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1 Michael D. Kimerer #002492
 2 KIMERER & DERRICK, P.C.
 3 221 East Indianola Avenue
 4 Phoenix, AZ 85012
 5 Telephone: 602-279-5900
 6 Facsimile: 602-264-5566
 7 mdk@kimerer.com

RECEIVED
 2011 OCT 25 P 4: 34
 AZ CORP COMMISSION
 DOCKET CONTROL

6 Attorneys for Respondents

7 **BEFORE THE ARIZONA CORPORATION COMMISSION**

8 In the matter of:)

DOCKET NO. S-20814A-11-0313

9 Plaintiff,)

MOTION TO ASSOCIATE COUNSEL
PRO HAC VICE

10 DAVID PAUL SMOOT and MARIE)
 11 KATHLEEN SMOOT (a.k.a. "KATHY)
 12 SMOOT"), husband and wife,)

13 NATIVE AMERICAN WATER, L.L.C.)
 14 (d.b.a. "NATAWA"), an Arizona limited)
 liability company,)

15 NATAWA CORPORATION (d.b.a.)
 16 "NATAWA"), a Delaware corporation with)
 17 a revoked authorization to conduct business)
 in Arizona as a foreign corporation,)

Arizona Corporation Commission
DOCKETED

OCT 25 2011

18 AMERICAN INDIAN TECHNOLOGIES)
 19 INTERNATIONAL, L.L.C. (a.k.a.)
 20 "AITT"), an Arizona limited liability)
 Company,)


DOCKETED BY	<i>[Signature]</i>
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21 Respondents)
22)

23
 24 Pursuant to Arizona Rules of the Supreme Court, Rule 38C, undersigned counsel, a
 25 member in good standing of the Arizona State Bar, moves to associate counsel *pro hac vice*
 26 with Timothy J. Galligan, Esq., a member (#92174) of the California State Bar. The original
 27 verified application filed with the State Bar of Arizona, the original certificates of good
 28 standing, and the State Bar of Arizona Notice are attached as required by the aforesaid Rule

1 (See Exhibit A). Proof of service on all parties known to this Respondent is attached (See
2 Exhibit B) together with a proposed order as required by said Rule.

3 DATED this 25th day of October, 2011.

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6 **Michael D. Kimerer**
7 KIMERER & DERRICK, P.C.
8 221 East Indianola Avenue
9 Phoenix, Arizona 85012
10 Local Counsel for Respondents

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EXHIBIT A



Attn: Pro Hac Vice Dept
 PO Box 53099
 Phoenix, AZ 85072-3099
 Phone: 602-340-7239

For Official Use Only
 App# 1006413
 Bar Number# 918198

Application for Appearance Pro Hac Vice

PART I: Applicant Information

Name of Applicant: TIMOTHY J. GALLIGAN
 Firm/Company Name: LAW OFFICES OF TIMOTHY J. GALLIGAN
 Office Address: 5 BOREALIS WAY CASTLE ROCK, CO 80108
 Telephone: (650) 504-7788 Fax: (303) 660-8787 Email Address: timothyjgalligan@yahoo.com
 Residence Address: SAME
 Title of cause or case where applicant seeks to appear: ACC^o IN RE DAVID P. SMOOT, ET AL
 Docket Number: S-20814A-11-0313
 Court, Board, or Administrative Agency: ACC
 Party on whose behalf applicant seeks to appear: DAVID P. SMOOT

Pursuant to Arizona Supreme Court Rule 38(i)(3), the applicant shall complete the information below:

Courts to Which Applicant Has Been Admitted: <small>(Attach additional pages if needed)</small>	Date of Admission:	Bar Number:
<u>All courts in California</u>	<u>5-30-80</u>	<u>92174</u>
_____	_____	_____
_____	_____	_____
_____	_____	_____

Applicant is a member in good standing in such courts.

Applicant is not currently disbarred or suspended in any court.

Applicant is / is not (select one) currently subject to any pending disciplinary proceeding or investigation by any court, agency or organization authorized to discipline attorneys at law.

In the preceding three (3) years, applicant has filed applications to appear as counsel under AZ ST S.Ct., Rule 38(a) in the following:

Title of Matter:	Docket #:	Court or Agency:	App Granted? (Y/N)
_____	_____	_____	_____
_____	_____	_____	_____
_____	_____	_____	_____

This case or cause is / is not (select one) a related or consolidated matter for which applicant has previously applied to appear pro hac vice in Arizona. If this matter is a related or consolidated with any previous application, Applicant certifies that he/she will review and comply with appropriate rules of procedure as required in the underlying cause.

If applicable, please provide related or consolidated matter application or docket# _____

PART II: Local Counsel Information

Name of Arizona Local Counsel: MICHAEL J. KIMERER

State Bar of Arizona Number: 2492

Address: 271 E INDIANOLA AVE PHOENIX, AZ 85012

Telephone: (602) 279-5900 Fax: (602) 264-5566 Email Address: _____

- Local Counsel is a member in good standing.
- Local Counsel associating with a nonresident attorney in a particular cause shall accept joint responsibility with the nonresident attorney to the client, to opposing parties and counsel, and to court, board, or administrative agency in that particular cause.

PART III: Parties and Certification

Name(s) of each party in this cause and name and address of all counsel of record:

Party: <u>STATE OF ARIZONA</u>	Counsel of Record: <u>WILLIAM W. BLACK</u>	Address: <u>1300 W WASHINGTON 3RD FLOOR PHOENIX, AZ 85007</u>
_____	_____	_____
_____	_____	_____
_____	_____	_____

Applicant is including with this application a nonrefundable application fee, payable to the State Bar of Arizona, in the amount of \$460.00. Fifteen percent of the non-refundable application fee paid pursuant to this section shall be deposited into a civil legal services fund to be distributed by the Arizona Foundation for Legal Services and Education entirely to approved legal services organizations, as that term is defined in subparagraph (f) of this rule. *SEE ATTACHED. CLIENT IS INDIGENT, MEETS STATE OF AZ CRITERIA. THIS IS A PRO BONO CASE.*

Applicant is furnishing a certificate from the state bar or from the clerk of the highest admitting court of each state, territory, or insular possession of the United States in which the nonresident attorney has been admitted to practice law certifying the nonresident attorney's date of admission to such jurisdiction and the current status of the nonresident attorney's membership or eligibility to practice therein. The certificate furnished shall be no more than forty-five (45) days old. *BEING MAILED*

- Applicant certifies the following: *TO YOU BY THE STATE BAR OF AZ.*
1. Applicant shall be subject to the jurisdiction of the courts and agencies of the State of Arizona and to the State Bar of Arizona with respect to the law of this state governing the conduct of attorneys to the same extent as an active member of the State Bar of Arizona, as provided in Rule 46(b) Rules of the Supreme Court.
 2. Applicant will review and comply with appropriate rules of procedure as required in the underlying cause.
 3. Applicant understands and shall comply with the standards of conduct required of members of the State Bar of Arizona.

Verification

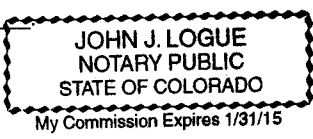
STATE OF COLORADO)
 County of DOUGLAS) ss.

I, TIMOTHY J. GALLIGAN, swear that all statements in the application are true, correct and complete to the best of my knowledge and belief.

Dated: 9-19-11 Applicant's Signature: [Signature]

SUBSCRIBED AND SWORN TO before me this 19th day of September, 2011, by

Timothy J. Galligan
Name of Applicant



[Signature]
Notary Public



THE STATE BAR OF CALIFORNIA

MEMBER SERVICES CENTER

180 HOWARD STREET, SAN FRANCISCO, CALIFORNIA 94105-1617

TELEPHONE: 888-800-3400

CERTIFICATE OF STANDING

October 6, 2011

TO WHOM IT MAY CONCERN:

This is to certify that according to the records of the State Bar, TIMOTHY JUDE GALLIGAN, #092174 was admitted to the practice of law in this state by the Supreme Court of California on May 30, 1980; that from the date of admission to July 6, 1981, he was an ACTIVE member of the State Bar of California; that on July 6, 1981, he was suspended from the practice of law in California by order of the Supreme Court for nonpayment of State Bar membership fees; that said suspension remained in effect to October 8, 1982 upon which last mentioned date he was reinstated by the Supreme Court upon payment of all delinquent State Bar fees and penalties; that from that date to December 11, 1987, he was an ACTIVE member of the State Bar of California; that on December 11, 1987, he transferred at his request to the INACTIVE status as of June 1, 1987; that from that date to August 26, 1991, he was an INACTIVE member of the State Bar of California; that on August 26, 1991, he transferred at his request to the ACTIVE status; that he has been since that date, and is at date hereof, an ACTIVE member of the State Bar of California; and that no recommendation for discipline for professional or other misconduct has ever been made by the Board of Governors or a Disciplinary Board to the Supreme Court of the State of California.

THE STATE BAR OF CALIFORNIA

Kath Lambert
Custodian of Membership Records

1 **Arizona Corporation Commission**

2 In the Matter of David P Smoot ,)
Plaintiff)
3)
4 v.)
5 Defendant.)

CASE # S 20814A110313

SBA App #1006413

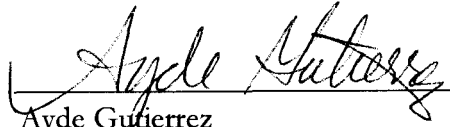
NOTICE OF RECEIPT OF COMPLETE APPLICATION

6
7 NOTICE IS HEREBY given by THE STATE BAR OF ARIZONA that it has received the verified application and fee from Timothy Galligan.

8 In addition to this application, applicant has made the following applications to appear pro hac vice, pursuant to Rule38 (a), within the previous three (3) years:

Title of Matter	Court/Agency	Date	Granted?
Exhibit A, the original verified application and Exhibit B, the original Certificate(s) of Good Standing are attached hereto.			

13 DATED this 18th day of October 2011

14
15 
16 Ayde Gutierrez
Resource Center
State Bar of Arizona

18 Original Mailed on this 18th day of October 2011 to:

19 Michael D Kimerer
20 Kimerer & Derrick PC
21 221 E Indianola Ave
Phoenix, AZ 85012-2002

EXHIBIT B

1 Michael D. Kimerer #002492
2 KIMERER & DERRICK, P.C.
3 221 East Indianola Avenue
4 Phoenix, AZ 85012
5 Telephone: 602-279-5900
6 Facsimile: 602-264-5566
7 mdk@kimerer.com

8 Attorneys for Respondents

9 **BEFORE THE ARIZONA CORPORATION COMMISSION**

10 In the matter of:)	
)	DOCKET NO. S-20814A-11-0313
11 Plaintiff,)	
)	
12 DAVID PAUL SMOOT and MARIE)	PROOF OF SERVICE BY MAIL
13 KATHLEEN SMOOT (a.k.a. "KATHY)	
14 SMOOT"), husband and wife,)	
)	
15 NATIVE AMERICAN WATER, L.L.C.)	
16 (d.b.a. "NATAWA"), an Arizona limited)	
17 liability company,)	
)	
18 NATAWA CORPORATION (d.b.a.)	
19 "NATAWA"), a Delaware corporation with)	
20 a revoked authorization to conduct business)	
21 in Arizona as a foreign corporation,)	
)	
22 AMERICAN INDIAN TECHNOLOGIES)	
23 INTERNATIONAL, L.L.C. (a.k.a.)	
24 "AITT"), an Arizona limited liability)	
25 Company,)	
)	
26 Respondents)	
)	

27 I, Michael D. Kimerer, declare:

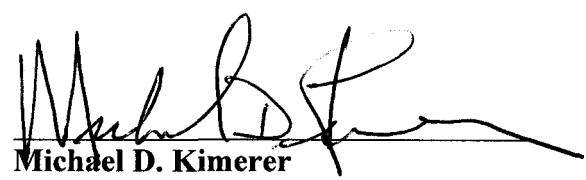
28 I am a member in good standing of the Arizona State Bar and my offices are located at the address appearing below my signature.

On October 25, 2011, I served the within Motion to Associate Counsel *Pro Hac Vice* together with all Exhibits, this Proof of Service and the proposed order by mailing copies to:

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Michael Dailey, Esq.
Arizona Corporations Commission – Securities Division
1300 West Washington Street, Third Floor
Phoenix, AZ 85007

DATED this 25th day of October, 2011.



Michael D. Kimerer
KIMERER & DERRICK, P.C.
221 East Indianola Avenue
Phoenix, Arizona 85012
Local Counsel for Respondents