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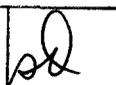
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4 (602) 241-8575  
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Arizona Corporation Commission  
AZ CORP COMMISSION DOCUMENT CONTROL DOCKETED

BEFORE THE ARIZONA CORPORATION COMMISSION JAN 15 2004

DOCKETED BY 

6 In the matter of: )  
7 )  
8 WESLEY KARBAN WYATT and JANE )  
9 DOE WYATT, husband and wife. )  
10 Respondents. )  
11 )

Docket No. S-03529A-03-0000  
RESPONDENT WESLEY KARBEN  
WYATT'S MOTION TO DISMISS AS  
TO JANE DOE WYATT

12 Respondent, Wesley Karban Wyatt, by his undersigned counsel  
13 hereby respectfully moves the Commission for an Order dismissing  
14 this action, with prejudice, as against Co-Respondent, Jane Doe  
15 Wyatt, the wife of Respondent Wesley Karban Wyatt for the reasons  
16 hereafter stated.

17 The Commission's Procedural Order dated June 19, 2003 ordered  
18 as follows (p. 2, L 12-16):

19 "IT IS FURTHER ORDERED that if the Division intends to  
20 proceed in this matter against Jane Doe Wyatt, then it  
21 must provide Jane Doe Wyatt with a copy of the Notice  
22 and all of the filings in this matter, including  
23 procedural orders, on or before July 11, 2003. If the  
24 Division is successful with serving Jane Doe Wyatt with  
25 such information, it shall docket an affidavit  
indicating proof of service on Jane Doe Wyatt."  
(Emphasis added).

1           The Commission's Procedural Order dated September 8, 2003  
2 ordered as follows(p. 2, L. 8-12):

3           "IT IS FURTHER ORDERED that if the Division intends to  
4 proceed in this matter against Jane Doe Wyatt, then it  
5 must provide Jane Doe Wyatt with a copy of the Notice  
6 and all of the filings in this matter, including  
7 procedural orders, on or before December 15, 2003. If  
8 the Division is successful with serving Jane Doe Wyatt  
9 with such information, it shall docket an affidavit  
10 indicating proof of service on Jane Doe Wyatt." Emphasis  
11 added).

12           The failure to the Division to effect service as Ordered,  
13 precludes the Division from proceeding against Jane Doe Wyatt, the  
14 wife of Respondent Wesley Karban Wyatt.

15           Upon information and belief the Division has failed to serve  
16 Jane Doe Wyatt as Ordered and has further failed to docket an  
17 affidavit in accordance with the Commission's Orders.

18           WHEREFORE, it is respectfully requested that the Commission  
19 issue an Order dismissing, with prejudice, all claims of the  
20 Division as against the co-respondent, Jane Doe Wyatt, with an  
21 express statement that Jane Doe Wyatt is the spouse of Respondent  
22 Wesley Karban Wyatt.

23 DATED:   January 13, 2004  
24  
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THE STONE LAW FIRM PLC



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Attorney For Respondent  
Wes Wyatt

Copy of the foregoing mailed on January 13, 2004 to:

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Counsel for the Securities Division of the  
Arizona Corporation Commission

