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ORIGINAL

BEFORE THE ARIZONA CORPORATION COMMISSION

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COMMISSIONERS

KRISTIN K. MAYES, Chairman  
GARY PIERCE  
PAUL NEWMAN  
SANDRA D. KENNEDY  
BOB STUMP

2009 MAR 31 P 2:00

AZ CORP COMMISSION  
DOCKET CONTROL

In the matter of: )  
KYLE SCHMIERER, individually and doing )  
business as AMADIN, and JANE DOE )  
SCHMIERER, husband and wife, )  
Respondents. )

DOCKET NO. S-20632A-08-0504

**MOTION TO SET HEARING**

On January 29, 2009, the Securities Division ("Division") of the Arizona Corporation Commission ("Commission") filed a Temporary Order to Cease and Desist and Notice of Opportunity for Hearing, ("TC&D") with respect to Respondent Kyle Schmierer.

On February 19, 2009, Respondent Kyle Schmierer filed a Request for Hearing.

On February 24, 2009, by Procedural Order, a pre-hearing conference was scheduled for March 23, 2009.

On February 26, 2009, Respondent Kyle Schmierer filed an Answer.

On March 23, 2009, the pre-hearing conference was held. Administrative Law Judge Stern recommended that the parties meet and discuss a resolution to this matter. Further, Judge Stern suggested that the matter be arbitrated or mediated. The parties were to file a motion to either set a hearing date or to set an arbitration/mediation date after meeting to discuss the issues.

The Securities Division requests that a hearing be set.

Respectfully submitted this 31<sup>st</sup> day of March, 2009.

Arizona Corporation Commission  
**DOCKETED**

MAR 31 2009

DOCKETED BY

By:

Wendy Coy  
Senior Counsel for the Securities Division of  
the Arizona Corporation Commission

1 ORIGINAL AND THIRTEEN (13) COPIES of the foregoing  
2 filed this 31<sup>st</sup> day of March, 2009 with:

3 Docket Control  
4 Arizona Corporation Commission  
5 1200 W. Washington St.  
6 Phoenix, AZ 85007

7 COPY of the foregoing hand-delivered  
8 filed this 31<sup>st</sup> day of March, 2009 to:

9 Mr. Marc E. Stern  
10 Administrative Law Judge  
11 Arizona Corporation Commission/Hearing Division  
12 1200 W. Washington St.  
13 Phoenix, AZ 85007

14 COPY of the foregoing mailed  
15 this 31<sup>st</sup> day of March, 2009 to:

16 Kyle Schmierer  
17 15651 N. 27<sup>th</sup> Street, #218  
18 Phoenix, Arizona 85032

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