

ORIGINAL



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DOCKET NO. S-20651A-09-0029

Motion for Continuance for New Trial Date RECEIVED

Respondent: Kyle Schmierer

2009 AUG 21 P 4: 43

Docket Control
Arizona Corporation Commission
1200 West Washington
Phoenix, AZ 85007

AZ CORP COMMISSION
DOCKET CONTROL

Whereas Arizona Revised Statutes ("A.R.S.") § 41-1092.05(C) , the governing statute, provides as follows: "The date of the scheduled hearing may be advanced or delayed on the agreement of the parties or on a showing of good cause."; I request a continuance of 120 days be granted.

Whereas I am unavailable for the current premature and unfair date of August 31, 2009, because I must attend classes at College, I request a continuance of 120 days be granted and that the new date be on a Friday when no classes are scheduled for the respondent.

Whereas my motions are not being answered and many are still not answered as of today, the current date for a trial is premature and improper and the continuance should be granted.

Whereas I have been illegally and immorally denied essential information I have requested in discovery motions, the current date for a trial is premature and improper and the continuance should be granted.

Whereas because the AZ Corporation Commission Securities Division has not provided the basic information I requested by motions to even be able to contact witnesses, interview them and subpoena them for cross examination, it is proper to grant the continuance under A.R.S. § 41-1092.05(C) , Arizona Administrative Code ("A.A.C.") R2-19-110.

Whereas I have not had proper time, resources or information (blocked by the AZ Corp Comm.) that are needed to subpoena witnesses, investigate, and research case law to research and defend myself in this unjust case and battle the abuse of power, abuse of process and extortion in this malicious prosecution by the AZ Corporation Commission Securities Division, the current date for a trial is premature and improper and the continuance should be granted.

Whereas I am indigent and cannot afford legal assistance; and whereas I am indigent and have to work, and struggle to survive, and thus have not had adequate time to research and defend myself in this unjust case and battle the abuse of power, abuse of process and extortion in this malicious prosecution by the AZ Corporation Commission Securities Division, the current date for a trial is premature and improper and the continuance should be granted.

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Arizona Corporation Commission
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AUG 21 2009

DOCKETED BY

K.S. 8-21-09

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Respondent: Kyle Schmierer

Whereas I had a reasonable expectation to get the mediation I was promised by the Judge, whereas it was a legally binding agreement, I therefore have not had proper time to prepare for dates that should have been made unnecessary if mediation had already been granted as promised, thus, the current date for a trial is premature and improper and the continuance should be granted.

Whereas because of my expectation for mediation, I have not had reason to feel a continuance would even be needed, the current date for a trial is premature and improper and the continuance should be granted.

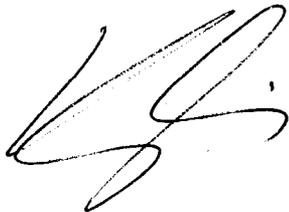
Whereas I am not a lawyer, and I am struggling to learn my rights and legal procedures, such as that I have a right to get a continuance and whereas I have only today found information on how to request a continuance, the current date for a trial is premature and improper and the continuance should be granted.

Whereas all these reasons cited above provide very good cause shown for the untimely filing, the current date for a trial is premature and improper and the continuance should be granted.

Thereby, for all the reasons cited above, the deadline date for the trial must be delayed. A new trial date is necessary and prudent in the interest of justice and fairness.

Whereas Arizona Revised Statutes (“A.R.S.”) § 41-1092.05(C), the governing statute, provides as follows: “The date of the scheduled hearing may be advanced or delayed on the agreement of the parties or on a showing of good cause.”; I request a continuance of 120 days be granted and that the new date be on a Friday when no classes are scheduled for the respondent.

Sincerely, Kyle Schmierer 8-21-2009



8-21-09