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BEFORE THE ARIZONA CORPORATION COMMISSION

2001 JUN 22 P 3: 29

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3 WILLIAM A. MUNDELL  
Chairman  
4 JIM IRVIN  
Commissioner  
5 MARC SPITZER  
Commissioner

AZ CORP COMMISSION  
DOCUMENT CONTROL

6 **In the matter of** )

DOCKET NO. S-03280A-00-0000

7 JOSEPH MICHAEL GUESS, SR. )  
2911 E. Calavar Road )  
8 Phoenix, Arizona 85032 )

**MOTION TO EXTEND THE  
DEADLINE FOR FILING OF  
EXCEPTIONS**

9 PROGRESSIVE FINANCIAL MANAGEMENT )  
2911 E. Calavar Road )  
10 Phoenix, Arizona 85032 )

11 JAMES DOUGLAS SHERRIFFS )  
5544 East Helena Drive, )  
12 Scottsdale, Arizona 85254 )

13 RICHARD GORDON DAVIS )  
4330 North 30<sup>TH</sup> Street )  
14 Phoenix, Arizona 85016 )

Arizona Corporation Commission

**DOCKETED**

JUN 22 2001

15 RGD )  
4330 North 30<sup>TH</sup> Street )  
16 Phoenix, Arizona 85016 )

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17 RGD ENTERPRISES, INC. )  
4330 North 30<sup>TH</sup> Street )  
18 Phoenix, Arizona 85016 )

19 IRA JOE PATTERSON )  
4330 North 30<sup>th</sup> Street )  
20 Phoenix, Arizona 85016 )

21 RANDALL WAYNE SMITH, JR. )  
1905 Springlake Court )  
22 Birmingham, Alabama 35215 )

23 BALLY OVERSEAS TRADING INC. )  
1905 Springlake Court )  
24 Birmingham, Alabama 35215, )

25 **Respondents.**

26 ...

1 The Securities Division ("Division") of the Arizona Corporation Commission  
2 ("Commission") hereby moves to extend the deadline for the filing of exceptions to the  
3 recommended Opinion and Order ("recommended decision") docketed in the above-captioned  
4 proceeding by the Commission's Hearing Division on June 13, 2001. Pursuant to A.A.C. R14-3-  
5 109(Q), the grounds for this motion are as follows:

6 **I.**  
7 **BACKGROUND**

8 The Division is advised that the recommended decision has been removed from the agenda  
9 for the Commission's Open Meeting scheduled for June 26-27, 2001. According to A.A.C. R14-3-  
10 110 (B), any party may serve and file exceptions to the recommended decision within ten days  
11 after its service. The transmittal letter accompanying service of the recommended decision  
12 specified that any exceptions must be filed by 4:00 p.m. on June 23, 2001.

13 **II.**  
14 **ARGUMENT**

15 Since the pending recommended decision will not be addressed by the Commission at its  
16 June 26-27th Open Meeting, the June 23<sup>rd</sup> deadline for the filing of exceptions should be tolled  
17 until five days before the next Open Meeting of the Commission on July 24-25, 2001, the earliest  
18 Open Meeting for which the recommended decision can be rescheduled. The Division intends to  
19 file exceptions but requires this extension of time to address the effect on the recommended  
20 decision of the pending bankruptcy proceedings of Respondent James Douglas Sherriffs.  
21 Moreover, the requested extension will allow respondents additional time to prepare and file  
22 exceptions.

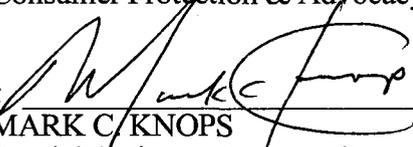
23 **III.**  
24 **CONCLUSION**

25 For the foregoing reasons, the Division now moves to extend the deadline for the filing of  
26 exceptions to the recommended decision. The Division further requests the Hearing Division to

1 issue a timely procedural order acknowledging the removal of its recommended decision from the  
2 agenda of the June 26-27<sup>th</sup> Open Meeting of the Commission and ruling on this motion.

3  
4 RESPECTFULLY SUBMITTED this 22<sup>nd</sup> day of June, 2001.

5  
6 JANET NAPOLITANO  
7 Attorney General  
8 Consumer Protection & Advocacy Section

9 BY:   
10 MARK C. KNOPS  
11 Special Assistant Attorney General  
12 MOIRA McCARTHY  
13 Assistant Attorney General  
14 Attorneys for the Securities Division  
15 Arizona Corporation Commission  
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1 ORIGINAL AND TEN (10) COPIES of the foregoing  
2 filed this 22<sup>nd</sup> day of June, 2001, with:

3 Docket Control  
4 Arizona Corporation Commission  
5 1200 West Washington  
6 Phoenix, AZ 85007

7 COPY of the foregoing mailed this  
8 22<sup>nd</sup> day of June, 2001 to:

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