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Docket No. S-03476A-02-0000

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**BEFORE THE ARIZONA CORPORATION COMMISSION**

2002 SEP 11 P 12:33

Arizona Corporation Commission

**DOCKETED**

SEP 11 2002

WILLIAM A. MUNDELL  
Chairman  
JIM IRVIN  
Commissioner  
MARC SPITZER  
Commissioner

DOCKETED BY *CAK*

In the matter of:

) DOCKET NO. S-03476A-02-0000

**DAVID CARROLL LOACH**  
2237 E. Virginia Avenue  
Phoenix, Arizona 85006  
(CRD #1251138)

) **STIPULATED MOTION TO VACATE**  
) **ORDER SETTING HEARING DATE**

**GARY MILBURN LAHA**  
4311 W. Sweetwater Road  
Glendale, Arizona 85304  
(CRD #2210875)

Respondents.

The Securities Division ("Division") of the Arizona Corporation Commission ("Commission"), pursuant to a stipulation between the Division and Respondent David Carroll Loach, submits this Stipulated Motion to Vacate Order Setting Hearing Date. Respondent Gary Milburn Laha has been excused from further participation in this action as a party, because the action was settled as to Laha by a consent order, Decision No. 65005, on July 2, 2002. Consequently, Laha is not a necessary party to this Stipulated Motion.

In support of this motion, the Division and Loach state:

1. On July 1, 2002, the Commission entered the Second Procedural Order in this case. Among other things, the order directed that the hearing would be held on September 30, 2002. On July 25, 2002, the Commission entered the Third Procedural Order in this case, in which the Commission, among other things, affirmed that the hearing would be held on September 30, 2002.

1           2. On September 10, 2002, Loach signed a proposed consent order, the “Order to Cease  
2 and Desist, Order of Revocation, Order for Administrative Penalty, and Consent to Same by:  
3 David Carroll Loach.” The Division expects that the proposed consent order will be considered by  
4 the Commissioners at an open meeting on September 26, 2002.

5           3. The Division and Loach have agreed to request that a new procedural order be issued,  
6 vacating those portions of the Second Procedural Order and Third Procedural Order that set and  
7 affirmed the hearing date, September 30, 2002. This would avoid needless expenditure of  
8 resources by both parties, in the event the consent order should be approved by the Commission.

9           4. In the event that a hearing becomes necessary, either because the proposed consent  
10 order is not approved, or for any reason, the Division will file a motion to set a hearing date when  
11 the need becomes evident.

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1 Dated this 11<sup>th</sup> day of September, 2002.

2 Janet Napolitano  
3 Attorney General for the State of Arizona

4   
5 \_\_\_\_\_  
6 Amy J. Leeson

7 Special Assistant Attorney General  
8 Attorneys for the Securities Division of the  
9 Arizona Corporation Commission

10 Original and 13 Copies filed with  
11 Docket Control on September 11, 2002.

12 A copy mailed on September 11, 2002, to:

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19 P.O. Box 1731  
20 Sun City, Arizona 85372  
21 Counsel for Respondent Laha

22   
23 \_\_\_\_\_  
24 Amy J. Leeson

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