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

<p>IN THE MATTER OF:</p> <p>MARK JAMES SAIN,</p> <p style="text-align: center;">Respondent.</p>	<p style="text-align: center;">RESPONDENT'S RULE 26(a)(1) INITIAL DISCLOSURES</p> <p style="text-align: center;">Docket No. SD-12-0076</p> <p style="text-align: center;">Judge: Jonnson</p>
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Respondent, Mark James Sain, by and through his counsel of record, David O. Black of Black & Argyle, P.C., hereby submits his Initial Disclosures pursuant to Rule 26(a)(1) of the Utah Rules of Civil Procedure.

1. Plaintiff may call the following individuals at the trial of this matter.
 - a. Juliane LaBaron; 6591 South 2200 East, Salt Lake City, Utah 84121; telephone number 801-879-0155 she was the bookkeeper/accountant and took all the minutes of every meeting and has knowledge of all the facts surrounding this matter.
 - b. Sheri Sain; 4826 South 1110 East, Salt Lake City, Utah, 84121; telephone number 801-410-3654; she was in accounting and customer services and has knowledge of all the facts surrounding this matter.
 - c. Dr. Dinish Patel, % Signal Peak Ventures, 2795 East Cottonwood Pkwy, Suite

360, Salt Lake City, Utah, 84121; 801-918-6421; he was passive investor and advisor would testify to the fact that this was not a sale of a security to Kelly Edwards.

- d. Pamela Hunt, Salt Lake City, Utah; 801-898-9231; she would testify to her involvement with Kelly Edwards prior to his financial participation in Alivamax, that she gave him all of Alivamax accounting records, that Kelly gave \$50,000 to her for Alivamax, that she gave Alivamax \$9,500 per day for 5 days on behalf of Kelly Edwards, that she was the main person who interfaced with Kelly. After Kelly was provided all of the information for the company by Pamela Hunt he gave her the \$50,000 cash partnership buy in.
2. Plaintiff may use the following documents at the trial of this matter and may amend said documents prior to trial:
- a. Financial Statement dated March 1, 2012 attached as Ex. 1;
 - b. Financial Statement dated March 19, 2012 attached as Ex. 2;
 - c. Operating Agreement dated March 22, 2012 attached as Ex. 3;
 - d. Loan documents dated March 22, 2012 attached as Ex. 4;
 - e. Alivamax Bank Statements and Checks attached as Ex. 5;
 - f. Alivamax Minutes of Meetings attached as Ex. 6;
 - g. Credit card statements attached as Ex. 7;
 - h. Alivamax Compensation Plan attached as Ex. 8;
 - i. Alivamax Profit & Loss Statement attached as Ex. 9;
 - j. Kelly money transactions attached as Ex. 10;
 - k. Payments to Kelly attached as Ex. 11;
 - l. Kelly Inventory Purchases attached as Ex. 12;
 - m. Kelly Disputes re American Express attached as Ex. 13;
 - n. Merchant – Applied May 11, 2012 attached as Ex. 14;
 - o. Applied for Merchant Account attached as Ex. 15;

- p. Customer Service Email attached as Ex. 16;
 - q. Accounting emails attached as Ex. 17;
 - r. Emails of sales – Beau Dorius attached as Ex. 18;
 - s. Mark Sain’s emails attached as Ex. 19;
 - t. Bojabis attached as Ex. 20;
 - u. Operating Agreement of Aliva Millennium attached as Ex. 21;
 - v. Distributor Terms attached as Ex. 22;
 - w. Hold Harmless attached as Ex. 23;
 - x. Malaysia attached as Ex. 24;
 - y. Transcript of meeting between Kelly Edwards, Beau Dorius and Mark Sain dated June 5, 2012 attached as Ex. 25;
 - z. Transcript of meeting between Kelly Edwards, Beau Dorius and Mark Sain dated June 7, 2012 attached as Ex. 26;
3. Pursuant to Rule 26(d), Respondent specifically reserves the right to timely supplement the above disclosures.

DATED this 20th day of March, 2013.

BLACK & ARGYLE, P.C.



David O. Black, Attorney for Respondent

CERTIFICATE OF MAILING

I hereby certify that on the 21st day of March, 2013, I caused a true and correct copy of the foregoing **RESPONDENT'S RULE 26(a)(1) INITIAL DISCLOSURES** to be hand-delivered to the following:

D. Scott Davis
Assistant Attorney General
Utah Division of Securities
160 East 300 South, 5th Floor
Salt Lake City, UT 84114-0872

A handwritten signature in cursive script, reading "Cherry Corbett", is written over a horizontal line.