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Attorneys for Estate of Denny J. Chittick, Deceased

SUPERIOR COURT OF ARIZONA
MARICOPA COUNTY

ARIZONA CORPORATION
COMMISSION,

Plaintiff,

vs.

DENSCO INVESTMENT
CORPORATION, an Arizona
corporation,

Defendant.

No. CV2016-014142

**MOTION TO EXCEED PAGE LIMITS
FOR REPLY IN SUPPORT OF PETITION
NO.11**

(Assigned to the Honorable
Lori Bustamante)

(Peter S. Davis – Appointed Receiver)

The Estate of Denny Chittick (the “Estate”) moves to file an oversized *Reply In Support of Petition No. 11* (the “Reply”). The Reply totals 13 pages, exclusive of the caption and the mailing certificate.

According to Rule 7.1(a)(3), Ariz. R. Civ. P., a reply in support of a motion may not exceed 11 pages unless otherwise permitted by the Court. Although it is unclear whether this rule applies to petitions filed in connection with a receivership, the Estate nevertheless treats the Rule as applicable and requests leave to file a Reply that exceeds 11 pages.

Petition No. 11 and related Petition No. 13 involve complex issues of federal

1 pension plan law. The Receiver's response to Petition No. 11 makes many specious
2 arguments, including that the assets of the DenSco Investment Corporation Defined
3 Benefit Pension Plan ("DB Plan") belong to the Receivership, that the Receiver should
4 control who is appointed as Plan Administrator and Trustee for the DB Plan, and that the
5 Receiver has meritorious claims against the DB Plan's assets. A slightly oversized Reply
6 is necessary to untangle the Receiver's arguments and thoroughly debunk them, as well
7 as explain why federal and state law do not permit the Receiver to seize the DB Plan's
8 assets.

9 The Estate thus moves for leave to exceed the page limits in its Reply. A form of
10 Order is submitted herewith.

11 RESPECTFULLY SUBMITTED this 19th day of January, 2017.

12 GAMMAGE & BURNHAM, P.L.C

13 By: /s/ James F. Polese (#003451)

14 James F. Polese

15 Christopher L. Hering

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17 Phoenix, Arizona 85004

*Attorneys for the Estate of Denny J. Chittick,
Deceased*

18 ELECTRONICALLY FILED with
19 the Court and copies mailed this
19th day of January, 2017, to:

20 Honorable Lori Bustamante
21 Maricopa County Superior Court
22 101 West Jefferson, ECB-811
Phoenix Arizona 85003-2243

23 And to all persons listed on the
24 attached Master Service List

25 /s/ P. Meloserdoff
26

MASTER SERVICE LIST

Arizona Corporation Commission vs. DenSco Investment Corporation

IN THE SUPERIOR COURT OF THE STATE OF ARIZONA

CV2016-014142

(Revised January 10, 2017)

Honorable Lori Bustamante
Maricopa County Superior Court
101 West Jefferson, ECB-811
Phoenix, Arizona 85003-2243

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