

IN THE SUPERIOR COURT OF THE STATE OF ARIZONA

IN AND FOR THE COUNTY OF MARICOPA

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

Plaintiff,

vs.

Clark Hill PLC, a Michigan  
limited liability company;  
David G. Beauchamp and Jane Doe  
Beauchamp, Husband and Wife,

Defendants.

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) NO. CV2017-013832  
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VIDEOTAPED DEPOSITION OF MICHELLE TRAN

Phoenix, Arizona  
September 11, 2019  
9:08 a.m.

REPORTED BY:  
KELLY SUE OGLESBY, RPR  
Arizona CR No. 50178  
Registered Reporting Firm R1012

MICHELLE TRAN, 9/11/2019

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## EXHIBITS

EXHIBIT:	DESCRIPTION	MARKED	REF'ED
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## REQUESTS TO PRODUCE DOCUMENTS

Page	Line
(None.)	

## QUESTIONS INSTRUCTED NOT TO ANSWER

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(None.)	

## RECESSES TAKEN

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1 VIDEOTAPED DEPOSITION OF MICHELLE TRAN,  
2 commenced at 9:08 a.m. on September 11, 2019, at the law  
3 offices of Osborn Maledon, P.A., PLC, 2929 North Central  
4 Avenue, Suite 2100, Phoenix, Arizona, before KELLY SUE  
5 OGLESBY, a Certified Reporter, CR No. 50178, in and for  
6 the County of Maricopa, State of Arizona, pursuant to the  
7 Rules of Civil Procedure.

8 \* \* \*

9 APPEARANCES

10 FOR PLAINTIFF:

11 OSBORN MALEDON, P.A.  
12 BY: MR. GEOFFREY M.T. STURR  
13 2929 North Central Avenue  
14 21st Floor  
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gsturr@omlaw.com

15 FOR DEFENDANTS:

16 COPPERSMITH BROCKELMAN, PLC  
17 BY: MR. JOHN E. DEWULF  
18 2800 North Central Avenue  
Suite 1900  
Phoenix, Arizona 85004  
jdewulf@cblawyers.com

19 ALSO PRESENT:

20 Chris Eichler, Legal Video Specialists  
21  
22  
23  
24  
25

MICHELLE TRAN, 9/11/2019

Phoenix, Arizona  
September 11, 2019  
9:08 a.m.

\* \* \*

(Deposition Exhibits No. 1041 through 1066 were marked for identification.)

VIDEOGRAPHER: We are on the record. This is the videotaped deposition of Michelle Tran, taken by the plaintiff in case number CV2017-013832, styled Peter S. Davis versus Clark Hill, PLC, et al., filed in the Superior Court of the State of Arizona, in and for the County of Maricopa.

Today's date is September 11th, 2019, at 9:08 a.m. Our location is 2929 North Central Avenue, Suite 2100, Phoenix, Arizona.

Kelly Oglesby is a certified reporter with JD Reporting, located in Phoenix, Arizona. My name is Chris Eichler. I'm the certified legal video specialist with Legal Video Specialists, 3033 North Central Avenue, Phoenix, Arizona.

Counsel, would you please identify yourself for the record at this time, starting with the plaintiff's counsel first, please.

MR. STURR: Geoffrey Sturr, Osborn Maledon, representing the plaintiff, Peter Davis, as receiver of DenSco Investment Corporation.

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1 MR. DeWULF: John Dewulf, of Coppersmith  
2 Brockelman, representing defendants.

3 MR. STURR: Before we begin the deposition, let  
4 me note for the record that Mr. Dewulf provided this  
5 morning, before the deposition began, three invoices  
6 issued by Clark Hill to Shawna Heuer dated September 15,  
7 2016, October 20, 2016, and January 19, 2017, that had not  
8 been previously produced.

9 MR. DeWULF: And are you finished?

10 MR. STURR: Yeah.

11 MR. DeWULF: For the record, I -- it wasn't  
12 clear to me whether it had or not been produced. As a  
13 voluntarily disclosure, we are providing it today.

14 We do not represent the estate. The estate  
15 continues to invoke the privilege as it relates to work  
16 done or advice given to the estate, but I have reviewed  
17 these invoices. I don't think they reveal anything that  
18 would be otherwise privileged.

19 MR. STURR: Okay. Please swear the witness.

20

21 MICHELLE TRAN,  
22 called as a witness herein, having been first duly sworn,  
23 was examined and testified as follows:

24

25

## EXAMINATION

Q. (BY MR. STURR) Ms. Tran, have you been deposed before?

A. No.

Q. Are you suffering from any medical condition or taking any medications that would affect your ability to testify truthfully today?

A. No.

Q. Have you had an opportunity to meet with your counsel to prepare for this deposition?

A. Yes.

Q. Who did you meet with?

A. John.

Q. Mr. DeWulf?

A. Mr. DeWulf.

Q. And how long did you meet with him and when, without telling me the substance of your conversations?

A. On Monday for a few hours.

Q. Is that the first time you met with Mr. DeWulf?

A. Yes.

Q. Had you met him before?

A. No.

Q. Have you discussed your deposition with anyone other than Mr. DeWulf?



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1 A. Ed Hood, who is general counsel for the firm.

2 Q. And when did you speak with or meet with  
3 Mr. Hood?

4 A. A few weeks ago. He was in the office. I don't  
5 know exactly. I just mentioned it in passing. We didn't  
6 discuss it in detail.

7 Q. Have you talked with anyone else at the firm  
8 about your deposition?

9 A. No.

10 Q. Did you review any documents to prepare to  
11 testify today?

12 A. With Mr. Dewulf, yes.

13 Q. Can you describe generally the types of  
14 documents you reviewed?

15 A. The invoices that -- documents we prepared for  
16 the probate that Shawna signed, and some correspondence,  
17 emails.

18 Q. Did any of those documents refresh your  
19 recollection?

20 A. Yes.

21 Q. Can you tell me which ones refreshed your  
22 recollection?

23 A. They all did. This was done in 2016. I didn't  
24 have a really clear memory of this representation beyond  
25 the basic facts of Mr. -- I can't remember his last

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1 name -- Denny Chittick, Mr. Chittick's suicide.

2 Q. Okay. I'm going to hand you what's been marked  
3 as Exhibit 1041.

4 Ms. Tran, I identify for the record  
5 Exhibit 1041. 1041 is a document obtained from Clark  
6 Hill's website, which has a photo and a summary of your  
7 resumé and experience, is that correct?

8 A. That's correct.

9 Q. Is that an accurate -- to the best of your  
10 knowledge, is the resumé accurate?

11 A. It is.

12 Q. How many years have you been affiliated with  
13 Clark Hill?

14 A. Since January 1, 2015.

15 Q. Now, what was your status as you joined Clark  
16 Hill?

17 A. Senior counsel.

18 Q. What is your status at Clark Hill today?

19 A. I am a member.

20 Q. When did you become a member?

21 A. January 1 of this year.

22 Q. What was your status in August of 2016?

23 A. Senior counsel.

24 Q. Where did you practice law before joining Clark  
25 Hill?

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1 A. I was with a small boutique law firm called  
2 Rayndon Law Group.

3 Q. How many years were you practicing with Rayndon  
4 Law Group?

5 A. Since mid-1998.

6 Q. And before that, where were you practicing?

7 A. Heilman Kyle.

8 Q. And I see from your bio that you graduated from  
9 law school in 1994. Is that correct?

10 A. Yes.

11 Q. So you have practiced law for some 24 years,  
12 roughly?

13 A. Yes. Well, I didn't start practicing until  
14 after my LLM, so...

15 Q. Tell me about your current practice today at  
16 Clark Hill.

17 A. It's a trust and estates practice.

18 Q. Meaning what?

19 A. I prepare estate plans. I help trustees  
20 administer trusts. I help personal representatives  
21 administer estates.

22 Q. Okay. Are you familiar with -- let me step back  
23 for a second.

24 A. Okay.

25 Q. When did you first learn about this lawsuit,

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1 that you can recall?

2 A. I don't -- I don't know. There have been -- I  
3 don't know. I don't have a timeline for that.

4 Q. Was it more than a year ago?

5 A. Yes, it was probably more than a year ago.

6 Q. How did you learn about the lawsuit at that  
7 time?

8 A. I believe that David Beauchamp mentioned it.

9 Q. What did Mr. Beauchamp tell you?

10 THE WITNESS: Can I answer that?

11 MR. DeWULF: I -- that -- that may be privileged  
12 if it were a reflection of any discussions he may have had  
13 with counsel or about the merits of the case, those kinds  
14 of things, but you can go ahead and answer if it wouldn't  
15 include that kind of thing.

16 THE WITNESS: He just mentioned that there was a  
17 lawsuit stepping out of this, this matter that I had  
18 worked on.

19 Q. (BY MR. STURR) Is that all he said?

20 A. Yes.

21 Q. Okay. Is that the only conversation, after  
22 that -- that's the first time you learned of the lawsuit.

23 Did you have a conversation with anyone else  
24 about the lawsuit, that you can recall, within Clark Hill,  
25 before you spoke with Mr. Hood about your deposition?

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1 A. I believe that when I first learned that I might  
2 be deposed, which was prior to my last conversation with  
3 Ed Hood, I might have -- I spoke to him about that.

4 Because Mr. Dewulf had called me, and I wasn't sure who he  
5 was, so I just had to make sure I was all good.

6 Q. Before you learned, Ms. Tran, that you -- that a  
7 request had been made to take your deposition, had you  
8 spoken with, to the best of your memory, had you spoken  
9 with Mr. Hood about the lawsuit?

10 A. No.

11 Q. And to the best of your memory, before you  
12 learned you would be a witness in the case, had you spoken  
13 with Mr. Dewulf or anyone from his firm?

14 A. No.

15 Q. Were you -- were you ever asked to review any  
16 disclosure statements that were issued by the firm?

17 A. No.

18 Q. Okay. Do you know who Sandra Glazier and Thomas  
19 Dixon are? Do you recognize those names?

20 A. Tom -- there is a Tom Dixon in my firm. Is that  
21 the Tom Dixon to whom you are referring?

22 Q. Yeah. I'm going to hand you --

23 A. Okay.

24 Q. -- what's been marked as Exhibit 1042. 1042 is  
25 a document that was obtained from the internet. It

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1 appears to be a publication in trustsandestates.com,  
2 authored by Sandra Glazier and Thomas Dixon, who are  
3 identified as lawyers affiliated with Clark Hill. Is that  
4 correct?

5 A. Sandra is not affiliated with Clark Hill,  
6 according to her bio at the bottom, but I know who Thomas  
7 Dixon is.

8 Q. Oh, I'm sorry. She is at Lipson Neilson. Thank  
9 you for correcting me.

10 Thomas Dixon is a member of Clark Hill, correct?

11 A. Yes.

12 Q. So he co-authored this article?

13 A. Okay.

14 Q. Correct?

15 A. Yes.

16 Q. And you know Thomas Dixon, correct?

17 A. I have never met him, no. I just know his name.

18 Q. Okay. If I could ask you to take a look at the  
19 paragraph that begins The Initial Analysis.

20 Do you see that?

21 A. I will have to grab my glasses. Hold on.

22 Q. Do you see that?

23 A. Yes.

24 Q. The article under that paragraph states, "You've  
25 been contacted by a potential client. She's been

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1 nominated as the personal representative of the decedent's  
2 estate and trustee of his inter vivos trust. She's also a  
3 beneficiary. Can you represent her in both capacities?"

4 Do you see that question?

5 A. I do.

6 Q. And the article goes on to say: Perhaps yes,  
7 but because her duties as a fiduciary may conflict with  
8 her interests as a beneficiary, often the better course is  
9 to represent her only in one capacity.

10 It goes on to state that -- if you go to the  
11 next paragraph --

12 A. Uh-huh.

13 Q. -- "Determining how best to represent the client  
14 requires a careful analysis of other potential interested  
15 parties to the administration of the estate and trust."

16 And I'm continuing the quote, "Are there  
17 creditors? Are there contesting parties? Is there  
18 disharmony in the family? Is there any possibility that  
19 there will be a divergence of interests?" I just finished  
20 the quote.

21 Do agree with that statement?

22 A. Yes.

23 Q. You agreed in August of 2016 to undertake the  
24 representation of Shawna Heuer, is that correct?

25 A. That's correct.

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1 MR. DeWULF: Object to form.

2 THE WITNESS: Oh.

3 MR. DeWULF: Go ahead.

4 MR. STURR: What's the objection?

5 MR. DeWULF: Well, I don't know if it's  
6 technically just representing Shawna Heuer, if it's --  
7 it's better described to be representing her in her  
8 prospective capacity as the personal representative for  
9 the estate. So I'm not --

10 Q. (BY MR. STURR) Let me --

11 MR. DeWULF: I'm just raising that as a  
12 potential issue.

13 Q. (BY MR. STURR) Let me hand you what's been  
14 marked as Exhibit 1043.

15 Ms. Tran, can you identify Exhibit 1043 as an  
16 engagement letter that you authored, dated August 2, 2016,  
17 that was addressed to Shawna Heuer?

18 A. Yes.

19 Q. Does the letter identify Shawna Heuer as the  
20 client?

21 A. It does, but does not indicate in what capacity.

22 Q. Should it have indicated in what capacity the  
23 firm was undertaking the representation of Shawna Heuer?

24 MR. DeWULF: Object to the form.

25 Q. (BY MR. STURR) You can answer the question.



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1 A. Oh. I -- yes.

2 Q. Let me hand you what has been marked as  
3 Exhibit 1044.

4 A. Okay.

5 Q. Exhibit 1044, Ms. Tran, is the will of Denny  
6 Chittick, which was filed in court --

7 A. Uh-huh.

8 Q. -- by your firm on August 14, 2016, is that  
9 correct?

10 A. That's correct.

11 Q. As I read this document, Ms. Heuer is identified  
12 as having various capacities. If you turn to page 2, on  
13 the carryover of Part 5, the last paragraph says: I leave  
14 my residuary estate to Shawna Heuer.

15 Can I take it from that that Shawna Heuer was a  
16 beneficiary of the estate?

17 A. Yes.

18 Q. Part 6 identifies individual children's trusts.  
19 Do you see that?

20 A. I do.

21 Q. Do you see that Ms. Heuer is identified as the  
22 trustee of those trusts?

23 A. Yes.

24 Q. Part 10, page 5, states that Ms. Heuer is the  
25 executor of the estate, is that correct?

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1 A. That's correct.

2 Q. Did you consider at the time you sent this  
3 letter that Ms. Heuer had those various interests under  
4 the will of Denny Chittick?

5 A. Yes.

6 Q. And what is your understanding today of the  
7 capacity in which the firm was representing Shawna Heuer?

8 A. I was only asked to represent her with respect  
9 to being -- getting her appointed expediently as personal  
10 representative of the estate.

11 Q. Who made that request of you?

12 A. Shawna did, I believe. Shawna did.

13 Q. Only. You said -- you used the word "only,"  
14 correct?

15 A. Yes.

16 Q. Are you suggesting that representation was  
17 limited?

18 A. We were -- I was brought in for that very  
19 limited purpose, yes, of getting her appointed as personal  
20 representative. I was not asked to represent her as  
21 beneficiary or in any other capacity.

22 Q. Ms. Tran, does your engagement letter,  
23 Exhibit 1043, in any way limit the firm's representation?

24 A. It does not.

25 Q. You understand that in probate court if a lawyer

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1 is to undertake the limited representation of a client,  
2 probate rules require a statement to the court that the  
3 representation is so limited.

4 Is that correct?

5 MR. DeWULF: Object to form, and a belated  
6 objection to the prior question, but you can go ahead and  
7 answer, if you can.

8 why don't you read it back, Kelly.

9 (The requested portion of the record was read.)

10 Q. (BY MR. STURR) Let me withdraw the question. I  
11 will ask you to take a look at what's been marked as  
12 Exhibit 1045. 1045 is a copy of Rule 10 of the Rules of  
13 Probate Procedure.

14 Are you familiar with this rule, Ms. Tran?

15 A. Yes.

16 Q. Does Rule A.1. provide for limited scope  
17 representation under certain circumstances?

18 A. Which one?

19 Q. Rule A.2.

20 A. A.2., okay.

21 MR. DeWULF: why don't you go ahead and read  
22 that.

23 THE WITNESS: Okay.

24 Q. (BY MR. STURR) Can you confirm for me that the  
25 firm and your representation of Shawna Heuer's was not a

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1 limited scope representation within the meaning of Rule 10  
2 A.2.?

3 MR. DeWULF: Object to form.

4 Go ahead.

5 THE WITNESS: It was not a limited scope.

6 Q. (BY MR. STURR) Thank you.

7 I'm going to ask you to review a series of  
8 documents, Ms. Tran, that were filed by your firm. And I  
9 will just -- I'm going to hand them to you. Then I'll  
10 identify them for the record, if I may.

11 A. Sure.

12 MR. STURR: John, I have just handed the witness  
13 Exhibit 1046.

14 MR. DeWULF: Thank you.

15 MR. STURR: I have handed the witness what's  
16 been marked as Exhibit 1047.

17 I'm sorry. Excuse me, Ms. Tran.

18 I have handed the witness what's been marked as  
19 Exhibit 1048, I have handed the witness what's been marked  
20 as Exhibit 1049, I have handed the witness what's been  
21 marked as Exhibit 1050, I have handed the witness what's  
22 been marked as Exhibit 1051, I have handed the witness  
23 what's been marked as Exhibit 1052, and I have handed the  
24 witness what has been marked as Exhibit 1053.

25 Q. Ms. Tran, could you confirm for me that

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1 Exhibit 1046 is a document captioned Application for  
2 Informal Probate and Appointment of Personal  
3 Representative?

4 A. It is.

5 Q. And that is a document that you signed?

6 A. It is.

7 Q. It was also signed by Shawna Heuer?

8 A. Correct.

9 Q. And it was filed on August -- it's dated  
10 August 2, 2016, is that correct?

11 A. That's correct.

12 Q. And it was filed with the Court on August 4,  
13 2016?

14 A. That's correct.

15 Q. And the purpose of this document is what?

16 A. To seek appointment of Shawna as the personal  
17 representative, personal representative of the Estate of  
18 Denny Chittick.

19 Q. And the caption at the top identifies you and  
20 your bar number, but it also identifies Darra, D-a-r-r-a,  
21 Lynn, L-y-n-n, Rayndon, R-a-y-n-d-o-n.

22 who is she?

23 A. My partner.

24 Q. What role did she have in this representation?

25 A. Co-counsel, I suppose. We -- we work together,

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1 so we -- we jointly put our names on the probate  
2 proceedings documents.

3 Q. Do you know if she met with Shawna Heuer?

4 A. She did not meet with Shawna Heuer.

5 Q. Did you discuss with her this potential  
6 representation before undertaking it?

7 A. No.

8 Q. Did you discuss with her any of the documents  
9 that you filed?

10 A. No.

11 Q. Did she have any involvement at all in the  
12 firm's representation of Shawna Heuer?

13 A. Not that I know of.

14 Q. Can you confirm that Exhibit 1047 is a document  
15 that you caused to be filed on August 4, 2016, captioned  
16 Statement of Informal Probate of Will and Appointment of  
17 Personal Representative?

18 A. Yes.

19 Q. Can you confirm that Exhibit 1048 is a document  
20 marked Registrar's Acceptance?

21 A. Yes.

22 Q. And that's another document that your firm  
23 caused to be filed with the Court?

24 A. Yes.

25 Q. Exhibit -- can you confirm that Exhibit 1049 is

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1 a document captioned Letters of Appointment of Personal  
2 Representative and Acceptance of Appointment as Personal  
3 representative?

4 A. Yes.

5 Q. And that's another document that was filed by  
6 your firm with the Court?

7 A. That's correct.

8 Q. Can you confirm that Exhibit 1050 is a document  
9 captioned Order to Personal Representative Acknowledgement  
10 of Information to Heirs?

11 A. Correct.

12 Q. And that is a document that you caused to be  
13 filed with the Court?

14 A. Yes.

15 Q. May I ask you a question about this document?

16 A. Sure.

17 Q. This is a standard order, I understand, in a  
18 probate case --

19 A. Correct.

20 Q. -- for the administration of the estate, is that  
21 correct?

22 A. Yes.

23 Q. And it was signed by Ms. Heuer on August 2,  
24 2016?

25 A. That's correct.

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1 Q. She agreed to be bound by it?

2 A. Yes.

3 Q. Did you --

4 MR. DeWULF: Let me just -- you need to pause.

5 THE WITNESS: Okay.

6 MR. DeWULF: -- because, again, I want to make  
7 sure you are not disclosing that which may be  
8 privileged --

9 THE WITNESS: Okay.

10 MR. DeWULF: -- between you and the estate.

11 THE WITNESS: Okay.

12 MR. DeWULF: So you have to give me a moment to  
13 think about the question and maybe object.

14 THE WITNESS: Certainly. I'm sorry.

15 MR. DeWULF: That's all right.

16 Q. (BY MR. STURR) If you turn to page 2 of  
17 Exhibit 1050, Ms. Tran.

18 A. Uh-huh.

19 Q. Paragraph 2 reads Fiduciary Duties.

20 A. Uh-huh.

21 Q. Do you see that?

22 That paragraph contains a discussion of the  
23 fiduciary duties that Ms. Heuer owed upon agreeing to  
24 serve as personal representative.

25 Is that fair? Is that an accurate statement?



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1 A. Yes.

2 Q. Without revealing any communications you may  
3 have had with Ms. Heuer, did you -- did you take steps to  
4 ensure she understood her duties as a fiduciary?

5 MR. DeWULF: I think that's a yes-or-no  
6 question. You can probably answer that.

7 THE WITNESS: I don't specifically recall.

8 Q. (BY MR. STURR) Do you recall whether -- well, I  
9 will get to that in a minute.

10 Can you identify Exhibit 1050 -- sorry. We were  
11 just discussing that -- Exhibit 1049. I'm sorry. I'm  
12 going the wrong way. Forgive me, Ms. Tran.

13 Can you identify Exhibit 1051 as a document  
14 captioned Notice to Heirs -- and is it Devises?

15 Is that the correct pronunciation?

16 A. It is.

17 Q. -- of Informal Probate and Appointment of  
18 Personal Representative?

19 A. Yes.

20 Q. And the purpose of this document is to give  
21 notice to anyone who is an heir or another interested  
22 party under the terms of a will.

23 Is that roughly the case?

24 A. I can't quote the statute to you regarding the  
25 purpose of this. It's required to be given to surviving

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1 spouse, children, heirs and devisees, I believe, under the  
2 statute.

3 Q. Okay. Can you confirm that Exhibit 1052 is a  
4 document that you -- your firm caused to be filed with the  
5 probate court on August 4, 2016?

6 A. Yes.

7 Q. And this is a document captioned Notice to  
8 Creditors, correct?

9 A. Correct.

10 Q. And it was signed by Shawna Heuer on August 2?

11 A. Correct.

12 Q. And the document states that any creditors  
13 having claims are to present the claims, and I am quoting  
14 here, "to the undersigned Personal Representative at the  
15 law firm of Clark Hill, PLC," is that correct?

16 A. That's correct.

17 Q. And the last document, Exhibit 1053, can you  
18 confirm that that is a document your firm caused to be  
19 filed on August 5th, 2016?

20 A. Yes.

21 Q. And that's captioned Notice -- Proof of Notice,  
22 correct?

23 A. That's correct.

24 Q. And you filed that to confirm that -- that the  
25 Order to Personal Representative and Acknowledgment and

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1 Information to Heirs had been served in accordance with  
2 the Court's order?

3 A. Yes.

4 Q. Can I ask you to please review Exhibit -- what's  
5 been marked as Exhibit 1054.

6 A. Yes.

7 Q. Do you have that in front of you? Please take a  
8 moment to look at it.

9 Ms. Tran, Exhibit 1054 is a document that was  
10 produced by DenSco Investment Corporation to the receiver  
11 in approximately October of 2016. It's an email chain in  
12 which you have an email exchange with Ms. Heuer. Begins  
13 with your email on August 5, and a response on August --  
14 on the same day.

15 Do you see that?

16 A. I do.

17 Q. I'm reading your email, Ms. Tran, to Ms. Heuer,  
18 which states that in brief, you are forwarding the  
19 documents that have been filed with the Probate Court, is  
20 that correct?

21 A. That's correct.

22 Q. You go on to state, at the last -- if I turn to  
23 the last page, please --

24 A. Uh-huh.

25 Q. -- and I quote, "Please let me know what

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1 questions you may have. I am happy to help as you are  
2 addressing various assets of the Estate and I will work  
3 with David on the corporate issues."

4 A. Uh-huh.

5 Q. Do you see that?

6 A. Uh-huh.

7 Q. Is that an accurate statement at the time you  
8 wrote it?

9 A. Yes.

10 Q. That email does not reflect that your  
11 representation of Ms. Heuer was limited to simply filing  
12 the probate documents, does it?

13 A. No.

14 MR. DeWULF: Object to form.

15 THE WITNESS: I'm sorry.

16 MR. DeWULF: You need to --

17 THE WITNESS: I'm sorry. I'm sorry.

18 MR. DeWULF: That's all right.

19 Q. (BY MR. STURR) Do you recall today what  
20 corporate issues you anticipated discussing with David?  
21 And I assume that's David Beauchamp, is that  
22 correct?

23 Let me ask the question. Is the David that you  
24 reference here David Beauchamp?

25 A. Yes.

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1 Q. What corporate issues did you anticipate  
2 discussing with David Beauchamp on August 5, 2016?

3 MR. DeWULF: Object to form.

4 THE WITNESS: I don't specifically remember.

5 Q. (BY MR. STURR) Do you have any general  
6 recollection?

7 MR. DeWULF: Object to the form.

8 Q. (BY MR. STURR) You said specifically.

9 MR. DeWULF: You can go ahead.

10 THE WITNESS: All right.

11 Q. (BY MR. STURR) I'm asking if you have a general  
12 recollection.

13 A. I would assume that I meant that if there were  
14 corporate issues, I was not going to handle them because  
15 I'm not a corporate attorney.

16 Q. And what corporate issues would there be?

17 MR. DeWULF: I don't want you to speculate, and  
18 when you said "I assume" --

19 THE WITNESS: Okay.

20 MR. DeWULF: -- that sounded to me like you were  
21 guessing.

22 THE WITNESS: Okay.

23 MR. DeWULF: So tell him what you know --

24 THE WITNESS: Okay.

25 MR. DeWULF: -- but don't guess.

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1 THE WITNESS: Okay.

2 MR. DeWULF: If you can answer the question, you  
3 can go ahead.

4 THE WITNESS: I know there was a business  
5 involved, so...

6 Q. (BY MR. STURR) What did you know about a  
7 business being involved?

8 A. I know what Shawna told me in our meeting --

9 MR. DeWULF: Don't --

10 THE WITNESS: -- which is --

11 MR. DeWULF: Don't --

12 THE WITNESS: -- privileged.

13 MR. STURR: Why is that information privileged,  
14 John? Because Ms. Heuer has testified, as the holder of  
15 the privilege when she was deposed in this case, about her  
16 communications with Ms. Tran?

17 MR. DeWULF: My memory of Ms. Heuer's testimony  
18 was that her testimony related to pre-engagement, not as  
19 to the communications she had with counsel specifically in  
20 connection with her serving as PR.

21 Now, I could be wrong about that, because it's  
22 been a long time since she was deposed, but in the  
23 intervening time it's been made clear to me by counsel for  
24 the estate that they are not waiving the privilege, and I  
25 want to make sure that since we don't possess that

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1 privilege, that we are observing and respecting those  
2 wishes, so --

3 MR. STURR: Are you instructing the witness not  
4 to answer?

5 MR. DeWULF: Well, let me get the question  
6 again, because it may or may not call for privileged  
7 information, but --

8 Kelly, if you could read it back.

9 (The requested portion of the record was read.)

10 MR. STURR: Let me -- John, let's --

11 MR. DeWULF: I think it's really limited, and I  
12 don't want to get in the way of your asking questions.  
13 And I'm not sure that it's going to reveal privileged  
14 information, but I don't know, so be careful.

15 MR. STURR: Let me -- let me -- let me -- John,  
16 I will withdraw the question for the moment. I'm going to  
17 return to it, because I have some questions that relate to  
18 her discussions with Ms. Heuer regarding conflict issues,  
19 and I don't believe those are privileged, but we will see  
20 when we get to it. Okay?

21 Q. (BY MR. STURR) You were responsible, you were  
22 the person at Clark Hill who was responsible for ensuring  
23 that a conflict check was undertaken before the firm's  
24 representation of Ms. Heuer began, is that correct?

25 MR. DeWULF: Object to form.

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1 THE WITNESS: The conflict check did not come to  
2 me, so no.

3 Q. (BY MR. STURR) Let me hand you what's been  
4 marked as Exhibit 707 --

5 A. Okay.

6 Q. -- Ms. Tran.

7 A. Uh-huh.

8 Q. Ms. Tran, have you -- do you recall reviewing,  
9 seeing this document before today?

10 A. Yes.

11 Q. Okay. And how recently have you seen it?

12 A. On Monday.

13 Q. This is a document called New Business Intake  
14 Form, is that correct?

15 A. That's correct.

16 Q. This is a form that Clark Hill requires before  
17 opening any new matters, is that correct?

18 A. That's correct.

19 Q. Okay. If you could turn to page 3 of this  
20 document, it's Bates marked 180 -- 18016.

21 A. Page 3?

22 Q. Page 3.

23 A. Okay.

24 Q. Are you there?

25 A. I am.



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1 Q. There is a heading that's marked Risk  
2 Assessment. There is a box that says: Has a check been  
3 run for any client, issue or business conflict and all  
4 involved partners using the Firm's method? And that box  
5 is checked "yes," is that correct?

6 A. That's correct.

7 Q. The second box says: Is there any potential for  
8 a client, issue or business conflict? If yes, explain how  
9 they were resolved, and there is some -- it goes on from  
10 that.

11 And that box is checked "no," correct?

12 A. Correct.

13 Q. If you go to the next page, your name appears  
14 as, as approving.

15 Mr. Beauchamp approved this matter under  
16 Section F on August 3, '16, is that correct?

17 A. That's correct.

18 Q. And you signed approving on August 3, 2016,  
19 correct?

20 A. That's correct.

21 Q. You said you weren't responsible for any  
22 conflict check. Do I understand your testimony?

23 A. That's correct.

24 Q. And would you please go two more pages down.  
25 It's hard to read the page number, but it's CH0018019.

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1 Do you see that page? It's captioned New  
2 Business Intake, page 1 of 2 at the top?

3 A. Yes.

4 Q. Are you there?

5 A. Uh-huh.

6 Q. There is a -- the form states that you are the  
7 person who was responsible, under matter information,  
8 client responsible is you, Michelle Tran, is that correct?

9 A. Yes.

10 Q. And for the -- if you read further below, it  
11 says M. Tran, attorney, approve conflicts report.

12 Do you see that?

13 A. Yes.

14 Q. I take it from this that you were the person who  
15 ordered the conflict check.

16 Is that -- are you telling me that's not  
17 correct?

18 A. I don't recall.

19 Q. You were the lawyer responsible for opening the  
20 matter, we saw that in the engagement letter, for  
21 representing the client, correct?

22 A. Yes.

23 Q. And under firm policy, you were the person  
24 responsible for ensuring that there were no conflicts that  
25 needed to be addressed before undertaking the

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1 representation, is that correct?

2 MR. DeWULF: Object to form.

3 You can go ahead.

4 THE WITNESS: If you look on the first page, it  
5 says that David was the client responsible, who -- so I  
6 was perhaps -- normally the conflict check would come to  
7 him, but it's possible I mis -- I don't remember the  
8 situation.

9 Q. (BY MR. STURR) Let me make sure --

10 A. Okay.

11 Q. -- my question is clear.

12 My question to you, Ms. Tran, was you were the  
13 lawyer at Clark Hill responsible for the representation of  
14 Ms. Heuer, correct?

15 MR. DeWULF: Object to form.

16 Go ahead.

17 THE WITNESS: I'm responsible for the  
18 representation of Ms. Heuer as personal representative of  
19 the estate.

20 Q. (BY MR. STURR) And before undertaking that  
21 representation, you had a responsibility to ensure that  
22 any conflicts relating to that potential representation  
23 were identified and resolved.

24 would you agree with me?

25 MR. DeWULF: Object to form.

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1 THE WITNESS: I would say collectively, I was  
2 part of the -- of who was responsible for that, yes.

3 Q. (BY MR. STURR) Ms. Tran, are you aware of your  
4 responsibilities under the Arizona Rules of Professional  
5 Responsibility, ER 1.7?

6 A. Yes.

7 MR. DeWULF: Object --

8 THE WITNESS: I'm sorry.

9 MR. DeWULF: Object to form.

10 Go ahead.

11 Q. (BY MR. STURR) would you agree with me that --  
12 and each attorney is responsible for ensuring that, before  
13 undertaking the representation of a client, they have  
14 adequately addressed conflicts?

15 COURT REPORTER: Can you repeat that?

16 MR. STURR: Huh?

17 COURT REPORTER: Repeat that.

18 MR. STURR: I'll restate the question.

19 THE WITNESS: Okay.

20 Q. (BY MR. STURR) would you agree with me that  
21 under the Arizona Rules of Professional Responsibility, an  
22 attorney has an obligation to identify and resolve any  
23 potential conflicts relating to the representation of a  
24 client before undertaking that representation?

25 MR. DeWULF: Object to form.

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1 You can go ahead.

2 THE WITNESS: Yes.

3 Q. (BY MR. STURR) I look at this form, Ms. Tran,  
4 and I see -- help me understand this, but the only parties  
5 I see identified on this form are Shawna Heuer, who is  
6 identified as a client affiliate --

7 A. Uh-huh.

8 Q. -- and Estate of Denny Chittick as a client.  
9 Is that correct?

10 A. That's correct.

11 Q. Are any potentially adverse parties identified  
12 on this form?

13 A. No.

14 Q. Do you know why no potentially adverse parties  
15 appear?

16 A. No.

17 Q. Did you personally take any steps to gather from  
18 Shawna Heuer information that might be relevant to  
19 potential conflicts?

20 MR. DeWULF: And on that issue, to the extent it  
21 would call for privileged communications, I'll instruct  
22 you not to answer, or I -- I can't instruct you, but I  
23 want you to be sensitive and mindful of the estate's  
24 privilege.

25 THE WITNESS: Can you repeat the question?

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1 Q. (BY MR. STURR) Did you take any steps to confer  
2 directly with Shawna Heuer to gather information from her  
3 that would be relevant to your analysis of whether there  
4 was an actual or potential conflict created by the firm's  
5 undertaking of the representation of Ms. Heuer in her  
6 capacity as a personal representative of the estate?

7 MR. DeWULF: Same instruction.

8 Go ahead, if you can.

9 THE WITNESS: I don't specifically recall.

10 Q. (BY MR. STURR) Okay. Did you have a  
11 conversation with David Beauchamp about any matters that  
12 might give rise to an actual or potential conflict arising  
13 from the firm's representation of Ms. Heuer in her  
14 capacity as a personal representative of the estate?

15 MR. DeWULF: Same instruction.

16 Go ahead.

17 MR. STURR: John, it's an internal  
18 communication. How is that privileged?

19 MR. DeWULF: Well, it may reveal information as  
20 it relates to her performing her obligations for the  
21 Estate, and if she is conveying information that was  
22 shared to her or with her by the Estate in relation to  
23 undertaking the representation, it may be privileged.

24 So I don't know what I don't know here, and so I  
25 want to make sure I'm careful about what Michelle might

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1 know about this if -- to the extent you remember, so just  
2 be mindful. I want you to try to be responsive --

3 THE WITNESS: Uh-huh.

4 MR. DeWULF: -- and answer the questions if you  
5 can, but also being mindful of the Estate representation.

6 Q. (BY MR. STURR) Let me rephrase the question.

7 A. Uh-huh.

8 Q. Do you have a memory of having a conversation  
9 with Mr. Beauchamp to discuss information that you needed  
10 to complete a conflict check?

11 A. No.

12 Q. Did Mr. Beauchamp ever tell you, to the best of  
13 your memory, that before May 2014, Mr. Beauchamp had  
14 provided advice to DenSco Investment Corporation and to  
15 Denny Chittick in his capacity as president of DenSco  
16 Investment Corporation?

17 A. I don't recall.

18 Q. Did Mr. Chittick -- Mr. Beauchamp tell you that  
19 in May 2014 he believed that Mr. Chittick was an  
20 intransigent client?

21 MR. DeWULF: Object to form.

22 MR. STURR: What's the objection?

23 MR. DeWULF: I don't know what intransigent  
24 meant.

25 MR. STURR: It's a quote from your disclosure

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1 statement, John.

2 MR. DeWULF: Okay. But it doesn't -- the  
3 specifics of the question lacks foundation.

4 And all I'm asking, for the record, is that you  
5 be careful about responding to questions that may or may  
6 not have foundation for it --

7 THE WITNESS: Okay.

8 MR. DeWULF: -- and you may not have been a  
9 party to.

10 THE WITNESS: Okay.

11 MR. DeWULF: So you can go ahead and answer, if  
12 you can.

13 THE WITNESS: No.

14 Q. (BY MR. STURR) Did Mr. Beauchamp, in August of  
15 2016, tell you that he believed that in May of 2014,  
16 Mr. Chittick was acting contrary to the advice he was  
17 providing?

18 MR. DeWULF: Object to form.

19 MR. STURR: What's the objection?

20 MR. DeWULF: I know you are quoting from  
21 something, but it seems to me you are asking this witness,  
22 without time specificity, a very detailed question.

23 And -- but if you can answer it -- I'm also a  
24 little concerned about privilege as it relates to the  
25 representation, but if you can answer it, you can go



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1 ahead.

2 MR. STURR: John, before you answer, let me just  
3 be clear, John. I'm deliberately quoting from a statement  
4 Mr. Beauchamp has verified so that -- to avoid an  
5 objection from you that the question is without foundation  
6 or vague and ambiguous. I'm reading directly from a  
7 statement.

8 And I'm simply asking, on the basis of that  
9 statement, if this witness has a memory of being told that  
10 fact by Mr. Beauchamp at a very specific point in time.

11 MR. DeWULF: Okay. So I haven't memorized our  
12 disclosure, but does the disclosure reflect that he made  
13 those statements to Michelle Tran?

14 MR. STURR: No.

15 MR. DeWULF: See, and so now you are asking a  
16 general question about a disclosure relating to events  
17 that occurred in 2014 and asking her to adopt verbatim  
18 your question.

19 MR. STURR: I'm not asking -- I'm not asking --  
20 John, just to be clear, I'm not asking --

21 MR. DeWULF: All right.

22 MR. STURR: -- her to adopt. I'm asking was  
23 this -- does she recall Mr. Beauchamp telling her that  
24 fact.

25 MR. DeWULF: All right. You can answer that

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1 question, if he relayed to you that fact in connection  
2 with your representation of the estate in 2016.

3 THE WITNESS: I don't recall.

4 Q. (BY MR. STURR) Do you recall in August of 2016  
5 Mr. Beauchamp telling you that he had concerns in May of  
6 2014 that Mr. Chittick was not providing disclosures to  
7 investors while raising money from them?

8 A. I don't recall having such a conversation.

9 Q. Do you recall Mr. Chittick -- Mr. Beauchamp  
10 telling you in August of 2016, in connection with your  
11 evaluation of conflicts and undertaking the representation  
12 of Ms. Heuer, that he had, quote, fired DenSco for failing  
13 to make requisite disclosures to investors?

14 A. I don't recall having a conversation like that.

15 Q. Did Mr. Beauchamp tell you in August of 2016  
16 that he had learned of Mr. Chittick's suicide on July 30,  
17 2016?

18 A. I don't -- I don't recall those specific  
19 details.

20 Q. Do you recall Mr. Beauchamp telling you in  
21 August of 2016 that he, quote, understood that given the  
22 situation, DenSco's creditors might attempt to point the  
23 finger at DenSco's professionals, including Clark Hill and  
24 David Beauchamp?

25 A. I don't.

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1 MR. DeWULF: Would you read that back, Kelly.  
2 (The requested portion of the record was read.)

3 MR. DeWULF: You can go ahead. I think you  
4 already answered. Go ahead.

5 THE WITNESS: I don't recall.

6 Q. (BY MR. STURR) Did you recall being told by  
7 Mr. Beauchamp that he anticipated in August of 2016 that  
8 he would be representing DenSco while you were  
9 representing Ms. Heuer as the personal representative of  
10 the Estate of Denny Chittick?

11 A. I don't recall.

12 Q. Do you recall Mr. Beauchamp ever telling you  
13 that he was opening what was described internally as a,  
14 quote, business wind-down file?

15 A. I don't recall that.

16 Q. Ms. Tran, sitting here today, would you agree  
17 with me if those facts had been known to you, you would  
18 have identified DenSco's creditors and investors as  
19 potentially adverse parties in running a conflict check  
20 for purposes of considering whether you could undertake  
21 the representation of Ms. Heuer as the personal  
22 representative of Mr. Chittick's estate?

23 MR. DeWULF: Object to form.

24 THE WITNESS: Yes.

25 Q. (BY MR. STURR) Can I -- and I may have already

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1 asked this question, but I want to be -- I want to make  
2 sure I did.

3 I believe I have asked you, and you have told me  
4 you do not have a recollection of discussing conflicts  
5 with Shawna Heuer. Is that correct?

6 MR. DeWULF: Object to form.

7 To the extent that you would be disclosing  
8 privileged communications, I'll -- I think you need to be  
9 mindful of the Estate's privilege.

10 Q. (BY MR. STURR) So let me refresh it again.

11 Do you have any memory of having a specific  
12 conversation with Ms. Heuer about actual or potential  
13 conflicts in connection with you undertaking her  
14 representation as personal representative?

15 A. I don't specifically remember.

16 Q. I'm sorry. What is that?

17 A. I don't specifically remember.

18 Q. Okay. Is it true that if -- if you -- if you  
19 had decided that the firm wasn't in a position to  
20 undertake the representation of Ms. Heuer as personal  
21 representative of the Estate and file documents with the  
22 probate court, would you have been in a position to refer  
23 her to other lawyers that you know who were experienced  
24 who could have done that?

25 MR. DeWULF: Object to form.

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1 THE WITNESS: Yes.

2 Q. (BY MR. STURR) Let me go ahead and mark at this  
3 point what was marked as Exhibit 1064.

4 MR. STURR: John, that's the -- you already have  
5 a copy. It's the billing statement.

6 MR. DeWULF: Oh.

7 MR. STURR: This is the September 15, 2016 --

8 MR. DeWULF: Yeah.

9 MR. STURR: -- billing statement.

10 Q. Ms. Tran, this is a document that has a cover  
11 letter from Mr. Beauchamp to Ms. Heuer, dated  
12 September 15, 2016, attached to which is an invoice, and  
13 with specific time entries.

14 Do you have any memory of reviewing bills or  
15 having any involvement in the issuance of Exhibit 1064?

16 A. I -- I don't have any recollection.

17 Q. Huh?

18 A. I don't have any recollection.

19 Q. Okay. If I can go to the last page of this  
20 exhibit --

21 A. Uh-huh.

22 Q. -- I -- I see a time entry on August 1, 2016, to  
23 meet with S. Heuer, is that correct?

24 A. That's correct.

25 Q. And it goes on to describe other tasks.

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1 A. Uh-huh.

2 Q. So you did meet with Ms. Heuer on August 1?

3 A. Yes.

4 Q. Okay. And then August 2 reflects a second  
5 meeting in the narrative of meeting with Ms. Heuer, is  
6 that correct?

7 A. That's correct.

8 Q. Who is Jeanne Harris?

9 A. Our paralegal.

10 Q. And there are time entries for her performing  
11 work in this matter, correct?

12 A. Correct.

13 Q. You have a time entry August 10, 2016.

14 Do you see that?

15 A. Yes.

16 Q. Read email and letter from S. Swinson; discuss  
17 with D. Beauchamp and respond; prepare and meet -- for and  
18 meet with S. Heuer.

19 So you met with Ms. Heuer again on the 10th of  
20 August, is that correct?

21 A. I don't recall, but that's what it indicates,  
22 yes.

23 Q. Okay. Let me ask you to take a look, please, at  
24 what has been -- what was previously marked as  
25 Exhibit 459.

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1 Exhibit 459, Ms. Tran, take a minute to look at  
2 it, please --

3 A. Okay.

4 Q. -- is a document that was produced by Clark  
5 Hill. It includes an email that you received on August 9,  
6 2016, from Rob Brinkman, and an attached letter. I'm  
7 sorry. Excuse me. It is from Scott Swinson,  
8 S-w-i-n-s-o-n, regarding Rob Brinkman and there is an  
9 attached letter.

10 Do you see that?

11 A. Yes.

12 Q. The letter states that Mr. Swinson represents  
13 Mr. Brinkman, who is, quote, an investor/creditor, close  
14 quote, of DenSco. And he notes that he had received  
15 emails regarding DenSco that had been generated by  
16 Mr. Beauchamp, and he asked for, quote, a confirmation  
17 from your firm that you have considered the potential of a  
18 conflict of interest in your representation of the  
19 Chittick estate and note your determination -- it should be  
20 determined -- that no conflict exists.

21 Do you see that?

22 A. Yes.

23 Q. You reference this in your time entry,  
24 Exhibit 1064, that you read the letter and you discussed  
25 it with Mr. Beauchamp and you prepared a response.

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1           what do you recall discussing with  
2 Mr. Beauchamp?

3           A.    I don't specifically recall.

4           Q.    Let me show you what was previously marked as  
5 Exhibit 460.

6                   Exhibit 460, Ms. Tran, is an email that you  
7 wrote to Mr. Swinson on August 10, 2016, is that correct?

8           A.    That's correct.

9           Q.    It's copied to Mr. Beauchamp?

10          A.    Yes.

11          Q.    And you wrote, "Thank you for your letter. We  
12 are in the process of addressing this concern."

13                   what do you mean -- what did you mean by that?

14          A.    That we had referred Shawna to new counsel.

15          Q.    Well, Ms. Tran, if you go on to look at your  
16 letter, you said, "I recommend that you file your Demand  
17 for Notice with the probate court so that subsequent  
18 counsel for the Estate, if and when that change occurs, is  
19 aware of and bound by your demand as well."

20                   Do you see that?

21          A.    Yes.

22          Q.    Does that suggest that a decision had not been  
23 made that Clark Hill would in fact stop representing the  
24 Estate?

25                   MR. DeWULF: Object to form.



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1 THE WITNESS: Repeat your question, please.

2 Q. (BY MR. STURR) If in fact, as you told me, the  
3 firm had addressed the concern by referring Ms. Heuer to  
4 other counsel --

5 A. Uh-huh.

6 Q. Is that your testimony?

7 A. Yes.

8 Q. -- if that were in fact the case --

9 A. Uh-huh.

10 Q. -- why did you tell Mr. Swinson that he should  
11 file his notice with the probate court so that subsequent  
12 counsel for the Estate, if and when that change occurs, is  
13 aware of and bound by your demand?

14 A. I don't specifically recall why I used that  
15 language.

16 Q. Okay. It is true, Ms. Tran, that when you  
17 agreed to serve as the representative of Ms. Heuer as the  
18 personal representative of the Estate as counsel, you  
19 filed a document in the court which said anyone with a  
20 Notice of Claim should send it to you, correct?

21 A. Correct.

22 Q. And that is why you received this Notice of  
23 Claim --

24 MR. DeWULF: Object to form.

25 Q. (BY MR. STURR) -- correct?

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1 MR. DeWULF: Object to form.

2 You can go ahead.

3 THE WITNESS: I don't know why he specifically  
4 sent that letter to me.

5 Q. (BY MR. STURR) Okay. Well, in your response  
6 you were telling him -- you are not telling him that you  
7 were forwarding the Notice of Claim to new counsel, are  
8 you?

9 MR. DeWULF: Object to form.

10 THE WITNESS: This is not a response to a Notice  
11 to Creditors.

12 MR. DeWULF: "This" being --

13 THE WITNESS: This --

14 MR. DeWULF: What exhibit are you on?

15 THE WITNESS: I'm sorry. Exhibit 459 is not a  
16 response to a Notice to Creditors.

17 Q. (BY MR. STURR) It's a Demand for Notice?

18 A. Which is a completely different animal in  
19 probate.

20 Q. Okay. But your advice to him was to go ahead  
21 and file it in the court, because if and when there was a  
22 change in counsel for the Estate, that new counsel would  
23 have notice of it?

24 A. That was my -- that's what the email says, yes.

25 Q. I then ask you to see if you could identify

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1 what's been marked as Exhibit 1055.

2 MR. STURR: John, I'm sorry.

3 MR. DeWULF: That's all right. Thanks.

4 Q. (BY MR. STURR) Exhibit 1055, Ms. Tran, is a  
5 document that we obtained from the probate court. It was  
6 filed on August 11, 2016, by Mr. Swinson. It's a note --  
7 Request for Notice, and a copy of it was sent to you, is  
8 that correct?

9 A. That's what it indicates, yes.

10 Q. Your billing statement, Exhibit 1064, states  
11 that on August 10, 2016, in addition to discussing  
12 Mr. Swinson's letter with Mr. Beauchamp, you had a meeting  
13 with Ms. Heuer, is that correct?

14 A. That's correct.

15 Q. Do you recall -- without revealing the substance  
16 of the communications, do you recall having a conversation  
17 with Ms. Heuer on August 10, 2016, about the conflict of  
18 interest that Mr. Swinson had identified?

19 A. I don't recall.

20 MR. STURR: We have gone about an hour. Do you  
21 want to keep going, take a break? How are you?

22 MR. DeWULF: It's up to you Michelle.

23 THE WITNESS: I'm fine.

24 MR. DeWULF: Do you want to keep going?

25 THE WITNESS: Just keep going.

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1 MR. DeWULF: All right.

2 THE WITNESS: Unless you want to stop.

3 MR. DeWULF: Well, you know, I wouldn't mind  
4 using the restroom, so --

5 THE WITNESS: Okay.

6 MR. DeWULF: -- if it's good with you, it's been  
7 an hour --

8 THE WITNESS: Okay.

9 MR. DeWULF: -- let's go stretch.

10 THE WITNESS: Okay.

11 MR. DeWULF: Why don't we take a brief break.

12 MR. STURR: Okay.

13 MR. DeWULF: What do you want? Five minutes?  
14 10 minutes? It won't take us long.

15 MR. STURR: All right. Thank you.

16 VIDEOGRAPHER: Going off the record. The time  
17 10:01 a.m. This is the end of media one.

18 (A recess was taken from 10:01 a.m. to  
19 10:11 a.m.)

20 VIDEOGRAPHER: We are back on the record. The  
21 time is 10:11 a.m. This begins media two.

22 Q. (BY MR. STURR) Ms. Tran, before the break I  
23 asked you a series of questions about information that I  
24 attributed to Mr. Beauchamp.

25 Do you recall that?

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1 A. When you were reading from the documents?

2 Q. Yes.

3 A. Yes.

4 Q. Okay. And I asked you if you had known that  
5 information, would it have been -- should it have been  
6 included in the -- excuse me -- would information about  
7 creditors and investors in DenSco, should that have been  
8 included in a conflict check, and you answered yes?

9 A. Except for the fact that at the point we were  
10 at, we didn't know who the creditors were. Shawna had not  
11 been appointed yet. She did not have access to  
12 information.

13 Q. Would -- would the investors have been  
14 identified as potential adverse parties?

15 MR. DeWULF: Object to form.

16 THE WITNESS: I don't know that she knew who --  
17 I don't know that -- I don't think they were adverse yet.  
18 I don't know that they were adverse yet.

19 Q. (BY MR. STURR) If you had known that DenSco  
20 owed fiduciary duties to its investors and that the  
21 company was potentially insolvent because a principal had  
22 committed suicide, would they be potential parties who  
23 might be adverse to the Estate?

24 MR. DeWULF: I'm going to object. I think --

25 Q. (BY MR. STURR) I'll withdraw the question.

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1 Ms. Tran, sitting here today --

2 A. Yes.

3 Q. -- based on the facts we have discussed today --

4 A. Uh-huh.

5 Q. -- would you agree with me that there should  
6 have been additional information in the conflict check  
7 that you reviewed before you agreed to undertake the  
8 representation?

9 MR. DeWULF: Object to form.

10 THE WITNESS: I don't know that a personal  
11 representative, who has not yet been appointed yet, has  
12 enough information or enough understanding of a situation  
13 to make that determination at the onset, and usually we  
14 add those conflicts as we go, as they are discovered, as  
15 information is discovered. But she had -- at the point of  
16 our meeting, she had no legal standing.

17 Q. (BY MR. STURR) Ms. Tran, would you go back,  
18 please, and look at Exhibit 707.

19 A. Yes.

20 Q. Would you go to the fourth page of that  
21 document.

22 Do you see that?

23 A. I'm getting there.

24 Yes.

25 Q. Would you tell me the date for the practice

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1 group leader's approval of this representation?

2 A. August 12th.

3 Q. So after learning of potential conflicts through  
4 Mr. Brinkman's email, did you take any steps to update  
5 your internal forms regarding conflicts for this matter?

6 MR. DeWULF: Do you need to look at  
7 Mr. Swinson's email?

8 Q. (BY MR. STURR) Mr. Swinson's email, thank you,  
9 not Mr. Brinkman. Mr. Swinson's.

10 MR. DeWULF: So there is 1055, which is the  
11 notice to the court, and I think the email predates that,  
12 but I have to find it.

13 Q. (BY MR. STURR) It's Exhibit 460 was your  
14 response, 459 was his email, which was dated August 9.

15 MR. DeWULF: You can look at 459, if that helps  
16 you.

17 Q. (BY MR. STURR) I'll ask the question another  
18 way --

19 A. Okay.

20 Q. -- Ms. Tran.

21 You don't recall, after receiving Mr. Swinson's  
22 email, taking a minute to update the conflict information  
23 relating to this matter?

24 A. No, because I was -- no, because we were already  
25 advising Shawna that she might be -- she should consider

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1 new counsel for the probate.

2 Q. Let me go back to one thing Mr. -- Mr. Beauchamp  
3 has said.

4 A. Okay.

5 Q. He says, when he testified in his deposition,  
6 that he knew at the time of Mr. Chittick's suicide that he  
7 and the firm could be sued.

8 would that be a material consideration in your  
9 decision to undertake the representation of Ms. Heuer as  
10 the personal representative of the Estate?

11 MR. DeWULF: Object to form.

12 Q. (BY MR. STURR) If you had known that fact.

13 A. We would have to have further conversations,  
14 yes.

15 Q. Thank you.

16 I'm going to hand you what has been marked as  
17 Exhibit 1056, and I'm going to hand you a related  
18 document, which is 1057. Sorry to throw these at you,  
19 Ms. Tran.

20 MR. DeWULF: That's all right.

21 Q. (BY MR. STURR) Exhibit 1056 is a document  
22 produced by Clark Hill that appears to be an email that  
23 was sent from Chris Hyman, H-y-m-a-n, to you on August 15,  
24 2016, which you forwarded to Mr. Beauchamp.

25 Is that correct?



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1 A. That's correct.

2 Q. And Mr. Hyman sent you the email because he saw  
3 that you were identified as representing Ms. Heuer, is  
4 that correct --

5 MR. DEWULF: Object to form.

6 Q. (BY MR. STURR) -- as the personal  
7 representative of the Estate?

8 A. That's what his email says, yes.

9 Q. And you forwarded the email on to Mr. Beauchamp,  
10 and he said, quote, I will deal with it, is that correct?

11 A. That's correct.

12 Q. And can you confirm that Exhibit 1057, which was  
13 produced by Clark Hill, is a copy of Mr. Beauchamp's  
14 response to Mr. Hyman that was copied to you? Is that  
15 correct?

16 A. That's correct.

17 Q. Mr. Beauchamp says in the email that: Due to --  
18 and I'm -- this is, I believe, the third sentence in the  
19 first paragraph -- due to potential conflicts of interest,  
20 we have resigned as counsel to the Estate and new counsel  
21 has been appointed or is being appointed for the Estate.

22 Do you see that?

23 A. Yes.

24 Q. What was your understanding as of August 15,  
25 2016, what those potential conflicts were?

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1 A. I have -- I don't recall.

2 Q. The letter says "we have resigned as counsel."  
3 Do you see that?

4 A. Yes.

5 Q. Okay. You were the lawyer at Clark Hill who was  
6 counsel for Shawna Heuer as personal representative,  
7 correct?

8 A. That's correct.

9 Q. What steps did you take to resign as counsel?

10 MR. DeWULF: You can talk about actions taken,  
11 but I would caution you about any communications.

12 THE WITNESS: Okay. I communicated with Mr., I  
13 think his last name was Raddatz, at Gammage & Burnham at  
14 some point in this timeline, who told me he was taking  
15 over representation and asked me for information.

16 Q. (BY MR. STURR) Did you ever send a letter of  
17 termination to Ms. Heuer, terminating the representation?

18 A. No.

19 Q. Did you take any steps to close the firm's file?

20 A. I don't recall.

21 Q. Did you take any steps to transfer files to  
22 Mr. Raddatz?

23 A. I provided him with the information he  
24 requested. Most of what I had was public record. It was  
25 already on the court website.

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1 Q. If -- if we were to ask is there any written  
2 document where you, Michelle Tran, wrote to Shawna Heuer  
3 and said "I am resigning as counsel for you," would there  
4 be such a document?

5 MR. DeWULF: Would you read that back, Kelly.  
6 (The requested portion of the record was read.)

7 MR. DeWULF: That's a yes or no. You can go  
8 ahead.

9 THE WITNESS: No.

10 Q. (BY MR. STURR) Were you aware, Ms. Tran, that  
11 on August 17, 2016, the Arizona Corporation Commission  
12 filed an action --

13 A. Sorry.

14 Q. Let me begin.

15 Were you aware that on August -- or did you  
16 learn in August of 2016 that on August 17 the Arizona  
17 Corporation Commission Securities Division filed an action  
18 in state court against DenSco Investment Corporation?

19 A. I was not aware of that.

20 Q. Did you have any understanding at all of any  
21 legal actions involving DenSco in August of 2016?

22 A. No.

23 Q. I'm going to hand you what's been marked as  
24 Exhibit 1058. Sorry. I will move closer so you are  
25 not --

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1 MR. DeWULF: That's all right. I'm used to  
2 dealing across the table.

3 Q. (BY MR. STURR) Exhibit 1058 is a document we  
4 obtained from the probate court, Ms. Tran, and it was  
5 filed on August 18, 2016, by Mr. Raddatz, R-a-d-d-a-t-z,  
6 at Gammage & Burnham, and it says Notice of Appearance on  
7 Behalf of Personal Representative, is that correct?

8 A. That's correct.

9 Q. You -- I'm going to hand you what's been marked  
10 as --

11 MR. STURR: Did we not mark this, Kelly?

12 I would just like to have this in the record, so  
13 if you could please mark this. What's that going to be?

14 10 --

15 COURT REPORTER: 1067.

16 (Deposition Exhibit No. 1067 was marked for  
17 identification.)

18 Q. (BY MR. STURR) I'm going to hand you what's  
19 been marked as Exhibit 1067. This was a document that was  
20 produced by DenSco Investment Corporation to the receiver.  
21 They were found in DenSco's files. It's an email from you  
22 to Mr. Beauchamp, forwarding what appears to be the Notice  
23 of Appearance, Exhibit 1058, is that correct?

24 A. Yes.

25 Q. You understood, Ms. Tran, that a Notice of

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1 Appearance did not relieve you of duties of counsel in the  
2 probate proceeding, is that correct?

3 MR. DeWULF: Object to form.

4 THE WITNESS: I believed that it did. It  
5 indicates on the next page that we are former counsel.  
6 I --

7 Q. (BY MR. STURR) Ms. Tran, I'm handing you what's  
8 been marked as Exhibit 1059. This is a copy of Rule 5.3  
9 of the Arizona Rules of Civil Procedure.

10 Would you agree with me that those rules are  
11 applicable in probate court?

12 A. Yes.

13 Q. Okay. And Rule 5.3 (a)(1)(B) says: Once an  
14 attorney has appeared in an action, will be deemed  
15 responsible until the action ends or the attorney  
16 withdraws or is substituted.

17 Do you see that?

18 A. I do.

19 Q. Mr. Raddatz' notice was not a substitution of  
20 counsel, was it?

21 MR. DeWULF: Object to form.

22 THE WITNESS: I believe that was his mistake,  
23 yes.

24 Q. (BY MR. STURR) And you were aware of that  
25 mistake, were you not?

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1 A. As I'm not a litigator, those sort of -- that  
2 subtlety escaped me.

3 Q. I'm going to hand you what's been marked as  
4 Exhibit 1060. 1060 is a Notice of Appearance filed by the  
5 receiver in this action on August 22, 2016. It lists you,  
6 Ms. Tran, if you go to the second page --

7 A. Uh-huh.

8 Q. -- as the attorney for Ms. Heuer --

9 A. Uh-huh.

10 Q. -- correct?

11 MR. DeWULF: What number was that? I'm sorry.

12 THE WITNESS: 1060.

13 MR. DeWULF: 1060. I'm sorry. Go ahead.

14 Q. (BY MR. STURR) This was a document we obtained  
15 from the probate court, Ms. Tran. It's a Notice of  
16 Appearance that was filed on August 22, 2016. It shows  
17 that it was mailed to you at your office address.

18 Do you see that?

19 A. It does.

20 Q. And did -- it lists both you and Mr. -- and  
21 lawyers from Gammage & Burnham as representing the Estate  
22 of -- it lists you as counsel for Ms. Heuer, correct?

23 A. That's correct.

24 Q. And after receiving this document, did you take  
25 any actions to ensure that the Court knew that you

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1 intended to withdraw as counsel?

2 MR. DeWULF: Object to form.

3 THE WITNESS: At some point, and I can't tell  
4 you when in the timeline because I don't recall, I  
5 contacted Mr. Raddatz and informed him that he should have  
6 filed a Notice of Substitution, and eventually they took  
7 care of that.

8 Q. (BY MR. STURR) I'm going to hand you what's  
9 been marked as Exhibit 1065. This is a billing entry  
10 that -- or rather a transmittal letter and billing  
11 statement that Mr. Beauchamp sent to Ms. Heuer dated  
12 October 20, 2016, correct?

13 A. Correct.

14 Q. And it has time entries for you for September,  
15 correct?

16 A. That's correct.

17 Q. I don't see any time entries for -- related to  
18 concluding or withdrawing your representation, do I?

19 A. No. The other time entries involving me  
20 transitioning the work to Mr. Raddatz.

21 Q. And Mr. Beauchamp's cover letter to Mr. --  
22 Ms. Heuer doesn't reflect that there had been a  
23 termination of the representation, does it?

24 MR. DeWULF: Object to form.

25 THE WITNESS: It does not.

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1 Q. (BY MR. STURR) Ms. Tran, I'm going to hand you  
2 what has been marked as Exhibit 1061. Exhibit 1061 is a  
3 document that was filed in the probate court on  
4 December 9, 2016. It is a Notice of Claim Against the  
5 Estate of Denny Chittick by the receiver, is that correct?

6 A. That's correct.

7 Q. If you look at the service page, Ms. Tran, it  
8 indicates it was mailed to you and Ms. Rayndon as counsel  
9 for Shawna Heuer, and together with a mailing to Mr. --  
10 lawyers at Gammage & Burnham, correct?

11 A. That's correct.

12 Q. So this reflects that as of December 9, 2016,  
13 you were receiving court mailings in your capacity as  
14 counsel for Ms. -- Ms. Heuer, correct?

15 A. Yes. And I believe, again, I contacted  
16 Mr. Raddatz to -- to have him address this problem.

17 Q. Why would you contact Mr. Raddatz if it is your  
18 duty, as counsel, to ensure that a filing is made in court  
19 relieving you of your duties to the court?

20 MR. DeWULF: Object to form.

21 THE WITNESS: Because it was my impression that  
22 he was taking care of this on behalf of Shawna, and that a  
23 Motion to Withdraw would be a much more complicated  
24 process, and we were trying to be as expedient as  
25 possible.



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1 Q. (BY MR. STURR) Why would a Motion to withdraw  
2 be a complicated process?

3 A. Because she would have to be noticed and the  
4 court would have to sign an order. I was under the  
5 impression it was being handled by current counsel.

6 Q. Were you at all concerned, Ms. Tran -- we have  
7 seen an email from Mr. Beauchamp in August of 2015 --  
8 2016, in which he told a third party that your firm had  
9 withdrawn, you were copied on that email, and in December  
10 of 2016 you are still receiving court filings, including a  
11 claim by the receiver against the estate.

12 Did that cause you any concern?

13 MR. DeWULF: Object to form.

14 If you can answer, you can go ahead.

15 THE WITNESS: It did not. My client understood  
16 that I no longer represented her. My former client.

17 Q. (BY MR. STURR) Did the Court understand that  
18 you no longer represented Ms. -- Ms. Heuer?

19 A. I do not know what the Court understood.

20 Q. I'm going to hand you what's been marked as  
21 Exhibit --

22 MR. DeWULF: Let me -- let me make, for the  
23 record, you are using 1061 as a predicate for your  
24 questions, but this is your client's document. They are  
25 the ones that characterize who the folks are that were

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1 receiving the email or the mailing --

2 MR. STURR: John, I --

3 MR. DeWULF: -- not other documents.

4 MR. STURR: I disagree. This is what the court  
5 record reflected. If you went to the Superior Court in  
6 December of 2016, this is what it reflected.

7 MR. DeWULF: Right. But what I am saying is  
8 that the notice of claim is filed by Ryan Anderson,  
9 counsel for receiver, and he is the one that characterizes  
10 who these lawyers are and who they represent.

11 The previous pleading we looked at shows as  
12 former counsel for the personal representative, but it  
13 would have been Ryan Anderson's firm that would have typed  
14 this up. But you are asking her questions predicated upon  
15 his own work product, so I disagree with the way you have  
16 characterized what the court document says, because he  
17 typed it, or his firm did.

18 I just think it's -- the predicate is false and  
19 I think it's improper to ask this witness about that  
20 issue. But you can go ahead, and I think she has answered  
21 as best she can.

22 Q. (BY MR. STURR) Ms. Tran, I'm going to hand you  
23 what's been marked as Exhibit 1062. 1062 is a document we  
24 obtained from the probate court that was filed on  
25 December 15, 2016, captioned Application to Substitute

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1 Counsel, is that correct?

2 A. Yes.

3 Q. You were copied on this document when it was  
4 filed, is that right?

5 A. It appears, yes.

6 Q. What conversations do you recall having with  
7 Mr. Raddatz about this document?

8 A. I don't recall specifically this document, but I  
9 specifically recall having a conversation with him  
10 indicating that they needed to correct what they had filed  
11 initially to reflect the fact that we were no longer  
12 counsel for Shawna Heuer or the Estate.

13 Q. Did you speak to anyone else at your firm about  
14 the fact that you, in December of 2016, were still  
15 identified as counsel for Shawna Heuer?

16 A. I don't recall.

17 Q. I'm going to hand you what's been marked as  
18 Exhibit 1066. This is a billing statement that -- a cover  
19 letter, rather, from David Beauchamp to Shawna Heuer dated  
20 January 19, 2017, and an accompanying invoice.

21 Do you see that?

22 A. Yes.

23 Q. The billing statements, Ms. Tran, the last page  
24 reflect that you had some communications with Mr. Raddatz  
25 on December 12, 2016, relating to an email received from

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1 Quarles & Brady.

2 Do you have a memory of what that was?

3 A. Do I have a memory of which part of it?

4 Q. The email that you received from Quarles &  
5 Brady.

6 A. I do not.

7 Q. And you have a time entry on December 19 to  
8 review court filings from Gammage & Burnham relating to  
9 change of counsel --

10 A. That's correct.

11 Q. -- correct?

12 And is that a reference to the notice or the  
13 application for substitution of counsel we were just  
14 looking at, Exhibit 1062?

15 A. I believe so, yes.

16 Q. Okay. I'm going to hand you what has been  
17 marked as 1063.

18 MR. DEWULF: Thank you.

19 Q. (BY MR. STURR) That -- Exhibit 1063 is an order  
20 that was filed with the court on January 13, 2017,  
21 substituting counsel for Shawna Heuer. And it orders that  
22 you, Michelle Tran, is withdrawn as counsel and  
23 substituted in by Christopher Raddatz, is that correct?

24 A. That's correct.

25 Q. Going back to Exhibit 1066, did you -- did you

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1 speak with Mr. Beauchamp after -- did you ever receive  
2 this order, Exhibit 1063?

3 A. I don't recall receiving that order.

4 Q. Do you remember having any conversations with  
5 Mr. Beauchamp in -- at any time between August and  
6 December 2016 about the fact that you were still being  
7 identified as counsel of record in the probate proceeding?

8 MR. DeWULF: Object to form.

9 THE WITNESS: I don't have any recollection of  
10 that.

11 Q. (BY MR. STURR) As I read Exhibit 1066,  
12 Mr. Beauchamp's transmittal letter to Ms. Heuer, I don't  
13 see any reference to the termination of the  
14 representation. Do you?

15 A. No.

16 Q. Are you aware of any actions you took after  
17 January 2017 to confirm the termination of your  
18 representation of Ms. Heuer?

19 A. No.

20 MR. STURR: Okay. I think those are the  
21 questions I have. Thank you.

22

23 EXAMINATION

24

25 Q. (BY MR. DeWULF) I do have a quick question.

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1 A. Okay.

2 Q. Could you look at Exhibit 1045, 1-0-4-5?

3 A. Yes.

4 MR. STURR: Just give me a second to get that,  
5 John.

6 MR. DeWULF: Yeah. This is that rule, Rule 10.

7 MR. STURR: Okay. I'm with you.

8 Q. (BY MR. DeWULF) So Counsel asked you a  
9 question, Michelle, about duties of counsel, A.2., limited  
10 scope representation.

11 Do you see that?

12 A. Yes.

13 Q. And I think you indicated that it was not a  
14 limited scope representation as you interpreted this rule.

15 Is that right?

16 A. That's correct.

17 Q. Could you explain what your interpretation was  
18 in terms of answering that question?

19 A. Sure. We had been asked by Shawna to help her  
20 be appointed as personal representative, and then --  
21 which -- and everything that entails. So it was not a  
22 limited scope representation as it applies to this rule.  
23 We were her attorney for whatever came up during the time  
24 that we were appointed.

25 But at the same time, we were in an exploratory

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1 phase and there was a possibility that this was just going  
2 to be getting her appointed, and then there might be a  
3 need for her to, depending on how things unfolded, have  
4 other counsel.

5 MR. DeWULF: No further questions.

6 MR. STURR: I'm going to deem that, John, to be  
7 a waiver of the privilege with respect to Ms. Heuer's  
8 communications with Ms. Tran.

9  
10 RE-EXAMINATION

11  
12 Q. (BY MR. STURR) Tell me, please, what you --

13 MR. DeWULF: No, it isn't.

14 MR. STURR: John, let me ask the question now.

15 MR. DeWULF: You can ask the question, but I --

16 MR. STURR: John, I think you --

17 MR. DeWULF: -- want you to listen to the  
18 question --

19 THE WITNESS: Okay.

20 MR. DeWULF: -- first.

21 THE WITNESS: Okay.

22 Q. (BY MR. STURR) You met with Ms. Heuer for the  
23 first time on August 1, 2016, correct?

24 A. Correct.

25 Q. Who was present?

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1 A. She was and David was, Beauchamp.

2 Q. Anyone else?

3 A. No.

4 Q. Where did you meet?

5 A. At Clark Hill.

6 Q. In a conference room?

7 A. Correct.

8 Q. How long were you present at that meeting?

9 A. I don't recall specifically.

10 Q. Can you give me an estimate?

11 A. An hour, an hour and a half. I don't know.

12 Q. What is the first thing you remember being told  
13 when you walked in the room?

14 MR. DeWULF: Object. I don't -- are you  
15 finished with your question?

16 MR. STURR: No. I'm going to rephrase the  
17 question since you objected.

18 MR. DeWULF: Okay. Well, I haven't even had a  
19 chance to state the basis for the objection, but you go  
20 ahead.

21 Q. (BY MR. STURR) Okay. Did you speak with  
22 Ms. Heuer about the purpose of her possible retention of  
23 the firm, yes or no?

24 MR. DeWULF: I think you can answer that  
25 question without revealing privileged communications, if



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1 you remember.

2 MR. STURR: John -- John, you -- she said Shawna  
3 Heuer told us to do X. How is that not a waiver of  
4 everything they discussed?

5 MR. DeWULF: I don't think it's a material  
6 communication. I think what you are talking about is the  
7 logistics of the representation. I don't think it's  
8 talking about either seeking advice or giving advice, so I  
9 disagree.

10 I think what you are talking about here is as it  
11 relates back to the nature of the representation, and I  
12 think that's very different than the advice given in that  
13 capacity as lawyer for her.

14 And so I think -- you know, we can disagree and  
15 we can talk to a court about it, but in my view, I think  
16 that the privilege would relate to meaningful  
17 communications in connection with giving and getting  
18 advice.

19 But as it relates to your understanding of the  
20 representation, I think you can testify as it relates to  
21 you going to court and representing this client. That's  
22 what my goal was in asking you about 1045.

23 So, Kelly, if you could read that question back.

24 MR. STURR: I'm going to ask another question.

25 MR. DeWULF: All right.

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1 Q. (BY MR. STURR) Ms. Tran, you testified a minute  
2 ago that Ms. Heuer told you -- well, tell me again, what  
3 did Ms. Heuer tell you about the representation?

4 MR. DeWULF: I -- I'll instruct you not to --  
5 well, I want you to be mindful of the privilege as it  
6 pertains to the representation. If it would reveal what  
7 might be privileged communications, I want you to be  
8 mindful of that.

9 If -- I don't know exactly what you may have  
10 communicated about that, and it may be some sort of a  
11 revealing of facts and not privileged communication, so if  
12 you can answer, you can go ahead.

13 THE WITNESS: We discussed the fact that I would  
14 prepare documents to help her get appointed as personal  
15 representative of the estate.

16 Q. (BY MR. STURR) And when did that discussion  
17 occur?

18 A. August 1st.

19 Q. August 1st.

20 Okay. Did you have any other discussions with  
21 Ms. Heuer about the scope of your representation?

22 MR. DeWULF: Again, I want you to be mindful of  
23 revealing anything that may be privileged between you and  
24 the Estate and Shawna Heuer representing the Estate. You  
25 can go ahead.

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1 THE WITNESS: I don't recall.

2 Q. (BY MR. STURR) Okay. And can I confirm what I  
3 understood your prior testimony to be, that Exhibit 1043,  
4 the engagement letter that you prepared and had her sign  
5 on August 2, does not have any limitations on the scope of  
6 the representation?

7 A. That's correct.

8 MR. STURR: Okay. That's the only question I  
9 have.

10 MR. DeWULF: All right. Good. We will read and  
11 sign.

12 VIDEOGRAPHER: This concludes the videotaped  
13 deposition of Michelle Tran. We are off the record at  
14 10:40 a.m.

15 (10:40 a.m.)

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MICHELLE TRAN

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MICHELLE TRAN, 9/11/2019

BE IT KNOWN that the foregoing proceeding was taken before me; that the witness before testifying was duly sworn by me to testify to the whole truth; that the questions propounded to the witness and the answers of the witness thereto were taken down by me in shorthand and thereafter reduced to typewriting under my direction; that the foregoing is a true and correct transcript of all proceedings had upon the taking of said deposition, all done to the best of my skill and ability.

I CERTIFY that I am in no way related to any of the parties hereto nor am I in any way interested in the outcome hereof.

☒ Review and signature was requested.  
☐ Review and signature was waived.  
☐ Review and signature was not requested.

I CERTIFY that I have complied with the ethical obligations in ACJA Sections 7-206(F)(3) and 7-206-(J)(1)(g)(1) and (2).

Kelly Sue Oglesby  
Kelly Sue Oglesby  
Arizona Certified Reporter No. 50178

9/15/2019

Date

I CERTIFY that JD Reporting, Inc. has complied with the ethical obligations in ACJA Sections 7-206(J)(1)(g)(1) and (6).

Jane M. Doyle  
JD REPORTING, INC.  
Arizona Registered Reporting Firm R1012

9/15/2019

Date