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Attorneys for Utah Division of Securities

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

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**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**

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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.<sup>1</sup> 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

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<sup>1</sup>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 26<sup>th</sup> day of January 2007.

  
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Ina Jensen