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BEFORE THE ARIZONA CORPORATI

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COMMISSIONERS:

JEFF HATCH-MILLER, Chairman
WILLIAM A. MUNDELL
MAC SPITZER
MIKE GLEASON
KRISTIN K. MAYES

In the matter of:

YUCATAN RESORTS, INC., d/b/a
YUCATAN RESORTS, S.A.,
3222 Mishawaka Avenue
South Bend, IN 46615;
P. O. Box 2661
South Bend, IN 46680;
Av. Coba #82 Lote 10, 3er. Piso
Cancun, Q. Roo
Mexico C.P. 77500

RESORT HOLDINGS INTERNATIONAL,
INC. d/b/a
RESORT HOLDINGS INTERNATIONAL,
S.A.,
3222 Mishawaka Avenue
South Bend, IN 46615;
P. O. Box 2661
South Bend, IN 46680;
Av. Coba #82 Lote 10, 3er. Piso
Cancun, Q. Roo
Mexico C.P. 77500

WORLD PHANTASY TOURS, INC.
a/k/a MAJESTY TRAVEL
a/k/a VIAJES MAJESTY
Calle Eusebio A. Morales
Edificio Atlantida, P Baja
APDO, 8301 Zona 7 Panama

MICHAEL E. KELLY and LORI KELLY,
husband and wife,
3222 Mishawaka Avenue
South Bend, IN 46615;
P. O. Box 2661
South Bend, IN 46680;

Respondents.

DOCKET NO. S-03539A-03-0000

RESPONDENTS' JOINT APPLICATION
FOR ISSUANCE OF ADMINISTRATIVE
SUBPOENA DUCES TECUM TO
ROY DEAN HIGGS

Arizona Corporation Commission
DOCKETED

APR 04 2005

[Handwritten signature]

AZ CORP COMMISSION
DOCUMENT CONTROL

2005 APR -4 P 1:12

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1 Pursuant to A.A.C. R14-3-109(O), R14-3-109(P) and A.R.S. §44-1823(A), Respondents
2 request the issuance of an Administrative Subpoena Duces Tecum to the following individual:

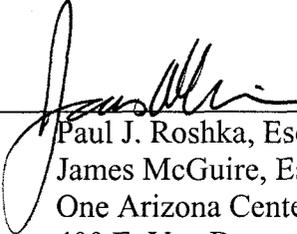
3 Roy Dean Higgs

4 The Securities Division informed counsel for Respondents that the above individual would
5 be testifying at the hearing on Monday, April 4, 2005.

6 The enclosed Subpoena seeks the attendance of Mr. Higgs at a deposition scheduled for
7 April 18, 2005, and the production of various documents that are relevant to the witnesses'
8 potential testimony and cross examination. These documents are set forth in Exhibit "A" to the
9 subpoena.
10

11 RESPECTFULLY SUBMITTED this 4th day of April, 2005.

12 ROSHKA HEYMAN & DeWULF, PLC
13

14 By 

15 Paul J. Roshka, Esq.
16 James McGuire, Esq.
17 One Arizona Center
18 400 E. Van Buren St.
19 Suite 800
20 Phoenix, Arizona 85004
21 Attorneys for Respondent
22 Michael Kelly

23 and

24 Martin R. Galbut, Esq. (#002943)
25 GALBUT & HUNTER
26 A Professional Corporation
27 2425 East Camelback, Suite 1020
Phoenix, Arizona 85016
Attorneys for Respondents Yucatan Resorts,
Inc., Yucatan Resorts S.A., RHI, Inc., and RHI,
S.A.

and

BAKER & McKENZIE, LLP
Joel Held

ROSHKA HEYMAN & DEWULF, PLC
ONE ARIZONA CENTER
400 EAST VAN BUREN - SUITE 800
PHOENIX, ARIZONA 85004
TELEPHONE NO 602-256-6100
FACSIMILE 602-256-6800

ROSHKA HEYMAN & DEWULF, PLC

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Elizabeth L. Yingling
Jeffrey D. Gardner
2300 Trammel Crow Center
2001 Ross Avenue – Ste. 2300
Dallas Texas 75201
Attorneys for Respondents
Yucatan Resorts, Inc.; Yucatan Resorts, S.A.;
RHI, Inc.; RHI, S.A.

ORIGINAL and 13 copies of the foregoing
and the Subpoenas referenced herein
hand-delivered this 4th day of April, 2005 to:

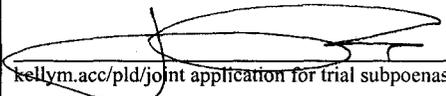
Docket Control
Arizona Corporation Commission
1200 West Washington Street
Phoenix, Arizona 85007

COPY of the foregoing and the Subpoenas
referenced herein hand-delivered
this 4th day of April, 2005 to:

Brian C. McNeil
Executive Secretary
1200 West Washington Street
2nd Floor
Phoenix, Arizona 85007

Honorable Marc Stern
Administrative Law Judge
Hearing Division
Arizona Corporation Commission
1200 West Washington Street
Phoenix, Arizona 85007

Jaime Palfai, Esq.
Matthew J. Neubert, Esq.
Securities Division
Arizona Corporation Commission
1300 West Washington Street, 3rd Floor
Phoenix, Arizona 85007


kellym.acc/pld/joint application for trial subpoenas.4.doc

ROSHKA HEYMAN & DeWULF, PLC
ONE ARIZONA CENTER
400 EAST VAN BUREN - SUITE 800
PHOENIX, ARIZONA 85004
TELEPHONE NO 602-256-6100
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TO: Roy Dean Higgs

Pursuant to A.A.C. R14-3-109(O), R14-3-109(P) and A.R.S. §44-1823(A), you are commanded to appear and give testimony at the time and place specified below:

DATE AND TIME OF PERSONAL APPEARANCE: Thursday, April 28, 2005, at 9:30 a.m.

BEFORE WHOM APPEARANCE TO BE MADE: Court Reporter

PLACE OF APPEARANCE: Offices of Roshka Heyman & DeWulf
400 East Van Buren
Suite 800
Phoenix, AZ 85004

Pursuant to A.A.C. R14-3-109(O), it is ordered that you produce the documents listed on attached Exhibit "A."

You have been subpoenaed by Respondents, whose attorney's name, address and telephone number is:

Paul J. Roshka, Jr. Esq.
James M. McGuire, Esq.
ROSHKA HEYMAN & DEWULF, PLC
One Arizona Center
400 East Van Buren Street, Suite 800
Phoenix, AZ 85004 (602) 256-6100

A.R.S. §44-1823(A), provides as follows:

For the purpose of investigations or hearings which, in the opinion of the commission, are necessary and proper for the enforcement of this chapter, any member of the commission, the director or any officer or officers designated by the commission, may administer oaths and affirmations, subpoena witnesses, take evidence and require by subpoena duces tecum or by citation the production of books, papers, contacts, agreements or other documents, records or information, whether filed or kept in original form or electronically stored or recorded which the commission deems relevant or material to the inquiry.

In accordance with Rule 45 of the Arizona Rules of Civil Procedure, the full text of subdivision (a)(1)(D) of Rule 45 is set forth below:

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Your Duties in Responding to This Subpoena

You have the duty to produce the documents requested as they are kept by you in the usual course of business, or you may organize the documents and label them to correspond with the categories set forth in this subpoena. See Rule 45(d)(1) of the Arizona Rules of Civil Procedure.

If this subpoena asks you to produce and permit inspection and copying of designated books, papers, documents, tangible things, or the inspection of premises, you need not appear to produce the items unless the subpoena states that you must appear for a deposition, hearing or trial. See Rule 45(c)(2)(A) of the Arizona Rules of Civil Procedure.

Your Right to Object

The party or attorney serving the subpoena has a duty to take reasonable steps to avoid imposing an undue burden or expense on you. See Rule 45(c)(1) of the Arizona Rules of Civil Procedure.

You may object to this subpoena if you feel that you should not be required to respond to the request(s) made. Any objection to this subpoena must be made within 14 days after it is served upon you, or before the time specified for compliance, by providing a written objection to the party or attorney serving the subpoena. See Rule 45(c)(2)(B) of the Arizona Rules of Civil Procedure.

If you object because you claim the information requested is privileged or subject to protection as trial preparation material, you must express the objection clearly, and support each objection with a description of the nature of the document, communication or item not produced so that the demanding party can contest the claim. See Rule 45(d)(2) of the Arizona Rules of Civil Procedure.

If you object to the subpoena in writing you do not need to comply with the subpoena until ordered to do so. It will be up to the party or attorney serving the subpoena to seek an to compel you to provide the documents or inspection requested, after providing notice to you. See Rule 45(c)(2)(B) of the Arizona Rules of Civil Procedure.

You also may file a motion in the superior court of the county in which the case is pending to quash or modify the subpoena if the subpoena:

- (i) does not provide a reasonable time for compliance;
- (ii) requires a non-party or officer of a party to travel to a county different from the county where the person resides or does business in person; or to travel to a county different from where the subpoena was served; or to travel to a place farther than 40 miles from the place of service; or to travel to a place different from any other convenient place fixed by an order of a court, except that a subpoena for you to appear and testify at trial can command you to travel from any place within the state;
- (iii) requires the disclosure of privileged or protected information and no waiver or exception applies; or
- (iv) subjects you to an undue burden. See Rule 45(c)(3)(A) of the Arizona Rules of Civil Procedure.

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If this subpoena:

- (i) requires disclosure of a trade secret or other confidential research, development, or commercial trade information; or
- (ii) requires disclosure of an unretained expert's opinion or information not describing specific events or occurrences in dispute and resulting from the expert's study made not at the request of any party; or
- (iii) requires a person who is not a party or an officer of a party to incur substantial travel expense;

The court may either quash or modify the subpoena, or the court may order you to appear or produce documents only upon specified conditions, if the party who served the subpoena shows a substantial need for the testimony or material that cannot be otherwise met without undue hardship and assures that you will be reasonably compensated. See Rule 45(c)(3)(B) of the Arizona Rules of Civil Procedure.

You may also lodge an objection to the subpoena with the Arizona Corporation Commission (the "Commission") if you feel that you should not be required to respond for any of the reasons cited above. Any objection to this subpoena must be made in writing at the address below:

Arizona Corporation Commission
Hearings Division
1200 West Washington
Phoenix, Arizona 85007

with a copy provided to the party or attorney serving the subpoena:

Paul J. Roshka, Jr., Esq.
James M. McGuire, Esq.
ROSHKA HEYMAN & DEWULF, PLC
One Arizona Center
400 East Van Buren Street, Suite 800
Phoenix, AZ 85004 (602) 256-6100

If you file an objection, you must express the objections clearly, and support each objection so that the demanding party can contest the claim.

The Commission may either quash or modify the subpoena, or may order you to appear or produce documents only upon specified conditions, if the party who served the subpoena shows a substantial need for the testimony or material that cannot be otherwise met without undue hardship and assures that you will be reasonably compensated. See Rule 45(c)(3)(B) of the Arizona Rules of Civil Procedure.

A command to produce evidence or permit inspection may be joined with a command to appear at trial or hearing or at deposition, or may be issued separately.

1 **REQUESTS FOR REASONABLE ACCOMMODATIONS FOR PERSONS WITH**
2 **DISABILITIES MUST BE MADE TO THE DIVISION ASSIGNED TO THE CASE BY THE**
3 **PARTIES AT LEAST THREE (3) JUDICIAL DAYS IN ADVANCE OF A SCHEDULED**
4 **COMMISSION PROCEEDING.**

5 **DISOBEDIANCE OF THIS SUBPOENA CONSTITUTES CONTEMPT OF THE**
6 **ARIZONA CORPORATION COMMISSION, AND IS PUNISHABLE, PURSUANT TO A.R.S.**
7 **§§ 40-424.**

8 Given under the hand and seal of the Arizona Corporation Commission this ____ day of
9 April, 2005.

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Brian C. McNeil, Executive Secretary

ROSHKA HEYMAN & DEWULF, PLC

ONE ARIZONA CENTER
400 EAST VAN BUREN - SUITE 800
PHOENIX, ARIZONA 85004
TELEPHONE NO 602-256-6100
FACSIMILE 602-256-6800

EXHIBIT "A"

1. Copies of any and all documents in your possession referring or relating to Yucatan Resorts, Inc., Yucatan Resorts, S.A., Avalon Resorts, Resort Holdings International, Inc., Resort Holdings International, S.A., World Phantasy Tours, Majesty Travel, and/or the Universal Lease program associated with any of the entities.
2. Copies of all documents produced to the Arizona Corporation Commission in response to their subpoena to you that directed you to produce documents in this matter and to appear for an examination under oath, and/or appear for an administrative hearing, and/or any documents that you provided to the Commission at any other time.

kellym.acc/pld/trial subpoena Roy Dean Higgs.1.doc

ROSHKA HEYMAN & DEWULF, PLC

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400 EAST VAN BUREN - SUITE 800
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