

ORIGINAL



0000162512

BEFORE THE ARIZONA CORPORATION COMMISSION

RECEIVED

COMMISSIONERS

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

2015 JUL 27 P 4: 26

AZ CORP COMMISSION
DOCKET CONTROL

In the matter of:

Docket No. S-20906A-14-0063

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

MOTION FOR CLARIFICATION

ER FINANCIAL & ADVISORY SERVICES,
LLC,

Arizona Corporation Commission

DOCKETED

LANCE MICHAEL BERSCH, and

JUL 27 2015

DAVID JOHN WANZEK and LINDA
WANZEK, husband and wife,

DOCKETED BY

MLB

Respondents.

SNELL & WILMER
LLP

ONE ARIZONA CENTER
400 E. VAN BUREN, SUITE 1900
PHOENIX, ARIZONA 85004-2202

Respondents ER Financial and Advisory Services, LLC¹, Lance Michael Bersch, David John Wanzek, and Linda Wanzek (collectively, the "ER Respondents") request clarification regarding the scope of the hearing set for August, 2015. Prior rulings on discovery have been premised on the fact that the initial hearing days will only cover the Division's case-in-chief, thus giving the Respondents additional time to respond to the Division's case-in-chief. As the 15th Procedural Order explains, the delay "will allow the ER Respondents additional time before presenting their case, thereby overcoming any surprise that may arise during the Division's presentation of its case in chief." (Fifteenth Procedural Order, July 7, 2015, at page 8, lines 26 to 28). Further, it appears that at least 60 witnesses will testify, and it seems implausible to expect all the witnesses to testify in only twelve days of hearings. However, it is our understanding that

¹ To the extent it still exists and is capable of being named a respondent in this matter.

1 the Division expects the entire hearing—both the Division’s case and the Respondents’—to occur
2 during the 12 days scheduled in August. Thus, the ER Respondents request that the
3 Administrative Law Judge clarify the schedule.

4
5 RESPECTFULLY SUBMITTED this 27^m day of July 2015.

6
7
8 By 
9 Timothy J. Sabo
10 SNELL & WILMER L.L.P.
11 One Arizona Center
12 400 East Van Buren
13 Phoenix, AZ 85004-2202
14 Phone: 602.382.6347
15 E-mail: tsabo@swlaw.com

16 and

17 Paul J. Roshka, Jr.
18 Craig Waugh
19 POLSINELLI, P.C.
20 One East Washington St., Suite 1200
21 Phoenix, AZ 85004-2568
22 Phone: 602.650.2098
23 Email: proshka@polsinelli.com

24 *Attorneys for the ER Respondents*

25
26
27
28
SNELL & WILMER

L.L.P.
ONE ARIZONA CENTER
400 E. VAN BUREN, SUITE 1900
PHOENIX, ARIZONA 85004-2202

1 Original + 13 copies of the foregoing
2 filed this 21st day of July 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 21st day of July 2015, to:

9 Mark H. Preny, Esq.
10 Administrative Law Judge
11 Hearing Division
12 Arizona Corporation Commission
13 1200 West Washington
14 Phoenix, Arizona 85007

15 James D. Burgess, Esq.
16 Securities Division
17 Arizona Corporation Commission
18 1300 West Washington, 3rd Floor
19 Phoenix, Arizona 85007

20 Alan S. Baskin, Esq.
21 David E. Wood, Esq.
22 Baskin Richards, PLC
23 2901 North Central Avenue, Suite 1150
24 Phoenix, AZ 85012
25 *Attorneys for Concordia Finance Company, LTD.*

26 By *Jaelyn Howard*
27
28

22173773.1