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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,

v.

U.S. BANK, NA, a national banking  
organization; HILDA H. CHAVEZ and  
JOHN DOE CHAVEZ, a married couple;  
JP MORGAN CHASE BANK, N.A., a  
national banking organization;  
SAMANTHA NELSON f/k/a  
SAMANTHA KUMBALECK and  
KRISTOFER NELSON, a married couple;  
and VIKRAM DADLANI and JANE DOE  
DADLANI, a married couple.

Defendants.

No. CV2019-011499

**THE U.S. BANK DEFENDANTS'  
THIRD SUPPLEMENTAL  
DISCLOSURE STATEMENT**

(Assigned to the Hon. Daniel Martin)

Defendants U.S. Bank National Association and Hilda H. Chavez (collectively, the  
“U.S. Bank Defendants”) provide this Third Supplemental Disclosure Statement in  
accordance with Ariz. R. Civ. P. 26.1.

**I. PERSONS WHO MAY HAVE RELEVANT KNOWLEDGE OR  
INFORMATION**

Without conceding relevancy or admissibility, U.S. Bank identifies the following  
persons who may have knowledge or information relevant to the subject matter of the  
action.

1. Clark Hill, PLC (c/o John DeWulf, Coppersmith Brockelman, PLC, 2800 N. Central Ave., Ste. 1200, Phoenix, AZ 85004). Attorneys at Clark Hill (e.g., David G. Beauchamp, Robert G. Anderson, and Daniel A. Schenck) are expected to have knowledge relevant to Clark Hill's representation of DenSco at all times relevant to the DenSco's claims against the U.S. Bank Defendants, including the negotiation and drafting of the Forbearance Agreement.

**II. TANGIBLE EVIDENCE, DOCUMENTS, OR ELECTRONICALLY STORED INFORMATION THAT MAY BE RELEVANT**

Without conceding their relevancy or admissibility, U.S. Bank identifies the following documents:

1. Documents related to non-party at fault Clark Hill, PLC, *see, e.g.*, Section V, *supra* (identifying statements from *Davis v. Clark Hill*, CV2017-013832), including:

a. DenSco's expert reports prepared and disclosed in *Davis v. Clark Hill*, CV2017-013832 and their attendant materials, available at DenSco's website, <http://denscoreceiver1.godaddysites.com>:

- i. Report of DenSco's preliminary expert Mark T. Hiraide pursuant to A.R.S. § 12-2602 (Mar. 8, 2018);
  - ii. Report of DenSco's expert Neil J. Wertlieb (Apr. 3, 2019);
  - iii. Report of DenSco's expert David Weekly (Apr. 4, 2019)
  - iv. Report of Clark Hill's expert Kevin Olson (Apr. 5, 2019)
  - v. Report of Clark Hill's expert David Perry (Apr. 5, 2019);
  - vi. Report of Clark Hill's expert Scott J. Rhodes (Apr. 5, 2019);
  - vii. Rebuttal Report of DenSco's expert David Weekly (June 7, 2019);
  - viii. Rebuttal Report of DenSco's expert Neil J. Wertlieb (June 7, 2019);
  - ix. Rebuttal Report of Clark Hill's expert Kevin Olson (June 7, 2019);
  - x. Rebuttal Report of Clark Hill's expert David Perry (June 7, 2019);
- and

- 1 xi. Rebuttal Report of Clark Hill’s expert Scott J. Rhodes (June 7,  
2 2019).
- 3 b. Depositions in *Davis v. Clark Hill*, CV2017-013832 and their  
4 attendant exhibits, available at DenSco’s website,  
5 <http://denscoreceiver1.godaddysites.com>:
  - 6 i. Deposition of Daniel A. Schenck (June 19, 2018);
  - 7 ii. Deposition of Robert G. Anderson (June 21, 2018);
  - 8 iii. Deposition of David G. Beauchamp, Parts 1 & 2 (July 19-20,  
9 2018);
  - 10 iv. Deposition of Scott A. Gould (June 20, 2019);
  - 11 v. Deposition of David Weekly (Oct. 2, 2019); and
  - 12 vi. Deposition of Neil J. Wertlieb (Oct. 17, 2019).
- 13 c. Briefing from DenSco and Clark Hill in *Davis v. Clark Hill*,  
14 CV2017-013832 and attendant exhibits, available at DenSco’s website,  
15 <http://denscoreceiver1.godaddysites.com>, including:
  - 16 i. Briefing regarding Clark Hill’s affirmative defense of *in pari*  
17 *delicto* (June 20, 2019; Aug. 26, 2019; Oct. 18, 2019);
  - 18 ii. Briefing regarding joint and several liability (Nov. 15, 2019; Jan.  
19 10, 2020); and
  - 20 iii. Briefing regarding aiding and abetting.
- 21 d. DenSco’s trial exhibits in *Davis v. Clark Hill*, CV2017-013832,  
22 attached with DenSco’s First Supplemental Rule 26.1 Disclosure Statement in the instant  
23 litigation, *see* Section VIII and attached exhibit list.
- 24 2. U.S. Bank will supplement this disclosure in accordance with Rule  
25 26.1(f)(2) as new or additional information is discovered or revealed.
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DATED this 29<sup>th</sup> day of June, 2021.

SNELL & WILMER L.L.P.

By: /s/Gregory J. Marshall

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**CERTIFICATE OF SERVICE**

The foregoing was served via e-mail on the following parties this 29<sup>th</sup> day of June, 2021.

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