

STATE OF OKLAHOMA
DEPARTMENT OF SECURITIES
THE FIRST NATIONAL CENTER
120 N. ROBINSON, SUITE 860
OKLAHOMA CITY, OKLAHOMA 73102



In the Matter of:

Jim J. Hammons,

Respondent.

ODS File 14-017

**ENFORCEMENT DIVISION'S APPLICATION FOR ISSUANCE OF
SUBPOENA DUCES TECUM TO THE CENTER MIXED MARTIAL ARTS, LLC**

The Enforcement Division of the Oklahoma Department of Securities ("Department") respectfully submits, pursuant to 660:2-9-4 of the Rules of the Oklahoma Securities Commission and the Administrator of the Department of Securities, Okla. Admin. Code §§ 660:1-1-1 through 660:25-7-1 (2013), the attached Subpoena Duces Tecum to The Center Mixed Martial Arts, LLC, to the Administrator of the Department for issuance.

A handwritten signature in blue ink that reads "Terra Bonnell".

Terra Bonnell
Enforcement Attorney
Oklahoma Department of Securities
120 North Robinson, Suite 860
Oklahoma City, OK 73102
Telephone: (405) 280-7715
Email: tbonnell@securities.ok.gov

CERTIFICATE OF SERVICE

The undersigned hereby certifies that on the 30th day of September, 2014, a true and correct copy of the above and foregoing application was emailed to perry@dentonlawfirm.com and tiffany@dentonlawfim.com and mailed with postage prepaid thereon, addressed to:

Mr. Perry Tirrell, Esq.
Denton Law Firm
925 West State Highway 152
Mustang, OK 73064
Counsel for Respondent

A handwritten signature in blue ink that reads "Terra Bonnell".
Terra Bonnell

STATE OF OKLAHOMA
DEPARTMENT OF SECURITIES
FIRST NATIONAL CENTER, SUITE 860
120 NORTH ROBINSON
OKLAHOMA CITY, OKLAHOMA 73102

In the Matter of:

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SUBPOENA DUCES TECUM

To: The Center Mixed Martial Arts, LLC
c/o Frank Silverman or Mike Metzger
3662 Avalon Park E. Blvd., Suite 201
Orlando, FL 32828

IN THE NAME OF THE STATE OF OKLAHOMA, and pursuant to Section 1-602 of the Oklahoma Uniform Securities Act of 2004 ("Act"), Okla. Stat. tit. 71, §§ 1-101 through 1-701 (2011), **YOU ARE COMMANDED TO PRODUCE**, in compliance with the Definitions and Instructions sections included herein, all documents, records, and materials described in Appendix "A", attached hereto and incorporated herein by reference, to the Oklahoma Department of Securities at 120 North Robinson, First National Center, Suite 860, Oklahoma City, County of Oklahoma, State of Oklahoma, or via electronic upload at <http://www.securities.ok.gov/DocumentDelivery>, **on or before Tuesday, October 14, 2014, at 5:00 p.m.**

Witness my Hand and the Official Seal of the Oklahoma Department of Securities this ____ day of _____, 2014.

(SEAL)

Irving L. Faught, Administrator
Oklahoma Department of Securities
First National Center, Suite 860
120 North Robinson
Oklahoma City, Oklahoma 73102
(405) 280-7700

Requested by:

Terra Bonnell
Enforcement Attorney
Oklahoma Department of Securities
First National Center, Suite 860
120 North Robinson
Oklahoma City, Oklahoma 73102
Phone: (405) 280-7715
Email: tbonnell@securities.ok.gov

**STATE OF OKLAHOMA
DEPARTMENT OF SECURITIES
FIRST NATIONAL CENTER, SUITE 860
120 NORTH ROBINSON
OKLAHOMA CITY, OKLAHOMA 73102**

Definitions

1. As used herein, the terms "you" or "your" refers to The Center Mixed Martial Arts, LLC; all predecessor and successor entities of The Center Mixed Martial Arts, LLC; all entities in which The Center Mixed Martial Arts, LLC, has or had a controlling interest; and all agents, representatives, attorneys or other persons acting or purporting to act on behalf of The Center Mixed Martial Arts, LLC, a predecessor or successor entity, and/or an entity in which The Center Mixed Martial Arts, LLC, has or had a controlling interest.
2. As used herein, the term "Department" shall refer to the Oklahoma Department of Securities.
3. As used herein, the term "Executive Black Belt Training Centers, LLC" also refers to "Executive Black Belt Centers, LLC."
4. As used herein, the term "person" shall refer to any natural person, association, partnership, limited liability company, corporation, business trust, estate, trust, joint venture, or other form of business entity, or any government or any agency, subdivision or instrumentality thereof.
5. As used herein, the term "communication" means any oral statement, dialogue, colloquy, discussion or conversation, and also means any transfer of thoughts or ideas between persons by means of documents, and includes any transfer of data from one location to another by electronic or similar means.
6. As used herein, the term "document" or "writing" means, any medium upon which intelligence or information can be recorded or retrieved, and includes, without limitation; any ESI item, invoice, bill, order form, receipt, financial statement, account statement, accounting entry, diary, written material, book, file, note, pamphlet, periodical, letter, memorandum (including any memorandum or report of a meeting), calendar, telex, telegram, cable, report, record, contract, agreement, study, handwritten note, working paper, chart, print, laboratory record, drawing, sketch, graph, index, list, tape, photograph, microfilm, data sheet or data processing card, or any other written, recorded, transcribed, punched, taped, filmed, or graphic matter, however produced or reproduced.
7. As used herein, the terms "relation," "pertaining to," "relating to," "related to," or "related" mean pertaining in any way to, referring to, reflecting, recording, memorializing, mentioning, constituting, describing, or concerning, directly or indirectly.

8. As used herein, "concerning" means "relating to" as that term is defined above.

9. As used herein, the terms "identification," "identify," or "identity," when used in reference to (a) a natural individual, require you to state his or her full name and residential, business and electronic mail addresses and telephone numbers; (b) a firm, association, partnership, limited liability company, corporation or other form of business entity, require you to state its full name and any names under which it does business, its state of organization, the address of its principal place of business, and the addresses of all of its offices; (c) a business, require you to state the full name or style under which the business is conducted, its business address or addresses, the types of businesses in which it is engaged, the geographic areas in which it conducts those businesses, and the identity of the person or persons who own, operate, and/or control the business; (d) a communication, requires you, if any part of the communication was written, to identify the document(s) which refer to or evidence the communication, and, to the extent that the communication was non-written, to identify the persons participating in the communication and to state the date, manner, place, and substance of the communication.

10. The following rules of construction apply to this subpoena:

(a) the connectives "and" and "or" shall be construed either disjunctively or conjunctively as necessary to bring within the scope of the attachment all responses that might otherwise be construed to be outside of its scope; and

(b) the use of the singular form of any word includes the plural and vice versa.

Instructions

1. Documents required by the subpoena shall be accompanied by a list briefly identifying each document or other material, its custodian, and the item or items of the subpoena to which it relates.

2. Documents required by the subpoena must be produced in an electronic format. The documents shall be in their native format with all associated metadata.¹

3. Files shall be given a meaningful name in relation to their content (e.g. Smith_ChkBnk_Stmnt_1-1-12.xlsx, SmithContract_1-1-12.tiff) and NOT a generic file name (e.g. Bnk_0001.xlsx).

4. File names shall be unique and non-duplicative.

¹ Assistance complying with technical requirements may be attained by calling the Department's Information Systems Administrator at (405) 280-7710. The subpoenaed person shall, at all times, retain the legal obligation and responsibility of complying with the Subpoena.

5. Electronic mail messages shall be produced to the Department in their native format (e.g. as a .pst, .msg, etc. file).
6. Imaged productions in the TIFF format will be accepted, when the documents requested are ordinarily used and maintained as such, if:
 - (a) Images are at least 300 Dots Per Inch in resolution; and
 - (b) The file type lends itself to imaging. If it does not, the production must include copies of the original file in its native format (for example, spreadsheets shall be produced as .xls or .xlsx files).
7. Adobe PDF files are acceptable as native file productions *only* when they have been used and maintained as PDF files in the normal course of business.
8. Instant Message production should be in the Yahoo!™ Messenger version 6.x to 8 format or must:
 - (a) Be in a tab delimited, quotation mark (") text qualified, text file;
 - (b) Include, at a minimum, the following fields: DATE, TIME, FROM, TO, CONVERSATION TEXT, CONVERSATION INDEX; and
 - (c) Include field names in the first row of the text file.
9. Audio and video file production must:
 - (a) Be produced in a format that is playable using Microsoft Windows Media Player™; and
 - (b) For telephonic recordings, include a tab delimited, quotation mark (") text qualified, text file with the following metadata fields, at a minimum: CALLER_NAME, CALLING_NUMBER, DATE, TIME, CALLED_PARTY, CALLED_NUMBER and FILENAME. The filename must match exactly the name used to name the corresponding audio file. The field names must be included in the first row of the text file.
10. Files shall NOT be individually password protected. Password protection shall be applied only to the media the file(s) is stored upon when produced to the Department. Provide passwords to the Department via a separate, mailed or hand-delivered response.
11. Exception files shall be provided to the Department. The Exception file shall list, at a minimum: (a) the error(s) preventing the production of the file(s); (b) the file(s) name(s) and extension(s); (c) the file(s) creator(s), custodian(s) and date(s) of creation; and (d) a brief summary of the file(s) content.

12. Files that are listed in the Exception file shall temporarily satisfy the Subpoena, until such time as the file can be produced electronically, by producing the file in a hard copy format to the Department.

13. Should any document(s), required to be produced by the subpoena, be withheld pursuant to a claim of privilege or for any other reason, submit a list stating: (a) the nature of the documents, communications, or information not being produced; (b) the creator(s) and date(s) of creation of the documents, communications, or information; (c) their present, or last known custodian; and (d) the reason(s) the documents are not produced.

14. Should any document(s) required to be produced by the subpoena have been destroyed for any reason, provide a detailed statement describing such document(s) and setting forth when, how, and why the document(s) were destroyed. If the destruction occurred as a result of a document retention policy, provide a copy of that document retention policy with the detailed explanation.

15. Place a mark on all media, including, but not limited, to optical disks, flash drives and/or hard drives, containing files submitted by you identifying the media/files as having been provided by you.

16. Place a mark on all hard copy documents submitted by you identifying them as having been provided by you.

17. Indicate by separate affidavit whether a diligent search has been made for the subpoenaed documents and whether you have produced all of the documents required by the subpoena.

Appendix "A"

You are commanded to produce the following items within your possession, custody, or control:

1. All agreements between and/or among you, Reaction Force, LLC, Executive Black Belt Training Centers, LLC, Jim J. Hammons, Greg Cooper, Thomas Jacobs, and/or Patricia Reynolds including, but not limited to, purchase agreements, franchise agreements, and subleases.
2. All communications between and/or among you, Reaction Force, LLC, Executive Black Belt Training Centers, LLC, Jim J. Hammons, Greg Cooper, Thomas Jacobs, and/or Patricia Reynolds between January 1, 2012, and December 31, 2012.

CERTIFICATE OF SERVICE

I certify that on the ____ day of _____, 2014, I sent a copy of the above and foregoing Subpoena by certified mail, return receipt requested, delivery restricted to:

The Center Mixed Martial Arts, LLC
c/o Frank Silverman or Mike Metzger
3662 Avalon Park E. Blvd., Suite 201
Orlando, FL 32828

I also certify that on the ____ day of _____, 2014, I sent a copy of the above and foregoing Subpoena by email to perry@dentonlawfirm.com and tiffany@dentonlawfirm.com and by first class mail to the following:

Mr. Perry Tirrell, Esq.
Denton Law Firm
925 West State Highway 152
Mustang, OK 73064

Counsel for Respondent

Brenda London