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BEFORE THE ~~ARIZONA~~ CORPORATION COMMISSION

Arizona Corporation Commission

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COMMISSIONERS

BOB STUMP, Chairman  
GARY PIERCE  
BRENDA BURNS  
BOB BURNS  
SUSAN BITTER SMITH

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AZ CORP COMMISSION  
DOCKET CONTROL

DOCKETED

FEB 22 2013

DOCKETED BY

In the matter of:

Docket No. S-20823A-11-0407

THOMAS LAURENCE HAMPTON,  
CRD #2470192, and STEPHANIE YAGER,  
husband and wife,

TIMOTHY D. MORAN, CRD # 2326078, and  
PATRICIA MORAN, husband and wife,

PATRICK MORAN, CRD # 1496354, and  
KELLY MORAN, husband and wife,

HAMPTON CAPITAL MARKETS, LLC, an  
Arizona limited liability company,

Respondents.

**MOTION TO WITHDRAW AS  
COUNSEL FOR RESPONDENTS  
TIMOTHY D. MORAN  
AND PATRICIA MORAN**

The most recent procedural order in this matter orders that withdrawal of representation:

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

Ninth Procedural Order (Nov. 2, 2012) at page 5, line 24 to page 6, line 1. Accordingly, Paul J. Roshka, Jr. and Timothy J. Sabo of the Law Firm of Roshka DeWulf & Patten, PLC move that the Administrative Law Judge issue a Procedural Order granting them leave to withdraw as counsel of record for Respondents Timothy D. and Patricia Moran.

Arizona Administrative Code R14-3-104(E) provides that:

Withdrawal of attorney. The Commission or presiding officer may permit the withdrawal of an attorney from any proceeding upon written application and good

1 cause shown under such terms, conditions, and notices to clients and other parties  
2 as the Commission or presiding officer may direct. Oral application for  
3 withdrawal may be made during any open proceeding which is being reported.

4 Arizona Rule of Professional Conduct, Rule 1.16 provides that:

- 5 (b) Except as stated in paragraph (c), a lawyer may withdraw from representing a  
6 client if:
- 7 (1) withdrawal can be accomplished without material adverse effect on the  
8 interests of the client;
  - 9 (2) the client persists in a course of action involving the lawyer's services that  
10 the lawyer reasonably believes is criminal or fraudulent;
  - 11 (3) the client has used the lawyer's services to perpetrate a crime or fraud;
  - 12 (4) the client insists upon taking action that the lawyer considers repugnant or  
13 with which the lawyer has a fundamental disagreement;
  - 14 (5) the client fails substantially to fulfill an obligation to the lawyer regarding  
15 the lawyer's services and has been given reasonable warning that the  
16 lawyer will withdraw unless the obligation is fulfilled;
  - 17 (6) the representation will result in an unreasonable financial burden on the lawyer or  
18 has been rendered unreasonably difficult by the client; or
  - 19 (7) other good cause for withdrawal exists

20 Lastly, Arizona Administrative Code R14-3-101(A) provides (in part) that "In all cases in which  
21 procedure is set forth neither by law, nor by these rules, nor by regulations or orders of the  
22 Commission, the Rules of Civil Procedure for the Superior Court of Arizona as established by the  
23 Supreme Court of the state of Arizona shall govern." In turn, the Rule 5.1(a)(2)(B) of Arizona  
24 Rules of Civil Procedure provides that:

25 Where such application does not bear the written approval of the client, it shall be  
26 made by motion and shall be served upon the client and all other parties or their  
27 attorneys. The motion shall be accompanied by a certificate of the attorney  
making the motion that (i) the client has been notified in writing of the status of  
the case including the dates and times of any court hearings or trial settings,  
pending compliance with any existing court orders, and the possibility of  
sanctions, or (ii) the client cannot be located or for whatever other reason cannot  
be notified of the pendency of the motion and the status of the case.

28 Respondents Timothy D. and Patricia Moran have failed to fulfill their financial  
29 obligations owed to counsel for their legal services. They have failed to do so after several  
30 warnings from counsel that they would be required to withdraw if his bills were not made current.  
31 Under Rule 1.16(b)(5) of the Arizona Rules of Professional Conduct, a client's failure to fulfill

1 financial obligations owed to Counsel for legal services is grounds for terminating representation.  
2 In addition, failure to fulfill financial obligations constitutes "good cause" within the meaning of  
3 A.A.C. R14-23-104(E).

4 Counsel is providing below Timothy D. and Patricia Moran's full names, telephone  
5 number and address where all future papers and pleadings should be served:

6 Names: Mr. Timothy Moran and Ms. Patricia Moran

7 Home Address: 4545 E. Joshua Tree Lane, Scottsdale, AZ 85253

8 Cell Phone: (602) 909-8464

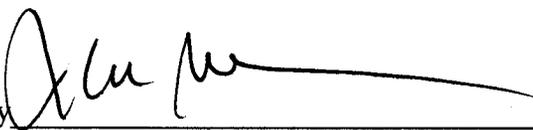
9 Work Phone: (480) 951-1340, Ext. 2

10 A certificate in accordance with Rule 5.1(a)(2)(B) of Arizona Rules of Civil Procedure is  
11 attached.

12 All requirements of A.A.C. R14-23-104(E), Rule 1.16 of the Rules of Professional  
13 Conduct, and Rule 5.1(a)(2)(B) of Arizona Rules of Civil Procedure have been satisfied.  
14 Therefore, Paul J. Roshka, Jr. and Timothy J. Sabo of the Law Firm of Roshka DeWulf & Patten,  
15 PLC respectfully request that that the Administrative Law Judge issue a Procedural Order granting  
16 them leave to withdraw as counsel for Respondents Timothy D. and Patricia Moran.

17 RESPECTFULLY SUBMITTED this 22<sup>nd</sup> day of February, 2013.

18 ROSKA DeWULF & PATTEN, PLC

19  
20 By 

21 Paul J. Roshka, Jr.  
22 Timothy J. Sabo  
23 One Arizona Center  
24 400 East Van Buren Street, Suite 800  
25 Phoenix, Arizona 85004  
26 602-256-6100 (telephone)  
27 602-256-6800 (facsimile)

**ROSHKA DEWULF & PATTEN, PLC**  
ONE ARIZONA CENTER  
400 EAST VAN BUREN STREET - SUITE 800  
PHOENIX, ARIZONA 85004  
TELEPHONE NO 602-256-6100  
FACSIMILE 602-256-6800

1 ORIGINAL and thirteen copies of the foregoing  
filed this 22<sup>nd</sup> day of February, 2013 with:

2 Docket Control  
3 Arizona Corporation Commission  
4 1200 West Washington Street  
Phoenix, Arizona 85007

5 Copy of the foregoing hand-delivered  
6 this 22<sup>nd</sup> day of February, 2013 to:

7 Marc E. Stern, Administrative Law Judge  
8 Hearing Division  
9 Arizona Corporation Commission  
10 1200 West Washington Street  
Phoenix, Arizona 85007

11 Phong (Paul) Huynh, Esq.  
12 Securities Division  
13 Arizona Corporation Commission  
1300 West Washington Street, 3rd Floor  
Phoenix, Arizona 85007

14 Copy of the foregoing mailed  
15 this 22<sup>nd</sup> day of February, 2013 to:

16 Thomas Hampton and Stephanie Yager  
17 9026 East Calle De Las Brisas  
18 Scottsdale, Arizona 85255  
Respondents

19 Michael D. Curran, Esq.  
20 Maynard Cronin Erickson Curran & Reiter, P.L.C.  
3200 North Central Avenue, Suite 1800  
Phoenix, Arizona 85012  
21 Attorneys for Respondents  
22 Patrick Moran and Kelly Moran

23 Mr. Timothy Moran and Ms. Patricia Moran  
24 4545 East Joshua Tree Lane  
Scottsdale, Arizona 85253

25  
26 By Ruth B. Audrey  
27

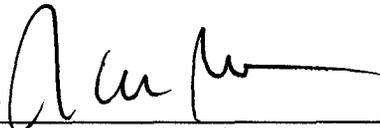
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**CERTIFICATION OF COUNSEL**

**Pursuant to Rule 5.1(a)(2)(B) of Arizona Rules of Civil Procedure**

In accordance with Rule 5.1(a)(2)(B) of Arizona Rules of Civil Procedure, undersigned counsel certify that the client has been notified in writing of the status of the case including the dates and times of any court hearings or trial settings, pending compliance with any existing court orders, and the possibility of sanctions.

ROSHKA DeWULF & PATTEN, PLC

By  \_\_\_\_\_

Paul J. Roshka, Jr.  
Timothy J. Sabo  
One Arizona Center  
400 East Van Buren Street, Suite 800  
Phoenix, Arizona 85004  
602-256-6100 (telephone)  
602-256-6800 (facsimile)

ROSHKA DeWULF & PATTEN, PLC  
ONE ARIZONA CENTER  
400 EAST VAN BUREN STREET - SUITE 800  
PHOENIX, ARIZONA 85004  
TELEPHONE NO 602-256-6100  
FACSIMILE 602-256-6800