

ORIGINAL



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 8  
 9 Counsel for George T. Simmons and Janet B. Simmons

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2016 MAR 14 A 10: 25

AZ CORP COMMISSION  
DOCKET CONTROL

**BEFORE THE ARIZONA CORPORATION COMMISSION**

COMMISSIONERS

10 DOUG LITTLE, Chairman  
 11 BOB STUMP  
 12 BOB BURNS  
 13 TOM FORESE  
 14 ANDY TOBIN

In the matter of:

15 USA BARCELONA REALTY ADVISORS,  
 16 LLC, an Arizona limited liability company,  
 17 USA BARCELONA HOTEL LAND  
 18 COMPANY I, LLC, an Arizona limited liability  
 19 company,  
 20 RICHARD C. HARKINS, an unmarried man,  
 21 ROBERT J. KERRIGAN (CRD no. 268516)  
 22 An unmarried man,  
 23 GEORGE T. SIMMONS and JANET B.  
 24 SIMMONS, husband and wife,  
 25 BRUCE ORR, an unmarried man,

Mr. Simmons.

DOCKET NO. S-20938A-15-0308

**RESPONDENT'S LIST OF WITNESSES  
AND DOCUMENTARY EVIDENCE**

Arizona Corporation Commission

DOCKETED

MAR 14 2016

DOCKETED BY 

26 Respondent George T. Simmons, for himself and the marital community with his wife Janet  
 27 B. Simmons ("*Mr. Simmons*"), submits the following list of witnesses and documentary evidence  
 28

1 for the hearing scheduled to begin on May 9, 2016, at 10 a.m. before Administrative Law Judge  
2 Mark Preny.

3 Respondent reserves the right to use additional exhibits that may be collected or identified  
4 between the date of this list and the close of hearing. Respondent also reserves the right to use  
5 exhibits that are not listed for purposes of rebuttal. This list is subject to amendment and/or  
6 supplement at any time prior to or during the scheduled hearing.  
7

8 Respondent has not yet decided which particular witnesses Respondent will use at trial, but  
9 it expects to select from the following list:

- 10 1. Richard C. Harkins;
- 11 2. Robert J. Kerrigan;
- 12 3. George T. Simmons;
- 13 4. Bruce L. Orr;
- 14 5. Paul Meka;
- 15 6. Mr. and Mrs. Rodney L. Eaves (referred to in the Division's Amended Notice as  
16 "married investors R. E. and M. E.");
- 17 7. Jeffery S. Teets;
- 18 8. Patrick McDonough;
- 19 9. James L. Wilkerson;
- 20 10. Steven R. Chanen;
- 21 11. Any offeree or purchaser of promissory notes or membership interests allegedly sold  
22 by USA Barcelona Realty Advisors, LLC ("Barcelona Advisors") and/or USA  
23 Barcelona Hotel Land Company I, LLC ("Barcelona Land Company");  
24  
25  
26  
27  
28

- 1 12. Any witnesses called by the Securities Divisions of the Arizona Corporation  
2 Commission (the "Division");  
3 13. Any person referred to as an "investor" by the Division;  
4 14. Any custodian of records necessary for the introduction of business records;  
5 15. Any witnesses necessary to lay foundation; and  
6 16. Any witnesses necessary for rebuttal.  
7

8 Respondent expects to utilize documentary evidence as follows:

- 9 1. Respondent reserves the right to use any documents identified or submitted by the  
10 Division in this proceeding, whether or not listed on the Division's proposed list(s)  
11 of exhibits, and whether or not introduced by the Division.  
12 2. Respondent reserves the right to use any documents previously provided to the  
13 Division by Respondent or others in connection with the Division's investigation.  
14 3. Respondent may use additional exhibits that may be produced or obtained between  
15 this date and the close of the hearing.  
16

17 DATED this 10<sup>th</sup> day of March, 2016.

18 Clark Hill PLC  
19

20  
21 By: Charles R. Berry  
22 Charles R. Berry, 003379  
23 Stanley R. Foreman, 032320  
24 14850 N. Scottsdale Road, Suite 500  
25 Scottsdale, AZ 85254  
26 *Counsel for Respondents*  
27 *George T. Simmons and*  
28 *Janet B. Simmons*

1 ORIGINAL and thirteen copies of the foregoing  
2 filed this 10<sup>th</sup> day of March, 2016 with:

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

7 COPY of the foregoing hand-delivered  
8 This 10<sup>th</sup> day of March, 2016 to:

9 Matthew J. Neubert  
10 Director of Securities  
11 Securities Division  
12 Arizona Corporation Commission  
13 1300 W. Washington Street, 3<sup>rd</sup> Floor  
14 Phoenix, AZ 85007

15 Hearing Officer  
16 Hearing Division  
17 Arizona Corporation Commission  
18 1200 W. Washington Street  
19 Phoenix, AZ 85007

20 Paul Kitchin  
21 Securities Division  
22 Arizona Corporation Commission  
23 1300 W. Washington, 3<sup>rd</sup> Floor  
24 Phoenix, AZ 85007

25 COPY of the foregoing mailed  
26 this 10<sup>th</sup> day of March, 2016 to:

27 USA Barcelona Realty Advisors, LLC  
28 c/o Richard C. Harkins  
4422 East Lupine Avenue  
Phoenix, AZ 85028

USA Barcelona Hotel Land Company I, LLC  
c/o Richard C. Harkins  
4422 East Lupine Avenue  
Phoenix, AZ 85028

Richard C. Harkins  
4422 East Lupine Avenue  
Phoenix, AZ 85028

27  
28

1 Robert J. Kerrigan  
2 c/o Robert Mitchell  
3 Tiffany & Bosco, P.A.  
4 Camelback Esplanade II, Seventh Floor  
5 2525 East Camelback Road  
6 Phoenix, AZ 85016  
7 Counsel for Robert J. Kerrigan

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