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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 THE LICENSES  
OF:**

**JEFFREY LANE MOWEN; and  
ELIZABETH MOWEN a.k.a.  
ELIZABETH WARD;**

**Respondents.**

**OBJECTION TO “EX-PARTE  
APPLICATION TO FILE OVER-  
LENGTH PLEADING OR  
ALTERNATIVE PLEADING FOR  
MOTION TO STRIKE DIVISION’S  
PLEADING”**

**Docket No. SD-06-0037  
Docket No. SD-06-0038**

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The Division of Securities, by and through counsel, hereby objects to Elizabeth Ward Mowen’s “ex-parte application to file over-length pleading or alternative pleading for motion to strike Division’s pleading” for the reason that Respondent has already asked to submit her motion to dismiss for decision. The briefing of that motion was complete when she filed her

request to submit. At the time of filing the request to submit, no over-length brief had been filed, her request had not been ruled on, and she did not submit that request for decision. Whether Respondent should now be granted leave to file an over-length brief cannot be considered in the abstract. Briefing should not be reopened. The request should be denied for the additional reason that it is inappropriate for Respondent to argue the merits of her motion to dismiss, to use an ex parte application as an opportunity to admonish counsel about purported wrongdoing, or to raise other issues. Most important, it is wholly inappropriate for Respondent to turn an ex parte procedure into an opportunity to file what is, in essence, a sur-reply to her own reply, and ask that the Division's "pleading" to be stricken, and to then file a request to submit so as to cutoff the Division's ability to respond to such a motion while it is still outstanding.

Having said that, as a matter of substance, none of Respondent's contentions are worthy of a response. They are frivolous. The Division does not object to Respondent's request to submit otherwise.

Respectfully submitted this September 13, 2006.

MARK L. SHURTLEFF  
UTAH ATTORNEY GENERAL

A handwritten signature in black ink, appearing to read "Jeffrey Buckner", written over a horizontal line.

Jeffrey Buckner  
Assistant Attorney General

