUNDELL  
JEFF HATCH-MILLER  
MIKE GLEASON  
KRISTIN K. MAYES

In the matter of:  
  
MARK E. LABERTEW and JANE DOE  
LABERTEW  
7451 East Beryl  
Scottsdale, Arizona 85251  
  
LES FLEISHMAN and JANE DOE  
FLEISHMAN  
Southport S.D.G., Inc.  
5199 East Pacific Coast Highway, Suite 330N  
Long Beach, California 90804  
  
Respondents.

DOCKET NO. S-03387A-02-0000

**SECURITIES DIVISION'S MOTION TO DISMISS WITHOUT PREJUDICE**

The Securities Division ("Division"), by and through counsel undersigned, moves for entry of an Order dismissing the above-captioned and entitled action. The Division filed a Notice of Opportunity for Hearing Regarding Proposed Order to Cease and Desist, Order for Restitution, for Administrative Penalties, and for Other Affirmative Action ("Notice") on or about November 18, 2002. Since that date, Division personnel have made numerous efforts to locate the named Respondents to serve the Notice, but have never been able to either locate the Respondents or serve the Notice. As a result, the Division requests that the matter be dismissed, without prejudice, until such time as the Division may be able to locate the Respondents and institute new proceedings.

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Arizona Corporation Commission  
**DOCKETED**  
MAY 20 2004

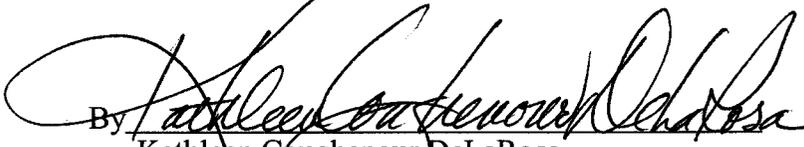
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RESPECTFULLY SUBMITTED this 20 day of May, 2004.

ARIZONA CORPORATION COMMISSION  
SECURITIES DIVISION

By 

Kathleen Coughenour DeLaRosa  
1300 West Washington, 3<sup>rd</sup> Floor  
Phoenix, Arizona 85007  
Attorney for Securities Division

ORIGINAL and 13 copies  
of the foregoing filed this  
20th day of May, 2004, with:

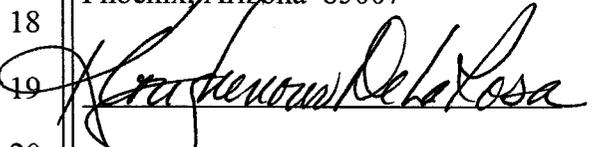
Docket Control  
Arizona Corporation Commission  
1200 West Washington Street  
Phoenix, Arizona 85007

AND

COPY of the foregoing  
mailed/hand-delivered\* this  
20<sup>th</sup> day of May, 2004, to:

Hon. Marc Stern  
Hearing Division  
Arizona Corporation Commission  
1200 West Washington Street  
Phoenix, Arizona 85007

*\*hand-delivered*



Motion to Dismiss Without Prejudice.doc