

1 John E. DeWulf (006850)
Marvin C. Ruth (024220)
2 Vidula U. Patki (030742)
COPPERSMITH BROCKELMAN PLC
3 2800 North Central Avenue, Suite 1900
Phoenix, Arizona 85004
4 T: (602) 224-0999
F: (602) 224-0620
5 jdewulf@cblawyers.com
mruth@cblawyers.com
6 vpatki@cblawyers.com

7 *Attorneys for Defendants*

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10 **SUPERIOR COURT OF ARIZONA**
COUNTY OF MARICOPA

11 Peter S. Davis, as Receiver of DenSco
Investment Corporation, an Arizona
12 corporation,

13 Plaintiff,

14 v.

15 Clark Hill PLC, a Michigan limited liability
company; David G. Beauchamp and Jane
16 Doe Beauchamp, husband and wife,

17 Defendants.

No. CV2017-013832

**STIPULATED MOTION FOR LEAVE
TO DEPOSE INCARCERATED
PERSON YOMTOV SCOTT
MENAGED**

(Assigned to the Honorable Daniel Martin)

18 Pursuant to Ariz. R. Civ. P. 30(a)(3), the Parties jointly request leave of the Court to
19 take the deposition of Yomtov "Scott" Menaged. Mr. Menaged has been convicted of various
20 financial crimes, including defrauding DenSco and is serving a seventeen year sentence at
21 Federal Correctional Institution La Tuna in Anthony, Texas. Mr. Menaged possesses relevant
22 knowledge related to the facts and circumstances of this case, and the parties are therefore
23 coordinating their efforts to depose him. This Motion is supported by the "Good Faith
24 Consultation Certificate" of John E. DeWulf required by Ariz. R. Civ. P. 7.1(h).
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REC'D OSBORN MALEDON P.A.

JUL 30 2019

1 As noted in more detail in the attached "Good Faith Consultation Certificate," the
2 Defendants attempted to procure Mr. Menaged's voluntary cooperation to appear for the
3 requested deposition, but he has yet to respond to that request.

4 The Parties accordingly respectfully request that this Court enter an order in the form
5 submitted herewith that compels Mr. Menaged to appear for the deposition requested.

6 DATED this 26th day of July, 2019.

7 **COPPERSMITH BROCKELMAN PLC**

8 By: /s/ John E. DeWulf

9 John E. DeWulf
10 Marvin C. Ruth
11 Vidula U. Patki
12 2800 North Central Avenue, Suite 1900
13 Phoenix, Arizona 85004
14 *Attorneys for Defendants*

15 **OSBORN MALEDON, P.A.**

16 By: /s/ Colin F. Campbell

17 Colin F. Campbell
18 Geoffrey M.T. Sturr
19 Joseph N Roth
20 Joshua M. Whitaker
21 2929 N. Central Ave., Suite 2100
22 Phoenix, AZ 85012-2793
23 *Attorneys for Plaintiff*

1 **ORIGINAL E-FILED** and a **COPY**
2 mailed this 26th day of July, 2019 to:

3 Colin F. Campbell, Esq.
4 Geoffrey M. T. Sturr, Esq.
5 Joseph N. Roth, Esq.
6 Joshua M. Whitaker, Esq.
7 OSBORN MALEDON, P.A.
8 2929 N. Central Ave., Suite 2100
9 Phoenix, AZ 85012-2793
ccampbell@omlaw.com
gsturr@omlaw.com
jroth@omlaw.com
jwhitaker@omlaw.com
Attorneys for Plaintiff

10 /s/ Tina Johannesen

1 John E. DeWulf (006850)
Marvin C. Ruth (024220)
2 Vidula U. Patki (030742)
COPPERSMITH BROCKELMAN PLC
3 2800 North Central Avenue, Suite 1900
Phoenix, Arizona 85004
4 T: (602) 224-0999
F: (602) 224-0620
5 jdewulf@cblawyers.com
mruth@cblawyers.com
6 vpatki@cblawyers.com

7 *Attorneys for Defendants*

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15 Clark Hill PLC, a Michigan limited liability
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16 Doe Beauchamp, husband and wife,

17 Defendants.

No. CV2017-013832

**ORDER GRANTING STIPULATED
MOTION FOR LEAVE TO DEPOSE
INCARCERATED PERSON YOMTOV
SCOTT MENAGED**

18 The Court, having considered the Parties' Stipulated Motion for Leave to Depose
19 Incarcerated Person Yomtov Scott Menaged, and good cause appearing,

20 **IT IS HEREBY ORDERED:**

21 1. Mr. Menaged shall appear for the deposition requested by the Parties on dates of
22 the Parties' choosing at the FCI La Tuna facility in Anthony, Texas. The Parties will work
23 cooperatively with one another and the FCI La Tuna facility staff to select the dates for Mr.
24 Menaged's deposition. Given Mr. Menaged's substantial knowledge of the relevant facts of
25 this case, the Parties agree that the deposition may be accomplished in 12 hours total over two
26 consecutive days. The deposition shall begin on each day at 9:00 a.m., and Mr. Menaged shall

1 be afforded breaks at least every hour. The Parties will provide notice to Mr. Menaged of the
2 deposition dates selected at least two weeks prior to the first day of the deposition.

3 2. All other Rules of Civil Procedure regarding depositions and related discovery
4 shall apply.

5 3. Nothing in this Order shall be construed as limiting or interfering with the FCI
6 La Tuna facility's rules and regulations for taking depositions of incarcerated persons.
7 Specifically, the Parties shall comply with guidance issued by the Bureau of Prisons regarding
8 the taking of depositions of inmates, as explained in the Legal Resource Guide to the Federal
9 Bureau of Prisons, and all other directions of FCI La Tuna staff.

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11 DATED: July __, 2019.

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13 Daniel Martin
14 Maricopa County Superior Court Judge
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