

ORIGINAL



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**OPEN MEETING AGENDA ITEM**  
**BEFORE THE ARIZONA CORPORATION COMMISSION**

RECEIVED

2010 JUN -8 P 4: 32

COMMISSIONERS

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

ARIZONA CORPORATION COMMISSION  
DOCKET CONTROL

In the matter of  
WELLS FARGO INVESTMENTS, LLC,  
  
Respondent.

Docket No. S-20727A-10-0068

**MOTION TO ASSOCIATE  
COUNSEL PRO HAC VICE**

Pursuant to Rule 38(a), Ariz. R. Sup. Ct., Douglas C. Northup moves the Arizona Corporation Commission to associate Michael S. Leib as counsel pro hac vice in this action. In support of this motion and pursuant to Rule 38(a)(3)(C), the following original documents are attached:

1. Verified Application to Appear Pro Hac Vice;
2. Certificate(s) of Good Standing; and
3. State Bar of Arizona Notice of Receipt of Complete Application.

Douglas C. Northup hereby agrees to serve as local counsel in this matter and accepts the responsibilities detailed in Rule 39(a)(2), Ariz. R. Sup. Ct.

DATED this 7 day of June, 2010.

FENNEMORE CRAIG, P.C.

Arizona Corporation Commission  
DOCKETED

JUN - 8 2010

DOCKETED BY

By

Douglas C. Northup (No. 013987)  
3003 N. Central Ave., Suite 2600  
Phoenix, AZ 85012-2913  
Telephone: (602) 916-5000  
Email: dnorthup@fclaw.com  
Attorneys for Respondent

1 ORIGINAL + 13 copies filed this  
2 8<sup>th</sup> day of June, 2010:

3 Docket Control  
4 Arizona Corporation Commission  
5 1200 W. Washington St.  
6 Phoenix, AZ 85007

7 COPY delivered this 8<sup>th</sup> day of June,  
8 2010, to:

9 Lyn Farmer  
10 Chief Hearing Officer  
11 Arizona Corporation Commission  
12 1200 W. Washington St.  
13 Phoenix, AZ 85007

14 Ernest G. Johnson  
15 Executive Director  
16 Arizona Corporation Commission  
17 1200 W. Washington St.  
18 Phoenix, AZ 85007

19 Matthew J. Neubert  
20 Director, Securities Division  
21 Arizona Corporation Commission  
22 1300 W. Washington St., Third Floor  
23 Phoenix, AZ 85007

24 Cheryl T. Farson  
25 General Counsel, Securities Division  
26 Arizona Corporation Commission  
1300 W. Washington St., Third Floor  
Phoenix, AZ 85007

27 Phyllis Warren

Arizona Corporation Commission

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In the Matter of Wells Fargo Investments )  
LLC, )  
Plaintiff )  
  
v. )  
  
Defendant. )

CASE # S-20727-10-0068

SBA App #1005547

**NOTICE OF RECEIPT OF COMPLETE APPLICATION**

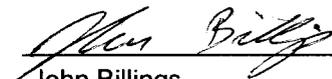
NOTICE IS HEREBY given by THE STATE BAR OF ARIZONA that it has received the verified application and fee from Michael Leib.

In addition to this application, applicant has made the following applications to appear pro hac vice, pursuant to Rule38 (a), within the previous three (3) years:

Title of Matter	Court/Agency	Date	Granted?
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Exhibit A, the original verified application and Exhibit B, the original Certificate(s) of Good Standing are attached hereto.

DATED this 8<sup>th</sup> day of June 2010

  
\_\_\_\_\_  
John Billings  
Resource Center  
State Bar of Arizona

Original Mailed on this 8<sup>th</sup> day of June 2010 to:

Douglas C Northup  
Fennemore Craig PC  
3003 N Central Ave Suite 2600  
Phoenix, AZ 85012-2913

# **EXHIBIT A**



**PART II: Local Counsel Information**

Name of Arizona Local Counsel: Douglas C. Northup

State Bar of Arizona Number: 013987

Address: 3003 N. Central Ave., Suite 2600, Phoenix, AZ 85012-2913

Telephone: (602) 916-5362 Fax: (602) 916-5562 Email Address: dnorthup@fclaw.com

- Local Counsel is a member in good standing.
- Local Counsel associating with a nonresident attorney in a particular cause shall accept joint responsibility with the nonresident attorney to the client, to opposing parties and counsel, and to court, board, or administrative agency in that particular cause.

**PART III: Parties and Certification**

Name(s) of each party in this cause and name and address of all counsel of record:

Party:	Counsel of Record:	Address:
<u>Wells Fargo Investments LLC</u>	<u>Michael S. Leib</u>	<u>Reed Smith, 10 S. Wacker Dr.,</u>
		<u>Chicago, IL 60606-7507</u>
<u>Securities Division – Arizona</u>	<u>Cheryl T. Farson,</u>	<u>Securities Division, 1300 West Washington,</u>
<u>Corporation Commission</u>	<u>General Counsel, Securities Div.</u>	<u>3<sup>rd</sup> Floor, Phoenix, AZ 85007</u>

Applicant is including with this application a nonrefundable application fee, payable to the State Bar of Arizona, in the amount of \$460.00. Fifteen percent of the non-refundable application fee paid pursuant to this section shall be deposited into a civil legal services fund to be distributed by the Arizona Foundation for Legal Services and Education entirely to approved legal services organizations, as that term is defined in subparagraph (f) of this rule.

Applicant is furnishing a certificate from the state bar or from the clerk of the highest admitting court of each state, territory, or insular possession of the United States in which the nonresident attorney has been admitted to practice law certifying the nonresident attorney's date of admission to such jurisdiction and the current status of the nonresident attorney's membership or eligibility to practice therein. The certificate furnished shall be no more than forty-five (45) days old.

Applicant certifies the following:

1. Applicant shall be subject to the jurisdiction of the courts and agencies of the State of Arizona and to the State Bar of Arizona with respect to the law of this state governing the conduct of attorneys to the same extent as an active member of the State Bar of Arizona, as provided in Rule 46(b) Rules of the Supreme Court.
2. Applicant will review and comply with appropriate rules of procedure as required in the underlying cause.
3. Applicant understands and shall comply with the standards of conduct required of members of the State Bar of Arizona.

**Verification**

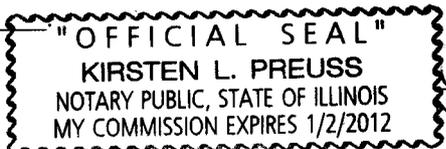
STATE OF Illinois )  
 County of Cook ) ss.

I, Michael Leib, swear that all statements in the application are true, correct and complete to the best of my knowledge and belief.

Dated: 5/28/10 Applicant's Signature: [Signature: Michael Leib]

SUBSCRIBED AND SWORN TO before me this 28<sup>th</sup> day of May, 2010, by

Michael S. Leib  
Name of Applicant



[Signature: Kirsten L. Preuss]  
 Notary Public

# **EXHIBIT B**

# Supreme Court of New Jersey

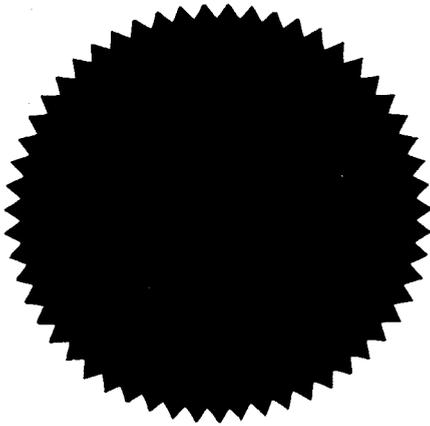


## Certificate of Good Standing

*This is to certify that*      **MICHAEL SCOTT LEIB**  
(No.      **029271996**      ) *was constituted and appointed an Attorney at Law of New Jersey on*      **December 19, 1996**      *and, as such, has been admitted to practice before the Supreme Court and all other courts of this State as an Attorney at Law, according to its laws, rules, and customs.*

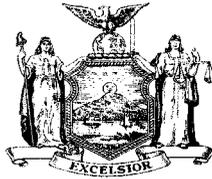
*I further certify that as of this date, the above-named is an Attorney at Law in Good Standing. For the purpose of this Certificate, an attorney is in "Good Standing" if the Court's records reflect that the attorney: 1) is current with all assessments imposed as a part of the filing of the annual Attorney Registration Statement, including, but not limited to, all obligations to the New Jersey Lawyers' Fund for Client Protection; 2) is not suspended or disbarred from the practice of law; 3) has not resigned from the Bar of this State; and 4) has not been transferred to Disability Inactive status pursuant to Rule 1:20-12.*

*Please note that this Certificate does not constitute confirmation of an attorney's satisfaction of the administrative requirements of Rule 1:21-1(a) for eligibility to practice law in this State.*



*In testimony whereof, I have hereunto set my hand and affixed the Seal of the Supreme Court, at Trenton, this*  
**4TH** day of **June** , 20 **10** .

Clerk of the Supreme Court



*State of New York*  
*Supreme Court, Appellate Division*  
*Third Judicial Department*

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*I, Michael J. Novack, Clerk of the Appellate Division of the Supreme Court of the State of New York, Third Judicial Department, do hereby certify that*

*Michael Scott Leib*

*having taken and subscribed the Constitutional Oath of Office as prescribed by law, was duly licensed and admitted to practice by this Court as an Attorney and Counselor at Law in all courts of the State of New York on the 19th day of August, 1997, is currently in good standing and is registered with the Administrative Office of the Courts as required by section four hundred sixty-eight-a of the Judiciary Law.*

*In Witness Whereof, I have hereunto set my hand and affixed the Seal of said Court, at the City of Albany, this 27th day of May, 2010.*



*Michael J. Novack*  
\_\_\_\_\_  
*Clerk*

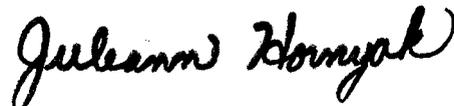
# **Certificate of Admission To the Bar of Illinois**

I, Juleann Hornyak, Clerk of the Supreme Court of Illinois, do hereby certify that

Michael Scott Leib

has been duly licensed and admitted to practice as an Attorney and Counselor of Law within this State; has duly taken the required oath to support the CONSTITUTION OF THE UNITED STATES and of the STATE OF ILLINOIS, and also the oath of office prescribed by law, that said name was entered upon the Roll of Attorneys and Counselors in my office on November 6, 1997 and is in good standing, so far as the records of this office disclose.

In Witness Whereof, I have hereunto placed my hand and affixed the seal of said Supreme Court, at Springfield, in said State, this Wednesday, May 26, 2010.



Clerk