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Utah Department of Commerce
Division of Securities

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Attorneys for Defendant Jake Daniel McKittrick

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

<p>IN THE MATTER OF:</p> <p>JAKE DANIEL MCKITTRICK</p> <p>Respondents.</p>	<p>MOTION TO STAY PROCEEDINGS PENDING OUTCOME OF THE CRIMINAL CASE</p> <p>Docket No. SD-12-0049</p>
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Jake McKittrick, by and through counsel, hereby submits this Motion to Stay Proceedings Pending Outcome of the Criminal Case.

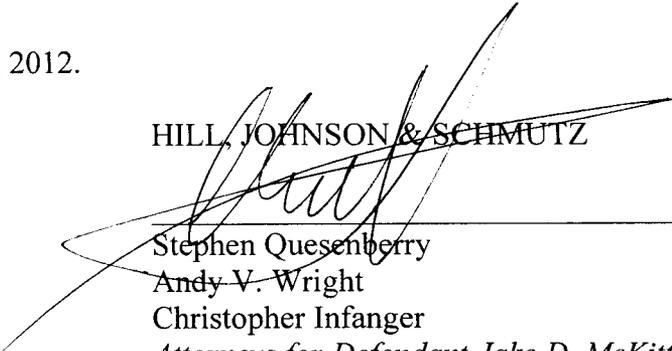
In short, Mr. McKittrick is responding to criminal charges arising from the same facts underlying this action, and based on alleged violations of the same statutes at issue, albeit under a different standard of proof. Simultaneous prosecution of both of these matters would result in significant redundancies and increased costs to the Division and Mr. McKittrick. More importantly, Mr. McKittrick's ability to defend himself in this action is hampered by the

potential of testimony in this case being used against him in the criminal action where he would otherwise be able to invoke his Fifth Amendment privileges.

In the interests of judicial economy, and to preserve Mr. McKittrick's Fifth Amendment rights during the pendency of this action, Mr. McKittrick moves the Division to stay these proceedings until resolution of the criminal matter.

DATED this 18 day of October, 2012.

HILL, JOHNSON & SCHMUTZ



Stephen Quesenberry
Andy V. Wright
Christopher Infanger

Attorneys for Defendant Jake D. McKittrick

CERTIFICATE OF MAILING

The undersigned hereby certifies that on the 18 day of October, 2012, she caused a true and correct copy of the foregoing **MOTION TO STAY PROCEEDINGS PENDING OUTCOME OF THE CRIMINAL CASE** to be delivered to the following:

Division of Securities
Utah Department of Commerce
160 East 300 South, 2nd Floor
Box 146760
Salt Lake City, Utah 84114-6760

John Timmerman
150 South Highway 160, Suite 8
PMB 291
Pahrump, NV 89048

Sent Via:

- Hand -Delivery
 Facsimile
 Mailed (postage pre-paid)
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