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BEFORE THE ARIZONA CORPORATION COMMISSION

2001 SEP 25 P 1:47

WILLIAM A. MUNDELL
CHAIRMAN
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COMMISSIONER
MARC SPITZER
COMMISSIONER

AZ CORP COMMISSION
DOCUMENT CONTROL

IN THE MATTER OF:

DOCKET NO. S-03415A-01-0000

EASY MONEY AUTO LEASING, INC.
10243 N. Scottsdale Road, Suite 5
Scottsdale, Arizona 85253

SUPERIOR FINANCIAL SERVICES, INC.
2102 E. Sharon Dr.
Phoenix, Arizona 85022

Arizona Corporation Commission

DOCKETED

SEP 25 2001

JAMES ANTHONY CICERELLI
13027 N. Surrey Circle
Phoenix, Arizona 85029

DOCKETED BY [Signature]

DAVID PAUL FRENCH
2102 E. Sharon Dr.
Phoenix, Arizona 85022

Respondents.

THIRD PROCEDURAL ORDER

BY THE COMMISSION:

On May 14, 2001, the Securities Division ("Division") of the Arizona Corporation Commission ("Commission") filed a Notice of Opportunity for Hearing Regarding Proposed Order to Cease and Desist, for Restitution, for Administrative Penalties, and for Other Affirmative Action ("Notice") against Easy Money Auto Leasing, Superior Financial Services, Inc., James Anthony Cicerelli and David Paul French (collectively "Respondents") in which the Division alleged that Respondents have engaged in acts, practices, and transactions that constitute violations of the Arizona Securities Act ("Act").

The Respondents were all duly served with copies of the Notice.

On June 11, 2001, the Commission issued a Procedural Order that set a pre-hearing conference for July 9, 2001.

On July 9, 2001, the pre-hearing was held as scheduled. Mr. Cicerelli was represented by

1 Counsel, Ms. Ivy Kushner. Mr. French and Superior Financial Services, Inc. appeared without the
2 aid of counsel. Easy Money Auto Leasing, Inc. failed to appear, although had it requested a hearing
3 in this matter. The Division also appeared with counsel.

4 Following discussions between the parties, it was agreed that a hearing should be scheduled
5 during the week of October 1, 2001.

6 On August 7, 2001, a Procedural Order set this matter for hearing on October 1, 2001.

7 On September 17, 2001, the Commission received a letter from Mr. David French. Mr.
8 French requested a continuance of the hearing set for October 1, 2001 to give him, "ample time to
9 find the funds to retain an attorney." He indicated that forty-five (45) days should be sufficient to
10 accomplish that task. From the letter, it is unclear whether Mr. French is planning on retaining an
11 attorney for himself and/or Superior Financial Services. It is also unclear whether Mr. French plans
12 on obtaining the money to retain an attorney and retain such attorney within the timeframe he
13 requested.

14 On September 19, 2001, the Division responded to the motion to continue by Mr. French.
15 The Division opposed Mr. French's request for a continuance. The basis for the Division's
16 opposition is that this case was filed in May and the Division stated that "Mr. French [has] had
17 adequate time to hire counsel."

18 On September 19, 2001, James Cicerelli, on behalf of himself, filed a Motion to Continue the
19 hearing in this matter. Mr. Cicerelli asked for a sixty (60) day continuance so that he may secure
20 funds to obtain counsel in this matter. Staff of the Hearing Division contacted Ms. Kushner regarding
21 Mr. Cicerelli's Motion. She indicated that she will be filing a Motion to Withdraw as counsel of
22 record in this matter. At the pre-hearing held in this matter, she stated that she was appearing on
23 behalf of Mr. Cicerelli in the pre-hearing, but she had no intention of representing him at the hearing.
24 However, she indicated that she would assist him in finding new counsel. To date, Ms. Kushner has
25 not filed a motion to withdraw, nor, based on Mr. Cicerelli's Motion, has Mr. Cicerelli retained
26 another attorney to represent him in this matter. The Commission will consider Ms. Kushner's
27 motion to withdraw when it is filed. Until then, any motions filed on behalf of Mr. Cicerelli should
28

1 be filed by Ms. Kushner.

2 On September 19, 2001, staff of the Hearing Division contacted Mr. James Cross, attorney for
3 the Bankruptcy Trustee for Easy Money. He indicated he would not take a position or appear in the
4 matter as this is a matter between Easy Money and the Commission.

5 On September 21, 2001, staff of the Hearing Division contacted Mr. Robert Suzenski. He
6 indicated that he only represents Easy Money in a bankruptcy proceeding and not in this matter.

7 After considering the motions and the response, the motions to continue will be granted. The
8 Division has not demonstrated what prejudice or harm would result if this case was continued, nor
9 has the Division demonstrated that this motion was made for purposes of delay.

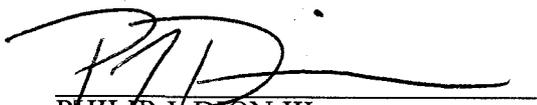
10 All parties are put on notice that the continuance in this case is not just to "give ample time to
11 find the funds to retain an attorney." This continuance is granted to allow time for Mr. French,
12 Special Financial Services and Mr. Cicerelli to find the funds and retain attorneys, and for those
13 attorneys to prepare and be ready for the hearing in this matter on November 13, 2001. This applies
14 to all parties, including Easy Money Auto Leasing. Therefore, all parties shall have attorneys who
15 are prepared for the hearing set in this Procedural Order, otherwise, Respondents shall represent
16 themselves in this matter.

17 Accordingly, the hearing set in this matter set for October 1, 2001, shall be vacated and
18 rescheduled.

19 IT IS THEREFORE ORDERED that a hearing on the above-captioned matter set for October
20 1, 2001 shall be vacated and rescheduled to November 13, 2001 at 10:00 a.m., at the Commission's
21 offices, 1200 West Washington Street, Phoenix, Arizona.

22 IT IS FURTHER ORDERED that the parties shall exchange witness lists and exhibits no later
23 than November 1, 2001, 2001 and provide a copy of same to the presiding Administrative Law Judge.

24 DATED this 25 day of September, 2001.

25
26 
27 PHILIP J. DION III
28 ADMINISTRATIVE LAW JUDGE

1 Copies of the foregoing mailed/delivered
2 this 25 day of September, 2001 to:

3 Robert Suzenski
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6 Phoenix, Arizona 85013

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10 Attorney for James Anthony Cicerelli

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14 David Paul French
15 2102 E. Sharon Dr.
16 Phoenix, Arizona 85022

17 Lothar Goernitz
18 P.O. Box 32961
19 Phoenix, Arizona 85064-2961
20 Bankruptcy Trustee for Easy Money Auto Leasing, Inc.

21 James E. Cross
22 OSBORN MALEDON
23 P.O. Box 36379
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By: 
Molly Johnson
Secretary to Philip J. Dion, III