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**BEFORE THE DIVISION OF SECURITIES
OF THE DEPARTMENT OF COMMERCE
OF THE STATE OF UTAH**

IN THE MATTER OF:

**JOHSUA LEHI TRENT, CRD# 3096291,
dba ACTA NON VERBA, LLS,**

Respondent.

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

Docket No. SD-12-0037

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 6, 2012. The Division construes the Respondent's motion as also including a request for a stay of enforcement based upon his request that "this matter . . . be continued [until] the criminal matter has been adjudicated." Defendant's Affidavit in Support of Motion.

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. In fact, it is the address listed on the Respondent's driver's license. Someone, who was presumably authorized to do so, signed for the Notice and OSC. See Exhibit A. The Final Order by Default was sent to the same address, which the Respondent received.

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 16th day of August, 2012.

By:



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 15th day of August, 2012 to the following:

Joshua Trent 4809 South 1740 East #12 Olladay, Utah 84117	Sent via: <input type="checkbox"/> Hand-Delivery <input type="checkbox"/> Facsimile: <input checked="" type="checkbox"/> Mailed (U.S. Mail, postage prepaid) Other: <u>philip@invictuspc.com</u>
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D. [Signature]

EXHIBIT A

