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BEFORE THE ARIZONA CORPORATION COMMISSION

DOCKETED

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JUN 17 1998

DOCUMENT CONTROL

JIM IRVIN  
Commissioner-Chairman  
RENZ D. JENNINGS  
Commissioner  
CARL J. KUNASEK  
Commissioner

DOCKETED BY *[Signature]*

IN THE MATTER OF:

DOCKET NO. S-3177-I

FOREX INVESTMENT SERVICES  
CORPORATION  
2700 North Central Avenue, Suite 1110  
Phoenix, Arizona 85004

REQUEST FOR PRODUCTION OF  
DOCUMENTS TO THE SECURITIES  
DIVISION

et al.,

Respondents.

Pursuant to the Rules of Practice before the Arizona Corporation Commission and Rule 34 of the Arizona Rules of Civil Procedure, Respondents Forex Investment Services, Eastern Vanguard Forex Ltd., Eastern Vanguard Group Limited, K. (David) Sharma, Sammy Lee Chun Wing, Peter Suen Suk Tak, James Charles Simmons, Jr., Michael E. Cho, To Fai Cheng, Jean Yuen, Y & T dba Tokyo International Investments Ltd. and Guo Quan Zhang ("the Respondents") request that the documents or things designated in the attached list be produced for inspection and copying.

Except as provided otherwise in the attached list, the time and place of production are:

Time: Twenty (20) calendar days from the date of service of this Request.

Place: Roshka Heyman & DeWulf, Two Arizona Center, 400 North 5th Street, Suite 1000, Phoenix, Arizona 85004.

The attached list sets forth the items to be produced, either by individual item or by category; describes each item and category with reasonable particularity; and specifies the reasonable time, place and manner of making the production and performing the related acts in connection with each item.

1 The party upon whom this Request is served shall satisfy or object to it in writing within twenty  
2 (20) days from the date of service of this Request.

3 The Response shall state, with respect to each item or category, that the documents will be  
4 produced and related activities will be permitted as requested, unless the Request is objected to, in which  
5 event the reasons for objection shall be stated.

6 The documents or things sought by this Request include documents, information and things in the  
7 possession, custody or control of the parties or person(s), their attorneys and all present and former  
8 agents, servants, representatives, investigators and others who may have obtained custody of the  
9 documents and things on behalf of the party or their attorneys.  
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11 **Unless otherwise indicated, this Request covers the time frame of January 1, 1996 to the**  
12 **present.**

### 13 DEFINITIONS

14 For the purposes of this Request for Production of Documents, the following terms and references  
15 have been abbreviated and defined as follows:

16 1. The terms "and" and "or" shall be construed conjunctively or disjunctively, whichever  
17 makes the document request more inclusive.

18 2. The term "Securities Division" shall mean the Securities Division of the Arizona  
19 Corporation Commission.  
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21 3. The term "Respondents" shall mean Forex Investment Services, Eastern Vanguard Forex  
22 Ltd., Eastern Vanguard Group Limited, K. (David) Sharma, Sammy Lee Chun Wing, Peter Suen Suk  
23 Tak, James Charles Simmons, Jr., Michael E. Cho, To Fai Cheng, Jean Yuen, Y & T dba Tokyo  
24 International Investments Ltd. and Guo Quan Zhang.  
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1           4.       The term "Notice" is intended to include the Notice of Opportunity for Hearing for Docket  
2 Number S-3177-I.

3           5.       The terms "document" or "documents" include, without limiting their generality, all  
4 contracts, agreements, correspondence, letters, files, memoranda, messages, handwritten notes, e mail,  
5 inter- or intra-departmental or office or firm communications, telephone logs, telephone messages,  
6 computer disks, hard drives, telegrams, newsletters or other publications, stock certificates, stock  
7 options, promissory notes, appraisal reports, expressions of opinion as to value or use of real or personal  
8 property, valuation estimates of any kind, financial data, pro formas, estimates, financial projections,  
9 statements, credit and loan applications, accounting records and worksheets, financial statements,  
10 diaries, calendars, logs, desk diaries, appointment books, feasibility studies, recordings, notes of  
11 conversations, notes of meetings, notes of conferences, notes of investigations, notes of opinions, notes  
12 of interviews, written statements, recorded or taped interviews or statements, drafts of reports,  
13 preliminary reports, final reports, studies, forecasts, prospectuses, charts, graphs, maps, drawings or  
14 other representations or depictions, telephone records, motion picture film, audio or video tape  
15 recordings, facsimile copies, computer printouts, data card programs or other input or output of data  
16 processing systems, photographs (positive print, slides or negatives), microfilm or microfiche, or other  
17 data compilations from which information can be obtained or translated through detection devices into  
18 reasonably usable form, whether originals or copies, altered or unaltered, made by any means. The  
19 terms "document" and "documents" also include all copies which are, in any manner, not identical in  
20 content to the originals. Any comment or notation appearing on any document, and not a part of the  
21 original text, is to be considered a separate "document." Any draft, or any other preliminary form of any  
22 document, is also to be considered a separate "document."  
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1           6.     The term "all documents" means every document, as defined above, known to you and  
2 every document which can be located or discovered by reasonably diligent efforts.

3           7.     The terms "writing" or "written" are intended to include, but not necessarily be limited to,  
4 the following: handwriting, typewriting, printing, photographing and every other means of recording  
5 upon any tangible thing, any form of communication later reduced to a writing or confirmed by a letter.

6           8.     The term "communication" means any oral, written, electronic, graphic, demonstrative, or  
7 other transfer of information, ideas, opinions or thoughts between two or more individuals or entities,  
8 regardless of the medium by which such communication occurred, and shall include, without limitation,  
9 written contact by such means as letters, memoranda, telegrams, telex, or any documents, and oral  
10 contact by such means as face to face meetings and telephone conversations.

11           9.     The terms "concerns" or "concerning" include referring to, alluding to, responding to,  
12 relating to, connected with, commenting on, impinging or impacting upon, in respect of, about,  
13 regarding, discussing, showing, describing, affecting, mentioning, reflecting, analyzing, constituting,  
14 evidencing or pertaining to.  
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16           10.    The term "person(s)" shall mean any natural person, corporation, partnership, sole  
17 proprietorship, joint venture, association, limited liability company, governmental or other public entity,  
18 or any other form of organization or legal entity, and all of their officials, directors, officers, employees,  
19 representatives, attorneys and agents.  
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21           11.    The terms "meeting" and "meetings" mean any coincidence of presence of two or more  
22 persons between or among whom some communication occurs, whether or not such coincidence of  
23 presence was by chance or prearranged, formal or informal, or in connection with some other activity.  
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INSTRUCTIONS FOR USE

1  
2 1. In producing documents and things, indicate the particular request to which a produced  
3 document or thing is responsive.

4 2. In producing documents and things, furnish all documents or things known or available to  
5 you, regardless of whether such documents or things are possessed directly by you or your directors,  
6 officers, agents, employees, representatives and investigators or by your attorneys or their agents,  
7 employees, representatives or investigators.

8  
9 3. If any requested document or thing cannot be produced in full, produce each such  
10 document to the extent possible, specifying each reason for your inability to produce the remainder and  
11 stating whatever information, knowledge or belief you have concerning the unproduced portion and the  
12 expected dates on which full production can be completed.

13 4. If any documents or things requested were in existence but are no longer in existence, then  
14 so state, specifying for each document or thing:

15 (a) The type of document or thing;

16 (b) The type(s) of information contained therein;

17 (c) The date upon which it ceased to exist;

18 (d) The circumstances under which it ceased to exist;

19 (e) The identity of each person or persons having knowledge or who had knowledge of  
20 the contents thereof; and  
21

22 (f) The identity of each person or persons having knowledge of the circumstances  
23 under which each document or thing ceased to exist.  
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25 5. This Request for Production of Documents is deemed to be continuing. If, after producing  
26 documents and things, you obtain or become aware of any further documents, things or information  
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1 responsive to this Request for Production of Documents, you are required to produce to Respondents  
2 such additional documents and things, or provide Respondents with such additional information.

3 6. Documents attached to each other should not be separated.

4 7. In lieu of producing originals or copies thereof responsive to this Request, you may, at your  
5 option, submit legible photographic or other reproductions of such documents, provided that the  
6 originals or copies from which such reproductions were made are retained by you until the final  
7 disposition of this proceeding.

8 8. In the event that you seek to withhold any documents, things or information on the basis  
9 that it is properly subject to some limitation on discovery, you shall supply Respondents with a list of  
10 the documents and things for which limitation of discovery is claimed, indicating:  
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12 (a) The name of each author, writer, sender or initiator of such document or thing, if any;

13 (b) The name of each recipient, addressee or party for whom such document or thing was  
14 intended, if any;

15 (c) The name of the person in custody or charge or possession of each such document;

16 (d) The date of each such document, if any, or an estimate thereof and so indicated as an  
17 estimate;  
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19 (e) The general subject matter as described in each such document, or, if no such description  
20 appears, then such other description sufficient to identify said document;

21 (f) The name, business address and position of each person who has seen, or has access to or  
22 knowledge of, the contents or nature of any such document; and

23 (g) The claimed grounds for limitation of discovery (e.g. "attorney-client privilege").  
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**DOCUMENTS TO BE PRODUCED**

1  
2 1. All documents concerning any communications between individuals who opened EVFL  
3 trading accounts and any of the Respondents.

4 2. All documents given or shown to the Securities Division by individuals who purchased  
5 EVFL trading accounts and/or any other witnesses.

6 3. Copies of all complaints filed by individuals who purchased EVFL trading accounts and/or  
7 any other witnesses.

8 4. All documents including, but not limited to, tapes and/or transcripts to tapes and/or  
9 memoranda and/or notes that in any way memorialize communications between the Securities Division  
10 and individuals and/or entities who purchased EVFL trading accounts and/or any other witnesses.

11 5. All documents and bank records, including statements and canceled checks, in the  
12 possession or under the control of the Securities Division related to any of the Respondents.

13 6. All affidavits and statements provided by individuals who purchased EVFL trading  
14 accounts and/or any other witnesses in this matter.

15 7. All correspondence regarding Respondents;

16 8. All documents or other information provided by any Respondent to potential investors  
17 including, but not limited to, promotional materials, offering materials, prospectuses, subscription  
18 agreements, investor questionnaires, and newspaper, magazine and/or Internet advertisements.

19 9. Copies of all subpoenas issued by the Securities Division in connection with the  
20 investigation of Respondents and Docket Number S-3177-I, and all documents produced in response to  
21 these subpoenas.

22 10. Copies of all affidavits, statements and documents obtained from Respondents' affiliates,  
23 employees, agents, independent contractors and representatives.  
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1 11. Copies of transcripts of all Examinations Under Oath of Respondents and the exhibits  
2 thereto.

3 12. All other documents obtained during the Securities Division's investigation that were not  
4 specifically referred to in requests 1 - 11 above.

5 13. Copies of all documents prepared by any experts the Securities Division intends to call as  
6 a witness at the hearing and all drafts of those documents.

7 14. Copies of all documents the Securities Division intends to introduce as exhibits at the  
8 hearing, including but not limited to (a) all investor documents; and (b) all accounting documents,  
9 including all charts, summaries work papers, and all other documents reviewed in order to complete the  
10 financial analysis.  
11

12 15. All records related to money invested in EVFL trading accounts, including but not limited  
13 to all records reflecting the source and application of funds given to any Respondents for the purchase of  
14 life insurance policies, and any bank records related to money invested in EVFL trading accounts.  
15

16 DATED this 17th day of June, 1998.

17 ROSHKA HEYMAN & DEWULF, PLC

18  
19 By   
20 Paul J. Roshka, Jr.  
21 Alan S. Baskin  
22 Two Arizona Center  
23 4 00 North 5th Street, Suite 1000  
24 Phoenix, Arizona 85004  
25 Attorneys for Respondents  
26  
27

1 ORIGINAL and ten copies of the  
2 foregoing hand-delivered  
3 this 17th day of June, 1998 to:

4 Docket Control  
5 Arizona Corporation Commission  
6 1200 West Washington Street  
7 Phoenix, Arizona 85007

8 COPY of the foregoing hand-delivered  
9 this 17th day of June, 1998 to:

10 Mark C. Knops  
11 Senior Counsel  
12 Securities Division  
13 Arizona Corporation Commission  
14 1300 West Washington, 3rd Floor  
15 Phoenix, Arizona 85007

16 Hearing Officer  
17 Hearing Division  
18 Arizona Corporation Commission  
19 1200 West Washington  
20 Phoenix, Arizona 85007

21 Robert A. Zumoff  
22 Office of the Attorney General  
23 1275 West Washington  
24 Phoenix, Arizona 85007

25 COPY of the foregoing mailed  
26 this 17th day of June, 1998 to:

27 Chris R. Youtz  
Sirianni & Youtz  
3410 Columbia Center  
710 Fifth Avenue  
Seattle, Washington 98104-7032  
Counsel for Respondents

*Ruth A. Bushee.*  
roshka/tokyo/pl req prod docs from sec div.doc

*Original*