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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 FOR DECISION (THIRD REQUEST)** **Docket No. SD 05-0041** **Docket No. SD 05-0042** **Docket No. SD 05-0043**

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, again requests a ruling on Respondents' motion to dismiss and the Division's motion for summary judgment, and the Division's post-hearing brief. In the alternative, the Division requests a trial setting.

In addition to the Sixth Circuit decision in Brown v. Earthboard Sports USA, Inc., 481 F.3d 901 (6th Cir. 2007) and other cases cited in the Division's supplemental authorities and brief filed in May 2007, rejecting Temple v. Gorman, two more California decisions have refused to follow Temple: Consolidated Management Group, LLC v. Dep't of Corporations, 162 Cal. App. 4th 598, 75 Cal. Rptr. 3d 795 (Cal. App. 1st 2008); and Apollo Capital Fund, LLC v. Roth Capital Partners, LLC, 158 Cal.App.4th 226, 70 Cal.Rptr.3d 199 (Cal App. 2d 2007).

Respectfully submitted this June 10, 2008.

MARK L. SHURTLEFF
UTAH ATTORNEY GENERAL

Jeffrey Buckner
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CERTIFICATE OF MAILING

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

Craig G. Ongley
Epstein Becker Green Wickliff & Hall, PC
500 North Akaro Street, Suite 2700
Dallas, TX 75201-3306

Dated this 10th day of June 2008.

Ina Jensen

Ina Jensen