

ORIGINAL



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RECEIVED
 AZ CORP COMMISSIONER
 DOCKET CONTROL

2016 FEB 22 PM 3 57

BEFORE THE ARIZONA CORPORATION COMMISSION

9 COMMISSIONERS
 10 DOUG LITTLE, Acting Chairman
 11 BOB BURNS
 12 TOM FORESE
 13 BOB STUMP

Arizona Corporation Commissioner

DOCKETED

FEB 22 2016

DOCKETED BY

14 In the matter of
 15 KENNETH JOSEPH PLEIN, a married
 16 man,
 17 MARY KATHRYN PLEIN (a.k.a. "MARY
 18 KAY PLEIN"), a married woman,
 19 KENNETH JOSEPH PLEIN and MARY
 20 KATHRYN PLEIN (a.k.a. "MARY KAY
 21 PLEIN"), Co-Trustees of THE PLEIN
 22 FAMILY TRUST U/T/A dated
 23 DECEMBER 1, 1993,
 24 PLEIN ENTERPRISES INCORPORATED
 25 (d.b.a. "TRI-STAR REALTY"), an Arizona
 26 corporation,

DOCKET NO. S-20774A-10-0494

MOTION TO CONTINUE

Respondents.

1 Victim, Patricia Peterson, by and through counsel, requests that this case,
2 including the deadline for Ms. Peterson to file a Reply, be continued pending the
3 briefing in the criminal case, Maricopa County Superior Court case number CR2012-
4 009415. The judge in the criminal case has ordered a briefing schedule to address
5 issues raised by Ms. Peterson that are closely related to this matter. See Exhibit A.
6 Depending on the outcome of the issues raised in the criminal case, Ms. Peterson's
7 objection here may become moot.
8
9
10

11 **WHEREFORE**, Ms. Peterson respectfully requests that this matter be
12 continued for sixty (60) days. Ms. Peterson will take appropriate action in this case
13 once the criminal court issues a final order regarding distribution of victims' restitution
14 funds.
15

16 ASU Alumni Law Group

17 
18 For:

19 Thomas K. Irvine
20 Two North Central, Suite 1600
21 Phoenix, Arizona 85004
22 Attorneys for Victim

23 ORIGINAL and six (6) copies
24 filed this 19th day of February, 2016, with:

25 Docket Control
26 Arizona Corporation Commission
27 1200 West Washington Street
28 Phoenix, Arizona 85007

By: 

EXHIBIT A

SUPERIOR COURT OF ARIZONA
MARICOPA COUNTY

CR2012-009415-001 DT

02/02/2016

HON. PAMELA GATES

CLERK OF THE COURT
A. Olson
Deputy

STATE OF ARIZONA

SCOTT WAYNE BLAKE
JAMES J CARROLL III
WENDY L COY
CHANCE PETERSON
DONALD J LAWRENCE JR.

v.

KENNETH J PLEIN (001)

MICHAEL SOUCCAR

RFR
VICTIM WITNESS DIV-AG-CCC

STATUS CONFERENCE

9:36 a.m.

Courtroom SCT 5B

State's Attorney:	Scott Blake and Don Lawrence
Defendant's Attorney:	Michael Souccar
Defendant:	Presence Waived

Court Reporter, Treva Colwell, is present.

A record of the proceeding is also made by audio and/or videotape.

LET THE RECORD REFLECT that Chance Peterson is present for the victim Patricia Peterson.

SUPERIOR COURT OF ARIZONA
MARICOPA COUNTY

CR2012-009415-001 DT

02/02/2016

LET THE RECORD REFLECT that Michelle Watson is present from the Carrol Law Firm.

The Court discloses that her husband has a working and personal relationship with Mr. Brnovich. The State, Defense, and victims waive any conflict and do not request that the Court recuse itself from future proceedings in this case.

Discussion is held regarding Memorandum in Opposition to Manner of Distribution of Victims' Restitution Funds filed 02/01/2016.

With no objection by counsel,

IT IS ORDERED pursuant to A.R.S § 13-804(M) the revision of the payment of restitution pursuant to a court order requiring that \$3 million of restitution received from Mr. Plein's probate matter [372012-00152788 PR PW CTL] shall be distributed immediately to the Maricopa County Clerk of Court for distribution to the victims identified in Addendum 1 of the Plea Agreement in accordance with the distribution formula prepared by the Arizona Corporation Commission which will be provided to the Clerk of Court by 02/03/2016, subject to extension issued by the Court.

THE COURT NOTES that it considers the pleading filed by Attorney Peterson to be a request to modify the restitution payment in a manner in which 100% of the recovery is provided to the victims identified in Addendum 1. Any Response shall be filed by on or before **02/23/2016**. Any Reply is due on or before **03/01/2016**.

IT IS FURTHER ORDERED setting Oral Argument on **03/03/2016 at 9:30 a.m.** before this Division. The parties are reminded that all matters set in this Division are **time certain** as this Court does not have a regular morning calendar. Also be advised that coverage is not available.