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OUR FILE NUMBER

May 1, 2002 AZ CORP COMMISSION
DOCUMENT CONTROL

Arizona Corporation Commission
DOCKETED

MAY 21 2002

PHILIP J. DION III
Administrative Law Judge
Arizona Corporation Commission
1200 West Washington
Phoenix, AZ 85007

DOCKETED BY	<i>ms</i>
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Re: Phil Merrill, Docket No. S-03450A-02-0000

Dear Judge Dion:

On March 5, 2002 you set this matter for hearing to commence on June 10, 2002. Mr. Merrill was with me at the time. However, he did not realized that his wife had planned a 40th anniversary cruise for the two of them that starts June 6 and ends June 20, 2002.

On March 8, 2002 I wrote to Anthony Bingham, the attorney representing the Securities Division asking for copies of documents that he might have that we would need to prepare for the hearing. It is possible that he does not have everything that was requested and the Mr. Merrill's former employer, Morgan Stanley Dean Witter may have some of the documents we need. I set up an appointment with Mr. Bingham for March 20, 2002 to come to his office to discuss all aspects of this matter including possible resolution. Mr. Bingham's heavy schedule required him to postpone the meeting and he advised that it might be some time before I received the requested document that he had in his files. I have been in an extended hearing that ended last week. In the meantime I have been advised by my opthamologist that I need eye surgery. He counseled earliest possible surgery. The earliest date available is June 10, 2002 and I am scheduled to have my right worked on that day. There is a six week period between the work on the right eye and the left. I am scheduled for the left eye work July 22, 2002. After that is completed it will be at least three to four weeks before I will be able to resume normal heavy reading activity required of my practice.

In view of these circumstances I wish to have the hearing set for June 10, 2002 continued to a date that will can be mutually convenient for all involved. Would you please consider this a motion in that regard.

At this time I cannot suggest a date since I am unaware what documents I will get from Mr. Bingham and what documents I will have to seek from Morgan Stanley Dean Witter nor am I aware how long it might take to get documents from Morgan Stanley if that is what I have to do.

Very truly yours,
Frank Lewis

Frank Lewis

cc: Anthony Bingham