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BEFORE THE ARIZONA CORPORATION COMMISSION

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COMMISSIONERS

KRISTIN K. MAYES, Chairman
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2009 DEC 10 P 2:04

AZ CORP COMMISSION
DOCKET CONTROL

Arizona Corporation Commission
DOCKETED

DEC 10 2009

DOCKETED BY [Signature]

IN THE MATTER OF:

LARRY ZIEGLER (aka Zig Ziegler), a single man;

TROY DEE TRUVILLION and JENIA
DIMITROVA, husband and wife; and

MOTION DNA, INC., a Nevada corporation,

Respondents.

DOCKET NO. S-20708A-09-0499

THIRD
PROCEDURAL ORDER

BY THE COMMISSION:

On October 20, 2009, the Securities Division ("Division") of the Arizona Corporation Commission ("Commission") filed a Temporary Order to Cease and Desist ("T.O.") and a Notice of Opportunity for Hearing ("Notice") against Larry Wayne Ziegler, Troy Dee Truvillion and Jenia Dimitrova, husband and wife, and Motion DNA, Inc. ("MDNA") (collectively "Respondents"), in which the Division alleged multiple violations of the Arizona Securities Act ("Act") in connection with the offer and sale of securities in the form of stock.

Respondent Troy Dee Truvillion was duly served with a copy of the Notice.

On November 2, 2009, a request for hearing was filed on behalf of Respondent Troy Dee Truvillion.

On November 9, 2009, by Procedural Order, a pre-hearing conference was scheduled on November 24, 2009.

On November 24, 2009, the Division and Respondent Truvillion appeared through counsel at the pre-hearing conference. The Division indicated that service had not yet been made on the other Respondents named in the proceeding. Counsel for Respondent Truvillion represented that he will now accept service for Respondent Dimitrova, who has been named in the proceeding as Truvillion's

1 wife. Respondent Truvillion's counsel indicated that he is attempting to resolve the issues raised by
2 the Notice with the Division and in the interim while service is made on the other Respondents, both
3 he and the Division's attorney agreed that another pre-hearing conference be scheduled in early
4 February 2010. In response to a request by Respondent Truvillion's attorney, to improve the
5 possibility of settlement, the Division was directed to disclose the number of investors in the offering,
6 the dates and the amounts of their investments.

7 On December 1, 2009, service was had on Respondent Dimitrova through counsel as agreed
8 at the pre-hearing conference.

9 On December 4, 2009, counsel for Respondents Truvillion and Dimitrova filed a Motion to
10 Withdraw as counsel for Respondent Truvillion alone. Counsel cited disclosure of the reason would
11 violate attorney-client privilege. Counsel further represented that he had apprised Respondent
12 Truvillion of the pending pre-hearing conference and provided the Commission with Respondent
13 Truvillion's current address. No mention was made of Respondent Dimitrova nor was there evidence
14 of service of the Motion on Respondent Dimitrova. At present, a request for hearing has not yet been
15 filed for Respondent Demitrova.

16 Accordingly, counsel should refile his Motion and clarify the status of his relationship with
17 both Respondent Truvillion and Respondent Dimitrova prior to a ruling being made on the Motion to
18 Withdraw filed on December 4, 2009. All prior Orders should remain in effect.

19 IT IS THEREFORE ORDERED that a **pre-hearing conference** shall be held on **February 4,**
20 **2010, at 9:30 a.m.,** or as soon thereafter as practicable, at the Commission's offices, 1200 West
21 Washington Street, Room 100, Phoenix, Arizona, as previously ordered.

22 IT IS FURTHER ORDERED that counsel shall re-file his Motion to Withdraw clarifying the
23 status of his representation and/or withdrawal from the proceeding with respect to both Respondent
24 Truvillion and Respondent Demitrova.

25 IT IS FURTHER ORDERED that the Ex Parte Rule (A.A.C. R14-3-113-Unauthorized
26 Communications) applies to this proceeding as the matter is now set for public hearing.

27 IT IS FURTHER ORDERED that withdrawal or representation must be made in compliance
28

1 with A.A.C. R14-3-104(E) and Rule 1.16 of the Rules of Professional Conduct (under Rule 42 of the
2 Rules of the Arizona Supreme Court). Representation before the Commission includes appearances
3 at all hearings and procedural conferences, as well as all Open Meetings for which the matter is
4 scheduled for discussion, unless counsel has previously been granted permission to withdraw by the
5 Administrative Law Judge or the Commission.

6 IT IS FURTHER ORDERED that all parties must comply with Rules 31 and 38 of the Rules
7 of the Arizona Supreme Court and A.R.S. § 40-243 with respect to the practice of law and admission
8 *pro hac vice*.

9 IT IS FURTHER ORDERED that the Presiding Administrative Law Judge may rescind, alter,
10 amend, or waive any portion of this Procedural Order either by subsequent Procedural Order or by
11 ruling at hearing.

12 DATED this 9th day of December, 2009.

13
14 
15 MARC E. STERN
ADMINISTRATIVE LAW JUDGE

16 Copies of the foregoing mailed/delivered
17 this 9th day of December, 2009 to:

18 Alan S. Baskin
19 BADE & BASKIN PLC
20 80 East Rio Salado Parkway, Suite 515
21 Tempe, AZ 85281-9106
22 Attorneys for Respondent Troy Dee Truvillion
and Jenia Dimitrova

23 Troy Truvillion
24 1635 W. Yellowstone Way
25 Chandler, AZ 85248

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

29 By: 
30 Debra Broyles
31 Secretary to Marc E. Stern