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BEFORE THE ARIZONA CORPORATION COMMISSION

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COMMISSIONERS

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

2009 JUN 15 A 10: 54

Arizona Corporation Commission

DOCKETED

ARIZONA CORP COMMISSION  
DOCKET CONTROL

JUN 15 2009

DOCKETED BY	
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IN THE MATTER OF:

MERRILL LYNCH, PIERCE, FENNER & SMITH  
INCORPORATED,

RESPONDENT.

DOCKET NO. S-03497A-09-0242

**PROCEDURAL ORDER GRANTING  
ADMISSION PRO HAC VICE**

**BY THE COMMISSION:**

On June 9, 2009, pursuant to Arizona Supreme Court Rule 38, Laura M. Kam, an attorney with DLA Piper LLP (US) filed with the Arizona Corporation Commission ("Commission") a Motion and Consent of Local Counsel for Temporary *Pro Hac Vice* Admission of Timothy P. Burke of Bingham McCutchen LLP in the above-captioned matter.

On June 10, 2009, by Procedural Order, the request for temporary admission *pro hac vice* of Timothy P. Burke to appear before the Commission was granted providing that the completion of the application procedures occurs within 45 days of the procedural order.

On June 11, 2009, Ms. Kam filed a Motion to Appear Pro Hac Vice for Mr. Burke's permanent admission *pro hac vice* in this matter ("Motion"). In support of the Motion, Ms. Kam stated that Mr. Burke is a member in good standing with the Massachusetts Bar and the New York State Bar and has been licensed to practice law in both states since 1992; and that Mr. Burk is not now, now has he ever been, under suspension or subject to any disciplinary action with respect to the practice of law. Attached to the Motion were Mr. Burke's Notice of Receipt of Complete Application, Nonresident Attorney Pro Hac Vice Application, and certificates of good standing from the Massachusetts Supreme Judicial Court and the Appellate Division of the Supreme Court of the State of New York, Second Judicial Department.

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IT IS THEREFORE ORDERED that Timothy P. Burke shall be admitted *pro hac vice* in the above-captioned matter. His address for service of papers and other communication shall be:

Timothy P. Burke  
BRINGHAM McCUTCHEN LLP  
One Federal Street  
Boston, MA 02110

IT IS FURTHER ORDERED that the address for service of papers and other communications for the Arizona-licensed attorney shall be:

Laura M. Kam  
DLA PIPER LLP (US)  
2525 East Camelback Road, Suite 1000  
Phoenix, AZ 85016-4232

IT IS FURTHER ORDERED that withdrawal of representation must be made in compliance with A.A.C. R14-3-104(E) and Rule 1.16 of the Rules of Professional Conduct (under Rule 42 of the Rules of the Arizona Supreme Court). Representation before the Commission includes the obligation to appear at all hearings and procedural conferences, as well as all Open Meetings for which the matter is scheduled for discussion, unless counsel has previously been granted permission to withdraw by the Administrative Law Judge.

DATED this 15<sup>th</sup> day June, 2009.

  
\_\_\_\_\_  
LYN FARMER  
CHIEF ADMINISTRATIVE LAW JUDGE

Copies of the foregoing mailed/delivered this 15<sup>th</sup> day of June, 2009 to:

Laura M. Kam  
DLA PIPER LLP (US)  
2525 East Camelback Road, Suite 1000  
Phoenix, AZ 85016-4232

Matt Neubert, Director  
Securities Division  
ARIZONA CORPORATION COMMISSION  
1300 West Washington Street  
Phoenix, AZ 85007

Timothy P. Burke  
BRINGHAM McCUTCHEN LLP  
One Federal Street  
Boston, MA 02110

By:   
\_\_\_\_\_  
Debra Broyles  
Secretary to Lyn Farmer