

James W. Anderson (9829)
CLYDE SNOW & SESSIONS
One Utah Center, Thirteenth Floor
201 South Main Street
Salt Lake City, Utah 84111
Telephone: (801) 322-2516
Fax No.: (801) 521-6280
Email: jwa@clydesnow.com

Counsel for Trolley Square Ventures, LLC

**IN THE UNITED STATES BANKRUPTCY COURT
FOR THE DISTRICT OF UTAH, CENTRAL DIVISION**

In re:

THE FALLS EVENT CENTER LLC,

Debtor.

**Bankruptcy Case No. 18-25116
Chapter 11**

Honorable R. Kimball Mosier

***EX PARTE* MOTION FOR ORDER AUTHORIZING RULE 2004 EXAMINATION OF
AUBREY ALLISON**

Trolley Square Ventures, LLC, as creditor in this bankruptcy proceeding (“Creditor”), hereby respectfully moves this Court for an Order Authorizing the Examination of Aubrey Allison, a presumed employee of The Falls Event Center Trolley Square, LLC, under Rule 2004 of the Federal Rules of Bankruptcy Procedure, and in connection therewith respectfully represents:

1. On September 23, 2015, Creditor, as landlord, and The Falls at Trolley Square, LLC, as tenant (the “Tenant”), entered into a written Lease Agreement (the “Lease”) whereby Tenant agreed to lease the space located within Trolley Square, Salt Lake City, Salt Lake County,

Utah, Buildings P and E, Units P-103 and Unit E-101 (the “Property”) for the operation of a business, for a ten (10) year term, commencing on December 1, 2015.

2. Tenant is not a debtor in bankruptcy, but is a wholly owned subsidiary of the Debtor.

3. Debtor executed a Guaranty for the Lease and is thus liable for the breaches of Tenant to the Lease.

4. During November of 2017, Creditor and Tenant entered into a reinstatement agreement (“Reinstatement”) after Tenant defaulted on the Lease.

5. The United States Trustee’s office commenced the 341 meeting in this case on August 20, 2018.

6. After Debtor filed its Petition, representatives of Debtor, Landlord, and Creditor had a meeting on August 30, 2018, wherein Creditor learned that all contracts for events are with the Debtor, not the Tenant, and all deposits are with the Debtor, not the Tenant.

7. On or around September 17, 2018, Creditor learned that the Debtor had made false and misleading statements to its customer regarding Creditor’s alleged obligations to honor scheduled events if the Debtor is out of business. Specifically, Creditor was contacted by one of the customers who stated that after she learned about the Debtor’s bankruptcy filing, she asked the Debtor for reassurance that her scheduled event will take place at the Property and the Debtor stated that “even if they do have to close down, Trolley Square would own the building and still honor the events scheduled.” Debtor was not authorized to make this statement and this statement is false. Creditor denied this statement to the customer and informed Debtor that it was not authorized to make this false representation and/or commitment on Creditor’s behalf.

8. The purpose of this Motion is to conduct discovery into Debtor's and/or Tenant's false and misleading statements and to ascertain the extent of any other statements made to any other customers regarding Creditor and Debtor's and/or Tenant's knowledge of such misrepresentations.

WHEREFORE, Creditor respectfully requests that the Court enter the follow Orders:

1. Pursuant to Rule 2004 of the Federal Rules of Bankruptcy Procedure, Creditor will take the deposition upon oral examination of Aubrey Allison, recorded stenographically, at the offices of Clyde Snow & Session, 201 South Main Street, Suite 1300, Salt Lake City, Utah 84111. Under Rule 30(b)(6) of the Federal Rules of Civil Procedure.

2. Creditor will give at least 14 days notice to the Aubrey Allison pursuant to Local Rule 2004-1(3)(iA) for appearance, and will compel attendance by subpoena consistent with Fed. R. Bankr. P. 2004(c) and 9016.

DATED this 2nd day of April, 2019.

Clyde Snow & Sessions

/s/ James W. Anderson
James W. Anderson
Jonathan D. Bletzacker
Counsel for Trolley Square Ventures, LLC

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(Filed Electronically)

ORDER AUTHORIZING RULE 2004 EXAMINATION OF AUBREY ALLISON

This matter came before the Court on the Ex Parte Motion for Order Authorizing Rule 2004 Examination of Aubrey Allison, a presumed employee of The Falls Event Center Trolley Square, LLC, filed by creditor Trolley Square Ventures, LLC, under Fed. R. Bankr. P. 2004 and Local Rule 2004-1. Based on the Motion,

IT IS HEREBY ORDERED that the examination requested in the Motion may be compelled pursuant to Fed. R. Bankr. P. 2004(c).

-- END OF ORDER --

DESIGNATION OF PARTIES TO BE SERVED

Service of the foregoing **ORDER AUTHORIZING RULE 2004 EXAMINATION OF AUBREY ALLISON** shall be served to the parties and in the manner designated below:

By Electronic Service: I certify that the parties of record in this case as identified below, are registered CM/ECF users and will be served notice of entry of the foregoing Order through the CM/ECF system:

- James W. Anderson jwa@clydesnow.com, jritchie@clydesnow.com; atrujillo@clydesnow.com
- Megan K Baker baker.megan@dorsey.com, long.candy@dorsey.com
- David P. Billings dbillings@fabianvancott.com, jwinger@fabianvancott.com; mdewitt@fabianvancott.com
- Ryan C. Cadwallader rcadwallader@kmclaw.com, tsanders@kmclaw.com
- Laurie A. Cayton tr laurie.cayton@usdoj.gov, James.Gee@usdoj.gov; Lindsey.Huston@usdoj.gov; Suzanne.Verhaal@usdoj.gov
- Thomas E. Goodwin tgoodwin@parrbrown.com, nmckean@parrbrown.com
- Oren Buchanan Haker oren.haker@stoel.com, kevin.mckenzie@stoel.com; daniel.kubitz@stoel.com; docketclerk@stoel.com; rene.alvin@stoel.com; kc.harding@stoel.com
- Mark E. Hindley mehindley@stoel.com, rross@stoel.com; slcdocket@stoel.com; Dixie.colson@stoel.com
- Alan C. Hochheiser ahochheiser@mauricewutscher.com
- Mary Margaret Hunt hunt.peggy@dorsey.com, long.candy@dorsey.com
- Peter J. Kuhn tr Peter.J.Kuhn@usdoj.gov, James.Gee@usdoj.gov; Lindsey.Huston@usdoj.gov; Suzanne.Verhaal@usdoj.gov
- Ralph R. Mabey rmabey@kmclaw.com
- Jessica G. McKinlay mckinlay.jessica@dorsey.com, Segovia.Maria@dorsey.com
- John T. Morgan tr john.t.morgan@usdoj.gov, James.Gee@usdoj.gov; Lindsey.Huston@usdoj.gov; Suzanne.Verhaal@usdoj.gov
- Darren B. Neilson darren@neilsonlaw.co
- Ellen E Ostrow eeostrow@hollandhart.com, intaketteam@hollandhart.com; lahansen@hollandhart.com
- Chad Rasmussen chad@alpinallegal.com, contact@alpinallegal.com
- Steven M. Rogers srogers@roruss.com, nrussell@roruss.com; rorusslaw@gmail.com; paralegal@roruss.com
- Jeffrey B. Smith jsmith@cgsattys.com
- Michael S. Steck michael@clariorlaw.com
- Mark S. Swan mark@swanlaw.net
- Richard C. Terry richard@tjblawyers.com, cbcecf@yahoo.com
- Michael F. Thomson thomson.michael@dorsey.com, montoya.michelle@dorsey.com; ventrello.ashley@dorsey.com

- **Michael F. Thomson tr** thomson.michael@dorsey.com,
UT17@ecfbis.com;montoya.michelle@dorsey.com
- **United States Trustee** USTPRegion19.SK.ECF@usdoj.gov
- **John J. Wiest** wiest.john@dorsey.com

/s/ James W. Anderson
James W. Anderson