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8 Attorney for Non-Party Movants

9  
10 **IN THE UNITED STATES DISTRICT COURT**  
11 **FOR THE DISTRICT OF ARIZONA**

12 AF HOLDINGS, L.L.C., a St. Kitts and  
13 Nevis limited liability company,

Case No.: 2:12-cv-02143-PHX –DGC

14 Plaintiff,

**REQUEST FOR RULING**

15 v.

16 MATHEW MICHUTA,

17 Defendant.  
18

19 The Non-Party Movants, through undersigned counsel, respectfully request that  
20 the Court rule on their Motion For The Court to (1) Enter An Order Staying Litigation or  
21 Discovery, (2) Order Quashing Plaintiff's Subpoena and (3) Entry of a Protective Order  
22 (Doc No. 44).

23 On March 25, 2013 the above motion was filed and electronically served upon  
24 Plaintiff. Pursuant to LRCiv. 7.2(c) and Rule 6(d), Fed R. Civ. P., Plaintiff's deadline to  
25 file a responsive memorandum was April 11, 2013. That time has passed, and Plaintiff  
26 has failed to file and serve same. Pursuant to LRCiv. 7.2(i), a failure to file a responsive  
27 memorandum "may be deemed a consent to the denial or granting of the motion and the  
28 Court may dispose of the motion summarily."

Further, the April 2, 2013 hearing in the consolidated cases of *Ingenuity 13, LLC*

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1 v. *Doe*, 2:12-cv-08333 went forward as scheduled, but only lasted approximately 15  
2 minutes. The hearing ended after those ordered by Judge Otis Wright, II to attend,  
3 including John Steele, Paul Hansmeier and Paul Duffy among others, invoked their 5th  
4 Amendment rights against self-incrimination. (See Doc No. 103). That hearing only  
5 serves to reinforce the need to stay litigation, quash the subpoenas and entry of a  
6 protective order.

7  
8 RESPECTFULLY submitted this 16th day of April, 2013.

9  
10 **KELLY / WARNER, PLLC**

11 By /s/ Paul D. Ticen  
12 Paul D. Ticen  
13 404 S. Mill Ave, Suite C-201  
14 Tempe, Arizona 85281  
15 Attorney for Non-Party Movants

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**CERTIFICATE OF FILING AND SERVICE**

Pursuant to the Case Management/Electronic Case Filing Administrative Policies and Procedures Manual (“CM/ECF Manual”) of the United States District Court for the District of Arizona, I hereby certify that on April 16, 2013, I electronically filed:

**REQUEST FOR RULING**

with the U.S. District Court clerk’s office using the ECF system, which will send notification of such filing to the assigned Judge and to the following counsel of record:

Steven James Goodhue  
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