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Docket No. S-03476A-02-0000

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BEFORE THE ARIZONA CORPORATION COMMISSION

Arizona Corporation Commission

2007 JUN 27 P 3:16

DOCKETED

JUN 27 2002

AZ CORP COMMISSION
DOCKET CONTROL

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3 WILLIAM A. MUNDELL
4 Chairman
5 JIM IRVIN
6 Commissioner
7 MARC SPITZER
8 Commissioner

DOCKETED BY *CAK*

6 In the matter of:

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

7 **DAVID CARROLL LOACH**
8 2237 E. Virginia Avenue
9 Phoenix, Arizona 85006
10 (CRD #1251138)

) **STIPULATED MOTION TO VACATE**
) **ORDER SETTING PRE-HEARING**
) **CONFERENCE, AND TO SET A**
) **HEARING DATE**

11 **GARY MILBURN LAHA**
12 4311 W. Sweetwater Road
13 Glendale, Arizona 85304
14 (CRD #2210875)

15 Respondents.

16 The Securities Division ("Division") of the Arizona Corporation Commission
17 ("Commission"), pursuant to a stipulation between the Division and Respondent David Carroll
18 Loach, by his attorney John Augustine, submits this Stipulated Motion to Vacate Order Setting
19 Pre-Hearing Conference, and to Set a Hearing Date ("Stipulated Motion").

20 Earlier today, the Commission approved an Order to Cease and Desist, Order of
21 Suspension, Order for Administrative Penalties, and Consent to Same by: Gary Milburn Laha.
22 Accordingly, the Division and respondent Loach believe that the Commission may grant the relief
23 that is requested in this Stipulated Motion, although respondent Laha has not joined in the
24 stipulation, and the Commission's order regarding respondent Laha may not have been filed yet
25 with Docket Control. (The Division and respondent Loach will be referred to in this Stipulated
26 Motion as the "parties.")

1 The first Procedural Order in this case, dated June 4, 2002, scheduled a pre-hearing
2 conference to occur on July 1, 2002, at 9:00 a.m. The parties are requesting that the Procedural
3 Order be vacated, to the extent that it scheduled a pre-hearing conference.

4 The parties further request that a hearing date be set. The parties expect the hearing to take
5 less than two days. The Hearing Officer has informed the parties that no hearing time is available
6 until September 16, 2002, or later. Accordingly, the parties request that the hearing be scheduled
7 to commence on September 16, 2002, at 9:00 a.m., or as soon thereafter as is convenient for the
8 Hearing Officer, except that the following dates should be avoided:

- 9 • Week of September 23 (Division counsel has another hearing on the calendar).
- 10 • October 10-28 (Division counsel plans to be on vacation).

11 In connection with this Stipulated Motion, respondent Loach waives the right to the sixty-
12 day deadline that would otherwise have applied to the hearing pursuant to A.R.S. § 44-1972(E).

13 The parties to the Stipulated Motion believe that good cause for granting the motion exists,
14 because Mr. Augustine will be on a medical leave, beginning June 28, 2002. He expects to return
15 to work after four to six weeks.

16 The parties have already discussed the possibility of settlement, although they have not
17 reached an agreement. They will resume the discussion once Mr. Augustine becomes available to

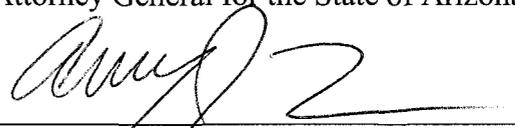
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1 do so. They believe that a hearing date on or after September 16, 2002, would allow sufficient
2 time for them to determine whether a settlement can be effected, and to prepare for a hearing if
3 that is necessary.

4 Dated this 27th day of June, 2002.

5 Janet Napolitano
6 Attorney General for the State of Arizona

7 

8 Amy J. Leeson
9 Special Assistant Attorney General
10 Attorneys for the Securities Division of the
Arizona Corporation Commission

11 Original and Ten Copies filed with
12 Docket Control on June 27, 2002.

13 A copy mailed on June 27, 2002, to:

14 John Augustine, Jr., Esq.
15 The Citadel, Suite 300
16 2727 N. Third Street
17 Phoenix, Arizona 85004
Counsel for Respondent Loach

18 Debra Weecks, Esq.
19 P.O. Box 1731
20 Sun City, Arizona 85372
Counsel for Respondent Laha

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