Mark L. Shurtleff (4666)
Utah Attorney General
Jeffrey Buckner (4546)
Assistant Attorney General
Utah Attorney General's Office
Commercial Enforcement Division
160 East 300 South, Fifth Floor
P. O. Box 140872
Salt Lake City, UT 84114-0872
Telephone: (801) 366-0310
FAX: (801) 366-0315

Attorneys for Utah Division of Securities

BEFORE THE DIVISION OF SECURITIES
OF THE DEPARTMENT OF COMMERCE
OF THE STATE OF UTAH

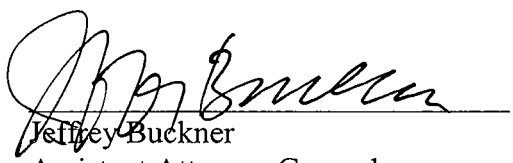
IN THE MATTER OF: **NORTHSTAR ENERGY, INC.,** **LARRY M. KOONCE,** **PAUL M. ESPOSITO,** **Respondents.**	**REQUEST TO SUBMIT FOR DECISION** **Docket No. SD 05-0041** **Docket No. SD 05-0042** **Docket No. SD 05-00043**

The Utah Division of Securities (Division), by and through counsel, and pursuant to Rule 7 of the Utah Rules of Civil Procedure, to the extent applicable in agency proceedings before the Department, hereby requests a ruling on Respondents' motion to dismiss and the Division's motion for summary judgment. Respondents moved for dismissal on December 22, 2006, and served a copy

by mail.[1] The Division filed and served its opposition memorandum by mail on January 8, 2007, and moved for summary judgment that same day. No opposition to summary judgment or reply supporting dismissal has been filed, no requests for an enlargement of time have been made, and the time for filing an opposition has now passed. Utah Admin. Code R151-46b-7(6)(opposition to be filed within ten days of service; reply to be filed within five days); Utah Admin. Code R151-46b-5(4)(a)(three days additional time added for service by mail). Because the Division's motion for summary judgment is unopposed, the Division's motion for summary judgment should be granted and the motion to dismiss be denied.

Respectfully submitted this January 26, 2007.

MARK L. SHURTLEFF
UTAH ATTORNEY GENERAL



Jeffrey Buckner
Assistant Attorney General

[1]Respondents are represented by Texas Attorney Craig Ongley, but counsel never submitted a certificate of good standing as required by rule along with the answer initially filed or with the motion to dismiss. Utah Admin. Code R151-46b-6. For failure to comply with the rules, the motion to dismiss should be stricken.

CERTIFICATE OF MAILING

I, Ina Jensen, hereby certify that I have this day served a copy of the foregoing **Request to Submit For Decision** to Respondents by mailing a copy, with postage prepaid, to:

Craig G. Ongley
Vial, Hamilton, Koch & Knox, LLP
1700 Pacific Avenue, Suite 2800
Dallas, TX 75201

Dated this 26th day of January 2007.

Ina Jensen