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BEFORE THE ARIZONA CORPORATION COMMISSION

CARL J. KUNASEK  
Chairman  
JIM IRVIN  
Commissioner  
WILLIAM A. MUNDELL  
Commissioner

Arizona Corporation Commission  
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In the matter of )  
SUCCESSFUL FINANCE, INC. )  
2200 North Scottsdale Road, Suite R )  
Scottsdale, Arizona 85257 )  
MARY KERSEY )  
7979-32 East Princess Drive )  
Scottsdale, Arizona 85255, )  
Respondents. )

DOCKET NO. S-03264A-00-0000  
**OPPOSITION TO RESPONDENTS'  
MOTION TO POSTPONE HEARING**

On June 1, 2000, the Securities Division ("Division") filed a Notice of Opportunity for Hearing Regarding Proposed Order for Relief ("Notice") against Respondents Successful Finance, Inc. and Mary Kersey. After a number of requests for continuance, a prehearing conference was finally held on July 12, 2000. Respondents did not attend or participate in the conference. Just prior to the conference, Respondents faxed a document to the Hearing Division, requesting that the hearing be held at least 30 days later. The Division did not oppose that request. Accordingly, the Hearing Division ordered that the hearing be set for August 29, 2000. In its Procedural Order of July 13, 2000, the Hearing Division also ordered, "IT IS FURTHER ORDERED that all requests for additional continuances for medical reasons shall require medical verification to accompany the request." Procedural Order of July 13, 2000, at 2.

On August 15, 2000, Mary Kersey filed another request for postponement. In her Motion she stated that she was suffering from (1) her "crushed wrist;" (2) "the extreme high blood pressure;"

1 and (3) "heart problems." Motion to Postpone, at 1. However, the only medical problem that is  
2 supported by any type of medical verification, as required by the Procedural Order, is the first, namely  
3 the "crushed wrist." The other problems remain unsupported and cannot be the basis of any motion  
4 for postponement.

5 The Motion does attach a note written by Dr. Gary Waslewski that states, in full, "Mary  
6 suffered a severe left wrist fracture impairing her functional ability requiring pain medication daily.  
7 She will require postponement of current work obligations indefinitely." Exhibit to Motion to  
8 Postpone. While the Division does not wish to make Ms. Kersey's medical problems seem  
9 insignificant, according to previous pleadings she filed she suffered the wrist fracture prior to the date  
10 that the Notice was filed, that is prior to June 1, 2000. Absent additional information, which has not  
11 been supplied by Respondents, the Division is unaware of why a wrist fracture, suffered at least three  
12 months ago, should impair her ability to participate in the hearing. Additionally, nothing in the note  
13 written by Dr. Gary Waslewski states that Ms. Kersey cannot participate in the hearing. It merely  
14 states that she cannot do her "current work." While the Division understands how a fractured wrist in  
15 a cast could impair Ms. Kersey's ability to use a computer and other administrative support work, it  
16 does not understand how a fractured wrist impacts Ms. Kersey's ability to participate in a hearing.

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19 Ms. Kersey's Motion and supporting document does not rise to the level of "medical  
20 verification" as she was ordered to supply. Therefore, the Division requests that Respondents' Motion  
21 to Postpone be denied.

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23 In the event that the Hearing Division does grant the Motion, the Division requests that the  
24 postponement be for no more than one month. Additionally, the Division requests that any further  
25 requests for postponement be accompanied by a requirement for a higher level of proof. Namely, if  
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1 Ms. Kersey again seeks to postpone the hearing due to alleged medical problems, the Division requests  
2 that she first be required to produce her doctor at a hearing so that both the Hearing Officer and the  
3 Division may examine him in person as to Ms. Kersey's medical problems and any impact they may  
4 have on her ability to participate in a hearing. Given the length of time that Ms. Kersey has allegedly  
5 suffered from her fractured wrist and the track record that she has already established of asking for  
6 postponements, the Division believes that its request is both reasonable and prudent.

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8 JANET NAPOLITANO  
9 Attorney General  
10 Consumer Protection and Advocacy Section

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13 Mark Dinell  
14 Special Assistant Attorney General  
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ORIGINAL AND TEN (10) COPIES of the foregoing  
filed this 17th day of August, 2000, with:

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

COPY of the foregoing (without exhibits)  
hand-delivered this ~~17~~ day of June, 2000, to:

Mr. Marc Stern  
Hearing Officer  
Arizona Corporation Commission/Hearing Division  
1200 West Washington  
Phoenix, AZ 85007

COPY of the foregoing mailed this  
17th day of August, 2000 to:

Successful Finance, Inc.  
P.O. Box 9852  
Scottsdale, AZ 85282

Successful Finance, Inc.  
C/o William Hood, Statutory Agent  
2220 North Scottsdale, Road, Suite R  
Scottsdale, AZ 85257

Mary Kersey  
P.O. Box 9291  
Scottsdale, AZ 95252