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BEFORE THE ARIZONA CORPORATION COMMISSION

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**COMMISSIONERS:**

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

2005 MAR 30 P 4: 29

AZ CORP COMMISSION  
DOCUMENT CONTROL

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  
HEARING SUBPOENA DUCES TECUM  
TO TYSON JOSEPH HILAND**

Arizona Corporation Commission  
**DOCKETED**

MAR 30 2005

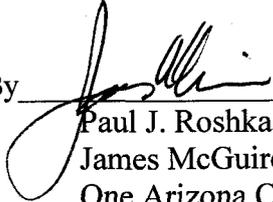
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1 Pursuant to A.A.C. R14-3-109(O) and A.R.S. §44-1823(A), Respondents request the  
2 issuance of an Administrative Hearing Subpoena Duces Tecum to the following individual:

3 Tyson Joseph Hiland  
4

5 RESPECTFULLY SUBMITTED this 30<sup>th</sup> day of March, 2005.  
6

7 ROSHKA HEYMAN & DeWULF, PLC

8  
9 By 

10 Paul J. Roshka, Esq.  
11 James McGuire, Esq.  
12 One Arizona Center  
13 400 E. Van Buren St.  
14 Suite 800  
15 Phoenix, Arizona 85004  
16 Attorneys for Respondent  
17 Michael Kelly

18 and

19 Martin R. Galbut, Esq. (#002943)  
20 GALBUT & HUNTER  
21 A Professional Corporation  
22 2425 East Camelback, Suite 1020  
23 Phoenix, Arizona 85016  
24 Attorneys for Respondents Yucatan Resorts,  
25 Inc., Yucatan Resorts S.A., RHI, Inc., and RHI,  
26 S.A.

27 and

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

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BAKER & MCKENZIE, LLP  
Joel Held  
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 30<sup>th</sup> day of March, 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 30<sup>th</sup> day of March, 2005 to:

Brian C. McNeil  
Executive Secretary  
1200 West Washington Street  
2<sup>nd</sup> 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. 3.doc

1 **BEFORE THE ARIZONA CORPORATION COMMISSION**

2 **COMMISSIONERS:**

3 **JEFF HATCH-MILLER, Chairman**  
4 **WILLIAM A. MUNDELL**  
5 **MARC SPITZER**  
6 **MIKE GLEASON**  
7 **KRISTIN K. MAYES**

8 In the matter of:

9 **YUCATAN RESORTS, INC., d/b/a**  
10 **YUCATAN RESORTS, S.A.,**  
11 3222 Mishawaka Avenue  
12 South Bend, IN 46615;  
13 P. O. Box 2661  
14 South Bend, IN 46680;  
15 Av. Coba #82 Lote 10, 3er. Piso  
16 Cancun, Q. Roo  
17 Mexico C.P. 77500

18 **RESORT HOLDINGS INTERNATIONAL,**  
19 **INC. d/b/a**  
20 **RESORT HOLDINGS INTERNATIONAL,**  
21 **S.A.,**  
22 3222 Mishawaka Avenue  
23 South Bend, IN 46615;  
24 P. O. Box 2661  
25 South Bend, IN 46680;  
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**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

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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 SUBPOENA**  
**DUCES TECUM TO**  
**TYSON JOSEPH HILAND**



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

3 **Your Duties in Responding to This Subpoena**

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

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

11 **Your Right to Object**

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

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

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

24 If you object to the subpoena in writing you do not need to comply with the subpoena until  
25 ordered to do so. It will be up to the party or attorney serving the subpoena to seek an to compel  
26 you to provide the documents or inspection requested, after providing notice to you. See Rule  
27 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:

- 21 (i) does not provide a reasonable time for compliance;
- 22 (ii) requires a non-party or officer of a party to travel to a county different from the  
23 county where the person resides or does business in person; or to travel to a county different from  
24 where the subpoena was served; or to travel to a place farther than 40 miles from the place of  
25 service; or to travel to a place different from any other convenient place fixed by an order of a  
26 court, except that a subpoena for you to appear and testify at trial can command you to travel from  
27 any place within the state;
- (iii) requires the disclosure of privileged or protected information and no waiver or  
exception applies; or

ROSHKA HEYMAN & DEWULF, PLC  
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FACSIMILE 602-256-6800

1 (iv) subjects you to an undue burden. See Rule 45(c)(3)(A) of the Arizona Rules of  
Civil Procedure.

2 If this subpoena:

3 (i) requires disclosure of a trade secret or other confidential research, development, or  
commercial trade information; or

4 (ii) requires disclosure of an unretained expert's opinion or information not describing  
5 specific events or occurrences in dispute and resulting from the expert's study made not at the  
request of any party; or

6 (iii) requires a person who is not a party or an officer of a party to incur substantial  
7 travel expense;

8 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  
9 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  
10 Arizona Rules of Civil Procedure.

11  
12 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  
13 the reasons cited above. Any objection to this subpoena must be made in writing at the address  
below:

14 Arizona Corporation Commission  
15 Hearings Division  
1200 West Washington  
16 Phoenix, Arizona 85007

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

18 Paul J. Roshka, Jr., Esq.  
James M. McGuire, Esq.  
19 ROSHKA HEYMAN & DEWULF, PLC  
One Arizona Center  
20 400 East Van Buren Street, Suite 800  
Phoenix, AZ 85004 (602) 256-6100

21  
22  
23 If you file an objection, you must express the objections clearly, and support each objection  
so that the demanding party can contest the claim.

24 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  
25 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  
26 of Civil Procedure.

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

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

7 **DISOBEDIANCE OF THIS SUBPOENA CONSTITUTES CONTEMPT OF THE**  
8 **ARIZONA CORPORATION COMMISSION, AND IS PUNISHABLE, PURSUANT TO A.R.S.**  
9 **§§ 40-424.**

10 Given under the hand and seal of the Arizona Corporation Commission this \_\_\_ day of  
11 March, 2005.

12 \_\_\_\_\_  
13 Brian C. McNeil, Executive Secretary

14 **ROSHKA HEYMAN & DEWULF, PLC**  
15 ONE ARIZONA CENTER  
16 400 EAST VAN BUREN - SUITE 800  
17 PHOENIX, ARIZONA 85004  
18 TELEPHONE NO 602-256-6100  
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EXHIBIT "A"

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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 which occurred on or about June 29, 2004, and/or any documents that you provided to the Commission at any other time.

kellym.acc/pld/trial subpoena Joseph Hiland.1.doc

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