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BEFORE THE DIVISION OF SECURITIES

OF THE DEPARTMENT OF COMMERCE OF THE STATE OF UTAH

In the Matter of:	:	**REQUEST FOR DECISION (FOURTH REQUEST) AND REQUEST FOR TRIAL**
AMERICAN-DAIRY.COM, INC.	:	Docket No. SD-06-0010
ALAPATI PAUL SCHWENKE	:	Docket No. SD-06-0011
JAMIS MELWOOD JOHNSON	:	Docket No. SD-06-0012
Respondents.	:	

The Division of Securities (Division), by and through counsel, and pursuant to Rule 7(d) of the Utah Rules of Civil Procedure, to the extent applicable in proceedings before the agency, see Utah Admin. Code R151-46b-5(3); hereby requests a decision on Johnson's motion to dismiss, his motion for sanctions, his motion to strike, and the Division's motion to strike. Johnson initially moved to dismiss on March 30, 2006, but filed an amended memorandum supporting dismissal on April 4, 2006. The Division filed an opposition memorandum to that motion on April 17, 2006, and also

moved to strike on April 18, 2006, incorporating its opposition memorandum as the memorandum supporting the motion to strike. Johnson filed reply supporting his motion to dismiss on April 21, 2006, and the Division filed a reply supporting its motion to strike on May 19, 2006. Johnson moved for sanctions on June 5, 2006 and also moved to strike the Division's reply supporting its motion to strike. The Division filed an opposition on June 16, 2006. No reply was filed and the time for filing a reply has passed. Utah Admin. Code R151-46b-7(6)(c)(reply due within five days of opposition); Utah Admin. Code R151-46b-5(4)(three extra days added for mailing). The matter is fully briefed.[1]

In the meantime, Johnson has been convicted of securities fraud, section 61-1-1, in the companion criminal action to this case on March 8, 2007. On June 6, 2007, he was sentenced to serve 1-15 years, ordered to pay $125,000 in restitution and a $5,000 fine. The prison sentence was suspended on condition that he serve one year in jail. After six months, he is eligible for release and, upon release, he will be on probation for three years.

Schwenke was also convicted of securities fraud, section 61-1-1, on April 4, 2007. On April 21, 2007, he was sentenced to serve 1-15 years consecutively, and ordered to pay $120,000 in

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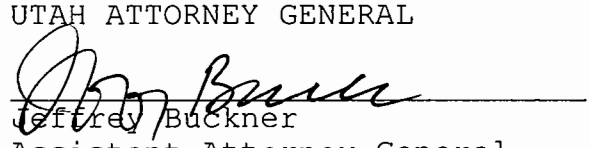
[1]On July 31, 2006, Johnson filed and served an objection to the Division's request for a decision along with a motion for sanctions. The Division has already responded in opposition to that motion and will not be filing another opposition. The matter is fully briefed.

restitution.

The Division further requests a trial setting in this matter at the earliest date.

Respectfully submitted this 28 day of August 2008.

MARK L. SHURTLEFF
UTAH ATTORNEY GENERAL



Jeffrey Buckner
Assistant Attorney General

MAILING CERTIFICATE

I, Shayla Shepherd, hereby certify that I have this day served a copy of the foregoing **Request to Submit** by mailing a copy, with postage prepaid, to

Inmate Jamis M. Johnson
Millard County Jail
765 S. Highway 99
Fillmore, UT 84631

Inmate A. Paul Schwenke
UPS No. 38438, Aspen 228B
P. O. Box 550
Gunnison, UT 84634

Dated this 28th day of August 2008.

Shayla Shepherd