

Maria E. Heckel (10761)
RAY QUINNEY & NEBEKER P.C.
36 South State Street, 14th Floor
Salt Lake City, Utah 84145-0385
Telephone: (801) 532-1500
Facsimile: (801) 532-7543
mheckel@rqn.com

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JUN 13 2012
Utah Department of Commerce
Division of Securities

Attorneys for Respondent Jack Phillips

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

IN THE MATTER OF:

JACK PHILLIPS,
JAMES D. ELLIOTT,

Respondents.

**STIPULATED MOTION TO VACATE
SCHEDULING ORDER AND SET NEW
SCHEDULING CONFERENCE AND
HEARING DATES**

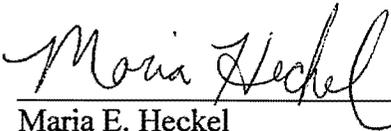
Docket No. SD-12-0001
Docket No. SD-12-0002

Respondent Jack Phillips and the Utah Division of Securities (“the Division”) hereby stipulate and jointly move the Administrative Law Judge to vacate the scheduling order dated March 8, 2012 and set a new scheduling conference and hearing dates in this matter. Jack Phillips and the Division agree that a new scheduling conference and new hearing date are necessary under the circumstances of the case. Progress in preparing this matter for a hearing has been delayed because the Division has faced substantial difficulty in serving Respondent James D. Elliott. To this date, Mr. Elliott has not been served with the Notice of Hearing in this

matter. Moreover, under the circumstances, the parties have not had sufficient opportunity to conduct discovery in advance of the June 13, 2012 deadline for filing dispositive motions, and the parties agree that this deadline should be extended. Jack Phillips and the Utah Division of Securities stipulate that the hearing in this matter should be moved from July 2012 to September 2012 in order to accommodate the circumstances of the case and counsels' schedules. Even with such an extension, the hearing will still be concluded within 240 calendar days after the day on which the notice of agency action was issued (January 3, 2012), in compliance with R151-4-109. This two month delay will not prejudice the health, safety or welfare of the public.

DATED this 13th day of June, 2012.

RAY QUINNEY & NEBEKER P.C.



Maria E. Heckel

Attorneys for Respondent Jack Phillips

DATED this 13th day of June, 2012.



Scott Davis

Assistant Attorney General
Utah Attorney General's Office

CERTIFICATE OF SERVICE

I hereby certify on this 13th day of June 2012, a true and correct copy of the

STIPULATED MOTION TO VACATE SCHEDULING ORDER AND SET NEW

SCHEDULING CONFERENCE AND HEARING DATES was served by hand via courier, to

the following:

Administrative Court Clerk
c/o Julie Price
UTAH DIVISION OF SECURITIES
160 East 300 South, 2nd Floor
Post Office Box 146760
Salt Lake City, Utah 84114-6760

Angela Hendricks
Administrative Law Judge
UTAH DIVISION OF SECURITIES
160 East 300 South, 2nd Floor
Post Office Box 146760
Salt Lake City, Utah 84114-6760

D. Scott Davis
Assistant Attorney General
UTAH ATTORNEY GENERAL'S OFFICE
160 East 300 South, 5th Floor
Salt Lake City, Utah 84114-0872

with a true and correct copy being sent via U.S. Mail to the following:

James D. Elliott
5131 Prince Phillip Cv.
Brentwood, TN 37027

1187834

A handwritten signature in cursive script, appearing to read "Paul Henderson", is written over a horizontal line.