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BEFORE THE ARIZONA CORPORATION COMMISSION

COMMISSIONERS

GARY PIERCE - Chairman  
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BRENDA BURNS

2011 NOV 29 P 3:01

AZ CORP COMMISSION  
DOCKET CONTROL

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 29 2011

DOCKETED BY

AMENDED  
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

1 Respondent Radical Bunny, L.L.C., an Arizona limited liability company.

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

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

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

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

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

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

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

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

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

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

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

1 On November 22, 2011, the Respondents filed their Status Report and Response to Securities  
2 Division's Status Report and the Division filed an Updated Status Report.

3 On November 28, 2011, a Procedural Order was issued that scheduled a procedural  
4 conference for December 1, 2011.

5 On November 29, 2011, Counsel for the Division contacted the Hearing Division and  
6 requested that the procedural conference be rescheduled due to a scheduling conflict. The Division  
7 indicated that Respondents' counsel had no objections to the request and alternative dates for the pre-  
8 hearing conference were suggested.

9 Accordingly, the procedural conference should be rescheduled.

10 IT IS THEREFORE ORDERED that the **procedural conference shall be rescheduled from**  
11 **December 1, 2011, to December 12, 2011 at 10:00 a.m.**, at the Commission's offices, 1200 West  
12 Washington Street, **Room 100**, Phoenix, Arizona.

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

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

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

24 ...  
25 ...  
26 ...  
27 ...  
28 ...

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

3 DATED this 29<sup>th</sup> day of November, 2011  
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7 \_\_\_\_\_  
8 LYN FARMER  
9 CHIEF ADMINISTRATIVE LAW JUDGE

10 Copies of the foregoing mailed/delivered  
11 this 29<sup>th</sup> day of November, 2011.

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