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MICHAEL KALMUS

ATTORNEY AT LAW
850 THIRD AVENUE, 14TH FL.
NEW YORK, NY 10022
Phone 212-940-9212
Fax 212-826-9738

Admitted in NY, NJ and GA

55 Hudson Street
Hackensack, NJ 07601
Phone (201) 646-0606
Fax (201) 646-0613

November 4, 2004

Via Federal Express

Docket Control
Arizona Corporation Commission
1200 W. Washington
Phoenix, AZ 85007

Re: Lonzo Archer
Docket No. S-3557A-04-000

Dear Sir or Madam:

Enclosed please find an original and thirteen (13) copies of our (i) motion to postpone the hearing; (ii) opposition to motion; and (iii) witness list in connection with the above captioned matter including a docket control cover sheet for each.

Thank you.

Very truly yours,

Michael Kalmus

Encl.

Arizona Corporation Commission

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Law Office of Anthony B. Bingham, P.C.
1423 South Higley Road
Building 4, Suite 110
Mesa, Arizona 85206
Phone No: (480) 832-1922
Facsimile No: (480) 924-4147
Anthony B. Bingham, Local Counsel
AZ Bar Number: 014732

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Michael Kalmus, P.C.
850 Third Avenue, 14th Fl.
New York, NY 10022
Phone No: (212) 940-9252
Facsimile No: (212) 826-9738
Michael Kalmus, Admitted Pro Hac Vice

Arizona Corporation Commission
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Attorneys for Respondents

BEFORE THE ARIZONA CORPORATION COMMISSION

In the Matter of)
)
LONZO ARCHER)
1512 Plymouth Road)
North Brunswick, NJ 08902)
)
Respondent.)

Docket No. S-3557A-04-0000

OPPOSITION TO MOTION TO TAKE JUDICIAL
NOTICE OF WASHINGTON STATE ORDER

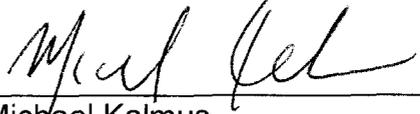
Respondent Lonzo Archer does not dispute the authenticity of the Washington State Order. However, Mr. Archer disputes the underlying facts therein as it was never adjudicated.

On December 29, 2003 the Statement of Charges, together with a Notice of Opportunity for Hearing and Application for Hearing from the State of Washington were served upon Mr. Archer. Mr. Archer forwarded these documents to in house counsel for First Montauk Securities Corp., his employer. Mr. Archer believed that the matter would be appropriately handled by in house counsel. In this regard, counsel drafted a letter for Mr. Archer's signature dated January 15, 2004, but appears to have been faxed to the Department on January 21, 2004, precisely one day beyond the 20 day notice

requirement. The Washington State Securities Division does not dispute this. Thereafter, the Department sought and obtained entry of the Order by default.

For these reasons Respondent respectfully requests that the Court not recognize the underlying facts in the State of Washington Order.

RESPECTFULLY SUBMITTED this 4th day of November, 2004.



Michael Kalmus
Attorney for Respondent

ORIGINAL AND THIRTEEN (13) COPIES of the foregoing filed this 4th day of November 2004 with

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

COPY of the foregoing sent via facsimile and regular mail this 4th day of November 2004, to:

The Honorable Marc Stern
Arizona Corporation Commission/Hearing Division
1200 West Washington
Phoenix, AZ 85007

Michelle M. Allen, Esq.
Arizona Corporation Commission
Securities Division
1300 W. Washington, 3rd Floor
Phoenix, AZ 85007

By: 