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**RECEIVED**  
**JUN 13 2012**  
Utah Department of Commerce  
Division of Securities

*Attorneys for Respondent Jack Phillips*

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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:

JACK PHILLIPS,  
JAMES D. ELLIOTT,

Respondents.

**STIPULATED MOTION TO VACATE  
SCHEDULING ORDER AND SET NEW  
SCHEDULING CONFERENCE AND  
HEARING DATES**

Docket No. SD-12-0001  
Docket No. SD-12-0002

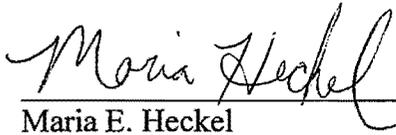
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Respondent Jack Phillips and the Utah Division of Securities (“the Division”) hereby stipulate and jointly move the Administrative Law Judge to vacate the scheduling order dated March 8, 2012 and set a new scheduling conference and hearing dates in this matter. Jack Phillips and the Division agree that a new scheduling conference and new hearing date are necessary under the circumstances of the case. Progress in preparing this matter for a hearing has been delayed because the Division has faced substantial difficulty in serving Respondent James D. Elliott. To this date, Mr. Elliott has not been served with the Notice of Hearing in this

matter. Moreover, under the circumstances, the parties have not had sufficient opportunity to conduct discovery in advance of the June 13, 2012 deadline for filing dispositive motions, and the parties agree that this deadline should be extended. Jack Phillips and the Utah Division of Securities stipulate that the hearing in this matter should be moved from July 2012 to September 2012 in order to accommodate the circumstances of the case and counsels' schedules. Even with such an extension, the hearing will still be concluded within 240 calendar days after the day on which the notice of agency action was issued (January 3, 2012), in compliance with R151-4-109. This two month delay will not prejudice the health, safety or welfare of the public.

DATED this 13<sup>th</sup> day of June, 2012.

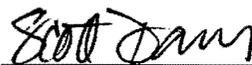
RAY QUINNEY & NEBEKER P.C.

  
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Maria E. Heckel

*Attorneys for Respondent Jack Phillips*

DATED this 13<sup>th</sup> day of June, 2012.

  
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Scott Davis  
Assistant Attorney General  
Utah Attorney General's Office

**CERTIFICATE OF SERVICE**

I hereby certify on this 13<sup>th</sup> day of June 2012, a true and correct copy of the

**STIPULATED MOTION TO VACATE SCHEDULING ORDER AND SET NEW**

**SCHEDULING CONFERENCE AND HEARING DATES** was served by hand via courier, to  
the following:

Administrative Court Clerk  
c/o Julie Price  
**UTAH DIVISION OF SECURITIES**  
160 East 300 South, 2<sup>nd</sup> Floor  
Post Office Box 146760  
Salt Lake City, Utah 84114-6760

Angela Hendricks  
Administrative Law Judge  
**UTAH DIVISION OF SECURITIES**  
160 East 300 South, 2<sup>nd</sup> Floor  
Post Office Box 146760  
Salt Lake City, Utah 84114-6760

D. Scott Davis  
Assistant Attorney General  
**UTAH ATTORNEY GENERAL'S OFFICE**  
160 East 300 South, 5<sup>th</sup> Floor  
Salt Lake City, Utah 84114-0872

with a true and correct copy being sent via U.S. Mail to the following:

James D. Elliott  
5131 Prince Phillip Cv.  
Brentwood, TN 37027

1187834

A handwritten signature in cursive script, appearing to read "Paul Henderson", is written over a horizontal line.