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BEFORE THE ARIZONA CORPORATION COMMISSION

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COMMISSIONERS

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

Arizona Corporation Commission

DOCKETED

JAN 22 2014

DOCKETED BY

ORIGINAL

In the Matter of:

Docket No. S-20867A-12-0459

TRI-CORE COMPANIES, LLC, an Arizona limited liability company,

**MOTION TO CONTINUE
FEBRUARY 3, 2014, HEARING**

TRI-CORE MEXICO LAND DEVELOPMENT, LLC, an Arizona limited liability company,

TRI-CORE BUSINESS DEVELOPMENT, LLC, an Arizona limited liability company,

ERC COMPACTORS, LLC, an Arizona limited liability company,

ERC INVESTMENTS, LLC, an Arizona limited liability company,

C&D CONSTRUCTION SERVICES, INC., a Nevada corporation,

PANGAEA INVESTMENT GROUP, LLC, an Arizona limited liability company, d/b/a Arizona Investment Center,

JASON TODD MOGLER, an Arizona resident,

BRIAN N. BUCKLEY and CHERYL BARRETT BUCKLEY, husband and wife,

CASIMER POLANCHEK, an Arizona resident,

NICOLE KORDOSKY, an Arizona resident,

Respondents.

(Assigned to Administrative Law Judge
Marc E. Stern)

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2 Respondents, TRI-CORE COMPANIES, LLC, TRI-CORE BUSINESS
3 DEVELOPMENT, LLC, and JASON TODD MOGLER, through undersigned counsel,
4 respectfully request the Commission to continue the hearing date in this matter currently set
5 to begin on February 3, 2014, and continue through February 20, 2014, for a period of 30-45
6 days, or other such date that is convenient with the Court.

7 As indicated in the last status conference in this matter, undersigned counsel
8 informed the Commission, and opposing counsel, that he may have a trial conflict as a result
9 of a criminal trial in *State of Arizona v. Christopher Simpson*, Maricopa County Superior
10 Court Case No. CR2012-161493-001 SE that was set to begin on January 23, 2014, should
11 it be continued.

12 Undersigned counsel learned of the trial conflict at the Final Trial Management
13 Conference held on January 16, 2014, after the Court granted the State's motion to continue.
14 The Court has set the criminal trial for a 4-6 day jury trial beginning February 4, 2014. (*See*
15 *January 22, 2014, Trial Management Conference Minute Entry*, attached hereto as Exhibit
16 A, and incorporated herein by this reference.) As of November 25, 2013, the trial was
17 scheduled to commence on January 23, 2014, and it would have likely concluded in time for
18 undersigned counsel to be present at the commencement of the February 3 hearing before
19 the Commission. Pursuant to local rule, a criminal trial has priority over an administrative
20 hearing.

21 For the aforementioned reason, undersigned counsel respectfully requests the
22 Commission to grant a continuance of the hearing set to begin on February 3, 2014, for 30-
23 45 days, or other date convenient to the Commission. This motion is made in good faith and
24 is not intended to cause any unnecessary delay.

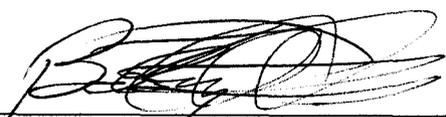
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27 ///

1 Dated this 22nd day of January, 2014.

2 **THRASHER JEMSEK, PLLC**

3
4 By 

5 Bobby O. Thrasher, Jr.
6 518 East Willetta Street
7 Phoenix, Arizona 85004
8 *Attorney for Respondents*

9 ORIGINAL AND 13 COPIES of the foregoing filed January 22, 2014, with:

10 Docket Control
11 Arizona Corporation Commission
12 1200 West Washington Street
13 Phoenix, Arizona 85007

14 COPIES of the foregoing mailed January 22, 2014, to:

15 Honorable Marc E. Stern
16 Administrative Law Judge
17 Arizona Corporation Commission / Hearing Division
18 1200 West Washington Street
19 Phoenix, Arizona 85007

20 Stacey L. Luedtke
21 1300 W. Washington, 3rd Floor
22 Phoenix, Arizona 85007

23 Dale B. Rycraft, Jr., Esq.
24 The Rycraft Law Firm, PLLC
25 2929 North Power Road, Suite 101
26 Mesa, Arizona 85215
27 *Attorney for C&D Construction*

28 Nicole Kordosky
1075 North Miller Road, #149
Scottsdale, Arizona 85257
Respondent

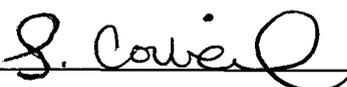


EXHIBIT A

SUPERIOR COURT OF ARIZONA
MARICOPA COUNTY

CR2012-161493-001 SE

01/16/2014

JUDGE ROBERT E. MILES

CLERK OF THE COURT
A. Moore
Deputy

STATE OF ARIZONA

DANE C PAULSEN

v.

CHRISTOPHER MICHAEL SIMPSON (001)

BOBBY O THRASHER JR.
M E BUDDY RAKE JR.

TRIAL MANAGEMENT CONFERENCE

9:33 a.m.

State's Attorney:	Dane Paulsen
Defendant's Attorney:	Bobby Thrasher & Buddy Rake
Defendant:	Present
Court Reporter:	Melody O'Donnell

Court and counsel discuss pretrial matters. Defendant's Motion to Dismiss is pending. The State will file a Response. The State advises that amended charges may be filed.

Upon written motion by counsel for the State, and good cause appearing based on the following grounds:

Scheduling conflicts,

IT IS ORDERED vacating the current trial setting of 1/23/2014 and resetting same to 2/4/2014 at 8:00 a.m. before the Master Calendar Assignment Judge in Courtroom 5B in the South Court Tower. All subpoenaed witnesses are to report to Courtroom 5B in the South Court Tower for trial and will be directed to the trial court from there.

SUPERIOR COURT OF ARIZONA
MARICOPA COUNTY

CR2012-161493-001 SE

01/16/2014

IT IS ORDERED resetting Final Trial Management Conference (FTMC) on **1/23/2014** at 8:30 a.m. in this division.

IT IS ORDERED that no time be excluded. LAST DAY REMAINS: 2/25/2014.

IT IS FURTHER ORDERED affirming prior release orders.

9:42 a.m. Matter concludes.

This case is eFiling eligible: <http://www.clerkofcourt.maricopa.gov/efiling/default.asp>. Attorneys are encouraged to review Supreme Court Administrative Order 2011-140 to determine their mandatory participation in eFiling through AZTurboCourt.