

RAY QUINNEY

JUL 12 2012

& NEBEKER

DOCKET  
CONTROL

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*Attorneys for Respondents VYSN Capital, LLC and Shawn B. Smart*

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BEFORE THE DIVISION OF SECURITIES  
OF THE DEPARTMENT OF COMMERCE  
OF THE STATE OF UTAH

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IN THE MATTER OF:

RIDGELAND WYOMING, INC.,  
VYSN CAPITAL, LLC, BRYAN R.  
FARRIS, SHAWN BLAINE SMART,  
AND GARY FRANK LAWYER,

Respondents.

**DEPOSITION SUBPOENA  
TO  
MICHAEL GILLESPIE**

Docket No. SD-11-0052  
Docket No. SD-11-0053  
Docket No. SD-11-0054  
Docket No. SD-11-0055  
Docket No. SD-11-0056

**TO: Michael Gillespie**  
c/o Blair R. Jackson  
Philip L. Martin  
INVICTUS LAW, PLLC  
1250 East 200 South, Suite 2E  
Lehi, Utah 84043

**YOU ARE COMMANDED:**

to produce or permit inspection and copying of the documents and tangible things or objects described in \_\_\_\_\_ attached hereto \_\_\_\_\_.

to permit inspection of the following premises at the date and time specified below.

to appear in the \_\_\_\_\_ Court at the place, date and time specified below to testify in the above case.

to appear at the place, date and time specified below to testify at the taking of a deposition in the above case.

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**PLACE**

**DATE AND TIME**

RAY QUINNEY & NEBEKER P.C.  
36 South State Street, Suite 1400  
Salt Lake City, Utah 84111

July 19, 2012 on or before 9:30 a.m.

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UTAH DEPARTMENT OF COMMERCE  
DIVISION OF SECURITIES

  
\_\_\_\_\_  
ANGELA HENDRICKS  
Presiding Officer  
Division of Securities  
160 East 300 South  
Salt Lake City, Utah 84114

July 9, 2012

**CERTIFICATE OF SERVICE**

I hereby certify on this 12<sup>th</sup> day of July, 2012, a true and correct copy of the

**DEPOSITION SUBPOENA TO MICHAEL GILLESPIE** was served by electronic means to  
the following:

Thomas Brady  
**DIVISION OF SECURITIES**  
**UTAH DEPARTMENT OF COMMERCE**  
160 East 300 South, 2<sup>nd</sup> Floor  
Post Office Box 146760  
Salt Lake City, Utah 84114-6760

Angela Hendricks  
Administrative Law Judge  
**DIVISION OF CONSUMER PROTECTION**  
**UTAH DEPARTMENT OF COMMERCE**  
160 East 300 South  
Post Office Box 146760  
Salt Lake City, Utah 84114-6760

D. Scott Davis  
Assistant Attorney General  
**UTAH ATTORNEY GENERAL'S OFFICE**  
160 East 300 South, 5<sup>th</sup> Floor  
Post Office Box 140872  
Salt Lake City, Utah 84111

Bryan T. Allen  
**PARR BROWN GEE & LOVELESS**  
185 South State Street, Suite 800  
Salt Lake City, Utah 84111

A large, stylized handwritten signature in black ink, likely belonging to Bryan T. Allen, is written over a horizontal line. The signature is highly cursive and loops around the line.

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## **Notice to Persons Served with a Subpoena**

**(1) Rights and responsibilities in general.** A subpoena is a court order whether it is issued by the court clerk or by an attorney as an officer of the court. You must comply or file an objection, or you may face penalties for contempt of court. If you are commanded to produce documents or tangible things, the subpoena must be served on you at least 14 days before the date designated for compliance. If you are commanded to appear at a trial, hearing, deposition, or other place, a one-day witness fee must be served with this subpoena. A one-day witness fee is \$18.50 plus \$1.00 for each 4 miles you have to travel over 50 miles (one direction). When the subpoena is issued on behalf of the United States or Utah, fees and mileage need not be tendered. The witness fee for each subsequent day is \$49.00 plus \$1.00 for each 4 miles you have to travel over 50 miles (one direction).

**(2) Subpoena to copy and mail documents.** If the subpoena commands you to copy documents and mail the copies to the attorney or party issuing the subpoena, you must organize the copies as you keep them in the ordinary course of business or organize and label them to correspond with the categories in the subpoena. The party issuing the subpoena must pay the reasonable cost of copying the documents. You must mail with the copies a Declaration of Compliance with Subpoena stating in substance:

- (A) that you have knowledge of the facts contained in the declaration;
- (B) that the documents produced are a full and complete response to the subpoena;
- (C) that originals or true copies of the original documents have been produced; and
- (D) the reasonable cost of copying the documents.

A Declaration of Compliance with Subpoena form is part of this Notice; you may need to modify it to fit your circumstances.

**(3) Subpoena to appear.** If the subpoena commands you to appear at a trial, hearing, deposition, or for inspection of premises, you must appear at the date, time, and place designated in the subpoena. The trial or hearing will be at the courthouse in which the case is pending. For a deposition or inspection of premises, you can be commanded to appear in only the following counties:

(A) If you are a resident of Utah, the subpoena may command you to appear or to produce documents, electronic records or tangible things or to permit inspection of premises in the county:

- in which you reside;
- in which you are employed;
- in which you transact business in person; or
- in which the court orders.

(B) If you are not a resident of Utah, the subpoena may command you to appear or to produce documents, electronic records or tangible things or to permit inspection of premises in the county:

- in which you are served with the subpoena; or
- in which the court orders.

**(4) Subpoena to permit inspection of premises.** If the subpoena commands you to appear and to permit the inspection of premises, you must appear at the date, time, and place designated in the subpoena and do what is necessary to permit the premises to be inspected.

**(5) Subpoena to produce documents or tangible things.** If the subpoena commands you to produce documents or tangible things, you must produce the documents or tangible things as you keep them in the ordinary course of business or organize and label them to correspond with the categories in the subpoena. The subpoena may require you to produce the documents at the trial, hearing, or deposition or to mail them to the issuing party or attorney. The party issuing the subpoena must pay the reasonable cost of copying and producing the documents or tangible things. You must produce with the documents or tangible things a Declaration of Compliance with Subpoena stating in substance:

- (A) that you have knowledge of the facts contained in the declaration;
- (B) that the documents produced are a full and complete response to the subpoena;
- (C) that originals or true copies of the original documents have been produced; and
- (D) the reasonable cost of copying the documents.

A Declaration of Compliance with Subpoena form is part of this Notice; you may need to modify it to fit your circumstances.

**(6) Objection to a subpoena.** You must comply with those parts of the subpoena to which you do not object. You may object to all or part of the subpoena if it:

- (A) fails to allow you a reasonable time for compliance (If you are commanded to produce documents or tangible things, the subpoena must be served on you at least 14 days before the date designated for compliance.);
- (B) requires you, as a resident of Utah, to appear at a deposition or to produce documents, electronic records or tangible things or to permit inspection of premises in a county in which you do not reside, are not employed, or do not transact business in person, unless the judge orders otherwise;
- (C) requires you, as a non-resident of Utah, to appear at a deposition or to produce documents, electronic records or tangible things or to permit inspection of premises in a county other than the county in which you were served, unless the judge orders otherwise;
- (D) requires you to disclose privileged or other protected matter and no exception or waiver applies;
- (E) requires you to disclose a trade secret or other confidential research, development, or commercial information;
- (F) subjects you to an undue burden; or

(G) requires you to disclose an unretained expert's opinion or information not describing specific events or occurrences in dispute and resulting from the expert's study that was not made at the request of a party.

**(7) How to object.** To object to the subpoena, serve the Objection to Subpoena on the party or attorney issuing the subpoena. The name and address of that person should appear in the upper left corner of the subpoena. You must do this before the date for compliance. An Objection to Subpoena form is part of this Notice; you may need to modify it to fit your circumstances. Once you have filed the objection, do not comply with the subpoena unless ordered to do so by the court.

**(8) Motion to compel.** After you make a timely written objection, the party or attorney issuing the subpoena might serve you with a motion for an order to compel you to comply and notice of a court hearing. That motion will be reviewed by a judge. You have the right to file a response to the motion, to attend the hearing, and to be heard. You have the right to be represented by a lawyer. If the judge grants the motion, you may ask the judge to impose conditions to protect you.

**(9) Organizations.** An organization that is not a party to the suit and is subpoenaed to appear at a deposition must designate one or more persons to testify on its behalf. The organization may set forth the matters on which each person will testify. URCP 30(b)(6).

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