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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:**

**TYLER D. ARCHULETA and  
DANIELLE L. ARCHULETA dba  
ARCHULETA TRUCKING, LLC.**

**Respondent.**

**RESPONSE/OPPPOSITION TO MOTION  
TO SET ASIDE JUDGMENT**

Docket No. SD-12-0019  
Docket No. SD-12-0020

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The State of Utah, Department of Commerce, Securities Division (Division) hereby responds to the Motion to Set Aside Judgment & Request for Hearing filed by the Respondent on or about August 15, 2012.

The Division opposes the Default Judgment being set aside at this time. The Division sent the Notice of Agency Action (Notice) and Order to Show Cause (OSC) to a valid address where the Respondent was located at the time (the State Prison in Draper). Respondent does not allege that he did not receive the Notice or the OSC.

Respondent does assert that he responded in writing to Adam Sweet at the Securities Division. Respondent provided some information to Mr. Sweet during the course of the investigation, but provided no response at any time to the OSC, until this request/motion to set

aside the default.

The Respondent has asserted no valid factual or legal basis for setting aside the default judgment. Without a demonstration that the default was improperly entered, the Respondent is not entitled to have it set aside.

Utah Code 63G-4-209(3)(a) provides that a defaulted party may seek to set aside a default order by following the procedures in the Utah Rules of Civil Procedure. Those rules require that good cause be shown to set aside a default, and if a default judgment has entered, an attempt to set it aside must comply with Rule 60(b). Utah Rules of Civil Procedure 55(c). The Respondent here has not demonstrated good cause, nor asserted a basis under Rule 60(b) to set aside the default in this matter. Accordingly, his motion to set aside the default order/judgment must be denied.

The Division would agree to staying enforcement of the judgment, not because of the related pending criminal case, but to allow the Respondent the opportunity to negotiate a Stipulation and Consent Order, which would supersede the default order.

Dated this 23<sup>rd</sup> day of August, 2012.

By:



D. Scott Davis  
D. Scott Davis  
Assistant Attorney General

CERTIFICATE OF SERVICE

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

Tyler D. Archuleta Offender Number 197621 Housing Unit ELM 505B Central Utah Correctional Facility P.O. Box 550 Gunnison, UT 84634	Sent via:
	<input type="checkbox"/> Hand-Delivery
	<input type="checkbox"/> Facsimile:
	<input checked="" type="checkbox"/> Mailed (U.S. Mail, postage prepaid)
	<input type="checkbox"/> Other:

*D. Scott Davis*