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6 Attorney for Respondents, Martin & Griffin, LLC
7 and Gregory B. Gill aka Gregory P. Gill
8 Arizona Corporation Commission

AZ CORP COMMISSION
DOCUMENT CONTROL

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OCT 17 2002

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BEFORE THE ARIZONA CORPORATION COMMISSION

10 In the Matter of:

Docket No. S-03472A-02-0000

11 SCOTTSDALE FINANCIAL FUNDING
12 CORP., LLC, et al

NOTICE OF MOTION FOR
CONTINUANCE AND TO
SET NEW DATES TO FILE
PRE-HEARING MOTIONS

14 Now comes, Gerald M. Werksman, Counsel for GREGORY B. GILL and MARTIN &
15 GRIFFIN, LLC. and moves this Honorable Court for a continuance of the hearing in the
16 captioned matter of not less than sixty (60) days and in support thereof states as follows:

17 1. Counsel was retained by GREGORY B. GILL and MARTIN & GRIFFIN,
18 LLC, Respondents herein, on Wednesday, October 16, 2002. Two prior Counsel for Mr. Gill
19 have withdrawn because Mr. Gill was unable to meet their financial requirements.

20 2. Counsel has completed and will shortly file a Pro Hac Vice Application
21 pursuant to Arizona Supreme Court Rule 33.d.

22 3. Counsel has made attempts to have whatever files and discovery that presently
23 exists sent to him by prior, although not retained, Counsel.

24 4. The hearing in this matter is presently set for November 4, 2002. This date
25 does not provide me with time to read and digest the presently existing files and discovery. It
26 is my understanding that many files and discovery items have been recently made available by
27 the Corporation Commission office. At this point I do not know if all materials have been
28

1 returned. I do not have an inventory. I do know that the September 1, 2002 date for returning
2 all materials was not met by the state.

3 5. It is my understanding that many of the documents the state intends to offer
4 into evidence were seized pursuant to search warrants. At this time I have no way of
5 knowing: (1) whether Mr. Gill has standing to move to suppress these items and (2) whether a
6 motion to suppress is legally appropriate at the hearing presently set. A continuance would
7 give Counsel time to obtain and read the warrants and underlying affidavits and research
8 Arizona law for answers to the preceding questions.

9 6. I have read Chapter 6, Article 6 (Adjudicative Proceedings), Section 41-1061,
10 *et seq* of the Arizona Revised Statutes and has concluded that several pre-hearing motions
11 should be considered for filing by Respondents and me so that they are properly represented.
12 Without excluding the possibility of other motions, three that must be considered are: (1) the
13 disqualification of the administrative law judge (§ 41-1092.07.A); (2) depositions (§ 41-
14 1092.07.F.4); (3) subpoenas to secure attendance of witnesses (§ 4-1092.07D).

15 7. Counsel has not seen the Notice of Complaint in the captioned case. It may be
16 that an application for a more definite and detailed statement of the matters asserted in the
17 notice is appropriate. (See § 41-1061). A continuance would also provide me the opportunity
18 to work with co-counsel and corporation commission counsel on a stipulation regarding the
19 foundation for documents entered into evidence which would shorten the hearing.

20 8. To conclude. In reality GREGORY B. GILL and MARTIN & GRIFFIN, LLC
21 have essentially been without representation since the inception of these proceedings. Both
22 prior counsel filed appearances or acted as if they represented Respondents while seeking
23 retainers, yet they did no substantive work. Not that they should have, but their actions, along
24 with respondents' inability to pay the prior lawyers has left Respondents facing serious
25 proceedings now represented by counsel who, through no fault of his own, will be
26 inadequately prepared unless given more time.

27 Wherefore, for the foregoing reasons, Respondents, GREGORY B. GILL and MARTIN
28 & GRIFFIN, LLC move this Honorable Court for a continuance of not less than sixty (60) days

1 in which to (1) prepare and file any motions deemed necessary, and (2) prepare for a hearing by
2 obtaining, reading, digesting, and discussing with clients all of the materials the state intends to
3 offer into evidence at the hearing.

4 Respectfully submitted,

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7 Gerald M. Werksman,
8 Counsel for Respondents
9 GREGORY B. GILL and MARTIN & GRIFFIN, LLC

10 At the direction of Gerald M. Werksman,
11 Attorney for Respondents,
12 ORIGINAL and ten COPIES of the
13 foregoing delivered via Federal Express
14 next day delivery this 16th day of October, 2002 to:

15 Docket Control
16 Arizona Corporation Commission
17 1200 West Washington
18 Phoenix, AZ 85007

19 At the direction of Gerald M. Werksman,
20 Attorney for Respondents, a COPY of the
21 foregoing mailed this 16th day of October, 2002 to:

22 Mark Sendrow, Director of Securities
23 Securities Division
24 Arizona Corporation Commission
25 1300 W. Washington Street, 3rd Floor
26 Phoenix, AZ 85007

27 Pamela T. Johnson
28 Assistant Attorney General
1275 W. Washington Street
Phoenix, AZ 85007

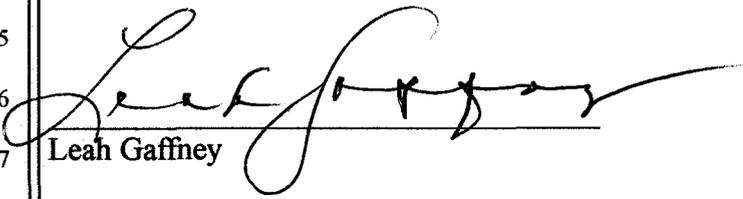
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21 Leah Gaffney

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