

4/4/2019

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*Investigations*

*P.O. Box 18118  
Salt Lake City, Utah 84118  
Office: 964-9393 Fax: 964-9353  
Cell: 347-1038*

*Return of Service*

ROS# 151175	CLYDE, SNOW & SESSIONS	
Rcvd: 4/03/2019	201 SO. MAIN ST. #1300	
Attn: Jessica	S.L.C., UT 84111	322-2516
Case: 18-25116	Civil#	Doc#

Plaintiff(s) VS Defendant(s)

In re: The Falls Event Center, LLC

**Process: SUBPOENA DUCES TECUM - Attached Process below**

**To: Aubrey Allison**

The undersigned Person Hereby Certifies:

I am, at the time of service, a duly qualified Process server / Private investigator over 21 years of age and am not a party to the above action being taken. I have endorsed each copy served with the date, time and my signature.

**Title: Process Server and/or Private Investigator**

I Served: Aubrey Allison

Date: 4/03/2019 Time: 1455

Address: POE: 602 e 500 s #E-101 S.L.C., UT 84102

Phone: Work:

Type of Service: Personally Served

  
Linda Alvey, Private Investigator -A103475

Subscribed and Sworn Before Me This 4th Day of April 2019

  
Notary public residing in Salt Lake County. My commission expires 02/05/2023



Service fee: \$ 15.00 Milage Fee: \$ 2.00 Other Fee: \$ 0.00 Rush Fee: \$ 40.00  
Addresses: 1 Attempts: 2 Attempts Charged: 2 Total Mileage: 1

**Total Due: \$ 58.00**

Comments: Attached Process: Federal Rule of Civil Procedure 45 (c),(d),(e), and (g); Exhibit A and a check for \$18.50

*Aubrey Allison*

UNITED STATES BANKRUPTCY COURT

Central District of Utah

In re

The Falls Event Center, LLC

Debtor

Case No. 18-25116

Chapter 11

Honorable R. Kimball Mosier

TIME 1455 DATE 4-3-19  
 SERVED Aubrey Allison  
 RELATIONSHIP Self  
 ADDRESS 602 E. 500 S. E 101  
Aubrey Allison SERVER  
 TD'S LEGAL PROCESS LLC 964-9393

**SUBPOENA DUCES TECUM FOR RULE 2004 EXAMINATION**

To: Aubrey Allison  
 602 East 500 South #E101  
 Salt Lake City, UT 84102

**Testimony:** YOU ARE COMMANDED to appear at the time, date, and place set forth below to testify at an examination under Rule 2004, Federal Rules of Bankruptcy Procedure. A copy of the court order authorizing the examination is attached.

PLACE OF TESTIMONY	DATE AND TIME
Clyde Snow & Sessions 201 South Main Street, Suite 1300 Salt Lake City, Utah 84111	April 24, 2019 at 10 a.m.

The examination will be recorded by this method: Stenographer

**Production:** YOU ARE COMMANDED to produce and permit inspection and copying of the following documents or objects at the place, date, and time specified below (list documents or objects):

PLACE	DATE AND TIME

The following provisions of Fed. R. Civ. P. 45, made applicable in bankruptcy cases by Fed. R. Bankr. P. 9016, are attached—Rule 45(c), relating to the place of compliance; Rule 45(d) relating to your protection as a person subject to a subpoena; and Rule 45(e) and 45(g), relating to your duty to respond to this subpoena and the potential consequences of not doing so.

ISSUING OFFICER SIGNATURE AND TITLE	DATE
James W. Anderson, Attorney at Law /s/ James W. Anderson	April 3, 2019
ISSUING OFFICERS NAME, ADDRESS AND PHONE NUMBER	
James W. Anderson (9829), Clyde Snow & Sessions, 201 South Main Street, Suite 1300, Salt Lake City, Utah 84111, (801) 322-2516	

15175

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*

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

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**In re:**

**THE FALLS EVENT CENTER LLC,**

**Debtor.**

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

**Honorable R. Kimball Mosier**

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

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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 2<sup>nd</sup> day of April, 2019.

**Clyde Snow & Sessions**

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

This order is **SIGNED**.

Dated: April 3, 2019



R. KIMBALL MOSIER  
U.S. Bankruptcy Judge



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

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In re:

THE FALLS EVENT CENTER LLC,  
  
Debtor.

Bankruptcy Case No. 18-25116  
Chapter 11

Honorable R. Kimball Mosier

(Filed Electronically)

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**ORDER AUTHORIZING RULE 2004 EXAMINATION OF AUBREY ALLISON**

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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, rnoess@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