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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 MOTION TO  
AMEND ANSWER**

**Docket No. SD-13-0008**

Respondent, by and through counsel, and pursuant to Rule 151-4-204 of the Utah Administrative Code, requests leave of the presiding officer of this case to amend Respondent's answer that was filed electronically, as agreed upon in the March 18, 2013 hearing, on April 17, 2013.

**RELEVANT FACTS**

1. An Order to Show cause was initiated by the Division of Securities ("Division") pursuant to U.C.A. § 61-1-20(1) against Respondent for an alleged violation of U.C.A. § 61-1-1 on January 8, 2013.
2. Pursuant to U.C.A. § 61-1-20(1)(a), a hearing before the Securities Commission on the Division's Order to Show Cause was held on March 18, 2013.

3. The Notice of Agency Action was changed to March 18, 2013 at said hearing.
4. Pursuant to U.A.C. R151-4-205, Respondent was given until April 17, 2013 to electronically file a response to the Order to Show Cause.
5. Without the benefit of legal counsel, Respondent filed a response on April 17, 2013 that did not comply with U.C.A. § 63G-4-204.
6. When request was made by Respondent's legal counsel on April 19, 2013 under U.A.C. R151-4-109 for an extension to file a response in compliance with U.C.A. § 63G-4-204, the request was denied.
7. The Division filed a Motion for Entry of Default Judgment against Respondent on April 23, 2013.

#### ARGUMENT

#### JUSTICE REQUIRES THAT RESPONDENT BE GRANTED LEAVE TO FILE AN AMENDED ANSWER IN THE CASE

Rule 151-4-204(1)(b) of the Utah Administrative Code states that a party may amend a pleading "by leave of the presiding officer or by written consent of the adverse party." The Utah Rules of Civil Procedure, which are persuasive authority in this matter, also state that "leave [to amend a pleading] shall be freely given when justice so requires." U.R.C.P. Rule 15(a). The Supreme Court of Utah has interpreted U.R.C.P. Rule 15(a) as follows:

"Rule 15(a), Utah Rules of Civil Procedure, permits amendment with leave of the court and states that "leave shall be freely given when justice so requires." In *Cheney v. Rucker*, **14 Utah 2d** 205, 211, **381 P.2d** 86, 91 (1963), we held that rule 15 should be interpreted liberally so as to allow parties to have their claims fully adjudicated: "[The rules of civil procedure] must all be looked to in the light of their even more fundamental purpose of liberalizing both pleading and procedure to the end that the parties are afforded the privilege of presenting whatever legitimate contentions they have pertaining to their dispute." See also *Johnson v. Brinkerhoff*, **89 Utah** 530, 538-39, **57 P.2d** 1132, 1136 (1936) ("[T]he policy of the law is toward liberality in the allowance of amendments and to regard them favorably in order that the real controversy between the parties may be presented, their rights determined, and the cause decided."); *Hancock v. Luke*, **46 Utah**



