

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

IN THE MATTER OF

**MICHAEL SHAUN KIRBY,
GREENFOLDERS, INC.,**

RESPONDENTS

**NOTICE OF CONTINUATION OF
HEARING**

**NOTICE OF REQUIRED PREHEARING
FILINGS**

CASE NO. SD-13-0005

CASE NO. SD-13-0006

BY THE PRESIDING OFFICER:

The parties are hereby notified that the hearing in this matter currently scheduled for July 25, 2013 is continued to August 15-16, 2013. The hearing will take place in Room 403 of the Heber M. Wells Building, 160 East 300 South, Salt Lake City, Utah 84114. Proceedings will begin at 9:00 A.M. each day.

In addition, the parties are hereby notified that, in the interest of judicial economy, they are required to make the following prehearing filings:

1. The parties are hereby ordered to prepare a joint statement of factual and legal issues to be addressed at hearing, including a stipulation of all facts and issues that have been admitted and to which the parties have no dispute, due no later than July 11, 2013. *See*

Beehive Telephone Company v. Public Service Commission of Utah, 89 P.3d 131, 135 (Utah 2004).

2. The parties are hereby ordered to notify the presiding officer of any objection either might have to a proposed exhibit, whether as to foundation or on any other ground relating to admissibility, no later than July 11, 2013. If no objection is made by this deadline, all objections as to admissibility shall be deemed waived, and the exhibits shall be accepted during hearing without the parties being required to ask foundational questions or read into the record any contents, except as to issues in dispute. If an objection as to admissibility is made prior to hearing, the presiding officer will conduct a hearing to resolve such objections and finalize the exhibits. All exhibits will then be provided to the Commission for review prior to hearing, and no objections as to admissibility will be entertained during hearing.
3. Each party is hereby ordered to file with the presiding officer by July 11, 2013 an affidavit from each non-expert witness who will be called at hearing, including the witness's name and current address, and outlining the circumstances under which the witness has obtained direct knowledge of the factual and legal issues to be addressed. If either party objects to information or statements contained in these affidavits, it shall file an objection with the presiding officer no later than July 18, 2013. If necessary, the presiding officer will conduct a hearing to resolve such objections and finalize the witness affidavits, which will then be provided to the Commission for review prior to hearing. At hearing, no questioning will be permitted for the purpose of eliciting this basic information from the witnesses.

4. Each party shall file with the presiding officer by July 11, 2013 a document outlining each expert witness's background and credentials. This document may take the form of a resume, curriculum vitae, or similar record. If either party objects to information or statements contained in these records, it shall file an objection with the presiding officer no later than July 18, 2013. If necessary, the presiding officer will conduct a hearing to resolve such objections and finalize statements of expert witness credentials, which will then be provided to the Commission for review prior to hearing. The presiding officer will not entertain argument or make any findings prior to hearing as to whether a proposed expert witness is more knowledgeable or reliable than any other, as that question involves findings of fact that must be resolved by the Commission. At hearing, no questioning will be permitted for the purpose of eliciting from the expert witnesses their credentials or background.
5. If Respondents feel that more time before the Commission is required in order to elicit from the Division's witnesses information about their personal relationships with Respondent Kirby; their association over time with Respondents; or their knowledge of the Greenfolders software product, including its technical capabilities and its prospects as a profitable investment, Respondents shall file with the presiding officer transcripts of deposition testimony already taken in a related civil lawsuit between Respondents and the Pulley family. After being afforded an opportunity to review those transcripts; form an understanding of the time such questioning might take; and evaluate the relevance and materiality of the information likely to be thereby elicited, the presiding officer will consider whether to grant Respondents' request for additional time before the

Commission. If transcripts are not provided to the presiding officer by May 3, 2013,
Respondents shall be deemed to have withdrawn their request.

This order shall be effective on the signature date below.

DATED this 19th day of April, 2013.

UTAH DEPARTMENT OF COMMERCE


Jennie T. Jonsson, Presiding Officer

CERTIFICATE OF SERVICE

I hereby certify that on the 19 day of April, 2013, the undersigned mailed a true and correct copy of the foregoing document by first class mail, postage prepaid, to:

GreenFolders, Inc.
Michael Shaun Kirby
c/o Steven G. Loosle, Paula W. Faerber
Kruse Landa Maycock & Ricks, LLC
136 East South Temple, Suite 2100
P.O. Box 45561
Salt Lake City, UT 84145-0561

and caused a copy to be hand delivered to:

Wade Farraway, Assistant Attorney General
Division of Securities
Heber M. Wells Building, 5th Floor

Division of Securities
c/o Ann Skaggs, Dave Hermansen
Heber M. Wells Building, 2nd Floor

