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

IN THE MATTER OF:

JARED BRENT MUIR,

Respondent.

**RESPONDENT'S OPPOSITION TO
MOTION TO STRIKE AFFIDAVIT OF
JARED BRENT MUIR**

Docket No. SD-13-0008

Respondent, by and through counsel, respectfully requests that the Division of Securities' Motion to Strike the Affidavit of Jared Brent Muir be denied since the statement made by Respondent in Paragraph 7 of his affidavit is not hearsay or qualifies as an exception to the hearsay rule under the Utah Rules of Evidence.

RELEVANT FACTS

1. On May 2, 2013, Respondent Muir submitted an affidavit in his own behalf in this matter.
2. Paragraph 7 of that Affidavit states, "Furthermore, Leffler, knowing that I wasn't involved with the transactions between US Tiger and the Petitioners, told me that he would make sure that everything against me was dropped."

Furthermore, even if Respondent's statement was considered hearsay, it is allowable as an exception to the hearsay rule by Rule 803(3) of the Utah Rules of Evidence. Rule (803)(3) states that "A statement of the declarant's then-existing state of mind (such as motive, intent, or plan) or emotional, sensory, or physical condition (such as mental feeling, pain, or bodily health)" is not excluded by the rule against hearsay. Once again, Respondent's statement is made to illustrate that pursuant to a conversation he had with Leffler, his state of mind regarding the Division's proceedings against him was not one of great concern. Because of Leffler's words, Respondent believed that Leffler was handling the situation and therefore Respondent did not need legal counsel and that his response was sufficient.

CONCLUSION

The Division's Motion to Strike Affidavit of Jared Brent Muir should be denied because the statement made by Respondent in Paragraph 7 of his affidavit is not hearsay and is therefore admissible. Furthermore, even if Respondent's statement is hearsay, it is still admissible as evidence pursuant to Rule (803)(3) of the Utah Rules of Evidence. Lastly, even if the tribunal does object to Paragraph 7 of the Affidavit, then only that paragraph should be stricken and not the entire affidavit.

Respectfully submitted this 14th day of May, 2013,

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/s/

Jalyn Peterson, signed electronically
Attorneys for Respondent