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BEFORE THE ARIZONA CORPORATION COMMISSION

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AZ CORP COMMISSION
DOCKET CONTROL

COMMISSIONERS

- GARY PIERCE - Chairman
- BOB STUMP
- SANDRA D. KENNEDY
- PAUL NEWMAN
- BRENDA BURNS

IN THE MATTER OF:

- RADICAL BUNNY, L.L.C., an Arizona limited liability company,
- HORIZON PARTNERS, L.L.C., an Arizona limited liability company,
- TOM HIRSCH (aka TOMAS N. HIRSCH) and DIANE ROSE HIRSCH, husband and wife,
- BERTA FRIEDMAN WALDER (aka BUNNY WALDER), a married person,
- HOWARD EVAN WALDER, a married person,
- HARISH PANNALAL SHAH and MADHAVI H. SHAH, husband and wife,

RESPONDENTS.

DOCKET NO. S-20660A-09-0107

Arizona Corporation Commission

DOCKETED

NOV 28 2011

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PROCEDURAL ORDER

BY THE COMMISSION:

On March 12, 2009, the Securities Division ("Division") of the Arizona Corporation Commission ("Commission") filed a Notice of Opportunity for Hearing against Radical Bunny, L.L.C.; Horizon Partners, L.L.C.; Tom Hirsch (aka Tomas N. Hirsch); Berta Friedman Walder (aka Bunny Walder); Howard Evan Walder; Harish Pannalal Shah; and Madhavi H. Shah, in which the Division alleged multiple violations of the Arizona Securities Act in connection with the offer and sale of securities in the form of notes and investment contracts.

On March 26, 2009, a request for hearing was filed on behalf of Horizon Partners, L.L.C.; Tom Hirsch; Diane Rose Hirsch; Berta Friedman Walder; Howard Evan Walder; Harish Pannalal Shah; and Madhavi H. Shah ("Respondents").

On April 28, 2010, the Commission issued Decision No. 71682, a Consent Order against Respondent Radical Bunny, L.L.C., an Arizona limited liability company.

1 On October 14, 2010, the hearing concerning the remaining Respondents commenced as
2 scheduled and was concluded on November 17, 2010. Briefs were filed by the parties on February
3 18, 2011; April 4, 2011; and April 25, 2011.

4 On April 13, 2011, the Division filed a Post-Hearing Motion to Supplement the Evidentiary
5 Record ("Motion to Supplement").

6 On April 29, 2011, the Respondents filed their Response and Objection to Post Hearing
7 Motion to Supplement the Evidentiary Record.

8 On May 3, 2011, the Division filed its Reply to Respondents' Response and Objection to
9 Motion to Supplement the Evidentiary Record.

10 By Procedural Order issued July 1, 2011, the Motion to Supplement was granted and official
11 notice was taken of several documents.

12 On August 1, 2011, Respondents filed a Motion to Reopen Hearing and to Add Evidence to
13 the Record ("Motion"). The Respondents requested that the hearing be re-opened; that a witness be
14 ordered to re-appear for cross examination; and that additional testimony be taken on the subject of
15 documents attached to the Motion and related events. The Respondents also requested oral argument
16 on the Motion.

17 On August 15, 2011, the Division filed its Opposition to Respondents' Motion to Reopen
18 Hearing and Add Evidence to the Record.

19 On August 26, 2011, the Respondents filed their Reply on Motion to Reopen Hearing and
20 Add Evidence to the Record.

21 On September 20, 2011, oral arguments were held on the Motion, and the Motion was
22 granted. The parties were instructed to discuss how the additional testimony and evidence could be
23 made part of the record and to make a filing with the Commission.

24 On November 10, 2011, a Procedural Order was issued directing the parties to file either a
25 joint or separate statements updating the Commission on the status of the discussions concerning the
26 additional testimony and evidence.

27 On November 15, 2011, the Division filed its Status Report.

28 On November 22, 2011, the Respondents filed their Status Report and Response to Securities

1 Division's Status Report and the Division filed an Updated Status Report.

2 Accordingly, a procedural conference should be held.

3 IT IS THEREFORE ORDERED that the a **procedural conference is scheduled for**
4 **December 1, 2011, at 3:00 p.m. or as soon thereafter as is possible, at the Commission's offices,**
5 **1200 West Washington Street, Hearing Room No. 1, Phoenix, Arizona.**

6 IT IS FURTHER ORDERED that the Ex Parte Rule (A.A.C. R14-3-113-Unauthorized
7 Communications) applies to this proceeding as the matter is now set for public hearing.

8 IT IS FURTHER ORDERED that withdrawal or representation must be made in compliance
9 with A.A.C. R14-3-104(E) and Rule 1.16 of the Rules of Professional Conduct (under Rule 42 of the
10 Rules of the Arizona Supreme Court). Representation before the Commission includes appearances
11 at all hearings and procedural conferences, as well as all Open Meetings for which the matter is
12 scheduled for discussion, unless counsel has previously been granted permission to withdraw by the
13 Administrative Law Judge or the Commission.

14 IT IS FURTHER ORDERED that all parties must comply with Rules 31 and 38 of the Rules
15 of the Arizona Supreme Court and A.R.S. § 40-243 with respect to practice of law and admission *pro*
16 *hac vice*.

17 IT IS FURTHER ORDERED that the Presiding Officer may rescind, alter, amend, or waive
18 any portion of this Procedural Order either by subsequent Procedural Order or by ruling at hearing.

19 DATED this 20th day of November, 2011

20
21
22 
23 _____
24 LYN FARMER
25 CHIEF ADMINISTRATIVE LAW JUDGE

26 Copies of the foregoing mailed/delivered
27 this 20th day of November, 2011.

28 Michael J. LaVelle
LAVELLE & LAVELLE
2525 East Camelback Road, Suite 888
Phoenix, AZ 85016
Attorney for Respondents

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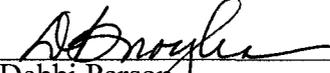
Jordan Kroop
SQUIRE SANDERS
1 E. Washington St., Suite 2700
Phoenix, AZ 85004

Martin R. Galbut
Michaile J. Berg
GALBUT & GALBUT, P.C.
2425 East Camelback Road, Suite 1020
Phoenix, AZ 85016
Attorneys for Interested Parties Greenberg
Traurig LLP and Robert S. Kant

Kevin M. Downey
WILLIAMS & CONNOLLY LLP
725 Twelfth Street, N.W.
Washington, DC 20005
Associate Counsel *Pro Hac Vice*

Matt Neubert, Director
Securities Division
ARIZONA CORPORATION COMMISSION
1300 West Washington Street
Phoenix, AZ 85007

ARIZONA REPORTING SERVICE, INC.
2200 North Central Avenue, Suite 502
Phoenix, AZ 85004-1481

By: 
Debbi Person
for Assistant to Lyn Farmer