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BEFORE THE ARIZONA CORPORATION COMMISSION

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AZ CORP COMMISSION  
DOCKET CONTROL

COMMISSIONERS

DOUG LITTLE - Chairman  
BOB STUMP  
BOB BURNS  
TOM FORESE  
ANDY TOBIN

In the matter of:  
USA BARCELONA REALTY ADVISORS,  
LLC, an Arizona limited liability company,  
USA BARCELONA HOTEL LAND COMPANY  
I, LLC, an Arizona limited liability company,  
RICHARD C. HARKINS, an unmarried man,  
ROBERT J. KERRIGAN (CRD no. 268516) an  
unmarried man,  
GEORGE T. SIMMONS and JANET B.  
SIMMONS, husband and wife,  
BRUCE L. ORR and SUSAN S. ORR, husband  
and wife,  
Respondents.

DOCKET NO. S-20938A-15-0308

**SECURITIES DIVISION'S RESPONSE  
TO MOTION TO WITHDRAW AS  
COUNSEL**

Arizona Corporation Commission

**DOCKETED**

MAR 21 2016

DOCKETED BY *JK*

On March 21, 2016, counsel for Respondent Robert J. Kerrigan ("Respondent") filed a Motion to Withdraw as Counsel. Counsel states that Respondent has been advised of the scheduled hearing dates in the case. Counsel also provided Respondent's address, telephone number, and e-mail address.

Counsel cites Ariz. R. Civ. P. 5.1, but this rule does not apply because withdrawal is governed by A.A.C. R14-3-104(E), as stated in the Fifth Procedural Order. Under A.A.C. R14-3-101(A), the Arizona Rules of Civil Procedure do not apply to cases before the Commission unless no procedure is set forth by law, the Commission's Rules of Practice and Procedure, Commission regulation, or Commission order. The procedure for withdrawal of counsel is set forth by the Commission's Rules

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of Practice and Procedure at A.A.C. R14-3-104(E). Therefore that provision applies and Ariz. R. Civ. P. 5.1 does not.

Pursuant to A.A.C. R14-3-104(E), the Securities Division does not object to the Motion to Withdraw as Counsel so long as the withdrawal does not affect the scheduling of the hearing set to begin on May 9, 2016.

RESPECTFULLY SUBMITTED this 21st day of March, 2016.

ARIZONA CORPORATION COMMISSION  
By: Paul Kitchin  
Paul Kitchin  
Attorney for the Securities Division of the  
Arizona Corporation Commission

1 ORIGINAL AND SIX (6) COPIES of the foregoing  
2 filed this 21st day of March, 2016 with:

3 Docket Control  
4 Arizona Corporation Commission  
5 1200 W. Washington St.  
6 Phoenix, AZ 85007

7 COPY of the foregoing mailed/delivered  
8 this 21st day of March, 2016 to:

9 Mr. Mark Preny  
10 Administrative Law Judge  
11 Arizona Corporation Commission/Hearing Division  
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13 Phoenix, AZ 85007

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