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BEFORE THE ARIZONA CORPORATION COMMISSION

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COMMISSIONERS:
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AZ CORP COMMISSION
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Arizona Corporation Commission

DOCKETED

JAN 15 2014

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In the matter of:

Docket No. S-20823A-11-0407

THOMAS LAURENCE HAMPTON,
CRD#2470192, and STEPHANIE
YAGER, husband and wife,

RESPONDENTS PATRICK AND
KELLY MORAN'S FIRST REQUEST
FOR PRODUCTION OF
DOCUMENTS TO THE ARIZONA
CORPORATION COMMISSION

TIMOTHY D. MORAN, CRD#2326078,
and PATRICIA MORAN, husband wife,

PATRICK MORAN, CRD#1496354, and
KELLY MORAN, husband and wife,

HAMPTON CAPITAL MARKETS, LLC,
an Arizona limited liability company,

Respondents.

Pursuant to Rule 34, Arizona Rules of Civil Procedure, Respondents Patrick Moran and Kelly Moran hereby request that the Arizona Corporation Commission and its attorneys produce for inspection and copying within 40 days of this date the following described documents and tangible things:

INSTRUCTIONS FOR USE

1. In producing the documents designated below, you are requested to furnish all documents known or available to you regardless of whether a document is currently in your possession, custody, or control, or that of your attorneys, employees, agents, investigators, or other representatives, or is otherwise available to you.

2. If, for any reason, you are unable to produce in full any document requested:

a. Produce each such document to the fullest extent possible;

MAYNARD CRONIN ERICKSON CURRAN & REITER, P.L.C.

ATTORNEYS AT LAW

3200 NORTH CENTRAL AVENUE • SUITE 1800 • PHOENIX, ARIZONA 85012

TELEPHONE 602.279.8500 • FACSIMILE 602.263.8185

- 1 b. Specify the reasons for your inability to produce the remainder; and
2 c. State in detail whatever information, knowledge, or belief you have
3 concerning the whereabouts and substance of each document not produced in full.

4 3. If any document requested was at one time in existence, but is no longer in
5 existence, please state for each document as to which that is the case:

- 6 a. The type of document;
7 b. The types of information contained therein;
8 c. The date upon which it ceased to exist;
9 d. The circumstances under which it ceased to exist;
10 e. The identity of all persons having knowledge of the circumstances under
11 which it ceased to exist; and
12 f. The identity of all persons having knowledge or who had knowledge of
13 the contents thereof.

14 4. For each document requested which you are unable to produce and which was
15 at any time within your possession, custody or control, or to which you had access at any time,
16 specify in detail:

- 17 a. The nature of the document (i.e., letter, memorandum, etc.);
18 b. The author of the document;
19 c. All recipients of the document and any copy thereof;
20 d. A summary of the information contained in the document;
21 e. The date on which you lost, relinquished, or otherwise ceased to have
22 possession, custody, control of, or access to the document;
23 f. Identify all persons having knowledge of the circumstances whereby you
24 lost, relinquished, or otherwise ceased to have possession, custody, or control of, or access to
25 the document; and
26 g. Identify all persons who have or have had knowledge of the contents of

1 the document, in full or in part.

2 5. In the event you seek to withhold or do withhold any document, in whole or in
3 part, on the basis that it is not subject to discovery, produce a list of all such documents and,
4 as to each such document, state:

5 a. The name of each author, writer, sender or initiator of each such
6 document;

7 b. The name of each recipient, addressee or party to whom such document
8 was sent or intended to be sent;

9 c. The name of each and every person who received a copy of the document;

10 d. The date of the document or, if no date appears on the document, the date
11 the document was prepared;

12 e. The title of the document, or if it has no title, then such other description
13 of the document and its subject matter as shall be sufficient to identify the document; and

14 f. The grounds claimed for withholding the document from discovery (e.g.,
15 attorney-client privilege, work product, or any other grounds), and the factual basis for such a
16 claim.

17 6. In accordance with Rule 34(b), Arizona Rules of Civil Procedure, as to each
18 document produced, you are requested to designate the paragraph and subparagraph of this
19 request to which each such document is responsive.

20 7. If you dispute the propriety of Instructions 2, 3, 4 and/or 5, supra, as being outside
21 the scope of Rule 34 or otherwise objectionable, then consider such instructions as
22 interrogatories posed pursuant to Rule 33, Arizona Rules of Civil Procedure, and answer them
23 accordingly.

24 8. This Request is a continuing one, and requires that you produce all responsive
25 documents and tangible objects whenever you obtain or become aware of them, even if they
26 are not in your possession or available to you on the date you first produce documents pursuant

1 to this Request.

2 **DEFINITIONS**

3
4 1. "Plaintiff," "you" or "your" means the Plaintiff in the above-captioned matter, and
5 the past and present employees, representatives, agents and attorneys of Plaintiff.

6 2. "Any," "each" and "all" shall be read to be all inclusive, and to require the
7 production of each and every document (as hereinafter defined) responsive to the particular
8 request for production in which such term appears.

9 3. "And" and "or" and any other conjunctions or disjunctions used herein shall be
10 read both conjunctively and disjunctively so as to require the production of all documents (as
11 hereinafter defined) responsive to all or any part of each particular request for production in
12 which any conjunction or disjunction appears.

13 4. "Person" means an individual, firm, corporation, association, organization or any
14 other entity.

15 5. The term "document" includes all electronic media or other tangible forms in
16 which information is stored and includes all written or graphic matter of every kind and
17 description, however produced or reproduced, WHETHER DRAFT OR FINAL, original or
18 reproduction, including, but not limited to, letters, correspondence, memoranda, notes, films,
19 transcripts, contracts, agreements, licenses, memoranda of telephone conversations or personal
20 conversations, microfilm, telegrams, books, newspaper articles, magazines, advertisements,
21 periodicals, bulletins, circulars, pamphlets, statements, notices, reports, rules, regulations,
22 directives, teletype messages, minutes of meetings, interoffice communications, reports,
23 financial statements, ledgers, books of account, proposals, prospectuses, offers, orders, receipts,
24 working papers, desk calendars, appointment books, diaries, time sheets, logs, movies, tapes
25 for visual or audio reproduction, recordings or materials similar to any of the foregoing,
26 however denominated, and including writings, drawings, graphs, charts, photographs, data

1 processing results, printouts and computations (both in existence and stored in memory
2 components), and other compilations from which information can be obtained or translated, if
3 necessary, through detection devices into reasonably usable form. THE TERM
4 "DOCUMENT" INCLUDES ALL COPIES OF A DOCUMENT WHICH CONTAIN ANY
5 ADDITIONAL WRITING, UNDERLINING, NOTES, DELETIONS, OR ANY OTHER
6 MARKINGS OR NOTATIONS, OR ARE OTHERWISE NOT IDENTICAL COPIES OF THE
7 ORIGINAL.

8 9 **DOCUMENTS TO BE PRODUCED**

10 1. Copies of all documents that support, or directly relate to, the allegations in
11 paragraphs 27, 54, 73, 80 and 84 fo the "Second Amended Notice of Opportunity for Hearing"
12 dated July 12, 2012;

13 2. Copies of all checks paid into the Company by Pat Moran including, but not
14 limited to, his limited liability company known as Hypat, LLC;

15 3. Copies of all checks paid from the Company to Pat Moran or his limited liability
16 company, Hypat, LLC;

17 4. Copies of all investments (checks or other transfers) to the Company by
18 individuals you believe were a result of Pat Moran's efforts to recruit them to invest in the
19 Company;

20 5. Copies of all communications or other e-mails to or from Pat Moran related to
21 the Company;

22 6. Copies of any and all transactions under which you believe Pat Moran received
23 compensation or other monetary value from the Company;

24 7. Copies of all exhibits you intend to use at any hearing in this matter.

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DATED this 15th day of January, 2014.

**MAYNARD CRONIN ERICKSON
CURRAN & REITER, P.L.C.**

By 

Michael D. Curran
3200 North Central Avenue, Ste. 1800
Phoenix, Arizona 85012
Attorneys for Respondents Patrick and
Kelly Moran

ORIGINAL (plus 13 copies) of the foregoing
filed this 5th day of January, 2014, with:

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

COPY of the foregoing hand-delivered
this 5th day of January, 2014, to:

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

Phong (Paul) Huynh, Esq.
Securities Division
Arizona Corporation Commission
1300 West Washington Street, 3rd Floor
Phoenix, Arizona 85007

By 