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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

2010 MAY 25 P 1:44  
AZ CORP COMMISSION  
DOCKET CONTROL

IN THE MATTER OF:

DOCKET NO. S-20660A-09-0107

RADICAL BUNNY, L.L.C., an Arizona limited liability company,

HORIZON PARTNERS, L.L.C., an Arizona limited liability company,

TOM HIRSCH (aka TOMAS N. HIRSCH) and DIANE ROSE HIRSCH, husband and wife,

BERTA FRIEDMAN WALDER (aka BUNNY WALDER), a married person,

HOWARD EVAN WALDER, a married person,

HARISH PANNALAL SHAH and MADHAVI H. SHAH, husband and wife,

Arizona Corporation Commission  
DOCKETED

MAY 25 2010

DOCKETED BY

Respondents.

PROCEDURAL ORDER

**BY THE COMMISSION:**

On March 12, 2009, the Securities Division ("Division") of the Arizona Corporation Commission ("Commission") filed a Notice of Opportunity for Hearing against Radical Bunny, L.L.C., Horizon Partners, L.L.C., Tom Hirsch (aka Tomas N. Hirsch), Berta Friedman Walder (aka Bunny Walder), Howard Evan Walder, Harish Pannalal Shah, and Madhavi H. Shah, in which the Division alleged multiple violations of the Arizona Securities Act in connection with the offer and sale of securities in the form of notes and investment contracts.

On March 26, 2009, a request for hearing was filed on behalf of Horizon Partners, L.L.C., Tom Hirsch, Diane Rose Hirsch, Berta Friedman Walder, Howard Evan Walder, Harish Pannalal Shah and Madhavi H. Shah ("Respondents").

On November 3, 2009, the procedural conference was held to discuss procedural issues,

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1 including hearing dates. The Securities Division estimated that at least 25 days of hearing would be  
2 required for this case. The parties were encouraged to engage in discussions to see whether a  
3 settlement could be reached in this case, and it was agreed that a date for hearing should be  
4 established.

5 On November 3, 2009, a Procedural Order was issued scheduling the hearing to commence on  
6 March 8, 2010.

7 On February 8, 2010, Respondents filed a Motion for Continuance and a Stipulation and  
8 Motion for Substitution of Counsel.

9 On February 10, 2010, the Division filed its Response to the Motion for Substitution of  
10 Counsel and its Response to the Motion for Continuance.

11 On February 18, 2010, Respondents filed their Reply on the Motion for Continuance and also  
12 filed another Stipulation and Motion for Substitution of Counsel.

13 On February 19, 2010, the Division filed its Response to Stipulation and Motion for  
14 Substitution of Counsel, indicating no objection.

15 On February 26, 2010, by Procedural Order, the hearing was continued from March 8, 2010 to  
16 June 2, 2010.

17 On April 28, 2010, the Commission issued Decision No. 71682, a Consent Order against  
18 Respondent Radical Bunny, L.L.C., an Arizona limited liability company.

19 On April 30, 2010, a Motion of Summary Judgment or to Dismiss (Oral Argument  
20 Requested) ("Motion"); a Statement of Facts; and a Declaration of Tom Hirsch were filed on behalf  
21 of the Respondents.

22 On May 10, 2010, the Division filed its Response to the Motion.

23 By Procedural Order issued May 19, 2010, oral argument on the Motion was scheduled to be  
24 held during the May 25, 2010 Procedural Conference.

25 The May 25, 2010 Procedural Conference was held as scheduled and oral argument was heard  
26 on the Motion. The Motion was taken under advisement, and in order to allow the parties additional  
27 time to engage in discussions concerning additional stipulations or a possible consent order, and due  
28 to the press of the Commission's other business and availability of the hearing room, and pending

1 resolution of the Motion, the June 2, 2010 hearing date was vacated.

2 IT IS THEREFORE ORDERED that the **evidentiary hearing scheduled for June 2, 2010 is**  
3 **vacated** and a new hearing date will be determined, pending resolution of the Motion for Summary  
4 Judgment or to Dismiss.

5 IT IS FURTHER ORDERED that the parties shall continue to engage in discussions  
6 concerning any additional stipulations or possible consent order.

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

13 IT IS FURTHER ORDERED that the Ex Parte Rule (A.A.C. R14-3-113 - Unauthorized  
14 Communications) continues to apply to this proceeding and shall remain in effect until the  
15 Commission's Decision in this matter is final and non-appealable.

16 IT IS FURTHER ORDERED that the presiding Administrative Law Judge may rescind, alter,  
17 amend, or waive any portion of this Procedural Order either by subsequent Procedural Order or by  
18 ruling at hearing.

19 DATED this 25<sup>th</sup> day of May, 2010.

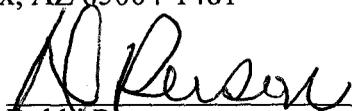
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21   
22 LYN FARMER  
CHIEF ADMINISTRATIVE LAW JUDGE

23 Copies of the foregoing mailed/delivered  
24 this 25<sup>th</sup> day of May, 2010 to:

25 Michael J. LaVelle  
26 Matthew K. LaVelle  
27 LAVELLE & LAVELLE, PLC  
28 2525 E. Camelback Rd., Suite 888  
Phoenix, AZ 85016  
Attorney for Respondents

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

1 ARIZONA REPORTING SERVICE, INC.  
2 2200 North Central Avenue, Suite 502  
3 Phoenix, AZ 85004-1481

4 By:   
5 Debbi Person  
6 Assistant to Lyn Farmer  
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