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BEFORE THE ARIZONA CORPORATION COMMISSION

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ARIZONA CORPORATION COMMISSION  
DOCKET CONTROL

**COMMISSIONERS**

SUSAN BITTER SMITH, Chairman  
BOB STUMP  
BOB BURNS  
DOUG LITTLE  
TOM FORESE

**ORIGINAL**

In the matter of:

Docket No. S-20906A-14-0063

CONCORDIA FINANCING COMPANY, LTD,  
a/k/a "CONCORDIA FINANCE,"

**REPLY IN SUPPORT  
OF MOTION TO  
CONTINUE HEARING**  
Arizona Corporation Commission  
**DOCKETED**

ER FINANCIAL & ADVISORY SERVICES,  
LLC,

MAY 04 2015

LANCE MICHAEL BERSCH, and

DAVID JOHN WANZEK and LINDA  
WANZEK, husband and wife,

Respondents.

DOCKETED BY

Respondents ER Financial & Advisory Services, LLC, Lance Michael Bersch, David John Wanzek, and Linda Wanzek (the "ER Respondents") reply in support of their motion to continue the hearing due to Mr. Bersch's medical issues.

The Division's response objects that the letter from Dr. Parker was not an affidavit. The cases cited by the Division requiring an affidavit have no application to this case, because the technical rules of evidence are do not apply to this administrative hearing. A.R.S. §§ 41-1062(A)(1); 44-1973(B); A.A.C. R14-3-109(K).

The Division also objects that Dr. Parker did not provide an estimated date of recovery. Accordingly, attached as Exhibit A is a letter from Dr. Parker stating that Mr. Bersch's projected date of recovery is July 15, 2015.

By email to counsel, the Division has also requested further information regarding Mr. Bersch's medical condition. He was in the hospital from February 20 to February 25. Mr. Bersch was confined to a wheelchair for two months, approximately January 13 to March 15. Mr. Bersch then commenced physical therapy, and his mobility remains limited. He remains

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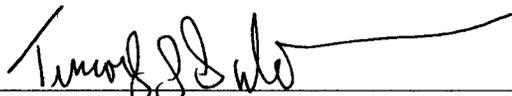
1 under doctor's orders to not travel and to continue regular physical therapy multiple times per  
2 week. He remains on blood thinners to address the deep vein thrombosis and pulmonary  
3 embolism. Surgery to address urologic complications is anticipated in September, after Mr.  
4 Bersch is off of the blood thinners.

5 The Division has also inquired as to Mr. Bersch's work schedule during tax season. Mr.  
6 Bersch did not perform any tax work in January, and very little work of any type that month. He  
7 did a little tax work in February, prior to his surgery. In March, Mr. Bersch was able to work  
8 approximately 20 hours a week, mostly from home.

9 It is clear that Mr. Bersch has suffered multiple serious medical conditions. He is  
10 anticipated to recovery fully, but that recovery will take some time. At present, he is not able to  
11 travel to Phoenix and his work hours remain limited. He is therefore not able to assist in his  
12 defense, including assisting with review of the thousands of pages recently disclosed by the  
13 Division<sup>1</sup>, assisting counsel for the cross-examination of Division and Concordia witnesses,  
14 assisting counsel with the examination of witnesses for the ER Respondents, and providing his  
15 own testimony. Accordingly, a continuance is reasonable.

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27 <sup>1</sup> Notably, the ER Respondents had been seeking these documents in discovery for months. Had  
28 the Division not fought discovery at every turn, perhaps Mr. Bersch would have been able to  
review the documents before his health issues began.

1 RESPECTFULLY SUBMITTED this 4<sup>th</sup> day of May 2015.

2  
3  
4 By 

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12 and

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20 *Attorneys for the ER Respondents*

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1 Original + 13 copies of the foregoing  
2 filed this 4<sup>th</sup> day of May 2015, with:

3 Docket Control  
4 Arizona Corporation Commission  
5 1200 West Washington  
6 Phoenix, Arizona 85007

7 Copies of the foregoing hand-delivered/mailed  
8 this 4<sup>th</sup> day of May 2015, to:

9 Mark H. Preny, Esq.  
10 Administrative Law Judge  
11 Hearing Division  
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26  
27  
28  
By *Jacklyn Howard*

# **Exhibit A**

**Parker Family Practice**  
Office of  
Ronald Parker, MD  
Mary Ann Widman, FNP and Paul Klein, FNP  
1713 Kofa Ave Suite A  
Parker, AZ 85344  
Phone: 928-669-9700  
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April 29, 2015

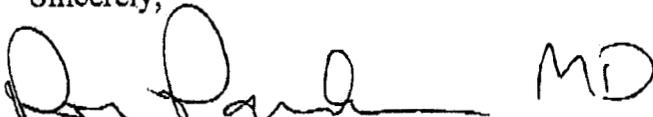
Re: Michael Bersch

To Whom It May Concern,

Michael Bersch is currently under my care for multiple medical reasons. After consulting with Dr. Binder, Michael's orthopedist, his projected date of recovery is July 15, 2015.

If you have any questions or concerns regarding Michael, or the care he is receiving, please feel free to contact me at the number above.

Sincerely,

A handwritten signature in black ink, appearing to read 'Ronald Parker', followed by the letters 'MD' in a larger, bold font.

Ronald D. Parker, MD