

Division of Securities  
Utah Department of Commerce  
160 East 300 South  
P.O. Box 146760  
Salt Lake City, Utah 84114-6760  
Telephone: 801 530-6600

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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:**

**RIDGELAND WYOMING, INC.,  
VYSN CAPITAL, LLC,  
BRYAN R. FARRIS,  
SHAWN BLAINE SMART,  
GARY FRANK LAWYER**

**Respondent.**

**MOTION TO LIFT STAY, and  
REQUEST FOR TRIAL DATE and  
SCHEDULING ORDER**

**Docket No. SD-11-0052  
Docket No. SD-11-0053  
Docket No. SD-11-0054  
Docket No. SD-11-0055  
Docket No. SD-11-0056**

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The State of Utah, Department of Commerce, Securities Division (Division), respectfully requests this tribunal to lift and terminate the stay of this administrative proceeding entered on September 7<sup>th</sup>, 2011, to schedule a trial before the Utah Securities Commission on March 22, 2012, and to issue a scheduling order with pre-trial deadlines for the March 22 trial.

On September 7, 2011, this tribunal stayed the administrative proceedings, apparently based on an oral motion at the initial hearing, "pending the outcome of criminal proceedings in companion cases." See September 7, 2011 Order Granting Motion to Stay Proceedings. Subsequently, Respondents Ridgeland Wyoming, Inc., Bryan R. Farris and Gary Frank Lawyer filed a Request for Stay, dated September 22, 2011, even though the proceedings had already been stayed by the tribunal's September 7 Order Granting Motion to Stay Proceedings. The basis for the September 22, 2011, motion was a referral for criminal prosecution. However, no

criminal action has been filed against any of the Respondents.

The prospect of a criminal action is insufficient to stay administrative proceedings. Where no criminal proceedings have been filed, there is no legal or other basis to stay this case. The Division respectfully requests that the stay be lifted and terminated.

The Division further requests that this matter be scheduled for trial for the next time the Securities Commission is scheduled to meet, March 22, 2012, and that a scheduling order issue setting deadlines so this case can be ready for trial on that date. The Division proposes that answers to the Order to Show Cause, if not already filed, be filed on or before February 15, that discovery be completed by February 22, dispositive motions filed by February 28, responses to dispositive motions filed by March 7 and any replies to the responses filed by March 14; that exhibit and witness lists be filed by March 14; and that any expert witness be identified, and a copy of the expert's report be filed by March 14.

Respectfully submitted this 7<sup>th</sup> day of February, 2012.

By:



D. Scott Davis  
D. Scott Davis  
Assistant Attorney General

**CERTIFICATE OF SERVICE**

I HEREBY CERTIFY that I personally served a true and correct copy of the foregoing on this 8<sup>th</sup> day of February, 2012 to the following:

Mark D. Stubbs Joseph M. Hepworth FILLMORE SPENCER LLC 3301 N. University Ave. Provo, Utah 84604	Sent via: <input type="checkbox"/> Hand-Delivery <input type="checkbox"/> Facsimile: <input type="checkbox"/> Mailed (U.S. Mail, postage prepaid) <input checked="" type="checkbox"/> Other: email <a href="mailto:mstubbs@fslaw.com">mstubbs@fslaw.com</a> , <a href="mailto:jhepworth@fslaw.com">jhepworth@fslaw.com</a>
Mark W. Pugsley RAY QUINNEY & NEBEKER 36 South State Street, 14 <sup>th</sup> Floor Salt Lake City, Utah 84145-0385	Sent via: <input type="checkbox"/> Hand-Delivery <input type="checkbox"/> Facsimile: <input type="checkbox"/> Mailed (U.S. Mail, postage prepaid) <input checked="" type="checkbox"/> Other: email <a href="mailto:mpugsley@rqn.com">mpugsley@rqn.com</a>

*D. Saltzman*