

ORIGINAL



0000172687

1 John C. Kelly (012770)
2 **COPPERSMITH BROCKELMAN PLC**
3 2800 North Central Avenue, Suite 1200
4 Phoenix, Arizona 85004
5 (602) 381-5491 (Direct)
6 (602) 772-3779 (Direct Fax)
7 jkelly@cblawyers.com
8 *Attorneys for Respondent Anthony Clavien*

RECEIVED
AZ CORP COMMISSION
DOCKET CONTROL
2016 AUG 18 PM 3 52

BEFORE THE ARIZONA CORPORATION COMMISSION

9 In the matter of:)
10 FRANKLIN AAA HOLDINGS, LLC,)
11 a Texas limited liability company,)
12 and)
13 ANTHONY CLAVIEN, a single man,)
14 Respondents.)

DOCKET NO. S-20930A-15-0211
**REQUEST FOR PRODUCTION
OF DOCUMENTS**
Arizona Corporation Commission
DOCKETED
AUG 18 2016

DOCKETED BY *JK*

16 Pursuant to Rule 34, Ariz. R. Civ. P., A.R.S. §41-1062 and A.A.C. R14-3-101(A),
17 Respondent Anthony Clavien hereby requests that the Arizona Corporation Commission,
18 Securities Division ("ACC") identify and produce for inspection and copying all
19 documents and tangible things described below. All responsive documents shall be
20 served upon Coppersmith Brockelman PLC, 2800 North Central Avenue, Ste. 1200,
21 Phoenix, Arizona 85004-2391.

22 Respondent further requests that if any responsive document is no longer in the
23 ACC's possession, custody or control, the ACC state whether it was lost, destroyed or
24 otherwise disposed of and describe the circumstances of such disposition.

25 Please note that the ACC has an ongoing duty to supplement its disclosure
26 pursuant to Ariz. R. Civ. P. Rules 26(e) and 26.1.

27
28

1 If the ACC contends that any document which otherwise comes within the
2 purview of this request is privileged and, therefore, not subject to production, please
3 provide a privilege log.

4 If the ACC objects to the production of any document on any other ground, such
5 objection must be fully and specifically stated, including the grounds therefore.

6 The ACC should prepare each of its responses to this request for production in
7 accordance with the accompanying definitions.

8 DEFINITIONS

9 1. The term "document" means any written, printed, typed, recorded,
10 magnetic, punched, copied, graphic or other tangible thing in, upon or from which
11 information may be embodied, translated, conveyed or stored, including, without
12 limitation, correspondence, memoranda, notes, records, books, papers, emails, telegrams,
13 contracts, dictation or other audio tapes, video tapes, computer tapes or discs, or any
14 other electronic record, computer printouts, microfilm, microfiche, worksheets, diaries,
15 calendars, photographs, charts, drawings, sketches, and all other writings or drafts
16 thereof, as defined in Arizona Rule of Civil Procedure 34 and Arizona Rule of
17 Evidence 1001.

18 2. The term "communication" or "communications" mean the transmittal of
19 information in any form, whether orally, electronically or by document, and whether face
20 to face, by telephone, mail, facsimile, electronic mail or internet connection.

21 3. The term "ACC" means the Arizona Corporation Commission – Securities
22 Division, and all other entities or persons acting or purporting to act on its behalf.

23 4. The term "Notice" means the "Notice of Opportunity for Hearing
24 Regarding Proposed Order to Cease and Desist, Order for Restitution, Order for
25 Administrative Penalties, and Order for Other Affirmative Action" filed by the ACC in
26 this case on or about June 24, 2015.

27 5. The term "relating to" means having any reasonable connection, correlation
28 or link, and includes, by way of example and without limitation, concerning, referring to,

1 alluding to, responding to, summarizing, reflecting, analyzing, constituting, containing,
2 embodying, pertaining to, involved with, mentioning, consisting of, comprising, showing,
3 commenting on, evidencing, describing, discussing, showing, connected with,
4 commenting upon, and in respect of.

5 6. The term “Defendants” means Franklin AAA Holdings, LLC and Anthony
6 Clavien.

7 7. The term “AR1” means the Arizona resident described in paragraph 11 of
8 the Notice.

9 8. The term “AR2” means the Arizona resident described in paragraph 20 of
10 the Notice.

11 **REQUESTS FOR PRODUCTION**

12 REQUEST FOR PRODUCTION NO. 1: The ACC’s entire investigative file
13 relating to any of the Defendants, including any documents, communications or records
14 relating to AR1 and AR2 (as described in the ACC’s Notice of Opportunity for Hearing).

15 REQUEST FOR PRODUCTION NO. 2: All videos and voice recordings and
16 transcripts thereof of any conversations between the ACC and Defendants, or any
17 representative or employee of Defendants, or between the ACC and AR1 or AR2.

18 REQUEST FOR PRODUCTION NO. 3: All documents acquired by the ACC
19 during the course of its investigation in this case.

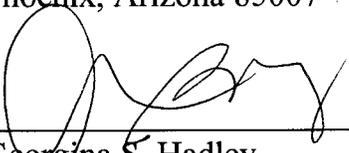
20 REQUEST FOR PRODUCTION NO. 4: All written and recorded statements of
21 witnesses and all notes of interviews of any witnesses, including but not limited to AR1,
22 AR2, any other FAH investors (as alleged in paragraph 9 of the Notice), Defendants or
23 any representative or employee of Defendants.

24 REQUEST FOR PRODUCTION NO. 5: All expert reports and any documents
25 furnished by or relied upon any experts in this case.

26 REQUEST FOR PRODUCTION NO. 6: All bank, wire transfer, and financial
27 records obtained by the ACC during the course of its investigation or the proceedings in
28 this case.

1 COPY of the foregoing served via email and
2 United States Mail this 18th day of August, 2016, to:

3 Ryan J. Millecam, Esq.
4 Staff Attorney
5 Arizona Corporation Commission, Securities Division
6 1300 W. Washington, 3rd Floor
7 Phoenix, Arizona 85007

8 
9 _____
10 Georgina S. Hadley

11
12
13
14
15
16
17
18
19
20
21
22
23
24
25
26
27
28