

ORIGINAL



0000139657

BEFORE THE ARIZONA CORPORATION

RECEIVED

Arizona Corporation Commission

DOCKETED

SEP 24 2012

DOCKETED BY JSM

COMMISSIONERS

2012 SEP 24 P 2:13

AZ CORP COMMISSION DOCKET CONTROL

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

In the matter of:

DOCKET NO. S-20845A-12-0134

CRYSTAL PISTOL RESOURCES, LLC,
a Nevada limited liability company;

CRYSTAL PISTOL MANAGEMENT,
LLC, a Nevada limited liability company;

LIBERTY BELL RESOURCES I, LLC,
a Nevada limited liability company;

PETER POCKLINGTON, a married man;

and

JOHN M. MCNEIL, an unmarried man,

Respondents.

(FOURTH)
PROCEDURAL ORDER
(Grants Request for
Substitution of Counsel)

BY THE COMMISSION:

On April 5, 2012, the Securities Division ("Division") of the Arizona Corporation Commission ("Commission") filed a Notice of Opportunity for Hearing ("Notice") against Crystal Pistol Resources, LLC, a Nevada limited liability company ("CPR"), Crystal Pistol Management, LLC, a Nevada limited liability company ("CPM"), Liberty Bell Resources I, LLC, a Nevada limited liability company ("LBR"), Peter Pocklington, a married man and John M. McNeil, an unmarried man, (collectively "Respondents"), in which the Division alleged multiple violations of the Arizona Securities Act ("Act") in connection with the offer and sale of securities in the form of membership interests or investment contracts.

The Respondents were duly served with copies of the Notice.

On April 23 and 24, 2012, Respondent Pocklington and Respondents CPR, CPM, LBR and McNeil, respectively, filed requests for hearing in this matter.

On April 25, 2012, by Procedural Order, a pre-hearing conference was scheduled on May 15,

1 2012.

2 On May 11, 2012, the Division and the Respondents filed a Stipulation to extend the date for
3 the filing of Respondents' answer to the Notice by 60 days from May 11, 2012, to July 10, 2012.

4 On May 15, 2012, the Division and Respondents appeared through counsel who indicated that
5 they are discussing a possible settlement of the proceeding. In the event the matter cannot be
6 resolved, the Division requested that a hearing be scheduled in the fall. Counsel for the parties
7 indicated that the matter would require more than one week of hearing. Subsequently, a hearing was
8 scheduled on October 22, 2012.

9 On September 6, 2012, the Division and Respondents filed a Motion and Stipulation to extend
10 the deadline for the exchange of copies of their Witness Lists and Exhibits.

11 On September 11, 2012, by Procedural Order, leave was granted for the extension of the
12 deadline for the exchange of copies of the Witness Lists and Exhibits as agreed between the parties.

13 On September 9, 2012, Fennemore Craig, P.C., by Attorney Jay L. Shapiro, filed separate
14 Requests for Order Authorizing Substitution of Counsel for Respondents Peter Pocklington and John
15 M. McNeil. Attached to the aforementioned requests were the signed consents and authorizations of
16 both named Respondents. No other requests were made in the filings.

17 On September 21, 2012, the Division filed a response indicating that that the Division has no
18 objections to the substitution of counsel provided that (1) Respondents Pocklington and McNeil
19 acknowledge under oath that they are aware of the possible conflicts that may arise in connection
20 with Mr. Shapiro representing both of them in this proceeding and, despite same, they choose to be
21 represented by Mr. Shapiro; and (2) the substitution of counsel is not the basis of a continuance of the
22 October 22, 2012 hearing date.

23 Accordingly, the requests to substitute counsel should be granted.

24 IT IS THEREFORE ORDERED a **hearing** shall be held on **October 22, 2012, at 10:00 a.m.**,
25 at the Commission's offices, 1200 West Washington Street, Hearing Room No. 1, Phoenix, Arizona,
26 as previously ordered.

27 IT IS FURTHER ORDERED that the parties shall also set aside **October 23, 24, 25, 26, 29,**
28 **30 and 31, and November 1 and 2, 2012, for additional days of hearing**, if necessary, as

1 previously ordered.

2 IT IS FURTHER ORDERED that the requests for Substitution of Counsel are hereby granted
3 to Attorney Jay L. Shapiro of the firm of Fennemore Craig, P.C.

4 IT IS THEREFORE ORDERED that that **if the parties reach a resolution of the issues**
5 **raised in the Notice prior to the hearing, the Division shall file a Motion to Vacate the**
6 **proceeding.**

7 IT IS FURTHER ORDERED that the Ex Parte Rule (A.A.C. R14-3-113-Unauthorized
8 Communications) is in effect and shall remain in effect until the Commission's Decision in this
9 matter is final and non-appealable.

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

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

19 IT IS FURTHER ORDERED that the Presiding Administrative Law Judge may rescind, alter,
20 amend, or waive any portion of this Procedural Order either by subsequent Procedural Order or by
21 ruling at hearing.

22 DATED this 24TH day of September, 2012.

23
24
25
26 

MARC E. STERN
ADMINISTRATIVE LAW JUDGE

27
28

1 Copies of the foregoing mailed/delivered
2 this 24th day of September, 2012 to:

3 Jay L. Shapiro
4 FENNEMORE CRAIG, P.C.
5 3003 North Central Avenue, Suite 2600
6 Phoenix, AZ 85012
7 Attorneys for Respondents Peter Pocklington
8 And John M. McNeil

9 Alan S. Baskin
10 BADE & BASKIN PLC
11 80 East Rio Salado Parkway, Suite 511
12 Tempe, AZ 85281-9106

13 Keith Beauchamp
14 COPPERSMITH SCHERMER & BROCKELMAN PLC
15 2800 North Central Avenue, Suite 1200
16 Phoenix, AZ 85004
17 Attorneys for Respondents Crystal Pistol Resources, LLC,
18 Crystal Pistol Management, LLC, and Liberty Bell Resources I, LLC

19 Matt Neubert, Director
20 Securities Division
21 ARIZONA CORPORATION COMMISSION
22 1300 West Washington Street
23 Phoenix, AZ 85007

24 By: 
25 Debra Broyles
26 Secretary to Marc E. Stern
27
28